

CRMC DECISION WORKSHEET

2020-04-037

JOHN BOWEN & PATRICK BOWEN

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
2020-04-037	Tiverton	Sakonnet River		B	<input type="checkbox"/>	<input type="checkbox"/>
		Plat	Lot			
		Owner Name and Address				
Date Accepted	04-13-2020	John Bowen & Patrick Bowen		Work at or Below MHW		<input checked="" type="checkbox"/>
Date Completed	05-04-2021	79 Shaw Road		Lease Required		<input checked="" type="checkbox"/>
		Little Compton, RI 02831				

PROJECT DESCRIPTION

0.95 acre oyster farm using submerged cages

KEY PROGRAMMATIC ISSUES

Coastal Feature: Submerged land

Water Type: Type 1, Conservation Areas

CRMP: CRMP Sections: §§ 1.2.1(B); 1.3.1(A); and 1.3.1(K)

Variances and/or Special Exception Details:

Additional Comments and/or Council Requirements:

Specific Staff Stipulations (beyond Standard stipulations):

STAFF RECOMMENDATION(S)

Aquaculture Coordinator BJG Recommendation: Approval

Executive Director Sign-Off

date

Aquaculture Coordinator

date

Name: John Bowen & Patrick Bowen
CRMC File No.: 2020-04-037
Staff Report



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

DATE: May 4, 2021
TO: Jeffrey M. Willis, Executive Director
FROM: Benjamin Goetsch, Aquaculture Coordinator
SUBJECT: CRMC File No. 2020-04-037

Applicant's Name:	John Bowen & Patrick Bowen
Project:	0.95 acre oyster farm using submerged cages
Location:	Seapowet Cove, Sakonnet River, Tiverton
Water Type/Name:	Type 1; Conservation Areas
Coastal Feature:	Submerged Land

STAFF REPORT

This application is for a 0.95 acre oyster farm in the Sakonnet River, southwest of the Seapowet Bridge in the area known as Seapowet Cove (see Attachment A and B). The Seapowet Creek empties under the bridge and into the cove along a deeper channel which is flanked by rocky sandy shallows to the south and a beach with a sandbar to the north. Also along the shore north of the channel is the DEM Seapowet Creek Management Area which offers public parking and shore access. This application proposes a small farm near the end of the creek channel on its southern side, opposite the DEM Seapowet Creek Management Area.

The applicants are brothers that desire to start a small family farm growing only oysters. They have proposed 200 bottom cages (2' x 4', 14" tall, with 2" runners to keep them elevated from the bottom (total cage height is 16" tall) in water depths of 2' - 4' Mean Low Water. There will be 20 "trawls" of ten cages secured with 5/8"x36" helical anchors installed at each end (25 total), with a line attached to the helical-anchors on each side. Each cage will be secured to the line on both ends to avoid any movement during adverse weather conditions.

Due to public comments received, the applicants have proposed a modification to the original location in order to reduce any conflict with recreational fishing from the shores of the management area (see Attachment C). Staff supports the modification and will explain its development in the section below.

History:

The preliminary determination (PD) meeting for this application was conducted during a meeting of the Tiverton Harbor and Coastal Waters Management Commission on February 17, 2020. The commission had many questions and comments. One issue for the commission, DEM, and an objector was the shallow nature of the area and its recreational shellfish harvesting value. The PD site was farther north and east of the proposal, in shallower water (see attachment D), and overlapped significantly with the Recreational Shellfishing Layer on the DEM Marine Fisheries Map. The applicants asserted that there were plentiful quahogs on the north side of the creek channel but very few in the area that they proposed to the south. CRMC had a discussion with a local recreational harvester that confirmed the assertion. A subsequent shellfish survey found no quahogs in the proposed area.

A related issue was that the applicants proposed accessing the site by walking from the DEM Sapowet Marsh Management Area public parking lot. The applicants proposed crossing the intertidal area adjacent to the parking lot and crossing the creek channel while transporting the proposed gear (up to 200 cages) and servicing the farm. While there are other aquaculture sites in RI that access the site by walking, none of that access is from a public parking area. This method of access was not recommended by DEM and CRMC. The commission, DEM, and the objector all stated that they would not have an issue with this farm if it was moved to deeper water adjacent to the proposed site. Based on staff recommendations, the applicants in their full application moved the site southwest toward the deeper water creek channel, outside of the Recreational Shellfishing Layer, and made clear that access to the site would be over private land or by boat. Issues related to recreational shore fishing were not identified during the PD meeting.

Application Review:

This application has undergone the standard review process and has received the following letters and authorizations:

- RI Department of Environmental Management (DEM) Office of the Deputy Director for Natural Resources: minimal impact to fisheries and habitat, support of revision 6/25/2020
- RI Marine Fisheries Council: no recommendation 11/16/2020
- RI DEM Office of Water Resources: neither a RIPDES permit nor a Water Quality Certificate is required for the proposed facility. 12/17/2019
- RI Historical Preservation and Heritage Commission: no impact 4/29/2020
- U.S. Army Corps of Engineers 1/5/2021

During the thirty day public notice period, CRMC received five letters of support from various member of the community. However, CRMC also received two letters of objection citing potential interference with recreational shore fishing that occurs on the banks of the DEM Sapowet Marsh Management Area during certain times of year. The primary concern was that the site as proposed had encroached toward the sand bar and into the deeper water of the creek channel which is an area that fishermen wade out to and cast into in order to target striped bass. The Tiverton Harbor Commission also submitted a letter of objection based on possible impacts to moorings in the area despite indicating at the PD meeting that they would not have an issue with the proposal if it was moved to deeper water.

Working with CRMC and DEM staff, the applicants revised the site location again and moved the location east, away from the sandbar, and further south in order to reduce any conflict with recreational fishing while maintaining the appropriate water depth for the gear. Staff also sent this revision to the aquaculture public notice email list for any additional comments. When this application proceeded to the Shellfish Advisory Panel (SAP) for review, the panel members were confused by the revised site and the original. The meeting was conducted via Zoom and not all panel members had access to video or the slides presented (see Attachment E and F). The revision reduces the conflict with recreational fishing but moves the site slightly into the Recreational Shellfishing Layer. DEM stated at the meeting that they had no objection to the revision as the shellfish survey found no quahogs in the area. The SAP voted to object to the application because they were not sure which site they were commenting on and they thought it would be best if the full Marine Fisheries Council (MFC) review the application. The applicants subsequently appealed the decision to the MFC which also had issues in determining how to treat the revision and formulate a recommendation to CRMC. Three motions were made regarding the application, one to send the application back to the SAP for further review and two to not object to the revised site. After lengthy discussions, all motions failed after resulting in no opinion being rendered to the CRMC (see Attachment G and G1).

CRMC staff was frustrated with the result of the MFC review as the objection seemed to be more about the process rather than the application itself. However, through further research and communication with MFC Chair, Robert Ballou, staff learned that the review of revised or modified applications before the SAP/MFC is addressed in the DEM policy document titled, "Shellfish Aquaculture Lease Proposals: Policies and Procedures Governing RIMFC and DEM Reviews" (see Attachment H):

"Upon completion of the 30-day notice period, the AC coordinates with the applicant regarding public comments and any potential modifications to lease application based thereupon...The SAP meeting takes place. At the meeting, the AC, in coordination with the applicant, addresses any preliminary modifications to the application...The SAP seeks consensus on a recommendation regarding the application, including any potential additional modifications thereto."

It is Staff opinion that the SAP/MFC failed to render a recommendation on this application because they did not follow the policies and procedures that govern their review of aquaculture proposals. While it is true that a proposed modification to an application can only be approved by the CRMC council at a public hearing, the SAP/MFC clearly should consider such modifications in their review and recommendation to the CRMC.

Staff has since meet with the SAP to discuss these procedures in order to avoid any confusion in the future with an application that has been revised or modified to address concerns raised during the thirty day public notice period.

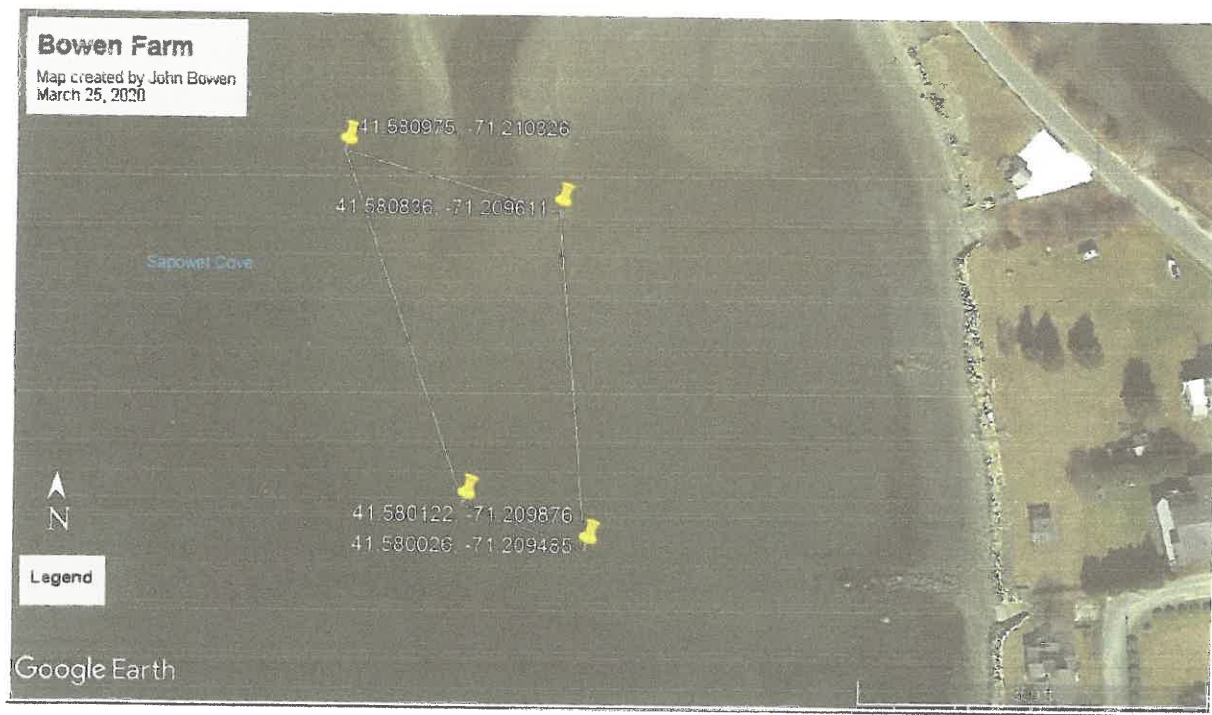
Additionally, the Tiverton Harbor Commission withdrew their objection when presented with the new revision at their regularly scheduled meeting on March 1, 2020. Staff presented an analysis of the area using satellite imagery at the meeting which confirmed for the commission that the revised site would not impact any moorings. The commission voted unanimously in favor of the application and to withdraw their objection (see Attachment I).

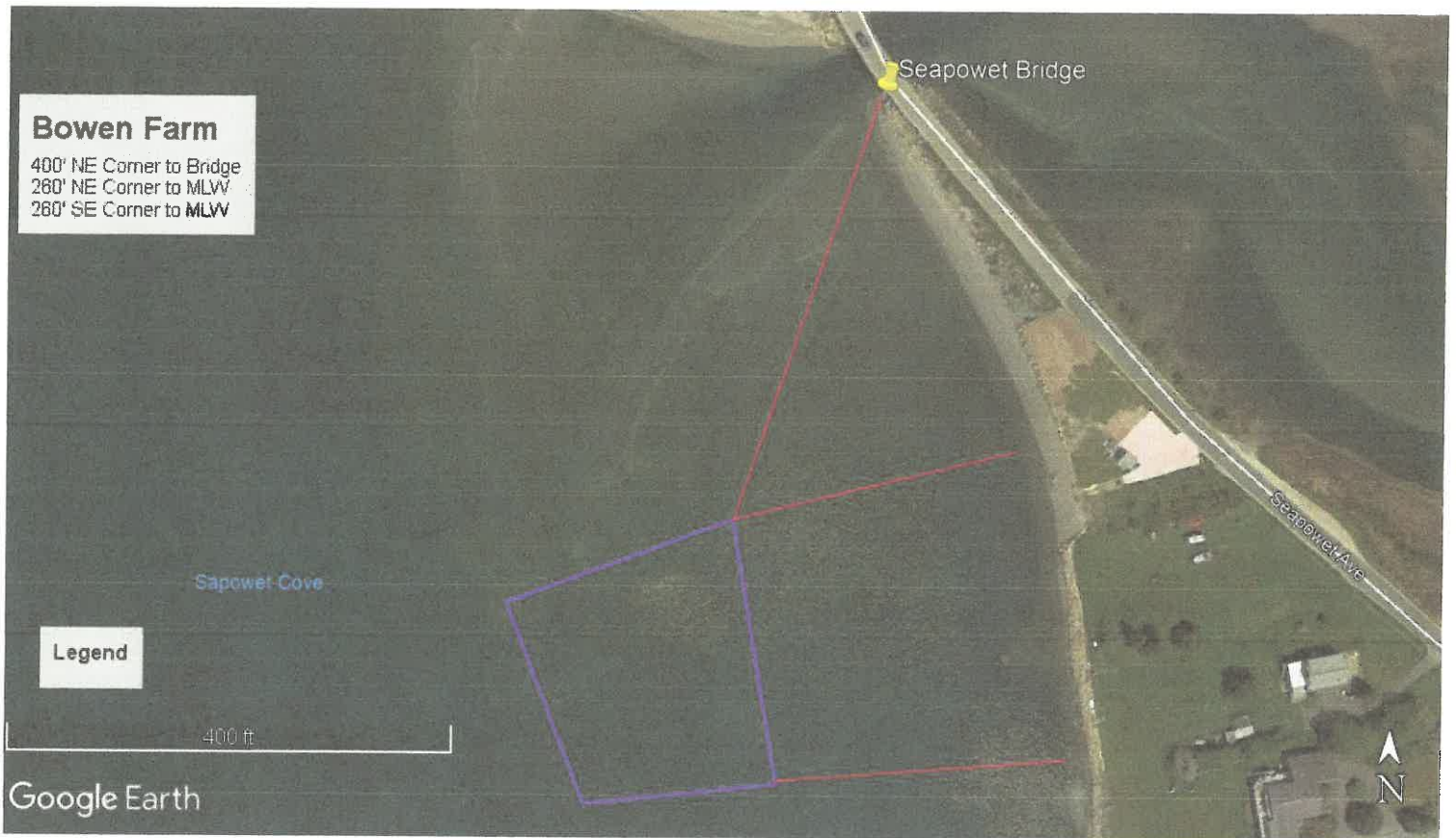
Summary:

Name: John Bowen & Patrick Bowen
CRMC File No.: 2020-04-037
Staff Report

As stated above, this application for a 0.95 acre oyster farm as originally proposed presents a potential conflict with recreational shore fishing at the DEM Seapowet Marsh Management Area. Staff does not recommend this application as originally proposed for approval. It is Staff opinion that the revised site configuration significantly reduces the potential conflict between the farm and the recreational uses of the area. Staff has identified this configuration as a preferred alternative to the original application and the applicants have submitted a full set of revised site, gear and operational plans to CRMC via email on November 9, 2020 in support of that configuration (see Attachment J). It is Staff opinion that this revised application package dated November 9, 2020, is complete and has met the requirements of 650-RICR-20-001.3.1(K). Staff recommends the revised application dated November 9, 2020 for approval.





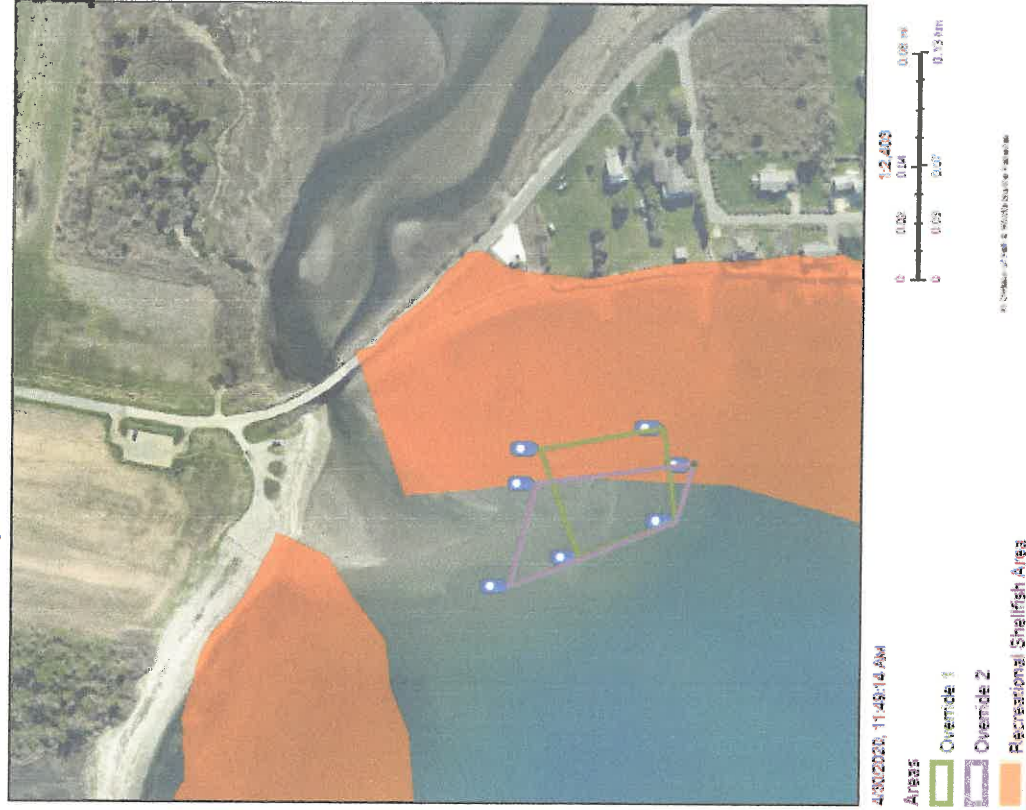




3. 2020-04-037 Bowen, Sakonnet River

- Proposed 1.1 acre site in hard sand and rocky bottom in 1' -4' of water.
- Cultivating oysters using submerged bottom cages.
- Site overlaps with DEM recreational shellfishing layer.
- CRMC site assessment 0 quahogs/m²
- Site access via boat or private property.

Aquaculture Location Sketch



Shellfish Advisory Panel

September 2, 2020; 4:00PM

Virtual public meeting

Zoom webinar

MEETING SUMMARY

RIMFC members: K. Eagan (Chair)

DEM: A. Gerber-Williams, C. McManus, D. Erkan, J. McNamee, P. Duhamel, K. Rodrigue, S. Olszewski, J. Lake, D. Borkman, C. Hannus;

CRMC: B. Goetsch;

SAP members: Brennan Bica, J. Gardner, D. Ghigliotty, M. McGiveney, G. Schey, M Sousa, R. Tellier, R. Pastore, J. McDonald;

Public: N. Papa, V. Hemelrijck, J. Bown, S. Bowen;

1. Aquaculture application 2019-10-047 (East Beach Oyster Co. LLC, Papa):

2019-10-047, East Beach Oyster Co. LLC (Papa), Ninigret Pond: *B. Goetsch* provided a brief overview of the proposal, which consists of a 4.91-acre site reconfiguration and expansion of current 11.8-acre lease (total of 15.6-acres) for cultivating oysters (*Crassostrea virginica*) and hard shell clams (*Mercenaria mercenaria*) using bottom plant in Ninigret Pond. The reconfiguration is to avoid boat traffic trying to access the shoreline. CRMC performed a site assessment in and determined densities of quahogs at 1.4/m² and mostly soft mud bottom in 8-10 ft of water. *M. McGiveney* asked whether the work schedule was part of the application and *B. Goetsch* said that it is required of the applicant to provide this information. Additionally, *M. McGiveney* asked for the Ninigret Pond aquaculture percent acreage with this lease expansion and *B. Goetsch* calculated the percentage to be 4.39% with the 4.91-acre lease expansion. *D. Ghigliotty* asked for harvest method clarification. *B. Goetsch* replied that it is bullrake, dredge, and scuba.

- **Motion made by *M. McGiveney* to recommend to CRMC that the aquaculture activities proposed in the application is consistent with competing uses engaged in the exploitation of marine fisheries; 2nd by *R. Pastore*. The motion passed with a unanimous vote of 8-0.**

2. Aquaculture application 2020-05-083 (Van Hemelrijck):

2020-05-083, Van Hemelrijck, Point Judith Pond: *B. Goetsch* provided a brief overview of the proposal, which consists of a 0.55 - acre primary lease site on hard sand bottom in 1.5 – 4 feet of water and a second nearby 0.05-acre winter storage site to cultivate oysters (*Crassostrea virginica*) and hard shell clams (*Mercenaria mercenaria*) using submerged cages and bottom plant in Point Judith Pond. The applicant had a 1000 m² Commercial Viability site in Point Judith Pond, which expired in 2020. CRMC performed a site

assessment, which found 0.16 quahogs/m². *B. Goetsch* noted this lease would complete the Point Judith Pond 5% limit. CRMC received a letter of objection to the application from local homeowner, whom had circulated a petition, which stated that it was too close to their docks and would impact recreational use. *R. Tellier* asked whether eelgrass was found at the site and *B. Goetsch* stated that there is none located at the site but that it was found to the north of the location. *K. Eagan* asked for clarification on the months designated for the winter storage. *B. Goetsch* said that the winter storage would be used between December and March.

