ECSGA
1623 Whitesville Rd.
Toms River, NJ 08755
www.ECSGA.org

July 22, 2016

Ms. Betsy Nicholson Federal Co-Lead, NE Regional Planning Body
Northeast Regional Coordinator, NOAA, Northeast Regional Office
55 Great Republic Drive
Gloucester, MA 01930-2276

Mr. Grover Fugate
State Co-Lead, NE Regional Planning Body
Executive Director, Coastal Resources Management Council
4808 Tower Hill Road
Wakefield, RI 02879

Chief Richard Getchell, Tribal Co-Lead, NE Regional Planning Body
All Nations Consulting
P.O. Box 326
Mapleton, ME 04757

RE: East Coast Shellfish Growers Association Comments on Draft Northeast Ocean Plan

Dear Regional Planning Body Co-leads,

The East Coast Shellfish Growers Association (ECSGA) represents over 1500 small shellfish farms from Maine to Florida. These proud stewards of the marine environment collectively harvest over $150 million in sustainably farmed shellfish while providing thousands of jobs in rural coastal towns. Our members represent an important industry and a proud tradition in communities up and down the coast. They meet a growing demand for shellfish from consumers who demand the locally-sourced and delicious and nutritious seafood that we provide. Oyster production in the Northeast has doubled in just the past five years and shellfish farming represents the largest segment of marine aquaculture in the nation. We are providing hundreds of jobs for watermen who are challenged to find jobs in the commercial fishing industry.

But our businesses face challenges. As the Northeast Ocean Plan acknowledges, we face complex regulatory systems both near-shore and offshore. The report documents the dozens of federal laws that impact development of resources offshore and in state waters, the many agencies involved and the many federally and state designated management areas, refuges and reserves in New England waters**. I recommend the report should do a better job of calling out the lack of a regulatory framework and a lead permitting agency for permitting aquaculture in the EEZ.** The authors discuss the challenges of offshore aquaculture including: "a complex permitting process, exposure to high-energy ocean conditions, biosecurity concerns, and increased distance

to portside support and infrastructure" as well as "identified potential conflicts with paralytic shellfish poisoning (PSP) closure areas, navigational safety, existing fisheries, essential fish habitat (EFH), and endangered species. They also identified permitting concerns related to potential impacts to National Marine Sanctuary resources and federal consistency review with the Massachusetts Office of Coastal Zone Management." I cannot envision what the biosecurity concerns might be, but **the lack of a lead agency and a viable permit process for leasing federal waters are certainly valid concerns.**

One of the best outcomes of the project is a comprehensive list of regulations and maps. Maps of the physical characteristics of sites will be helpful in siting and engineering for offshore applications (assuming we can get past the protected resources concerns to actually see a site permitted.) Questions remain about the validity of some of the habitat and species distribution maps and the underlying assumptions about what construes essential or critical habitat vs. areas where the organism may simply be transiting (ie. just because we find an animal in a location, it does not necessarily follow that the habitat is critical for the survival of that species.) **One concern is that the scale of these maps lacks the granularity to describe small-scale variability in structure, habitat or biological resources. (grid squares appear to be about 10 km square).** Actual permitting of a site is more likely to hinge on the opinion of a biologist in NOAA's protected resources division as to whether or not a proposed activity will have a negative impact on species of concern and whether that opinion is accurate or not.

The maps and data associated with the plan show the footprint of our industry, and the discussion of the aquaculture industry in Chapter 3 provides a solid look at the trends and benefits of the industry and the regulatory environment and challenges we face. This baseline knowledge of where and how we operate is important in order for decision-makers to understand the scope and value of our businesses, and how their decisions might affect our industry. We appreciate the plan's commitment to using the maps and information as part of federal agencies' decision-making processes, and to keeping it updated, accurate, and fresh. This commitment to the use of the data portal and plan to support decision-making and permitting for both aquaculture projects and other projects that would affect our industry is a major benefit of the draft ocean plan. However**, we are concerned that there does not appear to be a long-term plan for maintaining, updating and funding the data portal and plan in order to ensure these commitments can be met in the future**. We would like to see the RPB identify a long-term management commitment that will ensure the information in the data portal and plan will continue to be a resource both industry and government can rely on.

