



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: 2020-08-001 Date: September 22, 2020

This office has under consideration the application of:

Antonio & Joseph Pinheiro
161 Beacon Avenue
Jamestown, RI 02835

for a State of Rhode Island Assent for a 0.57 acre landward expansion of their existing shellfish farm, 2014-12-056, for the bottom planting, with no gear, of eastern oysters (*Crassostrea virginica*), quahogs (*Mercenaria mercenaria*), and soft-shell clams (*Mya arenaria*).

Project Location:	West Passage
City/Town:	Jamestown
Waterway:	Dutch Island Harbor

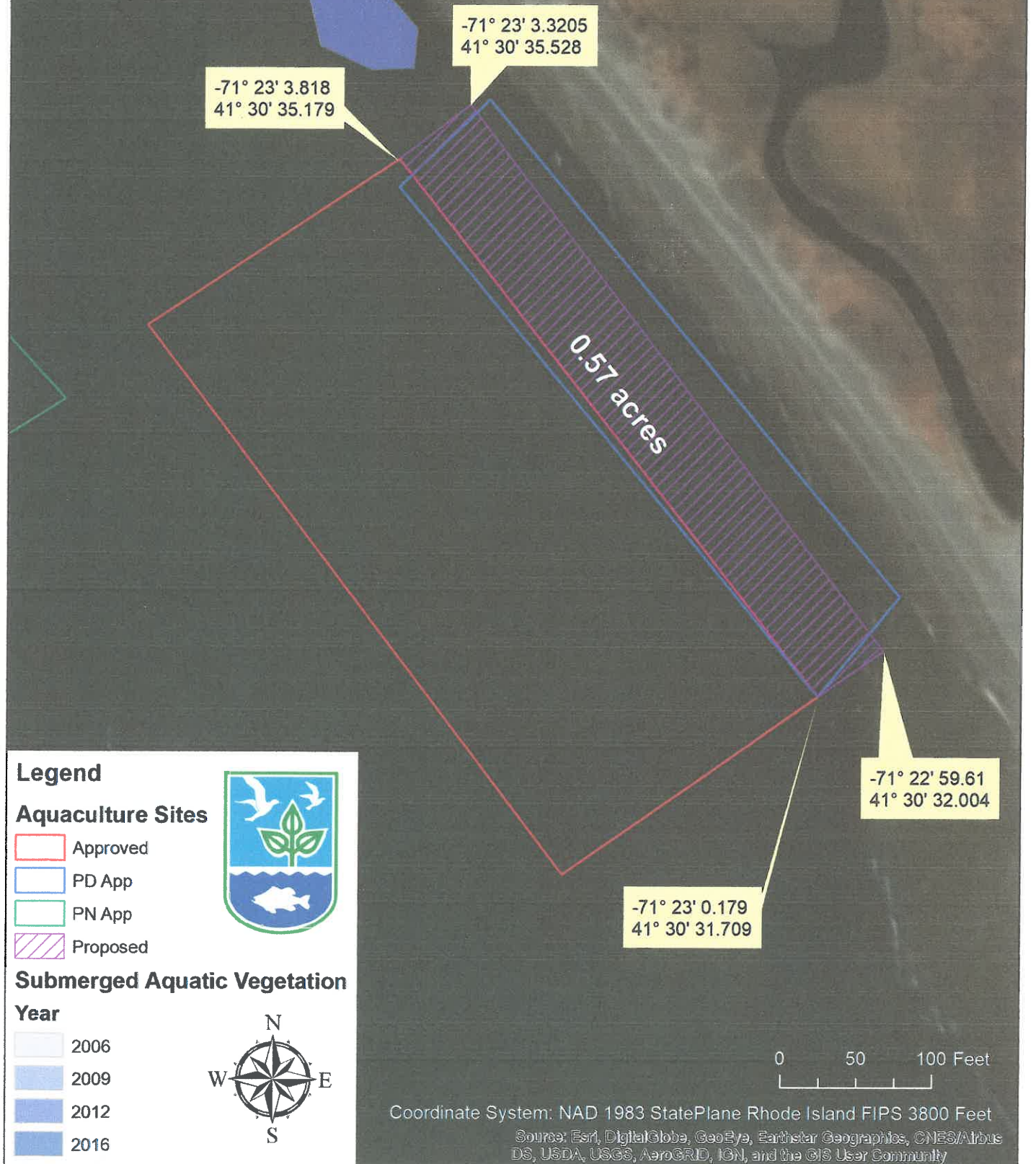
Plans of the proposed work may be seen at the CRMC office in Wakefield.

