



Pacific Fishery Management Council

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Philip Anderson, Chair | Charles A. Tracy, Executive Director

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Date

The Hon. Maria Cantwell
The Hon. Kamala Harris

Dear Ms. Cantwell and Ms. Harris:

The Pacific Fishery Management Council appreciates your requests for comment on S. 3138, the Advancing the Quality and Understanding of American Aquaculture (AQUAA) Act. The Council heard from its Legislative Committee, advisory bodies, and the public regarding the bill at its November meeting, and we have the following comments.

First, we are encouraged by the bill's express purpose "to safeguard the marine environment, wild fish stocks, and our coastal communities." Under the Magnuson-Stevens Fishery Conservation and Management Act, the Regional Fishery Management Councils are required to serve the same goals. However, we are concerned that under the AQUAA Act, the Councils lack an appropriate role in *developing* aquaculture regulations, providing input into the permitting process, and shaping environmental reviews.

The Regional Councils bring together Federal, state, and tribal scientists, economists and stakeholders in a structured, robust public process to manage our nation's fisheries. While commercial aquaculture may differ from commercial fishing in some respects, both activities directly impact "the marine environment, wild fish stocks, and our coastal communities." Despite the Regional Councils' fundamental role in this area, the AQUAA Act merely refers to "opportunities for engagement with . . . fishery management councils" as well as consultation with Councils.

We recommend that the bill be amended to require meaningful participation of the Council Coordinating Committee in developing aquaculture regulations. The amended bill should also require the review and approval by the appropriate Regional Council(s) of new permit applications and ongoing aquaculture operations to ensure that those activities are carried out in a manner that protects the marine environment, wild fish stocks, fisheries, coastal communities, and their economies.

Without such a role for the Regional Councils, there could be conflicts between fishery and aquaculture management in terms of spatial overlap and environmental impacts that affect the nation's fisheries. For example, West Coast states have already experienced the effects of disease, escapes, and habitat impacts from finfish and shellfish aquaculture operations.

Under this bill, projects would be issued 25-year permits, with the potential for a 25-year extension. In today's world of rapidly changing environmental conditions due to climate change and the impacts of those changes on productivity of our fisheries resources, 25 year permits may be too long. Instead, we recommend that the longevity of permits be determined on a project-by-project basis, with a limit of no more than 25 years.

We support an explicit statement in the AQUAA Act requiring consistency with state law, and note that the Council process itself is a joint state/Federal process in which the states of Washington, Idaho, Oregon and California are deeply involved.

Thank you for the opportunity to comment on this critical piece of legislation. Should you or your staff have any questions, please do not hesitate to contact us at any time.

Sincerely,

Charles A. Tracy
Executive Director

JDG:xxx

Cc: Council Members
Sheila Lynch
Judson Feder
RFMC EDs

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