

# John Bowen and Patrick Bowen

WHITE: 2019-13-023 PD - Feb. 17, 2020

RED: 2020-04-037 PN - April 17, 2020

BLUE: 2020-04-037 Alt. 1 - May 1, 2020 (Preferred)

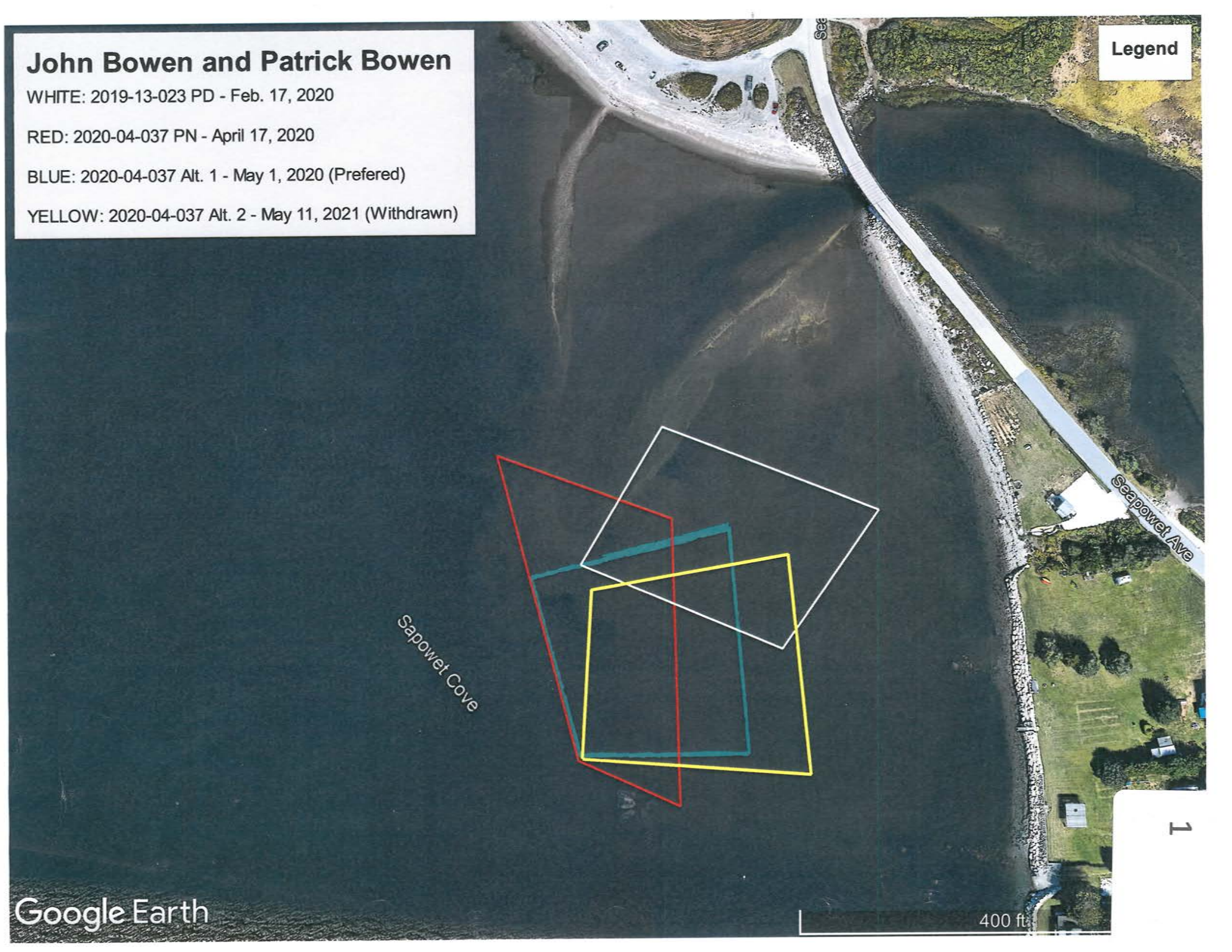
YELLOW: 2020-04-037 Alt. 2 - May 11, 2021 (Withdrawn)

Legend

Sapowet Cove

Seapowet Ave

1



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

STATEMENT OF LIMITATIONS

The contents of this staff determination report shall be valid only for the period on and preceding the date of this report. This report is neither an approval nor denial of the subject proposal. It is an evaluation of CRMC regulations in effect as of February 1, 2020 as they pertain to the below stated proposal, including preliminary staff recommendations.

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

APPLICANT INFORMATION

NAME: John & Patrick Bowen                      CRMC FILE NO. D2019-12-023  
LOCATION/POLE: Sakonnet River  
CITY/TOWN: Tiverton                                      PLAT:                                      LOT:

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

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

PRELIMINARY REVIEW INFORMATION

**PROPOSAL:** 0.95 acre oyster farm

**PLAN(S) REVIEWED:** Bowen December 2019

INVESTIGATOR    Beutel                      DATE                      February 17, 2020                      TIME 7:00 pm

**MEASUREMENTS & OBSERVATIONS:**

**PREVIOUS CRMC ACTIONS FOR SITE:**

**Preliminary Buffer and Setback Requirements:**

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

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

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

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

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

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

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

### SUMMARY OF FINDINGS

**CRMC JURISDICTION: YES**

**TYPE WATER: 1; Conservation Areas**

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

CRMP Sections: 650-RICR-20-00-1 §§ 1.2.1(B); 1.3.1(A); 1.3.1(K); and 1.3.1(R)

### STAFF CONCERNS/COMMENTS/INFORMATION REQUIREMENTS:

This application is for a 0.95 acre oyster farm in Type 1 waters on the sand bar just southwest of the Seapowet Bridge. The gear proposed are cages that are 2'x 4" x 16" tall. The cages will be secured on a longline system that is anchored with 3' helical anchors. Oysters are the only species proposed for the farm. The site access proposed is via wading from the state parking area just northwest of the Seapowet Bridge. The site coordinates were adjusted after a moon low tide determined that the inshore corners could be intertidal. Work on the site is proposed for the two hours on either side of low tide. CRMC staff conducted a site visit on March 3, 2020.

The preliminary determination meeting was conducted during a meeting of the Tiverton Harbor and Coastal Waters Management Commission on February 17, 2020. The commission had many questions and comments. The commission had discussion concerning the water quality of nearby Seapowet Creek which is concerning to nearby shellfish harvesting but the proposed site is clearly in waters approved for the harvest of shellfish. One issue for the commission, DEM, and an objector was the shallow nature of the area and its recreational shellfish harvesting value. The applicants asserted that there were plentiful quahogs on the north side of the creek channel but very few in the area that they proposed. CRMC had a discussion with a local recreational harvester that confirmed the assertion. CRMC has not conducted a shellfish density survey for the site. A related issue was the access to the site by walking. This means crossing the intertidal area adjacent to the parking lot, and crossing the creek channel while transporting

NAME: **Bowen**

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the proposed gear (up to 180 cages). Cages that have biofouling will be removed for cleaning at the applicants homes. With summer time biofouling issues there could be many cages to be moved through the public parking area. While there are other aquaculture sites in RI that access the site by walking, none of that access is from a public parking area. The commission, DEM, and the objector all stated that they would not have an issue with this farm if it was moved to deeper water adjacent to the proposed site.

Commission members had reservations about the ability to work the shallow site on afternoon low tides when the waves from the southwest would be highest on the proposed site. Commission members asserted that if this application moves forward they would like another opportunity for review and comment. CRMC assured the commission that they would receive any subsequent application.

After the staff site visit CRMC agrees with the commission, DEM, and the objector that the site is too shallow for aquaculture given the local conditions and that the access from the public parking area is not appropriate. Staff realizes that moving the site farther offshore does not meet the applicants' concept of the location, but recommends that this shallow site is not pursued for full aquaculture application.

SIGNATURE:  Aquaculture Coordinator

## Lisa Turner

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**From:** Dave Beutel <dbeutel@crmc.ri.gov>  
**Sent:** Wednesday, February 12, 2020 10:01 AM  
**To:** kurt.blanchard@dem.ri.gov; 'Dennis Erkan'; 'Robert Ballou'; 'Azure Cygler'; 'Catherine White'; 'Leavitt, Dale'; 'John F. O'brien'; 'John Torgan'; 'Robert Rheault'; 'Steve Medeiros'; 'Katie Eagan'; 'Dave Reis'; 'Dick Pastore'; 'Michael A. Rice'; 'Rich Hittinger'; 'Jerry Carvalho'; 'Lisa Turner'; michaelaonosoko@gmail.com; 'Matthew J. Behan'; 'Cameron Ennis'; 'jules opton-himmel'; 'GerberWilliams, Anna (DEM)'; bob.4most@gmail.com; 'Marilyn Quinn'; 'Mike Jarbeau'; 'Mark J. Keeley'; 'Dave Monti'; davidclatham@gmail.com; 'Frooks, Arthur E LT'; 'Bruce Cox'; 'Carl Berg'; 'Dan Torre'; 'Matthew Griffin'  
**Cc:** mclamdigger@aol.com; 'Mcmanus, Conor (DEM)'; 'Osenkowski, Jay (DEM)'; 'Janet Coit'; 'Jason McNamee'; cindy.hannus@dem.ri.gov; 'Livermore, Julia (DEM)'; 'Phil Capaldi'; marcapcar@me.com; marcapcar@icloud.com; traceydistefano2013@gmail.com; john\_crosson@watkinson.org; dacapaldi@aol.com; mmcapaldi@aol.com; jschickler@cox.net; suemarinaro@me.com; 'Helms, Joshua M CIV USARMY CENAE (US)'; 'Kilburn, Jennifer (DEM)'; Seanbow@yahoo.com; dbeutel@crmc.ri.gov  
**Subject:** preliminary determination Tiverton  
**Attachments:** 2019-12-023 Bowen.pdf

The preliminary determination meeting for this application has been rescheduled for this coming Monday February 17, 2020 at 7:00 pm in the Brookdale Sakonnet Bay Senior Living Crafts Room at 1215 Main Road, Tiverton, RI.

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

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**From:** Dave Beutel [mailto:dbeutel@crmc.ri.gov]  
**Sent:** Friday, December 13, 2019 1:21 PM  
**To:** kurt.blanchard@dem.ri.gov; 'Dennis Erkan'; 'Robert Ballou'; 'Azure Cygler'; 'Catherine White'; 'Leavitt, Dale'; 'John F. O'brien'; 'John Torgan'; 'Robert Rheault'; 'Steve Medeiros'; 'Katie Eagan'; 'Dave Reis'; 'Dick Pastore'; 'Michael A. Rice'; 'Rich Hittinger'; 'Jerry Carvalho'; 'Lisa Turner'; michaelaonosoko@gmail.com; 'Matthew J. Behan'; 'Cameron Ennis'; 'jules opton-himmel'; 'GerberWilliams, Anna (DEM)'; bob.4most@gmail.com; 'Marilyn Quinn'; 'Mike Jarbeau'; 'Mark J. Keeley'; 'Dave Monti'; davidclatham@gmail.com; 'Frooks, Arthur E LT'; Bruce Cox; Carl Berg; Dan Torre; Matthew Griffin  
**Cc:** mclamdigger@aol.com; 'Mcmanus, Conor (DEM)'; 'Osenkowski, Jay (DEM)'; 'Janet Coit'; 'Jason McNamee'; cindy.hannus@dem.ri.gov; 'Livermore, Julia (DEM)'; 'Phil Capaldi'; marcapcar@me.com; marcapcar@icloud.com; traceydistefano2013@gmail.com; john\_crosson@watkinson.org; dacapaldi@aol.com; mmcapaldi@aol.com; jschickler@cox.net; suemarinaro@me.com; 'Helms, Joshua M CIV USARMY CENAE (US)'; 'Kilburn, Jennifer (DEM)'; Seanbow@yahoo.com  
**Subject:** preliminary determination Tiverton

CRMC and the Town of Tiverton have scheduled a preliminary determination meeting for the attached application for Monday February 3, 2020 at 7:00 pm in the Brookdale Manor community room located at 1215 Main Road, Tiverton. Please send comments to CRMC if you cannot attend the meeting. Please share the application with interested people.

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



**CRMC AQUACULTURE PRELIMINARY DETERMINATION REQUEST FORM**

**Applicant Information:**

Applicant Name(s): John Bowen, Patrick Bowen

Street: 79 Shaw Road

City/Town: Little Compton

State: RI

Zip Code: 02837

E-Mail: Seanbow@yahoo.com

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

**Size of Proposed Aquaculture Site: 0.95 acres**



**Longitude/Latitude of Proposed Aquaculture Site:**

**North Corner: 41.581110, -71.209626**

**South Corner: 41.580488, -71.209149**

**East Corner: 41.580920, -71.208810**

**West Corner: 41.580670, -71.209950**

Signature of Requestor: *John D. Bowen* Date: 12-8-19  
*Patrick Bowen*

## INSTRUCTIONS

\*\* Filing fee: \$25.00 per site. Check or money order to "CRMC"

NOTE: Filing fees are not refundable.

\*\*NOTE: This request does not constitute application for permission to perform an activity. A CRMC Preliminary Determination Request is a determination of jurisdiction and which sections of the Rhode Island Coastal Resources Management Program apply to the project under consideration.

Mail the above information to:

ATTN: Applications Coordinator  
Coastal Resources Management Council  
Oliver Stedman Government Center  
4808 Tower Hill Road  
Wakefield, RI 02879



## 1. Introduction.

John Bowen and Patrick Bowen are seeking a Preliminary Determination from Coastal Resources Management Council regarding a proposed shellfish aquaculture farm in Tiverton, RI. The site is located in the Sakonnet River, South of Seapowet Creek. This site was chosen for a variety of reasons, including proximity to the nutrient rich Seapowet Creek tidal flow; shallow depth; ease of access, as it is located near the DEM Seapowet Management Area, with public parking; and lack of hardshell clam resource within the site. Although the overall management area does receive visitors (fishermen/shellfishermen, beachcombers, walkers, etc.), the chosen site does not receive much attention, as it is shallow (1-3 feet average at low tide), with coarse sand/gravel bottom. Much of the public's usage of the site occurs on the North side of the outlet of Seapowet Creek.

The farm will utilize a "low-profile" approach, accessing the site using waders instead of boat access, and utilizing gear which will be minimally (if at all) visible from shore – only at low tide. Culture methods will suit the site, primarily consisting of top loading cages, with mesh bags affixed to the cages. Floating culture gear will not be used at this site.

John Bowen and his brother Patrick Bowen will be primarily responsible for daily management of the farm, with their sons Samuel and Malcolm actively assisting in farm operation.

### OPERATIONAL PLAN:

#### 1. Name and Address:

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

#### 2. CRMC File Number: To be determined

#### 3. DEM Aquaculture License Number: To be determined

#### 4. Type of Facility: Commercial Aquaculture Lease Site

#### 5. Location of Facility: Tiverton, RI, Sakonnet River, South of Seapowet Creek. The dimensions of the site are 180'x230'. The site is 100' from shore at its nearest point (easterly corner), and 325 feet from a point on the southwest corner of the Seapowet Bridge, extending in a Southwest direction in a trapezoid shape. The proposed site is 41,316 square feet, or .95 acres.

Longitude/Latitude of Proposed Aquaculture Site:

**North Corner: 41.581110, -71.209626**

**South Corner: 41.580488, -71.209149**

**East Corner: 41.580920, -71.208810**

**West Corner: 41.580670, -71.209950**



6. **Species Grown:** Crassostrea virginica, Eastern Oyster shellfish seed is to be purchased from a New England shellfish hatchery approved by DEM (Aquacultural Research Corporation, Dennis, MA; Fishers Island Hatchery, New York, Mook Sea Farms, Damariscotta, ME, etc.), in accordance with regulation. We plan to use only diploid seed in the first year (and likely thereafter).
7. **Gear Description:** Predominant culture method will be top loaded wire cages, with dimensions of 24" wide, 48" long, and 14" tall, with 2" runners to keep them elevated from the bottom (total cage height is 16" tall). The cages will be placed directly on the bottom. Cages are accessed through the top, and will contain stacked trays (plastic or wire), and will be covered with a rigid wire cover, affixed with shock cord.  
A series of helical-anchored rope lines, each 25 feet long, spaced 5 feet apart, parallel, anchored at each end and in the middle will be used to secure the cages. The lines will be comprised of half inch diameter, three strand, twisted nylon rope with a minimum breaking load (MBL) of 5,670 lbs. The cages will be connected at each end to the lines using heavy-duty clips. Additionally, rigid square or diamond mesh plastic bags will be secured directly to the cages using heavy-duty clips.  
The first year 20,000 oyster seed will be purchased, and grown utilizing the culture methods described above. We anticipate harvest time to be approximately 18 months.

**8. Identifying Markers**

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

**9. DEM Shellfish Harvesting Classification:**

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

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

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

**11. Harvest, Storage, and Transportation:**

It is anticipated that harvest time will be roughly 18 months. The first year, all oysters are expected to be sold to licensed Rhode Island Wholesale Dealers, rather than direct marketed. Harvesting and transporting oysters will be conducted with a focus on public health requirements, including icing, tagging, sanitation, and record keeping as required.

**12. Time Table of Work**

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

**13. Record Keeping:**

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

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

An upweller will not be used.

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

Seed will not be obtained from prohibited waters.

## Coastal Resources Management Plan

### **A. Category B Requirements (Formerly Section 300.1)**

#### **a. Demonstrate the need for the proposed activity or alteration:**

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

#### **b. Demonstrate that all applicable local zoning ordinances, building codes, flood hazard standards, and all safety codes, fire codes, and environmental requirements have or will be met:**

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

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

The proposed lease site is located in the Sakonnet River, south of Seapowet Creek. The site is on the southerly end of the area near Sapowet Management Area. The dimensions of the site are 180'x230'. The site is 100' from shore at its nearest point (easterly corner), and 325 feet from a point on the southwest corner of the Seapowet Bridge, extending in a Southwest direction in a trapezoid shape. The proposed site is 41,316 square feet, or .95 acres.

#### **d. Demonstrate that the alteration or activity will not result in significant impacts on erosion and/or deposition processes along the shore and in tidal waters:**

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

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

Culture methods proposed are intended to be low-impact. The site should have no negative impact on the abundance or diversity of plant and animal life. To the contrary, aquaculture gear provides habitat structure and supports a diverse assemblage of juvenile fish, crabs, lobsters.

#### **f. Demonstrate that the alteration will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters and/or the shore:**

The site is located in the Sakonnet River, on the south side of Seapowet Creek, an area adjacent to the DEM Sapowet Management Area. The site *does* get visitors – fishermen, shellfishermen, beachcombers, very limited bathing, however the proposed area is not often accessed by the public, as the northerly side of the creek is typically used. The shallow water and coarse sand/gravelly bottom are not conducive to boating, swimming or fishing, and there is no significant hardshell clam resource on the site. Fishermen, shellfishermen and bathers typically use the area to the north of the Seapowet Creek. The site would still be available for people to walk or wade through, or kayak through.

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

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

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

The proposed oyster farm will have no effect on water quality as defined by DEM (based on fecal coliform levels). Additionally, by removing algae from the water column, oysters help reduce nutrient loading and improve clarity in coastal areas.

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

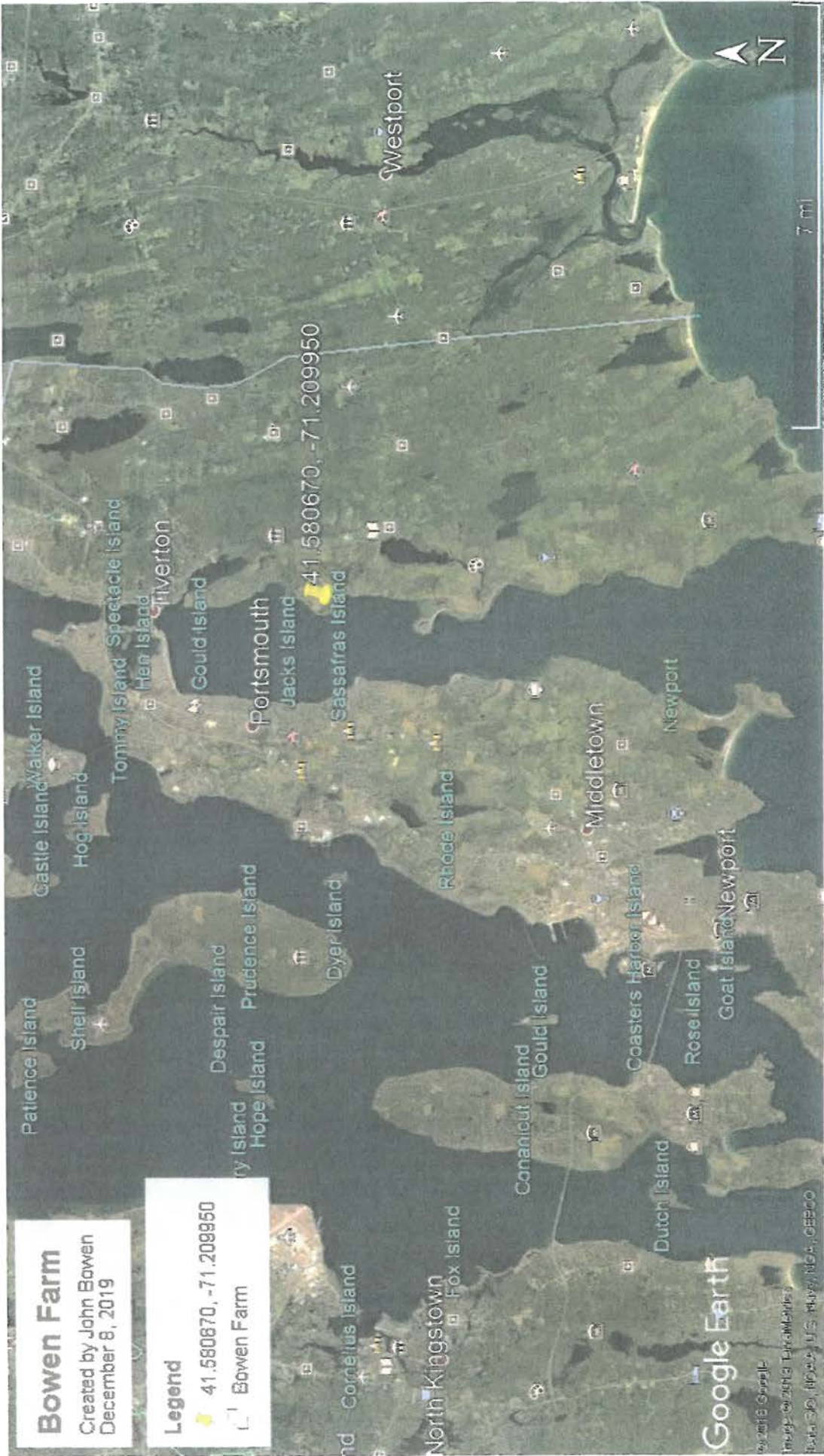
There are no known historic or archaeological resources in the proposed site.

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

The proposed site is located in shallow water south of the mouth of Seapowet Creek. With the exception of kayaking, the shallow water is not conducive to boating. The proposed gear is intended to be less than 18" off the bottom, so kayaking through the site could easily occur, especially at high tide. The shallow water and pebbly bottom is not conducive to swimming. There is no hardshell clam resource on the site, and the water is too shallow to be considered good for fishing.

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

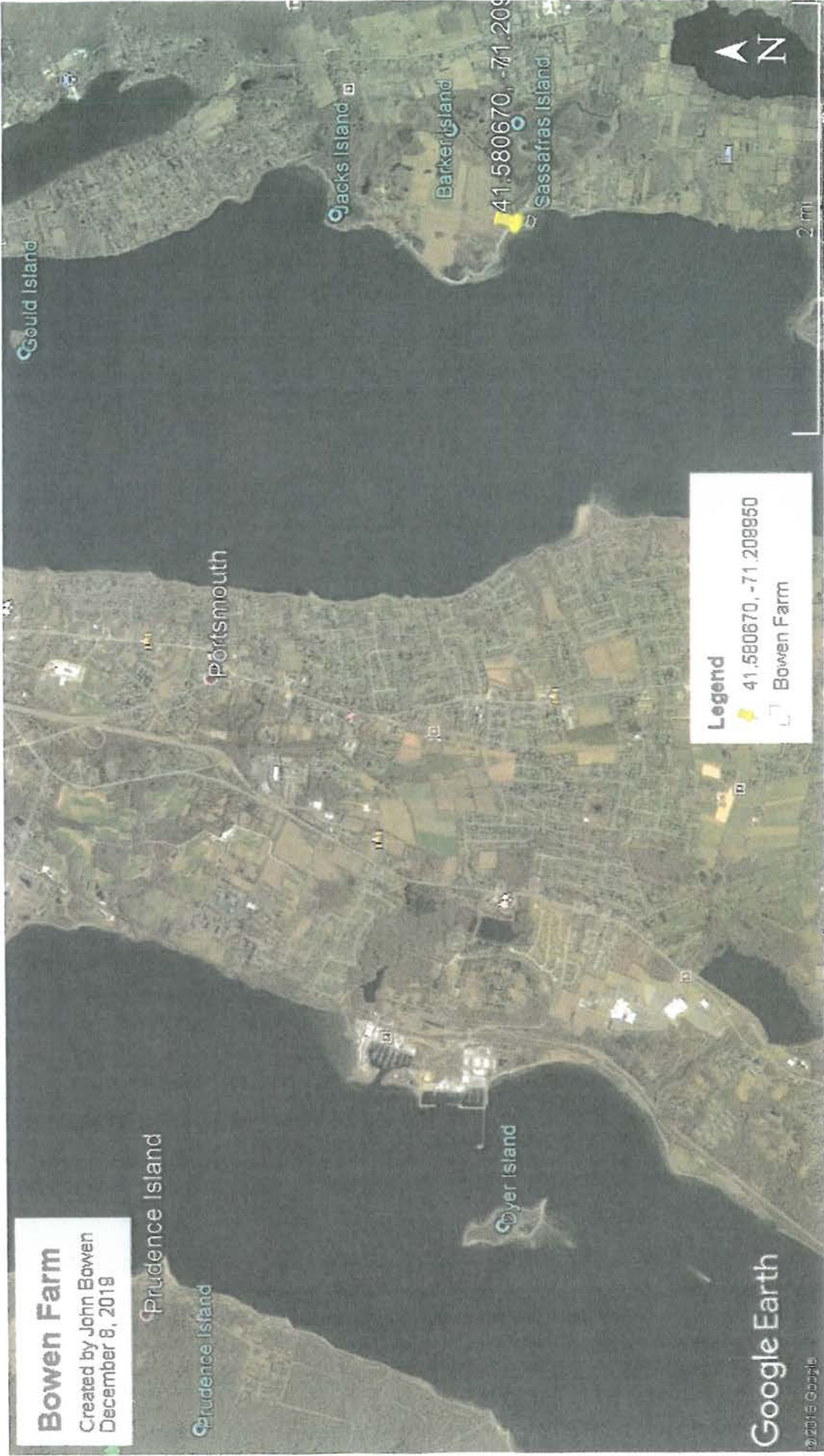
The gear design is such that it will be minimally visible, only at low tide, with the exception of buoys at each of the corners, as required.



**Bowen Farm**  
 Created by John Bowen  
 December 8, 2019

**Legend**  
 ★ 41.580670, -71.209950  
 □ Bowen Farm

**RECEIVED**  
**DEC 10 2019**  
 COASTAL RESOURCES



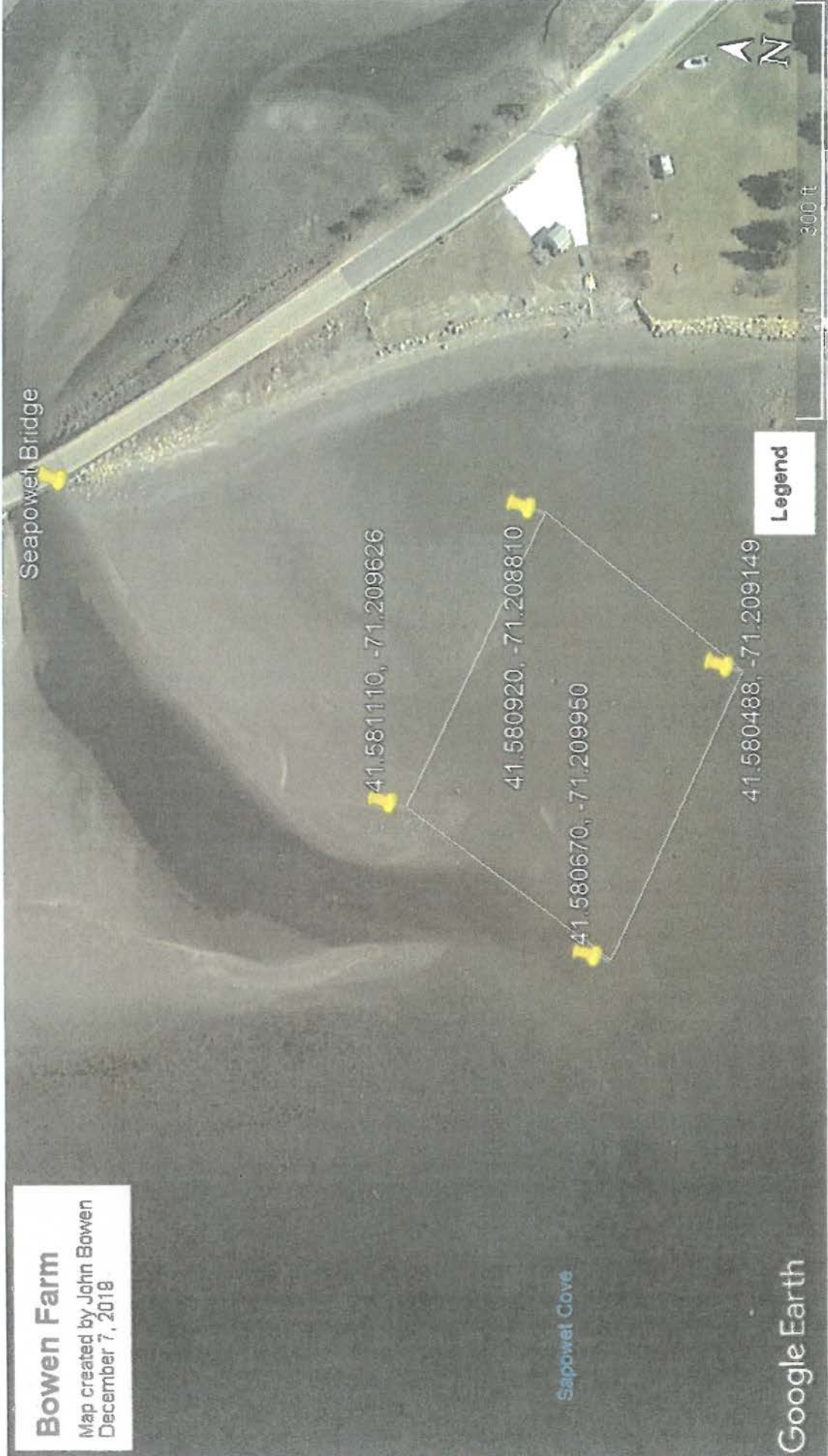
**Bowen Farm**  
Created by John Bowen  
December 8, 2019

**Legend**  
★ 41.580670, -71.208950  
□ Bowen Farm

**RECEIVED**  
**DEC 10 2019**  
COASTAL RESOURCES  
MANAGEMENT COUNCIL

Google Earth

© 2016 Google



# Bowen Farm

Map created by John Bowen  
December 7, 2018

Seapowet Cove

Google Earth

Seapowet Bridge

Legend

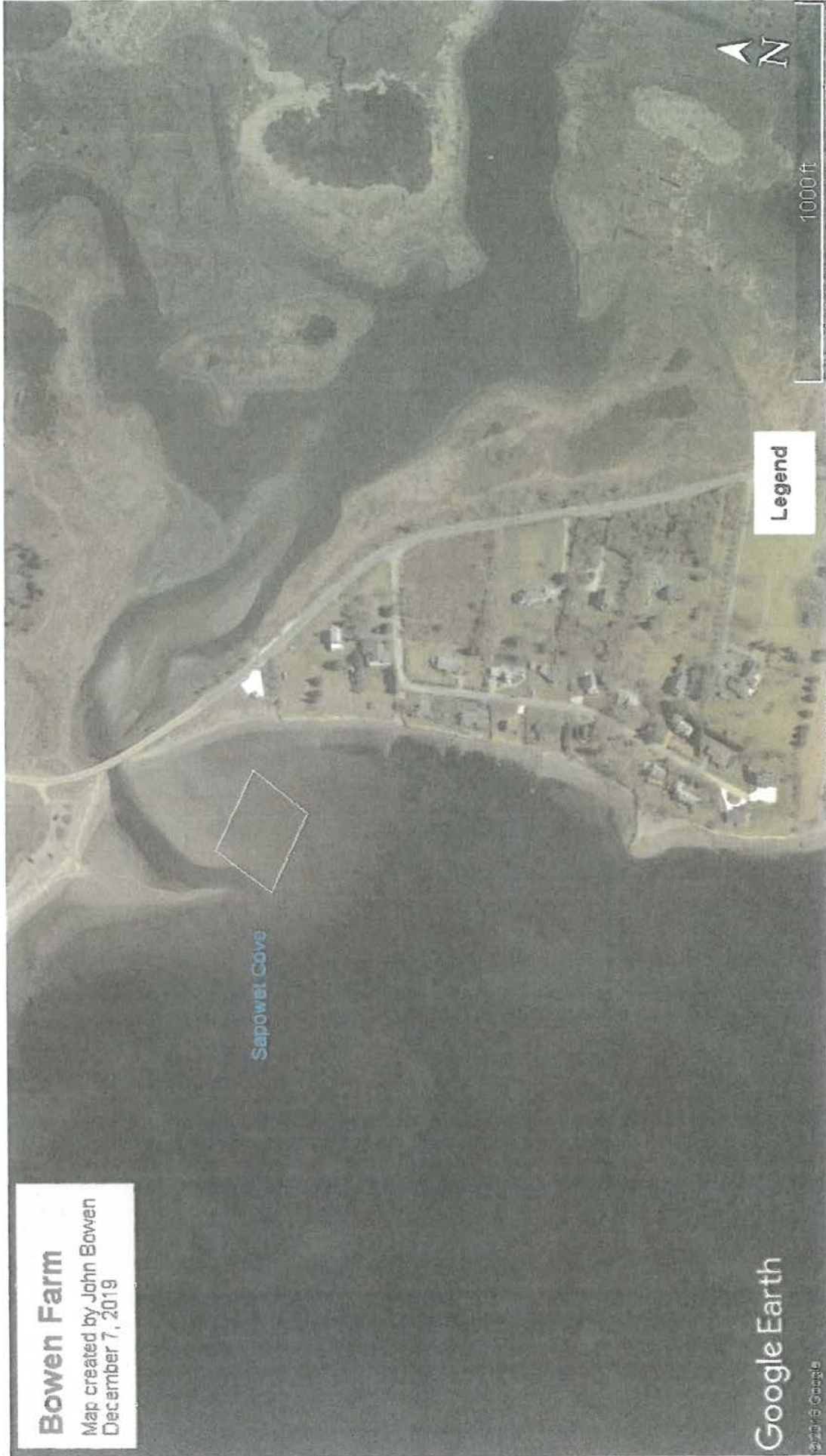
300 ft





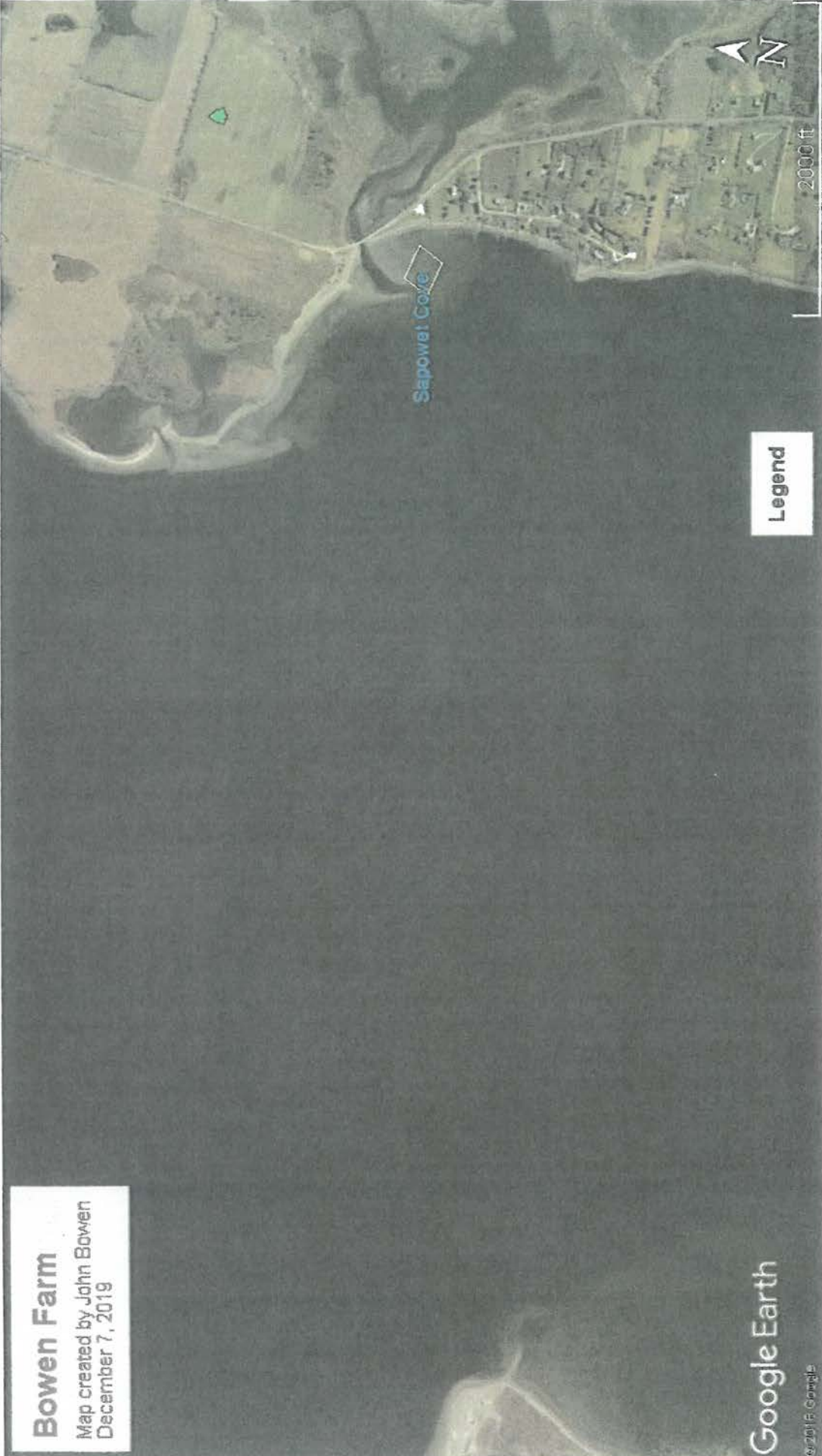
# Bowen Farm

Map created by John Bowen  
December 7, 2019



Google Earth

© 2019 Google

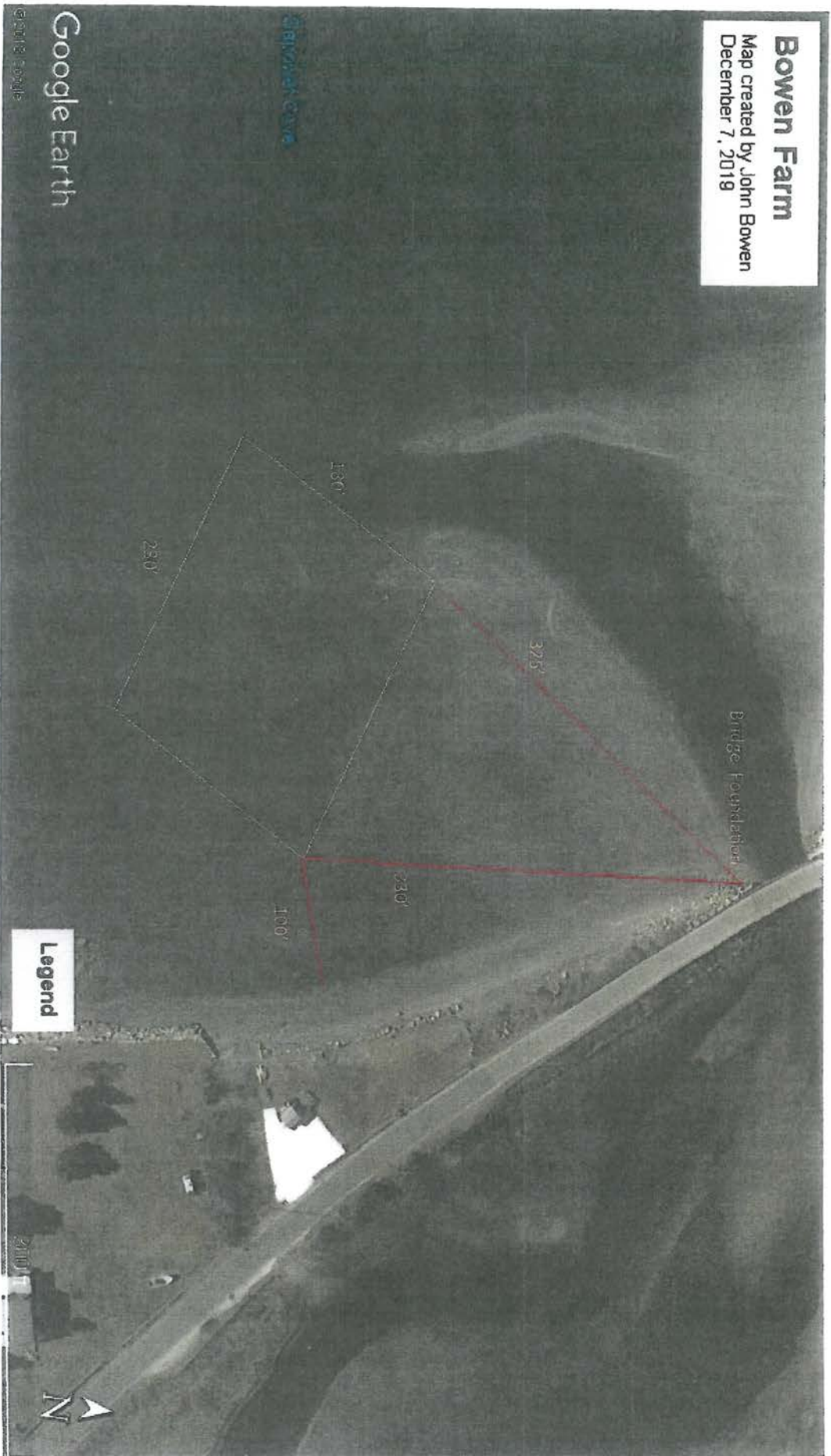


**Bowen Farm**  
Map created by John Bowen  
December 7, 2019

Legend

Google Earth  
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**Bowen Farm**  
Map created by John Bowen  
December 7, 2019



Google Earth

©2019 Google

Legend



**NORTH**



**SOUTH**



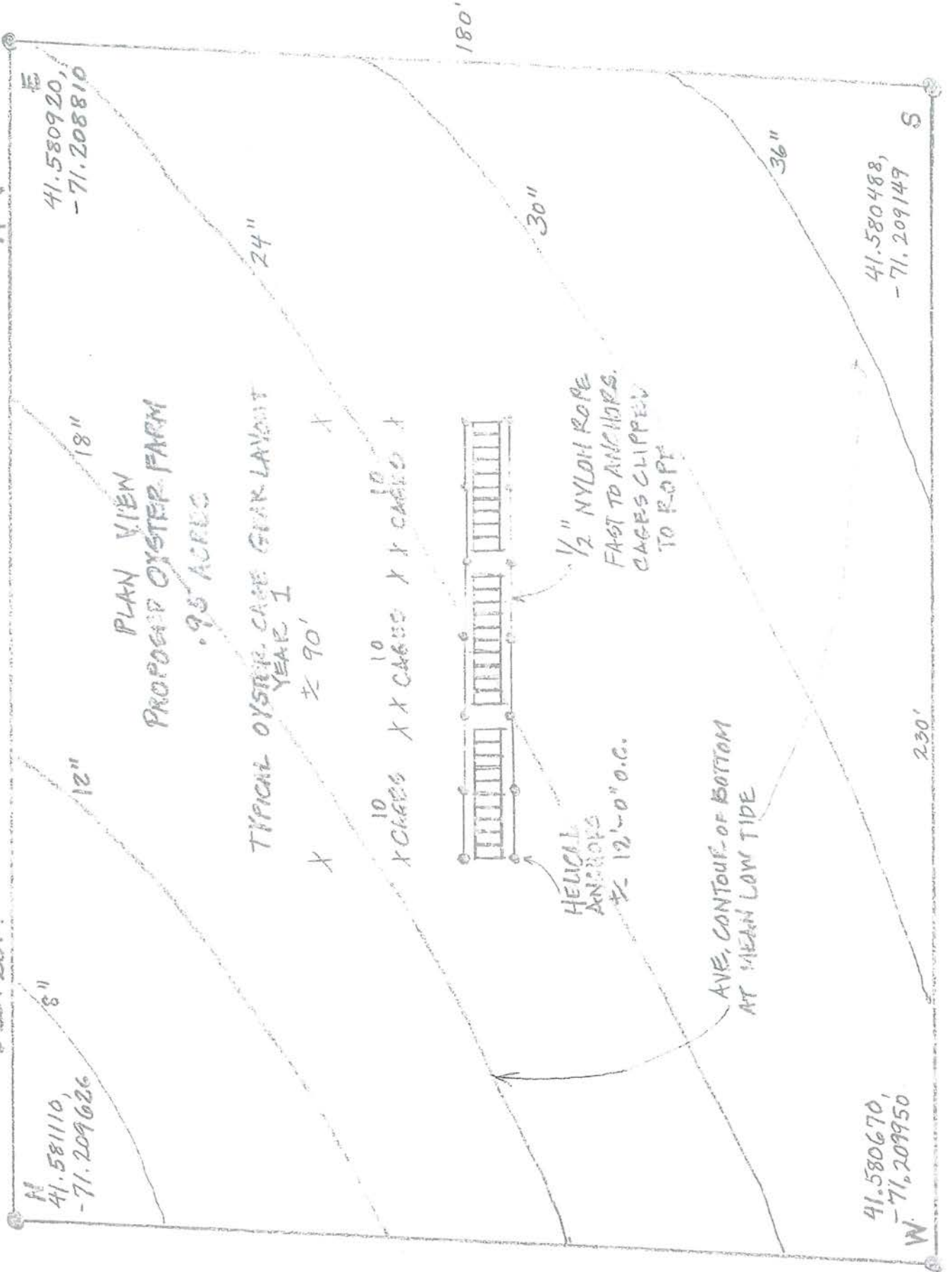
**EAST**



**WEST**

BOWEN OYSTER FARM  
DRAWINGS BY P. BOWEN  
DEC. 2017

SCALE 1CM = 5'-0"



NE  
41.580920,  
-71.208810

NW  
41.581110,  
-71.209626

SW  
41.580670,  
-71.209950

SE  
41.580488,  
-71.209147

PLAN VIEW  
PROPOSED OYSTER FARM  
.95 ACRES

TYPICAL OYSTER CAGE GEAR LAYOUT  
YEAR 1  
X CAGES X X CAGES X X CAGES X  
X CAGES X X CAGES X X CAGES X  
X CAGES X X CAGES X X CAGES X  
X CAGES X X CAGES X X CAGES X



1/2" NYLON ROPE  
FAST TO ANCHORS.  
CAGES CLIPPED  
TO ROPE

HELICAL  
ANCHORS  
X 12'-0" O.C.

