



State of Rhode Island
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 RE-NOTICE

File Number: 2014-07-067 Modification Date: March 29, 2024

This office has under consideration the application of:

Oliver Dixon
4953 South County Trail
Charlestown, RI 02813

for a State of Rhode Island modification of Assent to add: low-profile floating oyster cages to the northern half (1.29 acres) of the existing 2.5 acre lease and to add sugar kelp (*Saccharina latissimi*) to the list of approved species. Kelp cultivation would be limited from November 1 to May 1 annually. The previous notice for this modification proposed adding floating cages to the entire 2.5 acre site. The applicant has modified his proposed plans based on comments received during the first public notice period. Further details of the modified plans can be found attached to this notice.

Project Location:	Point Judith Pond
City/Town:	Narragansett
Waterway:	Eastern Point Judith Pond

Plans of the proposed work can be requested at Cstaff1@crmc.ri.gov.

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 29, 2024**.

Please email your comments/hearing requests to: cstaff1@crmc.ri.gov; or mail via USPS to: Coastal Resources Management Council; O. S. Government Center, 4808 Tower Hill Road, Rm 116; Wakefield, RI 02879.

/lat

1. Name and mailing address of individual, firm, partnership, association, academic institution, municipality, or corporation who is principally responsible for the aquaculture operation or activity; if corporation, specify and include names of all owners/partners.

Oliver Dixon - Blue Acres Aquaculture
4853 S County Trail
Charlestown, RI 02813

2. CRMC file number for the facility; new applications will be assigned a file number by CRMC. Additionally, list any past CRMC file numbers related to the current application.

CRMC File No. 2014-07-067

3. DEM Aquaculture License number (applicable if products are offered for sale); new applicants will need to obtain the DEM aquaculture license after an aquaculture assent is issued.

DEM Aquaculture License No. AQUA22000152

4. Type of facility (e.g., commercial lease site, upweller, experimental site, research, commercial viability) and nature of operation (i.e methodology used such as floating gear, submerged cages, bottom gear ect.).

Commercial aquaculture lease site using submerged cages

5. Location of facility (include aerial or chart depicting exact location)

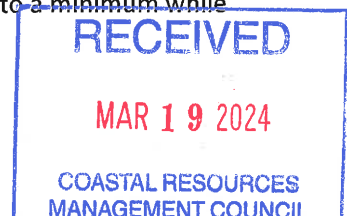
- a. Adjacent town: Narragansett
- b. Water body: Point Judith Pond
- c. Lat/long coordinates and size of facility:
 - 41.401667 N; 71.500278 W
 - 41.401667 N; 71.499556 W
 - 41.400111 N; 71.499556 W
 - 41.400111 N; 71.500278 W

6. Identification of all species of shellfish grown at the facility. Acknowledgement that the applicant will follow Biosecurity Board seed protocols should be included.

The species grown at this location are eastern oysters (*crassostrea virginica*). All Biosecurity Board seed protocols will continue to be followed.

7. Description of types of structures, gear and methods used at the facility (e.g., rafts, pens, cages, tanks, upwellers, docks) and their locations on the site. Include a sketch/site plan that details a cross-section of structures as they appear in the water column including proximity to surface and bottom with a depth profile at mean low water and mean high water. Include maximum number of cages proposed and the size of the cages proposed

The purpose of this application is to implement floating gear on the northern half of the current lease site (1.29 acres). Submerged cages will continue to be used on the southern half of the lease site. This positioning of floating gear will keep the visual aspect to a minimum while



allowing an increase in production. The addition of floating gear will not be a navigational hazard due to the farm's location in the cove of Ram Island.

The lines will be spaced out 17 feet, allowing boats, kayaks, paddleboards, and other recreational users to continue to access the water. The farm depth ranges from 4-8 feet from low to high tide. Mushroom anchors will be installed from north to south in 10 lines across the center of the lease site. Each line will be able to hold 45 floating cages. Each bag will have 4 floats and a bridel connecting them to the long lines at each end. The addition of floating gear will reduce the number of individual floats needed for the operation.

In addition to eastern oysters, sugar kelp (*saccharina latissima*) will be grown and harvested along the same long lines as the floating gear. Sugar kelp is a winter crop that will be seeded in November and harvested by May. This will not change the layout of the farm in any way but will add value to the farm's production. Kelp will be grown along the 10 lines used to hold the floating gear. As seen in the diagram, this will not change the gear layout on the farm. The addition of sugar kelp will not have any visual/scenic or recreational water use impacts.

8. Describe a plan for how the site will be built out, accessed, and maintained. Including the expected level of activity (seasonal, weekly, and/or daily).

