

Aquaculture in Rhode Island

The Permitting process

David Alves

RI Coastal resources Management Council

Aquaculture in Rhode Island

- Aquaculture Permitting Process
- The Coastal Resources Management Program
- Enabling Legislation

Aquaculture in Rhode Island

Permitting process

- Preliminary Determination Process

Staff level meeting with federal, state, local and NGO's

Federal agencies: NMFS, USACOE, EPA, NFWS, USCG,

State agencies: DEM F&W & Water Quality, DOH,

Local Participants: Town Manager, Planning Dept, Harbor Master, Harbor Commission, Conservation Commission, etc.

NGO's: RISA, OSFA, RISAA,

Aquaculture in Rhode Island

Permitting process

- Preliminary Determination Process

Designed to work with all interested parties to determine problems and solutions.

Examples of process working: Rocky Pt. application, RISA worked to move and decrease proposed site, this was done. Usher's Cove application, OSFA notified us that this was a area that was fished, application denied. Pt. Judith application, F&W notified us that Eel grass was in proposed site, application denied.

Preliminary Determination Process

- Preliminary Determination Process

After meeting a report is issued on suggested changes. The report goes to all of the invited participants. This ends PD process.

It is up to the applicant to incorporate these changes in their aquaculture application.

Aquaculture in Rhode Island

Permitting process

- Commercial shellfish farming application.
- New application.
- 30 days public notice.
- Notice goes to all participants of the PD process.
- Notice goes to Shellfish Advisory Panel, RIMFC

Aquaculture in Rhode Island

Permitting process

- Commercial shellfish farming application approvals needed:
 - 1) SAP and MFC
 - 2) RI DEM Water Quality Division: Water Quality certificate
 - 3) RI DEM F&W
 - 4) USACOE

Aquaculture in Rhode Island

Permitting process

- Commercial shellfish application

Anyone or any organization may contest the application.

Contested applications goes to full Coastal Council for hearing.

Aquaculture in Rhode Island

Permitting process

- Commercial shellfish application

- 1) If uncontested and all approvals are obtained it may be eligible for an approval from executive director.
- 2) If so gets an additional 20 day comment period.

Aquaculture in Rhode Island

Permitting process

- Commercial shellfish application
- Before applicant can begin farming the following are required:
 - 1) Signed notarized lease, yearly.
 - 2) Performance bond, minimum \$5,000.00.

Aquaculture in Rhode Island

Permitting process

- Commercial shellfish application
 - If not farmed for one year lease is revoked.
 - If bond isn't maintained lease is revoked.
 - Lease holder does not have exclusive use of lease area.

Aquaculture in Rhode Island

- Other types of in water permits:
 - Commercial Viability,
 - Research/Educational,
 - Experimental,

All are very restrictive: 1,000 square foot limit, limited or no sale of product, limited time period. Same notification as other applications.

Aquaculture in Rhode Island

- The CRMP, protection in the program
- B. Policies.1. The CRMC recognizes that commercial aquaculture is a viable means for supplementing the yields of marine fish and shellfish food products, and shall support commercial aquaculture in those locations where it can be accommodated among other uses of Rhode Island waters.

Aquaculture in Rhode Island

- B. Policies.4. The Council may require the removal of any aquaculture facility that is in an obvious state of disrepair or has become a navigation or safety hazard.
- B. Policies.6. In the event that a CRMC approved aquaculture operation is determined by the Council to not be actively “farmed” for a period of one year, the assent and lease shall be deemed null and void and the site shall be returned to the State’s free and common fishery

Aquaculture in Rhode Island

- B. Policies.8. It is the Council's policy to prohibit private aquaculture activities in not-approved areas as defined by the National Shellfish Sanitation Program that contain significant shellfish stocks potentially available for relay into approved areas for free and common fishery.

