

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER NICOLE “NIKKI” FRIED
THE CAPITOL

June 10, 2020

The Honorable Wilbur Ross
Secretary
U.S. Department of Commerce
1401 Constitution Avenue NW
Washington, DC 20230

Dear Secretary Ross,

I write to you today as Florida’s Commissioner of Agriculture on behalf of Florida’s robust and diverse seafood and aquaculture industries, and in response to the Executive Order (EO) “Promoting American Seafood Competitiveness and Economic Growth” issued by the White House on May 7, 2020.

In line with the Executive Order’s objectives, Florida’s seafood industry, which generates \$3.2 billion annually and supports more than 76,000 jobs, actively supports the bolstering of the national seafood sector by increasing competitiveness through critical international seafood trade reform and enhancing protection of the nation’s sustainably managed fisheries. As Florida’s lead aquaculture agency, the Florida Department of Agriculture and Consumer Services (FDACS) strongly urges the U.S. Department of Commerce to consider Florida as a vital partner in enacting these critical goals.

As one of the fastest growing agribusinesses in the world, aquaculture is rapidly expanding in both diversity and scale to meet the growing demand for safe, affordable, and nutritious seafood commodities. While the U.S. has been a leader in technological innovations and production research, our country has experienced virtually none of the economic benefits due to cumbersome and uncertain federal policies, or the lack thereof.

It is evident through the issuance of this EO and the introduction of the bipartisan Advancing the Quality and Understanding of American Aquaculture Act (H.R.6191), that the federal government is willing to make the necessary policy changes and investments to increase domestic aquaculture production. As the U.S. Department of Commerce takes steps to enact Sections 6, 7, and 9 of this EO, I encourage you to consider the Florida Department of Agriculture and Consumer Services as a potential partner in supporting permitting procedures, ready to seize the development opportunities forthcoming.

Florida is uniquely positioned to advance an environmentally sustainable offshore aquaculture industry in the Gulf of Mexico and the southern Atlantic Ocean. Our state has a proven and streamlined submerged-lands leasing process for marine aquaculture that has functioned for decades, and to date oversees 1,304 aquaculture lease parcels covering 3,918 acres of state waters. As acknowledged in the EO, security of tenure for a minimum of ten years — already well established in Florida law — is essential for aquaculture leaseholders to secure capital and investor confidence for business development.

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Our Department has been actively engaged at the state level in developing the offshore aquaculture industry similarly aligned with the EO objectives for several years. In partnership with the National Oceanic and Atmospheric Administration's National Center for Coastal Ocean Science (NOAA NCCOS), the Offshore Aquaculture Spatial Planning in Florida project has identified several large areas in the Gulf of Mexico ideal for the development of Aquaculture Opportunity Areas in state and federal waters off of Florida's coast, critical for the development of this offshore industry.

The Florida Department of Agriculture and Consumer Services has a long and established history of working with the U.S. Army Corps of Engineers (USACE) to develop, update, and manage permits for marine aquaculture. Not only do we maintain a unique general permit for shellfish and live rock aquaculture in state waters, but we are also actively working to modify this permit to allow seaweed farms to be sited in state waters. However, our permit modification review and consultation process has now been underway for more than one year with no significant progress from NOAA nor USACE. This resource-intensive and time-consuming permitting process is difficult for state agencies with extensive expertise to navigate, much less individual businesses.

Our experiences underscore the desperate need for transparent and streamlined federal permitting mechanisms. I cannot overstate the need for a "One Federal Decision" process for aquaculture permitting and timely interagency review of both state and public permit requests.

I am formally requesting that the U.S. Department of Commerce consider Florida when designating Aquaculture Opportunity Areas within the next year. Our proactive work with NOAA NCCOS and distinctive regulatory framework would allow us to proceed with the Environmental Impact Statement process expeditiously. We also actively support the inclusion of state waters as the USACE works to develop nationwide permits for finfish and seaweed aquaculture, as stated in Section 6, subparts (b)(ii) and (iv) of the EO.

