



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: 2019-11-082

Date: January 27, 2020

This office has under consideration the application of:

East Beach Farms, LLC
Attn: James Arnoux
141 Pine Hill Road
Wakefield, RI 02879

for a State of Rhode Island Assent to: add 2.6 acres to existing oyster aquaculture site 2009-07-028. Grow out methods will be the same as on the existing saite: wire trays on the bottom and wire cages on the bottom

Project Location:	Ninigret Pond
City/Town:	Charlestown
Plat/Lot:	/
Waterway:	Ninigret 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 February 26, 2020.



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Aquaculture

APPLICATION FOR STATE ASSENT

To perform work regulated by the provisions of Chapter 279 of the Public Laws of 1971 Amended.

Applicant's Name: <u>JAMES ARNOUX / EAST BEACH FARMS, LLC</u>		File No (CRMC use only): <u>2019-11-082</u>
Mailing Address: <u>JAMES ARNOUX 141 PINE HILL RD.</u>		Res. Tel. # <u>(401) 742-0817</u>
City/Town: <u>WAKEFIELD</u>	State: <u>RI</u> Zip Code <u>02879</u>	Bus. Tel. # <u>SAME</u>
Waterway: <u>MINIGRET POND</u>	Est. Project Cost \$	Fee/Costs: \$ <u>100.00</u>
Longitude/latitude of all corners of Proposed Aquaculture Project Location (preferably in decimal degrees): <u>① 41.3581° / 71.6547° ③ 41.3559 / 71.6558</u> <u>② 41.3565 / 71.6541° ④ 41.3573 / 71.6562</u>		

Have you or any previous owner filed an application for and/or received an assent for any activity on this site? (If so please provide the file and/or assent numbers).


APPLICATION IS ADJACENT TO EXISTING LEASE # 2009-07-028

Is this application being submitted in response to a coastal violation?

Yes _____ No ☒

If yes, you must indicate NOV or C&D Number N/A

Is this site within a designated historic district? NO

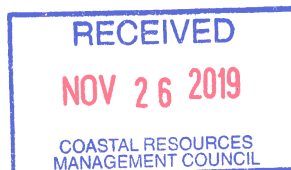
 JAMES ARNOUX 11/26/19
 Owner's Signature (sign and print)

STORMTOOLS (<http://www.beachsamp.org/resources/stormtools/>) is a planning tool to help applicants evaluate the impacts of sea level rise and storm surge on their projects. The Council encourages applicants to use **STORMTOOLS** to help them understand the risk that may be present at their site and make appropriate adjustments to the project design.

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. Where variances or special exceptions are requested by the applicant, the applicant will be prepared to meet and present testimony on the criteria and burdens of proof for each of these relief provisions. 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. If the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then the permit granted under this application may be found to be null and void. Applicant requires that as a condition to the granting of this assent, members of the CRMC or its staff shall have 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 the penalties of perjury.

01/17

PLEASE REVIEW REVERSE SIDE OF APPLICATION FORM



STATEMENT OF DISCLOSURE AND APPLICANT AGREEMENT AS TO FEES

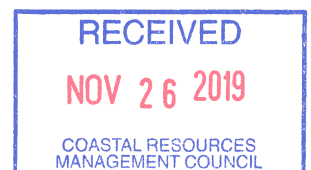
The fees which must be submitted to the Coastal Resources Management Council are based upon representations made to the Coastal Resources Management Council by the applicant. If after submission of this fee the Coastal Resources Management Council determines that an error has been made either in the applicant's submission or in determining the fee to be paid, the applicant understands that additional fees may be assessed by the Coastal Resources Management Council. These fees must be paid prior to the issuance of any assent by the Coastal Resources Management Council.

The applicant understands the above conditions and agrees to comply with them.

