

CRMC DECISION WORKSHEET

2017-05-006

Edward Troiano

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

APPLICATION INFORMATION						
File Number	Town	Project Location		Category	Special Exception	Variance
2017-05-006	Barrington	Nayatt Point/Narragansett Bay (Upper)		B	<input type="checkbox"/>	<input type="checkbox"/>
		Plat	Lot			
		Owner Name and Address				
Date Accepted	May 2, 2017	Edward Troiano 4 Connecticut Avenue Barrington, RI 02806		Work at or Below MHW	<input checked="" type="checkbox"/>	
Date Completed	Dec. 21, 2017			Lease Required	<input checked="" type="checkbox"/>	

PROJECT DESCRIPTION

1/2 acre oyster farm

KEY PROGRAMMATIC ISSUES

Coastal Feature: Submerged land

Water Type: Type 4, Multi-Purpose Waters

CRMP: 1.2.1(D); 1.2.3; 1.3.1(A); 1.3.1(K); 1.3.1(R)

Variances and/or Special Exception Details:

Additional Comments and/or Council Requirements:

STAFF RECOMMENDATION(S)

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

David Bental 12-21-17
Aquaculture Coordinator Sign-Off date

[Signature] 2/10/2017
Executive Director Sign-Off date

David Bental 2/1/18
Staff Sign off on Hearing Packet (Aqua) date

Name: Edward Troiano
CRMC File No.: 2017-05-006
Staff Report



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

DATE: December 21, 2017
TO: Grover J. Fugate, Executive Director
FROM: David Beutel
SUBJECT: CRMC File No. 2017-05-006

Applicant's Name: Edward Troiano
Project: one half acre oyster aquaculture site using submerged longline system

Location: Nayatt Point/Narragansett Bay (Upper), Barrington
Water Type/Name: Type 4, Multi-Purpose Waters,
Coastal Feature: submerged land

STAFF REPORT

This application is for a one half acre oyster farm using the submerged longline method to grow oysters. The proposed location is in Type 4 waters in upper Narragansett Bay just south of the Rhode Island Country Club on Nayatt Point. (Attachments 1 and 2) The proposed location has received many objections from the shellfish industry (Attachments 3 through 15). The objections will be summarized later in this report.

The submerged longline method proposed would employ helical anchors to secure the longline which would be raised above the seafloor by 1.5 inch diameter PVC pipes at the height required to keep the line one foot below mean low water (MLW) and one foot above the sea floor (Attachment 16). The cages would be attached to the longline. The site could contain up to 480 of the small style cages (3 feet x 0.5 ft.). The method is successfully used to grow oysters in RI and in many locations nationally and internationally. A challenge that staff observes is that one foot below MLW is not a sufficient distance to keep the gear below water at all times. For example, January 1-4, 2018 has moon low tides greater than one foot below MLW. If the proposal is approved a stipulation requiring the gear to be maintained at 1.5 feet below MLW would be required to keep the gear submerged at all times.

The following review letters have been received:

- RI Historical Preservation and Heritage Commission (HPHC); May 17, 2017 (Attachment 17)

Name: Edward Troiano
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- RI Department of Environmental Management (DEM) Office of Water Resources; June 5, 2017 (Attachment 18 a and b)
- RI DEM Division of Fish and Wildlife; June 13, 2017 (Attachment 19 a through e)
- RI Marine Fisheries Council (MFC); October 12, 2017 (Attachment 3)
-

The RI HPHC letter found no significant adverse impact on cultural resources. The RI DEM Office of Water Resources outlined the conditions for working in a Shellfish Conditional Area. The RI DEM Division of Fish and Wildlife requested a stipulation for specific winter work hours to minimize effects on migratory waterfowl. The RIMFC letter was to object to the proposed application because it was not consistent with the competing fishing activities in Conditional Area A after a close vote (4-3) upon review of the issues. Staff agrees with the first three letters but has concerns over the letter of objection from the RIMFC while not in complete disagreement.

The logic for the RIMFC letter can be observed in the other letters of objection. The main issues provided in those letters include:

- Concerns over Conditional Area A during closure periods
- Limiting access to productive shellfishing grounds
- All of Conditional Area A is seen as valuable to commercial shellfishermen
- Concern over potential debris from aquaculture
- This is a historically productive fishing area
- Concern over precedent and the future expansion of aquaculture in the area
- This is a sheltered area for winter work as it is in the lee from northerly weather
- The aquaculture gear is not sufficiently robust to withstand major storms
- The area should be maintained for “free and common” use instead of leased for private interest

These issues will be addressed in order. The concerns over operating in Conditional Area A were outlined in the letter from RI DEM Office of Water Resources (Attachment 18 a and b). The conditions of the letter are reasonable and workable. An aquaculture site in Conditional Area A has been operating since 2000 (CRMC #2000-04-008).

A one half acre site would not affect navigation or access to the area. It could impede a drift or line that a shellfishermen was bullraking.

Staff conducted a site assessment of this area as part of the Preliminary Determination (#2017-02-024) (Attachment 20 a through c) which found a very low density of quahogs (0.27 quahogs/square meter) (Attachment 21). Additionally the applicant obtained the RI DEM Division of Fish and Wildlife Dredge Survey data for the exact strata of the proposed lease and submitted the data to CRMC. The six samples taken over the last 21 years for that stratum had a mean quahog density of 0.47 quahogs/square meter (untitled summary table provided by applicant Attachment 22). No submerged aquatic vegetation was observed on this site nor is the site indicated on the 2016 submerged aquatic vegetation maps.

Every aquaculture site and most fisheries have the potential for debris.

Name: Edward Troiano
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Areas that receive a new aquaculture lease can become a magnet for new activity. Areas that have received new applications based upon the success of permitted sites include: Rome Point off of North Kingstown; the overwash fan of Ninigret Pond, adjacent to Charlestown; Island Park Cove off of Portsmouth; the northeast section of Quonochontaug Pond adjacent to Charlestown; and the Dutch Island Harbor area off of Jamestown. Specific areas where aquaculture projects are successful are positive for the aquaculture industry but also reinforces the shellfishermen's concern about future development.

The area in the lee of winter weather providing shelter for fishermen will remain whether or not this application is approved. The small footprint of the proposed site is a minimal encroachment.

The aquaculture gear can be designed to withstand weather events; however, gear can be lost because of weather events. A standard stipulation for all aquaculture assents includes dealing with lost gear and weather events. Additionally, aquaculture assents require a proof of performance bond to protect the state from financial liability for cleaning up aquaculture sites in the event of default.

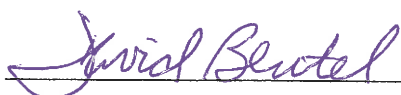
The "free and common" versus leased for aquaculture issue is heard frequently. It is a philosophical question that while resolved in the aquaculture legislation remains an issue for a segment of the fishing industry. The "free and common" concept supporters believe that aquaculture should not be allowed on state submerged land.

The RI Coastal Resources Management Program (CRMP) Sections 1.2.1(D).3.b & c concern activities allowed in Type 4 waters. Part b states "The Council recognizes that large portions of Type 4 waters include important fishing grounds and fishery habitats, and shall protect such areas from alterations and activities that threaten the vitality of Rhode Island fisheries." Part c states "Aquaculture leases shall be considered if the Council is satisfied there will be no significant adverse impacts on the traditional fishery." The RICRMP Section 1.1.4.(G).1.c concerning substantive objections states "evidence is presented which demonstrates that the proposed activity or alteration has potential for significant adverse impacts on one or more of the following descriptors of the coastal environment: (3) biological communities, including vegetation, shellfish and finfish resources, and wildlife habitat..." Staff questions whether or not the letters of objection constitute sufficient evidence for substantive objection to qualify as a threat to the vitality of the shellfishery. The site assessment and dredge survey data provide evidence to the contrary. This does not diminish the shellfishermen's concern of potential further aquaculture development and its effect on the fishery.

