

***Mr. Brad Gilman testifying on behalf of Mr. Randy Fisher,  
Executive Director, Pacific States Marine Fisheries Commission***

Testimony of the Pacific States Marine Fisheries Commission  
Before the House Subcommittee on Fisheries and Oceans

Regarding the Multi-State and International Fisheries Conservation and Management Act of 2006

February 16, 2006

The Pacific States Marine Fisheries Commission is pleased to provide testimony on the Multi-State and International Fisheries Conservation and Management Act of 2006.

## Background

The Pacific Marine Fisheries Commission was authorized in 1947 by an Act of the Congress granting consent and approval to an interstate compact. This interstate compact was subsequently ratified by the states of Alaska, Washington, Idaho, Oregon, and California. In 1988, the name was changed to Pacific States Marine Fisheries Commission. The Commission has no regulatory or management authority. Its role is to provide collective participation by the member States to work on mutual problems of fisheries resource management.

The Commission manages a number of data collection and information programs for the Federal Government, the member State fish and game departments, the Bonneville Power Administration, and the U.S.-Canada Pacific Salmon Commission. A number of these programs are specific line items in the NOAA Fisheries federal budget, including the Recreational Fishery Information Network ("RecFIN") for the West Coast, the Pacific Fishery Information Network ("PacFIN"), and the Alaska Fishery Information Network ("AKFIN"). The Commission manages the data coming from the mass marking and coded-wire tagging programs for the West Coast, Alaska, and Canada. We also are responsible for certain planning and prevention functions relating to invasive species in the marine and riverine environments.

The Commission has been engaged in most of these activities for decades. We maintain cooperative relationships with NOAA Fisheries, the Fish and Wildlife Service, and the States. The Commission has a core staff located in Portland, Oregon. Most of the Commission's activities are managed through seasonal contract personnel. At any point in time, the Commission may have as many as 400 people on contract who are engaging in various data collection activities. The Commission's federally-recognized overhead rate is 13 percent. This means that 87 cents out of every dollar transferred to the Commission ends up in the field for data collection or data assimilation. The Commission's structure allows the Federal and State governments to engage in conservation and management activities of short duration when Federal and State budgets are too stressed to create permanent programs.

## Dungeness Crab Management

Section 5 of the draft legislation would extend existing statutory authority to the States of Washington, Oregon, and California to manage the Pacific Ocean Dungeness fishery in the absence of a federally-approved fishery management plan. This fishery is currently prosecuted in the State waters of California, Oregon, and Washington and in the exclusive economic zone adjacent to those States. A related tribal fishery is conducted under court order in ocean areas designated by regulation as tribal 'usual and accustomed' areas.

Conservation and management regulations are implemented and enforced by the three States and the tribal governments. These regulations include limits on the size and sex of crab that can be legally harvested, season opening and closing dates, and—in the case of tribal fisheries—areas and periods of time when harvesting is limited to tribal fishermen. All three States have enacted laws which prohibit non-permitted vessels from landing crab in the State.

The Pacific Fishery Management Council has long deferred management of Dungeness to the three States, reflecting the Council's view that the States have been diligent in their conservation and management of the fishery. The Council has been overwhelmed with issues dealing with endangered salmon and a crashing complex of groundfish species. The Council and the States have a mutual understanding that the States should continue to exercise management authority in the absence of a Federal fishery management plan.

The Commission hosts the Tri-State Dungeness Crab Committee in response to this directive, which is comprised of California, Oregon, and Washington. There is a Memorandum of Agreement in effect among these three States which encourages cooperation in setting size, sex, and season limits. Section 306(a) of the Magnuson Act grants the States the ability to regulate fishing vessels which are licensed under their State laws for any species of fish which is not subject to a federal fishery management plan. Section 306(a) does not, however, grant the States the ability to enforce regulations

against vessels registered under the laws of the other States unless such regulations are consistent with a Federally-approved FMP. In the case of Dungeness crab, there is no Federal FMP.

