



State of Rhode Island and Providence Plantations  
Coastal Resources Management Council  
Oliver H. Stedman Government Center  
4808 Tower Hill Road, Suite 3  
Wakefield, RI 02879-1900

(401) 783-3370  
Fax (401) 783-2069

## **PUBLIC NOTICE**

File Number: 2003-06-098

Date: March 25, 2020

This office has under consideration the modification of assent application of:

Christopher Warfel  
Sun Farm Oysters  
PO Box 871  
New Shoreham, RI 02807

to modify a State of Rhode Island Assent: by reconfiguring the current site in Trims Pond which includes diminishing the overall acreage by 0.61 acres and by using up to 462 bottom baskets on the south eastern portion of the farm. The remaining part of the farm will continue with floating bags.

Project Location:	Trims Pond
City/Town:	New Shoreham
Plat/Lot:	/
Waterway:	Trims Pond

Plans of the proposed work may be seen at the CRMC office in Wakefield.

In accordance with the Administrative Procedures Act (Chapter 42-35 of the Rhode Island General Laws) you may request a hearing on this matter.

You are advised that if you have good reason to enter protests against the proposed work it is your privilege to do so. It is expected that objectors will review the application and plans thoroughly, visit site of proposed work if necessary, to familiarize themselves with the conditions and cite what law or laws, if any, would in their opinion be violated by the work proposed.

If you desire to protest, you must attend the scheduled hearing and give sworn testimony. A notice of the time and place of such hearing will be furnished you as soon as possible after receipt of your request for hearing. If you desire to request a hearing, to receive consideration, it should be in writing (**with your correct mailing address, e-mail address and valid contact number**) and be received at this office on or before April 24, 2020.





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## REQUEST FOR ASSENT MODIFICATION

Assent/Permit Number: 2003-06-098<sup>(a)</sup> (including extensions) Expiration Date: 12/31/2023

Name of Assent Holder: Sun Farm Oysters, LLC

Location of Project: Trims Pond, Great Salt Pond, Block Island

City/Town: New Shoreham Plat: 20

Lot: 21

Name of Present Owner: Christopher Wardel

Mailing Address: PO Box 871

City/Town: Block Island State: RI

Zip: 02807

Phone Number: 401 466 8978 Contact Person: Christopher Wardel

Abutters:	5-150 John Casner POB 315 BIRI	5-170 Pam Casner POB 315 BIRI	5-153 John Casner POB 315 BIRI
	5-59 Red Cardinal POB 416 BIRI	5-60 Michael O'Brien POB 1312 BIRI	5-61-1 (1)
	5-61-2 Rosalie O'Brien POB 416 BIRI	5-62 Cliff Payne POB 616 RI	

I hereby certify that the names and addresses of adjacent property owners whose property adjoins the project site are accurate and current as of the date of application. If said names and addresses are found to be not accurate and/or current, any subsequent Assent may become Null and Void. Signed: \_\_\_\_\_

Describe the proposed modification(s): Movement of Northern boundary markers to use more logistically viable area; movement of remaining boundary markers to encompass better bottom for bottom culture, and return of approximately 26,500 sq<sup>2</sup> to the Public Domain

Reason: We are working towards more bottom culture & less floating culture especially for market/finch grow-out. We do not need all the current area that could be used for floating culture. Bottom returned is unsuitable for bottom culture

What state of construction is the project in: Awaiting approval.

① Philip O'Brien 189 Corey St West Roxbury, MA 02132

Owner's Signature: \_\_\_\_\_ 3/7/2020

Note: The applicant acknowledges by evidence of their signature that they have reviewed the Rhode Island Coastal Resources Management Program, and have, where possible adhered to the policies and standards of the program. The applicant also acknowledges by evidence of their signature that to the best of their knowledge the information contained in the application is true and valid. The filing of false information can result in the Coastal Resources Management Council revoking State Assent. Applicant requires that as a condition to the granting of this assent, members of the CRMC or its staff shall be access to the applicant's property to make on-site inspections to insure compliance with the assent. This application is made under oath and subject to penalties of perjury. 5/00

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*Request for Assent Modification, Assent 2003-06-098, in Trims Pond, Town of New Shoreham, Rhode Island*

*Sun Farm Oysters  
PO Box 871  
Block Island, RI 02807  
401-466-8978*

**SITE PLANS, OPERATIONAL PLAN, AND WRITTEN REQUIREMENTS of RICMP**

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## **I. IDENTIFICATION INFORMATION**

1. Sun Farm Oysters, LLC, PO Box 871, Block Island, RI 02807, Principal, Christopher Warfel
2. CRMC file number: 2003-06-098
3. DEM License Number: SHL00442
4. Type of Facility: Aquaculture Farm, oysters
5. Location of Facility, Great Salt Pond, Block Island (Town of New Shoreham), RI 02807, Lat/Long 41.18, -71.56
6. Type of Shellfish Grown: Eastern Oyster, *Crassostrea virginica*
7. Gear Type: please see Sections II and III.
8. Description of Methods for Site Identification  
Corner lease markers are used and will be labeled with reflective white letters on red background that will be attached to the buoys.
9. DEM Shellfish Harvesting Classification: Conditionally Approved
10. Description of Methods

Seed will be purchased from commercial nurseries and placed in small mesh floating culture in another area. During approximately 2 years of growth, these oysters will be sorted and placed in market baskets and bags and placed in this area for sale. They will be periodically inspected for cleaning. When this area is closed to harvesting, they will be transported to the open water Cormorant Cove lease. Oysters will be harvested from them as customer demand dictates.

### **11. Maintaining Records**

Seed purchasing is transacted by check to the seed facility. The seed facility is queried for a current disease certification on file with Rhode Island. Harvesting records are maintained on the harvest boat. The sales data and water temperature data are entered into the QuickBooks bill of sale. Sales data can be retrieved by running reports. Tagging is on all sales to commercial entities. The tags are compliant with Rhode Island requirements.

### **12. Maintaining Records- upwellers**

This section is not applicable to us.

### **13. Maintaining Records for using seed from prohibited waters:**

We do not believe that we receive any seed from prohibited waters.

