

Legislative Proposals

Federal legislation

- Stevens (S. 1195)
- Murkowski (S. 796)
- Boxer (S. 1224)
- Vitter

State legislation

- Simitian (CA)
- AK resolution
- OR resolution
- MA ocean management
- Maine

Stevens Bill (S. 1195)

- Administration's proposal
- Introduced by Sens. Stevens and Inouye on request
- Makes NOAA the lead agency for offshore aquaculture
- Establishes a permit system for siting and operating aquaculture facilities in the EEZ

Stevens Bill (cont'd.)

Key provisions:

- Commerce (NOAA) issues required permits for siting and operating aquaculture facilities in the EEZ
- Commerce will coordinate offshore aquaculture activities
- Authorizes Secretary to establish environmental requirements for offshore aquaculture
- Exempts permitted offshore aquaculture from regulation under fisheries law (MSA)
- Requires concurrence of Interior for facilities on or near oil and gas rigs
- Requires posting of bonds for removal costs and unpaid fees, and authorizes fees for permits
- Establishes penalties for violations of the Act

Stevens Bill (cont'd.)

How it works:

- Makes it U.S. policy to “encourage the development of responsible marine aquaculture”
- NOAA issues 10-year site and operating permits
- Permits are in addition to other permits required by law
- States review under CZMA
- NOAA develops interagency coordination process to facilitate offshore aquaculture
- NOAA “may establish additional environmental requirements...if deemed necessary”

Stevens Bill (cont'd.)

Environmental concerns:

- Policy is very promotional; not a precautionary approach
- No clear and binding environmental safeguards are spelled out in the bill; discretion rests entirely with NOAA
- Only clear directive is to identify how existing environmental law applies to offshore aquaculture
- Additional “environmental requirements” may be established if deemed necessary by the Secretary
- If established, environmental requirements need only “consider” (i.e., not necessarily address) impacts on marine fish, wildlife and environmental quality

Amendments to Stevens Bill

- *Inouye and Stevens*—
 - Requires consultation with regional fishery management councils and coastal states when establishing environmental requirements
 - Requires additional environmental protections “needed to address any environmental risks and impacts associated with [offshore aquaculture]”
- *Stevens and Inouye*—Allows a state to block aquaculture in the EEZ adjacent to its waters on request of the Governor.
- *Snowe, Stevens, Inouye*—Requires service vessels to be U.S. built and crewed
- *Inouye and Stevens*—Requires that permit applicants be U.S. citizens or U.S. corporations

Murkowski Bill (S. 796)

- Prohibits federal agencies from issuing permits for aquaculture in the EEZ until legislation is enacted that specifies analyses that need to be done prior to permitting
- Required analyses would include —
 - Disease control
 - Structural engineering
 - Pollution
 - Biological and genetic impacts
 - Access and transportation
 - Food safety and
 - Social and economic impacts on other marine activities

Murkowski Bill (cont'd.)

- Requires consultation with states within a 200-mile radius of the proposed facility
- Requires consultation with the relevant regional fishery management council

Boxer Bill (S. 1224)

- Aquaculture provision part of a comprehensive ocean policy bill
- Establishes NOAA as the lead agency for marine aquaculture
- Requires NOAA to establish national standards and regulations to protect the marine environment before leasing any coastal, estuarine, or offshore area for aquaculture

Vitter Bill (H.R. 2654, 108th Congress)

- Creates a process by which decommissioned oil and gas rigs could be used for aquaculture, research or artificial reefs
- Exempts previous operators from liability for damages arising from the aquaculture operation
- Creates a tax credit of 30% of the cost of maintaining a decommissioned platform until it is used for aquaculture

State Legislation

California—SB 768 (Simitian):

- Farming of salmon and genetically modified organisms is already prohibited in CA
- Prohibits marine finfish aquaculture w/o a lease from the CA Fish and Game Commission
- Requires marine aquaculture leases and regulations to meet certain environmental standards

CA bill (cont'd.)

In developing a marine aquaculture program, the state is required to assess:

- Appropriate siting to avoid impacts and use conflicts
- Effects on—
 - Sensitive ocean and coastal habitat
 - Marine ecosystems
 - Fishing and other marine resource uses
- Effects of—
 - Therapeutic agents, wastes and pollutants on human health and the environment
 - Feeds, fish meal and fish oil on marine ecosystems
 - Escaped fish on wild stocks and the marine environment
- The design and siting of facilities, and culture practices to avoid these effects

State Legislation

Alaska Resolution

- Passed overwhelmingly by the legislature and signed by the Governor
- Expresses the opposition of the legislature to open ocean culture of finfish and “predatory shellfish”
- Urges Congress to prohibit culture of GMOs in the EEZ
- Suggests regional fishery management councils be given authority over offshore aquaculture

State Legislation

Oregon Resolution urges Congress to:

- Develop an inventory of areas of the EEZ suitable for aquaculture
- Submit the inventory to peer review and public comment
- Only permit EEZ aquaculture after the inventory
- In permitting aquaculture, place a “clear priority” on maintaining naturally occurring marine resources
- Allow coastal states to prohibit offshore aquaculture adjacent to their waters
- Require bonding to pay for environmental damages resulting from offshore aquaculture

Closing Thoughts

- NOAA's offshore aquaculture proposal has generated a lot of interest and concern
- This could potentially be the largest new use of ocean resources since offshore oil and gas development began
- State policymakers are concerned about protecting their prerogatives
- Congressional hearings could begin this fall