

Coastal Resources Management Council

Special House Commission on the Reorganization of CRMC
Jamestown Town Hall
November 10, 2021

Jeffrey Willis, Executive Director
James Boyd, Deputy Director
Benjamin Goetsch, Aquaculture Coordinator

First test of 1981 Aquaculture Permitting Process

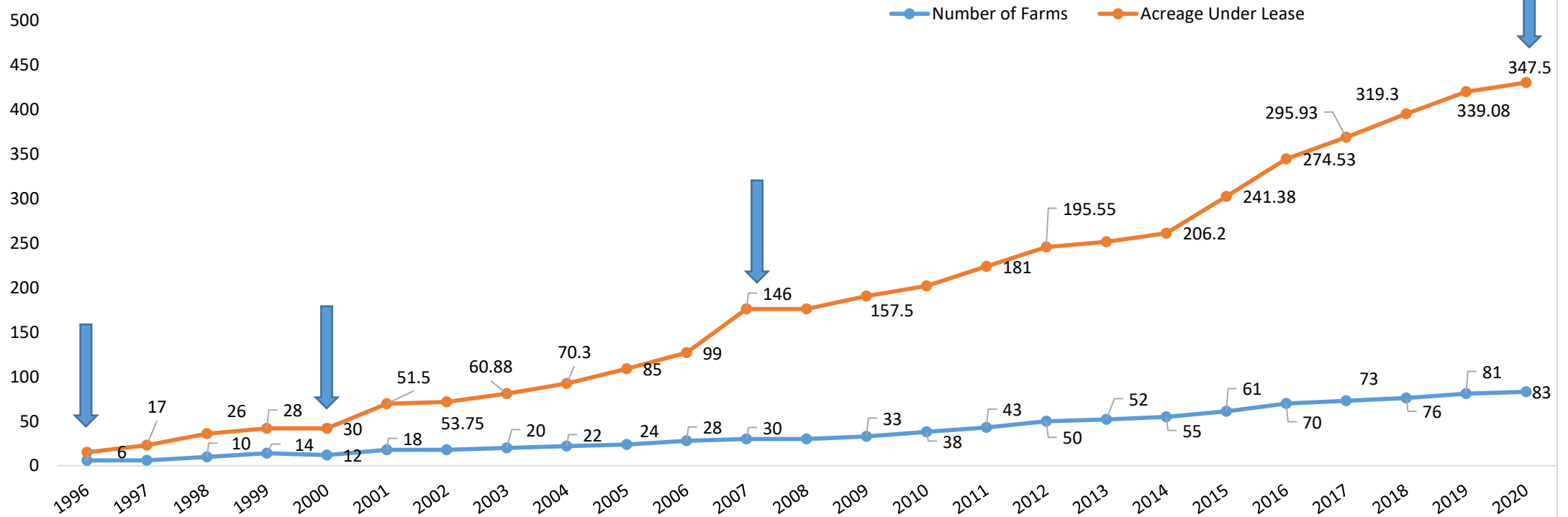
- 1988 Lease application by Spatco, Ltd. (Moonstone Oysters)
 - 50ft x 50ft in Pt. Judith Pond
 - 2 year process
 - 14 public hearings



Aquaculture and the CRMC

- CRMC is the lead agency for aquaculture permitting in the state via R.I. General Laws § 20-10-3
- By statute and regulation CRMC coordinates with DEM and Marine Fisheries Council on reviewing aquaculture applications for impact to fisheries and the environment
- All importation of animals for aquaculture must be approved by the CRMC Biosecurity Board
- CRMC maintains a MOA with DEM in order to effectively maintain the safety and interstate transport of RI product according to the National Shellfish Sanitation Program and the USFDA
- CRMC works collaboratively with DEM, USDA and the industry to promote animal welfare and oyster reef restoration and enhancement.