- **Motion made by *R. Pastore* to recommend to CRMC that the aquaculture activities proposed in the application is consistent with competing uses engaged in the exploitation of marine fisheries; 2nd by *D. Ghigliotti*. The motion passed with a vote of 6-1 (*R. Tellier* opposed).**

3. Aquaculture application 2020-04-037 (Bowen):

2020-04-037, Bowen, Sakonnet River: *B. Goetsch* provided a brief overview of the proposal, which consists of a proposed 1.1 - acre lease in the Sakonnet River within the town of Tiverton. The site is located over rocky bottom in 1 – 4 feet of water and would be used for cultivating oysters using submerged bottom cages. The site partially overlaps with the DEM recreational shellfishing layer. CRMC performed a site assessment, which found 0.0 quahogs/m². The site would be accessed using a boat or private property. *B. Goetsch* stated that CRMC received a letter of objection from the Harbor Commission stating that the site location was in too shallow of water. An additional two letters of objection were received regarding conflicting use of the channel for recreational fishing. Due to the recreational fishing objection, CRMC proposed an amended site, which moves the location further south out of the channel and in closer to shore. *R. Pastore* asked whether there is a lot of boating traffic in the area and whether hi fliers were required for these applications. *B. Goetsch* stated that there is some boating traffic to the town boat ramp and that all applications require buoys with assent numbers. *J. Gardner* stated that the sites northwest point could be hard to navigate around and that he proposes moving it further south. *J. Gardner* would not object to the application if the currently proposed northwest corner was shifted down to the northwest corner on the proposed amended site. The applicant, *J. Bowen* clarified that the current proposed lease location on the application out for public notice is the footprint that is located closer to the channel and further outside of the DEM recreational shellfishing layer (purple outline on the map) and that the alternate location (green outline on the map) is what CRMC has proposed as an amendment to address the recreational fishing conflict. *M. McGiveney* stated that due to the confusion regarding the proposed site and site alternate that it would be best for the RIMFC to review the application.

- **Motion made by *M. McGiveney* to recommend to RIMFC that the aquaculture activities proposed in the application is not consistent with competing uses engaged in the exploitation of marine fisheries, Also, due to the confusion regarding the alternative site description; 2nd by *G. Schey*. The motion passed with a vote of 6-0 (*J. Gardner* abstained).**

4. **Shellfish harvest schedules for winter management areas (Greenwich Bay, Bissel Cove, and Bristol Harbor Shellfish Management Areas):**

- **Greenwich Bay sub-areas 1 and 2:** *A. Gerber-Williams* provided a brief explanation of the default winter harvest schedule for the Greenwich Bay Shellfish Management Areas. *G. Schey* voiced that the sub areas should be made into one area. *C. McManus* replied that it hasn't been addressed in regulation but that it would be assessed by DEM DMF staff. *B. Bika* asked whether more harvest hours could be added in December because as a dealer they need more product before the holidays. **Motion made by *M. McGiveney* to recommend to the council proposed schedule change. Greenwich Bay Sub Areas 1 and 2 opens December 9, 11, 14, 16, 18, 21, 22, 23, 24, 28, 29, 30. The 31st would only be permissible if weather closures do not permit harvest during one of the scheduled days; 2nd by *D. Ghigliotty*. The motion passed with a unanimous vote of 8-0.**
- **Bissel Cove 3F:** *A. Gerber-Williams* provided a brief explanation of the default winter harvest schedule for the Bissel Cove Shellfish Management Area. **Motion made by *M. McGiveney* to recommend to the council proposed schedule change. Bissel Cove opens December 9, 11, 14, 16, 18, 21, 22, 23, 24, 28, 29, 30. The 31st would only be permissible if weather closures do not permit harvest during one of the scheduled days; 2nd by *G. Schey*. The motion passed with a unanimous vote of 6-0.**
- **Bristol Harbor 4B:** *A. Gerber-Williams* provided a brief explanation of the default winter harvest schedule for the Bristol Harbor Shellfish Management Area. **Motion made by *J. McDonald* to recommend to the council to keep the schedule as is; 2nd by *M. McGiveney*. The motion passed with a unanimous vote of 6-0.**

A. Gerber-Williams presented quahog landing data of direct counts collected in each of the shellfish winter harvest management areas going back to 2011.

5. **Providence River Transplant:**

A. Gerber-Williams presented an update on the Providence River transplant scheduled for September 15th (weather day on Wednesday the 16th). The transplant is to begin at 8:00 AM and continue until 12:00 PM with the base of operations at the R/V John Chafee, which will be anchored centrally in the lower Providence River. Shellfisherman will be paid \$15 per 50 pound bag if assisting with the dumping, otherwise participants will be paid 10\$ per 50 pound bag. W-9 forms should be submitted in advance by September 7th to Kim Kirwan via email or mail, this also serves as a RSVP for the transplant. *C. Hannus* from the Office of Water Resources stated that the eastern shoreline has pollution sources, which should not be included in the transplant area and that the eastern boundary line should extend from Bullock Point to Nayatt Point. Additionally, *C. Hannus* voiced that the transplant could be delayed if the Upper Bay receives a rainfall amount of greater than an inch. Finally, she said that the Winnapaug transplant information needs to be added to the Office of Water Resources paperwork. It was decided that a final draft

needed to be agreed upon for the Providence River procedures and additional clarification on the Winnapaug transplant be added to the transplant plan between the OWR and DMF.

Prepared by: A. Gerber-Williams



Rhode Island Marine Fisheries Council

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

RIMFC: Robert Ballou, *Chairman*; Travis Barao; Andy Dangelo; Katie Eagan; Jason Jarvis; David Monti, *Vice Chair*; Christopher Rein; Michael Rice, Ph.D.; Mike Roderick

MEETING SUMMARY

November 2, 2020

Zoom webinar virtual meeting

Chairperson: B. Ballou

RIMFC members in attendance: T. Barao, A. Dangelo, K. Eagan, J. Jarvis, D. Monti, C. Rein, M. Rice, D. Monti, M. Roderick

Director's office: J. McNamee

Division: C. McManus, S. Olszewski, J. Lake, N. Costa, N. Ares, C. Parkins, M. Bucko, P. Duhamel, N. Ameral

DEM Legal: J. LoBianco

Public: Approximately 10 persons in attendance.

1. Approval of the agenda: The Chair inquired to any objections to approving the agenda or if there were any requests for modifications; hearing no objections or requests or modifications the agenda was approved by consent.
2. Approval of minutes from meeting on June 1, 2020: The Chair inquired to any objections to approving the minutes or if there were any requests for modifications; hearing no objections or requests or modifications the minutes were approved by consent.
3. Public comments regarding any other matters not on agenda: No comments were offered.
4. Horseshoe crab assessment update: N. Ameral provided an update on the status of the horseshoe crab stock assessment being conducted by the Division.
5. Noticed regulation amendments (Part 2 - Commercial and Recreational Saltwater Fishing Licenses):
 - The following items were handled by the Council in a single motion:
 - Correction to activity standard criteria for the issuance of a new license in instances of Incapacity (section 2.7.5(D)(1)(b)(2))
 - Amend the activity standard criteria for the date that landings must have occurred, from 2006 to 2010, for the issuance of new licenses in instances of incapacity (section 2.7.5(D)(1)(b)(2))

- Clarify eligibility requirements regarding the issuance of a new license in instances of incapacity (section 2.7.5(E)(5)(a))
- Add prioritization criteria for the issuance of new licenses and endorsements for veterans to account for fishing activity lost during active duty (section 2.7.5(G)(1)(f))

Motion made by D. Monti to recommend adoption of the proposed rule with a change of the word “conscription” as noticed to “enlistment”, and change the 10-year time frame from a hard date to a rolling 10-year timeframe; 2nd by M. Rice. The motion passed 8-0.

- Direct Sale Dealer License (section 2.7.9(F)): The following motions were made:
 - Motion made by C. Rein to recommend to the Director adoption of the regulatory language as proposed for addition of the Direct Sale Dealer License to Part 2 – Commercial Licensing as amended; 2nd by K. Eagan. The motion passed 8-0.
 - Motion to amend made by M. Rice that the final rule provide for allowance that the product to be sold within 24 hours from time of landing, instead of on the same day as noticed; 2nd by C. Rein. The motion passed 8-0.
 - Motion to amend made by D. Monti to set the license fee to \$50; 2nd by C. Rein. The motion passed 8-0.
 - Motion to amend made by D. Monti to add sea and bay scallop meats to the list of species authorized for sale under the license; 2nd by C. Rein. The motion passed 8-0.
 - Motion to amend made by K. Eagan to add live whelk to species eligible for transport; 2nd by M. Rice. The motion passed 8-0.

6. Aquaculture lease application review (John & Patrick Bowen):

- Motion made by C. Rein to recommend to the CRMC that override area 1 of this aquaculture lease application is consistent with competing uses engaged in the exploitation of the marine fisheries and minimizes impacts compared to override area 2; 2nd by M. Rice. The motion was withdrawn after discussion.
- Motion made by C. Rein to recommend to the CRMC that this aquaculture lease application be remanded to the RIMFC Shellfish Advisory Panel for additional review as the lease application has been modified since being noticed; 2nd by M. Rice. The motion failed 5-3 (J. Jarvis, M. Rice, T. Barao, M. Roderick, A. Dangelo dissenting).
- Motion made by M. Rice to recommend to the CRMC that override area 1 of this aquaculture lease application is consistent with competing uses engaged in the exploitation of the marine fisheries and minimizes impacts compared to override area 2; 2nd by T. Barao. The motion failed 6-2 (C. Rein, M. Roderick, J. Jarvis, D. Monti, K. Eagan, A. Dangelo dissenting).

7. Shellfish harvest schedules in Greenwich Bay and Bissel Cove/Fox Is. Shellfish Management areas: Motion by K. Eagan to recommend to the Director adoption of the proposed amendments to the December 2020 harvest schedules as recommended by the Shellfish Advisory Panel as follows:

Open from 8:00 AM to 12:00 PM on December ~~11, 13, 16, 18, 20, 23, 24, 26, 27, 30, and 31~~ 9, 11, 14, 16, 18, 21, 22, 23, 24, 28, 29, 30. If one of the dates are closed due to water quality impairment, December 31 will open for harvest.

8. Shellfish Advisory Panel meeting minutes (9/2/20): The Chair inquired to any objections to approving the minutes or if there were any requests for modifications; hearing no objections or requests or modifications the minutes were approved by consent.
9. Shellfish Advisory Panel Scientific Advisor position: M. Rice offered to fill the position which was unanimously supported by the other Council members.
10. Any Other Matters: No other matters were discussed.
11. Adjournment: The meeting was adjourned by the Chair at @ 8:15pm.

Note: This document represents a meeting summary. The full video recording of the meeting is available at the Division of Marine Fisheries YouTube channel [here](#). Individual agenda items and their times can be viewed by expanding the “SHOW MORE” tab.



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

Katie Eagan

Jason Jarvis

Christopher
Rein

Michael Rice,
Ph.D.

Michael
Roderick

November 16, 2020

Ben Goetsch, Aquaculture Coordinator
Coastal Resources Management Council
4808 Tower Hill Road
Wakefield, RI 02879

Re: CRMC Aquaculture Lease Application # 2020-04-037, John and
Patrick Bowen, Sakonnet River, Little Compton

Dear Mr. Goetsch:

Pursuant to R.I. Gen. Laws §20-10-5, the above-referenced aquaculture lease application was brought before the RI Marine Fisheries Council's (hereafter "Council" or "RIMFC") Shellfish Advisory Panel (SAP) on September 2, 2020. The SAP was presented with two locations for the proposed lease site – one being the site set forth in the public notice dated April 17, 2020; the other being an overlapping alternative location offered by the CRMC, during the public comment period, as a proposed modification in response to initial concerns raised during the public notice period. The SAP found the matter involving two proposed sites confusing and, based on that confusion, voted to recommend that the aquaculture activities proposed in the application are not consistent with competing uses engaged in the exploitation of marine fisheries. The recommendation was rendered with the expectation that the matter would be brought before the full Council for further consideration.

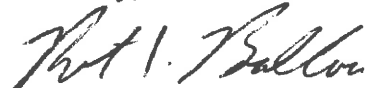
At the request of the applicants, the application was brought before the full Council at the Council's meeting on November 2, 2020. The Council deliberated upon the recommendation of the SAP, as well as additional input provided by you on behalf of the applicants, and additional input from the applicants themselves. The Council considered two motions:

- Motion #1: To remand the application back to the SAP for additional review due to the location being modified since being publicly noticed. Motion failed 5-3.
- Motion #2: To recommend to the CRMC that override area 1 is consistent with competing uses engaged in the exploitation of the marine fisheries and minimizes impacts compared to override area 2. Motion failed 6-2.

There being no further motions, the RIMFC's review concluded. Thus, the application is hereby conveyed to the CRMC with no recommendation from the RIMFC.

The key challenge faced by the Council and the SAP regarding this application is that the members felt uncomfortable rendering a recommendation pertaining to two proposed lease site locations, only one of which was noticed for public comment. The members value the insights and perspectives offered by fishermen via the public comment process, and consider them carefully when formulating recommendations to the CRMC. The shifting nature of this proposal during the public comment period made it difficult for the Council and the SAP to apprehend public opinion and render informed recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Ballou", written in a cursive style.

Robert Ballou, Chair
RIMFC

cc: RIMFC Members
Michael Wierbonics, ACOE
Alicia Wilson, ACOE

Shellfish Aquaculture Lease Proposals

Policies and Procedures Governing RIMFC and DEM Reviews

Adopted by the RI Marine Fisheries Council – August 3, 2009
As Amended September 2009

Policy #1:

The RI Marine Fisheries Council (RIMFC) authorizes the Council's Shellfish Advisory Panel (SAP) Chair to schedule SAP meetings, on an as-needed basis, for the purpose of reviewing applications for issuance of aquaculture leases that have been submitted to CRMC and that CRMC has referred to the RIMFC for review for the consideration of recommendations pursuant to R.I. Gen. Laws §20-10-5(b). The RIMFC hereby determines that it is procedurally unnecessary for the full RIMFC to conduct preliminary reviews of each of the individual aquaculture lease applications prior to designating them for consideration as SAP agenda items. The SAP Chair will provide updates to the full Council at every regularly scheduled Council meeting regarding any/all meetings or activities involving the SAP or the SAP Chair.

Policy #2:

In accordance with the procedures set forth below, the RIMFC will be provided with full and timely notification regarding all SAP recommendations pertaining to aquaculture lease applications. The RIMFC hereby delegates the SAP with the authority to prepare recommendations concerning individual aquaculture lease applications and to forward said SAP recommendations to the CRMC, with said SAP recommendations being deemed approved by the RIMFC, and reflective of the RIMFC's final recommendation pertaining to the application, unless, within ten (10) days of the receipt of said SAP recommendation, any member of the RIMFC notifies DEM of his/her desire to bring the SAP recommendation before the full RIMFC for further review and consideration, in which case the matter will be placed on the agenda for the next RIMFC meeting.

Policy #3:

Upon receipt of SAP recommendations pertaining to aquaculture lease applications, the CRMC will immediately forward said recommendations to the applicants. If any applicant wishes to bring the SAP recommendation(s) before the full RIMFC for further review and consideration, the applicant will so notify the CRMC who in turn will notify DEM, and the matter will be placed on the agenda for the next RIMFC meeting.

Procedures:

1. The CRMC receives an initial, draft proposal for a new or expanded aquaculture facility. In response, the CRMC Aquaculture Coordinator (AC) distributes the proposal to all interested parties and conducts a Preliminary Determination (PD) meeting, inviting: ACOE, NMFS, USCG, DEM, DOH, adjacent municipality(s), the RIMFC Shellfish Advisory Panel (SAP) Chair, commercial and recreational fishing industry representatives, and other interested parties.
 - DEM and the SAP Chair make every effort to respond to the draft proposal, via the PD process.
 - As part of the PD process, DEM and the SAP Chair identify information needs and key issues to be addressed by the applicant, in coordination with the AC.
2. The AC provides recommendations back to the applicant, drawing upon the comments provided through the PD process.
3. DEM and the SAP Chair remain available for consultation with the AC, as the applicant addresses preliminary suggested modifications to his/her lease application.
4. The applicant submits a lease application to the AC, which the AC, as an action in the 30 day public notice process, distributes to all interested parties, including DEM, the RIMFC, and all members of the SAP. (*In advance, DEM shall provide the AC with names and addresses of all SAP and Council members.) During the 30-day period:
 - The SAP Chair, in coordination with DEM, schedules a SAP meeting, with a target date within 15-20 days following the close of the 30-day period.
 - DEM conducts an internal preliminary review of the application, with a target date for completion of no more than 15-20 days following the close of the 30-day period (i.e., corresponding to the date of the SAP meeting).
 - The AC remains available for consultation with DEM and SAP Chair during the review process.
 - The AC helps ensure that key interests, including the applicant, as well as all other interested parties, are invited to attend and participate in the SAP meeting.
5. Upon completion of the 30-day notice period, the AC coordinates with the applicant regarding public comments and any potential modifications to lease application based thereupon.
6. The SAP meeting takes place. At the meeting, the AC, in coordination with the applicant, addresses any preliminary modifications to the application; DEM presents its preliminary comments on the application; and industry interests (among others) are given the opportunity to comment. Those unable to attend the meeting are encouraged to submit written comments. The SAP seeks consensus on a recommendation regarding the application, including any potential additional modifications thereto.

7. Within ten (10) days following the SAP meeting, the SAP Chair develops minutes of the meeting, with particular reference to the panel's recommendation(s). Upon completion of the minutes, they are submitted to the RIMFC, with a copy to DEM and the AC; the AC then forwards the recommendation(s) to the applicant. Simultaneously, DEM's preliminary comments on the application are submitted to the RIMFC, with a copy to the AC, who then forwards said comments to the applicant. Relevant application materials, provided by the AC, are included in the RIMFC submittal.
8. Within ten (10) days following receipt of the SAP meeting minutes, and all associated documents, and DEM's preliminary comments on the application, any RIMFC member may request that the matter be brought before the full RIMFC at the next regularly scheduled RIMFC meeting.
9. If no RIMFC member makes such a request, DEM notifies the AC, on behalf of the RIMFC, that the SAP recommendation(s) constitute(s) the RIMFC recommendation. That recommendation stands unless and until an applicant seeks further review and consideration by the full RIMFC, pursuant to #11 below.
10. If any RIMFC member does request that the matter be brought before the full RIMFC, the matter is scheduled for consideration at the next regularly scheduled RIMFC meeting. At that meeting, the RIMFC develops a recommendation to the AC, drawing upon the recommendations of the SAP, and in consideration of any other relevant issues, including DEM comments and any additional public comment offered at the RIMFC meeting. The RIMFC may continue any matter that requires additional review. The RIMFC recommendation is forwarded to the AC immediately following final adoption.
11. Notwithstanding the process outlined above, any applicant wishing to bring the SAP recommendation(s) pertaining to his/her lease application before the full RIMFC for further review and consideration may do so, at any time, by making that request to the AC, who in turn forwards the request to DEM. Upon receipt of such request, the matter is scheduled for consideration at the next regularly scheduled RIMFC meeting. At that meeting, the RIMFC develops a recommendation to the AC, drawing upon the recommendations of the SAP, and in consideration of any other relevant issues, including DEM comments and any additional public comment offered at the RIMFC meeting. The RIMFC may continue any matter that requires additional review. The RIMFC recommendation is forwarded to the AC immediately following final adoption.
12. Immediately following the SAP meeting, or, if the matter is brought before the RIMFC, immediately following adoption of their final recommendation, DEM submits its final written comments on the application to the AC.
13. The AC completes the regulatory review process pursuant to CRMC's programmatic requirements.

Town of Tiverton, Rhode Island
HARBOR AND COASTAL WATERS MANAGEMENT COMMISSION
343 HIGHLAND ROAD
TIVERTON
Mar 1, 2021 at 7PM

(Meeting conducted using the Zoom platform – see notes at end of minutes for Zoom call details provided with meeting announcement)

Meeting Called to Order: 7:04 PM Meeting adjourned: 8:50 PM
Members Present: Bruce Cox (Chair), David Stewart (Vice Chair), Gregory Banner, Andy Sumberg, Charles Lawrence, Jason Clermont, Tyler Loomis (Harbormaster)
Members Absent: Roger Winiarski, Phyllis Ibbotson, Paul Duarte
Members of the Public in attendance: Andrew Rys (Managing the Zoom Call), Benjamin Goetsch (CRMC), Patrick and John Bowen, Donna Cook (Town Council Member), Brad Boehringer, Travis Lundgren, Bill Viera (Town Council Member)

AGENDA:

A) MINUTES OF February 1, 2021. Move to accept. Stewart Second. Lawrence. All in favor. Accepted.

Motion to take business out of order to consider items G.2. and G.1. Moved. Banner Second. Sumberg. All in favor. Accepted.

Item. G) 2 .Bowen Brothers application 2020-04037 For reconsideration. requested by Ben Goetsch-CRMC

Bowen Brothers. Read statement. April 2020 formal proposal made. Proposal for oyster farm next to Sakonnet Creek. Modified original proposal to move proposed site into deeper water. Plan to use boat and will not use the DEM parking area. Highlighted the proposed use of the farm for educational purposes.

Q: (Loomis). Buoys currently on site represent new site?

A: Yes.

Q: (Clermont). Any moorings in area?

