

EXTENSION OF AUTHORITY OF STATES OF WASHINGTON,  
OREGON, AND CALIFORNIA TO MANAGE DUNGENESS  
CRAB FISHERY

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JUNE 6, 2001.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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Mr. HANSEN, from the Committee on Resources,  
submitted the following

REPORT

[To accompany H.R. 1661]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1661) to extend indefinitely the authority of the States of Washington, Oregon, and California to manage a Dungeness crab fishery until the effective date of a fishery management plan for the fishery under the Magnuson-Stevens Fishery Conservation and Management Act, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 1661 is to extend indefinitely the authority of the States of Washington, Oregon, and California to manage the Dungeness crab fishery until the effective date of a fishery management plan for the fishery under the Magnuson-Stevens Fishery Conservation and Management Act.

BACKGROUND AND NEED FOR LEGISLATION

The Pacific Ocean fishery for Dungeness crab (*Cancer magister*) is prosecuted in the State waters of California, Oregon, and Washington and in the 200-mile Exclusive Economic Zone (EEZ) adjacent to those States. In the Sustainable Fisheries Act of 1996, Congress authorized interim management authority to the States of Washington, Oregon, and California for the Dungeness crab fishery in the EEZ adjacent to their State. This authority was given to the States in the absence of any federal fishery management plan.

When, and if, the Pacific Fishery Management Council implemented a fishery management plan, the interim authority to the States was negated.

In 1997, the Pacific Fishery Management Council unanimously requested in a letter that Congress permanently extend this management authority to the States. "The Council supports an agreement reached by industry representatives, tribal representatives, and the state fishery management agencies that the Council not proceed with development of a fishery management plan for Dungeness crab. \* \* \* That agreement recommends Congressional action that extends and expands the current interim authority." In the 105th Congress, Public Law 105-384 reauthorized the States management authority over Dungeness crab through September 30, 2001.

Congressmen George Miller (D-CA) and Greg Walden (R-OR) introduced H.R. 1661 to extend indefinitely State management of the Dungeness crab fishery. However, H.R. 1661 does not change the existing provision in Law that allows the Pacific Fishery Management Council, which has management authority over this fishery, to develop a federal fishery management plan and regain its management authority from the States.

The States have been managing the fishery cooperatively and successfully since the interim authority was given in 1996. The 1999-2000 season landings of Dungeness crab were 8.775 million pounds with a revenue of \$17.7 million for California; 15.6 million pounds with a revenue of \$31.7 million for Oregon; and 17.0 million pounds with a revenue of \$34.8 million for Washington. Ex-vessel prices in Washington were \$1.35 per pound and in Oregon averaged \$1.78 per pound.

#### COMMITTEE ACTION

H.R. 1661 was introduced on May 1, 2001, by Congressman George Miller (D-CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries Conservation, Wildlife and Oceans. On May 16, 2001, the Full Resources Committee met to consider the bill. The Subcommittee on Fisheries Conservation, Wildlife and Oceans was discharged from further consideration of the bill by unanimous consent. There were no amendments offered to the bill, and the bill was ordered favorably reported to the House of Representatives by voice vote.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

## COMPLIANCE WITH HOUSE RULE XIII

1. *Cost of Legislation.*—Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. *Congressional Budget Act.*—As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. *General Performance Goals and Objectives.*—This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. *Congressional Budget Office Cost Estimate.*—Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, June 1, 2001.

Hon. JAMES V. HANSEN,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1661, a bill to extend indefinitely the authority of the states of Washington, Oregon, and California to manage a Dungeness crab fishery until the effective date of a fishery management plan for the fishery under the Magnuson-Stevens Fishery Conservation and Management Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Deborah Reis (for federal costs) and Lauren Marks (for the private-sector impact).

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

*H.R. 1661—A bill to extend indefinitely the authority of the states of Washington, Oregon, and California to manage a Dungeness crab fishery until the effective date of a fishery management plan for the fishery under the Magnuson-Stevens Fishery Conservation and Management Act*

H.R. 1661 would allow Washington, Oregon, and California to continue to manage commercial fishing for Dungeness crabs in federal waters adjacent to their states until the Pacific Fishery Management Council develops a formal fishery management plan for the area. Under existing law, the states' authority to manage their Dungeness crab fisheries will expire on September 30, 2001.

CBO estimates that enacting H.R. 1661 would have no significant effect on the federal budget. The three states would continue to manage their Dungeness crab fisheries largely at state expense. H.R. 1661 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

The bill contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. Any costs to states to continue regulating their fisheries would be incurred voluntarily.

H.R. 1661 would reauthorize an existing mandate on owners of vessels that fish for Dungeness crabs in federal waters adjacent to the states of California, Oregon, and Washington. Based on information provided by the National Oceanic and Atmospheric Administration, CBO estimates that the direct costs of extending the existing mandate would fall well below the annual threshold established by UMRA (\$113 million in 2001, adjusted annually for inflation).

The staff contacts for this estimate are Deborah Reis (for federal costs) and Lauren Marks (for the private-sector impact). The estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets and existing law in which no change is proposed is shown in roman):

#### **SECTION 203 OF THE ACT OF NOVEMBER 13, 1998**

AN ACT To approve a governing international fishery agreement between the United States and the Republic of Poland, and for other purposes.

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#### **SEC. 203. AUTHORITY OF STATES OF WASHINGTON, OREGON, AND CALIFORNIA TO MANAGE DUNGENESS CRAB FISHERY.**

(a) \* \* \*

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[(i) **SUNSET.**—This section shall have no force or effect on and after September 30, 2001.]