

Testimony of Mr. David Bedford, Deputy Commissioner,  
Alaska Department of Fish and Game  
to the  
House Subcommittee on Fisheries and Oceans  
July 6, 2005

Introduction

Good morning Mr. Chairman. For the record, my name is David Bedford. I serve as Deputy Commissioner of the Alaska Department of Fish and Game focusing on fishery issues. I also serve as the Commissioner for the State of Alaska on the Pacific Salmon Commission, the body responsible for developing conservation and harvest sharing agreements for Pacific Salmon under a treaty between the United States and Canada. I am appearing on behalf of Governor Murkowski. He appreciates your invitation but was called away on other pressing business and asked that I appear on his behalf.

I want to welcome you and the members of the Committee to Alaska and thank you for the opportunity to offer comments to the Committee on Alaska's stewardship of its bountiful fishery resources. Alaska's people depend on our fisheries as a source of livelihood, recreation and nutrition. Alaskans take advantage of our fishery resources in subsistence, commercial, sport and personal use fisheries. Over half of the total harvest of fish in the United States is taken from the waters off Alaska. Our fisheries support half of the jobs in Alaska fully or in part.

I intend to address the questions raised by the committee in its letter inviting Governor Murkowski to testify. Management in Alaska is divided between state and federal waters. It is my understanding that the Committee has invited other witnesses who will speak directly to federal management under Magnuson Stevens so I will focus my comments on management under the state system.

I. Fishery Management in Alaska.

Fishery management in Alaska is divided between federal waters fisheries and state waters fisheries with different bodies of law, management agencies, and regulatory authorities engaged in each.

Alaskan fishery management is grounded on obligations set in the state constitution requiring management of fish and

waters and the state had a fully developed management program for many of the species of concern to the Council and NOAA when the Magnuson-Stevens Act was adopted. The Council and Alaska Board of Fisheries collaborate in development of fishery management plans when the stocks and fisheries overlap their respective jurisdictions.

## II. Major turning points in the development of fisheries management in Alaska

The major turning points in the development of Alaska's fishery management were marked by events that increased local control. Prior to Statehood, in 1959, salmon fisheries were managed by federal agencies in Washington D.C. With statehood, Alaska gained local control of fishery management, replacing federal management with the state agency and Board of Fisheries. In 1976, with the passage of the Magnuson Act, the United States began to take control of fisheries in federal waters from 3 to 200 miles off shore and vested regulatory authority in the North Pacific Fishery Management Council, a body with a majority from Alaska.

Federal management of salmon in Alaska was an unqualified failure. Under federal management, fishery seasons were set prior to the beginning of the fishery with little resource monitoring or in-season control of the fisheries. In 1953, President Dwight Eisenhower declared a disaster in Alaska because salmon runs had declined precipitously and at statehood in 1959 the total harvest had fallen to 25 million fish, the lowest catch since 1900.

The crisis in the salmon fishery was one of the principle driving forces behind Alaska's efforts to secure statehood. Bill Egan, President of the Alaska Constitutional Convention put it succinctly in a message to the Delegates of the Convention, February 5, 1956:

It is my very firm conviction that, in the immediate years following the advent of statehood to Alaska, our fisheries conservation problem will be solved. With local control of our fisheries, the annual pack of salmon taken from territorial waters will quickly take an upturn because conservation policies would then be laid down by Alaskans intimately familiar with the problem. ...the solving of the problem of perpetuation of our great fisheries resource can only be accomplished with the right to fully govern ourselves.

hole was ground up into meal. Being appalled about that I went back and talked to my friend, Warren Magnuson, and that was the beginning of the 200-mile limit legislation.

Testimony of U.S. Senator Ted Stevens, U.S. Commission on Ocean Policy, Alaska Regional Meeting, Anchorage, Alaska, August 21, 2002

With the creation of the North Pacific Fishery Management Council and the consequent local control under MSA, the council instituted a management program similar in many ways to that employed by the State of Alaska with conservation and long-term sustainability at the heart of its management program.

### III. Strengths of Alaskan fisheries management

Alaskan fishery management is successful because it is based on a long-term perspective, seeking to conserve fishery resources for use both today and by succeeding generations. Alaska relies on a number of strategies in its management to achieve these ends:

- *The resource comes first.* To assure long-term use and sustained yield, management must begin by setting conservation objectives and control harvest to ensure that these objectives are met.
- *Management is based on science.* Fishery resources are studied to determine life history, long-term conservation requirements and harvests are set based on the resource that is surplus.
- *Where possible, management is adaptive and uses current information.* Alaskan managers monitor the fishery harvests and respond with fishery openings and closures or other modifications as new information becomes available. If there is no source of current information the harvest is set at conservative levels.
- *Harvest allocation and resource management are distinct.* The managers responsible for monitoring the fishery resource and making decisions on when and where the public can harvest must make objective decisions based on science and dictated by the status of the resource. Decisions on allocating the available harvest users should be and is decided by another body, the Board of Fisheries.

generally manages salmon stocks for a biological escapement goal, that is, the number of salmon returning to a river that is necessary to provide for maximum sustained yield. Biological escapement goals, when calculated, take a holistic view toward identifying the escapement level, on average, that will, in perpetuity, provide these yields, given all other mortality to the stock, the ecological role of the stock and its function within the various ecosystems in which it is involved.

While ecosystem management is a new and developing approach to fishery management, quite frankly the ecosystem factors of greatest impact in Alaska are large-scale environmental changes over which we have little influence and to which we can only react. For example, the cyclical changes in weather and water temperatures of the Pacific Decadal Oscillation have very substantial effects on the abundance and distribution of marine populations with consequent impacts on opportunities for human use.

