

**Testimony of
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Association of Village Council Presidents**

**Before the
U.S. Senate Committee on Commerce, Science, and Transportation
Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard**

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Good morning Chairman Begich, Ranking Member Rubio and Members of the Subcommittee. My name is Tim Andrew. I serve as Director of Natural Resources for the Association of Village Council Presidents, a regional tribal non-profit which provides critical services to the 56 federally recognized tribes of the Yukon-Kuskokwim Delta.

Marine fishery resources and habitat represent an essential part of the culture, diet and economy for Alaska's Tribes. Marine fish, shellfish and plants are a critical resource for subsistence harvests and marine habitats support a broad variety of species which are essential to subsistence. In our region, salmon in particular are a central component of the subsistence way of life and Alaska Native culture, and these fish spend a majority of their lifecycle in the marine environment. In recent years Chinook salmon have declined dramatically on both the Yukon and Kuskokwim Rivers, with year after year of federal disaster declarations and dramatic impacts to our food supply, our economies and our culture.

While in Alaska salmon fisheries are not managed directly by the North Pacific Fishery Management Council, there are many impacts from the fisheries managed by the Council on salmon as they're caught as bycatch by the groundfish trawl fisheries, and via overall impacts to the ecosystem. The same is true for halibut and marine mammals on which our people depend for subsistence – while not managed directly by the Council there are numerous impacts from Council-managed fisheries.

Sound, science-based management of our nation's fisheries is critical. We believe the current model under Magnuson sets a minimum for sustainable management. By no means should the current science-based approach for setting catch limits and rebuilding plans be weakened. While we do not support rollbacks to the Act, we do see changes which can be made to move forward and improve our management system. Specifically, this reauthorization should build a fisheries management structure that increases participation

and recognition of tribes and subsistence fisheries, moves towards management at the ecosystem level and further reduces bycatch.

Participation and Recognition of Tribes in the MSA

Tribes in Alaska have a profound dependence on marine resources. Alaska's Native villages are primarily in rural parts of the state, and many are inaccessible by roads. With access only by plane and boat, food is prohibitively expensive in Alaska Native villages. Subsistence harvests are thus a critical source of food. Subsistence harvest of fish and marine resources is also a central component of Alaska Native culture, with significant cultural and spiritual importance. Small scale commercial fisheries also provide a critical—and sometimes only—source of cash income in many of these isolated villages and income from commercial fishing is often what enables people to purchase gear, gas and necessary supplies to go subsistence fishing. Tribes in the Pacific Northwest have a designated seat on the Pacific Council. Tribes in Alaska do not have a designated seat on the Council and, rather, must rely on the Governor of Alaska to appoint representatives to the NPFMC that will represent tribal and subsistence interests. In addition, while the current law requires that commercial and recreational fishing interests must be represented on the Councils, there is no such requirement for tribal subsistence users. We recommend the MSA be amended to provide an additional seat on the NPFMC to be appointed directly by the tribes, paralleling the language currently included for the Pacific Council.

In addition, we recommend that the MSA be amended to include subsistence throughout. Currently the Act includes the word “subsistence” only once, in reference to the Western Pacific. Everywhere in the Act in which commercial and recreational fishing interests are specifically mentioned, subsistence should be included too.

Subsistence fisheries are also excluded from the disaster declaration language in the current Act which applies specifically to “commercial fishery failures.” We recommend that the Act also be amended to provide specifically for disaster relief for subsistence fishery failures.

Ecosystem-Based Management and Bycatch Reduction

The current fisheries management system is a single-species management system. Looking at our fisheries management in an ecosystem approach is critical, particularly as we face the unknown and impending impacts of climate change. To face the challenges we face today and the upcoming changes we anticipate, we need to adopt an approach that looks at fisheries management in a broader, ecosystem context.

In terms of ecosystem effects, this round of reauthorization should continue to work towards reduction and eventual elimination of bycatch. For AVCP, bycatch of salmon and halibut are of particular concern. Management of this bycatch, designated a prohibited species which cannot be sold, is compounded by the multiple management agencies which govern these species. Directed salmon fisheries in our region are managed by the State of

Alaska and U.S. Fish and Wildlife Service. Halibut fisheries are managed by the International Pacific Halibut Commission. Bycatch of these species in the groundfish fisheries, however, is managed by the NPFMC and NMFS.

Chinook salmon and halibut stocks, and the directed fishery catch limits for these fish, have been declining dramatically in recent years. At this point in time there is no directed commercial fishery for Chinook salmon on the Yukon and Kuskokwim Rivers, and subsistence is severely limited. Halibut catch limits in the Bering Sea have also been reduced drastically in recent years. While stocks and catch limits decline, there is no set link to reduce bycatch in the groundfish fisheries.

To their credit, the NPFMC is beginning the process of looking at bycatch in these fisheries, but this process is lengthy and to date changes in the cap limits are not even under consideration. Under the MSA, bycatch reduction is required only “to the extent practicable” under National Standard 9. In our experience, this serves as a limitation on the amount of bycatch reduction required, and makes this National Standard a second tier consideration to the other standards. We recommend that this reauthorization should strengthen the requirement to reduce bycatch in all fisheries.

In terms of reducing bycatch, we specifically recommend that the provision that limits bycatch fines in the North Pacific to \$25,000/vessel/year be removed (16 USC §1862(g)). Bycatch fines should be a tool in the Council’s toolbox for mandating bycatch reduction. The current maximum of \$25,000 is extremely low in comparison to the average revenue of a vessel in the Bering Sea pollock fishery, and a fine limited to this amount is unlikely to provide a real incentive for bycatch reduction. We therefore urge that this limitation be removed.

Public and Council access to data is also a critical component of bycatch management – and fisheries management in general. Recent proposals in the House MSA discussion draft would effectively gut public access to data. Under the current law, access to data is already limited to protect trade secrets. Additional limitations would further erode the ability of the public and the Councils to monitor bycatch and fisheries performance in a public resource. In the North Pacific the Council is moving increasingly towards industry-driven incentive programs. Access to data both provides an incentive for industry participants to keep their fishing “clean” and allows the public and Council the ability to assess the efficacy of the industry programs. We strongly oppose any proposal that would make it more difficult for the public to access fisheries data. We specifically do not support the removal of section 402(b)(2)(A) that provides for the disclosure of vessel specific bycatch information in the North Pacific. As detailed above availability of this data is a foundational element of our

bycatch management in the North Pacific and access for the Council and public must be maintained.

I am attaching a copy of a briefing paper from the Tanana Chiefs Conference, representing 42 federally recognized tribes, that is joined by AVCP, which provides greater detail about the MSA amendments we believe are necessary.

In closing, we see the basic tenets of the current Magnuson-Stevens Act, including science-based catch limits, eliminating overfishing, and reducing bycatch, as a good start. This reauthorization offers an opportunity to take our fisheries management to the next level. Including tribal and subsistence interests in management and in the act is a critical component to this. Shifting management to an ecosystem approach and focusing on reducing bycatch will support our long-term goal of sustainable fisheries for the benefit of our fisheries and fishing communities.