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 22, 2020.

Pinheiro Proposed





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

APPLICATION FOR STATE ASSENT

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

Project Location <u>West Passage</u> <u>Jamestown, RI</u> No. Street City/Town		File No. (CRMC USE ONLY) <u>2020-08-001</u>								
Owner's Name <u>Antonio & Joseph Pinheiro</u>		Plat: Lot(s): <u>N/A</u>								
Mailing Address <u>161 Beacon Ave</u> City/Town <u>Jamestown</u> State <u>RI</u> Zip Code <u>02835</u>		Contact No.: <u>401 374 5301</u>								
Name of Waterway <u>West Passage, Narragansett Bay</u>		Estimated Project Cost (EPC): Application Fee:								
Longitude/latitude of all corners of Proposed Aquaculture Project Location (preferably in decimal degrees): <table border="0"><tr><td>-71° 23' 3.32059</td><td>-71° 23' 0.179</td></tr><tr><td>41° 30' 35.528</td><td>41° 30' 31.709</td></tr><tr><td>-71° 22' 59.61</td><td>-71° 23' 3.818</td></tr><tr><td>41° 30' 32.004</td><td>41° 30' 35.179</td></tr></table>			-71° 23' 3.32059	-71° 23' 0.179	41° 30' 35.528	41° 30' 31.709	-71° 22' 59.61	-71° 23' 3.818	41° 30' 32.004	41° 30' 35.179
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-71° 22' 59.61	-71° 23' 3.818									
41° 30' 32.004	41° 30' 35.179									

Have you or any previous owner filed an application for and/or received an assent for any activity on this property?

(If so please provide the file and/or assent numbers): N/A

Is this site within a designated historic district?

☐ YES

☒ NO

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

Name and Addresses of adjacent property owners whose property adjoins the project site. (Accurate addresses will insure proper notification. Improper addresses will result in an increase in review time.)

N/A

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.08/04

[Signature]
Owner's Signature (sign and print)

PLEASE REVIEW REVERSE SIDE OF APPLICATION FORM



STATEMENT OF DISCLOSURE AND APPLICANT AGREEMENT AS TO FEES

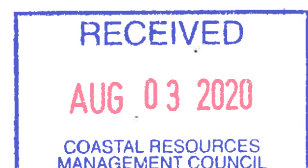
The fees which must be submitted to the Coastal Resources Management Council are based upon representations made to the Coastal Resources Management Council by the applicant. If after submission of this fee the Coastal Resources Management Council determines that an error has been made either in the 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.

Joseph Pinheiro / Antonio Pinheiro
Signature

8/3/2020
Date

Joseph Pinheiro / Antonio Pinheiro
Print Name and Mailing Address
161 Beacon Ave
Dunstable, MA 02835



Antonio and Joseph Pinheiro

08/26/2020

161 Beacon avenue

Jamestown, RI 02835

Application for Aquaculture Assent

Location:

North Westerly Corner 41.509878 N, -71.384178 W

North Easterly Corner 41.508987 N, -71.383187 W

South Easterly Corner 41.508808 N, -71.383383 W

South Westerly Corner 41.509722 N, -71.384394 W

-We are applying for a roughly .57 acre expansion of our current Assent off the Jamestown Brook in Dutch Harbor. The area is known as 3W and classified as approved for shellfish harvesting by the RI Dem.

-Our current lease is at capacity. We attached a map of roughly where the gear is now. We have 10 trawls with roughly 17 floating cages or floating boxes. This year we have deployed 250 bottom planted bags of spat on shell oysters for the EQUIP Oyster restoration program. We also have quahogs and Oysters planted directly on the bottom throughout the whole lease.

-The species we wish to culture are Mercenaria Mercenaria, Mya Arenaria, Crassostrea Virginica. These are currently marketable species and needed in today's market. They will be sold for human consumption. All three species will be planted together over the entire site.

- All species will be bottom planted. The Mercenaria Mercenaria and Mya Arenaria will be spread on the bottom and will bury themselves into the substrate. The Crassostrea Virginica will be planted on top of the previously stated two species and will rest on the bottom during grow-out. We will not use any netting to protect them. Instead, we will control predators by checking the site as needed and removing manually or with traps through our Commercial Fishing license.

