



State of Rhode Island
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

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PUBLIC NOTICE

File Number: 2021-02-054 Date: February 16, 2021

This office has under consideration the application of:

Bradley Boehringer & Travis Lundgren
440 Condon Drive
South Kingstown, RI 02879

for a State of Rhode Island Assent to construct and maintain: commercial lease site using floating and submerged gear for oysters & scallops

Project Location:	Sakonnet River North of Sapowet Pt.
City/Town:	Tiverton
Waterway:	Sakonnet River

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 March 16, 2021.

Cover Letter

Travis Lundgren & Brad Boehringer

Edited: February 10, 2021

We are very excited about the opportunity to work in Tiverton and create a business which exports seafood all over the United States. Brad Boehringer is the current owner of the Rocky Rhode Oyster farm which operates out of Pt Judith Rhode Island. You can find Rocky Rhodes in many of the local restaurants in the state and he has been well received in places such as Florida and Connecticut. Brad is looking to expand his acreage as the Pt Judith salt pond is at capacity for oyster leases, in order to expand Travis Lundgren is teaming up with Brad to accomplish more goals with farms in Pt Judith and Tiverton. Travis Lundgren has worked in the fishing industry in Galilee for fifteen years in various aspects of the fishing industry. After many different types of fishing and aquaculture experiences, Travis has focused the past seven years on oyster aquaculture managing the growth of 20 million oyster seed every year for multiple farms inside the Pt Judith pond and is now looking forward to growing oysters with his good friend.

There are a couple of different styles of farming that we plan on doing however the style that is most discussed is our use of floating gear. Floating gear for those who may not be entirely familiar, is the use of cages that are attached to floats and tied along a line together fifteen cages at a time. They are extremely advantageous for oyster farming because they bounce in the waves all day long, creating action inside the cages for the oysters to “loosen up” and therefore create extra space and accelerate growth. The innovative feature of the floating gear is that it can be flipped upside down in the water exposing the cage and the oysters to the sun and the air. This helps keep the gear clean which prevents people from needing to power wash gear from all of the bio fouling that occurs throughout the course of a growing season. By keeping the gear clean our farm can require a significantly less amount of time and effort to grow a great product than many standard methods of oyster aquaculture. There are many examples of floating gear in Rhode Island as you can see it from both sides of the Verrazano Bridge between North Kingstown and Jamestown.

We look forward to hearing from other residents and we always look to be a positive influence in our community around us, Brad and Travis both recognize Tiverton, especially that part of Sapowet Point to be one of Rhode Island’s most beautiful and special places and a place worth establishing a business that will last generations. We understand the magnitude of what we are asking and we want everyone who is concerned to understand that we always have an open door for suggestions towards making our public relations more amicable.

Commercial Aquaculture Lease Application

Written: 2/10/2021

Application requested by Travis Lundgren & Brad Boehringer

1. Travis Lundgren & Brad Boehringer

(401) 489-3702 & (401) 207-0495

Travislundgren630@yahoo.com & Rockyrhodeoysterco@gmail.com

Mailing Address:

440 Congdon Dr

Wakefield, RI 02879

2. CRMC file number for the facility; new applications will be assigned a file number by

CRMC: D2020 – 10 - 068

3. DEM Aquaculture License number (applicable if products are offered for sale): AQUA 106 & DSF 33

4. Type of facility: Commercial lease site using floating gear and submerged gear to raise oysters and scallops.

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

☐ Town: Tiverton

☐ Water body: Sakonnet River - Area 5B

☐ Lat/long coordinates of facility:

- NE Corner 41 deg. 35' 23.624" N 71 deg. 12' 46.558" W
- NW Corner 41 deg. 35' 24.569" N 71 deg. 12' 47.957" W
- SE Corner 41 deg. 35' 16.808" N 71 deg. 12' 54.316" W
- SW Corner 41 deg. 35' 17.800" N 71 deg. 12' 55.66804" W
- Total acreage: 2.96 Acres

6. The species of shellfish to be grown at the facility will be the Eastern Oyster/American Oyster *Crassostrea Virginica*, and the Bay Scallop *Argopectin Iradians*. Through our selection and purchasing of seed we will follow the Biosecurity Board Seed Protocols buying from local farms and registered hatcheries.

7. Gear Descriptions (sketch of cross-section attached):

a. Floating Gear

- Oyster Gro style Cages float on surface of the water in lines anchored with screw-in augers on opposite ends to keep cages in place
- Floating trays (attached same as cages above)
- Boat will pull alongside cages/trays to flip, clean, and weekly harvest the adults.

b. Bottom Gear

- Cages which will hold adult oysters preparing to be sold to market.

