



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 Barao

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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:

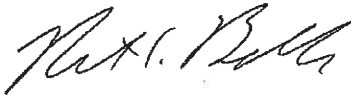
- Wild-harvest activities, including shellfishing and finfishing, do occur in Potter Pond, including the general area of the lease proposal. However, the nature and extent of wild-harvest activities in the specific area targeted by the lease proposal is difficult to determine, given conflicting comments 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,



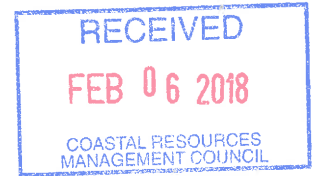
Robert Ballou, Chair
RIMFC

cc: RIMFC



Rhode Island Marine Fisheries Council

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



Panel Chair:

Jeff Grant

DEM Coordinator:

Conor McManus

Scientific Advisor:

Dale Leavitt

Membership:

Jeff Gardner

Aquaculture

Bob Rheault

Alternate for J. Gardner

David Ghigliotty

Comm. Bullrake

Mike McGiveney

Comm. Bullrake

Martin McGiveney

Alternate for Mike McGiveney

Gerald Schey

Comm. Bullrake

Bob Bercaw

Comm. Bullrake

Manuel Sousa

Comm. Bullrake

Katie Eagan

Comm. East Bay

Bob Smith

Dealer

Roger Tellier

Recreational Rod & Reel

Richard Pastore

Recreational Rod & Reel

Edward Troiano

Recreational Shellfish

Meeting Notice

Shellfish Advisory Panel

February 7, 2018, 4:30PM

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

AGENDA

1. Introduction of New SAP Members (**non-voting item**)
2. Review of Aquaculture Applications sent to Public Notice
 - a. 2017-11-051, East Beach Farms LLC, Quonochontaug Pond
 - b. 2017-11-061, Keeley, Quonochontaug Pond
 - c. 2017-11-086, Raso, Potter Pond
3. Discussion of Fish Habitat Enhancement Sites and Oyster Reef Creation in the Pt. Judith Pond Shellfish Management Area (**non-voting item**)
4. Update on Timelines related to Providence River Fisheries Management (**non-voting item**)

All RIMFC Species Advisory Panel meetings are open to the public.

For more information please contact Conor McManus at (401) 423-1941.

* Aquaculture applications can be found at <http://www.crmc.ri.gov/applicationnotices.html>

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; 2nd by *R. Pastore*. The motion passed 9-0.**

- ¹³
 - b. 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. McGiveney* 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; 2nd 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

File # 2017-12-086

Deb and Terry McCurdy
264 Prospect Road
Wakefield, RI 02879
401-783-4731
deborahannmccurdy@gmail.com

Dear Sir/Madam,

We (Deborah and Terrence McCurdy) would like to object with Mr. Raso's expansion of 3 additional acres of his Oyster farm in Segar Cove (File # 2017-12-086). The proposed alteration will result in significant conflict of the rights of people who have used this portion of the cove for gathering shellfish, fishing for school bass and releasing, fishing eels. Many of us have ventured to this area (proposed site) to gather dinner as well as commercially harvesting clams, hard and soft shells. Segar Cove has seen many commercial shellfishermen since word got out several years ago about the gold mine of clams here in the cove, especially areas near docks and shallow water, the cove has been harvested to the max. There are still a few commercial shellfishermen in the cove, but due to lack of abundance the numbers have decreased. Many of us will go to areas that are more difficult to harvest because there are plenty of shellfish here. Although it is rocky in spots and deeper water we just move a rock and work the tides and we reap what our cove has provided us for years, dinner and maybe a small paycheck. Although it is said we have the right to continue to use the site, we see that we cannot use all the area that Mr. Raso has commercially developed nearby. This area was also used by many for shellfishing, but now is almost impossible to access this area due to boats, platforms, bags, racks, bouy's and of course the feeling of trespassing.

Our other objection is safety. The proposed site is used by so many who boat in the area. The water activity in Segar Cove is always busy in the warmer months. The channel to get into the cove is only big enough for one boat (rocks on both sides) and if you have a boat entering and one leaving you need this area to move to and wait your turn. A vessel with a water skier or towing a tuber needs to swing into this area if unable to go straight through. If forced to take a quick left there are docks, also it is very difficult to see immediately what who else is coming down that side. What does a boater do when having to take the left after the channel and coming head on with a swimmer off the dock? We ask all parties to please consider the public's use of this area for enjoyment to be continued and not jeopardize our safety and ability to gather a dinner or make a small paycheck.

Thank you for your time and consideration,
Deb and Terry McCurdy

January 15, 2018

Coastal Resources Management Council
Stedman Government Center, Suite 3
4808 Tower Hill Road
Wakefield, RI 02879-1900

Dear Sirs,

We just received an email concerning the application of Mr. Perry Raso for an expansion of his oyster farm in Potter's Pond (currently located on the eastern Succotash Road side) to include three acres in the Segar Cove area.(public notice 2017-12-086).

We have been residents on 94 Ocean Avenue in the Matunuck Point neighborhood for thirty years now. We believe that the pond should be openly available to all residents for recreational use, including boating and clamming, and that a commercial enterprise should not be permitted to intrude into these activities and onto people's views from their backyards on the western side of the pond. Whenever we make even a minor improvement in our homestead, we need approval from the coastal commission, which is dedicated to preserving the shore. Even cutting down weeds requires a permit and legal work, not to mention putting in railings on stairs or an AC unit, or digging up an oil tank. We can't understand how a big application like this can be approved, especially since it was snuck into your agenda in the middle of winter, when most of us are not at our Rhode Island summer homes.

We enjoy eating at Mr. Raso's Matunuck Oyster Bar, but we don't believe our neighborhood should be turned into an aquatic farm to allow his business to expand and thrive.

Thank you,

Stephen Firshein, M.D.
Evelyn Smith Firshein M.D.

Shellfish Advisory Panel
February 7, 2018, 4:30PM
URI Bay Campus Coastal Institute Building
Large Conference Room
215 S Ferry Road, Narragansett, RI 02882

AGENDA

1. Introduction of New SAP Members*
2. Review of Aquaculture Applications sent to Public Notice
 - a. 2017-11-051, East Beach Farms LLC - Quonochontaug
 - b. 2017-12-086, Raso - Potter Pond
3. Fish Habitat Enhancement in the Pt. Judith Pond Shellfish Management Area*
4. Update on Timelines related to Providence River Fisheries Management*

*non-voting item

1. Introduction of New SAP Members (non-voting item)

New Members

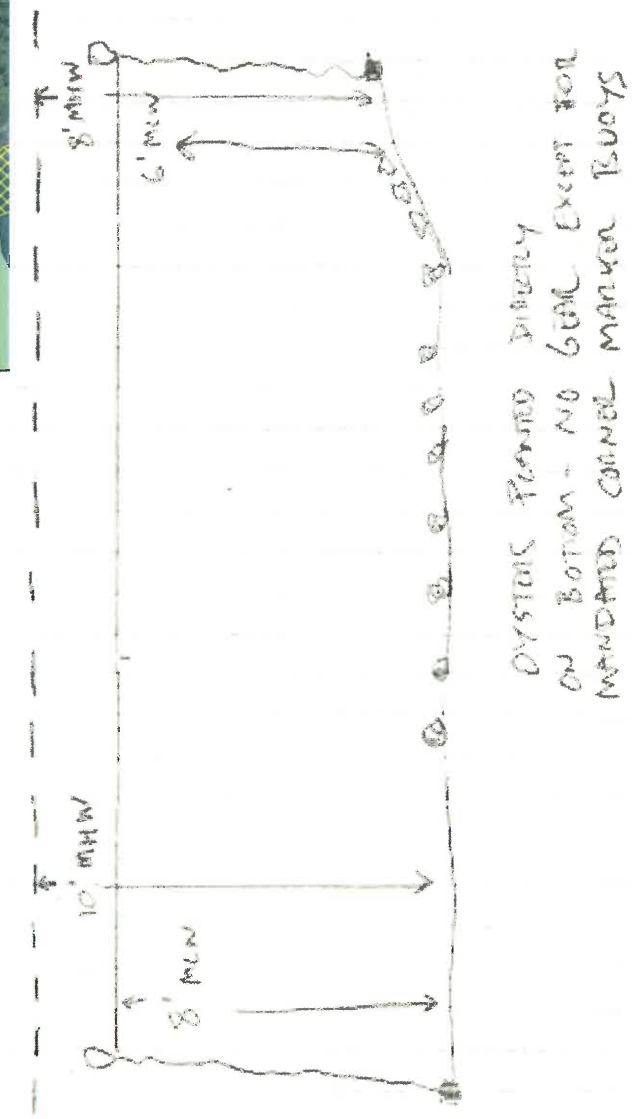
Manuel Sousa (Commercial Bullraker)
Ed Troiano (Recreational Shellfishing)

