

CRMC DECISION WORKSHEET

2019-12-079

Seakist Aquaculture LLC

Hearing Date:	
Approved as Recommended	
Approved w/additional Stipulations	
Approved but Modified	
Denied	Vote

APPLICATION INFORMATION							
File Number	Town	Project Location		Category	Special Exception	Variance	
2019-12-079	Jamestown	Narragansett Bay Dutch Island Harbor		B	<input type="checkbox"/>	<input type="checkbox"/>	
		Plat	Lot				
Date Accepted		01-03-2020		Owner Name and Address Seakist Aquaculture LLC Attn: Nicholas Papa 151 Cedar Hill Drive Jamestown, RI 02835		Work at or Below MHW	<input checked="" type="checkbox"/>
Date Completed		05-04-2021				Lease Required	<input checked="" type="checkbox"/>

PROJECT DESCRIPTION

Oyster Farm using floating gear (lease expansion)

KEY PROGRAMMATIC ISSUES

Coastal Feature: Submerged Land

Water Type: Type 1, Conservation Areas; and, Type 4 Multi-Purpose

CRMP: CRMP Sections: §§ 1.2.1(B); 1.2.1(E); 1.3.1(A); and 1.3.1(K)

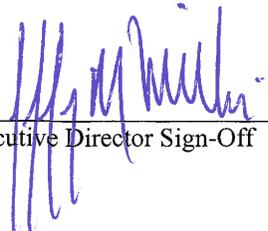
Variances and/or Special Exception Details:

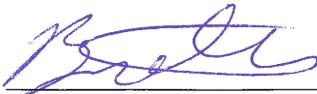
Additional Comments and/or Council Requirements:

Specific Staff Stipulations (beyond Standard stipulations): same stipulations as on existing assent 2015-11-032

STAFF RECOMMENDATION(S)

Aquaculture Coordinator BJG Recommendation: Approval


Executive Director Sign-Off 5/5/2021 date


Aquaculture Coordinator 5-5-21 date



STATE OF RHODE ISLAND
COASTAL RESOURCES MANAGEMENT COUNCIL
INTER-OFFICE MEMORANDUM

DATE: May 4, 2021
TO: Jeffrey M. Willis, Executive Director
FROM: Benjamin Goetsch, Aquaculture Coordinator
SUBJECT: CRMC File No. 2019-12-079

Applicant's Name:	Seakist Aquaculture LLC
Project:	Oyster farm lease expansion using floating gear
Location:	Narragansett Bay, Jamestown
Water Type/Name:	Type 1, Conservation Areas
Coastal Feature:	Submerged Land

STAFF REPORT

This application is for an aquaculture lease expansion to an existing CRMC permitted operation (CRMC File # 2015-11-032) to grow oysters on a total of 8.58 acres in Dutch Island Harbor (see Attachments A and B). The applicant currently has a 3.86 acre lease that uses low profile floating cages with a 4.25 inch float height (see Attachment C). The existing lease is also approved to use a new ultra-low profile floating cage known by the brand name FlipFarm that has a 2.75 inch float height (see Attachment D and E). However, the farmer has not yet to convert the existing farm to this technology. This application is for a 4.72 acre expansion to the site and proposes using the FlipFarm system throughout the expanded and existing areas (see attachment F). While the floating cages currently used on site are low profile, they are still larger than the ultra-low profile FlipFarm baskets (2.75" versus 4.5" float height). In addition, the FlipFarm baskets have only one float per basket while the current low profile cages use three floats. The main difference between the layout of the FlipFarm operation and typical floating cages is that the FlipFarm baskets are attached side-by-side and perpendicular to the floating longline as opposed to being spaced a few feet apart along the line. This unique arrangement allows for the semi-mechanized flipping of gear (hence the name FlipFarm) that reduces the labor involved in flipping cages and increases the overall efficiency of the operation.

History and Background:

This application is the last in a recent series of applications involving floating gear in Dutch Island Harbor. Previously from this series, the Council approved a modification to the nearby Silkes farm (CRMC File # 2013-04-057) to use 6,984 of the same ultra-low profile FlipFarm baskets in lieu of the 1,164 common high profile cages originally applied for, and the Council approved 2,000 high profile (9.5 inch float height) cages for the relocated and expanded Walrus and Carpenter site (CRMC File # 2019-12-079) as approved by the Council on February 9, 2021.

The applicant, Seakist Aquaculture LLC, is a partnership between John Cregan and Nick Papa, both experienced and successful aquaculturists. The gear layout and organization of the current Seakist site is one of the best maintained farms in the state (see Attachment G). No issues with this site have ever been reported to CRMC and the applicant always been in good standing with the terms of the CRMC assent. The current site is fully utilized and the applicant has applied for an expansion in order to grow the business and adopt a new gear technology that promises to be both less visible and more efficient to farm. The FlipFarm gear technology was developed in New Zealand and is relatively new to Rhode Island. See the company website for more information on FlipFarm: <https://www.flipfarm.co.nz/>.

During the Preliminary Determination (PD) meeting for this proposal, the RI DEM Division of Marine Fisheries provided their usual comments concerning prohibiting mechanical bird deterrents, and their willingness to work with applicants on mapping and siting. Comments from the Town of Jamestown staff and Conservation Commission included: landside impacts, intensity of use at West Ferry, and effects on fishing, swimming and navigation. There were no objections from Jamestown Town staff or Conservation Commission at the meeting. The applicant stated that he currently planned to continue using the Town Dock in Wickford for landing the Seakist oysters which would not have an impact on the intensity of use at West Ferry. Also during the PD, CRMC received two comment letters from residents of Westwind Drive objecting primarily to the number of baskets proposed. This same concern regarding the number of cages was restated again in multiple objections letters received by CRMC during the 30 Day Public Notice period and Staff will address those comments in the section below.

Application Review:

This application has undergone the standard review process and has received the following letters and authorizations:

- RI Department of Environmental Management (DEM) Office of the Associate Director for Natural Resources: minimal impact to fisheries and habitat, correction of acreage to 8.58 acres 2/3/2020
- RI Marine Fisheries Council: no inconsistency with the pursuit of marine fisheries 6/19/2020
- RI DEM Office of Water Resources: neither a RIPDES permit nor a Water Quality Certificate is required for the proposed facility 1/10/2020
- RI Historical Preservation and Heritage Commission: no impact 10/29/2019
- U.S. Army Corps of Engineers 9/20/2020

In addition to the above correspondence, CRMC received eleven letters of objections, all but one were from residents of West Wind Drive. Seven of those objections were nearly identical form letters that outlined the neighborhood's concern regarding the proliferation of cages in Dutch Island Harbor and included objections to the other pending applications in the harbor in addition to this one. The letters assume that the number of baskets (which are much smaller than a cage) will have a significant negative visual impact; but it appears that it is the number (12,000) that is the issue with objectors.

The ultra-low profile FlipFarm basket is the applicant's solution of addressing potential visual impacts of the operation. Given the limited capacity per basket, roughly one sixth of a high profile cage, many more baskets are needed to obtain the same capacity for the farm as opposed to the more visible and higher profile options. For example, at a ratio of six to one, it would take 2,000 high profile cages to match the capacity of 12,000 FlipFarm baskets. On a similarly sized lease in the Dutch Island Harbor, the council recently approved Walrus and Carpenter for 2,000 high profile cages (each with two 9.5 inch high floats) with no objections from the residents of the West Wind Drive Neighborhood. The float height of the FlipFarm basket, however, is only 2.75 inches. See Attachment H and I for a comparison of the high profile cage with the FlipFarm basket. CRMC Staff encourage all applicants to consider lower profile floating gear types that help reduce the potential visual impact of floating aquaculture. The applicant's choice of this new low profile float gear type demonstrates their willingness to innovate and adopt new methods that address the potential visual impact of the farm.

The other objections for this application are summarized below:

- cages will be visible
- visual impact has not been addressed
- view of Dutch Island Harbor will be obstructed
- birds will roost and leave "droppings" on the cages
- Dutch Harbor is no longer pristine
- no plan for aquaculture in Dutch Harbor
- recreational uses have not been considered

Staff will address each of the above objections:

- floating cages are visible; staff contends that aquaculture gear that is visible is safer for recreational activities than aquaculture gear that cannot be seen
- visual impact will occur but the expansion will not result in floating gear being any closer to residences
- the view from nearby homes will not be obstructed as the aquaculture gear is not blocking their view
- birds may roost on the cages, but acceptable bird roosting deterrents are available
- pristine in this context is subjective pristine could mean no homes, no moorings, no vessels, no human interventions; therefore pristine in this context is subjective; additionally, vessels and moorings have been a historic use of Dutch Island Harbor
- the CRMC works with aquaculture in RI to expand the industry in a controlled manner; each application is unique; staff agrees that an area can reach its limit for aquaculture; aquaculture has grown at a modest pace over the past decade (5 farms/year average)

- recreational activities are always considered and reviewed for the significance of the aquaculture activities on recreational activities; recreational activities such as boating and the mooring of vessels will continue in Dutch Harbor whether or not this application is approved

As mentioned above, this application is the latest in a series of recent applications heard by the Council involving aquaculture floating gear in Dutch Island Harbor. The Town of Jamestown has provided a written letter of concern on this series of applications and has asked CRMC to undertake an aquaculture management plan for the harbor (see Attachment J). While CRMC staff continue to have discussions with the Town of Jamestown regarding the development of aquaculture in Dutch Island Harbor, Staff believes that, the planned CRMC Narragansett Bay SAMP offers the most appropriate mechanism to engage stakeholders and manage future aquaculture development in the Dutch Island Harbor. Staff has completed the preliminary scoping process for an aquaculture component to the Narragansett Bay SAMP and looks forward to working with the town of Jamestown and other stakeholders as the Bay SAMP aquaculture working group is developed.

Summary:

The proposed expansion will increase the existing lease from 3.86 to 8.58 acres (an increase of 4.72 acres). Although the number of floating gear will increase significantly with the proposed expansion, all the gear will have ultra-low profile 2.75 inch high floats to minimize potential visual impacts. It is staff opinion that this application for expansion has met the requirements of 650-RICR-20-00-1.3.1(K) and recommends this application for approval.

Signed: _____

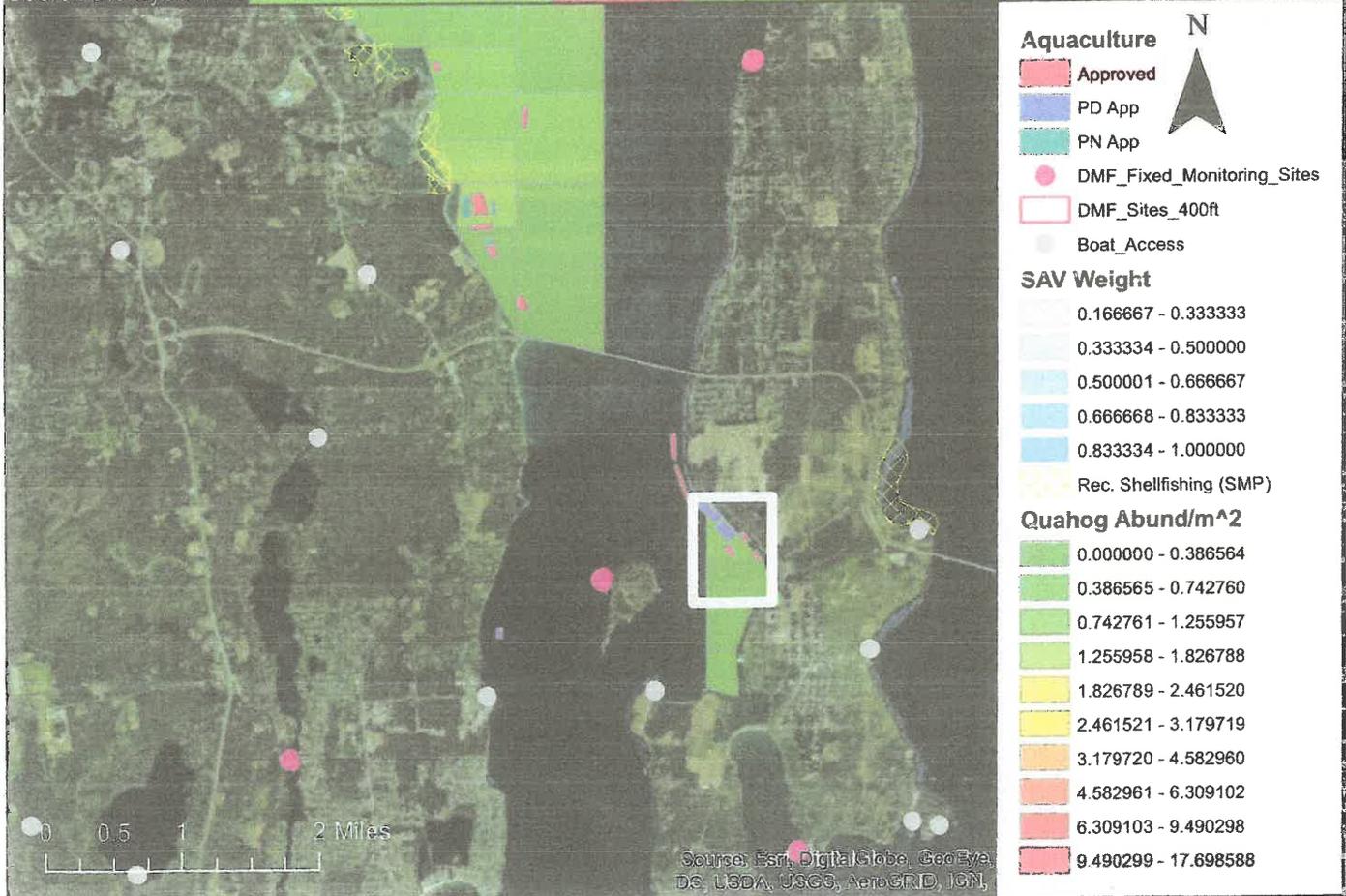


Seakist Aquaculture LLC 2019-10-050



8.5 Acres

Coordinate System: NAD 1983 StatePlane Rhode Island FIPS 3800 Feet



**PROPOSED
AQUACULTURE SITE
EXPANSION**

(EXISTING LEASE AREA 3.8 ac)
(TOTAL PROPOSED LEASE AREA 8.6 ac)
(TOTAL PROPOSED EXPANSION 4.8 ac)

SEAKIST, LLC



North East
71° 23' 13.7868"
41° 30' 39.4452"

196'

North West
71° 23' 18.9528"
41° 30' 36.8532"

473'

Seakist LLC
4.8 ac
(expansion area)

604'

Seakist LLC
3.8 ac
(current permitted area)

783'

South East
71° 23' 6.6739"
41° 30' 33.6287"

