



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: 2016-10-036

Date: May 13, 2020

This office has under consideration the application of:

David Lovesky
45 Briarwood Drive
Charlestown, RI 02813

To modify a State of Rhode Island Assent to: use seasonal (November through March) bottom cages on their one acre lease site

Project Location:	Quonochontaug Pond
City/Town:	Charlestown
Plat/Lot:	/
Waterway:	Quonochontaug 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 June 12, 2020.



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REQUEST FOR ASSENT MODIFICATION

Assent/Permit Number: 2016-10-036 (including extensions) Expiration Date: 11/20/21
Name of Assent Holder: David Lovesky et. al.
Location of Project: Quonochontaug Pond
City/Town: Charlestown, RI Plat: _____
Lot: _____

Name of Present Owner: David Lovesky
Mailing Address: 45 Briarwood Drive
City/Town: Charlestown State: RI
Zip: 02813
Phone Number: (860) 305-4909 / 401 322 9897 Contact Person: David Lovesky
Abutters: _____

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: _____

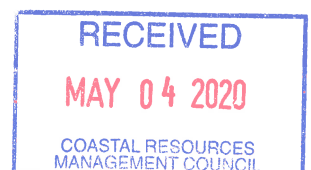
Describe the proposed modification(s): A request is being made to allow winter storage bottom cages for the months of November through April. March

Reason: The site has been used as a bottom plant for the past two years. Due to the lack of winter storage cages, the site has experienced over a 70% death rate of oysters. The cages would protect the oysters during vulnerable winter months.

What state of construction is the project in: No construction has begun.

Owner's Signature: _____

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/ajt 11/2019



INSTRUCTIONS

****PLEASE NOTE as of November 2019** When submitting large scale plans, four (4) physical copies as well as one (1) digital copy (sent via email to crm capp@crmc.ri.gov) are both required. This is for submitting new applications as well as any revisions or modifications made.**

To submit a request for modification of assent, the following must be submitted:

**** Filing fee.** This will cover review of the proposed modification assuming that it can be processed without a new application. If a new application is required, you will be notified in writing.

- a. Single family residence where no Public Hearing is necessary = **\$100.00**
- b. All others shall be charged the appropriate application fee using EPC formula, or **\$250.00** whichever is greater.

**** One copy of the CRMC Assent.**

**** Four (4) copies of this form,** signed by the owner. (A potential purchaser may sign the request only if a copy of a valid sales agreement is provided.)

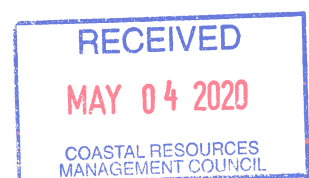
**** If the request is by a new owner (not the original applicant), a letter from the local tax assessor stating ownership of the property** must be submitted.

**** Four (4) copies of the proposed modified plans and/or specifications.** Be sure to include the appropriate revision notations and revision dates. Note that for plans and/or specifications originally bearing the stamp of a design professional (reg. engineer, reg. architect, reg. land surveyor, etc.), the revised plans must also be stamped, signed, and dated by a design professional, unless stamp is specifically not required by this office.

**** Copy(s) of revised approval(s) of other pertinent regulatory authorities,** such as local building official, DEM, etc.

Mail the above information to:

ATTN: Application Coordinator
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road; Suite 3
Wakefield, RI 02879