A: (Loomis). One very old one which hasn't been used in a few years.

Mr Goetsch (CRMC) shared his screen to show a map of the location.

Q: (Cox) - Discussions with immediate neighbors?

A: Yes, with three neighbors and no issues raised.

Q: (Loomis). Talked to Metcalf, owner of mooring closest to site?

A: No.

Q: (Banner). After site established how close could a new mooring be established?

A: (Goetsch) No set regulation as long as a mooring is not on the site.

Q: (Cox). Where will the boat be operated out of?

A: Has an 18' skiff to use. Will use a public site to put the boat in. No specific plan at this point but will attempt to use a local commercial site to off load.

Q: (Cook). What specific equipment will be used. (above or below water)?

A: Intent is to have submerged equipment with corner markers.

Loomis - water is shallow where boats typically would not be going.

Q: (Lawrence). Mean water level?

A: 3-4 feet. Owners would encourage interest from kayakers. Equipment is 16" above the sea floor.

Motion to recommend approval. Stewart. Second Clermont. All in favor. Approved.

Item G) 1. Boehringer & Lundgren 2021-02-054 Aqua Culture application

Boehringer outlined proposal. Applying for a 2.96 acre floating farm. Also includes bottom cages. Solar powered corner markers to identify the farm perimeter.

Goetsch shared map showing location. Farm approximately 200 feet from the channel and 400 feet from the shore.

Showed diagrams of proposed gear. Showed photographs of applicant current farm using the same gear.

Q: (Banner). Access to site?

A: Skiff will be docked and used from a local commercial dock.

Q: (Loomis). What are the corner markers?

A: (Goetsch) Solar powered buoys with reflectors. Will be registered with Coast Guard.

Motion to propose acceptance of application. Sumberg. Second Lawrence. All in favor.

Approved.

Q: (Loomis) What is the requirement for upkeep of sites? One in particular the harbor master has seen broken equipment and equipment on the beach.

A: (Goetsch). CRMC responsibility to track issues and address with owners to correct issues.

For any site with no activity in two years CRMC can revoke their permit. Mr. Goetsch said he is the contact for any observed issues.

Return to agenda. (7:58 PM)

B) PUBLIC COMMENT SECTION. (action cannot be taken by motion on topics raised).

None.

C) CONSTRUCTION REPORTS. None.

D) SEA LEVEL RISE - Charles Lawrence. Commended on presentation at the last meeting.

Q: (Cox) to Donna Cook - Has the Town Council considered yet seeing the presentation.

A: (Cook) Was not aware of the request. She will discuss with the Council Chair to try to get it on the agenda.

E) CORRESPONDENCE

1. Tiverton DPW re: Boehringer & Lundgren 2021-02-054 Aqua Culture application.

Discussed above.

2. CRMC rule making on cable corridors. New Business.

3. Bowen Brother revised application. Discussed above.

F) OLD BUSINESS

1. Seapowet and Fogland boat ramp. Chair Cox has attempted to talk with the DPW but believes they have been occupied with winter issues in the town. Will continue trying to reach them.

2. Investigate coordination with US Geological Survey regarding the current velocities in the basin.-legislation for permits. Report from Sumberg. Has been dealing with the originators of the data and is getting to use the data for better overall products. Still working with the information and will advise of final results. Showed pictures of the current products.

3. Dingy landing at Stonebridge Abutment. Chair Cox met with the town budget committee. Town capital funds were not used for many projects because of COVID and so the \$10K for the dingy landing is still a viable project.

4. Flood Hazzard Mitigation Grant-pole elevation straps -Jacques Afonso National Grid. Continued.

5. Aquaculture ordinances. Should be included with any Harbor Management Plan updates.

6. Harbor Management Plan incorporations and added dates VIA zoom or other means? Intent is to try to use a zoom format for 1-2 hour sessions to begin working on the plan. Mr Sumberg will poll the members to help establish a schedule for work. Discussion on methodology to update the document. That will be the goal of the first meeting tentatively planned for 9 March.

Donna Cook. (Q). How will be plan be processed?

A: (Cox). Group will develop plan, present to Town Council, get permission and move to CRMC for final approval.

Bill Viera. Did talk to the Town Council about the Sea Level Rise presentation and they agreed to see it at some point.

G) NEW BUSINESS (8:31 P.M.)

1. Boehringer & Lundgren 2021-02-054 Aqua Culture application. Moved Forward.

2 .Bowen Brothers application 2020-04037 For reconsideration requested by Ben `Goetsch-CRMC . Moved Forward.

3. CRMC rule making on cable corridors. Solicitation on input. Chair Cox suggested adding that survey companies as possible make data available to local communities.

4. Recommendation regarding reappointment of the Harbormaster. Proposed Stewart. Second Lawrence. All in favor. Approved.

5. Stonebridge docks. Discussed above. Budget likely available.

H) HARBOR MASTER REPORT

1. Mooring renewal status 2021. Office changes happening. Renewal notices should be going out in a few weeks.

2. Boat status. Out for the winter. Boat getting serviced. Selected parts getting replaced. Has a new trailer identified. Donna Cook advised that money is likely available for the trailer. Harbor Master will confirm before ordering trailer.

Jason Clermont briefed on a new state DEM regulation to regulate wetland buffer zones at state level. He had previously sent written information to the Commission.

Adjournment: 8:50 PM Motion by Lawrence. Second by Stewart. All in favor. Approved.

ADJOURNMENT Pursuant to RIGL §42-46-6(b). Notice – “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.” Items on the Agenda are subject to being re-sequenced at the discretion of the commission.

Respectfully Submitted,
Greg Banner

Notice: In accordance with the Open Meetings Act, Section 42-46-6 of the Rhode Island General Laws, notice is hereby given that the HARBOR & COASTAL WATERS MANAGEMENT COMMISSION will hold a Regular Meeting on March 1, 2021 at 7:00 PM at the Tiverton Town Hall at 343 Highland Road. The Town will be conducting its meeting in compliance with Executive Order 20-05 dated March 16, 2020 by the Honorable Gina Raimondo. ***AS A RESULT OF THE COVID-19 PANDEMIC, AND THE CLOSURE OF TOWN HALL, THIS MEETING WILL BE CONDUCTED VIRTUALLY, THROUGH AN APPLICATION CALLED, “ZOOM” *** IN ORDER TO PARTICIPATE, USE THE FOLLOWING OPTIONS:

You are invited to a Zoom webinar.

When: Mar 1, 2021 07:00 PM Eastern Time (US and Canada)

Topic: Tiverton Harbor Commission

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86320299544?pwd=ODdqQ3paTlk1OU9kbUpQNEZaeDFnZz09>

Passcode: 838834

Telephone: 833 548 0276/833 548 0282/877 853 5247/888 788 0099

Webinar ID: 863 2029 9544 Passcode: 838834

From: Sean Bowen <seanbow@yahoo.com>
Sent: Monday, November 9, 2020 10:54 PM
To: Benjamin Goetsch
Cc: Pat and Claire Bowen
Subject: Modified Bowen Application
Attachments: Bowen Farm Modified 11-9-20.pdf

Attachment J

Hello, Ben. Attached, please find a modification to our application for CRMC Assent, as requested. Please let me know if you have any questions, or if there is further information required.

Thank you,

John and Patrick Bowen
401-635-0294
seanbow@yahoo.com

CRMC AQUACULTURE APPLICATION FOR STATE ASSENT

Applicant Name and Mailing Address:

Applicant Name(s): John Bowen, Patrick Bowen

Street: 79 Shaw Road

City/Town: Little Compton State: RI Zip Code: 02837

E-Mail: Seanbow@yahoo.com

CRMC File Number: 2020-04-037

DEM License Number: Application Pending

Type of Facility: Commercial lease site

Location of Proposed Aquaculture Site (Waterway): Sakonnet River, Southwest of Seapowet Creek



Size of Proposed Aquaculture Site: 0.95 acres

Latitude /Longitude of Proposed Aquaculture Site:

Northwest: 41.580613, -71.210130

Northeast: 41.580819, -71.209384

Southwest: 41.580130, -71.209870

Southeast: 41.580180, -71.209238

Signature of Requestor: _____ Date: _____

This application for State Assent is submitted at the request of the CRMC Aquaculture Coordinator, to provide clarification and detail regarding a modification of coordinates, which the Council may consider as an alternate to those originally submitted for State Assent.

John Bowen and Patrick Bowen are seeking State Assent from Coastal Resources Management Council for a shellfish aquaculture farm in Tiverton, RI. The site is located in the Sakonnet River, Southwest of Seapowet Creek. The site was chosen for a variety of reasons, including proximity to the nutrient rich Seapowet Creek tidal flow, depth, and lack of wild shellfish resource within the site.

Farming practices will focus on environmental sustainability, and utilize a low-profile approach. The growout gear utilized will not be visible from shore, even at low tide. Culture methods will suit the site and accommodate multiple stages of growth, consisting of top loading cages, with mesh bags affixed to the cages.

John Bowen and his brother Patrick Bowen will be primarily responsible for daily management of the farm, with their sons Samuel and Malcolm actively assisting in farm operation. John and Patrick have both completed the course, "Fundamentals of Shellfish Farming: Practical Tools, Tips, and Techniques", presented by Roger Williams University and Cape Cod Cooperative Extension, and both have experience working on an oyster farm, dating back to the early 1980s. Additionally, John has a Bachelor's Degree in Environmental Science, with Emphasis in Aquaculture from Unity College in Maine. It is their intention to be model stewards of the area, and they understand the responsibility and privilege of a shellfish aquaculture lease.

Changes to application as a result of recommendations from the Preliminary Determination Hearing, held February 17, 2020:

- 1. Tiverton Harbor and Coastal Waters Management Commission, DEM, and an objector had concerns regarding the shallow depth of the proposed site.***

In response to this, the location of the site was moved into deeper water (average MLW depth of two to four feet).

- 2. Tiverton Harbor and Coastal Waters Management Commission and DEM had concern regarding the location of the site in relation to the DEM Recreational Shellfish Area.***

In response to this, the site was moved to the west, and largely outside the bounds of the DEM Recreational Shellfish Area.

- 3. Concern was raised by DEM and CRMC regarding transporting oyster cages across and through the Sapowet Management Area public parking area.***

In response to this, the applicants will not transport oyster cages across the Sapowet Management Area public parking area. Installation (placement) and removal of the cages will be conducted by boat and/or private access to the shore.

As stated in the CRMC Preliminary Determination Report of Findings,

"The Commission, DEM, and the objector all stated that they would not have an issue with this farm if it was moved to deeper water adjacent to this site."

John and Patrick Bowen (applicants) believe that the above changes to their initial application address the concerns resulting from the Preliminary Determination Hearing, and as expressed in the CRMC Preliminary Determination Report of Findings.

OPERATIONAL PLAN:

1. Name and Address:

John Bowen, Patrick Bowen
79 Shaw Road
Little Compton, RI 02837

2. CRMC File Number: 2020-04-037

3. DEM Aquaculture License Number: To be determined

4. Type of Facility: Commercial Aquaculture Lease Site

5. Location of Facility: Tiverton, RI, Sakonnet River, Southwest of Seapowet Creek. The dimensions of the site are: West Side: 190', North Side: 215', East Side: 240', South Side: 175'. The site extends in a Southwest direction in a trapezoid shape. The proposed site is 41,402 square feet, or .95 acres.

Setbacks:

260' from Northeasterly corner to Mean Low Water (MLW) (nearest point of the site)

260' from the Southeast Corner to Mean Low Water (MLW)

400' from a point on the SW corner of the Seapowet Bridge to the NE corner of the site

560' from a point on the SW corner of the Seapowet Bridge to the NW corner of the site.

Longitude/Latitude of Proposed Aquaculture Site:

Northwest: 41.580613, -71.210130

Northeast: 41.580819, -71.209384

Southwest: 41.580130, -71.209870

Southeast: 41.580180, -71.209238



6. **Species Grown:** Crassostrea virginica. Eastern Oyster shellfish seed is to be purchased from a New England shellfish hatchery approved by DEM (Aquacultural Research Corporation, Dennis, MA; Fishers Island Hatchery, New York; Mook Sea Farms, Damariscotta, ME, or other approved shellfish hatchery), in accordance with regulation. It is the hope of the applicants that any oyster spawning which results from the farm will supplement the natural oyster recruitment in the area.

Applicants are very much aware of the importance of agricultural biosecurity as applied to shellfish aquaculture, and will be fully compliant with Biosecurity Board protocols.

7. **Gear Description:** Predominant culture method will be top loaded wire cages, dimensions of 24" wide, 48" long, and 14" tall, with 2" runners to keep them elevated from the bottom (total cage height is 16" tall). The cages will be placed directly on the bottom. Cages are accessed through the top, will contain stacked trays (plastic or wire), and will be covered with a rigid wire cover, affixed with shock cord. The cages will be deployed in a series of ten (each ten cages referred to as a "trawl"), oriented such that the 48" sides of the cages are approximately 6" apart, each trawl spanning approximately thirty feet. The trawls will be secured with 5/8"x36" helical anchors installed at each end, with a line (half inch diameter, three strand, twisted nylon rope, minimum breaking load (MBL) of 5,670 lbs) attached to the helical-anchors on each side, creating a lateral line around the trawl. Each cage will be secured to the lateral line on both ends. Additionally, standard 18"x36" ADPI bags (rigid mesh plastic bags) will be secured directly to the cages using heavy-duty clips.

The first year, at least 25,000 oyster seed will be purchased, and grown utilizing the culture methods described above. An annual increase in oyster cultivation will likely result in a maximum of 200 cages in use on the farm. We anticipate harvest time to be approximately 18-24 months.

8. **Identifying Markers**

Each of the four corners of the farm will be marked with standard 11" pot buoys, each of which will be marked in 3" letters "CRMC", and the File Number provided at the time of Assent. This will be done within ten days of CRMC Assent.

9. **DEM Shellfish Harvesting Classification:**

The location for this site is in waters approved for shellfish harvesting located in the Sakonnet River shellfish classification area GA4 harvest area 5B in the town of Tiverton.

NSSP Growing Area Classification: Approved.

10. **Description of Practices and Procedures:**

As described above, Crassostrea virginica, Eastern Oyster shellfish seed is to be purchased from a regional shellfish hatchery approved by DEM (Aquacultural Research Corporation, Dennis, MA; Fishers Island Hatchery, New York, Mook Sea Farms, Damariscotta, ME, or other hatchery approved by DEM and CRMC), in accordance with regulation. The first year (and likely thereafter) larger seed size will be purchased, anticipating 5-7 mm size). The CRMC Aquaculture Coordinator will be notified of seed source and provided with a pathology report as required, at least five days prior to delivery of the seed.

11. Harvest, Storage, and Transportation:

It is anticipated that harvest time will be 18-24 months. Initially, oysters are expected to be sold to licensed Rhode Island Wholesale Dealers, rather than direct marketed, however the goal of the applicants is to attain proper licensure to sell shellfish locally. Harvesting and transporting oysters will be conducted with a focus on public health requirements, including icing, tagging, sanitation, and record keeping as required.

12. Time Table of Work

Farm work will take place predominantly at low tide (an hour before to an hour after), accessing the site using waders (or shorts during the summer months), and will consist of replacing bio-fouled plastic and wire trays inside the cages with clean trays, to reduce fouling and allow for better water flow over the oysters; splitting volumes of oysters into additional gear to maintain low densities; and culling/sorting oysters by size and quality. As oysters reach harvest size, they will be pre sorted for quantity, and pre bagged to reduce harvest time and allow for more rapid cooling during the summer months.

13. Record Keeping:

Records of all seed purchases (including origin, quantity, pathology reports, etc.), harvesting records, and operating records will be submitted to CRMC as required, and maintained by John Bowen, available for review as needed upon request. Annual reporting to CRMC with all required information will be conducted as required.

14. Procedures for maintaining records regarding upwellers in prohibited waters:

An upweller will not be used.

15. Procedure for maintaining records for operations using seed from prohibited waters:

Seed will not be obtained from prohibited waters.

Coastal Resources Management Program – Section 1.3.1(A) – Category B Requirements

1. Demonstrate the need for the proposed activity or alteration:

John Bowen and Patrick Bowen are proposing an oyster farm in Tiverton, RI. The site is located in the Sakonnet River, Southwest of Seapowet Creek. This site was chosen based upon proximity to the nutrient rich Seapowet Creek tidal flow, water depth, and lack of wild shellfish resource within the site. Shellfish aquaculture, especially oyster culture, is increasing in Rhode Island, however, the East Bay is largely under-represented. This proposal utilizes a low profile approach to this nutrient extractive agricultural process in an environmentally sensitive area, and helps to maintain local, historical marine tradition.

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:

Permits required for the proposed lease will be obtained through RI CRMC pending approval of subsequent applications.

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

The proposed lease site is located in Tiverton, in the Sakonnet River, Southwest of Seapowet Creek.

Latitude/Longitude of Proposed Aquaculture Site:

Northwest: 41.580613, -71.210130

Northeast: 41.580819, -71.209384

Southwest: 41.580130, -71.209870

Southeast: 41.580180, -71.209238

The dimensions of the site are: West Side: 190', North Side: 215', East Side: 240', South Side: 175'. The site extends in a Southwest direction in a trapezoid shape. The proposed site is 41,402 square feet, or .95 acres.

Setbacks:

260' from Northeasterly corner to Mean Low Water (MLW) (nearest point of the site)

260' from the Southeast Corner to Mean Low Water (MLW)

400' from a point on the SW corner of the Seapowet Bridge to the NE corner of the site

560' from a point on the SW corner of the Seapowet Bridge to the NW corner of the site.

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:

All gear on the site will be temporary (not permanent), and designed to allow water to flow through, having minimal impact on erosion or deposition.

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

Culture methods proposed are intended to be low-impact. The site should have no negative impact on the abundance or diversity of plant and animal life. To the contrary, aquaculture gear provides habitat structure and supports a diverse assemblage of juvenile fish, crabs, lobsters. Oyster grow-out cages provide valuable habitat for finfish and have been compared with artificial reefs as part of habitat restoration programs.*

**Tallman, Forrester; Transactions of the American Fisheries Society, May, 2007*

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:**

As a result of the Preliminary Determination Hearing and subsequent CRMC Report of findings, the coordinates of the proposed site have been moved into deeper water, and largely outside of DEM's Recreational Shellfish Area.

The site is located in the Sakonnet River, on the southwest side of Seapowet Creek. The water depth and coarse sand/gravelly bottom are not conducive to boating*, swimming**, or fishing, and there is no significant wild shellfish resource on the site. **The area SW of Seapowet Point is extremely shallow and cannot be safely navigated during low tides*. The area west of Seapowet and Fogland Points presents dangerous swimming conditions.**** Fishermen, shellfishermen and bathers typically use the area to the north of the Seapowet Creek. The lease site would still be possible for people to walk or wade through, or kayak through.

**TIVERTON HARBOR AND COASTAL WATERS MANAGEMENT PLAN: II(A)(3)(e)*

*** CODE OF ORDINANCES, TOWN OF TIVERTON, Chapter 14, Article II, Section 14-193*

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

The proposed gear is designed to be low-impact, not extending greater than 18" from the bottom. All gear is intended to allow water to flow freely, as it increases oyster growth. Oyster filtration has been found to reduce turbidity and increase water clarity. Turbidity or sedimentation caused by work on the farm should be minimal and temporary.

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

The proposed oyster farm will have no negative effect on water quality as defined by DEM (based on fecal coliform levels). Additionally, as estuarine nutrient loading is increasingly an ongoing global issue of concern, oysters are able to integrate nitrogen from algae in the water column within shell and tissue, which through harvesting, is removed from the system*, asserting an ecological benefit.

** Pollack, Yoskowitz, Kim, Montagna; Plos One, Volume 8, Issue 6, June 2013*

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

There are no known historic or archaeological resources in the proposed site.

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

As a result of the Preliminary Determination Hearing and subsequent CRMC Report of findings, the coordinates of the proposed site have been moved into deeper water, and largely outside of DEM's Recreational Shellfish Area.

