

Cstaff1

From: council@crmc.ri.gov
Sent: Tuesday, November 14, 2023 9:34 AM
To: 'Lisa Turner'; 'cstaff1'
Cc: 'Jeff Willis'; 'Laura Miguel'
Subject: FW: Pending application #2020-04-037
Attachments: SCAN_20231110141438.pdf

From: Lou DiPalma <louis_dipalma@yahoo.com>
Sent: Monday, November 13, 2023 3:35 PM
To: council@crmc.ri.gov
Cc: Denise M. DeMediros President Tiverton Town Council <ddemedeiros@tiverton.ri.gov>; Tiverton Ri Administrator <administrator@tiverton.ri.gov>
Subject: Pending application #2020-04-037

Council,

Please, see the attached re: the subject topic item.

And, please, let me know if there are any questions.

THANKS.....Lou
Cell: (401) 339-2773

State of Rhode Island

SENATOR
LOUIS P. DIPALMA
District 12



CHAIR
Committee on Finance

24 Sail Court
Middletown, Rhode Island 02842

Room 209
Rhode Island State House
Providence, Rhode Island 02903

RESIDENCE 401-847-8540
OFFICE 401-276-5599

sen-dipalma@rilegislature.gov

Committee on
Education

Senate Chamber

November 8, 2023

Mr. Raymond C. Coia, Chairman
Rhode Island Coastal Resources Management Council
Stedman Government Center – Suite 3
4808 Tower Hill Road
Wakefield, RI 02879-1900

RE: Application #2020-04-037

Dear Chairman Coia,

On behalf of the public users of the DEM Sapowet Marsh Wildlife Management Area (“Seapowet”), I respectfully request that at its November 14th meeting, the Coastal Resources Management Council (CRMC) deny pending application #2020-04-037. This application seeks to place a one-acre (.97) oyster farm in the heavily used recreational waters of Seapowet. The impact of the proposed location is of great concern to me and my constituents.

This lease should be denied outright due to the proximity to a valuable and well utilized public marine resource and the numerous substantive objections regarding this proposed lease. The substantive objections include but are not limited to:

- Significant conflicts the proposed location will create with existing recreational uses that have been cited by numerous stakeholder groups including the Rhode Island Saltwater Anglers Association and Rhode Island Backcountry Hunters and Anglers.
- Proximity to an area that is intended for recreational hunting, fishing, and outdoor recreational activities.
- New information showing that federal and state funds were used to protect this area for the expressed purpose “to fulfill the objective of the Division of Fish and Wildlife which include providing recreational opportunities for hunting, fishing and compatible wildlife associated recreational activities for the citizens of the state”.
- Unanimous opposition by the Town of Tiverton, the Tiverton Harbor Commission, and the Tiverton Conservation Commission to the location in this irreplaceable and valuable public resource.

- Removal of an easily accessible recreational shellfishing area with 40% of the proposed farm in the DEM designated public shellfish area, rendering that area off limits to the public for wild harvest. This location was discouraged by DEM during the preliminary determination.
- Restrictions created by an acre of metal aquaculture cages placed in a popular local fishing hole and loss of fishing gear when hooked fish run into the cages and become entangled.
- Scant details in the application about the proposed farm's operations and the use of the land in a residential area for servicing the farm.
- Potential for the aquaculture farm to be exposed for periods of time during low tide events and the resulting safety hazards that could impact stakeholders.
- Navigational conflict with riparian moorings owned by abutting property owners.
- Notification issues during the process that did not allow meaningful information to be collected from stakeholders.

In regulating these waters, the best interests of the public must prevail over the best interests of private individuals; this is a Rhode Island constitutional mandate.

At the very least, I request the Council to send this to a hearing officer if outright denial is not a possibility at the November 14th meeting. I am concerned that these substantive objections and the greater public interest involved with this proposal have not been adequately addressed. An outright denial or review by a hearing officer will substantiate the need to reject this application. Even leaders in the aquaculture industry have said this proposed farm is poorly sited. Please contact me at your earliest convenience to discuss this request in more detail and to notify me how this request will proceed.

Sincerely,



Senator Louis DiPalma

Cc: Jeff Willis, Executive Director of CRMC
Terrence Gray, Director, RIDEM

Lisa Turner

From: Thomas Cody <thomas.r.cody@gmail.com>
Sent: Tuesday, November 14, 2023 9:31 AM
To: lturner@crmc.ri.gov
Subject: Bowen aquaculture application, CRMC File 2020-04-037

Dear Lisa,

I am writing because I may not be able to attend the scheduled Council Meeting to discuss the Bowen's aquaculture application. I live in Tiverton and regularly fish Seapowet and am concerned about how the oyster farm will impact recreational activities. I fish both the north and south sides of the outflow and routinely wade out to the proposed site. I also clam outside of the marsh and have dug close to the proposed location of the farm. I hope the council can find a solution that either relocates the farm or pushes it further offshore to ensure it does not interfere with recreational use. Thank you for your time and consideration.

Best,
Thomas Cody

Cstaff1

From: christine ryan <cryan58@cox.net>
Sent: Monday, November 13, 2023 11:42 AM
To: jwillis@crmc.ri.gov
Cc: bgoetsch@crmc.ri.gov; cstff1@crmc.ri.gov; christine ryan
Subject: Objection: CRMC File # 2020-04-037 (Bowen Application)

TO: **Jeff Willis, Executive Director, CRMC**
RE: **Objection: CRMC File # 2020-04-037 (Bowen Application)**
DATE: **November 13, 2023**

Once again we are writing to you to register our strong opposition to the Bowen Application (CRMC File # 2020-04-037) listed above. Many objections have been forwarded to you that have summarized why this proposal should not be granted. They include statements/grants from Federal, state, and local government entities, private citizens, public and private organizations. Yet the applicants and the CRMC staff continue to minimize any objections, deny that there are any significant conflicts with recreational use of the area, and argue that there should be a balance between recreational and commercial business.

However, this area was designated as a recreational area and grants were used and awarded to keep it free from commercial development. In addition, there is no fee to use this area, unlike so many other recreational areas. The proposed location constricts, if not blocks recreational activities. The applicants can find other alternatives - outside this area designated for recreational activities - for their commercial enterprise.

Furthermore, we believe the applicants should not have priority over current users nor should they be allowed to introduce commercial activity in this area that was so clearly meant to stay commercial free.

We urge you to deny the Bowen Application CRMC File Number 2020-04-037.

