

**Statement of Marianne Cufone, Executive Director, Recirculating Farms Coalition:**

*9<sup>th</sup> Circuit Court Rules in Favor of Non-profits Challenging Ocean Fish Farming Permits*

Today, the U.S. Court of Appeals for the Ninth Circuit issued a decision on a very important lawsuit about ocean fish farming. Several groups had sued to stop the National Marine Fisheries Service (NMFS), the federal agency responsible for conservation and management of ocean resources, like fish, from issuing a permit to a Hawaii ocean fish farm operation.

The lower court initially ruled against the groups, saying that aquaculture was a form of fishing and therefore the agency, which is tasked with regulating fish and fishing in U.S. waters, was able to issue such permits. The lower court also ruled that the agency was under no obligation to study the impacts of allowing fish farms in federal waters, once the facility's activities had terminated.

This decision was appealed, and NMFS contended that the groups had no standing even to appeal.

Today, the Appellate Court reversed some of the lower court's decision and rejected the agency's argument about standing.

We are pleased that the higher Court acknowledged that the groups did in fact have standing to sue – meaning public concern regarding how ocean resources are used is a recognizable right. We are also very pleased that the Court said that NMFS is not off the hook for studying the impacts of its permits after this type of project is finished.

Though the Court decided the agency was able to issue a permit in this limited circumstance, the court also specifically found that the permit set no precedent. This decision supports that NMFS does not have blanket authority to permit ocean fish farming in U.S. waters. The agency should immediately stop its attempts to permit fish farming in the Gulf of Mexico and off the Hawaiian coast, both of which were premised on the lower court's original ruling in this case.

We hope NMFS and others pushing ocean aquaculture will now get on board with alternate more sustainable forms of fish farming rather than continually trying to promote outdated, unpopular approaches that are not authorized under existing law.

Recirculating aquaculture systems and aquaponics involve raising fish in tanks on land. These methods are space and energy efficient, can run on alternative energy like solar power and recycle water and waste. We look forward to working with NMFS and other entities in developing eco-friendly fish farming practices in the U.S. and beyond.