



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 NOTICE

File Number: 2019-03-064 Date: September 1, 2021

This office has under consideration the application of:

**Boynton Reed Allen
30 Wolcott Avenue
Middletown, RI 02842**

for a State of Rhode Island Assent to:

Continue a 1000 square foot commercial viability shellfish aquaculture site in East Passage off of Carr Point in Portsmouth (please see the attached application) for an additional 18 months; a commercial viability site requires a Council Category B decision after the initial 18 months of operation – see **650-RICR-20-00-1.3.1(K)(5)(a)(14)(AA)(i)**

Project Location:	Narragansett Bay
City/Town:	Portsmouth
Waterway:	East Passage

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 October 1, 2021.



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

File Number (CRMC use only): 2019-03-064

**Existing Viability permit #:* 2019-03-064

CRMC COMMERCIAL VIABILITY AQUACULTURE APPLICATION

Applicant's Name: Baynton R. Allen

Mailing Address: 30 Wolcott Ave

State: RI Zip: 02842 Telephone Number: 401-378-0864

E-Mail: bbaallen1@hotmail.com

PROJECT LOCATION

Waterway: Narragansett Bay

City/Town: Portsmouth

Latitude-longitude coordinates of site:

(See overhead site image for all relevant lots & bings.) SE: 41.5697594 /
-71.2961727

DESCRIPTION OF PROPOSED AQUACULTURE OPERATION: **Reapplication/renewal**
of existing viability site off Carr Point, Portsmouth, for *2nd 1.5
year* lease. Same as first lease. Bottom gear in 50' by 20'
space. Depth 7.5' to 8.5' (low-tide). Manual, line-haul approach
with 3 pieces of gear (approx 18" tall), with an allotment for
6 pieces of gear.

Proposed species (common name; genus and species): Eastern Oysters (Crassostrea virginica)

Proposed start and end dates for experiment: Nov. 2021 (15th) - May 2023

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 the state assent.

Baynton R. Allen
Applicant's Signature



Regarding This Application for 2nd 1.5 Year Lease of Commercial Viability Site off Carr Point, Portsmouth...

1. All materials following this page are from the 1st application for the commercial viability site, as the applicant is simply seeking to continue present operations; however, small edits or alterations to these documents will be indicated by brackets ([...]). Also, please note that bottom cages actually in use are only approximately 18" height, and shorter than the gear proposed in the 1st application for the viability site.
2. The applicant is seeking this 2nd lease because...
 - a). The rate of mortality of animals at the site was extremely low.
 - b). The growth rate of animals at the site appears good.
 - c). As of this point, fouling of gear is not as severe as applicant had anticipated.
 - d). From observation, it appears that a future, small commercial site will not be in in considerable conflict with recreational activities or commercial operations in the area. (As documented in videos, no recreational usage of site waters or waters in the immediate area has been observed; additionally, commercial vessels observed in general vicinity off of Carr Point (at least 250 to 300 yards or greater from the site) have not been observed in the immediate vicinity, with the exception of one, regular quahog diver operation, which has neither been observed in the existing viability site nor within the estimated, projected boundaries of the likely to be sought small, commercial site.)
 - e). In order to be certain of whether to proceed or not with a Preliminary Determination Application, the applicant seeks the opportunity of the 2nd commercial viability lease to best determine the boundaries of the prospective site and to continue to evaluate any adverse conditions at the site as well as oyster grow-out results. It is possible that this work will be satisfactorily concluded in the Fall or early Winter of 2021; however, this is not certain, and concurrently, the applicant seeks the allowance of more time so as to not lose the existing foot-print of the site and be required to extract his gear before a final determination is carefully made and/or a thoughtful Preliminary Determination Application can be created, filed, and heard.

Boynton R. Allen



Written Operational Plan for Commercial Viability Site [For 2nd, 1.5 Year Lease]

[Note: This submission is for the 2nd, 1.5 year lease. With the exception of where brackets are located, this operational plan is identical to what was submitted for the 1st lease.]

Applicant: Boynton Allen
30 Wolcott Avenue
Middletown, RI 02842
(401)378-0864
boboallen1@hotmail.com

Design:

Location: The proposed commercial viability site [for eastern oysters] is a 50' by 20' space (East to West by North to South, respectively), which is 1,000 square feet. It would be located approx. 215 yards from the shore of Carr Point in Portsmouth in approved shellfish waters. (See application form, "Location Maps," and/or "Site Plans" for lat./long. details.)

Bottom & Gear Type: The bottom is flat and a sand/mud composition, and the depth of the space -- running East to West -- is approx. 7.5' to 8.5' at mean low tide; therefor, the viability site would use bottom gear. (See "Gear Details" for specs.)

(Note on mitigating conflict: the depth of the space ensures that the site will not come into conflict with anyone [wading to] rake for shellfish, while the distance from shore ensures that it will not come into conflict with casters; and both the depth and [flat and predominantly sand/mud] nature of the site's bottom should significantly reduce possible conflict with fish-fishermen since the bottom is much shallower than the 20' contour and there is [very sparse] cover for game-fish to hide and hunt. Additionally, the location of the site does not propose any unnecessary impediment to regular boat traffic. Lastly, *there is **no** eel grass in the vicinity.*)

Basics of System: The site will use a "long-line"/line-haul approach, with 1 line running from the SW corner to NE corner. The bottom gear will [...] consist of traditional bottom cages in which grow-out bags will be situated. (See "Gear Details" [and accompanying header note].) Only [3] such pieces of bottom gear [are in use], [...]; however, an allotment of 6 pieces of bottom gear in total is requested should additional space become absolutely necessary.

The line will be attached to a pick-up buoy which will be attached to an anchored Line Main Buoy to which the vessel can be attached and work from. Additionally, the beginning of the line will have an additional, extractable anchor to help reduce strain on the system in high, westerly winds. (See "Site Plans.")

The 50' by 20' site will be clearly delineated with [4] marker buoys.



Operation:

Frequency of Visits and Purposes: Once established, the site will be visited an average of once a week in the months May through October. Approximately 50% of these visits will assess and document oyster growth and mortality while all visits will assess and document the likelihood of potential problems with the site, including but not limited to those related to fetch exposure and fishing interests. (Visits will still likely occur in April and November, though with minimum frequency. Visits will not be conducted in winter months except for after large, westerly storms to make sure no gear washes up, though all extra precautions will be taken to ensure this does not occur.) [Note: actual frequency of visits can vary. The above description is a target.]