Christine E Ryan and Walter A Brown
108 Driftwood Drive, Tiverton

Cc: Rep. John Edwards
Sen. Lou DiPalma
Denise DeMedeiros, Chair, Tiverton Town Council
Bruce Cox, Chair, Tiverton Harbor Commission

Cstaff1

From: Rhode Island Chapter <rhodeisland@backcountryhunters.org>
Sent: Monday, November 13, 2023 10:26 AM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; cstaff1@crmc.ri.gov
Cc: Chris Borgatti
Subject: BHA Opposition to 2020-04-037 - November 14 SMM
Attachments: BHA Opposition to 2020-04-037 .pdf

Executive Director Willis, Coordinator Goetsch, and CRMC Staff,

Attached is testimony that RI Backcountry Hunters & Anglers wishes to submit and have placed on the record related to application 2020-04-037, which is scheduled for consideration, etc. at CRMC's Semi-monthly meeting on November 14, 2023.

Thanks in advance,

Mike

Michael Woods
Saunderstown, RI
Chair, New England Chapter Backcountry Hunters & Anglers



NEW ENGLAND BACKCOUNTRY HUNTERS & ANGLERS

November 14, 2023

To: Jeffrey Willis, Executive Director, Rhode Island Coastal Resources Management Council (RI CRMC)
Ben Goetsch, Aquaculture Coordinator, RI CRMC

Re: BHA Opposition to 2020-04-037

Backcountry Hunters & Anglers (BHA) seeks to ensure North America's outdoor heritage of hunting and fishing in a natural setting. BHA's members recognize that our participation in, and the perpetuation of, our outdoor traditions relies primarily upon two things – access to places to hunt and fish, and abundant populations of fish and wildlife to pursue.

With these things in mind, we urge CRMC to deny Application No. 2020-04-037, which seeks to establish an oyster farm within Seapowet Cove in Tiverton. BHA originally objected to 2020-04-037 in correspondence submitted to CRMC on July 7, 2021. We re-iterated our objection in correspondence submitted on June 8, 2023, in response to the modified application being re-noticed for public comment. In this correspondence we will provide additional evidence to reinforce the points of opposition that we have raised previously.

It is clear in RI General Laws § 46-23-1 that CRMC's directive is neither to prioritize the development of coastal waters and the adjacent lands, nor to deter such development in favor of public use. Rather, the Council is tasked with balancing these sometimes "opposing" forces, following the guidance that *"it shall be the policy of this state to preserve, protect, develop, and where possible, restore the coastal resources of this state for this and succeeding generations through comprehensive and coordinated long range planning and management designed to produce the maximum benefit for society from these coastal resources..."*

Approving 2020-04-037 would run afoul of CRMC's "Coordinated Planning" Directive

It has been well-documented in public testimony (for example, on pg. 491-536 of Appendix A in CRMC's files) that the State of Rhode Island has invested more than \$2,000,000 in the acquisition of development of Sapowet Marsh Wildlife Management Area as a public access/public recreation site over the last century. While the purchases associated with the establishment, expansion and development of the WMA are indisputably terrestrial, their *value* has always involved their proximity and access to the coastal waters adjacent to the WMA. For example, in the "Sapowet Marsh Project Statement" that was submitted to the Federal Government for assistance to fund the Lacerda acquisition in 1997, which would ultimately become the State's largest financial investment in the vicinity, DEM's Fish & Wildlife Division asserted that one of the reasons that the feds should fund the project was because the focus area *had parking for 20-30 cars, offered over 2000 feet of shore-based fishing, as well as pier fishing from the tidal creek bridge, and a boat launch that allowed anglers to pursue striped bass, bluefish, and squeteague from small powerboats, sailboats and cartopped boats from a cobblestone ramp.* (pgs. 496-497)

In simple terms, CRMC *cannot* move consider application 2020-04-037 without accounting for the considerable investments that the State of Rhode Island has made to provide public access/public

recreation opportunities available in the immediate area, even though most of these investments have been facilitated through RI's Department of Environmental Management rather than CRMC. To do so would be contrary to the "coordinated planning" directive that RI's General Assembly gave the Council when it was created.

2020-04-037 would be *The Closest Aquaculture Lease to a State-Managed Public-Access Facility in RI*

In prior correspondence, BHA has asserted that the access to coastal waters provided by Sapowet Marsh WMA is unique along the entire twelve-mile length of the Sakonnet River, and that this warranted protection from commercial development of any kind within Seapowet Cove. As most recently proposed, the lease detailed in application 2020-04-037 would be approximately 500 feet from the state-managed small craft launch at the WMA, situated well within the Cove.

If it is granted, the development proposed in 2020-04-037 would become the closest aquaculture lease of any sort, in any location, to a state-managed coastal access facility in Rhode Island. In Appendix A we have provided a reasonably exhaustive list detailing the approximate distance between various state-managed access facilities (DEM & CRMC) and active aquaculture leases throughout Rhode Island.

Statewide there are only three instances where aquaculture facilities currently exist within ~1,000 feet of state-managed public access facilities. Two of these instances occur near CRMC ROW's (Point St. Portsmouth V-5 – 770ft, Foddering Farm Rd. Extension Narragansett C-12 – 660ft), and the final occurrence is near a DEM-managed boat ramp (Galilee – 700ft). None of these instances is directly comparable to Sapowet Marsh WMA, though. The Galilee Boat Launch is designed and situated to facilitate the launching of large fishing boats that are primarily headed offshore and holds relatively little value to small-craft operators or shore-based anglers, especially given that there are several other access points nearby to fish from shore and launch small craft in Point Judith Pond. Each of the CRMC ROW facilities has either limited or no on-site parking, and as a result do not provide reliable access of any kind for those who do not live nearby.

There is no example in Rhode Island where commercial aquaculture development has been allowed in such close proximity to ANY existing state-managed coastal access facility, let alone one that provides the types and magnitude of public access that Sapowet Marsh WMA does. To approve 2020-04-037 would, in essence, constitute a significant shift in the way that CRMC balances the facilitation of commercial development within coastal waters and the protection of existing public access to them.

Again, we respectfully **urge CRMC to deny Application No. 2020-04-037** based on the rationale and evidence that we have presented in this and prior correspondence.

Thank you for your consideration, and for the opportunity to provide testimony.

