

Appendix B

SPECIAL

Proposed oyster farm in Tiverton met with resistance

Marcia Pobzeznik mpobzeznik@newportri.com

Published 12:13 p.m. ET Feb. 19, 2020

TIVERTON — Two Little Compton brothers want to locate an oyster farm in chest-high water just south of Seapowet Bridge in the south end of town, but a state marine biologist and resident of the West Bay have voiced concern about using what is a recreational shellfishing area for a private enterprise.

The proposal was aired at a Harbor Commission meeting this week, during which one commissioner voiced concern about the coliform bacteria in a creek that empties into the water just north of the proposed site.

In attendance at the preliminary hearing was David Beutel, aquaculture coordinator for the state Coastal Resources Management Council, who will write a report with a recommendation that would precede a formal application, should the applicants choose to move forward.

Beutel said there is one oyster farm in operation in Tiverton, located north of the Seapowet Management Area. The newest proposal is for an area south of the management area.

Patrick and John Bowen want to grow oysters in cages, similar to lobster pots with plastic trays inside, in an area of almost an acre roughly 100 feet offshore they can reach by walking out in waders at low tide.

John Bowen said they'd work on the site from an hour before to an hour after dead low tide.

The oysters they'd grow, called diploid, are capable of spawning — unlike triploids, which are generally sterile but grow faster — so the natural oyster population could increase in the area as a result.

“It could populate the area, potentially,” John Bowen said.

The brothers would start with 20,000 seed in 30 cages, anchored to the bottom, and over the course of about five years work up to 100,000 seed in 150 to 180 cages, Patrick Bowen said. The seed takes 24 months to mature.

Their farm would be 275 feet by 150 feet, marked off by buoys, Patrick Bowen said, in an area he said is not safe for swimming.

But the area is a recreational shellfishing area, said Anna Gerber-Williams, principal marine biologist with the state Department of Environmental Management's Division of Marine Fisheries.

"We would like to see it pushed outside of the recreational use area," Gerber-Williams said of the Bowen proposal.

She also advised the brothers to contact the Office of Water Resources to talk about the high bacteria count in the creek to make sure the area won't be subject to closures. "I don't want you to end up having water quality issues," she said.

The coliform bacteria is from a farm near the creek, commissioners said.

"To move to deeper water wouldn't fit with our model," John Bowen said of them not having a boat, but Patrick Bowen said they are flexible.

A Saunderstown resident, Phil Capaldi, spoke in opposition to the location. "This is an area suitable for people to shellfish," he said. "You're shutting the spot down for 15 years," if the oyster farm is approved for that location. "You're closing that area for recreational use," he said. "It needs to be in deeper water. It's an easy fix."

"I think you wouldn't have any opposition if this was turned and moved, but you'd have to access it by boat," said Harbor Commission member Peter Corr.

The commission voted 4-2 to recommend the proposal go to the next step at the CRMC. Voting against were Corr, who said his primary concern was the bacteria from the nearby creek, and Paul Duarte, who said the recreational shellfishing areas need to be protected for use by the general public. A public comment period will commence once Beutel writes his report.

Beutel said there are 82 oyster farms in some 350 acres of the state's waters. The largest, at 47 acres, is in Middletown off Burma Road. That is only one in Middletown. There are nine or 10 in Portsmouth, six in Jamestown, one in Little Compton and one in Tiverton. There are

none in Newport. The average size is about 4 acres. There are currently eight applications for new oyster farms in the state, the process of which can take a year or more.

“We average about five new farms a year,” Beutel said, though not all proposals are approved.

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NEWS

Testing the waters: Two oyster farms proposed for Tiverton

Marcia Pobzeznik Newport Daily News correspondent

Published 7:43 a.m. ET May 1, 2020 | Updated 7:43 a.m. ET May 1, 2020

TIVERTON — A Newport man wants to test the waters in Nanaquaket Pond and the Sakonnet River for oyster farming, while two Little Compton brothers who have proposed an oyster farm off Seapowet Management Area in the south end of town, have amended their application to take into account comments made at a public meeting earlier this year about their proposed operation.

Town Councilwoman Donna Cook said Tiverton appears to be “the new go-to place for these things.” Cook last month asked the Town Council to consider a memorandum of understanding with the state Coastal Resources Management Council, which approves aquaculture leases, to give the town more say in commercial leasing of local waters, but that meeting was canceled due to COVID-19. It will be on a future agenda. She initiated the action after hearing from a South County man about his concern for the loss of public shellfishing areas to commercial leases.

Tiverton waters are currently host to one commercial aquaculture operation on the north side of Seapowet. John and Patrick Bowen of Little Compton have proposed an operation to the south of Seapowet, but it would now be in deeper waters than they initially proposed and outside of the public recreational shellfishing area, they wrote in their formal application. Instead of accessing the area at low tide wearing waders, as initially proposed, they’d use a boat. The Bowens would start with 25,000 seed oysters that would take 18 to 24 months to harvest. Their application with CRMC is in the public comment stage until May 17.

Keith Cullen of 30 Bannister’s Wharf — Black Pearl Restaurant — wants to test two sites in Tiverton for oyster farms. He said he knows that a proposal years ago for an oyster farm in Nanaquaket Pond had many opponents and was eventually withdrawn, but he said he “hopes not to raise too many eyebrows” with his plan for a 1.96-acre aquaculture operation in the

south end of the pond. The Sakonnet River site, on the west side of the Nanaquaket peninsula, would also be 1.96 acres.

“We look forward to have an opportunity to tread lightly,” said Cullen who submitted his proposals to the CRMC in March. He is scheduled to present his proposals to the Tiverton Harbor Commission at a meeting that has been slated for June 1 in the community room of the Tiverton Public Library.

Both the pond and river areas, he hopes, will be given preliminary approval as small test sites this summer to determine the viability of the locations. The test this year would allow them to “formulate and create a better plan before we formally apply for a lease,” Cullen wrote in his proposal called the “Cullen Project.”

Aquaculture is a new venture for Cullen who is working with a consultant who has been in the business for a long time.

Not only are oysters revered by many diners, oyster farming is ecologically beneficial to the environment, Cullen said.

He’d access the pond site by a small boat launched from Don’s Marine on Nanaquaket Pond, or a public boat launch.

“Growth data and water quality data will be collected during the growing season as we investigate the viability of this site for commercial use,” Cullen said in his written proposal. “We do not expect to harvest any product until the end of the season.” The 1-year-old oyster seeds he’d start with would be grown in lantern nets or bottom cages.

LOCAL

Three aquaculture proposals shot down by Tiverton Harbor Commission

Marcia Pobzeznik mpobzeznik@newportri.com

Published 9:57 a.m. ET June 7, 2020

TIVERTON — A proposal by a Newport restaurant owner for two test sites for aquaculture oyster farms in Tiverton's Nanaquaket Pond and the Sakonnet River was voted down by the town's Harbor Commission this week after a lengthy hearing that included email comments from nearly 20 residents who said other places would be more suitable.

And a proposal by two Little Compton brothers for an oyster farm just south of Seapowet Bridge, in deeper waters than their original proposal, also didn't pass muster with the commission.

The proposals now move on to the Coastal Resources Management Council that has the final say on water leases for aquaculture in the state.

"With the numbers of objections we've had it would have to go to the full council," David Beutel, aquaculture coordinator for CRMC, said of the requests.

The commission members spent more than three hours discussing the proposals during its first virtual meeting Monday night.

The Sakonnet River site that Newport's Black Pearl Restaurant owner Keith Cullen proposed as a test site is off the shores of Winnisimet Farm, just south of Nanaquaket. Commission members said it is between two mooring fields.

"There are a number of sailboats going through there," said Commission Chairman Bruce Cox.

"There are two large mooring fields, north and south. You're pretty much in the middle of a lot of it," said Commission member Andy Sumberg. He said boats "would have to move around you."

"It puts boaters at risk," said Commission member Paul Duarte.

The Nanaquaket Pond site, in the shallow south end of the pond that Cullen wants to test for oyster growing viability is in a heavily residential area whose residents kayak and paddleboard there.

Cullen's consultant, Seth Garfield, said people should be able to kayak through the rows of growing cages.

A resident who called into the virtual meeting said: "It seems like there are large bodies of water with more room where this could take place."

Nanaquaket resident Jeff Caron said of the pond site: "Once there's an aquaculture farm there will be no quahogging in that same spot. It bothers me that something that was available (to all) would be for the exclusive use of a protected farm."

Commission member Jason Clermont said that "there's a little too much recreational activity there that would be displaced."

After the votes to deny the two locations, Duarte noted that the applicants could come back to the commission with modified plans.

The commission is "advisory-only," Cox said, so its vote is "not the be all and end all."

The Bowen brothers proposal for an oyster farm just south of Seapowet Bridge was amended from one that would be in shallower water to one that would require a boat to access. But commission members' biggest concern, they said, was the outflow from a creek that empties into the river near that spot that carries coliform bacteria into the river from a nearby farm.

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LOCAL

Abutters of Tiverton aquaculture proposals say they aren't being notified, want changes

Marcia Pobzeznik Daily News correspondent

Published 11:00 a.m. ET June 18, 2021

TIVERTON — Abutters of waterfront areas where aquaculture operations are proposed want to receive notice soon after a proposal is made to the state so they can have input throughout the process, rather than finding out toward the end of the process.

Several residents of the Seapowet area spoke during a recent Town Council meeting about finding out just recently about a proposal for a one-acre oyster farm operation just south of the Seapowet bridge.

The proposal by Little Compton brothers John and Patrick Bowen was part of a public meeting of the town's Harbor Commission in February 2020. Their plan was to put cages holding seed oysters in shallow waters that could be accessed by foot at low tide. It was revised in June 2020 to deeper waters, outside the recreation area and a bit south of the initial location that would require a boat, but didn't get a positive recommendation from the Harbor Commission whose members were concerned about it being close to the entrance to the creek where coliform bacteria has been an issue from an upland farm. The proposal is now scheduled to be the subject of a virtual public hearing before the Coastal Resources Management Council on June 22.

Residents of the area, who spoke during the recent Town Council meeting, said their quality of life would be affected by the proposed oyster farm that would be located in water not far from the shore. One even suggested the process be paused because residents just found out about it. Another said she and her husband were considering putting their house on Driftwood Drive up for sale.

More: Oyster, bay scallop farm in Tiverton gets initial OK

“I’m trying to find a remedy for this situation. I hear this over and over again,” Councilwoman Donna Cook said of hearing from residents who had no inkling about an aquaculture proposal because the state CRMC is in charge of aquaculture in the state and doesn’t have a public notification process for abutters.

CRMC aquaculture coordinator Benjamin Goetsch said anyone can request to be on the notification list for aquaculture proposals by sending an email to CRMC staff.

People want to be informed of any proposed changes in their neighborhood, said Councilman Jay P. Edwards.

Applications for aquaculture operations are first filed with the CRMC and sent to the town’s Harbor Commission for comment. They include a map with longitude and latitude of the proposed operation.

More: Three aquaculture proposals shot down by Tiverton Harbor Commission

“I’ve seen maps as clear as mud,” Edwards said of the difficulty of deciphering exactly where the operations are being planned.

The town should communicate with CRMC about its desire for them to notify abutters of proposed operations, said Council Vice President Michael Burk, or ask local legislators to require CRMC, by law, to have abutter notifications, although that request could take a year to get approved by the General Assembly.

Jeanne DeSouza said the proposed aquaculture operation would be located “literally in my backyard.”

“I feel like we should be on some kind of a warning list,” said DeSouza. She said her quality of life would be impacted if the proposal is approved.

More: Can You Dig it? A Guide to Shellfishing in RI

There is one active aquaculture operation in Tiverton waters, north of Seapowet. Several proposals made over the last few years for oyster farms in Nanaquaket Pond have been denied by the CRMC. Many residents spoke out against them.

Goetsch said a 30-person working group will have its first meeting June 23 at 4:30 p.m. to create a plan for future aquaculture operations.

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Oyster yard access route would violate Tiverton zoning

Posted Wednesday, June 30, 2021 12:00 am

To the editor:

My name is Richard Metcalf and I live along the Sakonnet River in Tiverton.

Recently a thirty five foot wide parcel of land that abuts our property was purchased for the sole use to have access to a proposed oyster farm located in close proximity from our seawall. This strip of land is zoned R80 which allows farming.

I don't understand how the use of this land for commercial use can be allowed. The farm will be using a gasoline powered power washer periodically at low tide to clean the cages. If the zoned R80 land is used to process and transport the oysters, I feel this is a gross misuse of the zoning requirements in Tiverton and should not be allowed.

Richard Metcalf

Tiverton

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Proposed Tiverton oyster farm meets resistance

Hearing with the CRMC continued to a later date



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Posted Thursday, July 1, 2021 3:17 pm

By **Kristen Ray**

TIVERTON – An influx of resident concerns over a proposed oyster farm in the Seapowet Marsh area prompted a lengthy debate over if – and how – abutters should be notified of potential aquaculture projects in Tiverton’s waterways during the Town Council’s regular meeting last Monday, June 14.

Submitted by Little Compton brothers John and Patrick Bowen, the application seeks permission from the Rhode Island Coastal Resources Management Council (CRMC) to place a .97-acre, 200-cage aquaculture operation in the Sakonnet River, located southwest of Seapowet Creek. That area, the brothers said in their proposal, is rich with nutrients, and would not conflict with any recreational activities; as a result of the water depth and coarse and gravel seafloor, it is “not conducive to boating, swimming, or fishing.”

But numerous residents said Monday night that that is hardly the case. “Visit on any warm day,” Paul Fulton wrote in a letter to the council, and the site is full of swimmers, kayakers and fishermen.

“...The proposed spot is an unspoiled Tiverton gem, having been successfully protected for generations,” Mr. Fulton continued. “There are more suitable spots that are less disruptive to recreation, kayaking, fishing, and the quality of life for local residents.”

Resident Kathleen Metcalf said she fears that an abutting oyster farm would negatively impact property values.

“As taxpayers and residents, we should have a voice in this decision,” she wrote.

And there are still plenty of questions that need to be answered, added resident Patty Garber, like what the daily maintenance would consist of and what local and state agencies, if any, would monitor the farm.

"What I am requesting is a pause," she pleaded to the council in her letter. "A pause for the community to come together and have a chance (to) look at this proposal as we begin to emerge from the cloud of this pandemic."

A question of responsibility

Probably most alarming, abutters said, is that they had been given no prior notice of the Bowens' proposal; residents had only first learned about it earlier this month, at the same time the application was nearing its final stages with the CRMC.

"It's like we don't have a leg to stand on when we don't have enough time to defend ourselves and defend our property," said Jeanne De Souza, who lives in front of where the farm would be located.

That is becoming a pattern, councilor Donna Cook said — time and time again, residents are finding out about these aquaculture operations at the last minute. It is becoming clear, she said, that abutters want to be notified of these developments by mail — but that is something the CRMC, at present, is not required to do.

"I think that's a weakness in the whole process," she said.

Though the CRMC does post applications on their website, Ms. Cook said that the "ordinary person" does not continuously check online updates. She asked the council if there is a way the town could help mitigate this issue for residents, whether it be through ordinance or policy.

While he said he appreciated Ms. Cook's efforts, vice president Mike Burk was leery of inserting the town into a process in which it has no regulatory authority. He said the Town Council is not always in the loop about these proposals either, and he would not want it to appear that the council is withholding information. A different approach, Mr. Burk suggested, could be to ask the CRMC if they would be willing to take on this duty, as well as reaching out to state legislators. In the meantime, residents also have the ability to sign themselves up for email alerts from the CRMC concerning new applications.

"You may get more than what you want, but you'll get what you want," Mr. Burk said.

Councilor Jay Edwards, wondered if it could be in the Harbor Commission's purview to notify impacted residents of new applications, as they would be more informed than the council.

While Harbor Commission Chairman Bruce Cox agreed there needs to be some kind of notification process for abutters, he said there is "good justification" to put the burden instead on the applicants, by way of the local newspaper.

"You have to be careful how you undertake these burdens, that's the problem," Mr. Cox said.

Town Administrator Chris Cotta echoed those thoughts, encouraging residents to attend the Bowen's next hearing with the CRMC on June 22 in order to have their voices heard. The CRMC does listen, he said, as exemplified with past proposals, such as the one at Nanaquaket Pond.

"You need to be active to protect the things that you want," he said.

But that circles back to the root issue, Ms. De Souza said. "You can't be active if you're not aware."

Ultimately, the council agreed to have Town Solicitor Mike Marcello write a letter to the CRMC detailing the concerns that were raised that night, signed by council President Denise deMedeiros.

A continuance

In the days since that meeting, residents living in the area mobilized, their swift response ultimately rewarded. On Thursday, June 17, the CRMC granted a continuance of the Bowens' hearing, its new date yet to be determined.

To sign up for alerts from the CRMC, visit Cstaff1@crmc.ri.gov (mailto:Cstaff1@crmc.ri.gov).

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Westport police respond to five larceny calls (/stories/westport-police-respond-to-five-larceny-calls,111110)

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Letter: Tiverton oyster farm: — Misleading claims, lack of public notice

Posted Wednesday, July 7, 2021 12:00 am

To the editor:

Tiverton once again is fighting to protect and preserve its unique natural resources as oyster farm developers make misleading claims and seek to limit recreational use of Seapowet waterfront areas. Without notification to Seapowet residents, the Coastal Resource Management Council (CRMC) is reviewing two permits for the creation of aquaculture farms in backyards of Seapowet residents.

One of the developers, Bowen & Bowen of Little Compton has claimed that the Seapowet area is "not conducive to boating, swimming, or fishing." They are proposing 200 sixteen-inch high cages, as outlined in their CRMC application (File #2020-04-07, available at SaveSeapowet.org). Interesting that they did not propose this commercial venture in their own community.

Local residents are rallying to understand the process and why they were not notified. As part of the review process, CRMC sought authorization from DEM, RI Marine Fisheries, RI Office of Water Resources, RI Historical Preservation Commission, and the US Army Corps of Engineers, but not Seapowet residents. The Tiverton Harbor Commission has also reviewed this project with no notification to residents. The impact of these projects includes not only restricted access to waterfront recreational activities and disruption to the natural landscape of our town, but also the establishment of commercial businesses in residential areas. These factors should be of concern to all members of our community.

Moving forward, I hope the community will be better informed of the government entities responsible for ensuring public input so as to be included in each step of the process. This is essential to ensuring that Tiverton residents for generations to come may continue to enjoy the benefits of coastal living; swimming, fishing, kayaking in their own backyards, as well as the opportunity to preserve Tiverton's natural resources — perhaps the most valuable asset of our community.

Diane Sanna

Tiverton

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Letter: Protestors target Tiverton farming with misinformation

Posted Monday, July 12, 2021 12:00 am

To the editor:

We are so lucky to live in a part of the country that has abundant open space and a rich tradition of local food production. However, open space and local food production require continuous support from elected leaders and residents to prosper.

The production of aquatic plants and animals (aquaculture) is one of the oldest forms of agriculture on the planet. Some of the most environmentally friendly forms of agriculture are growing shellfish and seaweeds in nearshore waters.

Shellfish and seaweeds growing in our bay require no feed or fertilizers that most terrestrial farming requires. Shellfish and seaweeds remove nutrients from the water and significantly improve the local water quality of an area.

Shellfish farming has increased in popularity up and down the east coast of the US. Rhode Island, like many states, has developed a strict and measured plan to help farmers get leases to sites and ensure that only a tiny sliver of a given embayment or body of water is open for shellfish farmers. Most aquaculture permits and rulemaking occurs at the state level. Rhode Island's plan has been developed to keep other users' interests in mind, water access, commercial fishermen, recreational boaters, etc.

It is unfortunate to see baseless claims about oyster farming crop up in Tiverton from time to time. Rhode Island, like many other states, expressly included aquaculture within the scope of their right-to-farm protections. Unlike many letters and yard signs, there is no threat to the local waterways posed by a small local oyster farm. The local oyster farm, a bonafide farming operation, is as industrial as a local organic produce producer or pasture of hay.

Local farmers should be admired for their hard work and great food, yet some in Tiverton swat away farmers with NIMBY threats and misinformation. There are a lot of good information resources readers can turn to for accurate information about shellfish farms. NOAA is an excellent place to start: <https://www.fisheries.noaa.gov/topic/aquaculture> (<https://www.fisheries.noaa.gov/topic/aquaculture>)

Andrew L Rhyne, PhD

Professor of Marine Biology

Little Compton

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Letter: Proposed Tiverton oyster farm presents serious hazard to navigation

Posted Monday, July 12, 2021 12:00 am

To the editor:

This letter serves as a warning to all decision makers regarding the proposed oyster farms in the Seapowet Waterway. I have sailed the Sakonnet since the 1960's. I lived on my yawl in Tiverton Harbor year round for four years. I have sailed 20,000 ocean miles since. I know a hazard at sea.

The Sakonnet is unique in Rhode Island. The shores are not dotted with industrial or marina use. The Sakonnet offers views of rolling farms and stone walls. The water above Fogland is shallow except for the channel. This is why we don't have shipping traffic.

On a summer southwest breeze, power boats returning on a Sunday from the Cape and Islands, duck into the Sakonnet to head up the bay to the western marinas, rather than face the southwest wind offshore. The channel narrows and is near to shore at R10 off Seapowet Point. This creates a zone of heavy wake and traffic. Consequently, numerous small vessels seek safer water outside the channel to the east. The area is calmer and there is some protection from the fetch from the south by Seapowet Point.

The launch area at the Seapowet bridge, both from the beach, inside the estuary and to the south along Driftwood Drive, is quite popular. These public sites provide safe jumping off points for canoes, kayaks, and small boats. Many of these folks are new to the water, many from underserved communities. They launch and set out to explore what the locals call "The Seapowet Waterway" which links the Seapowet Marsh beach areas to the small ponds and inlets, Jack's Island and the Emilie Reucker Audubon refuge in upper Seapowet to the north.