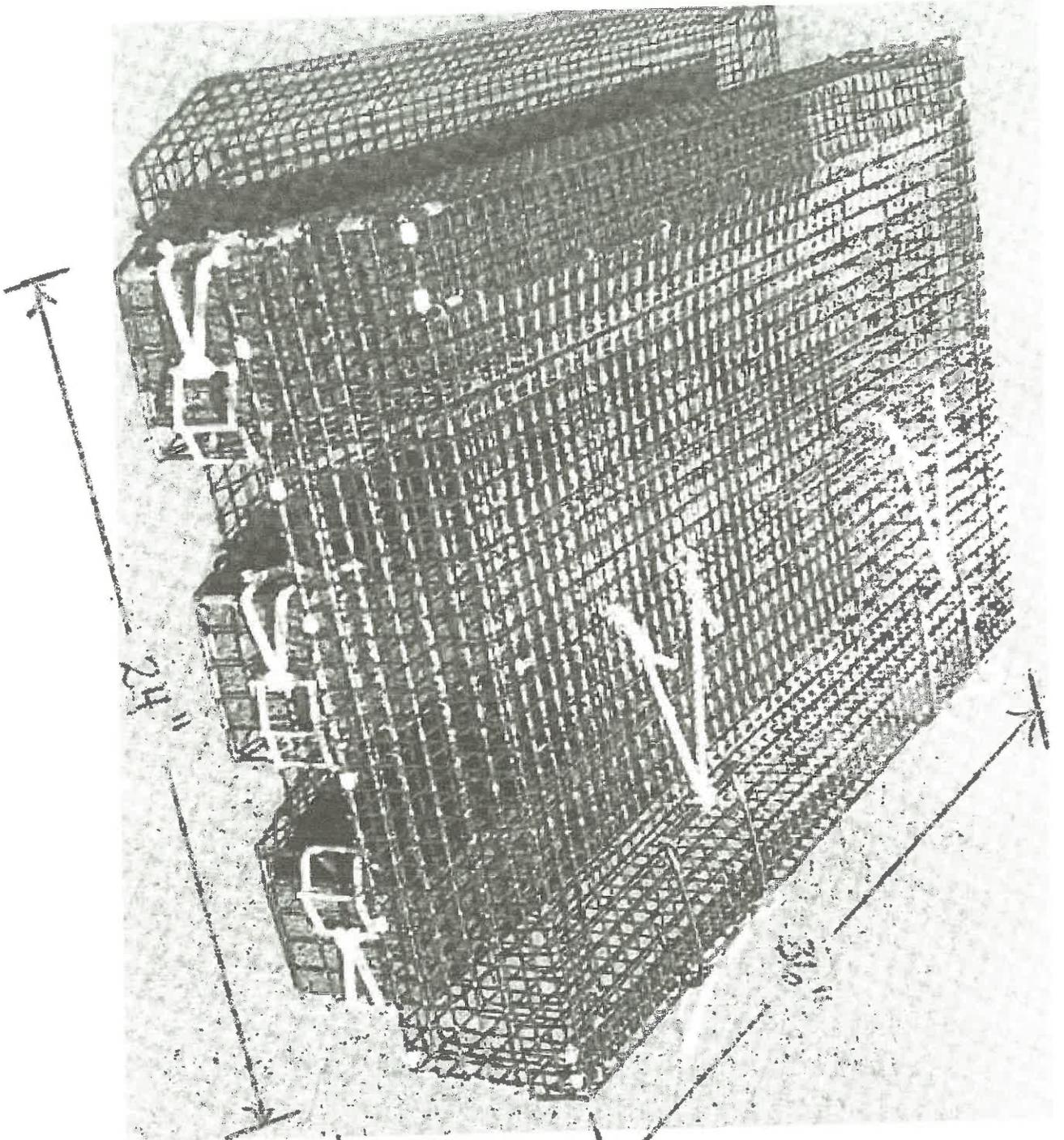
201'

203'

South West
71° 23' 12.0804"
41° 30' 31.0896"



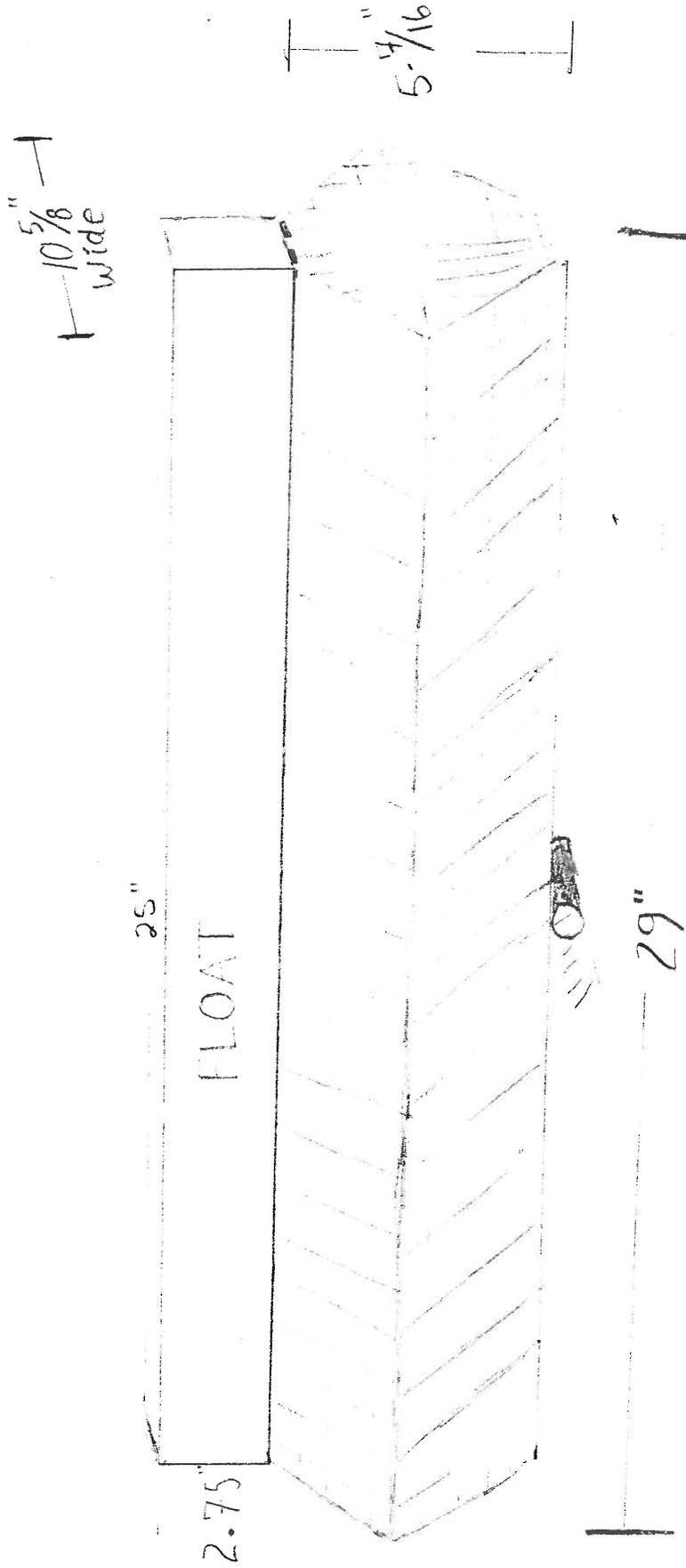
PROPOSED GREENWALD AQUACULTURE GEAR



Lead Stock
 OYSTER CRIBS
 4.8' VISIBLE
 ABOVE WATER
 LINE IN BOTH
 FEEDING &
 DEFOULING
 POSITION, SUIT-
 ABLE FOR
 WINTER MONTHS

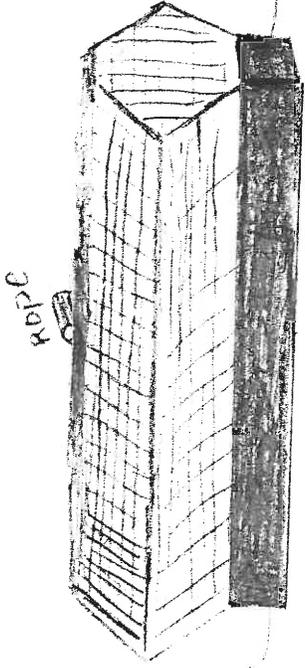
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 COASTAL RESOURCES
 MANAGEMENT COUNCIL

SeaKist Aquaculture

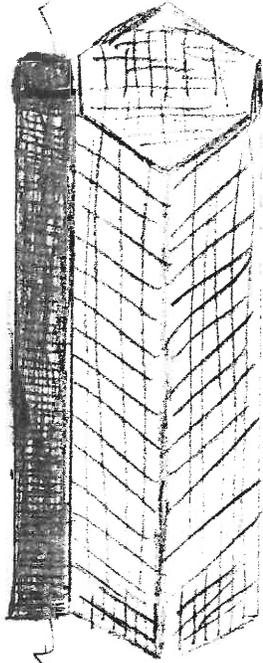


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Seakist Aquaculture

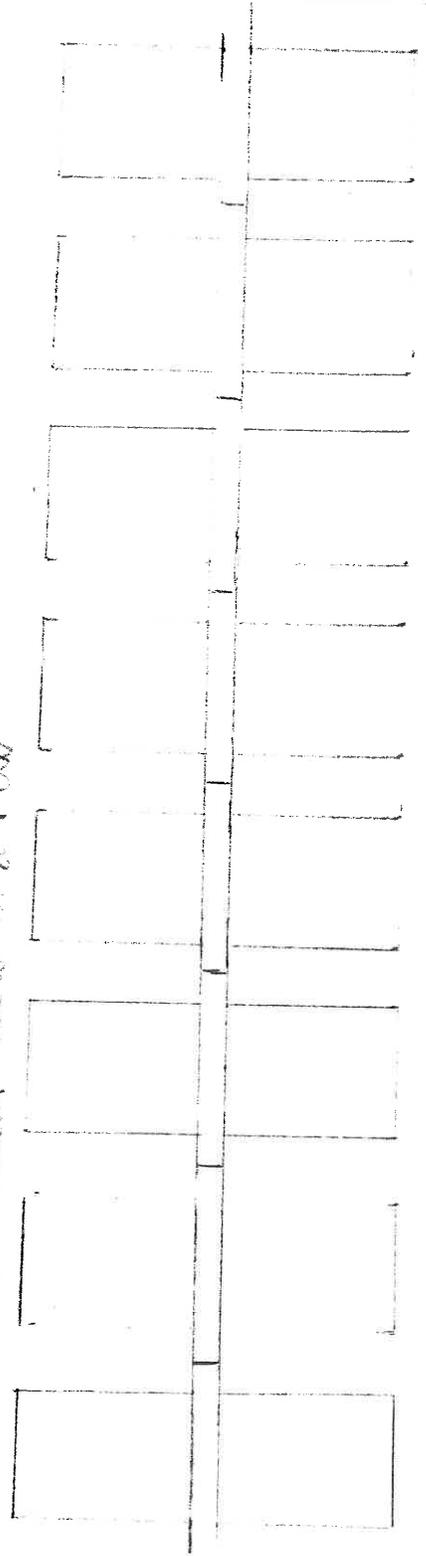


Drying



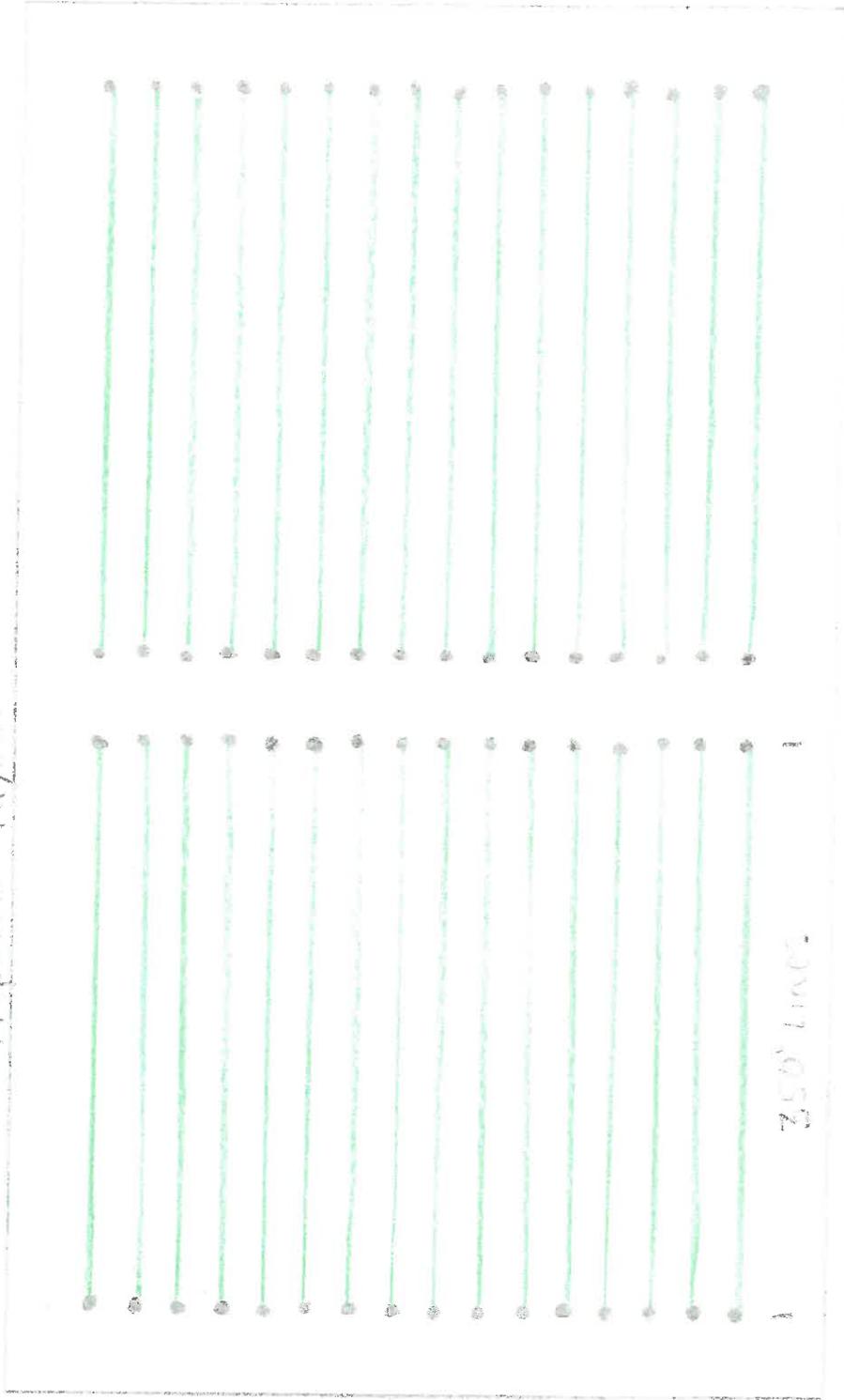
Growing

overhead view of a row



Seakist Aquaculture

Proposed Layout



350' Lines

800'

Shb







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MAR 24 2020
COASTAL RESOURCES
MANAGEMENT SERVICE



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MAR 24 2020
COASTAL RESOURCES
MANAGEMENT COMPANY



TOWN OF JAMESTOWN

93 NARRAGANSETT AVENUE
P.O. Box 377
JAMESTOWN, RHODE ISLAND 02835

February 19, 2020

Mr. Grover Fugate, Executive Director
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

Re: File No.: 2019-12-079, Seakist Aquaculture, LLC.

Dear Mr. Fugate:

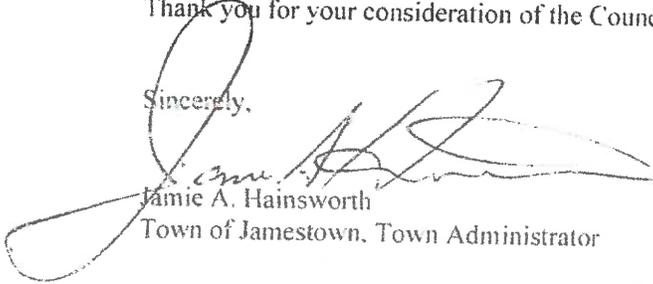
I am writing to you on behalf of the Town of Jamestown, Town Council concerning the application submitted to CRMC by Seakist Aquaculture, LLC. This matter came before the Town Council last night as I indicated to you in my previous letter dated February 4, 2020, in which you granted a continuance for the comment period until February 20, 2020. At the town council meeting Members heard and received letters from Jamestown residents concerned about this applicant's request for a significant expansion of their existing aquaculture operation among other applicants seeking to be permitted or expand to their aquaculture permits.