-We are commercial shellfish harvesters. We will not shellfish commercially and then visit the lease in the same day.

-We will bottom plant numerous species of bi-valve shellfish using no gear. Daily routine will consist of checking on the shellfish, bringing them aboard one of our vessels, cleaning and tumbling them as



needed. Depending on the size of shellfish bought, they can take anywhere from 18 months to 3 or more years to reach market size.

-We will acquire seed from New England based Hatcheries, such as Muscongus Bay Aquaculture and the like and purchased according to all current CRMC and Bio-Security rules and regulations and follow NSSP guidelines and be accompanied, when required by CRMC, with a pathology report. We will purchase the seed at a very small size, possibly as small as eyed larvae. The shellfish, depending on the size, may be grown in our Upweiler or in our existing gear on our other lease before being transferred to the proposed site. Shellfish from our current site and/or Upweiler may be transferred to this lease as well. We will notify the CRMC at least 5 days in advance for any out of state Seed deliveries and will follow all Bio-Security protocols.

-If shellfish spat are bought in other than Approved waters, they will spend a minimum of 6 months on the lease before being sold for consumption. They will be planted in a specific area and records of such will be kept to insure they are not sold before applicable rules and regulations apply

-Each corner of the lease will be marked with a Spar Buoy with the Assent number

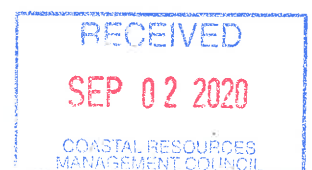
-Harvest will be done with rakes and follow RI Vibrio guidelines/ regulations for cooling and safe harvest. NSSP guidelines will be followed.

-We are licensed through the RI Department of Health (license number RI510ss) as Shellfish Shippers. Once the shellfish are harvested for intended consumption, they are shaded and cooled, and transferred in a timely manner to buyers. (please see attached document for detailed harvest methods)

-There is minimal recreation and shellfish harvesting in the proposed area. The public is encouraged to utilize the area for recreation, except for shellfish harvesting. We expect that the shellfish we plant will help increase the population in abutting areas and therefore be a benefit to shellfish harvesting by the public.

-The proposed site will be utilized for Commercial sales. We also have worked with URI, CRMC, Seagrant and Others for research purposes, which we intend to continue if this site is approved.

-There is a recommendation by the CRMC not to expand landward from the southwest corner, however such recommendation references the Geologist's report contained in the Preliminary Determination report. The Geologist recommended not extending to the MLW mark. Our current proposal is 25'-30' from the MLW mark in a seaward direction. This is the area where the Jamestown Brook frequently empties directly on to. In today's market, Shellfish with a unique flavor is sought after. This area gives the shellfish a mild brine, and one of the most unique tasting shellfish we have experienced. Therefore, being as close to that outlet is our preferred method of growing and what we feel to be the most viable way to be successful. It should be noted that when our current lease was starting to come out of the water on a moon low tide, (also: not mean low as stated in the preliminary determination report) we were the ones to notify the CRMC and inquire the best route, to avoid potential conflict. We feel that a little faith between us and the CRMC would be the best course of action. We will do what we have done in the past and notify the CRMC and work with them to move to a non-intertidal area if the problem arises.



Antonio and Joseph Pinheiro

161 Beacon ave

Jamestown, RI 02835

Responses to Section 300.1

1. Demonstrate the need for the proposed activity or alteration

To supplement the need for seafood for human consumption. Our current site is being fully utilized using bottom gear, bottom planting and floating gear, and we have another 500,000 seed on order which will soon need a space to grow.

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.

N/A

3. Describe the boundaries of the coastal waters and land area that are anticipated to be affected.

This expansion should have minimal to no negative effect on the above stated areas. While we have noticed some shellfish wash ashore, we can utilize methods, such as using cages (bottom and floating) on our currently approved site to help reduce the fetch in the proposed area. We will plant the Oysters a little at a time to ensure they do not wash ashore. The two species of Clams we have listed will be buried in the substrate and will not be washed ashore.

4. 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.

Shellfish were once abundant in the area. This application should have no negative impact on such. It should help to reduce erosion.

