

Stakeholder Comments for the December 7, 2021 Working Group Meeting

Table of Contents

Stakeholder Comments

1. [22-Dec-2021](#)
 2. [23-Dec-2021](#)
 3. [27-Dec-2021](#)
 4. [29-Dec-2021](#)
 5. 30-Dec-2021
 - a. [Cook](#)
 - b. [Dorfman](#)
 - c. [Smiley](#)
 6. 31-Dec-2021
 - a. [Barnes](#)
 - b. [Dexter](#)
 - c. [Joseph](#)
 - d. [Libbey](#)
 - e. [McNeil](#)
 - f. [Metcalf](#)
 - g. [Williams](#)
 7. [1-Jan-2022](#)
 8. [2-Jan-2022](#)
 9. 3-Jan-2022
 - a. [Hess](#)
 - b. [Marianacci](#)
 - c. [Mello](#)
 - d. [Rasteger](#)
 - e. [Sterret](#)
 10. [4-Jan-2022](#)
 - a. [Bowen](#)
 - b. [Garber](#)
-

December 22, 2021 – Rhode Island Saltwater Anglers Association

Mr. Ben Goetsch, Aquaculture Coordinator
RI Coastal Resource Management Council
Oliver Stedman Government Center
4808 Tower Hill Road, Suite 116
Wakefield, RI 02879
(Sent via email)

Re: SAMP Aquaculture Working Group – Stakeholder Notification

Dear Mr. Goetsch,

Thank you for the opportunity to provide comment on CRMC's revised stakeholder notification process presented at the December 9, 2021 SAMP Aquaculture Working Group Meeting. Rhode Island Saltwater Anglers Association (RISAA) represents over 7500 saltwater anglers, many of whom fish areas where aquaculture leases have been proposed or have been constructed. We support any efforts and changes to make the process of reviewing proposed applications more inclusive as early as possible in the permit process.

As we have stated before, RISAA supports reaching out to as many possibly affected stakeholders as early in the process as possible so that potential conflicts can be identified, discussed and possibly resolved before the applicant gets too far along in the design process. If issues are identified and discussed early on there is less potential for problems near the end of the permitting process. We also believe that existing uses need to be given a higher priority than the proposed commercial applications and if relocation is necessary that relocation should be the preferred resolution to conflict with existing uses.

We agree with changes that would notify Town government and work more closely with municipal leaders. We also agree with notification of nearby home owners and to involve more stakeholders early in the process, but to stop at 500 feet would fail to include some interested parties. To that end we again suggest that CRMC consider hiring an Ombudsman to reach out to state-wide groups such as recreational and commercial fishermen.

We believe that the map that is currently used to guide applicants is not sufficient for several reasons. First, the map does not identify Public Access locations. Since Public Access is under continual threat by local landowners the remaining access locations, especially those with parking and other shore-side development need to be protected. Applications should show the nearest Public Access locations and aquaculture development should be prohibited within 1000 feet of any existing Public Access. Second, the map that CRMC uses to identify potential conflicts fails to adequately identify recreational fishing areas. CRMC needs to reach out to a broad representation of recreational fishers to identify all areas that are used by recreational fishing interests so that the map can be updated to show more recreational fishing areas and new lease applicants can be sure to avoid these areas. This map should be more accessible to the general public and to applicants.

Changes that lengthen the review process would be an improvement since some existing stakeholders may not see initial notification and this aquaculture application is not their primary focus or their primary area of knowledge so it takes concerned stakeholders time to review what has been proposed and how that may affect their use of the area. Reaching out to groups such as RISAA and others can help notify potentially impacted users.

Our comments all come back to the following 2 key ideas:

1. Existing users of our marine environment should be given preference over potential new commercial development.
2. It is better to identify potential conflict early in the process so that issues can be discussed and conflict may be avoided.

Thank you for the opportunity to provide these comments.

Sincerely,
Richard Hittinger, Acting President
Greg Vespe, Executive Director

Cc (via email): Jeff Willis, James Boyd

December 23, 2021 -American Mussel Harvesters

Ben Goetsch CRMC Aquaculture Coordinator

Dear Ben,

We are offering these comments on behalf of American Mussel Harvesters Inc. and our farming company Salt Water Farms, LLC>

It is our understanding that a “Scoping Session” is being considered for adoption into the application process for and aquaculture lease in RI. In our opinion this will add a redundant layer of bureaucracy to the application process. This is exactly what the enabling aquaculture legislation was trying to eliminate. This will also create the potential for a meeting to get very ugly and begs the question of why an applicant would want to incorporate, into a lease application, the spurious claims of someone who is clearly biased with an anti-aquaculture agenda. Please do not adopt the scoping session requirement into the lease process.

On a similar note, at the Jamestown meeting of the CRMC review committee, one of the speakers suggested that an aquaculture lease should be non-transferrable. Again, the enabling legislation was an effort to create the legal environment for the aquaculture industry to prosper. Farmers are business people who invest their time, talent, and treasure to create a business that has value. The lease is the key asset to the business value and success. Who would want to invest in a business they have no ability to sell? Please do not even entertain this suggestion.

Sincerely,

Bill Silkes, President

Jane Bugbee, Vice President

Adam Silkes, Farm Manager

Mason Silkes, Captain Farm Vessels

Greg Silkes, General Manager

December 27, 2021 - Gardner

Hello CRMC,

I am sending comments on the Bay SAMP plan. I have attended most of the meetings and am a full time shellfish farmer. I am requesting these comments be anonymous.

1. Why does aquaculture pay lease fees while private dock owners do not. Docks "take" from the public waters of R.I.
2. Why keep aquaculture away from boat ramps, right of ways etc.? We are acknowledged as farmers. Do we not allow tractors on roads to access farms?
3. I hear that some do not want aquaculture near "open spaces" such as Parks and Woodlands. Do we have such restrictions on land based farms?
4. Aquaculture/farming is currently limited to only 5% of the coastal Salt Ponds of R.I.. Are similar plans in the works for the bay and if so why?
5. Aquaculture is not a one size fits all "technique". As such the CRMC and others should be allowed to make exceptions to rules and regulations that affect each site. Signs and buoys are an example. An area prone to theft, water depth, and type of boating traffic should each have different ways to mark leases.
6. Overall I feel CRMC staff is doing a very good job watching over and keeping a fair balance regarding the "public trust" and aquaculture.
7. Aquaculture regulations currently only allow it in areas where it will not unduly:
 - a. interfere with navigation
 - b. interfere with an existing fishery
 - c. interfere excessively with property owners
 - d. No harvestable quantity of shellfish exist

I feel these rules work and are enough.

Sincerely yours,

Jeffrey Gardner

December 29, 2021 - Purdie

Mr. Jeff Willis, Executive Director
Coastal Resources Management Council

Stedman Government Center, Suite 3
4808 Tower Hill Road
Wakefield, RI 02879-1900

Dear Mr. Willis,

We are writing in response to CRMC's revised stakeholder notification process presented at the December 7, 2021 SAMP Aquaculture Working Group Meeting. As the Rhode Island Coastal Advocacy Coalition (RICAC), we are a state-wide, community-based organization formed in response to CRMC's aquaculture regulations and procedures. RICAC's mission is to advocate for the Public Trust and campaign for CRMC regulations that preserve the public use, common fisheries, and scenic values of Rhode Island's coastal waters. We appreciate the opportunity to provide comments to the PowerPoint presentation and have attached them to this letter.

While the changes made to the notification process are a step in the right direction, the changes do not go far enough. We urgently need meaningful reforms to address:

- **Protection of Rhode Island's Public Trust:** balance has swung towards development versus protecting existing public use of coastal waters.
- **Substantive Objections:** lack of criteria for quantifying impact to public access and recreation. Too much is open to interpretation by CRMC staff and objections by the public are minimized.
- **Agency bias:** there is no independent process in place to advocate for stakeholders. The agency advises and advocates for applicants.
- **Notification:** the proposed reforms presented at the December 7 SAMP must go further for CRMC to collect meaningful stakeholder input.

In addition, we attach a copy of our November 1, 2021 letter to the House Special Commission and the CRMC's "Guidelines for floating aquaculture gear." Both documents specify revisions to the aquaculture process. We appreciate CRMC hearing our concerns and hope CRMC makes revisions that promote impartial representation, transparent processes, sufficient notice, and meaningful public engagement.

Sincerely,

Sharon I. Purdie

On behalf of the Rhode Island Coastal Advocacy Coalition

Cc: Ben Goetsch, Aquaculture Coordinator, CRMC

James Boyd, Deputy Director, CRMC

**Comments on slides from B. Goestch Presentation to December 7, 2021 CRMC
 Narragansett Bay SAMP**

Slide 8	Expanded Application Development Process; Step 1: Draft Application	Comments by RICAC
	<ul style="list-style-type: none"> ● Before scheduling the scoping session, an applicant must submit a draft application to CRMC; 	
	<ul style="list-style-type: none"> ● Draft application must include (in addition to current requirements): 	
	<ul style="list-style-type: none"> ○ An operational plan that describes any off lease activity associated with the proposed farm including a plan for access to the site and the landing of product for sale; 	<p>1. Good addition. Municipalities and stakeholders need to know of any land-based operations and if these operations meet zoning requirements. The operational plan should also include a three-year business plan with an estimate of revenues and employees. The purpose of the business plan would be to check the commercial viability of the proposed operation. It would also be illuminating for stakeholders to see benefits to the public if a private entity is requesting a takeover of a public resource. Any revisions to the operational and business plan must incorporate changes that come from any part of the application process through the final</p>

