

103^D CONGRESS
2^D SESSION

H. R. 4853

To amend the National Sea Grant College Program Act and the Coastal Zone Management Act of 1972 to enhance marine aquaculture in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 1994

Mr. STUDDS (for himself, Mr. REED, and Mr. HUGHES) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

A BILL

To amend the National Sea Grant College Program Act and the Coastal Zone Management Act of 1972 to enhance marine aquaculture in the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Marine Aquaculture
5 Enhancement Act of 1994”.

1 **SEC. 2. MARINE AQUACULTURE RESEARCH, DEVELOP-**
2 **MENT, AND TECHNOLOGY TRANSFER PRO-**
3 **GRAM.**

4 The National Sea Grant College Program Act (33
5 U.S.C. 1121 et seq.) is amended by inserting after section
6 206 the following:

7 **“SEC. 206A. MARINE AQUACULTURE RESEARCH, DEVELOP-**
8 **MENT, AND TECHNOLOGY TRANSFER PRO-**
9 **GRAM.**

10 “(a) MARINE AQUACULTURE RESEARCH, DEVELOP-
11 MENT, AND TECHNOLOGY TRANSFER PROGRAM.—The
12 national sea grant college program under section 204 shall
13 include a marine aquaculture research, development, and
14 technology transfer program (in this section referred to
15 as the ‘Program’) under which the Secretary, acting
16 through the Director, shall make grants and enter into
17 contracts in accordance with this section, and engage in
18 other activities authorized under this Act, to further re-
19 search, development, education, and technology transfer in
20 marine aquaculture and accelerate the development,
21 growth, and commercialization of the domestic marine
22 aquaculture industry.

23 “(b) PROGRAM SCOPE.—The Program shall include
24 research, development, technology transfer, education, and
25 marine advisory programs that address at least the follow-
26 ing:

1 “(1) The development of domestic marine aqua-
2 culture products that are commercially competitive
3 in the world market.

4 “(2) Fundamental biological knowledge that is
5 needed for domesticating and commercializing ma-
6 rine species that are candidates for aquaculture.

7 “(3) Environmentally safe technologies, meth-
8 ods, and systems for culturing marine species in the
9 coastal environment.

10 “(4) Aquaculture technologies that are compat-
11 ible with other uses of the sea.

12 “(5) Application of marine biotechnology to
13 aquaculture.

14 “(6) Methods for addressing and resolving con-
15 flicts between marine aquaculture and other uses of
16 the coastal environment.

17 “(7) Comparative studies of State practices re-
18 garding the regulation and promotion of marine
19 aquaculture, so as to identify interstate conflicts and
20 issues.

21 “(c) SEA GRANT MARINE ADVISORY SERVICES.—
22 The Secretary shall maintain within the Marine Advisory
23 Service, the capability to transfer relevant technologies
24 and information to the marine aquaculture industry. Par-

1 ticular emphasis shall be given to the matters referred to
2 in subsection (b) (1) through (7).

3 “(d) ADMINISTRATION.—In carrying out the Pro-
4 gram, the Director shall—

5 “(1) coordinate and administer the relevant ac-
6 tivities of the sea grant colleges and any advisory
7 committee or review panel established under sub-
8 section (f);

9 “(2) consult with the Joint Subcommittee on
10 Aquaculture and the aquaculture industry to identify
11 program priorities and needs and, to the extent pos-
12 sible, undertake collaborative efforts; and

13 “(3) provide general oversight to ensure that
14 the Program produces the highest quality research,
15 education, and technology transfer and leads to op-
16 portunities for business development, the commer-
17 cialization of marine aquaculture products, and jobs
18 creation.

19 “(e) GRANTS AND CONTRACTS.—

20 “(1) IN GENERAL.—The Director, subject to
21 the availability of appropriations, shall award grants
22 and contracts in accordance with procedures, re-
23 quirements, and restrictions under section 205 (c)
24 and (d) for aquaculture education, technology trans-

1 fer, and advisory projects based on a competitive re-
2 view of—

3 “(A) their respective scientific, technical,
4 and educational merits; and

5 “(B) their likelihood of producing informa-
6 tion and technology which lead to the growth,
7 development, and commercialization of the ma-
8 rine aquaculture industry.

9 “(2) SPECIAL REQUIREMENTS.—In addition to
10 requirements applicable under section 205, applica-
11 tions for grants and contracts under this subsection
12 shall be—

13 “(A) received, evaluated, and selected by
14 the appropriate directors of sea grant colleges;

15 “(B) forwarded by those directors to the
16 Director; and

17 “(C) evaluated by a review panel estab-
18 lished in accordance with subsection (f).

