

**In The Matter Of:**  
*Coastal Resources Management Council*

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*Application of Perry Raso*  
*Vol. 1*  
*November 12, 2020*  
*Subcommittee Hearing*

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Application of Perry Raso - Vol. 1 - November 12, 2020  
Subcommittee Hearing

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
COASTAL RESOURCES MANAGEMENT COUNCIL  
SUBCOMMITTEE HEARING

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IN RE:

CRMC File No. 2017-12-086

In the matter of Perry Raso

\* \* \* \* \*

Date: November 12, 2020

Time: 1:00 p.m.

Place: Via Zoom  
Rhode Island

MEMBERS PRESENT

- Jennifer Cervenka, Chair
- Raymond C. Coia, Vice Chair
- Donald T. Gomez
- Patricia Reynolds
- Anthony DeSisto, Esquire, Legal Counsel

STAFF PRESENT

- Jeff Willis, Executive Director
- Lisa Turner, Secretary
- Ryan Moore, Moderator
- James Boyd, Deputy Director
- David Beutel, Former Aquaculture Director

APPEARANCES

- Elizabeth Noonan, Esq.....For the Applicant
- Leslie Parker, Esq.....For the Applicant
- Christian Capizzo, Esq.....For the Objectors  
(Hunt, Latham, Cooney and Quigley)
- Dean Wagner, Esq.....For the Objectors  
(Andrew Wilkes and 454 Beach Road, LLC.)

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1 COURT REPORTER: Please state your name for the  
2 record.

3 THE WITNESS: Perry Raso.

4 DIRECT EXAMINATION BY MS. NOONAN

5 Q. Good afternoon, Mr. Raso, how are you? Good?

6 A. Yes.

7 Q. Can you tell this Board where you currently reside?

8 A. I live on the north end of Potter Pond.

9 Q. And that's in the town of South Kingstown, correct?

10 A. That's correct.

11 Q. How long have you lived in South Kingstown?

12 A. About 33 years approximately.

13 Q. And where did you go to college?

14 A. I started at Southern Connecticut State, and I was at the  
15 University of Northern Colorado, and I finished my  
16 undergraduate and graduate degrees at the University of  
17 Rhode Island.

18 Q. What educational degrees do you have?

19 A. I have an undergraduate degree in aquaculture and  
20 pathology science and a graduate degree in aquaculture  
21 and fisheries technology.

22 Q. And where did you obtain those from?

23 A. University of Rhode Island.

24 Q. Certainly just in the discussion that Mr. Beutel gave, we

1 know currently what you're working on. Can you go back  
2 and give us a little bit of your work experience, you  
3 know, since college.

4 A. I started out digging clams and trapping eels and  
5 eventually working on commercial fishing boats. And then  
6 in my lay teens, early 20s started commercially scuba  
7 diving for the wild harvesting shellfish. First started  
8 with littlenecks and eventually steamers which is what  
9 led me into Potter Pond is -- harvesting steamers.

10 From there, when I finished my undergraduate degree,  
11 I started a 1-acre farm in 2002, and today it's a  
12 6.9-acre farm.

13 Q. So you're familiar with the term "aquaculture"?

14 A. Yes.

15 Q. Can you describe it to the Board?

16 A. Aquaculture is the growing of a product organisms.

17 Q. And can you describe your work in the aquaculture  
18 industry?

19 A. I grow oysters and I retail and wholesale oysters both at  
20 my restaurant and to other restaurants, and I also  
21 attempt to grow scallops and limited success with that as  
22 well as to grow seaweed as well, also limited success.

23 Q. Okay. And so in terms of the existing facility that you  
24 have in Potter Pond, can you just describe that to the



1 to grow the scallops would have floats, round floats. I  
2 think I proposed five or six-inch round floats similar to  
3 lobster pot buoys only round, and they would mark the  
4 ends of the lines as well as there might also be in the  
5 center depending on how much flotation is required, as  
6 the panels get bigger.

7 Q. Okay. And obviously people are familiar with your  
8 existing farm. The proposed one, can you describe what  
9 type of gear will be out on that farm?