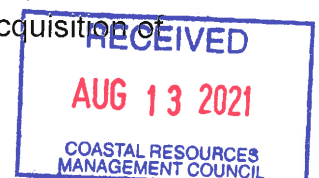
Oyster Handling and Gear Maintenance: It is anticipated that the oysters themselves will be hauled up and roughly inspected every other week. More thorough inspections, which will measure mortality rate in selected bags, will occur once a month. In the first year, it is anticipated that oysters will only be sorted once, in September and/or October; and if the desirability of the site is not determined in the first year, then it is likely that the oysters will be sorted twice a season thereafter -- in late Spring and the Fall -- until the determination is made. Regardless, sorting will be conducted onboard at the site. [Note: the above description is a target. Actual handling and gear maintenance may differ.]

Gear maintenance will be conducted on an as-needed basis as determined during inspections of the oysters. Typical maintenance will be limited to switching fouled bags/baskets with new and/or sun-treated bags/baskets, which will be easily accomplished aboard the vessel. If cages/basket-housings need significant maintenance or replacement, the same method will be used. (Bags/baskets and cages/housing will be kept at a commercial property in Middletown, RI.) In the unlikely event that any equipment is washed ashore, it will be removed by the applicant posthaste.

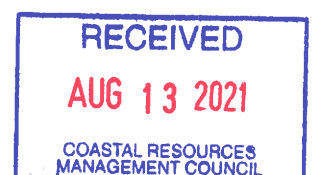
Harvesting: CRMC guidelines will be observed when it comes to harvesting oysters for market: it will only be a one-time sale to a RI licensed shellfish dealer. Differently, if CRMC approval is granted, the applicant may wish to keep oysters at the site if the commercial viability lease is still in effect and a submitted application for a full lease is approved; additionally, if it is granted by the CRMC, and since it is anticipated that a relatively modest number of oysters will be kept at the viability site, the applicant may seek to move these oysters to the recreational site previously permitted to him (A2013-09-065) so long as the maximum allotment of space for a recreational permit is not exceeded.

Seed Stock Origin:

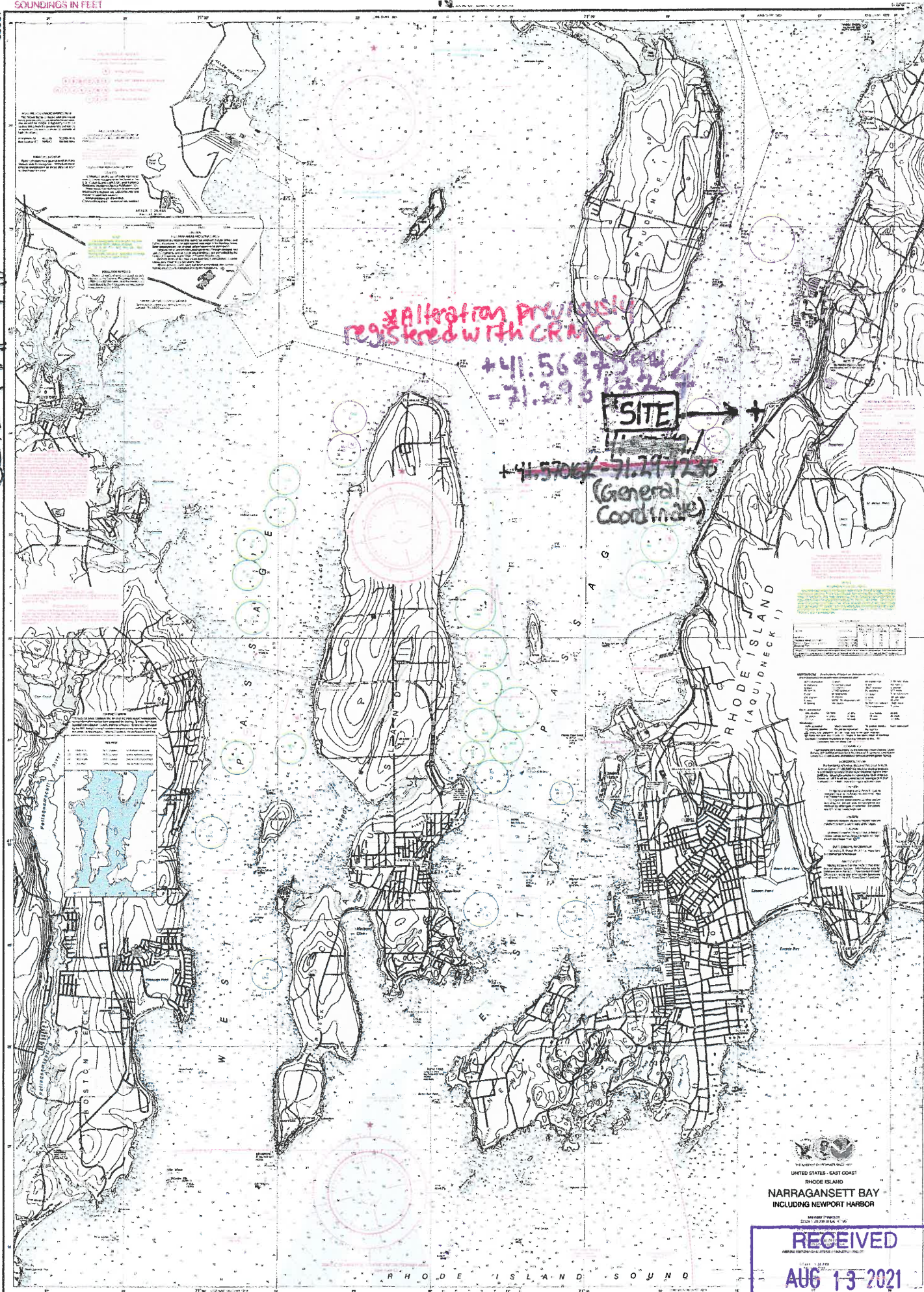
The applicant will only use seed that's pathology report has been reviewed and approved by the CRMC, etc. Additionally, the applicant will make sure the acquisition of



seed complies with the guidance provided by the FDA National Shellfish Sanitation Program. ([It is, however, unlikely that the applicant will put seed in at the site for this 2nd lease, and it is more likely that the operator will continue to grow-out seed previously put at the site and acquired through Nick Papa. If the applicant decides to purchase further, approved seed...] it is believed the oyster seed will be purchased through [Nick Papa].)



