

108TH CONGRESS
2D SESSION

S. 2859

To amend the National Aquaculture Act of 1980 to prohibit the issuance of permits for marine aquaculture facilities until requirements for such permits are enacted into law.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2004

Ms. MURKOWSKI introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the National Aquaculture Act of 1980 to prohibit the issuance of permits for marine aquaculture facilities until requirements for such permits are enacted into law.

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 “Natural Stock Con-
5 servation Act of 2004”.

6 **SEC. 2. PROHIBITION ON PERMITS FOR AQUACULTURE.**

7 The National Aquaculture Act of 1980 (16 U.S.C.
8 2801 et seq.) is amended—

1 (1) by redesignating sections 10 and 11 as sec-
2 tions 11 and 12 respectively; and

3 (2) by inserting after section 9 the following
4 new section:

5 PROHIBITION ON PERMITS FOR AQUACULTURE

6 “SEC. 10. (a) IN GENERAL.—The head of an agency
7 with jurisdiction to regulate aquaculture may not issue a
8 permit or license to permit an aquaculture facility located
9 in the exclusive economic zone to operate until after the
10 date on which a bill is enacted into law that—

11 “(1) sets out the type and specificity of the
12 analyses that the head of an agency with jurisdiction
13 to regulate aquaculture shall carry out prior to
14 issuing any such permit or license, including anal-
15 yses related to—

16 “(A) disease control;

17 “(B) structural engineering;

18 “(C) pollution;

19 “(D) biological and genetic impacts;

20 “(E) access and transportation;

21 “(F) food safety; and

22 “(G) social and economic impacts of such
23 facility on other marine activities, including
24 commercial and recreational fishing; and

1 “(2) requires that a decision to issue such a
2 permit or license be—

3 “(A) made only after the head of the agen-
4 cy that issues such license or permit consults
5 with the Governor of each State located within
6 a 200-mile radius of the aquaculture facility;
7 and

8 “(B) approved by the regional fishery man-
9 agement council that is granted authority under
10 title III of the Magnuson-Stevens Fishery Con-
11 servation and Management Act (16 U.S.C.
12 1851 et seq.) over a fishery in the region where
13 the aquaculture facility will be located.

14 “(b) DEFINITIONS.—In this section:

15 “(1) AGENCY WITH JURISDICTION TO REGU-
16 LATE AQUACULTURE.—The term ‘agency with juris-
17 diction to regulate aquaculture’ means each agency
18 and department of the United States, as follows:

19 “(A) The Department of Agriculture.

20 “(B) The Coast Guard.

21 “(C) The Department of Commerce.

22 “(D) The Environmental Protection Agen-
23 cy.

24 “(E) The Department of the Interior.

25 “(F) The U.S. Army Corps of Engineers.

1 “(2) EXCLUSIVE ECONOMIC ZONE.—The term
2 ‘exclusive economic zone’ has the meaning given that
3 term in section 3 of the Magnuson-Stevens Fishery
4 Conservation and Management Act (16 U.S.C.
5 1802).

6 “(3) REGIONAL FISHERY MANAGEMENT COUN-
7 CIL.—The term ‘regional fishery management coun-
8 cil’ means a regional fishery management council es-
9 tablished under section 302(a) of the Magnuson-Ste-
10 vens Fishery Conservation and Management Act (16
11 U.S.C. 1852(a)).”.

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