



REQUEST FOR LEGISLATIVE REFERRAL

NAME: Tom Jones DATE: October 31, 2022

ADDRESS: Venice FL

PHONE: 941-320-9160 E-MAIL: tjones@venicefl.gov

DESCRIBE THE SPECIFICS OF YOUR REQUEST (Attach maps, photos, reports or other documents that may assist in describing the nature of the request):

On December 8, 2020 City Council assigned the Environmental Advisory Board to research aquaculture in the Gulf of Mexico. After initial research, the EAB made a recommendation to City Council to issue a letter to the EPA stating the concerns with the project. On May 25, 2021, City Council instructed City attorney to draft letter as discussed.

Aquaculture has become a topic of interest again with recent news articles on June 22, 2022 and most recently, the effects from Hurricane Ian on the current projects published on October 23, 2022.

The Environmental Advisory Board request to add aquaculture to the annual agenda for further study of the environmental effects of the current Ocean Era Aquaculture Demonstration Project in the Gulf of Mexico off Sarasota County.

OFFICE USE:

RECEIVED:

- Yes, meets the parameters of a Legislative Referral.
- Forwarded to Council Agenda 12/13/2022
- No, doesn't meet the parameters of a Legislative Referral.
- Forwarded to City Manager _____

CITY OF VENICE
NOV 15 '22 PM 2:59

Ian may be factor in challenge to aquaculture project permit

Earle Kimel

Sarasota Herald-Tribune
USA TODAY NETWORK

When environmental and animal advocates challenge the Environmental Protection Agency's approval of a permit for the Ocean Era aquaculture demonstration project in two separate federal lawsuits, they may be able to use the impact of Hurricane Ian to make their case.



Cufone

Executive director of the Recirculating Farms Coalition. "I think we are able to talk about the concern with hurricanes because we have raised that before.

"We need to talk about the fact that we felt the permit was issued without adequate consideration of the facility's environmental impacts," said Marianne Cufone, an attorney who is also execu-

tive director of the Recirculating Farms Coalition. "I think we are able to talk about the concern with hurricanes because we have raised that before.

"We have plenty of violent storms in the area and that the facility might include a barge and other support facilities in addition to the cage and there are concerns about how that would hold up in a severe storm like Ian," she added. "Certainly there were effects of the storm in the area where Vellella Epsilon is slated to be."

The organizations Cufone represents are part of a coalition of seven groups, led by Washington, D.C.-based Food &

Water Watch, as well as Suncoast Waterkeeper and Tampa Bay Waterkeeper, that filed suit in federal appeals court on Sept. 27 - just prior to Hurricane Ian making landfall.

Friends of Animals, a nonprofit based in Darien, Connecticut filed suit in mid-September.

The EPA granted final approval for the project on June 8, after it said it was

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Aquaculture

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satisfied with the answer to whether discharges of waste generated by the fish would degrade the water.

The project, which would see about 20,000 Almaco jack fish raised in a net pen requires an EPA permit because the water that flows through the net pen is considered to be effluent, meaning the nutrient levels will need to be monitored.

The Food & Water Watch lawsuit was filed in Washington, D.C., because that is the home base of Food & Water Watch.

The Friends of Animals suit was filed in the Second Circuit Court of Appeal in New York, because the group is based in Connecticut.

Previous challenges of the permit by each group were consolidated into one argument, so it's possible that the two suits will be consolidated as well.

The environmentalists hope the courts overturn the EPA decision or at the least require the agency to conduct significantly more rigorous tests and modeling before allowing the demonstration project to proceed.

Dennis Peters, executive director of Gulfstream Aquaculture, has previously said a main purpose of the project — referred to as Velella Epsilon — is to answer questions about the environmental impact of offshore net pen aquaculture.

Peters is partnering with Neil Anthony Sims, CEO of Ocean Era Inc., on Velella Epsilon.

"Something like this demonstration project really is necessary to prove the misinformation and disinformation that's out there," Peters told the Herald-Tribune in June. "That's why we proposed to do it from the beginning; it's to do a very thorough and rigorous water quality monitoring program to demonstrate that there are very minimal if any detectable nutrient impacts to the environment, whether it's water quality or sediment quality.

"This is what the public wants to know — they want to know if it's harmful or not and it takes a demonstration or pilot project just like this to be able to demonstrate that information to the public and stakeholders," he added.