8. Description of the methods and equipment used to identify and mark site. We will discuss with the town of Tiverton what method of markings we should utilize to identify site – possibly including an optional solar powered lit high flyer.

9. DEM Shellfish Harvesting Classification: 5B

10. **Description of practices and procedures used during the growth, harvest, storage, transportation, and sale of the cultured species.**

- a. We are planning on growing oysters and scallops.
- b. We will follow the state mandated Vibrio Protocol to eliminate the risk of contamination in compliance with the ISSC.
- c. Our site selection is an approved shell fishing site which will be accessed by boat which will be docked at a marina in Tiverton/Bristol region.
- d. Floating gear will not disturb the natural habitat below, there will be only two anchors placed for every line approx. 10-20 cages. These floating cages/trays can be flipped upside down to expose the shellfish and dry off all bio-fouling. We will be using a gas-powered water pump to wash off the cages periodically as well.
- e. Bottom cages, trays, and bottom planted oysters will be carefully placed down, allowing adequate space and providing ample room for the natural habitat within the grounds of our farm. These oysters will also be cleaned with the gas powered washdown pump periodically.
- f. Oysters and Scallops grown in floating gear will be flipped over in order for the natural sunlight to defoul the gear. We will not sell any final product until it has been resubmerged for seven days. Following the *resubmergence protocol* we will track which oyster lines have been flipped and when they have been flipped, on the farm map that we use for inventory and record keeping.
- g. We intend to harvest weekly throughout the entire calendar year. There will be one vessel, a mid-20-foot length work skiff, in the beginning season. Likely expanding to two similar sized vessels by the start of the second season. Our vessels are equipped with shaded area to hide shellfish from sun exposure during Vibrio Protocol months, and have a

cooler filled with ice on vessel for submerging shellfish immediately upon harvest. We have secured several accounts that will be purchasing consistent quantities of shellfish from us throughout each year. Any sales following this account are intended to be local.

- h. We have planned to buy seed from local farms in southern Rhode Island. All reporting and record keeping requirements upheld by the CRMC, DEM, DOHM, and NMFS will be met.

11. Procedures for maintaining records: for operations using seed acquired from out-of-state: description of notification, disease certification, and labeling/tagging procedures:

All out of state seed purchases will come with a clean pathology report. All sales of seed will again have a clean pathology report to accompany the seed. All seed will be recorded and tracked in a notebook, including the total number of seed sold, the price sold, and the date in which a clean pathology report was acquired.

12. Procedures for maintaining records: for upwellers/seed-growing facilities in prohibited waters: description of procedures, including frequency of grading (with particular reference to requirements that seed must be removed before it exceeds maximum "seed" size threshold, i.e., <32 mm for oysters, <25 mm for quahogs):

This is not applicable because we will not be operating any upwellers or seed-growing facilities at this site.

13. Procedures for maintaining records: for operations using seed from prohibited waters, or operations using shellfish obtained from a third party that originated as seed from prohibited waters:

Detailed description of demarcation methods and record-keeping practices used at the lease site to ensure that animals have been cultured at least twelve (12) months in approved waters, prior to sale, including:

- a. We will begin all record keeping when we acquire seed and bring to our lease site. This will include parameters indicating the date, the source, the average size, and the quantity of seed.
- b. Once the seed has been carefully documented and arrived on lease, we will follow it throughout the stages of its life on our site with careful attention. We will have all cages numbered and identified on waterproof maps these maps will be updated and reprinted for daily use on the lease.

Description of the process for notifying the third party that (a) seed came from prohibited

waters, (b) the date of that transfer, and (c) the remaining time needed to maintain the animals in approved waters prior to sale. We will have all documents showing origin of seed and date of arrival on our lease. If the seed came from unapproved waters for shellfish cultivation we will have that documented on our charts/maps and will be evident as to when the shellfish has been in our approved waters for 12+ months.