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

There is very little plant and animal life in the area. Shellfish will act as a cornerstone of a new bio-diverse marine community which should prove to be positive impact. There is no eel-grass on the proposed site. There historically has been some to the North-West, but that has seemed to disappeared over the past couple of years, according to our observations.



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.

The proposal is 25-30' from mean low water and should not interfere with access for the public. Traditional uses, other than shellfishing, are implied and encouraged. If the site proves to be intertidal, we will do what we have in the past, and contact CRMC, and either move, or eliminate the area in the intertidal zone. It should be noted that this is similar to many restoration sites/ efforts that are employed in shallow water throughout the State which are generally seem to be highly encouraged by the public and are not known to be intrusive at all to access.

7. Demonstrate that the alteration will not result in significant impacts to water circulation, flushing, turbidity, and sedimentation.

There are significant tides in the area. The shellfish planted on bottom will have no negative impact.

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

Shellfish are filter feeders and will help clean the water

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

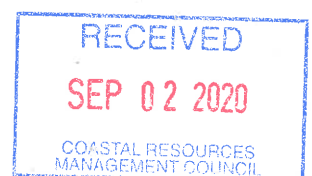
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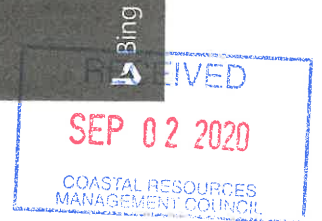
10. Demonstrate that the alteration or activity will not result in significant conflicts with water-dependent uses and activities such as recreational boating, fishing, swimming, navigation, and commerce.

Traditional uses, such as boating, swimming, fin-fishing and the like (except for shellfishing) are implied and encouraged. We have had no negative feedback from the users we have encountered while using the area, and it seems a lot of them are using the area for the sole purpose of viewing the Shellfish Farm for recreation. If approved, this site should act as a restoration site to surrounding areas for shellfish.

11. Demonstrate that measures have been taken to minimize any adverse scenic impact

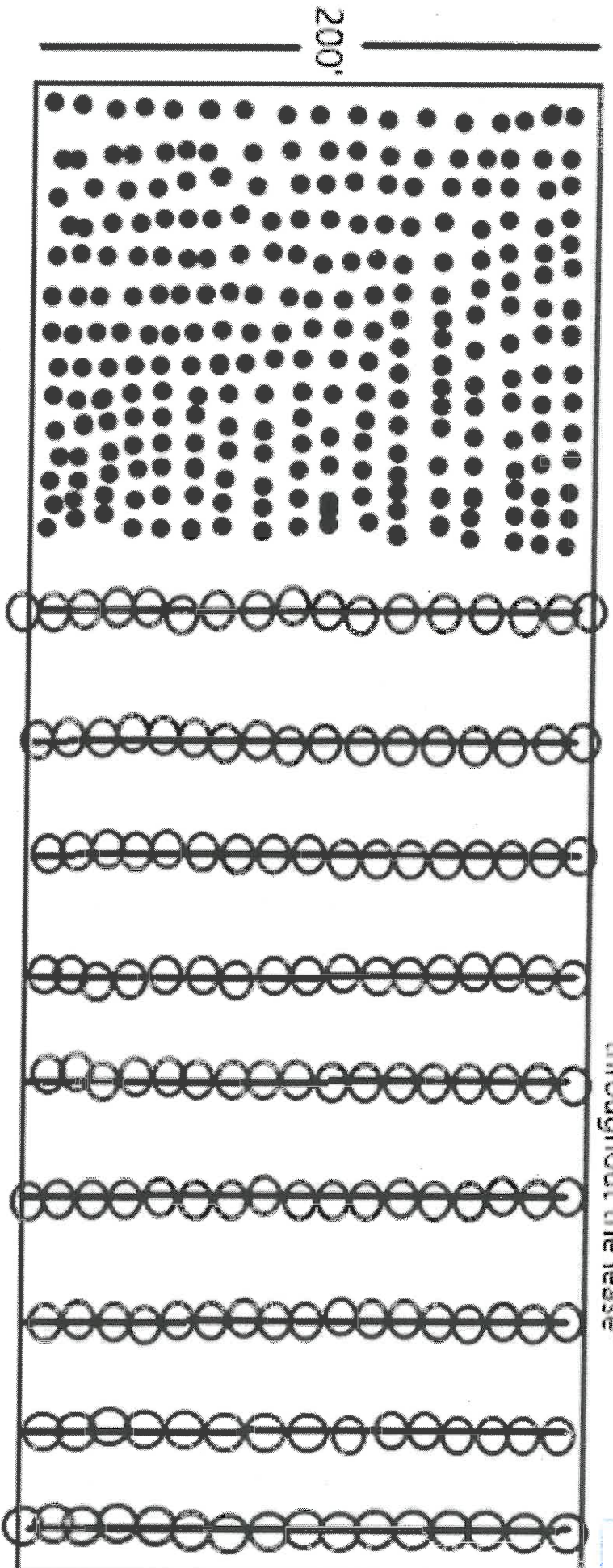
The proposal is for bottom planting shellfish with no gear. There should be no negative visual impact.





