File Number: 2025-06-048

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

July 30, 2025

Date:

PUBLIC NOTICE

This office has under consideration the application of:
Bradley Boehringer Wakefield, RI 02879
for a State of Rhode Island Assent to construct and maintain: a 3.5 acre expansion of the existing aquaculture site, CRMC#2019-12-055, for the cultivation of eastern oysters and bay scallops using low profile floating baskets and bottom cages. Please see plans attached to this notice for more details.

Project Location:	Narragansett Bay - Dutch Harbor				
Nearest Town:	Jamestown				
Waterway:	Dutch Island Harbor				
Related Files#	B2019-12-055; D2024-10-057				

Plans of the proposed work can be requested at Cstaffl@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 August 30, 2025.

Please email your comments/hearing requests to: cstaffl@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.

Rocky Rhode Oyster Co. Lease Expansion Operations Plan

Edited: June 10, 2025

Dear CRMC Council Members,

In this lease expansion application, Rocky Rhode Oyster Co. is requesting the addition of 3.5 acres to our current lease (CRMC 2019-12-055) to increase our current oyster operations using Flipfarm gear, and deep water bottom cages for storage as well as to include the permission to grow, harvest, and sell bay scallops submerged bottom cages.

The proposed oyster gear consists of low-profile floating gear already permitted on both leases abutting us as well as cages that will sit directly on the seafloor. The proposed Scallop gear will be fully submerged sitting on the bottom of the seafloor. This new gear will not impede vessel navigation or recreation or impact other aquaculture farms in the area. All gear details/dimensions are provided on another sheet.

Sincerely, Bradley Boehringer Rocky Rhode Oyster Co.

1. Name and mailing address:

Rocky Rhode Oyster Co.
Owned and operated by Bradley Boehringer

Wakefield, RI 02879

2. CRMC File Number:

CRMC File: D2024-10-057

3. DEM Aquaculture License number:

DEM DSF: 22000033

4. Type of Facility:

Commercial lease site to grow out Eastern Oysters (*C. virginica*), and Bay Scallops (*A. irradians*) via bottom gear and floating gear.

5. Location of Facility:

- 1. Adjacent Town: Jamestown, RI
- 2. Water Body: Narragansett Bay, Dutch Harbor, Jamestown, RI
- 3. Lat/Long Coordinates and Size of Facility:
 - a. SE: 41 30.6383"N; 71 23.2856"W
 - b. NE: 41 30.7234"N; 71 23.4194"W

c. NW: 41 30.706"N; 71 23.452"Wd. SW: 41 30.623"N; 71 23.330"W

e. Total Acreage: 3.5 acres

- 6. Identification of all species of shellfish grown at facility:
 - 1. Eastern American Oyster (Crassostria virginica)
 - 2. Bay Scallops (Argopecten irradians)
- 7. Description of types of structures, gear, and methods used at the facility and their locations on the site. Include a sketch/site plan that details a cross-section of structures as they appear in the water column including proximity to the surface and bottom with a depth profile at mean low water and mean high water. Include maximum number of cages proposed and the size of cages proposed.
 - All sketches/site plans provided as attachments to application
 - Floating Gear (Oysters)
 - o Long lines: 17 lines; 730' each; 15/16" polysteel
 - o Hauler Line: 17 Lines; 730' each; 7/16" esterpro
 - o Buoys: 34 buoys; 120L each
 - Anchors: 34 2,000 lb cement block anchors (4'x3'x30")
 - Vertical Lines between Anchors and Buoys: 34
 - Breaking Strength: Approx. 21,000 lbs
 - o Baskets: 500 baskets (29"x10 %"x5 7/16") per long line; 8,500 total baskets
 - Bottom Gear (Oysters/Bay Scallops)
 - Cage Line: 8 lines; 730' each; 7/16" esterpro
 - Breaking Strength: Approx. 4,600 lbs
 - Buoys: Incorporated with above buoys
 - Anchors: Incorporated with above anchors
 - Cages: 4'x4'x3' collapsible cages
 - 100 cages per line; 1700 total cages
- 8. Describe a plan for how the site will be built out, accessed, and maintained. Include expected level of activity (Seasonal, weekly, daily).