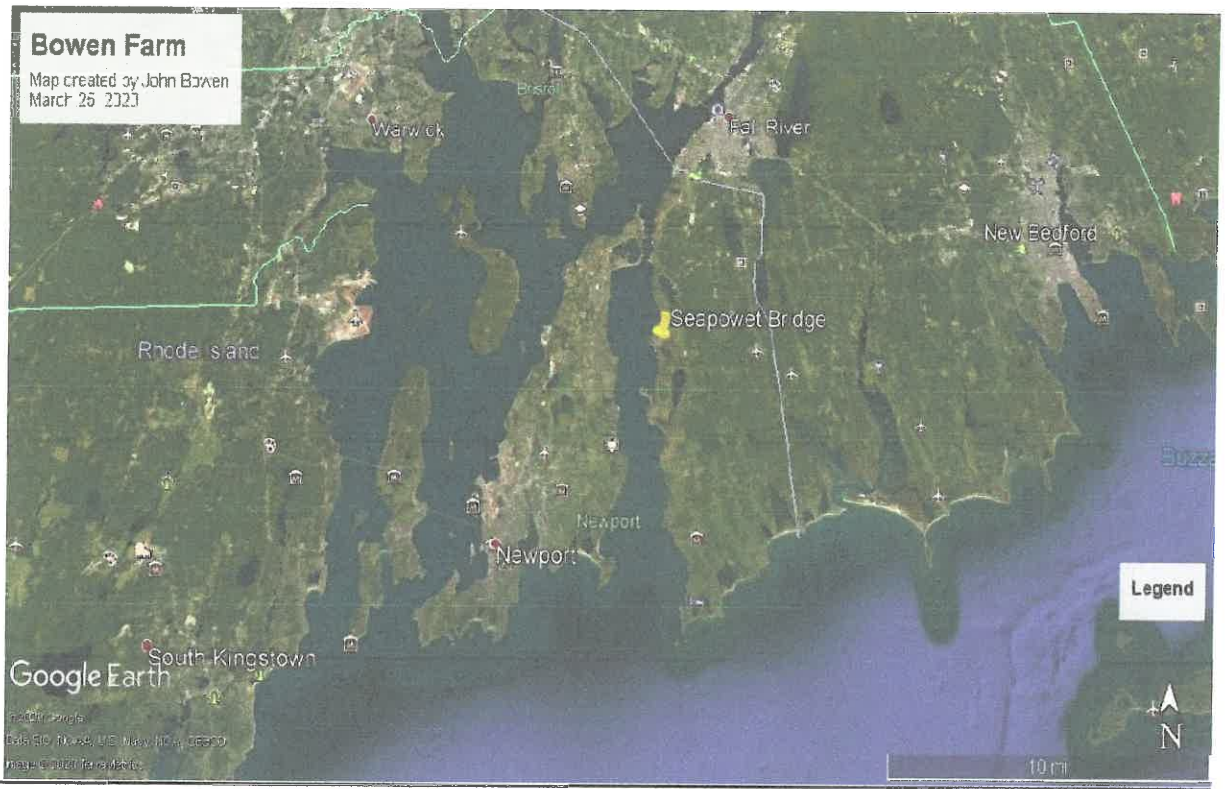
The site is located in the Sakonnet River, on the southwest side of Seapowet Creek. The water depth and coarse sand/gravelly bottom are not conducive to boating*, swimming** or fishing, and there is no significant hardshell clam resource on the site. **The area SW of Seapowet Point is extremely shallow and cannot be safely navigated during low tides*. The area west of Seapowet and Fogland Points presents dangerous swimming conditions.**** Fishermen, shellfishermen and bathers typically use the area to the north of the Seapowet Creek. The lease site would still be possible for people to walk or wade through, or kayak through.

*TIVERTON HARBOR AND COASTAL WATERS MANAGEMENT PLAN: II(A)(3)(e)

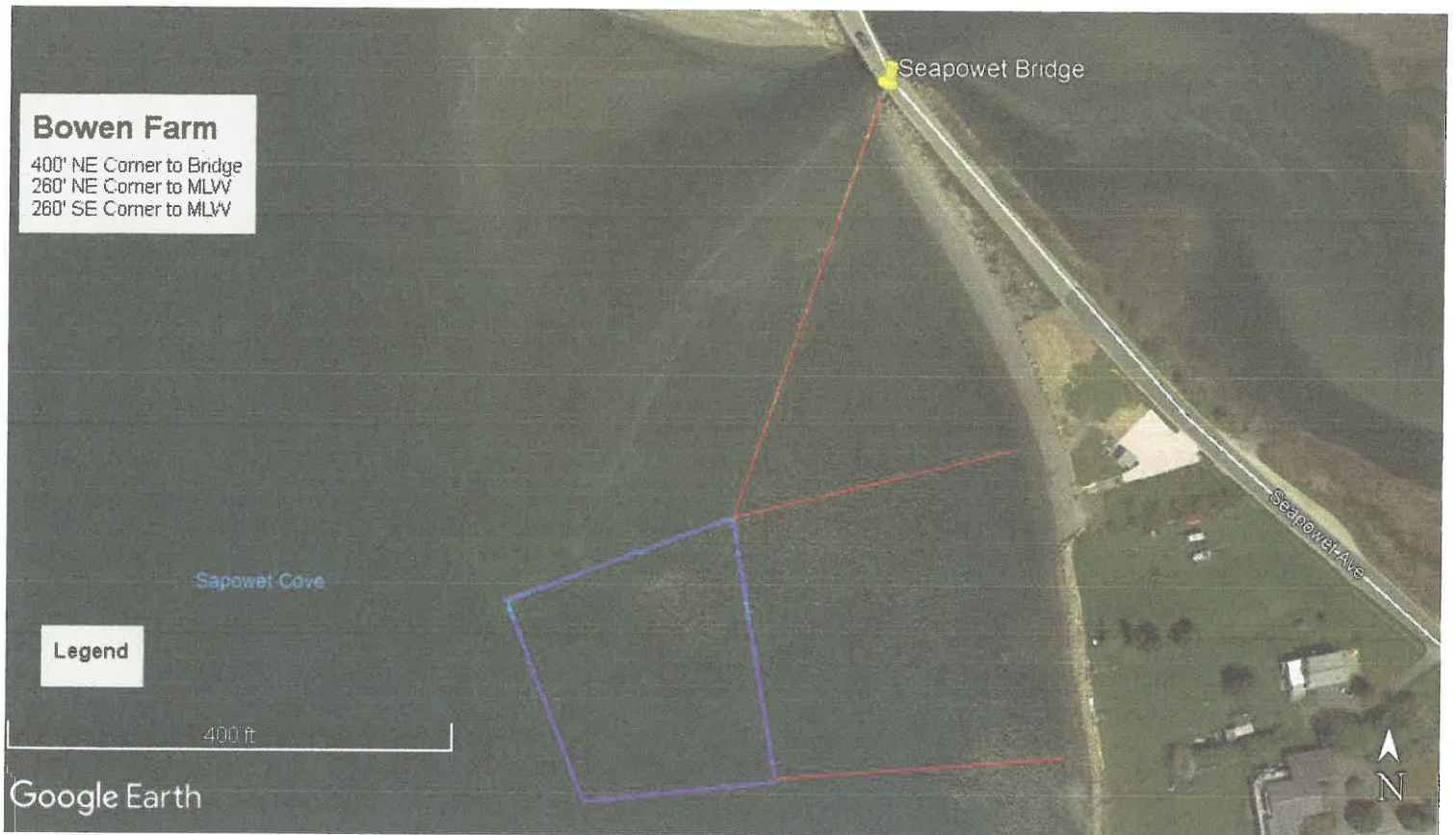
** *CODE OF ORDINANCES, TOWN OF TIVERTON, Chapter 14, Article II, Section 14-193*

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

The gear design is such that it will not be visible, even at low tide, with the exception of buoys at each of the corners, as required.







Bowen Farm

400' NE Corner to Bridge
260' NE Corner to MLVW
260' SE Corner to MLVW

Legend

Seapowet Cove

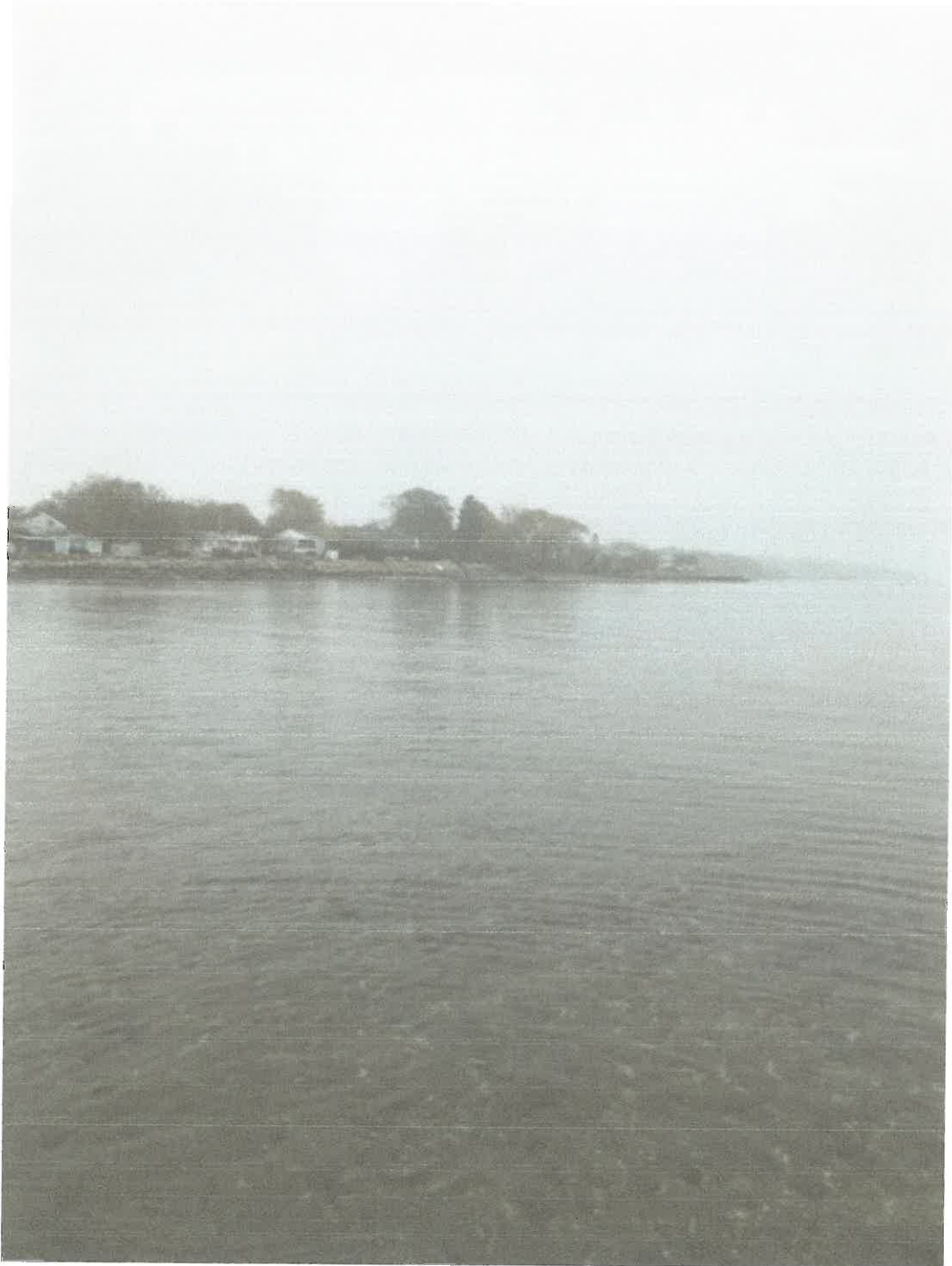
400 ft

Google Earth

North



South



East

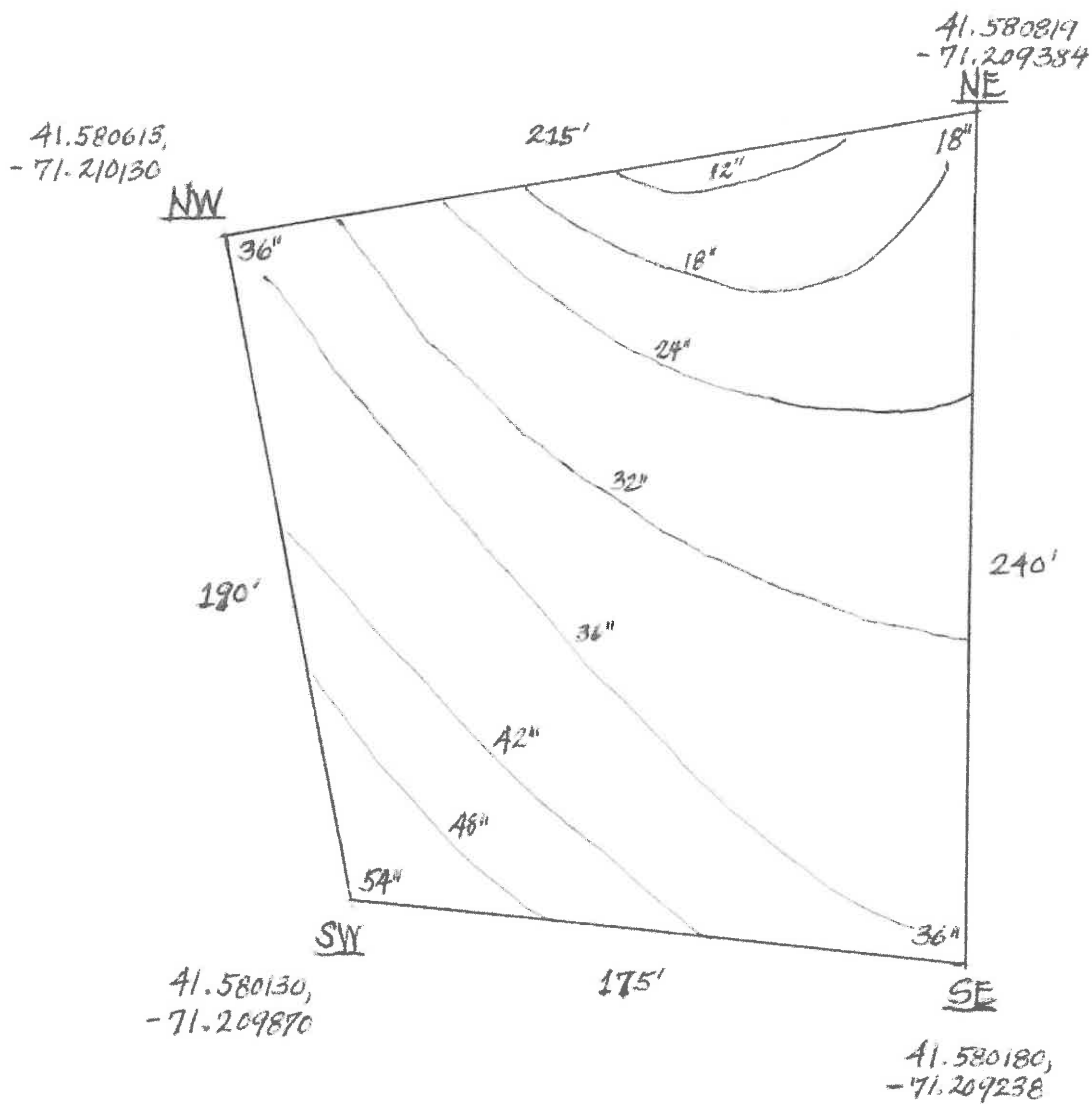


West



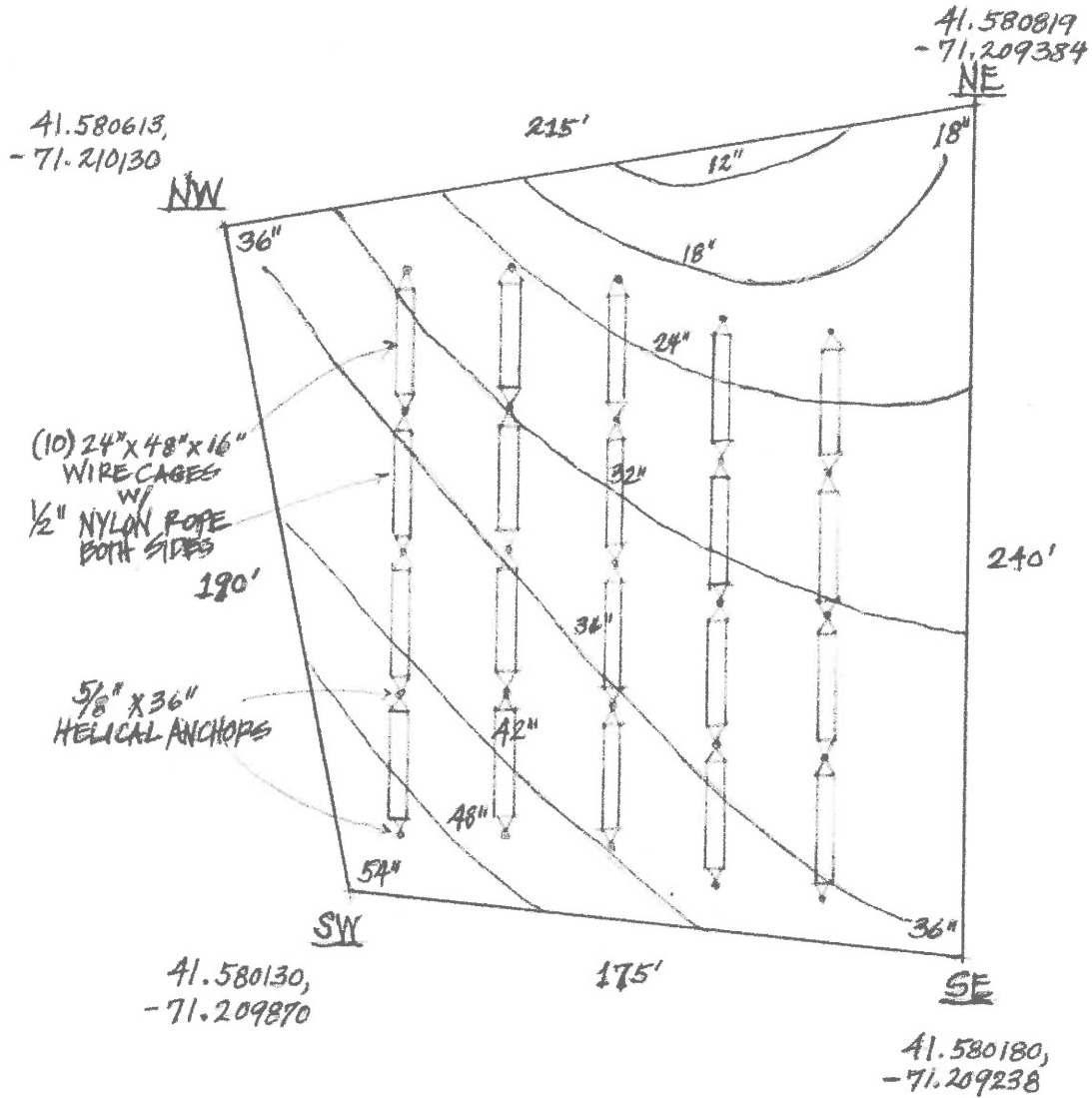
BOWEN OYSTER FARM
NOV. 2020
F. BOWEN

SITE PLAN
MODIFIED
SCALE: $\frac{1}{4}" = 10'-0"$
DEPTH CONTOURS @ MLW



BOWEN OYSTER FARM
NOV. 2020
P. BOWEN

SITE PLAN
MODIFIED
SCALE: $\frac{3}{4}" = 10'-0"$
DEPTH CONTOURS @ MLW
W/ PROPOSED GEAR LAYOUT



BOWEN OYSTER FARM
MARCH 2020
P. BOWEN

SCALE $\frac{1}{8}" = 1'$

SECTION VIEW (SIDE) TYPICAL OYSTER GEAR LAYOUT

AVE. MEAN LOW TIDE
@ CAGE LOCATIONS
20" - 42"

24" X 48" X 16" WIFE CAGE W/ 3 LEVELS OF TRAYS
18" X 36" ADPS OYSTER BAGS CLIPPED TO TOP

STANDARD ADPS BAG
CLIPPED TO CAGE

$\frac{1}{2}"$ NYLON ROPE
LATERAL LINE
BOTH SIDES

16"

CAGE
TED & E
CLIPPED
TO
LINE

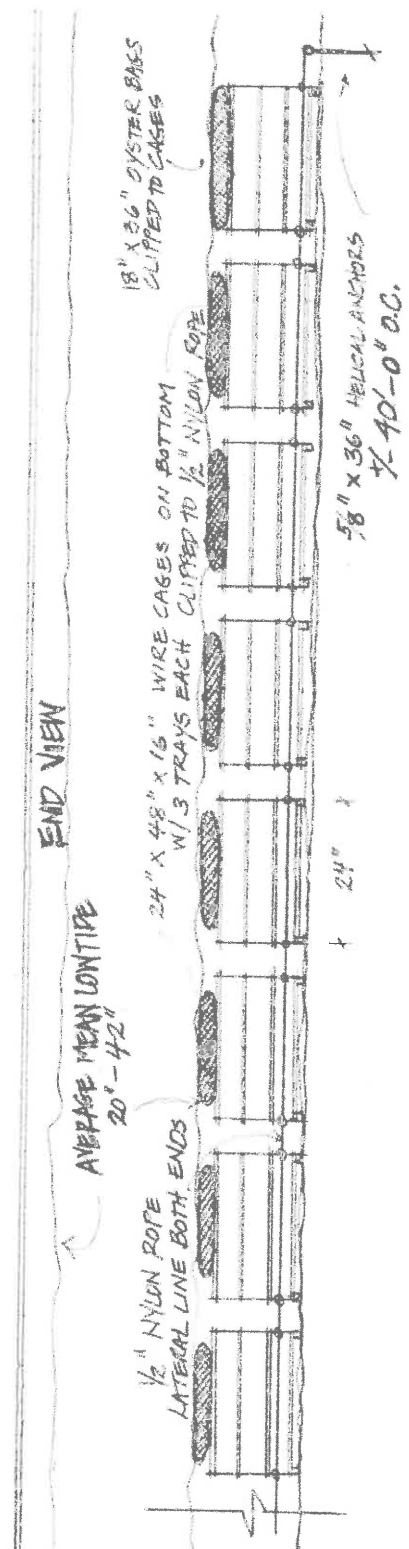
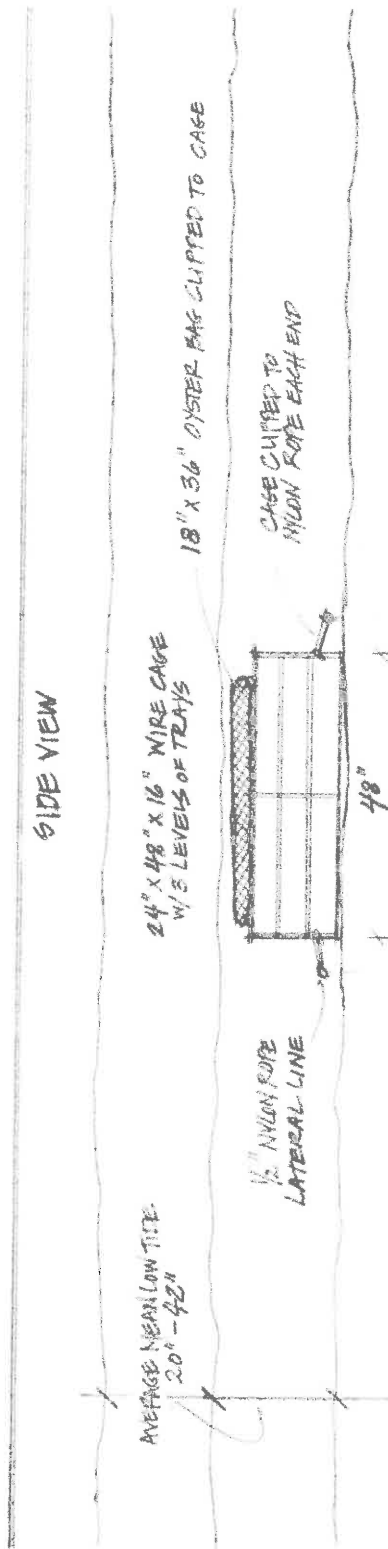
2" RUNNERS
BOTTOM OF CAGE