AVE. CONTOUR OF BOTTOM  
AT MEAN LOW TIDE

18"

12"

24"

30"

36"

180'

230'

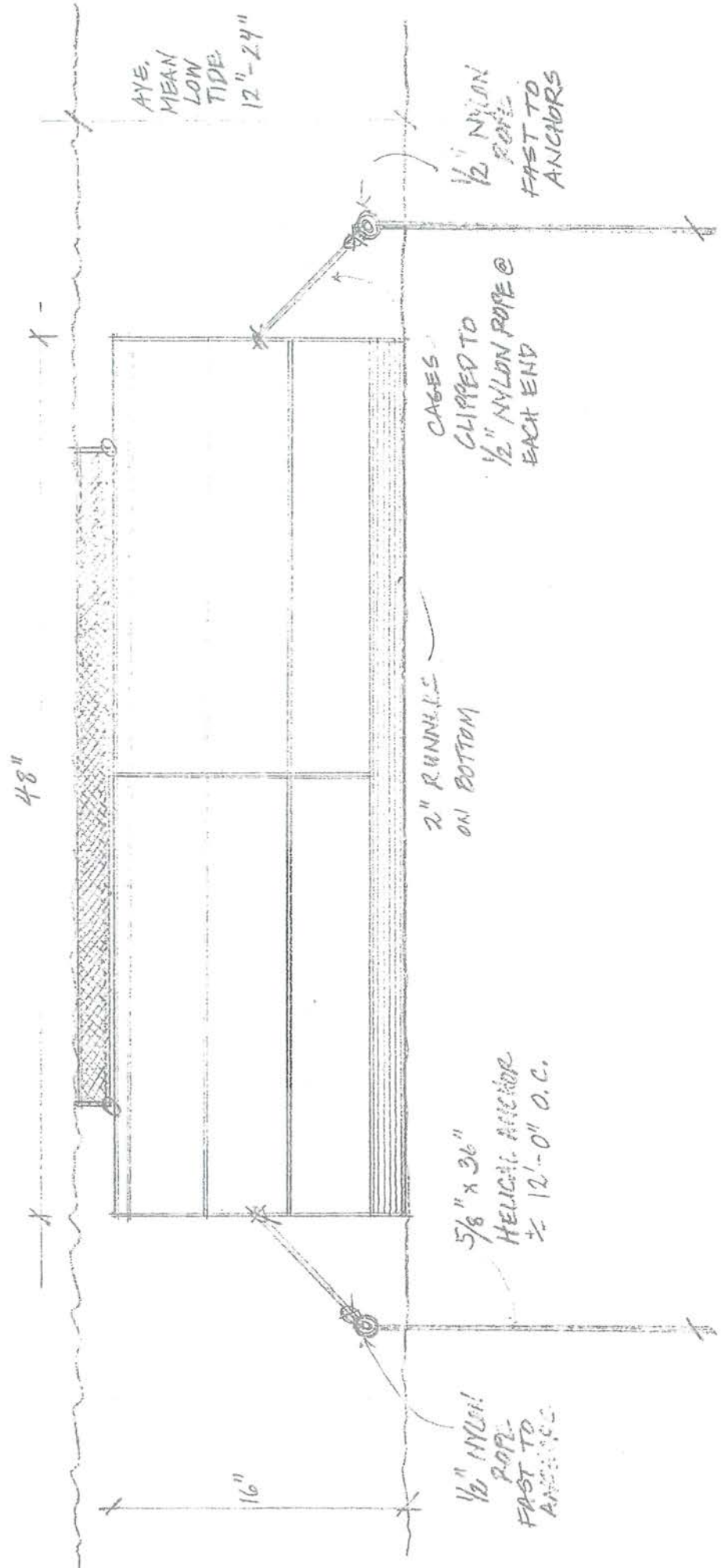


BOWEN OYSTER-FARM  
DRAWING BY P. BOWEN  
DEC. 2019

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

SECTION VIEW (SIDE)  
TYPICAL OYSTER-CAGE SPREAD-LAYOUT

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

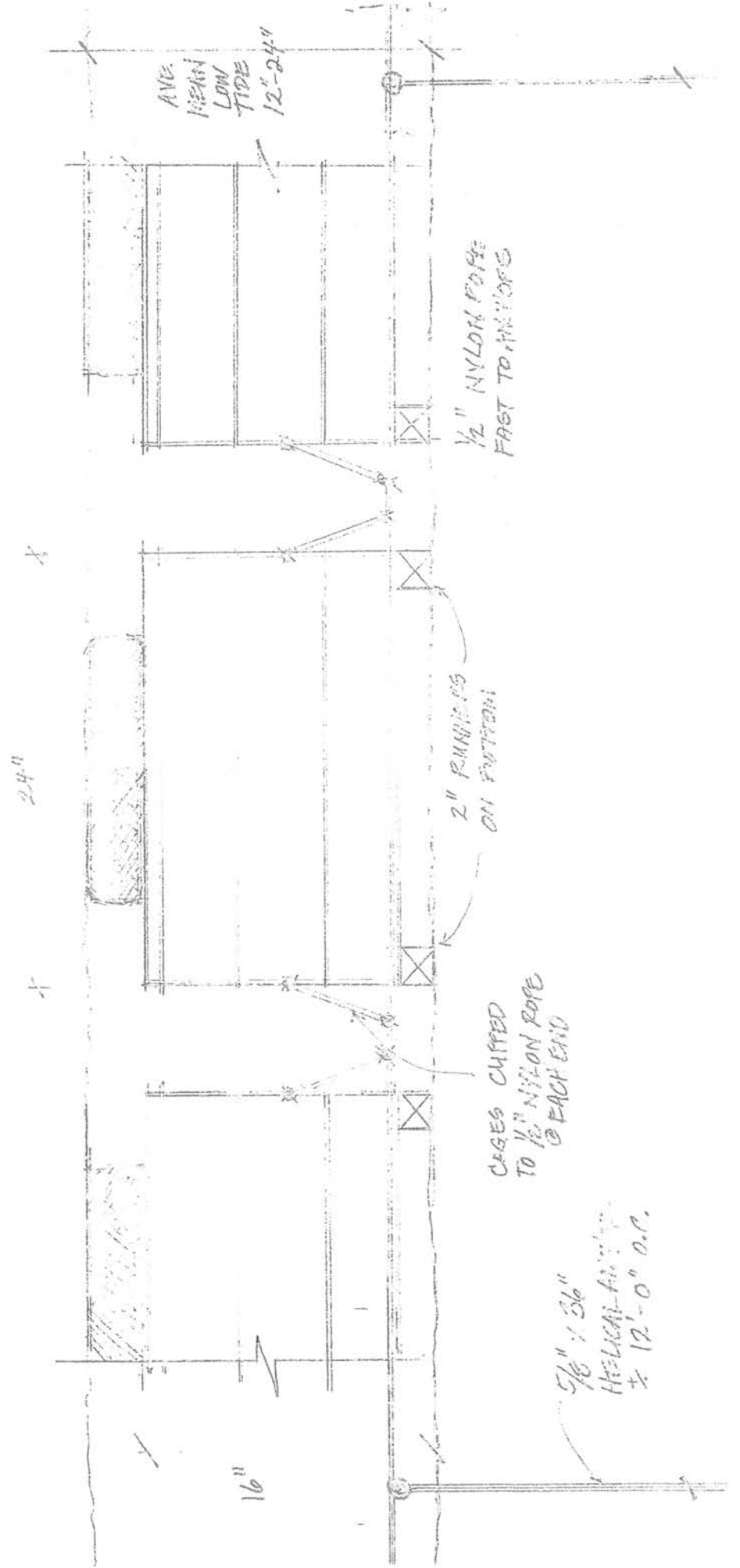


BOWEN OYSTER-FARM  
 DRAWING BY P. BOWEN  
 DEC. 2019

SCALE: 1/8" = 1"

SECTION VIEW (END)  
 TYPICAL OYSTER CAGE GEAR-LR/CUT

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



1/2" NYLON ROPE  
 FAST TO ANCHORS

2" RUNNER  
 ON BOTTOM

CAGES CLIPPED  
 TO 1/2" NYLON ROPE  
 @ EACH END

5/8" x 3/6"  
 HELICAL-FITTING  
 @ 12'-0" O.C.

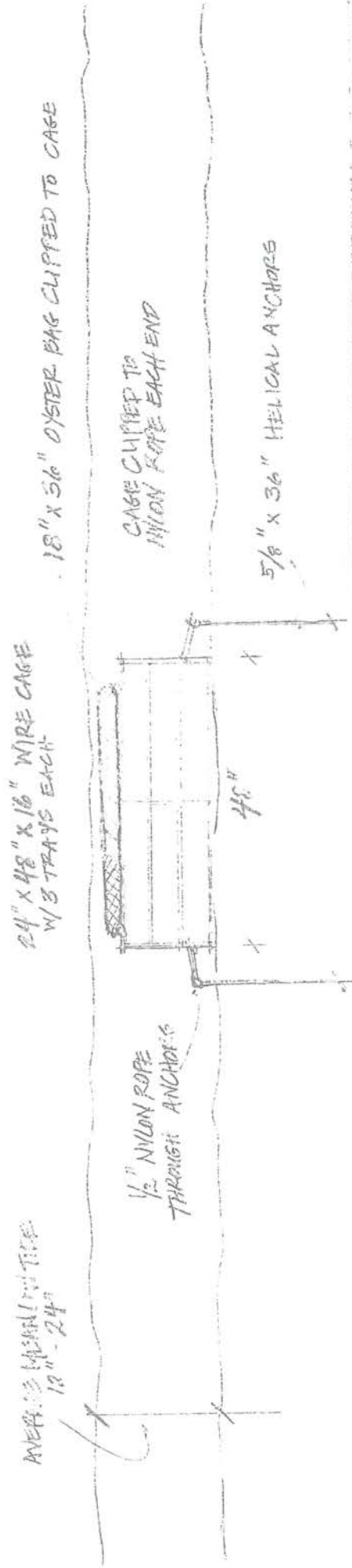
AVE.  
 HIGH  
 LOW  
 TIDE  
 12'-24"

BOWEN OYSTER FARM  
DRAWING BY P. BOWEN  
DEC. 2019

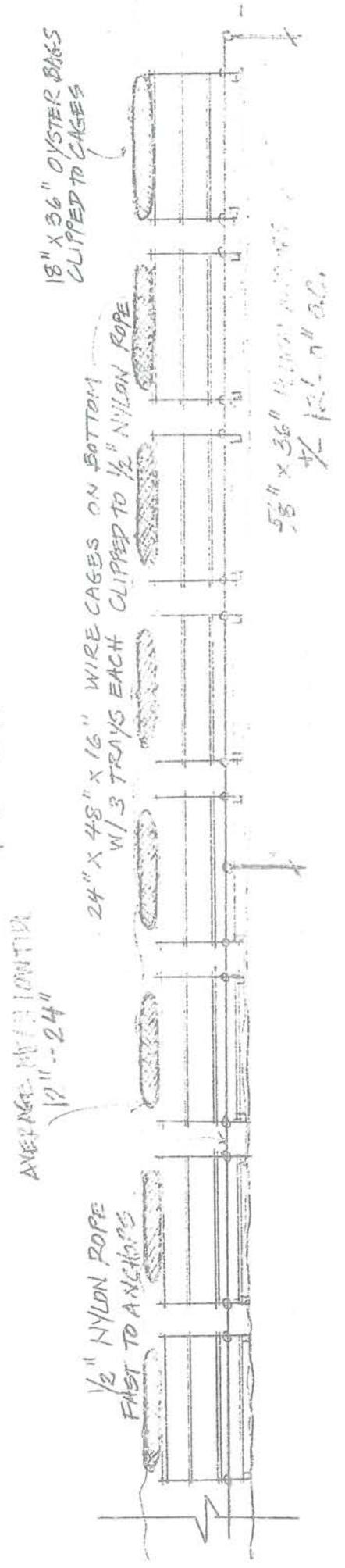
SCALE  
 $\frac{1}{2}'' = 1'-0''$

SECTION VIEW  
TYPICAL OYSTER CAGE  
GEAR LAYOUT

SIDE VIEW



REAR VIEW



# CERTIFICATE OF ACHIEVEMENT

This certificate is awarded to

**Sean Bowen**

For the successful completion of the 16 hour course entitled:

**Fundamentals of Shellfish Farming: Practical Tools, Tips & Techniques**

Certificates are awarded to students who achieved at least 80% on the final exam.

*William E. Walsh*

William Walsh, Ph.D. - Instructor  
Aquaculture & Fisheries Specialist  
Cape Cod Cooperative Extension & WHOI Sea Grant

11/20/08

Date

*William Clark*

William Clark, Director - Cape Cod Cooperative Extension  
Co-Chair, Southeastern Massachusetts Aquaculture Center  
Board of Directors

11/20/08

Date

Southeastern Massachusetts Aquaculture Center  
Cape Cod Cooperative Extension  
Woods Hole Sea Grant





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

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

### PUBLIC NOTICE

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

This office has under consideration the application of:

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

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

Project Location:	Sakonnet River
City/Town:	Tiverton
Plat/Lot:	/
Waterway:	Sakonnet river

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

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

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

If you desire to protest, you must attend the scheduled hearing and give sworn testimony. A notice of the time and place of such hearing will be furnished you as soon as possible after receipt of your request for hearing. If you desire to request a hearing, to receive consideration, it should be in writing (**with your correct mailing address, e-mail address and valid contact number**) and be received at this office on or before May 17, 2020.



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

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

## APPLICATION FOR STATE ASSENT

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

Project Location <u>Sakonnet River, Tiverton</u> <small style="display: flex; justify-content: space-between; font-size: 0.8em;"> <span>No.</span> <span>Street</span> <span>City/Town</span> </small>	File No. (CRMC USE ONLY)
Owner's Name <u>John Bowen, Patrick Bowen</u>	Plat: Lot(s):
Mailing Address <u>79 Shaw Road</u> <small style="display: flex; justify-content: space-between; font-size: 0.8em;"> <span>City/Town <u>Little Compton</u></span> <span>State <u>RI</u></span> <span>Zip Code <u>02837</u></span> </small>	Contact No.: <u>617-719-7842</u> Email Address: <u>seanbow@yahoo.com</u>
Contractor RI Reg. #                      Address	Email address: Tel. No.
Designer <u>N/A</u> Address	Tel. No.
Name of Waterway <u>Sakonnet River</u>	Estimated Project Cost (EPC): Application Fee:
<b>Describe accurately the work proposed. (Use additional sheets of paper if necessary and attach this form.)</b> Oyster aquaculture farm in Sakonnet River, Latitude/Longitude coordinates: Northeast Corner: 41.580836; -71.209611 Northwest Corner: 41.580975; -71.210326 Southwest Corner: 41.580122; -71.209876 Southeast Corner: 41.580026; -71.209485	

Have you or any previous owner filed an application for and/or received an assent for any activity on this property?

(If so please provide the file and/or assent numbers): NO

Is this site within a designated historic district?                       YES                       NO

Is this application being submitted in response to a coastal violation?    YES                       NO

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

Name/ mailing addresses of adjacent property owners whose property adjoins the project site. Accurate mailing addresses will insure proper notification. \_\_\_\_\_ Applicant must initial to certify accuracy of adjacent property owners and accuracy of mailing addresses.

This application is for submerged state property.

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

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

08/04

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

PLEASE REVIEW REVERSE SIDE OF APPLICATION FORM

/ajt/lat



**STATEMENT OF DISCLOSURE AND APPLICANT AGREEMENT AS TO FEES**

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

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

John F. Bowen / Patrick M. Bowen  
Signature

4-13-2020  
Date

John F. Bowen Patrick M. Bowen 79. Shaws Road Little Compton, RI 0288  
Print Name and Mailing Address



**CRMC AQUACULTURE APPLICATION FOR STATE ASSENT**

**Applicant Name and Mailing Address:**

Applicant Name(s): John Bowen, Patrick Bowen  
Street: 79 Shaw Road  
City/Town: Little Compton State: RI Zip Code: 02837  
E-Mail: Seanbow@yahoo.com

**CRMC File Number:** 29-12-023

**DEM License Number:** Application Pending

**Type of Facility:** Commercial lease site

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



**Size of Proposed Aquaculture Site:** 0.97 acres

**Latitude /Longitude of Proposed Aquaculture Site:**

Northeast Corner: 41.580836, -71.209611  
Northwest Corner: 41.580975, -71.210326  
Southwest Corner: 41.580122, -71.209876  
Southeast Corner: 41.580026, -71.209485

Signature of Requestor: *John D. Bowen Patrick Bowen* Date: *4-13-2020*





## 1. Introduction.

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

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

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

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

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

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

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

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

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

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

As stated in the CRMC Preliminary Determination Report of Findings,

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

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



**OPERATIONAL PLAN:**

**1. Name and Address:**

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

**2. CRMC File Number:** 2019-12-023

**3. DEM Aquaculture License Number:** To be determined

**4. Type of Facility:** Commercial Aquaculture Lease Site

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

**Setbacks:**

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

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

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

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

Longitude/Latitude of Proposed Aquaculture Site:

**Northeast Corner: 41.580836, -71.209611**

**Northwest Corner: 41.580975, -71.210326**

**Southwest Corner: 41.580122, -71.209876**

**Southeast Corner: 41.580026, -71.209485**



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



shellfish hatchery), in accordance with regulation. Only diploid seed will be deployed in the first year (and likely thereafter). It is the hope of the applicants that any oyster spawning which results from the farm will supplement the natural oyster recruitment in the area. Applicants are very much aware of the importance of agricultural biosecurity as applied to shellfish aquaculture, and will be fully compliant with Biosecurity Board protocols.

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

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

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

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

#### 8. Identifying Markers

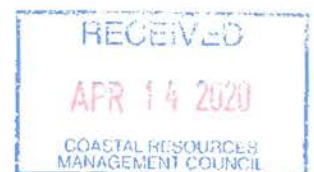
Each of the four corners of the farm will be marked with standard 11" pot buoys, each of which will be marked in 3" letters "CRMC", and the File Number provided at the time of Assent. This will be done within ten days of CRMC Assent.

#### 9. DEM Shellfish Harvesting Classification:

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

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

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



**11. Harvest, Storage, and Transportation:**

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

**12. Time Table of Work**

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

**13. Record Keeping:**

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

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

An upweller will not be used.

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

Seed will not be obtained from prohibited waters.



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

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

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

**2. Demonstrate that all applicable local zoning ordinances, building codes, flood hazard standards, and all safety codes, fire codes, and environmental requirements have or will be met:**

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

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

Northeast Corner: 41.580836, -71.209611

Northwest Corner: 41.580975, -71.210326

Southwest Corner: 41.580122, -71.209876

Southeast Corner: 41.580026, -71.209485

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

**Setbacks:**

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

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

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

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

**4. Demonstrate that the alteration or activity will not result in significant impacts on erosion and/or deposition processes along the shore and in tidal waters:**

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



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

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

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

6. **Demonstrate that the alteration will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters and/or the shore:**

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

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

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

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

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

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



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

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

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

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

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

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

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

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

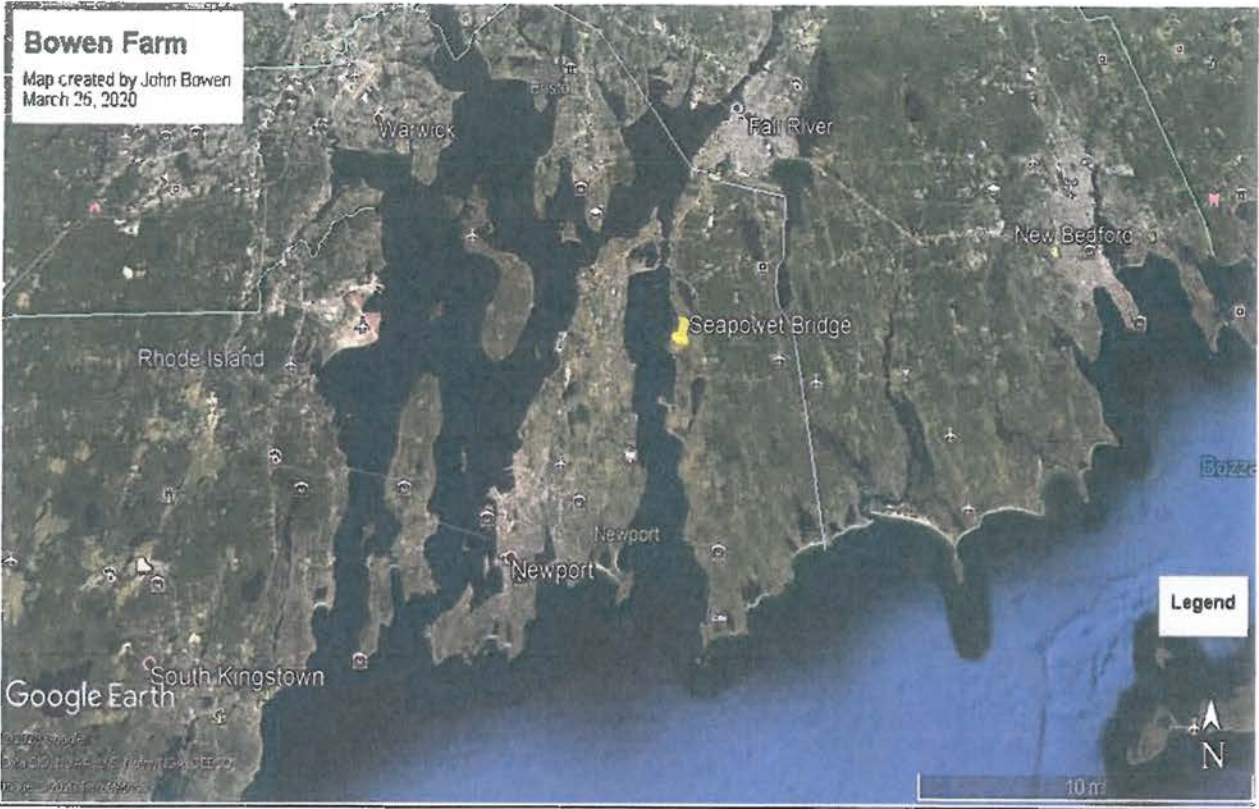
\*TIVERTON HARBOR AND COASTAL WATERS MANAGEMENT PLAN: II(A)(3)(e)

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

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

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





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 APR 14 2020  
 COASTAL RESOURCES  
 MANAGEMENT COUNCIL

North



# South



East



**West**



BONNEN OYSTER FARM  
MARCH 2020  
P. BONNEN

SECTION VIEW (SIDE)  
TYPICAL OYSTER CAGE GEAR LAYOUT

SCALE 1/8" = 1"

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

24" x 48" x 16" WIRE CAGE w/ 3 LEVELS OF TRAYS  
18" x 36" ADPI OYSTER: BKG CLIPPED TO TOP

STRIPPED ADPI BAG  
CLIPPED TO CAGE

1/2" NYLON ROPE  
LATERAL LINE  
BOTH SIDES

2" RUNNERS  
BOTTOM OF CAGE

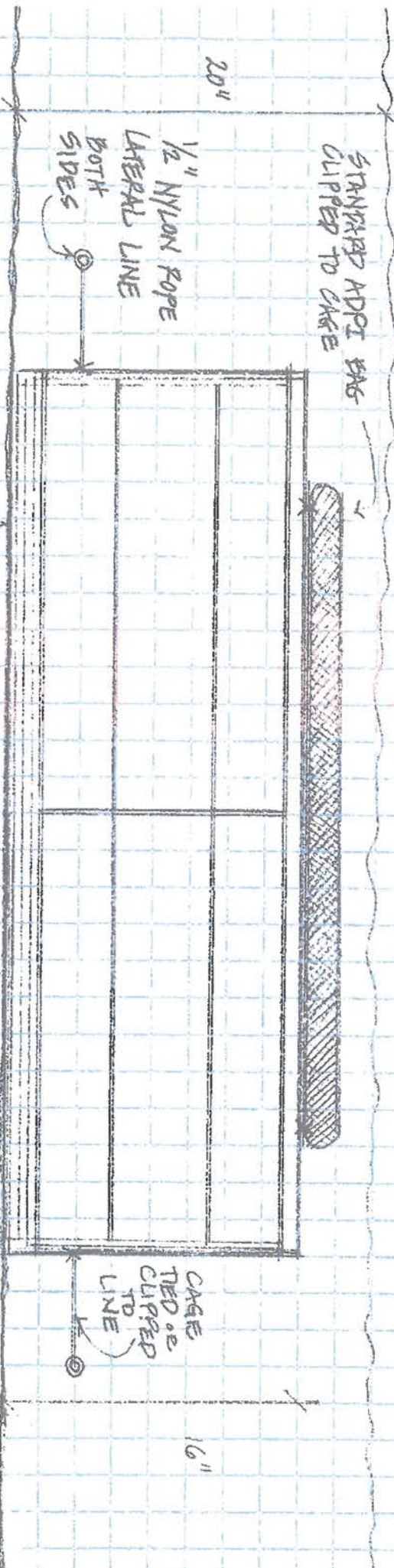
CAGE  
TED OR  
CLIPPED  
TO LINE

20"

16"

48"

RECEIVED  
APR 14 2020  
CHESAPEAKE BAY OYSTER  
MANAGEMENT DISTRICT

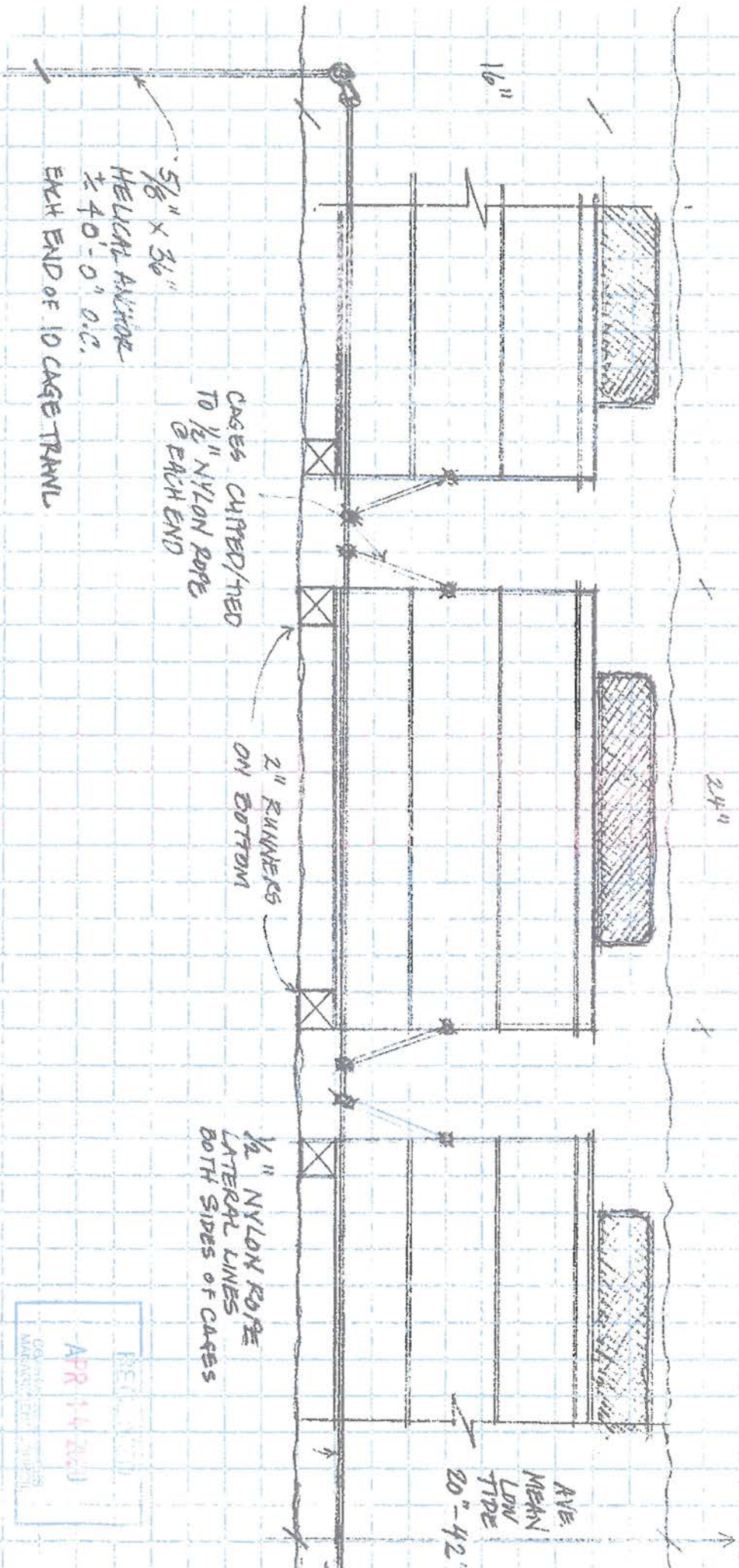


BONEN OYSTER FARM  
 MARCH 2020  
 P. BONEN

SCALE: 1/8" = 1"

SECTION VIEW (END)  
 TYPICAL OYSTER CAGE GEAR LAYOUT

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



DESIGNED BY  
 APR 14 2020  
 GARDNER & ZHANG ARCHITECTS  
 MANASSAS, VA



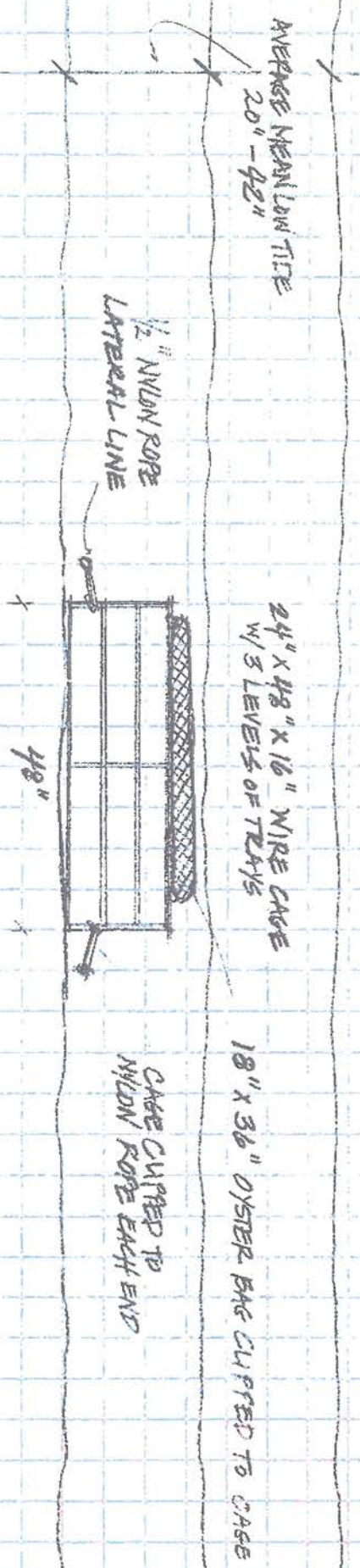
BOWEN OYSTER FARM  
MARCH 2020  
P. BOWEN

SECTION VIEW  
TYPICAL OYSTER CAGE  
GEAR LAYOUT

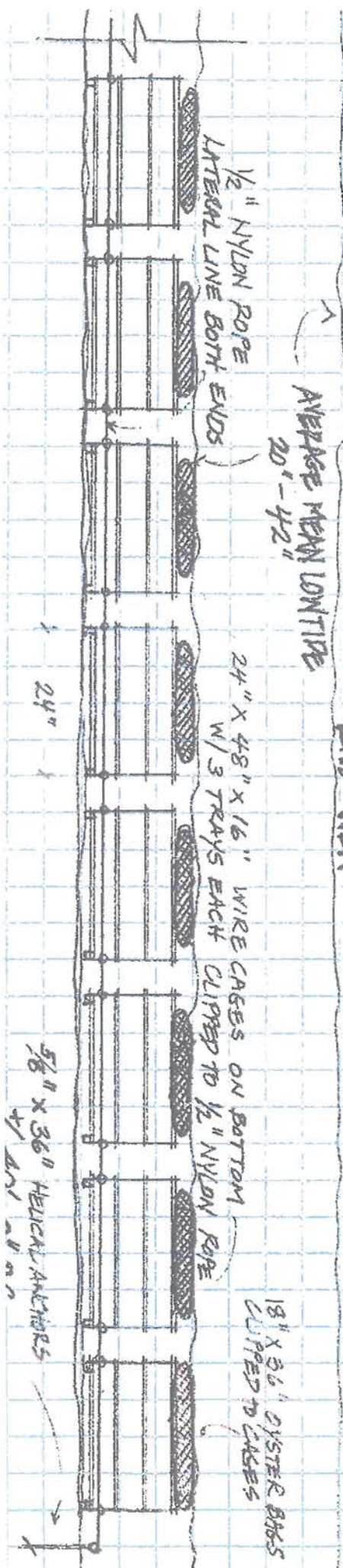
SCALE  
1/2" = 1'-0"

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APR 14 2021  
COMPUTER SERVICES

SIDE VIEW



END VIEW

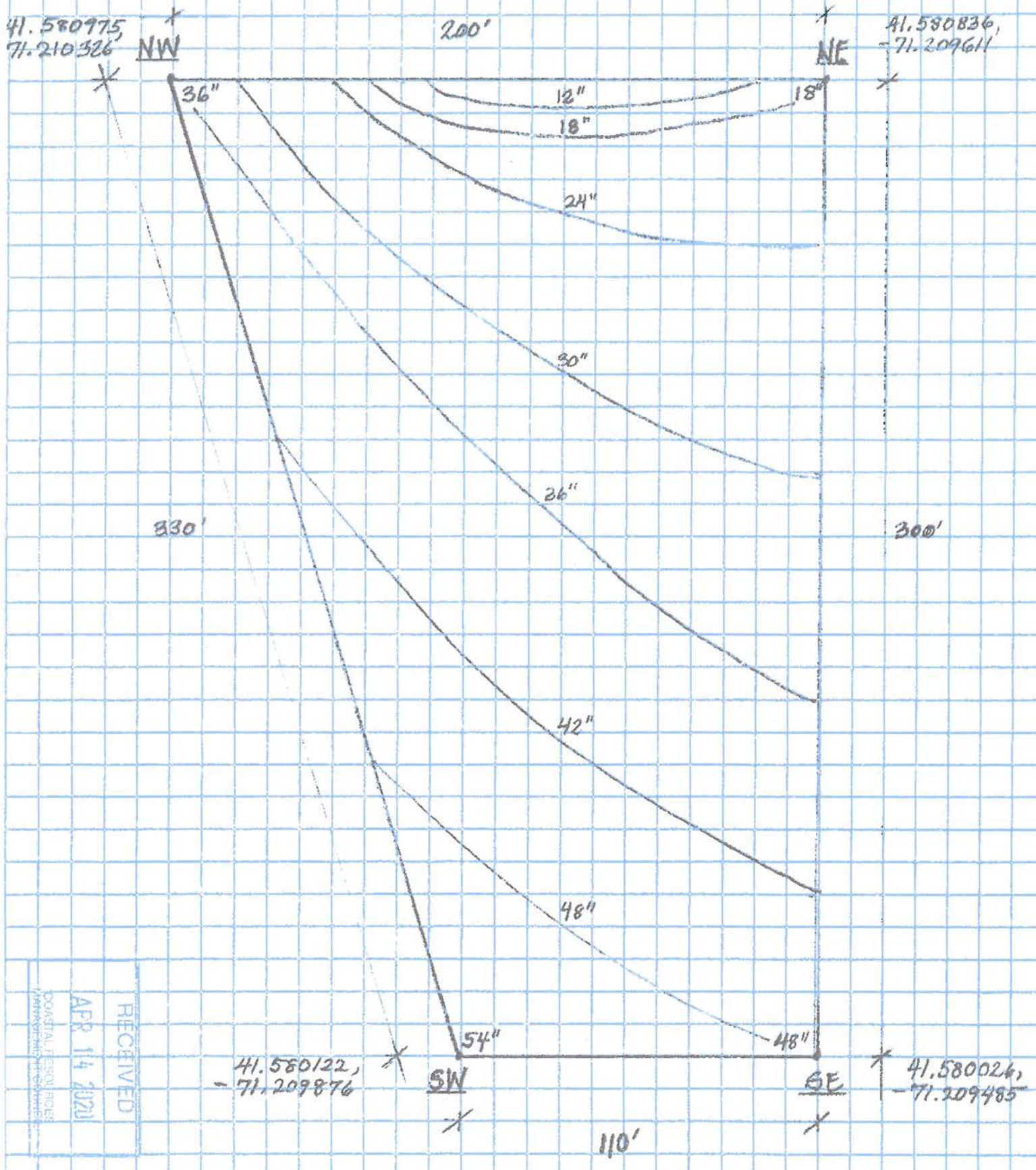


BOWEN OYSTER FARM  
MARCH 2020  
P. BOWEN



### SITE PLAN

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



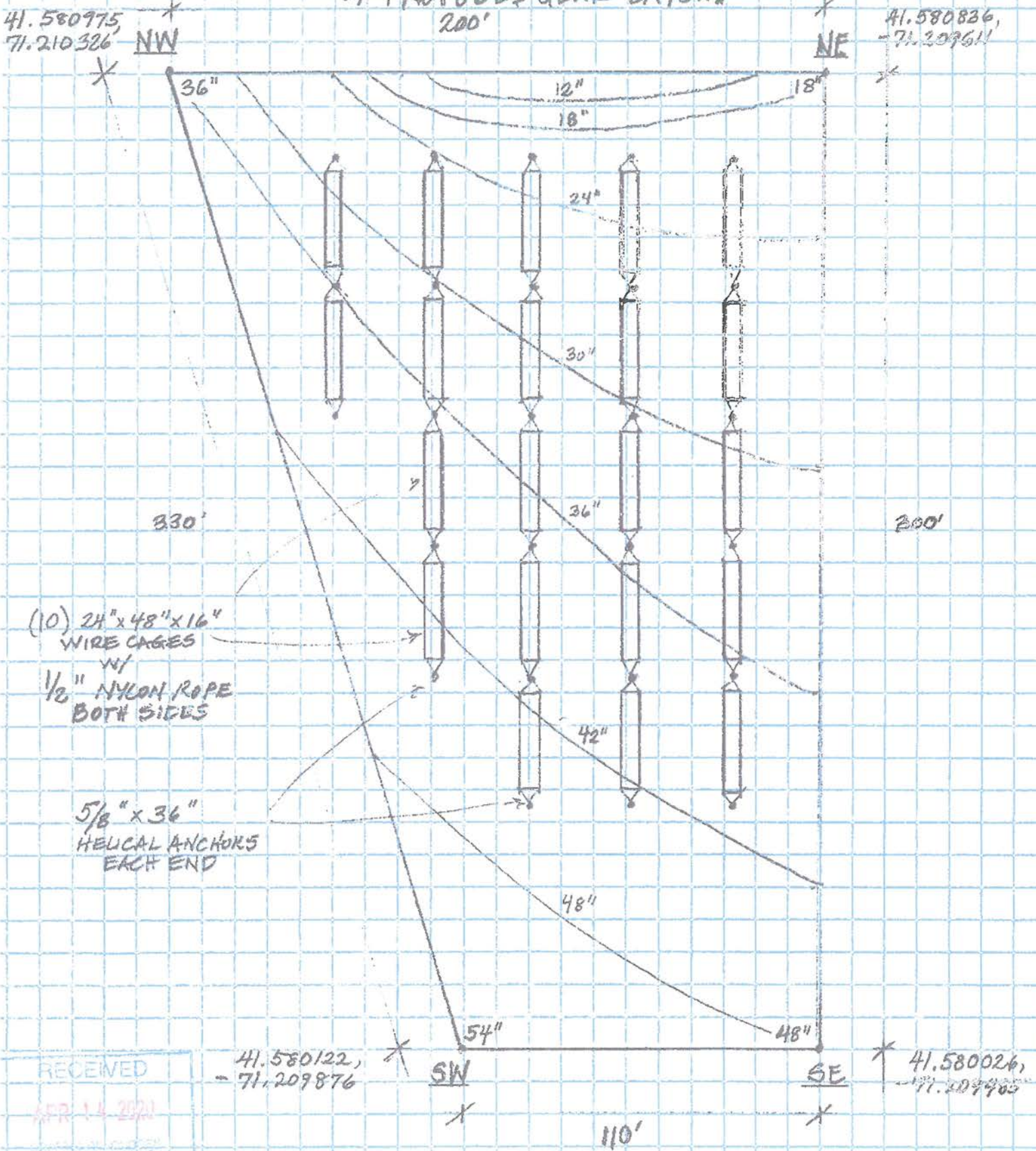
BOWEN OYSTER FARM  
MARCH 2020  
P. BOWEN