SITE MAP A

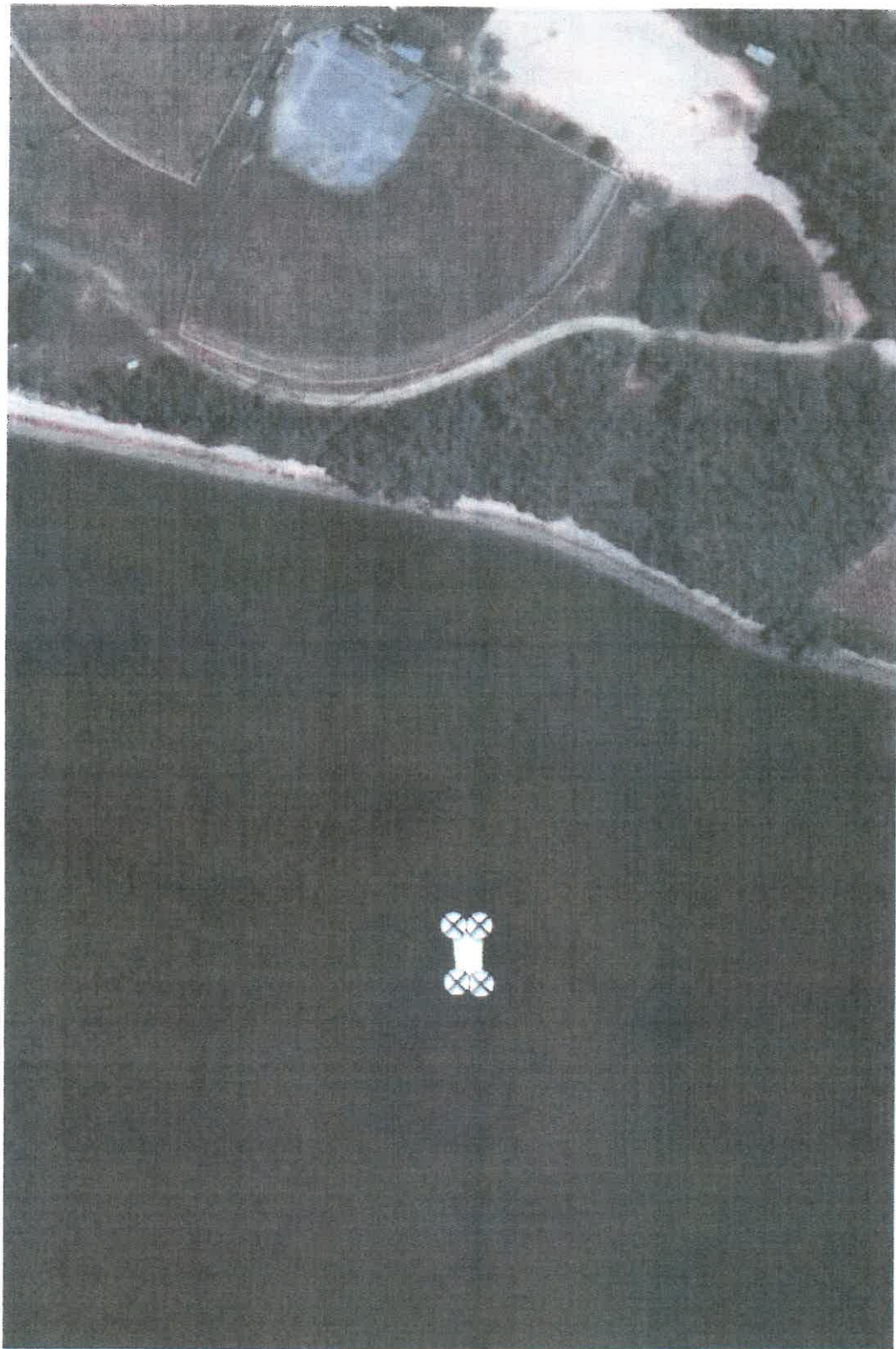


NARRAGANSETT BAY
INCLUDING NEWPORT HARBOR

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AUG 13 2021

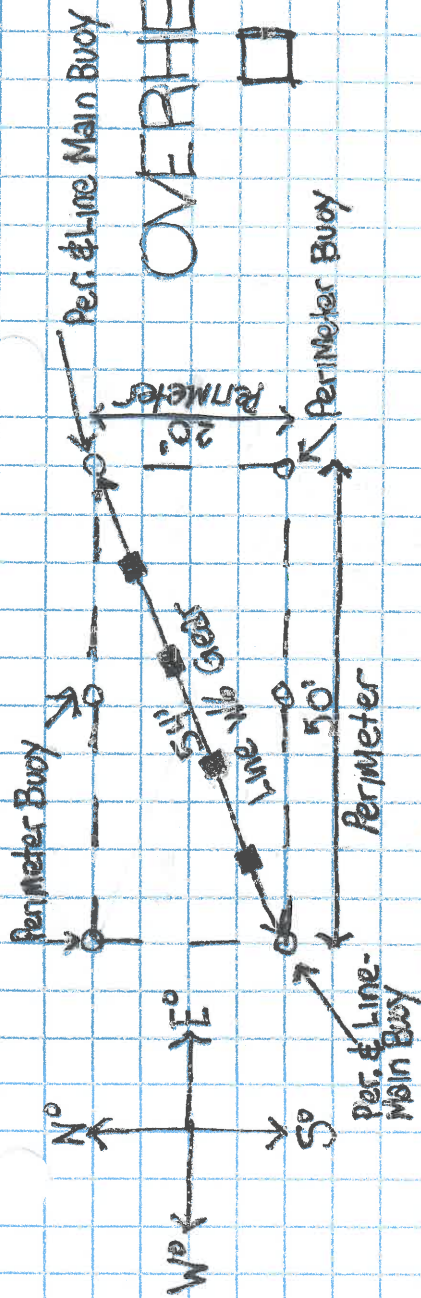
Newport Harbor
COASTAL RESOURCES
MANAGEMENT COUNCIL