Use of this Seapowet Waterway regularly includes fishermen wading, clamming, swimming, kayakers paddling and fishing, small craft such as Sunfish and catboats, small power boats fishing the coastline, kite boards, windsurfers, and yachts dropping their hook to raft up in the protection of Seapowet Point.

If the proposed Boehringer and Lundgren three-acre floating farm is permitted, this will cause a serious danger to all the small craft that enjoy this last gorgeous seascape on our Sakonnet. If the Bowen application is approved by CRMC, then the many people who use the estuary, beach and shoreline for fishing and enjoying the water will be impacted by an acre of shallow underwater traps. Someone is going to trip or get tangled up in this mess.

Imagine a summer or fall day, the fish are running and you are chasing the blues up the coast. A thunderhead appears to the west. You're near Jack's Island and the storm is coming fast. Wind whips up — wind against tide. The water is stacking up everywhere.

You paddle as hard as you can to get back to your launch at the Seapowet Bridge. But you get tangled up in acres of steel cable, floating plastic traps. You get disoriented. Perhaps you are sculling as you do often. You row backwards always. You lose an oar in the cables, you fall in. You panic because you're a novice on the water in your kayak or rowing shell.

This is not a fictional scenario. Over the years there have been rescues up and down the Sakonnet, near the harbor and much further south. I personally stood on station in my boat as I waited for the Coast Guard with three panicked men without an engine getting blown out to sea in a strong northerly. My wife and son have stood on station waiting for the Coast Guard when a fisherman was killed when he fell over into his motor.

The truth is, the water is not the same as land. As we encourage underserved communities to use the water in RI, and we especially invite them to Seapowet, we must recognize that many don't have the skills necessary to understand and survive unfamiliar obstructions at sea. Folks travel often to enjoy the Seapowet Waterway, and they should be able to do this without barriers.

With the wonderful Emilie Reucker Wildlife Audubon preserve on the north end and the Audubon Seapowet Marsh on the southern end, the Seapowet Waterway is one of the last near pristine areas accessible to all in our state. The parking is free, the beach accessible. With the crowding of other water access points, the popularity of this beach has grown exponentially during the pandemic.

Therefore, the decision by the Tiverton Harbor Commission and the review and potential approval by CRMC to allow shallow traps in a heavily used public area, as well as three acres of cabling and floating traps off Seapowet Point, pose a public safety hazard. Someone is going to get hurt.

True abutter and stakeholder notification and feedback could have avoided the outcry. Please help us keep this waterway safe for all.

Clint Clemens

Seapowet Seaway

Tiverton

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Letter: Don't let oyster farm diminish beautiful Seapowet Creek

Posted Wednesday, July 14, 2021 12:00 am

To the editor:

This letter is addressing CRMC file no. 2020-04-037 Bowen oyster Farm project to be located in the Sakonnet River within the Seapowet Creek area. Just a few years ago the DEM along with Save The Bay improved this area to "restore the natural habitat."

As a resident of this area for over 20 years I can assure you that Seapowet Point is an active beach and beautiful spot for activities including fishing, kayaking, kite surfing and spectacular sunsets. Year-round, cars (many from out of state) are there enjoying the view.

The proposed oyster farm needs to be questioned as to location. There are many areas that would better suit this project that would not inhibit public use of the waterway, not to mention the installation of commercial farming in a residential well-established neighborhood.

Please look at the website savesepowet.org for more information and facts. DEM and Save The Bay have worked hard in the past to preserve Seapowet Point — let's not have it taken away.

Kathy Metcalf

Tiverton

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B-11

Improving CRMC's Public Awareness

 fishwrapwriter.com/2021/07/14/improving-crmcs-public-awareness/

Todd Corayer

July 15, 2021



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CRMC's public awareness is listing and not to the public's side

"They have such a head start," said Tiverton resident Ken Mendez, waist deep in an incoming Sakonnet River tide. Casting a fly rod southwest, he aimed to fool a striped bass feeding near the Seapowet Bridge and not foul hook a yellow corner buoy without numbers, marking a proposed shellfish aquaculture business. Mr. Mendez and others have fished this small river mouth for years at all hours, in all conditions, where people also swim and paddle kayaks. In March of 2020, John and Patrick Bowen applied to the Coastal Resources Management Council (CRMC) to lease .95 acres of public waters to grow



Corner marker for proposed shellfish aquaculture lease site in Tiverton, RI

Eastern oysters there. Nearing completion of the process, there is considerable, rising opposition to the lease but more so, calls for improving CRMC's public awareness of a gated system which permits businesses in public waters in front of people's homes without ever speaking with them, leaving abutters and historical users quite often out of the conversation.

"We bought this house because of the fishing," Mr. Mendez said, looking out over the Seapowet Marsh, piles of research and computer models. He is concerned because the site is in prime fishing grounds so he's weighed risks of waving the flag and giving up a spot. Anyone with good Yankee stock would know that place is fishy. Whether you fish, swim, hike

or park to watch suns warm new days, we have secret spots for a reason. Anglers from the country's oldest fly fishing club, the Rhody Fly Rodders and a few folks in the know, wade fish there when times and tides align. As is increasingly the case, shared State resources support many users but the question with the Bowen lease is, should one trump another, especially when one has been practiced for generations? Additionally, recreational fishing is worth approximately \$412 million dollars annually in Rhode Island. In 2019, CRMC reported "the combined value of aquaculture products for consumption and seed sales was \$6.07 million, down slightly from 2018 figures." The State's gross domestic product the same year was \$61,883,800,000 so aquaculture contributed a fraction of one per cent to our economy.



Just west of the Seapowet Marsh

Mr. Mendez's wife Liz said, "It's not about oyster farming, it's about the location." Through Tiverton's website, Mr. Mendez learned CRMC accepted the application on 4-13-20, read of prior regulatory meetings and realized how far along the process had progressed. He and Mrs. Mendez began asking questions and speaking with neighbors and that should be a mandated, shared effort by applicants and CRMC. If the CRMC application and consideration system exists to balance all users then equal energy should be expended by applicants to inform every resident they can manage. Permitting a shellfish farm on the Sakonnet isn't equal to opening a shoe store in General Commerce zoning where another store previously existed. The proposed Bowen site is where people fish. Given such extensive financial and emotional costs expended fighting for and against a recent aquaculture business expansion in South Kingstown, where countless abutters and recreational users learned of the application only when this column alerted them, it might have been a learning moment to reevaluate a system which fails even surrounding neighbors.

That hasn't happened.

Letters of opposition or requesting more public noticing were received after the thirty day period which indicates friends and family knew about the application but the vast majority of residents or users of the public recreation area did not. According to the East Coast Shellfish Growers Association's Code of Conduct for Molluscan Shellfish Culture in the Eastern United States, growers shall, "Make a best effort to communicate early and openly with water-based and land-based neighbors about any facet of their operation which might affect them."

Peter Jenkins, owner of The Saltwater Edge, American Saltwater Guides Association Board Chair and RI Saltwater Anglers Association Access Committee representative, wrote to CRMC: "The placement of this oyster farm in an area used by recreational anglers would significantly reduce access for these anglers, especially at low tide. The RIMFC's recent decision in a 4-3 vote to support the project was based on limited public input from recreational anglers. Many stakeholders for this project were not notified of the agenda item and were not able to provide feedback at the meeting. I learned of that meeting at 3pm on the day of the meeting." The application system is listing and it's not necessarily the Bowens' fault.

With the Bowen application, there was concern regarding its proximity to shallow water so "CRMC proposed an amended site." Why is CRMC proposing an amended site? Is the role of CRMC to evaluate specifics of a business proposed in public waters and determine if it is appropriate for the greater good which may impact existing users or to coach applicants through the process to obtain a lease? I don't recall being coached through my last building permit application.

If the job of our State regulatory body and it's aquaculture coordinator is to assist and coach, who is the State appointed coach to help residents and abutters who have little or no background in shellfish husbandry or this waterslide application process which might land a major league business in front of their home without any prior notice? Does Rhode Island offer an ombudsman for those who feel railroaded by a process they might never have experienced? My name is on the CRMC email list so I can understand potential impacts of such applications but strangely, I never received notice of this or another larger application just north of this site, proposed by Bradley Boehringer & Travis Lundgren. I wonder why that happened.



Townsppeople are calling for a change at CRMC

Opposition is not always "NIMBY"

"In my opinion," Patrick Bowen said, "most of the opposition to our farm has come from wealthy individuals who are relative newcomers to Tiverton and Rhode Island and who exemplify the NIMBY hypocrisy." Indeed, applicants often feel frustrated when they proceed according to the rules then end up awash in last minute opposition. You will notice he said, "our farm" and not, "our application." This case seems different because siting is only part of the issue. When good people pay good money, Tiverton's 2020 tax rate is \$16.19 per thousand, they should be afforded fair warning of a sea change to their viewshed by the very

government collecting their tax dollars, which are substantially based on the value of their viewshed. Improving CRMC's public awareness policies would hopefully prevent abutters from being ignored.

Opposition to the Bowen proposal exploded quite quickly. Yellow "Preserve Your Right to Seapowet Waterway" signs appeared near the bridge and inland. Some are the size of plywood sheets. Others call to "Reform CRMC." On 6/30/2021, Mr. Mendez requested Attorney General Peter Neronha to, "put a stop to all oyster farm permit reviews until serious defects in the Rhode Island Coastal Resources Management Council governance structure and permitting processes can be remedied."

"It's not about the people," Mrs. Mendez said. The Bowens are following rules which afford applicants cover and a head start. Their file initially included eight letters of support, none written by Tiverton residents and two of opposition received within the public comment period, both of which are from Tiverton. At a 3/1/2021 virtual Tiverton Harbors Committee meeting, Mr. Bowen stated, "There have been no letters of opposition received from adjacent property owners," but there were letters of opposition dated as early as 5/19/2020, yet CRMC's Aquaculture Coordinator and meeting participant, Ben Goetsch, sat silently. There is palpable frustration at how much time and effort residents have expended to mobilize against something they might not even fully understand and that is the system failing them. "People are feeling threatened, to save their property," Mrs. Mendez said.

If improving CRMC's public awareness had been a priority, they might encourage applicants to knock on a few doors. Mr. Bowen is justifiably concerned by last minute misinformation and a Save Seapowet website, which can be deliberate or knee-jerk from people who don't know much, if anything, about a threat they perceive. The average homeowner likely has no knowledge of floating ADPI bags, upwellers, tumblers or trawl lines. So what happens when they feel cornered? They react, especially when there's a clock and it's almost done ticking.



Signs of opposition can be seen throughout Tiverton

Goetsch as "A small family farm." Applying for .95 of an acre seems like a preliminary step because, given the proposed layout of trawls, it would require serious time before oysters pay for that strait strip of land.

"This is not a commercial area," Mr. Mendez said, balancing on a piece of old carpet, peeling off his waders in a pebble and slipper shell RIDEM Seapowet parking lot. Just to the north, Bradley Boehringer and Travis Lundgren have applied for three acres to deploy floating and submerged gear in front of Clint Clemens' home and David Rose's third generation farm land.

"I was never notified by anybody," Mr. Rose said of the application. He is one of the two closest land owners abutting the proposed business and only learned of the application while researching a different subject on line. In a 7-6-2021 social media post, Mr. Lundgren wrote, "The floating gear is aesthetically pleasing to someone who enjoys seeing mother nature do her best work. Wine vineyards have rows of post and fencing, our farm will have rows of floats dancing in the waves. It is a farm you can admire, engage with, or very easily steer clear due to there being minimal underwater hazards." The application calls for gear throughout the water column and vineyards are typically terrestrial, not positioned in shared public waterways. His post leaves unclear what "engage with" might mean. As such, the same social media posts reads, "Furthermore the beach front that the farm is adjacent to is a protected coastline that is designated for sandpipers to nest. Humans are NOT permitted to use this beach and there are many signs posted by the DEM about not using the beach. The video of "north seapowet today" on the website shows people ILLEGALLY standing on the nesting grounds of an ENDANGERED species." In fact, according to the US Fish and Wildlife Service, the only endangered or threatened bird species in Rhode Island are piping plovers, red knots and Roseate terns. The shoreline above mean high water is private property, not RIDEM land. It is posted and owned by Mr. Rose.

"There are a couple different styles of farming that we plan on doing (sic) however the style that is most discussed is our use of floating gear,"

the CRMC application cover letter states. Such a discussion is sorely missing from the process. It also states, "we will be using a gas-powered (sic) water pump to wash off the cages..." and somehow, there is no requirement, let alone any courtesy, to inform any property owner. "We look forward to hearing from other residents and we always look to be a positive influence in our community around us...establishing a business that will last generations," they wrote, already assuming they will be in business for generations. Imagine how believable that would be if they started the process at a Groundswell Cafe table for a coffee with the neighbors to discuss their plans. Ideas and concepts would be available for all those interested and impacted. The Cafe would surely move in a few extra tables to accommodate the crowds who planted all those signs opposing the lease, which might not have happened at all if there was some basic respect and decorum. And there are a lot of signs.

How did no one even consider the hunters? What happened to New England? Are we all in on tourism at the expense of those traditions which made our part of the world so attractive to all those tourists, like fishing and hunting?

Improving CRMC's public awareness policies has never been more important.

CRMC's aquaculture application process is upside down

There should be at least one obvious outcome from these applications. The CRMC process for permitting aquaculture businesses is upside down. It does not stand as an impartial intermediary between one group looking to lease, from the people, a shared resource. Instead it seems to coax applicants through a system lubricated with modifications to appease the few who are actually watching. How does the body managing coastal resources not alert a landowner that there might be three acres of floating plastic bags, in an era trying desperately to remove plastic from the sea, located in front of their house, abutting their moorings, disturbing their peace and in a few years, possibly changing husbandry methods or increasing lease size?

It's time for a sea change at CRMC.

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8 Comments



1. Erin Elliott on July 15, 2021 at 9:47 am

Thank you for this in-depth story. A great summary of what is going on. Change MUST happen. In the meantime, this pristine area-providing access to all-is at threat. Appreciate this coverage. -Sincerely, a very concerned neighbor on the Sakonnet River.



Todd Corayer on July 17, 2021 at 9:42 am

Thank you Erin. I hope this piece and the hard work from Tiverton residents resonates with CRMC and they adjust their policies for contacting and respecting people. And thank yo for reading Fish Wrap, I always appreciate people making time to read it. Todd



2. Robert Maietta on July 15, 2021 at 10:57 pm

Bravo Todd. Well said. Articulated perfectly. I hope my state representative is reading your column. I will forward it forthwith.



Todd Corayer on July 17, 2021 at 9:39 am

Thank you sir. It's time for a change in the way they solicit public input. As always, thank you for reading, I do appreciate it.



3. david latham on July 26, 2021 at 6:54 am

Outstanding reporting on an important topic. I wonder how many times this topic (the need for the CRMC to reach out to various stakeholders before applications are approved) will be raised before the CRMC actually does something about it. Several years ago an aquaculture farm was proposed for Segar Cove, on Potter Pond in South Kingstown. The application was submitted in January, when many stakeholders' attention was elsewhere. It was only by chance that news of the proposal made it to the general public. The result of that public awareness was (and is) a vigorous fight to relocate the proposed farm to an area more suitable to farming, an area less prized by recreational users. If the state is genuinely interested in growing the aquaculture industry, it's time they realized that midnight runs on favorite fishing spots, water ski holes and sailing venues is not the way to endear the process to the public.



Todd Corayer on August 2, 2021 at 5:23 pm

Thank you David. I believe this piece has really opened some eyes to the way the system works and that it does not always serve the best interest of the total public. And I absolutely agree they need to a better job considering and prioritizing varying levels of importance for different users of a water body.



4. Richard metcalf on August 1, 2021 at 10:23 am

Your article gets to the heart of a system that is not serving the public interest. CRMC must be reformed to due their job to protect our beautiful waterways



Todd Corayer on August 2, 2021 at 5:35 pm

Thank you sir. Based on responses and conversations I have had over the last few weeks, there is room for hope that change is at least being discussed.

Plotting a business in someone's front yard without ever discussing it with them is totally unacceptable.

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This month, we all lean a little west, looking for dark grey fins, small swirls, or flocks of black-tipped gulls tipping us off to striped bass movements east and north. Locals have their favorite spots so why not use their favorite lures? This month, go local for spring stripers with

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Letter: Writer wrong — Oyster farm proposals are not small

Posted Tuesday, July 20, 2021 12:00 am

To the editor:

In the Sakonnet Times letters to the editor, July 15, Dr. Andrew L. Rhyne claims that Tiverton residents are making baseless claims about the proposed oyster farms for Seapowet Conservation area. Dr. Rhyne is making the incorrect claims.

Dr Rhyne claims that Rhode Island keeps recreational uses in mind when approving oyster farms. He also states that the farm will not interfere with the local waterways. Yet the proposed oyster farm is right off Seapowet Conservation land where land is protected for residents to kayak, fish and swim. Placing the farm here will interfere with the use of conservation land set aside for free public use.

Dr Rhyne claims that only a small sliver of water will be used by the oyster farms. Once again he is wrong. The entire area from Fogland Beach through Seapowet to Emily Ruecker Wildlife Refuge is designated available for more oyster farms according to the CRMC.

In fact there is an open proposal for an 8 1/4 acre farm almost immediately south of the Seapowet farm and a three acre farm proposed immediately north of Seapowet Point. A small oyster farm has been proposed for Fogland and two other farms are already operating in the area. A Save Seapowet advocate has calculated that up to 128 acres of oyster farms can be fit into the space designated open to oyster farms off our shores.

Dr Rhyne says that the farms are little, but three acre and eight acre farms in limited space is not insignificant. The proposed farm from Dr Rhyne's Little Compton neighbors is listed as only one acre. But the proposers just bought 1/8 acre of unbuildable land for \$100,000 between two residents' property and across the street from state protected land. Obviously, the proposed one acre oyster farm is only a foot in the door. You can't pay for a \$100,000 piece of land with a small farm. It will grow if not stopped.

This area has been set aside for conservation for decades. By allowing commercial farmers here, the rights of Rhode Island recreation and nature buffs who have used this area for years will be usurped. The farmers should find an area that is not reserved for all Rhode Island residents.

Russell and Mary Dexter

Tiverton

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Seapowet residents mobilize against oyster farms

Council asks solicitor to draft resolution requiring more CRMC notification



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Seapowet area residents opposed to two oyster farms off their shores have mobilized in recent weeks, planting hundreds of signs, launching a website and raising more than \$12,000 to cover legal fees.

TED HAYES

Posted Wednesday, July 28, 2021 8:46 am

By Ted Hayes

Members of the Tiverton Town Council on Monday night directed the town solicitor to look over a proposed resolution that, if passed locally and sent to the Rhode Island General Assembly, could give residents more time to respond to controversial aquaculture proposals than state regulations currently call for.

The proposed resolution was put on the agenda by councilor Jay Edwards, who said the way the state Coastal Resources Management Council conducts business, specifically in the case of two current oyster farm proposals — one south of Seapowet Point, one north of it — has caused legitimate cause for concern here. Those opposed to the farms only heard of the proposals until they were well along in the CRMC approval process. And that's not right, he said.

"There's not a lot that the town can do other than send a message to the legislature, the governor, the CRMC, about how we feel about it," Mr. Edwards said.

However, "my focus is more on the fact that we feel that notification is lacking. People who are impacted directly by this aren't notified directly; they sort of have to find out. My intent is to change the rules a little bit so that the CRMC would be required to notify the town directly as soon as they get a permit application, not later on in the process. That gives us time to look into it (and) it gives abutters time to react to it, and gives the public in general time to make comment."

As the general assembly is not in session and won't be until January, the resolution would likely not affect the two proposals for south and north Seapowet, he said. "What this will affect is the future, which is the crux of my argument."

Late mobilization

The "lack of transparency" from CRMC has not been helpful in the fight to keep Seapowet clear, said Jeanne DeSouza, whose home lies just south of the bridge, directly onshore from where the Bowen oyster farm plan would be built.

Submitted by Little Compton brothers John and Patrick Bowen, the application seeks permission from the CRMC to place a .97-acre, 200-cage oyster operation in an area currently favored by fishermen and kayakers.

Though the plan was presented more than a year ago — the other, north of Seapowet, was submitted in January and is not as far along — Ms. DeSouza and her neighbors only heard about the Bowen plan recently as, unlike local zoning and land use issues, abutters are not notified directly by CRMC of proposals that may impact them.

"Our point all along was, we felt like we're jumping in at the 11th hour trying to protect this public space. But we're not against (oyster farmers) making a living."

The Bowen plan was expected to come to a CRMC vote in late June, but opponents, including Ms. DeSouza, asked for and received a delay. There is no scheduled date for CRMC to reconvene on the matter, and with the resignation this week of the CRMC's director, Ms. DeSouza said she does not know when it will be held.

But the extra time has given her and local allies a chance to regroup, and a full court press is currently on to add their thoughts to the record and mobilize for when CRMC reconvenes. In recent weeks, opponents have started a website (<http://www.savesseapowet.org>), printed out two runs of 100 lawn signs each, and started a gofundme page to pay for the legal services they expect they'll need to hire representation and present witnesses to plead their case. At last count, the drive had raised \$12,400.

In addition, "dozens" of residents have recently filed comments with the CRMC, saying in many cases that while they are not opposed to aquaculture, farms need to be placed in areas that do not impact property owners and infringe on the public's right to enjoy the water. Ms. DeSouza said opponents have also asked that the CRMC send the project to committee, which would give those opposed another opportunity to state their case before the CRMC before it comes to a final vote.

"We're hopeful" the request will be granted, she said.

Harbor management?

At Monday night's meeting, councilors also suggested that the town's harbor management plan could be a good tool in helping the town control its destiny with respect to offshore farming.

