

**TESTIMONY OF  
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NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
U.S. DEPARTMENT OF COMMERCE**

**ON**

**FISHERIES MANAGEMENT SUCCESSES IN ALASKA  
AND THE  
REAUTHORIZATION OF THE  
MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT**

**BEFORE THE  
SUBCOMMITTEE ON FISHERIES AND OCEANS  
COMMITTEE ON RESOURCES  
UNITED STATES HOUSE OF REPRESENTATIVES**

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Thank you, Mr. Chairman and members of the Committee, for the opportunity to testify before you on our fishery management program here in Alaska and the reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). I am Sue Salvesson, Assistant Regional Administrator for Sustainable Fisheries, Alaska Region, National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA) within the Department of Commerce. My testimony today will focus on how we work with our partners in Alaska to successfully manage our fisheries and how this experience may serve as a model for managing our nation's fisheries and other ocean resources into the future.

The current process for managing our nation's marine fishery resources has been in place since 1977, when the Fishery Conservation and Management Act of 1976 was first implemented. The Sustainable Fisheries Act of 1996 implemented several new provisions specific to the North Pacific and underscored many of the management measures already in place or under development there. The Fishery Management Council process results in transparent, deliberative decision making based on best available science.

The North Pacific is a highly productive ecosystem with no depleted or overfished groundfish stocks. Our area exemplifies how the management process can accommodate both national and regional interests in responsible stewardship of marine resources. Our success is driven by the North Pacific Fishery Management Council's tenet to adhere to the underlying science provided by NMFS, the State of Alaska, universities, and other independent scientists. Our success is also due in part to relatively focused interjurisdictional issues involving only a single state (Alaska), which reduces complexity in the decision-making process.

## **Background on Alaskan Fisheries**

With over 47,000 miles of coastline and 336,000 square miles of fishable continental shelf area, the waters off Alaska support a variety of fisheries. Fisheries are one of the most important industries in Alaska and provide nearly half of all private-sector jobs. Over 10,000 people are involved in groundfish fishing and processing alone; thousands more work in salmon, crab, scallop, halibut, and other fisheries. Vessels range from skiffs used for halibut fishing with hook-and-line or jig gear, to 600-foot motherships and 400-foot catcher processors involved in the midwater trawl fishing for pollock.

The Magnuson-Stevens Act authorizes federal management of fisheries in the Exclusive Economic Zone (EEZ). Off Alaska, this management is undertaken in partnership with the North Pacific Fishery Management Council and other state and federal management agencies. The North Pacific Council has developed five fishery management plans to manage the groundfish (Bering Sea and Aleutian Islands; Gulf of Alaska), crab, scallop and salmon fisheries off Alaska. Much of the management of the crab, scallop, and salmon fisheries is deferred to the State of Alaska with federal oversight, including the authority to set and enforce harvest limits to avoid overfished stocks. Development and implementation of allocation programs or dedicated access privilege programs are retained as a federal function in partnership with the North Pacific Council. The Council also develops allocation programs for the Pacific halibut fishery in partnership with NMFS and the International Pacific Halibut Commission.

The primary target groundfish species off Alaska are pollock, Pacific cod, flatfish, Atka mackerel, sablefish, and rockfish. In the Bering Sea and Aleutian Islands, the maximum annual removals limit has been capped at 2 million metric tons, or 4.4 billion pounds, since 1984. This cap is an example of the North Pacific's precautionary approach to management. Although this cap could be set higher—given the existing groundfish abundance of over 3 million metric tons—the annual harvest limits are capped at this lower level to account for species interactions within the ecosystem and to provide a buffer for scientific uncertainty in setting catch quota levels.

Fishery management decisions originate with recommendations provided by the North Pacific Fishery Management Council. The Council's 11 voting members represent state and federal fisheries agencies, industry, fishing communities, and four nonvoting members represent the U.S. Coast Guard, U.S. Fish and Wildlife Service, U.S. Department of State, and the Pacific States Marine Fisheries Commission. The Council receives advice at each meeting from a 20-member Advisory Panel, representing user groups, environmentalists, recreational fishermen, and consumer groups. A 15-member Scientific and Statistical Committee composed of highly respected scientists reviews all information and analyses and provides advice to the Council.

The North Pacific Council conducts a transparent public process by incorporating diverse views into its decision making, and ensuring open public debate regarding the best paths to follow when making difficult decisions. The North Pacific Council accepts public comment at all meetings on all issues addressed, and the Plan Teams, Advisory Panel, and Scientific and Statistical Committee also receive issue-specific public testimony. In addition, the Council appoints working committees with representation from industry sectors, environmental organizations, and other constituents to provide recommendations on specific issues. These committees often rely on management expertise and scientific input from NMFS and other management agency staff and scientists. This committee process is critical to the Council's

development of fishery management measures and provides an additional level of stakeholder input on all decisions.

