NEW ENGLAND
BACKCOUNTRY HUNTERS AND ANGLERS

April 12, 2023

To: Jamestown Harbor Commission C/O Joan Rich, Jamestown Harbor Clerk
Ben Goetsch, CRMC Aquaculture Coordinator, RI Coastal Resources Management Council (CRMC)

CC: Jeffrey Willis, Executive Director, RI CRMC
Terrence Gray, Director, RI Department of Environmental Management (DEM)
Jason McNamee, Deputy Director, RI DEM Bureau of Natural Resources
Philip Edwards, Chief, RI DEM Division of Fish and Wildlife

Re: BHA Opposition to Proposed Aquaculture Leases near Dutch Island
CRMC File No 2023-02-080 & 2023-02-078

Backcountry Hunters & Anglers (BHA) seeks to ensure North America's outdoor heritage of hunting and fishing in a natural setting. BHA's members recognize that our participation in, and the perpetuation of, our outdoor traditions requires on two things – access to places to hunt and fish, and abundant populations of fish and wildlife to pursue.

With these things in mind, BHA opposes aquaculture lease applications 2023-02-078 and 2023-02-080, located in waters adjacent to Dutch Island, and we **urge CRMC and the other Councils, Commissions, and Agencies that advise the aquaculture leasing process to recommend denial of these leases until environmental impacts are better understood and/or significant changes are made by the applicants.**

To be clear, BHA does not oppose aquaculture in general, and we acknowledge that appropriately sited aquaculture operations can deliver economic, ecological, and societal benefits to Rhode Island. However, we believe that both applications fail to adequately demonstrate that the proposed activities would not result in significant impacts to the abundance and diversity of animal life in the area, and that the proposed activities would not impact existing use of the area or result in conflicts with current users. While the "preferred alternative" location submitted for application 2023-02-078 through CRMC's Aquaculture Listserv on April 6th addresses some of BHA's concerns related to habitat immediately adjacent to Dutch Island, it still includes information associated with both proposed sites (original and preferred alternative) and fails to provide rationale beyond speculation regarding environmental and usage impacts to the proposed area.

Adverse Impacts to the Abundance and Diversity of Plant and Animal Life

Section 8 (5) of CRMC's Aquaculture Preliminary Determination Request Form requires applicants to "*demonstrate that the alteration or activity will not result in significant impacts on the abundance and diversity of plant and animal life*". Both applicants assert that they *"anticipate that the kelp operations will benefit surrounding habitats and should increase the diversity of animal and plant life",* but do not provide any data or examples to reinforce this assertion. Respectfully, we disagree and feel that the proposed activities could and likely will significantly impact the abundance and diversity of animal life in the area, and we will detail our concerns below.

Blue Mussels

According to *An Ecological Profile of the Narragansett Bay National Estuarine Research Reserve* [1] the waters surrounding Dutch Island are classified as "mussel bed" habitat (see Appendix 1). Specifically, "*Blue mussels (Mytilus edulis) are abundant intertidally, in shallows with hard substrates (French et al., 1992), and in two big commercial beds in the lower West Passage at depths of 12–18 m (40–60 feet) (S. Nixon, personal communication)"* (pg. 93). This habitat classification is also reflected in a 2018 GIS Layer published by URI's Coastal Resources Center entitled *"Sediment types and benthic habitat within Narragansett Bay*" (see Appendix 2).

As proposed, the aquaculture activities described in the original applications would occur almost entirely (see Appendix 3) within one of the few areas within Narragansett Bay that is geographically mapped as "mussel bed" habitat (i.e. one of the two prominent "commercial beds" mentioned in the NBNERR profile). Blue mussels are listed as "*species of greatest conservation need"* in RI's Wildlife Action Plan [2], likely due to habitat loss and/or disruption of their preferred habitat by development. Further, we doubt that the actual inhabitation or habitat value ends at the mapped line, and we feel an actual study of the area is needed to accurately evaluate the potential wildlife abundance impacts to the area before proceeding.