Storage Site – Map



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Storage Site – Arial Photo

Location



41.34442, -71.72281



41.34387, -71.7228



41.34387, -71.72353



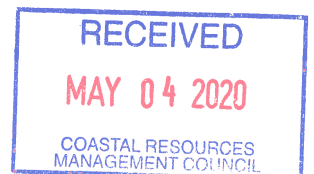
41.34442, -71.72353



41.34416, -71.72319

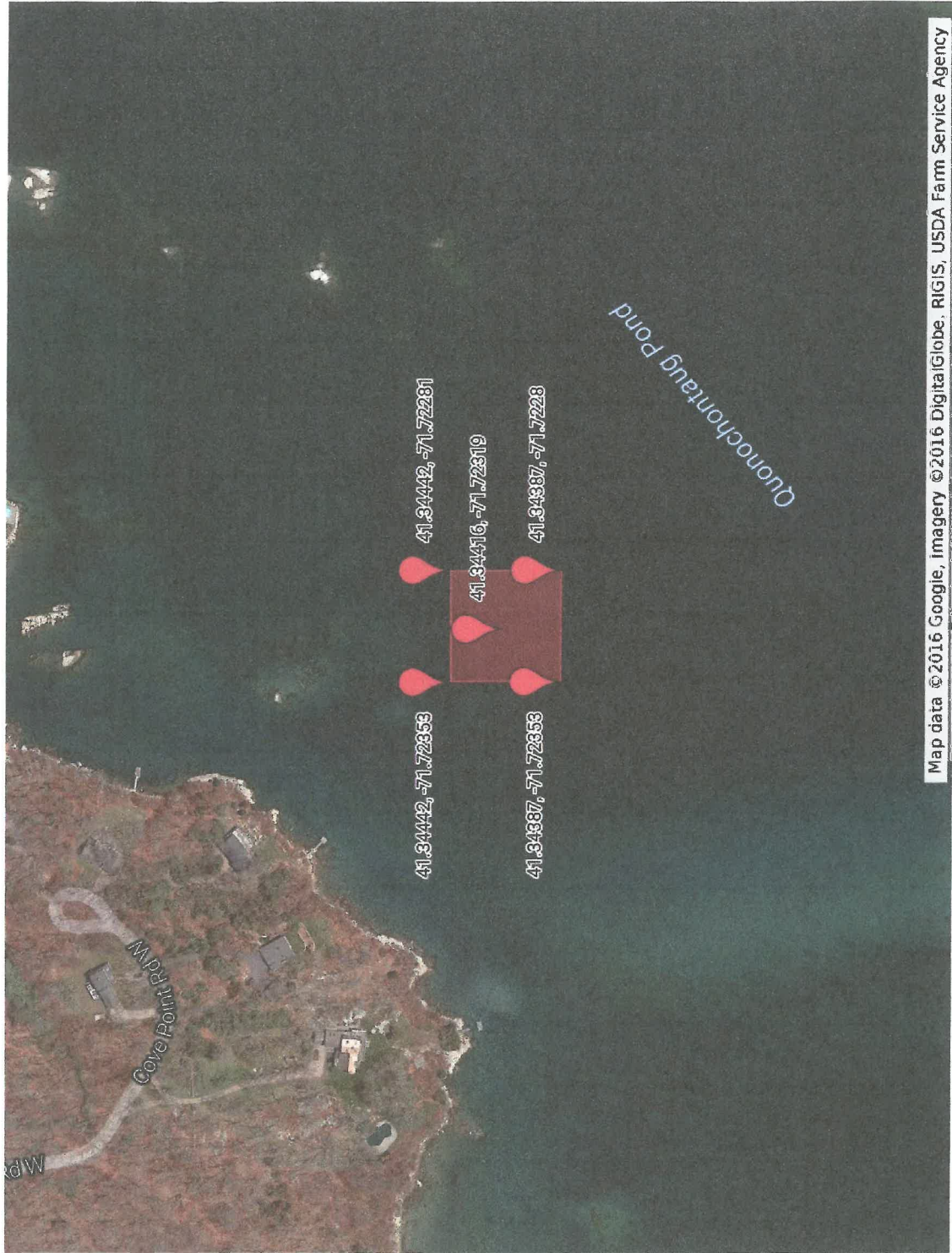


Map data © 2016 Google, Imagery © 2016 Cnes/Spot Image, DigitalGlobe, RIGIS, USDA Farm Service Agency



Storage Site – Close-up Aerial Photo

- Location
- 41.34442, -71.72281
 - 41.34387, -71.7228
 - 41.34387, -71.72353
 - 41.34442, -71.72353
 - 41.34416, -71.72319



Map data © 2016 Google, Imagery © 2016 DigitalGlobe, RIGIS, USDA Farm Service Agency

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Storage Site- Surface Photos



West View



East View



North View



South View

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Storage Site- Cage Structure and Layout

