

# CRMC DECISION WORKSHEET

2020-05-083

Andrew Van Hemelrijck

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
2020-05-083	Narragansett	Point Judith Pond	<b>B</b>	<input type="checkbox"/>	<input type="checkbox"/>
		<b>Owner Name and Address</b>			
Date Accepted	6/9/2020	Andrew Van Hemelrijck 167 Broadrock Road South Kingstown, RI 02879	Work at or Below MHW	<input checked="" type="checkbox"/>	
Date Completed	9/21/2023		Lease Required	<input checked="" type="checkbox"/>	

## PROJECT DESCRIPTION

A 0.55 acre primary site for commercial shellfish aquaculture using, bottom planting, bottom cages and rack and bag, and a 0.05 acre winter site for bottom cages only.

## KEY PROGRAMMATIC ISSUES

**Coastal Feature:** Submerged Land

**Water Type:** Type 2, Low Intensity Use

**Red Book:** 1.2.1(C); 1.3.1(A); 1.3.1(K);

**SAMP:** NA

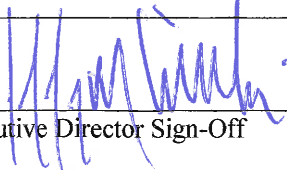
Variations and/or Special Exception Details: NA

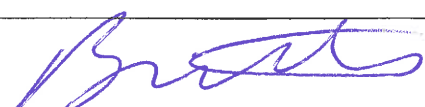
Additional Comments and/or Council Requirements: This is application is for the last remaining 0.6 acres in Point Judith Pond before the five percent limit is met per 1.3.1(K)(4)(f) for commercial aquaculture in this coastal pond.

Specific Staff Stipulations (beyond Standard stipulations): Winter site work hours shall be restricted to 10:00am to 2:00pm from December 1<sup>st</sup> through March 31<sup>st</sup> annually. A \$5,000.00 performance bond shall be required.

## STAFF RECOMMENDATION(S)

Aquaculture  
Coordinator BJG Recommendation: No objection

  
Executive Director Sign-Off 21 SEPT 23  
date

 9-21-23  
Staff Sign off on Hearing Packet date



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

DATE: September 21, 2023  
TO: Jeffrey M. Willis, Executive Director  
FROM: Benjamin J. Goetsch, Aquaculture Coordinator  
SUBJECT: CRMC File No. 2020-05-083

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Applicant's Name: Andrew Van Hemelrijck

Project: Two Aquaculture sites (one primary 0.55-acre site and a 0.05-acre winter storage site) for the cultivation of oysters and quahogs using submerged gear and bottom planting

Location: Point Judith Pond, Narragansett

Water Type/Name: Type 2, Low Intensity Use

Coastal Feature: Submerged Land

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**STAFF REPORT**

**1. Introduction**

This application is for a shellfish aquaculture operation (total of 0.6 acres) cultivating oysters and quahogs in Point Judith Pond (PJP) off the shores of Great Island, Narragansett. The operation is in Type 2 waters approximately 411 feet to west of Great Island on the shallow sandy flats which lie east of the Narragansett/South Kingstown main boat channel that runs along the western edge of the pond off the South Kingstown shore. The proposed operation would consist of two sites: one 0.55-acre primary site and one 0.05-acre site for seasonal winter storage in nearby deeper waters to be used only from December through March. Please note that this application would bring PJP to the maximum five percent limit on commercial aquaculture in coastal salt ponds per Redbook section 1.3.1(K)(4)(f). Details of the operation are shown on the enclosed plans titled "Andrew Van Hemelrijck Aquaculture Lease Application" dated "June 9, 2020", see Attachment A2. The relevant details of the design and layout of the respective sites are summarized below.

On the primary lease site of 0.55 acres, the application proposes to install and maintain a total of 80 bottom cages (14-18 inches in height) in the deeper eastern portion of the site and 1,500 grow out bags arranged in rows and secured to the bottom with either by PVC racks driven into the sand or attached to 5" PVC feet with a maximum height of 8" for both methods. The bottom cages are designed to have removable buoys to mark them as needed to aid in retrieval at high tide. In addition, the application proposes a 100 square foot area for the direct bottom planting of shellfish with no gear in the central portion of the site. The depth at the primary site ranges from 1 foot to 1.5 feet at mean low water (MLW).

The 0.05-acre winter site will be used seasonally from December 1 to March 30 for bottom cages only and all gear will be removed outside this timeframe. There will be a maximum of 80 bottom cages (14-18 inches in height) in water depths of 4 to 6 feet MLW. Both areas will be marked on the corners with 4 yellow 11” pot buoys labeled with the CRMC assent number while gear is onsite and will be secured with a single vertical line and a concrete anchor.

## **2. History and Application Review**

In 2017, the applicant applied for and was granted a 1000 square foot Commercial Viability (CV) permit (CRMC#2016-11-085) within the same area of the proposed primary site for an initial eighteen-month period, see Attachments B1 and B2. The applicant successfully operated this site and subsequently applied for a second eighteen-month period (CRMC#2018-09-101) which the Council approved at the semimonthly meeting held on December 11, 2018, see Attachment C1 through C3. CV permits are regulated under Redbook section 1.3.1(K)(5)(a)(14) and are subject to multiple restrictions, including being limited to 1000 square feet and a maximum duration of three years (i.e., two eighteen-month periods). If a CV permit holder wishes to pursue the CV site after the expiration of the three-year term, their only option is to apply for a full lease. Given the success of this CV site and the absence of issues, the applicant applied for a Preliminary Determination (PD) for a full lease (CRMC# 2020-03-029) before the expiration of this CV permit. The applicant subsequently removed the CV site upon the expiration of that permit.

As stated above, PJP is a coastal salt pond and is subject to the so called “five percent rule” which restricts commercial aquaculture to five percent of the waterbody at MLW, see Redbook section 1.3.1(K)(4)(f). Based on this restriction, only 0.06 acres were available at the time of the PD application before the maximum five percent was reached. The PD meeting was held on May 5<sup>th</sup>, 2020, during the meeting of the Narragansett Harbor Commission along with members of the public, CRMC and DEM staff. This meeting was held via Zoom due to COVID protocols in place at the time. See Attachment D1 for the PD application and D2 for the CRMC Staff PD Report to the applicant.

The PD application described a primary 0.55-acre primary site and a 0.05-acre winter site, much the same as the current proposal with the exception that the winter site was later moved slightly to the east based on recommendations from the PD review to reduce any potential conflict with navigation in the area. The PD application also included the use of floating gear at the primary site. The applicant abandoned the use of floating gear in the current application to reduce the scenic impact of the operation. Other recommendations from the PD were also incorporated in the current proposal including: no predator netting will be used for quahog planting; no power washing will occur on site; all CRMC biosecurity protocols will be followed; records will be kept for seed sourced from prohibited waters in accordance with DEM regulations; helical anchors will be used when necessary to ensure the safety and security of the equipment; and the winter site would be limited to December through March. With these changes, the subsequent full Category B application was accepted and sent to 30-day Public Notice on June 10, 2020, see Attachment A1 and A2.

Since then, the application had undergone the standard review process and has received the following letters and authorizations:

- RI Department of Environmental Management (RIDEM) Division of Marine Fisheries (DMF) / Division of Fish and Wildlife (DFW)- Joint letter dated June 25, 2020: “Given the existence of the site for the last three years as a commercial viability permit and the absence of issues, DMF believes adverse impacts to marine fisheries and habitat would be minimal” and has no objections; DFW

requests restricting work hours on the winter site from December 1<sup>st</sup> through March 31<sup>st</sup> to 10:00am to 2:00pm due to possible impacts to wintering waterfowl. (Attachment E)

- RI Marine Fisheries Council- Letter dated November 16<sup>th</sup>, 2020: Application is consistent with the competing uses engaged in the marine fisheries in the area, no objection. (Attachment F)
- RI Historical Preservation and Heritage Commission – Letter received June 22, 2020: No effect on any significant cultural resources. (Attachment G)
- RIDEM Office of Water Resources – Letter dated April 8, 2020 (received during PD review): Neither a RIPDES permit, nor a Water Quality Certificate is required for this proposed facility. (Attachment H)
- US Army Corps of Engineers- letter dated December 23, 2020: Activity is authorized under Rhode Island General Permit #16, this authorization is only valid after CRMC approval. (Attachment I)

This application meets the threshold requirements for administrative approval pursuant to Redbook section 1.1.6(D)(5) but only if no objections have been received during the 30-Day Public Notice Period. This application did receive objections during the Public Notice Period and therefore requires review and action by the full Council. The objections will be summarized and addressed in the following sections.

### 3. Applicable Sections of the RICRMP Polices and Standards

Below is a table of applicable Red Book Sections and Staff analysis:

Section title	650-RICR-20-00-1: Redbook Section number	<i>Policy/ Standard/Prohibition and Discussion</i>
Applications for Category A and Category B Council Assents	1.1.6(B) and 1.1.6(D)(5)	<p><i>“Through the adoption and implementation of the Marine Resources Development Plan by the Council on January 10, 2006, permit applications which meet the thresholds below ..., have received no objections, and are consistent with the goals and policies of the coastal resources management program will be reviewed and acted upon administratively by the executive director...”</i></p> <p>This application is for two marine aquaculture sites totaling 0.6 acres located in Type 2 waters in a coastal salt pond. This proposed activity is a Category B application according to the Activity Matrix for Type 2 waters found in Redbook section 1.1.5. According to section 1.1.6(D)(5), the threshold for administrative approval of a Category B application for aquaculture includes <i>“sites up to three acres in the salt ponds or upper Narragansett Bay and less than ten acres elsewhere”</i>, but only if the application has <i>“received no objections”</i>. All other applications will require review</p>

		by the full Council. This application has received objections and is therefore not eligible for administrative approval and must be reviewed and acted upon by the full council.
Substantive Objections	1.1.6(G)	A discussion of the objections received follows this table.
Category B Requirements	1.3.1(A)	The applicant has provided written responses to all the 11 required elements for a Category B application, please see Attachment A2 for details. It is the opinion of Staff that the material provided in the application meets the written requirements of this section of the Red Book.
Aquaculture Policies	1.3.1(K)(1)(a)	<p><i>“The CRMC recognizes that commercial aquaculture is a viable means for supplementing the yields of marine fish and shellfish food products, and shall support commercial aquaculture in those locations where it can be accommodated among other uses of Rhode Island waters. The CRMC recognizes that responsible shellfish aquaculture has a net positive effect on the environment, and therefore it is permissible in all water types. As any human activity can have adverse environmental effects, the Council recognizes the possibility of setting scientifically defensible limits on aquaculture leasing in any particular water body.”</i></p> <p>This application is in Type 2 waters. Aquaculture is allowed in all water types and therefore this application is consistent with CRMC policy. This application is subject to limits on leasing within a coastal salt pond, see discussion of 1.3.1(K)(4)(f) below.</p>
Aquaculture Policies	1.3.1(K)(1)(b)	<p><i>“The Council may grant aquaculture activities by permit only. The CRMC may grant aquaculture applicants exclusive use of the submerged lands and water column, including the surface of the water, when the Council finds such exclusive use is necessary to the effective conduct of the permitted aquaculture activities. Except to the extent necessary to permit the effective development of the</i></p>

		<p><i>species of animal or plant life being cultivated by the Permittee, the public shall be provided with means of reasonable ingress and egress to and from the area subject to an aquaculture lease for traditional water activities such as boating, swimming, and fishing.</i></p> <p>The applicant has not applied for exclusive use of the area and asserts he has chosen a site and designed the operation in such a way as to not impede reasonable access to and from the area. The low-profile bottom gear would allow for travel over the lease at higher tides and the site could be waded through or around at lower tides.</p>
Aquaculture Policies	1.3.1(K)(1)(h)	<p><i>“It is the Council’s policy to prohibit private aquaculture activities in not-approved areas as defined by the National Shellfish Sanitation Program (NSSP) that contain significant shellfish stocks potentially available for relay into approved areas for free and common fishery.”</i></p> <p>This application is in waters classified as approved for the consumption of shellfish according to the NSSP and the application is consistent with this policy.</p>
Aquaculture Policies	1.3.1(K)(1)(i)	<p><i>“When the Council issues an authorization for aquaculture all wild shellfish stock, crustaceans, seaweed, and whelks existing within the authorized area shall remain the property of the state.”</i> See also Aquaculture Prohibitions 1.3.1(K)(4)(e): <i>“The harvest of wild bivalve molluscan shellfish, other than spat collection, naturally occurring in a CRMC permitted lease is prohibited. All wild shellfish within a lease area will remain the property of the State of Rhode Island and remain in place for the benefit of the public resource. This resource is not to be harvested by any person for commercial or recreational purposes. Any incidental catch by the lease holder within an aquaculture lease shall be returned immediately to the same waters.”</i></p> <p>The applicant has not proposed any activities inconsistent with this policy or</p>

		<p>prohibition. Given harvest from submerged gear does not involve harvesting directly off the bottom, incidental bycatch of naturally occurring shellfish from the cages and bags is not expected. When harvesting bottom planted shellfish from the 100 square foot planting area, it is possible natural shellfish may also be caught which would have to be returned to the same waters. However, based on staff experience with other bottom planting sites nearby, it is staff's opinion that such an occurrence is unlikely given the very low density of shellfish found in this area, 0.14 quahogs per square meter (see Attachment F2).</p>
Aquaculture Prerequisites	1.3.1(K)(2)(a)	<p><i>“Prior to issuing a permit for marine aquaculture within tidal waters, the Council shall obtain and give appropriate consideration to written recommendations from the Director or his or her designee of the Department of Environmental Management and the chairman of the Marine Fisheries Council, as required by R.I. Gen. Laws § 20- 10-5. The director or his or her designee of the Department of Environmental Management shall review the application to determine that the proposed aquaculture activity will not adversely affect including, but not limited to: (1) Marine life adjacent to the proposed area and the waters of the state, and (2) The continued vitality of indigenous fisheries. (AA) The chairman of the Marine Fisheries Council shall review the application to determine that it is consistent with competing uses involved with the exploitation of marine fisheries.”</i></p> <p>The application has received written recommendations from DEM and the MFC, see Attachments E and F respectively. DEM has “no objections” to application and the MFC found it to be consistent with the exploitation of the marine fisheries (see Attachment F2).</p>
Aquaculture Prerequisites	1.3.1(K)(2)(b) & (d)	<p><i>“Prior to submitting a formal Category B application to CRMC for aquaculture activities within tidal waters, applicants must first submit a Preliminary</i></p>

		<p><i>Determination application for the proposed project. A formal Category B application may be submitted only after the completed Preliminary Determination report has been issued by CRMC.</i></p> <p>The applicant submitted a complete PD application with draft operational plan on March 9, 2020 (see Attachment D1). The PD meeting was held via Zoom on May 5, 2020, with the Harbor Commission, Harbormaster, DEM, and the previous CRMC Aquaculture Coordinator, David Buetel. After having received the PD report from Mr. Buetel (see Attachment D2) the applicant submitted his formal Category B application on May 28, 2020, see Attachment A2. The operational plan was modified through the PD review process to meet the current requirements for a Category B application consistent with section 1.3.1(K)(3)(b). It is Staff opinion that this prerequisite has been met.</p>
Aquaculture Prohibitions	1.3.1(K)(4)(f)	<p><i>"In the coastal salt ponds, the area occupied by commercial aquaculture, shall not exceed five percent (5%) of the total open water surface area of the coastal pond below MLW."</i></p> <p>This application will bring PJP to exactly 5% of the waterbody below MLW. This prohibition does not apply to this current proposal, but if approved, any future expansion of this would be prohibited.</p>
Aquaculture Prohibitions	1.3.1(K)(4)(g)	<p><i>"Proposed aquaculture leases may not be sited where eelgrass (<i>Zostera marina</i>) or widgeon grass (<i>Ruppia maritima</i>) exists."</i></p> <p>Eelgrass and widgeon grass does not currently exist in this area, nor have previous routine eelgrass surveys found this to be an area of historic eelgrass habitat. It is Staff's opinion that this prohibition does not apply.</p>
Aquaculture Standards	1.3.1(K)(5)(a)(16)	<p><i>"Aquaculture operations shall be located at sites and operated in such a manner as to not obstruct public access to and from tidal waters."</i></p> <p>The proposed aquaculture site is not in an intertidal area and will therefore not restrict public access to and from tidal</p>



Aquaculture Standards	1.3.1(K)(5)(a)(17)	<p>waters.</p> <p><i>“Any new lease in a coastal salt pond shall be limited in size as follows: (AA) A maximum three (3) acres for methods using gear including, but not limited to, racks, bags, and floating cages; or (BB) A maximum of ten (10) acres for bottom planting.”</i></p> <p>This application for an aquaculture lease in a coastal salt pond using gear and bottom planting is for a total of 0.6 acres. The three-acre standard for new leases using gear is applicable here but the size of the proposal is within the limit for a new lease in a salt pond.</p>
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#### 4. Public Comments

To date, this application has received one letter of no objection and seventeen letters of objection. The letter of no objection came from the Harbor Island Improvement Association President, Rick Black Jr., see Attachment J. The letter states that the association does not oppose the application given this would be the last application in PJP based on the 5% rule, which was explained to him in correspondence with Staff which he attached to his letter. Regarding the letters of objection, sixteen were delivered to CRMC in one package marked as received on June 30, 2020, see Attachment K. All but one of the letters in the package were identical form letters from property owners on Great Island (primarily from Mollusk Drive) which stated that the reasons for objecting are stated in a letter sent to CRMC by Maureen A. Hobson and Roger Coutu, Jr. The cover page for the package of objections states that twenty-two letters of objection are attached. Behind the cover page, an address list was included which named twenty-two addresses and with the names and contact info for the objectors. However, only sixteen letters of objection were enclosed. Two of the form letters were from the same address and many of the addresses on the list did not match the contact information provided by the signer on the form letter. The one letter from the June 30, 2020, package that was not a form letter was also from a resident of Mollusk Drive. That letter stated that their main concern was with novice sailors learning to sail in this area and that the farm would be a hazard to such activity. Staff’s opinion is that this site would not present a significant risk to sailing as it can be easily navigated around given its small size and that it will be marked appropriately with corner buoys. In addition, the depth of the site is quite shallow and is in an area where sailing at lower tides would be risky with or without the presence of this small site. At high tide it might be possible to sail over the farm depending on the draft of the vessel.

The letter from Maureen Hobson and Roger Coutu referenced in the objection package was received by CRMC on June 24, 2020, see Attachment L. The letterhead indicates that the letter is from Hobson and Coutu, Limited, Attorneys at Law, 222 Jefferson Blvd., Warwick, Rhode Island. The letter states that homeowners on Mollusk Drive oppose the application and a list of fifteen property owners is attached, many of whom are the same as listed in the objection letter package. The letter does not appear to indicate that the law firm, Hobson and Coutu, has been retained by any of the listed parties. Staff would like to note that no entries of appearance have been filed in this matter. The letter states that the proposed farm is directly in front of the authors’ property at 21 Mollusk Drive, that there are ten docks along the west side of Mollusk Drive (including the authors’), and that the farm is approximately 300 feet from the

most westerly of those docks. Staff estimates the distance from the proposed farm to the closest dock on Great Island is 330 feet and at least two of those ten docks are south or east of Mollusk drive within the cove east of Conch Road, on the opposite side of the peninsula to the proposed farm. The letter also points out that the site is not in front of the property owned by the applicant's parents on Conch Road, which presumably is where the objectors think the farm should be located. Staff would like to note that the siting and approval of an aquaculture farm is not dependent on owning waterfront property nor on any riparian privileges which may be derived from such ownership.

The Hobson and Coutu letter also states that there is a deep channel which runs immediately to the west of the docks lining Mollusk Drive and that the farm abuts the west side of this channel, thereby presenting a hazard to navigation to homeowners accessing their docks. Staff agrees there is an unmarked channel which runs to the immediate west of the docks which is used by Mollusk Drive homeowners to access their docks and the rest of the pond. Staff does not agree that the proposed site abuts the west side of this channel given it is approximately 300 feet away in a shallow area. Therefore, the farm at this distance and shallow depth would not present any hazard to navigation in the unmarked channel. The letter later states that the farm is right in the middle of the area between Great Island and the eastern edge of the Narragansett/South Kingston main boat channel which is safe space for children and grandchildren to boat, sail, kayak, fish, and shellfish. Staff agrees that the shallow sandy area between the Narragansett/South Kingston main boat channel and Great Island is an area that is not used for navigation by vessels given the shallow depths. Staff would also note this shallow sandy area between the Narragansett/South Kingston main boat channel and Great Island is approximately 40 acres in size. Many of the activities described in the letter would be largely unaffected by the presence of a 0.055-acre farm given its small size and that it would be marked according to CRMC regulations so that it could be navigated around or avoided. Indeed, most activities could continue to occur on or around the site with little conflict. However, shellfishing would not be allowed on the lease, but given the recommendation of the MFC, the site in Staff's opinion is unlikely to have a significant impact on shellfishing activity in the area. In staff experience, recreational shellfishing does occur in shallow 40-acre area between Great Island and the main Boat Channel, but Staff has only observed this activity well north of the area of this proposal where quahog abundance is higher.

## **5. Staff Comments**

Given the objections from the homeowners on Mollusk Drive during the 30-Day Public Notice period, the applicant attempted to contact and work with the homeowners on Mollusk Drive to discuss their objections and seek a resolution to their concerns. While correspondence with the parties indicated they were willing to meet with the applicant, all efforts to arrange a meeting were unsuccessful despite multiple attempts by the applicant and Staff, see Attachment M1 through M5. Staff then recommended to the applicant that he attempt mediation with the homeowners using the assistance of the free Rhode Island Agricultural Mediation Program (RIAMP) which is funded by the USDA, see Attachment N. As of the writing of this report, a meeting with the RIAMP mediators, the applicant, and the objectors has been scheduled for Friday, September 22<sup>nd</sup>, 2023, at 2:00pm. The outcome of that meeting cannot be considered in this Staff report due to its late nature, though the applicant and objectors may have more to present to the Council on its outcome at an upcoming semi-monthly meeting.

## **6. Staff Recommendation**

In conclusion, it is Staff opinion that the application, as publicly noticed on June 10, 2020, is complete and has met the technical requirements of 650-RICR-20-001.3.1(K) and all other policies and standards of the RICRMP. As such, Staff believes that the proposed 0.55-acre primary site and 0.05-acre

winter site can be accommodated amongst the other uses of the area. Staff has no objections to the approval of the application and questions whether the objections received during the Public Notice period constitute the evidence necessary to support a substantive objection. However, given objections were received, Staff defers to the Council on the objections as they relate to the policies and standards of the RICRMP. If the Council finds that the application can be approved, Staff recommends the following stipulations:

-Per RIDEM DFW's request, winter working hours on the winter site shall be limited to 10:00am to 2:00pm from December 1<sup>st</sup> through March 31<sup>st</sup> annually.

-A performance bond of \$5,000.00 to ensure the cleanup of the area in the event of a default on the lease, lease revocation, or abandonment.

Signed: \_\_\_\_\_



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: 2020-05-083 Date: June 10, 2020

This office has under consideration the application of:

Andrew Van Hemelrijck  
167 Broadrock Road  
South Kingstown, RI 02879

for a State of Rhode Island Assent to construct and maintain: a 0.55 acre primary site for an oyster farm using bottom cages and a 0.05 acre winter site for bottom cages.

Project Location:	Point Judith Pond
City/Town:	Narragansett
Waterway:	West side of Great Island

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 July 10, 2020.

