In The Matter Of:
Coastal Resources Management Council

Perry Raso
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Subcommittee Hearing

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other organisms, living organisms in the pond. It was really intended to capture, like I said, the energy flows and predator relationships. One model does not do everything. That wouldn't require a different tool to look at pollution and those impacts. And for the purpose of this study, I should just maybe back up.

For any study, you do the best that you can to match the tool for the question. And so in this case we determined that the food web model was the best tool for this question. Not a pollution model.

Q. As to the questions that we got into about the social carrying capacity, in your experience with it, do you believe or do you have an understanding of whether or not the science behind social carrying capacity is settled?

A. It's very much not settled. If anything, it's of the four types of carrying capacity for aquaculture I defined, the social carrying capacity is probably least well understood, most flexible, and incorporates the most diversity and disciplines and perspectives. So it's really -- there's no one method or one answer here. It's highly subjective to the question at hand, geography, and the values of the humans of that system.

Q. Those questions that Mr. Wagner asked you about the materials you reviewed, is it fair to say that those were
documents from Mr. Capizzo on behalf of his clients? Does that refresh your recollection?
A. Yes, that was part of the package.
Q. And finally, again in terms of numbers that we've been talking about, the 5 percent rule, that in your opinion I think you told us is well below the 46 percent ecological carrying capacity that you had calculated; is that correct?
A. Correct.

MS. NOONAN: Nothing further, Madam Chair.

CHAIRWOMAN CERVENKA: Thank you. Okay. I think we're going to move on then to your fourth witness. And after we finish the fourth witness with everyone's questions and your redirect, then I'd like to take a break.

MS. NOONAN: Sure. Dr. Byron, thank you very much.

If you would pull up Dr. Rice now, and I'm going to tender him over to Leslie Parker.

MS. PARKER: Mr. Moore, while you're pulling up Dr. Rice, if you could also pull up Exhibit 2. I know there are multiple copies, so it would be the Michael Rice CV.

Dr. Rice, can you turn your video on? Are you
engagement. Some of the key areas that would be relevant for these hearings is I teach the shellfish aquaculture courses at the University of Rhode Island for undergraduates. I've had various graduate students supervising -- major professor and on the committees. These include Perry Rasa himself, Dr. Byron on her committee, and a major professor Dr. Rheault who will be following.

I've conducted research, some of the most relevant research to these proceedings. Dr. Byron mentioned studies in tanks. Some of the carrying capacity estimates based by tank studies were done by my students, again, papers that I have co-authored. And those show some results that are similar to Dr. Byron's modeling studies.

The second is in aquaculture extension, both locally and internationally. I've received national awards from the Republic of the Philippians and Indonesia for my work there and here in Rhode Island. Also [Zoom interruption] -- to this is that I was on the drafting team for the current aquaculture legislation that set forth CRMC as the lead agency for aquaculture permitting under Chapter 2010.

These people were the major authors, former
representative Eileen Norton and legislative counsel Attorney Amy Casega and myself. So we were the major people, major reasons of the current [Zoom interruption] of the laws. So this is sort of the overview

Q. Thank you, Dr. Rice. Could you give us -- what is your current position?

A. My current position is Professor of Fisheries and Aquaculture at the University of Rhode Island.

MS. PARKER: And Madam Chair, I would ask that Dr. Rice be qualified as an expert on aquaculture as a Professor of Fisheries and Aquaculture.

CHAIRWOMAN CERVENKA: Be qualified as a professor of fisheries and aquaculture or an expert in --

MS. PARKER: Aquaculture.

CHAIRWOMAN CERVENKA: Okay. So I'll take up a motion to so qualify Dr. Rice. Any subcommittee member -- Mr. Gomez?

MR. GOMEZ: Madam Chair, I will make the motion to qualify Dr. Rice as an expert witness.

CHAIRWOMAN CERVENKA: In aquaculture?

MR. GOMEZ: I'm sorry, in aquaculture, yes.

MS. REYNOLDS: I'll second that.

MR. DESISTO: Madam Chair, before the vote it may be appropriate to see if any of the lawyers object to
Dr. Rice being qualified as an expert in aquaculture.

    MR. WAGNER: No objection here.
    MR. CAPIZZO: No objection.

CHAIRWOMAN CERVENKA: Thank you. Back to Mr. Gomez's motion. Is there a second?

    MS. REYNOLDS: Reynolds will second that.

CHAIRWOMAN CERVENKA: Thank you, Ms. Reynolds.

Any discussion?

    [NO RESPONSE]

CHAIRWOMAN CERVENKA: I'll do a roll call. Ray Coia?

    VICE CHAIR COIA: Ray Coia votes aye.

CHAIRWOMAN CERVENKA: Patricia Reynolds?

    MS. REYNOLDS: Reynolds votes aye.

CHAIRWOMAN CERVENKA: Don Gomez?

    MR. GOMEZ: Don Gomez aye.

CHAIRWOMAN CERVENKA: Vin Murray?

    MR. MURRAY: Vin Murray aye.

CHAIRWOMAN CERVENKA: And myself Jennifer Cervenka aye. The motion to qualify carries.

    MS. PARKER: Madam Chair, I would ask that Dr. Rice's CV, Exhibit 2, be entered as full.

CHAIRWOMAN CERVENKA: Yes, that can be admitted in full unless there's objection.
is sort of an agreed upon sort of agreement, and that came about during Dr. Byron's Ph.D dissertation time in which there was a great deal of controversy and the fishing community and members that were of the public that were agreeing with this found that at the time to be quite reasonable. Now it could come up for renegotiation, reconsideration or something of that sort. But that's where we are right now.