The floating gear will be assembled on land as we set lines and anchors on the lease site. Gear will then be transported to the farm in a few trips spanning about 2 months. The activity level will remain the same, as we will continue our weekly trips to the farm. Floating gear will eliminate any need for power washing on-site.

9. Description of the methods and equipment used to identify and mark site.

There will not be any changes to the 4 yellow corner buoys that mark the lease and state the CRMC assent number.

10. DEM Shellfish Harvesting Classification at site.

Shellfish Harvesting Classification: GA10

11. Description of practices and procedures used during the growth, harvest, storage, transportation, and sale of the cultured species. Including any offsite activities necessary for the operation.

The method of harvesting, storage, transportation, and sale of cultured species will remain the same. Floating gear will be used to hold seed oysters during the growth stage and market-sized oysters will continue to be harvested from bottom cages on the seafloor. The day-to-day husbandry of the farm will not be greatly affected. The essential farm tasks of organizing, lowering densities, and grading by size will continue. The addition of floating gear would allow us to minimize the size and number of vessels present on the water while allowing us to maintain the farm and also increase production.

12. For operations that will use floating gear:

- a. Description of the mitigation or deterrent measures that will be used to minimize the potential pollution impact of birds and/or mammals.

To mitigate the potential pollution from birds, all oysters will continue to be harvested from bottom cages on the south side of the lease (ranging from 8 feet high tide to 4 feet low tide). Oysters will never be harvested directly from floating cages. Upward-facing zip ties will be



fastened on all floating gear to deter birds. Adjacent farms have been using this floating bag method without issues from bird pollution.

b. Description of a plan for re-submergence after air drying before harvest.

Please see the plan for re-submergence above. Proper re-submergence protocols will be followed.

13. Indicate the projected per unit area yield of harvestable product and the applicant's capability to carry out the proposed activities.

With this modification, the projected yield is 100,000 oysters per acre of floating gear/year. Our current submerged gear system allows us to harvest around 25,000 oysters per acre/year, but our operational capacity is limited to our grow-out method. The projected yield of sugar kelp will be approximately 2,000 lbs. per year.

14. Description of a plan for safety and security of equipment, including appropriate marking of equipment and lease area. Incorporate a storm preparedness and response plan that accounts for the safety and security of all aquaculture equipment and any measures that will be taken in the event of a significant storm or other adverse weather conditions impacting the site.

The perimeter of the farm will continue to be marked with highly visible yellow buoys with the CRMC assent number. The long lines will be held in place with 1,000 lb. mushroom anchors which are more than capable of handling the load of floating gear during significant weather. Throughout the season, we will visually assess the rating of all gear above the surface and below by diving.

The floating gear we plan to implement allows for quick sinking below the surface in the event of severe weather. Each float will have a removable cap that can easily be filled before a storm. Sinking the gear will allow us to avoid damage to the gear and oysters, as well as make sure the gear doesn't stray from the lease site during significant storms.

15-17. All procedures for maintaining records will remain the same.

1.3.1(A)

Category B written requirements:

a. Demonstrate the need for the proposed activity or alteration;

One of the biggest challenges the farm faces is the intense fouling that occurs within the submerged gear. Due to the cumbersome nature of bottom cages, maintaining the farm has proved extremely labor-intensive. Each cage must be lifted to the surface, pulled onto the boat, stacked and organized, and left on board to dry to deter fouling. With floating cages, we could mitigate this process by flipping the cages in the water every few weeks during the normal course of work. The floating gear method is best for this location to minimize fatalities, increase production and cultivate higher-quality shellfish.



It is important to note that we will not be harvesting oysters from the surface of the water, that is simply where they will spend their grow-out stage. Once they are market size, we will move them to the deeper section on the south side of the farm, where we will stock them for harvest. This will allow us to continuously harvest market-sized oysters without the interference of airdrying.

- b. Demonstrate that all applicable local zoning ordinances, building codes, flood hazard standards, and all safety codes, fire codes, and environmental requirements have or will be met; local approvals are required for activities as specifically prescribed for nontidal portions of a project in §§ 1.3.1(B), (C), (F), (H), (I), (K), (M), (O) and (Q) of this Part; for projects on state land, the state building official, for the purposes of this section, is the building official;

All local zoning ordinances, flood hazard standards, safety codes, fire codes, and environmental requirements will continue to be followed.

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

The water area that will be affected is within the northern half of the existing lease boundaries (1.29 acres). The coordinates of the area are: 41.401667 N; 71.500278 W, 41.401667 N; 71.499556 W. 41.400889 N; 71.500278 W, 41.400889 N; 71.499556 W.