Figures of gear to be used on site

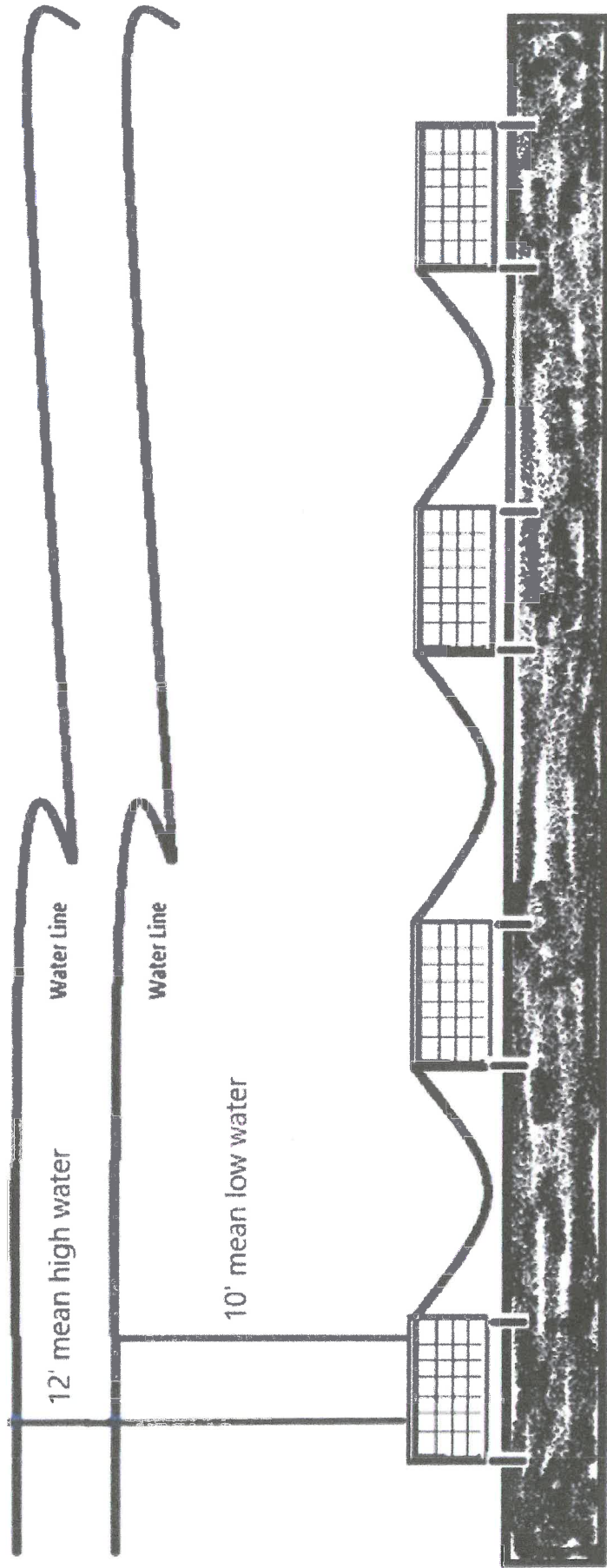
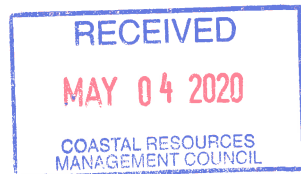


