

CRMC DECISION WORKSHEET

2025-06-048

Bradley Boehringer

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
2025-06-048	Jamestown	Narragansett Bay - Dutch Harbor		B	<input type="checkbox"/>	<input type="checkbox"/>
		Plat	NA			
		Owner Name and Address				
Date Accepted	6/30/2025	Bradley Boehringer		Work at or Below MHW	<input checked="" type="checkbox"/>	
Date Completed	12/15/2025	722 Curtis Corner Road Wakefield, RI 02879		Lease Required	<input checked="" type="checkbox"/>	

PROJECT DESCRIPTION

3.5-acre Aquaculture Lease expansion

KEY PROGRAMMATIC ISSUES

Coastal Feature: Submerged Land

Water Type: Type 4, Multipurpose Waters

Red Book: 1.3.1(K)

SAMP: NA

Variances and/or Special Exception Details: None

Additional Comments and/or Council Requirements: None

Specific Staff Stipulations (beyond Standard stipulations): None

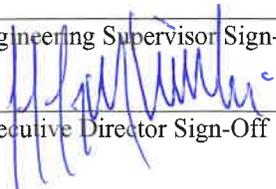
STAFF RECOMMENDATION(S)

Engineer _____ Recommendation: _____

Biologist _____ Recommendation: _____

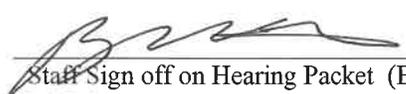
Other Staff **BJG** Recommendation: **Approval**

Engineering Supervisor Sign-Off _____ date _____

 _____ date **June 2025**

Executive Director Sign-Off _____ date _____

Supervising Biologist Sign-off _____ date _____

 _____ date **12-15-25**

Staff Sign off on Hearing Packet (Eng/Bio) _____ date _____

P001



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

DATE: December 15, 2025
TO: Jeffrey M. Willis, Executive Director
FROM: Benjamin Goetsch, Aquaculture Coordinator
SUBJECT: CRMC File No. 2025-06-048

Applicant's Name:	Bradley Boehringer
Project:	Three and a half-acre shellfish aquaculture farm expansion consisting of low-profile floating baskets and deep-water bottom cages for the cultivation of eastern oysters and bay scallops
Location:	Dutch Island Harbor, Jamestown
Water Type/Name:	Type 4, Multi-Purpose Waters
Coastal Feature:	Submerged Land

STAFF REPORT

1. Introduction

This Category B application is for a 3.5-acre expansion of the existing 7.8-acre commercial aquaculture operation CRMC#2019-12-055, approximately 900 feet off the western shore of Jamestown in Dutch Island Harbor. The applicant, Mr. Bradley Boehringer, proposes to use this 3.5-acre expansion in Type 4 Multi-purpose waters for the cultivation of eastern oysters (*Crassostrea virginica*) and bay scallops (*Argopectin irradians*). The site will consist of 17 long (horizontal) lines for low profile floating baskets (FlipFarm gear) and 8 lines for deepwater bottom cages. Further details may be found in the attached plans, see Attachment A.

2. History and Application Review

According to Red Book (650-RICR-20-00-1.3.1(K)(2)(b)), as a prerequisite to a formal Category B application, applicants for commercial aquaculture operations must first submit a Preliminary Determination (PD) request for the proposed project, which is reviewed as a draft application by Staff, cooperating agencies, and other interested parties at a local meeting typically held in the municipality nearest to the proposed site. The preliminary determination process is designed to give government agencies, town officials, stakeholder groups, residents, and the applicant a chance to review and discuss the proposal. This process ensures the feasibility of the proposal, that the applicant is aware of all regulations and constraints in

the area and gives Staff the opportunity to make recommendations to the applicant to include in a subsequent formal application if the project is recommended to move forward.

Accordingly, the PD application for this project was reviewed at the December 11th, 2024 Jamestown Harbor Commission meeting, see Attachment B for PD Report.