		CRMC Council vote on an application.
	<ul style="list-style-type: none"> ○ A list of any coastal property owners within 500 feet of the proposed site 	<p>2. 500 feet is insufficient. Notification of coastal property owners must be more than 500 feet. Increasing the notification distance to 2,500 feet would allow CRMC to involve more stakeholder input. Stakeholders in South Kingstown (Potter Pond), Jamestown (Dutch Harbor), and Tiverton (Seapowet) believe the lack of notification they experienced in these applications would not have been solved by a 500-foot notification distance. If there are no property owners within the specified range, then notification of the three most proximate owners would be appropriate.</p>
	<ul style="list-style-type: none"> ○ Town may have to assist applicant in identifying coastal property owners and should certify contact list info is accurate similar to land based zoning requirements. 	<p>3. Good addition.</p>

<p>Slide 9</p>	<ul style="list-style-type: none"> • When CMRC accepts a draft application as complete, CRMC will notify the closest town(s), the Listserve, and instruct the applicant to begin scheduling the scoping session in the town(s) closest to the application; 	<p>4. Notification should be sent to other non-abutter stakeholder groups e.g. Rhode Island Saltwater Anglers Association, Back Country Hunters and Anglers, Rhody Fly Rodders, and Rhode Island Canoe and Kayak Association.</p>
	<ul style="list-style-type: none"> • Once scoping session is scheduled, the applicant must send notice of the scoping session to the property owners listed on the draft application accepted by CRMC; 	<p>5. Applicants should be required to post notification with relevant details of application on nearest public access point to location.</p>
	<ul style="list-style-type: none"> • The applicant will also notify CRMC of the scoping session and CRMC will notify the town(s) as well as post notice of the scoping session to the Aquaculture Listserve; 	<p>6. An applicant led local scoping session before the Preliminary Determination (PD) will not add value without having CRMC staff attend this Scoping Session. However, an independent mediator or ombudsman who attends this Scoping Session and reports findings back to CRMC staff as part of the aquaculture process could add value as part of the new Scoping Session.</p>
	<ul style="list-style-type: none"> • Town may publish notice of the scoping session as they see fit and may review draft application prior to scoping meeting for consistency with any local zoning ordinances. 	<p>7. This still places burden on the town. Applicants should be required to post an advertisement in nearest town weekly newspaper, eg Narragansett Times, Sakonnet Times, Jamestown Press. CRMC should establish this list.</p>
<p>Slide 10</p>	<ul style="list-style-type: none"> • Before a PD meeting can be scheduled, the applicant shall hold a scoping session in the town closest to the proposal. 	<p>8. One of the weaknesses in the application process is accuracy and applicant lack of accountability. This</p>

		<p>lack of accountability combined with the lack of an advocate for the public in the application process renders this additional step in the process ineffectual.</p>
	<ul style="list-style-type: none"> ● The purpose of a scoping session shall be to: 	<p>9. See comment #6 above. What is the notification timeframe and when does the clock start? A 45-day time frame will allow more flexibility for public input.</p>
	<ul style="list-style-type: none"> ○ Familiarize the general public with the proposal; 	<p>10. Good. With regard to site selection, farmed aquaculture should be restricted from areas where juvenile wild stocks can be restored naturally for recreational harvest and where recreational fin fishing exists.</p>
	<ul style="list-style-type: none"> ○ Allow the public an opportunity to provide the applicant with additional local information to <u>inform development</u> of the application; and 	<p>11. CRMC should provide guidance to the public through a Frequently Asked Questions document that educates public on key information to provide to applicants. CRMC can work with stakeholders to develop these materials.</p>

	<ul style="list-style-type: none"> ○ To allow the public an opportunity to ask questions of the applicant. 	<p>12. What would happen if an applicant conveyed a proposed location has few conflicting recreational uses while local stakeholders disagree and attest that the location has many conflicting uses and heavy recreational</p>
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		use? How would this disagreement be captured in this new scoping session? This discrepancy can persist through the application process.
Slide 11	Step 2: Scoping Session (considerations)	
	<ul style="list-style-type: none"> • The applicant is required to attend the scoping session and should be prepared to present the application and answer any questions; 	<p>13. It's obvious that the applicant must attend the scoping session. If they do not, it should be a disqualifier for the application. In addition, CRMC should develop a list of standardized questions using stakeholder input that can be the framework for this session. There should be a way or system to capture the quality of the applicant answers to the standardized questions.</p>
	<ul style="list-style-type: none"> • Scoping sessions are open to the public and town officials, or members of town bodies, are welcome to attend the scoping session; 	
	<ul style="list-style-type: none"> • The scoping session should be scheduled in a manner that is conducive for public participation with regards to location, time and place; 	
	<ul style="list-style-type: none"> • For example, the scoping session should take place in a publicly accessible building such as library, community center, town hall, etc., during reasonable non-working hours (weekday evenings/weekend); 	

	<ul style="list-style-type: none"> ● CRMC’s attendance at the scoping session is discretionary and therefore, scheduling can be accomplished independent of CRMC staff’s availability. 	14. Per earlier comments, either CRMC or an independent facilitator should be part of this session to create accountability and to capture the quality of the discussion in the session so CRMC staff can better evaluate the application in future steps.
Slide 12	<p><u>Draft Application Revision post Scoping Session:</u></p>	
	<ul style="list-style-type: none"> ● After the scoping session, the applicant may wish to revise the draft application based on feedback from the community and town. 	15. Public should be informed of revisions and there should be a notification timeline and process for the public to provide comments on the revisions.

	<ul style="list-style-type: none"> ● CRMC may accept a revised application if the location is not substantially different from the site originally noticed for the scoping session. 	16. CRMC should incorporate the additional notification into the timing of the process suggested in #15 above.
	<ul style="list-style-type: none"> ● The applicant may be required to hold another scoping session addressing the revised location before the revised application is accepted. 	17. Good. Per #15 above, public should be notified and have the opportunity to see revisions and provide additional comments.
Slide 13	<p><u>Step 3: Preliminary Determination (PD) Meeting:</u></p>	
	<ul style="list-style-type: none"> ● After the scoping session has been held by the applicant, CRMC will schedule the PD meeting with the town closest to the application according to the existing process; 	18. Per comment #5 above, applicants should be required to post notification with relevant details of application on nearest public access point to location. CRMC should

		extend notification timelines to 45 days to allow for more flexibility and greater public input.
	<ul style="list-style-type: none"> Once scheduled, CRMC will publish notice of the PD meeting to the Listserve with a copy of the current application, including any accepted revisions thereto; 	19. There should be a uniform application number that has been attached to the application from the beginning of the process. Applications should be easily searchable in the CRMC application database.
	<ul style="list-style-type: none"> CRMC will also send notice of the meeting to the listed property owners on the application; 	20. Per comment #4 above, notification should also be sent to other non-abutter stakeholder groups e.g. Rhode Island Saltwater Anglers Association, Back Country Hunters and Anglers, Rhody Fly Rodders, and Rhode Island Canoe and Kayak Association.
	<ul style="list-style-type: none"> The town may choose where to hold the PD meeting and may choose to publish notice of the meeting as they see fit. 	21. Per Comment #7 above, this still places burden on the town. Applicants should be required to post an advertisement in nearest town weekly newspaper, eg Narragansett Times, Sakonnet Times, Jamestown Press. CRMC should establish this list.
Slide 14	<p><u>Phase 2 – Application Review:</u> Full Category B Application for Aquaculture</p>	
	<ul style="list-style-type: none"> When an applicant has satisfied all Preliminary Determination requirements, they may now submit a full Category B application for an aquaculture lease. 	22. Business plan should be included as part of the full application and any additional information collected from early public input. The business plan

		would be to check the commercial viability of the proposed operation.
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	<ul style="list-style-type: none"> ● Once a full application is accepted as complete, CRMC will publish a 30-day Public Notice and post notification to: <ul style="list-style-type: none"> ○ Aquaculture Listserve; ○ The closest town(s); and ○ The property owners listed on the application.* 	<p>23. There should be minimum standards on the quality of full applications and examples provided to the applicants and to the public. Those standards should be developed jointly with the public. Lengthening the Public Notice period to 45 days would allow more flexibility to collect public input.</p>
	<ul style="list-style-type: none"> ○ Aquaculture Listserve; ○ The closest town(s); and ○ The property owners listed on the application.* 	<p>24. Per comments #4, #5, #7, #18, #20, and #21 there should be additional methods of notification by reaching out to stakeholder groups, posting in nearby public access points, and local weekly newspapers.</p>
	<ul style="list-style-type: none"> ● Public Notice will include a copy of the application, standard NOAA Chart and reference to any related file numbers, i.e. PD file number, existing lease number for proposed expansions, etc. 	<p>25. This is an improvement but still cumbersome to track file numbers. Per comment #19, there should be the same application number used for an application from the beginning of the process. Application numbers should be easily searchable on the CRMC application database. Application should be searchable by applicant's last name.</p>
Slide 15	Rhode Island Marine Fisheries Council and Shellfish Advisory Panel Meetings	

	<ul style="list-style-type: none"> ● CRMC will post notice of any Rhode Island Marine Fisheries Council and/or Shellfish Advisory Panel meetings that involve an aquaculture application to the Aquaculture Listserve.* 	26. Good addition. All public input into any part of the application process involving another regulatory body should be noticed by the CRMC.
Slide 16	<p><u>Phase 3 - Final Decision:</u> CRMC Public Hearings</p>	
	<ul style="list-style-type: none"> ● CRMC will post notice of any CRMC public hearing involving an aquaculture application to: 	27. Lengthening the Public Notice period to 45 days would allow more flexibility to collect public input.
	<ul style="list-style-type: none"> ○ The aquaculture Listserve and; ○ The closest town(s); ○ The listed property owners on the application;* 	28. Per comments #4, #5, #7, #18, #20, #21, and #24 there should be additional methods of notification by reaching out to stakeholder groups, posting in nearby public access points, and local weekly newspapers.
	<ul style="list-style-type: none"> ● Notice will reference to any related file numbers, i.e. PD file number, existing lease number for proposed expansions, etc.* 	29. This is an improvement but it's still cumbersome to track file numbers. Per comment #19, and #25 there should be the same application number used for an application from the beginning of the process. Application numbers should be easily searchable on the CRMC application database.

