

**CENTER FOR FOOD SAFETY ENVIRONMENTAL DEFENSE
THE OCEAN CONSERVANCY NATIONAL ENVIRONMENTAL TRUST
INSTITUTE FOR AGRICULTURE AND TRADE POLICY PUBLIC CITIZEN
ALASKA LONGLINE FISHERMEN'S ASSOCIATION SALMON FOR ALL
DEFENDERS OF WILDLIFE ENVIRONMENTAL CENTER OF SAN LUIS
OBISPO SIERRA CLUB THE OTTER PROJECT FRIENDS OF THE SEA
OTTER SAVE OUR SHORES PACIFIC COAST FEDERATION OF
FISHERMEN'S ASSOCIATIONS INSTITUTE FOR FISHERIES RESOURCES
SUSTAINABLE FISHERY ADVOCATES CONSERVATION LAW FOUNDATION
EAST PENOBSCOT BAY ENVIRONMENTAL ALLIANCE SIERRA CLUB
FLORIDA CHAPTER PACIFIC MARINE CONSERVATION COUNCIL
SUSTAINABLE FISHERIES FOUNDATION DEFENDERS OF WILDLIFE
ALASKA MARINE CONSERVATION COUNCIL
ATLANTIC SALMON FEDERATION · GULF RESTORATION NETWORK**

June 18, 2004

Congressman Farr
1221 Longworth House Office Bldg
Washington, DC 20515

Dear Congressman Farr :

**Re: Request for a Legislative Environmental Impact Statement for Offshore
Aquaculture Legislation**

The undersigned groups, on behalf of their many members and constituents, are concerned about the aquaculture legislation that NOAA has drafted and intends to propose to Congress. This legislation, as you know, would create for the first time a detailed system for permitting aquaculture in federal waters in the Exclusive Economic Zone (EEZ). Due to the precedent-setting nature of this action, along with the potentially significant environmental impacts caused by offshore aquaculture, we requested last year that NOAA comply with the National Environmental Policy Act (NEPA) by completing a Legislative Environmental Impact Statement (LEIS) before submitting its proposed Offshore Aquaculture Legislation to Congress.

Rather than complying with the law, NOAA has chosen to ignore our request. NOAA is currently finalizing the draft legislation yet has not conducted a LEIS to review the potential environmental impacts. Without a LEIS, the public is being shut out of providing comments for this important environmental review process and Congress will not have the information it needs to make an informed decision. Therefore, we are seeking your assistance in requesting that NOAA comply with the law by conducting a LEIS prior to introducing legislation to Congress.

NEPA has two overarching goals. One is to ensure that decision-makers are informed about the environmental impacts of their decisions. Here, it is essential that NOAA and Congress fully understand the environmental impacts of opening up the EEZ to pursue the development of a new type of aquaculture. Second, NEPA seeks to have an informed public. Full public notice and comment on the LEIS would play a major role in achieving this goal. Public comments would also help to inform Congress, since this information would be forwarded, along with NOAA Fisheries' responses, to the Congressional committees with jurisdiction over the legislation.

Under NEPA, all recommendations "on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment" must include a detailed statement on the environmental impact of the proposed action. 42 U.S.C. §§ 4332(C). Legislation includes "a bill or legislative proposal to Congress developed by or with the significant cooperation and support of Federal agency." 40 C.F.R. § 1508.17. Therefore, the legislation proposed by NOAA Fisheries should include a LEIS.

As you are aware, aquaculture can significantly affect the quality of the human environment. Offshore fish farms will potentially discharge large quantities of uneaten fish feed, fish feces and other fish wastes, and farm chemicals into ocean waters. Net cages used for offshore production of finfish are vulnerable to the escape of farmed fish, which may interbreed with and alter the genetic makeup of local fish populations.

Before considering NOAA's proposed offshore aquaculture legislation, we hope that you will request that the agency fully review the potential environmental impacts in a LEIS. This information is essential for Congress to review before establishing any legislation that will open up our oceans to commercial fish farms.

Sincerely,

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