NE: 41.569833 / -71.296164
SE: 41.569754 / -71.2961727
NW: 41.569825 / -71.296346
SW: 41.569769 / -71.296346

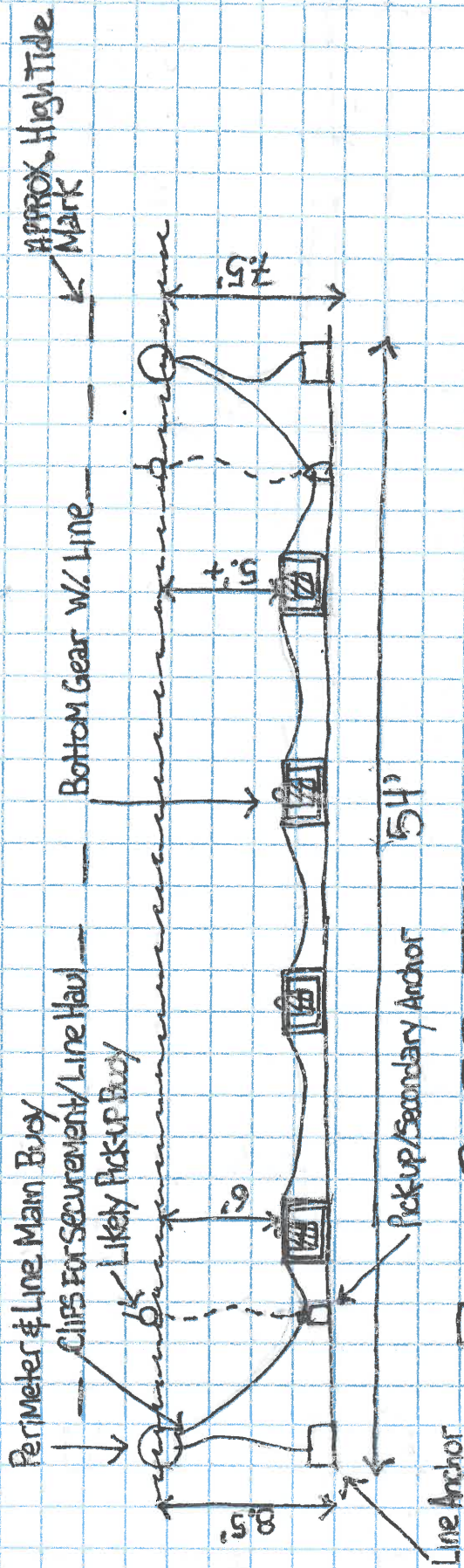


SITE PLAN B.



OVERHEAD VIEW

□ = 5 SQ FT.



□ = 2 SQ FT.

LINE-HAUL SYSTEM W/ GEAR

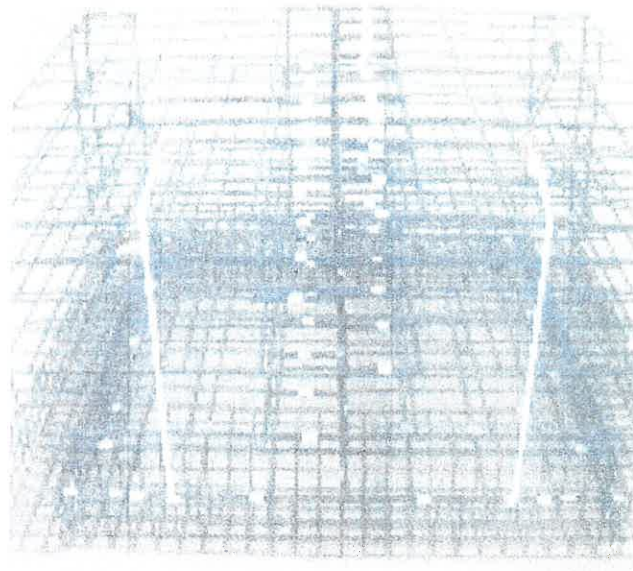
*SITE PLANS W/ CROSS-SECTION

& OVERHEAD VIEW*

(Lat & Long. on Add. Site Map.)

GEAR DETAIL B.

~~Fig. C1~~



* Actual Bottom
Cages in use
only 18" tall,
(2 Bay Cages)

Image 1: 8 Bag Bottom Cage (36.5" deep, 45.5" wide, and 22.5" tall). (6 Bag Bottom Cage has same dimensions except 18.5" tall.) (Custom cages for subtidal-floating cage system would be approximately 36.5" deep, 23" wide, and 36" tall.)

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GEAR DETAIL C.

Fig. C2

For Bottom >
Cages, if used.

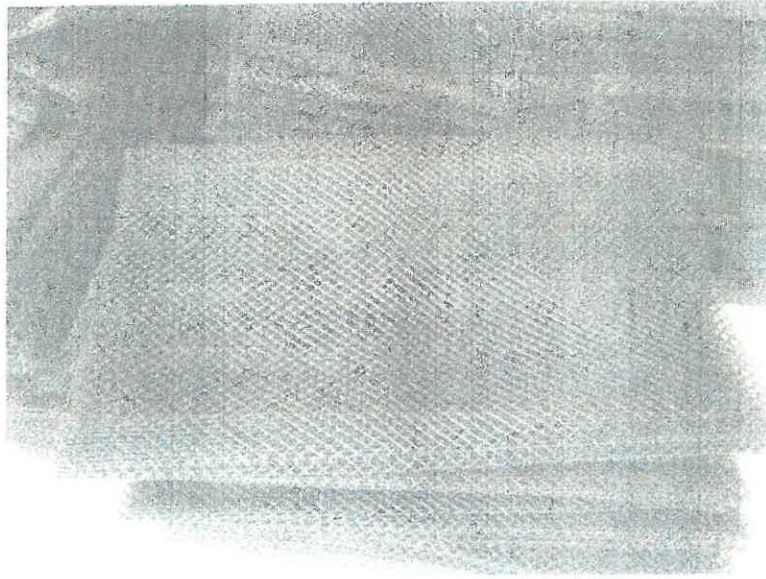


Image 3: A stack of typical oyster grow-out bags that are placed in cages.

