EDWARD J. MARKEY OF MASSACHUSETTS
RANKING DEMOCRATIC MEMBER

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

February 6, 2013

Dr. Rebecca Blank
Acting Secretary of Commerce
1401 Constitution Ave, NW
Washington, DC 20230

Dear Dr. Blank,

I write to express my concern over the Gulf of Mexico Fishery Management Council's (Gulf Council) proposal to permit and regulate offshore aquaculture operations. If it is passed by the Gulf Council this week, I urge you to consider the broader implications of the proposed rule when making your final determination on it.

I am troubled by the dangerous precedent this action would set by allowing NOAA and the regional fishery management councils to govern aquaculture through the fishery management plan process designed to ensure sustainable harvest of wild fish stocks under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). I share the skepticism of fishermen in my home state of Massachusetts over NOAA's ability to take on this additional responsibility at a time when it is failing in its core fisheries mission to restore wild stocks like cod, haddock, and flounder.

Aquaculture has great potential to create economic growth and jobs in coastal communities while increasing the supply of domestic seafood in the United States. It is also has the potential to negatively impact existing wild fisheries, harm the marine environment, and concentrate profit and power in the hands of a few large corporations, to the detriment of fishing towns like Gloucester, New Bedford, and Chatham that are simply struggling to survive. In evaluating offshore aquaculture, we must ensure that consideration of any federal regulatory scheme takes into account the impact of those operations on wild fish stocks and the fishermen that depend on them for their livelihoods. The proposal put forth by the Gulf Council fails this test by providing inadequate assurances that siting of aquaculture operations would not conflict with ongoing fishing, that pollution from these facilities would be closely monitored and limited to protect water quality and essential fish habitat, and that the potential for the spread of disease and escape of farmed fish would not harm wild populations.

Congress did not intend for NOAA to regulate aquaculture as a fishery under MSA. MSA requires NOAA to prevent overfishing, rebuild depleted fish stocks, and designate and protect essential fish habitat: three actions that make no sense in the context of an aquaculture industry where fish are private property even before they are harvested. Fish farming - which involves selectively breeding, feeding, growing, and harvesting captive fish from crowded enclosures to

maximize profit - is oceans away from fishing, which entails capturing wild fish from a functioning ecosystem at a rate that maximizes sustainable harvest over time. Calling aquaculture a fishery is like calling an apple an orange.

Even more fundamentally, NOAA is not in a position to assume the challenging, time consuming, and expensive responsibility of overseeing offshore aquaculture. Limited data, infrequent stock assessments, and a poor understanding of the effects of climate change on fish stocks in the Northwest Atlantic have contributed to crisis conditions in the New England Groundfish fishery, and NOAA owes it to fishermen in Massachusetts and elsewhere to dedicate scarce resources to existing obligations rather than to new programs. NOAA should not attempt to permit and regulate offshore aquaculture until Congress has authorized and appropriated funding for that purpose.

I look forward to working with you in to ensure that offshore aquaculture is appropriately conducted within a national framework of laws and policies that protect the marine environment and create opportunity for, rather opposition from, our hardworking fishermen. I would recommend that the administration instead evaluate what legal authorities, standards, resources, and staffing would be necessary in order for it to carry out this new mission and work with Congress to enact legislation in this area. Should you have any questions, please have your staff contact Matt Strickler on the House Natural Resources Democratic Committee Staff at (202) 225-6065.

Sincerely,

Edward J. Markey

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