48"

BOWEN OYSTER FARM
 MARCH 2020
 P. BOWEN

SCALE
 $\frac{1}{2}" = 1'-0"$

SECTION VIEW
 TYPICAL OYSTER CAGE
 GEAR LAYOUT

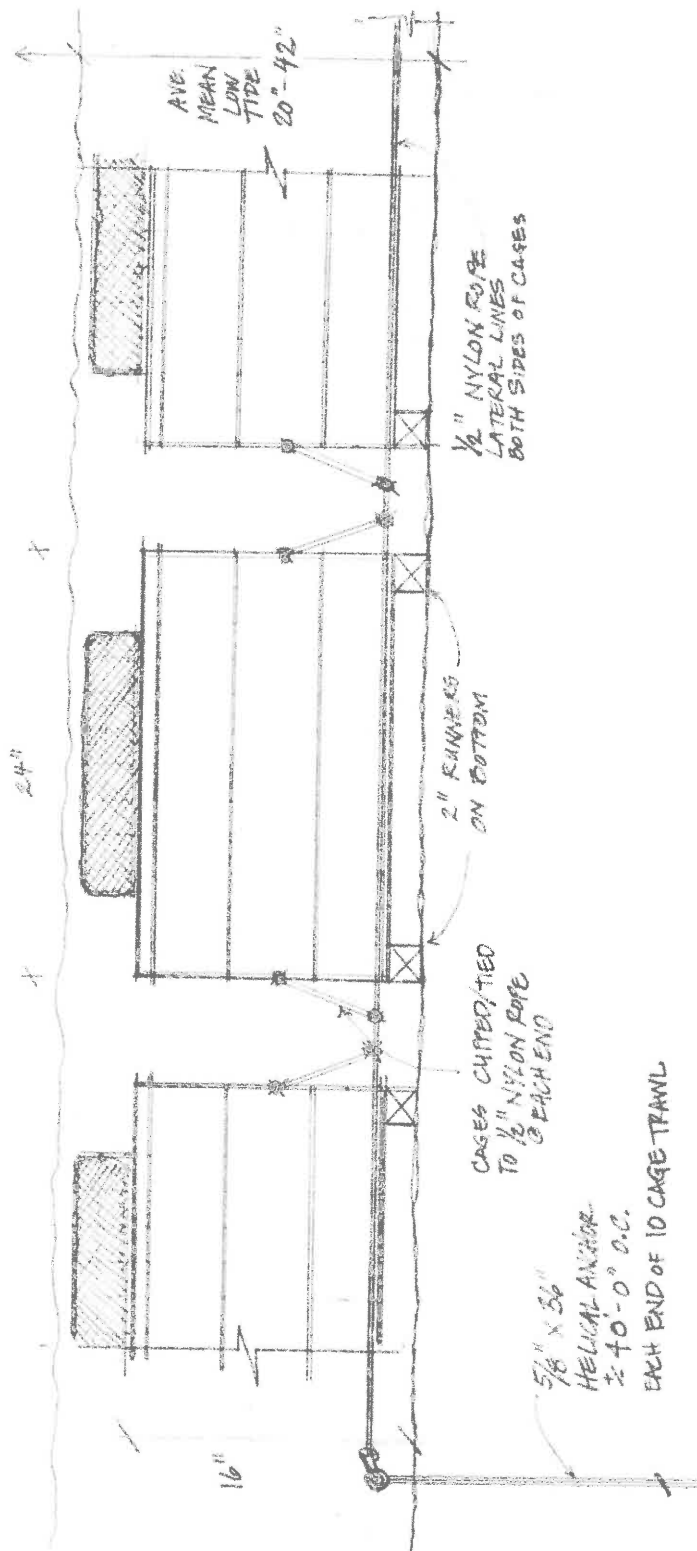


BOWEN OYSTER FARM
MAY 14 2020
P. BOWEN

SCALE: $\frac{1}{8}" = 1'$

SECTION VIEW (END) TYPICAL OYSTER CAGE GEAR LAYOUT

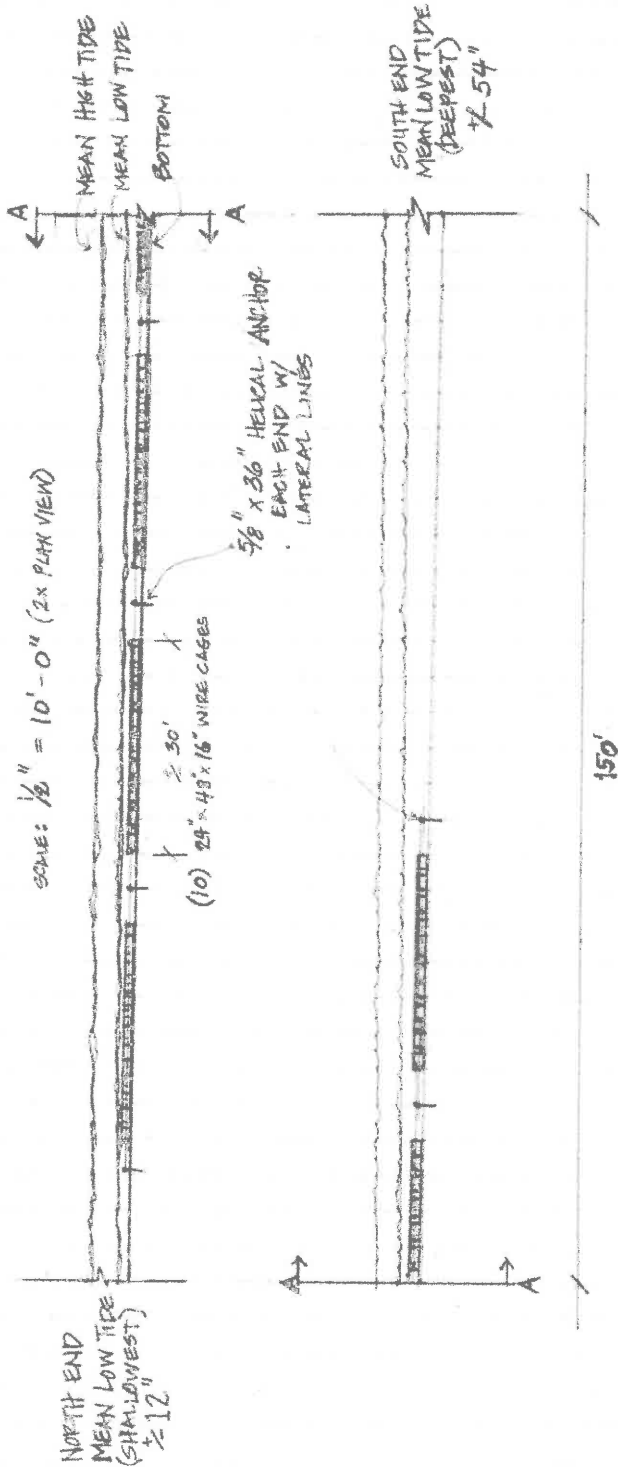
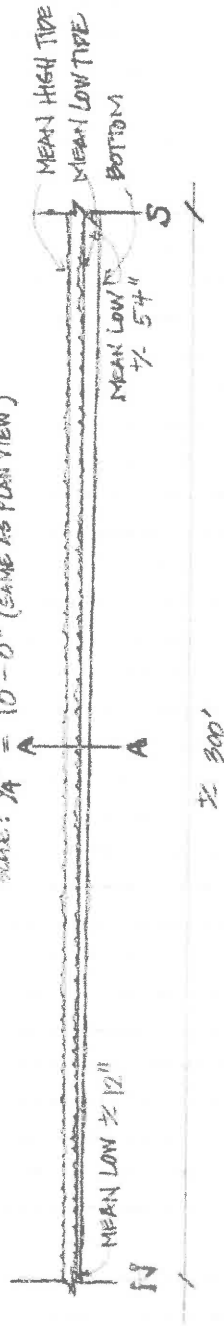
- 24" x 48" x 16" WIRE CAGE W/ 3 LEVELS TRAYS
- 18" x 36" OYSTER BAG CLIPPED TO CAGE



BOWEN OYSTER FARM
 MARCH 2020
 P. BOWEN

SITE CROSS SECTION

SCALE: $\frac{1}{4}" = 10' - 0"$ (SAME AS PLAN VIEW)





DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

2020-04-037

January 5, 2021

Regulatory Division
File No. NAE-2020-00360
CRMC File No. 2020-04-037

John & Patrick Bowen
79 Shaw Road
Little Compton, RI 02837
seanbow@yahoo.com; bowen_co@cox.net

Dear John & Patrick Bowen:

We have reviewed your application to install 200 top loading wire bottom cages (2' x 4', 14" tall, with 2" runners to keep them elevated from the bottom (total cage height is 16" tall) to grow eastern oysters and will occupy an area of 1,600 SF of estuarine bottom habitat in water depths of 2' - 4' Mean Low Water over a 0.95 acre lease site in the Sakonnet River. There will be 20 "trawls", or sets of ten cages arranged horizontally. The trawls will be secured with 5/8"x36" helical anchors installed at each end (25 total), with a line (half inch diameter, three strand, twisted nylon rope, minimum breaking load (MBL) of 5,670 lbs) attached to the helical-anchors on each side, creating a lateral line around the trawl. Each cage will be secured to the lateral line on both ends. Additionally, standard 18"x36" ADPI bags (rigid mesh plastic bags) will be secured directly to the cages using heavy-duty clips. Each of the four corners of the farm will be marked with standard 11" pot buoys. This project is located in the Sakonnet River, South of Seapowet Creek in Tiverton, Rhode Island. This work is shown on the enclosed plans titled "BOWEN OYSTER FARM" on nine sheets, and dated "November 2020."

Based on the information that you have provided, we verify that the activity is authorized under General Permit # 16 of the enclosed March 3, 2017 Federal permits known as the Rhode Island General Permits (GPs).

Please review the enclosed GPs carefully, including the general conditions beginning on Page 25, to be sure that you and whoever does the work understand its requirements. A copy of the GPs and this verification letter shall be available at the project site throughout the time the work is underway. The GPs are also available at <https://www.nae.usace.army.mil/Portals/74/docs/regulatory/StateGeneralPermits/RI/RIGP-w-erratasheet.pdf> Performing work within our jurisdiction that is not specifically authorized by this determination or failing to comply with any special condition provided above or all of the terms and conditions of the GPs may subject you to the enforcement provisions of our regulations. You must perform this work in compliance with the terms and conditions of the GPs also in compliance with the following special conditions:

1. You must complete and return the enclosed Work Start Notification Form to this office at least two weeks before the anticipated starting date.
2. The permittee shall ensure that a copy of the project authorization (including its drawings, plans, appendices and other attachments) is present on the vessel that

- attends the work site (and the project office), and that all appropriate personnel performing work at the site are fully aware of its terms and conditions.
3. Gear installed shall not possess loose floating lines and the number of minimal vertical (buoy) lines shall be minimized to the greatest extent practicable.
 4. If any listed species is observed, the permittee (or onboard staff) shall immediately contact the NOAA Stranding Hotline at 866-755-NOAA. Permittee should then contact NOAA Protected Resources Division, Gloucester, MA at (978) 281-9328 and send sighting information to incidental.take@noaa.gov. This condition is included to ensure that the proper authorities will be informed.

This authorization expires on March 3, 2022. You must commence or be under contract to commence the work authorized herein by March 3, 2022 and complete the work by March 3, 2023. If not, you must contact this office to determine the need for further authorization before beginning or continuing the activity. We recommend that you contact us *before* this authorization expires to discuss permit reissuance. Please contact us immediately if you change the plans or construction methods for work within our jurisdiction. We must approve any changes before you undertake them.

This authorization does not obviate the need to obtain other Federal, state, or local authorizations required by law.

This determination becomes valid only after the Rhode Island Coastal Resources Management Counsel issues their required authorization. The CRMC contact information is provided on Page 34 of the RI RGP.

We continually strive to improve our customer service. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey

Please contact Alicia Wilson, of my staff, at (978) 318-8494 if you have any questions.

Sincerely,

WIERBONICS.MICH
AEL.S.1515422796
Digitally signed by
WIERBONICS.MICHAEL.S.151542
2796
Date: 2021.01.05 16:13:51 -05'00'

Michael Wierbonics
Acting Chief, Permits & Enforcement Branch
Regulatory Division

Enclosures

cc:

Thomas Ramotowski, Conservation Commission, Tiverton, RI; thoram2@verizon.net
Dave Reis, CRMC, Wakefield, RI; dreis@crmc.ri.gov
Ben Goetsch, CRMC, Wakefield, RI; bgoetsch@crmc.ri.gov
Erica Sachs, U.S. EPA, Region 1, Boston, Massachusetts, sachs.eric@epa.gov



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF MARINE FISHERIES/DIVISION OF FISH AND WILDLIFE
3 Fort Wetherill Road
Jamestown, Rhode Island 02835

June 25, 2020

Benjamin Goetsch
Aquaculture Coordinator
Coastal Resources Management Council
4808 Tower Hill Road
Wakefield, RI 02879

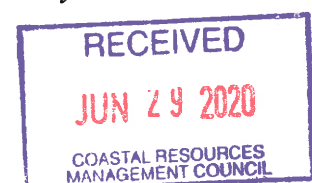
Re: Bowen and Bowen public notice #2020-04-037

Dear Mr. Goetsch:

The Rhode Island Department of Environmental Management (Department), through the Division of Marine Fisheries (DMF) and the Division of Fish and Wildlife (DFW), has received and reviewed the application submitted by John and Patrick Bowen for a proposed 1.1-acre aquaculture lease in Narragansett Bay for cultivating eastern oysters (*Crassostrea virginica*) using bottom cages.

The site was revised substantially between the Preliminary Determination (PD) and the Public Notice to mitigate a variety of concerns addressed at the PD meeting held on February 17, 2020. The revised lease has an area of 1.1 acres. The DEM commends the applicants for their revisions to the application, which address most of the concerns DMF staff presented at the PD meeting.

- The site was moved into deeper water to prevent exposure of cages and to avoid an area of known recreational shellfishing activity.
- The increase in depth reduces the likelihood of cages to be exposed at the surface, which may also reduce the risk of waterfowl depredation that aquaculture production is frequently affected by (Price & Nickum 1995, Varennes et al. 2013). If depredation does become an issue, please be aware that the DFW will not support moving deterrents, scarecrows, etc., as they will also displace non-target species from the lease and surrounding area. Lethal removal of depredating birds requires authorization from DFW and may not be supported. Additionally, installation of exclusion devices or deterrents will be considered lease modifications and will need to be approved, as some versions are known to have lethal implications for diving ducks (Varennes et al. 2013).
- While the prospective site still intersects with the recreational shellfishing area, the amount of overlap has been dramatically reduced and is less likely to cause use conflicts.

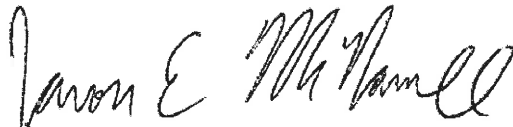


- Furthermore, the applicants have also committed to not transport oyster cages across the Sapowet Management Area public parking lot as initially proposed. They will install and remove cages by boat or from private access to the shore.

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

The DMF and DFW's acceptance of the current proposal is specific to the location (provided by the coordinates) and specifications outlined in the application.

Sincerely,



Jason McNamee,
Deputy Director, Bureau of Natural Resources

References:

Price IM, Nickum JG (1995) Aquaculture and Birds: The Context for Controversy. Colon Waterbirds 18:33–45.

Varennés É, Hanssen S, Bonardelli J, Guillemette M (2013) Sea duck predation in mussel farms: the best nets for excluding common eiders safely and efficiently. Aquac Environ Interact 4:31–39.



2020-04-037

Town of Tiverton, Rhode Island
HARBOR AND COASTAL WATERS MANAGEMENT COMMISSION
343 HIGHLAND ROAD
TIVERTON, RI
02878

June 2, 2020

Jeff Willis
CRMC
Oliver Steadman Government Center
4808 Tower Hill Road: Suite 3
Wakefield, R.I. 02879

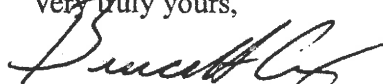
RE: File Number 2019-13-023
John Bowen and Patrick Bowen

Dear Mr. Willis:

The above application was reviewed by the Commission on June 1, 2020 via a Zoom meeting with seven of the Commission's nine members participating. The applicants, John Bowen and Patrick Bowen did not participate while David Beutel of CRMC participated in the review. Mr. Beutel confirmed that the applicants had been told of the meeting. After a thorough review and discussion members of the public were allowed to voice their opinions; but none were offered affirmatively or negatively. After the review the Commission by roll call vote, voted 6 to 1 to recommend denial of the application. Should this application proceed any further it is requested that it be before the CRMC Council and that we receive notice.

Kindest regards.

Very truly yours,



Bruce H. Cox, Chair

CC: Administrator



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
Stedman Government Center, 4808 Tower Hill Road
Wakefield, RI 02879

CRMC File Number: 2020-04-037
Applicant: G. Bower and P. Bower
Town: Liverton
Response Date: 4/29/20

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 650-RICR-20-00-1.2.3 Areas of Historic and Archaeological Significance of the Coastal Resources Management Council. If you have any questions, please contact James Toner, Project Review Coordinator, or Charlotte Taylor, Senior Archaeologist, at this office.

Very truly yours,

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



Benjamin Goetsch

From: Sean Bowen <seanbow@yahoo.com>
Sent: Wednesday, August 26, 2020 10:03 AM
To: Benjamin Goetsch
Cc: Pat and Claire Bowen
Subject: Fw: Bowen Farm Proposed Change
Attachments: Bowen Farm 4-30.pdf; Bowen Farm GE 4-30-2020.jpg

Hi Ben - I am forwarding the email (below) I sent to Dave Beutel on April 30, including the map(s), and the coordinates for the alternate site. Please let me know if you have any questions.

Thanks,

John and Patrick Bowen

----- Forwarded Message -----

From: Sean Bowen <seanbow@yahoo.com>
To: Dave Beutel <dbeutel@crmc.ri.gov>
Cc: Pat and Claire Bowen <bowen_co@cox.net>
Sent: Thursday, April 30, 2020, 12:48:41 PM EDT
Subject: Bowen Farm Proposed Change

Hi Dave - thank you for the advice in locating the oyster farm. Attached are two maps (Google Earth and CRMC Interactive Map) of a proposed new location. The views show both the site on the application, and the new location overlapped. You will note that the new location is approximately 40% within the DEM Recreational Shellfish Area, substantially less than our initial location (Preliminary Determination Application), which was 63% within the Recreational Area. It is our belief that there are VERY few shellfish in this area.

The coordinates for the proposed changes are as follows:

NW: 41.580613, -71.210130
NE: 41.580819, -71.209384
SW: 41.580130, -71.209870
SE: 41.580180, -71.209238

We are happy to revise the application if required.

