

April XX, 2011

Susan Bunsick  
NOAA Aquaculture Program  
1315 East-West Highway  
SSMC#3-13th Floor Rm. 13152  
Silver Spring, MD 20910

Re: Comments on NOAA and DOC Draft Aquaculture Policies

Dear Ms. Bunsick:

The following comments on the NOAA and Department of Commerce draft aquaculture policies are submitted on behalf of NOAA's Marine Fish Advisory Committee (MAFAC). As you are aware, MAFAC advises the Secretary of Commerce on all living marine resource matters. Specifically, the Committee evaluates and recommends priorities and needed changes in national program direction.

For several years MAFAC has been urging Commerce and NOAA to expand domestic aquaculture production. We have done this both through our Vision 2020: The Future of U.S. Marine Fisheries document and our request that NOAA develop a ten year plan for marine aquaculture. As noted in Vision 2020, "An expanded U.S aquaculture industry can increase the production of fish and shellfish to meet increasing domestic and international demand, assist in fishery stock recovery via enhancement, and decrease the U.S. seafood trade deficit".

**General comments:**

In general MAFAC is pleased with the draft policies. Similar to the agencies existing aquaculture policies, they are supportive of expanding U.S. aquaculture production. The tone of draft Commerce policy is more appealing to MAFAC in that it comes across as encouraging the growth of aquaculture. The tone of draft NOAA policy comes across as enabling the growth of aquaculture as long as it doesn't impact or interfere with anything else. MAFAC fully understands NOAA's multiple stewardship missions and the need to ensure aquaculture fits within them. However, we are very concerned that the tone of the draft NOAA policy, with its heavily qualified support for aquaculture, will discourage rather than encourage aquaculture development in the U.S..

MAFAC is disappointed that nearly two years have been spent focusing on updating these policies rather than implementing the NOAA ten year plan for marine aquaculture. We strongly urge NOAA and Commerce to redouble their efforts to implement these policies and the 10 Year Plan once they are adopted to make up for this lost time.

Internationally, aquaculture is expanding rapidly to meet the growing demand for seafood. It is our belief in recent years that aquaculture production in the U.S. has actually declined. In the absence of a recent USDA census of aquaculture it is not possible to know for sure. It does not

bode well for U.S. food security that only about 5 percent of the seafood consumed in the U.S. comes from domestic aquaculture production while worldwide aquaculture is generating approximately half the seafood consumed. More discouraging are continued reports that U.S. entrepreneurs are investing in other countries that embrace and encourage aquaculture rather than here! This disturbing trend must be reversed.

While the policies note the increasing demand for seafood, they fail to acknowledge the USDA Center for Nutrition Policy and Promotion, Dietary Guidelines for Americans, 2010. Significantly, the Guidelines recommend that to get the full health benefits of eating seafood that the current approximate mean seafood consumption of 3½ ounces per week be increased to 8 ounces per week. They also recommend that women who are pregnant or breast feeding consume 8 to 12 ounces of seafood per week from a variety of seafood types. The U.S. policies for consuming fish and producing fish should be aligned. If we are going to encourage our citizens to more than double their seafood consumption, we should be aggressively encouraging aquaculture development to be able to fill that demand.

The first policy statements in both the draft Commerce and NOAA policies should be amended as follows to reflect this urgent need to grow domestic aquaculture production.

The Commerce policy should read: 1. Create a business climate and technological base ~~for industry to~~ that encourages and fosters the development of sustainable aquaculture in the United States that provides domestic jobs, products, and services while conserving aquatic resources.

The NOAA policy should read: 1. Encourage and foster ~~Enable~~ sustainable aquaculture development that provides domestic jobs, products, and services and ....

### **Implementation:**

The policies lack specific implementation actions or projects. MAFAC urges NOAA and Commerce to work with us to develop specific actions and projects that will implement the policies. MAFAC further recommends updating [NOAA's 10-Year Plan for Marine Aquaculture](#) to reflect the new policies and to include specific actions and projects to implement them. The 10-Year Plan should be the prioritized implementation plan for the policies with short and long term deliverables to achieve the goals and objectives of the policies. Specifically, MAFAC would like to ensure immediate and significant progress in advancing finfish, shellfish, sea vegetable, Integrated Multitrophic Aquaculture and offshore (EEZ) aquaculture. We also request that NOAA and Commerce periodically report back to MAFAC regarding implementation progress and to reevaluate implementation priorities.

It will take a concerted, coordinated effort by multiple federal agencies (Commerce, Interior, ACOE, USDA, EPA) for the U.S. to make significant advancements in domestic aquaculture production. MAFAC urges Commerce and NOAA to work, as stated in both draft policies, through the Joint Subcommittee on Aquaculture (JSA) to accomplish this federal coordination. MAFAC urges NOAA and Commerce request that JSA update their [Aquaculture Research and Development Strategic Plan](#) to reflect the finalized NOAA and Commerce policies and develop

an implementation plan that includes short and long term deliverables to achieve the goals and objectives of JSA's Strategic Plan.