### SITE PLAN

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

DEPTH CONTOURS @ MEAN LOW TIDE  
w/ PROPOSED GEAR LAYOUT  
200'



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APR 14 2021  
MARINE POLICE

41.580122,  
71.209876

41.580024,  
71.209985

EDMUND O'SHEE FARM  
 MARCH 2020  
 P. BOWEN

SITE CROSS SECTION

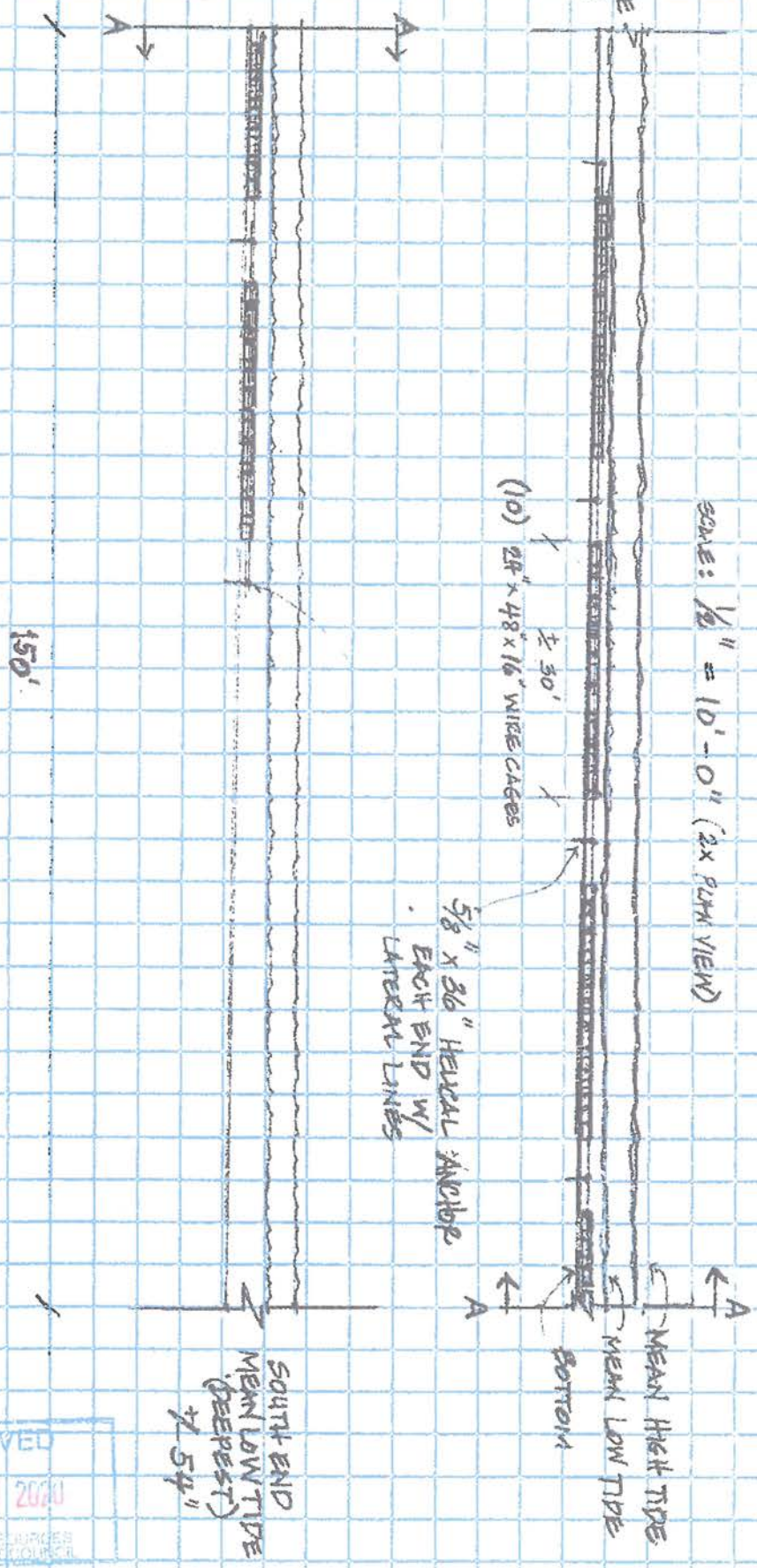
SCALE:  $\frac{1}{4}" = 10'-0"$  (SAME AS PLAN VIEW)



SCALE:  $\frac{1}{8}" = 10'-0"$  (2X PLAN VIEW)

(10) 24" x 48" x 16" WIRE CAGES  
 ± 30'

$\frac{5}{8}"$  x 36" HEAVY ANCHOR  
 EACH END W/  
 LATERAL LINES



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 APR 14 2020

COASTAL RESOURCES  
 MANAGEMENT COUNCIL

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

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

Name: John Bowen, Patrick Bowen

CRMC Assent#: Applied For

Address: 79 Shaw Road

Assent Expiration Date: N/A

Little Compton, RI 02837

Assent Type: Commercial

Species to be cultured/possessed: Eastern oyster, *Crassostrea virginica*

(must coincide with terms of CRMC Assent)

Location where organisms will be held: Sakonnet River, Tiverton, RI

(must coincide with terms of CRMC Assent)

Land Based: NO

Open Water: YES

Bottom Culture: NO

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

Raft Culture: NO

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

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

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

(Must coincide with terms of CRMC Assent)

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

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

Purpose for culture: Food Production

Is the end product to be sold?: YES

In-state: YES      Out of State: NO

Live: YES      Whole: YES      Processed: NO

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

Name of Hatchery: Approved hatchery to be determined



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


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

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

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

Other Conditions:

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

  
(Authorized Signature)



4-13-2020  
(Date)

Appendix D  
Revised 03/18



## Lisa Turner

---

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

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

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

---

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

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

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






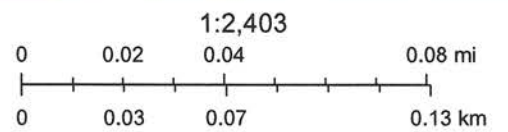
# Aquaculture Location Sketch



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

## Areas

-  Override 1
-  Override 2
-  Recreational Shellfish Area



RI Division of Fish & Wildlife Marine Fisheries

Leg

Seapowet Bridge

500 ft

**wen Farm**  
ted by John Bowen  
.2020

Sapowet Cove

ogle Earth

oogle





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

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

## MEETING NOTICE

May 3, 2021

Site Address: Sakonnet River  
 Site Town: Tiverton  
 Proj. Desc: Oyster farm

The application for State Assent of **John Bowen & Patrick Bowen** CRMC File Number **2020-04-037** will be reviewed at the next meeting of the Coastal Resources Management Council. If you are the applicant, it is necessary that you be present at the meeting to answer any questions that may arise. Please be advised that a copy of the CRMC staff engineer and biologist reports may be obtained from the CRMC offices in Wakefield for the applicant or his/her attorney. Interested parties may attend and present evidence for or against, or for informational purposes in accordance with CRMC rules. Parties interested in this matter are encouraged to review the latest information contained in this file and also should refer to Management Procedures 5.3(8) among others for additional information.

The meeting is to be held at **6:00 p.m.** on **Tuesday, May 11, 2021**. This meeting will be held utilizing the Zoom Meeting platform, with all parties participating remotely. Log on information will be available upon posting of the meeting agenda. *Please notify CRMC if you would like to offer comment at the meeting – lturner@crmc.ri.gov.*

Parties interested in/or concerned with the above mentioned matter are invited to be present and/or represented by counsel at the above mentioned time and place. This meeting place is accessible to individuals with disabilities. The meeting location is accessible to handicapped persons. Any individual requiring a reasonable accommodation in order to participate in this meeting should contact CRMC offices at least 72 hours prior to the meeting.

Sincerely yours,

*Lisa Turner*

Lisa A. Turner, Office Manager  
 Coastal Resources Management Council

/lat

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Please click the link below to join the webinar:

<https://us02web.zoom.us/j/89299134724?pwd=RkJuUTZ3eWl3WjZaVWwM3UuZxa25GQT09>

Webinar ID: 892 9913 4724

Passcode: 959538

Telephone: Dial (for higher quality, dial a number based on your current location):

833 548 0276 (Toll Free) or 833 548 0282 (Toll Free) or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free)

CRMC Mailing List for John Bowen & Patrick Bowen  
CRMC File Number 2020-04-037

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

CRMC (2020-04-037) -- emailed  
O. S. Government Center  
4808 Tower Hill Road  
Wakefield, RI 02879

Margaret Manning  
81 Shaw Road  
Little Compton, RI 02837  
[margaretmanning99@gmail.com](mailto:margaretmanning99@gmail.com)

Kevin Moore  
60 Warrens Point Rd  
Little Compton RI 02837  
610-324-6972  
[kevinpjmoore@icloud.com](mailto:kevinpjmoore@icloud.com)

James Quinn, MD, MS  
15 Milton Road  
Little Compton, RI 02837

Kenneth Mendez  
123 Long Pasture Way  
Tiverton, RI 02878  
703-304-1488  
[kenneth.mendez@gmail.com](mailto:kenneth.mendez@gmail.com)

Taylor M Johnston  
[Taylor.mauck@gmail.com](mailto:Taylor.mauck@gmail.com)

Justin DiTucci  
Tiverton, RI  
401-207-8872  
[jcd401@gmail.com](mailto:jcd401@gmail.com)

Bruce Cox, Chair  
Tiverton Harbor Commission  
343 Highland Road  
Tiverton, RI 02878

Emailed: Tiverton List, General Mailing List

## Lisa Turner

---

**From:** Lisa Turner <lturner@crmc.ri.gov>  
**Sent:** Monday, May 3, 2021 6:34 PM  
**To:** margaretmanning99@gmail.com; kevinpjmoore@icloud.com;  
kenneth.mendez@gmail.com; jcd401@gmail.com; taylor.mauck@gmail.com; Bruce Cox,  
Esq., Tiverton Harbor Commission  
**Cc:** 'Lisa Turner'; 'Ben Goetsch '  
**Subject:** CRMC Semimonthly Meeting Notification -- Tuesday, May 11, 2021 -- Bowen, Tiverton  
**Attachments:** Bowen Semimonthly Meeting Notification 05-11-2021.pdf

Please see attached CRMC Semimonthly Meeting Notification for the Bowen aquaculture application.

Thank you!

*Lisa A. Turner*

Office Manager

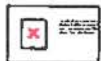
Coastal Resources Management Council

Oliver Stedman Government Center

4808 Tower Hill Road; Room 116

Wakefield, RI 02879

401-783-3370



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## Lisa Turner

---

**From:** Lisa Turner <lturner@crmc.ri.gov>  
**Sent:** Monday, May 3, 2021 6:31 PM  
**To:** Sean Bowen  
**Cc:** 'Lisa Turner'; 'Ben Goetsch '  
**Subject:** CRMC Semimonthly Meeting Notification -- 05-11-2021  
**Attachments:** Bowen Semimonthly Meeting Notification 05-11-2021.pdf

Hi Sean: Please see attached notification for the CRMC Semimonthly Meeting May 11, 2021 where the aquaculture application for John Bowen and Patrick Bowen will be heard. Please feel free to contact me if you have any questions.

Thank you!

*Lisa A. Turner*

Office Manager  
Coastal Resources Management Council  
Oliver Stedman Government Center  
4808 Tower Hill Road; Room 116  
Wakefield, RI 02879  
401-783-3370



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 Oliver H. Stedman Government Center  
 4808 Tower Hill Road, Suite 116  
 Wakefield, RI 02879-1900

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

## MEETING NOTICE

June 10, 2021

Site Address: Sakonnet River  
 Site Town: Tiverton  
 Proj. Desc: Oyster farm

The application for State Assent of **John Bowen & Patrick Bowen** CRMC File Number **2020-04-037** will be reviewed at the next meeting of the Coastal Resources Management Council. If you are the applicant, it is necessary that you be present at the meeting to answer any questions that may arise. Please be advised that a copy of the CRMC staff engineer and biologist reports may be obtained from the CRMC offices in Wakefield for the applicant or his/her attorney. Interested parties may attend and present evidence for or against, or for informational purposes in accordance with CRMC rules. Parties interested in this matter are encouraged to review the latest information contained in this file and also should refer to Management Procedures 5.3(8) among others for additional information.

The meeting is to be held at **6:00 p.m. on Tuesday, June 22, 2021**. This meeting will be held utilizing the Zoom Meeting platform, with all parties participating remotely. Log on information will be available upon posting of the meeting agenda. *Please notify CRMC if you would like to offer comment at the meeting – lturner@crmc.ri.gov.*

Parties interested in/or concerned with the above mentioned matter are invited to be present and/or represented by counsel at the above mentioned time and place. This meeting place is accessible to individuals with disabilities. The meeting location is accessible to handicapped persons. Any individual requiring a reasonable accommodation in order to participate in this meeting should contact CRMC offices at least 72 hours prior to the meeting.

Sincerely yours,

*Lisa Turner*

Lisa A. Turner, Office Manager  
 Coastal Resources Management Council

/lat

---

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84141203319?pwd=U1J5TUplRFNlb2JaUVdXeHAwY0tsZz09>

Webinar ID: 841 4120 3319

Passcode: 649923

Telephone: 833 548 0282 (Toll Free) or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free) or 833 548 0276 (Toll Free)

Webinar ID: 841 4120 3319

Passcode: 649923

CRMC Mailing List for John Bowen & PatrickBowen  
CRMC File Number 2020-04-037

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

CRMC (2020-04-037) -- emailed  
O. S. Government Center  
4808 Tower Hill Road  
Wakefield, RI 02879

Margaret Manning  
81 Shaw Road  
Little Compton, RI 02837  
[margaretmanning99@gmail.com](mailto:margaretmanning99@gmail.com)

Kevin Moore  
60 Warrens Point Rd  
Little Compton RI 02837  
610-324-6972  
[kevinpjmoore@icloud.com](mailto:kevinpjmoore@icloud.com)

James Quinn, MD, MS  
15 Milton Road  
Little Compton, RI 02837

Kenneth Mendez  
123 Long Pasture Way  
Tiverton, RI 02878  
703-304-1488  
[kenneth.mendez@gmail.com](mailto:kenneth.mendez@gmail.com)

Taylor M Johnston  
[Taylor.mauck@gmail.com](mailto:Taylor.mauck@gmail.com)

Justin DiTucci  
Tiverton, RI  
401-207-8872  
[jcd401@gmail.com](mailto:jcd401@gmail.com)

Bruce Cox, Chair  
Tiverton Harbor Commission  
343 Highland Road  
Tiverton, RI 02878

Emailed: Tiverton List, General Mailing List



## Lisa Turner

---

**From:** Lisa Turner <lturner@crmc.ri.gov>  
**Sent:** Thursday, June 10, 2021 12:55 PM  
**To:** 'margaretmanning99@gmail.com'; 'kevinpjmoore@icloud.com'; 'kenneth.mendez@gmail.com'; 'jcd401@gmail.com'; 'taylor.mauck@gmail.com'; 'Bruce Cox, Esq., Tiverton Harbor Commission'  
**Cc:** 'Ben Goetsch '  
**Subject:** RE: CRMC Semimonthly Meeting Notification -- Tuesday, June 22, 2021 -- Bowen, Tiverton  
**Attachments:** Bowen Semimonthly Meeting Notification 06-22-2021.pdf

Please see attached CRMC Semimonthly Meeting Notification for the Bowen aquaculture application.

Thank you!

*Lisa A. Turner*  
Office Manager  
Coastal Resources Management Council  
Oliver Stedman Government Center  
4808 Tower Hill Road; Room 116  
Wakefield, RI 02879  
401-783-3370

**From:** Lisa Turner [mailto:lturner@crmc.ri.gov]  
**Sent:** Monday, May 3, 2021 6:34 PM  
**To:** margaretmanning99@gmail.com; kevinpjmoore@icloud.com; kenneth.mendez@gmail.com; jcd401@gmail.com; taylor.mauck@gmail.com; Bruce Cox, Esq., Tiverton Harbor Commission <bhcox@Slepkowlaw.com>  
**Cc:** 'Lisa Turner' <lturner@crmc.ri.gov>; 'Ben Goetsch ' <bgoetsch@crmc.ri.gov>  
**Subject:** CRMC Semimonthly Meeting Notification -- Tuesday, May 11, 2021 -- Bowen, Tiverton

Please see attached CRMC Semimonthly Meeting Notification for the Bowen aquaculture application.

Thank you!

*Lisa A. Turner*  
Office Manager  
Coastal Resources Management Council  
Oliver Stedman Government Center  
4808 Tower Hill Road; Room 116  
Wakefield, RI 02879  
401-783-3370



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 Oliver H. Stedman Government Center  
 4808 Tower Hill Road, Suite 3  
 Wakefield, RI 02879-1900

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

## CONTINUATION OF MEETING NOTICE

June 17, 2021

Site Address: Sakonnet River  
 Site Town: Tiverton  
 Proj. Desc: Aquaculture Farm

The application for State Assent of John Bowen & Patrick Bowen CRMC File Number 2020-04-037 will **Not** be reviewed at the Tuesday, June 22, 2021 Semimonthly Meeting of the Coastal Resources Management Council. **A request for continuance was received and has been granted**

As such, a **Continuance fee in the amount of \$100.00 is required in the form of a check or money order (written to CRMC) in accordance with CRMC Management Procedures Section 4.3.9.** (Requests for Continuances are subject to the following fees: (a) First Request: \$100; (b) Second Request: \$250; (c) Third or Greater: \$500).

Please be advised that you will be notified by mail of the rescheduled meeting.

Individuals requesting interpreter services for the hearing impaired must notify the Council office at 783-3370 at least 72 hours in advance of the hearing date.

Sincerely yours,

*Lisa A. Turner*

Lisa A. Turner, Office Manager  
 Coastal Resources Management Council

/lat

## Lisa Turner

---

**From:** Lisa Turner <lturner@crmc.ri.gov>  
**Sent:** Thursday, June 17, 2021 5:11 PM  
**To:** Barbara Milotte; Bruce Cox, Esq., Tiverton Harbor Commission; Carol Solimene; Charles Lawrence; Cynthia Aber; Dave Pollack; Gayle Lawrence; Hope Prockop; Jason Gomez; Jeanne DeSouza; Jeff Crawford; Justin DiTucci; Ken Mendez; Kenneth Cooper; Kevin Moore; Lisa Turner; Liz Mendez; Lori Wood; Margaret Manning; Michelle Dunn-Camera; Patty Garber; Paul Fulton; Peter Dowling; Peter Nilsen; Philip & Margaret Grandchamp; Rep. Michelle McGaw; Russell and Mary Dexter; Ruth Hollenbach; Sandy Oxx; Stephanie Beebe; Steve Medeiros; Taylor Johnston; Timothy O'Toole  
**Cc:** 'Ben Goetsch '  
**Subject:** CRMC Continuation Notification  
**Attachments:** Bowen Continuation 06-22-2021.pdf

Good Afternoon: Please see attached notification of continuation for the CRMC Semimonthly Meeting Agenda Item, John Bowen and Patrick Bowen, Aquaculture, Tiverton.

You will be notified upon rescheduling.

Thank you.

*Lisa A. Turner*

Office Manager

Coastal Resources Management Council

Oliver Stedman Government Center

4808 Tower Hill Road; Room 116

Wakefield, RI 02879

401-783-3370



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

(401) 783-3...  
 Fax (401) 783-2600

### PUBLIC RE-NOTICE

File Number: 2020-04-037

Date: May 9, 2023

This office has under consideration the application of:

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

for a State of Rhode Island Assent to construct and maintain: a 0.97-acre oyster farm using submerged bottom cages in Sapowet Cove. The first public notice for this application was on April 17, 2020. The applicants have modified the coordinates of the original site as described in the first public notice. This second public notice period is based upon the modified application submitted to CRMC on November 9, 2020. This modified version of the application has been reviewed by the Rhode Island Marine Fisheries Council and the Rhode Island Department of Environmental Protection consistent with the requirements of R.I. Gen Laws 20-10-5. The full CRMC Council will now consider this modified version of the application at a public hearing on a date to be determined after the close of this second public notice period. A copy of the modified application materials is attached. ***Please note that all public comments previously submitted to CRMC on this application will remain in the file and will continue to be considered by the CRMC.***

Project Location:	Sakonnet River
City/Town:	Tiverton
Waterway:	Sapowet Cove

Plans of the proposed work are attached and can be requested at [Cstaff1@crmc.ri.gov](mailto:Cstaff1@crmc.ri.gov).

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

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

If you desire to protest, you must attend the scheduled hearing and give sworn testimony. A notice of the time and place of such hearing will be furnished you as soon as possible after receipt of your request for hearing. If you desire to request a hearing, to receive consideration, it should be in writing (**with your correct mailing address, e-mail address and valid contact number**) and be received at this office on or before June 8, 2023.

Please email your comments/hearing requests to: [cstaff1@crmc.ri.gov](mailto:cstaff1@crmc.ri.gov); or mail via USPS to: Coastal Resources Management Council; O. S. Government Center, 4808 Tower Hill Road, Rm 116; Wakefield, RI 02879.

**CRMC AQUACULTURE APPLICATION FOR STATE ASSENT**

**Applicant Name and Mailing Address:**

Applicant Name(s): John Bowen, Patrick Bowen  
Street: 79 Shaw Road  
City/Town: Little Compton State: RI Zip Code: 02837  
E-Mail: Seanbow@yahoo.com

**CRMC File Number:** 2020-04-037

**DEM License Number:** Application Pending

**Type of Facility:** Commercial lease site

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



**Size of Proposed Aquaculture Site:** 0.95 acres

**Latitude /Longitude of Proposed Aquaculture Site:**

Northwest: 41.580613, -71.210130  
Northeast: 41.580819, -71.209384  
Southwest: 41.580130, -71.209870  
Southeast: 41.580180, -71.209238

Signature of Requestor: \_\_\_\_\_ Date: \_\_\_\_\_



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

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

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

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

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

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

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

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

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

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

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

As stated in the CRMC Preliminary Determination Report of Findings,

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



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

**OPERATIONAL PLAN:**

**1. Name and Address:**

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

**2. CRMC File Number:** 2020-04-037

**3. DEM Aquaculture License Number:** To be determined

**4. Type of Facility:** Commercial Aquaculture Lease Site

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

**Setbacks:**

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

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

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

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

**Longitude/Latitude of Proposed Aquaculture Site:**

**Northwest: 41.580613, -71.210130**

**Northeast: 41.580819, -71.209384**

**Southwest: 41.580130, -71.209870**

**Southeast: 41.580180, -71.209238**



6. **Species Grown:** Crassostrea virginica. Eastern Oyster shellfish seed is to be purchased from a New England shellfish hatchery approved by DEM (Aquacultural Research Corporation, Dennis, MA; Fishers Island Hatchery, New York; Mook Sea Farms, Damariscotta, ME, or other approved shellfish hatchery), in accordance with regulation. It is the hope of the applicants that any oyster spawning which results from the farm will supplement the natural oyster recruitment in the area. Applicants are very much aware of the importance of agricultural biosecurity as applied to shellfish aquaculture, and will be fully compliant with Biosecurity Board protocols.

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

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

8. **Identifying Markers**

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

9. **DEM Shellfish Harvesting Classification:**

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

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

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





**11. Harvest, Storage, and Transportation:**

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

**12. Time Table of Work**

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

**13. Record Keeping:**

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

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

An upweller will not be used.

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

Seed will not be obtained from prohibited waters.



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

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

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

**2. Demonstrate that all applicable local zoning ordinances, building codes, flood hazard standards, and all safety codes, fire codes, and environmental requirements have or will be met:**

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

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

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

**Latitude/Longitude of Proposed Aquaculture Site:**

**Northwest: 41.580613, -71.210130**

**Northeast: 41.580819, -71.209384**

**Southwest: 41.580130, -71.209870**

**Southeast: 41.580180, -71.209238**

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

**Setbacks:**

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

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

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

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

**4. Demonstrate that the alteration or activity will not result in significant impacts on erosion and/or deposition processes along the shore and in tidal waters:**

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



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

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

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

6. **Demonstrate that the alteration will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters and/or the shore:**

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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





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NOV 10 2020  
COASTAL RESOURCES  
MANAGEMENT COUNCIL





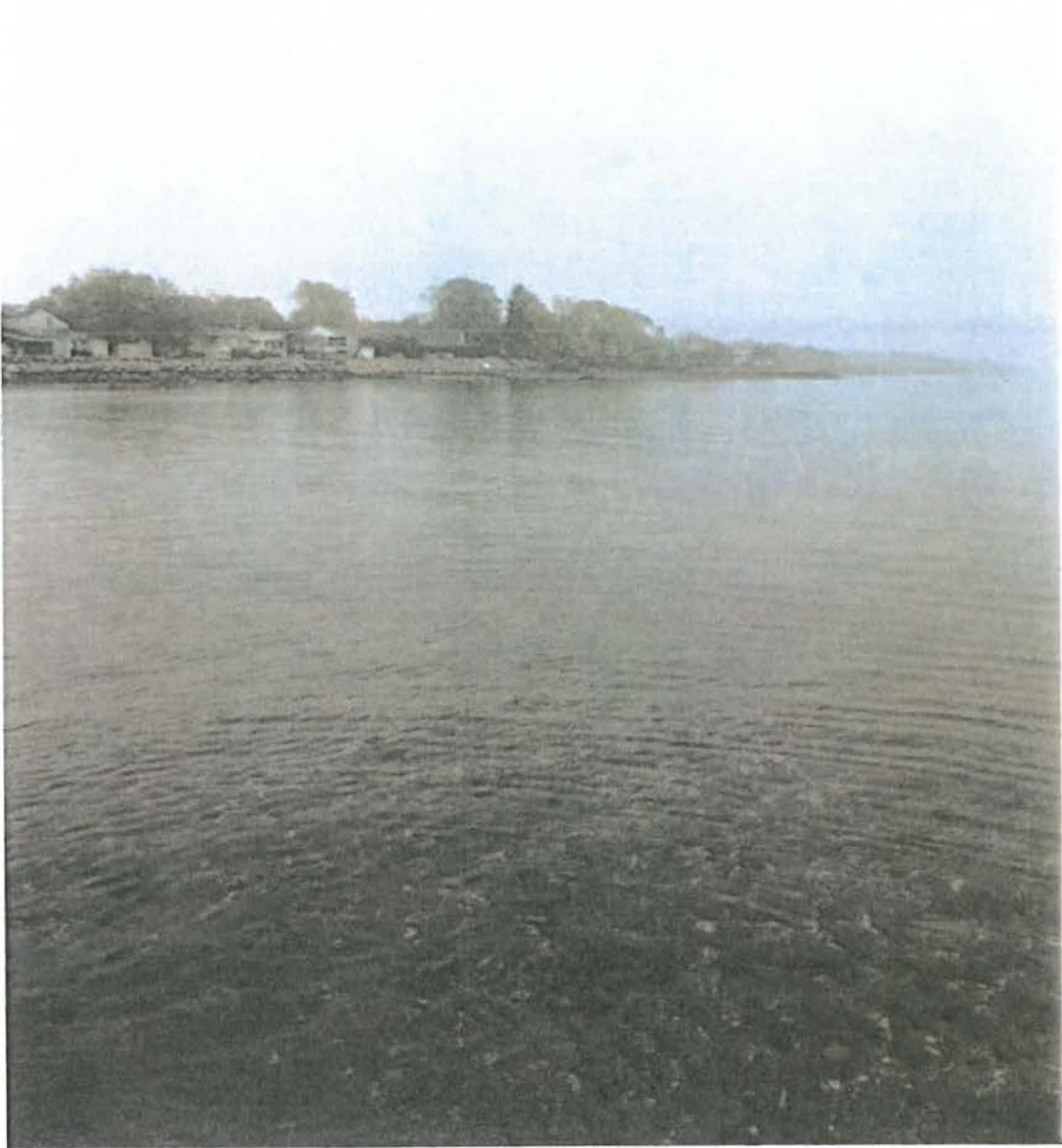
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COASTAL RESOURCES  
MANAGEMENT COUNCIL

# North

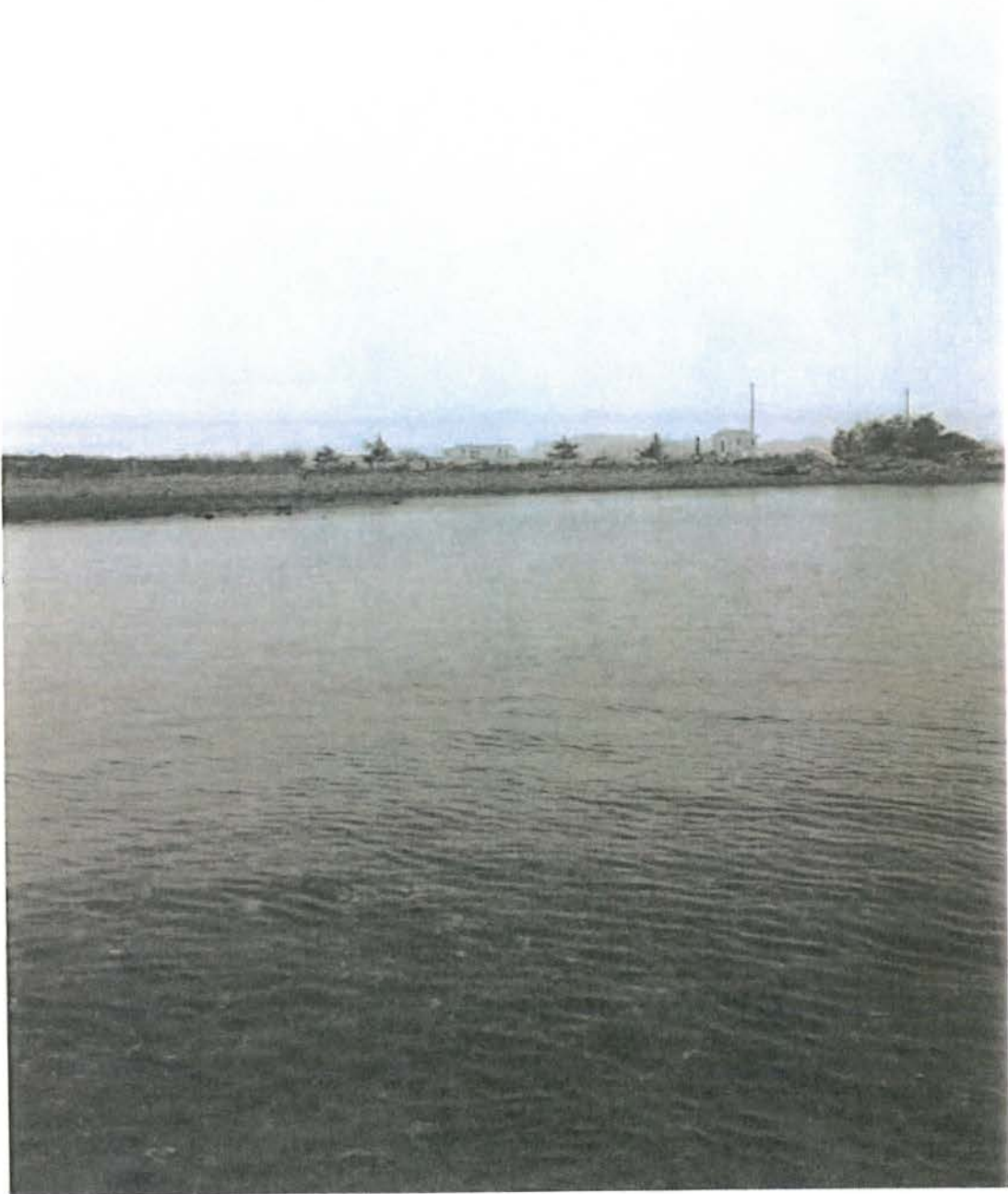




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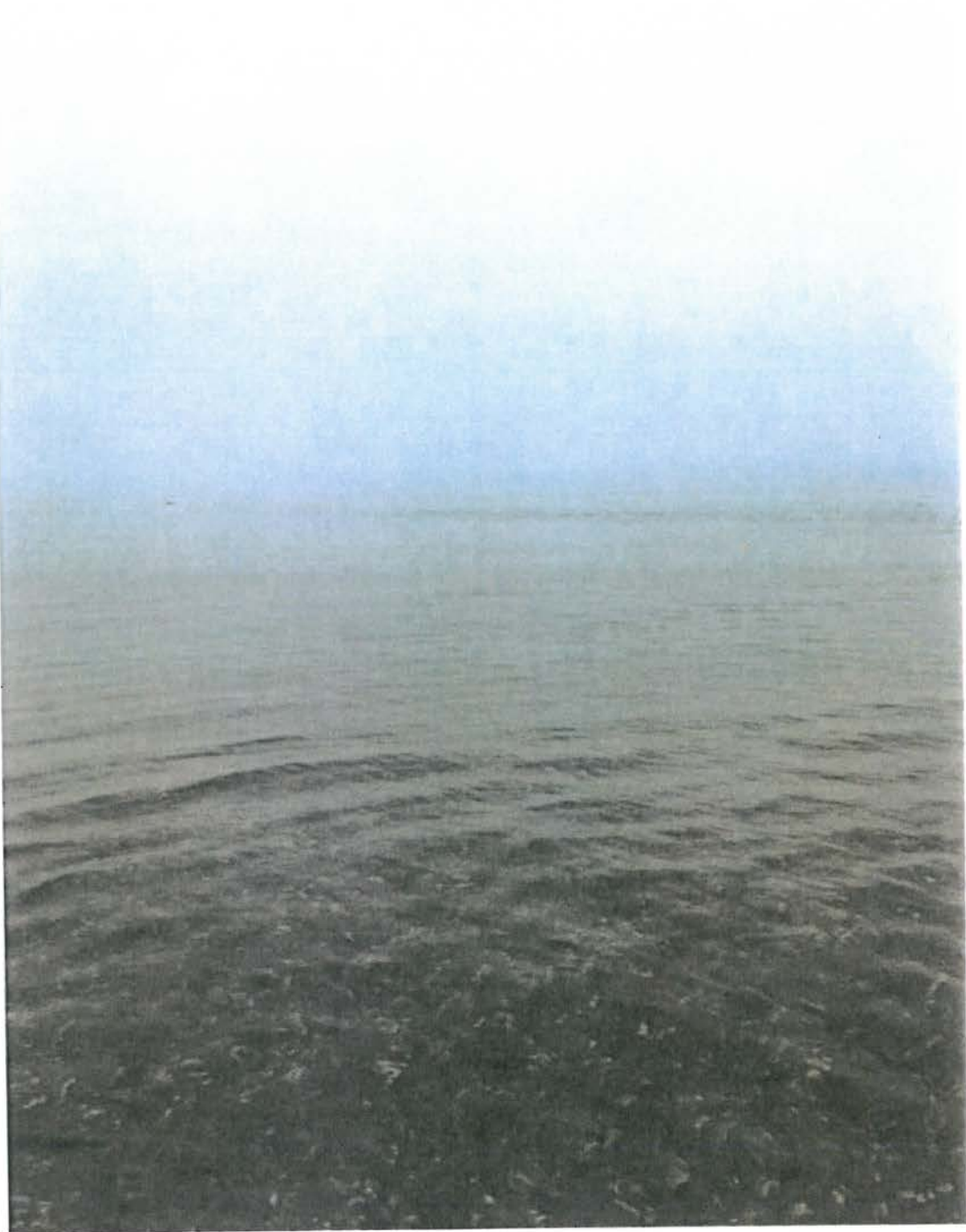


East

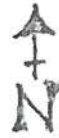


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MANAGEMENT COUNCIL

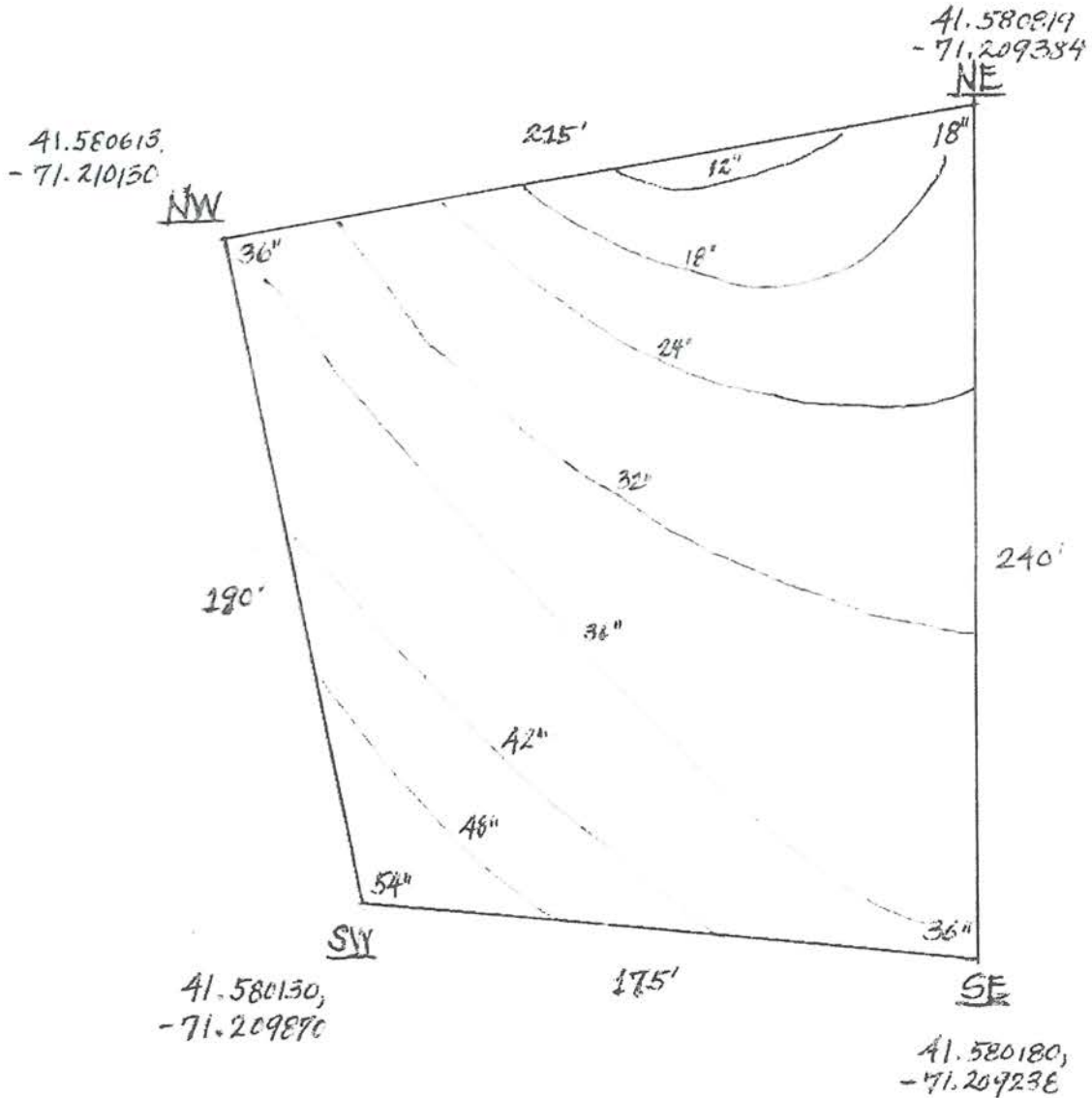
# West



BOWEN OYSTER FARM  
NOV. 2020  
F. BOWEN



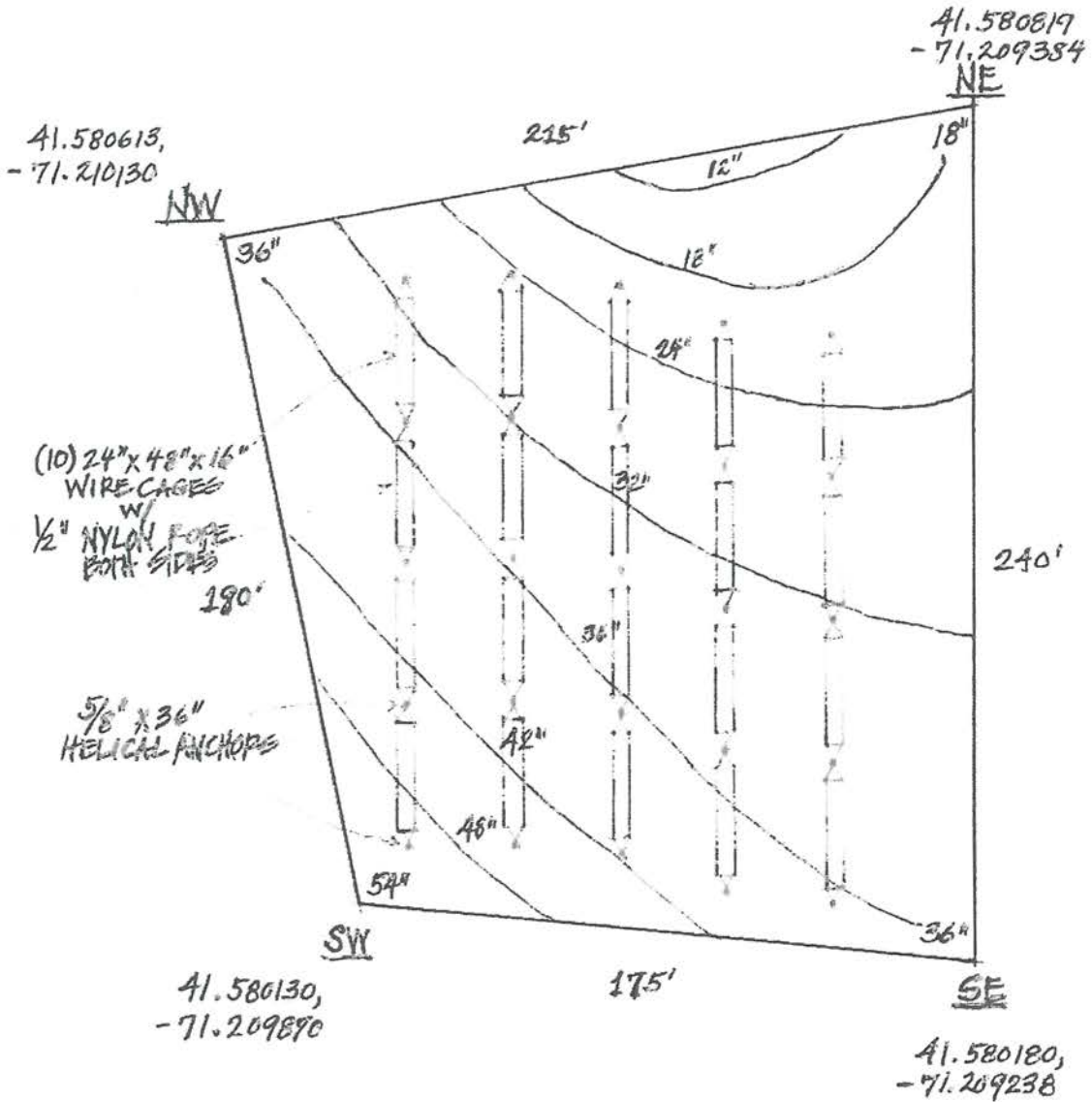
SITE PLAN  
MODIFIED  
SCALE: 1/4" = 10'-0"  
DEPTH CONTOURS @ MLW