Signature 

Date 11/26/19

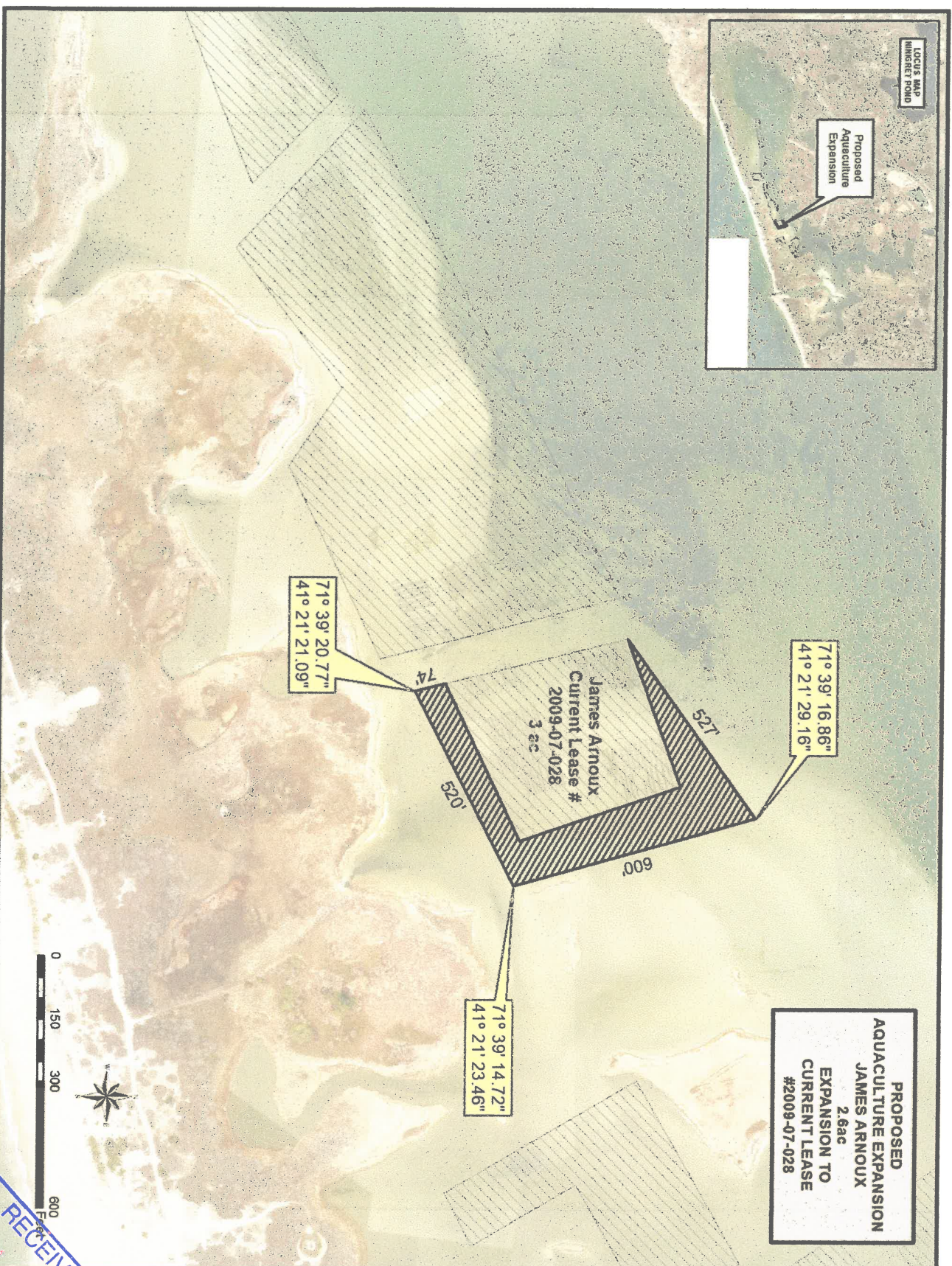
SAM B ARNOUX 141 PINE HILL RD WAREFIELD RI 02879
Print Name and Mailing Address





