

**COASTAL RESOURCES
MANAGEMENT COUNCIL**

**SEMI-MONTHLY
MEETING**

TUESDAY, JULY 28, 2020

6:00 P.M.

AGENDA



State of Rhode Island
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 116
Wakefield, RI 02879-1900

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

AGENDA

Semi-Monthly Virtual Meeting – Full Council Tuesday, July 28, 2020; 6:00 p.m.

This meeting will be held utilizing Zoom Meeting, and
Council members will be participating remotely.

Join Zoom Meeting:

<https://us02web.zoom.us/j/84339613094?pwd=YnBCVW1DdTBPY21GQUg3SIR3cmNxUT09>

Meeting ID: 843 3961 3094

Password: 817457

Dial by your location
+1 929 205 6099 US (New York)
Meeting ID: 843 3961 3094
Password: 817457

Find your local number: <https://us02web.zoom.us/j/84339613094?pwd=YnBCVW1DdTBPY21GQUg3SIR3cmNxUT09>

Please see meeting participation information at the end of the Agenda

Approval of the minutes of the previous meeting -- Tuesday, June 23, 2020
Subcommittee Reports
Staff Reports

Discussion and action on substitution of Letter of Credit for Commercial Lease of Submerged Lands for Renewable Energy Development at Block Island Wind Farm:

On November 12, 2014, Deepwater Wind Block Island, LLC (now Ørsted) entered into a Commercial Lease of Submerged Lands for Renewable Energy Development with the R.I. Coastal Resources Management Council (“CRMC”). The Commercial Lease requires Ørsted to provide financial assurance to CRMC in the form of a Letter of Credit. The action requested here is for Ørsted to exercise its right to substitute the issuer of the Letter of Credit in conformance with the terms of the Commercial Lease. Specifically, Ørsted seeks to substitute the current provider of credit support, Sumitomo Mitsui Banking Corporation (“SMBC”), with another provider of credit support, Skandinaviska Enskilda Banken, Danmark (“SEB”). All other terms of the Letter of Credit are to remain the same.

APPLICATIONS WHICH HAVE BEEN OUT-TO-NOTICE AND ARE BEFORE THE FULL COUNCIL FOR DECISION:

- 2019-11-082 EAST BEACH FARMS, LLC** – Seeking approval to add 2.6 acres to existing oyster aquaculture site 2009-07-028. Grow out methods will be the same as on the existing site: wire trays on the bottom and wire cages on the bottom. Located in Ninigret Pond, Charlestown, RI.
- 2019-11-010 GRAHAM WATSON** – Seeking approval for a six acre shellfish and kelp aquaculture farm using floating gear, suspended longlines, bottom cages, and bottom planting. Located in Narragansett Bay at Rome Point, North Kingstown, RI.

2014-04-106 DIANE FRANFORD – JOHNATHAN ISLAND OYSTER CO, LLC -- Modify aquaculture lease to use floating aquaculture gear at their current site west of Jonathan Island, Point Judith Pond, Narragansett, RI.

2019-05-061 JOSEPH T. MACANDREW – Seeking approval for a ten acre seasonal (November 1 through April 30) sugar kelp farm in Block Island Sound south of Napatree Point in Block Island Sound of Westerly, RI.

*Please be aware that upon entering the virtual meeting, all audience participants will have their audio automatically muted and their video turned off. All such participants will still be able to see and hear the Council members. Should an audience participant wish to speak or ask a question, please use the “Raise Hand” option or type in a question using the Chat Feature. We request that you identify yourself to the Moderator prior to entrance into the meeting. Upon recognition by the Chair, you may be asked to present yourself and/or ask your question.

Discussion and action on substitution of Letter of Credit for Commercial Lease of Submerged Lands for Renewable Energy Development at Block Island Wind Farm:



100 Westminster Street, Suite 1500
Providence, RI 02903-2319
p: 401-274-2000 f: 401-277-9600
hinckleyallen.com

Christine E. Dieter
cdieter@hinckleyallen.com

June 22, 2020

VIA ELECTRONIC MAIL

Jeffrey Willis, Acting Executive Director
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900
jwillis@crmc.ri.gov

Re: Substitution of Letter of Credit Provider

Dear Mr. Willis:

I would like to introduce myself. I am an attorney at Hinckley Allen in the energy and environmental group and work with Robin Main. As you know, we represent Orsted and Deepwater Wind Block Island, LLC (collectively "Orsted"). With respect to the Commercial Lease of Submerged Lands for Renewable Energy Development entered into between the R.I. Coastal Resources Management Council ("CRMC") and Deepwater Wind Block Island, LLC on November 12, 2014 (referred to herein as the "Commercial Lease"), Orsted is exercising its right to substitute the issuer of the Letter of Credit in conformance with the terms of the Commercial Lease. Specifically, Orsted seeks to substitute the current provider of credit support, Sumitomo Mitsui Banking Corporation ("SMBC"), with another provider of credit support, Skandinaviska Enskilda Banken, Danmark ("SEB"). All other terms of the Letter of Credit will remain the same.

Jeffrey Willis, Acting Executive Director
June 22, 2020
Page 2

The Commercial Lease requires Orsted to provide financial assurance to CRMC in the form of a Letter of Credit and expressly permits Orsted to substitute the issuer of that Letter of Credit. Specifically, the Commercial Lease states the following:

The Lessee [Deepwater Wind Block Island, LLC] shall have the right to substitute the issuer of the Letter of Credit to another major commercial bank reasonably in compliance with the criteria set forth in subpart (a) of this Section.

Commercial Lease § 11(1)(c). Orsted meets these terms for the substitution. Subpart (a) requires that the Letter of Credit be “issued by a major commercial bank that shall at all times have a credit rating of at least ‘A-’ from S&P or ‘A3’ from Moody’s or such lower credit rating as may be acceptable to the Lessor in its sole discretion.” *Id.* § 11(1)(a).

SEB has a credit rating of Aa2 from Moody’s, which more than satisfies the Commercial Lease requirements. Moreover, the Letter of Credit terms will remain identical to those currently in place. Attached for your reference are the current Irrevocable Letter of Credit from SMBC dated March 28, 2017, and the draft Irrevocable Letter of Credit from SEB.

Orsted therefore requests that CRMC acknowledge this substitution as soon as possible, as Orsted seeks to close on this financing by June 30, 2020. Please also stamp the original Letter of Credit as “Cancelled” and return to me as soon as possible.

Thank you very much for your prompt attention to this request. If you have any questions, please do not hesitate to contact me.

Sincerely,



Christine E. Dieter

cc: James Boyd
Anthony DeSisto, Esq.
Poseidon Srivastava-Kumar
Elizabeth Gowell
Robin Main, Esq.

SMBC

277 Park Avenue
New York, NY 10172
Tel: (212) 224-4000

LETTER OF CREDIT

IRREVOCABLE LETTER OF CREDIT NO. LG/MIS/NY-111130

Dated: March 28, 2017

APPLICANT:

DWBI Class B Member, LLC
56 Exchange Terrace, Suite 300
Providence, RI 02903
Attention: Chief Financial Officer
Tel: (401) 648-0608
Fax: (401) 228-8004

ACKNOWLEDGEMENT OF RECEIPT


FAX TO: 212-224-4566

BENEFICIARY

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

Dear Sir / Madam:

At the request of and for the account of DWBI Class B Member, LLC, a Delaware limited liability company (the "Applicant"), we hereby establish in your favor our Irrevocable Letter of Credit No. LG/MIS/NY-111130 (this "Letter of Credit") whereby, subject to the terms and conditions contained herein, you are hereby irrevocably authorized to draw on us by your draft or drafts at sight, an aggregate amount not to exceed Seven Million Five Hundred Thousand Dollars (\$7,500,000.00) (such amount, as it may be reduced or increased in accordance with the terms hereof, the "Stated Amount" hereof). We are informed by the Applicant that this Letter of Credit is being issued in your favor as beneficiary pursuant to the terms of that certain Commercial Lease of Submerged Lands for Renewable Energy Development, dated November 12, 2014 (the "Agreement"), between Deepwater Wind Block Island, LLC and State of Rhode Island and Providence Plantations Coastal Resources Management Council ("Beneficiary").

This Letter of Credit shall be effective immediately and shall expire on the Expiration Date (as hereinafter defined). Partial and multiple drawings on this Letter of Credit are permitted.

You may draw upon this Letter of Credit at any time on or prior to the Expiration Date by presenting (a) a sight draft in the form of Exhibit A (a "Sight Draft") attached hereto, completed in accordance with the instructions contained in such Exhibit A and executed by a purported authorized officer, (b) a certificate in the form of Exhibit B attached hereto, completed in accordance with the instructions contained in such Exhibit B and executed by a purported

authorized officer and (c) the original Letter of Credit, including all amendments (other than partial draws for which a photocopy of such original letter of credit and amendments may be presented). Drawings may also be presented to us by facsimile transmission to facsimile number 212-224-4566 (each such drawing, a "Fax Drawing"); provided, however, that a Fax Drawing will not be effectively presented until you confirm by telephone our receipt of such Fax Drawing by calling us at telephone number 212-224-4310. If you present a Fax Drawing under this Letter of Credit you do not need to present the original of any drawing documents, and if we receive any such original drawing documents they will not be examined by us. In the event of a full or final drawing the original Standby Letter of Credit must be returned to us by overnight courier.

This letter of credit is non-transferable.

WE ARE SUBJECT TO VARIOUS LAWS, REGULATIONS AND EXECUTIVE AND JUDICIAL ORDERS (INCLUDING ECONOMIC SANCTIONS, EMBARGOES, ANTI-BOYCOTT, ANTI-MONEY LAUNDERING, ANTI-TERRORISM, AND ANTI-DRUG TRAFFICKING LAWS AND REGULATIONS) OF THE U.S. AND OTHER COUNTRIES THAT ARE ENFORCEABLE UNDER APPLICABLE LAW. WE WILL NOT BE LIABLE FOR OUR FAILURE TO MAKE, OR OUR DELAY IN MAKING, PAYMENT UNDER THIS LETTER OF CREDIT OR FOR ANY OTHER ACTION WE TAKE OR DO NOT TAKE, OR ANY DISCLOSURE WE MAKE, UNDER OR IN CONNECTION WITH THIS LETTER OF CREDIT (INCLUDING, WITHOUT LIMITATION, ANY REFUSAL TO TRANSFER THIS LETTER OF CREDIT) THAT IS REQUIRED BY SUCH LAWS, REGULATIONS, OR ORDERS.

The Stated Amount shall be reduced (i) by the amount of any drawing hereunder or (ii) upon our receipt of a notice from you, in the form of Exhibit C attached hereto (a "Reduction Notice") by an amount in Dollars equal to the amount of Dollars stated in each such notice (each such amount being a "Reduction Amount") and the Stated Amount on any date shall be automatically and permanently decreased by the sum of any Reduction Amounts as evidenced by such Reduction Notice. Sight Drafts and all communications with respect to this Letter of Credit shall be in writing, addressed or presented in person to us at 277 Park Avenue, New York, NY 10172, Attention: Zoraya Gonzalez, referencing this Letter of Credit No. LG/MIS/NY-111130. We hereby agree that any Sight Draft drawn under and in compliance with the terms of this Letter of Credit shall be duly honored by us upon delivery of the above-specified certificates, if presented on or before our close of business on the Expiration Date.

Provided that a drawing and the documents presented in connection therewith conform to the terms and conditions hereof, payment shall be made to you of the amount specified in the applicable Sight Draft, not to exceed the Stated Amount, in immediately available funds. If the Sight Draft is presented to us (a) by 9:00 a.m., New York City time on any business day, payment will be made not later than 3:00 p.m., New York City Time on the next Business Day, or (b) at or after 9:00 a.m., New York City time on any business day, payment will be made on or before the second business day, in each case, after such presentation of the Sight Draft, certificate and original Letter of Credit (or electronic transmission of such documents as provided herein).



As used herein, "business day" shall mean any day other than a Saturday, Sunday or day on which banking institutions in New York, New York are authorized or required by law to close.

If any drawing or drawings presented in connection therewith does not conform to the terms and conditions hereof, we will advise you of the same by electronic transmission within two (2) business days and give the reasons for such non-compliance and that the bank is holding the documents at your disposal or return the same to you, as the bank may elect. Upon being notified that the purported demand was not effected in conformity with this Letter of Credit, you may attempt to correct any such non-conforming demand for payment if, and to the extent that you are entitled and able to do so on or before the Expiration Date.

This Letter of Credit shall expire on **March 28, 2018**; provided that this Letter of Credit shall be deemed automatically extended without amendment for one year from the current Expiration Date hereof and each successive expiration date (such date of expiration, as extended, the "Expiration Date"), unless at least forty-five (45) days prior to any Expiration Date we shall send you written notice by overnight courier at your above address that we elect not to consider this Letter of Credit extended for any such additional period.

We shall terminate this Letter of Credit, prior to the Expiration Date, upon receipt of written certification from you in the form of Exhibit D attached hereto.

All banking charges are for the account of the Applicant.

This Letter of Credit sets forth in full the terms of our undertaking. Reference in this Letter of Credit to other documents or instruments is for identification purposes only and such reference shall not modify, amend, amplify, limit or affect the terms hereof or cause such documents or instruments to be deemed incorporated herein.

This Letter of Credit is subject to, and is governed by, the laws of the State of New York and the 2007 revision of the Uniform Customs and Practice for Documentary Credits of the International Chamber of Commerce (Publication No. 600) and, in the event of any conflict, the laws of the State of New York will control.

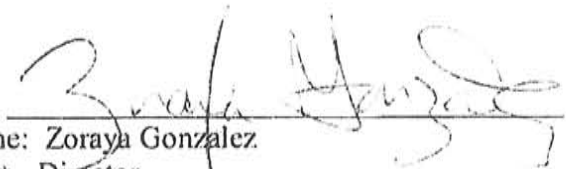
We irrevocably agree with you that any legal action or proceeding with respect to this Letter of Credit shall be brought in the courts of the State of New York in the County of New York or of the United States of America in the Southern District of New York. You and we irrevocably submit to the nonexclusive jurisdiction of such courts solely for the purposes of this Letter of Credit.

Only you may draw upon this Letter of Credit. Upon the payment to you or your account of the full aggregate Stated Amount specified herein or upon the occurrence of the Expiration Date or earlier termination hereof, we shall be fully discharged of our obligations under this Letter of Credit.



Very truly yours,

**SUMITOMO MITSUI BANKING
CORPORATION
NEW YORK BRANCH**

By: 
Name: Zoraya Gonzalez
Title: Director

SIGHT DRAFT

Date

Sumitomo Mitsui Banking Corporation
277 Park Avenue, 6th floor
New York, NY 10172
Attn: Trade Credit Services Department

Re: Irrevocable Letter of Credit Number LG/MIS/NY-111130

For the value received, pay to the order of [*insert name of Beneficiary*], by wire transfer of immediately available funds to the following account:

[Name of Account]
[Account Number]
[Name and address of bank at which account is maintained]
[ABA Number]
[Reference]

THE FOLLOWING AMOUNT:

[*Insert number of dollars in writing*] United States Dollars (US\$ [*insert number of dollars in figures*])

Drawn upon Sumitomo Mitsui Banking Corporation, New York Branch. Irrevocable Letter of Credit No. L/G MIS/NY-111130 dated March 28, 2017.

[*Insert name of Beneficiary*]

By: _____

Name: _____

Title: _____

[Letterhead of *Beneficiary*]

Sumitomo Mitsui Banking Corporation
277 Park Avenue, 6th floor
New York, NY 10172
Attn: Trade Credit Services Department

Re: Irrevocable Letter of Credit Number LG/MIS/NY-111130

Ladies/Gentlemen:

This is a certificate presented in accordance with your Irrevocable Letter of Credit No. LG/MIS/NY-111130 held by us (the "Letter of Credit").

We hereby certify that:

[(a) we are entitled to draw under the Irrevocable Letter of Credit No. LG/MIS/NY-111130 pursuant to Section 2.2 of the Agreement (as defined in the Letter of Credit), and

(b) the amount drawn pursuant to the Sight Draft delivered in connection with this certificate does not exceed the current Stated Amount of the Letter of Credit. We agree to apply the proceeds of the Letter of Credit draw to be made pursuant to the accompanying Sight Draft in accordance with the Depository Agreement.

This certificate has been executed and delivered by a duly authorized officer of the undersigned on the date first above written.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

[Insert name of Beneficiary]

By: _____

Name: _____

Title: _____

Exhibit C
to Letter of Credit
No.LG/MIS/NY-111130

REDUCTION NOTICE

[Date]

Sumitomo Mitsui Banking Corporation
277 Park Avenue, 6th floor
New York, NY 10172
Attn: Trade Credit Services Department

Ladies and Gentlemen:

[_____], as Beneficiary, hereby certifies to Sumitomo Mitsui Banking Corporation New York Branch, with reference to the Irrevocable Standby Letter of Credit No.LG/MIS/NY-111130 (the "Letter of Credit") that:

(a) The undersigned is duly authorized to executed and deliver this certificate on behalf of the Beneficiary.

(e) With effect from the date of this certificate, the Stated Amount of this Letter of Credit is authorized to be reduced by USD [_____] to the new amount of USD [_____].

IN WITNESS WHEREOF, the undersigned has executed and delivered this Certificate as of the
[] day of [_____], 20[_____].

[Insert name of Beneficiary]

By: _____

Name: _____

Title: _____

FORM OF CONSENT TO TERMINATION

[Letterhead of Beneficiary]

[Date]

Sumitomo Mitsui Banking Corporation
277 Park Avenue, 6th floor
New York, NY 10172
Attn: Trade Credit Services Department

Letter of Credit Number LG/MIS/NY-111130

Ladies and Gentlemen:

The undersigned, the duly elected and acting [_____] of [_____] (the "Beneficiary"), hereby certifies to Sumitomo Mitsui Banking Corporation New York Branch (the "Issuer"), with reference to the Irrevocable Standby Letter of Credit No. LG/MIS/NY-111130 (the "Letter of Credit") issued in our favor by you, as follows as of the date hereof:

- (a) The Beneficiary hereby consents to the termination of the Letter of Credit on [*insert date*].
- (b) The original Letter of Credit and all amendments thereto are attached hereto.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the Beneficiary has executed and delivered this Certificate as of the [] day of [], 20[].

[Insert Name of Beneficiary]

By: _____

Name: _____

Title: _____

**Letter of Credit
Irrevocable Letter of Credit
No. 5936-52 395 24**

Dated: xx June 2020

APPLICANT:

DWBI CLASS B MEMBER LLC
56 Exchange Terrace, Suite 300
Providence, RI 02903
Attention: Chief Financial Officer
Tel: (401) 648-0608
Fax: (401) 228-8004

BENEFICIARY:

State of Rhode Island and Providence Plantations
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3

Dear Sir / Madam:

At the request of and for the account of DWBI CLASS B MEMBER LLC, a Delaware limited liability company (the "Applicant"), we, Skandinaviska Enskilda Banken, Danmark, Filial af Skandinaviska Enskilda Banken AB (publ), Sverige, Bernstorffsgade 50, DK-1577 Copenhagen V, Denmark hereby establish in your favor our Irrevocable Letter of Credit No. 5936-52 395 24 (this "Letter of Credit") whereby, subject to the terms and conditions contained herein, you are hereby irrevocably authorized to draw on us by your draft or drafts at sight, an aggregate amount not to exceed **SEVEN MILLION FIVE HUNDRED THOUSAND U.S. Dollars (\$7,500,000.00)** (such amount, as it may be reduced or increased in accordance with the terms hereof, the "Stated Amount" hereof). We are informed by the Applicant that this Letter of Credit is being issued in your favor as beneficiary pursuant to the terms of that certain **Commercial Lease of Submerged Lands for Renewable Energy Development**, dated **November 12, 2014** (the "Agreement"), between Applicant and Rhode Island Coastal Resources Management Council ("Beneficiary").

This Letter of Credit shall be effective immediately and shall expire on the Expiration Date (as hereinafter defined). Partial and multiple drawings on this Letter of Credit are permitted.

You may draw upon this Letter of Credit at any time on or prior to the Expiration Date by presenting (a) a sight draft in the form of Exhibit A (a "Sight Draft") attached hereto, completed in accordance with the instructions contained in such Exhibit A and

Skandinaviska Enskilda Banken, Danmark, filial af Skandinaviska Enskilda Banken AB (publ), Sverige. CVR-no.: 19 95 60 75. Swedish Companies
Registration Office: 502032-9081.

executed by a purported authorized officer, (b) a certificate in the form of Exhibit B attached hereto, completed in accordance with the instructions contained in such Exhibit B and executed by a purported authorized officer and (c) the original Letter of Credit, including all amendments (other than partial draws for which a photocopy of such original letter of credit and amendments may be presented). Drawings may also be presented to us by facsimile transmission to facsimile number +1 212 986 8574, attention Cash Management Client Services Team (each such drawing, a "Fax Drawing"); provided, however, that a Fax Drawing will not be effectively presented until you confirm by telephone our receipt of such Fax Drawing by calling us at telephone number +1 212 907 4605. If you present a Fax Drawing under this Letter of Credit you do not need to present the original of any drawing documents, and if we receive any such original drawing documents, they will not be examined by us. In the event of a full or final drawing the original Standby Letter of Credit must be returned to us by overnight courier.

This letter of credit is non-transferable.

We are subject to various laws, regulations and executive and judicial orders (including economic sanctions, embargoes, anti-boycott, anti-money laundering, anti-terrorism, and anti-drug trafficking laws and regulations) of the U.S. and other countries that are enforceable under applicable law. We will not be liable for our failure to make, or our delay in making, payment under this letter of credit or for any other action we take or do not take, or any disclosure we make, under or in connection with this letter of credit (including, without limitation, any refusal to transfer this letter of credit) that is required by such laws, regulations, or orders.

The Stated Amount shall be reduced (i) by the amount of any drawing hereunder or (ii) upon our receipt of a notice from you, in the form of Exhibit C attached hereto (a "Reduction Notice") by an amount in Dollars equal to the amount of Dollars stated in each such notice (each such amount being a "Reduction Amount") and the Stated Amount on any date shall be automatically and permanently decreased by the sum of any Reduction Amounts as evidenced by such Reduction Notice. Sight Drafts and all communications with respect to this Letter of Credit shall be in writing, addressed or presented in person to us at SEB New York, 245 Park Avenue, 33rd Floor, New York, N.Y. 10167, Attention: Cash Management Client Services, referencing this Letter of Credit No. 5936-52 395 24. We hereby agree that any Sight Draft drawn under and in compliance with the terms of this Letter of Credit shall be duly honored by us upon delivery of the above-specified certificates, if presented on or before our close of business on the Expiration Date.

Provided that a drawing and the documents presented in connection therewith conform to the terms and conditions hereof, payment shall be made to you of the amount specified in the applicable Sight Draft, not to exceed the Stated Amount, in immediately available funds. If the Sight Draft is presented to us (a) by 9:00 a.m., New York City time on any business day, payment will be made not later than 3:00 p.m., New York City Time on the next Business Day, or (b) at or after 9:00 a.m., New York City time on any business day, payment will be made on or before the second business day, in each case, after such presentation of the Sight Draft, certificate and original Letter of Credit (or electronic transmission of such documents as provided herein).

Skandinaviska Enskilda Banken, Danmark, filial af Skandinaviska Enskilda Banken AB (publ), Sverige. CVR-no.: 19 95 60 75. Swedish Companies Registration Office: 502032-9081.

As used herein, "business day" shall mean any day other than a Saturday, Sunday or day on which banking institutions in New York, New York are authorized or required by law to close.

If any drawing or drawings presented in connection therewith does not conform to the terms and conditions hereof, we will advise you of the same by electronic transmission within two (2) business days and give the reasons for such non-compliance and that the bank is holding the documents at your disposal or return the same to you, as the bank may elect. Upon being notified that the purported demand was not effected in conformity with this Letter of Credit, you may attempt to correct any such non-conforming demand for payment if, and to the extent that you are entitled and able to do so on or before the Expiration Date.

This Letter of Credit shall expire on [*enter date that is one year following date of issuance*]; provided that this Letter of Credit shall be deemed automatically extended without amendment for one year from the current Expiration Date hereof and each successive expiration date (such date of expiration, as extended, the "Expiration Date"), unless at least forty-five (45) days prior to any Expiration Date we shall send you written notice by overnight courier at your above address that we elect not to consider this Letter of Credit extended for any such additional period.

We shall terminate this Letter of Credit, prior to the Expiration Date, upon receipt of written certification from you in the form of Exhibit D attached hereto.

All banking charges are for the account of the Applicant.

This Letter of Credit sets forth in full the terms of our undertaking. Reference in this Letter of Credit to other documents or instruments is for identification purposes only and such reference shall not modify, amend, amplify, limit or affect the terms hereof or cause such documents or instruments to be deemed incorporated herein.

This Letter of Credit is subject to, and is governed by, the laws of the State of New York and the 2007 revision of the Uniform Customs and Practice for Documentary Credits of the International Chamber of Commerce (Publication No. 600) and, in the event of any conflict, the laws of the State of New York will control.

We irrevocably agree with you that any legal action or proceeding with respect to this Letter of Credit shall be brought in the courts of the State of New York in the County of New York or of the United States of America in the Southern District of New York. You and we irrevocably submit to the nonexclusive jurisdiction of such courts solely for the purposes of this Letter of Credit.

Only you may draw upon this Letter of Credit. Upon the payment to you or your account of the full aggregate Stated Amount specified herein or upon the occurrence of the Expiration Date or earlier termination hereof, we shall be fully discharged of our obligations under this Letter of Credit.

Copenhagen, xx June 2020

Skandinaviska Enskilda Banken, Danmark,
Filial af Skandinaviska Enskilda Banken AB (publ), Sverige

DRAFT 10.06.2020



5936-52 395 24

Exhibit A
to Letter of Credit
No. 5936-52 395 24

SIGHT DRAFT

[Date]

Skandinaviska Enskilda Banken, Danmark, Filial af Skandinaviska Enskilda Banken AB (publ), Sverige, Bernstorffsgade 50, DK-1577 Copenhagen V, Denmark

Re: Irrevocable Letter of Credit Number 5936-52 395 24

For the value received, pay to the order of State of Rhode Island and Providence Plantations, by wire transfer of immediately available funds to the following account:

[Name of Account]
[Account Number]
[Name and address of bank at which account is maintained]
[ABA Number]
[Reference]

THE FOLLOWING AMOUNT:

[Insert number of dollars in writing] United States Dollars (US\$ *[insert number of dollars in figures]*)

Drawn upon Skandinaviska Enskilda Banken, Danmark, Filial af Skandinaviska Enskilda Banken AB (publ), Sverige, Irrevocable Letter of Credit No. 5936-52 395 24 dated _____, 2020.

State of Rhode Island and Providence Plantations
Coastal Resources Management Council

By: _____

Name: _____

Title: _____

Exhibit B
to Letter of Credit
No. 5936-52 395 24

[Letterhead of Beneficiary]

[Date]

Skandinaviska Enskilda Banken, Danmark, Filial af Skandinaviska Enskilda Banken AB (publ), Sverige, Bernstorffsgade 50, DK-1577 Copenhagen V, Denmark

Re: Irrevocable Letter of Credit No. 5936-52 395 24

Ladies/Gentlemen:

This is a certificate presented in accordance with your Irrevocable Letter of Credit No. 5936-52 395 24 held by us (the "Letter of Credit").

We hereby certify that:

(a) we are entitled to draw under the Irrevocable Letter of Credit No. 5936-52 395 24 pursuant to Section [] of the Agreement (as defined in the Letter of Credit); and

(b) the amount drawn pursuant to the Sight Draft delivered in connection with this certificate does not exceed the current Stated Amount of the Letter of Credit. We agree to apply the proceeds of the Letter of Credit draw to be made pursuant to the accompanying Sight Draft in accordance with the Depositary Agreement.

This certificate has been executed and delivered by a duly authorized officer of the undersigned on the date first above written.

State of Rhode Island and Providence Plantations
Coastal Resources Management Council

By: _____

Name: _____

Title: _____

Exhibit C
to Letter of Credit
No. 5936-52 395 24

REDUCTION NOTICE

[Date]

Skandinaviska Enskilda Banken, Danmark, Filial af Skandinaviska Enskilda Banken AB (publ), Sverige, Bernstorffsgade 50, DK-1577 Copenhagen V, Denmark

Ladies and Gentlemen:

[____], as Beneficiary, hereby certifies to Skandinaviska Enskilda Banken, Danmark, Filial af Skandinaviska Enskilda Banken AB (publ), Sverige, with reference to the Irrevocable Standby Letter of Credit No. 5936-52 395 24 (the "Letter of Credit") that:

(a) The undersigned is duly authorized to executed and deliver this certificate on behalf of the Beneficiary.

(e) With effect from the date of this certificate, the Stated Amount of this Letter of Credit is authorized to be reduced by USD [____] to the new amount of USD [____].

IN WITNESS WHEREOF, the undersigned has executed and delivered this Certificate as of the [__] day of [____], 20[____].

State of Rhode Island and Providence Plantations
Coastal Resources Management Council

By: _____

Name: _____

Title: _____

CRMC DECISION WORKSHEET

2019-11-082

East Beach Farms, 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
2019-11-082	Charlestown	Ninigret Pond		B	<input type="checkbox"/>	<input type="checkbox"/>
		Plat	Lot			
		Owner Name and Address				
Date Accepted	Nov. 26, 2019	East Beach Farms, LLC		Work at or Below MHW	<input checked="" type="checkbox"/>	
Date Completed	July 16, 2020	Attn: James Arnoux 141 Pine Hill Road Wakefield, RI 02879		Lease Required	<input checked="" type="checkbox"/>	

PROJECT DESCRIPTION

2.6 acre expansion to current lease 2009-07-028

KEY PROGRAMMATIC ISSUES

Coastal Feature: Submerged Land

Water Type: Type 1, Conservation Areas

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

Variations and/or Special Exception Details:

Additional Comments and/or Council Requirements:

Specific Staff Stipulations (beyond Standard stipulations):

STAFF RECOMMENDATION(S)

Engineer _____ Recommendation: NA

Biologist _____ Recommendation: NA

Other Staff _____ Recommendation: Approval

 _____ 7-16-20
 Aquaculture Coordinator Sign-Off date

 _____ 7/16/20
 Executive Director Sign-Off date

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



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

DATE: July 10, 2020
TO: Jeffrey M. Willis, Acting Executive Director
FROM: Benjamin Goetsch, Aquaculture Coordinator
SUBJECT: CRMC File No. 2019-11-082

Applicant's Name: East Beach Farms, LLC
Project: 2.6 acre expansion to existing aquaculture site 2009-07-028

Location: Ninigret Pond, Charlestown
Water Type/Name: Type 1, Conservation Areas
Coastal Feature: Submerged Land

STAFF REPORT

This application is for a 2.61 acre expansion of the existing 3.83 acre aquaculture site #2009-07-028 for a total new site of 6.44 acres. The oyster grow-out methods on the existing area and the proposed area include bottom cages and wire trays on the bottom. Site inspections have confirmed that the currently permitted area is at capacity and the expansion is necessary to expand the business. The preliminary determination meeting for this application found no objections and CRMC did not have any recommendations for changes to the application for a subsequent submittal.

The proposed site is under approximately 2-3 feet of water on the overwash fan of Ninigret Pond. There is no eelgrass present nor is the presence of eelgrass indicated on any of the state eelgrass maps. The expansion also does not extend into the deeper channel to the north where navigation is concentrated and could be impacted (see Attachment 1).

Name: «fname» «mname» «lname»«organization»

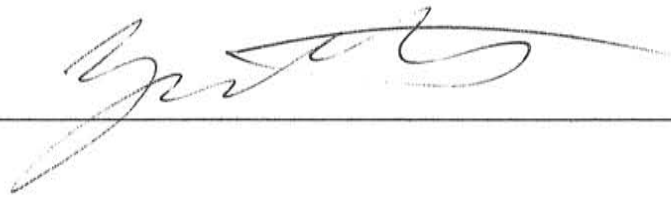
CRMC File No.: «*idapp*»

Staff Report

The RIDEM Division of Marine Fisheries and Division of Fish and Wildlife have no issues with this application as long as the currently stipulated policies on the existing lease are continued in the new area. Staff agrees any stipulations on the existing lease should be extended to the new area as well. In addition, CRMC has received letters of no significant impact or no objection from the RI Historical Preservation and Heritage Commission and the RI Marine Fisheries Council.

This application only received one objection during the thirty-day public notice period based on concerns that the expansion would limit opportunities for recreational shellfishing in the area (see Attachment 2). However, the site assessment determined a very low density of shellfish in the expansion area (0.16 quahogs/square meter). It is staff opinion that there are many other areas within Ninigret with much higher densities of shellfish that are more suitable to recreational shellfishing and those areas will remain available for recreational shellfishing whether this application is approved or not.

This application has met the requirements of the RICRMP. The applicant is an aquaculturist who has been successfully farming since 2009 (see 2009-07-028) with no issues as to operations. Staff recommends approval of this application.



Aquaculture Coordinator



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 10, 2020

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

Re: CRMC Aquaculture Lease Application # 2019-11-082, East Beach Farms, LLC
(Arnoux), Ninigret Pond, Charlestown

Dear Mr. Goetsch:

Pursuant to R.I. Gen. Laws §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 April 29, 2020 for review. 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 I. Ballou

Robert Ballou, Chair
RIMFC

Cc:RIMFC membership





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

February 26, 2020

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

Re: East Beach Farms, LLC public notice #2019-11-082

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 East Beach Oyster Co. LLC for a proposed site expansion of assent # 2009-07-028 of 2.6 acres for a total of 6.44 acres in Ninigret Pond for cultivating oysters (*Crassostrea virginica*) using rack-and bag and bottom culture.

The DMF and DFW believe that the adverse impacts to marine fisheries and wildlife and their habitat from this prospective shellfish farm would be minimal. As such, the DFW and DMF do not have objections to this application. The Divisions' acceptance of the current proposal is specific to the location and specifications outlined in the application. The Department looks forward to working with the applicant in the future.

Sincerely,

Jason McNamee,
Deputy Director for Natural Resources



Lisa Turner

From: Phil Capaldi <philcapaldi@yahoo.com>
Sent: Monday, February 10, 2020 8:10 AM
To: Jim Arnoux
Cc: Dave Beutel; Steve Medeiros; Azure Cygler; Robert Rheault; Robert Ballou; Rich Fuka; mclamdigger@aol.com; Dennis Erkan; Prescott, David; Leavitt, Dale; seabrown58@gmail.com; Art Ganz; Salt Ponds Coalition; Dave Reis; Jeff Grant; Jeff Gardner; Katie Eagan; Kurt Blanchard; Michael A. Rice; Rich Hittinger; William Mackintosh; Rick Bellavance; CG Rein; lad0626@aol.com; Catherine White; Gerry Schey; John Torgan; Jerry Carvalho; Steve McCandless; Rob Lyons; Tom Frost; Tracey Dalton; Virginia Lee; cindy.hannus@dem.ri.gov; travisbarao@gmail.com; mroderick@towndock.com; maridee2@gmail.com; Livermore, Julia (DEM); Rob Krause; Justin Vail; suemarinaro@me.com; michaelaonosoko@gmail.com; dean.hoxsie@dem.ri.gov; Frooks, Arthur E LT; Lisa Turner; Michael Foley; rpengri@gmail.com; Thomas Lloyd; mvv1020.com@live.com; jdbruno1@cox.net; scott.wakeman@verizon.net; chaplinbbarnes@yahoo.com; granawhit@aol.com; executivedirector@weekapaugfoundation.com; rasmith@msn.com; joseph.t.macandrew@pfizer.com; tmwesterly@cox.net; Jim Federico; Harvey Perry; Mark Stankiewicz; Charles Glew; Alison Verkade - NOAA Federal; Jody King; Mcmanus, Conor (DEM); Jason McNamee; Helms, Joshua M CIV USARMY CENAE (US); timothy gilchrist; Bill Wilson; john_crosson@watkinson.org; dacapaldi@aol.com; mmcapaldi@aol.com; jschickler@cox.net; traceydistefano2013@gmail.com; elschwab@comcast.net; Nick Papa; Brian Pinsky; jules opton-himmel; Rhonda Roberts; GerberWilliams, Anna (DEM); Kilburn, Jennifer (DEM); Matthew J. Behan; Cameron Ennis
Subject: Re: 30 day public notice Ninigret Pond #2019-11-082
Attachments: CRMC Stenographers Notes June 12th .pdf; Copy of QuonnieAquaPermitsHistory - Sheet1.pdf; Quonnie Aquaculture Poster (1).jpg

Mr. Arnoux,

Certainly, the leases in Ninigret Pond should more than “mostly stay” in the same area. My impression is that these leases stay in the same place for 15 years. In essence, gone forever. Those leases that have moved are being held accountable by the public - under the new scrutiny to the permitting process. Think of it as shedding light to the realities of what is happening with a highly regulated process. (Potter’s Pond lease that increased mysteriously)

If Ninigret has spots conducive - why expand into your backyard Quonnie? Is it because the leases are too closely packed together? Poor management from CRMC aquaculture division in considering factors affecting growth? Isn’t that why in Quonnie you asked for a deep water site? Your under oath testimony stated that the growth was not what was expected as such. (See attached)

As for Lavin’s landing - a spot that was once used to launch recreational boats, has been privatized. Eliminate access, eliminate the argument that the areas are accessible for recreational shellfishing. Well played!

I know your history helping develop Quonnie. From the origin point. I will be happy to show you all of the objections for the initial projects. The concerns were ignored. Recreational use and scenic value It isn’t going to be ignored going forward.

How many leases have been denied for recreational use? In Quonnie - none. (see attached)

As for misleading statements - I am speaking truth to power/money. I have, like you, spoken, under oath in front of the full board. I have taken the higher road - especially when the only misrepresentation is from coastal growers and the CRMC aquaculture director. (notes minutes from Shellfish Advisory Panel - as referenced in the transcript) I have watched lawyers from CRMC speak on the sidelines with private residents working on deals for leases. All while the process is concurring. It doesn't stand in my book. But I venture to guess we have different morals.

Finally, what I do not hear from you - is that you are trying to preserve these waters and strike a balance. Hey, I get it, it's your business. You are looking out for you. Shouldn't CRMC represent all users? Please review Title 20-10-1 of RI state statute.

Sincerely,
Phil Capaldi
401-413-3336

On Sunday, February 9, 2020, 09:25:40 PM EST, Jim Arnoux <eastbeachhoysterfarm@gmail.com> wrote:

Mr. Capaldi,

In response to your email/objection:

I would be happy to show you and others the large areas of Ninigret Pond that remain available for recreational use regardless of this application. I have spent 15 years observing that patterns of recreational shellfishing use in Ninigret and they remain in mostly the same areas from year to year. There are still a myriad of shallow sandy flats near the Breachway, small rocky shoals towards Ft. Neck, and shoreline all around the Wildlife Refuge that offer better access and more shellfish to harvest than the area in which I am applying for. All have been undisturbed by aquaculture because the leasing process does usually work to protect recreationally valuable areas.

I certainly respect your right to object to mine and other lease applications. However, I do wish you would discontinue with misleading statements in regards to the impacts to recreational use and in particular shellfishing. Prior to aquaculture I have personally worked as a commercial harvester and at present work with the recreational community as a marina operator in Ninigret Pond. I would not seek to lease areas that are of very high value to either commercial harvesters or recreational users as I have the perspective and incentive to consider both groups in my application.

-Jim Arnoux

On Tue, Jan 28, 2020 at 9:31 PM Phil Capaldi <philcapaldi@yahoo.com> wrote:

I object. Look at the ariel photo and tell me where else would be shallow enough for recreational shellfishing.

Phil Capaldi
15 Baneberry Trail
Saunderstown, RI 02874

On Tuesday, January 28, 2020, 05:19:09 PM EST, <rpengri@gmail.com> wrote:

no objection

Richard L. Pastore P.E.

RP Engineering, Inc

121 Suffolk Drive

North Kingstown, RI 02852

401 885 7255

www.RPENGRI.COM

From: Dave Beutel <dbeutel@crmc.ri.gov>

Sent: Monday, January 27, 2020 2:41 PM

To: 'Steve Medeiros' <stevem@risaa.org>; 'Azure Cygler' <azure@crc.uri.edu>; 'Robert Rheault' <bob@ecsqa.org>; 'Robert Ballou' <robert.ballou@DEM.RI.GOV>; 'Rich Fuka' <captlobster@gmail.com>; mclamdigger@aol.com; 'Dennis Erkan' <dennis.erkam@DEM.RI.GOV>; 'Prescott, David' <dprescott@SaveBay.org>; 'Leavitt, Dale' <dleavitt@rwu.edu>; seabrown58@gmail.com; 'Art Ganz' <ganzap@verizon.net>; saltpondscoalition@gmail.com; 'Jim Arnoux' <eastbeachoysterfarm@gmail.com>; 'Dave Reis' <dreis@crmc.ri.gov>; 'Jeff Grant' <jeffgrant19@cox.net>; 'Jeff Gardner' <watchhillysters@gmail.com>; 'Katie Eagan' <eagan.katie@gmail.com>; kurt.blanchard@dem.ri.gov; 'Michael A. Rice' <rice@uri.edu>; 'Rich Hittinger' <hittinger@risaa.org>; FVThistle@verizon.net; 'Rick Bellavance' <makosrule@verizon.net>; cgreinstrategies@gmail.com; lad0626@aol.com; 'Catherine White' <Catherine.White@health.ri.gov>; 'Gerry Schey' <gerryschey22@gmail.com>; 'John Torgan' <jtorgan@TNC.ORG>; 'Jerry Carvalho' <comfish100@gmail.com>; 'Steve McCandless' <SMcCandless@charlestownri.org>; 'Rob Lyons' <rob@oceanhousemarina.com>; 'Tom Frost' <tgfrost44@gmail.com>; 'Tracey Dalton' <dalton@uri.edu>; 'Virginia Lee' <virginia.lee@charlestownri.org>; cindy.hannus@dem.ri.gov; travisbarao@gmail.com; mroderick@towndock.com; maridee2@gmail.com; 'Dick Pastore' <RPENGRI@gmail.com>; 'Livermore, Julia (DEM)' <Julia.Livermore@dem.ri.gov>; 'Rob Krause' <ninigretoysters@verizon.net>; 'Justin Vail' <jvail@charlestownri.org>; suemarinaro@me.com; michaelaonosoko@gmail.com; dean.hoxsie@dem.ri.gov; 'Frooks, Arthur E LT' <Arthur.E.Frooks@uscg.mil>; 'Lisa Turner' <lturner@crmc.ri.gov>; 'Michael Foley' <mikefoleyfish@gmail.com>

Cc: ontherocksri@gmail.com; mvv1020.com@live.com; jdbruno1@cox.net; scott.wakeman@verizon.net; chaplinbbarnes@yahoo.com; granawhit@aol.com; executivedirector@weekapaugfoundation.com; rasmith@msn.com; joseph.t.macandrew@pfizer.com; tmwesterly@cox.net; james.i.federico@pfizer.com; harveyperry2@gmail.com; 'Mark Stankiewicz' <mstankiewicz@charlestownri.org>; 'Charles Glew' <cglew@CABLECOMPONENTS.com>; 'Alison Verkade - NOAA Federal' <alison.verkade@noaa.gov>; 'Jody King' <nosmoshep@icloud.com>; 'Mcmanus, Conor (DEM)' <Conor.McManus@dem.ri.gov>; 'Jason McNamee' <jason.mcnamee@DEM.RI.GOV>; 'Phil Capaldi' <philcapaldi@yahoo.com>; 'Helms, Joshua M CIV USARMY CENAE (US)' <Joshua.M.Helms@usace.army.mil>; 'timothy gilchrist' <timothygilchrist@msn.com>; 'Bill Wilson' <wilson.wm.h@gmail.com>; john_crosson@watkinson.org; dacapaldi@aol.com; mmcapaldi@aol.com; jschickler@cox.net; traceydistefano2013@gmail.com; 'Jim Arnoux' <eastbeachoysterfarm@gmail.com>; elschwab@comcast.net; 'Nick Papa' <npapa1084@gmail.com>; 'Rob Krause' <ninigretoysters@verizon.net>; 'Brian Pinsky' <bpinsky1@gmail.com>; 'jules opton-himmel' <jules@walrusandcarpenteroysters.com>; 'Rhonda Roberts' <rjj869@yahoo.com>; 'GerberWilliams, Anna (DEM)' <Anna.GerberWilliams@dem.ri.gov>; 'Kilburn, Jennifer (DEM)' <Jennifer.Kilburn@dem.ri.gov>; 'Matthew J. Behan' <behanfamilyfarms@gmail.com>; 'Cameron Ennis' <cennis@edexri.org>; 'jules opton-himmel' <jules@walrusandcarpenteroysters.com>

Subject: RE: 30 day public notice Ninigret Pond #2019-11-082

This application for a 2.6 acre oyster farm expansion begins thirty day public notice today. Please submit comments to CRMC by February 26, 2020.