10 A. The proposed farm will be -- the half of the farm that's  
11 closest to the land would be the floating cages with  
12 those low profile floats. And the east western most will  
13 be either spat bags, which will be submerged and lantern  
14 nets which are total submerged with buoys even though  
15 they float.

16 Q. Will you have a permanent platform on that site?

17 A. No, there will be no permanent platform on the site.

18 Q. What are the hours of operation that your crews would  
19 work there?

20 A. We've agreed to address some concerns regarding migratory  
21 birds between the months of November and March to keep  
22 the hours, I believe, from 9:00 a.m. to 3:00 p.m. In the  
23 other months, it probably would be approximately an hour  
24 earlier and maybe an hour later give or take for the

1 other aerials that will give you a little more  
2 information on that.

3 Q. Going back now, I think when we left off we were talking  
4 about the crews, how many people would work. So how many  
5 -- how many people do you normally have on your crews  
6 working at the farm or will you for this proposed farm?

7 A. For this proposed farm we'll use the same crew that  
8 accesses the current farm. There's usually a minimum of  
9 two and a maximum of five people as of the last several  
10 years.

11 Q. And would you be hiring different people or are you  
12 essentially using the same crew for -- would you be using  
13 the same crew for both sites?

14 A. I would use the same.

15 Q. Okay, great. On that -- when the pontoon boat goes out,  
16 is there any type of equipment on it like a tumbler?

17 A. There is no tumbler, no.

18 Q. And do you hide pressure hoses or anything like that?

19 A. No high pressure power washer, no, nothing like that.

20 Q. Again, we've established there's no platform like there  
21 is at the existing site, correct?

22 A. Correct.

23 Q. So when your crew goes out on the pontoon boat, if this  
24 is approved, what kind of work will they be doing out

1           there?

2       A.    They'll be hauling up the lantern nets, emptying the bay  
3           scallops out manually on a work table, pulling up the  
4           floating cages, perhaps emptying those animals out on the  
5           work table, sorting and separating by hand. In some  
6           cases the gear will be brought to the work platform in  
7           the other farm as laid out in the proposal.

8       Q.    And, you know, based on your experience what type of  
9           noise is generated when the pontoon boat is working at  
10          the proposed farm?

11      A.    Well, when it's navigating the farm you would hear a  
12          motor just like any boat and emptying the shellfish on a  
13          work table and pulling the gear out of the water is the  
14          noise. We agreed not to play any radios or anything like  
15          that. That's become an issue, so we certainly wouldn't  
16          do that. That would be the extent of the noise.

17      Q.    Okay. Mr. Beutel addressed a little bit how you ended up  
18          at Segar Cove. Can you explain to us why you selected  
19          Segar Cove for this proposed farm?

20      A.    I chose Segar Cove because it was the area in the pond,  
21          with my many years of living and working on the pond, I  
22          found as well as living in Segar Cove for many years, I  
23          felt that was the least used part of the pond and would  
24          make the least impact on other users in the pond.

1 A. It is not.

2 Q. And how do you know that?

3 A. Just having lived on the cove and in the pond. I  
4 situated it, removed from probably the most popular area  
5 of use in that cove which would be the inlet. So I  
6 situated it well to the north of that so that it is not  
7 in between any two docks. So any dock and mooring board  
8 and inlet, any dock, they wouldn't have to go through or  
9 navigate in and around the farm in order to go in and out  
10 of the cove or to go from one dock to another or to a  
11 dock and moor.

12 Q. Certainly as we've seen from the pictures in the area  
13 where your farm is on that side near the Hunts' property,  
14 there's no dock on that side, correct?

15 A. Correct.

16 Q. All right. For the record, one of the requirements of  
17 the assent is that there are no areas of historic or  
18 archeological significance in the vicinity of the farm.  
19 Are you familiar with that criteria?

20 A. Yes.

21 MS. NOONAN: And we have Exhibit 9 which I  
22 believe is also part of the -- our new Exhibit 9, part of  
23 the CRMC record which is the letter from the Rhode Island  
24 Historical Preservation Heritage Commission stating that.

1           advocating for C, so I'm fine for now. Thank you, Madam  
2           Chair.

3       Q.    At this time, Mr. Raso, are you willing to have either  
4           the original rectangle that you submitted with the  
5           application or a Map B as recommended by staff to be  
6           approved by this committee?

