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Honorable Governor Locke:  
CC: Mr. Ron Shultz

5 May 2004

RE: **Response to Ocean Commission preliminary report**

**Priority: Sustainable fishing communities**

**Fish need water rights!**

**Exempt Dungeness crab from national standards**

**Strengthen and finance CZMA, assure local variability**

**Interstate & International coordination is mandatory**

**Simplify & consolidate bureaucracy, do not add additional layers**

**IFQ – Just Say NO**

**Permanently reduce fishing capacity to sustainable levels**

**Improve public processes and transparency**

**Require MITIGATION replacement for lost ecosystem function**

**Re-visit; revise TMDL & sewage discharge pollution standards**

**Initiate Corps Reform – integrate functional collaboration**

**Implement sustainable solutions to coastal erosion  
with Regional Sediment**

**Management that addresses the environment on a NO  
HARM basis**

**Include small ports needs**

**Make Ocean Observing Systems user friendly to the  
public (taxpayers)**

CRCFA thanks you for the opportunity to express our views relative to the Governor's response to the Ocean Commission Report. We view this report as an extremely important historical event that will help guide the future of our national ocean treasure, and planet's lifeblood well into the future.

The Ocean Commission developed a good set of guiding principles that if followed will lead to an improved ocean stewardship ethic, a dire necessity.

This preliminary report is over-whelming, comprehensive, and allows inadequate time for meaningful public response to such a huge document.

Ocean policy development is a national obligation that needs to be exercised at the state level, similar to the implementation of the Coastal Zone Management Act that applies national interests and allows for flexibility and variability at the local level to the limits of the EEZ. Washington State Shoreline Master Program has a good start in the proper direction, adding additional layers of bureaucracy will only take away substantial

dollars needed for on the ground research and projects related to sustaining our oceans. CRCFA believes simplification and consolidation of existing programs, not initiating additional bureaucracy is going to be the key to how we can best achieve our primary goal to protect, preserve, and sustainable utilization of our nation's oceans for current and future generations. This is especially true in this time of tight budgets where not only the federal government but many states are awash in red ink. Adding bureaucracy will be counter-productive.

We can no longer exploit our environment utilizing the "least cost option" available. Past and present cumulative unrestrained growth has its limits, which leads to eventual excessive deterioration of our basic environmental support system. The health and abundance of the fish in our waterways are our advanced

warning system that biomagnifies our failings and point the way to successfully meeting future challenges. We need to examine fish, find the sources of carcinogen uptake, and correct the problems.

We are currently at a point in history where we must examine if a policy of “NO NET LOSS” of biologic function is appropriate. Certainly we must slow the rate of LOSS and take meaningful steps to strengthen our environmental laws while still maintaining reasonable levels of utilization – achieving sensible balance will still require deviation from business as usual and favor environmental aspects to balance past cumulative impacts reaching far inland without losing sight of sustaining coastal fishing communities as a priority.

Due to the extensive nature of this Ocean Commission report, CRCFA is going to limit our comments to those that directly affect our local fishing ports on the coast of Washington and Oregon.

## CHAPTER 19:

### ACHIEVING SUSTAINABLE FISHERIES

1. The Magnuson/Stevens Fishery Conservation and Management Act needs improvement with a thorough review analysis to understand why the nation has excessive FMP's which are not meeting the goals of the FCMA – provide **sustainable fisheries** and conservation of marine ecosystems on a sustained basis for the economic benefit of the nation and our fisheries, both recreational and commercial. Stop the failures; enhance the successes. Do not do a major overhaul. Additional layers of bureaucracy will not solve the problems.
  - a. **Improve the science:** the marine environment is not well understood. Involve cooperative research with the fishing fleet to increase the trust level between fishermen and the scientific communities, both will benefit.
  - b. **IFQ – Just Say NO** The obligation our government has to manage public trust natural resources is to maintain equal access, equal opportunity at participant levels the resource will sustain.
  - c. **NON-plan species** must also be protected. NOAA Fisheries has inadequately analyzed impacts to Dungeness crab from other agency actions. Rex sole, sand dabs, starry flounder, English sole, sand sole, rock sole, petrole sole, and a host of other valuable species are not adequately protected. They are not on the NOAA Fisheries list to protect, what is going on here anyway? Doesn't NOAA have an obligation to protect all sea life?
  - d. **MPA's** have a place similar to National Parks, to preserve critical and fundamentally significant local areas of interest, but as management tools will create more problems than they solve. MPA's must be approached slowly and thoroughly documented before moving aggressively ahead and only for enhancement of sustaining fishing communities. On the West Coast we have one of the largest MPA's in the world, it stretches from Mexico to Canada, is it doing its intended function???
  - e. **Fish need clean water rights** in both the ocean and anadromous habitats.
  - f. **Point & Non-point pollution** is killing not only our rivers but extending into our oceans. At the MCR, 15% of some juvenile flatfish species have cancerous tumors, the pathway to the carcinogens needs to be investigated and stopped. Biomagnifications of toxins increases lethal and sub-lethal effects which contribute to lower productivity not only to the target species but the entire food chain including humans. Recent EPA coastal report shows toxic biomagnifications in fish throughout the Columbia River.
  - g. In the past fisheries managers have perpetuated the idea that bigger is better. CRCFA disagrees. We believe that the smaller, inefficient fishing operations, spread the oceans bounty over a wider area of the coast and promotes conservation while providing greater employment. This bigger is better philosophy must change if our oceans' bounty is to be perpetuated for future generations. The Ocean Commission recognized that our oceans fisheries resources may have been at sustained yield before building our fishing fleets 25 years ago.
  - h. **Fleet Reductions** are a necessity. Over-capitalization needs to be addressed. We have proven beyond a shadow of a doubt, that bigger is not better. In buybacks the participants need to be removed, a major failure of past effects at fleet reduction.