Thank you,

John and Patrick Bowen

Lisa Turner

From: Dave Beutel <dbeutel@crmc.ri.gov>
Sent: Friday, May 1, 2020 11:26 AM
To: kurt.blanchard@dem.ri.gov; 'Dennis Erkan'; 'Robert Ballou'; 'Azure Cygler'; 'Catherine White'; 'Leavitt, Dale'; 'John F. O'brien'; 'John Torgan'; 'Robert Rheault'; 'Steve Medeiros'; 'Katie Eagan'; 'Dave Reis'; 'Dick Pastore'; 'Michael A. Rice'; 'Rich Hittinger'; 'Jerry Carvalho'; 'Lisa Turner'; michaelaonosoko@gmail.com; 'Matthew J. Behan'; 'Cameron Ennis'; 'jules opton-himmel'; Jeff Willis; 'GerberWilliams, Anna (DEM)'; bob.4most@gmail.com; 'Marilyn Quinn'; 'Mike Jarbeau'; rogtel@cox.net; 'Dave Monti'; davidclatham@gmail.com; 'Frooks, Arthur E LT'; 'Bruce Cox'; 'Carl Berg'; 'Dan Torre'; 'Matthew Griffin'; Ethier, Frances (DEM); Frooks, Arthur E LT; 'Ed Troiano'; manuel.b.sousa.86@gmail.com; Kenneth Murgio; quahogs5403@gmail.com; 'Gerald Shey'; Dlghig@aol.com; Jeff Gardner
Cc: mclamdigger@aol.com; 'Mcmanus, Conor (DEM)'; 'Osenkowski, Jay (DEM)'; 'Janet Coit'; 'Jason McNamee'; cindy.hannus@dem.ri.gov; 'Livermore, Julia (DEM)'; 'Phil Capaldi'; marcapcar@me.com; marcapcar@icloud.com; traceydistefano2013@gmail.com; john_crosson@watkinson.org; dacapaldi@aol.com; mmcapaldi@aol.com; jschickler@cox.net; suemarinaro@me.com; 'Kilburn, Jennifer (DEM)'; Seanbow@yahoo.com; Pat and Claire Bowen; Felton, Shilo (DEM)
Subject: 30 day public notice
Attachments: Bowen Farm 4-30 overhead.pdf; Bowen Farm GE 4-30-2020.jpg

The Bowen application received some initial negative and positive response. Based upon the negative response the Bowens have proposed a modification to the site. At a public hearing the CRMC may choose to modify the original proposal. Attached is an option that the applicants request for consideration.

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

From: Dave Beutel [mailto:dbeutel@crmc.ri.gov]
Sent: Friday, April 17, 2020 8:16 AM
To: 'kurt.blanchard@dem.ri.gov'; 'Dennis Erkan'; 'Robert Ballou'; 'Azure Cygler'; 'Catherine White'; 'Leavitt, Dale'; 'John F. O'brien'; 'John Torgan'; 'Robert Rheault'; 'Steve Medeiros'; 'Katie Eagan'; 'Dave Reis'; 'Dick Pastore'; 'Michael A. Rice'; 'Rich Hittinger'; 'Jerry Carvalho'; 'Lisa Turner'; 'michaelaonosoko@gmail.com'; 'Matthew J. Behan'; 'Cameron Ennis'; 'jules opton-himmel'; Jeff Willis; 'GerberWilliams, Anna (DEM)'; 'bob.4most@gmail.com'; 'Marilyn Quinn'; 'Mike Jarbeau'; 'rogtel@cox.net'; 'Dave Monti'; 'davidclatham@gmail.com'; 'Frooks, Arthur E LT'; 'Bruce Cox'; 'Carl Berg'; 'Dan Torre'; 'Matthew Griffin'; Ethier, Frances (DEM) (frances.ethier@dem.ri.gov); Frooks, Arthur E LT (Arthur.E.Frooks@uscg.mil); 'Ed Troiano'; manuel.b.sousa.86@gmail.com; Kenneth Murgio; quahogs5403@gmail.com; 'Gerald Shey' (gtschey@cox.net); Dlghig@aol.com; Jeff Gardner
Cc: 'mclamdigger@aol.com'; 'Mcmanus, Conor (DEM)'; 'Osenkowski, Jay (DEM)'; 'Janet Coit'; 'Jason McNamee'; 'cindy.hannus@dem.ri.gov'; 'Livermore, Julia (DEM)'; 'Phil Capaldi'; 'marcapcar@me.com'; 'marcapcar@icloud.com'; 'traceydistefano2013@gmail.com'; 'john_crosson@watkinson.org'; 'dacapaldi@aol.com'; 'mmcapaldi@aol.com'; 'jschickler@cox.net'; 'suemarinaro@me.com'; 'Kilburn, Jennifer (DEM)'; 'Seanbow@yahoo.com'; Pat and Claire Bowen (bowen_co@cox.net); Felton, Shilo (DEM)
Subject: 30 day public notice

This application for oyster aquaculture in the Sakonnet River begins thirty day public notice today. Please send comments to CRMC by May 17, 2020.

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

Aquaculture Location Sketch



4/30/2020, 11:49:14 AM

Areas



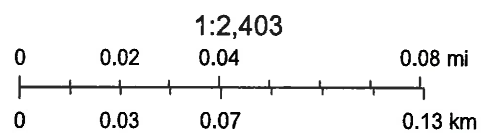
Override 1



Override 2



Recreational Shellfish Area



RI Division of Fish & Wildlife Marine Fisheries

Applicant

NOAA Office of Coastal Survey, RI Division of Fish & Wildlife Marine Fisheries



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: 2020-04-037 Date: April 17, 2020

This office has under consideration the application of:

John Bowen & Patrick Bowen
79 Shaw Road
Little Compton, RI 02831

for a State of Rhode Island Assent to create and maintain: a one acre oyster farm using bottom cages

Project Location:	Sakonnet River
City/Town:	Tiverton
Plat/Lot:	/
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 May 17, 2020.



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

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

APPLICATION FOR STATE ASSENT

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

Project Location Sakonnet River, Tiverton		File No. (CRMC USE ONLY) 2020-04-037
No.	Street	City/Town
Owner's Name John Bowen, Patrick Bowen		Plat:
Mailing Address 79 Shaw Road		Lot(s):
City/Town Little Compton	State RI	Zip Code 02837
Contractor RI Reg. #		Address
Designer N/A		Address
Name of Waterway Sakonnet River		Estimated Project Cost (EPC):
Describe accurately the work proposed. (Use additional sheets of paper if necessary and attach this form.) Oyster aquaculture farm in Sakonnet River, Latitude/Longitude coordinates: Northeast Corner: 41.580836; -71.209611 Northwest Corner: 41.580975; -71.210326 Southwest Corner: 41.580122; -71.209876 Southeast Corner: 41.580026; -71.209485		Application Fee:

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

Is this site within a designated historic district?

☐ YES

☒ NO

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

☐ YES

☒ NO

If YES, you must indicate NOV or C&D Number:

Name/mailling addresses of adjacent property owners whose property adjoins the project site. Accurate mailing addresses will insure proper notification. _____ Applicant must initial to certify accuracy of adjacent property owners and accuracy of mailing addresses.
This application is for submerged state property.

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

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

08/04

John F. Bowen *Patrick M. Bowen*
Owner's Signature (sign and print)

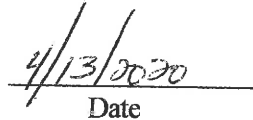
PLEASE REVIEW REVERSE SIDE OF APPLICATION FORM


STATEMENT OF DISCLOSURE AND APPLICANT AGREEMENT AS TO FEES

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

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


Signature


Date


Print Name and Mailing Address



CRMC AQUACULTURE APPLICATION FOR STATE ASSENT

Applicant Name and Mailing Address:

Applicant Name(s): John Bowen, Patrick Bowen

Street: 79 Shaw Road

City/Town: Little Compton State: RI Zip Code: 02837

E-Mail: Seanbow@yahoo.com

CRMC File Number: 29-12-023

DEM License Number: Application Pending

Type of Facility: Commercial lease site

Location of Proposed Aquaculture Site (Waterway): Sakonnet River, Southwest of Seapowet Creek



Size of Proposed Aquaculture Site: 0.97 acres

Latitude /Longitude of Proposed Aquaculture Site:

Northeast Corner: 41.580836, -71.209611

Northwest Corner: 41.580975, -71.210326

Southwest Corner: 41.580122, -71.209876

Southeast Corner: 41.580026, -71.209485

Signature of Requestor: John Bowen / Patrick Bowen Date: 4/13/2020

1. Introduction.

John Bowen and Patrick Bowen are seeking State Assent from Coastal Resources Management Council for a shellfish aquaculture farm in Tiverton, RI. The site is located in the Sakonnet River, Southwest of Seapowet Creek. The site was chosen for a variety of reasons, including proximity to the nutrient rich Seapowet Creek tidal flow, depth, and lack of wild shellfish resource within the site.

Farming practices will focus on environmental sustainability, and utilize a low-profile approach. The growout gear utilized will not be visible from shore, even at low tide. Culture methods will suit the site and accommodate multiple stages of growth, consisting of top loading cages, with mesh bags affixed to the cages.

John Bowen and his brother Patrick Bowen will be primarily responsible for daily management of the farm, with their sons Samuel and Malcolm actively assisting in farm operation. John and Patrick have both completed the course, "Fundamentals of Shellfish Farming: Practical Tools, Tips, and Techniques", presented by Roger Williams University and Cape Cod Cooperative Extension, and both have experience working on an oyster farm, dating back to the early 1980s. Additionally, John has a Bachelor's Degree in Environmental Science, with Emphasis in Aquaculture from Unity College in Maine. It is their intention to be model stewards of the area, and they understand the responsibility and privilege of a shellfish aquaculture lease.

Changes to application as a result of recommendations from the Preliminary Determination Hearing, held February 17, 2020:

- 1. Tiverton Harbor and Coastal Waters Management Commission, DEM, and an objector had concerns regarding the shallow depth of the proposed site.***

In response to this, the location of the site was moved into deeper water (average MLW depth of two to four feet).

- 2. Tiverton Harbor and Coastal Waters Management Commission and DEM had concern regarding the location of the site in relation to the DEM Recreational Shellfish Area.***

In response to this, the site was moved to the west, and outside the bounds of the DEM Recreational Shellfish Area.

- 3. Concern was raised by DEM and CRMC regarding transporting oyster cages across and through the Sapowet Management Area public parking area.***

In response to this, the applicants will not transport oyster cages across the Sapowet Management Area public parking area. Installation (placement) and removal of the cages will be conducted by boat and/or private access to the shore.

As stated in the CRMC Preliminary Determination Report of Findings,

"The Commission, DEM, and the objector all stated that they would not have an issue with this farm if it was moved to deeper water adjacent to this site."

John and Patrick Bowen (applicants) believe that the above changes to their initial application address the concerns resulting from the Preliminary Determination Hearing, and as expressed in the CRMC Preliminary Determination Report of Findings.

OPERATIONAL PLAN:

1. Name and Address:

John Bowen, Patrick Bowen
79 Shaw Road
Little Compton, RI 02837

2. CRMC File Number: 2019-12-023

3. DEM Aquaculture License Number: To be determined

4. Type of Facility: Commercial Aquaculture Lease Site

5. Location of Facility: Tiverton, RI, Sakonnet River, Southwest of Seapowet Creek. The dimensions of the site are: West Side: 330', North Side: 200', East Side: 300', South Side: 110'. The site extends in a Southwest direction in a trapezoid shape. The proposed site is 42,212 square feet, or .97 acres.

Setbacks:

320' from Northeasterly corner to Mean Low Water (MLW) (nearest point of the site)

325' from the Southeast Corner to Mean Low Water (MLW)

410' from a point on the SW corner of the Seapowet Bridge to the NE corner of the site

500' from a point on the SW corner of the Seapowet Bridge to the NW corner of the site.

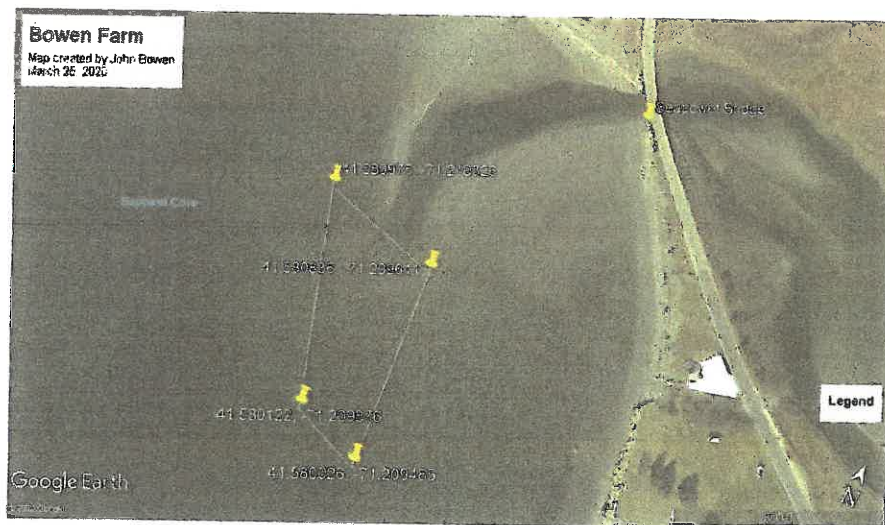
Longitude/Latitude of Proposed Aquaculture Site:

Northeast Corner: 41.580836, -71.209611

Northwest Corner: 41.580975, -71.210326

Southwest Corner: 41.580122, -71.209876

Southeast Corner: 41.580026, -71.209485



6. Species Grown: Crassostrea virginica. Eastern Oyster shellfish seed is to be purchased from a New England shellfish hatchery approved by DEM (Aquacultural Research Corporation, Dennis, MA; Fishers Island Hatchery, New York; Mook Sea Farms, Damariscotta, ME, or other approved

shellfish hatchery), in accordance with regulation. Only diploid seed will be deployed in the first year (and likely thereafter). It is the hope of the applicants that any oyster spawning which results from the farm will supplement the natural oyster recruitment in the area.

Applicants are very much aware of the importance of agricultural biosecurity as applied to shellfish aquaculture, and will be fully compliant with Biosecurity Board protocols.

7. **Gear Description:** Predominant culture method will be top loaded wire cages, dimensions of 24" wide, 48" long, and 14" tall, with 2" runners to keep them elevated from the bottom (total cage height is 16" tall). The cages will be placed directly on the bottom. Cages are accessed through the top, will contain stacked trays (plastic or wire), and will be covered with a rigid wire cover, affixed with shock cord.

The cages will be deployed in a series of ten (each ten cages referred to as a "trawl"), oriented such that the 48" sides of the cages are approximately 6" apart, each trawl spanning approximately thirty feet. The trawls will be secured with 5/8"x36" helical anchors installed at each end, with a line (half inch diameter, three strand, twisted nylon rope, minimum breaking load (MBL) of 5,670 lbs) attached to the helical-anchors on each side, creating a lateral line around the trawl. Each cage will be secured to the lateral line on both ends.

Additionally, standard 18"x36" ADPI bags (rigid mesh plastic bags) will be secured directly to the cages using heavy-duty clips.

The first year 25,000 oyster seed will be purchased, and grown utilizing the culture methods described above. We anticipate harvest time to be approximately 18-24 months.

8. Identifying Markers

Each of the four corners of the farm will be marked with standard 11" pot buoys, each of which will be marked in 3" letters "CRMC", and the File Number provided at the time of Assent. This will be done within ten days of CRMC Assent.

9. DEM Shellfish Harvesting Classification:

DEM Growing Area 4 (GA4). NSSP Growing Area Classification: Approved.

10. Description of Practices and Procedures:

As described above, Crassostrea virginica, Eastern Oyster shellfish seed is to be purchased from a regional shellfish hatchery approved by DEM (Aquacultural Research Corporation, Dennis, MA; Fishers Island Hatchery, New York, Mook Sea Farms, Damariscotta, ME, or other hatchery approved by DEM and CRMC), in accordance with regulation. We plan to use only diploid seed in the first year (and likely thereafter). The first year (and likely thereafter) larger seed size will be purchased, anticipating 5-7 mm size). The CRMC Aquaculture Coordinator will be notified of seed source and provided with a pathology report as required, at least five days prior to delivery of the seed.

11. Harvest, Storage, and Transportation:

It is anticipated that harvest time will be 18-24 months. Initially, oysters are expected to be sold to licensed Rhode Island Wholesale Dealers, rather than direct marketed, however the goal of the applicants is to attain proper licensure to sell shellfish locally. Harvesting and transporting oysters will be conducted with a focus on public health requirements, including icing, tagging, sanitation, and record keeping as required.

12. Time Table of Work

Farm work will take place predominantly at low tide (an hour before to an hour after), accessing the site using waders (or shorts during the summer months), and will consist of replacing bio-fouled plastic and wire trays inside the cages with clean trays, to reduce fouling and allow for better water flow over the oysters; splitting volumes of oysters into additional gear to maintain low densities; and culling/sorting oysters by size and quality. As oysters reach harvest size, they will be pre sorted for quantity, and pre bagged to reduce harvest time and allow for more rapid cooling during the summer months.

13. Record Keeping:

Records of all seed purchases (including origin, quantity, pathology reports, etc.), harvesting records, and operating records will be submitted to CRMC as required, and maintained by John Bowen, available for review as needed upon request. Annual reporting to CRMC with all required information will be conducted as required.

14. Procedures for maintaining records regarding upwellers in prohibited waters:

An upweller will not be used.

15. Procedure for maintaining records for operations using seed from prohibited waters:

Seed will not be obtained from prohibited waters.

Coastal Resources Management Program -- Section 1.3.1(A) -- Category B Requirements

1. Demonstrate the need for the proposed activity or alteration:

John Bowen and Patrick Bowen are proposing an oyster farm in Tiverton, RI. The site is located in the Sakonnet River, Southwest of Seapowet Creek. This site was chosen based upon proximity to the nutrient rich Seapowet Creek tidal flow, water depth, and lack of wild shellfish resource within the site. Shellfish aquaculture, especially oyster culture, is increasing in Rhode Island, however, the East Bay is largely under-represented. This proposal utilizes a low profile approach to this nutrient extractive agricultural process in an environmentally sensitive area, and helps to maintain local, historical marine tradition.

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:

Permits required for the proposed lease will be obtained through RI CRMC pending approval of subsequent applications.

3. Describe the boundaries of the coastal waters and the land area that is anticipated to be affected: The proposed lease site is located in Tiverton, in the Sakonnet River, Southwest of Seapowet Creek. Latitude/Longitude of Proposed Aquaculture Site:

Northeast Corner: 41.580836, -71.209611

Northwest Corner: 41.580975, -71.210326

Southwest Corner: 41.580122, -71.209876

Southeast Corner: 41.580026, -71.209485

The dimensions of the site are: West Side: 330', North Side: 200', East Side: 300', South Side: 110'. The site extends in a Southwest direction in a trapezoid shape. The proposed site is 42,212 square feet, or .97 acres.

Setbacks:

320' from Northeasterly corner to Mean Low Water (MLW) (nearest point of the site)

325' from the Southeast Corner to Mean Low Water (MLW)

410' from a point on the SW corner of the Seapowet Bridge to the NE corner of the site

500' from a point on the SW corner of the Seapowet Bridge to the NW corner of the site.

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:

All gear on the site will be temporary (not permanent), and designed to allow water to flow through, having minimal impact on erosion or deposition.

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

Culture methods proposed are intended to be low-impact. The site should have no negative impact on the abundance or diversity of plant and animal life. To the contrary, aquaculture gear provides habitat structure and supports a diverse assemblage of juvenile fish, crabs, lobsters. Oyster grow-out cages provide valuable habitat for finfish and have been compared with artificial reefs as part of habitat restoration programs.*

**Tallman, Forrester; Transactions of the American Fisheries Society, May, 2007*

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:**

As a result of the Preliminary Determination Hearing and subsequent CRMC Report of findings, the coordinates of the proposed site have been moved into deeper water, and outside of DEM's Recreational Shellfish Area.

The site is located in the Sakonnet River, on the southwest side of Seapowet Creek. The water depth and coarse sand/gravelly bottom are not conducive to boating*, swimming**, or fishing, and there is no significant wild shellfish resource on the site. **The area SW of Seapowet Point is extremely shallow and cannot be safely navigated during low tides*. The area west of Seapowet and Fogland Points presents dangerous swimming conditions.**** Fishermen, shellfishermen and bathers typically use the area to the north of the Seapowet Creek. The lease site would still be possible for people to walk or wade through, or kayak through.

*TIVERTON HARBOR AND COASTAL WATERS MANAGEMENT PLAN: II(A)(3)(e)

** CODE OF ORDINANCES, TOWN OF TIVERTON, Chapter 14, Article II, Section 14-193

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

The proposed gear is designed to be low-impact, not extending greater than 18" from the bottom. All gear is intended to allow water to flow freely, as it increases oyster growth. Oyster filtration has been found to reduce turbidity and increase water clarity. Turbidity or sedimentation caused by work on the farm should be minimal and temporary.

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

The proposed oyster farm will have no negative effect on water quality as defined by DEM (based on fecal coliform levels). Additionally, as estuarine nutrient loading is increasingly an ongoing global issue of concern, oysters are able to integrate nitrogen from algae in the water column within shell and tissue, which through harvesting, is removed from the system*, asserting an ecological benefit.

* Pollack, Yoskowitz, Kim, Montagna; *Plos One*, Volume 8, Issue 6, June 2013

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

There are no known historic or archaeological resources in the proposed site.

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

As a result of the Preliminary Determination Hearing and subsequent CRMC Report of findings, the coordinates of the proposed site have been moved into deeper water, and outside of DEM's Recreational Shellfish Area.

The site is located in the Sakonnet River, on the southwest side of Seapowet Creek. The water depth and coarse sand/gravelly bottom are not conducive to boating*, swimming** or fishing, and there is no significant hardshell clam resource on the site. The area SW of Seapowet Point is extremely shallow and cannot be safely navigated during low tides*. The area west of Seapowet and Fogland Points presents dangerous swimming conditions.** Fishermen, shellfishermen and bathers typically use the area to the north of the Seapowet Creek. The lease site would still be possible for people to walk or wade through, or kayak through.

