UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
MARINE FISHERIES ADVISORY COMMITTEE
Silver Spring, MD 20910

JUN 27 2014

MEMORANDUM FOR: Eileen Sobeck
Assistant Administrator for NOAA Fisheries

FROM: Keith Rizzardi
Chair, Marine Fisheries Advisory Committee

SUBJECT: Recommendations on MSA reauthorization

This memo transmits recommendations by the Marine Fisheries Advisory Committee on three issues for consideration during the effort to reauthorize the Magnuson-Stevens Fishery Conservation and Management Act (MSA). These findings and recommendations were discussed at the Managing Our Nation's Fisheries 3 Conference, deliberated by the Committee over the past few months, and finalized at our June 12th and 17th teleconference meetings.

MAFAC's recommendations are:

1. Add a Definition for Subsistence Fishing

   The Committee recommends adding a definition for "subsistence fishing" and including subsistence fishing in appropriate sections in the Act.

2. Establish an Aquaculture Definition and a National Aquaculture Management Program

   The Committee recommends clearly defining aquaculture and including in the MSA a new Title that establishes a management and research program for aquaculture taking place in the EEZ.

3. Flexibility in Rebuilding Plans

   The Committee recommends maintaining existing language in the MSA regarding rebuilding plans; however the committee generally recommends the addition of the following: "Where new data suggests that a fishery was erroneously designated as overfished, MAFAC recommends that rebuilding plans should be expeditiously re-evaluated."

Separate recommendation statements were developed for each of the three issues and are attached. The development of this work was accomplished by extensive effort of three separate working groups which assessed different options for each issue. The Committee respectfully requests that you forward the reports and recommendations on behalf of the Committee to the Secretary of Commerce or other appropriate senior federal officials.

If you or senior staff would like to receive a briefing on the June results from MAFAC leadership, as well as to discuss your ideas or tasks for the Committee's continued work in 2014, please contact me or Heidi Lovett, the Committee's Designated Federal Officer (Acting) at your earliest convenience.

Cc: Dr. Kathryn Sullivan, Acting Under Secretary for Oceans and Atmosphere
Dr. Mark Schaefer, Assistant Secretary for Conservation and Management

Attachment

Printed on Recycled Paper

MAFAC Recommendation

Define Subsistence Fishing in the Magnuson-Stevens Act

Issue Statement

Although there are references to the "unique historical, cultural, legal, political, and geographical circumstances which make fisheries resources important in sustaining [the] economic growth" of Pacific Insular Areas, the term "subsistence" is not specifically defined in the Magnuson-Stevens Act (MSA). Additionally, subsistence fishing can be important in other regions of the United States, in addition to the Pacific Insular Areas. Subsistence fishing may, in part, be inferred in the definitions of commercial or recreational fishing (as used in the MSA), but not in its entirety from some perspectives. Commercial fishing is defined in the MSA to mean "fishing in which the fish harvested, either in whole or in part, are intended to enter commerce or enter commerce through sale, barter or trade." Although subsistence fishermen may use fish they harvest in barter or trade, they would never consider it as having "entered commerce." The purpose of the barter or trade is usually for cultural or traditional purposes, rather than commerce.

For these reasons, many participants at the Managing Our Nations Fisheries 3 conference and at other venues have voiced the desire that a clear definition of "subsistence fishing" be included in the reauthorization of the MSA as a distinct form of fishing.

MAFAC Recommendation

Upon review of definitions developed by the Western Pacific Regional Fishery Management Council; in the Final Rule on Fishing in the Marianas Trench, Pacific Remote Islands, and Rose Atoll Marine National Monuments; State of Hawaii; and State of Alaska, MAFAC recommends that NOAA Fisheries propose adding the following under Section 3, Definitions in the MSA:

> The term "subsistence fishing" means fishing in which the fish or marine resources harvested from waters customarily fished by that community are intended for personal, family, or community consumption or traditional uses through sharing or customary exchange. All fish or marine resources harvested by subsistence fishing must be compliant with all other laws.

Additionally, "family" and "customary exchange" should be defined as:

> The term "customary exchange" means the nonmarket exchange of marine resources between fishermen and community residents, including family and friends, for goods, and/or services for cultural, social, or religious reasons.
>
> The term "family" means all persons related by blood, marriage, or adoption, or any person living within a household on a permanent basis.