**PROPOSED
AQUACULTURE EXPANSION
JAMES ARNOUX
2.6ac
EXPANSION TO
CURRENT LEASE
#2009-07-028**

RECEIVED
6/22/2019
COASTAL RESOURCE
MANAGEMENT COUNCIL



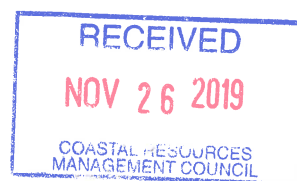




RECEIVED
NOV 26 2019
COASTAL RESOURCES
MANAGEMENT COUNCIL

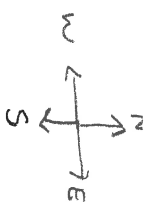
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NOV 26 2019





EAST BEACH TOWNS
10/18/19

SITE PLAN



0 75 150 FT

41° 21' 26.10"
71° 39' 23.00"

4 FT -
MLW

3 FT -
MLW

2 FT -
MLW

CURRENT LEASE
2009-07-028

10 ROWS X
10 CAGES PER ROW

BOTTOM CAGES

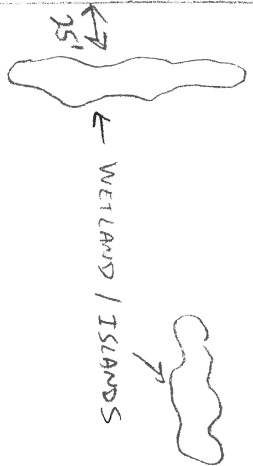
BOTTOM CAGES
10 ROWS X 10 CAGES PER ROW

41° 21' 23.46"
71° 39' 14.72"

41° 21' 29.16"
71° 39' 16.86"

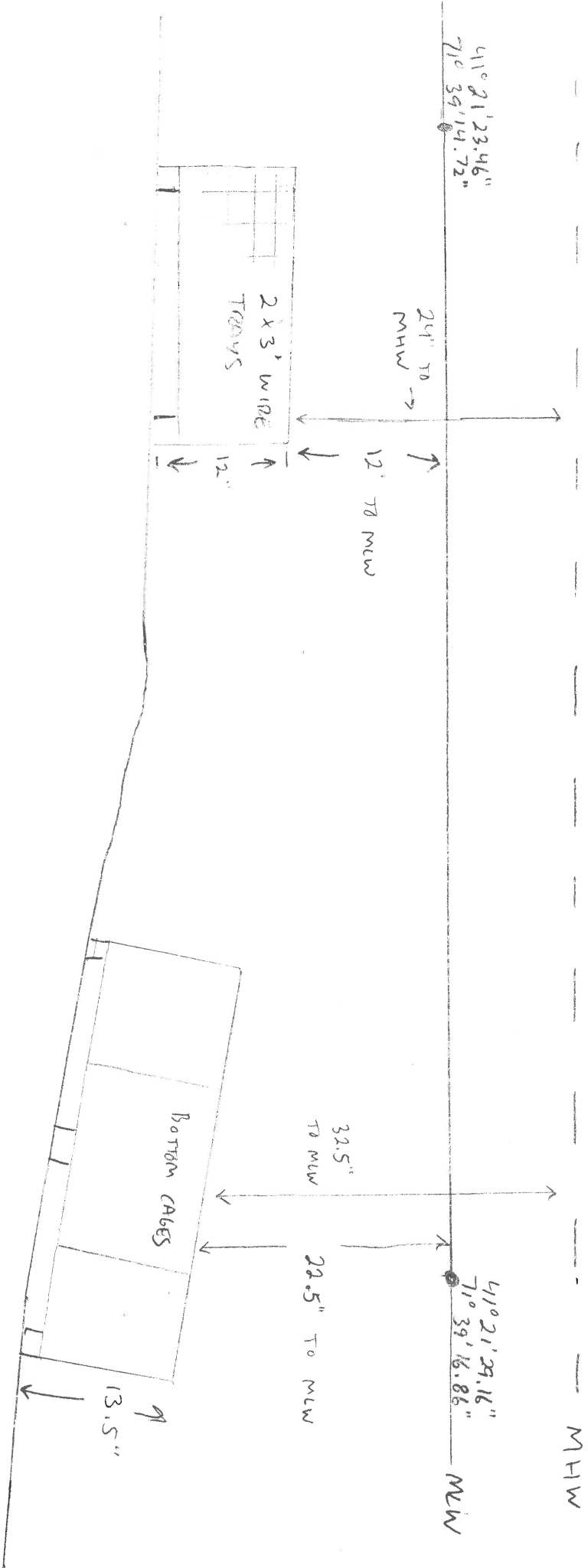
RECEIVED
NOV 29 2019
COASTAL RESOURCES
MANAGEMENT COUNCIL

2' x 3' x 12"
WIRE TRAPS
(20 PER ROW)