While we are very glad to see the initial, regional aquaculture maps that have been included in the portal (in many cases for the first time). **The development of more detailed and nuanced information and maps to support aquaculture moving forward is critical**. Once you take into account commercial fishing activity maps, historical and tribal areas of concern, shipping lanes, areas reserved for strategic defense, and all of the areas of ecological importance, there is precious little room for new uses such as wind or aquaculture. **At some point we will need to recognize that various uses need to be prioritized in a fashion that involves more than simply historical uses. Failure to do this will ensure that historical and existing uses will preempt the development of any new uses.**

The report mentions the potential of polyculture or integrated multitrophic aquaculture: (IMTA) "Combining finfish, shellfish, and kelp in a single site can help buffer the effects of changing market and environmental conditions and can mitigate waste and nitrogen inputs from finfish aquaculture." This assumes that there are actual measurable impacts from the nitrogenous wastes of finfish that need to be mitigated, and that the other species can be profitably grown in proximity. Neither of the assumptions is necessarily valid. NOAA scientists have shown that properly-sited fish farms have little impact on nitrogen that requires mitigation, and that shellfish farms in the US have yet to develop to a scale where negative trophic or nutrient impacts have ever been documented.

In a couple of sections the Plan mention the potential for co-locating activities such as windfarms and aquaculture. While the idea seems attractive, it is important to note that this has not worked in Europe where significant windfarms have been installed and the aquaculture industry is actually able to get a permit to conduct aquaculture offshore. Engineers are quick to note that towers would need to be designed up front with the farms in mind to take into account forces and structural engineering requirements. They cannot be simply added as an afterthought. European windfarm operators have been notably cool to the idea of having to navigate around fish pens or mussel farms in order to maintain or access their wind towers.

We are pleased to see many of the actions offered in the Plan and particularly pleased to see that aquaculture has its own section. We appreciate the thoughtful discussion of our industry and the kinds of things the RPB and its member agencies can do to help support the successful development of aquaculture, particularly offshore. The Plan discusses seven actions that pertain to aquaculture, but only one: A-7 actually describes efforts to support aquaculture and national and regional initiatives that purport to promote aquaculture. Actions A1-A6 describe efforts to map aquaculture, identify conflicts and describe negative interactions with marine resources (including on existing farms).

The aquaculture-oriented research and data needs laid out in both Chapters 3 and 5 of the plan could be helpful to our members, but **we want to ensure that ecosystem services and habitat benefits associated with shellfish aquaculture are documented as thoroughly as the purported negative interactions**. It is notable that much of the Plan discusses potential impacts and points out the degree of uncertainty and the need for additional studies. It is likely that in the face of uncertainty regulators will revert to the precautionary principle whenever some potential or perceived threat to protected resources such as whales or turtle exists. At the same time the scientists who wrote the report seem to have a high degree of certainty about how climate change will impact marine resources. I cannot say I share their confidence for instance in how ocean acidification will impact shellfish based on the science that has been presented so far. We hope that the RPB is focused not only on identifying this science and research agenda, but on making sure it is carried out so that we have the best possible data and information to support the sustainable development of our industry.

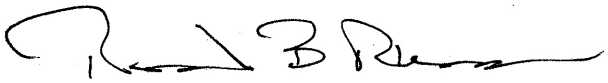
We also hope to see the planning process cultivate improvements in the process for planning and siting aquaculture so that our industry can continue to grow and thrive. Agencies like the U.S. Army Corps of Engineers, National Oceanic and Atmospheric Administration, Environmental Protection Agency, and Bureau of Ocean Energy Management are committing in this plan to improve the permitting of offshore aquaculture through an interagency working group. We still

face a variety of challenges in the permitting process – including but not limited to ensuring coordinated review and approval amongst agencies, data availability to support permitting, and strategies for conflict avoidance– and we look forward to the outcomes of this workgroup. We are available to provide any needed input or assistance to the workgroup in its efforts.

Finally, shellfish growers care deeply about trends and issues in the ocean. Our livelihood depends on the sustainable management of this resource. We know we share the ocean with many others and we want to be included in future conversations. We appreciate the inclusion of the aquaculture industry in this effort and we look forward to hearing how shellfish growers will be able to participate in the "common table" provided by the RPB to help inform and improve ocean-related management moving forward.

Thank you for the opportunity to comment. If there is anything else our members can do to advance ocean planning in the Northeast, please let us know.

Sincerely,



Robert B. Rheault, Ph.D.
Executive Director
bob@ECSGA.org (401) 783-3360

Cc:
Sen. Sheldon Whitehouse
Sen. Reed