The gear will be accessed via boat. All lines leading to gear are secured by 2,000lb cement blocks. Our site is used 5 days/week, year round. We have a year-round mooring at Dutch Harbor Boatyard, a seasonal trailer slip at Fort Getty, and we are next in line with Jamestown parks and rec for a slip on the Fort Getty Pier. We plan to continue harvesting our product at town landing in West Ferry.

9. Description of the methods and equipment used to identify and mark site.

We deploy 12' long line high flyers with a single white buoy and small hat to indicate the corners of the farm. We can include high visibility solar powered nighttime navigation lights if required.

10. DEM Shellfish Harvesting Classification at Site

RI Jamestown 7B

11. Description of practices and procedures used during the growth, harvest, storage, transportation, and sale of the cultured species. Including any offsite activities necessary for the operation.

1. Growth

- a. For oysters and bay scallops, we start 2mm seed purchased from RI Biosecurity Board-approved hatcheries in a registered upweller system. We notify CRMC prior to shipment.
- b. Once the seed can be retained on 4mm mesh screens, the seed will be deployed on the farm in 4mm bags onto CRMC # 2019-12-055 for further grow-out.
- c. We record all details of seed purchases and husbandry practices each year electronically. All our cages are marked by a numbered tag both physically and electronically. We will use this same practice on our new gear.

2. Harvest

- a. On the morning of a harvest day, we bulk harvest and cool all shellfish on the boat via ice slurry. All harvest is down to temperature under 50 degrees within 2 hours of start time as per our state's vibrio protocol.
- b. All harvests following the <u>DEM Protocol (250-RICR-40-00-1 "Aquaculture of Marine Species in RI waters" 1.10 A-F)</u>

3. Storage

a. The shellfish are then placed into large commercial fish coolers. During Vibrio season (June 1 - September 30), these coolers will be filled with an ice slurry. We use potable water for our ice source (Pier Ice Plant at 132 Kingstown Rd, Narr.). Shellfish is stored in our walk-in refrigerator at our RI DOH-approved shellfish processing facility (83 State St, Narragansett, RI 02882).

4. Transportation

a. Shellfish travels via refrigerated box truck or coolers topped with a sufficient 3" layer of ice before transportation to our shellfish processing facility.

5. Sale

a. The product is all counted and bagged at our shellfish processing facility. Temperature and time out of the walk-in are constantly monitored to assure the shellfish are never out of refrigeration for more than an hour per RI DOH requirements.

- b. Once the shellfish are bagged, they are placed back in the walk-in. At time of delivery, the shellfish will be moved into commercial fish coolers topped with ice or into our refrigerated box truck kept at 40 degrees F.
- c. Time and temperature of the product is recorded at the start of the delivery day and time of delivery and temperature at delivery is recorded at each stop on our electronic Shipping Log.

12. Operations using floating gear:

- a. To deter pollution potentially caused by birds, we can implement industry standard ticklers or any other DEM Approved bird deterrent.
- b. We can incorporate a deep water submergence of sellable product for up to 7 days prior to harvest to help with depuration, removing any concern with bird waste being filtered through our product. This is recommended by the <u>East Coast Shellfish Grower's Association, Best Management Practices, p. 38</u> mentions "Most bacterial pathogens will be purged within 48 hours".
- c. After air drying gear, all cages are resubmerged for 5 days and we keep records of all drying dates and times. This is as per <u>DEM Protocol (250-RICR-40-00-1 "Aquaculture of Marine Species in RI waters" 1.12 C 3-5)</u>

13. Indicate the projected per unit area yield of harvestable product and the applicant's capability to carry out the proposed activities.

With this expansion of gear, we anticipate being able to produce 1 million oysters for market, and 100,000 scallops.