19 “(3) FUNDING.—Grants made and contracts
20 entered into under this section shall be funded with
21 amounts available from appropriations made pursu-
22 ant to the authorization provided for under section
23 212(c), except that if the project under a grant or
24 contract was considered and approved, in whole or
25 part, under grant or contract authority provided for

1 under section 205 (a) or (b) or section 3 of the Sea
2 Grant Program Improvement Act of 1976, the grant
3 or contract shall be funded from amounts available
4 to carry out that section.

5 “(f) MARINE AQUACULTURE REVIEW PANELS.—

6 “(1) ESTABLISHMENT AND DUTIES.—The Di-
7 rector, in consultation with the directors of a sea
8 grant college and representatives of the marine
9 aquaculture industry, shall establish such advisory
10 committees and review panels as may be necessary
11 to carry out this section.

12 “(2) MEMBERSHIP.—At least 25 percent of the
13 members of any advisory committee or review panel
14 established under this subsection shall be appointed
15 from among representatives of the marine aqua-
16 culture industry.

17 “(3) ACCESS TO EVALUATIONS OF GRANTS AND
18 CONTRACTS.—The Director shall provide to each ad-
19 visory committee and review panel established under
20 this subsection copies of appropriate grant and con-
21 tract application evaluations prepared by directors of
22 sea grant colleges under subsection (e)(2)(A).

23 “(g) MARINE AQUACULTURE DEFINED.—As used in
24 this section, the term ‘marine aquaculture’ means aqua-
25 culture which is conducted in controlled or other tidal

1 fresh, brackish, or coastal environments, including the
2 Great Lakes.

3 “(h) AUTHORIZATION OF APPROPRIATIONS.—

4 “(1) GRANTS AND CONTRACTS.—There is au-
5 thORIZED to be appropriated to carry out this section
6 (other than for administration)—

7 “(A) \$5,000,000 for each of fiscal years
8 1995 and 1996; and

9 “(B) \$7,000,000 for each of fiscal years
10 1997 and 1998.

11 “(2) ADMINISTRATION.—There is authorized to
12 be appropriated for the administration of this sec-
13 tion the lesser of—

14 “(A) for each fiscal year, 2 percent of the
15 total amount appropriated to carry out this sec-
16 tion 1995 and 1996; and

17 “(B)(i) \$100,000, for each of fiscal years
18 1995 and 1996; and

19 “(ii) \$120,000 for each of fiscal years
20 1997 and 1998.”.

21 **SEC. 3. AQUACULTURE IN THE COASTAL ZONE.**

22 The Coastal Zone Management Act of 1972 is
23 amended—

24 (1) in section 306A(b) (16 U.S.C. 1455a(b)) by
25 adding at the end of the following:

1 “(4) The development of a coordinated process
2 among State agencies to regulate and issue permits
3 for aquaculture facilities in the coastal zone.”; and

4 (2) in section 309(a) (16 U.S.C. 1456b(a)) by
5 adding at the end the following:

6 “(9) Adoption of procedures and policies to
7 evaluate and facilitate the siting of public and pri-
8 vate aquaculture facilities in the coastal zone which
9 will enable States to formulate, administer, and im-
10 plement strategic plans for marine aquaculture.”.

11 **SEC. 4. OFFSHORE MARINE AQUACULTURE PERMITTING.**

12 (a) OWNERSHIP, CONSTRUCTION, AND OPERATION
13 OF OFFSHORE MARINE AQUACULTURE FACILITIES.—No
14 person may own, construct, or operate an offshore marine
15 aquaculture facility except as authorized by a permit is-
16 sued under this section.

17 (b) PERMIT ISSUANCE AND TERM.—

18 (1) IN GENERAL.—The Secretary may issue,
19 amend, renew, or transfer in accordance with this
20 section permits which authorize the ownership, con-
21 struction, or operation of an offshore marine aqua-
22 culture facility.

23 (2) TERM.—The term of a permit under this
24 section shall be 10 years.