Sections of MSA affected

In addition to placing this definition in Section 3 of the MSA, MAFAC further proposes that NOAA Fisheries propose the following:

- Add a new section in Section 2(a), Findings, Purpose, and Policy that describes importance of subsistence fishing.
- Modify Section 2(a)(9) by replacing “commercial and recreational fisheries” with “all fisheries.”
- Expand Section 2(a)(10) describing the uniqueness of the Pacific Island Areas to include term “subsistence.”
- Expand Section 2(b)(3) to include “subsistence” along with commercial and recreational fishing.

MAFAC Recommendation

Flexibility of Rebuilding Plans

Issue Statement

MSA Section 301 currently requires overfished stocks to be rebuilt in as short a time possible, not to exceed10 years, with exceptions for species' biological differences, international agreements, and environmental conditions. Draft legislation and a coalition of fishing groups have called for the flexibility to establish longer rebuilding times and an extended emergency regulation period, which would require changes in the MSA.

Those supporting flexible rebuilding times are primarily concerned with the short-term socio-economic effects of the 10-year rebuilding times. Reduced harvest levels are disruptive to individual fishermen, related businesses, and fishing communities and supporters believe that flexible rebuilding times will mitigate adverse short-term socioeconomic impacts to certain user groups. Others advocate replacing the 10-year timeframe with biologically-based rebuilding time frames for each overfished stock.

However, there is evidence of successful rebuilding under the existing MSA rebuilding time frames. A 2013 National Academy of Sciences report[1] found that three quarters of 35 stocks were either rebuilt or making progress toward rebuilding. Additionally, a 2010 review of rebuilding plans worldwide[2] found that large harvest reductions at the beginning of a rebuilding period are key to successful rebuilding in most cases. To rebuild biomass, a fish stock needs to have good recruitment at the same time that fishing mortality is reduced. The smaller reductions in fishing mortality implied by longer, flexible, or phased in rebuilding times may ease socioeconomic effects in the short term, but short stop the potential long term maximum sustainable yield and require much longer periods of restricted harvests.

Emergency regulations can last for 180 days and provide management while a full plan amendment is drafted. The expedited process for an emergency rule limits public comment and analysis by science and user panels. Extending the period is not necessary since fishery management councils have used a series of 180 day regulations while a full amendment is considered when necessary.

MAFAC recommendation

MAFAC recommends maintaining the existing MSA language on rebuilding times. MAFAC supports one addition to the MSA section on rebuilding:

---

[1] National Research Council. Evaluating the Effectiveness of Fish Stock Rebuilding Plans in the United States. Washington, DC: The National Academies Press, 2014. http://www.nap.edu/openbook.php?record_id=18488

[2] Murawski, S. A. 2010. Rebuilding depleted fish stocks: the good, the bad, and, mostly, the ugly. – ICES Journal of Marine Science, 67: 1830–1840. http://www8.nationalacademies.org/onpinews/newsitem.aspx?RecordID=18488

“Where new data suggests that a fishery was erroneously designated as overfished, MAFAC recommends that rebuilding plans should be expeditiously re-evaluated.”

Longer rebuilding times will slow down rates of recovery and delay economic and social benefits of rebuilt stocks. The current MSA language allows longer rebuilding times when the biology of a stock dictates. Additionally, emergency regulations should remain limited to 180 days, since they are based on limited analysis by science and advisory panels and limited public input.

MAFAC Recommendation
Establishing a National Aquaculture Management Program in the Magnuson-Stevens Act

1.0 ISSUE STATEMENT

1.1 Overview

NOAA Fisheries regulates fishing in the U.S. Exclusive Economic Zone (EEZ) pursuant to Magnuson-Stevens Fishery Conservation and Management Act (MSA) based on Fishery Management Plans (FMP) created by the Regional Fishery Management Councils. NOAA has embraced using the authorities in MSA and a 1993 legal opinion that aquaculture in the EEZ meets the definition of fishing to facilitate implementation of critical national aquaculture policy and planning initiatives. Yet, aquaculture is not currently mentioned in MSA by name.