*For PVC Hosing Cube, IF Used.
(Preferred.)

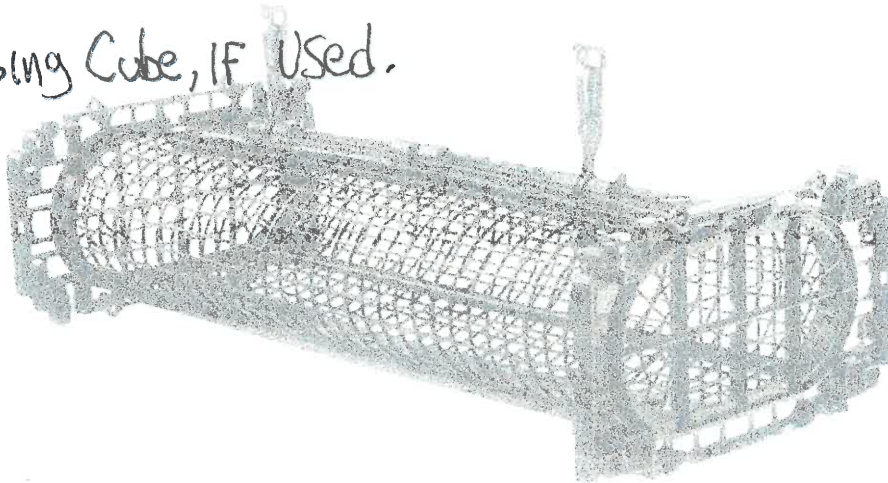


Image 4: SEAPA 800 Model Basket. (25L size will be most used, running at approx. 25.5" long, 15.75" wide, and 10.65" tall.)





REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

March 25, 2020

Regulatory Division
File Number: NAE-2020-00429

Boynton Allen
30 Wolcott Avenue
Middletown, Rhode Island 02842

Dear Mr. Allen:

PROPOSED WORK/LOCATION: Narragansett Bay, Portsmouth, RI

RI CRMC FILE #: 2019-03-064

We have reviewed your proposal to set up an approximately 50' x 20' aquaculture operation consisting of bottom gear in Narragansett Bay, in Portsmouth, Rhode Island. We have assigned this file number NAE-2020-00429. Please reference this number in any future correspondence with us.

Since your project may have only minimal individual and cumulative impacts on waters and wetlands of the United States, it is authorized by the Corps of Engineers under the Rhode Island General Permits (GPs). This authorization does not obviate the need to obtain other federal, state, or local approvals. You are responsible for ensuring that the work meets the terms and conditions of the RI GPs. We have recorded this project as permittee self-verification of the RI GPs in our database.

Please contact Diane Ray of my staff at (978) 318-8831 if you have any questions.

Sincerely,

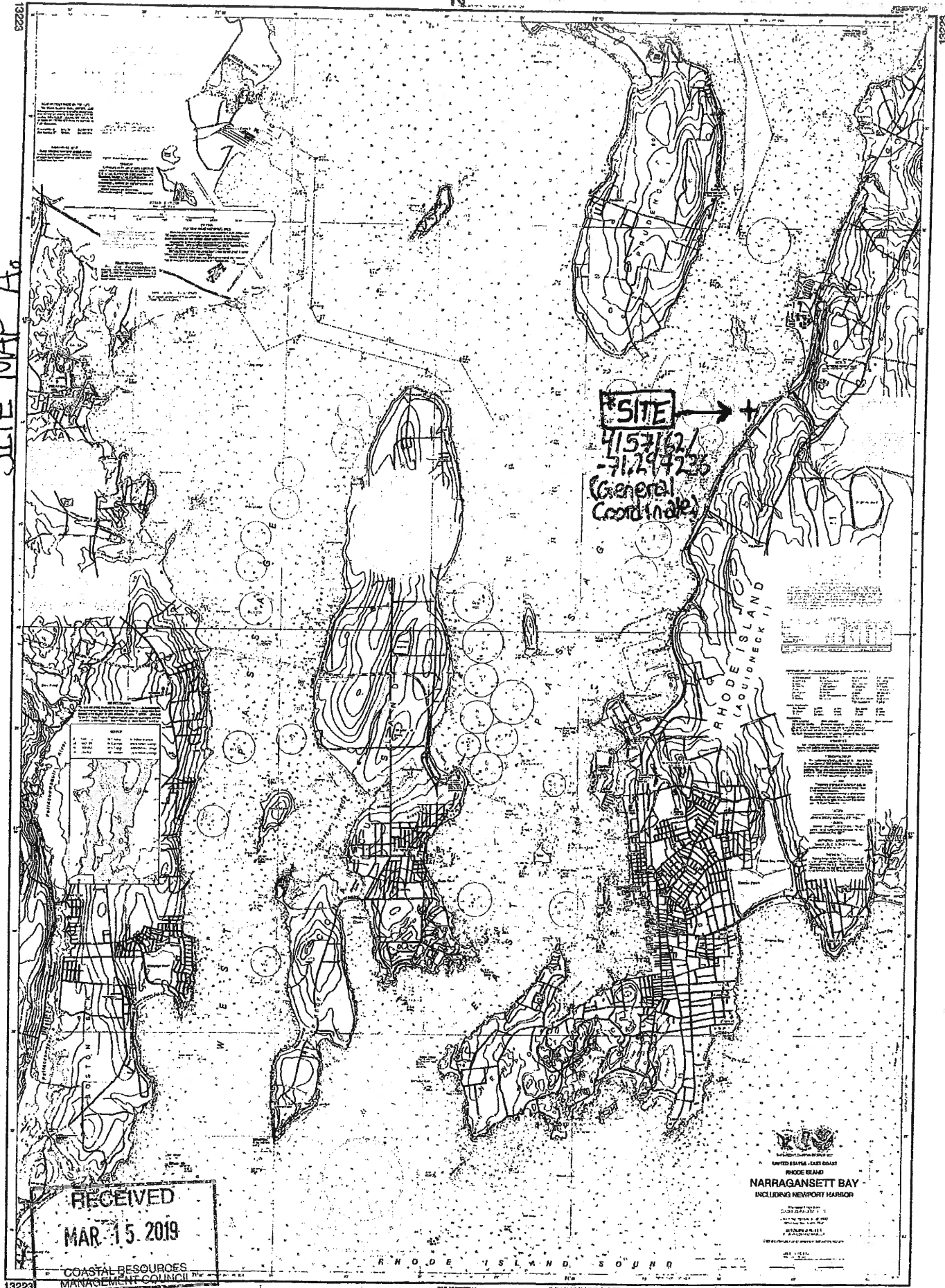
Kevin R. Kotelly, P.E.
Chief, Permits & Enforcement Branch
Regulatory Division