## Lisa Turner

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**From:** Lisa Turner <lturner@crmc.ri.gov>  
**Sent:** Wednesday, June 10, 2020 3:40 PM  
**To:** 'Alison Kates, NRPA Program Coordinator'; 'Amy Rose Weinreich, Charlestown TC'; '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'; 'Dale Holberton South Kingstown TC'; 'David Latham'; 'David Murdock'; 'David Prescott, Save the Bay'; 'Deborah Mongeau, Librarian'; 'Dennis Erkan, RIDEM F&W'; 'Donna Giordano, Westerly TC'; 'Emilie Holland'; 'Eric Schneider, RIDEM Fish and Wildlife'; 'Erin Liese, Jamestown Town Clerk'; 'Glenn Modica'; 'James Bessette, Editorial Assistant'; 'Jean Bellm, Exec Asst, Barrington'; 'Jeanne Spencer, Tiverton Town Clerk's Office'; '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'; 'Joshua Helms, USACE CENAE'; 'Jude Zeh'; 'Julie Coelho Warren TC'; 'Kathy & Steve Jacques'; 'Kathy & Steve Jacques'; 'Kendra L. Beaver, Esq, Save the Bay'; 'Kim A. Casci-Palangio, East Prov CC'; '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'; 'Maria Wall Cranston TC'; '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'; 'Mike Jarbeau, Save The Bay'; 'Nancy Mello, Tiverton TC'; 'Neal Personeus, RIDEM'; 'Nick Donadio'; 'Peter A. Healey'; 'Peter M. Vieira, Marine Construction'; 'Phil Capaldi'; 'Providence City Clerk'; 'Richard Goldstein Pawtucket TC'; 'Richard Kalunian'; 'Robert Lyons, Ocean House Marina'; 'Rodman R. Black Jr. HIIA'; 'Ryan Belssing, Independent RI -- Narragansett'; 'Scott Briggs, Librarian'; 'Thomas R. Evans, State Librarian'; 'tim rockwell'; 'Wendy J. W. Marshall, Middletown TC'; 'Anthony Santilli, Narragansett Building Official'; 'Bryan Couture'; 'Donald Greco'; 'Harvey Cataldo, Bluff Hill Cove Oysters'; 'James Tierney, Narragansett Town Manager'; 'Janice McClanaghan'; 'Jeffrey Ceasrine, PE, Narr Town Engineer'; 'Jill Sabo, AICP, CFM, Town of Narragansett'; 'Matthew Mannix, Narragansett Council President'; 'Michael DiCicco, Director, Narr Public Works'; 'Michael McElroy, Esq.'; 'Michael Vendetti, Chair, BSFD'; 'Narragansett Conservation Commission'; 'Narragansett Times'; 'Patricia Roosa, Narragansett Town Mgrs. Office'; 'Robert Patterson, Narragansett'; 'Scott M. Partington, Fire Chief, Narragansett Fire Dept.'; 'Steve Wright, Narragansett Parks and Recreation'; 'Teri C. Donovan, Narragansett Town Clerk'; 'Thomas J. Dunn Jr., Artisan Builders'; 'Trudy McKendry, HIIA, Secretary'; 'William Onosko'  
**Cc:** 'Ben Goetsch '  
**Subject:** CRMC Public Notice -- Narragansett  
**Attachments:** 2020-05-083 Van Hemelrijck Public Notice.pdf

Please note: Comments must be received by July 10, 2020. Thank you!

*Lisa A. Turner*

Office Manager  
Coastal Resources Management Council  
Oliver Stedman Government Center  
4808 Tower Hill Road; Room 116

A2



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 <u>Point Judith Pond Narragansett, RI</u> No. Street City/Town		File No. (CRMC USE ONLY) <u>2020-05-083</u>
Owner's Name <u>Andrew Van Hemelrijck</u>		Plat: Lot(s):
Mailing Address <u>167 Broad Rock Rd.</u>		Contact No.: <u>(401) 741-6507</u>
City/Town <u>South Kingstown</u> State <u>RI</u> Zip Code <u>02879</u>	Email Address: <u>andrewvanhemelrijck@gmail.com</u>	
Contractor RI Reg. #	Address	Email address: Tel. No.
Designer	Address	Tel. No.
Name of Waterway <u>Point Judith Pond</u>		Estimated Project Cost (EPC): <u>5,000</u>
Describe accurately the work proposed. (Use additional sheets of paper if necessary and attach this form.) <u>Application for aquaculture lease to grow oysters &amp; quahogs at 2 sites in Point Judith Pond.</u>		Application Fee: <u>150.00</u>

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): \_\_\_\_\_

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/ mailing 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.

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

  
Owner's Signature (sign and print)

PLEASE REVIEW REVERSE SIDE OF APPLICATION FORM

RECEIVED  
MAY 28 2020  
COASTAL RESOURCES  
MANAGEMENT COUNCIL

**Andrew Van Hemelrijck**  
**Aquaculture Lease Application**  
June 9, 2020  
Operational Plan

**CRMC File Number - 2020-03-029** <sup>05-083</sup>

**DEM Aquaculture License number - 000121**

**Type of facility - 2 Commercial Lease Sites (one primary, one winter location)**

**GPS Lat/long coordinates**

**Primary Site**

- 1 - 41.38845° N, -71.51172° W
- 2 - 41.38867° N, -71.51129° W
- 3 - 41.3883° N, -71.51095° W
- 4 - 41.38807° N, -71.51136° W

**Winter Site**

- 1 - 41.38725° N, -71.51301° W
- 2 - 41.38724° N, -71.51292° W
- 3 - 41.38701° N, -71.51295° W
- 4 - 41.38701° N, -71.51304° W

**Proposed Species**

Eastern Oysters (*Crassostrea virginica*),  
Quahogs (*Mercenaria mercenaria*)

**Summary**

I plan to grow Oysters and Quahogs will at this site using several proven aquaculture methods including grow-out bags, cages, rack and bag systems, and direct bottom planting. Both of these species are native to the immediate area.

I have 5 years experience growing oysters in the immediate area both with a commercial viability permit at this location, and also with my parents Lisa and Chris Van Hemelrijck under their dockside permit. Both my parents and grandfather own property overlooking the site, and my family has lived on these 2 waterfront properties for 4 generations. I grew up directly in view of this area as a year round resident, allowing me to become very familiar with this location. I have also completed the Applied Shellfish Farming course at Roger Williams University with Dale Leavitt.

Low tide events (<.5ft below mean) might pose an issue in cold winters, and for this reason I am applying for a winter location in nearby deeper water as well. Cages will be



used at the winter site and will be placed on the sea floor remaining submerged by ~5ft of water at low tides. Gear at the primary site will be on the seafloor as well and will remain submerged in all but the lowest tides. Great care will be taken to ensure that the site appears orderly and presentable.

## **Design & Operation**

**Primary Site** - Several different methods will be used at the primary site including grow out bags in various configurations, cages, and direct bottom planting. The water depth at this site ranges from a foot to a foot and a half at mean low tide, so all gear used will be designed to maintain a low profile. The site and all gear will be adequately marked with buoys to ensure it is not a navigational hazard. I plan to start small at first and work up to full operating capacity over about a 3 year period.

Grow out bags will be organized in trawls throughout the site. Two configurations will be used to keep the bags slightly elevated off the seafloor: 5" diameter PVC feet will be attached to bags, and racks will be constructed of 3" PVC with bags attached to the top. The bags with PVC feet will be clipped to lines and anchored to the seafloor with helicle screws or weighted anchors, and the PVC racks will be driven into the sand. The maximum height of both of these configurations will be 8", and a maximum of 1500 bags will be used.

Cages with bays to hold grow out bags will be used in the Eastern corner of the site where the water is deepest. Cages are heavy enough to be placed as is on the sand with detachable buoys to mark and access these cages at higher tides. Cage heights will be 14 - 18", and a maximum of 80 cages will be used.

Oysters and quahogs will also be planted directly into the seafloor in the center of the site.

**Winter Site** - Cages from the primary site will be relocated to the winter site for the months of December through March each year. None of the other gear types will be used here, and a maximum of 80 cages will be used. The site and all gear will be adequately marked with buoys when gear is onsite.

## **Seed Stock Origin**

Seed cultured in waters from within Point Judith Pond will be used whenever possible. In cases where seed must be sourced from other biosecurity zones it will be from an approved aquaculture facility and accompanied by a shellfish pathology report.

Seed stock from areas not approved for the harvest of shellfish will be recorded to track purchase data, marked using color-coded zip ties, and kept in marked trawls for 12 months before shellfish are offered for sale/consumption.

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JUN 09 2020



## **Harvesting & Maintenance**

Both sites will be tended by boat. As gear becomes fouled it will be removed from the site and replaced with clean gear, so no power washing will occur on site. A boat of adequate size outfitted with a winch and pulley system will be needed to haul up the cages.

Harvested shellfish will be washed, tagged and placed in clean, approved containers per National Shellfish Sanitation Program (NSSP), R.I. Department of Health (DOH), and DEM regulations/recommendations. They will be adequately iced or refrigerated within 2 hours of harvesting to prevent contamination, deterioration and decomposition. Harvested shellfish will be intended for the commercial market

### **Section 300.1**

#### **Category B Requirements**

*(1) demonstrate the need for the proposed activity or alteration;*

Shellfish aquaculture is a highly sustainable method of producing seafood that is still under utilized in Rhode Island despite rapid growth in recent years. Demand for locally sourced shellfish is on the rise (especially oysters), and shellfish aquaculture is able to help meet this demand with a small fraction of the environmental impact of wild harvesting. The proposed farm is intended to help meet this demand in the years ahead, but it will have the added benefit of increasing the number of filter feeding shellfish in Point Judith Pond, helping to replace historic populations of these species that have kept the pond clean in years past.

*(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;*

No permanent structures will be erected at the site, and no local or state zoning ordinances will apply to the proposed operation as it is entirely within tidal waters.

*(3) describe the boundaries of the coastal waters and land area that are anticipated to be affected;*

All boundaries of the site are within the pond, and no boundaries of coastal waters or non-tidal land will be affected.

*(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.*



I don't anticipate any significant effects on erosion or deposition processes in the area. The site does not abut the shore, and aquaculture sites in the area using the same or similar methods have not been shown to significantly impact these processes.

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

The shellfish farming equipment I intend to use is known to create refuges for many marine species, attracting a variety of small fish and crustaceans, along with some commercially important species as well. Juvenile tautog, black sea bass, lobsters and others can often be found using Point Judith Pond shellfish farms for protection as they grow. If anything, an increase in abundance and diversity of plant and animal life is expected.

***(6) demonstrate that the alteration will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters and/or the shore;***

The proposed site does not border the shoreline or significantly interfere with access to this area of the pond. All proposed gear will be low-profile and kept tight along the seafloor to minimize any impact it may have.

***(7) demonstrate that the alteration will not result in significant impacts to water circulation, flushing, turbidity, and sedimentation;***

All grow-out gear is designed to allow the maximum flow of water to pass through the area because it is necessary for good shellfish growth, so the typical flow of water through the area will not be impeded. The gear I plan to use does not cause sedimentation, and activity at the site will have no net effect on turbidity.

***(8) demonstrate that there will be no significant deterioration in the quality of the water in the immediate vicinity as defined by DEM;***

Shellfish are filter feeders, and the species I intend to cultivate are known to improve water quality in the area where they are farmed. Shellfish farming is known to clarify water in the local environment and stimulate denitrification, combating harmful algae blooms and benefiting many local species including eel grass. No chemicals or feed of any kind will be used or needed in the operation of the farm.

***(9) demonstrate that the alteration or activity will not result in significant impacts to areas of historic and archaeological significance;***

The proposed site is not on or near any known sites of historic or archaeological significance.

***(10) demonstrate that the alteration or activity will not result in significant conflicts with water-dependent uses and activities such as recreational boating, fishing, swimming, navigation, and commerce, and;***



Activity in the area will not be significantly affected by the proposed farm. This area is rarely used for recreational activities. It is a shallow area that most mariners avoid in all but the highest tides, and it does not contain shellfish in high enough concentrations to attract harvesters. The farm will not obstruct typical navigation in any significant way, and the ability of the public to access the site and surrounding area (by kayak, paddle board or on foot for example) will not be impeded.

*(11) demonstrate that measures have been taken to minimize any adverse scenic impact (see Section 330).*

Every effort will be made to ensure that the equipment is visually innocuous. All gear will be designed to be as minimal and low profile as possible and arranged in orderly rows to achieve this end.



U.S. Coast Guard District in Boston, MA is at the  
of the District Engineer, Corps of Engineers in  
Boston, MA.  
Refer to charted regulation section numbers.

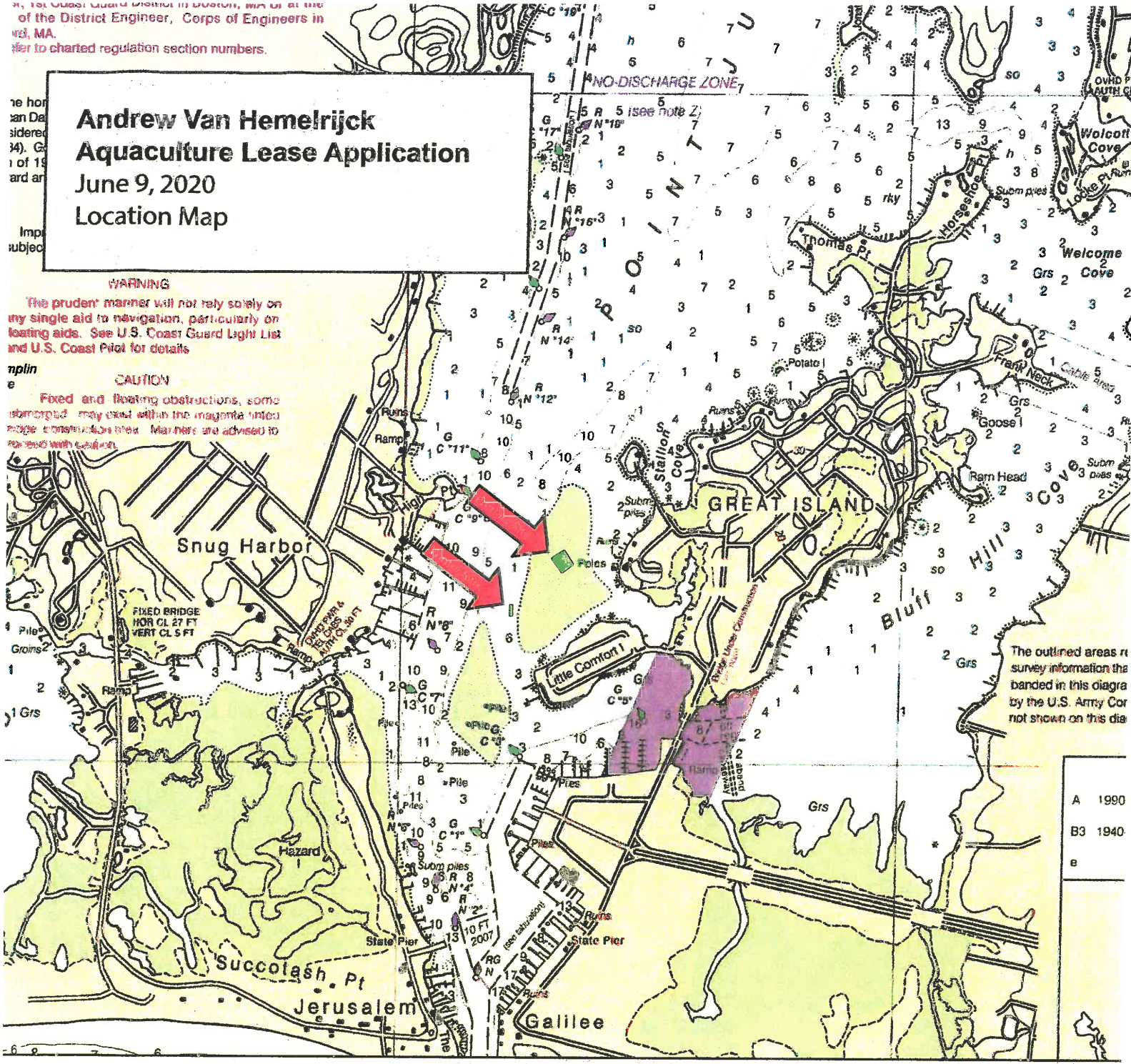
# Andrew Van Hemelrijck Aquaculture Lease Application June 9, 2020 Location Map

**WARNING**

The prudent mariner will not rely solely on  
any single aid to navigation, particularly on  
floating aids. See U.S. Coast Guard Light List  
and U.S. Coast Pilot for details.

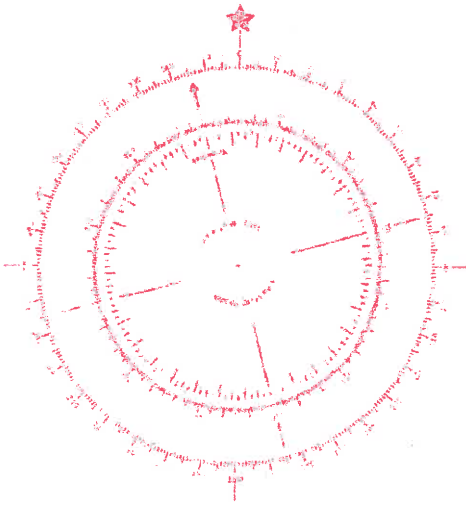
**CAUTION**

Fixed and floating obstructions, some  
unmarked, may exist within the magenta shaded  
area. Mariners are advised to  
proceed with caution.



The outlined areas are  
survey information the  
banded in this diagram  
by the U.S. Army Cor  
not shown on this dia

A	1990
B3	1940
e	

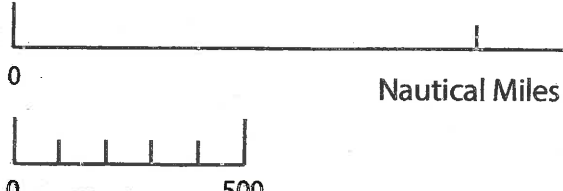


**Primary Site:**

- W - 41.38845° N, -71.51172° W
- N - 41.38867° N, -71.51129° W
- E - 41.3883° N, -71.51095° W
- S - 41.38807° N, -71.51136° W

**Winter Site:**

- NW - 41.38725° N, -71.51301° W
- NE - 41.38724° N, -71.51292° W
- SE - 41.38701° N, -71.51295° W
- SW - 41.38701° N, -71.51304° W

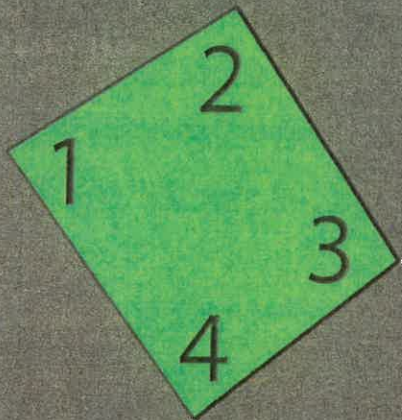


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MANAGEMENT COUNCIL

**Andrew Van Hemelrijck**  
**Aquaculture Lease Application**  
June 9, 2020  
Primary Site Plans



411 ft

490 ft

**GPS Coordinates:**

- 1 - 41.38845° N, -71.51172° W
- 2 - 41.38867° N, -71.51129° W
- 3 - 41.3883° N, -71.51095° W
- 4 - 41.38807° N, -71.51136° W

**Dimensions:**  
146ft x 166ft  
.55 acres



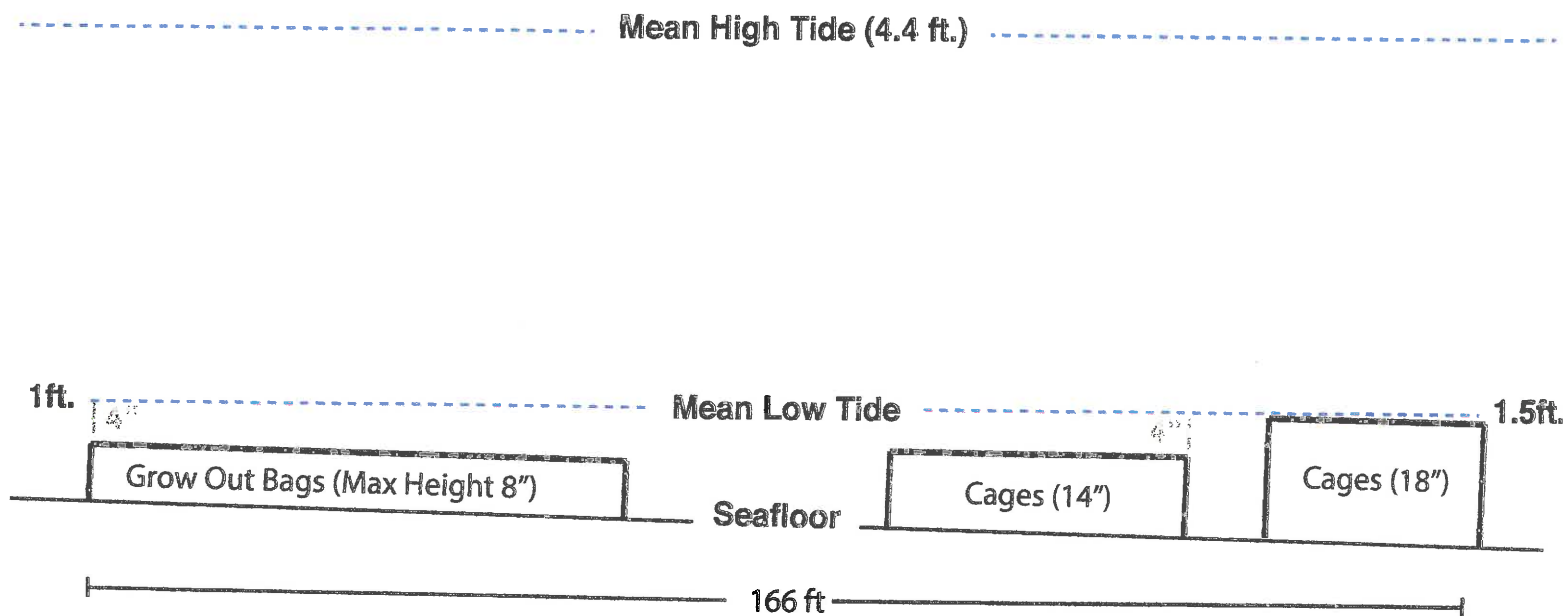
Mean Low Tide

True North

COSTAL RESOURCES  
MANAGEMENT CONSULTANTS

**Andrew Van Hemelrijck**  
**Aquaculture Lease Application**  
June 9, 2020  
Primary Site Plans - Side View

**Side View**



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COASTAL RESOURCES

Andrew Van Hemelrijck  
Aquaculture Lease Application  
June 9, 2020  
Winter Site Plans



Sandbar

543 ft

GPS Coordinates:

- 1 - 41.38725° N, -71.51301° W
- 2 - 41.38724° N, -71.51292° W
- 3 - 41.38701° N, -71.51295° W
- 4 - 41.38701° N, -71.51304° W

