

United States Senate

January 11, 2015

Dr. Kathryn Sullivan, Administrator
National Oceanic and Atmospheric Administration
1401 Constitution Ave, NW
Washington, DC 20230

Dear Dr. Sullivan,

I am writing regarding the National Oceanic and Atmospheric Administration's (NOAA) interpretation and implementation of the Regional Fishery Management Council conflict-of-interest provisions of the Magnuson Stevens Fishery Conservation and Management Act (MSA). As you may know, the recusal of Councilmembers has plagued the North Pacific Fishery Management Council's (NPFMC) deliberations, restricting its ability to operate with the full participation of its voting members. In addition, recusals of Councilmembers likely impacted the outcome of a high profile issue at a recent Council meeting. I am concerned about future management decisions of significance being decided without full participation of the Councilmembers.

While I appreciate the potential hazards that can stem from conflicts-of-interest between industry participants and those that write the rules, I am also mindful that the Councils were purposefully designed by Congress to be a stakeholder driven decision-making body because those involved in the fisheries are the most qualified and invested in the sustainability and health of the resource. As such, my concern does not lie with the necessity of conflict-of-interest regulations, but rather with their potential extension to Councilmembers to whom they may not necessarily need apply. Alaska's fisheries are highly unique and, as such, localized expertise is an absolute necessity when making fair and accurate determinations about their prosecution. Unnecessarily recusing voting Council members could prove detrimental to the integrity of the Council's votes and violates the spirit of the MSA's stakeholder based model of fishery management.

The issue of NOAA's recusal determinations was a central topic of discussion at the most recent Council Coordination Committee (CCC) meeting. It's my understanding that following this meeting, the National Marine Fisheries Service (NMFS) has begun evaluating whether changes to NOAA's regulations or additional policy guidance is warranted. While I find this effort encouraging, the recusal of NPFMC voting members continues to occur. I request a timeline for the evaluation and recommendations of the NMFS effort. As Congress seeks to reauthorize the MSA, I stand ready to modify the statute should that become necessary.

I appreciate your hard work and willingness to address these serious concerns. I look forward to your response and continuing to work with you in the coming months on this and other important issues for Alaska.

Sincerely,

A handwritten signature in blue ink that reads "Dan Sullivan". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

DAN SULLIVAN
U.S. Senator