State-by State Notification Requirement for Aquaculture Applications

By Andrew Spaulding

In August 2021, NOAA published a report that summarized permitting and leasing requirements for shellfish operations in twenty-two States.[[1]](#footnote-1) The purpose of the report was to provide a comprehensive overview of the aquaculture permitting programs in U.S. state waters. The report included advertisement and public scoping requirements, as well as any landowner notification requirements enforced by the state. In determining a new notification requirement for Rhode Island state waters, the CRMC considered these other state programs, along with public input, to achieve a top tier and inclusive aquaculture application process.

Fifteen of the twenty-two states included in the report required some form of notification. Three states, Alaska, Maine, and Texas required notification to landowners located at least 1000’ from the farm. Alaska was a clear outlier, requiring a notification of 0.5 miles. Maine required notification only to coastal property owners within a 1000’ radius from the farm. Another three states required a notification radius of 500’ from the proposed farm. The nine remaining states required notification to property owners less than 500’ away or limited notification to abutters/riparian owners. In summary, there are three tiers for notification requirements. The top tier notifies property owners within 1000’, the middle tier notifies property owners within 500’, and the lowest tier notifies property owners less than 500’ away.

The CRMC’s goal in review of the aquaculture program is to achieve an inclusive process that balances the existing uses of the bay, including recreational activities, with prospective applications and industry growth. The 1000’ notification requirement adopted by the CRMC positions Rhode Island as having one of the most inclusive aquaculture programs in the country. Additionally, unlike Maine, which only requires notification to coastal property owners, the CRMC is requiring notification to inland property owners that are located within that 1000’ radius. This new notification requirement adopted by the CRMC will allow for an increased public understanding and notice of proposed aquaculture permits.

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| State | Notification Range |
| Alaska | 0.5 Miles |
| California | 100’ |
| Connecticut | Abutters |
| Florida | 500’ |
| Maine | 1000’ |
| Maryland | Riparian Owners |
| Massachusetts | Town by Town; most require abutters |
| Mississippi | Adjacent Property Owners |
| New Hampshire | Abutters |
| North Carolina | 500’ |
| Northern Mariana Islands | Riparian Owner |
| South Carolina | Adjacent Property Owner |
| Texas | 1000’ |
| Virginia | 500’ |
| Washington | Abutters |

1. NOAA Fisheries, State By State Summary of Shellfish Aquaculture Leasing/permitting Requirements (2021) <https://media.fisheries.noaa.gov/2021-09/Report-State-by-State-Summary-of-Shellfish-Aquaculture-Leasing-Permitting-Requirements-2021.pdf>. [↑](#footnote-ref-1)