While the applicants have "*anticipated"* no detrimental effects from the proposed activities, we are concerned with the lack of real studies or evidence in the application to predict the impact of commercial kelp farming in the area. Practically speaking, we are also concerned that each proposal's annual placement and removal of 18 250-lb cement mooring weights will disturb wild shellfish at a rate that exceeds their ability to repopulate areas of disruption.

Sea Ducks

There are currently several species of sea ducks listed as "*species of greatest conservation need"* in RI's Wildlife Action Plan. On Page 9 of Chapter 1, the Plan states that *"In 2009, the North American Bird Conservation Initiative identified threats to wintering habitats as one possible reason for the population declines of several species of sea ducks".* Potential threats are further outlined in the Journal of Fish and Wildlife Management[3], stating that *"Along the U.S. Atlantic coast, an important sea duck wintering area, energy production (e.g., proposed wind farms), coastal development, sand mining, shipping, and aquaculture all have the potential to alter sea duck habitats and affect migrating and wintering birds."*

Of prominent concerns to BHA's members, species such as Common Eider[4], Black Scoter[5], White-winged Scoter[6], and Surf Scoter[7] rely on access to mussel beds as a primary food source during winter months. Further, some species of sea ducks exhibit high fidelity to specific wintering areas[8], so disturbing the

[1] Narragansett Bay National Estuarine Research Reserve. 2009. An Ecological Profile of the Narragansett Bay National Estuarine Research Reserve. K.B. Raposa and M.L. Schwartz (eds.), Rhode Island Sea Grant, Narragansett, R.I. 176pp
[2] Rhode Island Department of Environmental Management Division of Fish and Wildlife, Rhode Island Chapter of The Nature Conservancy. 2015. Rhode Island Wildlife Action Plan.
[3] Journal of Fish and Wildlife Management, 2013 4 (1): 178–198. "Wintering Sea Duck Distribution Along the Atlantic Coast of the United States". Silverman, E.D. et. al.
[4] Sea Duck Joint Venture Information Series – Common Eider - seaduckjv.org
[5] Sea Duck Joint Venture Information Series – Black Scoter - seaduckjv.org
[6] Sea Duck Joint Venture Information Series – White-winged Scoter - seaduckjv.org
[7] Sea Duck Joint Venture Information Series – Surf Scoter -seaduckjv.org
[8] Journal of Fish and Wildlife Management, Volume 81, Issue 7. 2017. "Habitat use and movements of common eiders wintering in southern New England. Beuth, J.M. et. al.

availability of priority forage and access to it presents an acute disruption to the ducks that winter annually in the waters surrounding Dutch Island.

While the applications have *anticipated* no detrimental effects from the proposed activities, we are concerned with the lack of real studies or evidence to predict the impact of commercial kelp farming on sea ducks. Practically speaking, the activities proposed are likely to have a detrimental effect on the abundance of sea ducks that winter adjacent to Dutch Island because activities will both disrupt a primary food source (as described above), and obfuscate access to approximately ten acres each of already limited primary habitat by installing ropes, suspended vegetation, floats, and moorings during the time of year that the area is used by wintering ducks.

Adverse Impacts to Current Use

Sections 8 (6) of CRMC's Aquaculture Preliminary Request Form requires applicants to "*demonstrate that the alteration will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters and/or the shore"*. Additionally, Section 8 (10) requires applicants to "*demonstrate that the alteration or activity will not result in significant conflicts with water-dependent uses and activities such as recreational boating, fishing, swimming, navigation and commerce".* Each application asserts that no conflicts are anticipated because the proposed areas are several hundred feet from shore and occupied only during the winter months. Respectfully, we disagree with the application's assertion that the proposed activities will not unreasonably interfere with current use of the area, and that the proposed activities will not result in significant conflicts, and will detail our concerns below.