APPLICANT: EAST BEACH FARMS, LLC

DATE: 10/18/19



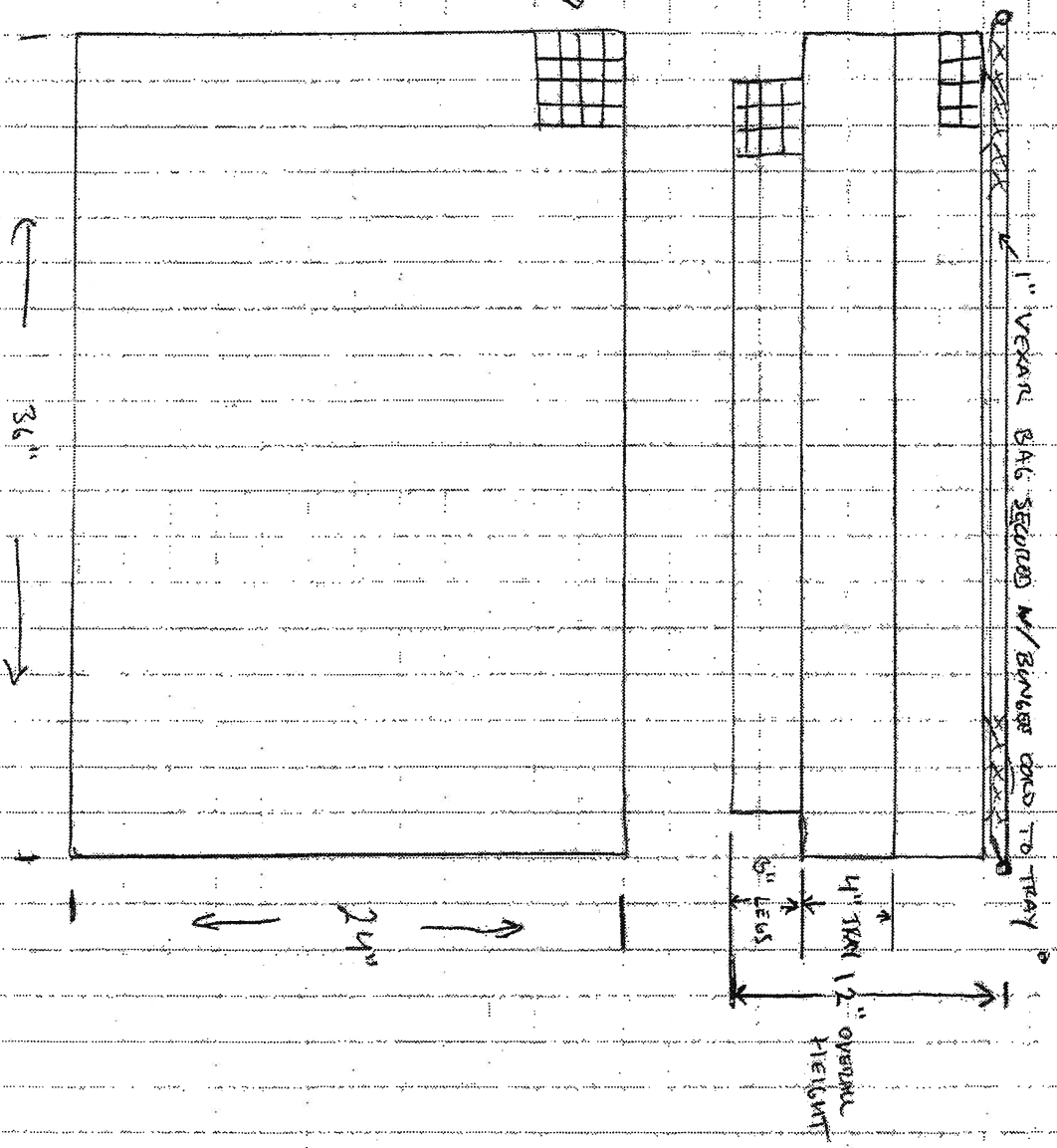
APPLICANT: EAST BEACH FARMS, LLC

DATE: 10/18/19

SCALE 1" = 2' 4" 6" 8" INCHES

"STACKABLE WIRE TRAYS"

TRAYS CONSTRUCTED OF 1" x 12 GAUGE VINYL COATED WIRE MESH



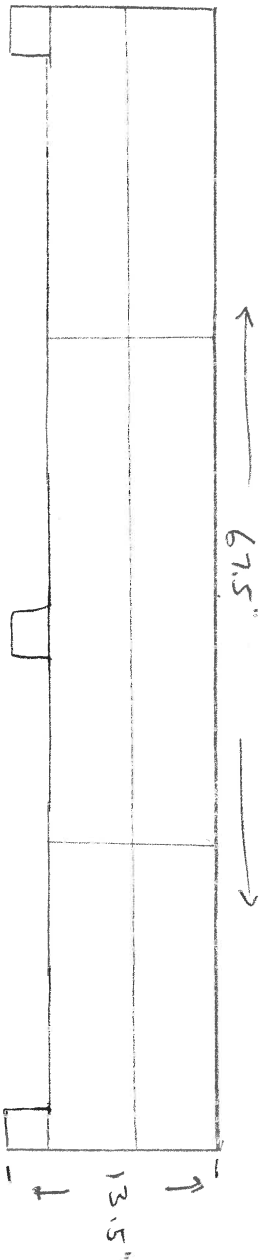
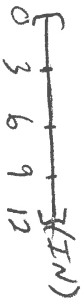
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NOV 26 2019
COASTAL RESOURCES
MANAGEMENT COUNCIL

APPLICANT: EAST BEACH FARMS, LLC

DATE: 10/18/19



"Bottom CAGES"



10 GAUGE X 4.5" WIRE CAGES
(6 VEXAR MESH BAGS PER CAGE)

East Beach Farms, LLC (owned and operated by James Arnoux) is an established aquaculture business which currently leases 3 year-round sites and 1 winter storage site in Ninigret Pond. CRMC lease #2009-07-028 has been used for rack-and bag and bottom culture of eastern oysters since 2009 and has been in filled to optimal capacity for the last several seasons.

The farm has been continually refining our processes and adding employees since expansions to 2 other sites were granted in 2016. At the same time we have seen a steady increase in demand for our product as more buyers continue to recognize the superb quality and reputation of Ninigret Pond farm-raised oysters. They are a true RI success story that we are all proud of growing and add substantially to the local economy and improve the water quality of the pond at the same time.

In order to continue to meet demand and support more full-time employment for additional farm members we are applying for a 2.6 acre expansion primarily along the eastern side of lease #2009-07-028. We request to continue using the same gear and methods (i.e. stacking wire trays and bottom cages) currently permitted at the site in the area proposed for expansion. This site has been chosen for expansion over the other two existing sites as it has the least interference if expanded and also is currently permitted for the gear we prefer to utilize.



Responses to Section 300.1 B Requirements:

(1) Demonstrate the need for the proposed activity:

The proposed lease expansion is necessary to allow for continued employment growth as the existing site is filled to the proper capacity required for good husbandry practices. East Beach Farms is a participating farm in the RealJobsRI initiative in conjunction with the RI Department of Labor and Training. If the proposed application is approved, it is expected that the company will be able to add at least one additional full-time employee and an additional 1-2 seasonal employees.

(2) Demonstrate all local building codes and local ordinances will be met:

No land-based activities will be performed in conjunction with the proposed expansion except for offloading of harvests and gear, which is conducted at Ninigret Landing Marina (owned in part by the applicant).

