



Rhode Island Sea Grant FACT SHEET

The Permitting Process: Land-Based Aquaculture

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by Barry Houle

There are relatively few inshore aquaculture businesses in Rhode Island, although the potential is there. Candidates for inshore culture include trout, summer flounder, koi, and other species that may be grown out in land-based recirculation operations.

Potential markets for cultured fish include fish for human consumption and for fee-fishing, ornamental fishes, and other niche markets that an enterprising person can supply. This fact sheet is meant to help in the sometimes lengthy process of permitting for inshore recirculation systems.

Many towns may have ordinances dealing directly with aquaculture, as well as requirements for special permits or variances.

With the passing of House Bill 8276, An Aquaculture Act, by the Rhode Island General Assembly in 1996, the lead agency

for inshore operations changed from the Department of Environmental Management (DEM) to the Coastal Resources Management Council (CRMC). CRMC publishes a "red book" outlining regulations and activities that are under the council's control. Several sections of this book are important to the inshore aquaculturist.

Section 100.1

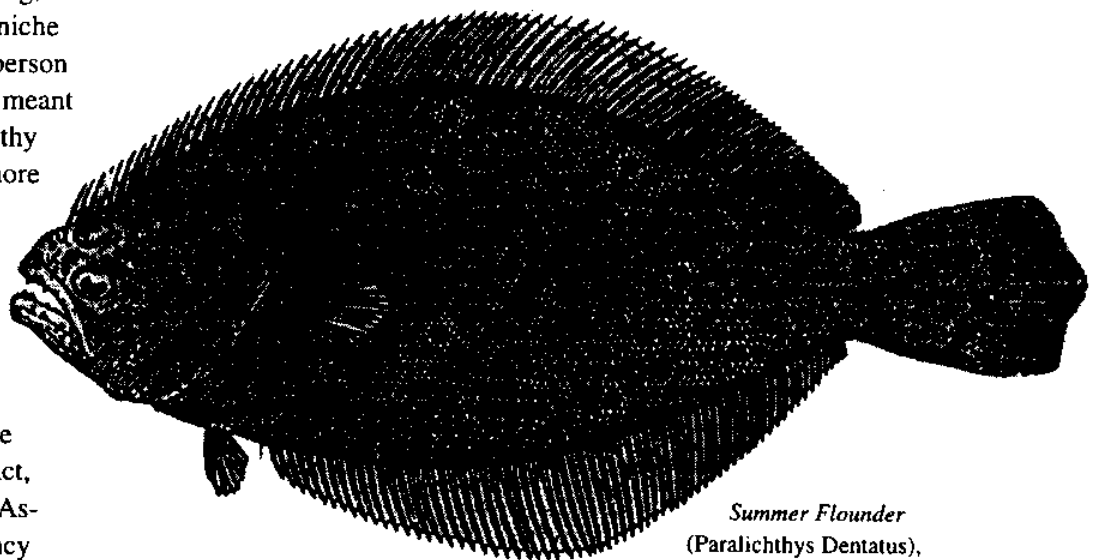
Section 100.1 covers activities that are regulated by the CRMC.

Section 110.2

Section 110.2 categorizes aquaculture as a "B" activity. "B" activities include projects such as beach nourishment and dredge material disposal as well as aquaculture in tidal waters. This section also notes that a public hearing and written responses to section 300.1 are required for approval of aquaculture leases.

Section 300.1

Section 300.1 lists requirements that "B" activities must



Summer Flounder
(*Paralichthys Dentatus*),
or Fluke

adhere to. These include demonstrating that there is a need for the project, that local zoning ordinances are met, that the project won't significantly affect public access, and that there will be no significant deterioration of water quality.

Section 160

Section 160 outlines the fee schedule for permits for all CRMC projects, including aquaculture.

Section 300.11

Section 300.11 states CRMC's policies, prerequisites, standards, and requirements for the aquaculturist. It designates onshore aquaculture as a commercial activity under Section 300.3.

CRMC has a checklist of requirements the aquaculturist must meet in order to obtain council assent for an aquaculture operation. The council also requires public hearings to allow interested individuals to speak for or against a proposed project. In addition, CRMC makes an experimental aquaculture application available.

The Department of Environmental Management still plays a vital role in the onshore permitting process. DEM defines aquaculture as an agricultural practice and requires a farm pond permit if any ponds will be used in the system. A freshwater wetlands permit is also required. The Division of Fish and Wildlife requires a special aquaculture permit. This agency reviews or permits disease-free stocks, exotic species, and genetically altered species. The Division of Water Resources requires a

Rhode Island Pollutant Discharge Elimination System (RIPDES) permit that takes the place of the National Pollutant Discharge Elimination permit from the Environmental Protection Agency.

The Army Corps of Engineers (ACOE) is the lead federal agency. The ACOE regulates activities in wetlands and oversees work in navigable waters. This agency coordinates with the U.S. Fish and Wildlife Service, and ACOE requirements include those of the USFWS. The ACOE takes into consideration effects of recreation, water quality, and aesthetics, for example, and requires public hearings on requests under consideration. CRMC and ACOE are working together to develop a programmatic general permit. This will be a state permit and will cover ACOE requirements without that agency's direct involvement.


Onshore aquaculture permitting is relatively new to this state and can be confusing. Applicants should submit applications concurrently to the various agencies to speed the permitting process. For more information, refer to Sea Grant Publication No. 2971, *Planning an Aquaculture Business in Rhode Island: Getting Started*.

FOR YOUR REFERENCE

Rice, Michael A., and Arthur R. Ganz. 1995. *Planning an Aquaculture Business in Rhode Island: Getting Started*. Rhode Island Sea Grant Publication No. RIU-H-94-003 (P1389), Rhode Island Cooperative Extension Publication No. 2971. Narragansett, R.I.

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