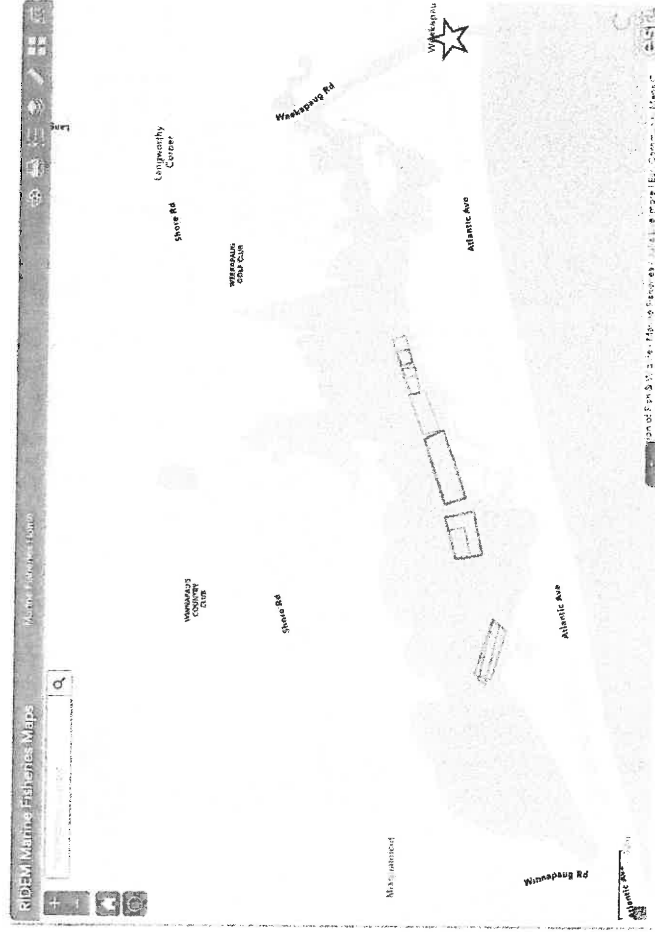
Sincerely,

Michael Woods
Saunderstown, Rhode Island
rhodeisland@backcountryhunters.org
Chair, New England Chapter Board
Backcountry Hunters and Anglers

Appendix A – Active Aquaculture & State-Managed Coastal Access Facilities

Winnepaug Pond

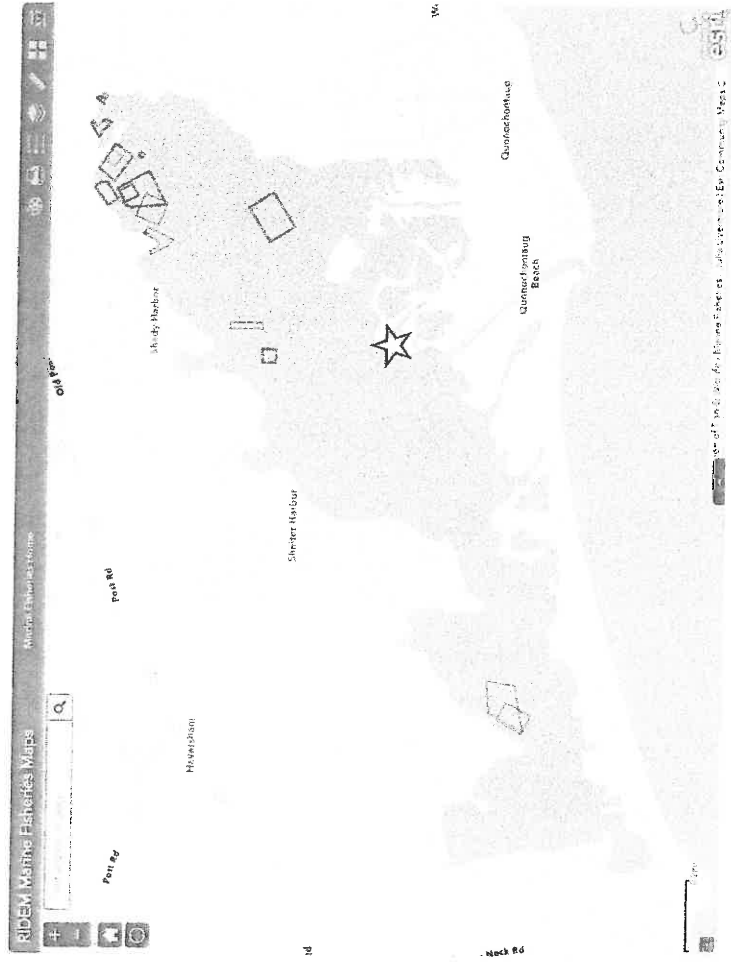
- CRMC ROW's — none
- DEM Access Facilities ☆
 - Fishing access point at Weekapaug Breachway (not a boat launch)
- Distance to closest Aquaculture facility
 - ~1.25 miles Breachway



Appendix A – Active Aquaculture & State-Managed Coastal Access Facilities

Quonochontaug Pond

- CRMC ROW's – None
- DEM Access Facilities ☆
 - Boat ramp at Quonochontaug Breachway

