

RI Coastal Resources Management Council (CRMC)
Narragansett Bay Special Area Management Plan: Aquaculture Element (AE)
Frequently Asked Questions (FAQs)
July 2021 – September 2022

What is the Narragansett Bay Special Area Management Plan (Bay SAMP)?: The Bay SAMP document and process is a public opportunity to gather, synthesize and share Bay science and best management practices for the purpose of updating state policy to guide Rhode Island’s use and management of Bay resources and activities. The initial focus of the Bay SAMP is to develop policy and standards for the siting of submerged cables within state waters for offshore renewable energy development, and to guide and manage aquaculture projects within Narragansett Bay and the Sakonnet River. CRMC is undertaking this long-range planning effort to respond to its primary responsibility of preserving, protecting, developing, and where possible restoring coastal areas of the state.

What is the geographic boundary of the Bay SAMP?: The Bay SAMP boundary or study area includes the surface and sub-surface area of Narragansett Bay, including the Sakonnet River to the CRMC coastal feature, as defined by 650-RICR-20-00-1.2.2. The southern boundary is the mouth of the Bay from Point Judith to Beavertail, to Newport, to Sakonnet Point. The northern boundary includes the Providence River up to the Fox Point hurricane barrier, up the Warren River to where it converges with the Barrington and Palmer Rivers at Tyler Point, up the Kickemuit River to where it is crossed by Route 103, and then up the Mount Hope Bay to the Massachusetts/Rhode Island state boundary. This study area does not include areas within the Narrow and Seekonk Rivers. Discussion of other areas or activities outside of this boundary may only be included when there is a direct economic, cultural and/or environmental link to the Bay SAMP study area.

What is CRMC’s overall charge in the review of aquaculture projects? The CRMC is obligated under its state enabling legislation to “preserve, protect, develop, and, where possible, restore the coastal resources of the state.” The CRMC’s goal in review of aquaculture projects is to achieve a balance of uses in tidal waters, including recreational uses and the leasing of tidal waters for commercial use consistent with the enabling legislation. In accordance with its regulatory policy the CRMC supports commercial aquaculture in those locations where it can be accommodated among other uses of Rhode Island waters and recognizes that responsible shellfish aquaculture has a net positive effect on the environment. In addition, R.I. General Laws § 20-10-1 specifies that aquaculture should only be conducted within state waters in a manner consistent with the best interest of the public, specifically in terms of impacts on the free and common fishery, navigation, and the marine environment. The Bay SAMP Aquaculture Element work will be accomplished consistent with these requirements.

CRMC will be basing its Siting Map on Hard Constraints. What are Hard Constraints? For purposes of the Bay SAMP aquaculture element, the term “Hard Constraint” means locations where CRMC would not permit and would prohibit aquaculture leases in accordance with federal and state regulatory constraints. These hard constraints will be reflected in the Siting Map as GIS map layers. Examples of hard constraints include Department of Defense restricted zones within the Bay as defined by 33 C.F.R. §§ 334.80, 334.81 and 334.82, which do not permit any vessel, under any circumstances, to anchor or fish or tow a drag of any kind in the prohibited area.” Other examples include uncertified or prohibited waters (i.e., restricted shellfish harvest areas) as defined by the National Shellfish Sanitation Program and areas of submerged aquatic vegetation (i.e., eelgrass and widgeon grass) as specified in the CRMC Red Book at 650-RICR-20-00-1.3.1(K).

What is the purpose of the Aquaculture Element (AE)? With input from the AE Working Group, the AE will contribute to guiding the development and siting of aquaculture through the CRMC regulatory process, while minimizing any potential adverse effects on the natural resources and existing uses within Narragansett Bay.