Mote Marine Laboratory & Aquarium would provide fingerling Almaco jack spawned and raised at its land-based Mote Aquaculture Research Park to Ocean Era and partner with the compa-

ny on water monitoring.

Justin Bloom, founder of Suncoast Watekeeper, said the net pen concept should be tested through significantly more modeling before being attempted in open waters.



Bloom

"Any project like that needs to be studied adequately," Bloom said.

"The focus of our objection is not so much, 'This is doomed, it's going to be a failure, it's bad, it's wrong.'

"It's more, 'If you're going to do this, there's a major risk.'"

Precursor to aquaculture expansion

The proposed site for Ocean Era's Velella Epsilon net pen project is roughly 45 miles southwest of Sarasota. Its specific latitude and longitude, according to the permit, would be west of Venice and north of Englewood.

The Ocean Era net pen would be 17 meters in diameter and 7 meters deep, and 40 meters below the surface.

It would be anchored to the bottom and tended by a feed barge that would be tethered to the side of the net pen.

Bloom is fairly certain what would have happened to the project had it been in the path of Hurricane Ian.

"I'm pretty sure it would have been completely removed," Bloom said. "That's just one of the many issues — now we can kind of focus on that — but that's one of many issues that I think really beg consideration of the viability of this project."

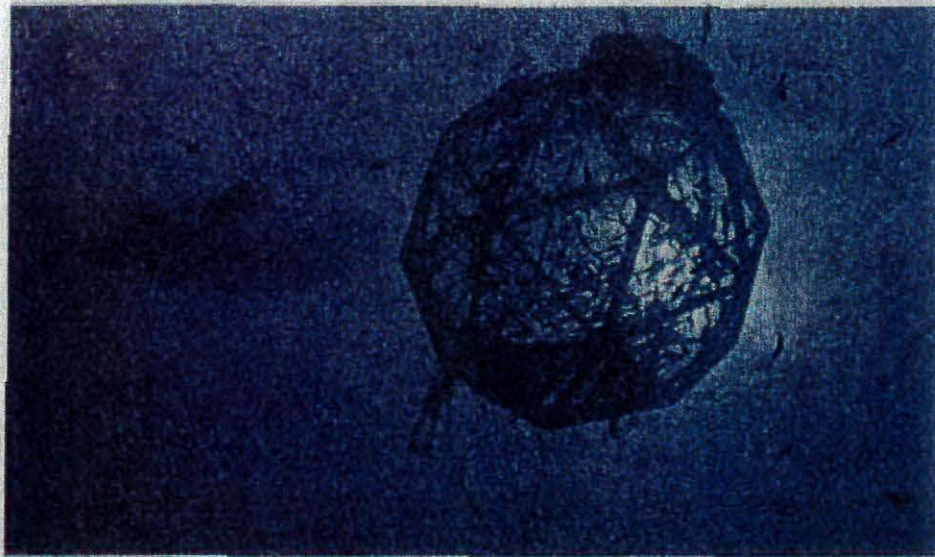
In addition, Bloom noted, the Ocean Era pilot project would set a precedent for other aquaculture projects in the Gulf of Mexico.

The federal government is already eyeing sites for offshore aquaculture.

In June, the National Oceanic and Atmospheric Administration identified a total of 10 "aquaculture opportunity areas" off of California in the Pacific Ocean and nine areas in the Gulf of Mexico, off of Texas, Louisiana and Florida.

The three in Florida includes sites offshore of Collier, Sarasota and Pinellas counties

"It would create a precedent for many of these projects up and down our coast," Bloom said. "If this permit were to ultimately be given the green light it would herald the proliferation of these facilities in an area that's prone to hurricanes and red tides."



A diver approaches a demonstration of a commercial fishing net pen by Ocean Era in Kona, Hawaii. Environmental groups are challenging an EPA discharge permit for a similar demonstration project that would be located off of south Sarasota County. COURTESY PHOTO, KAMPACHI FARMS

'Worst place ... to build something like this'

Stephen Hernick, attorney for the Friends of Animals Wildlife Program, said, "We just think this is just about the



Hernick

worst place in the world to build something like this - in this pristine marine environment with a number of endangered species that is susceptible to algal blooms.

"Constructing this facility (and) operating it is going to create an inordinate amount of waste in a very concentrated area, lead to an increase in harmful red algal blooms and will likely negatively impact a number of marine species in the area."