The applicant has met the requirements of the RICRMP for the sections on Category B applications 1.3.1(A); aquaculture 1.3.1(K); and submerged aquatic vegetation 1.3.1(R). Therefore staff recommends approval while acknowledging the concerns of the objectors.

Staff recommends stipulation for a \$10,000 proof of performance bond requirement to address the concern of potential gear problems.

Please note that Army Corps of Engineers authorization is still needed.



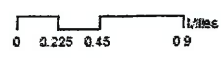
Aquaculture Coordinator

Shellfish Growing Area Classification Codes
--- Growing Area Boundary

Rhode Island Department
of
Environmental Management
Office of Water Resources
Shellfish Program

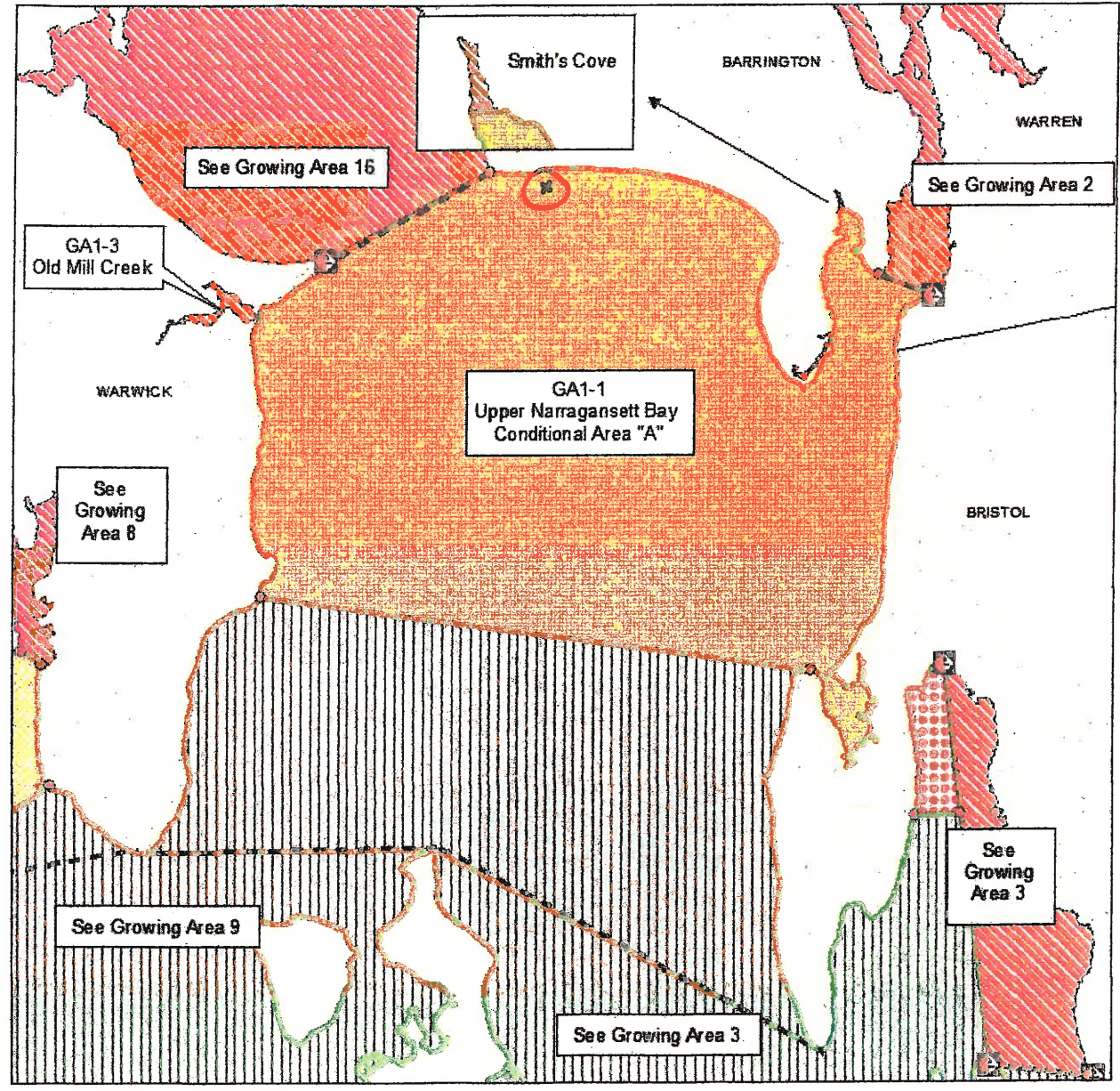


- Approved
- Seasonal Closure
- Shellfishing Prohibited
- Upper Narragansett Bay Conditional Area - A
- Block Island Seasonal Closure A.C
- Block Island Seasonal Closure B



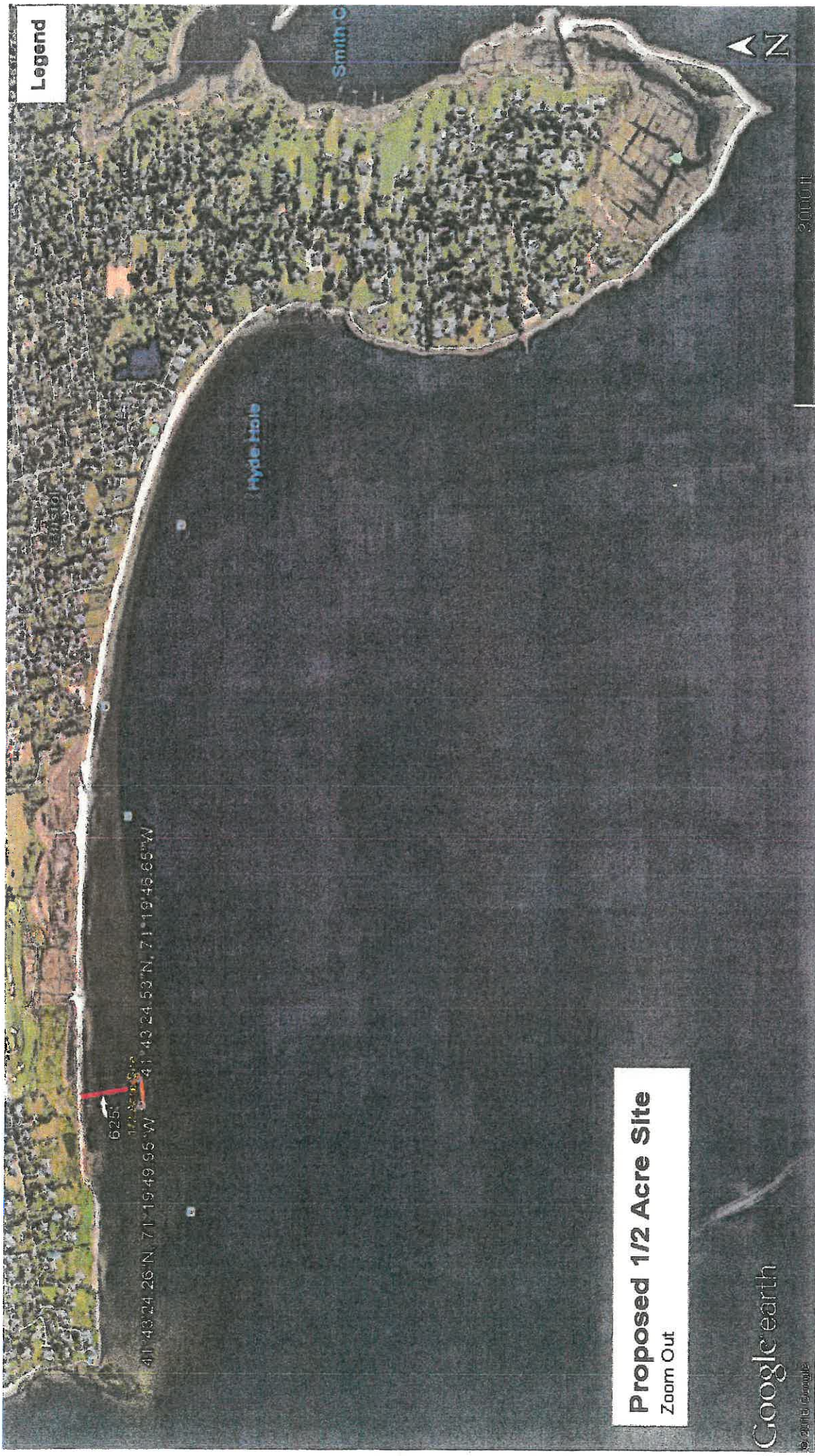
This map is provided only as a general reference for the areas listed as prohibited, seasonal closure or conditional closure in the publication entitled "Notice of Polluted Shellfishing Grounds May 2017". Please refer to that document for the complete legal description of the numbered shellfish closure areas shown here. This map also serves as the legal description for the areas open to shellfishing. Taking of shellfish is prohibited from any waters located on the landward side of the boundary line of waters listed as approved (high tide mark) and the landward side of the boundary line of waters listed as prohibited, conditional closure or seasonal closure, regardless of whether the specific waters are shown or noted as prohibited on the attached maps. At locations where the boundary line crosses water, the boundary shall be a straight line connecting the high tide mark on either side of the water along the main shoreline.