NMFS maintains effective partnerships with the North Pacific Council, Alaska Department of Fish and Game, International Pacific Halibut Commission, Pacific States Marine Fisheries Commission, U.S. Fish and Wildlife Service, and U.S. Coast Guard. These partnerships help us ensure that management decisions are based on sound science and can be effectively monitored and enforced.

NMFS is considering a wide range of potential amendments to the Magnuson-Stevens Act, and plans to prepare a formal package of Amendments. We have learned many things from our experiences here in Alaska that can help us achieve similar management successes in other areas of the country as we move forward with reauthorizing the Magnuson-Stevens Act. I would like to focus on a few key areas today—ecosystem approaches to fisheries management; market-based management systems (specifically, dedicated access privilege (DAP) programs); and use of the best available scientific information.

### **Ecosystem Approaches to Fisheries Management**

The U.S. Ocean Action Plan endorses an ecosystem approach to management. The plan states that “the Administration will continue to work toward an ecosystem-based approach in making decisions relating to water, land, and resource management in ways that do not erode local and State authorities and are flexible to address local conditions.” The 1996 amendments to the Magnuson-Stevens Act—particularly the provisions relating to bycatch and essential fish habitat—laid the groundwork for Ecosystem Approaches to Fisheries (EAF). NOAA has identified three large marine ecosystems off Alaska: the Arctic, the Bering Sea and Aleutian Islands, and the Gulf of Alaska. The North Pacific Fishery Management Council is advancing fishery management to address principles of EAF, which focus on ecosystem considerations in fishery management decisions as well as in the broad context of entire ecosystems and the relative role of all activities occurring within them.

Because not all necessary scientific information is ever available, an ecosystem approach must be implemented incrementally. Our approach in the North Pacific includes single species management and exploitation models used to establish target and nontarget species harvest quotas that conserve the stocks. For example, quotas currently are managed through an extensive in-season catch monitoring program that documents total catch relative to established quotas; when quotas are reached, fisheries are closed. But scientists have developed and currently are testing whole ecosystem models to assess fishing impacts on patterns of energy flow in large marine ecosystems. These models provide descriptions of the food web and may be useful in evaluating ecosystem-level harvest limits.

The North Pacific management program includes gear and season-specific closures totaling approximately 150,000 nm<sup>2</sup> to protect habitat and protected species stocks. These areas have been closed to fishing to minimize fishery interactions with Steller sea lions, reduce impacts on sensitive habitat important to crab, or to eliminate fishing gear impacts in areas with deep-water coral concentrations. The North Pacific Council, in consultation with NMFS scientists and managers, closed certain areas to the pollock, Pacific cod, and Atka mackerel fisheries to minimize impacts on Steller sea lions; refinements to Steller sea lion protection measures are

ongoing. A comprehensive seabird bycatch reduction program has been implemented that includes education, outreach, and mandatory seabird avoidance measures.

Bycatch controls always have been a facet of the fishery management plans for the Alaska fisheries. They originally focused on fully utilized species taken incidentally in the groundfish fisheries, such as halibut, salmon, crab, and herring. However, the Council is now expanding its focus to address management of non-target species taken incidentally in the groundfish fisheries (e.g., sculpins and other species taken in fisheries but not retained for sale). Since the mid-1990s, measures to address overall discard amounts and increase utilization of catch in the groundfish fisheries resulted in a dramatic reduction in discard rates, from 17 percent in 1993 to less than 7 percent by 2002.

Habitat protection will be expanded significantly when NMFS completes the rulemaking process within the next year to implement extensive new closed areas in the Aleutian Islands and Gulf of Alaska recently endorsed by the Council to protect Essential Fish Habitat (EFH). The Council's EFH action is noteworthy for several reasons.

- The scale is unprecedented. The new EFH measures include nearly 300,000 square nautical miles of areas closed to bottom trawling, some of which will be closed to other bottom-tending mobile gear and fixed gear.
- The Council adopted these new closures as a precaution. The best available information indicates that fishing in Alaska has no more than minimal adverse effects on EFH, but NMFS' analysis noted considerable scientific uncertainty. The Council chose to protect relatively undisturbed habitats to guard against potential problems for sustainable fisheries in the future.
- These closures have broad support from both the fishing industry and environmental groups, demonstrating again that compromise and consensus can be achieved through the Council process.
- The Council adopted a site-specific approach for identifying Habitat Areas of Particular Concern (HAPCs) within EFH. Our experience in Alaska suggests that HAPCs are a useful tool for prioritizing especially valuable and/or vulnerable portions of EFH for conservation and management.