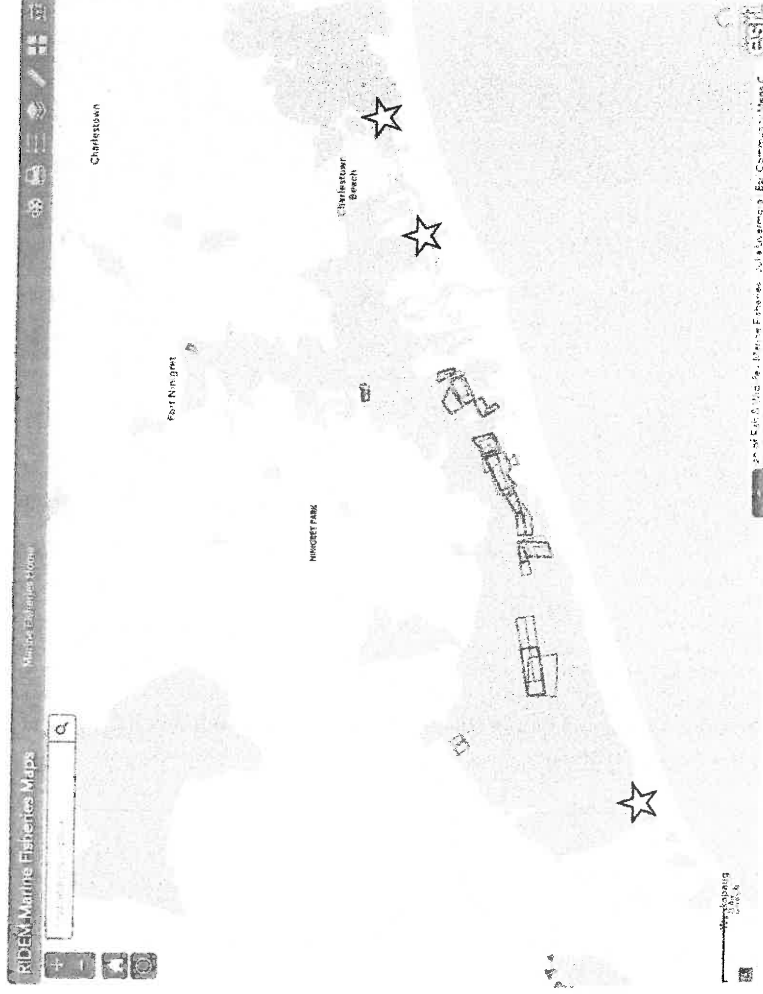


- Distance to closest Aquaculture facility
 - ~.5 miles Breachway (ramp)

Appendix A – Active Aquaculture & State-Managed Coastal Access Facilities

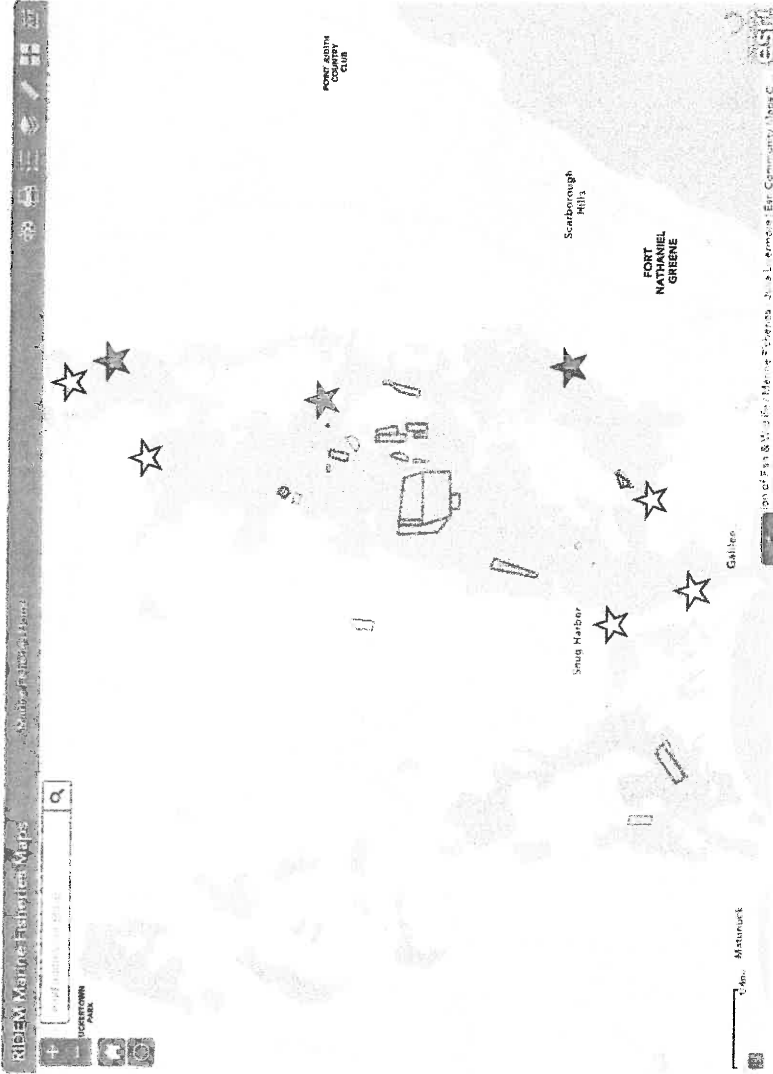
Ninigret Pond

- CRMC ROW's – None
- DEM Access Facilities ☆
 - Small craft access from East Beach State Park
 - Boat ramp at Charlestown Breachway State Park
 - Boat Ramp near Charlestown Town Beach
- Distance to closest Aquaculture facility
 - ~1 mile East Beach (ramp)
 - ~.8 miles Charlestown Breachway (ramp)