11 SAP Members (2 alternates)

2. Aquaculture Leases

2017-11-051, East Beach Farms LLC Quonochontaug

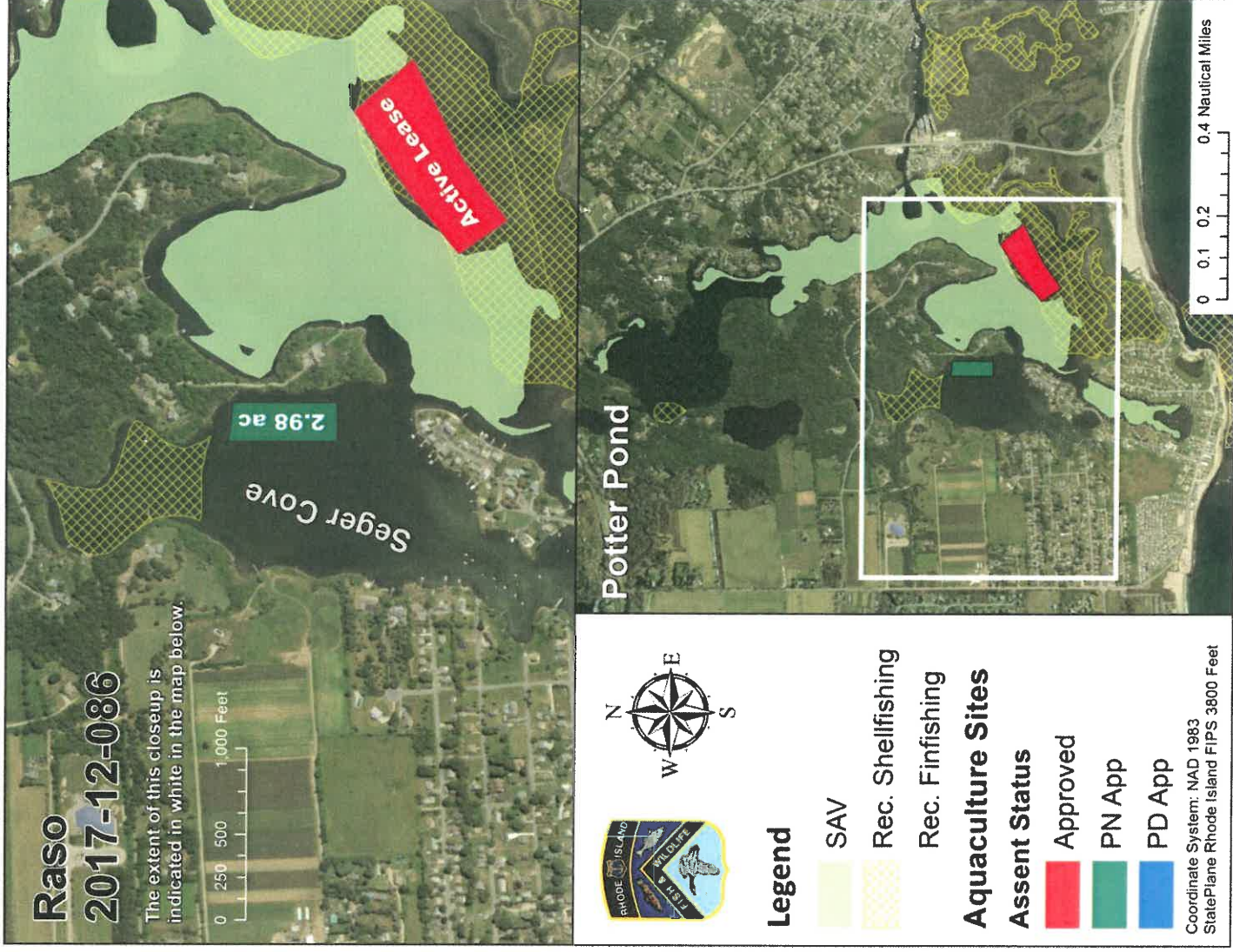
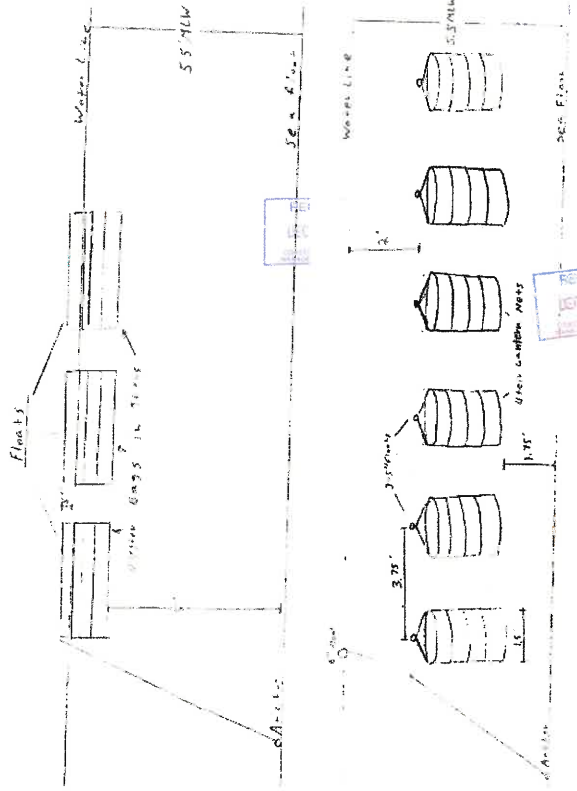
- 6 acre lease
- Oysters
- Bottom plant



2. Aquaculture Leases

2017-12-086, Raso Potter Pond

- 3 acre lease
- Oysters and bay scallops
- Floating and suspended gear
 - Floating cages
 - Submerged spat bags
 - Submerged lantern nets



3. Discussion of Fish Habitat Enhancement Sites and Oyster Reef Creation in the Pt. Judith Pond Shellfish Management Area (non-voting item)

Fish Habitat Enhancement Project

Pt Judith Pond, South Kingstown, RI



The Nature Conservancy
Protecting nature. Preserving life.



Fish Habitat Enhancement Project

Pt Judith Pond, South Kingstown, RI



- This work is part of a larger multi-year, multi-system project that aims to positively affect local fish populations by enhancing fish habitat.
 - Partnership between DEM & TNC
 - Scientific Advisers: Drs. Jon Grabowski and R. Hughes of Northeastern Univ.
 - additional support from RWU
 - US FWS Sport Fish Restoration Program (SFR) funded project

- **Primary Goal:** Evaluate if construction of oyster reefs is a viable method for improving juvenile populations of important species of sportfish
 - Previous work in the mid-Atlantic and Gulf of Mexico has shown these techniques to be successful(e.g., Grabowski et al. 2005); however, they have not yet been evaluated in a temperate region of the Atlantic.

Fish Habitat Enhancement Project

Pt Judith Pond, South Kingstown, RI



Approach

1. Determine the appropriate location for reef establishment considering a number of factors, including oyster suitability modeling, human uses (recreation, navigation, fishing, shellfishing, etc.), present habitat quality and value, and connectivity to adjacent fish habitat.
2. Submit permit applications and conduct pre-enhancement evaluation to establish baselines
3. Create and establish oyster reefs; and
4. Conduct post-enhancement evaluation to determine if there are changes in abundance and species composition of early life stages of recreationally important fish.

- Oyster monitoring 2 x annually
- Fish monitoring monthly (May-Oct)



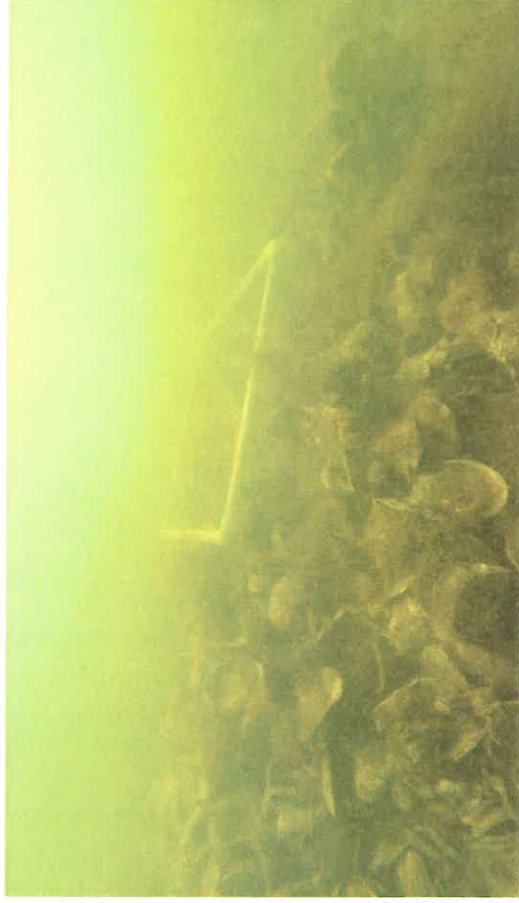
Fish Habitat Enhancement Project

Pt Judith Pond, South Kingstown, RI



- **Status**

- To date, we've conducted baseline monitoring, constructed reefs, and continue post-construction fish and oyster monitoring in Ninigret and Quonochontaug Ponds.
- Pt Judith represents the final phase of this work.
- We're about to begin the permitting process and wanted to provide the SAP on update prior to submission.



Fish Habitat Enhancement Project

Pt Judith Pond, South Kingstown, RI



General Siting Info

- Reefs will be located in upper Pt Judith Pond, which is:
 - a duly promulgated Shellfish Management Area (RI General Law § 20-3-4, RI Marine Regs 4.12.2-K), and
 - unapproved for shellfishing;
 - thus, there will not be conflicts with com/rec shellfishing or aquaculture.
 - In turn, the harvest prohibition allows for oyster propagation and growth, protecting the oyster reefs and the fish habitat they provide.
- Based on our analysis and discussions with stakeholders, we believe there are no conflicts with current uses at these locations.

Fish Habitat Enhancement Project

Pt Judith Pond, South Kingstown, RI



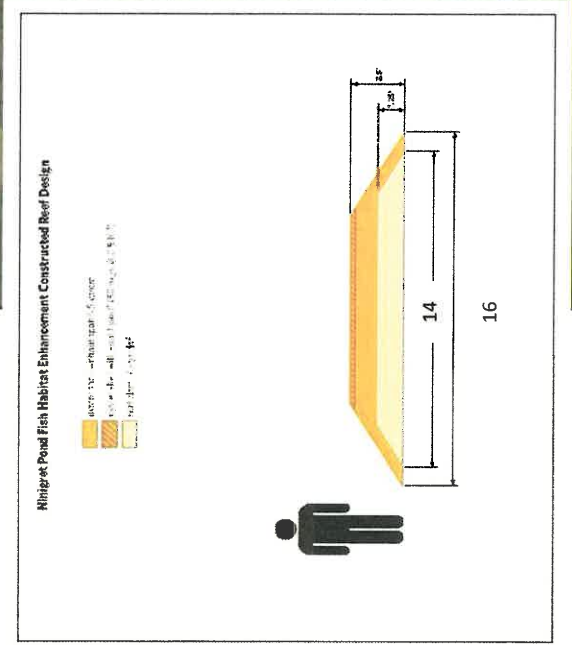
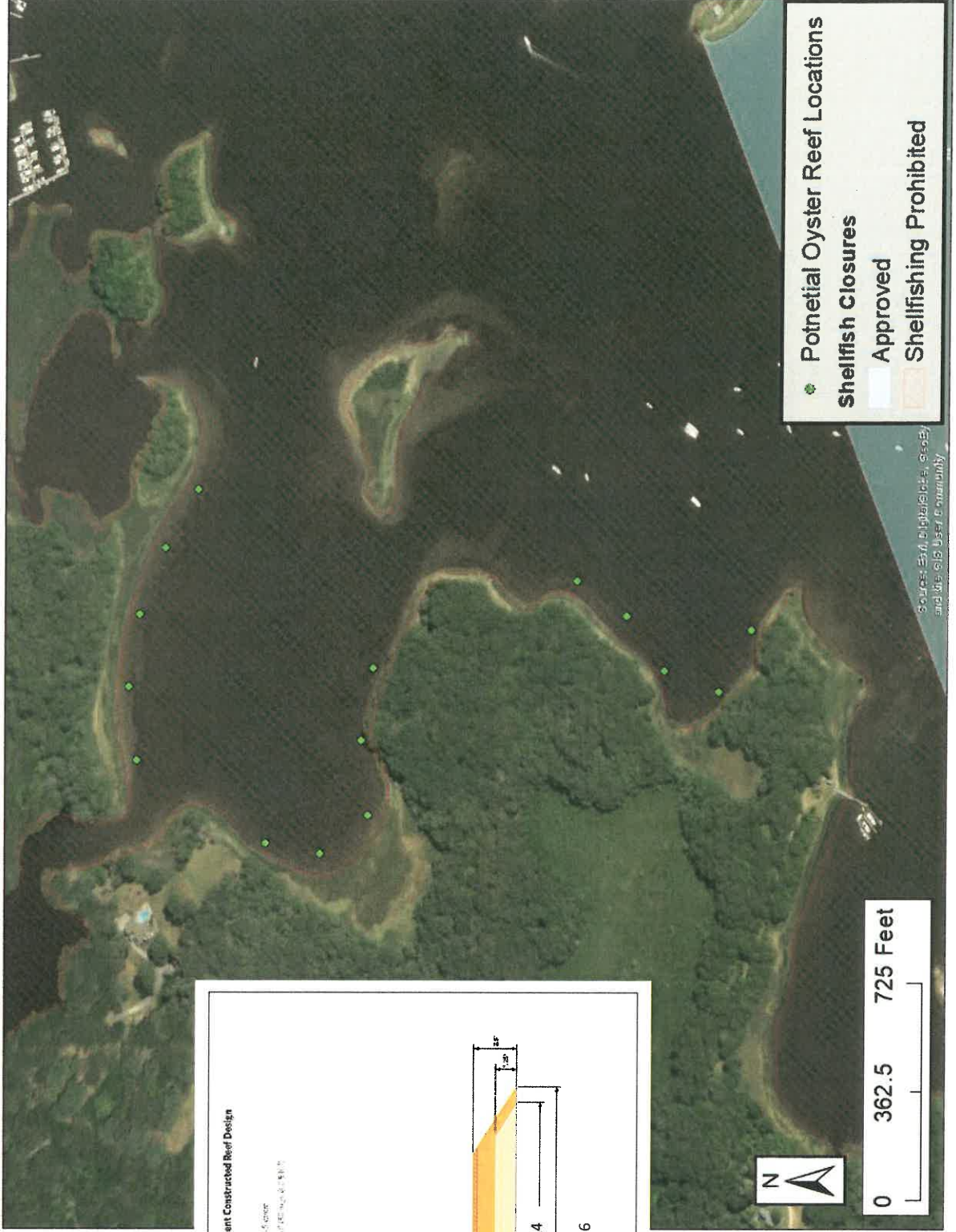
Experimental Design