After a considerable amount of discussion, the Town Council voted unanimously to authorize me to send you this letter voicing their concern of this applicant's expansion in the Dutch Harbor area off the coast of Jamestown. In particular their concern regards the amount of rapid proliferation the Seakist Aquaculture, LLC's application is seeking from CRMC. Ultimately the Town Council's concern and question is "What is the saturation point" or limit to the number of permits, cages or operations of this type in the Dutch Harbor area.

Additionally, there are several other applications now pending for Aquaculture permits or leases in this area and the Council's concerns are similar in all of the applications. Also, has there been or will you consider a study to be conducted on the impact this has to Jamestown or any similar community focusing on what is the saturation point and considering an area where recreation and farming are so closely intertwined?

Thank you for your consideration of the Council's concerns, if you have any questions please contact me.

Sincerely,


Jamie A. Hainsworth
Town of Jamestown, Town Administrator

C: Town Council



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF MARINE FISHERIES/DIVISION OF FISH AND WILDLIFE
3 Fort Wetherill Road
Jamestown, Rhode Island 02835

February 3, 2020

David Beutel
Aquaculture Coordinator
Coastal Resources Management Council
4808 Tower Hill Road
Wakefield, RI 02879

Re: Seakist Aquaculture LLC public notice #2019-12-079

Dear Mr. Beutel:

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 Nicholas Papa for a proposed 4.8-acre aquaculture lease expansion of assent 2015-11-032 from 3.8 acres for a total of 8.58 acres in Narragansett Bay for cultivating eastern oysters (*Crassostrea virginica*) using floating baskets.

A discrepancy within the preliminary determination application regarding the site area calculation was brought to the attention of the applicant during the preliminary determination meeting. However, the inaccuracy is still present within the full public notice application. Under the section "Written Description" it states that the new lease will result in an 8.7-acre site. In contrast, the maps provided within the application and maps created by DMF based on the provided coordinates show the site is 8.58 acres in area. Thus, the following DMF comments are based on the assumption that the coordinates provided in the application and on the maps are the true representation of the site area.

The DMF believes that the adverse impacts to marine fisheries and their habitat from this prospective site would be minimal. As such, the DFW does not have objections to this application.

While DFW does not believe that the proposed facility poses a significant risk to migratory birds, DFW does want the lease holder to be aware that the nearby Marsh Meadows is a globally recognized Important Bird Area. Rhode Island Species of Greatest Conservation Need, including the American Black Duck and Common Eider, frequently feed on invertebrates such as clams and mussels (Żydelis et al. 2009, Cramer et al. 2012,

Beuth et al. 2017). As such, the aquaculture production may frequently face depredation from these or similar species (Price & Nickum 1995, Varennes et al. 2013). Various species of wading birds, gulls, and terns may also be attracted to the floating cages both as foraging and roosting opportunities (Callier et al. 2018). DFW encourages the applicant to explore floating gear designs that deter roosting (see Comeau et al. 2009). 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 likely will 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). The applicant will be legally responsible for any take of migratory birds that is caused by unapproved exclusion devices.

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,
Chief of Marine Resource Management



for Jay Osenkowski,
Deputy Chief, Wildlife

References:

- Beuth JM, McWilliams SR, Paton PWC, Osenkowski JE (2017) Habitat use and movements of common eiders wintering in southern New England. *J Wildl Manag* 81:1276–1286.
- Callier MD, Byron CJ, Bengtson DA, Cranford PJ, Cross SF, Focken U, Jansen HM, Kamermans P, Kiessling A, Landry T, O'Beirn F, Petersson E, Rheault RB, Strand Ø, Sundell K, Svåsand T, Wikfors GH, McKindsey CW (2018) Attraction and repulsion of mobile wild organisms to finfish and shellfish aquaculture: a review. *Rev Aquac* 10:924–949.
- Comeau LA, St-Onge P, Pernet F, Lanteigne L (2009) Deterring coastal birds from roosting on oyster culture gear in eastern New Brunswick, Canada. *Aquac Eng* 40:87–94.
- Cramer DM, Castelli PM, Yerkes T, Williams CK (2012) Food resource availability for American black ducks wintering in southern New Jersey. *J Wildl Manag* 76:214–219.
- Price IM, Nickum JG (1995) *Aquaculture and Birds: The Context for Controversy*. *Colon Waterbirds* 18:33–45.
- Varennés 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.
- Žydelis R, Esler D, Kirk M, Sean Boyd W (2009) Effects of off-bottom shellfish aquaculture on winter habitat use by molluscivorous sea ducks. *Aquat Conserv Mar Freshw Ecosyst* 19:34–42.



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 19, 2020

Ben Goetsch, Aquaculture Coordinator
Coastal Resources Management Council
4808 Tower Hill Road
Wakefield, RI 02879

Re: CRMC Aquaculture Lease Application # 2019-12-079, Seakist Aquaculture, West
Passage Narragansett Bay (Dutch Harbor)

Dear Mr. Goetsch:

Pursuant to RIGL §20-10-5, the above-referenced aquaculture lease application was brought before the RI Marine Fisheries Council (hereafter "Council" or "RIMFC") via the Council's Shellfish Advisory Panel (SAP) on May 27, 2020. At this meeting the SAP found that the proposal poses no significant inconsistency with competing uses engaged in the exploitation of marine fisheries in the area. In accordance with RIMFC policy, the recommendation of the SAP constitutes the recommendation of the Council.

Sincerely,

Robert Ballou, Chair
RIMFC

cc: RIMFC membership



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767 TDD 401-222-4462

January 10, 2019
Dave Beutel Aquaculture Coordinator
Coastal Resources Management Council
Wakefield, RI 02879-1900

Dear Mr. Beutel,

I am writing in reference to the Public Notice request by Seakist Aquaculture LLC . (File number 2019-12-079). The proposed location for this site is in waters approved for shellfish harvesting located in shellfish classification area GA-7 West Passage, harvest area 3W in the town of Jamestown .

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.

The applicant should be aware that at the 2017 ISSC conference, changes were adopted to the model ordinance relating to floating aquaculture gear. These changes are now included in the 2017 NSSP Model Ordinance. The changes adopted by FDA include a requirement that aquaculture gear that attracts birds or mammals to the extent that their waste presents a human health risk shall have a written operation plan. As this is now a requirement, please advise the applicant and encourage him to consider methods to deter waterfowl attraction in consultation with RIDEM Division of Marine Fisheries

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,

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

Catherine White- RIDOH



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

HISTORICAL PRESERVATION & 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

Jennifer R. Cervenka, Chair
Coastal Resources Management Council
Stedman Government Center, 4808 Tower Hill Road
Wakefield, RI 02879

CRMC File Number: 2019-12-078

Applicant: Sealist

Town: Jonestown

Response Date: 1/7/20

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



September 16, 2020

Regulatory Division
File No. NAE-2019-02790

Nick Papa
Seakist Aquaculture, LLC
151 Cedar Hill Drive
Jamestown, Rhode Island 02835
eastbeachoysterco@gmail.com

Dear Mr. Papa:

We have reviewed your application to the Rhode Island Coastal Resources Management Council (CRMC) to change the type of shellfish containment gear at an existing shellfish aquaculture farm and expand the farm from 3.8 acres to 8.7 acres with a project gear area expansion from 3,456 sq. ft. to 16,800 sq. ft. The project will include the installation of up to 32 lines, approximately 350 feet in length, with up to 350 baskets (29-in long, by 11-in wide by 8-in deep) per line (total of 12,000 baskets at 11-inches wide and 32 feet of free line between anchor and the first basket). Each line will be held in place on each end with a 10,000# helical anchor and be installed so that there will be approximately 22-ft of space between the next nearest line. In total the project will include 32 lines (11,200 linear feet), 35 buoys (one per each line of cages), 64 screw anchors, 12,000 floating/sinkable baskets, and 4 lighted, USCG approved aids to navigation. The project is located in Dutch Harbor, West Passage of Narragansett Bay between Conimicut Point and Dutch Island, Jamestown, Rhode Island and is shown on the enclosed plans titled "PROPOSED AQUACULTURE EXPANSION...SEAKIST, LLC," on 9 sheets and dated as received by RI CRMC on December 31, 2019."

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 and in compliance with the following special condition(s):

1. You must complete and return the enclosed Compliance Certification Form within 30 days of initially installing the authorized structures/gear. This condition is included so that installation compliance can be documented for the file.
2. Gear may not be located within 25 feet of submerged aquatic vegetation (eelgrass), nor shall such beds of vegetation be damaged or removed. Routine lease activity including cage maintenance, washing etc. shall not occur within 25 feet of submerged aquatic vegetation.
3. The oyster cages and any associated lines/buoys shall be removed during the off-season (if applicable) and stored in upland areas to minimize opportunity for potential entanglement and the effects of habitat exclusion, loss or alteration for essential fish habitat and fishery resources. This condition will ensure that impact of the structures on fisheries habitat and protected resources is reasonably reduced such that the impact is seasonal and/or temporary.

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

Please contact Ms. Cori M. Rose, of my staff, at (978) 318-8306 if you have any questions.

Sincerely,

KOTELLY.K
EVIN.R.124
9697431

Digitally signed by
KOTELLY.KEVIN.R.1
249697431
Date: 2020.09.16
16:46:14 -04'00'

Kevin R. Kotelly, P.E.
Chief, Permits & Enforcement Branch
Regulatory Division

Enclosures

cc:

Erica Sachs, U.S. EPA, Region 1, Boston, Massachusetts, sachs.eric@epa.gov

Dave Reis, CRMC, Wakefield, RI; dreis@crmc.ri.gov

Benjamin Goetsch, CRMC, Wakefield, RI; bgoetsch@crmc.ri.gov

Chris Boelke, NMFS, Gloucester, MA; christopher.boelke@noaa.gov

Steve Pothier, Waterways Management Section, First Coast Guard District (dpw), Boston, Massachusetts; steven.r.pothier@uscg.mil



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: 2019-12-079 Date: January 7, 2020

This office has under consideration the application of:

Seakist Aquaculture LLC
Attn: Nicholas Papa
151 Cedar Hill Drive
Jamestown, RI 02835

for a State of Rhode Island Assent to expand and maintain: an existing oyster farm using floating gear. The current site is 3.8 acres and the application is for a 4.8 acre expansion for a total of 8.6 acres

Project Location:	Narragansett Bay
City/Town:	Jamestown
Waterway:	Dutch Island Harbor

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

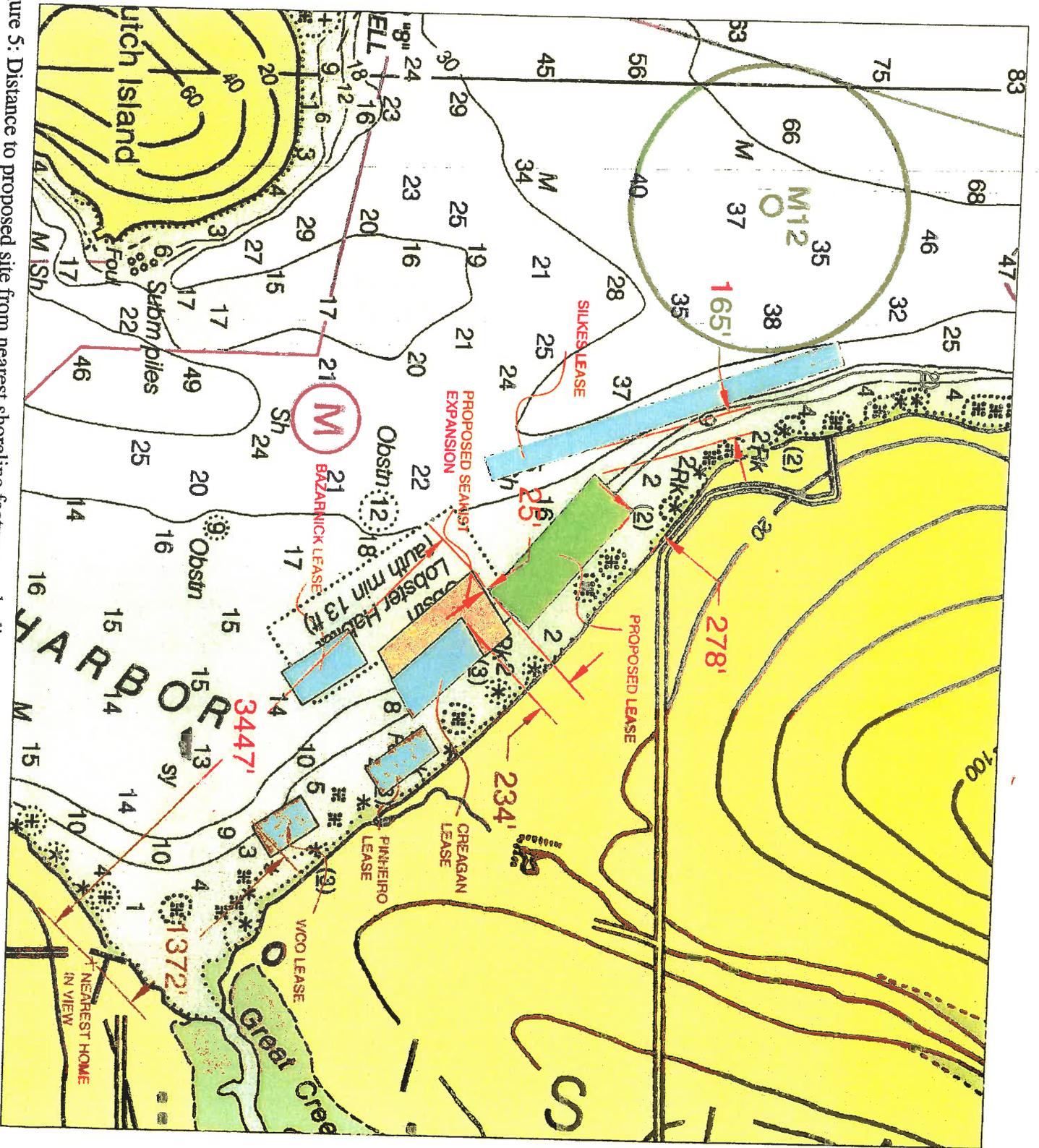
In accordance with the Administrative Procedures Act (Chapter 42-35 of the Rhode Island General Laws) you may request a hearing on this matter.

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 February 6, 2020.

/lat

Figure 5: Distance to proposed site from nearest shoreline features and adjacent ocean farms (existing and proposed).



<p>SCALE 1" = 800'</p>	<p>N</p>	<p>PROPOSED SITE CONTEXT WEST PASSAGE, JAMESTOWN, RI</p>	<p>WALRUS AND CARPENTER OYSTERS LLC PREPARED: SEPTEMBER 2016</p>
------------------------	----------	---	--

RECEIVED
DEC 18 2016



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.

Applicant's Name: <u>Seakist Aquaculture LLC</u>	File No (CRMC use only): <u>2019-12-079</u>
Mailing Address: <u>151 Cedar Hill Dr</u>	Res. Tel. # <u>(401) 649-0117</u>
City/Town: <u>Jamestown</u> State: <u>RI</u> Zip Code <u>02835</u>	Bus. Tel. # <u>(401) 649-0117</u>
Waterway: <u>Narragansett Bay</u> Est. Project Cost \$ <u>10,000.00</u>	Fee/Costs: \$ <u>200.00</u>
Longitude/latitude of all corners of Proposed Aquaculture Project Location (preferably in decimal degrees): (NW) 71° 23' 18.2528" (SE) 71° 23' 6.6739" 41° 30' 36.8532" 41° 30' 33.6287" (NE) 71° 23' 13.7868" (SW) 71° 23' 12.0804" 41° 30' 39.4452" 41° 30' 31.0896"	

Have you or any previous owner filed an application for and/or received an assent for any activity on this site? (If so please provide the file and/or assent numbers).