Recent planning and policy documents by the President's National Ocean Council (NOC), the Department of Commerce and NOAA have taken the strong position that sustainable commercial marine aquaculture should be developed in federal waters, e.g., Vision 2020: The Future of U.S. Marine Fisheries, MAFAC, 2007; NOAA Marine Aquaculture Policy, NOAA, 2011; National Aquaculture Research and Development Strategic Plan, JSA, 2012; National Ocean Policy Implementation Plan, NOC, 2012. This mandate is consistent with the expanding global investment in aquaculture technologies to meet current and future seafood needs.

It is becoming abundantly clear the United States should increase domestic seafood supplies, reduce reliance on imports and improve food security. The country currently imports 91% of the seafood it consumes, adding substantially to the trade deficit. As global competition for seafood increases, the risk of supply chain disruption and sudden increases in seafood prices grows, unless we reliably produce more seafood domestically. Increased landings of wild fish appear to be constrained going forward by conservation concerns, while tremendous potential for increased fish and shellfish production from offshore aquaculture exists.

MAFAC has also taken a strong position to support marine aquaculture development in its 2012 policy advice to the Secretary of Commerce and NOAA. Moreover, several regional fishery management councils have actively moved forward developing positive policy statements and prototype permitting processes for commercial projects in the EEZ. NOAA in its support of these initiatives issued national guidelines for EEZ aquaculture development in 2011 and indicated the Gulf Coast Council's planning and rule making process could be the model for the other Regional councils. NOAA is promulgating rules for implementation of the Gulf Council's Management Plan (GFMP) for offshore marine aquaculture (adopted in 2009), which, according to NOAA, will likewise serve as guidance for other councils.

Since NOAA has determined that MSA provides the legal authority to regulate aquaculture and definitive actions have been taken by several Fishery Councils towards siting research and commercial projects in the EEZ, it would be prudent to formalize this authority during the current MSA reauthorization. Important issues to address with MSA include: a definition for aquaculture (**pointed out by the recent Managing Our Nation's Fisheries Conference 3, Advancing Sustainability held in 2013)**, general national regulatory and management guidance

to the Councils and NOAA for aquaculture (in similar fashion to MSA guidance for fisheries), and an authorization for new funding to implement an expanded aquaculture development effort. This approach would regionalize aquaculture siting decisions in the EEZ and put planning and resource use deliberations under control of the Fishery Councils.

1.2 Permitting and Management

The 1993 legal interpretation mentioned above determined aquaculture is fishing as defined by MSA, and therefore NOAA has the legal authority over permitting and managing activities in the EEZ. Notably, this interpretation has been validated by the courts in 2013 concerning a research project in federal waters around Hawaii that was permitted through MSA. Formerly, defining aquaculture in MSA would: establish NOAA is the lead agency for permitting; better define roles and responsibilities between NOAA and the Councils; clarify the permitting and oversight roles of the Armey Corps of Engineers, Environmental Protection Agency, U.S. Department of Agriculture and coastal states; and generally incorporate aquaculture production of seafood in the EEZ into MSA. Importantly, this highlights the national policy that the nations diverse seafood market should be served by, in addition to imports, two sustainable domestic sources, capture fisheries and aquaculture, managed through MSA.

Until now the uncertainties over a defined permitting process for siting commercial aquaculture in the EEZ have discouraged and prevented private sector investment. Instead U.S. entrepreneurs have taken their projects to other countries. Broad national goals for permitting that have been articulated by proponents as:

> 1) Define a permitting process and pathway for research and large-scale demonstration projects in the EEZ - these are temporary, shorter term and should be easier to implement in terms of process.
>
> 2) Define a permitting process and pathway for sustainable commercial aquaculture in the EEZ – these require long-term tenure and property rights and their protections to facilitate private sector research and commercial investment.

A well-defined, step-wise process for aquaculture utilization of the EEZ for large scale research and demonstration projects and commercial farming would allow the private sector to invest and drive the innovation necessary for long term expansion and success. A direct approach to establish a responsible management framework for aquaculture would be formulate a new title in MSA called the National Aquaculture Management Program, that is broadly modeled after applicable portions of Title III, National Fishery Management Program, and Title IV, Fishery Monitoring and Research.