Mean Low Tide

Little Co  
Island

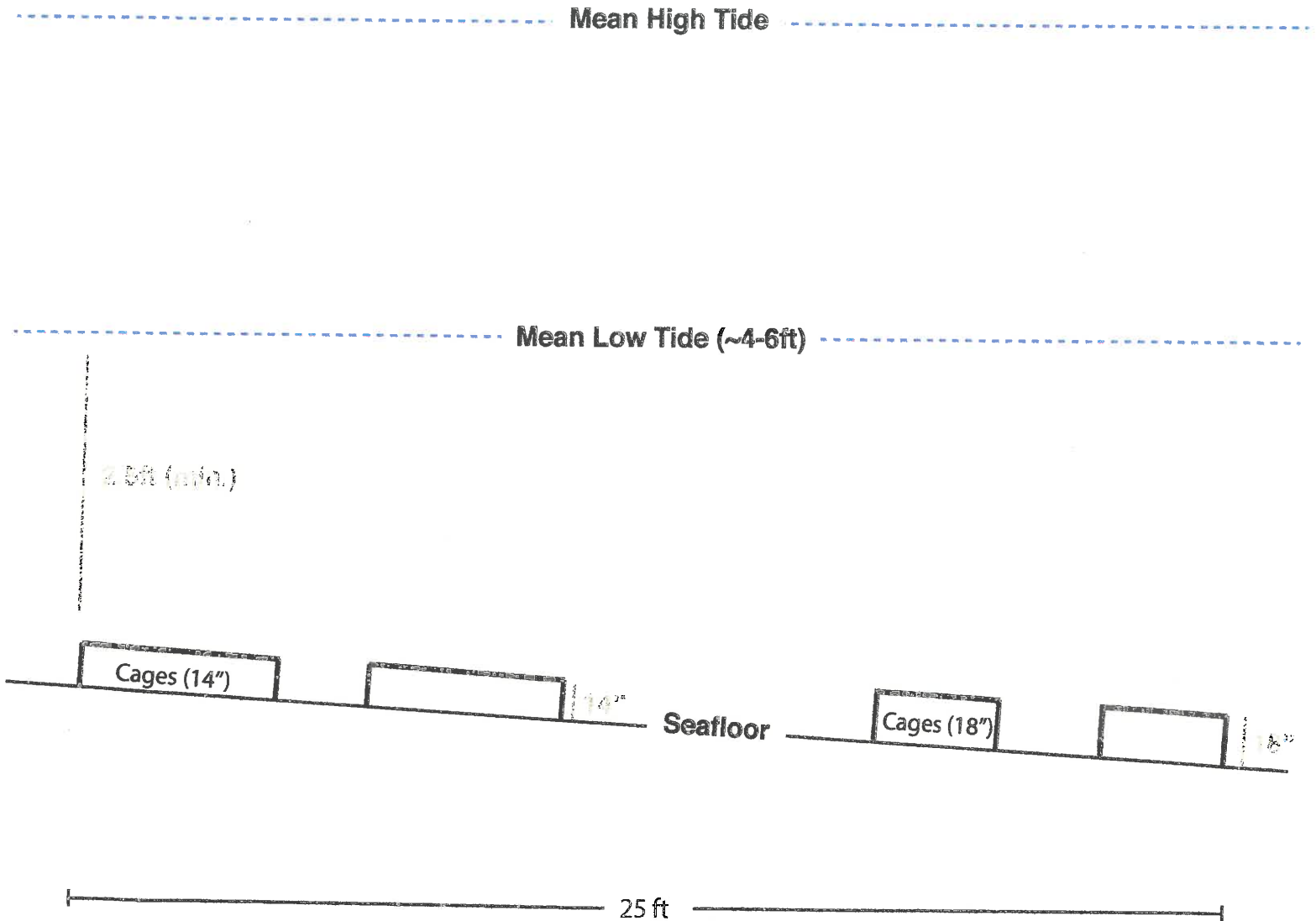
Dimensions:  
87ft x 25ft  
.05 acres



True North

**Andrew Van Hemelrijck**  
**Aquaculture Lease Application**  
June 9, 2017  
Winter Site Plans - Side View

**Side View**

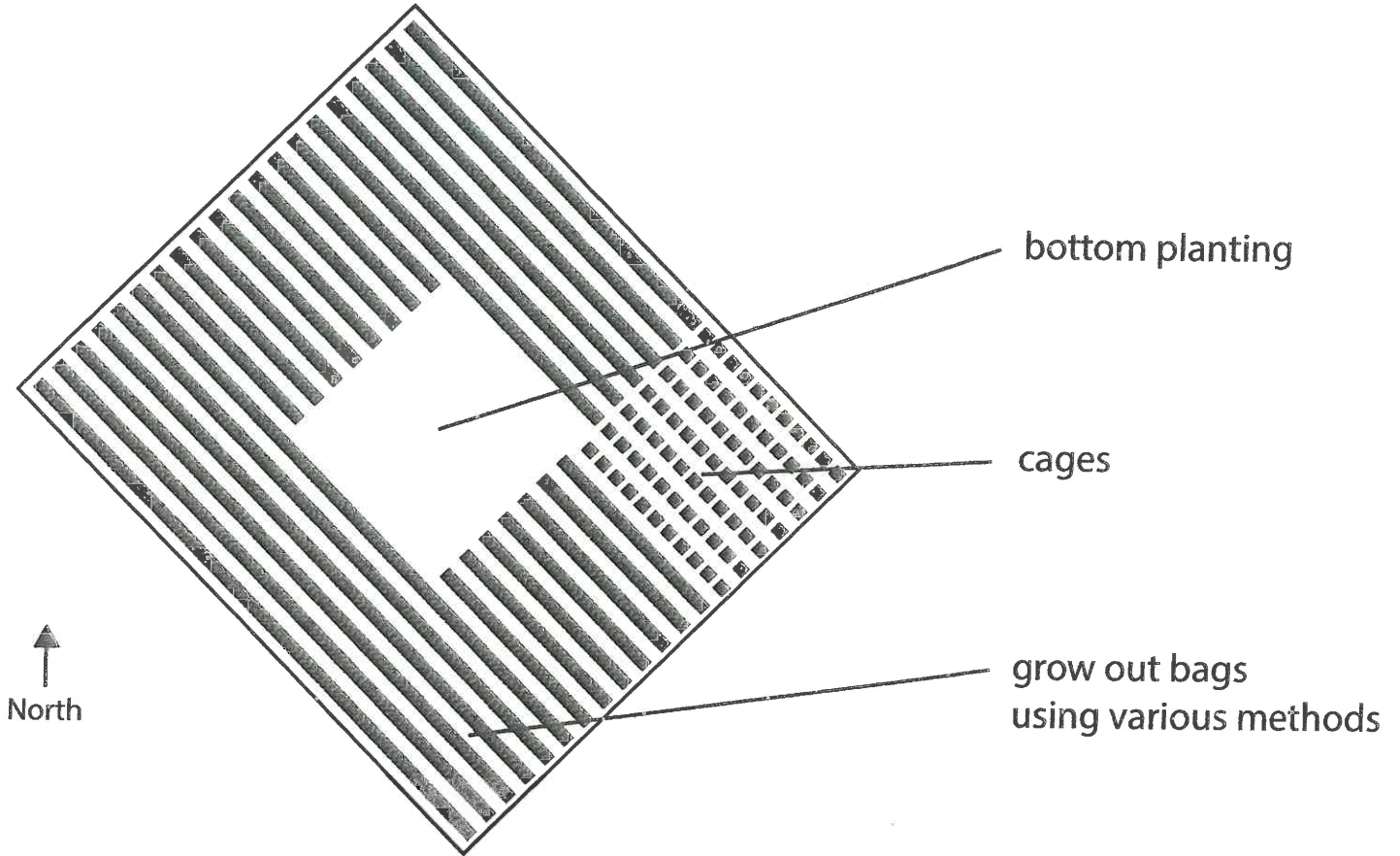


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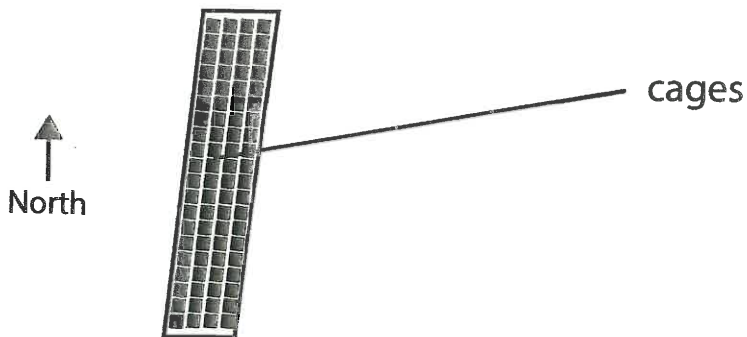


**Andrew Van Hemelrijck**  
**Aquaculture Lease Application**  
June 9, 2020  
Gear Layout Plan

**Primary Site**



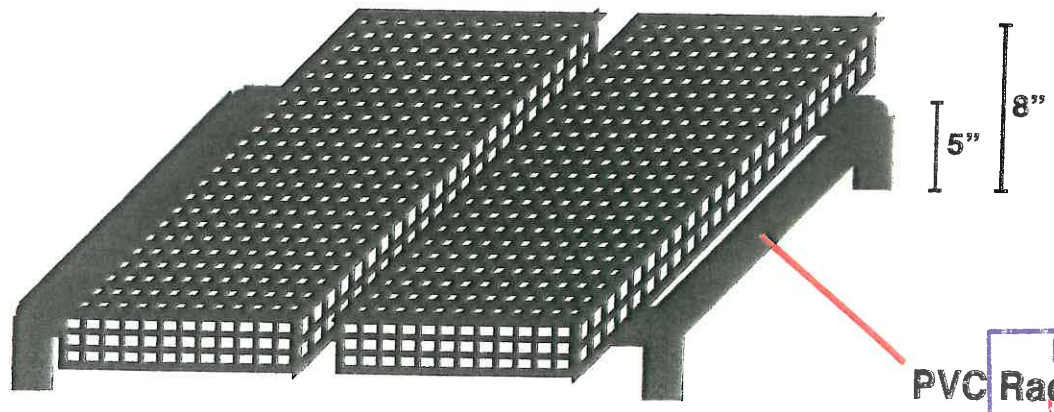
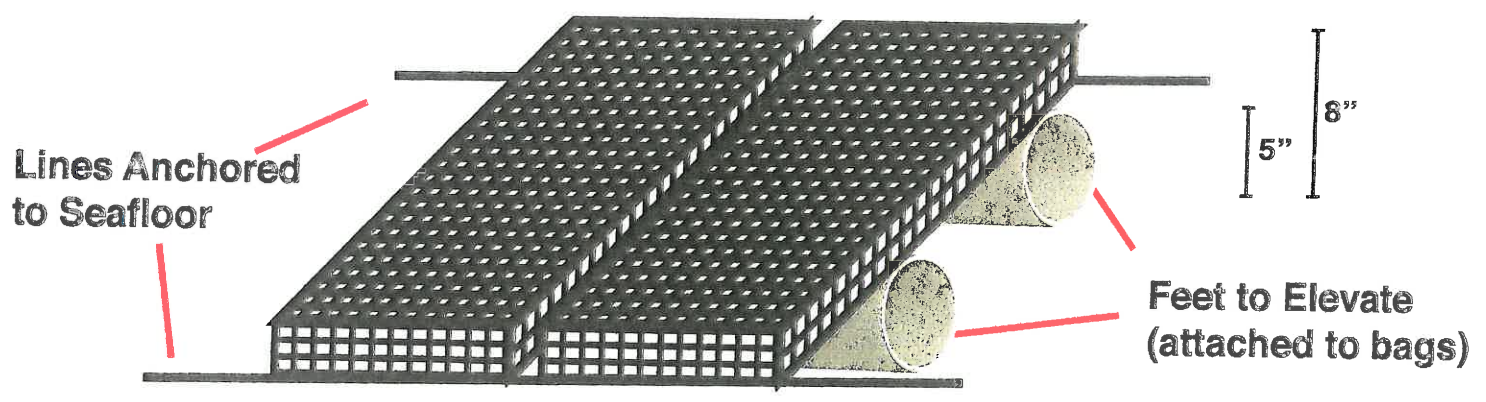
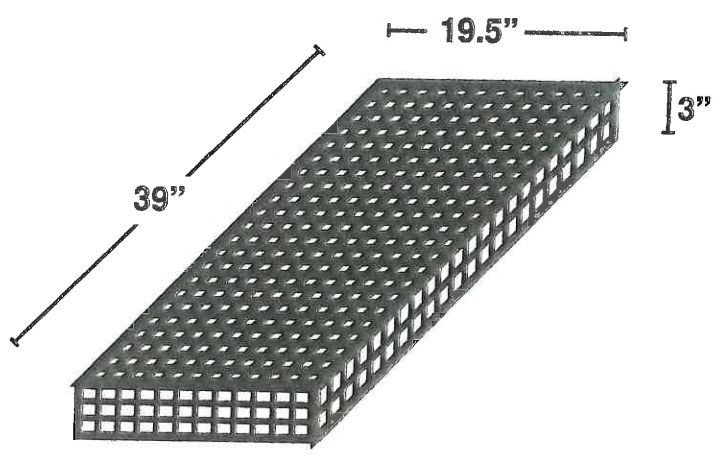
**Winter Site**



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**Andrew Van Hemelrijck**  
**Aquaculture Lease Application**  
June 9, 2020  
Gear Details

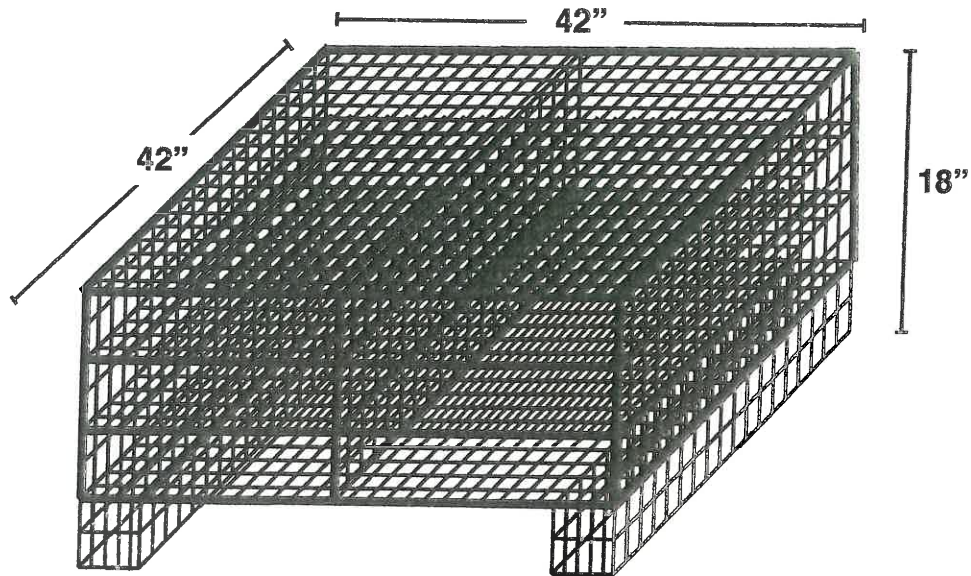
**Grow-out Bags -**



**PVC Rack**

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# Cages -



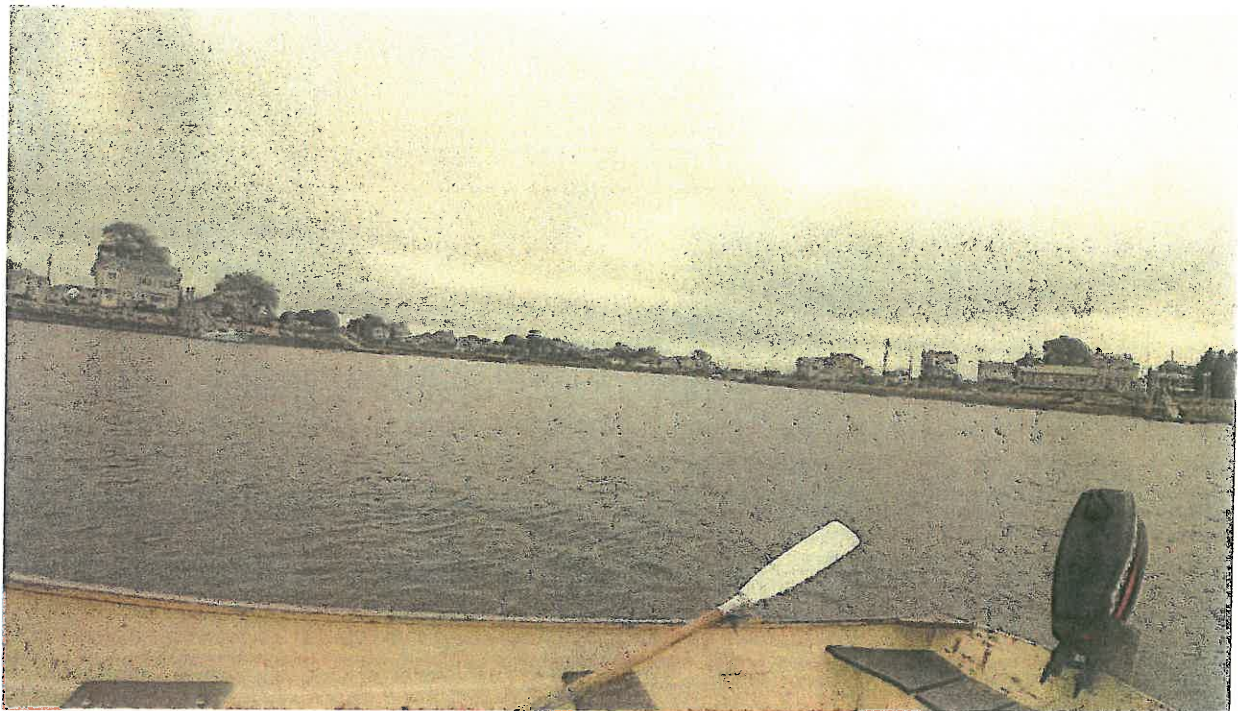
Six bay bottom growing cage with shock cord retainers and reinforcing end caps on the feet. Cage 4 1/2" 8 gauge Aqua-Marine mesh, Feet 1 1/2" HD Lobster trap wire

\* 3 high by 2 wide are pictured, but 2 high by 3 wide will be used as well. **RECEIVED** JUN 09 2020

**Photos -**



**Facing North, looking at Primary Site**



**Facing East, from Primary Site**

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MANAGEMENT COUNCIL



Facing South, from Primary Site, Winter Site is on the right of the frame.



Facing West, from Primary Site, Winter Site is on the left of the frame.





From Little Comfort facing WNW. Winter site is on the right of the frame.

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4808 Tower Hill Road, Suite 3  
Wakefield, RI 02879-1900

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

B1

March 30, 2017

Andrew Van Hemelrijck  
22 Conch Road  
Narragansett, RI 02882

**RE: CRMC File No. 2016-11-085** – Commercial Viability of Aquaculture, Point Judith Pond, Narragansett; Site Location: Point Judith Pond, Narragansett

### LETTER OF AUTHORIZATION

Dear Mr. Van Hemelrijck:

This Letter of Authorization is hereby issued for the commercial viability project using open top trays, bags directly on the bottom, bottom plant, and rack and bag techniques at:

41.38839° N; -71.51138° W

41.38828° N; -71.51127° W

41.38825° N; -71.51133° W

41.38835° N; -71.51144° W

Said activity is consistent with RICRMP Section 300.11.

The activity of shellfish aquaculture is conditioned as follows:

1. The commercial viability of aquaculture for the listed techniques and species shall be limited from May 1, 2017 through October 31, 2018. At that time if you wish to continue the investigation into the suitability of this site for aquaculture, an 18-month extension must be approved by the full Council.
2. The project cited herein shall be conducted in strict accordance with the narrative and plans originally submitted.
3. The species authorized by the approval are: *Crassostrea virginica*; *Mercenaria mercenaria*; *Mya arenaria*; *Ensis directus*; and *Argopecten irradians*.
4. At the end of the project all gear shall be removed from tidal waters;
5. A RIDEM special permit for Aquaculture must be maintained for the project;
6. All applicable regulations of the CRMC and RIDEM must be followed;
7. Any deviation from this approval requires written authorization from this office; and,
8. Annual reports of project progress and success shall be forwarded to the CRMC's Aquaculture Coordinator.

Please be advised that this project qualifies for an Army Corps of Engineers Category 1 Programmatic General Permit.

Sincerely,

Jeffrey M. Willis, Deputy Director  
Coastal Resources Management Council

DB/ajt

B2

Name: Andrew Van Hemelrijck  
CRMC File No.: 2016-11-085  
Staff Report



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

DATE: March 23, 2017  
TO: Grover J. Fugate, Executive Director  
FROM: David Beutel  
SUBJECT: CRMC File No. 2016-11-085

---

Applicant's Name: Andrew Van Hemelrijck  
Project: commercial viability for five common shellfish species in Pt. Judith Pond

Location: Point Judith Pond, Narragansett  
Water Type/Name: Type 2, Low Intensity Use,  
Coastal Feature: submerged land

---

**STAFF REPORT**

Mr. Van Hemelrijck has applied for a 1,000 square foot commercial viability site on a sand bar west of Great Island. He has proposed a rack and bag system, open top trays, bags on the bottom, and direct bottom plant. His proposal would help to determine an appropriate method for this site for each of the proposed species (oysters, quahogs, steamers, razor clams, and bay scallops). The shallow site is one foot deep at MLW. The tallest gear proposed is 8 inches which would leave 4 inches of water above the gear at MLW. The depth at MHW is 4.4 ft. The applicant has completed the Roger Williams University Practical Shellfish Farming course. His family's properties overlook the proposed site, which is about 450 feet from the shoreline of their properties.

This application was reviewed during the January 3, 2017 Narragansett Harbor Management commission meeting. There were no objections raised at the meeting. The RI Department of Environmental Management (DEM) Division of Fish and Wildlife raised no objections to this application. It was noted that the sand bar is only occasionally used for recreational shellfishing but is not a productive area. Questions were raised about the shallow depth of the area and potential exposure of gear during winter moon tides. CRMC staff has concerns about potential winter exposure of gear.



Name: Andrew Van Hemelrijck  
CRMC File No.: 2016-11-085  
Staff Report

With the above concerns stated, it should be noted that a commercial viability site may be the correct process with which to test this site for both location and species. The bottom planted shellfish may survive unanticipated air exposure better than the shellfish in the open top trays or rack and bag system. The risk would be entirely that of the applicant. It is unusual to require a proof of performance bond for a commercial viability permit but given the potential exposure it is warranted for this application. The minimum \$5,000 bond is recommended if this application is approved.

CRMC has received a letter from DEM Office of Water Resources that no water quality certification is needed. This site is DEM Growing Area GA-10 in waters approved for the harvest of shellfish. No Army Corps of Engineers permit is necessary for a site of this size.

It is staff opinion that this application has met the requirements of the RICRMP Section 300.11.F.1.g. It is staff opinion that this application receives administrative approval for the 18 month period from May 1, 2017 until November 1, 2018. Depending upon the results seen during this period, staff may or may not recommend approval for the Council decision for the second 18 month period.

---

*David Bentel*

Aquaculture Coordinator

C 1



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) 783-3767

December 19, 2018

Andrew Van Hemelrijck  
22 Conch Road  
Narragansett, RI 02882

**RE: CRMC File No. 2018-09-101 – Commercial Viability of Aquaculture, Point Judith Pond, Narragansett -- Site Location: Point Judith Pond, Narragansett**

**LETTER OF AUTHORIZATION**

Dear Mr. Van Hemelrijck:

This Letter of Authorization is hereby issued for the 1,000 square foot oyster and hard clam aquaculture site in Point Judith Pond.

The activity of commercial viability aquaculture for oysters and hard clams is conditioned as follows:

1. The commercial viability of aquaculture for your project shall be limited from now through April 1, 2020.
2. The project cited herein shall be conducted in strict accordance with the narrative and plans originally submitted and said trays for oyster grow-out and bottom planted hard clams shall be limited as shown on the site plan contained in the application;
3. The two species authorized by the approval are *Crassostrea virginica* and *Mercenaria mercenaria*;
4. At the end of the project all gear shall be removed from tidal waters;
5. A RIDEM special permit for Aquaculture must be maintained for the project;
6. All applicable regulations of the CRMC and RIDEM must be followed;
7. Any deviation from this approval requires written authorization from this office; and,
8. Annual reports of project progress and success shall be provided to the CRMC's Aquaculture Coordinator.

Sincerely,

Jeffrey M. Willis, Deputy Director  
Coastal Resources Management Council

/lat

Name: Andrew Van Hemelrijck  
CRMC File No.: 2018-09-101  
Staff Report

C2



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

DATE: November 8, 2018  
TO: Grover J. Fugate, Executive Director  
FROM: David Beutel  
SUBJECT: CRMC File No. 2018-09-101

---

Applicant's Name: Andrew Van Hemelrijck  
Project: commercial viability part 2  
Location: Point Judith Pond, Narragansett,  
Water Type/Name: Type 2, Low Intensity Use,  
Coastal Feature: submerged land

---

**STAFF REPORT**

Mr. Van Hemelrijck has operated the initial phase of a commercial viability site (#2016-11-085) for the past 18 months. The annual site inspection conducted on September 14, 2018 found the site in good order and in full compliance. The observed oyster growth was sufficient to warrant continuation of the limited project.

Section 1.3.1(K)5.a.7 of the Rhode Island Coastal Resources Management program requires that the second half of the three year commercial viability project is approved by council review as a Category B project. Commercial viability sites are limited to 1,000 square feet. The applicant would like to add quahogs to the list of species cultured for the second half of the project. The application will allow for complete growout of the currently farmed oysters and a viability check for quahogs. No methods would change except for growing quahogs in the substrate which requires no additional gear. Staff expects continued success for this site and anticipates a small aquaculture site will be sought after the commercial viability project completion. Please note that Point Judith Pond is close to the 5% maximum now, so only a small site (0.6 acres) would be available in the future. The applicant is aware of the limitations.

The application is complete, meets RICRMP requirements, and is recommended for approval.

---

*David Beutel*

Aquaculture Coordinator

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on **Tuesday, December 11, 2018** at 6:00 p.m. in Conference Room A, Administration Building, One Capitol Hill, Providence, RI.

Members Present

- Jennifer Cervenka, Chair
- Don Gomez
- Ron Gagnon, RIDEM
- Jerry Sahagian
- Joy Montanaro
- Trish Reynolds
- Michelle Collie

Staff Present

- Grover Fugate, Executive Director
- Jeff Willis, Deputy Director
- David Beutel, Aquaculture Coordinator
- Danni Goulet, Marine Infrastructure Coordinator

Members Excused

- Raymond Coia, Vice Chair
- Mike Hudner
- Lisette Gomes

1. CALL TO ORDER

Chair Cervenka called the meeting to order at 6:00 p.m.

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

Chair Cervenka called for approval of minutes from the November 27, 2018 meeting with a correction:

- Date of letter from Vineyard Wind should be corrected from November 19, 2018 to November 21, 2018.
- Motion: Mr. Sahagian motioned to approve with correction  
Second: Mr. Gomez  
Motion carried on a unanimous voice vote

3. SUBCOMMITTEE REPORTS

None

4. STAFF REPORTS

Mr. Fugate reported on the following:

- CRMC received approval from Dept of Commerce/National Oceanic and Atmospheric Administration to extend Federal Consistency Jurisdiction and CRMC now has the authority to review BOEM activities regarding offshore wind within the vicinity of Rhode Island. It is mandatory now that offshore wind projects go through the CRMC review process.
- Our next meeting of the full Council is January 8, 2019.
- Vineyard Wind has submitted two weekly reports as directed by the Council as a condition of the Stay Agreement extension.

- Green Bond is a 35 million dollar bond, 7 million dollars of which is allocated to CRMC for activities such as dredging the Providence and Woonasquatucket Rivers; CRMC will oversee dredge work in that area as well as settling basins to handle road sand from stormwater drainage.
- 312 Evaluation from NOAA will be in February, 2019.