BOWEN OYSTER FARM  
Nov. 2020  
F. BOWEN



SITE PLAN  
MODIFIED  
SCALE: 3/4" = 10'-0"  
DEPTH CONTOURS MLW  
W/ PROPOSED GEAR LAYOUT



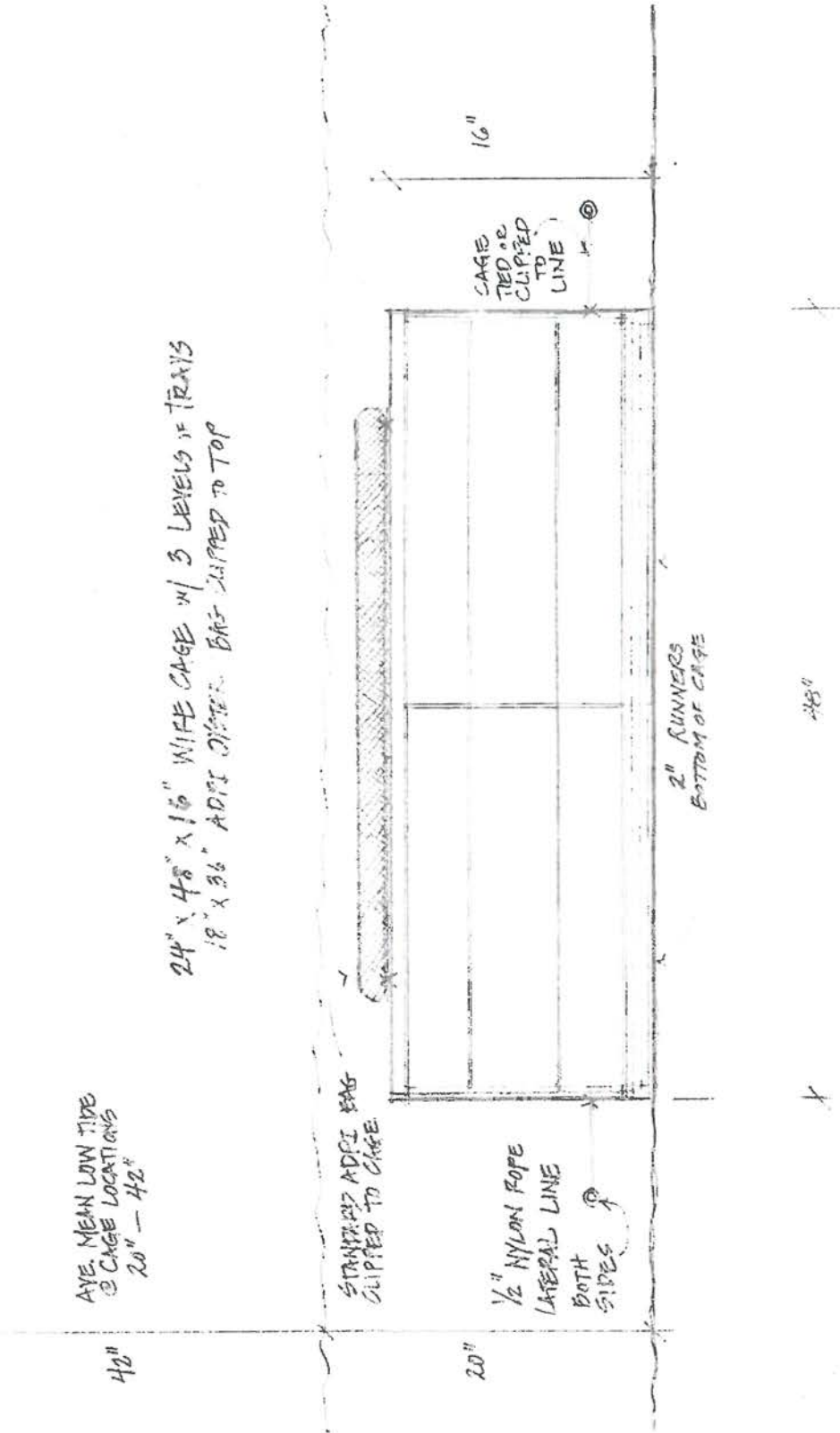
SCALE 1/8" = 1"

BOWEN OYSTER FARM  
MARCH 2020  
P. BOWEN

SECTION VIEW (SIDE)  
TYPICAL OYSTER CAGE GEAR LAYOUT

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

24" x 48" x 16" WIFE CAGE w/ 3 LEVELS of TRAYS  
18" x 36" ADPI OYSTER BAG CLIPPED TO TOP



RECEIVED  
 NOV 10 2020  
 COASTAL RESOURCES  
 MANAGEMENT COUNCIL

BOWEN OYSTER FARM  
 MARCH 2020  
 P. BOWEN

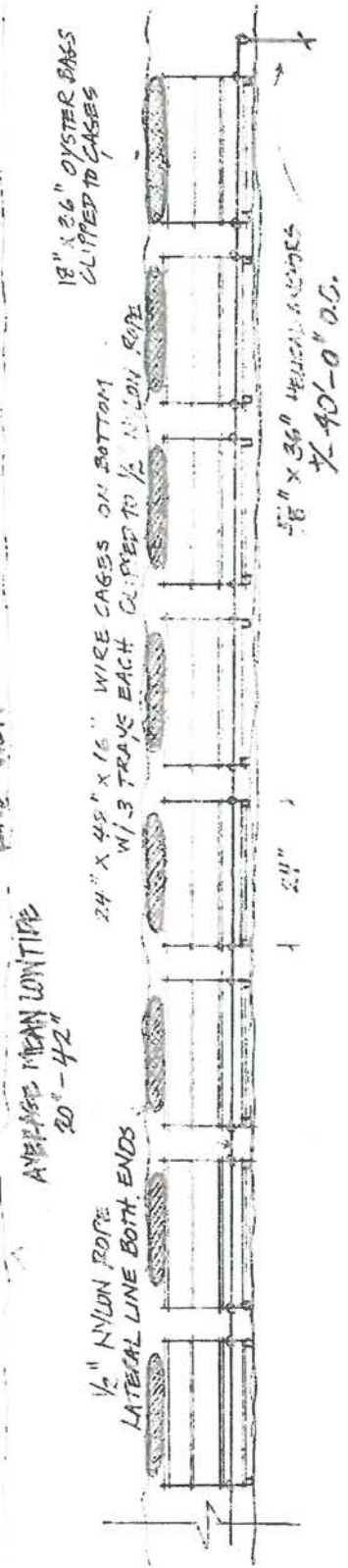
SCALE  
 $\frac{1}{2}'' = 1'-0''$

SECTION VIEW  
 TYPICAL OYSTER CAGE  
 GEAR LAYOUT

SIDE VIEW



END VIEW

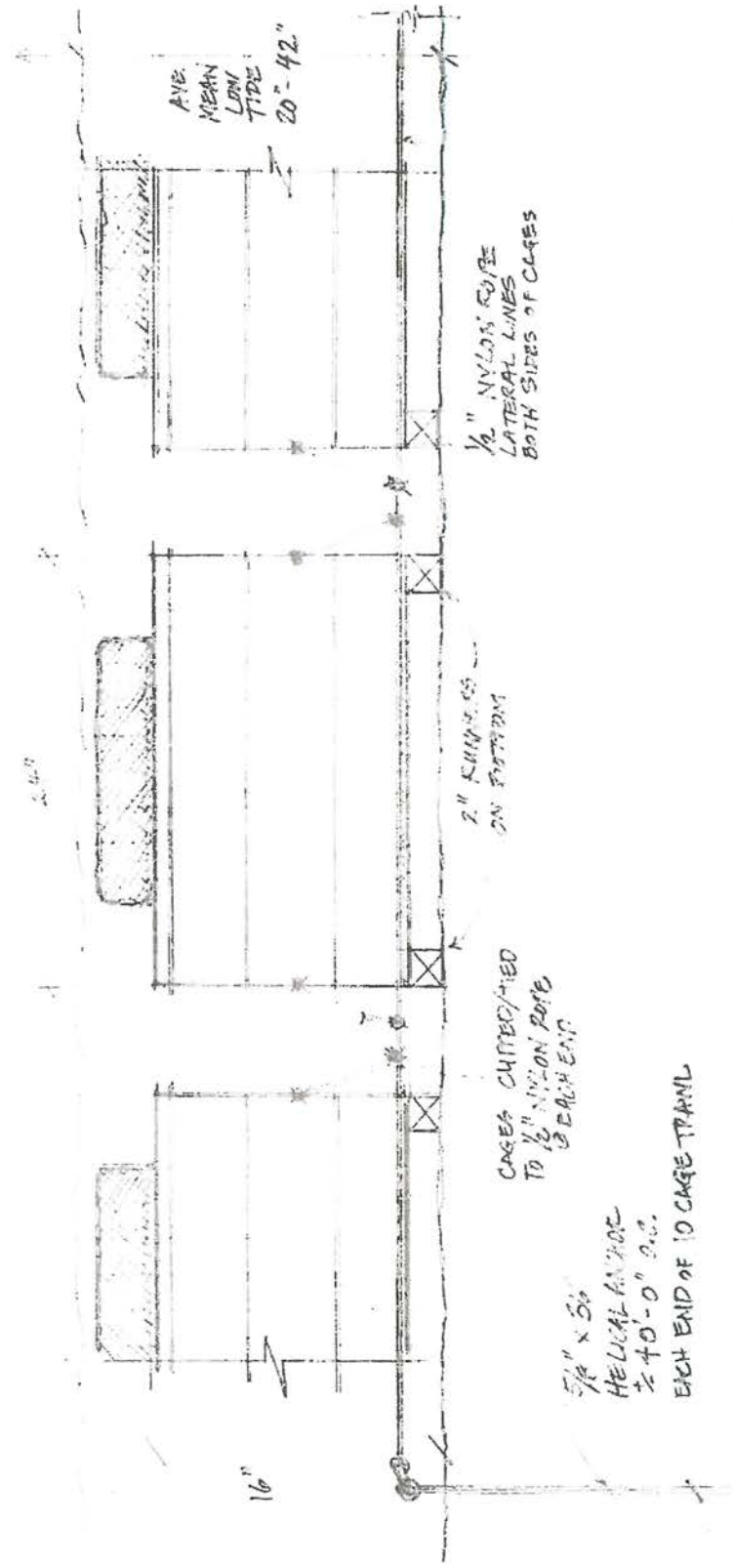


BOWEN OYSTER FARM  
 MAR 24 2020  
 P. BOWEN

SCALE: 1/8" = 1"

SECTION VIEW (END)  
 TYPICAL OYSTER CAGE GEAR LAYOUT

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



5/8" x 36"  
 HELICAL ANCHOR  
 1/2 40'-0" O.C.  
 EACH END OF 10 CAGE TRAIL

CAGES CLIPPED TO 1/2" NYLON ROPE @ EACH END

2" KUMBUROS ON BOTTOM

1/2" NYLON ROPE LATERAL LINES BOTH SIDES OF CAGES

Avg. MEAN LOW TIDE 20'-42"

16"

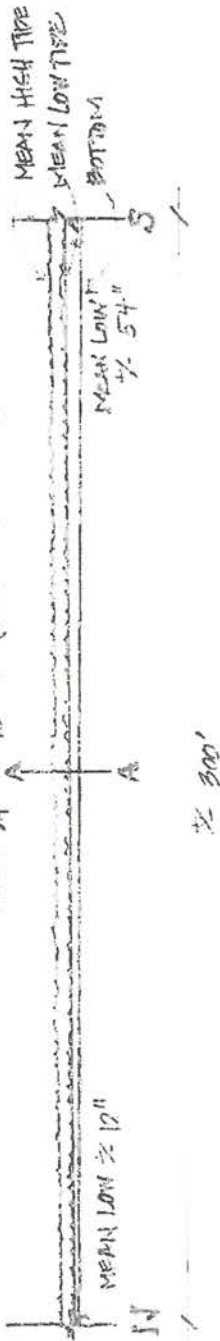
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 COASTAL RESOURCES  
 MANAGEMENT COUNCIL



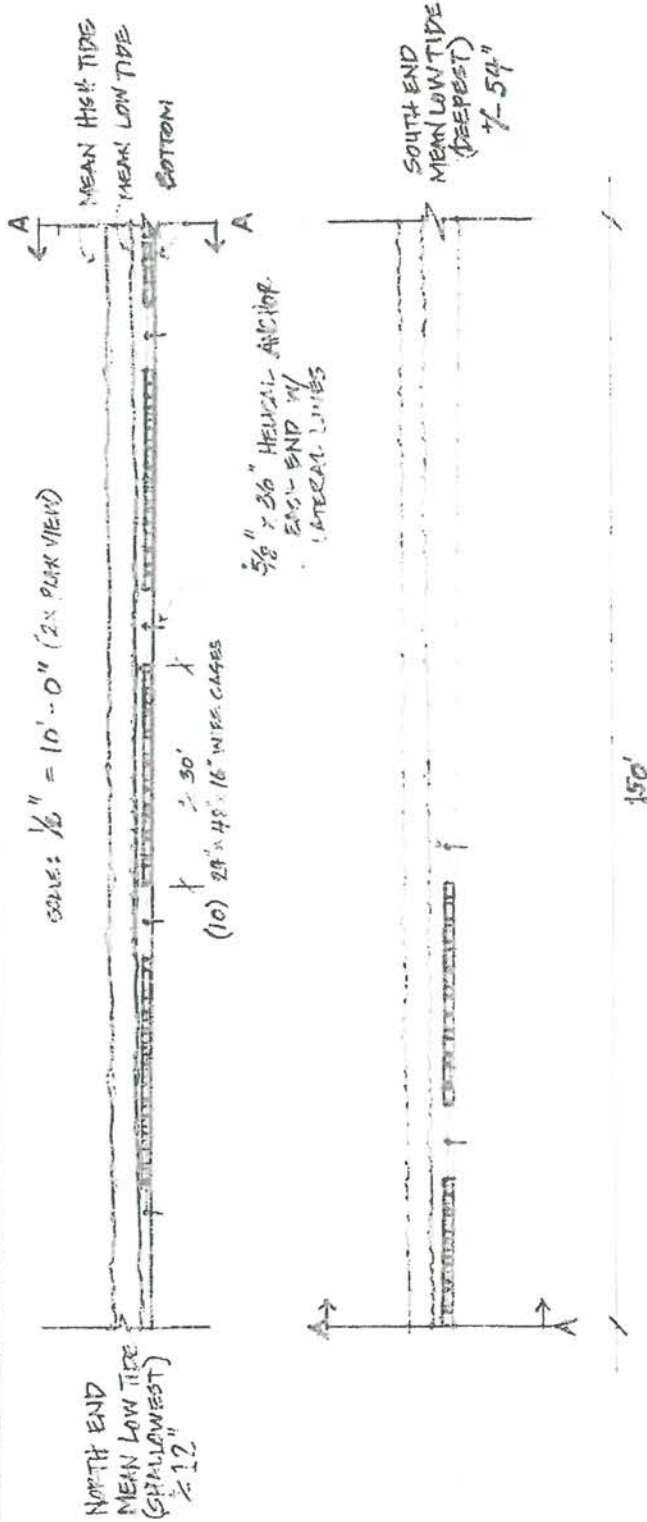
BOWEN OYSTER FARM  
 MARCH 2020  
 P. POINT

SITE CROSS SECTION

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



SCALE:  $\frac{1}{8}" = 10' - 0"$  (2X PLAN VIEW)



SCALE:  $\frac{1}{8}" = 10' - 0"$  (2X PLAN VIEW)

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

(10) 28" x 48" x 16" WIRE CAGES

RECEIVED  
 NOV 10 2020  
 COASTAL RESOURCES  
 MANAGEMENT COUNCIL

Town of Tiverton, Rhode Island  
HARBOR AND COASTAL WATERS MANAGEMENT COMMISSION  
343 Highland Road, Tiverton, RI 02878

**February 17, 2020 Meeting Minutes**

(Final with board corrections/additions as of 23 February)

**Meeting Held:** Brookdale Sakonnet Bay Senior Living Solutions, 1215 Main Road, Tiverton, RI in the Craft Room

**Meeting Called to Order:** 7:02 PM **Meeting adjourned:** 9:19 PM

**Members Present:** Bruce Cox (Chair), David Stewart (Vice Chair), Gregory Banner, Peter Corr, Andy Sumberg, Paul Duarte (arrived 7:10PM)

**Members Absent:** Charles Lawrence, Jason Clermont, Roger Winiarski,

**Staff:** Tyler Loomis, Harbormaster (Absent)

**Members of the Public in attendance:** Phil Capaldi (Narragansett, RI), Patrick Bowen (Little Compton, RI), John Bowen (Little Compton), Sam Bowen (Little Compton), Claire Bowen (Little Compton), Kevin Moore (Philadelphia, PA), David Beutel (CRMC), Anna Gerber-Williams (DEM), Marcia Pobeznik (Newport Daily News), Curtis Jackson (Tiverton).

A) MINUTES OF December 2nd and January 6th 2020 (No meeting held 6 January due to loss of facility). Motion to approve 2 Dec minutes - Banner. Second Stewart. Approved unanimously.

7:06 PM - Motion to take agenda out of order to Item G.2. (Aquaculture Item). Corr Motion, Stewart Second - Approved.

Presentations by Mr. Beutel (CRMC) and Patrick/John Bowen. Discussions/questions with Board:

Statement by Mr. Beutel – Purpose of meeting is to hear and raise issues for input to the CRMC process.

Statements by Mr. Patrick and John Bowen.

Site is in the Seapowet Cove area south of the interior pond/stream exit under the road bridge there. Site is appx. 100 ft from shore at low tide (closest site) 275X150 feet area. Trapezoid shape. Follows bottom contours. Closest mooring is appx. 100 ft. away

Based on recent storm location of site was moved slightly to provide for all items to remain underwater at low tide. (moved 20 feet to southwest).

Closest land is mostly state property with some private properties.

Long standing personal interest in Aquaculture.

Access to site will be at low tide. Interest in using site – low impact. Plan is to work it an hour before and after low tide. They will park vehicle at state parking area and wade across water/stream to area. Would most likely “tow” a floating work platform. During the season plan daily access. Less often off season.

Equipment not visible above water. Accessed from shore wearing waders. Only thing visible would be four corner buoys. Cages used would be appx size of lobster pots with trays inside. Cages remain and trays are cleaned/maintained.

Seek to sell products as much as possible.

Type of oyster called "diploid" which would help local oyster populations. Start with appx. 20,000 oysters in first year.

Question from Chairman Cox about warning markers to prevent boats, etc.... from entering. A: not currently planned but could be added.

Did speak to one neighbor (Peter Sterrett). Indicated no issues.

Current plan for only the proposed area – no current expansion plans.

CRMC requirement to post a bond to provide for insurance to cover issues, clean-up if needed, etc....

Description of anchoring systems and lines. Plan to use screw anchors, galvanized 36" long. Six anchors for every 10 cages connected by lines. Ends of anchors are 8-10" above sea bed.

Q: Any inspection requirement? None known. However management is a CRMC responsibility. CRMC is the supervisory agency for such a business. Typical annual inspections and more often if needed.

Total number of cages – begin with 30 (20,000 oysters). In 5+ year period go to 100,000 oysters (150-180 cages). Matrix arrangement of lines which provide back-up support for the whole system. Three-strand nylon line. Cages are accessed from the top.

Possible educational uses of area. Owners would welcome such opportunities.

Q: Any local farms similar to structure? - Not of this type – more fishing type.

Issue raised by Mr. Duarte with private homes in the area with riparian rights to the waterway.

A: docks not allowed in this area and anyone should be able to navigate around this site.

Currently plan to operate this as a family business – no intent to hire outside employees.

7:45 PM. Anna Gerber-Williams (DEM) presentation/discussion:

Ms. Gerber-Williams provided an area map showing local zones and activities in the immediate area.

DEM likes minimal impact of site.

Concerns (fisheries and habitat).

Concern about recreational access through and around area. Fishing, oystering, boating.

DEM prefers pushing the area outside of the recreational area if possible. DEM would recommend possibly changing the shape/location of site and there was discussion of possibility elongating the site map/area.

Advisory about water resources – recommendation to check about closures because of water quality issues. The state does test the area and has records of the site. Periodic closure could impact ability to work site.

Ms. Gerber-Williams offered to provide information/maps, etc....

8:01PM. No other public statements in support of project.

Statements in opposition. Phil Capaldi (Narragansett, RI)

Stated recreational use currently prohibits use of site for commercial purposes.

Believes that the intent is to grow the site. (countered by Bowens).

Planned triploid oyster is an invasive species not native to area. Concern about replication and spreading outside of area. Answer was that seeds come certified against diseases and other issues.

Statement that CRMC surveys with the applicant represent a conflict of interest and that Mr. Beutel (CRMC) is representing both the state and the applicants.

Statement that initial lease is for 15 years and area will be closed for recreational use during that time. Recommend second opinions be obtained regarding the application.

Basic recommendation that the site should be in deeper water.

8:10 - No further public comments.

Discussion about decisions/recommendation of Board.

Banner- believes the board should not object to the project and allow the official approval/disapproval of DEM/CRMC to occur.

No requirement for specific approval/disapproval of abutting neighbors (per Mr. Beutel/CRMC). Statement by Mr. Corr that his biggest concern is the water quality of the stream – issue is upstream farm run-off and water quality in the area.

Process clarification from Mr. Beutel - CRMC will develop a preliminary report. Applicants can choose to proceed with a 30-day public notice for comments. There is no formal need for anything to come back to Tiverton.

Mr. Corr - would say “no” based on no further review by the Tiverton Harbor Commission in the process.

Mr. Beutel – Process could allow for Harbor Commission to provide input to CRMC process during 30-day public comment period (anyone can submit comments/issues).

Motion - Banner. **Recommend approval at this time. When 30-day CRMC comment period is announced review the application to determine if further action/comment is warranted on behalf of the town. Second – Sumberg.**

Approved 4 (Cox, Banner, Stewart, Sumberg). Disapproved – (Corr, Duarte). Motion carried. Discussion ended 8:27 PM.

Motion to take second item out of order. Banner – Motion. Sumberg Second. Approved.

Item G. 1. Curtis Jackson does business as “Little Cove Oyster.” Jackson wants to locate an “Up-Weller” in the basin. Proposal in the basin (at AP 304 AL 165 owned by the town of Tiverton) is to lease the site from the town and install a dock with an “Up-Weller” oyster growing operation (top accessed barrels built in to the dock). (Site is in the Tiverton basin just north of the Standish Marina)

Mr. Curtis Jackson comments. Mr. Jackson is trying to understand the process with the town to pursue renting the property and establishing his business there. He is requesting permission/recommendation from the Board to lease property and run the business.

Mr. Jackson wants to grow baby oysters on the property. (build a dock (Up-Weller) to operate business from). Renting property from the town is logistically/legally simpler than buying the land.

The Commission requested more details on size of area, equipment, technical details, pictures of current operations. etc....

Mr. Jackson has operations currently elsewhere.

Mr. Beutel (CRMC) stated there are three towns in RI which have Up-Wellers. Pending better development of request with details, the item will be placed on March agenda for further discussion.

8:52 PM.

B) Public Comment section, action cannot be taken by motion on topics raised. None.

C) CONSTRUCTION REPORTS None.

D) Sea level rise-Abby Brown Portsmouth Harbor Comm. Not present.

E) CORRESPONDENCE - None.

F) OLD BUSINESS

1. Seapowet and Fogland boat ramps. Per Mr. Duarte- still attempting to contact but no success.

2. Investigate coordination with US Geological Survey regarding the current velocities in the basin.-legislation for permits. Per Mr. Cox. original company did not get contract.

Mr. Banner - offer from Orsted (Wind Farm Survey) to provide information. Desired info - Basin Contour. Velocities. Bottom composition and profiles. Mr. Banner will reach out to Orsted to request any appropriate data.

3. Dingy landing at Stonebridge Abutment –Fred Souza. Packet provided by Mr. Cox (DPW with Mr. Cox input). Project and information on proposed dock submitted to town budget committee. Town DPW submitted \$10,000 budget item for dock.

Mr. Cox explanation of budget/project packet.

4. Flood Hazzard Mitigation Grant-pole elevation straps. Deferred.

G.) NEW BUSINESS

1. Curtis Jackson dba Little Cove Oyster with-Up Weller proposal in the basin at AP 304 AL 165 owned by the town of Tiverton. (Moved forward in agenda)

2. John and Patrick Bowen aquaculture farm south of Seapowet Creek in Sakonnet River (Moved forward in agenda)

3. Capital budget development for Stone Bridge docks. (#F.3 above).

4. Harbor Management Plan incorporations and added dates. Will discuss at March meeting.

5. CRMC GIS mapping of Rights of Way (ROW) Link to Harbor Management Plan. Map with information by Mr. Duarte. Will send again. The goal is to identify all public access points. Mr. Corr believes the town had in the past developed this information through the town planner. Mr. Duarte will look for further information.

6. Abby Brown Portsmouth Harbor Comm. Deferred.

HARBOR MASTER REPORT - Deferred.

1. Capital Budget development-. Trailer
2. Mooring renewal status 2020
3. Boat status

**Adjournment:** Motion by Duarte/Second by Sumberg. passed unanimously. 9:19 PM

Respectfully Submitted,  
Greg Banner

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

June 2, 2020

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

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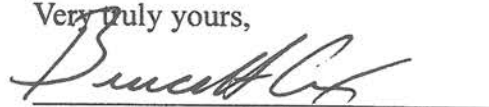
RE: File Number 2019-13-023  
John Bowen and Patrick Bowen

Dear Mr. Willis:

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

Kindest regards,

Very truly yours,



Bruce H. Cox, Chair

CC: Administrator

Town of Tiverton, Rhode Island  
HARBOR AND COASTAL WATERS MANAGEMENT COMMISSION  
343 Highland Road, Tiverton, RI 02878  
**June, 1 2020 Meeting Minutes**  
(DRAFT 2 June 2020)

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

<https://zoom.us/j/91046248938?pwd=RjRGWU9SS0xtWkFPNStpaXZTS3dpZz09>

Password: 219043

Or Telephone: Dial 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free) or 833 548 0276 (Toll Free) or 833 548 0282 (Toll Free)

Webinar ID: 910 4624 8938 Password: 219043

International numbers available: <https://zoom.us/j/91046248938?pwd=RjRGWU9SS0xtWkFPNStpaXZTS3dpZz09>

Once entered you will be able to view and listen to the meeting. At the appropriate time for public comment the moderator of the meeting will allow you to provide comment at the meeting. The meeting will also be viewable live on our town website [www.tiverton.ri.gov](http://www.tiverton.ri.gov) <https://www.youtube.com/user/TivertonVideos> In addition, the public may send written comments via email to [publiccomment@tiverton.ri.gov](mailto:publiccomment@tiverton.ri.gov) or by regular mail to the Town Clerk at 343 Highland Road, Tiverton, RI 02878 or place in the grey drop box located outside Town Hall by 12:00 noon on Friday May 29th, 2020. Note 1: Individuals requesting interpreter services for the hearing impaired must contact the Town Clerk's Office at 343 Highland Road or call (401) 625-6704 at least forty-eight (48) hours in advance of the meeting. Note 2: All matters before the Harbor Commission may be voted upon unless the agenda item specifies that it is "For Discussion Only."

**Meeting Called to Order:** 7:09PM **Meeting adjourned:** 10:01PM

**Members Present:** Bruce Cox (Chair), David Stewart (Vice Chair), Gregory Banner, Andy Sumberg, Paul Duarte, Charles Lawrence, Jason Clermont,

**Members Absent:** Roger Winiarski, Peter Corr,

**Staff:** Tyler Loomis, Harbormaster

**Members of the Public in attendance** (Information taken from ZOOM Log-On information provided): David Beutel (CRMC), Christopher Cotta (Tiverton Town Manager), Keith Cullen, Seth Garfield, Andrew Rys, Walter & Sue Hogan, Vincent Majewski, Thomas Colbert, Saleem Magriby, Rob Wood, Richard Westlake, Moe and Shirley Chouinard, Mike Sarnowski, Mike Duckett, Martha Bernie Taradash, Bernie Taradash, Lori Wood, Kurt Manchester, Jeff Caron,



Deb Hagen, Brittany Wood, Brian LeComte, Benjamin Goetsch, Carolyn & Ben Michaud, Wayne Karzenski, Christopher Matkovic, Seth Hagen, Alysa Wood

Log-on or dial-in personnel in attendance information provided: Matt I, Islyvia, Laurie, 617-461-9481, 508-685-6276, 401-952-6066, 508-932-9997, 401-595-2784, G PAD 7.0 LTE,

AGENDA:

7:10PM - Motion to move agenda to G.1 and G.2. Moved – Banner, Second Stewart. All in favor.

Item G.1. (Keith Cullen) Proposal by for aquaculture sites. Owns building at 1780 Main Road, Restaurant in Newport. Looking for locations for oyster farms.

Wants to do some test growths to check on viability of two sites.

Two sites are in Nannaquaket Pond south end and (**referred to below as “Pond” Site**) Sakonnet River west of Winnisimet and south North Lane. (**referred to below as “Sakonnet” Site**)

Q: (Cox) Request for overview description of sites, impact, etc...

A: (Cullen) cages at sites. Operations would utilize “skilled operators” to manage sites.

Q: (Cox) Actual operations at sites?

A: (Cullen) Seth Garfield would be operator and has details of management. He has 30+ years experience oyster farming.

Q: (Cox) Asked for details of proposed sites - operations and site descriptions.

A (Garfield): Sites suggested by CRMC. Mr Garfield running sites and similar operations for 30+ years. Mr Garfield was hired to establish and run these proposed sites. Requesting permit with 1000 sq feet area for testing locations.

Pond area - shallow. Possibly floating equipment on surface.

Sakonnet site – 2 or 3 different possible types of equipment depending on surveys/tests.

Summer plan to put a few systems in each site as a test.

Sites have already been pre-approved by CRMC

Possible size 300x300 feet with several hundred cages in operational sites

Operational areas should be usable for shallow draft personal craft in and around the sites

Sites could become attractive for people to visit to see the operations

Q: Types of maintenance and access to sites for operations.

A: (Garfield) Full production in appx. 2 years. Several options – boat processing on site or taking cages away and processing elsewhere. Specifics TBD.

Takes several years to get into a routine of operations.

Q: How will the sample monitoring be done.

A: (Garfield) has long experience with sampling and a variety of tools would be used appx. once a week on site by Mr. Garfield. Sampling data could be made available to the town.

Q: Impact on Sakonnet site of two large mooring fields north and south.

A: (Garfield) Believes that there would be sufficient markings and public education to make issues minimal with boating.

Q: Wave/wind action at Sakonnet site – impact on equipment and production?

A: (Garfield) Mr. Garfield visited site during rough weather. Equipment and lay-out would take this into account.

Mr. Sumberg shared his screen showing the map of the area and proposed sites. Highlighted moorings close to both sites. Highlighted navigation challenge in the Sakonnet area. Discussions about options in the area and other possible sites closer to Jacks Island.  
(Garfield): Sustainable business, good for residents and local business community  
(Cox): Notes that Harbor Commission is advisory, CRMC makes the decisions in this matter. Town may make decisions about use of town areas which may be involved in any commercial operations.

Q: How did the sites get picked?

A: (Garfield) Mr. Cullen lives on the Pond so was looking at sites there.

(Beutel) (CRMC): Current applications are "only" commercial viability applications (1000 sq ft). Full applications for commercial use would come later.

Q: Any map showing "approved" sites in the area which anyone can refer to?

A: (Beutel) Only existing maps show current sites in use.

Q: Confirm current site next to Jacks Island.

A: (Beutel) Confirmed site in the area of Jacks Island of appx. 4 acres.

Q: Are farms spaced?

A: (Beutel) Depends on locations, not a requirement.

Q: For Mr Beutel - criteria for approving process?

A: (Beutel) 13 criteria used by CRMC for approving such operational applications.

Q: (Cox) In the Pond. Would there be an intent or any possibility in the future of moving operations any further north than the proposed outline?

A: (Garfield) They are aware of more moorings and higher impact further north so unlikely to look to move there.

Q: Cages most likely floating in the Pond? A (Garfield): Yes.

Q: How close can boaters come to the farm area.

A: (Garfield) Boats can come next to sites. Kayaks and shallow slow moving craft can go into farm areas subject to any surface items. (Boaters and others often like to look at the equipment and similar operations elsewhere out of curiosity)

Sites on map are for full commercial areas.

Q: (Duarte). Impact of winter freezing in the Pond?

A: (Garfield). Will have to be considered and actions determined. Cape Cod Bay oyster fishermen by regulation have to remove all equipment and oysters for winter.

Q: Type of oyster seeds would be used?

A: (Garfield) Needs to be certified disease free by state. Species would be American Cup Oyster (local). Would not be an invasive species.

#### **Questions taken from the public:**

Q: Impact on Mooring rights in the area after a commercial bed is in place.

A: (Beutel) No mooring would be allowed in area after a farm is approved.

Q: Can individuals go into farm site and take non-farm quahogs in and around the area?

A: (Beutel). Not allowed by RI law.

Q: For Mr Beutel. Has CRMC ever declined a commercial request after a test site area first approved?

A: (Beutel) Did not know of any examples. Sometimes the applicant changes the application. Mr. Hagen statement that this application for testing should therefore be viewed as the full application with all its implications.

Q: For Pond area have other uses/users of site been considered?

A: (Beutel): All uses would be considered in the CRMC approval process.

Q: For testing would this require a full CRMC board decision?

A: (Beutel) Yes, specifically because of all the input. Most likely in October.

Chris Matkovic. Statement that the Pond area is too small and limited; a commercial operation would have a big impact.

Statement by Wayne Karzinski. Has been snorkeling and quohoging on the Sakonnet site for 30 years. He believes this operation would impact this recreational use and believes a different site would be more advantageous.

Statement by Jeff Caron. Lives on Pond but not in view of proposed activity. Concerned with closing farm area to recreational use for kids learning, etc... Area also very good for water skiing. Believes that the Pond farm would impact house views in the area.

Q: What taxes would be paid by farm operation?

A: (Cullen). Does not know the tax implication for a farm operation at this time but would comply/pay all required taxes on operation and products. Farm operation would provide jobs in the area.

Statement by Carolyn Michaud. Owns a home in the Pond area. Recreational boater in the area. Uses the whole pond, inlets and in the shallow water. Kayaks in the area. Believes other residents would be impacted.

Q: What is the impact to local recreational users of the Cuttyhunk operation which Mr Garfield currently runs?

A: (Garfield) Pond used there is not accessible by motor boats, town owned and used by residents. He states minimal impact to the types of users who are in the Pond there.

Q: Regarding purchase of property on Pond adjacent to proposed farming area. Would it be cleared and used commercially?

A: (Cullen) Would work with town to make the most of the site for access/use. 23 acres. Plan would be to clear the minimal amount of land to access the site. Would only proceed to CRMC for land-side permissions, etc... if the farm area is approved.

Q: What is the planned access for test site work?

A: (Garfield) Many sites to launch from including the marina in the pond or elsewhere.

Q: Conflict of interest with Board members For Sakonnet area?

A: (Cox): Can see the Sakonnet site from his house. Does not impact him personally.

Comments by Board Members regarding application:

David Stewart. Need much more information.

Andy Sumberg. Opposed to Sakonnet Site. Mooring field issues primarily. Pond – Issues with neighbors and other recreational uses and would tend to support local residents there.

Jason Clermont. Mirrored above comments.

Chuck Lawrence - Firmly opposed to both sites.

Greg Banner. Mirrored comments from Sumberg. Would like to see more information on all possible sites and how they are determined in all Tiverton waters (Would be useful for

commercial proposals and for the Harbor Commission to be able to see all the available choices).

Paul Duarte. Mirrored concerns. Highlighted concerns with Sakonnet site. Interested in getting DEM input regarding Pond issues, fishing. Concerned with land access to Pond site.

Bruce Cox. Sakonnet site problematic for mooring field area and therefore the proposed farm. In Pond, land access site would probably be an issue. Believes a site in the Pond would also be problematic for local owners.

8:58 – 9:13 PM. Mr Cox read in to the record numerous emails received on the topic. All to be attached to the minutes.

**Roll Call Vote on the Cullen Proposals (each site voted separately).**

Nannaquaket Pond Application. Motion for the Harbor Commission to recommend against the application. Sumberg Moved. Duarte Second. Passed unanimously. Motion approved.

Sakonnet Site Application. Motion for the Harbor Commission to recommend against the application. Banner Moved. Lawrence Second. Votes to approve the motion: Banner, Sumberg, Duarte, Claremont, Lawrence. Votes against the motion: Stewart, Cox

Motion Approved.

9:20PM.

Item G. 2. Request if the Bowen Brothers are on the phone or the call. Request Repeated three times with no response.

Board Discussion:

(Lawrence) Proposed location next to the Seapowet run-off area with known contaminants. Also the location would impact the food chain in the area.

(Claremont) Concerns with access to site – the language in the application is that the access would be via the public beach in the area (may have changed however the language is still in the application.) Other areas need clarification.

(Stewart) Proposed operation restricts public access use of area.

(Loomis) Current application would impact mooring. One mooring is in the middle of the proposed field now.

(Duarte) Sees issues now with mooring and issues previously raised.

(Banner) Currently no known objections from neighbors to proposed site which would seem to mean that is not a major issue seen with the other sites earlier discussed.

(Cotta) Had discussions with Town Council members about town interests and commercial interests in areas which are not zoned for business. Discussions about establishing a Memorandum with CRMC to prohibit commercial operations in areas adjacent to town areas which are not commercially zoned. Request that the Commission take this concept in to account in their deliberations.

(Cox). Agrees with issues raised by Stewart and Duarte regarding health and commercial applications.

Request for Public Comments. None.

9:40. **Motion for the Harbor Commission to recommend against the application.** Moved Lawrence. Second Stewart

Banner - Against. Vote in favor. Claremont. Lawrence. Stewart. Duarte. Cox. Sumberg. **Motion Carried.**

A) 9:41 MINUTES OF March 2nd, 2020 Acknowledgment of no meetings in April and May due to COVID-19 emergency declaration. Motion to accept March minutes. Duarte Moved. Stewart Second. Unanimously in favor.

B) 9:43 Public Comment section, action cannot be taken by motion on topics raised. None raised.

C) CONSTRUCTION REPORTS. No comments.

D) Sea level rise. No comments.

E) CORRESPONDENCE. As read for above applications.  
Aquaculture Applications of BP Realty and Bowen see G1 and 2 below.

F) 9:45 OLD BUSINESS

1. Seapowet and Fogland boat ramp. (Duarte). Attempted contact with DEM but no answers and not able to contact the state.

Has not been able to track down "ownership" of Jacks Island road. Town has stated not their responsibility. Suggested a letter to the town.

(Cotta) - Discussion about Fogland ramp. Might require CRMC permit to excavate area beyond ramp. Fogland area restricted with boulders and markers to keep visitors out.

Apparently past issues with too many visitors. Unclear access and permissions to use area. Commercial fishing items at Fogland ramp. Owner will be contacted by Harbor Master to remove items.

2. 9:53. Investigate coordination with US Geological Survey regarding the current velocities in the basin.-legislation for permits. Move to July Meeting.

3. 9:54. Dingy landing at Stonebridge Abutment –Fred Souza. (Cox) Talked to Mr. Souza – willing to help and find volunteers to get floats moved to site. Question about budget as it applies to dingy landing? (Cotta): Budget on hold until the state takes action on their budget. By law can use existing budget numbers (prior year's) but has no tax income coming in. Only items on old budget can be supported until a new budget is approved.

4. 9:59. Flood Hazzard Mitigation Grant-pole elevation straps -Jacques Afonso National Grid. (Cox) Received positive response from National Grid for them to take action and the project appears to be moving through their corporate offices for support.

G) NEW BUSINESS

1. Moved above. Keith Cullen –Aquaculture test sites  
- in Nannaquaket Pond south end and  
- Sakonnet River west of Winnisimet south North Lane.  
Seth Garfield-consultant

2.Moved above. Bowen Aquaculture formal application south of Seapowet Cove

3. Aquaculture ordinances. No comments.

4. Harbor Management Plan incorporations and added dates. No comments.

#### HARBOR MASTER REPORT

1. 10:00 . Mooring renewal status 2020. All mailed and most returned. Continuing to track.
2. Boat status. Operational.

**10:01 PM Adjournment:** Motion by Lawrence. Second by Stewart. . passed unanimously.

Respectfully Submitted,  
Greg Banner

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

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

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

AGENDA:

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

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

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

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

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

A: Yes.

Q: (Clermont). Any moorings in area?

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

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

Q: (Cox) - Discussions with immediate neighbors?

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

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

A: No.

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

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

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

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

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

A: Intent is to have submerged equipment with corner markers.  
Loomis - water is shallow where boats typically would not be going.

Q: (Lawrence). Mean water level?

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

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

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

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

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

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

Q: (Banner). Access to site?

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

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

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

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

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

A: (Goetsch). CRMC responsibility to track issues and address with owners to correct issues. For any site with no activity in two years CRMC can revoke their permit. Mr. Goetsch said he is the contact for any observed issues.

Return to agenda. (7:58 PM)

B) PUBLIC COMMENT SECTION. (action cannot be taken by motion on topics raised).  
None.

C) CONSTRUCTION REPORTS. None.

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

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

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

E) CORRESPONDENCE

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

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

3. Bowen Brother revised application. Discussed above.



#### F) OLD BUSINESS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### H) HARBOR MASTER REPORT

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

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

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

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

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

Respectfully Submitted,  
Greg Banner

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

You are invited to a Zoom webinar.

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

Topic: Tiverton Harbor Commission

Please click the link below to join the webinar:

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

Passcode: 838834

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

Webinar ID: 863 2029 9544 Passcode: 838834

**Benjamin Goetsch**

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**From:** Benjamin Goetsch <bgoetsch@crmc.ri.gov>  
**Sent:** Monday, May 10, 2021 2:15 PM  
**To:** 'Sean Bowen'  
**Subject:** FW: FW: CRMC Semimonthly Meeting Notification -- Tuesday, May 11, 2021 -- Bowen, Tiverton  
**Attachments:** seapowet marsh presentation.pptx

**From:** Kenny Mendez [mailto:kenneth.mendez@gmail.com]  
**Sent:** Monday, May 10, 2021 11:21 AM  
**To:** Benjamin Goetsch <bgoetsch@crmc.ri.gov>  
**Cc:** Lisa Turner <lturner@crmc.ri.gov>; Jeff Willis <jwillis@crmc.ri.gov>  
**Subject:** Re: FW: CRMC Semimonthly Meeting Notification -- Tuesday, May 11, 2021 -- Bowen, Tiverton

Thanks....I'll call you shortly. I can walk you through the attached. Maybe we can talk through the best way to address the following verbally.