1.3 New Development Funding

An increased commitment to developing EEZ aquaculture could be maximized if there was specific authorization language for an increased amount of new research and development funding (funding not taken from other NOAA programs) to expand existing efforts by the Department of Commerce, other federal agencies and the private sector. While global aquaculture production is poised to eclipse capture seafood landings, less than 1% of NOAA's budget is currently devoted to aquaculture research.

The new aquaculture funding authorization could be placed in the proposed new aquaculture title to support establishing the permitting process and regulatory tools for siting and managing projects in the EEZ and to carry out priority research, development and demonstration projects to move the industry forward. Significant progress for this emerging sector will require dedicated funds, facilities and staff that should not affect other NOAA priority areas.

2.0 CONGRESSIONAL CONTEXT

Previous national aquaculture legislation was submitted to Congress in 2005, 2007, 2009, and potentially 2013. Hawaii Senator Dan Inouye was preparing another bill before he passed away. These efforts would have established a Federal regulatory system that provides a comprehensive nationwide approach for permitting and management of offshore aquaculture in the EEZ. Regulatory predictability was deemed extremely important to encourage businesses to invest in offshore aquaculture. In each of these efforts NOAA was the designated lead agency for research, development and siting commercial farming in the EEZ and the agency was authorized substantial funding to implement the specific Act.

The general purpose of all these bills were three fold: 1) Support the development of a sustainable marine offshore aquaculture industry in the U.S.; 2) Safe guard the marine environment and the coastal communities; and 3) Support research and technology development to further industry expansion. The proposed legislation was comprehensive in structure including sections on: Administration, an Office of Sustainable Aquaculture, Marine Aquaculture Research and Development, Offshore Aquaculture Permits, Protections for the Marine Environment, Enforcement Provisions, and Authorization of Appropriations. The proposed National Aquaculture Management Program for MSA should be guided by these previous comprehensive approaches for a nationwide program.

3.0 MAFAC RECOMMENDATION

MAFAC recommends NOAA propose amendments to MSA to establish a National Aquaculture Management Program with the re authorization of MSA. The suggested amendments are in four parts:

- Part 1 - Include appropriate mention of aquaculture in Section 2, Findings, Purpose and Policy.
- Part 2 - Include a definition of aquaculture and related terms in Section 3, Definitions.
- Part 3 - Formulate a new title, Title V National Aquaculture Management Program based on the suggested outline and language provided.
- Part 4 - Describe a new funding authorization to be placed in Title V to support the establishment of a National Aquaculture Management Program.

3.1 Part 1 Additions to Section 2 MSA Discussion

The specific amendments, found in the following section, make clear that aquaculture is an important component of the fishery resources that contribute to the food supply, economy and health of the Nation and provide recreational opportunities. Suggested Findings language details the status of EEZ aquaculture and the urgent need for progress in developing a regulatory regime. Suggested Purposes language describes the uses of aquaculture technologies and requirement for management plans to adhere to national standards (to be developed for aquaculture). Suggested Policy language specifies, as with fisheries, that the program be based

on the best available science and be responsive to the same considerations as the National Fishery Management Program.

3.2 Part 2 Additions to Section 3 MSA Discussion

The suggested amendments, found in the following section, adds a definition for aquaculture to the MSA definitions to clarify that culture fisheries in the EEZ are also managed by the Secretary of Commerce, i.e., NOAA is the lead agency. The definition language developed is based on the definition of aquaculture used previously by MAFAC and NOAA.

NOAA Definition: Aquaculture is defined as the propagation and rearing of aquatic organisms for commercial, recreational, or public purposes. This definition includes production of aquatic plants and animals for: 1) food and other commercial products; 2) stock replenishment for commercial and recreational fisheries, 3) rebuilding populations of threatened and endangered species, and 4) restoration and conservation of aquatic habitat.

