

Name: Perry Raso  
CRMC File No.: 2017-12-086  
Staff Report



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
COASTAL RESOURCES MANAGEMENT COUNCIL  
INTER-OFFICE MEMORANDUM

DATE: June 2, 2020  
TO: Jeffrey M. Willis, Interim Executive Director  
FROM: David Beutel  
SUBJECT: CRMC File No. 2017-12-086

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Applicant's Name: Perry Raso

Project: Three acre oyster and bay scallop farm using floating and suspended gear

Location: Potter Pond, South Kingstown,

Water Type/Name: Type 2, Low Intensity Use,

Coastal Feature: submerged land

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**STAFF REPORT**

This application for a three acre aquaculture site in Segar Cove of Potter Pond began as Preliminary Determination application D2017-09-018. The Preliminary Determination (PD) report (attached) was completed in October 2017. This application received written objections from the South Kingstown Conservation Commission. Please note that the conservation commission has objected to every aquaculture application in waters adjacent to South Kingstown. Mr. Raso addressed the PD report recommendations in the subsequent application for assent.

The application for assent is for a three acre site in Segar Cove to grow oysters and bay scallops using floating gear for oysters and suspended gear for bay scallops. The thirty day public notice period began on January 3, 2018 and was extended to end on February 16, 2018.

CRMC received many objections from the public, Potter Pond area residents and visitors, fishermen, a recreational fishing association, and the Town of South Kingstown. There were a total 147 written objections. In this age of social media the mis-information provided to people was substantial. Even today the website: <https://www.savepotterpond.org/> provides incorrect information to viewers. Templates for letters of objection circulated through the community. Reviewers will note that multiple family members and neighbors submitted identical objections. Of the 147 objections, 79 were received from non-RI residents

and 68 were received from RI residents. Fourteen letters of support were received from RI residents. Many objectors and some supporters included Senator Susan Sosnowski in their correspondence.

Staff will list the objection topics:

- Noise
- Tranquility
- Recreational fishing
- Clamming
- Wildlife
- Visual
- Navigation
- Recreation
- Property values
- Pollution from oysters
- Timing
- Matunuck Oyster Bar
- Hunting
- Beach access
- Perry Raso has enough activity on Potter Pond already

Every activity in state waters has an effect. Determining the significance of the effects is our challenge. Staff will address each of the above topics in order:

- Noise--aquaculture activities generate noise, as does boating, water skiing, tubing, etc. Selecting which noises are tolerable and which are not can only lead to hypocrisy
- Tranquility--boating, tubing, and water skiing are not tranquil activities, please see the bullet above
- Recreational fishing--kayak and boat fishermen operate throughout Potter Pond. Staff agrees that this area can be good for fishing. Staff does not agree that this small area will significantly negatively impact the fishing experience for Potter Pond
- Clamming--the shellfish assessment for the site area found 0.88 clams/square meter. RI Department of Environmental Management (DEM) Division of Marine Fisheries conducted a site assessment for soft shelled clams and found none (Please see the attached letter). The aquaculture site itself is not valuable clam habitat. The nearby shoreline and firmer bottom area south of the site are suitable clamming sites and will be accessible whether the aquaculture site is present or absent
- Wildlife--some absurd drawings were provided on social media (attached). Concerns about the proposed site negatively impacting fox, mink, deer, ospreys, fish etc. are unwarranted. All of the fauna mentioned will continue to be active and abundant. Any shore side development has significantly more effect on wildlife than the aquaculture could.
- Visual--floating aquaculture is visible. Low profile floating cages are less visible but they will still be seen. It is staff opinion that floating gear is safer for navigators because it is visible. Suspended gear will require floats to maintain the gear in the water column. The floats will be visible.
- Navigation--this includes boating, water skiing, tubing, kayaking, paddle boarding etc. This site will have an effect on all of these activities. The significance of effect is debatable, as is the amount of

navigational activity that occurs in Segar Cove. Floating gear is safer to navigate than bottom gear is because of its visibility

- Recreation--boating activities have previously been acknowledged. Swimming through an aquaculture site is not advisable. Please note the 5% rule in 650-RICR-20-00-1 §§ 1.3.1(K)(4)(f) and 1.3.1(K)(5)(a)(20). If this site is permitted potter Pond will be at 3% of allowable aquaculture activity. All other activities will have 97% of the pond for their opportunity
- Property values--a decline in property values from aquaculture is a frequent objection. There is no peer reviewed literature that supports the concept that aquaculture results in lower property values.
- Pollution from oysters--this is regular objection from people that only look at the denitrification process for oysters and look at internet articles about salmon aquaculture. Oysters provide net positive ecosystem services in the denitrification process (Humphries 2016). Harvesting oysters removes nitrogen from the area (Reitsma 2017).
- Timing—many objectors had issues with an application starting the process in January. Given that it is June 2020, and the May 2020 sub-committee hearings were delayed because of Covid 19, it is hard to agree that timing is an issue.
- Matunuck Oyster Bar--some letters of objection praised the restaurant, while other found it disruptive. The Matunuck Oyster Bar itself is not part of this aquaculture application
- Hunting--given the density and location of nearby homes, the hunting opportunities would not be affected by the proposed site
- Beach access--staff cannot understand how beach access will be affected by this location
- Perry Raso has enough--this objection appears to have many roots. Some people do not like the current farm of 6.9 acres and see the proposed expansion as a consolidation of control over pond activities. Some people do not like the restaurant and do not want to see any further success (and consequent traffic) for the restaurant. Some people object to Mr. Raso's land farm which he actually uses to grow food for the restaurant. Mr. Raso has been successful in Matunuck and he wants to expand his business

There are other relevant items that have occurred since the submission of this application. Mr. Raso's existing farm CRMC#2002-05-034 had exceeded its boundaries in 2017. This was rectified in 2018 with a configuration change bringing it back to 6.9 acres. DEM cooperated with staff and Mr. Raso in the mapping process.

Mr. Raso worked with staff and DEM in late January early February 2018 to realign the aquaculture site to minimize the extent of the western border extending into Segar Cove. Correspondence and maps attached.