On Mon, May 10, 2021 at 11:05 AM Benjamin Goetsch <[bgoetsch@crmc.ri.gov](mailto:bgoetsch@crmc.ri.gov)> wrote:

Hi Kenny,

Only verbal testimony is allowed at the hearing but if you would like to discuss you can reach me at the office today at the number below.

Best,

Benjamin Goetsch

Coastal Resources Management Council

Aquaculture Coordinator

Oliver Stedman Government Center

4808 Tower Hill Road

Wakefield, RI 02879

401-783-3370

**From:** Kenny Mendez [mailto:[kenneth.mendez@gmail.com](mailto:kenneth.mendez@gmail.com)]  
**Sent:** Monday, May 10, 2021 10:42 AM  
**To:** Benjamin Goetsch <[bgoetsch@crmc.ri.gov](mailto:bgoetsch@crmc.ri.gov)>  
**Cc:** Lisa Turner <[lturner@crmc.ri.gov](mailto:lturner@crmc.ri.gov)>; Jeff Willis <[jwillis@crmc.ri.gov](mailto:jwillis@crmc.ri.gov)>  
**Subject:** Re: FW: CRMC Semimonthly Meeting Notification -- Tuesday, May 11, 2021 -- Bowen, Tiverton

Thanks, Ben. I appreciate the heads up on the revision. I've got a short powerpoint presentation and was wondering if I could share my screen when I speak? Happy to review it with you ahead of time and discuss, too.

Thanks again,

Kenny

On Mon, May 10, 2021 at 9:36 AM Benjamin Goetsch <[bgoetsch@crmc.ri.gov](mailto:bgoetsch@crmc.ri.gov)> wrote:

Hello Mr. Mendez,

The agenda and zoom link to join the meeting can be found here:  
[http://www.crmc.ri.gov/meetings/2021\\_0511semi.html](http://www.crmc.ri.gov/meetings/2021_0511semi.html)

I suggest signing on at 6:00pm and waiting until the public comment period is announced for that application. At that point you can use the raise hand feature within Zoom to indicate you would like to speak. When recognized by the council you can turn on your audio and video to address the council and provide testimony.

For your reference, the applicants have proposed a modification of the lease location that the council may consider for approval at the hearing over the original proposed location. The proposed modification is attached for your reference. The original application and public notice can be found on our website here:  
<http://www.crmc.ri.gov/applicationnotices/2020-04-037.pdf>

Please contact me if you have any questions.

Best regards,

Benjamin Goetsch

Coastal Resources Management Council

Aquaculture Coordinator

Oliver Stedman Government Center

4808 Tower Hill Road

Wakefield, RI 02879

401-783-3370

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**From:** Kenny Mendez [<mailto:kenneth.mendez@gmail.com>]

**Sent:** Saturday, May 8, 2021 7:07 PM

**To:** Lisa Turner <[lturner@crmc.ri.gov](mailto:lturner@crmc.ri.gov)>

**Subject:** Re: CRMC Semimonthly Meeting Notification -- Tuesday, May 11, 2021 -- Bowen, Tiverton

Lisa...thank you for the notification. I'm letting you know per the notice that I'd like to provide comments at the meeting. Is there anything I need to know on process or how to provide comments?

Thanks,

Kenny

Sent from my iPhone

On May 3, 2021, at 6:41 PM, Lisa Turner <[lturner@crmc.ri.gov](mailto:lturner@crmc.ri.gov)> wrote:

Please see attached CRMC Semimonthly Meeting Notification for the Bowen aquaculture application.

Thank you!

*Lisa A. Turner*

Office Manager

Coastal Resources Management Council

Oliver Stedman Government Center

4808 Tower Hill Road; Room 116

Wakefield, RI 02879

401-783-3370



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

<Bowen Semimonthly Meeting Notification 05-11-2021.pdf>

Comments Prepared for CRMC Semimonthly Meeting  
May 11, 2021  
Bowen Oyster Farm

*File 2020-04-037*

Kenneth Mendez

Tiverton, RI

## Summary of Objection

- Installation of the Oyster Farm in the previous and proposed altered coordinates will result in a significant conflict with recreational fishing.
- Applicant and CRMC have failed to adequately address oyster farm's conflict with recreational fishing.



## Excerpt from Filing:

6. Demonstrate that the alteration will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters and/or the shore:

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

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

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

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

# Excerpt from Filing

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

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

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

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

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

# Concerns

- The oyster farm would be located in prime publicly accessible area used by recreational anglers.
- The location is in or in proximity to an easily wadable shallow area.
- There is potential harm and equipment loss for recreational anglers who fish for striped bass at night. The structure could be unseen in the dark and anglers will not be aware of the structure.
- Recreational anglers who are among high users of the area have not been aware of the project and have not been able to provide input.
- Currently closed to shell fishing because of polluted water in Seapowet Creek, the outflow of Seapowet Creek, flows directly into the oyster farm location.

# Bowen Farm

Map created by John Bowen  
March 25, 2020

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

Sapowet Cove

Oyster  
Farm  
Location

Seapowet Bridge



Legend

Google Earth

© 2020 Google

500 ft



# Bowen Farm

Map created by John Bowen  
March 25, 2020

NW to Bridge 500 ft  
NE to Bridge 414 ft  
NE to Mean Low 325 ft  
SE to Mean Low 260 ft

## Bowen Farm

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



Legend

Legend

Google Earth  
© 2020 Google

400 ft

500 ft

Sapowet Cove

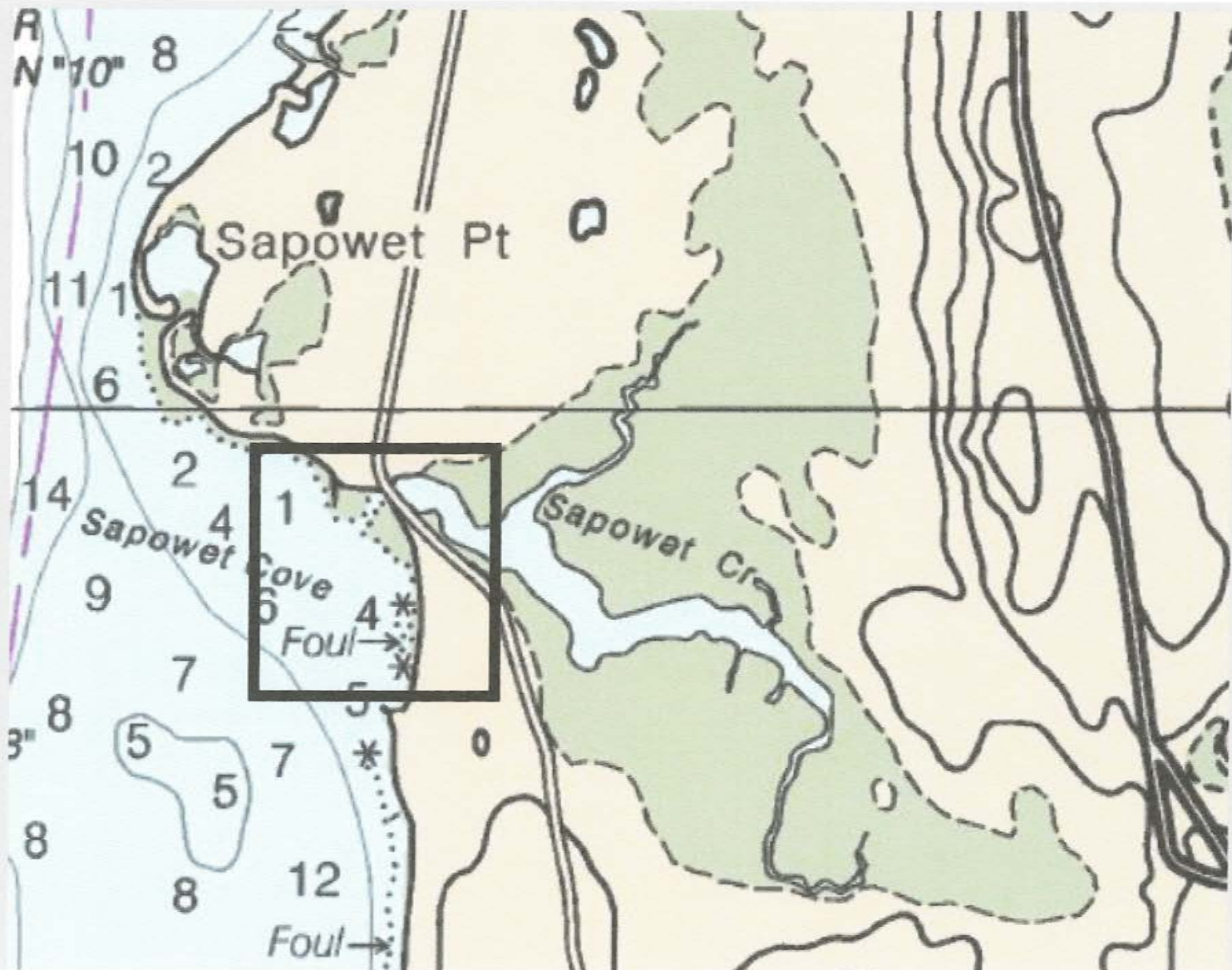
Sapowet Cove

Oyster  
Farm  
Location

Sapowet Bridge

Sapowet Ave





# Bowen Farm

Map created by John Bowen  
March 25, 2020

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

Seapowet Bridge

Seapowet Cove

Oyster  
Farm  
Location

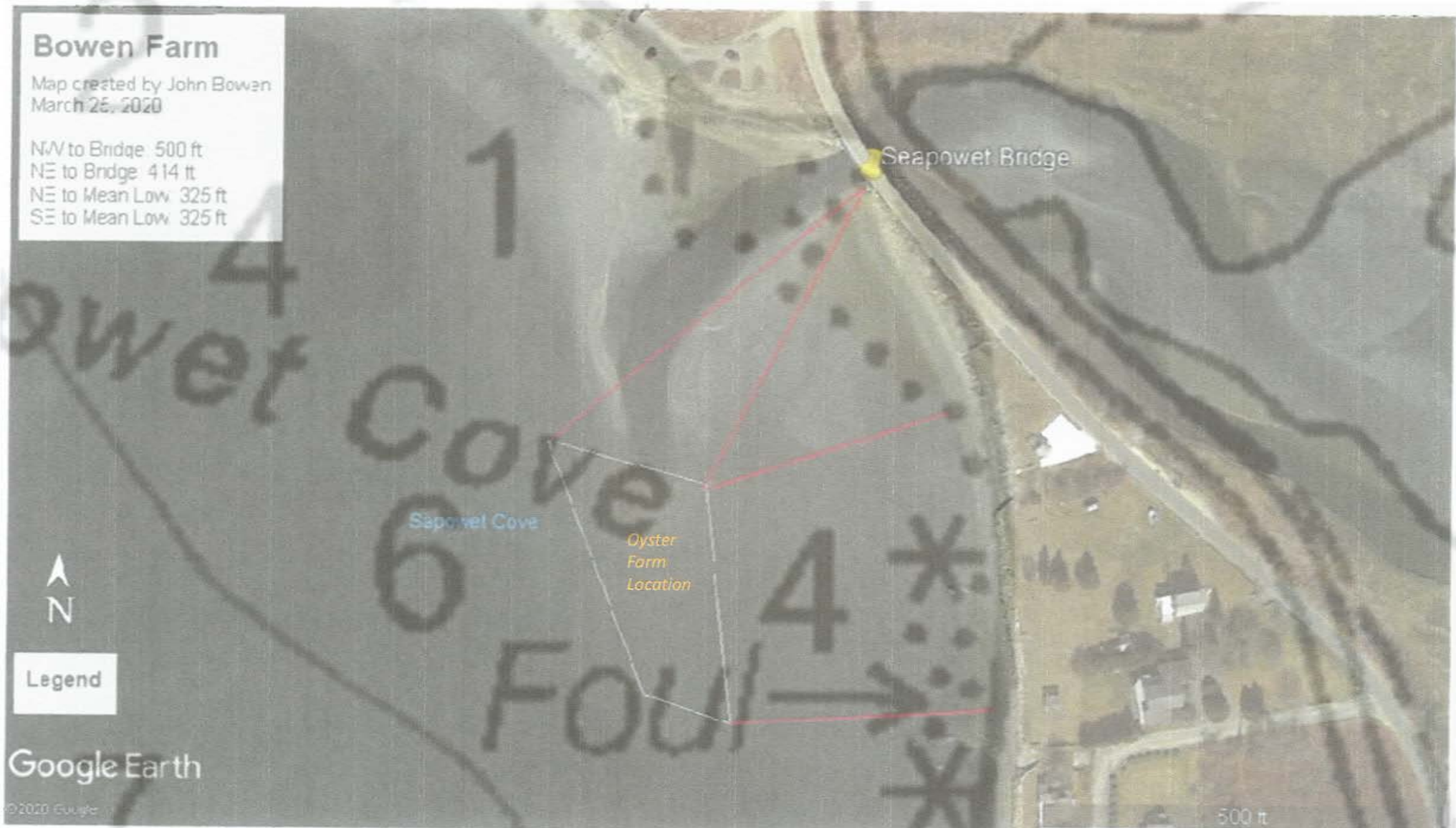


Legend

Google Earth

© 2020 Google

500 ft



# Bowen Farm

Map created by John Bowen  
March 25, 2008

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



Early and generally safe wading

at Cove

FOUR



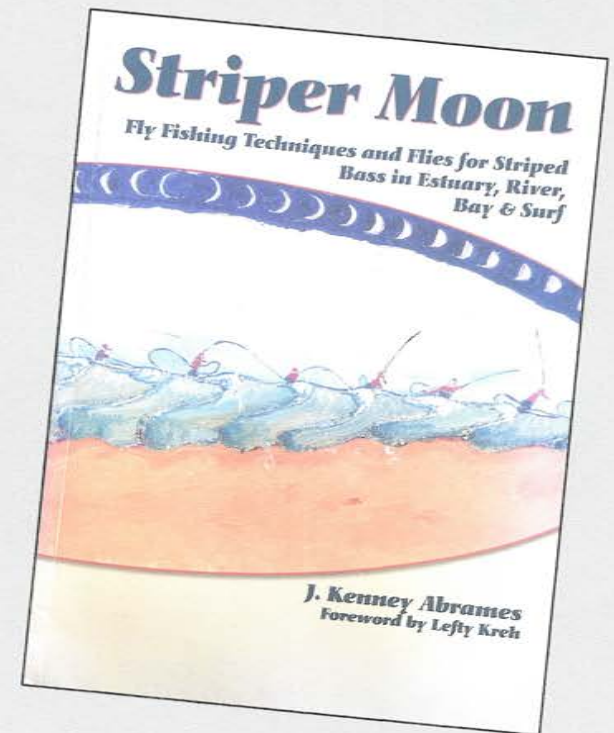
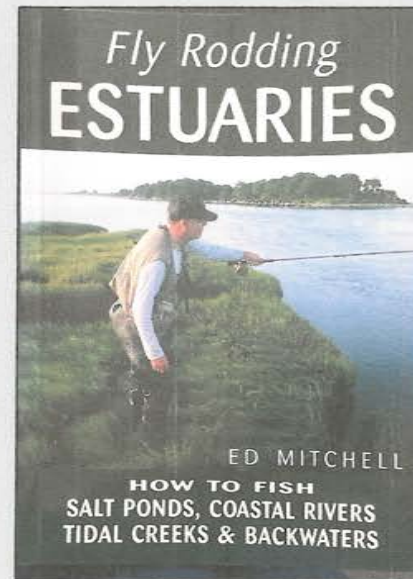
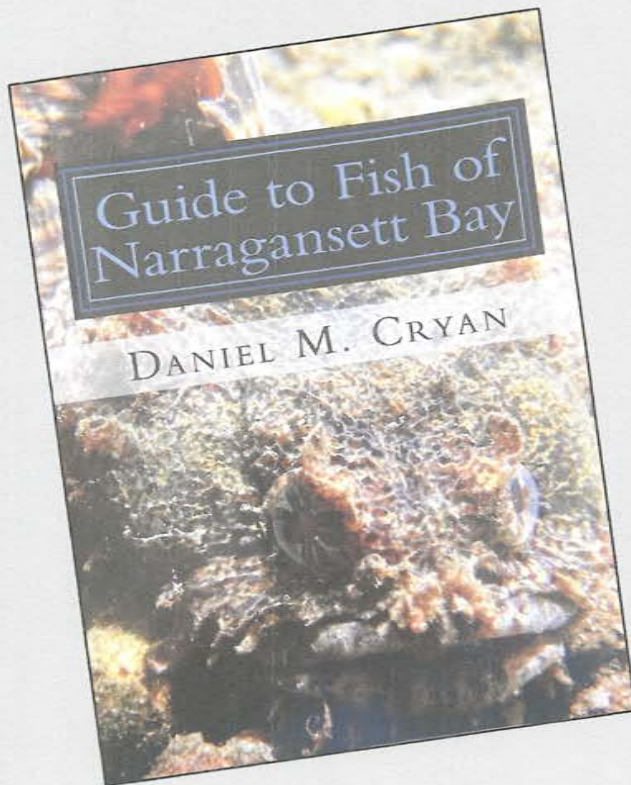
Legend

Google Earth

©2008 Google

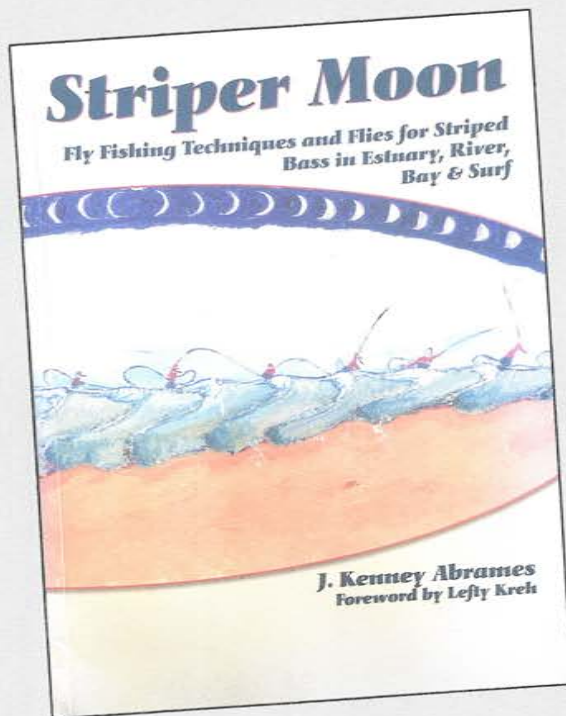


# Documented Prime Recreational Angler Access



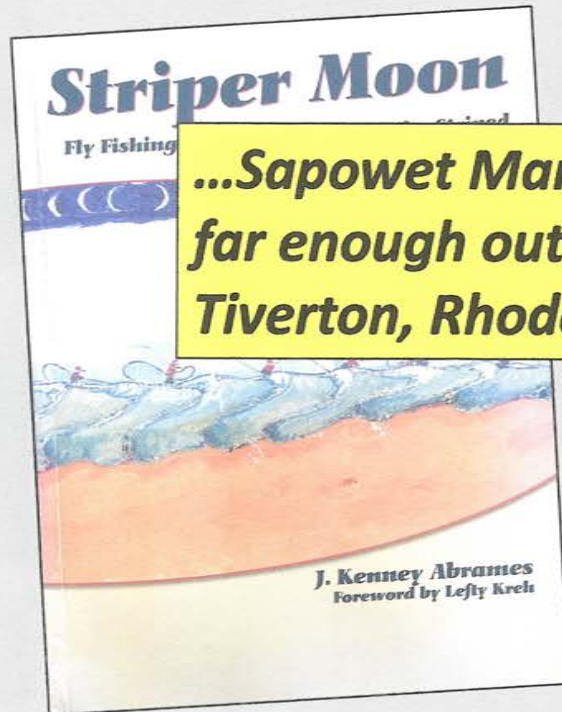
# Striper Moon

Fly Fishing Techniques and Flies for Striped Bass in Estuary, River, Bay & Surf



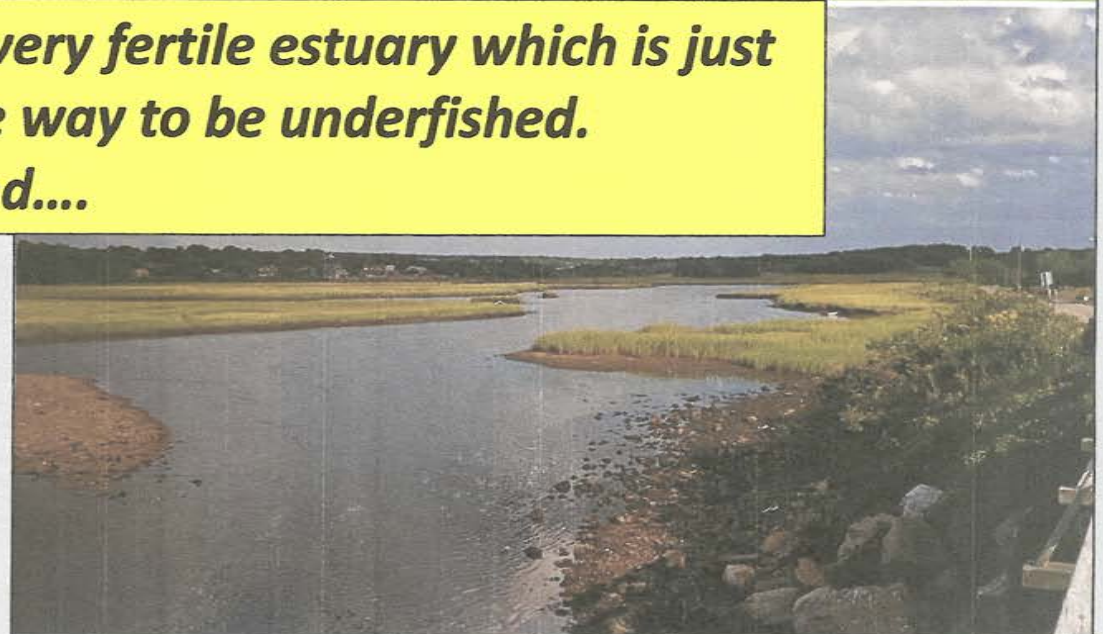
# Striper Moon

Fly Fishing Techniques and Flies for Striped Bass in Estuary,  
River, Bay & Surf

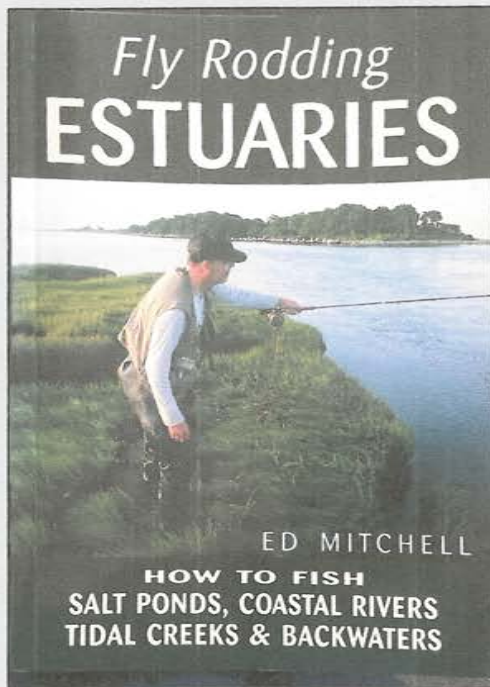


*Looking east into the Sapowet Marsh, a very fertile estuary which is just far enough out of the way to be underfished. Tiverton, Rhode Island.*

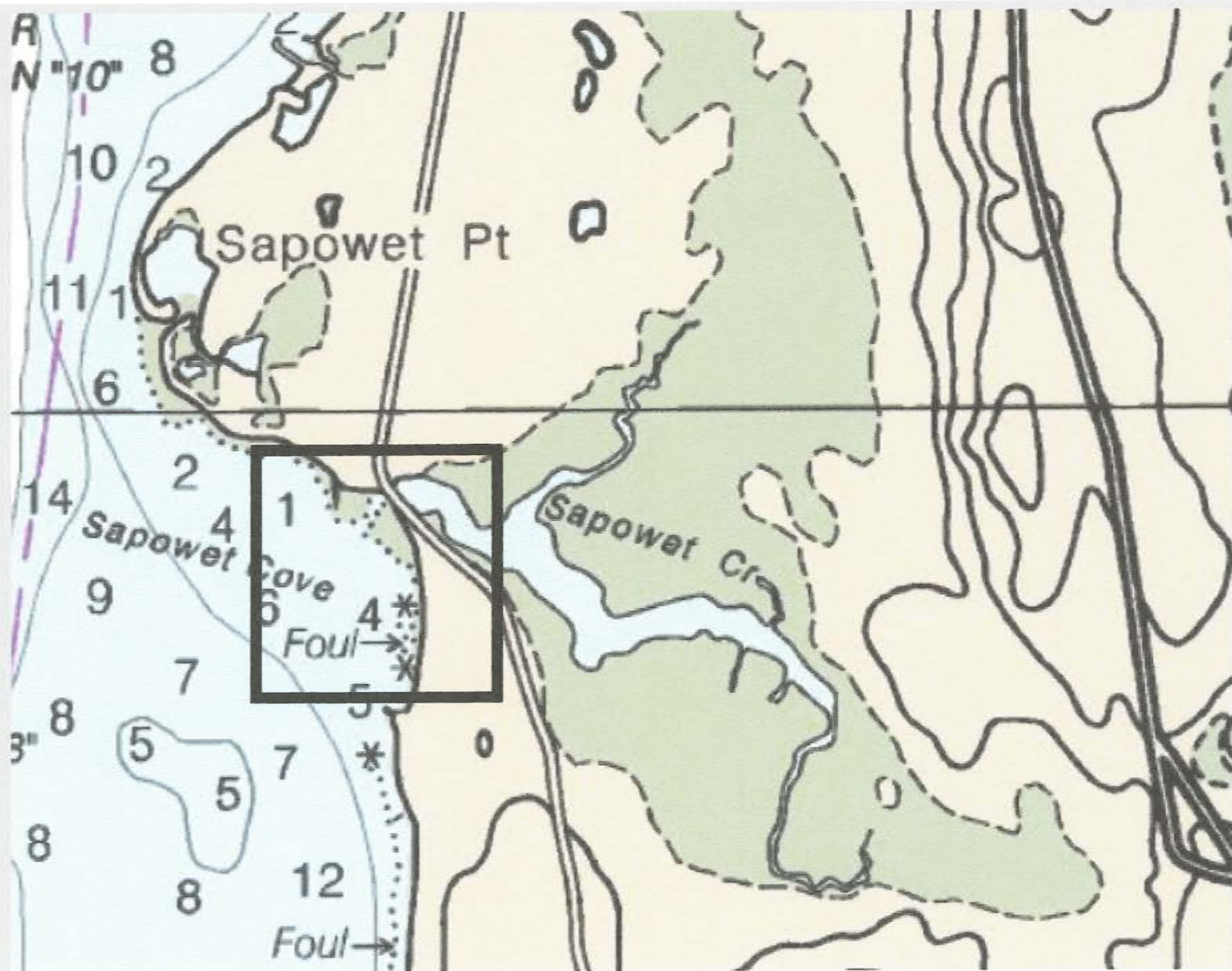
***...Sapowet Marsh, a very fertile estuary which is just far enough out of the way to be underfished. Tiverton, Rhode Island....***



# Fly Rodding Estuaries



*If an extensive shallow sandbar has formed, you can bet that it is well worth investigating, especially during a rising tide...your primary concern is to locate any drop-offs. There should be one at the far outside edge of the bar where it joins deeper water. Watch the waves as they ride up over the flat. They'll break where the bottom first rises. This location is apt to be a red-hot destination...Also be on the lookout for a drop-off along the side of the bar. While the drop-off on the outside edge is usually fairly gradual, this one could be fairly steep, quickly tapering off in deeper water or a hole. Such a drop-off not only holds fish at the low stages of the tide, but also forms a perfect travel lane for fish seeking to approach the mouth as the tide rises. (pg 77)*



# Bowen Farm

Map created by John Bowen  
March 26, 2020

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

Seapowet Bridge

Easy and generally  
safe wading

Seapowet Cove

Oyster  
Farm  
Location



Legend

Google Earth

© 2020 Google

500 ft



# Bowen Farm

Map created by John Bowen  
March 26, 2020

NW to Bridge: 500 ft  
NE to Bridge: 414 ft  
NE to MLW: 325 ft  
SE to MLW: 260 ft

## Bowen Farm

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

Easy and generally  
safe waiting

Bowen  
Farm  
Location

Sapowet Cove

Seapower Bridge

Seapower Ave



Legend

Legend

400 ft

Google

©2020 Google Earth



*Watch the waves as they ride up over the flat. They'll break where the bottom first rises. This location is apt to be a red-hot destination...Also be on the lookout for a drop-off along the side of the bar.*



degrees



# Bowen Farm

Map created by John Bowen  
March 25, 2020

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

←  
250 ft Angler Casting Range



Legend

Google Earth

©2020 Google

degrees

500 ft



# Bowen Farm

Map created by John Bowen  
March 25, 2020

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

←  
250 ft Angler Casting Range

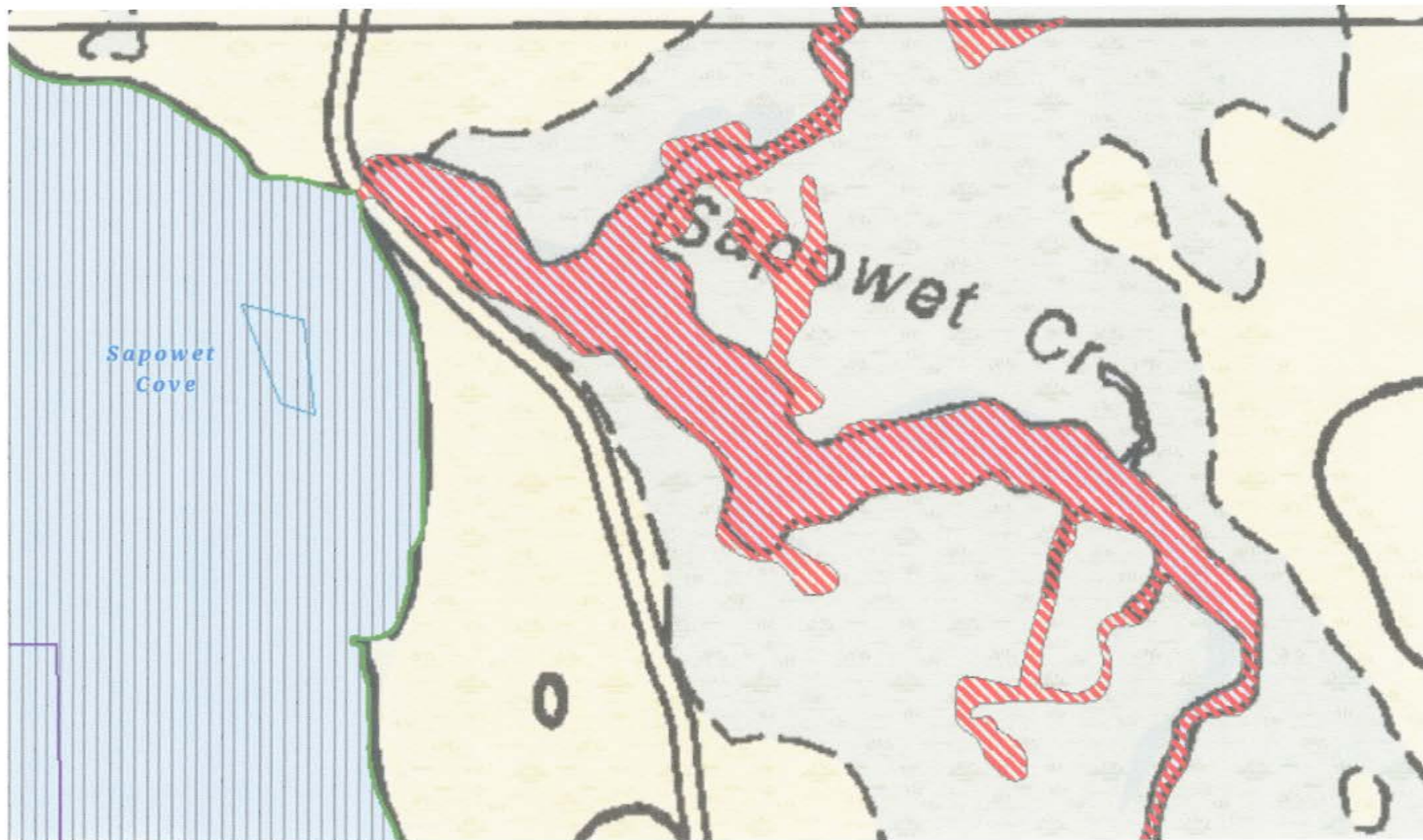


Legend

Google Earth

©2020 Google





# Summary and Conclusions

- The CRMC should not allow this project to be placed in a prime recreational fishing area. It will restrict fishing access and could be potentially dangerous to anglers who fish at night.
- Recreational angling interests must be prioritized in this decision. Recreational anglers contribute \$412mm to Rhode Island economy and over 4,000 jobs.
- “In the New England states, a high percentage of salt marshes have been lost to development...there are far fewer in Connecticut and Rhode island....” Ed Mitchell, **Fly Rodding Estuaries**.
- “...Sport fishing is an industry and a key aspect of our economy and way of life in the Ocean State. It shows that we should invest in its future and safeguard our fisheries.” ***Rhode Island Saltwater Anglers***
- The outflow of Seapowet Creek has polluted water that flows into the oyster farm location.
- Moving the oyster farm to another location, away from recreational fishing and potentially polluted water, is the safest alternative.

**Benjamin Goetsch**

---

**From:** Benjamin Goetsch <bgoetsch@crmc.ri.gov>  
**Sent:** Monday, May 10, 2021 2:15 PM  
**To:** 'Sean Bowen'  
**Subject:** FW: FW: CRMC Semimonthly Meeting Notification -- Tuesday, May 11, 2021 -- Bowen, Tiverton  
**Attachments:** seapowet marsh presentation.pptx

**From:** Kenny Mendez [mailto:kenneth.mendez@gmail.com]  
**Sent:** Monday, May 10, 2021 11:21 AM  
**To:** Benjamin Goetsch <bgoetsch@crmc.ri.gov>  
**Cc:** Lisa Turner <lturner@crmc.ri.gov>; Jeff Willis <jwillis@crmc.ri.gov>  
**Subject:** Re: FW: CRMC Semimonthly Meeting Notification -- Tuesday, May 11, 2021 -- Bowen, Tiverton

Thanks....I'll call you shortly. I can walk you through the attached. Maybe we can talk through the best way to address the following verbally.

On Mon, May 10, 2021 at 11:05 AM Benjamin Goetsch <[bgoetsch@crmc.ri.gov](mailto:bgoetsch@crmc.ri.gov)> wrote:

Hi Kenny,

Only verbal testimony is allowed at the hearing but if you would like to discuss you can reach me at the office today at the number below.

Best,

Benjamin Goetsch

Coastal Resources Management Council

Aquaculture Coordinator

Oliver Stedman Government Center

4808 Tower Hill Road

Wakefield, RI 02879

401-783-3370

**From:** Kenny Mendez [mailto:[kenneth.mendez@gmail.com](mailto:kenneth.mendez@gmail.com)]  
**Sent:** Monday, May 10, 2021 10:42 AM  
**To:** Benjamin Goetsch <[bgoetsch@crmc.ri.gov](mailto:bgoetsch@crmc.ri.gov)>  
**Cc:** Lisa Turner <[lturner@crmc.ri.gov](mailto:lturner@crmc.ri.gov)>; Jeff Willis <[jwillis@crmc.ri.gov](mailto:jwillis@crmc.ri.gov)>  
**Subject:** Re: FW: CRMC Semimonthly Meeting Notification -- Tuesday, May 11, 2021 -- Bowen, Tiverton

Thanks, Ben. I appreciate the heads up on the revision. I've got a short powerpoint presentation and was wondering if I could share my screen when I speak? Happy to review it with you ahead of time and discuss, too.

Thanks again,

Kenny

On Mon, May 10, 2021 at 9:36 AM Benjamin Goetsch <[bgoetsch@crmc.ri.gov](mailto:bgoetsch@crmc.ri.gov)> wrote:

Hello Mr. Mendez,

The agenda and zoom link to join the meeting can be found here:  
[http://www.crmc.ri.gov/meetings/2021\\_0511semi.html](http://www.crmc.ri.gov/meetings/2021_0511semi.html)

I suggest signing on at 6:00pm and waiting until the public comment period is announced for that application. At that point you can use the raise hand feature within Zoom to indicate you would like to speak. When recognized by the council you can turn on your audio and video to address the council and provide testimony.

For your reference, the applicants have proposed a modification of the lease location that the council may consider for approval at the hearing over the original proposed location. The proposed modification is attached for your reference. The original application and public notice can be found on our website here:  
<http://www.crmc.ri.gov/applicationnotices/2020-04-037.pdf>

Please contact me if you have any questions.

Best regards,

Benjamin Goetsch

Coastal Resources Management Council

Aquaculture Coordinator

Oliver Stedman Government Center

4808 Tower Hill Road

Wakefield, RI 02879

401-783-3370

---

**From:** Kenny Mendez [<mailto:kenneth.mendez@gmail.com>]

**Sent:** Saturday, May 8, 2021 7:07 PM

**To:** Lisa Turner <[lturner@crmc.ri.gov](mailto:lturner@crmc.ri.gov)>

**Subject:** Re: CRMC Semimonthly Meeting Notification -- Tuesday, May 11, 2021 -- Bowen, Tiverton

Lisa...thank you for the notification. I'm letting you know per the notice that I'd like to provide comments at the meeting. Is there anything I need to know on process or how to provide comments?

Thanks,

Kenny

Sent from my iPhone

On May 3, 2021, at 6:41 PM, Lisa Turner <[lturner@crmc.ri.gov](mailto:lturner@crmc.ri.gov)> wrote:

Please see attached CRMC Semimonthly Meeting Notification for the Bowen aquaculture application.

Thank you!

*Lisa A. Turner*

Office Manager

Coastal Resources Management Council

Oliver Stedman Government Center

4808 Tower Hill Road; Room 116

Wakefield, RI 02879

401-783-3370



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

<Bowen Semimonthly Meeting Notification 05-11-2021.pdf>



Comments Prepared for CRMC Semimonthly Meeting

May 11, 2021

Bowen Oyster Farm

*File 2020-04-037*

Kenneth Mendez

Tiverton, RI

## Summary of Objection

- Installation of the Oyster Farm in the previous and proposed altered coordinates will result in a significant conflict with recreational fishing.
- Applicant and CRMC have failed to adequately address oyster farm's conflict with recreational fishing.

## Excerpt from Filing:

6. Demonstrate that the alteration will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters and/or the shore:

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

### **Recreational Shellfish Area.**

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

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

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

# Excerpt from Filing

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

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

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

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

## Concerns

- The oyster farm would be located in prime publicly accessible area used by recreational anglers.
- The location is in or in proximity to an easily wadable shallow area.
- There is potential harm and equipment loss for recreational anglers who fish for striped bass at night. The structure could be unseen in the dark and anglers will not be aware of the structure.
- Recreational anglers who are among high users of the area have not been aware of the project and have not been able to provide input.
- Currently closed to shell fishing because of polluted water in Seapowet Creek, the outflow of Seapowet Creek, flows directly into the oyster farm location.