Harbor commission chairman Bruce Cox, the town's representative to CRMC, said the commission was in the midst of updating its harbor management plan just prior to the Covid epidemic, and has not yet resumed in-depth discussions on it. But when it does, he said, there will be discussions on aquaculture and offshore land use.

Still, he said, local attempts to get the state to change might be a tough sell.

"Let's not fool ourselves here. Once you get past the high water mark you're no longer in charge. It's Coastal. You're proposing to get the legislature to tell Coastal to create a regulation. If you get the legislature to do that, then you have to get Coastal to act on the legislature's response."

"I agree with you, (more transparency and deference to local wishes and regulations) should be there. But it's not going to happen overnight. the CRMC and DEM are both very zealous advocates of their authority and their power, and that's part of the problem."

Still, he said the council's proposed resolution is a good, and needed, step:

"It is a difficult issue," he said. "I'm glad you're doing that. That's something we've been rapping heads about (and) I applaud you for that effort, quite honestly."

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I support aquaculture, but not at Seapowet

Posted Wednesday, August 4, 2021 4:01 pm

To the editor:

My name is Charlie Barmonde and I reside in Tiverton. I am writing to share my objections to the proposed oyster farm in the Seapowet area. My objections are based on two factors.

The first is that this is one of the very few areas open to public recreation along the Sakonnet. As a waterman, all summer long I observe countless small water craft from kayaks, to paddleboards, jet skis, motor boats tubing with families, kiteboarders, windsurfers and sailboats enjoying this pristine waterway. The vast majority of these people are not waterfront property owners, rather they are from all over Rhode Island and the south coast, not to mention the mariners from all over the world who tuck in to this unique waterway for protection or recreation during their journeys. The Seapowet marsh area is a primary access point for many of these activities and the location of acres of aquaculture equipment would impair all of them and would render impossible others such as windsurfing, kiteboarding, and waterskiing where the high speeds and underwater appendages of the craft would make it dangerous. Furthermore their equipment would be damaged by impact with underwater cables and equipment.

Second and more importantly is safety. To illustrate what I mean I will share a personal experience. Two years ago in early June I observed a kiteboarder attempting a downwind journey from Fogland to Seapowet. This is very common among novice kiteboarders who have not yet mastered the ability to sail upwind. I am a mariner myself and always keep an eye out for anyone who might need help. At this time of year the water is still quite cold and the wind tends to fall off abruptly when the afternoon cools off. The waterman I observed was unable to fly his kite due to the dying breeze and was drifting uncontrolled northwards towards Seapowet. I was concerned enough that I deployed my nine-foot dinghy and motored out to him to see if he needed help. He was lucky that I did because it was clear that he was getting hypothermic and still had a long way to drift before he ran into Seapowet (that is unless the current carried him around the west end of the watershed). This is a quiet time of year on the river and there were no other boaters around to assist. I helped the man into my dinghy and got him to land as fast as I could. His son had been watching him from Fogland and when he saw the rescue drove to Seapowet to gather up his Dad. In a similar situation, if this man continued his uncontrolled drift into a field of acres of cabling, there is a very substantial risk that he would be entangled in the equipment that is being proposed by the oyster farms and quite possibly drowned or become fatally hypothermic before anyone noticed. Left to simply drift in unaided he would have been significantly more hypothermic but that is probably it.

While I enjoy oysters and support aquaculture and the right of people to make a living from the sea, I object to what I see as the interests of a few people over the safety and recreational opportunity of hundreds or more of the public who use this waterway for their enjoyment and still others who shellfish and fish for food as well. There are other places within the Sakonnet that pose little to no risk to the safety or enjoyment of our fellow Rhode Islanders where aquaculture can be practiced. In fact a simple scanning of a nautical chart shows areas (such as off of Gould Island) that are already designated for fish traps where there aren't any. I implore the CRMC to consider the interests of the many over the interests of the few and to place the conservation of a unique and pristine ecosystem ahead of the convenient placement of an aquaculture facility.

Charlie Barmonde

Puncateest Neck Road

POLITICS

Oyster wars: Why RI homeowners are fighting to keep shellfish farms out of their backyards



Antonia Noori Farzan

The Providence Journal

Published 5:01 a.m. ET Aug. 5, 2021 | Updated 5:13 p.m. ET Aug. 7, 2021

As soon as you turn onto Seapowet Avenue in Tiverton, the bright yellow signs appear in quick succession.

“PRESERVE YOUR RIGHT TO SEAPOWET WATERWAY,” they urge, from rustic stone walls and gently sloping meadows. “ACT NOW!!!”

Driving past open fields, baled hay and old farmhouses until you get to the shingled summer cottages and grassy marshlands that sit at the edge of the Sakonnet River, you might start to wonder what could be threatening such an unspoiled corner of Rhode Island.

A nuclear power plant? A medical waste facility upstream from Sapowet Creek? A massive marina for 150-foot megayachts?

None of the above.

The specter looming over this tranquil coastal community is the prospect of two new oyster farms a short distance from shore — a move that opponents say would be akin to “putting a power plant in the Grand Canyon.”

Yes, oysters help to clean the water, and, yes, they’re the kind of delicacy that only tastes better when it hasn’t traveled a long distance to get to your plate.

But people with homes in the Seapowet area say the cages used for growing shellfish are ugly, and claim they will get in the way of people trying to swim, fish or kayak. They have nothing against sustainable aquaculture, they emphasize. They just think this isn’t the right spot for it.

It's a refrain that growers have heard again and again as Rhode Island's oyster industry continues to make a remarkable comeback. From the Sakonnet River to the salt ponds of South County, homeowners are waging aggressive and increasingly litigious campaigns to keep the farms out of their backyards. And the stretch of coastline near Sapowet Point is the latest battleground.

Previously: Abutters of Tiverton aquaculture proposals say they aren't being notified, want changes

"A lot of these people love to eat the oysters," says Robert "Skid" Rheault, who faced his share of opposition when he began trying to revive Rhode Island aquaculture more than 30 years ago, and who now serves as executive director of the East Coast Shellfish Growers' Association. "They just don't want to see them being grown."

Neighbors fear 'industrial' invasion

Kenneth Mendez likes to joke that he makes all his major life decisions based on fishing.

It's only a slight exaggeration — he did spend more than a decade as one of the top executives for Trout Unlimited, the nationwide conservation group. (He now heads the Asthma and Allergy Foundation of America in Washington, D.C.)

And when Mendez and his wife, Liz, began looking for a second home that would serve as a family retreat and eventually become their full-time base in New England, they spent four years searching for the spot that would offer the best fishing. Upon discovering the Seapowet area, Mendez recalls, "I thought I'd died and gone to heaven."

Tiverton's Stafford Pond to get a lot cleaner: 'You're going to think you're in the Caribbean'

Their new home was surrounded by miles of protected wetlands, and just a short drive from the Sapowet Marsh Wildlife Management Area, which offers public access to a small stretch of sandy beach along the Sakonnet River. It was a place where Ken could fish and Liz, who describes herself as a conservationist, could paddle her kayak.

They'd been there just two years when Mendez learned that two brothers from Little Compton wanted to start an oyster farm in Sapowet Cove — the same spot where he likes to wade out in the evening and cast for striped bass.

The farm would take up slightly less than one acre of the cove, and anyone fishing in that area would run the risk of snagging a line on the oyster cages.

John and Patrick Bowen, the brothers behind the proposal, say that still leaves the majority of the cove wide open for recreational fishermen. And one of the ecological benefits of oyster farms is that the habitat created by the reef-like structures leads to a greater diversity of fish in nearby waters, they point out.

Mendez frames it differently: The oyster farm is a case of private commercial interests encroaching on a public good, he argues. And as far as he's concerned, the cove already has enough fish.

He registered his objections in a May 2020 letter to the Coastal Resources Management Council, which is in charge of deciding whether to grant aquaculture leases. But the farm continued to make its way through the approval process. Earlier this summer, with a final vote looming, the Mendezes began going door to door.

It turned out that most property owners in the Seapowet neighborhood had no idea about the plan. Ken Mendez asked the attorney general's office to intercede and put the application on hold, saying that Coastal Resources Management Council staffers had overlooked what he saw as problematic aspects of the proposal and seemed to be "promoting personal agendas on behalf of the oyster industry."

Neighbors followed suit, sending a flurry of letters to the CRMC and local media outlets. They began speaking up at public meetings, expressing concerns that an oyster farm would hurt their property values. And they joined forces with another group of residents who had been fighting a proposal to place a different oyster farm on the opposite side of Sapowet Point, uniting under the name "Save Seapowet."

More: Did McKee 'stack the deck' for offshore wind and threaten coastal council's credibility?

Sapowet Cove offers the exact conditions that oyster growers are looking for, acknowledges Richard Metcalf, a vocal opponent of the plan whose waterfront home overlooks the site that the brothers picked out. That's led to fears that if one farm gets approved, others will soon follow.

"Once these two farms are approved, the Sakonnet River will change forever," states the group's splashy website, which features panoramic drone footage of the area. "These two

applications are just the beginning. Without real notification to allow for community feedback, the industrial use of the Sakonnet is our future.”

In a little over a month, Save Seapowet’s crowdfunding campaign for a “legal defense fund” raised more than \$12,000. A final CRMC vote on the brothers’ application, which had appeared to be on track for approval, was put on hold.

“I have really mixed feelings about blowing up a fishing spot, and letting people know how good the fishing is here,” Mendez said. “In the end I just decided, for the greater good, we need to somehow publicize this.”

Oyster farmers: 'We just want to do something good'

The Bowen brothers say they’re trying to remain positive.

But they’re growing increasingly frustrated by what Patrick describes as “rabid opposition” to their oyster farm that’s coming from people who typically spend most of the year in wealthy Boston suburbs or northern Virginia.

The Bowens are fourth-generation Little Compton residents. John, whom everyone calls Sean, has a small farm where he grows garlic and a day job at the Massachusetts Department of Agricultural Resources, where he teaches people about composting and aquaculture food safety. (The custom license plate on his compact Ford truck bears the word ALLIUM.)

Patrick, who recently purchased a small apple orchard that he intends to run as a family farm, is a carpenter by trade and teaches at Fall River’s Diman Regional Vocational Technical High School. Between them, the Bowens have five children, some of whom hope to follow them into the oyster business.

“When we were kids, quahogging was still pretty productive. Lots of people were making a living bullraking for clams,” Patrick Bowen recalls. “But if you think of a kid growing up in Tiverton today, and wanting to stay in Tiverton, what kind of jobs exist for them?”

Part of the appeal of the Sapowet Cove site is that the water is shallow enough for the Bowens to wade out and tend to their oyster cages at low tide, which means they won’t have to rely on a motorboat. They already own a small quahogging skiff but would prefer to make the whole operation carbon-neutral, they say.

They also envision bringing in students from local public schools to teach them about aquaculture. Maybe, Patrick suggests, middle schoolers in Tiverton could manage one cage

as a class project — and then sell the oysters as a fundraiser.

Ideally, he adds, all the oysters grown at Sapowet Cove would be sold locally, rather than getting shipped up to restaurants in Boston.

“We just want to do something good for the environment, for our children,” Sean begins.

“I hope that doesn’t sound too sugary,” Patrick cuts in.

'Whipped up into a lather by misinformation'

Part of the Bowens’ frustration stems from their sense that opponents are deliberately conflating their farm with the one proposed for the north side of Sapowet Point, which would be three times larger and hasn’t gotten as far along in the approval process.

The larger farm would be run by two men from South County and rely on floating oyster cages, which tend to have higher yields. The Bowens don’t plan to use that kind of gear, because people often feel that it spoils the view. Their cages will be fully submerged, even at low tide, they say. But it’s easy to get confused: Both the Save Seapowet website and fundraising page feature photographs of black plastic oyster cages floating on the surface of the water.

And other objections that have been raised against the farm range from misinformed at best to fictitious at worst, the brothers say.

Off the menu: Flo's Clam Shack no longer selling its famous fried clams as prices soar

The Save Seapowet website warns there could be “unknown ecological damage to wildlife and environment in close proximity to the Seapowet Marsh.” That’s false, the Bowens say: The ecological benefits of oyster farms have been well-documented.

Opponents note that the cages will periodically have to be rinsed by a gasoline-powered pressure washer at low tide, and say they’re concerned about the noise and the smell. Besides, they say, what if low tide falls in the middle of the night? And won’t trucks coming back and forth to the small strip of land that the Bowens have purchased mean more noise, and more air pollution?

The Bowens say they’ll switch out equipment and clean it back at the apple orchard or the garlic farm, since the seaweed is good for the soil. They say no one will be working on the

farm at night, and question how their trucks are any different from the Amazon Prime delivery vans that are a regular presence in the neighborhood.

Then there's the argument that the oyster farm will get in the way of recreation at the small beach that is part of the wildlife habitat run by the Department of Environmental Management — and one of the few places along the coast where you don't have to purchase a beach sticker.

More: Is this wealthy RI town using parking tickets to limit the public's access to the beach?

“It's not only those of us who can afford to live over here who are affected,” says Cindy Aber. “People come who have been living in tenements, just trying to get out of the house because it's so darn hot.”

There's no conflict between the farm and the beach, the Bowens say: The area is already too shallow for most powerboats and sailboats, and people can easily swim or paddle over the cages, or in the roughly 25 feet of space between each row.

Opponents say they know the area better, and they're not convinced that cages reaching up 16 inches from the river's bottom will be fully submerged at low tide. They worry that kayakers hoping to avoid the farm and nearby sandbars will head further away from the coast and encounter more challenging conditions.

Paddling through the oyster farm presents a safety hazard, they claim, because an inexperienced paddler could roll out of their kayak and get cut on the cages. They acknowledge that they are not aware of any instances anywhere in the country where recreational boaters have been wounded by oyster cages.

“That's akin to saying that if you're on a motorcycle and you hit a telephone pole, there shouldn't be electricity,” says Patrick Bowen.

As far as fishing goes, it's true that lines can get snagged on the cages, the Bowens say. But it's just as easy for them to get snared by lobster traps, which lobstermen could theoretically put down without applying for permission.

“I think people have been whipped up into a lather by misinformation,” Sean Bowen says.

Bradley Boehringer and Travis Lundgren, the two men who applied for an aquaculture lease on the north side of Sapowet Point, didn't respond to interview requests. Lundgren has written on Facebook that the Save Seapowet website is “almost entirely full of misleading and flat-out false statements about the farm we are applying for.”

The Bowens say they don't use social media and aren't interested in spending time trying to defend themselves online. Until now, they haven't even talked to any reporters. But they did look into suing the creators of the Save Seapowet website, feeling that it was "clearly libelous" and could tarnish their reputation in the community, Patrick says.

In the end, it turned out they didn't have much of a case. And though the Bowens considered hiring an attorney to get them through the CRMC application process, since their opponents were lawyering up, they decided to represent themselves as a matter of principle.

Otherwise, there's a risk that oystering becomes the kind of "elite activity" that's only accessible to people who can afford lawyers, Sean says.

Familiar opposition, but new tactics

Skid Rheault has seen this all before.

When he applied for an aquaculture lease in Point Judith Pond in the 1980s, decades after pollution led to the collapse of Rhode Island's oyster industry, his file soon grew thick with around 600 letters from people who objected to the plan. Most were coastal homeowners, Rheault recalls.

"Invariably, the people who own these waterfront homes tend to be rather affluent and well-connected, and they have a sense of entitlement," he says. "But they don't own the water."

Rheault eventually prevailed and went on to found Moonstone Oysters, which he ran for two decades before selling to a new set of owners. Opposition to oyster farms may be nothing new, he says, but the tactics have changed. For one thing, it's becoming far more common for homeowners to hire expensive lawyers, allowing them to have a "disproportionate impact" on the application process.

Objectors used to claim that oyster farms would be a disaster for the environment, Rheault adds. But hundreds of peer-reviewed scientific studies have proven otherwise. As a result, oyster farm opponents are "grasping at straws" and making the claim that the cages present a hazard to navigation, he says.

It's true that it's a bad idea to steam through an oyster farm when there's not enough space for your boat's draft, Rheault says. But "the Army Corps of Engineers says if you can get from Point A to Point B, but now you have to go around an obstruction, that's technically not a navigation hazard. That's navigating."

Disputes over how heavily an area is used for recreation also have a way of derailing the application process, because it can be difficult to determine which side is portraying a more accurate picture.

When Perry Raso of Matunuck Oyster Bar applied to expand his farm into what he categorized as a little-used corner of Potter Pond, neighbors gathered up family photographs and created PowerPoint presentations that showed people waterskiing, tubing, paddleboarding, kayaking and sailing in the area.

More: RI Best: 21 can't miss food and drink adventures for summer 2021

Raso responded with a 259-page document that contained photos taken at the same time nearly every day for three months, showing a pond that was mostly empty.

"People will say, 'I swim in that spot every day,' or 'I walk by that spot every day,'" says Joseph Pinheiro, a Jamestown-based oyster farmer who runs the Sunset Beach Aquaculture Project with his father, Antonio. "I know they don't, because I'm out there every day."

Only so much room for oyster farms in Narragansett Bay

The fact that these debates are taking place across the state makes one thing abundantly clear: Rhode Island's oyster industry is undergoing a dramatic resurgence.

In 1996, there were just six oyster farms in the state. Today, there are 84.

Twenty-five years ago, aquaculture sales brought in less than \$84,000 annually. They now top \$6 million a year — the vast majority of that sum coming from oysters sold for consumption.

Still, the current boom is nothing compared with the industry's peak in 1911, when oyster leases took up nearly a quarter of Narragansett Bay. Today, there are about 356 acres of aquaculture leases statewide, covering about 3.5% percent of the coastal salt ponds and less than 1% of the Bay.

Many modern-day oyster farmers have found that the salt ponds offer optimal growing conditions. Responding to fears that recreational users would be supplanted, the CRMC in 2009 instituted a policy that no more than 5% of a pond's total acreage can be used for aquaculture. Many assumed — wrongly, it turned out — that leaving the other 95% open would be enough to satisfy critics.

“I would like to think that most people would agree that, in the abstract, dedicating 5% of our waters to the production of sustainable seafood is a good thing,” Rheault says. “But when you take it out of the abstract and put it in front of someone’s waterfront home, it immediately draws fire.”

Only Point Judith Pond, which is at 4.9% capacity, is close to hitting the cap. Potter Pond, where Raso’s fight to expand his farm has dragged on for more than three years, is at 2%. But Save Potter Pond, the group fighting the expansion, argues that those numbers don’t tell the full story.

“I think that 5% is a very deceptive number,” says David Latham, who primarily lived in Brooklyn until last year but considers Matunuck his “spiritual home.” Most of the pond, where his family has a summer house, is too shallow for activities like powerboating, waterskiing and sailing, he says. By his calculations, the expansion would take up at least 30% of the “usable deep water.”

There’s no cap on aquaculture leases in other parts of the state, which is one reason that homeowners often fear that one farm will be followed by others. The northern shore of Jamestown’s Dutch Island Harbor, for instance, is now home to four oyster farms, at least two of which have been seeking to expand. Some residents have expressed concerns that there’s no clear limit on how much space should be devoted to growing shellfish.

“People say, ‘We didn’t buy into this,’” says Pinheiro, who ran into objections from residents who made the dubious claim that the oyster farms were responsible for an uptick in foul-smelling seaweed on local beaches. “They don’t understand aquaculture has been in Rhode Island for hundreds of years.”

People who don’t want oyster farms near their homes like to say that Rhode Island has hundreds of thousands of acres of water where the growers can go, but that’s not entirely true. Aquaculture leases can’t be in an area that’s used for quahogging or commercial fishing, or that is home to environmentally critical eelgrass. Shipping channels are off-limits, for obvious reasons. So is anywhere with high levels of pollution, which means that farms can’t be near a marina or a wastewater treatment plant, or in much of the upper portion of Narragansett Bay.

Get too far down the Bay, however, and there won’t be enough nutrients to feed the oysters. Dutch Harbor, just below the Jamestown-Verrazzano Bridge, is about as far south as farmers have managed to go.

That leaves a fairly small chunk of the West Passage, East Passage and Sakonnet River, plus the salt ponds. And farmers have additional factors to consider: Finding a sheltered area is key to ensuring storms don't wipe out the cages, and being relatively close to a dock eliminates the need to use large amounts of fuel.

All that "invariably puts you in front of someone's waterfront home," Rheault says. Property owners who "value their view and don't want to see dirty, muddy people" will try to push the farms further away from the coastline, which then leads to complaints that they're in the way of larger boats.

"We're trying to find ways to fit in that don't inconvenience too many people," he adds. "But it's crowded out there."

Both oyster farmers and property owners felt blindsided

In Tiverton, many of the people opposing the Bowens' oyster farm see themselves as stewards of the environment.

They drive Priuses and Teslas and say they chose this neighborhood because it's home to so much preserved open space, from the Audubon wildlife refuge to the potato farms to the state-managed wetlands. A Saturday spent on the water involves kayaks, not jet skis.

They're also quick to add that they're not NIMBY — Not In My Back Yard — types. They may not live in Tiverton year-round, but that doesn't mean they're wealthy. And it's certainly true that many of them were lucky to buy affordable summer cottages decades ago, back when middle-class families could still purchase a slice of Rhode Island's shoreline. Those simple homes would go for the high six-figures now, if their owners were ever willing to sell.

Many say their frustration with the Bowens' plan comes from feeling that they weren't consulted — by the brothers or by CRMC staff.

In most towns, you'll get a heads-up from zoning officials if your neighbor plans to make major changes to their property. But if someone wants to grow oysters within view of your back porch, the CRMC doesn't have to mail you a notice.

Unless you're in the habit of perusing the agency's website or subscribed to its aquaculture listserv, you'll most likely first learn of the plan when it comes up on a town meeting agenda or gets covered by a local newspaper.

By that point, the shellfish farmers may have already spent months or years adjusting their proposals to get the necessary approvals from agencies that you might expect (like the DEM and the Coast Guard) and others that you might not (like the Rhode Island Historic Preservation and Heritage Commission.)