Aquaculture in Rhode Island

- **C. Prerequisites 1.** Prior to issuing a permit for marine aquaculture within tidal waters, the Council shall obtain and give appropriate consideration to written recommendations from the Director or his or her designee of the Department of Environmental Management and the chairman of the Marine Fisheries Council, as required by Chapter 20.10 of the state's General Laws.

Aquaculture in Rhode Island

- **C. Prerequisites. 2.** An Aquaculture License for the possession, importation, and transportation of marine shellfish species used in any aquaculture operation shall be obtained from the director or his or her designee of the Department of Environmental Management. The DEM Aquaculture License may be processed concurrently, but must be obtained prior to the issuance of a CRMC Assent

Aquaculture in Rhode Island

- **C. Prerequisites.** 10. Applicants who propose to introduce non-indigenous species into an aquaculture setting are required to design a protocol that will be reviewed by the Bio-Security Board prior to issuance of an assent. This review can occur concurrently with the aquaculture application process.

Aquaculture in Rhode Island

- **E. Prohibitions. 1.** Fish pen aquaculture operations are prohibited in all coastal ponds.
- **E. Prohibitions. 2.** Private aquaculture leases are prohibited in uncertified waters (i.e., restricted areas as defined by the National Shellfish Sanitation Program) which contain significant shellfish stocks available for relay into certified public waters for the free and common fishery.

Aquaculture in Rhode Island

- **E. Prohibitions.** 4. Introduction of non-indigenous species is prohibited unless protocols are in place to ensure that no accidental releases into the state's waters can occur. These protocols will be reviewed by the CRMC Bio-Security Board before any permit is issued. Any proposed modifications to the permitted operation will be reviewed by the Bio-Security Board before an assent modification can be issued. The issuance of a permit under these stipulations can be revoked if a release of non-indigenous species takes place during the term of the assent.

Aquaculture in Rhode Island

- **F. Standards 1.** Marine Aquaculture within Tidal Waters. a. In the event of revocation, termination or expiration of any lease or Assent, the lessee or Assent holder is responsible for restoring the area to pre-existing conditions within ninety (90) days from the date of permit revocation, termination, or expiration. This shall include the removal of all structures, rafts, floats, markers, buoys, anchors, and other equipment brought to the site. Failure to comply with the Council's order to restore the site may result in the forfeiture of the permit bond posted by the lessee.

Aquaculture in Rhode Island

- **F. Standards 1.** Marine Aquaculture within Tidal Waters. j. Aquaculture operations shall be located at sites and operated in such a manner as to not obstruct public access to and from tidal waters.

Aquaculture in Rhode Island

- **G. Guidelines for Marine Aquaculture within Tidal Waters**
- 1) Marine aquaculture lease size in Narragansett Bay. a) For the area known as upper Narragansett Bay, defined as the area north of a line across the bay at the latitude of 41 degrees 35 minutes, proposed aquaculture farms should be limited to three acres.
- b) 3-acre leases will be granted by giving an initial 2-acre lease. Subsequently the third acre will be granted when the permittee shows that the initial 2-acre lease is being utilized.
- c) These guidelines may be adjusted for variations in water depth, species cultured, etc.

Aquaculture in Rhode Island

- RIGL
 - Chapter 20-10
 - Aquaculture
 - Section 20-10-1

Aquaculture in Rhode Island

- **§ 20-10-1 Declaration of intent and public policy.** – Whereas, R.I. Const., Art. I, Sec. 17, guarantees to the people the right to enjoy and freely exercise all rights of fishery and imposes on the general assembly the responsibility to provide for the conservation of water, plant, and animal resources of the state; and

Aquaculture in Rhode Island

- Whereas, the process of aquaculture should only be conducted within the waters of the state in a manner consistent with the best public interest, with particular consideration given to the effect of aquaculture on other uses of the free and common fishery and navigation, and the compatibility of aquaculture with the environment of the waters of the state; therefore

Aquaculture in Rhode Island

- It is the public policy of this state to preserve the waters of this state as free and common fishery. The health, welfare, environment, and general well being of the people of the state require that the state restrict the uses of its waters and the land thereunder for aquaculture and, in the exercise of the police power, the waters of the state and land thereunder are to be regulated under this chapter.