(3) Describe the boundaries of the coastal waters and land areas anticipated to be affected:

The proposed expansion to the lease site lies in Ninigret Pond and is just west of Governor's Island (opposite Ninigret Park Wildlife Refuge walking trails) and to the north of East Beach.

(4) Impacts to erosion and/or deposition processes:

The proposed gear type (bottom trays) is the same as currently permitted and would cause minimal changes to existing erosion and deposition processes. Gear is designed to promote water flow through the mesh and neither cause erosion nor alter normal deposition processes taking place in the pond.

(5) Impacts to the abundance and diversity of plant and animal life:

Shellfish aquaculture has been proven to enhance marine habitat and diversity in the area it occupies. In this location, the trays create new three dimensional structure in an otherwise flat/featureless bottom for a variety of fish and crustaceans to inhabit. Eelgrass has not been observed or mapped in the vicinity of the proposed expansion.

Noise impacts will be limited to four-stroke outboard motors, one small 2000 watt inverter generator which powers the sorting equipment, and hand labor associated with culling oysters. Among the variety of fish and crustaceans present at the farm, we also witness numerous least terns, a variety of waterfowl and shorebirds, and even an occasional deer during winter traversing through the site. Therefore, these activities do not appear to be limiting the abundance or diversity of wildlife.



(6) 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:

Given the 10 year history of the lease in this area, we do not expect to see any major disruptions to patterns of use around the pond as most users are all very accustomed to the presence of the farm at this site. Due to the shallow (2' - 3') depth both in and around the site, vessel traffic is mostly limited to kayaks or other paddle craft. Occasional recreational traffic also wades near the site from the adjacent East Beach access trails. While recreational shellfishing will be prohibited within the proposed lease, this area of the pond has a very low density of quahogs compared to other areas of the pond. Similar areas in depth and bottom type for shellfishing would remain available for the public to utilize in all areas adjacent to the lease.

Access to and from the shore will not be impeded by the lease expansions at the site nor do we ever discourage recreational users from paddling or wading through the farm.

Since this site is often frozen during the winter, hunting should not be significantly altered or interfered with near the site. This potential issue has also been mitigated with the use of a separate winter storage lease site that the farm has near Ninigret Landing Marina. Should any conflicts arise, harvest times can be changed through communication with hunters to accommodate hunting activity.

(7) Impacts to water circulation, flushing, turbidity, and sedimentation:

The proposed structures are spaced in rows parallel to the predominant currents to promote water circulation and flushing. Turbidity is improved by the presence of several million oysters filtering at the site. We also shift the trays periodically to allow for the bottom underneath the trays to be exposed, thus taking care not to alter normal sedimentation processes.

(8) Demonstrate that there will be no significant deterioration of water quality in the immediate vicinity:

Shellfish aquaculture has been proven to increase water quality due to the filtering action of shellfish. In particular, oysters filter prodigious amounts of water during the warm months, helping to combat the harmful effects of excess nitrogen in the pond. The sites will be accessed using work boats with a four-stroke engine equipped with a fuel spill kit and all fueling will be performed at Ninigret Landing Marina. The boats working the lease will not store or utilize hazardous materials except for gasoline that is held in EPA-approved gas tanks..

(9) Demonstrate that the activity will not result in significant impacts to areas of historic or archaeological significance:



There are no known historic or archaeological resources within the proposed site. If any were discovered, the location of aquaculture gear will not impact their existence. The gear could be shifted within the sites as requested.

(10) Demonstrate the activity will not result in significant conflicts with water-dependent uses:

There are no mooring fields, navigation channels, or boating facilities nearby that will be significantly impacted by a slight eastward expansion utilizing the existing bottom tray method. Fishing, swimming, and kayaking will not be restricted by the presence of any farm operations except to the extent that users must use caution while traversing through the site. The farm employees are always aware and ready to assist other users who may be unsure of where the farm boundaries may be. In fact, there have been several instances over the 10+ years the farm has been in operation where crew have helped boaters in distress or provided assistance. We firmly believe that we are one of many water dependent uses that can co-exist in a positive manner in Ninigret Pond.