Appendix A – Active Aquaculture & State-Managed Coastal Access Facilities

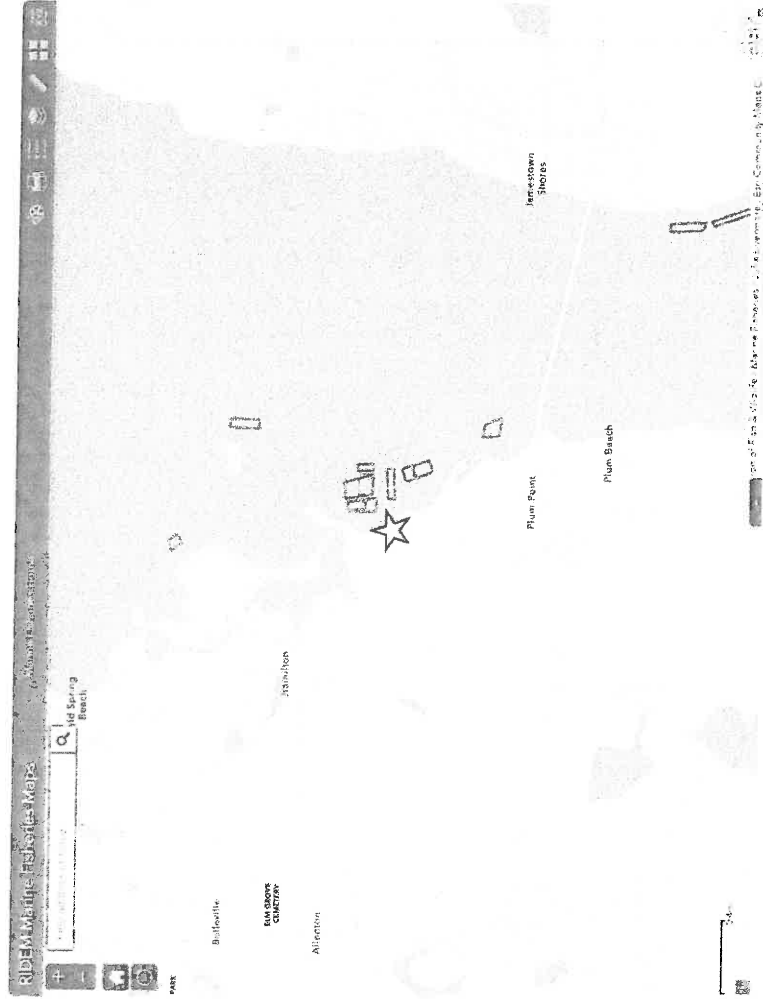
Point Judith & Potters Ponds



- CRMC ROW's ☆
 - Knowlesway Extension C-1
 - Foddering Farm Rd. Extension C-12
 - Wandsworth St. Extension C-14
- DEM Access Facilities ☆
 - Boat Ramp at Snug Harbor
 - State Pier #4 fishing access (Succotash Rd.)
 - Galilee Boat Ramp
 - Pond St. Boat Ramp
 - Marina Park Boat Ramp
- Distance to closest Aquaculture facility
 - ~660 ft Foddering Farm (ROW)
 - ~700 ft Galilee (ramp)
 - All others (6 access points) > 1000 feet

Appendix A – Active Aquaculture & State-Managed Coastal Access Facilities



Rome Point

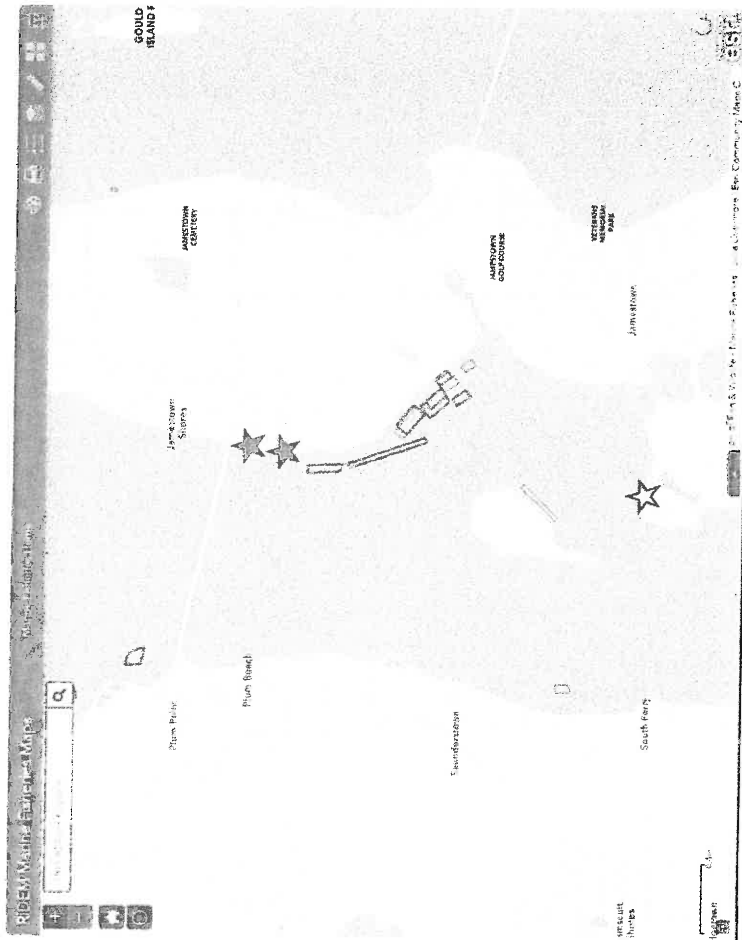


- CRMCRROW's – None
- DEM Access Facilities ☆
 - Fishing Access from Chafee State Park (.25 mile from parking)
- Distance to closest Aquaculture facility
 - ~0.37 miles from parking

Appendix A – Active Aquaculture & State-Managed Coastal Access Facilities

West Passage

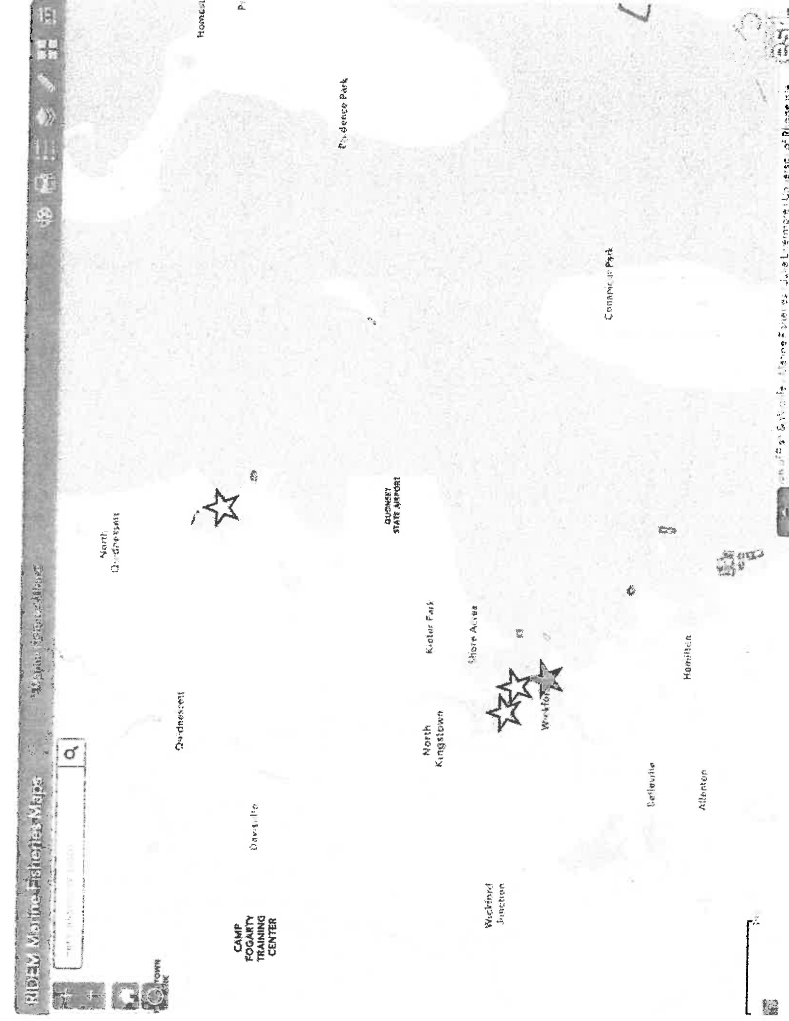
- CRMC ROW's 
 - Mast St. G-6
 - Hull St. G-7
 - *More ROW's North of Mast/Hull*
- DEM Access Facilities 
 - Boat Ramp at Fort Getty



