

## **“AQUAA Act” Section-by-Section Summary**

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## **Title I – National Standards**

### **Section 101- National Standards for Sustainable Offshore Aquaculture (p. 8-10)**

- Outlines the national standards for sustainable offshore aquaculture
  - Shall: strengthen coastal and marine ecosystems, be based on the best scientific information available, avoid adverse environmental impacts, prioritize feeds sourced from sustainable ingredients, minimize costs and avoid unnecessary duplication.

## **Title II – Core Activities**

### **Section 201- Offshore Aquaculture Permits (p. 10-29)**

- Permits issued by the Secretary of Commerce
- Requires permit applicant to specify proposed location, type of aquaculture operations, species to be reared, and how permit holder will comply with the national standards from Sec. 101. The application should also include ways in which the permit holder plans to respond to natural disasters, escapements, and disease.
- States will receive public notice and an opportunity for public comment for each offshore aquaculture permit application.
  - Secretary of Commerce has 30 days after receiving an application to notify the applicant that it has been received and if there is any missing information
  - Secretary of Commerce has 90 days after the public comment period to issue, defer, or deny the permit application – may be extended
- 15-year permit if outside Enterprise Zone (Sec. 202)
- 25-year permit if inside Enterprise Zone (Sec. 202)
- Secretary of Commerce may renew permits before end of permit duration for an additional 15- or 25-year period, depending on Enterprise Zone status – may also revoke permits
- *Permit Revocation*
  - The Secretary of Commerce may revoke permits if holder commits a prohibited act (Sec. 408), fails to begin operations within 2 years, or 2-year interruption of operation that's unrelated to best management practices.
  - No later than one year after a permit expires or is revoked, a permit holder should remove all property from the site and should restore the site as is necessary.
  - The Secretary of Commerce may revoke a permit in the event of an emergency (safety risk to humans, environment, marine species).
- *Permit Fees and Bonds*
  - The Secretary of Commerce may establish application and permit fees.
  - Revenue from fees does not exceed costs of management, data collection, analysis, inspection, and enforcement activities
  - These can be waived if aquaculture facility is mainly for research purposes.
  - Permit holders must post a bond to cover unpaid fees, cost of removing offshore aquaculture facility, site remediation, and other financial risks.

- *State Review: Coastal Zone Management Act*
  - Aquaculture permits must submit a consistency certification with the corresponding coastal state's Coastal Zone Management programs.
- Permits must also ensure compatibility with Outer Continental Shelf Lands Act authorizations, rights-of-way, and easements (oil and gas exploration).
- Secretary of Commerce shall notify the Secretary of the Interior for permits located on the outer continental shelf
- Sec. 201(o)- USDA is lead Federal agency for providing animal health oversight.

**Section 202- Enterprise Zones (p. 30-33)**

- *Enterprise zone* - A permit issued for offshore aquaculture to be conducted in an enterprise zone (geographic area granted special status by government in order to encourage development and economic growth, often granted regulatory exemptions, special tax breaks, etc.) as provided in section 202 shall have an initial 25-year duration.  
The federal waters boundary is three miles offshore.
- The Secretary of Commerce shall establish enterprise zones for sustainable offshore aquaculture. States and Territories must be consulted, and regional siting workshops must be conducted.
- The Secretary of Commerce may support demonstration projects (pilot projects) in each enterprise zone to test the viability of sustainable offshore aquaculture in an enterprise zone
- The Secretary of Commerce shall implement an efficient process for environmental impact statements under the National Environmental Policy Act of 1969.
- NOAA's new spatial analysis tool will provide primary data support.

**Title III – Refinements**

**Section 301- Protection of Offshore Aquaculture Facilities (p. 33-34)**

- The Secretary of Commerce will consult with Federal agencies to establish a navigational safety zone around offshore aquaculture facilities.

**Section 302- Recordkeeping and Access to Information (p. 34-37)**

- The Secretary of Commerce will keep records and data regarding escape events, prevalence of disease, and reports permit holders are required to complete. This is subject to public disclosure unless Secretary makes a confidential business information determination.
- The Secretary of Commerce shall conduct annual aquaculture facility inspections for the first 5 years, then biennial inspections thereafter.

**Section 303- Feed Standards (p. 37)**

- The bill requires that any fisheries-derived marine feed ingredients used are sourced from a sustainably managed fishery. Ingredients must be traceable and harvested without forced labor.

## **Title IV – Administrative Provisions**

### **Section 401- Office of Offshore Aquaculture (p. 37-39)**

- Establishes an Office of Offshore Aquaculture within the National Marine Fisheries Service at the NOAA headquarters. The office shall coordinate regulatory, scientific, outreach and international issues within NOAA and coordinate outreach, education, and extension services with USDA.
- The Marine Fisheries Advisory Committee shall designate a subcommittee to serve as an external board

### **Section 402- Domestic Aquaculture Production (p. 39-41)**

- The Secretary of Agriculture will establish and administer a grant program to support the marketing and sale of cultured species domestically and internationally. This includes workforce development to support education and training of individuals with skills needed to operate aquaculture facilities.
- The Secretary of Commerce will organize a network of regional experts and Federal Agency contacts in coordination with the Department of Agriculture and other relevant organizations.
- The Secretary of Agriculture shall establish and maintain an aquaculture database including information on research, technologies, monitoring techniques and best practices.