Recommendations from 11/1/2021 Concerned Citizens Letter to the House Special Commission

CONFLICT: PROTECT PUBLIC INTEREST OVER SPECIAL INTEREST

CRMC's mission to develop aquaculture and uphold Rhode Island's Public Trust is an inherent conflict of interest. CRMC regulates an industry it promotes and wants to grow. If favorable bias exists towards aquaculture

development, then public comment has the potential of being minimized or dismissed by CRMC staff. There must be clear independence when CRMC staff interprets public comment in the final recommendation of the application to CRMC Council Members.

In addition, the current aquaculture permitting process is designed to assist applicants and is not user-friendly to public stakeholders. Dedicated professional staff exists at CRMC to help applicants navigate the aquaculture application process. The Aquaculture Coordinator (AC) advises, advocates for, and accompanies applicants to advisory board reviews and answers questions on the applicant's behalf. There is no equivalent independent representative to provide a public voice nor to help public stakeholders navigate objections to an application. This imbalance leaves recreational users, residents, property owners, and other stakeholders under-represented in the permitting process.

Finally, voting Council Members currently have little expertise in aquaculture, environmental, or Public Trust issues and rely heavily on CRMC staff for a final recommendation. This structure allows favorable aquaculture bias to creep into the final stage when the CRMC Council votes on an application. The reliance on staff to educate creates a predisposition to vote in line with staff recommendations and makes the Council vulnerable to unchecked bias in the application process.

Recommendations:

- Create an aquaculture permitting structure that upholds the Public Trust by eliminating the potential for bias in the process.
- Reform Council education and training protocols to eliminate built-in biases. For example, staff members who write recommendations to the Council should not participate in the education and training of the Council.
- Elevate independent interpretation of Public Trust uses by assigning that role to an entity outside of CRMC.
- Create a new Public Trust Coordinator staff position to accurately and impartially represent stakeholder objections, to aid the public through the permit process, and to advocate for the Public Trust.

NOTIFICATION: PROVIDE ADEQUATE PUBLIC NOTICE FOR

MEANINGFUL PUBLIC INPUT

CRMC's current aquaculture notification policy is insufficient and does not promote meaningful public engagement. Even with recent improvements to CRMC's Aquaculture Listserv, notice is inadequate. The Listserv does not include notice of advisory board reviews, such as the Shellfish Advisory Panel (SAP). In many cases the public becomes aware of applications only AFTER the cases have been considered and are approved or in the final approval process by CRMC. Recent examples of this 'after the fact' public awareness can be found in the applications for leases on Dutch Harbor in Jamestown, the Sakonnet River in Tiverton, and Potter Pond in Matunuck. Without standardized and sufficient notice, the burden remains with the public to have prior knowledge of CRMC's Listserv, prior knowledge of CRMC's Public Notice web page, and the knowledge to routinely scan the agendas of relevant municipality boards and commissions. Current practice stifles meaningful public input and diminishes stakeholder input and engagement. CRMC does not require abutter notification which runs contrary to widely accepted municipal practices. In addition the East Coast Shellfish Grower's Association's Code of Conduct encourages applicants to "communicate early and openly with water-based and land-based neighbors about any facet of their operation which might affect them." Abutters frequently learn of applications after the Public Comment period has closed.

Recommendations:

- Create comprehensive guidelines for applicants to advertise aquaculture applications (Preliminary Determination, Commercial Viability, Lease Expansion, and Lease Transfer Applications) in community-based print and digital media, and in statewide stakeholder group publications, such as RISAA.
- Require abutter notification and standardize procedures for aquaculture applicants to identify and contact riparian owners.
- Require applicants to post notice on-site or at the nearest point of public access.
- Update CRMC's website for user-friendly navigation to Public Notices and create an Aquaculture Application database.
- Notice all pertinent advisory board application reviews, such as the SAP, through the Aquaculture Listserv.

SUBSTANTIVE OBJECTIONS

The competition for shallow, protected, and accessible coastal waters gives rise to substantial conflict between recreational users and aquaculture applicants. While CRMC's Red Book provides protection for recreational use, current practice and lack of criteria undermine stakeholder objections based on recreational use.

CRMC requires applicants to demonstrate that their proposed farm "will not result in significant conflicts with water dependent uses." Yet CRMC provides no guidelines for how to do so and opens the way for inaccuracies and misrepresentation of existing activity. Clear guidelines to standardize observations of existing use will improve the permitting process; however, site visits provide only a snapshot of use and should not be the sole quantifier of use. CRMC must also verify applicants' observations by engaging recreational users and residents who have deep-rooted local knowledge and experience.

In addition, CRMC does not define "significant conflict" or have criteria to quantify it. Without criteria, stakeholder objections based on recreational use are open to subjective interpretation by CRMC. How many kayakers, anglers, sailors, swimmers, or water skiers must be displaced before the conflict is significant?

Recommendations:

- Create guidelines to standardize and improve applicant observations of existing water dependent uses. Require applicants to record conditions that impact recreational use, such as weather conditions, time of day, and time of year.
- Engage recreational users, residents, and municipalities early in the permitting process to provide local knowledge of existing and historic recreational use. *See Notification.*
- Permit coastal municipalities to map aquaculture exclusion areas based on existing and historic recreational activity.
- Create a Public Trust Coordinator to impartially and accurately represent stakeholder objections regarding recreation. *See Conflict.*
- Create criteria to quantify recreation and define "significant impact."

APPLICATION IDENTIFICATION

The process of applying for a permit involves multiple applications, and CRMC assigns a unique number to each of them. The lack of continuity as any particular application progresses through the permitting process prohibits transparency and the ability to track a lease from inception to approval. A clear, intuitive identification system is essential for the public to follow an application through the entire process.

Recommendation:

- Create a standardized identification system that provides continuity in application identification throughout the entire permitting process.
- Create a database making all aquaculture applications available to the public.

ROLE OF THE DEM

The AC frequently conducts shellfish surveys. The presence of native shellfish populations precludes the placement of aquaculture. It is crucial that an impartial, independent surveyor conducts the Shellfish Survey, not CRMC staff with vested interest in the outcome.

The DEM has “authority and responsibility over the fish and wildlife of the state and over the fish, lobsters, shellfish, and other biological resources of marine waters of the state.” DEM should conduct all environmental and wildlife surveys required by the permit process.

Recommendations:

- Require DEM to conduct all surveys that impact wildlife and habitat, including the Shellfish Survey and Aquatic Plant and Animal Survey. In order to best preserve wild stocks of native shellfish, the Shellfish Survey must give consideration to historic and current mature shellfish populations as well as the feasibility of future shellfish growth.
3. Guidelines for floating aquaculture gear
 - a. floating gear should be a minimum of 750 feet from the nearest residence
 - b. low profile floating gear shall be required (maximum 4” above still water elevation).

- c. floating gear is discouraged in areas where the fetch from the prevailing wind is greater than 3 nautical miles.
- d. floating gear should be secured with helical (screw) anchors
- e. floating gear shall have a minimum \$15,000 proof of performance bond
- f. initial floating gear leases should be a maximum of three (3) acres
- g. floating gear is discouraged in Type 1 waters
- h. areas which are subject to significant boat traffic or significant water based recreational activities including but not limited to sailing, kayaking, paddleboarding, kiteboarding or swimming should not have floating gear
- i. floating gear should be at least 200 feet from an existing CRMC approved recreational mooring field
- j. floating gear shall not be permitted over or within 25 feet of protected submerged aquatic vegetation (SAV)
- k. floating gear shall not be permitted in areas of significant fishing activity
- l. towns may recommend areas where floating gear should be discouraged
- m. floating gear should be discouraged within 400 feet along shorelines which have been preserved for conservation, recreation and/or public access through easements, purchase by the state or municipality or are owned by a land trust or conservation organization and have been recognized by the CRMC
- n. floating gear should not be located within 400 feet along shorelines where public access is provided through CRMC rights-of-way, public land where the primary purpose is intended for public access, or by CRMC easements and/or where there is evidence of significant public usage and access
- o. leases permitted for direct bottom plant may receive a stipulation preventing modification to floating gear

Determinations such as “significant” will be a determination made by the CRMC based on staff experience, communication with municipalities, user groups and other organizations, available guides, publications and promotional literature, photographs, satellite images, aerial photographs and through public comments and consultations.

December 30, 2021 – Cook

Hello Ben,

I listened to your PowerPoint and could see that much thought and effort went into this presentation and I thank you for that. Unfortunately, I was disappointed that many areas of interest for the stakeholders were not being instituted or fell short of what had been discussed at previous Bay SAMP meetings.

I have a copy of the RICAC response to CRMC's revised stakeholder notification process presented at the December 7, 2021 SAMP Aquaculture Working Group Meeting. After reviewing their document I find that I agree with and support their response in full.

All the best,
Donna J Cook
Tiverton Town Council, Member

December 30, 2021 – Dorfman

Dear Mr. Goetsch, Mr. Willis, and Mr. Boyd,

I sincerely appreciate the opportunity to provide comment regarding the CRMC's draft proposals to the Narragansett Bay SAMP Aquaculture Working Group as presented during the public virtual meeting held on December 7, 2021. It is gratifying to learn that the CRMC and the Working Group (WG) acknowledge the opportunities for improvement to the current aquaculture application and review process, some of which are partially addressed by the current proposal. While the recognition of the inadequacies in the current process and the attempt to rectify some of these is an excellent first step, this proposal would be significantly strengthened by 1) several important modifications to the proposal and by 2) the SAMP WG considering additional important issues not at all addressed by this proposal coupled with 3) the opportunity for ongoing public engagement and comment.

