



SF/AQ mix on this?

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

Feb. 9, 2018

Mr. Chris Oliver, Assistant Administrator
NOAA Fisheries
1315 East-West Highway
Silver Spring, MD 20910

Dear Assistant Administrator Oliver:

The North Carolina Division of Marine Fisheries supports and administers the leasing of public trust waters for the culture and harvest of shellfish. In addition, the division permits non-shellfish land based aquaculture operations for marine and estuarine species. However, until recently the use of public trust waters for aquaculture purposes was limited to shellfish species.

During the 2017 session, the North Carolina General Assembly introduced a bill to expand aquaculture of non-shellfish species in the estuarine and state ocean waters of the state. Senate Bill 410 or the Marine Aquaculture Act, (attached) was signed into law by Governor Roy Cooper on July 27, 2017. To allow for the development and expansion of deep water aquaculture opportunities, the law tasked the division to request that the Mid-Atlantic and South Atlantic Fishery Management Councils develop a Fishery Management Plan for regulating offshore aquaculture in federal waters off the North Carolina coast.

Additionally, the law requires that the division also petition the National Oceanic and Atmospheric Administration to initiate rule making proceedings to implement a comprehensive regulatory program for managing the development of an environmentally sound and economically sustainable aquaculture fishery in federal waters offshore from the North Carolina coast.

Under this law, the North Carolina General Assembly declared it is the policy of the State to encourage the development of private, commercial marine aquaculture in ways that are compatible with other public uses of marine and estuarine resources such as navigation, fishing, and recreation.

In fulfilling the requirements of the law, I would like to respectfully request that NOAA Fisheries provide the division with criteria needed to begin the process outlined in the bill along with estimated timelines for implementation of rulemaking. The division will submit a preliminary report in early 2018 to the North Carolina General Assembly and a final report in April, 2018.

The new Marine Aquaculture Program will be administered under the division's Habitat Enhancement Section. If you need additional information, please contact me at 252-808-8013.

Sincerely,

Stephen W. Murphey, Director
N.C. Division of Marine Fisheries

Enclosure





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910
THE DIRECTOR

Mr. Stephen W. Murphey
Director
North Carolina Division of Marine Fisheries
3441 Arendell Street
Morehead City, NC 28557

MAR 09 2010

Dear Mr. Murphey:

Thank you for your letter requesting that NOAA's National Marine Fisheries Service (NMFS) initiate rulemaking to implement a comprehensive regulatory system for sustainable aquaculture in the Exclusive Economic Zone off the coast of North Carolina. Aquaculture is an important and growing U.S. industry with the potential to provide a significant sustainable supply of healthy seafood for the nation and global markets. I applaud your state's efforts to expand marine aquaculture, and am eager to work with you to provide complementary federal support to the extent allowed under our existing statutory authorities.

Your letter notes your intent to request that the Mid-Atlantic and South Atlantic Regional Fishery Management Councils develop a fishery management plan for regulating offshore aquaculture in federal waters off the North Carolina coast. If the Councils develop and approve such plan(s), NMFS will review the plan(s) for compliance with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act and any other applicable law and, if approved, initiate rulemaking to implement them. We understand the South Atlantic Council has your letter on their agenda for their March meeting and look forward to the discussion. In addition, we understand you will be working with the Greater Atlantic Regional Office to determine next steps with the Mid-Atlantic Council. NMFS will consult with the Councils to develop a coordinated approach to your request for a comprehensive regulatory program for a sustainable aquaculture fishery in federal waters offshore from the North Carolina coast.

We would also highlight that there are several different approaches to offshore aquaculture. For example, two mussel farms in federal waters off New England have been permitted by the U.S. Army Corps of Engineers in consultation with NMFS but with no NMFS rulemaking or permit required. If you wish to learn more about the various approaches to aquaculture permitting in federal waters, we would be happy to provide more information or set up a briefing for you and your staff.

We look forward to working with you on this important issue. If you have any further questions, please contact Alan Risenhoover, Director of the Office of Sustainable Fisheries, at (301) 427-8500 or Michael Rubino, Director of the Office of Aquaculture, at (301) 427-8325.

Sincerely,

Chris Oliver

