



New England
Fishery Management
Council



MID-ATLANTIC
FISHERY MANAGEMENT COUNCIL

September 7, 2021

Dr. Caird Rexroad
National Program Leader for Aquaculture
Agricultural Research Service, Office of National Programs
5601 Sunnyside Avenue, Room 4-2106
Beltsville, MD 20705

Ms. Kristine Cherry
Chief, Regulatory and Policy Branch
NOAA Fisheries Office of Aquaculture
1315 East-West Highway, Room 14461
Silver Spring, MD 20910-3282

Dear Dr. Rexroad and Ms. Cherry,

Please accept these comments from the New England Fishery Management Council (New England Council) and Mid-Atlantic Fishery Management Council (Mid-Atlantic Council) on the draft strategic plans to enhance regulatory efficiency in aquaculture and promote coordinated aquaculture research during the 2021-2025 period.

The New England Council has primary management jurisdiction over 28 marine fishery species in federal waters and is composed of members from Connecticut to Maine. The Mid-Atlantic Council manages more than 65 marine species¹ in federal waters and is composed of members from the coastal states of New York to North Carolina (including Pennsylvania). In addition to managing these fisheries, both Councils have enacted measures to identify and conserve essential fish habitats (EFH), protect deep sea corals, and sustainably manage forage fisheries.

Regulatory Efficiency Plan

The Councils aim to participate constructively in discussions on offshore aquaculture project siting and design in the northeast U.S. We recognize that there is a many-layered, multi-agency environmental review process designed to understand the effects of aquaculture projects on the environment, but remain concerned that fishery resources, fish habitats, and fishermen could be adversely affected by aquaculture development. The New England Council approved an [aquaculture policy](#) in December 2020, which articulates our concerns and recommendations related to aquaculture development. The Mid-Atlantic Council is considering development of a similar policy.

¹ Fifteen species are managed with specific Fishery Management Plans, and over 50 forage species are managed as “ecosystem components” within the Mid-Atlantic Council’s FMPs.

We recognize the current uncertainty around aquaculture regulatory authorities relative to the Magnuson Stevens Fishery Conservation and Management Act (MSA), which is acknowledged in the regulatory efficiency plan:

“NOAA considers offshore aquaculture to be a form of fishing that is subject to the MSA because it ultimately involves the harvest of fish from the sea. This determination means that NOAA has the potential to regulate certain types of activities in offshore aquaculture operations. However, litigation has led to uncertainty that presents challenges for individuals considering development of aquaculture operation in the U.S. Exclusive Economic Zone (EEZ).” (p. 14)

If and when the relationship between aquaculture and the MSA is clarified, it will be important for fishery management councils to play a role in aquaculture permitting and review where these activities intersect with our responsibilities under the MSA. We recommend acknowledging the role of the Councils in fishery management plan development in the regulatory efficiency plan.

Even absent clarification relative to the MSA and aquaculture, the Councils are interested in being consulted on proposed offshore aquaculture projects, and on regional scale, aquaculture planning. The draft plan references pre-application meetings as an important interagency coordination practice (p. 15). New England and Mid-Atlantic Council staff were included in two such meetings during 2020, and it was very useful for us to learn about the projects at this stage thereby allowing us to provide more informed feedback as these projects move forward. As a result, we hope to be included in these meetings for future projects. Also, we recognize the plan outlines interagency coordination activities at a very high level, but it may be useful for the plan to identify the Councils as participants in certain elements of the process, e.g., the pre-application meetings, or development of aquaculture opportunity areas.

Aquaculture Research Plan

The Councils support research that will inform the development of environmentally responsible aquaculture practices and agree that interagency coordination to plan and prioritize such activities is an essential undertaking. The research plan appears to be a useful guidance document with clear roles and responsibilities. The topics identified under Goal 2, particularly developing production technologies that minimize environmental impacts, are consistent with many elements of the New England Council’s aquaculture policy. As you may be aware, the Councils identify research priorities related to our fishery management plans as required by the MSA. A few of the [New England Council’s research priorities](#) relate to the impacts of offshore development activities, including aquaculture, on fishery species, fish habitats, fishing activities, and prosecution of fishery-independent surveys (see priorities 104, 106, and 107).

Conclusion

Thank you for allowing us the opportunity to provide these comments on the aquaculture strategic plans. We look forward to working with the diverse federal agencies responsible for their implementation in cases where Council responsibilities intersect with aquaculture development. Please contact Michelle Bachman (mbachman@nefmc.org; 978-465-0492 x120) and José Montañez (jmontanez@mafmc.org; 302-526-5258) if we can provide information or connections to the Council’s processes as you move forward with this important work.

Sincerely,

Handwritten signature of Thomas A. Nies in cursive script.

Thomas A. Nies
Executive Director, New England Council

Handwritten signature of Christopher M. Moore in cursive script.

Christopher M. Moore
Executive Director, Mid-Atlantic Council