- 3 replicates, each containing:
 - 5 potential reef sites
 - (4 treatments (reefs) + 1 control)
 - Treatments are:
 - ARC,
 - Green Hill,
 - Narrow River, and
 - Poly, (e.g., a mix of all 3)
- 12 reefs and 3 controls in all



Fish Habitat Enhancement Project

Pt Judith Pond, South Kingstown, RI



RNAL 2017-11-086 P. Raso Request for Approval of Scallop and Oyster Farm - Segar Cove South Kings
From: Joel Thomson <thomsonje@comcast.net>
Sent: Wednesday, February 7, 2018 11:38 AM
To: Mcmanus, Conor (DEM)
Subject: [EXTERNAL] : 2017-11-086 P. Raso Request for Approval of Scallop and Oyster Farm - Segar Cove, South Kingstown

Mr. McManus,

It is noted the subject application will be reviewed at today's meeting of the Shellfish Advisory Panel. Please note we have concerns regarding the impact of the application on fin fishing and shell fishing in the designated area.

The area under review is used by many local fishermen, as well as for small commercial and recreational shell fishing. The restriction of use for this area will negatively impact the recreational and small commercial use of the Segar Cove area. This includes serious financial impact to small commercial shellfish operators who constantly face a diminishing access to safe, clean areas for their harvest. Please also consider that the placement of fixed, below surface gear will create a safety hazard for night fishing in the area.

Segar Cove is a resource which is not limited to waterfront homeowners, but is open to and used by the surrounding Matunuck community. It is also used by many others who enter from Point Judith Pond. I ask that you seriously consider the major, long term negative impact of placing a large, fixed commercial operation in Segar Cove and recognize its harm to all users of it.

Joel E. Thomson
Jane D. Thomson

288 Prospect Road
Wakefield, RI 02879

EXTERNAL Aquaculture Application 2017-11-086 Raso Potter Pond
From: Ann Marie Hitchery <aml69@live.com>
Sent: Tuesday, February 6, 2018 7:16 PM
To: Mcmanus, Conor (DEM)
Subject: [EXTERNAL] : Aquaculture Application 2017-11-086, Raso, Potter Pond

Dear Mr. McManus,

We write in opposition of Aquaculture Application 2017-11-086, Raso, Potter Pond.

We own two boats and frequently use the area of Segar Cove where Mr. Raso proposes to expand his farming operation. It is a popular spot and heavily used by our family, as well as numerous others, for a variety of recreational purposes, including fishing - from early season striped bass and snapper blues later in the summer, to clamming along the cove's shorelines.

The entrance to Segar Cove is narrow. With the additional workboat traffic that will be generated by the farm, along with the consumption of three acres of water space, the area will become hazardous for all parties.

Navigational charts aside, Potter Pond has very, very limited deep water areas for recreational use, including fishing and shell fishing. Please do not allow any further reduction of this open water space.

Sincerely,

Steve and Ann Marie Hitchery
92 Peninsula Road
Matunuck, RI
401-783-4615

EXTERNAL Comments re proposed Perry Raso second oyster farm
From: gene corl <geneacorl@aol.com>
Sent: Tuesday, February 6, 2018 1:40 PM
To: Mcmanus, Conor (DEM)
Subject: [EXTERNAL] : Comments re proposed Perry Raso second oyster farm

Hate to see this Segar Cove quohog spot be taken away as well. The sandy bottom area where Mr Raso's current 9 plus acre oyster farm is, was a good area to easily rake - and take clams. Been gone for several years now.

Now his proposed second spot inside Segar is also a very good clean spot - well flushed, with more rocks. But still loaded with quohogs. You have to worker a little harder, rake a little deeper, but can get a nice reward.

Gene Corl
210 Washington St
Segar Cove
Matunuck

EXTERNAL Enviromental impact of oyster farming
From: walter Magee <mageewl@gmail.com>
Sent: Tuesday, February 6, 2018 2:13 PM
To: Mcmanus, Conor (DEM)
Subject: [EXTERNAL] : Enviromental impact of oyster farming

Dear Mr. McManus:

The environmental impact of oyster farming is well documented. I urge you to prove to the public that the limited food supply for the salt water pond area near Mantunuck has not already been exceeded. Further expansion demand of this limited resource may be catastrophic for the residents. I have already observed decreasing clam and mussel populations. I am sure that the Department of Natural Resources maintains data on this critical information. Please delay further expansion of this oyster field until it is clear that further damage to Potter's Pond can be avoided. Please review the information in this website:

<https://www.omicsonline.org/open-access/ecological-consequences-of-oysters-culture-2332-2608-1000198.php?aid=83576>

Dr. Walter L. Magee Jr.
263 Osprey
Wakefield, RI
02879
401-788-3108
Mageewl@gmail.com

EXTERNAL File #2017-12-086 Raso Application

From: RICHARD MCCURDY <ram721@verizon.net>
Sent: Wednesday, February 7, 2018 11:36 AM
To: Mcmanus, Conor (DEM)
Cc: townCouncil@southkingstownri.com
Subject: [EXTERNAL] : File #2017-12-086, Raso Application

File # 2017-12-086
DEM Coordinator, Mr Conor McManus

Richard McCurdy
6 Sunset View Blvd
Wakefield RI 02879
401-789-4825

Dear Sir

Mr Raso's proposed oyster farm expansion (file #2017-12-086) should not be allowed. Not only will it effectively close off (or at least hinder) access to an area that many people have used for years (my own family for the past 56 years) to clam and fish, I believe it would also be a hazard for boating.

This proposed site, some 200'x625', extends out from shore about 300' and around 300' from the "gap" leading into the pond. This may seem adequate, but as a long time user of the pond I can assure you that in the warmer months traffic can be quite heavy and that area provides for a safety buffer when needed.

Mr Raso has already been given a substantial area of Potter Pond to use for his business, and I applaud him for it. But expanding his business into Segar Cove is a step too far.

Thank you for your time,
Richard McCurdy 401-789-4825

Please feel free to contact me
ram721@verizon.net

EXTERNAL Objection to Raso application for Segar Cove
From: Joe Emidy <jpemidy@aol.com>
Sent: Wednesday, February 7, 2018 1:38 PM
To: Mcmanus, Conor (DEM)
Subject: [EXTERNAL] : Objection to Raso application for Segar Cove

Good day Mr. McManus, I write today in objection to any expansion of the oyster farm in Segar Cove / Potters Pond. More farming in the cove / pond will limit the recreational fishing and clamming in the area, also it will inhibit the safe navigation to boaters. As you probably well know that area of the pond produces a perfect habitat to the worm hatch that is essential to sustaining the growth of native fin fish (striped bass etc.)

With increased commercial oyster boats / barges that are very wide transversing the narrow channel and whirlpool area there is a significant safety risk to anyone trying to navigate that already dangerous stretch of water, it's an accident waiting to happen with increased traffic.

There are many families who enjoy clamming in the shallow area of the pond, including mine...these families and their memories to make should be respected over a commercial entity that has already encroached enough on the pond.

I also believe that if this application was being presented in any other time than the dead of winter, many more objections would be presented. Best Regards, Joseph Emidy

EXTERNAL Raso Application

From: Margaret Schwab <mas7614@verizon.net>
Sent: Tuesday, February 6, 2018 2:27 PM
To: Mcmanus, Conor (DEM)
Subject: [EXTERNAL] : Raso Application

Dear Mr. McManus,

I am opposed to the Raso Application.

Perry Raso has been given a sufficient area of Potter Pond to develop his very successful business.

Potter Pond is a natural resource given to the people of Rhode Island.

It is used in a variety of ways by those who live in our beautiful state.

This is not a commercial area. Segar Cove will be changed forever if this application is approved.

Please do not let this happen.

Sincerely,

Margaret A. Schwab
150 Lake Avenue
Matunuck, Rhode Island 02879-6627
401-783-8322

EXTERNAL Raso Application2

From: Patty Brown <pattyann27@me.com>
Sent: Tuesday, February 6, 2018 5:37 PM
To: Mcmanus, Conor (DEM)
Subject: [EXTERNAL] : Raso Application

Dear Mr McManus.. I am emailing to express my concerns regarding the expansion of oyster farming into Segar cove. I have kayaked and clammed in the area of the present working farm in the adjoining cove. It is very noisy and busy with workers all day. To see this same operation move into the northern part of Segar cove is very disturbing. When kayaking in that area, it is like another world... pristine and silent. There is also much wildlife inhabiting that area with several osprey nests to enjoy observing. This would all be taken away by allowing a working oyster farm that area. I hope further study is given to the impact of this oyster farm approval. Mr Raso already has a big operation in place. How much is enough? Others should be able to enjoy our beautiful resources, too.
Sincerely ,
Patricia Brown

Sent from my iPhone

EXTERNAL Raso Lease Application Segar Cove Potter Pond

From: Gary Wetmore <garywmore@yahoo.com>
Sent: Tuesday, February 6, 2018 7:59 PM
To: Mcmanus, Conor (DEM)
Subject: [EXTERNAL] : Raso Lease Application, Segar Cove, Potter Pond

Mr. Conor McManus,

I am writing to you to input my feeling on the Raso application for a 3 acre shellfish lease in Segar Cove on Potter Pond. I am opposed to the granting of this lease for numerous reasons some of which I

understand do not have any bearing on the final decision for this lease. These include the lease being unsightly and noise created by workers and equipment in a location that is a quiet residential neighborhood would have a negative impact on our lives.

I fish and recreationally boat on Segar Cove in the immediate area of the lease regularly. Further the lease area is in direct site of my house and I see the activity there daily. There is a significant amount of recreational fishermen in the immediate area as well as Jet skiers, kayakers, paddle boarders, waterskiers and tubers and every other type of vessel imaginable. There are also commercial and recreational shellfish harvesters of natural set clams in Segar Cove in the area of the lease if not directly on it.

I have concerns that the area where the lease is requested as well as all of Segar Cove is a very important shared resource currently utilized by hundreds of people on a daily basis.

Restricting the use of the lease area to one business simply for financial gain in an area that is already seasonally crowded with multiple users does not seem like the proper use of our resources.

Further I am concerned that closing down this area to boaters and condensing those users of the pond creates safety issues for the current users particularly towed devices and night time boaters.

From an environmental standpoint I have concerns that crowding these three acres with stacked cages of shellfish will create pollution issues. I understand that oysters are filter feeders and to a large extent are beneficial to the water but at what density? They consume nutrients but they also deposit waste. The

density of this method of shellfish aquaculture is many times what the natural density would be. Segar Cove does not flush well with the tide. Has this been considered? What is the potential risk of this operation. What does the waste from the oysters do to the immediate area? Will the other shellfish and aquatic life in the pond be impacted in a negative way?