Many homeowners say they felt blindsided to learn an oyster farm might be coming to Sapowet Cove only after the plan had already cleared every regulatory hurdle short of a final nod from the CRMC, and the Bowens were closing on a small parcel of land in the neighborhood. The Bowens say they felt blindsided when objections popped up at the last moment, more than a year after they first applied for the lease.

Residents had even more opportunity to weigh in than they usually would, because the pandemic led to delays in the approval process and meant that public meetings took place online, the Bowens argue.

At a July CRMC meeting, agency director Jeffrey Willis said the council was reviewing its notification process. But it's not clear that more advance notice would lead to the end of the oyster wars. Seapowet residents are adamant that no changes the Bowens could make would satisfy them — they don't want the farm in their neighborhood at all.

Who has a greater claim to Sapowet Cove?

Central to the fight over Sapowet Cove is the question of whose wishes should matter more — the homeowners who are both emotionally and financially invested in making sure the neighborhood doesn't change, or the farmers who live in the next town over but will still be out on the pebbled shoreline in their waders on a gray January day after just about everyone else has left for the season.

“We feel like we're a target, because we're not full-time,” says Liz Mendez of the Save Seapowet group. “Like we're not legitimate.”

“We pay very high taxes in Tiverton for part-time use, and we don't have any say in what happens in Tiverton,” adds Mary Dexter, who spends winters in Newton, Massachusetts. “That's offensive to me, to say that I'm ‘just here part-time.’ To do what, to appreciate this beautiful area? Well shame on me for paying this extra money to live in this gorgeous area.”

Meanwhile, some question why the Bowens don't just raise their oysters in their own town, suggesting that the farm will do more harm than the brothers are letting on.

“I can guess why they didn’t attempt to put an oyster farm in Little Compton — the many wealthy people who own/live on the coastline would never allow it,” says one letter sent to the CRMC. “We Tiverton residents may not be able to match the wealth of Little Compton residents, but it does not mean we love our natural resources any less.”

Actually, the Bowens say, it’s just a matter of geography. Sapowet Cove is an ideal location for an oyster farm because it’s sheltered by the long spit of land that juts out into the Sakonnet River at Fogland Point, and there’s nowhere in Little Compton that would be as well-protected.

Besides, they add, the two towns are so interconnected that they tend to feel like one — especially if you grew up living here year-round, cut off from the rest of the state by the water.

“We very much feel that we’re from here,” Patrick says. “We certainly wouldn’t do anything that runs contrary to the community and the beauty of this place.”

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Bowens speak on Tiverton oyster plan

Little Compton brothers respond to what they say is a misinformation campaign



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Patrick and Sean Bowen of Little Compton stand on a small stretch of land they recently purchased just south of Seapowet bridge.

TED HAYES

Posted Tuesday, August 10, 2021 12:41 pm

By Ted Hayes

Every time they take the road down to the site of their proposed oyster farm at Seapowet, Sean and Patrick Bowen of Little Compton can't help but notice the dozens of bright yellow lawn signs that have sprung up over the past few months and point squarely at them:

"Preserve Your Right to Seapowet Waterway," they read, listing www.savesepowet.org, an opposition website. "Act Now!!!"

The signs are seemingly everywhere in that stretch of Tiverton, and the brothers said Thursday that each reminds them to keep their heads up.

"We constantly have to remind ourselves to stay positive," said Patrick, a carpenter who also works as a vocational teacher in Fall River. "You can't go down that wormhole of negativity. People are going to say all kinds of crazy things."

Since they first proposed their farm in 2019, went through three preliminary hearings before the Tiverton Harbor Commission, applied for a permit with the state Coastal Resources Management Council (CRMC) and paid \$100,000 for a tiny strip of land just to the south of the Seapowet bridge, Patrick and his brother Sean, an environmental scientist focusing on aquaculture, said keeping that positivity intact has been difficult. As one of two applicants who propose establishing farms in the area — the other, a three-acre farm proposed to the north, is not as far along in the CRMC process — the Bowens say they've been unfairly maligned by a "misinformation" campaign they say was designed to spread fear about their plan and its potential impact on the area.

"It's like going through McDonald's to get dietary information," said Patrick of the website and the opponents behind it, who have raised more than \$12,000 for their cause.

"I don't want my reputation being tarnished by false information and largely what that website is, is false information."

One recent afternoon, the brothers dodged raindrops to walk through the site, parking in the dirt area north of the bridge and walking over the bridge to their property, which is just about wide enough to drive a truck down. Through it all, they talked about their plan:

Why here?

Patrick: "In August 2019 we started looking around to see if we could find a place that was good for growing oysters. We started in Little Compton and kind of all through the area."

Sean: "It's ideal. When you go beyond Fogland, it's a straight shot out to the south-southwest. So you get waves, you get wind. This is protected."

The proposed farm is .97 acres. Can you describe its construction?

Patrick: "There are a bunch of different types of gear. From the get go, what we said was, 'We want as little to be seen as possible.' The system we came up with is basically like lobster pots placed in rows."

Sean: "So there are 200 cages in rows, 16 inches off the bottom. The average depth is two to four feet at mean low tide. There's nothing visible, even at low tide. So with a kayak or a canoe, you're fine."

Why that design, instead of floating cages?

Patrick: "Because it's ugly; basically out of respect for the area. It was our assumption that floating gear would be looked at unfavorably."

Will they interfere with boaters, kayakers and recreational fishermen?

Patrick: "No one brings a power boat through there anyway. From our first meeting, we made it absolutely clear that what we're doing will not prevent anyone from kayaking over through our lease area or canoeing. As a matter of fact, if we were working there and people came through on kayaks, we would welcome the opportunity to speak to them, because ultimately it's going to sell our product. I have no problem talking to anyone. And number two, this is not going to prevent anyone from fishing."

Sean: "We also have a plan for rows that are 25 feet apart. So there's plenty of room between those for casting."

How would the farm be serviced?

Patrick: "What we've heard and read is that there's going to be big trucks and equipment ... nothing could be further from the truth. Nor is it an industrial operation that involves industrial equipment and power washers."

Why buy the land?

Patrick: "One of the biggest impediments to aquaculture statewide or anywhere for that matter is access to the shore." Buying the small piece of land "enables us to have a place to park. We've applied for a mooring, so forever more we have a mooring, and a place to park the car. Ideally, at low tide we can wade out there."

Will this farm be enough to sustain you as is?

Patrick: "We don't have to grow a lot of oysters, we just want to grow the best. If you sell direct to consumer, the max we could grow here would be about 100,000 oysters" per year.

Sean: "We don't need to make a million dollars."

Have any of the opponents reached out to either of you personally?

Sean: "Not once."

What is your take on the claims that the public has not been brought into the process?

Patrick: "There is a claim that nobody knew anything about this. The first newspaper article was published in February 2020. There were several meetings. All of our meetings (since the pandemic began) have been on Zoom. We feel the public has had ample opportunity to follow this. A notification was posted on the Town of Tiverton website."

Should area residents have been given notice directly?

Patrick: "The state is the only abutter. The argument about zoning and abutters is that if this were a zoning issue and someone were seeking zoning relief, any abutters within 200 feet would have to be notified. I totally get it. But the fact here is that our proposal is more than 200 feet."

Sean: "285 feet from mean low. Even if this were a terrestrial zoning issue, it wouldn't apply."

Patrick: "One of the things that we would like to counter is the idea that no notice was given. Giving notice is not the responsibility of the applicant according to state law, and that goes with any aquaculture farm in the state. It's not as though this was done in a vacuum."

Sean: "That's the part that gets insulting. The assertion that we've gone behind people's backs is insulting. We didn't go behind anybody's back. We did most hearings at least twice, and even if you live in Arlington, Va. you can log on and take part. We've done this as openly as we possibly could."

Patrick: The hearings before the harbor commission required by CPMC are "actually a pretty good way to do it. The harbor commission is a body that represents the people of Tiverton with regard to coastal issues. So it starts at that local level."

Are you willing to change the boundaries to respond to placement concerns?

Sean: "We've moved it three times."

Patrick: "So what the harbor commission sent us away with was, 'We'd like to see you move it to deeper water. We proposed the idea that we would like to access it from the state parking area. DEM didn't like that. No problem. So ultimately, we'll move it further out and we'll access by private land or by boat. No problem."

How does this plan fit with the way of life in Tiverton?

Patrick: "What makes a rural place rural? If everyone who lives here works somewhere else, it isn't rural. If a kid growing up in Little Compton or Tiverton wants to stay around here and work around here, what do you do? I guess, maybe cut people's lawns or build houses. I think — I know — that aquaculture provides an opportunity for young kids to be able to stay around here and have a quality of life that they otherwise might not have. So as part of the community, that's definitely something we want to do."

1 comment

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William Dallaire

Oyster farming is healthy for the environment.

It just shows how many people have nothing better to do but protest against something they absolutely know nothing about.

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It was nice to hear oyster farmers' point of view

Posted Tuesday, August 17, 2021 1:38 pm

To the editor:

I was delighted by the interview, "Bowens speak on Seapowet oyster plan" (Sakonnet Times, Aug 12). It allowed these honest and wonderful individuals who have owned, farmed, and preserved agricultural land for produce for many years in the tradition of their family heritage a chance to answer unfounded public charges.

Despite the waters belonging to all of us, shoreline access is contentious throughout the state. The Bowens purchased a small plot to allow access to an acre of sea bottom and hope to secure the rights from the state to operate an oyster farm. Through the permitting process, the Bowens have changed the farming methods and adjusted the site plan to accommodate the requests of other users of the water. I wonder how many of those posting signs in opposition have visited a family oyster farm that uses similar methods to witness how unobtrusive and passive the operations are.

Dr. Andy Rhyne, a noted aquaculture specialist and professor at Roger Williams University, wrote a letter several weeks ago, which described the importance of oysters in cleaning and renewing salt water in the coastal areas. The environmental benefits are undeniable, and the oyster farming activity in no way diminishes the uses of the water above the submerged oyster growing cages. I would suggest that those who have posted these signs consider the advantages of the oyster farm. They might reconsider their positions if the choice were living with the unclean water from septic, driveway, and agricultural runoff.

Patrick and Sean are probably the best stewards of property that one could hope for in Rhode Island.

Johanna McKenzie

Little Compton

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Oyster farmers' numbers don't add up

Posted Tuesday, August 17, 2021 1:39 pm

To the editor:

In response to the August 12th Bowen article. The applicants for the proposed oyster farm in a highly public used area in the Sakonnet River have made some confusing claims. Their statement about the proposed farm is located in " the average depth is two to four feet at mean low tide " is confusing because they have stated the cages will be "16 inches off the bottom " . If you do the math 16 inches plus another 16 inches of cage adds up to 32 inches. By their words this means that at low tide the tops of the cages will be 8 inches exposed above the water. How can you claim " there's nothing visible, even at low tide ". So how can you kayak, swim or canoe over the top of the exposed cages?

Reference CRMC file number 2020-04-037 staff report dated May 4th 2021 "total cage height is 16 inches ".

Richard Metcalf

723 Seapowet Ave.

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Aquaculture Farmers and Recreational Users Tussle for Space Along Rhode Island's Crowded Coastline

By Frank Carini / ecoRI News staff

August 21, 2021

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A paddleboarder on the Sakonnet River in Tiverton passes near an area that could host a nearly 1-acre aquaculture operation. (Frank Carini/ecoRI News)

TIVERTON, R.I. — The Ocean State's coastal areas and its salt ponds are some of the most popular, crowded and treasured spots in the state. They are recreational havens, economic drivers, and food suppliers.

Green Hill, Ninigret, Point Judith, Potter, Quonochontaug, and Winnapaug ponds run along Rhode Island's southern coast. These ponds are coastal lagoons with shallow water that are separated from the open ocean by a natural barrier, creating a protected environment that hosts an assortment of wildlife and myriad activities. On any given day, especially in the summer, you can find people boating, swimming, paddling, tubing, kite surfing, fishing, and birding.

These ponds, as well as areas like the Sakonnet River and Nanaquaket Pond in Tiverton, have also become desired locations for aquaculture. These operations are particularly suited for salt ponds and coastal areas, because of shallower water, a longer growing season, and easier access.

Farms & Acreage Under Lease



Eighty-one Rhode Island aquaculture operations take up 339.08 acres of coastal waters. (Rod Hudson/Roger Williams University)

Rhode Island's aquaculture industry has steadily been on the rise for the past two-plus decades. From 1996 to 2019, the number of aquaculture farms in Rhode Island increased from six to 81 and the amount of space they occupy, from less than 20 acres to nearly 340, according to information presented by Rod Hudson, a shellfish hatchery manager and adjunct professor at Roger Williams University, during an aquaculture discussion Aug. 12 at Tiverton Public Library. The event was organized by Rep. Michelle McGaw, a Democrat who represents Little Compton, Portsmouth, and Tiverton.

And while the general sentiment across the state, including by many who use the same waters to play, is that aquaculture is good for the local economy and environment — oysters like other bivalves filter water and remove excess nutrients such as nitrogen; the farming and harvesting of shellfish doesn't require antibiotics and fertilizers; a small oyster farm can clean as much as 100 million gallons of water daily — resistance has become strong. Concerns have been raised that this intensifying interest in marine farming is eroding the proper management of aquaculture farm leases.

The Coastal Resources Management Council (<http://www.crmc.ri.gov>) (CRMC) is the agency responsible for managing aquaculture leases. Under CRMC regulations, a maximum of 5 percent of a pond's water surface area can be used for commercial aquaculture.

The application process includes site visits by the Rhode Island Department of Environmental Management (<http://www.dem.ri.gov/programs/marine-fisheries/shellfish-aquaculture.php>) (DEM), the Army Corps of Engineers, and the Rhode Island Historical Preservation & Heritage Commission. The application is also given a 30-day public notice period. This review determines if the proposal will be met with conflict, and the application is either approved or denied by CRMC's aquaculture coordinator before the project is voted on by the 10-member board.

The agency's current aquaculture coordinator, Benjamin Goetsch (http://www.crmc.ri.gov/news/2020_0715_newstaff.html), told the Tiverton Harbor & Coastal Waters Management Commission at a meeting in March that CRMC doesn't tell aquaculture applicants where to put their projects, saying the review process is designed to determine if a chosen site can accommodate such an operation.

The regulations and the application process are meant to provide structure for a growing industry, but it is Rhode Island General Law 20-10-1 (<https://law.justia.com/codes/rhode-island/2013/title-20/chapter-20-10>) that sets the foundation.

“It is in the best public interest of the people and the state that the land and waters of the state are utilized properly and effectively to produce plant and animal life,” according to state law. “The process of aquaculture should only be conducted within the waters of the state in a manner consistent with the best public interest.”

But what is in the public's best interest is a matter of opinion. Aquaculture expansion is certainly positive, as the state is bringing back an industry that had its last boom

(<https://www.ecori.org/aquaculture/2015/7/6/bringing-oysters-and-mussels-back-to-providence-waterfront>) at the turn of the 20th century. Tourism, recreation and commercial fishing are also important to the Ocean State, but when boaters, abutters, and fishermen have less access to coastal waters, tensions build.

Coastal property owners, recreational water users, anglers, waterfowl hunters, aquaculture operators, and state officials are grappling with how to navigate their way through a complicated situation involving a shared resource.

With Rhode Island's aquaculture footprint growing, CRMC, during its ongoing effort to develop a [Narragansett Bay Special Area Management Plan](http://www.crmc.ri.gov/samp_bay.html) (http://www.crmc.ri.gov/samp_bay.html), "is holding robust discussions with an aquaculture working group and is looking hard at all of the processes involved in notifying, reviewing and deciding upon aquaculture applications for our public trust waters."

Aquaculture can be a growing business if sites are chosen well, according to the [Rhode Island Shellfisherman's Association](http://rishellfisherman.org) (<http://rishellfisherman.org>).

The East Coast Shellfish Growers Association [recommends](https://ecsga.org/wp-content/uploads/2018/01/BMPmanual.pdf) (<https://ecsga.org/wp-content/uploads/2018/01/BMPmanual.pdf>) that growers, "Make a best effort to communicate early and openly with water-based and land-based neighbors about any facet of their operation which might affect them."



While Rhode Island's main aquaculture crop is oysters, farmers are also raising hard-shell clams, mussels, and seaweed. (istock)

User conflicts

Aquaculture projects proposed for the Sakonnet River in Tiverton have galvanized residents. Neighbors claim they did not hear about the two projects until they were well along in the CRMC approval process. This lack of transparency, they say, has made an already-contentious situation more problematic. They say the state's notification process is lacking, ignores abutters and other water users, and needs to be revamped.

However, unlike municipal zoning and local land-use issues, abutters are not required to be notified by CRMC or DEM of aquaculture operations proposed for state waters.

Kenneth Mendez, who has owned a home on Sapowet Marsh for the past three years, is among those concerned about plans to put more oyster cages in a Tiverton

waterbody popular with the public. Two existing aquaculture operations on the eastern shoreline of the Sakonnet River take up about 5.5 acres in Tiverton's riparian waters.

In a June 11 email to the DEM director, Mendez expressed concern that there is a lack of public notice when it comes to hearings associated with aquaculture projects. He said this lack of notification can potentially impact the outcome of important votes.

CRMC noted it has created an [online listserve](http://listserv.ri.gov/mailman/listinfo/ri_aquaculture) (http://listserv.ri.gov/mailman/listinfo/ri_aquaculture) for anyone who wants to be notified of any activities related to Rhode Island aquaculture. The agency also has a [webpage](http://www.crmc.ri.gov/aquaculture.html) (<http://www.crmc.ri.gov/aquaculture.html>) devoted to the industry.

To address residents' concerns, the Tiverton Town Council [recently directed](https://www.eastbayri.com/stories/seapowet-residents-mobilize-against-oyster-farms,91967) (<https://www.eastbayri.com/stories/seapowet-residents-mobilize-against-oyster-farms,91967>) the town solicitor to look over a proposed resolution that, if passed locally and sent to the General Assembly, could give residents more time to respond to aquaculture proposals than state regulations currently require.

The resolution was reportedly put on the agenda by council member Jay Edwards. He has expressed concern about the way CRMC has dealt with the aquaculture farms proposed to the north and south of Sapowet Point on the Sakonnet River.

The proposed Bowen oyster farm plan — the one south of Sapowet Point and near where Sapowet Marsh empties into the Sakonnet River — was submitted by Little Compton brothers Patrick and Sean Bowen. Their [application](http://www.crmc.ri.gov/meetings/2021_0511semipacket/2021_0511_BowenBowen_2020-04-037.pdf) (http://www.crmc.ri.gov/meetings/2021_0511semipacket/2021_0511_BowenBowen_2020-04-037.pdf) seeks CRMC permission to submerge up to 200 oysters cages in a 0.95-acre area 285 feet offshore.

The farm would be the Bowens' first dabble at running an aquaculture operation. Patrick, who teaches at the Diman Regional Vocational Technical High School in Fall

River, Mass., and Sean, who is the aquaculture coordinator and composting coordinator for the Massachusetts Department of Agricultural Resources, told ecoRI News the operation would start small, with 30-40 cages. Perhaps in five years the farm would ramp up to the maximum 200 cages, they said.

As for claims the public wasn't made adequately aware of the project, the lifelong Rhode Islanders said seven public hearings have been held on their proposal, the comment period was extended by 15 days, and their application has been posted on the websites of CRMC and the town of Tiverton. The brothers noted they have changed the farm's plan three times to address residents' concerns.



A group of Tiverton residents and others who use local waterways for recreation have come out against aquaculture operations proposed for the Sapowet Marsh Wildlife Management Area of the Sakonnet River. (Frank Carini/ecoRI News)

The Bowen aquaculture plan was originally filed in December 2019 and was expected to come to a CRMC board vote in June, but pushback from opponents, including

misleading. He noted the 16-inch-high cages would be submerged, four buoys would mark the farm's perimeter and the cages would be placed in rows of 10, with 25 feet between each row. He said kayaks and paddleboards would be able to pass over the cages. He said there would still be plenty of room to fish.

"We want a low-profile operation with a low-carbon footprint," Patrick Bowen said. "We want to be invisible."

Tiverton resident Will Miranda is concerned about the impact the growing number of Rhode Island aquaculture operations are having on commercial fishing. While not a commercial fisherman himself, his father and other family members are, and he believes aquaculture farms can make valuable fishing and wild shellfishing areas inaccessible.

"They're going up everywhere and anywhere," he said. "We need to find suitable places to put them, but it seems like there is no plan for where they can be put. They should be going in places that have minimal impacts on the community."

Miranda is also a kite surfer, but the 38-year-old doesn't believe aquaculture, at least when it comes to his recreational use of salt ponds and coastal areas, hinders his enjoyment.

"I could get tangled up in cages and buoys and fall, but that's my problem," he said. "That's on me." He said floating cages are the bigger problem for a kiteboarder.

The New England chapter of Backcountry Hunters & Anglers has said the impacts to hunters' use of the [Sapowet Marsh area](http://www.dem.ri.gov/maps/mapfile/huntingatlas/52.pdf) (<http://www.dem.ri.gov/maps/mapfile/huntingatlas/52.pdf>) have not been acknowledged, considered or addressed.

The Boehringer aquaculture application

(<http://www.crmc.ri.gov/applicationnotices/2021-02-054.pdf>), submitted in January by Wakefield residents Brad Boehringer and Travis Lundgren, requests the use of floating and submerged gear to raise oysters and scallops in a nearly 3-acre site north of Sapowet Point.

A similar situation is playing out in South Kingstown, where a proposed 3-acre expansion of an aquaculture operation in Potter Pond's Segar Cove has received pushback. Neighbors are concerned the project would effectively privatize more of the pond and further limit public access. Potter Pond currently features about 9 acres of aquaculture.

