



The National Offshore Aquaculture Act At-A-Glance



Purpose: To provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for aquaculture in Federal waters, also known as the U.S. Exclusive Economic Zone (EEZ).

What the Bill Would Do

1. Authorize the Secretary of Commerce to issue offshore aquaculture permits and to establish environmental requirements where existing requirements under current law are inadequate.
2. Exempt permitted offshore aquaculture from legal definitions of fishing that restrict size, season and harvest methods.
3. Authorize the establishment of a research and development program in support of offshore aquaculture.
4. Require the Secretary of Commerce to work with other Federal agencies to develop and implement a streamlined and coordinated permitting process for aquaculture in the EEZ.
5. Authorize to be appropriated "such sums as may be necessary" to carry out this Act
6. Provide for enforcement of the Act.

Major Features of the Proposed Regulatory Framework for Offshore Aquaculture

Permits

Aquaculture operations would require two permits: A site permit for a particular area of the EEZ and an operating permit for specific species and systems to be placed on the site.

- The Secretary of Commerce would be authorized to set fees and establish permit terms and conditions.
- Applicants would be able to submit applications for both permits for review at the same time.
- Permits would be transferable.
- Eligibility for permits would include foreign entities provided they have an agent in the U.S. and agree to be subject to U.S law.
- Once all permit requirements are met, the Secretary of Commerce would be required to render a decision within 120 days, or provide written notification to the applicant with an explanation and timeline for decision.

The Secretary of Commerce would be required to consult with federal agencies, Fishery Management Councils, states, and tribes before issuing a permit.

- Permit actions for sites located on leases or easements under the Outer Continental Shelf Lands Act (OCSLA), or within 1 mile of an OCSLA-permitted facility, would require concurrence from the Secretary of the Interior.
- The Secretary of the Interior would be authorized to impose additional requirements for aquaculture on OCSLA sites.

Most site permits would be for 10 years, renewable in 5-year increments.

- Permits for demonstration projects and for sites requiring Department of the Interior concurrence may differ.

Environmental Requirements

Permit decisions would be based on criteria that take into account environmental requirements and compatibility with other uses

- Environmental requirements would include those already in existence under current law, plus additional requirements that may be developed by the Secretary of Commerce in consultation with other federal agencies.
- Environmental requirements would address risks to and impacts on wild fish stocks, marine ecosystems, water quality, habitat, marine life, and other features of the environment.

Implementation of the Act would require compliance with the *Coastal Zone Management Act* and, to the extent practicable, the Secretary of Commerce would ensure that offshore aquaculture does not interfere with fisheries conservation and management.

The Secretary of Commerce would be authorized to collect information to evaluate the suitability of sites for aquaculture, to monitor the effects of aquaculture, and to take appropriate measures to ensure compliance with environmental requirements – including suspending, modifying, or revoking permits.

Permit holders would be required to post bonds or other financial guarantees, and would have to remove structures, gear, and other property and restore the site upon the expiration or termination of a permit.