The PD meeting before the Jamestown Harbor Commission revealed very few issues with the application given the applicants proactive efforts to address concerns through early communications and consultations. The applicant's choice to use low profile floating baskets as the primary gear type is consistent with current CRMC guidelines for floating gear as they minimize the visual impact of the operation without sacrificing efficiencies. None of the nearby farmers objected to the site based on the buffers developed as part of his consultation with them at the earlier scoping meeting. One member of the public in attendance had concerns about sail boats navigating into the harbor near the aquaculture area. When the precise location of the proposal was shown to her on a chart, she stated that he did not have concerns given the location was behind other farms and did not extend any further west than the existing leases.

It should be noted that prior to the acceptance of the PD application, in January of 2024, CRMC Staff convened a Working Group for Aquaculture in Dutch Island Harbor with Jamestown officials (including the Town Manager, Town Planner, Harbor Master and Assistant Harbormaster) and the DEM DMF staff, to discuss in general the cumulative effects and limits of aquaculture development in Dutch Island Harbor, see CRMC presentation to the Working Group Attachment C. The discussion focused on concerns about habitat (particularly eel grass), navigation, and potential impacts to other observed uses of the waters. The result of the Working Group discussions was the development of a guidance map which outlines the aquaculture development area where any future applications should go and beyond which no new applications would be recommended to go forward by Staff, see Attachment D. Mr. Boehringer had the additional benefit of ensuring his PD application was consistent with that guidance map before submitting, which streamlined the subsequent review of the PD application by most parties involved and Staff recommended few changes to the initial proposal based on the PD review process.

The formal Category B application was put out to Public Notice on July 30, 2025, see Attachment A. Since then, the application has undergone the standard review process and has received the following authorizations and letters of recommendation:

- RI Department of Environmental Management (RIDEM) Division of Marine Fisheries (DMF) / Division of Fish and Wildlife (DFW)- Joint letter dated November 18th, 2025: "*The DMF and DFW believe that the adverse impacts to marine fisheries and their habitat from this prospective site would be minimal..*" (Attachment E)
- RI Marine Fisheries Council- Letter dated November 18th, 2025: "*Application does not conflict with the competing uses engaged in the marine fisheries in the area.*" (Attachment F)
- US Coast Guard, Sector SE New England, Waters Management Division, email dated June 24, 2025: "The proposed project does not appear to increase impact to navigation safety." (Attachment G)
- US Army Corps of Engineers- Letter dated November 26th, 2025: "*Activity is authorized under May 6, 2022 General Permit #20 of the federal permits known as the Rhode Island General Permit (GP).*" (Attachment H)

Based on the size, location, and review by other cooperating agencies, this application meets the threshold requirements for administrative approval pursuant to the Redbook section 650-RICR-20-00-1.1.6(D)(5), but only if no objections had been received during the 30-Day Public Notice Period. This application did receive two objections during the Public Notice Period and therefore requires review and action by the full Council, see Attachment I. The objections will be summarized and addressed in Section 4 of this report.

3. Applicable Sections of the RICRMP Polices and Standards

Below is a table of applicable *Red Book Sections* followed by Staff analysis:

Section title	650-RICR-20-00-1: Redbook Section number	<i>Policy/ Standard/Prohibition and Discussion</i>
Applications for Category A and Category B Council Assents	1.1.6(B) and 1.1.6(D)(5)	<p><i>“Through the adoption and implementation of the Marine Resources Development Plan by the Council on January 10, 2006, permit applications which meet the thresholds below ..., have received no objections, and are consistent with the goals and policies of the coastal resources management program will be reviewed and acted upon administratively by the executive director...”</i></p> <p>This application is for a 3.5-acre shellfish farm located in Type 4 waters in a Narragansett Bay. This proposed activity is a Category B application according to the Activity Matrix for Type 4 waters found in Redbook section 1.1.5.</p> <p>According to section 1.1.6(D)(5), the threshold for administrative approval of a Category B application for aquaculture includes <i>“sites up to three acres in the salt ponds or upper Narragansett Bay and less than ten acres elsewhere”</i>, but only if the application has <i>“received no objections”</i>. All other applications will require review by the full Council. This application has received objections and is therefore not eligible for administrative approval and must be reviewed and acted upon by the full council.</p>
Substantive Objections	1.1.6(G)	A discussion of the substance of the objections received follows this table.
Category B Requirements	1.3.1(A)	The applicant has provided written responses to all the 11 required elements for a Category B application, please see Attachment A for details. It is the opinion of Staff that the material provided in the