(11) Demonstrate that measures have been taken to minimize adverse scenic impacts:

The proposed expansion of the lease will utilize submerged bottom trays which will result in no new scenic impacts. The only change to the current visual impact will be the addition of several new lobster pot buoys and/or 2" galvanized poles to mark the lease boundaries.



OPERATIONAL PLAN FOR PROPOSED SITE:

1. *Name and address:* James Arnoux - Owner, East Beach Farms, LLC, 141 Pine Hill Road, South Kingstown, RI 02879
2. *CRMC lease #:* Currently commercial aquaculture lease #2009-07-028
3. *Aquaculture Permit:* DEM Aquaculture License #056
4. *Type of facility:* Commercial shellfish aquaculture lease site utilizing rack-and bag, tray, and bottom culture methods. The area proposed for expansion will utilize wire trays.
5. *Location:* The current and proposed lease site is located just west of Governor's Island and to the north of East Beach in Ninigret Pond.
6. *Species cultured:* Eastern oysters (*Crassostrea virginica*) are grown at facility. Seed is either to be transferred from CRMC permitted upweller #1994-10-099 located in Ninigret Pond and/or purchased from approved source(s) pending pathology certifications and permission from the Biosecurity Board. Current hatcheries and farms used to supply seed for the site include Fishers Island Oyster Farm (NY), Mook Sea Farm (ME), and Rob Krause (RI).
7. *Structures used at facility:* Proposed expansion will consist of 2' x 3' x 12" tall wire mesh trays.
8. *Lease markers:* Four 12" x 16" aluminum signs on 3' tall stakes with 3" CRMC lease numbers will be used to mark the lease corners unless other alternatives are recommended by the Charlestown harbormaster
9. *DEM Water Classification:* Proposed lease is located in approved waters.
10. *Contamination Prevention:* All fueling will be done prior to departing from Ninigret Landing Marina. All DEM regulations pertaining to harvesting will be reviewed annually with each crew member. Temperature control of shellstock will be achieved by storing market oysters in trays until time of departure from the lease, followed by use of shade, ice and/or ice slurry dips (June - September) and immediate pick-up of shellstock within 1 hour of removal from water by the Ocean State Shellfish Cooperative refrigerated truck (of which East Beach Farms is a member of).
11. *Methods to transition shellfish through growth:* Shellfish will be sorted at CRMC lease #2009-07-028 using a mechanical sorter. After sorting, the seed will be loaded into Vexar mesh bags and the wire trays. Harvesting will be performed by picking oysters directly from the trays, bullraking, and/or diving and sold on a weekly basis to the Ocean State Shellfish Cooperative.



12. *Record keeping:* Records are to be maintained daily using an Excel spreadsheet that is updated weekly. Each trawl of cages or line of trays is given a unique designated number (i.e. A1, A2, B1, B2, etc.) to form a basic grid system. The following information is recorded each time the particular line of gear is hauled: hatchery where seed originated from, size grade, and date last hauled. For any seed originating from uncertified waters, the notes shall include an asterisk and the month/year the seed was planted in certified waters on the lease (example: Row A1 = Muscongus 5/12* 1" grade, hauled 7/01/12). A handwritten logbook is also used as a back-up to record the original planting dates and subsequent location of all seed purchased from uncertified waters. Seed that has originated from uncertified waters will not be bottom cultured until it has been held in gear for a minimum of one year.

13. *Record keeping for seed purchased outside of RI:* Any out-of-state seed purchases are made only after the approval of the Biosecurity Board pending disease certifications from the relevant hatchery. Record keeping for seed purchases is outlined above in item #12.

14. *Seed in upwellers located in prohibited waters:* No upwellers located in prohibited waters will be used in conjunction with this lease..

15. N/A at this time, seed is purchased from approved waters. If seed is purchased from prohibited waters in the future, record keeping practices will continue as described in item 12, and the operational plan shall be updated and resubmitted. Additional measures would include marking gear with labeled Tyvek tags to record the cage/tray number that corresponds to the record keeping log (i.e. A1, A2, etc.).