**Upper Narragansett Bay
Growing Area 1
May 2017 - May 2018**



Altitude

A2

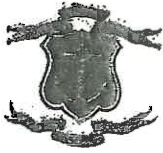


625'
 17° 22' 15.57"
 41° 43' 24.26" N, 71° 15' 49.95" W
 41° 43' 24.53" N, 71° 19' 45.65" W

Proposed 1/2 Acre Site
 Zoom Out

Google earth

© 2010 Google



Rhode Island Marine Fisheries Council

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

Robert Ballou
Chairman

David Monti
Vice Chair

Travis Barao

Andrew Dangelo

Jeff Grant

William
Mackintosh, III

Christopher Rein

Michael Rice, Ph.D.

Michael Roderick

October 12, 2017

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

Re: CRMC Aquaculture Lease Application # 2017-05-006 – Troiano
Upper Narragansett Bay – Conditional Area A

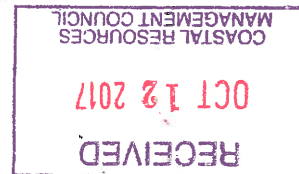
Dear Mr. Beutel:

Pursuant to RIGL §20-10-5, the above-referenced application was brought before the RI Marine Fisheries Council (hereafter, "Council"), via the Council's Shellfish Advisory Panel (hereafter, "Panel"), on July 26, 2017 for review. The Panel found that the proposal is not consistent with competing uses long engaged in commercial and recreational shellfish harvest activities in Conditional Area A of Upper Narragansett Bay. On that basis, the Panel recommended that the proposal not be approved. At the request of the applicant, the application was then brought before the full Council on October 2, 2017 for additional review. After considering all relevant issues, the Council (upon a 4-3 vote) found, as did the SAP, that the proposal is not consistent with competing uses long engaged in commercial and recreational shellfish harvest activities in Conditional Area A of Upper Narragansett Bay.

Sincerely,

Robert Ballou, Chair
RIMFC

cc: RIMFC



A4



Rhode Island Marine Fisheries Council

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

Robert Ballou
Chairman

David Monti
Vice Chair

Travis Barao

Andrew Dangelo

Jeff Grant

William
Mackintosh, III

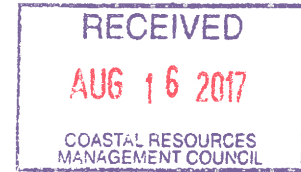
Christopher Rein

Michael Rice, Ph.D.

Michael Roderick

August 16, 2017

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



Re: CRMC Aquaculture Lease Application # 2017-05-006 – Troiano
Upper Narragansett Bay – Conditional Area A

Dear Mr. Beutel:

Pursuant to RIGL §20-10-5, the above-referenced application was brought before the RI Marine Fisheries Council (hereafter, "Council" or "RIMFC"), via the Council's Shellfish Advisory Panel, on July 26, 2017 for review. The Panel found that the proposal is not consistent with competing uses long engaged in commercial and recreational shellfish harvest activities in Conditional Area A of Upper Narragansett Bay. On this basis, the Panel recommended that the proposal not be approved. In accordance with RIMFC Policy, the recommendation of the Panel constitutes the recommendation of the Council, unless any Council member, or the applicant, requests further review by the full Council. To date, no such request has made; thus, absent any further notification, the Panel's recommendation stands and the Council's review is complete.

Sincerely,

Robert Ballou, Chair
RIMFC

cc: RIMFC

Lisa Turner

2017-05-006 A 5

From: Dave Beutel <dbeutel@crmc.ri.gov>
Sent: Monday, July 31, 2017 7:42 AM
To: Lisa Turner
Subject: FW: Troiano aquaculture

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

From: joshua soares [<mailto:hoosh8388@yahoo.com>]
Sent: Sunday, July 30, 2017 9:56 AM
To: dbeutel@crmc.ri.gov
Subject: Troiano aquaculture

Just saw the email for the meeting about this lease in area a. At this location I've dug bushels upon bushels of clams in the past and have also dove for quahogs along the barrington shoreline . I do not understand why aquaculture applications are allowed in area A with it being the most profitable area for wild caught shellfish! Anyway would just like to let my opposition known . Thanks Josh Soares
License # MP 1314

Sent from my iPhone

This email has been checked for viruses by AVG.
<http://www.avg.com>

Dave Beutel

AG

From: joshua soares <hoosh8388@yahoo.com>
Sent: Sunday, July 30, 2017 9:56 AM
To: dbeutel@crmc.ri.gov
Subject: Troiano aquaculture

Just saw the email for the meeting about this lease in area a. At this location I've dug bushels upon bushels of clams in the past and have also dove for quahogs along the barrington shoreline . I do not understand why aquaculture applications are allowed in area A with it being the most profitable area for wild caught shellfish! Anyway would just like to let my opposition known . Thanks Josh Soares

License # MP 1314

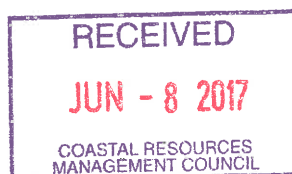
Sent from my iPhone

A7

Dave Beutel

From: Floyd Grant <floydjanet@fctvplus.net>
Sent: Thursday, June 08, 2017 8:13 AM
To: dbeutel@crmc.ri.gov
Subject: Proposed aquaculture permit for Nyatt Point in Barrington

Hello, My name is Floyd H Grant and I live in Barrington. I would like to express my opposition to the proposed aquaculture permit for Nyatt Point in Barrington. I feel that is unfair to close productive a shellfish area to the public. Thank You, Floyd H Grant



Dave Beutel

A8

From: David Ghigliotty <westbayjj@gmail.com>
Sent: Tuesday, June 06, 2017 10:20 AM
To: dbeutel@crmc.ri.gov
Subject: Proposed Aquaculture site in Barrington ,Nayatt point area

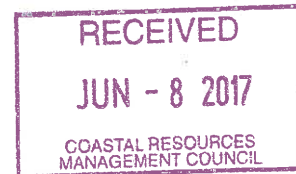
To whom it may concern ,

Im writing this to formally OPPOSE the lease application in that area, it is widely known that this is a area that is, and has been frequented by shell fisherman for years, there has been historically sets of both hard shell and soft shell clam in that area i intend on doing my own survey of that area with in the week. I work the Barrington shore line often and was quite surprised to here of this application.