CURRENT LEASE GEAR LAYOUT

*There is also bottom planted Oysters
and Quahogs spread everywhere
throughout the lease*



KEY

- Floating Cages/ Boxes
- Equip Restoration
Bottom Planted Bags

Antonio and Joseph Pinheiro
161 Beacon ave
Jamestown, RI 02835

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SEP 02 2020

COASTAL RESOURCES
MANAGEMENT COUNCIL

Antonio and Joseph Pinheiro
161 Beacon Ave
Jamestown, RI 02835

SITE PLANS

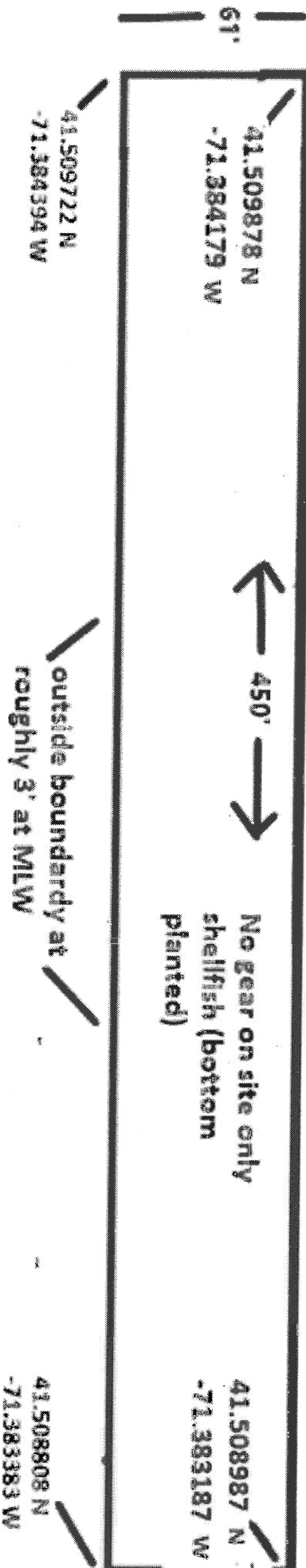
Inside Corner roughly
2' at MLW

Shoreline at Mean Low Tide roughly 25-30' from lease

Inside Corner roughly
7" depth at MLW

RECEIVED
SEP 02 2020

COASTAL RESOURCES
MANAGEMENT COUNCIL

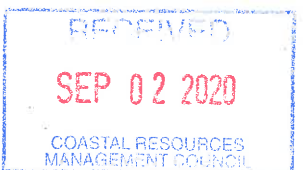


Date of Preparation 08/16/2020

Scale
1" = 45.57'

Antonio and Joseph Pinheiro
161 Beacon ave
Jamestown, RI 02835

Cross Section Depths at Mean Low and Mean High Tide



Shallow border of lease (25-30' from MLW)

3' 7" at MHW

Mean High Tide Line

Deepest border of lease

6' at MHW

~ 7" at MLW

Mean Low Tide Line

3' at MLW

Bottom Planted Shellfish

Site is roughly 61' in width

Scale
1" = 6.1'