**STRONGLY**

**Recommendation 19–10.** national standards to state fisheries – this will kill the Dungeness crab fishery - **OPPOSE**

- 2) Not all fisheries respond well to NATIONAL STANDARDS and Dungeness crab is that exception. Maintain and extend indefinitely the FCMA Dungeness crab provision which allows the States of Washington, Oregon, and California to manage the crab resource throughout the EEZ. The Tri-state meetings currently organizing may produce other recommended changes in the current legislative language relative to **state jurisdiction** of crab. Dungeness crab under state management has an exemplary record of sustainability and the last two years have been record production

years on the coasts of Washington, Oregon, and California after almost a hundred years of management – Adhering to National Standards would KILL the fishery.

- a. Advanced stock assessments are IMPOSSIBLE
- b. ABC is NOT able to be established
- c. In this case if it is not broken don't fix it. Dungeness crab management has withstood the test of time far better than the majority of fisheries management under National Standards and is much healthier.
- d. Dungeness crab has been before the Pacific Fisheries Management Council on two separate occasions and both times remanded back to state jurisdiction as the best management for the fishery without National Standards.

**Recommend:** permanent extension of state jurisdiction of Dungeness crab by the states of Washington, Oregon, and California

**CRCFA is inherently against more and bigger bureaucracy.** Fundamental management change may be necessary, however, CRCFA would caution this move and not take it lightly. Lack of dollars to get needed science, analysis, gear research, and other programs in place is as much responsible for fisheries failure as any other factor. Fisheries scientist, not fishermen, initiated daily trip limits, refused to place spawning ground closures, and did not investigate destructive fishing methods. Dollars have not been available for gear development that is more selective. Failed fisheries are not just the result of over zealous fisherman greed as some have portrayed the industry. One of the most successful conservation minded fisheries in the world, Dungeness crab, is essentially run by industry initiative in concert with state fisheries managers without national standards.

The shortcoming of the FCMA to provide sustainable fisheries is also seriously under mining the community infrastructure which maintains the fishing fleet. Marine stores, shipyards, electronic and refrigeration experts, fish processing plants, and other facilities are regularly being forced out of business as fisheries collapse. Special attention to fleet support infrastructure may be required as fisheries are re-building. Small ports are not receiving the landing tonnage they need to support US Army Corps of Engineers channel maintenance requirements.

## ***The future of dredging is now!***

**Change is upon us and we must respond responsibly for the sake of future generations.**

## ***Ocean Disposal sites: Mouth of the Columbia River and Deepening Sediments***

Our nation's basic attitude about dredging and disposal is in the process of change. No longer is close, cheap, quick & dirty, dump & run acceptable. The negative and often unintended consequences have to be considered as part of the cost of doing business. We have past the limit of exploitation without due consideration to preservation and rehabilitation of our environment. Our oceans and rivers can no longer be considered unrestrained dumps. Spoils can be assets if used properly.

