

From: **Eileen Sobeck - NOAA Federal** <eileen.sobeck@noaa.gov>
Date: Wed, Aug 27, 2014 at 3:17 PM
Subject: NOAA Announcing Proposed Rule for Regulating Offshore Marine Aquaculture in the Gulf of Mexico
To: _NMFS MAFAC <nmfs.mafac@noaa.gov>, _NMFS FMC Exec Directors <nmfs.rfmc@noaa.gov>

Today, we released the proposed rule for Regulating Offshore Marine Aquaculture in the Gulf of Mexico. This proposed rule marks the first time a Regional Fishery Management Council has approved a comprehensive regulatory program for aquaculture in federal waters. There will be a 60 day public comment period for this rule.

This proposed rule establishes a region-specific permitting process to manage the development of an environmentally sound and economically sustainable aquaculture industry in federal waters of the Gulf of Mexico. This rule will allow for up to 20 offshore aquaculture operations to be permitted in federal waters of the Gulf, while providing comprehensive safeguards to ensure healthy oceans.

I would like to thank the Gulf Council, NOAA's Southeast Regional Administrator, Dr. Roy Crabtree, Director of the Office of Aquaculture, Dr. Michael Rubino, General Counsel and everyone involved who were dedicated to seeing this rule through. Once in place, this rule will allow for new opportunities for seafood production in the United States.

Additional information can be found [here](#).

See attached bulletin regarding proposed rule.



Southeast Fishery Bulletin

Contact: Allison Garrett (727) 330-0309

August 27, 2014

NOAA Seeks Public Comment on the Proposed Rule for the Aquaculture Plan for Federal Waters of the Gulf of Mexico

NOAA Fisheries is seeking public comment on a proposed rule for the Gulf of Mexico Fishery Management Council's Fishery Management Plan for Regulating Offshore Marine Aquaculture in the Gulf of Mexico (Aquaculture Plan). The proposed rule published in the *Federal Register* on August 28, 2014 (XX FR XXXXX). The public comment period ends on October 27, 2014.

Background

Prior to the Aquaculture Plan, an exempted fishing permit was required to conduct aquaculture in federal waters. Since exempted fishing permits are of limited duration, they are not the best option for commercial aquaculture operations. The purpose of this rulemaking is to establish a regional permitting process to manage the development of an environmentally-sound and economically-sustainable aquaculture industry in federal waters of the Gulf of Mexico (Gulf). A maximum of twenty Gulf aquaculture permits over a period of 10 years could be issued under this proposed rule.

The proposed rule would:

- Establish Gulf aquaculture permit requirements, eligibility, and transferability.
- Establish application requirements, operational requirements, and restrictions for Gulf Aquaculture permits.
- Establish Gulf aquaculture permit duration and renewal periods.
- Specify allowable species for aquaculture purposes.
- Evaluate proposed aquaculture systems on a case-by-case basis.
- Establish marine aquaculture siting requirements and conditions.
- Create a restricted access zone around each aquaculture facility where no fishing may occur and no fishing vessels may operate in or transit through (unless they possess a copy of the facilities' aquaculture permit onboard).

- Establish recordkeeping and reporting requirements.
- Establish biological reference points (e.g., *maximum sustainable yield* which is the total yield harvested by all aquaculture operations in a given year), annual catch limit and accountability measures, and status determination criteria (e.g., overfishing and overfished status) for aquaculture operations.
- Specify procedures for modifying biological reference points and management measures for offshore marine aquaculture in the Gulf.

Other information on the Gulf aquaculture permit is also discussed in the Aquaculture Plan. If this rulemaking is implemented, the administrative functions associated with it (e.g., registration and account setup, landing transactions, and most reporting requirements) are intended to be accomplished online via the aquaculture Web site. A participant must have access to a computer and Internet access and must set up an appropriate online aquaculture account to participate.

Request for Comments (Comments accepted starting Thursday, August 28)

You may submit comments on the proposed rule, identified by "NOAA-NMFS-2008-0233" by any of the following methods:

- **Electronic Submissions:** Submit electronic public comments via the Federal e-Rulemaking Portal. Go to www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2008-0233, click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.
- **Mail:** Submit written comments to Jess Beck-Stimpert, Southeast Regional Office, NOAA Fisheries, 263 13th Avenue South, St. Petersburg, FL 33701.

Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NOAA Fisheries. All comments received are a part of the

public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NOAA Fisheries will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

Electronic copies of the Aquaculture Plan, which includes a final programmatic environmental impact statement, an initial regulatory flexibility analysis, and a regulatory impact review may be obtained from the

Southeast Regional Office Web site at <http://sero.nmfs.noaa.gov>.

Comments must be received by October 27, 2014, to be considered by NOAA Fisheries in its decision on the final rule. All comments received by NOAA Fisheries specific to the proposed rule will be addressed in the final rule.

This bulletin provides only a summary of the information regarding the existing regulations. Any discrepancies between this bulletin and the regulations as published in the *Federal Register* will be resolved in favor of the *Federal Register*.