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

The addition of floating gear will not result in significant impacts on erosion and/or deposition processes along the shore or in tidal waters.

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

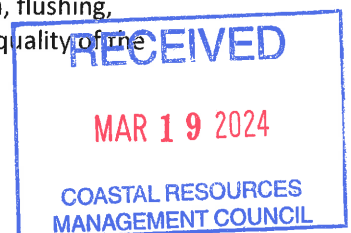
The addition of floating gear will not result in significant impacts on the abundance and diversity of plant and animal life. We will not be introducing any new species to the water, and will only be lifting cages off the bottom of the seafloor on half of the lease site.

- 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 modification will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters and/or the shore due to the farm's location in the cove of Ram Island. The lines will be spaced out 17 feet, allowing boats, kayaks, paddleboards, and other recreational users to continue to access the water. The addition of floating gear will only be on the northern half of the lease site (1.29 acres).

- g. Demonstrate that the alteration will not result in significant impacts to water circulation, flushing, turbidity, and sedimentation; h. Demonstrate that there will be no significant deterioration in the quality of the water in the immediate vicinity as defined by DEM;

The alteration will not result in significant impacts to water circulation, flushing, turbidity, and sedimentation. There will be no significant deterioration in the quality of the



water in the immediate vicinity. Oysters improve the quality of the water by filtering up to 50 gallons of water per oyster per day.

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

The modification will not affect areas of historic and archaeological significance.

- j. 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, and;

Please see the response to section f. above.

- k. Demonstrate that measures have been taken to minimize any adverse scenic impact (see § 1.3.5 of this Part).

The low-profile floating gear we have chosen will minimize the visual impact, and we are only implementing the floating gear on the northern half of the lease (1.29 acres) which is tucked in the cove of Ram Island. The addition of floating gear would allow us to minimize the size and number of vessels present on the water and the amount of gear that needs to be left on board to dry to deter fouling. The addition of floating gear also eliminates any need for power washing on-site.

1.3.1(K)(3):

Additional Category B Requirements

- a. Applicants proposing to undertake any aquaculture project shall:

- (1) Describe the location and size of the area proposed;

The location of the area proposed is within the northern half of the existing lease site (1.29 acres).

- (2) Identify the species to be managed or cultivated within the permitted area and over which the applicant shall have exclusive right;

The species grown at this location are eastern oysters (*crassostrea virginica*).

- (3) Describe the method or manner of management or cultivation to be utilized, including whether the activities proposed are experimental, commercial, or for personal use; and

The site will continue to be operated for commercial use. The method of harvesting, storage, transportation, and sale of cultured species will remain the same. Floating gear will be used to hold seed oysters during the growth stage and market-sized oysters will continue to be harvested from bottom cages on the seafloor. The day-to-day husbandry of the farm will not be greatly affected. The essential farm tasks of organizing, lowering densities, and grading by size will continue. The addition of floating gear would allow us to minimize the size and number of



vessels present on the water while allowing us to maintain the farm and also increase production.

(4) Provide such other information as may be necessary for the Council to determine:

(AA) The compatibility of the proposal with other existing and potential uses of the area and areas contiguous to it, including navigation, recreation, and fisheries;

The proposed area is located in the cove of Ram Island and does not pose an issue to navigation. The floating gear will be spaced out 17 feet, allowing for recreational use of the water to continue. There are no fisheries within the perimeter of the lease site.

(BB) The degree of exclusivity required for aquacultural activities on the proposed site;

The aquaculture activities only require exclusivity within the cages on the lease site. Other users will continue to have access to the water within and around the lease site.

(CC) The safety and security of equipment, including appropriate marking of the equipment and/or lease area;

The perimeter of the farm will continue to be marked with highly visible yellow buoys with the CRMC assent number. The long lines will be held in place with 1,000 lb. mushroom anchors which are more than capable of handling the load of floating gear during significant weather. Throughout the season, we will visually assess the rating of all gear above the surface and below by diving.

The floating gear we plan to implement allows for quick sinking below the surface in the event of severe weather. Each float will have a removable cap that can easily be filled before a storm. Sinking the gear will allow us to avoid damage to the gear and oysters, as well as make sure the gear doesn't stray from the lease site during significant storms.

(DD) The projected per unit area yield of harvestable product;

With this modification, the projected yield is 100,000 oysters per acre of floating gear/year. Our current submerged gear system allows us to harvest around 25,000 oysters per acre/year, but our operational capacity is limited to our grow-out method. The projected yield of sugar kelp will be approximately 2,000 lbs. per year.

(EE) The cumulative impact of a particular aquaculture proposal in an area, in addition to other aquaculture operations already in place;

The addition of floating gear will only impact the northern half of the lease site. The southern half will continue to use submerged gear operations.