The Ocean Era project would house as many as 20,000 fish in the net pen that would grow to market size within 12 months. After allowing for mortality, the goal is to produce 17,000 marketable fish. Those fish can vary in size up to 4.5 pounds.

With that in mind, environmentalists say that could mean as many as 80,000 pounds of fish in one area.

"You would never naturally have this much fish waste in an area in the ocean," Hernick said. "Fish simply would not congregate in these numbers in such a confined space.

"There's really no comparison anywhere in the wild - even historically when there were more fish," he added. "It's the concentration of waste alto-

gether. It's not diffused by the water if it's more spread out."

While the Food & Water Watch suit concentrates on the permit for the Ocean Era pollution discharge system the suit filed by Friends of Animals is broader.

In addition to challenging the permit, the suit claims the system violates the federal Clean Water Act and would "lead to an unreasonable degradation of the marine environment," Hernick said.

The suit also alleges the project could violate the federal Endangered Species Act.

"This facility is going to have a negative impact on a number of species listed in the ESA - including whales and turtles," he said, then added that there is also a concern about parasite or pathogen transfer from the farmed fish to wild fish.

Cufone suggested that the EPA made a hasty decision to approve the Ocean Era waste discharge permit to start advancing offshore aquaculture endeavors.

"That's something that's been in the agency's sights for many years," Cufone said "It feels odd to be pushing this forward off the coast of Florida where we already have had so many challenges - long bad red tides, massive coral die-off, and historic storms.

"It all seems odd that the agency would push so quickly on this without analyzing the scale and number of potential environmental impacts."

RES. NO.
2020-50

A Resolution of the City of Venice, Florida, Opposing the United States Environmental Protection Agency's Preliminary Approval to Discharge Fish Farm Waste into the Gulf of Mexico; and Providing an Effective Date

Mayor Feinsod noted the Environmental Protection Agency (EPA) issued a permit and inquired if council wants to move forward with the resolution.

Ms. Stelzer read the resolution by title only.

Mr. Pachota called for a point of order and clarified if there is no motion then council does not have to vote.

A motion was made by Vice Mayor Cautero, seconded by Council Member Moore, that Resolution No. 2020-50 be approved and adopted.

Discussion followed regarding permit being issued, the city's contact with Capital Consulting, and concern with jeopardizing federal funding.

Mr. Lavallee spoke on his communication with Capital Consulting.

Ms. Stelzer advised the resolution title was incorrect and stated title is "A resolution of the City of Venice, Florida, opposing marine fish **aquaculture** in the Gulf of Mexico; and providing an effective date".

Ms. Fernandez explained basis for the language provided.

Discussion continued regarding tabling item until more information is obtained, item not being in council's purview, including more qualified data in the resolution, ensuring proper review and vetting prior to council taking action, and postponing item to a future date.

A motion was made by Vice Mayor Cautero, seconded by Dr. Fiedler, to postpone Resolution No. 2020-50 to the first quarter of 2021.

Mr. Pachota called for a point of order and requested clarification if the motion is being amended or a second motion is being made.

Ms. Stelzer advised a second motion is being made to postpone the resolution.

Discussion followed regarding who will be providing additional information to council.

Dr. Fiedler called for a point of order and noted she seconded the motion.

Discussion continued on having the Environmental Advisory Board (EAB) research item and make a presentation to council in the first quarter of 2021, expressing the city's position, researching actions taken by other

communities, not imposing a timeframe for EAB to present to council, and utilizing lobbyist.

Vice Mayor Cautero restated his motion.

A motion was made by Vice Mayor Cautero, seconded by Dr. Fielder, to postpone Resolution No. 2020-50 until the Environmental Advisory Board is ready to present to council. The motion carried by the following vote:

Yes: 7 - Mayor Feinsod, Mr. Cautero, Ms. Moore, Mr. Pachota, Dr. Neunder, Mr. Kelly and Dr. Fiedler

Recess was taken at 9:51 a.m. until 10:00 a.m.

Council Member Kelly

Mayor Feinsod passed the gavel to Vice Mayor Cautero and left the meeting at 12:54 p.m.

Mr. Kelly commented on the Environmental Advisory Board (EAB)'s decision not to take action on the marine fish aquaculture matter, and questions to incorporate into the city's sustainability survey.

Mayor Feinsod returned to the meeting at 12:55 p.m.

Vice Mayor Cautero returned the gavel to Mayor Feinsod.

Mr. Kelly requested a staff presentation on the city's action to promote indoor and outdoor water conservation.