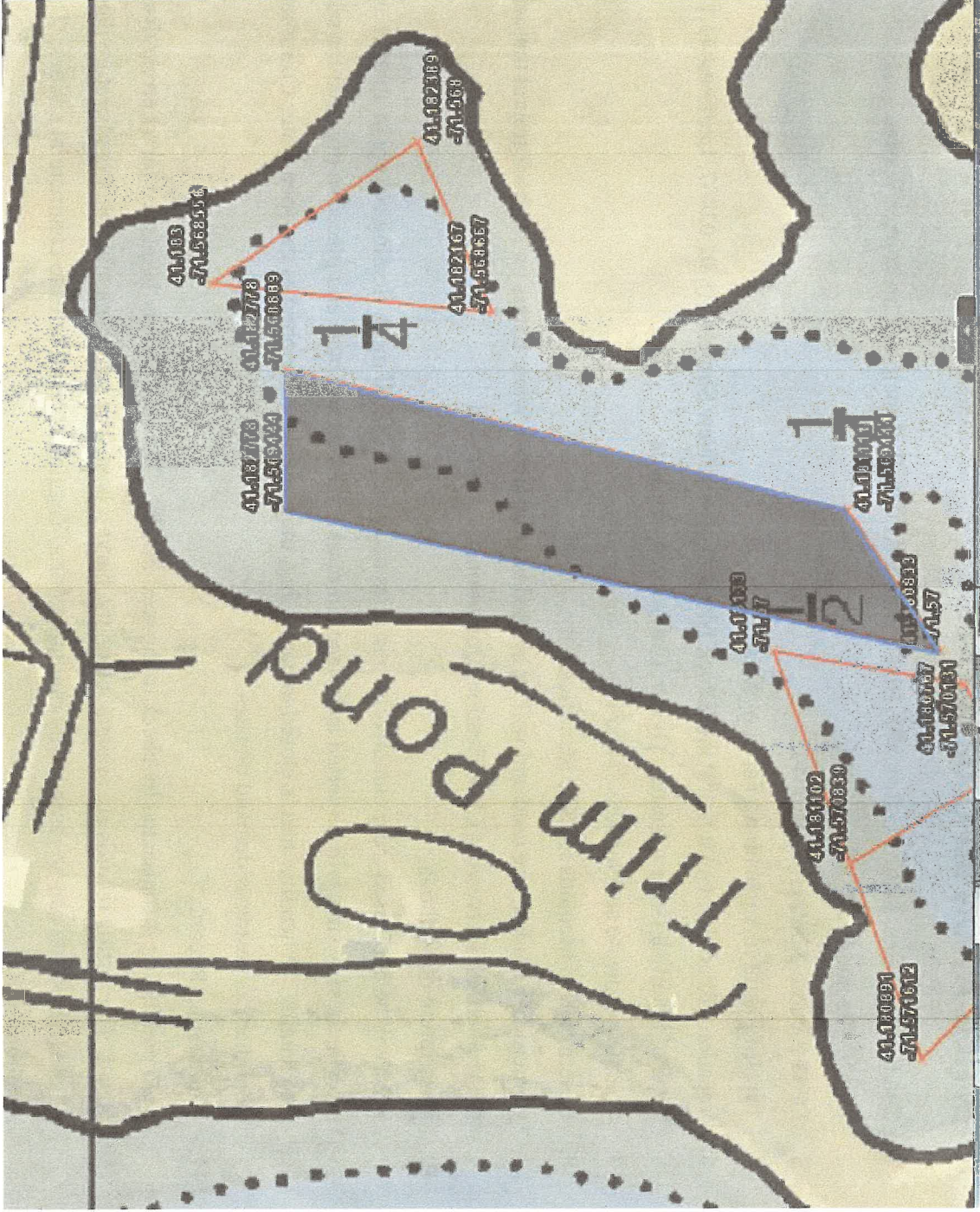




**II. BOUNDARY**

**A. Original Coordinates and Area**

The current assent consists of the boundaries that are shaded below and is 91,931 ft<sup>2</sup>:

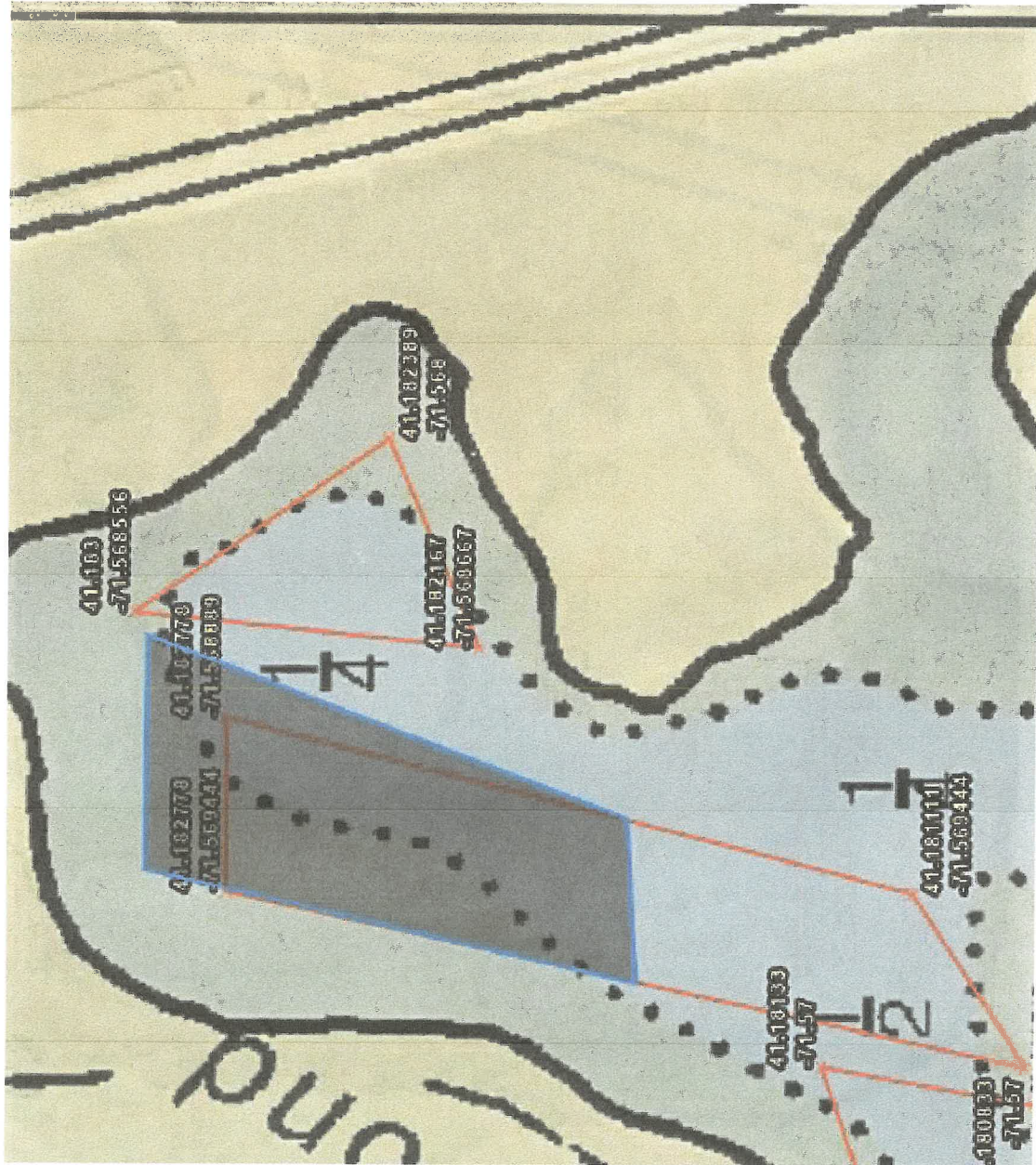




**B. Requested Coordinates and Area**

**1. For Existing Floating Culture**

NW 41.182996, NE 41.18294, SW 41.18187, SE 41.181853. The area is 74,421 ft<sup>2</sup>

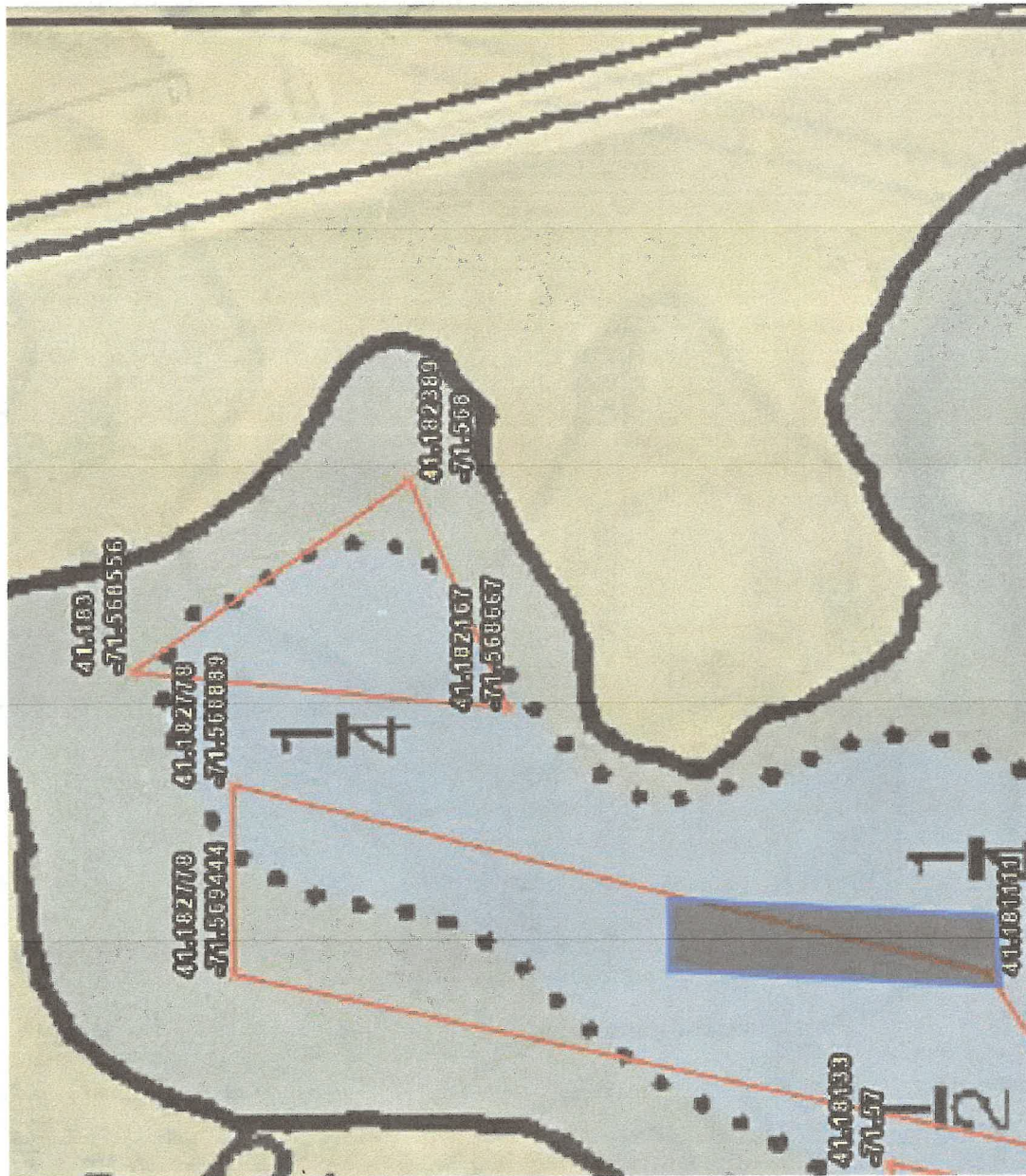


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## 2. For New Bottom Culture