Our business has been in operation since 2016. Four of our full time employees have been in the industry for a cumulative ten years or more. We are already safely producing and harvesting product for 45+ restaurants in the state and have contractual relationships with five regional wholesalers. Nine months a year, we have 6-8 full time employees, 6 commercially registered watercraft vessels, one 16' refrigerated box truck, and three pickup trucks that will allow us to handle this future workload.

14. Description of a plan for safety and security of equipment, including appropriate marking of equipment and lease area. Incorporate a storm preparedness and response plan that accounts for the safety and security of all aquaculture equipment and any measures that will be taken in the event of a significant storm or other adverse weather conditions impacting the site.

Gear will be attached to lines anchored with 2,000 lb cement anchors. Every corner of our lease will be marked by a 12' high flier to signal the lease area. Every cage/basket can be tagged with an ID tag in case it gets detached from our farm. The morning following a significant weather event, a member of our team will boat to the farm or fly a drone from the beach at the south edge of our farm to assess whether any damage has occurred. If there is any storm damage, our team will take same-day immediate action to secure any loose lines

or gear by using our largest vessel equipped with a hydraulic powered crane capable of lifting, moving, and installing our anchors to secure the line.

15. Procedures for maintaining records for operations using seed acquired from out-of-state:

Prior to receiving seed, we confirm that a seed disease certification(pathology report) was sent to the CRMC. We record each batch of seed as it is introduced into our upweller on our electronic cloud-based logs, including the seed size, the hatchery, and the quantity. The seed will be graded weekly and we will continue to record the same information regarding seed size, quantity, and origin.

16. Procedures for maintaining records for upwellers in prohibited waters

We track all seed moving out of our upweller and follow tracking all the way through to the eventual harvest date. Each batch is color coordinated and accessible on our online cloud-based logs.

17. Procedures for maintaining records for operations using seed from prohibited waters or operations using shellfish obtained from a third party that originated as seed from prohibited waters:

A.

- 1. All shellfish in the upweller are tracked regarding size, silo, and origin while in the upweller through eventual harvest. No shellfish are sold within 6 months of seed purchase. All records show proof of stock date/movement date, origin of seed, average size of seed, and density of seed.
- 2. Our records track which silo in the upweller is filled with which seed and this tracking continues once product is moved onto the farm. All cages and bags on the farm are marked on our electronic map and marked physically with cattle tags.
- All records will be kept and will show where the seed originated from, the date of any transfer of the seed, as well as the remaining time needed to maintain the seed in approved waters prior to sale. If needed, this information will be given to the third party.

Category B Requirements

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

We are applying for this lease expansion to improve commercial viability and longevity. We will be able to store more market-sized shellfish while maintaining the current space in our floating gear for grow out. Our farm will also expand to include more species; ie Bay Scallops. Alternate aquaculture species to oysters, such as those previously mentioned, are quickly growing traction and are of interest by wholesalers and restaurants.

As our farm grows and takes on more demand from restaurants and wholesalers, we look toward a future where we can sell 1+ million oysters a year, as well as provide our employees with year-round, stable employment. The expansion of this lease will allow us to reach that goal.

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; local approvals are required for activities as specifically prescribed for non tidal portions of a project in Sections etc.; for projects on state land, the state building official, for the purposes of this section, is the building official.

This is not applicable to our application.

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

<u>Land Area</u>: The land area nearby is commercial farmland and a lightly used public access beach. We have contacted the owner of the farmland and believe we are not infringing on any of their access to the water which they abutt. We are not applying for any space closer to the beach so we will not be making any impact on the public's use of that space either.

Coastal Waters: There are two existing aquaculture leases in the immediate area as well as one pending application. The first pre-existing lease is owned and operated by American Mussel Harvesters. Our closest point to their lease will provide an approximate 80' wide gap for boat traffic to continue navigating. The next pre-exiting lease is owned and operated by Seakist Oysters. Our closest point to their lease will provide approximately 50' wide gap for boat traffic to continue navigating through. Both of these gaps are typically only utilized by the aquaculturists. The pending application by K.Reichman will share a border with our lease. We have agreed on a plan to cooperate in managing the space along that border.

