

# Union Calendar No. 381

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3498

[Report No. 105-674]

To amend the Magnuson-Stevens Fishery Conservation and Management Act to authorize the States of Washington, Oregon, and California to regulate the Dungeness crab fishery in the exclusive economic zone.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 1998

Mr. MILLER of California (for himself, Mr. BLUMENAUER, Mr. DEFazio, Ms. FURSE, Ms. HOOLEY of Oregon, Mr. RIGGS, Mrs. LINDA SMITH of Washington, and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Resources

AUGUST 4, 1998

Additional sponsor: Mr. ADAM SMITH of Washington

AUGUST 4, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on March 18, 1998]

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## A BILL

To amend the Magnuson-Stevens Fishery Conservation and Management Act to authorize the States of Washington, Oregon, and California to regulate the Dungeness crab fishery in the exclusive economic zone.

1        *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4        *This Act may be cited as the “Dungeness Crab Con-*  
5 *servation and Management Act”.*

6 **SEC. 2. AUTHORITY OF STATES OF WASHINGTON, OREGON,**  
7                    **AND CALIFORNIA TO MANAGE DUNGENESS**  
8                    **CRAB FISHERY.**

9        (a) *IN GENERAL.*—*Subject to the provisions of this sec-*  
10 *tion and notwithstanding section 306(a) of the Magnuson-*  
11 *Stevens Fishery Conservation and Management Act (16*  
12 *U.S.C. 1856(a)), each of the States of Washington, Oregon,*  
13 *and California may adopt and enforce State laws and regu-*  
14 *lations governing fishing and processing in the exclusive*  
15 *economic zone adjacent to that State in any Dungeness crab*  
16 *(Cancer magister) fishery for which there is no fishery man-*  
17 *agement plan in effect under that Act.*

18        (b) *REQUIREMENTS FOR STATE MANAGEMENT.*—*Any*  
19 *law or regulation adopted by a State under this section for*  
20 *a Dungeness crab fishery—*

21                    (1) *except as provided in paragraph (2), shall*  
22 *apply equally to vessels engaged in the fishery in the*  
23 *exclusive economic zone and vessels engaged in the*  
24 *fishery in the waters of the State, and without regard*

1       to the State that issued the permit under which a ves-  
2       sel is operating;

3               (2) shall not apply to any fishing by a vessel in  
4       exercise of tribal treaty rights; and

5               (3) shall include any provisions necessary to im-  
6       plement tribal treaty rights pursuant to the decision  
7       in *United States v. Washington, D.C. No. CV-70-*  
8       *09213.*

9       (c) *LIMITATION ON ENFORCEMENT OF STATE LIMITED*  
10 *ACCESS SYSTEMS.*—Any law of the State of Washington,  
11 Oregon, or California that establishes or implements a lim-  
12 ited access system for a Dungeness crab fishery may not  
13 be enforced against a vessel that is otherwise legally fishing  
14 in the exclusive economic zone adjacent to that State and  
15 that is not registered under the laws of that State, except  
16 a law regulating landings.

17       (d) *STATE PERMIT OR TREATY RIGHT REQUIRED.*—  
18 No vessel may harvest or process Dungeness crab in the ex-  
19 clusive economic zone adjacent to the State of Washington,  
20 Oregon, or California, except as authorized by a permit  
21 issued by any of those States or pursuant to any tribal trea-  
22 ty rights to Dungeness crab pursuant to the decision in  
23 *United States v. Washington, D.C. No. CV-70-09213.*

24       (e) *STATE AUTHORITY OTHERWISE PRESERVED.*—Ex-  
25 cept as expressly provided in this section, nothing in this

1 *section reduces the authority of any State under the Magnu-*  
2 *son-Stevens Fishery Conservation and Management Act (16*  
3 *U.S.C. 1801 et seq.) to regulate fishing, fish processing, or*  
4 *landing of fish.*

5       *(f) TERMINATION OF AUTHORITY.—The authority of*  
6 *the States of Washington, Oregon, and California under*  
7 *this section with respect to a Dungeness crab fishery shall*  
8 *expire on the effective date of a fishery management plan*  
9 *for the fishery under the Magnuson-Stevens Fishery Con-*  
10 *servation and Management Act.*

11       *(g) REPEAL.—Section 112(d) of Public Law 104–297*  
12 *(16 U.S.C. 1856 note) is repealed.*

13       *(h) DEFINITIONS.—The definitions set forth in section*  
14 *3 of the Magnuson-Stevens Fishery Conservation and Man-*  
15 *agement Act (16 U.S.C. 1802) shall apply to this section.*



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