In Response to Section 300.1:

1. *Demonstrate the need for the proposed activity or alteration:*
 - a. Travis Lundgren has worked and been a part of the oyster industry for almost a decade. Floating cages are an effective and efficient way of growing market sized oysters and Lundgren is prepared to utilize the full acreage in the application and create a business. Brad Boehringer runs Rocky Rhode Oyster Co. and is looking for more space to continue his operation's grow out since his current site in Point Judith Pond has recently been deemed a "conditional" harvest area which has negatively impacted his business' success.
2. *Demonstrate that all applicable local zoning ordinances, building codes, flood hazard standards, all safety codes, and all environmental requirements have or will be met; local approvals are required for activities as specifically prescribed for nontidal portions of project in Section 300.2, 300.3, 300.6, 300.8, 300.9, 300.11, 300.13, 300.15, and 300.17; for projects on state land, the state building official, for the purpose of section, is the building official;*
 - a. There are no local ordinances that pertain to nor approvals required for the architecture and environmental placement of our farm.
 - b. We are approximately 400+ft from the coastline.
3. *Describe the boundaries of the coastal waters and land area that are anticipated to be affected:*
 - a. No boundaries of the coastal waters and land area are anticipated to be affected. We have situated our application's perimeter both 200+ feet from the nearest shoreline and 200+ feet from the rock jetty east of the site. Both allotted spaces allowing ease of access for all water going vessels.
 - b. We are at least 750ft. from the nearest residential property.
4. *Demonstrate that the alteration or activity will not result in significant impacts on erosion and/or deposition process along the shore and in tidal waters:*
 - a. Aquaculture, especially our methods, is not known to directly impact erosion or deposition of subaqueous soil.
5. *Demonstrate that the alteration or activity will not result in significant impacts on the abundance and diversity of plant and animal life:*

- a. Our farm's architecture will result in an increase in both plant and animal life diversity. There is minimal to no existing plant life in the area so we are not concerned with encroaching on any submerged aquatic vegetation (SAV).
 - b. Under recommendation from the DFW we will not use mechanical roosting deterrents on our cages, no scarecrows or metal objects.
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:*
 - a. Public access through our farm will be impaired by floating cages. All normal sized watercraft will be easily able to navigate around our clearly marked lease. The small size of the lease relative to the immense acreage of water in the surrounding area will allow ample space for recreational uses such as waterskiing, sailing, fishing, etc...
7. *Demonstrate that the alteration will not result in significant impacts to water circulation, flushing, turbidity, and sedimentation:*
 - a. Maneuvering through the farm by boat will slightly increase turbidity, however the sedimentation will be minor.
8. *Demonstrate that there will be no significant deterioration in quality of waters in the immediate vicinity as defined by the DEM:*
 - a. Our farm's raising of shellfish should only improve the water quality.
9. *Demonstrate that the alteration or activity will not result in significant impacts to areas of historic and archaeological significance:*
 - a. We have found no archaeological or historical significance with our proposed site.
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:*
 - a. Our farm's site will consist of a small relative acreage in comparison to the surrounding area, activities can still happen with ease around the outside boundaries of the farm. We have provided space between us and the recreational shell-fishing area along the coastline permitting shellfishermen and whelk harvesters ample room to continue any preexisting activity.
 - b. We are at least 200 ft. from the nearest mooring field.
11. *Demonstrate that measures have been taken to minimize any adverse scenic impact:*
 - a. We will have CRMC mandated buoys with solar lights marking our site corners closest to channel, oysters & scallops that are in floating cages/trays will be tied together in tight neat lines. Oysters & scallops grown in bottom cages/trays will have a 12-16" lobster pot buoy marking the specific trawl of cages. Oysters that are bottom cultured will not have any gear required.
 - b. Our floating trays will have a float with an average height of 4" above the still water elevation. Our floating cages will have a float with an average height of 14" above still water elevation – which is the standard size float for the most

commonly used cages in the shellfish growing industry, previously permitted through the coastal ponds and west passage of the Narragansett Bay. At the beginning and end of each line of floating cages there will be a lobster pot styled buoy of 12-16" in length.