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.

We have not found any evidence that raising shellfish via aquaculture methods could cause erosion or deposition in tidal waters.

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

Shellfish aquaculture gear actually increases and develops habitats for local plant and animal life. The addition of gear will positively impact species living and growing in the lease expansion area or will be neutrally impacted. There is no known historic mapping of eelgrass in the proposed area. We do not see any eelgrass present within 500' of our proposed area. This is not a known area with high wild shellfish abundance either.

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

The boundaries of our lease are clearly marked by high flyers to indicate to boaters that there is aquaculture gear here. The shore is only accessed by the waterfront homeowners or a trailhead on the west side of North Road. We are leaving an 80' wide gap for boat traffic to continue having access if needed. Though, as previously mentioned, this space is typically only used by the aquaculturists.

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

The bottom gear for the oysters and scallops have never been cited as contributing to significantly impacting water circulation, flushing, turbidity, and sedimentation.

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

Oysters have been studied and well documented as a natural water filtration system. An adult oyster can filter up to 50 gallons of water per day, removing excess nutrients, algae, and other organic matter from the water.³ Scallops also help improve water quality though filtering water in their environment. The addition of these species on our lease expansion will only positively impact the water quality.

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

There is no known historical or archaeological significance to this area.

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

We have designed the lease in a way to avoid impacting other users as best as possible. Working in the area our observations have shown that this is not an area of significant

¹ https://ecsga.org/wp-content/uploads/2018/02/oyster cages reefs.pdf

² See historical eelgrass survey in map: RIShellfastViewer included in application

³ https://repository.library.noaa.gov/view/noaa/13908

recreational activity. Our gear and lease does not block off channels for boats to navigate next to or around our lease. There are also no impacts to fisherpeople or swimmers. Our staff is very cautious around, conscientious of, and accommodating to recreational boaters and people on the water. We have also taken smaller watercraft into consideration by designing our lease to have ample space to navigate within the lease. Most recreational activity occurs closer to the Dutch Harbor mooring area, Fort Getty, or north west of us by Dutch Island. The area between the aquaculture leases and Dutch Island is approximately 1900 ft. wide. The area is well marked by lit buoys both detectable by eye and radar. See attached map titled: "Navigation in Dutch Island".

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

The gear we are proposing to use in the lease expansion will minimize visual impact. Our pre-existing equipment stands approximately 10" out of the water, while the proposed equipment will stand approximately 6" out of the water. There are three shuttles (approx. 8'x4') that are used to work the newly proposed equipment, which are built into the system, and will be temporarily unmanned when not working the farm. These shuttles are not vessels, but more so tools. See attached equipment images.

Additional Category B Requirements:

1. Describe the location and size of the area proposed.

Northeast zone of Dutch Harbor near the shoreline. 3.5 acres for floating and submerged aquaculture activity.

- 2. Identify the species to be managed or cultivated within the permitted area and over which the applicant shall have exclusive right.
 - Eastern Oyster (*Crassostrea virginica*)
 - Bay Scallop (*Argopecten irradians*)
- 3. Describe the method or manner of management or cultivation to be utilized, including whether the activities proposed are experimental, commercial, or for personal use.

Rocky Rhode Oyster Co has been commercially harvesting oysters since 2016. The proposed expansion to our farm will be for commercial use to increase our market storage capacity and to allow us to become a polycultural farm. Importantly, this is increasing our floating gear capacity, which has been proven to be the most productive method of raising oysters for commercial purposes.⁴

4. Provide such other information as may be necessary for the Council to determine:

⁴ https://ecsga.org/wp-content/uploads/2019/02/Oyster_Grow_FINAL_185504.pdf

A. The compatibility of the proposal with other existing and potential uses of the area and areas, including navigation, recreation, and fishing.

Compatibility with other and existing navigation, recreation, and fishing answered in the previous section.