NW 41.181881, NE 41.181877, SW 41.181161, SE 41.181146



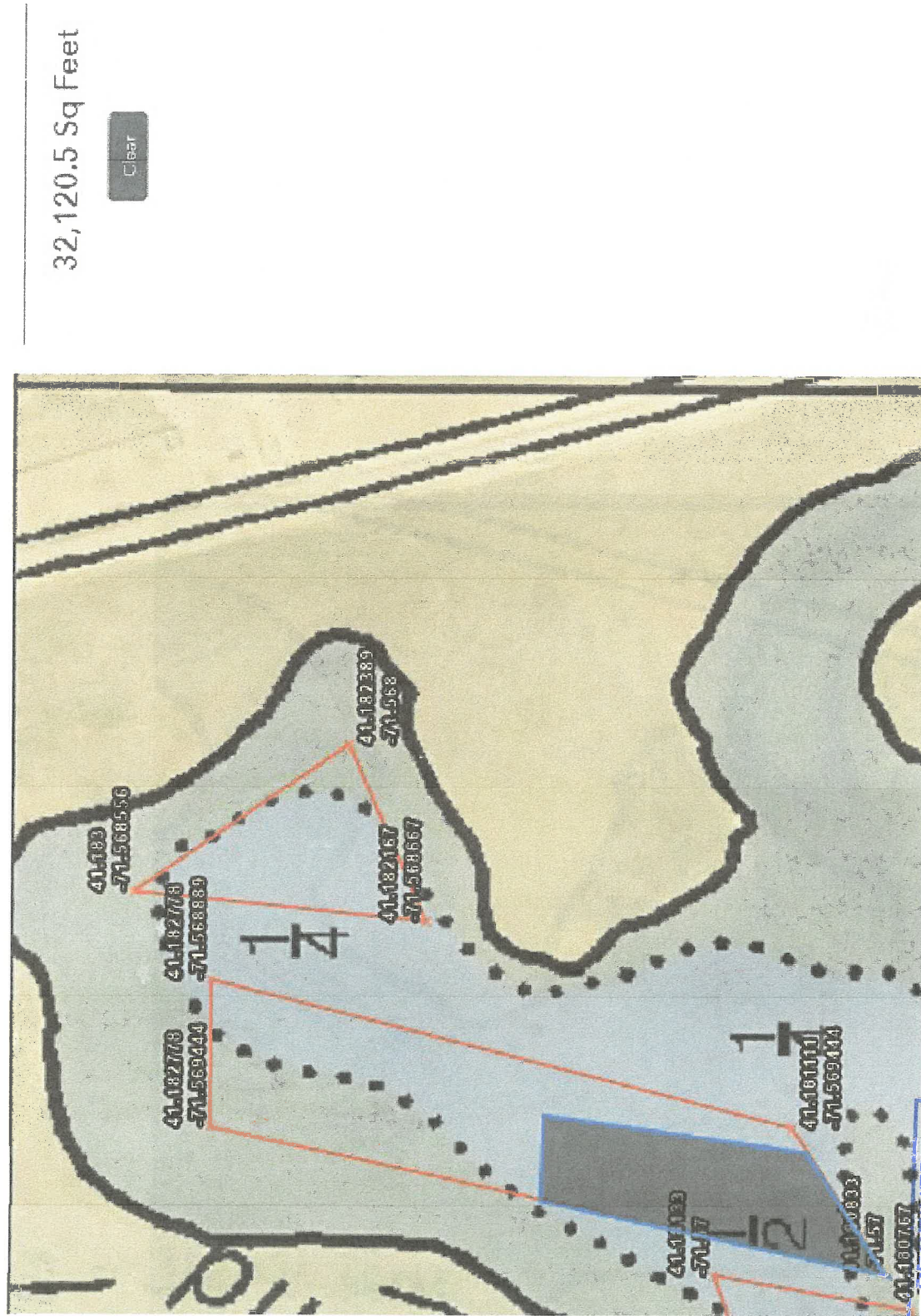
15,217.3 Sq Feet

Clear



### 3. Area to be Returned to the Public Domain

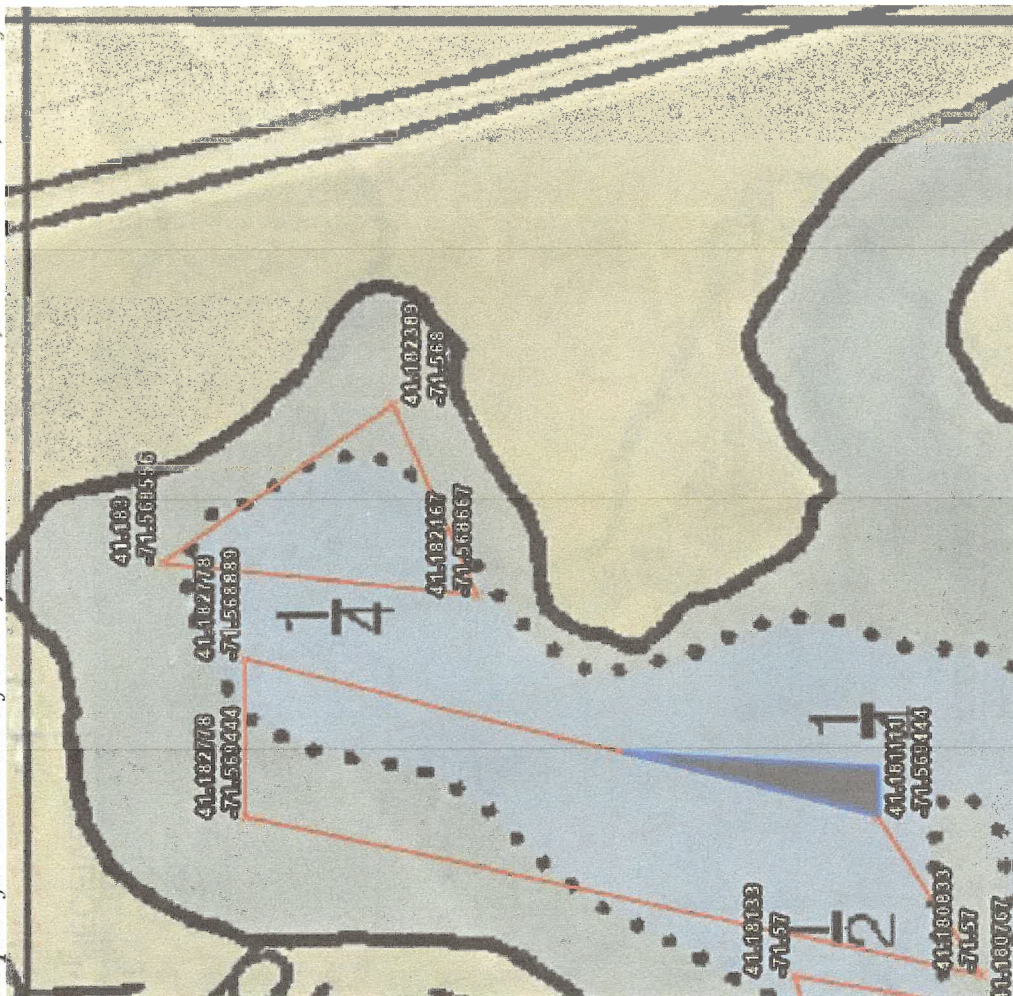
The area to be returned from the original floating culture lease is 32,120 ft<sup>2</sup>. Subtract out the area that is outside our original boundary that we are requesting for bottom culture, 5,631 ft<sup>2</sup>, the total area returned is 32,120-5,631 = 26,489 ft<sup>2</sup>:



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5,631.3 Sq Feet

Clear





SITE PHOTOS



VIEW OF SITE FROM SHORE LOOKING NORTH, NORTHWEST

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**VIEW OF SITE FROM SHORE LOOKING WEST**





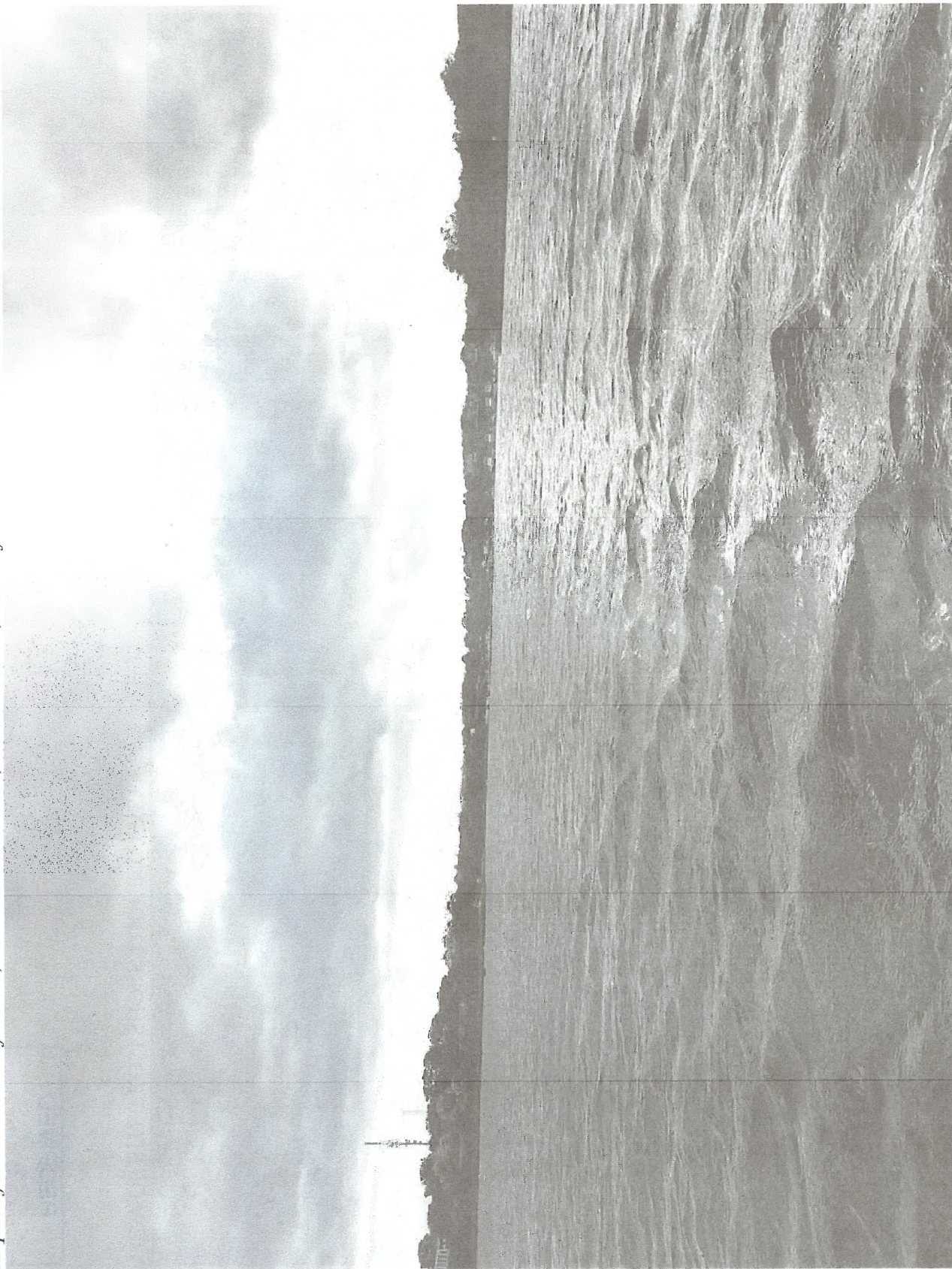
VIEW OF SITE FROM SHORE LOOKING EAST

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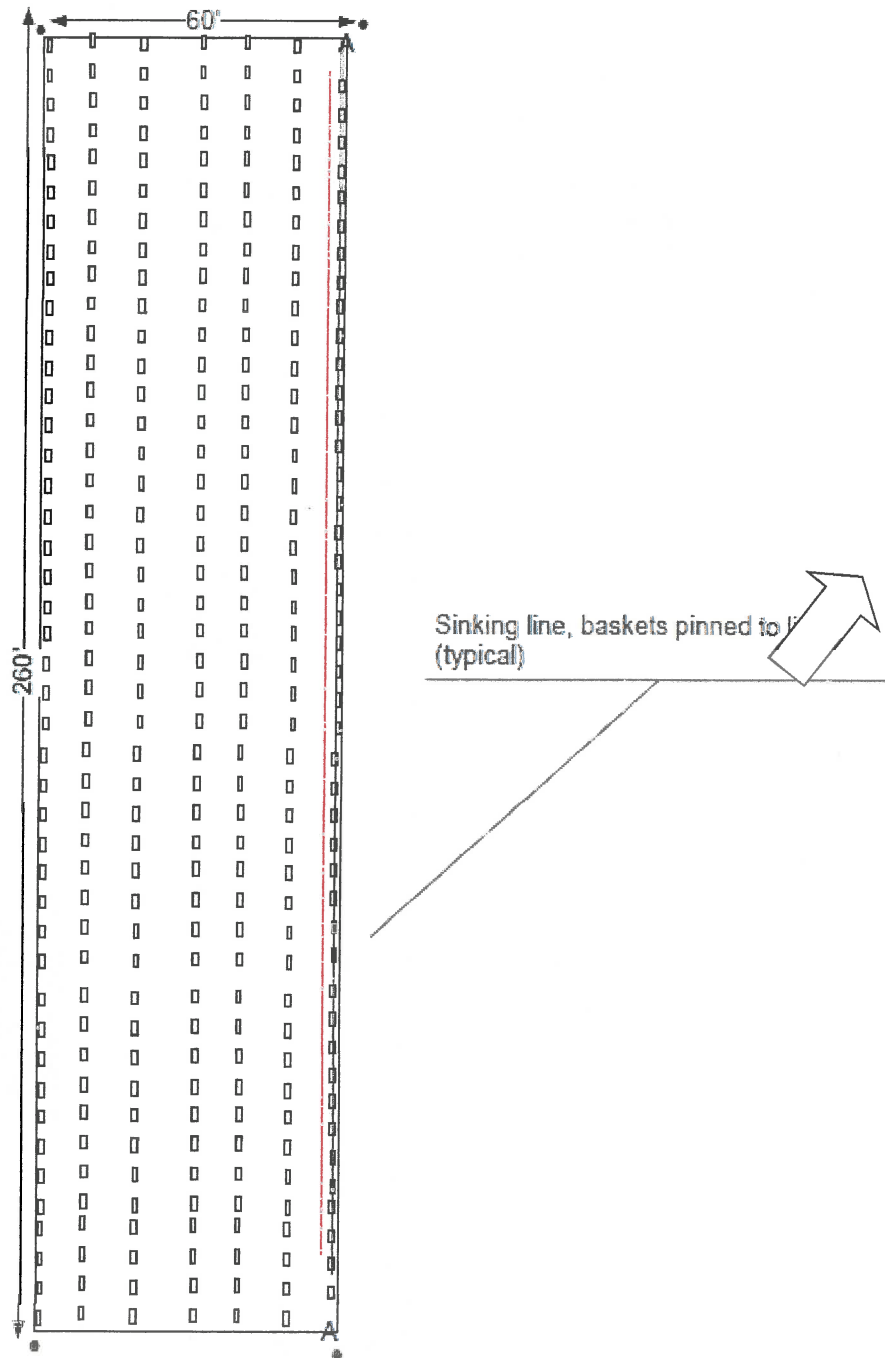
**VIEW OF SITE FROM SHORE LOOKING SOUTH**