Although progress has been made toward an integrated ecosystem approach to management in the North Pacific, much work remains to fully understand biological, climate, and habitat interactions. New studies are required to move forward with ecosystem approaches. NMFS scientists are poised to pursue research that would provide new information to better enable managers to integrate ecosystem approaches to fishery management. This work will focus on developing spatially explicit resource assessment models for predicting recruitment, abundance, and species interactions by region and by season. These expanded programs will help us evaluate resource responses to harvest at local scales, assess the impact of fishing on the foraging success of seabirds and marine mammals, and improve the information upon which management decisions are based. Efforts to identify the scientific, social, economic, and policy issues associated with an adaptive, incremental approach to ecosystem management will also greatly enhance our ability to manage fisheries.

Pilot programs may help assess information needs for EAF and the associated costs. The North Pacific Fishery Management Council is considering a pilot program in the Aleutian Islands area that would test the use of a Fishery Ecosystem Plan to inform Council decision making under the

existing fishery management plans. NMFS, the Council, and the State of Alaska are also discussing the possibility of an ecosystem council or other form of regional collaboration to integrate considerations from various ocean uses (e.g., fisheries, marine transportation, and oil and gas development).

### **Market-Based Management Systems**

The U.S. Ocean Action Plan also promotes a partnership under which we will “work with regional fishery management councils to promote greater use of market-based systems for fisheries management.” The DAP programs can mitigate overfishing and overcapacity, as well as contribute to the economic well-being of the marine fishery sector. The Alaska programs—specifically those developed for Alaskan groundfish, Pacific halibut, sablefish, and crab fisheries—are examples of DAP programs that can be used to develop these approaches nationwide.

NOAA has committed to develop, in consultation with the regional fishery management councils and interested parties, national standards and guidelines for the implementation of individual fishing quota (IFQ) programs. These guidelines will draw on the 1999 congressionally mandated report by the National Research Council, *Sharing the Fish: Toward a National Policy on Individual Fishing Quotas*, as well as the ongoing discussions on standards and requirements for DAPs.

In partnership with the North Pacific Council, we implemented the IFQ program for Pacific halibut and sablefish in 1995. Recently, we provided coastal communities the opportunity to purchase quota share or IFQ to enhance fishery-based revenues generated by local residents. Fishing cooperatives have successfully rationalized the Bering Sea pollock fishery under the American Fisheries Act. We are in the midst of implementing a sophisticated Alaska crab rationalization program that includes harvester and processor quota shares, community quotas, and fishing cooperatives. The North Pacific Council is considering a Gulf of Alaska groundfish rationalization plan that would also include a number of distinct DAP programs. The direct allocations of groundfish and crab to the Western Alaska Community Development Program has proven very successful in generating revenue for western Alaska coastal communities and providing for a sustainable fishery-based economy.

During the past several years, we have worked closely with the U.S. General Accountability Office in its studies of various IFQ-related issues. This collaboration, as well as experience here in Alaska and elsewhere, has helped us refine our views on how to develop and administer these programs. Any national guidelines promoting DAP programs should provide flexibility to regional fishery management councils and to NMFS to tailor these programs to the specific needs of the regional fisheries. While the Alaskan programs have been successful, and provide important lessons for the rest of the nation, they may not be applicable to specific regional, social, economic, and fishery conditions in other parts of the country. These programs must balance the program’s complexity and cost with its overall objectives. Existing Magnuson-Stevens Act authority for cost-recovery programs can result in insufficient revenue for sustained management and enforcement of complex DAP programs. We are considering ways to ensure that sufficient revenue is available to manage the DAP programs appropriately.

### **Best Available Scientific Information and Other Data**

The U.S. Ocean Action Plan also commits NOAA to “establish guidelines and procedures for the development and application of scientific advice for fisheries management decisions.” The Administration supports the use of independent peer-reviewed science in resource management decisions. We are considering several Magnuson-Stevens Act amendment proposals relating to the collection and use of best available scientific information. Scientific information and advice is integral to the resource management decisions undertaken by NMFS in partnership with the regional fishery management councils.