(FF) The capability of the applicant to carry out the proposed activities; and

As mentioned in 3) above, the day-to-day husbandry of the farm will not be greatly affected. Floating gear will be used to hold seed oysters during the growth stage and market-sized oysters will continue to be harvested from bottom cages on the seafloor. I have been



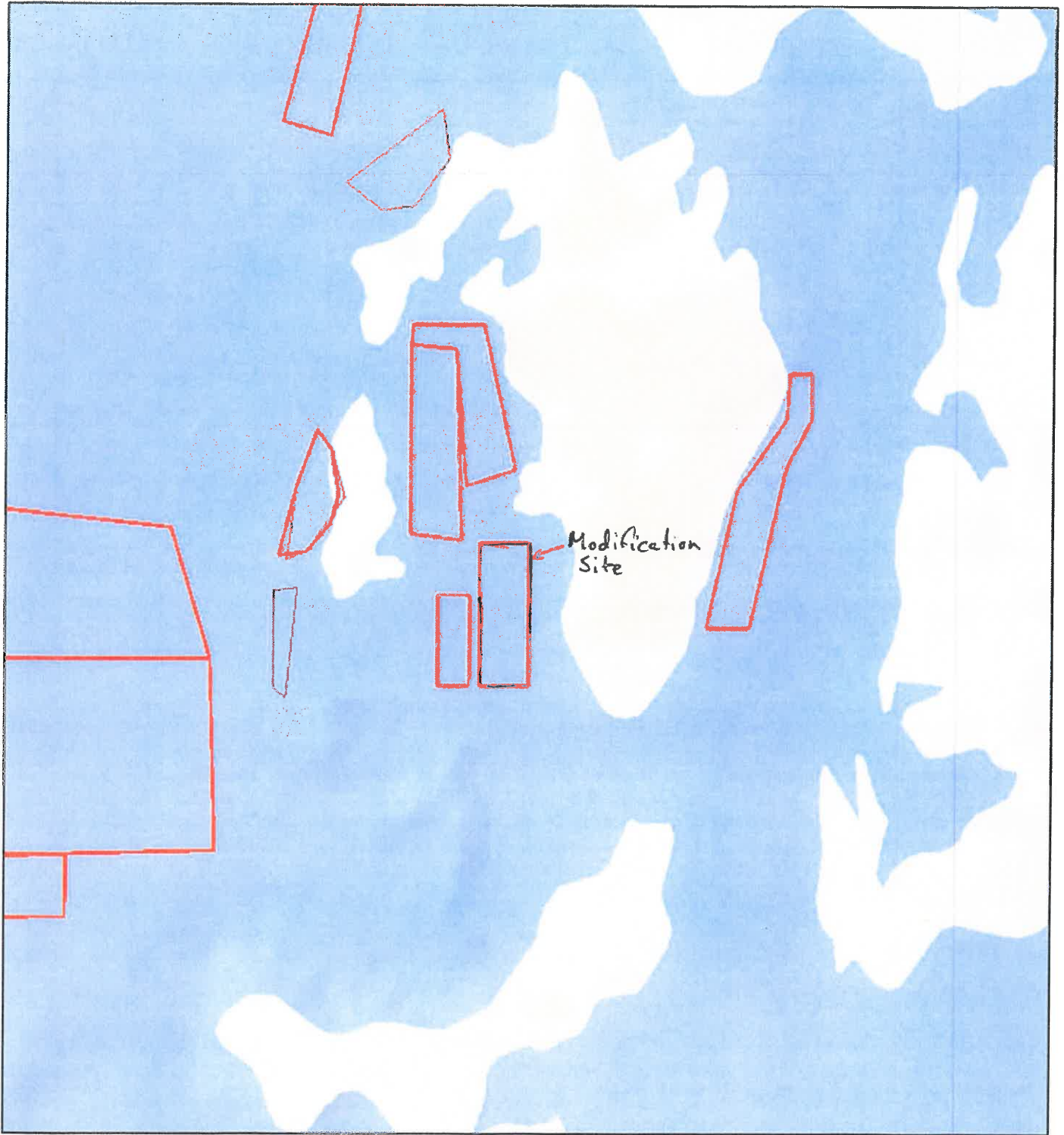
farming oysters for over 8 years with experience utilizing both submerged cages and floating gear methods. The floating gear method is best for this location to minimize fatalities, increase production, and cultivate higher-quality shellfish.

(GG) The impact of the proposed activities on the scenic qualities of the area.