Like in Tiverton, opponents have created a website (<https://www.savepotterpond.org>), made CRMC aware of their disapproval, and hired attorneys.

The Sakonnet River applications are currently under review and therefore CRMC can't comment on them directly, according to Laura Dwyer, the agency's public educator and information coordinator.

She noted the Potter Pond project still needs to go before the CRMC board for consideration. In an early August email, she said the board is waiting on scheduling and a written recommendation from a subcommittee.

"Regarding aquaculture generally, the CRMC has always sought to balance the many uses of our coastal ponds and Narragansett Bay, of which aquaculture is one," Dwyer wrote. "However, CRMC evaluates each application it receives on its own merits, and also considers what the impacts of these proposed activities may be with the many recreational, commercial, and other uses and users of the state's Public Trust waters."

No one at CRMC was made available to speak about the growing demands being put on Rhode Island's salt ponds and coastal areas and how this space is being managed.

The next CRMC board meeting is scheduled for Aug. 24

(http://www.crmc.ri.gov/calendars/2021_08.html).

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Thank you for a balanced article on the subject of Oyster Farming in RI waters. What the majority of the public wants is a fair and transparent process that allows for valuable public input. That is not the process with CRMC today, which is why the recent appointment of a Committee of legislators and stakeholders to discuss revamping CRMC is so important.

What else is important, is completing the SAMP process, which hopefully will determine where aquaculture should be located in the waters of RI. When the historic use of the many to RI's waters are superseded by the commercialization of the Public Trust by the few, the system is flawed and should be revamped. Until such time as those changes are instituted and the SAMP program is finalized, there should be a moratorium on approval of any aquaculture projects.

REPLY (#COMMENT-4200)

i m a member of the shellfish advisory committee which preliminarily reviews aquaculture applications and sends a recommendation to the marine fisheries council which then sends a recommendation to CRMC. i m also on the committee to advise CRMC on the aquaculture portion of the Bay SAMP.

i ve been complaining about the inadequate and un-rigorous public notification for years. its true that the applications are listed on the CRMC website and one can be notified via the aquaculture listserv however that begs the question first of who's hobby it is to peruse the CRMC website and second how is one supposed to know to sign up for the listserv. by the way even if one was on the listserv are they supposed to review the listing regularly to see if an application will effect them. the complaints by Bay

users, lets call them stakeholders regardless of what type of user they are (other commercial entities or private citizens) has increased dramatically with the increase in applications.

as frank points out, other state and municipal regulatory processes (zoning board applications, septic system variances for example) have required abutter notifications via direct contact (certified letters) . the applicant is responsible for the notification which has to be documented to the regulatory agency. there is no such requirement for aquaculture applications which leads to growing conflicts that this article highlights. presently the CRMC Type I water definition includes preservation criteria which is being ignored with the granting of some of these leases. hopefully the SAMP aquaculture process will formulate a formal abutter notification process for both water users and upland property owners and not leave it up chance as to whether or not a potential effected party becomes aware of an application

dick pastore

REPLY (#COMMENT-4201)

Rhode Island has 400 miles of coastline, the area of leases is 340 acres, about 1/2 square mile. This case goes to show just how little of the 400 miles is actually prime habitat and/or accessible to the public . Hence the conflicts over use.

REPLY (#COMMENT-4202)

I would hope that in a fair and democratic society that we need to hold our government officials accountable to live up to their commitment to the people they serve. It seems to me that aquaculture, although an important enterprise in our state, makes up a modest contribution to RI's revenue and employment base. Therefore, a thoughtful, long-range modernized plan for our coastline and wetlands, including scientific impact studies of aquaculture, not just comments like "well, oysters clean the water" seems to be warranted.

My understanding is that once these leases are granted access rights-for all intents and purposes-are given up FOREVER since the leases can be sold. And that "forever" is a HUGE price to pay for lost access, potential and real hazards to novice or injured water enthusiasts, and unstudied long-term damage to our precious ecosystem, not to mention unsightliness of these farms and/or noise pollution by any cleaning equipment. Please check out saveaseapowet.org for the latest updates. Thank you

REPLY (#COMMENT-4203)

Mr. Gerritt's aquaculture proportions are spoken in the same jargon used by the aquaculture advocates. It disregards spatial planning, shellfish disease introductions, genetic dilution of wild stocks, localized sediment impacts, bird roosting on gear, displacement of public trust usage, and more, all in exchange for a nominal annual fee. Those concerned with these impact little if any recourse.

[REPLY \(#COMMENT-4204\)](#)

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Letter: Oyster farms could change water access forever

Posted Friday, October 1, 2021 2:22 pm

To the editor:

There is much to discuss about the proposed oyster farms in Seapowet waterway, but I would like to focus on a couple of points.

- * Lack of public input — The process of Coastal Resources Management Council (CRMC) to approve oyster farms needs by law to include crucial and meaningful public input. Feedback from stakeholders was not adequately sought by CRMC for the two current Tiverton oyster farm applications.
- * Who are the stakeholders? Those who fish, kayak, swim and recreate in the Seapowet area. It also includes those walk their dogs along the shore or those who enjoy the magnificent natural beauty of the area by parking their cars and taking in the scenery to decompress from their busy lives. It includes the property abutters who were not contacted by CRMC and were blindsided about these applications until the 11th hour in the process.
- * Change from public benefit to private commercial use — Oyster farms in the Seapowet Wildlife Management area will be effectively permanent. Oyster farm permits are for 15-year periods and are renewable and transferable. To date, no leases have ever been revoked. Once permitted, many leases are in fact, expanded. Our gem of a coastline will be forever changed for the profit of a few.
- * CRMC needs reform — Historically, there has been a lack of communication between the CRMC and the community. The public has repeatedly clashed with CRMC, at times requiring the Attorney General to step in to safeguard the public's interest.

Until CRMC reforms and the public has an adequate opportunity for input, no decisions should be made on the oyster farm proposals that will forever change the waterscape. CRMC is legally obligated to adhere to its own stated "Public Trust Policy". This policy states that aquaculture "leasing process must take into consideration what is best for all of the residents of the state" not just a few.

Patty Garber

Tiverton

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CRMC, wary audience talk oyster farms in Tiverton

Three representatives of the state agency appear before the harbor commission



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Staff from the Rhode Island Coastal Resources Management Council (CRMC) spent 90 minutes talking aquaculture before the Tiverton Harbor Commission Monday evening. Representatives included (from left) executive director Jeffrey Willis, deputy director James Boyd and aquaculture specialist Benjamin Goetsch.

TED HAYES

Posted Wednesday, October 6, 2021 9:58 am

By Ted Hayes

Representatives from the state's Coastal Resources Management Council got an earful Monday evening when they appeared before the Tiverton Harbor Commission to talk about the changing face of aquaculture in Rhode Island.

Though CRMC executive director Jeffrey Willis said from the outset that neither he nor his two colleagues would talk about specific aquaculture proposals before the agency, many in the 30-strong audience at the Tiverton Public Library had plenty to say about two oyster farm proposals currently being considered by the agency.

Both plans — a one-acre farm just south of the Seapowet Bridge and a larger proposal to the north — are currently before the CRMC, and while each has its proponents, each has also drawn strong opposition from residents along Seapowet Avenue and elsewhere in town.

Residents, town officials and some commission members who spoke said that apart from their opposition to both plans from a public access and land use point of view, CRMC has done a poor job bringing the public into the process. And they said the lack of "proper" notification to abutters and other stakeholders has led to misinformation, confusion and a feeling by some residents that they don't have a say, nor an advocate, at the agency.

"We have to decide whether you're the regulator or you're the promoter" of aquaculture projects, said audience member Tom Ramotowski, the chairman of the Tiverton Conservation Commission. "In a lot of people's minds here, they conflict, and in my mind as well."

"I'm concerned that what's being held in the public trust is being given away," added Tiverton Town Council member Donna Cook. "That bothers me."

CRMC officials reached out to Tiverton and asked to speak before the harbor commission to give an overview of how the agency works, and how it regulates oyster farms and proposed oyster projects. Willis said that since the first oyster farms started appearing in the South County area in the 1970s, the industry has grown steadily up and down Narragansett Bay. There are currently 83 operating oyster farms in the state, and that growth and expected future growth needs presents the agency with challenges, he said. That is why the agency is working to revamp and update its policies and SAMPs (Special Area Management Plans).

Several residents said that apart from giving more consideration to the needs of those who live adjacent to and recreate in public waters, one of the most important things the agency can do is work harder to bring all stakeholders into the process, from those who live close to proposed farms, to recreational boaters, shellfishermen and other affected recreational users. They complained that under current CRMC policy, those directly impacted are not directly notified when a proposal comes before the agency. Though the CRMC just started an e-mail listserv for people interested in aquaculture projects, it is not enough, some said.

CRMC deputy director James Boyd said the agency is doing the best it can but can certainly do more. However, he said, the devil is in the details and when one talks about an offshore project, it is difficult to define who is an abutter, and who is not:

"We definitely understand and hear loud and clear that the notification process" needs examination. "We're trying to figure out the best way to get that notification out. It's not so easy when the project is out in the water. People (property owners) might have a direct visual of the site but they may be a quarter or a half mile away."

Suggestions

Though the discussion was about policy, not individual projects, residents and board members had much to say about their thoughts on aquaculture here, and what they would like to see changed.

Commission member Charles "Chip" Lawrence said he would like to see regulations that would prohibit any aquaculture operation less than 1,000 yards from any "recreational" area, much as he said Suffolk County, NY already requires. He also believes all farms should be at least 1,000 feet away from any mooring field.

Fellow commission member Clint Clemens said buffers around recreational areas make sense, as "not everyone understands how to navigate around the maze of an oyster farm."

As for ways to better alert the public when an application is submitted to CRMC, Clemens said "there's a gap between public information and the public being informed."

That needn't be, he suggested, as "notification could actually happen quite simply. Put the onus on the applicant to send certified letters to all whose property lines cross" the proposed aquaculture operation.

Ramotowski agreed, and said notification could also be done the way it is handled in more traditional land-based zoning and planning projects.

Suggesting that letters be sent to recognized abutters, he also favors legal advertisements and announcements hung at town hall.

"Notification needs to be much broader. Because there are a lot of people that use this space that don't live anywhere near there. There's a lot of work to be done by your commission to make sure people know what's going on."

Several residents said they worry that CRMC has become a de facto arm of the aquaculture industry, favoring farmers over recreational users and traditional public access rights. But in some of his final remarks, CRMC aquaculture specialist Goetsch disagreed.

"Is aquaculture consistent with the public trust? There is legislation that says that in this state. The position of the CRMC is we support aquaculture where it can be accommodated. "

"We're not giving it away. The process ... is designed to determine where things can be accommodated."

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Tiverton harbor commission seeks opinion on private vs. public water rights

Question comes as aquaculture plans work way through the CRMC system



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Signs like these started appearing at Seapowet and around town over the summer.

TED HAYES



Posted Friday, January 28, 2022 10:22 am

By Ruth Rasmussen

As the debate over aquaculture at Seapowet continues, members of the Tiverton Harbor Commission want to know who has more rights to the water under Rhode Island law: Boat owners who want a mooring, or those who seek to develop offshore oyster and other aquaculture farms?

Harbor commission members last week unanimously approved a motion to submit the question to the town solicitor. The response will have wide-ranging implications, according to some involved in the process.

"This might be a constitutional issue," said town council member and commission liaison Donna Cook. "It is very important for the whole state of Rhode Island that this be answered and as quickly as possible."

Two applications for aquaculture operations are currently pending in Tiverton. One, submitted in the spring of 2020, is for a .97-acre oyster farm south of Seapowet Point and the other, submitted a year ago, is for a larger operation to the north of Seapowet bridge. The Coastal Resources Management Council (CRMC), the agency responsible for managing aquaculture leases, has yet to take final action on the applications.

Tiverton residents and others who strongly oppose approval of the leases say commercial enterprises must be prohibited in places like Seapowet, a shallow stretch of water they say is heavily used by kayakers, recreational anglers and the like. They believe aquaculture operations will result in restricted access to waterfront recreational activities and will disrupt the natural landscape in what is considered a pristine area of town.

Additionally, the applicants' opponents say CRMC needs to revamp its approval process so that abutters of potential aquaculture farms can be informed of applications sooner in the process. In the case of the two pending applications, critics say many individuals and groups who would be most impacted by the proposed ventures were unaware of the proposals until the application process was well underway.

Moorings approvals delayed

The commission's decision to seek legal guidance stemmed in part from disputes that arose between town officials and community members who say Tiverton takes too long to approve applications for moorings.

Tiverton property owner Don Libbey referenced those tensions at last week's meeting when he spoke in support of the commission's proposal to seek a formal legal opinion.

"Tiverton has routinely approved riparian moorings applications in a reasonable period," said Libbey. "Recently, however, when a proposed riparian mooring application would interfere with a pending commercial aquaculture application, Tiverton officials chose to defer to CRMC and withheld approval."

Libbey asked that his letter on the issue, along with a copy of a related email exchange between Tiverton Town Administrator Chris Cotta and a mooring applicant, be included in the public record. In the email, Cotta told the applicant that CRMC has "ultimate control over all matters related to the Sakonnet River's bottom ground, including mooring locations."

Cotta's statement, Libbey said, "demonstrates that CRMC has advanced a new policy abrogating Tiverton's long-established authority in approving riparian moorings simply because the mooring would interfere with a pending commercial aquaculture application."

"CRMC's new policy clearly has statewide implications," he said, "unless, as it seems, the policy is only enforced in Tiverton because our coastal waters are ripe for commercial development...When CMRC is trampling on riparian owner's rights, the people of Tiverton need this body [the harbor commission] to step up and protect those interests."

Abutter notification

The CRMC Narragansett Bay Special Area Management Plan (Bay SAMP) is a document used in conjunction with the agency's long-range planning efforts. One of its purposes is to guide and manage aquaculture projects within Narragansett Bay and the Sakonnet River. A Bay SAMP working group, consisting of a diverse group of volunteers from around the state, serves as an advisory body to CRMC. Recently CRMC made recommendations to the working group for changes to the abutter notification process as outlined within the plan. The agency also recommended adding to the plan a requirement for a scoping session, to be scheduled by an applicant once the aquaculture lease application is submitted to a municipality. Scoping sessions allow applicants to engage with stakeholders early on to outline the vision, rationale, and full details of their project.

At last week's meeting, harbor commission members reviewed an email from commission secretary Deb Hagen to CRMC officials in which she commented on the agency's recommendations to the working group. Hagen's email said CRMC's proposed changes to the notification process do not reach a broad enough group of stakeholders. She listed six recommendations for policy changes she said were essential to "not only inform the applicant of local features and use but to properly notify the public."

These include increasing coastal property owner notification to at least 1,000 feet from the proposed leases' boundaries and, if there are no coastal property owners within 1,000 feet, notification by applicants to the nearest five coastal property owners. Hagen's email also included recommendations for advertising of scoping sessions and other meetings and suggested ways applicants could show proof of their notifications to abutters.

Commission member Clint Clemens said timing is critical during the application process to ensure abutters have sufficient opportunity to review the application and provide input.

"The point behind all this is to smooth out the very beginning of the process so it doesn't end up confrontational," he said. "I don't think anyone is trying to say we shouldn't have aquaculture...what we are saying is that public notification and involvement is the key to everything, so we should do what we need to do to make sure questions are answered and people's concerns are addressed at the very beginning of the process."

In addition to the need for notification of abutters, commission members agreed that applicants seeking leases for aquaculture operations should complete a standardized list of detailed questions relating to their proposal.

Following discussion, the group unanimously approved a motion to reconvene a three-person subcommittee that would review recommendations for the abutter notification process and draft an initial set of questions for the applicant, to be completed at the time of application.

Bowens' comments

Though they did not speak at the meeting, Patrick and John Bowen, whose application for the .97-acre lease is pending, said after the meeting that they have followed the application process to the letter of the law.

The Bowens, fourth generation residents of Little Compton, shared a letter sent by John Bowen earlier this month to CRMC Aquaculture Coordinator Ben Goetsch (<https://www.eastbayri.com/stories/letter-state-not-town-should-dictate-lease-arrangements,101204?>), in which he referenced the agency's recent recommendations to the Bay SAMP working group. In his letter (see page xx), Bowen urged CRMC to leave its current application process intact.

"The existing, long-standing CRMC aquaculture process is thorough and highly detailed, offering numerous opportunities for public comment, and subjecting applicants to multiple public hearings," he wrote.

He said the application process for leasing of public property to an individual for commercial purposes is a function of the state:

"This obligation should not be delegated in whole or in part to municipalities or their committees, people who have opinions and often vested interest as waterfront owners — but little or no expertise in aquaculture."

"As the lead regulatory agency for marine aquaculture in Rhode Island, it is Coastal Resources Management Council, not municipalities, which is responsible for assuring the coastal waters of Rhode Island are managed in the best interest of the entire state," he wrote.

"The coastal waters adjoining a town belong to the State of Rhode Island — they do not belong to the town."

If CRMC implements the proposed changes to the application process, Bowen said that it would be "modifying a process which is not broken, adding numerous unnecessary layers of bureaucracy."



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Letter: Seapowet issue is about public access, not privilege

Posted Wednesday, February 2, 2022 11:14 am

I was disappointed to read the Sakonnet Times January 27 issue that amplifies the Bowen's characterization (<https://www.eastbayri.com/stories/bowens-state-not-town-should-dictate-lease-arrangements,101485?>) of those who oppose the proposed aquaculture lease near the Seapowet Bridge as "wealthy out-of-towners" versus "fourth generation locals." This disparages the many folks, both in Tiverton and those in nearby underserved communities, who have enjoyed the use of the Seapowet beach and abutting wildlife and marsh areas for a variety of recreational activities for decades, and in some cases spanning generations of families.

The Seapowet area provides free public access to the Sakonnet River for locals and those from nearby cities and towns. There is ample free parking, a no fee beach, and nature trails and revitalized marshlands to explore. Fishing and recreating opportunities abound. The vistas are wonderful.

Eliminating or limiting the public's use of an area that has always been freely accessible for everyone simply because a group intends to exclusively exploit our waters for commercial purposes, violates the Public Trust guaranteed in Rhode Island's Constitution. The guaranty provides for people to enjoy our waters for recreation and other activities, undisturbed by commercial interests.

In pushing their theme of class warfare and elitism, the Bowens fail to grasp that aquaculture development in Public Trust waters is not just a Tiverton issue. It is not personal and "us versus them". Rather, it is a statewide issue that the RI political and regulatory apparatus is currently reviewing.

The Bowens are plain wrong to claim that the aquaculture regulatory process does not need change. Many statewide stakeholders, both waterside and inland, believe the process is fundamentally flawed and in need of revamping. The RI Legislature is also studying ways to reform the CRMC. And CRMC leadership has already admitted the process needs reform starting with the stakeholder notification process.

That is why over the past many months, the CRMC has sought to engage the public and stakeholders in discussing CRMC's overall operation, public access to the water, aquaculture development, and a host of other issues through its Bay SAMP initiative. One hopeful outcome of this initiative is to be able to designate areas for productive aquaculture operations that would not prevent or significantly impair the public's access, use and enjoyment of Public Trust waters. That is also why Rep. Ruggiero, Chair of the Special Legislative Committee tasked with reviewing CRMC's current operations, has been holding statewide hearings with various stakeholders and the public to determine whether CRMC needs wholesale reorganization.

The Bowens have never been in touch with those of us who oppose this lease. Instead, the Bowens try to lump us all together as rich invaders crowding out the locals who cannot compete for hearth and home. Unlike the Bowens, we are not fourth generation locals who feel entitled to do what's only in our best interests for using the public waters of Seapowet.

You don't know my life story or the life stories of any of your purported opposition. The truth is, we come from many different backgrounds. Some live in Tiverton year-round, and some, like my family, summer here. Most of us do not own waterfront property. We all, I dare say, worked or continue to work very hard in our jobs and careers. From our hard work, many of us have also realized good fortune, and we try our best to pay that good fortune forward. Some are new to our Farm Coast community, and still many others have called Tiverton home for generations.

We are different, but we are all united in our desire to keep Tiverton and its coastal waters accessible and available to all.

Donald Libbey
Tiverton



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Bowens: State, not town, should dictate lease arrangements

Posted Tuesday, February 8, 2022 10:06 am

Editor's note: This letter was recently submitted to Ben Goetsch, CRMC Aquaculture Coordinator, from John Bowen, one of two brothers from Little Compton proposing an oyster farm off Seapowet Road.

Dear Mr. Goetsch:

Since the National Aquaculture Act of 1980 declared, "It is, therefore, in the national interest, and it is the national policy, to encourage the development of aquaculture in the United States", one of the recurring complaints and predominant recommendations for aquaculture regulatory reform has been simplification of the application process required to obtain a permit. This has been brought to the forefront through legislation many times in the intervening years, and in many states, including Rhode Island.

As recently as 2021, in its report, A STRATEGIC PLAN TO ENHANCE REGULATORY EFFICIENCY IN AQUACULTURE, the Regulatory Efficiency Task Force (Subcommittee on Aquaculture, National Science and Technology Council) identified "Improve efficiencies in aquaculture permitting" as the number one goal, and stated:

"The regulatory framework for aquaculture is complex, involving multiple jurisdictions, laws, regulations, and agencies that aim to protect public health, conserve environmental resources, and regulate commerce. These laws and regulations were enacted to serve important public purposes. However, the multiple Federal and State approvals required to farm seafood create time-consuming and costly processes and an unclear operating environment for aquaculture businesses".

The proposed enhancements to the Coastal Resources Management Council aquaculture application process, as discussed during the Bay SAMP Aquaculture Element Working Group Meeting, clearly run contrary to the spirit of both the National Aquaculture Act of 1980 and the recommendations of the Regulatory Efficiency Task Force, not to mention the RI Legislative Commission on Aquaculture, whose charge it was in 1995 to streamline the aquaculture hearing process, create a coordinated application process, and study the opportunities and constraints of aquaculture in the Ocean State.

