

Senate Bill – “Marine Aquaculture Act of 2018”

– **Senator Wicker (R-Mississippi)**

Not yet introduced

Section 1 – Short Title.

Section 2 – Findings and Purposes. This section outlines the rationale for a nationwide aquaculture program.

Section 3 – Definitions. This section clarifies the terms used in the bill and addresses terms that need to be consistent with other Acts.

Section 4 – Office of Marine Aquaculture. This section establishes the Office of Marine Aquaculture and its duties.

Proposed Actions	Potential Impacts
Provides opportunities for engagement with... fishery management councils	This does not require a formal engagement with regional management councils. This means that a relationship and communication between office of marine aquaculture and the regional councils are not required
Establishes a panel of experts for each region	Consistent with the makeup of the Aquaculture AP established in the Gulf FMP, except that it doesn't include managers (such as Council members)
Establishes an Aquaculture Subcommittee	May lack the regional expertise necessary to inform on regional conditions that would affect implementation of policies and responses. Regionalized subcommittees addressing aquaculture would be more appropriate, as should a formalized consultation process with regional management councils.

Section 5 – Administration. This section establishes that NOAA will be the lead federal agency and outlines many permitting procedures already outlined in the FMP.

Proposed Actions	Potential Impacts
Establishes criteria for practicing veterinary medicine in waters outside of state jurisdiction	Does not specifically address how veterinary health will be addressed. In the FMP, it is outlined that only drugs, biologics, and other chemicals approved for aquaculture by the FDA, EPA, or USDA should be used, in compliance with applicable laws and regulations. Aquaculture facilities are not “closed loop” facilities, and administration of

	drugs, biologics, and other chemicals can have resounding effects on surrounding marine communities. In the FMP, it specifically states that the veterinarian must be certified by the American Fisheries Society, Fish Health Section, as a “Fish Pathologist” or “Fish Health Inspector”
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Section 6 – Offshore Aquaculture Permits. This section outlines how permits will be issued.

Proposed Actions	Potential Impacts
Authorized activities would allow for the culture of “naturalized to the region” and “sterile or otherwise not capable of reproducing”	<ul style="list-style-type: none"> • The term “naturalized” is not defined in this bill, but in other definitions includes species that are not native to a region but have invaded. Propagation of these invasive species could have resounding consequences on the surrounding marine environment. Additionally, sterility is not a guaranteed state, and non-native stocks should never be cultured. The GMFMC recommends the culture of only native, non-genetically modified, non-transgenic species with progeny cultured from wild caught broodstock. • The FMP and Gulf Aquaculture Permit strictly prohibit culture of shrimp and corals. Each regional fishery management council should determine which species should not be cultured if appropriate rationale is provided.
Permit procedure	All of these permit procedures are outlined in the FMP.
Determination of a complete permit	This section does not specifically mention providing regional councils with the opportunity to provide comment on a permit, which is established in the final rule of the FMP. This is covered under section K (compatibility with other uses)
Duration of 25 years	The duration of this permit is 2.5 times longer than the permit duration in the FMP which is 10 years and allows for renewals in 5 year increments.

Proposed Actions	Potential Impacts
Fees	Allows the Secretary to determine the amount of financial guarantees to cover unpaid fees, cost of removing the facility, and cost of site remediation, but does not specifically address unforeseen escapement or allow any other unforeseen events. Also allows the Secretary to waive all fees.
After the expiration of a permit, has three years to remove all structures, gear, and other property from the site	Aquaculture facilities can continue to have biofouling, act as vectors for invasive species and disease, and hinder fishing and marine traffic in the vicinity of the facility, among others.
Compatibility with other uses, section 2 (Magnuson-Stevens Fishery Conservation and Management Act) specifically dictates that offshore aquaculture is not considered “fishing”	This would eliminate the need for harvest thresholds (e.g. MSY and OY). However, establishing an MSY for all cultured species (with the ability to increase or decrease this cap) allows managers to assess whether the practice of aquaculture in a region is having cascading effects on the surrounding environment, thus modifying this measure as appropriate. By not having such a measure on production poundage, there could be unintended consequences for wild stocks from overutilization of marine resources dedicated to aquaculture. Contradicts previous guidance provided to the Council.

Section 7. Restrictions on Offshore Aquaculture Activities. This section outlines that only those with appropriate permits (unless otherwise noted) can conduct offshore aquaculture

Proposed Actions	Potential Impacts
“Offshore aquaculture permits issued under MSA”	Indicates that there are two different types of aquaculture permits, those from section 6, and those under the MSA. Permitting requirements may not be consistent between the two which creates confusion and inconsistencies in application. This should be addressed.

Section 8 – Recordkeeping and Access to Information. This section outlines what records and recordkeeping should be maintained and is consistent with those outlined in the FMP. However, all information will be confidential and lack the transparency of MSA.

Section 9 – Programmatic Environmental Impact Statement. This section outlines the scope and geographic components of each regional EIS.

Section 10 – Research and Development Grant Program. This section outlines a grant program and research priorities.

Proposed Actions	Potential Impacts
Research and development section “to advance research... including access to safe and effective vaccines, therapeutants, and therapies.”	Does not make clear if these developing therapies are allowed in the offshore facilities, or if these therapies must be tested in facilities onshore prior to use in offshore facilities. Considering that there is potential for escapement and contamination of wild stocks, it should be highlighted that medications and therapies undergoing testing trials should not be allowed in offshore facilities until approved by various federal entities (FDA, USDA, etc.)

Section 11 – Enforcement. This section outlines prohibited acts and executive authorities.

Section 12 – Authorization of Appropriations. This section outlines specific dollar amounts the Secretary of Commerce must use for Aquaculture, of which at least 40% must be for research and development. Initial funding will be \$60 million in 2018, and will increase to \$80 million in 2022.