While I appreciate the efforts of Mr. Raso in his aquaculture business I do not feel that the taking of this well utilized area from many people for the benefit of one business is in the public interest.

Thank you for your time and consideration on this matter. I understand this is not a simple decision and I am sure all of my concerns are already under consideration. If a site visit will help at all you and any other official is welcome to visit my house at 282 Prospect Road, South Kingstown any time.

Unfortunately, I am out of town on February 7, 2018 and will not be able to attend the meeting where this matter is being discussed. I ask that you accept this e mail from me in lieu of my

EXTERNAL Raso Lease Application Segar Cove Potter Pond
attendance. If you have
any need to communicate with me I check my email dilly and am available on my cell
phone at 203-313-
9220

Respectfully,

Gary K. Wetmore
282 Prospect Rd.
South Kingstown, RI
203-313-9220

EXTERNAL RasoSegar Cove

From: Diane Rodriguez <dyrodriguezrn@yahoo.com>
Sent: Wednesday, February 7, 2018 12:01 PM
To: Mcmanus, Conor (DEM)
Subject: [EXTERNAL] : Raso/Segar Cove

Dear Mr McManus,
My husband and I are homeowners on Prospect Rd in Matunuck. I am writing to object to Perry Raso's application for another oyster farm in Segar Cove. My family and I use Segar Cove for recreational fishing, crabbing, and clamming, and we feel that another oyster farm will adversely effect our use of the pond. Thank you.

Diane and Pablo Rodriguez
860 Curtis Corner Rd
Wakefield, RI 02879
email: dyrodriguezrn@yahoo.com

EXTERNAL Segar Cove Oyster Application

From: Paul Hooper <paul@portaphone.com>
Sent: Wednesday, February 7, 2018 10:01 AM
To: Mcmanus, Conor (DEM)
Subject: [EXTERNAL] : Segar Cove Oyster Application

Good Morning Mc Manus,

My name is Paul Hooper and have lived on Potter Pond channel for over 50 years now.

I write you this morning to object to the Segar Cove application for a new oyster farm in Potter's.

An avid fisherman of the pond, I fish it all year. Even the other day I was breaking ice with my 14' Carolina skiff fishing for hold over stripped bass. If this new license is approved it will deny all access not only a great hold over fishery but one of the prime spots for the "worm hatch" in the Spring. Once the hatchery goes in it will be off limits to fish and then will come the kelp floaters that will take a beautiful cove and turn it into noisy commercial eyesore.

Besides that, I have found Segar Cove to be one of the few places that is very productive for trot lining for blue claw crabs in the latter Summer months. For some reason the brackish water seems to attract the crabs and if you allow the farm to go in it will deny me access to lay my line on the on the west side of the peninsula.

Not taking into account there is very few areas that boaters can use channel free it is one of the few areas in Potters Pond that has consistent deep water.

Before Mr Raso was allowed to monopolize the South Coast of Potters, those flats were a pristine area to sight fish for stripped bass. It was a great area to walk the flats to stalk fish. Today it is a jungle of floating debris and impossible to fish. Gone is an estuary that all could enjoy. Please do let that happen up in back. Too many will loose for a few to benefit!

Amazing his applications always go in during the winter months when the majority of the population who enjoy the area are gone to voice their opinion.

Thank you for your time!
Sincerely, Paul

Paul Hooper
636 Succotash Rd
Wakefield RI
C: 864-1544

EXTERNAL Segar Cove

From: Jennifer Lubic <jlubic@nssk12.org>
Sent: Tuesday, February 6, 2018 2:21 PM
To: Mcmanus, Conor (DEM)
Subject: [EXTERNAL] : Segar Cove

Dear Sir,

I am very concerned about the proposed shellfishing farm in Segar Cove. My four children and I spend a lot of time kayaking, fishing, clamming and boating in that pond. The cove becomes a very busy place in the summer and with much less space available, I am fearful that summer fun will become "an accident waiting to happen."

I take issue with Mr. Raso's assertion that there is not much going on in the cove. There are many clammers and kayakers and people fishing and boating in that pond from Memorial Day until Labor Day and beyond.

I hope Segar Cove can remain open for all to enjoy!

Best,

Jen Lubic

--
Jennifer Lubic
Reading Specialist/consultant
Narragansett Elementary School
jlubic@NSSK12.org

EXTERNAL Segar Cove2

From: Brett Cicchese <jcicchese@verizon.net>
Sent: Tuesday, February 6, 2018 7:40 PM
To: Mcmanus, Conor (DEM)
Subject: [EXTERNAL] : Segar Cove

The purpose of this letter is to provide opposition to the Referenced application for a three acre oyster/scallop farm in Segar Cove.

My wife and I just recently purchased land on Segar Cove and are beginning the construction of our year round home. We are excited about the location for use of the pond for recreational purposes. We have applied for a mooring and will apply for a dock in the future. Living in Matunuck has been our life long dream. We were surprised when we heard of the application request to expand aquaculture into Segar Cove. We have yet to fully enjoy the benefits of Segar Cove only to find this application request to consume three acres (likely more) of prime recreational waters. Further aquaculture farming beyond what currently exists in the ponds will exacerbate the already congested recreational waters.

While we enjoy Matunuck Oyster Bar, appreciate the economic boon his restaurant provides and wish him all the success, there needs to be a limit to how many acres of aquaculture farming should be allowed in the ponds.

Please do not approve this application.

Sincerely,

Brett Cicchese
jcicchese@verizon.net

EXTERNAL Segar Cove3

From: Kate Mercurio <kmercurio@gordonschool.org>
Sent: Tuesday, February 6, 2018 10:44 PM
To: Mcmanus, Conor (DEM)
Subject: [EXTERNAL] : Segar Cove

Dear Mr. McManus,
I am writing to share my objections to the expansion of Mr. Raso's oyster farm into Segar Cove. My family has been summering in Matunuck for 50 years, now with grandchildren enjoying the pond and the water activities associated with it. We know the pond inside and out after years of waterskiing, swimming and clamming in Segar Cove . We have fallen in love with kayaking and enjoy bird watching, including the osprey family that has its nest right in front of the proposed oyster farm. We feel the expansion will greatly curb water activities and put residents at risk for accidents as the acreage he is seeking is a considerable amount of space. Mr. Raso has 7 acres presently in the area near the gut and I read in recent material it is more like ten acres. So the seven acres he is seeking in Segar Cove will only expand and cut our access even more. Residents in Segar Cove and in the general area pay taxes just like Mr. Raso; why does one business have the right to capitalize on this precious gift over many families who have been enjoying the pond for decades?

Thank you for your consideration.

Sincerely,
Catherine Carey Mercurio

--
Kate Mercurio
Second Grade Teacher
Gordon School
45 Maxfield Avenue
East Providence, RI 02914
401-434-3833

kmercurio@gordonschool.org
<http://www.gordonschool.org/2ndgrade>
<http://kidblog.org/class/mrs-mercurios-class>

Gordon School
Education with impact

EXTERNAL Segar Cove3

From: Kate Mercurio <kmercurio@gordonschool.org>
Sent: Tuesday, February 6, 2018 10:44 PM
To: Mcmanus, Conor (DEM)
Subject: [EXTERNAL] : Segar Cove

Dear Mr. McManus,
I am writing to share my objections to the expansion of Mr. Raso's oyster farm into Segar Cove. My family has been summering in Matunuck for 50 years, now with grandchildren enjoying the pond and the water activities associated with it. We know the pond inside and out after years of waterskiing, swimming and clamming in Segar Cove. We have fallen in love with kayaking and enjoy bird watching, including the osprey family that has its nest right in front of the proposed oyster farm. We feel the expansion will greatly curb water activities and put residents at risk for accidents as the acreage he is seeking is a considerable amount of space. Mr. Raso has 7 acres presently in the area near the gut and I read in recent material it is more like ten acres. So the seven acres he is seeking in Segar Cove will only expand and cut our access even more. Residents in Segar Cove and in the general area pay taxes just like Mr. Raso; why does one business have the right to capitalize on this precious gift over many families who have been enjoying the pond for decades?

Thank you for your consideration.

Sincerely,
Catherine Carey Mercurio

--
Kate Mercurio
Second Grade Teacher
Gordon School
45 Maxfield Avenue
East Providence, RI 02914
401-434-3833

kmercurio@gordonschool.org
<http://www.gordonschool.org/2ndgrade>
<http://kidblog.org/class/mrs-mercurios-class>

Gordon School
Education with impact

EXTERNAL Segar Cover Potter Pond File #2017-1-086
From: Gloria Latham <glrlatham@yahoo.com>
Sent: Tuesday, February 6, 2018 4:22 PM
To: Mcmanus, Conor (DEM)
Subject: [EXTERNAL] : Segar Cover, Potter Pond File #2017-1-086

Dear Mr. McManus:

I would like to let the SAP know why me and my family object to the building of an oyster farm in Segar Cove, Potter Pond. File #2017-1-086, Proposed Raso Oyster Farm.

Our family has been at 298 Prospect Road for the past 50 years. My husband taught our seven children how to fish, clam, crab, etc. in this pond and now my children are doing the same with their families and friends. We all enjoy this pond for all kinds of recreational purposes.

This pond has always been the perfect and safe spot for everyone to learn all the wonderful sports it has to offer. Fishing for skipjacks and striped bass, clamming, water skiing, tubing, sailing, etc. All my children became excellent fishermen because of their learning experiences in Potter Pond.

All of this would be destroyed with the building of an oyster farm in an area that is used and enjoyed by hundreds of friends and neighbors.

I am sure there must be dozens of other spots these people could find that would not cause such a terrible and sad impact in our area.

Please help us in denying this oyster farm request. Thank you.
Gloria R.
Latham

EXTERNAL The Shellfish Advisory Council and the Raso application for Segar Cove_
From: Cawoski, Julie <Julie.Cawoski@wfspa.org>
Sent: Tuesday, February 6, 2018 2:14 PM
To: Mcmanus, Conor (DEM)
Subject: [EXTERNAL] : The Shellfish Advisory Council and the Raso application for Segar Cove.

Dear Mr. McManus,
I am not a resident of RI but I visit my parents each summer for 1 to 2 weeks and they live on Segar Cove. For the past 20 years, my family has enjoyed the cove. We fish, clam (buy our licenses at Benneys), boat, waterski, tube, kayak, canoe and swim in this beautiful pond. My children learned about the salt pond ecosystems and even presented a science project with pictures at their elementary school in Greensburg PA. We used to tether the kids to the dock so they could learn to kayak. They caught crabs, eel, fish and dug clams while learning so much about nature. We challenge each other to swim across the pond each summer. If Mr. Raso builds this oyster farm on Segar Cove, I am concerned we will not be safe while clamming, swimming, water skiing, or kayaking. I also worry that the enjoyment we get from fishing and clamming will be lost as well. We love oysters and have enjoyed wonderful meals at the Matunuck Oyster Bar but Mr. Raso already has 9 acres in the wetlands for his oysters and no one can clam there anymore. Please reconsider allowing Mr. Raso to take more water for his oysters. The pond serves as a safe recreational area for water sports and fishing. Thank you. Julie Cawoski, Vacationer from Greensburg PA,

Julie Cawoski
Associate Director of Community Partnerships

521 Plymouth Street ? Greensburg, PA 15601
PHONE: 724-217-8304 ? FAX: 724 837-8828
EMAIL: CAWOSKI@FSWP.ORG ? WEBSITE: WWW.WFSPA.ORG

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Christian F. Capizzo
(401) 861-8247
cfc@psh.com

February 7, 2018

VIA E-MAIL TO:

conor.mcmanus@dem.ri.gov
jeffgrant19@cox.net

Chairman Grant and Members of the
Shellfish Advisory Panel
RI Marine Fisheries Council
3 Fort Wetherill Road
Jamestown, RI 02835
Attn: Mr. Conor McManus, DEM Director

Re: Shellfish Advisory Panel (SAP) review of CRMC File # 2017-12-086 – Proposed Expansion of Aquaculture

Dear Chairman and Panel Members:

On behalf of my clients, Mr. Hunt, Ms. Cooney, Mr. Quigley and Mr. Latham, please allow this letter to serve as a formal objection to the Rhode Island Marine Fisheries Shellfish Advisory Panel (the “SAP”) hearing and/or providing a recommendation on Mr. Raso’s (the “Applicant”) proposed CRMC aquaculture application (the “Application”) that appears on the Panel’s agenda this afternoon as Item 2(c) 2017-11-086, Raso, Potter Pond.