Property Owners within 1000':

- 1. 455 North Road, Watson Farm; Jamestown (Parcel ID 1189 06-018)
- 2. North Road, State of R.I., Jamestown (Parcel ID 1200 06-35)

Approved Aquaculture Leases within 1000':

- 1. CRMC 2019-10-050 (Seakist, Papa/Cregan)
- 2. CRMC 2013-04-057 (Salt Water Farms, Silkes)
- 3. CRMC 2014-12-056 (Pinheiro)

CRMC Designated ROW(s) within 1000': n/a

Shoreline(s) within 1000' is State owned land.

B. The degree of exclusivity required for aquaculture activities on the proposed site.

The proposed site will restrict others from shellfishing. As mentioned above, we will maintain gear spacing for small vessels like kayaks to navigate through the area, both within the lease, and in the surrounding 50'+ buffers we left between us and the leases to our North & South leased by Papa & Cregan; Silkes.

C. The safety and security of equipment, including appropriate marking of the equipment and/or lease area.

All lease markerswill be attached to 5' helix anchors demarcating the lease as recommended by the CRMC. All equipment will either be attached to 5' helix anchors or 2,000lb cement blocks; and can have ID tags with our contact information.

D. The projected per unit area yield of harvestable product.

We anticipate being able to produce 1 million oysters for market, and 100,000 scallops.

E. The cumulative impact of a particular aquaculture proposal in an area, in addition to other aquaculture operations already in place.

There will be minimal cumulative impact on the area or any other aquaculture operations nearby. We pride ourselves on maintaining good relationships with the other oyster farmers in our lease area. Though this is a very low use recreational area, we have left 50'+ buffers on either side of our lease to navigate to and from

the shoreline. Over the past year we have not seen one boat attempt fishing, sailing, or navigating anywhere within 500' of our existing lease that wasn't another aquaculturist. The conditions of the growing area are such that other farms should not see significant depletion of productivity in the area.

F. The capability of the applicant to carry out the proposed activities.

Our business has been in operation since 2016. Four of our full time employees have been in the industry for a cumulative ten years or more. We are already safely producing and harvesting product for 45+ restaurants in the state and have annual contractual relationships with five regional wholesalers. 9 months a year, we have 6-8 full time employees, 6 commercially registered vessels, 1 16' refrigerated box truck, and 3 pickup trucks that will allow us to handle this future workload. We are licensed with both the RI Department of Health and the FDA as an interstate Shellfish dealer, and have licenses and permitting from both the CRMC and RI DEM.

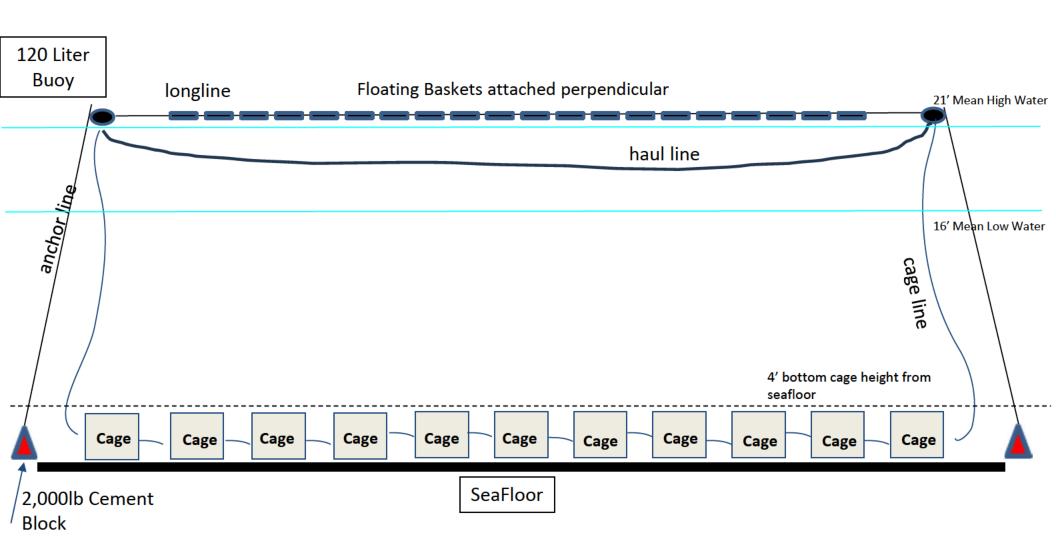
G. The impact of the proposed activities on the scenic qualities of the area.