In February and March 2018 the Rhode Island Marine Fisheries Council (RIMFC) Shellfish Advisory Panel (SAP) reviewed the application for the potential effect on marine fisheries. The SAP found that the proposed site would not have a significant negative effect on marine fisheries. The RIMFC statutory obligation is to advise CRMC of an aquaculture application's effect on marine fisheries (RIGL § 20-10-5). The RIMFC final vote was evenly split therefore making no recommendation to the CRMC. (Material attached).

Mr. Raso drafted a letter to address the list of objections received by February 16, 2018. Letter attached.

In May of 2018 staff attended and presented at a Rhode Island Saltwater Anglers (RISAA) meeting on the topic of aquaculture and specifically discussing the perceived issues of this application. RISAA had originally not objected to this application at the PD level but changed its position at the public notice level.

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In August 2018 staff met with the homeowners association at the Village at Potter Pond to discuss aquaculture in general, the existing farm in Potter Pond, and the proposed farm.

In August 2018 the Save Potter Pond movement staged a float-in in Segar Cove. Many people participated and the event was staged on the proposed lease site to ensure that there were visuals of people using the site. A subsequent article followed in the Narragansett Times calling attention to the activity. This information can be found at <https://www.savepotterpond.org/>.

Staff did not work on this application again until 2019 as much effort was devoted to the Vineyard Wind offshore energy project and the federal consistency determination.

Beginning in late July 2019 and continuing through October 2019 Mr. Raso began taking almost daily time and date stamped photographs of Segar Cove. The goal of this effort was to demonstrate the amount of recreational activity occurring in the cove. The photographs are taken from multiple perspectives to capture the activities of Segar Cove during the middle of the day between 11:00 am and 1:30 pm. The photographic record is included in the file. The photographic record does not indicate Segar Cove as a high use area for daytime recreational activities.

In August 2019 Mr. Raso reached out to Matunuck Community Association, the Matunuck Point Beach Club, and the Rhode Island Saltwater Anglers Association to discuss the pending application. The results were mixed. Correspondence attached.

In the fall of 2019 CRMC determined to complete this application in the spring of 2020. Subcommittee meetings were arranged to begin in April and be completed in May. The Covid 19 restrictions have changed the process.

In completing this report it is clear to staff that Mr. Raso has made an effort to address the many objections the application has received. He has remained calm when many of the objections are personal. His desire to expand his oyster farming business is admirable. An additional three acres would take his farmed area to a total of 9.9 acres in Potter Pond. As previously stated, this would account for 3% of the pond area being used for aquaculture, with 97% remaining for all other activities.

Segar Cove in Potter Pond has recreational activities. Mr. Raso has observed that they are limited. Any aquaculture project in Segar Cove will affect the recreational activities. Some of those activities may occur on the site and others adjacent to the site. Will those activities be prohibited in Potter Pond if this site is approved? No, those activities will still occur in Potter Pond.

The proposed methods for the site are low profile floating oyster cages and suspended bay scallop cages. Both of those methods have a minimal visual impact. The site arrangement alternatives provided by Mr. Raso show that he is willing to work to accommodate some of the concerns from objectors. Staff would prefer the arrangement on Map B if the council approves the application. It is staff opinion that this application has met the requirements of the Rhode Island Coastal Resources Management Program, and is recommended for approval.

Name: Perry Raso  
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References:

Humphries, A.T., et. al., 2016. Directly Measured Denitrification Reveals Oyster Aquaculture and Restored Oyster Reefs Remove Nitrogen at Comparable High Rates. *Frontiers in Marine Science*. 12 May 2016  
<https://www.frontiersin.org/articles/10.3389/fmars.2016.00074/full>

Reitsma, J., Murphy, D., Archer, A., York, R. 2017. Nitrogen extraction potential of wild and cultured bivalves harvested from nearshore waters of Cape Cod, USA. *Marine Pollution Bulletin*, Volume 116, Issues 1-2, 15 March 2017, Pages 175-181. <https://www.sciencedirect.com/science/article/pii/S0025326X16310761>



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Aquaculture Coordinator

RHODE ISLAND COASTAL RESOURCES MANAGEMENT COUNCIL  
REPORT OF FINDINGS -- PRELIMINARY DETERMINATION

STATEMENT OF LIMITATIONS

 ORIGINAL

The contents of this staff determination report shall be valid only for the period on and preceding the date of this report. This report is neither an approval nor denial of the subject proposal. It is an evaluation of CRMC regulations in effect as of December 1, 2017 as they pertain to the below stated proposal, including preliminary staff recommendations.

Modifications to the below stated proposal may, upon the discretion of the CRMC, render this determination null and void.

APPLICANT INFORMATION

NAME: Perry Raso      CRMC FILE NO. D2017-09-018

LOCATION/POLE: Potter Pond

CITY/TOWN: South Kingstown

PLAT:

LOT:

**CONTACT PERSON(S) & ADDRESS:**

Perry Raso

650 Succotash Road

Wakefield, RI 02879

PRELIMINARY REVIEW INFORMATION

**PROPOSAL:** 3 acre shellfish farm

**PLAN(S) REVIEWED:** Raso September 2017

INVESTIGATOR    Beutel      DATE      October 16, 2017      TIME 4:30 pm

**MEASUREMENTS & OBSERVATIONS:**

**PREVIOUS CRMC ACTIONS FOR SITE:**

**Preliminary Buffer and Setback Requirements:**

**SETBACK** (ref. Section 1.1.7 CRMP)

**BUFFER** (ref. Section 1.1.9 CRMP)

Note:      Setbacks apply to "construction related activities" including filling, removing, and grading (ref. Section 1.3.1(B) CRMP). The coastal program requires a minimum setback of either 50', or the buffer zone width plus 25' (whichever is greater). Work within this minimum setback will require a variance per Section 1.1.5 of the CRMP. All variances must be requested in writing. No construction or construction related work shall occur within the required setback (exemptions include structural shoreline protection, outfalls and water dependant uses). Work within the required setback may require a Category "B" review (public notice and decision by the full coastal council) and would likely result in adverse CRMC staff recommendations to the Coastal Council during the review process.

NAME: **Raso**

CRMC FILE NUMBER: **D 2017-09-018**

**Buffer zones** are areas that must be retained in, or allowed to revert to, "an undisturbed natural condition." All structures (excluding accessory structures) should be setback a minimum of 25' from the buffer zone to allow for access, fire protection and maintenance without infringement into the buffer.