Antonio and Joseph Pinheiro

COORDINATES

Obstm
Lobster Habitat
with min 13 ft

*

✱

41.509878
-71.384179

41.509878
-71.384394

8

41.508987
-71.384179



41.508808
-71.383383

✱

✱

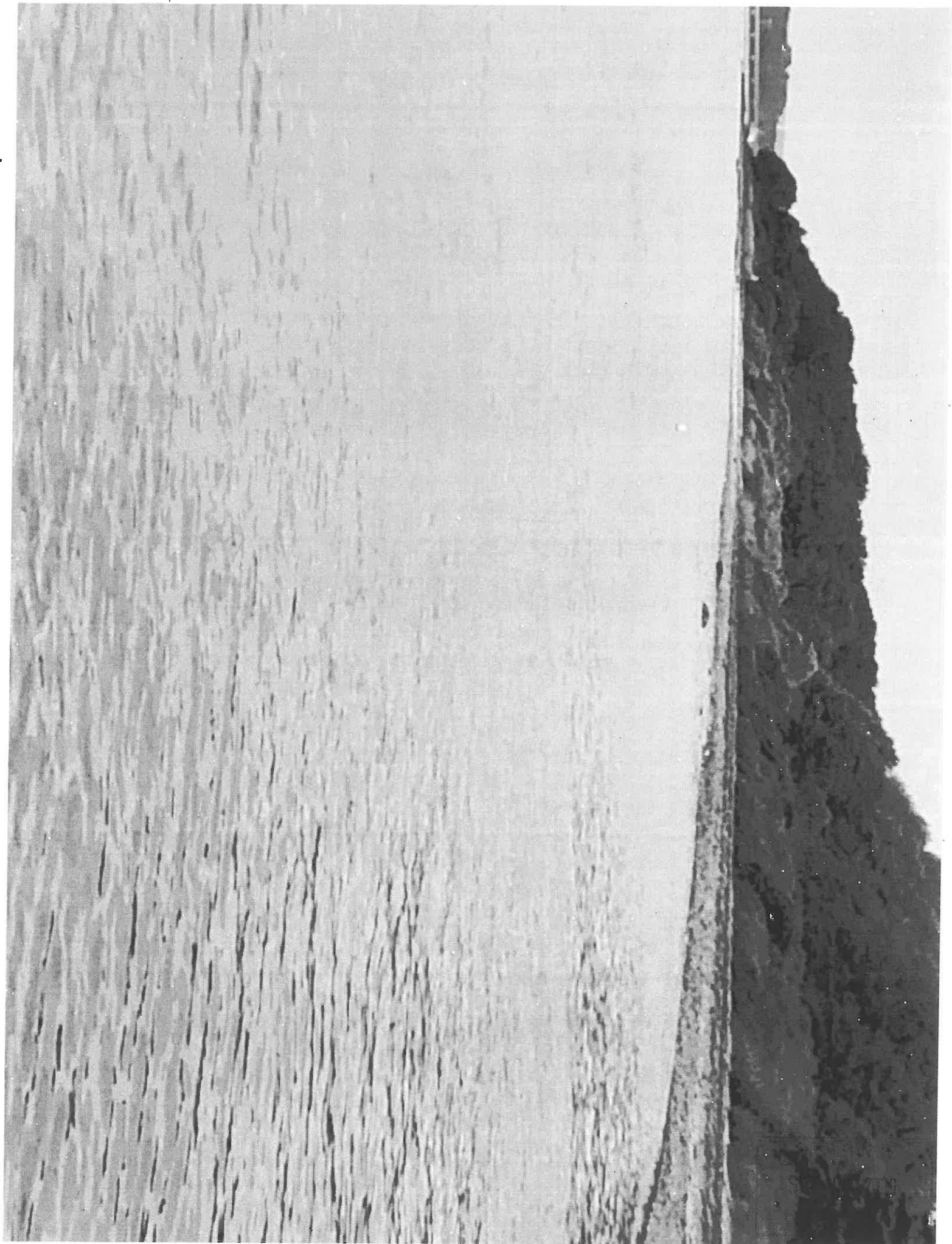