respectfully

David L. Ghigliotty

Vice president of the RI Shellfisherman Association



Dave Beutel

A9

From: John Harvey <johnharvey393@icloud.com>
Sent: Monday, June 05, 2017 6:22 PM
To: dbeutel@crmc.ri.gov
Subject: Barrington aquaculture public notice

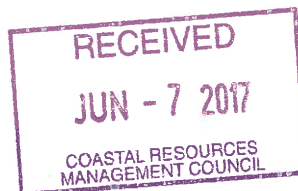
Dear Dave

You may remember me as the guy who sold you a test rake years ago when you came over with Jodi King. I also took one of your aquaculture courses many years ago. I'm writing to express some concerns about the Troiano lease proposal. Several people I can mention have seen productive sets in the area in question. BB MacDonald age 85, still quahogging, remembers sets there periodically stretching back to the 1950's. Eddy Guay age 89, also still quahogging, as well remembers sets stretching back into the 1950's. Beau Christensen dove for steamers there last time there was a big set of steamers a few years ago. I'm also concerned about debris moving down the bank onto one of the most productive banks in Barrington; the six to fifteen foot bank that stretches from Nayatt Point east to past the RISD beach. The stretch that I have been working the past 35 years would be seriously impacted by such debris. I have other concerns as well but in the interest of brevity I am opposed to the lease.

Sincerely
John Harvey

89 Alden Ave
02889

Sent from my iPad=



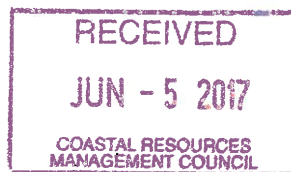
Dave Beutel

A 10

From: Zak Zollver <zollverzak@gmail.com>
Sent: Saturday, June 03, 2017 4:35 PM
To: dbeutel@crmc.ri.gov
Subject: Oyster farm

Hi David,

My name is Zak Zollver. I am a Rhode Island quahogger. I am begging you not to allow oyster farming in area A. If area A is limited I am in big trouble. Im am in big trouble and more importantly my family as well as other quahoggers and their families are in big trouble. For most of these quahoggers, especially the full timers, clam digging is the only way for them to make a liveable wage. By limiting area A around Barrington Rhode Island quahogging will be seriously hurt, seriously hurt. There are only so many spots in the bay where wild quahogs are abundant enough to make a living off of. Area A around Barrington is a major one. Every spot must be rotated out there. When area A starts running low another area is clammed then when that area gets low area A has enough clams again. By limiting area A most other spots will get over worked and become dead zones. Please help me and these other commercial clam diggers. Please do not allow oyster farming in area A.



Dave Beutel

A-11

From: Jim Arnoux <eastbeachhoysterfarm@gmail.com>
Sent: Sunday, June 04, 2017 9:45 PM
To: Dave Beutel
Cc: MClamDigger@aol.com
Subject: Re: Barrington aquaculture public notice

Dave,

I (as an individual, not speaking for the OSAA) would like to voice my objection to this lease. Having been in both industries and crossing over at times, I think it's important to keep Area A available for the wild harvesters. My experience recently has been that once a lease is approved in a new area, it serves as a magnet for other lease applications to come in nearby.

So while this application alone is not large, I think if approved it will have that "magnet" effect in an area that is extremely important to the wild harvest industry. As much as I want to see aquaculture continue to grow, I do not support it in this particular part of the Bay.

-Jim Arnoux

On Thu, May 25, 2017 at 8:02 AM, Dave Beutel <dbeutel@crmc.ri.gov> wrote:

Chris, Jody, and Mike,

Your correspondence of objection has been received and is entered into the record.

Dave

David Beutel

Coastal Resources Management Council

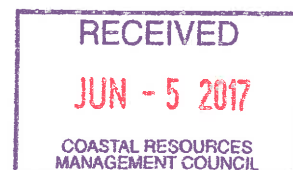
Aquaculture Coordinator

Oliver Stedman Government Center

4808 Tower Hill Road

Wakefield, RI 02879

[401-783-3370](tel:401-783-3370)



Dave Beutel

A-12

From: Michael Mcgivenessy <mclamdigger@aol.com>
Sent: Wednesday, May 24, 2017 3:58 PM
To: dbeutel@crmc.ri.gov; stevem@risaa.org; azure@crc.uri.edu; bob@ecsga.org; robert.ballou@DEM.RI.GOV; captlobster@gmail.com; Michael.J.Elliott@usace.army.mil; larry.mouradjian@dem.ri.gov; dennis.erkana@DEM.RI.GOV; dprescott@SaveBay.org; dleavitt@rwu.edu; gvdwood@cox.net; eastbeachoysterfarm@gmail.com; dreis@crmc.ri.gov; jeffgrant19@cox.net; watchhillloysters@gmail.com; eagan.katie@gmail.com; kurt.blanchard@dem.ri.gov; rice@uri.edu; hittinger@risaa.org; FVThistle@verizon.net; makosrule@verizon.net; cgreinstrategies@gmail.com; lad0626@aol.com; Catherine.White@health.ri.gov; gtschey@cox.net; jtorgan@TNC.ORG; Joshua.Beuth@DEM.RI.GOV; jay.osenkowski@DEM.RI.GOV; ciiams@bristolri.us; khess@jrhess.com; atlantic@AtlanticAquaculture.com; mgriffin@rwu.edu; etroiano1@cox.net; jcunha@barrington.ri.gov; jbellm@barrington.ri.gov; comfish100@gmail.com
Cc: jason.mcnamee@DEM.RI.GOV; Janet.Coit@DEM.RI.GOV; rpengri@verizon.net; ckarp@brown.edu; Conor.McManus@dem.ri.gov; cindy.hannus@dem.ri.gov; alison.verkade@noaa.gov; dmontifish@verizon.net; nosmoshep@icloud.com; Julia.Livermore@dem.ri.gov; windfallshellfish@hotmail.com; mjarbeau@savebay.org
Subject: Re: Barrington aquaculture public notice

The Rhode Island Shellfisherman's Association, RISA objects to the Troiano aquaculture lease in upper Narragansett Bay Barrington area. This area has been and continues to be a vital shellfishing area for our Industry and has historically set with new shellfish year after year. This traditional fishing grounds is located in a sheltered area from north easterly winds and plays an important role in providing a safe area for the Shellfisherman, especially in the Winter. There is also concern of further growth in this lease and any additional leases that may develop in this area.