Seasonal Use

While the applicants are correct that some uses of the coastal waters in question, like recreational and commercial fishing, boating, etc. are reduced during the winter months we are concerned that the proposed activities occur almost entirely within the open hunting season for sea ducks. Currently, the largest portion of RI's waterfowl hunting season, which includes species such as Common Eider, Black Scoter, White-winged Scoter, and Surf Scoter, occurs from approximately Thanksgiving through the end of January. In simple terms – the only time of year that hunters *can* use the coastal waters of the state to pursue waterfowl is within the proposed timeframe of lease application.

Usage of Location

The abundant priority forage under the waters surrounding Dutch Island attracts relatively high concentrations of sea ducks. Subsequently, the area is popular with waterfowl hunters because it is more effective to hunt where the pursued species is attracted to natural feed than trying to lure them to other areas using decoys and calls. Unlike other species of waterfowl that prefer shallow water and the protection of the shore, sea ducks are large, robust, and prefer to spend their time on open water feeding, loafing and roosting. In this case, the mussel beds in the area of the proposed activities are precisely where waterfowl want to be, and where hunters prefer to set up. In addition to individual hunters, Rhode Island has several guiding businesses that operate by chartering hunting trips to pursue Common Eider, Black Scoter, White-winged Scoter, and Surf Scoter the vicinity of the applications.

The waters around Dutch Island are also popular with waterfowl hunters because they are relatively remote compared to other areas in Narragansett Bay. Many of the other large mussel beds are effectively closed to hunting because of their proximity to development, or present potential conflicts with hunting because of their relatively close proximity to other activities. Because Dutch Island is owned entirely by the Department of Environmental Management and is managed as a conservation area it is one of the last

places where hunters can pursue concentrations of sea ducks without concerns related to shooting near developed, populated areas.

Conflicts with Hunting Equipment

While shooting hours for waterfowl hunting run from 30 minutes prior to sunrise to sunset, most duck hunters choose to begin setting up their hunts well in advance of opening light so they can capitalize on ducks relocating to feed at dawn. As a result, most of the setup activities for a sea duck hunt occur under the darkness of night, and with minimal light so as not to disturb roosting birds.

A typical setup for sea duck hunting involves deploying several "long lines", each of which can extend over one hundred feet to position a dozen or more floating decoys between two bottom anchors. Hunters then wait in an anchored boat with a blind or hide for waterfowl to move into shooting range. When ducks are taken they are retrieved either by boat or by a swimming dog. Quick retrieves can be important, as downed sea ducks can be an easy meal for hungry seals. While sea ducks don't mind rough seas and heavy winds these things can complicate hunting setups and retrievals, and make maneuvering precisely around both marked and submerged obstacles difficult. When a hunt is concluded all equipment is removed from the area.

Typically, pot-to-bouy type obstructions don't present a significant navigational obstacle to sea duck hunters because the location of the submerged obstacle is relatively straightforward and can be avoided. We are concerned that navigating and anchoring in close proximity to thousands of feet of submerged heavy rope that extends dozens or hundreds of feet laterally, sometimes across currents and prevailing winds, from marking buoys presents an unreasonable obstruction to sea duck hunters using the area. Many might choose to simply stop using the area rather than risk damaging or losing their equipment if it becomes entangled in aquaculture gear. It is unclear how entanglements that result in damage might be resolved if sea duck hunters engaging in legal hunting activities, in an area they have used for generations, damage either their own gear or aquaculture gear if they become entangled. It is unreasonable to expect sea duck hunters to enter the water to untangle anchor and decoy lines during the winter months, and in some situations the only reasonable option might be to cut lines to separate entanglements.

Respectfully, we do not feel that applications 2023-02-078 and 2023-02-080 adequately address the concerns that BHA has raised with regard to wildlife impacts and conflicts with current use of the area. Further, we are not confident that modification to the terms of the application short of conducting environmental impact studies and/or relocating the proposed area of activities entirely has the potential to address our concerns. As a result, we **urge CRMC and the other Councils, Commissions, and Agencies that advise the aquaculture leasing process to recommend denial of lease applications 2023-02-078 and 2023-02-080 until impacts are better understood and/or significant changes are made by the applicants.**

Sincerely,

Michael Woods
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Rhode Island State Leadership Team Chair
New England Chapter Board
Backcountry Hunters and Anglers