RI Aquaculture Farms & Acreage Under Lease



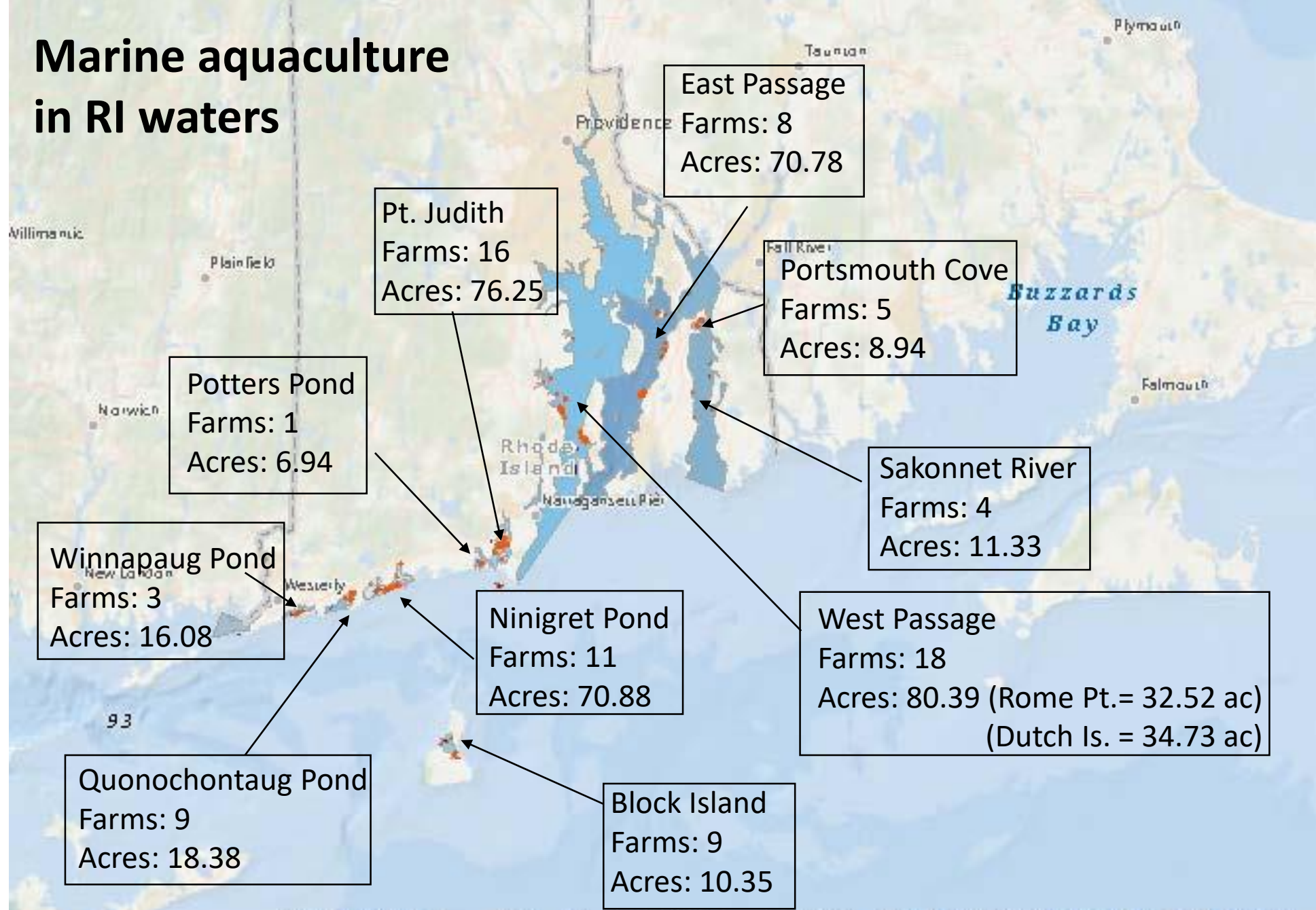
1996: ‘An Aquaculture Act’ creates CRMC as lead agency and Aquaculture Coordinator

2000-02: First Working Group on Aquaculture centered on reducing conflicts with traditional fisheries in the Bay