The area has preexisting aquaculture leases that will be abutting. Because of the lack of recreational activity in the area, and the far distance from coastal homeowners we do not anticipate our scenic impacts impacting anyone directly.

Land Area: The land area nearby is commercial farmland and a lightly used public access beach. We have contacted the owner of the farmland, Watson Farm, and believe we are not infringing on any of their access to the water which they abut. Their major concern is that we would be moving further north into their public swimming and recreational area which we have avoided from doing. We are not applying for any space closer to the beach so we will not be making any impact on the public's use of that space either.

<u>Coastal Waters</u>: There are two existing aquaculture leases in the immediate area as well as one pending application. The first pre-existing lease is owned and operated by American Mussel Harvesters. Our closest point to their lease will provide an approximate 80' wide gap for boat traffic to continue navigating. The next pre-existing lease is owned and operated by Seakist Oysters. Our closest point to their lease will provide approximate 50' wide gap for boat traffic to continue navigating through. Both of these gaps are typically only utilized by the aquaculturists. The pending application by K.Reichman will share a border with our lease. We have agreed on a plan to cooperate in managing that space.

Cross Section View edited: 02/13/25



Gear - Floating Baskets Manufacturer Overview

edited: 10/15/24

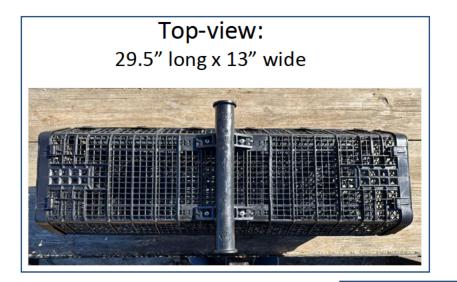
HEXCYL BASKET SPECIFICATIONS HEXCYL SHELLFISH BASKETS									
Click on images			Stand Stand						
Mesh Size	3mm (1/8")	5mm (3/16")	10mm (7/16")	15mm (5/8")	20mm (3/4")	15mm (5/8"")			
Shellfish Size	5mm (3/16") minimum	10mm (7/16") minimum	20mm(3/4") minimum	40mm(1-1/2") minimum	70mm(2 3/4") minimum	40mm(1-1/2") minimum			
Volume		31 litres(8.3 gall)							
Dimensions		800mm(31-1/2") 280mm (11") 180mm(7")							
	CATIONS vill outperform other place. All materials have the								
HEXCYL Basket/Lid	Ultra high Impact grade Material Food Grade - When used in accordance with FDA application guidelines, this product meets the requirements of FDA 21 CFR 177.1520 (c) 3.1a and AS2070-1999 section 4.1.1(a). Flamability - DIN 4102 B2: normal combustibility similar to wooden pallets.								
HEXCYL Clips	Ultra high impact grad	le, UV Stable material							

PACKING and TRANSPORT

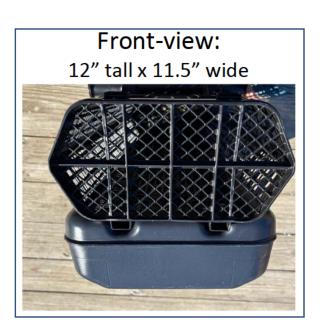
Adelaide Shipping Port is 13 km(13 minutes) from our manuacturing and container loading site at Wingfield, South Australia, 5014