If applicable, the plan must show "area of land within 50 feet" in accordance with Rule 5.04 of The Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast (the Rules), and label this area as a "buffer zone" in accordance with Rule 5.14. In addition, no activities (such as: drainage, grading, filling, etc.) may affect the freshwater wetland or the buffer zone. Where such alterations occur, or are proposed, an application shall be submitted in accordance with CRMC's Freshwater Wetland Rules.

Coastal feature verification shall be valid for one-year from the date of this Determination or until an erosion event (e.g., due to storm event, landslide, man-induced alteration, etc.) occurs that alters the coastal feature.

### SUMMARY OF FINDINGS

CRMC JURISDICTION: **YES**

TYPE WATER: **2; Low Intensity Use**

For the purpose of this review the coastal feature(s) shall be  
and the inland edge of coastal(s) feature shall be

**Applicability of CRMP and SAM Plans (as amended):**

CRMP Sections: 1.1.6.E; 1.2.1(B); 1.3.1(K); 1.3.1(R);\* please note the RICRMP format changed on November 29, 2017

SAMP:

### STAFF CONCERNS/COMMENTS/INFORMATION REQUIREMENTS:

The preliminary determination meeting for this application was held on October 16, 2017. The applicant, two representatives from RI Department of Environmental Management (DEM), a representative from the South Kingstown Planning Department and CRMC staff were in attendance. The application is for a three acre area in Type 2 waters to grow oysters and bay scallops using floating gear and suspended gear (lantern nets).

The town of South Kingstown Conservation Commission reviewed the application on October 4, 2017 and submitted a letter recommending denial of the application based upon these concerns:

- Three acres is an excessive size and the area should be reduced to minimize impacts
- The boundaries of the area affected was not adequately described
- The significance of the impacts on the abundance and diversity of plant and animal life was not adequately described
- It was not demonstrated that water quality would not be negatively impacted
- It was not demonstrated that affects on water circulation, turbidity, flushing, and sedimentation were adequately addressed
- It was not demonstrated that the site would not have negative impacts on fishing, swimming,

NAME: **Raso**

CRMC FILE NUMBER: **D 2017-09-018**

boating, navigation and other water dependent activities.

The letter shows that the CRMC process is not understood because the letter recommends denial of an application that receives no decision.

The South Kingstown Waterfront Advisory Commission (WAC) provided unwritten comments of objection because of the location of the site without actually reviewing the application. CRMC provided opportunity for six weeks for the WAC to review the application and submit comments but none have been received from review of the application.

RI DEM stated that a site assessment would occur to determine the density of soft-shelled clams on the proposed site. Oral communications after the survey indicated that no soft-shelled clams were found. The CRMC site survey found a low density of quahogs at the proposed area (0.88 quahogs/square meter). RI DEM requested reduced work hours for the winter season to minimize impacts on migratory waterfowl. Hunting is not allowed in the proposed area so the work hours may be different than the 10:00 am 2:00 pm hours in hunting areas.

RI DEM Office of Water Quality provided a letter stating that this site would not need a water quality certificate. The RI Historical and Preservation Commission provided a letter stating that no historic or cultural resources would be negatively impacted.

CRMC staff assessment of the site is that the area may be appropriate for the proposed activities. CRMC staff will expect objections to this site from South Kingstown residents and town commissions if a full application is submitted. In a full application CRMC recommends:

- Clarify and reference the Category B Section 300.1 responses numbered 3, 5, 7, and 10. The letter from the RI DEM Office of Water Quality has already answered the response for 8.
- Provide a darker copy of the drawings so that a scanned copy is easier and clearer to review
- Use the coordinates and map provided by RI DEM
- Include winter operation hours as requested by RI DEM
- Use floating gear that has the floats attached to the sides of the bags rather than the top to minimize visual impact

SIGNATURE:  Aquaculture Coordinator



Potter Pond  
Stop Oyster Cage  
Expansion

Diving for fish  
used to be alot  
easier than this

Keep Swimming  
Just 10 acres  
of Cages to go

OYSTER CAGES





# SAVE

STOP OYSTER CAGE EXPANSION  
IN JEGAR COVE

An illustration of a child with blonde hair wearing a life preserver and goggles, floating in a body of water. The water is filled with numerous wooden oyster cages. The scene is framed by a green, leafy border.

# POTTER POND

RECREATIONAL USE MATTERS  
& OUR KIDS MATTER  
JOIN

SAVING POTTER POND IN MATUNUCK FB  
& [SAVEPOTTERPOND.ORG](http://SAVEPOTTERPOND.ORG)





## Town of South Kingstown

180 High Street  
Wakefield RI 02879  
Tel. 401-789-9331 x1244  
Fax 401-788-9792

### PLANNING DEPARTMENT

[www.southkingstownri.com](http://www.southkingstownri.com)

October 4, 2017

Grover Fugate, Executive Director  
COASTAL RESOURCES MANAGEMENT COUNCIL  
Oliver H. Stedman Government Center  
4808 Tower Hill Rd., Suite 3  
Wakefield, RI 02879-1900

RE: Preliminary Determination, Perry Raso, Proposed Aquaculture Farm Lease in Potter Pond

Dear Director Fugate,

The South Kingstown Conservation Commission has reviewed the above referenced Preliminary Determination application at its regular meeting on October 4, 2017. This application comprises a proposal by Perry Raso to establish a new oyster and scallop farm lease area in Potter Pond inclusive of floating gear and spat bags. At its meeting, the Commission approved the following motion:

"The South Kingstown Conservation Commission has reviewed the Preliminary Determination application from Perry Raso for a proposed aquaculture farm lease in Potter Pond. The Commission recommends denial of the application based on the following concerns:

- The Commission has concerns that the applicant has not demonstrated clear evidence that this proposal meets CRMC's minimum requirements with regard to CRMC Section 300.1 Category B: (3), (5), (7), (8), and (10).
- The Commission has concerns that the proposed lease area (three acres) is excessive in size and could be reduced to minimize its impacts."

Your attention to this matter is appreciated. Please feel free to contact the South Kingstown Planning Department if you have questions at 789-9331 ext. 1244.