Aquaculture in Rhode Island RIGL

- Creation of CRMC BioSecurity Board.
- Grants authority to permit aquaculture.
- Outlines approval process.
- Defines lease parameters and conditions.
- Defines requirements: bonds, marking, seed possession, etc.

Aquaculture in Rhode Island

- Conclusions:
- Aquaculture in RI is subject to many restrictions and requirement to ensure rights of other users.
- The CRMC is dedicated to maintaining balance between public's rights and aquaculture development.

Rhode island

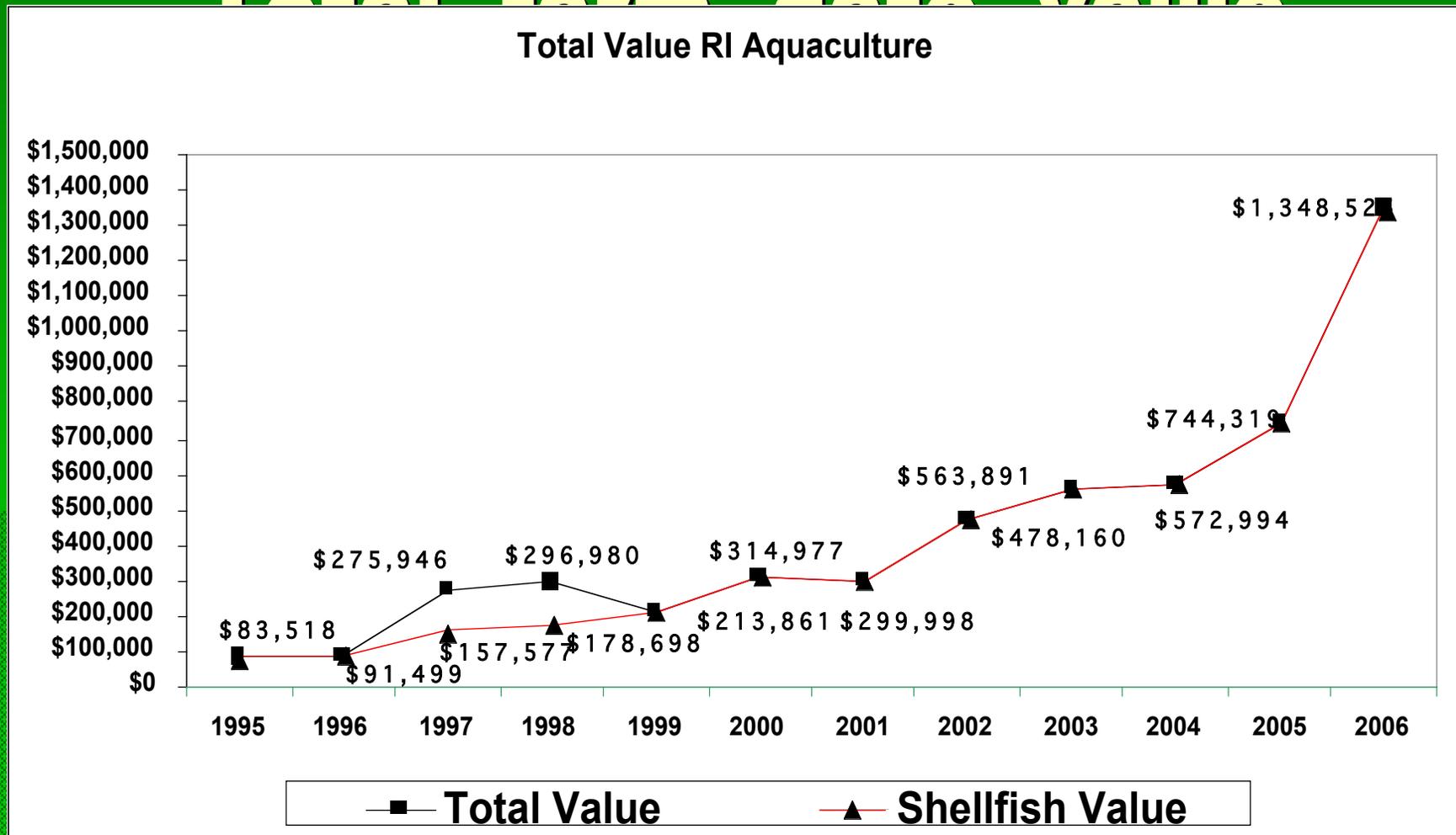
Aquaculture Industry

Status Report

- Small but Dynamic Industry
- Industry is growing
- Double digit growth from a low starting point