**Bowen Farm**  
Map created by John Bowen  
March 25, 2020

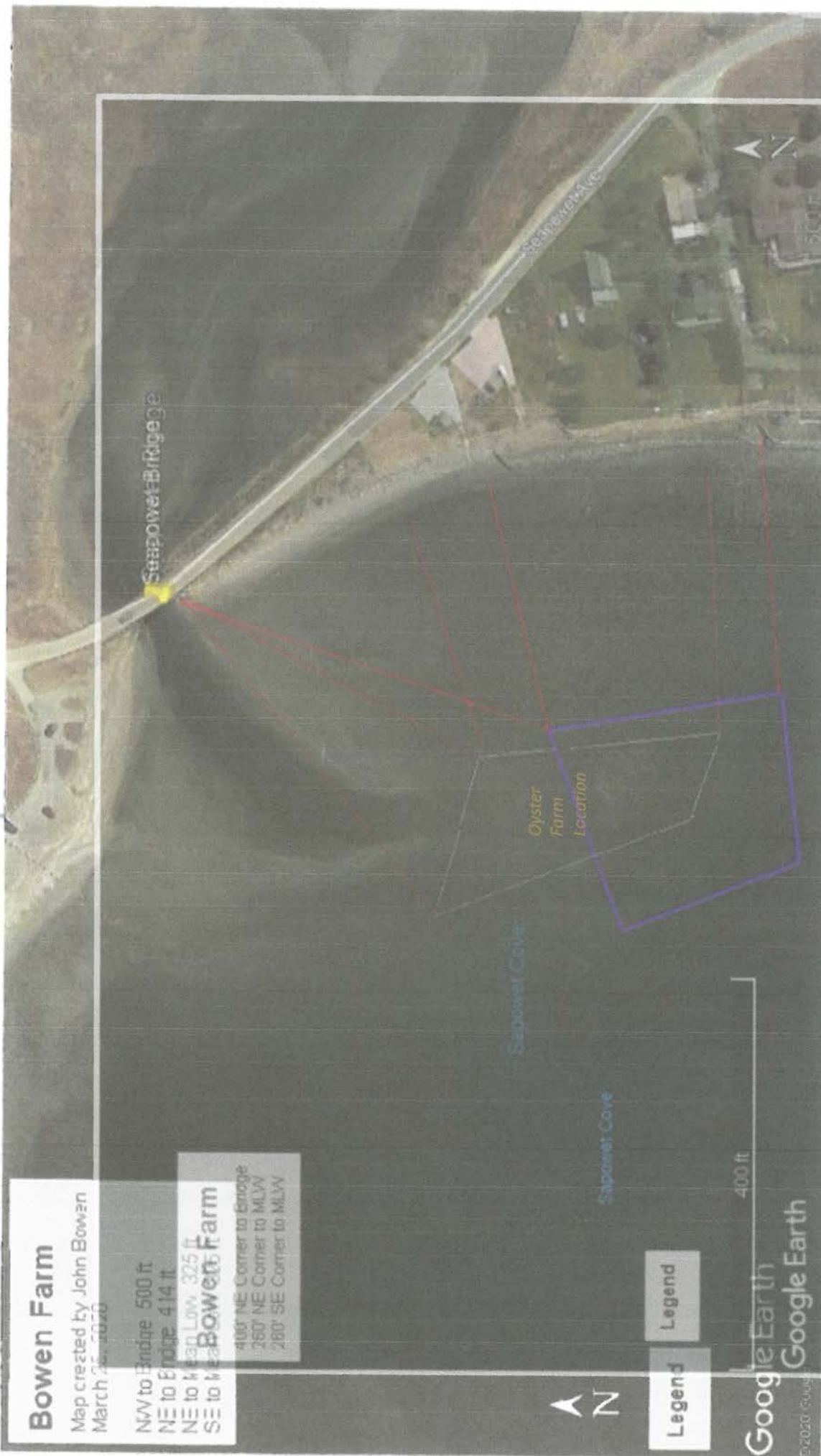
NW to Bridge: 500 ft  
NE to Bridge: 414 ft  
NE to Mean Low: 325 ft  
SE to Mean Low: 325 ft



**Legend**

Google Earth

© 2020 Google



# Bowen Farm

Map created by John Bowen  
March 25, 2020

NW to Bridge 500 ft  
NE to Bridge 414 ft

NE to Mean Low 325 ft  
SE to Mean Low 380 ft

## Bowen Farm

400' NE Corner to Bridge  
260' NE Corner to MLW  
280' SE Corner to MLW

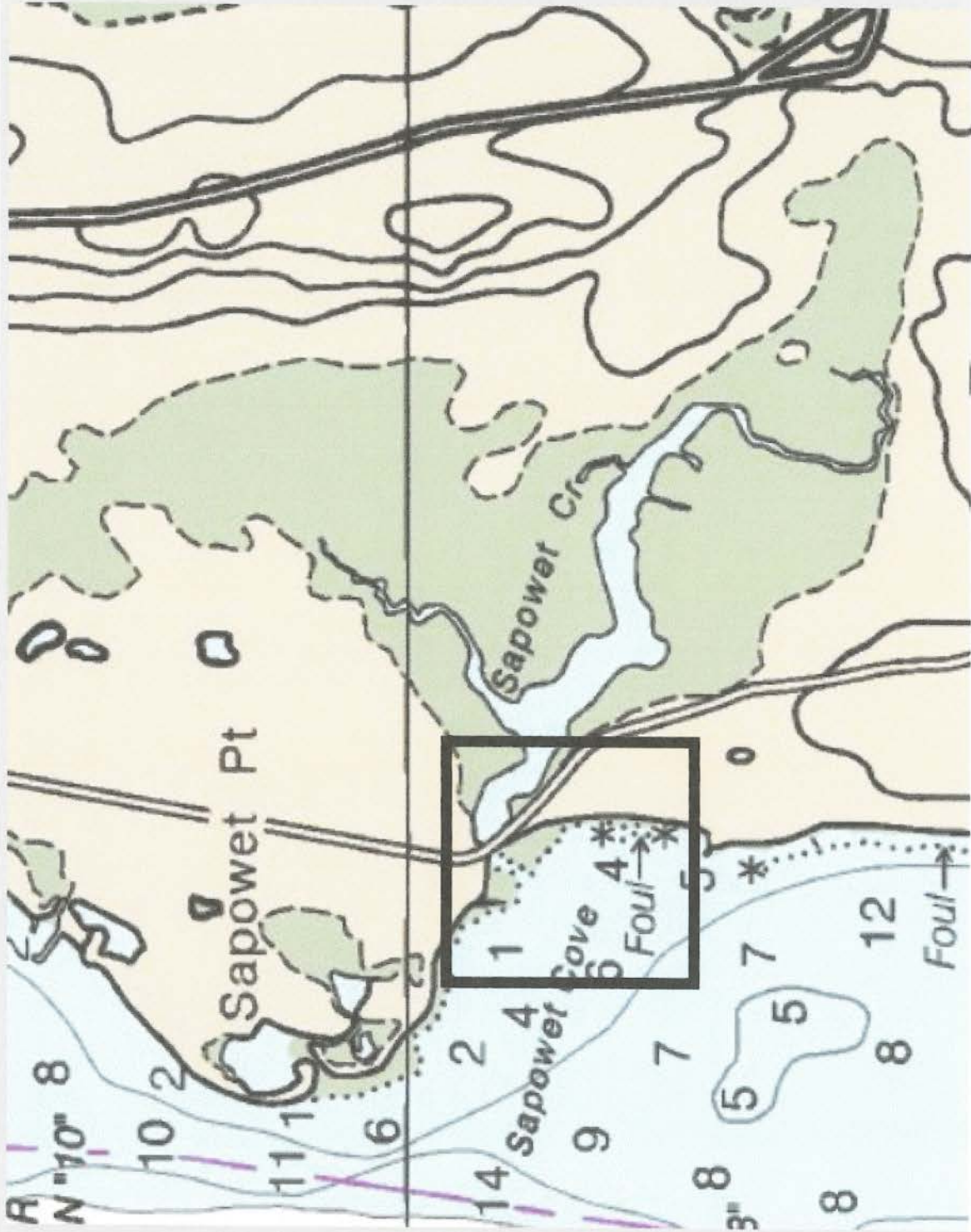
Legend

Legend

400 ft

Google Earth  
Google Earth

© 2020 Google







**Bowen Farm**  
 Map created by John Bowen  
 March 25, 2020

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



Legend

Google Earth

©2020 Google

500 ft



### Bowen Farm

Map created by John Bowen  
March 2006

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

Legend

Easy and generally safe wading

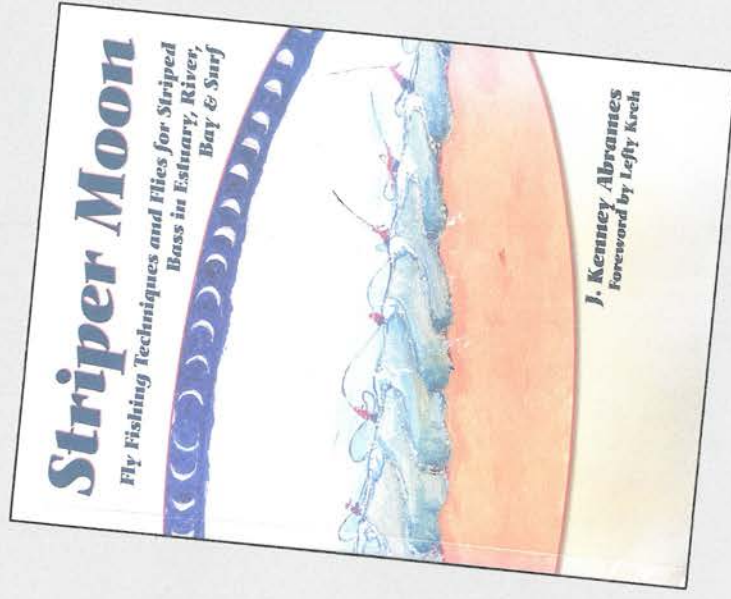
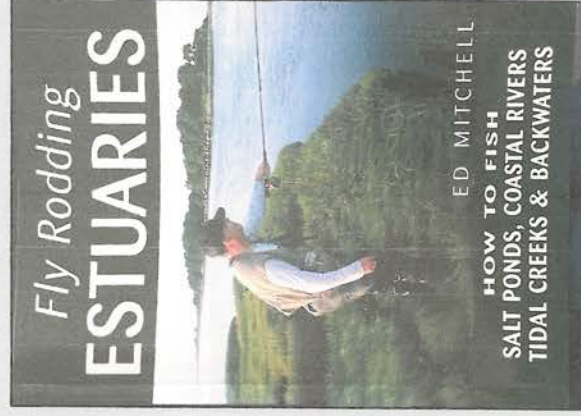
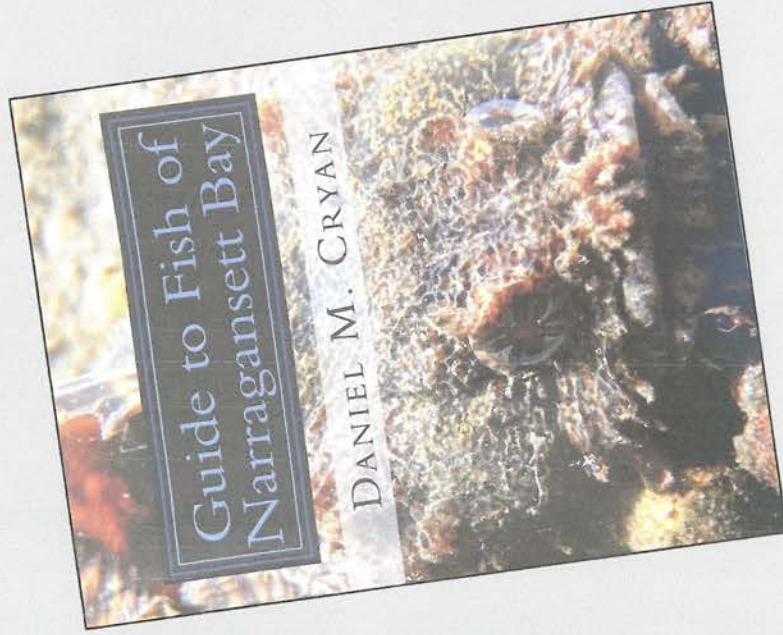
Seapower Bridge

Seapower Drive

et Cove

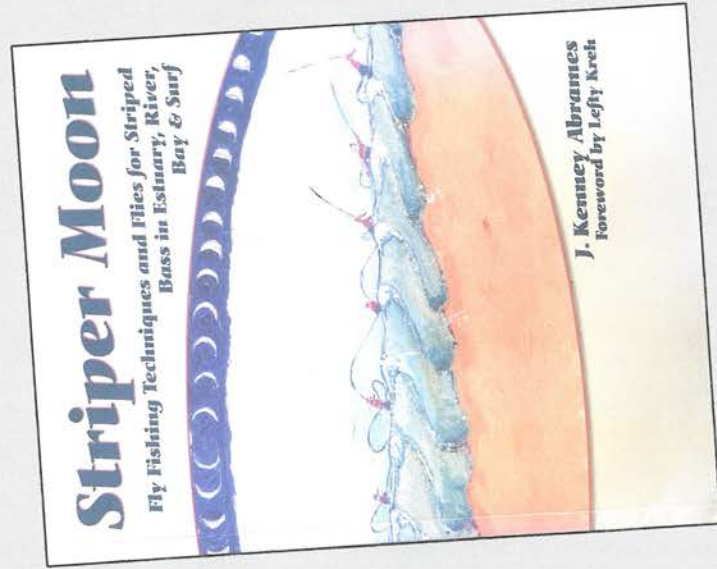


# Documented Prime Recreational Angler Access



# Striper Moon

## Fly Fishing Techniques and Flies for Striped Bass in Estuary, River, Bay & Surf

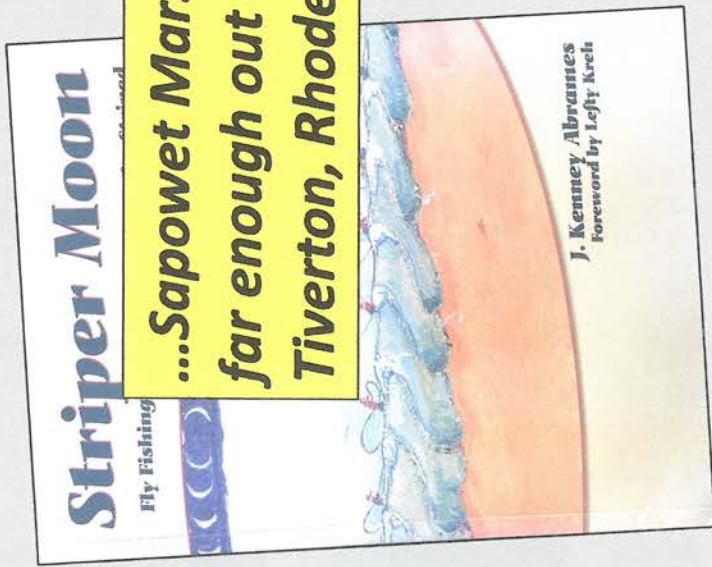


*Looking east into the Sapowet Marsh, a very fertile estuary which is just far enough out of the way to be underfished. Tiverton, Rhode Island.*



# Striper Moon

## Fly Fishing Techniques and Flies for Striped Bass in Estuary, River, Bay & Surf

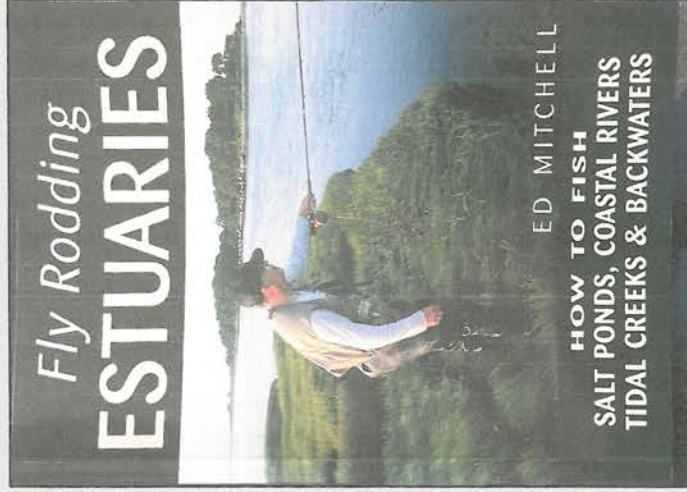


Looking east into the Sapowet Marsh, a very fertile estuary which is just far enough out of the way to be underfished. Tiverton, Rhode Island.

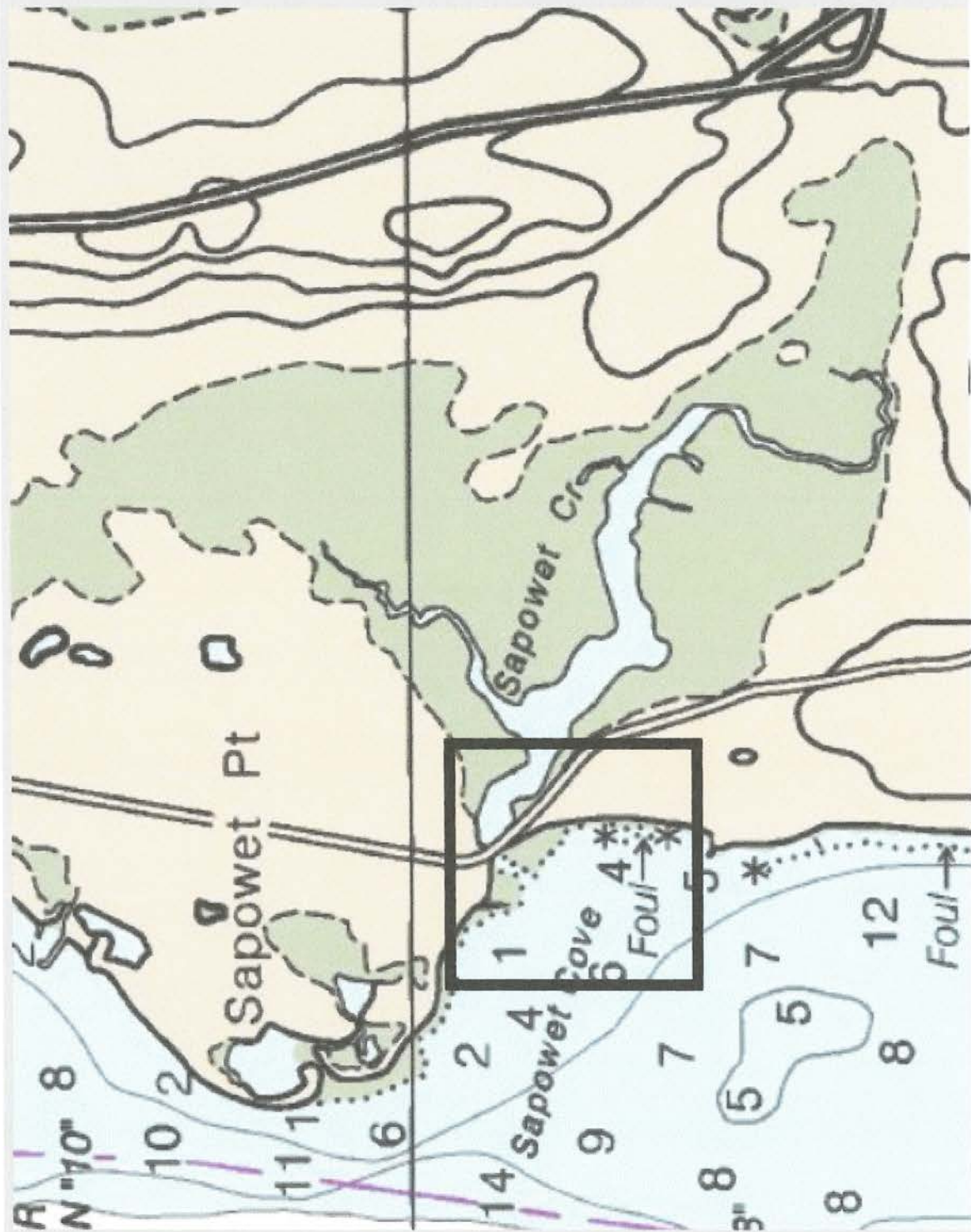
**...Sapowet Marsh, a very fertile estuary which is just far enough out of the way to be underfished. Tiverton, Rhode Island....**



# Fly Rodding Estuaries



*If an extensive shallow sandbar has formed, you can bet that it is well worth investigating, especially during a rising tide...your primary concern is to locate any drop-offs. There should be one at the far outside edge of the bar where it joins deeper water. Watch the waves as they ride up over the flat. They'll break where the bottom first rises. This location is apt to be a red-hot destination...Also be on the lookout for a drop-off along the side of the bar. While the drop-off on the outside edge is usually fairly gradual, this one could be fairly steep, quickly tapering off in deeper water or a hole. Such a drop-off not only holds fish at the low stages of the tide, but also forms a perfect travel lane for fish seeking to approach the mouth as the tide rises. (pg 77)*



# Bowen Farm

Map created by John Bowen  
March 2016

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

1

4

owen Cove

Salt Wet Crops

Oyster Farm Location

Easy and generally safe wading

4

FOUR →



Legend

Google Earth

© 2016 Google

Seawet Bridge

500 ft



# Bowen Farm

Map created by John Bowen  
March 2014

NW to E Bridge 500 ft  
NE to B Bridge 414 ft

## Bowen Farm

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

Easy and generally  
safe wading

Seapower Bridge

Seapower West

Seapower Cove

Legend

Legend

400 ft

Google Earth

©2014 Google

*Watch the waves as they ride up over the flat. They'll break where the bottom first rises. This location is apt to be a red-hot destination...Also be on the lookout for a drop-off along the side of the bar.*





# Bowen Farm

Map created by John Bowen  
March 26, 2020

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

← 250 ft Angler Casting Range



Legend

Google Earth

© 2020 Google

# Bowen Farm

Map created by John Bowan  
March 25, 2020

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

250 ft Angler Casting Range

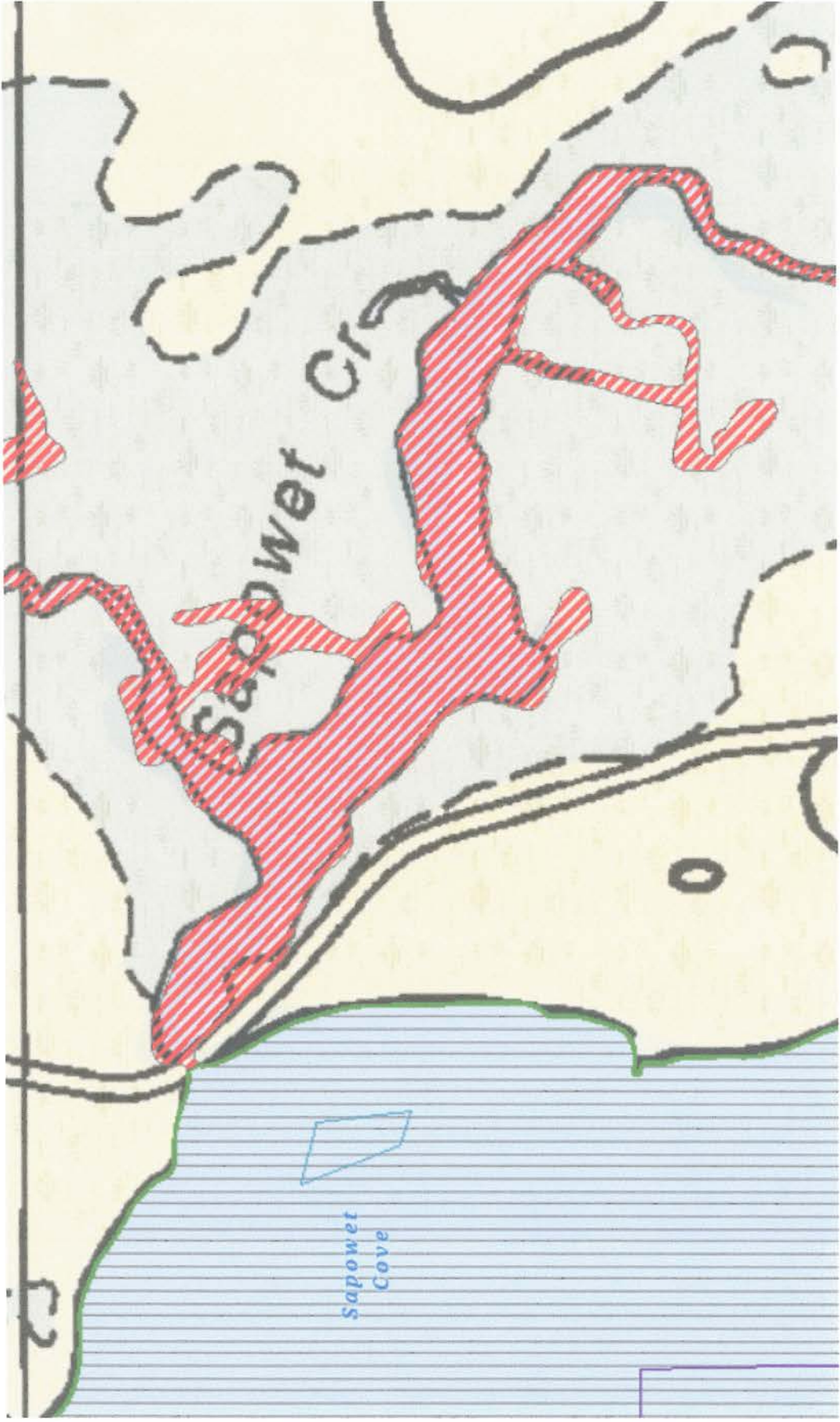


Legend

Google Earth

©2020 Google





# Summary and Conclusions

- The CRMC should not allow this project to be placed in a prime recreational fishing area. It will restrict fishing access and could be potentially dangerous to anglers who fish at night.
- Recreational angling interests must be prioritized in this decision. Recreational anglers contribute \$412mm to Rhode Island economy and over 4,000 jobs.
- “In the New England states, a high percentage of salt marshes have been lost to development...there are far fewer in Connecticut and Rhode island....” Ed Mitchell, **Fly Rodding Estuaries.**
- “ ...Sport fishing is an industry and a key aspect of our economy and way of life in the Ocean State. It shows that we should invest in its future and safeguard our fisheries.” ***Rhode Island Saltwater Anglers***
- The outflow of Seapowet Creek has polluted water that flows into the oyster farm location.
- Moving the oyster farm to another location, away from recreational fishing and potentially polluted water, is the safest alternative.

**Lisa Turner**

---

**From:** Benjamin Goetsch <bgoetsch@crmc.ri.gov>  
**Sent:** Thursday, June 10, 2021 2:14 PM  
**To:** 'Lisa Turner'  
**Subject:** FW: Bowen Assent Application  
**Attachments:** Bowen Assent APP Alternate 1.jpg; Bowen Assent APP Alternate 2.jpg; Bowen Assent App Overlay.jpg

**From:** Benjamin Goetsch [mailto:bgoetsch@crmc.ri.gov]  
**Sent:** Tuesday, May 11, 2021 10:41 AM  
**To:** 'Kenny Mendez' <kenneth.mendez@gmail.com>  
**Cc:** 'peter@saltwateredge.com' <peter@saltwateredge.com>  
**Subject:** FW: Bowen Assent Application

Hello Kenny,

FYI, I have spoken at length with the applicants and they have tried to adapt the proposal again based on your specific concerns. Please see another rework of the Bowen site attached and below. The Overlay jpg shows all the previous versions and this newest one is in green, the other two jpg's are comparisons of the original to the two alternatives 1 and 2 that have been developed. This newest (Alternative 2) is further south and east than all other versions and should allow for more room for the type of fishing we discussed yesterday.

Let me know what you think or we can discuss at the meeting.

Best regards,

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

**Sent:** Tuesday, May 11, 2021 10:15 AM  
**To:** Benjamin Goetsch <bgoetsch@crmc.ri.gov>  
**Subject:** Bowen Assent Application

Hello, Ben. At the risk of confusion, I am sending along another set of coordinates for the Seapowet site, referenced as "Bowen Alternate 2", in the event the Council wishes to consider it as an option during the hearing. I have included three photos below:

1. Bowen Assent Application Site with Bowen Alternate 1.
2. Bowen Assent Application Site with Bowen Alternate 2.
3. Bowen Assent Application Site showing both Alternates.

Bowen Alternate Site 2 is shown in Green.

**Bowen Alternate 2 Coordinates:**

NE: 41.580756°; -71.209160° - Moved ESE 125 from from Assent Application Coordinates

SE: 41.580147°; -71.209010° - Moved ESE135 feet from Assent Application Coordinates

NW: 41.580510°; -71.209937° - Moved SE 200 feet from Assent Application Coordinates

SW: 41.580126°; -71.209859° - Moved E 5 feet from Assent Application Coordinates

**Bowen Alternate 2 Setbacks:**

NW is 560 feet to the parking lot, 565 from Seapowet Bridge

NE is 230 feet from shore

SE is 220 feet from shore

The average water depths are very similar to coordinates in our plan. Please let me know if you have any questions.

Sincerely,

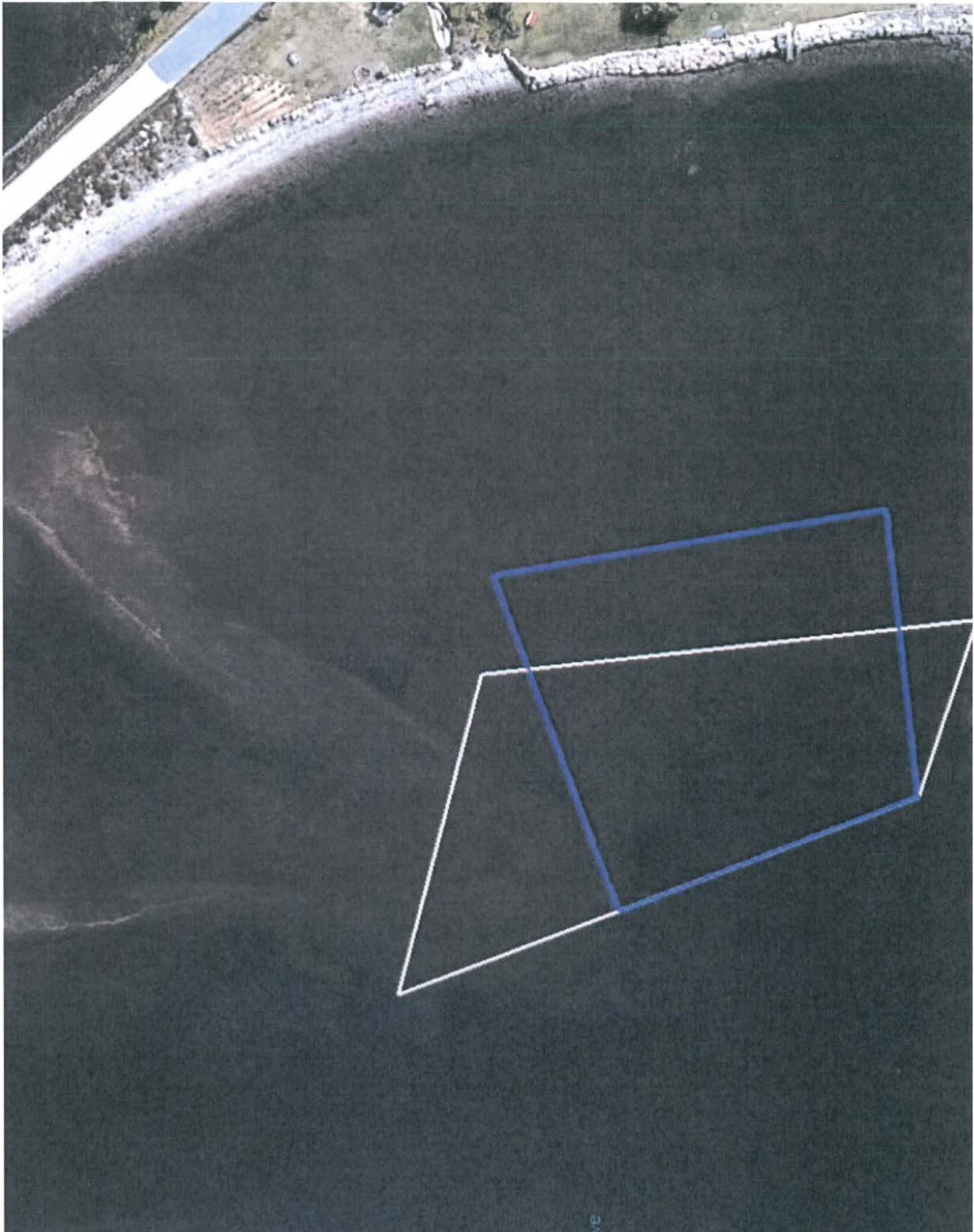
John and Patrick Bowen

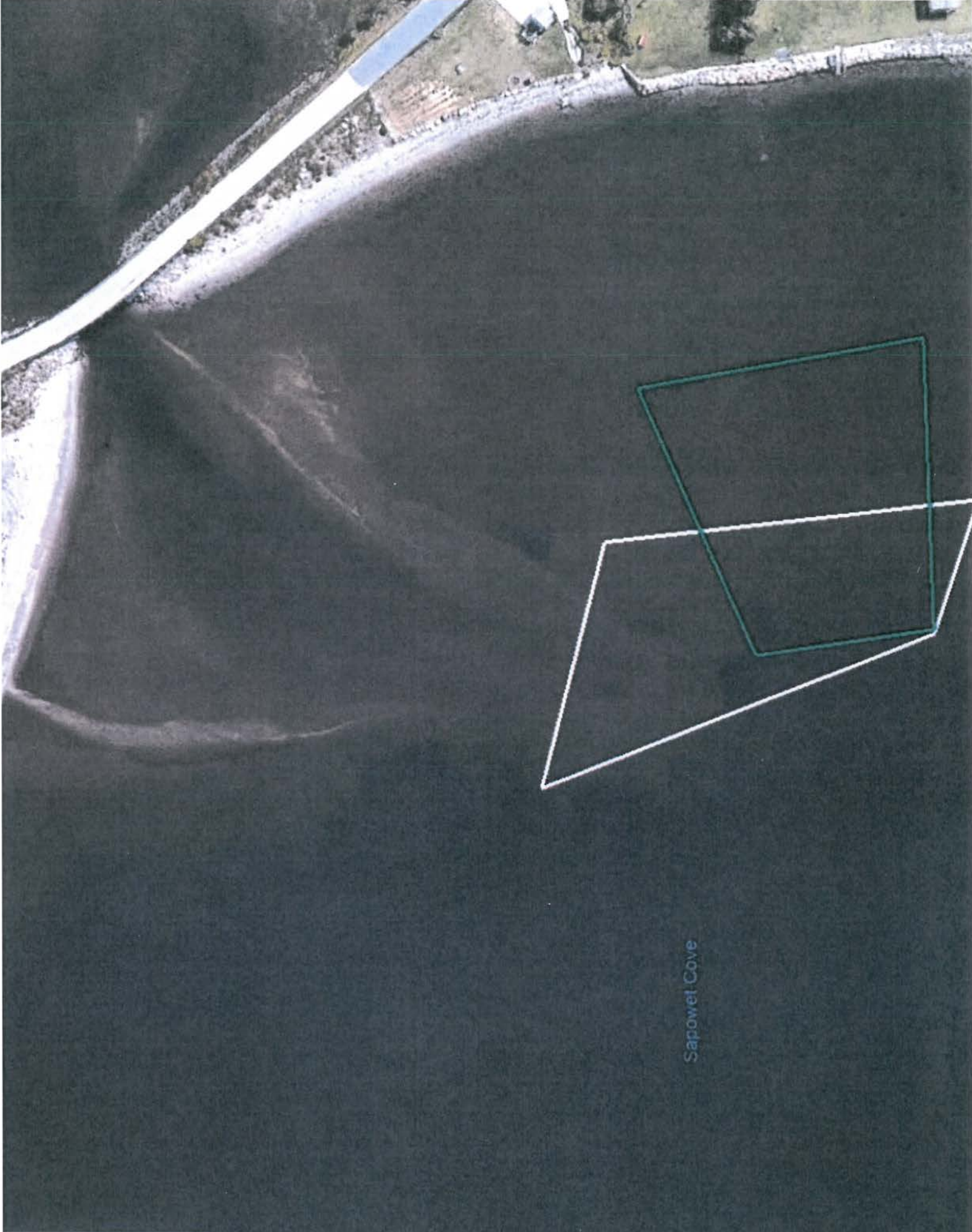


This email has been checked for viruses by AVG antivirus software.

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Sapowet Cove



Sapowet Cove

**Benjamin Goetsch**

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**From:** Benjamin Goetsch <bgoetsch@crmc.ri.gov>  
**Sent:** Thursday, May 13, 2021 3:59 PM  
**To:** 'Kenny Mendez'  
**Subject:** RE: thank you and follow up

Hi Kenny,

For your reference, a visual outline of the aquaculture review process can be found here:  
[http://www.crmc.ri.gov/aquaculture/Aquaculture\\_Process.pdf](http://www.crmc.ri.gov/aquaculture/Aquaculture_Process.pdf)

The MFC meeting was held back in Nov of 2020, minutes and agendas can be found on the Secretary of State website:  
<https://opengov.sos.ri.gov/OpenMeetingsPublic/OpenMeetingDashboard?subtopmenuId=201&EntityID=1877&MeetingID=990938>

There is no need for a reapplication in this instance. The MFC recommendation is advisory to CRMC process and applications are only submitted to the CRMC which coordinates the review with all cooperating agencies and advisory bodies as outlined in the diagram above. The MFC will review aquaculture applications upon notification and request by CRMC and they will schedule the review at one of their meetings on an ad hoc basis. Usually the review happens at their subcommittee, the Shellfish Advisory Panel (SAP). Recommendations made by the SAP can be appealed to the full MFC for final opinion. Otherwise the SAP opinion is incorporated as the final MFC recommendation and is communicated by the MFC Chair to CRMC. The procedures and policies governing this process can be found here:  
<http://www.dem.ri.gov/programs/bnatres/fishwild/mfapmtng/RIMFCPolPro.pdf>

Procedurally, there is no requirement that the Harbor Commission review the application at any stage other than the Preliminary Determination though all are welcome to comment during the 30 day notice period. That said, the applicants have voluntarily worked with the commission to identify and accommodate the concerns the commission expressed in comments received during the 30 day public notice. The modifications to this site location have all been made with these concerns in mind, i.e. the location of the southern boundary remains the same in relation to nearby moorings. The location of those moorings in relation to the lease was the issue that was resolved at the last meeting when the commission voted to remove their objection. I would not endorse a modification that moves the lease any closer to those moorings.

Once the MFC has provided their recommendation, the application can be brought back to the CRMC for public hearing. You will be notified of that meeting when it is scheduled as you were before via email.

As a matter of practice and policy, CRMC encourages applicants and any objectors of record to work toward a mutually agreeable solution if at all possible. I have asked the applicants if they would be willing to meet as well. Please feel free to point me in the direction of who you feel is the most appropriate person or persons to represent your and your group's interests.

Let me know if you have any other questions.

Best regards,

Benjamin Goetsch  
Coastal Resources Management Council  
Aquaculture Coordinator  
Oliver Stedman Government Center

4808 Tower Hill Road  
Wakefield, RI 02879  
401-783-3370

**m:** Kenny Mendez [mailto:kenneth.mendez@gmail.com]

**Sent:** Thursday, May 13, 2021 1:14 PM

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

**Subject:** Re: thank you and follow up

Ben,

Thanks for your note. I appreciate your offer to arrange a meeting with the applicants. I don't speak for the broader group so I'm not sure that would be appropriate for me to meet with them. I'm more interested in following the specific application process and then the general conceptual issue of aquaculture vs recreational fishing. I am in communication with RISAA leadership on the SAMP and will provide feedback directly to them. A few follow up questions:

- There was discussion at the CRMC meeting this week about the MFC inability to reach a recommendation on the Bowen project. I visited the MFC website but could not find a link to the meeting date when the discussions were held. Could you provide a link, the date of the meeting, or a copy of the publicly available materials?
- For the reapplication process for the Bowen project, will they need to reapply through MFC first and then to CRMC? How do we track the reapplication process at this stage?
- Per some of the discussion at the CRMC meeting this week, will the project need to be re-submitted to the Tiverton Harbor Commission given that it is a change in location?

Thanks again,

Kenny

On Wed, May 12, 2021 at 2:15 PM Benjamin Goetsch <bgoetsch@crmc.ri.gov> wrote:

Greetings Kenny,

As the CRMC council indicated last night, if the applicants choose to move forward the next step will be to bring the application and any modifications back for review at the RI Marine Fisheries Council. That body is managed in coordination with DEM (not CRMC) and notice of any future meeting and agenda item will come from the DEM Division of Marine Fisheries. The MFC meetings are open and offer the opportunity for public comment. Once the applicants have the MFC recommendation they can return to the CRMC for a hearing on the application, if they choose to do so.

Recreational fishing interests are currently being represented by RISAA at the SAMP working group level. I have already had scoping sessions with RISAA leadership regarding the SAMP and they have assigned a few of their members to the group. That group's first meeting is on June 2, 2021. The working group is where the draft plan will be developed over what I suspect will be several meetings spanning many months and many topics beyond fishing will also be covered. I

suggest talking with RISSA leadership if you would like to participate in the working group as one of their representatives. Beyond the working group, and after we have a draft plan, there will be open public meetings where wider participation and comments will be solicited and welcomed as part of the public review process.

Let me know if you have any other questions. If you would like to talk to the applicants and try to work out a solution I can attempt to arrange such a meeting. Let me know if this is something you and your group would be interested in.

Best regards,

Benjamin Goetsch

Coastal Resources Management Council

Aquaculture Coordinator

Oliver Stedman Government Center

4808 Tower Hill Road

Wakefield, RI 02879

401-783-3370

**From:** Kenny Mendez [mailto:[kenneth.mendez@gmail.com](mailto:kenneth.mendez@gmail.com)]

**Sent:** Wednesday, May 12, 2021 11:35 AM

**To:** Benjamin Goetsch <[bgoetsch@crmc.ri.gov](mailto:bgoetsch@crmc.ri.gov)>

**Subject:** thank you and follow up

Ben...I appreciate your transparency and willingness to express views of a recreational fisherman. While you mentioned me specifically, there are many others like me, a few of whom were willing to express their views during the public session yesterday. I'd welcome the chance to talk about next steps and maybe find a way to show you around the site from an angler's perspective. I'm also wondering about next steps. I sent in my comment letter about a year ago but really heard nothing back from CRMC until the notice of yesterday's meeting.

My perception from hearing the timeline of events is that you inherited a bit of a mess given staff turnover at CRMC along with a break in normal operations given COVID. I also look forward to the chance of becoming more engaged in the parallel process of assessing expansion of aquaculture in coastal waters.

Happy to set up a time to talk when convenient for you.

All the best,

Kenny



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**Benjamin Goetsch**

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**From:** Kenny Mendez <kenneth.mendez@gmail.com>  
**Sent:** Thursday, June 3, 2021 3:59 PM  
**To:** Benjamin Goetsch  
**Subject:** Proposed Tiverton oyster farm CRMC file #2020-04-037  
**Attachments:** oyster farm CRMC File 2020-04-037.pdf

Ben...for your files, please see my attached letter to the RIMFC. You already have the PowerPoint attachment.

---

Thank you,

Kenny Mendez  
703-304-1488



123 Long Pasture Way  
Tiverton, RI 02878  
June 3, 2021

Shellfish Advisory Panel  
Rhode Island Marine Fisheries Council  
3 Ft. Wetherill Rd.  
Jamestown, RI 02835

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To the members of the Shellfish Advisory Panel:

I am writing to request that the MFC reject the placement of a proposed oyster farm (CRMC File Number 2020-04-037) in recreational fishing waters outside of the Seapowet Marsh in Tiverton. The farm will impede fishing access for a public DEM recreational fishing area regularly used by shore anglers and anglers who wade into the waters where the farm will be placed. Wade fishing anglers can also cast into the proposed area of the oyster farm. At its May 11, 2021 public meeting, the CRMC declined to render a decision on the project because it had not received a recommendation from the MFC. CRMC staff noted at the public hearing that the MFC reviewed the project at a November 2020 MFC meeting but was unable to make a recommendation. My hope is that this letter will provide my perspective from a recreational angler who regularly uses the area and has a home on the marsh.

The shallow depth, wadable waters, and marsh outflow make this area a treasure for the recreational angler who fishes from shore. A regular group of other anglers and I, fish this off-the-beaten path area from April through November. Striped bass are nocturnal feeders and those of us who are dedicated to fishing for striped bass do so at night. This an ideal spot to wade fish safely at night. The outflow of the marsh attracts schools of striped bass, blue fish, and many other species of fish. (The shallow area is also a regular fishing area for osprey which can be seen actively working the area during lower or falling tides. During early morning, I often find myself fishing the area with osprey overhead. They will hover, scan, dive, and pull fish directly from the area where the farm will be placed.)

I am attaching a PowerPoint presentation which shows an aerial view of the placement of the farm and the overlapping range where an angler would cast. I shared this presentation with CRMC staff and portions were shared with CRMC Council Members at the May 11 public. One solution would be to move the farm to deeper waters or further south from its current location where it will be completely out of fishing (casting) range for an angler who is wading in the area.

I am against placement of oyster farms that restrict public use of a recreational area. Allowing placement of this farm in this area would seem that commercial interests of a few outweigh the recreational interests of the many. According to Rhode Island Saltwater Anglers, saltwater recreational fishing generates a total economic impact of \$412mm for the Rhode Island economy. Recreational fishing for species found in the location of the proposed oyster farm is something that Rhode Island has as a natural resource. The area is next to a public parking area established by the DEM intended to facilitate recreational use of the area. This area is off-the-beaten path and because of its proximity to a

state recreational area, has no specific community advocates to provide input on behalf of recreational users of the area. I have met a number of anglers who have travelled from out of state to fish this area. I urge the MFC to recommend against placing the oyster farm in this area that is so valuable to the recreational angler. As a recreational user of this area and a Tiverton homeowner, I appreciate the MFC considering my perspective and what might be a similar perspective of others like me. I hope the MFC sees the wisdom of preserving and protecting this area for the recreational saltwater angler now and for the future.

Sincerely,



Kenneth Mendez

cc: Jennifer R. Cervenka, Chair, Coastal Resources Management Council  
Steve Medeiros, President, Rhode Island Saltwater Anglers  
Peter Jenkins, Owner, The Saltwater Edge  
Bruce H. Cox, Chair, Tiverton Harbor & Coastal Waters Management Commission  
Charles E. Lawrence, Member, Tiverton Harbor & Coastal Waters Management Commission  
Benjamin Goetsch, Aquaculture Coordinator, Coastal Resources Management Council

attachments

**Benjamin Goetsch**

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**From:** Sean Bowen <seanbow@yahoo.com>  
**Sent:** Monday, June 7, 2021 8:02 AM  
**To:** Ballou Robert (DEM)  
**Cc:** Benjamin Goetsch; Pat and Claire Bowen  
**Subject:** Bowen Aquaculture Application  
**Attachments:** Email to Peter Jenkins.pdf; Email to RISAA.pdf

Dear Mr. Ballou,

Attached, please find copies of email correspondence which was sent to Steven Medieros and Richard Hittinger of the Rhode Island Saltwater Anglers Association, and a separate, earlier email sent to Peter Jenkins, owner of Saltwater Edge tackle shop in Middletown, and also representing the Rhode Island Saltwater Anglers Association. These emails were sent when we were made aware that they had expressed concern regarding our application for an oyster farm in the Sakonnet River, and were an attempt to reach out to the association to discuss their concerns. We have not received a response to either email.

We wanted the Marine Fisheries Council to have these documents as part of the record for tonight's meeting.