First, I will address the modifications CRMC is proposing to the aquaculture application process as contained within the December 7th presentation; thereafter, I

will address additional important issues that demand further consideration by the WG and the CRMC as part of this process improvement effort.

Comments on the Proposed Modifications to the Application Process

The proposal as described by the December 7th presentation seems to be largely based around two modifications in the current process. First, is the implementation of an enhanced 1) Stakeholder Notification process and the second is the requirement for an enhanced 2) Application Development process that includes a Draft Preliminary Determination (PD) application with the addition of some new application elements. There is also a new requirement for 3) an applicant-led Scoping Session that is discussed under both the Stakeholder Notification process and the enhanced Application Development process. Therefore, I will address the proposed Scoping Session separately.

1. Enhanced Stakeholder Notification Process

The Stakeholder Notification Process is proposed to now include notification of “coastal property holders” within 500 feet of the proposed aquaculture site. I strongly endorse the proposal to mandate notification of impacted property owners as part of the improved aquaculture application and review process. However, I do not support the proposal to limit such notification to coastal property holders within 500 feet of the proposed aquaculture site. The 500 feet notification trigger is based on the notion that there is somehow a reciprocal equivalency between certain sections of the Red Book (specifically sections 650-RIRC-20-00- 1.2.1(A); and 1.6(C)) for the regulation of land-based activities that might impact the adjacent body of water and the notification of property owners regarding the establishment of nearby aquaculture endeavors. There are no justifications provided to presume such a reciprocal equivalency at all. And there are, in fact, numerous facts that serve to rebut this presumption. The most important reason that there is no equivalency is that the purpose of the “500 feet” language in the Red Book and the purpose of the notification process (as stated in the presentation itself) are completely different. Based on the presentation’s stated purpose for the enhanced notification process of “informing application development” through “coastal property owners learning about aquaculture proposals” and “providing input at the proposed Scoping Sessions,” the trigger for notification should be as inclusive as possible and should not be overly restrictive.

One could argue that based on Rhode Island’s public trust doctrine that governs the shoreline from the mean high tide mark seaward, all citizens should be personally notified of all aquaculture applications; not only abutting property owners. However,

that degree of inclusiveness for personal notification could be deemed onerous to the applicant and the CRMC. And perhaps the use of the listserv in combination with other means of notification (see further comments below) could accomplish this broader notification goal. However, limiting the personal notification to abutters within 500 feet of the proposed lease site would eliminate notification of many (and in some cases all) abutters. There are numerous locations within Narragansett Bay and the coastal waters of Rhode Island at which an aquaculture installation could be placed only minimally farther than 500 feet from the mean high tide mark and would therefore not trigger any abutting property owner notification. And yet, such aquaculture sites could have significant impact on those abutting property owners; and the property owners could have significant input during the application development process. The establishment of an aquaculture farm or any other permanent or semi-permanent industrial-commercial use of coastal waters that were previously used only in a transitory manner for purposes such as fishing (commercial or recreational) and other various forms of recreation (e.g., swimming, boating, kite-sailing, wind-surfing, etc.) amounts to a zoning change with significant impact on numerous abutting property owners and other established users. It is critical to err on the side of being more inclusive during the notification process rather than less inclusive.

I propose that the distance threshold from the proposed aquaculture lease boundaries that would trigger notification to impacted property owners should be 2000 (two-thousand) meters as more reasonable and inclusive. I believe that this distance is appropriate as a trigger for the notification of impacted property owners on the basis of 1) the Rhode Island coastal geography and more specifically the geography of the Narragansett Bay, its feeding estuaries, and the coastline's numerous tidal coastline saltwater ponds and inlets; 2) the benefit of including in the application refinement and review the local property owners' knowledge of local conditions such as currents, historical weather impacts, and current uses of the coastline and coastal waters; 3) the historical record of previous contested aquaculture applications and reviews which suggests greater and earlier property owner notification is necessary; and 4) the potential impact of an aquaculture lease on abutting property owners based on factors including, but not limited to, sound transmission over open water, the sightline over open water, and impact on current users of the coastline and the waters proposed for the lease site.

Furthermore, it is not only the immediate coastal property owners who should be notified. There are numerous shoreline neighborhoods that include properties nearby to the coastline, but not directly on the shoreline; and all property owners

within such neighborhoods must be notified. Hence, any revised rules and regulations should reference “impacted and coastal property owners” and not only “coastal property owners.” In addition, the property owners to be notified should include properties along the coastline (and immediately inland from the coastline) between the corner markers AND properties along the coastline (and immediately inland from the coastline) that are within 2000 meters measured laterally along the coastline away from the perpendiculars defined by the two most inland corner markers. It is inappropriate to limit the notification zone only to the inland “footprint” of the aquaculture plat itself; lateral extension in both directions away from the inland footprint is mandatory. I would request that the zone of impacted and coastal property owners to be notified as included in a final notification plan be subject to a public and transparent development process prior to becoming a regulatory mandate; and that simply setting the triggering distance at 500 feet is inappropriate.

The newly proposed process mandates that the applicant must include the list of those “coastal property owners” to be notified within the new Draft PD Application, possibly with the assistance of the jurisdictional town (again, the language should be revised to state “impacted and coastal property owners”). First, this imposes an unfunded mandate on the coastal towns. If all of those town governments are willing to assume this cost, then so be it. If not, this represents a potential impediment to successful implementation. Perhaps the affected towns might institute a fee to recover their costs; and if so the applicants should be made aware of this cost at the outset of making application to the CRMC in the spirit of transparency. At the very least, written agreement from each potentially affected town as to their implementation plan should be required as part of the evaluation of this proposed new aquaculture application plan. Whether or not the towns agree to provide this assistance to applicants, there is no description within the proposal as to how CRMC will evaluate the appropriateness and completeness of the applicant’s notification list and what data will be used as ground truth for CRMC to do so. Will CRMC simply take the applicant at word that the list of impacted and coastal property owners is complete? An integral part of this proposal must include the creation of a “database of impacted and coastal property owners” by the CRMC that could be used by applicants in devising their notification list, but that must be used by the CRMC in the evaluation of each notification plan. In addition, the public should have the right to make inquiries as to whether or not the list is complete and accurate. The creation and maintenance of such a database is technologically simple, but does have a cost. I suggest that the budget for the creation and maintenance of this database should be covered either by increased funding for the CRMC in the State budget or by setting the aquaculture

application fee structure so as to maintain budget neutrality.

This new notification process also proposes to utilize the aquaculture listserv. I commend the CRMC and the SAMP for establishing the listserv. However, it has not been appropriately marketed to ensure robust participation by all relevant stakeholders. There are only 200 subscribers to date according to a CRMC staff statement made during the December 7th presentation. For example, I know of several marinas, yacht clubs, and recreational groups that do not subscribe to the listserv simply because they have no knowledge of its existence. There are numerous examples of marketing by local, state, and federal agencies to improve participation in a variety of activities. Hence, I will not dwell on the methods that might be employed to improve participation in the listserv. However, it is mandatory that the CRMC does indeed improve participation in the listserv, if the listserv is to play an integral part in the plan as proposed. There will certainly be a budgetary impact to such a marketing plan and the ongoing maintenance of the listserv. Again, I suggest that the aquaculture application fee be set at an amount to cover the costs of such expenses in order to maintain budget neutrality if the State's budget to support the CRMC is insufficient to cover these costs.

Additionally, the CRMC needs to establish a quality control mechanism for the listserv. I have not been receiving the Aquaculture SAMP WG notifications for working meetings and/or presentations routinely. I only found out about the December 7th presentation through a neighbor kind enough to share her notification. I do get numerous notifications for applications to the CRMC for construction assents for docks and similar projects. I did get notification regarding the Revolution Wind project. However, I received nothing regarding this process improvement effort or any of the associated meetings nor any of the excellent presentations made through the aquaculture SAMP. I presumed that I was somehow not enrolled in the listserv. However, upon attempting to register, I received a message that my email is already enrolled in the listserv. Clearly, something is not working properly at least in this one instance.

Finally, the CRMC should establish an easily accessible webpage within its website that lists (with links) all aquaculture applications then currently open for comment. And as importantly, the CRMC needs to establish a means for marketing the existence of this information with periodic reminders. This should involve traditional methods such as newspaper, television, and radio notifications but also more contemporary methods such as search engine driven marketing as employed by numerous for-profit and not-for-profit organizations. Again, there are indeed

budgetary impacts related to an improved notification process. Either the State budget for the CRMC should cover these costs or the aquaculture application fees should be readjusted to achieve budget neutrality.

The workflow for the enhanced notification process as presented on slides six and seven also demonstrate additional opportunities for improvement. Upon acceptance of the Draft PD the slide states that only the listserv would be notified; and impacted property owners would only be notified of the scoping session. Both the listserv and the impacted property owners should be notified at every step in the process. In addition, the workflow states that only if a revised application involves a change in location would a new Draft PD be required with re-notification of stakeholders. Given the current state of technology and the CRMC's avowed interest in having transparent communications with stakeholders, it would be more appropriate and quite easy for all revised Draft PD applications to be provided to all stakeholders (listserv and impacted property owners).

The enhanced Stakeholder Notification Process also includes additional notifications to the listserv and impacted property owners as the PD and appropriate full applications move forward. These additional points of notification are important and welcomed. However, it is also incumbent on the parties overseeing those subsequent meetings and hearings to allow sufficient time for comments and testimony to be heard; and for the regulatory and jurisdictional participants in such meetings to provide publicly available responses to the concerns raised. While the opportunity to be heard is extremely valuable, understanding the responses of the CRMC and the towns to concerns raised is even more so. Therefore, the meetings may need to be rethought in terms of agenda, duration, venue, etc. And there should be a process put in place to ensure concerns raised in writing or verbally during meetings are addressed as part of the permanent record.

