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

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Kristen Fletcher  
Mississippi-Alabama Sea Grant Legal Program  
kfletch@olemiss.edu

Erinn Neyrey  
Louisiana Sea Grant Legal Program  
eneyrey@lsu.edu
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

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<th>The Laws</th>
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<tr>
<td>Rivers &amp; Harbors Act</td>
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<tr>
<td>National Environmental Policy Act</td>
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<td>Ocean Dumping Act</td>
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<td>Coastal Zone Management Act</td>
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<td>Endangered Species Act</td>
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<td>National Aquaculture Act</td>
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<td>Outer Continental Shelf Lands Act</td>
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<td>Clean Water Act</td>
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<td>Magnuson-Stevens Act</td>
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<td>Fish &amp; Wildlife Coordination Act</td>
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<td>Marine Mammal Protection Act</td>
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<td>Public Trust Doctrine</td>
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## The Agencies

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<tr>
<td>Department of Agriculture</td>
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<tr>
<td>Environmental Protection Agency</td>
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<td>Corps of Engineers</td>
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<td>Fishery Management Councils</td>
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<td>Food &amp; Drug Administration</td>
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<tr>
<td>National Marine Fisheries Service</td>
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<tr>
<td>Fish &amp; Wildlife Service</td>
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<tr>
<td>Coast Guard</td>
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<td>Minerals Management Service</td>
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<td>State Agencies</td>
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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!

Kristen M. Fletcher
Mississippi-Alabama Sea Grant Legal Program
e-mail: kfletch@olemiss.edu
http://www.olemiss.edu/orgs/masglp

Erinn Neyrey
Louisiana Sea Grant Legal Program
e-mail: eneyrey@lsu.edu
http://its2.ocs.lsu.edu/guests/sglegal/public.html