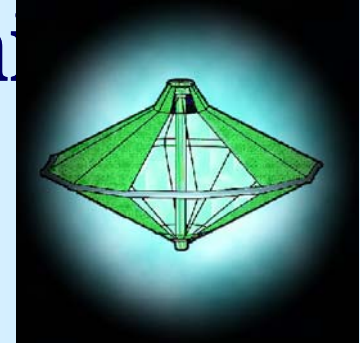


Marine Aquaculture Zone A Sustainable Approach in the Growth of Offshore Aquaculture



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An “Inadequate” Regulatory Regime



a regime that is comprised of laws adopted to address problems or industries other than aquaculture

**in the U.S. 1980 National Aquaculture Act,
Congress noted:**

**the “diffused legal jurisdiction” and
“lack of supportive Government policies”**

The Legal and Regulatory Regime for Aquaculture

The Laws

Rivers & Harbors Act

National Environmental Policy Act

Ocean Dumping Act

Coastal Zone Management Act

Endangered Species Act

National Aquaculture Act

Outer Continental Shelf Lands Act

Clean Water Act

Magnuson-Stevens Act

Fish & Wildlife Coordination Act

Marine Mammal Protection Act

Public Trust Doctrine

The Agencies

Department of Agriculture

Environmental Protection Agency

Corps of Engineers

Fishery Management Councils

Food & Drug Administration

National Marine Fisheries Service

Fish & Wildlife Service

Coast Guard

Minerals Management Service

State Agencies

Aquaculture Leasing: questions for a statute or policy

- 1. What agency or agencies have leasing authority?*
- 2. Does the lease limit size, time, aggregate lease area, or the number of leases that may be held by a party?*
- 3. For what other purposes may leases be issued?*
- 4. What is the cost for a lease?*
- 5. What is the penalty for using the waters without a lease?*
- 6. Is the lease application subject to public review & comment?*
- 7. Must the leasing agency undergo “public interest review?”*
(analysis of interference with riparian owners, navigation, fishing or other uses of the area, the ability of the lease site and surrounding area to support existing ecology, etc.)
- 8. What are the reporting requirements for lease holders?*

Zoning on Land:

Lending Structure to OOA



- **Traditionally a land based concept**
- **Basic concept**
 - **Division into parts**
 - **Regulations prescribing usage**
- **Zoning Authority: Promote public welfare and interest**

Zoning in the Sea:



Opportunities Offshore

- **Promotes national policy/ establishes system for industry development**
- **Definite siting areas that have been determined appropriate for industry development**
- **Limits user conflict/promotes public participation**
- **Enforcement will improve as boundaries are established**

Potential Conflicts

Public Trust Issues: public's right to use public resources

Scientific support of zoning decisions

Establishing and monitoring boundaries

Models for Guidance



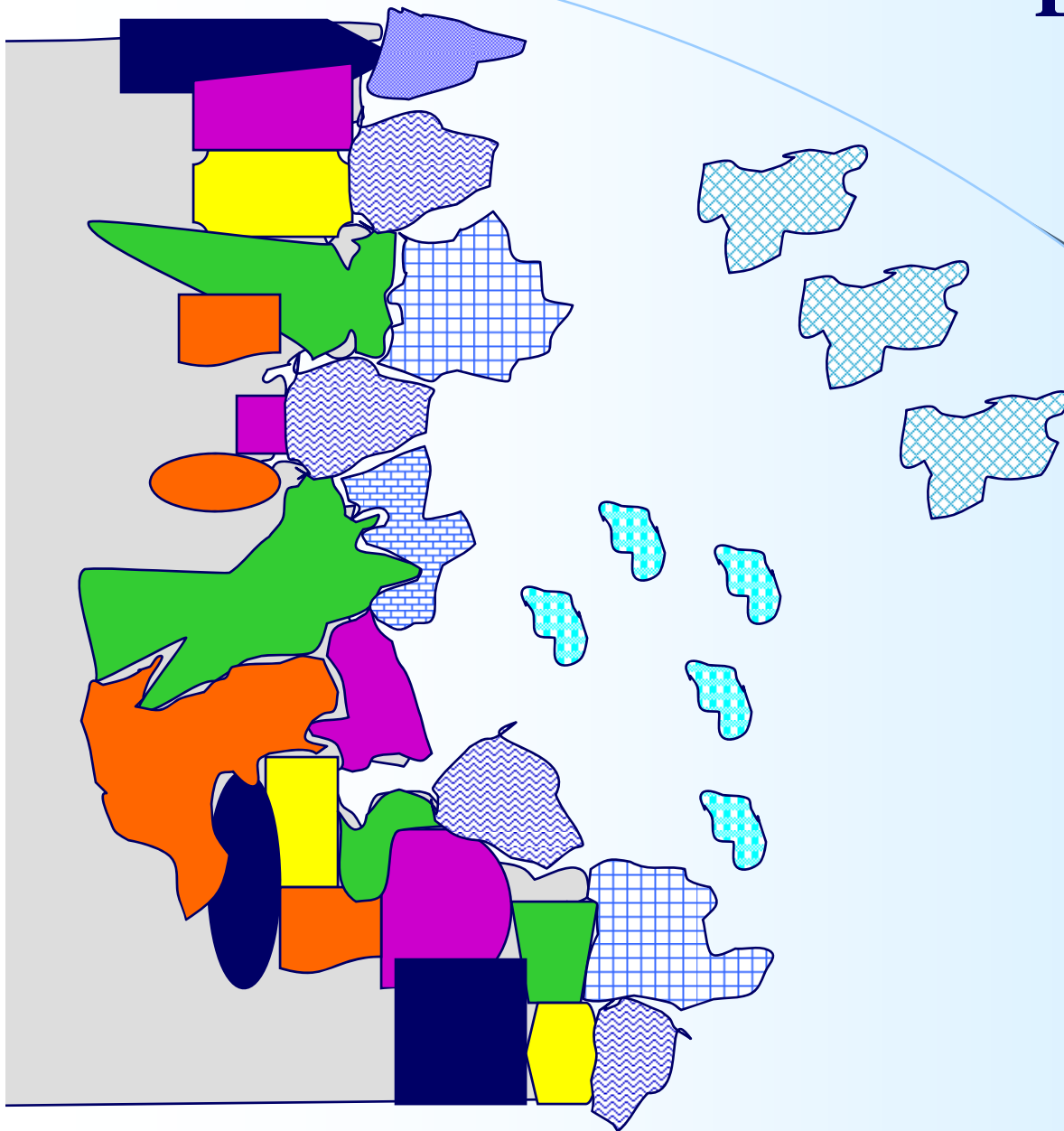
Offshore oil and gas leasing

Defensive sea areas

Marine reserves/MPAs

International Approaches

Land-Based Zoning



- Residential
- Commercial
- Public/Park
- Industrial
- Military

Marine Zoning

- Industrial/port
- Offshore Oil/Gas
- Aquaculture
- Military
- Reserve/MPA

Marine Zoning Policy Issues

- 1. What agency or agencies is zoning authority delegated to under the relevant statute or order?*
- 2. How are zones delineated or designated?*
- 3. What are the restrictions placed on other uses within the zone?*
- 4. How does the agency monitor the activities in the zone?*
- 5. What other marine activities does the country use marine zoning for, such as military use, shipping, other industries, recreational, or ecologically sensitive areas?*

Contact Us!

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