Figure 1: Bottom cages rigged as in a lobstering operation



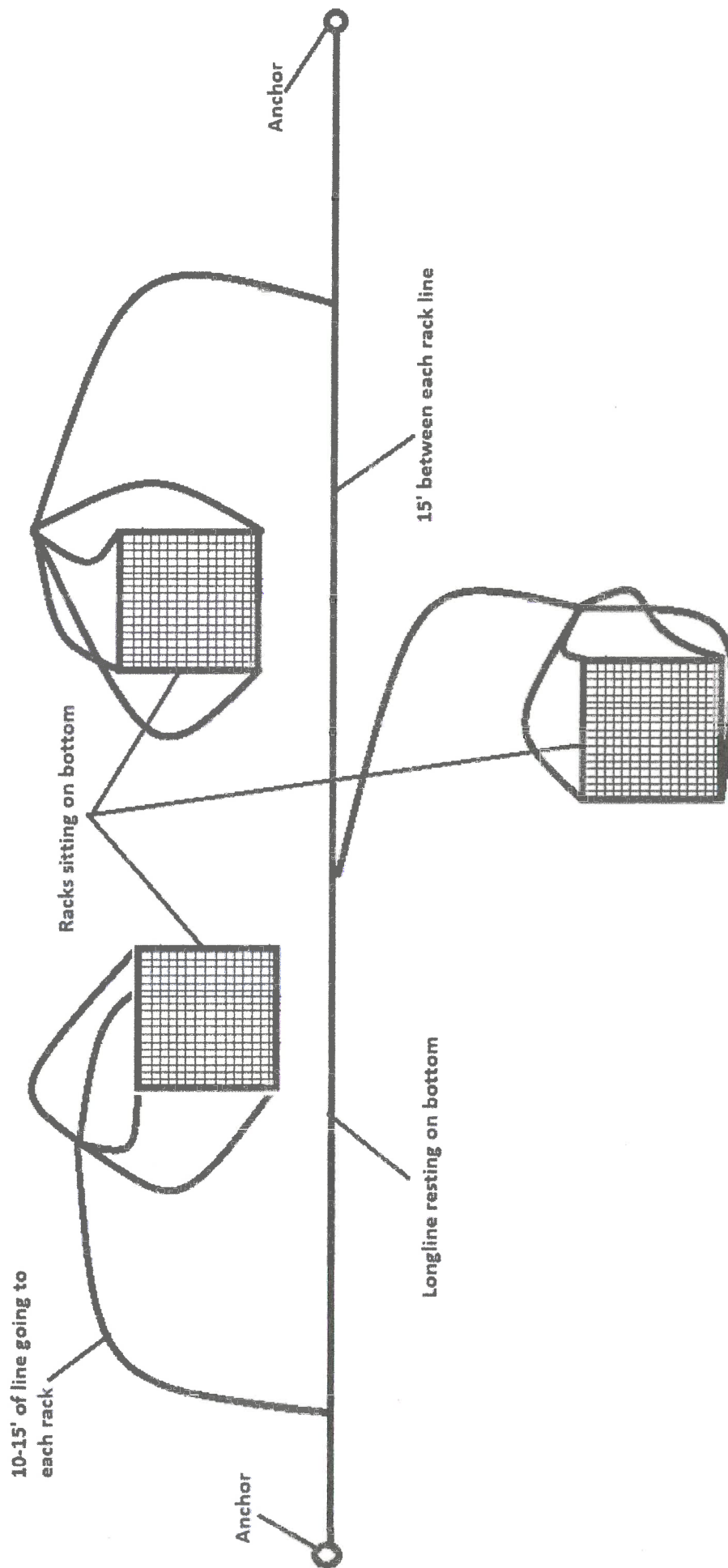


