



# Oregon

John A. Kitzhaber, MD, Governor

Department of Fish and Wildlife

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September 26, 2014

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The Honorable Mark Begich  
United States Senate  
111 Russell Senate Office Building  
Washington, D.C. 20510-0204

PFMC

The Honorable Marco Rubio  
United States Senate  
284 Russell Senate Office Building  
Washington, D.C. 20510-0908

Re: Oregon Department of Fish and Wildlife (ODFW) comments on proposed "Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2014"

Dear Senator Begich and Senator Rubio:

Thank you for the opportunity to comment on the current reauthorization process for the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2007 (hereafter "the Act"). We appreciate the thorough and careful approach you are taking, in considering changes to existing statute, which has served us well for the last seven years.

ODFW is one of the three State Fish and Wildlife agencies (hereafter, "the States") that currently has the authority to manage the West Coast's Dungeness crab fisheries in the U.S. EEZ, authorized through special provision in the Act (P.L. 109-479, sec. 302(e), MSA 306 note). As you move forward toward reauthorization, we urge you to retain the cited special provision and remove the sunset clause, which is currently set to expire on September 30, 2016. Our authority is limited within the text of the provision to be valid only until such time that a fishery management plan (FMP) is developed under the Act for this species. Having both this trigger and the sunset clause is redundant, and the sunset clause requires recurring action by Congress to keep the provision in effect.

Our request is consistent with the current Senate discussion draft (dated July 18, 2014), as well as with comment letters you have received from the Washington Department of Fish and Wildlife (letter dated June 3, 2014), and the Pacific Fishery Management Council (PFMC; letter sent to Representative Hastings and Senator Begich, dated August 7, 2014).

The States have had joint management responsibility for this complex, diverse and economically important fishery over the past 25 years. Over this time, we have diligently exercised our authority, as delegated within the Act. Through a memorandum of understanding (MOU) signed

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by the Directors of the three state agencies, the States have agreed to take mutually supportive action to enhance the management and benefits of this important resource. One manifestation of this is coordination on season-start through the Tri-State Dungeness Crab Committee, comprised of agencies, fishing industry representatives and a Pacific States Marine Fisheries Commission (PSMFC) representative. Each state has taken action on other issues, ultimately resulting in improved fishery management throughout the region. During the time of Tri-State coordination, the regional fishery has become more economically productive and more environmentally responsible to the resource. Coordination among the three states provides for a regional approach to managing this resource.

In closing, retaining the special provision and repealing the sunset clause will help ensure that this successful model of resource management remains in place until such time that a federal FMP is developed under the Act for this species.

Thank you for your consideration.

Sincerely,



Curtis E. Melcher  
Interim Director

c: Randy Fisher, Pacific States Marine Fisheries Commission  
Dr. Don McIsaac, Pacific Fishery Management Council ✓  
Frank Lockhart, National Oceanic and Atmospheric Administration