David Beutel

Coastal Resources Management Council

Aquaculture Coordinator

Oliver Stedman Government Center

4808 Tower Hill Road

Wakefield, RI 02879

401-783-3370



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

Aquaculture

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>SAMES ARNOUX / EAST BEACH FARMS, LLC</u>		File No (CRMC use only): <u>2019-11-082</u>
Mailing Address: <u>SAMES ARNOUX 141 PINE HILL RD.</u>		Res. Tel. # <u>(401) 742-0817</u>
City/Town: <u>WAKEFIELD</u>	State: <u>RI</u> Zip Code <u>02879</u>	Bus. Tel. # <u>SAME</u>
Waterway: <u>MINIGRET POND</u>	Est. Project Cost \$	Fee/Costs: \$ <u>100.00</u>
Longitude/latitude of all corners of Proposed Aquaculture Project Location (preferably in decimal degrees): <u>① 41.3581 / 71.6547 ③ 41.3559 / 71.6558</u> <u>② 41.3565 / 71.6541 ④ 41.3573 / 71.6562</u>		

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).

APPLICATION IS ADJACENT TO EXISTING LEASE # 2009-07-028

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


Yes _____ No

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

N/A

Is this site within a designated historic district? _____

NO

 JAMES ARNOUX 11/26/19
 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



East Beach Farms, LLC (owned and operated by James Arnoux) is an established aquaculture business which currently leases 3 year-round sites and 1 winter storage site in Ninigret Pond. CRMC lease #2009-07-028 has been used for rack-and bag and bottom culture of eastern oysters since 2009 and has been in filled to optimal capacity for the last several seasons.

The farm has been continually refining our processes and adding employees since expansions to 2 other sites were granted in 2016. At the same time we have seen a steady increase in demand for our product as more buyers continue to recognize the superb quality and reputation of Ninigret Pond farm-raised oysters. They are a true RI success story that we are all proud of growing and add substantially to the local economy and improve the water quality of the pond at the same time.

In order to continue to meet demand and support more full-time employment for additional farm members we are applying for a 2.6 acre expansion primarily along the eastern side of lease #2009-07-028. We request to continue using the same gear and methods (i.e. stacking wire trays and bottom cages) currently permitted at the site in the area proposed for expansion. This site has been chosen for expansion over the other two existing sites as it has the least interference if expanded and also is currently permitted for the gear we prefer to utilize.



Responses to Section 300.1 B Requirements:

(1) Demonstrate the need for the proposed activity:

The proposed lease expansion is necessary to allow for continued employment growth as the existing site is filled to the proper capacity required for good husbandry practices. East Beach Farms is a participating farm in the RealJobsRI initiative in conjunction with the RI Department of Labor and Training. If the proposed application is approved, it is expected that the company will be able to add at least one additional full-time employee and an additional 1-2 seasonal employees.

(2) Demonstrate all local building codes and local ordinances will be met:

No land-based activities will be performed in conjunction with the proposed expansion except for offloading of harvests and gear, which is conducted at Ninigret Landing Marina (owned in part by the applicant).

(3) Describe the boundaries of the coastal waters and land areas anticipated to be affected:

The proposed expansion to the lease site lies in Ninigret Pond and is just west of Governor's Island (opposite Ninigret Park Wildlife Refuge walking trails) and to the north of East Beach.

(4) Impacts to erosion and/or deposition processes:

The proposed gear type (bottom trays) is the same as currently permitted and would cause minimal changes to existing erosion and deposition processes. Gear is designed to promote water flow through the mesh and neither cause erosion nor alter normal deposition processes taking place in the pond.

(5) Impacts to the abundance and diversity of plant and animal life:

Shellfish aquaculture has been proven to enhance marine habitat and diversity in the area it occupies. In this location, the trays create new three dimensional structure in an otherwise flat/featureless bottom for a variety of fish and crustaceans to inhabit. Eelgrass has not been observed or mapped in the vicinity of the proposed expansion.

Noise impacts will be limited to four-stroke outboard motors, one small 2000 watt inverter generator which powers the sorting equipment, and hand labor associated with culling oysters. Among the variety of fish and crustaceans present at the farm, we also witness numerous least terns, a variety of waterfowl and shorebirds, and even an occasional deer during winter traversing through the site. Therefore, these activities do not appear to be limiting the abundance or diversity of wildlife.



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

Given the 10 year history of the lease in this area, we do not expect to see any major disruptions to patterns of use around the pond as most users are all very accustomed to the presence of the farm at this site. Due to the shallow (2' - 3') depth both in and around the site, vessel traffic is mostly limited to kayaks or other paddle craft. Occasional recreational traffic also wades near the site from the adjacent East Beach access trails. While recreational shellfishing will be prohibited within the proposed lease, this area of the pond has a very low density of quahogs compared to other areas of the pond. Similar areas in depth and bottom type for shellfishing would remain available for the public to utilize in all areas adjacent to the lease.

Access to and from the shore will not be impeded by the lease expansions at the site nor do we ever discourage recreational users from paddling or wading through the farm.

Since this site is often frozen during the winter, hunting should not be significantly altered or interfered with near the site. This potential issue has also been mitigated with the use of a separate winter storage lease site that the farm has near Ninigret Landing Marina. Should any conflicts arise, harvest times can be changed through communication with hunters to accommodate hunting activity.

(7) Impacts to water circulation, flushing, turbidity, and sedimentation:

The proposed structures are spaced in rows parallel to the predominant currents to promote water circulation and flushing. Turbidity is improved by the presence of several million oysters filtering at the site. We also shift the trays periodically to allow for the bottom underneath the trays to be exposed, thus taking care not to alter normal sedimentation processes.

(8) Demonstrate that there will be no significant deterioration of water quality in the immediate vicinity:

Shellfish aquaculture has been proven to increase water quality due to the filtering action of shellfish. In particular, oysters filter prodigious amounts of water during the warm months, helping to combat the harmful effects of excess nitrogen in the pond. The sites will be accessed using work boats with a four-stroke engine equipped with a fuel spill kit and all fueling will be performed at Ninigret Landing Marina. The boats working the lease will not store or utilize hazardous materials except for gasoline that is held in EPA-approved gas tanks..

(9) Demonstrate that the activity will not result in significant impacts to areas of historic or archaeological significance:



There are no known historic or archaeological resources within the proposed site. If any were discovered, the location of aquaculture gear will not impact their existence. The gear could be shifted within the sites as requested.

(10) Demonstrate the activity will not result in significant conflicts with water-dependent uses:

There are no mooring fields, navigation channels, or boating facilities nearby that will be significantly impacted by a slight eastward expansion utilizing the existing bottom tray method. Fishing, swimming, and kayaking will not be restricted by the presence of any farm operations except to the extent that users must use caution while traversing through the site. The farm employees are always aware and ready to assist other users who may be unsure of where the farm boundaries may be. In fact, there have been several instances over the 10+ years the farm has been in operation where crew have helped boaters in distress or provided assistance. We firmly believe that we are one of many water dependent uses that can co-exist in a positive manner in Ninigret Pond.

(11) Demonstrate that measures have been taken to minimize adverse scenic impacts:

The proposed expansion of the lease will utilize submerged bottom trays which will result in no new scenic impacts. The only change to the current visual impact will be the addition of several new lobster pot buoys and/or 2" galvanized poles to mark the lease boundaries.



OPERATIONAL PLAN FOR PROPOSED SITE:

1. *Name and address:* James Arnoux - Owner, East Beach Farms, LLC, 141 Pine Hill Road, South Kingstown, RI 02879
2. *CRMC lease #:* Currently commercial aquaculture lease #2009-07-028
3. *Aquaculture Permit:* DEM Aquaculture License #056
4. *Type of facility:* Commercial shellfish aquaculture lease site utilizing rack-and bag, tray, and bottom culture methods. The area proposed for expansion will utilize wire trays.
5. *Location:* The current and proposed lease site is located just west of Governor's Island and to the north of East Beach in Ninigret Pond.
6. *Species cultured:* Eastern oysters (*Crassostrea virginica*) are grown at facility. Seed is either to be transferred from CRMC permitted upweller #1994-10-099 located in Ninigret Pond and/or purchased from approved source(s) pending pathology certifications and permission from the Biosecurity Board. Current hatcheries and farms used to supply seed for the site include Fishers Island Oyster Farm (NY), Mook Sea Farm (ME), and Rob Krause (RI).
7. *Structures used at facility:* Proposed expansion will consist of 2' x 3' x 12" tall wire mesh trays.
8. *Lease markers:* Four 12" x 16" aluminum signs on 3' tall stakes with 3" CRMC lease numbers will be used to mark the lease corners unless other alternatives are recommended by the Charlestown harbormaster
9. *DEM Water Classification:* Proposed lease is located in approved waters.
10. *Contamination Prevention:* All fueling will be done prior to departing from Ninigret Landing Marina. All DEM regulations pertaining to harvesting will be reviewed annually with each crew member. Temperature control of shellstock will be achieved by storing market oysters in trays until time of departure from the lease, followed by use of shade, ice and/or ice slurry dips (June - September) and immediate pick-up of shellstock within 1 hour of removal from water by the Ocean State Shellfish Cooperative refrigerated truck (of which East Beach Farms is a member of).
11. *Methods to transition shellfish through growth:* Shellfish will be sorted at CRMC lease #2009-07-028 using a mechanical sorter. After sorting, the seed will be loaded into Vexar mesh bags and the wire trays. Harvesting will be performed by picking oysters directly from the trays, bullraking, and/or diving and sold on a weekly basis to the Ocean State Shellfish Cooperative.



12. *Record keeping:* Records are to be maintained daily using an Excel spreadsheet that is updated weekly. Each trawl of cages or line of trays is given a unique designated number (i.e. A1, A2, B1, B2, etc.) to form a basic grid system. The following information is recorded each time the particular line of gear is hauled: hatchery where seed originated from, size grade, and date last hauled. For any seed originating from uncertified waters, the notes shall include an asterisk and the month/year the seed was planted in certified waters on the lease (example: Row A1 = Muscongus 5/12* 1" grade, hauled 7/01/12). A handwritten logbook is also used as a back-up to record the original planting dates and subsequent location of all seed purchased from uncertified waters. Seed that has originated from uncertified waters will not be bottom cultured until it has been held in gear for a minimum of one year.

13. *Record keeping for seed purchased outside of RI:* Any out-of-state seed purchases are made only after the approval of the Biosecurity Board pending disease certifications from the relevant hatchery. Record keeping for seed purchases is outlined above in item #12.

14. *Seed in upwellers located in prohibited waters:* No upwellers located in prohibited waters will be used in conjunction with this lease..

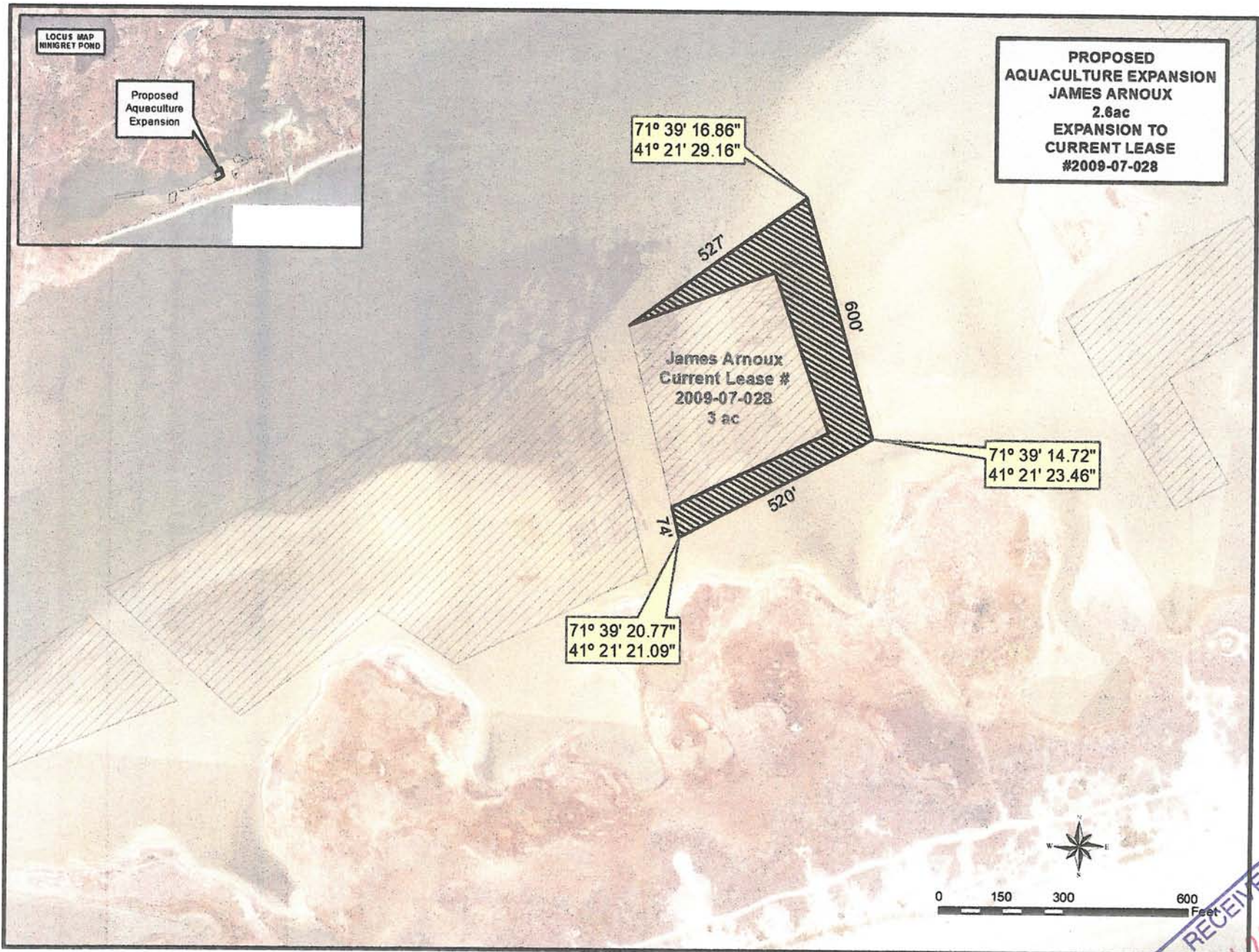
15. N/A at this time, seed is purchased from approved waters. If seed is purchased from prohibited waters in the future, record keeping practices will continue as described in item 12, and the operational plan shall be updated and resubmitted. Additional measures would include marking gear with labeled Tyvek tags to record the cage/tray number that corresponds to the record keeping log (i.e. A1, A2, etc.).



P18



P19





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NOV 28 2019



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NOV 26 2019
COASTAL RESOURCES
MANAGEMENT COUNCIL

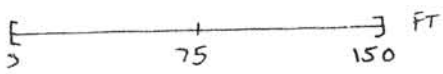
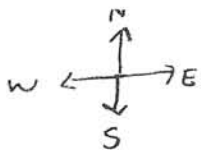


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MANAGEMENT COUNCIL

EAST BEACH FARMS

10/18/19

SITE PLAN



41° 21' 29.16"
71° 39' 16.86"



41° 21' 26.10"
71° 39' 23.00"

4 FT
MLW

P24

3 FT
MLW

2 FT
MLW

CURRENT LEASE
2009-07-028

10 ROWS x
10 CAGES PER ROW

BOTTOM CAGES

2' x 3' x 12"
WIRE TRAYS
(20 PER ROW)

← WETLAND / ISLANDS

41° 21' 21.09"

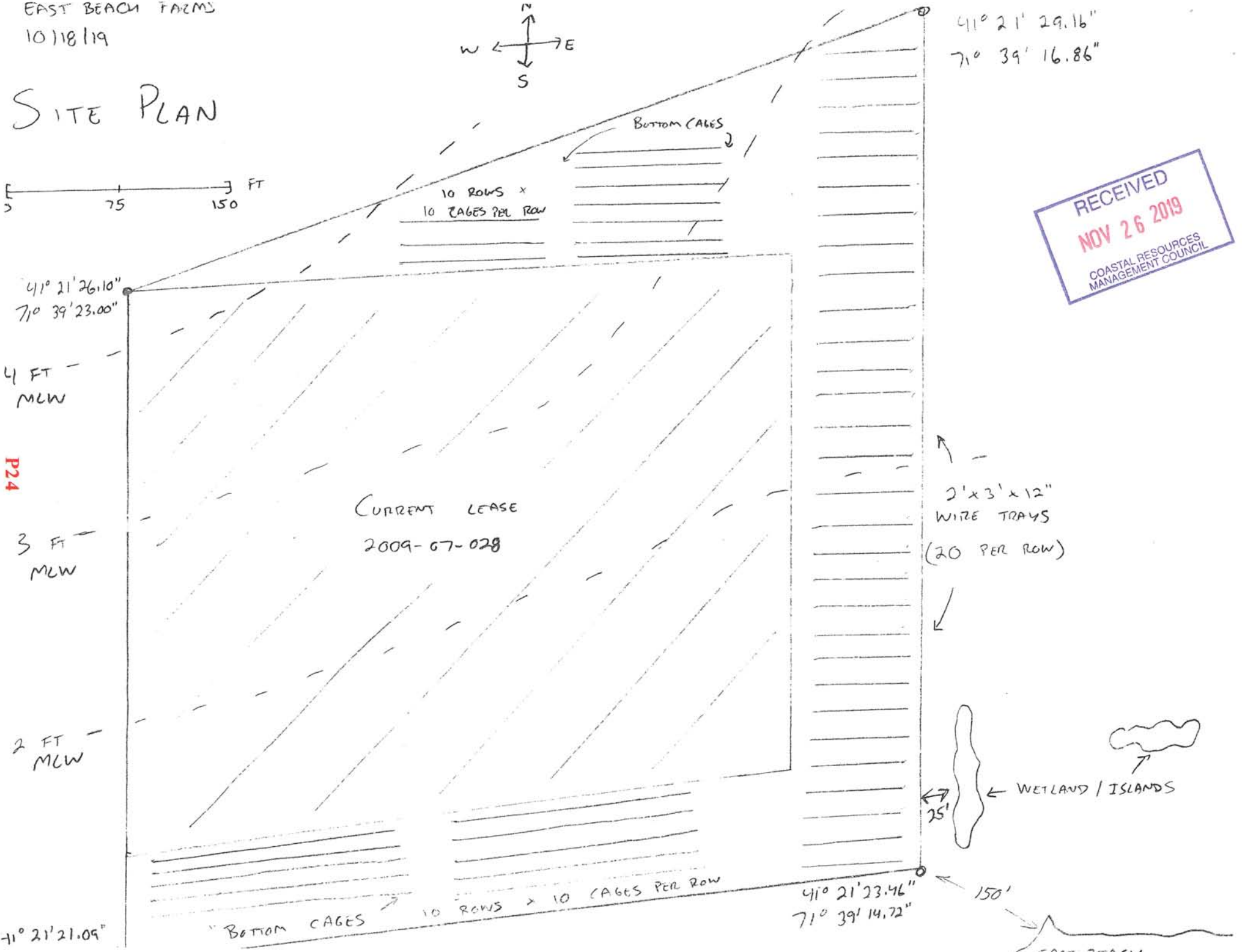
"BOTTOM CAGES"

10 ROWS x 10 CAGES PER ROW

41° 21' 23.46"
71° 39' 14.72"

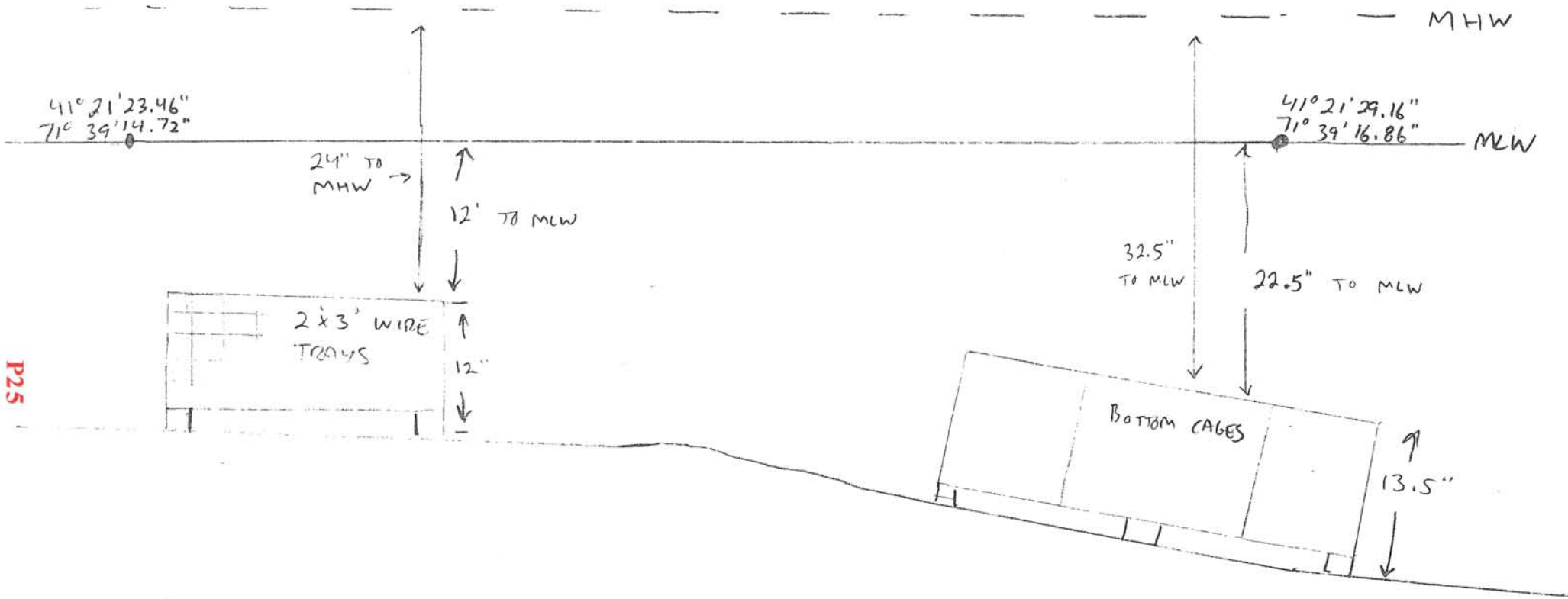
150'

CAGE BEACH



APPLICANT : EAST BEACH FARMS, LLC

DATE : 10/18/19



P25

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NOV 26 2019
COASTAL RESOURCES
MANAGEMENT COUNCIL

APPLICANT: EAST BEACH FARMS, LLC

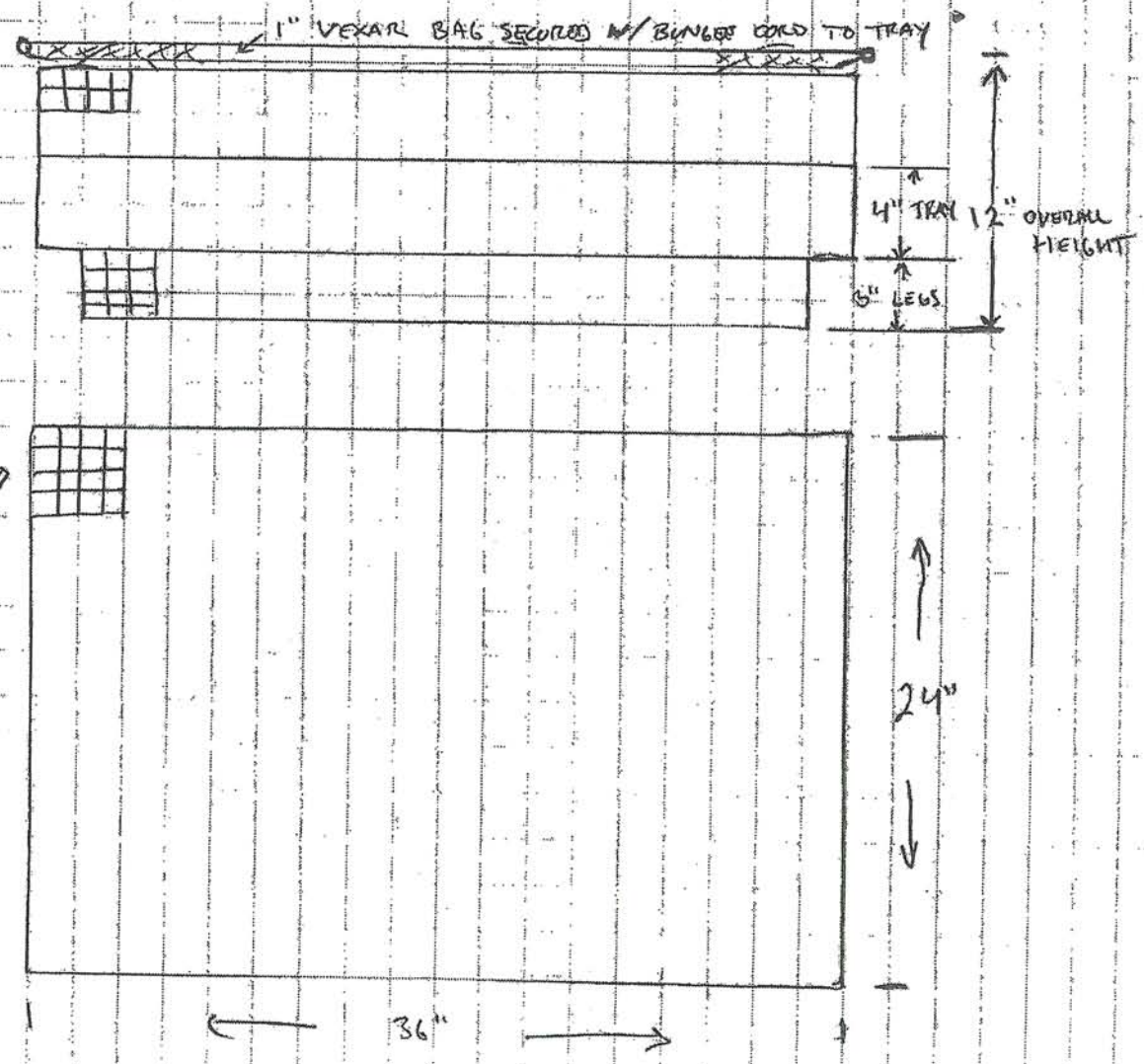
DATE: 10/18/19

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"STACKABLE WIRE TRAYS"



TRAYS CONSTRUCTED
OF 1" x 12 GAUGE
VINYL COATED
WIRE MESH



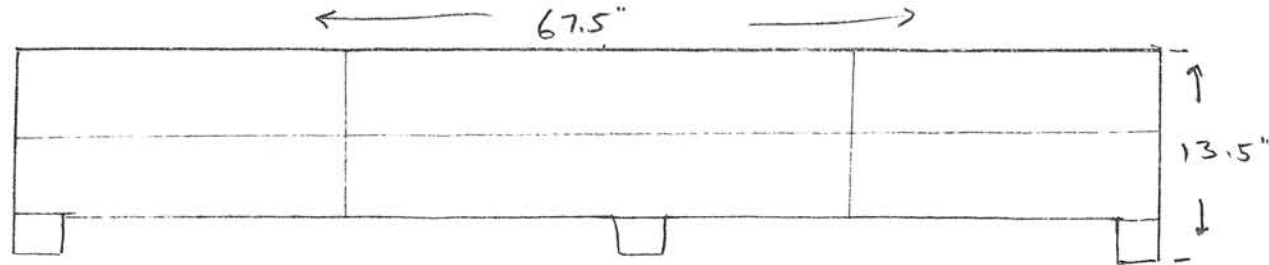
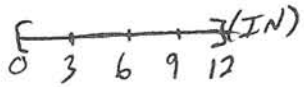
P26

APPLICANT : EAST BEACH FARMS, LLC

DATE : 10/18/19



"BOTTOM CAGES"



10 GAUGE x 4.5" WIRE CAGES
(6 NEXAR MESH BAGS PER CAGE)

P27

CRMC DECISION WORKSHEET

2019-11-010

Graham Watson

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
2019-11-010	North Kingstown	Rome Point -- Narragansett Bay		B	<input type="checkbox"/>	<input type="checkbox"/>
		Plat	Lot			
		Owner Name and Address				
Date Accepted	Nov. 4, 2019	Graham Watson		Work at or Below MHW	<input checked="" type="checkbox"/>	
Date Completed	July 17, 2020	101 Salisbury Avenue North Kingstown, RI 02852		Lease Required	<input checked="" type="checkbox"/>	

PROJECT DESCRIPTION

3.11 acre expansion of existing aquaculture site 2017-07-021

KEY PROGRAMMATIC ISSUES

Coastal Feature:

Water Type: Type 1, Conservation Areas

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

Variations and/or Special Exception Details:

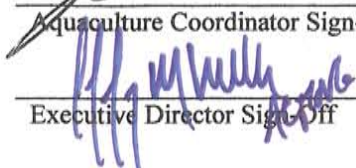
Additional Comments and/or Council Requirements:

Specific Staff Stipulations (beyond Standard stipulations): A maximum of 774 floating cages.

STAFF RECOMMENDATION(S)

Engineer	_____	Recommendation:	_____ NA _____
Biologist	_____	Recommendation:	_____ NA _____
Other Staff	<u>RG</u>	Recommendation:	_____ Approval _____


 Aquaculture Coordinator Sign-Off _____ date 7-17-20


 Executive Director Sign-Off _____ date 7/17/20

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

Name: Graham Watson
CRMC File No.: 2019-11-010
Staff Report



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

DATE: July 16, 2020
TO: Jeffrey M. Willis, Acting Executive Director
FROM: Benjamin Goetsch, Aquaculture Coordinator
SUBJECT: CRMC File No. 2019-11-010

Applicant's Name: Graham Watson (West Passage Oyster Company)

Project: 3.11 acre expansion of existing aquaculture site 2017-07-021 using floating gear, suspended longlines, bottom cages, and bottom planting

Location: Rome Point -- Narragansett Bay, North Kingstown

Water Type/Name: Type 1, Conservation Areas,

Coastal Feature: Submerged Land

STAFF REPORT

This application is for a 3.11 acre expansion of the existing 2.91 acre oyster and kelp farm, 2017-07-021, for a total site covering 6.02 acres in the Rome Point area off the shores of North Kingstown (see Attachment 1). In addition to the expansion, the applicant has also proposed adding hard clams and bay scallops to the operation. The grow-out methods of the existing area include floating gear for oysters, bottom cages for oysters, and suspended longlines for kelp. The new site will incorporate the existing methods with the addition of bottom cages for scallops and direct bottom planting of clams to be harvested via scuba.

The preliminary determination (PD) meeting for this application was held at North Kingstown Town Hall on August 22, 2019 and found no objections from those present. CRMC staff met with the town planner, harbor commission, and conservation commission prior to the PD meeting to address concern of aquaculture saturation in the Rome Point area where. CRMC and the town staff agreed that after the pending applications are completed there will be little opportunity for new aquaculture in the Rome Point area. As a result of those discussions a guidance map was generated depicting the area where no further aquaculture expansion will be allowed (see Attachment 2). There are currently two applications pending for this area including this one. The other, 2019-10-057, is eligible for approval under administrative review according to CRMP Section 1.1.6(D).

Name: Graham Watson
CRMC File No.: 2019-11-010
Staff Report

The applicant has been successfully farming the existing site with floating and bottom cages with no issues for three years and wishes to expand his business. Based on site inspections, the existing area is fully utilized and the expansion is necessary to grow the business. The operations proposed for this new site are consistent with the operations permitted on the existing site and on other adjacent aquaculture sites.

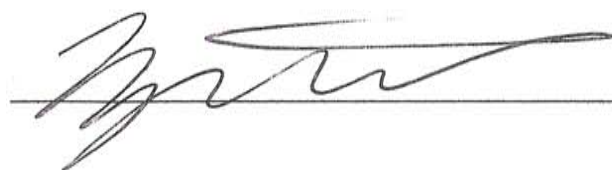
This application has received the following correspondence (Attachments 3-7):

- RI Department of Environmental Management (DEM) Office of Water Resources; stating that the area is approved waters for the harvest of shellfish and that a water quality certificate is not required at that location; August 14, 2019
- RI Historical Preservation and Heritage Commission stating the project would have no effect on cultural resources; November 19, 2019
- RI DEM Division of Fish and Wildlife stating no objection; August 22, 2019
- Town of North Kingstown stating no objection; November 20, 2019
- RI Marine Fisheries Council (MFC) stating “no inconsistency with competing uses”; June 10, 2020

The application did receive one objection during the thirty day public notice period which expressed concerns regarding recreational use and navigation (Attachment 8). Staff experience does not support the assertions of the objections and the area has proven to be an appropriate site for aquaculture activities and continued expansion specifically because of the lack of user conflicts there. In addition, the US Coast Guard Chief of Waterways previously sent an e-mail finding no objection to continued aquaculture development in the area during the review of the applicant’s original lease application in 2017 (Attachment 9). As mentioned above, no new leases or further expansion of the aquaculture industry will be allowed in this area after the pending applications are completed.

The application’s plans and narrative did have some discrepancy in the number of floating cages proposed. The application listed between 600-800 cages but based on the plans submitted the actual number appeared to be less than 600. Working with the applicant from the plans submitted and with additional information provided by him, staff determined that the total maximum number of floating cages that could fit in the area would be 774 based on 43 lines and 18 cages per line. Staff recommends stipulating a maximum of 774 floating cages for this expanded site.

This applicant has met the requirements of the RI Coastal Resources Management Program and has selected an area suitable for the expansion of his existing aquaculture site. Staff recommends this application for approval.



Aquaculture Coordinator

Watson

2019-06-040

The extent of this closeup is indicated in white in the map below.



2019-06-040
6.02 ac total

0 0.1 0.2 0.4 nmi

GPS_Source

- Approved
- PD App
- PN App

FFT_Locations_05242018_Line

DMF_Fixed_Monitoring_Sites

Mean 16-18 Quahog Abund/m²

- 0-7
- 7-23
- 23-58
- 58-117

Oyster_Research_Areas

Submerged Aquatic Vegetation

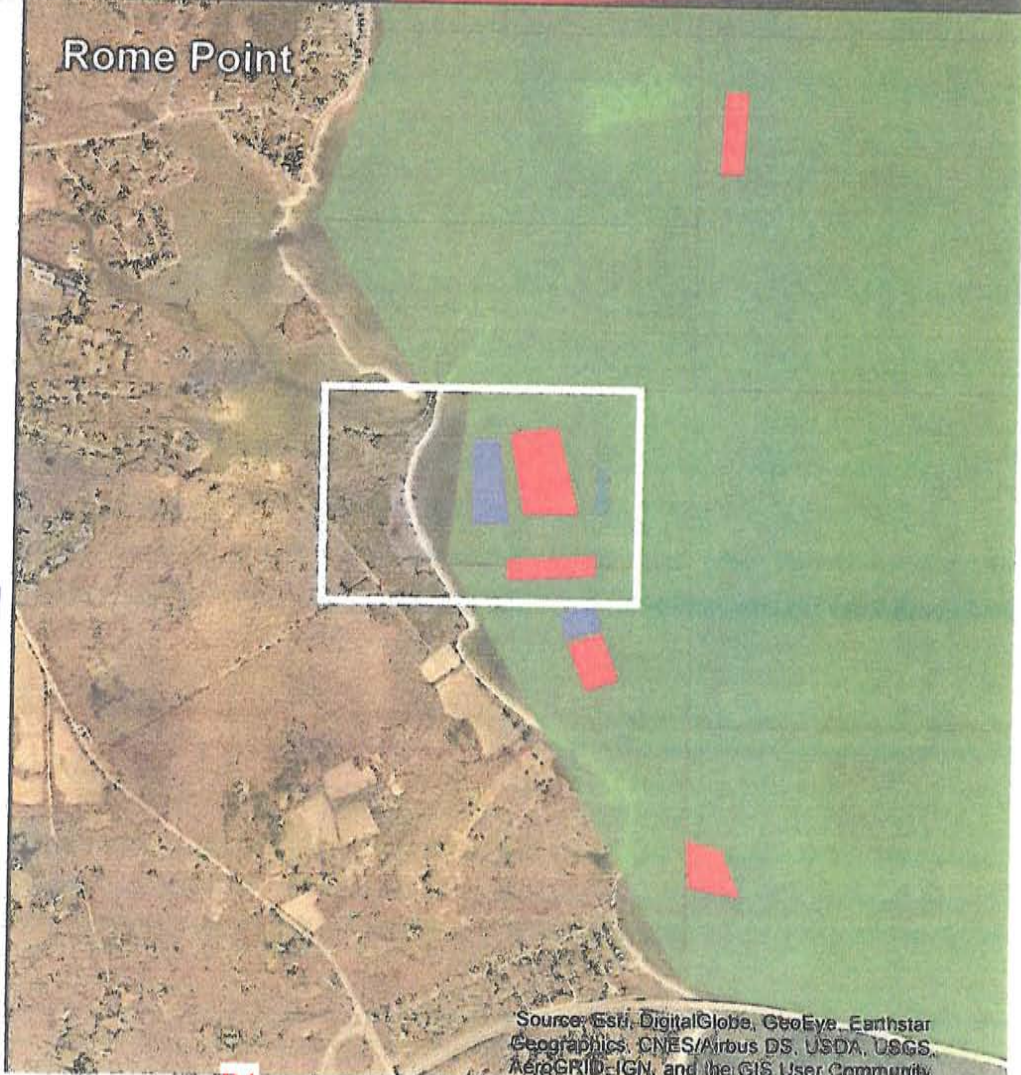
Oyster_Restoration_Reefs

Reserve within SMA

Sanctuary within SMA

Shoreline Access

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 COASTAL RESOURCES
 MANAGEMENT COUNCIL



Coordinate System: NAD 1983
StatePlane Rhode Island FIPS 3800 Feet

Source: Esri, DigitalGlobe, GeoEye, Earthstar
Geographics, CNES/Airbus DS, USDA, USGS,
AeroGRID, IGN, and the GIS User Community

Guidance Document

No further aquaculture development beyond pending applications as of January 29, 2020

Legend

- 0
- Feature 1
- Line Measure
- Line Measure
- Line Measure
- Line Measure

PS

Google Earth

1 mi





RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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

August 14, 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 Graham Watson. (File number 2019-06-040). The proposed location for this site is in waters approved for shellfish harvesting located in shellfish classification area West Passage GA-7, harvest area 3W in the town of North Kingstown .

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.

Please note that Sugar Kelp is not a regulated species under the National Shellfish Sanitation program. 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, 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: 2019-11-010

Applicant: S. Watson

Town: North Kingstown

Response Date: 11/19/19

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 Section 220 of the Coastal Resources Management Plan. If you have any questions, please contact Jeff Emidy, Project Review Coordinator, or Charlotte Taylor, Senior Archaeologist, at this office.

Very truly yours,

J. Paul Loether
Executive Director, RIHPHC
State Historic Preservation Officer





RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF MARINE FISHERIES/DIVISION OF FISH AND WILDLIFE

3 Fort Wetherill Road
Jamestown, Rhode Island 02835

August 22, 2019

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

Re: Watson preliminary determination #2019-06-040

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 Graham Watson for a proposed 4.27-acre aquaculture lease expansion of assent 2017-07-021 from 2.98 acres for a total of 7.18 acres in Narragansett Bay for cultivating eastern oysters (*Crassostrea virginica*) and sugar kelp (*Saccharina latissima*) using floating cages, bottom cages, and suspended longlines.

The DMF and DFW believe that the adverse impacts to marine fisheries and wildlife and their habitat from this prospective site would be minimal. While the rocks off Rome Point are a well-documented and heavily used harbor seal haul-out site (STB 2017, Raposa and Dapp 2009), the DFW does not believe that the aquaculture site in question will disturb the seals. NOAA Fisheries recommends staying at least 50 yards from seals by land or sea in order to avoid Level A Harassment under the Marine Mammal Protection Act (NOAA Fisheries 2016, STB 2017). The distance at which seals become alert and begin to move towards the water can be as much as 500–800m (Henry & Hammill 2001, Wilson et al. 2011), though the actual distance at which most flushing to the water occurs has varied from study site to site, but has been given as approximately <100m (Wilson 2013, Allen et al 1984, Jackson & Wilson 1990, Calambokidis et al 1991, Brown & Prior 1998, Suryan & Harvey 1999, Henry & Hammill 2001, Johnson & Acevedo 2007, Fox 2008, Jansen et al 2010). Proposed assent 2019-06-040 is 1700 feet (508 m) from the nearest haul-out site (Figure 1). Although the aquaculture site potentially falls within a range where human activity may attract the attention of hauled-out seals, it is unlikely to cause flushing activity and excess energy expenditure. Therefore, aquaculture activities within the lease area are unlikely to harm the seals.



While the DFW and DMF do not have objections to this modification, the DFW will not support moving deterrents (e.g. scarecrows) in the future, as they will also displace non-target species from the lease and surrounding area.

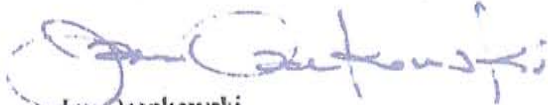
Additionally, the vicinity around Rome Point is a known whelk pot setting area, thus the proposed modification location is an area known for setting whelk pots and may interfere with gear access.

As such, the DFW and DMF do not have objections to this application. The Department's acceptance of the current proposal is specific to the location and specifications outlined in the application.

Sincerely,



Jason McNamée,
Chief of Marine Resource Management



Jay Osenkowski,
Deputy Chief, Wildlife

References:

Allen SG, Ainley DG, Page GW and Ribic CA. 1984. The effect of disturbance on harbour seal haul out patterns at Bolinas Lagoon, California. *Fish. Bull.* 82(3): 493–499.

Brown EG and Prior A. 1998. Recreational disturbance to breeding seabirds and seals on Mousa, SSSI. Report to Scottish Natural Heritage, Contract no: HT/97/98/33.

Calambokidis J, Jeffries SJ, Huber H, Steiger G and Evenson J. 1991. Censuses and disturbance of harbor seals at Woodward Bay and recommendations for protection. Final report prepared for Washington Department of Natural Resources, Olympia, Washington by Cascadia Research Collective, Olympia, Washington and Washington Department of Wildlife.

Fox, KS. 2008. Harbor seal behavioural response to boaters at Bair Island refuge. Master's theses, paper 3591, San Jose State University.

Henry E and Hammill MO. 2001. Impact of small boats on the haulout activity of harbour seals (*Phoca vitulina*) in Métis Bay, St Lawrence Estuary, Québec, Canada. *Aquatic Mammals* 27(2): 140–148.

Jackson, DB and Wilson SC. 1990. Tees Seals programme: the feasibility study. Final report to Teesside Development Corporation. David Bellamy Associates.

Jansen JK, Boveng PL, Dahle SP and Bengtson JL. 2010. Reaction of harbour seals to cruise ships. *J. Wildlife Management* 74(6): 1186–1194.

Johnson A and Acevedo-Gutiérrez A. 2007. Regulation compliance by vessels and disturbance of harbour seals (*Phoca vitulina*). *Can. J. Zool.* 85: 290–294.

Raposa, KB and Dapp, RM. 2009. A protocol for long-term monitoring of harbor seals (*Phoca vitulina concolor*) in Narragansett Bay, Rhode Island.

