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Representative Deborah Ruggiero  
Chairwoman, House Commission to Study CRMC Reorganization  
Rhode Island State House  
82 Smith Street  
Providence, RI 02903

Sent via email: [Rep-Ruggiero@rilegislature.gov](mailto:Rep-Ruggiero@rilegislature.gov)

Dear Chair Ruggiero:

We are in receipt of the February 28, 2022, Rhode Island Saltwater Anglers Association (RISSA) letter submitted to you as the Chair of the House Commission to Study CRMC Reorganization regarding aquaculture issues and the Coastal Resources Management Council (CRMC).

To clarify, and in response to this RISAA letter, the CRMC, with support from the University of Rhode Island Graduate School of Oceanography Coastal Resources Center, Rhode Island Sea Grant College Program, and the Roger Williams University, has been implementing The Narragansett Bay Special Area Management Plan (Bay SAMP) Aquaculture Element component since March 2021 (one year and counting) with the purpose of developing an enhanced administrative and regulatory process to guide and manage aquaculture projects within Narragansett Bay and the Sakonnet River. This process contributes to CRMC's commitment to respond to its primary responsibility of preserving, protecting, developing, and, where possible, restoring coastal areas of the state. And, importantly, we are still engaged in the process and are not done yet.

Using an extensive public process, we have engaged more than 600 stakeholders and held more than 26 stakeholder meetings. Major outreach mechanisms have included:

Aquaculture Element Working Group: This 75 member ad hoc working group represents coastal municipalities, environmental organizations, government agencies (state and federal), resource users (commercial and recreational), and the aquaculture industry and serves as an advisory body for the CRMC on this topic. As volunteer advisors, the Working Group brings their expertise to the table, asking questions, learning, and making recommendations. They are also responsible for helping CRMC communicate the process and products. See the list of [Working Group members here](#).

Bay SAMP AE Educational Series: This series provides the public with webinars and presentations that aim to educate Bay users across the state on aquaculture. The environmental, legal, economic, and cultural/historical topics were covered to date by URI Professors - Dr. Mike Rice, Dr. Chris Kincaid, Dr. Tracey Dalton and Professor Dennis Nixon, and others including Dr.

Wallace Fulweiller (Boston University), Eric Schneider (DEM), and Robbie Hudson (RWU). These topics were identified by the Bay SAMP Aquaculture Element working group

Bay SAMP Web site (<https://web.uri.edu/crc/narragansett-bay-samp/>): This site hosts all of the recorded meetings, summary notes, and a series of tools and FAQ's to communicate the process.

We have applied our tried-and-true model, used in the development of the Shoreline (Beach) SAMP and the internationally recognized Ocean SAMP to implement our goal of guiding the development and siting of aquaculture through the CRMC planning and regulatory processes, while minimizing any potential adverse effects on the natural resources and existing uses within Narragansett Bay.

Specifically, we are implementing the following steps:

- 1) Identify Issues: Identify community, research, aquaculture grower, and regulatory issues. Identify current information needs, existing relevant information (e.g., data layers, scientific research), and data gaps to assist in responding to issues;
- 2) Identify Solutions: Review best management practices and research, and consider enhancements and revisions to existing CRMC aquaculture guidelines, policies and standards;
- 3) Finalize Revisions: Implement administrative changes immediately. Develop final draft revisions to existing CRMC aquaculture guidelines, policies and standards. Convene CRMC public workshops; and,
- 4) Initiate rulemaking: Begin the formal rulemaking process for any required CRMC regulatory amendments (e.g., aquaculture constraints map including any necessary proposed regulations to implement a map). This rulemaking process is subject to public notice and public hearing requirements under the Administrative Procedures Act.

As a result of these intensive outreach efforts<sup>1</sup> with the Working Group, it was clear that the CRMC had two primary issues it needed to address: Application notification procedures; and, potential regulation changes. The most substantial input we received, by far, was to change our notification processes both in greater outreach to the community and in timeliness. To that end, CRMC has recently established three main administrative changes in response to stakeholder input. These changes include strengthening the public notification process; providing additional support in the Preliminary Determination process; and, implementing previous draft guideline recommendations regarding low-profile floating gear.