2. Enhanced Application Development Process

The requirement for a Draft PD, while an excellent improvement, might be viewed as burdensome by applicants, by CRMC staff, and by external stakeholders. Therefore, the outcome of this enhancement should result in tangible benefits to all parties so as to optimize engagement (I will come back to this point in my final comments regarding overarching issues.). I have already discussed the proposed new requirement to include a list of impacted property owners as part of the Draft PD application and will not reiterate those points.

A second new requirement is the mandate to include an operational plan describing any "off lease activities including plans for site access and landing of product." I'd

suggest making that particular detail of the operational plan as “including, but not limited to” and also provide a more expansive list of details to be included in the operational plan such as 1) the plan for storage, processing, and transport of product along with zoning compliance for same; and 2) days and hours of operations especially as such operations impact residential neighborhoods or areas not traditionally used for such activities. The Draft PD application should be sufficient to demonstrate a viable operational plan that is compliant with all zoning and jurisdictional requirements for the land-based activities. The plan should be supported by relevant signed letters of support and/or contracts and should not simply be promissory in nature.

Third, CRMC should require a business plan demonstrating viability of the proposed aquaculture venture as part of the Draft, PD, and Final application processes. Aquaculture lease durations are of sufficient length and the potential harm of a failed venture to numerous parties is so great, that the applicant should have to demonstrate a viable business plan prior to being awarded a non-competitive lease of a valuable publicly owned resource for which the CRMC is acting as the steward. An applicant entity that is not capable of providing a business plan is not capable of running a viable business; and a business plan that does not support a viable business should not be awarded a lease. Leasing a valuable and irreplaceable public resource without business justification at best may lead to subsequent requests by the applicant for lease area enlargement in order to salvage a nonviable business; and at worst could represent a subterfuge on the part of the applicant for an eventual larger lease area as (privately) planned at the outset. Alternatively, the CRMC upon reviewing later “innocent” applications for enlargement of the lease area for a failing business might succumb to “sunk cost bias” in its evaluation for such enlargements. In any event, for the benefit of the applicant, the public, and the CRMC, a business plan demonstrating typical benchmarks such as time to break even, return on investment, and enterprise viability must be an integral part of the Draft PD application and failure to meet benchmark expectations should result in rejection.

I understand that the CRMC might not have in-house expertise to perform such business case analyses. However, given the State’s avowed interest in aquaculture, this expertise must become available to the CRMC, either in-house or by way of collaboration with academic institutions and/or by contract with external impartial entities. The results of such business analyses must be transparent to the public. There is a budgetary impact to this requirement. Again, unless the State’s budget to support the CRMC covers these costs, the fee for aquaculture applications must be set appropriately to cover the costs inherent in robust evaluation of the applications

and the ongoing monitoring of the leases awarded.

3. Scoping Session

Both the enhanced Stakeholder Notification Process and the enhanced Application Development Process reference a new mandatory applicant-led Scoping Session. The outcome of this scoping session is projected to be a more informed group of stakeholders and an improved (and potentially revised) application. Indeed, there is great value associated with being heard – whether as an applicant or a potentially impacted stakeholder. However, in my opinion and based on a rather robust literature regarding engagement among sometimes disparate stakeholders, the process as proposed by this plan is highly unlikely to be productive and in fact may cause more harm than good. What is proposed, as explained during the December 7th presentation, is a mandatory engagement between the applicant (in fact led by or mediated by the applicant who is by all measures a concerned party with inherent biases) and stakeholders as invited by way of the listserv and the notification of impacted property owners (a group with a high likelihood of having strongly held beliefs and biases of its own). I can find no evidence in the literature concerned with mediation and conflict resolution that supports such an unmediated meeting format. In fact, every source that I could find states that such a format has a high likelihood of further entrenching perspectives and creating a higher level of conflict. Even high-performing groups benefit greatly from impartial facilitation and mediation. Groups composed of individuals with diverse and often conflicting perspectives mandate the presence of a neutral facilitator and/or mediator. It is highly improbable that an untrained individual making an application for an aquaculture lease and with a vested interest in the outcome will be able to lead a productive meeting with a disparate group of stakeholders who might have interests very different from and potentially opposed to the applicant's interests. The outcome very well could create a toxic environment that will plague the remainder of the application and review process.

Furthermore, it is critical that CRMC and relevant town officials must be in attendance. If not, how would the regulatory and jurisdictional officials obtain a fair and unbiased assessment of the proceedings? Wouldn't there be benefit to the review process for the regulating and jurisdictional officials understanding the issues raised by the attendees and how those issues were addressed by the applicant? And I am most definitely not suggesting that the regulatory and jurisdictional attendees are the appropriate facilitators / mediators for the meeting either. In fact, quite the contrary. The regulatory attendees and jurisdictional officials often have their own biases and interests in such applications. Facilitation / mediation should be performed by a

neutral party.

If there are to be Scoping Sessions, attendance by ALL stakeholder groups should be mandatory – applicant, listserv members and notified impacted property owners, relevant regulatory and jurisdictional officials (minimally CRMC, DEM, and town officials) – and the meeting should be mediated by an unbiased, completely neutral, trained mediator. Absent an appropriate structure, the proposed Scoping Session should instead be replaced by an extended comment period for 1) written comment from stakeholders with 2) mandatory written responses to each comment from the applicant with 3) all such written comments entered into the public record. The Draft PD application could then be revised if and as necessary with reference to specific comments and responses. This would be followed by subsequent verbal and written responses by stakeholders during the review process for the PD and Full applications. Another alternative is to allow for a more extensive PD public hearing and mandatory public hearings upon request by any concerned stakeholder for the delivery of testimony. However, I strongly suggest that holding mandatory applicant-led scoping sessions without neutral mediation and attendance by CRMC, DEM, and town officials should be removed from consideration. References to support my assertions and suggestions are available upon request.

There are several specifics regarding the logistics of the Scoping Sessions that are also flawed; but, I will not dwell on them given that the Sessions as proposed need significant revisions. These logistic flaws include, but are not limited to, 1) definition of the logistics for notifications sent by the applicant to the recipients and documentation of same, 2) the lack of a plan defining how CRMC will monitor the applicant's performance regarding notification, 3) the lack of a plan for the mandatory engagement of relevant officials from the affected town(s), 4) the need to revise the optional town notification process to a mandatory notification process, 5) the lack of any recording of the scoping session proceedings for the record, and 6) the lack of any mandatory written record of changes to the Draft PD application with regard to the Scoping Session content. Should the scoping session proposal move forward, with or without revisions to correct the flaws inherent in an unmediated applicant-led meeting, these further logistic issues demand attention.

Comments on Overarching Issues and Potential Improvements to the Aquaculture Plan Not Included in the Revision Plan

First, while I commend the CRMC for the efforts made to improve the aquaculture application and review process, I believe that the issues raised thus far through the submitted comments should be addressed prior to moving forward with

consideration of implementation. Slide 18 of the PowerPoint presentation targets January of 2022 for the finalized proposed changes to be sent to the CRMC Policy and Procedures Subcommittee for review and recommendation for implementation. In my opinion this timeline is overly optimistic; and setting such an aggressive deadline more importantly misses the opportunity for including important improvements to the process and for building consensus among the CRMC and relevant stakeholders. In his introductory remarks on December 7th, Mr. Willis stated that the plan was to receive comments for consideration by the end of December 2021, and then have responses back to the WG and the stakeholders sometime during January of 2022 for further discussion; but there was no mention of having a final plan for presentation to and approval by the Policy and Procedures Subcommittee during January. While Mr. Willis' stated timeline is still quite ambitious, it seems far more reasonable than what is provided on slide 18. More importantly it allows for another iterative step to include stakeholders prior to finalizing recommendations. I strongly request that this process does not fall victim to an artificially accelerated timeline with unrealistic deadlines that might preclude meaningful iterative input from stakeholders.

Second, lacking from this proposal is any evidence of long-term strategic planning regarding a State aquaculture plan. This proposal seems to further legitimize the status quo; that is the CRMC reacting to applications for establishing aquaculture leases at locations seemingly chosen by the applicants from nearly any random location. This apparent lack of planning establishes an unfavorable dynamic sometimes incurring great cost to the applicant, objecting stakeholders, and the State (see Napa Tree Point application by way of one example). Is it time to change the paradigm from one in which the CRMC and stakeholders react to applications once made? Instead, might it be preferable to establish a process by which the CRMC and stakeholders (including potential applicants) work together to define a strategic plan for subsequent implementation? Might it be useful to first determine best locations for aquaculture leases with the support of stakeholders and then provide a mechanism for bidding on such locations by qualified developers? Such locations could be chosen in a manner to minimize and potentially eliminate conflicts among applicants and other stakeholders including impacted property owners, commercial users of the coastline and coastal waters (largely fishermen and lobstermen), and recreational users of the coastline and coastal waters. In fact, establishing aquaculture leases in some locations might even create symbiotic relationships that are mutually beneficial to various parties.

I openly admit that I am not at all expert in matters related to aquaculture and aquaculture lease siting. So, examples that I propose might have absolutely no merit;

in fact, they may be laughable. However, I would hope that people more expert than I might be able to find viable examples. The point is that a proactive aquaculture plan that has the support of stakeholders and thereafter engages potential applicants might have greater positive impact on the State's long-term aquaculture aspirations, lower administrative costs, and improved relationships among the applicants, impacted stakeholders, and the Council.

