



NOAA

NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION
UNITED STATES DEPARTMENT OF COMMERCE



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NOAA to Pursue National Policy for Sustainable Marine Aquaculture

NOAA today announced its intent to develop a comprehensive national policy for sustainable marine aquaculture in the coming months, providing a framework for addressing aquaculture activity in federal waters. Marine aquaculture is the cultivation of marine organisms, such as finfish and shellfish that are consumed by Americans on a daily basis.

The national policy also will provide context for the Fishery Management Plan (FMP) for Regulating Offshore Aquaculture in the Gulf of Mexico, which took effect today.

“We will develop a national policy that focuses on the protection of ocean resources and marine ecosystems, addresses the fisheries management issues posed by aquaculture, and allows U.S. aquaculture to proceed in a sustainable way,” said Jane Lubchenco, Ph.D., under secretary of commerce for oceans and atmosphere and NOAA Administrator.

The national policy will build on NOAA’s significant work to date to safeguard U.S. coastal and ocean environments, while enabling sustainable domestic aquaculture that adds to the U.S. seafood supply and supports important commercial and recreational fisheries. The policy also will include development of coordinated federal standards for permitting aquaculture facilities in federal waters and strategies to provide the scientific information needed for permitting decisions.

Domestic U.S. aquaculture is a safe and critical component of the U.S. seafood supply. A more robust sustainable aquaculture industry will increase the locally grown seafood supply and provide new economic opportunities for U.S. coastal communities. Currently, 84 percent of the U.S. seafood supply is imported, and about half of those imports are from aquaculture.

The Gulf of Mexico Fishery Management Council recommended its plan to NOAA earlier this year as a way to provide a structured regional approach for potential aquaculture operations in Gulf of Mexico federal waters.

Under the Magnuson-Stevens Act, if the Secretary of Commerce, acting through NOAA, does not notify the council within a certain time period that he has approved, partially approved, or disapproved the action, the statute provides that the plan shall take effect. Because the statutory period has passed without Secretarial action, the Gulf of Mexico Aquaculture FMP has entered into effect by operation of law. Although the plan took effect, implementing regulations must be published before permits can be issued under the plan.

Some have argued that NOAA should reject the plan outright on the grounds that NOAA lacked jurisdictional authority to regulate aquaculture in federal waters. However, NOAA's longstanding position has been that existing federal fisheries laws provide adequate authority to regulate aquaculture. Rejecting the plan on the grounds of a lack of authority would have created an unacceptable regulatory gap in which no agency would have the ability to address both the environmental and fishery concerns regarding aquaculture operations, potentially allowing significant expansion in federal waters.

“Our options in a case like this are very limited and I believe this is the best approach to the situation,” said Lubchenco. “This plan is far broader in scope than any aquaculture measures previously submitted for Secretarial review. We believe that permitting plans of this scope should be governed by a national policy. In the absence of a consistent national policy, it was not prudent to take action on the plan at this time.”

“The Gulf council’s plan raised important issues of national policy for how offshore aquaculture should be regulated,” said Jim Balsiger, acting NOAA assistant administrator for NOAA’s Fisheries Service. “NOAA will work closely with the Gulf council and Congress to ensure a smooth transition to a national approach for regulating offshore aquaculture activities.”

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