

Alaska Center for the Environment ◇ Alaska Independent Fishermen's Marketing Association ◇ Alaska Longline Fishermen's Association ◇ Alaska Marine Conservation Council ◇ Alaska Trollers Association ◇ Atlantic Salmon Federation ◇ Bonefish & Tarpon Unlimited ◇ Crab Boat Owners Association ◇ Earth Economics ◇ Environment Matters ◇ Fish Sniffer magazine ◇ FishWise ◇ Florida Keys Fishing Guides Association ◇ Food & Water Watch ◇ Gloucester Fishermen's Wives Association ◇ Go Wild Campaign ◇ Greenpeace USA ◇ Gulf Coast Environmental Defense ◇ Gulf Islands Conservancy ◇ Gulf Restoration Network ◇ Institute for Fisheries Resources ◇ Islamorada Charter Boat Association ◇ Louisiana Charter Boat Association ◇ Mangrove Action Project ◇ Marine Fish Conservation Network ◇ National Coalition for Marine Conservation ◇ Natural Resources Defense Council ◇ Northcoast Environmental Center ◇ Northwest Environmental Advocates ◇ Ocean Conservancy ◇ Ocean Conservation Research ◇ Ocean Reef Rod & Gun Club ◇ Oceana ◇ Pacific Coast Federation of Fishermen's Associations ◇ Pacific Environment ◇ Pacific Marine Conservation Council ◇ Pacific Whale Foundation ◇ People For Puget Sound ◇ Pew Environment Group ◇ Planning and Conservation League ◇ Prime Seafood ◇ Resighini Band of Yurok Indians ◇ Save Our Shores ◇ Save Our Wetlands Louisiana ◇ The Center For Food Safety ◇ The United Commercial Fishermen's Association out of Louisiana ◇ Waterkeeper Alliance ◇ Wild Fish Conservancy ◇ Zeroimpact productions: eco-friendly media production

Maureen Bornholdt  
Program Manager, Offshore Alternative Energy Programs  
Department of the Interior, Minerals Management Service  
Attention: Regulations and Standards Branch (RSB)  
381 Elden Street, MS-4024  
Herndon, Virginia 20170

James F. Bennett  
Branch Chief, Environmental Assessment Branch  
Minerals Management Service  
Mail Stop 4042, 381 Elden Street  
Herndon, Virginia 20170

**September 8, 2008**

Re: Alternative Energy and Alternate Uses of Existing Facilities on the Outer Continental Shelf, 1010 – AD30, and Alternative Energy Program Rulemaking Draft Environmental Assessment

Dear Ms. Bornholdt and Mr. Bennett:

We the undersigned forty-nine consumer, conservation, American Indian, and fishing organizations urge the Minerals Management Service (MMS) to drop its plans to permit and regulate aquaculture in federal waters.

On July 9, 2008, MMS issued proposed rules to permit and regulate fish farming – also known as aquaculture – on the Outer Continental Shelf (OCS), as long as those activities are associated with alternative and conventional energy facilities. Under these rules, fish farms could be sited anywhere on the OCS, either on or around existing conventional energy facilities (such as oil and gas platforms in the Gulf of Mexico, California, and potentially in Alaska) or on or around new energy facilities (such as wind or wave facilities) sited elsewhere.

We are very concerned about the environmental and socio-economic impacts of offshore aquaculture, which involves raising finfish (such as cod, halibut, and other species) in large, often crowded cages where fish waste and chemicals flow untreated into open ocean waters. Further, fish farms frequently result in escapes of non-native fish that compete with and spread disease to wild fish populations. Damage to farms from storms is one important way that farm-raised fish can escape. For example, in the late 1990's, storms destroyed an experimental offshore aquaculture cage located adjacent to an energy platform in the Gulf of Mexico. In recent years, hurricanes have pushed entire oil rigs to the shore. Had aquaculture pens been on those oil rigs, there would have been massive fish escapes with likely dramatic environmental consequences.

At a larger scale, growing demand for forage fish as ingredients in aquaculture feed is likely to have wide-ranging environmental and socio-economic impacts, ultimately reducing the amount of forage fish available for larger fish, marine mammals, and seabirds. It can take up to six pounds of wild-caught fish to produce one pound of farmed fish, depriving these predators of their food base and putting further stress on our nation's marine ecosystems. Additionally, offshore aquaculture in the U.S. could have severe negative socio-economic impacts on the existing seafood industry and coastal communities.