In addition, we are requesting that the SAP vote to object to a review of the Application and send the application to the full Council of the Rhode Island Marine Fisheries (the “RIMFC”) for a hearing, for the reasons set forth below.

Specifically, we believe the Application submitted to CRMC is materially incomplete as it neglects to address the substantial interference that the proposed farm will have with the existing public trust uses, including but not limited to recreational activities in Segar Cove. In addition, the Application is not consistent with the competing uses engaged in the exploitation of marine fisheries. The location of a commercial multi-acre aquaculture operation in a small cove heavily used for recreational activities significantly increases conflicts with recreational uses and effectively reduces many of those legitimate historical uses including the harvest of marine resources. The town of South Kingstown’s own Harbor Management Plan clearly recognizes the importance of avoiding such use conflicts and recognizes the issues which arise from these competing uses. (See South Kingstown Harbor Management Plan, 2010,

Section 1(B), Section 4(D) (2) Biological Resources, Shellfish, Issues, Goal, Policies and Recommended Action #10.)

Based on the Application submitted to the CRMC and to the SAP, we do not believe there is sufficient information or evidence to allow the SAP to review this matter or provide a positive recommendation to the RIMFC until the Application has been more fully vetted by CRMC and the RIMFC.

My clients', along with many others, want to preserve the existing public trust uses of Segar Cove and have filed their objections to the Application with the CRMC. These objections include but are not limited to the fact that the proposed aquaculture farm will:

1. Result in direct loss of property rights at the site in question;
2. Not meet all of the policies, prerequisites, and standards contained in the applicable sections of CRMC's Management Program; and
3. Have a significant adverse impact on: circulation and/or flushing patterns; sediment deposition and erosion; biological communities, including vegetation, shellfish and finfish resources, and wildlife habitat; areas of historic and archaeological significance; scenic and/or recreation values; water quality; public access to and along the shore; shoreline erosion and flood hazards; or evidence that the proposed activity or alteration does not conform to state or duly adopted municipal development plans, ordinances, or regulations.

In addition, based on a review of Application, there does not appear to be sufficient supporting evidence filed with CRMC to meet the requirements under Section 1.3.1 (a-k) of CRMC's Management Program. The Applicant has failed to demonstrate that the proposed aquaculture farm will not unreasonably interfere with, impair or significantly impact the public access or public use of the Segar Cove and Potters Pond and does not significantly conflict with water dependent uses and activities such as recreational shellfishing, boating, fin fishing, swimming, navigation and commerce of the same.

My clients have submitted letters of objection (attached hereto for the record) and requested a hearing before the CRMC in order to oppose the Application and to present testimony and evidence of significant conflict with the existing uses of public trust resources in contravention of the statute authorizing such Assents. Moreover, it should be noted that in addition to my clients' objections filed with the CRMC, numerous written objections from the general public have also been filed with the CRMC and the South Kingstown Waterfront Advisory Commission (the "Commission"). As you may know, the Commission serves a similar role as the SAP in that it serves in an advisory capacity to the South Kingstown Council on matters concerning the management of recreational and commercial waterfront activities. On February 1, 2018, the Application came before the Commission. The Commission tabled their vote on making a recommendation until they received additional information to make an informed vote.

Chairman Grant and Members of the
February 7, 2018
Page 3

In closing, we are requesting, for the purposes of this afternoon's SAP meeting, that the SAP vote to object to review Agenda Item 2 (c), 2017-11-086, Raso, Potter Pond, pending a full review of the Application before the CRMC and the RIMFC.

Should you or other members of the SAP have any questions or concerns please feel free to contact me at the number and/or via email at cfc@psh.com.

Sincerely,



Christian F. Capizzo

CFC:dad

Enclosures

cc: Ms. Christina Hoefsmit, DEM Legal Counsel - Christina.Hoefsmit@DEM.RI.GOV
Mr. Dave Beutel, CRMC Aquaculture - dbeutel@crmc.ri.gov
Mr. Anthony Desisto, CRMC Legal Counsel - adlawllc@gmail.com
Mr. Michael Ursillo, South Kingstown Solicitor - mikeursillo@utrlaw.com

3248978.1/10373-3

**95 Segar Court
Matunuck, RI 02879
C/o 12 Chestnut Street
Boston, MA 02108**

January 27, 2018

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

File Number 2017-12-086, Raso Application, Segar Cove, Potter Pond

Dear Sirs/Madams:

Our names are:

Stephen Quigley

Alicia M Cooney

We reside at: 95 Segar Court, Matunuck, RI 02879

September-May we can be reached at:

12 Chestnut Street, Boston, MA 02108

Email: Alicia@monumentgroup.com Cell phone 617-827-8895

Stephen.quigley@reverejournal.com Cell phone 671-372-6360

Winter Home Phone: 617-918-9857

We are sending by certified mail an objection to the above proposal and a request for a hearing. We strongly believe that the approval of this proposal will negatively impact the traditional recreational, fishing and shellfishing use of that section of Segar Cove and create safety and navigational issues for the many watercraft that frequent this area. We are also concerned with the effect of the proposed oyster farm on the wildlife in the specific area. Our other concern is that the specific view from our house and patio will be impaired, specifically in the view corridor which was determined for us by CMRC.

We are direct abutters of the proposed oyster farm site requested by Perry Raso of the Matunuck Oyster Bar. Our house is visible on the top right of the photo attached as part of the permit, directly to the north of the proposed oyster farm site. Our dock is just out of sight of the photograph, but in a larger photo it would be visible right at the top left of center of this photo perimeter. At the dock, in season, we have a 17' Boston Whaler, a paddle board and three kayaks. In addition, we use the dock for our 15' wooden Maine Dory equipped with sails, depending on the wind.

My husband, our two teenage sons, multiple guests and relatives rely on water sport activities on the pond as a main component of our enjoyment of our home. In fact, having resided summers since 1954 in Matunuck, we expressly purchased this property and built a new home at 95 Segar Court solely for its unique location and existing dock. Prior to the purchase of our current home with dock, we regularly launched our smaller row boats and sail boats at the end of Lake Avenue. Our family, and the extended Cooney family including my father and grandfather, has been regular recreational users of this section of Potter Pond for over 90 years. I have attached just a few photos taken with the last two years of our family and friends either on the exact section of the Pond under discussion or clearly having just been using the Pond. These represent only a few occasions when we have been using the pond, as we do not take photos of ourselves every time we recreate there.

TO SPECIFICALLY ADDRESS THE LEGAL CRITERIA AS DELINEATED FROM THE CRA APPLICATION REVIEW SHEET FOR THE PROPOSEAL, WE NOTE THE FOLLOWING:

The specific conditions with which we take issue with in terms of whether they meet the CRMC legal criteria are as follows:

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

We disagree that this condition will be fulfilled, as there is extensive animal life that calls that area of the pond home, and that will be disrupted by the human activity associated with the harvesting of the oysters. If anything like the workers at Mr. Raso's other farm, the workers are out on the platform for lengthy periods of time, working, talking continuously and playing their music. The swans, osprey, minks and other semi-aquatic mammals do not do well with constant human interference.

(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.

We disagree that this condition will be fulfilled, as the location of the proposed oyster farm acreage does actually impact the access to the passageway to the larger pond for kayaks, paddleboards, and other non-motorized water vehicles. As a 65 year old kayaker, I need to hug the coast, passing directly over the proposed acreage, in order to avoid the motor boats going in circles with their children on skis, boards, and in tubes. Also we ask our paddle boarders to stay in the same area close to shore for the same safety reasons.

(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 ...

We disagree that this condition will be fulfilled and strongly disagree with Mr. Raso's impression that he has "seen only an occasional paddle craft in the proposed lease." On summer days, there is constant boating activity, shellfishing and fishing from early morning through sundown, and on weekends, sometimes later. Boating during the evening will be extremely unsafe, particularly if boaters are visitors and are not aware there is a restricted area. Mr. Raso notes that there are few docks in the area. He is correct, but the boating activity is a combination of those of us with docks, those with moorings and docks on the southern end of the pond abutting Washington St, Lake Ave, Park Ave, Atlantic Avenue as well as the Gardiner Island/Prospect area. In addition, while out boating ourselves, we see any number of visiting boaters and shellfishers that arrive from Salt Pond under Succotash Road in order to enjoy our area. One of the most frequent areas for shellfishing is almost exactly at the lower right (Southeast) corner of Mr. Raso's proposed site. The shellfishers seem to come in small motor boats or rafts from other areas of the pond, land their boats at the edge of the pond, and spend multiple hours shellfishing.

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

We disagree that this condition will be fulfilled, as our view corridor, which was granted to us by CRMC, looks directly out at the proposed site. Item (11) notes that "the floating gear will be positioned nearest to the coast and out of direct view of any homeowner on the pond." That would be practically impossible given that from our backyard, where our patio and grill are, we can see the entire site. We are happy to send photos to show this visually

Given our major concerns as to whether Mr. Raso's proposal 2017-12-086 meets the legal requirements for CRMC's granting of his application to create and maintain a three acre farm at the noted location in Potter Pond, we request a hearing to consider our objections. We look forward to hearing a response from our protest, at our email addresses, mailing addresses, and/or phone numbers noted above.

Thank you for your consideration,

Sincerely,

Stephen Quigley

Alicia M Cooney

January 23, 2018

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

Re: File # 2017-12- 086

To Whom This May Concern;

Our names are:

Kevin Martin Hunt

Christine S Hunt

We reside at:

98 Segar Court, Wakefield, RI 02879

February-April we can be reached at:

720 17th Avenue South, Naples, Florida 34102

Email: kmhunt42@gmail.com

christinehunt53@gmail.com

Phone: 617-416-8409

- We are sending by certified mail an objection to the above referenced proposal and a request for a hearing. I strongly believe that the approval of this proposal will negatively impact the traditional recreational, fishing and shellfishing use of that section of Segar Cove and create safety and navigational issues for the many watercraft that frequent this area. Our home is very remote by land and I fear the an industrial area feet from our property could also create a security issue.

My wife Christine and I have resided at 98 Segar Court since 2002. I first fished and "clammed" on Potter Pond in 1957 with my father. I represent

the third generation of Matunuck residents enjoying the Pond and now take great joy in sharing it with my children. We are fortunate to have a registered dock on the property, a registered 17' Key West motorboat, a kayak, paddle board and rowboat. The proposed commercial use changes and presents conflict to these continued uses.

