

Assistant Administrator Janet Coit
National Marine Fisheries Service
1401 Constitution Ave NW
Washington, DC 20230

Dear Asst. Administrator Coit,

Thank you for this opportunity to submit comments on the National Marine Fisheries Service's (NOAA Fisheries) Draft Strategy on Equity and Environmental Justice. The North American Marine Alliance is a fishermen-led organization building a broad coalition committed to the just, equitable, and sustainable harvest of our fishery resources for the benefit of fishery-dependent coastal communities and local-regional food systems. NAMA welcomes this effort by NOAA Fisheries to uphold values of equity and environmental justice in its management, research, and policy development.

The EEJ values outlined by NOAA Fisheries are central to NAMA's mission. For nearly three decades our work has drawn from the environmental justice (EJ) movement, which has a robust history of organizing around central principles grounded in mutual respect for the earth and one another, the fundamental right to environmental self-determination, and the right to participate as equal partners at every level of decision-making, among many other principles. Taking our cues from environmental justice thought-leaders, practitioners, and activists who have led this work before us, we strive to support fishery access, sustainable fisheries, and justice for coastal communities that are dependent on the oceans for their wellbeing.

A Just and Transparent Policy Process for All

There appears to be a disconnect between NOAA Fisheries' current and historic policy priorities, such as offshore aquaculture and catch share programs, and its stated commitment to EEJ. We are grateful that the agency acknowledges its own role in past and ongoing policy decisions that may have exacerbated unequal distribution of economic, social, and cultural resources. We recognize that NOAA Fisheries must comply with certain statutory mandates that govern its work, but for other agency priorities (including funding decisions), NOAA Fisheries has significant power and discretion. As a result, underserved communities *must* be present, engaged, and heard at the genesis of such overarching policy priorities. Soliciting feedback and public comment from underserved communities *after* these policy priorities have been developed internally is simply not enough and inherently inequitable. We encourage NOAA Fisheries to strengthen its Objective #2 to ensure that underserved communities are at the table during policy discussion, development, and prioritization – rather than simply consulted through public comment and during implementation.

Catch share programs offer an example of the harm that NOAA Fisheries policies can create when such policies are prioritized above the voices of underserved communities and affected stakeholders. When NOAA Fisheries adopted the implementation of catch shares as an agency-wide priority at the behest of some of the nation's largest environmental groups, individual fishermen from underserved communities were not consulted and the voices of those who did proactively speak up were ignored. Fishermen were consequently forced to advocate in defense of their livelihoods through the Council process. As the New England Fishery Management Council considered adopting a catch share program, fishermen raised the alarm about potential consolidation – and faced ridicule, disconnected microphones, and intimidation as a result.

Now, many of these communities' worst fears – including consolidation, loss of fishing access, and disruption of multi-generational fishing livelihoods – have come to pass due to NOAA Fisheries' unwillingness to proactively address the negative impacts of catch share management on small-boat fishermen. Furthermore, the impact of consolidated fishing effort as a result of catch shares has had adverse impact on the nearshore waters and fish stocks further affecting the ability of many underserved communities to access fisheries for commercial,

sustenance, and subsistence purposes. As NOAA Fisheries advances this EEJ Strategy, the agency must reckon with the historic impacts of its policies on underserved and marginalized communities, including the fishing communities harmed by catch shares. More specifically, NOAA Fisheries must strengthen its second EEJ objective – “Incorporating Equity and Environmental Justice in Policy and Plans” – to require the agency to develop a clear-eyed, justice-focused plan to address the ways that specific policies have caused and continue to cause harm to underserved communities.

NOAA Fisheries’ unquestioning drive towards instituting and expanding offshore aquaculture is another prime example of why underserved communities should be at the table for the development of large-scale institutional priorities. Executive Order 13921 (signed May 2020), directs NOAA to develop and promote offshore finfish farming through an expedited and largely unaccountable process. NOAA Fisheries has created inequities for underserved communities by circumventing the democratic process and overstepping their authority by attempting to regulate and permit aquaculture. NOAA Fisheries repeatedly asserts authority in establishing and permitting an unprecedented nationwide system of commercial offshore aquaculture facilities across all U.S. waters, even though Congress has never passed any legislation granting the agency authority to do so. Furthermore, the courts have affirmed this lack of authority to oversee aquaculture activities in federal waters: in 2020 the Fifth Circuit held that NOAA indeed lacks any statutory authority to regulate aquaculture.