7       A.    Yes.

8                       MS. NOONAN: Okay. I'm done with Exhibit A.  
9           Thank you very much.

10      Q.    How long have you been familiar, I think we talked about  
11           this earlier, but with Potter Pond and specifically Segar  
12           Cove?

13      A.    Approximately over 20 years.

14      Q.    And Segar Cove specifically, what's your experience with  
15           them?

16      A.    When I first went into the pond and I started scuba  
17           diving for steamers, Segar Cove, specifically the area  
18           where the moorings are in the south end of that cove, was  
19           a very good spot for scuba diving for steamers and that  
20           was my first experience in that cove. Years later I  
21           eventually moved into the cottage on the inlet of Potter  
22           Pond, and when that marina, which was Kent Port Marina  
23           where I lived sold, I then rented a house in a part of  
24           the house on Segar Cove for five or six years. So I'd go

1 back and forth to my farm or to wild catch shellfish, you  
2 know, on a daily basis, and now I live on the north part  
3 of the pond.

4 Q. Okay. And you described that you did some shellfishing  
5 near the -- marina areas, is that allowed anymore in  
6 Segar Cove?

7 A. Scuba diving for shellfish is no longer allowed in Potter  
8 Pond. There was a huge -- there's a huge abundance of  
9 shellfish. I would be diving for steamers and there were  
10 so many baby steamers there it was like somebody dropped  
11 a bag of rice. They were everywhere. Sometimes you'd  
12 get into assemblages that were so thick that they would  
13 be killing each other off because they are so densely  
14 populated and without getting harvested, this would  
15 happen. Somehow scuba diving became banned in the pond.  
16 So scuba diving is no longer allowed in the pond and  
17 there is no longer soft shell commercial fishery in the  
18 pond because of that.

19 Q. You heard Mr. Beutel talk about the shellfish in his  
20 staff report and his testimony today, correct?

21 A. Correct.

22 Q. So the fact that you're out there as you testified on a  
23 daily basis, are you familiar with how people use that  
24 area recreationally?

1 A. I am.

2 Q. Can you describe, you know, in your experience how often  
3 does the public use the area in Segar Cove for  
4 waterskiing and tubing where the proposed aquaculture  
5 farm will be located?

6 A. To the best of my recollection going in and out of that  
7 body of water, while I would see people shellfishing on  
8 Ram Point, I would never see people in there in the area  
9 proposed for farming. I believe when I took pictures, I  
10 tried to take pictures every day exactly at noon.  
11 Sometimes I was earlier or later, but I tried to get it  
12 exactly at that noontime when I took pictures that one  
13 summer. I really -- I think there was one instance where  
14 there was a paddle boarder within the picture. So very  
15 seldom I would say.

16 MS. NOONAN: If we could, I'd like to go to  
17 what we identified as Exhibit 15, calling those  
18 photographs of Segar Cove and Potter Pond. If we can  
19 pull those up.

20 MR. MOORE: One moment.

21 MS. NOONAN: Thank you.

22 [PAUSE]

23 MS. NOONAN: Can I ask some preliminary  
24 questions or would you prefer I wait?

1 CHAIRWOMAN CERVENKA: Mine is in a deaf circle  
2 also because it's large.

3 MS. NOONAN: There are a lot of pictures.

4 CHAIRWOMAN CERVENKA: That's fine to ask  
5 preliminary questions.

6 MS. NOONAN: Thank you.

7 Q. So Mr. Raso, in addition to your personal observations on  
8 the pond and the cove over the years, did you have an  
9 opportunity to take some photographs of the area where  
10 your proposed aquaculture farm is to be located?

11 A. Yes.

12 Q. And when did you take those pictures?

13 A. I took them every day last summer. I forget between what  
14 months, but it was certainly July and August. I think I  
15 might have been Labor Day to Memorial Day. I tried to  
16 hit every single day. I believe I missed two days  
17 because one time I was at an event and I forgot to ask  
18 someone to do it. That happened twice, I believe. I did  
19 try and get every single day exactly at noon so it wasn't  
20 the idea that I was just timing it when no one was there.