By way of only one example, there is a growing international body of literature on the potential benefits of co-locating aquaculture areas within and nearby to offshore ocean wind farms. What, if anything, has been done to secure a relationship between the CRMC and the BOEM to establish aquaculture leases within the very large ocean energy lease area off the coast of Rhode Island and southeastern Massachusetts? What, if anything, is being included in the lease terms and conditions for the entities establishing the wind farms to mandate the accommodation of aquaculture areas within the infrastructure of the wind farms? Given that well over 50% of the entire United States wind farm lease area is off our coast, why isn't Rhode Island through the CRMC becoming the world leader in co-locating aquaculture within the wind farm lease site? Developing even a small percentage of the total BOEM lease area would vastly increase the aquaculture footprint for Rhode Island and likely without negative impact to most stakeholder groups. There is concern that there will be negative impact to the commercial fishing industry from the offshore wind farms. And that this negative impact to the fishing industry might also spill over to affect the State's fishing harbors and ports. Might there be an opportunity to engage the commercial fishing industry and the fishing harbors and ports in the aquaculture effort, especially if it is based on the co-location of aquaculture leases within and nearby to the offshore ocean wind farms?

Again, I do not suggest that this example is viable or even sensible, despite the growing body of literature that indicates that it might be. I do suggest that there is very likely an opportunity to establish aquaculture sites that will benefit the aquaculture industry while creating little or no conflict with other stakeholders and perhaps even mutually benefitting multiple parties. Most of the information on the CRMC aquaculture page regarding a long-term strategic plan is quite dated and perhaps there is much more current information available at other sites or that has not yet been released for public review and comment. At the very least, it would be useful to understand the current status regarding a proactive aquaculture strategic plan.

Third, during the December 7th presentation and the subsequent Q&A session, the statement was made several times by CRMC staff that these enhanced notification

and application development processes are primarily and/or solely for the “benefit of the applicant” and “not for those who are being notified” (initial reference at about 29 – 30 minutes of the YouTube video during the meeting Q&A and again stated multiple times thereafter). I found this assertion quite troubling. In fact, my comments thus far have been predicated on the presumption that this proposal for an enhanced aquaculture application process was to be responsive to opportunities for improvement in a holistic manner, that is for the benefit of the applicant, the Council, impacted property owners, other stakeholders, and indeed the public more generally, both in the present and for the future. If the proposed revisions are primarily and/or solely for the “benefit of the applicant” as stated several times during the December 7th Q&A, then I’m somewhat confused and gravely disappointed. I have never been an aquaculture lease applicant; hence, I have no knowledge of the defects in the process from the applicant’s perspective. I am unaware of any publicly available data on the causes for dissatisfaction in the aquaculture application and review process by such applicants. The presentation did not contain any evidence or even hearsay regarding sources of applicant dissatisfaction. So, it would be completely impossible to ascertain whether or not the proposed revisions are appropriate to remedy the unknown issues that might impact applicants. However, I have been an impacted stakeholder during the aquaculture application and review process. So, my comments are provided from that perspective.

The legislative mandate that created the CRMC charged it “to preserve, protect, develop, and where possible, restore the coastal resources of the state for this and succeeding generations through comprehensive and coordinated long-range planning and management designed to produce the maximum benefit for society from such coastal resources.” There is nothing in this charge that would mandate a process primarily and/or solely for aquaculture lease applicants or any other particular beneficiary of the coastal resources. In fact, one would hope to the contrary that all of the Council’s processes should be established in a manner that optimizes the benefits to society more generally with equipoise to all participants. Furthermore, the Council and its staff should be representing the interests of all members of society, both current and future, with equipoise. In addition, it seems highly unlikely that the notified impacted property owners and/or other stakeholders would be inclined to devote time and effort to a process solely or even primarily for the benefit of the applicant without the CRMC having any regard or consideration for the concerns of these stakeholders. Other than pure altruism, what would motivate impacted property owners and other impacted stakeholders to participate in a process that is *a priori* designated by the CRMC “for the benefit of the applicant only” and in which the concerns of other stakeholders are of no matter? Finally, this highlights my earlier

comments regarding 1) the dangers inherent in applicant-led scoping sessions (especially if the applicants go into such meetings based on the CRMC-concept that the session is primarily for their own personal benefit without any concern for the other attendees) without the presence of a neutral third-party mediator and 2) the need for a party other than the CRMC staff to act in the role of a facilitator or mediator given the perspective expressed by CRMC staff multiple times during the Q&A session on December 7th that the scoping session is “for the benefit of the applicant” and not to hear the concerns of the impacted property owners and/or other stakeholders.

The proposed enhancements to the aquaculture application and review process should be optimized for the benefit of 1) the applicant AND 2) non-applicant stakeholders (including impacted property owners and others who value their access to and use of Rhode Island’s coastline and coastal waters) AND 3) the regulatory and jurisdictional officials charged with overseeing the application and review process (as well as monitoring the downstream impacts of approved aquaculture leases).

Conclusion

In conclusion, I again thank the Council and its staff for the opportunity to provide written comment on this matter. I look forward to working with the Council, the SAMP WG, and other interested stakeholders. I agree with the CRMC that there are indeed opportunities for improvement in the aquaculture application and review process. There are even greater opportunities inherent in a long-term strategic plan to support the development of aquaculture in a manner that also respects and preserves the rights of all stakeholders including, but not limited to, impacted coastal property owners and existing, established users of the Rhode Island coast and coastal waters. However, such a strategic plan should include, but not merely be limited to, an improved application and review process. Furthermore, the strategic plan mandates a CRMC that fulfills its stated legislative charge towards preserving the benefit of Rhode Island’s coast and coastal waters for all members of society with equipoise.

Sincerely,

Gary S. Dorfman

Dec 30, 2021 - Smiley

Ben Goetsch
CRMC Aquaculture Coordinator

Dear Ben,

We respectfully submit the following comments regarding proposed changes to current application process for aquaculture in RI.

The proposed "scoping session" would be an added layer of bureaucracy in the application process. I see no benefit to the applicant, the towns already review the applications and their local conservation boards harbor communication who make recommendations to the town councils who send their input to the CRMC. That seems to be enough review we do not need another review allowing anti aquaculture claims from the public. Please do not adopt this redundant requirement.

We are also opposed to any change that would impact a farms owner the future ability to transfer a farm by sale. The farm is a business that we work hard to operate. Hopefully that work and effort translates into increased value. I never heard of a business that someone builds that couldn't be sold. Please do not consider any option that would restrict a farmers ability to convey their interest in the business they have worked hard to build.

Sincerely,
Andrew Smiley Jr
President
Allen Harbor Oyster Co.

December 31, 2021 - Barnes

This little beach is the only access to enjoying the water for many people living in Mass, R.I. And the neighboring towns.. There is no charge for swimming, kayaking, or just sitting in the sun. I walk my dogs there everyday and often find

people staking their claim to some small section of the sand as early as 7am.
This is not the place for commercial operations. It is a rare small gem.
Cyrie Barnes

December 31, 2021 - Dexter

Mr Goetsch,

I'm extremely disappointed in the minor changes that the CRMC proposes due to the SAMP process.

It totally ignores areas such as Seapowet Marsh which has been set aside for conservation and public use and where a 500 foot notification area is worthless. People have been using this area for recreation for decades and to take some of this area and turn it over to a private enterprise should be unacceptable. People swim, kayak, fish and windsurf here. It is the only area around that is free to the the public. Yet nothing proposed will automatically prevent the encroachment on this special area.

CRMC policies should automatically prevent obstruction to public recreational areas, consider existing uses and take into consideration environmental beauty.

The fact that we received this notification hours before the response deadline tells me that the CRMC is not at all interested in public opinion and feedback and needs complete reorganization.

Russ Dexter
Tiverton RI

December 31, 2021 - Joseph

1. Reaching out to stakeholders as early as possible in the process and lengthening the review process will allow for meaningful public input and avoid conflict. CRMC must create a mechanism that supports stakeholder objectors and protects the constitutional rights of citizens to freely enjoy Rhode Island's waters.
2. Existing users of our marine environment should be given preference over potential new commercial development.
3. Existing users of our marine environment should be given preference over

potential new commercial development.

Yes I agree to these three above changes and live in this area and want a say.

Thank you!!!

December 31, 2021 - Libbey

Dear Mr. Willis and Mr. Goetsch:

In general, I am encouraged by CRMC's submission of various proposals designed to increase notice to the public and various stakeholders to new aquaculture applications. While encouraging, however, it is my opinion that the CRMC's proposals fail to sufficiently provide notice nor adequate resources for the public to meaningfully engage in the aquaculture application process. My opinion, and the suggestions to follow, have been informed from my experience as an active participant in many of the Bay STAMP Working Group (Working Group) zoom meetings; Tiverton Harbor Commission meetings, including public meetings regarding the drafting of Tiverton's updated Harbor Management Plan; participation in several aquaculture education related zoom and in-person programs; and my online viewing of the multiple meetings of the Special House Legislative Commission to Study the Effects and Procedures for the Reorganization of the CRMC led by Representative Ruggiero,

I present the following comments and suggestions:

Enhanced Notification

CRMC has proposed new notification procedures, including an applicant's notification of coastal property holders within 500 feet of any proposed aquaculture farm. CRMC proposes that the applicant seek the assistance of the local municipality to identify the property owner within the 500 foot boundary.

What notification is all about is notice to as wide an audience as possible. Adequate notice provides the opportunity to be heard. That is the problem CRMC has suffered from, and through its recent efforts, is attempting to rectify. The proposed enhancements would not, by themselves, promote necessary meaningful public engagement.

CRMC's 500 foot notification boundary is inadequate. It assumes, wrongly, that only riparian landowners confined to the boundary would be the only stakeholder(s) wanting to engage with the applicant and CRMC regarding the proposed aquaculture site. As CRMC has witnessed regarding the two (2) pending Tiverton sites of which I am

familiar, many and varied stakeholders, both local and statewide, exist. Those stakeholders include historic and recreational users of the proposed affected waters, and people simply enjoying the shoreline, beaches and waters held constitutionally in the public trust for all of us. It also includes commercial and recreational fishermen, shell fishermen and others.

