

## **Status of Proposed Rule for Fishery Management Plan for Regulating Offshore Marine Aquaculture in the Gulf of Mexico**

May 2012

The Gulf of Mexico Fishery Management Council (Council) approved the Fishery Management Plan for Regulating Offshore Marine Aquaculture in the Gulf of Mexico (Aquaculture FMP) at its January 2009 meeting. On September 3, 2009, the Aquaculture FMP entered into effect by operation of law. On that same date Dr. Lubchenco, NOAA Administrator, announced that NOAA would develop a new National Marine Aquaculture Policy which would provide context for the Aquaculture FMP. On June 9, 2011, NOAA announced the release of the final National Marine Aquaculture Policy and intentions to move forward with rulemaking for the Aquaculture FMP.

Currently, NOAA Fisheries is reviewing the proposed regulations submitted by the Council. Should there be any significant changes to the proposed rule, a representative from the NMFS Southeast Regional Office would attend a future Gulf Council meeting to discuss these changes. Any significant changes would have to be 'deemed' by the Council.

NOAA Fisheries will then publish a proposed rule in the *Federal Register* announcing release of the proposed rule for public comment. Once the comment period on the proposed rule closes, NOAA Fisheries will consider the public feedback and make changes where appropriate prior to publishing a final rule in the *Federal Register* with a specific date upon which the rule becomes effective and enforceable.

The proposed rule was deemed "significant", therefore the Office of Management and Budget must review the proposed and final rule before it can be issued to the public. Due to the varying lengths of governmental reviews, and dependent upon the amount of public comment received, there is no certainty as to when a final rule will be published.

Copy of the NOAA Aquaculture Policy (released June 9, 2011):

[http://www.nmfs.noaa.gov/aquaculture/docs/policy/noaa\\_aquaculture\\_policy\\_2011.pdf](http://www.nmfs.noaa.gov/aquaculture/docs/policy/noaa_aquaculture_policy_2011.pdf)