The NOAA definition used as a basis for the suggested MSA aquaculture definition identifies the diverse uses of these technologies from food production to various applications for ecosystem management. MAFAC recognizes this inclusive definition may be considered forward looking by today's reality. While shellfish and salmon stock enhancement has been carried out in the U.S. for well over 100 years, efforts to utilize aquaculture for stock enhancement of economically important non-salmonid marine fish, rebuilding of populations of Endangered Species Act listed species, and restoration of critical habitat, e.g., corals, are in a research mode. But importantly, the MSA definition anticipates greater research and development of aquaculture techniques for stock enhancement and other uses in the future for species that occur the EEZ

In addition, a related term, carrying capacity, useful in siting decisions for aquaculture is also defined.

3.3 Part 3 Addition of a New Title, Title V Discussion

For the new Title V National Aquaculture Management Program, a proposed outline of the key sections needed is provided (see next section), along with specific draft language for a few sections. The basic concept is the Aquaculture Title should be roughly of parallel content to parts of Title III, National Fishery Management Program and parts of Title IV, Fisher Monitoring and Research. These sections are relevant to aquaculture management in the EEZ.

MSA over the years has accumulated special interest and situation language, which is not useful as guidance for an aquaculture title. But if that is put aside and these titles are boiled down to the broad ideas, intent and concepts, this can be guidance for the Aquaculture Title. It is beyond the capacity of MAFAC to draft suggested language for all of this title. However, the broad concept headings that can apply to aquaculture have been identified. In some cases the general section language from Title III and IV can be changed to reflect aquaculture application or in other instances, sections of Title V can simply refer to other MSA sections as applicable. New aquaculture specific sections and in some cases language have also been included where thought to be appropriate.

MAFAC recognizes by implementing a National Aquaculture Management Program, MSA will provide a broad national framework for planning, siting, and managing EEZ aquaculture. But, individual regions are delegated the authority by MSA to develop region specific offshore

aquaculture FMP's, permitting procedures, and management and oversight requirements for EEZ aquaculture projects. As with fisheries, developing aquaculture plans and projects will include an environmental assessment process (NEPA) to identify public concerns, potential impacts and mitigation measures. For example, impacts on such sensitive areas as: native species populations, commercial and recreational fisheries, Essential Fish Habitat, and open ocean ecosystems, will be evaluated. NOAA could emphasize the importance of these evaluations to all regions by developing appropriate language to be put in the proposed subtitle in Section 4.0 (p. 8) of this document titled, "Contents of Fishery Management Plans for Aquaculture."

3.4 Part 4 Addition to Title V of a New Funding Authorization Discussion

A suggested amendment to the new Title V was included to authorize new funding to support national aquaculture research and development. MAFAC wants to be clear that this funding should not take away from NOAA's existing priority programs, but should be in addition to those amounts. Further, NOAA should explore mechanisms where commercial aquaculture projects locating in the EEZ contribute some reasonable portion of their revenues to support the program. Specifically these funds would support: 1) Increased expenditures, in partnership with other agencies and the private sector, on research, development and demonstration projects to improve the efficiency and effectiveness of aquaculture technologies; and 2) Provide resources to the lead agency to facilitate siting and regulation of EEZ aquaculture and improve the regulatory tools for management. The yearly amount for authorization needs further discussion between NOAA and MAFAC and is left blank in this document.

4.0 SUGGESTED MSA AMENDMENTS LANGUAGE

4.1 Section 2 Findings, Purpose, and Policy

Section 2 Findings, Purpose and Policy 16 U.S.C. 1801

(a) FINDINGS – The Congress finds and declares the following:

Public Law _____

(1) The fish off the coasts of the United States, the highly migratory species of the high seas, the species which dwell on or in the Continental Shelf appertaining to the United States, <u>the species produced by aquaculture in waters designated as the United States Exclusive Economic Zone, …</u>

<u>(no.?) There is no large-scale commercial aquaculture production of any species in the United States Exclusive Economic Zone, despite the existence of viable technologies. Projections indicate the United States will need over one million metric tons of additional seafood by 2030. Seafood imports to satisfy growing demand have increased to 91% of supply in recent years, with the extended global supply chain at increasing risk of disruption from unpredictable geopolitical forces. Coastal communities dependent on fishing and related activities are and will continue to be stressed by global climate change and government management responses. Private industry is prepared to invest, along with the Federal government, in the research, demonstration and development activities to establish commercial aquaculture in the United States Exclusive Economic Zone, but an efficient and effective permitting process to regulate these activities has yet to be established and remains a bottleneck to expansion.</u>

(no.?) A national program for aquaculture management is necessary to (A) expand fish production from the resources of the United States Exclusive Economic Zone, (B) reduce market reliance on imported products and improve seafood security, (C) preserve domestic fish processing capacity and working waterfronts, (D) create and preserve employment opportunities in coastal communities, and (E) responsibly manage and provide environmental oversight over the use of the natural resources of the United States for the benefit of all citizens.