Enclosure-

cc:

RI CRMC, Dave Beutel, dbeutel@crmc.ri.gov – via email

SITE MAP A



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UNITED STATES - EAST COAST
RHODE ISLAND
NARRAGANSETT BAY
INCLUDING NEWPORT HARBOR

RHODE ISLAND SOUND

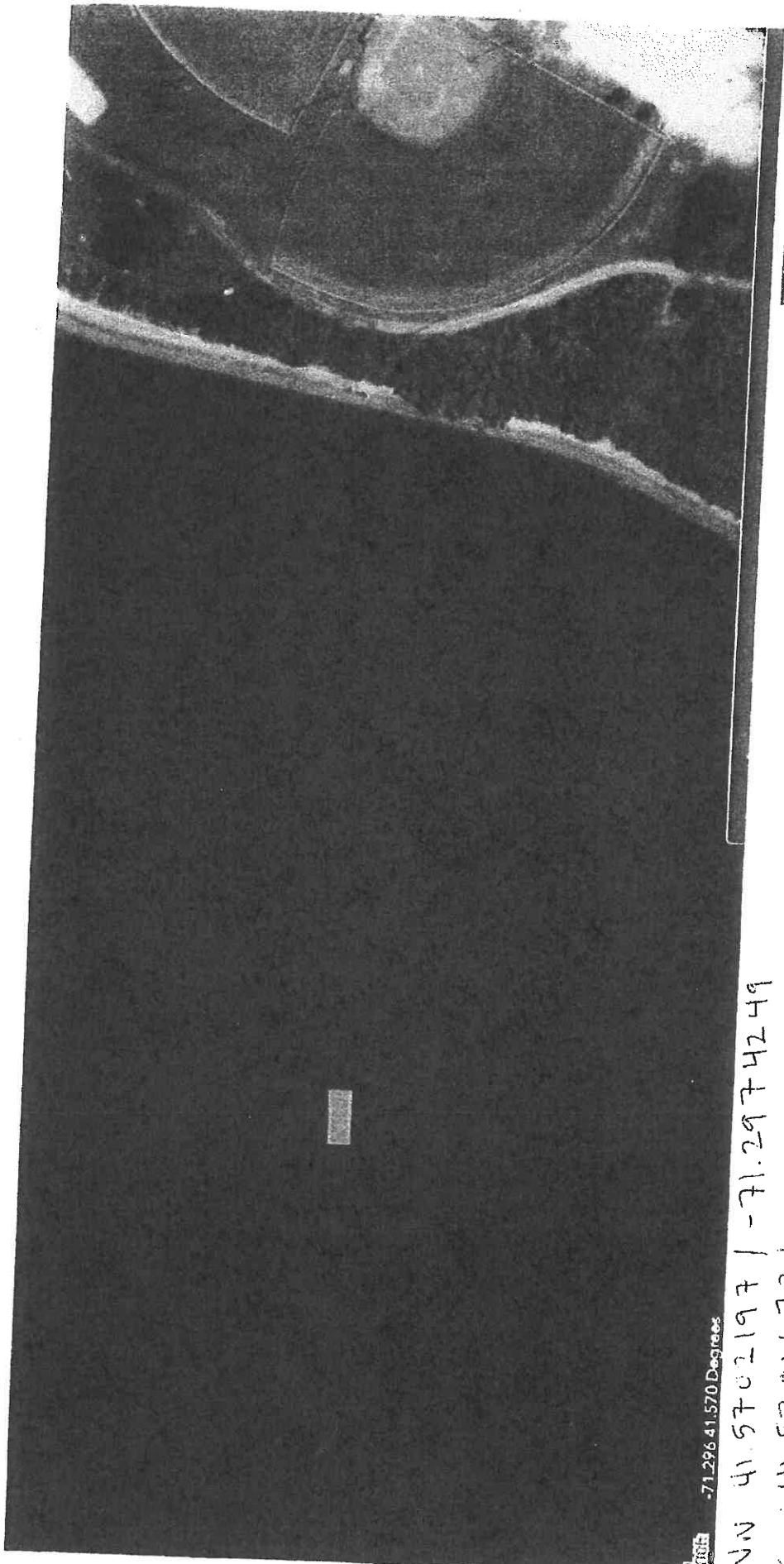
SOUNDINGS IN FEET

13223

7064 -71.296 41.570 Degrees

NN 41.5702197 / -71.2974249
SW: 41.5701673 / -71.2974229
NE: 41.5702227 / -71.2972358
SE: 41.570162 / -71.297236

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APR 12 2019
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RECEIVED
MAR 15 2013
COASTAL RESOURCES
MANAGEMENT COUNCIL

STEEBLE- / 9H0ESJH
KONG JETAMU

41.57062/-71.29725

9

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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3. Haull Line

William Gar



25/5/50 to start

41570146/-71997236

○

62-72915-17

55

Perimeter Buoy w/ Line-Haul

1521

*SITE PLAN OVERHEAD (LARGER)

(parent's name) (B + T)

