

Atlantic Salmon Aquaculture Framework

Michelle Bachman, Jennifer Couture
NEFMC staff

Enforcement Committee
March 15, 2023
Via Webinar



Summary



- The Salmon FMP prohibits directed fishing and possession in federal waters and allows for authorization of salmon aquaculture via a framework action.
- Given these potentially contrasting objectives, the Council anticipates that this action will provide a clearer path forward for salmon aquaculture projects in federal waters.
- The Council approved goals and objectives in December, and the Habitat PDT and Committee have been working on drafting alternatives and analysis
 - PDT - January 4, Committee - January 12, PDT - February 7
 - Summaries will be posted here: <https://www.nefmc.org/calendar/mar-23-2023-habitat-committee-meeting>

The purpose of today's discussion is to review the draft alternatives and solicit feedback from the Enforcement Committee

Framework Goals

Allow for the implementation of Atlantic salmon aquaculture projects through the adjustment of the management measures prohibiting the possession and harvest of wild Atlantic salmon in the EEZ.

If necessary, add or adjust management measures to ensure aquaculture projects in the EEZ are conducted in a manner consistent with the goals and objectives of the Atlantic Salmon Fishery Management Plan.

Framework Objectives (in brief)

1. Differentiate authorized possession of aquaculture raised salmon from unauthorized possession of wild fish to allow for enforcement
2. Ensure federal dealers can purchase farmed salmon
3. Identify and address monitoring concerns
4. Identify and address reporting concerns
5. Avoid duplication of other requirements
6. Develop a generic adjustment to the FMP that will apply to multiple projects going forward

Alternative 1: No Action

- The Council would not establish a specific authorization program for aquaculture operators to help ensure operational consistency with the Atlantic salmon FMP
- The Council would not establish any new reporting or monitoring requirements related to Atlantic salmon
- Possession of Atlantic salmon (wild and farmed) would remain prohibited in federal waters of the EEZ off the Northeastern US.
- Anyone possessing farmed salmon would be responsible for their own documentation to rebut the presumption that the vessel is in possession of prohibited fish (currently no Council/NOAA protocols)

Alternative 2: Authorize possession via Letter of Authorization, vessel & dealer permits & reporting

Possession of farmed salmon would be explicitly authorized consistent with conservation objectives of the salmon FMP

- Letter of Authorization to aquaculture project operator allowing authorized vessels to transport salmon within the EEZ
- Vessel & dealer reporting requirements for these vessels would enable NOAA and NEFMC to track harvest and landings so there is accounting of farmed salmon
 - eVTR each time salmon are transferred from farm to shore
 - Dealer reporting (2x/week)
 - Intended to be consistent with other FMPs
 - Current thinking is that dealers would not be issued an LOA

Alternative 3: Authorize possession via Letter of Authorization only

This is a subset of Alternative 2, LOA only

Possession of farmed salmon would be explicitly authorized consistent with conservation objectives of the salmon FMP

→ Letter of Authorization to aquaculture project operator allowing/identifying associated vessels authorized to transport salmon within the EEZ

Letter of Authorization details

- All aquaculture companies that need to possess salmon in the EEZ will be required to obtain an LOA from NOAA Fisheries (we assume this would be on an annual basis). Enforcement agencies could request the LOA from any vessel operators with Atlantic salmon on board to confirm authorized possession of farmed fish.
- The LOA should include the following information at a minimum:
 - Name of the aquaculture company,
 - Names/permit numbers of all vessels associated with the operation that might have salmon on board,
 - Location of the aquaculture operation (offshore facilities),
 - Permit numbers for the aquaculture operation,
 - Primary source of the farmed salmon,
 - Other species being farmed that might also be onboard the vessel, and
 - Point of contact for the project.
- The LOA could also include any other information as required by GARFO Regional Administrator.

When operating under an LOA:

- Vessel operators would be required to transfer fish in a manner consistent with this authorization. Specifically, containers holding Atlantic salmon need to be individually tagged. If salmon are the only species on board, and the vessel is therefore considered the container, then individual container tags are not needed.
- Vessel operators should maintain a logbook that estimates the volume of salmon transferred, date of the trip, fish disposition, and provides dealer transaction records.
- Vessel operators may not fish for or possess any other species, other than those identified on the LOA.
- No fishing gear may be on board when in possession of salmon – or – all gear is properly stowed in accordance with the definition of not available for immediate use (50 CFR § 648.2).