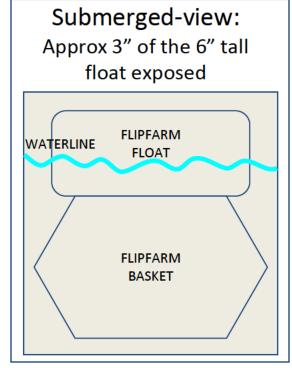
Gear - Floating Baskets Measurements & Water Profile

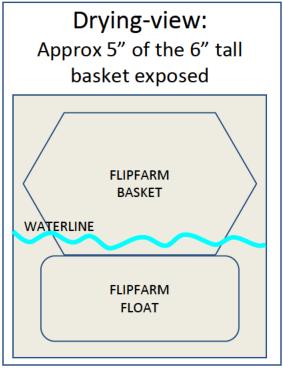
edited: 02/13/25











Gear - Bottom Cage Oyster/Scallop Storage

edited: 01/15/25

Our Bottom cages will be used to store our market oysters and bay scallops ensuring depuration of any potential harmful contaminants if necessary.

Dimensions:

3' wide x 4' long x 4' tall



Gear - Floating Basket Shuttles

edited: 10/15/24

Floating Basket Shuttles
Dimensions:
8 feet long x 4 feet wide x 10" tall.

These shuttles will be linked up between our registered work vessel and the lines of the floating baskets



Gear - Floating Basket Flipper

edited: 10/15/24

Floating Basket Flipper
Dimensions:
16 feet long x 6 feet wide x 4' tall.

These shuttles will be linked up between our registered work vessel and the lines of the floating baskets



Gear - Anchors edited: 10/15/24

2,000 lb cement block anchors will sit on the seafloor, each able to withstand up to 20,000 pounds of holding strength.

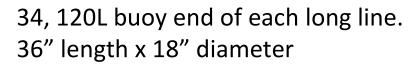
4' x 3' x 32" approx 12 sq.ft.