Figure 2: Longline Setup

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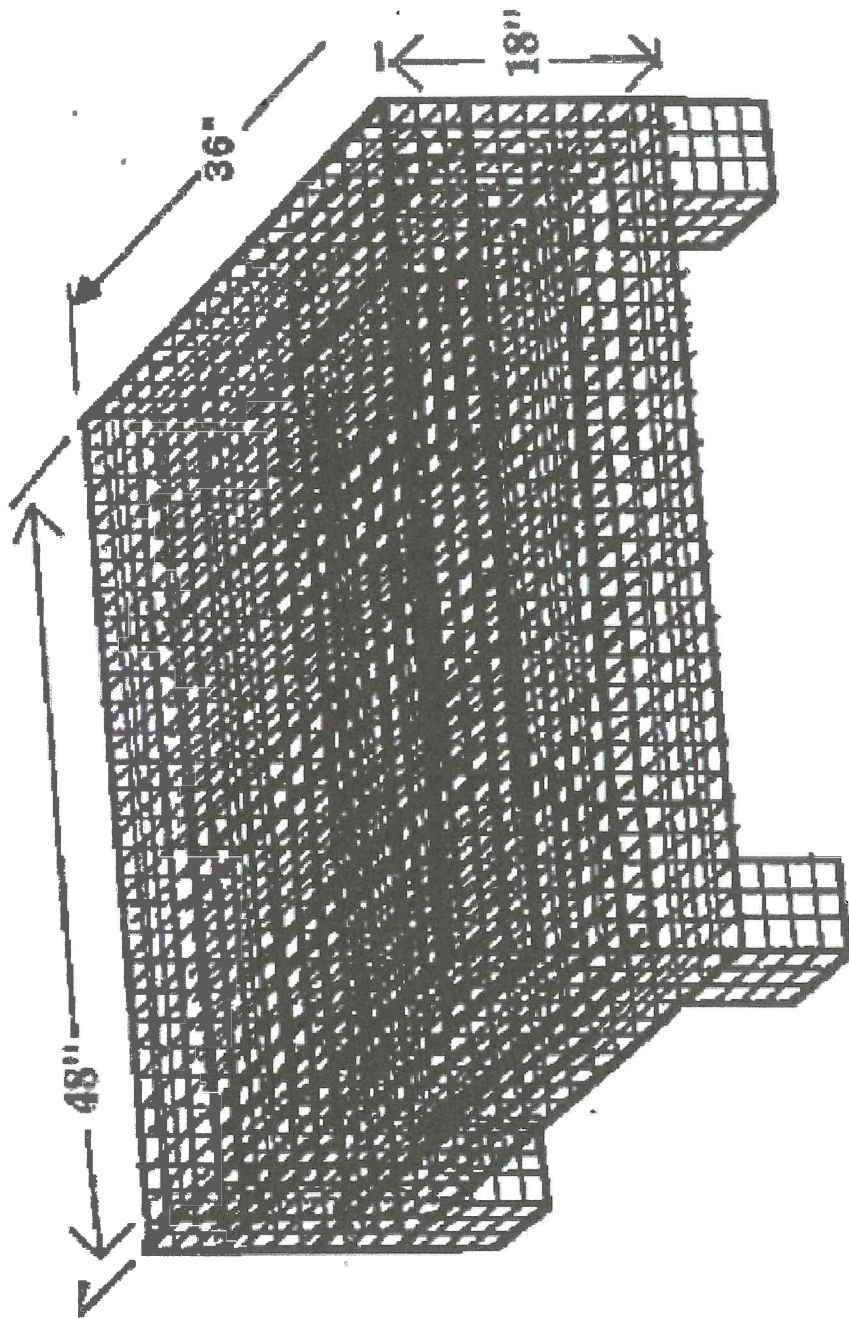


