Submitted via email.

October 12, 2018

Mr. Max Appleman
Fishery Management Plan Coordinator
Atlantic States Marine Fisheries Commission
1050 N. Highland Street
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Arlington, VA 22201
mappelman@asmfc.org

Re: Comments on Proposed Rulemaking Regarding Lifting the Ban on Atlantic Striped Bass Fishing in the Federal Block Island Sound Transit Zone

Dear Mr. Clapp and ASMFC Commissioners:

Please accept the following comments on behalf of Friends of the Earth regarding the Atlantic State Marine Fisheries Commission's (ASMFC) review of the National Oceanic and Atmospheric Administration's (NOAA) proposed rulemaking regarding lifting the ban on Atlantic striped bass fishing in the federal Block Island Sound Transit Zone.[1] These comments specifically request that ASMFC recommend that NOAA unequivocally indicate that its proposed changes will not allow any person to fish for, possess, harvest, transport, or retain any farmed Atlantic striped bass in the EEZ.

Friends of the Earth fights to protect our environment and create a healthy and just world by promoting clean energy and solutions to climate change, keeping toxic and risky technologies out of the food we eat and products we use, and protecting marine ecosystems and the people who live and work near them. Friends of the Earth's sustainable aquaculture campaign specifically focuses on highlighting the dangers of industrial ocean fish farming and supporting sustainable seafood production alternatives. We are more than 1.6 million members and activists across all 50 states working to make these visions a reality. We are also part of the Friends of the Earth International federation, a network in 74 countries working for social and environmental justice.

Industrial ocean fish farming – also known as open-ocean or marine finfish aquaculture – is the mass cultivation of finned fish in the ocean, in net pens, pods, and cages. These are essentially floating feedlots in our ocean, which can have devastating environmental and socio-economic impacts. We have been closely tracking – and are opposed to – a proposed aquaculture facility to cultivate Atlantic striped bass in the EEZ off the coast of Long Island, New York: Manna Fish

[1] *See* National Oceanic and Atmospheric Administration, Fisheries of the United States; Regulations for Striped Bass Fishing in the Block Island Transit Zone, 83 Fed. Reg. 193 (Oct. 4, 2018).

Farms. We are deeply concerned about the significant risk this facility will pose to nearby public waterways and native wildlife, including direct harm to our wild Atlantic striped bass stocks.

It is currently unlawful for any person to fish for, harvest, possess, or retain any Atlantic striped bass in the federal Exclusive Economic Zone (EEZ). *See* 50 C.F.R. § 697.7(b). As it stands, this regulation prevents Manna Fish Farms from implementing its plans to cultivate Atlantic striped bass in federal waters. NOAA has indicated in its public notice of the proposed rulemaking that these changes would "allow recreational fishermen to harvest, retain, and transport striped bass within the Block island Transit Zone." We understand that these proposed changes are not intended to lift any prohibitions as to farming Atlantic striped bass; however, out of an abundance of caution, and to showcase continued support for our wild stocks, we urge the ASMFC to recommend that NOAA unequivocally state in its final rulemaking notice that it is maintaining all prohibitions as to farmed Atlantic striped bass in the EEZ.

An industrial ocean fish farm for Atlantic striped bass would place wild striped bass stocks at significant risk. It is no secret that marine finfish aquaculture facilities regularly result in massive farmed fish escapes that adversely affect wild fish stocks. In just the last year, there have been a frightening number of farmed fish spills from industrial facilities viewed by some as leaders in the industry:

- Here in the United States, in August 2017, more than 263,000 farmed, non-native Atlantic salmon spilled into Puget Sound from an industrial ocean fish farm in Washington State owned by Cooke Aquaculture Pacific, LLC. The cause: poor maintenance and cleaning of the nets.
- In August 2018, an industrial ocean fish farm in Chile reported the escape of 930,000 salmon – of which approximately 680,000 went uncaptured. The cause: a wind storm with high waves.
- In July 2018, an industrial ocean fish farm in Norway spilled up to 10,000 fish into nearby waters. The cause: a fire at the facility.
- In July 2018, a salmon hatchery plant in Norway allowed for the escape of approximately 20,000 smolt. The cause: complications during routine vaccination procedures.
- In December 2017, an industrial ocean fish farm owned by Bakkafrost located off Faroe Islands spilled more than 109,000 Atlantic salmon. The cause: extreme weather conditions.[2]

Research confirms that escaped, farmed fish can establish in the wild, placing wild stocks at significant risk. An October 2018 study published by the U.S. National Academy of Sciences suggests that farmed fish have great potential to navigate and invade wild fish habitats after a fish spill, suggesting that fugitive farmed fish survive and travel, increasing competition and risk to our susceptible wild stocks.[3] In August 2017, an industrial ocean fish farm in Washington

[2] These figures represent leaders in the Atlantic salmon farming industry, which is the primary species of farmed fish in ocean-based facilities. Lola Navarro, INTRAFISH, Here are the largest recorded farmed Atlantic salmon escapes in history (Aug. 2, 2018), https://www.intrafish.com/aquaculture/1543294/here-are-the-largest-recorded-farmed-atlantic-salmon-escapes-in-history.

