

**COASTAL RESOURCES
MANAGEMENT COUNCIL**

**SEMI-MONTHLY
MEETING**

TUESDAY, JANUARY 8, 2019

6:00 P.M.

AGENDA



State of Rhode Island and Providence Plantations
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 116
Wakefield, RI 02879-1900

(401) 783-3370
Fax (401) 783-3767

AGENDA

Semi-Monthly Meeting – Full Council
Tuesday, January 8, 2019; 6:00 p.m.
Administration Building; Conference Room A
One Capitol Hill, Providence, RI 02908

Approval of the minutes of the previous meeting – December 11, 2018
Subcommittee Reports
Staff Reports

APPLICATIONS REQUESTING MODIFICATION/EXTENSION AND ARE BEFORE THE FULL COUNCIL FOR DECISION:

2016-06-081 CHEVRON LAND & DEVELOPMENT COMPANY -- Modification and Extension of Assent, to include the following changes: Extend completion date of the approved work and modify stipulation “E” of the CRMC Assent to make the Kayak Ramp available for public use (including access) by January 2, 2022. Located at plat 18, lot 2; 431 Veteran’s Memorial Parkway, East Providence, RI.

APPLICATIONS WHICH HAVE BEEN OUT-TO-NOTICE AND ARE BEFORE THE FULL COUNCIL FOR DECISION:

2017-11-061 MARK KEELEY – Create and maintain a small sub-tidal oyster farm (~0.3 acres) using a rack and bag system in Quonochontaug Pond. Up to 60 racks would be on the two part site. Located in Quonochontaug Pond, Charlestown, RI.

2018-01-049 MELLISSA TAYLOR & MANUEL LOPES -- Establish a 3 acre oyster farm in Sakonnet River of Portsmouth, RI.

2018-04-078 JOHN F. CRANDALL – Create and maintain a 1.5 shellfish farm for oysters, hard shell clams, and softshell clams using two methods: direct bottom plant; and rack and bag. Located in Quonochontaug Pond, Charlestown, RI.

CRMC DECISION WORKSHEET

2016-06-081 File No.

Chevron Land & Development Company

Hearing Date:	
Approved as Recommended	
Approved w/additional Stipulations	
Approved but Modified	
Denied	Vote

APPLICATION INFORMATION						
File Number	Town	Project Location		Category	Special Exception	Variance
2016-06-081	East Providence	431 Veterans Memorial Parkway		B	<input type="checkbox"/>	<input type="checkbox"/>
		Plat	018			
		Owner Name and Address				
Date Accepted	Nov 14, 2018	Chevron Land & Development Co. Attn: Mr. Pete Cagnetta 1500 Louisiana Street, Room 38138 Houston, TX 77002		Work at or Below MHW		<input checked="" type="checkbox"/>
Date Completed				Lease Required		<input type="checkbox"/>

PROJECT DESCRIPTION

Modification and Extension of Assent, to include the following changes: Extend completion date of the approved work and modify stipulation "E" of the CRMC Assent to make the Kayak Ramp available for public use (including access) by January 2, 2022.

KEY PROGRAMMATIC ISSUES

Coastal Feature(s) Low riprap revetment and coastal beach
Water Type Type 5, Commercial and Recreational Harbors, Providence River
CRMP 120, 140, 200.5, 210.1, 210.6, 300.2, 300.3, 300.7, 300.10
SAMP Metro Bay SAMP – Development Zone (Section 190)

Variances and/or Special Exception Details:

STAFF RECOMMENDATION(S)

Engineer _____ Recommendation: _____
 Biologist DL Recommendation: Approval
 Other Staff _____ Recommendation: _____

Engineering Supervisor Sign-Off _____ date

David S. Ben 1/2/19
 Supervising Biologist Sign-off _____ date

Executive Director Sign-Off _____ date

David S. Ben 1/2/19
 Staff Sign off on Hearing Packet (Eng/Bio) _____ date



State of Rhode Island and Providence Plantations
Coastal Resources Management Council
Oliver H. Stedman Government Center
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(401) 783-3370
Fax (401) 783-2069

January 2019

Mr. Pete Cagnetta
Chevron Land & Development Company
1500 Louisiana Street, Room 38138
Houston, TX 77002

CRMC ASSENT MODIFICATION AND 2 (TWO) YEAR EXTENSION

RE: CRMC File Number: 2016-06-081 – Modification and Extension of Assent, to include the following changes: Extend completion date of the approved work and modify stipulation “E” of the CRMC Assent to make the Kayak Ramp available for public use (including access) by January 2, 2022.

Dear Mr. Cagnetta:

The Coastal Resources Management Council has reviewed your request for modification of CRMC Assent No. 2016-06-081 and approves the modification and extension with the following additional stipulations:

STIPULATIONS OF APPROVAL:

1. The applicant shall record this assent modification and extension in its entirety in the land evidence records of the City/Town of East Providence within thirty (30) days of the date of assent modification/extension issuance. Certification by the Town Clerk's office that this stipulation has been complied with shall be furnished to Coastal Resources Management Council by the applicant within fifteen (15) days thereafter. Failure to comply with provision will render this assent modification and extension null and void.
2. As previously approved by Assent stipulation “E”, to compensate for the filling of tidal waters associated with the project, the kayak ramp must be available for public use, including access to the ramp and associated parking by January 2, 2022. There shall be no extensions to kayak ramp availability after the filling of tidal waters has occurred. If such a request is made, or if the kayak ramp is not made available, the matter will be referred to the Coastal Council for a hearing for noncompliance with CRMC Assent A2016-06-081 and this assent modification and extension.
3. **All stipulations of the original CRMC assent remain in full force and effect except as modified by the stipulations contained herein and/or by the plans approved by this assent modification approval.**

All work authorized by this CRMC Assent Modification Approval must be completed by January 4, 2022. Notwithstanding stipulation number 2 herein, where the approved work will not be completed within this time frame, an Assent Extension Request Form must be submitted 60 days prior to the expiration of the established time frame for work completion.

Sincerely,

Jeffrey M. Willis, Deputy Director
Coastal Resources Management Council



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 Coastal Resources Management Council
 Oliver H. Stedman Government Center
 4808 Tower Hill Road, Suite 3
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REQUEST FOR ASSENT MODIFICATION

Assent/Permit Number: <u>2016-06-081</u>	(including extensions) Expiration Date: <u>01-04-20</u>
Name of Assent Holder: <u>Chevron Land and Development Company</u>	
Location of Project: <u>431 Veterans Memorial Parkway</u>	
City/Town: <u>East Providence</u>	Plat: <u>018</u>
	Lot: <u>002</u>

Name of Present Owner: <u>Chevron Land & Development Company</u>	
Mailing Address: <u>1400 Louisiana Street, Room 38138</u>	
City/Town: <u>Houston</u>	State: <u>TX</u>
	Zip: <u>77002</u>
Phone Number: <u>832-854-5654</u>	Contact Person: <u>Pete Cagnetta</u>
Abutters: <u>Parcel 7-1-3, 0 ZZ Railroad Site: Providence & Worcester Railroad Company, 75 Hammond St., Worcester, MA 01610</u>	
<u>Parcel 17-1-3, 0 ZZ P&W Railroad: State of Rhode Island Dept of Transportation, Two Capital Hill, Providence, RI 02903</u>	
<u>Parcel 18-1-2, 0 ZZ Railroad Site: State of Rhode Island Dept of Transportation, Two Capital Hill, Providence, RI 02903</u>	

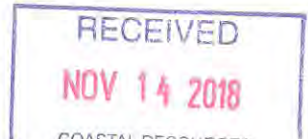
I hereby certify that the names and addresses of adjacent property owners whose property adjoins the project site are accurate and current as of the date of application. If said names and addresses are found to be not accurate and/or current, any subsequent Assent may become Null and Void. Signed: Pete J. Cagnetta

Describe the proposed modification(s):	<u>Extension of the time period for completion of the project. We are requesting an extension to January 4, 2022 to coincide with remediation and road construction schedules.</u>
Reason:	<u>Remediation of the property is not complete, and the area where the kayak ramp is proposed to be located is not yet suitable for use by the public. In addition, on-going remedial construction at the 26-acre property would present a hazard to members of the public.</u>
What state of construction is the project in:	<u>Initial remedial actions, including removal of the oil water separator and pilings has been completed. The RCM / OBB cap has not been installed.</u>

Owner's Signature: Pete J. Cagnetta

Note: The applicant acknowledges by evidence of their signature that they have reviewed the Rhode Island Coastal Resources Management Program, and have, where possible adhered to the policies and standards of the program. The applicant also acknowledges by evidence of their signature that to the best of their knowledge the information contained in the application is true and valid. The filing of false information can result in the Coastal Resources Management Council revoking State Assent. Applicant requires that as a condition to the granting of this assent, members of the CRMC or its staff shall be access to the applicant's property to make on-site inspections to insure compliance with the assent. This application is made under oath and subject to penalties of perjury. 5 00

/ajt 05/2018



Mr. David Reis
Coastal Resources Management Council
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879

Arcadis U.S., Inc.
2240 S. County Trail
Suite 5
East Greenwich
Rhode Island 02818
Tel 401 738 3887
Fax 401 732 1686
www.arcadis.com

Subject:
Extension Request for CRMC Assent 2016-06-081
Former Gulf Fuel Terminal (Chevron Facility #6517863)
431 Veterans Memorial Parkway, East Providence, RI 02914
Assessors Plat 18-2-1

ENVIRONMENT

Date:
November 13, 2018

Dear Mr. Reis:

Contact:
Donna Pallister

On behalf of Chevron Environmental Management Company and Chevron Land and Development Company (Chevron), Arcadis is requesting a modification of CRMC Assent No. 2016-06-081 for remedial activities at the Former Gulf Fuel Terminal (Chevron Facility #6517863) located at 431 Veterans Memorial Parkway, East Providence, Rhode Island. The requested modification is to extend the deadline for the completion of the project for an additional 2 years to January 4, 2022.

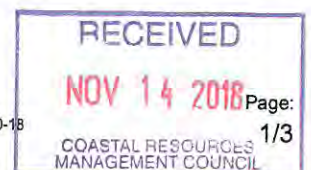
Phone:
401-285-2235

Email:
Donna.Pallister@arcadis.com

The project for which Assent No. 2016-06-081 was issued is construction of a remedial cap to prevent migration of petroleum products into the Providence River. Activities authorized by the Assent that have been completed include removal of the oil water separator and removal of pilings and debris in the area where the cap will be located. Construction of the remedial cap authorized by Assent 2016-06-081 is planned to begin in 2019.

Our ref:
B0047715.MC22

CRMC Assent No. 2016-06-081 General Stipulations Part E included a provision requiring construction of a kayak launching ramp and making the kayak launching ramp available to the public by January 2019. The kayak ramp can not be constructed and made available to the public until after remediation of the area in accordance with Rhode Island Department of Environmental Management requirements has been completed.



The waterfront remedial activity is part of the larger site remedial efforts being conducted under the direction of the Rhode Island Department of Environmental Management (RIDEM) Office of Waste Management to make the 26 acre Former Gulf oil terminal property suitable for reuse.

Soil at the former Gulf terminal is impacted by petroleum hydrocarbons, polycyclic aromatic hydrocarbons, and metals. Remedial activities conducted to date have included:

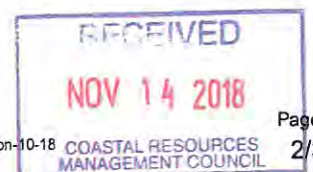
- Removal of structures, piping and tanks associated with the former oil terminal
- Excavation of approximately 96,000 cubic yards of impacted soil
- Treatment of approximately 145,000 tons of petroleum impacted soil so that it could be re-used on-site
- Excavation and treatment of approximately 1500 tons of lead impacted soil so that it could be disposed off-site as a non-hazardous waste
- Backfilling of excavations, re-grading and compacting for stability and stormwater management
- Installation of stormwater management structures
- Installation of a cap consisting of two feet of imported material to prevent people using the site from coming into direct contact with site soils over a portion of the site.
- Removal of the former oil terminal pier.

The remedial actions conducted to date have occurred in the southern end of the 26-acre site. Remedial excavation and soil treatment has been completed for the southern end of the site, and most of the direct contact cap has been installed. However, the cap has not been completed in the area along the shore where the waterfront remedy is being conducted, or along the southern portion of the site adjacent to the river.

Remedial actions have also not been completed in the northern portion of the site. Additional excavation and capping will be required in the northern portion of the Site due to impacts in site soils. A site plan showing the status of the site remediation is provided in Attachment 2. Public access to the site cannot be provided until the remaining portions of the site are capped to protect the public from direct contact with site soils exceeding RIDEM residential direct exposure criteria.

Due to the need for additional remediation, the property is not suitable for access by the public. A temporary construction access road from the terminus of Waterfront Drive near Bold Point Park provides access to the site for construction vehicles but is not suitable for public use. Additional remedial actions will be conducted at the site, and the construction access road will be used by heavy construction vehicles.

Therefore, Chevron is requesting an extension for the completion of the project to January 4, 2022.



Mr. David Reis
November 13, 2018

Included with this request are the following:

- CRMC Assent Modification Request Form (4 copies);
- Copy of CRMC Assent No. 2016-06-081 (Attachment 1);
- Remediation Status Site Plan (4 copies, Attachment 2);
- Copy of Construction General Permit – Rhode Island Pollutant Discharge Elimination System (RIPDES) Permit No. RIR100851, from the Rhode Island Department of Environmental Management (Attachment 3).

Sincerely,

Arcadis U.S., Inc.



Donna Pallister, PE, LSP
Principal Engineer

Copies:

C. Hall, Chevron Land and Development
P. Cagnetta, Chevron Environmental Management Company

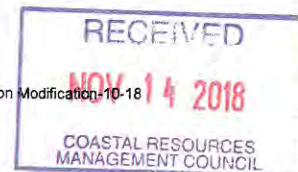
Enclosures:

Attachments

- 1 CRMC Assent No. 2016-06-081
- 2 Remediation Status Site Plan
- 3 RIPDES Construction General Permit RIR100851

arcadis.com

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RECEIVED
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COASTAL RESOURCES
MANAGEMENT COUNCIL



State of Rhode Island and Providence Plantations
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 116
Wakefield, RI 02879-1900

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ASSENT

CRMC File No.: 2016-06-081

CRMC Assent No.: A2016-06-081

Whereas, **Chevron Land & Development Company**
of **1600 Smith Street; 24070B**
Houston, TX 77002

has applied to the Coastal Resources Management Council for assent to: Conduct shoreline and intertidal site remediation activities to include: Water quality control, piling removal associated with the existing deteriorated pier, removal of the existing oil/water separator, removal of the existing shoreline riprap revetment, excavation and removal of petroleum impacted soil, placement of an environmental cap and cap armoring in the intertidal zone of the Providence River, replacement of the shoreline riprap revetment and construction of a public kayak launch. The purpose of the project is to remediate the petroleum impacted shoreline area to accommodate future development. The project involves filling in CRMC designated Type 5 waters for purposes of site remediation. The Chevron Land & Development Company represents that they are the owners of the riparian rights attached to the property involved and submitted plans of the work to be done.

Now, said Council, having fully considered said application in accordance with all the regulations as set forth in the Administrative Procedures Act does hereby authorize said applicant, subject to the provisions of Title 46, Chapter 23 of the General Laws of Rhode Island, 1956, as amended, and all laws which are or may be in force applicable thereto: **Conduct shoreline and intertidal site remediation activities to include: Water quality control, piling removal associated with the existing deteriorated pier, removal of the existing oil/water separator, removal of the existing shoreline riprap revetment, excavation and removal of petroleum impacted soil, placement of an environmental cap and cap armoring in the intertidal zone of the Providence River, replacement of the shoreline riprap revetment and construction of a public kayak launch. The purpose of the project is to remediate the petroleum impacted shoreline area to accommodate future development. The project involves filling in CRMC designated Type 5 waters for purposes of site remediation. This project is located at plat 018, lot 02; 431 Veterans Memorial Parkway, East Providence, RI and will be completed in accordance with said plans submitted to this Council and approved by this Council. All work being permitted must be completed on or before January 4, 2020 after which date this assent is null and void, (unless written application requesting an extension is received by CRMC sixty (60) days prior to expiration date).**

Applicant agrees that as a condition to the granting of this assent, members of the Coastal Resources Management Council or its staff shall have access to applicant's property to make on-site inspections to insure compliance with the assent.

Licensee shall be fully and completely liable to State, and shall waive any claims against State for contribution or otherwise, and shall indemnify, defend, and save harmless State and its agencies, employees, officers, directors, and agents with respect to any and all liability, damages (including



damages to land, aquatic life, and other natural resources), expenses, causes of action, suits, claims, costs (including testing, auditing, surveying, and investigating costs), fees (including attorneys' fees and costs), penalties (civil and criminal), and response, cleanup, or remediation costs assessed against or imposed upon Licensee, State, or the Property, as a result of Licensee's control of the Property, or Licensee's use, disposal, transportation, generation and/or sale of Hazardous Substances or that of Licensee's employees, agents, assigns, sublicensees, contractors, subcontractors, permittees, or invitees.

Nothing in this assent shall be construed to impair the legal rights of this granting authority or of any person. By this assent the granting authority by no manner, shape, or form assumes any liability or responsibility implied, or in fact, for the stability or permanence of said project; nor by this assent is there any liability implied or in fact assumed or imposed on the granting authority. Further, the granting authority by its representatives or duly authorized agents shall have the right to inspect said project at all times including, but not limited to, the construction, completion, and all times thereafter.

This Assent is granted with the specific proviso that the construction authorized therein will be maintained in good condition by the owner thereof, his heirs, successors, or assigns for a period of fifty (50) years from the date thereof, after which time this permission shall terminate necessitating either complete removal or a new application.

Permits issued by the CRMC are issued for a finite period of time, confer no property rights, and are valid only with the conditions and stipulations under which they are granted. Permits imply no guarantee of renewal, and may be subject to denial, revocation, or modification.

If this matter appeared before the full Council, a copy of the legal decision from this proceeding may be acquired by contacting the CRMC office in writing.

A copy of this Assent shall be kept on site during construction.

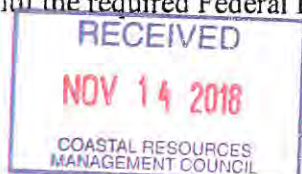
Application for future alteration of the shoreline or other construction or alteration within the CRMC jurisdiction shall be submitted to the CRMC for review prior to commencing such activity.

All applicable policies, prohibitions, and standards of the RICRMP shall be upheld.

All local, state or federal ordinances and regulations must be complied with.

Please be advised that as a further conditions of this Assent, it is hereby stipulated that you and/or your agents shall comply at all times with Federal and State Water Quality Standards and other State standards and regulations regarding water quality, and shall exercise such supervision over and control of these facilities to prevent the dumping or discarding or refuse, sanitary wastes and other pollutants in the tidal waters, either from vessels docked at said facilities or from land adjacent thereto.

No work that involves alteration to wetlands or waters of the United States shall be done under this Assent until the required Federal Permit has been obtained.



Non-compliance with this assent shall result in legal action and/or revocation of this permit.

CAUTION:

The limits of authorized work shall be only for that which was approved by the CRMC. Any activities or alterations in which deviate from the approved plans will require a separate application and review. If the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then this permit may be found to be null and void. Plans for any future alteration of the shoreline or construction or alteration within the 200' zone of CRMC jurisdiction or in coastal waters must be submitted for review to the CRMC prior to commencing such activity.

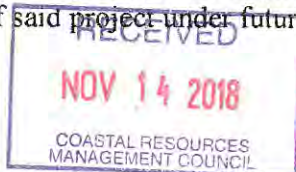
Permits, licenses or easements issued by the Council are valid only with the conditions and stipulation under which they are granted and imply no guarantee of renewal. The initial application or an application for renewal may be subject to denial or modification. If an application is granted, said permit, license and easement may be subject to revocation and/or modification for failure to comply with the conditions and stipulations under which the same was issued or for other good cause.

ATTENTION: ALL STRUCTURES AND FILLED AREAS IN THE TIDAL, COASTAL, OR NAVIGABLE WATERS OF THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS ARE SUBJECT TO:

1. The Superior Property Rights of the State of Rhode Island and Providence Plantations in the Submerged and Submersible Lands of the Coastal, Tidal, and Navigable Waters;
2. The Superior Navigation Servitude of the United States;
3. The Police Powers of the State of Rhode Island and the United States to regulate Structures in the Tidal, Coastal, or Navigable Waters.

THE SUBMERGED AND SUBMERSIBLE LANDS OF THE TIDAL, COASTAL, AND NAVIGABLE WATERS OF THE STATE ARE OWNED BY THE STATE AND HELD IN TRUST FOR THE PUBLIC. CONVEYANCE OF THESE LANDS IS ILLEGAL; TITLES PURPORTING TO TRANSFER SUCH LANDS ARE VOID. ASSENTS THAT INVOLVE THE FILLING OR USE OF THE STATES SUBMERGED LANDS ARE GRANTED WITH THE PROVISIO THAT IT IS SUBJECT TO THE IMPOSITION OF A USAGE FEE TO BE ESTABLISHED BY THE COASTAL RESOURCES MANAGEMENT COUNCIL.

The lands adjacent to tidal waters and/or access to these lands may be impacted or rendered unusable in the future due to sea level rise, storm surge, and shoreline erosion. Online resources including STORMTOOLS, Shoreline Change Maps, and Sea Levels Affecting Marshes Model (SLAMM) Maps can be accessed through the CRMC website (www.crmc.ri.gov). The Council recommends the use of these resources to evaluate the flood extent and inundation from sea level rise, storm surge and erosion and damages to land, aquatic life, loss of public access and other natural resources on and near the site of the above assent. The project life may be shortened by these processes and may require additional adaptation measure up to and including relocation of the project. By issuing this assent the granting authority neither explicitly nor implicitly assumes any liability or responsibility for the stability or permanence of said project under future climate and shoreline conditions.



SPECIFIC STIPULATIONS OF APPROVAL

General Stipulations

- A. The applicant shall record this assent in its entirety in the land evidence records of the City of East Providence within thirty (30) days of the date of assent issuance. Certification by the Town Clerk's office that this stipulation has been complied with shall be furnished to Coastal Resources Management Council by the applicant within fifteen (15) days thereafter. Failure to comply with provision will render this assent null and void.
- B. For the purpose of this permit, the coastal feature shall be the coastal beach and low riprap revetment; and the inland edge of the coastal feature shall be the top of the riprap revetment.
- C. The approved Site/Remediation plan shall be those entitled "Contract Drawings, East Providence Waterfront Remediation, former Gulf Fuel Terminal....," by ARCADIS, having a "date signed" of 10/28/2016 and stamped received by the CRMC Nov. 1, 2016. (See attached copy of plans). Except as stipulated or modified herein, all details and specifications thereon shall be strictly adhered to. Any and all changes require written approval from this office.
- D. The applicant shall notify CRMC staff at least two (2) business days in advance of the approximate date of the start of construction.
- E. **Kayak Ramp:** Although the kayak ramp portion of the proposed environmental cap is intended to be a component of the project greenway for the future development of the site, the filling of tidal waters associated with the construction of the environmental cap requires a public access plan in accordance with RICRMP Section 335. On that basis, the kayak ramp must be constructed and made available for public use (with access and parking) whether or not future development phases proceed. The kayak ramp must further include a floating dock support system in accordance with the plans provided to this office stamped received November 1, 2016. Staff further recommends the float system include a handicap accessible launch system. In order to assure the public access is provided in a timely manner, the kayak ramp shall be available for public access within two years of this CRMC Assent. The applicant may apply for an extension if access is restricted for good cause associated with site construction activities but an extension may not be granted to accommodate future development if this development is not actively proceeding at the time of the extension request (within 2 years).
- F. The approved interim kayak ramp shall be that attached to this CRMC assent. Extension of the ramp seaward to minus 3 feet Mean Low Water (MLW) shall be required for the facility to be considered "functional".
- G. **Hurricane Season:** CRMC staff strongly recommends that no portadam supported construction activities occur during the "active" portion of hurricane season (August 15 through the end of September). CRMC staff must be notified in writing if construction is to occur during this period. The written request shall include a contingency plan for site stabilization if Rhode Island falls within the 5 day tropical cyclone forecast cone published by the National Hurricane Center (NOAA).



H. No changes in stormwater drainage are authorized by this permit. "Storm Sewer Pipes" shown on the CRMC approval are associated with future site development phases prior to allowing stormwater to enter the pipe system.

Earthwork Stipulations

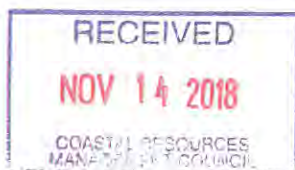
A. During all phases of work, proper erosion, runoff and sediment control measures shall be installed and maintained in accordance with good engineering practices including the applicable details found in the manufacturer's specifications and/or in the Rhode Island Soil Erosion and Sediment Control Handbook (as amended). These measures must be maintained until the site is stabilized through the establishment of vegetative cover and/or construction of the approved facilities (buildings, roadways, parking areas, etc.) has stabilized soils sufficiently to prevent erosion and sedimentation.

B. All discharges which result from dewatering operations must flow into pumping settling basins, portable sediment tanks or portable sediment bags which are properly installed and maintained in accordance with good engineering practices including the applicable details found in the manufacturer's specifications and/or in the Rhode Island Soil Erosion and Sediment Control Handbook (as amended).

C. All excess excavated materials (soils, rock, gravel, etc.), excess construction materials, demolition debris, temporary erosion, runoff and sediment control measures, etc., shall be removed from the site for appropriate re-use and/or proper disposal at a suitable upland location or landfill. All toxic materials and waste shall be properly transported and disposed of in accordance applicable state and federal regulations.

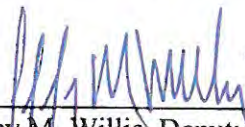
D. All areas of disturbed soils which are impacted by construction, site work and related activities shall be temporarily stabilized throughout the site construction period. Soil stabilization may be achieved through appropriate temporary measures as described by the Rhode Island Soil Erosion and Sediment Control Handbook (as amended). Where the season is not conducive to the establishment of vegetative cover, other temporary measures shall be employed including the application of mulch and/or use of fiber rolls (erosion control blankets, etc.). Temporary erosion, runoff and sediment controls shall be employed and maintained until temporary or permanent vegetative cover can be achieved and/or site improvements such as approved buildings, roadways and parking areas are constructed resulting in a lack of exposed soil.

E. There shall be no discharge or disposal of toxic waste, hazardous materials, oil, grease and other lubricants, excess fertilizer, pesticides or other chemicals or controlled materials either on site or in any area which may enter a wetland, watercourse or groundwater. All spills of such materials shall be reported to the RI Department of Environmental Management for appropriate remediation. All used lubricants, excess chemicals, fertilizers, pesticides, etc., shall be removed from the site for transport, handling and disposal in accordance with all applicable state and federal regulations.



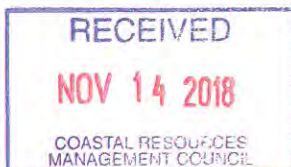
Chevron Land and Development Company
CRMC Assent B2016-06-081
January 4, 2017
Page Six

In Witness Whereof, said Coastal Resources Management Council has hereto set their hands and seal this 4th day of January in the year two-thousand-and-seventeen.



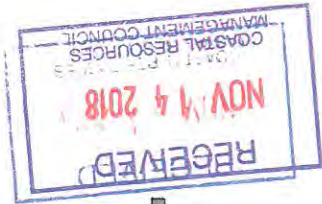
Jeffrey M. Willis, Deputy Director
Coastal Resources Management Council

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CONTRACT DRAWINGS

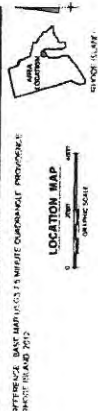
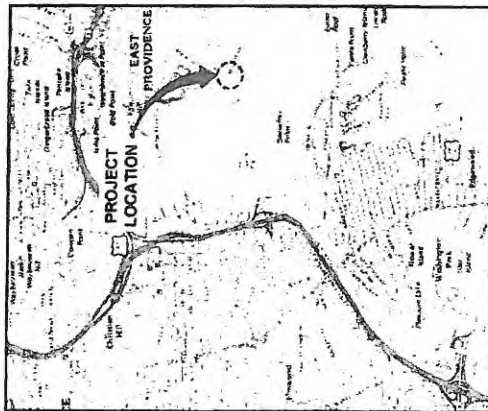
EAST PROVIDENCE WATERFRONT REMEDIATION



FORMER GULF FUEL TERMINAL
(CHEVRON FACILITY #6517863)
431 VETERANS MEMORIAL PARKWAY
EAST PROVIDENCE, RHODE ISLAND

REVISED FOR PERMITTING ONLY -
NOT FOR CONSTRUCTION

CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY



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2	NORTH WORK AREA ISOLATION
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3b	EXCAVATION PLAN
4	SEDIMENT CAP PLAN - NORTH WORK AREA
5a	SEDIMENT CAP PLAN - SOUTH WORK AREA
5b	OIL WATER SEPARATOR REMOVAL SECTION
6	CAP CROSS SECTIONS
7	DETAILS
8	CAP CROSS SECTIONS
9	DETAILS
10	OUTFALL DRAINAGE DETAILS



ARCADIS U.S. INC.

- GENERAL NOTES:**
- BASE MAP COMPILED FROM SURVEYS AND MATINGS PROVIDED BY ERECT THROUGH THE COURTESY OF THE U.S. ARMY CORPS OF ENGINEERS, WASHINGTON, DC, DATE 11/20/05 AND ADOPTED ON FEBRUARY 21, 2006.
 - COORDINATES IN THIS SHEET ARE IN THE NORTH AMERICAN DATUM OF 1983 (NAD 83).
 - ALL ELEVATIONS ARE BASED UPON MANSION DATUM, TO CONVERT TO AMSL, ADD 0.22 FEET.



- OVERLAP UTILITY LINES AND FEATURES, AS SHOWN HEREON, WERE COMPILED FROM AERIAL PHOTOGRAPHS, FIELD SURVEY INFORMATION, AND NON-LOCATED AND UNIDENTIFIED ACTUAL LOCATIONS MUST BE DETERMINED IN THE FIELD.

PORTADAM SETUP AND REMOVAL:

- PORTADAM SHALL BE INSTALLED TO PROVIDE WORK AREA ISOLATION PRIOR TO EXCAVATION ACTIVITIES OR INSTALLATION OF THE REACTIVE CAP.
- PORTADAM SHALL BE METALLED OVER TWO PHASES TO THE APPROXIMATE SOUTH CAP FOOTPRINT(S) DURING CONSTRUCTION.
- PORTADAM SHALL CONSIST OF A 10 FOOT TIED FRAME COVERED IN A HIGH DENSITY POLYETHYLENE (HDPE) LINER. THE PORTADAM SHALL BE CONSTRUCTED WITH EXTENSIONS BEYOND THE NORTH AND SOUTH CAP FOOTPRINTS BY AT LEAST 2 FEET. THE PORTADAM SHALL NOT BE TOUCHED BY THE SOIL.
- ORDER TO PORTADAM INSTALLATION, AN EXTENSIVE LOGS SHALL BE SUBMITTED TO THE PORTADAM AREA. THE LOGS SHALL BE SUBMITTED TO THE PORTADAM AREA. THE LOGS SHALL BE SUBMITTED TO THE PORTADAM AREA.
- THE PORTADAM LINER AND INTERIOR SUPPORT FRAMES SHALL BE PREPARED AND PLACED ALONG THE CONSTRUCTION RESTRICTION LINE, MAKING PROGRESSIVE CONNECTIONS.
- PORTADAM ALIGNMENT SHALL BE ADJUSTED IN THE FIELD BASED ON PORTADAM LINER TO BE PLACED OVER THE TOP OF EXISTING PORTADAM. PORTADAM LINER SHALL BE PLACED OVER THE TOP OF EXISTING PORTADAM. PORTADAM LINER SHALL BE PLACED OVER THE TOP OF EXISTING PORTADAM.
- IN AREAS UNDER THE PORTADAM WAS AVOIDED OR MINIMIZED, THE PORTADAM SHALL BE INSTALLED AND REMOVED IN A MANNER THAT DOES NOT DAMAGE OR DESTROY ANY PORTION OF THE PORTADAM CAP.
- THE LINER SHALL BE UNROLLED DOWN THE DIAGONAL FACE OF THE STEEL FRAME. FULL EXTENSION OF LINER MUST BE OBTAINED AT THE TOP OF THE STEEL SUPPORT FRAME TO FORM SEALING APRON.
- THE OUTSIDE PERIMETER OF THE SEALING APRON SHALL BE BURIED IN SOFT MATERIAL, SUFFICIENT SHALL BE PLACED TO FORM CUTOFF.
- DAMAGE TO THE PORTADAM LINER DURING CONSTRUCTION SHALL BE REPAIRED IMMEDIATELY. WORK UNDER THE SEALING APRON SHALL BE SEPALED WITH SUFFICIENT.

WORK AREA DEWATERING:

- ALL EXCAVATION SHALL BE PERFORMED WITH A 4" DIAMETER (6" PIPE) PUMP THROUGH THE PORTADAM. EXCESSIVE WATER SHALL BE DISCHARGED INTO THE PORTADAM TO THE PORTADAM AREA.
- MAINTAIN A WORK AREA FREE OF STANDING WATER (SW) TO MAINTAIN THE PROPER FUNCTIONALITY OF THE PORTADAM LINER. INSTALL SHARP SLOPES TO BE MAINTAINED WITH 3" HIGH SANDFILL PUMPS CAPABLE OF A MINIMUM 15 GPM FLOW. ADDITIONAL PUMPS OR PUMPING UNITS MAY BE REQUIRED TO MAINTAIN A DRY WORK AREA.
- LINE SHIPS WITH STONE AND PORTAL SUSPENSIBLE PUMPS IN SLUPS.
- MAINTAIN PUMP STATION FRAMES BELOW THE SURFACE OF THE WORK AREA ABOVE THE DRAINAGE PUMPS. DO NOT PUMP SHARP LUMPS, OR OTHER DEBRIS INTO PUMPS. THE DRAINAGE PUMPS SHOULD BE INSTALLED IN AN ACCESSIBLE LOCATION ABOVE THE DRAINAGE PUMPS.

SOIL-WATER SEPARATOR REMOVAL:

- ALL SOIL-WATER SEPARATOR ELEMENTS SHOWN ARE EXISTING.
- SHIELD PILE SHALL BE CUT TO OR BELOW EXISTING GRADE.
- STEEL PILE SHALL BE CUT TO OR BELOW EXISTING GRADE.
- SOIL-WATER SEPARATOR SHALL BE REMOVED/REPLACED TO MATCH THE SURROUNDING GRADE.

RIP RAP REMOVAL, SORTING, AND REPLACEMENT:

- REMOVE RIP RAP FROM THE SHOULDER WITHIN THE LIMITS OF THE WORK AREA.
- SOIL AND EXISTING RIP RAP SHALL BE VISUALLY CHECKED FOR CONTAMINATION. THE NATURE OF THE SOURCE AREA EXCAVATION, RELOCATION, AND STORAGE OF RIP RAP SHALL BE DETERMINED BY THE PORTADAM AREA. RIP RAP SHALL BE STORED IN AN APPROVED OFF-SITE STORAGE FACILITY.
- EXISTING CONCRETE, ALONG SHOULDER, SHALL BE SEPARATED AND DISPOSED OF IN AN APPROVED OFF-SITE STORAGE FACILITY.
- RIP RAP SHALL BE PLACED IN A MANNER THAT DOES NOT DAMAGE THE SHOULDER TO THE DRAINAGE PUMPS.
- PLACE RIP RAP IN A MANNER THAT DOES NOT DAMAGE THE SHOULDER TO THE DRAINAGE PUMPS.
- PLACE RIP RAP IN A MANNER THAT DOES NOT DAMAGE THE SHOULDER TO THE DRAINAGE PUMPS.
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- PLACE RIP RAP IN A MANNER THAT DOES NOT DAMAGE THE SHOULDER TO THE DRAINAGE PUMPS.

NORTH WORK AREA SOURCE AREA EXCAVATION:

- SOURCE AREA EXCAVATION SHALL BE PERFORMED BY THE PORTADAM CAP. THE EXCAVATION SHALL BE PERFORMED BY THE PORTADAM CAP. THE EXCAVATION SHALL BE PERFORMED BY THE PORTADAM CAP.
- REMOVE SOIL AND SEDIMENT WITHIN THE SOURCE AREA. COLLECT WATER OFF-SITE EXTERNALLY. PLACE THE EXCAVATION WITHIN SECONDARY STORAGE TO THE PORTADAM AREA. THE EXCAVATION SHALL BE PERFORMED BY THE PORTADAM CAP.
- EXTRADE SIDE SLOPES THAT PRESENT SAFE ACCESS TO THE EXCAVATIONS. SIDE SLOPES ARE AS SHOWN TO BE 2:1 (HORIZONTAL:VERTICAL). SHOULDER SIDE SLOPES MAY BE REQUIRED BELOW THE DRAINAGE PUMPS.
- PLACE EXCAVATED SOIL AND SEDIMENT IN A USED STORAGE AREA.
- THE EXCAVATED SOIL AND SEDIMENT SHALL BE EXCAVATED INTO A SECONDARY STORAGE AREA AND USED FOR FILL. THE EXCAVATED SOIL AND SEDIMENT SHALL BE EXCAVATED INTO A SECONDARY STORAGE AREA AND USED FOR FILL.
- MAINTAIN EXISTING STONE AND SAND WITHIN THE PORTADAM AREA.
- EXTRADE SIDE SLOPES THAT PRESENT SAFE ACCESS TO THE EXCAVATIONS. SIDE SLOPES ARE AS SHOWN TO BE 2:1 (HORIZONTAL:VERTICAL). SHOULDER SIDE SLOPES MAY BE REQUIRED BELOW THE DRAINAGE PUMPS.
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- MAINTAIN EXISTING STONE AND SAND WITHIN THE PORTADAM AREA.

