



Birthright ruling spurs shock, worry in migrant communities

INSIDE, 2A

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'GHOST' REVIVAL

How restoring river herring would help heal the Blackstone

Alex Kuffner

Providence Journal USA TODAY NETWORK

LINCOLN — A great blue heron prowls the west bank of the Blackstone River. Spotted by kayakers, the bird takes flight, slow wingbeats carrying it up and over Lonsdale Marsh.

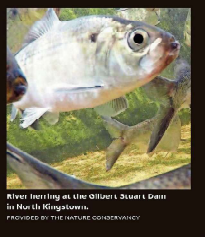
This is the place that supporters of a plan to restore fish passage on the lower Blackstone are working so hard for: migratory river herring to reach.

"It's why we're all here today," Stefanie Covino says on this May morning, her kayak bobbing in the sun-speckled waters of the river.

About two dozen people have piled into kayaks and canoes and paddled the half-mile stretch of river from Central Falls Landing to visit one of the largest freshwater wetlands in Rhode Island.

See BLACKSTONE, Page 9A

Kayakers on the Blackstone River take a tour of Lonsdale Marsh in May as part of the third annual "Fish Migration Parade" to drum up support for restoring fish passage on the river. ALEX KUFFNER/THE PROVIDENCE JOURNAL



River herring at Alex O'Brien's O'Brien Dam in North Kingstown. PROVIDED BY THE NATURE CONSERVANCY

POLITICAL SCENE

What RI lawmakers will study over break

Flooding, housing stock among issues to review

Katherine Urepp
Providence Journal
USA TODAY NETWORK

PROVIDENCE — Unable to settle all the problems facing Rhode Island before they closed up shop in the early morning hours of June 21, state lawmakers created five new study commissions.

- In the offseason, they plan to study:
 - Pawtuxet River flooding
 - Progress made since the 2021 passage of the Act on Climate
 - The out-of-reach cost of fixing Rhode Island's aging housing stock
 - The education of children in state care or custody
 - The next steps required to return Central Falls schools to the city's control

In all, they created three new House commissions, one Senate commission and a joint commission with appointees by leaders of both chambers.

Will any of them make any head way? Or will they simply give cover to lawmakers reluctant to definitively say "yes" or "no" in proposals that are, in State House lingo, NGN — not going nowhere.

Case in point? The "Bottle Bill." By now, anyone who thinks Rhode Island is long overdue for a bottle-deposit law — akin to the laws in place in 10 other states, including Maine, Massachusetts, Connecticut and Vermont — has already heard the news: Not this year. Or next year.

On the heels of a six-month study, the "bottle bill" has once again been consigned to a study of what the law study commission may have possibly missed, with a report due Dec. 30, 2026.

See POLITICAL SCENE, Page 5A

RI judge upholds life sentence in carjacking murders

Katie Mulvaney

Providence Journal
USA TODAY NETWORK

A Superior Court judge has rejected Kenneth L. Day's request for relief from the life-without-parole sentence he is serving for the carjacking murders of Amy Ghute and Jason Durgesen in June

2000.

Judge Melissa Durigan rejected as self-serving and untruthful 46-year-old Day's testimony challenging the representation of his lawyer, the late Joseph L. DeCaporale Jr., as ineffective and his co-defendants' accounts about his role in the killings as "lies."

"This court, after presiding at the

hearing on Feb. 6, 2023 and a careful review of the hearing transcript, finds as a fact that the testimony of ... Kenneth Day was consistently self-serving, disingenuous, and untruthful," Durigan said. "Throughout the hearing, he acknowledged no responsibility whatsoever in any of the activities that led to the tragic and senseless killings of Ja

son and Amy on June 9, 2000. He did not acknowledge one aspect of this case as being his responsibility. A person seeking post-conviction relief must prove by a preponderance of the evidence, that such relief is warranted."

See SENTENCE, Page 6A

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Blackstone

Continued from Page 1A

If a series of projects to bypass the first four dams on the river is completed, leaving, as well as silt and debris, would be able to reach this spawning passage, a place that offers calm waters, shelter and food for their young.