NOAA Fisheries. 2016. Feeding or Harassing Marine Mammals in the Wild is Illegal and Harmful to the Animals. <http://www.nmfs.noaa.gov/pr/dontfeedorharass.htm>

Save the Bay. 2017. Narragansett Bay Seal Monitoring. 1:1.

Suryan RM and Harvey JT. 1999. Variability in reactions of Pacific harbour seals, *Phoca vitulina richardsi*, to disturbance. *Fish. Bull.* 97: 332–339.

Wilson S, O'Malley D, Cassidy D and Clarke D. 2011. Surveying the seals of Carlingford Lough –a preliminary study 2008–11. Report to the Loughs Agency (N.Ireland), December 2011.

Wilson, S. 2013. The impact of human disturbance at seal haul-outs: A literature review for the Seal Conservation Society. Tara Seal Research report. <http://www.pinnipeds.org/attachments/article/199/Disturbance%20for%20SCS%20-%20text.pdf>





TOWN OF
NORTH KINGSTOWN, RHODE ISLAND

100 FAIRWAY DRIVE
NORTH KINGSTOWN, R.I. 02852-5762
PHONE: (401) 294-3331
FAX: (401) 583-4140

November 20, 2019

Mr. Grover J. Fugate
Executive Director
Coastal Resources Management Council
Oliver Stedman Government Center
4808 Tower Hill Road
Wakefield, RI 02879

RE: Coastal Resources Management Council Application Number 2019-11-010

Dear Mr. Fugate:

Please find enclosed a North Kingstown Town Council vote regarding Coastal Resources Management Council Application Number 2019-11-010 to allow Graham Watson, 101 Salisbury Avenue, to construct and maintain a six acre shellfish and kelp aquaculture farm, Narragansett Bay (Rome Point). The Town Council has no substantive objection to the application as presented.

If you have any questions, you may contact me at 294-3331, extension 120.

Sincerely,

Jeannette Alyward
Town Clerk

Enclosure (1)

cc David Reis, Environmental Scientist
William Mosunic, Administrative Assistant
David Beutel, Aquaculture Coordinator
Nicole LaFontaine, Director of Planning and Development





Town of North Kingstown

Rhode Island

No. 23

TOWN COUNCIL

Gregory A. Mancini
Council President

Mary Brimer
Council Member

Stacey Elliott
Council Member

Kerry P. McKay
Council Member

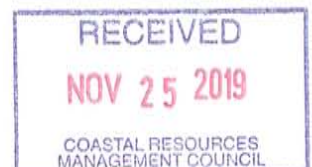
Richard A. Welch
Council Member

November 18, 2019

At the Regular Meeting of the Town Council of the Town of North Kingstown held on November 18, 2019, it was

VOTED: That no substantive objection be filed to Coastal Resources Management Council Application Number 2019-11-010 to allow Graham Watson, 101 Salisbury Avenue, to construct and maintain a six acre shellfish and kelp aquaculture farm, Narragansett Bay (Rome Point).

Jeannette Alyward
Town Clerk





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 10, 2020

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

Re: CRMC Aquaculture Lease Application # 2019-11-010, Watson, West Passage
Narragansett Bay

Dear Mr. Goetsch:

Pursuant to R.I. Gen. Laws §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 April 29, 2020 for review. 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 I. Ballou

Robert Ballou, Chair
RIMFC

Cc:RIMFC membership



Lisa Turner

2019-11-010

Watson

From: rpengri@gmail.com
Sent: Friday, November 08, 2019 1:17 AM
To: 'Dave Beutel'; 'Alison Verkade - NOAA Federal'; 'Steve Medeiros'; 'Azure Cygler'; 'Robert Rheault'; 'Robert Ballou'; 'Rich Fuka'; mclamdigger@aol.com; 'Dennis Erkan'; 'Prescott, David'; 'Leavitt, Dale'; seabrown58@gmail.com; 'Jim Arnoux'; 'Dave Reis'; 'Jeff Gardner'; 'Jody King'; 'Katie Eagan'; kurt.blanchard@dem.ri.gov; 'Michael A. Rice'; 'Rich Hittinger'; dmontifish@verizon.net; 'Rick Bellavance'; cgreinstrategies@gmail.com; lad0626@aol.com; 'Catherine White'; 'John Torgan'; dean.hoxsie@dem.ri.gov; 'Frooks, Arthur E LT'; cindy.hannus@dem.ri.gov; 'Jerry Carvalho'; 'Phil Capaldi'; marcapcar@icloud.com; marcapcar@me.com; michaelaonosko@gmail.com; john_crosson@watkinson.org; jschickler@cox.net; suemarinaro@me.com; traceydistefano@gmail.com; travisbarao@gmail.com; mroderick@towndock.com; maridee2@gmail.com; Taylor.M.Bell@usace.army.mil; dacapaldi@aol.com; mmcapaldi@aol.com; Betaray1@verizon.net; 'Allen Harbor Marina'; buddhajay108@yahoo.com; MHarrington@northkingstown.org; Ahren.l.cohen@gmail.com; 'Kenneth Murgio'; rogtel@cox.net; 'Michael Foley'
Cc: 'Janet Coit'; 'Jason McNamee'; 'Osenkowski, Jay (DEM)'; psozek@lighttower.com; 'Mcmanus, Conor (DEM)'; 'Livermore, Julia (DEM)'; 'Mike Jarbeau'; 'Todd Corayer'; traceydistefano2013@gmail.com; 'Lisa Turner'; 'Therman Richard'; 'Harry Whilden'; 'Graham Watson'; plumpointoysters@cox.net; 'Matthew Griffin'; 'Ed'; manuel.b.sousa.86@gmail.com; 'Gerry Schey'; 'Michael Foley'; 'Peter and Nancy Mogielnicki'; 'Thomas Blank'; 'Russ Blank'; matt.griffin74@yahoo.com; 'Graham Watson'; 'GerberWilliams, Anna (DEM)'; 'Kilburn, Jennifer (DEM)'; 'Helms, Joshua M CIV USARMY CENAE (US)'; quahogs5403@gmail.com; riclaminc@aol.com; 'Brian Pinsky'; 'jules opton-himmel'; 'Cameron Ennis'; 'Matthew J. Behan'; 'Felton, Shilo (DEM)'
Subject: RE: Rome Point area

if this is a new lease I object on the basis that the area is used recreationally by boaters and kayakers and this request further limits the navigability of the area. the fact that it is sheltered by an existing lease to the east and therefore should be approved does not justify the request.

Richard L. Pastore P.E.
RP Engineering, Inc
121 Suffolk Drive
North Kingstown, RI 02852
401 885 7255
www.RPENGRI.COM

From: Dave Beutel <dbeutel@crmc.ri.gov>
Sent: Thursday, November 07, 2019 10:02 AM
To: 'Alison Verkade - NOAA Federal' <alison.verkade@noaa.gov>; 'Steve Medeiros' <stevem@risaa.org>; 'Azure Cygler' <azure@crc.uri.edu>; 'Robert Rheault' <bob@ecsga.org>; 'Robert Ballou' <robert.ballou@DEM.RI.GOV>; 'Rich Fuka' <captlobster@gmail.com>; mclamdigger@aol.com; 'Dennis Erkan' <dennis.erkan@DEM.RI.GOV>; 'Prescott, David' <dprescott@SaveBay.org>; 'Leavitt, Dale' <dleavitt@rwu.edu>; seabrown58@gmail.com; 'Jim Arnoux' <eastbeachchoysterfarm@gmail.com>; 'Dave Reis' <dreis@crmc.ri.gov>; 'Jeff Gardner' <watchhilloysters@gmail.com>; 'Jody King' <nosmoshep@icloud.com>; 'Katie Eagan' <eagan.katie@gmail.com>; kurt.blanchard@dem.ri.gov; 'Michael A. Rice' <rice@uri.edu>; 'Rich Hittinger' <hittinger@risaa.org>; dmontifish@verizon.net; 'Rick Bellavance' <makosrule@verizon.net>; cgreinstrategies@gmail.com; lad0626@aol.com; 'Catherine White' <Catherine.White@health.ri.gov>; 'John Torgan' <jtorgan@TNC.ORG>; dean.hoxsie@dem.ri.gov; 'Frooks, Arthur E LT'

<Arthur.E.Frooks@uscg.mil>; cindy.hannus@dem.ri.gov; 'Jerry Carvalho' <comfish100@gmail.com>; 'Phil Capaldi' <philcapaldi@yahoo.com>; marcapcar@icloud.com; marcapcar@me.com; michaelaonosko@gmail.com; john_crosson@watkinson.org; jschickler@cox.net; suemarinaro@me.com; traceydistefano@gmail.com; travisbarao@gmail.com; mroderick@towndock.com; maridee2@gmail.com; Taylor.M.Bell@usace.army.mil; dacapaldi@aol.com; mmcapaldi@aol.com; Betaray1@verizon.net; 'Allen Harbor Marina' <allenhARBORMarina@gmail.com>; buddhajay108@yahoo.com; MHarrington@northkingstown.org; Ahren.I.cohen@gmail.com; Kenneth Murgo <kenneth.murgo@gmail.com>; rogtel@cox.net; Michael Foley <mikefoleyfish@gmail.com>

Cc: 'Janet Coit' <Janet.Coit@DEM.RI.GOV>; 'Jason McNamee' <jason.mcnamee@DEM.RI.GOV>; 'Osenkowski, Jay (DEM)' <jay.osenkowski@DEM.RI.GOV>; psozek@lighttower.com; 'Mcmanus, Conor (DEM)' <Conor.McManus@dem.ri.gov>; 'Livermore, Julia (DEM)' <Julia.Livermore@dem.ri.gov>; 'Dick Pastore' <RPENGRI@gmail.com>; 'Mike Jarbeau' <mjarbeau@savebay.org>; 'Todd Corayer' <tcorayer@fishwrapwriter.com>; traceydistefano2013@gmail.com; 'Lisa Turner' <lturner@crmc.ri.gov>; 'Therman Richard' <therman.d.richard@gmail.com>; 'Harry Whilden' <whilden1@yahoo.com>; 'Graham Watson' <graham.watson75@gmail.com>; plumpointoysters@cox.net; 'Matthew Griffin' <mgriffin@saltboxseafarm.com>; 'Ed' <etroiano1@cox.net>; manuel.b.sousa.86@gmail.com; 'Gerry Schey' <gerryschey22@gmail.com>; 'Michael Foley' <mikefoleyfish@gmail.com>; 'Peter and Nancy Mogielnicki' <mogsaway@yahoo.com>; 'Thomas Blank' <romepoint18@gmail.com>; 'Russ Blank' <astrikercharters@aol.com>; matt.griffin74@yahoo.com; 'Graham Watson' <graham.watson75@gmail.com>; 'GerberWilliams, Anna (DEM)' <Anna.GerberWilliams@dem.ri.gov>; 'Kilburn, Jennifer (DEM)' <Jennifer.Kilburn@dem.ri.gov>; 'Helms, Joshua M CIV USARMY CENAE (US)' <Joshua.M.Helms@usace.army.mil>; quahogs5403@gmail.com; riclaminc@aol.com; Brian Pinsky <bpinsky1@gmail.com>; jules opton-himmel <jules@walrusandcarpenteroysters.com>; Cameron Ennis <cennis@edexri.org>; Matthew J. Behan <behanfamilyfarms@gmail.com>; 'Felton, Shilo (DEM)' <Shilo.Felton@dem.ri.gov>

Subject: Rome Point area

This aquaculture application begins thirty day public notice on Thursday November 7, 2019. Please send comments to CRMC by December 7, 2019.

David Beutel
Coastal Resources Management Council
Aquaculture Coordinator
Oliver Stedman Government Center
4808 Tower Hill Road
Wakefield, RI 02879
401-783-3370



This email has been checked for viruses by AVG antivirus software.
www.avg.com

Dave Beutel

From: LeBlanc, Edward G CIV <Edward.G.LeBlanc@uscg.mil>
Sent: Thursday, July 27, 2017 8:18 AM
To: Dave Beutel
Subject: RE: [Non-DoD Source] Rome Point application

Sorry for delay in reply Dave. No objection here.

Apparently some people are concerned that too much of the waterway is being devoted to aquaculture. But there's plenty of water to the east of this area. Also, the area is 9-feet deep, but surrounded by rocks and water that only a foot or two deep, so I think the average boater would want to avoid this area anyway. Just my 2-cents.

Edward G. LeBlanc
Chief, Waterways Management Division
Coast Guard Sector Southeastern New England
Office 401-435-2351
Cell 401-580-8747
Fax 401-435-2399
E-mail: Edward.G.LeBlanc@uscg.mil

-----Original Message-----

From: Dave Beutel [<mailto:dbeutel@crmc.ri.gov>]
Sent: Tuesday, July 18, 2017 11:52 AM
To: 'Alison Verkade - NOAA Federal'; 'Steve Medeiros'; 'Azure Cygler'; 'Robert Rheault'; 'Robert Ballou'; 'Rich Fuka'; mclamdigger@aol.com; 'Elliott, Michael J NAE'; larry.mouradjian@dem.ri.gov; 'Dennis Erkan'; 'Prescott, David'; 'Leavitt, Dale'; gvdwood@cox.net; 'Jim Arnoux'; 'Dave Reis'; 'Jeff Grant'; 'Jeff Gardner'; 'Jody King'; 'Katie Eagan'; kurt.blanchard@dem.ri.gov; 'Michael A. Rice'; 'Rich Hittinger'; FVThistle@verizon.net; dmontifish@verizon.net; 'Rick Bellavance'; cgreinstrategies@gmail.com; lad0626@aol.com; 'Catherine White'; 'Gerald Shey'; Betaray1@verizon.net; 'John Torgan'; 'Beuth, Joshua (DEM)'; LeBlanc, Edward G CIV; 'Adam'; 'Russ Blank'; plumpointoysters@cox.net; 'Steve DePetrillo'; 'Harry Whilden'; cindy.hannus@dem.ri.gov; 'Jerry Carvalho'; 'Griffin, Matthew'; Graham Watson; Betaray1@verizon.net; Gail Hart
Cc: 'Janet Coit'; 'Jason McNamee'; 'Osenkowski, Jay (DEM)'; ckarp@brown.edu; Mike Jarbeau; psozek@lighttower.com; 'Mcmanus, Conor (DEM)'; Christopher.Deacutis@DEM.RI.GOV; MHarrington@northkingstown.org; 'mark goerner'; 'Livermore, Julia (DEM)'; Dick Pastore; Lisa Turner
Subject: [Non-DoD Source] Rome Point application

CRMC has received the attached application for a new three acre oyster and



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: 2019-11-010 Date: November 7, 2019

This office has under consideration the application of:

Graham Watson
101 Salisbury Avenue
North Kingstown, RI 02852

for a State of Rhode Island Assent to construct and maintain:

a six acre shellfish and kelp aquaculture farm using floating gear, suspended longlines, bottom cages, and bottom planting.

Project Location:	Rome Point -- Narragansett Bay
City/Town:	North Kingstown
Waterway:	Narragansett Bay--Rome Point

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.

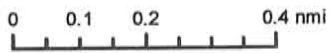
If you desire to protest, you must attend the scheduled hearing and give sworn testimony. A notice of the time and place of such hearing will be furnished you as soon as possible after receipt of your request for hearing. If you desire to request a hearing, to receive consideration, it should be in writing (**with your correct mailing address, e-mail address and valid contact number**) and be received at this office on or before December 7, 2019.

/lat

Watson

2019-06-040

The extent of this closeup is indicated in white in the map below.

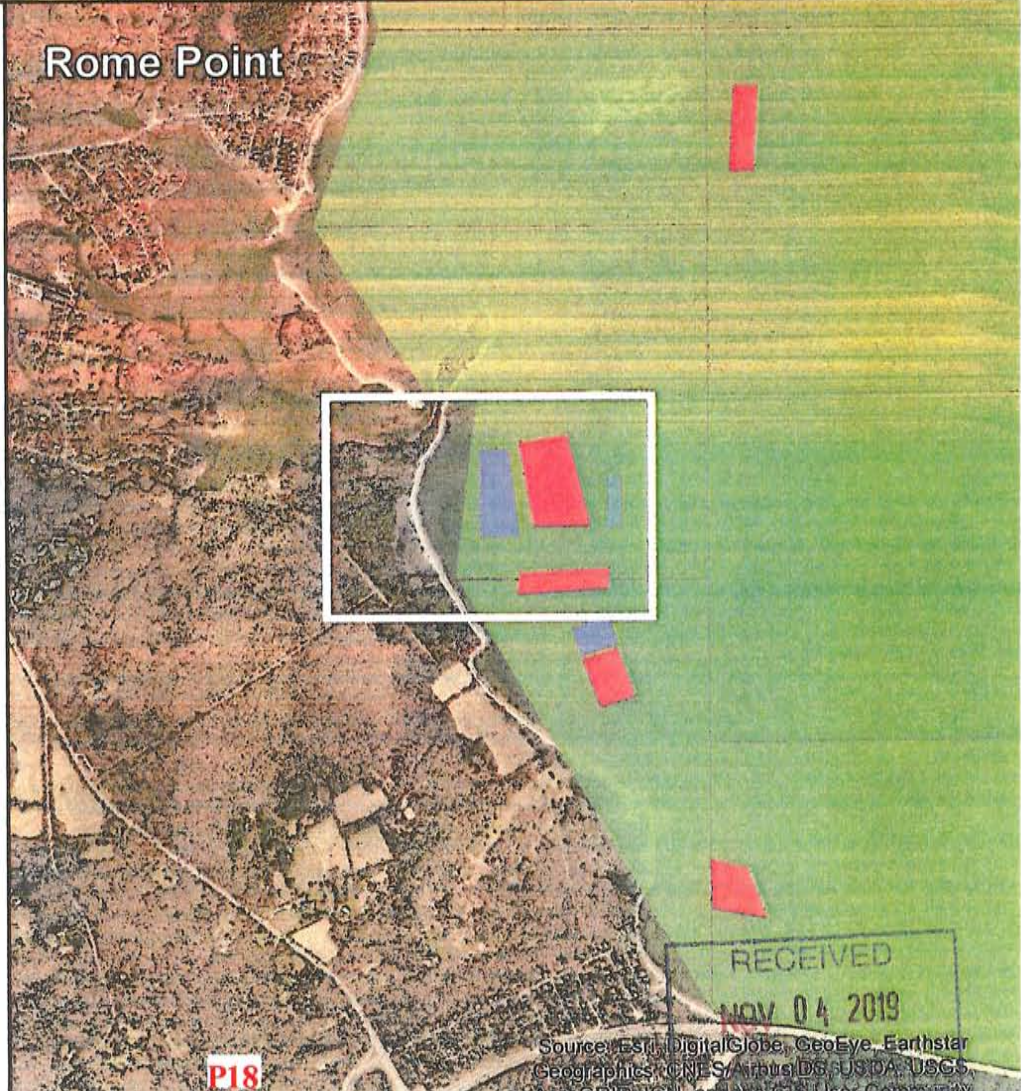


GPS_Source

- Approved
- PD App
- PN App
- FFT_Locations_05242018_Line
- DMF_Fixed_Monitoring_Sites

Mean 16-18 Quahog Abund/m²

- 0-7
- 7-23
- 23-58
- 58-117
- Oyster_Research_Areas
- Submerged Aquatic Vegetation
- Oyster_Restoration_Reefs
- Reserve within SMA
- Sanctuary within SMA
- Shoreline Access



Coordinate System: NAD 1983
StatePlane Rhode Island FIPS 3800 Feet

Source: ESRI, DigitalGlobe, GeoEye, Earthstar
Geographics, CNES/Airbus DS, USDA, USGS,
Swire, CNR, and others. All Rights Reserved.



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>Julian Graham Watson</u>		File No (CRMC use only): <u>2019-11-010</u>
Mailing Address: <u>101 Salisbury Ave</u>		Res. Tel. # _____
City/Town: <u>North Kingstown</u>	State: <u>RI</u>	Zip Code <u>02852</u>
Waterway: <u>Rome Point</u>	Est. Project Cost \$ <u>25,000</u>	Fee/Costs: \$ <u>250.00</u>
Longitude/latitude of all corners of Proposed Aquaculture Project Location (preferably in decimal degrees): <u>NW: 41° 32.709' - 71° 25.438'</u> <u>SE: 41° 32.574' - 71° 25.357'</u> <u>NE: 41° 32.710' - 71° 25.380'</u> <u>SW: 41° 32.574' - 71° 25.439'</u>		

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).

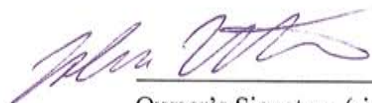
File No. 2017-07-021 Assent No. B2017-07-021

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

Yes _____ No X

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

Is this site within a designated historic district? No

 Julian Graham Watson
 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



Watson

2019-06-040

The extent of this closeup is indicated in white in the map below.



0 0.1 0.2 0.4 nmi

GPS_Source

- Approved
- PD App
- PN App

— FFT_Locations_05242018_Line

● DMF_Fixed_Monitoring_Sites

Mean 16-18 Quahog Abund/m²

- 0-7
- 7-23
- 23-58
- 58-117

■ Oyster_Research_Areas

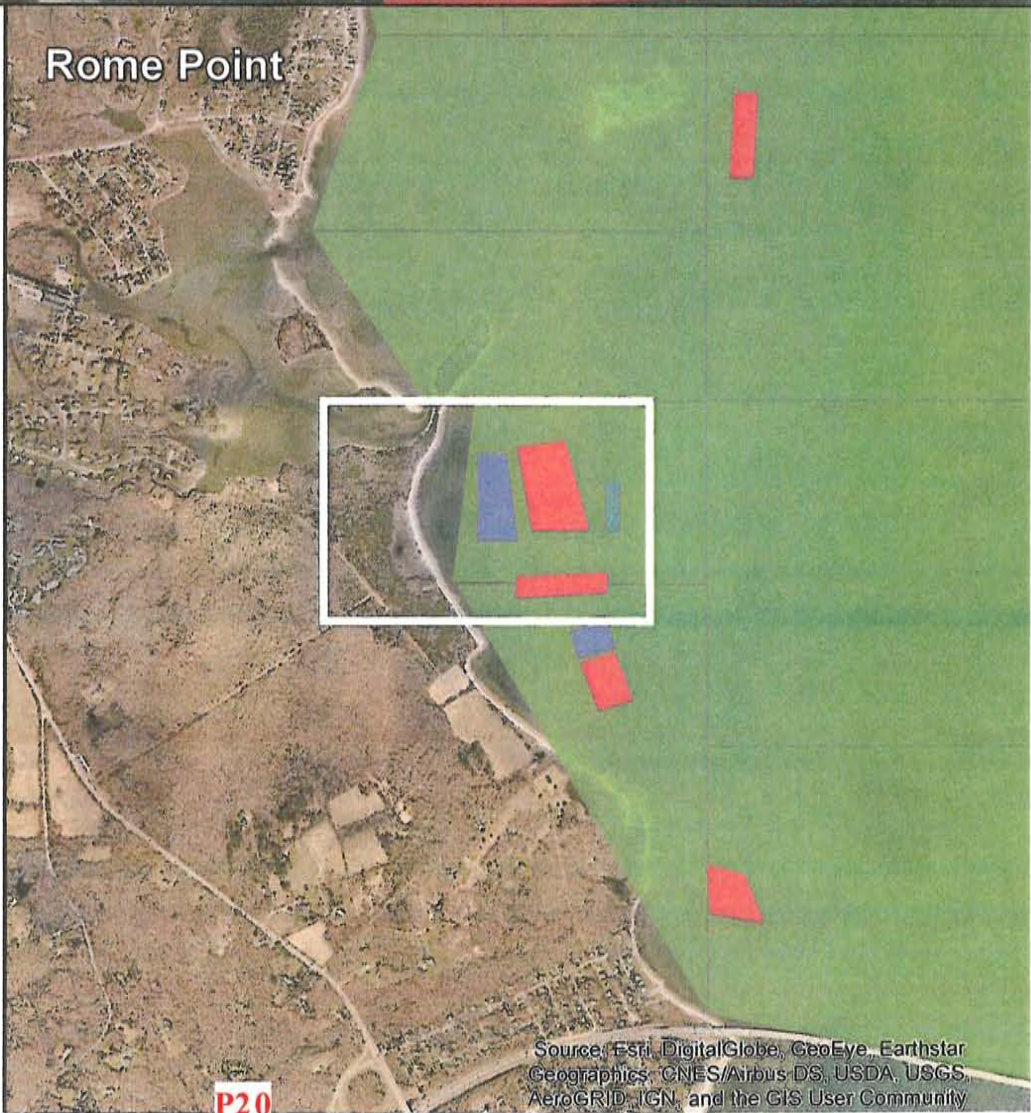
■ Submerged Aquatic Vegetation

● Oyster_Restoration_Reefs

■ Reserve within SMA

■ Sanctuary within SMA

○ Shoreline Access



Coordinate System: NAD 1983
StatePlane Rhode Island FIPS 3800 Feet

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

SEARCH THIS AREA

RECEIVED
NOV 04 2019
COASTAL RESOURCES
MANAGEMENT COUNCIL

P21

Rome Point

John H. Chafee
Nature Preserve
Ocean vistas, hiking...

Bissel Cove/
Fox Island
Shellfish...

WICKFORD

North
Kingstown

Ryan Park

Cocumcussoc

Bank Newport

4

102

1

1A

1A

4

4

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138

1A

138

138

1

Go gle

Satellite



Old Apple Rd

Oak Hill Rd

Prospect Ave

Hamilton Allenton Rd

Congdon Hill Rd

Shermantown Rd

Gilbert Stuart Rd

Summit Ave

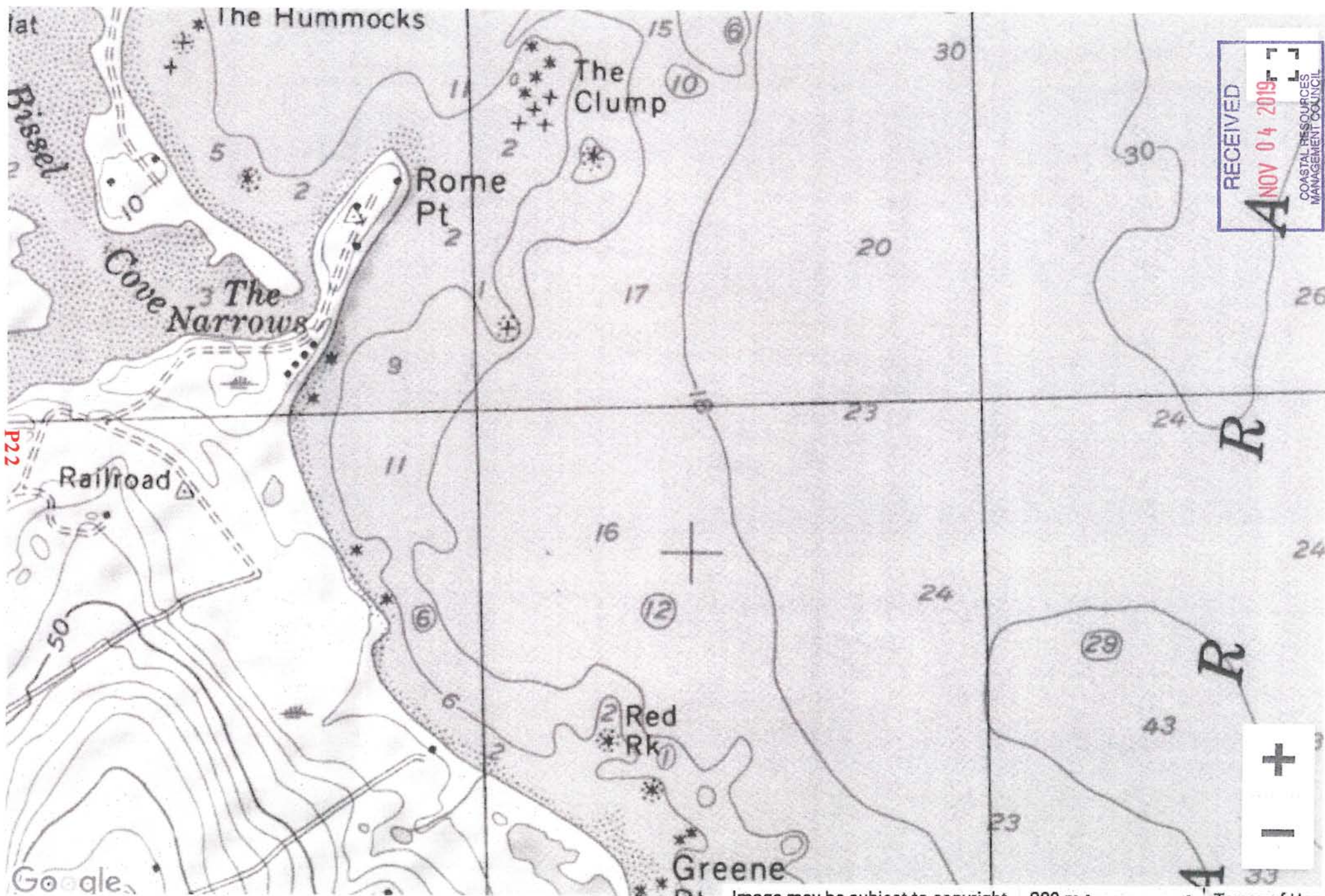
E Shore Rd

N Main Rd

E Shore Rd

North Rd

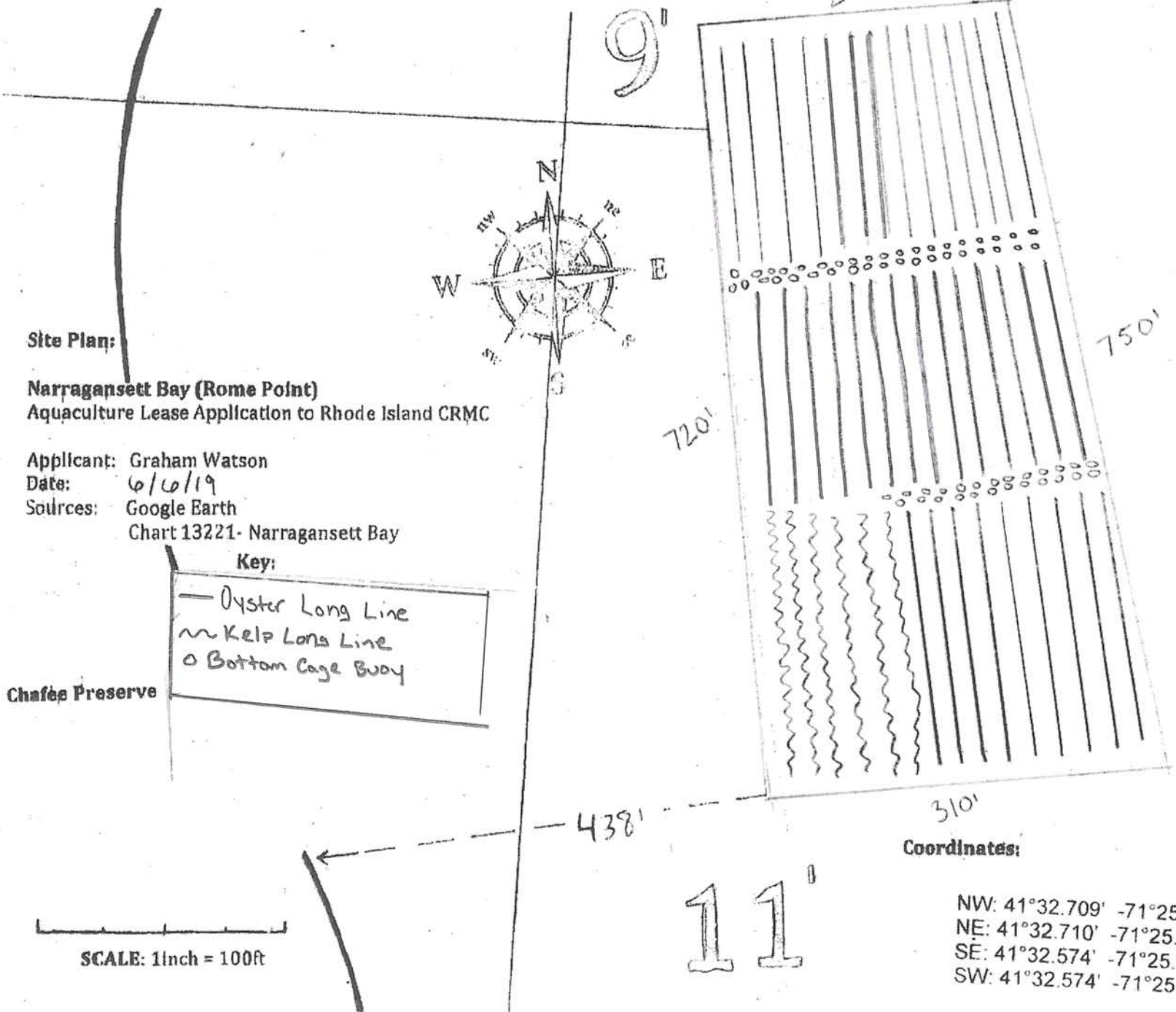
Wams W



RECEIVED
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COASTAL RESOURCES
MANAGEMENT COUNCIL



P23



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 COASTAL RESOURCES
 MANAGEMENT COUNCIL

Site Plan:

Narragansett Bay (Rome Point)
Aquaculture Lease Application to Rhode Island CRMC

Applicant: Graham Watson

Date: 6/6/19

Sources: Google Earth
Chart 13221- Narragansett Bay

Operational Plan

1. **Name and mailing address** of individual, firm, partnership, association, academic institution, municipality, or corporation who is principally responsible for the aquaculture operation or activity; if corporation, specify and include names of all owners/partners.

Graham Watson
101 Salisbury Ave
North Kingstown RI 02852

2. **CRMC file number** for the facility; new applications will be assigned a file number by CRMC.

2017-07-021

3. **DEM Aquaculture License number** (applicable if products are offered for sale); new applicants will need to obtain the DEM aquaculture license after an aquaculture assent is issued.

Aqua 000126R POT

4. **Type of facility** (e.g., commercial lease site, upweller, experimental site, research, commercial viability) and **nature of operation** (i.e., methodology used).

Commercial lease site. (floating oyster cages, bottom cages, long lines, bottom seed planting)

5. **Location of facility** (include aerial or chart depicting exact location)

Map and coordinates attached

- Adjacent town: North Kingstown
- Water body: Rome Point/West Passage
- Lat/long coordinates of facility: 41° 32.710' N 71° 25.380' W



6. Identification of all *species of shellfish* grown at the facility. Acknowledgement that the applicant will follow Biosecurity Board seed protocols should be included.

Atlantic Oysters (*Crassostrea Virginica*)
Hard Clam (*Mercenaria Mercenaria*)
Bay Scallops (*Argopecten Irradians*)
Sugar Kelp (*Saccharina Latissima*)

7. Description of *types of structures, gear and methods* used at the facility (e.g., rafts, pens, cages, tanks, upwellers, docks) and their locations on the site. Include a sketch/site plan that details a cross-section of structures as they appear in water column including proximity to surface and bottom with a depth profile at mean low water and mean high water. Include maximum number of cages proposed and the size of the cages proposed.

Sketches attached

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

High flyer radar buoys marking the four corners of lease.

9. DEM *Shellfish Harvesting Classification* at site.

Approved 3W

10. Description of *practices and procedures used* during the growth, harvest, storage, transportation, and sale of the cultured species.

Atlantic Oysters (*Crassostrea Virginica*)

Harvesting (All done on water):

Harvesting will be done in accordance with the 250-RICR-40-00-1 Title 250-Department of Environmental Management, specifically for time and temperature control.

The boat (22 ft self bailing skiff, with separated deck from bilge) will leave from Wickford harbor and drive to the lease which is located at 41° 32.710' N 71° 25.380' W and is categorized as "Approved." There, it will pull up to the cages, which are floating on the surface via long line. Workers will pull each cage on board and remove a bag and dump it onto a clean plastic sorting table. Oysters will be sorted by hand to find market size oysters (*Crassostrea Virginica*). All market oysters will be washed in the water on the farm site to remove fouling and sediment. This will be done by putting the oysters into baskets and holding them underwater while shaking the basket vigorously.

All market oysters will be bagged in quantities of 100. The bags will be placed back in the water until the boat is ready to return to land. Once the boat is ready, the bags of



market oysters will again be retrieved from the cages in water and placed in clean plastic totes. Wet burlap will be placed over the bags of oysters in the totes to avoid exposure to excess temperatures and sunlight.

Receiving (On land):

The boat will return to Wickford Harbor (Pleasant Street Warf) within 30 minutes with the oysters where a pickup truck is located with closed totes of ice in the bed. On the dock, a tag will be attached to each 100ct bag. The tags will include the following information: company name and address, dealer certification number, harvest date, harvest location, type and quantity of shellstock, the following statement in bold letters **“This tag is required to be attached until container is empty or is retagged and thereafter kept on file for 90 days.”** The following statement will also be printed on the tag: “Consuming raw or undercooked meats, poultry, seafood, shellfish or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.” “Keep refrigerated” will also be printed.

The tagged bags of oysters will then be transferred from the totes on the boat to the ice totes on the truck where they will be cooled to 50°F or less via ice slurry.

Shipping:

Once the oysters have been loaded and adequately iced in coolers, the truck will deliver to local restaurants and markets and other distributors. Local restaurants may include Urban Greens, Champlain’s Seafood, and Greenwich Oyster Bar. Other distributors might include Walrus and Carpenter Oysters, and The Ocean State Cooperative.

The delivery will be accompanied by a shipping document that includes the following information: Company name, address, and certification number, and the kind and quantity of shellfish. The recipient will receive this document and keep it on file and have it available for Authority upon request.

Sanitation:

Coolers will be sanitized at a licensed establishment using approved water.

Recall: See attached.



Hard Clam (*Mercenaria Mercenaria*)

Harvesting

All harvesting will be done on the water and in accordance with the 250-RICR-40-00-1 Title 250-Department of Environmental Management, specifically for time and temperature control.

Hard Clams will be hand picked off the bottom of the lease site using scuba gear. Smaller clams will be left on the bottom. Market sized clams will be counted and placed into bushel bags on the boat.

Receiving (On land):

The boat will return to Wickford Harbor (Pleasant Street Warf) within 30 minutes with the clams where a pickup truck is located with closed totes of ice in the bed. On the dock, a tag will be attached to each 100ct bag. The tags will include the following information: company name and address, dealer certification number, harvest date, harvest location, type and quantity of shellstock, the following statement in bold letters **“This tag is required to be attached until container is empty or is retagged and thereafter kept on file for 90 days.”** The following statement will also be printed on the tag: “Consuming raw or undercooked meats, poultry, seafood, shellfish or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.” “Keep refrigerated” will also be printed.

The tagged bags of clams will then be transferred from the totes on the boat to the ice totes on the truck where they will be cooled to 50°F or less via ice slurry.

Shipping:

Once the clams have been loaded and adequately iced in coolers, the truck will deliver to local restaurants and markets and other distributors. Local restaurants may include Urban Greens, Champlain’s Seafood, and Greenwich Oyster Bar. Other distributors might include Walrus and Carpenter Oysters, and The Ocean State Cooperative.

The delivery will be accompanied by a shipping document that includes the following information: Company name, address, and certification number, and the kind and quantity of shellfish. The recipient will receive this document and keep it on file and have it available for Authority upon request.

Sanitation:

Coolers will be sanitized at a licensed establishment using approved water.

Recall: See attached.



Bay Scallops (*Argopecten Irradians*)

Harvesting

All harvesting will be done on the water and in accordance with the 250-RICR-40-00-1 Title 250-Department of Environmental Management, specifically for time and temperature control.

Bottom cages will be lifted from the sea bed using a boat davit and winch. The cage will be opened and market scallops removed and counted into bushel bags. Smaller scallops will be left in the cage and returned to the bottom.

Receiving (On land):

The boat will return to Wickford Harbor (Pleasant Street Warf) within 30 minutes with the oysters where a pickup truck is located with closed totes of ice in the bed. On the dock, a tag will be attached to each 100ct bag. The tags will include the following information: company name and address, dealer certification number, harvest date, harvest location, type and quantity of shellstock, the following statement in bold letters **“This tag is required to be attached until container is empty or is retagged and thereafter kept on file for 90 days.”** The following statement will also be printed on the tag: “Consuming raw or undercooked meats, poultry, seafood, shellfish or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.” “Keep refrigerated” will also be printed.

The tagged bags of scallops will then be transferred from the totes on the boat to the ice totes on the truck where they will be cooled to 50°F or less via ice slurry.

Shipping:

Once the scallops have been loaded and adequately iced in coolers, the truck will deliver to local restaurants and markets and other distributors. Local restaurants may include Urban Greens, Gardners Seafood, and Greenwich Bay Oyster Bar.

The delivery will be accompanied by a shipping document that includes the following information: Company name, address, and certification number, and the kind and quantity of shellfish. The recipient will receive this document and keep it on file and have it available for Authority upon request.

Sanitation:

Coolers will be sanitized at a licensed establishment using approved water.

Recall: See attached.



Sugar Kelp (*Saccharina Latissima*)

Harvesting:

All harvesting will be done on the water and in accordance with the 250-RICR-40-00-1 Title 250-Department of Environmental Management, specifically for time and temperature control.

Kelp will be harvested by lifting the long line to the surface. The kelp will be cut at the intersection of the stipe and the holdfast. Yield wet weight per foot of long line will be measured once the Kelp has been removed from the long line. Harvesting will take place once the kelp has reached its optimal size and desired quality.

Receiving:

Cleaned of all bio-fouling, the kelp will be loaded into coolers on the truck waiting at the dock in Wickford. The kelp will be either processed or brought to market as a fresh product.

Shipping:

Once the kelp has been loaded in coolers, the truck will deliver to local restaurants and markets and other distributors. Local restaurants may include Urban Greens, Champlain's Seafood, and Greenwich Oyster Bar. Other distributors might include Walrus and Carpenter Oysters.

The delivery will be accompanied by a shipping document that includes the following information: Company name, address, and certification number, and the kind and quantity of product. The recipient will receive this document and keep it on file and have it available for Authority upon request.

Sanitation:

Coolers will be sanitized at a licensed establishment using approved water.

Recall: See attached.

11. Procedures for *maintaining records*:

For operations using seed acquired from out-of-state:

Description of notification, disease certification, and labeling/tagging procedures:

Most product seed will be purchased in-state. A pathology report will be sent to CRMC before purchasing. CRMC will be notified immediately of purchase.

Records will be sent to and filed at my own address and kept in a bound ledger book. Records will be made within 72 hours of purchase and saved for at least 1 year.



12. Procedures for *maintaining records*: N/A

For upwellers/seed-growing facilities in prohibited waters:

Description of procedures, including frequency of grading (with particular reference to requirements that seed must be removed before it exceeds maximum "seed" size threshold, i.e., <32 mm for oysters, <25 mm for quahogs):

13. Procedures for *maintaining records*: N/A

For operations using seed from prohibited waters, or operations using shellfish obtained from a third party that originated as seed from prohibited waters:

Detailed description of demarcation methods and record-keeping practices used at the lease site to ensure that animals have been cultured at least six (6) months in approved waters, prior to sale, including:

- a. Detailed record-keeping practices specifying date, source, average size, and amount of seed; and
- b. Protocols and associated record keeping for tracking product, e.g., use of tagged/numbered cages and/or bags, use of marked trawls, and/or use of marked, segregated portions of lease sites.

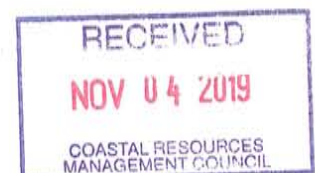
Description of the process for notifying the third party that (a) seed came from prohibited waters, (b) the date of that transfer, and (c) the remaining time needed to maintain the animals in approved waters prior to sale.