At a minimum, the notification boundary, whether riparian or otherwise, should be at least 2,000 feet from the lateral shoreside corners of the site at mean high tide heading inland, and include 2,000 feet extending from the left and right of those lateral lines at mean high tide to encompass additional shoreline owners and others. This proposed distance and area would capture and promote more meaningful public engagement from upland owners, and other interested stakeholders. All notices should be sent certified mail or by some means requiring delivery signature to have evidence of providing notice and to whom notice was given.

Of course, the addition of other means of notice would be crucial to successfully engaging the public. Those other means would include advertising and posting written notice in conspicuous places in the municipality, but most importantly, areas where public access to the water exists recognized both officially and historically. While this might seem burdensome to the applicant, it is the applicant that is requesting exclusive commercial use of existing public trust waters.

CRMC has promoted its ListServe as another more current way to provide notice. As a participant in the CRMC ListServe, I know firsthand the inadequacy of its notice. In fact, the recent ListServe notice about submitting comments to the CRMC's proposed enhancements did not arrive in my inbox until 24 hours after it was apparently posted or sent out. That tardiness is not a function of my email, but the limitations of the ListServe. A better solution to the ListServe would be CRMC opening an account with Constant Contact or some similar communications application. Why reinvent the wheel, when these application developers have already invented the wheel, the car and the road for communication purposes. The expense of covering such an account can come from increasing aquaculture applications fees. Again, while that places a financial burden on the applicant, it is the applicant who is obtaining public trust waters for exclusive commercial use and there should be a cost for doing so.

The placing of new burdens, financial and otherwise, on the local municipality to assist the applicant in identifying affected riparian owners, fails to consider those burdens on the municipality. Has CRMC sought any input from any municipality as to these new burdens? The answer is likely not. Once again, the financial burden of any municipal assistance should be borne by the applicant.

Enhanced Application Development Process

CRMC's proposal to require early "scoping sessions" with the local municipality and stakeholders would appear to be a productive solution for early municipal and stakeholder engagement. Unfortunately, the fact that CRMC is not an official participant would likely render the scoping session unproductive. Who is going to "police" the applicant for his/her submissions and statements in the session? Is the burden on the applicant to relay the public questions and comments to CRMC as part of its official application? Since the municipality does not have ultimate authority over the application, would the applicant be required to adequately address all questions and comments gleaned from the scoping session, and make written answers part of the official application process? Without CRMC engagement in the scoping session, the session is basically a "free pass" to the applicant to put on a great show, with no official repercussions for inaccurate statements and the public "thinking" they are engaged.

What would enhance an "official" scoping session and the entire aquaculture application process would be to have a Public Trust Coordinator representing the municipality and the various and disparate stakeholders. Under current CRMC activities, the only person who can guide and navigate people through the aquaculture process is Mr. Goetsch, the Aquaculture Coordinator. Unfortunately, this puts Mr. Goetsch in an inherent conflict of interest where the key aspect of his job (and the CRMC) is to promote aquaculture development in the waters of Rhode Island. That is not meant to disparage Mr. Goetsch, but only to put the facts front and center. It is no fault of his, but the flawed application process and CRMC's current makeup.

The current application process leaves no one to act for and in the best interest of the Public Trust and stakeholders. No one assist the public in navigating the application process. No one acting as the central repository of stakeholder objections, submitted historic information and important local knowledge. No one to identify issues raised by stakeholders, and formally submit contrary (or not) recommendations to the Commission for purposes of the formal vote on any application. This is a large fault of the current application process and must be addressed in any reformation of the CRMC and the aquaculture application process.

At the end of the day, giving up the Public Trust waters of Rhode Island to a commercial enterprise must be decided on what is in the best interest of the people of Rhode Island, and not, as it currently is, in favor of such commercialization to the total loss of the public at-large.

Thank you for considering my comments and suggestions. I am available to

assist and continue with this dialogue to the betterment of all Rhode Islanders and others that use our Public Trust waters.

Very truly yours,

Donald H. C. Libbey

December 31, 2021 -McNeil

Ben,

I support the recommended enhancements and thank you for your good work and dedication to aquaculture. However, I think the process is a bit heavy on procedural items and understand this is partly attributable to the SaveSeapowet motives to gum up the process to slow it down.

SaveSeapowett sent out an email today urging its supporters to respond with its recommended amendments, such as increasing the abutter notification from 500 feet to 2000 feet. Also they urged their supporters to comment on the following: "Existing users of our marine environment should be given preference over new commercial development." I did not see this in the CRMC deck of the December meeting. I do not agree with this and believe that all stakeholders should be heard, especially those that may not have a voice. I am referring to the need to mitigate climate change and to improve the ecosystem, as well as to address the economic advantages of oyster farming and oyster reefs. Our planet is in a crisis and its survival is at stake. I think attending to these priorities is more important than erring on the side of granting moorings for those fortunate enough to have property on the water.

December 31, 2021 - Metcalf

Greetings

My name is Richard Metcalf, I live at 723 seapowet ave in Tiverton . I am not against Oyster farms but I strongly agree that as any new farms should not be located as to interfere or impede usage of the waterway from the public that is currently using it. The new farms should be located in other locations as I believe the public should always come first,not a few individuals that will profit from their business.

December 31, 2021 - Milotte

Hello,

The response site to the above meeting is not that working correctly. I propose an abutter distance of at least 2000 ft from a proposed site.

Barbara Milotte

December 31, 2021 - Williams

To consider approving commercial development over public access for many children and adults who enjoy this lovely spot is disgraceful and wrong.

Let us think about the children who do not have waterfront homes who I see using the space every weekend during our summer days. Thank you

January 1, 2022

Dear Mr. Goetsch,

I am just seeing an email from the stakeholders of the proposed aquaculture development along the Seapowet.

I wish to express my opinion that we should not disrupt the marine environment for new commercial development.

We should also keep the waters open for all RI residents to enjoy, whether it be for a swim, a sail or an unobstructed sunset from the RI beaches.

Sincerely,

Edward B. Marianacci, MD

January 2, 2021

Dear Ben,

Thank you for listening to feedback from stakeholders on the aquaculture application process. Given the competing and often conflicting uses of Rhode Island's coastal waters, it is important that the Coastal Resources Management Council collects accurate information from stakeholders early in the application process. I am providing my comments below as follows:

- Relying on the CRMC listserv as a public notification process places the burden on the public and falls short of collecting helpful public input. Applicants (or the CRMC) should also publish notification to recreational users beyond the CRMC listserv. For example, the Rhode Island Saltwater Angler's newsletter (RISAA), Rhody Fly Rodders (RFR), Backcountry Hunters and Anglers (BHA) and Rhode Island Canoe and Kayak Association (RICKA) are a few organizations where applicants can provide notification about propose applications through the organizations' member communications. Applicants should also be required to publish notification in local newspapers.
- 500 ft. notification distance based on mean high tide is insufficient. The notification distance should be at least 1,500 ft. Moreover, the revisions must consider recreational anglers and other recreational users who are not local abutters to a proposed application site. At nearby public access points, there should be required notification posting with details on how to provide comment and how to view the application. For example, on the Seapowet Marsh in Tiverton, Exhibit A shows the DEM notification board in the Seapowet Parking lot that could be used for notification.
- The "enhanced scoping" PD and full application process focuses on helping the applicant through the process and does not improve the collection of meaningful input from the public. Stakeholders have limited knowledge about the application process. Because of this knowledge gap, an initial meeting between applicants and stakeholders may have the unintended consequence of increasing conflict. CRMC's presence at the enhanced scoping session would add value by helping to facilitate the dialogue between applicants and stakeholders and providing more guidance to the public on critical issues like siting. In the same way CRMC lists the East Coast Shellfish Growers Association on the CRMC website as a resource, CRMC can list the names of organizations like RISAA, RFR, BHA, or RICAK as resources for applicants and the public. A stakeholder better educated about the application process can be an asset.
- Placement of farms should be at least 1,000 ft off the coastline. This will minimize conflicts with existing users. There is precedent for this type of buffer in Suffolk County, New York for the Peconic Bay, an area very similar to

Narragansett Bay. See attached Exhibit B document from New York State Law.

The aquaculture process is in need of revisions beyond notification. A holistic plan that examines issues like total aquaculture capacity, density, and siting of farms could minimize conflict in Narragansett Bay. New York State takes this approach in Suffolk County for the Peconic Bay and Gardiners Bay watersheds (SCALP). Elements of this program could help shape best practices for the future of aquaculture in Rhode Island. For example, one way the SCALP program minimizes conflict with existing users is to create a 1,000 ft exclusion zone seaward from the coastline high water mark. In addition, the program creates a Shellfish Cultivation Zone to minimize environmental and socio-economic concerns and an Annual Acreage Cap Limit with a total acreage limit for the life of the program. Approaches like these, combined with an independent review board on controversial citing issues could go a long way towards protecting the Public Trust, minimizing conflict, reducing CRMC staff workload, streamlining the application process, and growing the aquaculture industry in Rhode Island.

I appreciate the effort you've invested in trying to make changes to the aquaculture application process. Thank you for the opportunity to provide comments.

Sincerely,

Kenneth Mendez

January 3, 2022 - Hess

Hi Ben. In reading the below email, I had one comment that I wanted to pass along.

Back in 2012 during my initial application process, I was instructed by Dave Beutel to attend a SAP meeting at URI Bay Campus. It was a requirement to my application. It was run (I believe) by Marine Fisheries Council. In that meeting I was heckled, name called and insulted by certain members of the panel. I made it through it but was tempted at various points to reach over the table and punch a certain fisherman right in the mouth. The moderator made no attempt to reign in the offending parties and I found myself wondering who was in charge. It was an unpleasant experience to say the least. If I could do it all over again, I would've gotten up and left the meeting with

no intention of returning.

