



**Alaska Trollers
Association**

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NOAA Aquaculture Program
Attn: Public Comment
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To Whom It May Concern:

On behalf of the Alaska Trollers Association (ATA) I offer the following in response to NOAA's request for comments on development of a new national aquaculture policy.

Alaska Trollers Association represents hook and line salmon fishermen who operate in state and federal waters off Alaska. Many of our fishermen are diversified into other fisheries, such as halibut, cod, shrimp, and crab – all of which have been, or could be, dramatically affected by aquaculture. The seafood industry is Alaska's largest employer and the second largest revenue generator for the state – only oil provides more income to the state and its people. The Southeast troll fleet is one of the largest salmon fleets in the state and is 86% resident, with over 40% of the permit holders living in rural fishing communities. About one of every 35 people living in our region works on a troll boat - and this figure does not account for the processing and support sectors that rely on our fleet and the rest of the commercial fishing fleets; or the guided sportfishing industry; resident anglers; and subsistence users.

ATA has long opposed net pen farming of finfish in both nearshore and offshore areas. We are concerned about the health of wild fish, fisheries habitat, and the potential for negative impacts on coastal communities and citizens who rely on the ocean for their food, livelihood, transportation and recreation. Additionally, ATA strongly advocates preservation of states' rights and firmly believes that coastal states should have an integral role in all decisions affecting the waters adjacent to their own.

That said, we recognize that some US citizens have an interest in developing aquaculture programs. Therefore, ATA has and will continue to engage in discussions amongst the parties to further define the types of activities envisioned, and determine if some forms of aquaculture can be conducted in federal waters, while also preserving those values most important to our members, state, and nation. We believe congress is the best body to determine if the nation is ready for fish farming and if so, to establish national standards and a template to guide NOAA policy, rulemaking, and programmatic implementation, monitoring, and enforcement.

Of course, any legislation and subsequent regulatory package that doesn't establish a priority for the protection of our nation's fisheries resources and fishing dependent communities, involve the fishery management councils and stakeholders, secure existing public uses of our oceans, and honor states' rights will fail to garner ATA's support.

NOAA posed a series of specific questions that are addressed below. ATA will be providing additional comments on this matter as it progresses at both the congressional and administrative levels.

1. What opportunities exist for developing sustainable marine aquaculture nationwide? What are the major impediments?

- Opportunities appear to exist for some species of shellfish, but which species and appropriate siting of farms are significant issues that would need to first be resolved.
- There is no clear congressional mandate that provides over-arching standards to guide conservation and economic policies specific to aquaculture development in the US Exclusive Economic Zone (EEZ). Without such touchstones to provide for conservation and economic stability, broad public support in coastal areas could be difficult to attain.
- Jurisdiction questions exist, which the Administration, Congress, NOAA, and the states must clarify before moving ahead with any new policy or aquaculture development. At minimum, this will save confusion in the long run for both the public and affected industry.
- Councils are the best long-term point of contact for NOAA to work with the public to define a program and resolve issues. The Councils must have a meaningful role and adequate resources to help them with new burdens. A process should be put in place to help resolve issues between Councils who regulate regions in close proximity, but may disagree on aquaculture development. Where will the funding come from for this purpose?
- Developing a ‘sustainable’ aquaculture industry should not supplant sustainable fisheries management. It is important that a new aquaculture program not compromise existing fisheries research, management, and enforcement programs, which in some cases are already sorely lacking due to budgetary constraints. Expanding the NOAA aquaculture program beyond its current state will mean NOAA must seek new and separate appropriations for this purpose, which could be problematic given the current state of the federal budget.
- NOAA’s policies and activities over the years have been confusing and run the gamut, from support for a voluntary ‘Code of Conduct’ for the aquaculture industry, to what has appeared to be intent to set national aquaculture policy through rulemaking in the Gulf of Mexico. NOAA has often dismissed aquaculture initiatives that many citizens believe are important to secure the health of our natural resources and local economies. Too often this resistance was explained away as the suggestions being overly restrictive or expensive for the aquaculture industry. This, coupled with the known environmental problems associated with fish farming, shakes public confidence. While we appreciate an agency being sensitive to the practical needs and costs of the industry it regulates, we firmly believe the first order of business - particularly when establishing new programs - should be ‘first do no harm’ to our nation’s fisheries resources. Hopefully this Administration will take a different approach than those previous, and put our natural

resources first, while also avoiding any real or perceived advocacy for the aquaculture industry.