21 Q. In fact, when Exhibit 15 pops up, you say you submitted  
22 this to CRMC and it says this binder has pictures of the  
23 proposed shellfish lease at or close to noon every day  
24 from August 1st through October 31st. Correct?

1 screen right now, it references there were two instances  
2 where a paddle boarder was near the area and also there  
3 were occasionally clam diggers; isn't that correct?

4 A. Yes, the clam diggers weren't in the farm. They were  
5 along the shore which would still be accessible.

6 MS. NOONAN: Okay. Then just maybe to look at  
7 one or two of the pictures as we go through them.

8 Mr. Moore, can you scroll down a page or two.

9 Q. Is this a picture looking east?

10 A. Correct.

11 Q. Actually, you tell me what it is. How's that?

12 A. That's view from the Matunuck side facing the -- that's  
13 taken from land obviously and it's facing east.

14 Q. All right. Again, as we go to the next page of  
15 Exhibit 15, as you can see it's 783 pages I think -- the  
16 next page down, Mr. Moore -- what does that depict?

17 A. It's a similar -- it's facing the same direction;  
18 however, it's a little bit -- it gets a portion of the  
19 inlet into Segar Cove on the right there.

20 Q. Okay. Is that what they call Ram's Point?

21 A. Yes.

22 Q. Okay. And then again let's go to another, the next  
23 picture down in Exhibit 15. Again, if you could just  
24 describe that?

1 A. That is again a picture showing the entire inlet into  
2 Segar Cove. The farm is on the left side of that picture  
3 about, I'd say, about a third of the way, you know,  
4 towards the land which is left or north.

5 MS. NOONAN: Okay. All right. I am going to  
6 save us some time and not go through 798 page of pictures  
7 and leave it there for everyone's consideration and  
8 review. Thank you, Mr. Moore.

9 CHAIRWOMAN CERVENKA: Just for clarification, I  
10 think that I heard testimony that other than two  
11 instances there was nothing in the proposed farm area; is  
12 that correct?

13 THE WITNESS: That's correct.

14 CHAIRWOMAN CERVENKA: Okay. Can you give me  
15 those dates again? I think it's on the first page of  
16 the -- it's still loading on mine.

17 MS. NOONAN: I don't think he actually put the  
18 dates of when he observed it, but the pictures were taken  
19 between August 1st and October 31st every day except for  
20 3 in 2019.

21 THE WITNESS: I did write August 1st, but it  
22 looks like I started taking them July 25th. It looks  
23 like they started July 25th.

24 CHAIRWOMAN CERVENKA: Okay, thank you.

1 A. They would still be able to take place if the farm were  
2 approved.

3 Q. I believe one of the members asked about the Conservation  
4 Commission. So you're familiar with the South Kingstown  
5 Conservation Commission, are you not?

6 A. Yes, I am.

7 Q. And they provided a letter to CRMC, I believe, during the  
8 preliminary determination process, correct?

9 A. Yes.

10 Q. Were you invited to participate in that meeting?

11 A. I was not invited.

12 Q. Okay. So any response or information from that meeting  
13 that was provided to CRMC lacked any input from you, the  
14 applicant?

15 A. Yes.

16 Q. Did you have an opportunity to listen into that meeting  
17 after it occurred?

18 A. Yes. When I found out it took place I requested the  
19 audio.

20 Q. Now that we get Zoom, you'll be able to see the video  
21 too, but at that time just audio. Did the comment you  
22 heard in that meeting accurately reflect your proposal?

23 A. No, they did not.

24 Q. You're also aware that the Town of South Kingstown

1 that Mr. Beutel talked about was water quality. Can you  
2 explain, and I know this is your life's business and  
3 work, can you explain for the committee the effect that  
4 oysters have upon water circulation including flushing  
5 turbidity and sedimentation? And take it slow because,  
6 let us know -- take it a little show when you talk.

7 A. Oysters are filter feeders eating phytoplankton in  
8 microscopic plants that are naturally occurring in water.  
9 They improve water quality by the mechanism by which they  
10 feed. They retain particles of food, microscopic plants,  
11 and use them for growth, reproduction, energy.

12 Phytoplankton isn't bad for the environment, but  
13 phytoplankton photosynthesizes all day when the sun comes  
14 up, and when the sun goes down they can't photosynthesize  
15 so they respirate, or breathe, take oxygen out of the  
16 water.

