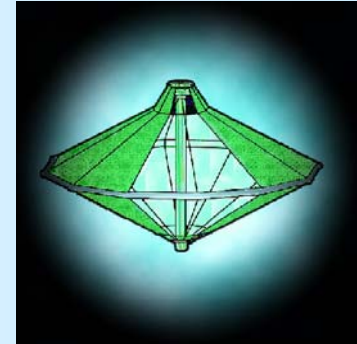


# Marine Aquaculture Zoning: A Sustainable Approach in the Growth of Offshore Aquaculture



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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**

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## **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**

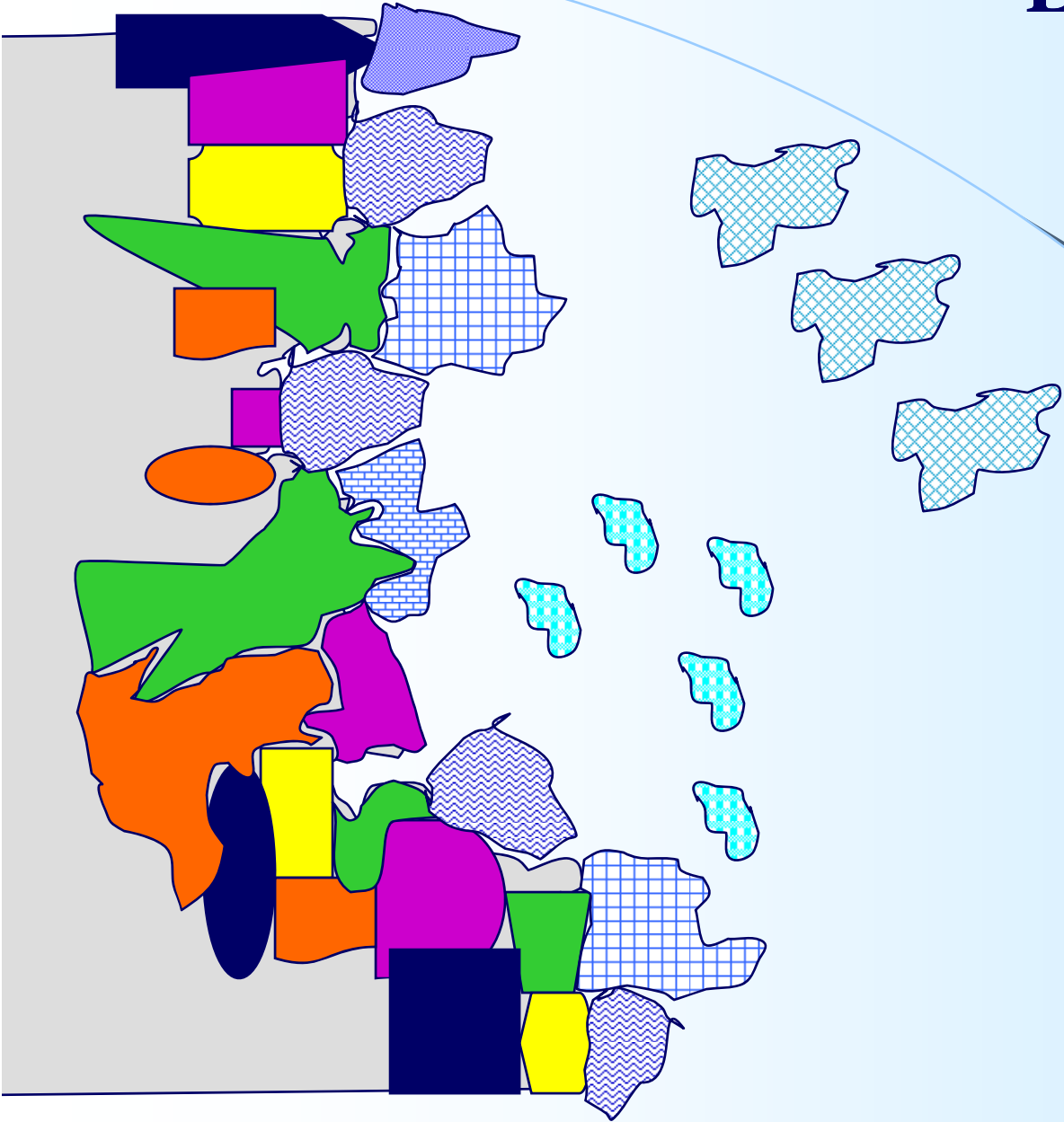
**Defensive sea areas**

**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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