

Alaska Mariculture Task Force

Governor Bill Walker
Bill.Walker@alaska.gov

RE: Support for a revised Marine Aquaculture Act of 2017

Dear Governor Walker,

February 19, 2018

Senator Wicker (R-MS) has a draft bill titled, “*Marine Aquaculture Act of 2017*”. The purposes of the bill are:

- 1) to support the development of a sustainable marine aquaculture industry in the U.S.;
- 2) to safeguard the marine environment and out coastal communities;
- 3) to support research and technology development to further these goals;
- 4) to provide new jobs and to support existing jobs within the seafood industry of the U.S.; and
- 5) to reduce the U.S. seafood trade deficit by expanding the domestic supply of seafood through the production of marine aquaculture.

The draft bill also includes the following important provisions:

- Establishes and provides resources to an Office of Aquaculture (OOA) within NMFS at NOAA headquarters and at each of the regional fisheries offices (Section 6)
- Designates the OOA as the lead Federal agency (Section 6)
- Outlines a coordinated federal permitting process (Section 6 and 11)
- Includes an opt-out provision for States (Section 9 – see more detail below)
- Creates a research and development grant program, which is not exclusive to EEZ activities (Section 7)
- Appropriates \$350 million over 5 years towards implementation of the bill (Section 14)

Senator Murkowski’s office has requested feedback from the Alaska Mariculture Task Force (Task Force) and other Alaskans regarding this draft bill. The Task Force has discussed the current draft bill and finds it to be highly compatible with the goal and recommendations of the Task Force in the comprehensive plan for promoting and developing shellfish and seaweed mariculture in Alaska to be delivered to you by March 1. The draft bill makes it possible to extend mariculture operations to the EEZ of the U.S. The draft bill not only outlines an improved federal permitting process, but also provides the personnel, resources and financing to accelerate the development of responsible marine aquaculture throughout the US.

The proposed bill is thoughtful in its approach to issues that have previously been hurdles for development of mariculture. The bill covers all aspects of marine aquaculture including a coordinated permit application, structure requirements, appropriate locations, conflicts with other

users, environmental protections and impacts, termination of activities, site remediation, regulatory oversight and state control in waters off its coast.

However, the Task Force sees two areas of improvement to include in a revised bill:

1) Section 9 – Restrictions by Coastal States

In this section, “the governor of a coastal State may submit a list of locations or species that the State opposes for offshore aquaculture to the Secretary...”. This section further outlines limitations on a State’s prohibition: “A State may include locations and / or species on a list submitted...only if...the State located closest to the proposed facility location has in effect a law that prohibits listed species or groups of species or types of aquaculture gear or facilities in State waters.” By using the word “and” between A, B, and C, this subsection “LIMITATION” also appears to require that A, B, and C be fulfilled in order for the State’s prohibition to be valid. This section further limits the prohibition: “Use of List – The Secretary may not issue a permit for offshore aquaculture...unless the Secretary, in its discretion, finds that the benefits of issuing such permit are greater than the adverse impacts...including any such impacts addressed by the coastal State nearest the proposed site.”

The Task Force understands Section 9 to allow states to prohibit certain species or activities given strict limitations, however, it also allows the Secretary to have ultimate authority to overrule a state’s prohibition. The Task Force believes the public acceptance of this bill will be greatly eroded unless two changes are made:

- the allowance for the Secretary to overrule States is removed from the bill, therefore, clearly maintaining the States’ rights to determine what activities are occurring off its coasts;
- the word “and” is replaced with the word “or”, just prior to Sec. 9(a)(2)(C).

2) Section 11 – Permitting Harmonization

This section attempts to improve the process for all required Federal permits. The Task Force recognizes that Federal consultation and Federal permits are also necessary for marine aquaculture sited in state waters as well. In order to also improve the permitting process for marine aquaculture in state waters, the Task Force recommends that this bill include, under “(c) Coordination of Permitting Activities”, direction to coordinate necessary consultation and permitting between Federal agencies and States for facilities in State waters as well.

This draft bill contains important provisions that will support building a new mariculture industry in Alaska. However, forward progress will be more likely supported by the public if the bill takes a bottom-up, instead of top-down, approach to supporting the growth of the industry. The Task Force encourages the Governor to carefully review the draft bill and to work with Alaska’s Congressional Delegation to support passage of this bill, with the inclusion of the above mentioned changes.

Thank you for your time and consideration to this issue.

Sincerely,

Members of the Alaska Mariculture Task Force

Cc: Senator Lisa Murkowski

Senator Dan Sullivan

Congressman Don Young

Lt. Governor Byron Mallott

Barbara Blake, Senior Advisor, Governor Walker and Lt. Governor Mallott

Commissioner Mike Navarre, ADCCED

Commissioner Sam Cotten, ADFG

Janice Mason, Governor's Office

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