17 After a long hot day there is a lot of phytoplankton  
18 in the water. When the sun goes down after that long hot  
19 day, that's when there's the most amount of phytoplankton  
20 and -- oysters and other filter-feeding organisms reduce  
21 that amount of phytoplankton and therefore increase the  
22 amount of dissolved oxygen available to other living  
23 things which in turn increases biodiversity, as does the  
24 three dimensional structures, the substrate that's

1 created by the oysters here.

2 It also increases the amount of light penetration to  
3 the sea floor and reduces turbidity and increases how  
4 much sunlight can reach the sea floor which promotes  
5 bottom vegetation which is essential for fish habitat.

6 Q. Can you describe what turbidity is for those who are not  
7 familiar?

8 A. There's clear a glass jar of water, and if it's cloudy  
9 it's high turbidity. If it's clear, it's low turbidity.

10 Q. All right. Based on your education and experience, does  
11 or will the proposed farm have a negative effect on  
12 either water circulation or turbidity or sedimentation?

13 A. It will not.

14 Q. And in fact, will there be any positive effects from the  
15 proposed farm?

16 A. Yes, there will be.

17 Q. Okay. In terms of the gear and the pontoon boat that you  
18 have going out there, will that interfere with boat  
19 traffic at all?

20 A. It would be something that people would have to navigate  
21 around, you know, if they were going in what I would deem  
22 to be a very rare occurrence if they were going through  
23 that area. But like I said, I situated the farm in an  
24 area that is not heavily used. It's the least heavily

1 Q. I think we talked already. I'm just kind of concluding a  
2 few things here. What steps will be taken to limit any  
3 noise during your operations at the proposed farm?

4 A. Well, we -- I think the major concerns were the potential  
5 of someone playing a radio and the potential of power  
6 washing being used. I agreed not to use any of those  
7 things that became a concern.

8 Q. So if this committee was favorable on your application,  
9 you would be willing to accept a restriction not to have  
10 a tumbler or like a high pressured hose on the pontoon  
11 boat?

12 A. Yes.

13 Q. And in terms of plant and animal and plant life,  
14 Mr. Beutel talked about deer swimming. Let me ask you  
15 generally what steps would be taken to protect animal and  
16 plant in and around the proposed aquaculture farm?

17 A. The oyster farm increases biodiversity in the pond. I  
18 did situate the farm in a way that would have limited  
19 impact on the navigation and the farm itself increases  
20 ecosystem services. It's not proven to have negative  
21 impacts, especially at this scale.

22 Q. Okay, and What measures have you taken or do you plan to  
23 take to minimize any adverse scenic impacts to the  
24 surrounding area?

1 the same. It is more desirable. But I would be willing  
2 to do either B or C for that matter. However, the CRMC  
3 suggested B so I would go with that.

4 MR. GOMEZ: And yet, you did not throughout a  
5 couple month time frame observe a lot of waterskiing or  
6 tubing in that area?

7 THE WITNESS: No. Throughout the years, I'm --  
8 there is a cove called Skier's Cove in the north end of  
9 the pond which is much larger, and that's where people  
10 usually tube or ski. In very few instances would you see  
11 someone in Segar Cove skiing or tubing.

12 MR. GOMEZ: The Option B does bring you closer  
13 to a second house which is further to the north. One of  
14 the good points that I got from you is that about half  
15 the pond is -- half of your lease would be floating and  
16 the other half isn't, so the visible part is smaller, but  
17 it did seem to stretch out in length and cover more of  
18 the shoreline.

19 THE WITNESS: Yes. If I were to keep that  
20 configuration, you know, whatever is permitted is what  
21 I'll keep. But to keep the configuration of the floating  
22 gear being on the eastern side, it would be elongated  
23 compared to the original rectangle proposal.

24 MR. GOMEZ: So what I'm getting is from your

1 opinion, it's more efficient to keep the original of the  
2 rectangular, if you will, proposal as opposed to the odd  
3 shape that we're now proposing.

4 THE WITNESS: Yes.

5 MR. GOMEZ: And just one other quick question.  
6 Where do the boats stay? Are they moored out there at  
7 all? Do you keep any gear on site, or do they go back  
8 and forth?