Figure 3: Three Dimensional View of a Bottom Rack with Measurements



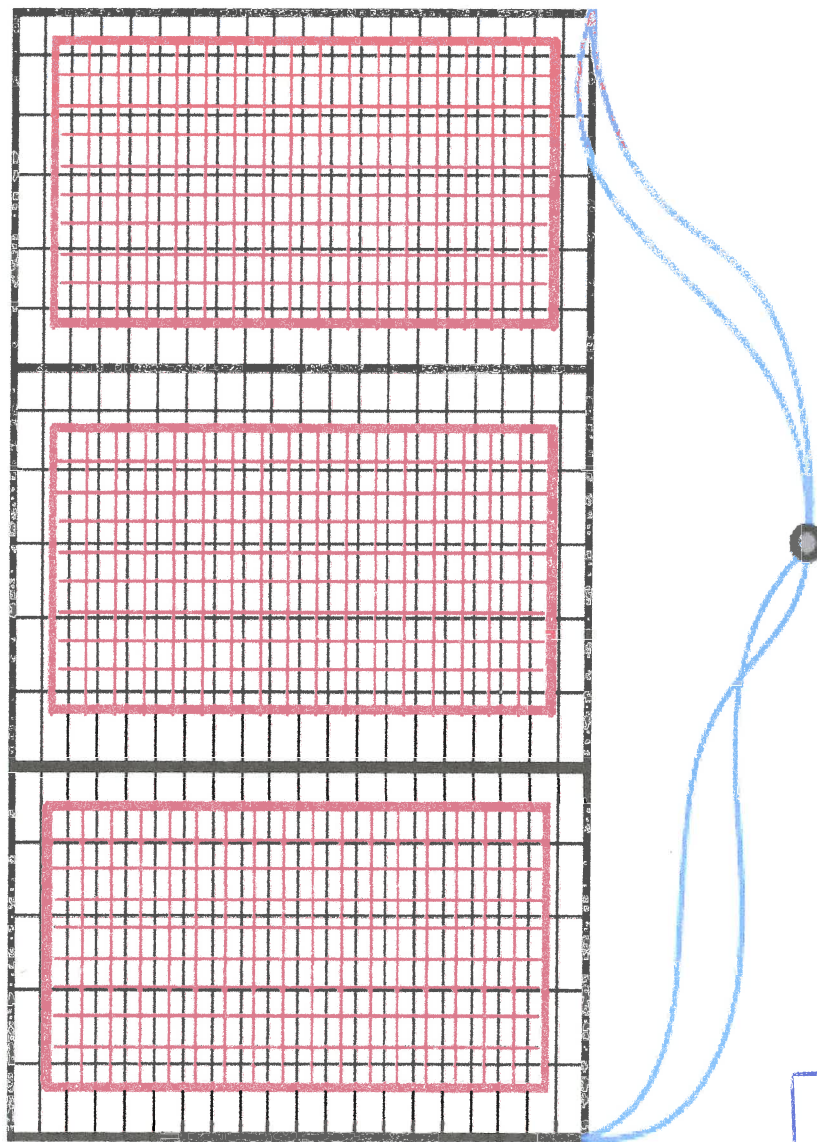
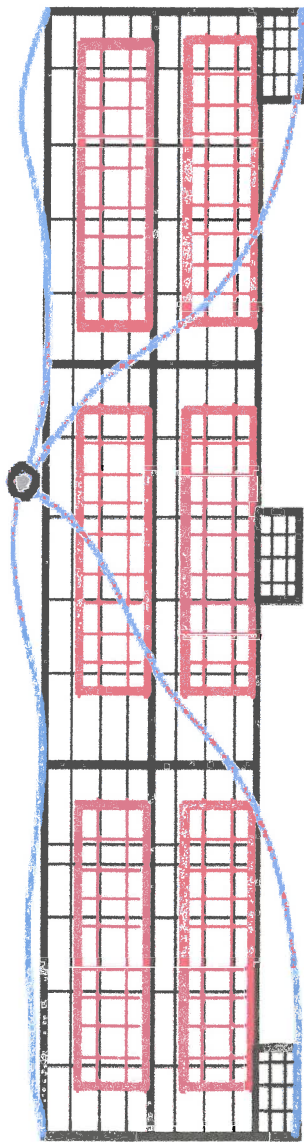


Figure 4- Elevation and Plan View of the Aquaculture Storage Rack and Bag System
 Red = Bags, Black = Rack, Blue = Rope Harness