Sincerely,

*David Flanders (DM)*

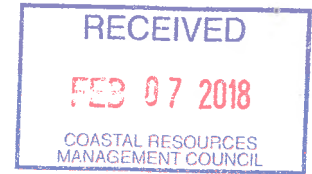
David Flanders, Chair  
Conservation Commission



Rhode Island  
Department of Environmental Management

DIVISION OF MARINE FISHERIES  
3 Fort Wetherill Road  
Jamestown, RI 02835

401 423-1920  
FAX 401 423-1925  
TDD 401 831-5508



February 2, 2018

David Beutel  
Aquaculture Coordinator  
Coastal Resources Management Council  
4808 Tower Hill Road  
Wakefield, RI 02879

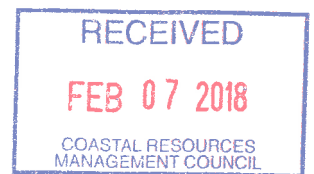
Re: Perry Raso Lease Application # 2017-12-086

Dear Mr. Beutel:

The Rhode Island Department of Environmental Management (Department), through the Division of Fish and Wildlife (DFW) and Division of Marine Fisheries (DMF), has received and reviewed the application submitted by Perry Raso for a proposed 2.98-acre aquaculture lease in Potter Pond for cultivating eastern oysters (*Crassostrea virginica*) and bay scallops (*Argopecten irradians*) using floating cages, lantern nets, and suspended longlines with spat bags.

The DMF and DFW believe that the adverse impacts to marine fisheries and wildlife and their habitat from this prospective site would be minimal. Based on historical survey data demonstrating a large abundance of soft-shell clams (*Mya arenaria*) in Seger Cove (Erkan and Gibson 2005), DMF staff initially had concerns regarding possible impacts to soft-shell clam habitat within the lease area. Staff conducted a soft-shell clam and quahog survey on November 2, 2017 using both a bull rake and a suction device. No soft-shell clams and very few quahogs (<1 quahog/m<sup>2</sup>) were caught. Additionally, there is no submerged aquatic vegetation within or near the proposed lease area at present, or in historical data (Figure 1). As such, the DFW and DMF do not have objections to this application on the basis of impacts to benthic habitats utilized by shellfish and/or finfish.

The DFW notes that the applicant has included time of day work restrictions of between the hours of 9 AM and 3 PM for the period November 15 - March 15 annually to reduce interference with migratory waterfowl that use Segar cove as a roost site during winter. The DFW proposed these dates and times during the preliminary determination meeting and appreciates the applicant's incorporation of this request into the application submitted for public notice. The DFW's acceptance of these hours and dates is specific to this location as it is primarily used as a roost site and not a feeding area for migratory waterfowl.



While DMF staff do not have any data indicating recreational fishing is present within the proposed lease area, staff acknowledge that this area may be heavily utilized for recreational finfishing and anticipate that there may be public opposition to the proposed location. Shellfishing activity regularly occurs north of the proposed site based on information collected as part of the Shellfish Management Plan (Shellfish Management Plan Team 2014; see Figure 1), but this data source does not indicate regular activity within the proposed site. The proposed lease area itself is over 25 feet from the shoreline (allowing for recreational clamming inshore) and is situated in 5.5 feet of water (at mean low water) above a mud and gravel substrate. Therefore, the site is unlikely to support significant recreational clamming activity. Hence, the DFW and DMF do not have objections to this application.

The Department's acceptance of the current proposal is specific to the location and specifications outlined in the application.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Hoxsie".

Dean Hoxsie,  
Acting Associate Director for Natural Resources



References:

Erkan, DE and Gibson, MR. 2006. 2005 Shellfish Survey of Potter Pond, South Kingstown, Rhode Island. RI Department of Environmental Management, Division of Fish and Wildlife, Marine Fisheries Section

Shellfish Management Plan Team. 2014. Rhode Island Shellfish Management Plan, Version II. [http://www.rismp.org/wp-content/uploads/2014/04/smp\\_version\\_2\\_11.18.pdf](http://www.rismp.org/wp-content/uploads/2014/04/smp_version_2_11.18.pdf)