The low-profile floating gear minimizes the scenic impact, and we are only implementing floating gear on the northern half of the site which is tucked in the cove of Ram Island. The addition of floating gear would allow us to minimize the size and number of vessels present on the water and the amount of gear that needs to be left on board to dry to deter fouling from the seafloor. The addition of floating gear also eliminates any need for power washing on-site.



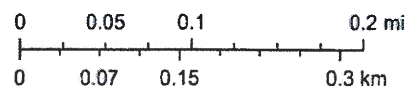
Aquaculture Location Sketch



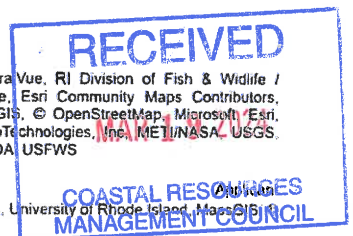
2/28/2024, 7:10:51 AM

1:9,028

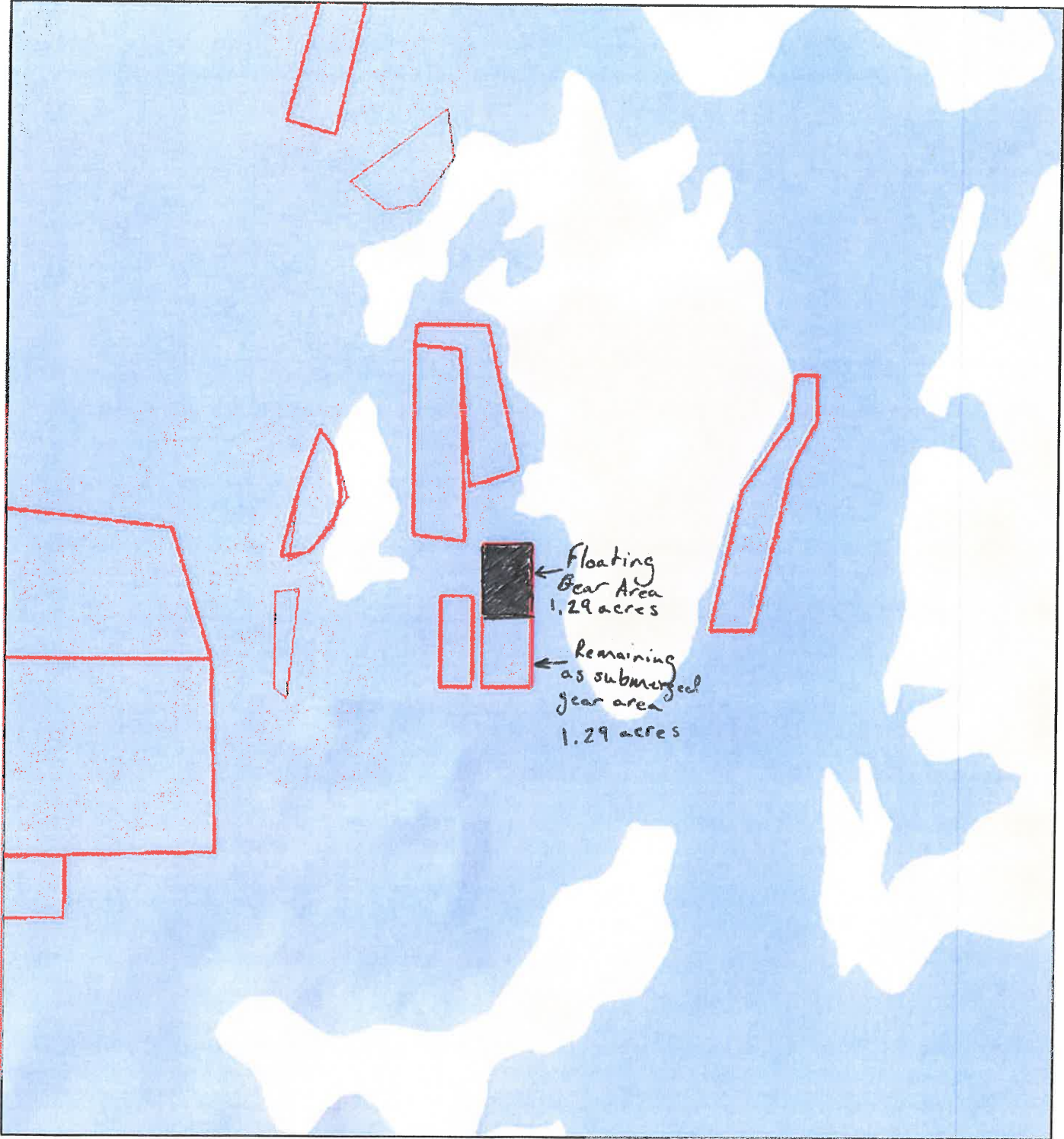
- | | |
|----------------------|---------------------|
| — Floating Fish Trap | □ PD App |
| Aquaculture Sites | □ PN App |
| □ Approved | □ Proposed |
| □ Expanded | □ Withdrawn/Expired |



