



May 14, 2021

Dear Fishery Management Council Chairs:

Thank you for your November 6, 2020, letter from the Council Coordination Committee (CCC) to Chris Oliver, Assistant Administrator for Fisheries. The letter followed up on the September 24, 2020, CCC meeting where Regional Fishery Management Councils asked questions about how Councils can and will be involved in the Aquaculture Opportunity Area (AOA) identification and associated National Environmental Policy Act (NEPA) programmatic environmental impact statement (PEIS) processes (collectively referred to as the AOA process).

Responses to your questions and recommendations to NMFS and additional details about opportunities for the Councils to participate in the AOA process are provided below. Identification of AOAs and the associated PEISs is not a fishery management action under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), nor is it a regulatory process. The AOA process involves first identifying geographic areas (a one-year process) and then completing a PEIS to assess the impact of siting aquaculture facilities in those geographic areas (a two-year process). An area does not become an AOA until the PEIS process is complete, and there are multiple opportunities for Council input throughout the three-year process that ends with the identification of AOAs.

Throughout the process of identifying 10 AOAs, the Office of Aquaculture (OAQ) will work with NOAA's National Centers for Coastal Ocean Science (NCCOS) and Regional Offices to identify the region(s) of the country in which NOAA will begin the AOA process in a given year. Regional Aquaculture Coordinator(s) (RACs) in the appropriate NMFS Regional Office will then work with NCCOS to lead identification of geographic areas within those region(s) and development of PEISs for each AOA. OAQ staff will work with the RACs and NCCOS staff to provide support and maintain an efficient process for 10 AOAs.

### **CCC questions and NMFS response**

*The CCC asked that NMFS coordinate review of the PEIS with the Councils prior to seeking public comment.*

PEIS development will be led by NMFS Regional Offices in compliance with Council on Environmental Quality (CEQ) guidance and regulations and NOAA, NOAA Fisheries, and regional guidance to implement NEPA's procedural requirements, including the points of public input set out by the CEQ. Regional Offices will offer to present and discuss available information throughout the NEPA process during Council meetings, including advisory panel and subcommittee meetings, and solicit Council feedback. Concurrent with public comment periods, Councils will have the opportunity to review the Notice of Intent (NOI) to prepare the PEIS and the draft PEIS documents and provide their comments and input.

Because these are not fishery management actions, Councils will not be directly involved in drafting the PEISs, but NMFS will coordinate with Councils throughout the PEIS process.



*The CCC asked that NMFS provide the Councils with the spatially referenced data before identifying AOAs.*

Beginning with the Gulf of Mexico and Southern California, NCCOS and NMFS are engaging stakeholders to ensure the necessary spatial data are included in their spatial analysis process, and have had meetings with the Pacific and Gulf Councils and select advisory panels to review potential study areas and request data (e.g., specific spatial data on ecosystems, habitat, and fishery management). This type of engagement is expected to continue with other Councils as we begin the AOA process in other regions.

NCCOS will complete spatial analyses that result in preparation of a peer-reviewed Aquaculture Opportunity Atlas for each general area in which we plan to identify an AOA. The Atlases will be published before or concurrent with the publication of a NOI to prepare a PEIS for each AOA and will provide references for all data included in the Atlas. These data are largely from public sources and the Atlas will provide contacts for those data sources. Some of the data are already distributed on government clearinghouses (data.gov), NOAA websites (NCEI, Marine Cadastre, NMFS Regional Offices), or other federal and state agencies. Some of the data used in the Atlas are controlled unclassified information that has extensive requirements for safeguarding and controlled dissemination (e.g., fishing activities, aquaculture, oil and gas industry, cultural resources, or military).

The results of the Atlas do not identify AOAs; instead, those results will be used by NMFS to inform the development of preliminary alternatives that will be described in the NOI and considered in more depth through the PEIS process. Councils will have the opportunity to review the published Atlases and provide comment before AOAs are identified.