President RISA
Mike Mcgivenessy

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

From: Dave Beutel <dbeutel@crmc.ri.gov>
To: 'Steve Medeiros' <stevem@risaa.org>; 'Azure Cygler' <azure@crc.uri.edu>; 'Robert Rheault' <bob@ecsga.org>; 'Robert Ballou' <robert.ballou@DEM.RI.GOV>; 'Rich Fuka' <captlobster@gmail.com>; mclamdigger <mclamdigger@aol.com>; 'Elliott, Michael J NAE' <Michael.J.Elliott@usace.army.mil>; larry.mouradjian <larry.mouradjian@dem.ri.gov>; 'Dennis Erkan' <dennis.erkana@DEM.RI.GOV>; 'Prescott, David' <dprescott@SaveBay.org>; 'Leavitt, Dale' <dleavitt@rwu.edu>; gvdwood <gvdwood@cox.net>; 'Jim Arnoux' <eastbeachoysterfarm@gmail.com>; 'Dave Reis' <dreis@crmc.ri.gov>; 'Jeff Grant' <jeffgrant19@cox.net>; 'Jeff Gardner' <watchhillloysters@gmail.com>; 'Katie Eagan' <eagan.katie@gmail.com>; kurt.blanchard <kurt.blanchard@dem.ri.gov>; 'Michael A. Rice' <rice@uri.edu>; 'Rich Hittinger' <hittinger@risaa.org>; FVThistle <FVThistle@verizon.net>; 'Rick Bellavance' <makosrule@verizon.net>; cgreinstrategies <cgreinstrategies@gmail.com>; lad0626 <lad0626@aol.com>; 'Catherine White' <Catherine.White@health.ri.gov>; 'Gerald Shey' <gtschey@cox.net>; 'John Torgan' <jtorgan@TNC.ORG>; 'Beuth, Joshua (DEM)' (DEM) <Joshua.Beuth@DEM.RI.GOV>; 'Osenkowski, Jay (DEM)' (DEM) <jay.osenkowski@DEM.RI.GOV>; ciiams <ciiams@bristolri.us>; 'Kyle Hess' <khess@jrhess.com>; 'Peter Sebring' <atlantic@AtlanticAquaculture.com>; 'Griffin, Matthew' <mgriffin@rwu.edu>; 'Ed' <etroiano1@cox.net>; jcunha <jcunha@barrington.ri.gov>; 'Jean Bellm' <jbellm@barrington.ri.gov>; 'Jerry Carvalho' <comfish100@gmail.com>
Cc: 'Jason McNamee' <jason.mcnamee@DEM.RI.GOV>; 'Janet Coit' <Janet.Coit@DEM.RI.GOV>; 'Dick Pastore' <rpengri@verizon.net>; ckarp <ckarp@brown.edu>; 'Mcmanus, Conor (DEM)' (DEM) <Conor.McManus@dem.ri.gov>; cindy.hannus <cindy.hannus@dem.ri.gov>; 'Alison Verkade - NOAA Federal' <alison.verkade@noaa.gov>; dmontifish <dmontifish@verizon.net>; 'Jody King' <nosmoshep@icloud.com>; 'Livermore, Julia (DEM)' (DEM) <Julia.Livermore@dem.ri.gov>; windfallshellfish <windfallshellfish@hotmail.com>; Mike Jarbeau <mjarbeau@savebay.org>
Sent: Mon, May 8, 2017 11:42 am
Subject: Barrington aquaculture public notice

CRMC has received an application for oyster aquaculture in a conditional area using the submerged longline method. Please see the attached application. The public notice period begins today and ends on June 8, 2017. Please contact CRMC with any questions or comments.

Dave Beutel

A-13

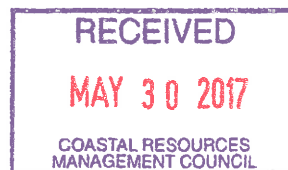
From: romepoint12@aol.com
Sent: Thursday, May 25, 2017 4:36 PM
To: dbeutel@crmc.ri.gov; mclamdigger@aol.com; dennis.erkan@dem.ri.gov; dleavitt@rwu.edu; jeffgrant19@cox.net; gtschey@cox.net; watchhillloysters@Gmail.com; ASTRIKERCHARTERS@aol.com
Subject: Edward Troiano aquaculture application

Hi everyone. This is Bill Blank. I have just read Mr. Troiano's application and have several issues. Sorry. This is not in any particular order.

1. Soft Shelled clams have historically set up in that area. I know this because I harvested some of them.
2. A 22 foot boat will not be big enough to remove 480 three foot long cages as well as all the long line hardware in a short notice in case of a sudden storm .
3. Stationary cages do create sedimentation by far more than transient gear.
4. When area A is closed its closed. The RI DEM does not have the means to watch Mr. Troiano tend to his product 24/7 when area A is closed.
5. 1 1/2 inch and 2 inch PVC will not stand up to a gail force or stronger wind coming from the S-SE direction.
6. 1 foot of clearance above the cages will cause a navigational hazard.
7. The results of a storm will result with his gear washed up on the beach making not only aquaculturists look bad but the state and the community also.

I'm all for aquaculture and I hope Mr. Troiano gets a lease but with his proposal in my opinion he needs to seek sheltered water.

Bill



cstaff1

A 14

From: Nancy Christensen <nancyjanechristensen@gmail.com>
Sent: Thursday, June 08, 2017 8:15 PM
To: cstaff1
Subject: Re: File #2017-05-006

My mailing address:
99 Brush Neck Ave
Warwick, RI 02889

Thank you,
Bo

Sent from my iPad

> On Jun 8, 2017, at 1:33 PM, cstaff1 <cstaff1@crmc.ri.gov> wrote:
>
> Nancy,
>
> Please provide your mailing address so that this comment may be
> recorded in the file and you can be added to the mailing list for this file.
>
> Thank you!

> -----Original Message-----

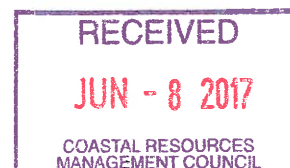
> **From:** Nancy Christensen [<mailto:nancyjanechristensen@gmail.com>]
> **Sent:** Thursday, June 08, 2017 12:06 PM
> **To:** cstaff1@crmc.ri.gov
> **Subject:** File #2017-05-006

> My name is Bo Christensen and I have been a commercial shell fisherman
> for over 30 years. I work year round and this is my sole source of
> income. I object to this proposed oyster aquaculture because it
> prevents shellfishing in that area. Narragansett Bay is a free and
> common fishery and this oyster farm is in direct violation of that
> mandate. Sectioning off pieces of the bay for private use limits the
> right of Rhode Islanders to enjoy their greatest resource, and impacts
> the livelihood of others. I strongly urge Coastal Resources to deny
> this petition and keep the bay open and available to all.
> Thank you

> Sent from my iPad

> ---

> This email has been checked for viruses by AVG.
> <http://www.avg.com>



The Rhode Island Shellfisherman's Association, RISA request that the Shellfish Advisory Panel supports RISA in asking that CRMC begins a process to identify and protect from private aquaculture leases, critical shellfish grounds both commercial and recreation.

Recently several leases have been applied for in areas of both recreational and commercial importance and RISA has concern that this will continue unless these areas are protected. Also RISA believes that shellfish density is not a complete measure of an areas importance and should not be the only tool in evaluating a lease. Many areas of the Bay that are under populated today may set up in the future.

Sincerely

Pres. RISA

Mike McGiveney



A-16

Cross Section View - Attachment 4

Applicant: Edward Traiano

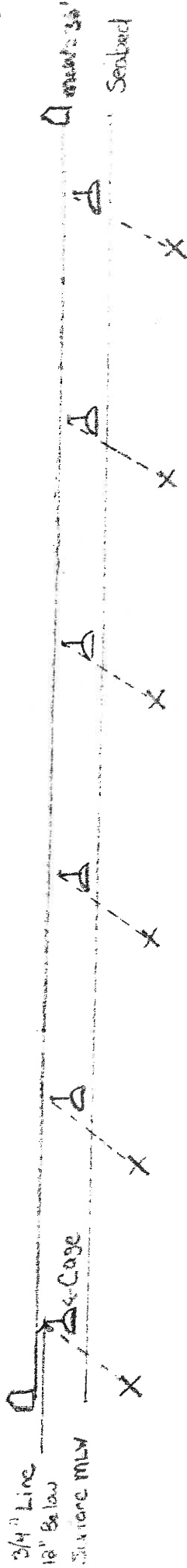
Date of Preparation: February 24, 2017

← N
(Magnetic)

NW Corner
41° 48' 25.11" N
71° 19' 56.13" W

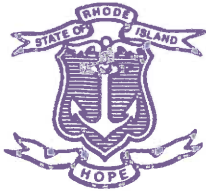
SW Corner
41° 43' 24.20" N
71° 19' 49.95" W

MLW = 84



1" = 10'
Scale

Legend - □ - CRIME marker
X - Helix sea anchor



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

Anne Maxwell Livingston
Coastal Resources Management Council
Stedman Government Center, 4808 Tower Hill Road
Wakefield, RI 02879

CRMC File Number: 2017-05-006
Applicant: E. Twiano
Town: Barrington
Response Date: 5/10/17

Dear Ms. Livingston,

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

These comments are provided in accordance with Section 220 of the Coastal Resources Management Plan. If you have any questions, please contact Jeff Emidy, Project Review Coordinator, or Charlotte Taylor, Senior Archaeologist, at this office.