Ongoing success of the North Pacific management programs will continue to rely on the science-based and precautionary policy directions historically embraced by the North Pacific Fishery Management Council. This responsiveness is reflected in four fundamental components of our decision making process:

1. Promotion of a strong research program;
2. Acceptance of the best available science as a foundation for establishing conservative fishery harvest quotas and for conservation measures necessary to protect listed species or their critical habitat under the Endangered Species Act;
3. An extensive in-season catch monitoring program that relies on timely observer data, accurate catch weight measurements for at-sea and shoreside processors, and an electronic catch reporting system that ensures we will not exceed established quotas; and
4. A transparent public process.

NMFS also is working to improve our marine resource survey capability and our capacity to develop stock assessments. In 2001, the National Task Force for Improving Fish Stock Assessments, composed of senior stock assessment scientists from each NMFS science center, issued the Marine Fisheries Stock Assessment Improvement Plan. This report continues to serve as NMFS’ principal roadmap for enhancing and modernizing programs for data collection, data management, stock assessments, and supporting scientific research. The stock assessments on which annual quotas for North Pacific groundfish, crab, and halibut are based rely on extensive stock assessment surveys and sophisticated stock assessment models used by NMFS, the State of Alaska, academia, and International Halibut Commission scientists.

Observers deployed on-board fishing or processing vessels and at shoreside processing facilities are an additional source of important information. For NMFS and the public to have confidence in this information, it must be of high quality and free from bias. The North Pacific groundfish observer program is the largest in the nation with over 36,000 observer days per year. Costs of observer deployment for the North Pacific fisheries are borne by the industry and currently total about \$13 million annually; an additional \$3 million in federal funding is required each year to support the costs of administering the observer program and the data collected by observers. Although coverage is extensive, we are studying ways to improve the coverage and effectiveness of our on-board and shoreside fisheries observers in this and other observer programs.

We are considering proposals that would give the regional management councils and NMFS broader authority to collect social and economic data, including cost and revenue data. Collecting this information from shoreside fish processors, under appropriate confidentiality standards, would allow us to conduct more meaningful social and economic analyses of the potential impacts of fishery regulations. This information will enable NMFS and the regional fishery management councils to conduct better regulatory assessments, in particular those

concerning the impacts of proposed measures on fishing communities, small business enterprises, and processors. This information also will allow NMFS and the councils to assess the effects of programs that have been implemented and determine whether refinements or adjustments should be made to address unintended impacts on various sectors or constituencies. The North Pacific Fishery Management Council used this approach to develop an economic data collection program for Bering Sea/Aleutian Island crab harvesters and processors as part of its comprehensive rationalization program for this fishery. Implementation of this program required special legislation.

To properly incorporate the best available science into our management process, the Councils need to rely on our Scientific and Statistical Committees (SSC) to review all biological and socioeconomic information used in decision making. We believe the structure and breadth of expertise on the North Pacific Fishery Management Council's SSC allows science-based decision making to govern the management of our nation's natural resources. NMFS will continue to play a key role in providing the best possible scientific information, and supports the use of peer-reviewed science in resource management decisions.

### **Enforcement Issues**

At-sea and shoreside catch monitoring programs are in place to ensure that fishery restrictions are honored. These programs include timely reporting of total catch by species, and vessel monitoring system (VMS) requirements in some fisheries to monitor closed or restricted areas. VMS is an excellent enforcement tool because it provides remote monitoring of vessel positions in relation to regulatory areas and maritime boundary lines. We rely on the complementary enforcement efforts of NOAA, state enforcement agencies, and the U.S. Coast Guard, both in the fishing grounds and dockside.

We are considering a number of amendments to the Magnuson-Stevens Act to enhance the effectiveness of fisheries law enforcement. In Alaska, tools such as broader application of VMS and cooperative state-federal enforcement programs are used to achieve enforcement, management, and safety objectives. Incorporating existing technology and leveraging strong enforcement partnerships are becoming more and more important to mitigate the greater number of resources needed to enforce new fisheries regulations.

### **Conclusion**

Mr. Chairman, thank you for the opportunity to discuss the North Pacific fishery management programs as we undertake reauthorization of the Magnuson-Stevens Act. Alaska is fortunate to have large areas of relatively pristine habitat that support bountiful and sustainable fish harvests. That said, management of the North Pacific has benefited from adherence to the best available science in developing prudent and precautionary approaches to the management of marine resources. Our emerging focus on ecosystem approaches to fisheries management and dedicated access privilege programs will rely on research and sound science to support increasingly complex conservation and management programs. In addition, we want to continue our work with all stakeholder groups to achieve a collaborative consensus-building forum. Such partnerships will become increasingly important as new interests, perspectives, and knowledge are incorporated into an ecosystem approach to management.