5. **APPLICATIONS REQUESTING EXTENSION REQUESTS BEFORE THE FULL COUNCIL:**

**B1990-08-029 MELVILLE ASSOCIATES LP – Original assent to: Construct and maintain a 1,495 slip commercial complex, including various marina buildings and facilities, parking, offshore, timber breakwater, dredging, structural shoreline protection, and public access. Assent Modification for Wave Fence. Location of project is plat 43, lots 4, 5 and plat 50, lots 6, 7; west of Burma Road, Portsmouth, RI.**

Mr. Willis gave a brief overview of the Extension request explaining that the request is before the Full Council for their fourth and final extension. Mr. Goulet had reviewed the file and recommended a few staff stipulations: extension is limited to one year with a required six month update to CRMC; any new proposal to the project must be submitted as a new application and the project as it stands must follow current regulations.

Attorney Joseph DeAngelis was present representing the new owners of the property, WC Coastal Development LLC. Mr. DeAngelis stated that they are in the planning stages with this development and that they will not be coming in with a large marina. Mr. DeAngelis explained that the extension request was submitted by the previous owner, but that the new owner would appreciate the one year extension to and hopes to submit their business plan within the six month timeframe as required.

Mr. Goulet explained that the property abuts up to the public boat ramp which was constructed as a requirement under the previous permit.

Chair Cervenka asked about the extensive timeframe of the valid permit. Mr. Fugate and Mr. Goulet explained the extension process and added that the State's Tolling legislation added to the number of years the permit was valid.

Mr. Gagnon motioned for approval of the extension with stipulations as stated by Mr. Goulet. Mr. Gomez seconded the motion.  
Motion carried on a unanimous voice vote.

6. **APPLICATIONS REQUESTING A MODIFICATION REQUEST BEFORE THE FULL COUNCIL:**

**2011-11-021 CURTIS JACKSON – Modify existing Assent 2011-11-021 by adding bottom planted hard clams (*Mercenaria mercenaria*) to the approved species and methods. Located in Blue Bill Cove in Portsmouth, RI.**

Mr. Beutel briefed the Council on the modification request stating that Mr. Jackson was asking to add hard clams to the species list on his aquaculture lease. Mr. Beutel stated that the proposed

modification was put out to public notice and that two objections were received based on the fact that Mr. Jackson was also a wild harvest shell fishermen and the concern is that he will put his wild harvested sublegal quahogs on his lease.

Chair Cervenka asked if CRMC would incorporate a stipulation stating that all state regulations must be complied with to encompass our cooperation with DEM prohibitions.

Mr. Beutel stated that he recommended approval because our regulations do not address the basis of the objections. Mr. Beutel stated that as long as Mr. Jackson follows state regulations, he should not have an issue.

Mr. Beutel suggested adding a stipulation to other applications that are in review process stating that a violation of placing wild stock on their lease would mean forfeit of lease with Mr. Fugate adding that the permit would be revoked as well.

Chair Cervenka asked if CRMC had a method of tracking and cross referencing what was on a specific lease. Mr. Beutel stated that CRMC requires all aquaculturists to complete a questionnaire for each year reporting their lease's progress and that they also have to notify CRMC when they purchase seed and Mr. Beutel notifies other agencies.

Chair Cervenka asked if there were any objectors. There were none.

Curtis Jackson was sworn in and identified himself for the Council. Mr. Jackson gave a brief history of his aquaculture experience and stated that he would like to add littlenecks to his site. Mr. Jackson stated that he will also continue to be a wild harvester shellfishermen as well. Mr. Jackson also agreed with the stipulations from Mr. Beutel stating it would be a great deterrent.

Chair Cervenka closed the public comment period.

Mr. Gomez motioned approval of the modification with Mr. Beutel's added stipulation.

Ms. Collie seconded the motion.

Motion carried on a unanimous voice vote.

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

**2018-09-101 ANDREW VAN HEMELRIJCK -- Continue a commercial viability shellfish aquaculture site in Point Judith Pond; a commercial viability site requires a Council Category B decision after the initial 18 months of operation. Located in Point Judith Pond, Narragansett, RI.**

Mr. Beutel briefed the Council stating that the application before the Council was for the approval of the second half of a commercial viability permit which is limited to three years of two 18 month sections with a Council approval required for the second section. Mr. Beutel stated that the site is only 1,000 square feet in Point Judith Pond and that the applicant is successful in growing shellfish at this site. Mr. Beutel added that Mr. Van Hemelrijck proposed to add quahogs to this site and that he was not a wild harvest fisherman. Mr. Beutel finished by stating that after 18 months, Mr.

Van Hemelrijck will ask for a permit for the site.

Mr. Fugate explained that an aquaculture commercial viability lease allows the aquaculturist to try new technology or to try the site so check the productiveness for growing certain species. Mr. Fugate further explained that the applicant is allowed a one-time sale of the product.

Andrew Van Hemilrijck was sworn in and identified himself for the record. Mr. Van Hemelrijck stated that the species were growing well on the site and he would like to continue and take it as far as he can.

Chair Cervenka closed the public comment period.

Ms. Collie motioned to approve, with a second from Ms. Reynolds.

The motion carried on a unanimous voice vote.

8. **ENFORCEMENT CASE BEFORE THE COUNCIL FOR ORDER TO RESTORE:**

**2017-047 BUZ & CYNTHIA GARDINER – Restoration of unauthorized alteration of the buffer zone and wetland on your property located at Plat N-R, Lots 1229,1230, 120 Allagash Trail, Narragansett without benefit of a CRMC assent.**

Mr. Fugate explained that the Gardiners had submitted a drawing with a revised wetland edge. CRMC Staff is going to verify the soils data. Mr. Fugate also stated that the information is being reviewed to see if we can have the applicant more closely adhere to CRMC regulations.

9. **ADJOURN**

Motion to Adjourn:

Motion: Mr. Sahagian

Second: Chair Cervenka

Motion carried on unanimous voice vote.

Meeting adjourned at: 6:40 p.m.

Respectfully submitted,

Lisa A. Turner  
Recording Secretary



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

01

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

File Number (CRMC use only): 2020-03-029

**CRMC AQUACULTURE PRELIMINARY DETERMINATION REQUEST FORM**

**APPLICANT INFORMATION:**

Applicant(s) Name(s): Andrew Van Hemelrijck  
 Street: 167 Broad Rock Rd.  
 City/Town: South Kingstown State: RI Zip Code: 02879  
 Phone Number: (401) 741-6507  
 E-Mail: avanhemelrijck@gmail.com

**Location of Proposed Aquaculture Site**

Waterway: Paint Point Pond  
 Longitude/Latitude of Proposed Aquaculture Site: see next page ->

Signature of Requestor: [Signature] Date: 3-9-2020

**INSTRUCTIONS**

- \*\* FILING FEE: \$25.00 per site. Check or money order payable to "CRMC"  
 NOTE: Filing fees are not refundable.
- \*\* NOTE: This request does not constitute application for permission to perform an activity. A CRMC Preliminary Determination Request is a determination of jurisdiction and which sections of the Rhode Island Coastal Resources Management Program apply to the project under construction.

Mail the above information to:

ATTN: APPLICATIONS COORDINATOR  
 COASTAL RESOURCES MANAGEMENT COUNCIL  
 OLIVER STEDMAN GOVERNMENT CENTER  
 4808 TOWER HILL ROAD; SUITE 3  
 WAKEFIELD, RI 02879





**Andrew Van Hemelrijck**  
**Aquaculture Lease Application**  
March 5, 2020  
Operational Plan

**CRMC File Number -**

**DEM Aquaculture License number - 000121**

**Type of facility - 2 Commercial Lease Sites (one primary, one winter location)**

**GPS Lat/long coordinates**

**Primary Site**

- 1 - 41.38845° N, -71.51172° W
- 2 - 41.38867° N, -71.51129° W
- 3 - 41.3883° N, -71.51095° W
- 4 - 41.38807° N, -71.51136° W

**Winter Site**

- 1 - 41.38724° N, -71.51307° W
- 2 - 41.38725° N, -71.51298° W
- 3 - 41.38701° N, -71.51297° W
- 4 - 41.38701° N, -71.51307° W

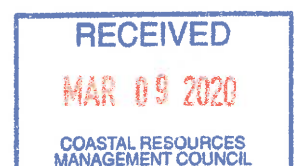
**Proposed Species**

Eastern Oysters (*Crassostrea virginica*),  
Quahogs (*Mercenaria mercenaria*)

**Summary**

I plan to grow Oysters and Quahogs will at this site using several proven aquaculture methods including grow-out bags and (both floating and submerged), rack and bag systems, and direct bottom planting. Both species will be sorted and harvested on site. Both of these species are native to the immediate area.

I have 5 years experience growing oysters in the immediate area both with a commercial viability permit at this location, and also with my parents Lisa and Chris Van Hemelrijck under their dockside permit. Both my parents and grandfather own property overlooking the site, and my family has lived on these 2 waterfront properties for 4 generations. I grew up directly in view of this area as a year round resident, allowing me to become very familiar with this location. I have also completed the Applied Shellfish Farming course at Roger Williams University with Dale Leavitt.



This area is classified as a recreational shellfishing area. It is rarely used in my experience, but it will remain accessible to the public for the duration of the project. Low tide events (<.5ft below mean) might pose an issue in cold winters, and for this reason I am applying for a winter location in nearby deeper water as well. Gear sitting on the sea floor will be invisible nearly 100% of the time, and great care will be taken to ensure that floating gear appears orderly and presentable.

### **Design & Operation**

Grow-out bags and small cages will be arranged in marked rows/trawls and anchored to the seafloor, some with feet made of piping to raise the off the seafloor. Trawls will be both submerged and floating throughout the site. Bags using mesh sizes 2mm through 23mm will be used to accommodate different stages of growth.

Rack and bag systems constructed of 3 inch PVC piping to support grow-out bags and raise them about 5 inches off the bottom. Racks will be driven into the seafloor and organized into rows with grow-out bags placed on top.

Oysters and quahogs will also be planted directly into the seafloor and covered with protective netting. Smaller "sentinel pots" nearby will be used as well as a method of checking the status of the grow without disturbing the larger nets.

Grow-out bags (floating and submerged), and rack and bag systems will be organized into rows/trawls spaced approximately 3 feet apart. I'd like to experiment with spacing and placement over time to optimize conditions for growth. The sites will be marked with yellow markers at each corner while gear is on site. All submerged gear will also be marked with buoys either at the end of each trawl or individually.

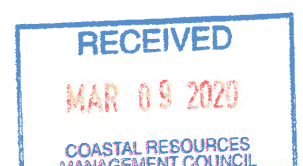
In addition to the methods described, large cages will be submerged both in marked trawls and individually at the winter site from roughly the months of November to March each year.

A portion of the quahogs will be seeded for pearl culture using standard methods.

### **Seed Stock Origin**

Seed cultured in approved waters from within Point Judith Pond will be used whenever possible. In cases where seed must be sourced from other biosecurity zones it will be cultured in approved waters or an approved aquaculture facility when possible, and accompanied by a shellfish pathology report.

Seed stock from prohibited areas will be recorded to track purchase data, marked using color-coded zip ties and kept in marked trawls ensuring that 12 months in approved waters have passed before shellfish are offered for sale/consumption.



## Harvesting & Maintenance

As gear becomes fouled it will be removed from the site and replaced with clean gear. It will be dried and power washed and rotated back in as necessary.

Harvested shellfish will be washed with water from the site, tagged and placed in clean, approved containers per National Shellfish Sanitation Program (NSSP), R.I. Department of Health (DOH), and DEM regulations/recommendations. They will be adequately iced or refrigerated within 2 hours of harvesting to prevent contamination, deterioration and decomposition. I plan to use water from the aquaculture site for washing harvested shellfish.

Harvested shellfish will be intended for the commercial market.

### Section 300.1

#### Category B Requirements

*(1) demonstrate the need for the proposed activity or alteration;*

Shellfish aquaculture is a highly sustainable method of producing seafood that is still under utilized in Rhode Island despite rapid growth in recent years. Demand for locally sourced shellfish is on the rise (especially oysters), and shellfish aquaculture is able to help meet this demand with a small fraction of the environmental impact of wild harvesting. The proposed farm is intended to help meet this demand in the years ahead, but it will have the added benefit of increasing the number of filter feeding shellfish in Point Judith Pond, helping to replace historic populations of these species that have kept the pond clean in years past.

*(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;*

No permanent structures will be erected at the site, and no local or state zoning ordinances will apply to the proposed operation as it is entirely within tidal waters.

*(3) describe the boundaries of the coastal waters and land area that are anticipated to be affected;*

All boundaries of the site are within the pond, and no boundaries of coastal waters or non-tidal land will be affected.

*(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.*



I don't anticipate any significant effects on erosion or deposition processes in the area. The site does not abut the shore, and aquaculture sites in the area using the same or similar methods have not been shown to significantly impact these processes.

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

The shellfish farming equipment I intend to use is known to create refuges for many marine species, attracting a variety of small fish and crustaceans, along with some commercially important species as well. Juvenile tautog, black sea bass, lobsters and others can often be found using Point Judith Pond shellfish farms for protection as they grow. If anything, an increase in abundance and diversity of plant and animal life is expected.

***(6) demonstrate that the alteration will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters and/or the shore;***

The proposed site does not border the shoreline or significantly interfere with access to this area of the pond. All proposed gear will be low-profile and kept tight along the seafloor to minimize any impact it may have.

***(7) demonstrate that the alteration will not result in significant impacts to water circulation, flushing, turbidity, and sedimentation;***

All grow-out gear is designed to allow the maximum flow of water to pass through the area because it is necessary for good shellfish growth, so the typical flow of water through the area will not be impeded. The gear I plan to use does not cause sedimentation, and activity at the site will have no net effect on turbidity.

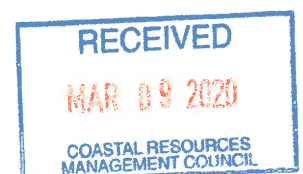
***(8) demonstrate that there will be no significant deterioration in the quality of the water in the immediate vicinity as defined by DEM;***

Shellfish are filter feeders, and the species I intend to cultivate are known to improve water quality in the area where they are farmed. Shellfish farming is known to clarify water in the local environment and stimulate denitrification, combating harmful algae blooms and benefiting many local species including eel grass. No chemicals or feed of any kind will be used or needed in the operation of the farm.

***(9) demonstrate that the alteration or activity will not result in significant impacts to areas of historic and archaeological significance;***

The proposed site is not on or near any known sites of historic or archaeological significance.

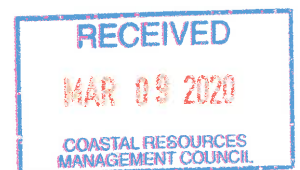
***(10) demonstrate that the alteration or activity will not result in significant conflicts with water-dependent uses and activities such as recreational boating, fishing, swimming, navigation, and commerce, and;***



Activity in the area will not be significantly affected by the proposed farm. This area is rarely used for recreational activities. It is a shallow area that most mariners avoid in all but the highest tides, and it does not contain shellfish in high enough concentrations to attract harvesters. The farm will not obstruct typical navigation in any significant way, and the ability of the public to access the site and surrounding area (by kayak, paddle board or on foot for example) will not be impeded.

*(11) demonstrate that measures have been taken to minimize any adverse scenic impact (see Section 330).*

Every effort will be made to ensure that the equipment is visually innocuous. All gear will be designed to be as minimal and low profile as possible and arranged in orderly rows to achieve this end.



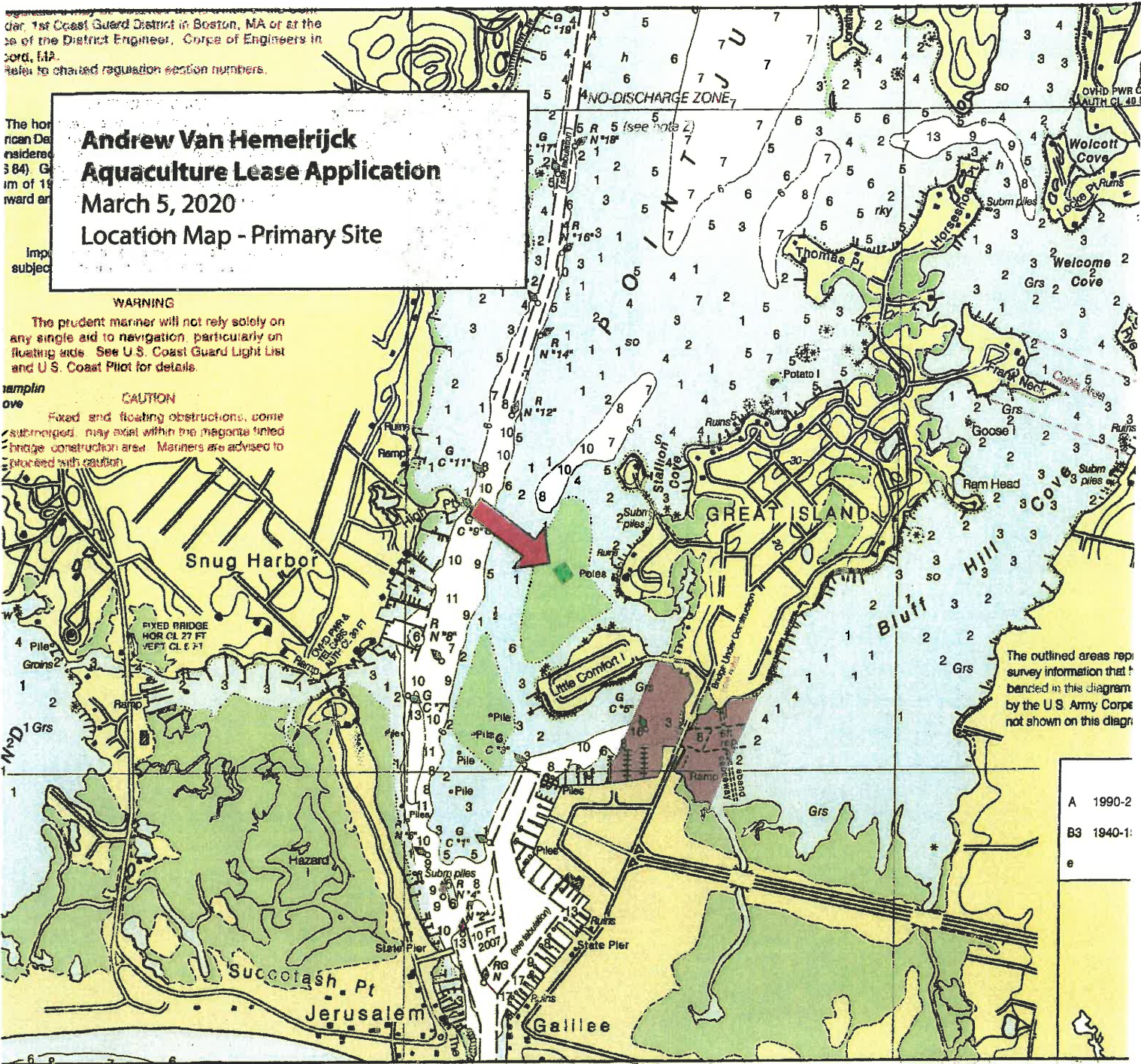
Director, 1st Coast Guard District in Boston, MA or at the office of the District Engineer, Corps of Engineers in Portland, ME. Refer to charted regulation section numbers.

The horizontal distance considered is 384 ft. The maximum of 19 ft. Imp. subject

**Andrew Van Hemelrijck  
Aquaculture Lease Application  
March 5, 2020  
Location Map - Primary Site**

**WARNING**  
The prudent mariner will not rely solely on any single aid to navigation, particularly on floating aids. See U.S. Coast Guard Light List and U.S. Coast Pilot for details.

**CAUTION**  
Fixed and floating obstructions, some submerged, may exist within the magenta tinted bridge construction area. Mariners are advised to proceed with caution.

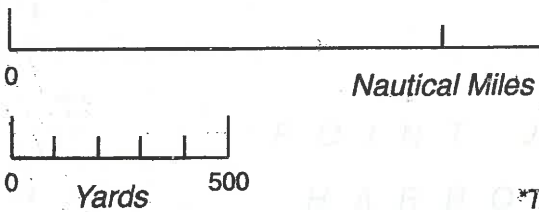
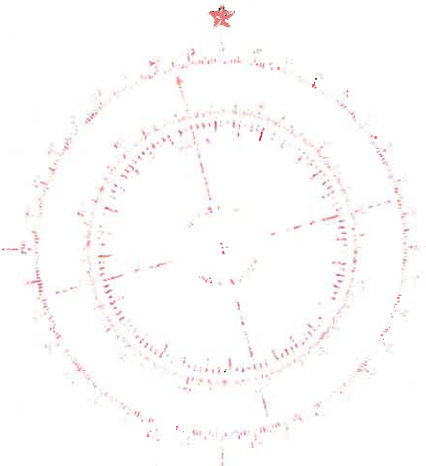


The outlined areas represent survey information that is referenced in this diagram by the U.S. Army Corps of Engineers but not shown on this diagram.

A 1990-2  
B3 1940-1  
e

**GPS Coordinates:**

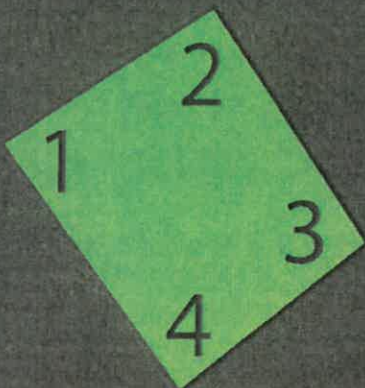
- Point 1 - 41.38845° N, -71.51172° W
- Point 2 - 41.38867° N, -71.51129° W
- Point 3 - 41.38883° N, -71.51095° W
- Point 4 - 41.38807° N, -71.51136° W



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\*Taken from NOAA Chart #13219

**Andrew Van Hemelrijck**  
**Aquaculture Lease Application**  
March 5, 2020  
Primary Site Plans



411 ft

490 ft

**GPS Coordinates:**

- 1 - 41.38845° N, -71.51172° W
- 2 - 41.38867° N, -71.51129° W
- 3 - 41.38883° N, -71.51095° W
- 4 - 41.38807° N, -71.51136° W