MATERIAL SPECIFICATIONS:

ITEM	DESCRIPTION	UNIT	QUANTITY	PRICE
1	PORTADAM LINER	SQ. YD.	100	100.00
2	PORTADAM FRAME	LINEAL FT.	100	100.00
3	PORTADAM LINER	SQ. YD.	100	100.00
4	PORTADAM FRAME	LINEAL FT.	100	100.00
5	PORTADAM LINER	SQ. YD.	100	100.00
6	PORTADAM FRAME	LINEAL FT.	100	100.00
7	PORTADAM LINER	SQ. YD.	100	100.00
8	PORTADAM FRAME	LINEAL FT.	100	100.00
9	PORTADAM LINER	SQ. YD.	100	100.00
10	PORTADAM FRAME	LINEAL FT.	100	100.00

NORTH WORK AREA SOURCE AREA BACKFILL:

- PLACE NON-WOVEN GEOTEXTILE AS NECESSARY FOR PROTECTION AT THE BASE OF THE EXCAVATION.
- BACKFILL WITH 2" MINIMUM GRANULAR MATERIAL WITH SELF-COMPACTING GRAVEL TO THE EXCAVATION.
- BACKFILL THE EXCAVATION WITH SELF-COMPACTING GRAVEL TO EXISTING GRADE.

SEDIMENT CAP:

- THE REACTIVE CAP SHALL CONSIST OF ONE OR MULTIPLE LAYERS OF CE70 REACTIVE CAP. THE REACTIVE CAP SHALL BE PLACED OVER THE EXCAVATION. THE REACTIVE CAP SHALL BE PLACED OVER THE EXCAVATION.
- ROLL OUT RIP PANELS PERPENDICULAR TO THE SHOULDER TO THE SHOULDER. THE REACTIVE CAP SHALL BE PLACED OVER THE EXCAVATION.
- FOLLOWING COMPLETION OF RIP METALLATION, ONE LAYER OF TOPLOW REACTIVE CAP SHALL BE INSTALLED OVER THE RIP SURFACE.
- PANELS OF TOPLOW REACTIVE CAP SHALL BE INSTALLED WITH A MINIMUM 1 FOOT OVERLAP WITH ADJACENT PANELS AS SHOWN.
- ROCK AND REACTIVE CAP SHALL BE ANCHORED WITH AN ANCHOR ROD. THE ANCHOR ROD SHALL BE PLACED IN A MANNER THAT DOES NOT DAMAGE THE SHOULDER TO THE DRAINAGE PUMPS.
- PLACE 2 FEET OF COVER MATERIAL CONSISTING OF RENESELY GRADED SAND AND GRAVEL OVER THE REACTIVE CAP. THE COVER MATERIAL SHALL BE PLACED OVER THE REACTIVE CAP.
- REACTIVE CAP SHALL BE PLACED OVER THE EXCAVATION. THE REACTIVE CAP SHALL BE PLACED OVER THE EXCAVATION.
- REACTIVE CAP SHALL BE PLACED OVER THE EXCAVATION. THE REACTIVE CAP SHALL BE PLACED OVER THE EXCAVATION.
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- REACTIVE CAP SHALL BE PLACED OVER THE EXCAVATION. THE REACTIVE CAP SHALL BE PLACED OVER THE EXCAVATION.

MAYAK PER CAP:

- THE MAYAK PER CAP SHALL CONSIST OF A MINIMUM 3 ROWS OF ADJUSTABLE ADJUSTABLE-ORANGEGLASS.
- PRIOR TO PLACEMENT OF THE MAYAK PER CAP ACCESSIBLE WITHIN THE SOUTH AND NORTH PORTADAM AREAS, THE MAYAK PER CAP SHALL BE PLACED OVER THE EXCAVATION. THE MAYAK PER CAP SHALL BE PLACED OVER THE EXCAVATION.
- PLACE ADJUSTABLE ADJUSTABLE-ORANGEGLASS WITHIN THE ACCESSIBLE PORTIONS OF EXCAVATION SHOULDER.

ARMOR PLACEMENT:

- CAP ANCHOR SHALL CONSIST OF A 1" TO 2" UNFINISHED STEEL ROD.
- THE ANCHOR SHALL BE PLACED IN A MANNER THAT DOES NOT DAMAGE THE SHOULDER TO THE DRAINAGE PUMPS.
- DO NOT OPERATE EQUIPMENT DIRECTLY ON THE SEDIMENT CAP.

ABBREVIATIONS:

ASL	ASBESTOS MEAN SEA LEVEL
BOF	BOTTOM OF WALL
EL	ELEVATION
DIA	DIAMETER
FT	FOOT/FEET
MAX	MAXIMUM
MHW	MEAN HIGHER HIGH WATER ELEVATION
MNN	MINIMUM
MLLW	MEAN LOWER LOW WATER ELEVATION
MVD	NORTH AMERICAN VERTICAL DATUM
ORB	ORIGIN
ROH	REACTIVE CORE MHT
TOP	TOP OF WALL
TYP	TYPICAL



ARCADIS

CONSTRUCTION MANAGEMENT

EAST PROVIDENCE WATERFRONT REMEDIATION

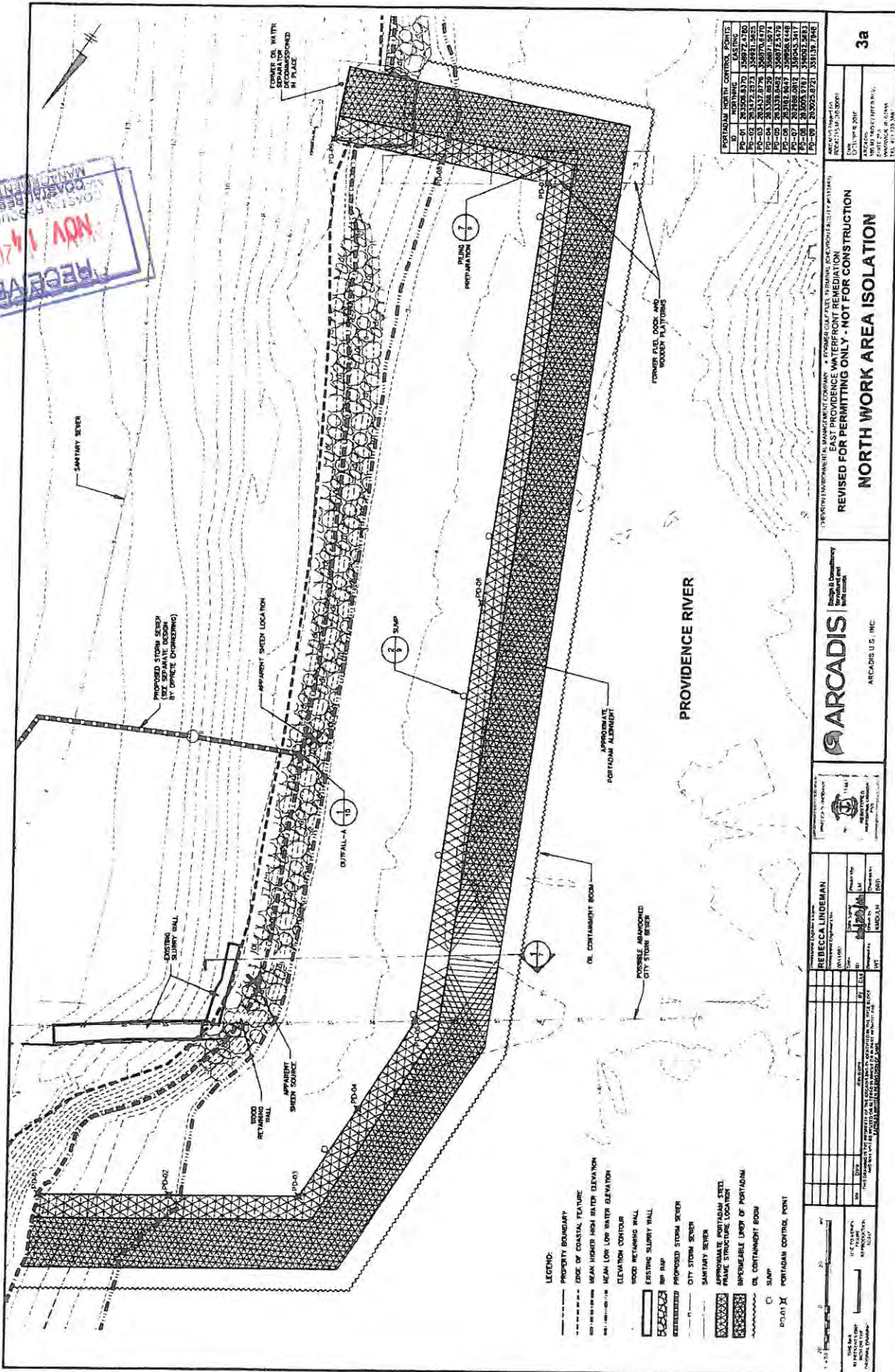
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GENERAL NOTES, ABBREVIATIONS AND LEGEND

ARCADIS U.S. INC.

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MARINE ENVIRONMENTAL COUNCIL



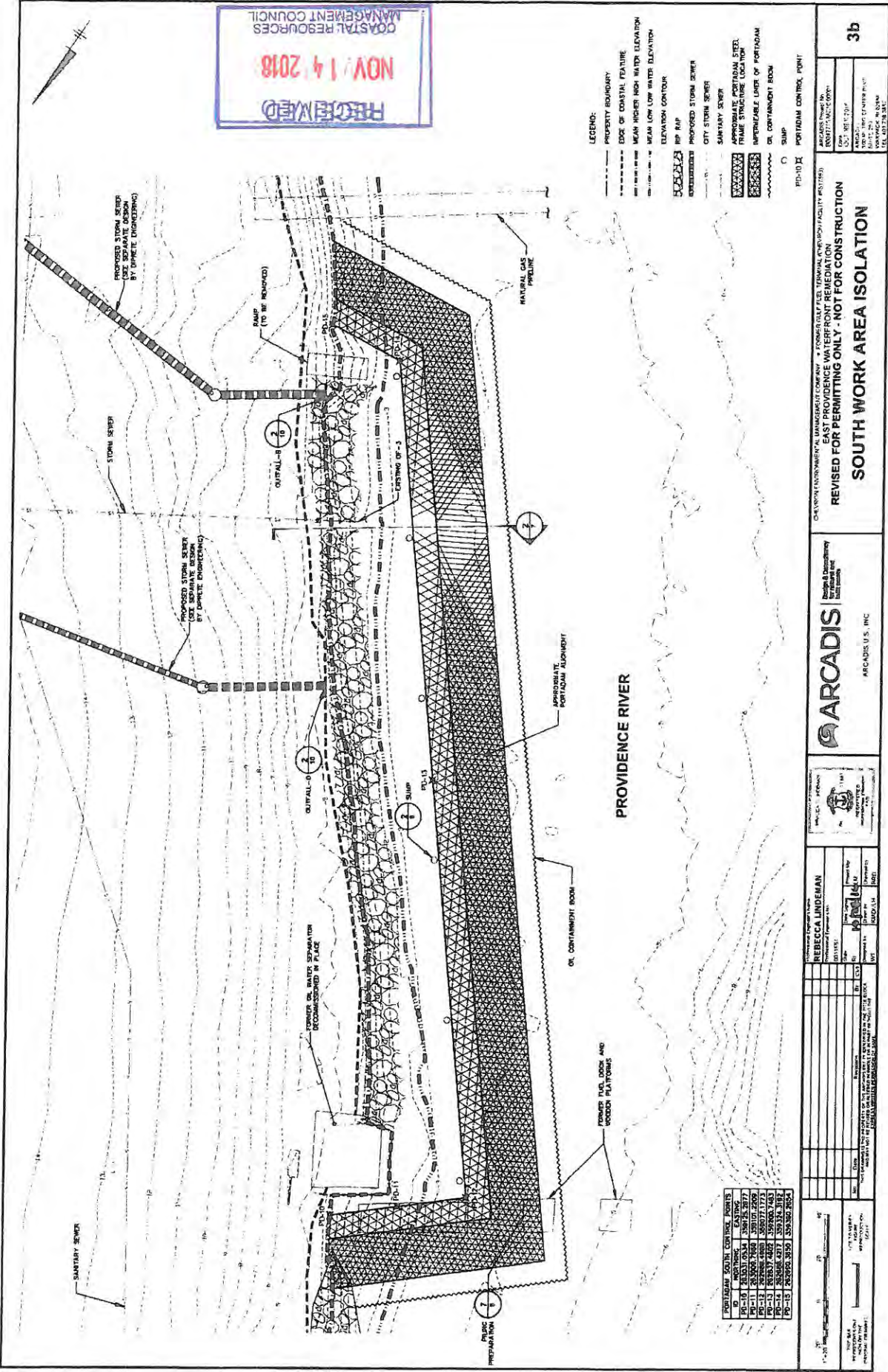
3a

THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
 DIVISION OF MARINE AND COASTAL MANAGEMENT
 REVISIONS TO PERMITTING ONLY - NOT FOR CONSTRUCTION
NORTH WORK AREA ISOLATION

ARCADIS
 ENGINEERING
 CONSULTANTS
 ARCADIS U.S. INC.

PROJECT NO. 15-00000000000000000000
 SHEET NO. 3a
 DATE: 11/14/2018
 DRAWN BY: M. J. [unreadable]
 CHECKED BY: [unreadable]

REBECCA LINDEMAN
 PROJECT MANAGER
 DATE: 11/14/2018
 SCALE: AS SHOWN
 PROJECT LOCATION: PROVIDENCE RIVER, WAREHOUSES, PORTADAM
 SHEET NO. 3a
 DATE: 11/14/2018
 DRAWN BY: M. J. [unreadable]
 CHECKED BY: [unreadable]



3b

CLAYTON ENVIRONMENTAL MANAGEMENT COMPANY - FORMER GULF FUEL TERMINAL (W/ROCK) FACILITY (P/ST/RS)
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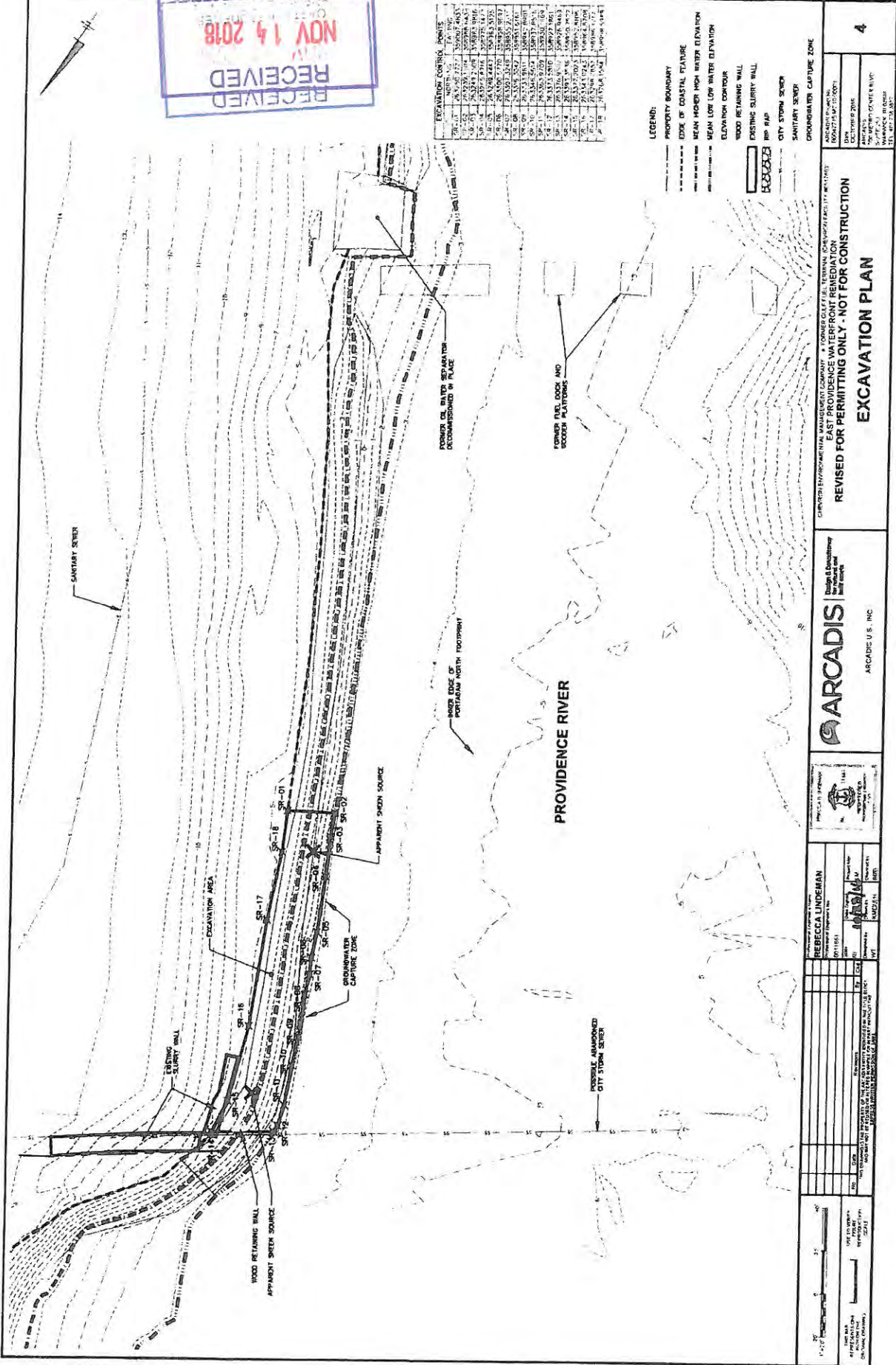


REBECCA LINDEMAN
 State of Oregon
 License No. PE-00000000
 Exp. Date: 12/31/2024

PROVIDENCE RIVER
 SOUTH WORK AREA ISOLATION
 DATE: 11/14/2018
 DRAWN BY: [Name]
 CHECKED BY: [Name]

PROJECT NO. [Number]
 SHEET NO. 3b
 TOTAL SHEETS: [Number]

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EXCAVATION CONTROL POINTS	
NO. POINT	ELEVATION
SP-01	25.50
SP-02	25.50
SP-03	25.50
SP-04	25.50
SP-05	25.50
SP-06	25.50
SP-07	25.50
SP-08	25.50
SP-09	25.50
SP-10	25.50
SP-11	25.50
SP-12	25.50
SP-13	25.50
SP-14	25.50
SP-15	25.50
SP-16	25.50
SP-17	25.50
SP-18	25.50

- LEGEND:**
- PROPERTY BOUNDARY
 - EDGE OF COASTAL FEATURE
 - MEAN HIGHER HIGH WATER ELEVATION
 - MEAN LOW WATER ELEVATION
 - ELEVATION CONTROL
 - WOOD REMAINING WALL
 - EXISTING SLURRY WALL
 - RP MAP
 - CITY STORM SEWER
 - SANTARY SEWER
 - CROWFOOTER CAPTURE ZONE

PROJECT NAME	EAST PROVIDENCE WATERFRONT
PROJECT NO.	18-001
DATE	NOV 14 2018
SCALE	AS SHOWN
PROJECT LOCATION	EAST PROVIDENCE WATERFRONT
PROJECT OWNER	ARCADIS U.S. INC.
PROJECT NO.	18-001
DATE	NOV 14 2018
SCALE	AS SHOWN

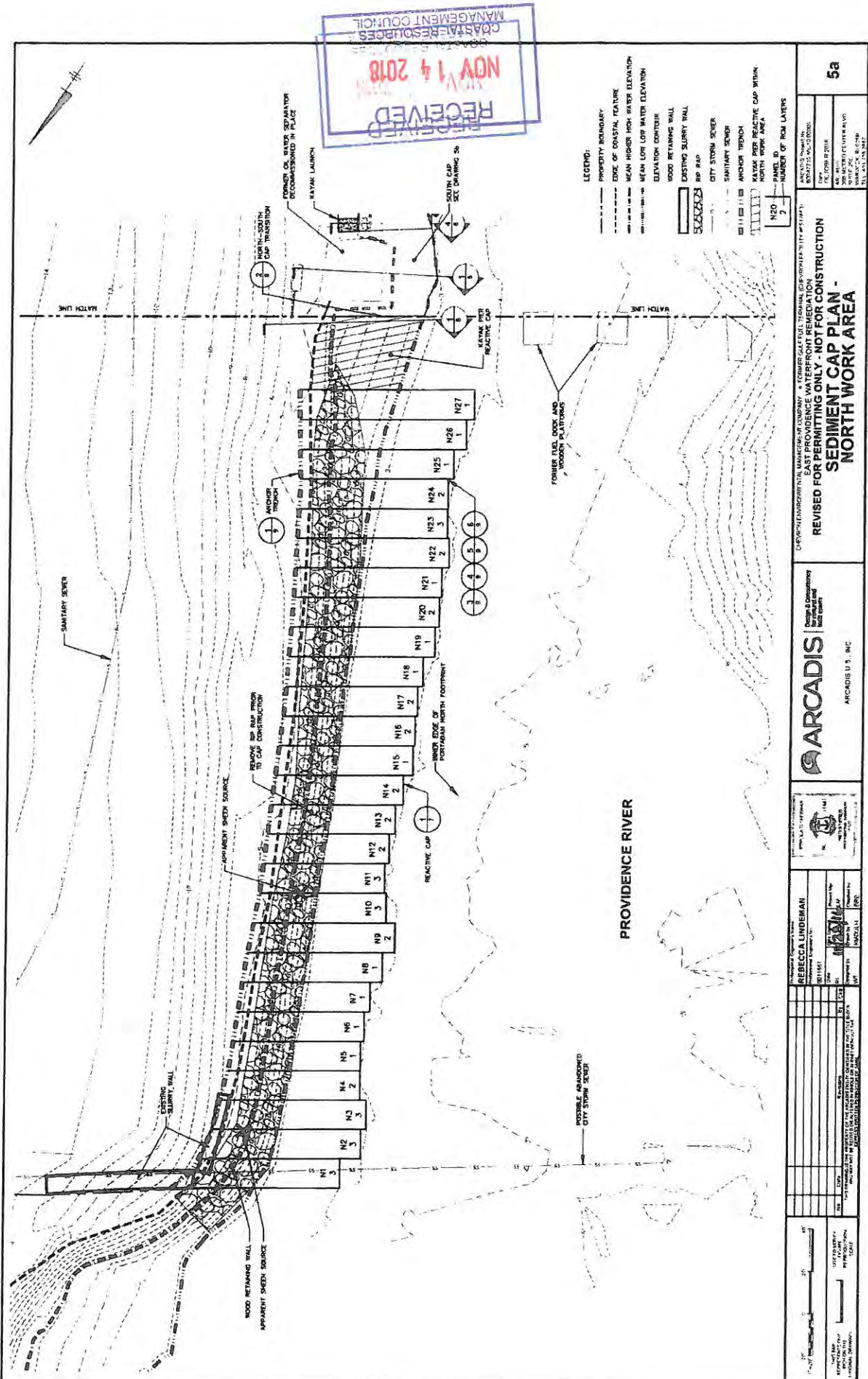
REVISIONS:
 1. REVISED FOR PERMITTING ONLY - NOT FOR CONSTRUCTION



REBECCA LINDEMAN
 PROFESSIONAL ENGINEER
 STATE OF RHODE ISLAND
 NO. 00119651
 PROJECT NO. 18-001
 DATE: 11/14/18

NO.	DATE	DESCRIPTION
1	11/14/18	ISSUED FOR PERMITTING ONLY - NOT FOR CONSTRUCTION

1" = 10' HORIZONTAL SCALE
 1" = 4' VERTICAL SCALE
 ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED
 THIS PLAN IS TO BE USED IN CONNECTION WITH THE PERMITTING PROCESS ONLY



5a

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**SEDIMENT CAP PLAN -
 NORTH WORK AREA**

ARCADIS | Environmental Management
 10000 Westpark Drive
 Suite 200
 Dallas, TX 75241
 ARCADIS U.S., INC.

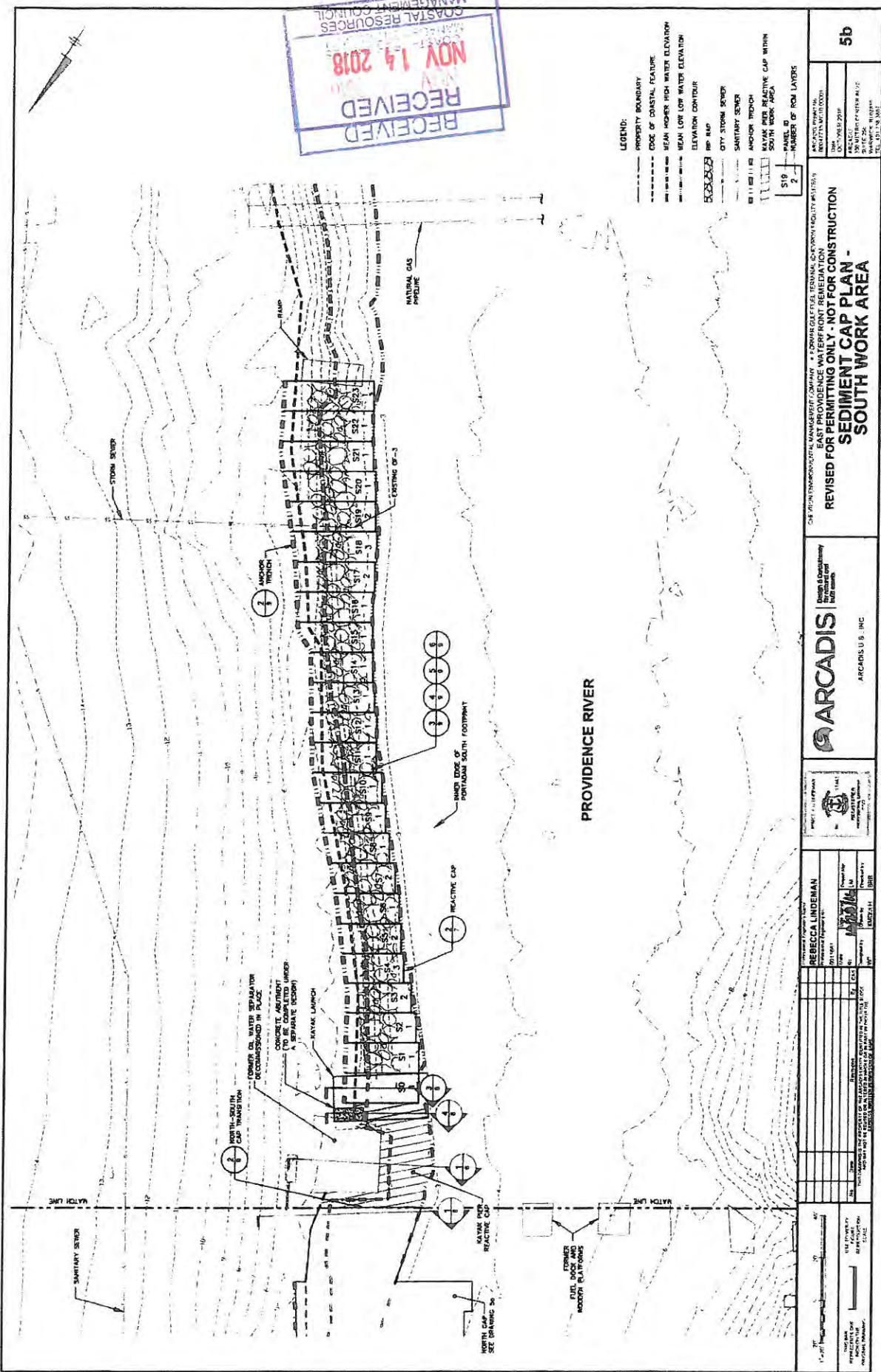


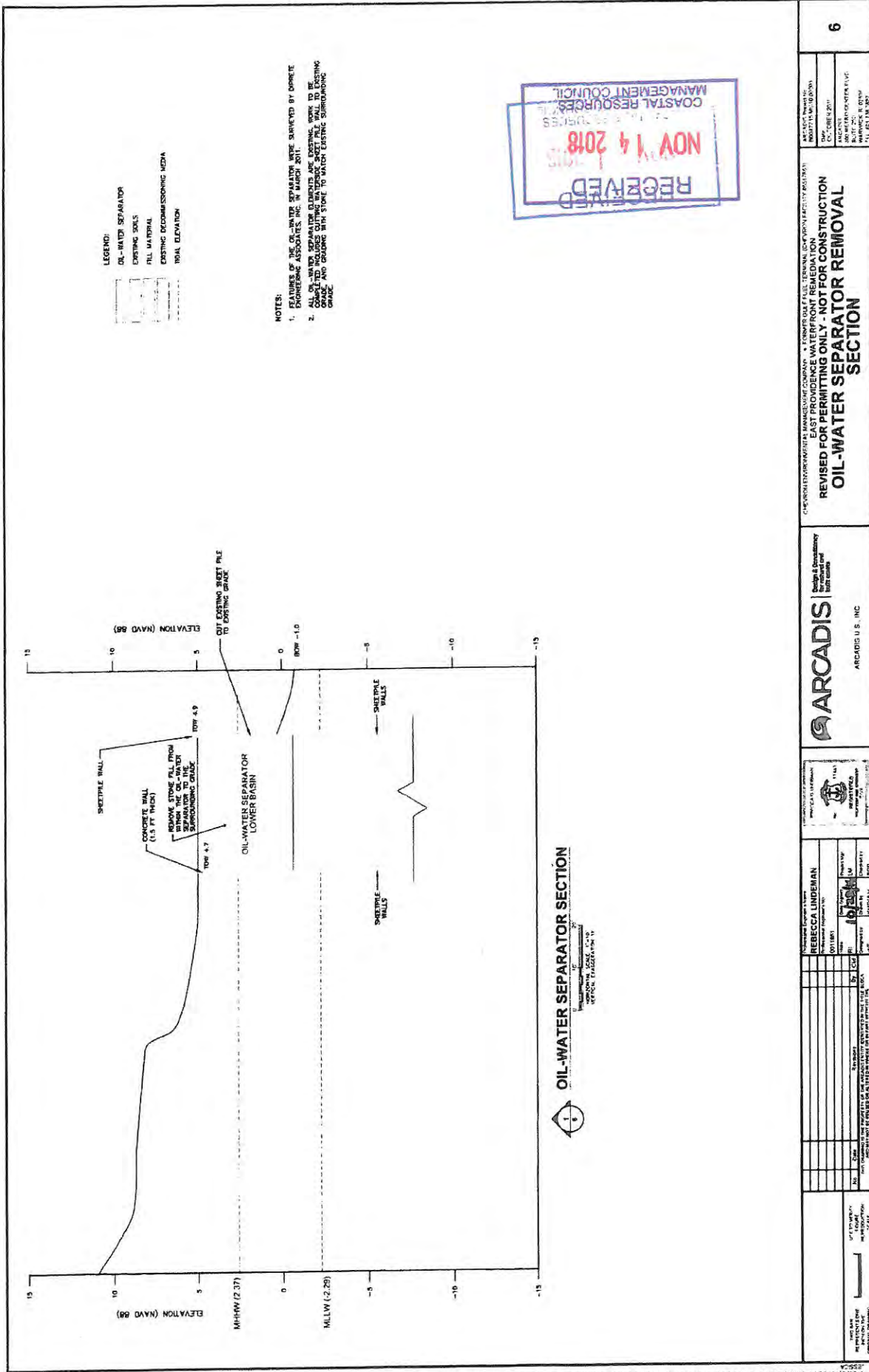
Project Engineer Name: **REBECCA UNDERMAN**
 License No.: 104151
 State: TX
 Title: Project Engineer
 Date: 11/14/2018

NO.	DATE	DESCRIPTION
1	11/14/2018	ISSUED FOR PERMITTING

Scale: 1" = 20'
 North Arrow
 Date: 11/14/2018
 Project: Providence River Sediment Cap

DESIGNED BY: [Name] CHECKED BY: [Name] DATE: 11/14/2018



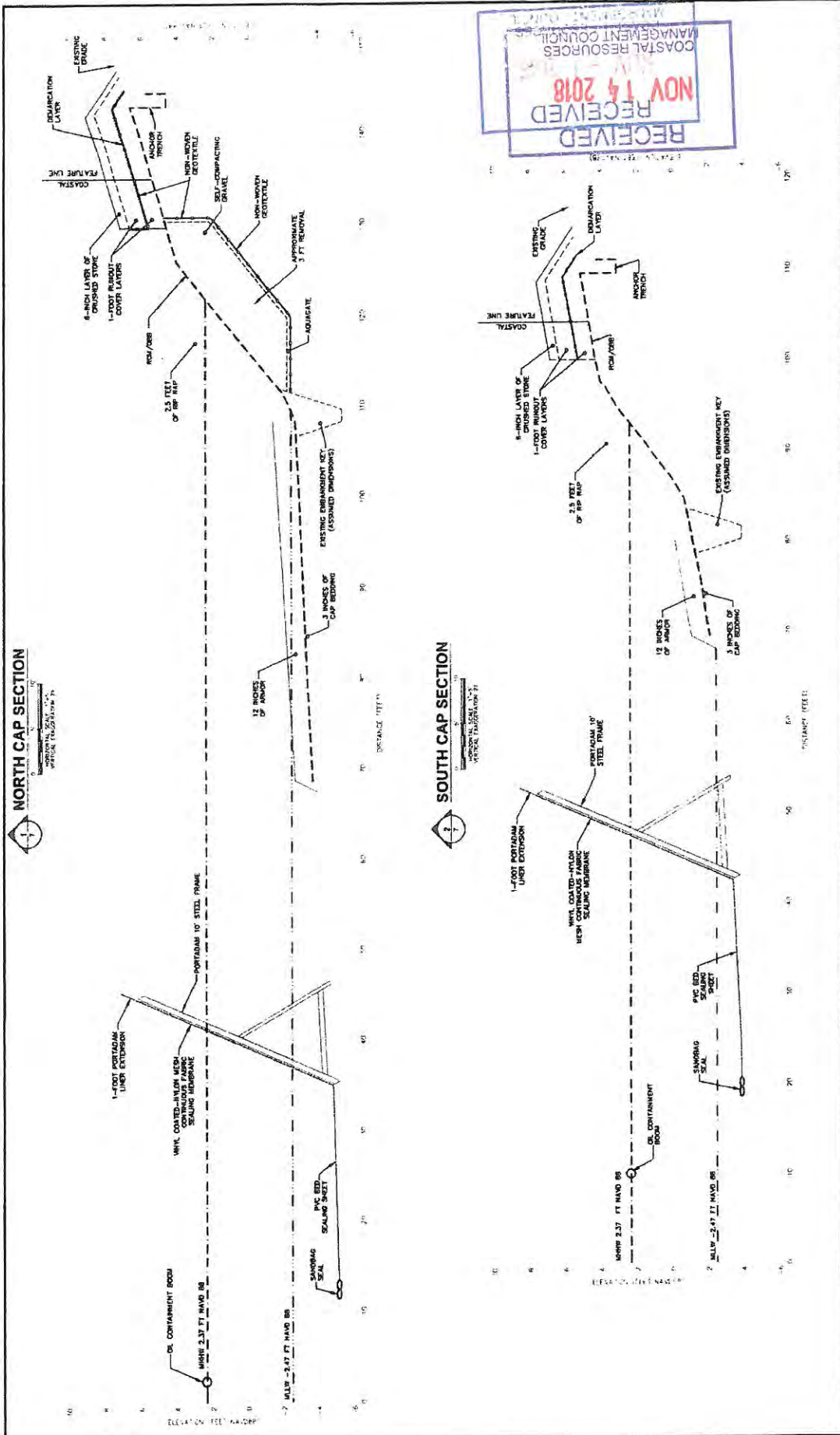


LEGEND:
 OIL-WATER SEPARATOR
 EXISTING SOILS
 FILL MATERIAL
 EXISTING DECOMMISSIONING MEDIA
 TYPICAL ELEVATION

NOTES:
 1. FEATURES OF THE OIL-WATER SEPARATOR WERE SURVEYED BY DINIETE ENGINEERING ASSOCIATES, INC. IN MARCH 2011.
 2. CONSTRUCTION SHALL INCLUDE CUTTING WATERBANK SHEET PILE WALL TO EXISTING GRADE AND GRADING WITH STONE TO MATCH EXISTING SURROUNDING GRADE.