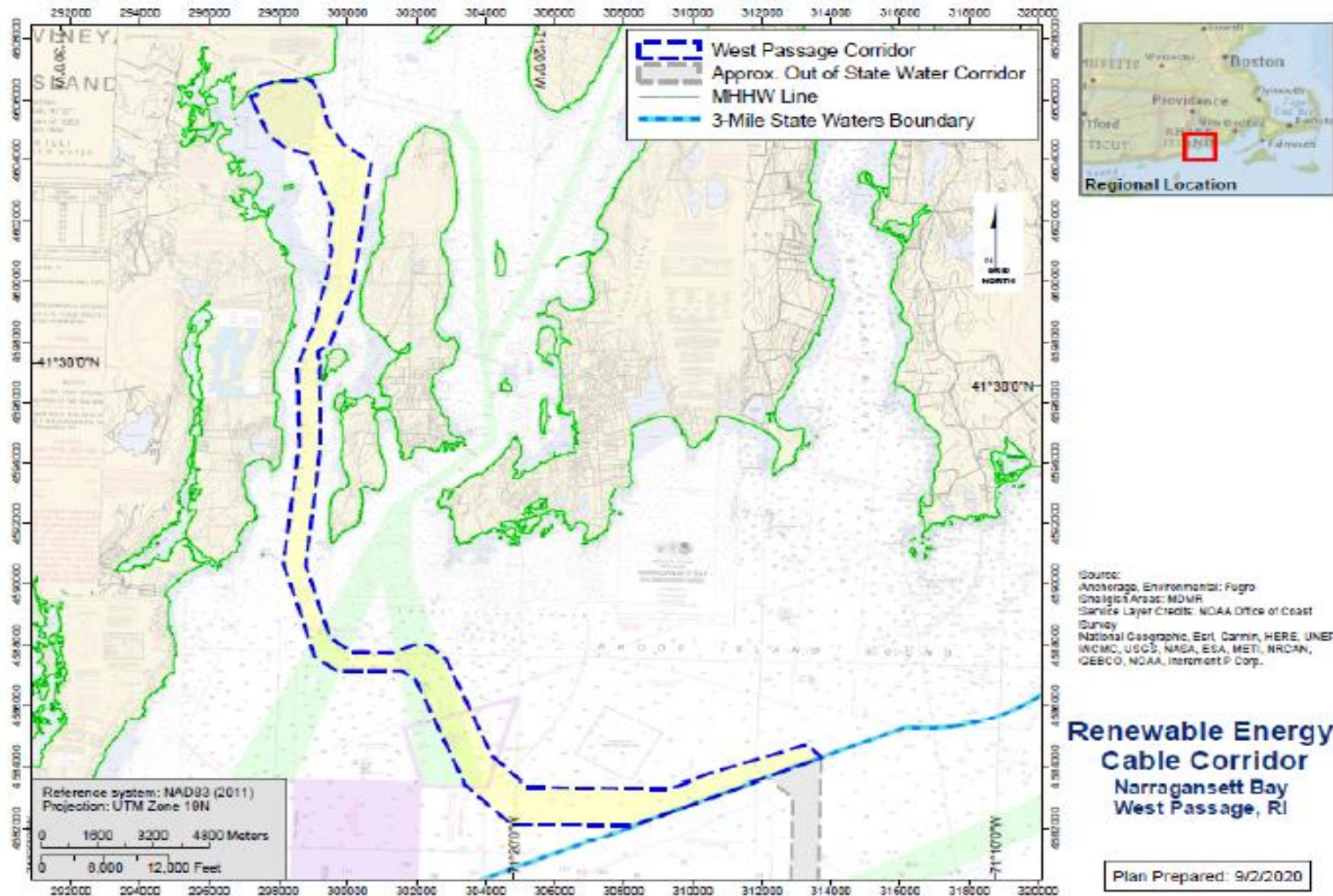
2007-09: Second Working Group on Aquaculture focused on increased leasing in the salt ponds

2021: Narraganset Bay SAMP Aquaculture Element Working Group focused on the renewed interest of leasing in the Bay and the adoption of new gear types

Marine aquaculture in RI waters



Narragansett Bay SAMP



Narragansett Bay SAMP

Cable Corridor

Advanced Notice of Proposed Rulemaking (date)

Rule Identifier: 650-RICR-20-00-1

Authority for this Rulemaking:
R.I. Gen. Laws Chapter 46-23 et seq.

Summary of Rulemaking Action:
Pursuant to R.I. Gen. Laws § 42-35-2.5 the Coastal Resources Management Council (CRMC) is issuing this Advanced Notice of Proposed Rulemaking to **gather relevant information the public and regulated community's input on potential amendments to the CRMC Red Book** (650-RICR-20-00-1) by adding a proposed new subsection § 1.3.1(S) for submerged renewable energy cables within state waters.

CRMC actions to address Aquaculture issues identified to date

- 2019 Municipal Working Group on Aquaculture Issues
- Started Aquaculture Element of the Bay SAMP
 - Implemented the CRMC Aquaculture Listserv
 - Floating Gear Guidelines (in preparation)
 - Additional notification requirements (in development)
 - Enhanced Preliminary Determination (PD) process
 - New improved application forms and procedures (in development)
 - Aquaculture Constraints Map (in development)

*We have adjusted our operations due to COVID over the past 18 months to address these issues (the process we are in now)



Narragansett Bay SAMP



Aquaculture Element

Develop the aquaculture element for the Narragansett Bay SAMP to guide the development of aquaculture through the CRMC regulatory process while minimizing its effects on the natural resources and existing uses.

Review natural and physical resource information for development of an Aquaculture Map;