The existing, long-standing CRMC aquaculture application process is thorough and highly detailed, offering numerous opportunities for public comment, and subjecting applicants to multiple public hearings. Acknowledging the significance of leasing public property to an individual for commercial purposes, it is imperative that this process should not be treated lightly as a function of the State, but it is important that it be treated as a function of the State. This obligation should not be delegated in whole or in part to municipalities or their committees, people who have opinions and often vested interest as waterfront property owners - but little or no expertise in aquaculture. As the lead regulatory agency for marine aquaculture in Rhode Island, it is Coastal Resources Management Council, not

municipalities, which is responsible for assuring the coastal waters of Rhode Island are managed in the best interest of the entire state. The coastal waters adjoining a town belong to the State of Rhode Island - they do not belong to the town.

By implementing the proposed changes to the application process, CRMC will be modifying a process which is not broken, adding numerous unnecessary layers of bureaucracy. The requirement of the applicant to hold a "Scoping Session" is duplicitous, and simply reiterates the purpose of the Preliminary Determination Meeting, in the absence of CRMC coordination. It is an unrealistic expectation to require an applicant to coordinate this type of meeting and will be an opportunity for "mob rule", rather than garnering information. It is interesting to note that a waterfront property owner who wishes to apply for CRMC assent to install a dock extending into state water (and benefitting only the property owner), has only a single application to submit, with no preliminary determination, and no scoping session.

Additionally, perhaps the biggest impediment to marine aquaculture nationwide has been the objections of coastal property owners - often the most wealthy, typically engaging legal counsel, and perpetuating legal formalities until the applicant withdraws their application. In areas like the East Bay, this is especially troubling, as coastal properties are being purchased at exorbitant prices by people from other regions of the country, and "boxing out" generations of people who have grown up in these towns.

Notification to coastal property owners within 500 feet of proposed aquaculture site boundaries assures that the most wealthy will have a disproportionately amplified voice in the placement of shellfish aquaculture sites. The view of the ocean belongs no more to a waterfront property owner than it does to any other Rhode Island resident. Once again, the coastal waters adjoining a town belong to the State of Rhode Island - they do not belong

to the town, and certainly not the waterfront property owner. Affording this emphatic voice to the elite all but assures that future aquaculture development in Rhode Island will be negligible or non-existent.

I call on Coastal Resources Management Council to stand strong, be proud to carry out the tenet of the National Aquaculture Act, and "encourage the development of aquaculture in the United States". Leave the CRMC aquaculture application process intact, and don't offer undue deference to the whims of a fortunate few.

John F. Bowen

Little Compton

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Letter: Clearly, aquaculture is wrong for Seapowet area

Posted Thursday, February 24, 2022 3:35 pm

It's disappointing that in the many months the Bowens' application (<https://www.eastbayri.com/stories/bowens-state-not-town-should-dictate-lease-arrangements,101485?>) has been in review, they still don't realize that communication is key, most of all, honest communication.

To ignore the time and effort CRMC members and local officials are putting forth to develop improvements in the aquaculture application process is closed minded. These improvements stemmed from the Bowens' lack of communication and avoidance of informing those most affected - the local abutters and users. The lack of public comment on a location utilized by so many has created the situation they are in today.

The Bowens' impertinent request of CRMC to "not offer undue deference to the whims of a fortunate few," and their repeated notions that the objectors are wealthy is mere speculation and ignorance, not knowing the generations of working class families located here or the public who frequent the beach weekly; these are the folks who have the most to lose. The Bowens continue to mislead the public through statements such as this and fail to understand why so many are against, not them, but the location they want to claim.

The users of Seapowet are not "elite" as the Bowens claim. They are community members who value the wildlife management area for its unique beauty and as a respite from their busy lives. People come to fish, hunt, shellfish, kayak, swim, hike and teach the next generations to appreciate and care for this amazing space.

Seapowet's waters are held in trust for the public. When these waters may be leased to a commercial venture, the public deserves to be notified, engaged, and have their interests protected. The Bowens argue the notification process doesn't need fixing, but a resolution to improve the notification process, recently approved by the Town Council, makes it clear that Tiverton does not agree.

The remedy to this conflict is to move the proposed location, which will favor the majority, hundreds of existing users, rather than accommodating the few with self-serving motives of personal profit. These users are from a variety of backgrounds and economic means, including groups like the RI Canoe and Kayak Association and the RI Saltwater Angler Association, and over 200 community members - who have come forward to rally against the use of this location.

Like many, I am not against aquaculture or the applicants, I am for aquaculture, but in the appropriate location. The water around Seapowet is Type 1, pristine and clean. There are no issues with excess nutrients and therefore no justification or a need to invade the area with commercial oyster cages. The Bowens' urgency to speed up the process is merely to make gains on their hefty investment.

Readers should note the irony as the Bowens' cite concerns that East Bay coastal properties are being "purchased at exorbitant prices" and "boxing out generations of people who have grown up in these towns," when in fact that is what they are doing. They purchased a strip of waterfront land beyond market value that only the wealthy could afford, to profit from an oyster farm yet to be approved; boxing out the everyday person from access to waterways their families have enjoyed for generations. Clearly the "whim" of a fortunate few.

Diane Sanna
Tiverton

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Letter: Let's take a look at oyster farms' true cost to the public

Posted Wednesday, March 2, 2022 11:05 am

To the editor:

Our coastal waters are precious limited resources that should not be leased to aquaculture without understanding what is being lost by the public. Our Rhode Island waters are held in trust for the public and must be managed for the best possible uses. Those who wish to take over a portion of our most valuable resource must make a compelling case to the public and pay a reasonable price for that privilege of using it for private enterprise, especially when other uses of the water confer more benefits to society.

By way of background, I grew up in Norwalk, CT which was at one time nicknamed "Oyster Town" and was the leading oyster producing region in the Northeast and may be still today. We fished, water skied and raced sailboats over the oyster beds as farmers cultivated oysters on the bottom in the traditional way. My late father had a summer job on an oyster boat when he was a student. Today, I buy locally grown oysters to prepare for my mom and often drive considerable distance to get them. I am not against oyster cultivation if practiced with sensitivity to other uses and users of our waterways.

Current methods of cultivating oysters are giving rise to conflicts with existing users that did not occur with the traditional way of cultivating oysters on the bottom seabed. The new methods, using plastic floating cages and metal bottom cages, can interfere with traditional uses of the water such as angling, boating, hunting and other recreational uses. Proponents of fixed gear aquaculture conveniently ignore the interference created by the new types of equipment or cite the 5 percent coverage limit rule for aquaculture in salt ponds. They don't mention that the 5 percent they want for their farms is often in the most coveted and used area in our coves, ponds and shoreline.

It is also ludicrous to promote oysters as a solution to supplementing our food supply. Oysters are a niche luxury food, served in restaurants. Families facing food challenges are not buying oysters on the half shell in restaurants nor are expensive fried oysters everyday fare for most Rhode Island families. A family of four would pay \$72.00 in today's market so each person could eat a dozen fried oysters.

The industry likes to tout job creation as a means to grow Rhode Island's economy, but these numbers must be scrutinized. Aquaculture farms give rise to mostly seasonal, part time employment with lower skilled and modestly paid jobs. Each acre farmed creates only a fraction of a full-time year-round. Rhode Island goals of economic growth through blue industries will come through blue tech jobs that create good paying skilled jobs.

Oyster revenues and growth potential by the industry should be viewed alongside other sectors. Recreational saltwater fishing contributes over \$400 million annually to the Rhode Island economy compared to \$4.1 million for aquaculture in 2020 (down from a high of \$6.0 mm in 2019). Our traditional clamming sector generates nearly as much total revenue as oyster farming without disrupting our waterways.

Towns and residents receive little to no benefit from farmed operations situated adjacent to them. Nominal lease fees of \$100/acre go to the state not the municipalities. Mooring fees, beach entrance fees and property taxes yield more revenue for towns than aquaculture. A well-run marina generates over \$500,000 revenue per acre and many more jobs vs. fixed gear aquaculture. Oyster farms generate gross revenues of roughly \$16,000 per acre. This is a pittance when one considers the value of our waterways for tourism, marine trades, angling and other industries.

It is true that oysters filter excess nutrients from our waterways. However, it is important to understand that most of these excess nutrients come from inadequate and/or poorly maintained municipal waste-water treatment facilities. A better approach to cleaning our waterways would be to clamp down on the sources of the pollution. In addition, the industry uses this filtering argument to place aquaculture farms in Type 1 water which is the cleanest water in Rhode Island.

When we are considering adding oysters back into our oceans, we must not conflate the benefits of oyster restoration projects with commercial oyster farms. Let's have an honest examination of the true costs to the public by those who wish to take over a portion of our most valuable resource. The bar should be set very high for the public to give up access to their precious resources for commercial enterprise.

Fred DeFinis

Middletown

B-27

RI BUSINESS

Would-be R.I. shellfish farmers will now have to notify neighbors first

By [Brian Amaral](#) Globe Staff, Updated March 1, 2022, 4:22 p.m.



Opponents of an aquaculture farm staged what they called a "float-in" in 2018 to "Save Potter Pond" in South Kingstown, R.I. A subcommittee of a coastal regulator voted against the project on Nov. 9, 2021, although the four-year saga will continue. PHOTO COURTESY OF TODD CORAYER OF FISH WRAP BLOG

EAST PROVIDENCE, R.I. — Even if you order Rhode Island oysters at a Rhode Island restaurant, the briny bivalves that make their way to your table have been through a lot

to get there. It's a process that starts deep in the state bureaucracy, even before the oysters are nurtured and grown from a speck the size of the period at the end of this sentence.

They will now need to take yet another step before they get to your plate.

Under state rules unveiled last month, people who want to expand or start new aquaculture farms in Rhode Island will have to identify property owners within 1,000 feet of the boundaries of their project. The Coastal Resources Management Council, Rhode Island's coastal regulator, will then notify those abutters about the proposal. It's akin to what you have to do if you want to build a new in-law apartment in the suburbs — tell the neighbors what's coming so they can weigh in. And like local zoning fights, aquaculture projects sometimes come under fierce opposition.

CRMC is also encouraging, but not requiring, would-be shellfish farmers to hold community meetings.

“Go out and explain what you're trying to accomplish,” Jeffrey Willis, CRMC's executive director, said at a February virtual meeting outlining the rule changes. “Try to work out some of the kinks there.”

Another proposed farm in nearby waters, though, sees things differently. Brothers Pat and John Bowen are also trying to get a lease for an aquaculture farm in the Sakonnet River. Of the two Tiverton projects, the Bowen project was more controversial, even as the brothers tried to convince people that they've accommodated concerns about things like recreational fishing.

Though the new rules wouldn't apply to them, because their application is already in, the Bowens said they could give the most wealthy property owners a disproportionate voice.

"It is concerning to us that the changes CRMC has made will likely result in the reduction of aquaculture in Rhode Island," Pat Bowen said in an email to the Globe after the new rules were rolled out. "This decision would seem to favor waterfront property owners and recreational activities, (waterskiing, kitesurfing, jet skiing, etc), over the historic, cultural and economic significance and benefits of seafood production in Rhode Island."

Opponents of these projects are uniform in their responses to the new rules: They don't go far enough.

"When you actually see what they're doing, the changes are very minimal, and they are just not enough to make the system work for us," said Rich Hittinger, the president of the Rhode Island Saltwater Anglers Association and a member of a House commission studying CRMC.

Notifying abutters within 1,000 feet of a proposed project might be fine for the person who owns property within 1,000 feet, but not for the person who lives on the other side of Rhode Island and travels to the Sakonnet River to fish — few of whom will be on the CRMC's e-mail list serv, Hittinger said.

Michael Woods, the chair of the New England board's chapter of Backcountry Hunters and Anglers, credited the CRMC with trying to do something, even though he didn't feel like it would be enough to balance the interests.

“In a way, it’s saying these abutters have more of a domain over this area than the rest of the people,” Woods said.

Of course, aquaculture farms in Rhode Island produce more than just controversy. They also produce more than just oysters. But oysters are the bumper crop. Easier to grow than some species like scallops, they can be shucked and eaten raw with a squirt of lemon and cocktail sauce, cooked in a stew or fried and tossed in jambalaya. Those are just a few offerings at the state’s most famous pond-to-table restaurant, the Matunuck Oyster Bar, whose menu includes the word “oyster” 45 times.

As popular as it is, even the Matunuck Oyster Bar has run into opposition. Its owner, Perry Raso, has a pending application before the CRMC to expand his own aquaculture operations to 3 new acres in Segar Cove, a part of Potter Pond. The resistance has been fierce. The CRMC’s professional staff recommended that the Segar Cove project be approved, but a committee of its politically appointed council [recommended against it](#). No final decision hearing has even been scheduled, Raso’s lawyer Beth Noonan said.

Despite these headwinds, aquaculture is a growing industry in Rhode Island: The number of aquaculture farms in the state increased slightly in 2020, from 81 to 84, with almost 350 acres under cultivation. Six million oysters were sold for consumption that year. It’s back-straining, leg-aching labor, often done in chilly weather. But people can make a living that’s sustainable in every sense of the word: Oysters and other bivalves are like natural Brita filters in the water, helping, not hindering, the fishing ecology, its proponents say.

With that growth, the technology has advanced in the last decade. Newfangled floating cages that bob above the water grow more shellfish than submerged gear. But the developments have also ratcheted up the conflicts, said Bob Rheault, executive director of the East Coast Shellfish Growers Association.

“It’s on the surface, it’s in your face, and the waterfront homeowners don’t like to look at it,” Rheault said. “It has become rather contentious.”

Rheault, for one, does not mind the notification rules. But he said the industry was not given enough of a chance to weigh in on other guidelines, like the use of lower-profile equipment. It remains to be seen whether they're guidelines or ironclad rules.

"I can't say I'm happy," Rheault said. "They are quite restrictive."

Brian Amaral can be reached at brian.amaral@globe.com. Follow him on Twitter [@bamaral44](https://twitter.com/bamaral44).

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 [Charlie620](#)

3/02/22 - 7:36AM

Perry Raso caused a lot of trouble. The rest of the Oyster industry will feel the impact going forward. He angered many wealthy, well connected neighbors. My opinion is he would have benefitted by being more considerate of his neighbors. Once you create bad relations with your neighbors, the road going forward is rough. It's not a good business practice. I'd like to have the money he spent on Lawyers.

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Letter: How, exactly, does Bowen oyster plan restrict public access?

Posted Wednesday, March 2, 2022 11:07 am

To The editor:

In response to the ongoing discussion of aquaculture on the Sakonnet River, I would like to add my observations. My family has lived on the Sakonnet River in Little Compton for almost 33 years and has a keen interest in the ongoing debate over public access. I own a building company that builds 80 percent of our projects on direct waterfront so I am familiar with CRMC regulations.

About four years ago I took an amazing course in oyster farming at RWU taught by David Leavitt. I thought it might be fun to grow oysters right in front of my house but for now I am content to watch Peter Melanson tend to his 2-3 acre oyster farm a little further down. I also enjoy watching the many fishermen wade out to fish off Almy's Creek, adjacent to the oyster farm. Town Way provides access to the river for the many kayakers and kite boarders that navigate easily through the farm.

As the state legislature finds its way to more public access to the seashore, I'm confused as to how anyone can pass through the hundred of feet of man-made seawall and riprap designed to protect the many houses built in the floodplain; not to mention the two jetties that create a convenient mooring field. Are we going to need to raise these structures as the water level continues to rise?

Language reaffirmed at the 1986 Constitutional Convention provided the privileges of the shore included "fishing from the shore, the gathering of seaweed, leaving the shore to swim and passage along the shore" (Rhode Island State Constitution Oxford University Press 2011).

I have never observed anyone unable to use the river as a result of Mr. Melanson's farm. I'm curious as to how, exactly, Mr. Bowen's farm would deny public access or use of the water off Seapowet Avenue as defined in the RI Constitution, unlike the riprap, seawalls and jetties that were manufactured by the home owners, along the same roadway and do just that.

Bruce E. Eddy

Little Compton

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Bill would ban oyster farms within 1,000 feet of shore

Bill supported by Save Seapowet, but Little Compton farmers say plan is 'short sighted'



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095621-seapowet1.JPG



Posted Tuesday, June 7, 2022

By Ted Hayes

As Tiverton continues the right of oyster farmers versus the use of open waters for recreational purposes, Sakonnet-area legislators have submitted a bill (<http://rilegislature.gov/billtext22/housetext22/h8244.htm>) that would make aquaculture off limits within 1,000 feet of the median high tide line. The bill was submitted at the request of the Tiverton Town Council by Rep. John G. Edwards (District 70), and is co-sponsored by House of Representatives Rep. Terri Cortvriend (District 72) and Marvin Abney (District 73). It was expected to be heard by the House Corporations Committee Tuesday. If passed into law, the bill would create a 1,000-foot shoreline setback, or buffer zone, where aquaculture operations such as oyster farms would be prohibited. The issue is pertinent to where Rep. Edwards resides. For the past year, opponents of a proposed oyster farm at Seapowet Avenue have vocally protested a plan by Little Compton's Patrick and John Bowen, who have applied to the Coastal Resources Management Council (CRMC) to lease a small area just southwest of the Seapowet bridge.

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Bill would ban oyster farms within 1,000 feet of shore

Bill supported by Save Seapowet, but Little Compton farmers say plan is 'short sighted'



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Posted Tuesday, June 7, 2022 9:56 am

By Ted Hayes

As Tiverton continues to debate the right of oyster farmers versus the use of open waters for recreational purposes, Sakonnet-area legislators have submitted a bill (<http://webserver.rilegislature.gov/billtext22/houseext22/h8244.htm>) that would make aquaculture off limits within 1,000 feet of the median high tide line.

House of Representatives bill H8244 was submitted at the request of the Tiverton Town Council by Rep. John G. Edwards (District 70), and is co-sponsored by Rep. Michelle McGaw (District 71), Terri Corvriend (District 72) and Marvin Abney (District 73). It was expected to be heard by the House Corporations Committee Tuesday.

If passed into law, the bill would create a 1,000-foot shoreline setback, or buffer zone, where aquaculture operations such as oyster farms would be prohibited.

The issue is pertinent to Tiverton, where Rep. Edwards resides. For the past year, opponents of a proposed oyster farm at Seapowet Avenue have vocally protested a plan by Little Compton brothers Patrick and John Bowen, who have applied to the Coastal Resources Management Council (CRMC) to lease a small area just southwest of the Seapowet bridge.

Save Seapowet (<https://www.saveaseapowet.org/>), a grassroots organization formed last summer, sent out an e-mail blast this week informing members that the bill was coming to committee:

"We thank (the signors) for sponsoring this bill," Save Seapowet wrote. It "is a first step to prevent situations like the proposed oyster farm from being placed in locations like the Seapowet Marsh, where there is extensive recreational use by the public."
On Monday, the Bowns said they have multiple issues with the bill, and its "arbitrary" 1,000-foot setback requirement "begs the question of whom the intended beneficiaries of this legislation would be."

"It seems only to benefit waterfront property owners," they wrote. "It does not seem to be based on any scientific data or research."

Of the 84 aquaculture leases in Rhode Island waters, they noted, only two would comply with the proposed legislation.

"This bill would be a self-inflicted wound" that would limit economic development and negate the environmental benefits of oyster farming, the Bowns wrote in an e-mail to the Times.

"This bill is anti-farming, anti-working waterfront and runs contrary to the traditional and historic use of much of Rhode Island's coastal waters." There is still some uncertainty whether the bill, if passed into law, would affect pre-existing farms and those that are currently before the CRMC. On Monday, Rep. McGaw said that's a question she wants answered, and "I have asked for clarification as to what will happen with current applications. I expect some of that will be discussed."

The legislation was submitted following the passage of a resolution by the Tiverton Town Council in late April. That resolution, written by councillor Donna Cook, states that while the Town of Tiverton "understands the needs to accommodate aquaculture and other uses of Tiverton's coastal waters," the town nevertheless "wishes to reduce conflicting use of public waters, protect the rights of the public to access and use the state's waters as guaranteed by the Public Trust, and protect the rights of riparian landowners."

Therefore, the resolution reads, Tiverton asks the legislature "to develop and pass legislation that minimizes conflicting uses of Narragansett Bay coastal waters but still allows for aquaculture" outside of the 1,000-foot buffer zone.

"This approach will help Tiverton and other Narragansett Bay communities to balance public waters with commercial use and create more specific guidelines for the CRMC and future aquaculture farms."

In their note to the Times, the Bowns said they believe that multiple interests "can coexist" on the waterfront, and there is room enough for both commercial and recreational interests.

"We hope the General Assembly and the State of Rhode Island will realize the short-sighted nature of this proposed legislation," they wrote.

In the meantime, "we look forward to the opportunity to express our disappointment with Representatives Edwards, McGaw, Cortvriend and Abney, and to question the constituency they serve: seasonal waterfront property owners or hard working Rhode Island farmers."

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POLITICS

Tiverton oyster farm opponents back bill that would ban aquaculture in RI salt ponds



Antonia Noori Farzan

The Providence Journal

Published 5:00 a.m. ET June 9, 2022

The oyster wars have reached the State House.

Opponents of a proposed oyster farm in Tiverton are backing a bill that would sharply limit where new farms can be located, by requiring them to be at least 1,000 feet offshore.

As currently written, H8244 would prohibit the Coastal Resources Management Council from granting aquaculture leases within 1,000 feet of the mean high tide line, where the vast majority of farms are located. It would effectively amount to a moratorium on shellfish farms in South County's coastal salt ponds.

The bill's sponsor, Rep. Jay Edwards, told the House Committee on Corporations on Tuesday that he intends to substantially revise the bill and instead propose a three- to four-year pilot program that would only apply to the Sakonnet River.

Edwards, a Tiverton Democrat, said he introduced the bill at the request of the Tiverton Town Council.