Is this application being submitted in response to a coastal violation?

Yes _____ No

If yes, you must indicate NOV or C&D Number _____

Is this site within a designated historic district? NO

Owner's Signature (sign and print)

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.

01/17

PLEASE REVIEW REVERSE SIDE OF APPLICATION FORM



Seakist Aquaculture
Prepared on 9/26/19

Section 300.1

- 1) Q: Demonstrate the need for the proposed activity or alteration.
A: The proposed activity consists of an expansion of an existing lease in the Dutch Harbor region of Narragansett Bay. This site is desired for the cultivation of the eastern oyster, *Crassostrea virginica*. Seakist Aquaculture LLC will use this additional acreage to not only continue healthy farming practices, but also insure healthy and responsible oyster husbandry in the bay.
- 2) Q: Demonstrate that all local zoning ordinances, building codes, flood hazard standards, and all safety codes, fire codes, and environmental requirements have or will be met.
A: The proposed project will not impact the Land. All regulations pertaining to aquaculture will be followed.
- 3) Q: Describe the boundaries of the coastal waters and land area that are anticipated to be affected.
A: The proposed site is located in the west passage of Narragansett Bay. It lies directly between Jamestown and Dutch Island just to the west of Zeek's creek.
- 4) Q: 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.
A: The proposed activity will not impose any threat of erosion or deposition to the area or surroundings. The activities will be very low impact.
- 5) Q: Demonstrate that the alteration or activity will not result in significant impacts on the abundance and diversity of plant and animal life.
A: The proposed activity will aid in the diversity and abundance of animal life by providing additional habitat and micro-ecosystems. The presence of oysters in this area will help mitigate the negative effects of Nitrogen run off from waterfront lawn fertilizer applications and septic systems in close proximity to the bay and its watershed.
- 6) Q: 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.
A: The proposed alteration will be clearly marked and will allow for easy shoreline access.
- 7) Q: Demonstrate that the alteration will not result in significant impacts to water circulation, flushing, turbidity, and sedimentation
A: The proposed operation will be very low profile and not affect circulation, flushing, turbidity or sedimentation.
- 8) Q: Demonstrate that there will be no significant deterioration in the quality of the water in the immediate vicinity as defined by DEM



Seakist Aquaculture
Prepared on 9/26/2019

Operational Plan

The proposed shellfishing farming operation will be for raising oysters from 1/2" to market size in floating baskets. The seed will be purchased from a number of approved sources. Once the seed is procured from the approved source it will be planted in our gear and maintained until they reach market size. The maintenance procedures involve a boat being on site to flip and dry the oysters and cages and periodically grade the oysters by size. Once the oysters reach market size, they will be sold to the Ocean State Shellfish Cooperative in Narragansett. State required safe harvesting protocols will be followed.

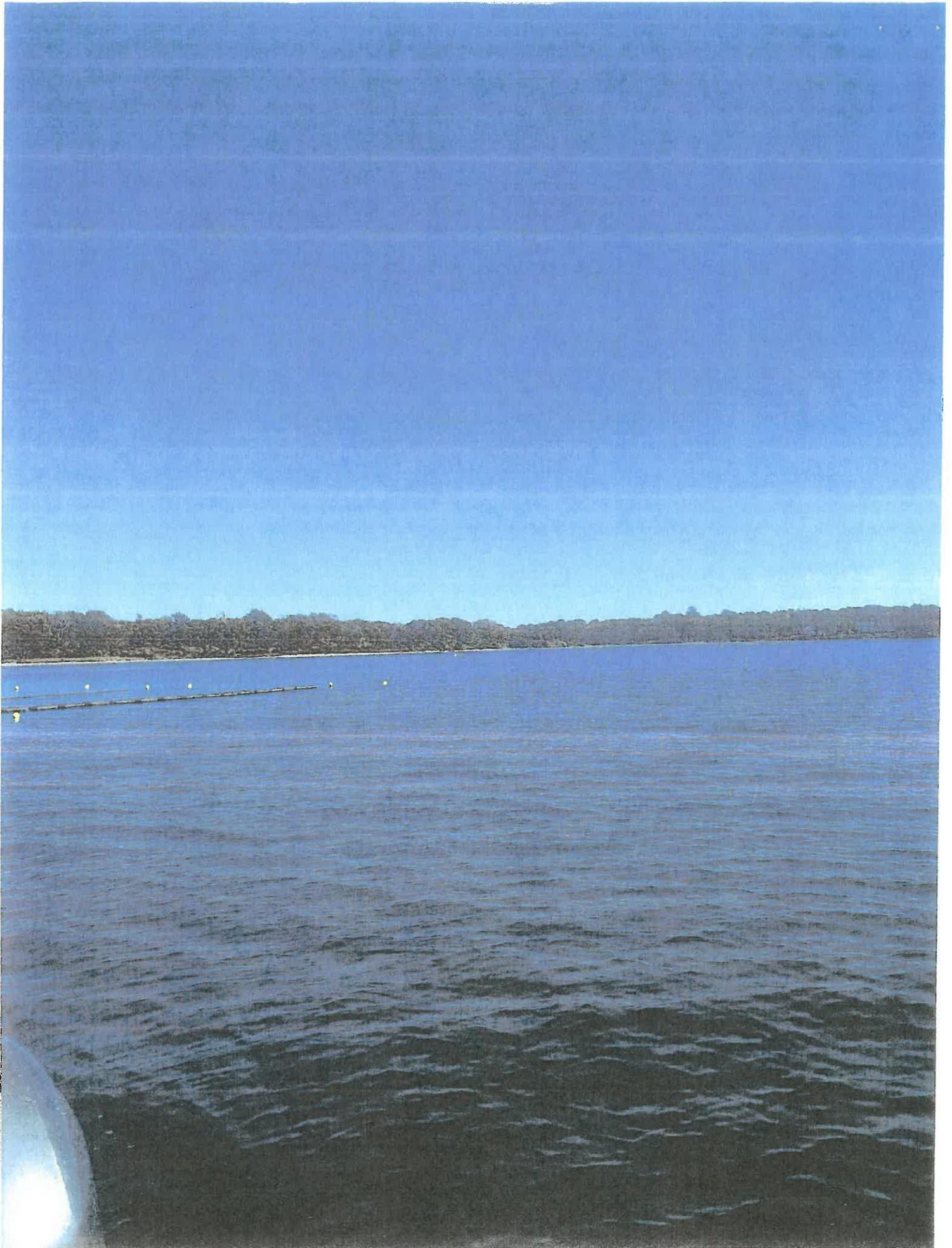
Seakist Aquaculture
Prepared on 9/26/2019

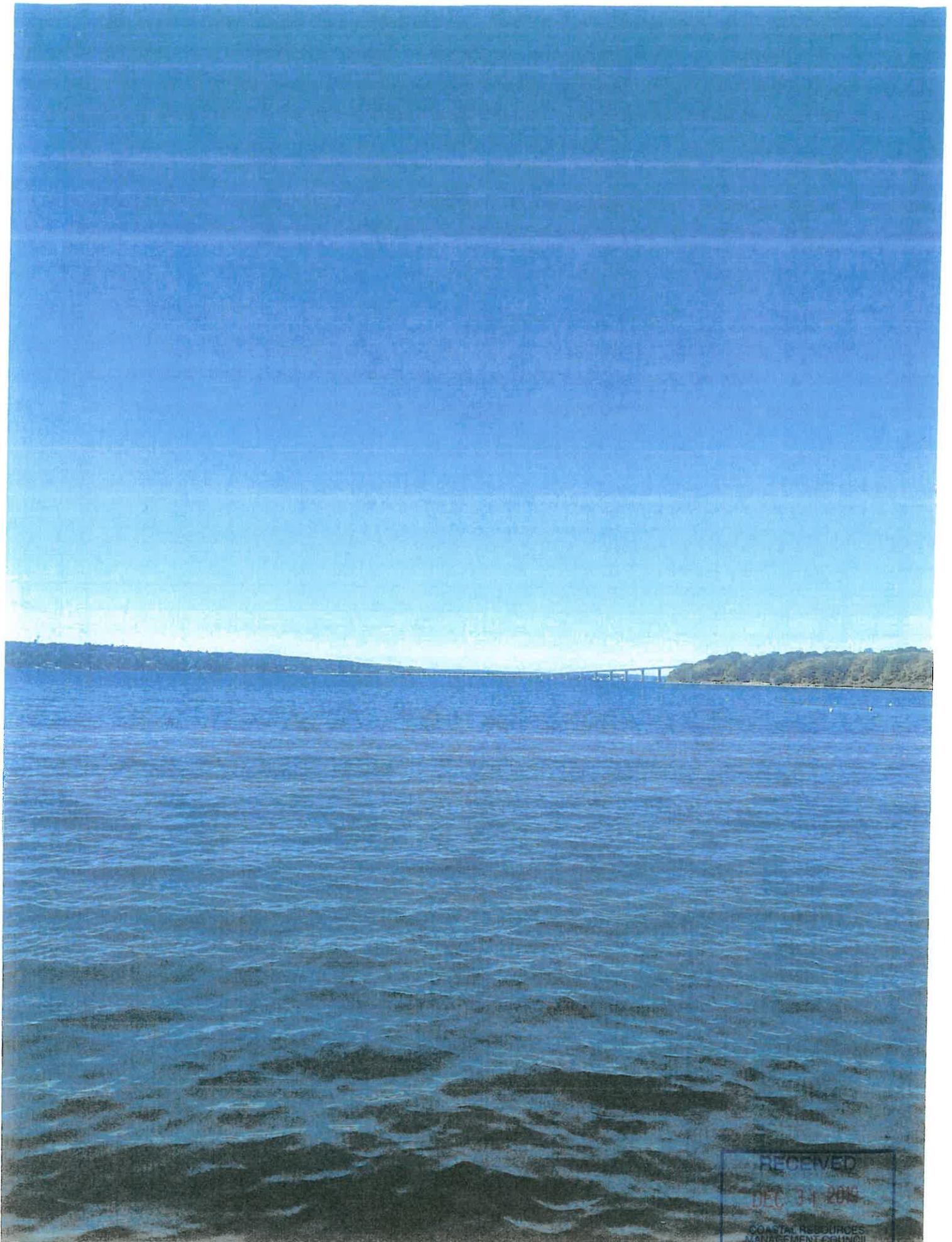
Written Description

The proposal is to expand the existing lease: B2015-11-032 to the southwest and northwest resulting in an 8.7 acre oyster farm. It will be marked with 4 lighted buoys, 1 on each corner. The expansion will utilize a new floating basket style gear. The new gear is lower profile than the existing gear type.

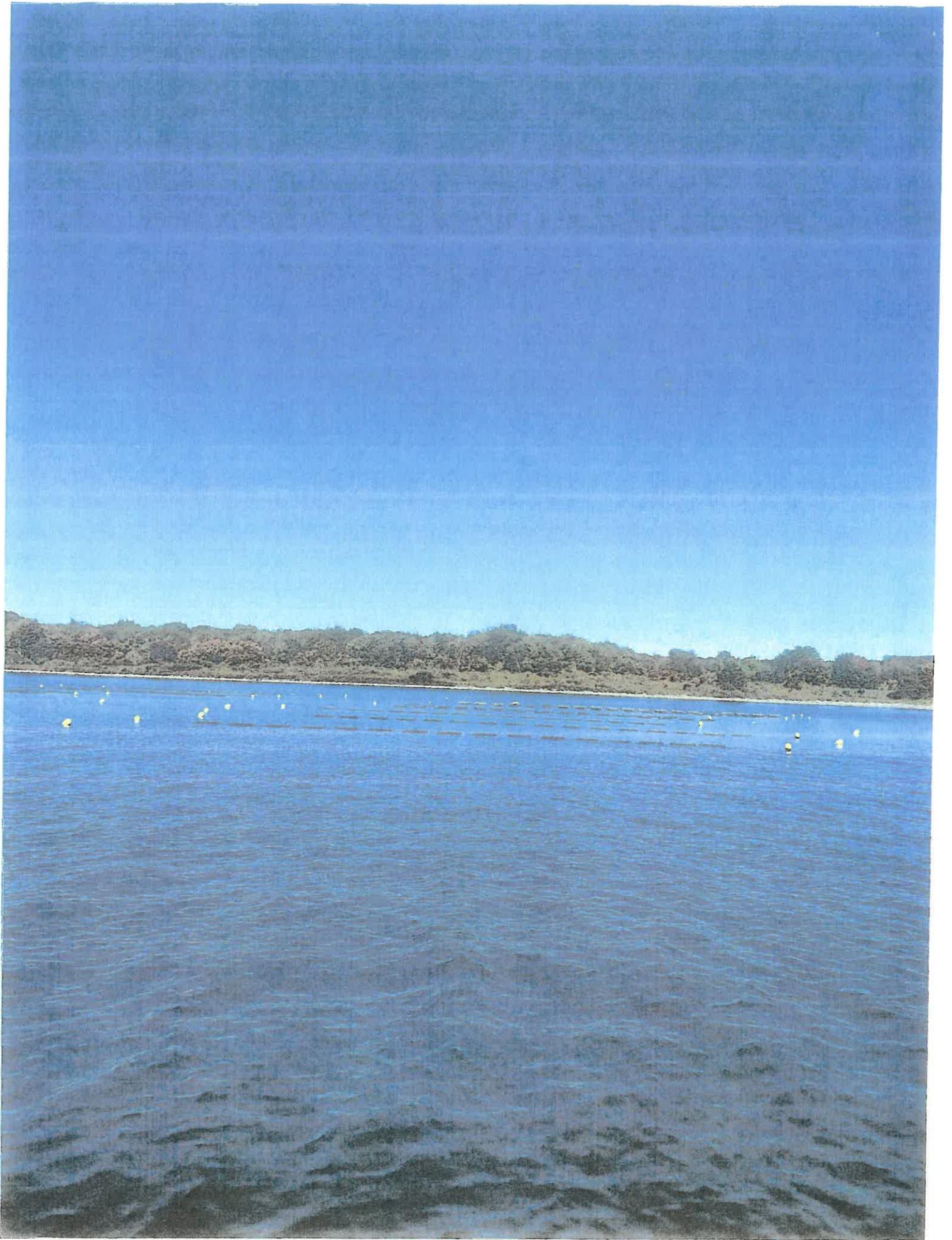
The gear will run parallel to shore in very evenly spaced rows creating a very organized look. There will be 32 rows that are 350 feet in length with 22' of space between them. The rows will begin approximately 50 feet from each border to ensure that the gear stays well within the boundaries. Each row will consist of 350 baskets and the farm will have 12,000 total baskets. The farm will range from 7.5' deep in the shallows at low tide to 16' deep at low tide in the depths.

