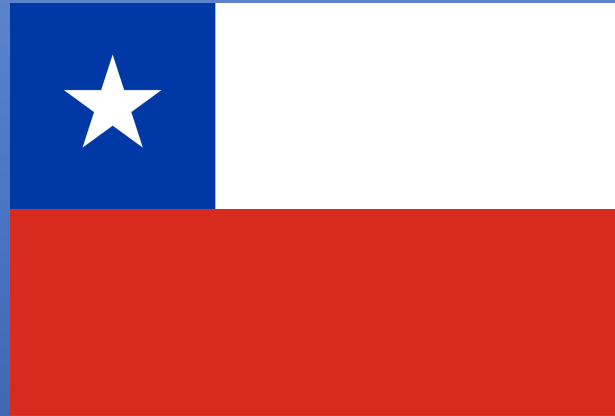


Property Rights and Environmental Considerations for Chile's Authorization of Offshore Aquaculture



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Challenges Posed by Current Authorization Frameworks (or Lack Thereof)

- Uncertainty and unpredictability



- Time-consuming



- Access to financing



Options for Authorizing Offshore Aquaculture Operations & Potential Liability for Operations

- Authorization options

- Permit / License

- Authorizes activity that would otherwise be impermissible
 - Unlikely to be transferable or confer exclusivity, easier to revoke

- Lease

- Contract conveying right to use and occupy property
 - Exclusive rights that enjoy more legal protections

- Liability

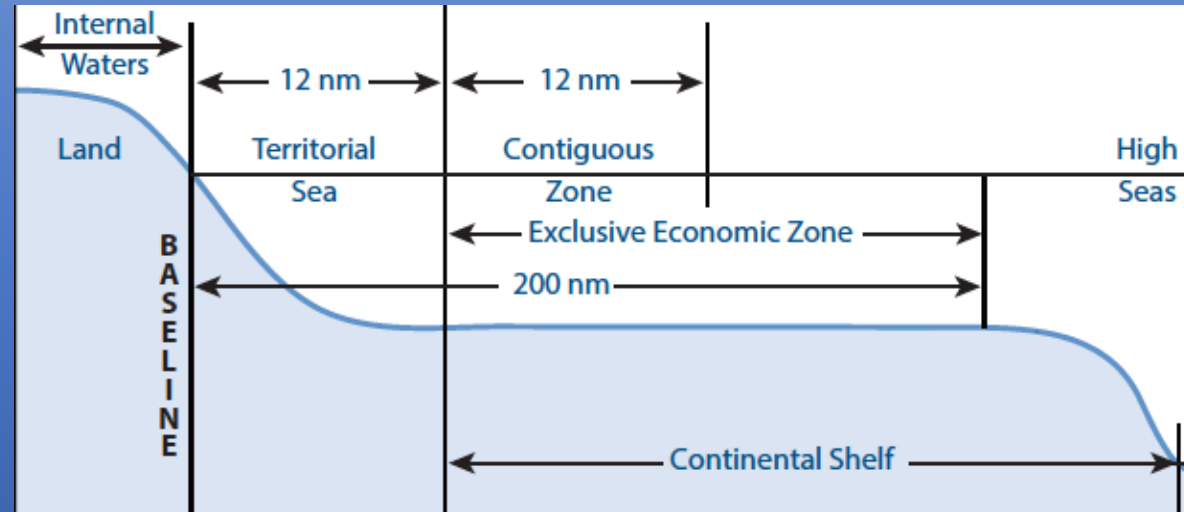
- Legal responsibility for harm to people, property or natural resources
 - Important for considering compatibility with maritime stakeholders



International Legal Framework for Maritime Jurisdiction & The Public Trust Doctrine

- International Legal Framework for Maritime Jurisdiction

- Territorial sea
- Contiguous zone
- Exclusive Economic Zone



- Public Trust Doctrine

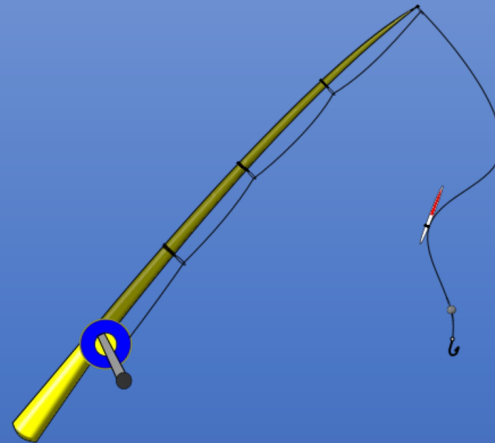
- Principle with no equivalent in Chilean law that impacts many foreign frameworks
- Ancient Roman principle maintained by English common law and inherited by USA and other former British colonies – now adopted by other countries too
- Has been endorsed by Chilean legal scholars but suffered setback from September 2022 constitutional referendum

Minimize Conflicts with Other Maritime Stakeholders

- Safe navigation



- Fishing industry



- Benefits for offshore aquaculture operations

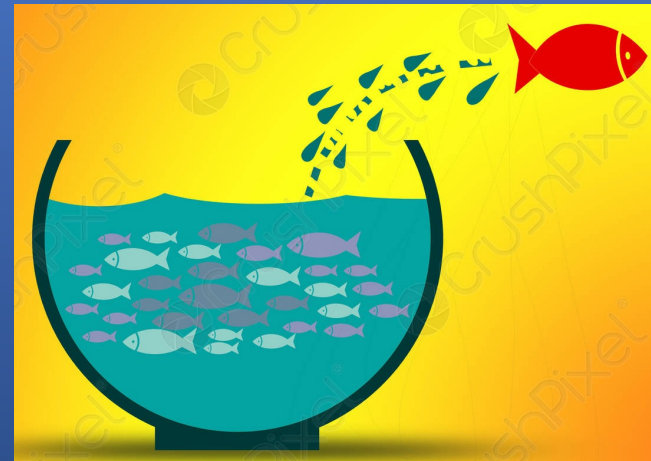


- Offshore ecosystems



Considerations in Environmental Law

- Marine Protected Areas
- Environmental risks
 - Potential pollutants
 - Escape events
 - Property rights
 - Liability for harm to local species or ecosystems
- Indirect expropriation



The United States of America: Current Framework and the AQUAA Act



- Current framework
 - Water quality permit(s)
 - Navigation-related permit
 - No approvals need to be obtained from NOAA (USA equivalent of Subpesca)
- AQUAA Act
 - Long-term (25 years) and transferable permit issued by NOAA
 - Economic analyses to support access to capital markets
 - Limits eligibility for permit to citizens of USA and businesses organized in USA that are not owned/controlled by a foreign nation



Conclusion

- Thank you!
- Questions?