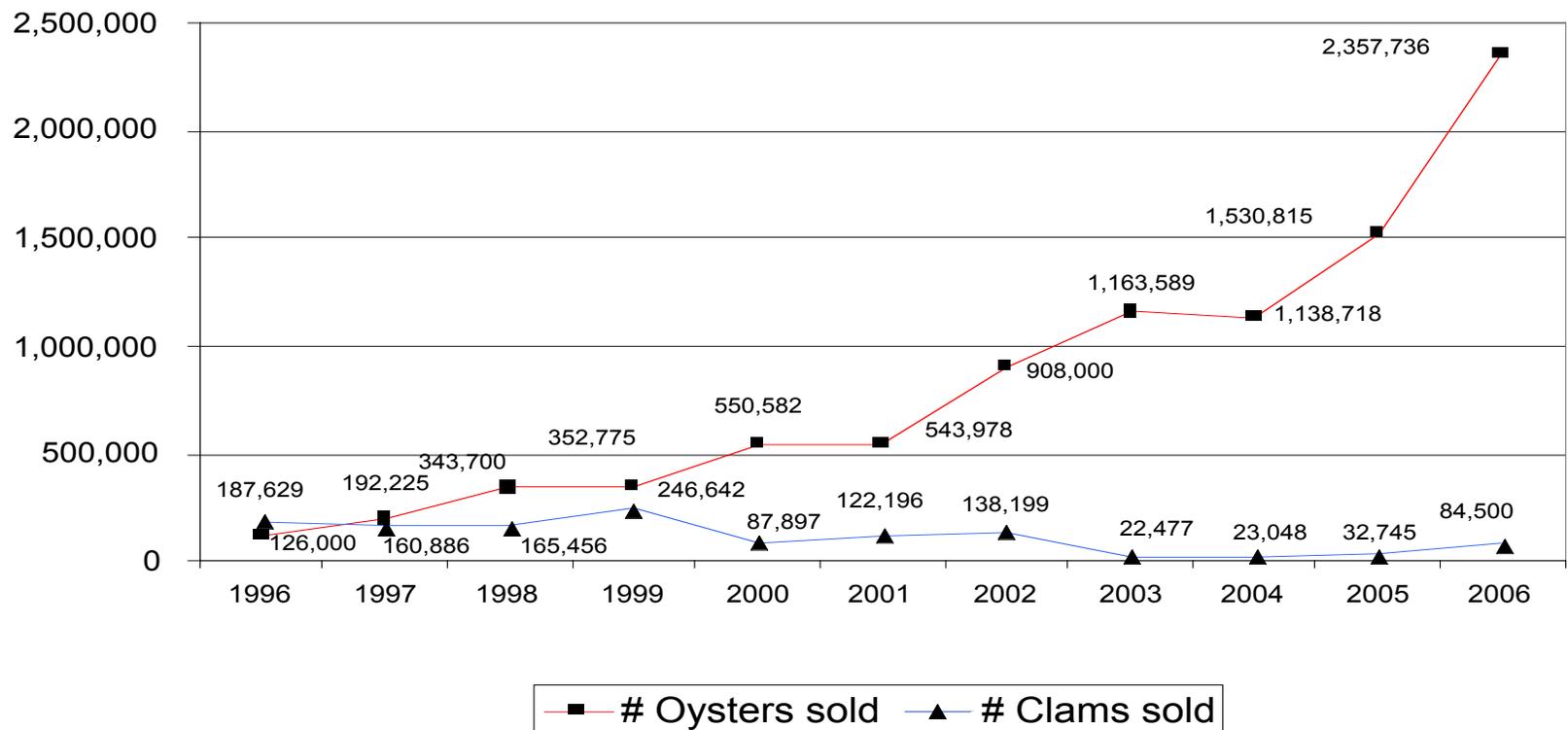
Rhode Island Aquaculture

Total farm gate value