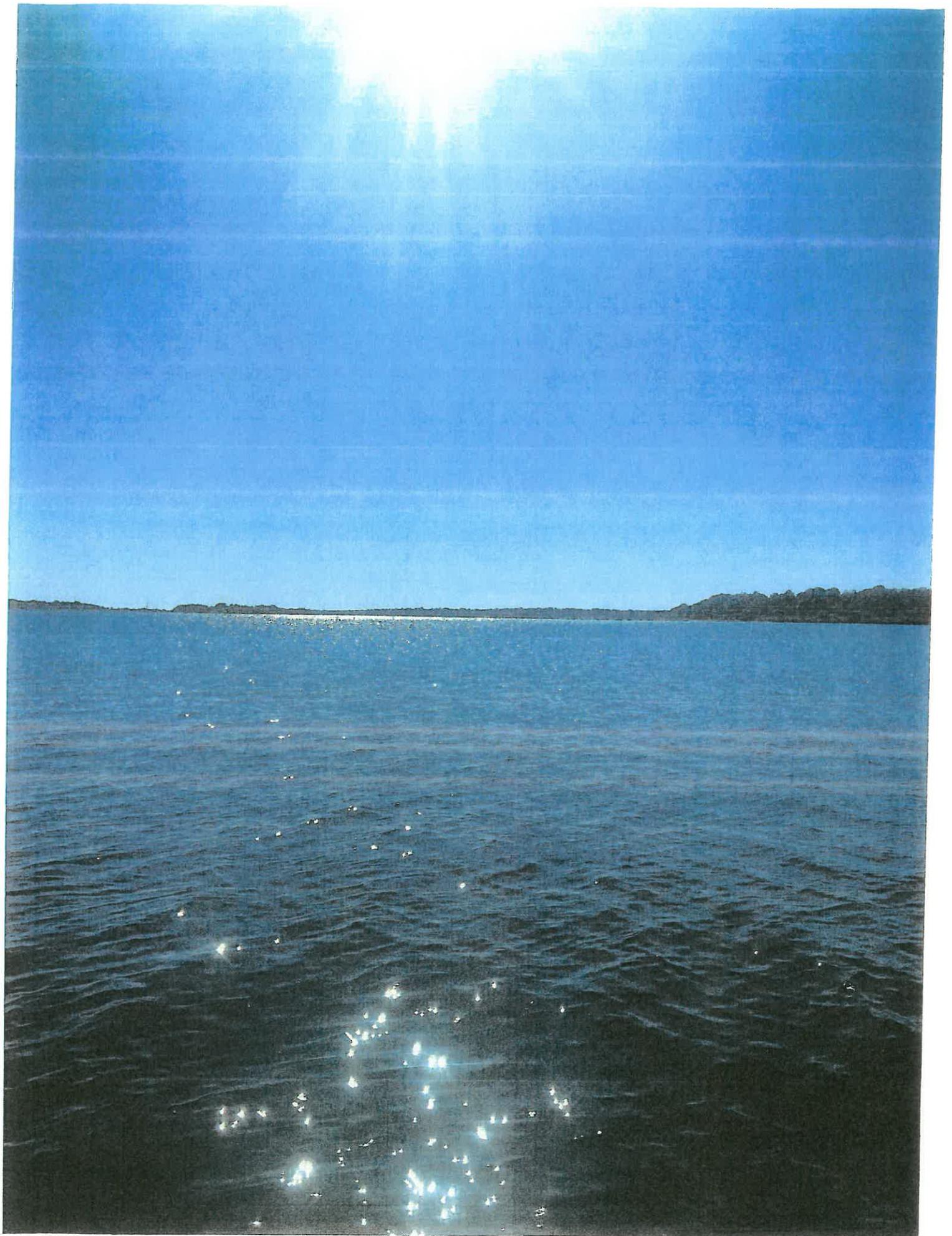






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COASTAL RESOURCES
MANAGEMENT COUNCIL



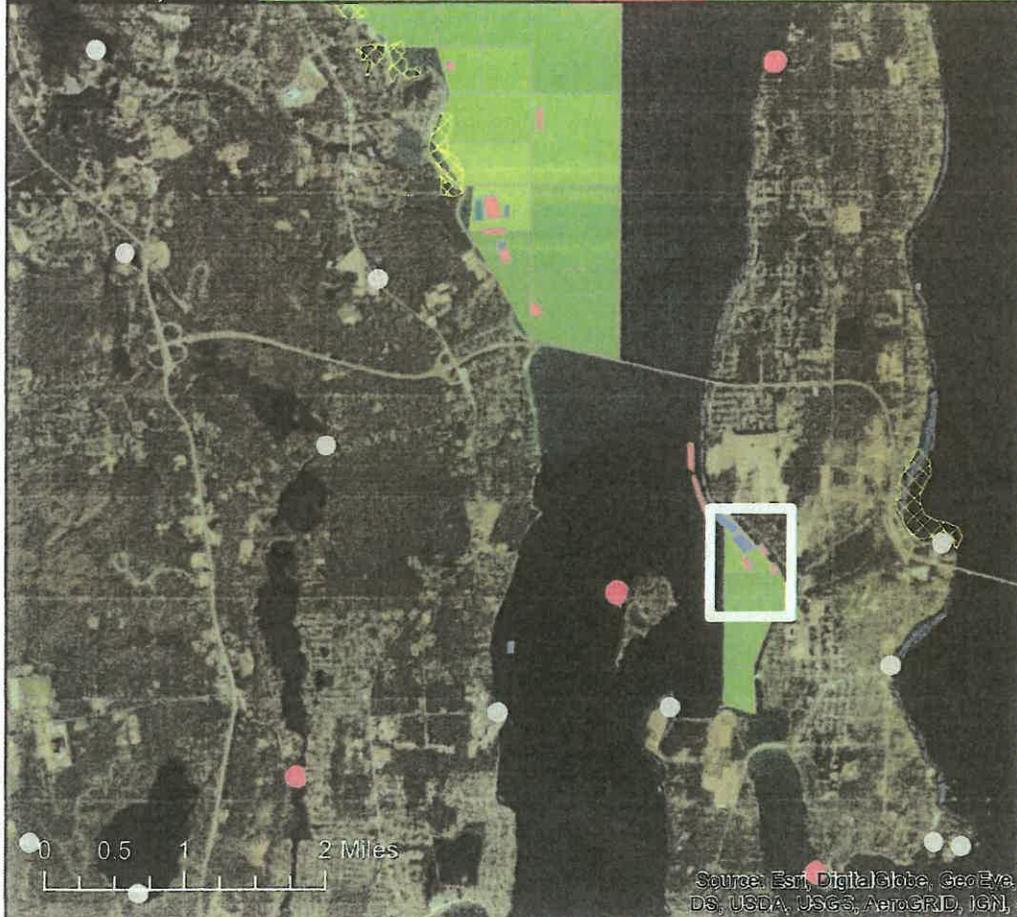


Seakist Aquaculture LLC 2019-10-050



8.5 Acres

Coordinate System: NAD 1983 StatePlane Rhode Island FIPS 3800 Feet



Aquaculture

- Approved
- PD App
- PN App
- DMF_Fixed_Monitoring_Sites
- DMF_Sites_400ft
- Boat_Access

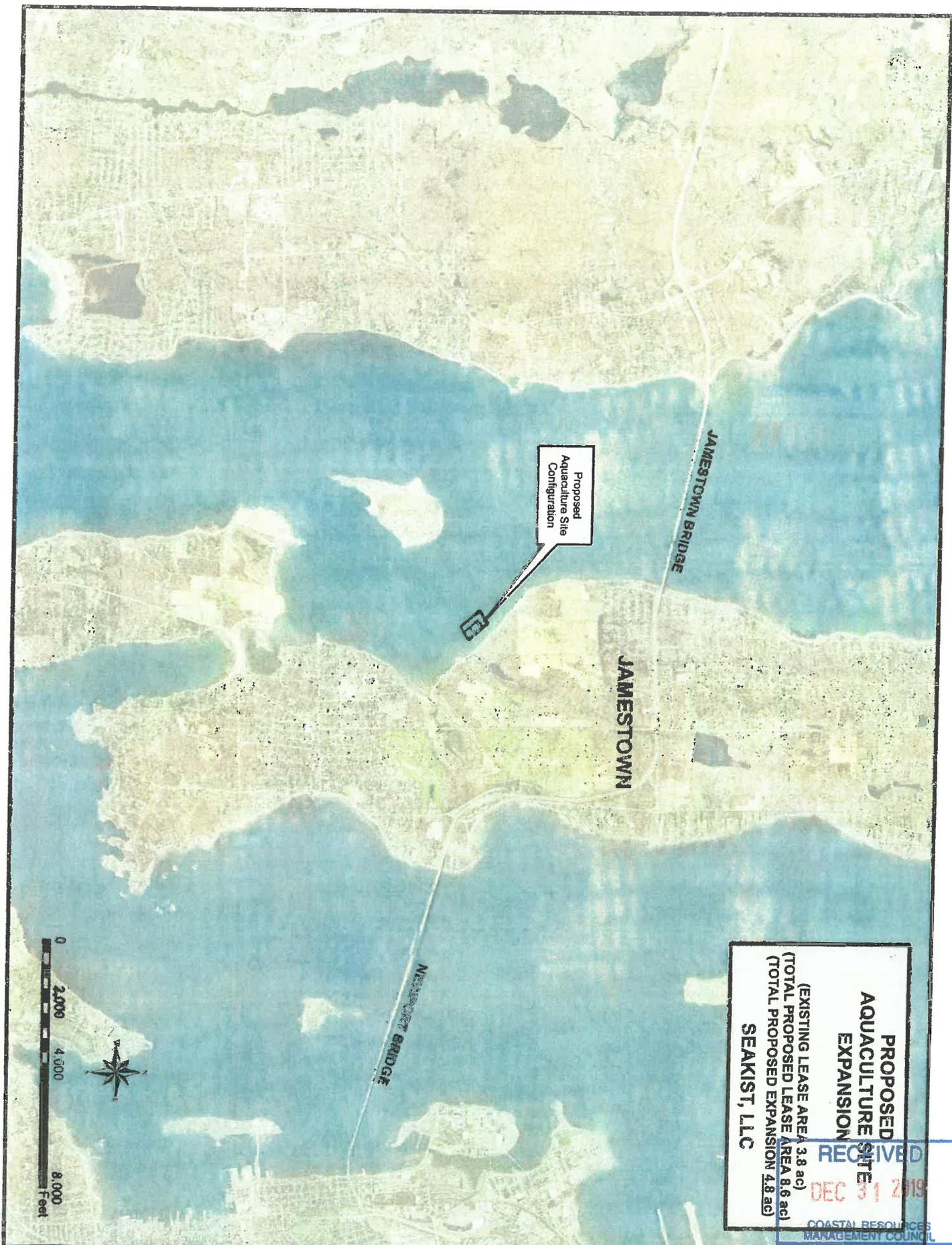
SAV Weight

- 0.166667 - 0.333333
- 0.333334 - 0.500000
- 0.500001 - 0.666667
- 0.666668 - 0.833333
- 0.833334 - 1.000000
- Rec. Shellfishing (SMP)

Quahog Abund/m²

- 0.000000 - 0.386564
- 0.386565 - 0.742760
- 0.742761 - 1.255957
- 1.255958 - 1.826788
- 1.826789 - 2.461520
- 2.461521 - 3.179719
- 3.179720 - 4.582960
- 4.582961 - 6.309102
- 6.309103 - 9.490298
- 9.490299 - 17.698588

Source: Esri, DigitalGlobe, GeoEye, DS, USDA, USGS, AeroGRID, IGN,



Proposed
Aquaculture Site
Configuration

JAMESTOWN BRIDGE

JAMESTOWN

MEIGSPORT BRIDGE

**PROPOSED
AQUACULTURE SITE
EXPANSION**
(EXISTING LEASE AREA 3.8 ac)
(TOTAL PROPOSED LEASE AREA 8.6 ac)
(TOTAL PROPOSED EXPANSION 4.8 ac)
SEAKIST, LLC

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COASTAL RESOURCES
MANAGEMENT COUNCIL

0 2,000 4,000 8,000
Feet



LOCUS MAP
NUMBER 17000

Proposed
Aquaculture Site
Configuration

North East
71° 23' 13.7868"
41° 30' 39.4452"

North West
71° 23' 18.9528"
41° 30' 36.8532"

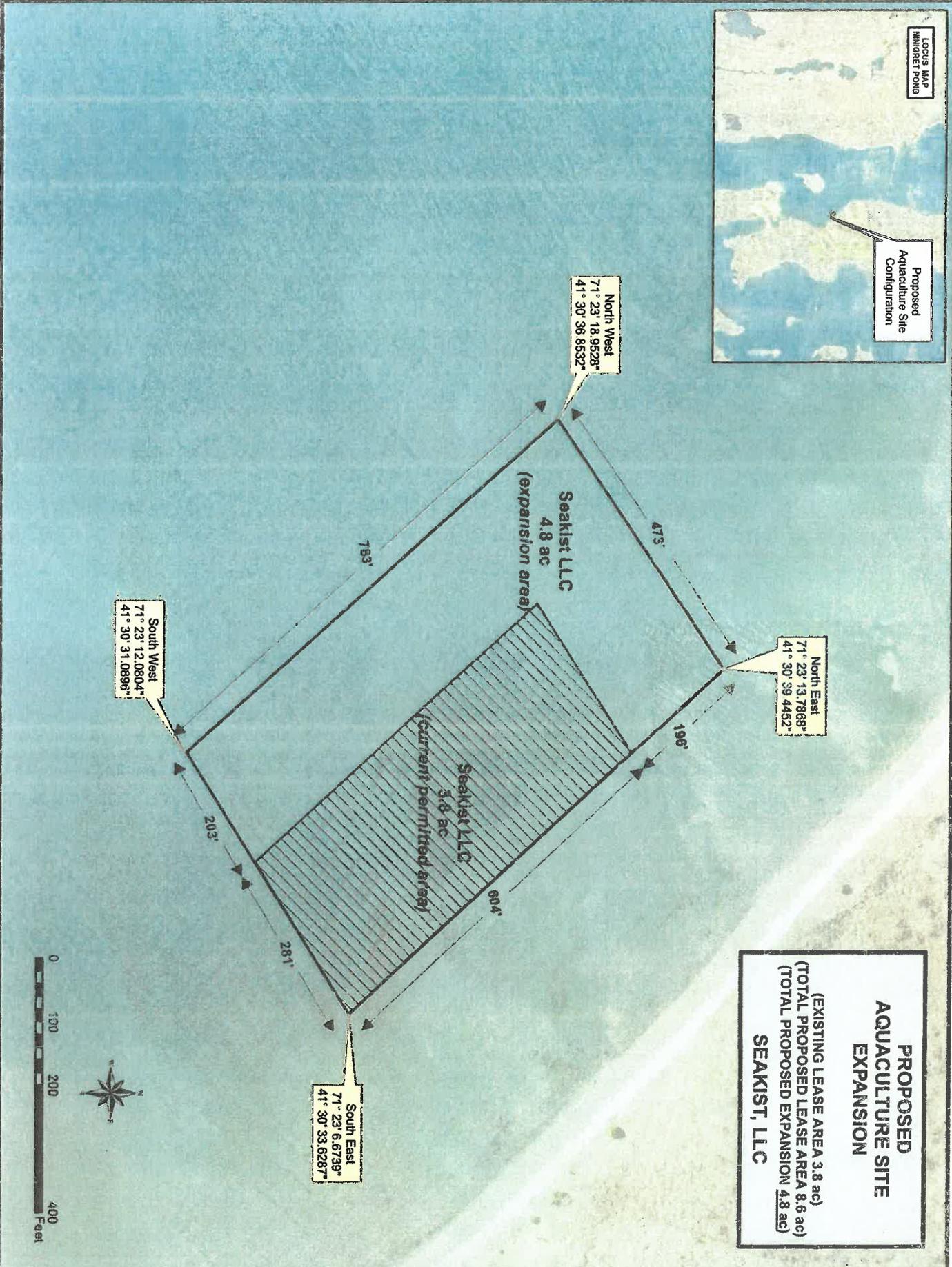
South West
71° 23' 12.0804"
41° 30' 31.0896"

South East
71° 23' 6.6739"
41° 30' 33.6287"