NOAA NGDC, Esri, Garmin, Natura/Vue, RI Division of Fish & Wildlife / Marine Fisheries / Julia Livermore, Esri Community Maps Contributors, University of Rhode Island, MassGIS, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS



Aquaculture Location Sketch



2/28/2024, 7:10:51 AM

- Floating Fish Trap

Aquaculture Sites

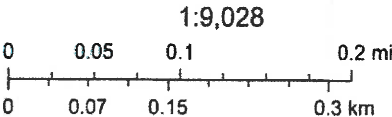
Approved

Expanded
- PD App

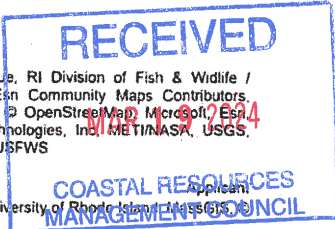
PN App

Proposed

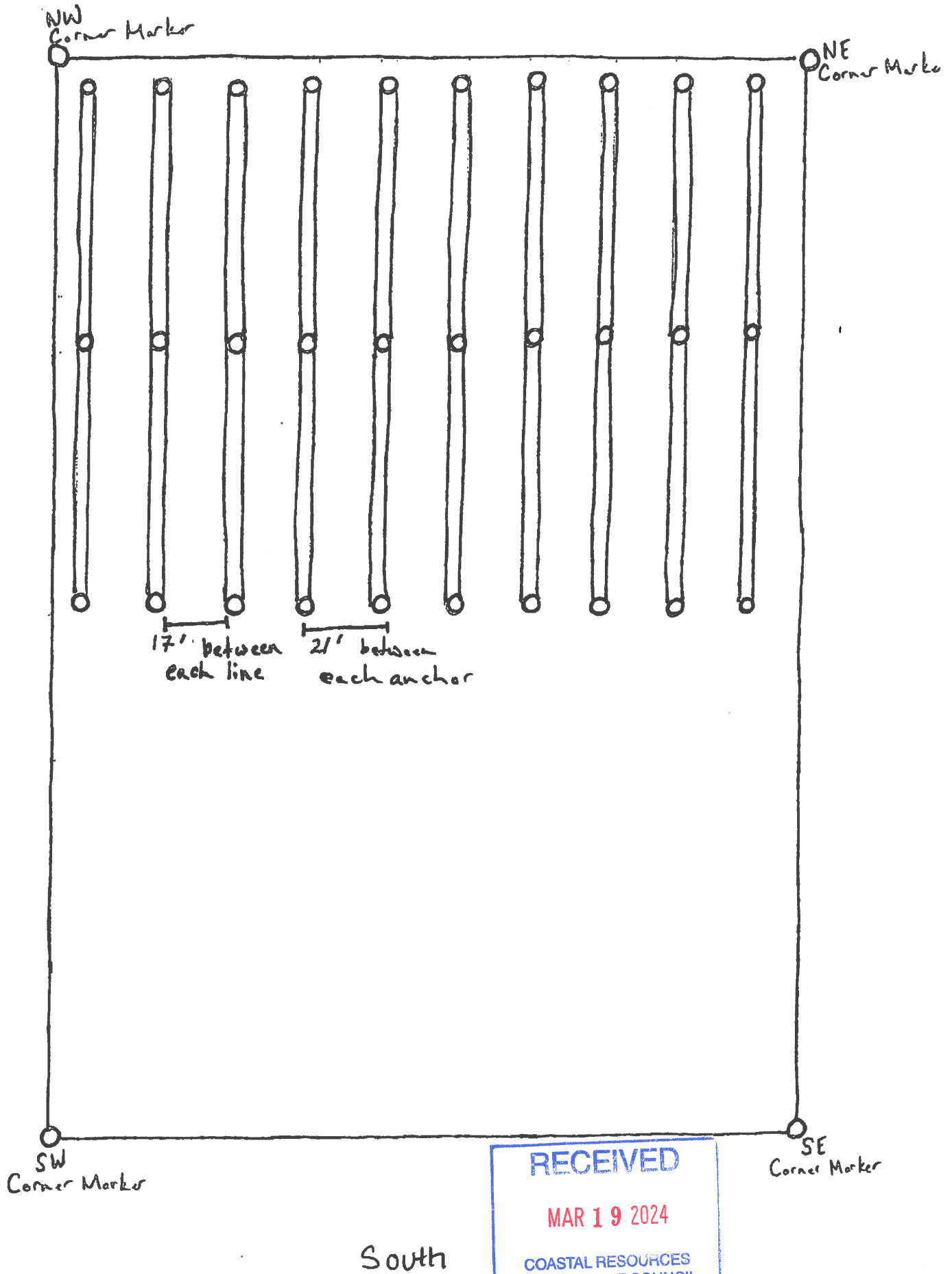
Withdrawn/Expired



NOAA NGDC, Esri, Garmin, NaturalVue, RI Division of Fish & Wildlife / Marine Fisheries / Julia Livermore, Esri Community Maps Contributors, University of Rhode Island, MassGIS, OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS



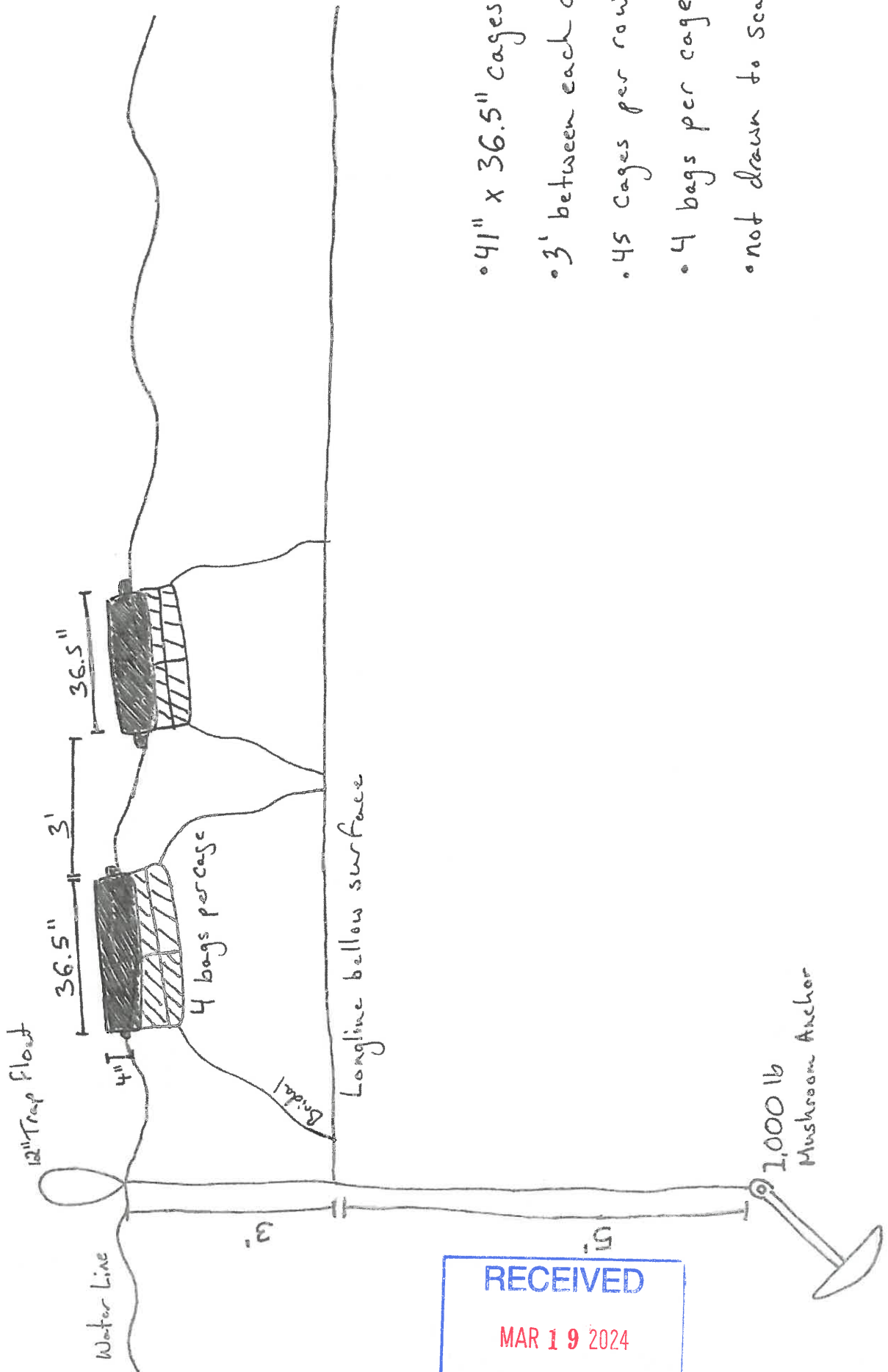
North



RECEIVED

MAR 19 2024

COASTAL RESOURCES
MANAGEMENT COUNCIL



- 41" x 36.5" cages
- 3' between each cage
- 45 cages per row
- 4 bags per cage
- not drawn to scale