- Distance to closest Aquaculture facility
 - ~0.25 miles Mast St. (ROW)
 - ~1.1 miles Fort Getty (ramp)

Appendix A – Active Aquaculture & State-Managed Coastal Access Facilities

Wickford/Quonset

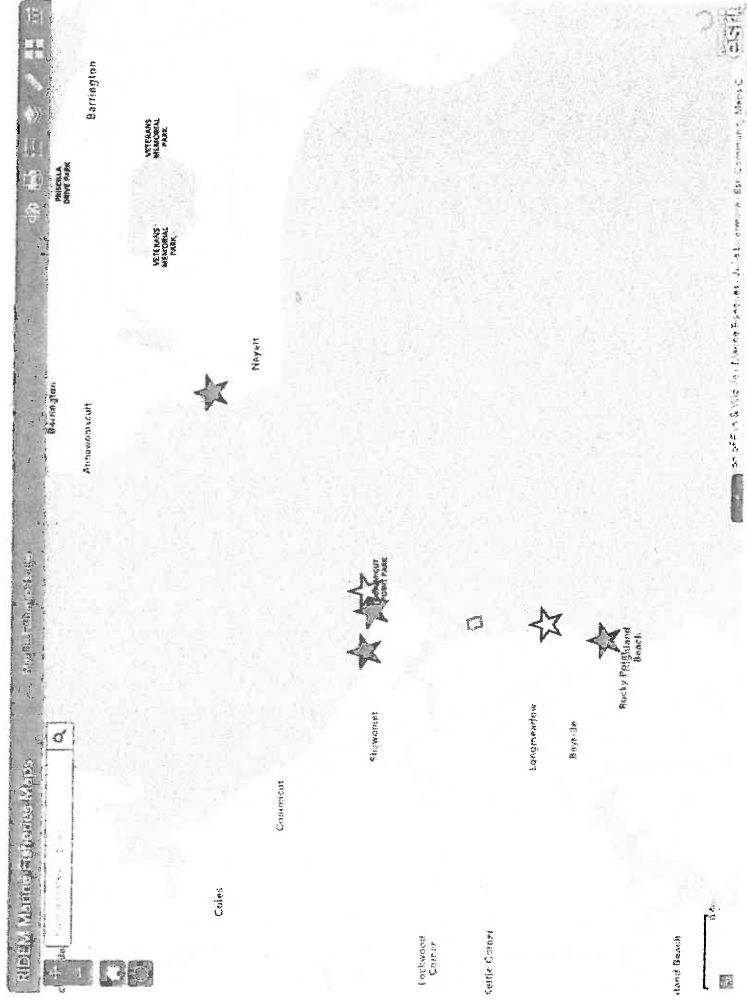


- CRMC ROW's ★
 - Town Wharf F-9
 - Wilson Park F-10
 - Allen Harbor Complex F-8
- DEM Access Facilities ★
 - Pleasant St. Boat Ramp
 - Wilson Park Boat Ramp
 - Allen Harbor Boat Ramp
- Distance to closest Aquaculture facility
 - ~.5 miles Pleasant St. (ramp)
 - ~.75 miles Allen Harbor (ramp)

Appendix A – Active Aquaculture & State-Managed Coastal Access Facilities

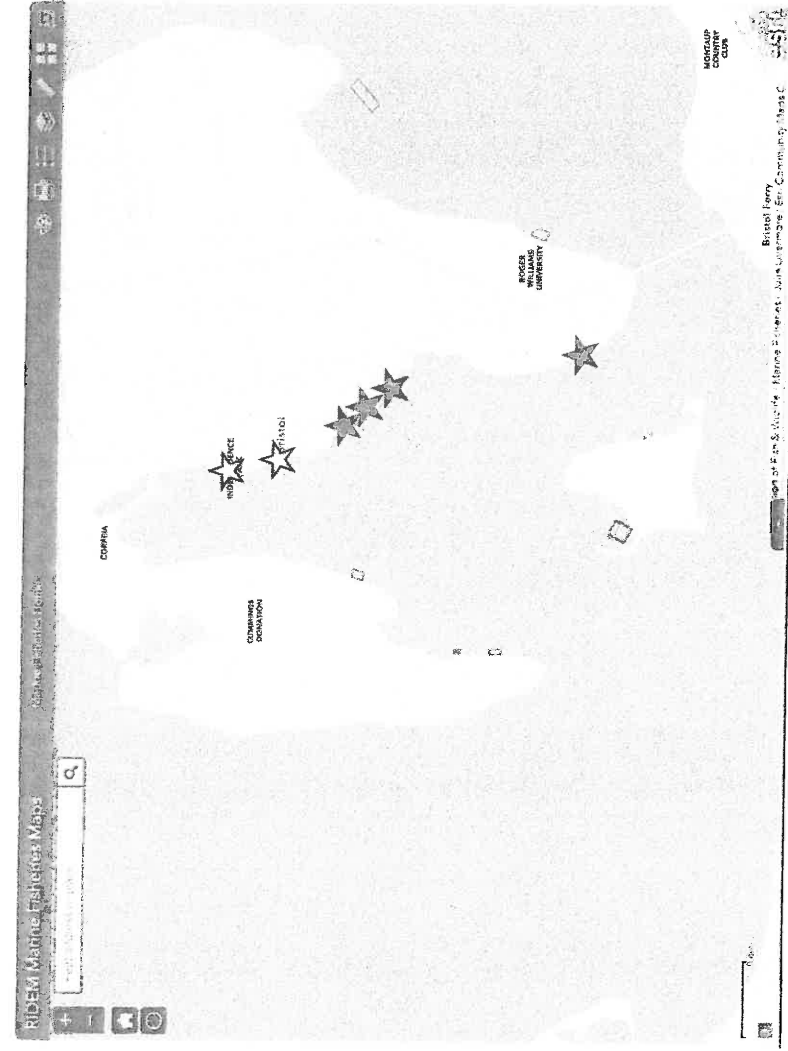
Upper Bay

- CRMC ROW's ★
 - Off Shawomet Ave. J-29
 - Shawomet Ave. J-20
 - Priscilla Ave. J-36
 - *More ROW's south of Priscilla*
 - Nayatt/Daunis Rd. P-2
- DEM Access Facilities ☆
 - Small craft Access – Conimicut Pt.
 - Small craft Access - Longmeadow
 - Boat Ramp – Allen Harbor
- Distance to closest Aquaculture facility
 - ~.35 miles Longmeadow (ramp)
 - ~1 mile Nayatt/Daunis (ROW)