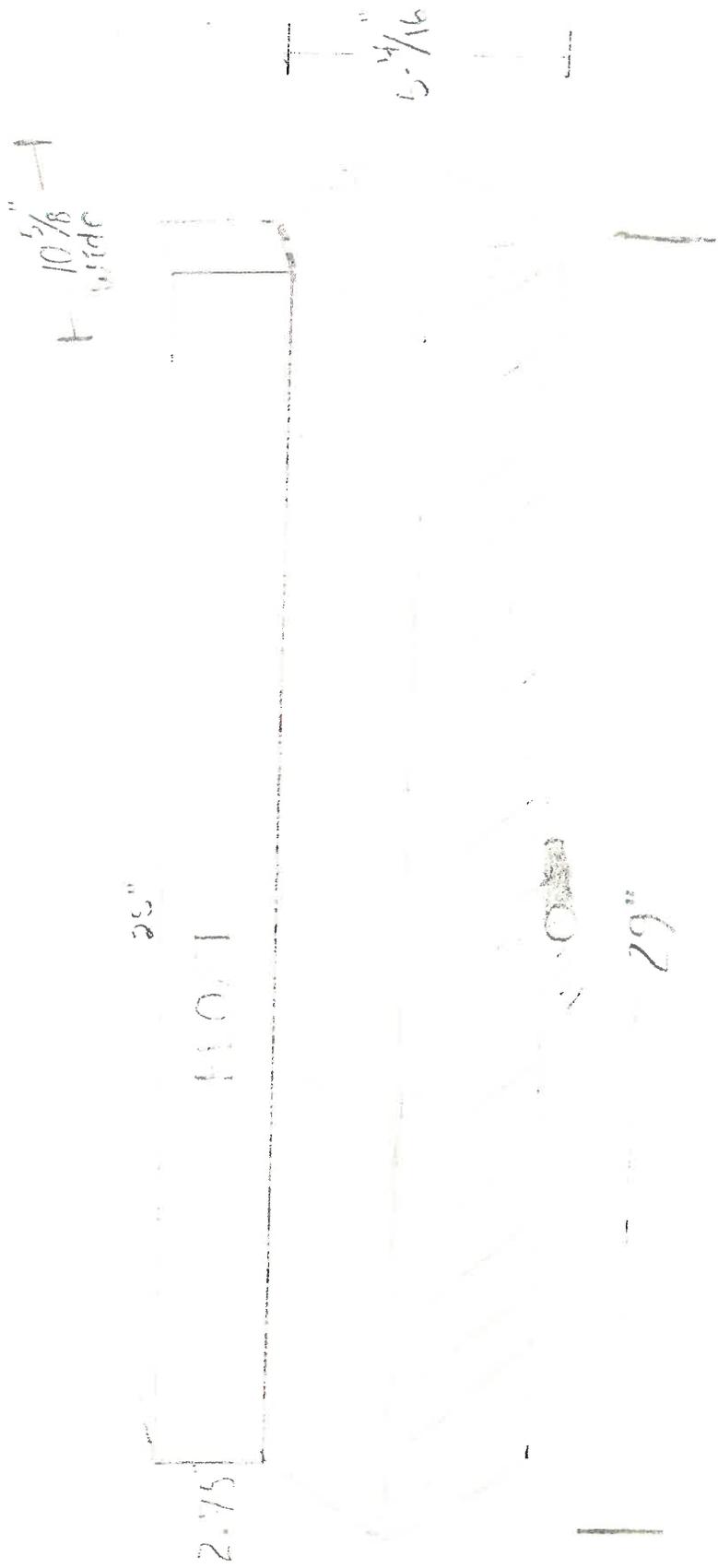
Seakist LLC
4.8 ac
(expansion area)

Seakist LLC
3.8 ac
(current permitted area)

**PROPOSED
AQUACULTURE SITE
EXPANSION**
(EXISTING LEASE AREA 3.8 ac)
(TOTAL PROPOSED LEASE AREA 8.6 ac)
(TOTAL PROPOSED EXPANSION 4.8 ac)
SEAKIST, LLC

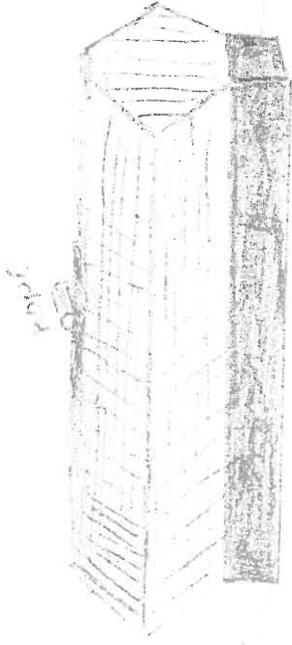


DEAKIST Aquaculture

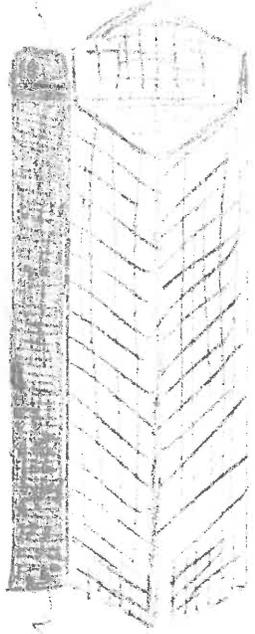


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Seakist Aquaculture

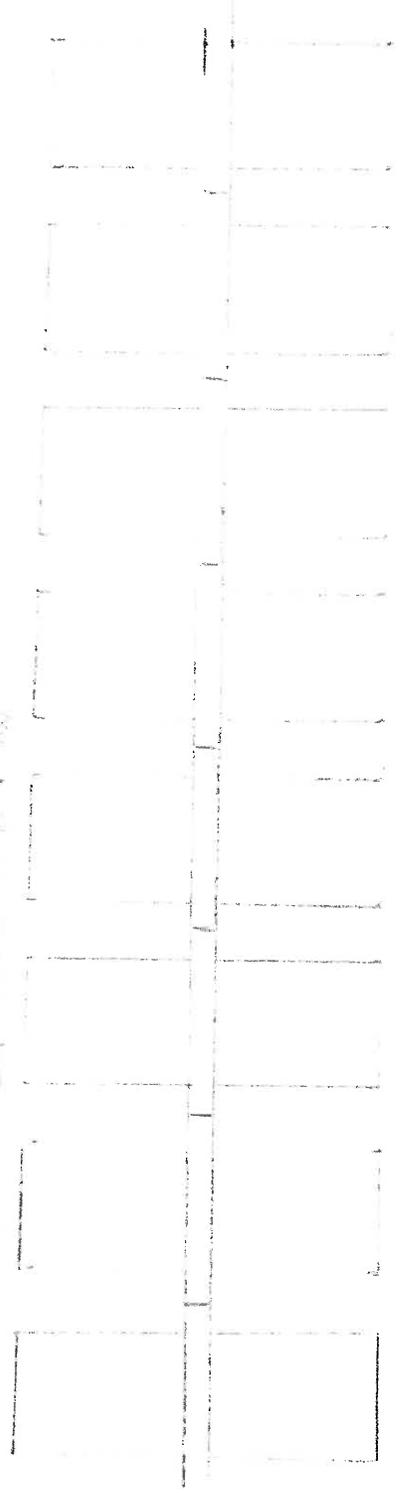


Drying



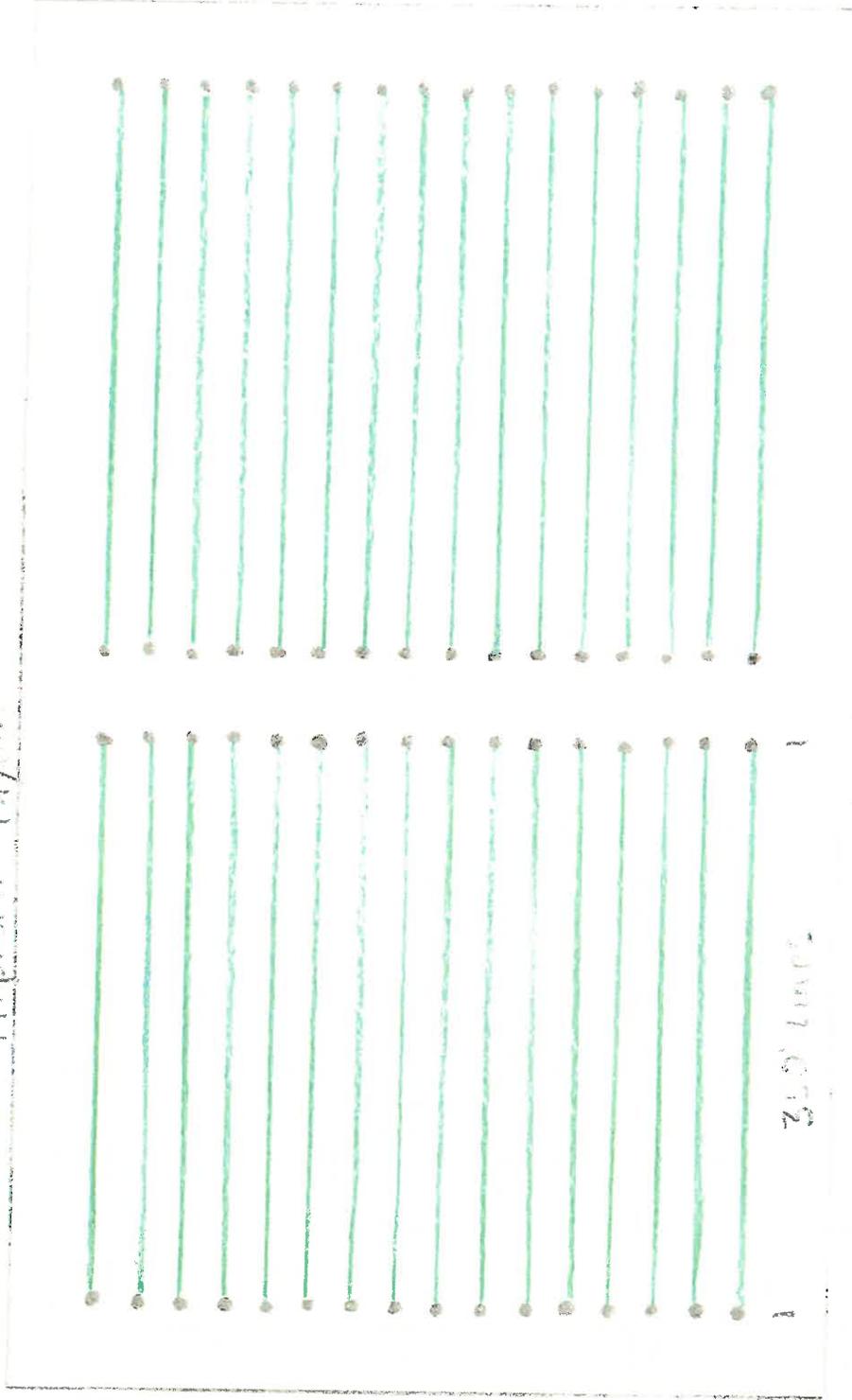
Growing

overhead view of a row



Seakist Aquaculture

Proposed Layout



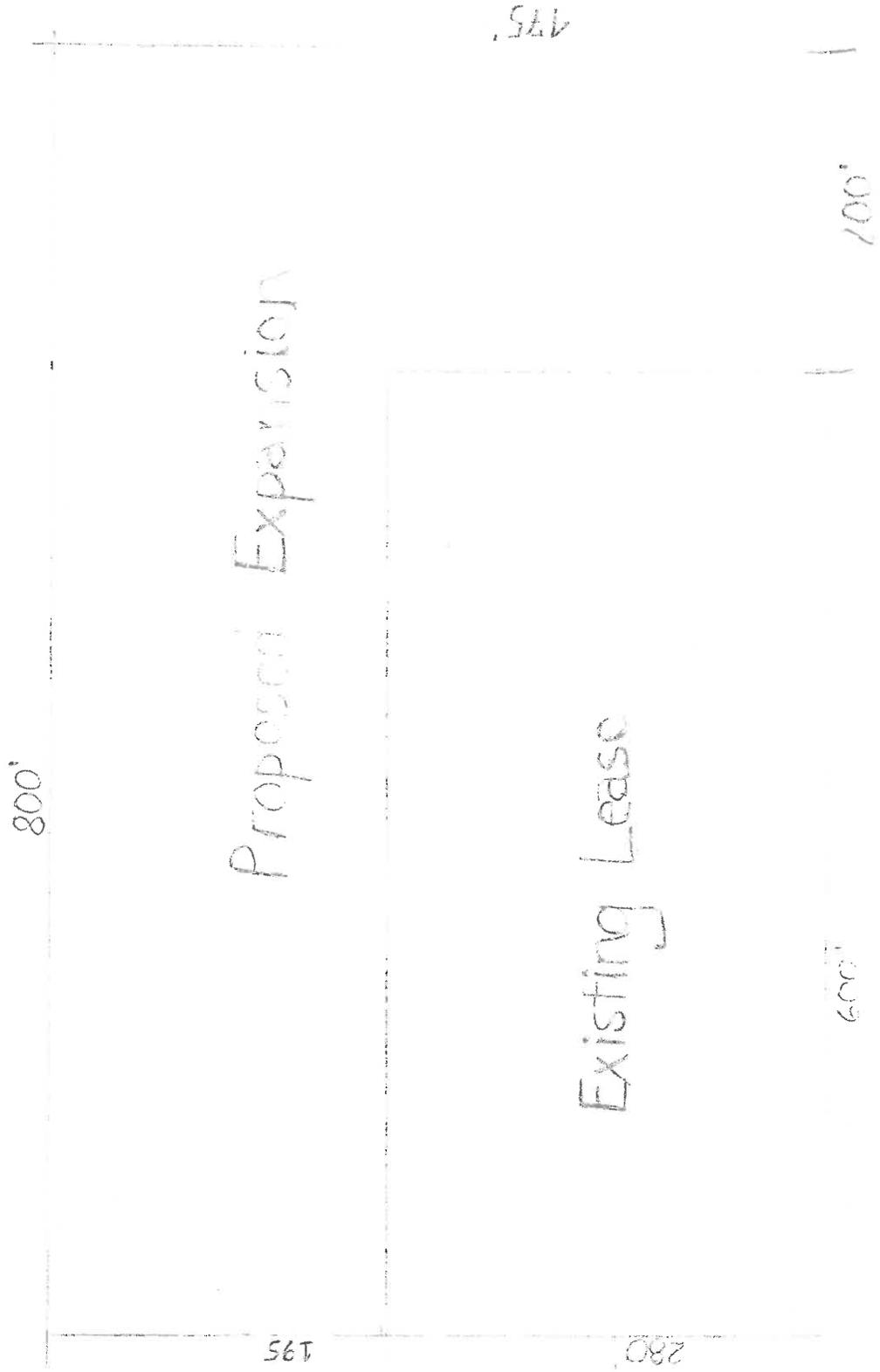
500'

250' LONG

800'

