POLICY BRIEFING TOPIC

2011 NOSB Finals
Competition

April 30, 2011
Galveston, TX
TOPIC INTRODUCTION

The 2011 Policy Briefing Topic is Aquaculture.

Aquaculture is the farming of aquatic organisms under controlled conditions, and is a very contentious topic today in the United States as many stakeholders, including seafood chefs, aquarist, scientists, fishermen, and aquaculturists all have a vested interest in the state of the fisheries today. In fact, aquaculture has become such a prevalent topic that over ten bills have been introduced to the 111th Congress regarding the issue.

In order for Congress to make the most appropriate decision they must have enough information from each major stakeholder group to ensure that they can take into account all of the important issues and viewpoints. Today, it is your job to help “Congress,” which is why a request has been made for your team to represent the viewpoints of the five major stakeholder groups during a testimonial on April 30, 2011 in Galveston, TX.

By sorting through the bills that have been introduced to the 111th Congress related to aquaculture, you will make recommendations to “Congress” on what should be done. Remember however, that you are NOT representing your own personal view of what should be done, but rather the viewpoint of the stakeholder you are representing.

The major representative stakeholders groups include:

1. Federal Government Representative (NOAA, EPA, USDA, USFW, NPS, BLM, APHIS, USDA)
2. State Agency Representative (select an appropriate state agency)
3. Aquaculture Industry Representative (select a local/regional industry – i.e. fish, mollusks, crustaceans, aquatic plants)
4. Scientist (a scientist conducting aquaculture research, or performing an environmental impact statement of the area before & after aquaculture began)
5. Non-governmental representative (e.g. commercial fisherman, tribal representative, concerned citizen, NGO representative, seafood restaurant owner, recreational fisherman, etc.)

Many of the major stakeholders are represented by a variety of sub-stakeholders as shown in parentheses above. Each team will be required to identify a team member to represent each of the major stakeholder groups. Those individuals will then select a sub-stakeholder to represent from his/her major stakeholder group that s/he feels has the most compelling story to tell.

Although “Congress” has asked for a brief overview of how this collection of policies impacts each stakeholder, they are also looking for guidance on exactly what they should do to address this issue. Your final recommendation will be your team’s collective viewpoint (from the standpoint of your individual stakeholders’ views) on what steps “Congress” should take to implement a new comprehensive policy on aquaculture – i.e. pass specific bill(s) as is, amend previous bill(s), or provide recommendations for developing an entirely new bill. The recommendation should carefully take into consideration the views and concerns of all your
stakeholders. No matter what your ultimate recommendation is, remember to include: 1) specific
details (i.e. excerpts from bills that should be continued, or new actions that should be taken or
added to a bill), and 2) why you think these specific points and your overall recommendation
will be effective.

In a nutshell, your job as a team will be to provide an 11 minute statement that addresses each of
your stakeholders’ views of aquaculture; how these stakeholders agree or disagree with the
aquaculture bills from the 111th Congress; and what your stakeholders feel as a collective group
should be done when “Congress” meets again.

Begin your research by reviewing the five bills that were introduced during the 111th Congress.
Below are the bill numbers, titles, and links to their full text. For brief summaries on each of the
bills, please see Appendix I.

- **HR 4363 – The Sustainable Aquaculture Act of 2009**
  - http://thomas.gov/cgi-bin/query/z?c111:H.R.4363:

- **HR 1370 – The Seafood Consumer Protection Act**
  - http://thomas.gov/cgi-bin/query/z?c111:H.R.1370:

- **S3417 – Research in Aquaculture Act**
  - http://thomas.gov/cgi-bin/query/z?c111:S.3417:

- **S3597 – Securing Health for Ocean Resources**
  - http://thomas.gov/cgi-bin/query/z?c111:S.3597:

- **HR 2548 - Keep America’s Waterfronts Working**
  - http://thomas.gov/cgi-bin/query/z?c111:H.R.2548:

For additional information on bills, teams may search the Library of Congress’ online database
system - http://thomas.gov/. Teams should also go to House and Senate Committee web sites and
search for their pod webcasts. The webcasts are typically found under the “hearing” sections. An
example: http://science.house.gov/hearing/full-committee-hearing-0
Appendix I

11th CONGRESS AQUACULTURE BILLS

HR 1370 – Commercial Seafood Consumer Protection Act

Directs the Secretary of Commerce (Secretary) to establish a program to strengthen federal activities for ensuring that commercially distributed seafood meets federal food quality and safety requirements.