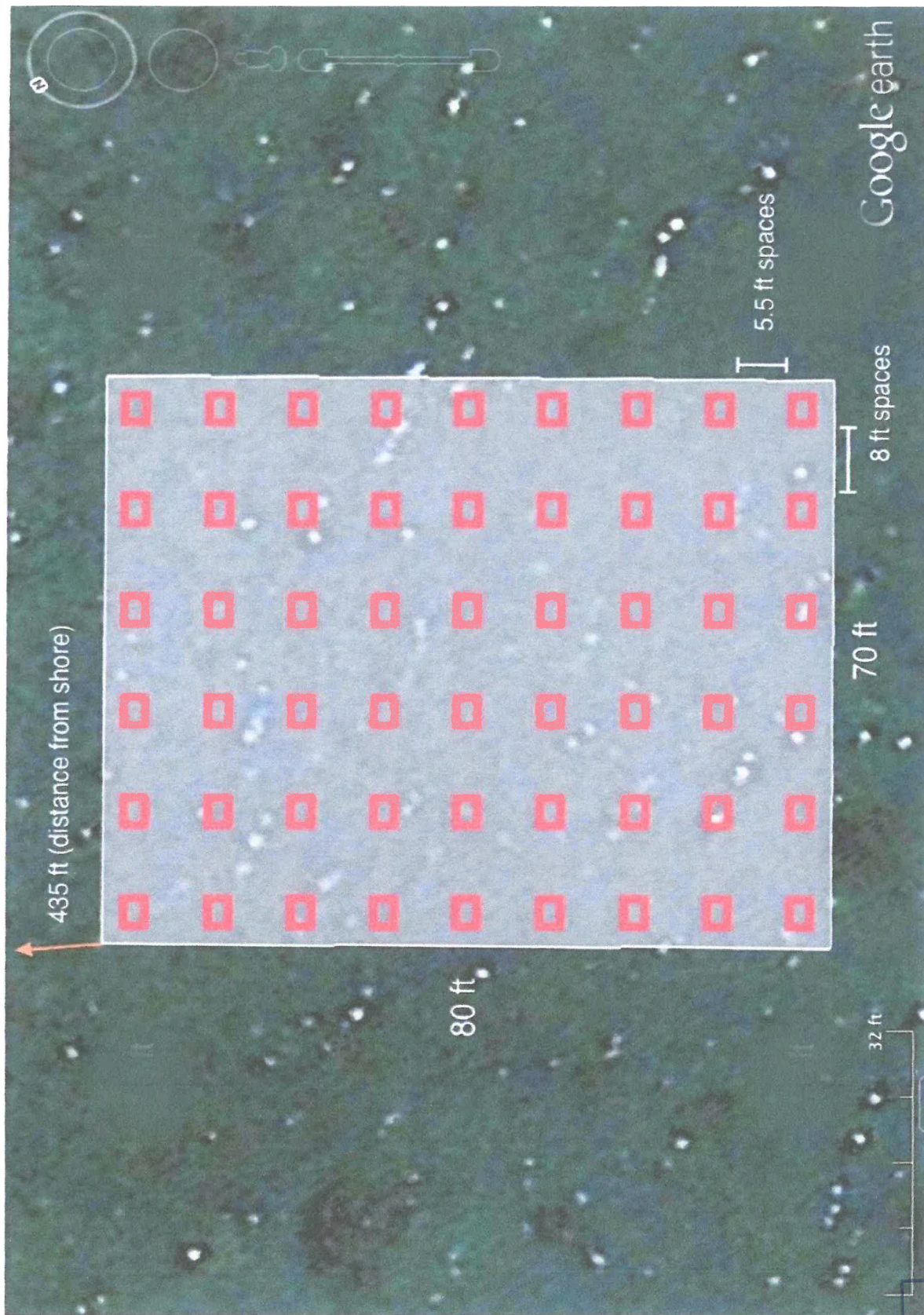


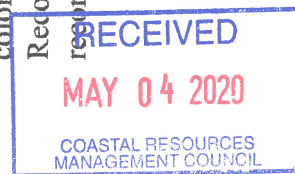
Figure 5 – Cage Layout

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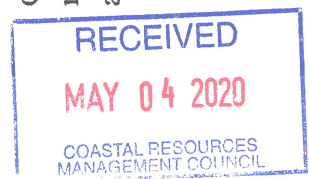
Operational Plan:

1. *Name and Mailing Address:* David Lovesky – 45 Briarwood Drive, Charlestown RI 02813
2. *CRMC File Number: Modification to D 2016-05-007*
3. *DEM Aquaculture License Number: 000125*
4. *Type of Facility:* Commercial Lease
5. *Location of Facility:* Quonochontaug Pond, Charlestown, RI.
6. 41.34416 N, -71.72319 W
7. *Species:* Eastern Oyster (*Crassostrea virginica*)
8. *Types of Structures, Gear and Methods:* We would like to store Eastern Oysters using subtidal, bottom cages (figures 1 through 5). The maximum capacity of this site will be composed of 54 bottom cages. Each cage, being two slots high and three across, will hold six oyster bags. The cages will be submerged to the bottom, organized in 6 rows of 9 cages per row. Each cage will have a line that attaches to either side with a buoy in the middle. The buoy will float this loop of line 4 feet below the surface at mean low tide. The site will be accessed from a boat via the sand bar located at the West Beach Breachway.
9. *Methods and equipment used to identify and mark the site:* The designated aquaculture area boundaries will continue to be marked with four 11-inch white corner buoys, as required by law, which will continue to be secured to the bottom with dead weight anchors. Apart from continuing to tend the shellfish on occasion, our operational activities will continue to not be visible from the shore or from the water. Gear placed on the bottom will not pose a navigational hazard to boaters.
10. *DEM Shellfish Harvesting Classification:* 11QW
11. *Practices and Procedures Used:* The proposed subtidal site will be specifically used for storage from November through March. Gear will be removed from April through October.
12. *Procedure for maintaining records:* Seed of separate origin and deployment will be labeled using a color-coding system. Two zip ties of the same color will be applied to each bag of oysters. This color will remain constant for each set of seed as it is split up and spread throughout the site. Records of seed origin, size grade, and set/haul dates will be kept in a waterproof notebook for in the field use. This information will also be recorded and mapped out on the program in Microsoft Excel.



Section 300.1 B Requirements

- (1) *Demonstrate the need for the proposed activity:* The site has been used as a bottom plant for the past two years. Due to the lack of winter storage cages, the site has experienced over a 70% death rate of oysters. The cages would protect the oysters during vulnerable winter months.
- (2) *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:* No land-based activities are involved with this proposed site.
- (3) *Describe the boundaries of the coastal waters and land area that are anticipated to be affected:* See attached map and aerial photos.
- (4) *Demonstrate that the activity will not result in significant impacts on erosion and/or deposition processes along the shore and in tidal waters:* The proposed site is located in an area of low turbulence where erosion and deposition rates are very slow. The gear, which will set be on a flat bottom, is built to allow for the movement and passage of small particles. These processes will not be impaired.
- (5) *Demonstrate that the activity will not result in significant impacts on the abundance and diversity of plant and animal life:* There is no eelgrass or any other plant life on the proposed site. Oyster bags have no harmful effects to any fish species. In fact, studies have shown that oyster equipment provides a safe structure for juvenile fish to hide from predators. According to other oyster farmers in the area, this equipment has had no effect on the local bird populations.
- (6) *Demonstrate that the activity will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of tidal waters and/or the shore:* The proposed site will be at least 10 feet below the water line at mean low tide and will not impede the use of the water by anyone, including boaters, especially during the proposed winter months.
- (7) *Demonstrate that the alteration will not result in significant impacts to water circulation, flushing, turbidity, and sedimentation:* The proposed site is located in an area of very little water circulation. The gear, which will only take up the lower 20 inches of the water column, is built to allow for the greatest amount of water flow in order to provide nutrients to the oysters.
- (8) *Demonstrate that there will be no significant deterioration in the quality of the water in the immediate vicinity as defined by DEM:* Oyster farming has been proven to improve water quality. A full-grown oyster will filter about 50 gallons of water a day, removing any contaminants. Gas tanks for the oyster boat will be filled on land to avoid spills.
- (9) *Demonstrate that the activity will not result in significant impacts to areas of historic and archaeological significance:* There is no known historic or archaeological significance within the proposed site.
- (10) *Demonstrate that the activity will not result in significant conflicts with water-dependent uses and activities such as recreational boating, fishing, swimming, navigation, and commerce:* During the months of November through March, very little recreational activity occurs in Quonochontaug Pond. Most boats are removed from the water by November. Either way, this site should not pose any conflicts to recreational users. Although it is located in deep water, hazardous boulders surround the site. For this reason, the area is avoided for boating and swimming, especially during winter months.



- (11) *Demonstrate that measures have been taken to minimize any adverse scenic impact:* The white buoys at each corner of the site will continue to be the only visible equipment. Oyster cages will be submerged to the bottom with no visual markings. The location of each cage will be marked in a grid system and a handheld GPS may be used to record exact coordinates. Cages should be easily found in the spring since the waters lack nutrients and planktonic organisms.