Much of how the MMS proposes to regulate offshore aquaculture is troubling. MMS proposes to authorize offshore aquaculture in the OCS on a case-by-case basis, a process that ignores the potential cumulative impacts of numerous offshore farms. MMS would also permit such activities for as long as it chooses, renewing such facilities at its discretion. The agency does not commit to any specific environmental protections (including, at a minimum, environmental monitoring) as requirements or conditions for such activities. MMS does not commit to requiring an Environmental Impact Statement (EIS) for individual permits, instead determining whether an EIS would be needed on a case-by-case basis. There are no assurances that wild fish populations and the recreational, commercial, and subsistence fishing sectors will be protected from the environmental and socio-economic risks of offshore aquaculture. In particular, locating offshore aquaculture farms on energy facilities could limit fishermen's access to important fishery resources. Indeed, nothing in the proposed rule addresses the range of potential adverse social and economic impacts from aquaculture on coastal and fishing communities.

In short, MMS is simply not the appropriate agency to manage offshore aquaculture facilities. As an oil and gas agency, MMS does not have the scientific and technical expertise to manage the myriad environmental risks of open ocean aquaculture. MMS's promise to consult with other agencies, such as the National Oceanic and Atmospheric Administration (NOAA), is insufficient and inconsistent with recent recommendations made by the Government Accountability Office.

Furthermore, two bills are currently pending before Congress - one in the House and one in the Senate - that would authorize a permitting regime for offshore aquaculture in federal waters. Congress has thus far rejected these federal bills in part, because they do not have strong environmental and socio-economic safeguards to guide NOAA's decision-making. In the absence of a comprehensive bill with strong environmental and socio-economic protections, no offshore aquaculture facilities should be permitted in U.S. federal waters.

Finally, we do not believe MMS has the legal authority to permit aquaculture in federal waters. Setting up the first federal program to regulate offshore aquaculture is impermissible under the Energy Policy Act of 2005, which only gives MMS authority over "authorized marine-related" uses. Because Congress has yet to authorize aquaculture as such a marine-related use, MMS should not attempt to use this rulemaking process to bypass the wishes of Congress.

Given these numerous concerns with the MMS proposed rule, we urge MMS to completely drop these plans to permit and regulate offshore aquaculture.

Sincerely,

Butch Allen  
Alaska Center for the Environment

David Harsila  
Alaska Independent Fishermen's Marketing Association

Linda Behnken  
Alaska Longline Fishermen's Association

Paula Terrel  
Alaska Marine Conservation Council

Dale Kelley  
Alaska Trollers Association

Andrew Goode  
Atlantic Salmon Federation

Aaron Adams, Ph.D.  
Bonefish & Tarpon Unlimited

Larry Collins  
Crab Boat Owners Association

Tedi Dickinson  
Earth Economics

Marianne Cufone  
Environment Matters

Dan Bacher  
Fish Sniffer magazine

Tobias Aguirre  
FishWise

Tad Burke  
Florida Keys Fishing Guides Association

Wenonah Hauter  
Food & Water Watch

Angela Sanfilippo  
Gloucester Fishermen's Wives Association

Anne Mosness  
Go Wild Campaign

Phil Kline  
Greenpeace USA

Enid Sisskin  
Gulf Coast Environmental Defense

Terese Collins  
Gulf Islands Conservancy

Joe Murphy  
Gulf Restoration Network

Nate Grader  
Institute for Fisheries Resources

Capt. Steve Leopold  
Islamorada Charter Boat Association

Charlie Smith  
Louisiana Charter Boat Association

Alfredo Quarto  
Mangrove Action Project

Bruce Stedman  
Marine Fish Conservation Network

Ken Hinman  
National Coalition for Marine Conservation

Alison Chase  
Natural Resources Defense Council

Greg King  
Northcoast Environmental Center

Nina Bell  
Northwest Environmental Advocates

George Leonard  
Ocean Conservancy

Michael Stocker  
Ocean Conservation Research

Jack Curlett  
Ocean Reef Rod & Gun Club

Beth Lowell  
Oceana

Zeke Grader  
Pacific Coast Federation of Fishermen's Associations

Doug Norlen  
Pacific Environment

Peter Huhtala  
Pacific Marine Conservation Council

Greg Kaufman  
Pacific Whale Foundation

Kathy Fletcher  
People For Puget Sound

Chris Mann  
Pew Environment Group

Gary A. Patton  
Planning and Conservation League

Jim Chambers  
Prime Seafood

Rob Cozens  
Resighini Band of Yurok Indians

Laura Jean Kasa  
Save Our Shores

Luke Fontana  
Save Our Wetlands Louisiana

George A. Kimbrell  
The Center For Food Safety

George Barisich  
The United Commercial Fishermen's Association out of Louisiana

Anna Gouznova  
Waterkeeper Alliance

Kurt Beardslee  
Wild Fish Conservancy

Marie Le Boeuf  
Zeroimpact productions: eco-friendly media production