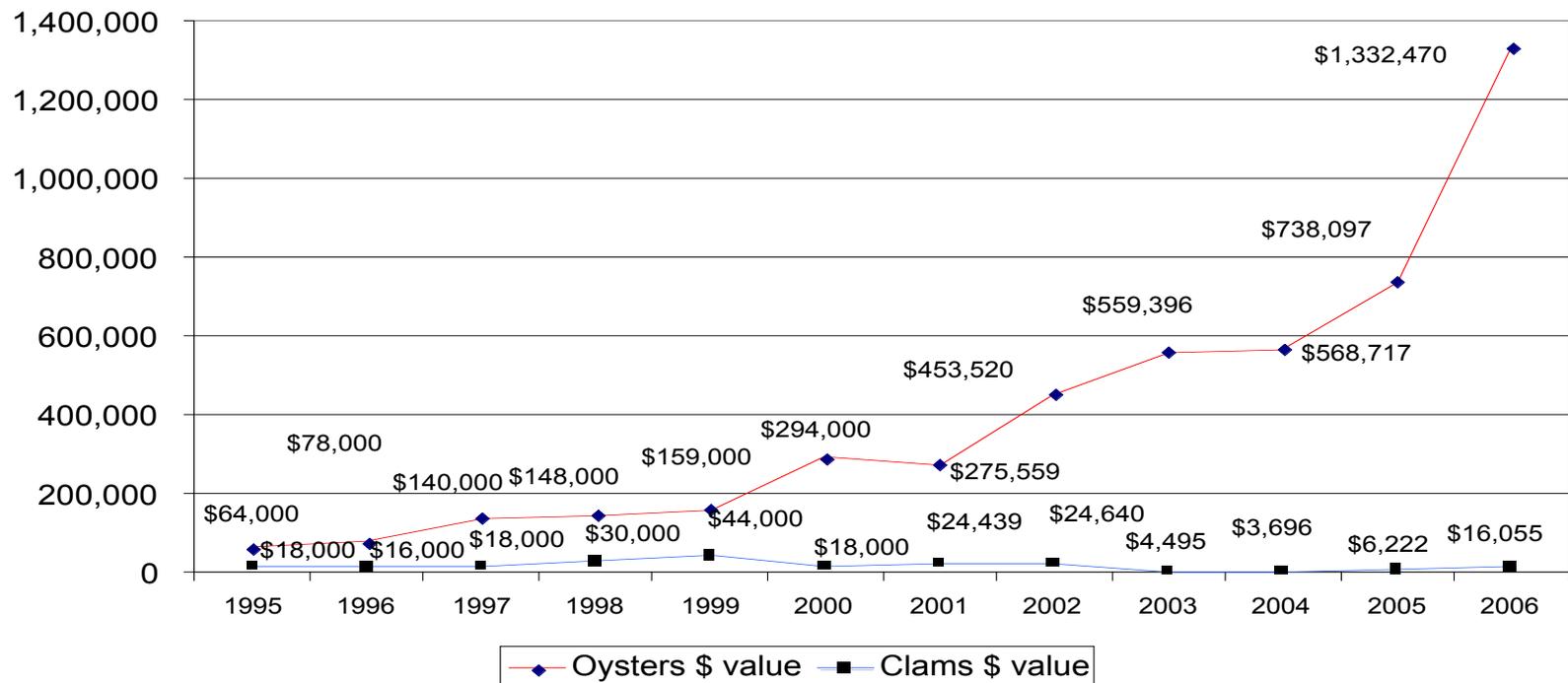
Rhode Island Aquaculture Production by Species