9 THE WITNESS: There would be no boats or work  
10 platform left on the farm overnight, or any unmanned  
11 boats or platforms would never be left out there.

12 MR. GOMEZ: When you're not working the boats  
13 are not there or the platforms are not there?

14 THE WITNESS: Correct.

15 MR. GOMEZ: Thank you.

16 CHAIRWOMAN CERVENKA: Thank you, Mr. Gomez.

17 MS. REYNOLDS: Madam Chair?

18 CHAIRWOMAN CERVENKA: Yes, Ms. Reynolds.

19 MS. REYNOLDS: I wanted to follow up on the  
20 operation plan that was referenced as being submitted as  
21 part of the application. I know that there was some  
22 testimony that there were hours that were restricted  
23 during certain months to protect migratory birds. I  
24 know, Mr. Raso, you mentioned that you visit the pond

1 -- is there some sort of wait time while things are  
2 growing, or do you go there every single day once the  
3 farm is established to harvest?

4 THE WITNESS: There's different maintenance  
5 that's required on a shellfish farm, similar to any farm.  
6 There will be different year classes of animals on the  
7 farm so they won't -- all of the gear won't be full of  
8 market size or near market size animals and all of it  
9 won't be -- except from the very beginning if it happens.  
10 So there is -- there might not be anything to do on the  
11 farm on a -- there's always something to do on a farm.

12 My crew works, you know, normal hours, you know,  
13 Monday through Friday, and hours we usually start no  
14 earlier than eight and end no later than five. Usually  
15 on a farm around eight and off the farm around four. I  
16 anticipate the hours of this proposed farm would be the  
17 same or very similar. Depending on what the highest  
18 priority to do is on any given day, it might be an  
19 assemblage of gear that -- and if we don't have any  
20 market size animals to harvest or to fill an order, then  
21 we will work on that. If we have an order for market  
22 size animals and there are market size animals on there,  
23 we will be harvesting that row of gear and harvesting  
24 market size animals. So there is always something to do,

1 and the more you put into it the more you get out of it.  
2 The better you take care of them, the more survival, the  
3 better growth you'll have. And so we're always doing the  
4 most -- the highest priority item, and that will change  
5 depending on the time of year and what demand is.

6 MS. REYNOLDS: Okay. Thank you.

7 A. I think you asked a migratory bird question before as to  
8 why I chose 9 a.m. to 3 p.m. That was at the advice of,  
9 I am not sure if it was DEM or CRMC, to maintain those  
10 hours between November 15th and March 15th. And that's  
11 why I put that, added that in my application.

12 MS. REYNOLDS: Okay, thank you.

13 CHAIRWOMAN CERVENKA: I just have a follow-up  
14 to the back and forth about when you'll be out at the  
15 farm. Is it fair to say that you would be out there at  
16 least weekly?

17 THE WITNESS: Yes.

18 CHAIRWOMAN CERVENKA: And for periods of time  
19 you'll be out there daily?

20 THE WITNESS: Absolutely, yeah, Monday through  
21 Friday almost entirely.

22 CHAIRWOMAN CERVENKA: Okay. And is that  
23 seasonally dependent?

24 THE WITNESS: What I meant by almost entirely,

1 I meant, you know, almost entirely the work is  
2 constricted to Monday through Friday. But there's more  
3 work to do in the summer. The biofouling is more  
4 prevalent, the growth of the animals is greater, and the  
5 demands on market size animals is greater; however  
6 there's -- the same things are going on in the winter,  
7 just to a lesser extent, so it is a Monday through Friday  
8 job. And the same crew would split time between the  
9 existing farm and new farm probably still majority of the  
10 time at the existing farm because it's a larger farm.

11 CHAIRWOMAN CERVENKA: Thank you.

12 THE WITNESS: Thanks.

13 CHAIRWOMAN CERVENKA: Any other questions for  
14 Mr. Raso? I have a couple, but I'll just wait to see if  
15 Mr. Coia or Mr. Murray want to ask anything.

16 VICE CHAIRMAN COIA: I'm all set, Madam Chair.  
17 Thank you.

18 CHAIRWOMAN CERVENKA: Mr. Murray?

19 MR. MURRAY: Yes. With the polygon shape,  
20 would the rows between the floats or the lantern  
21 structures be compressed, or would you have fewer of  
22 those structures because it would seem like it would be  
23 less optimal in terms of the layout?