Applicant: Graham Watson
Date: June 6th 2019
Location: Narragansett Bay (Rome Point)

Section 300.1
Category B Requirements

- (1) To grow seafood, specifically shellfish, for sale and consumption in Rhode Island and the surrounding areas.
- (2) We have already been approved to grow in this area. Russ Blank with Rome Point Oysters has been farming here for 10+ years. West Passage Oysters has now been at this site for almost 2 years.
- (3) This lease is visible from John H. Chafee Natural Preserve coastline. However, the lease will be at 438 feet from shore so there should be minimal impact on the users of the park.
- (4) The lease is in 9-11 ft of water, 438 feet from shore. There is little to no impact on erosion of the shoreline. Majority of the work related activities would occur on the deck of the boat within the boundaries of the lease site.
- (5) As an oyster farmer with ambitions of having a long-term farm and business, I hope to have a diverse and healthy ecosystem for the oysters and other seafood products or else they won't survive. The healthier the ecosystem, the better our products are. The positive impact oysters have on their environment is what initially attracted me to oysters but what keeps me interested is the ability to grow a healthy oyster and make a living.
- (6) This site is in front of Chafee Nature Preserve. The lease will not be in the way of boaters because it's tucked on the west side behind Russ Blank's lease. It will be off shore by 438 feet and there will be little affect on accessibility to the shoreline.
- (7) This lease will not affect water circulation, as it's basically an extension of the leases that already exist in this area. It will not significantly add or detract from the natural circulation of the water because its only 6 acres out of the entire Narragansett Bay and this area has a strong current running through the West Passage.
- (8) Because shellfish and kelp require healthy water to survive and grow, it will be in my best interest to help keep the water quality as clean as possible.



- (9) There are no known historic or archeologically significant sites in the 6 acres I'm looking to lease.
- (10) The lease being applied for is tucked behind a lease that already exists to the east and is not in the way of boaters.
- (11) This site was chosen because there are no residential houses on its immediate shore. It is far enough away from shore that it is not obstructing the view onto the bay.

Additional Category B Requirements:

- (a) The lease being applied for is a 6 acre rectangular space. It has a depth of 9-11ft and is 438 feet off shore from Chafee Nature Preserve at Rome Point.
- (b) Atlantic oysters, Sugar Kelp, Bay Scallops, and Hard Shell Clams will be cultivated on this lease.
- (c) The shellfish and kelp will be grown commercially for consumption. Farming methods and gear descriptions are attached. There will be approximately 600-800 cages total.
- (d)(4) The projected harvestable product is approximately 300,000 oysters per acre after the first 3 years.
- (d)(6) The applicant is 33 years old, athletic, has 6+ years experience farming oysters and an undergraduate degree in business.



Applicant: Graham Watson

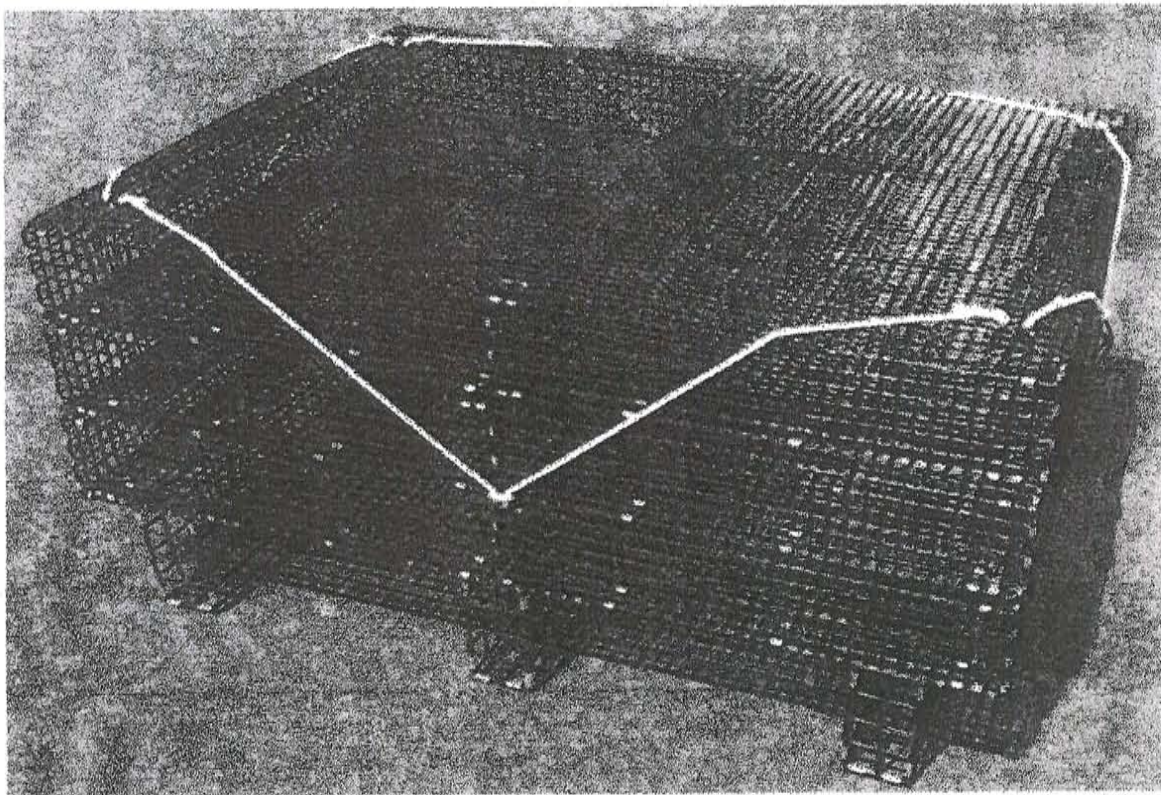
6/6/19

Location: Narragansett Bay (Rome Point)

Description of Bottom Cages

Bottom cages will sit on the bottom submerged in 9-11' of water. They will each have 6 mesh insert bags filled with oysters. They will also each have a lobster float on the surface attached to the cage with sinking line. These floats will clearly indicate where each cage is located.

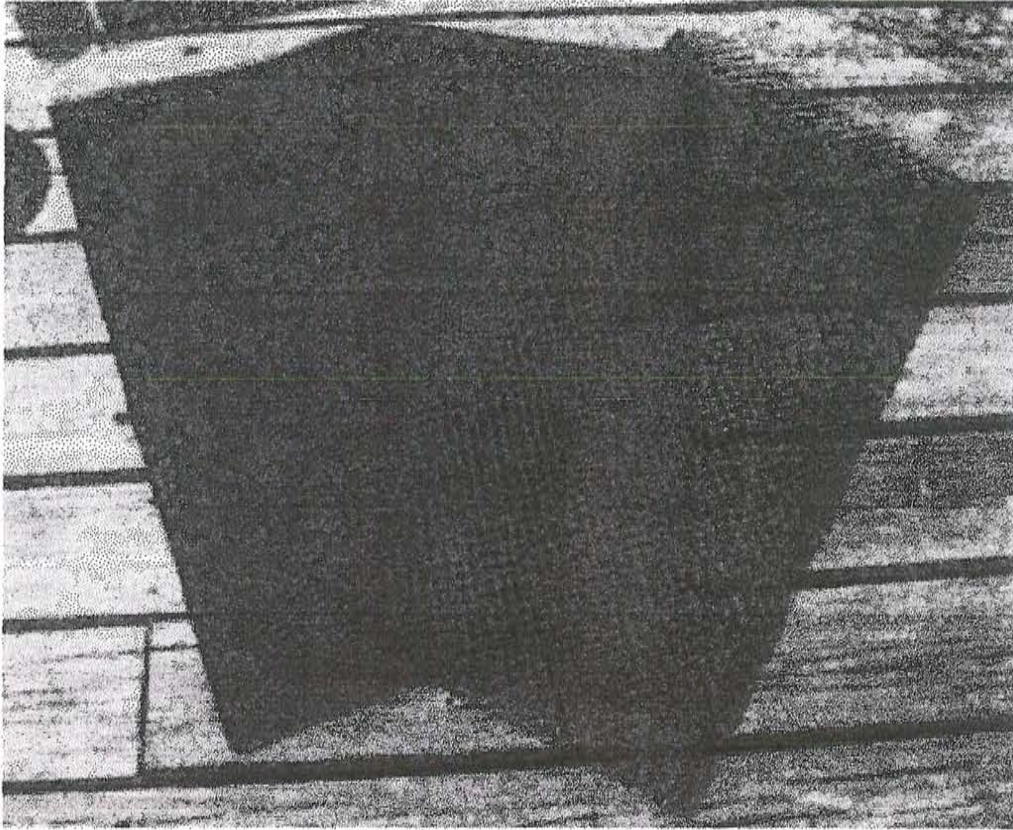
Cage:



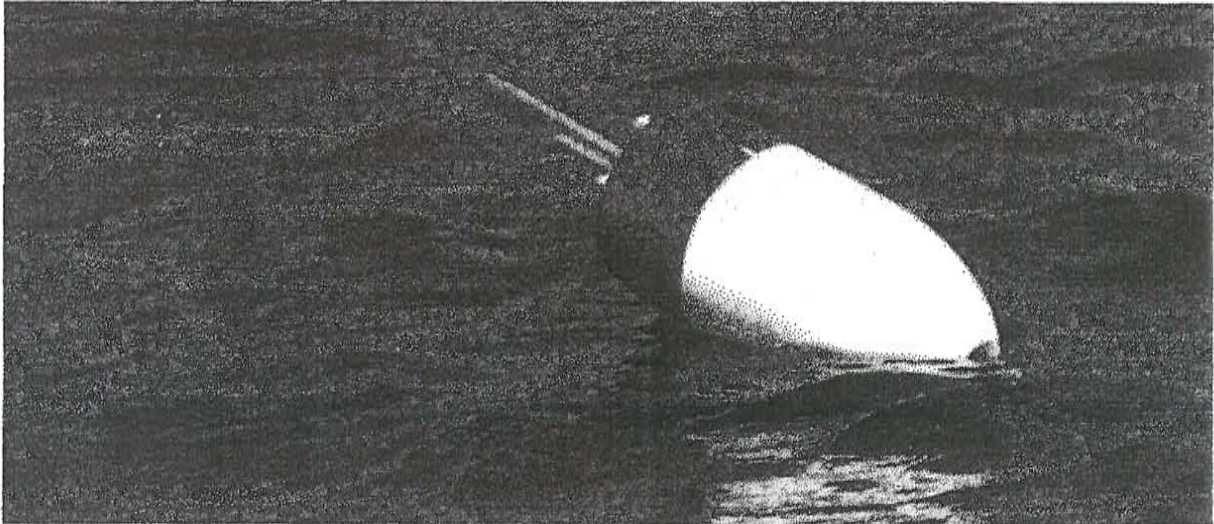
Cage Dimensions: 3'x4'x2'



Mesh Bag Inserts (6 per cage):



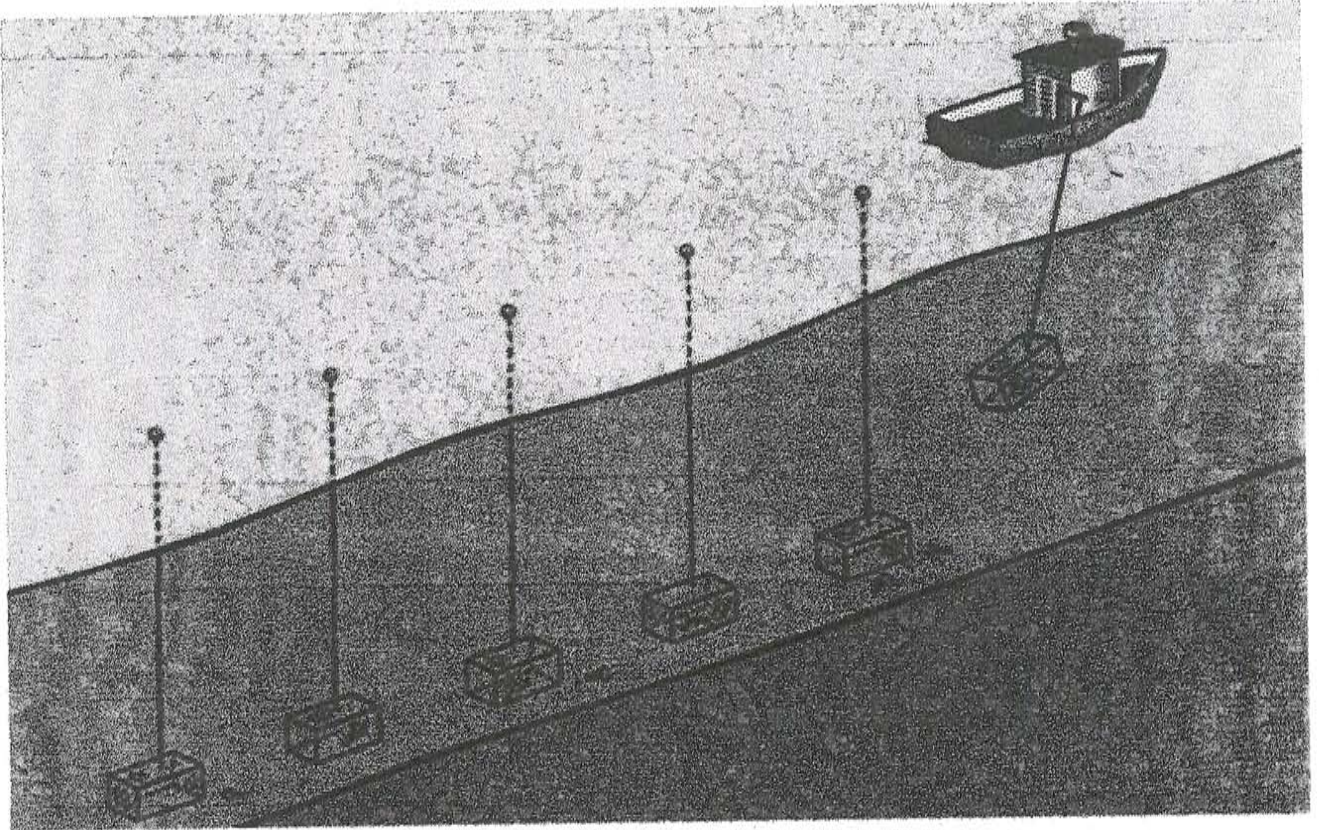
Lobster float (1 per cage)



Float Dimensions: 12"x 5"

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NOV 04 2019
COASTAL RESOURCES
MANAGEMENT COUNCIL

Overview:

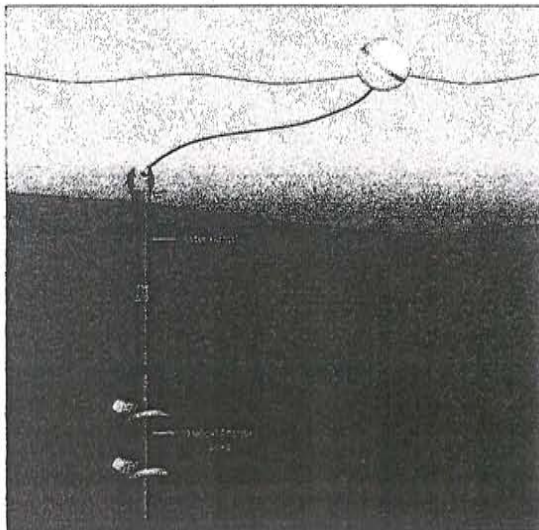
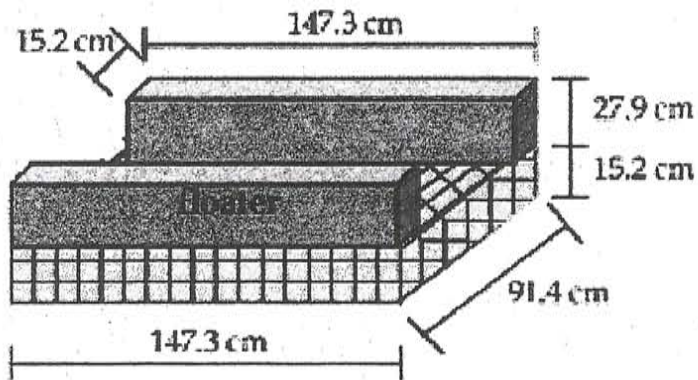
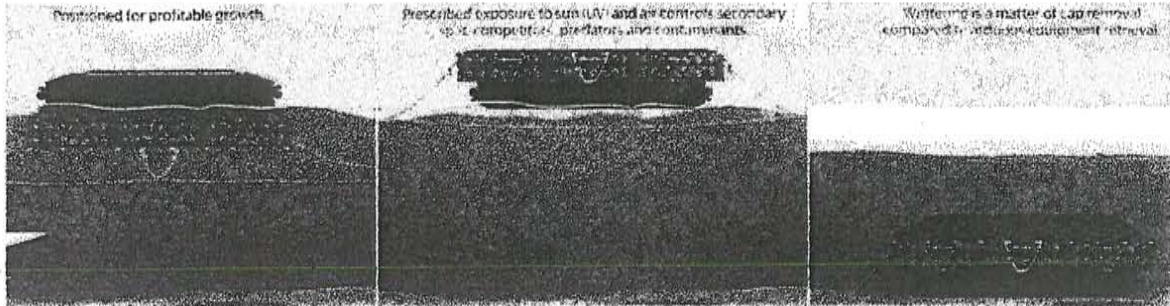


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COASTAL RESOURCES
MANAGEMENT COUNCIL

Applicant: Graham Watson

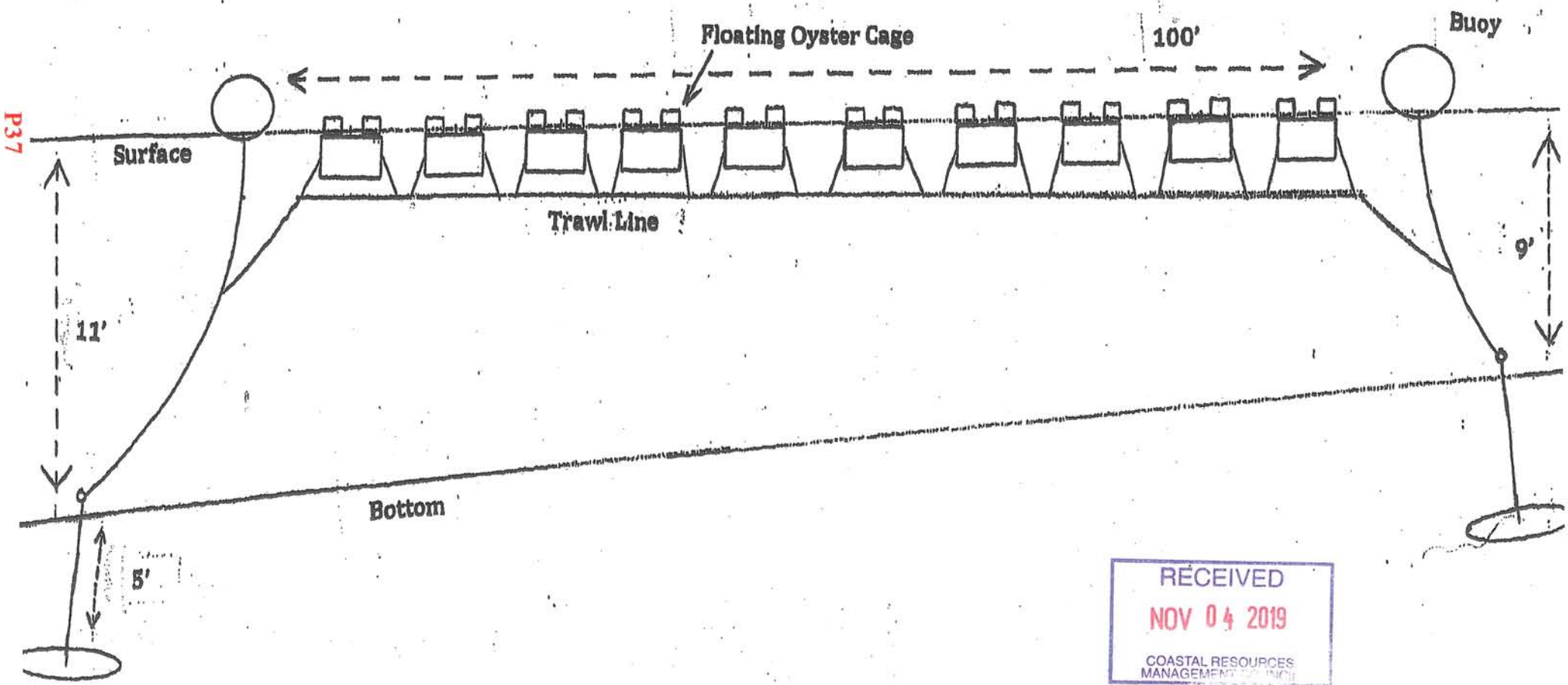
Date: 6/6/19

Oyster Floating Gear



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COASTAL RESOURCES
MANAGEMENT COUNCIL

Applicant: Graham Watson
Date: 10/6/19
Direction: West



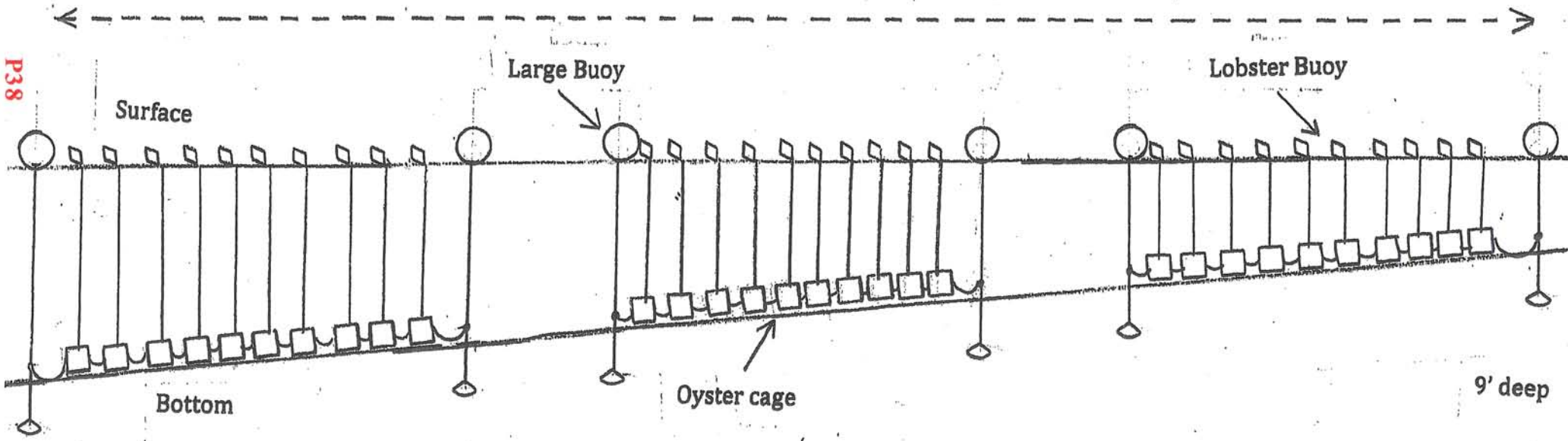
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COASTAL RESOURCES
MANAGEMENT DIVISION

Applicant: Graham Watson

Date: 10/6/19

Direction: West

509'



P38

Surface

Large Buoy

Lobster Buoy

Bottom

Oyster cage

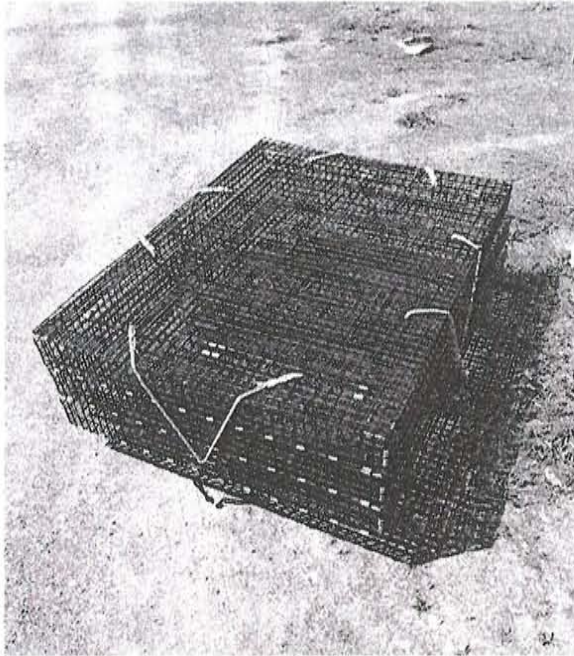
9' deep

11' deep

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COASTAL RESOURCES
MANAGEMENT COUNCIL

Applicant: Graham Watson
Date: 6/6/19
Proposed Scallop Gear

The scallop bottom cages are almost the same as the oyster bottom cages. They are designed to sit on the sea bottom with mesh bags stacked inside. They are hauled up to the boat with a manual hand crank davit. Each cage will have a line attached that goes up to a lobster buoy.



Cage dimension approximately 4.5 x 5.5 x 3 feet.

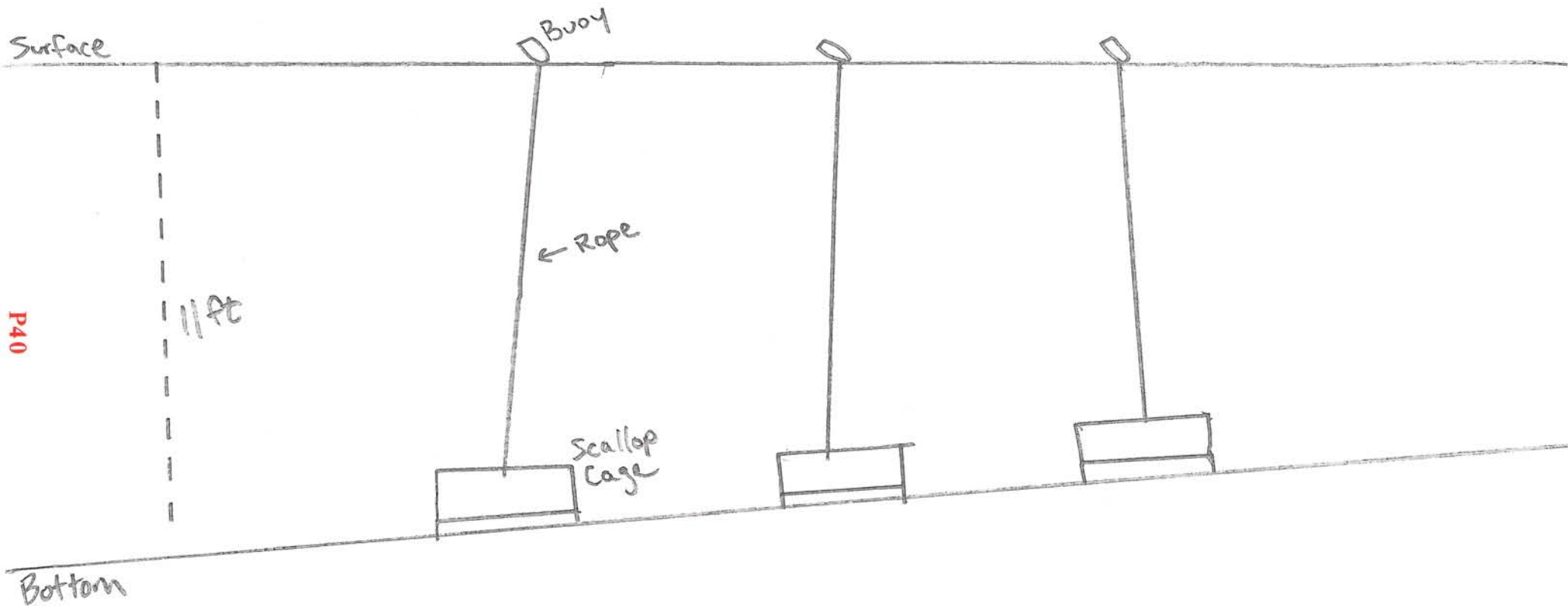


Applicant: Graham Watson

Date: 6/6/19

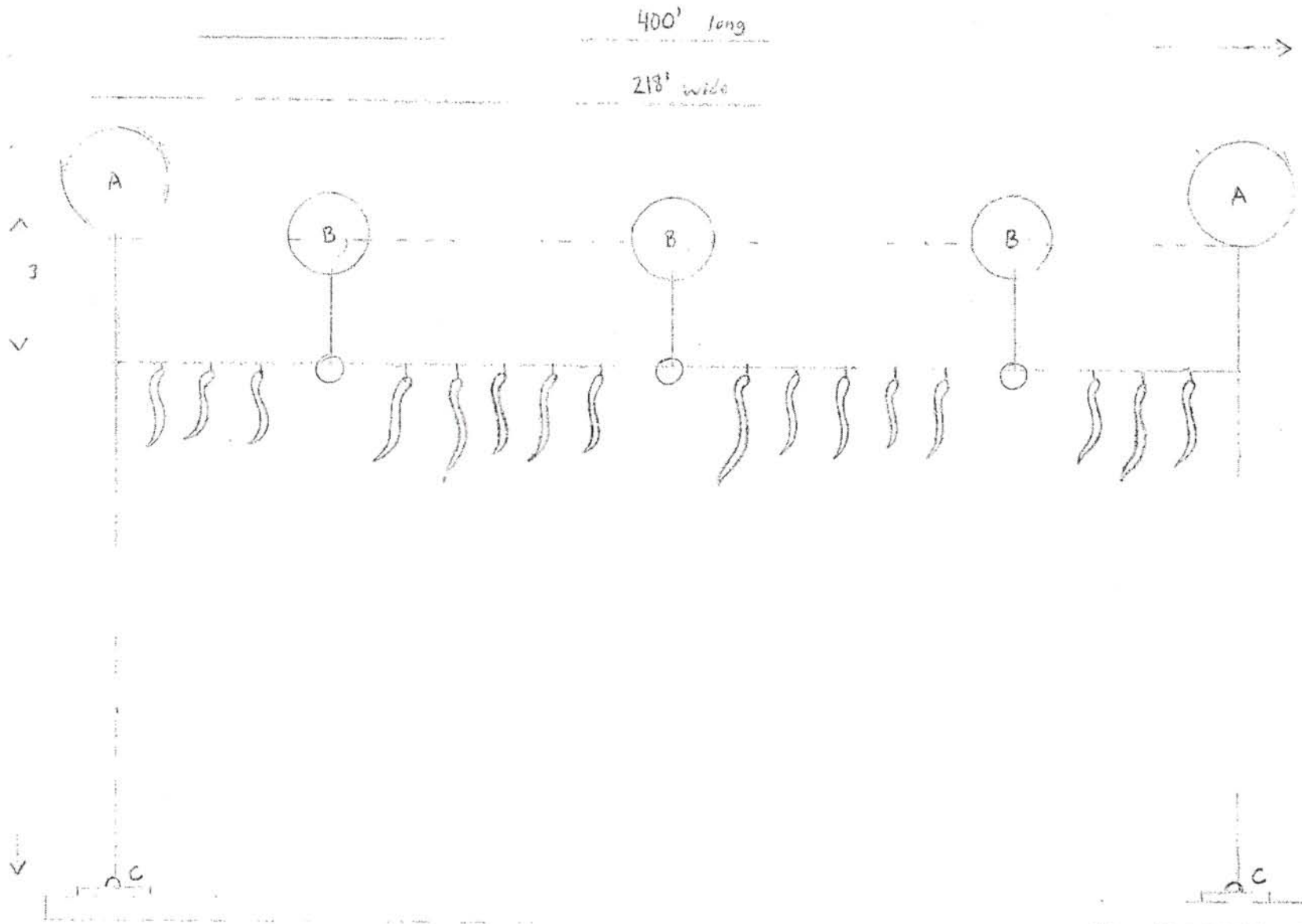
Direction: West

Scallop Cross Section



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MANAGEMENT COUNCIL

P41



A = 30" mooring
B = Dropper
C = 1,500 lb pyramid weight



RECEIVED
NOV 04 2019

PERISHABLE
KEEP
REFRIGERATED

WEST PASSAGE OYSTER COMPANY
101 Salisbury Ave., North Kingstown, RI 02852
(914) 844-7362

CERT. #
RI-521-SS

ORIGINAL SHIPPER'S CERT. NO. (if other than above):

HARVEST DATE:

SHIPPING DATE:

TIME OF HARVEST:

TIME OF COOLING:

HARVEST LOCATION: RI-314-17-7-21

TYPE OF SHELLFISH: OYSTERS

PROD. OF USA

QUANTITY OF SHELLFISH: 100 COUNT

**THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR IS
RETAGGED AND THEREAFTER KEPT ON FILE IN CHRONOLOGICAL ORDER,
FOR 90 DAYS. RETAILERS: DATE WHEN LAST SHELLFISH FROM THIS
CONTAINER WAS SOLD OR SERVED:**

TO:

Bailey

Allen



Lisa Turner



From: Benjamin Goetsch <bgoetsch@crmc.ri.gov>
Sent: Wednesday, July 15, 2020 8:41 AM
To: 'Lisa Turner'
Subject: FW: Graham Watson Application
Attachments: floating oyster cross section.pdf; floating cage sunk cross section.pdf; Scallop cross section.pdf; Site Plan (aerial).pdf

Good morning Lisa,

Please add to the Watson file, 2019-11-010.

Thank you,
Ben

From: Graham Watson [mailto:graham@westpassageoysters.com]
Sent: Wednesday, July 15, 2020 6:49 AM
To: Benjamin Goetsch <bgoetsch@crmc.ri.gov>
Subject: Re: Graham Watson Application

Dear Ben,

As per our conversation I'm going to clarify a few pieces of my application.

Firstly, there is confusion on the cross sectional sketch for the floating oyster gear. The cross section is a representation of what the floating gear looks like. In the sketch there are 10 cages on the line. In practice there could be 12 or 14 cages per line. In fact, there is potential to have a maximum of 18 cages on a line. Please see attached "floating oyster cross section."

The next sketch in the application is a representation of what the floating gear looks like in the winter season when it is sunk to the bottom. It is not a representation of dedicated bottom cages. Please see attached "floating cage sunk cross section."

The scallop cross section is a perfect representation of what the scallop gear will look like but also demonstrates what the dedicated bottom oyster cages look like as the scallop cages themselves and the system in which they are deployed are identical in design to that of the oyster bottom cages. Please use this one cross sectional sketch for both species. There would be a maximum of 50 oyster bottom cages and 50 scallop bottom cages. Please see attached "scallop cross section."

The maximum number of floating oyster cages on the 6 acre site would be 774. The calculation for this number is as follows:

The aerial site plan shows 37 long lines dedicated to floating oyster gear and 6 lines dedicated to kelp. If we were to use the kelp section for oysters we would have 43 long lines total. With a maximum of 18 cages per line, we could have a total of 774 floating oyster cages on the site. Please see attached "Site Plan (aerial)."

Finally, the anchors being used on this site are 200 lb mushroom anchors. Helix anchors are not recommended as the bottom is mud and they would be more likely to pull out. The mushroom anchors that are there now haven't moved in 3 years and have proven to be perfectly suited to the application.

I hope this has answered all of the questions on my application but if there is any more confusion I'm happy to clarify.

Thanks,
Graham

On Tue, Jul 14, 2020 at 2:01 PM Benjamin Goetsch <bgoetsch@crmc.ri.gov> wrote:

Hey Graham,

So it turns out to prepare the council to review your app this month we are going to need a specific number of all cages proposed both bottom and floating with supporting plans to show the specific layout of each. Your app says 600-800 total "cages" so you need to clarify how many of those are floating and how many bottom. With regards to floating gear, I need to know how many lines of floating gear, the layout, and how many floating cages per line, also clearly describe the anchoring devices to be used. With bottom cages, how many and in what configuration, single or trawl, as the plans show cross sections of both.

Be specific if a line is used both for kelp and cages. From the plans on file I count 6 kelp lines, 37 floating lines with 10 cages per line for total of 370 floating cages. The gear layout plan also shows a total of 63 bottom cage buoys, and again it is not clear if these are singles or trawls. I think this area could support the numbers you are proposing but we need the plans to verify.

Your app is scheduled for the July 28 meeting so I will need the info and supporting plans as soon as possible, end of this week would be good or early next week at the latest. Otherwise it may not be until Sept they will hear aquaculture apps again.

Best,

Benjamin Goetsch

Coastal Resources Management Council

Aquaculture Coordinator

Oliver Stedman Government Center

CRMC DECISION WORKSHEET

2014-04-106

Diane Franford Jonathan Island Oyster Co.,
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
2014-04-106	Narragansett	1 Jonathan Island		B	<input type="checkbox"/>	<input type="checkbox"/>
		Plat	Lot			
		Owner Name and Address				
Date Accepted	12-4-18	Diane Franford Jonathan Island Oyster Co., LLC		Work at or Below MHW <input checked="" type="checkbox"/>		
Date Completed	5-5-20	70 Kelseytown Road Killingworth, CT 06419		Lease Required <input type="checkbox"/>		

PROJECT DESCRIPTION

Modification of assent for low profile floating oyster cages

KEY PROGRAMMATIC ISSUES

Coastal Feature: Submerged land
Water Type: Type 2, Low Intensity Use
CRMP: §§ 1.2.1(C); 1.3.1(K); and 1.3.1(R)
SAMP:

Variances and/or Special Exception Details:

Additional Comments and/or Council Requirements:

Specific Staff Stipulations (beyond Standard stipulations): The western boundary of this lease site must have solar powered lighted corner markers

STAFF RECOMMENDATION(S)

Engineer _____ Recommendation: NA
 Biologist _____ Recommendation: NA
 Aquaculture JSB Recommendation: Approval

David Bentel 5-7-20
 Aquaculture Sign-Off _____ date

[Signature] 5-7-20
 Executive Director Sign-Off _____ date

 Staff Sign off on Hearing Packet (Aqua) _____ date

Name: Diane FranfordJonathan Island Oyster Co., LLC
CRMC File No.: 2014-04-106
Staff Report



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

DATE: May 5, 2020
TO: Grover J. Fugate, Executive Director
FROM: David Beutel
SUBJECT: CRMC File No. 2014-04-106

Applicant's Name: Diane Franford Jonathan Island Oyster Co., LLC
Project: modification of assent to include floating oyster gear

Location: 1 Jonathan Island, Narragansett
Water Type/Name: Type 2, Low Intensity Use
Coastal Feature: submerged land

STAFF REPORT

Jonathan Island Oyster Co. has applied to use low profile floating cages to grow oysters on their 1.4 acre site on the west side of Jonathan Island. The company has two sites (2.75 acres each) on the eastern side of Jonathan Island that currently uses low profile oyster cages. All of the aquaculture sites are fully utilized. The cages used and proposed, float at the water's surface unlike the floating cages that have the floatation on top of the cage. The site on the western side of Jonathan Island is less protected, more exposed, and more visible than the sites on the eastern side of the island.

The modification requests six lines of 75 cages each for a total of 450 floating cages. Please see the layout of the cages on the attached map. The remainder of the site will continue to use bottom cages. Please note that owner of Jonathan Island Oyster Co. is also the owner of Jonathan Island.

During the public notice period the Narragansett Harbor Commission reviewed the modification application. The chair of the commission forwarded an objection from the Narragansett Harbormaster for this application. His objection has three major points:

- The site is adjacent to an unmarked deep water channel.

Name: Diane FranfordJonathan Island Oyster Co., LLC
CRMC File No.: 2014-04-106
Staff Report

- The area is constricted with aquaculture sites on both sides of the channel
- Adding floating gear will create a navigation and safety hazard

Staff requested that the applicant work with the harbormaster to resolve/remove the objection. The process between the applicant and harbormaster was not quick. On April 25, 2020 staff received notification that the harbormaster would not remove the objection and the applicant wished for Council review of the application.

Staff has conducted site visits throughout Point Judith Pond and is familiar with Jonathan Island. Staff agrees with the harbormaster in that there is an unmarked deep water channel along the western side of Jonathan Island. Staff does not agree that the two aquaculture sites to the west of the channel constrict the area. Both of those sites are in an area of 8 foot MLW depths and both of the sites have only bottom planted oysters. There is nothing to constrict or restrict navigation or recreation activities on those sites. Staff partially agrees with the navigational hazard of the floating gear if boaters navigate too close to Jonathan Island. In the daytime the floating gear will be clearly visible. At night boaters will not be able to see the gear. Staff suggests stipulating that the aquaculture site western corner markers be solar powered lighted buoys. This would minimize any night time navigation issues. Solar powered lighted buoys are stipulated for numerous sites in Narragansett Bay and they are neither expensive nor difficult to maintain.

It is staff opinion that this modification has met the RI Coastal Management Program requirements. The modification to use floating gear is recommended for approval with the stipulation of lighted buoys on the western side of the site.

Aquaculture Coordinator



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: 2014-04-106 Date: January 29, 2019

This office has under consideration the application of:

Jonathan Island Oyster Co.
 70 Kelseytown Road
 Killingworth, CT 06419

for a modification State of Rhode Island Assent to: use floating aquaculture gear at their current site west of Jonathan Island. Please see attached map and gear description.

Project Location:	1 Jonathan Island
City/Town:	Narragansett
Plat/Lot:	/
Waterway:	Point Judith Pond

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 March 1, 2019.



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

DLB

REQUEST FOR ASSENT MODIFICATION

Assent/Permit Number: B2014-04-1063 (including extensions)
 Expiration Date: 7-8-2030
 Name of Assent Holder: Ben & Diane Franford
 Location of Project: Jonathan Island
 City/Town: Narragansett RI
 Plat: _____
 Lot: _____

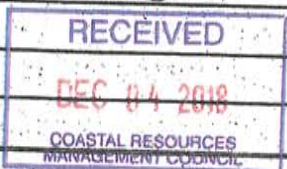
Name of Present Owner: Ben & Diane Franford
 Mailing Address: 70 Kelseytown Rd
 City/Town: Killingworth State: CT
 Phone Number: 203-9084189 Zip: 06419
 Abutters: none Contact Person: Ben Franford

I hereby certify that the names and addresses of adjacent property owners whose property adjoins the project site are accurate and current as of the date of application. If said names and addresses are found to be not accurate and/or current, any subsequent Assent may become Null and Void. Signed: _____ 12-3-18

Describe the proposed modification(s): To expand our existing "West" lease to full column floating

Reason: To increase capacity of crops while still maintaining original footprint of lease

What state of construction is the project in: stays out = bottom planting & Rock & Bag



Owner's Signature: Diane Franford 12-3-18
 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. 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. The filing of false information can result in the Coastal Resources Management Council revoking State Assent. Applicant requires that as a condition to the granting of this assent, members of the CRMC or its staff shall be 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 penalties of perjury. 5/00

**Jonathan Island
Oyster Company
(12/31/18)**

All information and data from existing
"West Lease" will remain the same with the
following modifications:

- 6 main lines of 300ft with 75 bags per line
to be sunk from December 1st to March 31st

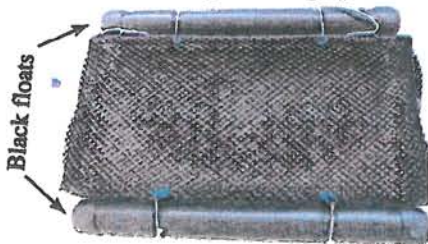
Respectfully Submitted:

Diane S. Franford
President

Jonathan Island Oyster Co.