In 1996, the Congress recognized this gap in management authority when it enacted Section 112(d) of Public Law 104-297 (16 U.S.C. 1856 note). This provision provided interim authority for the three States to enforce certain State regulations against all vessels operating in the Exclusive Economic Zone and fishing for Dungeness Crab. This authority does not circumvent the Federal role in the Pacific Ocean Dungeness fishery. The Pacific Fishery Management Council may assert its jurisdiction over activities taking place in the Exclusive Economic Zone at any point in time by developing a fishery management plan for Dungeness.

This interim authority was due to expire on October, 1999 but was extended for two years under the provisions of Section 203 of P.L. 105-384, then extended for an additional five years to September 30, 2006 under the provisions of Section 624 of the FY 2002 Commerce, Justice, State Appropriations Act.

The Commission strongly recommends that the authority be extended for a significant period of time so that there is no gap in conservation and management authority over the crab fishery. The draft legislation would extend the authority to September 30, 2012. The Commission recommends that the authority be extended for a ten year period to September 30, 2016.

### Interjurisdictional Fisheries Act

Each of our member States receives grants from NOAA through the Interjurisdictional Fisheries Act ("IFA") program. The States combine these funds with state-funded conservation and management programs focusing on fish stocks which are spread out across inter-jurisdictional boundaries. The uses of these funds are broad. Examples include—

- Determination of maximum sustainable yield and acceptable biological catch of coastal groundfish stocks.
- Collection and compilation of resource and fishery information necessary for the conservation and management of coastal pelagic fish populations (e.g. Pacific sardines, Pacific mackerel, jack mackerel, and anchovies).

This information is shared with NOAA Fisheries and the Pacific Fishery Management Council in the management of these fisheries. The grants to the West Coast states range from as little as \$10,000 to as high as \$150,000 in rough figures.

Additionally, the Commission receives \$250,000 per year to augment and support Federal programs on the West Coast. This is funded through the "Interstate Marine Fisheries Commission" line item of the NOAA Fisheries budget. The line item total is \$750,000, and it is shared equally by the Atlantic, Gulf, and Pacific commissions.

The Commission uses its annual grant to supplement the PACFIN data program, the Aquatic Nuisance Species Program, and the Habitat Education program. This funding stream is the sole source of Federal funding to support the Tri-State Dungeness Crab Commission, and it helps support staffing of the Technical Subcommittee of the U.S.-Canada Groundfish Committee meetings.

We have also used some of these funds to improve public access to fishery information. A recent addition is the Pacific Coast Marine Habitat Program website (<http://marinehabitat.psmfc.org/>). This site captured the information used in the most recent Pacific Council Essential Fish Habitat Environmental Impact Statement and uses it to create an interactive mapping site which allows users to view, interactively query, and analyze much of the data that was developed to support the Groundfish EFH EIS. Using the application, one can pick out specific geographic areas of interest and query the data related to that area.

The Commission supports the authorization levels contained in the draft legislation. We would like to point out that the Congress has not provided sufficient appropriations in past years as suggested by the authorization levels. The IFA grants have been funded at flat \$2,590,000 for the past five years. The Commission has repeatedly recommended to Congress that the appropriation be increased to \$3,500,000. We are requesting that the Subcommittee suggested a higher appropriation as part of its Views and Comments to the Appropriations Committee.

### Anadromous Fish Conservation Act

Washington, Oregon, California and Alaska receive Anadromous Fish Conservation Act grants as well, which are used to augment and support state salmonid and other anadromous programs. The grants range from \$380,000 to \$420,000. Examples include:

- Sampling of recreational and commercial salmon fisheries at major coastal landing ports;
- Recovery and publication of Coded-Wire tagging information from salmon stocks;
- Collection and analysis of DNA samples from fisheries, and the development of baseline data for use in identifying fish caught in mix-stocked salmon fisheries.

The Commission supports the authorization levels contained in the draft legislation. The Anadromous grants program is similar to the IFA grants in that the program is under-funded at \$2,100,000 per year. The Commission has recommended to Congress that this program be funded at \$3,000,000 annually, and encourages the Subcommittee to include this recommendation in the Views and Comments to the House Appropriations Committee.