Q. Dr. Rice, based on your experience and review of the materials, do you have an opinion as to whether shellfish aquaculture, the shellfish aquaculture proposed by Mr. Raso, will have an effect on erosion or will have an effect upon erosion on the shore?

A. Yes, I do. I have an opinion on that. Given the location and the like, there should be no major effect on changing of currents or anything of the sort that might increase scouring, erosion, turbidity. There's no -- sort of nothing is going on in the intertidal zone that would change anything. There's no reason to believe that there would be any erosion or turbidity increase.

In fact, the fact that these shellfish, both scallops and oysters, are filter feeders and they are removing Phytoplankton from the water, the converse is probably more close to the truth that it is more likely
to improve the water quality.

Q. Dr. Rice, based on your experience and review of the materials, do you have an opinion as to whether the aquaculture farm will result in significant impacts on plant and animal diversity and abundance?

A. Okay. This largely goes to the testimony of Dr. Byron. Her work on ecology systems modeling is recognized globally as gold standard in this area, and her conclusions were no.

My tank studies, which she mentioned, were basically set up so that the amount of oysters in the tanks in terms of the biomass were modeling what the biomassive oysters were at the turn of the 20th Century. And at that level, which is something like 500 times the level that they are now in Rhode Island waters, were not at carrying capacity yet. So Mr. Raso's little 3 acres is not going to affect things very much.

Q. Previously we discussed the balance between aquaculture and public access, right?

A. Yes.

Q. Are you familiar with the arguments that are set forth by the objectors in their filings?

A. Yes, I am. I believe that most of the objections could be dealt with largely by design aspects. A lot of the
CHAIRWOMAN CERVENKA: I agree with that.

MR. DESISTO: Proceed.

A. Leslie, I forgot the question.

Q. No problem. Dr. Rice, do you have an opinion based on your experience and review of the materials and review of the site as to whether the proposed farm would result in significant conflicts with water dependent uses and activities such as recreational activities, including boating, fishing, swimming and navigation?

MR. WAGNER: Objection for the record.

A. Well, it has to do with sort of the semantics of the word "significant." I take it that this use of the word significant would be a large, humongous sort of outlandish, and my answer to that is absolutely not.

The applicant Perry Raso has gone to great pains to be as accommodating as he possibly can, and this is sort of the evidence by starting off with one configuration of the firm trying to work with some objectors changing it and coming up with the various polygons, and as being as accommodating as possible. I believe this body, sort of given all of the data presented here, could essentially come up with a solution to satisfy most of people and interests in the pond.

Q. Dr. Rice, based on your review of the application, the
site, and your expertise, do you believe this application provides the balance of aquaculture and public access sought by CRMC as set forth in that legislation?

MR. WAGNER: Objection for the record.

A. I do.

MS. PARKER: I have no further questions.

CHAIRWOMAN CERVENKA: Any questions from subcommittee members for Dr. Rice?

[NO RESPONSE]

CHAIRWOMAN CERVENKA: I don't have any. I don't think anyone else has questions so we'll turn it over to Mr. Capizzo.

MR. CAPIZZO: Madam Chair, may I have a moment to get my notes? I'll defer to Mr. Wagner and you can come back to me.

CHAIRWOMAN CERVENKA: Mr. Wagner, would you like to go?

MR. WAGNER: I might have a couple of questions.

CROSS-EXAMINATION BY MR. WAGNER

Q. Doctor, you testified that in your opinion Mr. Raso satisfies the first requirement of a Category B assent, the requirement that he demonstrated need for the proposal based upon satisfying the 5 percent rule; is
that correct?

A. Well, the 5 percent rule is sort of a guideline that has been adopted by CRMC for these water bodies and his application is not exceeding that. So expanding his operations to include scallops, scallops need deeper water. The site is deeper than where his current sites are and more appropriate for the scallops. So if he wants to expand operations, this makes perfect sense to me in terms of a need.

Q. Does satisfying the 5 percent rule demonstrate a need for the proposal? We agree that he satisfies the 5 percent rule. I'm trying to understand how your opinion could be that he demonstrates need for the proposal based upon satisfying the 5 percent rule.

MS. PARKER: I'm going to object. He gave his opinion and the basis for it. I think it's asked and answered.

A. Yes. I mean, he needs an area. He needs an area for deeper water to basically further his business interests. I mean, that's about as simple as it gets.

Q. A need for deeper water has nothing to do with the 5 percent rule, right?

A. No, and it has nothing to do with the 5 percent rule. The 5 percent rule is a guideline in terms of total water
text to Leslie Parker?
A. Yes.
Q. Did she respond to you?
A. No.
Q. Okay. I'm going to share screen. Give me one second. Can you see that map?
A. Yes, I can.
Q. Perfect. I want to reorient the committee with where we were. We were talking about, you had given an opinion that Mr. Raso demonstrated that this facility won't interfere or significantly impact existing public access or use of the tidal waters and/or the shore.
A. Yes.
Q. You also gave the opinion that Mr. Raso has demonstrated that the alteration will not result in significant conflicts, water dependent uses and activities such as recreational boating, fishing, swimming, navigation and commerce; is that correct?
A. Yes.
Q. Okay. You testified that you're familiar with this map and we're looking -- for the record, I'm going to start at Segar Cove. I believe you said that for traveling north that that was the only direction that you could go from those four public access points that you said you
CERTIFICATION

I, Lisa M Reis, hereby certify that the foregoing Pages 169 through 295, inclusive, are a true and accurate transcript of my stenographic notes of the proceedings, via Zoom, which occurred on the above-entitled dates, to the best of my ability.

_________________________________
LISA M. REIS, RPR
Court Reporter/Notary Public
My Commission expires on 7/27/24

Sworn to and subscribed before me,
This 16th day of November, 2020