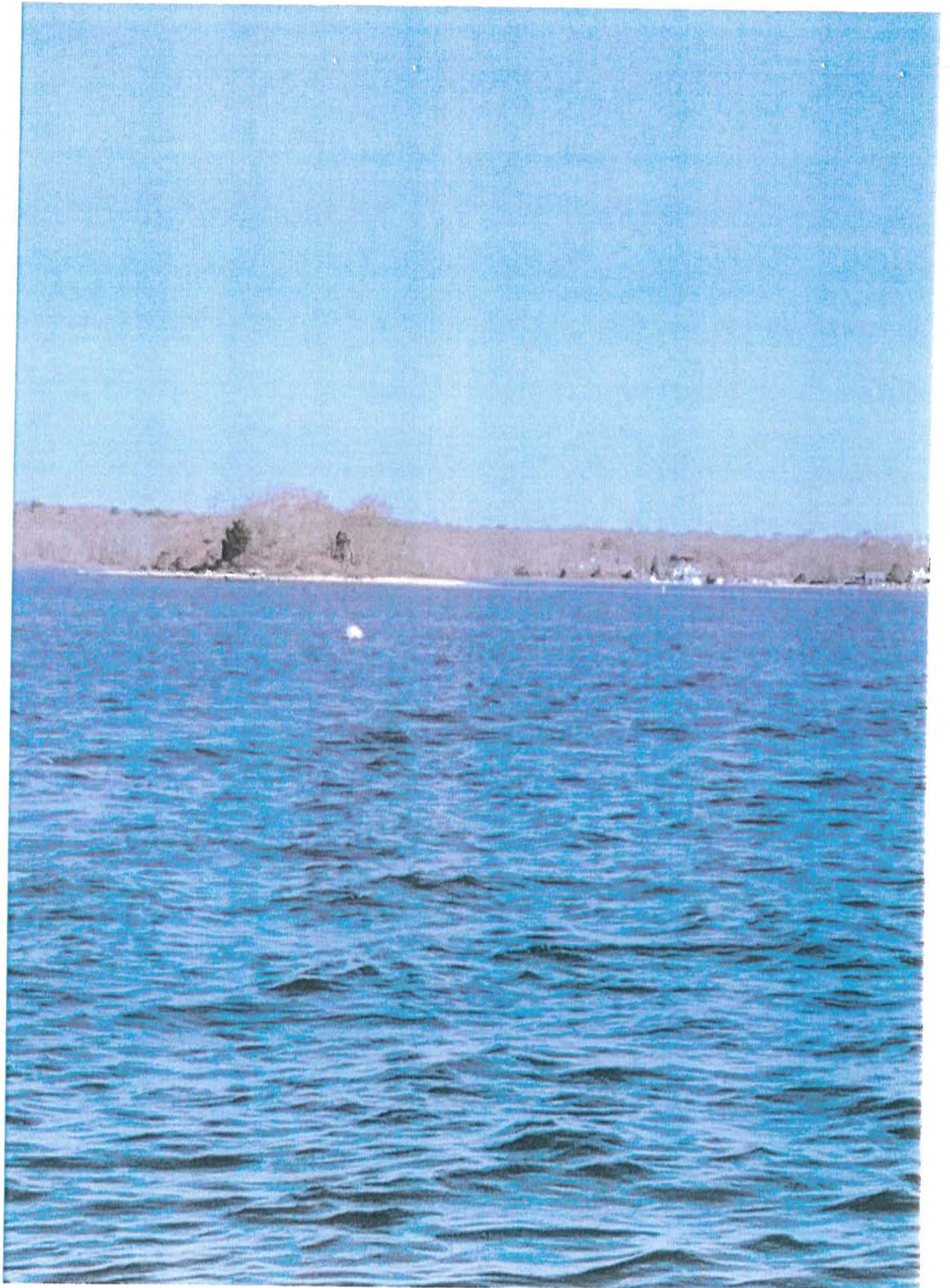


*300ft main lines x 6 as noted
#75/3ft grow bags per line



Oyster grow bag 3ft x 2ft





<image.jpg>

- The white buoy to the far left is the mooring
- the next yellow buoy is the northwest lease marker buoy
- the buoy on the far right is the southwest lease marker buoy
- all of our gear will be to the right of those two yellow buoys,

Hope this makes it more clear
I made a not to scale sketch

<image.jpg>

Sent from my iPhone

Dave Beutel

From: bluff hill cove oysters <bluffhillcoveoysters@gmail.com>
Sent: Monday, February 25, 2019 1:26 PM
To: Dave Beutel
Subject: input from narragansett harbormaster 2014-04-106
Attachments: 2014-04-106 harbormaster input.pdf; no wake buoy hit 1.JPG; no wake buoy hit 2.JPG

Follow Up Flag: Follow up
Flag Status: Completed

hi dave - attached please find our harbormasters input for the above referenced site modification.

kevin emailed his report to me to forward to you - he is currently out of state vacationing.
i am also attaching pics of the buoy hits he is speaking of in his letter.

if you have any questions of him you can try calling the number on his letter or email me and ill forward you his private email. he has limited internet/cell service where he is but does reqlently look for areas that have a signal to check his email.

please respond that you have received these 3 files -- thank you

harvey

--

www.bluffhillcoveoysters.com

<https://www.facebook.com/bluffhillcoveoysters/>

BLUFFHILLCOVEOYSTER (instagram)

@BLUFFHILLCOVES (twitter)



**Narragansett Harbormaster Division
40 Caswell Street
Narragansett, Rhode Island 02882**

February 25, 2019

Mr. David Beutel
CRMC Aquaculture Coordinator
Stedman Government Center – Suite 3
4808 Tower Hill Road
Wakefield RI 02879-1900

RE: CRMC File: 2014-04-106 – Jonathan Island Oyster Company site modification

Dear Mr Beutel,

I have reviewed the above application for a modification to install floating gear on the referenced site and must object.

The area in question is located on the edge of an unmarked narrow deep water channel. This is a high traffic channel used to transit from East Pond and head North. It is also used by boaters heading up and down the pond away from the also busy marked federal channel and the challenges that it brings with floating gear on the edge of that channel.

This currently is a constricted area as it is being adjacent to existing aquaculture sites and the recreation anchorage area. This area is so busy that the brightly marked regulatory buoy there has been inadvertently struck on more than one occasion. Adding floating gear in this area will only further compromise the safe navigation for all boaters in this location.

After careful review I must object to this site modification due to the public safety and Navigational Hazards that it could cause.

Sent from my iPad

Kevin M Connors
Narragansett Harbormaster
401-640-1038



RECEIVED
FEB 25 2020
COASTAL RESOURCES
MANAGEMENT COUNCIL

PH



RECEIVED

FEB 25 2020

COASTAL RESOURCES
MANAGEMENT COUNCIL



P12

CRMC DECISION WORKSHEET

2019-05-061

Joseph T. MacAndrew

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
2019-05-061	Westerly	Block Island Sound		B	<input type="checkbox"/>	<input type="checkbox"/>
		Plat	Lot			
Date Accepted		May 15, 2019		Work at or Below MHW		<input checked="" type="checkbox"/>
Date Completed		July 16, 2020		Lease Required		<input checked="" type="checkbox"/>
Owner Name and Address			Joseph T. MacAndrew 1 Sosa Lane Westerly, RI 02891			

PROJECT DESCRIPTION

10 acre sugar kelp farm

KEY PROGRAMMATIC ISSUES

Coastal Feature: Submerged Land

Water Type: Type 4, Multi-Purpose Waters

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

Variations and/or Special Exception Details:


Additional Comments and/or Council Requirements:

Specific Staff Stipulations (beyond Standard stipulations):

STAFF RECOMMENDATION(S)

Engineer	_____	Recommendation:	_____ NA _____
Biologist	_____	Recommendation:	_____ NA _____
Other Staff	_____	Recommendation:	_____ Denial _____

 _____ 7-16-20
Aquaculture Coordinator Sign-Off date

 _____ 7/17/20
Executive Director Sign-Off date

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

Name: Joseph T. MacAndrew
CRMC File No.: 2019-05-061
Staff Report



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

DATE: July 16, 2020
TO: Jeffrey Willis, Executive Director
FROM: Benjamin Goetsch
SUBJECT: CRMC File No. 2019-05-061

Applicant's Name: Joseph T. MacAndrew
Project: Ten acre seasonal kelp farm

Location: Block Island Sound, Westerly,
Water Type/Name: Type 4, Multi-Purpose Waters,
Coastal Feature: Submerged land

STAFF REPORT

The following Staff Report completes the review of this application which was begun by the previous Aquaculture Coordinator, Dave Buettel, in his report dated May 22, 2020. CRMC staff incorporates by reference all of Mr. Buettel's May 22nd report into this report (see Attachment 1). In his report, Mr. Buettel recounts the preliminary review meeting and addresses the subsequent issues raised there and by the Category B review process. However, as Mr. Buettel's report acknowledges, his recommendation is based only on the information received at the time of writing which was before the Rhode Island Marine Fisheries Council's (MFC's) review of the application at their June 1, 2020 meeting according to R.I. Gen. Laws §20-10-5(d).

Based on the information on hand at the time of writing, Mr. Buettel concluded that this application be recommended for approval with stipulations on the engineering of the anchoring system in order to ensure that the gear can withstand the high energy conditions of the area. Staff understands the logic of the conclusions reached by Mr. Buettel in his report. However, given the new information provided to CRMC by the MFC from their June 1, 2020 meeting (see https://youtu.be/pEiyZt_FRXk?t=4458 for a video recording of the meeting) and subsequent letter to CRMC dated June 10, 2020 (see Attachment 2), staff has reached a different recommendation which will be explained below.

Pursuant to R.I. Gen. Laws §20-10-5(d), the MFC reviewed this application to determine whether the

aquaculture activities proposed in this application are consistent with competing uses engaged in the exploitation of the marine fisheries. As mentioned in Mr. Buetel’s report, on April 29, 2020, this application was first brought before the MFC’s Shellfish Advisory Panel (SAP) for review and recommendation. At that meeting, the SAP unanimously found the proposal to be inconsistent with competing uses engaged in the exploitation of marine fisheries in the area. At the request of the applicant, the application was then brought before the full Marine Fisheries Council on June 1, 2020. At that meeting, the Marine Fisheries Council considered the recommendation of the SAP, as well as additional input from CRMC staff, on behalf of the applicant who was not present, and several members of the public and commercial fishing industry. Information presented to the Marine Fisheries Council confirmed that the location of the proposed lease is used by both recreational and commercial fishermen throughout the year for harvesting lobsters, whelk, and finfish, with particular emphasis on fixed-gear pot fisheries. For those reasons, the MFC voted unanimously that the proposal was inconsistent with competing uses engaged in the exploitation of marine fisheries in the area, and therefore recommended that the application be denied by the CRMC.

The RI Coastal Resources Management Program (CRMP) Sections 1.2.1(E).3.b & c concern activities allowed in Type 4 waters, i.e. the water type in which this project is proposed. Part b states “The Council recognizes that large portions of Type 4 waters include important fishing grounds and fishery habitats, and shall protect such areas from alterations and activities that threaten the vitality of Rhode Island fisheries.” Part c states “Aquaculture leases shall be considered if the Council is satisfied there will be no significant adverse impacts on the traditional fishery.” Additionally, R.I. Gen. Laws §20-10-5(b) states “No application shall be approved by the CRMC or a permit granted prior to the consideration of recommendations by both the director and the MFC.”

Giving due consideration to the overwhelming results of the reviews of this application by both the SAP and the MFC, CRMC staff is not satisfied there will be no significant impacts to traditional fisheries in the area and can no longer support the recommendation for approval found in Mr. Buetel’s report. While it is true that CRMC staff have on occasion disagreed with the opinion of the MFC when it comes to conflicts with traditional fisheries and aquaculture, these rare instances involved cases where CRMC staff experience and collected evidence supported a conclusion otherwise. In this case, there is no evidence to the contrary and the full weight of the MFC opinion must be considered by the Council in its entirety.

In addition, according to communications with DEM staff, the applicant met on two separate occasions with DEM officials to discuss other more suitable areas to move this project to yet the applicant continued to pursue this location against DEM’s advice (see Attachment 3) The proposed location, regardless of gear type and anchoring system, presents too much of a conflict to the traditional year round fisheries in the area for CRMC staff to continue to recommend approval under any stipulations. Staff would like to note here that these significant year round recreational and commercial fishing activities are allowed off the Napatree peninsula with no concern to the effect on birds and regardless of any landside effects to the environment. Staff maintains that a kelp farm would also have minimal impact on these resources if properly operated and engineered and staff continues to agree with Mr. Buetel’s report in this regard. However, this application is recommended for denial for failing to meet the policies of the RI CRMP, specifically with regard to Sections 1.2.1(E).2.b & c.



Aquaculture Coordinator



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

DATE: May 22, 2020
TO: Grover J. Fugate, Executive Director
FROM: David Beutel
SUBJECT: CRMC File No. 2019-05-061

Applicant's Name: Joseph T. MacAndrew
Project: ten acre seasonal kelp farm

Location: Block Island Sound, Westerly,
Water Type/Name: Type 4, Multi-Purpose Waters,
Coastal Feature: Submerged land

STAFF REPORT

This application is for a ten acre seasonal (November 1 through April 30) kelp farm in Type 4 waters south of the Napatree peninsula. Mr. MacAndrew has completed the GreenWave Apprenticeship Program for the farming of sugar kelp *Saccharina latissima*. GreenWave is a private non-profit organization promoting ocean farming as an environmentally friendly method of seafood production <https://www.greenwave.org/our-model>. Other kelp farmers in Rhode Island have completed the GreenWave apprenticeship training. The preliminary determination was completed in February 2019 and had received many objections. This application for assent has received the same and additional objections. The Town of Westerly had supported the project at the preliminary determination but rescinded the support when this application was submitted.

A list of the topics of concern and negative impact from the objections follows:

- Sea duck foraging
- Recreational fishing
- Scenic impacts
- Public use
- Debris
- Research

- Archeologic and cultural resources
- Birds
- Wind and kite surfing
- Navigation
- Biosecurity
- Economic value
- Size of farm
- Essential fish habitat
- Commercial fishing

CRMC staff will address each concern in order as it relates to the “Red Book” 650-RICR-20-00-1:

- Sea duck foraging—evidence was supplied to show this area has significant sea duck foraging; relevant to §1.3.1(A)(1)(e); all marine aquaculture in RI has some effect on sea ducks; kelp aquaculture does not require much presence on site so the effects beyond the 10 acres of kelp would be minimal and infrequent. The Ocean Special Area Management Plan 650-RICR-20-05-11 §11.10.3 has Areas Designated for Preservation for sea duck foraging habitat; however, aquaculture is not listed as a prohibited activity as it is not considered a large scale offshore development.
- Recreational fishing—the recreational fishing community has stated that it will object to this location; relevant to §1.3.1(A)(1)(j); it was also stated that a season modification to November 15 to April 15 would minimize this concern; however November 1 through April 30 for the kelp season is consistent with all of the other kelp operations in Rhode Island.
- Scenic impact—people are concerned about seeing the buoys marking a kelp farm; relevant to §1.3.1(A)(1)(e); it is staff opinion that this is a minimal issue and that if the markers were black or white they would be challenging to see from over 900 feet away.
- Public use—concern was raised that the kelp farm would inhibit use of Napatree Point and the barrier beach; relevant to §1.3.1(A)(1)(f); this is conjecture and doubtful for a project that is offshore.
- Debris—concern of kelp gear washing ashore and responsibility of clean up; this is not clearly addressed in the regulations, however CRMC requires a proof of performance bond to cover clean-up costs in case of owner default; a detailed plan to discover and remove debris should be included in the application. This is a potential high energy zone for storm events from the south. Please note that this application has not modified their gear engineering, in particular the anchoring scheme. This will be addressed later in the report.
- Research—concern was raised over potential effects to on-going research projects including water quality and coastal resilience; this is not clearly addressed in the RICRMP but would be a legitimate objection if true. It is not clear to CRMC staff how coastal resilience would be affected by a kelp farm nor is it clear how water quality testing would be affected as it is conducted during the time of year when a kelp farm would not be present. Other projects may have valid concerns but an offshore kelp farm will have minimal impact on landside projects and water quality research.
- Archeologic and cultural resources—the RI Historic Preservation and Heritage Commission have determined that this project would have no effect, letter from November 27, 2018.
- Birds—a general concern that activity on this site will impact birds; please see response to sea ducks; it is difficult to determine that a kelp farm this far offshore would have much effect on the land usage by birds. The Napatree pedestrian traffic would have more effect on the land usage by birds.
- Wind and kite surfing—a ten acre kelp farm could have impact on the few winter time surfers in the area; relevant to §1.3.1(A)(1)(j); there are hundreds of acres available for this activity.

- Navigation—a ten acre kelp farm with suspended gear has potential to impact navigation; relevant to §1.3.1(A)(1)(j); the United States Coast Guard has determined that this location would have minimal impact to navigation.
- Biosecurity—concern was raised over genetic contamination by non-native sugar kelp; relevant to §1.3.1(K)(2)(i); CRMC would insist that all biosecurity protocols be followed; kelp spores would need Biosecurity Board approval before delivery.
- Economic value—concern was raised that a kelp farm would result in a decline of economic activity; relevant to §1.3.1(K)(1)(a); there are no apparent use conflicts regarding economic value. It should be noted that kelp is a high volume/low value product. A concern about the overall commercial viability of this project is warranted.
- Size of farm—concern was raised that the farm is too big for initial operation; marginally relevant to §1.3.1(K)(5)(a)(17)(BB); kelp is a high volume/low value product; sufficient acreage to produce the volume to be successful may be needed; four aquaculture sites in RI are over ten acres
- Essential Fish Habitat (EFH) destruction—it is presumptive to state that a kelp farm will negatively impact or destroy EFH. One might view the species outlined in the objection from Dr. August at: <https://www.habitat.noaa.gov/application/efhmapper/index.html> to determine if EFH will actually be impacted by the proposed farm. Staff opinion is that EFH will not be negatively affected by this proposed farm.
- During the April 29, 2020 RI Marine Fisheries Council (RIMFC) Shellfish Advisory Panel (SAP) meeting commercial fishermen from this area objected to the proposed site stating that they used the area throughout the entire year. The SAP voted unanimously to object to this application. The RIMFC will review the application on June 1, 2020.

Staff was concerned about the proposed gear for this project. As previously stated, the preliminary determination raised this concern which had not been addressed in this application. The description of the gear provides a range of options that have not alleviated staff concerns. The area proposed off of Napatree is a high current area with ocean wave exposure from the south. Staff has reviewed other RI aquaculture sites that have a similar current flow without the ocean exposure and looked at the gear in already in use to address high current flows. Staff also attended the Milford Aquaculture Seminar this year where kelp gear was a topic of presentations. A table of reviewed information is below:

Project	Species	Current cm/s	Wave	Depth	Distance	Anchor	Chain Dia.	Rope Dia.
MacAndrew	kelp	91.7	10.37 ft	21'	217.5 ft	(2) 500 lb blocks	1/2-1"	3/8-5/8"
Silkes	oysters/mussels	87.2	4.75 ft	25'	600 ft	12 ft helical	none	1"
Goerner	oysters/kelp	87.2	4.75 ft	26'	250 ft	4,000 lb block	1/2"	3/4"
Fredriksson	kelp	50 *	13.1 ft*	50'	400 ft	#110 claw (6,000Lb)	5/8"	1"

Footnotes:

Current speed: <https://tidesandcurrents.noaa.gov/noaacurrents/Stations?g=461>

Wave height (100 yr.): <https://www.northeastoceancouncil.org/naccs/>

Depth at MLW

Distance between anchors

Fredriksson: from presentation “Measuring Wave and Current Forcing and Mooring Tension Response of an

Name: Joseph T. MacAndrew
CRMC File No.: 2019-05-061
Staff Report

Aquaculture System of *Saccharina latissima*” at 40th NOAA Milford Aquaculture Seminar 2020

MacAndrew: 2019-05-061

Silkes: 2013-04-057

Goerner: 2011-02-049

The anchor system originally proposed by MacAndrew was less robust than the systems used by Goerner and Silkes. The current speed is greater at the MacAndrew site, as is the maximum wave height. In working with Goerner over the past nine years staff has observed and confirmed that the 4,000 lb. block anchors on his site move monthly. Staff has also observed that the gear on the Silkes site with the 12 foot long helical anchors does not move. Therefore, staff was concerned that the MacAndrew kelp system will not stay on site. In the case of a storm from the south, which is atypical in the winter, the kelp farm may end up on the beach at Napatree with the currently proposed equipment. The objections regarding potential beach debris from the Watch Hill Conservancy, the University of Rhode Island, the Watch Hill Fire District, and the Ocean House are warranted given the current operations plan. However, staff worked with MacAndrew to provide a more robust anchoring plan. This plan was accepted by CRMC on April 27, 2020. This plan increases the rope size, the chain size, and specifies helical anchors. It is staff opinion that the proposed changes are sufficient to keep the gear in place. Staff recommends stipulating the gear described in the document stamped April 27, 2020 if this application is approved. Please note that this farm will need a permit from the Army Corps of Engineers. Coordination between the Army Corps of Engineers and CRMC must occur if this farm receives CRMC approval. To date, staff opinion is that this application has met the Rhode Island Coastal Resources Management Program requirements and is recommended for approval with stipulations. However, more information on fishing activity in the area will be provided at the June 1, 2020 meeting of the Rhode Island Marine Fisheries Council (MFC). The new CRMC Aquaculture coordinator, Ben Goetsch, will handle the final stages of this application.

Joseph T. MacAndrew
1 Soso Lane
Westerly, RI 02891
April 27, 2020

State of RI and Providence Plantations
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

Coastal Resources Management Council,

Per discussion with David Beutel, CRMC Aquaculture Coordinator, I would like to incorporate his recommendations for the proposed Kelp Farm of Napatree Point in Westerly RI, Application 2019-05-061. Mr. Beutel is concerned the proposed anchoring system is insufficient to keep the kelp farm in a stationary position. For this reason the following changes are proposed:

1. All anchoring points for the proposed kelp farm will use helical screw anchors, three (3) helical anchors per each longline. One at each end and one at the midpoint of each longline.
2. All lines used to anchor the helical anchors to the flotation will be chains and not sinking rope lines, chains will be no less than 1/2" .
3. All proposed kelp longlines will be increased from 5/8", in the original application, to 1" sinking line.

Please note, due to the recommended changes, the phased in production period, originally suggested as from 2-5 years, would be changed to no more than 15 years to see if the kelp production justifies the expense of the additional helical anchorage costs. This increase in expense is unknown at this time.

Thank you for your consideration.


Joseph T. MacAndrew



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: Joseph T. MacAndrew	File No (CRMC use only): <i>2019-05-dd</i>
Mailing Address: 1 Soso Lane City/Town: Westerly State: Rhode Island Zip Code: 02891	Res. Tel. # 401-596-0544 Bus. Tel. # 401-741-0368 _____
Waterway: Block Island Sound Est. Project Cost: \$20,000	Fee/Costs: \$20,000
Longitude/latitude of all corners of Proposed Aquaculture Project Location (preferably in decimal degrees): -71.872461 +41.307361 -71.872461 +41.306150 -71.868808 +41.307417 -71.868808 +41.306225 Units are in decimal degrees	

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).

NO



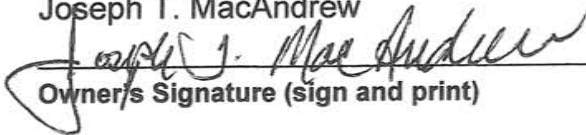
Is this application being submitted in response to a coastal violation?

Yes _____ No X _____

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

Is this site within a designated historic district? NO

Joseph T. MacAndrew


Owner's Signature (sign and print)

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April 23, 2020



STATEMENT OF DISCLOSURE AND APPLICANT AGREEMENT AS TO FEES

The fees which must be submitted to the Coastal Resources Management Council are based upon representations made to the Coastal Resources Management Council by the applicant. If after submission of this fee the Coastal Resources Management Council determines that an error has been made either in the applicant's submission or in determining the fee paid, the applicant understands that additional fees may be assessed by the Coastal Resources Management Council. These fees must be paid prior to the issuance of any assent by the Coastal Resources Management Council.

The applicant understands the above conditions and agrees to comply with them.

PII

Signature

Date

Print Name and Mailing Address

April 23, 2020



CRMC Aquaculture Application

AQUACULTURE APPLICATION

1. Application Fee: Based on estimated cost of project (see Fee Schedule)

Based on estimates from GreenWave, estimated cost of equipment for a ten acre kelp (only) farm would be approximately \$20,000. Therefore the CRMC Fee, per CRMC Fee Schedule would be \$250.

2. Photos of the project site and adjacent area (minimum size 3" x 5" maximum size 8"x 10")

See next page

P12

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View of Proposed Kelp Farm (Red Arrow indicates Magnetic North, Scale Legend is at the bottom left)



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Close view of proposed Kelp Farm (Latitude and Longitude are in DD Units, Scale Legend is include)



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April 23, 2020

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APR 27 2020

3. Completed application form. Be complete and concise in the description of the work proposed. The written description must completely describe all work proposed on the submitted site plans. This concise written description is essential in order to put the project out to public notice and expedite the processing of the application.

Introduction

GreenWave is a regional and national non-profit organization promoting ecological marine farming methods for shellfish and sugar kelp. In July 2018 I was accepted into a GreenWave Apprenticeship Program (farmer-in-training) for sugar kelp farming. As a part of this program, I have participated in hands-on training in kelp seeding, farm maintenance, and harvesting techniques, and have received technical support and guidance during the early stages of farm planning. Once my farm is permitted, and during my first two years of operation, GreenWave will provide me with kelp seed and help me make connections with other seed suppliers and wholesale purchasers for my crop. GreenWave is supporting one kelp farm in Groton CT and three Kelp Farms in Stonington CT, the closest being several miles away from the proposed kelp farm in Westerly.

No fertilizers or pesticides are needed to grow sugar kelp. All nutrients necessary for kelp production are obtained directly from seawater and no supplements are necessary. Further, sugar kelp (*Saccharina latissima*) is a marine macroalgae native to our region that absorbs five times more carbon dioxide than any land based plant. Recently recorded increases in carbon dioxide in seawater (or, acidification, due to increased greenhouse gas emissions) are harmful to marine life including shellfish and fish stocks. Sugar kelp absorbs carbon dioxide and other nutrients and converts them into biomass, which reduces the pH of the seawater in close proximity to kelp beds or farms.

Sugar kelp can be used for food, cosmetics, animal feed, fertilizer, and fuel. Kelp grown on small-scale operations like the one I propose here are generally directed toward culinary products.

April 23, 2020



Project Description

This project is a kelp (only) aquaculture farm that will grow the native kelp species *Saccharina latissima* (Sugar Kelp). The source of the kelp seedlings is GreenWave located in New Haven, CT. Per RI CRMC Preliminary Determination Meeting held on February 21, 2019 Summary of Findings, kelp spores would need Biosecurity Board approval before delivery.

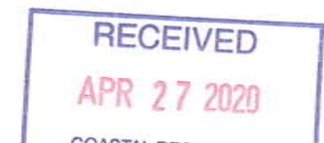
The final site will be ten acres (435 ft x 1000 ft) in size, to be phased into production over a 15 year period. Per RI CRMC Preliminary Determination Meeting held on February 21, 2019 Summary of Findings, kelp is a high volume low price product, and sufficient acreage to produce the volume, to be successful, may be needed. According to GreenWave, and based on current farming models in the northeast US, a ten-acre site is the ideal size for an economically viable kelp-only aquaculture farm. Currently there are four aquaculture sites in RI over ten acres, of which are shellfish farms.

Sugar kelp seedlings are collected from wild stock and re-established on twine in a laboratory setting. When marine weather conditions are favorable the twine (with the seedlings) is taken from the laboratory on spools. The spools are carefully transported in salt water containers and later wrapped around ropes which are suspended above the ocean floor.

Each row of kelp (kelp lines or longlines) will be independently anchored running in a southerly to northerly direction. This configuration was chosen due to the possible offshore wave action originating from a southerly direction. This configuration offers the least amount of force from waves on the longlines and kelp. This site is protected from all significant storm related wind/wave action except wind/waves generated from a southerly direction because of land mass orientation. Land masses blocking the wind/wave energy include the Watch Hill Lighthouse peninsula, Napatree Point peninsula and Fisher's Island (New York). It is also protected, to a lesser degree, from southerly wave action due to the Watch Hill/Fishers Island Reef structures located directly south of the proposed kelp farm location. It should be noted that offshore weather systems generating southerly wind/wave energy are usually associated with hurricanes. The kelp farm equipment will not be in place until on/after November 1st, missing most of the hurricane season.

Per the Preliminary Determination Meeting Summary of Findings concerning scenic impact - people were concerned about seeing the buoys marking the kelp farm. CRMC staff concluded the scenic impact would be minimal if the markers (buoys) were black and white. The design of the proposed kelp farm takes into account scenic impact.

April 23, 2020



Each independent kelp longline (approximately 435 ft long), running in a southerly to northerly direction, will be anchored at the southerly end, the midpoint and the northerly end with a helical screw anchorage system. White buoys (warning/information buoy) will be at the ends of the kelp longlines. An anchoring system for a kelp farm using less anchorage (250-300 lbs per mooring) was approved by the Army Corps of Engineers for File Number NAE-2017-01100 in Fishers Island Sound for Bren Smith (of GreenWave) in Groton, CT. Marine conditions were similar to the proposed Napatree Point kelp farm including having a sandy seafloor substrate.

The corners of the proposed kelp farm will be marked with a radar reflector. The white buoys will have warning signs and/or identification information indicating the area as a kelp farm. Longlines will be marked with 12" black buoys, the interval between each kelp longline will be between 30-50 ft and the interval between each black buoy on the longline will be approximately 100 ft (additional black buoys may be added depending on kelp growth).

The white buoys marking the ends of the kelp longlines will be attached to helical screw anchors using 1/2" (or greater) mooring chains. Non-anchorage longline buoys and all horizontal lines will be 1" sinking line. Black flotation buoys will be placed at approximately 100 ft intervals to support kelp lines. All lines used in this kelp farm will be submerged 5-8 below the ocean surface.

Kelp farm equipment will be installed on or after November 1st. Hatchery raised sugar kelp seed will be planted after November 1st. Kelp is a winter crop so it will be harvested in the spring (by April 30th). Once the kelp is harvested all longlines and buoys (black and white) will be removed from the site. All helical anchorage will remain in place. The locations of the corner white moorings will be marked with smaller buoys (lobster pot size) for retrieval in the fall. Helical anchorage chains will be left on the ocean floor to be retrieved in the fall. All buoys and horizontal ropes will be removed by April 30th.

4. Other State and Federal Agency Approvals:

Permits for the State and Federal Agencies will be filed by CRMC (per discussion with CRMC Aquaculture Coordinator Dave Beutel).

April 23, 2020



5. Location map: Use a NOAA nautical chart to accurately delineate the site location. The location map must include a map scale, a north arrow (indicate magnetic or true north) and an accurate latitude-longitude coordinate for the site. The location map must be 8 1/2" by 11". Google maps are acceptable.

The proposed location for this kelp farm is greater than 900 ft South of Napatree Point Barrier Beach in Watch Hill RI. The depth of water is between 21-29 ft at mean low tide. The average current at full moon mid-tide is < 2 knots. It is greater than 2000 ft from the navigable channel going from Watch Hill Lighthouse buoy to the Napatree Point buoy. It is also not in the Cable Restricted Area stretching from Napatree Point Buoy to Watch Hill Lighthouse peninsula. This location is protected from northeast storms as it is in the leeward side of the peninsula of the Watch Hill Lighthouse. Westward and northwestward winds are diminished by the end of Napatree Point barrier beach. Prevailing southwest winds are diminished by Fishers Island. The proposed site is only exposed to southerly winds and possible rolling seas from offshore storms. Gear will be removed during the most of the hurricane season (June 1 - Nov 30th). Google Earth indicates the ocean bottom is sandy. There is no eelgrass or marine structure in the proposed area. The following images were generated using Google Earth/Google Earth Pro.

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April 23, 2020



6. Site plans: Four (4) copies of all plans are required. The plans must be no smaller than 1 inch = 40 feet. Larger scale plans such as 1" =20' or 1" = 30 ' are preferred. All plans must include applicant's name, date of preparation, scale and north arrow (indicate magnetic or true north). Complete site boundary lines must be shown on the plan view. All corners of the site must be accurately delineated in latitude-longitude coordinates and shown on the plans. Be sure to include appropriate scale and distance from the site to the nearest shoreline.

The proposed gear layout must be shown on the plan view. Depth contours must also be shown on this site plan view for the proposed lease area at mean low tide. Be sure to show all of the proposed gear (cages, racks, netting, etc.) within the site. A separate sheet depicting a typical cross section view (from deepest to shallowest portions) of the entire site at the same scale as the plan view which includes the gear layout. Mean high and mean low tide elevations must be indicated on the cross section view plan. Detailed drawings of the proposed gear (cages, racks, nets, etc.) showing typical dimensions must be provided on an 8 1/2" by 11" sheet. Applicant must show depth of water covering the gear at mean low tide for the shallowest portion of the site. Reduced site plans on an 8 1/2" x 11" sheet must be provided if the original site plans are on larger sheets.

ATTENTION: Upon receiving written verification of application acceptance by the CRMC, you will be required to mark the four corners of the proposed aquaculture site with standard 11 inch pot buoys. Each buoy must have the following notation in 3 inch letters "CRMC" and the file number given to you at the time of notification. You must complete this requirement within 10 days of receiving the CRMC written notification in order to assist the CRMC staff in evaluating your proposed aquaculture site.

The plans must be no smaller than 1 inch = 40 feet. Larger scale plans such as 1" =20' or 1" = 30 ' are preferred. This requirement was considered "waived" by per discussion with CRMC Aquaculture Coordinator Dave Beutel due the size of the proposed kelp farm. This requirement pertains to shellfish aquaculture apparatus. Shellfish farm related regulations in this sections are considered not applicable.

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Location of Proposed Kelp Farm

April 23, 2020

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Distance from Northwest Corner to Shoreline Going Directly North (995 ft)

April 23, 2020

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MANAGEMENT COMMISSION

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Distance to Shoreline from Northeast Corner Going Directly North (1,210 ft)

April 23, 2020

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COASTAL RESOURCES

P24



Distance from Northeast Corner to Napatree Point Jetty (1,701 ft)

April 23, 2020

APR 27 2020
COASTAL RESOURCES
MANAGEMENT COUNCIL

P25

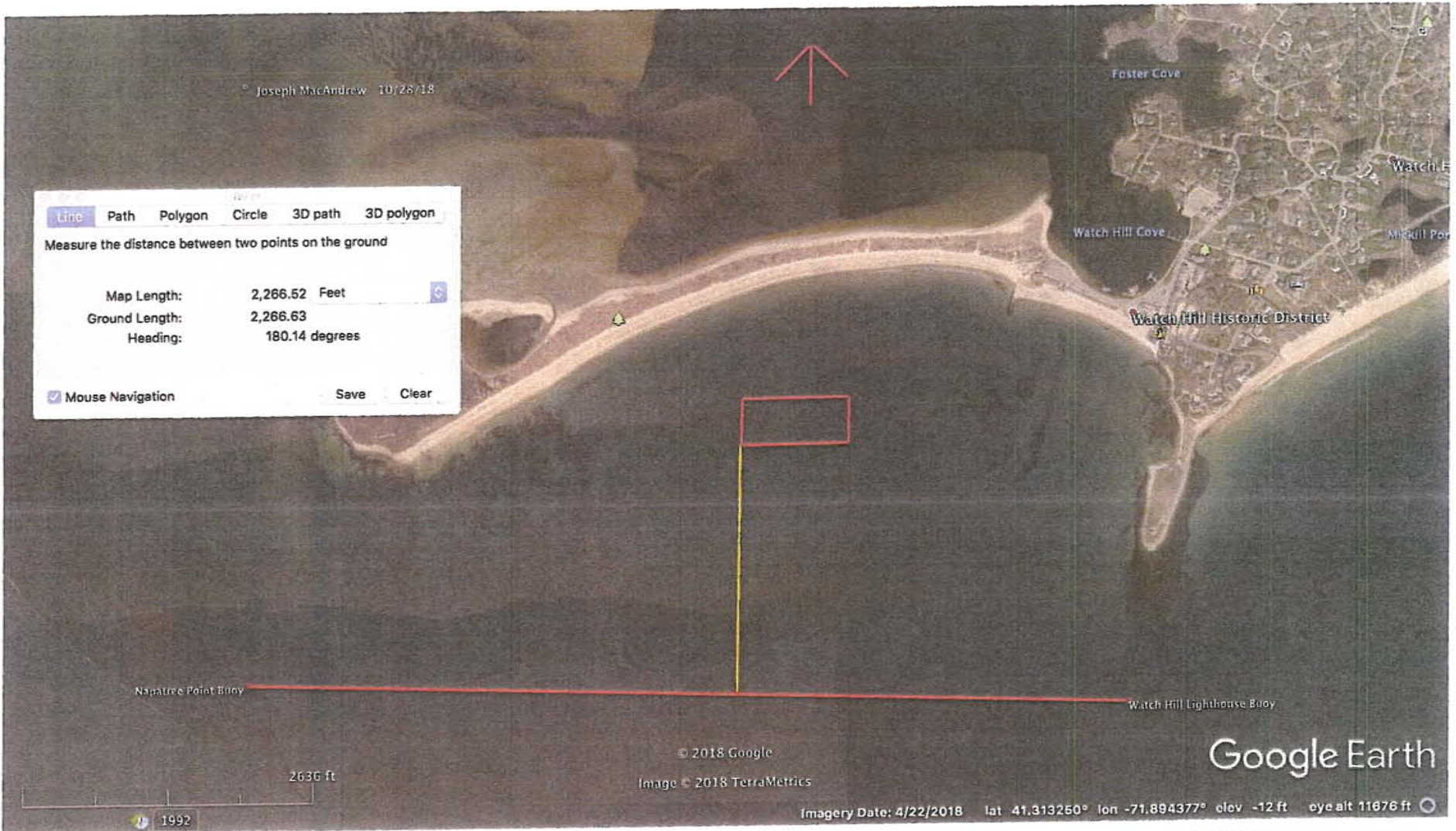


Distance from Northwest Corner Going in Northwestern Direction to Shore (1,158 ft)

April 23, 2020

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MANAGEMENT COUNCIL

P26



Distance from Southwest Corner to Channel (Watch Hill to Napatree Point) 2,266 ft

April 23, 2020

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APR 27 2020
COASTAL RESOURCES
MANAGEMENT COUNCIL

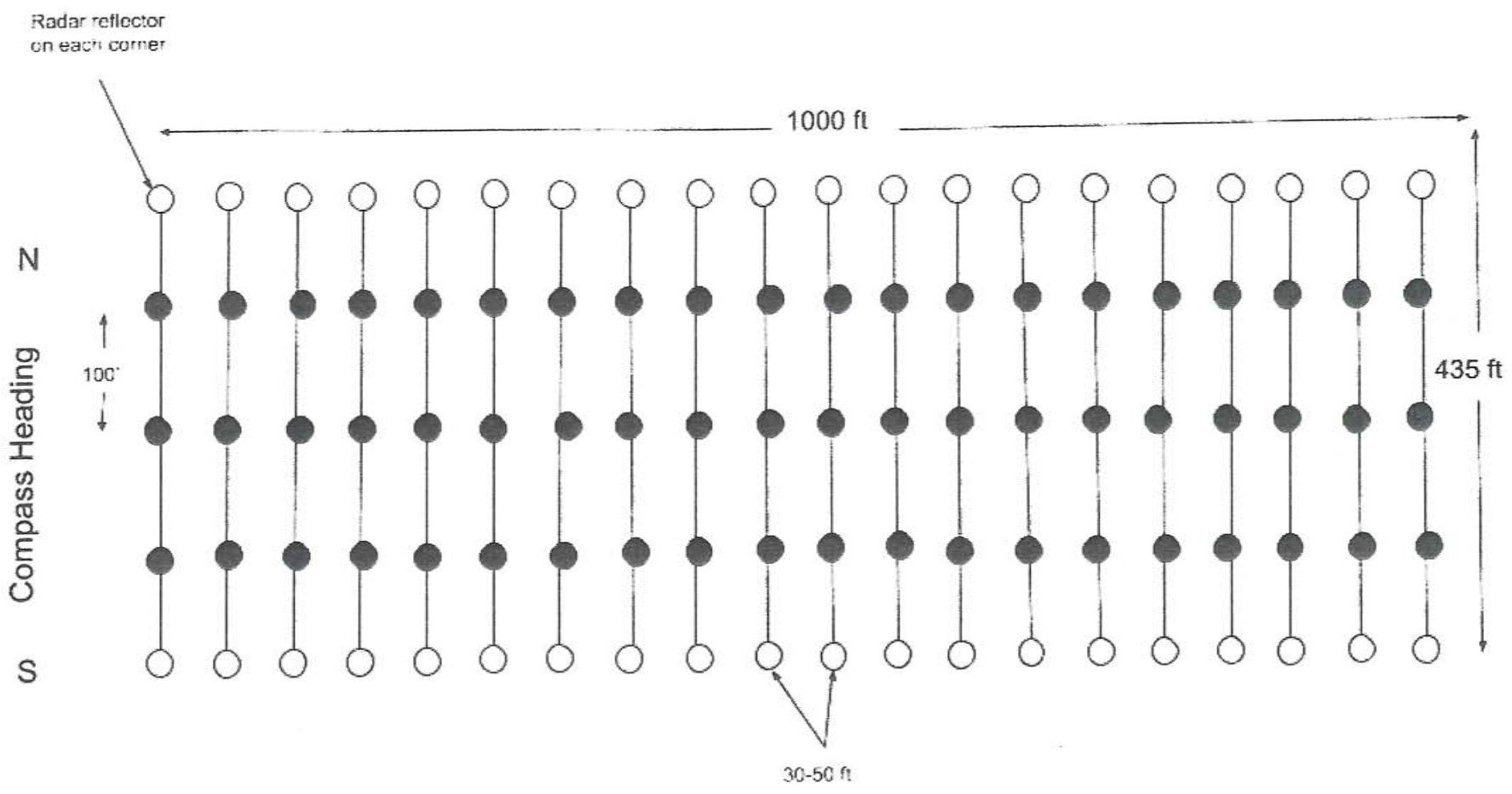
Proposed layout of 10 Acre Kelp Farm

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April 23, 2020



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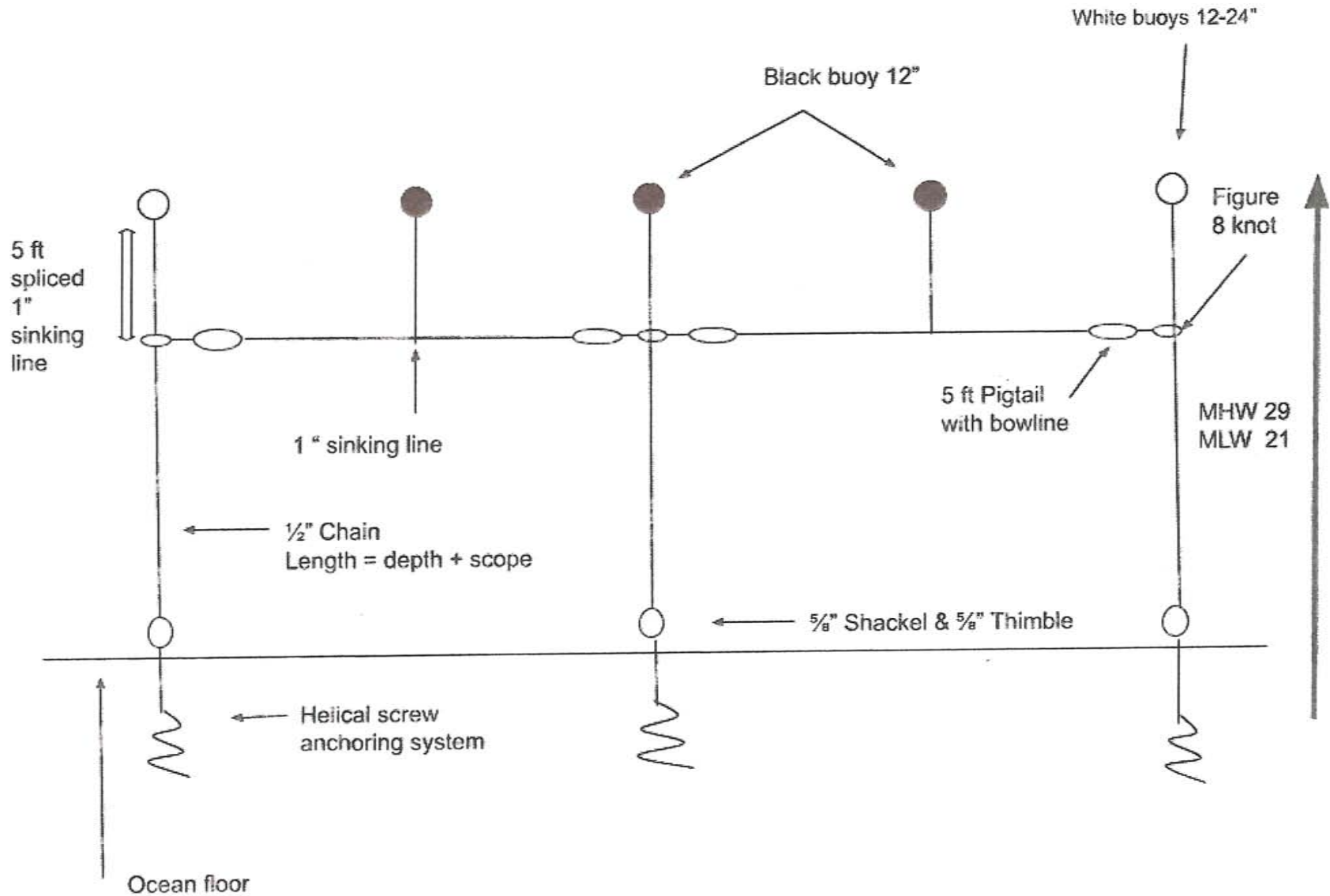


Corners of the kelp farm will be marked with a radar reflector
White mooring buoys (12"- 24") will be approximately 30-50 feet apart
Black flotation buoys (12") will be placed at approximately 100 ft intervals.

