



Summary of Important Events Leading to the National Offshore Aquaculture Act of 2005



1878. The U.S. Commissioner of Fish and Fisheries begins an artificial propagation program in response to decreased marine fish landings off the Atlantic coast. Sport fishermen advocate for hatchery operations for freshwater fish.

1939. The U.S. Fish and Wildlife Service in the Department of the Interior assumes responsibility for artificial propagation programs for commercial and sport fisheries.

1966. Congress passes the National Sea Grant College Program Act, recognizing that aquaculture can substantially benefit the United States and setting in motion Sea Grant College Program activities to teach, conduct research, and provide extension services on a range of topics, including aquaculture.

1968. The Stratton Commission report recognizes marine aquaculture as a coastal use that should be included in a national ocean policy.

1970. Executive Reorganization Plan No. 4 creates the National Oceanic and Atmospheric Administration (NOAA). As part of the reorganization, all marine fishery programs are transferred from the Department of the Interior to the Department of Commerce, and the Bureau of Commercial Fisheries is reorganized into NOAA's National Marine Fisheries Service.

1978. The National Research Council (NRC) issues a report, *"Aquaculture in the United States: Constraints and Opportunities."* In the report, the NRC observes that "constraints on orderly development of aquaculture tend to be political and administrative, rather than scientific and technological."

1980. Congress passes the National Aquaculture Act, stating that aquaculture is in the national interest. The Act establishes the interagency Joint Subcommittee on Aquaculture and instructs Federal agencies to conduct studies and report on "regulatory restrictions" to aquaculture development (Section 9(a)); prepare and submit to Congress a Regulatory Constraints Study with steps to remove unnecessarily burdensome regulatory barriers to the initiation and operation of commercial aquaculture ventures (Section 9(b)); and develop a National Aquaculture Development Plan to identify aquatic species with significant potential for culturing on a commercial or other basis (e.g., stock enhancement) and to recommend actions to be taken by public and private sectors to achieve that potential.

1983. The first National Aquaculture Development Plan is completed by the Joint Subcommittee on Aquaculture, providing the first comprehensive federal identification of priorities in U.S. aquaculture.

1992. A second National Research Council Report, *"Marine Aquaculture: Opportunities for Growth"* calls for "a framework....to provide an orderly process for the leasing and conduct of marine aquaculture operations to reduce the uncertainty that industry now faces...."

1993-1994. Five legislative bills dealing with aquaculture are introduced in the 103rd Congress, but none are enacted.

1995. A bill (S.1192) is introduced to strengthen the Commerce Department's marine aquaculture responsibilities, but it is not reported out of the Senate Commerce Committee.

1996. A revised National Aquaculture Development Plan identifies regulatory problems and focuses on solutions:

"4.4.8 Federal Regulatory Framework.

Challenges. The complex, fragmented, and uncertain regulatory environment affecting aquaculture is a deterrent to the development of a profitable and competitive U.S. aquaculture industry. Because aquaculture involves land and water use as well as the production, processing, and distribution of food for human consumption, a number of Federal, State, and local government agencies are involved in regulating the industry. As a result, aquatic farmers may either be required to comply with a daunting and expensive array of regulations or, as exemplified by offshore marine aquaculture initiatives, be forced to operate in a highly uncertain regulatory framework.

Opportunities. The Federal government has a responsibility and opportunity to develop alternative, rational approaches to the Federal permitting, licensing, and regulatory requirements now in place. This can include clarification, streamlining, and consolidation, wherever possible, of the regulatory process, while simultaneously ensuring protection of the health and well-being of the population and environment.

5.8 *Federal Regulatory Framework.* The Federal government will:

5.8.1 *Recommend Improvements to the Federal Regulatory Framework:* Review and recommend improvements to the Federal regulatory framework for discharge regulations, permits, and monitoring; fish health inspection; transport and export of live aquaculture products; depredation control; research on and commercial culture of genetically altered aquatic organisms; seafood inspection and safety; cultivation of "non-indigenous" species; testing and approvals of new animal drugs and vaccines; *permits and regulations for commercial aquaculture operations in public waters, including Federal marine waters* (emphasis added); and other issues as appropriate.

5.8.2 *Implement Recommendations to Improve Regulatory Framework:* With direct cabinet-level leadership, evaluate and implement recommendations to improve the Federal regulatory framework for aquaculture.

5.8.3 *Evaluate Discharge Standards and Discharge Impacts:* Support efforts to evaluate existing water quality standards for discharge from aquaculture facilities and the impact of other discharges on aquaculture operations.

5.8.4 *Develop Improved Compliance Standards for Public Waters:* Develop simplified and uniform standards for review procedures, uniform siting standards, baseline surveys, monitoring protocols, and reporting requirements for aquaculture in public waters.

1997. NOAA completes the first draft of offshore aquaculture legislation as part of a broader effort among federal agencies to address gaps in statutory authorities with respect to aquaculture. The NOAA bill specifically addresses the regulatory gap that had become evident in the Federal Exclusive Economic Zone (EEZ).

1998. The NOAA Aquaculture Policy is adopted. The policy recognizes the need to deal with emerging issues and encourages marine aquaculture to develop in an environmentally responsible manner.

1998-1999. NOAA distributes the first draft of the offshore aquaculture legislation to constituents at national aquaculture conferences.

1999. The Department of Commerce Aquaculture Policy is adopted. The policy set targets for increasing U.S. aquaculture production and jobs. Like the NOAA policy, the DOC policy emphasizes sustainable aquaculture development.

1999. NOAA begins a 5-year Marine Aquaculture Initiative funding numerous projects in areas identified in consultation with the Joint Subcommittee on Aquaculture and NOAA constituents. Top priorities include research in regulatory reform, siting of facilities, environmental standards, regional cooperation, and demonstration projects for offshore (also known as open ocean) aquaculture.

2000. NOAA submits a draft National Offshore Aquaculture Act to the Office of Management and Budget (OMB) for Federal interagency review. Clearance process is interrupted by a change in Administrations in January 2001.

2003. NOAA shares a revised version of offshore aquaculture legislation for discussion with other federal agencies on the Joint Subcommittee on Aquaculture.

2003. The PEW Oceans Commission report recommends that "Congress should require the development of a comprehensive and environmentally oriented permitting system for offshore aquaculture".

2004. NOAA submits the National Offshore Aquaculture Act to OMB for interagency clearance.

2004. The U.S. Commission on Ocean Policy makes four recommendations regarding marine aquaculture, one of which is for NOAA to be responsible for developing a comprehensive, environmentally-sound permitting, leasing, and regulatory program for marine aquaculture.

2004. The Bush Administration responds to the U.S. Commission on Ocean Policy by issuing the U.S. Ocean Action Plan, which includes a commitment to submit national offshore aquaculture legislation to the 109th Congress.

2005. In June, the Administration clears the National Offshore Aquaculture Act of 2005 and transmits the proposed legislation to Congress for action.