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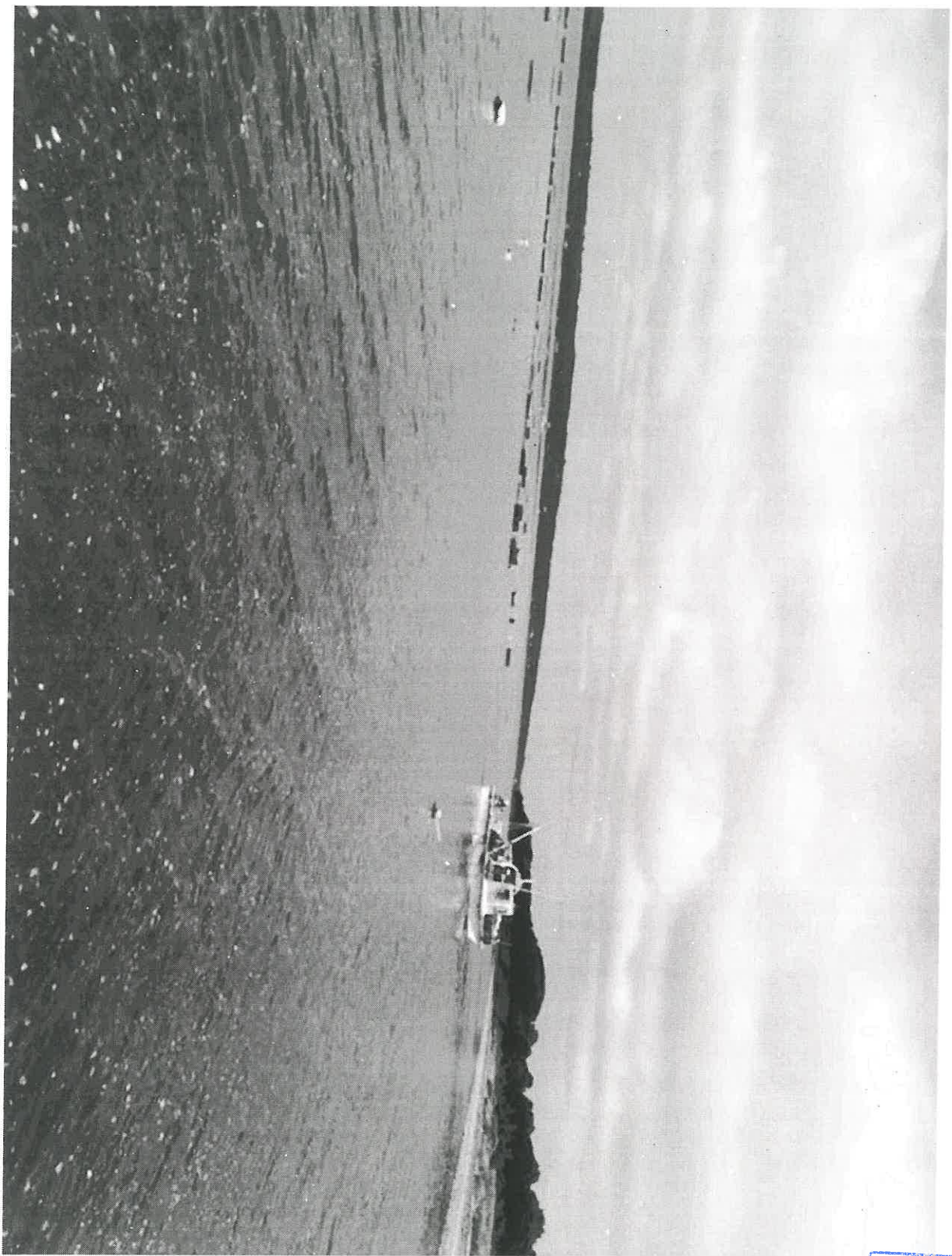
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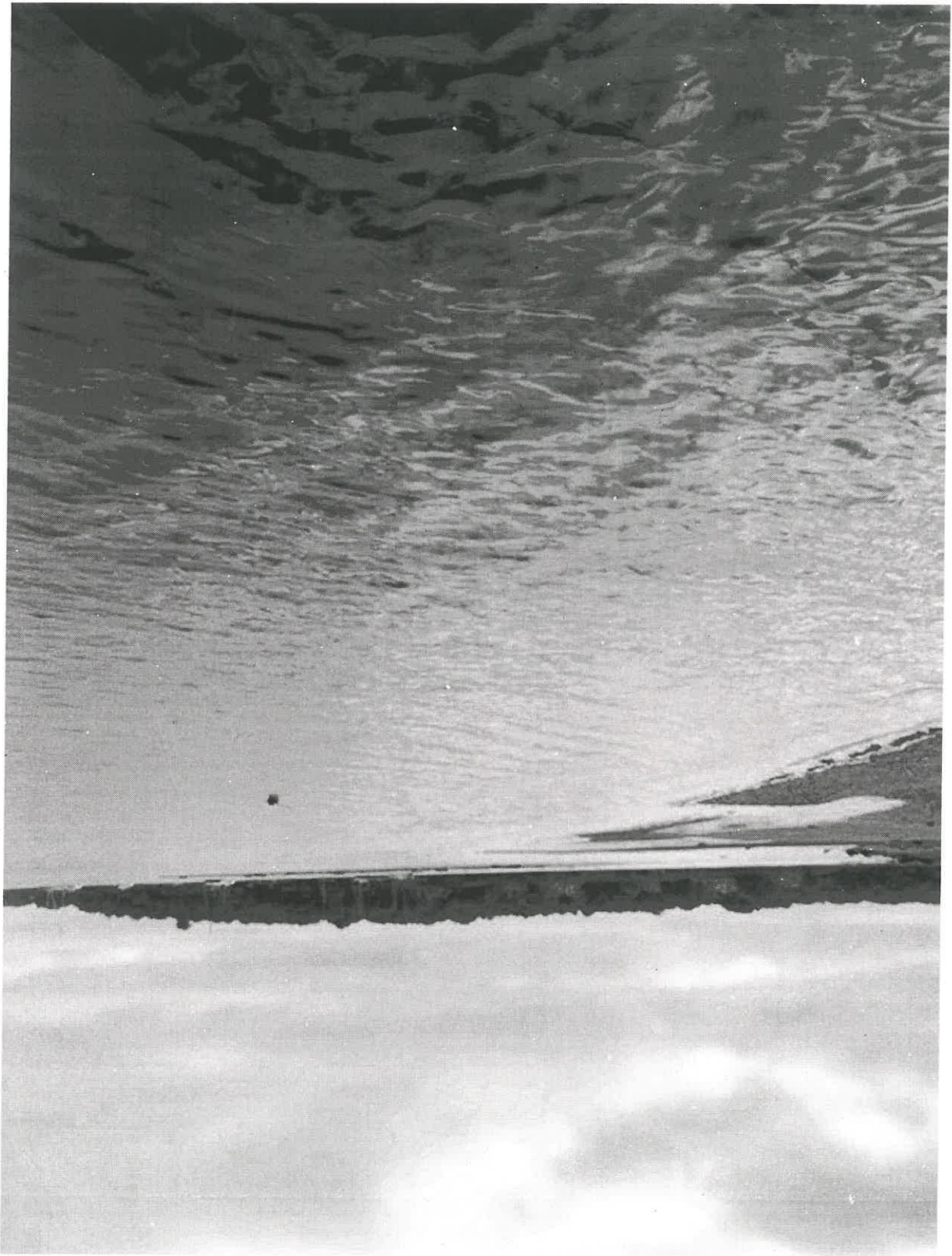
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HACCP Plan Form