RECEIVED

FEB 07 2018

COASTAL RESOURCES  
MANAGEMENT COUNCIL

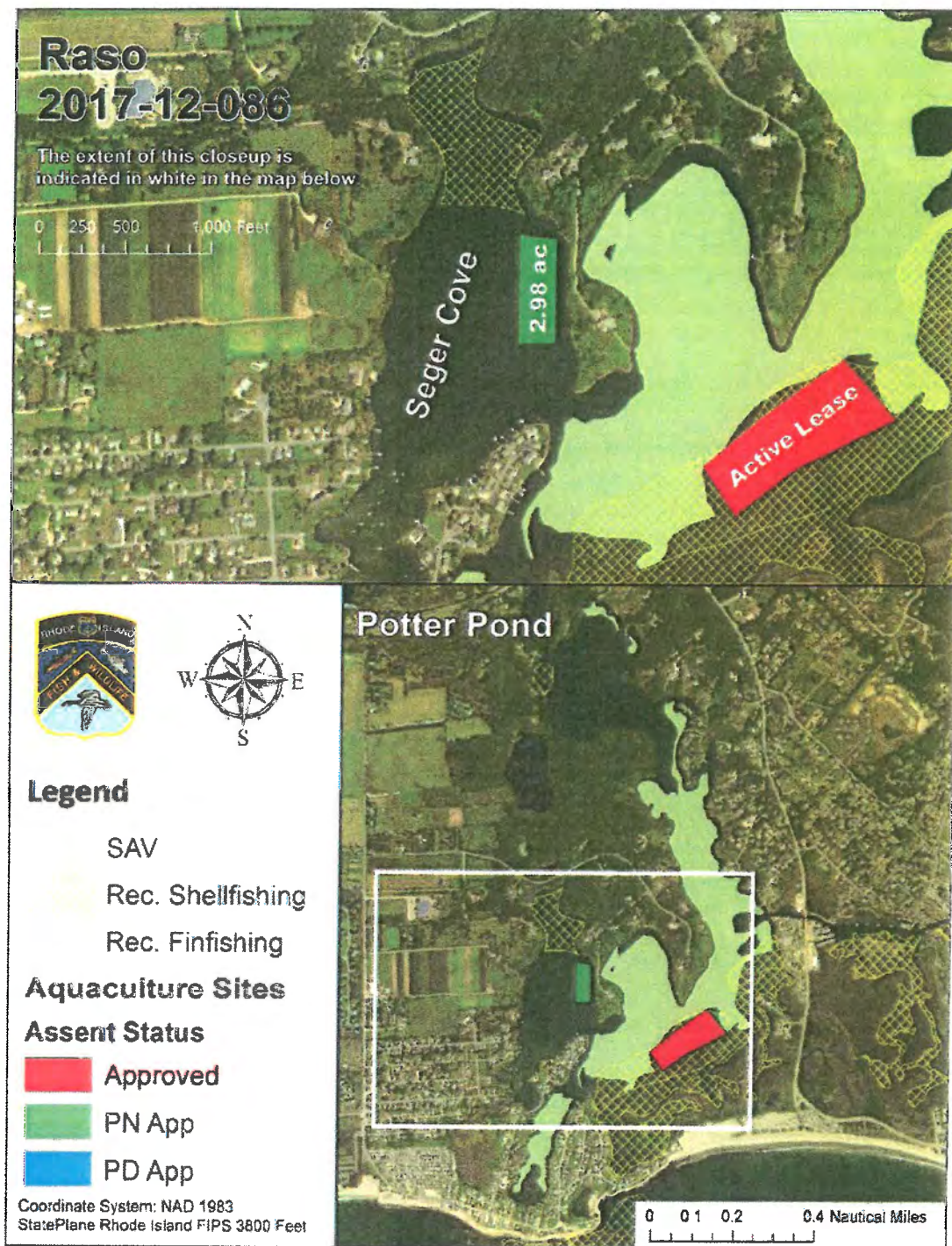


Figure 1. Proposed lease area in Seger Cove of Potter Pond

## Dave Beutel

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**From:** Perry Raso <perryraso@gmail.com>  
**Sent:** Tuesday, January 30, 2018 10:10 AM  
**To:** Dave Beutel  
**Subject:** Fwd: Possible Potter Pond lease area configuration  
**Attachments:** Raso\_possible.png

Dave,

This is the first map that Julia made, I thought it appeared to be encroaching on the shoreline too much so I thought it was best to stick to the original rectangle. Should I request that she draw up something that is more similar to what you sent over? The lines and layout would be a little more difficult but I would figure it out and it would address the water skiing concerns.

Perry

----- Forwarded message -----

**From:** Livermore, Julia (DEM) <[Julia.Livermore@dem.ri.gov](mailto:Julia.Livermore@dem.ri.gov)>  
**Date:** Mon, Jan 29, 2018 at 2:18 PM  
**Subject:** Possible Potter Pond lease area configuration  
**To:** "[perryraso@gmail.com](mailto:perryraso@gmail.com)" <[perryraso@gmail.com](mailto:perryraso@gmail.com)>

Hi Perry,

I played around for a while with your proposed lease area and it was fairly challenging to make it much longer, while still the same area, without creating a navigational issue at the opening of the cove (it stuck out too far into the opening). I've tapered off the bottom area and then added a few vertices to make it hug the shore more. I know that would mean more buoys for you but in order to keep the site close to 3 acres, this is all I was able to do. Is this sort of what you had in mind? I haven't made the formal map yet; I'll wait for your feedback.

Best,  
Julia

Julia Livermore, Principal Marine Biologist

Rhode Island Department of Environmental Management

Division of Marine Fisheries

[3 Ft. Wetherill Rd.](#)

[Jamestown, RI 02835](#)

Office: [401.423.1937](tel:401.423.1937)





Map navigation icons including a compass, a location pin, a magnifying glass, and a list icon.

Map

Aquaculture\_Sites

Raso

DBA	Matunuck C
File_Numbe	2017-12-08f
Past_File_Number	2017-09-01E
Acres	2.942276
GPS_Source	PN App
Purpose	Shellfish far
Restric	<Null>
Notes	Lantern net:
Oysters	Yes
Clams	No
Scallops	Yes
Mussels	No
Kelp	No
Winter_Sto	No
Bottom_Culture	No
Bottom_Gear	Yes
Suspended_Gear	Yes
Floating_Gear	No
Longline	No
Upweller	No
Shape_Length	1247.752663
Shape_Area	128163.02

## Dave Beutel

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**From:** Perry Raso <perryraso@gmail.com>  
**Sent:** Thursday, February 01, 2018 10:27 AM  
**To:** Dave Beutel  
**Subject:** Fwd: Message from KM\_C364e  
**Attachments:** SKM\_C364e18020110400.pdf

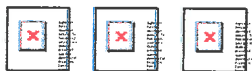
Dave, Attached are the expanded view of option B, I also included another possibility,, option c, the last page.  
Thank you  
Perry

----- Forwarded message -----

**From:** <[info@rhodyoysters.com](mailto:info@rhodyoysters.com)>  
**Date:** 2018-02-01 10:41 GMT-05:00  
**Subject:** Message from KM\_C364e  
**To:** [perryraso@gmail.com](mailto:perryraso@gmail.com)

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Perry Raso  
Matunuck Oyster Farm. Matunuck Oyster Bar. Matunuck Vegetable Farm  
[rhodyoysters.com](http://rhodyoysters.com)