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<sup>1</sup> Based on discussions and comments from the outreach efforts held, the CRMC developed a culmination of the concerns and suggestions. From December 7th, 2021 until December 31st, 2021, stakeholders had the opportunity to submit public comment on the Bay SAMP issues raised. The CRMC received a total of 225 public comments (individual stakeholder comments were separated into categories or themes in order for CRMC to better analyze the information) with 44% of comments coming from general public stakeholders. The aquaculture industry represented 20% of comments, municipalities represented 11% of comments and the RI Coastal Advocacy Coalition represented 13% of comments. The remaining comments were submitted by individuals representing various organizations.

First and foremost, we have strengthened the public notification process by instituting an Aquaculture listserv and expanding the direct notification area for a proposed aquaculture lease to 1,000ft to better notify and engage a larger number of stakeholders, notably nearby shoreline property owners who drove this particular issue. The notification requirement applies to all aspects of a proposed aquaculture lease, including Preliminary Determinations, 30-day public notices, and CRMC public hearings related to an aquaculture application.

Additionally not only will the 1,000 foot notification radius better engage stakeholders, but applicants for aquaculture are now required to list all the physical and natural resource issues that occur within proximity to the proposed lease. Resources such as the location of CRMC-designated ROWs and other public access points are now required information for any new CRMC aquaculture application.

The CRMC and its URI partner are finishing the work necessary to integrate publicly accessible map-based tools onto the Bay SAMP website to support visual understanding of proposed aquaculture lease plans and further increase notification. This will aid not only the aquaculture applicant in preparing their application for review, but will better inform the general public in understanding a proposal vis-à-vis the physical and natural resources in the area. We feel this added component of the process is a critical piece that better allows for a more comprehensive approach to aquaculture planning, permitting and education.

To support the Preliminary Determination process, the CRMC has already revised its aquaculture applicant package checklist, and advises applicants to consult with the CRMC aquaculture coordinator on plans before submitting an application. Further, the CRMC has committed to adding, if necessary, a second public application meeting to ensure that the proposed project is meeting expectations, regulatory requirements and addressing the concerns of community members. These changes aim to streamline the application process and ensure that community and applicant goals align.

Lastly, CRMC is implementing aquaculture guidelines that recommend low-profile floating gear on sites rather than high-profile gear that has generated objections by shoreside property owners. The guidance specifies that floating gear can be no more than four inches above the water surface, a minimum of 750 feet from the nearest residential structure and will not be permitted in areas of significant recreational or commercial fishing activity. These proposed changes are available on the CRMC Aquaculture website (<http://www.crmc.ri.gov/aquaculture.html>)

We also note that the RISAA letter stated that while RISAA members engaged in these Bay SAMP meetings, it felt significant bias towards promoting aquaculture over other historic uses of the water such as recreational fishing and that CRMC's proposed changes do not protect recreational angling interests.

The recent CRMC changes noted above focus primarily on a significantly improved administrative notification process to abutters and specifications on types of gear. And as we have mentioned throughout this response, we do plan to address user conflicts through regulatory changes, but we have not finished sorting through potential regulatory changes and discussions with the Working Group.

Moreover, such regulatory changes take longer to effectuate because of the state rule-making requirements, including public notice and public hearing requirements.

In its letter RISAA also lists continuing issues. We'd like to address each one:

***“Current CRMC changes to the notification process still do not create improved regulations for addressing user conflicts.”***

- *This issue has been addressed above.*

***“In conflicting use situations, the lack of siting guidelines and an advocate for the public leaves recreational anglers exposed to losing their public trust rights to freely fish.”***

- *Actually, the public's right to recreationally fish in a particular area is not extinguished by the presence of an aquaculture farm. The farmer does not have the right to exclude someone on the lease that would like to fish there. Both the RI General Laws and the RICRMP require that the public be provided traditional water activities such as boating, swimming, and fishing.*

***“Existing guidelines allow staff to have significant discretion when recommending approval of applications. It is expected that the Council vote in line with staff recommendation.”***

- *Staff uses its professional expertise as well as input from all commenters and contemporary professional input for making a recommendation on any application, approval or not. As demonstrated to the House Commission at its November 10, 2021 hearing, the CRMC showed that the Council does not “vote in line” with staff recommendations nor does it approve all aquaculture applications. As one example, an application for an oyster farm off Barrington, 2017-05-006, was denied by the Council over staff recommendation for approval based on the testimony of many fishermen present during an evening semi-monthly meeting. In this regard, the council does play a role as an advocate for all public trust users and seeks to balance these uses based on their own experiences, staff recommendation, and consideration of all testimony, which may not have been available during staff review or may have involved issues not directly relevant to staff's review of the application for consistency with the CRMP. The latitude that the council structure provides allows members to make decisions based on the totality of the circumstances and not solely on staff opinion.*