Our property is a point of land on the eastern section of Segar Cove. Perry Raso's current oyster farm is directly across from our property to the south east. This proposed aquafarm will parallel the western side of our property. Based on the scale of the application map, though difficult to read, the proposed farm will hug over 600 feet of that side our property, as close as 10 feet from our shore and stretch well into the open cove.

CONCERNS AND DISCREPANCIES WITH THE APPLICATION

ITEM 3: "The 3 acre area of Potter Pond is removed from boat traffic, away from the navigational channel."

There are only 2 areas of the Pond that have the open width and depth to safely tube and water ski. Segar Cove is one of those places. There are a constant stream of power boats pulling skiers and tubers. They share the space with vulnerable kayakers, paddle boarders, sailers, canoers, jet skiers, fishermen, clammers, bird watchers and leisure craft who navigate those waters daily. It is already a tight squeeze and many hug the shore to safely avoid the traffic in the channel. It is important to note that because the equipment on the proposed farm will be above water, the large service barges will have to be on the western side of the farm toward the middle of the channel further restricting traffic and expanding the footprint of the farm. The proposed changes will dramatically alter the current Pond use and require small craft, kayaks, paddle boards, canoes etc, into the more active channel of the Cove. These use changes will represent a significant increase to the risk of human safety.

ITEM 6:

As stated above in Item 3, the proposed lease would restrict the traditional recreational use of Segar Cove. As well, the narrow mouth of the Cove already has considerable traffic from the 26 docks and twenty moorings within the Cove. Just around the point in Seaweed Cove there are 39 docks and numerous moorings that host watercraft that utilize Segar Cove. This increased industrial traffic of large service barges required to service the new lease will magnify the navigational hazard.

ITEM 7:

Residents should be provided with a study that shows that a 3 acre fixed farm on a tidal pond will not impede the flow of water and cleansing tides near the important mouth of Segar Cove. We the Hunt family would be particularly concerned with the riparian areas immediately adjacent to our land.

ITEM 10: "I have seen only an occasional paddle craft in the proposed lease..... I have never seen anyone fishing or shell fishing either commercially or recreationally in the proposed area."

As a resident since 2002, that simply is not true. Segar Cove is one of the most active and popular areas of the Pond. Fishing in the southern section of the proposed lease is particularly popular when the bass are running in the spring. At least 2 days a week we see people shellfishing in the proposed site, particularly in the northeast segment. One group uses air hoses to reach the deeper clams.

ITEM 11: Scenic impact and direct view of homeowners

The proposed site is in full view of my home and of that of many of my neighbors. Ironically, CRMC has granted my property 2 view corridors. Those corridors allow us to lower the level of the brush so we can enjoy the

views. Presently one of our corridors looks directly at Perry's oyster farm business. Our second corridor will overlook his new venture.

WILDLIFE

The shoreline and land adjacent to the proposed lease is unspoiled and home to a diverse population of wildlife. It is one of the few places we are aware of where one can view otters, mink, and red fox. As well this pristine peaceful oasis secures both a safe migrating and nesting area to great blue heron, great horned owls, hawks, humming birds, and egrets. At our request the DEM and National Grid erected a platform for Osprey that has been the home to a family of Osprey and five new chicks over the last two years. This nest is on our causeway, just feet from the proposed lease. Numerous boaters and kayaks travel to view the Osprey. We fear this new aquafarm with its industrial activity and noise will disrupt this rare ecosystem and prevent access of boaters to view the Osprey nest. The Council required in our assent to maintain a contiguous green buffer in this zone to enhance and encourage habitat. So we are troubled by the potential of a commercial use conflicting with the previous Council position and restrictions on our property.

ACCESS TO OUR PROPERTY

Access to our west shore is by boat only due to CRMC compliance regulations. We are prohibited from cutting heavy brush outside our view corridor and there is no existing grandfathered path to that area. To check our shoreline, check erosion, remove debris, i.e.: dock remnants, planks, plastic, etc., or simply to view our osprey nest, fish or paddle board, Perry's equipment, raised structures, platforms, ropes and workmen will block our ability to bring our boat to shore.

PEACEFUL ENJOYMENT OF OUR PROPERTY

- We supported and did not oppose Perry's current oyster farm which is 200 yards from our property. We have watched it grow from a small underwater project that he serviced from a small craft with his dog to a 7 acre multi million dollar enterprise with raised visible acres of track, floating rafts and constant traffic manned 7 days a week. The constant music, shouting and colorful language travel over the water and have become part of our lives. The additional proposed three acre farm will be within feet of the other side of our property and will magnify all the issues stated above.

Unfortunately, Perry is not always available to supervise his crew. We have had issues with this in the past when their behavior has made both my wife and daughter uncomfortable. We complained to Perry at that time and to his credit, we have had few issues over the past several years. Upon viewing this proposal, my wife and I were concerned that a daily unsupervised crew so close to our remote home would create safety concerns for ourselves and our family. We believe that that the past behavior and comments could increase and further diminish our peaceful enjoyment and use of our property.

We are saddened to think of the loss of space, safety and enjoyment the implementation of this proposal will create. For all the families who enjoy and respect this special Pond, we request a hearing. After an objective hearing, the impact of the proposed operation will be revealed as adverse and inconsistent with the intentions of RI GL laws and the rules and regulations regarding the aquaculture industry. Thank you for your consideration of this matter.

Sincerely,

Kevin Martin Hunt
Christine S Hunt

January 18, 2018

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

**Re: File # 2017-12-086
Raso application, Segar Cove, Potter Pond**

Ladies and Gentlemen:

Per your Public Notice dated January 3, 2017, I write to object to the proposal and request a hearing.

Our family has been at 298 Prospect Road for the better part of a half-century. I strongly object to the applicant's contention that the farm will have very little impact on the recreational uses of Segar Cove. It will have a transformative **NEGATIVE** impact on how our family, and the general public, recreate on Segar Cove and Potter Pond.

The elimination of those three acres of water for public usage and recreation will have a cascading negative effect on other activities and lead to dangerous conditions for all concerned. While looked at in isolation, it would seem that the proposal would have limited impact, but, viewed **in the proper context** (busy summer season, hot day, pond full of boats, etc.) it would significantly alter the dynamic of how Segar Cove can actually be safely used.

Of primary concern are motorized watersports – skiing, wakeboarding, tubing, etc. In all of those cases, boats use that area of the cove to **TURN AROUND**. If they can't turn around there, they'll be forced out into the middle of the pond, the precise location where other boats will be attempting to do the same. This will lead to dangerous congestion and perilous conditions for anybody being dragged behind a boat on skis or a tube. This is especially true during the busy summer months. From the deck at 298 Prospect, it's not unusual to see 4 or 5 boats tubing and skiing at the same time in Segar Cove. Even without the proposed farm, this can be tricky, and requires constant vigilance and caution on the part of the boat's captain. Anytime we take the kids or visiting friends tubing or skiing, we pay special attention to instructing them on what to do if they fall – raise arms, splash hands, etc. – all to make certain they remain visible to the numerous other watercraft on the cove. The removal of that acreage from the useable water will only increase the likelihood of somebody being accidentally run over by another boat or jet ski, the growing popularity of which and extreme rates of speed only add further risk.

Many of the issues raised above will also be applicable to non-motorized watersports, like paddle boarding, kayaking, swimming, etc., as the same danger of congestion and potential accidents will apply. My nieces and nephews like to swim around the pond, on a boogie boards and rafts, frequently exploring the shore and area in and around the proposed site. If the farm is placed there, they, too, will be forced to move further to center of the pond, putting them at increased risk. This is also true for kayakers and all other recreational users.

One more note...The applicant's statement that he has "...seen only occasional paddle craft" and has "...never seen anyone fishing or shell fishing" in the proposed site is, on its face, demonstrably FALSE, revealing on his part a willingness to bend the truth to suit his business goals. One wonders what other parts of his application suffer from similar myopia....

In sum, the proposed oyster/scallop farm will have a significant deleterious effect on the recreational use of Segar Cove and will create significant and potentially dangerous conflicts with existing boating, swimming, etc. I urge the CRMC to deny the application.

With kind regards and thanks for your consideration,

Sincerely,

David Latham

David Latham
1915 8th Avenue
Brooklyn, NY 11215

and

2464 F Commodore Perry Highway
Matunuck, RI 02879

917-647-1792
davidclatham@gmail.com

DATE: January 20, 2018

FROM: Marilyn Mattera mamattera@verizon.net

TO: Dave Beutel :crrmc,ri.gov

RE: Potter Pond Aquaculture Bedding Application Public Notice File Number 2017-12-0086 RASO Application

PLEASE NOTE THAT I AM STRONGLY OPPOSING THIS APPLICATION AND REQUESTING A PUBLIC HEARING

I am a resident and taxpayer in South Kingstown. There has come a time that we have to balance business and recreation on the Pond in Segar Cove. For over 70 years I and my children and grandchildren have been able to crab, quahog, sail ski, kayak, row and swim off our boat in that area. The pond on the other end has moorings so boating and activity in that area is not accessible. This is why the section at Segar Cove is vital and accessible to all residents' summer and winter.

The present 7 acres of land already designated for this aquaculture bedding has taken over areas where the public could quahog for years. I am asking that application be denied, due to the fact that there is a sharing of the waterways and ponds already all around Rhode Island that has impacted public use.

The Aquaculture Bedding is very active in and around many ponds and waterway in RI. I believe Costal Management has to begin to access how much of the ponds and water ways are granted before we the private citizen lose their wonderful freedom and access to the water

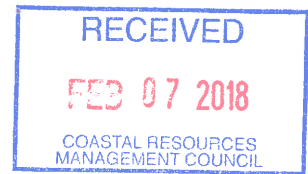
THERE DEFINETLY WILL BE AN IMPACT ON EXISTING PUBLIC ACCESS AND USE AND WILL ALTER ACTIVITIES FOR RECREATIONAL USE AS STATED ABOVE.

PERRY RASO HAS DEVELOPED A WONDERFUL ADDITION TO MATUNUCK BUSINESS ENVIRONMENT, BUT I FEEL WE NEED A BALANCE FOR OUR RESIDENTS AND THEIR FAMILIES.

Marilyn Mattera
5 Muriel St
Cranston RI 401 944 8426

mamattera@verizon.net

Summer 62 Park Ave 401 789 8551



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

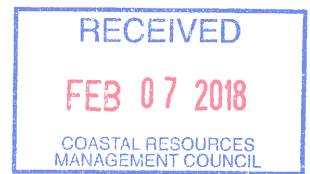
Re: Perry Raso Lease Application # 2017-12-086

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/m²) 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 Seger 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.