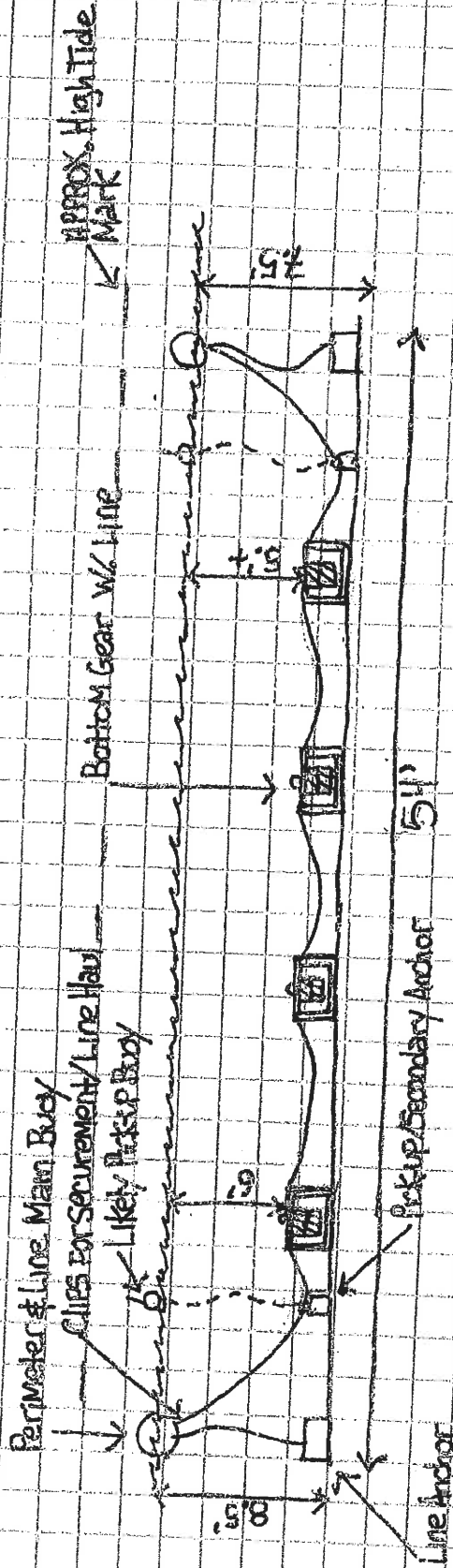
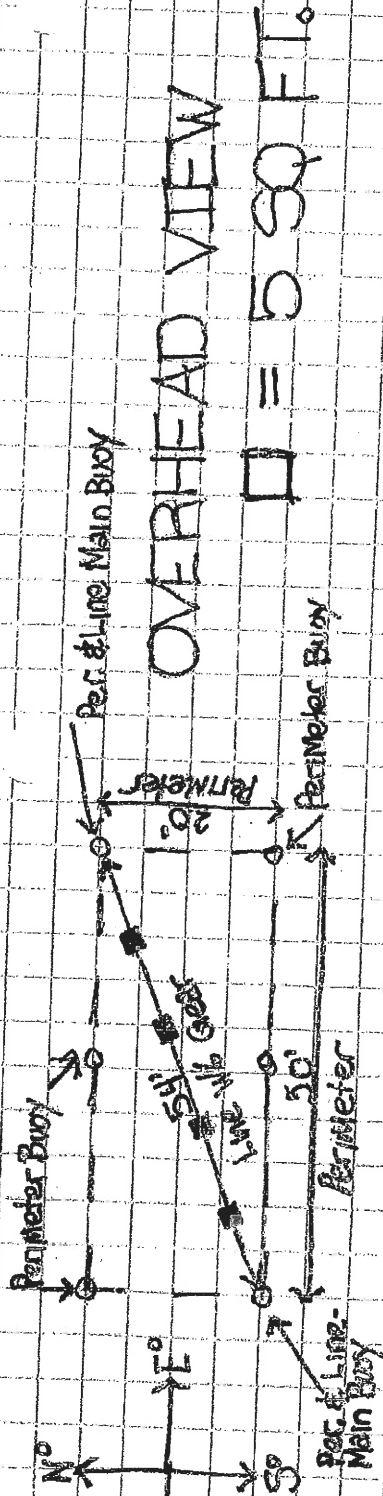
Ch. 8 Long on End. Site Map & WPA Chart

PL

34

SITE PLAN B.

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□ = 2 SQ FT.

