



# Rhode Island Sea Grant FACT SHEET

## Permitting for Shellfish Aquaculture

**P1465**  
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by Barry Houle

Aquaculture is recognized as a means of satisfying the growing demand for finfish and shellfish products. Shellfish aquaculture has a long history in Rhode Island. Historically, the industry was based in Narragansett Bay. Today's fledgling industry is concentrated in the salt ponds. For someone getting started in the business, the early permitting process can be confusing and time-consuming. This fact sheet is meant to help streamline the process of finding relevant agencies and obtaining permits for culturing shellfish.

Normally, permits must be obtained at the local, state, and federal levels. Local permits must be obtained if any part of the business will be land-based. This land-based part could be a packing or shipping facility. There

may also be specific ordinances for aquaculture.

At the state level, there are two main agencies to deal with, the Department of Environmental Management (DEM) and the Coastal Resources Management Council (CRMC). CRMC is the state's lead agency for aquaculture permitting. CRMC publishes a management plan often referred to as the "red book." Within this book are several sections that are important to aquaculturists.

### Section 100.1

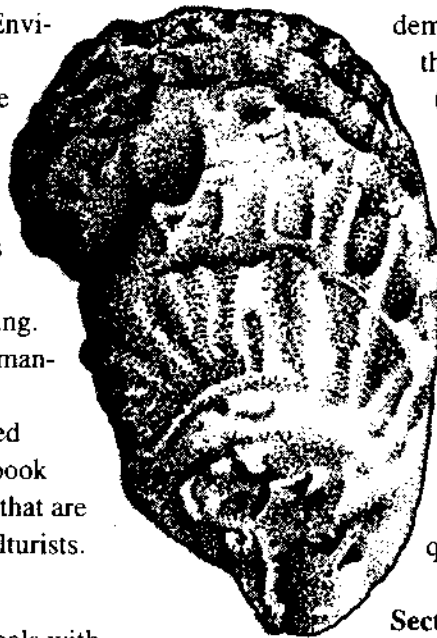
Section 100.1 deals with activities that are regulated by the CRMC.

### Section 110.2

Section 110.2 categorizes aquaculture as a "B" activity. "B" activities include recreational moorings and projects such as 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 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.

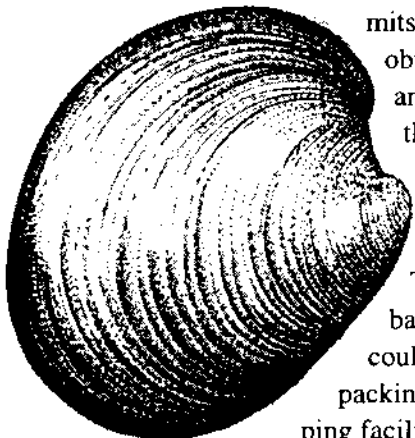


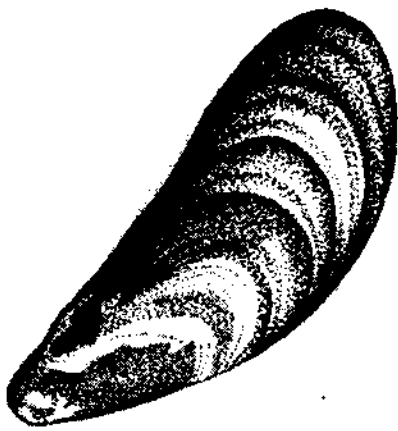
### Section 160

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

### Section 200.4

Section 200.4 deals with multi-purpose waters, stipulating that a proposed project not interfere with other coastal activities. This section mentions aquaculture in particular, indicating that an approved lease should have no impact on existing fisheries.





### Section 300.11

Section 300.11 states the CRMC policies, standards, prerequisites, and requirements for the aquaculturist. It should be noted that this section gives property rights of all cultured species to the lessee.

CRMC has a checklist of requirements the aquaculturist must meet in order to obtain assent from the council 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 experimental application requires a statement about the project, location maps, and site and gear details.

Another aspect of CRMC permitting is a Rhode Island Marine Fisheries Council process to determine the competition, if any, imposed on the existing fishery by a proposed project.

Under DEM, several divisions handle matters related to aquaculture. The Division of Fish and Wildlife grants a scientific collector's permit that is needed for pilot studies. This division also deals with disease-free certification and exotic species permitting. The special aquaculture permit must also be obtained from this agency.

The Division of Water Resources plays a role in testing of water quality and the detection of pollutants such as Paralytic Shellfish Poisoning (PSP). If there will be an effluent stream, a Rhode Island Pollutant Discharge Elimination System (RIPDES) permit must also be obtained. This is usually not required with shellfish grow-out.

The Rhode Island Department of Health also tests for PSP and requires a certified shipper's license if cultured shellfish will be shipped out of state. Other states may also require a license.

On the federal level, the Army Corps of Engineers (ACOE) is the lead agency. The ACOE coordinates with the U.S. Fish and Wildlife Service, National Marine Fisheries Service (NMFS), and the Environmental Protection Agency (EPA). The EPA may be bypassed in some cases, since the RIPDES permit takes the place of the EPA-required permit.

Along with the ACOE permitting process comes a public hearing. The ACOE specifically deals with fixed, submerged, or floating structures in navigable waters. The agency also oversees dredging and the placement of that material. Most shellfish projects do not require dredging before production. Some of the most important things that the ACOE looks at are the impacts, if any, a shellfish project would have on recreation, water quality, and aesthetics. ACOE and CRMC are working to develop a general application that will streamline the permitting process by offering multiple permits through one application.

Finally, the aquaculturist may need to contact the U.S. Coast Guard for guidelines for marking cages—with buoy markers, for example.

Completion of all permits the first time around is critical to success in the permitting process. All details, no matter how small, should be included in the permit application. Fee payments, if needed, should accompany the application. Applications submitted without the proper fees are normally not processed. Applying for all permits concurrently is suggested because of the sometimes lengthy processing time.

For more information, refer to Sea Grant Publication No. 2971, *Planning an Aquaculture Business in Rhode Island: Getting Started*.

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#### FOR YOUR REFERENCE

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