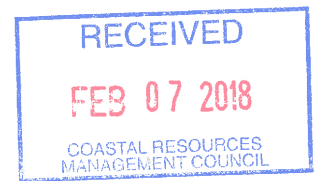
While DMF staff do not have any data indicating recreational fishing is present within the proposed lease area, staff acknowledge that this area may be heavily utilized for recreational finfishing and anticipate that there may be public opposition to the proposed location. Shellfishing activity regularly 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



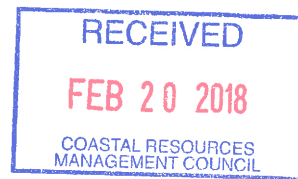
References:

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



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



Town of South Kingstown, Rhode Island

Leisure Services

Parks and Recreation

Senior Services

Neighborhood Guild

325 Columbia St
Peace Dale RI 02879
(401) 789-9301

Recreation Center

30 St Dominic Rd
Wakefield RI 02879
(401) 284-1975

The Center

25 St Dominic Rd
Wakefield RI 02879
(401) 789-0268

Adult Day Services

283 Post Rd
Wakefield RI 02879
(401) 783-8736

www.southkingstownri.com

Theresa Murphy
Director of Leisure Services

February 15, 2018

Mr. David Beutel
RI Coastal Resources Management Council
Stedman Government Center, Suite 3
4808 Tower Hill Rd.
Wakefield, RI 02879-1900

Dear Mr. Beutel,

At a meeting of the South Kingstown Waterfront Advisory Commission on Wednesday, February 14, 2018, CRMC Public Notice re: file #2017-12-86, was taken under consideration.

The Commission unanimously passed a motion (5-0) to file an objection to the proposed three acre oyster and bay scallop farm in Segar Cove as detailed in CRMC file #2017-12-086; noting that it would pose significant negative impact on public recreational activity in that area. Please accept this letter as notice of said objection.

Thank you to CRMC for extending the response period for the Waterfront Advisory Commission to thoroughly review and consider the application. Should you have any questions, please do not hesitate to contact me.

Sincerely,


Theresa Murphy
Director of Leisure Services

cc: Grover Fugate, Executive Director, CRMC
Robert C. Zarnetske, Town Manager
South Kingstown Town Council
South Kingstown Waterfront Advisory Commission

RECEIVED

FEB 20 2018

COASTAL RESOURCES
MANAGEMENT COUNCIL

Town of South Kingstown, RI

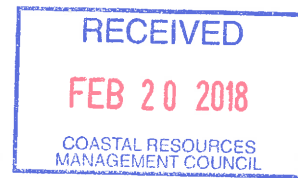


Harbor Management Plan



November 1992
March 1994 (amended)

September 2010 (Update)



economic and recreational opportunities for the residents and provide a healthy habitat for the many indigenous plants and animals.

A. Background

The Town Council appointed a fifteen member Harbor Management Advisory Committee (HMAC) in December of 1989 for the purpose of drafting a Harbor Management Plan for South Kingstown. The HMAC members included representatives from the following Town boards: the Conservation Commission, the Waterfront Advisory Committee, and the Planning Board. Other appointed members included marina owners, commercial fishermen, mooring association members, boat owners, coastal residents, and inland residents.

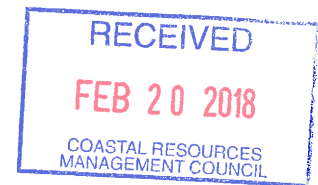
The South Kingstown Harbor Management Plan received R.I. Coastal Resources Management Council (RICRMC) approval following a public hearing held on February 9, 1993. The related Boats and Waterways Ordinance had previously been approved by the South Kingstown Town Council at a public hearing held on March 9, 1992. The Ordinance has been periodically revised on an as needed basis.

The Plan was revised in 1994 in response to RICRMC recommendations specifically pertaining to the Boats and Waterways Ordinance. The revised South Kingstown Harbor Management Plan received RICRMC approval following a public hearing held on April 23, 1996.

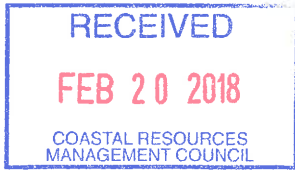
B. Harbor Management Issues

The following identified major issues are addressed in Section 6 of the Harbor Management Plan. Each issue includes a section that outlines the background information, goals, policies, and recommended actions.

- On-site Wastewater Treatment Systems (OWTSs) are a source of contamination to the tidal waters of South Kingstown. Many systems are outdated (i.e. cesspools) or improperly functioning. If not addressed, the problem will become more pronounced as development increases and existing OWTSs age.
- The use of recreational and commercial boats can contribute to water quality degradation. Contamination can occur from boat septage discharges, substances associated with boat operation and repair, and discarded refuse.
- Significant contamination of both ground and surface water bodies can be caused by erosion, sedimentation, and storm water runoff. Such contaminants as heavy metals, nitrates, hydrocarbons, excess nutrients, sediment, and pesticides transported by wind and water can pose serious threats to humans and to the environment.
- Both underground and above ground storage tanks pose a threat to the quality of both ground and surface water.



- Moorings need to be registered and regulated to ensure the safety of the people using the waters and to protect the health of the ecosystems found within and around these waters.
- As a coastal community, South Kingstown will continue to experience commercial and residential development pressures. Uncontrolled and/or poorly planned development will stress and degrade the Town's resources.
- Point sources of pollution pose a serious water quality threat to tidal waters.
- Shell and finfish species that live and spawn in the tidal waters are threatened by degrading water quality. Such factors as septic systems, surface runoff, and boats contribute to the contamination of the waters.
- Increasing the number of public facilities available in the waterfront areas will further enhance the opportunities for the public to enjoy those resources available.
- The public right to access the shoreline and marine waters needs to continue to be addressed in a comprehensive manner. Sites need to be identified, developed and/or maintained in order to afford the public their legal rights regarding access to the shore.
- Because of the diversity of uses and the increase in the number of people on the water, the speed at which boats travel becomes a significant safety concern.
- The varied and multiple uses of the salt ponds and coastal waters (i.e. boating, swimming, aquaculture, fishing, scientific research) lends itself to potential conflict concerning availability of the existing finite space. Coordinated comprehensive policies and regulations are needed at the State and local level to ensure the optimum use of these resources while reducing and minimizing conflict.
- There is a serious safety issue that stems from the diversity of water activities as well as the increase in the numbers of people using the area. Such activities as swimming, windsurfing, fishing, aquaculture, water skiing, jet skiing, sailing, and speedboat racing can pose safety problems when undertaken in an unregulated and random manner.
- Enforcement is paramount in the successful implementation of a program. Rules and regulations concerning safety, marine sewage disposal, moorings, and other harbor management issues must be enforced in a consistent and effective manner. Adequate financing is required to achieve the necessary level of enforcement.
- The maintenance of a healthy dune system is critical to perpetuating the barrier beaches and the ecosystems that exist behind the dunes.
- Some channels need to be periodically dredged to ensure that safe, navigable waterways are maintained. When dredging is proposed, for channels or anchorage areas, the effects on the ecology of both the area(s) to be dredged and the dredge disposal area(s) must be assessed.



As the back dune becomes more protected, the number of vegetative species increases. An understory of dense shrubs forms to provide cover and nesting areas for a variety of wildlife. These areas serve as an important food source for both native and migrating birds.

Fresh water wetlands may buffer the salt and brackish area from the upland areas. A discussion of freshwater wetlands resources in South Kingstown is found in the Natural and Cultural Resources Element of the South Kingstown Comprehensive Plan, 1992, as updated March 2004.

D. Fish

Salt marshes and their contiguous wetlands provide vital habitat for shellfish and serve as a nursery and spawning ground for several species of commercial and recreational fin and shellfish (Appendix B). The combination of brackish, shallow water, circulation patterns, water temperatures, and protection from certain predators make estuaries and salt ponds one of the most highly productive ecosystems. Figure 4 shows the fishing areas in the Town tidal waters. However, some areas have been closed to fishing for water quality reasons (see Section 5. F).

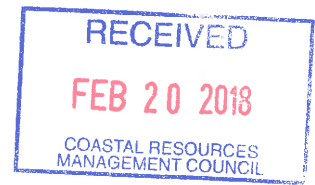
1) Finfish - The salt ponds serve as a spawning ground and nursery for a large population of winter flounder (Figure 5). Flounder migrate into the ponds in mid-October and spawn from late December into April. It has been observed that flounder spawn in the shallow parts of the ponds.

Many other fin fish populations have steadily declined to the point that the State (DEM with advice from R.I. Marine Fisheries Council) presently manages harvesting through a quota system. This system establishes seasonal and/or annual quotas for "restricted fin fish" species that include: scup, summer flounder, tautog, striped bass, black sea bass and winter flounder. All other fin fish species are in the "non-restricted" category. Bluefish are restricted but the quota allocated by the State is higher than harvesting totals from the fishing industry. Over the past few years (2002 - 2007) quota levels have remained fairly constant for most restricted fin fish species. Quotas have been lowered for scup and summer founder due to over fishing.

2) Shellfish - For over twenty years Point Judith, Green Hill, and Potter Ponds have been designated as Shellfish Management Areas by the Rhode Island Marine Fisheries Council. A Shellfish Management Area is an area of special concern in which the State can regulate shellfish closure areas, size limits, seasonal and daily catch limits, methods of harvest and capture, and transplant activities. Currently, all ponds have reduced catch limits. (Note: Refer to Section 5.F for information on shellfish closures).

The past few recent years have seen a dramatic increase in the number of aquaculture leases and the related value of shellfish produced from Rhode Island aquaculture operations. In the six years between 2004 to 2009 the total shellfish value more than tripled from \$572,994 to \$1,785,135. This total value is remarkable when considering that the shellfish value at the start of the decade was only \$300,000. CRMC figures for 2009 indicate that the aquaculture value per acre is \$13,272. Further, the combined farm gate value of aquaculture products for consumption and restoration was \$2,721,378.

At present there is one aquaculture operation lease located in Potter Pond. In addition, portions of two separate leases in Pt. Judith Pond are located within Town of South Kingstown waters. The



rapid increase in commercial aquaculture permit requests has caused some concerns regarding impacts to other uses, most notable being winter flounder spawning areas. In 2008 State agencies agreed to a proposal from the CRMC Working Group on Aquaculture Regulations to limit the total aquaculture operations to no greater than five percent (5%) of State waters. At present the total aquaculture activity in Potter Pond and Pt. Judith Pond (South Kingstown waters) is below that five percent threshold.

3) Point Judith Pond - There are three commercially harvested species of shellfish in the Pond: the soft shell clam (Mya arenaria), the bay scallop (Argopectin irradians), and the quahog (Mercenaria mercenaria). A large oyster fishery once existed in Point Judith Pond in the late 1800's (over 10,000 bushels annually). The bay scallop harvest was in excess of 35,000 bushels in 1978, but in 1985 it experienced a total failure. Continuing efforts to reseed Point Judith Pond with scallops have not yet been successful (possible factors may include low oxygen events caused by increasing eutrophication of the pond or predation - scallops placed in cages have done fairly well). Studies indicate that there is very heavy fishing pressure on the quahog population.

While no specific commercial quahog landing data is available on a pond by pond basis the overall statistics for the State are fairly representative of the demise of quahog landings in South Kingstown. DEM data in the Management Plan for the Shellfish Fishery Sector, December 2009 indicate that landings have steadily decreased from a 1985 high of about 12,000 metric tons to 1,425 metric tons in 2007, a decline of over eighty five percent.

4) Potter Pond - One commercial aquaculture lease, approximately five acres in size, is presently operational in the pond.

5) Green Hill Pond - Shellfishing has been prohibited in Green Hill Pond since 1995 per action taken by DEM as a result of the high contaminant levels within that water body.

6) Narrow River - Shellfish resources remain plentiful in the river. Prior to the water quality degradation and closure by RI DEM, Narrow River supported a substantial recreational and seasonal commercial shellfishery.