Very truly yours,

Edward F. Sanderson
Executive Director
State Historic Preservation Officer

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MANAGEMENT COUNCIL



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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

May 2, 2017

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

Dear Mr. Beutel,

I am writing in reference to the aquaculture preliminary determination request by Edward Troiano for a new one half acre shellfish aquaculture lease site (File number 2017-02-024) to convey comments from RIDEM's Office of Water Resources and Division of Law Enforcement. The DEM Division of Fish and Wildlife will review and comment separately.

The proposed preliminary determination request is to allow the establishment of a one half acre shellfish aquaculture lease site to be located in the Upper Narragansett Bay in the Town of Barrington. The location of this proposed lease is in waters of the Upper Narragansett Bay GA1 Conditionally Approved Area "A". This area closes for seven (7) days when the Providence area receives a 0.8" rain event or if a WWTF discharges greater than 0.5 million gallons of sewage in any 24 hour period. This area was closed approximately 30% of the time in 2016. Closure of this area to shellfish harvesting is announced via our shellfish hotline and the status of conditional area closures may be obtained by calling 401-222-2900. These closures commence at either noon or sunrise, within twelve hours of precipitation or bypass events that reach the closure criteria(s) and may extend beyond the seven day minimum after multiple or prolonged rain events.

RIDEM and CRMC have developed a protocol to permit access to aquaculture leases when the waters are closed to harvesting of shellfish under a limited set of circumstances. In addition, RIDEM is also willing to consider non-harvesting work on the lease during extended periods of closures. Therefore, RIDEM would not be opposed to this application on the basis of compliance with the National Shellfish Sanitation Program requirements if the approved assent includes the following stipulations:

"The lessee shall not be active on the lease in any manner during closures for the harvesting of shellfish except for the following:

Where an emergency shellfish closure has been enacted, access to the lease to conduct necessary maintenance/retrieval of their equipment, and for the purposes of preparing for and planting oyster seed will be allowed. If the lessee intends to conduct maintenance and/or retrieval of their equipment, or prepare for or plant

seed under this emergency authorization they are required to notify Dave Beutel, CRMC's Aquaculture Coordinator by leaving a message at 783-3370.

When a harvesting closure (conditional or emergency closure) has been enacted for greater than seven (7) consecutive days, access to the lease for non-harvest activities may be allowed after the seventh day. The lessee must seek and obtain authorization by contacting RIDEM's Law Enforcement division at 401-222-3070 to conduct any non-harvest activities.

The lessee is responsible for knowledge of these closures. Failure to follow DOH/DEM closure restrictions may result in this CRMC assent being revoked.”

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

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

Sincerely,



Lucinda M. Hannus,
Sr. Environmental Scientist
RIDEM
Office of Water Resources – Shellfish Program

- ecc: Angelo Liberti, RIDEM
- Conor McManus, RIDEM
- Dennis Erkan, RIDEM
- Chief Dean Hoxsie, RIDEM Law Enforcement
- Deputy Chief Blanchard, RIDEM Law Enforcement

A-19a



Rhode Island
Department of Environmental Management

DIVISION OF FISH AND WILDLIFE

3 Fort Wetherill Road
Jamestown, RI 02835

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

June 8, 2017

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

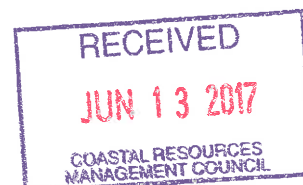
Re: Edward Troiano, Application #2017-05-006

Dear Mr. Beutel:

The Rhode Island Department of Environmental Management (Department), through the Division of Fish and Wildlife (DFW), has received and reviewed the application submitted by Edward Troiano for a half-acre oyster aquaculture site using a submerged longline system south of the Rhode Island Country Club (Narragansett Bay, Conditional Area A).

Upper Narragansett Bay has historically supported high quahog (*Mercenaria mercenaria*) densities. While DEM DFW dredge data does not indicate that Mr. Troiano's proposed site is in a high-density area (Figure 1), adjacent sampling strata have considerable quahog densities. The low abundances at this stratum could reflect the sampling design of the dredge survey (e.g. large area representing the sample), catchability concerns with the dredge, or truly low densities in this specific region. However, this vicinity has been shown to contain high larval quahog densities in the spawning period (Figure 2). Thus, this region appears to be of value for quahogs during their planktonic stage. Overall, Conditional Area A (where Mr. Troiano's site is located) has supported a substantial portion of the commercial quahog industry in Rhode Island, particularly over the last several years (Figure 3). While it is difficult to determine the economic loss of the proposed half-acre to the commercial industry, it's evident that the region overall is significant to these local businesses.

Similarly, upper Narragansett Bay has historically supported a high abundance and diversity of wintering waterfowl with the waters adjacent to Nayatt Point and Barrington Town Beach providing important habitat for American black ducks (*Anas rubripes*) and Atlantic brant (*Branta bernicla*). Over the last five years (2013-2017), DFW mid-winter waterfowl surveys have detected an average of 74 black ducks and 563 brant in and nearby



the area proposed for lease by Mr. Troiano. In meetings and through communications with Mr. Troiano, DFW staff have communicated the importance of this area for wintering waterfowl and concerns associated with disturbance of these wintering waterfowl from aquaculture lease activities. DFW is unable to quantify the impact of losing half an acre of habitat and the impacts of disturbance from aquaculture lease activities; however annual surveys support the importance of this area to wintering waterfowl.

While quahog density estimates do not allow the DFW to object to this application at this time, the Division wants to convey this areas importance to quahog recruitment (via larval transport), the commercial industry and wintering waterfowl. The DFW requests that all activities on the proposed site be limited to between the hours of 10 A.M. and 2 P.M. from November through March while wintering waterfowl are present. If the application is approved, the Division will object to future expansions of the site, for its encroachment into high quahog density areas and additional wintering waterfowl habitat appears probable

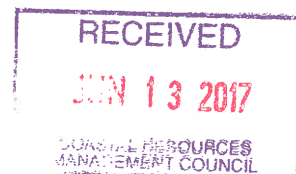
Sincerely,



Larry Mouradjian,
Associate Director for Natural Resources

References:

- Atlantic Coastal Cooperative Statistics Program (ACCSP). 2017. Commercial catch and effort data generated by M. Conor McManus using ACCSP Data Warehouse [online application], Arlington, VA. Available at <http://www.accsp.org>. (last accessed on 14 March 2017).
- Mercer, J.M., M.C. McManus, and C.A. Oviatt. Estimates of Spatial and Temporal Patterns of Northern Quahog (*Mercenaria mercenaria*) Larvae in Narragansett Bay using qPCR Technologies. *Journal of Shellfish Research* (in review).
- Rhode Island Department of Environmental Management (RIDEM). 2017. Mid-Winter Waterfowl Survey, Unpublished data. Accessed 6 June 2017.
- Rhode Island Department of Environmental Management (RIDEM). 2017. Quahog dredge survey unpublished data. Accessed 6 January 2017.