Appendix A – Active Aquaculture & State-Managed Coastal Access Facilities

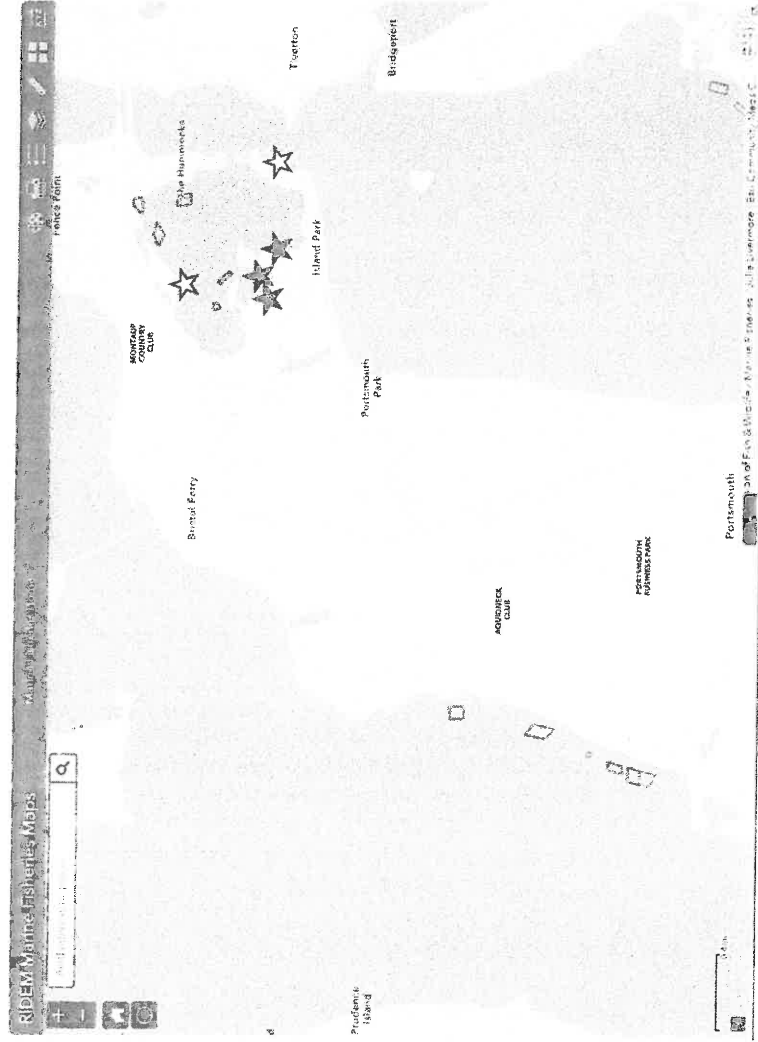
Bristol



- CRMC ROW's ★
 - Low Lane S-18
 - Walley St. S-6
 - Burton St. S-23
 - Union St. S-5
 - *More ROW's north of Union St.*
- DEM Access Facilities ★
 - Boat Ramp – State St.
 - Boat Ramp – Independence Park
- Distance to closest Aquaculture facility
 - ~1.1 miles Low Lane (ROW)
 - ~1.7 miles State St. (ramp)

Appendix A – Active Aquaculture & State-Managed Coastal Access Facilities

North Portsmouth

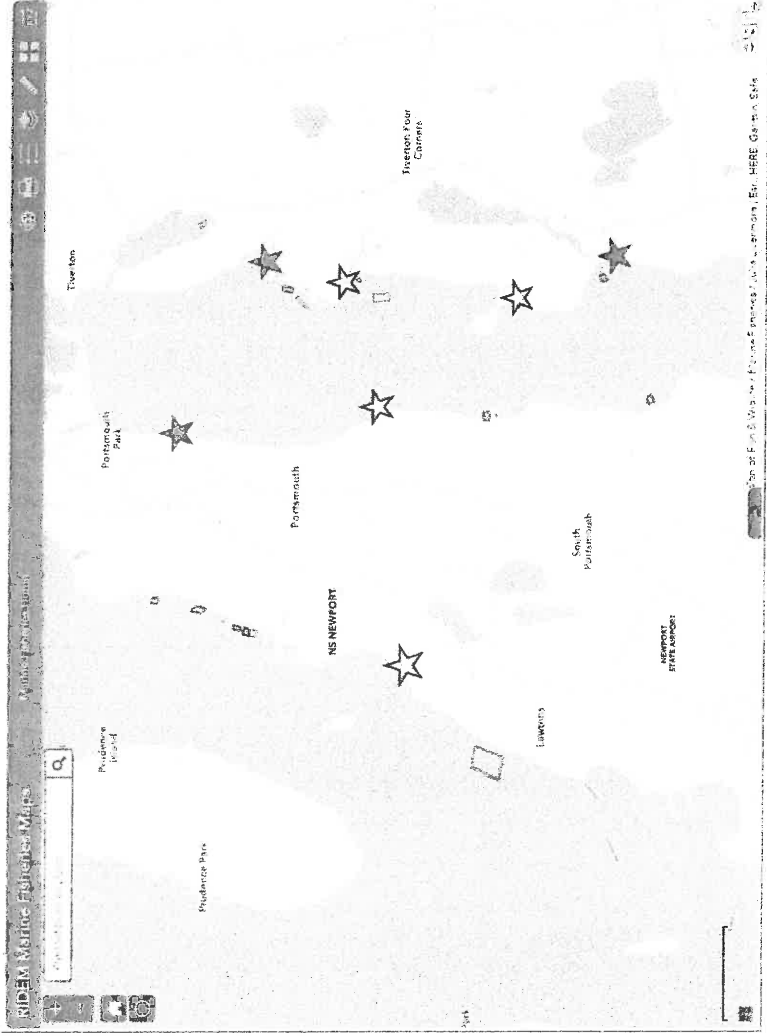


- CRMC ROW's ★
 - Point St. V-5
 - Green St. V-6
 - Cedar Ave. V-4
- DEM Access Facilities ★
 - Fishing Access – Gull Cove
 - Boat Ramp – Stone Bridge
- Distance to closest Aquaculture facility
 - ~770 ft Point St. (ROW)
 - ~.7 miles Stone Bridge (ramp)