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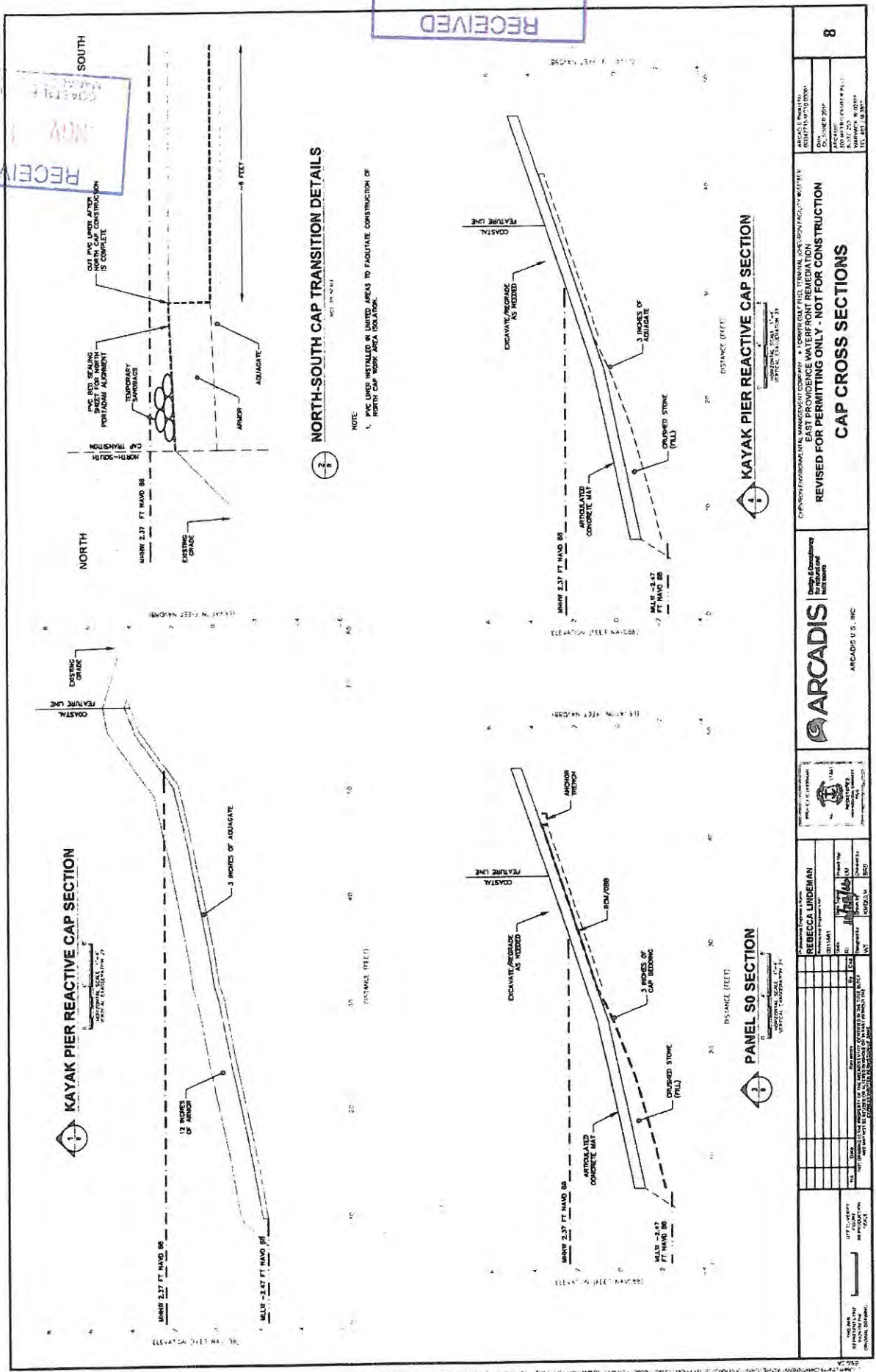
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<p style="text-align: center;">REVISOR'S NAME REBECCA LINDENMAN PROJECT NUMBER 2011001 DATE 10/24/18</p>		<p style="text-align: center;">ARCADIS Design & Construction East Providence Remediation Revised for Permitting Only - Not for Construction OIL-WATER SEPARATOR REMOVAL SECTION</p>
<p style="text-align: center;">DATE OF SHEET 10/24/18 SHEET NO. 6</p>		<p style="text-align: center;">PROJECT NUMBER 2011001 SHEET TITLE OIL-WATER SEPARATOR REMOVAL SECTION</p>



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ARCADIS Design & Construction <small>Engineering, Architecture, Planning, Construction Management</small> ARCADIS U.S., INC.		CAP CROSS SECTIONS REVISED FOR PERMITTING ONLY - NOT FOR CONSTRUCTION	PROJECT NUMBER: 15-001 PROJECT NAME: EAST PROVIDENCE WATERFRONT REMEDIATION PROJECT LOCATION: PROVIDENCE, RI PROJECT DATE: 11/14/18	CLIENT: EAST PROVIDENCE WATERFRONT REMEDIATION CONTACT: [REDACTED] PHONE: [REDACTED] EMAIL: [REDACTED]
PROJECT MANAGER: REBECCA LINDEMAN PROJECT ENGINEER: [REDACTED] PROJECT DESIGNER: [REDACTED] PROJECT CHECKER: [REDACTED]				

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<p>DESIGNED BY: REBECCA LINDEMAN PROJECT NO: 18010001 DATE: 08/14/18 SCALE: AS SHOWN SHEET NO: 8 OF 10</p>		<p>APPROVED BY: [Signature] DATE: 10/15/18</p>	<p>PROJECT: EAST PROVIDENCE WATERFRONT REMEDIATION CONTRACT NO: 18010001</p>	<p>CLIENT: U.S. ENVIRONMENTAL PROTECTION AGENCY PROJECT: EAST PROVIDENCE WATERFRONT REMEDIATION</p>			
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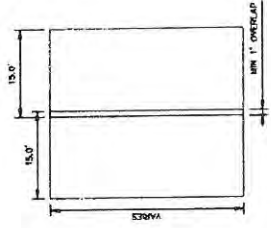
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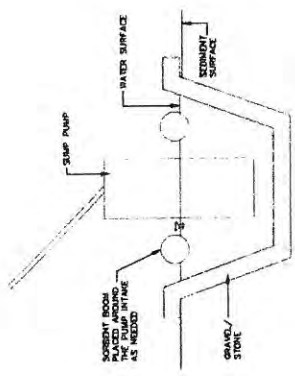


**RCM AND OBB END-OVER
OVERLAP DETAIL**
NOT TO SCALE

NOTES
1. END-OVER OVERLAPS SHALL BE A MINIMUM OF 2 FEET.
2. END-OVER OVERLAPS SHALL NOT BE PLACED ON SLOPES
GREATER THAN 4:1.

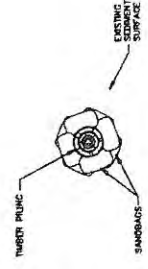


**RCM AND OBB
OVERLAP DETAIL**
NOT TO SCALE

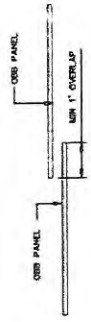


TYPICAL SUMP DETAIL
NOT TO SCALE

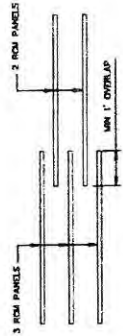
NOTE:
1. SUMP DIMENSIONS TO BE DETERMINED BASED ON ACTUAL FIELD CONDITIONS.



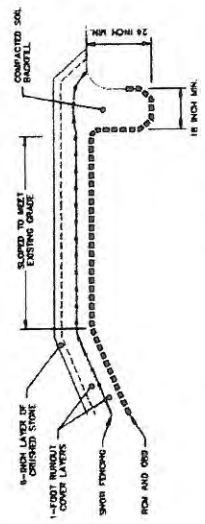
**PILING PREPARATION
DETAIL**
NOT TO SCALE



**OBB OVERLAP
DETAIL - SECTION**
NOT TO SCALE



**RCM OVERLAP
DETAIL - SECTION**
NOT TO SCALE

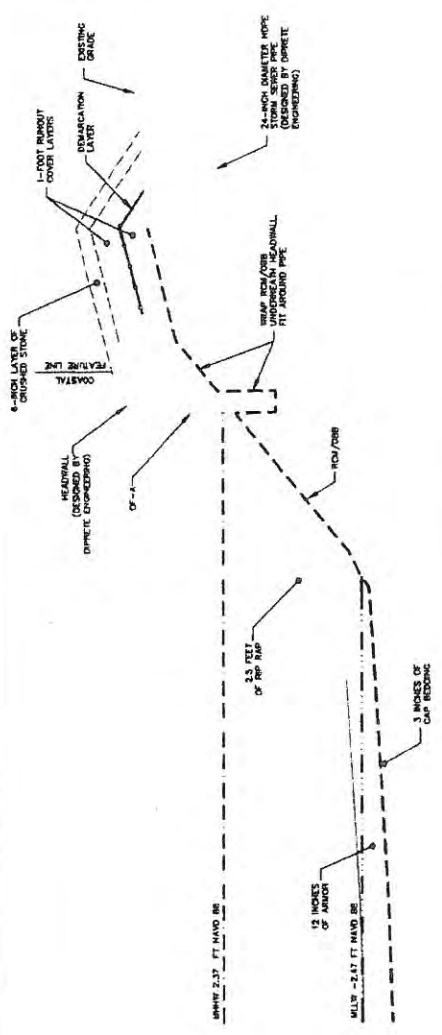


ANCHOR TRENCH DETAIL
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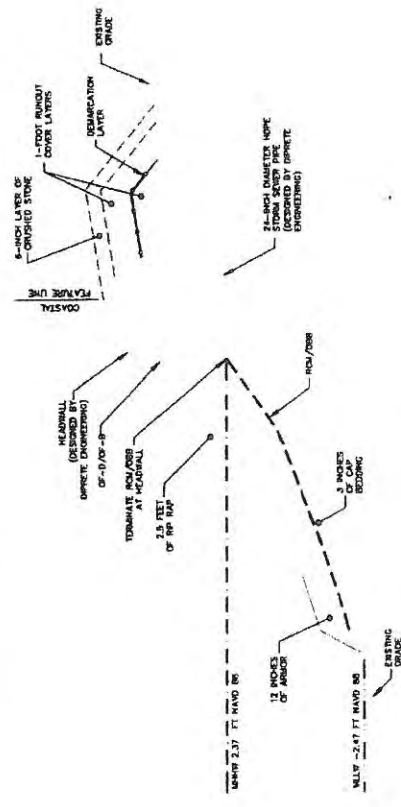
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<small>CLIENT INFORMATION</small> CLIENT: COASTAL RESOURCES MANAGEMENT COUNCIL PROJECT NO.: SHEET NO.:		<small>DATE PLOTTED</small> DATE PLOTTED: 11/14/2018 PLOTTED BY:	

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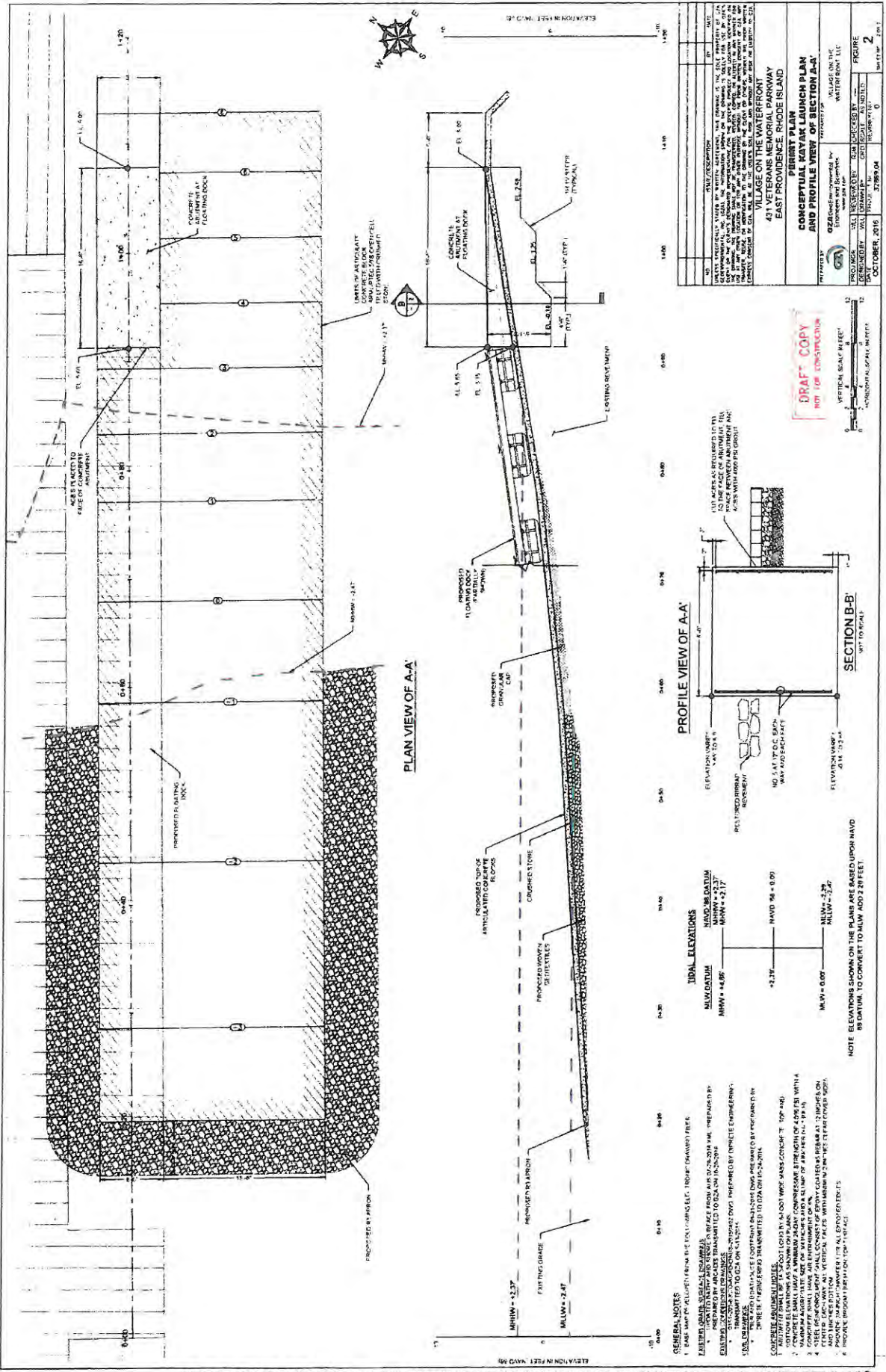


1
 TYPICAL OUTFALL DRAINAGE DETAILS (OF-A)
 NOV 18 2017



2
 TYPICAL OUTFALL DRAINAGE DETAILS (OF-B AND OF-D)
 NOV 18 2017

		CHEVON ENVIRONMENTAL MANAGEMENT COMPANY • FORMER GULFUT, TEBUVA, ID (OCCASIONALLY BY OTHERS) EAST PROVIDENCE WATERFRONT REMEDIATION REVISED FOR PERMITTING ONLY - NOT FOR CONSTRUCTION OUTFALL DRAINAGE DETAILS	
PROJECT INFORMATION PROJECT NO. 15-001 PROJECT NAME: EAST PROVIDENCE WATERFRONT REMEDIATION PROJECT LOCATION: EAST PROVIDENCE, RI PROJECT OWNER: CHEVON ENVIRONMENTAL MANAGEMENT COMPANY		REVISIONS NO. DATE BY 1 11/18/17 RLL/MLL 2 11/18/17 RLL/MLL	
PREPARED BY: REBECCA LINDEMAN CHECKED BY: JEFFREY M. LINDEN DATE: 11/18/17		DRAWN BY: JEFFREY M. LINDEN DATE: 11/18/17	
SCALE: AS SHOWN SHEET NO. 10 TOTAL SHEETS: 10		PROJECT NO. 15-001 PROJECT NAME: EAST PROVIDENCE WATERFRONT REMEDIATION PROJECT LOCATION: EAST PROVIDENCE, RI PROJECT OWNER: CHEVON ENVIRONMENTAL MANAGEMENT COMPANY	



NO.	DATE	DESCRIPTION
1	08/11/2016	ISSUED FOR PERMIT
2	10/01/2016	REVISED PER COMMENTS
3	10/01/2016	REVISED PER COMMENTS
4	10/01/2016	REVISED PER COMMENTS
5	10/01/2016	REVISED PER COMMENTS
6	10/01/2016	REVISED PER COMMENTS
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99	10/01/2016	REVISED PER COMMENTS
100	10/01/2016	REVISED PER COMMENTS

PERMIT PLAN
CONCEPTUAL PIER LAUNCH PLAN
AND PROFILE VIEW OF SECTION A-A

431 VETERANS MEMORIAL PARKWAY
 EAST PROVIDENCE, RHODE ISLAND

DESIGNED BY: [Firm Name]
 DRAWN BY: [Firm Name]
 CHECKED BY: [Firm Name]
 DATE: OCTOBER, 2016

DRIFT COPY
NOT FOR CONSTRUCTION

SECTION A-A
 SECTION B-B

GENERAL NOTES

- BASE MAP IS DERIVED FROM THE U.S. COAST AND GEODETIC SURVEY (NAD 83).
- CONCRETE SHALL BE 4000 PSI STRENGTH WITH 4% FIBER.
- CONCRETE SHALL HAVE A MINIMUM 28-DAY COMPRESSIVE STRENGTH OF 4000 PSI WITH A MINIMUM 10% AIR ENTRAINMENT.
- CONCRETE SHALL HAVE A MINIMUM 10% AIR ENTRAINMENT.
- STEEL REINFORCEMENT SHALL CONSIST OF EPOXY COATED REBAR #4 @ 12" ON CENTER AND #6 @ 12" ON CENTER.
- AND THE REINFORCEMENT SHALL BE EPOXY COATED REBAR #4 @ 12" ON CENTER AND #6 @ 12" ON CENTER.
- PROTECT REBAR FROM TOP 4" BELOW.

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TIDAL ELEVATIONS

MLW DATUM	NAVD 83 DATUM
MHW = 14.88'	MHW = 14.88'
MWW = 12.17'	MWW = 12.17'
	NAVD 83 = 9.09'
	MLW = 2.22'

NOTE ELEVATIONS SHOWN ON THE PLANS ARE BASED UPON NAVD 83 DATUM. TO CONVERT TO MLLW ADD 2.09 FEET.

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COASTAL RESOURCES
MANAGEMENT COUNCIL



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

November 7, 2011

CERTIFIED MAIL

Mr. Peter Kasbohm
Remedial Project Manager
Chevron Environmental Management Company
4800 Fournace Place
Bellaire, TX 77401

RE: RIPDES Storm Water General Permit for Construction Activity
Former Chevron Fuel Terminal (Chevron Facility #6517863)
RIPDES Application No. RIR100851

Dear Mr. Kasbohm:

Enclosed is your final authorization to discharge storm water associated with construction activity under the Rhode Island Pollutant Discharge Elimination System (RIPDES) Program. The Authorization to Discharge should be attached to your copy of the 2008 RIPDES General Permit for Storm Water Discharge Associated with Construction Activity (2008 Construction General Permit, which you already have on file), and be kept on-site as verification of authorization to discharge. All terms and conditions outlined in the 2008 Construction General Permit must be met. Any permit non-compliance constitutes a violation of Chapter 46-12 of the Rhode Island General Laws of 1956, as amended, and is grounds for enforcement. For future references and inquiry, your permit authorization number is RIPDES No. RIR100851

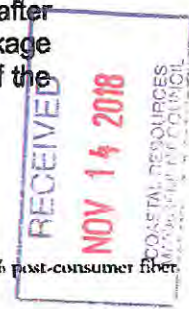
The Department of Environmental Management (DEM) has completed a review of the July 22, 2011 electronic submittal and August 24, 2011 response (submitted by Arcadis on behalf of Chevron Environmental Management Company (Chevron)) to the DEM's July 1, 2011 letter regarding the reissuance of RIPDES Permit No. RI0001325 and proposed sampling plan for the storm water outfalls located at the above site. The above correspondence from Chevron details a plan where Outfalls 001, 002, and 004, as well as the oil/water separator associated with Outfall 001, will be decommissioned. Storm water from Veterans Memorial Parkway currently discharging through Outfall 002 will be rerouted and new piping installed to allow the discharge through existing Outfall 003. The DEM finds the outfall and oil/water separator decommissioning plan and December 31, 2011 timeframe for completion of the above activities to be acceptable.

In addition, the following permit authorization is for coverage of storm water discharges associated with the land disturbances and implementation of BMPs during and after construction activities as detailed in the July 18, 2011 General Permit application package for the Phase A-1 Remediation Activities. These activities are detailed in Section 2 of the Attachment 1 contained within the above submittal.

Office of Water Resources/Telephone: 401.222.6820/FAX: 401.222.6177 or 401.521.4230

RIR100851

30% post-consumer fiber



RIDEM strongly recommends that you obtain written assurances from contractors or subcontractors retained to undertake construction activity that they will comply with all applicable requirements.

If you have any questions regarding the General Permit, you may contact Aaron Mello of the RIPDES Program staff at (401) 222-4700, Extension 7405.

Sincerely,



Eric A. Beck, P.E.
Supervising Sanitary Engineer
RIPDES Permitting Program

pc: Annie McFarland, DEM / OWR
Traci Pena, DEM / OWR
Carla Baker, Chevron Land and Development
William McCune, ARCADIS
Rick Sullivan, ARCADIS
Leanne Miner, ARCADIS
Jeff Crawford, DEM / OWM



AUTHORIZATION TO DISCHARGE UNDER THE
RHODE ISLAND POLLUTANT DISCHARGE ELIMINATION SYSTEM
2008 General Permit for Storm Water Discharge Associated with Construction Activity

In compliance with the provisions of Chapter 46-12 of the Rhode Island General Laws, as amended,

Chevron Land and Development
6724 Broken Arrow Trail South
Lakeland, FL 33813

AND

Chevron Environmental Management Company
4800 Fournace Place
Bellaire, TX 77401

are authorized to discharge Storm Water Associated with Construction Activity from a facility located at

Former Fuel Terminal, Chevron Facility No. 6517863
431 Veterans Memorial Parkway
East Providence, RI 02914

to receiving waters named

Providence River

in accordance with the conditions and requirements set forth in the 2008 General Permit for Storm Water Discharge Associated with Construction Activity.

In accordance with Part I.C.2.c of the 2008 General Permit for Storm Water Discharge Associated with Construction Activity, coverage shall become effective on the date of signature.

Coverage under the General Permit for Storm Water Discharge Associated with Construction Activity and the authorization to discharge should expire at midnight, on September 25, 2013.

The issuance of this authorization does not relieve the permittee from compliance with any other applicable laws or regulations administered by the Department of Environmental Management or any other governmental entity.

Signed this 7th day of November, 2011.



Eric A. Beck, P.E.
Supervising Sanitary Engineer
RIPDES Permitting Program, Office of Water Resources
Rhode Island Department of Environmental Management
Providence, Rhode Island





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 FAX (401) 222-2968
TTY (401) 222-3700 Website www.preservation.ri.gov

Jennifer R. Cervenka, Chair
Coastal Resources Management Council
Stedman Government Center, 4808 Tower Hill Road
Wakefield, RI 02879

CRMC File Number: *2016-06-081*

Applicant: *Chemun Ind and Development Co.*

Town: *East Providence*

Response Date: *10/16/18*

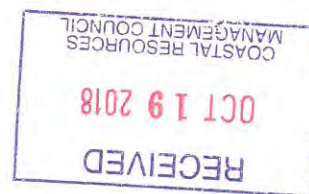
Dear Ms. Cervenka,

The Rhode Island Historical Preservation & Heritage Commission 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 Plan. If you have any questions, please contact Jeff Emidy, Project Review Coordinator, or Charlotte Taylor, Senior Archaeologist, at this office.

Very truly yours,

J. Paul Loether
Executive Director, RIHPHC
State Historic Preservation Officer



CRMC DECISION WORKSHEET

2017-11-061

Mark Keeley

Hearing Date:	
Approved as Recommended	
Approved w/additional Stipulations	
Approved but Modified	
Denied	Vote

APPLICATION INFORMATION						
File Number	Town	Project Location		Category	Special Exception	Variance
2017-11-061	Charlestown	Quonochontaug Pond		B	<input type="checkbox"/>	<input type="checkbox"/>
		Plat	Lot			
		Owner Name and Address				
Date Accepted	11/28/17	Mark Keeley		Work at or Below MHW	<input checked="" type="checkbox"/>	
Date Completed	11/29/18	9 Bainbridge Road		Lease Required	<input checked="" type="checkbox"/>	
		West Hartford, CT 06119				

PROJECT DESCRIPTION

Subtidal oyster rack and bag nursery site

KEY PROGRAMMATIC ISSUES

Coastal Feature:

Water Type: Type 2, Low Intensity Use

CRMP: 1.2.1(B); 1.3.1(A); 1.3.1(K)

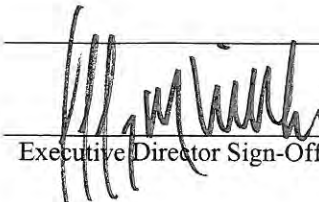
Variations and/or Special Exception Details:

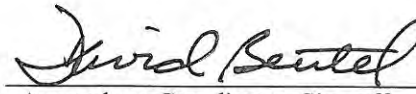
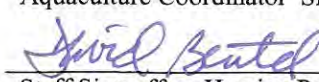
Additional Comments and/or Council Requirements:

Specific Staff Stipulations (beyond Standard stipulations):

STAFF RECOMMENDATION(S)

Engineer	_____	Recommendation:	_____ NA _____
Biologist	_____	Recommendation:	_____ NA _____
Other Staff	<u>DEB</u>	Recommendation:	_____ Approval _____


 Executive Director Sign-Off 11/30/18
 date

 11.29.18
 Aquaculture Coordinator Sign-off date
 12.19.18
 Staff Sign off on Hearing Packet (Eng/Bio) date

Name: Mark Keeley
CRMC File No.: 2017-11-061
Staff Report



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

DATE: November 30, 2018
TO: Grover J. Fugate, Executive Director
FROM: David Beutel
SUBJECT: CRMC File No. 2017-11-061

Applicant's Name: Mark Keeley
Project: rack and bag aquaculture farm

Location: Quonochontaug Pond, Charlestown,
Water Type/Name: Type 2, Low Intensity Use,
Coastal Feature: submerged land

STAFF REPORT

This application has changed through the review process as the applicant has worked to modify the request based on comments that have been received. This report will begin with the original request and end with the staff recommendation based upon the changes to the application.

Mr. Keeley is part of the group of people that have a one acre bottom plant oyster aquaculture site in Quonochontaug Pond (Assent #2016-10-036). Mr. Keeley has an upweller permitted for his residential dock (Assent #2017-08-010). This application, if approved, would provide a location for the seed oysters in the upweller to grow to a more suitable size for planting on the one acre bottom plant lease site.

The application started as a request for 0.22 acres in the northeastern section of Quonochontaug Pond. The three maps (Attachments 1, 2, 3, and 4) provide a perspective of the location. Attachments 3 and 4 show the two part site proposed around the applicant's dock and a triangle shape between the docks of his neighbors to the south. These neighbors have provided letters of support (Attachments 5 and 6). The gear proposed for this site are up to sixty 2'x3'x6" racks for holding bags of oysters. The racks would be submerged during normal tide cycles. The oysters from this site would be planted on the bottom plant site in October and November and all of the gear would be removed from November to May.

The thirty day public notice for this application ended on January 10, 2018 but was extended for the Town of Charlestown until February 10, 2018. For this application CRMC received three objections from individuals and one objection from the Town Of Charlestown (Attachments 7, 8, 9, and 10). The points of the objections are bulleted below:

- Shallow water near dock area will cause use conflicts (Attachment 7)
- Operation of a business in a residential area (Attachments 8 and 10)
- Cages with oysters will limit personal use (Attachment 8)
- Cages of oysters pose risk of injury (Attachment 8)
- Farms should be located away from high use areas (Attachment 8)
- Water is shallow and cages would be exposed (Attachments 8 and 10)
- Site will limit access for clamming, kayaking, paddleboarding, boating and fishing (Attachments 9, and 10)
- Within 50 feet of mooring field (Attachments 9 and 10)
- Too close to docks (Attachments 9 and 10)
- Cannot powerboat over aquaculture gear (Attachments 9 and 10)
- Too many oyster farms in proximity (Attachment 9)
- Too many oyster farms adjacent to Charlestown in Quonochontaug Pond (Attachment 10)
- Negative visual impact (Attachment 10)

Mr. Keeley hosted a site visit for the Charlestown Coastal Pond Management Commission (CCPMC) to review the issues. Following the site visit Mr. Keeley proposed changes to the application which were reviewed at the April 2, 2018 CCPMC meeting (Attachment 11). On April 16, 2018 Mr. Keeley sent proposed changes for the application to CRMC (Attachment 12). Staff has discussed the proposed changes in detail with Mr. Keeley. The proposed changes address and resolve all of the objections from the Town of Charlestown (Attachment 10).

Staff has the following observations of the site and of the objections not addressed by Mr. Keeley's proposed changes:

- The proposed area is shallow and has limited use and activity. Boats could operate between the gear but not over it. This is not a boating area.
- The site assessment during the Preliminary Determination did not find shellfish present (0/sq. meter)
- This area is clearly not used for recreation except by adjacent landowners and their guests.
- Two of the three adjacent landowners have submitted letters of cooperation. One has objected.
- There are a number of farms (4) in the northeastern section of Quonochontaug Pond using a combination of floating gear, bottom cages or racks, and direct bottom plant. The farms are near one another but have been located to minimize user conflict. This application is not an exception.
- Aquaculture does limit use in a defined area. This proposal is now a defined area 0.16 acres.
- This farm will be difficult to see unless navigating directly through it. Access to the area is already difficult. The visual impact is negligible.

CRMC has received the following correspondence (Attachments 13, 14, and 15) of no significant impacts:

- Rhode Island Historical Preservation and Heritage Commission December 12, 2017
- RI Department of Environment Management (DEM) Office of Water Resources January 10, 2018
- RI DEM Division of Marine Fisheries January 10, 2018
- Rhode Island Marine Fisheries Council June 19, 2018

This application, as modified in Attachment 12 is for a small area (0.16 acres) that will utilize a rack and bag system for the nursery phase of oyster production. In combination with the already permitted bottom plant site and upweller, the nursery system should be sufficient to accomplish the needs of the farm. All of Quonochontaug Pond is Type 2 low intensity use water. This particular area of the pond receives minimal use.

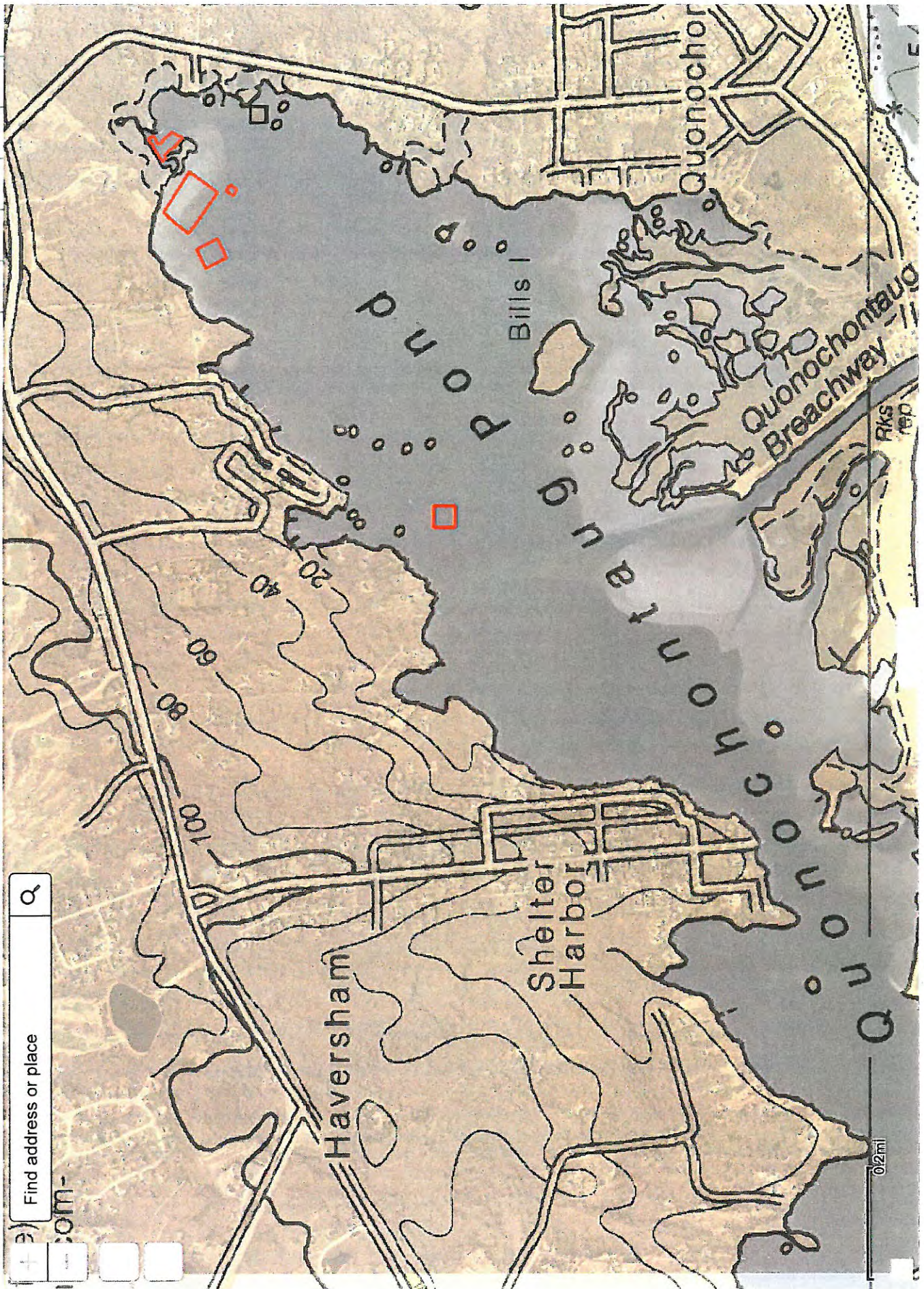
Aquaculture in Quonochontaug Pond is currently using 1.7% of the total pond area. If this proposed application is approved the area used for aquaculture will remain at 1.7%

It is staff opinion that this application has met the requirements of the RI Coastal Resources Management Program, specifically sections 1.2.1(B); 1.3.1(A); and 1.3.1(K) and staff recommends this application for approval as modified in Attachment 12.