These activities are against the will of the people and do not consider the ramifications for the underserved communities, including coastal fishing communities, that NOAA Fisheries purports to value in this draft EEJ strategy. NOAA’s activist role in promoting industrial-scale offshore finfish aquaculture introduces unwarranted bias in the decision-making process, unequal distribution of funding, and exclusionary governance processes. For this reason, it is critical that agency-wide policy priorities of similar scale and scope are developed *with underserved communities at the table*, rather than having these priorities foisted on the American public without a values-based discussion on the equity and justice implications of the policy itself.

Marginalized communities that are already facing hardships due to NOAA Fisheries policies, such as catch share consolidation and the associated downward pressure on harvester incomes, will bear the brunt of negative environmental and economic impacts of offshore finfish aquaculture while the “benefits” of offshore fish farms in the form of financial profits are channeled to agricultural corporations and multi-million dollar seafood conglomerates. Polluting industries are often sited adjacent to communities of color. Offshore fish farms will exacerbate health problems those communities already suffer as a result of historical environmental injustices in the United States. Additionally, nutrition and cultural traditions of many Indigenous communities depend on marine resources, which offshore fish farms will contaminate and deplete, which happened when Atlantic salmon escaped from a fish farm off the coast of Washington State. This is patently antithetical to NOAA Fisheries’ commitment to Equity and Environmental Justice as articulated in this draft strategy. We urge you to consider this clear and damaging conflict between your agency’s stated EEJ priorities and its activism for offshore industrial fish farming, as well as catch shares.

Going forward, we recommend NOAA Fisheries consider establishing an EEJ filtering system to guide its policy priorities and ensure that they are consistent with the values of equity and environmental justice laid out in this draft strategy. When it comes to issues like offshore aquaculture and catch share programs, NOAA Fisheries should consider, *before taking action*, whether these policies will adversely affected underserved communities, impede environmental justice goals, disproportionately harm communities of color or disenfranchised fishery participants, and contribute to the consolidation of fishery access and benefits in the hands of corporate stakeholders over communities. Similar to how NOAA Fisheries must consider the environmental impact of its policy decisions through the National Environmental Policy Act (NEPA) process, NOAA Fisheries should create and adhere to a similarly rigorous process for evaluating – and seeking proactive feedback from underserved communities regarding – the EEJ implications of its proposed policies before moving forward to implement them.

Accessibility to Regulatory Process

NOAA Fisheries' regulatory process, especially through the Regional Fishery Management Councils, is largely inaccessible to underserved communities dependent on the resources being regulated. This represents one of the core challenges facing underserved and marginalized communities affected by NOAA Fisheries policies. While we recognize the importance of a data-driven, deliberative process that incorporates the vast complexity of natural resource management, we must also acknowledge the barriers that a layperson faces to fully participate in that process. Some barriers to participation are logistical, including the difficulty and cost of traveling from rural communities to attend meetings, or limited internet connectivity that makes virtual attendance sporadic or unavailable altogether. Beyond that, the Council process itself can be opaque and potentially intimidating to anyone unfamiliar with the nuances of regulatory decisionmaking and the minutiae of its cultural norms. The iterative process rewards participants capable of consistent engagement. Historically as well as today, participants capable of consistent engagement are predominantly corporate fishing or seafood interests able to employ lobbyists and policy experts whose full-time jobs are monitoring, understanding, and participating in Council discussions and deliberations. As fisheries consolidation and rationalization occurred, the Council regulatory process became ever more complex and impenetrable to those already struggling to participate. This, in turn, reinforced existing barriers and erected new ones. Today, faced with dwindling resources and opportunities, residents of coastal fishing communities dependent on federal fishery resources struggle to overcome the barriers necessary to be heard and have an effective voice.