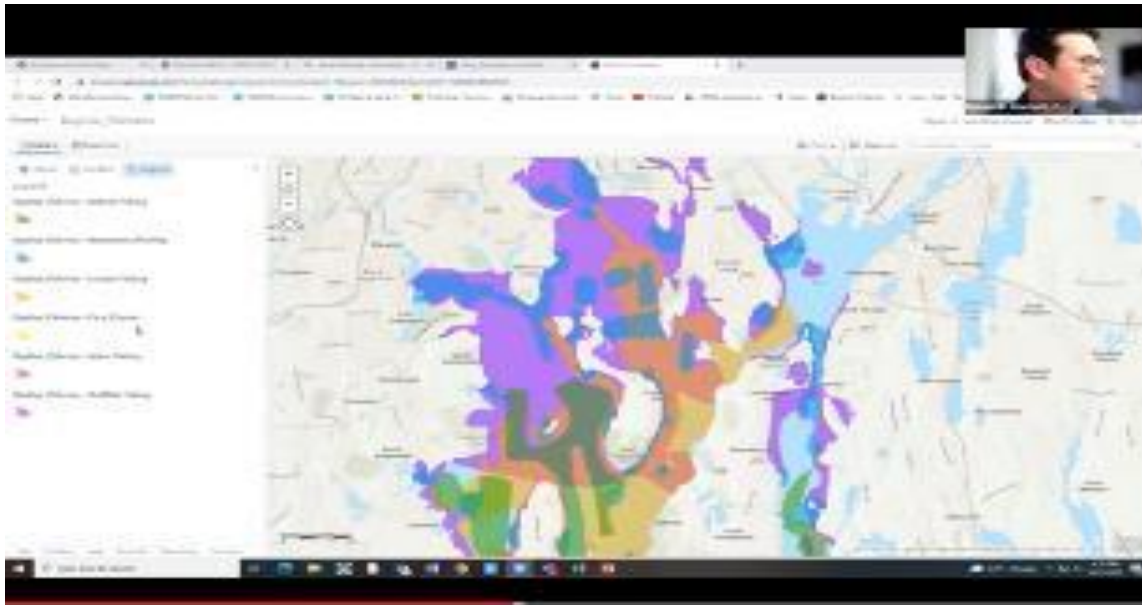
Develop an Aquaculture Map that identifies constraints for integration within CRMC regulations, including any new standards;

Build upon existing CRMC inclusive **aquaculture review processes** and provide for additional outreach and public input; and

Develop guidance for **aquaculture gear selection**.

Bay SAMP Working Group Scoping Meetings

- 24 meetings total since March 2021
- Diverse representation on the WG
- Well attended meetings with up to 125 people



Commercial Fisheries Bay SAMP meeting — October 25th, 2021

Stakeholder	Number	Date	Purpose
Jamestown	2	10-Mar	Scope and Introduce project; ID needs
Jody King	1	15-Mar	Scope and Introduce project; ID needs
Recreational fishing	2	24-Mar	Scope and Introduce project; ID needs
Matt Griffin	1	24-Mar	Scope and Introduce project; ID needs
DEM	2	29-Mar	Scope and Introduce project; ID needs
Ri Shellfishermens Association	2	29-Mar	Scope and Introduce project; ID needs
Jamestown	3	30-Mar	Continue to scope project; ID needs
Commerical Fishing	2	26-Apr	Scope and Introduce project; ID needs
Working group	30	23-Jun	Communicate Bay SAMP aquaculture element; Identify information needs
Working Group East Passage		19-Jul	Focus on East Passage
Working Group - Growers		22-Jul	Scope and Introduce project; ID needs
Working Group - West Passage	46	2-Aug	Focus on West Passage
Tiverton Town Hall	50	12-Aug	Introduce project
Outreach event	30	21-Sep	In a Half Shell: A Brief History and the Current State of Aquaculture in Rhode Island" Dr. Michael Rice (URI)
Researchers	22	22-Sep	Introduce project; ID current research
Municipalities (Sept 22)	18	Sep-21	Discuss AE components
DEM	6	Sep-21	Touch base; identify data; enhance coordination
Working Group - Sakonnet	35	6-Oct	Focus on Sakonnet
RIHPC	2	18-Oct-21	Touch base; identify data; enhance coordination
Commerical Fishing		25-Oct	Identify issue; clarify process
Outreach event		26-Oct	"Conflicts Between Public and Private Rights Along Rhode Island's Shore" Prof. Dennis Nixon
East Coast Growers Association		5-Nov-21	Discuss AE components
Working group meeting		8-Nov-21	Update on progress on all AE components

Narraganset Bay SAMP Aquaculture Scoping Issues and Responses

- ▶ Working collaboratively with towns to enhance communication and notification
- ▶ Exploring other comparative jurisdictions
- ▶ Attend local meetings to strengthen relationship with towns and communities
- ▶ Regular meetings with stakeholder groups throughout the year
- ▶ Aquaculture Listserve notification of Preliminary Determination (PD), Public Notice and Public Hearings
- ▶ Notification of SAP/MFC meetings
- ▶ All notifications will include reference to other related CRMC application files (PD, Expansion, etc.)
- ▶ CRMC gear selection guidelines
- ▶ Explore placement of permitted leases on electronic navigation charts
- ▶ CRMC lease marking standard