# Aquaculture Location Sketch

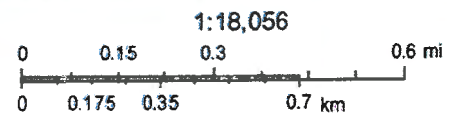


2/1/2018, 10:00:32 AM

B

## Areas

-  Override 1
-  Red: Red
-  Green: Green
-  Blue: Blue



Map data © OpenStreetMap contributors, CC-BY-SA



# Aquaculture Location Sketch

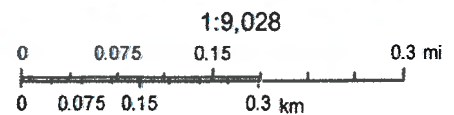


2/1/2018, 10:01:27 AM

## Areas

-  Override 1
-  Red: Red
-  Green: Green
-  Blue: Blue

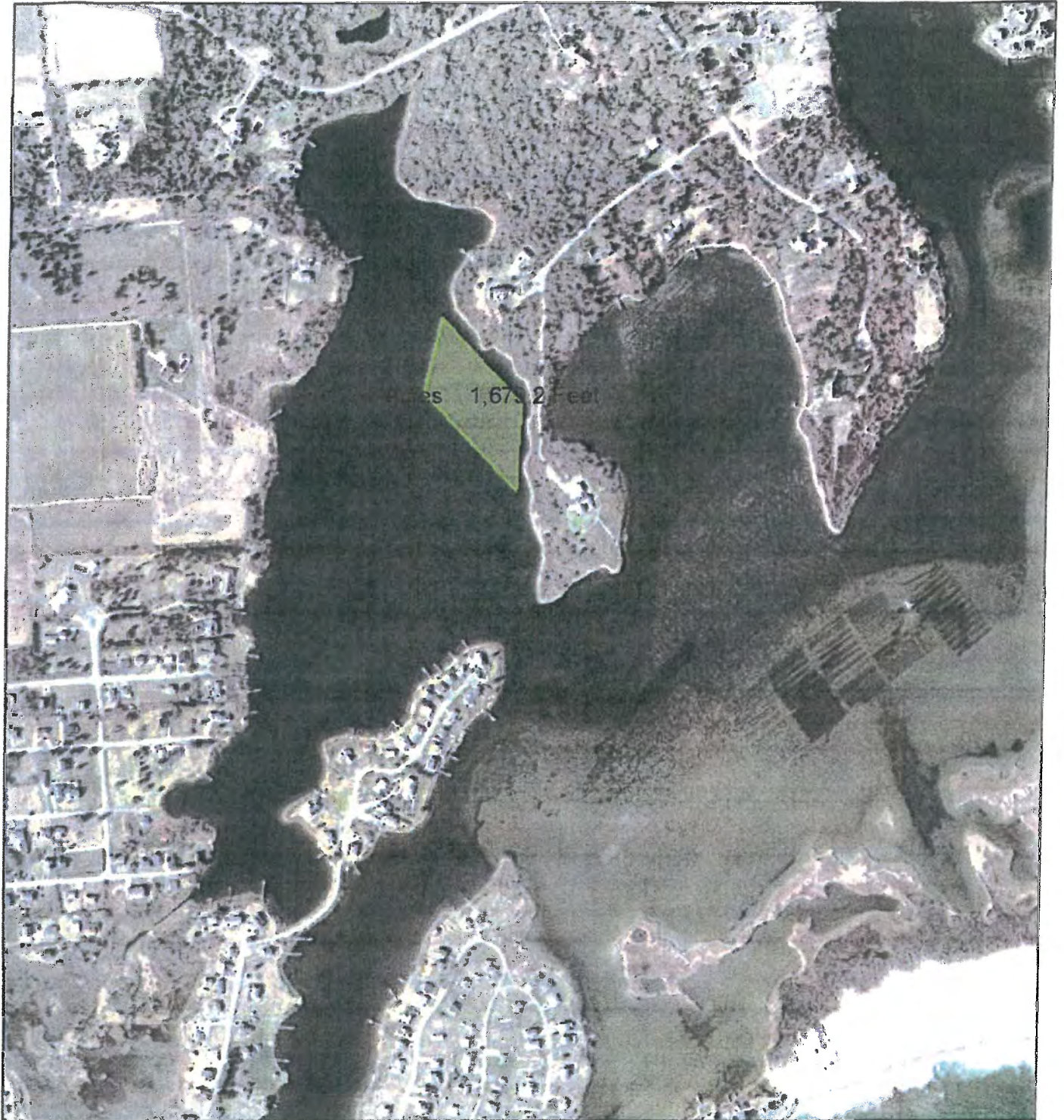
B



Map data © OpenStreetMap contributors, CC-BY-SA



# Aquaculture Location Sketch

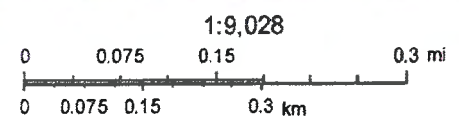


2/1/2018, 10:10:51 AM

## Areas

-  Override 1
-  Red: Red
-  Green: Green
-  Blue: Blue

C



Map data © OpenStreetMap contributors, CC-BY-SA

## Shellfish Advisory Panel

February 7, 2018; 4:30PM

URI Bay Campus, Coastal Institute Building, Small Conference Room  
218 S Ferry Road, Narragansett, RI 02874

### MEETING SUMMARY

RIMFC members: J. Grant (Chair)

DEM: C. McManus; E. Schneider; P. Barret; S. Olszewski; P. Duhamel; C. Hannus (Water Resources)

SAP members: K. Eagan; M. McGiveney; R. Tellier; D. Ghigliotty; M. Sousa, R. Rheault (alt. for J. Gardner), G. Schey, R. Pastore, E. Troiano

CRMC: D. Beutel

Public: P. Rasso, J. Arnoux, P. Capaldi, W. Helt, O. Kelly

1. **Introduction of new members:** New members Manuel Sousa and Ed Troiano were introduced and welcomed.
2. **Review of aquaculture lease applications sent to public notice by CRMC:**

- a. 2017-11-051, East Beach Farms LLC, Quonochontaug Pond:

The Chair reminded members their aquaculture lease application review criteria as specified in RI Gen. Laws section 20-10-5. *D. Beutel* provided a brief overview of the proposal. He offered that a shellfish survey revealed a density of < 1 shellfish/sq. meter. He offered that of the 30 samples, there were no quahaugs found. He offered that from a CRMC perspective there are "little to no issues" with this site being suitable for aquaculture "in terms of fisheries and user conflicts". **Motion made by *R. Rheault* to recommend no objection to the application; 2<sup>nd</sup> by *R. Pastore*. The motion passed 9-0.**

- b. <sup>12</sup>2017-11-086, Raso, Potter Pond:

*D. Beutel* provided a brief overview of the proposal. He offered that multiple objections were received. He offered that the RISSA Kayak committee objected due to conflict with use of waters for striped bass fishing during the Spring cinder-worm hatch. He offered that several objections were received from neighbors. He then offered that he has also received "one letter of support for every objection". He offered that a shellfish survey revealed a density of 0.88 shellfish/sq. meter. *M. Sousa* offered that he cannot support any lease that uses floating gear; that he can only support bottom culture. *C. McManus* offered that DEM was in receipt of several objections due to conflict with recreational harvest (letters will be provided as an attachment to the minutes). *Mr. Raso* offered that



he chose the site due its depth, and that recreational harvest from shore was not occurring at the site. *D. Beutel* offered that eelgrass was not present at the site. *C. McManus* inquired to *D. Beutel* the number of support and objection letters received; to which *D. Beutel* replied there were 100 letters of objection and 12 letters of support. *M. McGivney* inquired if the application would also be reviewed by the RI Marine Fisheries Council; to which *D. Beutel* and *J. Grant* replied that it most likely would be. **Motion made by *G. Schey* to recommend no objection to the application; 2<sup>nd</sup> by *R. Rheault*.** *D. Pastore* noted that the floating gear would impact fly fishing for striped bass during the Spring cinder-worm hatch. *R. Rheault* noted that you could not fish in the lease when the floating gear is suspended. *R. Rheault* offered support for the application due to the small amount of area currently occupied by aquaculture in Potters Pond, and the area of the pond remaining available for striped bass fishing. *D. Pastore* noted that the state lacks an initiative with respect to the state looking at competing uses, making review difficult. It was discussed that the lease would include the entire water column in addition to the bottom. The motion passed 7-2 (*M. Sousa* and *R. Tellier* dissenting votes).

3. Discussion of Fish Habitat Enhancement Sites and Oyster Reef Creation in Pt. Judith Pond Shellfish Management Area (non-voting item): *E. Schneider* provided an overview of the project, which was provided to the SAP for informational purposes. Presentation slides describing the project are available on the Division's website.
4. Update on timelines related to Providence River Fisheries Management (non-voting item): *C. McManus* provided status on the Division's stock assessment efforts, and that the current plan is to make such information available to the SAP and/or interested shellfishermen next month. Discussion ensued regarding the potential future opening. *C. Hannus* offered that the Office of Water Resources (OWR) is only looking at waters below Gaspee Point for possible opening in May, and cautioned that several aspects are still being assessed, any of which could affect opening. *C. McManus* offered that if this area was approved for shellfishing, and fisherman were interested in opening for harvest, regulations would need to be filed 20 days in advance of the opening date. Discussion ensued regarding the Council meeting date, and the possibility of pushing the date out to provide the SAP with additional time to review the data and provide a recommendation. *C. McManus* offered that a SAP or Quahog Workshop meeting date would be scheduled to present the Divisions stock assessment, and possibly a subsequent SAP meeting where a vote on an industry harvest schedule proposal would take place.

*Prepared by: P. Duhamel and C. McManus*



# Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835  
(401) 423-1920 Fax: (401) 423-1925

Robert Ballou  
Chairman

David Monti  
Vice Chair

Travis Barro

Andrew Dangeio

Jeff Grant

William  
MacIntosh, III

Christopher Rein

Michael Rice, Ph.D.

Michael Roderick

April 27, 2018

Dave Beutel, Aquaculture Coordinator  
Coastal Resources Management Council  
4808 Tower Hill Road  
Wakefield, RI 02879

Re: CRMC Aquaculture Lease Application # 2017-12-086 – Raso  
Potter Pond

Dear Mr. Beutel:

Pursuant to RIGL § 20-10-5, the above-referenced application was brought before the RI Marine Fisheries Council (hereafter "Council") on March 14, 2018, for consideration. At that meeting, the Council considered the recommendation of its Shellfish Advisory Panel, rendered on February 7, 2018, as well as extensive public comments, written and oral, and the testimony from the applicant. On the basis thereof, the Council deliberated on the matter, but was unable to reach consensus on whether the proposed activities are consistent with competing uses engaged in the exploitation of the marine fisheries. In fact, the Council was split, with half finding that the activities are consistent, and half finding that they are not.

Those Council members finding that the application is consistent offered the following rationale:

- Wild-harvest activities, including shellfishing and finfishing, do occur in Potter Pond, including the general area of the lease proposal. However, the nature and extent of wild-harvest activities in the specific area targeted by the lease proposal is difficult to determine, given conflicting comments provided on that issue. As such, there is no clear evidence that the proposal would have a particular impact on wild-harvest activities in the specific area targeted by the lease proposal. Further, any potential impacts would be restricted to the footprint of the proposed lease site, and not affect wild-harvest activities elsewhere in the pond, including the waters surrounding the proposed site.
- Shellfish densities in the specific area targeted by the lease proposal are less than 1 shellfish per square meter; thus, resource availability in that specific area is not high enough to support significant shellfish harvest opportunities.
- The ecological benefits associated with the lease proposal are significant, and may enhance wild-harvest opportunities in Potter Pond, including in the vicinity of the proposed lease site.
- The proposed application, if approved, would maintain the portion of Potter Pond used for aquaculture at 5 percent or less.

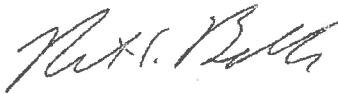


Those Council members finding that the application is not consistent offered the following rationale:

- Wild-harvest activities, including shellfishing and finfishing, do occur in Potter Pond, including the general area of the lease proposal. The record includes numerous (50 +/-) comments from anglers and local residents who maintain that the proposal conflicts with those activities.
- Notwithstanding the challenge of determining the nature and extent of wild-harvest activities that occur in the specific area targeted by the proposal, if the proposal were approved, the placement of gear in the area would effectively preclude most wild-harvest activities, particularly finfishing in the lease area. Potter Pond is known to be a hot spot for recreational fishers targeting striped bass during cinder worm hatches in the spring. Casting for striped bass within the footprint of the lease site, if approved, would become impracticable, given the high likelihood of getting snagged on the aquaculture gear.
- While shellfish densities in the specific area targeted by the lease proposal are relatively low now, they could increase over time, as is often the case with shellfish populations that have peaks and valleys. Some fishermen said they fished the area between the shore and proposed aquaculture lease area both commercially and recreationally. This makes the area more attractive for shellfishing as it can be reached from shore or boat by fishermen and residents.

The Council offers these varying perspectives with the understanding that they will be thoughtfully considered by the CRMC as the lease proposal is subject to additional review and decision.