I urge the U.S. Department of Commerce and Congress to take bold action to enact common-sense policies that will advance sustainable offshore aquaculture and benefit American farmers, the jobs they support, and the families they feed. As Florida's Commissioner of Agriculture, our Department and Division of Aquaculture stand ready to assist with these new efforts.

Sincerely,



Nicole Fried
Commissioner of Agriculture

United States Senate
WASHINGTON, DC 20510-0908

June 29, 2020

The Honorable Wilbur Ross
Secretary
U.S. Department of Commerce
1401 Constitution Avenue NW
Washington, D.C. 20230

Dear Secretary Ross:

We write to you regarding President Trump's May 7, 2020 Executive Order titled, "Promoting American Seafood Competitiveness and Economic Growth," which directs you to identify aquaculture opportunity areas in the U.S. exclusive economic zone (EEZ). As you seek to identify such areas, we request your consideration of designating waters near Florida as an aquaculture opportunity area.

The ongoing coronavirus pandemic has shined a new light on the need to promote domestic industries to help ensure that Americans have consistent access to necessities, including various food commodities. The fact that most of the seafood consumed by Americans is imported from other countries lends uncertainty to the prospects of a stable supply of seafood in the future. As China has severely depleted its own fish stocks, it has turned to plundering the waters of other nations, putting fish stocks at risk globally. Aquaculture is poised to be an aspect of any solution to address these issues, and President Trump's Executive Order is a major step in the right direction towards securing domestic food resources and access for Americans to nutritious seafood.

In pursuit of a more resilient domestic food supply chain, we hope you agree that Florida is a common-sense option for one of the first aquaculture opportunity areas under the Executive Order. With more than 1,300 miles of coastline, a significant portion of the U.S. EEZ in the Atlantic Ocean rests in the temperate waters near Florida. Our mild winter climate offers opportunities to harvest species of native tropical finfish year-round. Further, Florida is uniquely situated as a central location between the Gulf of Mexico and the Eastern Seaboard, which helps ensure that seafood harvested in waters near Florida expeditiously reaches its end market and remains fresh.

We commend President Trump's leadership in working to ensure our economy works for Americans, instead of against them, and we look forward to the result of your department's hard work in advancing these priorities.

Sincerely,



Marco Rubio
U.S. Senator



Rick Scott
U.S. Senator



June 29, 2020

The Honorable Wilbur Ross
Secretary of Commerce
U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, D.C. 20230
Email: TheSec@doc.gov

Dear Secretary Ross:

The National Aquaculture Association¹ supports and recommends the acceptance of the State of Florida's request to establish an Aquaculture Opportunity Area as charged in the recent Executive Order entitled, *Promoting American Seafood Competitiveness and Economic Growth*.

Florida has a rich and extensive marine aquaculture that today is valued at \$72 million in farmgate sales with a capacity to expand. Florida is not new to aquaculture, its history dates to 1889 when coastal submerged lands were first leased for oyster culture. In subsequent years, a rigorous aquaculture regulatory program was developed to protect and conserve species, water quality, and habitat. The Florida Department of Agriculture and Consumer Services (FDACS) is the lead agency for aquaculture regulation and development and implements Chapter 597, Florida Aquaculture Policy Act, Florida Statutes. Any Floridian that farms and sells an aquatic animal or plant is required to be annually certified by FDACS' Division of Aquaculture. FDACS permits and inspects, through the Aquaculture Certificate of Registration program, more than 1,000 aquaculture facilities for compliance with comprehensive species, land, water and production system regulations. Relative to marine aquaculture leases, they currently oversee 1,304 lease parcels encompassing 3,918 water acres for the purposes of farming clams, oysters and live rock.