Aquaculture Coordinator

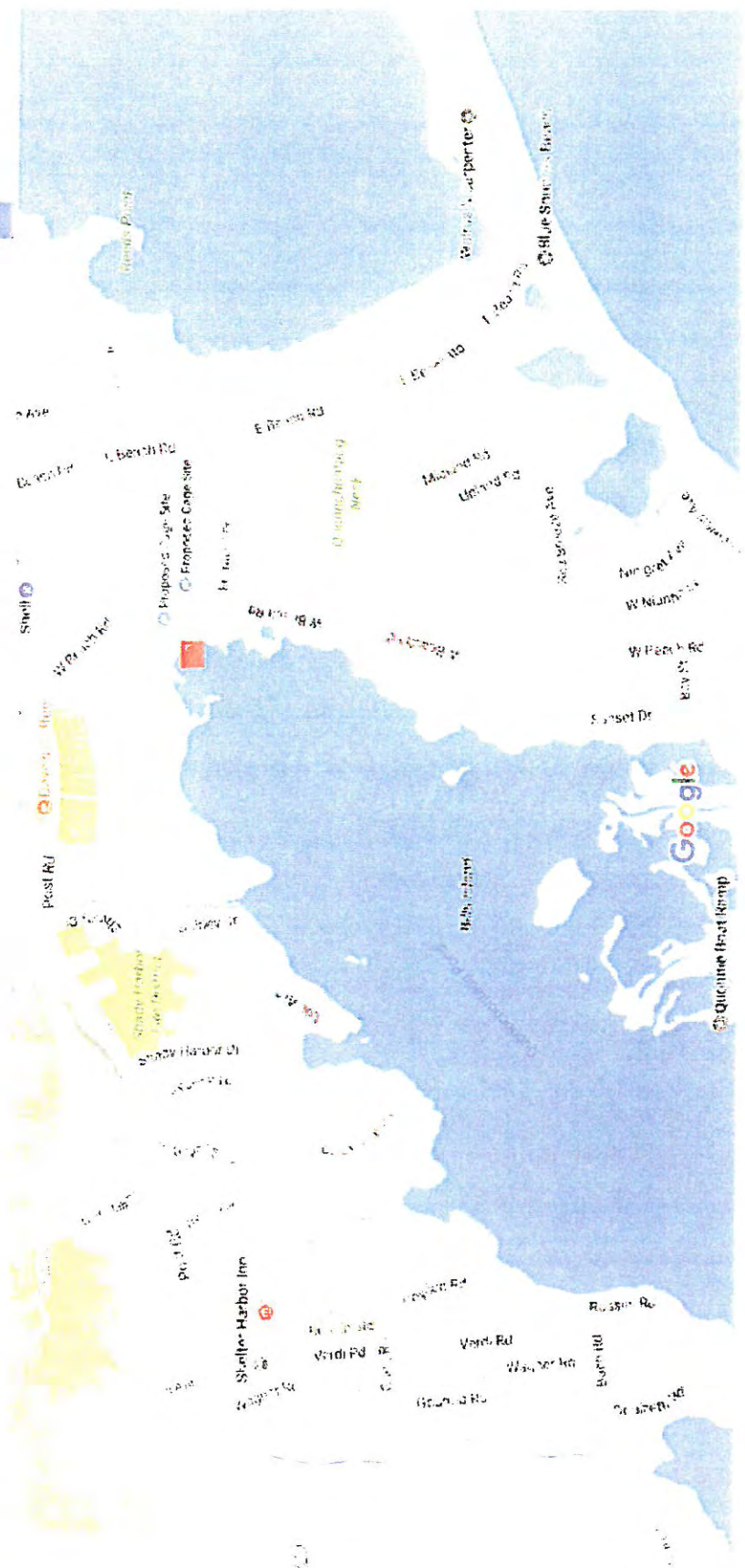
Approved Aquaculture Leases in Rhode Island



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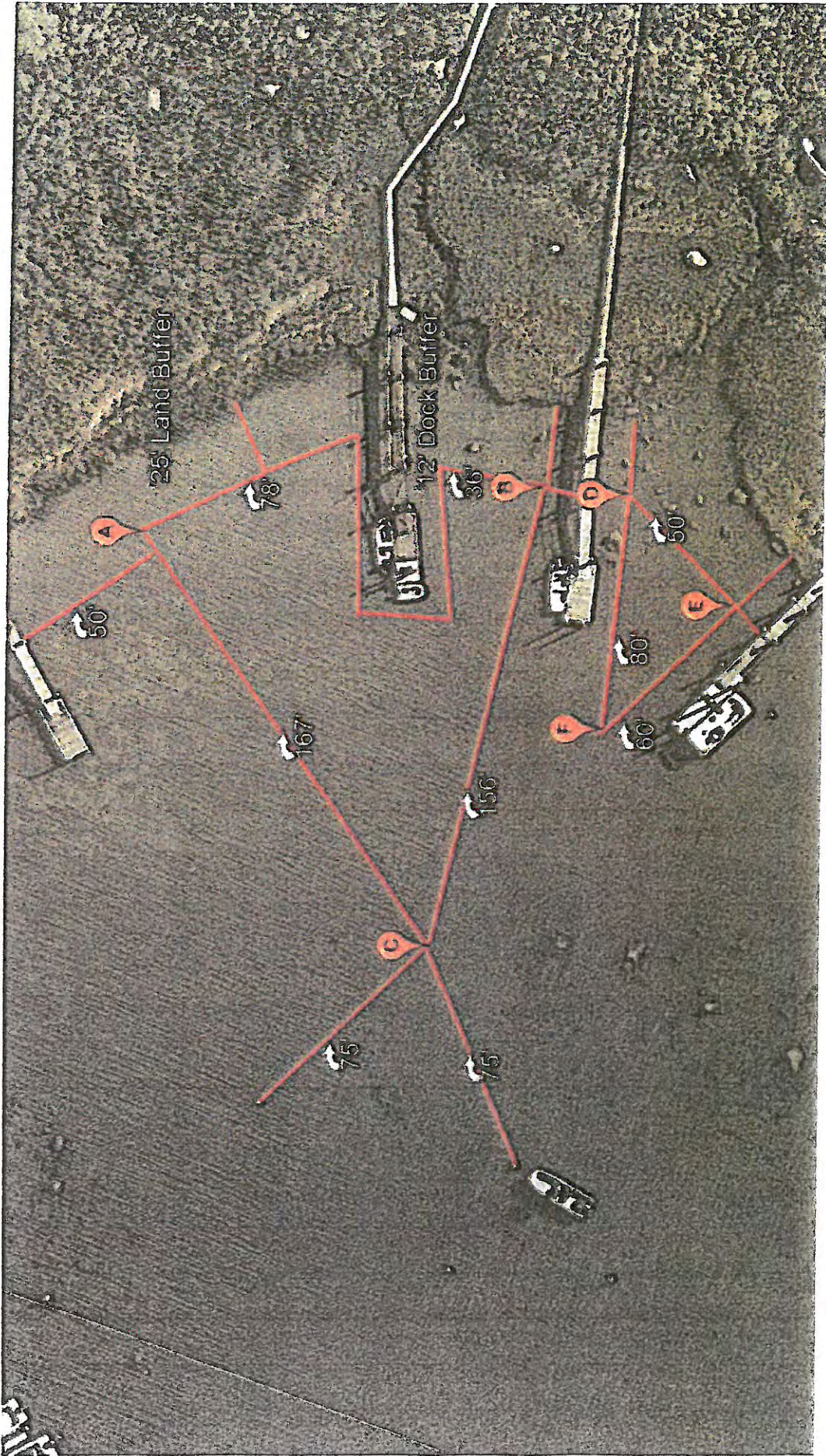


Keeley 11/20/17 - Map Location



Map data ©2017 Google 1000 ft

Keeley 11/20/17 - Site Dimensions, GPS Coordinates and Mean High & Low Tide Measurements



Corner Identification	GPS Location	Mean Low Tide	Mean High Tide
A	41°21'5.41"N 71°42'32.78"W	7"	37"
B	41°21'4.23"N 71°42'32.00"W	7"	37"
C	41°21'4.06"N 71°42'34.01"W	2'1"	5'1"
D	41°21'3.96"N 71°42'31.90"W	7"	37"
E	41°21'3.51"N 71°42'32.19"W	7"	37"
F	41°21'3.77"N 71°42'32.88"W	1'6"	4'6"

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MANAGEMENT COUNCIL

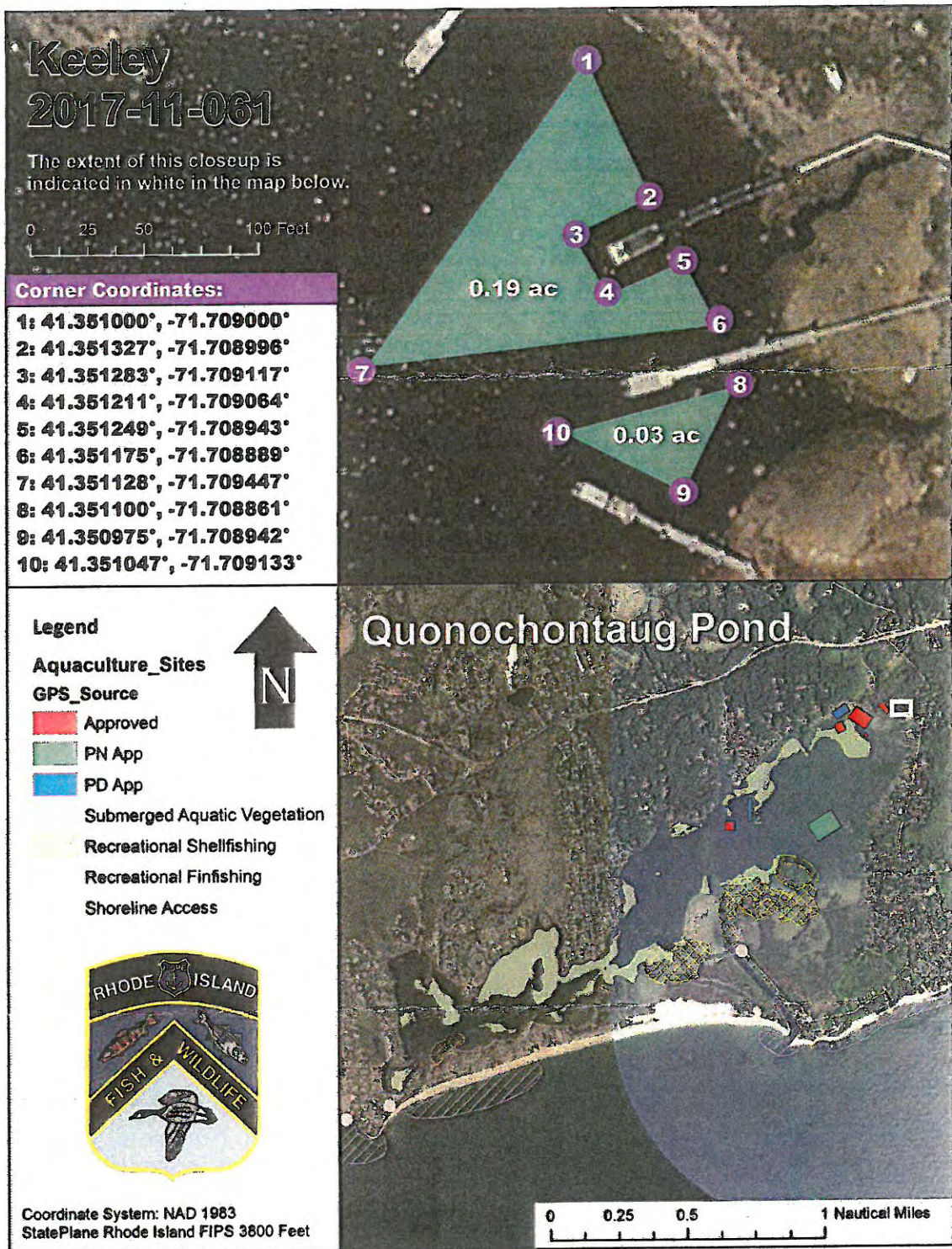


Figure 1. Map of Keeley site (PN 2017-11-061) in Quonochontaug Pond with coordinates in decimal degree format and a 12' buffer around the applicant's dock.

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Keeley 11/20/2017 - Exhibit 1 - Hunt Support Letter

John Hunt, President
Planned Environments Corp.
139 West Beach Road
Charlestown, RI 029813

November 11, 2017

Coastal Resource Management Council (CRMC)
4808 Tower Hill Rd # 116
Wakefield, RI 02879

Dear CRMC,

I am the owner of the property located directly to the south of Mark Keeley's proposed sub-tidal rack and bag oyster application. I am writing in strong support of his application. Mr. Keeley's proposed oyster bags and racks will be positioned under the surface of the water, completely out of sight and completely in keeping with my full use of the Pond. Mr. Keeley's plan will not detract from the recreational use of the Pond in any way.

Respectfully yours,


John Hunt, President
Planned Environments Corp.



Keeley 11/20/2017 - Exhibit 1 - Massimi Support Letter

Charles and Pamela Massimi
147 West Beach Road
Charlestown, RI 029813

November 11, 2017

Coastal Resource Management Council (CRMC)
4808 Tower Hill Rd # 116
Wakefield, RI 02879

Dear CRMC,

I am writing this letter to voice my wholehearted support for the sub-tidal rack and bag oyster application submitted to you by my neighbor, Mark Keeley. Oysters provide a great benefit to the health of Quonnochohtaug Pond, especially in front of my property located at the remote, northern end of the Pond where water flow is minimal. I sincerely look forward to the clean water that the oysters will provide. Mr. Keeley's proposed oyster bags and racks will be positioned under the surface of the water, completely out of sight and completely in keeping with the harmony of the Pond. Mr. Keeley's plan will not detract from the recreational use of the Pond for me and or anyone else in any way at any time.

Respectfully yours,


Charles and Pamela Massimi



Dave Beutel

From: Dick Pastore <rpengri@gmail.com>
Sent: Monday, December 11, 2017 10:07 AM
To: 'Dave Beutel'; 'Steve Medeiros'; 'Azure Cygler'; 'Robert Rheault'; 'Robert Ballou'; 'Rich Fuka'; mclamdigger@aol.com; Taylor.M.Bell@usace.army.mil; larry.mouradjian@dem.ri.gov; 'Dennis Erkan'; 'Prescott, David'; 'Leavitt, Dale'; gvdwood@cox.net; 'Art Ganz'; saltpondscoalition@gmail.com; 'Jim Arnoux'; 'Dave Reis'; 'Jeff Grant'; 'Jeff Gardner'; 'Katie Eagan'; kurt.blanchard@dem.ri.gov; 'Michael A. Rice'; 'Rich Hittinger'; FVThistle@verizon.net; 'Rick Bellavance'; cgreinstrategies@gmail.com; lad0626@aol.com; 'Catherine White'; 'Gerald Shey'; 'John Torgan'; 'Jerry Carvalho'; 'Steve McCandless'; 'Rob Lyons'; 'Tom Frost'; 'David Keil'; 'Tracey Dalton'; 'Virginia Lee'; cindy.hannus@dem.ri.gov; travisbarao@gmail.com; mroderick@towndock.com; maridee2@gmail.com; 'Livermore, Julia (DEM)'; 'Rob Krause'; 'Justin Vail'; suemarinaro@me.com; michaelaonosoko@gmail.com
Cc: ontherocksri@gmail.com; mvv1020.com@live.com; jdbruno1@cox.net; scott.wakeman@verizon.net; chaplinbbarnes@yahoo.com; granawhit@aol.com; executivedirector@weekapaugfoundation.com; rasmith@msn.com; joseph.t.macandrew@pfizer.com; tmwesterly@cox.net; james.j.federico@pfizer.com; harveyperry2@gmail.com; 'Mark Stankiewicz'; 'Charles Glew'; 'Alison Verkade - NOAA Federal'; 'Jody King'; 'Mcmanus, Conor (DEM)'; ckarp@brown.edu; 'Beuth, Joshua (DEM)'; 'Jason Peet'; 'Jason McNamee'; 'Amanda Turco'; 'Phil Capaldi'; 'timothy gilchrist'; 'Jennifer Harrington'; 'Mark J. Keeley'; 'David Lovesky'; karenmcarthur@hotmail.com; 'Bill Wilson'
Subject: RE: 30 day public notice Quonochontaug Pond
Follow Up Flag: Follow up
Flag Status: Flagged

dave
 I understand that this is a bottom plant application. the water is quite shallow as noted in the application. the area under request is within the area of three docks one of which I believe will be used by the applicant to service the farm. the aerial photograph contained in the application shows a number of small boats at anchor further seaward of the proposed farm. the gear will be connected with 3/8" dacron lines which are not buoyant and will probably become even more anti-buoyant with the growth of an assortment of submerged flora and fauna. the cages will be placed 12' from adjacent docks. I m assuming that each of the docks belongs to separate residential properties which can be seen in google earth.

the shallowness of the water, the closeness of the cages to the docks and the fact that the docks are privately owned and used to access the pond may be an issue. the 12' separation from the adjacent docks would appear to me to be problematic during certain conditions for navigation to and from the structures. I can see a situation where someone is approaching the dock with a small motorized skiff and sucks the 3/8 dacron line into the prop. I assume the property owners of some radius have been notified. from what I can tell there appears to be use conflicts which should be addressed therefore at this point I object to the application.
 dick

Richard L. Pastore P.E.
 RP Engineering, Inc
 121 Suffolk Drive
 North Kingstown, RI 02852
 401 885 7255
 www.RPENGRI.COM

From: Dave Beutel [mailto:dbeutel@crmc.ri.gov]
Sent: Monday, December 11, 2017 8:08 AM

Dave Beutel

From: Darlene Mahoney <dodimahoney@yahoo.com>
Sent: Friday, January 05, 2018 1:51 PM
To: Dave Beutel
Subject: OBJECTION to file # 2017-11-061

Dear Mr. Dave Beutel:

This wiring is to express my strong objection to CRMC file number 2017 - 11- 061. This is the application for Subtidal Oyster Racks near 119 West Beach Road on Quonochontaug Pond.

I strongly object to this request for the following reasons:

- 1). It is very concerning and a poor precedence to approve the operation of a business venture in a residential area. This is a statement that Virginia Lee - Charlestown Town Council president voiced at the hearing on this matter on October 2, 2017. I agree at 100%.
- 2). Cages and bags of oysters in the water near my dock will limit my use of the water in the area that I utilize frequently.
- 3). Cages and bags of oysters poses a risk of injury to my family - including adults, children and dogs.
- 4). The oyster farming spots need to be located in areas that are not frequently used by boaters, kayakers, paddle boarders, swimmers, etc. The risk of injury and limitation of recreational use should prevent a business from this area.

Can you kindly acknowledge your receipt of this objection?

Best Regards:

Darlene Mahoney

On Friday, January 5, 2018, 11:13:17 AM EST, Dave Beutel <dbeutel@crmc.ri.gov> wrote:

David Beutel
 Coastal Resources Management Council
 Aquaculture Coordinator
 Oliver Stedman Government Center
 4808 Tower Hill Road
 Wakefield, RI 02879
 401-783-3370

Brittany Spurlock

From: Dave Beutel <dbeutel@crmc.ri.gov>
Sent: Friday, June 22, 2018 8:16 AM
To: Brittany Spurlock
Subject: FW: Opposition to file # 2017-11-061
Attachments: Screen Shot 2018-06-21 at 9.27.10 AM.png; Screen Shot 2018-06-21 at 9.26.45 AM.png; Screen Shot 2018-06-21 at 9.26.22 AM.png; Screen Shot 2018-06-21 at 9.25.54 AM.png

From: Darlene Mahoney [<mailto:dodimahoney@yahoo.com>]
Sent: Thursday, June 21, 2018 12:30 PM
To: Dave Beutel; Rob Lyons; Karen McArthur
Subject: Opposition to file # 2017-11-061

Dear Mr. Dave Beutel:

As a land and dock owner adjacent to the proposed site for an Oyster Farm (file # 2017-11-061), I want to reiterate my strong opposition.

We utilize this area for recreation, and the oyster bags will interfere. Other residents go clamming and crabbing in this area, and utilize the Pond for recreation. The oyster bags will interfere. This area frequently has paddle boarders and kayaks using this area. The visual pollution caused by an oyster farm is unacceptable. The water level at low tide in this section of Quonochontaug Pond is very low - cages/bags will be visible unless they are beneath the ground. It also seems against town regulation to mix a residential area with a commercial project. Approval will set a frightening precedence.

Attached is a series of photos captured over the last 2 weeks of my young dog running in the water - exactly where the proposed cages would be. She would potentially be injured if running over oyster cages/bags. A video is available.

As a solution - please locate a remote for Oyster farming area on Quonny.

Sincere Regards:

Darlene Mahoney









Charlestown – Coastal Ponds Management Commission
Dave Beutel – Coastal Resource Management Council
Oyster Farm Application (Keeley 2017.11.061)
Comments from William H. Wilson (wilson.wm.h@gmail.com) Charlestown RI

This application is in a remote location and would seem to be suitable for Aquaculture use. However, the proposed location violates numerous regulations established for the safe use of the pond. If exceptions are made for this application it will affect all existing farms and all future applications.

Recreation - What is the effect on recreation

Clamming – In the East West Farm portion of Quonnie pond clamming is restricted by Shell fish Spawning area, DEM research reefs, other Aquaculture locations, there is very limited clamming area remaining and this would further reduce recreational access. This concern was already addressed by the Charlestown CPMC in the DEM application for placement of research reefs.

Kayak, Paddle Board – Bottom racks & bags would be 1 inch below the water surface at MLT, insufficient clearance would exist for any type of watercraft use.

Boating Power – Rack & Bags would be between 1inch and 2 feet of the water surface at MLT, Insufficient clearance would make all power boat use unsafe.

Fishing – Racks and Cages would prohibit any fishing in this area. It is common for small boats launched at the Breachway to Bass fish along the eastern shore of Quonnie Pond.

Mooring field – A minimum of 50 ft. from mooring field – Chapter 96, section 15, A1, A2

In the Harbor Management Plan is Mooring Field East West Farm / Quonochontaug Yacht Club. This mooring field extends to within 50 feet of shore and 50 feet of the docks. These setbacks have been established by HMP & CRMC to maintain safe access to shore and docks

Portions of the oyster farm are within a designated Mooring Field.

Documentation from the Harbor Master that no current moorings are within 50 feet of the proposed Oyster Farm does not preclude the fact that placement of the farm within 50 ft. of a mooring field would be a violation of the HMP and create a safety issue.

According to the HMP and CRMC any revision of the size or location of a mooring field requires Charlestown Town Council Approval.

The oyster farm boundaries must be modified and are required to be 50 ft. from a mooring field.

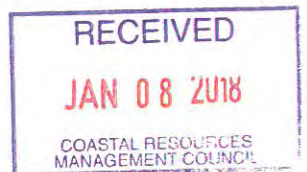
Dock access – A minimum of 50 ft. from Dock - Chapter 96, section 15, A1, A2

HMP and CRMC require that Mooring fields be at least 50 feet from a Dock to enable safe access to the dock. This same regulation has been applied to Aquaculture equipment.

This application has modified on the northern boundary to allow 50 ft. clearance from the Northern most dock.

The applicant has obtained written letters from the other 2 dock owners granting consent to violate the safety regulation. Safety regulation are in place for a purpose and a letter by the homeowner of the Dock in support of oyster farm cannot be used to nullify the regulation.

The oyster farm needs to be modified to comply with the 50-foot rule on all boundaries.



HMP – Coastal Ponds set back minimum distances – 12.5 feet from the center line of all fairways from egress paths to shore side structures. Chapter 96, section 15, B1, B2, B3

Therefore, the Egress needs to be 25 feet in width, no egress is provided to the northern most dock. It is surrounded by oyster farm and therefore has no safe access.

Boating over Aquaculture Equipment – CPMC has established 6ft clearance at MLT.

No power boating would be allowed in the oyster field do to shallow water.
The dock surrounded by Oyster farm could no longer be used by power boats.

High Occupancy Location – Effect on the existing farms in close proximity.

East Beach Farm application 2017.09.012 dated 8.9.17 on page 1 paragraph 3.
EBF is applying for additional 6 acres aquaculture site not adjacent to his current locations.
The reasons for his selection of the new location, as stated in the application are;

“I am concerned about the effects of being surrounded by Other leases.”

“Multiple farms clustered together, in his experience have a Negative impact on growth, meat condition, disease and mortality rate.”

If EBF is requesting expansion to a none adjacent location for the reasons provided, then we can conclude that this application if approved could have a negative effect of existing farms, according to Jim Arnoux, an experienced, well respected oyster farmer, owner of EBF.

12.11.2017 email from RP Engineering in response to CRMC Public Notice of this Application.

the shallowness of the water, the closeness of the cages to the docks and the fact that the docks are privately owned and used to access the pond may be an issue. the 12' separation from the adjacent docks would appear to me to be problematic during certain conditions for navigation to and from the structures. I can see a situation where someone is approaching the dock with a small motorized skiff and sucks the 3/8 dacron line into the prop. I assume the property owners of some radius have been notified. from what I can tell there appears to be use conflicts which should be addressed therefore at this point I object to the application.

dick

Richard L. Pastore P.E. RP Engineering, Inc

[121 Suffolk Drive North Kingstown, RI 02852](mailto:121.Suffolk.Drive.North.Kingstown.RI.02852)

[401 885 7255](tel:401.885.7255) www.RPENGRI.COM

Submitted by: Bill Wilson, 22 Bay Street, Charlestown RI

Attachment A - Town of Charlestown Coastal Pond Management Commission (CPMC) Letter

Charlestown Coastal Pond Management Commission
Town of Charlestown
4540 South County Trail
Charlestown, RI 02813

February 5, 2018

Town Council
Town of Charlestown
4540 South County Trail
Charlestown, RI 02813

Dear Town Council,

The Charlestown Coastal Pond Management Commission reviewed CRMC Application 2017-11-061 at the January 8th Commission meeting. The application is for an Aquaculture lease located inshore around three existing docks in the Northeast corner of Quonochontaug Pond. The lease proposed would consist of a rack and bag system for growing out seed oysters. There would be approximately 60 racks in about a one-third acre of sub-tidal waters.

The Commission made a recommendation to oppose the application on the following concerns:

1. The depth of water where the racks will be located appear to be too shallow on the inshore side to be completely underwater at low tide. Applicant should be asked to demonstrate that the racks will be truly out of site as indicated in application.
2. Portion of the lease will be located in an existing Mooring Field. Coastal Pond Commission has not received any request to amend present mooring field.
3. Applicant is claiming that the zoning of the adjacent property allows farming by ordinance. Commission request the Town clarify by Solicitor if Aquaculture is considered farming by ordinance.
4. Placement of lease around permitted docks. Even though effected dock owners filed a letter of non-objection, this should not relieve the setback for safety reasons and future property owners.

Therefore, the Charlestown Coastal Pond Management Commission hereby request the Town Council endorse the recommendation to object to the Aquaculture Lease Application 2017-11-061 as submitted to RI CRMC dated December 11, 2017

Respectfully Submitted
Robert J Lyons
Chairman



Town Administrator
4540 South County Trail
Charlestown, RI -02813



TOWN OF CHARLESTOWN

Tel . (401) 364-1210
Fax (401) 364-1238



February 15, 2018

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

RE: CRMC Application 2017-11-061 / Mark Keeley / Quonochontaug Pond

Honorable Members of the Coastal Resources Management Council:

At a meeting held on February 12, 2018, the Charlestown Town Council met to discuss the aquaculture application of Mark Keeley, identified as CRMC File Number: 2017-11-061. The application is for a sub-tidal oyster farm using a rack and bag system in Quonochontaug Pond. According to the application, up to 60 racks, with oyster bags on top, would be moored in the two-part site, and all would be connected by 3/8" line.

The discussion was held at an open public meeting held at the Charlestown Town Hall. In addition to reviewing the CRMC application, the Town Council received written statements from the Charlestown Coastal Ponds Management Commission and from the Town's Certified Building Officer/Zoning Agent. The Council also received verbal comments from Coastal Ponds Management Commission member William Wilson, Charlestown Harbormaster Justin Vail and Charlestown resident Leon Manelli. The applicant was also present, discussed his proposal with the Town Council, and replied to questions presented.

After a review of the written documents and verbal testimony, the Town Council voted to object to the application as proposed. The Town Council also authorized the Town Administrator to submit this letter citing the Council's objections to the application as proposed. These objections include:

- The proposed aquaculture field comprises a good-sized area, surrounds several existing docks and boating facilities, and is located in the northeast area of Quonochontaug Pond in an existing mooring field. Quonochontaug Pond is a very popular and busy water-based recreation area, which includes but is not limited to boating, fishing, swimming, kayaking, paddle boarding, canoeing, sail boarding, and clamming. The proposed aquaculture field will not be compatible with the other existing and potential uses of the area around the docks and in the existing mooring field. The Council has found that although the affected dock owners have filed a letter of non-objection, their waiver of the setback requirement does not relieve the applicant from the dock fairway setback requirement for safety reasons and cannot be waived by dock owners.

10



- The proposed field encompasses a substantial area of the mooring field in Quonochontaug Pond and due to its location and the depth of water will preclude almost every other use and user from the field area – essentially creating a zone of exclusivity barring the public’s use of the field area, especially at low tide but also at high tide essentially eliminating all water-based recreational activity in the proposed area.
- The Town staff has determined that although the applicant asserts the structures, gear and methods of his operation plan are for the facilities to be completely underwater, this assertion is not supported by the Town’s analysis. In fact, the Town’s staff has determined that the facility will be exposed at high and low tide events – resulting in a visual, water-based recreation and navigation obstruction.
- Quonochontaug Pond has several aquaculture operations already permitted and all are located within the municipal boundaries of Charlestown. Quonochontaug Pond is about equally divided between the municipal boundaries of Charlestown and Westerly. Yet Charlestown is being asked to bear the entire burden of aquaculture operations located in Quonochontaug Pond. The Charlestown Town Council finds this arrangement unacceptable and not equitable.
- The applicant asserts in his application, “applicant’s adjacent property to the proposed Site complies with all R3A local zoning requirements...” (Keeley App., p.9, Sec. 300.1 B. Requirements (2)). The Charlestown Building and Zoning Official has determined that this assertion is not accurate. The Town Building and Zoning Official has determined, “I cannot agree with the applicant’s statement that the use is a permitted use in the R3A Zone (Residential 3 Acre) pursuant to the Town’s Zoning Ordinance...” (Letter from Joseph Warner to Town Council dated Feb. 7, 2018). The Town Council finds that the applicant has not sufficiently demonstrated the capacity to carry out the proposed activities. In fact, the Town Council is concerned that as proposed by the applicant, the activities will likely violate relevant terms of the Zoning Ordinance and may create a public nuisance in the neighborhood. Furthermore, the applicant proposes to transport equipment and product over his residential dock that the Town Council understands is not a permitted use by CRMC standards.
- As stated, Town staff has determined that the proposed field and its gear will be visible in varying degrees at both low and high tide events. Area residents and water-based recreation users will be subjected to objectionable visual obstructions from the gear that will significantly and substantially impair the scenic value and serenity of this area of Quonochontaug Pond. The Town Council finds this impact unnecessary and that the proposed activities will cause significant and substantial negative impacts on the scenic qualities of the area.

Based on the foregoing, the Town of Charlestown, strongly urges the Coastal Management Resources Council to deny the application as proposed. Thank you for your time and consideration in this matter. Please feel free to contact me directly at 401-364-1210 or by email at mstankiewicz@charlestownri.org should you have any questions or need additional information.

Sincerely,

Mark Stankiewicz
Town Administrator



COASTAL POND MANAGEMENT COMMISSION MINUTES
Police Station
Charlestown, Rhode Island

April 2, 2018

Chairman Rob Lyons declared a quorum was present. And called the meeting to order at 7:32 PM.

Present:

Chairman Rob Lyons
Mike Roy
Jeffrey Burns
Rich Thomsen
Bill Wilson
Charles Glew
Robert Krause

Absent:

Guests:

Mark Keely

Town Staff:

Harbormaster Justin Vail

Secretary's Report:

Upon motion duly made by Rich Thomsen and seconded by Charles Glew it was voted to approve the minutes of the February 5, 2018 meeting. Bill Wilson abstained.

Financial Report:

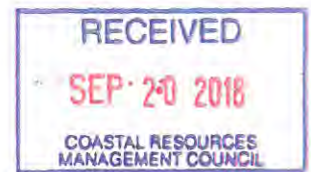
Harbormaster Justin Vail reviewed Actual vs. Budget – February/March 2017 (FY 2017-2018).

Harbormaster Report:

Quiet February / March due to weather. Harbormaster Justin Vail is preparing channel markers and will begin installation in April with goal to complete by May 1. Upon installation using 2017 coordinates, the markers will be adjusted as necessary to align w/ channel movement. Discussed storm preparedness and recovery plan and town liability.

New Business

Old Business:



Harbor Management Plan (HMP) –96-1 - Minor comments from Kevin Cute (CRMC) as reviewed by Harbormaster Justin Vail. Language used for page 11, 7b still needs to be finalized.

CRMC Application 2017-11-061 (Mark Keely) – Mark Keely hosted a site visit for inspection of distances, proximity to docks, water depth and under water cage design. Mark Keely to submit a single set of changes to DEM in preparation for DEM final hearing in providence. Mark Keely reviewed planned modifications to Application 2017-11-061 that include:

- Aquaculture site area reduced in size
- Floating cages eliminated
- Aquaculture site moved into deeper water to accommodate underwater cages
- Aquaculture site located 75' from moorings
- Landside support to be removed from the application

Charlestown zoning officer opined via letter that aquaculture operations are not permitted on R3A zoned property abutting the aquaculture site.

Upon motion duly made by Jeff Burns and seconded by Mike Roy it was voted (4-2) to adjust mooring field 1-1 (Quonnie Yacht Club) to increase distance from CRMC Application 2017-11-061 and eliminate some un-navigable shallow/rocky waters.

- 4 (yes) – Jeff Burns, Mike Roy, Rich Thomsen, Rob Krause
- 2 (no) – Bill Wilson and Charles Glew

Implementing new goals of HMP

- Obtain DEM/science that dictates mooring limit in Quonnie and Ninigret – Increase availability of mooring permits- Harbormaster Justin Vail to work with Matt (Waste Water) for letter to DEM/contact to collect information.
- Re-design/Re-organize mooring fields - Harbormaster Justin Vail to draft an initial plan.
- Land side support (i.e. dinghy area) – Draft document to outline land side support.

Public Comment:

None

Upon motion duly made by Bill Wilson and seconded by Rob Krause it was voted unanimously to adjourn at 9:27 P.M.

Respectfully submitted,

Approved: As written
 As amended

Date: May 7, 2018

Rob Lyons

12
Mr. Mark J. Keeley
9 Bainbridge Road
West Hartford, CT 06119

April 16, 2018

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

Dear Mr. Beutel;

I am writing this letter to ask for your consideration of proposed amendments to my November 20, 2017 Application for State Assent Number 2017-11-061. I recognize that my application in its present form is in compliance with regulations promulgated by the State of Rhode Island Coastal Resources Management Council (CRMC). However, I would like to make a gesture of goodwill to the Town of Charlestown Town Council by modifying my application to include compromises that address the four (4) points articulated in the February 5, 2018 Town of Charlestown Coastal Pond Management Commission (CPMC) letter (Attachment A), as follows:

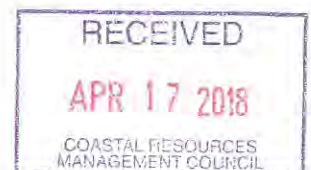
- CPMC Point: "The depth of water where the racks will be located appear to be too shallow on the inshore side to be completely underwater at low tide. Applicant should be asked to demonstrate that the racks will be truly out of site as indicated in application."
Compromise: On March 20, 2018 I hosted the CPMC members on a visit to my proposed site where I demonstrated that all of my cages will remain under water at all times, especially if I move the shallowest, northern most point of my site 67' from shore, which I have done in the revised site diagram (Attachment B). This diagram represents a reduction in the size of my originally proposed site from approximately 1/3rd of an acre and 60 cages to approximately 1/6th of an acre and 30 cages.
- CPMC Point: "Portion of the lease will be located in an existing Mooring Field. Coastal Pond Commission has not received any request to amend present mooring field."
Compromise: On March 2, 2018 I submitted a formal letter (Attachment C) to the Town of Charlestown Harbor Master and CPMC member, Mr. Justin Vail, to formally request an amendment to the mooring field on the basis that no portion of my proposed aquaculture site is located in an area that is conducive to boat mooring. On April 2, 2018 I attended the CPMC meeting where the CPMC formally approved my mooring field amendment request by a majority vote of the members. Also, the Harbor Master acknowledged that my proposed site is required to be 50' away from the closest mooring, but he asked me to move my site 75' feet from the closest mooring, which happens to be the mooring used by the Harbor Master. As an additional gesture of goodwill, I have positioned my proposed site 75' away from the closest mooring.
- CPMC Point: "Applicant is claiming that the zoning of the adjacent property allows farming by ordinance. Commission request the Town clarify by Solicitor if Aquaculture is considered farming by ordinance."
Compromise: On February 12, 2018 I attended the Charlestown Town Council meeting and told the Council that I would completely abdicate my legitimate right to perform land-based aquaculture farming activities on my land, if the Council is willing to reasonably consider the compromises I am proposing to every one of their objections, which I am formally doing in this letter.
- CPMC Point: "Placement of lease around permitted docks. Even though effected dock owners filed a letter of non-objection, this should not relieve the setback for safety reasons and future property owners."
Compromise: After extensive research and discussion with the CPMC, no regulation exists in the State of Rhode Island or the Town of Charlestown regarding a "setback for safety reasons" between a dock and aquaculture gear. In fact, two of the three docks that exist within 50' of my proposed site are owned by volunteers in the former Oyster Gardening for Restoration and Enhancement (OGRE) program that had been hosted by Roger Williams University, whereby oyster cages were connected to many docks throughout Rhode Island for over 10 years without any detrimental impact to the safety of people, boats, docks, or aquaculture gear. Nevertheless, I have configured my revised site diagram to show a 50' "boat safety turning buffer" next to each adjacent dock to continue to allow safe boat and dock use by the dock owners, each of whom have provided letters of support that have been included in my original application.