**Immediate actions:**

While we would like NOAA to work with MAFAC to update the 10-Year Plan to be the implementation guide for the policies, we also believe there is merit to having an immediate and significant deliverable to announce with the release of the finalized policies. In that vein, and consistent with the draft policy recommendations, MAFAC encourages NOAA and Commerce to launch a National Shellfish Initiative with the release of the policies. Consistent with the recommendation of shellfish organizations around the country, the goals of such a National Shellfish Initiative would be to:

- 1) Increase shellfish aquaculture and restoration activities to enhance shellfish resources and harvest opportunities;
- 2) Stimulate coastal economies on all three coasts with jobs and investment;
- 3) Improve the health of ailing coastal estuarie;
- 4) Increase domestic seafood supply and food security as well as increasing shellfish exports and;
- 5) Provide oyster resource restoration to help the Gulf of Mexico recover from the Deepwater Horizon Oil Spill.

Launching the National Shellfish Initiative in conjunction with the policy release would be a statement to the American public that aquaculture is critical to increase our nation's seafood supply. It would also be a statement to the aquaculture community that you are serious about implementing the policy.

Specific to shellfish aquaculture, there is also an immediate and narrow opportunity to implement your policies with the renewal of the Army Corps of Engineers (ACOE) Nationwide Permit 48 (NWP48). This opportunity must be acted on promptly or it will be lost. The opportunity for public comment closes on April 18, 2011. One of the critical priorities identified under the "Regulation" section of the draft NOAA policy is to "establish coordinated, comprehensive, science-based, transparent, and efficient processes for permit reviews, permit consultations, and other regulatory and management actions for marine aquaculture in state waters". MAFAC sees the NWP48 renewal as an excellent opportunity to achieve permitting efficiency as prescribed by the draft policy. The NWP48 permit was established to cover all shellfish farms in the country existing prior to March 12, 2007. While some regions have programmatic permits covering new farms, many areas require ACOE Individual Permits (IPs) for new farms. This IP requirement is precluding new entrants to shellfish aquaculture who are intimidated by ACOE permitting and consultation processes, the lengthy delays and associated costs. A biological assessment is required for an IP and on small farms it is often cost prohibitive. The Corps is seeking input on whether to authorize new shellfish farms under the NWP48 or a new NWP. We urge NOAA and Commerce to encourage the Corp to authorize new shellfish farms up to a certain scale, using established practices, where the science and effects are well understood and for which consultation has already occurred under the NWP48. The paper work burden for growers to get coverage under the NWP48 has been substantial. These permits

expire every five years. NOAA and Commerce should encourage the Corps to allow a simplified renewal process for coverage under the NWP48 as long the farm has not significantly altered practices. This might be as simple as a one page form stating no significant change in operations that is signed by the grower.

**Specific policy amendments and comments for the draft NOAA policy:**

Page 5, 2<sup>nd</sup> paragraph, 2<sup>nd</sup> sentence, amend to read: Most U.S. aquaculture production – both small-scale and large-scale – is evolving toward utilizing sustainable practices. These practices are being refined and further implemented through regulations at the federal and state levels, scientific advancements, consumer demand, technological innovation, industry best management practices, and protocols for responsible stock replenishment and hatchery practices.

Page 6, Innovation, Partnerships and Outreach. The EEZ represents a major opportunity for expansion of domestic aquaculture product. The “Regulation” section and Appendix 1 in the draft policy speak to making it possible to locate a farm in the EEZ. A separate bullet under Innovation, Partnerships and Outreach should be added as well to encourage the development of the technology necessary to farm in open ocean conditions.

Page 10, #5. Goals for Industry Collaboration. As worded “...operators should be held accountable for protecting the environment, wild species, ...” may be interpreted by some to mean an unlimited liability. Such an interpretation would discourage investment in U.S. aquaculture. This goal should be amended to read as follows: “To secure long-term access to operate aquaculture facilities in federal waters, operators should be held accountable for adhering to all appropriate laws, regulations and permit conditions ~~for~~ to protecting the environment, wild species, and human safety and for conducting and reporting ongoing monitoring.

MAFAC appreciates NOAA and DOC’s efforts to update their aquaculture policies and the opportunity to comment on the drafts. We look forward to them being finalized and continuing to work with you to implement them.

Sincerely,

Heather McCarty  
Chair

Cc: Dr. Jane Lubchenco, NOAA Administrator  
Gary Locke, Commerce Secretary