[3] Michelle M. Scanlan el al., "Magnetic map in nonanadromous salmon," Nat'l Academy of Sciencecs (2018), *available at* www.pnas.org/cgi/doi/10.1073/pnas.1807705115.

State spilled more than 263,000 farmed Atlantic salmon into Puget Sound. *Many of these non-native, farmed fish are still thriving and swimming free* – some have even been documented at least as far as 100 miles from the farm.[4] Scientists for Canada's Department of Fisheries and Oceans recently studied Newfoundland's wild salmon, reporting that more than 25% of fish examined were hybrid species, which was caused by years of interbreeding between farmed and wild stocks. Such interbreeding between wild and cultivated, farmed species can lead to genetic modification and degradation, forever impacting wild species.

Escaped, farmed fish impact wild species by increasing competition with wild fish stocks for food, habitat and spawning areas. These fugitive fish can also spread disease and parasites, such as sea lice. For highly susceptible stocks, such as the Atlantic striped bass, these risks are dire. Oftentimes, rather than attempt to prevent the escapes – which would remove the threat of new diseases and parasites – industrial fish farmers simply administer antibiotics and other veterinary drugs to their farmed fish in an attempt to kill pathogens. These drugs are nothing but harmful to the surrounding environment, wildlife, and consumers' health.

Another vital concern for Atlantic striped bass and other wild fish populations is poor water quality due to the discharge of excess food, untreated fish waste, veterinary drugs, and anti-foulants associated with industrial ocean fish farms. A salmon farm of 200,000 fish releases an amount of nitrogen, phosphorus, and fecal matter roughly equivalent to the nutrient waste in the untreated sewage from 20,000, 25,000, and 65,000 people, respectively.[5] Releasing such excess nutrients can result in eutrophication triggering algal blooms and subsequent deleterious anoxic conditions that can degrade nearby environmental conditions.

Finally, marine finfish aquaculture operations interrupt natural behaviors of wildlife and their habitats. Facilities can physically impact the seafloor by creating dead zones, and they frequently adulterate marine food webs by attracting predators and other species to congregate around fish cages. These predators – such as small and large schooling fishes, birds, seals, and sharks – can easily become entangled in net pens, harassed by acoustic deterrents, or otherwise harmed. Finfish aquaculture pens can act as 'fish aggregating devices,' interrupting migratory patterns and subjecting fish stocks to excessive fishing pressure from recreational fisheries.[6]

Conclusion

The laundry list of harms above shows that lifting any restrictions as to farmed Atlantic striped bass in the EEZ would harm to their wild counterparts. Industrial ocean fish farms devastate

[4] Lynda V. Mapes, SEATTLE TIMES, Despite agency assurances, tribes catch more escaped Atlantic salmon in Skagit River (Dec. 1, 2017), *available at* https://www.seattletimes.com/seattle-news/environment/despite-agency-assurances-tribes-catch-more-escaped-atlantic-salmon-in-skagit-river/.

[5] Pew Oceans Commission, AMERICA'S LIVING OCEANS: CHARTING A COURSE FOR SEA CHANGE 77 (2003), *available at* http://www.pewtrusts.org/~/media/assets/2003/06/02/poc_summary.pdf.

[6] These are just a few of the serious problems posed by industrial ocean fish farms. Others include socio-economic harms such as increased competition for marine waters, occupational hazards, and damage to coastal communities, such as wild-capture fisheries and tribal nations. There is no way to avoid and minimize these adverse environmental, social, and economic impacts when industrial ocean fish farming is permitted. As described above, these facilities inherently harm the environment, society, and the economy – harms that simply cannot be avoided or minimized.

waterways with harmful pollution and direct discharge, massive farmed fish spills, and destruction of native wildlife. We therefore urge the ASMFC to give due consideration to these impacts as part of its consideration, and recommend that NOAA unequivocally indicate that its proposed regulatory changes will not allow any person to fish for, possess, harvest, transport, or retain any farmed Atlantic striped bass in the EEZ.[7]

Thank you for the opportunity to submit these comments.

Sincerely,

Hallie Templeton
Senior Oceans Campaigner
Friends of the Earth

[7] We would not be opposed to a narrow exception allowing any person to fish for, possess, harvest, transport, or retain escaped farmed Atlantic striped bass. However, we strongly urge decisionmakers to prevent such disasters by simply continuing to prohibit the farming of Atlantic striped bass altogether.