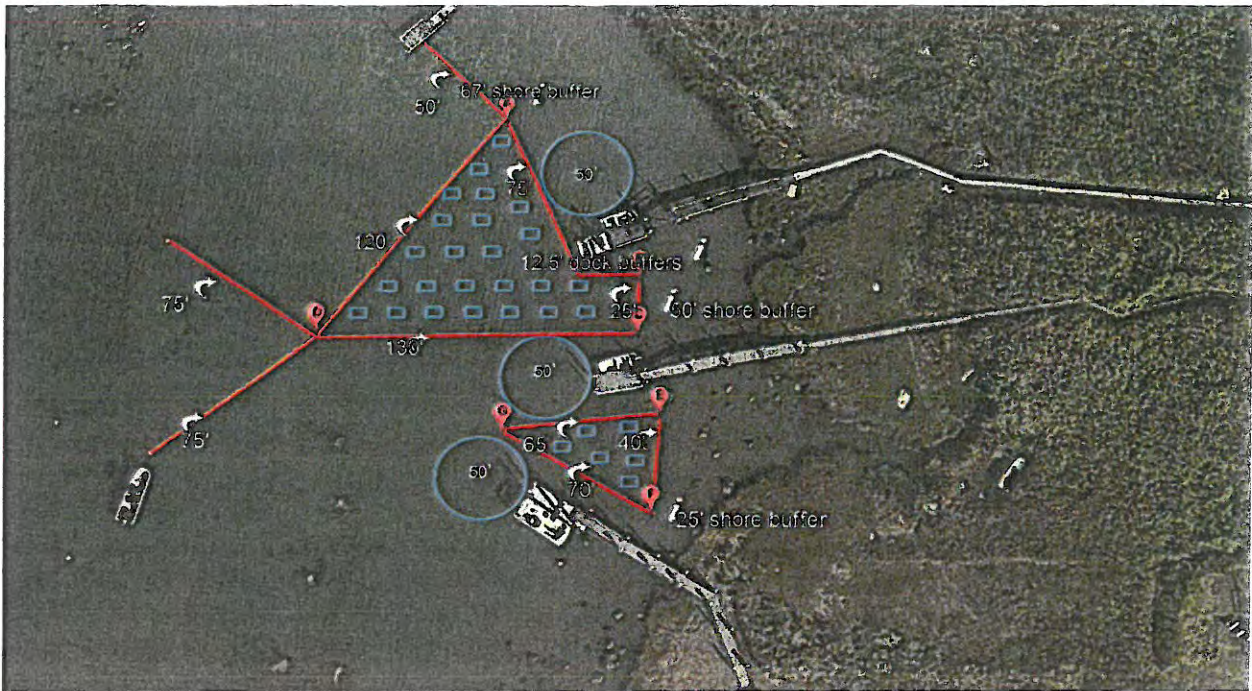
Also, my original application included my 2017 State of Rhode Island Department of Environmental Management (DEM) Aquaculture License Number 000122. Starting in 2018, I formed a limited liability company, QK LLC, with DEM Aquaculture License Number 000125.

Sincerely,

Mark J. Keeley

Mark J. Keeley





Corner Identification	GPS Location	Mean Low Tide	Mean High Tide
A	41°21'4.99"N 71°42'33.07"W	9"	2'9"
B	41°21'4.38"N 71°42'32.32"W	9"	2'9"
C	41°21'4.14"N 71°42'34.31"W	1.1"	3'1"
D	41°21'4.06"N 71°42'34.01"W	2.1"	4'1"
E	41°21'3.84"N 71°42'32.07"W	9"	2'9"
F	41°21'3.51"N 71°42'32.19"W	9"	2'9"
G	41°21'3.77"N 71°42'32.88"W	1'6"	3'6"

RECEIVED
 APR 17 2018
 COASTAL RESOURCES
 MANAGEMENT COUNCIL



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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

January 10, 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 Mark Keeley for a small sub-tidal rack and bag oyster farm (File number 2017-11-061). The proposed location for this site is in waters approved for shellfish harvesting located in Quonochontaug Pond GA11QW Harvest Area 6Q in the town of Charlestown .

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.

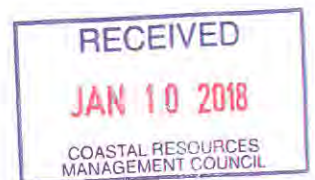
In the effort to address increasing water temperatures and the potential threat of a Vibrio Illness outbreaks we are asking all lease holders to monitor water temperature at their lease site and keep records of actual temperatures of bottom, surface and at the depth waters where the shellfish are being 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, Principal Environmental Scientist
RI DEM
Office of Water Resources – Shellfish Program

cc Angelo Liberti
Conor McManus
Dennis Erkan
Julia Livermore





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

January 10, 2018

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

Re: Keeley Lease Application # 2017-11-061

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 Mark Keeley for a proposed two-site (0.19 and 0.03-acre) aquaculture lease in Quonochontaug Pond for cultivating eastern oysters (*Crassostrea virginica*) using the rack and bag system.

The DMF and DFW believe that the adverse impacts to marine fisheries and wildlife and their habitat from the prospective sites would be minimal. As such, the DFW and DMF do not have objections to this application.

However, the coordinates provided in the public notice appear to be incomplete. Given the applicant's map recommends a 12' buffer around the applicant's dock, the DMF has produced a map showing the coordinates on record for the Department (Figure 1). We recommend that these coordinates be used in the assent issued by the Coastal Resources Management Council if the application is approved. DMF and DFW staff also recommend that the final assent include written consent from the neighboring dock owner (the dock that is situated between the northern and southern sites of the lease area) to avoid future disputes. The Department's acceptance of the current proposal is specific to the location and specifications outlined in the application.

Sincerely,

Dean Hoxsie,
Acting Associate Director for Natural Resources





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

Andrew Dangelo

Jeff Grant

William
Mackintosh, III

Christopher Rein

Michael Rice, Ph.D.

Michael Roderick

June 19, 2018

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

Re: CRMC Aquaculture Lease Application # 2017-11-061 – Keeley – Quonochontaug
Pond, Charlestown

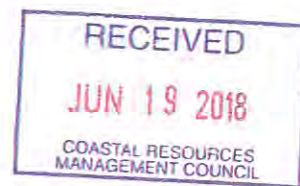
Dear Mr. Beutel:

Pursuant to RIGL §20-10-5, the above-referenced application was brought before the RI Marine Fisheries Council (hereafter "Council" or "RIMFC), via the Council's Shellfish Advisory Panel, on May 9, 2018 for review. The Panel found that the proposal poses no inconsistency with competing uses engaged in the exploitation of marine fisheries in the area. In accordance with RIMFC Policy, the recommendation of the Panel constitutes the recommendation of the Council, unless there is a request to bring the matter before the full Council. Given that no such request was made on this matter, the Panel's recommendation stands and the Council's review is complete.

Sincerely,

Robert Ballou, Chair
RIMFC

cc: RIMFC





State of Rhode Island and Providence Plantations
 Coastal Resources Management Council
 Oliver H. Stedman Government Center
 4808 Tower Hill Road, Suite 3
 Wakefield, RI 02879-1900
 (401) 783-3370 Fax (401) 783-2069

APPLICATION FOR STATE ASSENT

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

Applicant's Name: Mark J. Keeley		File No (CRMC use only): <i>2017-11-061</i>
Mailing Address: <u>9 Bainbridge Road</u>		Res. Tel. # <u>(860) 604-0696</u>
City/Town: West Hartford State: CT Zip Code: 06119		Bus. Tel. # <u>Same as Res.</u>
Waterway: Quonochontaug Pond Est. Project Cost \$ 5,000		Fee/Costs: \$ 150
Longitude/latitude of all corners of Proposed Aquaculture Project Location (preferably in decimal degrees): A - 41°21'5.41"N 71°42'32.78"W D - 41°21'3.96"N 71°42'31.90"W B - 41°21'4.23"N 71°42'32.00"W E - 41°21'3.51"N 71°42'32.19"W C - 41°21'4.06"N 71°42'34.01"W F - 41°21'3.77"N 71°42'32.88"W		

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

No

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

Yes _____ No X

If yes, you must indicate NOV or C&D Number _____

Is this site within a designated historic district? No

Mark J. Keeley Mark J. Keeley

Owner's Signature (sign and print)

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

NOTE: The applicant acknowledges by evidence of their signature that they have reviewed the Rhode Island Coastal Resources Management Program, and have, where possible, adhered to the policies and standards of the program. Where variances or special exceptions are requested by the applicant, the applicant will be prepared to meet and present testimony on the criteria and burdens of proof for each of these relief provisions. The applicant also acknowledges by evidence of their signature that to the best of their knowledge the information contained in the application is true and valid. If the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then the permit granted under this application may be found to be null and void. Applicant requires that as a condition to the granting of this assent, members of the CRMC or its staff shall have access to the applicant's property to make on-site inspections to insure compliance with the assent. This application is made under oath and subject to the penalties of perjury. 01/17

PLEASE REVIEW REVERSE SIDE OF APPLICATION FORM

STATEMENT OF DISCLOSURE AND APPLICANT AGREEMENT AS TO FEES

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

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

Mark J. Keeley

11/20/2017

Signature

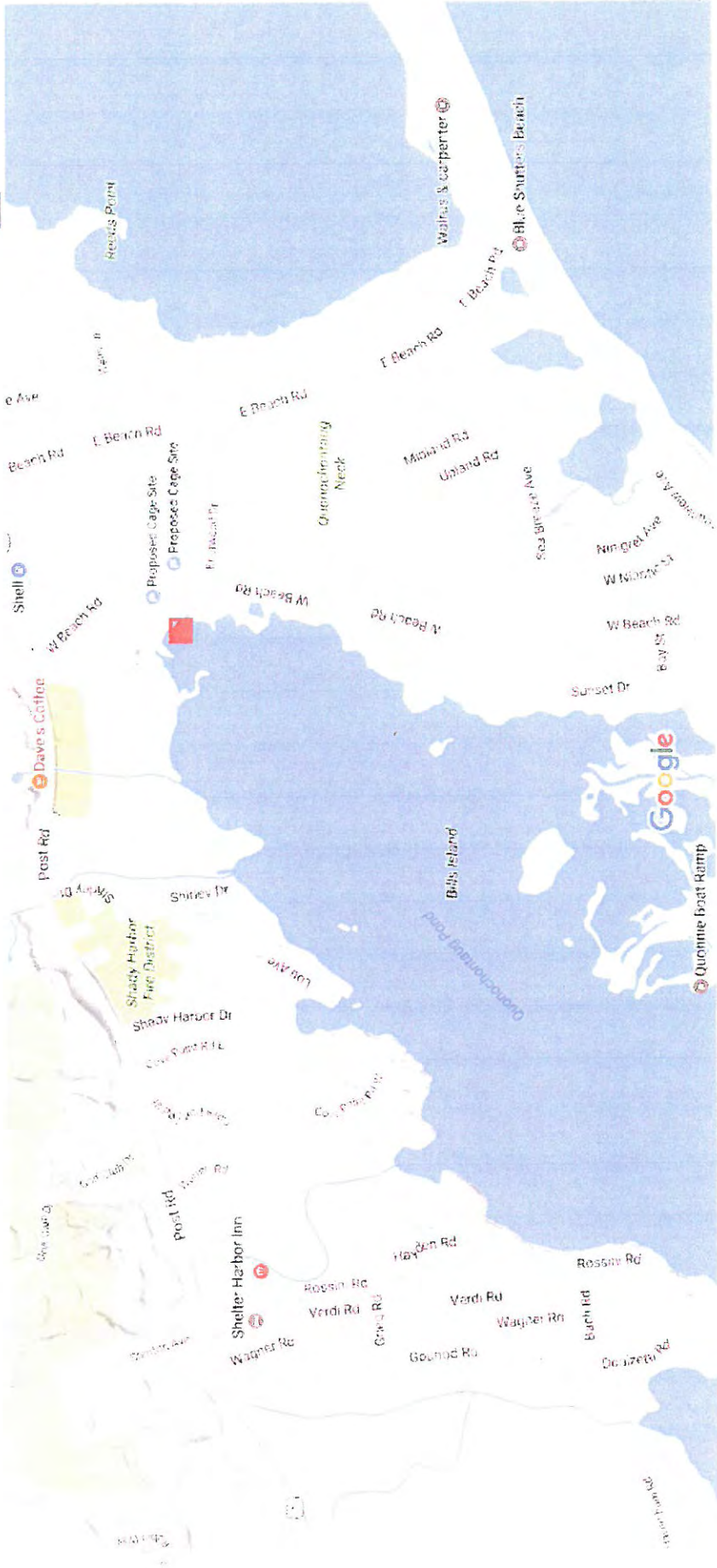
Date

Mark J. Keeley, 9 Bainbridge Road, West Hartford, CT 06119

Print Name and Mailing Address



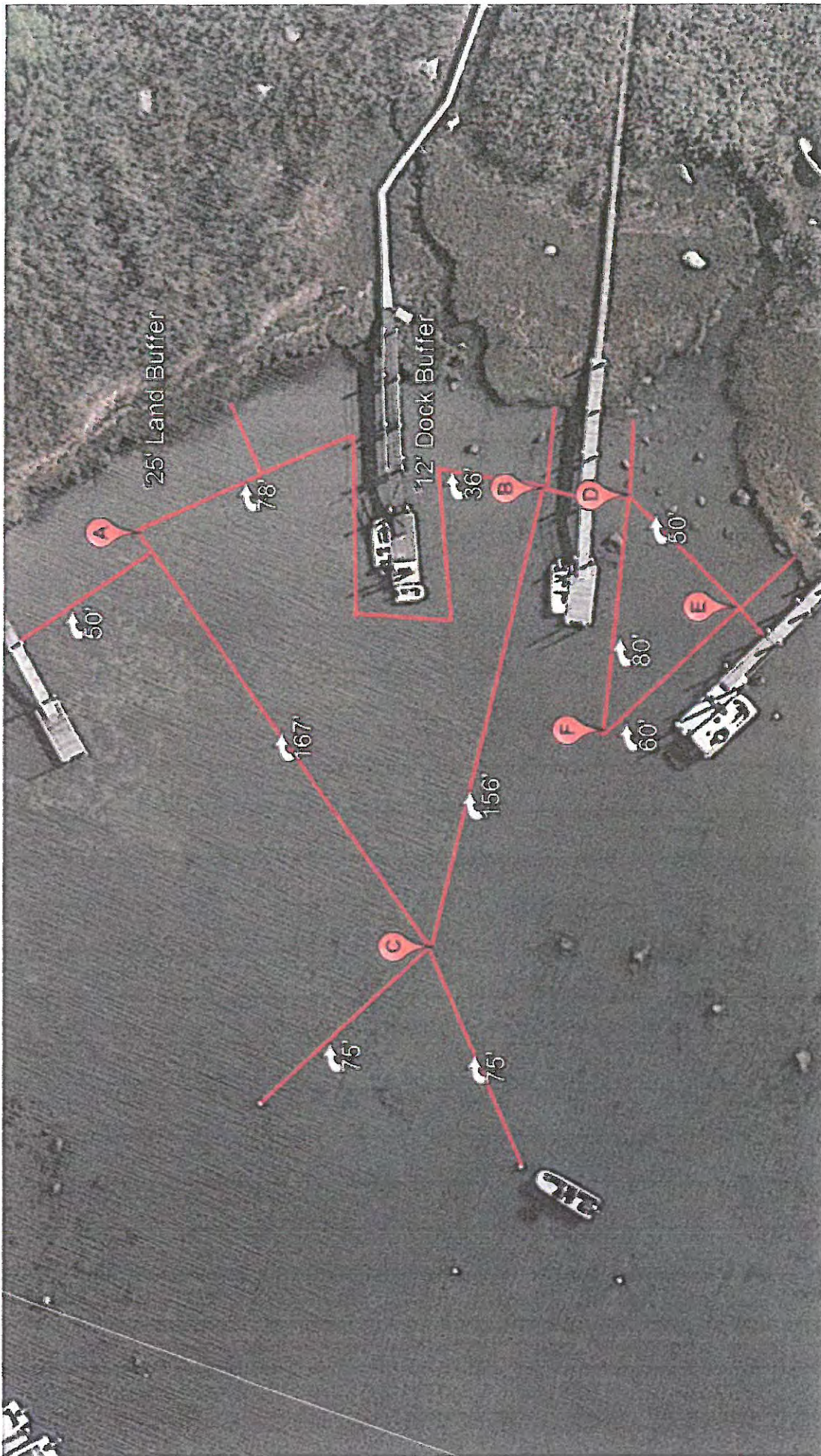
Keeley 11/20/17 - Map Location



Map data ©2017 Google 1000 ft

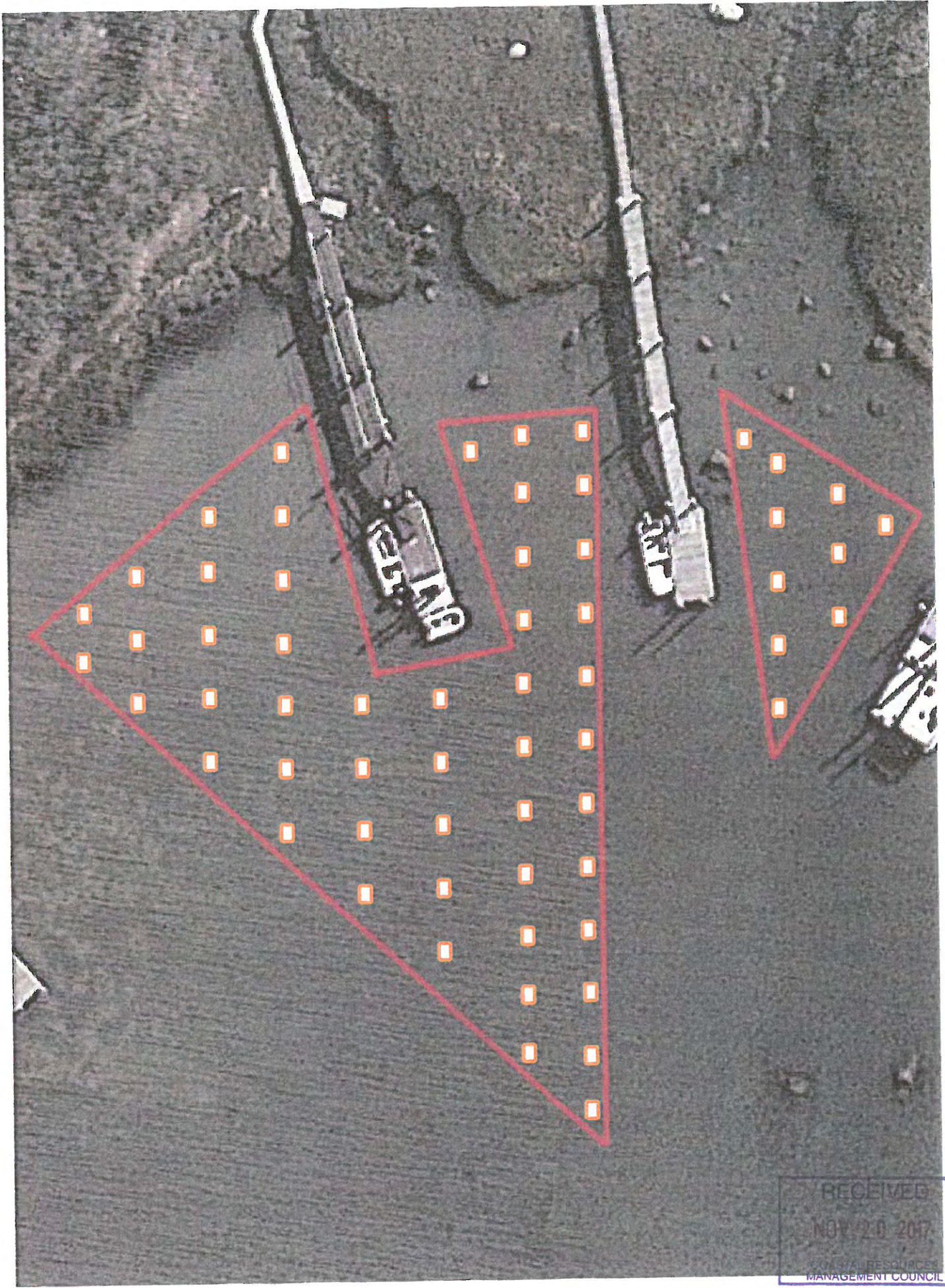
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Keeley 11/20/17 - Site Dimensions, GPS Coordinates and Mean High & Low Tide Measurements

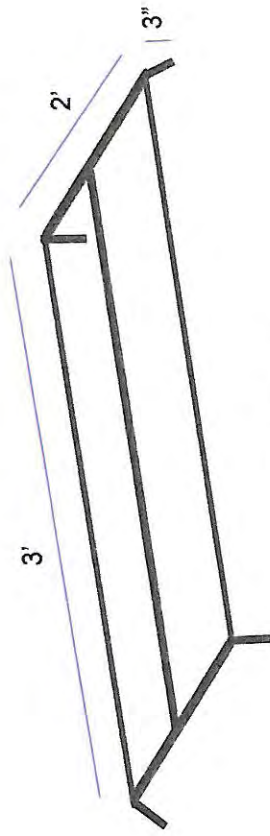


Corner Identification	GPS Location	Mean Low Tide	Mean High Tide
A	41°21'5.41"N 71°42'32.78"W	7"	37"
B	41°21'4.23"N 71°42'32.00"W	7"	37"
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F	41°21'3.77"N 71°42'32.88"W	1'6"	4'6"

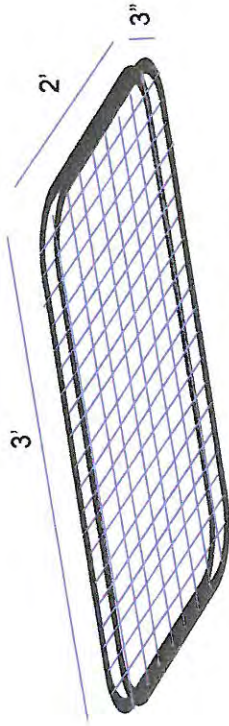
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Keeley 11/20/17 - Oyster Rack and Bag Diagram

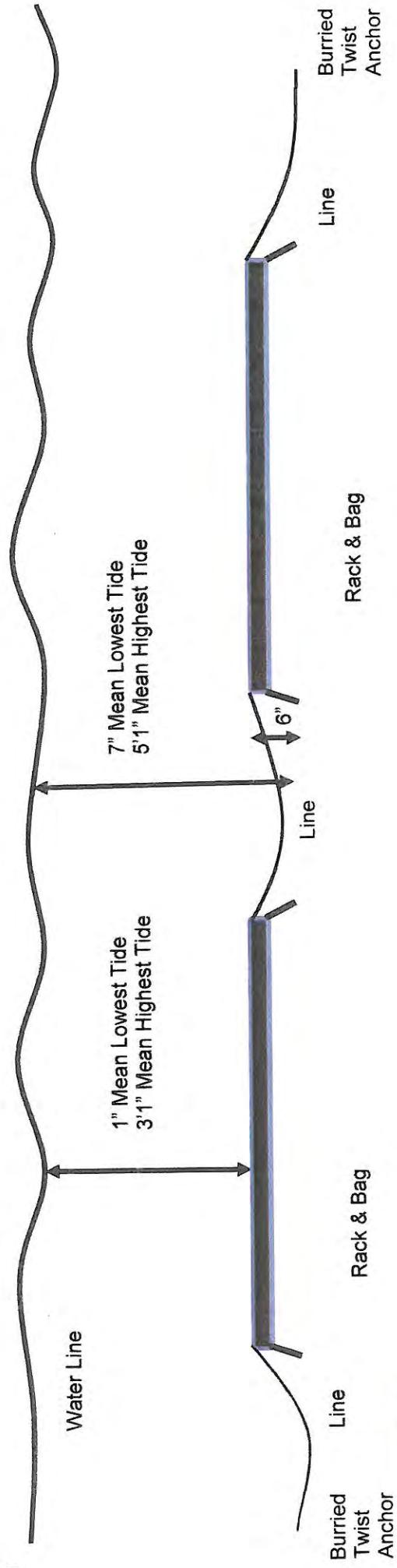


Rack Design



Bag Design

P35



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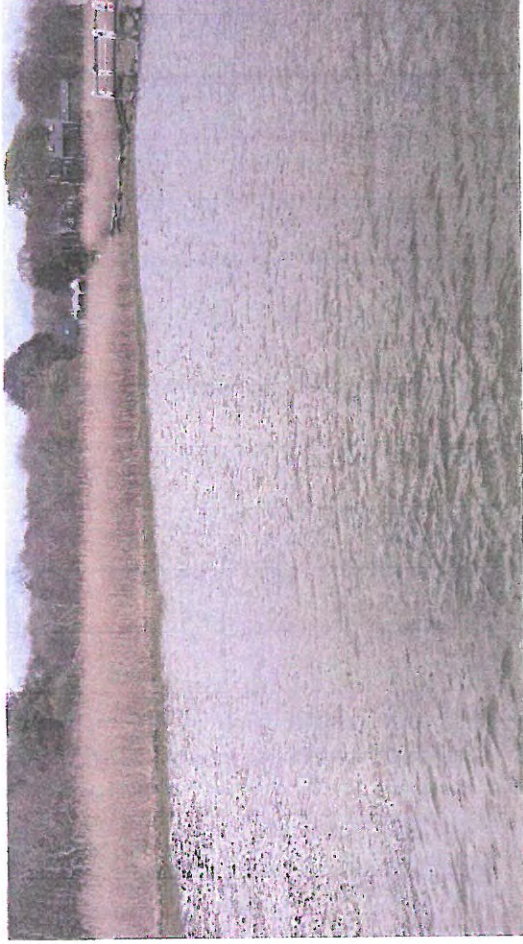
Keeley 11/20/17 - Site Photos



North View



South View



East View



West View

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Keeley 11/20/17 - Operational Plan:

1. *Name and Mailing Address:* Mark J. Keeley – 9 Bainbridge Road, West Hartford, CT 06119
2. *CRMC File Number:* D2017-05-098 **2017-11-061**
3. *DEM Aquaculture License Number:* 000122
4. *Type of Facility:* Commercial Lease
5. *Location of Facility:* North end of Quonochontaug Pond, Charlestown, RI. Center of proposed site: 41°21'05.00" N, 71°42'33.00" W
6. *Species:* Eastern Oyster (*Crassostrea virginica*)
7. *Types of Structures, Gear and Methods:* This operational plan (the ‘Plan’) is for a completely under water, sub-tidal oyster rack and bag grow-out structure that will be used at the site proposed in this application (the ‘Site’). The maximum capacity of the Site will be approximately 60 oyster racks and bags that will be positioned entirely out of visible sight, below the surface of the water, in the bottom 6 inches of the water column. Each end of the rack and bag system will be secured to the bottom with a buried twist anchor. The anchors will be connected to the racks and bags by 3/8" sinking poly Dacron lines. Oysters will be held in oyster bags that will connect to the oyster racks with long line clips. The primary access point to the Site will be via a non-motorized boat that will be carried and launched from the applicant’s adjacent property located at 128 West Beach Road, Charlestown, RI 02813, which is zoned as an R3A property where farming is allowable. A secondary access point to the Site will be via a motorized boat that will be trailered and launched from the natural sand bar at the breachway located at the end of West Beach Road, Charlestown, RI 02813.
8. *Methods and equipment used to identify and mark the site:* The designated aquaculture outer area boundaries will be marked with 11" white corner buoys at each of the three outer boundary points of the triangular site, as required by law, which will be secured to the bottom with dead weight anchors.
9. *DEM Shellfish Harvesting Classification:* 11QW
10. *Practices and Procedures Used:* Gear and oysters will be maintained by a boat that will be pulled along the Site to access the sub-tidal oyster bags. The Site will be accessed approximately 1 to 2 times per week, depending upon oyster growth rates, to turn and shake the oyster bags during the months of June through October. The bags will be shaken over the side of the boat at high tide. Every 3 to 6 weeks, depending upon growth rates, the bags will be split up, sorted by size, and moved to different areas within the Site. In November, the oysters will be removed from the oyster bags and transported to the applicant’s approved bottom plant lease area in the Pond (Assent Number D2016-10-036). Therefore, no additional space within the Pond will be required to store any gear in a winter storage site. The empty oyster bags and racks will be stored during the winter in a pre-existing storage building located on the applicant’s R3A zoned property. The first batch of seed will be transferred in September 2018 from the applicant’s approved upweller (Assent Number 2017-08-010), which is located in the eastern center of the Site. At the end of October, when the oysters have grown to a survivable size of approximately 1 1/4", the oysters will be transferred to the applicant’s approved bottom plant site in the Pond (Assent Number D2016-10-036).

Keeley 11/20/17 - Operational Plan (continued):

11. *Procedure for maintaining records:* Seed of separate origin and deployment will be labeled using a color-coding system. Two zip ties of the same color will be applied to each bag of oysters. This color will remain constant for each set of seed as it is split up and spread throughout the site. Records of seed origin, size grade, and set/haul dates will be kept in a waterproof notebook for in the field use. This information will also be recorded and mapped out on the program in Microsoft Excel.

Section 300.1 B Requirements

- (1) *Demonstrate the need for the proposed activity:* The primary purpose of the Site is to provide a location for oysters that reach approximately 1/4" in size, which is too large for them to continue growing in the applicant's approved upweller (Assent Number 2017-08-010), to continue growing to 1 1/4" in size, which is the size they must reach before they can survive in the applicant's approved bottom plant site in the Pond (Assent Number D2016-10-036).
- (2) *Demonstrate that all applicable local zoning ordinances, building codes, flood hazard standards, and all safety codes, fire codes, and environmental requirements have or will be met:* The applicant's adjacent property to the proposed Site complies with all R3A local zoning requirements and will only be used for the storage of gear in a preexisting storage building for the months from November through May.
- (3) *Describe the boundaries of the coastal waters and land area that are anticipated to be affected:*
The following two triangular shaped locations for the Site were chosen because they allow for unfettered access to and from neighboring docks to the mooring field and open Pond area:

Site Location 1 consists of the following three sides:

- The 167' long northern boundary is located 50' from a neighboring residential dock in accordance with the required SETBACK (ref. Section 140 CRMP).
- The 156' long southern boundary is located 12' from a neighboring residential dock with strong support from the property owner, John Hunt, President of Planned Environments Corp., as described in the attached November 11, 2017 Support Letter (Exhibit 1).
- The 114' long eastern boundary faces the applicant's approved residential dock (Registration Number 1748) and upweller (Assent Number 2017-08-010) and is 25' from the shore in accordance with the required BUFFER (ref. Section 150 CRMP).

Note: The western point is located along the open area of the Pond 75' away from the closest two moorings in the mooring field, which is 25' greater than required, as requested by the Town of Charlestown Harbor Master.



Keeley 11/20/17 - Section 300.1 B Requirements (continued):



Site Location 2 consists of the following three sides:

- The 80' long northern boundary is located 12' from a neighboring residential dock with strong support from the property owner, John Hunt, President of Planned Environments Corp., as described in the attached November 11, 2017 Support Letter (Exhibit 1).
- The 60' long southern boundary is located 12' from a neighboring residential dock with strong support from the property owners, Charles and Pamela Massimi, as described in the attached November 11, 2017 Support Letter (Exhibit 2).
- The 50' long eastern boundary is located 25' from the shore in accordance with the required BUFFER (ref. Section 150 CRMP).

Note: The western point is located along the open area of the Pond over 75' away from the closest two moorings in the mooring field, as requested by the Town of Charlestown Harbor Master.

- (4) *Demonstrate that the activity will not result in significant impacts on erosion and/or deposition processes along the shore and in tidal waters:* The Site is located in an area of low turbulence with a flat, muddy bottom where erosion and deposition rates are very slow. The oyster racks and bags will be anchored the required 25' away from the edges of the marsh banks to prevent erosion. The oyster racks and bags allow for the movement and passage of small particles. These processes will not be impaired.
- (5) *Demonstrate that the activity will not result in significant impacts on the abundance and diversity of plant and animal life:* No eelgrass or any other discernable plant or animal life exists on the proposed Site. The Site is fed by a natural, fresh water stream, which makes it particularly suitable for oyster aquaculture, but particularly unsuitable for all other shell fish and fin fish. Oyster racks and bags have no harmful effects to any transitory fish species. In fact, studies have shown that oyster equipment provides a safe structure for animal life to hide from predators. According to other oyster farmers in the area, this equipment has had no effect on the local bird populations.
- (6) *Demonstrate that the activity will not unreasonably interfere with, impair, or significantly impact existing public access to or use of tidal waters and/or the shore:* The Site was chosen to avoid public and recreational activity. The Site is located at the northern most end of the Pond, 12' from the applicant's approved dock and upweller, 12' from the closest neighboring dock, and 75' from the closest boat mooring. The Site does not unreasonably interfere with, impair or significantly impact existing public access to, or use of tidal waters or the shore. At low tide the water can be less than 12" deep, which naturally inhibits boat traffic.
- (7) *Demonstrate that the alteration will not result in significant impacts to water circulation, flushing, turbidity, and sedimentation:* The Site is located in an area of very little water circulation approximately 1.23 miles from the inside mouth of the breachway. The oyster bags are built to allow for the greatest amount of water flow in order to provide nutrients to the oysters and will occupy only the bottom 6" of the water column.

Keeley 11/20/17 - Section 300.1 B Requirements (continued):

- (8) *Demonstrate that there will be no significant deterioration in the quality of the water in the immediate vicinity as defined by DEM: Oyster farming has been proven to improve water quality. A full-grown oyster will filter about 50 gallons of water a day, removing any contaminants.*
- (9) *Demonstrate that the activity will not result in significant impacts to areas of historic and archaeological significance: The Site does not have any known historic or archaeological significance.*
- (10) *Demonstrate that the activity will not result in significant conflicts with water-dependent uses and activities such as recreational boating, fishing, swimming, navigation, and commerce: During the months of November through May, very little recreational activity occurs in the Pond. Most boats are removed from the water by November. Either way, the Site should not pose any conflicts to recreational users. It is located in the most northern end of the Pond in an area with a soft, muddy bottom with an average depth of approximately 18" at mean low tide. For these reasons, the area is avoided for boating, fishing, clamming, swimming, navigation, and commerce.*
- (11) *Demonstrate that measures have been taken to minimize any adverse scenic impact: The Site is not visible from the open Pond. The white buoys at each corner of the Site will be the only visible equipment, primarily from the applicant's approved dock and upweller.*



Keeley 11/20/2017 - Exhibit 1 - Hunt Support Letter

John Hunt, President
Planned Environments Corp.
139 West Beach Road
Charlestown, RI 029813

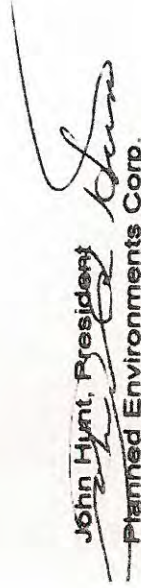
November 11, 2017

Coastal Resource Management Council (CRMC)
4808 Tower Hill Rd # 116
Wakefield, RI 02879

Dear CRMC,

I am the owner of the property located directly to the south of Mark Keeley's proposed sub-tidal rack and bag oyster application. I am writing in strong support of his application. Mr. Keeley's proposed oyster bags and racks will be positioned under the surface of the water, completely out of sight and completely in keeping with my full use of the Pond. Mr. Keeley's plan will not detract from the recreational use of the Pond in any way.

Respectfully yours,


John Hunt, President
Planned Environments Corp.



Keeley 11/20/2017 - Exhibit 1 – Massimi Support Letter

Charles and Pamela Massimi
147 West Beach Road
Charlestown, RI 029813

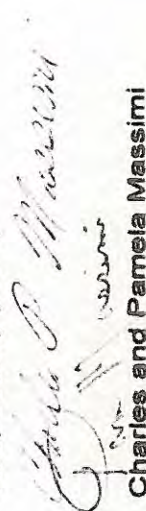
November 11, 2017

Coastal Resource Management Council (CRMC)
4808 Tower Hill Rd # 116
Wakefield, RI 02879

Dear CRMC,

I am writing this letter to voice my wholehearted support for the sub-tidal rack and bag oyster application submitted to you by my neighbor, Mark Keeley. Oysters provide a great benefit to the health of Quonnochohtaug Pond, especially in front of my property located at the remote, northern end of the Pond where water flow is minimal. I sincerely look forward to the clean water that the oysters will provide. Mr. Keeley's proposed oyster bags and racks will be positioned under the surface of the water, completely out of sight and completely in keeping with the harmony of the Pond. Mr. Keeley's plan will not detract from the recreational use of the Pond for me and or anyone else in any way at any time.

Respectfully yours,



Charles and Pamela Massimi

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

(401) 783-3370
 Fax (401) 783-2069

PUBLIC NOTICE

File Number: 2017-11-061

Date: December 11, 2017

This office has under consideration the application of:

Mark Keeley
 9 Bainbridge Road
 West Hartford, CT 06119

for a State of Rhode Island Assent to create and maintain: a small sub-tidal oyster farm (~0.3 acres) using a rack and bag system in Quonochontaug Pond. Up to 60 racks would be on the two part site. The complete application can be sent via e-mail upon request to the CRMC Aquaculture Coordinator.

Project Location:	Quonochontaug Pond
City/Town:	Charlestown
Waterway:	Quonochontaug Pond

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

In accordance with the Administrative Procedures Act (Chapter 42-35 of the Rhode Island General Laws) you may request a hearing on this matter.

You are advised that if you have good reason to enter protests against the proposed work it is your privilege to do so. It is expected that objectors will review the application and plans thoroughly, visit site of proposed work if necessary, to familiarize themselves with the conditions and cite what law or laws, if any, would in their opinion be violated by the work proposed.

If you desire to protest, you must attend the scheduled hearing and give sworn testimony. A notice of the time and place of such hearing will be furnished you as soon as possible after receipt of your request for hearing. If you desire to request a hearing, to receive consideration, it should be in writing (**with your correct mailing address, e-mail address and valid contact number**) and be received at this office on or before January 10, 2017.

