



# Alaska Trollers Association

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**Testimony of Dale Kelley  
To the Marine Aquaculture Task Force  
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Good afternoon. I am executive director of the Alaska Trollers Association. I have represented the commercial fishing industry in a wide variety of forums, including the Pacific Salmon Commission and Pacific States Marine Fisheries Commission. I am a former board member and officer of United Fishermen of Alaska, where I served on the executive board for over 15 years and chaired the National Issues and Fish Farm committees, among others. Currently I chair several salmon related coalitions.

Alaska Trollers Association represents hook and line salmon fishermen who operate in state and federal waters off Southeast Alaska. Many of our fishermen are diversified into other fisheries, such as halibut, cod, and crab – all of which have been, or could be, dramatically affected by fish farming. The Southeast troll fishery is one of the largest salmon fleets in the state and is 86% resident, with over 40% of the permit holders living in rural communities. Roughly one of every 30 people living in our region works on a troll boat - and this figure does not include the processing and support sectors that rely on our fleet. When you add the rest of the commercial fishing fleets, the guided sportfishing industry, resident anglers, and subsistence users, the pursuit of wild fish is clearly one of the most important contributors to our local economy and social well-being.

ATA has long opposed net pen farming of finfish in both nearshore and offshore areas. We are concerned about the health of wild fish, fisheries habitat, and the potential for negative impacts on coastal communities and citizens who rely on the ocean for their food, livelihood, transportation and recreation. Additionally, ATA strongly advocates preservation of states' rights and firmly believes that coastal states should have an integral role in decisions affecting waters adjacent to their own.

We recognize that others have an interest in developing aquaculture in the EEZ. Therefore, ATA is willing to engage in discussions amongst the parties to further define the types of activities envisioned, and see if they can be conducted while preserving those values most important to our members, state, and nation.

Of course, any legislation that doesn't adequately protect fisheries resources, secure public use of our oceans, and honor states' rights will fail to garner ATA's support.

The following highlights some of ATA's concerns with S.1195:

- The bill provides no clear Congressional direction with respect to necessary over-arching conservation and economic policies specific to aquaculture development in the US Exclusive Economic Zone, and instead allows NOAA to set national policy through rulemaking.
- The bill does not ensure the rights and authorities of states that might be affected by fish farms outside state waters. It also disregards the impact of neighboring states, which may have very different views on fish farming (e.g. Alaska and Washington).
- The bill fails to establish a clear process to regulate the industry, coordinate state/federal management, mitigate negative impacts, or balance multiple uses of the oceans.
- The bill lacks adequate safeguards and standards to protect fisheries resources and the environment.
- The bill does not clearly protect the economic interest of our nation, the states, coastal communities, or existing industries. It also appears to permit large foreign and domestic corporations to operate inside US waters, but beyond some important US laws.
- And, establishing an offshore fish farming program will be expensive and could put at risk funding for existing fisheries research and management.

Most fishermen are wary of NOAA's approach to offshore aquaculture, which makes it difficult to trust a process that puts them completely in charge of policy. NOAA rejected requests by the fishing community, states, and several congressmen to include specific precautions in the draft bill or conduct impact studies. ATA and other groups requested that a Legislative EIS be conducted on the bill, but never received a response as to why this hasn't been done. The Administration appears less interested in detailed analyses than assisting multinational firms who wish to farm fish in the EEZ. A more informed discussion is warranted and a Legislative EIS could better inform lawmakers who must weigh the pros and cons of this legislation.

At various times NOAA staff has said that fish farmers in the EEZ should be allowed to operate under a voluntary code of conduct (as opposed to hard regulations) and be exempt from such laws as NEPA and the Magnuson-Stevens Act. Why? Because they claim our system creates disincentives for the investors! Why in the world would NOAA Fisheries put investors above the very resources they are charged with protecting? And, why would NOAA advocate policy and

regulation for multi-national firms in the EEZ that is any less restrictive than those governing the fisheries currently providing food and jobs for our nation? This seems backward for an agency charged with protecting the health of our nation's oceans and fisheries.