1 (c) PERMIT PREREQUISITES.—The Secretary may
2 not issue, amend, renew, or transfer a permit to a person
3 under this section unless—

4 (1)(A) each of the officials referred to in sub-
5 section (e)(1) has certified to the Secretary that the
6 activities to be conducted under the permit would
7 comply with laws administered by the official; or

8 (B) the permit establishes the conditions trans-
9 mitted under subsection (e)(3)(A) by each of those
10 officials that does not make that certification, and
11 each of the remainder of those officials makes that
12 certification;

13 (2) the Secretary determines that—

14 (A) construction and operation of a facility
15 under the permit will be in the national interest
16 and comply with the environmental standards
17 established by the Secretary under subsection
18 (k);

19 (B) the site for the facility will not inter-
20 fere with facilities previously permitted under
21 this section or any other Federal law; and

22 (C) the person, upon revocation or surren-
23 der of the permit, will properly dispose of or re-
24 move the facility as directed by the Secretary;
25 and

1 (3) the person provides to the Secretary a bond
2 or other assurances to pay for all costs associated
3 with the removal of the facility.

4 (d) PUBLIC NOTICE AND COMMENT PERIOD.—

5 (1) NOTICE.—The Secretary shall publish in
6 the Federal Register—

7 (A) notice of receipt of each application for
8 a permit under this section; and

9 (B) notice of issuance of each permit is-
10 sued, amended, renewed, or transferred under
11 this section.

12 (2) PUBLIC COMMENT.—The Secretary shall
13 provide a period of at least 90 days for the submis-
14 sion by the public of comments regarding each appli-
15 cation received by the Secretary for the issuance,
16 amendment, renewal, or transfer of a permit under
17 this section.

18 (e) AGENCY NOTICE AND COMMENT.—

19 (1) TRANSMISSION OF COPIES OF APPLICA-
20 TIONS.—Not later than 30 days after receiving of an
21 application for a permit under this section, the Sec-
22 retary shall forward a copy of the application to—

23 (A) the Secretary of the department in
24 which the Coast Guard is operating;

1 (B) the Administrator of the Environ-
2 mental Protection Agency;

3 (C) the Attorney General;

4 (D) the Secretary of State;

5 (E) the Chairman of the Regional Fishery
6 Management Council under the Magnuson
7 Fishery Conservation and Management Act (16
8 U.S.C. 1801 et seq.) having authority over wa-
9 ters in which would occur the activities for
10 which the permit is sought;

11 (F) the Secretary of Defense; and

12 (G) the Governor of each State that—

13 (i) would be affected by activities for
14 which the permit is sought; and

15 (ii) has an approved coastal zone
16 management program under the Coastal
17 Zone Management Act of 1972 (16 U.S.C.
18 1451 et seq.).

19 (2) CERTIFICATION OF COMPLIANCE.—Subject
20 to paragraph (4), not later than 120 days after re-
21 ceiving a copy of a permit application transmitted
22 under paragraph (1) of the official shall certify to
23 the Secretary whether or not the activities to be con-
24 ducted under the permit would comply with laws ad-
25 ministered by the official.

1 (3) TRANSMITTAL OF REASONS FOR NON-
2 COMPLIANCE AND PERMIT CONDITIONS.—If an offi-
3 cial certifies under paragraph (1) that activities to
4 be conducted under a permit is sought would not
5 comply with a law—

6 (A) the official shall transmit to the Sec-
7 retary the reasons for that noncompliance and
8 any permit conditions that would ensure compli-
9 ance; and

10 (B) the Secretary shall establish those con-
11 ditions in any permit for the activity issued
12 under this section.

13 (4) EXTENSION OF TIME FOR CERTIFI-
14 CATION.—An official may request, in writing, that
15 the Secretary extend by not more than 60 days the
16 period for making certifications under paragraph
17 (2). The Secretary may grant the extension for good
18 cause shown.

19 (f) PERMIT REVOCATION OR SURRENDER.—

20 (1) REVOCATION.—The Secretary may revoke
21 any permit issued under this section if the permittee
22 is found to be in violation of any term of the permit,
23 this section, or any regulation promulgated pursuant
24 to this section.

1 (2) SURRENDER.—A permittee may surrender a
2 permit under this section to the Secretary at any
3 time, subject to any safeguards or conditions estab-
4 lished by the Secretary.

5 (g) PERMIT RENEWAL AND TRANSFER.—A permit
6 under this section may be renewed or transferred in ac-
7 cordance with the procedures and requirements applicable
8 to the issuance of a new permit. The term of a permit,
9 upon renewal, shall not exceed 10 years.

10 (h) FEES.—The Secretary shall assess permit fees to
11 cover the cost of administering the program authorized by
12 this section.

