



DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS  
NEW ENGLAND DISTRICT  
696 VIRGINIA ROAD  
CONCORD MA 01742-2751



December 30, 2024

Regulatory Division  
File Number NAE-2024-01906  
CRMC No. 2024-07-016

Mr. Kyle Reichman  
7 Chestnut Street  
Newport, RI 02840  
[kylereichman@gmail.com](mailto:kylereichman@gmail.com)

Mr. Reichman:

The U.S. Army Corps of Engineers (USACE) has reviewed your application to the Rhode Island Coastal Resources Management Council (CRMC) to construct a three-acre shellfish aquaculture farm for the cultivation of eastern oysters and bay scallops using low-profile floating baskets (FlipFarm), suspended lantern nets, and bottom cages within Dutch Harbor, Jamestown, RI (41.511003N -71.389856W). The project site will extend 900 linear feet (LF) seaward from Mean High Water (MHW) and is within USACE jurisdiction. This project will cause approximately 90 square feet (SF) of temporary impact to mud/gravel estuarine subtidal habitat and is shown on the enclosed (untitled) plans on four sheets dated "June 28, 2024."

The site will consist of 20 long (horizontal) lines, 18 of which will be occupied by Flip Farm gear, 1 will be a troll line with approximately 20 bottom cages for growing oysters and 1, 10 mm hurricane line from which lantern nets will be suspended for growing scallops. Each horizontal line will be approximately 20' of separation. A total of 44 vertical lines anchored by 450-lb helical anchors will support the 20 long lines using 1" polypropylene rope. Each 1" polypropylene line will have a large, buoy (16 x 18" above the anchor.

Based on the information you have provided, we verify that the Pre-Construction Notification (PCN) activity is authorized under the May 6, 2022 General Permit 20 of the federal permits known as the Rhode Island General Permits (GPs). The GPs are available at <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Rhode-Island-General-Permit>.

Please review the enclosed GPs carefully, in particular the general conditions beginning on page 43, and ensure that you and all personnel performing work authorized by the GPs are fully aware of and comply with its terms and conditions.



You must perform this work according to the following special conditions:

1. The permittee shall ensure that a copy of the project authorization (including its drawings, plans, appendices and other attachments) is present on the vessel that attends the work site (and the project office), and that all appropriate personnel performing work at the site are fully aware of its terms and conditions.
2. The horizontal seaweed growing lines shall be installed no earlier than November 1 and removed no later than May 1. This condition is to minimize conflict of horizontal seaweed longlines with seasonal abundance of listed marine animals and seasonal navigation and to mitigate the potential presence of obstruction to navigation.
3. All gear, including buoys and lines shall be marked and maintained with the file number "NAE-202401906," as well as the permittee's name and contact information. Markings shall stand up to the elements over time and allow for gear recovery and identification.
4. Seasonal seed lines, buoys and associated gear shall be removed during the offseason or when not in use. The gear shall be stored in upland areas to minimize the effects of habitat exclusion, loss or alteration for essential fish habitat and fishery resources.
5. The applicant will maintain all project equipment, including vertical mooring lines, to ensure that constant tension is kept on the line at all tides. This requirement for counterweight on the vertical lines is intended to minimize the likelihood that the lines will entangle as they will hang straight down and will be less likely to wrap around appendages of endangered marine sea turtles/mammals.
6. In season, the gear site shall be visited by an attendant surface vessel at least once weekly, site conditions permitting. Any noticeable difference in surface buoy or line tension such as any gaps in the horizontal line or movement of vertical lines will prompt an investigation into the tension of that line. If a problem is identified, it will be corrected that day. This condition has been included to ensure that if an entanglement or other issue related to the stability of the system arises, that it will be expeditiously addressed by the permittee.
7. Each sighting of any federally listed threatened or endangered species shall be recorded and the following information shall be provided:
  - a. Date, time, coordinates of vessel
  - b. Visibility, weather, sea state
  - c. Vector of sighting (distance, bearing)



- d. Duration of sighting
- e. Species and number of animals
- f. Observed behaviors (feeding, diving, breaching, etc.)
- g. Description of interaction with aquaculture facility

8. If any listed species of sea turtle is observed to be entangled or otherwise interacting with the facility structure, the permittee (or onboard staff) shall immediately contact NOAA Stranding Hotline at (866) 755-NOAA (6622) and email [nmfs.gar.incidental-take@noaa.gov](mailto:nmfs.gar.incidental-take@noaa.gov). The permittee should also contact the NOAA Fisheries Protected Resources Division, Gloucester, MA at (978) 281-9328. This condition is included to ensure that the proper authorities will be consulted in case of gear interaction with protected resources.

Please contact us immediately if you change the plans or construction methods for work within our jurisdiction as we must approve any changes before you undertake them. Performing work within our jurisdiction that is not specifically authorized by this determination or failing to comply with the special condition(s) provided above and all the terms and conditions of the GPs may subject you to the enforcement provisions of our regulations.

This authorization does not obviate the need to obtain other federal, state, or local authorizations required by law. Applicants are responsible for applying for and obtaining any other approvals.

We continually strive to improve our customer service. For us to better serve you, we would appreciate your completing our Customer Service Survey located at <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

Please contact Elizabeth Waterhouse, of my staff, at (978) 318-8943 or [elizabeth.c.waterhouse@usace.army.mil](mailto:elizabeth.c.waterhouse@usace.army.mil) if you have any questions.

Sincerely,

*Kevin R Kotelly*

Kevin R. Kotelly, P.E.  
Chief, CT/RI Section  
Regulatory Division



Attachments

cc:

Benjamin Goetsch, CRMC Aquaculture Coordinator; [bgoetsch@crmc.ri.gov](mailto:bgoetsch@crmc.ri.gov)

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