

# Congress of the United States

Washington, DC 20510

December 10, 2012

The Honorable Rebecca Blank  
Acting Secretary  
United States Department of Commerce  
1401 Constitution Avenue, NW  
Washington, DC 20230

Dear Dr. Blank:

After hearing the significant and continuing concerns of Alaska small boat fishermen regarding aspects of the restructured observer program for North Pacific fisheries, we request observers not be deployed to the “vessel selected pool” until an option for Electronic Monitoring (EM) is available. The observer restructuring program was recently published as the National Oceanic and Atmospheric Administration (NOAA) Final Rule for Amendment 86 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area and Amendment 76 to the Fishery Management Plan for Groundfish of the Gulf of Alaska.

We understand NOAA Fisheries and the North Pacific Fishery Management Council (Council) have worked hard for several years in developing this plan. We also recognize the importance of observers to acquire scientific data to better manage our fishery resources for long term sustainability. Yet we share the broad-based concerns of fishermen from Ketchikan to Kodiak that the restructured observer program deployment plan could negatively impact the jobs of individual small boat fishermen and crews, and with potentially wider impacts to jobs in small businesses and fishing communities in Alaska.

The lack of progress toward developing an EM alternative that meets NOAA’s scientific objectives at lower cost is the fishermen’s main concern. Fishermen who participated in the rule-making process expected to have the option of a low-cost alternative on their small boats which often lack the bunk space and other facilities to adequately accommodate an additional person onboard. Fishermen worked on their own to test EM options and while a pilot project is planned for 2013, the expectation of a five-year delay in implementing EM as an alternative is unacceptable to the fleet.

Other concerns include costs of up to \$1,000 per observer day and additional expenses such as liability insurance for vessel owners. At a time when halibut harvest quotas are continuing to fall, these costs are an added burden. Fishermen have also voiced a lack of clarity over various program implementation specifics and while we recognize efforts by NOAA Fisheries to improve outreach, questions still remain.

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We urge faster action toward development of an EM alternative. Specifically, we request the NOAA General Counsel reconsider the decision that EM could not be included as a regulatory requirement without complete technical specifications and performance standards. The Council and the fleet preferred an approach where EM could be used instead of human observers even while EM technology and performance standards were being developed. We believe such in-season work with fishermen to assess technology and performance standards can help advance alternative technology that meets each other's needs.

We understand the regulation provides NOAA Fisheries with considerable discretion in the deployment of the observer program and, in response to these concerns, we urge that the agency exercise that flexibility to not deploy observers to the small boat fleet in the vessel selected pool until a viable EM option is available. We do not seek any delay in implementation of other aspects of the restructuring program including the assessment of fees from the vessel selected pool to help fund needed program development.

Thank you for your consideration of this request. Should you have additional questions, please have your staff contact Tara Shaw with Senator Murkowski at 202-224-6665, Bob King with Senator Begich at 202-224-3004 or Erik Elam with Congressman Young at 202-225-5765.

Sincerely,

  
Lisa Murkowski  
United States Senator

  
Mark Begich  
United States Senator

  
Don Young  
Congressman for All Alaska

cc:

Dr. Jane Lubchenco, Under Secretary of Commerce for Oceans and Atmosphere  
Mr. Eric Schwaab, Assistant Administrator, National Marine Fisheries Service  
Dr. Jim Balsiger, Alaska Regional Administrator, National Marine Fisheries Service  
Mr. Eric Olson, Chairman, North Pacific Fishery Management Council