24 THE WITNESS: It is my -- I believe I should be

1           able to keep the same; however, the length of the lines  
2           would be more on the west side and larger on the east  
3           side.

4                   MR. MURRAY: Thank you.

5                   CHAIRWOMAN CERVENKA: I guess I have a couple  
6           questions just on the docks and the cove. What is the  
7           nearest dock to the proposed farm?

8                   THE WITNESS: The nearest dock to the original  
9           proposed farm is --

10                  MS. NOONAN: I don't mean to interject, and he  
11           can answer that question. Our next witness is going to  
12           have all the distances to all the docks.

13                  CHAIRWOMAN CERVENKA: All right. I will hold  
14           that then.

15                  THE WITNESS: All right.

16                  CHAIRWOMAN CERVENKA: With respect to the low  
17           profile oyster cages, looking at the sketches it looks  
18           like most of the majority of the cages are submerged; is  
19           that correct?

20                  THE WITNESS: The oyster cages, floating gear,  
21           the majority of the cages are emerged, correct. A three  
22           to five-inch float will be above the water and the rest  
23           of the gear will be underwater.

24                  CHAIRWOMAN CERVENKA: Okay. With respect to

1 the layout of the farm, are there any avenues in the  
2 proposed farm through which a recreating person could  
3 pass? I'm just wondering if that's impossible or you go  
4 around it?

5 THE WITNESS: No. People will, can and do on  
6 the existing farm kayak and paddle board through the  
7 lines of the farm. Just this Saturday on the beautiful  
8 day we had people who were cruising up and down the  
9 paddle boards, a group of three people. So they are able  
10 to navigate between the lines especially on non-motorized  
11 craft.

12 CHAIRWOMAN CERVENKA: Okay. What's the width  
13 of that avenue, if you will?

14 THE WITNESS: The width between --

15 CHAIRWOMAN CERVENKA: You don't have to give me  
16 exact, but sort of approximate.

17 THE WITNESS: We have -- it's looking  
18 approximately 10 feet between those rows is what I'm  
19 seeing. On the western side, the only thing that would  
20 be 10 feet apart would be those 6-inch floats that are  
21 approximately every 100 feet, and they would be  
22 approximately 10 feet apart on the scallop side, or the  
23 western side. On the oyster side on the eastern side the  
24 floating gear would be approximately 10 feet apart.

1 CHAIRWOMAN CERVENKA: I don't know if you can  
2 answer this, but if someone were to try to pick out all  
3 the ways they can go through the farm, how many avenues  
4 or rows could they get through?

5 THE WITNESS: Well, on the western side they  
6 could, you know, navigate the -- I mean, the short answer  
7 is 24 lanes and not counting the 2 lanes down the center,  
8 down from east to west, so that would be 26 lanes.  
9 However, for the real restriction from the floating gear  
10 would be just those 12 lanes that are on the east side.  
11 There's 3 sections of 12, we'll call them lines or lanes.

12 CHAIRWOMAN CERVENKA: Okay, so multiple  
13 unimpeded lanes?

14 THE WITNESS: Yes.

15 CHAIRWOMAN CERVENKA: Okay. Looking back at  
16 these pictures that you or your assistant took, and maybe  
17 this is going to be addressed by the next witness, but in  
18 some they show a dock and in others they show some  
19 moorings. So I just was wondering, you know, where that  
20 is because they -- I'm not sure what the vantage point  
21 is, if the one that shows the dock, which is dated  
22 July 30, 2019, if that is a dock across from where you  
23 are propose to put the farm. Because I can see like a  
24 single house in the distance.

C E R T I F I C A T I O N

I, Lisa M Reis, hereby certify that the foregoing Pages 1 through 168, inclusive, are a true and accurate transcript of my stenographic notes of the proceedings, via Zoom, which occurred on the above-entitled dates, to the best of my ability.

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LISA M. REIS, RPR  
Court Reporter/Notary Public  
My Commission expires on 7/27/24

Sworn to and subscribed before me,  
This 16th day of November, 2020