(b) PURPOSES – It is therefore declared to be the purposes of Congress in this Act –

Public Law _____

(no.?) to promote expansion of aquaculture in the United States Exclusive Economic Zone under sound conservation and management principles, including the utilization of aquaculture technologies for (A) food and other commercial products; (B) stock enhancement; (C) rebuilding populations of threatened and endangered species; and (D) restoration and conservation of aquatic habitat.

(no.?) to provide for the preparation and implementation, in accordance with national standards, of aquaculture management plans, which will achieve and maintain, on a continuing basis, environmentally sound, economically viable, socially acceptable and culturally appropriate aquaculture activities.

101- 627

(5) to establish Regional Fishery Management Councils to exercise sound judgment in the stewardship

(A) which will enable the States, the fishing and aquaculture [industry] industries, consumer and environmental organizations …

(c) POLICY – It is further declared to be the policy of the Congress this Act ___

(no.?) to assure that the national aquaculture management program utilizes and is based upon, the best scientific information available, and is responsive to the needs of interested and affected States and citizens; considers efficiency; draws upon Federal, State, and academic capabilities in carrying out research, administration, management, and enforcement.

4.2 Section 3, Definitions

Sec. 3. DEFINITIONS 16 U.S.C. 1802

As used this Act, unless the context otherwise requires ___

(no.?) the term “aquaculture” means ___

(A) the propagation, rearing and harvesting of “fish”, as defined in this Act, that are part of a “fishery resource”, as defined in this Act, for commercial, recreational, or public purposes;

(B) and includes the meaning of “fishing” as defined in this Act;

(C) and includes the use of propagation and rearing technologies for food and commercial products, stock replenishment of commercial and recreational fisheries, rebuilding populations of threatened and endangered species, and restoration and conservation of aquatic habitat;

(no.?) the term "carrying capacity" means the maximum number of permitted aquaculture facilities a site can sustain without causing unacceptable negative impacts on ocean water and bottom quality, ecosystem structure, productivity, or native species.

4.3 Outline Title V National Aquaculture Management Program – some specific language provided

Title V – NATIONAL AQUACULTURE MANAGEMENT PROGRAM

Sec. (?) NATIONAL STANDARDS FOR AQUACULTURE CONSERVATION AND MANAGEMENT

(a) In General - Any aquaculture management plan prepared and any regulation promulgated to implement any such plan, pursuant to this title shall be consistent with the following national standards for aquaculture conservation and management.

(no.?) Conservation and management measures shall prevent exceeding the total annual aquaculture production value set for the region and the carrying capacity of a farm site, while achieving, on a continuing basis, yield for the United States aquaculture industry.

(no.?) Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate sites among various United States aquaculturists, such allocation shall be (A) fair and equitable to all such aquaculturists; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of area.

(no.?) Conservation and management measures shall be based upon the best scientific information and be consistent with sustainable harvest and conservation of wild stocks.

(no.?) Conservation and management measures shall, where practicable consider efficiency in the utilization of fishery resources for aquaculture; except that no such measure shall have economic allocation as its sole purpose.

(no.?) Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

(no.?) Conservation and management measures shall, consistent with the conservation requirements of this Act, take into account the importance of fishery resources for aquaculture to coastal communities by utilizing economic and social data that are based on best scientific information, in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize averse economic impacts on such communities.

(no.?) Conservation and management measures shall to the extent practicable, promote the safety of human life at sea.

Sec. (?) REGIONAL FISHERY MANAGEMENT COUNCILS AND AQUAULTURE MANAGEMENT

(a) GENERAL__ Each Regional Fishery Management Council, as defined by Section: 302 of this Act, shall have jurisdiction over permitting the siting and operation of aquaculture facilities culturing permitted species in the federal waters under each Council's management authority.