### III. GEAR LAYOUT

Plan View

48 baskets per line. 462  
baskets total: ~65,000  
oyster maximum capacity

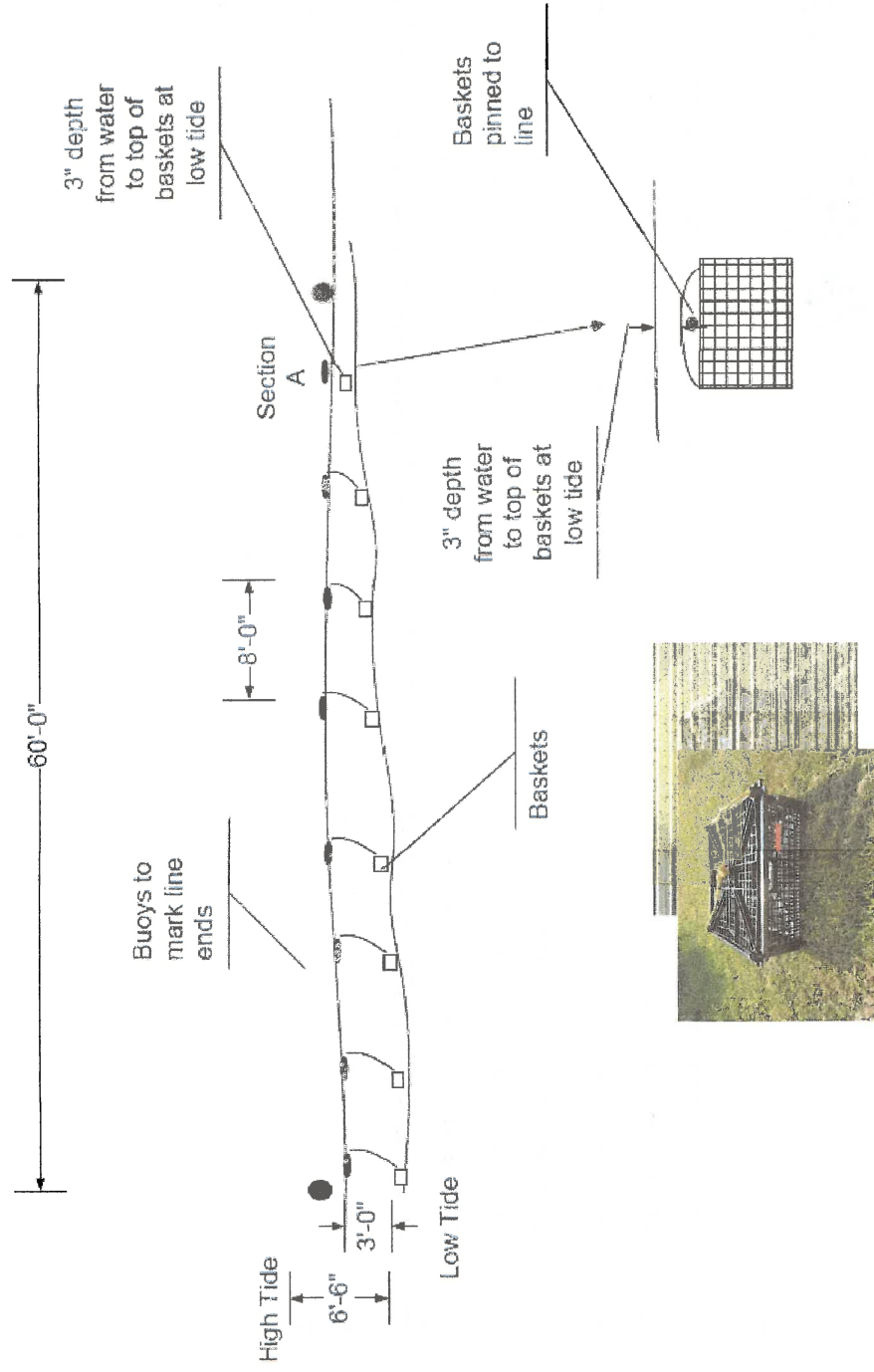


Sun Farm Oysters, LLC, March 6, 2020

SCALE: 1" = 30 feet

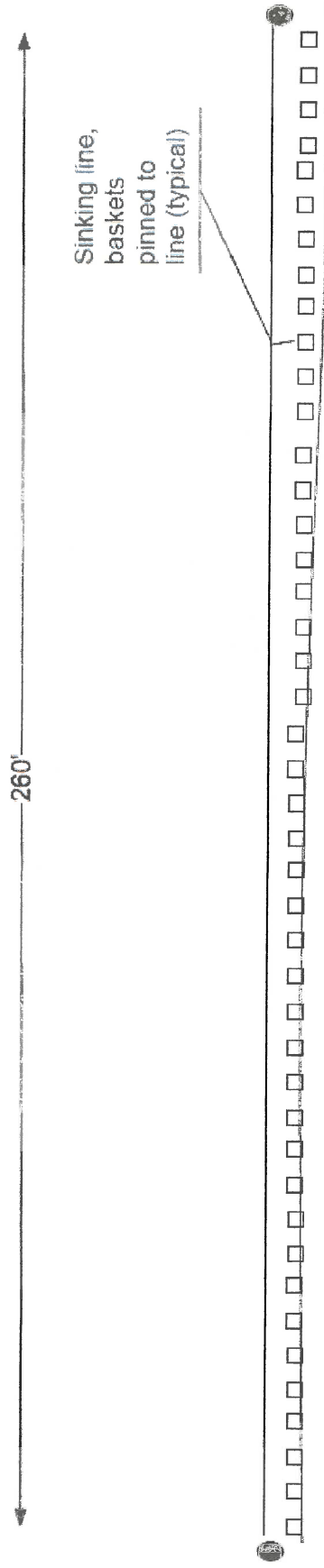


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Cross Sectional View1



Sun Farm Oysters, LLC, September 18, 2019  
SCALE: 1" = 10 feet

Request for Assent Modification, Assent 2003-06-098, in Trims Pond, Town of New Shoreham, Rhode Island  
Cross Sectional View2



SECTION A A

Sun Farm Oysters, LLC, March 7, 2020

SCALE: 1" = 25 feet



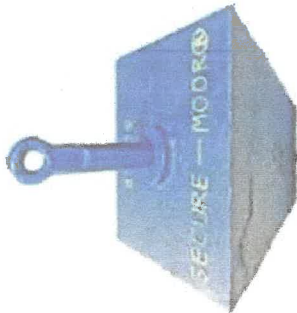


IV. EQUIPMENT SPECIFICATIONS



12"Wx 12"Lx9"D, each

We do not anticipate stacking baskets due to logistical issues.



9" Wx9"Lx 12"D



5"D x 11"L



1.5" Wx5"L

*Request for Assent Modification, Assent 2003-06-098, in Trims Pond, Town of New Shoreham, Rhode Island*

### Bag Size

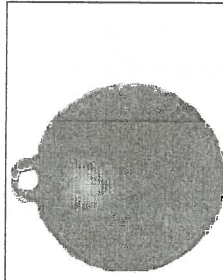
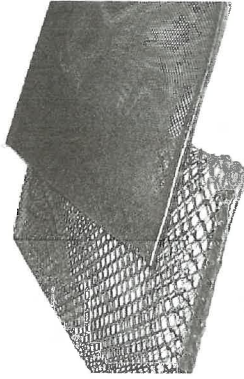
- 1.5mm  
2mm  
2mm  
4mm-3/16"  
9mm-3/8"  
14mm-5/8"  
23mm-1"

- X X X X**

- X X X X X

- |   |         |
|---|---------|
| X | 9"x36"  |
| X | 16"x39" |
| X | 20"x39" |
| X | 20"x39" |
| X | 20"x39" |
| X | 20"x39" |
| X | 20"x39" |

## Conformed Bags and Sealed Bags



## 12 Cylindrical Buoy

Height: 12"  
Mooring Eye:  
Integrally Molded  
Ring Size: 3"  
Hole Size: 1 1/2"  
Ring Thickness: 3/4"  
Buoyancy: 32.6lbs.  
Optional Colors  
Submersible to 50'

48" length x 5" disk

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## **V. OPERATIONAL PLAN**

### **Concise Description of Project Plan**

The overall operational plan is to use bottom culture methods to transfer and grow oysters that had been in floating culture to basket culture until sold. An area within the Town of New Shoreham Shellfish Management Area 6A has been chosen as the proposed lease site within this application.

We would return approximately 32,120 ft<sup>2</sup> of lease from Assent B2003-06-098 for a net decrease of approximately 26,489 ft<sup>2</sup> in farm lease area, when you add in the added bottom culture area we are requesting. This area has proven difficult to work because of the deep muck which causes workers to sink into it when working from the ground. For many, this has proven to be unsettling, and very tiring. Rack and bag is also prone to sinking into this muck, killing the oysters.