Kind regards,

John and Patrick Bowen  
Little Compton  
401-635-0294

## Tiverton Oyster Farm

---

From: Pat (bowen\_co@cox.net)  
To: peter@saltwateredge.com  
Cc: seanbow@yahoo.com; malcolmbow1@gmail.com  
Date: Friday, May 21, 2021, 10:50 PM EDT

---

Hello Peter,

My son, Malcolm told me he stopped by to see you at the store yesterday. Thank you for taking the time to listen and speak with him.

My brother Sean and I first applied for an oyster farm in the Sakonnet River, adjacent to Seapowet Creek in Tiverton in December of 2019. We have made several revisions to our application since that time, in response to input from multiple stakeholders. We have had five public hearings with both local and state agencies. The RI Divisions of Marine Fisheries and Fish and Wildlife have endorsed our proposal. The US Army Corps of Engineers has issued a permit for the site. Most recently, the Tiverton Harbor and Coastal Waters Management Commission voted unanimously, (6-0) to recommend approval of this site.

We have become aware of concerns which the RI Saltwater Anglers Association has recently raised regarding our proposed oyster farm. We would like to address any such concerns directly and assure the membership that we are in fact, pro recreational fishing. We grew up surfcasting on the shores of Tiverton and Little Compton and cherish the rights and traditions to the shore and the fishery. Malcolm is the fifth generation in his family to live and fish the Sakonnet area. We have designed our farm to be entirely sub-tidal. At low tide, the only elements which will be visible will be the corner, marker bouys. Our gear design is intended to accommodate recreational uses in the area, from kayaking to fishing. We believe, and studies have shown that our type of oyster gear will substantively enhance fish habitat by providing structure and will improve recreational fishing in the area.

We welcome any opportunity to meet with you to show you the site and to answer any questions you may have. Please do not hesitate to contact me to arrange a time. Please find attached, a copy of our application and a recent informational video from the Nature Conservancy about the benefits of oyster farms.

Kind regards,

Patrick Bowen  
617-719-7842

<https://youtu.be/ACKugHO7xG4>



Bowen Farm Modified 11-9-20.pdf  
1.3MB

## Tiverton Oyster Farm

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From: Pat (bowen\_co@cox.net)  
To: steve@risaa.org; hitting@risaa.org  
Cc: bgoetsch@crmc.ri.gov; seanbow@yahoo.com  
Date: Thursday, June 3, 2021, 05:44 PM EDT

---

Hello Steven and Richard,

My brother, Sean and I spoke with Peter Jenkins at Salt Water Edge today about our proposed oyster farm in the Sakonnet River.

We first applied for this oyster farm in the Sakonnet River, adjacent to Seapowet Creek in Tiverton in December of 2019. We have made several revisions to our application since that time, in response to input from multiple stakeholders. We have had five public hearings with both local and state agencies. The RI Divisions of Marine Fisheries and Fish and Wildlife have endorsed our proposal. The US Army Corps of Engineers has issued a permit for the site. Most recently, the Tiverton Harbor and Coastal Waters Management Commission voted unanimously,(6-0) to recommend approval of this site.

We have become aware of concerns which the RI Saltwater Anglers Association has recently raised regarding our proposed oyster farm. We would like to address any such concerns directly and assure the membership that we are in fact, pro recreational fishing. We grew up surfcasting on the shores of Tiverton and Little Compton and cherish the rights and traditions to the shore and the fishery.

We have designed our farm to be entirely sub-tidal. At low tide, the only elements which will be visible will be the corner, marker bouys. Our gear design is intended to accommodate recreational uses in the area, from kayaking to fishing. We believe, and studies have shown that our type of oyster gear has the effect of an artificial reef and will substantively enhance fish habitat by providing structure, improving recreational fishing in the area. Our proposed farm area is less than one acre and our gear, at full capacity will cover less than four percent of the bottom area.

We welcome any opportunity to meet with you to show you the site and to answer any questions you may have. Please do not hesitate to contact me to arrange a time. Please find attached, a copy of our application and a recent informational video from the Nature Conservancy about the benefits of oyster farms.

Kind regards,

Patrick Bowen  
617-719-7842

<https://youtu.be/ACKugHO7xG4>



Bowen Farm Modified 11-9-20.pdf  
1.3MB

**Benjamin Goetsch**

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**From:** Benjamin Goetsch <bgoetsch@crmc.ri.gov>  
**Sent:** Thursday, June 10, 2021 1:12 PM  
**To:** 'Kenny Mendez'  
**Subject:** RE: follow up

Thanks for the clarification Kenny,

I have forwarded your message to the Bowens and I will see if they are still willing to meet. Before the MFC meeting, the applicants also reached out to the RISAA leadership and Mr. Jenkins about discussing the application but they received no responses from them.

I would be hesitant to schedule a meeting with the parties at this point unless there was a clear sign from both that they are willing to enter into negotiations in good faith and a mutually agreeable solution was close at hand. The applicants have already attempted to provide a modification that addresses some of the issues you raise but your response was the ultimatum that there is no good place for this farm in this area. Has your position changed in this regard? If not, I do not think a meeting would be fruitful in finding a compromise solution and the appropriate forum for the debate of the issues is before the full CRMC Council.

Also you state you are "someone who lives in Tiverton". Public records from that town indicate you have owned property on Long Pasture Way since 2018 but are a resident of Arlington, VA. For clarification of the record, is your legal residence in VA or RI?

I will let you know how the Bowens respond.

Best regards,

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

**From:** Kenny Mendez [mailto:kenneth.mendez@gmail.com]  
**Sent:** Wednesday, June 9, 2021 3:02 PM  
**To:** Benjamin Goetsch <bgoetsch@crmc.ri.gov>  
**Subject:** follow up

Ben...hope you're doing well. I want to clarify our exchange about my willingness to meet with the Bowens. I'm happy to do so but I do not speak for the RISSA board. My concerns are as someone who lives in Tiverton, a recreational angler who uses the area, and the process of notification for projects like these. If you and the Bowen's would like to meet on site, next week would be good for me after work any day except for Friday. I can see if I can get a few of the regulars who fish the area to meet us, too.

Thanks,

Kenny

**Benjamin Goetsch**

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**From:** Benjamin Goetsch <bgoetsch@crmc.ri.gov>  
**Sent:** Wednesday, June 16, 2021 8:30 PM  
**To:** 'Jeff Willis'  
**Cc:** 'Lisa Turner'  
**Subject:** FW: Marine Fisheries Council Meeting

**From:** Sean Bowen [mailto:seanbow@yahoo.com]  
**Sent:** Wednesday, June 16, 2021 8:21 PM  
**To:** Benjamin Goetsch <bgoetsch@crmc.ri.gov>  
**Subject:** Re: Marine Fisheries Council Meeting

Hello, Ben. As we discussed by telephone in advance of the Marine Fisheries Council Meeting on June 7, Patrick and I DO NOT wish to have the site we referred to as "Alternate 2" considered as part of our application. The site we wish to be considered by CRMC is "Alternate 1", which was recommended for approval unanimously by the Tiverton Harbor Commission as well as the Marine Fisheries Council.

Thank you for your assistance,

John and Patrick Bowen

On Friday, May 28, 2021, 10:10:19 AM EDT, Benjamin Goetsch <[bgoetsch@crmc.ri.gov](mailto:bgoetsch@crmc.ri.gov)> wrote:

Hi Sean,

Looks like they are trying to schedule for June 7<sup>th</sup> right now, have not received confirmation yet but will let you know as soon as I hear something.

Benjamin Goetsch

Coastal Resources Management Council

Aquaculture Coordinator

Oliver Stedman Government Center



4808 Tower Hill Road

Wakefield, RI 02879

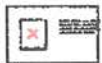
401-783-3370

**From:** Sean Bowen [<mailto:seanbow@yahoo.com>]  
**Sent:** Friday, May 28, 2021 9:50 AM  
**To:** Benjamin Goetsch <[bgoetsch@crmc.ri.gov](mailto:bgoetsch@crmc.ri.gov)>  
**Cc:** Pat and Claire Bowen <[bowen\\_co@cox.net](mailto:bowen_co@cox.net)>  
**Subject:** Marine Fisheries Council Meeting

Hi Ben - checking in regarding the Marine Fisheries Council meeting next week. Has the date and time been confirmed?

Thank you,

Sean and Patrick Bowen



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## Benjamin Goetsch

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**From:** Benjamin Goetsch <bgoetsch@crmc.ri.gov>  
**Sent:** Monday, August 2, 2021 4:00 PM  
**To:** 'Steve Medeiros'; 'Rich Hittinger, FAB'  
**Cc:** 'RISAA Board of Directors'  
**Subject:** RE: Bowen Application/Sepowet from RISAA  
**Attachments:** Bowen PD meeting email 2019-12-023.pdf; Bowen PN emails 2020-04-037.pdf

Dear Steve, Rich, and RISAA Board Members,

I just wanted to reach out regarding your recent issue of the Saltwater Anglers. I understand that your board voted to object to current CRMC procedures regarding aquaculture operations particularly with the Bowen application in Tiverton and will be sending a letter to CRMC and other media outlets.

I just want to bring to you attention that this application was sent to RISSA via Steve and Rich at the PD level in Feb 2020 and then again with the 30 day public notice on April 17, 2020 . The application was also sent again on May 1, 2020 when the alternate site was re-noticed to the group list. Please see attached correspondence.

Please let me know if there are better contacts at RISSA for noticing applications and soliciting comments and feedback. CRMC did not receive any comment from RISSA on this application until May 10, 2021, see email below. CRMC has worked with RISSA historically on aquaculture applications and considers the group's feedback a valuable part of the review process. Likewise CRMC would like to get that feedback as early on I the process as possible. I would be happy to meet with RISSA to discuss improvements CRMC can make in communications with the RISSA Board and membership.

Likewise, in an effort to streamline the notification process, CRMC has developed a RI Aquaculture Listserve which can be found on our website. Some of you have already be automatically subscribed by virtue of being on another list, like the Bay SMAP working group. If anyone else in your organization would like to join the list the link can be found on our website homepage ([www.crmc.ri.gov](http://www.crmc.ri.gov)) and subscribed to by clicking on the green banner button, "Join our Aquaculture Listserve", and following the instructions on the Listserve webpage.

As I mentioned above, I would happy to meet to discuss more. Please let me know if you would like to set something up.

Best regards,

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

---

**From:** Steve Medeiros [mailto:stevem@risaa.org]  
**Sent:** Monday, May 10, 2021 2:14 PM  
**To:** Goetsch <bgoetsch@crmc.ri.gov>

Cc: RISAA Board of Directors <RISAA-BOD@groups.io>; Jenkins, Peter <peter.jenkins22@gmail.com>; Kenny Mendez <kenneth.mendez@gmail.com>

Subject: Bowen Application/Sepowet from RISAA

From: **Ben Goetsch** <[bgoetsch@crmc.ri.gov](mailto:bgoetsch@crmc.ri.gov)>

Date: Mon, May 10, 2021 at 1:54 PM

Subject: Re: Document1

To: Kenny Mendez <[kenneth.mendez@gmail.com](mailto:kenneth.mendez@gmail.com)>

Thanks Ken,

CRMC did not receive any comments from the association. Can you provide me with the meeting minutes for my reference.

Benjamin Goetsch  
Coastal Resources Management Council  
Aquaculture Coordinator  
Oliver Stedman Government Center

Ben,  
Please accept my apology for the scattered response from RISAA on the Bowen/Sepowet application. For the past 20 years, the RISAA Board of Directors has reviewed every aquaculture application that was filed, and has very rarely objected.

Unfortunate circumstances has occurred over the past few months that consumed our full attention on several major marine fisheries issues that began in December and consumed all of our time. We also received the Bowen application (revised), but it fell through the cracks. It came to our attention again last week after receiving messages from our members and Fly Fishing Committee asking us to please object to the application. Again the RISAA Board reviewed it and unanimously voted (via email) to object. It is on the agenda for our April 18 Board meeting when we will again vote and get it into the formal minutes.

The Board then requested that Peter Jenkins, our Public Access Chairman, attend the hearing and speak on behalf of the RISAA Board citing our unanimous objection.

I hope this message will assure you that we have in fact voted to OPPOSE the Bowen application.

Respectfully,

--

Stephen Medeiros, Executive Director  
Rhode Island Saltwater Anglers Association  
P.O. Box 1465, Coventry, RI 02816  
office: 401-826-2121  
<http://www.risaa.org>

On May 10, 2021, at 1:51 PM, Kenny Mendez <[kenneth.mendez@gmail.com](mailto:kenneth.mendez@gmail.com)> wrote:

Ben...thanks for taking the time this morning. I just got off the phone with Steve Medeiros, CEO at RISAA and he let me know that they formally voted to oppose the project. This confirms my perspective that there's no good place to locate the farm. From what I understand RISAA rarely opposes projects like this. When you and I talked, it didn't sound like you were aware of this. Because of COVID, things may have gotten lost in the shuffle of remote communication.

Best,  
Kenny

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--  
Stephen Medeiros, Executive Director  
Rhode Island Saltwater Anglers Association  
P.O. Box 1465, Coventry, RI 02816  
office: 401-826-2121  
<http://www.risaa.org>  
<http://www.nesaltwatershow.com>

**Benjamin Goetsch**

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**From:** Ben Goetsch <bgoetsch@crmc.ri.gov>  
**Sent:** Thursday, May 4, 2023 10:08 AM  
**To:** Ben Goetsch  
**Subject:** Fwd: USDA Mediation Services  
**Attachments:** RIAMP\_TriFoldSpring2021.pdf; Untitled attachment 00389.htm

Benjamin Goetsch

Coastal Resources Management Council

Aquaculture Coordinator

Oliver Stedman Government Center

Begin forwarded message:

**From:** Ben Goetsch <bgoetsch@crmc.ri.gov>  
**Date:** May 2, 2022 at 4:40:10 PM EDT  
**To:** Sean Bowen <seanbow@yahoo.com>, bowen\_co@cox.net  
**Subject:** **USDA Mediation Services**

Pat and Sean,  
This is just for your reference if you are interested.

[https://web.uri.edu/coopext/files/RIAMP\\_TriFoldSpring2021.pdf](https://web.uri.edu/coopext/files/RIAMP_TriFoldSpring2021.pdf)



### USDA Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at How to File a Program Discrimination Complaint and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program\_mtake@usda.gov.

USDA is an equal opportunity provider, employer, and lender

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



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

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

## CONTACT US!

Center for Mediation and Collaboration

641 Bald Hill Road, Suite 201

Warwick, RI 02886

401-273-9999

[www.cmcetri.org](http://www.cmcetri.org)

[agmediationri@gmail.com](mailto:agmediationri@gmail.com)

Center for Mediation and Collaboration RI

# RI AGRICULTURAL MEDIATION PROGRAM (RIAMP)

Resolve disputes  
with the help of  
mediation!



# MEDIATION WORKS!

---

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

Successful mediation is helpful in the following ways:

- Saves time
- Saves money
- Is less stressful



## What Issues Can Be Mediated?

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



# THE MEDIATION PROCESS

---

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



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

June 25, 2020

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

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

Dear Mr. Goetsch:

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

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

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



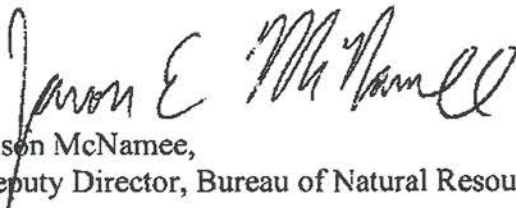


- Furthermore, the applicants have also committed to not transport oyster cages across the Sapowet Management Area public parking lot as initially proposed. They will install and remove cages by boat or from private access to the shore.

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

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

Sincerely,



Jason McNamee,  
Deputy Director, Bureau of Natural Resources

**References:**

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

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





# Rhode Island Marine Fisheries Council

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

22

**Robert Ballou**  
Chairman

**David Monti**  
Vice Chair

**Travis Barao**

**Andrew**  
**Dangelo**

**Katie Egan**

**Jason Jarvis**

**Christopher**  
**Rein**

**Michael Rice,**  
**Ph.D.**

**Michael**  
**Roderick**

November 16, 2020

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

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

Dear Mr. Goetsch:

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

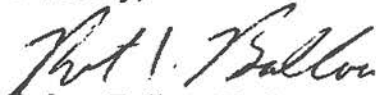
At the request of the applicants, the application was brought before the full Council at the Council's meeting on November 2, 2020. The Council deliberated upon the recommendation of the SAP, as well as additional input provided by you on behalf of the applicants, and additional input from the applicants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

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

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

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

Sincerely,

  
Robert Ballou, Chair  
RIMFC

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



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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

December 17, 2019  
Dave Beutel Aquaculture Coordinator  
Coastal Resources Management Council  
Wakefield, RI 02879-1900

Dear Mr. Beutel,

I am writing in reference to the preliminary determination request by John and Patrick Bowen for shellfish aquaculture farm (File number 2019-12-023). The proposed location for this site is in waters approved for shellfish harvesting located in the Sakonnet River shellfish classification area GA4 harvest area 5B in the town of Tiverton .

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

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

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

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

Sincerely,

A handwritten signature in blue ink that reads "Lucinda M. Hannus".

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

cc Angelo Liberti  
Conor McManus  
Dennis Erkan  
Julia Livermore



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

## HISTORICAL PRESERVATION &amp; HERITAGE COMMISSION

Old State House • 150 Benefit Street • Providence, R.I. 02903-1209

TEL (401) 222-2678

FAX (401) 222-2968

TTY / Relay 711

Website [www.preservation.ri.gov](http://www.preservation.ri.gov)

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

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

Dear Ms. Cervenka,

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

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

Very truly yours,

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





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

January 5, 2021

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

John & Patrick Bowen  
79 Shaw Road  
Little Compton, RI 02837  
[seanbow@yahoo.com](mailto:seanbow@yahoo.com); [bowen\\_co@cox.net](mailto:bowen_co@cox.net)

Dear John & Patrick Bowen:

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

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

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

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

attends the work site (and the project office), and that all appropriate personnel performing work at the site are fully aware of its terms and conditions.

3. Gear installed shall not possess loose floating lines and the number of minimal vertical (buoy) lines shall be minimized to the greatest extent practicable.
4. If any listed species is observed, the permittee (or onboard staff) shall immediately contact the NOAA Stranding Hotline at 866-755-NOAA. Permittee should then contact NOAA Protected Resources Division, Gloucester, MA at (978) 281-9328 and send sighting information to [incidental.take@noaa.gov](mailto:incidental.take@noaa.gov). This condition is included to ensure that the proper authorities will be informed.

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

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

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

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

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

Sincerely,

Michael Wierbonics  
Acting Chief, Permits & Enforcement Branch  
Regulatory Division

Enclosures

cc:

Thomas Ramotowski, Conservation Commission, Tiverton, RI; [thoram2@verizon.net](mailto:thoram2@verizon.net)

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

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

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



## RHODE ISLAND

### DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

#### DIVISION OF MARINE FISHERIES/DIVISION OF FISH AND WILDLIFE

3 Fort Wetherill Road  
Jamestown, Rhode Island 02835

June 2, 2021

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

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

Dear Mr. Goetsch:

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

The site was revised substantially between the Preliminary Determination (PD) and the Public Notice to mitigate a variety of concerns addressed at the PD meeting held on February 17, 2020. The revised lease has an area of 0.95 acres. The DEM commends the applicants for their revisions to the application, which address most of the concerns DMF staff presented at the PD meeting.

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




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

The application was further revised after Shellfish Advisory Panel and Rhode Island Marine Fisheries Council review. The new site layout, which is a slightly smaller footprint at 0.95 acres does overlap the recreational shellfishing layer. However, the CRMC site assessment of quahog densities was 0 m<sup>2</sup>; thus, the DMF does not have concerns with competing uses or impacts to the shellfish resource.

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

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

Sincerely,



Jason McNamee,  
Deputy Director, Bureau of Natural Resources

#### **References:**

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

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



# Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835

(401) 423-1920 Fax: (401) 423-1925

**Robert Ballou**  
Chairman

**David Monti**  
Vice Chair

**Travis Barao**

**Andrew Dangelo**

**Katie Eagan**

**Jason Jarvis**

**Christopher Rein**

**Michael Rice, Ph.D.**

**Michael Roderick**

June 14, 2021

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

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

Dear Mr. Goetsch:

Pursuant to R.I. Gen. Laws §20-10-5, the above-referenced aquaculture lease application was brought before the RI Marine Fisheries Council (hereafter "RIMFC") on June 7, 2021. This same application was previously considered by the RIMFC on November 2, 2020. At that November 2, 2020 meeting, the RIMFC considered two motions, which both failed. There being no further motions, the RIMFC concluded its consideration and the matter was conveyed to the CRMC, with no recommendation, via letter dated November 16, 2020.

On May 21, 2021, the RIMFC Chair was contacted by the CRMC Aquaculture Coordinator who explained that at the May 11, 2021 CRMC semi-monthly meeting, the CRMC found the Bowen application to be procedurally deficient due to the letter of no recommendation from the RIMFC. In response, a meeting of the RIMFC was noticed for June 7, 2021 for the purpose of revisiting the application and rendering a recommendation to the CRMC.

Prior to the June 7, 2021 RIMFC meeting, the RIMFC was provided with the following items, constituting the record for the meeting:

1. The full, revised application, including the proposed, revised site location; as well as the original application.
2. The minutes of the November 2, 2020 RIMFC meeting, and the follow-up November 16, 2020 letter sent by the RIMFC Chair to the CRMC regarding the RIMFC's consideration of the matter.
3. The minutes of the September 2, 2020 meeting of the RIMFC's Shellfish Advisory Panel, at which the application was considered by the Panel.
4. The updated June 2, 2021 letter of recommendation to the CRMC from RIDEM's Divisions of Marine Fisheries and Fish and Wildlife; as well as the prior June 25, 2020 letter of recommendation from those same Divisions.
5. A comment letter to the RIMFC Chair from Dr. James Quinn, dated June 4, 2021

6. Copies of two emails forwarded to the RIMFC by the applicants; one dated May 21, 2021 sent by Patrick Bowen to Peter Jenkins; the other dated June 2, 2021 sent by Patrick Bowen to Steve Medeiros and Rich Hittinger.
7. A comment letter and accompanying powerpoint presentation sent to the RIMFC's Shellfish Advisory Panel by Kenneth Mendez, dated June 3, 2021.

At the June 7, 2021 RIMFC meeting, the RIMFC heard from the CRMC Aquaculture Coordinator and the applicants, as well as one member of the public, Kenneth Mendez. RIMFC members asked questions and deliberated on the matter. On a 4-3 vote, the RIMFC decided to advise the CRMC that the proposal is consistent with competing uses engaged in the exploitation of marine fisheries in the area.

This recommendation of consistency was one of the most challenging recommendations rendered by the RIMFC in recent memory. The record reflects strong opinions and factual information both in support of and in opposition to recommendation. It is clear from the record that recreational finfishing activities do occur at and/or in close proximity to the proposed lease site. Thus, the RIMFC was faced with a judgement call as to whether the competing uses can co-exist consistently or will conflict inconsistently. The Council narrowly decided to recommend the former, with full recognition of the closeness of the call.

Sincerely,



Robert Ballou, Chair  
RIMFC

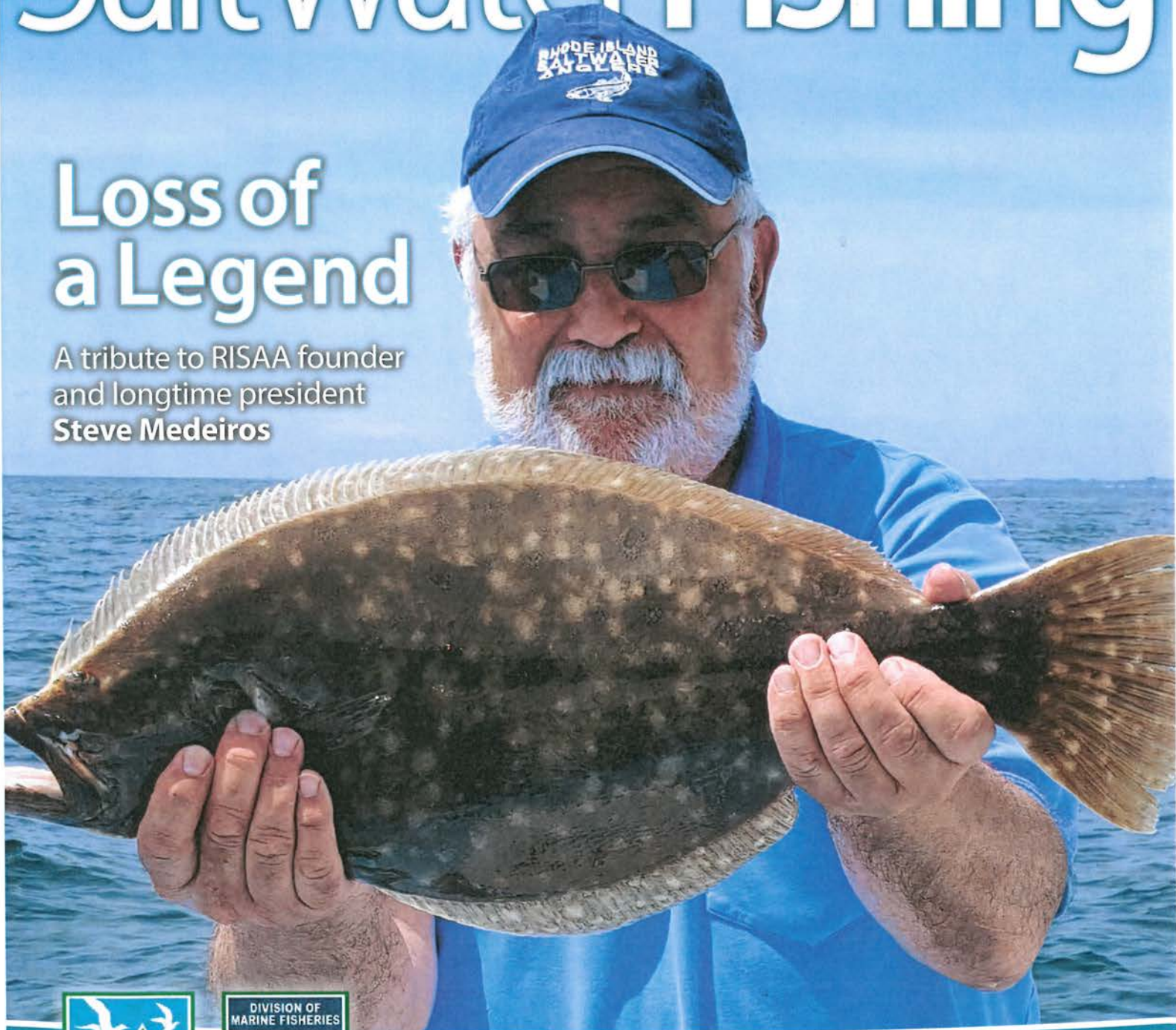
cc: RIMFC membership  
Mike Wierbonics, USACOE  
Alicia Wilson, USACOE

2022 RHODE ISLAND RECREATIONAL

# Saltwater Fishing

## Loss of a Legend

A tribute to RISAA founder and longtime president **Steve Medeiros**



The official regulations provided by the  
Rhode Island Division of Marine Fisheries  
Rhode Island Department of Environmental Management



## PUBLIC FISHERIES ENGAGEMENT IN THE

# CRMC Aquaculture Permitting Process

By Julia Livermore, Peter Duhamel, and Anna Gerber-Williams (RI DEM Division of Marine Fisheries) and Ben Goetsch (Coastal Resources Management Council)

In recent years, aquaculture applications in Narragansett Bay and Rhode Island's coastal ponds have increased significantly, and some coastal salt ponds are nearing their ecological carrying capacity, as defined by the Coastal Resources Management Council (CRMC) at 650-RICR-20-00-1.3.1(K)(5)(a)(20). Public input about fishing activities in and around

proposed sites is essential to inform the decision-making process and assure proper management of the state's coastal waters.

The permitting process includes opportunities for public input. For all applications, the initial step is a CRMC Preliminary Determination (PD) meeting hosted by the local municipality to engage the public in a discus-

sion on project siting and design. Public input on fishing activity around proposed sites is most effective when heard early (and often) in the process, as aquaculture applicants have greater flexibility to adjust their application at the PD stage. Following the PD meeting, the applicant may then proceed to submit a formal application (either modified or unmodified since the PD meeting) for a CRMC Public Notice, which includes a 30-day public comment period and instructions for submitting written comments. It is at this stage that public comments are most important, as all comments will be included as part of the CRMC aquaculture file public record.

In addition to CRMC-required public meetings, all applications are reviewed by the RI Marine Fisheries Council (RIMFC), which along with DEM, serves in an advisory role to CRMC in the aquaculture permitting process. Pursuant to R.I. General Laws § 20-10-5(d) the Council shall review aquaculture applications to determine if the activities proposed are *"consistent with competing uses engaged in the exploitation of the marine fisheries"*. All applications are initially reviewed by the RIMFC's Shellfish Advisory Panel (SAP). While RIMFC and SAP meetings are open to the public and *may* provide an opportunity for public involvement, these meetings are for panel decisions and generally not an opportunity for formal public comment. Interested persons are strongly encouraged to engage directly to CRMC at the PD meeting, CRMC public hearing, or in writing during the application public notice comment period. In reaching their final decision, the CRMC Council will consider all comments, recommendations from CRMC staff, DEM, and the RIMFC.

Please note that CRMC is currently considering certain changes to the aquaculture permitting process through their Aquaculture Element Working Group. Please refer to the CRMC aquaculture website for additional details: <http://www.crmc.ri.gov/aquaculture.html>

### Get Involved!

To subscribe to CRMC's aquaculture listserv, go to [http://listserv.ri.gov/mailman/listinfo/ri\\_aquaculture](http://listserv.ri.gov/mailman/listinfo/ri_aquaculture). Recipients will receive meeting notifications and copies of draft applications.

All CRMC Council, RIMFC, and SAP meetings are subject to the Open Meetings Act and are noticed with the Secretary of State. For meeting notifications filed with the Sec. of State, go to <https://opengov.sos.ri.gov/OpenMeetings>.

To subscribe to the Division of Marine Fisheries listserv, send an email to [rimarine-fisheries-subscribe@listserv.ri.gov](mailto:rimarine-fisheries-subscribe@listserv.ri.gov). Recipients will receive emails with fisheries-related meeting notifications, fishery management changes, etc.



Aerial photo of oyster aquaculture leases in Ninigret Pond, Charlestown, RI. Photo courtesy of Julia Livermore.



Inventory System: Bhanda Island Conservation Information System (BICIS)



# Sapowet Marsh Management Area





Pheasant Stocking Program

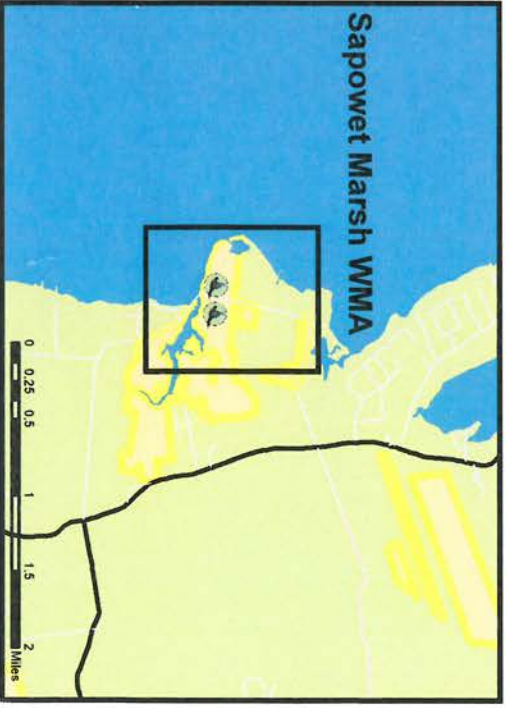
Town: Tiverton

Description: 296 acres

Access: East section of management area along Seapowet Ave; parking area on west side of Seapowet Ave.

### Legend

-  Stocking Area
-  Parking Area
-  Management Area Boundary
-  500' Firearms Restricted Zone
-  Road



Updated: January 2019

Rhode Island Coastal Resources Management Council  
Aquaculture Site Evaluation

Assessment Date/Time: 8-20-2020

File Number: 2020-04-37  
Location: Sapient Cove

Applicant: K...  
Water Type: 1

Tidal Stage: High  
Substrate: Gravel & hard sand

Tidal Flow: Outgoing  
Shoreline: Tiverton

Sampling Equipment: Trawls

Shellfish Sampling: 1 - 240 line / some shell  
2 - 240 line / some shell

Vegetation Observations: None

Marine Invertebrate Species Observed: only shell  
empty shells observed - Quahog, Sculpin  
Couch

Fish Species Observed: None

Investigator: Ben Gault

Witnesses: Dan Gault

- 3 - zero / shell 15 - zero
  - 4 - zero / shell 16 - zero
  - 5 - zero / shell 17 - zero
  - 6 - zero 18 - zero
  - 7 - zero 19 - zero
  - 8 - zero 20 - zero
  - 9 - zero
  - 10 - zero
  - 11 - zero
  - 12 - zero
  - 13 - zero
  - 14 - zero
- 8 Quahogs / 30 min

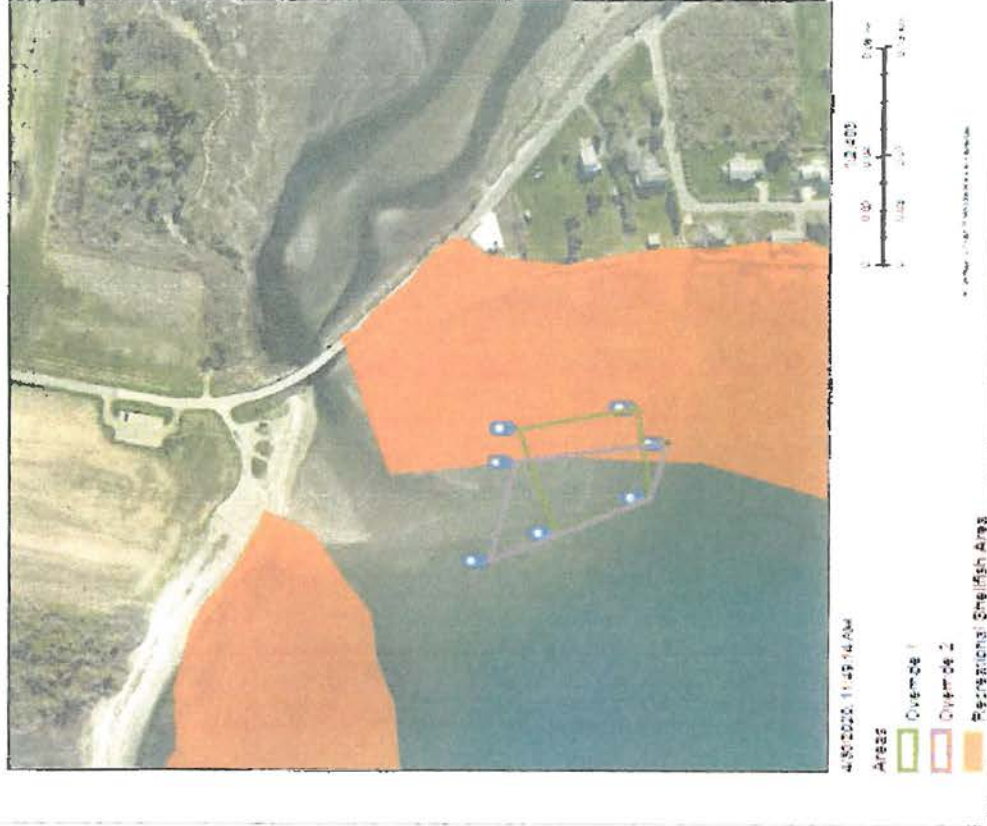
Signatures:  8-20-20

### 3. 2020-04-037 Bowen, Sakonnet River

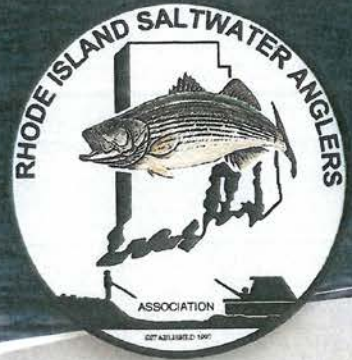
- Proposed 1.1 acre site in hard sand and rocky bottom in 1'-4' of water.
- Cultivating oysters using submerged bottom cages.
- Site overlaps with DEM recreational shellfishing layer.
- CRMC site assessment 0 quahogs/m<sup>2</sup>
- Site access via boat or private property.



Aquaculture Location Sketch







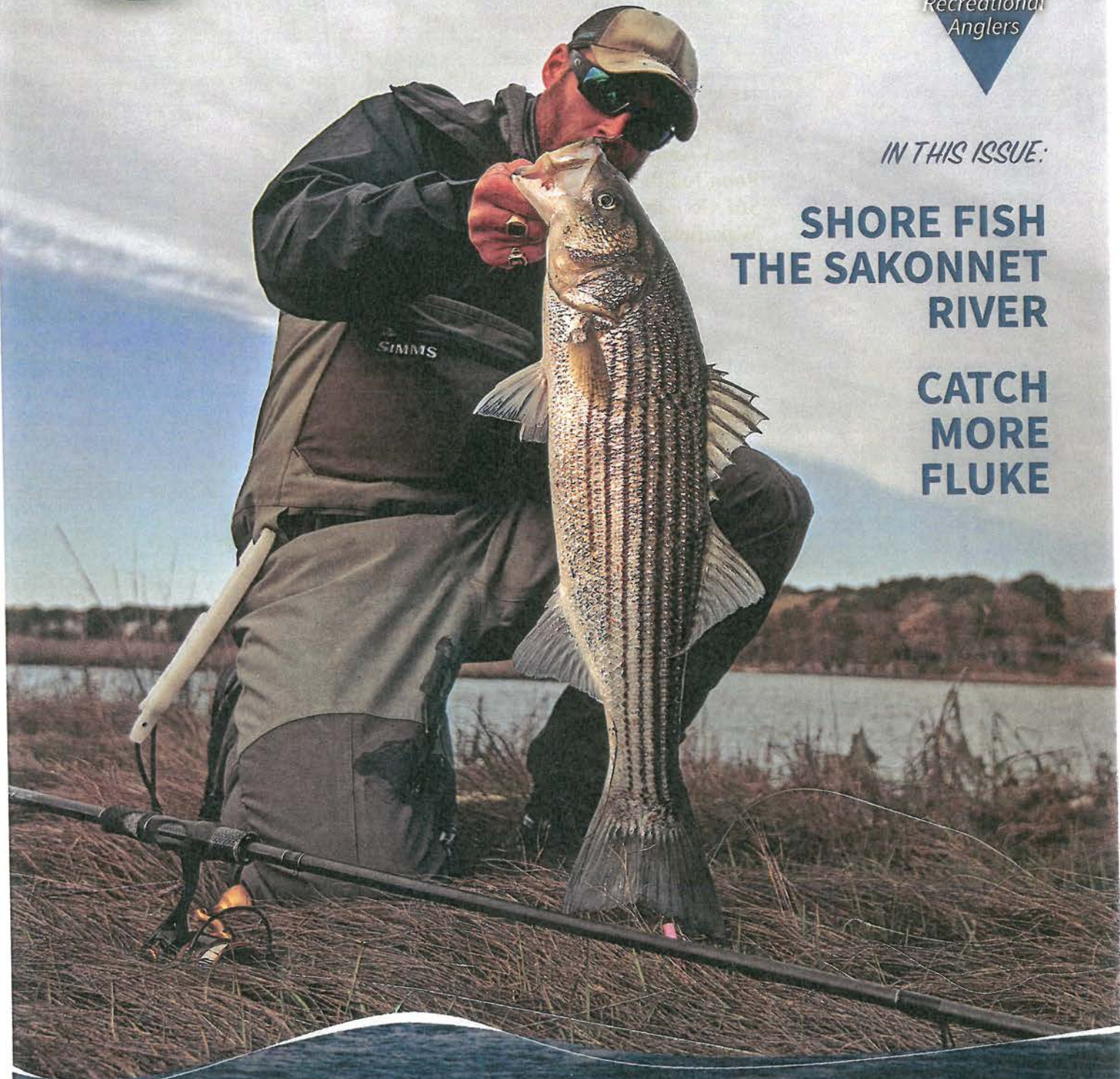
# RHODE ISLAND **SALTWATER** *Anglers*

Representing  
**OVER 7,500**  
Recreational  
Anglers

*IN THIS ISSUE:*

**SHORE FISH  
THE SAKONNET  
RIVER**

**CATCH  
MORE  
FLUKE**

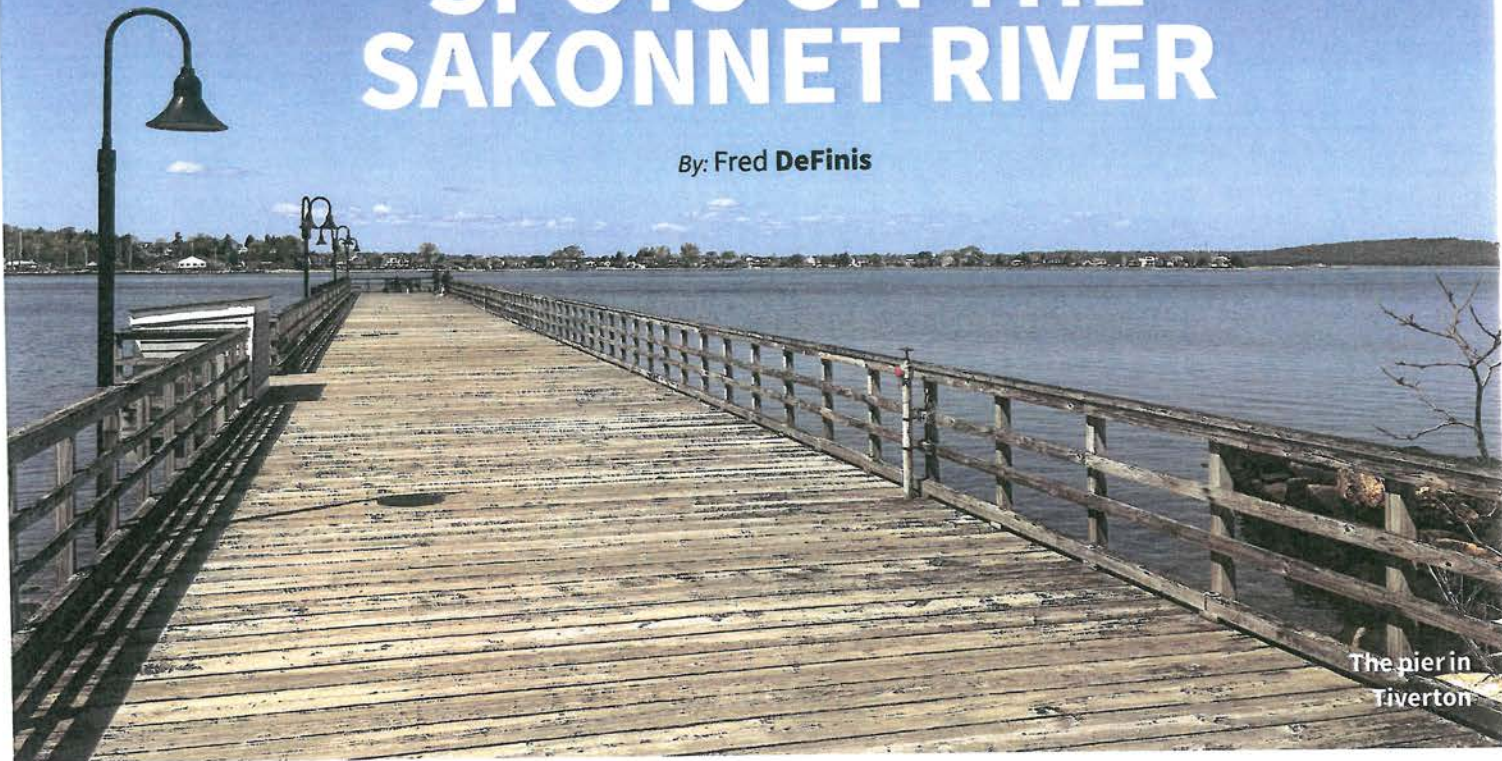


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ISSUE: 290 • June 2023  
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# SIXTEEN SHORE FISHING SPOTS ON THE SAKONNET RIVER

By: Fred DeFinis



The pier in Tiverton

The Sakonnet River is a tidal straight that connects Mount Hope Bay in the north to the oceanfront in the south, a distance of about fifteen miles. The shores on both sides have little commercial development and are sparsely populated, especially as one travels farther south. Both the east and western shores offer a variety of shore fishing opportunities.