**Dimensions:**

146ft x 166ft  
.55 acres

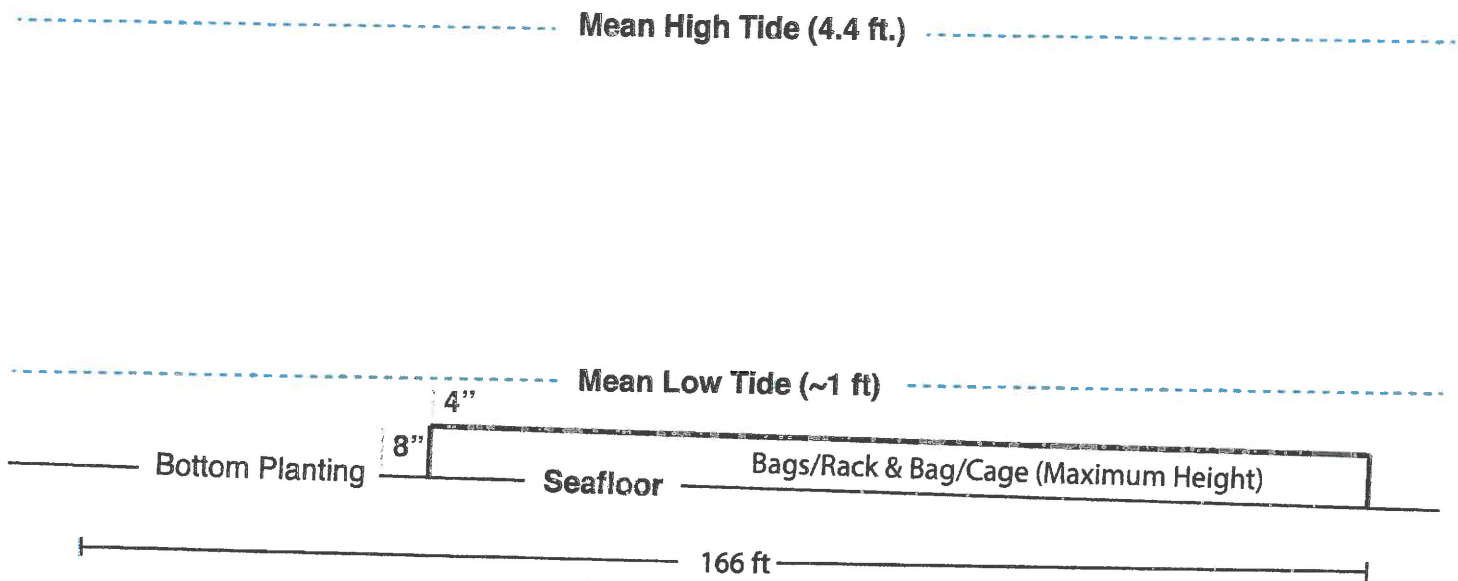


Mean Low Tide

True North

**Andrew Van Hemelrijck**  
**Aquaculture Lease Application**  
March 5, 2020  
Primary Site Plans #2

### Side View



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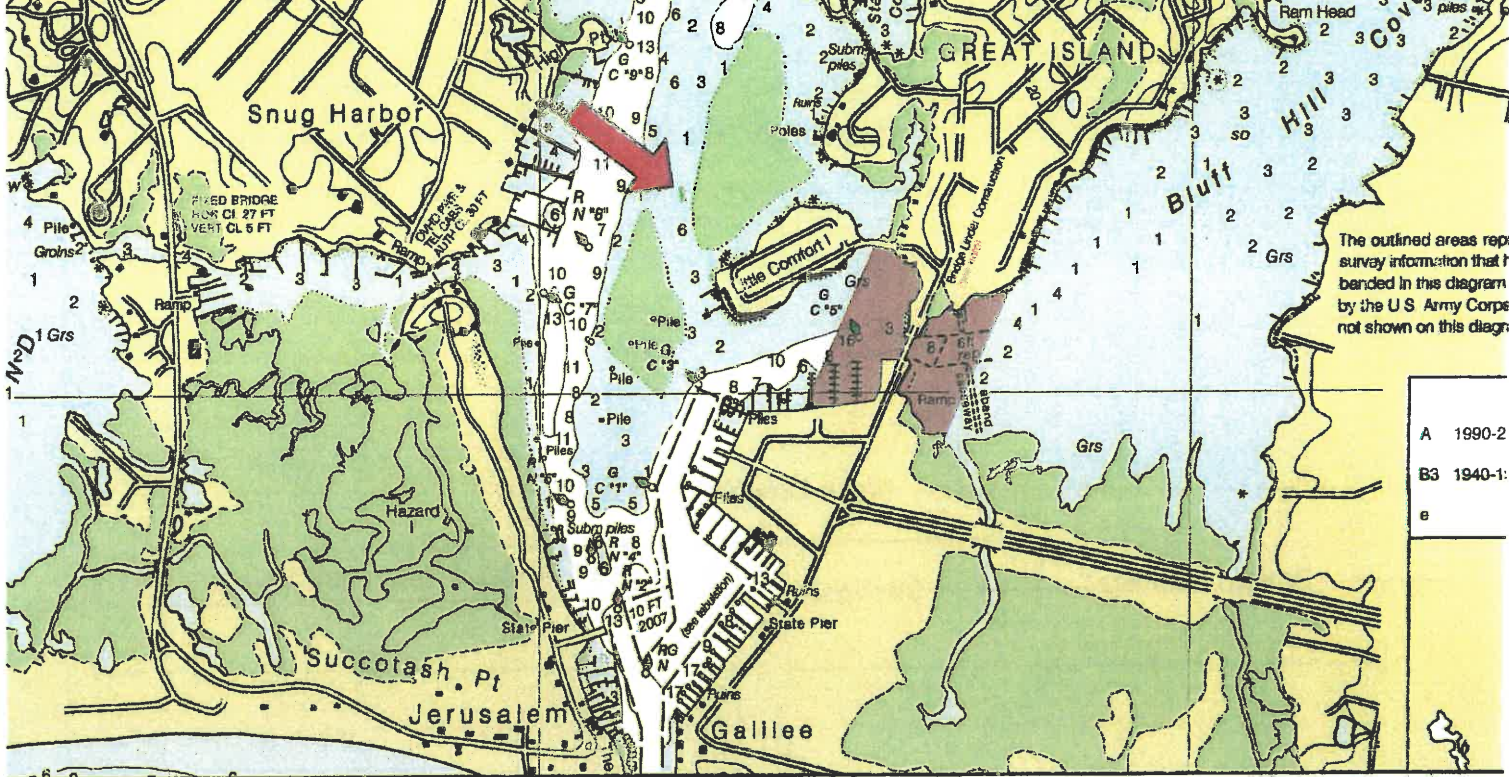
Information may be obtained at the office of the Commander, 1st Coast Guard District in Boston, MA or at the office of the District Engineer, Corps of Engineers in Concord, MA. Refer to charted regulation section numbers.

The horizontal datum considered is 1884. Ground elevations are in feet above mean low water.

**Andrew Van Hemelrijck  
Aquaculture Lease Application  
March 5, 2020  
Location Map - Winter Site**

**WARNING**  
The prudent mariner will not rely solely on any single aid to navigation, particularly on floating aids. See U.S. Coast Guard Light List and U.S. Coast Pilot for details.

**CAUTION**  
Fixed and floating obstructions, some submerged, may exist within the magenta lined bridge construction area. Mariners are advised to proceed with caution.

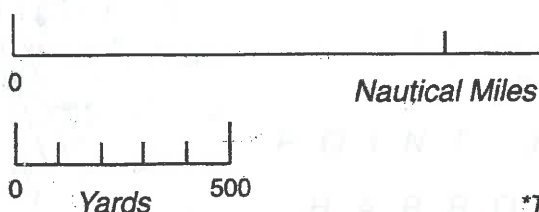
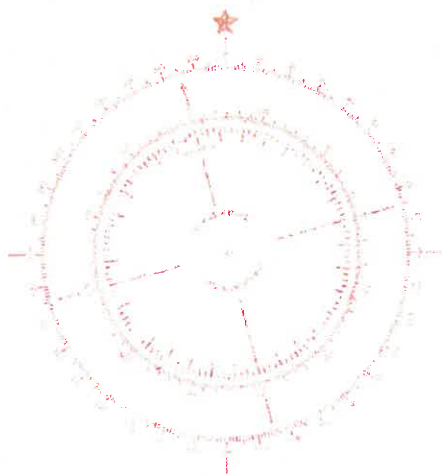


The outlined areas represent survey information that is banded in this diagram by the U.S. Army Corps not shown on this diagram.

A 1990-2  
B3 1940-1  
e

**GPS Coordinates:**

- NW Point - 41.38724° N, -71.51307° W
- NE Point - 41.38725° N, -71.51298° W
- SE Point - 41.38701° N, -71.51297° W
- SW Point - 41.38701° N, -71.51307° W



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\*Taken from NOAA Chart #13219

**Andrew Van Hemelrijck**  
**Aquaculture Lease Application**  
March 5, 2020  
Winter Site Plans

1 2

4 3

Sandbar

548 ft

Mean Low Tide

**GPS Coordinates:**

- 1 - 41.38724° N, -71.51307° W
- 2 - 41.38725° N, -71.51298° W
- 3 - 41.38701° N, -71.51297° W
- 4 - 41.38701° N, -71.51307° W

**Dimensions:**

87ft x 25ft  
.05 acres



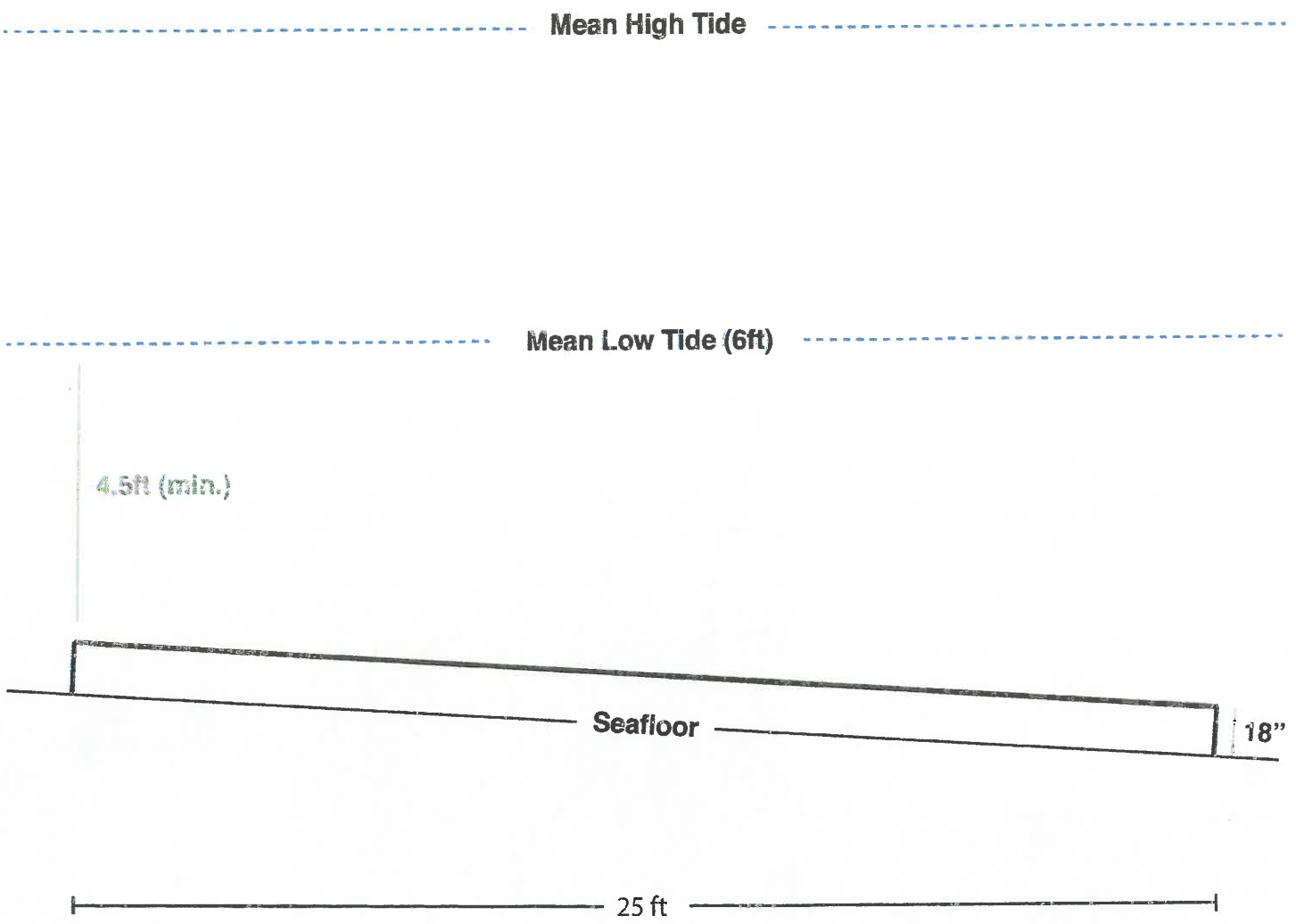
True North

WATERBORO  
MANAGEMENT CO.

Ba

**Andrew Van Hemelrijck**  
**Aquaculture Lease Application**  
March 5, 2020  
Winter Site Plans #2

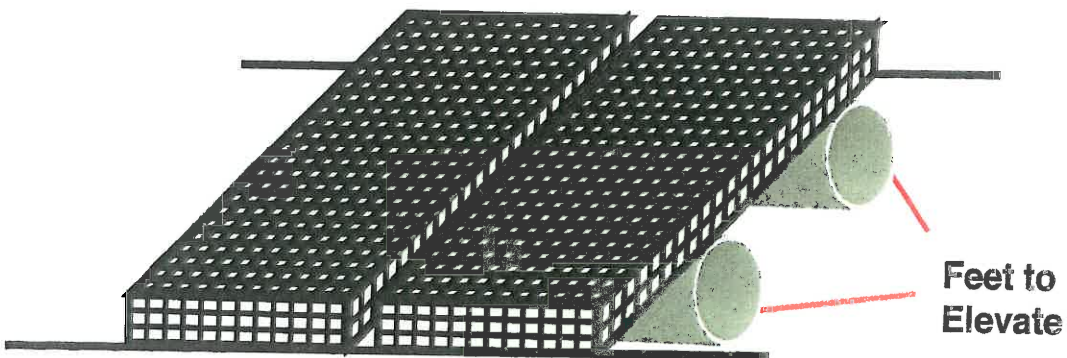
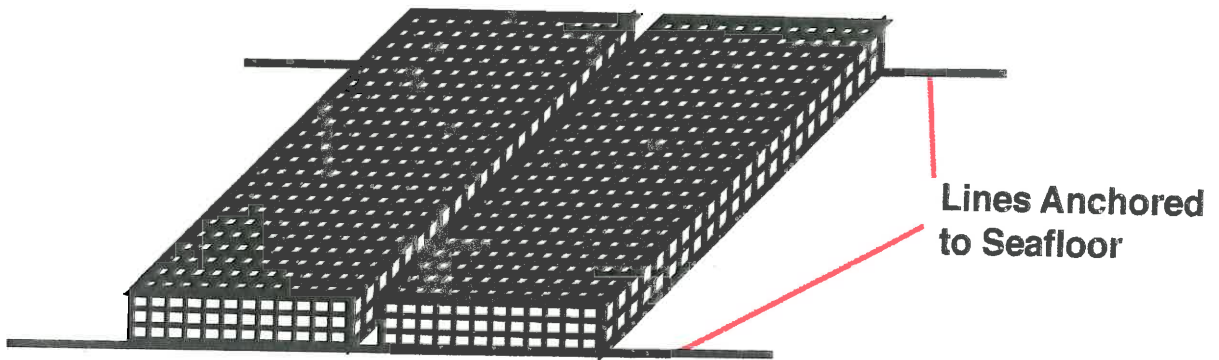
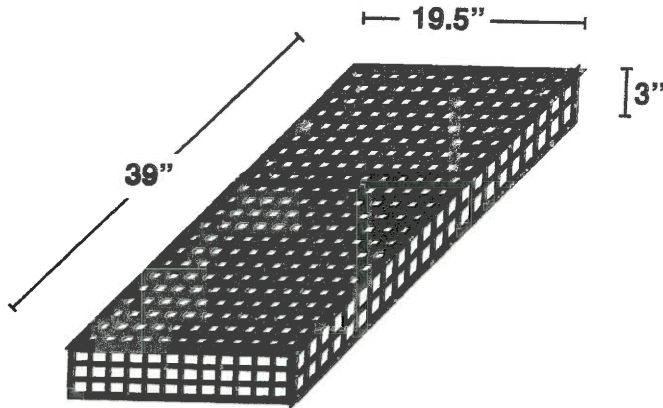
**Side View**



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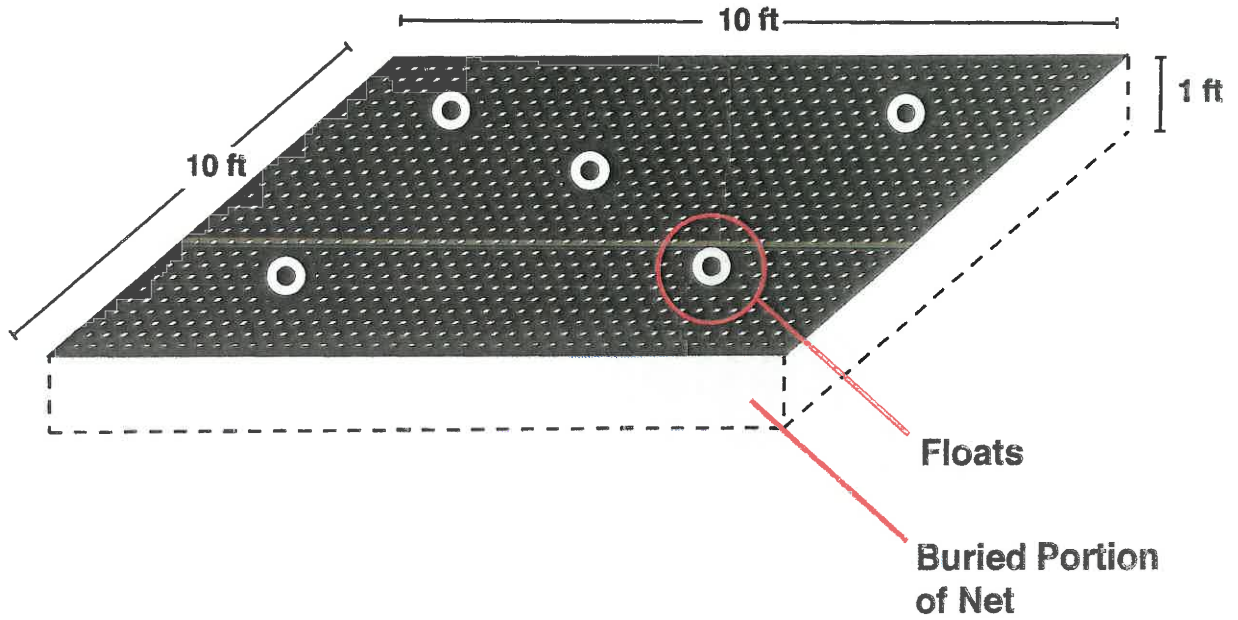
Andrew Van Hemelrijck  
Aquaculture Lease Application  
March 5, 2020  
Gear Details

Grow-out Bags -

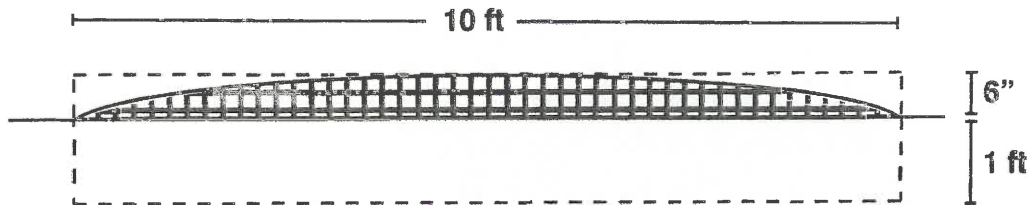


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### Direct Bottom Planting -



### Side View -



### Test Pots -

Top:



~1.5 ft

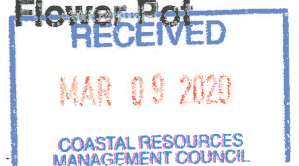
Side:



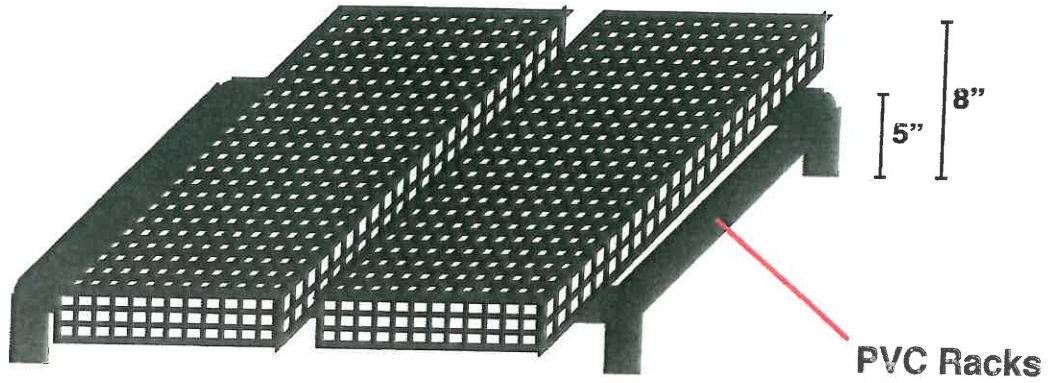
~2 ft

~1.5 ft

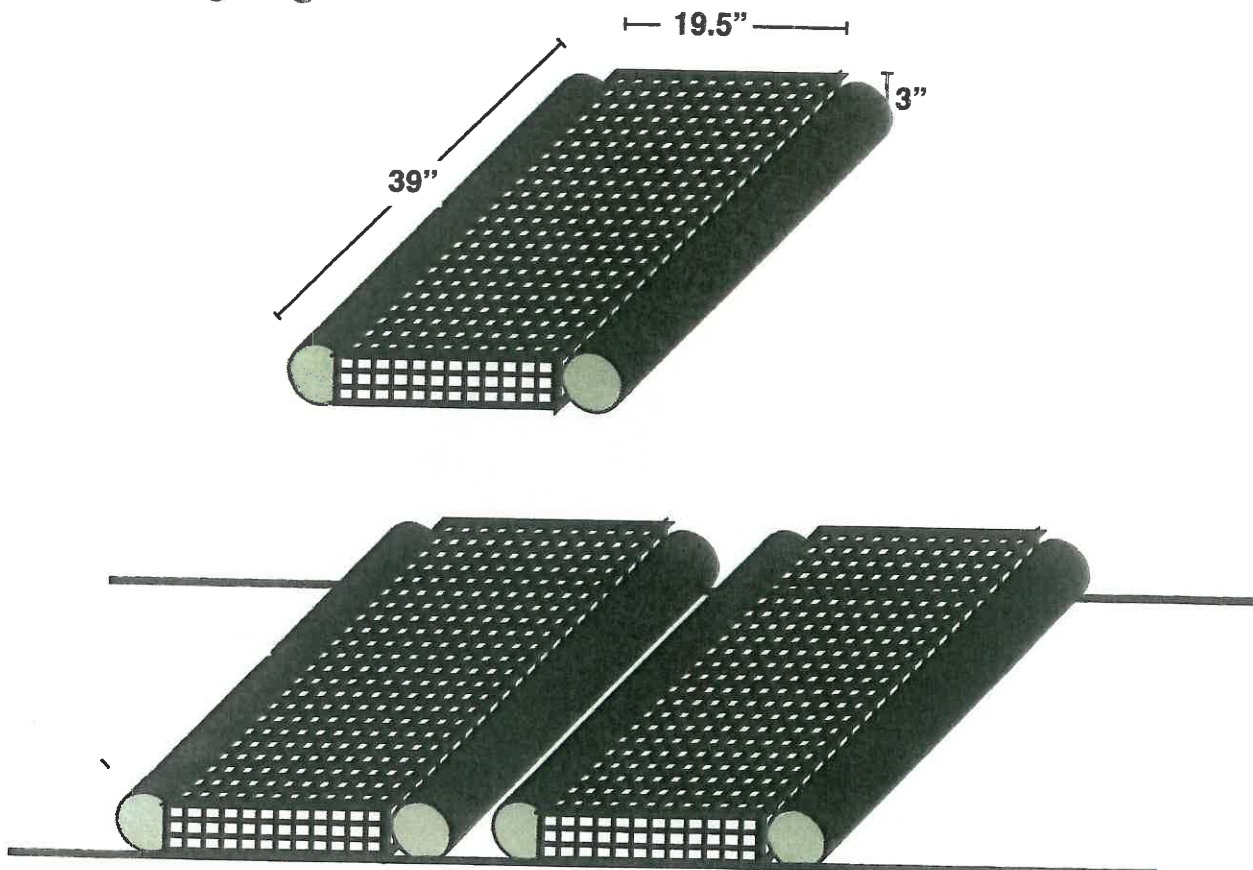
In Ground  
Flower Pot



## Rack & Bag Systems -

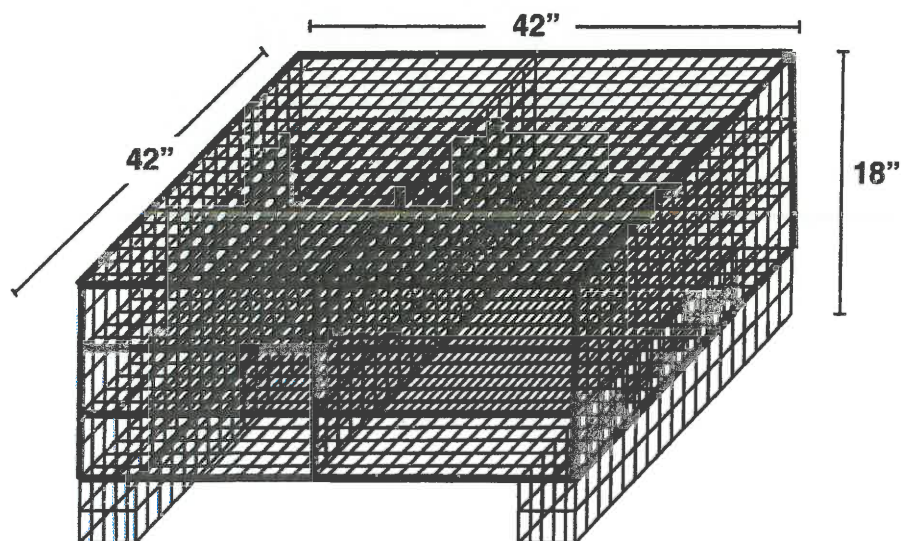


## Floating Bags -



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**Cages (large) -**



Six bay bottom growing cage with shock cord retainers and reinforcing end caps on the feet. Cage 4 1/2" 8 gauge Aqua-Marine mesh, Feet 1 1/2" HD Lobster trap wire

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**Cages (small) -**



**\* Double-wide small cages (36 x 48 x 4.5), and 9 bay large cages (42 x 63 x 18) will also be used.**

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**Photos -**



Facing North, looking at Primary Site



Facing East, from Primary Site

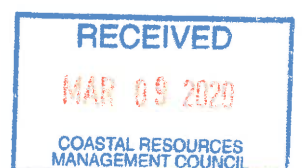
RECEIVED  
MAR 09 2020  
COASTAL RESOURCES  
MANAGEMENT COUNCIL



Facing South, from Primary Site, Winter Site is on the right of the frame.

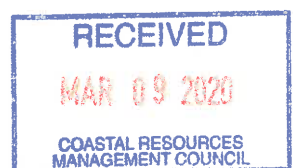


Facing West, from Primary Site, Winter Site is on the left of the frame.