*The CCC asked that NMFS provide opportunity for the Councils to participate on AOA implementation teams.*

The AOA process encompasses a multitude of steps for NOAA to identify and develop PEISs for 10 AOAs, as defined by Executive Order 13921. There are various teams involved in implementing those steps, including internal NOAA teams and teams of federal partner agencies with permitting or other authorities related to aquaculture in federal waters that can function as cooperating and participating agencies on the PEIS as necessary. Successful implementation requires the ability to involve the right people at the right time(s) in the process.

Because these are not fishery management actions, Councils will not be directly involved on teams or in drafting the PEISs, but NMFS will coordinate with Councils as described below.

### **Details on how NMFS will coordinate with Fishery Management Councils**

AOAs are a national initiative, with the appropriate NMFS Regional Offices leading the development of each PEIS. This results in different opportunities for engagement with the Councils at the regional and national levels, detailed in the sections below.

The Councils are important partners in our public outreach to stakeholders and in supporting informed and meaningful participation throughout the AOA process. For the first two AOAs, NMFS West Coast Region, Southeast Region, and NCCOS are actively engaged with the Pacific

and Gulf Councils through regular presentations at their meetings. OAQ and NCCOS similarly engage with the CCC. We intend for this level of engagement to continue, and we will continue to work with the CCC and individual Councils on how to best communicate timely and accurate information throughout the process of identifying 10 AOAs nationally.

***Details on regional coordination with Fishery Management Councils related to specific AOAs***

While the Councils will not be directly involved on teams or in drafting the PEISs, there are a number of opportunities for Council involvement in the AOA process; details of NMFS coordination with the Councils is below.

It is important to remember that there are existing procedures and relationships between each Council/Region pair in how they handle NMFS policy matters that may impact coordination during the AOA process.

In Regions where we are actively working to identify AOAs, coordination between NMFS, NCCOS, and Councils will occur consistent with existing mechanisms of communication. Coordination with advisory panels, subcommittees, and/or full Councils may occur during full Council meetings or at other meetings as requested. Specific points of engagement include:

1. When NCCOS is gathering data for spatial analysis. This will include providing information to the Council(s) on available data layers and soliciting Council and stakeholder input on additional data layers that should be considered.
2. During the public comment period for the Request for Information (RFI). We will publish a new RFI to begin each cycle of identifying additional AOAs. We will solicit Council and stakeholder input through each RFI.
3. When the peer-reviewed NCCOS Aquaculture Opportunity Atlases are published. We anticipate presenting the results to the appropriate Councils.
4. When the NOI publishes in the *Federal Register*. We will solicit Council and stakeholder input on preliminary NEPA alternatives during the public comment period.
5. When the draft PEIS is published for public comment. We will solicit Council and stakeholder input during the public comment period.
6. When the final PEIS is published. We anticipate presenting the selected alternative(s) to the appropriate Councils.

Some Councils are considering establishing advisory panels or subcommittees to provide a mechanism to provide comment on AOAs, specific aquaculture projects, and other offshore activities and to inform the Council as these activities relate to their fishery management responsibilities. The identification of AOAs is not a regulatory action, but Councils may benefit from these advisory panels to discuss and provide comment throughout the AOA process.

***Details on national coordination with Fishery Management Councils or the CCC related to the general process or future AOAs***

NMFS and NCCOS will continue to coordinate with all Councils and the CCC throughout the process, especially as we move beyond the first two AOAs, including:

1. Headquarters/OAQ or NCCOS updates at CCC meetings related to the overall AOA process.
2. Informational presentations to Councils as requested, including the AOA process in general and the regions of the country where we will begin the process for future AOA

identification. This coordination may be done by Regional Offices or Headquarters/OAQ as necessary.

We look forward to continued coordination with the Councils and the CCC throughout the AOA process.

Sincerely,

A handwritten signature in blue ink, appearing to read "Doremus", with a long horizontal flourish extending to the right.

Paul Doremus  
Acting Assistant Administrator  
for Fisheries