



Pacific Fishery Management Council

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

November 27, 2018

The Honorable Maria Cantwell
511 Hart Senate Office Building
Washington, DC 20510

The Honorable Kamala Harris
112 Hart Senate Office Building
Washington, DC 20510

Dear Ms. Cantwell and Ms. Harris:

The Pacific Fishery Management Council (Pacific Council or 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 (RFMCs) are required to serve the same goals. However, we are concerned that under the AQUAA Act, the RFMCs 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 are also concerned that the bill does not require meaningful participation of the Council Coordination Committee in developing implementing regulations for the AQUAA act. Without such a role for the RFMCs, there could be conflicts between fishery and aquaculture management in terms of spatial overlap and environmental impacts that affect the nation's fisheries. In addition, without review and approval by the appropriate Council(s) of new permit applications and ongoing aquaculture operations, those activities may not be carried out in a manner that protects the marine environment, wild fish stocks, fisheries, coastal communities, and their economies. For example, West Coast states have already experienced the effects of disease, escapes, and habitat impacts from finfish and shellfish aquaculture operations.

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.

Finally, 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, we are concerned that 25-year permits may be too long to be reactive to such changes, and more flexibility in permit length may be desirable. For example, permit duration could be determined on a project-by-project basis, with a limit of no more than 25 years.

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:rdd

Cc: Pacific Council Members
Regional Fishery Management Council Executive Directors