April 23, 2020

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435 ft Kelp Line



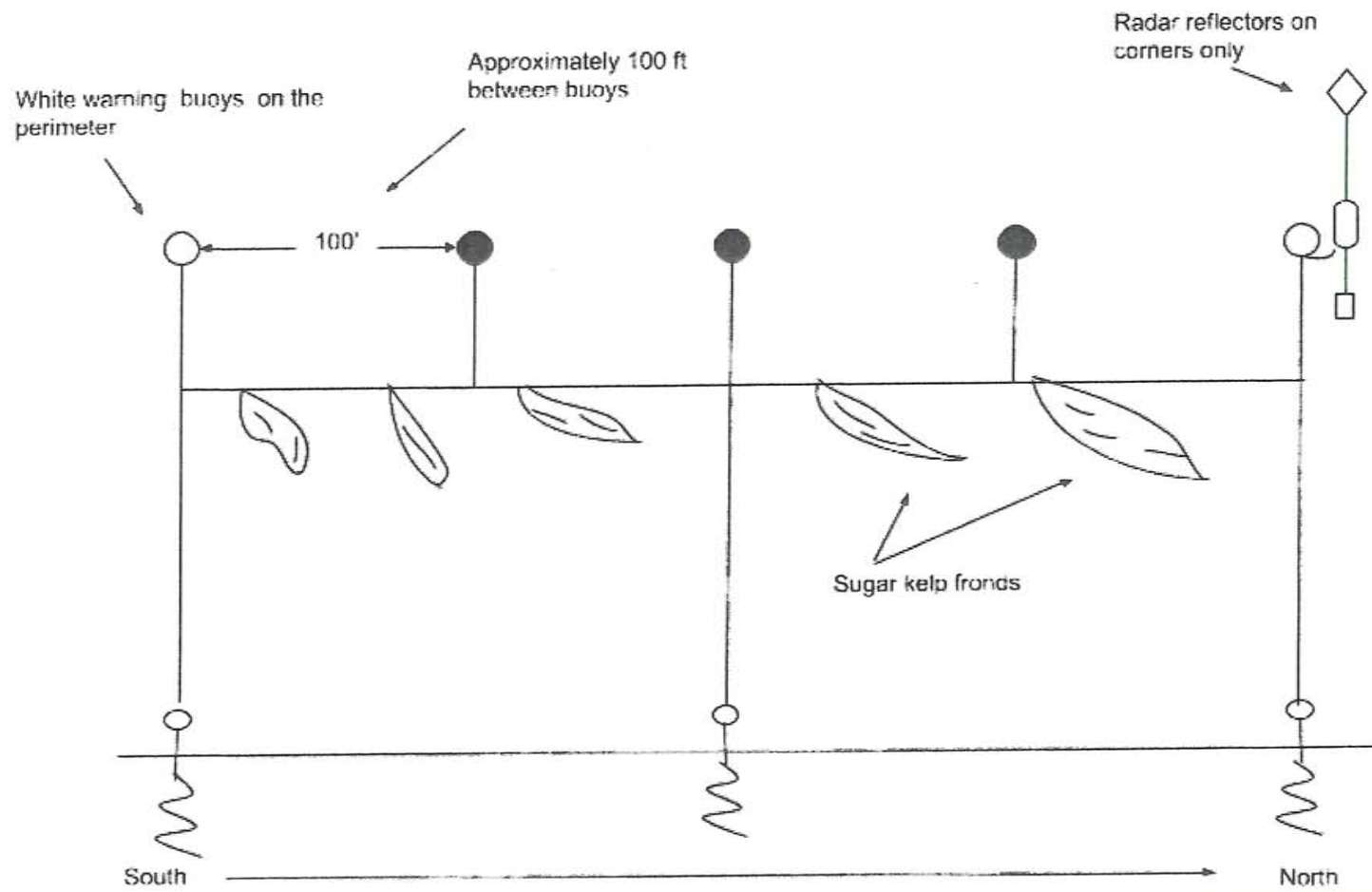
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P30

Additional Information on 435 ft Kelp Line



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7. Operational Plan - a detailed written description for the aquaculture operation which must include, at minimum, the following information: source(s) of shellfish seed, specifications of proposed hatchery, nursery, seeding and harvesting methods, general gear maintenance techniques (i.e., fouling organism removal methods), proposed operation timetable with respect to actual site work, intended recipient(s) of aquaculture product(s), etc.

1. Name and mailing address: Joseph T. MacAndrew
1 Sosoia Lane
Westerly, RI 02891

2. CRMC file number: 2019-05-061

3. DEM Aquaculture License number: To be determined

4. Type of facility: Commercial Lease site: Kelp Farm (only)

5. Location of facility: Town: Westerly, Rhode Island

Location of Proposed Aquaculture Site: South of Napatree Point Barrier Beach
Watch Hill, Rhode Island

Waterway: Block Island Sound

April 23, 2020



Latitude/Longitude of facility:

Latitude and Longitude for each corner point (Degrees, Minutes, Seconds (DMS) units)

Corner Point	Relative Location	Latitude	Longitude
1	Northwestern corner	N 41 18 26.50	W -71 52 20.86
2	Southwestern corner	N 41 18 22.14	W -71 52 20.86
3	Northeastern corner	N 41 18 26.70	W -71 52 07.71
4	Southeastern corner	N 41 18 22.41	W -71 52 07.71

Latitude and Longitude for each corner point (Decimal Degrees (DD) units)

Corner Point	Relative Location	Latitude	Longitude
1	Northwestern corner	+41.307361	-71.872461
2	Southwestern corner	+41.306150	-71.872461
3	Northeastern corner	+41.307417	-71.868808
4	Southeastern corner	+41.306225	-71.868808

April 23, 2020



6. Identification of Kelp Grown at the facility

This project is a kelp (only) aquaculture farm that will grow the native kelp species *Saccharina latissimi* (Sugar Kelp). Applicant will follow Biosecurity Board Seed Protocols.

7. Description of Types of structures, gear and methods used at the facility:

There are no physical structures on site with this proposed kelp farm. Gear used will be helical screw anchors, sinking rope (1"), galvanized chain (1/2 - 1"), White mooring buoys (16-24") and black buoys (12"), reflector markers (4).

Kelp seed will be obtained from the GreenWave Hatchery in New Haven, CT. The hatchery grown kelp seed will be out planted to the farm in November to December. The farm will be inspected weekly in accordance with a monitoring and maintenance plan to assure all connections are intact. Land based activities include inspection of shorelines at Watch Hill Lighthouse peninsula and the Napatree Point peninsula every 48-72 hours for kelp farm related debris detection/removal. The kelp will be harvested on or before April 30th. All moorings and horizontal lines will be removed on or before April 30th. The intended recipient(s) of the kelp is to be determined but will likely include Sea Greens Farms.

8. Description of Methods and Equipment Used to Identify Site

Site will be identified by 12-24" white buoys along the southerly and northerly perimeter which will have writings identifying the site as a kelp farm. Reflector buoys will be attached at the corners of the kelp farm for additional navigation safety.

9 DEM Kelp Harvesting Classification at Site: Not Applicable

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10. Description of Practices and Procedure Used During Growth, Harvest, Storage, Transportation and sale of species.

Per email communication with CRMC Aquaculture Coordinator Dave Beutel this section is not applicable to kelp farming.

11. Procedures for Maintaining Records (out of state seed, description of notification, disease certification and labeling/tagging procedures):

Sugar kelp (*Saccharina latissima*) grown in the GreenWave New Haven kelp hatchery will be sourced from wild stocks in and off Avery Point in Groton, CT and/or off Fort Wetherill in Jamestown, RI. Proposed kelp site is closest to the Groton, CT stocks. Kelp stock can be limited to the Jamestown stock if this stock is preferred by CRMC.

When the seed is received, an invoice will be received with detailed information about the stock along with seeding date/time and treatment in the hatchery--these records will be maintained should CRMC request additional details.

12. Procedures for Maintaining Records (seed growing facilities in prohibited waters, description of procedures, including frequency of grading):

Per email communication, with CRMC Aquaculture Coordinator Dave Beutel, this section is not applicable to kelp farming.

13. Procedures for Maintaining Records (for operations using seed from prohibited waters, or using kelp obtained from a third party that originated as seed from prohibited waters).

Per email communication, with CRMC Aquaculture Coordinator Dave Beutel, this section is not applicable to kelp farming.

8. Provide written response to all items in section 300.1.

Section 300.1

April 23, 2020



Category B Requirements

All persons applying for a Category B Assent are required to:

(1) demonstrate the need for the proposed activity or alteration.

Not Applicable. There is no "need" for a kelp farm other than the economic and environmental enhancements for the community of Westerly.

(2) demonstrate that all applicable local zoning ordinances, building codes, flood hazard standards, and all safety codes, fire codes, and environmental requirements have or will be met; local approvals are required for activities as specifically prescribed for nontidal portions of a project in Sections 300.2, 300.3, 300.6, 300.8, 300.9, 300.11, 300.13, 300.15 and 300.17; for projects on state land, the state building official, for the purposes of this section, is the building official.

Not Applicable to this project.

(3) describe the boundaries of the coastal waters and land area that are anticipated to be affected.

No land areas will be affected. Marine boundaries of the kelp farm are listed in sections 5 and 6 of this document.

(4) demonstrate that the alteration or activity will not result in significant impacts on erosion and/or deposition processes along the shore and in tidal waters.

The helical screw anchoring system, flotation buoys and kelp lines should have a minimal impact on erosion and/or deposition processes. The ocean floor is sandy and the location is in open marine waters and not in estuaries or salt ponds.

April 23, 2020



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

A ten acre kelp will not impact the marine environment in a negative way. In fact kelp farming has many positive environmental impacts which include:

- Kelp absorbs carbon dioxide 5X greater than land based plants, reducing greenhouse gases
- Kelp removes carbon dioxide from the oceans reducing the acidity of the ocean which is detrimental to marine plant and animal life
- Kelp can be used for food, cosmetics, animal feed, fertilizers and bio-fuel
- Kelp farms need only the natural nutrients of the ocean, no additional fertilizing is needed, reducing the runoff of phosphates and fertilizers seen in traditional farming
- Kelp farming produces protective habitats acting as a nursery for marine life.
- Kelp longlines and kelp vegetation provide anchorage for mussel seedlings (spat) which are prevalent at Napatree Point.

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

Kelp farming occurs during the late fall/winter and early spring months. It is an offshore activity which should not impact public access to, or use of, tidal waters and/or the shore. The closest distance the kelp farm area is to the shoreline is more than 900 ft away.

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

This kelp farm will not result in significant impacts to water circulation, flushing, turbidity and sedimentation. Proposed kelp farm site is in open ocean and not in a saltwater pond or estuary.

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

The quality of water should actually improve. Kelp absorbs carbon dioxide and reduces the ocean acidity which improves the water quality, at least in the immediate vicinity of the kelp farm.

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

Prior to the hurricane of 1938, residential homes were on Napatree Point Barrier Beach. All these homes were destroyed in that hurricane. While there has been erosion on that beach, the location of the proposed kelp farm, being more than 900 ft from the beach (closest point) is not close to the original location of those homes.

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

Impact to Recreational Boating/Fishing

There will be minimal impact to recreational boating and fishing. Recreational boat yards and yacht club seasons usually run from May 1st to November 1st. Proposed dates for the kelp farm are November 1st to April 30th. Proposed location, even in the most popular times of year, has very light recreational boat traffic. Anchorage on the North side of Napatree Point is very popular and very crowded from the 4th of July until Columbus Day weekend. There is no anchorage on the South side of Napatree Point Barrier Beach. Removal of equipment during the height of the summer months makes the impact to the recreational boat community minimal. There is no ocean floor structure and minimal current at the proposed area.

Impact to Commercial Fishing/Lobstering

April 23, 2020



There is minimal impact to commercial fishing. This area is not commercially viable for commercial fishing. There is no structure and minimal current (<2 knots) in the proposed area. The ocean bottom is sandy. Commercial fishing/lobstering is popular at Napatree Point, Watch Hill Lighthouse and the Watch Hill/Fishers Island Reef system. Removal of equipment during the height of the summer months makes the impact to commercial fishing/lobstering negligible.

Impact to Navigation

Impact to navigation should be minimal. Drawing a straight line from the Watch Hill buoy to the Napatree Point buoy and drawing a line from the Southwest corner of the kelp farm going south shows the distance at the intersection is approximately 2,200 ft. Per the Preliminary Determination Meeting for CRMC File 2018-11-109 held on February 21, 2019, the Summary of Findings indicate the United States Coast Guard has determined that this location would have minimal impact on navigation.

Impact to Marine Waterfowl

Per the Preliminary Determination Meeting Summary of Findings, concern was raised on the size of the site and how it would affect sea duck foraging.

Computer searches for PubMed.gov and Google have provided no scientific literature that indicates sea ducks are adversely affected by kelp farms.

The proposed site for this kelp farm should be an environmental asset to the marine waterfowl. For fish consuming waterfowl the kelp should provide a canopy for baitfish. Marine flotsam (kelp fronds/buoys) creates a microenvironment which will attract and hold small fish. For vegetation consuming waterfowl kelp can be an additional food source. For mollusk/shellfishing consuming waterfowl the longlines used in the kelp farm will provide substrate for the mussel spat. Currently the proposed site is composed of a sandy bottom devoid of any marine structure.

April 23, 2020



Maximum size for a sugar kelp frond is 12 ft. Due to a single shortened season the frond will be considerably smaller. Rows for longlines will be at 30-50 ft intervals (kelp longline is 5 ft underwater) allowing large areas of open ocean water between each row. Orientation of the kelp farm should not impede/alter waterfowl behavior.

As previously mentioned, kelp reduces the pH of the seawater due to absorption of carbon dioxide (5X greater than land based vegetation). Decreases in water pH are beneficial for marine life including bait fish reproduction which is beneficial to fish consuming water fowl. Perhaps a single ten acre kelp farm will have minimal beneficial impact on the local environment but GreenWave is looking for numerous long term sustainable kelp operations which could impact local, regional and eventually global marine water quality.

Human presence at the site will be minimal, once a week to check and secure gear. Sugar kelp aquaculture does not require much presence on site so the effects beyond the ten acres of kelp should be minimal and infrequent.

(11) demonstrate that measures have been taken to minimize any adverse scenic impact (see Section 330).

Kelp is a winter crop only. Kelp farming will have minimal effect on the scenic impact of these waters during the winter months. The proposed kelp farm is located more than 900 ft from the closest landmass (Napatree Point Beach) and more than 1700 ft from the closest man made structure (Napatree Point Jetty). The Misquamicut Beach Club structure is several hundred ft northeast from the end of the Napatree Point Jetty.

Buoys used will be black and white only per Preliminary Determination Summary of Findings recommendation. White buoys (12-24") will mark the southerly and northerly perimeter. Plan on using the smallest available white buoy (12") depending on availability. Radar reflector buoys will also be at the corners of the kelp field. Radar reflector buoys were a suggestion of CRMC Aquaculture Coordinator Dave Beutel.

Gear removal prior to the onset of the summer tourist season will minimize any scenic impact. All buoys and horizontal equipment will be removed before April 30th. Small high flyer buoys will also be removed by April 30th. Corner white buoys will be removed and corner anchorage marked with lobster pot size buoys for retrieval in the fall.

April 23, 2020



9. Review sections 160 and 300.11 of the RICRMP.

Section were read as instructed.

10. Information regarding provisions for pedestrian access to the shore and availability of lease area for other uses, including but not limited to, boating, swimming, fishing, etc.

Pedestrian access is not an issue with a kelp farm. There will be minimal impact to recreational boating because kelp is a fall/winter/early spring crop. Most of the gear will be removed in late spring leaving only 6 white buoys in a ten acre area. Swimming should not be affected because the 6 buoys will be more than 900 ft offshore. Fishing should not be affected because there are no long lines in the water during peak fishing season (July through mid-October)

Note: All proposals are forwarded to the Rhode Island Historical Preservation & Heritage Commission for review and comment in accordance with Section 220 of the RICRMP. In some cases, the applicant may be required to submit the results of an archaeological assessment survey in order to document the presence or absence of significant archaeological sites. If the proposed development would damage a significant historical or archaeological resource, the Council may require modification of, or prohibit the proposed action.

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April 23, 2020





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 10, 2020

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

Re: CRMC Aquaculture Lease Application # 2019-05-061, MacAndrew, Napatree Point, Westerly

Dear Mr. Goetsch:

Pursuant to R.I. Gen. Laws §20-10-5, the above-referenced aquaculture lease application was brought before the RI Marine Fisheries Council's (hereafter "Council" or "RIMFC) Shellfish Advisory Panel (SAP) on April 29, 2020. At that meeting, the SAP found the proposal to be inconsistent with competing uses engaged in the exploitation of marine fisheries in the area. At the request of the applicant, the application was then brought before the full Council on June 1, 2020.

At the Council's June 1, 2020 meeting, the Council considered the recommendation of the SAP, as well as additional input from you, on behalf of the applicant, and several members of the public. Information presented to the Council confirmed that the location of the proposed lease is used by both recreational and commercial fishermen throughout the year for harvesting lobsters, whelk, and finfish, with particular emphasis on fixed-gear pot fisheries. For those reasons, the Council found the proposal to be inconsistent with competing uses engaged in the exploitation of marine fisheries in the area, and therefore recommends that the application, as proposed, be denied by the CRMC.

Sincerely,

Robert I. Ballou

Robert Ballou, Chair
RIMFC

Cc:RIMFC membership
Janet Coit, DEM Director
Jason McNamee, DEM Associate Director
Conor McManus, Deputy Chief, Division of Marine Fisheries





RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

DIVISION OF MARINE FISHERIES

3 Fort Wetherill Road
Jamestown, RI 02835

DIVISION OF FISH AND WILDLIFE

277 Great Neck Road
West Kingston, RI 02892



July 15, 2020

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

Re: MacAndrew Application #2019-05-061

Dear Mr. Goetsch:

The Rhode Island Department of Environmental Management, through the Division of Marine Fisheries (DMF) and the Division of Fish and Wildlife (DWF), has received and reviewed the application submitted by Joseph T. MacAndrew for a proposed 10-acre aquaculture lease in Block Island Sound south of Napatree Point for cultivating sugar kelp (*Saccharina latissima*) during the winter months (November – April). The site is situated in waters deeper than 20 feet (MLW 21 feet and MHW 29 feet).

The DMF is aware that this location is essential fish habitat (EFH) for the following species according to the National Oceanic and Atmospheric Administration's Essential Fish Habitat Mapper (<https://www.habitat.noaa.gov/protection/efh/efhmapper/>): longfin inshore squid, spiny dogfish, albacore tuna, skipjack tuna, smoothhound shark complex, sand tiger shark, winter flounder, little skate, Atlantic herring, Atlantic cod, pollock, red hake, windowpane flounder, and winter skate. Given that the location for which the applicant has applied has not been sampled by state or federal surveys, there is some uncertainty associated with the EFH at this site. Winter flounder are the exception, as spawning activity happens during the winter months and the species is frequently caught in this location by recreational anglers. Nevertheless, no areas of hardbottom habitat or submerged aquatic vegetation are present within the proposed lease area.

As Department staff stated at the preliminary determination meeting held on February 21, 2019, the proposed kelp aquaculture site is located within an area important to waterfowl, especially sea ducks. Figures 1-3 show 'core-use' areas for White-Winged Scoters, Common Eider, and Black Scoters derived from satellite transmitter tracking of individual birds throughout the winter. Areas indicated as 50% core-use areas are primary habitat during winter months. The addition of a 10-acre kelp aquaculture operation will most likely exclude or 'take' habitat for birds, especially sea ducks, leading to unknown impacts to their populations. For more information from a wildlife expert, please refer to

the letter to CRMC from Dr. Peter August (URI Professor Emeritus of Natural Resources Science and Chair of the Napatree Point Conservation Area Science Advisors) dated June 15, 2019.

Furthermore, the DMF and experts from the University of Rhode Island attempted to work with the applicant to provide alternative locations suitable for the proposed activities. DMF met internally with DFW and Dr. Peter Paton (URI Professor of Natural Resource Science) on July 8th, 2019 to discuss suitable areas. DMF staff then met with Mr. McAndrew on July 11th, 2019 and suggested an area off Newport. The applicant expressed interest in the area but came back to DMF citing concerns over anchoring and engineering in that location, stemming from issues experienced at another nearby aquaculture site. DMF staff met with Mr. McAndrew again on September 24th, 2019 and recommended an area in the Sakonnet River and provided maps of the location (Figure 4 and 5) where impacts to habitat and wildlife would be minimized. The applicant again expressed interest in the area during discussions with staff, but ultimately decided to proceed with the original location proposed in the 2018-11-019 preliminary determination application. The Department strives to work with all applicants to determine areas that mitigate habitat, wildlife, and fisheries concerns while allowing their businesses to succeed. The Department made multiple attempts to work with the applicant to find alternative sites that would mitigate natural resource concerns, but these options were not pursued by the applicant.

In conclusion, the DMF and DFW believe that the adverse impacts to marine fisheries and wildlife and their habitat from this prospective kelp aquaculture site would be significant. On the basis of negative impacts to waterfowl, the DMF and DFW object to this application and the current proposal, specific to the location and specifications outlined in the application.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason E. McNamee". The signature is written in a cursive style with a large initial "J" and "M".

Jason McNamee,
Deputy Director for Natural Resources

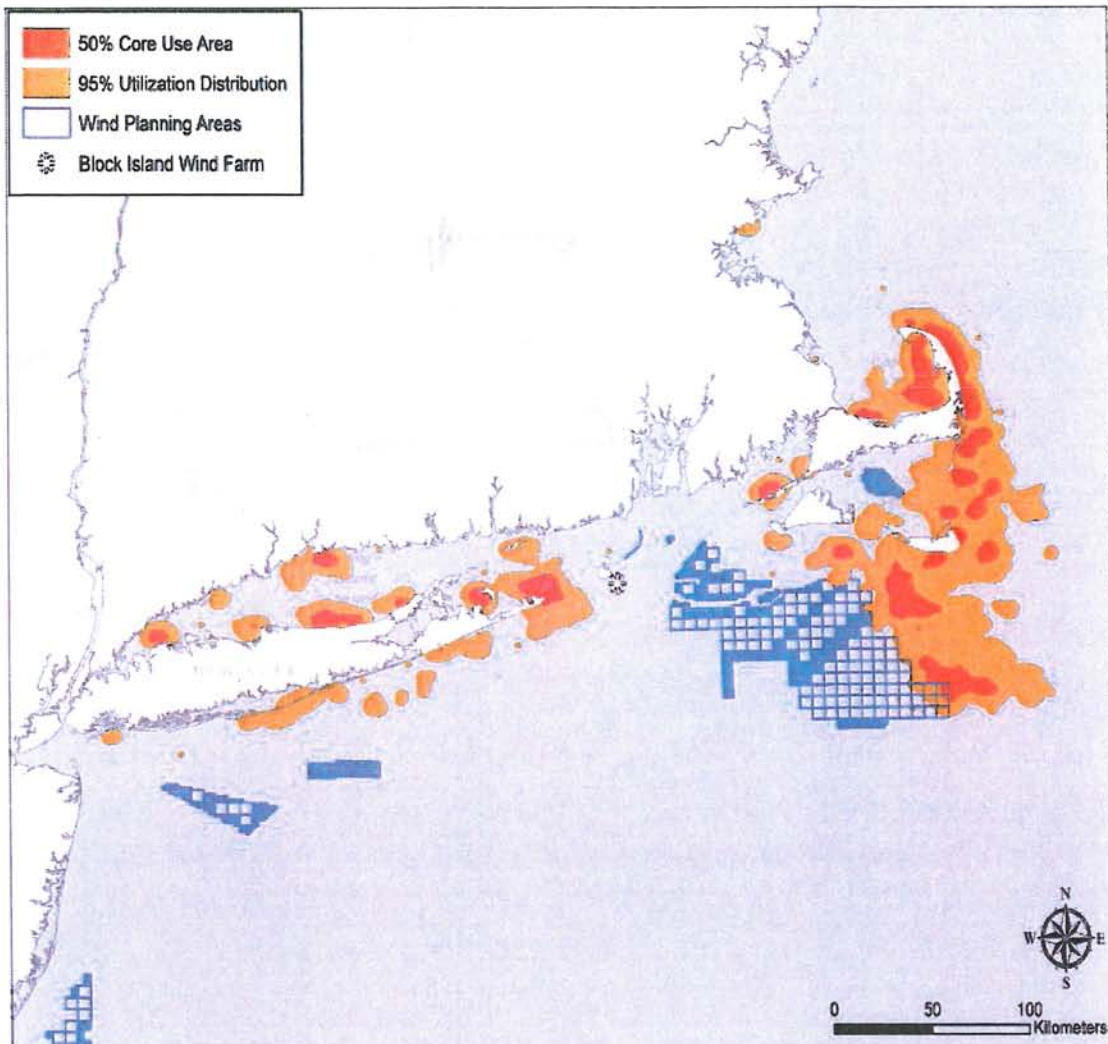


Figure 1. Figure from Meattley et al. (2019), White-Winged Scoter areas of use and population distribution within Southern New England and Long Island Sound.

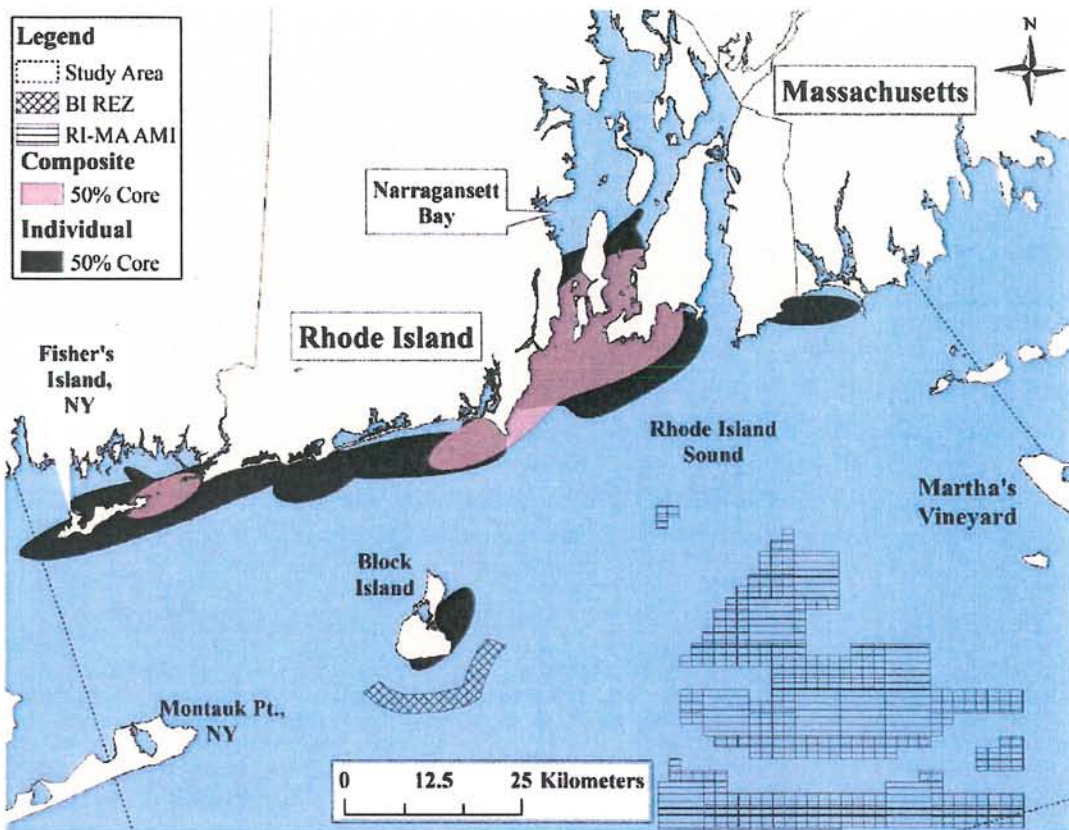


Figure 2. Figure from (Beuth et al. (2016), Common Eider distribution area within Rhode Island and Block Island Sound

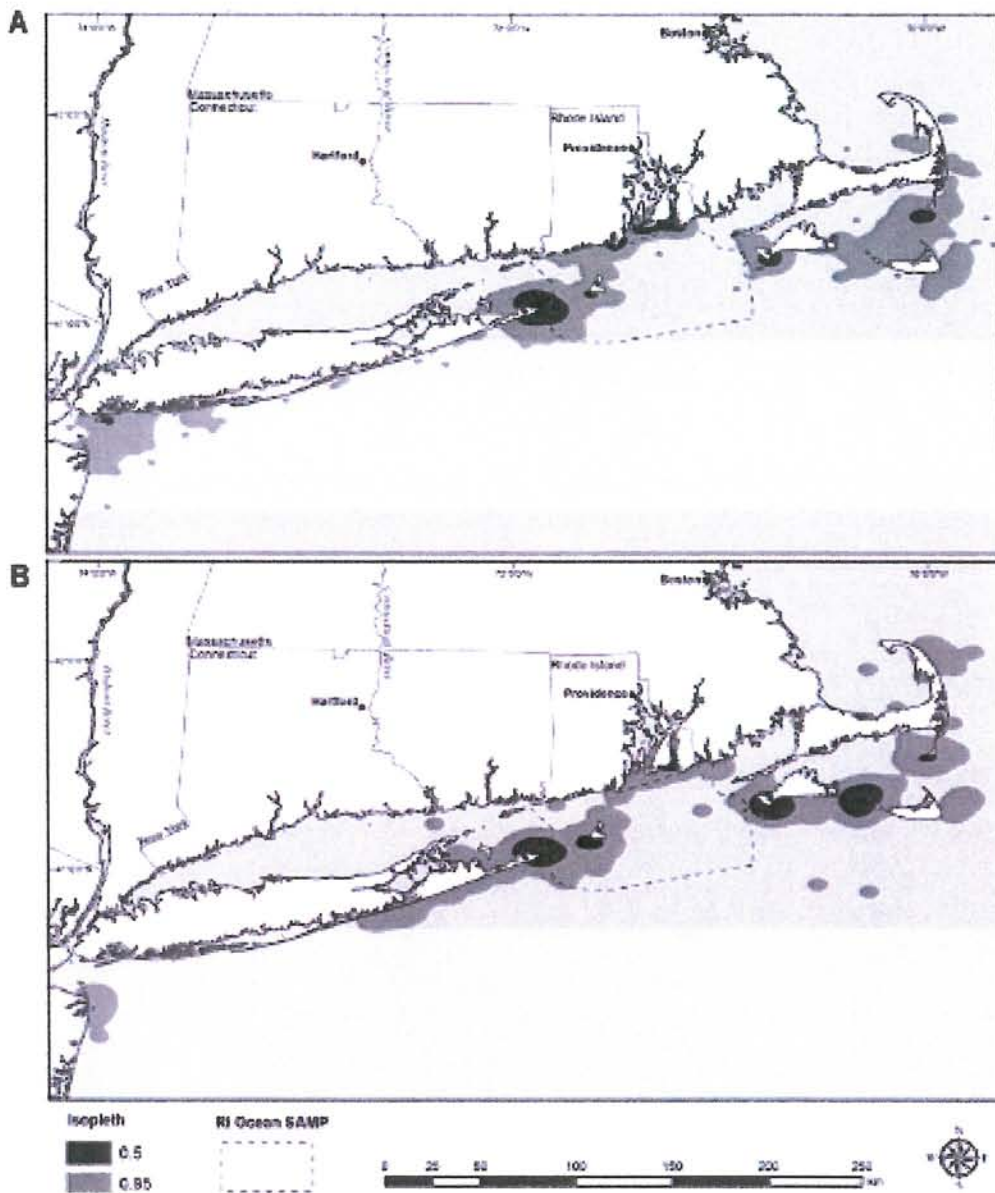


Figure 4. Composite kernel-based winter utilization distribution (light gray, 95% isopleth) and core-use areas (dark gray, 50% isopleth) of 28 satellite-tagged black scoters during 2010–2011 (A, top) and 10 black scoters during 2011–2012 (B, bottom) within the southern New England continental shelf study area, in relation to the Rhode Island Ocean Special Area Management Plan (RI Ocean SAMP) marine spatial planning area (dashed line).

Figure 3. Figure from Loring et al. (2014), Black Scoter distribution within southern New England and Long Island Sound.

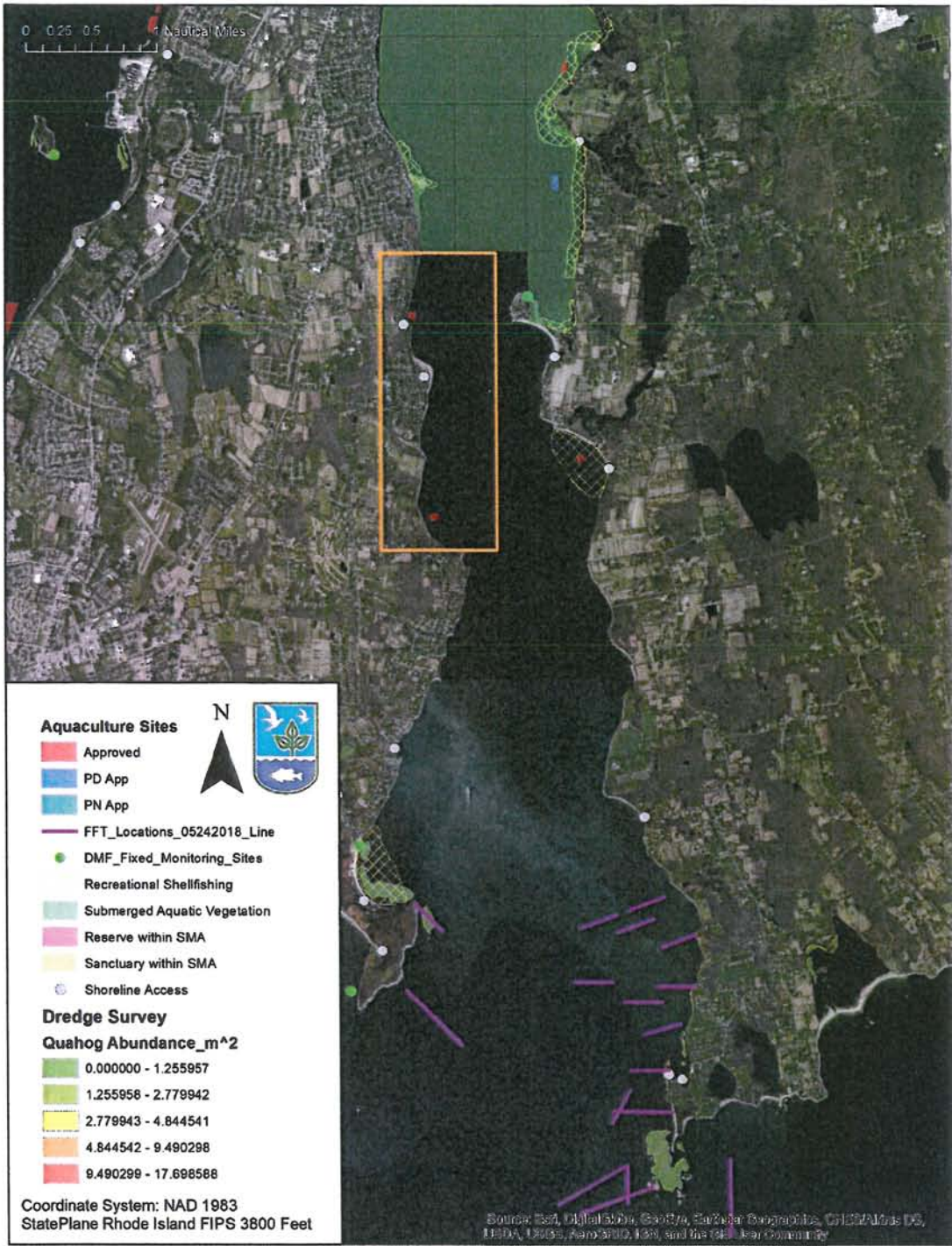


Figure 4. General area location recommended to applicant by DMF staff on 9/24/2019 showing aerial photography as base map

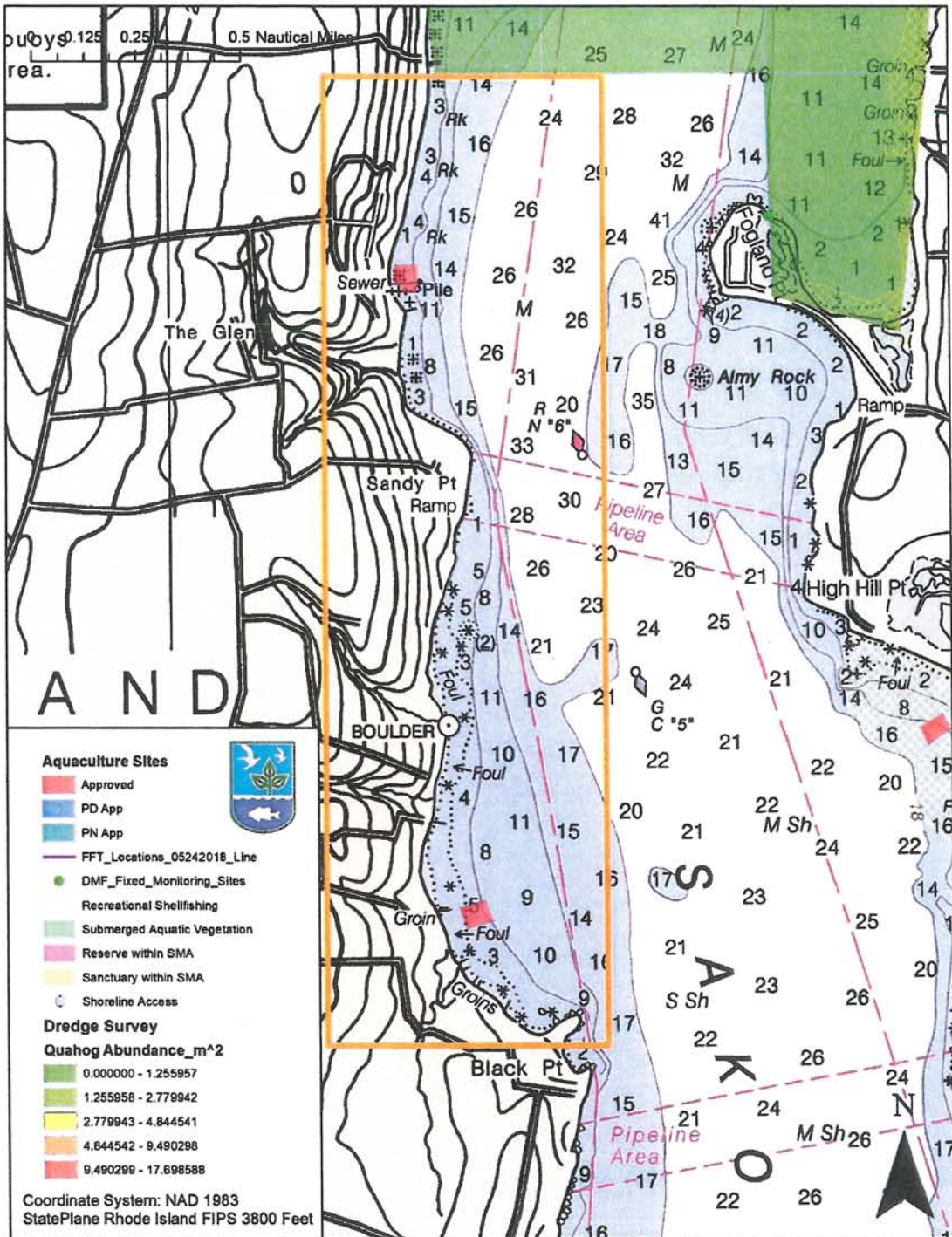


Figure 5. Closeup of general area location recommended to applicant by DMF staff on 9/24/2019 showing a nautical chart as base map

References:

- Meatley, D.E., S.R. McWilliams, P.W.C. Paton, C. Lepage, S.G. Gilliland, L. Savoy, G.H. Olsen, and J.E. Osenkowski. 2019. Resource selection and wintering phenology of White-winged Scoters in southern New England: Implications for offshore wind energy development. *Condor*.
- Beuth, J. M., S.R. McWilliams, P.W.C. Paton, and J.E. Osenkowski. 2016. Habitat use and movements of common eiders wintering in southern New England. *The Journal of Wildlife Management*. 40(3):1276-1286.
- Loring, P. H., P.W.C. Paton, J.E. Osenkowski, S.G. Gilliland, J.P.L Savard, and S.R. McWilliams. 2014. Habitat use and selection of black scoters in southern New England and siting of offshore wind energy facilities. *The Journal of Wildlife Management*. 78(4):645-656.



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: 2019-05-061

Applicant: G. MacAndrew

Town: Westerly

Response Date: 5/30/19

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 Section 220 of the Coastal Resources Management Plan. If you have any questions, please contact Jeff Emidy, Project Review Coordinator, or Charlotte Taylor, Senior Archaeologist, at this office.

Very truly yours,

J. Paul Loether
Executive Director, RIHPHC
State Historic Preservation Officer





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: 2019-05-061 Date: May 17, 2019

This office has under consideration the application of:

Joseph T. MacAndrew
 1 Sosa Lane
 Westerly, RI 02891

for a State of Rhode Island Assent to construct and maintain: a ten acre seasonal (November 1 through April 30) sugar kelp farm in Block Island Sound south of Napatree Point

Project Location:	Block Island Sound
City/Town:	Westerly
Plat/Lot:	/
Waterway:	Block Island Sound

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 June 17, 2019.