For members of underserved communities, developing fluency in the Council process can be incredibly challenging. While residents of fishery-dependent communities are often affected by Council decisions, either directly or indirectly, limited informational resources are available to help those individuals fully participate in the Council process. We encourage NOAA Fisheries to consider incorporating into this draft EEJ strategy a greater focus on ways the agency can provide institutional support – in terms of Council staff time, informational resources and explainers, and proactive outreach – to help affected stakeholders and underserved community members better navigate and participate in the fishery management process. Examples of this could include informational sessions before Council meetings to familiarize individuals with the upcoming agenda, staff capacity to answer questions from community members on specific discussion papers, action memos, or Council motions, and/or greater public accessibility to Council and advisory body members. Councils should also redesign meetings to provide more time on the agenda for collaborative work sessions that promote active participation, adjust meeting layout and format to be more collaborative, engage professional facilitators to encourage full participation from Council and audience members, and work with underserved stakeholders to understand how, when, and what information they want to receive.

Likewise, we encourage NOAA Fisheries to maintain and expand remote access to Council meetings, strengthen user operability of software used to receive and transmit remote testimony, and continually evaluate its own meeting protocols for opportunities to draw down barriers impeding accessibility. New user interfaces also must be paired with outreach and education to the public on how to engage via these new methods. Additionally, we urge NOAA Fisheries to leverage its position within the Department of Commerce to support expansion of broadband internet to remote, rural, and underserved communities that have historically lacked access to this standard of connectivity.

Finally, we urge NOAA Fisheries to take a holistic and all-encompassing view of how barriers to accessibility are systemic in nature and it may require joint efforts with other agencies or outside organizations to sufficiently address them.

Improved Metrics to Measure Success

The metrics by which NOAA Fisheries will measure success in implementing the EEJ strategy should be strengthened to reflect that success is best measured by the underserved and marginalized communities that this strategy aims to reach. Determining “success” through quantitative metrics like number of community data

workshops held or number of communication plans created may do little to determine whether the systemic inequalities and injustices endured by historically marginalized and underserved communities are actually remedied through implementation of the EEJ Strategy. We encourage NOAA Fisheries to remain conscious of the challenges of applying quantitative metrics to qualitative objectives like equity and justice, and to put greater emphasis on measuring success by way of feedback from underserved communities across all of the strategy's objectives.

Conclusion

Again, we sincerely appreciate the opportunity to comment on NOAA Fisheries' Draft Equity and Environmental Justice Strategy and commend the agency for its work to produce this document. Alongside our partners and cosigners, NAMA remains committed to advancing principles of equity and environmental justice in our work, and we hope to have future opportunities to work with NOAA Fisheries to uphold the environmental, social, cultural, and economic interests of fishing communities across the country.

Sincerely,

North American Marine Alliance
Agroecology Research-Action Collective (ARC)
Alaska Community Action on Toxics
Alaska Trollers Association
Belize Federation of Fishers
Brandworkers
Chicago Food Policy Action Council
Community Farm Alliance
Copper River Fish Market
Don't Cage Our Oceans
Duna Fisheries, LLC
Family Farm Defenders
Farm to Institution New England
Farms Not Arms
Farmworker Association of Florida
Federation of Southern Cooperatives/Land Assistance Fund
Fishadelphia
Food in Neighborhoods Community Coalition
Friends of the MST
Grassroots International
Greenhorns
GreenJustice
Harrington Investments, Inc.
Health Care Without Harm
KAS Consulting
La Semilla Food Center
Mississippi Commercial Fisheries United, Inc.
Missouri Rural Crisis Center
Moms for a Nontoxic New York
National Family Farm Coalition
Noble Ocean Farms, LLC.

Northeast Organic Farming Association of Vermont
Northeast Organic Farming Association-Interstate Council
Nutrition, Equity and Food Systems Consulting
One Fish Foundation
Parable of the Sower Intentional Community Cooperative
Recirculating Farms
Renew Worcester and Co op board
Rural Vermont
SalmonState
Sarah Schumann, Commercial Fisherman in Warren RI
Sciencecorps
Seaweed Commons
Sitka Salmon Shares
South Bay Wild Inc.
Straight to the Plate
The Montauk Seaweed Supply Company
US Food Sovereignty Alliance
Women Food and Agriculture Network (WFAN)