The town is witnessing a protracted battle over an oyster farm proposed by John and Patrick Bowen, a pair of Little Compton brothers who have applied for an aquaculture lease in Sapowet Cove.

Oyster Wars: Why RI homeowners are fighting to keep shellfish farms out of their backyards

Neighboring homeowners have objected to the prospect of having to look at oyster farms, and claimed that they will get in the way of swimmers, fishermen and kayakers. The Bowens

say their farm would take up less than one acre, leaving the vast majority of the cove open for recreational use.

'An attempt by the wealthy to control what they don't own'

"Often we hear the statement, 'We all like aquaculture, we all like oysters, just not there,'" John Bowen told committee members on Tuesday. "This bill attempts to codify the not-in-my backyard principle into state law."

Bowen said the objections of coastal property owners were "perhaps the biggest impediment" to aquaculture in Rhode Island, and nationwide.

Sea change: Could be coming to agency that regulates RI coastal development

"Often the most wealthy, and sometimes newcomers to a community they have recently discovered, they are well-prepared, financially and otherwise, to fight to maintain what they believe to be theirs," he said. "The coastal waters of Rhode Island belong to the state, not to those who live on the waterfront."

He urged the committee to "emphatically reject" the bill and "see it for what it is – an attempt by the wealthy to control what they don't own."

Support for the bill

Testifying in support of the bill was Kenneth Mendez, an avid recreational fisherman who became one of the most vocal opponents of the Bowens' proposed oyster farm a few years after purchasing a second home near Sapowet Cove.

Mendez noted that there is public access to the cove at the state-owned Sapowet Marsh Wildlife Management Area, which has a boat ramp and a small stretch of sandy beach. The cove is "used quite a bit" for fishing, clamming, swimming and other recreational activities, he said.

Additionally, Mendez said, the management area offers "the only free parking along the entire length of the Sakonnet River that is open to the public without anyone having to pay parking fees." (Some public rights of way in Little Compton, such as Taylor's Lane and Town Way, also offer free street parking.)

Matunuck Oyster Bar wants to expand its farm: The permit may be denied because of water-skiing

Mendez said there was "existing precedent" for the 1,000-foot rule, and that the same restriction had been imposed in the Peconic Bay at the eastern end of Long Island. He said that in his view, the CRMC has "swung too far towards the [shellfish] industry."

"There's no voice for the public," he told legislators.

The committee received a large volume of emails in support of the bill, the majority of them from Tiverton homeowners. Many referenced Sapowet Cove.

Opposition to the bill as is

Ahead of Tuesday's hearing, the Ocean State Aquaculture Association and East Coast Shellfish Growers Association submitted written comments in opposition to the current version of the bill, as did the University of Rhode Island.

Among their concerns: Oyster farms and other aquaculture operations don't own the waters where they grow shellfish, and instead have long-term leases with the state.

If the bill were to be enacted, roughly 80% of existing aquaculture farms in the state would be impacted, "effectively zoning these farms out of operation," wrote URI's interim provost, Laura Beauvais. "This limitation would also serve to prohibit aquaculture leases that are used for scientific, educational and restoration purposes."

Edwards, on Tuesday, said the bill was "grossly and overly broad as written," and that there was no intent to "go back in time and regulate where existing farms are."

Who rules RI's forgotten old roads?: Advocates push to preserve public access

Once rewritten, he said, the bill would only apply to any new farms that do not already have their gear in place.

"I thoroughly enjoy eating our mussels, oyster, and other shellfish from the Bay, so this bill is not something that is targeted at our aquaculture industry," he said.

Robert "Skid" Rheault, executive director of the East Coast Shellfish Growers Association, said on Tuesday that even in a narrower, revised form, the proposed bill would still be a "clumsy tool" for addressing potential conflicts between recreational users and farms.

Requiring farms to be at least 1,000 feet offshore would push them into navigational channels, "where conflicts with boaters would be much worse than they are," he said.

Topher Hamblett of Save The Bay took issue with the bill on similar grounds, and noted that the CRMC is already working on a Special Area Management Plan "to identify areas that are suitable for aquaculture without user conflicts."

Tiverton High graduate: Man to clean pollution from Costa Rica shore as part of URI program

Rheault said it was understandable that towns would want to keep certain areas off-limits, but he would prefer to see policies developed through the process that was historically used by the CRMC's Aquaculture Working Group, "where the opponents and the proponents get together, we sit down, and we're forced to come up with a consensus document."

"This is the way we get through these things," he said. "You have to work together face to face."



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Letter: Keep our coastal waters open to the public

Posted Wednesday, June 15, 2022 10:50 am

I watched the testimony on H8244 and I commend Rep. Edwards for taking a stand and introducing the bill which is an attempt to move any new oyster farm to a location 1,000 feet offshore. Rep. Edwards stressed repeatedly that his bill ONLY addresses that point. However, I do NOT agree that this legislation should only apply to the Sakonnet River estuary, or to Tiverton. I DO agree that any currently leased farms, or those with a lease application in progress, should be grandfathered, as is the usual practice. The coastline and shorelines of all Rhode Island communities are under threat, not just the Sakonnet River and Tiverton.

There is no argument that shellfish filter and clean the water. Nothing does it better. The argument that the aquaculture industry is a big money maker for the state is questionable. The state receives a pittance for leases which can last for decades with automatic renewals. This is a seasonal industry which serves a high end niche market. Employment is both minimal and seasonal.

During his testimony, John Bowen repeatedly stressed his ties to the community and his reverence for the waters. I can't help but notice that his proposed farm is not in waters adjacent to his home town of Little Compton and that he is not a Tiverton resident. His argument that the resistance to his proposed farm is fueled and funded by wealthy land barons is simply not true. Many of us who desire to maintain and preserve our access to the shore and coastal waters are not wealthy, nor are we landowners on the Sakonnet River. Many of us live in Tiverton full time.

Our intent is not to prevent aquaculture and oyster farms entirely. The proposed legislation simply moves them well offshore so the public access is neither impaired or impeded. I learned at a Tiverton Harbor Commission meeting with CRMC officials that the public MAY NOT take oysters and shellfish from under, or near, any aquaculture lease. This would prevent the public from taking shellfish from traditional areas as is currently permitted by law.

I believe that the CRMC and SAMP are both heavily and unduly influenced by the industry and that the public interest receives scant attention. There may well be both national and state regulations that say that aquaculture is important and necessary. They do not, however, state that the public interest is to be ignored or should take a back seat. In fact, public access is enshrined in our state constitution as a right which may not be denied. H8244 is an important and positive step, but it must not be diluted by applying only to Tiverton.

Jay P. Edwards

Mr. Edwards is a member of the Tiverton Town Council.

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Letter: Defend your neighbors, fight aquaculture proposal

Posted Wednesday, June 22, 2022 9:19 am

To the editor:

Once again, I find myself writing in defense of my Tiverton neighbors, various other local and statewide stakeholders, and the underserved communities impacted by the pending oyster farm application proposed to be sited in Public Trust waters at the Sapowet Marsh (<https://www.eastbayri.com/stories/seapowet-issue-is-about-public-access-%20not-privilege,101350?>). Why write again? Because the characterization of all opposition to the application as pure elitism, wealthy out-of-towners, and NIMBYism continues to be the sole narrative presented by the applicants.

What is not clear from the article in the June 16, 2022 Sakonnet Times regarding proposed House Bill HB 8244, is that the applicants narrative is false and disingenuous. The applicants know full well that it is not only Tiverton residents, other statewide stakeholders, and those underserved communities that oppose their Sapowet Marsh application, but also the Rhode Island aquaculture industry, and the Town of Tiverton.

Testimony elicited at the June 7, 2022 committee hearing on HB 8244, presented a complete and utter refutation of the elitism and NIMBY argument set forth by the applicant.

HB 8244 was co-sponsored by Representatives Edwards, McGaw and others, and was proposed in response to the request of Tiverton's Town Council and supported by the Tiverton Harbor Commission.

In addition, the aquaculture industry opposes (<https://ritv.devosvideo.com/show?video=0ba5121399f4&apg=c1bd29a8>) the applicant's proposed location. Dr. Bob Rheault, long-time Executive Director of the East Coast Shellfish Association (ECSA) testified that the state aquaculture association was moved by this recent

application to actually inspect future applications and decide whether to support or oppose them because we believe there are certain applications that are poorly sited that actually damage the industry and we would not support them and we would come out against them. So, this is a very unusual step for an aquaculture association to consider opposing an application, but we believe that this particular application is one of those cases where it's become such a lightning rod for dissent that we believe it's damaging the ability of serious farmers who have made significant investments to continue to work.

Likewise, written testimony submitted at the hearing by the Ocean State Aquaculture Association (OSAA), in relevant part, said, "...we do not expect the current pending application to be permitted as it is ill sited and has raised significant concerns and protests." (Emphasis added).

It should also be noted that the OSAA Code of Conduct provides, in part, that any applicant should recognize the importance of good site selection and should act in harmony with surrounding property owners and other users of the marine resources.

Let's be clear; the opposition to the Sapowet Marsh application is not an issue of NIMBYism as portrayed by the applicants. The applicants must publicly recognize that the aquaculture industry and the Town of Tiverton also oppose them. More importantly, they must recognize that they chose a terrible location that if approved by CRMC would prohibit or severely limit the publics constitutional rights to access and use of one of the last pristine coastal areas of RI.

Donald Libbey

Tiverton

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Letter: Bowens have a point on NIMBYism, but not that one

Posted Friday, July 1, 2022 10:33 am

John and Patrick Bowen assert that the opposition to their proposed oyster farm at Seapowet Marsh is an example of NIMBYISM (Not in my backyard). They are absolutely correct! As Little Compton residents the Bowens chose not to see their oyster farm in front of their property, or their sister's property or in front of any property in Little Compton. They chose a site in Tiverton close enough for easy access but without the restrictions associated with a one acre (approximately three quarters of a football field) oyster farm directly offshore.

Further, they assert that the opposition comes from financially prepared newcomers to Tiverton. This is patently false. The opposition comes from a cross section of many residents with varied economic backgrounds. As a lifelong Tiverton resident I was raised in Garden Heights, a world away from Warren's Point in Little Compton where the affluent Bowens, sons of a retired judge, were raised. The old saying 'When you point a finger at someone else, three fingers are pointing back at you' clearly applies here.

Carl Ferreira

Tiverton

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Letter: Bowens' oyster farm plan — let's face the facts

Posted Thursday, July 7, 2022 9:09 am

Much like the "Wheels on the bus go 'round and 'round," two Little Compton Bowen brothers go 'round and 'round with their specious protests and arguments for establishing an oyster farm smack dab in the middle of Tiverton's Seapowet Marsh and Fishing area. Come on, boys, it's long past time to face the facts. The truth is that this area, immediately off the Sakonnet River shore, is a designated recreational, conservation area, tagged for public use. Stop insisting that squeezing a commercial oyster farm into a tiny parcel of land, right off the Seapowet public beach, sandwiched between two long time Tiverton residents is a good thing for anyone but you two! And the good people of Tiverton who are trying to prevent you from destroying this pristine natural marine habitat, and all of its peaceful tranquility, and the recreational activities that have gone on here for more than (x) years, are not mean, selfish, unaccommodating, part time or rich.

Stop espousing your nonsense, as you continue to try to fool people into believing that it's OK for the two of you to turn this public recreation area where thousands of them try to swim, sail, kayak and canoe, into an oyster farm.

Stop claiming that it's rich summer residents who are trying to dominate the waterfront and prevent you from establishing your oyster farm. You're trying to set up a commercial oyster operation in the middle of the Seapowet Marsh and Fishing area! When people ask you where the fishermen will go to fish, you shrug them off and tell them they can go elsewhere. Some place other than Seapowet Marsh and Fishing area, specifically designated for fishing? Are you for real?

You insist people can swim in between your oyster cages. Your own plans show that at an average low tide the cages are hidden under just two inches of water! Injuries be damned, we're guessing? Your proposals show photos of sandbars on each side of your farm that will prevent kayakers from entering the marsh area. Can you imagine kite surfers slamming into your cages at the high speeds they're prone to following in with a strong wind? No, probably not.

You think it's part time, summer residents who are against you. But you ignore that, in addition to trying to personally takeover a public recreation area, your tiny land parcel abuts three other residential properties. And these three properties are owned by full time Tiverton residents. In fact, for two of these properties, the land has been in the same family for at least two generations. These residents are not rich and they're not part time, summer only.

You bought your piece of land in 2021 for \$100,000. You can't build a house on it, or install a septic system. So, you're now claiming you have to put an oyster farm on it; two poor, hardworking farmers who are being prevented from establishing their little operation. But last time anyone checked, neither of you are farmers by profession, and you're both gainfully employed full time in Massachusetts Not farmers, not poor.

We don't know where the Sakonnet Times got the idea that the proposed state law to prevent oyster farms within 1000 feet from shore is unworkable due to the distance that farmer would need to travel. But since the Times' article only mentions the Bowens, we can speculate and once again, it's nonsense. Just a short distance from the proposed Bowen farm is a working oyster farm. The farm is in Little Compton but the owner moors his boat at Fogland Beach in Tiverton. The oyster farm has been operating for many years even though the boat is moored more than a half mile away.

The Bowens ask where is the due process. Good question. If the process was working as it should, these Little Compton brothers would have been told that they can not obstruct the use of a public recreation areas. Instead, too much time has been wasted at the CRMC, the DEM and the Town of Tiverton, let alone the time and costs of concerned residents.

It seems to many of us that the Bowens' approach is if you can't justify your proposal with the facts, throw up the flak instead. Why not find a more suitable, appropriate location?

Russ and Mary Dexter

Tiverton

Oyster farms are all the rage—until they block your ocean views

Despite the desire for local and sustainable seafood, oyster farmers and communities from New York to Rhode Island clash.

BY MAGDALENA PUNIEWSKA / HAKAI MAGAZINE | PUBLISHED FEB 4, 2023 7:00 PM EST

This article was originally featured on Hakai Magazine, an online publication about science and society in coastal ecosystems. Read more stories like this at hakaimagazine.com.

From the shore, you have to squint to see them—the 50 or so objects that look like large black duffel bags floating in several rows near the surface of Napeague Bay in East Hampton, New York. And if it's dark, or the wind churns up waves, you might not spot them at all. To get a better look from the beach, you really need binoculars, which is what Adam Younes uses when he wants to do a visual check of these bobbling floats marking his oyster farm. But on most days, he putters his small boat 805 meters offshore to the site, easily navigating the nine-meter channels between the rows, to check on the cages suspended just below the water's surface. Within each cage, hundreds of oysters fatten up until their salty, soft inner bodies are big enough to be served at seaside restaurants and galas and probably aboard the yachts that occasionally sail by.

In 2016, Younes picked this four-hectare plot, about half the size of a baseball field, because it was a 10-minute drive from his house. He named his oyster farm Promised Land, a biblical reference to a peaceful resting place. The area's shores and marshes and quietly swaying woods have always felt like heaven to him.

Yet, the name didn't live up to reality. Younes soon found out that some people didn't want the oysters there, including members of the coveted Devon Yacht Club who often convene in a one-story cedar-shingled building roughly half a kilometer away on the shores of Napeague Bay. Between 2018 and 2021, members from Devon and other yacht clubs, along with area residents, aired their grievances about aquaculture and oyster farms like Younes's during a series of long, and what at times felt like deadlocked,

public meetings. The meetings were part of a 10-year review of the aquaculture lease program by Suffolk County, which East Hampton is a part of. Locals, particularly those who were boaters, accused oyster farmers of obstructing access to nature with their floating gear. “We’re going to pave paradise and turn it into a parking lot,” one resident said, paraphrasing a popular antidevelopment song to make a point about floating farm gear.

Younes never imagined that his farm, his promised land, would unleash so much disapproval. More than a year later, the memories of the review continue to haunt him. “Talking about this still makes me sick and angry,” he says, with a heavy sigh. “It was an emotional fight.”

Oyster farmers across the United States and parts of Canada are being confronted by a growing population of coastal residents who are upset about where farms are going up. Along the US East Coast, as well as in other prime oyster-growing regions such as Washington State and British Columbia, tempers have flared. Coastal homeowners are making passionate speeches at local meetings and enlisting lawyers, as Devon Yacht Club did, to help appeal farm leases they deem are too close to where they live and play. “It’s probably as contentious as it’s ever been,” says Ben Stagg, who, until the end of 2022 was chief of shellfish management at the Virginia Marine Resources Commission, an agency that manages that state’s oyster leases. At one point in 2022, Stagg had about 260 lease applications to look through, and of those, 30 percent were being protested by locals, a rate that he says has generally tripled in recent years.



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The disputes come just as North American interest in oysters is growing. Oysters are increasingly recognized as a sustainable seafood, and they capture their own food from the water column, benefiting the ecosystem. An oyster is like nature’s Brita pitcher: it can filter about 189 liters of water per day, removing excess nitrogen and phosphorus. As climate change progresses, oyster aquaculture could also help mitigate some of the issues coastal communities are facing, suggests Nick Ray, a biogeochemist at Cornell University in New York who does research in aquaculture. The oyster’s filtering abilities reduce pollution, and cages full of oysters serve as a living coastal buffer against storm surges and erosion, he says.

After struggling early in the pandemic, some farmers in the United States described the summer of 2021 as “bonkers” as they worked overtime to deliver oysters to customers who were craving the salty bivalves after a long period of COVID-19-induced restaurant closures. Chuck Westfall, an oyster farmer and executive of the Long Island Oyster Growers Association, says that demand was so high people kept buying even after all the premium oysters were sold, gladly snatching up those he would consider a little subpar because they hadn’t had the time to grow. Farmers are saying 2022 was another good year, though demand cooled a bit.

Unsurprisingly, potential newcomers to the industry seem to be taking note. In some areas, like Maine and North Carolina, applications for oyster farms are on the rise. In most states, farmers essentially rent water space for a set amount of time. Stagg approves leases as big as 101 hectares, roughly one-third the size of Central Park in New York City. In Suffolk County, Younes and other farmers can lease four hectares for 10 years. Many states have interactive maps that show the available space, sites the state has vetted and deemed appropriate for aquaculture (although in some places, the auditing occurred long before nearby residential development took off). A farmer submits an application for a particular site and a review process follows—resource managers like Stagg consider factors such as the farm’s size, water depth, and other nearby activity before approving the application. In some states, local residents must be

notified of the proposal, and there's a public comment period where they can chime in. But not every state allows input, and even where there are opportunities for public comment, residents often argue they are not properly informed about a prospective farm's size, location, or methods.

Friction in the oyster world seems to stem from differing beliefs about what the water should primarily be used for: work or leisure? Is it for kayaking and boating or for producing food? Is it meant to be devoid of “eyesores” so people can look onto a smooth, glassy surface from their decks or yachts? Some people would say all of the above, that it's all possible, but areas where those demands overlap are where the conflicts tend to erupt. In uberwealthy East Hampton, members of the Devon Yacht Club and other residents argued that Younes's floating cages were a hazard to navigation. Curt Schade, one of the club's former board members, says the area is heavily used for recreational boating, especially in the summer when the club runs a youth sailing program. In public review hearings, club members also made sure to mention Devon's historical ties: they had been sailing those waters for more than 100 years. “If the cages had been on the bottom, there really would have been very little conflict,” Schade says, referring to another aquaculture method where oyster cages are anchored to the sea or bay floor, rather than floated near the surface.

Younes points out that his cages are near the surface only between June and October, which helps him get higher yields since there is more food for the oysters to feast on near the surface and he's better able to monitor the shells and address any problems; after that, he drops the cages to the seafloor. Unfortunately, the months the cages are on the surface are also peak sailing season.

If you travel north from East Hampton across Long Island Sound, you'll land on the southern shores of Rhode Island. Here, the landscapes feel nearly identical to East Hampton: cedar-shingled homes near smooth beaches framed by swaying beach grass. The community issues echo across the sound, too—here, the waters have also become a source of tension between some residents and oyster farmers. The sleepy town of Tiverton, tucked into the southeastern corner of the state, may not have the same concentration of monied residents as East Hampton, but people are just as adamant about protesting certain oyster farms. In the summer of 2021, dozens of yellow signs began showing up on manicured lawns in Tiverton, urging residents to Act Now!!! The signs were put up by community members who oppose a proposed oyster farm. Unlike Younes's farm, which is accessible only via boat, the roughly half-hectare farm on the Tiverton site could be reached by wading into the relatively shallow waters of the Sakonnet River. Brothers John and Patrick Bowen, the two farmers behind the proposed site, were attracted by the alternative to running a boat to a location farther offshore and also noted the site wasn't great for swimming or kayaking.

But some residents think the farm's placement is actually its flaw and have differing ideas about the area's use. "It's a public access point with free parking, used by many to fish, kayak, and swim," says Kenneth Mendez, a Tiverton resident. He equates the operation's location to putting an organic farm in the middle of a public baseball field. "I think most people would say, No, we're not okay with that," he says. "There are other areas to farm. And this area is valued and has social good and impact for all those who use it."

In both coastal communities, residents voice concerns that oyster farms would be privatizing and profiting from space that has always been public.

Farmers think these space concerns are overblown. "Kayakers and small boats would be able to easily navigate through our lease area," the Bowen brothers explain by email. "Our proposal will not prevent anyone from fishing. All proposed gear will be subtidal, not visible above the waterline (except four mandatory corner marker buoys)."



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Because his site is 805 meters offshore, Younes believes boats have more than enough room to go around the farm. "And they do it every day. Sometimes they even go through my site," he says. When he submitted his public comment letter during the review process, he attached several photos. They showed bluebird skies, small waves cresting on the bay, and a smattering of sailboats, all appearing to navigate the waters around this operation with ease. At least in those still images, the farm and boats seem to coexist peacefully, all enjoying a promised land.

