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The Honorable Penny Pritzker
Secretary of Commerce
United States Department of Commerce
1401 Constitution Ave, Nw
Washington, D.C. 20230-0002

Dear Secretary Pritzker:

I am writing to urge you and your staff within the National Oceanic and Atmospheric Administration (NOAA) and National Marine Fisheries Service (NMFS) to follow the recommendations made by the North Pacific Fishery Management Council regarding the development of the court-ordered Environmental Impact Statement (EIS), and the associated Biological Opinion (BiOp) for Steller sea lions (SSLs) in Alaska. In a motion dated October 3, 2013, the Council recommended a preferred alternative for the EIS that acknowledges the overall population increases in the Western SSL DPS and would allow for increased fishing opportunities in the Aleutian Islands. In the same motion the Council "strongly recommends" that a draft of the BiOp be provided for review and comment by the public, the Council, and the Council's Scientific and Statistical Committee (SSC) in a timely manner.

In considering the Council's recommendations, I want to emphasize the need for the agency to incorporate the results of the independent scientific reviews conducted by the Center for Independent Experts (CIE) and the Independent Scientific Review Panel on NMFS' 2010 final BiOp for SSLs in Alaska. The CIE reviews were commissioned by NMFS and found that the conclusions and jeopardy/adverse modification determination made by NMFS were not supported by the scientific evidence. The findings of the CIE reviewers also are consistent with the report of the Independent Scientific Review Panel convened by the States of Alaska and Washington. These independent scientific reviews not only found that the 2010 BiOp was not based on sound science but that the fundamental hypothesis advanced by NOAA in the BiOp (nutritional stress from indirect effects of fishing) was speculative and not supported by scientific evidence. The CIE found no evidence of the hypothesized negative relationship between Steller sea lions and commercial fishing. Further, the CIE found that the management restrictions on North Pacific fisheries implemented in 2011 were not warranted and provided no positive benefit for Steller sea lions.

As NMFS was preparing the draft 2010 BiOp, I was joined by several of my Senate colleagues in writing to then Secretary of Commerce Locke to request that the agency adhere to established processes for public comment and scientific peer review. Unfortunately, NOAA chose to complete the BiOp and implement management restrictions in 2011 before any outside peer

review or any response to public comment. The result was a flawed scientific process, highly controversial management actions, and unnecessary litigation.

I make reference to these specifics because three years later I find NOAA repeating the same mistakes it made in 2010. The continued refusal to acknowledge the findings of these independent reviews and the lack of agency response to these reviews despite the repeated requests by the Council is doing significant harm to NOAA's reputation as an honest broker of scientific information. NOAA's policy on scientific integrity states "*The intent of the policy is to strengthen widespread confidence - from scientists, to decision-makers, to the general public - in the quality, validity, and reliability of NOAA science.*" In the case of SSLs, the agency has not followed its own policy, and the result has been a widespread loss of confidence in NOAA science within the North Pacific region. Working with the Council to proceed with the approval of the preferred alternative would be an important step toward restoring the agency's credibility.

Finally, I understand that the agency is under a court ordered timeline to complete the EIS by March 2014. I would like to encourage you to exercise your discretion to request additional time to allow the agency to properly consult with the Council and allow for public comment as it develops the draft BiOp, and provide a draft of that BiOp for review and comment by the public, the Council and its SSC.

Thank you for consideration of these requests.

Sincerely,



Lisa Murkowski
United States Senator

cc: Dr. Kathryn Sullivan, Acting Undersecretary of Commerce for Oceans and Atmosphere
Sam Rauch, Acting Assistant Administrator for Fisheries, NOAA