

Congress of the United States
Washington, DC 20515

December 18, 2013

Dr. Kathryn Sullivan
Under Secretary for Oceans and Atmosphere and
Acting Administrator, National Oceanographic and Atmospheric Administration
1401 Constitution Ave, NW
Washington, DC 20230

Mr. Samuel D. Rauch III
Acting Administrator for Fisheries
National Oceanographic and Atmospheric Administration
1401 Constitution Ave, NW
Washington, DC 20230

Dear Acting Administrator Sullivan and Mr. Rauch:

We are writing today to express concern over allegations of misconduct by the Western Pacific Fishery Management Council (Western Pacific Council) and its staff. The collaborative, bottom-up approach of the regional fishery management councils is one of the strengths of the Magnuson-Stevens Act. The Council system is designed to make fisheries management accessible, transparent, and responsive to local concerns. We are troubled, therefore, by reports that the Western Pacific Council is not adequately fulfilling its responsibilities to the people of the territories.

Alleged misconduct by the Western Pacific Council was investigated in a 2009 report by the Government Accountability Office (GAO).¹ The report found that the Western Pacific Council lacked transparency regarding the council's contacts with federal and state legislators and its policies for providing public access to council records. The GAO recommended a variety of actions to improve transparency of the council's operations, such as placing council meeting minutes and briefing book materials on the council website.

We understand that the Council has taken some positive steps, such as clarifying its record access policy in their Statement of Organization and Practices and Procedures

¹ Government Accountability Office. "Alleged Misconduct of Members and Staff of the Western Pacific Fishery Management Council." GAO-09-508R, May 20, 2009. <http://gao.gov/products/GAO-09-508R>

guidelines.² Unfortunately, in the four years since the GAO report, the Western Pacific Council has failed to comply with all of the GAO recommendations. For example, public documents such as briefing materials used by Council members to make decisions are still not available on the Council website. This is a notable deficiency, as all seven of the other Regional Fisheries Management Councils have extensive documentation online. The lack of documentation is of particular concern in the case of the western Pacific, where currently a concerned citizen of the Commonwealth of the Northern Mariana Islands or Guam would have to spend over \$2,000 and travel 4,000 miles to Hawai'i to review the documents in person. The Western Pacific Council could follow the example of every other fishery management council and make its documents accessible on its website.

The Western Pacific Council's lack of transparency has led to continued allegations of financial and ethical misconduct, most notably from the nonprofit group Environment Hawai'i. The 2009 GAO report did not examine Western Pacific Council activities in the Northern Mariana Islands, Guam, or American Samoa. Thus, allegations of misconduct that may have occurred in the Northern Marianas³ have never been investigated. We urge NOAA to conduct a thorough analysis of the Western Pacific Council's conduct and to require that the council immediately comply with the GAO recommendations. In addition, we would ask that you please provide answers to the following questions:

1. Is there an itemized account of how federal funds allocated to the Western Pacific Council are spent? If so, please provide it. If not, please explain.
2. What oversight does NOAA exercise over grants and contracts let by the Western Pacific Council? Are there accountability and performance standards in place?
3. What is the process for determining if a Council member has a conflict of interest? Does NOAA review those decisions?
4. Has NOAA investigated the role that the Western Pacific Council Executive Director and other NOAA employees played in developing and promoting the Association of Hawaiian Civic Clubs' petition to remove the green sea turtle from

² <http://www.wpcouncil.org/about/SOPP.pdf>

³ Pala, Christopher. (November 11, 2009) "Top predator: A tangle of political power and unchecked funding leaves marine life at risk." *Honolulu Weekly*.

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the Endangered Species list? If so, what were the results of the investigation? If not, please explain.

Thank you for your assistance and cooperation in responding to this request. We would appreciate a response by January 7, 2014. Should you have any questions, please have your staff contact Becky Lizama (becky.lizama@mail.house.gov) in Congressman Sablan's office.

Sincerely,



Gregorio Kilili Camacho Sablan
Member of Congress



Henry A. Waxman
Member of Congress