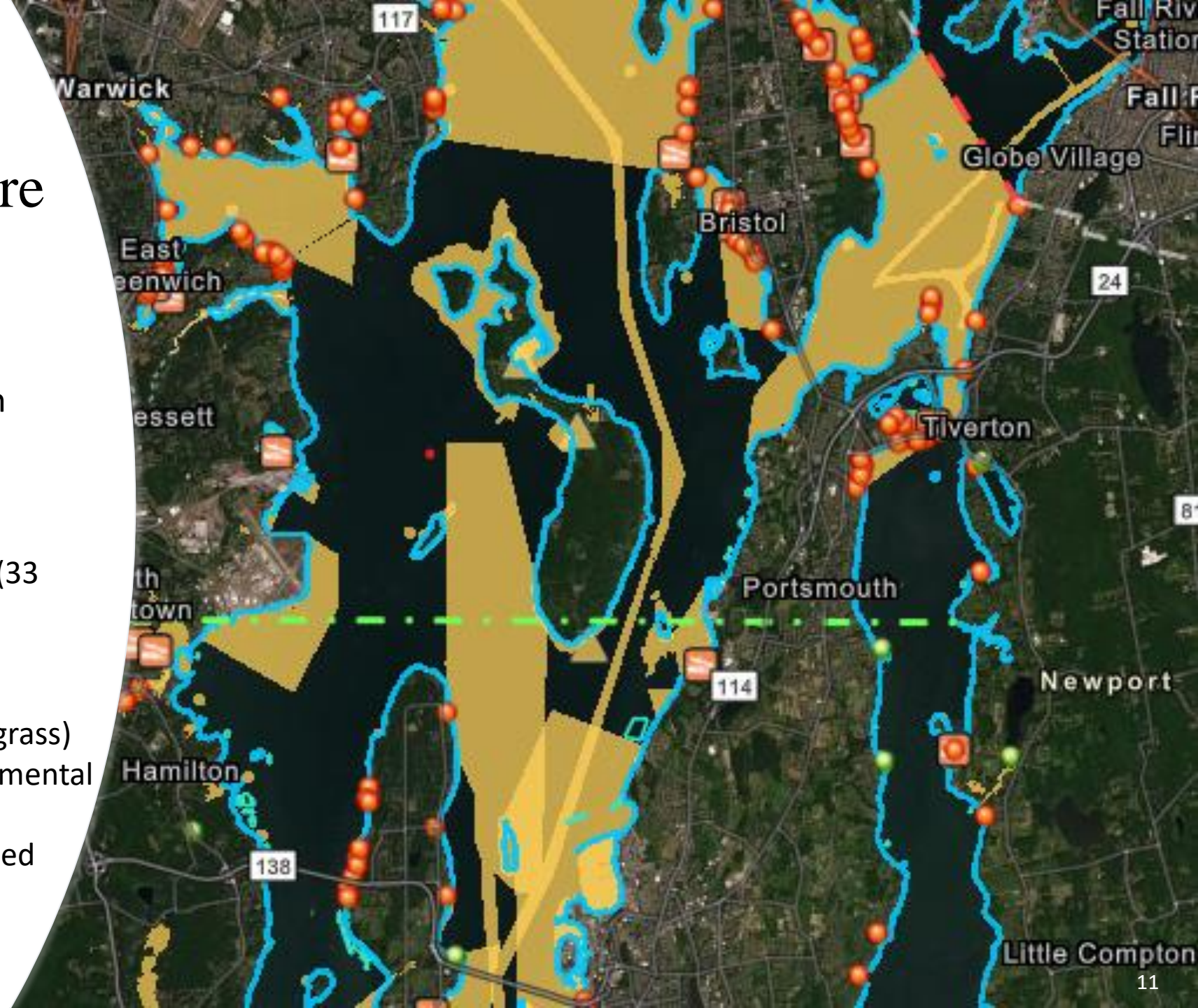
Tiverton Harbor Commission Meeting October 4, 2021.