***“CRMC is the promotor and regulator of the aquaculture industry, which can allow for bias in placement and the granting of permits. CRMC needs to either permit or promote but not both.”***

- *The staff, being the first line of information for an applicant, has the unique ability to inform applicants of issues associated with their proposals. Staff in fact has redirected many such initial proposals to seek different locations and/or methods based on their expertise PRIOR to beginning any formal outreach effort (ie: Preliminary Determination meetings in the community).*

***“Regulations state that CRMC “shall support commercial aquaculture in those locations where it can be accommodated among other uses of Rhode Island waters.” Without a clear definition of “accommodated” the CRMC can lease water to accommodate aquaculture operations, especially in a conflicting use situation.”***

- *This issue is better classified as a regulatory matter, which has yet to be discussed.*

RISAA further asks that the following recommendations be included in the Commission discussions. We would like to respond to each.

***“Create an objective process based on stakeholder input to map specific zones for aquaculture.”***

- *As addressed above the CRMC and its URI partner are finishing the work necessary to integrate publicly accessible map-based tools onto the Bay SAMP website to support visual understanding of proposed aquaculture lease plans and further increase notification. This will aid not only the aquaculture applicant in preparing their application for review, but will better inform the general public in understanding a proposal vis-à-vis the physical and natural resources in the area. We feel this added component of the process is a critical piece that better allows for a more comprehensive approach to aquaculture planning, permitting and education. It is a work-in-progress that is also being developed through presentations to the Working Group.*
- *Additionally, CRMC has asked for input from RISAA to help it develop a task under its federal award application to NOAA that specifically maps out where and what kind of recreational fishing occurs within the Bay. The input RISAA offered has been forwarded to NOAA for review.*

***“Call for a moratorium on current and future aquaculture applications until CRMC protects recreational angler interests and specifies aquaculture zones.”***

- *Since this process began a year ago, the CRMC has not received an influx of aquaculture applications such that a call for a moratorium would be warranted. In fact such application submittals have flattened.*

***“Change CRMC’s Red Book to protect and to prioritize the interests of recreational anglers over commercial aquaculture operations.”***

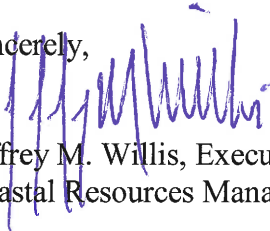
- *Per existing regulation and statute, CRMC is required to obtain and give appropriate consideration to the written recommendation from the Chairman of the RI Marine Fisheries Council regarding the council’s determination of the application’s consistency with the competing uses involved in the exploitation of marine fisheries (both recreational and commercial), see 1.3.1(K)(2)(a)(2)(AA) and R.I. Gen Laws section 20-10-5.*
- *CRMC and RISAA have recently begun to hold quarterly meetings to better develop a relationship it has had only peripherally and ad hoc. In so doing CRMC has offered to develop a task with significant input from RISAA under its federal award application to NOAA that specifically maps out where and what kind of recreational fishing occurs within the Bay. See prior response. The work task is a direct result of the recognition from CRMC’s public scoping meetings that there is a lack of data and information on recreational fishing in the Bay. An outcome of such an effort is envisioned to include a product such as a GIS map that shows where, what and how recreational fishing is occurring. CRMC believes this information is not only valuable to have and maintain but critical in evaluating projects proposed in areas with multiple uses and users.*

Lastly RISAA offers proposed changes to the CRMC’s Coastal Resources Management Program. Without specifically addressing each one here, it is confusing to us that these ideas – thoughtfully

constructed by the members of RISAA – were not offered to the Working Group for their consideration, since we have been very clear that our work on improving our Aquaculture program is not yet completed.

As we note above, Regulation Changes are also “on the table.” In most every Working Group meeting we have noted that changes which can be made administratively will be made immediately (which we have done) and those that needed to undergo the APA rule-making process will continue to be fleshed-out. Each and every proposed RISAA change contained herein should be further vetted by the Working Group.

Sincerely,



Jeffrey M. Willis, Executive Director  
Coastal Resources Management Council

/lat

ec: Daniel McKee, Governor  
K. Joseph Shekarchi, Speaker  
Dominick Ruggerio, President  
Greg Vespe, RISAA  
CRMC Council Members