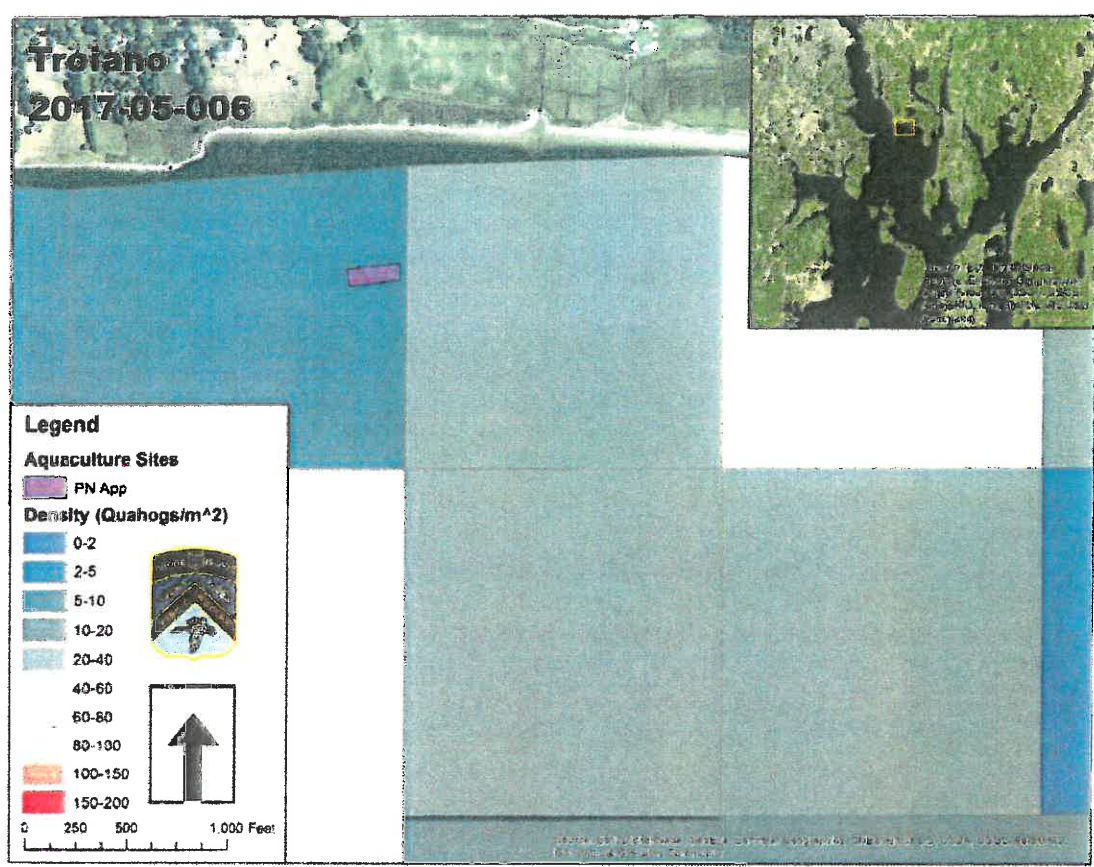


Figure 1. Proposed aquaculture site by Edward Troiano in upper Narragansett Bay, and mean abundances for DEM DFW Quahog Dredge Survey strata (RIDEM 2017). Mean abundances are averages of the time series.

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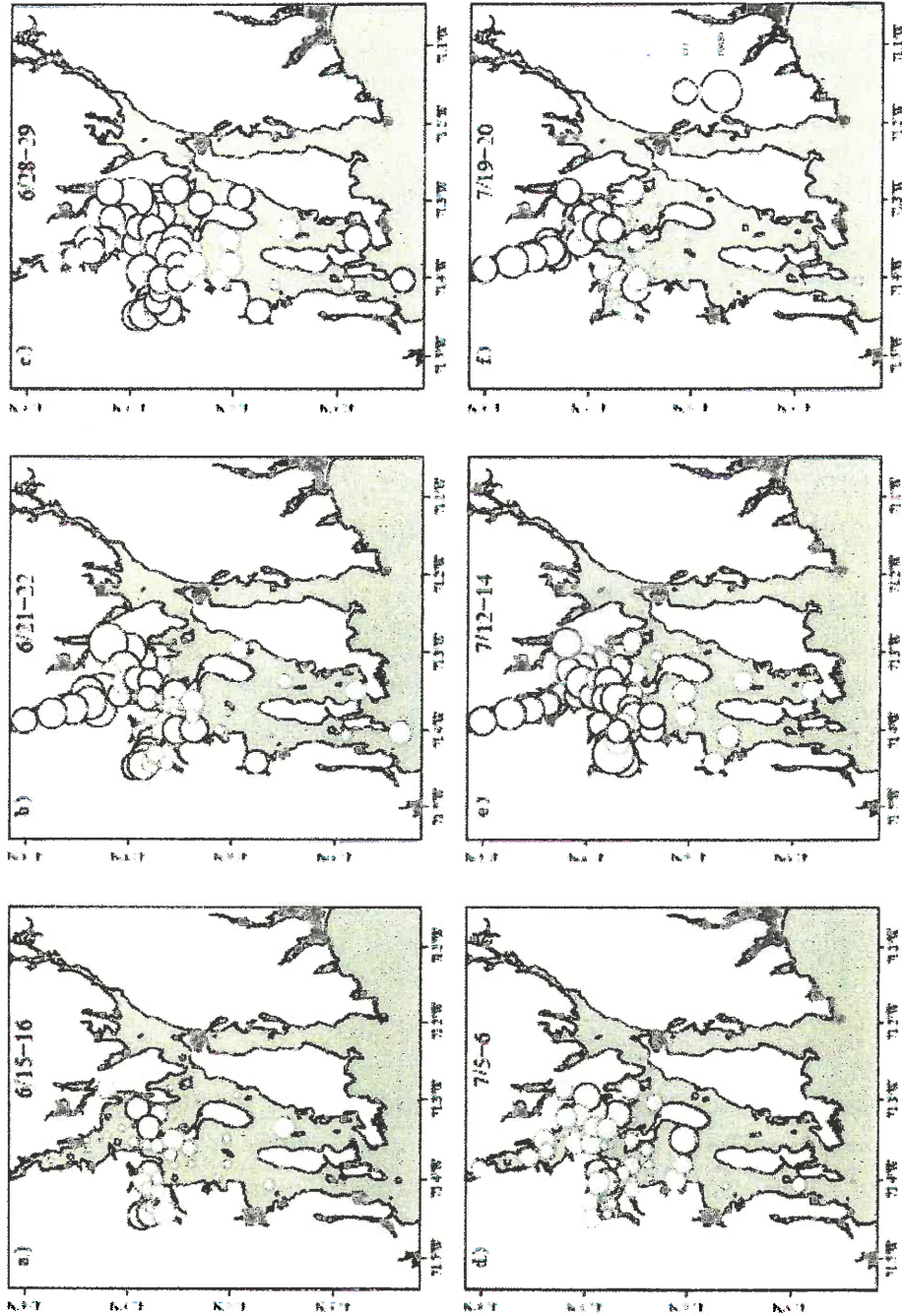


Figure 2. Larval densities (10-day old equivalent, # m⁻³) sampled over the Narragansett Bay quahog spawning period: June 15-16 (a), June 21-22 (b), June 28-29 (c), July 5-6 (d), July 12-14 (e), and July 19-20 (f). Abundances were estimated using quantitative PCR (Mercer et al., in review).