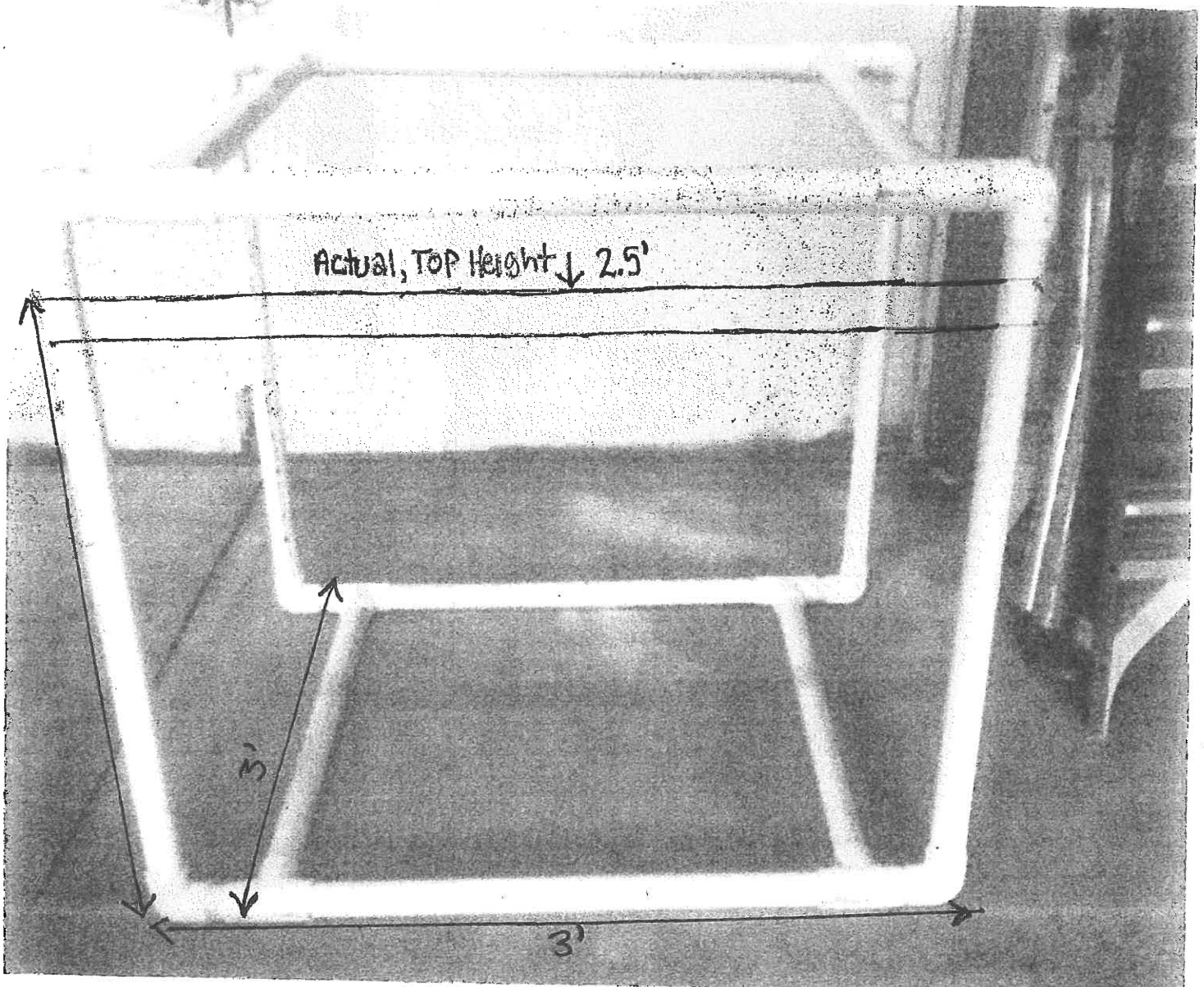
LINE-HAUL SYSTEM W/ GEAR

*SITE PLANS W/ CROSS-SECTION
& OVERHEAD VIEW*

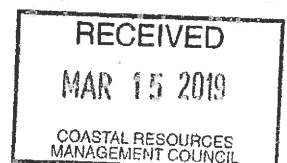
(Lat & Long. on Add. Site Map)

GEAR DETAIL A.

*NOTE: PHOTO IS OF CUBE 3' TALL, ACTUAL CUBE WILL BE 2.5' TALL



PVC HOUSING CUBE
(SEAPA Baskets will be housed/suspended in cube)



DIMENSIONS = 2.5' x 3' x 3'
(*Some cement will be contained in feet of cube to help prevent movement)

GEAR DETAIL B.

~~Fig. C7~~

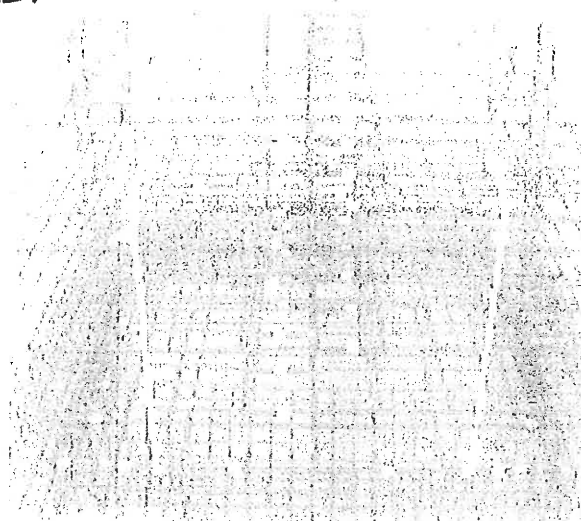


Image 1: 8 Bag Bottom Cage (36.5" deep, 45.5" wide, and 22.5" tall). (6 Bag Bottom Cage has same dimensions except 19.5" tall.) (Custom cages for subtidal-floating cage system would be approximately 36.5" deep, 23" wide, and 36" tall.)

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GEAR DETAIL C.

Fig. C2

For Bottom
Cages, if used.

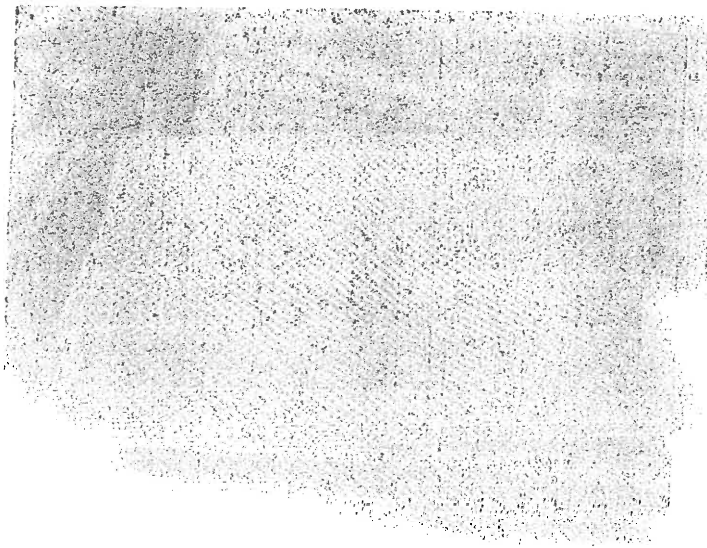


Image C: A stack of typical oyster grow-out bags that are placed in cages.

For PVC Hosing Cube, if Used.
*(Preferred.)

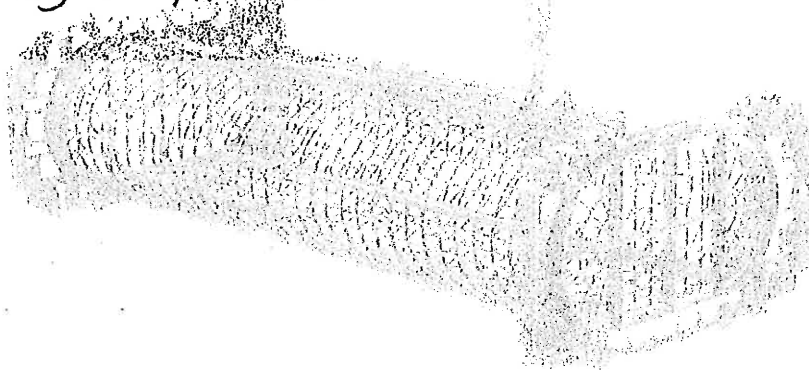


Image 4: SEAFAR 900 Model Basket (25l size will be most used, running at approx 25.5" long, 15.25" wide, and 10.25" tall.)