RECEIVED
 MAR 19 2024
 COASTAL RESOURCES
 MANAGEMENT COUNCIL

41"

36.5"

RECEIVED

MAR 19 2024

COASTAL RESOURCE
MANAGEMENT COUNCIL



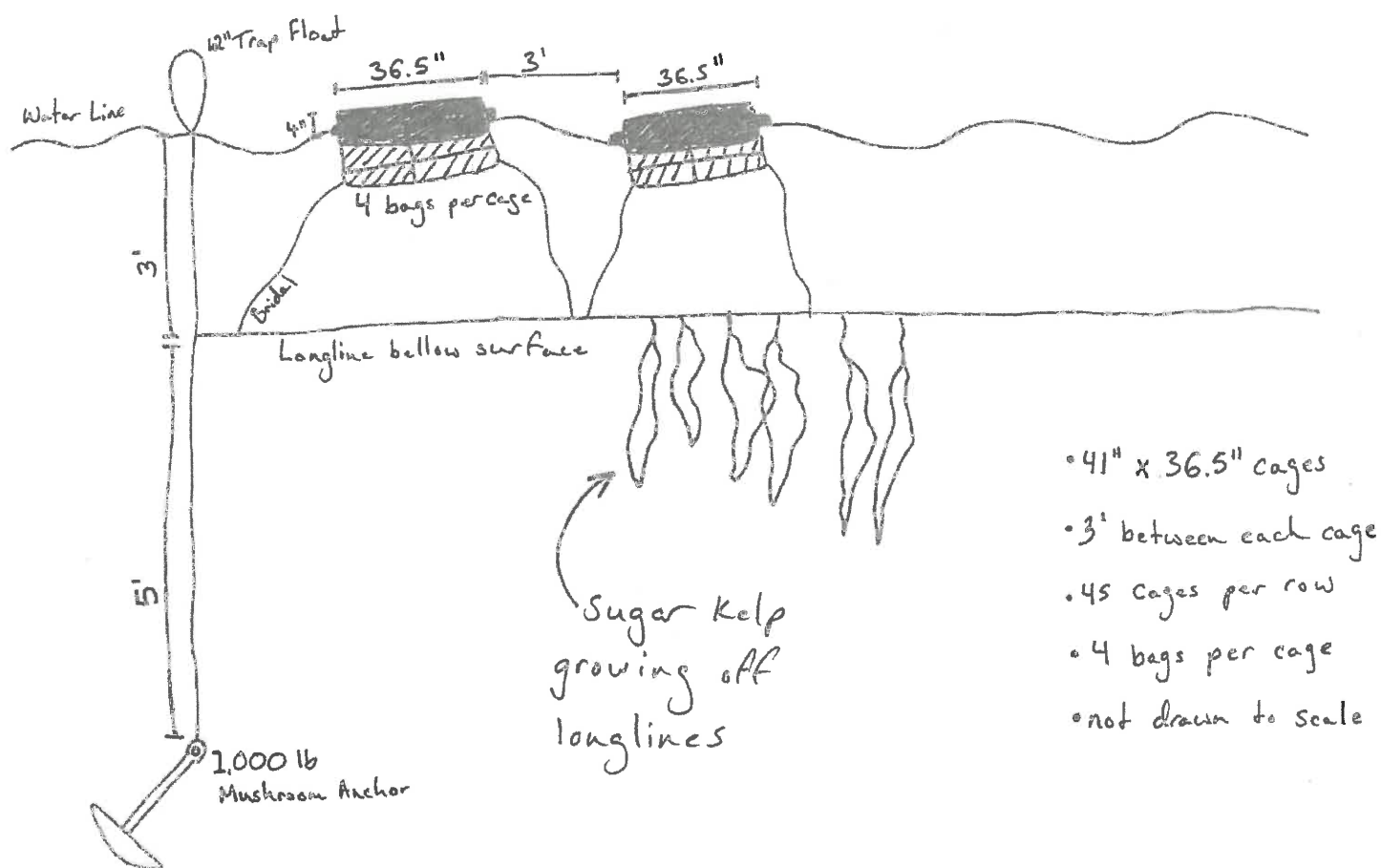
Drying Position

RECEIVED

MAR 19 2024

COASTAL RESOURCES
MANAGEMENT COUNCIL

Sugar kelp - Fall - Spring



RECEIVED

MAR 19 2024

COASTAL RESOURCES
MANAGEMENT COUNCIL