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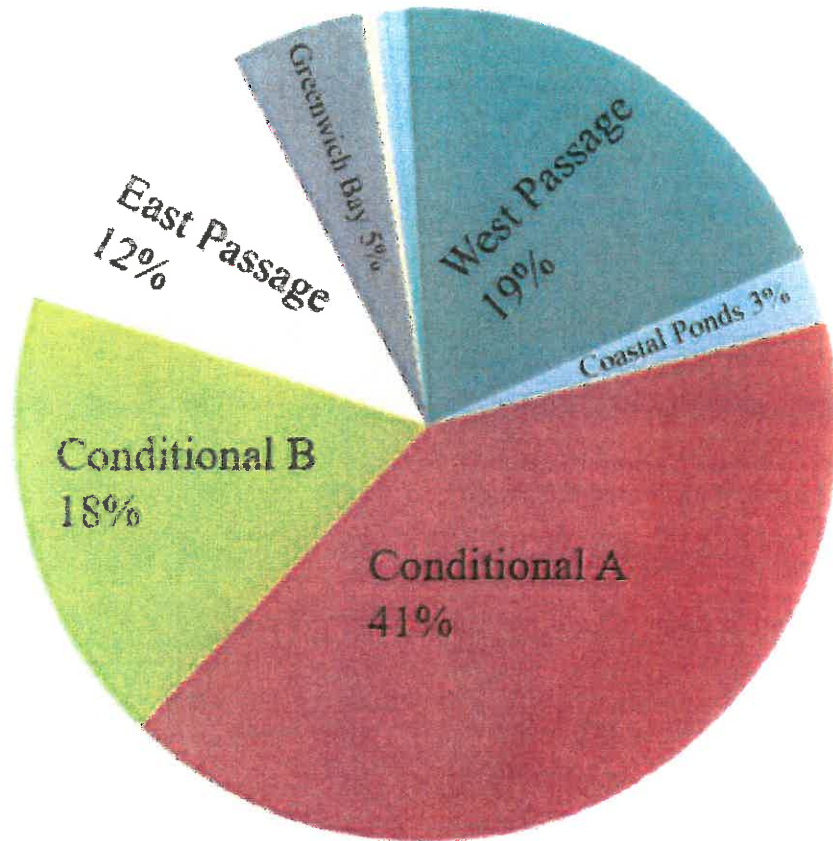


Figure 3. Proportion of annual quahog ex-vessel values from Rhode Island tagging areas. Proportions are based on ex-vessel averages from 2013-2016.

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

STATEMENT OF LIMITATIONS

The contents of this staff determination report shall be valid only for the period on and preceding the date of this report. This report is neither an approval nor denial of the subject proposal. It is an evaluation of CRMC regulations in effect as of April 24, 2017 as they pertain to the below stated proposal, including preliminary staff recommendations.

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

APPLICANT INFORMATION

NAME: Edward Troiano CRMC FILE NO. D2017-02-024
LOCATION/POLE: Nayatt Point
CITY/TOWN: Barrington PLAT: LOT:

CONTACT PERSON(S) & ADDRESS:

Edward Troiano
4 Connecticut Avenue
Barrington, RI 02806

PRELIMINARY REVIEW INFORMATION

PROPOSAL: half acre oyster farm using suspended bags

PLAN(S) REVIEWED: Troiano February 13, 2017

INVESTIGATOR Beutel **DATE** March 15, 2017 **TIME** 10:00am

MEASUREMENTS & OBSERVATIONS:

PREVIOUS CRMC ACTIONS FOR SITE:

Preliminary Buffer and Setback Requirements:

SETBACK (ref. Section 140 CRMP)

BUFFER (ref. Section 150 CRMP)

Note: **Setbacks** apply to "construction related activities" including filling, removing, and grading (ref: Section 300.2 CRMP). The coastal program requires a minimum setback of either 50', or the buffer zone width plus 25' (whichever is greater). Work within this minimum setback will require a variance per Section 120 of the CRMP. All variances must be requested in writing. No construction or construction related work shall occur within the required setback (exemptions include structural shoreline protection, outfalls and water dependant uses). Work within the required setback may require a Category "B" review (public notice and decision by the full coastal council) and would likely result in adverse CRMC staff recommendations to the Coastal Council during the review process.

NAME: Troiano
CRMC FILE NUMBER: D 2017-02-024

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

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

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

SUMMARY OF FINDINGS

CRMC JURISDICTION: YES
TYPE WATER: 4; Multi-Purpose Waters

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

CRMP Sections: 100.4, 120, 130, 140, 145, 150, 200.1, 200.2, 200.3, 200.4, 200.5, 200.6, 210.1, 210.2, 210.3, 210.4, 210.5, 210.6, 210.7, 220, 300.1, 300.2, 300.3, 300.4, 300.5, 300.6, 300.7, 300.8, 300.9, 300.10, 300.11, 300.12, 300.13, 300.14, 300.15, 300.16, 300.17, 300.18, 310, 320, 325, 330, 335, 400, other.

SAMP:

STAFF CONCERNS/COMMENTS/INFORMATION REQUIREMENTS:

The preliminary determination meeting was held at Barrington Town hall on March 15, 2017. The town staff of Barrington are supportive of this proposal as they were with the previous proposal. This proposal is for a one half acre site south of Nyatt Point in Conditional Area A (GA1-1) as designated by RI Department of Environmental Management (DEM) Office of Water Resources. Shellfish aquaculture in a conditional area has challenges for operations and the applicant has addressed them in a satisfactory manner. The method described is suspended longline culture to hold bags of oysters using the SEAPA gear <http://www.seapa.com.au/> as described. It was not clear in the application of the size of the helical anchors to secure the system. The anchor size should be described in any subsequent application.

The RI DEM Division of Fish and Wildlife did not have concerns with this proposal for its impact on fish resources or wildlife. The Division staff agreed with CRMC staff that the location will have issues with the commercial shellfishing industry. The shellfishermen will object to this proposal if it moves to full application because they feel that quahogs and steamers could grow there and aquaculture would limit their access if a "set" should occur. Additionally the shellfishermen are fearful of the precedent of more shellfish aquaculture in Conditional Area A. CRMC and DEM staff conducted a site assessment of the proposed area. A low density of quahogs was observed on the hard sand site: 0.27 quahogs per square

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NAME: Troiano

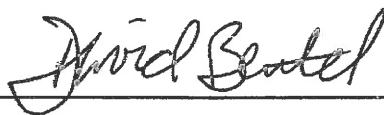
CRMC FILE NUMBER: D 2017-02-024

meter. The low density is not sufficient to support a commercial wild harvest of shellfish on the proposed site. The 2012 Sub-Aquatic Vegetation maps do not designate this area for presence of eelgrass.

Recommendations:

- Include anchor dimensions in a full application
- Use operations plan guidance document format found on page 23 at:
<http://www.crmc.ri.gov/applicationforms/AquaApp.pdf>
- Consider the challenges of overcoming objections by the shellfishing industry by reviewing:
R.I.G.L. § 20-10-5 Procedures for approval.

SIGNATURE: _____



Aquaculture Coordinator

Rhode Island Coastal Resources Management Council Aquaculture Site Evaluation

Assessment Date/Time: 4-11-17 1030

File Number: 2017-02-024

Applicant: Troiano

Location: Barrington Beach

Water Type: 4

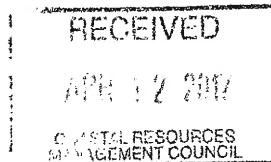
Tidal Stage: high
Substrate: hard sand

Tidal Flow: ebb
Shoreline:

Sampling Equipment: tongs

Shellfish Sampling:

Vegetation Observations: UVA



Marine Invertebrate Species Observed:

Fish Species Observed:

2 quahogs
7.5 m²

Investigator:

UVA

0.27g/m² shell, etc.
11

Witnesses:

Handwritten tally marks consisting of two rows of vertical lines.

Dave Reis
Cmar McManus
Dan Goulet
David Bentel

Signatures:

Signature of David Bentel

Signature of Dave Reis

Date	Stratum	Station	Total quahogs	Density	
11/14/1996		2	2	15	1.38
8/21/2003		2	2	0	0
8/25/2008		2	2	4	0.37
8/29/2013		2	2	9	0.82
7/20/2015		2	2	0	0
4/11/2017	site	survey			0.27