Boehringer and Lundgren

2020-10-068

2.96 ACRES

71° 12' 47.95787"W
41° 35' 24.56959"N





71° 12' 55.66804"W
41° 35' 17.80016"N

71° 12' 46.558"W
41° 35' 23.624"N

71° 12' 54.316"W
41° 35' 16.808"N





Legend

Aquaculture Sites

-  Approved
-  PD App
-  PN App
-  Proposed

Submerged Aquatic Vegetation

Year

-  2006
-  2009
-  2012
-  2016



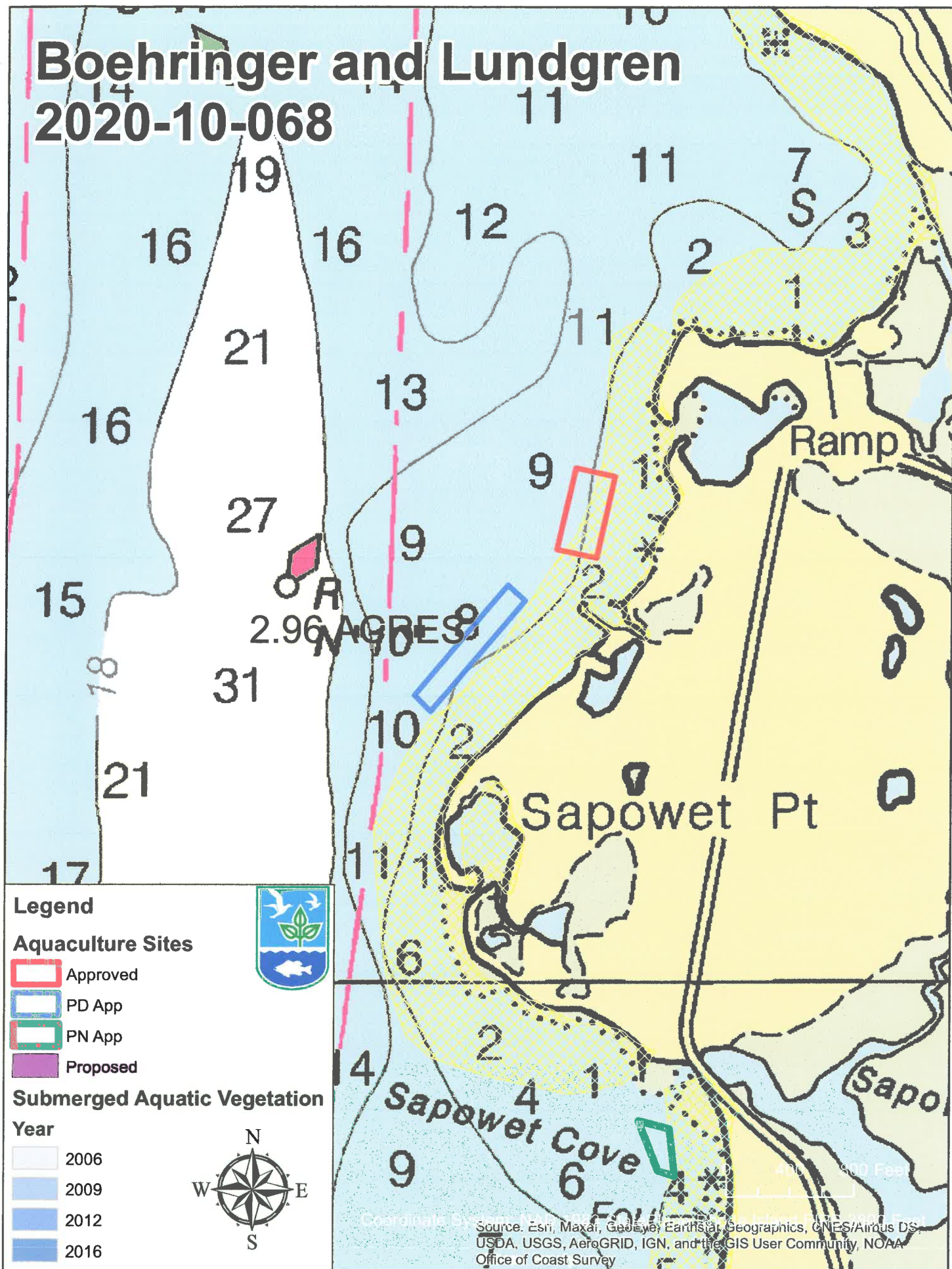
0 325 650 Feet

Coordinate System: NAD 1983 StatePlane Rhode Island FIPS 3800 Feet

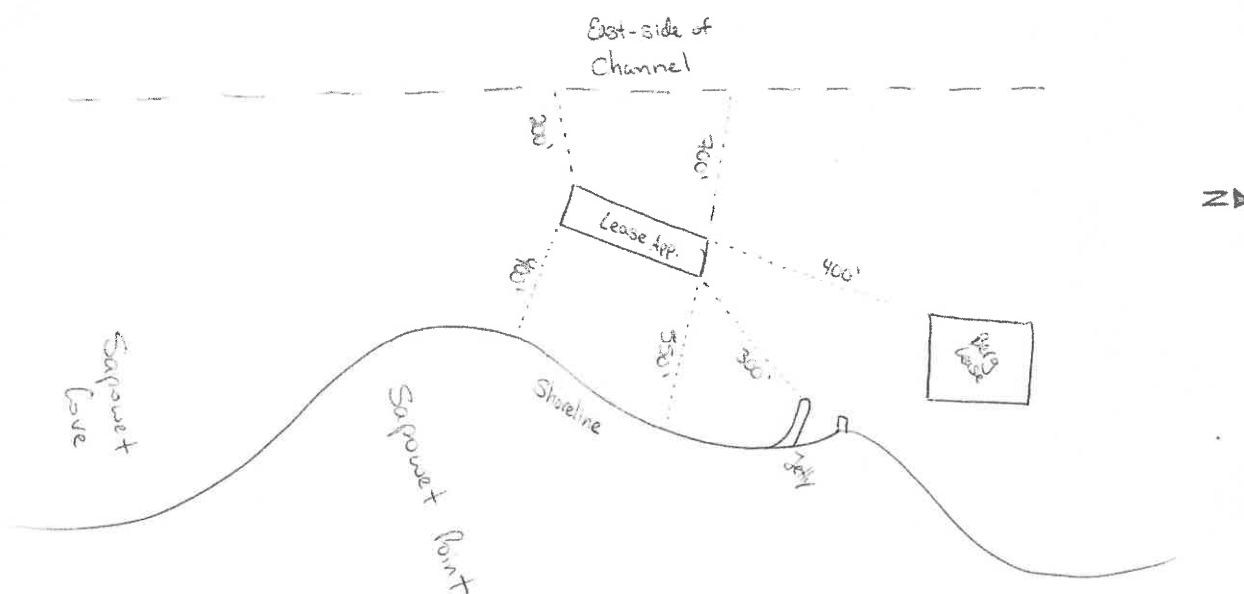
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Boehringer and Lundgren

2020-10-068



Lease Notable Distances
 in Area
 Boehringer - Lundgren App
 dated: 2/4/21



Boehringer and Lundgren
2020-10-068

DISTANCE FROM SITE

Coastline → SE Corner = 400'
 → NE Corner = 550'

Jetty → NE Corner = 300'

Berg Lease → NW Corner = 400'

Channel → NW Corner = 700'
 → SW Corner = 200'

Legend

Aquaculture Sites

- Approved
- PD App
- PN App