The agency's leasing process is well-established and offers an applicant the security of tenure required to provide assurance to potential lenders, investors or insurers that there exists a bankable asset to support an offshore farm. Through initial site review, interagency and public coordination, routine onsite staff inspections and annual reporting requirements, FDACS has strong regulations in place to ensure that all marine leases are being productively utilized, as well

¹ The National Aquaculture Association is U.S. producer-based, non-profit association founded in 1991 that supports the establishment of governmental programs that further the common interest of our membership, both as individual producers and as members of the aquaculture community. For over 29 years NAA has been the united voice of the domestic aquaculture sector committed to the continued growth of our industry, working with state and federal governments to create a business climate conducive to our success, and fostering cost-effective environmental stewardship and sustainability.

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as operated and maintained in an environmentally responsible manner. For example, the lease agreement and rules require the submission of annual production audits, have strict health and genetics requirements, management criteria, and gear management and cleanup clauses.

In anticipation of offshore finfish aquaculture in Florida waters, in 2005 the agency developed comprehensive marine net pen regulations and in 2018 initiated an analysis to identify coastal waters suitable for both finfish and seaweed production using offshore structures, such as net pens and longline arrays. FDACS is responsible for and provides farmers services related to aquatic animal health management, food safety and seafood HACCP, sustainable energy programs, and a marketing and promotion program for wild-harvested and farm-raised seafood which has 2,400 agriculture and seafood businesses already enrolled. Also established by the Florida Aquaculture Policy Act is an appointed council of aquaculture industry representatives, the Aquaculture Review Council, which actively serves to facilitate research and development priorities through a unique, public-private collaborative process.

Florida is also the home of preeminent public and private marine aquaculture education, research, job training, and extension programs that are available to assist with the development of offshore farming. These resources include the Hillsborough Community College, Indian River State College, Florida Atlantic University at Harbor Branch Oceanographic Institution, Florida Cooperative Extension Service, Florida Sea Grant, Mote Marine Laboratory, University of Florida and University of Miami. Florida is also recognized as a seafood consuming powerhouse in the U.S, composed of 21.5 million residents and 126 million visitors that expect and demand fresh seafood served at 41,000 restaurants.

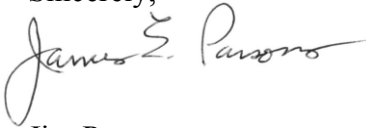
We recommend the geographical extent of an Aquaculture Opportunity Area be defined in partnership with FDACS to trigger applications before initiating a Programmatic Environmental Impact Statement (PEIS). The current Florida Sea Grant College Program funded offshore net pen education and demonstration project has yielded a draft marine net pen environmental assessment that should prove invaluable to developing a PEIS. However, no research or commercial production of finfish or seaweed has occurred in the northern Gulf of Mexico or Southern Atlantic. We believe it will prove to be problematic to write a PEIS prior to understanding the scale and scope of activities that may occur. A PEIS written prior to farm applications may be too specific, consequently restricting access to unforeseen aquaculture opportunities or production gear innovation, or too broad, thus placing a bulk of the detailed site-analysis burden on commercial interests. A cooperative approach with the State of Florida will yield an analysis that is applicable for the variety of production gear, species and locations identified by applicants. The State of Florida and the Department of Commerce, working as a team, will assure the public that they will be informed and will build confidence that the ocean environment is protected.

Florida is distinctly qualified to collaborate with federal and private partners to facilitate your Department's goals of developing a sustainable offshore aquaculture industry and enhancing

seafood production and implementing rapidly Executive Order Section 7 entitled, Aquaculture Opportunity Areas. The NAA urges you to recognize the extensive experience, expertise and resources available from FDACS and immediately accept and act upon Florida Commissioner of Agriculture Nicole Fried's enthusiastic request.

Thank you for your attention to this important topic. If you or your staff have questions or comments, please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script that reads "Jim Parsons". The signature is written in black ink and is positioned to the left of the printed name.

Jim Parsons
President

cc: Commissioner Nicole "Nikki" Fried
Jim Michaels, President, Florida Aquaculture Association