Appendix 1: An Ecological Profile of the Narragansett Bay National Estuarine Research Reserve

from Chapter 8: Estuarine Habitats of Narragansett Bay, pg. 90

http://nbnerr.org/wp-content/uploads/2016/12/Ecol-Profile-CH08-Estuarine-Habitats.pdf

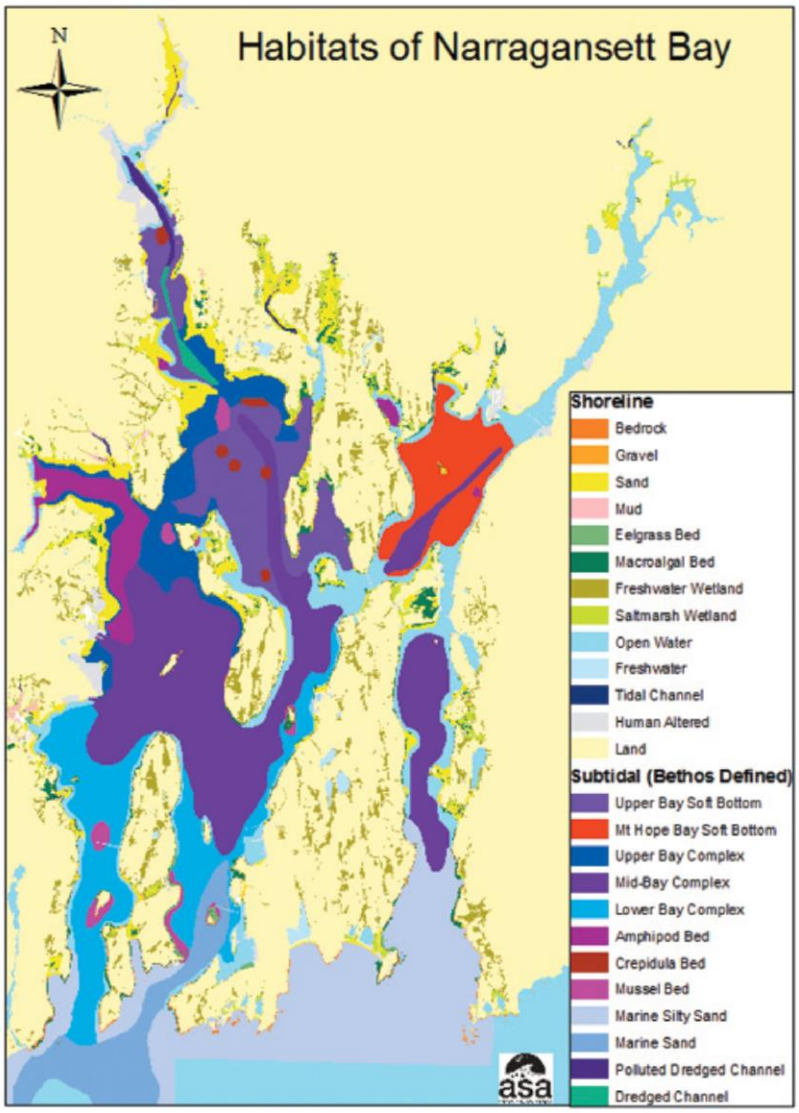
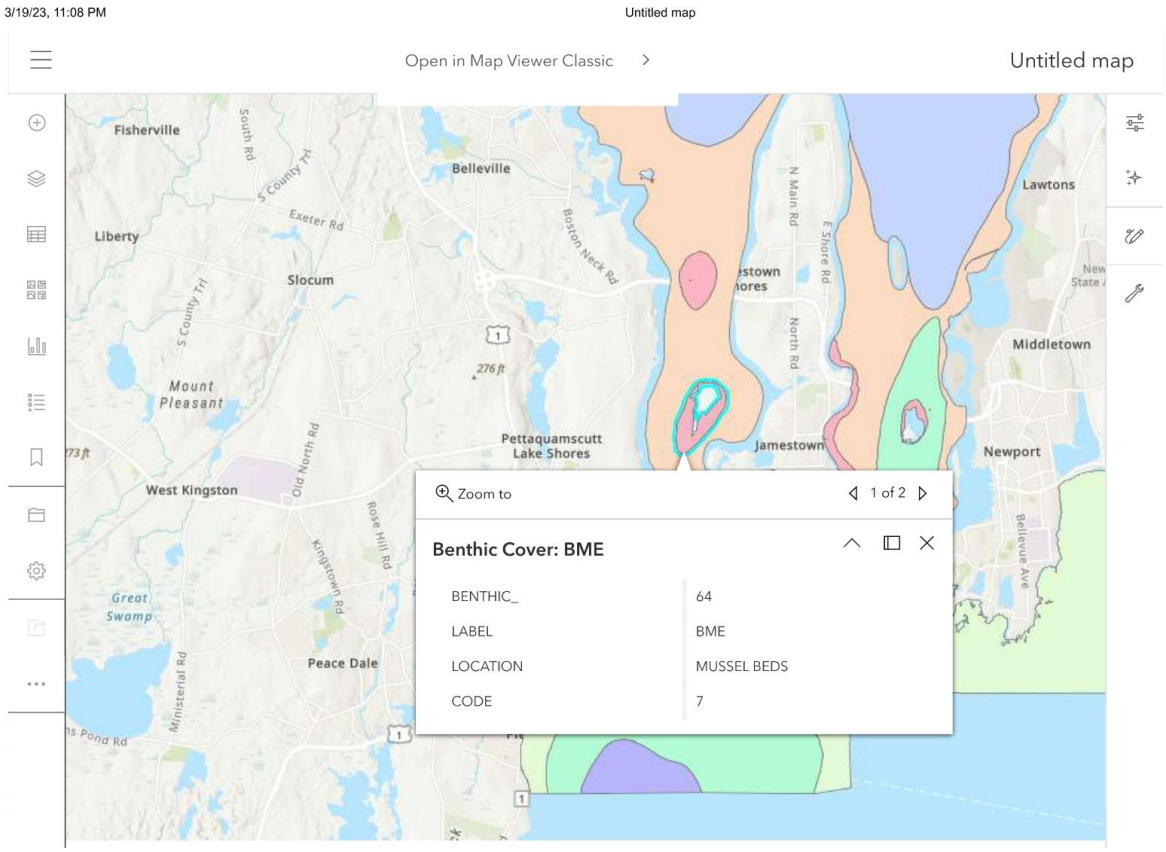