The occasion is the third annual Fish Migration Parade, an event organized by the Blackstone Watershed Collaborative aimed at generating support for the fish passage plan.

Covino, executive director of the collaborative, sees the plan as a way of repeating the mistakes of the past. She says the filling in during the early 1900s of Little River, the channel around Pawtucket Falls that herring probably used to swim upstream, is emblematic of attitudes that prioritized industry over everything else.

"It was filled because industrialists argued it was more important to use the river for power than leave it for fishermen and other everyday folk," she says.

In the ensuing 250 years, the Blackstone was narrowed, channelized, dammed and polluted, all in the name of economic development.

Mill owners used the flow's uplands as dumps and its waters as they discharged a sewer into which they discharged cadmium, lead, arsenic and other toxins. Soap suds from the factories were known to rise as high as the bridges across the Blackstone. The river was said to change its color daily, depending on which dyes the mills were using.

By the middle of the last century, economic forces had shut down many of the Blackstone Valley's mills. But it wasn't until passage of the Clean Water Act in 1972 that the river started to come back to life. That same year, 30,000 volunteers worked together to pull hundreds of trees, tangled oars and even an old bus out of the river in what's believed to be the largest one-day environmental cleanup in the nation's history.

The improvements have continued, including here in Lonsdale Marsh, where a drive-in movie theater was torn down in 2005 and 25 acres of asphalt were removed to restore the original wetlands.

Waters that were once devoid of living things are now home to beavers, river otters, muskrats, snapping turtles and wading birds.

But still no river herring. Bruce Curless, director of the Blackstone River Watershed Council, grew up in Woonsocket and says the river has always been part of his life. In his native Woonsocket, the river is believed to be a relative, he says.

"It's not just a thing," Curless says. "It's a living, breathing part of who we are."

He believes that until migratory fish come back, the restoration of the river will be incomplete. While celebrating the progress so far, he says as much in a speech at the Fish Migration Parade, so does Nancy Brown-Garcia, chief deputy historical preservation officer for the Narragansett Indian Tribe.

"There are rivers all over the country that have been abused, but this one has been abused the longest," Brown-Garcia says. "I think it's time now for us to give it another try."

Why can't the dams just be removed?

But just as in the past, there are competing demands on the river as a source of energy.

Private companies have repurposed some of the centuries-old dams on the Blackstone to generate hydropower to help meet Rhode Island's renewable energy goals.

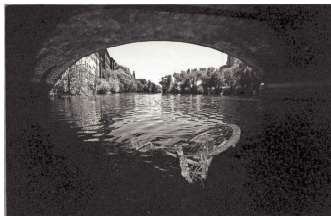
They are low-head dams that are anything like the towering structures on rivers elsewhere in the country, but though their capacities are small, they're able to produce power consistently and without pollution.

While removing dams is the most effective way to restore fish passage, the dams on the lower Blackstone aren't going anywhere.

The Slater Mill Dam is no longer in use, but it's protected as part of a national historical park. The dam at Pawtucket Falls isn't suitable for removal either. Taking it down wouldn't make it any easier for herring to get up the river. The Blackstone is much narrower than it used to be, and the natural falls across the present-day channel are too high for fish to swim up.

Gravity Hydro, the owner of the dam, satisfied the requirements of its federal license to cooperate on fish passage when it helped fund a previous, unrealized plan for a fish ladder at the falls.

Blackstone Hydro Associates — which operates the power plant at Valley Falls Dam, the final obstacle on the way to Lonsdale Marsh — is obligated by the Federal Energy Regulatory Commission to build a ladder if the earlier pieces of the fish passage plan fall into place. The company takes part in monthly



An undated Providence Journal file photo shows a discarded bicycle in the west-deep waters of the Blackstone River in the shadow of the Exchange Street Bridge in downtown Pawtucket, just north of the Slater Mill Dam.