Sec. (?) CONTENTS OF FISHERY MANGEMENT PLANS FOR AQUACULTURE (Similar Language to Title 3 needed)

(a) REQUIRED PROVISIONS__

(b) DESCRETIONARY PROVISIONS

(c) PROPOSED REGULATIONS

(d) SITING AQUACULTURE FACILITIES, EXCLUSIVE USE, PROEPRTY RIGHTS, AND LEGAL PROTECTIONS. (New, needs to be defined for commercial aquaculture operations)

Sec. (?) ACTION BY THE SECRETARY (Similar language to Title 3 needed)

(a) REVIEW OF AQUACULTUE PLANS

(b) REVIEW OF AQUACULTURE REGULATIONS

(c) PREPARATION AND REVIEW OF SECRETARIAL PLANS

(d) ESTABLISHMENT OF FEES

(e) REPEAL OR REVOCATION OF AN AQUACULTURE MANAGEMENT PLAN

(f) ENVIRONMENTAL REVIEW PROCESS

Sec. (?) OTHER REQUIREMENTS AND AUTHORITY (Similar language to Title 3 needed)

(a) INFRASTRUCTURE EVALUATION AND NOTIFICATION OF ENTRY

(b) EMERGENCY ACTIONS AND INGTERIM MEASURES

(c) RESPONSIBILITY OF THE SECRETARY

(d) EFFECT OF CERTAIN LAWS AND CERTAIN TIME REQUIREMENTS

(e) JUDICIAL REVIEW

(f) NEGOTIATED CONSERVATION AND MANAGEMENT MEASURES

(g) CENTRAL REGISTRY SYSTEM FOR AQUACULTURE FACILITIES

Sec. (?) STATE JURISDICTION (Similar language to Title 3 needed)

(a) IN GENERAL ____

(b) EXCEPTION ____

Sec. (?) PROHIBITED ACTS (Similar language to Title 3 needed)

Sec. (?) CIVIL PENALTIES AND PERMIT SANCTIONS (Similar language to Title 3 needed)

Sec. (?) CRIMINAL OFFENSES (Similar language to Title 3 needed)

Sec. (?) CIVIL FORFEITURES (Similar language to Title 3 needed)

Sec. (?) ENFORCEMENT (Similar language to Title 3 needed)

Sec. (?) AQUACULTURE PROGRAM, MONITORING, RESEARCH PLANS AND OPERATIONAL FUNDING (Similar language to Title 4 needed and new language)

(a) REGISTRATION AND INFORMATION MANAGEMENT

(b) INFORMATION COLLECTION

(c) AQUACULTURE RESEARCH PLAN

4.4 Outline Title V New Funding Authorization – Some specific language provided

(d) FUNDING AUTHORIZATION TO CARRY OUT THE PROVISIONS OF TITLE V – Provides new funding to support establishing the aquaculture permitting program for the United States Exclusive Economic Zone and provide regulatory oversight and tools for effective management and to support aquaculture research, demonstration and commercialization projects to improve technologies for utilizing federal waters.

There is authorized to be appropriated to the Secretary to carry out the provisions of this title –

(1) $ xxx for fiscal year 2015

(2) $ xxx for fiscal year 2016

(3) $ xxx for fiscal year 2017

(4) $ xxx for fiscal year 2018

(5) $ xxx for fiscal year 2019

(6) $ xxx for fiscal year 2020

(7) $ xxx for fiscal year 2021

5.0 REFERENCES USED

Magnuson-Stevens Fishery Conservation and Management Act, 2007.

Proceedings Managing Our Nation's Fisheries 3, Advancing Sustainability, May 6-9, 2013.

Vision 2020: The Future of U.S. Marine Fisheries, MAFAC, 2007.

NOAA Marine Aquaculture Policy, 2011.

National Ocean Policy Implementation Plan, USDOC, 2012.

Final Fishery Management Plan for Regulating Offshore Marine Aquaculture in the Gulf of Mexico, Gulf of Mexico Fishery Management Council and NOAA, NMFS, 2009

Comments on the Gulf of Mexico FMP, Coalition for U.S. Seafood Production, 2013