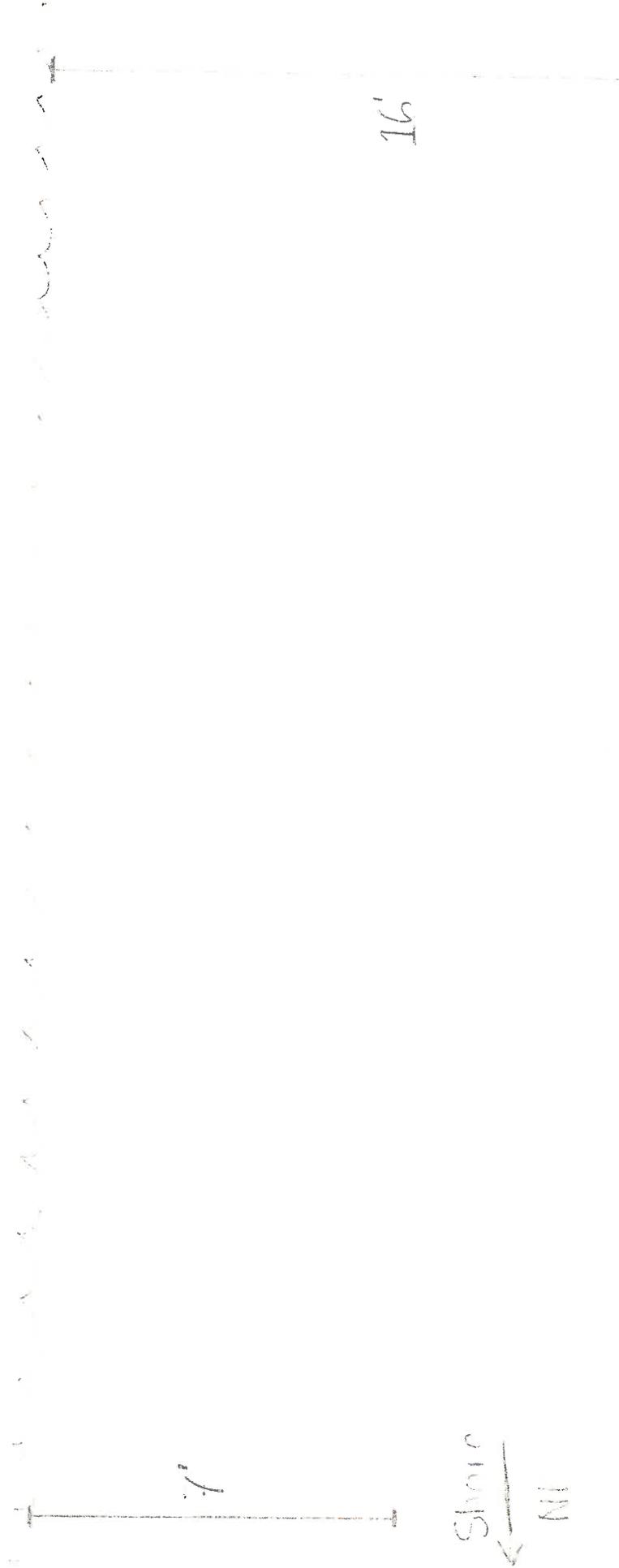


Seakist Aquaculture



* 1" = 100'

Sediment Deposition



MS
 <----->
 010510

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 DEC 31 2019
 COASTAL RESOURCES
 MANAGEMENT COUNCIL



February 8, 2020

D.Beutel, Aquaculture Coordinator CRMC

Subject: Continued Proliferation of Floating Oyster Cages in Dutch Harbor

Dear Mr. Beutel,

The purpose of this email is to object to the continued proliferation of floating oyster cages in Dutch Harbor. The most recent application, Seakist Aquaculture LLC File Number: 2019-12-079 and the recent application, Silkes, File Number 2013-04-057, are most troubling to us. The most egregious of the recent applications, Seakist Aquaculture LLC, seeks to add 12,000 floating cages to our once pristine Dutch Harbor. The Silkes application seeks to further denigrate the harbor views by adding 1164 floating cages.

Seakist Aquaculture LLC Application

We have several concerns with the application.

- Even though the cages are smaller than some of the floating ones, 12,000 cages is so many, it's almost unimaginable.
- Although the height of the proposed cages is lower than some of the other models, when the cages are turned for drying (weekly), they will be as high as others so the sight lines will be as unsightly as the higher profile ones.
- Seakist is attempting to expand closer to boat moorings.
- In Section 300.1 (5), Seakist states that the "*presence of oysters in this area will help mitigate the effects of nitrogen runoff from waterfront lawn fertilizer applications and septic systems in close proximity to the bay.*" However, this argument is specious because the waterfront homes on Westwind Drive all have buffer areas (required by the CRMC) that cannot be fertilized, and the houses are on sewers, not septic systems.
- Seakist claims in 300.1 (6) that "*the farm will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters, and, or the shore.*"
 - In fact, since the proposed farm expansion would extend out farther west, it would be more difficult for boats to go to and from their moorings from other parts of the harbor or from Narragansett Bay.
 - In addition, it would be more difficult for the numerous boats coming into Dutch Harbor to anchor and spend the day and overnight.
 - This much larger farm would continue to lessen areas for kayaking near shore. When kayakers are required to paddle farther from shore, the waters are often rougher and kayakers are more likely to have to steer clear of the numerous anchored boats (especially on weekends).
- Seakist does not even comment on Section 300.1 (11), "*Demonstrate that measures have been taken to minimize any adverse scenic impact,*" so we assume they haven't even considered the impact. An additional 12,000 floating cages with high profiles while drying will have an adverse scenic impact.
- 12,000 additional cages will also provide thousands more roosting places for many different birds all summer long along with their droppings.

In summary, we feel that approving an additional 12,000 floating cages is not in the interest of citizens of Jamestown and, therefore, object to the application. These additional cages will continue to denigrate our (formerly unobstructed) view of Dutch Harbor and the conservation land, complicate mariners' access to Dutch Harbor moorings and visiting mariners anchorage spots, and require kayakers to paddle farther from shore where water is rougher.

Silkes Application

We have several concerns with the modification.

- Although this farm has been in business for several years, it has used sunken cages that protrude only minimally above the surface of the water
- Their new request would provide an additional 1164 floating cages protruding significantly above the surface to the vista of Dutch Harbor.
- Section 330.1 (11) of the application states, "Demonstrate that measures have been taken to minimize any adverse scenic impact."
 - Silkes says, "The scenic impact will be comparable to what is currently on site.
 - This statement entirely misrepresents the scenic impact as described in the bullets above.
- Section 330.11-D-7 of the application states, "Impact of activities on scenic qualities of area"
 - Silkes says, "Scenic impact is comparable to what there is currently now at the site"
 - This statement entirely misrepresents the scenic impact as described in the bullets above.

In summary, we feel that changing the oyster gear from sunken cages to floating cages will further denigrate the once pristine Dutch Harbor. 1164 additional cages will also provide thousands more roosting places for many different birds all summer long along with their droppings.

Thank you for your consideration.

(Neighbor's signature)

(Neighbor's address)

Fred & Anne Yole
24 N. Passage Dr.
Jamestown, RI 02835

Lisa Turner

From: Dave Beutel <dbeutel@crmc.ri.gov>
Sent: Monday, February 17, 2020 8:55 AM
To: Lisa Turner
Subject: FW: Subject: Proposed Extreme Proliferation of Floating Oyster Cages in Dutch Harbor

From: Randy Ross [mailto:ross@smithross.com]
Sent: Sunday, February 16, 2020 12:24 PM
To: dbeutel@crmc.ri.gov
Subject: Subject: Proposed Extreme Proliferation of Floating Oyster Cages in Dutch Harbor

February 16, 2020

D.Beutel, Aquaculture Coordinator CRMC

Dear Mr. Beutel,

We live on the West Passage at 2 West Passage Drive on Dutch Harbor. Imagine our surprise when, seemingly out of the blue a few years ago, our bay was filled with these black “things” sticking out of the water. Apparently, back then, we had little say or warning as to what was happening or what was possibly coming. We will be happy to send you pictures of what we currently see from the shore of what was once a lovely, unsullied bay! To even consider adding 12,000 cages or even 1,164 cages to the currently unsightly and objectionable one we currently have to stare at is unconscionable.

We strongly object to the continued proliferation of highly unsightly floating oyster cages in Dutch Harbor. The most recent application, Seakist Aquaculture LLC File Number: 2019-12-079 and the recent application, Silkes, File Number 2013-04-057, are most troubling to us. The most egregious of the recent applications, Seakist Aquaculture LLC, seeks to add 12,000 floating cages to our once pristine Dutch Harbor. The Silkes application seeks to further denigrate the harbor views by adding 1164 floating cages.

Seakist Aquaculture LLC Application

We have several major concerns with the application.

- Even though the cages may be somewhat smaller than some of the floating ones, **12,000 additional cages** in this attractive and small bay is unimaginable.
- Although the height of the proposed cages is lower than some of the other models, when the cages are turned for drying (weekly), they will be as high as others so the sight lines will be as unsightly as the current, higher profile ones.
- Seakist is attempting to expand closer to the boat moorings, which will clearly interfere with boaters’ easy and safe access, particularly after dark.
- In Section 300.1 (5), Seakist states that the *“presence of oysters in this area will help mitigate the effects of nitrogen runoff from waterfront lawn fertilizer applications and septic systems in close proximity to the bay.”* However, this argument is clearly specious and irrelevant because the waterfront homes on Westwind and West Passage Drives all have buffer areas (clearly required by the CRMC and both observed and enforced) that cannot be fertilized, and the houses are generally on sewers, not septic systems.
- Seakist claims in 300.1 (6) that *“the farm will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters, and, or the shore.*

- In fact, the proposed farm expansion would extend out substantially further west, making it far more difficult for boats to go to and from their moorings from other parts of the harbor or from Narragansett Bay. In windy conditions or at night, the problem is significantly magnified!
- In addition, it would be more difficult for the numerous visiting boats to safely come into Dutch Harbor to anchor and spend the day and overnight.
- This much larger farm would continue to lessen areas for kayaking safely near shore. When kayakers are required to paddle farther from shore, the waters are often rougher and kayakers are more likely to have to steer clear of the numerous anchored boats (especially on weekends), forcing kayakers to contend with significant tidal effects.
- Seakist does not even deign to comment on Section 300.1 (11), *“Demonstrate that measures have been taken to minimize any adverse scenic impact,”* so they haven’t even considered the impact or recognize that the effect is truly substantial. **An additional 12,000 floating cages with high profiles while drying will have a monumental and incontrovertible adverse scenic impact. Please feel free to observe the current adverse scenic impact of the current cages, and then envision 12,000 or even 1,164 more!**
- **12,000 additional cages** will also provide thousands more roosting places for many different birds with their fecal droppings, significantly increasing the adverse environmental impact on the local waters.

In summary, we feel that approving an additional **12,000 floating cages** is not in any way in the environmental, health, or scenic interest of the citizens of Jamestown and, therefore, strongly object to this application. **These additional cages will continue to denigrate our (formerly unobstructed) view of Dutch Harbor and the conservation land, complicate mariners’ safe and easy access to Dutch Harbor moorings and visiting mariners’ anchorage spots, and require kayakers to paddle farther from shore where water is substantially rougher and where they will be subject to difficult tidal effects.**

Silkes Application

We have several concerns with the proposed modification:

- Although this farm has been in business for several years, it has previously used sunken cages that protrude only minimally above the surface of the water;
- Their new request would provide an additional **1164 floating cages**, each protruding significantly above the surface to the vista of Dutch Harbor;
- Section 330.1 (11) of the application states, *“Demonstrate that measures have been taken to minimize any adverse scenic impact.”*
 - Silkes states, *“The scenic impact will be comparable to what is currently on site”;*
 - **This statement is disingenuous in the extreme, farcical on its face and entirely misrepresents the scenic impact as described in the bullets above.**
- Section 330.11-D-7 of the application states, *“Impact of activities on scenic qualities of area”*
 - Silkes mistakenly says, *“Scenic impact is comparable to what there is currently now at the site”*
 - **This statement is also disingenuous in the extreme, farcical on its face and entirely misrepresents the scenic impact as described in the bullets above.**

In summary, we feel that adding to the current unfortunate level of oyster gear (or even changing the oyster gear from sunken cages to floating cages) will further and unconscionable denigrate our once pristine Dutch Harbor, have a continuing and meaningful impact of safe ingress and egress of boats to the harbor, particularly at night, and to the continuing safety of the many kayakers who are drawn to our beautiful harbor. We respectfully ask that the CRMC reject these and all future applications for additional commercial ventures in our harbor.

Thank you for your consideration.

R. Rand Ross
2 West Passage Drive
Jamestown, RI 02835

Lisa Turner

From: Dave Beutel <dbeutel@crmc.ri.gov>
Sent: Monday, February 10, 2020 10:39 AM
To: Lisa Turner
Subject: FW: Objection to the proposed new oyster floating cages in Dutch Harbor
Attachments: D.Beutel, Aquaculture Coordinator CRMC.doc

From: Paul Zabetakis [mailto:paul.zabetakis@gmail.com]
Sent: Saturday, February 08, 2020 3:25 PM
To: dbeutel@crmc.ri.gov
Cc: Sharon Purdie
Subject: Objection to the proposed new oyster floating cages in Dutch Harbor

Dear Mr. Beutel,

As member of the Jamestown POA with a view of the water, I am writing to strenuously object to the continued proliferation of floating oyster cages in Dutch Harbor.

The most recent application, Seakist Aquaculture LLC File Number: **2019-12-079** and the recent application, Silkes, File Number 2013-04-057, are most troubling to us. The most egregious of the recent applications, Seakist Aquaculture LLC, seeks to add 12,000 **floating cages** to our once pristine Dutch Harbor. The Silkes application seeks to further denigrate the harbor views by adding 1164 floating cages.

We all understand the value of aquaculture to the health of our waters and employment of our local farmers. However, there must be some reasonable balance struck. Attached is a letter that more fully outlines our objectives.

Paul

Paul M Zabetakis, MD
Rear Commodore
New York Yacht Club
Mobile: 781-956-4751
paul.zabetakis@gmail.com



Paul M. Zabetakis, MD
38 Westwind Drive
Jamestown, Rhode Island 02835
401-423-3910

February 10, 2020

D.Beutel, Aquaculture Coordinator CRMC

Subject: Continued Proliferation of Floating Oyster Cages in Dutch Harbor

Dear Mr. Beutel,

The purpose of this email is to object to the continued proliferation of floating oyster cages in Dutch Harbor. The most recent application, Seakist Aquaculture LLC File Number: 2019-12-079 and the recent application, Silkes, File Number 2013-04-057, are most troubling to us. The most egregious of the recent applications, Seakist Aquaculture LLC, seeks to add 12,000 floating cages to our once pristine Dutch Harbor. The Silkes application seeks to further denigrate the harbor views by adding 1164 floating cages.

Seakist Aquaculture LLC Application

We have several concerns with the application.

- Even though the cages are smaller than some of the floating ones, 12,000 cages is so many, it's almost unimaginable.
- Although the height of the proposed cages is lower than some of the other models, when the cages are turned for drying (weekly), they will be as high as others so the sight lines will be as unsightly as the higher profile ones.
- Seakist is attempting to expand closer to boat moorings.
- In Section 300.1 (5), Seakist states that the *"presence of oysters in this area will help mitigate the effects of nitrogen runoff from waterfront lawn fertilizer applications and septic systems in close proximity to the bay."* However, this argument is specious because the waterfront homes on Westwind Drive all have buffer areas (required by the CRMC) that cannot be fertilized, and the houses are on sewers, not septic systems.
- Seakist claims in 300.1 (6) that *"the farm will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters, and, or the shore."*
 - In fact, since the proposed farm expansion would extend out farther west, it would be more difficult for boats to go to and from their moorings from other parts of the harbor or from Narragansett Bay.
 - In addition, it would be more difficult for the numerous boats coming into Dutch Harbor to anchor and spend the day and overnight.
 - This much larger farm would continue to lessen areas for kayaking near shore. When kayakers are required to paddle farther from shore, the waters are often rougher and kayakers are more likely to have to steer clear of the numerous anchored boats (especially on weekends).
- Seakist does not even comment on Section 300.1 (11), *"Demonstrate that measures have been taken to minimize any adverse scenic impact,"* so we assume they haven't

even considered the impact. An additional 12,000 floating cages with high profiles while drying will have an adverse scenic impact.

- 12,000 additional cages will also provide thousands more roosting places for many different birds all summer long along with their droppings.