Photo Credit: Ted Hayes

Bay SAMP Aquaculture Constraints Map

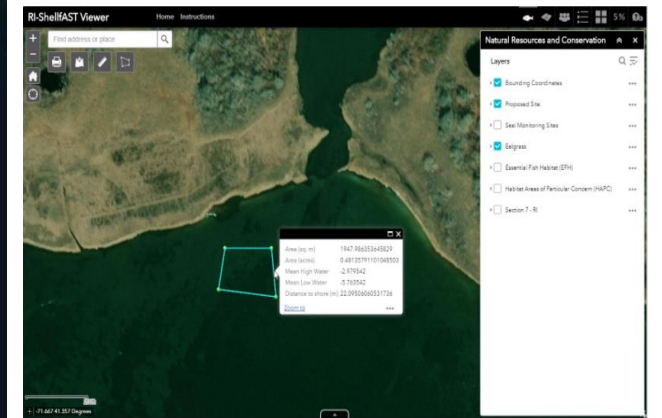
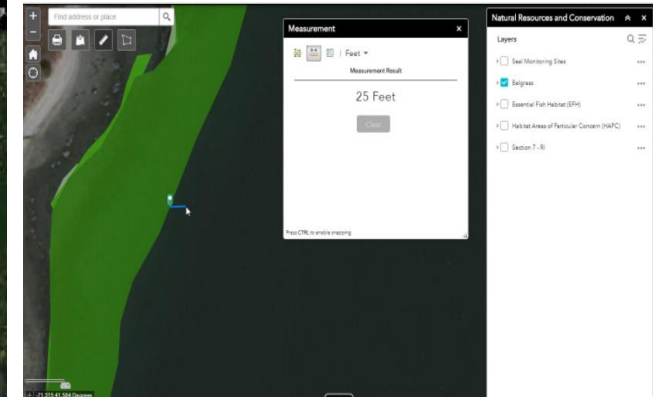
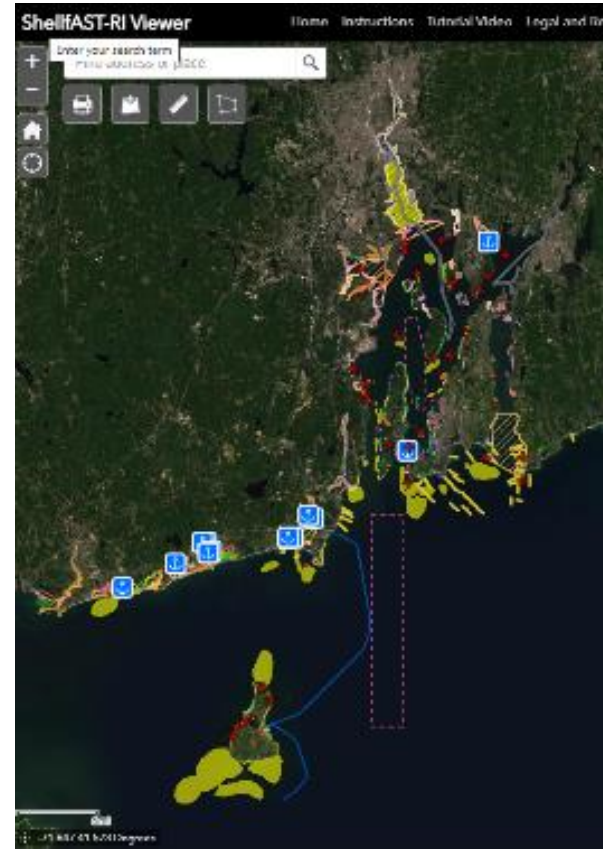
“Hard Constraint”: locations where aquaculture leases are not suitable in accordance with federal and state regulatory constraints.

- Department of Defense restricted zones (33 CFR §§ 334.80, 334.81 and 334.82)
- Federal Navigation Projects
- Prohibited or Conditional waters
- Areas of SAV (i.e., eelgrass and widgeon grass)
- Developed with CRC and the URI Environmental Data Center
- Also includes ancillary data layers identified by the Working Group



Parallel efforts to Bay SAMP: Shellfast-RI siting tool (Beta version)

- ▶ Shellfast-RI is a GIS based siting tool designed to compliment the permitting resource website and Bay SAMP Constraints Map
 - ▶ Developed by CRMC with help from NOAA, RI Sea Grant, Marine Affairs Institute at RWU School of Law and URI Environmental Data Center
 - ▶ Mapping tool to assist applicants in planning and generating accurate data and maps regarding site selection and local conditions
 - ▶ Includes many data sets identified through the Bay SAMP process as important considerations in the permit process
 - ▶ Will compliment the Bay SAMP constraints map with additional data and info for site planning within in an interactive application