From Little Comfort facing WNW. Winter site is on the right of the frame.



02

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 May 1, 2020 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:** Andrew Van Hemelrijck **CRMC FILE NO.** D2020-03-029

**LOCATION/POLE:** Point Judith Pond

**CITY/TOWN:** Narragansett

**PLAT:**

**LOT:**

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

**Andrew Van Hemelrijck**  
**167 Broadrock Road**  
**South Kingstown, RI 02879**

PRELIMINARY REVIEW INFORMATION

**PROPOSAL:** primary and winter sites for oyster and hard clam aquaculture

**PLAN(S) REVIEWED:** Van Hemelrijck 2020

INVESTIGATOR Beutel

DATE May 5, 2020

TIME 7:00 pm

**MEASUREMENTS & OBSERVATIONS:**

**PREVIOUS CRMC ACTIONS FOR SITE:**

**Preliminary Buffer and Setback Requirements:**

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

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

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

NAME: **Hemelrijck**  
CRMC FILE NUMBER: **D 2020-03-029**

**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 Hazard:** In accordance with Section 1.1.10, the applicant is encouraged to utilize CRMC’s “STORMTOOLS” mapping feature to better understand the impact of current and future Sea Level Rise and Storms on the subject property. Also, in accordance with Section 1.1.6(I), the applicant is required to complete a “Coastal Hazards Worksheet” to further understand the impact of climate change on a proposal (<http://www.crmc.ri.gov/coastalazardapp.html>). While the RICRMP does not yet require structures to be designed for SLR scenarios, the applicant should consider SLR, Climate Change, and design life expectations in design planning.

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

### SUMMARY OF FINDINGS

**CRMC JURISDICTION: YES**  
**TYPE WATER: 2; Low Intensity Use**

For the purpose of this review the coastal feature(s) shall be submerged land

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

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

### STAFF CONCERNS/COMMENTS/INFORMATION REQUIREMENTS:

This was an unusual preliminary determination as it was conducted via Zoom during the Narragansett Harbor Management Commission on May 5, 2020. The meeting participants had received and reviewed the application prior to the meeting.

The application is for a primary site of 0.55 acres to grow oysters and hard clams on a shallow sand bar west of Great Island in Point Judith Pond. The winter site is 0.05 acres in a nearby deeper channel southwest of the primary site. The application is for the remaining 0.6 which would take Point Judith Pond to the 5% maximum for aquaculture. The applicant has held a commercial viability permit for the site for the past three years. The permit has now expired and all of the gear and shellfish must be removed.

The commission put forward concerns concentrating on the winter site and the effect on navigation. One local waterman has contacted CRMC and the applicant with the same concern. Moving the proposed site slightly to the east would allow for easier winter navigation through the channel.

NAME: **Hemelrijck**

CRMC FILE NUMBER: **D 2020-03-029**

Commission members suggested that limiting the winter site use to the months of December through March would minimize any navigation impacts. Two other concerns from the commission were important: one was to make sure that power washing does not occur on site; and the other was that concrete block anchors are insufficient for maintaining the corner buoys in place.

RI Department of Environmental Management Division of Marine Fisheries voiced three concerns: 1) this is a recreational shellfishing area; 2) the application was unclear about addressing biosecurity issues; and 3) the proposed netting for predator protection of hard clams.

The harbormaster stated that he did not want the channel blocked with floating aquaculture gear. He did not offer that opinion for the primary site on the sand bar.

CRMC was part of the RI Shellfish Management Plan process that created the recreational shellfishing maps. There was no vetting of the information provided for that mapping and the maps are purely someone's opinion. CRMC suggests that the applicant take daily photographs throughout the summer season of recreational activity on the sand bar that is called a recreational shellfishing area.

Recommendations:

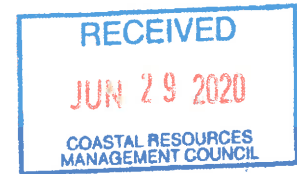
- Include an overhead view of the proposed sites with a proposed gear layout plan (missing from PD application)
- Move the winter site slightly to the east
- Clearly state the type of gear used on the winter site
- Abandon the idea of predator netting for the hard clams
- Clearly articulate a plan for biosecurity issues; please realize that sea that comes directly from Dave Roebuck's upweller has come from an area not approved for the harvest of shellfish
- Clearly state that power washing will not be conducted on the aquaculture site
- Use anchors that are likely to remain in place; helical screw anchors are recommended
- State that the winter site will be used from December through March

SIGNATURE: \_\_\_\_\_



Aquaculture Coordinator

E



**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: Van Hemelrijck 2020-05-083

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 Andrew Van Hemelrijck for a 0.55 acre site and a 0.05 acre winter storage site (total area of 0.6 acres), both in Point Judith Pond for cultivating eastern oysters (*Crassostrea virginica*). The primary site will use grow out bags in various configurations, cages, and direct bottom plant. Oysters will be placed in bottom cages for storage from December through March at the winter storage site.

Given the existence of the site for the last three years as a commercial viability permit and the absence of issues, the DMF believes that the adverse impacts to marine fisheries and their habitat from this prospective site would be minimal. As such, the DMF does not have objections to this application. However, the DMF would like the applicant to be aware that this area is sometimes used for recreational shellfishing.

The shallow waters of Point Judith Pond provide important wintering habitat for a variety of waterfowl including American Black Ducks, Mallards, Bufflehead, Goldeneye, Redbreasted Mergansers and Canada Geese. Should the lease be approved, DFW requests that from December 1<sup>st</sup> through March 31<sup>st</sup> annually, work on the winter storage lease occurs only between the hours of 10am and 2pm to minimize disturbance to wintering waterfowl.

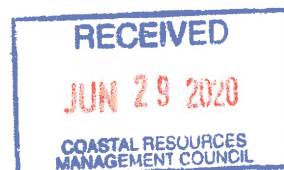
The DMF and DFW's acceptance of the current proposal is specific to the location (provided by the coordinates) and specifications outlined in the application. However, the DMF does request that coordinates be provided for both sites in decimal degree format with six digits after the decimal point. This level of precision is necessary to ensure that

the site is properly displayed in the DMF's spatial database. These higher resolution coordinates should be included in the final assent if the site is approved.

Sincerely,

A handwritten signature in black ink that reads "Jason E. McNamee". The signature is written in a cursive style with a large initial "J" and "M".

Jason McNamee,  
Deputy Director, Bureau of Natural Resources





F1



# 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 # 2020-05-083, Andrew Van Hemelrijck, Point Judith Pond, South Kingstown

Dear Mr. Goetsch:

Pursuant to RIGL §20-10-5, the above-referenced aquaculture lease application was brought before the RI Marine Fisheries Council (hereafter "Council" or "RIMFC") via the Council's Shellfish Advisory Panel (SAP) on September 2, 2020. The SAP found that the application is consistent with competing uses engaged in the exploitation of marine fisheries in the area. In accordance with RIMFC policy, the recommendation of the SAP constitutes the recommendation of the Council, unless there is a request to bring the matter before the full Council. Given that no such request was made on this matter, the SAP's recommendation stands as the Council's recommendation and the Council's review is complete.

Sincerely,

Robert Ballou, Chair  
RIMFC

cc: RIMFC Members  
Mike Wierbonics, USACOE  
Alicia Wilson, USACOE

# **SHELLFISH ADVISORY PANEL**

**Virtual public meeting  
Zoom webinar**

September 2, 2020



F2

# Virtual Meeting Participation



1. All participants will be muted throughout the meeting.
2. To make a comment or ask a question you must use the **Raise Hand** feature in the zoom webinar.
3. The meeting facilitator will un-mute one participant at a time to make their comment or ask their question, the participant will then be re-muted.

**Please minimize background noise while unmuted! – Thank you**



# AGENDA

1. Aquaculture application 2019-10-047 (East Beach Oyster Co. LLC, Papa).
2. Aquaculture application 2020-05-083 (Van Hemelrijck).
3. Aquaculture application 2020-04-037 (Bowen).
4. Shellfish harvest schedules for winter management areas (Greenwich Bay, Bissel Cove, and Bristol Harbor Shellfish Management Areas).
5. Providence River Transplant.
6. Any Other Matters.



# Council/SAP Aquaculture Application Review

## (R.I. Gen Laws § 20-10-5(d))

### **§ 20-10-5. Procedures for approval.**

- (a) Upon submission of a completed application to the CRMC, the CRMC shall notify the director, the MFC and any other parties that the CRMC may by regulation designate.
- (b) No application shall be approved by the CRMC or a permit granted prior to the consideration of recommendations by both the director and the MFC.
- (c) The director shall review the application to determine whether the aquaculture activities proposed in the application are:
  - (1) Not likely to cause an adverse effect on the marine life adjacent to the area to be subject to the permit and the waters of the state;
  - (2) Not likely to have an adverse effect on the continued vitality of indigenous fisheries of the state.
- (d) The MFC shall review the application to determine whether the aquaculture activities proposed in the application are consistent with competing uses engaged in the exploitation of the marine fisheries.
- (e) The approval by the CRMC shall be subject to any public hearings, consistent with chapter 35 of title 42, that it may require.

# 1. 2019-10-047 East Beach Co. LLC (Papa), Ninigret Pond

- 4.91 acre net expansion of current 11.8 acre lease (total of 15.6 acres)
- Reconfiguration of existing bottom plant to avoid boat traffic.
- CRMC site assessment found mostly soft mud bottom in 8-10 ft of water with 1.4 quahogs/m<sup>2</sup>



**2019-10-047 East Beach Oyster Co. LLC (Papa), Ninigret Pond**



**Motion: to recommend to CRMC that the aquaculture activities proposed in the application is consistent with competing uses engaged in the exploitation of marine fisheries.**

***Motion made by: MM***

***Motion 2<sup>nd</sup> by: RP***

***Yea: JG, DG, MM, GS, MS, RT, RP, JM***

***Nay:***





## 2020-05-083 Van Hemelrijck, Point Judith Pond



**Motion:** to recommend to CRMC that the aquaculture activities proposed in the application is consistent with competing uses engaged in the exploitation of marine fisheries.

*Motion made by: RP*

*Motion 2<sup>nd</sup> by: DG*

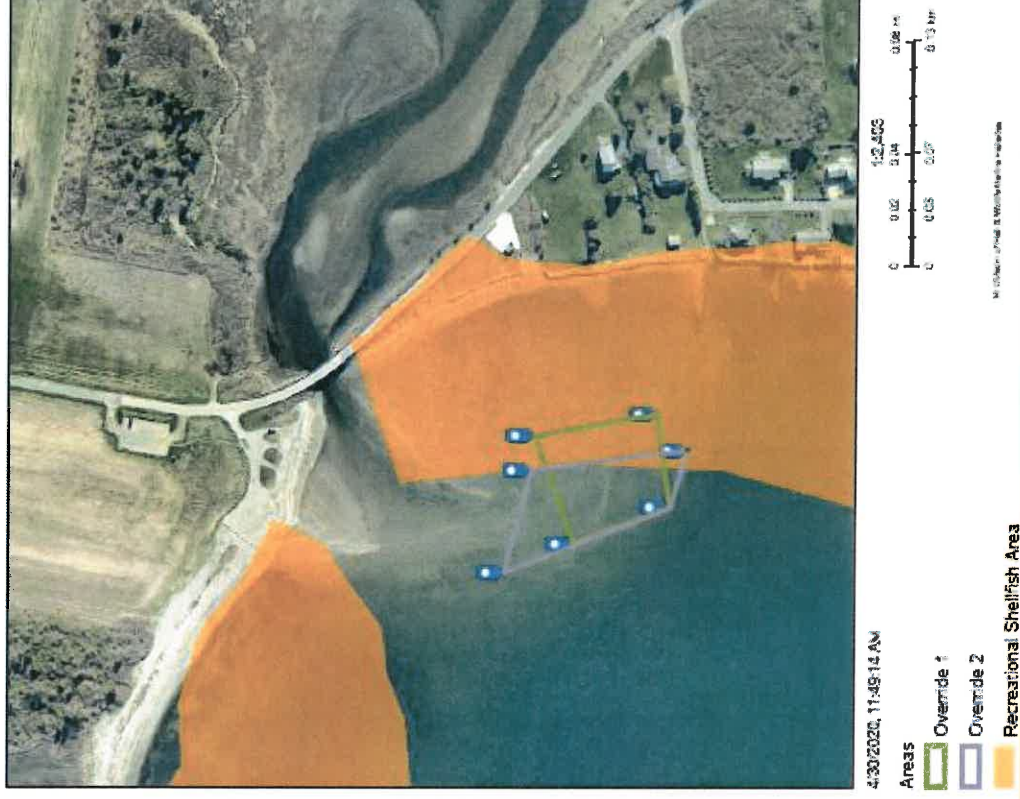
*Yea: JG, DG, MM, GS, DM, RP*

*Nay: RT*

### 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/m<sup>2</sup>
- Site access via boat or private property.

Aquaculture Location Sketch



## 2020-04-037 Bowen, Sakonnet River



**Motion:** 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.

*Motion made by: MM*

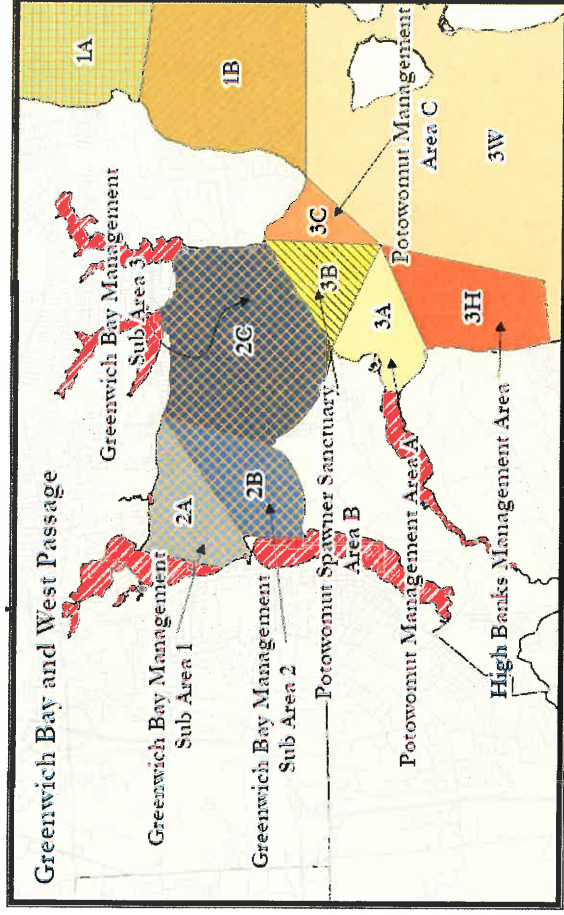
*Motion 2<sup>nd</sup> by: GS*

*Yea: DG, MM, GS, BB, RT, RP, JM,*

*Nay:*

*Abstain: JG*

## 4. Discussion on Winter Harvest Schedule for Shellfish Management Areas: Greenwich Bay Areas 1 and 2



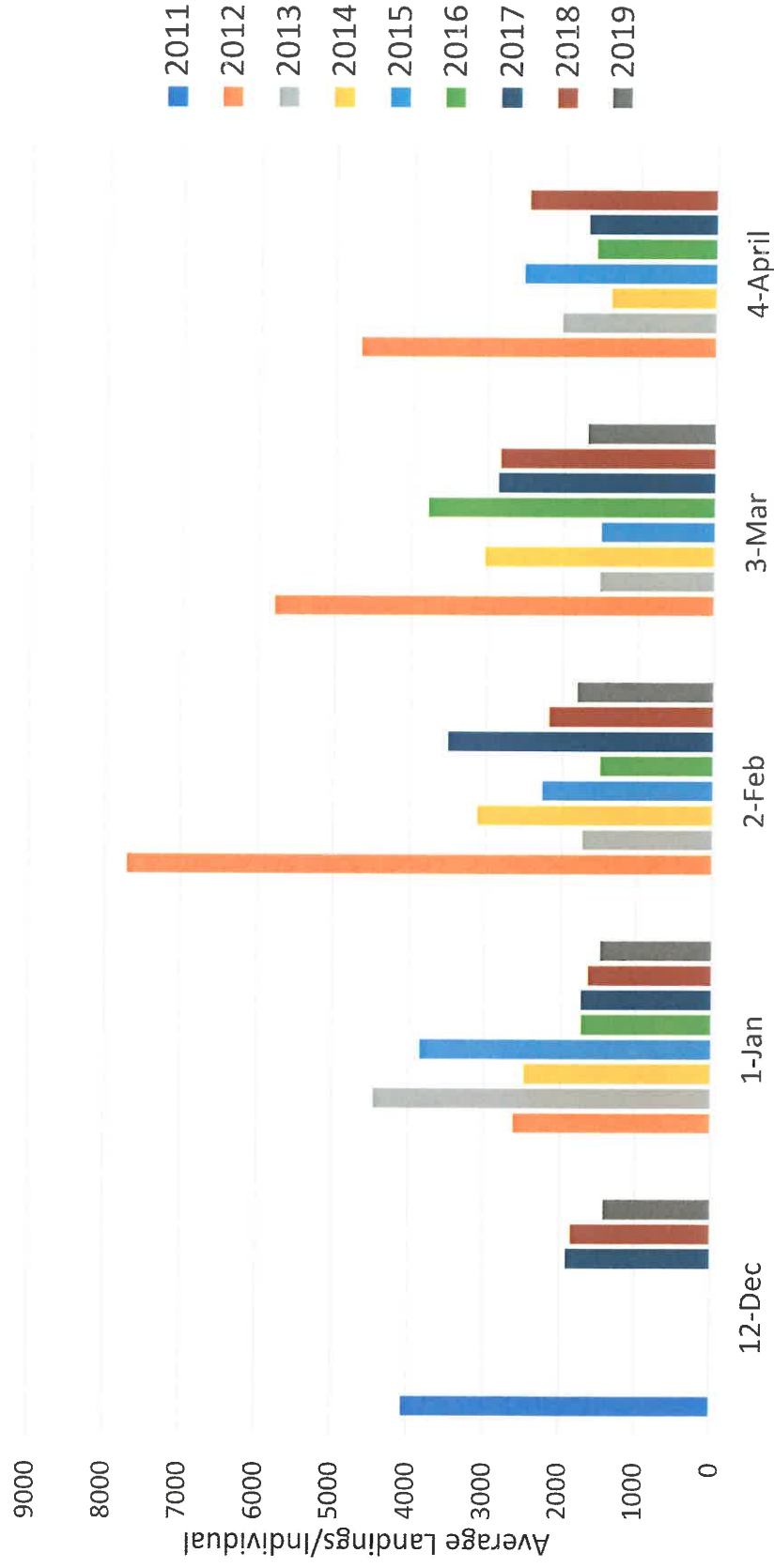
### *Provisions for Proposal*

The schedule for the month of December may include up to 48 hours of permitted shellfishing, spread over any number of days during the month, excluding December 25.

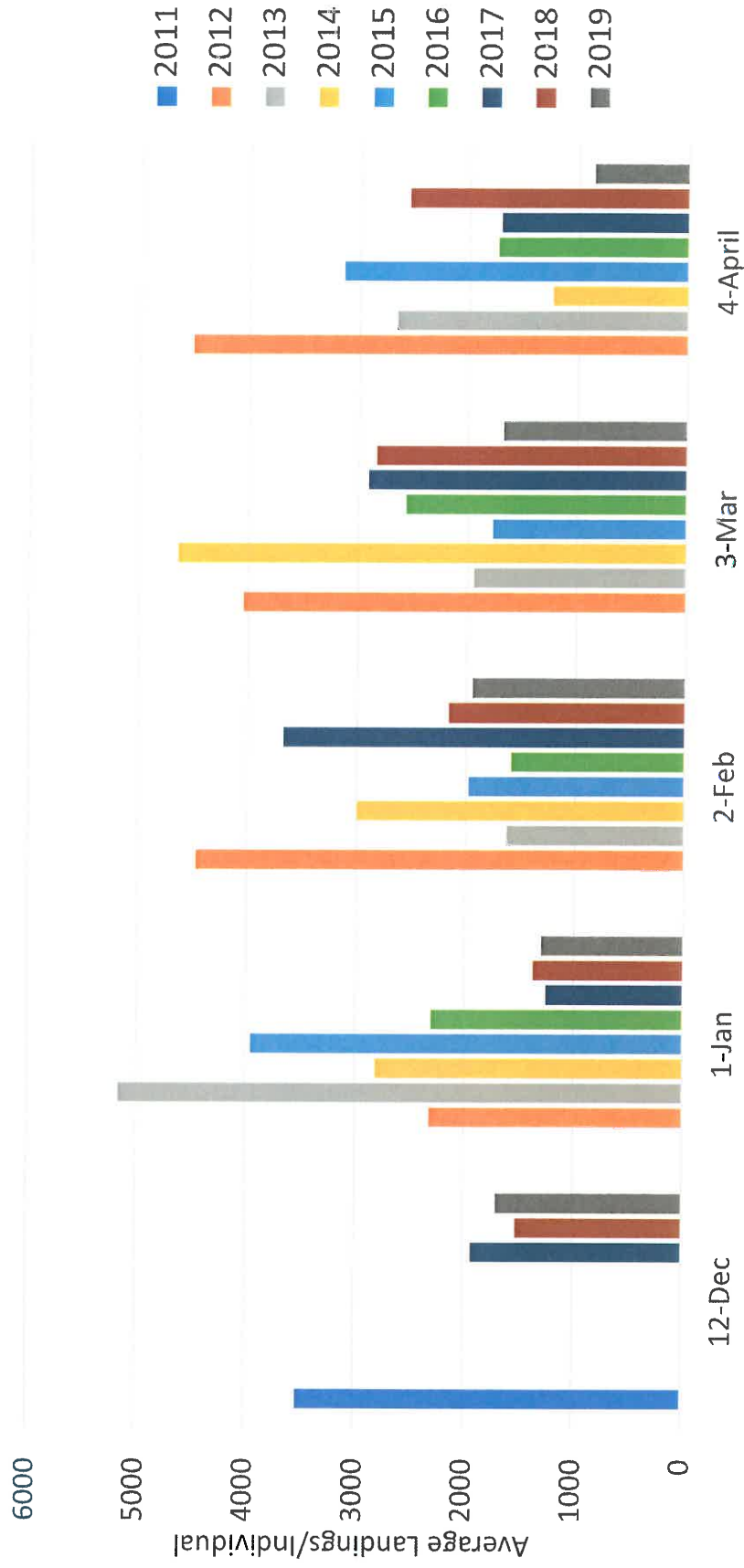
### Default

Open 8:00A.M. to 12:00P.M.  
noon on Mondays,  
Wednesdays, and Fridays,  
beginning on the second  
Wednesday of December  
(9<sup>th</sup>) and continuing through  
the last Friday in April  
(30<sup>th</sup>), excluding December  
25 and January 1 annually.

## 4. Discussion on Winter Harvest Schedule for Shellfish Management Areas: Greenwich Bay Area 2A



## 4. Discussion on Winter Harvest Schedule for Shellfish Management Areas: Greenwich Bay Area 2B





## **Winter Harvest Schedule for Shellfish Management Areas: Greenwich Bay Sub Areas 1 and 2**

**Motion:** 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 31<sup>st</sup> would only be permissible if weather closures do not permit harvest during one of the scheduled days.