C. COUNCIL ACTION/DISCUSSION

21-5060

Environmental Advisory Board Request for City Council to Send Letter to the United States Environmental Protection Agency Regarding Ocean Era **Aquaculture** Permit

Dr. George Davis, Environmental Advisory Board (EAB) member, spoke on the board's request, concerns with project, and Environmental Protection Agency (EPA) permit.

Tom Jones, EAB Chair, agreed with Dr. Davis' statements.

Discussion followed regarding the Army Corps of Engineer, EPA permit, purpose of EAB's letter, and opposition from other communities.

In response to council, Mr. Lavallee advised of his communication with Capital City Consulting on the city supporting/endorsing issues.

Dr. Davis responded to council questions regarding the board obtaining qualitative data to present to council.

Vice Mayor Caupro suggested the EAB consider initiatives that have broader political agreement and support.

Dr. Davis commented on project, obtaining information from Mote Marine Laboratory, red tide, and rescinding EPA permit.

Discussion followed regarding project location, EPA's deadline for public input, EAB's letter, issuing a city proclamation, and addressing red tide and water quality issues.

Mr. Jones was in agreement with issuing a city proclamation.

Dennis Peters, Gulfstream **Aquaculture**, LLC, commented on his involvement with the permitting process and working with Mote Marine Lab and Mote **Aquaculture** Research Park on this project, an **aquaculture** study conducted in Panama City, purpose of project, 60 day review by EPA, Army Corps of Engineer issuing permit, project site, using indigenous fish, and responded to council questions regarding using Sarasota County site for demonstration only, project timeframe, working in conjunction with Mote Marine, and the Gulf of Mexico Fishery Management Council (Gulf Council).

Discussion followed on having a representative from Gulfstream

Aquaculture make a presentation to council, being cognizant of council's opinion on political issues, and communicating Capital City Consulting's recommendation on endorsements to advisory boards.

Dr. Davis responded to council questions regarding consideration of the one year pilot project.

A motion was made by Council Member Kelly, seconded by Vice Mayor Cautero, to approve Item No. 21-5060.

Mayor Feinsod passed the gavel to Vice Mayor Cautero and left the dais at 11:16 a.m.

Discussion followed on modifying EAB's letter.

Mayor Feinsod returned to the dais at 11:19 a.m.

Vice Mayor Cautero returned the gavel to Mayor Feinsod.

Recess was taken at 11:19 a.m. until 11:26 a.m.

Discussion continued on council's previous request for the EAB to make a presentation on this item, lobbyist's recommendation on endorsements, and having Ms. Fernandez write a letter to the EPA.

Mr. Kelly restated his motion.

A motion was made by Council Member Kelly, seconded by Dr. Fiedler, for the city attorney to draft a letter to the Environmental Protection Agency (EPA) regarding the Ocean Era **Aquaculture Permit as discussed by council. The motion carried by the following vote:**

Yes: 7 - Mayor Feinsod, Mr Cautero, Ms. Moore, Mr. Pachota, Dr. Neunder, Mr Kelly and Dr. Fiedler

22-5427

Tom Jones, Chair of the Environmental Advisory Board: Board's Annual Report and Council Feedback (10 min.)

Reference: (City of Venice Page 5 of 10 City Council Meeting Minutes April 12, 2022)

Chair Jones, presented the Environmental Advisory Board (EAB) report to Council. City Attorney Fernandez commented on the role of the Council Liaison. Discussion about recycling, mini reefs, green building standards, meeting county standards, education, Florida Green Building website, floating islands, and Council Liaison roles.

Action: A motion was made by Dr. Neunder, seconded by Dr. Fiedler, that the 2021-2022 Environmental Advisory Board Annual Report Agenda be approved with the following goals:

1. Encourage an increase in curbside and commercial recycling and look for ways to reduce contamination in the collection and transportation process.
2. Research the number and locations of all public trash receptacles in Venice as it relates to the viability of adding recycling receptacles at each location including what it takes to implement along with any costs, challenges, and benefits anticipated or experiences in other communities.
3. Promote the use of biodegradable food service items at special events in Venice.
4. Showcase the value of mini reefs under docks and floating plant islands in retention ponds as simple and low-cost methods to reduce excess nutrients in our waterways.
5. Raise awareness of the long term environmental and economic value of green building standards in new construction and remodeling.

The motion carried unanimously by voice vote.