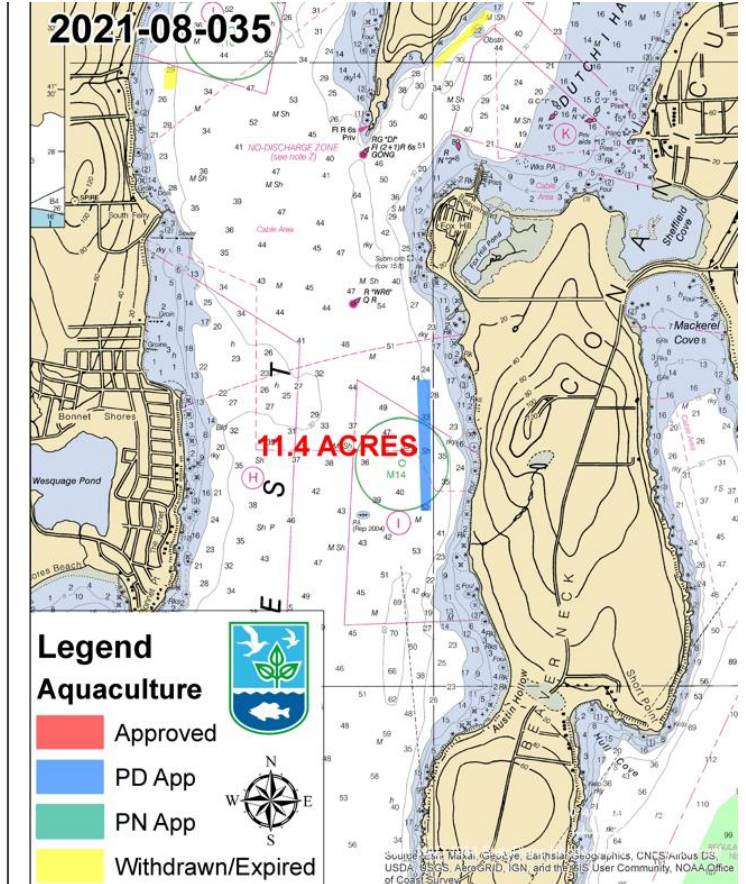
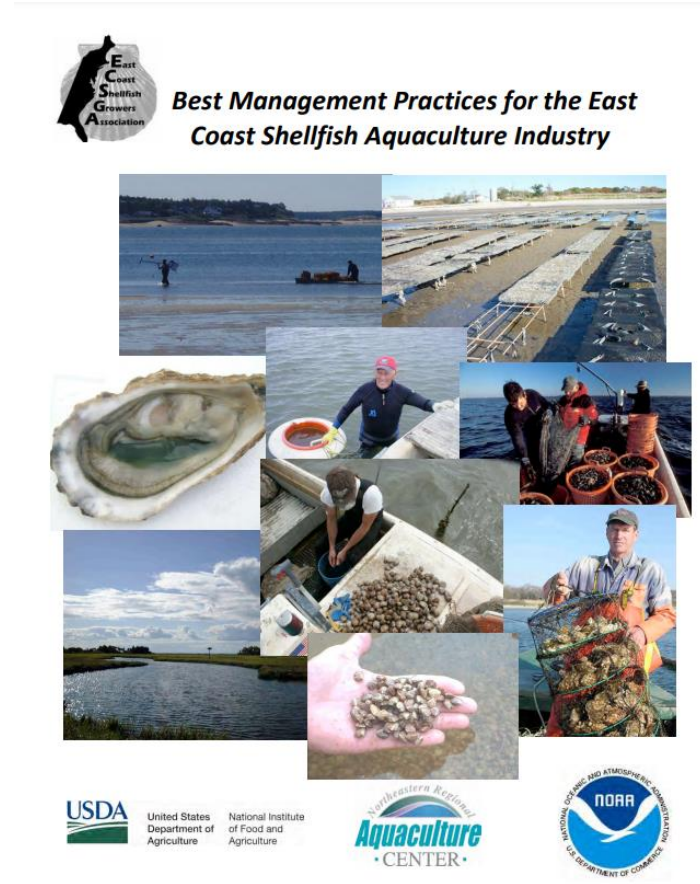
The background image shows a coastal scene with a body of water, reeds, and two people in small boats. One person is in a boat on the left, and another is wading in the water on the right. The text 'RHODE ISLAND AQUACULTURE PERMITTING' is overlaid in white, bold, sans-serif font in the center of the image.