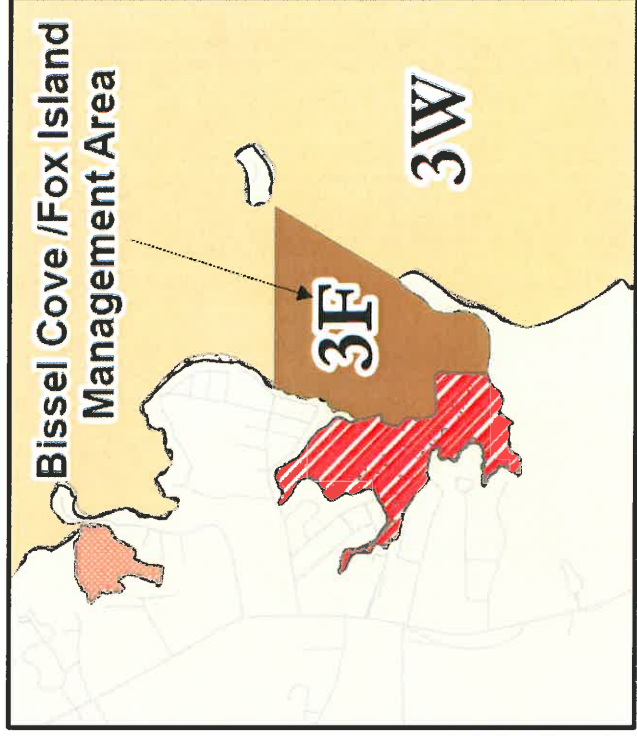
*Motion made by: MM*

*Motion 2<sup>nd</sup> by: DG*

*Yea: DG, MM, GS, JG, BB, RT, RP, JM*

*Nay:*

## 4. Discussion on Winter Harvest Schedule for Shellfish Management Areas: Bissel Cove

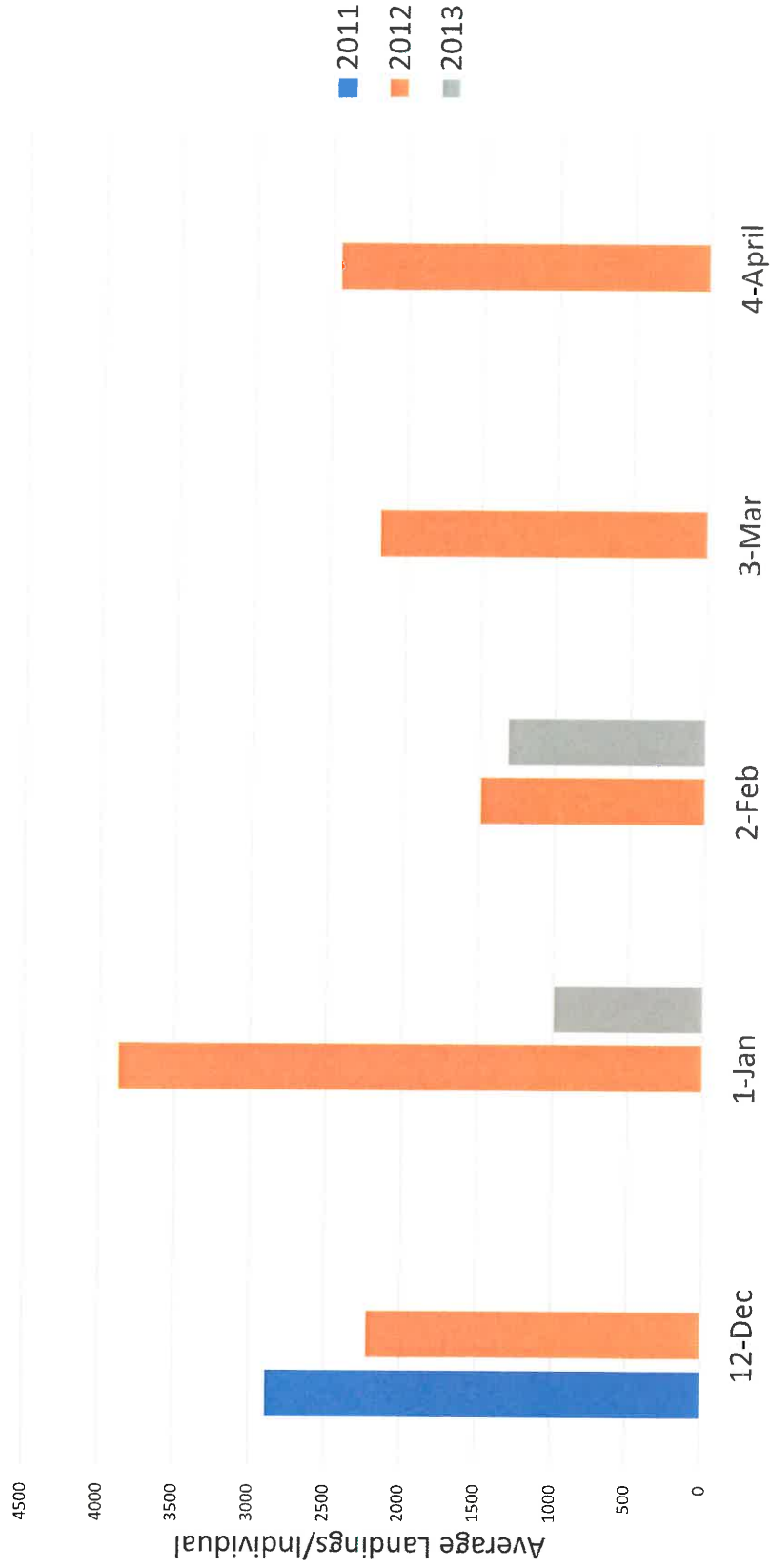


### Default

Open 8:00A.M. to 12:00P.M. noon on Mondays, Wednesdays, and Fridays, beginning on the second Wednesday of December and continuing through the end of April, excluding December 25 and January 1 annually.



## 4. Discussion on Winter Harvest Schedule for Shellfish Management Areas: Bissel Cove 3F



## Winter Harvest Schedule for Shellfish Management Areas: Bissel Cove 3F



**Motion:** 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 31<sup>st</sup> would only be permissible if weather closures do not permit harvest during one of the scheduled days.

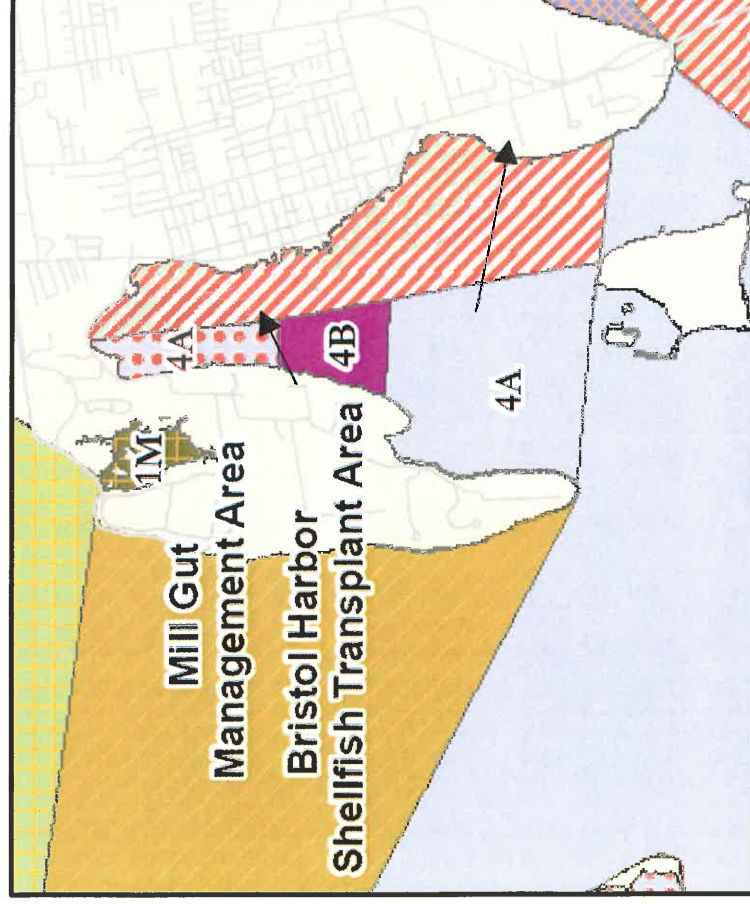
*Motion made by: MM*

*Motion 2<sup>nd</sup> by: GS*

*Yea: DG, MM, GS, BB, RT, JM*

*Nay:*

## 4. Discussion on Winter Harvest Schedule for Shellfish Management Areas: Bristol Harbor



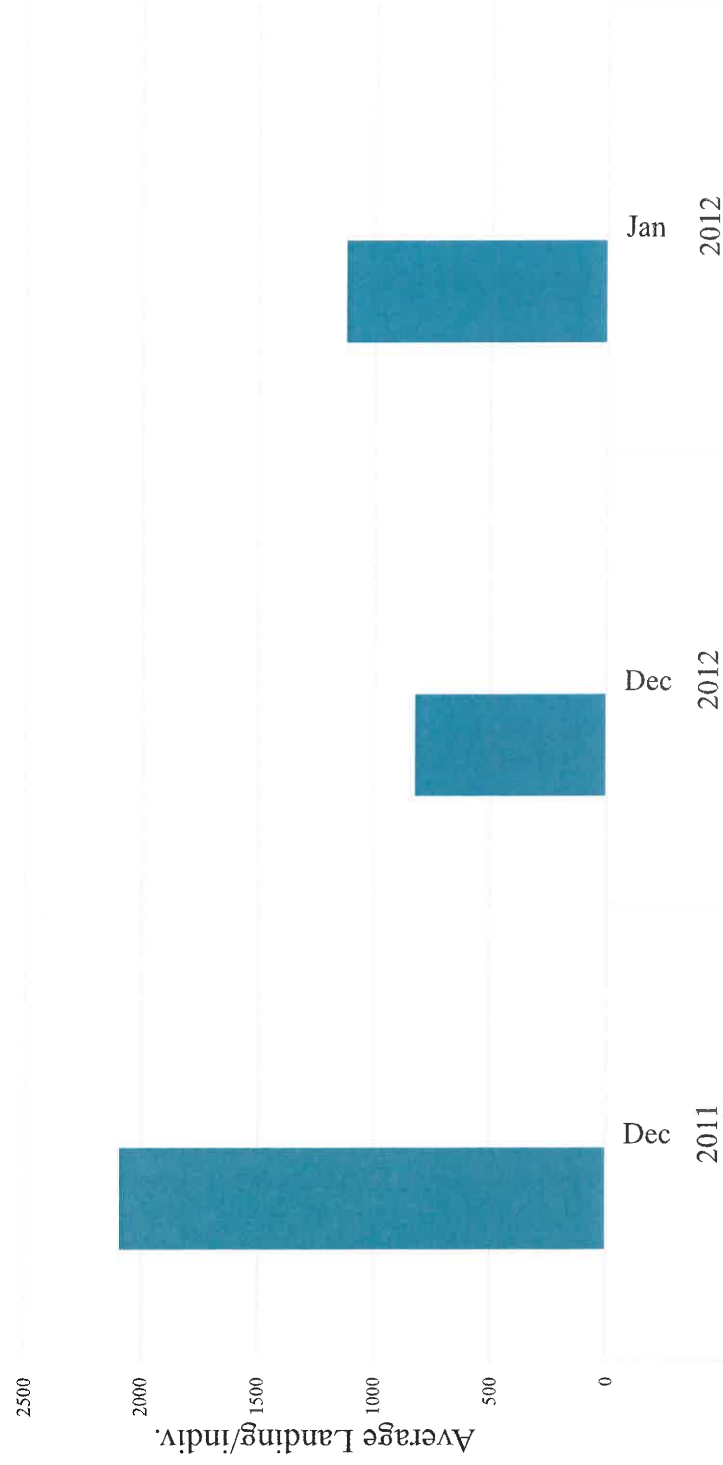
### Default

- Open 8:00A.M. to 12:00P.M. noon on Mondays, Wednesdays, and Fridays, beginning on January 2 and continuing through January 31.
- Open daily February 1 through April 30.
- Closed May 1 through January 1.

## 4. Discussion on Winter Harvest Schedule for Shellfish Management Areas: Bristol Harbor 4B



Bristol Harbor 4B  
Average Winter Harvest Landings





**Winter Harvest Schedule for Shellfish Management Areas:**  
**Bristol Harbor 4B**

**Motion: to recommend to the council to keep the schedule as is.**

*Motion made by: JM*

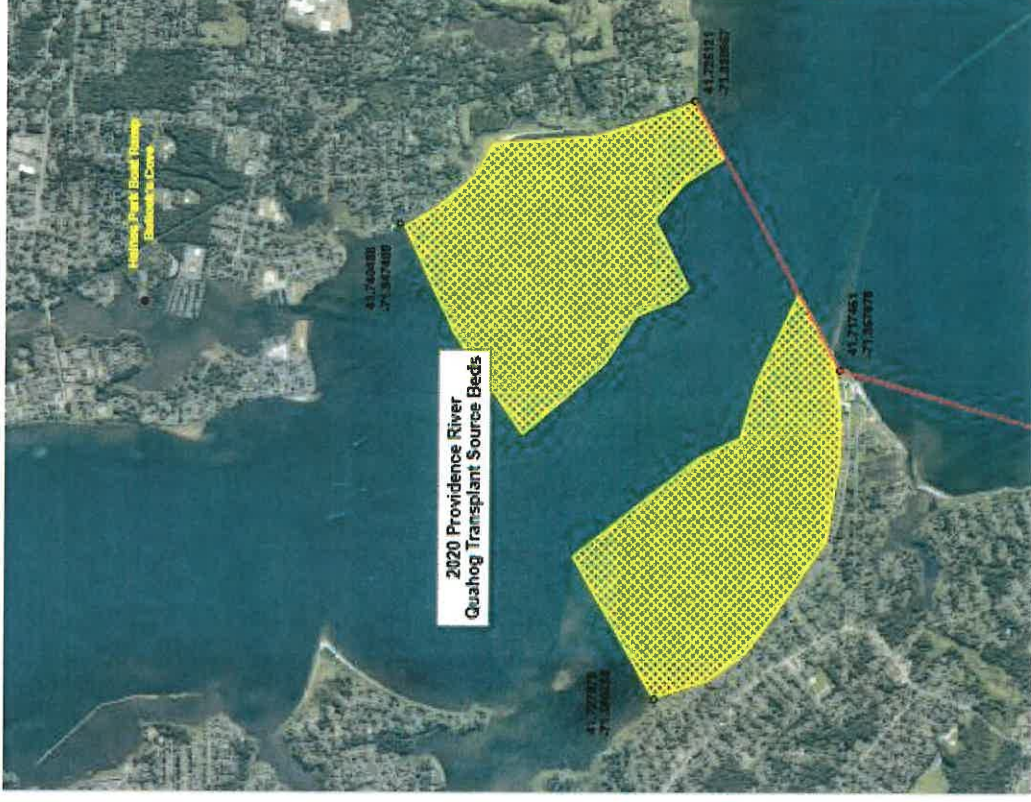
*Motion 2<sup>nd</sup> by: MM*

***Yea: DG, MM, GS, BB, RT, JM***

***Nay:***

## 5. Providence River Transplant

- Tuesday September 15<sup>th</sup> (weather day on Wednesday the 16<sup>th</sup>).
- 8:00AM – 12:00PM
- R/V John Chafee base of operations will be anchored centrally in lower PR
- Shellfisherman will be paid \$15 per 50 lb bag if assisting with dumping, otherwise \$10 per 50 lb bag
- Submit W-9 forms by **September 7<sup>th</sup>** to Kim Kirwan via email or mail, this also serves as a RSVP
- If a weather delay is necessary, a Marine Fisheries Listserve will be sent out and a recording on the Water Quality Closure Hotline (401)-222-2900.





## 6. Any Other Matters?

G



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](http://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: 2020-05-053

Applicant: A. Van Herbrijde

Town: Narragansett

Response Date: 6/22/20

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







RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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

H

April 8, 2020  
Dave Beutel Aquaculture Coordinator  
Coastal Resources Management Council  
Wakefield, RI 02879-1900

Dear Mr. Beutel,

I am writing in reference to the Preliminary Determination request by Andrew Van Hemelrijck . (File number 2020-03-029). The proposed location for this site is in waters approved for shellfish harvesting located in shellfish classification area GA-10 Point Judith Pond, harvest area 6P in the town of Narragansett .

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

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

The applicant should be aware that at the 2017 ISSC conference, changes were adopted to the model ordinance relating to floating aquaculture gear. These changes are now included in the 2017 NSSP Model Ordinance. The changes adopted by FDA include a requirement that aquaculture gear that attracts birds or mammals to the extent that their waste presents a human health risk shall have a written operation plan. As this is now a requirement, please advise the applicant and encourage him to consider methods to deter waterfowl attraction in consultation with RIDEM Division of Marine Fisheries

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

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

Sincerely,

*Lucinda M. Hannus*

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

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



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

December 23, 2020

Regulatory Division  
File No. NAE-2020- 01209  
CRMC File No. 2020-05-083

Andrew Van Hemelrijck  
167 Broad Rock Rd.  
South Kingstown, Rhode Island 02879  
[andrewvanhemelrijck@gmail.com](mailto:andrewvanhemelrijck@gmail.com)

Dear Andrew Van Hemelrijck:

We have reviewed your application to install and maintain a total of 90 bottom cages, 1,500 grow out rack and bag gear and direct bottom plantings on a primary lease site of 0.55 acres and 80 bottom cages on a winter lease site on 0.05 acres to grow eastern oysters (*Crassostrea virginica*) and quahogs (*Mercenaria mercenaria*) in Point Judith Pond, Narragansett, RI. At the primary site, a maximum of 20 horizontal trawl lines will be clipped to anchor trawls of grow out bags (75 per line) with 1000 on PVC racks and 500 on the 5" PVC feet with 2 horizontal lines running along the seafloor for each trawl with each bag clipped on either side to each line and 2-4 helical anchors per trawl. A maximum of 18 horizontal lines will also be used to string together trawls of cages as they lie on the seafloor. Cages will be spaced so these lines remain taut and will be marked with a maximum of a single buoy and vertical line per trawl. The maximum of 18 vertical buoys will be used to mark the trawl lines and 4 corner buoys plus 4 additional buoys to delineate the perimeter, for a total of 26 buoys and helical screw anchors. The bottom cages (90 total) will occupy an area of 1,653.75 square feet, bottom grow out bags (1500 total) will occupy an area of 7,921.9 square feet and direct bottom shell planting will occupy an area of 100 square feet of estuarine coarse sandy bottom substrate, in water depths of 1 - 1.5 feet mean low water and 4.4 – 5 feet mean high water. A 0.05 acre winter site will be used seasonally from December 1 – May 30. The bottom cages (80 total) will occupy an area of 1,470 square feet of estuarine coarse sandy bottom substrate, in water depths of 4 - 6 feet mean low water and 7.5 – 9.5 feet mean high water. A maximum of 16 trawl lines will be used to string together trawls of cages as they lie on the seafloor. Cages will be spaced so these lines remain taut and will be marked with a maximum of a single buoy and vertical line per trawl. A maximum of 16 buoys will be used at the winter site (in addition to the corner and perimeter buoys). Both areas will be marked with 4 yellow corner 11" pot buoys while gear is onsite and will be secured with a single vertical line and a concrete anchor. This project is located in Point Judith Pond, Narragansett, Rhode Island. This work is shown on the enclosed plans titled "Andrew Van Hemelrijck Aquaculture Lease Application" on eight sheets, and dated "June 9, 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. Any seasonal buoys, weights and associated gear shall be removed during the off season or when not in use. The gear shall be stored in upland areas to minimize the effects of habitat exclusion, loss or alteration for essential fish habitat and fishery resources. This condition will ensure that impact of the structures on fisheries habitat and protected resources is reasonably reduced such that it is seasonal and temporary.
4. The gear site shall be visited by an attendant surface vessel at least once a week, site conditions permitting and the applicant will use equipment to ensure that constant tension is maintained on the line at all tides. Any noticeable difference in surface buoy or line tension such as any gaps in the horizontal line or movement of vertical lines will prompt an investigation into the tension of that line. If a problem is identified it will be corrected that day. This condition has been included to ensure that if an issue related to the stability of the system arises, that it will be expeditiously addressed by the permittee.
5. The work vessel will proceed cautiously when traveling to and from the site. Project personnel will maintain a vigilant watch for threatened or endangered sea turtles and sturgeon during all transits and will report any sightings to NOAA as specified in 8 below.
6. 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](mailto: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 RGPs.

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](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,

Kevin R. Kotelly, P.E.  
Chief, Permits & Enforcement Branch  
Regulatory Division

Enclosures

cc:

Dave Reis, CRMC, Wakefield, RI; [dreis@crmc.ri.gov](mailto:dreis@crmc.ri.gov)

Ben Goetsch, CRMC Aquaculture, Wakefield, RI; [bgoetsch@crmc.ri.gov](mailto:bgoetsch@crmc.ri.gov)

Erica Sachs, U.S. EPA, Region 1, Boston, Massachusetts, [sachs.eric@epa.gov](mailto:sachs.eric@epa.gov)

J

51 Flintstone Rd.  
Narragansett, RI 02882  
8 July 2020

Ms. Lisa Turner  
Office Manager  
CRMC  
Oliver Stedman Government Center  
4808 Tower Hill Road, Room 116  
Wakefield, RI 02879

Re: File Number: 2020-05-083, Andrew Van Hemelrijck

---

Dear Ms. Turner:

I am writing on behalf of the Harbour Island Improvement Association (HIIA) regarding the application of Andrew Van Hemelrijck (File Number: 2020-05-083). Harbour Island is a residential community of approximately 325 homes and has an association membership exceeding 200 families. HIIA has been negatively impacted by the influx of aquaculture sites in Point Judith Pond primarily in two ways. One, it has taken away the recreational quahogging that historically had been accessed in some of the granted sites despite personal assurances and a regulation that says otherwise. Two, it has negatively impacted the recreational use of some areas in terms of boating, fishing, swimming and other recreational water sports.

The attached map of existing sites is evidence of the impact that aquaculture has had on the recreational use of Point Judith Pond. As an association, our initial reaction was to oppose the above sited application of Andrew VanHmelrijck. However, based upon correspondence between Rick Black, 51 Flintstone Road, Narragansett and Benjamin Goetsch, CRMC Aquaculture Coordinator stating this would be the last application that would receive a permit based on the 5% rule, we will not oppose this application.

Please note, we want to be on record that there will be no further expansion of existing sites and the addition of new sites. Also, we would like to be informed as to how existing sites are monitored for compliance to the actual permit granted.

Respectfully submitted,

  
Rodman R. (Rick) Black, Jr.

Harbour Island President

51 Flintstone Road

Narragansett,

RI 02882

401.284.0210

[rblackjr@aol.com](mailto:rblackjr@aol.com)

cc: Benjamin Goetsch, CRMC

Harbour Island Improvement Association Board of Directors

/attachment (Benjamin Goetsch email to R.R. Black, Jr. 07.01.2020)

/attachment (Town of Narragansett, Point Judith Pond, Aquaculture Sites as of 07.11.2018)



Wed, Jul 1, 2020 10:36 am

Benjamin Goetsch (bgoetsch@crmc.ri.gov) To: you Details  
Greetings Rick,

Per CRMC regs Section 300.11: "the area occupied by commercial aquaculture shall not exceed five percent of the total open water area of the coastal ponds below MLW. This limit is established upon the current knowledge of the ecological carrying capacity models." This calculation was done back in 2008 but the actual carrying capacity of the ponds has since been recalculated to be 46%, however the 5% rule remains in effect and there are no plans to change it.

The total open water areas of the individual ponds of RI can be found in CRMC's Salt Pond Special Area Management Plan (Salt Pond SAMP), which is referenced in the 5% regulation as well. Point Judith Pond is listed there as having 1530 acres which leaves 76.5 acres for aquaculture. If approved, this application for 0.6 acres will bring PJP to that limit and any further applications for PJP will be rejected outright as inconsistent with the regulations.

Proposed aquaculture sites are surveyed for shellfish density as part of the review process and, according to statute, that survey information along with the full application is reviewed by the RI Marine Fisheries Council and their Shellfish Advisory Panel for conflicts with recreational and commercial fishing, including shellfishing. The members of both bodies consist of commercial quahoggers/fishermen and recreational fishermen/shellfishermen to ensure that aquaculture is not inconsistent with the pursuit of the marine fisheries.

Once a site is leased, per CRMC regs, neither the public nor the aquaculturist can take any naturally occurring shellfish there.

If you would like to discuss further please give me call.

Best regards,

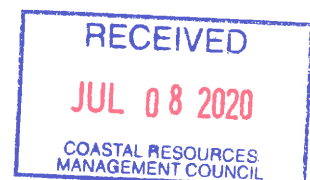
Benjamin Goetsch  
Coastal Resources Management Council  
Aquaculture Coordinator  
Oliver Stedman Government Center  
4808 Tower Hill Road  
Wakefield, RI 02879  
401-783-3370

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

From: Rick Black [mailto:[rblackjr@aol.com](mailto:rblackjr@aol.com)]

Sent: Tuesday, June 30, 2020 6:42 PM

To: [bgoetsch@crmc.ri.gov](mailto:bgoetsch@crmc.ri.gov)



Cc: Art Ganz <[ganzap@verizon.net](mailto:ganzap@verizon.net)>

Subject: Question re: 5%

Benjamin:

Thanks for your response to Art Ganz's inquiry. The question that I have never been able to get an answer to is how is the 5% calculated? I have yet to see a definition in terms of what is included and excluded. For example, are governmental, navigation channels excluded or included? What about the permanent shellfishing closures in the north end of Point Judith Pond due to the Saugatuck River outflow of highly tainted water and the concentration of marinas? Are these areas included in the calculation or not?

Additionally, I was under the impression that the aquaculture sites would not impede upon the rights of others, commercial or recreational, in quahogging? The two approved, sites on the west side of PJ Pond are over what used to be prime quahogging grounds. I used to quahog one both areas and cannot today. This is not right.

I would appreciate a response at your earliest response.

