

Congress of the United States
Washington, DC 20515

May 13, 2015

Dr. Kathryn Sullivan
Under Secretary of Commerce for Oceans and Atmosphere and Administrator
National Oceanic and Atmospheric Administration
1401 Constitution Avenue, NW
Room 5128
Washington, DC 20230

Dear Dr. Sullivan:

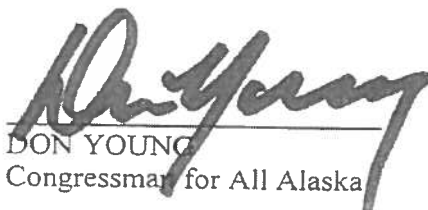
As you are aware, the North Pacific Fishery Management Council (Council) is currently considering the Gulf of Alaska Trawl Bycatch Management Program. One of the options on the table is to allow fishermen and their historic processors to form fisheries cooperatives. This management measure has been used in both the Bering Sea pollock fishery and in the original Gulf of Alaska Rockfish Pilot Program.

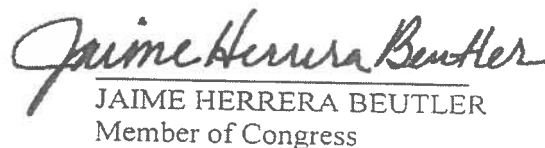
It is my understanding that National Oceanic and Atmospheric Administration (NOAA) General Counsel testified before the Council that the Magnuson-Stevens Fishery Conservation and Management Act (MSA) does not authorize a linkage between harvesters and their historic processors when structuring fishery cooperatives designed to resolve problems with Bycatch compliance. The provisions of the MSA have been viewed as providing broad authority to the Councils to craft solutions unique to their regions. Section 303 of the Act, in fact, provides the Secretary of Commerce with a "basket clause" that strengthens the authority to design creative measures.

The MSA is currently under review and it would be useful to understand the NOAA General Counsel determination that the MSA does not authorize harvester-processor linkages in order to address it in the ongoing reauthorization process. Please provide an explanation on why NOAA General Counsel views this authority as not included in the MSA and any legislative suggestions on how to expand the authority to permit the Council to consider harvester-processor fishery cooperatives based on historic delivery patterns.

I request an immediate response, by May 15, 2015, at the latest, to allow for any language changes to the law to be incorporated into H.R. 1335, the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act. If you have any questions please contact Bonnie Bruce on my staff at (202) 225-5765.

Sincerely,


DON YOUNG
Congressman for All Alaska


JAIME HERRERA BEUTLER
Member of Congress