Figure 8.1. Estuarine habitats of Narragansett Bay. *Source: French et al., 1992. Image courtesy Applied Science Associates.*

Appendix 2: URI CRC GIS Layer: Sediment types and benthic habitat within Narragansett Bay (2018)

https://www.arcgis.com/home/item.html?id=98f5c7d76e6843089f9e04edff07e9d6



Appendix 3: Approximate Lease Locations on URI CRC GIS Layer

- *Application GPS Coordinates for 2023-02-078 (Original)*
  - 41° 30.14’ N, 071° 24.41’ W
  - 41° 30.14’ N, 071° 24.35’ W
  - 41° 29.85’ N, 071° 24.37’ W
  - 41° 29.85’ N, 071° 24.43’ W
- *Application GPS Coordinates for 2023-02-078 (Preferred Alternative 4/6)*
  - 41° 30’ 56.7” N, 071° 23’ 48.3" W
  - 41° 30’ 58” N, 071° 23’ 45.3" W
  - 41° 30’ 42.2” N, 071° 23’ 37.6" W
  - 41° 30’ 41.1” N, 071° 23’ 40.5" W
- *Application GPS Coordinates for 2023-02-080*
  - 41° 30’ 10” N, 071° 23’ 42.8" W
  - 41° 30’ 8.6” N, 071° 23’ 40.3" W
  - 41° 29’ 56.4” N, 071° 23’ 56.1" W
  - 41° 29’ 57.9” N, 071° 23’ 58.7" W