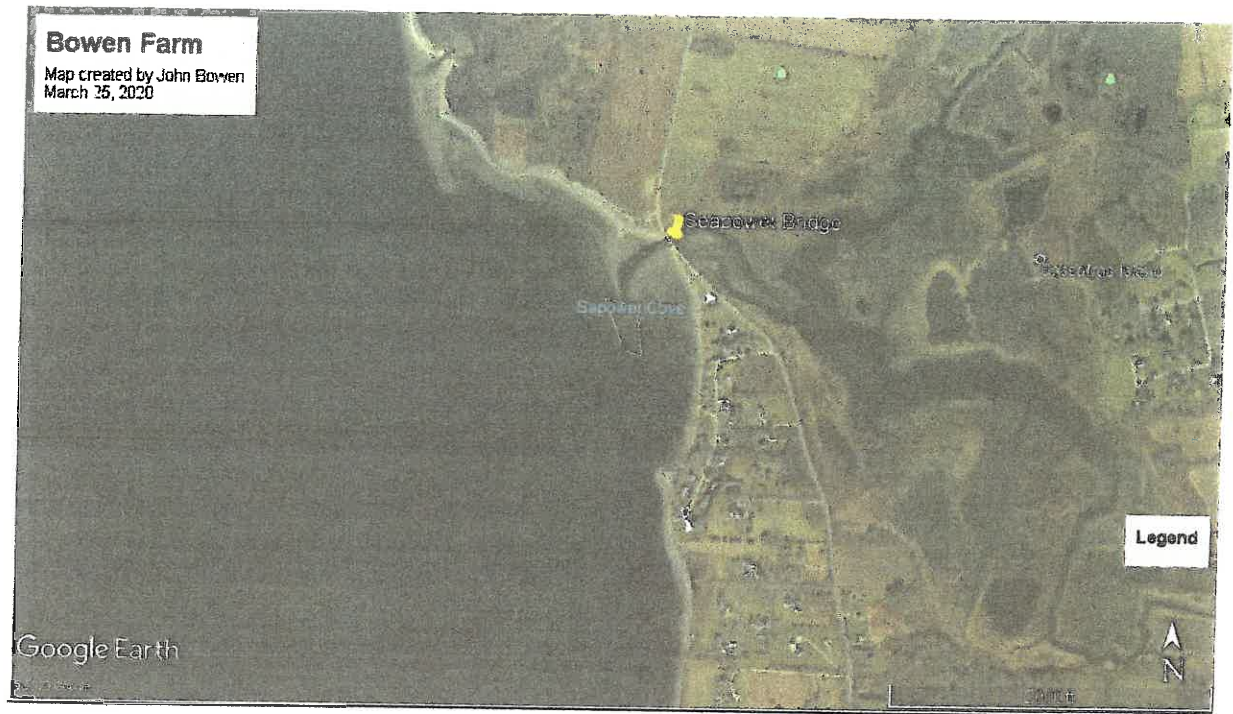
*TIVERTON HARBOR AND COASTAL WATERS MANAGEMENT PLAN: II(A)(3)(e)

** CODE OF ORDINANCES, TOWN OF TIVERTON, Chapter 14, Article II, Section 14-193

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

The gear design is such that it will not be visible, even at low tide, with the exception of buoys at each of the corners, as required.







Bowen Farm

Map created by John Bowen
March 2E, 2020

- NW to Bridge 500 ft
- NE to Bridge 414 ft
- NE to Mean Low 325 ft
- SE to Mean Low 325 ft



Legend

Google Earth

North



South



East



West



BOWEN OYSTER FARM
MARCH 2020
P. BOWEN

SCALE $\frac{1}{8}" = 1"$

SECTION VIEW (SIDE) TYPICAL OYSTER CAGE GEAR LAYOUT

AVE. MEAN LOW TIDE
CAGE LOCATIONS
20" - 42"

24" X 48" X 16" WIRE CAGE w/ 3 LEVELS OF TRAYS
18" X 36" ADPI OYSTER BAG CLIPPED TO TOP

STANDARD ADPI BAG
CLIPPED TO CAGE

$\frac{1}{2}"$ NYLON ROPE
LATERAL LINE
BOTH SIDES

CAGE
TIED &
CLIPPED
TO LINE

2" RUNNERS
BOTTOM OF CAGE

48"

20"

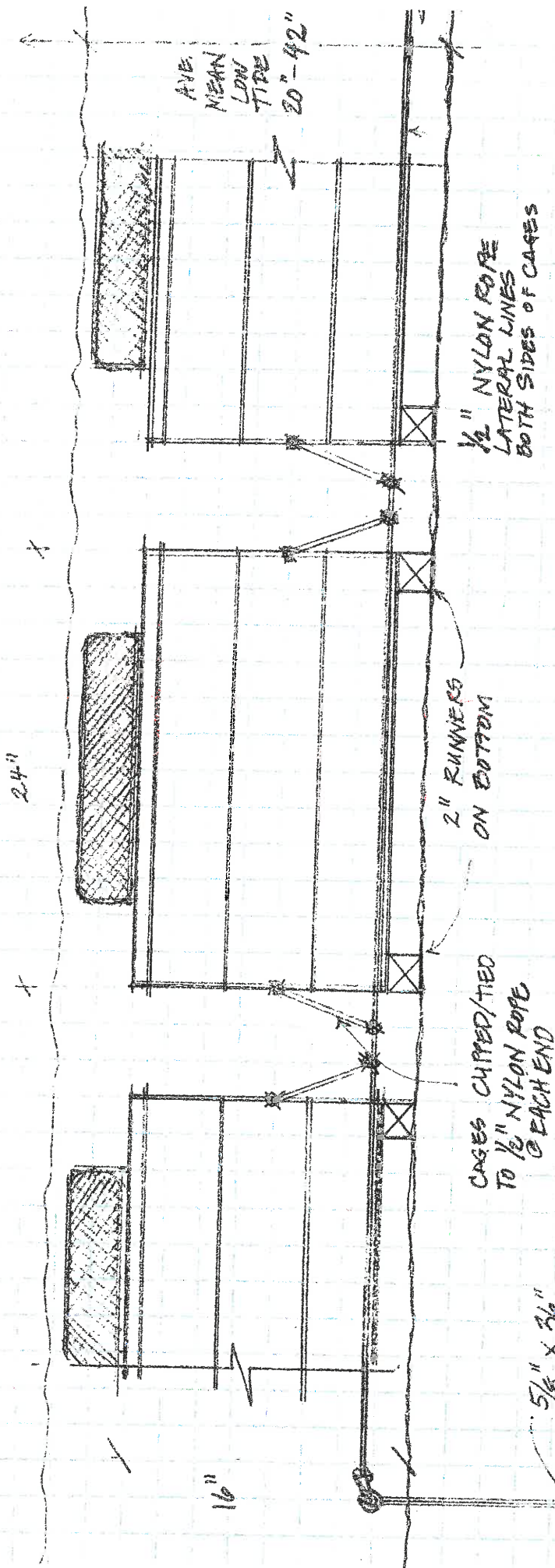


BOWEN OYSTER FARM
 MAR 11 2020
 P. BOWEN

SCALE: $\frac{1}{8}" = 1'$

SECTION VIEW (END)
 TYPICAL OYSTER CAGE GEAR LAYOUT

- 24" x 48" x 16" WIRE CAGE W/ 3 LEVELS TRAYS
- 18" x 36" OYSTER BAG CLIPPED TO CAGE



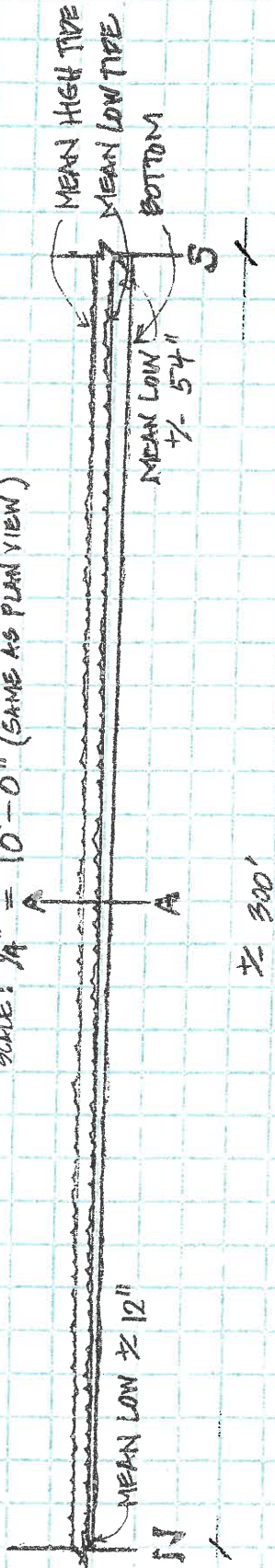
5/8" x 36"
 HELICAL ANCHOR
 ± 40'-0" O.C.

EACH END OF 10 CAGE TRAIL

POWEN OYSTER FARM
MARCH 2020
P. POWEN

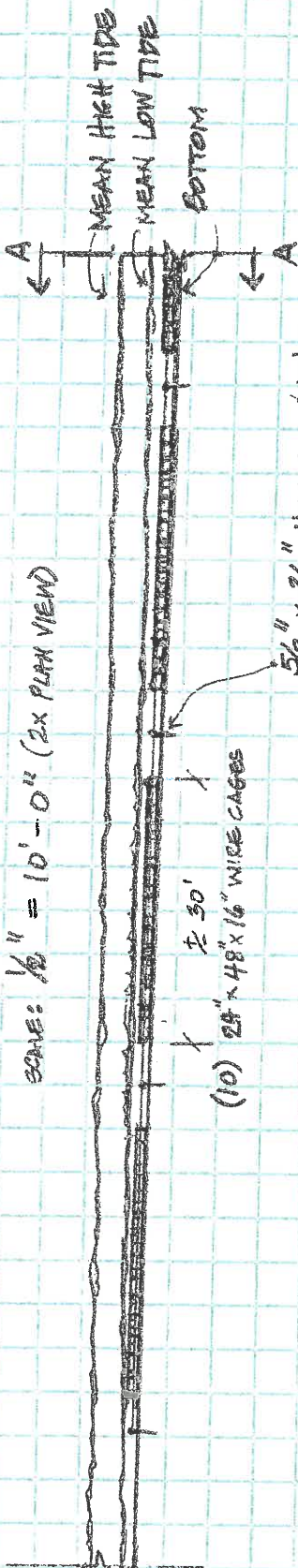
SITE CROSS SECTION

SCALE: $\frac{1}{4}" = 10' - 0"$ (SAME AS PLAN VIEW)



± 300'

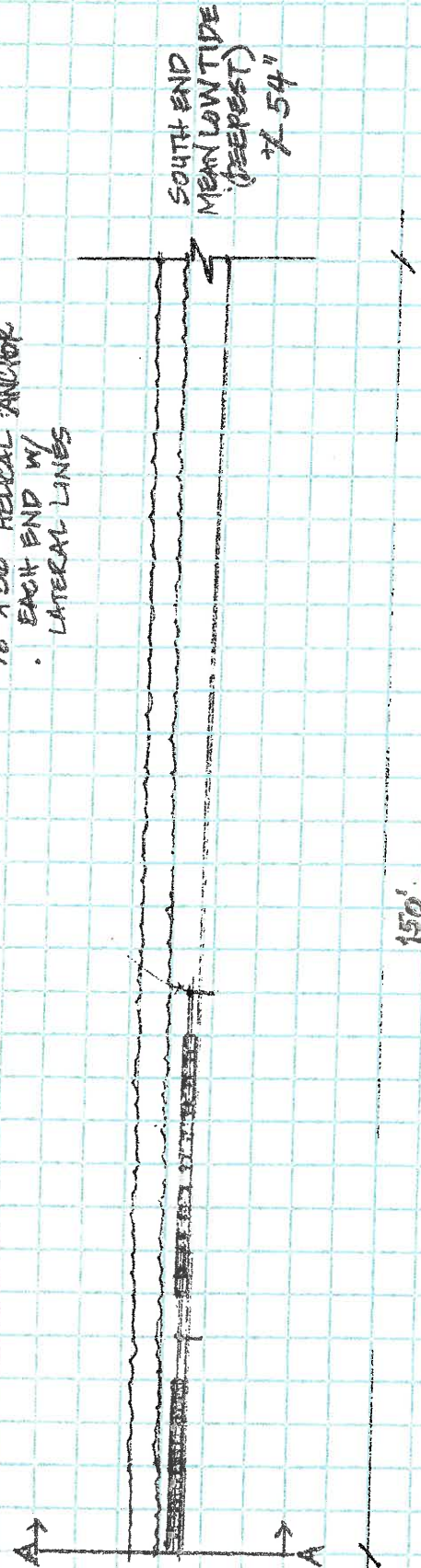
SCALE: $\frac{1}{16}" = 10' - 0"$ (2X PLAN VIEW)



± 30'

(10) 24" x 48" x 16" WIRE CAGES

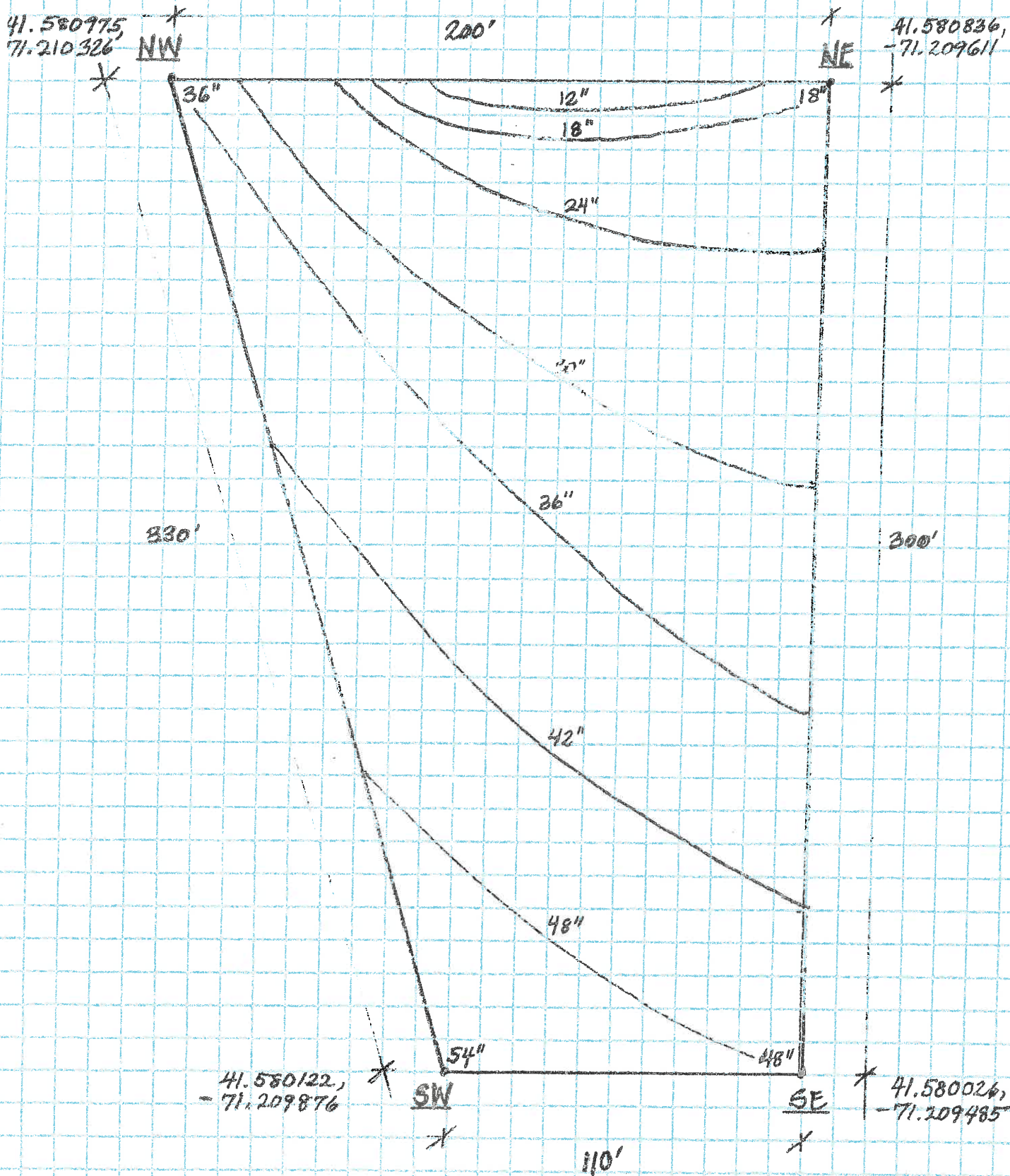
$\frac{5}{8}" \times 36"$ HELICAL ANCHOR
• EACH END W/
LATERAL LINES



150'

BOWEN OYSTER FARM
MARCH 2020
P. BOWEN

SITE PLAN
SCALE: $\frac{1}{4}" = 10'-0"$
DEPTH CONTOURS @ MEAN LOW TIDE



**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF FISH AND WILDLIFE**

**Application for a Special Permit for Aquaculture
R.I.G.L. 20-10-12**

Name: John Bowen, Patrick Bowen

CRMC Assent#: Applied For

Address: 79 Shaw Road

Assent Expiration Date: N/A

Little Compton, RI 02837

Assent Type: Commercial

Species to be cultured/possessed: Eastern oyster, *Crassostrea virginica*
(must coincide with terms of CRMC Assent)

Location where organisms will be held: Sakonnet River, Tiverton, RI
(must coincide with terms of CRMC Assent)

Land Based: NO

Open Water: YES

Bottom Culture: NO

Cage Culture: YES **Number:** 200 **Approximate Size:** 24"Wx48"Lx16"H

Raft Culture: NO

Other (describe): Standard 18"x36" ADPI bags secured to cages.

Lease: One lease site, applied for. **Size:** 0.97 acres

Type/description of markers used to identify site: Yellow pot buoys, 11" on each corner,
marked with CRMC Assent Number

(Must coincide with terms of CRMC Assent)

Will the cultured species always be maintained within the lease?: YES

**Will they be moved (from upwellers, spat collectors, raceways, cages, etc. to grow-out
area) as part of culture:** NO

Purpose for culture: Food Production

Is the end product to be sold?: YES

In-state: YES **Out of State:** NO

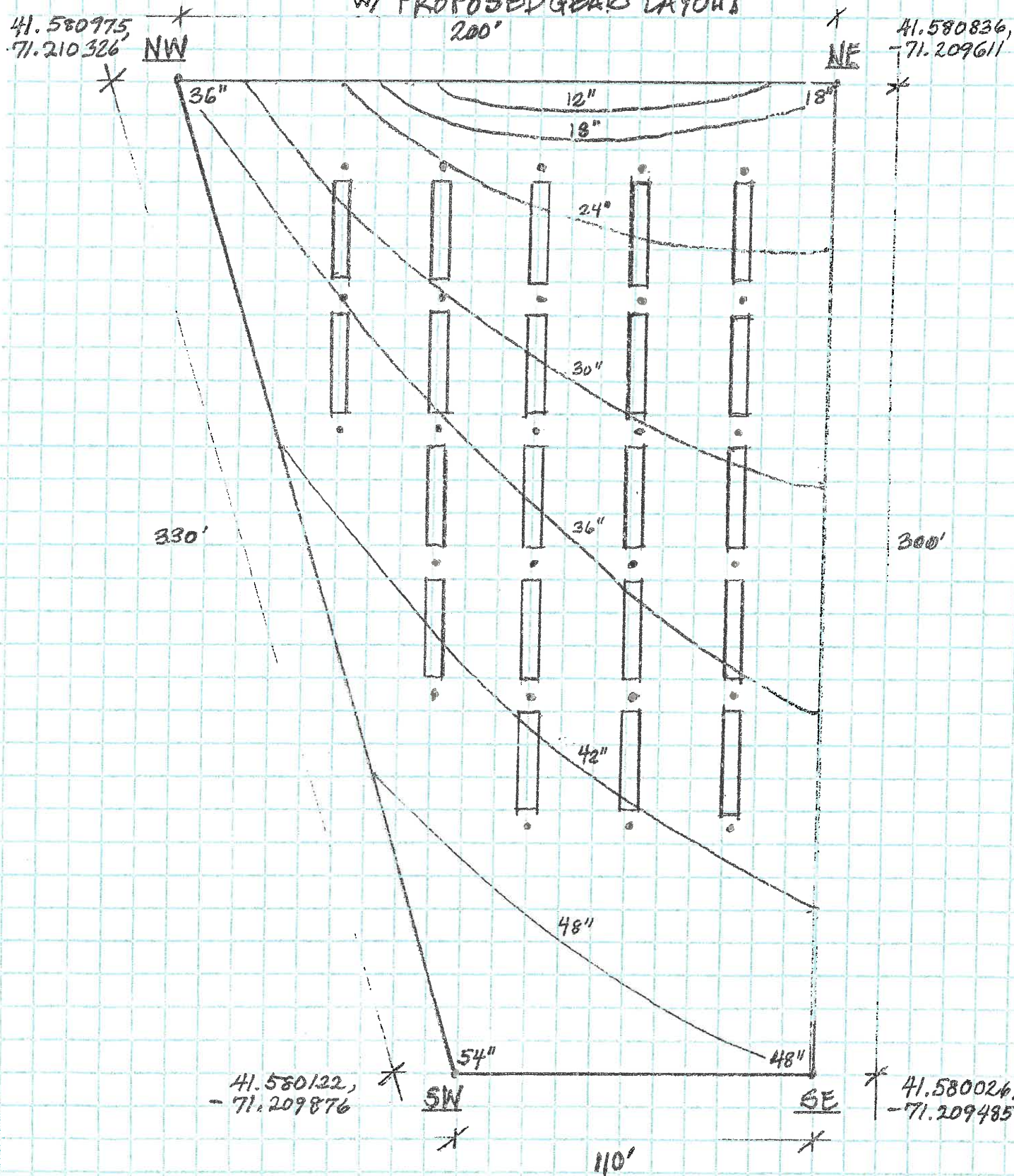
Live: YES **Whole:** YES **Processed:** NO

Source of organisms to be used for culture: Hatchery: YES

Name of Hatchery: Approved hatchery to be determined

scale: $\frac{1}{4}'' = 10'-0''$

200'



Anticipated time of delivery to Rhode Island?: After CRMC Assent granted, when seed is available.