Other industry supporters point out that boating comes with the inherent responsibility of paying attention and navigating around objects, be it other boats or oyster farms. "If you are a recreational boater, you should be aware of hazards—there are many," says Karen Rivara, president of the East Coast Shellfish Growers Association and an oyster farmer in Southold, New York. "Other boaters are the biggest danger, not gear."

On the briny, unsettled surface, these disagreements can sometimes look like a class rift—a clash between the working class and coastal elites, between people who make their living in the water and those whose work has afforded them the opportunity to purchase properties, like second homes, on the water. In the past few years, there's been an influx of people and money into many coastal towns. By some estimates, the population of Southampton, a wealthy area of New York that's part of the Hamptons, nearly doubled in 2020 as affluent New Yorkers fled the newly circulating coronavirus. (Home prices in some areas doubled from 2020 to 2021; the median sale price in July 2022 was US \$2.5-million, with several homes selling for \$30-million or more.) A similar pattern unfolded in coastal communities in Rhode Island, North Carolina's Outer Banks, and Maine.



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As new residents pour in, the population shift could be ushering in people who might not have an appreciation for, or connection to, coastal economies. Although oysters have been harvested for centuries in the wild, aquaculture in its current form, with gear and floats, is comparatively new. Many people haven't had the time to get used to it, let alone romanticize it like they do other types of marine industries. "If you go to Maine, there are far more lobster buoys per acre than there are oyster cages in Narragansett Bay," says Jules Opton-Himmel, owner of Walrus and Carpenter Oysters in Narragansett, Rhode Island. People paint pictures of the colorful buoys or travel to see them, thinking they're quaint, he says. Lobster harvesting is "part of the culture there, and people accept it and like it. But there's not that cultural history [with oyster farming] here."

Still, it's important not to generalize—research shows that wealth is actually not a strong predictor of aquaculture support. A 2015 study from Vancouver Island University in British Columbia found that factors like affluence or even living near the water or knowing someone who works in the aquaculture industry aren't good indicators of a person's attitude toward oyster farming. Instead, attitudes seem to vary by community, says study coauthor Grant Murray, now a marine social scientist at Duke University in North Carolina. "And we don't really know why that is ... it could be due to local culture or networks of people who talk to each other and convince one another that it's good or bad."

The tensions between residents and farmers bring up a larger question: If the water is a public good, whose needs and wants will ultimately prevail? And who gets to decide that? In Virginia and other states, resource managers like Stagg make the call. If a lease is protested, Stagg would try to work with both parties to come up with a compromise, becoming less like a government official and more like a marriage counselor. Typically, after some back and forth between farmers and residents, he was able to scooch leases a few meters over. It doesn't sound like a lot, but it's often enough to appease both parties. But not every alternate location will work. To the general public, water may look like water pretty much anywhere you go. But factors such as depth, currents, temperature, and sediment composition can vary even within just a few meters and can impact the success of an oyster-growing site.



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Stagg also admits that finding common ground between residents and farmers is getting harder. "I've been doing this a long time, and I think I am pretty good at trying to negotiate these [leases]. But it's getting really difficult because people really dig in pretty, pretty hard," he says. "People don't have unfettered access to the water like they did in the past. And they don't like that." He started to turn down lease applications in areas he thought would be contentious.

If resource managers like Stagg can't help opposing groups find a compromise, cases usually move on to the local city council or courts, where they can get stuck as appeals and counter-appeals are volleyed between parties. The process becomes costly, time consuming, and emotionally taxing. When

community members objected to one of Opton-Himmel's leases in Rhode Island, he tried to resolve things the traditional way: by going to local meetings to explain his business plan. But his neighbors remained unsatisfied, and they hired an attorney. So he did, too. Yet neither group would budge.

One day, Opton-Himmel received an email from the Young Farmer Network with an ad for a mediation service; he called the number and set up an appointment. A few months later, on a July afternoon, Opton-Himmel and seven community members met with a mediator at the public library. He remembers the initial mood as tense: "Nobody shook hands, and this was before the pandemic." But a few hours later, the tenor changed as each side got to know the other. Opton-Himmel learned that these residents had been saving for decades to retire on the water, and the view they were getting with his floating cages in the distance wasn't the empty bay they had been daydreaming about. "And they said [to me], 'Oh, well, we just thought you were a greedy capitalist doing an illegal thing that you knew you could get away with,'" he says. (There was a misunderstanding about how many cages he could use.) After several meetings, they reached a compromise: Opton-Himmel agreed to move his farm to another site, but he could expand and have eight times more cages. He still had to get all the necessary government approvals, but residents agreed to not protest his lease. "The mediation was the key to finding a solution," he says. "Otherwise, we would probably still be fighting to this day."



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On Long Island, oyster farmers aren't sure they have anything more to give. "I don't see much room for compromise because we've already given up quite a bit," says Younes. After the 10-year review process, Younes was able to keep his farm in place, but the county took away nearly 5,200 hectares of potential aquaculture cultivation zone. "Those are economic opportunities and aquaculture opportunities for the future of Suffolk County that are gone," he says, adding that he's heard that the exhausting review process has deterred others from setting up new farms.

States have been looking for ways to get ahead of the conflict. Instead of leasing out smaller parcels of water in increasingly developed areas, some states, like North Carolina, are considering designating aquaculture zones in more remote areas—say, 50 or 100 hectares of water subdivided into several farms. While this idea could mitigate conflicts between neighbors, Murray says that there are risks to lumping everyone together. Storms and water-quality issues, for example, could destroy entire oyster yields. And there's no guarantee that those remote shorelines won't eventually become desired by people looking for their own slice of coastal paradise, the next promised land. In Tiverton, Mendez, an opponent of the current location of the Bowen farm, supports something relatively more modest: that oyster farms be placed at least 305 meters from the shore. Similar efforts have been successful in places like New Zealand, which requires a much more significant five-kilometer buffer between the coast and aquaculture farms. (Of course, this solution means that farmers are burning more fuel to get to their sites.) But even that cushion may not appease dissenters: in Suffolk County, Younes and other farmers are already required to be at least 305 meters offshore, and that regulation clearly hasn't been enough to dodge conflict.

As coastal communities continue to squeeze in more people, more yachts, and more recreation, states might have to revisit current aquaculture programs to see what's viable now. Farmers and residents may find that compromise is easier when they channel the creatures they're fighting over. Not by hardening their shells, but instead by softening their stances about what can and can't be done on the water so that they see each other as neighbors who can coexist, rather than opponents. Oysters can be an important protein for the future and a buffer against some climate change impacts only if society can balance competing interests.

POLITICS

Where can oyster farms be located in RI? Proposed restrictions reopen debate in Tiverton

**Antonia Noori Farzan**

The Providence Journal

Published 5:06 a.m. ET Feb. 21, 2023 | Updated 11:16 a.m. ET Feb. 28, 2023

Key Points

The Bowen brothers of Little Compton have spent the past 3 years seeking permission for an oyster farm in a sheltered Tiverton cove, which the bill seeks to prevent.

Lawmakers from South County expressed hesitations, noting the environmental and economic benefits of oyster farms.

The owners of existing oyster farms on the Sakonnet River say that the proposed legislation would effectively amount to a moratorium on any new ones.

A bill before the General Assembly aims to end the battle over a proposed oyster farm in Tiverton by effectively rendering Sapowet Cove off-limits for new aquaculture leases.

Introduced by Rep. John Edwards, D-Tiverton, H 5037 would create a two-year pilot program in which any new oyster farms on the Sakonnet River would need to be least 1,000 feet from shore. It would not affect oyster farms already in operation.

It would, however, affect John and Patrick Bowen, who hope to establish an oyster farm in sheltered Sapowet Cove and have faced massive resistance from neighbors.

"If we could somehow make just this area go away, I'd have no problem with that," Edwards told the House Environment and Natural Resources Committee on Thursday. He said he'd be open to rethinking the wording of the bill to achieve that same goal — for instance, by restricting new oyster farms north of Fogland Point.

Oyster wars: Why RI homeowners are fighting to keep shellfish farms out of their backyards

"It's not a resident of our town. ... It's not like it's a Tivertonian coming into get licensed," Edwards said of the Bowen brothers, who are fourth-generation residents of Little Compton. "This is people from out of town. And they do not seem to have the same respect for the area."

A few committee members expressed reservations on Thursday, citing the benefits of oyster farms.

"These are a great thing for the environment," said Rep. Kathleen Fogarty, D-South Kingstown. "It's a boon for the economy, and these oysters, scallops and bivalves are cleaning the water here in Rhode Island. So I think it's a very positive business."

Opponents say bill would amount to a moratorium on any new farms

The Bowen brothers previously told The Providence Journal that they chose a site close to shore because they're hoping to make their business carbon-neutral, so they would like to wade out to their cages at low tide rather than using a skiff.

Establishing a 1,000-foot buffer zone will only create problems, the owners of existing oyster farms on the Sakonnet River said Thursday.

Pushing new oyster farms away from shore "will move them into higher areas of boat traffic, creating more user conflict," testified Matthew Griffin, the owner of Saltbox Sea Farm.

Dan Torre, the owner of Aquidneck Island Oyster Company, said the bill would "effectively lead to a moratorium" on new farms because sites that far offshore would be rejected on the grounds that they present a hazard to navigation.

Oyster farms currently take up "less than one half of one percent of state waters," Griffin said.

Under state regulations, they can't be located on productive quahogging or commercial fishing grounds, on eelgrass beds, or in shipping channels. The upper portion of Narragansett Bay is too polluted to grow oysters, but too far south there aren't enough nutrients in the water.

Growers also seek out sheltered areas where their gear won't be damaged by wind and waves. Throughout the state, they've encountered resistance from nearby homeowners.

More: Matunuck Oyster Bar wants to expand its farm. The permit may be denied because of water-skiing

"Having oyster farms close to shore diminishes property values and lowers the desirability of the area for residents and tourists that travel here for water activities," Patricia Garber of Tiverton wrote in support of the bill, noting that "landowners have paid handsomely for property along the Sakonnet and continue to pay large property taxes annually."

Debate over proposed oyster farm has lasted for years

Supporters of the bill say the Bowen brothers' proposed oyster farm would interfere with recreational activities like fishing and boating. They note that it would be situated near the state-owned Sapowet Marsh Wildlife Management Area, which has a small beach and does not charge for parking.

"Objections to the location are not a contest between poor local farmers versus rich out-of-town landowners, although some would have us believe that," testified Kenneth Mendez, who previously told The Journal that he chose to purchase a second home near Sapowet Cove because it was an excellent fishing spot. "This is about protecting a unique marine environment which is unspoiled, safe, shallow and highly used by the general public."

The Bowens have countered that their farm would take up slightly less than an acre, and leave most of the cove open for recreational activities.

"You can still use that beach, you can still use that parking lot," testified Katie Martin of the Ocean State Shellfish Cooperative, which opposes the bill. "The oyster farm there doesn't preclude people from using that shoreline altogether."

The Bowens have been waiting three years for the Coastal Resources Management Council to make a decision about their application. Theirs is the only pending application that would be affected by the bill.

Rep. Barbara Ann Fenton-Fung, R-Cranston, expressed concerns about the long wait and asked whether the CRMC's existing permitting process needed to be streamlined.

"Sometimes we make it so difficult that business owners are like, 'We're going to Massachusetts,'" she said.

Battle ground: How an unlikely group of neighbors in Warwick are fighting to keep a walking trail open to the public.

Concerns about a slippery slope of legislative restrictions

Edwards' bill is a trimmed-down version of legislation he introduced last year, which would have applied statewide.

Although it now only applies to the Sakonnet River, Rep. Carol Hagan McEntee, D-Narragansett, said that people in her district were concerned that attempts to place additional restrictions on oyster farms wouldn't stop there.

Fogarty observed that Matunuck Oyster Bar is facing similar pushback. She said that the complaints came from people from New York and Connecticut who "were upset about their water view being ruined."

"I thought to myself, you're not here in the wintertime," she said. "And I don't really care, quite honestly, because this is such a boon to our economy."

The committee voted to hold the bill for further study, as is typical at initial hearings.

Some members suggested that the General Assembly should take a broader look at how the CRMC handles aquaculture applications. Rep. Michelle McGaw, D-Portsmouth, said she'd prefer that to "blanket legislation that, unfortunately, would not take into consideration the many factors associated with each application."

"I want to create a process that works for everyone," McGaw said.

"It is a booming business. Definitely, we have to keep some restraints on it; it can't take over all the shoreline. But we have to be cognizant of the fact that this is an industry that is growing," McEntee said. "None of this is going to go away. We've just got to figure out how to do it right and incorporate everyone's interests."

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Little Compton council opposes Sakonnet River aquaculture bill

Patrick Bowen tells the council the bill 'is not about us, except that it's about us'



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Patrick (left) and John Bowen of Little Compton first applied for an aquaculture lease at Tiverton's Seapowet Avenue three years ago.

Posted Monday, February 27, 2023 3:10 pm

By Ted Hayes

Members of the Little Compton Town Council last Thursday voted to oppose a bill (<http://webservice.rilegislature.gov/BillText/BillText23/HouseText23/H5037.pdf>) that would restrict aquaculture farms along the Sakonnet River to 1,000 feet offshore or more. In doing so, they gave strong support to brothers Patrick and John Bowen of Little Compton, who have been seeking state CRMC approval to build a one-acre farm off Seapowet bridge for three years.

House Bill 5037, introduced in January by District 70 Rep. John Edwards of Tiverton and co-sponsored by Rep. Marvin Abney (Middletown and Newport) and Rep. Terri Cortvriend (Middletown and Portsmouth), is similar to a bill presented last session at the request of the Tiverton Town Council.

It would establish a two-year pilot program that would require all offshore new aquaculture leases on either shore to be sited not less than 1,000 feet from the median high tide line as of July 1, 2023. Those already in operation within that buffer — there are currently two, one in Little Compton and one in Tiverton — would be exempt. The pilot program and its 1,000-foot requirement would expire in July 2025, unless renewed by the General Assembly.

Patrick Bowen, who along with his brother asked the council to file a resolution opposing the legislation, said the proposed law is a thinly veiled attack on the brothers' plan to put a one-acre submerged farm about 300 feet offshore, southwest of the Seapowet bridge.

"It's not about us, except that it's about us," Bowen said of the legislation.

The Bowens' plan has drawn sharp criticism in Tiverton, where residents along Seapowet Avenue and elsewhere have complained that the farm would threaten access to inshore waters and would harm the recreational fishermen and kayakers who regularly use the area. Residents have started a website (<http://www.savesepowet.org>), and have hired attorneys to help defeat the project.

But Patrick Bowen, who said the site was chosen due to its dynamic tidal action and nutrient-rich nature, told the council that the farm will not impede boaters or fishermen from using the area.

He added that the proposed legislation does not follow the spirit and word of zoning ordinances in both Little Compton and Tiverton. Those zoning ordinances, he said, "specifically state that the purpose of zoning is to encourage, among other things, agriculture including aquaculture."

"What this is doing is taking farms and putting them in a place where they're going to be in more danger" and likely in more interference with commercial and recreational boating and fishing," he said. "It would eliminate small farms in favor of larger industrial ones, and it's likely going to result in fewer aquaculture farms."

Councilors said they were happy to draft a resolution in support of the Bowens and in opposition to the legislation. It will be sent to District 71 Rep. Michelle McGaw (Little Compton, Tiverton, Portsmouth), and Sen. Louis DiPalma (Little Compton, Middletown, Newport and Tiverton), who has drafted but not yet submitted a Senate companion version of the bill.

"We support you," councilor Paul Golembeske said. "This just strikes me like people who move next to a farm ... and then they realize what's on the ground in the farm and say, 'I don't want to see that.'"

As for the three-year process to earn CRMC approval, councilor Patrick McHugh said, "it's been quite a grind for you guys. I don't know why it's still sitting there — I find that odd."

Rep. Edwards did not return an email left seeking comment on the legislation.

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Letter: Biased reporting in Seapowet aquaculture story

Posted Wednesday, March 1, 2023 11:25 am

To the editor:

Thank you for your "biased" reporting (<https://www.eastbayri.com/stories/little-compton-council-opposes-sakonnet-river-aquaculture-bill,110951?>) on Little Compton's resolution objecting to Rep. Edwards House Bill H-5037 (<http://webserver.rilegislature.gov/BillText/BillText23/HouseText23/H5037.pdf>). It would seem that no one appeared to oppose the resolution, since your article contains no such comments.

For the record, and for Councilor, Golembeske, I am one of the people from Tiverton who did not move next door to a farm, and now complain about its operation. My involvement in opposing unfettered aquaculture development along the Sakonnet River, including the Bowen's application, arose principally because of the CRMC's failure to provide adequate notice to Tiverton residents and other stakeholders about the filing.

That involvement morphed into asking hard question of the CRMC about their policies and procedures, which were written to favor aquaculture development over the Constitutionally guaranteed water access rights of Rhode Islanders and visitors to our state. Together, with other local and statewide stakeholders, we have provided thoughtful and meaningful comments, and factually based testimony about the operation of the CRMC to various legislative committees, and to CRMC's Bay SAMP initiative about aquaculture development. The combined efforts of many led to the CRMC changing some of its policies in respect to notice and early communication between applicants and residents.

More specifically, opposition to the Bowen's pending application is because the proposed location at Seapowet Point beach and adjacent to the DEM's Sapowet Marsh and Wildlife Management Area (where significant public funds have been spent to rejuvenate the marsh and its waterways) would significantly impact and interfere with historic, current and future recreational boating, fishing, native aquaculture harvesting, and beach use by locals and underserved communities.

Perhaps it would have been helpful for the councilors to consider, before they jumped feet first into the abyss of supporting the Bowen's that it is not just newly relocated people, but the RI aquaculture industry who also specifically oppose the Bowen's proposed aquaculture site. At a 2022 hearing on Representative Edwards' proposed H- 8244 (the precursor to H-5037), the Executive Director of the East Coast Shellfish Association's testified before the House Corporations Committee, in relevant part, as follows:

"... we believe there are certain applications that are poorly sited that actually damage the industry and we would not support them and we would come out against them. So, this is a very unusual step for an aquaculture association to consider opposing an application, but we believe that this particular application is one of those cases where it's become such a lightning rod for dissent that we believe it's damaging the ability of serious farmers who have made significant investments to continue to work" — queue to 53:50 for more here (<https://ritv.devosvideo.com/show?video=0ba5121399f4&app=c1bd29a8>)

It is not just aggrieved people from "away" now living here who oppose the Bowen's site as suggested by the article. Rather it is people and groups who thoughtfully consider what are best practices for developing aquaculture along the Sakonnet River in the interest of all, and not just to commercialize Seapowet Point for two brothers from Little Compton.

Donald Libbey

Tiverton

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Sakonnet aquaculture bill dies in session

Legislation by Rep. John Edwards fails to make it out of committee for second year in a row



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A sign at the Sapowet Marsh bridge makes it clear how many neighbors think of a plan to establish a one-acre oyster farm at the site.

TED HAYES



Posted Friday, June 16, 2023 11:13 am

By Ted Hayes

For the second year in a row, legislation that would restrict aquaculture along the shores of the Sakonnet River failed to make it out of committee before the Rhode Island General Assembly session adjourned Friday morning.

House bill 5037 was sponsored by Rep. John Edwards (D) of Tiverton. As was the case last year, it was submitted this February at the request of and in cooperation with the Tiverton Town Council.

Though the bill would have banned aquaculture 1,000 feet seaward from the median high tide line along the entire length of the Sakonnet, it was sponsored in response to a plan by Patrick and Sean Bowen of Little Compton, who for three years have been trying to get state approval to operate a one-acre oyster farm off Sapowet Point on Seapowet Avenue in Tiverton. The brothers' application is currently pending before the state Coastal Resources Management Council (CRMC).

Opinions on the Bowens' plan come down in large part to where Sakonnet-area residents live.

Many Tiverton residents, particularly those living in the Seapowet area, strongly oppose the Bowens' plans. In a resolution supporting the legislation passed by the Tiverton Town Council earlier this year, councilors acknowledged that opposition by referencing public hearings where many have spoken against commercial aquaculture farms in Tiverton's coastal waters. The council's resolution cited members' beliefs that passage of the legislation is "in the best interests of the residents of the town and will protect its scenic vistas and preserve the use of the Sakonnet River for recreational purposes."

While Tiverton's ruling body opposes the plan, its counterpart in Little Compton earlier this year unanimously passed a resolution in support of the Bowens' plan.

"We support you," councilor Paul Golembeske told the Bowens during a discussion on the council's resolution. "This just strikes me like people who move next to a farm ... and then they realize what's on the ground in the farm and say, 'I don't want to see that.'"

"Quite frankly, I don't care what Little Compton thinks," Tiverton town council member John Edwards later said when told of the neighboring town's resolution.

Tiverton appeals to CRMC

Though the legislation is dead this year, Tiverton's efforts to stop the project continue.

At the council's direction, Tiverton Town Administrator Chris Cotta earlier this month drafted a letter to CRMC Executive Director Jeffrey Willis, expressing the town's objections to the Bowens' plan.

The eight-page letter asks for a "full and complete denial to the applicant for a lease in this particular area due to the excessive recreational conflicts that said lease will create."

The letter states that the application, if approved, would be detrimental to recreational and commercial stakeholders who use the area extensively. It cites concerns about how the Bowens plan to access the leased area from the shoreline and mentions potential conflicts with local zoning laws.

It also references environmental concerns and points out that state funds spent to date for the acquisition of land was intended "for the enjoyment of all, not just Rhode Islanders, to use the Sapowet Marsh Management Area (SMMA)."

The letter expresses the council's reservations about legal representation of the CRMC by attorney Anthony DeSisto, who earlier this year was named Little Compton's town solicitor.

The town requested in the letter that CRMC provide, prior to any final vote on the application, "a formal full hearing in the Town of Tiverton, the town that will be most affected by any lease being granted for this application."

— With reports by Ruth Rasmussen

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