By relocating to the requested area, we will be able to use bottom culture and work without the challenges note above. Bottom culture will reduce the amount of farm visible.

#### **a. Sources of shellfish seed**

To date we have used commercial sellers of seeds such as Aquaculture Research Corporation, Fishers Island, East Beach, and Ninigret. We have not encountered any significant problems to date and expect to continue to purchase seed in this manner.

#### **b. Operational Specifications**

##### **Oysters:**

Bottom culture will use HDPE baskets and bags. The HDPE baskets and bags will be attached to sinking line and the line will be moored to the bottom using pyramid anchors to prevent drifting. The HDPE baskets and bags will rest on the bottom.

#### **c. Maintenance of Shellfish and Equipment Gear**

Shellfish shall be removed periodically and inspected for fouling. The frequency of cleaning will be a function of the fouling.

Maintenance of supporting gear is to be typical. Boat(s), lines, chain, moorings, engine(s) are to be inspected on a periodic schedule and repaired as necessary. Preventative maintenance will be performed on boat and engine in spring or winter, and as required.

#### **d. Operational Time Table**

Site work will commence with the granting of the lease. Placement of infrastructure for market or near market size oysters will be in place within the first year of operation. Additional grow out infrastructure is to be added incrementally commensurate with the availability of shellfish reaching maturity.

#### **d. Harvesting Methods**

Oysters will be harvested by hand, by collecting the mature shellfish placed into the bottom culture cage and bags.



## VI. WRITTEN REQUIREMENTS OF RICRMP

a. Provide written response to all items in Section 1.3.1(A)

(a) Demonstrate the need for the proposed activity or alteration:

Aquaculture is in the public's interest when conducted properly with consideration given to environmental impact and multiple use needs. The economic benefit of producing a product that is desired by consumers, has largely minimal negative environmental impact, and does not unduly restrict use of the location should be seen to be in the overall interest of society. [Reference: *The Environmental Cost of Animal Source Foods, Frontiers in Ecology and the Environment*, June 2018; Ray Hilborn, Jeannette Banobi, Stephen J Hall, Teresa Pucylowski, and Timothy E Walsworth, ]

Section 1.3.1(K)

This operation will be in tidal waters.

(c) Describe the boundaries of the coastal waters and the land area that is anticipated to be affected.

The lease is to be located in the Trims Pond in the Town of New Shoreham (Block Island). Trims Pond abuts mostly marsh area and has no homes within 100 yards. This lease is not designed to use land resources, but is to be entirely contained with the water column of the lease, therefore no land is anticipated to be affected.

(d) Demonstrate that the alteration or activity will not result in significant impacts on erosion and/or deposition of processes along the shore and in tidal waters.

No erosion or deposition is anticipated. The aquaculture operation is to largely use bottom culture grow out methods. Neither of these operations causes erosion. There is no significant deposition from the shellfish waste. No processing of shellfish is to take place on the lease.

(e) Demonstrate that the alteration or activity will not result in significant impacts on the abundance and diversity of plant and animal life.

Shellfish are not significant competitors for resources in this area. The data shows that shellfish we propose to farm are beneficial to water quality. A mature oyster alone can filter over 50 gallons of seawater a day. The increased number of shellfish in this area as a result of the lease will most likely only improve the ecosystem. In our experience, the aquaculture equipment provides a habitat for many marine species. Eels, blue crab, scallops, sea urchins, and many kinds of fish are regularly found in our gear.

(f) 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.

The lease area has been chosen in part, based upon our observations of the current use of Trims Pond to minimize interference with recreation. The public will still be able to use their boats, kayaks, canoes, and other similar small number of recreational vessels in this area. There will be no limit placed on the access to these areas other than directly in the water column. We will be returning back to the State, approximately 26,489 ft<sup>2</sup> more area than we are requesting. This will open up clamming areas.



*Request for Assent Modification, Assent 2003-06-098, in Trims Pond, Town of New Shoreham, Rhode Island*  
(g) Demonstrate that the alteration will not result in significant impacts to water circulation flushing turbidity and sedimentation.

The grown out method does not consume the entire water column and we have approximately 8' distance between the lines of bottom culture. This area is a terminus of a part of Trims Pond and we believe it should not impact water flow. Sedimentation is a problem throughout the Great Salt Pond in our opinion, but we have not observed this area experiencing high sedimentation rates.

(h) Demonstrate that there will be no significant deterioration in the quality of the water in the immediate vicinity as defined by DEM.

Shellfish aquaculture grow out does not result in deterioration of water quality. We are actually hopeful DEM will reclassify the waters based upon accepted data that will demonstrate seasonal closures of the inner ponds are not warranted.

(i) Demonstrate that the alteration or activity will not result in significant impacts to areas of historic and archaeological significance.

This lease shall not cause in the removal of any soils, nor shall it reside upon any land, or disturb the bottom of the Trims Pond. Our baskets are HPDE and will weigh less than 30 pounds when filled with oysters.

(j) Demonstrate that the alternation or activity will not result in significant conflict with water dependent uses and activities such as recreational boating, fishing, swimming, navigation, and commerce.

See (f) above. The lease has been positioned to be consistent with multiple use objectives. The commercial activities for the Trims Pond are recreation boating, clamming, and trapping of baitfish. All activities can continue with the exception of clamming. This area will become a spawner sanctuary. We will be returning a net increase of 26,489 ft<sup>2</sup> to clamming as a result of this modification/application. Recreational boating still has access to all shorelines, and is only affected directly in the water column area of the lease. We have found that the farms are a destination for the kayaking and paddle boarding community. It is also a stop for taxi cab drivers. We provide the cab drivers with a one page summary of the farm so they can educate their fares about aquaculture.

(k) Demonstrate that measures have been taken to minimize any adverse scenic impact.

We are concerned with the scenic impact of this lease upon the Trims Pond and have chosen bottom culture methods because of the hard bottom, and the reduction in weather action that can damage suspended culture. Buoys used in marking the lease will be a color that will allow the buoy to be visible, but not obtrusive. We attempt to make our gear layout straight and symmetrical as possible as the tide and wind allow. This has always been a challenge. Bottom culture will transfer what could have been floating culture to bottom culture, which is much less visible.