So, I guess my one comment would be in regards to the scoping session. I would strongly recommend having someone in charge of that meeting. I understand the goal would be to have the farmer and any members of the public be able to freely exchange productive dialogue. However I don't think it would be ok to force a farmer to sit there and be belittled and insulted and if he/she were to get up and leave that their application would be denied. A neutral and impartial observer should be there to run the meeting and provide some order. They would then be able to objectively report anything improper.

Regards,

Kyle Hess
Chessawanock Island Oyster Co.
400 Station St.
Cranston, RI 02910
(401) 578-1924

January 3, 2022 - Marianacci

Dear Mr. Goetsch,
I am just seeing an email from the stakeholders of the proposed aquaculture development along the Seapowet.

I wish to express my opinion that we should not disrupt the marine environment for new commercial development.

We should also keep the waters open for all RI residents to enjoy, whether it be for a swim, a sail or an unobstructed sunset from the RI beaches.

Sincerely,

Edward B. Marianacci, MD

January 3, 2022 - Mello

Please see my comments regarding the proposed application process.

Notice to property owners:

Need clarify 500 foot rule-500 feet is measured from where on the proposed project?

Need to clarify who is responsible to certify and notify appropriate property owners

Need to clarify method required to notify property owners-i.e. certified letter required?

Scoping session:

Is this a responsibility of the applicant to schedule and post meeting? If so, detailed notification process should be outlined. Who should be notified? What is required to be presented in advance?

It appears that CRMC will not facilitate this meeting, leaving the applicant to do so. Attendees will have to rely on applicants presentation and have no means of verifying information. Could likely lead to confrontational meeting based on past experience, thereby leaving the local government to, by default facilitate and mediate.

Thank you.

Edward A. Mello
Chief of Police
Jamestown Police Department
250 Conanicus Avenue
Jamestown RI 02835

January 3, 2022 - Rasteger

Dear Mr. Goetsch,

I'm writing to voice my objections to 2 aquaculture permit applications along the Seapowet River in Tiverton. In particular, I'm requesting that File 2020-04-037 (Bowen Oyster Farm) and File 2021-02-054 (Behringer/Lungren Farm) both be reconsidered and rejected.

As a Tiverton resident, I know the importance of public access to the Sapowet Marsh/Seapowet River at the location proposed for these oyster farms. This beautiful

area should be preserved for the public. If you came to visit on any day of the year, you'd find people on the beach and in the marsh walking, kayaking, fishing, bird watching, wave watching, photographing, horse riding and gathering to converse with friends, neighbors and even strangers enjoying these same treasures. If you came during the worst of this pandemic, you'd find us locals all gathering in that Marsh parking lot to meet and talk and share...to socially connect. This is not a commercial area!

Please make sure you give all of us who love this area a chance to weigh in on this issue. I'm a health care worker, and I know how important this is to so many at this very difficult time.

Joan Rastegar

January 3, 2022 - Sterret

Dear CRMC:

I don't know if the comment period is still open, the form I received by email wasn't working. Sending out notice for public comment on a holiday weekend and allowing only 48 hours for comment is ridiculously short amount of time.

I am writing to express my concern over the Bowen Oyster Farm application and its location in the shallows of Seapowet Cove. I live on Driftwood Drive, adjacent to the cove, and am dismayed that the community was not given any advance warning or opportunity for input until recently.

I object to the oyster farm for several reasons:

- As a Driftwood Drive property owner, my deeded access to the water is the ramp at the north end of Driftwood. I am concerned at how close the oyster farm is to that location, and that it will interfere with my ability to launch my dinghy and access my mooring.
- A 500 ft for abutter notification is insufficient. The abutter notification radius should be at least 2,000ft along with notification postings at the closest public access points and required advertising on notice in local newspapers.
- I am absolutely opposed to allowing commercial operations in a neighborhood that is zoned for residential use.
- This is a popular recreational kayaking and fishing location, a rare spot where you can wade in from the shore and cast or quahog along the shore. This is an

area the town has protected for decades for the recreational use of all, and that should take precedence over commercial development.

I respectfully request this application not be railroaded through and approved in what should have been a more public process, and that the rights and concerns of abutters be taken into account.

Sincerely,
Diane Sterrett

January 4, 2022 -Bowen

Dear Mr. Goetsch,

Since the National Aquaculture Act of 1980 declared, “It is, therefore, in the national interest, and it is the national policy, to encourage the development of aquaculture in the United States”, one of the recurring complaints and predominant recommendations for aquaculture regulatory reform has been simplification of the application process required to obtain a permit. This has been brought to the forefront through legislation many times in the intervening years, and in many states, including Rhode Island.

As recently as 2021, in its report, A STRATEGIC PLAN TO ENHANCE REGULATORY EFFICIENCY IN AQUACULTURE, the Regulatory Efficiency Task Force (Subcommittee on Aquaculture, National Science and Technology Council) identified “Improve efficiencies in aquaculture permitting” as the number one goal, and stated:

“The regulatory framework for aquaculture is complex, involving multiple jurisdictions, laws, regulations, and agencies that aim to protect public health, conserve environmental resources, and regulate commerce. These laws and regulations were enacted to serve important public purposes. However, the multiple Federal and State approvals required to farm seafood create time-consuming and costly processes and an unclear operating environment for aquaculture businesses”.

The proposed enhancements to the Coastal Resources Management Council

aquaculture application process, as discussed during the Bay SAMP Aquaculture Element Working Group Meeting, clearly run contrary to the spirit of both the National Aquaculture Act of 1980 and the recommendations of the Regulatory Efficiency Task Force, not to mention the RI Legislative Commission on Aquaculture, whose charge it was in 1995 to streamline the aquaculture hearing process, create a coordinated application process, and study the opportunities and constraints of aquaculture in the Ocean State.

The existing, long-standing CRMC aquaculture application process is thorough and highly detailed, offering numerous opportunities for public comment, and subjecting applicants to multiple public hearings. Acknowledging the significance of leasing public property to an individual for commercial purposes, it is imperative that this process should not be treated lightly as a function of the State, but it is important that it be treated as a function of the State. This obligation should not be delegated in whole or in part to municipalities or their committees, people who have opinions and often vested interest as waterfront property owners – but little or no expertise in aquaculture. As the lead regulatory agency for marine aquaculture in Rhode Island, it is Coastal Resources Management Council, not municipalities, which is responsible for assuring the coastal waters of Rhode Island are managed in the best interest of the entire state. The coastal waters adjoining a town belong to the State of Rhode Island–they do not belong to the town.

By implementing the proposed changes to the application process, CRMC will be modifying a process which is not broken, adding numerous unnecessary layers of bureaucracy. The requirement of the applicant to hold a “Scoping Session” is duplicitous, and simply reiterates the purpose of the Preliminary Determination Meeting, in the absence of CRMC coordination. It is an unrealistic expectation to require an applicant to coordinate this type of meeting and will be an opportunity for “mob rule”, rather than garnering information. It is interesting to note that a waterfront property owner who wishes to apply for CRMC assent to install a dock extending into state water (and benefitting only the property owner), has only a single application to submit, with no preliminary determination, and no scoping session.

Additionally, perhaps the biggest impediment to marine aquaculture nationwide has been the objections of coastal property owners – often the most wealthy, typically engaging legal counsel, and perpetuating legal formalities until the applicant withdraws their application. In areas like the East Bay, this is especially troubling, as coastal properties are being purchased at exorbitant prices by people from other regions of the country, and “boxing out” generations of people who have grown up in these towns.

Notification to coastal property owners within 500 feet of proposed aquaculture site boundaries assures that the most wealthy will have a disproportionately amplified voice in the placement of shellfish aquaculture sites. The view of the ocean belongs no more to a waterfront property owner than it does to any other Rhode Island resident. Once again, the coastal waters adjoining a town belong to the State of Rhode Island – they do not belong to the town, and certainly not the waterfront property owner. Affording this emphatic voice to the elite all but assures that future aquaculture development in Rhode Island will be negligible or non-existent.

I call on Coastal Resources Management Council to stand strong, be proud to carry out the tenet of the National Aquaculture Act, and “encourage the development of aquaculture in the United States”. Leave the CRMC aquaculture application process intact, and don’t offer undue deference to the whims of a fortunate few.

Sincerely,

John F. Bowen

Little Compton

January 4, 2022 – Garber

Dear Mr. Willis,

I appreciate the opportunity to give CRMC comments on aquaculture reform. I am grateful that CRMC has paid attention to the public outcry pertaining to the inadequate community notice regarding aquaculture applications. I commend CRMC for the beginning efforts to remedy the situation. Below are a few thoughts:

- *Given CRMC’s recognition of the unsatisfactory notification procedure, I strongly believe that all aquaculture applications that are in process be halted until the notification process has been corrected with opportunity for the stakeholders and other community members to have input.* It would be an outrage to make decisions before rectifying CRMC’s faulty notification. I do realize that aquaculture applicants have waited, but for all intents and purposes these aquafarm installations are permanent and the public deserves its input. There is, after all, the public interest which CRMC is required to consider.\
- *The proposed 500 feet is woefully inadequate* to get meaningful input from those in proximity of any proposed aquaculture farm. The activities of maintaining an aquaculture farm could easily impact those at least twice that distance.

(Some members of the community who have expertise in this matter have addressed CRMC at length on this issue during this comment period).

- I believe that *CRMC mission should prioritize what is the greatest good for the majority of state residents – not a few for-profit, commercial interests*. RI benefits recreationally with resulting economic benefit from opportunities provided by RI's coastline and waters. This consideration needs to be balanced with aquaculture expansion. Whereas various bivalves provide delicacy food for the gut, spending time taking in the natural beauty of RI's coastline provides food for the soul – not to mention substantial funds for the state.

Thank you for your time and consideration,

Patricia Garber