Directs the Secretary and the Secretary of Health and Human Services to enter into an agreement to strengthen cooperation on seafood safety, including regarding examining and testing seafood imports, inspections of foreign facilities, technical assistance and training of foreign facilities for marine aquaculture, establishing a distribution chain tracking system, and labeling.

Directs the Secretary to increase the number of laboratories certified to Food and Drug Administration (FDA) standards.

Authorizes the Secretary to increase the number and capacity of laboratories operated by the National Oceanic and Atmospheric Administration (NOAA) involved in testing and other activities under this Act.

Authorizes the Secretary to send inspectors to an originating country or exporter to assess seafood practices and processes and to provide technical assistance related to Federal Food, Drug, and Cosmetic Act (FFDCA) requirements.

HR 2548 - Keep America's Waterfronts Working Act of 2009

Amends the Coastal Zone Management Act of 1972 to direct the Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration (NOAA), to establish a Working Waterfront Grant Program to make a grant, through a regionally equitable, competitive funding process, to any coastal state to implement a plan to preserve and expand access to coastal waters for persons engaged in commercial fishing, recreational fishing, aquaculture, boatbuilding, or other water-dependent coastal-related business.

Authorizes the Secretary to award planning grants to coastal states to develop or revise comprehensive working waterfront plans.

HR 4363 - National Sustainable Offshore Aquaculture Act of 2009

Directs the Secretary of Commerce to establish an Office of Sustainable Offshore Aquaculture in the National Marine Fisheries Service at National Oceanic and Atmospheric Administration (NOAA) headquarters and at satellite offices in each of NOAA's regional fisheries offices.

Requires the Office to establish a Sustainable Offshore Aquaculture Advisory Board. Directs the Secretary to: (1) establish and maintain in the Office an aquaculture database; and (2) make the
Requires, for permit issuance, a regional programmatic environmental impact statement under the National Environmental Policy Act of 1969 (NEPA) for each Regional Fishery Management Council and a separate environmental review under NEPA.

Prohibits engaging in offshore aquaculture without a permit under this Act and authorizes the Secretary to issue such permits.

Requires the Secretary to: (1) assess application and annual fees with respect to such permits that are sufficient to pay the costs of issuing, monitoring, and enforcing such permits; and (2) assess resource rental fees to recover from permittees a reasonable portion of the value of the use under the permits of ocean resources held in public trust.

Directs the Secretary to establish and conduct a research program to guide the sustainable development of offshore aquaculture, including regarding: (1) industry expansion that ensures ecological sustainability and functional ecosystems and fisheries; and (2) cost-effective solutions to environmental and socioeconomic impacts. Requires a related competitive, peer-reviewed grant program.

Prohibits permit issuance: (1) for a species having a fishery management plan under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson Act) or in a Regional Fishery Management Council's jurisdiction unless all relevant Councils recommend approval; or (2) if opposed by the nearest coastal state.

Regulates the relationship of this Act to the Magnuson Act, the Outer Continental Shelf Lands Act, and the Coastal Zone Management Act.

Regulates the assessment and liability for natural resource damages associated with offshore aquaculture.

**S 3417 – Research in Aquaculture Opportunity and Responsibility Act of 2010**

Prohibits any executive agency or any Regional Fishery Management Council from developing or approving a rule, regulation, or fishery management plan to permit or regulate offshore aquaculture until the date that is three years after the date of the submission of the reports required by this Act. Applies such prohibition to existing offshore aquaculture permits issued by federal agencies.

Directs the Secretary of Commerce (Secretary) to report to Congress regarding: (1) offshore aquaculture; and (2) the economic potential of land-based recirculating aquaculture systems.