Total Animals Sold by Species



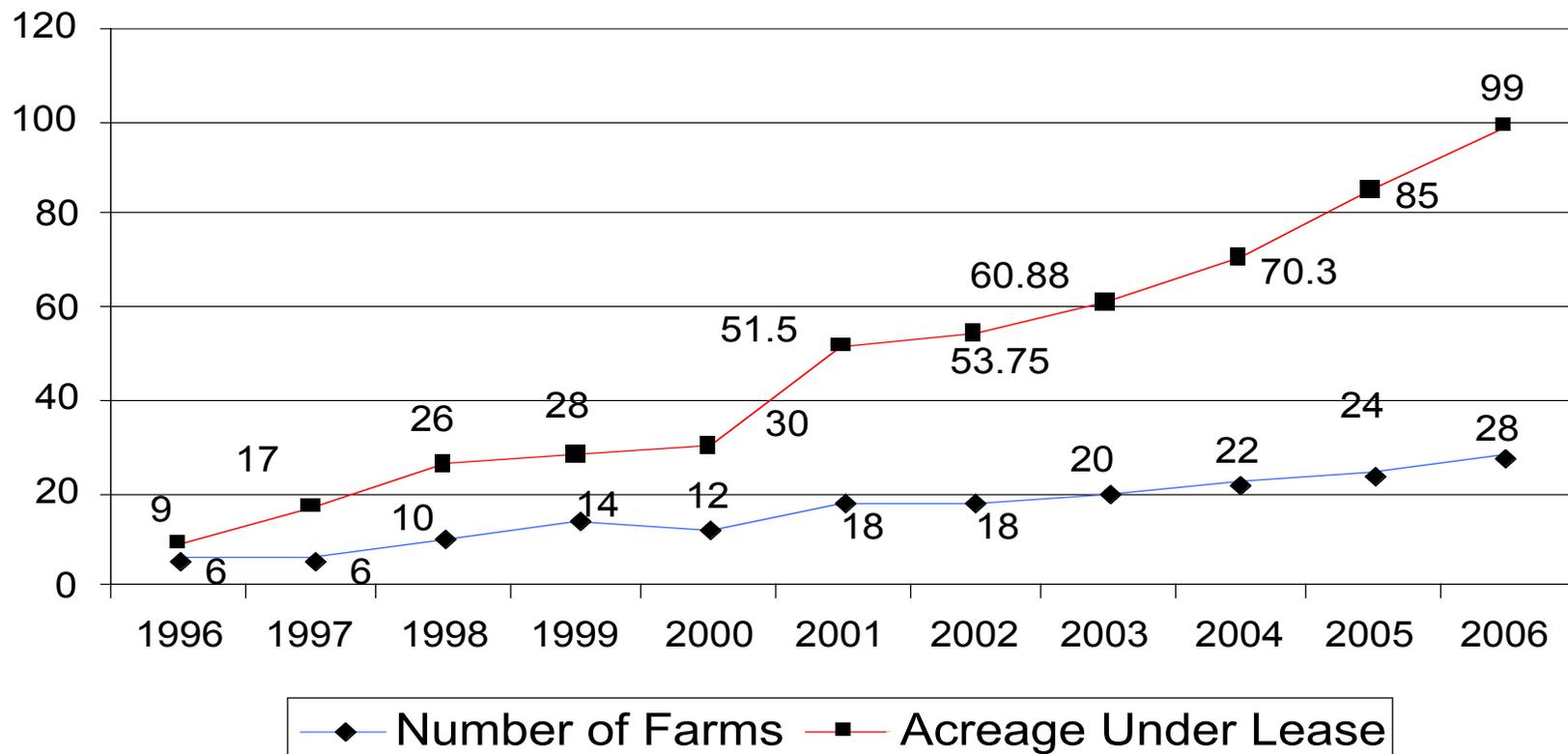
Rhode Island Aquaculture Value by Species