Need input on this!



Selling farmed salmon to dealers

- Under Alternative 2, would the salmon need to be sold to a federal dealer, with a salmon permit, because the vessels have a federal permit?
 - Yes, the salmon would need to be sold from a vessel with a federal salmon permit to a dealer with a federal salmon permit, if the Council wants to be consistent with other species it manages. The Council could opt to create an exception in this case, but the inconsistency could cause confusion.
- Under Alternative 3, would the catch have to be sold to a state dealer, because there is no federal vessel permit?
 - It would depend on the requirements in the state of landing. For example, in NH and MA they would need to be a state permitted vessel or state permitted dealer to sell the fish. They would need to be a dealer to process the fish. In MA they would need a state or federal dealer permit to sell to retail. They would need to be a state dealer to process the fish and sell to wholesale for additional processing.
- Under Alternative 3, could we issue an LOA to federal dealers allowing them to buy the salmon, even though there's no federal vessel permit?
 - This is probably not necessary. The bill of sale or lading would likely show the dealer purchased the salmon from an entity operating under the LOA if there was an enforcement issue. The LOA is to rebut the presumption that any salmon you possess in the EEZ is an illegal wild salmon. There is no such presumption for salmon at a dealer.

Where do fishing vessels fit in?

- Fishing vessels not associated with an aquaculture operation should return any Atlantic salmon retained in their gear to the water.
- This includes any salmon that may have escaped from an authorized aquaculture operation, or any wild Atlantic salmon.
- Any Atlantic salmon interactions must be [reported](#) on VTRs.
- If fishing vessels are needed to assist with recapture of escaped salmon, they could be issued a short-term LOA by NOAA Fisheries for this purpose.

Questions for Enforcement Committee

1. Is the wording used to describe the alternatives sufficiently clear? Should any additional items be added to the list of required LOA elements?
2. Is the LOA for aquaculture operations and associated vessels sufficient for enforcement at sea? Are there any measures to add that would aid in at-sea enforcement? Does the Committee agree that container tagging seem necessary if vessels are in possession of multiple species, but not when only salmon are on board?

Questions for Enforcement Committee

3. Are there any errors in our understanding about how sales to dealers would work? Will it be possible to identify from dealer records that any salmon purchased were cultured (i.e., how does information about farmed status make its way through the supply chain)?
4. Is there any reason to issue an LOA to federal dealers to show they are authorized to possess salmon?

Questions for Enforcement Committee

5. Should there be a requirement that fishing gear cannot be on board when a vessel is in possession of cultured salmon?

OR

Is it sufficient that gear be stowed and not available for use, per standard language in fisheries regulations?

Note: Latter seems easier from enforcement perspective but more restrictive to any fishermen who might be involved in servicing aquaculture operations. Would fishing vessels opt out if they need to remove gear, which is burdensome? It is not clear that aquaculture operators would use fishing vessels to transport fish, but it seems important to account for this possibility.

Questions for Enforcement Committee

6. Are any measures needed to differentiate farmed US salmon from farmed Canadian salmon as they are transferred through the EEZ?

Note: Currently, fish are being farmed in Canada and transported to Maine and also harvested in Maine state waters and transported to Canada through the EEZ. Are any LOAs or other measures needed for these transshipments?

Salmon Aquaculture Framework Timeline

2022	
AUG	Committee discusses possibility of initiating Atlantic salmon framework action to authorize salmon aquaculture
SEP	PDT begins background work
SEP	NEFMC initiates Atlantic salmon framework action
OCT	PDT discusses scope of framework including background information and type of impact analyses required for action
NOV	Advisory Panel, Committee meet to discuss development of alternatives
DEC	Council update, PDT continues development
2023	
JAN	PDT and Committee meetings, Council update
FEB- MAR	PDT finishes drafting framework, Enforcement Committee review, Habitat Advisory Panel and Committee recommend a preferred alternative
APR	NEFMC final action
MAY	Formal submission
TBD	Target implementation