- Proposed

Submerged Aquatic Vegetation

Year

- 2006
- 2009
- 2012
- 2016

Sapowet Pt

Sapowet Cove

Ramp

2.96 ACRES

Source: Esri, Maxar, GeoEye, Earthstar, GeoGraphics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, NOAA Office of Coast Survey

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South



North

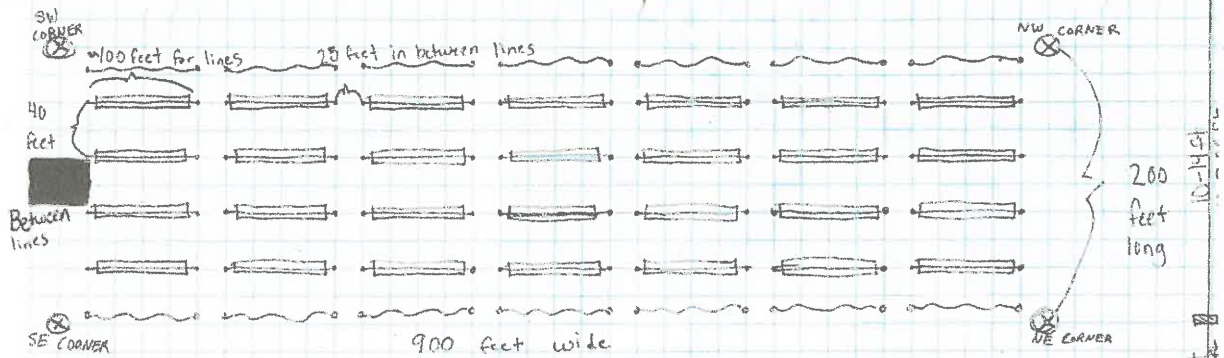


West





EAST

EACH HORIZONTAL Square = 25 ft of distance EACH Vertical Square length = 20 ft of distance EACH  = line of 15 cages

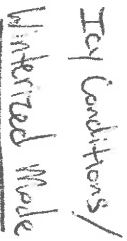


KEY

- ⊗ - Corner marker - 4x
- - Auger / buoy combo - 84x
-  - Floating cage/tray lines - 28x
 - ↳ 15 cages per line
 - ↳ 40 Trays per line
-  - cage trawl submerged - 14x
 - ↳ 20 cages/trawl

Total Buoys = 168
 Corner Markers = 4
 Total Horizontal Lines = 42
 Total Vertical Lines = 88

dated: 11/5/20



Cross-section (Expanded)
Boehringer - Ludwig
edited: 2/4/21

Floating Perspective
vs.
Sunken Perspective