- 1) Over mounding with resulting deterioration of navigational safety must be eliminated. Human health and safety must be the first consideration of conservative sediment placement.
- 2) Outside peer reviewed wave analysis that is calibrated to observed conditions is a necessity, especially at site E. Satellite observations may provide the broadest coverage available with an historical record already in place.
- 3) Baseline studies that accurately assess commercial resources (Dungeness crab and non-plan flatfish species) must be accomplished over time as a second requirement. Last summer's Crab survey in the ocean sites was a very, very small and inaccurate picture of the crab utilization of the ocean sites. In December CRCFA caught more crabs in one pot in the Deepwater site than the Corps survey caught in 48 pots in July, just as we predicted in the Ocean Disposal Taskforce meeting prior to the Corps survey.
- 4) Disposal site sizes must be based on reasonable and prudent demonstrated need for the current generation only. As proposed the sites are extreme excess and do not account for any other site capacity, or the fact that Benson Beach will soon accept a substantial amount of the MCR sediment. Adaptive management should dictate a vast reduction in size. If this simple example of adaptive

management cannot be effectuated, how will complex biologic functions be assessed and adapted after the dredging begins in the river?

- 5) Replacement mitigation for damages to habitat, resources, and use must occur concurrently with destruction. See Columbia River Dungeness Crab Mitigation Strategy and Navigational Safety Agreement previously submitted. NO mitigation, no dredging or disposal, simple.
- 6) Physical and biological monitoring that accurately reflects changes in baseline conditions in ecology and sediment characteristics needs to occur. Current proposed physical monitoring after 5 feet of deposition in two years is a complete farce. Monitoring will NEVER occur under these circumstances in the huge over-sized site.
- 7) The Deepwater site is several thousand feet into active and productive fishing grounds on the southern edge of the site and needs correction. The site needs to be restrained to the towlane.
- 8) The new RM 3 – 5 ocean disposal site has no NEPA process what so ever associated with it. NEPA, state and local guidelines need to be met. RM 3 – 5 is nothing more than a recycled ocean disposal site that will end up placing excess demand for sediments in site E and/or Benson Beach.
- 9) Historical examples of disastrous destruction to fisheries resources include Rice Island and Site B. Review should include what lead to these disasters (least cost option) and eliminate any repeats.
- 10) Process transparency needs improvement. CRCFA has requested a multitude of documents from EPA and the Corps which have not been received to make informed comments.
- 11) Past negative effects to coastal erosion need to be mitigated. With sea level rising at about 4 mm per year, we need to be proactive and place more sediment on the beach. Benson Beach is one sustainable solution we must pursue.

The days of the 800 pound gorilla tactics, “this is how we’ve always done it” are over.

Swinging the navigational servitude sword in broad swaths is no longer acceptable.

The “least cost to the Corps” policy is a cross that is too expensive for the taxpayer to bear.

CZMA must be fully integrated into the dredging process.

Collaborative efforts of the local, state, and federal agencies with full involvement of affected stakeholders will produce a much more acceptable dredging product.

The era of responsible, sustainable dredging that works to reverse the ecological damages of the last 225 years is upon us. Sediment is an asset that must embrace beneficial and sustainable solutions through the use of a more holistic management structure which uses cooperative interaction of local, state, and federal authorities and adequately protects ALL stakeholders effected by dredging. CZMA is a necessary tool that must be successfully integrated into the dredging process.

Vacillation of disposal alternatives at the Mouth of the Columbia presented in DEIS, EIS, FEIS, SEIS & now back to ocean with an incomplete EIS speaks volumes. The horrific effects of the disposal in the lower river, disproportionately penalizes the coast and must receive compensatory mitigation for damages that the law demands before water quality and consistency are approved.

What explanation for inconclusive sediment fate exists other than too much dirt, to little acceptable place to put it, and not enough common sense applied to the process.

### **USACE must increase efficiency of financial responsibility**

Schedule several small channels in succession (Chinook, Ilwaco, Skipanon, Cathlamet, etc.) to minimize mobilization costs, increase yardage to decrease costs.

Fragmented costs inflated (Chinook estimate \$1.7 million @ \$7.00/yd) last dredging \$3.91/yd, when it was dredged at the same time as the Ilwaco channel.

### **Regional Port District for both large and small ports**

Consider dedicated dredge for these channels and Benson Beach managed by regional port district using federal funds for federal authorized channels and projects

20" cutter head, 58' ladder

3-4000 cy / hr

hulled to withstand weather and sea conditions

~ \$1,000,000

small tug, anchors, & operating expenses

Far cheaper than current program

Think outside the box

Note: CRCFA attended the USACE environmental advisory board meeting in Portland, Oregon recently and was quite receptive to a lot of the proceedings. In a brief conversation with General Flowers, CRCFA informed him that we liked a lot of what he had to say but that the Corps, especially the Portland Corps, was a long, long way from getting the environmental program changes on the ground and operational. Corps reform cannot come completely from within. National policy must be dealt with at the local level, and any planning and development must include receptive input from the stakeholders affected by the development with full cooperation from local and state agencies. Environmental aspects of development need to be considered as an integral part of the "least cost option" through first avoiding environmental impacts, then minimizing, and after avoidance and minimization measures are in place, mitigate for unavoidable damages to no net loss of habitat function.