The opening of the Slater Mill in Pawtucket in 1903 signaled the eventual demise of river herring and other migratory fish in the Blackstone River.

meetings on the plan with the state Department of Environmental Management and other groups.

It's at Elizabeth Webbing Mills Dam where things get more complicated. The DEM owns the dam and the related hydro system there and has no plans to start producing power again. In fact, the agency wants to lower the dam by 10 feet to slow the river's flow.

But a private company called One Drop Hydro wants to revive the operation over the DEM's objections and is working on an application that it plans to submit to the Federal Energy Regulatory Commission that, if approved, may grant it eminent domain rights. The company would build a nature-like fishway similar to what the DEM is planning, but alongside a new hydro facility, says manager Justin Bristol.

"It will be just as effective as the state's proposal," he argues. "And we would pay for it."

But Jason McNamee, deputy director of the DEM, believes the purported benefits of generating what he describes as a minimal amount of power would be outweighed by the potential drawbacks. The flow of water through the hydro plant's turbine could confuse fish and impede their progress upriver, he says. Other stakeholders, including federal fisheries experts, agree, according to McNamee.

How did we get here?

Talk of bringing migratory fish back to the Blackstone goes back at least to the early 1980s. In 1997, the U.S. Army Corps of Engineers released a plan to restore fish passage. Five years later, the Narragansett Bay Estuary Program issued another restoration plan. Five years after that, the DEM and other stakeholders came up with a design for two separate fish ladders around the main street and Slater Mill dams.

But after pulling the project out to bid, the contractor wants to come back higher than projected. Amid doubts about the effectiveness of building dual ladders so close together, the plan was dropped.

Stakeholders recommenced in 2019 to start work on the current plan. But it hasn't gone as smoothly as hoped either. The federal government turned down an application to fund the latest proposal last year.

The DEM submitted new applications this past spring for two different grants from the National Oceanic and Atmospheric Administration, and the Narragansett Indian Tribe has applied for a third, totaling \$10 million in funding. The state is also seeking another \$2 million from Congress.

The designs for the project are 60% complete, for enough along that the partners can start permitting if funding comes through. Construction could start a year from now, in August 2026, and be completed the following May. It's in time, perhaps, for the spring

counts of more than 10,000 herring a year since the construction of fish ladders a couple of decades ago.

It's probably the closest river to the Blackstone in Rhode Island in terms of past industrial use. Its waters aren't clean enough for swimming, but their quality has improved enough for river herring.

"There's no doubt," says McGee, "they're tough little fish."

If there's another model for the Blackstone, it's the Wood-Pawtucket. It, too, was heavily impacted by human development and it, too, has huge amounts of spawning habitat in its upper reaches. Since the final piece of a decades-long project to restore fish passage was completed in 2017, herring counts on the river have steadily risen to the highest on record.

The Blackstone, the second-largest source of freshwater in Narragansett Bay, has similar capacity.

"We're talking hundreds of thousands of fish, bigger than most of the systems we have in the state," McGee says. "The potential is huge."

Fish still want to return to the Blackstone

On a limp day in 1993, Rhode Island state biologists tracked 3,000 river herring from the Charles River near Boston and released them into the Blackstone River.

It was a test to see if the river was fit once again for herring. The fish not only survived, they spawned — the first time herring had done so in the Blackstone in more than a century.

In 2005 and again in 2012, the DEM brought more herring to the river from other parts of Rhode Island, as well as from Massachusetts and Connecticut, another 2,750 fish in all.

Each spring, their descendants return to the waters below Pawtucket Falls, obeying a primal signal that tells them the Blackstone is their parent home. Failing to succeed the first time may find nooks in the Seekonk River to spawn. Others may head downstream to the fish ladder at Omega Dam, the entrance to the Ten Mile River in East Providence.

They embody what conservation biologist John Waldman calls "ghost fishes," keystone species of fish whose absence has left voids in the natural world. The herring trying to reach the Blackstone are an annual reminder of the debilitated connection between the river and the Atlantic Ocean. What was once a two-way exchange of energy between fresh and saltwater systems now only flows in one direction.