PS3



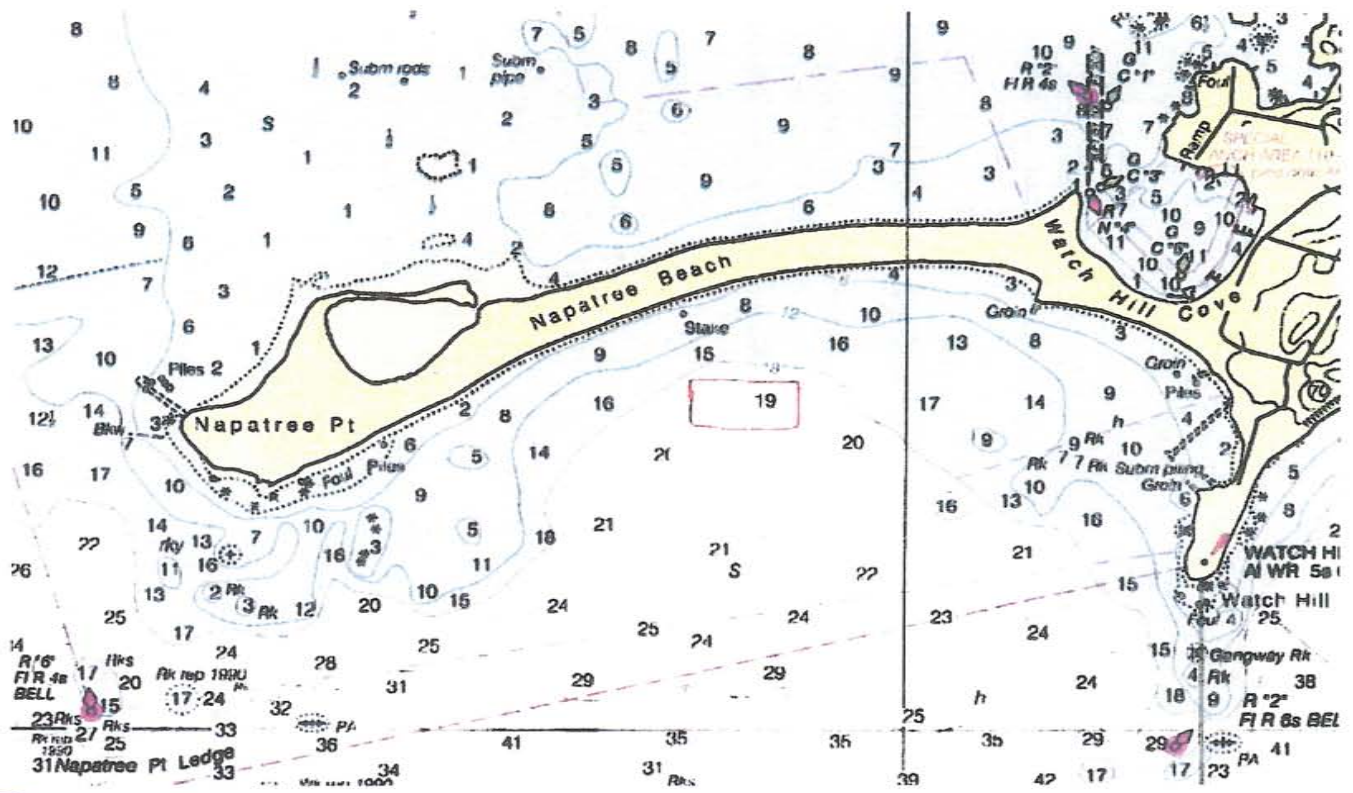
Location of Proposed Kelp Farm

May 15, 2019

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PS4

Kelp Farm Depth Contour Map



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MANAGEMENT COUNCIL

May 15, 2019

From: Lisa Turner <lturner@crmc.ri.gov>
Sent: Friday, May 17, 2019 11:09 AM
To: Benjamin Delaney, Planning Associate, Westerly; Cynthia Drummond, The Westerly Sun ; David Murphy, Bldg Official; David Thompson, Westerly Town Assessor; Donna Giordano, Westerly TC; Frank Hall Boatyard; James Steadman, Harbor Management Commission; Joseph V. Paliotta, Westerly; Mark Rooney, Westerly Town Manager; Mary Leblanc, Westerly; Nathan Reichert, Zoning Official, Westerly; Paul Corina, Westerly Public Works; Phil Capaldi; Sheila McGauvran, Westerly Town Engineer; Walter Reynolds; William Conley, Esq; Westerly Town Solicitor; Alison Kates, NRPA Program Coordinator; Amy Rose Weinreich, Charlestown TC; 'Andrew Nota, Jamestown Town Administrator'; 'Bruce Eastman, RISA'; 'C. Brown, DBEngineers'; Carol Wordell, Little Compton Town Clerk; 'Charlotte Taylor'; Cheryl Fernstrom, Jamestown TC; 'Chris Church, Reporter'; 'Christine Andrews, QDC'; Colin Howard, Independent RI -- South Kingstown; Dale Holberton South Kingstown TC; David Latham; 'David Murdock'; David Prescott, Save the Bay; 'Deborah Mongeau, Librarian'; 'Dennis Erkan, RIDEM F&W'; 'Emilie Holland'; 'Eric Schneider, RIDEM Fish and Wildlife'; Glenn Modica; James Bessette, Editorial Assistant; Jean Bellm, Exec Asst, Barrington; Jeanne Spencer, Tiverton Town Clerk's Office; Jeannette Alyward, North Kingstown TC; 'Jeffrey Gardner'; Jennifer M. West , Portsmouth TC; Jerry Elmer , Esq, CLF; 'John Torgan'; 'John Williams, Warwick Cove Marina'; 'Jonathan F. Stone, Exec Dir'; 'Jude Zeh'; Julie Coelho Warren TC; Kathy & Steve Jacques; Kathy & Steve Jacques; 'Kendra L. Beaver, Esq, Save the Bay'; Kim A. Casci-Palangio, East Prov CC; Laura C. Swistak, City Clerk, Newport; 'Lawrence Taft, Exec Dir'; Leigh Carney, Town Clerk; Liz Boardman; Louis P. Cirillo, Bristol Town Clerk; Lyn Pagliarini, Warwick City Clerk; Maria Wall Cranston TC; 'Matt Gineo, Oldport Marine'; Matt O'Brien, AP Reporter; Matthew Enright, Independent RI -- Narragansett; Meg Kerr, Audubon Society of RI; Melanie Jewett Army, AICP, RIDOT; Meredith J. DeSisto, Barrington TC; 'Michael McGiveney'; Mike Jarbeau, Save The Bay; Nancy Mello, Tiverton TC; 'Neal Personeus, RIDEM'; Nick Donadio; 'Peter A. Healey'; 'Peter M. Vieira, Marine Construction'; Providence City Clerk; Richard Goldstein Pawtucket TC; 'Richard Kalunian'; 'Robert Lyons, Ocean House Marina'; Rodman R. Black Jr. HIIA; 'Scott Briggs, Librarian'; Taylor Bell (Taylor.M.Bell@usace.army.mil); 'Thomas R. Evans, State Librarian'; 'tim rockwell'; Wendy J. W. Marshall, Middletown TC
Subject: CRMC Public Notice -- MacAndrew, Westerly
Attachments: 2019-05-061 MacAndrew Westerly.pdf

Please Note: Comments must be submitted before June 17, 2019

Lisa A. Turner

Office Manager

Coastal Resources Management Council

O S Government Center

4808 Tower Hill Road, Rm 116

Wakefield, RI 02879

(401)783-3370



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From: Dave Beutel <dbeutel@crmc.ri.gov>
Sent: Friday, May 17, 2019 10:21 AM
To: 'Alison Verkade - NOAA Federal'; 'Steve Medeiros'; 'Azure Cygler'; 'Robert Rheault'; 'Robert Ballou'; 'Rich Fuka'; mclamdigger@aol.com; 'Dennis Erkan'; 'Prescott, David'; 'Leavitt, Dale'; seabrown58@gmail.com; 'Jim Arnoux'; 'Dave Reis'; 'Jeff Grant'; 'Jeff Gardner'; 'Jody King'; 'Katie Eagan'; kurt.blanchard@dem.ri.gov; 'Michael A. Rice'; 'Rich Hittinger'; FVThistle@verizon.net; dmontifish@verizon.net; 'Rick Bellavance'; cgreinstrategies@gmail.com; lad0626@aol.com; 'Catherine White'; 'John Torgan'; dean.hoxsie@dem.ri.gov; 'LeBlanc, Edward G CIV'; cindy.hannus@dem.ri.gov; 'Jerry Carvalho'; 'Phil Capaldi'; marcapcar@icloud.com; marcapcar@me.com; michaelaonosko@gmail.com; john_crosson@watkinson.org; dacapaldi@aol.com; mmcapaldi@aol.com; jschickler@cox.net; suemarinaro@me.com; traceydistefano@gmail.com; travisbarao@gmail.com; mroderick@towndock.com; maridee2@gmail.com; Taylor.M.Bell@usace.army.mil; dacapaldi@aol.com; mmcapaldi@aol.com; 'Ed'; buddhajay108@yahoo.com; 'Kenneth Murgo'; mike@watchhilloutfitters.com; 'Peter August'; Janice Sassi; Main, Robin L.; bruce@lolobag.com; Joseph MacAndrew; johnmoretta@westerlyri.gov
Cc: 'Janet Coit'; 'Jason McNamee'; 'Osenkowski, Jay (DEM)'; psozek@lighttower.com; 'Mcmanus, Conor (DEM)'; 'Livermore, Julia (DEM)'; 'Dick Pastore'; 'Mike Jarbeau'; 'Todd Corayer'; traceydistefano2013@gmail.com; 'Lisa Turner'; 'Gerry Schey'; davidclatham@gmail.com; 'Jeff Grant'; buddhajay108@yahoo.com; ppaton@uri.edu; bdelaney@westerlyri.gov; Jennifer Harrington
Subject: ten acre seasonal kelp farm
Attachments: 2019 MacAndrew.pdf

This application for a ten acre seasonal sugar kelp farm south of Napatree Point begins thirty day public notice today. Please provide comments to CRMC by June 17, 2019.

David Beutel
Coastal Resources Management Council
Aquaculture Coordinator
Oliver Stedman Government Center
4808 Tower Hill Road
Wakefield, RI 02879
401-783-3370

r



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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

6/26/2019

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

Dear Mr. Beutel,

I am writing in reference to the Public Notice application request by Joseph T MacAndrew for a ten-acre seasonal sugar kelp farm in Block Island Sound off Napatree Point (File number: 2019-05-061). The proposed location for this site is in waters approved for shellfish harvesting located in the Offshore GA14W shellfish classification area in the town of Westerly however Sugar Kelp is not a regulated species under the National Shellfish Sanitation program

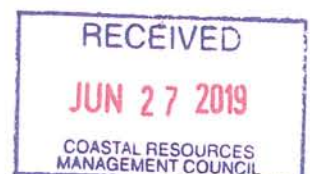
Neither a RIPDES permit nor a Water Quality Certificate is required for the proposed facility. Please call me at 222-4700, Ext. 7241 if you have any questions.

Sincerely,

Lucinda M. Hannus

Lucinda M. Hannus,
Sr. Environmental Scientist
RI DEM
Office of Water Resources – Shellfish Program

cc Angelo Liberti
Conor McManus
Dennis Erkan
Julia Livermore





COASTAL INSTITUTE

The Coastal Institute
Narragansett Bay Campus
University of Rhode Island
Narragansett, RI 02882

Phone (401) 874-6513

Fax (401) 874-6869

Email jswift@uri.edu

www.ci.uri.edu

June 16, 2019

Mr. David Beutel
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

Dear Mr. Beutel:

The Coastal Institute is committed to serving as a "neutral setting where knowledge is advanced, issues discussed, information synthesized, and solutions developed for the sustainable use and management of coastal ecosystems." In keeping with our mission, I have no objection to kelp farming per se, but in this instance, the Coastal Institute's commitment to climate resilience compels me to voice opposition to the development of a 10-acre, privately owned kelp aquaculture operation off the beach on Napatree Point (CRMC File # 2019-05-061). The attached resolution authored and approved by The Watch Hill Conservancy thoroughly articulates my objections.

Moreover, the URI Coastal Institute has designated the Napatree Point Conservation Area as a Climate Response Demonstration Site. There are only three such demonstration sites in Rhode Island. The Coastal Institute has invested substantially in Napatree for several years to showcase effective stewardship of the land as a means to adapt our coastal ecosystems to sea level rise and intensification of storm impacts. We produced video documentaries highlighting Napatree stewardship as a testament to the excellent scientifically informed management that applied at Napatree as a model for similar sites along the Atlantic seashore

(<https://thewatchhillconservancy.org/gallery/video/>).

The Watch Hill Conservancy is modeling excellence in fragile ecosystem stewardship. Locating a kelp farm less than 1,000 feet off the Napatree shore endangers the site and its value as a model of coastal management. Given the projected increase in the frequency of intense storms in the next few decades, the infrastructure required for a kelp farm in such a high-energy site is destined to destroy the ecological and aesthetic value of this environmental treasure. Associated detritus will negatively impact climate response policy. The kelp farm will serve as a planned disaster since it is not a matter of "if" debris will end up on the Napatree shore; instead, it is a matter of "when."

The URI Coastal Institute urges you to protect this model Climate Response Demonstration Site by denying the application for a kelp farm lease off the Napatree shore.

Please inform me as to when a Coastal Resources Management Council hearing is scheduled. I would like to convey my sentiments in person.

Sincerely,

Judith Swift
Director
URI Coastal Institute



**A Resolution
To Protect the Napatree Point Conservation Area**

Whereas, the Napatree Point Conservation Area is a natural area for all of the public to enjoy¹; and

Whereas, the iconic coastscape of Napatree Beach is one of the most pristine in our region²; and

Whereas, Napatree is designated as a Globally Important Bird Area by the Audubon Society³ and as a Climate Response Demonstration Site by the URI Coastal Institute⁴; and

Whereas, Napatree is home to many state and federally protected species of birds and other wildlife (e.g., Piping Plover, Osprey, American Oystercatcher, Least Tern, Diamondback Terrapin)⁵; and

Whereas, more than 10,000 visitors enjoy Napatree's shores and viewsapes each year⁶; and

Whereas, the local natural beauty and coastal viewscape (listed in the official State of RI Scenic Landscape Inventory database²), and public access thereto, of which Napatree is a crown jewel, is vital to the local economy⁷; and

Whereas, the Napatree shoreline has one of Rhode Island's highest wave energies during storms (USACE NACCS database⁸), thus there is significant risk that lines, anchors, buoys and kelp will be displaced to our beaches; and

Whereas, the proposed 10-acre kelp farm that is less than 1,000 feet off the Napatree shore, will ruin the iconic Napatree viewscape⁹, diminish critical winter bird habitat¹⁰, and create biosecurity concerns; and

Whereas, we strongly oppose the concept of allowing a single individual who stands to benefit financially at the expense of an irreplaceable natural resource that serves the greater public good; and

Whereas, it can be expected that if one aquaculture permit is allowed, more will follow. Thereby, any adverse impacts to this irreplaceable natural resource would be greatly magnified; so


Therefore, Be it Resolved, we the undersigned oppose the application for a kelp farm off the Napatree shore and urge the RI Coastal Resources Management Council to deny this application.

Jocelyn Lahey



Executive Director
The Watch Hill Conservancy

Janice Sassi



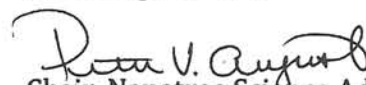
Manager
Napatree Point Conservation Area

Deborah Lamm



Chairman
The Watch Hill Conservancy

Peter August, Ph.D.

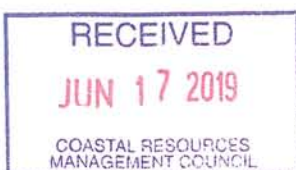


Chair, Napatree Science Advisors
University of Rhode Island



Sources

- 1 *Westerly Land Records. 2013. Conservation Easement Between the Watch Hill Fire District and The Watch Hill Conservancy. Recorded January 7, 2014. Book 2014, Page 340, Doc# 00000102*
- 2 *RIGIS 2019. Scenic Landscape Inventory Metadata. Available online at <https://www.arcgis.com/sharing/rest/content/items/47335178326a4ca0b5a23185731c24d7/info/meta>*
- 3 *<https://www.audubon.org/important-bird-areas>*
- 4 *<https://ci.uri.edu/ci-projects/support-of-primary-research/demonstration/>*
- 5 *<http://www.dem.ri.gov/programs/bnatres/fishwild/swap/sgcncomm.pdf>*
- 6 *Sassi, J., K. Rogers, and P. August. 2017. Reynold Larsen Bird Surveys: A Long-term Monitoring Resource. In (Janice M. Sassi, Editor) State of Napatree Report 2017. The Watch Hill Conservancy, Westerly, RI*
- 7 *Rogers, K. 2017. Visitor Activity of Napatree: 2017. In (Janice M. Sassi, Editor) The State of Napatree Report 2017. The Watch Hill Conservancy. Available online at www.tinyurl.com/ntpca-SoN*
- 8 *<https://www.ecori.org/green-economy/2018/4/10/rhode-islands-forests-home-to-plenty-of-bucks>*
- 9 *<https://www.nad.usace.army.mil/CompStudy/>*
- 10 *§ 1.1.6.G.1.c.5: Substantive objection to impact to scenic values*
- 11 *§ 1.2.1.B.2.a: CRMC goal to protect scenic values in Class 1 waters*
- 12 *§ 1.2.1.B.2.f: Applicants need to mitigate impacts on scenic quality*
- 13 *§ 1.2.2.A.1.a.4: Protect scenic value of beaches*
- 14 *§ 1.3.1.A.1.k: Applicant's demonstration to minimize adverse scenic impact*
- 15 *http://www.crmc.ri.gov/samp_ocean/finalapproved/TechRep11a-PatonAvianRept.pdf*





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Robin L. Main
Direct Dial 401-457-5278
rmain@haslaw.com

June 9, 2020

Aquaculture Coordinator
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

**Re: Coastal Resources Management Council Aquaculture Application No. 2019-05-061
in the matter of Joseph T. MacAndrew**

Dear Sir or Madam:

This firm represents The Watch Hill Conservancy concerning its substantive objections to Joseph T. MacAndrew's (the "Applicant") application to the Coastal Resources Management Council (the "Council") for a 10-acre kelp farm located at Napatree Point, Westerly, Rhode Island (the "Application").

On June 17, 2019, The Watch Hill Conservancy filed a Motion to Intervene and Supporting Memorandum in this matter together with three comment letters concerning the Application (collectively, the "Objection"). The Applicant never opposed the Motion to Intervene, and as of the date of this correspondence, the Motion has not been ruled upon by the Council.

The Watch Hill Conservancy submits that this matter became a contested case under the Council's rules and regulations when it submitted the Objection. *See* Management Procedures of the Coastal Resources Management Council, 650-RICR-10-00-1, 1.5.1(F) ("In the event that ... formal written objection ... is received by the ... Council from an interested party and said formal written objection ... is substantiated by genuine and material reason ..., the matter shall then become a contested case ..., whereupon a public hearing may be scheduled...."). We also believe that this Application should go before a Subcommittee. As you know, the Council insures that all parties are afforded an opportunity to be heard at a public hearing before a duly authorized and appointed Subcommittee in contested cases. *Id.* at § 1.5.2.



Aquaculture Coordinator
June 9, 2020
Page 2

The Watch Hill Conservancy wishes to participate as a party at the hearing(s) on the Application and introduce evidence concerning the negative impacts the Applicant's project will have on the Napatree Point Conservation Area - its scenic character, its wildlife, and the quality of marine habitats in surrounding waters. In this regard, The Watch Hill Conservancy plans to present expert and lay testimony at the hearing if it is made a party to this matter.

The Watch Hill Conservancy therefore respectfully requests that the Council rule on its Motion to Intervene at a hearing prior to any other proceedings, including at Subcommittee, on the Application so The Watch Hill Conservancy will know if it will be permitted to present evidence as an intervenor at the Applicant's hearing. Until the Motion to Intervene is decided, The Watch Hill Conservancy cannot effectively prepare for the Applicant's hearing and needs to know - as would be fair here -- whether it should prepare its evidence as an intervenor. As such, The Watch Hill Conservancy respectfully requests that the Council rule on the Motion to Intervene prior to scheduling any hearing on the Application.

Thank you for your attention to this matter. Please do not hesitate to contact me with any questions.

Very truly yours,



Robin L. Main

RLM/ss





Andrew S. Tugan
atugan@hinckleyallen.com
Direct Dial: 401-457-5146

June 17, 2019

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

Re: The Watch Hill Conservancy's Substantive Objections to Application for 10 acre kelp farm at Napatree Point, Westerly, Rhode Island, submitted by Joseph MacAndrew, No. 2019-05-061 (the "Application")

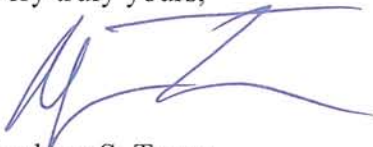
Dear Messrs. Fugate and Beutel:

This firm represents The Watch Hill Conservancy concerning the Application. Enclosed please find:

- The Watch Hill Conservancy's Motion to Intervene and Supporting Memorandum;
- The Watch Hill Conservancy's comment letter concerning the Application;
- Peter V. August, Ph.D's comment letter on behalf of Napatree Point Conservation Area Science Advisors; and
- Janice M. Sassi's comment letter on behalf of Napatree Point Conservation Area.

Please do not hesitate to contact me with any questions.

Very truly yours,



Andrew S. Tugan

Enclosures

**STATE OF RHODE ISLAND
COASTAL RESOURCES MANAGEMENT COUNCIL**

IN THE MATTER OF:

JOSEPH T. MACANDREW


CRMC File No.: 2019-05-061

**THE WATCH HILL CONSERVANCY'S
MOTION TO INTERVENE**

The Watch Hill Conservancy moves to intervene in this matter concerning Joseph T. MacAndrew's application for a kelp farm located at Napatree Point (the "Project"). In support of its motion, The Watch Hill Conservancy relies upon its supporting memorandum and attached exhibit.

Respectfully submitted,

The Watch Hill Conservancy

By: 
Robin L. Main (#4222)
Andrew S. Tugan (#9117)
Hinckley, Allen & Snyder LLP
100 Westminster Street, Suite 1500
Providence, RI 02903
(401) 274-2000
(401) 277-9600 (fax)

Dated: June 17, 2019



CERTIFICATE OF SERVICE

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

Anthony De Sisto, Esq.
Anthony DeSisto Law Associates
450 Veterans Memorial Parkway, Suite 103
East Providence, RI 02914

Joseph T. MacAndrew
1 Sosa Lane
Westerly, RI 02891

I hereby certify that I mailed the within document in quadruplicate to the CRMC in Wakefield, Rhode Island on June 17, 2019



Andrew S. Tugan



**STATE OF RHODE ISLAND
COASTAL RESOURCES MANAGEMENT COUNCIL**

IN THE MATTER OF:

JOSEPH T. MACANDREW

CRMC File No.: 2019-05-061

**THE WATCH HILL CONSERVANCY'S MEMORANDUM IN SUPPORT
OF ITS MOTION TO INTERVENE**

The Watch Hill Conservancy moves to intervene in this matter concerning Joseph T. MacAndrew's application for a kelp farm located at Napatree Point (the "Project"). The Watch Hill Conservancy is uniquely situated compared to other entities that have concerns about the Project. It is a Rhode Island nonprofit corporation that holds a conservation easement over Napatree Point. Its very purpose is to preserve Napatree Point's scenic and natural characteristics – something Mr. MacAndrew's project would harm if approved. Unlike many other situations in which objectors to an application or project assert that they will suffer injuries common to the general public, here, The Watch Hill Conservancy has an affirmative right —and obligation — to preserve and protect Napatree Point. The Project is immediately adjacent to Napatree Point and Napatree Point is the parcel of land that will be most affected by the Project. Accordingly, The Watch Hill Conservancy seeks to intervene in this matter to participate as a party and to introduce evidence concerning the negative impacts the Project will have on Napatree Point, its scenic character, and the wildlife that occupy Napatree Point and adjacent areas.

I. BACKGROUND

The Watch Hill Conservancy is a Rhode Island nonprofit corporation that is dedicated to the conservation of Napatree Point in Westerly, Rhode Island. In furtherance of that purpose,



The Watch Hill Conservancy is the Grantee under a conservation easement dated October 31, 2013 (the "Conservation Easement"). Exhibit 1, October 31, 2013 Conservation Easement, recorded on January 7, 2014 in the Westerly, R.I. land evidence records at Book 2014, Page 340. As Grantee under the Conservation Easement, The Watch Hill Conservancy has an obligation to limit the use of land on Napatree Point in order to preserve its natural and scenic condition. More specifically, the "Protected Property" as defined in the Conservation Easement is the approximately 60 acre parcel of land located on Napatree Point described in Exhibit A to Exhibit

1. The Conservation Easement exists to:

assure that the Protected Property will be retained forever in its current natural and scenic condition; to protect any rare plants, animals, or plant communities on the Protected Property; and to prevent any use of the Protected Property that will significantly impair or interfere with the conservation values of the Protected Property.

Pursuant to the Conservation Easement, The Watch Hill Conservancy has the right to:

- "preserve and protect the conservation values of the Protected Property;"
- "prevent any activity on or use of the Protected Property that is inconsistent with the purpose of this Conservation Easement;"

Ex. 1, Section 4. In addition, the Conservation Easement entitles The Watch Hill Conservancy, "at its option, to standing before appropriate courts of law to pursue remedies or other matters which are necessary or incidental to the protection of the property which is subject to this Conservation Easement." Ex. 1, Section 10.4.

Napatree Point is located directly adjacent to the Mr. MacAndrew's proposed aquaculture project. Napatree Point is the most southern and western point in Rhode Island. It consists of a pristine, low-lying barrier beach that is nearly one mile long. Based on the application submitted to the Rhode Island Coastal Management Resources Council ("CRMC"), Mr. MacAndrew



intends to install a 10 acre kelp farm. As shown in the photographs included in the Application, the proposed kelp farm will be approximately 1,000 feet from Napatree Point.

II. LEGAL STANDARD

The CRMC Management Procedures permit individuals to intervene in any proceeding on the grounds that: 1) the person is entitled by law to the status of a party; 2) the person could have been a complainant in such proceedings; or 3) the person has a complaint or defense which has a question of law or fact in common with the main proceeding. 650-RICR-10-001 1.1(E)(2). “To satisfy the standing requirement a complaining party must allege such a personal stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues.” *Watson v. Fox*, 44 A.3d 130, 135 (R.I. 2012) (internal quotations omitted). This requires the person seeking to intervene to allege injury in fact. *E. Greenwich Yacht Club v. Coastal Res. Mgmt. Council*, 376 A.2d 682, 684 (1977) (“The question is whether the person whose standing is challenged has alleged an injury in fact ... if he has, he satisfies the requirement of standing.”) (quoting *Rhode Island Ophthalmological Soc. v. Cannon*, 317 A.2d 124, 129 (1974)). The alleged injury must be concrete, particularized and actual or imminent – it may not be speculative or conjectural. *Watson* 44 A.3d at 135-36. The Rhode Island Supreme Court has consistently required that the person’s alleged injury must be “‘particularized’ and that he must ‘demonstrate that he has a stake in the outcome that distinguishes his claims from the claims of the public at large.’” *Id.* (quoting *Bowen v. Mollis*, 945 A.2d 314, 317 (R.I. 2008)).

III. ARGUMENT

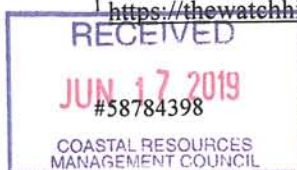
The Watch Hill Conservancy is entitled to party status in this matter for at least two reasons. First, the Project will directly, adversely impact the scenic and pristine nature of Napatree Point. See 650-RICR-20-00-01 § 1.3.1(A)(1)(k) (requiring consideration of scenic



impacts). The presence of a ten-acre kelp farm, complete with more than 100 buoys, will clutter the otherwise unobstructed views from Napatree Point to the south and into the Atlantic Ocean. The Napatree Point conservation area is open to the public, and the presence of buoys from the Project will affect the public's enjoyment of Napatree Point. The Watch Hill Conservancy's interest – and harm – is more concrete and more specific. Because The Watch Hill Conservancy's purpose is to preserve the scenic character of Napatree Point specifically (and not coastal areas generally), it is uniquely affected by the Project. In addition, pursuant to the Conservation Easement, the Watch Hill Fire District and The Watch Hill Conservancy agreed that The Watch Hill Conservancy will engage in efforts to protect Napatree Point's scenic character. Ex. 1, Section 10.4. While the Project is not situated on the physical beaches of Napatree Point, it would be situated less than a quarter of a mile from those beaches and would be visible looking south from Napatree Point.

Second, the Project will likely harm protected avian populations directly adjacent to Napatree Point. *See* 650-RICR-20-00-01 § 1.3.1(A)(1)(e) (requiring consideration of impact on plant and animal life). Loons and sea ducks use Napatree Point and the surrounding waters. The Project will negatively affect these local avian populations by disturbing sea duck and loon populations during periods of the year (winter) when populations are high. The Watch Hill Conservancy's purpose is to preserve the natural environment of Watch Hill and manage the barrier beach on Napatree Point.¹ Moreover, one of the purposes of the Conservation Easement is to “protect any rare plants, animals, or plant communities” on Napatree Point. Ex. 1, Section 1. The Conservation Easement also prohibits the introduction of non-native animals, or “any change in the natural habitat in any manner.” Ex. 1, Section 2.3. The Rhode Island Ocean

¹ <https://thewatchhillconservancy.org/about-us/mission/>



Special Area Management Plan (“OSAMP”) specifically designates areas off of Napatree Point as an Area Designated for Preservation because sea ducks forage there and this area has significant ecological value. 650 RICR 020-05-11 § 11.10.3. Any potential negative impact on sea ducks must be stopped.

These negative impacts from the Project located only about 1000 feet from Napatree Point will substantially interfere with the purpose of the Conservation Easement, which recognizes that Napatree Point has significant natural, habitat, scenic and open space values that should be preserved. And each of these impacts is specific to The Watch Hill Conservancy, which is the Grantee under the Conservation Easement and is dedicated to the preservation of Napatree Point.

The Watch Hill Conservancy is charged with protecting Napatree Point and the Project will be situated directly adjacent to Napatree Point. It is the single entity most affected by the Project and the Project’s impacts may seriously affect the property that The Watch Hill Conservancy seeks to protect. The Watch Hill Conservancy alleges specific, concrete injuries: negative impacts on bird populations at Napatree Point and disruption of scenic views from Napatree Point. The Watch Hill Conservancy has standing to intervene in this matter.

IV. CONCLUSION

For these reasons, The Watch Hill Conservancy respectfully requests that the CRMC grant The Watch Hill Conservancy’s motion to intervene and permit The Watch Hill Conservancy to participate in this matter as a party.



Respectfully submitted,

The Watch Hill Conservancy

By: 

Robin L. Main (#4222)
Andrew S. Tugan (#9117)
Hinckley, Allen & Snyder LLP
100 Westminster Street, Suite 1500
Providence, RI 02903
(401) 274-2000
(401) 277-9600 (fax)

Dated: June 17, 2019

CERTIFICATE OF SERVICE

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

Anthony De Sisto, Esq.
Anthony DeSisto Law Associates
450 Veterans Memorial Parkway, Suite 103
East Providence, RI 02914

Joseph T. MacAndrew
1 Sosa Lane
Westerly, RI 02891

I hereby certify that I mailed the within document in quadruplicate to the CRMC in Wakefield, Rhode Island on June 17, 2019

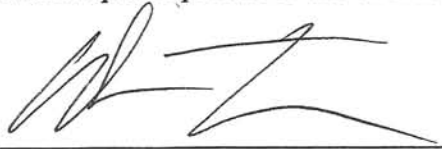
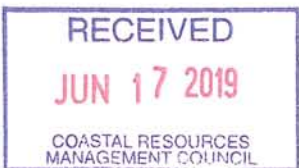

Andrew S. Tugan



EXHIBIT 1



CONSERVATION EASEMENT

This DEED OF CONSERVATION EASEMENT is made this 31st day of October,

2013.

WITNESSETH:

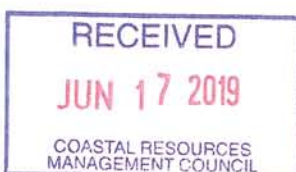
WHEREAS, the WATCH HILL FIRE DISTRICT, a Rhode Island non-profit corporation with offices located at 222 Watch Hill Road, Watch Hill, Westerly, Rhode Island, hereinafter called the "Grantor," is the owner in fee simple of certain real property, hereinafter called the "Protected Property," which has ecological, scientific, educational and aesthetic value in its present state as a natural area which has not been subject to development or exploitation since 1938, which property is known as Napatree Point and also as the Napatree Point Conservation Area and is located in the Watch Hill Fire District, Town of Westerly, County of Washington and State of Rhode Island and is more particularly described in Exhibit A attached hereto and incorporated by this reference; and

WHEREAS, THE WATCH HILL CONSERVANCY is a nonprofit corporation incorporated under the laws of the State of Rhode Island as a tax exempt public charity under Section 501(c)(3) and 509(a)(1) of the Internal Revenue Code of 1986, as amended, and the regulations thereunder (the "Code"), qualified under section 170(h) of the Code and Section of Title, Chapter of the Rhode Island General Laws, 1956, as amended (the "RIGL"), to receive qualified conservation contributions, and having its headquarters at 222 Watch Hill Road, Watch Hill, Rhode Island 02891, hereinafter referred to as the "Grantee," whose purpose is to preserve natural areas for scientific, charitable, educational and aesthetic purposes; and

WHEREAS, the Protected Property has significant natural, habitat, scenic and open space values (the "conservation values"); and

WHEREAS, the Protected Property is a significant natural area, a barrier beach, identified (as documented by the Easement Documentation Report) by the United States Fish and Wildlife Service as qualifying as a "significant coastal habitat", by the Rhode Island Natural Heritage Foundation and the Audubon Society of Rhode Island as "a unique natural area" and as one of the most important migratory bird feeding and resting stopover points on the East Coast and by the Rhode Island Natural History Survey as "...a standout in its ecological value..."; and

WHEREAS, the Protected Property consists of varied natural barrier beach community types and is the habitat for a wide variety of plant and animal species, including, as noted by the Rhode Island



Natural History Survey, some 154 species of birds, among them, the American oystercatcher (on Rhode Island's *Concern* list), the great egret (on Rhode Island's *Concern* list), the horned lark (on Rhode Island's *Concern* list), the least tern (on Rhode Island's *Threatened* list), the marsh wren (on Rhode Island's *Concern* list), the northern harrier (on Rhode Island's *Endangered* list), the osprey (on Rhode Island's *Concern* list), the peregrine falcon (on the Federal *Endangered* list), the piping plover (on the Federal *Threatened* list), the roseate tern (on the Federal *Endangered* list), the seaside sparrow (on Rhode Island's *Concern* list), the sora rail (on Rhode Island's *Concern* list), the willet (on Rhode Island's *Concern* list), and the winter wren (on Rhode Island's *Concern* list); and

WHEREAS, accordingly, the Protected Property constitutes a significant natural area which qualifies as a "...relatively natural habitat of wildlife, or plants, or similar ecosystem," and protection of the Property will meet the requirements of Section 170(h)(4)(A)(ii) of the Code; and

WHEREAS, preservation of the Protected Property is for the scenic enjoyment of the general public, and will yield a significant public benefit, specifically, for recreation not inconsistent with such preservation and for ecological research and education; and

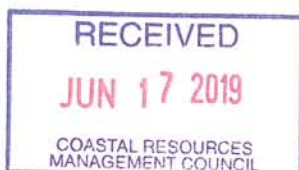
WHEREAS, the State of Rhode Island has authorized the creation of Conservation Easements pursuant to the provisions of Title 34, Chapter 39 of the RIGL, and Grantor and Grantee wish to avail themselves of the provisions of that law; and

WHEREAS, accordingly, preservation of the Protected Property is pursuant to federal, state and local governmental conservation policy and will yield a specific public benefit, specifically for the management of the federally *threatened* piping plover, *Charadrius melodus*, and other species of concern; and

WHEREAS, the specific conservation values of the Protected Property are documented in an Easement Documentation Report, prepared by Grantee and signed and acknowledged by the Grantor, establishing the baseline condition of the Protected Property at the time of this grant and including reports, maps, photographs, and other documentation; and

WHEREAS, the Grantor and Grantee have the common purpose of conserving the above-described conservation values of the Protected Property in perpetuity; and

WHEREAS, the Protected Property is to be designated "The Chaplin B. Barnes Napatree Point Conservation Area":



NOW, THEREFORE, the Grantor, for and in consideration of the facts above recited and of the mutual covenants, terms, conditions and restrictions herein contained and as an absolute and unconditional gift, does hereby give, grant, bargain, sell and convey unto the Grantee a Conservation Easement in perpetuity over the Protected Property of the nature and character and to the extent hereinafter set forth.

1. Purpose. It is the purpose of this Conservation Easement to assure that the Protected Property will be retained forever in its current natural and scenic condition; to protect any rare plants, animals, or plant communities on the Protected Property; and to prevent any use of the Protected Property that will significantly impair or interfere with the conservation values of the Protected Property. Grantor intends that this Conservation Easement will confine the use of the Protected Property to such activities as are consistent with the purpose of this Conservation Easement.

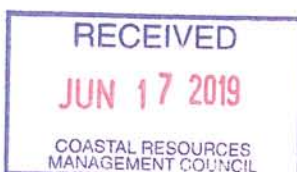
2. Prohibited Uses. Any activity on or use of the Protected Property inconsistent with the purpose of this Conservation Easement is prohibited. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited except as provided in paragraph 3 below:

2.1 There shall be no constructing or placing of any building, tennis or other recreational court, landing strip, fence, sign, pavement (pervious or impervious), antenna, utility pole, tower, conduit, line, docks, piers or any other temporary or permanent structures or facilities on the Protected Property.

2.2 There shall be no ditching, draining, diking, filling, excavating, dredging, mining or drilling, removal of topsoil, sand, gravel, rock, minerals or other materials, nor any building of roads or change in the topography of the land in any manner.

2.3 There shall be no removal, destruction or cutting of trees, shrubs or plants, planting of non-native trees, shrubs or plants, use of fertilizers, introduction of non-native animals, grazing of domestic animals, or disturbance or change in the natural habitat in any manner.

2.4 There shall be no use of pesticides or biocides, including but not limited to insecticides, fungicides, rodenticides, and herbicides.



2.5 There shall be no storage or dumping of ashes, trash, garbage, or other unsightly or offensive material, hazardous substance, or toxic waste, nor any placement of underground storage tanks in, on, or under the Protected Property; there shall be no changing of the topography through the placing of soil or other substance or material such as land fill or dredging spoils

2.6 There shall be no pollution, alteration, depletion or extraction of surface water, natural water courses, lakes, ponds, marshes, subsurface water or any other water bodies, nor shall there be activities conducted on the Protected Property or on adjacent property if owned by Grantor, which would be detrimental to water purity, or which could alter natural water level and/or flow in or over the Protected Property.

2.7 There shall be no operation of mountain or other bicycles, snowmobiles, dune buggies, motorcycles, all-terrain vehicles, hang gliders, aircraft, or any other types of mechanized vehicles, no launching from any shore of commercial or recreational motorized or kite-propelled vessels, including but not limited to waterskiing, jet skiing and kite-boarding, no hang gliders, no horseback riding, no hunting or shooting, nor shall the Protected Property be used for any commercial recreational activity inconsistent with the ecological preservation contemplated herein.

2.8 There shall be no activities that would endanger the Piping Plover breeding habitat as outlined in Section III of the Guidelines For Managing Recreational Activities In Piping Plover Breeding Habitat On The U.S. Atlantic Coast To Avoid Take Under Section 9 Of The Endangered Species Act (Northeast Region, U.S. Fish and Wildlife Services April 15, 1994) (copy included in the Easement Documentation Report).

3. Grantor's Reserved Rights. The Grantor hereby reserves the following rights:

3.1 The right to undertake or continue any activity or use of the Protected Property not prohibited by this Conservation Easement as long as such activities are consistent with the purpose of this Conservation Easement and the protection of the conservation values of the Protected Property. Specifically reserved rights include, but are not limited to, the access to the Protected Property by foot or by vehicles for the purposes of medical or safety emergencies, law enforcement or in exercise of other rights reserved herein, including but not limited to the



management of dunes, pathways, etc., the erection of signs relating to safety, conservation and visitor information, the installation of fencing, boardwalks and bird nesting platforms; and the installation of railings, netting or other safety measures as needed at the remains of Fort Mansfield. Prior to making any change in use of the Protected Property, the Grantor shall notify the Grantee in writing allowing Grantee to determine whether such change would violate the terms of this Conservation Easement.

3.2 The right to sell, give, mortgage, lease, or otherwise convey the Protected Property, provided such conveyance is subject to the terms of this Conservation Easement and written notice is provided to Grantee in accordance with paragraph 12 below.

3.3 The right to manage and maintain the dunes and the remains of Fort Mansfield as they currently exist on the Protected Property, as identified in the Easement Documentation Report. Said reserved right includes actions taken to make the remains safe, even if such action results in the expansion of structure, and the dismantling and/or burying of the remains with dredge spoil or other suitable fill.

3.4 The right to cut, treat with environmentally approved herbicides and remove diseased trees, shrubs, or plants, invasive species and to cut firebreaks, subject to the prior written approval of Grantee pursuant to paragraphs 3.6 and 4.5 below, except that such approval shall not be required in the case of emergency firebreaks.

3.5 Grantor and Grantee acknowledge that the exercise of any reserved right enumerated herein by the Grantor shall not relieve Grantor from complying with or obtaining any permit from any applicable governmental authority prior to the exercise thereof.

3.6 Grantor and Grantee acknowledge that a Memorandum of Understanding exists between the Grantor and the U.S. Fish & Wildlife Service and that the Grantor intends to abide by the said memorandum (copy included in the Easement Documentation Report).

3.7 The right to take whatever action that is reasonably necessary to maintain vehicular and foot access to the Protected Property from the east, as shown on Exhibit A, to repair and return to prior status any breach of the Protected Property by flooding or erosion due to storm or other cause and to manage the beach and dunes of the Protected Property.

4. Grantee's Rights. To accomplish the purpose of this Conservation Easement, the following rights are conveyed to Grantee by this Conservation Easement:



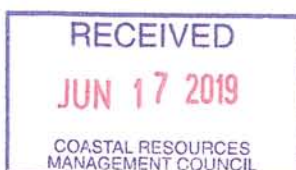
4.1 Preservation. The right to preserve and protect the conservation values of the Protected Property.

4.2 Right of Entry. The right to enter the Protected Property at all reasonable times and with prior notice and, if necessary, across other lands retained by the Grantor, for the purposes of: (a) inspecting the Protected Property to determine if the Grantor is complying with the covenants and purposes of this Conservation Easement; (b) enforcing the terms of this Conservation Easement; (c) taking any and all actions with respect to the Protected Property as may be necessary or appropriate, with or without order of court, to remedy or abate violations hereof; (d) making scientific and educational observations and studies and taking samples in such a manner as will not disturb the quiet enjoyment of the Protected Property by the Grantor; and (e) monitoring and management as described below.

4.3 Monitoring and Management. The right, but not the obligation, to monitor the condition of the rare plant and animal populations, plant communities, and natural habitats on the Protected Property, to manage them, if necessary, to ensure their continued presence and viability on the Protected Property and to cooperate and share management with other conservation entities such as the U.S. Fish & Wildlife Service, the Rhode Island Department of Environmental Management, the Rhode Island Coastal Resources Management Council, the Audubon Society of Rhode Island or The Nature Conservancy. Such activities shall be in accordance with management practices of Grantee. Any such management activities shall be set forth in a written management plan, to be reviewed by the Grantor.

4.4 Enforcement. The right to prevent any activity on or use of the Protected Property that is inconsistent with the purpose of this Conservation Easement and to require the restoration of such areas or features of the Protected Property to the condition that existed prior to the activity complained of that may be damaged by any inconsistent activity or use, pursuant to paragraph 10.

4.5 Discretionary Consent. Grantee's consent for activities otherwise prohibited under paragraph 2 above, or for any activities requiring Grantee's consent under paragraph 3.1 above, may be given under the following conditions and circumstances. If, owing to unforeseen or changed circumstances, any of the activities listed in paragraph 2 are deemed desirable by Grantor and Grantee, Grantee may, in its sole discretion, give permission for such



activities, subject to the limitations herein. Such requests for permission, and permission for activities requiring Grantee's consent under paragraph 3.1, shall be in writing and shall describe the proposed activity in sufficient detail to allow Grantee to judge the consistency of the proposed activity with the purpose of this Conservation Easement. Grantee may give its permission only if it determines, in its sole discretion, that such activities (1) do not violate the purpose of this Conservation Easement and (2) either enhance or do not impair the conservation values of the Protected Property. Notwithstanding the foregoing, the Grantee and Grantor have no right or power to agree to any activities that would result in the termination of this Conservation Easement or to allow any residential, commercial or industrial structures or any commercial or industrial activities not provided for above.

5. Access. The Protected Property has been accessible and used by the general public, as described in the Easement Documentation Report, and shall continue to be accessible and used by the general public as long as such public accessibility and use is consistent with the ecological preservation contemplated herein. Said accessibility and use by the general public is also subject to any and all laws, statutes, rules and regulations promulgated by the federal government, the State of Rhode Island and the Town of Westerly.