Appendix A – Active Aquaculture & State-Managed Coastal Access Facilities

South Portsmouth / Tiverton / Sakonnet River

- CRMC ROW's ★
 - Two Rod Way T-6
 - Morningside Lane V-17
 - *More ROW's north of Morningside*
 - Fogland Road T-4
 - Town Way Road W-2
- DEM Access Facilities ☆
 - Fishing Access – McCCorey Lane
 - Boat Ramp – Fogland Beach
 - Boat Ramp – Weaver Cove
 - Small Craft Launch – Sapowet Marsh WMA
- Distance to closest Aquaculture facility
 - ~.37 miles Two Rod (ROW)
 - ~1100 ft. Town Way (ROW)
 - ~1 mile Sapowet Marsh WMA (ramp)



Cstaff1

From: council@crmc.ri.gov
Sent: Friday, November 3, 2023 12:29 PM
To: 'cstaff1'
Subject: FW: Public Comment for 2020-04-037
Attachments: CRMC HEARING LETTER.pdf

From: Jay Edwards <sighthound_lover01@yahoo.com>
Sent: Friday, November 3, 2023 11:09 AM
To: council@crmc.ri.gov
Cc: jwillis@crmc.ri.gov; terry.gray@dem.ri.gov
Subject: Public Comment for 2020-04-037

Dear Mr. Cola;

Attached are my comments in objection to the John Bowen & Patrick Bowen application 2020-04-037 scheduled to be heard at your November 14, 2023 meeting which I would like to add to public comment. I would have attended in person but have a conflicting Tiverton Town Council meeting on that date. While I cannot speak for other Town Council members, I think I can assure you that we are all of the same mind in objecting to this proposal.

Thank you for your consideration,

Jay P. Edwards
143 Merritt Ave.
Tiverton, RI 02878

Letter in opposition to Bowen brothers application File #2020-04-037

Dear Mr. Willis and CRMC members,

My name is Jay Edwards, no relation to Representative "Jay" Edwards, and I have been a resident of Tiverton for 41 years. I am currently an elected member of the Tiverton Town Council, which body has previously sent you a letter expressing its adamant opposition to this lease application, and the reasons for that opposition.

I also am opposed to this application as a private citizen. I do not live on the shores of the Sakonnet River, nor do I live in the Seapowet area. I do not live in a million dollar house with a water view and a dock and I don't own a boat. I am not a wealthy waterfront land owner nor am I a well-heeled summer vacationer. This proposed lease area is not directly in my back yard. But I AM a full time resident of Tiverton who appreciates the natural beauty of its coastal areas and who is fully aware of the varied uses that occur there each and every day. And, as a resident, I DO regard the Seapowet area and Sakonnet River as my own back yard. In addition, as an elected official, it is my duty and privilege to represent my constituents and give their concerns due regard and support.

The idea of a oyster farm is sound and commendable, but the location of the Bowen's proposed lease is not. It will most definitely interfere with the many activities that have been practiced in this area over decades, and by many generations of Rhode Islanders, and others, who continue to use it to this day. Swimming, boating, kayaking, wind surfing, fishing, clamming and simply walking the shore and enjoying the magnificent views. All of these activities will be diminished or eliminated within this proposed lease area, and for some distance-around it. Activities related to harvesting and servicing will be very disruptive, as well as damaging, to the surrounding ecosystems. Powered equipment will be routinely brought into the area to service the lease with its attendant noise and pollution. The visual impact alone should be readily apparent to all. By way of contrast, the purely recreational activities that are currently in practice here are low impact and transient. They have little or no lasting impact on the area. While it is true that the Bowen's have purchased a very small parcel of land inshore of their proposed lease which makes them "riparian" land owners, it is also true that the land is zoned as residential and no commercial activities will be allowed there. This would include landing the harvest, transferring it to trucks and storage of equipment for servicing the lease. A ¼ acre parcel is not classified as a farm under the right to farm act.

Oyster farming is a very specific niche business serving a high end market. A oyster farm hires very few people at minimum wage and is seasonal at best. It requires constant attention. The only true beneficiaries are the owners. While the Rhode Island Right to Farm Act and RICR mention aquaculture, I do not see aquaculture, and oyster farming in particular, as a right to which all other public uses and access are subservient. It has been said that oyster farms are essential in reducing food insecurity in our state. I submit that those who cannot afford basic food items most certainly cannot afford to buy oysters. The idea that an oyster farm will relieve food insecurity is an illusion. But people can wade out to an area currently open to the public to harvest shellfish, or to fish, at no cost. A oyster farm will prevent or at least impede this. The public should not be required to adapt and modify their activities to appease two oyster farmers.

An approval of this lease will essentially take a well used public area, access to which is guaranteed to all, away from thousands of local residents and non-residents and hand it over to two businessmen for their own personal use and profit. It will than be lost to the public forever. This is tantamount to a taking of public land through eminent domain by a state agency for the benefit of a private enterprise. I cannot urge strongly enough that this council deny this application and take a position that favors a continuation of unimpeded public access and use.

Thank you for your attention.

Jay P. Edwards

Jenn Abbruzzese

From: Jeff Willis <jwillis@crmc.ri.gov>
Sent: Tuesday, September 19, 2023 11:56 AM
To: 'Lisa Turner'; 'Jenn Abbruzzese'
Cc: 'Laura Miguel'; 'Anthony DeSisto'; 'Ben Goetsch'; 'Maria Hartnett'; Jeff Willis
Subject: FW: Bowen Application
Attachments: Willis Letter 9_18_23.pdf

Lisa, Jenn – please add this to the Bowen file.

Thanks,
Jeff

From: Sean Bowen <seanbow@yahoo.com>
Sent: Monday, September 18, 2023 9:25 PM
To: Jeff Willis <jwillis@crmc.ri.gov>
Cc: Benjamin Goetsch <bgoetsch@crmc.ri.gov>; Pat and Claire Bowen <bowen_co@cox.net>
Subject: Bowen Application

Commissioner Willis, please see the attached letter. We look forward to hearing from you.

Sincerely,

John and Patrick Bowen



Virus-free www.avg.com