In summary, we feel that approving an additional 12,000 floating cages is not in the interest of citizens of Jamestown and , therefore, object to the application. These additional cages will continue to denigrate our (formerly unobstructed) view of Dutch Harbor and the conservation land, complicate mariners' access to Dutch Harbor moorings and visiting mariners anchorage spots, and require kayakers to paddle farther from shore where water is rougher.

Silkes Application

We have several concerns with the modification.

- Although this farm has been in business for several years, it has used sunken cages that protrude only minimally above the surface of the water
- Their new request would provide an additional 1164 floating cages protruding significantly above the surface to the vista of Dutch Harbor.
- Section 330.1 (11) of the application states, " *Demonstrate that measures have been taken to minimize any adverse scenic impact.*"
 - Silkes says, "The scenic impact will be comparable to what is currently on site.
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In summary, we feel that changing the oyster gear from sunken cages to floating cages will further denigrate the once pristine Dutch Harbor. 1164 additional cages will also provide thousands more roosting places for many different birds all summer long along with their droppings.

Thank you for your consideration.



Paul M Zabetakis, MD
38 Westwind Drive
Jamestown, RI 02835

Lisa Turner

From: Dave Beutel <dbeutel@crmc.ri.gov>
Sent: Friday, February 7, 2020 2:08 PM
To: Lisa Turner
Subject: FW: Letter of Objection
Attachments: CRMC Oysters - Dutch Harbor.pdf

From: Jim McCooey [mailto:jim@caisoft.com]
Sent: Friday, February 07, 2020 1:50 PM
To: dbeutel@crmc.ri.gov
Subject: Letter of Objection

Dear Mr. Beutel,

Please see the attached letter regarding our concerns with the continued proliferation of floating oyster cages in Dutch Harbor.

Best regards,
Jim and Renee McCooey
Westwind Dr. Jamestown

February 8, 2020

D.Beutel, Aquaculture Coordinator CRMC

Subject: Continued Proliferation of Floating Oyster Cages in Dutch Harbor

Dear Mr. Beutel,

The purpose of this email is to object to the continued proliferation of floating oyster cages in Dutch Harbor. The most recent application, Seakist Aquaculture LLC File Number: 2019-12-079 and the recent application, Silkes, File Number 2013-04-057, are most troubling to us. The most egregious of the recent applications, Seakist Aquaculture LLC, seeks to add 12,000 floating cages to our once pristine Dutch Harbor. The Silkes application seeks to further denigrate the harbor views by adding 1164 floating cages.

Seakist Aquaculture LLC Application

We have several concerns with the application.

- Even though the cages are smaller than some of the floating ones, 12,000 cages is so many, it's almost unimaginable.
- Although the height of the proposed cages is lower than some of the other models, when the cages are turned for drying (weekly), they will be as high as others so the sight lines will be as unsightly as the higher profile ones.
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Thank you for your consideration.

Lennie R. McCovey
John H. McCovey

70 WESTWIND DR.
JAMESTOWN, RI
02835

Lisa Turner

From: Dave Beutel <dbeutel@crmc.ri.gov>
Sent: Friday, February 7, 2020 8:34 AM
To: Lisa Turner
Subject: FW: Oyster Cages in Dutch Harbor/Seakist and Silkes Application
Attachments: SKM_C36820020707480.pdf

From: Powers, Robert [mailto:Robert.Powers@aipso.com]
Sent: Friday, February 07, 2020 7:56 AM
To: dbeutel@crmc.ri.gov
Subject: Oyster Cages in Dutch Harbor/Seakist and Silkes Application

Dear Mr. Beutel, please see the attached letter objecting to the above Applications and in general to the continued growth of oyster cages in Dutch Harbor.

Robert S. Powers
30 Westwind Drive
Jamestown, RI 02835

February 7, 2020

D.Beutel, Aquaculture Coordinator CRMC

Subject: Continued Proliferation of Floating Oyster Cages in Dutch Harbor

Dear Mr. Beutel,

The purpose of this letter is to object to the continued proliferation of floating oyster cages in Dutch Harbor. The most recent application, Seakist Aquaculture LLC File Number: 2019-12-079 and the recent application, Silkes, File Number 2013-04-057, are most troubling to us. The most egregious of the recent applications, Seakist Aquaculture LLC, seeks to add 12,000 floating cages to our once pristine Dutch Harbor. The Silkes application seeks to further denigrate the harbor views by adding 1164 floating cages.

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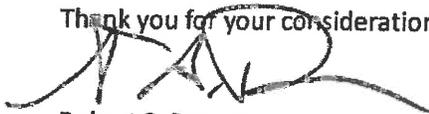
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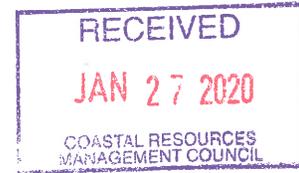
Thank you for your consideration.



Robert S. Powers
30 Westwind Drive
Jamestown, RI 02835

cstaff1

From: Scott Palumbo <sdpalumbo1@gmail.com>
Sent: Sunday, January 26, 2020 8:03 AM
To: cstaff1@crmc.ri.gov
Subject: Objection re: 2019-12-079 and 2019-12-055



Objection regarding applications 2019-12-079 and 2019-12-055

Dear Council:

I am writing to object to File #2019-12-079 by Seakist Aquaculture, "Expand and maintain an existing oyster farm using floating gear" and File #2019-12-055 by Walrus and Carpenter Oysters, LCC "Create and maintain a 7.8 acre aquaculture site using floating cages."

These combined proposals will expand floating cage aquafarming along Jamestown's western shore from 3.8 to approximately 13 acres, a 242% increase. The existing aquafarm is already stressing a fragile ecosystem, preventing recreational use of one of Rhode Island's premier natural shellfishing areas, creating hazards to navigation, destroying the beauty of Narragansett Bay and adversely affecting Jamestown property values. Vastly increasing these operations is unconscionable.

The proposed (and existing) aquafarms are at the mouth of the tidal Great Creek and Round Marsh and eclipse naturally occurring shellfish beds. This area cannot support the artificial introduction of millions of oysters, which compete with indigenous shellfish and draw thousands of sea gulls to deposit guano and compete with indigenous migratory birds for food and resources. Tripling the size of the existing oyster farm potentially affects hundreds of species and unbalances the ecosystem.

The applicants have publicly stated that oyster farming in Jamestown is somehow sustainable and represents an important food source. This is a false narrative. Artificially introducing millions of oysters at the mouth of the Great Creek and Round Marsh is ecologically devastating. The science is clear, even if inconvenient. A simple internet search for "effects of oyster farming" produces myriad academic resources demonstrating how hundreds of species – from eelgrass to phytoplankton to migratory birds to Rhode Island's beloved quahogs – are adversely affected.

Floating bed oysters farms do not accurately represent value added aquaculture. Oysters are not a meaningful protein source for Rhode Islanders; their cultivation represents tax dollars for the state and extraordinary profits for a few wealthy, well-connected individuals. From a nutritional standpoint, half a dozen raw oysters have approximately 57 calories and 6 grams of protein, at a typical cost of \$21.00. This perfectly matches the nutritional value of one large egg at more than 80 times the cost. Oysters are a luxury commodity and provide no more nutritional importance to Rhode Islanders than truffles, saffron or caviar.

Rhode Island has been remarkably effective at destroying its natural resources since the Industrial Revolution and the state is spending millions of dollars to restore damaged environmental systems. Dutch Harbor, the Great Creek and Round Marsh should not be added to the exhaustive list of damaged and unbalanced ecosystems for the Rhode Island Department of Environmental Management to rehabilitate.

We must prioritize Rhode Island's natural resources and our environment over corporate greed and nepotism. Seakist Aquaculture and Walrus and Carpenter already harvest more than 5 million oysters per year in Rhode Island waters and Seakist has illegally expanded its Jamestown operation. It is a travesty to accelerate the climate crisis for tax dollars and corporate greed.

I strongly oppose these applications and will monetarily contribute to any class action litigation introduced to oppose them.

Scott Palumbo
12 Westwind Dr, Jamestown, RI 02835
617-259-6297
sdpalumbo1@gmail.com



1/30/2020

To Whom It May Concern,

My name is Ted Hackman, I am a resident of Jamestown RI. I have lived there for over 20 years. I am writing to express my strong objection to the application for expansion of the Oyster Farms in Dutch Harbor, RI at the mouth of the Great Creek. The file numbers are 2019-12-079 and 2019-12-055. These applications are so short sighted that writing about all of the horrible unintended consequences would fill a novel. Two of the most major consequences of the expansion would be environmental destruction, and human safety. Others have eloquently and specifically showed how the expansion of these farms would be exceedingly harmful to the fragile environment there. I would like to focus on safety. The expansion of these oyster fields is inherently short-sighted. The mouth of Great Creek has been enjoyed by Rhode Islander's and visitors for generations. Swimming, fishing, clamming, sunbathing, sailing, motor boating, kayaking, and any other marine activity you can think of occurs at the mouth of Great Creek. Artists and Photographers are omnipresent there, taking advantage of the unparalleled beauty. By allowing the expansion of the farms; industrial machinery, gear, boats, and individuals will be intermingled to create an area of ever present conflict. This is unacceptable and downright dangerous.

First. Have you ever driven by Great Creek in the spring, summer or fall (and sometimes even winter)? Cars are parked on the road and people are enjoying the creek and nearby adjacent waters. Kayakers and boaters enter the creek from the mooring fields and harbor all the time. How will boaters and individuals enter and exit the creek? Will they have to navigate dangerous oyster cages to just get to the mouth of the creek? Of course they will. The safety implications are unacceptable. What happens if a kayaker or swimmer gets tangled with an oyster cage?

Secondly. The farms will now be directly adjacent to established mooring fields from both Dutch Harbor Boat Yard and private townspeople. Are you kidding me? How are sailboats and dinghies supposed to operate safely in this environment? The boats used by the farms are rather large, are they going to be able to navigate and see all of small boats and sailboats while they are concentrating on their oysters? Of course not.

Thirdly. Where are clambers supposed to go? The area that is open to clamming will be in direct conflict to the farms. We see what goes on now. The farms are as close to the shore as possible. Gear washes up and is often exposed at low tide. Even under normal conditions the gear is very close to the shoreline. What happens when one of the Farmers doesn't like where a person is clamming or fishing? Will enforcement be there to ensure conflict doesn't happen? What happens when the oyster gear comes loose and washes up to the shore. Who will ensure safety of the common public? I know, NO ONE. Just the fact that these two activities would be occurring in the exact same area is completely disturbing.

This is just a bad idea. There are numerous reasons why the applications should be denied. Safety concerns are at the top of the list. Ever wonder why they called it Great Creek? Well, maybe it's because this area is a natural wonder to Rhode Island that is accessible to all. Oyster farming at the mouth of Great Creek is in direct conflict with the many activities that are going on there now. Safety of the general public cannot be compromised. I am not against the oyster farmers, this just isn't the right area for expansion. Thank you for your time.

Ted Hackman

Hack1man@yahoo.com

401-575-8161

Lisa Turner

From: Dave Beutel <dbeutel@crmc.ri.gov>
Sent: Thursday, February 6, 2020 8:07 AM
To: Lisa Turner
Subject: FW: Aquaculture LLC:2019-12-079

From: alan [mailto:alkajuka@aol.com]
Sent: Wednesday, February 05, 2020 9:20 PM
To: dbeutel@crmc.ri.gov
Subject: Aquaculture LLC:2019-12-079

Dave Beutel, Aquaculture Coordinator CRMC

Dear Dave,

Subject: Objection letter to Seakist Aquaculture LLC:2019-12-079

The purpose of this letter is to (1) reiterate our concerns with the overall proliferation of oyster cages in Dutch Harbor and (2) to enumerate our concerns regarding the application: 2019-12-079 filed by Seakist Aquaculture LLC for approval of a new lease for oyster farming in Dutch Harbor.

Proliferation of Oyster Cages in Dutch Harbor

This Seakist application is the second one filed recently, so it is important to step back for a moment and understand the enormity of the proposed cages, given the sum of this application plus the Walrus & Carpenter application. Between the two applications, the farmers are **requesting an additional 14,000 cages** to be installed in Dutch Harbor. At the CRMC hearing for the Pinheiro application to float additional cages in 2018, although they applied for over 700 floating cages, they were approved for 500. The 12,000 cages request by Seakist is thousands more than were approved for the Pinheiro lease.

In addition, our understanding from the Pinheiro hearing was that there would be no additional cages approved for Dutch Harbor, given the number of cages that already exist.

Seakist Aquaculture LLC Application

We have several concerns with the application.

- Even though the cages are smaller than some of the floating ones, 12,000 cages is so many, it's almost unimaginable.
- Although the height of the proposed cages is lower than some of the other models, when the cages are turned for drying (weekly), they will be as high as others so the sight lines will be as unsightly as the higher profile ones.
- One of the major drivers of Walrus & Carpenter's decision to apply for a new lease was to site his lease as far away as possible from homeowners. In contrast, Seakist is attempting to expand closer to boat moorings.
- In Section 300.1 (5), Seakist states that the *"presence of oysters in this area will help mitigate the effects of nitrogen runoff from waterfront lawn fertilizer applications and septic systems in close proximity to the bay."* However, this argument is specious because the waterfront homes on Westwind Drive all have buffer areas (required by the CRMC) that cannot be fertilized, and the houses are on sewers, not septic systems.
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are often rougher and kayakers are more likely to have to steer clear of the numerous anchored boats (especially on weekends).

- Seakist does not even comment on Section 300.1 (11), “*Demonstrate that measures have been taken to minimize any adverse scenic impact,*” so we assume they haven’t even considered the impact. An additional 12,000 floating cages with high profiles while drying will have an adverse scenic impact. In order to dispute this observation, it would be helpful for them to provide a rendering of what the farm would look like from the decks of property abutters’ houses, with the cages in “growing” mode and “drying” mode.
- 12,000 additional cages will also provide thousands more roosting places for many different birds all summer long along with their droppings.

In summary, we feel that approving an additional 12,000 floating cages is not in the interest of citizens of Jamestown and , therefore, object to the application. These additional cages will continue to denigrate our (formerly unobstructed) view of Dutch Harbor and the conservation land, complicate mariners’ access to Dutch Harbor moorings and visiting mariners anchorage spots, and require kayakers to paddle farther from shore where water is rougher.

We would not object to some additional cages if the visual renderings of the proposed application area show that the location is visually acceptable. If not, the number of floating cages needs to be reduced to a level that is visually acceptable after analyzing the rendering. In addition, we would want to re-assess the impact of the smaller number of cages on mariners and kayakers.

For the last several months we have been engaged in the mediation sessions with Walrus & Carpenter. We feel that these sessions have been helpful and productive in terms of providing a better understanding of the needs and concerns of both parties. These sessions have also identified areas where we can work together to provide longer term solutions to the fundamental conflicts between oyster farmers and abutters. These areas include development of less visually obtrusive cages, changes in cage color, reasonable numbers of cages, etc. We will continue to work with the farmers to find ways to improve this relationship. Perhaps we could expand these sessions to include other farmers.

Thanks for considering our concerns.

Alan and Lorraine Katz
52 Westwind Drive

January 22, 2020

Dave Beutel, Aquaculture Coordinator CRMC

Dear Dave,

Subject: Objection letter to Seakist Aquaculture LLC:2019-12-079

The purpose of this letter is to (1) reiterate our concerns with the overall proliferation of oyster cages in Dutch Harbor and (2) to enumerate our concerns regarding the application: 2019-12-079 filed by Seakist Aquaculture LLC for approval of a new lease for oyster farming in Dutch Harbor.

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Thanks for considering our concerns.

Sharon Purdie and Ted Sybertz
60 Westwind Drive

William (Bob) R. Kalandar, Jr.
63 Westwind Drive

Jim and Renee McCooey
70 Westwind Drive