What are the major components of the Aquaculture Element? The AE has three major components. All elements will be developed using the best available science with recommendations from the CRMC *ad hoc* AE Working Group and public stakeholder input:

- 1) CRMC Aquaculture Siting Map: The AE Working Group will aid the CRMC in identifying the physical and environmental activities and conditions (hard constraints) where aquaculture will not be allowed. While physical constraints may include, but not be limited to, Department of Defense prohibited zones, navigation channels, other heavily trafficked areas, and mooring fields, environmental constraints may include protected submerged aquatic vegetation (e.g., eelgrass), water quality, and seal haul out areas, among other considerations.
- 2) Enhanced Navigational and Aesthetic Guidelines or Standards: Considering expertise from other states, aquaculture growers, municipal representatives, and other members of the AE Working Group, CRMC will enhance existing guidelines and standards to minimize the impacts of aquaculture growth on existing and future uses. Some topics may include incorporating additional practices to reduce visual impact of gear types, enhance maintenance and operations procedures, and improved navigational systems.
- 3) Development of an improved CRMC Notification Process: The CRMC is reviewing its current aquaculture permitting notification process to allow for an increased public understanding and access to proposed aquaculture planning. Although the current CRMC permitting process complies with all federal and state requirements, CRMC recognizes the value and benefits of reviewing this process and responding to this public request. The CRMC is launching a new RI Aquaculture Listserv to promote wider public notification of proposed aquaculture projects and meetings.

How is the public being engaged in the AE development? To ensure the public is present at all stages of this process, CRMC has developed an *ad hoc* Working Group, made up of over 80 Rhode Islanders representing resource users, municipalities, researchers, environmental organizations, and federal and state agencies. The CRMC will organize educational sessions and public workshops to ensure there are additional opportunities for public input and to share knowledge to encourage informed decision making. All events will be made public through the new CRMC RI Aquaculture Listserv and project web site.

What is the role of the AE Working Group? The *ad hoc* AE Working Group, 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 AE process and products. The Working Group is an advisory body to the CRMC, it has no legal or regulatory authority, and thus is not a public body as defined under state law. Therefore, the Working Group meetings are not subject to Open Meeting Act notification.

How will the towns be involved in this process? At least 3 representatives from many of the Bay municipalities have been invited to sit on the Working Group. Working Group members are encouraged

to communicate the results of Working Group meetings (virtual meetings will be recorded and summary notes will be available) to their communities. Any person or town may submit comments to the CRMC via email at any time during this process for consideration by the Working Group.

Can anyone attend the Working Group meetings? Yes. If you are interested in being notified of these meetings, please see the CRMC web page to sign up for the RI Aquaculture Listserv. This listserv will also notify you of any CRMC aquaculture applications, related CRMC meetings, CRMC public notices, and Preliminary Determinations (PD) for CRMC aquaculture proposals. See the CRMC Aquaculture Application Package for details (<http://www.crmc.ri.gov/applicationforms/AquaApp.pdf>).

What is the General Timeframe for completing the Aquaculture Element? The following is a general timeframe for the informal and formal AE process. AE Working Group meetings and public workshops will take place throughout this process. The public will be notified of all of these meetings through CRMC's RI Aquaculture Listserv. The project web site will post all relevant project information including meetings times and locations. And, during the formal rulemaking process all CRMC meetings and public notices will be posted to the Secretary of State, as required under the Administrative Procedures Act.

Preliminary Schedule

- **July – October 2021: *Issue Identification:*** 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.
- **September – December 2021: *Identify solutions:*** Review best management practices and research, and consider enhancements and revisions to existing CRMC aquaculture guidelines, policies and standards.
- **January – April 2022: *Finalize Revisions:*** Develop final draft revisions to existing CRMC aquaculture guidelines, policies and standards. Convene CRMC public workshops.
- **May – September 2022: *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.

Does this mean CRMC will stop processing Aquaculture permits during the development of the Aquaculture Element? No, applications that are currently pending will continue through the CRMC regulatory review process. Any new applications will be processed provided filings are complete and the applicant has completed the CRMC Preliminary Determination process. Visit the CRMC web site to learn more about this process (<http://www.crmc.ri.gov/applicationforms.html>).

How can I learn more about the Bay SAMP and the Aquaculture Element Aquaculture?:

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