RHODE ISLAND AQUACULTURE PERMITTING

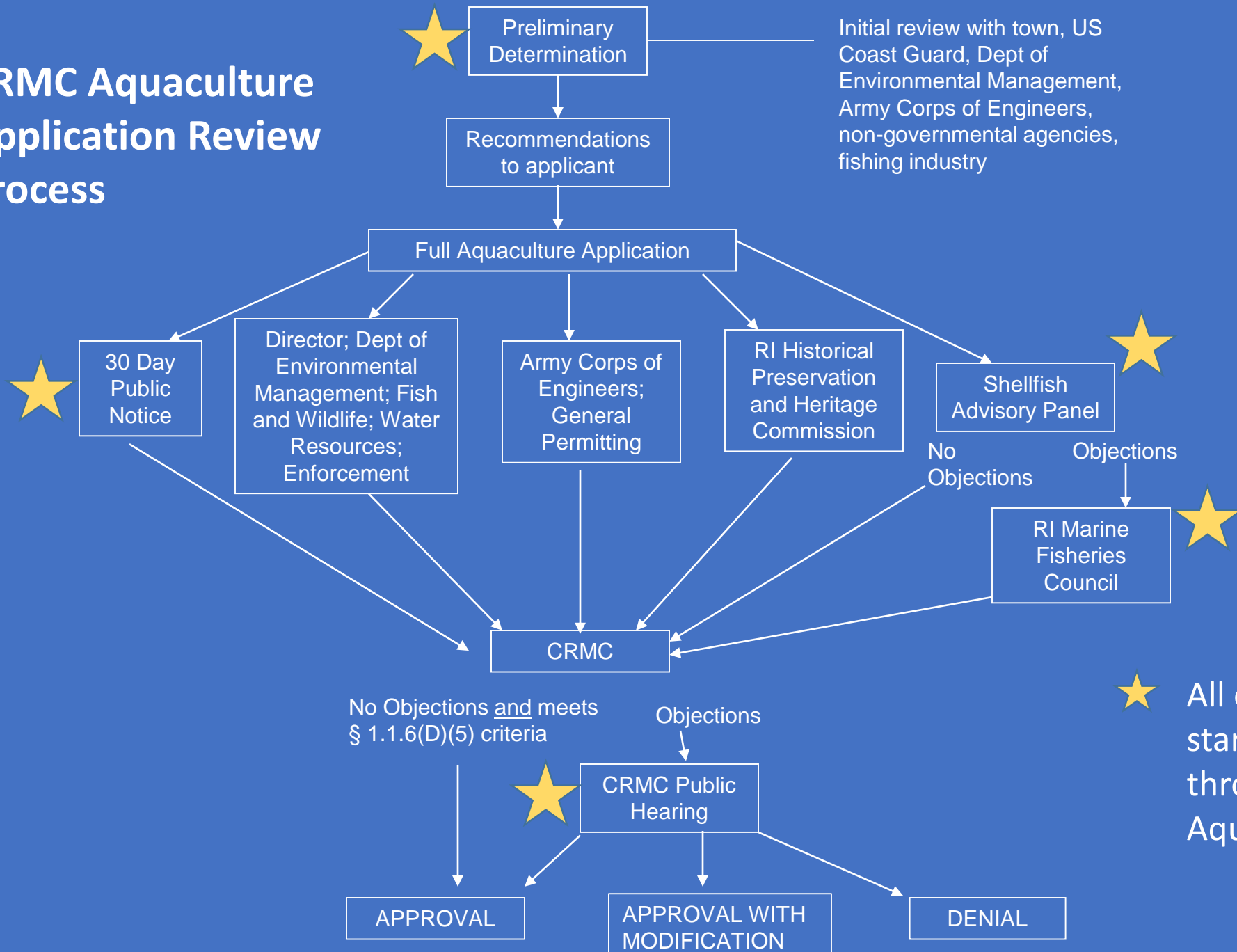
- The Aquaculture Permitting Resource website (Beta) will be a resource and guide to assist individuals and stakeholders with navigating the Rhode Island aquaculture permit program
 - Designed as a resource and guidance for everyone
 - Includes guidance for current and prospective growers
 - Resource for coastal towns and public on the regulatory process for aquaculture.

Expanded and enhanced CRMC application procedures and materials

- CRMC is currently developing new application format and guidelines as a result of input and recommendations from the Bay SAMP Working Groups meetings
 - Expanded PD process with scoping session and notification procedures
 - Incorporate ECSGA BMP's into application materials, developed with help from USDA and NOAA
 - Standardized maps and charts for Public Notices with assistance from DEM/DMF
 - All applications will include reference to past or related file numbers to avoid confusion
 - Listserve notification of all relevant permit meetings and events



CRMC Aquaculture Application Review Process



Initial review with town, US Coast Guard, Dept of Environmental Management, Army Corps of Engineers, non-governmental agencies, fishing industry

★ All events marked with star include notification through the new CRMC Aquaculture Listserve

CRMC File #	Project Type	Adjacent Community	CRMC Action
2020-03-046 2020-03-047	Commercial Viability permits for floating and suspended gear	Tiverton	Withdrawn
2019-05-061	10 acre suspended Kelp farm	Westerly	Denied
2017-04-058	Commercial Viability for floating gear	Charlestown	Withdrawn
2014-12-056	Modification for permanently moored work platform on lease	Jamestown	Denied
2014-08-013	Modification for floating gear and permanently moored platform	Charlestown	Denied
2013-04-107	2 acre oyster and quahog farm	Jamestown	Denied
2013-04-090	3 acre oyster farm	Warwick	Denied
2012-10-067	Commercial Viability for floating gear	Charlestown	Denied
2011-01-014	6.9 acre suspended mussel & oyster farm	Newport	Surrendered (for non-use)
2011-02-013	Commercial Viability for oyster farm	Narragansett	Denied
1999-02-060	3 acre lease	Warwick	Revoked (1 Acre for non-use)
1997-06-072	4.5 acre oyster farm	Jamestown	Revoked (for non-compliance)

What is CRMC doing to address Issues?

Expanded and Enhanced Notification and PD Process

- Aquaculture Listserv Implemented July 2021
- **NEW: Submittal of draft application to CRMC**
 - Expanded Notification to community by applicant
 - Applicant leads community scoping session
- **Submittal of CRMC PD application**
 - Expanded Notification to community and stakeholders by CRMC
 - PD application meeting held in the community
- **Submittal of CRMC formal aquaculture application and expanded notification to community and stakeholders**