Some dredging activities need enhancement and your support at the Mouth of the Columbia to secure funding to make **BENSON BEACH** a sustainable alternate solution as a regular part of the Corps' MCR operations and maintenance budget at 2 mcy per year. The exact amount of funding required can be discussed with the Corps and Southwest Washington Communities representative, Pacific International Engineering, but is in the neighborhood of \$3,000,000, annually. It is important that the Governor include funding for the SW Washington Coastal Communities Group for the states proposed budget in the works this summer. The coastal group is a very strong advocate to abate our growing coastal erosion, and has brought an exceptional amount of federal dollars to our state over the years, in excess of \$80,000,000.

Change the dredging authorization at the **Ilwaco Entrance Channel** to extend to the fish receiving plants and fuel dock inside the rocked jetties to the 16 foot depth plus advanced maintenance requirements on a three year cycle. 5. Secure adequate and continuing funding for the **Chinook Entrance Channel** to maintain the 10 foot authorized depth plus advanced maintenance requirements which may exceed the usual 5 feet on the same three year cycle as the Ilwaco Channel. Coastal ports in general need to have their channels regularly maintained for safety of navigation. Another consideration may be the formation of a regional small ports district which is funded and does the dredging in all lower river ports with their own dredge, including the Benson Beach pump direct beach placement.

6. Secure funding to modify the US Army Corps of Engineer's dredge Essayons for both direct pump ashore and rainbow delivery to begin environmentally sensitive **sustainable disposal alternatives** which are currently being investigated and supported by the Lower Columbia Solutions Group which was started by the past Oregon Governor Kitzhaber. These modifications will advance the possibility of developing coast wide, sustainable dredge disposal solutions, that address coastal erosion without compromising our natural resources (Dungeness crab).

7. Continue to work on US Army **Corps Reform** (no matter how you term it) the "Least Cost Option" is often the most expensive possible, i.e. Rice Island which cost the taxpayers untold millions from an unintended consequence, avian predation of salmon smolts. Environmental concerns have to become a larger part of the Corps "least cost". We support the majority of the Corp Reform Networks positions including NO new large projects without associated "Corp Reform". Reform means a much more open process. The public needs access to information used to make decisions. Reform also includes replacement **MITIGATION** for damages to habitat function and natural resources even in the marine environment. Decisions are too

often made on assumptions that are overly optimistic with the predetermination that NO significant effect is associated with the project. Environmental investigations are often cursory at best and usually do not pass professional peer review.

8. Begin to examine a fleet **buyback** program in the Dungeness crab industry which is being considerably overcapitalized from encroachment from other failed federal fisheries. Ancient Indian treaties with the federal government are allocating up to 50% of the crab resource in part of Washington State. This treaty obligation has the potential to grow to eliminate two thirds of the Washington Coast to all non-tribal fishing.

9. Involve Goddard Space Flight Center in developing space monitoring of mound induced wave amplification in conjunction with local universities and/or other (Southwest Washington Communities Group) means of investigating mound induced wave amplification at West Coast river entrances with emphasis on the MCR. Goddard has a huge volume of **satellite information** that the public should have direct access, including but no limited to, developing it into a usable format:

- c. Sea Surface Temperature
- f. Sea Surface Chlorophyll
- g. Sea Surface fresh water anomalies, bubbles
- h. Sea Surface current gyres
- i. Wave and current interactions in several formats

10. The **Coastal Zone Management Act** is essential to protect local communities from global federal impacts. CRCFA fully supports CZM with interstate consistency. Many of our states are separated by rivers that enter the coastal zone which need bi-state coordination.

A word of caution is in order: As important as Homeland Security is – our individual liberties with right of privacy and our **civil liberties** must not be compromised. **Continuity of Congress** and **Presidential succession** must be guaranteed if another 9/11 disaster occurs and compromises a significant number of congressmen and/or the president. Current state regulations do not insure the required timely continuance of the best government in the world. Other complications of the Homeland Security Act are cropping up in local small fuel suppliers with lists of new regulations which are trying to turn fuel dock operators into a local police force, a difficult task. This needs review and if they are necessary, Federal assistance is needed for compliance.

Again, thank you for considering and protecting the needs of the fishing industry.

Sincerely,

Dale Beasley, CRCFA