Sincerely,

Rick Black  
Harbour Island  
Narragansett

Sent from my iPhone





# Town of Narragansett

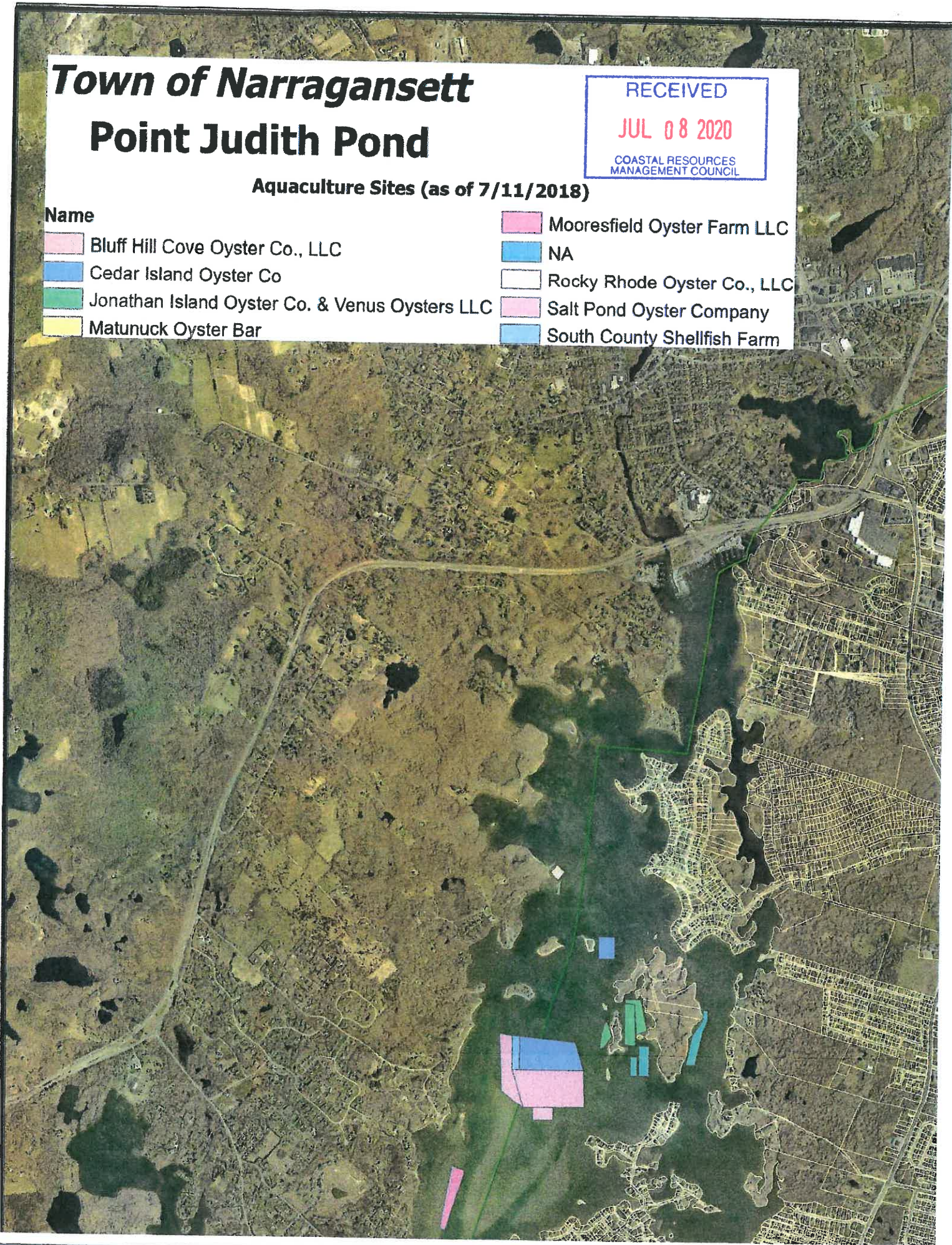
## Point Judith Pond

Aquaculture Sites (as of 7/11/2018)

RECEIVED  
JUL 08 2020  
COASTAL RESOURCES  
MANAGEMENT COUNCIL

Name

- |  |   |
|--|---|
|  Bluff Hill Cove Oyster Co., LLC                |  Mooresfield Oyster Farm LLC |
|  Cedar Island Oyster Co                         |  NA                          |
|  Jonathan Island Oyster Co. & Venus Oysters LLC |  Rocky Rhode Oyster Co., LLC |
|  Matunuck Oyster Bar                            |  Salt Pond Oyster Company    |
|  |  South County Shellfish Farm |



K

June 30, 2020

Mr. Ben Gretsch, RI CRMC  
Re: Application # 2020-05-083

Attached are twenty-two letters of objection to the application above. They are from home owners on Mollusk Drive (and a few others). These letters of objection are referenced in the letter sent to CRMC from Maureen Hobson and Rodger Coutu on June 24, 2020.



June 29, 2020

Coastal Resources Management Council  
4808 Tower Hill Road, Suite 3  
Wakefield, RI 02879

Re: Application file # 2020-05-083

CRMC Council:

We object to granting of a lease for a proposed oyster farm in the Point Judith Pond for the reasons stated in the letter sent to CRMC from Maureen Hobson and Roger Coutu on June 24, 2020.

To take away this shell fishing and recreation natural resource for the sake of a commercial oyster farm would be a disservice to Rhode Island.

We encourage the CRMC to reject this application.

Sincerely



William R. Lawler



Marcia J. Lawler

25 Mollusk Drive

Narragansett, RI.

401-792-3583

bill.lawler@cox.net



Coastal Resources Management Council  
4808 Tower Hill Road, Suite 3  
Wakefield, RI 02879

June 26, 2020

Re: Application file # 2020-05-083

CRMC Council:

I object to granting of a lease for a proposed oyster farm in the Point Judith Pond for the reasons stated in the letter sent to CRMC from Maureen Hobson and Roger Coutu on June 24, 2020.

To take away this shell fishing and recreation natural resource for the sake of a commercial oyster farm would be a disservice to Rhode Island.

I encourage the CRMC to reject this application.

Sincerely

Name Patricia J. Morin

Address 13 Mollusk Dr.

Narragansett RI 02882

Email PJMORIN91@gmail.com

Phone 401-996-6327



Coastal Resources Management Council  
4808 Tower Hill Road, Suite 3  
Wakefield, RI 02879

June 26, 2020

Re: Application file # 2020-05-083

CRMC Council:

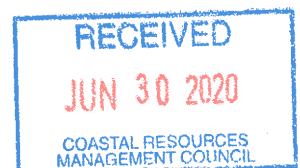
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To take away this shell fishing and recreation natural resource for the sake of a commercial oyster farm would be a disservice to Rhode Island.

I encourage the CRMC to reject this application.

Sincerely

Name Lisa J. Capasso TR  
Address 9 Mollusk Dr.  
Narragansett, RI 02882  
Email Lcapasso@mac.com  
Phone 617-285-4641



June 26, 2020

Coastal Resources Management Council  
4808 Tower Hill Road, Suite 3  
Wakefield, RI 02879

Re: Application file # 2020-05-083

CRMC Council:

I object to granting of a lease for a proposed oyster farm in the Point Judith Pond for the reasons stated in the letter sent to CRMC from Maureen Hobson and Roger Coutu on June 24, 2020.

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I encourage the CRMC to reject this application.

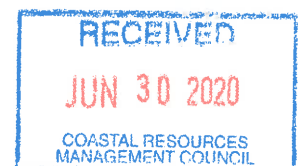
Sincerely

Name Michael + Stacey Hiltner

Address 41 Basin Rd  
Narragansett, RI 02882

Email \_\_\_\_\_

Phone 401-573-2606



June 26, 2020

Coastal Resources Management Council  
4808 Tower Hill Road, Suite 3  
Wakefield, RI 02879

Re: Application file # 2020-05-083

CRMC Council:

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Sincerely

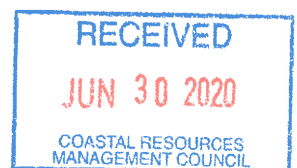
Name Maria Perrotta

Address 41 Angell Rd

Narragansett, RI 02882

Email Loumarper@aol.com

Phone 401-789-5701



June 26, 2020

Coastal Resources Management Council  
4808 Tower Hill Road, Suite 3  
Wakefield, RI 02879

Re: Application file # 2020-05-083

CRMC Council:

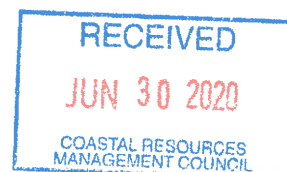
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To take away this shell fishing and recreation natural resource for the sake of a commercial oyster farm would be a disservice to Rhode Island.

I encourage the CRMC to reject this application.

Sincerely

Name Eric D. Hedison  
Address 15 MOLLUSK DR.  
NARRAGANSETT, R.I. 02882  
Email ehedison@cox.net  
Phone 401-369-1806





June 26, 2020

Coastal Resources Management Council  
4808 Tower Hill Road, Suite 3  
Wakefield, RI 02879

Re: Application file # 2020-05-083

CRMC Council:

I object to granting of a lease for a proposed oyster farm in the Point Judith Pond for the reasons stated in the letter sent to CRMC from Maureen Hobson and Roger Coutu on June 24, 2020.

To take away this shell fishing and recreation natural resource for the sake of a commercial oyster farm would be a disservice to Rhode Island.

I encourage the CRMC to reject this application.

Sincerely

Name

James M. Aggnon

Address

29 East Shore Rd

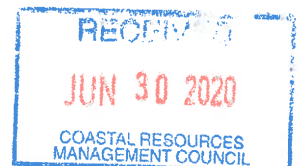
Narragansett, RI 02882

Email

aggnon126cox.net

Phone

(401) 369-0450



June 26, 2020

Coastal Resources Management Council  
4808 Tower Hill Road, Suite 3  
Wakefield, RI 02879

Re: Application file # 2020-05-083

CRMC Council:

I object to granting of a lease for a proposed oyster farm in the Point Judith Pond for the reasons stated in the letter sent to CRMC from Maureen Hobson and Roger Coutu on June 24, 2020.

To take away this shell fishing and recreation natural resource for the sake of a commercial oyster farm would be a disservice to Rhode Island.

I encourage the CRMC to reject this application.

Sincerely

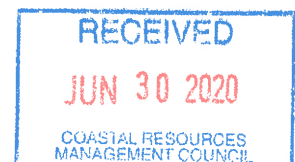
Name Karen & Mark Schaussta

Address 29 Mollusk

Naragansett, RI

Email mschauster@empireindustries.com

Phone 860-559-4513



222 Jefferson Blvd.  
WARWICK, RHODE ISLAND 02888  
401-739-1115; 401-739-1171 FAX  
INTERNET [HCJ35@HCJ35.COM](mailto:HCJ35@HCJ35.COM)

**HOBSON & COUTU, LIMITED**  
*ATTORNEYS AT LAW*

---

June 23, 2020

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

Sent via email: [bgoetsch@crmc.ri.gov](mailto:bgoetsch@crmc.ri.gov)  
[cstaff@crmc.ri.gov](mailto:cstaff@crmc.ri.gov)

Re: Application # 2020-05-083  
Andrew Van Hemelrijck

CRMC Council Members and Staff:

I am writing to you to object to the above referenced petition for an assent to construct and maintain an oyster farm in Point Judith Pond.

The proposed oyster farm is directly in front of my home located at 21 Mollusk Drive in Narragansett. According to the application, the proposed oyster farm is 411 feet from the shore in the vicinity of my home. However, the distance to the shore does not take into account the length of the fixed piers and docks located at my home and the adjoining properties on the west side of Mollusk Drive. The length of the docks on the properties is necessitated by the tidal floor. All of the docks were placed pursuant to coastal assents granted to the home owners many years ago. Therefore, the eastern portion of the oyster farm is 300 feet, more or less, from the most westerly point of the docks. To the immediate west of the docks, there is a channel that is navigable by boats, allowing for boat access to the homes on Mollusk Drive. The proposed oyster farm abuts the west side of the existing channel. There are at least 10 homes with docks located on the west side of Mollusk Drive.

Homeowners on Mollusk drive are opposed to the granting of an assent. The application indicates that the proposed oyster farm is north of Little Comfort. However, the area just north of Little comfort is an open cove that extends inland to Conch Road in the exact area where the applicant's parents reside. Viewing the application, it appears that the proposed site is in an area that is adjacent, but further west, of the parents' property. In reality, the site is significantly north of the open cove and directly in front of the Mollusk Drive properties.

Owners of the properties on Mollusk Drive, those with docks and without, are frequent users of the Salt Pond. It is a safe place for children and grandchildren to boat, sail, kayak, fish and shellfish. The area between the shore and the eastern edge of the main Narragansett/South Kingstown boat channel provides a safe place for local recreational activities. The proposed oyster farm is in the middle of that area.

In its proposed location, the oyster farm constitutes a hazard to navigation and deprives Mollusk Drive homeowners and members of the general public of the use of Salt Pond as a community recreational space. On a daily basis, people can be seen in the water enjoying boating, bottom fishing and shell fishing in the exact area wherein the trial farm is located and the permanent farm is proposed.

In recent months, the issue of private versus public use of the state's waterfront has garnered considerable interest. Given the desire to preserve the waterfront for public use to the extent possible, it hardly seems justifiable that the CRMC would grant an assent that is in opposition to the public interest, and, more particularly, financially benefits an individual with no benefit to the state. I understand that the aquaculture lease, if granted, would net the state a meager \$150 per year in licensure fees.

On behalf of ourselves, and of the property owners whose names are attached hereto, we object to application # 2020-05-083 and request a hearing on said application.

Respectfully submitted,

Maureen A. Hobson  
Roger Coutu, Jr.

M1

## Lisa Turner

---

**From:** Benjamin Goetsch <bgoetsch@crmc.ri.gov>  
**Sent:** Monday, July 20, 2020 9:49 AM  
**To:** 'Lisa Turner'  
**Subject:** FW: CRMC Application Objection

Good morning Lisa,

Please add to Van Hemelrijck file, 2020-05-083

Thank you  
Ben

**From:** Andrew Van Hemelrijck [mailto:andrewvanhemelrijck@gmail.com]  
**Sent:** Thursday, July 16, 2020 8:08 AM  
**To:** hcj35@hcj35.com  
**Cc:** Benjamin Goetsch <bgoetsch@crmc.ri.gov>  
**Subject:** CRMC Application Objection

Hello Maureen & Roger,

I am reaching out to you in response to the objection letter that was filed regarding my application for an oyster farm in Point Judith Pond. I am writing this email with the hope of opening a dialogue with you and the homeowners who have signed their names to the petition to see if there is anything I can do to alleviate any of the concerns that have been raised. Some ideas could include modifications to the operational plan, type of gear that will be used, number or location of cages, etc.

Looking forward to hearing from you,

Andrew Van Hemelrijck



This email has been checked for viruses by AVG antivirus software.  
[www.avg.com](http://www.avg.com)

M2

## Benjamin Goetsch

---

**From:** Maureen <hcj35@aol.com>  
**Sent:** Friday, March 12, 2021 12:47 PM  
**To:** Benjamin Goetsch  
**Subject:** Re: Call regarding potential neighborhood meeting re: Van Hemelrijck aquaculture app  
File#2020-05-083

Thank you, Ben. I will get back to you once I have contacted the other objectors.

Sent from my iPhone

On Mar 12, 2021, at 11:57 AM, Benjamin Goetsch <bgoetsch@crmc.ri.gov> wrote:

Hi Maureen,

Thank you for taking my call today and agreeing to reach out to the neighborhood about potentially meeting with me to discuss the Van Hemelrijck application. As I mentioned I have the ability to schedule a zoom meeting for all to join.

Best regards,

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



Virus-free. [www.avg.com](http://www.avg.com)

M3

**Amanda Turco**

---

**From:** Benjamin Goetsch <bgoetsch@crmc.ri.gov>  
**Sent:** Monday, March 29, 2021 10:49 AM  
**To:** 'Amanda Turco'; 'Lisa Turner'  
**Subject:** FW: Proposed salt pond oyster bed

Hi Amanda for the Van Hemeljrick file 2020-05-083 -ben

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

From: Maureen [mailto:hcj35@aol.com]  
Sent: Monday, March 29, 2021 10:32 AM  
To: Benjamin Goetsch <bgoetsch@crmc.ri.gov>  
Subject: Proposed salt pond oyster bed

Hi Ben,

Just letting you know that I have reached out to the neighbor objectors about discussions with the applicant and mediation. I will keep you posted on their reply. I think discussion with the applicant may be fruitful. The site location is problematic, especially since the applicant has his own waterfront to which he has not proposed attaching the oyster farm.

Maureen

Sent from my iPad

--

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

M4

## Benjamin Goetsch

---

**From:** Benjamin Goetsch <bgoetsch@crmc.ri.gov>  
**Sent:** Tuesday, April 20, 2021 10:59 AM  
**To:** 'Maureen'  
**Cc:** 'Andrew Van Hemelrijck'  
**Subject:** RE: Proposed oyster farm for Salt Pond

Hello Maureen,

Thank you for reaching out. I think we should have the meeting before June to be safe and the first week in May works well for me. The applicant (cc'd here) has indicated he can participate as well.

I am hoping one of the following dates and time below will work for everyone. I am not sure how long our discussion will last but I am guessing about an 1hr. I am suggesting start times that allow me to stay on longer than that if need be. Let me know what works.

Tues 5/4 at 2pm, 3pm, or 4pm  
Wed 5/5 at 2pm, 3pm, or 4pm  
Thurs 5/6 at 2pm, 3pm, or 4pm

Best regards,

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

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

From: Maureen [mailto:hcj35@aol.com]  
Sent: Sunday, April 18, 2021 10:57 AM  
To: Benjamin Goetsch <bgoetsch@crmc.ri.gov>  
Subject: Proposed oyster farm for Salt Pond

Ben, I am not sure if I replied to your inquiry earlier. If I did, I apologize for being redundant. I did speak to the neighborhood objectors and they would be interested in trying to mediate this issue. I am in FI until the first week in June. If it can wait until then, we can have an in person meeting, or at least zoom everyone from one location. If we have to meet earlier than that, we will need you to facilitate a zoom meeting for the various participants in our various locations. There are at least 6 objectors to be involved in the discussions.

Please advise and thank you for reaching out to us.

Maureen A. Hobson

Sent from my iPad



MS

## Benjamin Goetsch

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**From:** Roger Coutu jr <hcj35@aol.com>  
**Sent:** Thursday, June 3, 2021 11:55 PM  
**To:** Benjamin Goetsch  
**Subject:** Re: Proposed oyster farm for Salt Pond

Ben, sorry that time just got away from me on scheduling a meeting. I will be back in RI on 6/15 and can attempt to schedule a meeting with my neighbor objectors for later that week or any time thereafter.  
Maureen A. Hobson

Sent from my iPad

> On Apr 20, 2021, at 11:28 AM, Maureen <hcj35@aol.com> wrote:

>

> Thank you. I will see what works for my neighbors, and will advise them that CRMC coordinate and initiate the zoom meeting?

>

> Sent from my iPad

>

>> On Apr 20, 2021, at 10:58 AM, Benjamin Goetsch <bgoetsch@crmc.ri.gov> wrote:

>> Hello Maureen,

>> Thank you for reaching out. I think we should have the meeting before

>> June to be safe and the first week in May works well for me. The

>> applicant (cc'd

>> here) has indicated he can participate as well.

>> I am hoping one of the following dates and time below will work for

>> everyone. I am not sure how long our discussion will last but I am

>> guessing about an 1hr. I am suggesting start times that allow me to

>> stay on longer than that if need be. Let me know what works.

>> Tues 5/4 at 2pm, 3pm, or 4pm

>> Wed 5/5 at 2pm, 3pm, or 4pm

>> Thurs 5/6 at 2pm, 3pm, or 4pm

>> Best regards,

>> Benjamin Goetsch

>> Coastal Resources Management Council

>> Aquaculture Coordinator

>> Oliver Stedman Government Center

>> 4808 Tower Hill Road

>> Wakefield, RI 02879

>> 401-783-3370

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

>> From: Maureen [mailto:hcj35@aol.com]

>> Sent: Sunday, April 18, 2021 10:57 AM

>> To: Benjamin Goetsch <bgoetsch@crmc.ri.gov>

>> Subject: Proposed oyster farm for Salt Pond Ben, I am not sure if I

>> replied to your inquiry earlier. If I did, I apologize for being

>> redundant.

>> I did speak to the neighborhood objectors and they would be

>> interested in trying to mediate this issue. I am in RI until the

>> first week in June. If it can wait until then, we can have an in  
>> person meeting, or at least zoom everyone from one location. If we  
>> have to meet earlier than that, we will need you to facilitate a zoom  
>> meeting for the various participants in our various locations. There  
>> are at least 6 objectors to be involved in the discussions.  
>> Please advise and thank you for reaching out to us.  
>> Maureen A. Hobson  
>> Sent from my iPad  
>> --  
>> This email has been checked for viruses by AVG.  
>> <https://www.avg.com>

N

## Benjamin Goetsch

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**From:** Andrew Van Hemelrijck <andrewvanhemelrijck@gmail.com>  
**Sent:** Tuesday, March 14, 2023 9:02 AM  
**To:** Benjamin Goetsch  
**Subject:** Re: USDA Mediation service

Thanks Ben. Looks really helpful. I'll look into it.

Andrew

On Mon, Mar 13, 2023 at 4:02 PM Benjamin Goetsch <[bgoetsch@crmc.ri.gov](mailto:bgoetsch@crmc.ri.gov)> wrote:

Hi Andrew,

See here for details: [https://web.uri.edu/wp-content/uploads/sites/16/RIAMP\\_TriFoldSpring2021.pdf](https://web.uri.edu/wp-content/uploads/sites/16/RIAMP_TriFoldSpring2021.pdf)

Benjamin Goetsch

Coastal Resources Management Council

Aquaculture Coordinator

Oliver Stedman Government Center

4808 Tower Hill Road

Wakefield, RI 02879

Office: 401-783-3370



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*"I wanted to let you know that our lease application to move from our current site to the new larger site was unanimously approved by Coastal Resources Management Council (CRMC). There were minimal public objections and those that did object were primarily concerned with the lack of a larger plan within CRMC for aquaculture growth. The chair of CRMC expressed her appreciation that we had taken the time and made the effort to work with all the stakeholders in advance of the meeting. She commented how unusual and how refreshing this was."*



*I am so very grateful for the support and resources your organization put towards this outcome free of charge. I am proud of the work we did and feel that it could be a model for future lease applications. Thank you for everything."*

**Jules Opton-Himmel  
Walrus and Carpenter Oysters**

## CONTACT US!

Center for Mediation and Collaboration  
641 Bald Hill Road Suite 201  
Warwick, RI 02886  
401.273.9999  
www.cmcrti.org  
agmediationri@gmail.com

### USDA Non-Discrimination Statement

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To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at How to File a Program Discrimination Complaint and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 642-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.inake@usda.gov.

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Center for Mediation and Collaboration RI

# RI AGRICULTURAL MEDIATION PROGRAM (RIAMP)

Resolve disputes  
with the help of  
mediation!



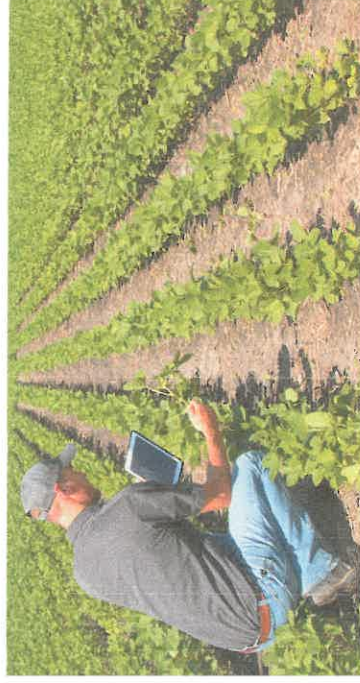
# MEDIATION WORKS!

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CMCRI administers the RIAMP through the U.S. Department of Agriculture (USDA) Agricultural Mediation Program. This program provides alternative dispute resolution through mediation to agricultural producers, their lenders and others directly affected by the actions of certain USDA agencies. Farming is hard and sometimes there are conflict that arise—property disputes, vendor or credit issues, succession planning and many other disagreements. The RIAMP offers free mediation to help resolve these issues before they spiral.

Successful mediation is helpful in the following ways:

- Saves time
- Saves money
- Is less stressful



## What Issues Can Be Mediated?

- USDA Farm & Conservation programs
- Farm loans
- USDA Rural Development Loans
- Farm credit/debt issues
- Leases (land and equipment)
- Pesticide issues
- Family Farm Transitions
- Wetlands Determination
- Farmer-Neighbor disputes
- Organic Certification
- Crop Insurance
- Credit Counseling
- Environmental Compliance
- Easement issues



# THE MEDIATION PROCESS

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- An organization or individual with a dispute related to agricultural issues may request mediation by contacting CMCRI at (401) 273-9999.
- CMCRI staff will confirm that the other party is willing to participate in mediation. A brief description of the situation is gathered by the Mediation Coordinator to prepare a briefing report for the mediator.
- Two mediators are assigned by the Mediation Coordinator, because we trust in the concept of co-mediation.
- All involved parties are notified as to the date, time, and neutral location of the mediation session.
- Most mediation sessions will be concluded within two hours unless everyone agrees that more time is needed to resolve the disputed issues.