

# United States Senate

WASHINGTON, DC 20510

May 20, 2016

Dr. Kathryn Sullivan  
Administrator  
National Oceanic and Atmospheric Administration  
U.S. Department of Commerce  
1401 Constitution Avenue N.W.  
Washington, D.C. 20230

Dear Administrator Sullivan:

We write to urge the National Oceanic and Atmospheric Administration (NOAA) to take appropriate steps to ensure a transparent and scientifically robust process for reviewing Critical Habitat for the Western Distinct Population Segment (Western stock) of Steller Sea Lions. We urge you to work with the North Pacific Fishery Management Council to accomplish this goal.

NOAA's review of critical habitat has been initiated following the de-listing of the Eastern Distinct Population Segment (Eastern Stock) of Steller sea lions. NOAA must complete regulatory action to remove critical habitat designations in the Eastern stock's range as a result of the de-listing, and has also chosen to review the Western Stock critical habitat. We believe the agency should take every opportunity to involve the affected public and seek the best scientific advice possible.

In a letter dated October 28, 2014 the North Pacific Fishery Management Council made several recommendations to improve the critical habitat review process. We request information detailing the agency's plan to work with the Council on implementing these recommendations. We believe it is important for the biological and economic reports to be released for public comment and review by the Council prior to the development of the proposed rule and request that you do so.

In 2010, NOAA contracted the Center for Independent Experts to review the Steller sea lion Biological Opinion. Does the agency intend to have a similar independent scientific peer review conducted for this review of critical habitat? If so, we ask that you explain the plan for public engagement in peer review process. The last decade of Steller sea lion management has demonstrated the importance of early and robust public engagement throughout review of decisions impacting management of these species.

We are concerned that while NOAA has agreed to a peer review, NOAA does not intend to provide the public or the Council the opportunity to comment on the biological and economic reports prior to publication of the proposed rule. NOAA has determined that the only opportunity for the public and the Council to comment on the reports and review the results of peer review will be in conjunction with the comment period for the proposed rule.

Maintaining the integrity of the peer review is of the greatest importance. We believe that additional input and transparency would serve that goal by providing reviewers with comprehensive information to prepare their necessary reports.

NOAA prides itself on its scientific reputation and the transparency of its decision making procedures. We believe these steps are an important way to ensure a robust and transparent process. We appreciate your consideration and look forward to working with you to ensure robust public engagement as NOAA works to update the critical habitat for the Western stock of Steller sea lions.

Sincerely,



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Patty Murray  
United States Senator



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Lisa Murkowski  
United States Senator



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Dan Sullivan  
United States Senator