When rain falls, it washes nitrogen, phosphorus and other nutrients from land into streams that flow into rivers that empty into oceans. These nutrients fuel the growth of microscopic plants known as phytoplankton that feed organisms such as krill, copepods and fish larvae that are in turn eaten by river herring.

In rivers free of manmade impediments, the return of spawning herring each spring carries huge amounts of nutrients back to the freshwater environments from which they originate. Through their bodily waste or by dying after spawning or getting picked off along the way by predators, migratory herring constitute a pulse of energy that sustains all manner of life.

"They complete a cycle that connects these rivers and estuaries with the Atlantic," says John Forgan, executive director of The Nature Conservancy in Rhode Island.

If the lower Blackstone plan goes ahead, it would knit this energy in the river to Lonsdale Marsh for the great blue herons, egrets, ospreys and other inhabitants of the watershed.

For supporters of the plan like Turigan, Covino, Curless, McNamee and many others, the impact would go beyond the ecological benefits. There's symbolic value, too, because of the legacy of abuse of the Blackstone and the river's geographic place, causing (though the least of) what's known as Rhode Island.

It's why the design for the fish channel around the Main Street and Slater Mill dams includes a viewing window for people to be able to catch a glimpse of the herring if and when they make their historic return.

"So people can see this amazing natural phenomenon occurring up here in what is the most densely populated place in the country," McNamee explains.

In his book "Running Silver," Waldman charts the rise and fall of America's river herring. He also maps out a possible future for these most essential of fish, one in which humans can right past wrongs and make them more than mere ghosts but vital parts once again of coastal ecosystems.

"But to muster the wherewithal, their fate need to matter," Waldman writes. "In so words, they need to pass from poorly remembered species to living essences in need of a fish chance."

migration of herring.

Coastwide declines in river herring numbers

The river herring fishery was once the largest on the Atlantic Coast.

But the damage wrought by dams was compounded by habitat degradation, pollution, overfishing and bycatch losses. Climate change is a more recent threat, with warming waters potentially throwing off the timing of migration.

The combined effect has been a dramatic depletion in herring numbers. Annual commercial landings of river herring collapsed from 157 million pounds in 1969 to a historic low of 1.4 million pounds in 1997, according to the Atlantic States Marine Fisheries Commission, a staggering drop of 99%.

The steep decline prompted a handful of states to ban harvests or severely curtail them. Rhode Island put a stop to all commercial and recreational taking of herring in 2006. The prohibition is still in place today, and there's no expectation that it will be lifted anytime soon, says Patrick McGee, principal fisheries biologist with the DEM.

The catchfalls may have helped to stabilize populations of herring, but there still hasn't been a sustained recovery in numbers.

Colonial records suggest that there were once 45 rivers and streams in Rhode Island with herring runs. Today, there are just 21. Numbers tend to fluctuate from year to year and river to river, but, just as in neighboring states, most runs in Rhode Island have been suffering lately.

Notquak Pond in Tiverton and Gilbert Stream in North Kingstown typically have the strongest runs in Rhode Island, with annual numbers at each site topping 800,000 fish from 2019 to 2024. But starting in 2022, estimates dipped to less than 20,000 at Notquak and about 5,000 at Gilbert Stream. Initial data for this year have been promising, but the counts aren't what they were.

It's hard to pinpoint why. Some experts argue that trawlers targeting other ocean-going species are inadvertently scooping up river herring. They point specifically to so-called midwater trawlers that gather Atlantic herring, a close relative of river herring that often school with them in the ocean. Groups have been trying for years to tighten restrictions on the trawlers.

There have been other attempts to strengthen protections for river herring. In 2010, the Natural Resources Defense Council petitioned federal authorities to list the fish under the Endangered Species Act, but voters successfully overturned that petition.

So recent efforts to revive herring populations have focused on fish passage. McGee says the projects have documented results. He points to the Wood-Pawtucket River, a historically polluted waterway in Providence that's had