/lat

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MANAGEMENT COUNCIL

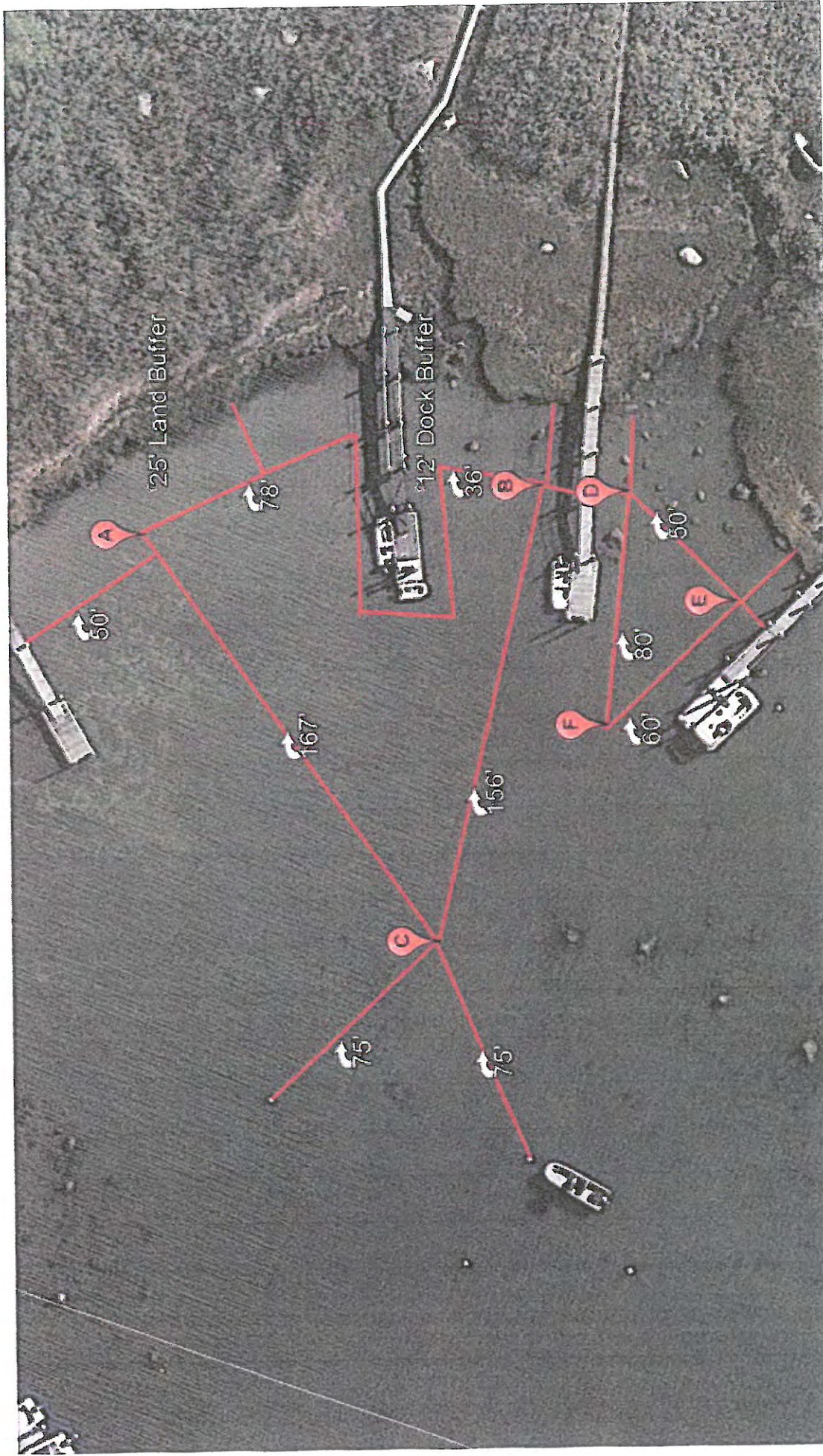


Keeley 11/20/17 - Map Location



Map data ©2017 Google 1000 ft

Keeley 11/20/17 - Site Dimensions, GPS Coordinates and Mean High & Low Tide Measurements



Corner Identification	GPS Location	Mean Low Tide	Mean High Tide
A	41°21'5.41"N 71°42'32.78"W	7"	3'7"
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RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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

January 10, 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 Mark Keeley for a small sub-tidal rack and bag oyster farm (File number 2017-11-061). The proposed location for this site is in waters approved for shellfish harvesting located in Quonochontaug Pond GA11QW Harvest Area 6Q in the town of Charlestown .

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.

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, Principal Environmental Scientist
RI DEM
Office of Water Resources – Shellfish Program

cc Angelo Liberti
Conor McManus
Dennis Erkan
Julia Livermore





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

January 10, 2018

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

Re: Keeley Lease Application # 2017-11-061

Dear Mr. Beutel:

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The DMF and DFW believe that the adverse impacts to marine fisheries and wildlife and their habitat from the prospective sites would be minimal. As such, the DFW and DMF do not have objections to this application.

However, the coordinates provided in the public notice appear to be incomplete. Given the applicant's map recommends a 12' buffer around the applicant's dock, the DMF has produced a map showing the coordinates on record for the Department (Figure 1). We recommend that these coordinates be used in the assent issued by the Coastal Resources Management Council if the application is approved. DMF and DFW staff also recommend that the final assent include written consent from the neighboring dock owner (the dock that is situated between the northern and southern sites of the lease area) to avoid future disputes. The Department's acceptance of the current proposal is specific to the location and specifications outlined in the application.

Sincerely,

Dean Hoxsie,
Acting Associate Director for Natural Resources





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

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Michael Rice, Ph.D.

Michael Roderick

June 19, 2018

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

Re: CRMC Aquaculture Lease Application # 2017-11-061 – Keeley – Quonochontaug
Pond, Charlestown

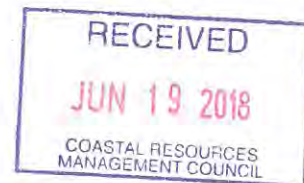
Dear Mr. Beutel:

Pursuant to RIGL §20-10-5, the above-referenced application was brought before the RI Marine Fisheries Council (hereafter "Council" or "RIMFC), via the Council's Shellfish Advisory Panel, on May 9, 2018 for review. The Panel found that the proposal poses no inconsistency with competing uses engaged in the exploitation of marine fisheries in the area. In accordance with RIMFC Policy, the recommendation of the Panel constitutes the recommendation of the Council, unless there is a request to bring the matter before the full Council. Given that no such request was made on this matter, the Panel's recommendation stands and the Council's review is complete.

Sincerely,

Robert Ballou, Chair
RIMFC

cc: RIMFC



CRMC DECISION WORKSHEET

2018-01-049

Mellissa Taylor & Manuel Lopes

Hearing Date:	
Approved as Recommended	
Approved w/additional Stipulations	
Approved but Modified	
Denied	Vote

APPLICATION INFORMATION						
File Number	Town	Project Location		Category	Special Exception	Variance
2018-01-049	Portsmouth	Sakonnet River		B	<input type="checkbox"/>	<input type="checkbox"/>
		Plat	Lot			
		Owner Name and Address				
Date Accepted	2-12-18	Mellissa Taylor & Manuel Lopes 1184 Bulgarmarsh Road Tiverton, RI 02878		Work at or Below MHW	<input checked="" type="checkbox"/>	
Date Completed	12-11-18			Lease Required	<input checked="" type="checkbox"/>	

PROJECT DESCRIPTION

Establish a 3 acre oyster farm

KEY PROGRAMMATIC ISSUES

Coastal Feature:

Water Type: Type 2, Low Intensity Use

CRMP: 1.1.4(G); 1.2.1(B); 1.3.1(A); 1.3.1(K); 1.3.1(R)

Variations and/or Special Exception Details:

Additional Comments and/or Council Requirements:

Specific Staff Stipulations (beyond Standard stipulations):

STAFF RECOMMENDATION(S)

Engineer _____ Recommendation: NA

Biologist _____ Recommendation: NA

Aqua JTS Recommendation: Approval

David Bentele 12-12-18
Aquaculture Coordinator Sign-Off date

[Signature] Dec 12 2018
Executive Director Sign-Off date

David Bentele 12-17-18
Staff Sign off on Hearing Packet (Aqua) date

Name: Mellissa Taylor & Manuel Lopes
CRMC File No.: 2018-01-049
Staff Report



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

DATE: December 11, 2018
TO: Grover J. Fugate, Executive Director
FROM: David Beutel
SUBJECT: CRMC File No. 2018-01-049

Applicant's Name: Mellissa Taylor & Manuel Lopes
Project: three acre oyster farm

Location: Sakonnet River, Portsmouth
Water Type/Name: Type 2, Low Intensity Use,
Coastal Feature: submerged land

STAFF REPORT

Mellissa Taylor and Manuel Lopes have applied for a three acre oyster aquaculture site in the Sakonnet River just north of Black Point (Attachment 1). The site ranges in depth from six to twelve feet at MLW. The proposed cages will have a minimum of three feet of water over them at MLW in the shallow part of the site. The method proposed is successful for growing oysters in locations throughout Rhode Island including two other aquaculture sites in the Sakonnet River.

During the thirty day public comment period CRMC received one objection from a commercial fisherman (Attachment 2). The fisherman asserts that each new aquaculture site diminishes his catch, although he states that this site is not horrible as it is used for only part of the year. Staff worked with the East Bay fishermen on mapping important areas for their fisheries in Rhode Island. Although the instruction was to delineate important areas the fisherman asserted that all state waters were important to them. Claiming that all areas are important implies that no one area is more important than another. It makes the task of protecting areas of significant fisheries impossibly challenging. The fisherman states that he cannot fish in an area that has aquaculture. Staff has seen that conch fishermen can and do work within lease areas in the East Passage of Narragansett Bay. There are three aquaculture sites in the East Passage where the conch

Name: Mellissa Taylor & Manuel Lopes
CRMC File No.: 2018-01-049
Staff Report

fishermen and aquaculturists cooperate on the same ground. Staff would anticipate that conch fishing could still occur on the proposed site if all parties cooperate.

CRMC has received correspondence confirming that this project will have no significant negative impact and is in waters approved for the harvest of shellfish:

- RI Historical Preservation and Heritage Commission February 26, 2018
- RI Department of Environmental Management (DEM) Division of Marine Fisheries, March 16, 2018
- RI DEM Office of Water Resources, May 7, 2018
- RI Marine Fisheries Council, June 19, 2018

The site evaluation found zero quahogs in the samples and no eelgrass was present. There were recreational boats on moorings nearby but the site is sufficiently away from the moorings. Fishing gear was not observed in the vicinity of the proposed site.

The applicants have worked with a successful East Bay aquaculturist to enhance their understanding of the operations and issues. They have completed the Roger Williams University Practical Shellfish Farming Course for 2018. Their application has met the requirements of the Rhode Island Coastal Resources Management Program and staff recommends it for approval.



Aquaculture Coordinator

Taylor & Lopes

2017-05-068

The extent of this closeup is indicated in white in the map below.

0 125 250 500 Feet

2.98 ac

Corner Coordinates

NW: 41.534916°, -71.234816°
 NE: 41.535254°, -71.233441°
 SE: 41.534404°, -71.232980°
 SW: 41.534100°, -71.234396°

Legend

Aquaculture_Sites

GPS_Source

- Approved
- PN App
- PD App



- Submerged Aquatic Vegetation
- Floating Fish Traps
- Recreational Shellfishing
- Recreational Finfishing

Quahog Densities 1993-2015

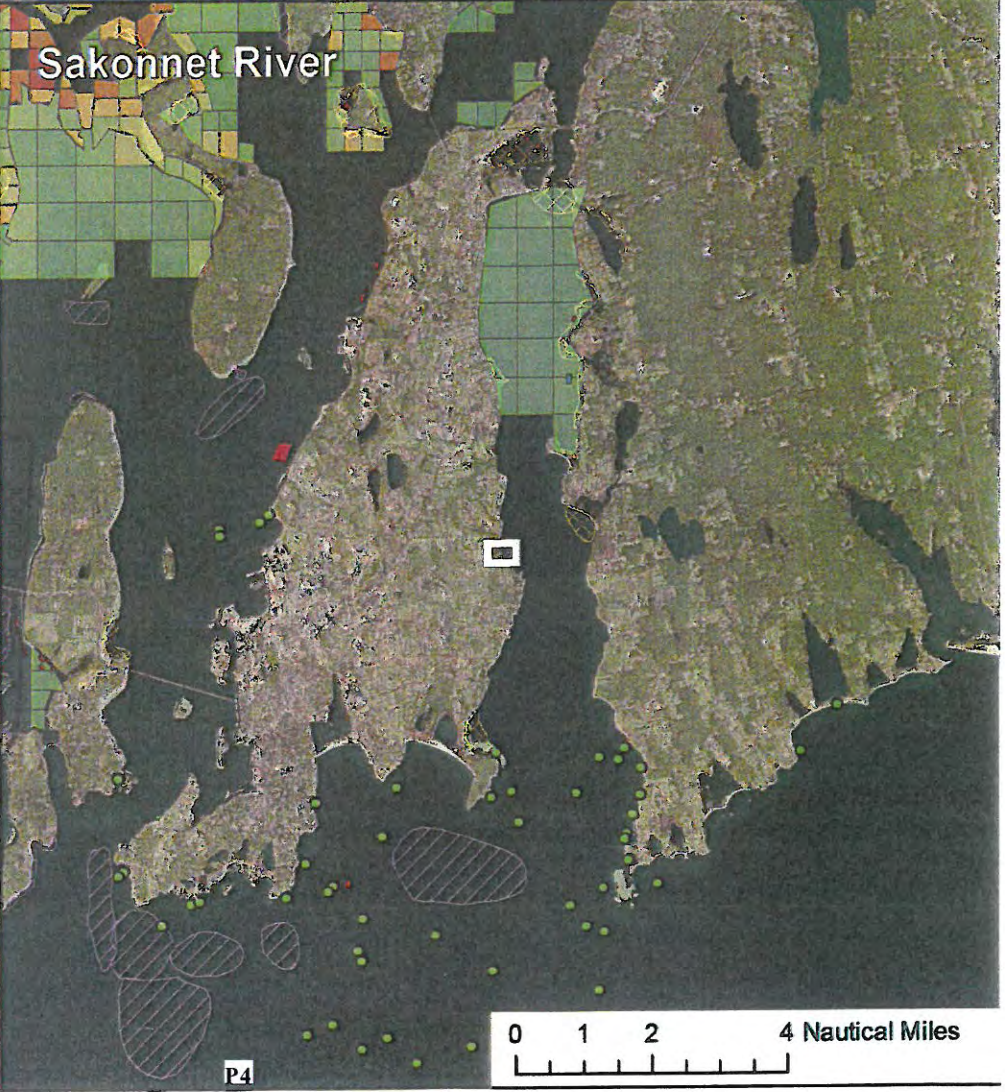
Density (quahogs/m²)

- 0.000000 - 5.000000
- 5.000001 - 10.570000
- 10.570001 - 17.330000
- 17.330001 - 24.880000
- 24.880001 - 33.000000
- 33.000001 - 44.300000
- 44.300001 - 59.560000
- 59.560001 - 82.000000
- 82.000001 - 124.200000
- 124.200001 - 175.170000

RECEIVED
JAN 29 2018
COASTAL RESOURCES



Coordinate System: NAD 1983
 StatePlane Rhode Island FIPS 3800 Feet



2a

Dave Beutel

From: joshua soares <hoosh8388@yahoo.com>
Sent: Thursday, February 22, 2018 3:52 PM
To: dbeutel@crmc.ri.gov
Subject: Tayler and Lopes aquaculture .

Dave ,

There are any where from 4-8 boats conching in the Sakonet River during the spring and fall . I myself as well as most of the other boats conch this area as well . There are also 2 guys that pot scup in this are as well in the summer months . With the amount of boats conching now a days every time you loose a piece of ground it puts you in a smaller box and your gear closer to one another which hurts your catch per pot. Thanks for your consideration Josh Soares (Full Time Commercial Fisherman)

Sent from my iPhone

From: joshua soares <hoosh8388@yahoo.com>
Sent: Tuesday, February 27, 2018 5:19 PM
To: Dave Beutel
Subject: Re: Tayler and Lopes aquaculture .

Follow Up Flag: Follow up
Flag Status: Flagged

There are 2 aquacultures in the river right now and I believe 4 in the cove now under the escape bridge . However those aquacultures are in pretty good areas with low impact to commercial fishing . This one isn't in a completely horrible spot but is a highly utilized area at certain times of the year . Obviously you know there is commercial fishing but there are a lot more guys fishing the river now for conch . If you or the person applying for the aquaculture where out there in the fall you would have seen all the gear in that area and all over the river. I can work around a three acre lease like I have done in the past but if it were to expand would it would hurt me and the other guys as well. I'm frankly just getting aggravating with having to worry about losing more and more productive ground every year .There is so much working against full time fisherman this day and age. As far as working together there really isn't much working together with the aquacultures themselves . If a lease is given the ground is no longer allowed to be utilized except for the person with the lease . We can work together to find the best areas where aquaculture has the least impact of commercial fishing . I think to save people's time it would make a lot of sense if the first step was just to mark a proposed area where they want to put the aquaculture and send it out in a email through list serve. This would help people find a good spot before they draw up the operational plan and the rest. It's like when someone applies in area a and wastes there time doing a proposal to be shot down because it's a horrible area for a aquaculture to do wild shellfish productivity . Is this proposal going to be part of the agenda at the next shellfish advisory meeting ? If you would like to talk my number is 4016403029. Thanks for your time Josh

Sent from my iPhone

> On Feb 27, 2018, at 8:56 AM, Dave Beutel <dbeutel@crmc.ri.gov> wrote:

- >
- > Josh,
- >
- > I realize that there is commercial fishing activity in the Sakonnet River.
- > I hope that the fishermen realize that the Sakonnet River is not going
- > to be an area that entirely excludes aquaculture. I would be happy to
- > meet with you and a group of the local fishermen to discuss aquaculture and fishing.
- > In my mind this can be a collaborative process, but it only works if
- > people discuss the issues.
- >
- > Dave
- >
- > David Beutel
- > Coastal Resources Management Council
- > Aquaculture Coordinator
- > Oliver Stedman Government Center
- > 4808 Tower Hill Road
- > Wakefield, RI 02879
- > 401-783-3370
- >
- > -----Original Message-----
- > From: joshua soares [<mailto:hoosh8388@yahoo.com>]



APPLICATION FOR STATE ASSENT

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

Applicant's Name: Mellissa Taylor / Manuel Lopes		File No (CRMC use only): 2018-01-049
Mailing Address: <u>1184 Bulgarmarsh Rd</u>		Res. Tel. # <u>508-509-4361</u>
City/Town: <u>Tiverton</u>	State: <u>ri</u>	Zip Code <u>02878</u>
Waterway: <u>Sakonnet River</u>	Est. Project Cost \$ <u>5,000 - 10,000</u>	Fee/Costs: \$ <u>\$200.00</u>
Longitude/latitude of all corners of Proposed Aquaculture Project Location (preferably in decimal degrees): NW: 41.534916 , -71.234816 NE: 41.535254 , -71.233441 SE: 41.534404 , -71.232980 SW: 41.534100 , -71.234396		

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

n/a

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

Yes _____ No x

If yes, you must indicate NOV or C&D Number _____

Is this site within a designated historic district? _____

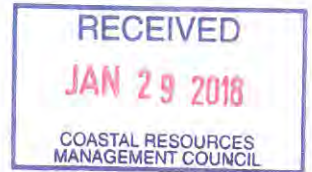
Mellissa Taylor / *Manuel Lopes*
Mellissa Taylor / *Manuel Lopes*
 Owner's Signature (sign and print)

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

NOTE: The applicant acknowledges by evidence of their signature that they have reviewed the Rhode Island Coastal Resources Management Program, and have, where possible, adhered to the policies and standards of the program. Where variances or special exceptions are requested by the applicant, the applicant will be prepared to meet and present testimony on the criteria and burdens of proof for each of these relief provisions. The applicant also acknowledges by evidence of their signature that to the best of their knowledge the information contained in the application is true and valid. If the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then the permit granted under this application may be found to be null and void. Applicant requires that as a condition to the granting of this assent, members of the CRMC or its staff shall have access to the applicant's property to make on-site inspections to insure compliance with the assent. This application is made under oath and subject to the penalties of perjury. 01/17

PLEASE REVIEW REVERSE SIDE OF APPLICATION FORM

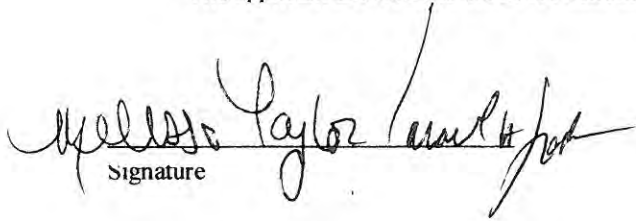


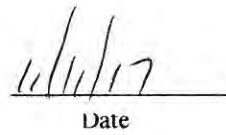


STATEMENT OF DISCLOSURE AND APPLICANT AGREEMENT AS TO FEES

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

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


Signature


Date

mellisa taylor / manuel lopes 1184 Bulgarmarsh Rd Tiverton RI 02878
Print Name and Mailing Address

Section 300.1 (1-11)

Mellissa Taylor – Manuel Lopes

6/24/2017

508-509-4361

1. *demonstrate the need for the proposed activity or alteration;* Oyster Business
2. *demonstrate that all applicable local zoning ordinances, building codes, flood hazard standards, and all safety codes, fire codes, and environmental requirements have or will be met;* N/A
3. *describe the boundaries of the coastal waters and land area that are anticipated to be affected;*
Please see map provided
4. *demonstrate that the alteration or activity will not result in significant impacts on erosion and/or deposition processes along the shore and in tidal waters;* There will be no chance of erosion. Nothing that the gear or the boat will be doing during all aspects of the farming will increase the erosion in that area. There will be nothing deposited on the shore line, as I clean the gear there will be a natural debris (sea weed, barnacles etc...) that will be cleaned off the cage and fall back into the water. But with the tides there it should be spread out in a large radio and not affect the bottom in any way.
5. *demonstrate that the alteration or activity will not result in significant impacts on the abundance and diversity of plant and animal life;* With the bottom gear type that we're using, the bags will be housed in the cages to contain all the oysters. They will be picked up and cleared from the bottom, the work will be done and they will be dropped down in approximately the same spots. In this respect, they should not disturb any plant or animal on the bottom they will have the same effect as a lobster pot would on the bottom. If anything, they should help the biodiversity in the area by providing more shelter.
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;* Because all the gear is on the bottom and it is located far enough off shore. It will not infringe upon shore side activities. There will be a few floats on the surface it will look like there is more lobster gear in the area. As far as the surface inside the lease it will be open except for the stated buoys and traffic should be able to move threw it without restriction.
7. *demonstrate that the alteration will not result in significant impacts to water circulation, flushing, turbidity, and sedimentation;* The size of the gear over the area of the lease is a very small percentage. Not near enough to reduce the water flow in the area in any way. The cages will sit on the bottom and the water will run through and around them.
8. *demonstrate that there will be no significant deterioration in the quality of the water in the immediate vicinity as defined by DEM;* The oysters will leave an almost undetectable amount of waste as they live threw their life. With the spacing between our gear there will never be enough animals on the lease to deteriorate the quality of the water. _____----->
9. *demonstrate that the alteration or activity will not result in significant impacts to areas of historic and archaeological significance;* There's never been any significant historic or archology find on this lease area and to the best of our knowledge we believe there are none.
10. *demonstrate that the alteration or activity will not result in significant conflicts with water-dependent uses and activities such as recreational boating, fishing, swimming, navigation, and commerce, and;* The fact that we are out of the channel will keep us out of the way of any commercial commerce. the buoys inside the lease will be well marked those will be the only navigational hazard. Commercial/sport fisherman will be able to work in and around the lease so there should be no conflicts with them, boaters and swimmers will also be able to navigate through the lease easily.
11. *demonstrate that measures have been taken to minimize any adverse scenic impact (see Section 330). Each topic shall be addressed in writing;* There will be 4 corner buoys and a couple dozen small lobster pot buoys. This will only look like more lobster pot in the water.
12. N/A
13. I plan to buy all my seed from Rhode Island dealers. Part of our lease will have a holding section for culd and counted. Cooler with drainage from approved source on ice.



Wednesday, May 24, 2017

1. **Name & Mailing:** Mellissa Taylor / Manuel Lopes 1184 Bulgarmarsh Rd Tiverton RI 02878
2. **CRMC file number:** "To be determined"
3. **DEM Aquaculture License3 number:** "To be determined"
4. **Type of Facility:** Commercial Lease site, Commercial Oyster Harvester, Using cages on the bottom
5. **Location of facility:**
 - **Town:** Portsmouth RI 02871
 - **Water Body:** Sakonnet River, North West side of Black Point
 - **Lat/long coordinates of facility:**
 - (A) 41°32'06.4" N, 71°14'05.8" W
 - (B) 41°32'07.5" N, 71°14'00.8" W
 - (C) 41°32'02.8" N, 71°14'03.7" W
 - (D) 41°32'03.9" N, 71°13'58.7" W
6. **SPECIES of SHELLFISH:** Eastern Oyster (*Crassostrea Virginica*) purchase seedlings @14-20mm grow out from there in cage grow out bags.
7. **Structure, Equipment & Gear:** Sun dried gear; markers for lease area- 4 lobster pot buoys anchored at the bottom over 3 acres, 1 at each corner. Cages 24x32x36 on a trawl line, 10 trawl lines, 10-12 cages per trawl, spaced approximately 20 apart, 6 grow out bags per cage.
8. **Method & equipment:** markers for lease area will be 4 lobster pot buoys anchored at the bottom over 3 acres, 1 at each corner. From land you will only see 4 buoy's. Cages 24x32x36 on a trawl line, 10 trawl lines, 10-12 cages per trawl, spaced approximately 20 apart, 6 grow out bags per cage.
9. Area 5B sakonnet river North of Black Point
10. **Growth:** purchase seedlings @ 14-20mm from Peter Sebring From Aquidneck Oyster Farm in RI. To be kept in grow out bags. Expected grow out period 18-30 months.
Harvest: 18-30 Months

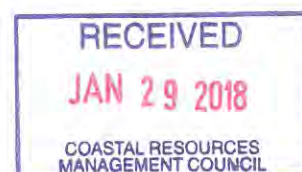
Vessel will be trailered and launched at public ramp.

Storage: cooler with ice.

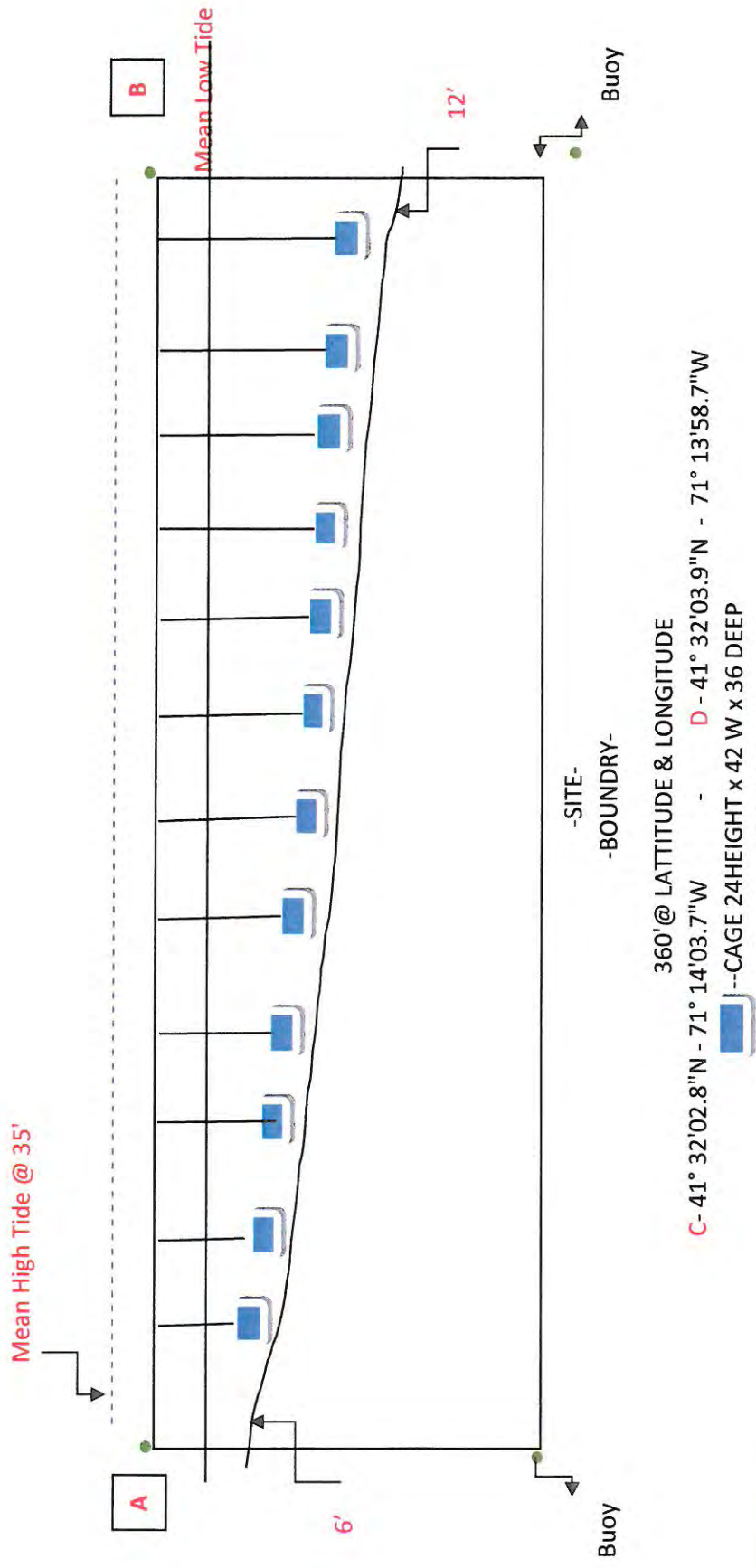
THE FIRST YEAR WE DO NOT PLAN ON GETTING OUR SHELLFISH DEALERS LICENCE. WE WILL SELL DIRECTLY TO A SHELLFISH DEALER.

OUR GEAR WILL BE COLOR COATED TO INDICATE WHICH YEAR CLASS IT REPRESENTS. THIS WILL BE RECORDED IN A LOG TO MAKE SURE THE ANIMAL WILL STAY ON THE LEASE FOR AT LEAST 6 MONTHS (OUR EARLIEST HARVESTED OYSTERS WILL BE 18 MONTHS AND WILL HAVE HAD TO BE ON THE LEASE FOR ATLEAST 14 MONTHS)

11. We are going to purchase all Rhode Island raised seed. The disease will be a RI certification and the seed will be tagged and labeled when being moved to the lease. The CRMC will be notified 10 days prior to the purchase of seed.
12. N/A
13. N/A



#6 Preliminary Determination



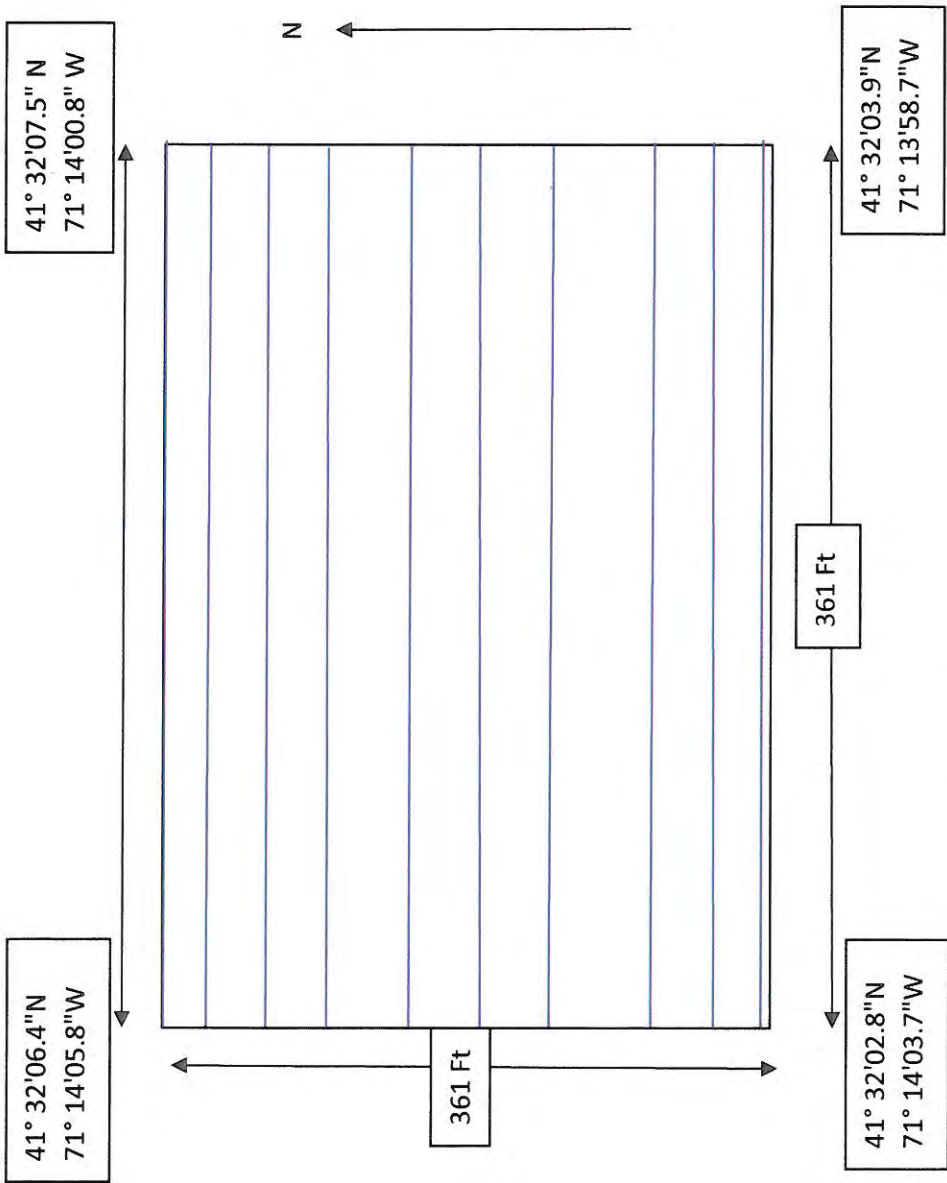
-SITE-
-BOUNDRY-

360' @ LATITUDE & LONGITUDE
 C - 41° 32'02.8"N - 71° 14'03.7"W D - 41° 32'03.9"N - 71° 13'58.7"W
 --CAGE 24HEIGHT x 42 W x 36 DEEP

3 Acres
 10 Trawl Lines
 10-12 cages per line, cages sit on sea floor
 6 grow out bags per cage

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Melissa Taylor
 Manuel Lopes
 June 26, 2017



10 Trawl lines East & West. 45ft space Between the trawl lines

Melissa Taylor
Manuel Lopes
6/24/17

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COASTAL RESOURCES
MANAGEMENT COUNCIL

Taylor & Lopes

2017-05-068

The extent of this closeup is indicated in white in the map below.

0 125 250 500 Feet



2.98 ac

Corner Coordinates

NW: 41.534916°, -71.234816°
 NE: 41.535254°, -71.233441°
 SE: 41.534404°, -71.232980°
 SW: 41.534100°, -71.234396°

Legend

Aquaculture_Sites

GPS_Source

- Approved
- PN App
- PD App



Submerged Aquatic Vegetation

● Floating Fish Traps

 Recreational Shellfishing

 Recreational Finfishing

Quahog Densities 1993-2015

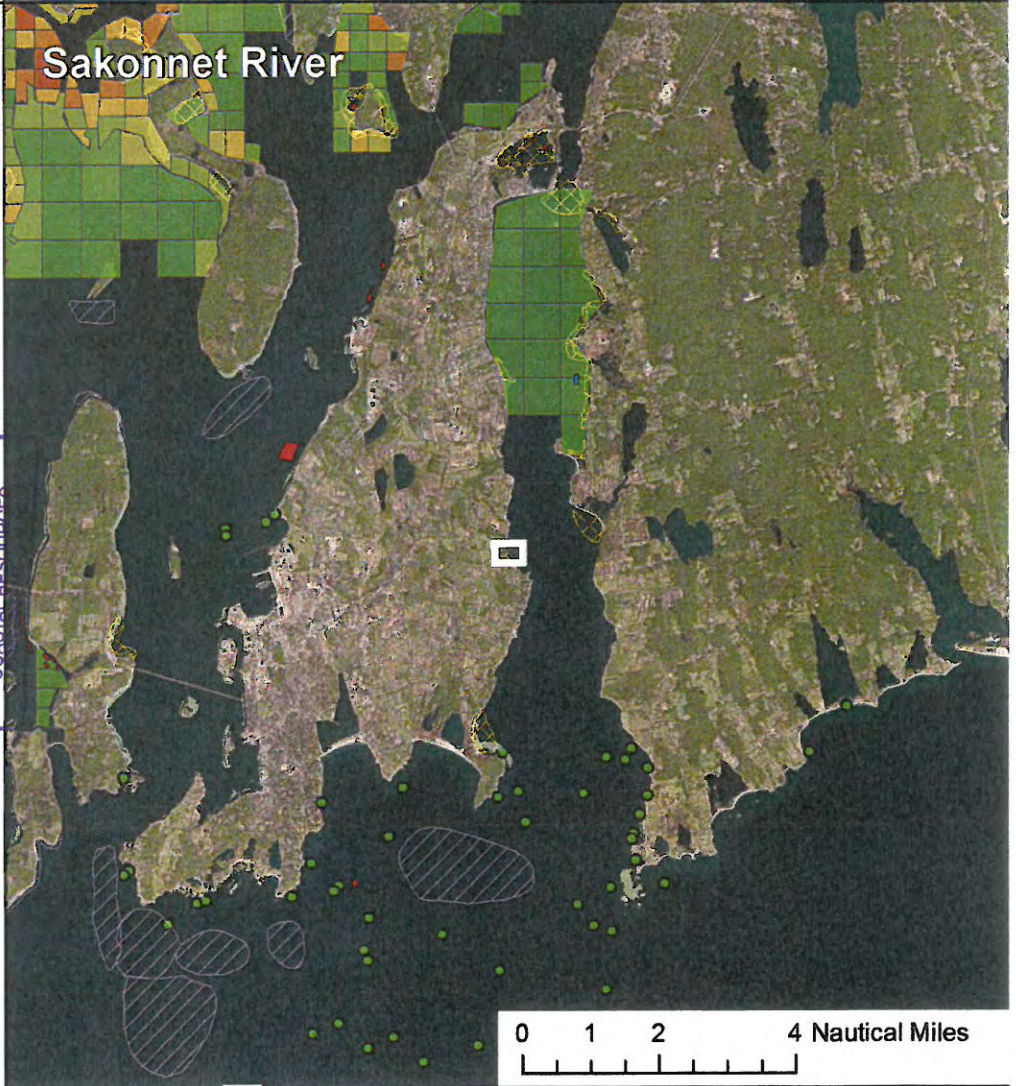
Density (quahogs/m²)

- 0.000000 - 5.000000
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- 33.000001 - 44.300000
- 44.300001 - 59.560000
- 59.560001 - 82.000000
- 82.000001 - 124.200000
- 124.200001 - 175.170000

RECEIVED
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Coordinate System: NAD 1983
 StatePlane Rhode Island FIPS 3800 Feet



Sakonnet River

0 1 2 4 Nautical Miles



on The Point looking West

Sakonnet River

Melissa Taylor
Manuel Lopez
5/30/17

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Black Point, the Point looking North

Sakonnet River

Melissa Taylor
Manual logs
5/30/17

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manuel lopes 5/30/17



Melissa Taylor



↑
North

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on The Point, Black Point, looking South.