### **Section 403- Outreach and Education for Offshore Aquaculture (p. 41-42)**

- The Secretary of Commerce will coordinate with the Secretary of Agriculture to conduct outreach to stakeholders (the general public, community leaders, government officials, the business community, academic community, and the nonprofit sector) to promote commercial adoption of aquaculture.

### **Section 404- Administration (p. 42-46)**

- Requires the Secretary of Commerce to initiate a rulemaking process one year after date of enactment to implement procedures in Act including permitting decisions, coordination of permitting process, compliance monitoring, etc.
- The Secretary of Commerce must determine what type of feed may be employed in an offshore aquaculture facility in accordance with Sec. 303.
- The Secretary of Commerce has authority to use grant funds unless the granting agency lacks authority to grant funds to Federal agencies

### **Section 405- Report (p. 46-47)**

- Requires the Secretary of Commerce to issue a progress report five years after enactment to Senate Commerce and Agriculture, Nutrition and Forestry and House Natural Resources and Agriculture Committees.

- Report will include number of permits applied, denied, granted, and retired, enforcement actions taken, number of enterprise zones established (Sec. 202), grants awarded, and assessment of U.S. aquaculture.
- The Secretary of Commerce will also make recommendations on shortening or lengthening permit terms (Sec. 201) and the anticipated effect of doing so.

**Section 406 – Extension of Permit Terms (p. 47-48)**

- The Secretary of Commerce is authorized to extend the terms of offshore aquaculture permits an additional 15 years if the facility is outside of an Enterprise Zone, or an additional 25 years if inside of an Enterprise Zone.

**Section 407 – Interagency Coordination of Offshore Aquaculture (p. 48-50)**

- The Secretary of Commerce shall coordinate with the Department of the Interior, the Department of Agriculture, the Environmental Protection Agency, the Army Corps of Engineers, and the U.S. Coast Guard to simplify regulations for sustainable offshore aquaculture and safeguard the marine environment, wild fish stocks, and coastal communities.
- Establishes NOAA as the lead federal agency through which the Secretary of Commerce should work.
- Environmental analysis shall be conducted through a single, consolidated environmental review and the NOAA shall serve as the lead federal agency.
- Federal agencies shall coordinate their review processes in order to provide a timely response to applicants.

**Section 408- Prohibited Acts (p. 50-52)**

- Unlawful to violate any provision or permit issued under the Act, or tamper with aquaculture facility or its components. It is also unlawful to deny officer authorized to enforce provisions in Act to access an aquaculture facility.

**Section 409- Enforcement (p. 52-68)**

- Provisions of Act are enforced by the Secretary of Commerce and department in which the Coast Guard is operating.
- If an officer believes an act prohibited by Section 407 is made, officers are authorized to make arrests, search or inspect facilities or vessels, seize records or cargo, seize fish, evidence, and execute subpoenas.
- *Citations*  
If an officer finds an aquaculture facility and its components violates provisions in this Act, they may issue a citation which will be kept on the facility's record.

- *Subpoenas*  
For the purposes of conducting any investigations or hearings under this act, the Secretary of Commerce may issue subpoenas
- *District Court Jurisdictions*  
Pacific Ocean- U.S. District Court for the District of Hawaii  
Exceptions made for Guam, Wake Island, and the Northern Mariana Islands.
- *Civil Administrative Penalties*  
Parties found guilty of violating a provision of this Act are subject to civil penalties.  
The amount of civil penalty shall not exceed the amount specified in the Magnuson-Stevens Fishery Conservation and Management Act
- *Permit Sanctions*  
If an aquaculture facility and its components have been found in violation of Section 407 and a hearing opportunity has been given, the Secretary of Commerce may revoke, suspend, deny, or impose additional conditions on their permit.
- *Imprisonment*  
Any person, foreign government agency, or entity found guilty shall not be imprisoned for more than 5 years or fined no more than \$500,000 for individuals, or \$1,000,000 for an organization.

**Section 410- Authorization of Appropriations (p. 68-69)**

- FY 2020: \$60 million
- FY 2021: \$65 million
- FY 2022: \$70 million
- FY 2023: \$75 million
- FY 2024: \$80 million

**Title V – Research and Development**

**Section 501- Research and Development Grant Program (p. 69-72)**

- The Secretary of Agriculture, in consultation with the Secretary of Commerce, will establish an aquaculture research and development grant program and award competitive grants to fund research and extension services. Research includes engineering solutions, genetics, species disease, cost-effective feeds, environmental impacts, barriers to entry and more.
- Priority for grants will be given to 1890s and 1994 institutions, and Hispanic-serving institutions.
- Research will be coordinated with USDA’s Cooperative Extension System.