13 (i) CIVIL PENALTY.—The Secretary may assess a
14 civil penalty of not more than \$100,000 for each violation
15 of a permit under this section.

16 (j) PROMULGATION OF REGULATIONS.—The Sec-
17 retary shall promulgate regulations necessary to carry out
18 this section.

19 (k) ENVIRONMENTAL STANDARDS.—

20 (1) ESTABLISHMENT.—The Secretary, in con-
21 sultation with the Administrator of the Environ-
22 mental Protection Agency, shall issue regulations
23 which establish minimum environmental standards
24 with respect to offshore marine aquaculture facili-
25 ties. Such standards shall be designed to minimize

1 the potential for inadvertent impacts on the marine
2 environment from such facilities, and shall include—

3 (A) safeguards to prevent escape of marine
4 organisms from the facility and the inter-
5 mingling of those organisms with wild stocks;

6 (B) safeguards to prevent transmission of
7 disease to wild stocks; and

8 (C)—safeguards to minimize degradation
9 of the marine environment where the facility is
10 located and the surrounding vicinity.

11 (2) INCLUSION OF PERMIT TERMS.—The stand-
12 ards established under paragraph (1) shall be treat-
13 ed as part of the terms of each permit issued under
14 this section.

15 (l) DEFINITIONS.—For the purposes of this section:

16 (1) OFFSHORE MARINE AQUACULTURE FACIL-
17 ITY.—The term “offshore marine aquaculture facil-
18 ity” means any commercial facility which is located
19 in whole or in part in waters beyond State jurisdic-
20 tion within the territorial sea or the exclusive eco-
21 nomic zone of the United States, the purpose of
22 which is to raise, breed, grow, harvest, or sell any
23 marine or estuarine organism.

24 (2) SECRETARY.—The term “Secretary” means
25 the Secretary of Commerce, acting through the

1 Under Secretary of Commerce for Oceans and At-
2 mosphere.

3 (3) PERSON.—The term “person” means a citi-
4 zen of the United States.

5 **SEC. 5. THE NANTUCKET PROGRAM.**

6 (a) ESTABLISHMENT OF PROGRAM.—There is estab-
7 lished within the National Oceanic and Atmospheric Ad-
8 ministration a marine aquaculture development program
9 to be known as the Nantucket Program (in this section
10 referred to as the “Program”). The purpose of the Pro-
11 gram is to expand coastal economic opportunities through
12 activities that provide job training, technical assistance,
13 and employment opportunities in marine aquaculture,
14 transplant, and relay operations.

15 (b) GRANTS.—

16 (1) IN GENERAL.—Subject to the availability of
17 appropriations, the Secretary of Commerce (in this
18 section referred to as the “Secretary”) shall provide
19 grants under the Program to eligible coastal commu-
20 nities to develop marine aquaculture training and
21 support activities that contribute to achieving the
22 purpose of the Program set forth in subsection (a).

23 (2) GRANT ELIGIBILITY.—A coastal community
24 shall be an eligible coastal community under para-
25 graph (1) if the Secretary determines that the com-

1 munity meets the criteria issued under paragraph
2 (3).

3 (3) ELIGIBILITY CRITERIA.—The Secretary
4 shall issue guidelines and criteria for determining
5 whether a coastal community is an eligible coastal
6 community under paragraph (1).

7 (c) AUTHORIZATION OF APPROPRIATIONS.—For
8 grants under subsection (b) there are authorized to be ap-
9 propriated to the Secretary \$2,000,000 for each of fiscal
10 years 1995, 1996, and 1997.

11 **SEC. 6. MULTISPECIES AQUACULTURE CENTER.**

12 (a) ESTABLISHMENT OF CENTER.—The Secretary of
13 Commerce may establish in southern New Jersey, a
14 Multispecies Aquaculture Center (in this section referred
15 to as the “Center”).

16 (b) FUNCTIONS OF CENTER.—The Center shall pro-
17 mote the development of the aquaculture industry through
18 a variety of activities, including by—

19 (1) serving as a demonstration facility for tech-
20 nology transfer and the commercialization of aqua-
21 culture research; and

22 (2) providing extension services to aquaculture
23 producers, including with respect to production di-
24 versification, disease control, water quality mainte-
25 nance, and product marketing.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Secretary of Com-
3 merce for establishment and operation of the Center
4 \$4,500,000 for fiscal years 1995, 1996, and 1997.

○

HR 4853 IH——2