- What are the most important environmental considerations, and how can these be addressed?
- Environmental issues related to aquaculture have been well documented, from the media to scientific journals, to public testimony on various policy initiatives by NOAA and state and congressional legislation. Environmental problems and/or issues include, but are not limited to: disease, parasites, escapes and potential interaction with wild stocks, development and potential use of genetically altered stocks, pollution, feeds, lethal marine mammal interactions, and the lack of baseline data in areas that may be used for aquaculture.
- Potential problems need to be anticipated and addressed with well thought-out statutes, regulations and permit processes, supported by meaningful monitoring and enforcement programs. Establishment of best practices coupled with continued exploration into, and use of, improved technology and husbandry methods is essential.

2. Which social and economic consequences or outcomes will be the most important in the next 5 years or in the next 20 years?

- Fish play such an important social and economic role in the US. Fisheries resources and habitats must be given top priority.
- Existing uses of the ocean must be protected. Aquaculture must not displace commercial fisheries and its related jobs base, or interfere with shipping and other important uses.
- Existing state law and coastal economies should be considered in all actions.
- No private property rights should be granted in ocean areas.
- Lease terms for aquaculture should be specific and limited only to those activities related to the aquaculture project being permitted.
- Substantial bonding with clear liabilities and significant penalties must be defined in statute and/or regulation and then strictly enforced, to ensure remediation, mitigation, and adequate payment for any damages.

3. How can NOAA best support essential research and innovation? What should be the goals of NOAA-funded research related to aquaculture?

- Use of public funds for research and development that will financially benefit the aquaculture industry should be avoided by NOAA, except for those things that are specifically intended to study and/or protect fish, wildlife, and human health.
- NOAA should focus its research efforts on documenting baseline data, studying aquaculture sites, and conducting studies dealing with potential issues and impacts of various aquaculture culture practices and activities. For instance, if soy and other land-based feeds are to be permitted as a replacement for fish meal, then the impact of those substances should be studied well in advance of their use, to ensure there will be no unintended consequences to marine life and the ocean environment. Same with any chemicals used for veterinary or husbandry purposes.

- Should congress decide to move ahead with aquaculture, we suggest congress and NOAA consider first allowing a very limited number of full-scale **pilot projects**, in areas determined appropriate by the Councils, affected public, and states. Vigorous, agency run, research programs should be conducted for a substantial number of years. This research and analysis should occur before throwing open the ocean to aquaculture permitting. Working with Congress and the Councils, creative terms could be established for pilot programs to provide incentives for willing companies to participate.

4. How can NOAA best communicate with the industry and public on aquaculture issues? What are the opportunities for partnerships?

- NOAA must not be tasked as the promotional agency for aquaculture. The agency should focus first on the resource, then on the existing industry, and then on any developing industry. We question how NOAA will be able to enforce regulations in a neutral manner on the industry that they are also charged with promoting.
- While efforts have been made, NOAA could improve its outreach and receptiveness to those with concerns about aquaculture. Case in point is this hearing. Fishermen are among the most concerned Alaskan's, but few are not here today, in part due to the single location in our huge state, and also because this time of year they are doing boat work or fishing. Our nation's fisheries agency should have been more aware of the timing and worked in each state to find better hearing dates for the range of stakeholders.
- If NOAA wanted meaningful comments on aquaculture policy, a discussion draft could have been published and focus groups convened. Such formats are more conducive to give and take, and in addition to well-timed and located formal hearings, might have elicited more constructive suggestions based on the sharing of information and perspectives.

5. What role should NOAA play with respect to aquaculture issues and initiatives at the international level?

- NOAA should stay abreast of international issues and initiatives and encourage strong statutory, policy and regulatory frameworks, along with advocating a precautionary approach to aquaculture in all its forms.

6. What other considerations need to be addressed in NOAA's aquaculture policy?

- NOAA should not force aquaculture on the states. Should this be of interest to local citizens, the states should be allowed to 'opt-in' prior to aquaculture be allowed in adjacent federal waters. States should not have to go through a cumbersome process to 'opt out'. Additionally, NOAA should provide a process and structure for neighboring states to work through issues if one state 'opts in' and another chooses not to do so.
- NOAA should concentrate any policy and regulatory efforts on issues within its purview and not intrude in state aquaculture programs, particularly where there is a public process for the federal government to voice any concerns and work cooperatively with state management and regulatory bodies.

- NOAA and congress must find new money to ensure that research, management, enforcement of commercial, sport fisheries, and continuation of other NOAA programs is not negatively impacted by an expanded aquaculture division. Any industry assessments to administer this new activity should focus on those who are involved in marine aquaculture, not fishermen, directly – or indirectly.
- While there are many considerations that should be addressed in any NOAA aquaculture policy, we firmly believe congress should first decide whether or not to provide for aquaculture in the EEZ. A set of statutes that define national standards and other key mandates should guide any subsequent NOAA's policy and regulatory development.

Thank you for the opportunity to comment on this important topic.

Best regards,

A handwritten signature in black ink that reads "Dale Kelley". The signature is written in a cursive, flowing style.

Dale Kelley
Executive Director