This legislation steps away from the policies we hold dear in the EEZ. After all, it is the United State's EXCLUSIVE Economic Zone, and the provisions and policies of the Magnuson-Stevens Act are meant to protect that interest. While some provisions of Magnuson-Stevens might not be well-suited to aquaculture, many of the national standards do seem fitting and appropriate. It would be unfortunate to continue improving fishery management in the EEZ, only to see conservation and US economic successes undermined by new activities.

If fish farming is allowed in the EEZ, it is important that aquaculture developers be held to the terms of existing ocean law and that specific policies and regulation be written. Such laws must be carefully crafted and strictly enforced, which would take considerable cooperation and coordination with federal, state, and local authorities, in addition to the affected public. This could best be accomplished through the fishery management councils.

Fish farming, particularly in ocean net pens, poses a number of serious environmental, social, and economic threats. There is a long list of unanswered questions surrounding the practices and impacts of fish farming. Such issues need to be better understood prior to considering opening the EEZ to fish farming. Failure to do so could be disastrous for native fish stocks, ecosystems, local economies, and perhaps even public health.

All you have to do is look at the daily world press and growing body of scientific evidence to understand the concerns about fish farming. Fish are already escaping from protected near shore net pens, but what happens when farms are placed in even less predictable ocean environments? Non-indigenous salmon have been found in oceans and rivers thousands of miles away from the farms where they were produced. Parasitic infestation and disease transfer to wild stocks appear to be smoking guns in some nations experiencing wild stock failures. The presence of noxious chemicals in some farm raised seafood puts troubling questions in the consumer's minds about the wholesomeness of ALL seafood. Degraded water quality and waste buildup near the net pens; competition for spawning and rearing habitat between wild and escaped farmed stock; negative impacts on other fish and wildlife; the specter of genetically modified seafood eventually entering the food chain; and, lost access for a variety of interests who use our oceans. There are many issues to be resolved and policies developed before moving forward with this activity in the open ocean.

To say the least, offshore aquaculture would be a costly program to research, manage, and enforce – at a time when the nation's resources are spread way too thin and congress is struggling to meet existing research and management needs. Developing an aquaculture program seems not only premature, but an absolute fiscal luxury.

I question whether the time is right for Congress to consider this bill. Our friends in the Gulf States, who must be engaged in this discussion, are seriously distracted. They should not be forced to divert precious time and energy to this. Perhaps the bill should be tabled.

Events that occurred this month should give pause to our consideration of offshore aquaculture. Hurricane Katrina unleashed such a fury that oil platforms were dislodged from their moorings. Weather conditions have dramatically shifted in recent years and it is not unlikely that in our lifetimes we will see even more violent storm activity in the coastal states. Scientists do not seem to debate global warming much these days – it's a given.

Then there was the accidental release of nearly half a million farmed salmon, due to hurricane force winds in what are typically calm Norwegian waters. This is the largest known escape in that country's fish farming history and underscores the inherent environmental problem with net pens in a dynamic ocean.

These events only serve to strengthen our association's resistance to ocean net pen farming. Hopefully, even the most enthusiastic promoter of fish farming can be convinced that significantly improved technology and a slow, cautious approach to any form of fish farming will be essential to protect our nation's fisheries resources and those of our neighboring countries. S.1195 simply does not provide that form of protection.

To summarize:

S.1195 is incomplete and lacks core standards and policies to protect the environmental and socio-economic interests of the states and nation.

It does not adequately consider the rights of the states.

It does not establish the public process that will be necessary for long-term review, decision-making, and balancing of competing uses.

It will establish a new and costly program, likely at the expense of existing fisheries research and management.

It comes at a time when key parties are unable to participate in the legislative process.

Finally, the public and congress deserve more and better information, in order to have a substantive debate on the merits of offshore aquaculture and S.1195.

Thank you for making time to come to Alaska and considering ATA's point of view.