



How the National Offshore Aquaculture Act of 2007 Addresses Environmental Issues

The environmental requirements in the [National Offshore Aquaculture Act of 2007](#) are similar to requirements implemented and enforced in other jurisdictions – including U.S. coastal states, Canada, the European Union, and Australia. Taken together, the provisions in the Act constitute a cautious approach to the expansion of aquaculture into offshore federal waters. In addition to mandatory environmental requirements, the Act requires monitoring of operations, allows the Secretary of Commerce to modify, suspend or revoke permits, and authorizes emergency action in response to unanticipated impacts. The Act will be implemented in a transparent public process, key stakeholders will have opportunities to provide input in the development of environmental analyses and rulemaking, and there will be public notice of permit applications. The Act incorporates many of the recommendations from the Woods Hole Marine Aquaculture Task Force in January 2007, and the American Fisheries Society-sponsored article in the December 2006 issue of [Fisheries Magazine](#).

- **[The Act](#) Requires the Secretary of Commerce to Address Environmental Concerns through Rulemaking and the Establishment of Mandatory Environmental Requirements Before Any Offshore Aquaculture Permits are Issued.**
 - Policy statement that permit process will provide opportunity for public comment and address risks and impacts [Section 2(a)(3)]
 - Consultations with federal agencies, coastal States, regional fishery management councils [Section 4(a)]
 - Public notice and opportunity for public comment prior to issuance of offshore aquaculture permits [Section 4(a)(1)(D)]
 - NEPA analysis [Section 4(a)(2)]
 - Establishment of environmental requirements [Section 4(a)(4)]
 - Ensure compatibility with other uses [Section 4(d)]
- **[The Act](#) Specifies the Scope and Process for Establishing Environmental Requirements.**

The Secretary of Commerce is required to consult with other agencies and coastal states to identify environmental requirements that apply under other laws and to develop additional requirements to fill in gaps [Section 4(a)(4)]. The Act does not list requirements or standards that are already covered by other federal agencies under existing laws (e.g., effluents; use of drugs, chemicals and pesticides; endangered species; marine sanctuaries; and marine mammals). These existing laws will not be superseded by the proposed Act. For example, even though the Act would exempt offshore aquaculture operations from definitions of fishing under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), requirements under MSA relating to essential fish habitat and the taking of broodstock or juveniles from the wild would continue to apply.
- **Environmental requirements must address:**
 1. Risks to and impacts on **natural fish stocks and fisheries**, including safeguards to:

- Conserve genetic resources
 - Prevent or minimize transmission of disease or parasites to wild stocks
 - Prevent escape of marine species that may cause significant environmental harm
 - 2. Risks to and impacts on marine **ecosystems, water quality, habitat, marine species**
 - 3. **Cumulative** effects
 - 4. **Monitoring** and reporting
 - 5. Requirement to use **species native to the geographic region** unless a scientific risk analysis of non-indigenous or genetically modified species shows risk of harm is negligible or can be effectively mitigated (similar to process underway for proposed use of Asian oyster in Chesapeake Bay)
 - 6. Requirement for record systems to track inventory and movement of farmed fish and, if necessary, for tagging, marking, or otherwise **identifying farmed fish**.
- **The Act Makes Monitoring of Operations Mandatory.**
The Secretary of Commerce is required to monitor effects on marine ecosystems and implement measures necessary to protect the environment – including but not limited to a temporary or permanent relocation of sites, a moratorium on sites within a prescribed area, etc. [Section 4(a)(5)].
 - **The Act Supports Research to Address Environmental Issues.**
 - The Secretary of Commerce is authorized to establish a research program on technologies that are compatible with the protection of marine ecosystems [Section 5(a)].
 - The bill requires the Secretary of Commerce to conduct collaborative research with the Department of Agriculture to reduce the use of wild fish in aquaculture **feeds** [Section 5(c)]. This complements NOAA's work under U.S. and international fishery management laws to ensure wild harvest fisheries are managed sustainably.
 - **The Act Imposes Requirements on Permit Holders.**
 - Permit conditions to address environmental, social, economic, and cultural impacts [Section 4(a)(1)(C) and 4(b)(2)(B)]
 - Bonds or other financial guarantees to cover unpaid fees, removal of facility, and other financial risks [Section 4(c)(3)]
 - Environmental monitoring, data archiving and reporting requirements [Section 4(a)(4)(D)]
 - Removal of property and restoration of site [Section 4(b)(2)(D)]
 - The Act includes authority to enforce permit terms and conditions:
 - Monitoring and evaluation of compliance [Section 4(a)(1)(E)]
 - Authority to suspend, modify, or revoke permits [Section 10(c)]
 - Civil and criminal penalties for unlawful activities [Sections 8-12]
 - The Act includes authority to suspend, modify, or revoke a permit if the Secretary determines that an emergency exists that poses a risk to the safety of humans, to the marine environment or marine species, or to the security of the United States [Section 4(d)(7)].
 - **The Act Does Not Impose Offshore Aquaculture Where it is Not Wanted.**
 - States that do not want aquaculture within 12 miles of their coast may notify the Secretary and no new permit applications will be accepted in this area unless the notice is revoked [Section 4(d)(2)].