At the federal level, the North Pacific Fishery Management Council currently includes many ecosystem considerations in the development of fishery management plans. I understand that the Council has constituted a committee that is assessing how ecosystem management might be better incorporated into existing management process and is looking at developing a Fishery Ecosystem Plan for the Aleutians Islands.

V. Lessons from the North Pacific for the reauthorization of the Magnuson-Stevens Act;

The success in maintaining abundant resources and viable fisheries in Alaska leads to the conclusion that Magnuson-Stevens is, in many regards, effective as written. Some provisions of MSA are particularly important if we expect to continue this record of success:

- The Council structure should be kept as is, with the governors making recommendations for council appointments and the seats designated by statute left unchanged. Local knowledge and local control of the fisheries is one of the keys to the success of management at both the federal and state levels.
- Science is the firmament on which management stands. Therefore, the Act should maintain the use of credible science with a clear separation between resource

a NEPA document. To achieve this functional equivalency, Congress may choose to require an FMP include:

- a. a description and assessment of alternatives;
- b. an evaluation of the relationship between local short-term uses of the fishery resources and the maintenance and enhancement of long-term productivity;
- c. an assessment of significant impacts on non-targeted species;
- d. an assessment of significant adverse effects to the marine ecosystem which cannot be avoided should the proposal be implemented;
- e. an assessment of significant social and economic effects, including those to coastal communities; and
- f. a public participation requirement that is fulfilled through oral and written public testimony to the Regional Fishery Management Councils (RFMCs).

- **Assure an appropriate definition for an ecosystem-based approach to fisheries management.**

Ecosystem approaches to management are the new trend in marine management. If ecosystem-based approaches to fisheries management is added to the MSA, it must be appropriate to implement, scientifically defensible, and recognize human uses as essential. Therefore, socio-economic data must be an integral component of an ecosystem-based approach to management. Ecosystem variables must be explicitly defined, new funding made available so that base programs are not sacrificed, and research priorities made clear.

What it means to Alaska: The State of Alaska and the North Pacific FMC already manage resources with the ecosystem in mind, as Alaska's sustainable fisheries demonstrate. Proposed changes to law such as, compelling RFMCs to consider matters that aren't scientifically defensible or fiscally feasible, or that fail to account for human uses, threaten Alaska's current sustainable fisheries management regimes.

Amendment: Provide a definition of an ecosystem-based approach to fishery management that recognizes human uses as a vital ecosystem component, evolves with new science, and expands to sufficiently support the approach. Since

What it means to Alaska: In Alaska, while there is little habitat degradation or pollution, there is widespread evidence of climatic changes that have affected the distribution and abundance of marine resources. In order to avoid unnecessary and undesirable economic and regulatory consequences, it is important that when stocks of groundfish and shellfish are at lower levels of abundance, as a result of changes in the natural environment, they are not mislabeled as "overfished".

Amendment: The terms "overfishing" and "overfished" should refer only to the effects of fishing harvests and pressure, not to the effects of habitat degradation, pollution, or natural environmental of climatic changes.

- **Support federal funding of VMS deployment requirements, as necessary.**

Vessel Monitoring Systems (VMS) can monitor, among other things, vessel location, when a boat is fishing, and surface water temperature. Tracking vessels by satellite can facilitate search, rescue and enforcement efforts. However, VMS should not be required, but used as necessary, practicable, and feasible. When VMS is used, state and federal agencies should jointly determine the appropriateness of its use and share VMS data, something not currently occurring. VMS data is not protected from the Freedom of Information Act and therefore, confidentiality is of concern. When VMS is required, capital costs should be borne by the federal government.

What it means to Alaska: Alaska's fisheries are prosecuted by a very diverse fleet, ranging in size from under 30' to the largest factory trawler. A one-size fits all approach to VMS requirements is inappropriate given this diversity.

Amendment: Congress should require a cost/benefit analysis to determine the feasibility of VMS use for its potential conservation, enforcement, and safety benefits, as well as a cumulative impacts examination as to existing, overlapping, and redundant requirements for commercial fishing vessels. Data-sharing agreements between state and federal agencies should be developed, while considering individual confidentiality.

populations, and as a consequence, are likely to impact human use opportunities.

But perhaps the greatest challenge that the State of Alaska will face, is preserving the active role that our state plays in fisheries management. As Congress considers MSA reauthorization, the establishment of a national oceans policy, and other relevant fisheries-related legislation, the State of Alaska's greatest challenge and highest priority will be to ensure that Congress (1) acknowledges our state's jurisdiction, (2) considers our state's unique characteristics, (3) recognizes our management successes; (4) incorporates local knowledge in the management process; and (5) fosters strong federal-state partnerships.

The driving force behind Alaska's statehood was the opportunity to gain sovereignty over the management of our fisheries resources. The exercise of this sovereignty is responsible for the sustainability and success of our fisheries. As we discuss fisheries policy at a national level, it is this sovereignty and local control of the fisheries and fishery resources that the state will seek to maintain.

We also face the challenges created by ever-increasing globalization of the economy. In the past, markets were regional. Now, they are global. Improvements in technology, communication, and transportation have changed the socio-economic landscape of our world. While these changes present new opportunities, they also present new challenges.

Take, for example, the proliferation of finfish farming around the world. Today, farmed salmon raised in Chile compete directly in market places around the world with wild Alaska salmon. Farmed salmon has provided a cheaper alternative to wild Alaska salmon, and as a result, has depressed salmon prices around the globe. In recent years, Alaskan fishermen and the State of Alaska have been working diligently to promote the benefits of eating wild Alaskan salmon. And, our promotion efforts are yielding impressive results. Still, the realities of this global marketplace are presenting some unprecedented challenges.

Finally, we face the difficult challenge of balancing economic and social interests associated with fisheries. One need only look to the debate over crab fishery