Value by Species



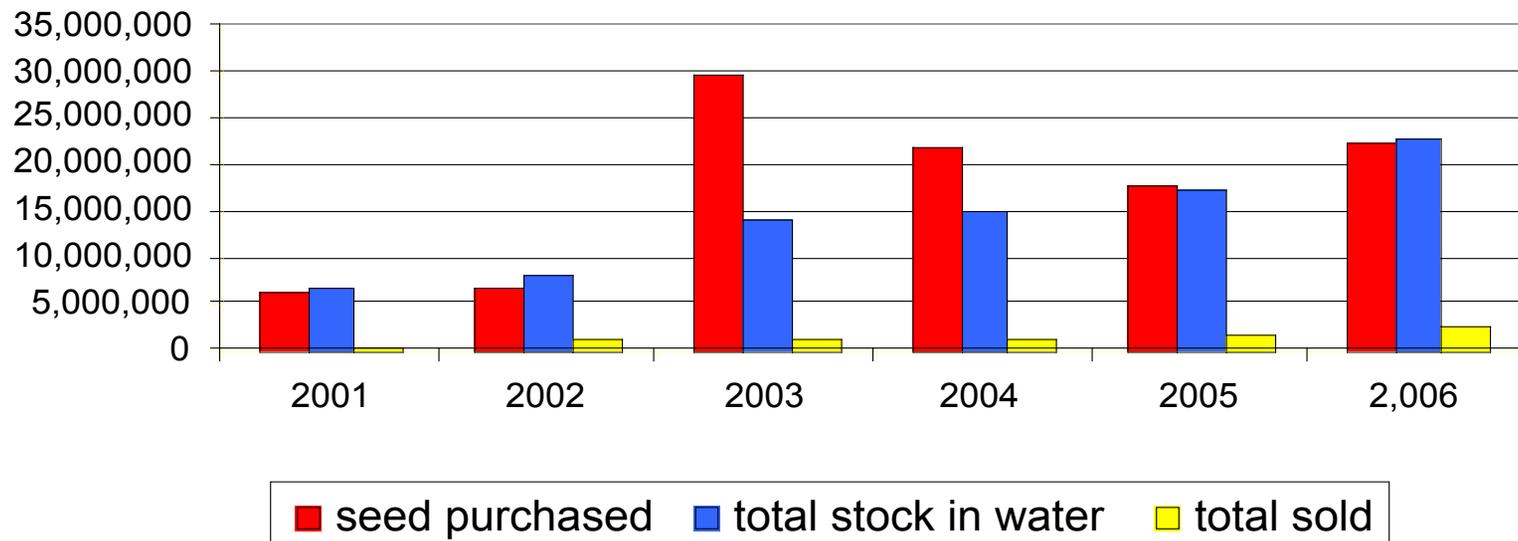
Rhode Island Aquaculture

Farms & Acreage Under Lease

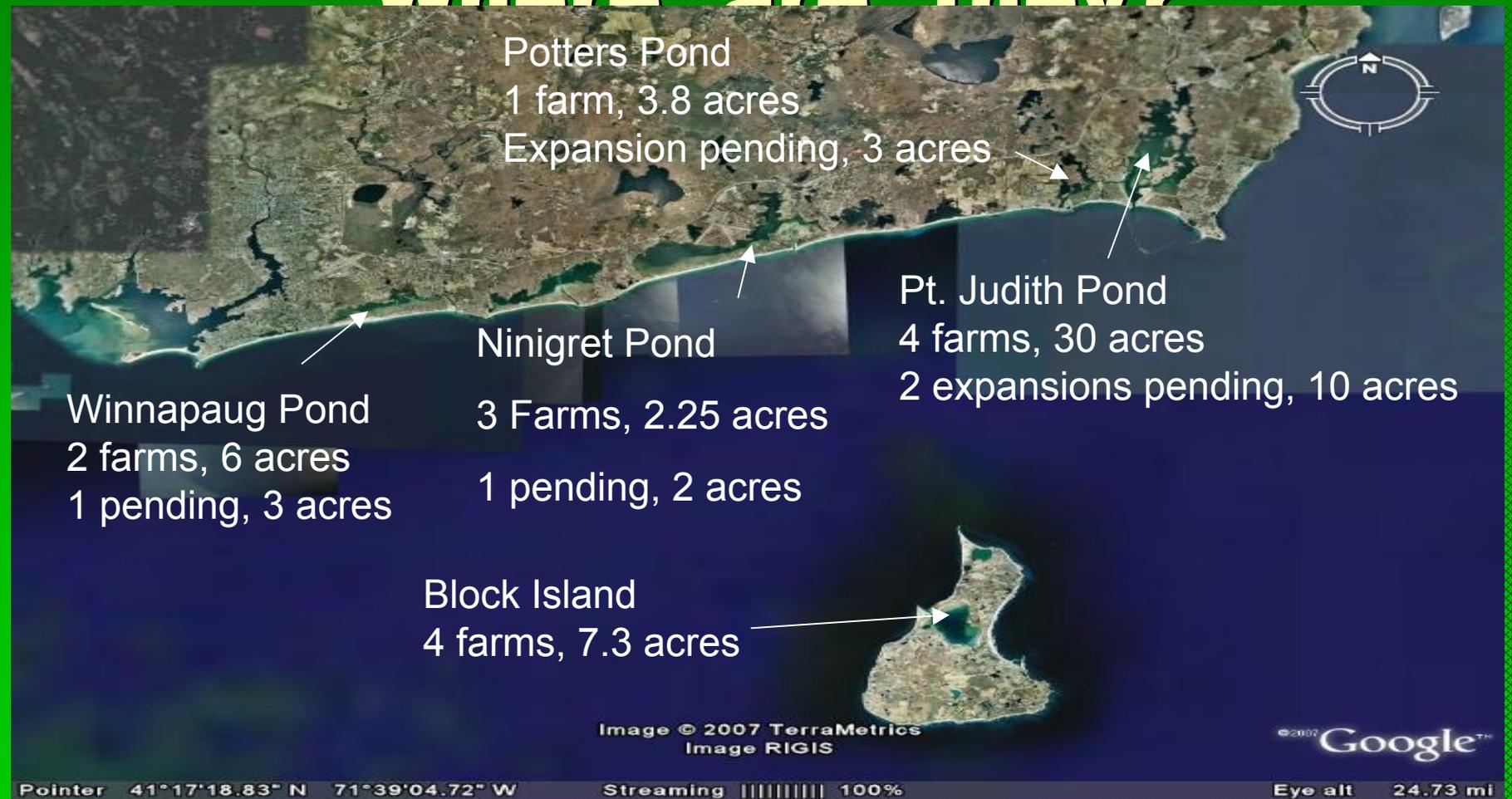


Rhode Island Aquaculture

Comparison of seed purchased, stock in the water
and sales



Rhode Island Aquaculture Where are they?



Rhode Island Aquaculture Where are they?



Rhode Island Aquaculture

- Total Area RI Waters = 294,138
- Total Area of Salt Ponds = 5,387
- Total Area of Narragansett Bay = 87,723
- Total aquaculture lease area = 100 acres
 - 49.6 acres in ponds
 - 49.25 acres in Narragansett Bay
 - = 0.92% of ponds
 - = 0.056% of Narragansett bay
 - = 0.033% of all RI waters

Rhode Island Aquaculture

- Commercial Fishermen hold:
 - 39% of all aquaculture leases
 - 57% of leases in ponds