		<p>application meets the written requirements of this section of the Red Book.</p>
Aquaculture Policies	1.3.1(K)(1)(a)	<p><i>“The CRMC recognizes that commercial aquaculture is a viable means for supplementing the yields of marine fish and shellfish food products, and shall support commercial aquaculture in those locations where it can be accommodated among other uses of Rhode Island waters. The CRMC recognizes that responsible shellfish aquaculture has a net positive effect on the environment, and therefore it is permissible in all water types. As any human activity can have adverse environmental effects, the Council recognizes the possibility of setting scientifically defensible limits on aquaculture leasing in any particular water body.”</i></p> <p>This application is in Type 4 waters. Aquaculture is allowed in all water types and therefore this application is consistent with CRMC policy.</p>
Aquaculture Policies	1.3.1(K)(1)(b)	<p><i>“The Council may grant aquaculture activities by permit only. The CRMC may grant aquaculture applicants exclusive use of the submerged lands and water column, including the surface of the water, when the Council finds such exclusive use is necessary to the effective conduct of the permitted aquaculture activities. Except to the extent necessary to permit the effective development of the species of animal or plant life being cultivated by the Permittee, the public shall be provided with means of reasonable ingress and egress to and from the area subject to an aquaculture lease for traditional water activities such as boating, swimming, and fishing.”</i></p> <p>The applicant has not applied for exclusive use of the area and asserts he has chosen a site and designed the operation in such a way as to not impede reasonable access to and from the area. The low-profile floating gear would allow for small vessels and paddle craft to traverse the site between the lines or access the shore through the 50’ open buffer area between farms.</p>

Aquaculture Policies	1.3.1(K)(1)(h)	<p><i>“It is the Council’s policy to prohibit private aquaculture activities in not-approved areas as defined by the National Shellfish Sanitation Program (NSSP) that contain significant shellfish stocks potentially available for relay into approved areas for free and common fishery.”</i></p> <p>This application is in waters classified as approved for the consumption of shellfish according to the NSSP and the application is consistent with this policy.</p>
Aquaculture Policies	1.3.1(K)(1)(i)	<p><i>“When the Council issues an authorization for aquaculture all wild shellfish stock, crustaceans, seaweed, and whelks existing within the authorized area shall remain the property of the state.”</i> See also Aquaculture Prohibitions 1.3.1(K)(4)(e): <i>“The harvest of wild bivalve molluscan shellfish, other than spat collection, naturally occurring in a CRMC permitted lease is prohibited. All wild shellfish within a lease area will remain the property of the State of Rhode Island and remain in place for the benefit of the public resource. This resource is not to be harvested by any person for commercial or recreational purposes. Any incidental catch by the lease holder within an aquaculture lease shall be returned immediately to the same waters.”</i></p> <p>The applicant has not proposed any activities inconsistent with this policy or prohibition. Given harvest from floating and bottom cages does not involve harvesting directly off the bottom, incidental bycatch of naturally occurring shellfish from the cages and bags is not expected.</p>
Aquaculture Prerequisites	1.3.1(K)(2)(a)	<p><i>“Prior to issuing a permit for marine aquaculture within tidal waters, the Council shall obtain and give appropriate consideration to written recommendations from the Director or his or her designee of the Department of Environmental Management and the chairman of the Marine Fisheries Council, as required by R.I. Gen. Laws § 20- 10-5. The director or his or her designee of the Department of Environmental Management shall review</i></p>