Directs the Secretary and the Secretary of Agriculture (USDA) to provide grants for research related to land-based recirculating aquaculture systems.
S 3597 – Securing Health for Ocean Resources and Environment Act or the SHORE Act

Title I: Improving National Oceanic and Atmospheric Administration Oil Spill Response, Prevention, and Restoration Capacity

Requires the Under Secretary for Oceans and Atmosphere to review and report to Congress on the National Oceanic and Atmospheric Administration's (NOAA) capacity to respond to oil spills.

Requires the Under Secretary to establish a national information center on oil spills.

(Sec. 102) Amends the Oil Pollution Act of 1990 to revise provisions concerning the uses of the Oil Spill Liability Trust Fund.

(Sec. 104) Amends the Coastal Zone Management Act of 1972 to authorize the Secretary of Commerce to make grants to eligible coastal states.

(Sec. 105) Requires the Secretary of Commerce, acting through the Under Secretary, to: (1) establish and report to Congress on a long-term marine environmental monitoring and research program for the marine and coastal environment of the Gulf of Mexico (2) carry out such program during a 10-year period; and (3) make such data and information accessible to the public.

Title II: Improving Coast Guard Response and Inspection Capacity

(Sec. 203) Requires the Secretary of the department in which the Coast Guard is operating to require response plans approved by the Coast Guard under the Federal Water Pollution Control Act (commonly known as the Clean Water Act) to be updated at least once every five years and to utilize the best commercially available technology and methods to contain and remove a worst case discharge and to mitigate or prevent a substantial threat of such discharge. Authorizes the Coast Guard to establish requirements and guidance for utilizing such technology and methods.

(Sec. 204) Amends the Clean Water Act to require: (1) each Area Committee to assure advance planning with respect to the closing and reopening of fishing grounds following an oil spill; (2) each Area Contingency Plan to develop a framework for such planning; and (3) the President, acting through the Commandant of the Coast Guard, to issue guidance for Area Committees to use in developing such framework.

(Sec. 205) Requires the Secretary to: (1) establish a program for the formal evaluation and validation of oil pollution containment and removal methods and technologies; and (2) consider whether a validated method or technology meets a performance capability warranting designation of a new standard for best available technology or methods. Requires all validated technologies and methods to be included in the comprehensive list of spill removal resources maintained by the Coast Guard through the National Response Unit.

(Sec. 210) Amends the Oil Pollution Act of 1990 to establish a Gulf of Mexico Regional Citizens' Advisory Council.
(Sec. 214) Requires the Secretary, within an hour of receiving a report of a marine casualty, to forward the report to each state agency and Indian tribe that has jurisdiction concurrent with the United States or that is adjacent to waters in which the marine casualty occurred.

(Sec. 215) Requires the Commandant of the Coast Guard to publish on a publicly accessible website all written Incident Action Plans prepared and approved as part of any response to an oil spill in which the Commandant serves as the on-scene coordinator leading a unified command.

**Title III: Other Matters Relating to Oil Spills**
(Sec. 303) Establishes the Federal Oil Spill Research Committee to: (1) coordinate a program of oil pollution research, technology development, and demonstration among agencies and foster cost-effective research mechanisms; (2) report to Congress every five years on the current state of oil spill prevention and response capabilities; and (3) establish a program to provide for research, development, and demonstration of new or improved technologies which are effective in preventing, detecting, or mitigating oil discharges and which protect the environment.

(Sec. 304) Amends the Clean Water Act to authorize the Secretary of Transportation (DOT) to assess a civil penalty for violations with respect to discharges of oil or hazardous substances and the removal of discharges of oil.

**Title IV: Coral Reef Conservation Act Amendments**
Coral Reef Conservation Amendments Act of 2010 - (Sec. 404) Amends the Coral Reef Conservation Act of 2000 to authorize the Secretary of Commerce, acting through the Administrator of NOAA, to provide assistance to any state, local, or territorial government agency with jurisdiction over coral reef ecosystems to address any unforeseen or disaster-related circumstance pertaining to coral reef ecosystems.