The aquaculturist must notify the D.E.M. Divisions of Fish and Wildlife and Enforcement of every shipment of animals for culture at least five days prior to entry into the state and each shipment must be accompanied by a certificate of disease inspection from a recognized laboratory appropriate to the species being raised.

Approximate size of organisms (seed, fingerlings, larvae, adults) to be imported into RI: 7mm

Approximate quantity anticipated to be received this (permit) year: 25,000

Other Conditions:

By submission of this application for issuance or renewal of a Special Permit for Aquaculture, the aquaculturist provides the Division of Fish and Wildlife and the Division of Enforcement with the authority to enter and inspect all aquaculture facilities which have been requested to be permitted. (R.I.G.L. 20-10-15). By submission of this application, the aquaculturist agrees to acquire and maintain all of the appropriate licenses and permits necessary to conduct the culture and seafood business within the State of R.I. and comply with all laws, rules, and regulations regarding the possession, sale, trade, transport, purchase, and barter of fish/shellfish and seafood products. Noncompliance of the conditions of this permit will result in forfeiture of this Special Permit for Aquaculture and possible prosecution.

  4-13-2020
(Authorized Signature) (Date)

Lisa Turner

2020-04-037

From: Phil Capaldi <philcapaldi@yahoo.com>
Sent: Wednesday, April 22, 2020 3:31 PM
To: 'Bruce Cox, Esq., Tiverton Harbor Commission'; 'Charles Smith'; 'Dave Robert, RICA, Tiverton Tax Assessor'; 'Denise M. deMediros, President, Tiverton Town Council'; 'Dennis M. Canario, Representative'; 'James A. Seveney, Senator, Portsmouth'; 'Jeanne Spencer, Tiverton Town Clerk's Office'; 'Louis P. DiPalma, Senator, Middletown'; 'Nancy Mello, Tiverton TC'; 'Neil Hall, Tiverton Building Official'; 'Robert D. Lloyd, Chief, Tiverton Fire Dpt.'; 'Thomas Ramotowski, Vice Chair, Tiverton Cons Comm'; 'Tiverton Town Planner'; 'Walter S. Felag, Jr., Senator'; 'William M. Anderson, Tiverton DPW Director'; 'Alison Kates, NRPA Program Coordinator'; 'Amy Rose Weinreich, Charlestown TC'; 'Andrew Nota, East Greenwich Town Manager'; 'Bruce Eastman, RISA'; 'C. Brown, DBEngineers'; 'Carol Wordell, Little Compton Town Clerk'; 'Charlotte Taylor'; 'Chris Church, Reporter'; 'Christina Collins, Jamestown Acting Town Admin'; 'Christine Andrews, QDC'; 'Chuck Horbert, RIDEM'; 'Colin Howard, Independent RI -- South Kingstown'; 'David Latham'; 'David Murdock'; 'David Prescott, Save the Bay'; 'Deborah Mongeau, Librarian'; 'Dennis Erkan, RIDEM F&W'; 'Diane Ray CIV USARMY CENAE'; 'Donna Giordano, Westerly TC'; 'Emilie Holland'; 'Eric Schneider, RIDEM Fish and Wildlife'; 'Erin Liese, Jamestown Town Clerk'; 'Glenn Modica'; 'James Bessette, Editorial Assistant'; 'James Tierney, Narragansett Town Manager'; 'Jamie Hainsworth, Jamestown Town Manager'; 'Jean Bellm, Exec Asst, Barrington'; 'Jeannette Alyward, North Kingstown TC'; 'Jeffrey Gardner'; 'Jennifer M. West, Portsmouth TC'; 'Jerry Elmer, Esq, CLF'; 'John Brown, THPO, Narragansett Indian Tribe'; 'John Torgan'; 'John Williams, Warwick Cove Marina'; 'Jonathan F. Stone, Exec Dir'; 'Jude Zeh'; 'Julie Coelho Warren TC'; 'Kathy & Steve Jacques'; 'Kathy & Steve Jacques'; 'Kendra L. Beaver, Esq, Save the Bay'; 'Laura C. Swistak, City Clerk, Newport'; 'Lawrence Taft, Exec Dir'; 'Leigh Carney, Town Clerk'; 'Liz Boardman'; 'Louis P. Cirillo, Bristol Town Clerk'; 'Lyn Pagliarini, Warwick City Clerk'; 'Lynn D'Abrosca, City Clerk, Warwick'; 'Maria Wall Cranston TC'; 'Mark Schwager, EG Town Council President'; 'Matt Gineo, Oldport Marine'; 'Matt O'Brien, AP Reporter'; 'Meg Kerr, Audubon Society of RI'; 'Melanie Jewett Army, AICP, RIDOT'; 'Meredith J. DeSisto, Barrington TC'; 'Michael McGiveney'; 'Michael S. Wierbonics, US ACOE'; 'Mike Jarbeau, Save The Bay'; 'Neal Personeus, RIDEM'; 'Nick Donadio'; 'Peter A. Healey'; 'Peter M. Vieira, Marine Construction'; 'Providence City Clerk'; 'Richard Goldstein Pawtucket TC'; 'Richard Kalunian'; 'Robert Lyons, Ocean House Marina'; 'Rodman R. Black Jr. HIIA'; 'Ryan Belssing, Independent RI -- Narragansett'; 'Sarah Frazar, RIDEM Water Resources'; 'Scott Briggs, Librarian'; 'Susan Flynn, SK Town Clerk's Office'; 'Thomas R. Evans, State Librarian'; 'tim rockwell'; 'US Army Corp of Engineers'; 'Wendy J. W. Marshall, Middletown TC'; Lisa Turner
Subject: Re: 30 day public notice

Thank you Bowen Family!

I appreciate your willingness to consider the objection raised - and to pivot to accommodate for future generations to enjoy the DEM location!

I appreciate talking with you face to face at the meeting. It speaks to your character.

As your business develops, grows and thrives, and you become professionally connected to other RI growers - please continue to advocate for the recreational user - and offer

alternative solutions to aquaculture sites that are in areas suitable for recreational shellfishing.

Thanks again -

Phil Capaldi
15 Baneberry Trail
Saunderstown, RI 02874
401-413-3336

On Friday, April 17, 2020, 11:06:21 AM EDT, Lisa Turner <lturner@crmc.ri.gov> wrote:

Please Note: Comments must be received by May 17, 2020. Thank you!

Lisa A. Turner

Office Manager

Coastal Resources Management Council

Oliver Stedman Government Center

4808 Tower Hill Road; Room 116

Wakefield, RI 02879

401-783-3370

2020-04-037

cstaff1

From: Kevin Moore <kevinpjmoore@icloud.com>
Sent: Monday, May 4, 2020 2:08 PM
To: cstaff1@crmc.ri.gov
Cc: Sean & Shelly Bowen; Patrick Bowen
Subject: John & Patrick Bowen's Oyster Farm Application

Dear Sir/Madam,

This note is in support of the above referenced application for an oyster farm in the Sakonnet River in Tiverton RI
I am familiar with the proposed farm site and believe that it's proximity to the outlet of the Seapowet Creek will be environmentally beneficial in reducing any nutrient loading that might flow from that creek
Additionally, I also feel that the East Bay is in need of, and can support, more aquaculture.
Thank you

Kevin Moore
60 Warrens Point Rd
Little Compton RI 02837
610-324-6972

Sent from my iPhone=

Cstaff1

From: Taylor Johnston <taylor.mauck@gmail.com>
Sent: Sunday, May 24, 2020 8:23 AM
To: cstaf1@crmc.ri.gov
Subject: Bowen application 2020-04-037

Dear Sir/Madam,

I write in support of John and Patrick Bowen's application for an oyster farm at Sapowet in Tiverton. I have discussed the project with the Bowens, and as a grower myself, am confident in their abilities: John Bowen has a degree in aquaculture and has 30 years of familiarity, and both worked for one of the first oyster farms in the State, in Little Compton, 40 years ago.

I'm also confident in John and Patrick's stewardship, and their intention to be a good neighbor in their recognition of and respect for the public's rights to Sapowet. Beyond all, the project makes sense.

I understand that this project will be a win/win, with the oysters taking advantage of the nutrient loading that development and farm run off around the estuary has created. As most of the farms are on the West Bay, the East Bay should have the same access and I wholeheartedly support the Bowen's application.

Thank you for your consideration,
Taylor M Johnston
Little Compton

cstaff1

From: james quinn <jquinnmd@yahoo.com>
Sent: Monday, May 18, 2020 10:12 PM
To: cstaff1@crmc.ri.gov
Subject: File Number 2020-04-037
Attachments: Bowen Oyster Farm.pdf

Attached is a letter of support for this application. Thank you.

May 18, 2020

I am writing in support of the application of John and Patrick Bowen, File Number 2020-04-037, for a R.I. State Assent to operate and maintain a one-acre oyster farm in the Sakonnet River.

As a former oyster culturist and graduate student at URI's Graduate School of Oceanography, I had a R.I. Assent for a two-acre lease for ten years in the 1980's. Both of the applicants worked with me in what was one of the early oyster farms in R.I. I can attest that both applicants have the education, technical abilities, and environmental consciousness to operate an oyster farm within CRMC guidelines.

Since the days of dredging leased oyster beds, it has become increasingly recognized that modern oyster culture methods offer benefits to local economies and meet the needs of market demand without detrimental ecological consequences. Successful R.I. oyster farms are underrepresented in the East Bay area.

I would like to comment on several aspects of this application. I have reviewed the application and visited the site recently and many times over the years. The site is well chosen for protection from wind and surf, as well as high-flow conditions provided by tide and outflow from Seapowet Creek. It is suitable for the bottom system proposed in the application. The applicants have modified the location of the one-acre area to the south of the creek to be outside of a recreational area on the northern side. This site does not conflict with uses for bathing, fishing, or boating.

The scope and profile of the project are modest. The grow-out gear proposed would only occupy less than 4% of the total one-acre site and would not be visible at low tide. The activity for maintenance and harvesting also would be minimal, given that the proposed number of seed is 25,000.

I urge the council to grant this Assent for a small-scale, low-impact oyster farm, which does not conflict with existing uses, has little or no environmental impact, and has the potential for enhancing the native oyster population in the Sakonnet River.

Thank you for your consideration of these comments.

James Quinn, MD, MS
15 Milton Road
Little Compton, R.I. 02837



Cstaff1

From: margaret manning <margaretmanning99@gmail.com>
Sent: Saturday, May 16, 2020 1:48 PM
To: cstff1@crmc.ri.gov
Subject: File #: 2020-04-037 (John Bowen and Patrick Bowen)

To Whom it May Concern,

As the sister of Patrick and John Bowen, and as a native Rhode Islander and life-long resident of the East Bay, I am writing in enthusiastic support of their aquaculture application for state assent.

Now, more than ever, as we weather the current coronavirus pandemic, it is critical that Rhode Island facilitate the increase of **local food production** and **job creation**. There couldn't be a more timely opportunity for CRMC to take the lead in a way that is **in keeping with our shared coastal resources** and treasured **heritage of working waterfronts**. Family-owned AND operated small businesses which have a vested interest in the stewardship of the areas in which they live and work, are exactly what the CRMC should be encouraging and supporting.

This is just one such application before you, but it is a profound example of the resourcefulness of resilient Rhode Islanders in these uncertain times. This is a modest proposal to seed oysters on a .97 acre farm but it is emblematic of the unfailing positivity and creativity of Rhode Islanders and our state's motto: "Hope." Small steps such as this application represent seeding a sustainable future for generations of Rhode Islanders. Your assent would represent Rhode Island's "lively experiment" at it's best.

Patrick and John are responsible, knowledgeable, passionate, and selfless. Their family values, work ethic, and good old-fashioned Yankee ingenuity are bar none. Their roots in the area go back 150 years and four generations. They live and raise their families in the adjacent town of Little Compton. Their integrity and experience, along with their unbridled enthusiasm for aquaculture and for sharing skills and science with future generations (as evidenced through their children's participation), ensure that they will be model stewards of this farm.

The CRMC process that is in place and that affords ample public input and careful consideration is a good one. I am confident that the Bowen's well-reasoned and responsive proposal would sail past the bar of why this process was established in the first place. I am convinced that it exceeds the criteria for favorable consideration and is worthy of CRMC assent.

Thank you,

Margaret Manning
81 Shaw Road
Little Compton, RI 02837

Cstaff1

2020-04-037

From: lindsey june <lindseymjune@yahoo.com>
Sent: Thursday, May 14, 2020 11:46 PM
To: cstaff1@crmc.ri.gov
Subject: Seapowet farm

To whom it may concern,

Never in the history of Rhode Island has there been a better match for this aquafarm. As i have personally known the Bowens for years, means nothing in this email.

What does hold "water" in this email is both the dedication and stewardship of the project before you. Never in my life have I before met such a dedicated family in the art of living and loving the native land. The giving of their time to teach their children is like no other. It is a family affair. All stewardship will be on par, and passed down. I strongly look forward to reaping the rewards of the Bowens' endeavours. There will be no better candidate for this, hands down.

And we need this for our local economy. That can't be dismissed.

One of the elder Bowens taught me years ago " We only borrow the sea, as we do not own it. We simply entrust it to the next generation".

I will never know a better set of people to entrust our future to, (and i have a 6 year old.

So that is a priority)!

Please ...know that this is the best and most educated choice in your decisions.

Warmest Regards,

Lindsey June

Little Compton, RI

[Sent from Yahoo Mail on Android](#)

Cstaff1

From: Timothy O'Toole <totoole635@gmail.com>
Sent: Monday, May 11, 2020 8:07 AM
To: cstaff1@crmc.ri.gov
Subject: CRMC FILE # 2020-04-037

Greeting,

My name is Timothy F. O'Toole. I reside at 147 Long Highway, in Little Compton, RI, along with my wife and three children. 02837

Last week I had the good fortune to cross paths with my friend, John Bowen. We spent an hour or so discussing the oyster farm that he, and his brother Patrick are proposing for the Seapowet area in Tiverton. I was very impressed with the plan and their dedication to the project.

I have known the Bowen family since the early 1980's. They are honest, "salt of the earth" people, with strong roots in the East Bay community. I have seen how they fish and how they farm, and John's compost pile is a thing of beauty. They are good stewards of the land and sea.

I work in Providence and Warwick, and am familiar with the shellfish farms in South Country. The Bowen's proposed oyster farm seems to be a positive step towards strengthening aquaculture in the under represented East Bay.

As we begin to emerge from the recent troubles, I realize how lucky my family is to live in a place where our food supply is so very local. I feel better eating food harvested by people I know and trust.

Thank you,

Timothy F. O'Toole
(401) 787-4267

Cstaff1

2020-04-037

From: searope <phgmag@aol.com>
Sent: Thursday, May 14, 2020 9:03 AM
To: cstaff1@crmc.ri.gov
Cc: Sean Shelley Bowen; Patrick Bowen
Subject: John & Patrick Bowen's Oyster Farm Application

Dear Sir, Madam,

This e-mail is in support of John and Patrick Bowen's Application for an Oyster Farm in the Sakonnet River.

We are familiar with the Sakonnet Area and believe this Oyster Farm will be an asset to the East Bay.

John and Patrick are very knowledgeable , hard working and reliable stewards of the Sakonnet area.

We believe that responsibly grown and maintained aquaculture can only improve our rivers, oceans and our quality of life.

Thank you for your consideration in this matter.

Sincerely.

Philip and Margaret Grandchamp
28 Indian Road
Little Compton Rhode Island 02837

413-822-5738

Sent from my iPad

Cstaff1

From: gomezjt@cox.net
Sent: Tuesday, May 12, 2020 8:14 PM
To: cstaff1@crmc.ri.gov
Subject: 2020-04-037

CRMC staff,

This email is in reference to the planned oyster farm near the Seapowet bridge in tiverton, with applicants John and Pat Bowen. I've read thru the application and am truly impressed. The applicants have submitted a thorough and and we'll conceived plan. In addition to the natural benefits an oyster farm brings to the Bay, it fills a local East Bay need for shell fish production.

I have also personally known John and Pat Bowen for over 40 years. They are honest and hard working. Combined with John's education and experience in aquaculture, and Pat's in construction management, this project will be something RI will be proud of for years to come.

Please feel free to contact me with any questions.

Jason Gomez
401 864 2016
gomezjt@cox.net
14 River Run
East Greenwich,RI

cstaff1

From: Kenny Mendez <kenneth.mendez@gmail.com>
Sent: Tuesday, May 19, 2020 5:05 PM
To: cstaff1@crmc.ri.gov
Subject: File #2020--04-037 application for one acre oyster farm

To whom it may concern,

I am writing to request a hearing and to receive consideration for the proposed one acre oyster farm at the mouth of Seapowet Marsh on the Sakonnet River. I urge CRMC not to grant approval for that location and instead find a more appropriate location. The current proposed site location is in prime striped bass fisheries habitat used by migratory fish that use that section of the Sakonnet River to feed on nutrients flowing out of the marsh. In addition, the location of that structure is frequently used by recreational fishermen, kayakers, and beach-goers. The location of the proposed farm would displace those recreational activities and displace prime fish habitat.

My address is 123 Long Pasture Way, Tiverton. You can reach me on this email address and my cell phone number is 703-304-1488.

Thank you for your consideration.

Sincerely,

Kenneth Mendez

Amanda Turco

From: CRMC Staff <cstaff1@crmc.ri.gov>
Sent: Monday, July 20, 2020 8:25 AM
To: Amanda Turco
Subject: Fwd: Bowen Oyster Farm; File# 2020-04-037

----- Original Message -----

From: Justin <jcd401@gmail.com>
To: cstaff1@crmc.ri.gov
Cc: friendsofseapowetmarsh@gmail.com, stevem@risaa.org
Date: 07/18/2020 9:37 AM
Subject: Bowen Oyster Farm; File# 2020-04-037

Dear team CRMC,

I am writing to express my concern and displeasure regarding the proposed oyster farm located at Seapowet Marsh in Tiverton, RI (File# 2020-04-037). I have just recently learned that the proposition has continued to move forward, and sadly without any significant opposition from the many residents and other outdoor enthusiasts who utilize the area for recreation. I understand that the comment period has closed, but I would like to have my note added to the file if at all possible.

Like many others in our state, I am an avid surf/shore fisherman. As such, I spend much of my time from April to November wading the shorelines of RI in search of striped bass, an extremely valuable species that we are so fortunate to have inhabiting our coastal waters. It is a fish whose commercial value is eclipsed by the wealth of unique recreational opportunities it provides. Fishing for many of us striper fisherman has become more of a lifestyle than a hobby; one where we are equally attached to our favorite spots as our own backyards. More so than most, we understand that our pursuits are only made possible by free public access, that we happily share with beach goers, kayakers, and the like. For myself and fellow anglers in the know, Seapowet Marsh is synonymous with striped bass fishing, and the placement of the Bowens oyster farm threatens to end that reality.

The farm is planned to be located in the fertile outflow of the marsh, just off the beach in shallow water. The one acre plot chosen here is prime fish habitat and for this reason, the most frequented area by the majority of anglers visiting Seapowet. The usual approach for wade-fisherman here is to walk out into waist deep water along the elevated sandbar, and depending on the tide, fishing from within the prospective farm, or at the very least casting within its perimeter. Fishing outside of the outflow is not nearly as productive, as the current running through this section creates a unique set of conditions. Unfortunately, we do not have the luxury of simply moving down the beach for this reason. The Bowen's commercial endeavor, in its current location, will completely displace our recreational activities and is an unfair use of this fantastic public space.

The biggest key to fishing successfully is choosing the right location, but without a boat, that means finding where you are allowed free access. RI has many legal access points mapped, but

the majority provide no parking opportunity, close during nighttime hours, or have been effectively privatized by abutting homeowners. Seapowet is really a gem in that it provides open and unrestricted access year-round for recreational activities. I feel the farm could jeopardize this altogether if placed in water accessible by foot, as security may become an issue. I worry parking may be jeopardized, as the commercial workers will be utilizing some of the already limited parking spaces during daytime hours. I believe allowing this operation will be opening a can of worms that leads to the average person losing more of their right to coastal access. Lastly, I'm concerned that increased human activity across this prime fish habitat may displace them as well.

For these reasons I would ask you to extend the public comment period, taking input from other anglers, kayakers, and town residents on how this would personally impact them and their enjoyment of the space. The community deserves a fair chance to voice their opinion on this, as the Bowen's endeavor benefits very few, but affects many. The events of the last several months have been distracting to say the least, and it is no surprise how this remained under the radar. Now that there are some of us in the know, we can spread the word and encourage others to speak their point of view regarding this massive change, before it is too late.

Thank you for your time and everything you do to protect the health of our coastline.

Sincerely,

Justin DiTucci
Tiverton, RI
401-207-8872