Sincerely,



Robert Ballou, Chair  
RIMFC

cc: RIMFC

## Dave Beutel

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**From:** Perry Raso <perryraso@gmail.com>  
**Sent:** Monday, February 26, 2018 8:04 AM  
**To:** Dave Beutel  
**Attachments:** response to objections .docx

Dave,

What I have so far for the letter to address objections is attached. I can come by earlier than 9 if your available.

Perry

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Perry Raso

Matunuck Oyster Farm. Matunuck Oyster Bar. Matunuck Vegetable Farm

[rhodyoysters.com](http://rhodyoysters.com)



Response to the letters of objection to the 3 acre shellfish lease in Segar Cove:

The lease site will impact the ability for the public to enjoy the cove for water skiing and tubing:

During the summer months people ski and tube in Potter Pond, the primary place that people ski and tube is the north end of the pond in what many refer to as "skiers cove". The cove referred to as skiers cove is approximately 1850' x 1200'. To a far lesser extent, Segar Cove is also used for water skiing and tubing. Segar cove is approximately 1000' east to west and approximately 3000' north to south however only about 1300' can currently be used for skiing and tubing due to the shape of the cove as well as a mooring field in the north end of the cove. The proposed lease, if granted, would narrow the area for skiing by approximately 150' from east to west in the center of the area proposed (see attached) but would not reduce the space for water skiing and tubing from north to south.

The lease will inhibit the use of kayaking and paddle boarding:

The proposed lease area would still be open and accessible by kayak or paddle boards. The buoys used to float the scallop nets and the floats fastened to the oyster cages would be arranged in lines or rows. Paddle craft would be able to navigate up and down the rows and across the rows between the floatation. The existing oyster farm has been an attraction for curious kayakers and paddle boarders on the pond who want to see the farm. Matunuck Oyster Farm has scheduled farm tours with a kayak group who kayaked to the farm.

The proposed lease will interfere with shell fishing and fin fishing:

Shellfish in Segar Cove are primarily found along the shoreline. The site proposed was the sea bed at the proposed site has a very soft mud not characteristic of shellfish habitat. RIDEM and CRMC have both surveyed the area and found less than 1 northern quahog per meter square

In order to harvest wild shellfish in the proposed site one would need to use a long stale bull rake which I have never seen any one do in Potter Pond, the other method to harvest shellfish in the proposed area would be utilizing scuba tanks however the use of scuba for harvesting shellfish is prohibited in the Potter Pond due residents concern about the shellfish being harvested using scuba.

The proposed lease will interfere with fishing and the sand worm hatch:

Sand the depth of water in the lease is 6 feet and the sea floor on the site is very soft mud. Cinder worms or sand worms characteristically hatch in shallower and sandier sea floors than what is on the proposed lease. Cinder worms have been found to hatch from the layers of shell in oysters (Pettibone 1963). Fishing within and around the farm would still be allowable. The spring days when cinder worm hatches occur, the worms can be found in variable densities throughout the pond however due to the depth and sediment type in the lease, it is unlikely that the sand worms hatch in the sediment under the proposed lease.

Information regarding this application has been disseminated via newspaper articles, emails and websites stating false information which has misinformed the public about how the proposed farm would restrict recreational use. Statements such as "public access to any part of the lease site will be impossible" and if the farm is permitted it would be "removing this water from the public domain" (see attached). A deceptive picture of the proposed lease has also been circulated depicting the proposed lease to be over 300% larger than what was actually applied for (attached). The lease is pictured on the website is approximately 10 acres and the area is labeled "proposed new site No Entry".

Segar Cove is 54 acres and the proposed 3 acre lease would be approximately 5.5% of the cove and about 1% of Potter Pond. I strongly believe that the increase of total amount of shellfish aquaculture in Potter Pond of 1% of the pond to bring the total amount of shellfish aquaculture to 3.1% of the total surface area of the pond is an appropriate balance with the recreational uses that it currently experiences.

While the application is being proposed for an individual farm to grow and sell shellfish, the ecosystem services of shellfish farms should be considered. The filter feeding of the scallops and oysters in the proposed farm would provide a number of ecosystem benefits including increased dissolved oxygen, increased biodiversity, reduced turbidity and increased aquatic vegetation. As the filter feeding bivalves remove phytoplankton from the water, the gear they are housed in provides habitat for a number of different fish species as shelter. This will benefit osprey, mink, fox and other wildlife that eat fish.

## Dave Beutel

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**From:** Perry Raso <perryraso@gmail.com>  
**Sent:** Thursday, August 08, 2019 4:29 PM  
**To:** Dave Beutel  
**Cc:** Terra Emery

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dave, Yesterday I met with Ralph Riccio who is the President of the Matunuck Community Association and he explained that his board thought it was a good idea to offer a discussion between their association and myself. The group was emailed to see if anyone wanted to attend a meeting to discuss the proposal with me and several people in his association showed interest in meeting with me to discuss the proposal but three people were upset that he proposed the idea and he himself wants to remain neutral and does not want to upset the other members so he canceled the meeting between me and the association members.

Corner markers for the proposed lease site have been removed several times over the course of the last several months. I recently reset the corner markers and checked on them the next day and one was missing, I'll continue to check on them and replace as needed.

My meeting with the Matunuck Pt Beach Club is still scheduled for next Saturday.

Thank you

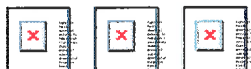
Perry

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Perry Raso

Matunuck Oyster Farm. Matunuck Oyster Bar. Matunuck Vegetable Farm

[rhodyoysters.com](http://rhodyoysters.com)



## Dave Beutel

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**From:** Perry Raso <perryraso@gmail.com>  
**Sent:** Sunday, August 25, 2019 7:49 PM  
**To:** dbeutel@crmc.ri.gov  
**Cc:** terra@rhodyoysters.com

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dave,

Last Saturday I went to the Matunuck Point Assoc meeting to discuss my proposed lease. It was clear that the floating gear is what bothered people the most. One person asked if I would consider submerging some of my existing gear on my current farm in order to get the new lease. I asked if that would get them to support the new site and several people shouted "no". There was lots of concern about the view some concern about the ability to water ski, go tubing and the impact of the potential farm on striped bass fishing.

I was scheduled to meet with RISAA on Tuesday night but was told not to come by the president of RISAA.

Perry

Sent from my iPhone=