E. Rare and Endangered Species

South Kingstown is perhaps the most important town in Rhode Island for rare species and natural communities. Approximately twenty percent (20%) of the State's most significant sites occur in the Town. The Rhode Island Department of Environmental Management's Natural Heritage Program has mapped the areas of critical habitat for these species of ecological significance. Several of these areas fall within the watersheds of the salt ponds and the Narrow River. A map of these Natural Heritage Areas is available for review in the Planning Department.

Notable among South Kingstown sites are: the Factory Pond wetland complex that provides habitat for a number of rare and endangered species, including a unique twelve acre dwarf Atlantic White Cedar bog; Trustom and Cards ponds that, along with Moonstone Beach and associated wetlands supports important rare bird and plant species; and, the Succotash salt marsh and Matunuck Beach system that supports at least four documented rare birds and six rare plants within the salt marsh and marsh/dune interface.

2017-12-086

SOUTH KINGSTOWN
WATERFRONT ADVISORY COMMISSION
MEETING MINUTES

February 1, 2018

CALL TO ORDER: Meeting called to order by Commissioner Smith at 7:08 p.m. at The Neighborhood Guild

MEMBERS PRESENT: L. Murphy, G. Windhurst, R. Smith, J. Bedell

MEMBERS ABSENT: B. Laramée, M. Sherry, T. O'Neil

STAFF PRESENT: T. Murphy, M. Stach

STAFF ABSENT:

GUESTS: Perry Raso, Residents of Matunuck Village

MEETING MINUTES: Motion to approve December 7, 2017 meeting minutes by J. Bedell, seconded by L. Murphy. Motion passed 4-0.

CORRESPONDENCE AND PUBLIC COMMENTS:

Commissioner Smith read names of residents who submitted correspondence to be placed on the record. (list attached)

PUBLIC COMMENT

Perry Raso 2236 Comm. Oliver Perry Hazard Highway

Mr. Raso is the applicant for File #2017-12-086. He indicated that he chose the Segar Cove site specifically because his observations were that there is limited activity in the cove. He understands that there is water skiing and tubing which is why the location of the site – and that it is tucked into the side of the cove, keeps it away from the activity. This is his 4th application and first to pass CRMC's preliminary determination process. He understands the objections and concerns; and will be cognizant of aesthetics; operating hours will be reduced to not interfere with bird activity. Potter Pond is currently at 2.1% of the allowable 5% aquaculture per CRMC. Benefits of aquaculture include increased biodiversity, filtration of waters. Question by Commissioner Smith – how will scallops be able to survive in this area? Response: The water column is suitable for this activity.

The following individuals spoke in opposition to the proposed aquaculture site related to CRMC File #2017-12-086

Bill Irons 150 Prospect Road

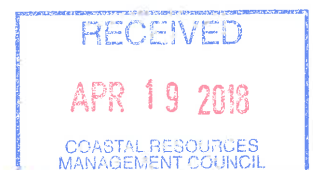
Lives on coves; great respect for Perry; however, May to September there is constant activity on the pond and locating an aquaculture farm will disrupt this activity.

Carol Cimilliuca 2464C Commodore Perry Highway

Read letter submitted to CRMC that opposes the proposed aquaculture application for Segar Cove

Michael Mainelli 142 Prospect Road

Proposed aquaculture lease will negatively impact recreational activity in the cove. Power boaters currently stay on the perimeter of the cove; while kayaks and paddle boarders use the middle of the cove. The location of the proposed aquaculture operation will force power boats to move further to the center of the cove; and reduce the overall area available for various activities to take place at the same time.



go from there? Mr. Raso responded that oysters/scallops will be sorted on a boat or platform (not in the cove); some will be delivered to the restaurant; others to delivery vehicles that would load at the restaurant. Question re: plastic PVC pipe and plastic bags that end up as debris on the shoreline; and loud music that is sometimes heard from workers. P. Raso responded that both would be addressed. He provided his cell phone number to contact him directly in the event of loud music.

Question: At what point was permission granted for floating gear? P. Raso responded that it was a few years ago when mud crabs became a problem.

Question: How much additional space outside the boundaries of the farming area is required for work boats? P. Raso responded that most of the boat activity would be inside the parameters of the proposed site.

Question: Does CRMC make suggestions to applicants on their proposal?

Question regarding access. People can access aquaculture sites, they just cannot harvest. It was noted that the proposed site is in six feet of water – not an area that would be wade-able.

Harbor Master noted that 3 acres of usable water obviously constricts the area however, there are no safety concerns or issues related to the boats and waterways ordinance. He also noted that the proposed site is not a common fishing area or an area where he has commonly seen people fishing.

Power washing and associated debris was raised as a concern.

OLD BUSINESS

A. CRMC Aquaculture Preliminary Determination – P. Raso – Proposed Expansion Leisure

This item is related to New Business Item A. It was reported that the Preliminary Determination process was completed by CRMC and a report issued to the applicant.

NEW BUSINESS

A. CRMC Public Notice – File #2017-12-086 – P. Raso

The Commission heard public comment from all who wished to speak on this matter; and followed up with question and answers directed to the applicant – P. Raso. Detail of this is included in public comment section of these minutes.

Commissioner Murphy made a motion that the Waterfront Advisory Commission respond to CRMC Public Notice 2017-12-086 noting its opposition to the proposed aquaculture farm in Segar Cove as it would have a negative impact on recreational activity in the area.

Discussion continued with Commissioner Bedell indicating that he would like to wait to make an informed decision; Commissioner Windhurst agreed that there was an abundance of information to consider after significant public comment.

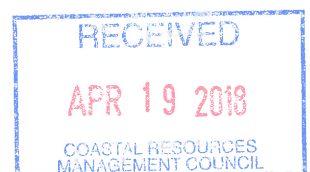
A motion was made by Commissioner Bedell to table the item and request an extension of the public comment period deadline from CRMC to allow the Waterfront Advisory Commission to provide comment after further review of concerns and information brought forth during the meeting; as well as discovery of any further information that may be relevant to this issue. Motion was seconded by Commissioner Windhurst. Motion passed 4-0.

B. Harbor Management Plan Update

It was reported that the Harbor Management Plan update will be delayed until the Town Comprehensive Plan and Hazard Mitigation Plans are updated. CRMC granted an extension of the plan update deadline.

C. Marina Park Rental – Renewal - South Kingstown Farmers Market

South Kingstown Farmers Market submitted a renewal request for renting field space at Marina Park to operate an outdoor farmers market from May to October. Motion to approve the request was made by Commissioner Murphy and seconded by Commissioner Windhurst. Motion passed 4-0.



South Kingstown Waterfront Advisory Commission
February 1, 2018

Correspondence

Gary and Jane Enos
267 Prospect Road

Gloria Latham
298 Prospect Rd.

Matthew Carey
50 Park Avenue

Dorothy Woodcock
2464D Commodore Perry Highway

Gary K. Wetmore
282 Prospect Road

Daniel Calitri
292 Prospect Road

Marilyn Mattera
62 Park Avenue

William G. DeMagistris
83 Prospect Road

Brett Cicchese
59 Cove Street

Lisa S. Leval
179 Park Avenue

Robert and Miriam O'Neill
26 Segar Court

Gene and Joyce Corl
210 Washington Street

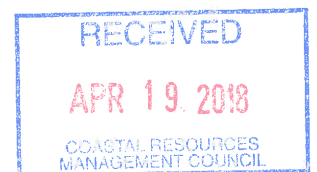
Christian F Capizzo, Esq.
Partridge Snow & Hahn
on behalf of

David Latham
2464 F Comm. Perry Highway

Kevin Martin Hunt and Christine S. Hunt
98 Segar Court

Stephen Quigley and Alicia Cooney
95 Segar Court

Sharon Harvey and Family
2 Peninsula Road





RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767 TDD 401-222-4462

January 23, 2018
Dave Beutel Aquaculture Coordinator
Coastal Resources Management Council
Wakefield, RI 02879-1900

Dear Mr. Beutel,

I am writing in reference to the Public Notice request by Perry Raso for a three-acre scallop and oyster farm using floating and suspended gear. (File number 2017-12-086). The proposed location for this site is in waters approved for shellfish harvesting located in Potter Pond shellfish classification area GA10 harvest area 6P in the town of South Kingstown .

The classification of shellfish grounds is an ongoing process based on the principles of the National Shellfish Sanitation Program. The Department of Environmental Management assumes no liability by the leaseholder for changes in classifications that may restrict or prohibit access and/or harvesting from said lease area. While this site currently has an approved classification for the harvesting of shellfish, extraordinary circumstances (i.e., large amounts of rainfall, hurricanes or oil spills) could temporarily halt such harvesting and prohibit work on said lease. If approved please include the following language that CRMC and DEM previously agreed to as a stipulation:

Aquaculturists in areas where emergency shellfish closures have been enacted will be allowed access to their leases for the purposes of preparing for and planting seed and when extreme weather could result in loss or damage of gear to conduct necessary maintenance/retrieval of their equipment. All other activities on the aquaculture lease, including but not limited to the harvest of shellfish, will remain prohibited until the water quality is acceptable to allow for harvest. Aquaculturists seeking permission to access their lease during an emergency closure must seek authorization by contacting Dave Beutel, CRMC's aquaculture coordinator at 783-7587.

The applicant should be aware that at the 2017 ISSC conference, changes were adopted to the model ordinance relating to floating aquaculture gear. The proposed changes are under review by FDA for final approval and inclusion in the next model ordinance update. The changes adopted at the ISSC conference include a requirement that aquaculture gear that attracts birds or mammals to the extent that their waste presents a human health risk shall have a written operation plan. While not yet a requirement, please advise Mr. Raso of this pending requirement and encourage him to consider methods to deter waterfowl attraction.

In the effort to address increasing water temperatures and the potential threat of a Vibrio illness outbreaks we are asking all lease holders to monitor water temperature at their lease site and keep records of actual temperatures of bottom, surface and at the depth waters where the shellfish are being grown during the Summer months (June-September). If this project is approved, please include this request in your aquaculture approval document.

Neither a RIPDES permit nor a Water Quality Certificate is required for the proposed facility. Please call me at 222-4700, Ext. 7241 if you have any questions.

Sincerely,

Lucinda M. Hannus

Lucinda M. Hannus, Principal Environmental Scientist
RI DEM
Office of Water Resources – Shellfish Program

cc Angelo Liberti
Conor McManus
Dennis Erkan
Julia Livermore
Catherine White- RIDOH



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

HISTORICAL PRESERVATION & HERITAGE COMMISSION

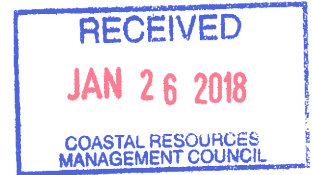
Old State House • 150 Benefit Street • Providence, R.I. 02903-1209

TEL (401) 222-2678

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TTY / Relay 711

Website www.preservation.ri.gov



Jennifer R. Cervenka, Chair
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road
Wakefield, Rhode Island 02879

CRMC File Number: *2017-12-086*

Applicant: *P. Russo*

Town: *South Kingstown - Peter Pond*

Response Date: *1/10/18*

Dear Ms. Cervenka:

The Rhode Island Historical Preservation and Heritage Commission (RIHPHC) staff has reviewed the above-referenced project. It is our conclusion that this project will have no effect on any significant cultural resources (those listed on or eligible for listing on the National Register of Historic Places).

These comments are provided in accordance with Section 220 of the Coastal Resources Management Council. If you have any questions, please contact Glenn Modica, Project Review Coordinator, or Charlotte Taylor, archaeologist, at this office.

Very truly yours,

Jeffrey Emidy
Acting Executive Director, RIHPHC