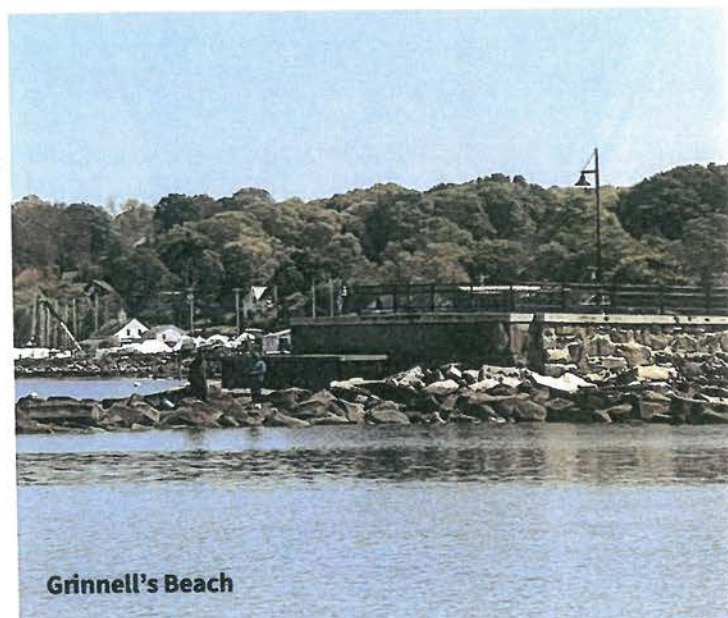
## Eastern Shore—North

Near the top of the Sakonnet there is an accessible **fishing pier** at the end of Schooner Drive in Tiverton, adjacent to the famous Boat House Restaurant. There is adequate parking and the pier has enough light that it can be fished day or evening. Most of the fishing here is for bottom-dwelling species, especially scup although squid can be caught under the right conditions.

A bit further south, off Riverside Drive there are the remains of the **old railroad bridge** (no longer there) abutment. This spot has somewhat precarious footing and can be quite crowded on weekends. At this spot, the Sakonnet is constricted and the current flows quite quickly at peak flood and ebb. Most of the fishing here is for bottom-dwelling species although blues and stripers will cruise through the current as well. With the currents here, you will need plenty of weight to hold bottom.

A few yards farther south there is a **public fishing pier** adjacent to the Sakonnet Harbor Boat Ramp. Like the bridge abutment, this spot can be pretty crowded on weekends and parking is at a premium. Most anglers here target scup.

Continuing south on Main Road Tiverton, we come to **Grinnell's Beach** at the site of the Old Stone Bridge. The bridge was last destroyed by hurricane Carol in 1954 but a section has been restored, providing parking and good access to the water. There is a fee to park during the summer beachgoing months but access is free from Labor Day to Memorial Day. The current roars by this point and the rocky bottom can hold scup, black sea bass, and tog. On the surface, you may see blues, stripers, albies, bonito and



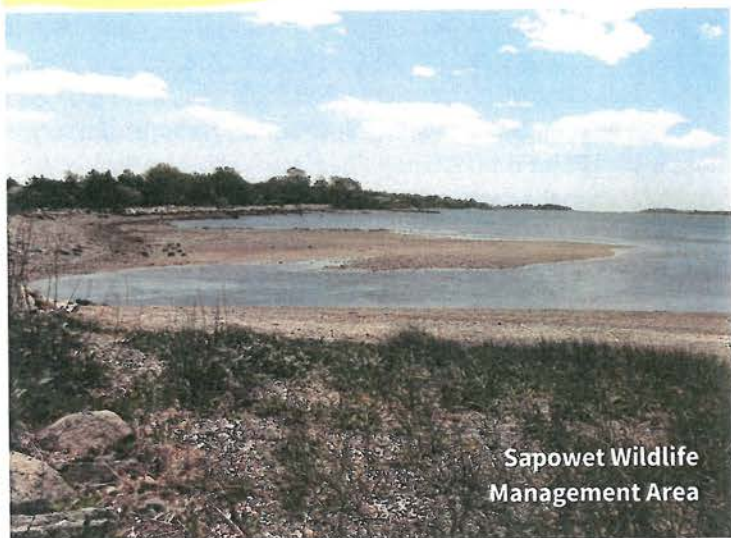
Grinnell's Beach

mackerel depending on the season and conditions. There is quite a variety of fish here.

Heading south on Main Road another three-quarters of a mile, there is an intersection on the right with Nanaquaket Road. **Nanaquaket Road** has a small bridge over the inlet to Nanaquaket Pond and there are a few parking spaces on the right side, just after the bridge. You can fish from the bridge for scup and can also move along the shore and sometimes find stripers in casting distance.

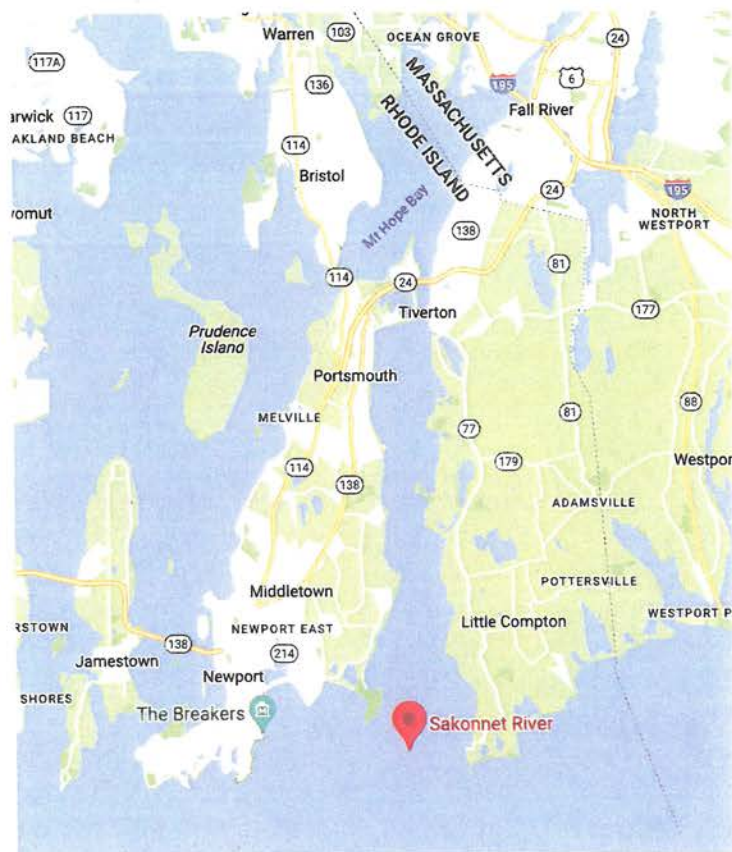
## East Shore--South

About five miles south of Route 24 we have the **Sapowet Wildlife Management Area** which is managed by the RI Department of Environmental Management. It is located on Seapowet Avenue in Tiverton. The area features free parking and is a popular spot for anglers, beachgoers and shellfish enthusiasts. This is a popular spot for fly and spinning fishing and stripers and blues will come within casting distance of the shore, especially when the tide is ebbing and carrying bait out of the marsh to the feeding fish outside. At high tide, stripers and blues will chase the bait up into the marsh which is accessible on both sides on foot.



Continuing south, the next fishing stop is **Fogland Beach** on 3 Rod Way in Tiverton. This is a town beach and there is a parking fee during the beach season but access is free on nights and in the off season. Fogland Beach is a scenic, sandy beach with a southern exposure. Here you can target blitzing stripers and blues and sometimes the occasional albie. At the western end of the beach there is a south-facing rock formation that is a popular tog spot in the fall season. Space on the rocks is somewhat limited so don't be discouraged if you find the area taken by other anglers.

A less well known and out of-the-way spot is **Town Way**. At the western end of Town Way, off West Main and Old Main roads, there is room for about 10 cars to park and a short path down to a cobble beach on the Sakonnet River. At low tide, it is possible to walk along the cobble beach to the mouth of Almy's Creek, and from there, partway into Donovan's Marsh, a well-preserved tidal creek and unditched salt marsh. When the tide ebbs from the marsh/



creek, fish will wait to ambush bait near the shore. The smooth beach is ideal for fly or spin fishing.

At the very southern end of Route 77, we have **Sakonnet Harbor** with a breakwater that protects the harbor within. Be sure to park in the appropriate areas as parking is restricted in the Sakonnet Harbor area. You can fish the wall for bottom-dwelling species and you may also be treated to a blitz of stripers, blues or even albies in season. It is not unknown for some of the first albies of the season to be hooked near the wall. In fishing this type of terrain, wear appropriate footwear and practice safety first.

## West Shore—North

Our first stop on the West Shore is **Teddy's Beach** off Point Road in Portsmouth. This beach is formed by the remains of the Old Stone Bridge on the west side. As with Grinnell's Beach, you may find a variety of species depending on the season and conditions. Parking on the street is free but somewhat limited.

Moving south the next access is **McCorrie Lane Fishing Area**. This area will hold stripers and blues when conditions are right but parking is an issue. McCorrie Lane is opposite Sapowet Marsh on the western shore.

The next point going south is **Sandy Point** which is the town beach for the Town of Portsmouth. There is a fee to park during the beach season but access is free nights and off season. Stripers, blues and albies will come within casting distance of the shore when conditions are favorable.

*(Continued on page 18)*

## West Shore--South

An interesting venue further south is **Pebble Beach** which is located off Indian Avenue in Middletown opposite the junction of Indian Ave and Peckham Ave. Parking is limited to five designated spaces and they are usually filled on weekends. From the parking area, you walk a gravel path to the rock formations below. This is an area that requires caution as the footing is difficult—definitely NOT a place to bring your kids. People fish off the rock formations for BSB, scup and tog and I have also seen blues and stripers cruising in casting distance of the rocks. Scenic spot but exercise caution here.

Also off of Indian Avenue is fishing access at **Taggart's Ferry**. The entrance is not well marked but it is just south of the intersection of Indian Ave and Vaucluse Ave. There is parking for about ten cars here and the waterfront is just beyond the parking area. The waterfront is very rocky and can be slippery so exercise caution. The bottom holds tog and black sea bass in season and I have also seen the occasional blitz of stripers and blues here.

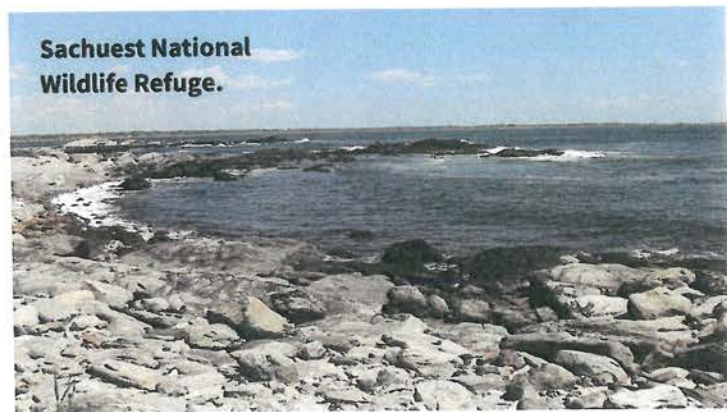
Second to last stop on our trip south is **Third Beach** in Middletown located on Third Beach Road. Third beach is restricted to Middletown residents daytimes during beach season but is free to park after six pm and in the off season. This is a popular casting spot for nighttime angling as the stripers will come into the sandy



Taggart's Ferry

cove to feed. Most anglers use surface plugs here to avoid the eel grass under the surface.

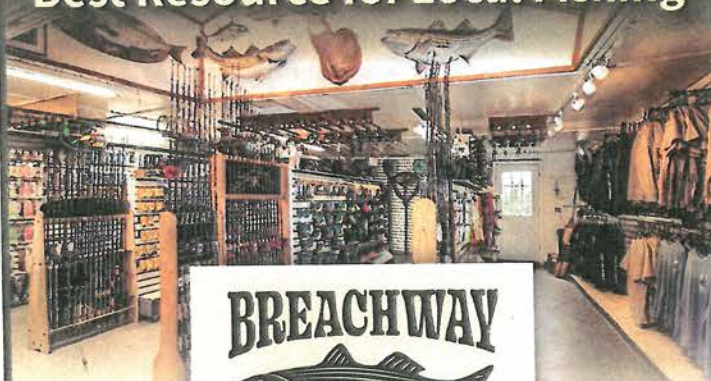
Our last, and perhaps most scenic stop on the Sakonnet is the **Sachuest National Wildlife Refuge** located at the southern end of Sachuest Point Road in Middletown. This spot was once farmland and later a military shooting range and even the landfill for Newport County. Today, it is a wonderful refuge with scenic walking trails and abundant wildlife, including many deer as well as the elusive snowy owl in winter. Parking is free although it may be tough on summer weekends. Flint Point at the northeast corner (follow Flint Point Trail) is a popular place for bottom fishing. A bit to the south in the same area, there is a sheltered section formed by the rock formations off shore. When conditions are right, blues and stripers will feed in this somewhat enclosed area and are well within casting distance of shore. There are trails all around the perimeter of the refuge and you can try any spot that looks "fishy" to you. Large stripers and blues often patrol the western shore facing Second Beach. Be careful on the rocky shore. If you wish to fish after dark, you must obtain a parking permit. An annual permit is \$20.00 and a one night permit is \$5.00. You can obtain your permit here <https://rhodeislandpermits.recaccess.com/>




Sachuest National Wildlife Refuge.

There we have sixteen different shore fishing opportunities on this interesting and pristine waterway. Whether you like to toss out a bit of squid for some scup or try your luck with the stripers or blues, the Sakonnet offers something for every style of shore fishing. 🐟



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**CStaff**

---

**From:** CStaff <cstaff1@crmc.ri.gov>  
**Sent:** Thursday, June 17, 2021 2:46 PM  
**To:** 'clarice@desautelesq.com'  
**Cc:** 'Marisa Desautel'  
**Subject:** RE: Entry of Appearance- Bowen Aquaculture File # 2020-04-037  
**Attachments:** Desautel Continuation SMM Confirmation 06-22-2021.pdf

Good Afternoon Clarice:

We are in receipt of your email dated June 16, 2021 with the attachment of an Entry of Appearance/ Request for Continuation. In response, I have attached a confirmation of continuation. Please note that requests for continuance are subject to fees as stated in the Confirmation of continuation.

Please let me know if you have any questions.

Thank you,  
 Lisa

*Lisa A. Turner*  
 Office Manager  
 Coastal Resources Management Council  
 Oliver Stedman Government Center  
 4808 Tower Hill Road: Room 116  
 Wakefield, RI 02879  
 401-783-3370

**From:** clarice@desautelesq.com [mailto:clarice@desautelesq.com]  
**Sent:** Wednesday, June 16, 2021 4:54 PM  
**To:** cstaff1@crmc.ri.gov  
**Cc:** 'Marisa Desautel' <marisa@desautelesq.com>  
**Subject:** Entry of Appearance- Bowen Aquaculture File # 2020-04-037

Good Afternoon Sir/ Madam,

Attached please find this Office's entry of appearance and request for continuance in the above titled matter.

Thank you for your attention to this correspondence.

Best,  
 Clarice

Clarice Parsons  
 Office Manager/ Paralegal  
 Phone: 401.477.0023



**DESAUTEL LAW**

**MAIN OFFICE & MAILING ADDRESS**

38 Bellevue Ave., Unit H  
Newport, RI 02840

**PROVIDENCE OFFICE**

55 Pine St., 4th Floor  
Providence, RI 02903

**ONLINE**

[www.desautelesq.com](http://www.desautelesq.com)

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DESAUTEL LAW

---

Marisa A. Desautel  
[marisa@desautelesq.com](mailto:marisa@desautelesq.com)  
401.477.0023

June 16, 2021

VIA E-MAIL:

CRMC Staff  
[Cstaff1@crmc.ri.gov](mailto:Cstaff1@crmc.ri.gov)

**RE: Bowen Aquaculture File #2020-04-037**

To whom it may concern,

Please be advised that, as of June 16, 2021, this office represents Kenneth and Elizabeth Mendez related to the above-referenced matter. This correspondence serves as an Entry of Appearance on behalf of my clients. Due to the very recent retention of my office to assist in this matter, my clients hereby formally request a continuance of the June 22, 2021 CRMC meeting. The additional time is necessary to prepare written comments.

If you have any questions or concerns, please do not hesitate to contact me. Thank you for your anticipated consideration in this regard.

Respectfully,

Marisa A. Desautel, Esq.  
cc: Client



**SAVAGE**  
LAW PARTNERS  
LLP

*Law and Business Advisors*

*Dean J. Wagner, Esquire*  
[dwagner@shslawfirm.com](mailto:dwagner@shslawfirm.com)

July 2, 2021

VIA E-MAIL TO [bgoetsch@crmc.ri.gov](mailto:bgoetsch@crmc.ri.gov)  
AND REGULAR MAIL

Benjamin Goetsche  
Aquaculture Coordinator  
Coastal Resources Management Council  
Oliver Stedman Government Center  
4808 Tower Hill Road, Suite 116  
Wakefield, RI 02879-1900



RE: CRMC File No. 2020-04-037, Application of John Bowen and Patrick Bowen

Dear Ben:

Enclosed please find my entries of appearance on behalf of Jeanne De Souza, Richard and Kathy Metcalf, Cynthia Aber, and Cathy and Paul Fulton, all of whom oppose the above-referenced application.

We request that the application be deemed a contested case (to the extent that it is not already) and scheduled for a public subcommittee hearing(s).

We also request to be notified of all proceedings relating to the application.

Please contact me if you have any questions or would like to discuss further.

Thank you for your attention to this matter.

Sincerely,

Dean J. Wagner

Enclosures

Cc: Anthony DeSisto, Esq.





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

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

**ENTRY OF APPEARANCE**



Before the Rhode Island Coastal Resources Management Council

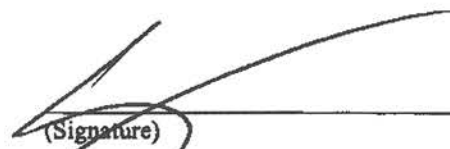
**IN THE MATTER OF:**

**FILE NO.** 2020-04-037

John Bowen and Patrick Bowen  
 (Name of Applicant)

I, Dean J. Wagner, hereby enter my appearance as attorney of record on behalf of Cathy Futon and Paul Futon, File No. 2020-04-037.

Withdrawal of appearance may only be granted by leave of the Chairman or Executive Director.

  
 (Signature)  
Savage Law Partners, LLP  
 (Business Address)  
564 South Water Street  
Providence, RI 02903

Date: 7/2/21

401-238-8500  
 (Phone Number)



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

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

**ENTRY OF APPEARANCE**



Before the Rhode Island Coastal Resources Management Council

**IN THE MATTER OF:**

**FILE NO.** 2020-04-037

John Bowen and Patrick Bowen  
 (Name of Applicant)

I, Dean J. Wagner, hereby enter my appearance as attorney of record on behalf of Cynthia Aber, File No. 2020-04-037.

Withdrawal of appearance may only be granted by leave of the Chairman or Executive Director.

  
 (Signature)  
Savage Law Partners, LLP  
 (Business Address)  
564 South Water Street  
Providence, RI 02903

Date: 7/2/21

401-238-8500  
 (Phone Number)



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

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

## ENTRY OF APPEARANCE



Before the Rhode Island Coastal Resources Management Council

IN THE MATTER OF:

FILE NO. 2020-04-037

John Bowen and Patrick Bowen

(Name of Applicant)

I, Dean J. Wagner, hereby enter my appearance as attorney of record on  
behalf of Richard Metcalf and Kathy Metcalf, File No. 2020-04-037.

Withdrawal of appearance may only be granted by leave of the Chairman or Executive Director.

  
\_\_\_\_\_  
(Signature)

Savage Law Partners, LLP

(Business Address)

564 South Water Street

Providence, RI 02903

Date: 7/2/21

401-238-8500

(Phone Number)



State of Rhode Island  
Coastal Resources Management Council  
Oliver H. Stedman Government Center  
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Wakefield, RI 02879-1900

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Fax (401) 783-2069

## ENTRY OF APPEARANCE



Before the Rhode Island Coastal Resources Management Council

IN THE MATTER OF:

FILE NO. 2020-04-037

John Bowen and Patrick Bowen  
(Name of Applicant)

I, Dean J. Wagner, hereby enter my appearance as attorney of record on  
behalf of Jeanne DeSouza, File No. 2020-04-037.

Withdrawal of appearance may only be granted by leave of the Chairman or Executive Director.

(Signature)

Savage Law Partners, LLP

(Business Address)

564 South Water Street

Providence, RI 02903

Date: 7/2/21

401-238-8500

(Phone Number)



State of Rhode Island  
Coastal Resources Management Council  
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Wakefield, RI 02879-1900

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Fax (401) 783-2069

**ENTRY OF APPEARANCE**

Before the Rhode Island Coastal Resources Management Council

**IN THE MATTER OF:** FILE NO. 2020-04-037

John Bowen and Patrick Bowen  
(Name of Applicant)

I, Steven H. Surdut, hereby enter my appearance as attorney of record on behalf of Clint Clemens, File No. 2020-04-037.

Withdrawal of appearance may only be granted by leave of the Chairman or Executive Director.

/s/ Steven H. Surdut  
(Signature)

43 Broad St.  
(Business Address)  
Westerly, RI 02891

Date: 8-19-2021

401-837-2428  
(Phone Number)

MELISSA L. CURLEY  
 MCURLEY@GRSM.COM  
 DIRECT DIAL: (401) 537-2007  
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*Admitted In: Rhode Island  
 Massachusetts  
 New York*



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 55 PINE STREET, 5<sup>TH</sup> FLOOR  
 PROVIDENCE, RI 02903  
 WWW.GRSM.COM

August 23, 2021

**VIA US MAIL**  
**& EMAIL: CSTAFF1@CRMC.RI.GOV**

Coastal Resources Management Council  
 Oliver Stedman Government Center  
 4808 Tower Hill Road, Suite 116  
 Wakefield, RI 02879-1900

Re: Application of Bradley Boehringer and Travis Lundgren  
 CRMC File No. 2021-02-054

Application of John Bowen and Patrick Bowen  
 CRMC File No. 2020-04-037

Dear Sir or Madam:

Enclosed please find my entry of appearance on behalf of David Rose, who has already submitted an objection to the above referenced application CRMC File No. 2021-02-054, and has supplemented the same via multiple emails.

I request that application CRMC File No. 2021-02-054, be deemed a contested case, to the extent that it has not already been deemed as such, as well as scheduled for public subcommittee hearing.

Please notify my office of any and all proceedings relating to both applications.

Thank you for your immediate attention to this matter.

Very truly yours,

  
 Melissa L. Curley

Enclosures

cc: Mr. David Rose



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

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



**ENTRY OF APPEARANCE**

Before the Rhode Island Coastal Resources Management Council

**IN THE MATTER OF:**

**FILE NO.** 2020-04-037

John Bowen and Patrick Bowen  
 (Name of Applicant)

I, Melissa L. Curley, hereby enter my appearance as attorney of record on  
 behalf of David Rose.

Withdrawal of appearance may only be granted by leave of the Chairman or Executive Director.

Melissa L. Curley  
 (Signature)

Gordon Rees, LLP  
 (Business Address)  
55 Pine Street, 5th Floor  
Providence, RI 02903

Date: 8/23/2021

(401) 537-2007 mcurley@grsm.com  
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435 WATER STREET  
PORTSMOUTH RI 02871

CHUNG, JASON/ SALLY  
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HERING, FRANK D/ WHEATON, THOMAS  
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LITTLETON MA 01460

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BARRINGTON RI 02806

BROWN, WALTER A /CHRISTINE, E RYAN  
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TIVERTON RI 02878

JACKSON, PAUL  
122 DRIFTWOOD DRIVE  
TIVERTON RI 02878

CAMERA, PAUL  
121 DRIFTWOOD DRIVE  
TIVERTON RI 02878

STERRETT, DIANE M/PETER K  
111 DRIFTWOOD DRIVE  
TIVERTON RI 02878

LOOMIS, ALBERT E II  
91 DRIFTWOOD DR  
TIVERTON RI 02878

FINNAN, AIDAN /THALL, CAROLYN R  
66 BEVERLY ROAD  
CHESTNUT HILL MA 02467

LAFRANCE, ROBERT N  
71 DRIFTWOOD DR  
TIVERTON RI 02878

COOGAN, PATRICE M  
61 DRIFTWOOD DRIVE  
TIVERTON RI 02878

DEXTER, MARY  
350 BOYLSTON ST. APT# 305  
NEWTON MA 02459

VIERA, KELLI/ HULITZKY, DEREK  
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ATTLEBORO MA 02703

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SUBBER, ADAM J/ MICHAELLE  
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SHERBORN MA 01770

843 SEAPOWET LLC  
26 JENCKES STREET  
PROVIDENCE RI 02906

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TIVERTON RI 02878

ZANGARI DOMINICK JR  
P O BOX 382  
WARREN RI 02885

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TIVERTON RI 02878

METCALF, RICHARD H/ METCALF,  
KATHLEEN T L  
STONE CHURCH ROAD  
TIVERTON RI 02878

THOMAS JOY  
30 DRIFTWOOD DR  
TIVERTON RI 02878





**106**

0.233 AC

**105**

0.125 AC

**104**

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Q Search How it works ▼

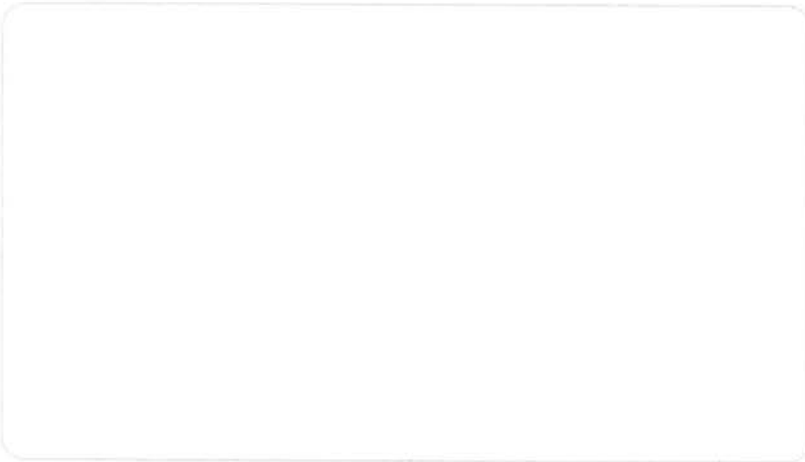
Start a GoFundMe



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# Preserve Seapowet—Don't limit access!



Save Seapowet is organizing this fundraiser on behalf of Kenneth Mendez.

Two oyster farms threaten access to pristine coastline in Tiverton around the Seapowet Marsh. Recreational users, neighbors, and local residents [need your help](#) to fight this threat. We are raising money for a legal defense fund. We can't navigate the complex policies of the [powerful Coastal Resources Management Council](#) (the state permitting agency) alone. The CRMC could make a decision as soon as mid-July. Visit [SaveSeapowet](#) for more information.

Our local community, boaters, kayakers, fishermen, conservationists, and those who value access to Tiverton's beautiful coastline waters are grateful for your support. Thank you!

\$15,205 raised of \$15,000 goal

64 donations

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This fundraiser is located near you



Susan Erstling  
\$100 • 10 mos



Stephen Kaluzny  
\$50 • 11 mos



Stephen Lipka  
\$50 • 18 mos



Donald Libbey  
\$425 • 19 mos



Anonymous  
\$120 • 19 mos

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## Updates (2)

**July 26, 2021** by Save Seapowet, Organizer

A month ago, we initiated our campaign with a community meeting in front of DEM's Sapowet Wildlife Management Area in Tiverton. We have educated ourselves about oyster farming, the CRMC permitting process, and the limits of the Town of Tiverton's jurisdiction over these permits. Most importantly, we have raised awareness about the two specific oyster farm applications that would impact the recreational use at the Sapowet WMA. Both applications involve aquaculture and the privatization of public resources, as well as conflicts with existing stakeholders and the infringement on riparian property rights and recreational users. Our coastal resources are limited and precious – we need strong public policies to minimize these conflicts.

The CRMC postponed the June 22nd vote on the Bowen oyster farm application (sited just

south of the Seapowet Bridge). This allows more time to send in public comments. The CRMC vote on the Boehringer/Lundgren oyster farm application (sited north of Seapowet Bridge) is not yet on CRMC's calendar. We will be monitoring the CRMC calendar for future votes on both applications.

Thanks to your outreach, we have received local and state attention from government officials. State Senators DiPalma and Edwards attended the Tiverton Town Council meeting on July 12th, during which issues regarding the oyster farms were discussed. DiPalma and Edwards were receptive to supporting legislation for more comprehensive abutter notification of oyster farm proposals.

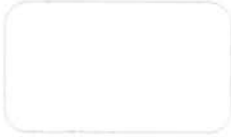
The Narragansett Times ran a front-page (Section D) article, "CRMC Aquaculture Permitting Process Needs Righting", July 15/16, 2021, on the oyster farms written by Todd Corayer. You can read his related blog piece (<https://bit.ly/3kWgN8n>) that captures the key issues surrounding both farms and deficiencies in the CRMC aquaculture process.

We will continue to keep you updated with the latest developments. In the meantime, please encourage your friends and neighbors to email [email redacted].gov and reference files 2020-04-037 (Bowen) and 2021-02-054 (Boehringer/Lundgren) with a message that the proposed locations of these farms will violate Rhode Island's Public Trust Doctrine, as the waters support heavy recreational use. CRMC should strive to work with both the applicants and the community to find more acceptable locations for these two farms.

Thank you for your support and please spread the word about the GoFundMe campaign legal defense fund!

With gratitude,

Team Save Seapowet



[See older updates](#)

Donate

Share

## Organizer and beneficiary



**Save Seapowet**



**Kenneth Mendez**

Organizer  
Tiverton, RI

Beneficiary

Contact

## Words of support (4)

Please donate to share words of support.



**Stephen Lipka**

\$50 • 18 mos

I'm in favor of public access to beaches and waterways.

**Daniel Deren**

\$25 • 20 mos

My wife and I bought our Tiverton home in 2015, having lived 25+ years in Ipswich, MA, in Sarasota, FL, and 4 years in Newburyport, MA. We have seen what out-of-control growth does to a small town, w/ less \$ to fight. We have seen cherished... [Read more](#)

**John & Michelle Travassos**

\$50 • 21 mos

This is a pristine area that we enjoy as a former resident of Tiverton, and now as Rhode Islanders who spend their summers enjoying this area.

**Elaine Morris**

\$100 • 21 mos

There are so few places left to enjoy nature and not have to pay for access. This beautiful marsh has not changed in 50 years since I was a child and should be there for other children to enjoy for the next 50 years.

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Created June 27, 2021 •  [Community](#)

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 Report fundraiser



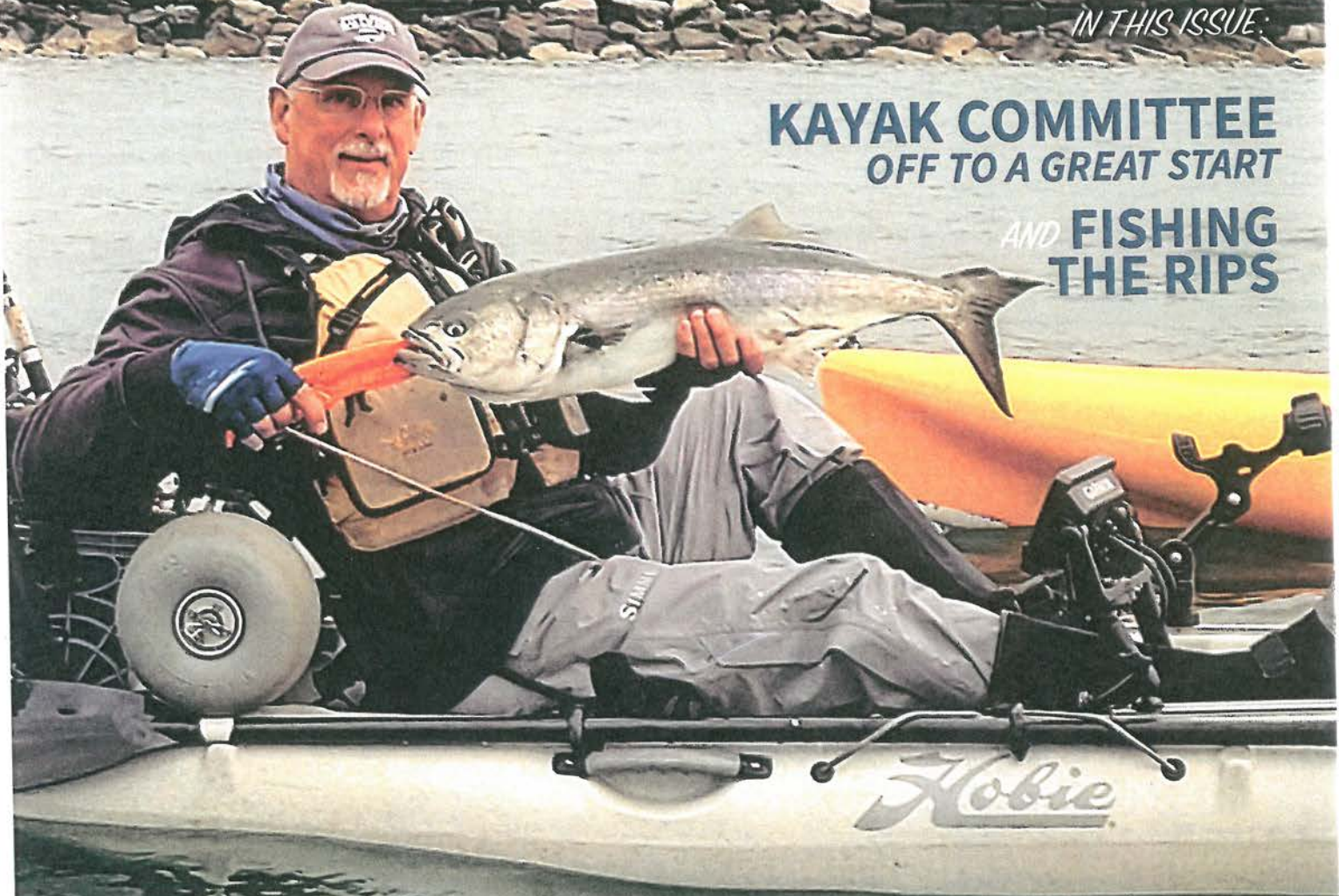
# RHODE ISLAND SALTWATER *Anglers*

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# WADING FROM SHORE FOR SALTWATER FISHING SUCCESS

By: Scott Travers

Now is the time to hit the water if you are looking for some great saltwater fishing action. If you are like many of us you might not have your own boat or it might not be in the water right now. While you consider fishing from shore you might be thinking “if only I could get that cast out a little further”. If only there was a solution. Welcome to the wonderful world of wading. I am sure you have seen anglers along the shoreline standing in the water anywhere from ankle to chest deep reaching out further than the competition who are land-locked and unable to reach out those last few critical feet necessary to reach the fish. Wading from shore can absolutely make all the difference in the size and number of fish you are catching.

## WADING GEAR

When wading you can use all the same gear you would be using when surf casting or fly fishing so there is no need to purchase a new specialty rod or reel. As we approach mid-summer and both the air and water temperatures warm up, adventurous and thrifty souls can take to the water with minimal investment. Minimalist gear would include sturdy, over the ankle footwear that you would not be upset about losing or destroying. Even the best footwear seems to have a shorter serviceable life once you use it



in a saltwater environment. This is important to protect you from a multitude of hazards including crabs, barnacles, broken glass, etc. Even the sandiest areas have something lying on the bottom that could be a potential hazard. My first “wet wading” boots were a pair of old work boots that lasted an additional several years as they became my saltwater wading and quohogging boots of choice. Another item you should have would be a wading staff. This can be as inexpensive as a stick you find on the beach. Just make sure it is sturdy enough for you to lean on if necessary. The further you go into the water the less visibility you have of the bottom and having something you can probe with and check for hazards can save you a lot of trouble. Even if I can see the bottom I still use my wading staff/stick to continually check the bottom conditions. There are areas such as the kayak launch at Ninigret where you can go from solid bottom to knee deep muck in an instant. So please use your staff/stick with every step. I have used many sticks I have found in the past and sometimes still rely on them when my expensive Simms wading staff somehow didn't make it into the truck. I find it useful to tie one end to a belt loop or other part of my clothing so it doesn't float away on me while I am fishing.

Once you “get your feet wet” and start wading there are some other items that will make your wading experiences more enjoyable. First and foremost are waders. They come in a few different varieties. There are two types of waders in terms of footwear. One type comes with neoprene sock type “booties” that are meant to go with wading boots that are purchased separately. These are called stockingfoot waders. The other type comes with boots that are integral to the waders. These are called bootfoot waders. There are advantages and disadvantages to each type. Both types start out around \$100.00 for basic models. Another difference between waders is the materials they are made of. Some waders are made from neoprene which makes them perfect for cold weather fishing however they can be excessively warm for certain times of the year. Other types of waders are made from a trilaminate material that keeps the angler dry but offers very little insulation from warm or cold temperatures. While the neoprene versions are more durable, the trilaminate versions can be used





in a wider range of conditions by either adding or removing insulating layers of clothing worn underneath them.

## SAFETY TIPS

Regardless of the wader type you own it is very important to make sure you wear a belt that goes around your waist outside of the waders whenever you go into the water. In the event of a trip or fall in the water a belt helps prevent the waders from filling with water and turning a minor problem into a more serious situation. In the event of a trip or fall in the water while wearing waders if you are unable to right yourself quickly you should immediately raise your feet off the bottom, trapping air in the legs of the waders, and paddle backwards to the shore or more shallow water using the air in your waders as floatation.

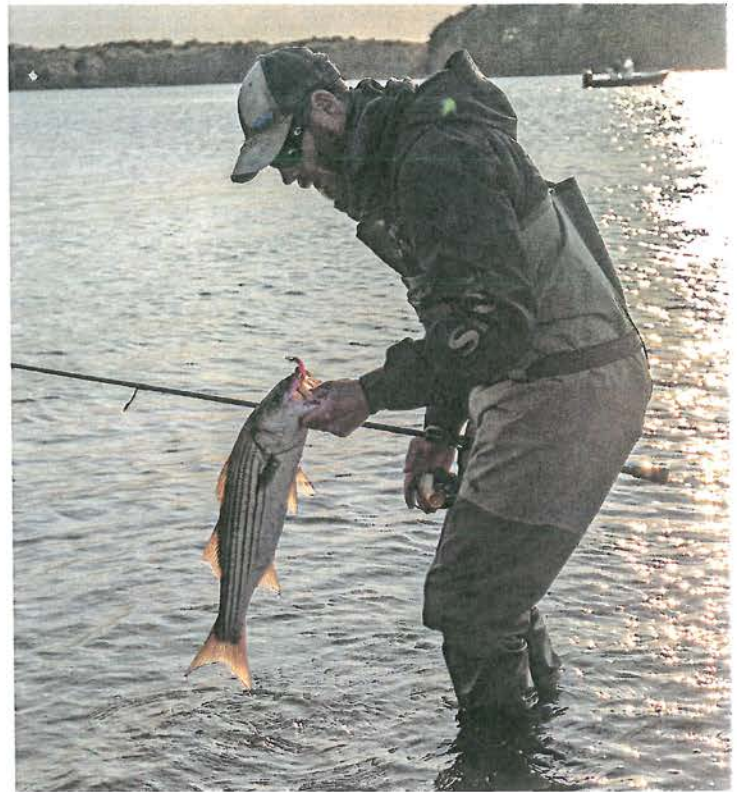
As with any angling I would always recommend some type of sun protection for both your skin and your eyes. When it comes to eye protection we all know that polarized lenses help us to see into the water making it easier for us to see the fish as well as the bottom so that we can access and move in the water safely. Other considerations regardless of angling method would be accessing and knowing the latest weather forecast as well as both times and heights of high and low tides. The weather can decide whether we go fishing or stay home. Follow the forecast on a regular basis to stay on top of any potential inclement weather. The same is true regarding tidal information. There are several areas along that coast that we might be able to walk out to at low tide but at certain high tides those same areas could potentially be deeper than we can safely fish from.

## PLACES TO GO WADING

While the Narrow River can be crowded, you can also find some wading access if you park at the Southern parking area at Sprague Bridge, walk South (left) out of the parking area for approximately 500 feet and you will come to walking access into a marshy area. If you walk through that area you can also access the Narrow River away from the crowd that fishes in the area immediately around Sprague Bridge. There are plenty of great areas to wade into the water and you can walk out to the mouth of the river. There is plenty of space for wading, casting, fly casting, and finding your own secret spot. Stripers and Shad are the target fish for me in this location.

Also Warwick's Rocky Point is a popular place for anglers to fish from the shore. I have found success there wading into the water just North of the new fishing pier, again, to get away from the crowds. Plenty of land-locked anglers won't be able to get out as far as you will be able to. There is ample parking at this location however access to the shoreline can be a hike in your wading gear so just keep that in mind. Like everywhere else, the fishing is best in the places that other people are too lazy to access. You can find fluke, scup, black sea bass, stripers, and bluefish in this area so it is a great place to go to for many reasons.

On the Sakonnet River there is great access in Tiverton off Seapowet Avenue. There is a parking area and easy access to the water that is great if you have limited mobility or don't want to walk too far. The beach access is extensive and not a lot of people



hit that spot so you can get a lot of exploring in as well. Another great access spot in Tiverton is Fogland Point where there is a public access point off Fogland Road. Parking is limited but the shoreline is also extensive there and access is super easy. The combination of limited parking and extensive areas to investigate make this a great spot especially during weekdays. Both of these spots are great for stripers and scup.

## A FEW FINAL THOUGHTS

When accessing shoreline areas always be aware of local ordinances, private property, and rights of way to legally and ethically access your fishing spots. Also be sure to choose areas with bottom types that you are physically capable of traversing. We are all getting older and perhaps a little less mobile. Be honest in evaluating your abilities and the area you want to fish to ensure the best possible fishing experience you can have. Be careful to carry at least one headlight and spare batteries if you plan to be out during dark or near dark times. One friend of mine also recommends carrying a compass in his waders so he can find his way to shore if visibility shuts down and he is caught in the water when fog rolls in. Just remember to check your bearing on the way into the water and remember to add or subtract 180 degrees, or hold the compass by the opposite end, before you head back to shore.

If you are new to wading it can certainly be a great way to fish your favorite spots from a new perspective and increase your versatility as an angler. You can get into it with very little investment and by taking shorter trips to familiar spots initially you can build up your skills before venturing into new areas. It's all about safely enjoying our time on the water, improving our skills, and increasing our ability to catch the fish we are after. 🐟