Sakonnet River

Melissa Taylor
manual laps
5/30/17

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at The Point looking East

Sakonnet River

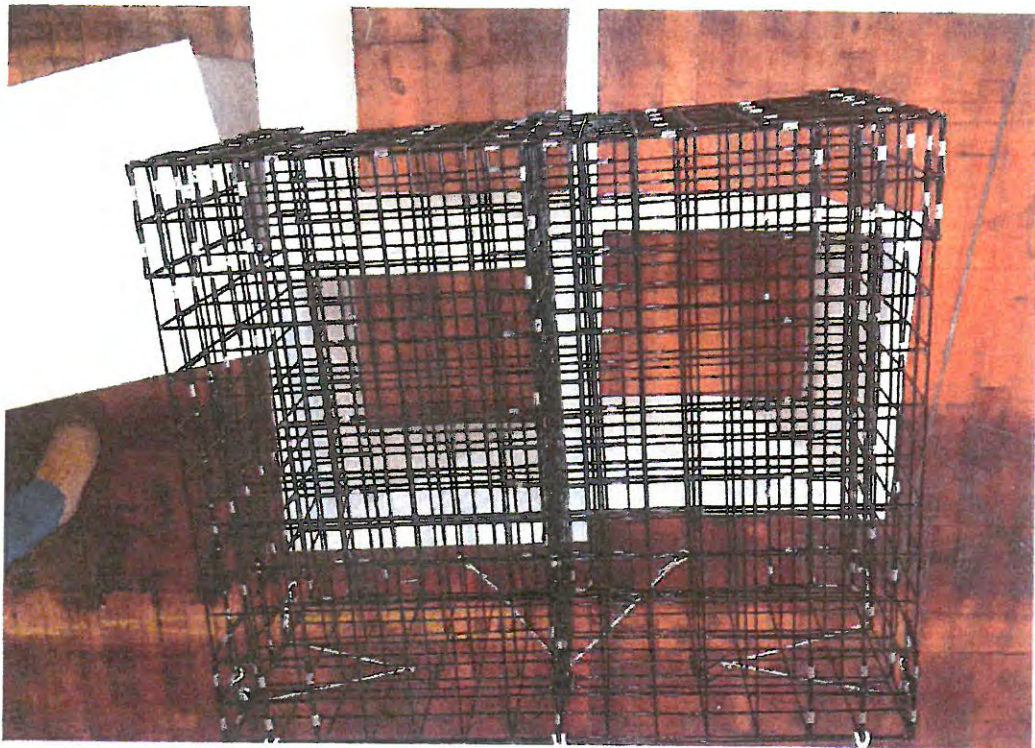
Melissa Taylor
Manuel Lopez 5/30/17

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Cage 24" High 36x36 SQ

May 24, 2017

Melissa Taylor
Manuel Lopez



RECEIVED
JAN 29 2018
COASTAL RESOURCES
MANAGEMENT COUNCIL

Cage 24" High 36x36 SQ



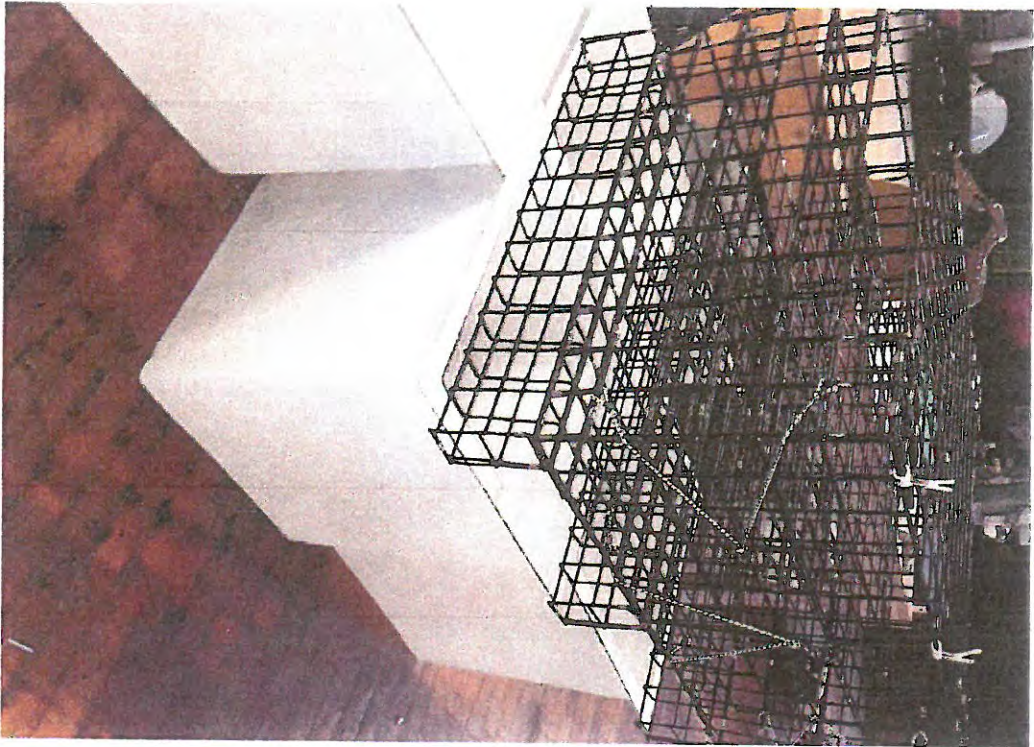
May 24, 2017

Malissa Taylor
Manual Labor



RECEIVED
JAN 29 2018
COASTAL RESOURCES
MANAGEMENT COUNCIL

Cage 24" High 36x36 SQ



May 24, 2017

Naelissa Taylor
Inmate 101225



RECEIVED
JAN 29 2018
COASTAL RESOURCES
MANAGEMENT COUNCIL



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

(401) 783-3370
Fax (401) 783-2069

PUBLIC NOTICE

(*Corrected 02/21/2018)

File Number: 2018-01-049 Date: February 20, 2018

This office has under consideration the application of:

Melissa Taylor & Manuel Lopes
1184 Bulgarmarsh Road
Tiverton, RI 02878

for a State of Rhode Island Assent to create and maintain:

a three acre oyster farm using bottom cages.

Project Location:	Sakonnet River
City/Town:	*Portsmouth
Waterway:	Sakonnet River

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

In accordance with the Administrative Procedures Act (Chapter 42-35 of the Rhode Island General Laws) you may request a hearing on this matter.

You are advised that if you have good reason to enter protests against the proposed work it is your privilege to do so. It is expected that objectors will review the application and plans thoroughly, visit site of proposed work if necessary, to familiarize themselves with the conditions and cite what law or laws, if any, would in their opinion be violated by the work proposed.

If you desire to protest, you must attend the scheduled hearing and give sworn testimony. A notice of the time and place of such hearing will be furnished you as soon as possible after receipt of your request for hearing. If you desire to request a hearing, to receive consideration, it should be in writing (**with your correct mailing address, e-mail address and valid contact number**) and be received at this office on or before March 22, 2018.

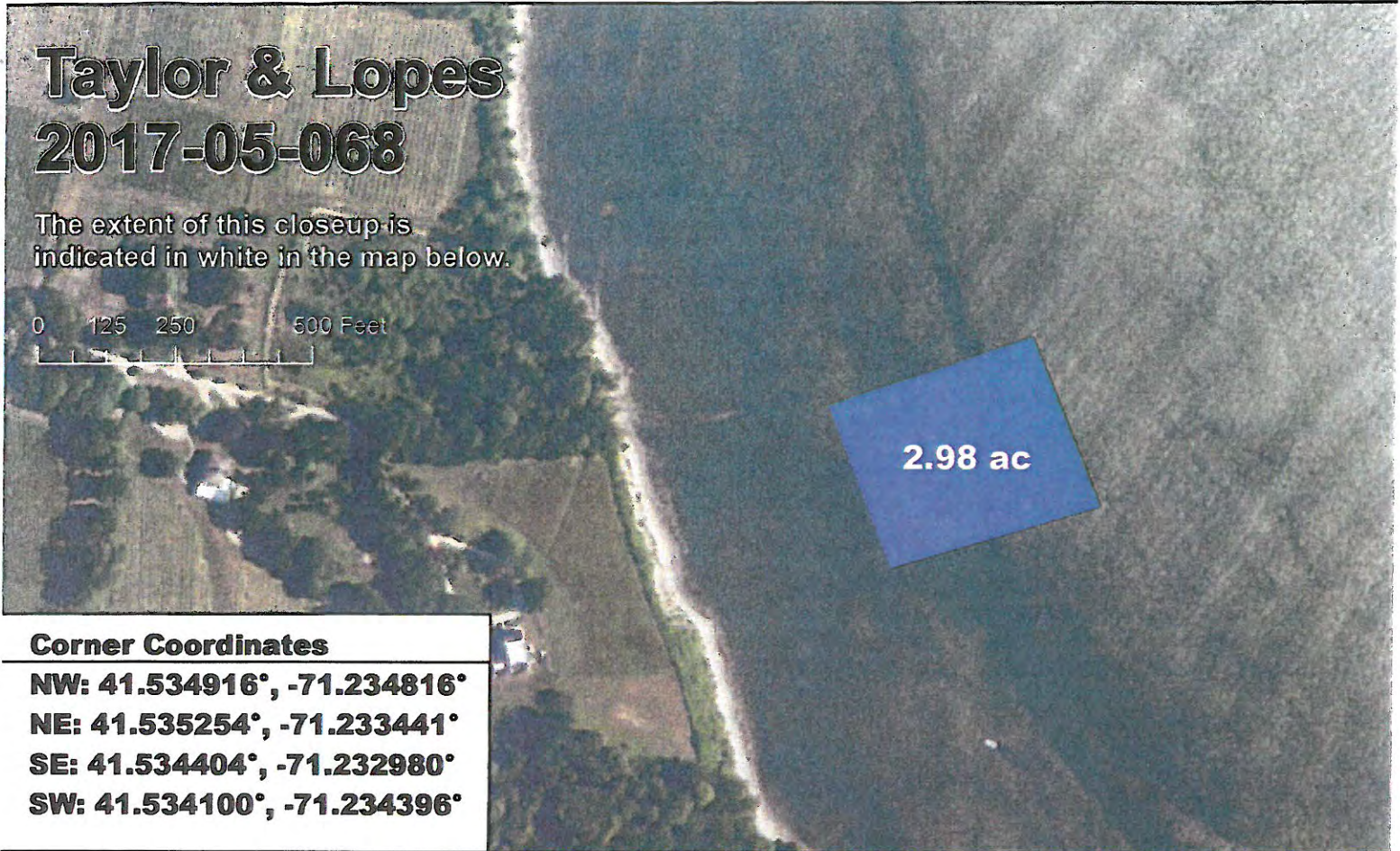
/lat

Taylor & Lopes

2017-05-068

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0 125 250 500 Feet



Corner Coordinates

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Legend

Aquaculture_Sites

GPS_Source

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- PN App
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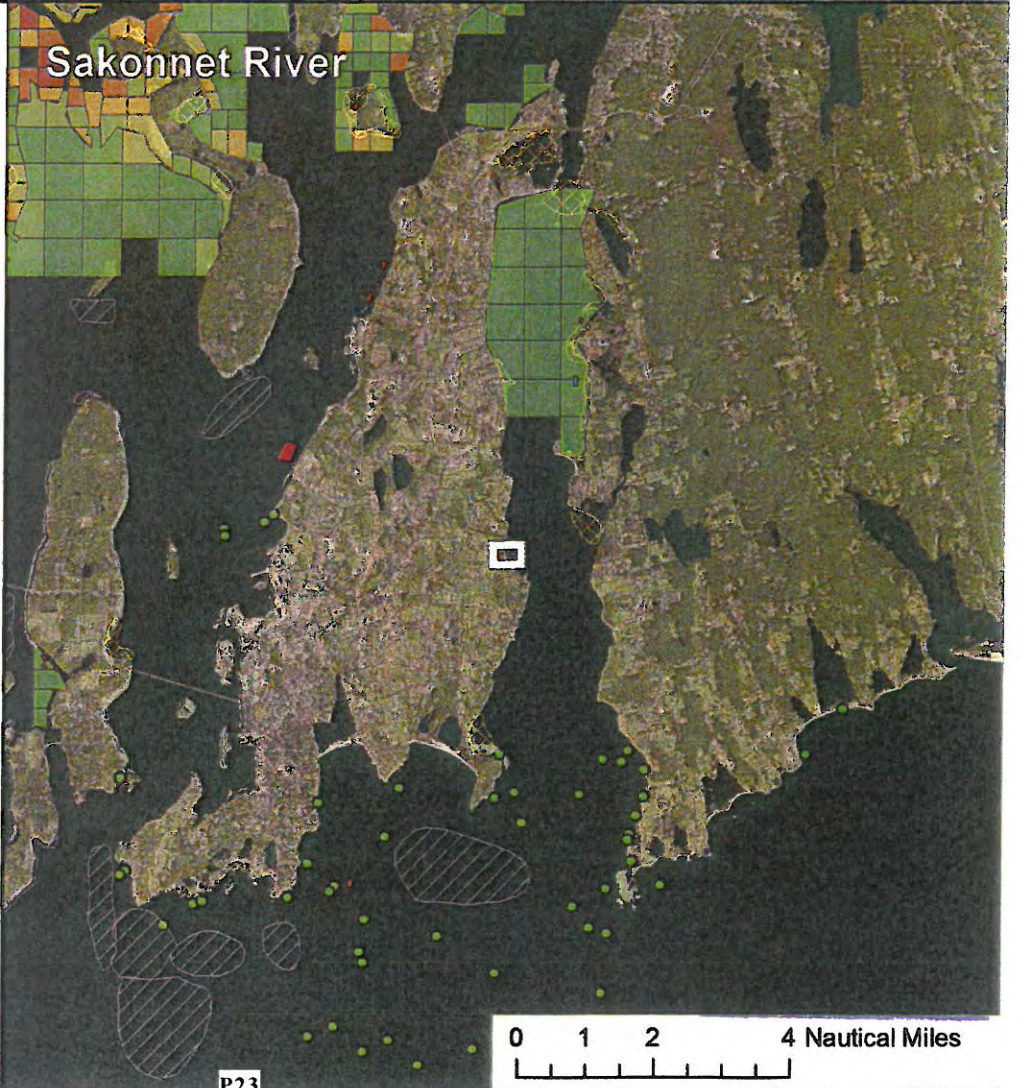


- Submerged Aquatic Vegetation
- Floating Fish Traps
- Recreational Shellfishing
- Recreational Finfishing

Quahog Densities 1993-2015

Density (quahogs/m²)

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- 59.560001 - 82.000000
- 82.000001 - 124.200000
- 124.200001 - 175.170000



Coordinate System: NAD 1983
 StatePlane Rhode Island FIPS 3800 Feet

0 1 2 4 Nautical Miles



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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

August 7, 2017
Dave Beutel Aquaculture Coordinator
Coastal Resources Management Council
Wakefield, RI 02879-1900

Dear Mr. Beutel,

I am writing in reference to the Preliminary Determination request by Mellissa Taylor and Manuel Lopes for a new 3 acre aquaculture lease (File number 2017-05-068). The proposed location for this site is in waters approved for shellfish harvesting located in the Sakonnet River shellfish classification growing area GA4 harvest area 5B in the town of Portsmouth .

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.

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, Sr. Environmental Scientist
RI DEM
Office of Water Resources – Shellfish Program

cc Angelo Liberti
Conor McManus
Dennis Erkan
Julia Livermore





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

Andrew Dangelo

Jeff Grant

William
Mackintosh, III

Christopher Rein

Michael Rice, Ph.D.

Michael Roderick

June 19, 2018

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

Re: CRMC Aquaculture Lease Application # 2018-⁰¹~~02~~-049 – Lopes-Taylor – Sakonnet
River, Middletown

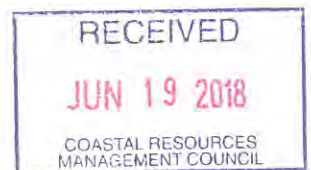
Dear Mr. Beutel:

Pursuant to RIGL §20-10-5, the above-referenced application was brought before the RI Marine Fisheries Council (hereafter "Council" or "RIMFC"), via the Council's Shellfish Advisory Panel, on May 9, 2018 for review. The Panel found that the proposal poses no inconsistency with competing uses engaged in the exploitation of marine fisheries in the area. In accordance with RIMFC Policy, the recommendation of the Panel constitutes the recommendation of the Council, unless there is a request to bring the matter before the full Council. Given that no such request was made on this matter, the Panel's recommendation stands and the Council's review is complete.

Sincerely,

Robert Ballou, Chair
RIMFC

cc: RIMFC





RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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

DIVISION OF FISH AND WILDLIFE
277 Great Neck Road
West Kingston, RI 02892

March 15, 2018

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

Re: Taylor and Lopes Lease Application #2018-01-049

Dear Mr. Beutel,

The Rhode Island Department of Environmental Management, through the Division of Fish and Wildlife (DFW) and Division of Marine Fisheries (DMF), has received and reviewed the application submitted by Mellissa Taylor and Manuel Lopes for a proposed 2.98-acre aquaculture lease in the Sakonnet River for cultivating eastern oysters (*Crassostrea virginica*) using bottom cages. The DMF and DFW believe that the adverse impacts to marine fisheries and wildlife and their habitat from this prospective site would be minimal. As such, the DFW and DMF do not have objections to this application. The Divisions' acceptance of the current proposal is specific to the location and specifications outlined in the application.

Sincerely,

Dean Hoxsie,
Acting Associate Director for Natural Resources



Telephone 401.423.1923 | www.dem.ri.gov | Rhode Island Relay 711



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 FAX (401) 222-2968

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: 2018-01-049

Applicant: M. Taylor / M. Lopez

Town: Tiverton

Response Date: 2/19/18

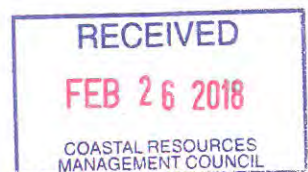
Dear Ms. Cervenka:

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



CRMC DECISION WORKSHEET

2018-04-078

John F. Crandall

Hearing Date:	
Approved as Recommended	
Approved w/additional Stipulations	
Approved but Modified	
Denied	Vote

APPLICATION INFORMATION							
File Number	Town	Project Location			Category	Special Exception	Variance
2018-04-078	Charlestown	Quonnie Pond			B	<input type="checkbox"/>	<input type="checkbox"/>
		Plat		Lot			
		Owner Name and Address					
Date Accepted	4-23-18	John F. Crandall			Work at or Below MHW	<input checked="" type="checkbox"/>	
Date Completed	12-10-18	5329 Old Post Road Charlestown, RI 02813			Lease Required	<input checked="" type="checkbox"/>	

PROJECT DESCRIPTION

1.5 acre shellfish farm

KEY PROGRAMMATIC ISSUES

Coastal Feature: Submerged land

Water Type: Type 2, Low Intensity Use

CRMP: 1.1.4(G); 1.2.1(B); 1.3.1(A); 1.3.1(K); 1.3.1(R)

Variations and/or Special Exception Details:

Additional Comments and/or Council Requirements:

Specific Staff Stipulations (beyond Standard stipulations):

STAFF RECOMMENDATION(S)

Engineer	_____	Recommendation:	_____ NA _____
Biologist	_____	Recommendation:	_____ NA _____
Aqua	<u>JFB</u>	Recommendation:	_____ Approval _____

Javid Bentel 12-12-18
Aquaculture Coordinator Sign-Off date

[Signature] Dec 12 2018
Executive Director Sign-Off date

Javid Bentel 12-19-18
Staff Sign off on Hearing Packet (Aqua) date

Name: John F. Crandall
CRMC File No.: 2018-04-078
Staff Report



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

DATE: December 10, 2018
TO: Grover J. Fugate, Executive Director
FROM: David Beutel
SUBJECT: CRMC File No. 2018-04-078

Applicant's Name: John F. Crandall
Project: 1.5 acre shellfish farm

Location: Quonnie Pond, Charlestown
Water Type/Name: Type 2, Low Intensity Use,
Coastal Feature: submerged land

STAFF REPORT

Mr. Crandall has applied for a 1.5 acre shellfish farm in Quonochontaug Pond just south of his property (Parcel 03-145) on Quonochontaug Pond (Attachment 1). The proposed activities are to grow oysters in a rack and bag system on part of the site, and grow hard clams, soft clams, and oysters using the bottom plant method for the rest of the site (Attachment 2). The methods proposed are consistent with the shellfish growing methods used on other sites in Quonochontaug Pond. The applicant followed all of the CRMC staff recommendations from the preliminary determination (CRMC #2017-10-097).

During the thirty day public comment period CRMC received correspondence from Phil Capaldi, an objection from Robin Main representing Charles Glew, comments from the Town of Charlestown, and an objection from Matthew Oliverio representing Brian Whitney. Mr. Glew and Mr. Whitney are Mr. Crandall's adjacent neighbors.

The e-mail exchange with Mr. Capaldi is attached (Attachment 3). The objection from the Glew family (Attachment 4) has four points summarized and answered as follows:

1. The farm will impede water activities and access to their two docks. Please see Attachment 1 to determine that the proposed farm is sufficiently away from the docks so that it does not impede access or activities, particularly because of the bottom plant area.
2. A Category B Assent should be required. This report is for a Category B aquaculture application.
3. Mr. Crandall cannot meet all local ordinances. The proposed farm is on state submerged land. Mr. Crandall has moorings off of his property. He may access the boats on his moorings from his property and access the farm. There is alternate access to the farm from the Quonochontaug launch ramp. This is not a CRMC issue.
4. Mr. Crandall does not have adequate landside access to the proposed oyster farm. Please see the response to point 3.

The Town of Charlestown submitted a list of concerns provided by the Town Council (Attachment 5). The town requests CRMC to clarify their questions about cleaning the gear, gear storage, parking, gear ownership, traffic and a reference in the application to a marina. While these questions may be significant for the town, the questions have no relevance to the CRMC aquaculture application review process with the exception of gear cleaning if it occurs on the aquaculture site. Gear cleaning on the aquaculture site is part of routine maintenance and is usually conducted by scraping off the bio-fouling with a brush. It would be prudent for CRMC to stipulate that gear cleaning on site could not be conducted by powerwashing as the noise would affect all of the neighbors.

The objection on the behalf of Mr. Whitney has six points of issue (Attachment 6):

1. The proposed aquaculture will impede navigation and recreation for Mr. Whitney (please see Attachment 1). Mr. Whitney's dock is the one in between the proposed Crandall site and the existing site shown as CRMC#2015-05-068. Please note that the northeastern part of Crandall's proposal and the northwester part of #2015-05-068 are all areas for bottom planted oysters. Bottom planted oysters have no effect on navigation. The area around the dock will continue to be available for swimming.
2. The area of the lease is shallow and the size should be reduced for Mr. Whitney's navigation to and from his dock. Again, bottom planted oysters have no effect on navigation.
3. Quonochontaug Pond is Type 2 waters and the need for aquaculture must be demonstrated. The RICRMP allows aquaculture in all CRMC water types.
4. The aquaculture application does not include proposed gear layout, cross section, and operations plan. All of these items were included in the application. Please see Attachments 2, 7 and 8.
5. Mr. Crandall has not demonstrated that all local ordinances have been met and is seeking a commercial operation in a residential zone. As previously stated aquaculture is allowed in all water types. He can access his boat on the mooring off of his property. His gear storage is not a CRMC issue.
6. Mr. Crandall does not have adequate landside access to his proposed farm. This is the same concern raised in point 5. The staff response is the same as for point 5.

The town and neighbors have not provided objections that would prevent CRMC from leasing submerged land for aquaculture in an area where there are similar aquaculture operations. Navigation will not be impacted from the proposed operation. There is access to the aquaculture site whether or not Crandall's property is used. The Henry's Marina document in the application confused reviewers but it is not important to the application except to show that the Town of Charlestown did not have reservations issuing a business license for the property.

Name: Jeffrey Gardner
CRMC File No.: 1993-05-091
Staff Report

CRMC has received the following correspondence of no significant impact:

- RI Historical Preservation and Heritage Commission, May 4, 2018
- RI Department of Environmental Management (DEM) Division of Marine Fisheries, May 29, 2018
- RI DEM Office of Water Resources (as part of the preliminary determination), November 14, 2017
- RI Marine Fisheries Council, June 29, 2018

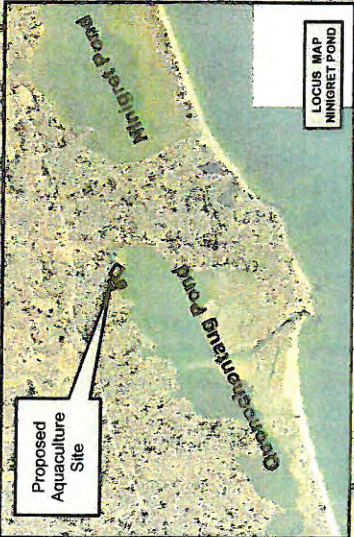
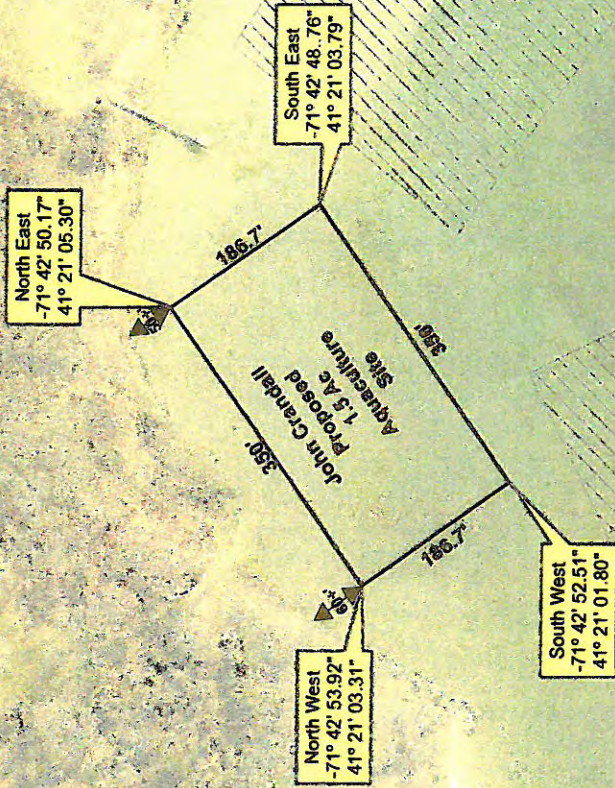
Mr. Crandall has met the requirements of the RI Coastal Resources Management Program. Staff recommends approval for this application with the stipulation that powerwashing cannot be conducted on the lease site and/or anywhere on the pond.



Aquaculture Coordinator

**PROPOSED
AQUACULTURE SITES
JOHN CRANDALL
QUONOCHEONTAUG POND**

RECEIVED
APR 29 2018
COASTAL RESOURCES
MANAGEMENT COUNCIL



LOCUS MAP
NINIGRET POND

①

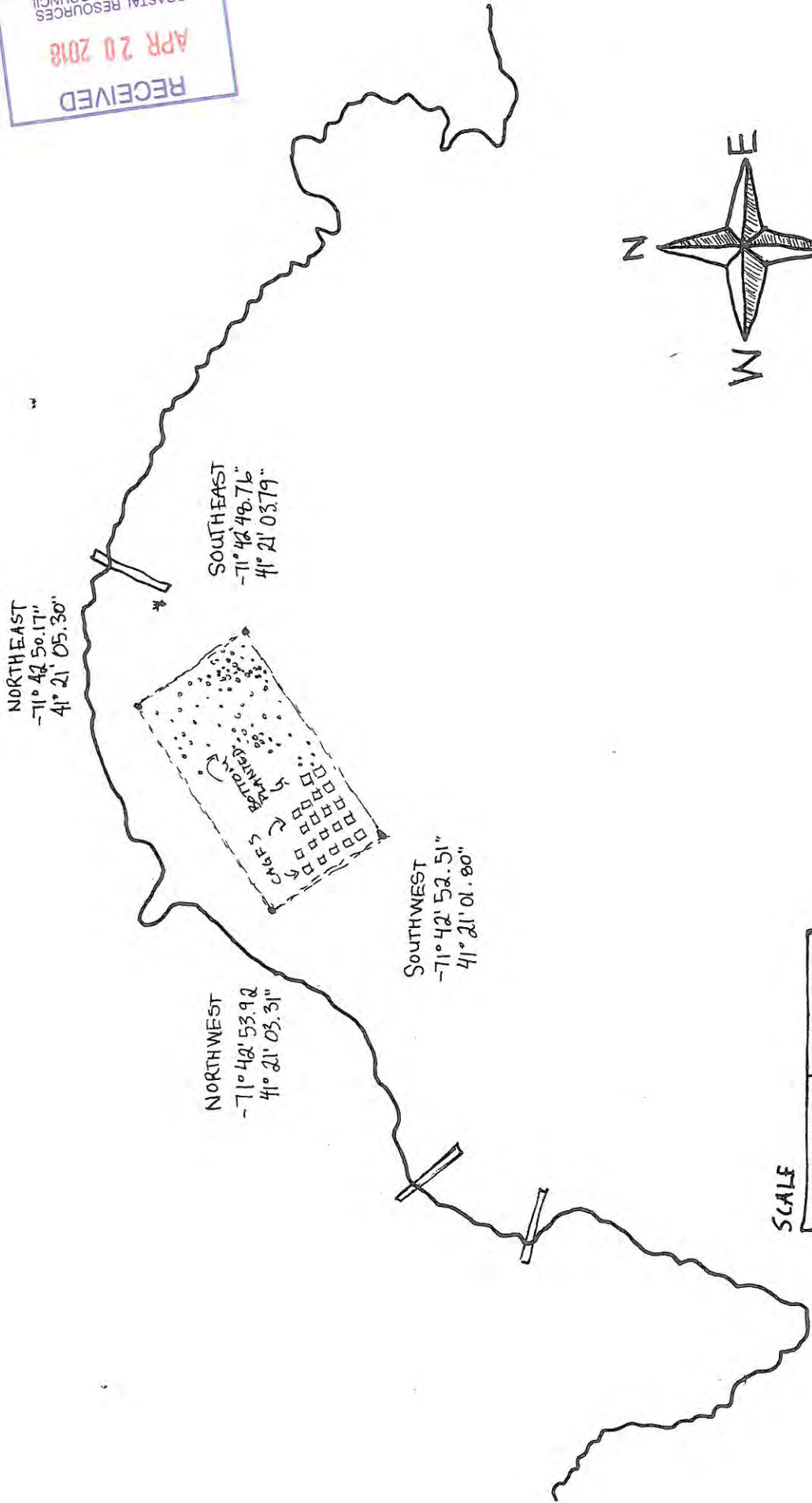
2



PROPOSED AQUACULTURE LEASE
QUONOCHON TAUG POND
CHARLESTOWN, KI

APPLICANT: JOHN CRANDALL
SITE PLAN
4-18-18

RECEIVED
APR 20 2018
COASTAL RESOURCES
MANAGEMENT COUNCIL

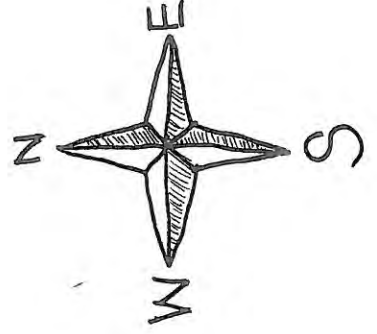
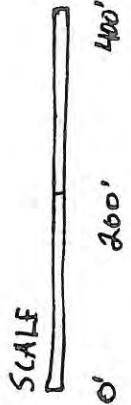


NORTHEAST
-71° 42' 50.17"
41° 21' 05.30"

NORTHWEST
-71° 42' 53.92"
41° 21' 03.31"

SOUTHEAST
-71° 42' 46.76"
41° 21' 03.79"

SOUTHWEST
-71° 42' 52.51"
41° 21' 01.80"



Amanda Turco

From: Phil Capaldi <philcapaldi@yahoo.com>
Sent: Sunday, May 06, 2018 10:07 PM
To: 'Steve Medeiros'; 'Azure Cygler'; 'Robert Rheault'; 'Robert Ballou'; 'Rich Fuka'; mclamdigger@aol.com; Taylor.M.Bell@usace.army.mil; 'Dennis Erkan'; 'Prescott, David'; 'Leavitt, Dale'; gvdwood@cox.net; 'Art Ganz'; saltpondscoalition@gmail.com; 'Jim Arnoux'; 'Dave Reis'; 'Jeff Grant'; 'Jeff Gardner'; 'Katie Eagan'; kurt.blanchard@dem.ri.gov; 'Michael A. Rice'; 'Rich Hittinger'; FVThistle@verizon.net; 'Rick Bellavance'; cgreinstrategies@gmail.com; lad0626@aol.com; 'Catherine White'; Gerry Schey; 'John Torgan'; 'Jerry Carvalho'; 'Steve McCandless'; 'Rob Lyons'; 'Tom Frost'; 'David Keil'; 'Tracey Dalton'; 'Virginia Lee'; cindy.hannus@dem.ri.gov; travisbarao@gmail.com; mroderick@towndock.com; maridee2@gmail.com; 'Dick Pastore'; 'Livermore, Julia (DEM)'; 'Rob Krause'; 'Justin Vail'; suemarinaro@me.com; michaelaonosoko@gmail.com; dean.hoxsie@dem.ri.gov; LeBlanc, Edward G CIV; Dave Beutel
Cc: ontherocksri@gmail.com; mvv1020.com@live.com; jdbruno1@cox.net; scott.wakeman@verizon.net; chaplinbbarnes@yahoo.com; granawhit@aol.com; executivedirector@weekapaugfoundation.com; rasmith@msn.com; joseph.t.macandrew@pfizer.com; tmwesterly@cox.net; james.j.federico@pfizer.com; harveyperry2@gmail.com; 'Mark Stankiewicz'; 'Charles Glew'; 'Alison Verkade - NOAA Federal'; 'Jody King'; 'Mcmanus, Conor (DEM)'; ckarp@brown.edu; 'Beuth, Joshua (DEM)'; 'Jason Peet'; 'Jason McNamee'; 'Amanda Turco'; 'timothy gilchrist'; 'Jennifer Harrington'; 'Mark J. Keeley'; 'David Lovesky'; Bill Wilson; john_crosson@watkinson.org; dacapaldi@aol.com; mmcapaldi@aol.com; jschickler@cox.net; traceydistefano2013@gmail.com; elschwab@comcast.net
Subject: Re: 30 day public notice Quonochontaug Pond



Mr. Beutel,

I have a few questions regarding 2018-04-078 that I seek further clarification. Please excuse the list.

