

105TH CONGRESS
2D SESSION

H. R. 3498

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.

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

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”.

1 **SEC. 2. AMENDMENT TO THE MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT ACT.**

2
3 Section 306 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1856) is
4
5 amended by adding at the end the following:

6 “(d) **AUTHORITY FOR MANAGEMENT OF DUNGENESS CRAB.**—(1) Subject to the provisions of this subsection
7
8 and notwithstanding subsection (a), each of the States of
9 Washington, Oregon, and California may adopt and enforce
10 State laws and regulations governing fishing and
11 processing in the exclusive economic zone adjacent to that
12 State in any Dungeness crab (Cancer magister) fishery
13 for which there is no fishery management plan in effect
14 under this Act.

15 “(2) Any law or regulation adopted by a State under
16 this subsection for a Dungeness crab fishery—

17 “(A) except as provided in subparagraph (B),
18 shall apply equally to vessels engaged in the fishery
19 in the exclusive economic zone and vessels engaged
20 in the fishery in the waters of the State, and without
21 regard to the State that issued the permit under
22 which a vessel is operating;

23 “(B) shall not apply to any fishing by a vessel
24 in exercise of tribal treaty rights; and

25 “(C) shall include any provisions necessary to
26 implement tribal treaty rights pursuant to the deci-

1 sion in *United States v. Washington*, D.C. No. CV–
2 70–09213.

3 “(3) Any law of the State of Washington, Oregon,
4 or California that establishes or implements a limited ac-
5 cess system for a Dungeness crab fishery may not be en-
6 forced against a vessel that is otherwise legally fishing in
7 the exclusive economic zone adjacent to that State and
8 that is not registered under the laws of that State, except
9 a law regulating landings.

10 “(4) No vessel may harvest or process Dungeness
11 crab in the exclusive economic zone adjacent to the State
12 of Washington, Oregon, or California, except as authorized
13 by a permit issued by any of those States or pursuant
14 to any tribal treaty rights to Dungeness crab pursuant to
15 the decision in *United States v. Washington*, D.C. No.
16 CV–70–09213.

17 “(5) Except as expressly provided in this subsection,
18 nothing in this subsection reduces the authority of any
19 State under this Act to regulate fishing, fish processing,
20 or landing of fish.”.

21 **SEC. 3. REPEAL.**

22 Section 112(d) of Public Law 104–297 (16 U.S.C.
23 1856 note) is repealed.

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