		<p><i>the application to determine that the proposed aquaculture activity will not adversely affect including, but not limited to: (1) Marine life adjacent to the proposed area and the waters of the state, and (2) The continued vitality of indigenous fisheries. (AA) The chairman of the Marine Fisheries Council shall review the application to determine that it is consistent with competing uses involved with the exploitation of marine fisheries.”</i></p> <p>The application has received written recommendations from DEM and the MFC, see Attachments E and F respectively. DEM has “no objections” to application and the MFC found it to be consistent with the competing uses engaged in the exploitation of the marine fisheries (see Attachment F2).</p>
Aquaculture Prerequisites	1.3.1(K)(2)(b) & (d)	<p><i>“Prior to submitting a formal Category B application to CRMC for aquaculture activities within tidal waters, applicants must first submit a Preliminary Determination application for the proposed project. A formal Category B application may be submitted only after the completed Preliminary Determination report has been issued by CRMC.”</i></p> <p>The applicant submitted a complete PD application with draft operational plan. The operational plan was modified through the PD review process to meet the current requirements for a Category B application consistent with section 1.3.1(K)(3)(b). It is Staff opinion that this prerequisite has been met.</p>
Aquaculture Prohibitions	1.3.1(K)(4)(f)	<p><i>“In the coastal salt ponds, the area occupied by commercial aquaculture, shall not exceed five percent (5%) of the total open water surface area of the coastal pond below MLW.”</i></p> <p>This application is not within a coastal salt pond and therefore this prohibition does not apply.</p>
Aquaculture Prohibitions	1.3.1(K)(4)(g)	<p><i>“Proposed aquaculture leases may not be sited where eelgrass (<i>Zostera marina</i>) or widgeon grass (<i>Ruppia maritima</i>) exists.”</i></p> <p>Eelgrass and widgeon grass does not currently exist in this area, nor have previous routine eelgrass surveys found</p>

		this to be an area of historic eelgrass habitat. It is Staff's opinion that this prohibition does not apply.
Aquaculture Standards	1.3.1(K)(5)(a)(16)	<p><i>"Aquaculture operations shall be located at sites and operated in such a manner as to not obstruct public access to and from tidal waters."</i></p> <p>The proposed aquaculture site is not in an intertidal area and will therefore does not restrict public access to and from tidal waters.</p>
Aquaculture Standards	1.3.1(K)(5)(a)(17)	<p><i>"Any new lease in a coastal salt pond shall be limited in size as follows: (AA) A maximum three (3) acres for methods using gear including, but not limited to, racks, bags, and floating cages; or (BB) A maximum of ten (10) acres for bottom planting."</i></p> <p>This application is for an aquaculture lease in lower Narragansett Bay using gear and therefore this standard does not apply.</p>

4. Public Comments

To date, this application has received two letters of objection (Attachment I) and no other comments. The first objection comes from a seasonal resident of West Wind Drive, whose shoreline property is approximately 0.75 miles away from the proposed site. The second objection was from a New York resident who also owns property on the island. The objection's concerns can be summarized into three elements:

- 1) Aquaculture debris in Dutch Island Harbor;
- 2) Accumulation of sand at the entrance to Great Creek;
- 3) Sailing in the area has become more challenging in the area as the distance between the farms and Dutch Island has become less and less.

Staff will respond to each element of the objections accordingly. 1) All human activity on or near the water risks a chance of creating debris and aquaculture is no different. By the standard terms of a CRMC aquaculture assent, any leaseholder is fully responsible for the timely recovery, proper disposal, and/or reuse of any dislodged or relocated equipment. In the event of a major storm, the farmer is given 30 days to recover any lost equipment or face cancelation of the assent and lease. 2) Without further evidence provided, Staff cannot attribute any filling in of Great Creek to the aquaculture installations. The sandy deposits located at the mouth of Great Creek are in the form of an ebb tidal delta. The location and distribution of sand in the creek outlet is due to the outflowing tides from the creek itself and is most likely a reflection of terrestrial sediment inputs rather than any alterations to the marine seascape. 3) This proposed site is surrounded by other approved farms and is within the center of the aquaculture area. As such, the addition of this site within the aquaculture area has no impact on the ability of vessels navigating the area between

Dutch Island Harbor and the aquaculture farms, which is currently about half a mile wide. In addition, the US Coast Guard has indicated that this site does not appear to impact navigational safety in the area.

5. Staff Comments and Recommendation

It is Staff opinion that the application, as publicly noticed on July 30, 2024, is complete and has met the technical requirements of 650-RICR-20-001.3.1(K) and all other policies and standards of the RICRMP.

As such, Staff believes that the proposed 3.5-acre expansion can be accommodated amongst the other uses of the area and recommends this application for approval with the following additional stipulations:

- 1) A Performance Bond in the amount of \$40,000 be posted in the event of abandonment and/or to cover the cost of gear removal.

Benjamin Goetsch, Aquaculture Coordinator