1. Does riparian rights extend to individuals who are granted easements for property use? If so, can you provide the statute that speaks to this? Is there a record within Charlestown Town Hall that articulates the easement and the agreement with all parties regarding use of access to the lease?
2. Can there be an commercial marina in type II waters? Would that necessitate pump out facilities within Quonochontaug Pond - or will Ninigret Pond still be the pump out point for Quonochontaug?
3. Since access will be on land for this lease - what protocols regarding notification of the landowners who abut the property have been taken?
4. Can you clarify, any relationship/potential impact between CRMC 2018-04-078 and Quonnie Farms Brewery, Farmstand and Oyster Farm (pre - application discussion 16 West Beach Road Plat 4, Lot 68) as aquaculture coordinator?
5. Have you reached out to the Charlestown Town Council directly about the impacts regarding the leases in this section of Quonochontaug Pond? Are they aware of the marina?

Finally, does CRMC have any guidelines, regulations or state statue that helps guide where the aquaculture leases are positioned in the salt ponds? (Outside of the 5%, shellfish survey and eelgrass stuff) Does CRMC

actively council potential lessees about stacking these leases right on top of one another - in shallow water that is within a close proximity to a spawner sanctuary. Has CRMC and DEM spoken about the biological impacts?

Sincerely,
Phil Capaldi
15 Baneberry Trail
Saunderstown, RI 02874
401-294-2923

On Monday, April 23, 2018, 12:08:11 PM EDT, Dave Beutel <dbeutel@crmc.ri.gov> wrote:

This application for a 1.5 acre shellfish farm using the rack and bag method and direct bottom plant begins thirty day public notice today. Please submit any comments to CRMC by January May 23, 2018.

David Beutel

Coastal Resources Management Council

Aquaculture Coordinator


Oliver Stedman Government Center

4808 Tower Hill Road

Wakefield, RI 02879

401-783-3370



 Virus-free. www.avg.com

Dave Beutel

From: Dave Beutel <dbeutel@crmc.ri.gov>
Sent: Monday, May 07, 2018 11:47 AM
To: 'Phil Capaldi'
Subject: RE: 30 day public notice Quonochontaug Pond

1. In general CRMC recognizes waterfront owners riparian privileges but not easements
2. Yes, but not a new one. The marinas in Ninigret Pond are in Type 2 waters. Marinas need a pumpout; commercial docks do not need one
3. The normal aquaculture protocol was followed
4. No
5. CRMC has worked with the town on all aquaculture applications
6. No, yes, yes

David Beutel
Coastal Resources Management Council
Aquaculture Coordinator
Oliver Stedman Government Center
4808 Tower Hill Road
Wakefield, RI 02879
401-783-3370

From: Phil Capaldi [<mailto:philcapaldi@yahoo.com>]
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Cc: ontherocksri@gmail.com; mvv1020.com@live.com; jdbruno1@cox.net; scott.wakeman@verizon.net; chaplinbbarnes@yahoo.com; granawhit@aol.com; executivedirector@weekapaugfoundation.com; rasmith@msn.com; joseph.t.macandrew@pfizer.com; tmwesterly@cox.net; james.j.federico@pfizer.com; harveyperry2@gmail.com; 'Mark Stankiewicz'; 'Charles Glew'; 'Alison Verkade - NOAA Federal'; 'Jody King'; 'Mcmanus, Conor (DEM)'; ckarp@brown.edu; 'Beuth, Joshua (DEM)'; 'Jason Peet'; 'Jason McNamee'; 'Amanda Turco'; 'timothy gilchrist'; 'Jennifer Harrington'; 'Mark J. Keeley'; 'David Lovesky'; Bill Wilson; john_crosson@watkinson.org; dacapaldi@aol.com; mmcapaldi@aol.com; jschickler@cox.net; traceydistefano2013@gmail.com; elschwab@comcast.net
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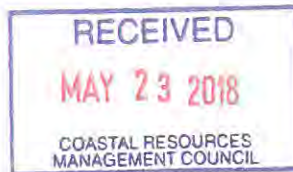
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David Beutel
 Coastal Resources Management Council
 Aquaculture Coordinator
 Oliver Stedman Government Center
 4808 Tower Hill Road
 Wakefield, RI 02879
 401-783-3370



4a

Robin L. Main
Direct Dial 401-457-5278
rmain@hinckleyallen.com

May 21, 2018

Grover Fugate, Executive Director
David Beutel, Aquaculture Coordinator
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

Re: Glews' Substantive Objections to Application for 1.5 acre shellfish farm for oysters in Quonochontaug Pond, Charlestown, Rhode Island, submitted by John C. Crandall, No. 2018-04-078 (the "Application")

Dear Messrs. Fugate and Beutel:

I represent Charles and Kathie Glew, who live at 5790B Post Road, Charlestown, Rhode Island. They also own the property abutting 5790B Post Road located at 134 Shirley Drive, Charlestown. The purpose of this letter is to present the Glews' substantive objections to the Application and to request that this matter become a "contested" case that will be heard before the Coastal Resources Management Council ("CRMC"):

1. The Glews oppose the Application to the extent that Mr. Crandall's oyster farm will impede access to the Quonochontaug Pond frontage of their two homes, both of which have recreational docks. Mr. Crandall's proposed aquaculture use must be compatible with other existing and potential water activities, such as boating, swimming and fishing. In no way should the Glews' access to their two docks be impeded. As such, the Glews request that, if Mr. Crandall's farm is approved, it be in a location and of a size not to impede access to the Glews' docks or any other water dependent activities;
2. Given that the proposed farm is in Type 2 waters, we believe that it must have a category B assent. As such, the Council should hold a public hearing on the application;
3. Mr. Crandall has not and cannot demonstrate that all local ordinances will be met. He seeks to conduct a commercial operation in a residential zone. He seems to rely on a license that the Town of Charlestown has issued for "Henry's Marina" for support for commercial activities. CRMC has not licensed this marina. Moreover, a commercial marina is prohibited in Type II waters. In addition, the license that the Town of

▶ ALBANY ▶ BOSTON ▶ CONCORD ▶ HARTFORD ▶ NEW YORK ▶ PROVIDENCE



Charlestown issued for Henry's Marina is, at best, only a "holiday" license for retail sales on state holidays. The license also is based on applications filed over the years riddled with conflicting information on purpose (e.g. renting boats, no fee marina, and mooring boats). There is even a notation on the 2007 application apparently from a Town clerk that Mr. Crandall does not "really operate this as a marina." For these reasons, the license for Henry's Marina, which has dubious legal authority, should be disregarded at CRMC as irrelevant to the review of the Application; and

4. Mr. Crandall does not have adequate landside access to the proposed oyster farm. The property from which Mr. Crandall proposes to conduct his commercial oyster farm activities is zoned residential. While there is some contradiction in the Application on whether "non-tidal" activity will occur at Mr. Crandall's property and should be clarified before CRMC, in the event that commercial aquaculture activities occur at his property, we believe that they would violate the Town's ordinance. In addition, the Rhode Island Right to Farm Act, R.I. Gen. Laws 2-23-1 et seq. does not provide Mr. Crandall with any relief as it seeks to prevent urban encroachments, which are absent here.

Please place me on any mailing lists regarding the Application and do not hesitate to contact me with any questions.

Very truly yours,



Robin L. Main

RLM/lsg

Enclosure

cc: Mr. & Mrs. Charles Glew

▶ ALBANY ▶ BOSTON ▶ HARTFORD ▶ MANCHESTER ▶ NEW YORK ▶ PROVIDENCE

HINCKLEY, ALLEN & SNYDER LLP, ATTORNEYS AT LAW
#57752286



TOWN OF CHARLESTOWN

June 19, 2018

Coastal Resources Management Council
4808 Tower Hill Road
Wakefield, RI 02879

Re: Aquaculture Permit CRMC 2018-4-078 – John Crandall – Charlestown RI

Honorable Members of the Coastal Resources Management Council:

At the June 11, 2018 meeting of the Charlestown Town Council, the members reviewed the Aquaculture Permit CRMC 2018-04-079 of John Crandall and correspondence from the Charlestown Coastal Pond Management Commission (CPMC) relative thereto and heard from Charles Glew, Charlestown resident and abutter to the proposed lease. After some deliberation and consultation with the CPMC Chairman, the Charlestown Town Council voted to authorize this letter be sent.

As background, the CPMC had reviewed this application during a Preliminary Determination Process at their November 6, 2017 meeting. During that review, several objections were raised by abutters regarding egress to and from a dock owned by Ocean Farms III LLC located on Lot 4-69-5 and proposed landside use by the property owner Charles Glew on Lot 3-144. Subsequent to the current application, Mr. Crandall did make some modifications at the CPMC's May 7th meeting, including relocating bottom gear from the east end of the proposed lease.

At the June 11th meeting the Town Council noted concerns that it requests CRMC consider prior to any approval:

1. Egress to and from the dock abutting the proposed lease is not adequate. The Council requests that a true egress to and from the abutting dock between the existing aquaculture lease and the proposed lease be established.
2. Some statements are ambiguous and their relevance is also unclear. The Town Council requests that CRMC ask the applicant to provide clarification regarding the following:
 - There is no indication of how and where the contamination procedures (daily washing of equipment and sanitation of sorting surfaces) would be carried out.
 - It is unknown what the "current activities" referenced are and what "negligible" means.
 - The statement that gear storage and parking would be "out of view of neighbors from any water traffic" is confusing; also there is no indication of (1) why gear would be stored, what



- type of gear and how much gear are proposed to be stored, who owns the gear that would be stored, and the location of the storage or (2) why there would be parking, the amount of parking, where the parking would be located, and who would be utilizing the parking.
- The statement that vehicle traffic through the easement would not increase dramatically is inexact in that there is no indication of what traffic occurs now, why it would increase at all, and by how much.
- There is no indication as to why the reference to a marina is made or its relevance to the application.

If approved, the Town Council requests that language reflecting the applicant’s statements “All activities will be done on State-submerged land” and “No non-tidal activities will be used in conjunction with the proposed lease” be included. In addition, the Town Council requests that it be clear in any approval that the aquaculture racks, bags and other ancillary equipment will be below the water at mean low tide; that operations will be limited during the waterfowl migration season (November through March), as requested by RI Department of Environmental Management; and that any land-based operations must conform to all applicable regulations including zoning.

Although not part of this particular application, the Town has observed that a majority of aquaculture leases in Quonochontaug Pond are issued in the portion bordering Charlestown. We understand that there is no regulation for the equitable distribution of the five percent of area dedicated for aquaculture between local towns; however we feel the residents of Charlestown should not bear an undue burden. Finally, we understand CRMC is the legal enforcement authority for any special conditions or restrictions on aquaculture leases, permits and operations within Charlestown. If the lease is approved, the Council requests that CRMC be particularly responsive to any complaints given the local attention that application has thus far received.

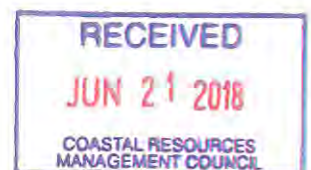
Thank you for the opportunity to comment on this application. Please feel free to call should you have any questions or need additional information.

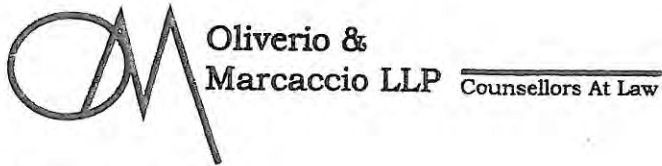
Sincerely,



Mark Stankiewicz
Charlestown Town Administrator

Town Hall
4540 South County Trail
Charlestown, RI 02813
401-364-1210
mstankiewicz@charlestownri.org



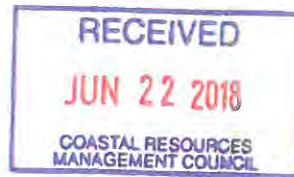


Oliverio &
Marcaccio LLP Counsellors At Law

Matthew T. Oliverio
Raymond A. Marcaccio

Santiago H. Posas

All attorneys admitted in RI and MA



55 Dorrance Street
Suite 400
Providence, RI 02903

Tel: (401) 861-2900
Fax: (401) 861-2922
www.om-rilaw.com

6a

June 21, 2018

Grover Fugate, Executive Director
David Beutel, Aquaculture Coordinator
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

*Re: Application of John F. Crandall for Aquaculture Farm
On Quonochontaug Pond
#2108-04-078*

Dear Messieurs Fugate and Beutel:

I write on behalf of my client, Brian Whitney, the owner of property located at 5740 Post Road, Charlestown, Rhode Island, who objects, in part, to the application of the proposed aquaculture project sought by Mr. John Crandall for the following reasons:

1. Mr. Whitney owns a recreational dock in the immediate vicinity of the proposed 1.5 acre aquaculture field, as well as an approved, town-issued mooring located in the southeast corner of the proposed field. While Mr. Whitney may concede that aquaculture can have a net positive effect on the environment and is an acceptable activity in all water types, aquaculture needs to be compatible with other existing and potential uses of the area including navigation, recreation, and fisheries. Thus, Mr. Whitney must be provided with a means of reasonable ingress and egress to and from the area used for aquaculture operations to enjoy traditional water activities such as boating, swimming, and fishing. As you know, the area in the immediate vicinity of Mr. Whitney's property is concentrated with three current commercial aquaculture leases that are greater in size than the proposed application. However, the size and location of the proposed aquaculture farming field by Mr. Crandall seriously impedes and obstructs his ability to recreate in the harbor area of Quonochontaug Pond and to navigate to and from his dock and mooring.

66



Grover Fugate, Executive Director
David Beutel, Aquaculture Coordinator
June 21, 2018
Page Two

2. The area of the proposed lease is extremely shallow and the bottom of the pond is littered with large rock formations that in and of itself make navigation very difficult and at times dangerous. Given these conditions, it requires Mr. Whitney to navigate his recreational boats within the area of the proposed field to avoid bottoming out. The scope and size of the proposed lease would effectively prevent Mr. Whitney from accessing his dock completely. Therefore, reducing the proposed 1.5-acre area to approximately 3/4 acre (250' x 125') would maintain more of the existing open water areas and provide somewhat less restricted access to Mr. Whitney's existing residential docks.

3. Since Quonochontaug Pond is a type II waterbody, which is intended to support low intensity recreational and residential uses, as opposed to commercial uses, the applicant must demonstrate that the project is necessary. The only statement in support of his application that the project is necessary is "to start an aquaculture business." This is hardly sufficient to meet the stringent CRMC requirements.

4. The aquaculture application must include the proposed gear layout and cross sections, and an operations plan. It does not.

5. Mr. Crandall has not and cannot demonstrate that all local ordinances will be met. He seeks to conduct a commercial operation in a residential zone. He seems to rely on a license that the Town of Charlestown has issued for "Henry's Marina" for support for commercial activities. CRMC has not licensed this marina. Moreover, a commercial marina is prohibited in Type II waters. In addition, the license that the Town of Charlestown issued for Henry's Marina is, at best, only a "holiday" license for retail sales on state holidays. The license also is based on applications filed over the years riddled with conflicting information on purpose (e.g. renting boats, no fee marina, and mooring boats). There is even a notation on the 2007 application, apparently from a Town clerk, that Crandall does not "really operate this as a marina." For these reasons, the license for Henry's Marina, which has dubious legal authority, should be disregarded at CRMC as irrelevant to the review of the Application; and

6. Mr. Crandall does not have adequate landside access to the proposed oyster farm. The property from which Mr. Crandall proposes to conduct his commercial oyster farm activities is zoned residential. While there is some contradiction in the Application on whether "non-tidal" activity will occur at Mr. Crandall's property and should be clarified before CRMC, in the event that commercial aquaculture activities occur at his property, we believe that they would violate the Town's ordinance. In addition, the Rhode Island Right to Farm Act, R.I. Gen. Laws § 2-23-1 *et seq.* does not provide Mr. Crandall with any relief. The legislative findings and declaration of the policy of the Right to Farm Act both focus on protecting agricultural operations from urban



Grover Fugate, Executive Director
David Beutel, Aquaculture Coordinator
June 21, 2018
Page Three

encroachment – that is not what we have here, which is relevant to the point that the proposed farm does not comply with local zoning.

Please provide me with notice of the hearing date on Mr. Crandall's application.

Very truly yours,

Matthew T. Oliverio

Background:

John Crandall was born and raised on the salt ponds of southern Rhode Island in a family of commercial fishermen. At an early age John learned from his father and uncles the value of our ponds and oceans; the economic value and productivity of these waters specifically related to the harvesting of fish and shellfish. This upbringing instilled a respect and protectiveness of these fragile waters to ensure the health and vitality for future generations.

John Crandall's vast knowledge of the salt-ponds and ocean ecosystems is unsurpassed and should be utilized, respected and treasured by our community. As an active member of the Salt Pond Coalition John has proven his depth of knowledge time and time again.

John's first-hand observations of the decline in some native species such as the soft and hard shell clams and oysters are the main reasons in starting this venture. This small commercial operation will mimic the natural cycles of the species and benefit the whole of the ecosystem of the pond. As an example; bottom planted mostly diploid oysters will be used. Diploid oysters grow and reproduce naturally and will help rebuild the natural population of the pond.

Operational Plan:

1. John Crandall
5790A Post Road
Charlestown, RI 02813
2. **CRMC File Number:** D-2017-10-079 2018-04-078
3. **DEM Aquaculture License Number:** TBD
4. **Type of Facility:** Commercial Lease
Nature of Operation: Bottom Planted and Bottom Trays
5. **Proposed Location of facility:** Quonochontaug Pond, Charlestown, RI
NE Corner: -71° 42' 50.17"
41° 21' 05.30"
NW Corner: -71° 42' 53.92"
41° 21' 03.31"
SW Corner: -71° 42' 52.51"
41° 21' 01.80"
SE Corner: -71° 42' 48.76"
41° 21' 03.79"
6. **Species:** All CRMC and Biosecurity board seed protocols will be followed.
Eastern oyster – *Crassostrea virginica*
Hard shell clam - *Mercenaria mercenaria*
Soft shell clam – *Mya arenaria*



- 7. **Types of structures, gear and methods:** Oyster seeds will be approved by the Biosecurity Board. When grown to planting size, oysters will be bottom planted and harvested by hand or with bull-rake. The hard shell clam seeds will be obtained from local sources as well but will be bottom planted and harvested by hand or with bull-rake. Bottom trays will be used to grow seeds prior to bottom planting.
- 8. **Methods and Equipment used to identify site:** The site will be marked with corner buoys at the four corners, secured to bottom with weighted anchors.
- 9. **DEM Shellfish Harvesting Classification:** 11QW
- 10. **Practices and procedures:** All husbandries will be done in traditional hands-on methods; all activities will be done on state submerged land. Oysters and clams will be graded as often as needed depending on growth and harvested by hand or bull-rake when market ready.
- 11. **Contamination Prevention:** All equipment and sorting surfaces will be washed daily and sanitized once per week. Temperature control of shellfish stock will follow all CRMC and DEM regulations. All seed will be purchased from approved bio-secure hatcheries and notice will be given to CMRC one week before purchase. All relevant records and biosecurity labeling will be adhered to.
- 12. **Methods of transitioning shellfish through growth:** Hand harvesting and bull raking will be performed on a weekly basis as bivalves become market ready.
- 13. **Record Keeping:** Records are to be maintained daily using waterproof logbook. Bottom planted oysters/clams will be recorded in batches based on location; year and class. This logbook will also be used to record the original seed purchases and planting dates. All records will be scanned/photographed to provide digital backup.
- 14. **Record keeping for out of state seed purchases:** All and/or any out of state seed purchases will be approved by the Biosecurity Board pending disease certifications from the relevant hatchery. All record keeping as outlined in line item #13.

Section 300.1 B Requirements

- 1. **Demonstrate need for proposed activity:** To start an aquaculture business.
- 2. **Demonstrate all local building codes and local ordinances will be met:** No non-tidal activities will be used in conjunction with the proposed lease. All local zoning ordinances, building codes, flood hazard standards and all safety codes, fire codes and environmental requirements will be met and followed in accordance to Section 300.1.2 of the RI Coastal Resource Management Program.

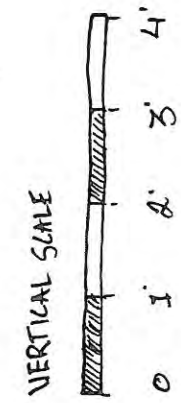
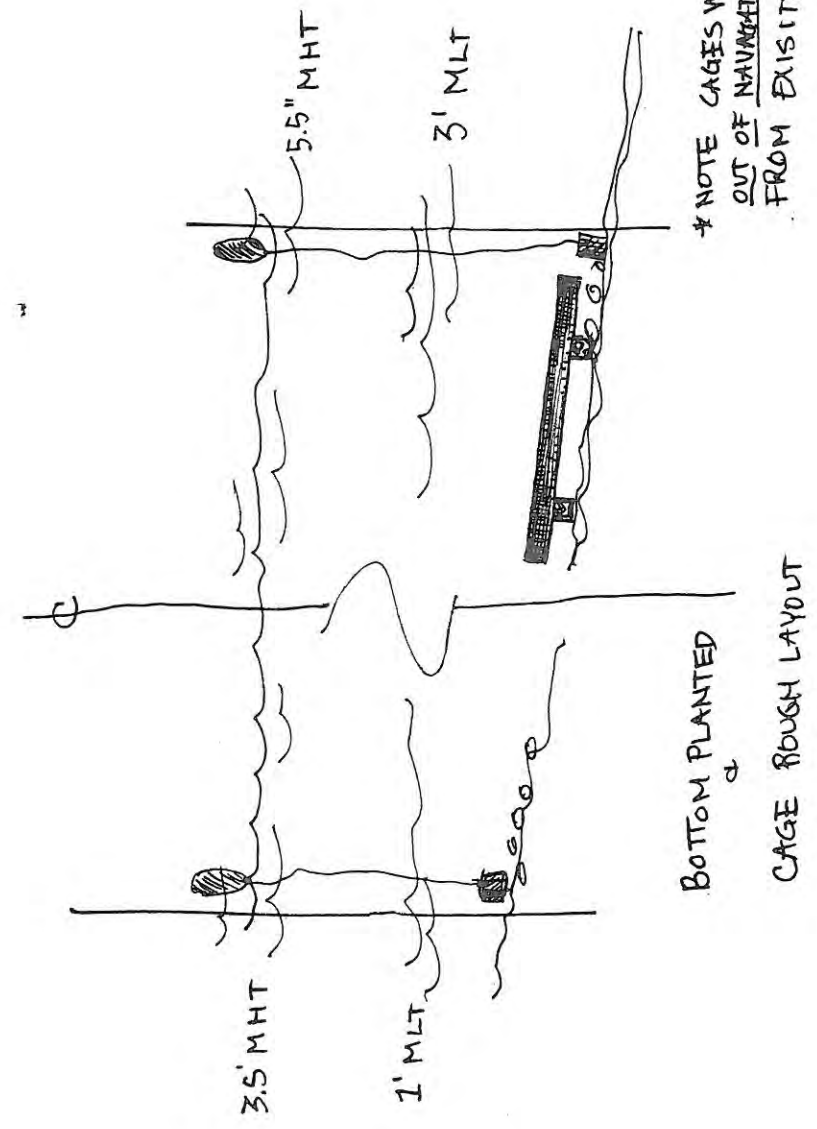




PROPOSED AQUACULTURE LEASE
QUONOCONTAUG POND
CHARLESTOWN, RI

APPLICANT:

JOHN CRANDALL
CROSS SECTION
GEAR LAYOUT 4.16.18



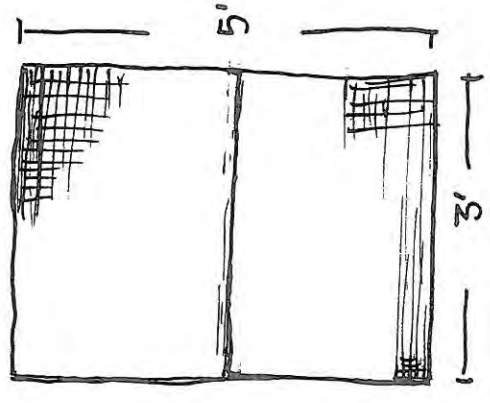


PROPOSED AQUACULTURE LEASE
QUONOCONTAUG POND
CHARLESTOWN, RI

APPLICANT: JOHN CRANDALL
SIDE/TOP GAGE

NOTES

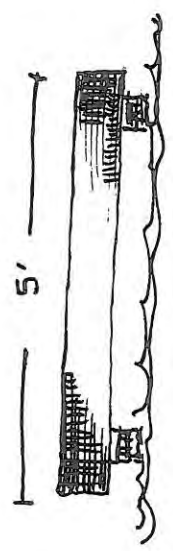
- AQUACULTURE GRADE COATED WIRE MESH



PLAN/TOP VIEW

GEAR DESCRIPTION:

- FULLY SUBMERGED ^{OR} COMPLETELY UNDERWATER CAGES
 - NUMBER OF CAGES WITH CARRYING CAPACITY
 - NO CAGES WILL INTERFERE WITH EXISTING NAVIGATION TO EXISTING DOCK
- * SEE CDR. 2018-001



SIDE VIEW



SCALE

RECEIVED
APR 20 2018
COASTAL RESOURCES
MANAGEMENT COUNCIL



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

(401) 783-3370
 Fax (401) 783-2069

APPLICATION FOR STATE ASSENT

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

Applicant's Name: <u>JOHN C CRANDALL</u>		File No (CRMC use only): 2018-04-078
Mailing Address: <u>5329 OLD POST RD</u>		Res. Tel. # <u>401-322-9347</u>
City/Town: <u>CHARLESTOWN</u>	State: <u>RI</u>	Zip Code <u>02813</u>
Waterway: <u>QUONNIE POND</u> Est. Project Cost \$ <u>1000,00</u>		Bus. Tel. # <u>401-378-2148</u>
Fee/Costs: \$		
Longitude/latitude of all corners of Proposed Aquaculture Project Location (preferably in decimal degrees): NE CORNER: <u>-71° 42' 50.17"</u> SW CORNER: <u>-71° 42' 52.51"</u> NW CORNER: <u>-71° 42' 53.92"</u> SE CORNER: <u>-71° 42' 48.576"</u> SW CORNER: <u>-41° 21' 03.31"</u>		

Have you or any previous owner filed an application for and/or received an assent for any activity on this site? (If so please provide the file and/or assent numbers). NO

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

Yes _____ No

If yes, you must indicate NOV or C&D Number _____

Is this site within a designated historic district? NO

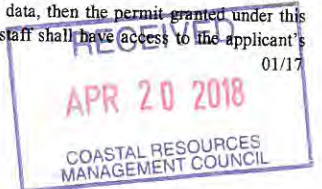
John C Crandall
 Owner's Signature (sign and print)

JOHN C CRANDALL

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

NOTE: The applicant acknowledges by evidence of their signature that they have reviewed the Rhode Island Coastal Resources Management Program, and have, where possible, adhered to the policies and standards of the program. Where variances or special exceptions are requested by the applicant, the applicant will be prepared to meet and present testimony on the criteria and burdens of proof for each of these relief provisions. The applicant also acknowledges by evidence of their signature that to the best of their knowledge the information contained in the application is true and valid. If the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then the permit granted under this application may be found to be null and void. Applicant requires that as a condition to the granting of this assent, members of the CRMC or its staff shall have access to the applicant's property to make on-site inspections to insure compliance with the assent. This application is made under oath and subject to the penalties of perjury.

PLEASE REVIEW REVERSE SIDE OF APPLICATION FORM



STATEMENT OF DISCLOSURE AND APPLICANT AGREEMENT AS TO FEES

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

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

John C. Crandall
Signature

4-11-18
Date

JOHN C. CRANDALL 5329 OLD POST RD
Print Name and Mailing Address Charlestown RI 02813



Background:

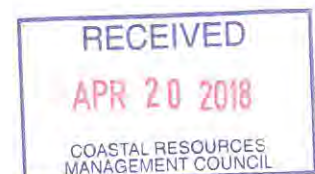
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John's first-hand observations of the decline in some native species such as the soft and hard shell clams and oysters are the main reasons in starting this venture. This small commercial operation will mimic the natural cycles of the species and benefit the whole of the ecosystem of the pond. As an example; bottom planted mostly diploid oysters will be used. Diploid oysters grow and reproduce naturally and will help rebuild the natural population of the pond.

Operational Plan:

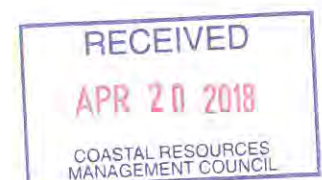
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Hard shell clam - *Mercenaria mercenaria*
Soft shell clam – *Mya arenaria*



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Section 300.1 B Requirements

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2. **Demonstrate all local building codes and local ordinances will be met:** No non-tidal activities will be used in conjunction with the proposed lease. All local zoning ordinances, building codes, flood hazard standards and all safety codes, fire codes and environmental requirements will be met and followed in accordance to Section 300.1.2 of the RI Coastal Resource Management Program.



Right to Farm Legislation –

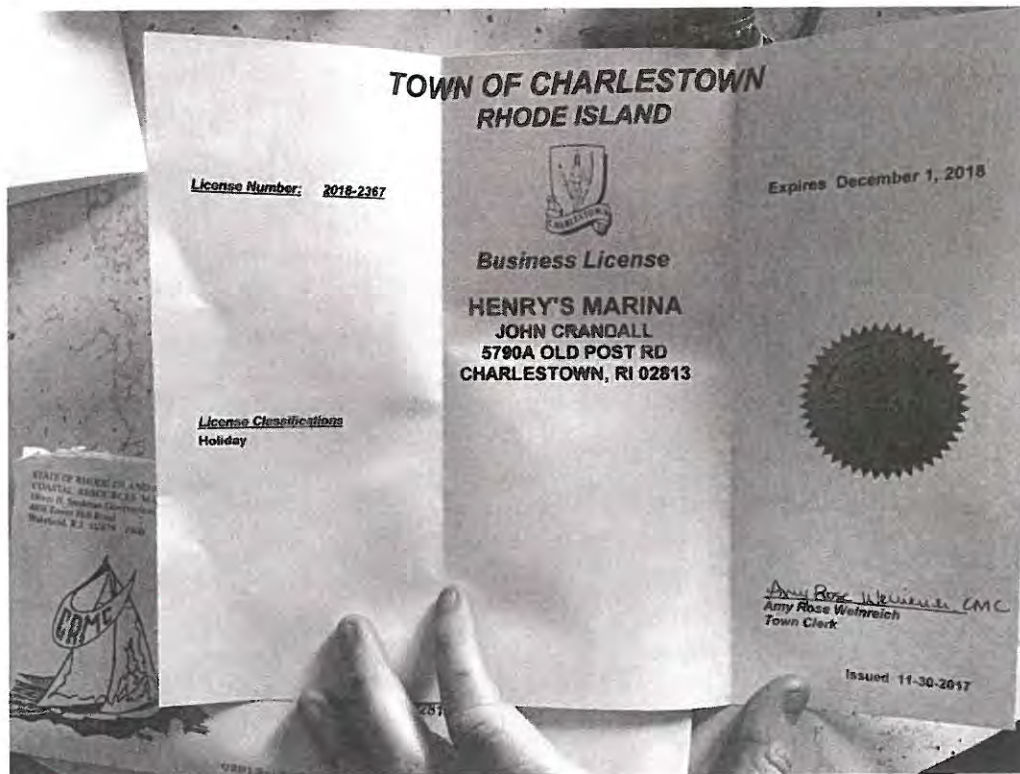
2013 Rhode Island General Laws
Title 2 - Agriculture and Forestry; Chapter 2-23 - Right to Farm

Access to the submerged site would be from the Quonochontaug Breachway or through John Crandall's riparian property, Parcel 03-145. Road access to the Parcel 03-145 is through an existing deeded easement on Parcel 03-144 with use of its private road.

"In general, common law riparian rights include a right of access to reach the water, the right on accretions, the right to an unobstructed view, a qualified right to wharf out, the right to make commercial use of the water access, the right to make reasonable use of the water, and the right of navigation in common with the public. Riparian rights are the considered vested property interests." (pg. 32, Section E, Coastal and Ocean Management Law, Donna Christie and Richard Hildreth)

This is a small aquaculture project and the impact on the neighbors will be negligible compared to current activities. Gear storage and parking is out of view from neighbors from any water traffic. Vehicle traffic through easement use would not be increased dramatically with the addition of 1.5 acres of farm.

John also has a registered marina business license filed and current with the Town of Charlestown that designates John as holder and his property as address.



3. Describe the boundaries of the coastal waters and the land areas anticipated to be affected: Please see attached map.



4. **Impacts to erosion and or deposition processes:** Bottom planted oysters have been proven to not impact erosion and or deposition processes. Bottom trays will be hidden from view under water and will not be higher than two feet from pond bottom.
5. **Impacts to the abundance and diversity of plant and animal life:** Oyster Aquaculture has been proven to improve marine habitats. No eelgrass or other aquatic vegetation has been observed within the proposed site. Limited impact on migratory waterfowl will occur by following the winter guidelines set by Rhode Island Department of Environmental Management. Work hours will be limited to 10am - 2pm from November 1 through March 31.
6. **Demonstrate that the alteration will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of tidal waters and/or the shore.** The proposed site was chosen because of its far distance from the majority of recreational activities and its close proximity to existing approved aquaculture farms. Small recreational craft will be able to maneuver above the cages, as they will be at least 12" below the mean low tide mark. The lease will not affect access to and from the shore. Public access to the pond is limited in the proposed area. The majority of the activity in the pond is to the east near the breach-way and the beach. Access to the northeast neighbors (Whitney) dock will remain as is, bottom planted shellfish would be maximized in the area closest to his dock to preserve his boat access. All grow out gear (trays) used would be in the deeper part of the site, furthest from his dock in the southeast corner.
7. **Impacts on water circulation, flushing, turbidity and sedimentation:** The proposed structures are designed to allow for the greatest flow of water to enhance oyster feed to maximize growth. Structures will be arranged to allow for the natural water current to flow nicely through the site.
8. **Demonstrate that there will be no significant deterioration of water quality in the immediate vicinity:** Oyster aquaculture has been proven to improve water quality by filtering action of the oyster feeding. Walking out from private land accesses the site and the use of powerboat will be limited to a jon boat on rare occasions. When powerboat is used all precautions will be used to prevent fuel leaks/spills.
9. **Demonstrate that the activities will not result in significant impacts to areas of historic or archaeological significance.** None are known.
10. **Demonstrate the activity will not result in significant conflicts with water dependent uses:** The proposed lease site is in a low use area and no foreseen conflicts as it is located far from the breach way and boat channels, recreational areas, and any fishing or swimming witnessed on the pond in recent years. The preliminary determination found no abundance of wild shellfish or eelgrass on the proposed site.
11. **Demonstrate that measures have been taken to minimize any adverse scenic impact.** The proposed oyster aquaculture will not disturb the aesthetics of the pond. Bottom trays will be submerged under water at all times. All work performed will be done for a few hours up to twice a week. The aesthetics of the pond will be respected at all times, on and off-season and for residents and tourists alike.



ACCESS FROM JOHN CRANDELLS PRIVATE LAND: WEST



RECEIVED
APR 20 2018
COASTAL RESOURCES
MANAGEMENT COUNCIL

VIEW TO NORTH:

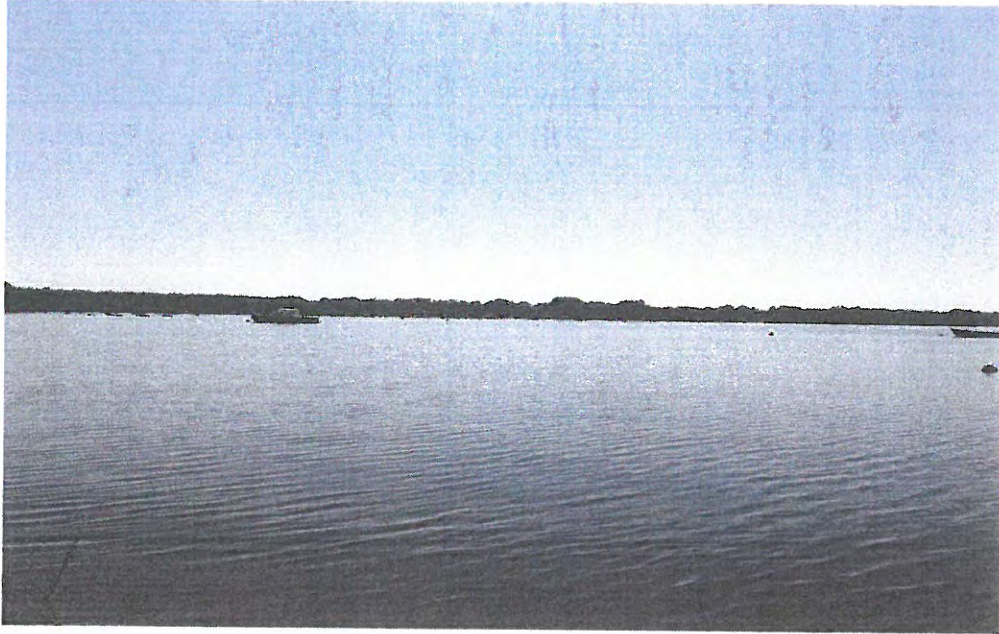


VIEW TO SOUTH:



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COASTAL RESOURCES
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VIEW EAST:



RECEIVED
APR 20 2018
COASTAL RESOURCES
MANAGEMENT COUNCIL