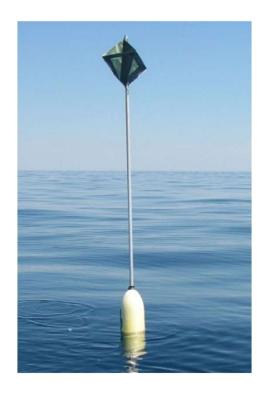


Gear - Floating Buoys

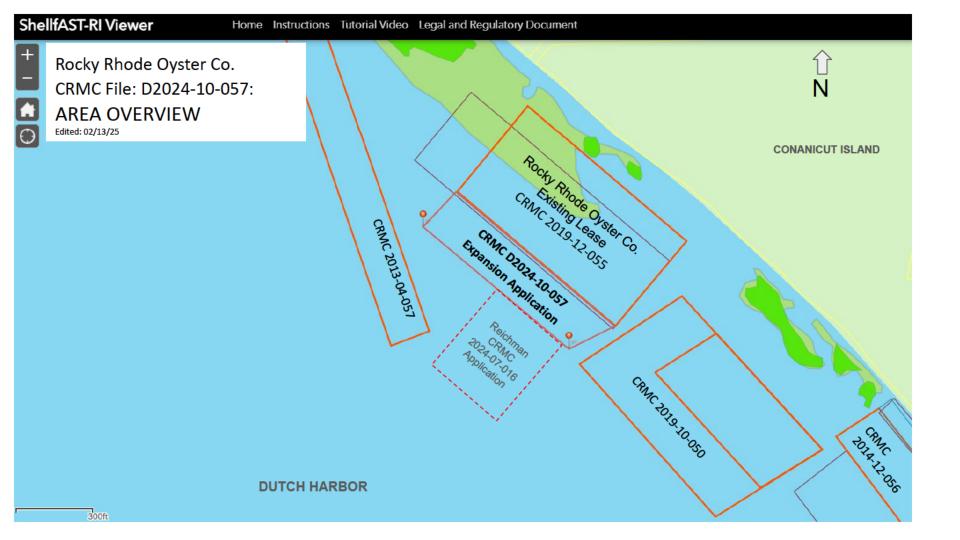
edited: 01/15/25

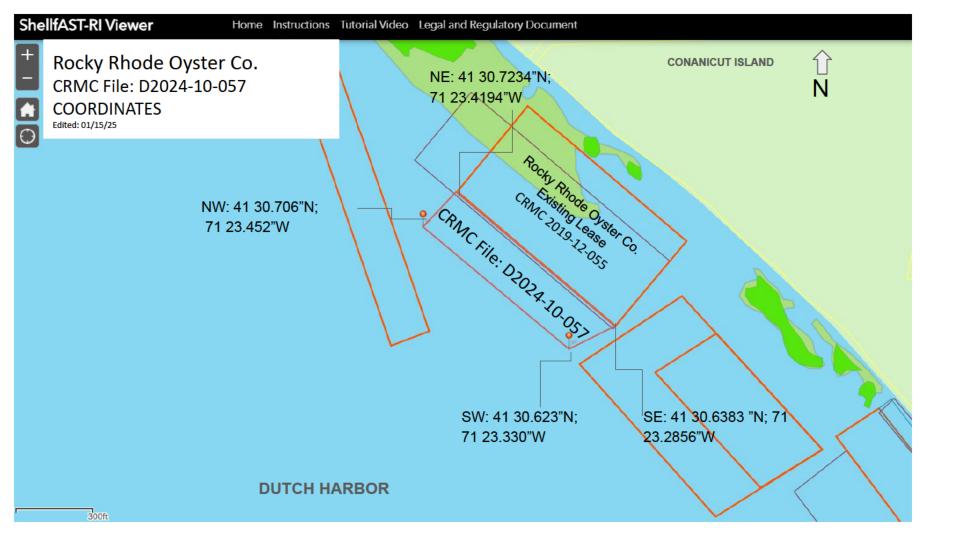
4, highflyers; height 12ft tall, approx 6ft visible above water line. "Danger Aquaculture Site" signage can be added if required. Solar powered lights can be added if required.





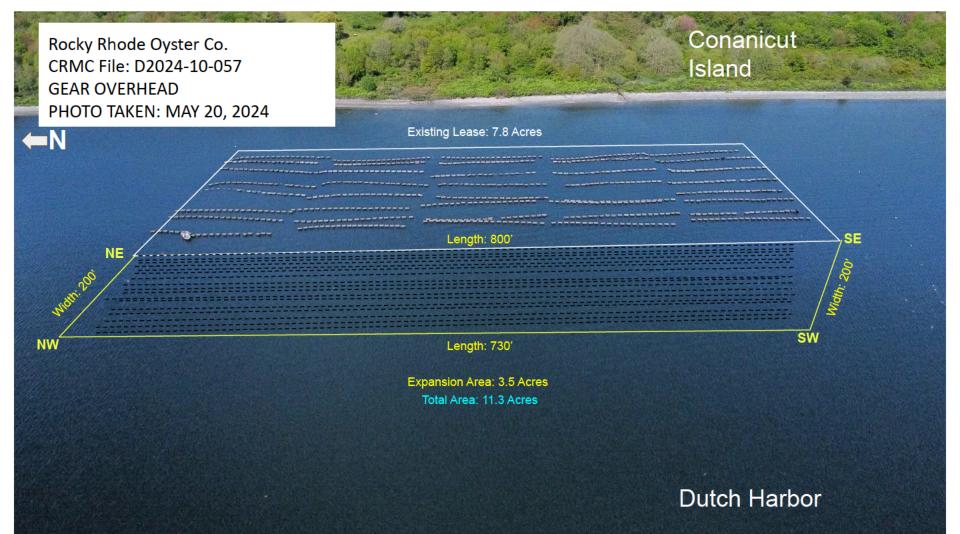












Rocky Rhode Oyster Co. CRMC File: D2024-10-057 OVERHEAD GEAR LAYOUT

Edited: 10/15/24