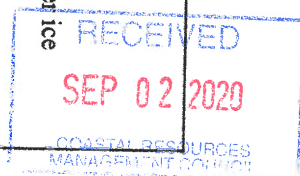
Firm Name: Sunset Beach Aquaculture llc.

Firm Address: 161 Beacon avenue
Jamestown, RI 02835

Product Description: OYSTER

Method of Storage and Distribution: To be stored and shipped under ice

Intended Use and Consumer: General Public



(1) Critical Control Point	(2) Significant Hazards	(3) Critical Limits for each Preventive Measure	(4) Monitoring				(8) Corrective Actions	(9) Verification	(10) Records
			(4) What	(5) How	(6) Frequency	(7) Who			
Live shellfish cooler storage	Pathogen Growth	Product adequately iced Shellstock cooled to internal temp of 50° or less within 10 hrs, prior to shipping	Product iced	Visual check for ice	Each container when in operation	Owner	Check temp if not adequately iced, make sure product is less than or equal to 45°F. Add ice if necessary Hold and evaluate product IAW the procedures in 2015 NSSP MO Chapter X 01. (F)(3) Dispose product	Review and signature of monitoring and corrective action records within one (1) week of preparation. Thermometer Calibration (minimum 2x year)	Cooler temperature/ ice log Corrective action record Thermometer calibration record.

Signature of Company Official:

Date: 04/17/2017

-626-19-8/1/2020