6. Costs and Liabilities. Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep and maintenance of the Protected Property, including the maintenance of adequate comprehensive general liability insurance coverage. Grantor shall keep the Grantee's interest in the Protected Property free of any liens arising out of any work performed for, materials furnished to or obligations incurred by Grantor.

Grantor agrees to release, hold harmless, defend and indemnify Grantee from any and all liabilities including, but not limited to, injury, losses, damages, judgments, costs, expenses and fees which Grantee may suffer or incur as a result of or arising out of the activities of Grantor on the Protected Property.

Grantee agrees to release, hold harmless, defend and indemnify Grantor from any and all liabilities including, but not limited to, injury, losses, damages, judgments, costs, expenses and fees which Grantor may suffer or incur as a result of or arising out of the activities of Grantee on the Protected Property.



Grantee shall establish and maintain, for the duration of this Conservation Easement, a separate account ("Conservation Easement Monitoring and Enforcement Fund") of liquid assets, the sole purpose of which is to defend against any potential violations of the terms of this Conservation Easement. In addition, the Grantee agrees to defend the Protected Property, along with the Grantor, against third parties whose actions violate or might violate the terms of this Conservation Easement, as it has done in the past. The amount of funds to be retained in these accounts shall be reasonable and consistent with amount held by other land trusts in similar situations.

7. Taxes. The Grantor agrees to pay any real estate taxes or other assessments levied on the Protected Property. If the Grantor becomes delinquent in payment of said taxes or assessments, such that a lien created against the land is to be executed upon, the Grantee, at its option, shall, after written notice to the Grantor, have the right to purchase and acquire the Grantor's interest in said Protected Property by paying funds to discharge said lien or delinquent taxes or assessments, or to take such other actions as may be necessary to protect the Grantee's interest in the Protected Property and to assure the continued enforceability of this Conservation Easement.

8. Title. The Grantor covenants and represents that the Grantor is the sole owner and is seized of the Protected Property in fee simple and has good right to grant and convey the aforesaid Conservation Easement; that the Protected Property is free and clear of any and all encumbrances, including but not limited to, any mortgages not subordinated to this Conservation Easement, and that the Grantee shall have the use of and enjoy all of the benefits derived from and arising out of the aforesaid Conservation Easement.

9. Hazardous Waste. The Grantor covenants and represents that to the best of Grantor's knowledge no hazardous substance or toxic waste exists nor has been generated, treated, stored, used, disposed of, or deposited in or on the Protected Property, and that there are not now any underground storage tanks located on the Protected Property except for the possibility of buried munitions located in and around the remains of Fort Mansfield.

10. Grantee's Remedies. In the event that the Grantee becomes aware of a violation of the terms of this Conservation Easement, the Grantee shall give notice to the Grantor, at Grantor's last known post office address, of such violation via certified mail, return receipt



requested, and request corrective action sufficient to abate such violation and restore the Protected Property to its previous condition at the time of this grant, although the parties hereto are not prohibited from introducing other evidence. Grantor agrees that the Easement Documentation Report shall be deemed to provide objective information concerning the Protected Property's condition at the time of this grant. Failure by the Grantor to cause discontinuance, abatement or such other corrective action as may be requested by Grantee within thirty (30) days after receipt of such notice shall entitle Grantee to bring an action at law or equity in a court of competent jurisdiction to enforce the terms of this Conservation Easement; to require the restoration of the Protected Property to its previous condition; to enjoin such non-compliance by ex parte temporary or permanent injunction in a court of competent jurisdiction; and/or to recover any damages arising from such noncompliance. Such damages, when recovered, may be applied by the Grantee, in its sole discretion, to corrective action on the Protected Property. If such court determines that the Grantor has failed to comply with this Conservation Easement, Grantor shall reimburse Grantee for any reasonable costs of enforcement, including costs of restoration, court costs and reasonable attorneys fees, in addition to any other payments ordered by such court.

10.1 Emergency Enforcement. If Grantee, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the conservation values of the Protected Property, Grantee may pursue its remedies under this paragraph without prior notice to Grantor or without waiting for the period for cure to expire.

10.2 Failure to Act or Delay. The Grantee does not waive or forfeit the right to take action as may be necessary to insure compliance with this Conservation Easement by any prior failure to act and Grantor hereby waives any defense of laches with respect to any delay by the Grantee, its successors or assigns, in acting to enforce any restriction or exercise any rights under this Conservation Easement.

10.3 Violations Due to Causes Beyond Grantor's Control. Nothing herein shall be construed to entitle the Grantee to institute any enforcement proceedings against the Grantor for any changes to the Protected Property due to causes beyond the Grantor's control, such as changes caused by fire, flood, storm, earthquake or the unauthorized wrongful acts of third persons. In the event of violations of this Conservation Easement caused by unauthorized



wrongful acts of third persons or entities, at Grantee's option, Grantor agrees to assign its right of action to Grantee, to join in any suit, and/or to appoint Grantee its attorney-in-fact for the purposes of pursuing enforcement action.

10.4 Standing. By virtue of Grantee's acquisition of rights under this Conservation Easement, it shall be entitled, at its option, to standing before appropriate courts of law to pursue remedies or other matters which are necessary or incidental to the protection of the property which is subject to this Conservation Easement.

11. Parties Subject to Easement. The covenants agreed to and the terms, conditions, and restrictions imposed by this grant shall not only be binding upon the Grantor and Grantee but also their lessees, agents, personal representatives, successors and assigns, and all other successors to Grantee and Grantor in interest and shall continue as a servitude running in perpetuity with the Protected Property.

12. Subsequent Transfers. The Grantor agrees that the terms, conditions, restrictions and purposes of this grant or reference thereto will be inserted by Grantor in any subsequent deed or other legal instrument by which the Grantor divests either the fee simple title or possessory interest in the Protected Property; and Grantor further agrees to notify Grantee of any pending transfer at least thirty (30) days in advance. The failure of the Grantor to perform any act required by this paragraph shall not impair the validity of this Conservation Easement or limit its enforceability in any way, nor shall such failure impair the validity of any transfer.

13. Right of First Refusal. The Grantor hereby gives to the Grantee a Right of First Refusal to purchase the Protected Property. The conditions of this Right of First Refusal shall be such that whenever the Grantor receives a bona fide written offer to purchase all or any part of the Protected Property, Grantor shall deliver to the Grantee, by certified mail, return receipt requested, a duplicate original of the written offer, together with such other instruments as may be required to show the bona fides of the offer. The Grantee may elect to purchase the Protected Property at the offered price and upon such other terms and conditions not less favorable to the Grantor than those contained in the offer by giving to the Grantor by certified mail, return receipt requested, written notice of such election within ninety (90) days after delivery of the offer to the Grantee. The Grantee's failure to elect to exercise a particular right to purchase the Protected



Property when offered shall not affect the continued existence or enforceability of this Right of First Refusal as it may apply to other portions of the Protected Property subsequently offered or to successors in interest to the Grantor and such successors in interest shall be bound thereby.

14. No Extinguishment Through Merger. Grantor and Grantee herein agree that should The Watch Hill Conservancy come to own all or a portion of the fee interest in the Protected Property, (i) The Watch Hill Conservancy as successor in title to Grantor shall observe and be bound by the obligations of Grantor and the restrictions imposed upon the Protected Property by this Conservation Easement, as provided in paragraph 2; (ii) this Conservation Easement shall not be extinguished, in whole or in part, through the doctrine of merger in view of the public interest in its enforcement; and (iii) The Watch Hill Conservancy as promptly as practicable shall assign the Grantee's interests in this Conservation Easement of record to a qualified environmental organization as that term is defined in Section 170(h)(3) of the Code, which is organized and operated primarily for one of the conservation purposes specified in Section 170(h)(4)(A) of the Code in conformity with the requirements of this paragraph 14. Any instrument of assignment of this Conservation Easement or the rights conveyed herein shall refer to the provisions of this paragraph 14 and shall contain language necessary to continue it in force.

15. Amendment. In the event that the Protected Property is affected by unusual and unforeseen circumstances and conditions, Grantor and Grantee by mutual consent may amend this easement; provided that the amendment is not inconsistent with the conservation purpose of this easement; will not result in a net degradation of the conservation values of the Protected Property; will not affect the enforceability of the easement does not allow any new structures on the Protected Property beyond what is permitted by this Conservation Easement on its effective date; and is accomplished in compliance with any applicable state statute and with section 170(h) of the Code. Any such amendment shall be recorded in the official land records of the Town of Westerly, Rhode Island.

16. Assignment. The parties hereto recognize and agree that the benefits of this easement are in gross and assignable, and the Grantee hereby covenants and agrees that in the event it transfers or assigns the easement it holds under this indenture, the organization receiving the interest will be a qualified organization as that term is defined in Section 170(h)(3) of the



Code, which is organized and operated primarily for one of the conservation purposes specified in Section 170(h)(4)(A) of the Code, and Grantee further covenants and agrees that the terms of the transfer or assignment will be such that the transferee or assignee will be required to continue to carry out in perpetuity the conservation purposes which the contribution was originally intended to advance.

17. Extinguishment. The Grantor hereby agrees that at the time of the conveyance of this Conservation Easement to the Grantee, this Conservation Easement gives rise to a real property right, immediately vested in the Grantee, with a fair market value of said Conservation Easement as of the date of the conveyance that is at least equal to the proportionate value that this Conservation Easement at the time of the conveyance bears to the fair market value of the Protected Property as a whole at that time.

That proportionate value of the Grantee's property rights shall remain constant. When a change in conditions takes place, which makes impossible or impractical any continued protection of the Protected Property for conservation purposes, and the restrictions contained herein are extinguished by judicial proceeding, the Grantee, upon a subsequent sale, exchange or involuntary conversion of the Protected Property, shall not be entitled to any portion of the proceeds.

18. Eminent Domain. Whenever all or part of the Protected Property is taken in exercise of eminent domain by public, corporate, or other authority so as to abrogate the restrictions imposed by this Conservation Easement, the Grantor and the Grantee shall join in appropriate actions at the time of such taking to recover the full value of the taking and all incidental or direct damages resulting from the taking. All expenses incurred by the Grantor and the Grantee in such action shall be paid out of the recovered proceeds, with the remaining proceeds to be given to the Grantor.

19. The conveyance of this Conservation Easement by the Grantor to the Grantee shall not relieve Grantor of the obligation and responsibilities to obtain any and all applicable federal, state, and local governmental permits and approvals, if necessary, to exercise Grantor's retained rights and uses of the Protected Property.



20. Miscellaneous Provisions.

20.1 Severability. If any provision of this Conservation Easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Easement and the application of such provisions to persons or circumstances other than those as to which it is found to be invalid shall not be affected thereby.

20.2 Successors and Assigns. The term "Grantor" shall include the Grantor and the Grantor's heirs, executors, administrators, successors and assigns and shall also mean the masculine, feminine, corporate, singular or plural form of the word as needed in the context of its use.

20.3 Re-recording. The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Easement; for such purpose, the Grantor appoints the Grantee its attorney-in-fact to execute, acknowledge and deliver any necessary instrument on its behalf. Without limiting the foregoing, the Grantor agrees to execute any such instruments upon request.

20.4 Captions. The captions herein have been inserted solely for convenience of reference and are not a part of this Conservation Easement and shall have no effect upon construction or interpretation.

20.5 Counterparts. The parties may execute this instrument in two or more counterparts, which shall, in the aggregate, be signed by both parties; each counterpart shall be deemed an original instrument as against any party who has signed it. In the event of any disparity between the counterparts produced, the recorded counterpart shall be controlling.

20.6 Notices. Any notices required in this Conservation Easement shall be sent by registered or certified mail to the following address or such address as may be hereafter specified by notice in writing: Grantor: 222 Watch Hill Road, Westerly, RI 02891. Grantee: 222 Watch Hill Road, Westerly, RI 02891.

20.7 Compliance Certificates. Upon request by Grantor, Grantee shall within thirty (30) days execute and deliver to Grantor any document that may be requested by Grantor, including an estoppel certificate or compliance certificate, to certify to the best of Grantee's knowledge Grantor's compliance with any obligation of Grantor contained in this Conservation Easement or otherwise to evidence the status of this Conservation Easement. Grantor shall allow



access to Grantee adequate and within a sufficient time for Grantee to make a determination sufficient to enable the execution of such certificate.

20.8 Effective Date. Grantor and Grantee intend that the Conservation Easement arising hereunder to take effect on the day and year this Deed of Conservation Easement is recorded in the Land Evidence Records of the Town of Westerly, Rhode Island, after all required signatures have been affixed hereto. This Conservation Easement shall be timely recorded. Grantee may re-record this instrument or record any other instrument at any time as may be required to preserve its rights in this Conservation Easement.

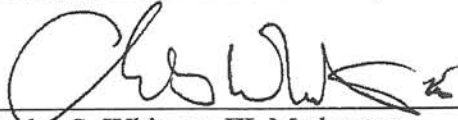
TO HAVE AND TO HOLD the said Conservation Easement unto the said Grantee forever.

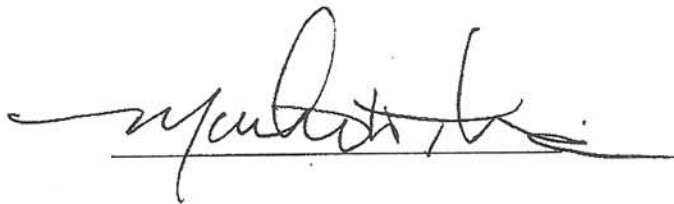
IN WITNESS WHEREOF, the Grantor has executed and sealed this document the day and year first above written.


Witness:



WATCH HILL FIRE DISTRICT, Grantor

By: 
Charles S. Whitman III, Moderator,
duly authorized




By: 
Grant G. Simmons III, Chairman, Parks
Commission, duly authorized

Witness:



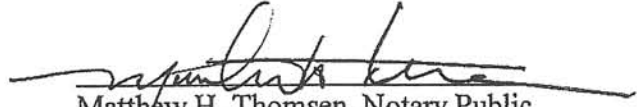
**THE WATCH HILL CONSERVANCY,
Grantee**

By: 
Chaplin B. Barnes, Vice President
duly authorized



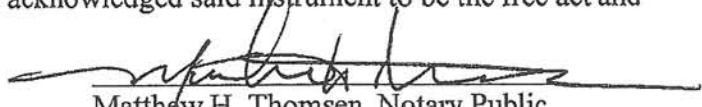
STATE OF RHODE ISLAND)
) SS: Westerly
COUNTY OF WASHINGTON)

On this 31st day of October, 2013, before me personally appeared CHARLES S. WHITMAN III and GRANT G. SIMMONS III, to me personally known, who, being by me duly sworn did say that they are the Moderator and Chairman of the Parks Commission of the Watch Hill Fire District, respectively; that the seal affixed to said instrument is the corporation seal of said corporation; and acknowledged said instrument to be the free act and deed of said corporation.


Matthew H. Thomsen, Notary Public
My Commission Expires: Jan. 27, 2014

STATE OF RHODE ISLAND)
) SS: Westerly
COUNTY OF WASHINGTON)

On this 21st day of October, 2013, before me personally appeared CHAPLIN B. BARNES, to me personally known, who, being by me duly sworn did say that he is the Vice President of The Watch Hill Conservancy; that the seal affixed to said instrument is the corporation seal of said corporation; and acknowledged said instrument to be the free act and deed of said corporation.


Matthew H. Thomsen, Notary Public
My Commission Expires: Jan. 27, 2014

RECEIVED
JUN 17 2019
COASTAL RESOURCES
MANAGEMENT COUNCIL

EXHIBIT A

Those certain pieces or parcels of land located westerly of Bay Street in the Town of Westerly, County of Washington and State of Rhode Island and being shown as Lots A, H, M, P, Q, R, S, T and V on a plan entitled "Conservation Easement Plan, Prepared For, watch Hill Fire District, The Chaplin B. Barnes Napatree Point Conservation Area, Bay Street, Westerly, Rhode Island, Scale 1"=300', January 2, 2014" prepared by Cherenzia & Associates LTD and containing in total 60.01 acres of land more or less, which plan is recorded immediately after this document.

DONNA L. GIORDANO MMC TOWN CLERK
WESTERLY, RI RET: M. Thomsen Esq

Conservation Easement Napatree Point Parcels 2.doc
RECEIVED December 31, 2013
JUN 17 2019
COASTAL RESOURCES

Official Receipt for Recording in:

Westerly Town Clerk
 45 Broad Street
 Westerly, Rhode Island 02891

Issued To:

ORSINGER NARDONE LALLO THOMSEN
 42 GRANITE STREET
 PO BOX 558
 WESTERLY RI 02891

Recording Fees

Filing Type	Number	Volm	Page	Time	Recording Amount
Easement	00000102	02014	00340	02:11:36p	60.00
DR-WATCH HILL FIRE DISTRICT IN-WATCH HILL CONSERVANCY					
Historical Preservation State	00000102			02:11:36p	3.00
Historical Preservation Town	00000102			02:11:36p	1.00
Plat	20140002	02014	00002	02:13:48p	45.00
DR-WATCH HILL FIRE DISTRICT IN-BAY STREET					
Historical State Preservation-Plat	20140002			02:13:49p	3.00
Historical Town Preservation-Plat	20140002			02:13:49p	1.00
					113.00

Collected Amounts

Payment Type	Amount
Check	388
	113.00
	113.00

Total Received : 113.00
 Less Total Recordings: 113.00
 Change Due : .00

Thank You
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THE WATCH HILL CONSERVANCY
WATCH HILL, RHODE ISLAND



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Keith Killingbeck, Ph.D.
Howard Ginsberg, Ph.D.

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

17 June 2019

RE: The Watch Hill Conservancy's Substantive Objections to Application for 10 acre kelp farm at Napatree Point, Westerly, Rhode Island, submitted by Joseph MacAndrew, No. 2019-05-061 (the "Application")

Dear Messrs. Fugate and Beutel,

I am the President and Chairperson of The Watch Hill Conservancy, a Rhode Island not for profit corporation based in Westerly, Rhode Island. Formed in 1999, The Watch Hill Conservancy's stated purpose is the preservation of Napatree Point and it holds a conservation easement over approximately 60 acres of Napatree Point. Napatree Point is one of Rhode Island's scenic treasures, and The Watch Hill Conservancy seeks to preserve Napatree Point's natural beauty and the habitat that is home to numerous threatened and endangered avian species.

The purpose of this letter is to present The Watch Hill Conservancy's substantive objections to the Application and to request that this matter become a "contested" case that will be heard before the Coastal Resources Management Council ("CRMC"). We acknowledge that there can be many positive ecosystem services provided by kelp aquaculture when sited in appropriate coastal settings (Kim et al. 2015, 2017). However, the proposed kelp farm location, directly in front of the Napatree Point Conservation Area, is not an appropriate setting for the reasons described below.

One Bay Street · Westerly · RI · 02891 ·
401-823-9687
whconservancy@gmail.com



I. The Application threatens the purpose of The Watch Hill Conservancy's conservation easement.

The Watch Hill Conservancy is the Grantee under a conservation easement dated October 31, 2013 (the "Conservation Easement"). Exhibit 1, October 31, 2013 Conservation Easement, recorded on January 7, 2014 in the Westerly, R.I. land evidence records at Book 2014, Page 340. The Watch Hill Conservancy has the duty to limit the use of land on Napatree Point to preserve its natural and scenic condition. It does so in order to protect Napatree Point "for the scenic enjoyment of the general public." Ex. 1. More specifically, the "Protected Property" as defined in the Conservation Easement is the approximately 60 acre parcel of land located on Napatree Point described in Exhibit A to Exhibit 1. The Conservation Easement exists to:

assure that the Protected Property will be retained forever in its current natural and scenic condition; to protect any rare plants, animals, or plant communities on the Protected Property; and to prevent any use of the Protected Property that will significantly impair or interfere with the conservation values of the Protected Property.

Pursuant to the Conservation Easement, The Watch Hill Conservancy has the right to "preserve and protect the conservation values of the Protected Property;" and "prevent any activity on or use of the Protected Property that is inconsistent with the purpose of this Conservation Easement." Ex. 1, Section 4.

The Conservation Easement demonstrates a concerted effort between a municipal entity – The Watch Hill Fire District – and a not for profit corporation – The Watch Hill Conservancy – to preserve Napatree Point in as natural of a condition as possible. This includes prohibiting the construction of any structures (buildings, fences, pavement, piers, etc.), excavating or changing topography, removal of non-native plants, introduction of non-native animals, and operating any vehicles except for emergency purposes. Ex. 1, Section 2. The goal of the Conservation Easement is to preserve Napatree Point in the condition that it has been since the 1938 hurricane and to preserve its status as a Rhode Island scenic site for the enjoyment of the public (as discussed more fully below).

The Watch Hill Conservancy recognizes that the Application is for development in the waters adjacent to Napatree Point and not directly on Napatree Point. However, CRMC should consider the impacts on Napatree Point if the Application was granted, in whole or in part, and the extent to which an aquaculture development so proximate to (less than 1000 feet from) Napatree Point will affect the ecology and scenic character of the area. An aquaculture development will undermine the goals of the Conservation Easement by upsetting the natural ecology of the area in introducing 10 acres of kelp to a sandy bottomed area. It will undermine the goal of preserving Napatree Point's scenic condition by placing more than 100 buoys into an area just about 1000 feet off the land; clearly visible to the naked eye.

And the Application does little to justify the harm that it will cause. It is unclear if the proposed kelp farm will be economically viable, if it will create jobs, if it will improve Rhode Island's environment, or if it will have any tangible benefit to anyone but the Applicant. As Mr.



MacAndrew concedes in the Application “There is no ‘need’ for a kelp farm other than the economic and environmental enhancements for the community of Westerly.” But since the economic and environmental enhancements are not enumerated, CRMC is left with an Application that recognizes there is no need for the proposed development. Indeed Mr. MacAndrew stated in an interview with the Westerly Sun newspaper on May 26, 2019 “I don’t expect to make any money at it (kelp farm).” Exhibit 2, May 26, 2019 Westerly Sun article. This negates any argument that the kelp farm will enhance economic development in the area. Mr. MacAndrew has not demonstrated need for the proposed activity as required under 650 RICR 020-00-1 (the “Red Book”) § 1.3.1.A.1.a.

II. The Application will harm sea duck and loon populations in conflict with the OSAMP.

If approved, the kelp farm will severely impact sea ducks and loons in the waters around Napatree Point. When it adopted Rhode Island Ocean Special Area Management Plan (“OSAMP”), CRMC specifically recognized impacts on sea ducks as an area of concern. 650 RICR 020-05-11 § 11.10.3. The waters off of Napatree Point (as well as other areas) were designated as “Areas Designated for Preservation” to preserve them for their ecological value. 650 RICR 020-05-11 § 11.10.3. CRMC specifically noted that sea duck foraging habitats are in waters less than 20 meters and designated those areas as “Areas Designated for Preservation” because of “their ecological value and the significant role these foraging habitats play to avian species.” Accordingly, any development in these waters, particularly a 10 acre development, should be scrutinized closely. Moreover, the Red Book requires Mr. MacAndrew to demonstrate that his project “will not result in significant impacts on the abundance and diversity of plant and animal life.” Red Book § 1.3.1.A.1.e. Finally, CRMC should consider these impacts in light of the Conservation Easement’s purpose to “protect any rare plants, animals, or plant communities” on Napatree Point. Ex. 1, Section 1.

Loons and sea ducks use Napatree Point and the surrounding waters and are found there in higher populations than other Rhode Island locations. Exhibit 3, Documents showing data concerning observations of quantities of sea ducks and loons off Napatree Point. These populations are highest in the winter months, which is when the kelp farm will be most active. The kelp farm itself will interfere with these avian populations and boat traffic to and from the kelp farm will disturb these species by causing them to take flight. This boat traffic will discourage birds in the area and will cause sea ducks and loons to be more physically active than necessary during times of the year when they tend to be weaker. These conclusions are supported by the work and analysis of Dr. Peter Paton, who has also submitted comments concerning the Application. CRMC cited Dr. Paton’s research and analysis heavily in its development of the OSAMP, particularly as it applies to impacts of development on avian species. Any potential negative impact on sea ducks and loons due to the Application must be prevented.

III. The Application will diminish Napatree Point’s unique scenic value.

If approved, the kelp farm directly off of Napatree Point will diminish Napatree Point’s scenic value, with little or no benefit to the State of Rhode Island. This contradicts the requirement that “measures have been taken to minimize any adverse scenic impact.” Red Book § 1.3.1.A.1.k. In



1987, the Rhode Island General Assembly directed the Department of Environmental Management (“DEM”) to “establish and maintain a list or inventory of areas within the state worthy of special designation as ‘scenic’ to include, but not be limited to, certain state roads or highways, scenic vistas, and scenic areas.” R.I. Gen. Laws § 42-17.1-2. In 1990, DEM released a comprehensive report listing Napatree Point and other sites as scenic sites within Rhode Island. Exhibit 4, “The Rhode Island Landscape Inventory: A Survey of the State’s Scenic Areas.” The report extensively details the methodology by which it selected sites. For example, the Salt Pond/Coastal Plain landscape (which includes Westerly) scores features based on whether they are distinctive, noteworthy, or common. “Distinctive landscapes are areas which have the highest visual appeal or ‘imageability’ and contain a great deal of variety in form, line, texture, and color in the land when evaluating the physiogeographic; historic, and cultural features.” Ex. 4. The report separately scores land features, land cover, coastal features, presence of ocean, water features, wetlands, and headlands. Importantly, the report notes that “undeveloped pristine barrier beaches” are considered distinctive, as are landscapes where “ocean dominates the landscape visually, audibly” and where “ocean breezes and salt air are definitely present.”

The report designated 135 sites in Rhode Island as “highly scenic sites.” Ex. 4, p. 35. Of those sites, only 62 were designated as “distinctive.” Napatree Point is one such landscape – described in the report as “sand spit & dunes w/ views to ocean & long island.” Ex. 4, p. 41. Critically, that report noted: “For some landscapes, no development may be the only acceptable approach in order to preserve and maintain the scenic quality of the area.” Ex. 4, p. 8. In the “Target Areas” section of the report, DEM recognized that “the greatest threat to areas of scenic quality are along the coastal areas in the Salt Pond/Coastal Plain Region, the Narragansett Bay Region, and large rural farmsteads in the Interior Upland Region.” Ex. 4, p. 36. The report recommended that “Appropriate measures for the preservation and maintenance of these highly scenic areas should be attempted by each city and town as soon as possible, if Rhode Island is to continue to preserve the scenic character of its landscape. Ex. 4, p. 36.

Since 1938, Napatree Point has remained completely undeveloped. It is now a pristine, more than 1 mile long barrier beach. Napatree Point is part of the Watch Hill Village historic district that is recorded in the National Register of Historic Places. *See* <http://www.preservation.ri.gov/register/riproperties.php> (Watch Hill Village, National Register of Historic Places, 1985). The Watch Hill Fire District and The Watch Hill Conservancy jointly work to maintain Napatree Point as a conservation area. There are no permanent structures on Napatree Point, no sidewalks, no boardwalks, and no vehicles of any type are allowed. While the public is allowed to use Napatree Point, it is kept in as close to a natural condition as possible.

Napatree Point has some of the most unfettered scenic views in all of Rhode Island. Views to the south from Napatree Point are completely unobstructed by man-made structures. Indeed the closest structure or landscape to the south of Napatree Point is Montauk Point on Long Island, NY. The introduction of any artificial obstructions to the vistas right off of Napatree Point would be significant. Particularly in one of the most highly valued scenic features, the open water. As the 1990 DEM report noted, “For some landscapes, no development may be the only acceptable approach in order to preserve and maintain the scenic quality of the area.” Ex. 4, p. 8.



Further, the CRMC regulations do not permit projects that result in “significant impacts to areas of historic and archaeological significance.” Red Book § 1.3.1.A.1.i.

The Application represents the type of threat to Rhode Island’s scenic character that DEM sought to avoid in studying and classifying Rhode Island’s scenic sites. The Application proposes to place as many as 33 sets of 435 foot longlines to grow kelp within the 10 acre project area. Each of these longlines will have marker buoys at the ends and additional buoys at approximately 100 foot intervals. The Application states that buoys may be placed at even more frequent intervals. Thus, the Application proposes to place as many as 150-200 buoys within the waters directly off Napatree Point. It is unclear from the Application how tall these buoys will be, as the Application notes in various places that buoys will be 12” tall, 12”-24” tall, and 16”-24” tall. This massive buoy structure would be clearly visible from shore by the naked eye. Whatever their height and number, placement of a large number of buoys in a completely unobstructed ocean landscape will be at best, distracting. At worst, it will seriously degrade Napatree Point’s highly scenic character, diminishing a Rhode Island resource and decreasing its value to tourists and Rhode Islanders alike.

IV. The Kelp Farm will reduce Napatree Point’s value to Rhode Islanders and tourists.

The Napatree Point Conservation Area receives considerable visitor traffic throughout the year but particularly from May through the October. The negative impacts from the kelp farm, both by limiting access from the water and on the Napatree Point scenery, could result in diminished visitor traffic to the conservation area.

The Watch Hill Conservancy has monitored and counted visitation for years and has reported such in its State of Napatree Reports (www.tinyurl.com/ntpca-son). In May 2017, there was an average of 150 visitors coming to Napatree each weekend day and 200 visitors per day in June (State of Napatree Report, 2017). Visitor activity rapidly increases as the summer progresses Exhibit 5, Data concerning visitor activity. On a warm summer day, 1,500 visitors will line the more than 1 mile long ocean-side beach (Rogers 2017). After Labor Day the crowds wane, but a warm fall weekend can bring many hundreds of visitors daily on foot and by boat. A review of winter time postings on various locally based Facebook sites demonstrate the many visitors to Napatree Point during the “off season” as well. On a nice weather day in the winter, Napatree Point will be filled with tourists and native Rhode Islanders alike enjoying a break from the punishing winter weather.

Any argument that the proposed kelp farm season would not conflict with visitation patterns or with visitors’ enjoyment of the property and the natural experience is false. There are pedestrian visitors on Napatree Point all year long, and significant numbers of pedestrian and boating visitors during the spring and fall, including April and November; months the proposed kelp farm reports it will be “set up” for operation.

The proposed kelp farm will be visibly conspicuous from the iconic Napatree vantage point at the entrance of the Conservation Area. Exhibit 6, impacts on Napatree viewscape. The buoys marking the corners of the 10-acre site would clearly be visible from shore. When the kelp farm is fully deployed with more than 100 buoys in the 12”-24” size range, the site will be extremely



conspicuous and this would totally compromise the natural pristine view from Napatree. The proposed kelp farm will significantly diminish and alter the experience of Conservation Area use and enjoyment. The placement of these buoys may also interfere with access to Napatree Point from the water. This would contravene Red Book Section 1.3.1.A.1.f, which requires that projects will not unreasonably interfere with public access to tidal waters or the shore. *See also* Red Book § 1.3.1.A.1.j (project may not result in significant conflicts with recreational boating, fishing, navigation, and commerce).

Napatree Point is part of the Watch Hill Historic District. The seascape off Napatree is specifically acknowledged in the National Register of Historic Places documentation “*Napatree Point ... is a prominent landform in the vistas of seascape and landscape here. These vistas are a constituent element of the unique visual character of Watch Hill...*” Exhibit 7, Nomination Form for Watch Hill, National Register of Historic Places. The proposed kelp farm would be contiguous to “Type 1” waters, so CRMC should require the applicant to show that his kelp farm will not diminish Napatree’s significant scenic value (Red Book §§ 1.2.1.B.2.f and 1.3.5) The applicant has not provided any assessment of the visual impacts of his kelp farm on Napatree Point or Watch Hill, which are part of the National Register of Historic places.

V. Conclusion

In conclusion, the Application represents a significant risk to the overall character of Napatree Point, The Watch Hill Conservancy’s efforts to preserve this scenic, ecological resource, and to sea ducks and loons that populate the waters where the proposed kelp farm would be installed. The Watch Hill Conservancy requests that CRMC deny the Application in order to preserve Napatree Point. The Watch Hill Conservancy further requests that the full Council hold a hearing on the Application.

Please do not hesitate to contact me with any questions.

Sincerely,



Deborah Lamm
President and Chairman

Enclosures



EXHIBIT 1



CONSERVATION EASEMENT

This **DEED OF CONSERVATION EASEMENT** is made this 31st day of October, 2013.

WITNESSETH:

WHEREAS, the WATCH HILL FIRE DISTRICT, a Rhode Island non-profit corporation with offices located at 222 Watch Hill Road, Watch Hill, Westerly, Rhode Island, hereinafter called the "Grantor," is the owner in fee simple of certain real property, hereinafter called the "Protected Property," which has ecological, scientific, educational and aesthetic value in its present state as a natural area which has not been subject to development or exploitation since 1938, which property is known as Napatree Point and also as the Napatree Point Conservation Area and is located in the Watch Hill Fire District, Town of Westerly, County of Washington and State of Rhode Island and is more particularly described in Exhibit A attached hereto and incorporated by this reference; and

WHEREAS, THE WATCH HILL CONSERVANCY is a nonprofit corporation incorporated under the laws of the State of Rhode Island as a tax exempt public charity under Section 501(c)(3) and 509(a)(1) of the Internal Revenue Code of 1986, as amended, and the regulations thereunder (the "Code"), qualified under section 170(h) of the Code and Section of Title, Chapter of the Rhode Island General Laws, 1956, as amended (the "RIGL"), to receive qualified conservation contributions, and having its headquarters at 222 Watch Hill Road, Watch Hill, Rhode Island 02891, hereinafter referred to as the "Grantee," whose purpose is to preserve natural areas for scientific, charitable, educational and aesthetic purposes; and

WHEREAS, the Protected Property has significant natural, habitat, scenic and open space values (the "conservation values"); and

WHEREAS, the Protected Property is a significant natural area, a barrier beach, identified (as documented by the Easement Documentation Report) by the United States Fish and Wildlife Service as qualifying as a "significant coastal habitat", by the Rhode Island Natural Heritage Foundation and the Audubon Society of Rhode Island as "a unique natural area" and as one of the most important migratory bird feeding and resting stopover points on the East Coast and by the Rhode Island Natural History Survey as "...a standout in its ecological value..."; and

WHEREAS, the Protected Property consists of varied natural barrier beach community types and is the habitat for a wide variety of plant and animal species, including, as noted by the Rhode Island



Natural History Survey, some 154 species of birds, among them, the American oystercatcher (on Rhode Island's *Concern* list), the great egret (on Rhode Island's *Concern* list), the horned lark (on Rhode Island's *Concern* list), the least tern (on Rhode Island's *Threatened* list), the marsh wren (on Rhode Island's *Concern* list), the northern harrier (on Rhode Island's *Endangered* list), the osprey (on Rhode Island's *Concern* list), the peregrine falcon (on the Federal *Endangered* list), the piping plover (on the Federal *Threatened* list), the roseate tern (on the Federal *Endangered* list), the seaside sparrow (on Rhode Island's *Concern* list), the sora rail (on Rhode Island's *Concern* list), the willet (on Rhode Island's *Concern* list), and the winter wren (on Rhode Island's *Concern* list); and

WHEREAS, accordingly, the Protected Property constitutes a significant natural area which qualifies as a "...relatively natural habitat of wildlife, or plants, or similar ecosystem," and protection of the Property will meet the requirements of Section 170(h)(4)(A)(ii) of the Code; and

WHEREAS, preservation of the Protected Property is for the scenic enjoyment of the general public, and will yield a significant public benefit, specifically, for recreation not inconsistent with such preservation and for ecological research and education; and

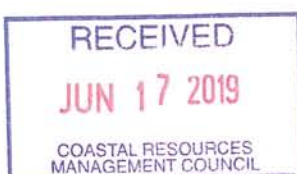
WHEREAS, the State of Rhode Island has authorized the creation of Conservation Easements pursuant to the provisions of Title 34, Chapter 39 of the RIGL, and Grantor and Grantee wish to avail themselves of the provisions of that law; and

WHEREAS, accordingly, preservation of the Protected Property is pursuant to federal, state and local governmental conservation policy and will yield a specific public benefit, specifically for the management of the federally *threatened* piping plover, *Charadrius melodus*, and other species of concern; and

WHEREAS, the specific conservation values of the Protected Property are documented in an Easement Documentation Report, prepared by Grantee and signed and acknowledged by the Grantor, establishing the baseline condition of the Protected Property at the time of this grant and including reports, maps, photographs, and other documentation; and

WHEREAS, the Grantor and Grantee have the common purpose of conserving the above-described conservation values of the Protected Property in perpetuity; and

WHEREAS, the Protected Property is to be designated "The Chaplin B. Barnes Napatree Point Conservation Area":



NOW, THEREFORE, the Grantor, for and in consideration of the facts above recited and of the mutual covenants, terms, conditions and restrictions herein contained and as an absolute and unconditional gift, does hereby give, grant, bargain, sell and convey unto the Grantee a Conservation Easement in perpetuity over the Protected Property of the nature and character and to the extent hereinafter set forth.

1. Purpose. It is the purpose of this Conservation Easement to assure that the Protected Property will be retained forever in its current natural and scenic condition; to protect any rare plants, animals, or plant communities on the Protected Property; and to prevent any use of the Protected Property that will significantly impair or interfere with the conservation values of the Protected Property. Grantor intends that this Conservation Easement will confine the use of the Protected Property to such activities as are consistent with the purpose of this Conservation Easement.

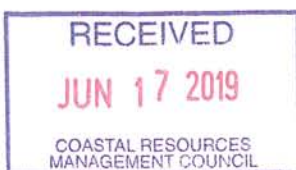
2. Prohibited Uses. Any activity on or use of the Protected Property inconsistent with the purpose of this Conservation Easement is prohibited. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited except as provided in paragraph 3 below:

2.1 There shall be no constructing or placing of any building, tennis or other recreational court, landing strip, fence, sign, pavement (pervious or impervious), antenna, utility pole, tower, conduit, line, docks, piers or any other temporary or permanent structures or facilities on the Protected Property.

2.2 There shall be no ditching, draining, diking, filling, excavating, dredging, mining or drilling, removal of topsoil, sand, gravel, rock, minerals or other materials, nor any building of roads or change in the topography of the land in any manner.

2.3 There shall be no removal, destruction or cutting of trees, shrubs or plants, planting of non-native trees, shrubs or plants, use of fertilizers, introduction of non-native animals, grazing of domestic animals, or disturbance or change in the natural habitat in any manner.

2.4 There shall be no use of pesticides or biocides, including but not limited to insecticides, fungicides, rodenticides, and herbicides.



2.5 There shall be no storage or dumping of ashes, trash, garbage, or other unsightly or offensive material, hazardous substance, or toxic waste, nor any placement of underground storage tanks in, on, or under the Protected Property; there shall be no changing of the topography through the placing of soil or other substance or material such as land fill or dredging spoils

2.6 There shall be no pollution, alteration, depletion or extraction of surface water, natural water courses, lakes, ponds, marshes, subsurface water or any other water bodies, nor shall there be activities conducted on the Protected Property or on adjacent property if owned by Grantor, which would be detrimental to water purity, or which could alter natural water level and/or flow in or over the Protected Property.

2.7 There shall be no operation of mountain or other bicycles, snowmobiles, dune buggies, motorcycles, all-terrain vehicles, hang gliders, aircraft, or any other types of mechanized vehicles, no launching from any shore of commercial or recreational motorized or kite-propelled vessels, including but not limited to waterskiing, jet skiing and kite-boarding, no hang gliders, no horseback riding, no hunting or shooting, nor shall the Protected Property be used for any commercial recreational activity inconsistent with the ecological preservation contemplated herein.

2.8 There shall be no activities that would endanger the Piping Plover breeding habitat as outlined in Section III of the Guidelines For Managing Recreational Activities In Piping Plover Breeding Habitat On The U.S. Atlantic Coast To Avoid Take Under Section 9 Of The Endangered Species Act (Northeast Region, U.S. Fish and Wildlife Services April 15, 1994) (copy included in the Easement Documentation Report).

3. Grantor's Reserved Rights. The Grantor hereby reserves the following rights:

3.1 The right to undertake or continue any activity or use of the Protected Property not prohibited by this Conservation Easement as long as such activities are consistent with the purpose of this Conservation Easement and the protection of the conservation values of the Protected Property. Specifically reserved rights include, but are not limited to, the access to the Protected Property by foot or by vehicles for the purposes of medical or safety emergencies, law enforcement or in exercise of other rights reserved herein, including but not limited to the



management of dunes, pathways, etc., the erection of signs relating to safety, conservation and visitor information, the installation of fencing, boardwalks and bird nesting platforms; and the installation of railings, netting or other safety measures as needed at the remains of Fort Mansfield. Prior to making any change in use of the Protected Property, the Grantor shall notify the Grantee in writing allowing Grantee to determine whether such change would violate the terms of this Conservation Easement.

3.2 The right to sell, give, mortgage, lease, or otherwise convey the Protected Property, provided such conveyance is subject to the terms of this Conservation Easement and written notice is provided to Grantee in accordance with paragraph 12 below.

3.3 The right to manage and maintain the dunes and the remains of Fort Mansfield as they currently exist on the Protected Property, as identified in the Easement Documentation Report. Said reserved right includes actions taken to make the remains safe, even if such action results in the expansion of structure, and the dismantling and/or burying of the remains with dredge spoil or other suitable fill.

3.4 The right to cut, treat with environmentally approved herbicides and remove diseased trees, shrubs, or plants, invasive species and to cut firebreaks, subject to the prior written approval of Grantee pursuant to paragraphs 3.6 and 4.5 below, except that such approval shall not be required in the case of emergency firebreaks.

3.5 Grantor and Grantee acknowledge that the exercise of any reserved right enumerated herein by the Grantor shall not relieve Grantor from complying with or obtaining any permit from any applicable governmental authority prior to the exercise thereof.

3.6 Grantor and Grantee acknowledge that a Memorandum of Understanding exists between the Grantor and the U.S. Fish & Wildlife Service and that the Grantor intends to abide by the said memorandum (copy included in the Easement Documentation Report).

3.7 The right to take whatever action that is reasonably necessary to maintain vehicular and foot access to the Protected Property from the east, as shown on Exhibit A, to repair and return to prior status any breach of the Protected Property by flooding or erosion due to storm or other cause and to manage the beach and dunes of the Protected Property.

4. Grantee's Rights. To accomplish the purpose of this Conservation Easement, the following rights are conveyed to Grantee by this Conservation Easement:



4.1 Preservation. The right to preserve and protect the conservation values of the Protected Property.

4.2 Right of Entry. The right to enter the Protected Property at all reasonable times and with prior notice and, if necessary, across other lands retained by the Grantor, for the purposes of: (a) inspecting the Protected Property to determine if the Grantor is complying with the covenants and purposes of this Conservation Easement; (b) enforcing the terms of this Conservation Easement; (c) taking any and all actions with respect to the Protected Property as may be necessary or appropriate, with or without order of court, to remedy or abate violations hereof; (d) making scientific and educational observations and studies and taking samples in such a manner as will not disturb the quiet enjoyment of the Protected Property by the Grantor; and (e) monitoring and management as described below.

4.3 Monitoring and Management. The right, but not the obligation, to monitor the condition of the rare plant and animal populations, plant communities, and natural habitats on the Protected Property, to manage them, if necessary, to ensure their continued presence and viability on the Protected Property and to cooperate and share management with other conservation entities such as the U.S. Fish & Wildlife Service, the Rhode Island Department of Environmental Management, the Rhode Island Coastal Resources Management Council, the Audubon Society of Rhode Island or The Nature Conservancy. Such activities shall be in accordance with management practices of Grantee. Any such management activities shall be set forth in a written management plan, to be reviewed by the Grantor.

4.4 Enforcement. The right to prevent any activity on or use of the Protected Property that is inconsistent with the purpose of this Conservation Easement and to require the restoration of such areas or features of the Protected Property to the condition that existed prior to the activity complained of that may be damaged by any inconsistent activity or use, pursuant to paragraph 10.

4.5 Discretionary Consent. Grantee's consent for activities otherwise prohibited under paragraph 2 above, or for any activities requiring Grantee's consent under paragraph 3.1 above, may be given under the following conditions and circumstances. If, owing to unforeseen or changed circumstances, any of the activities listed in paragraph 2 are deemed desirable by Grantor and Grantee, Grantee may, in its sole discretion, give permission for such



activities, subject to the limitations herein. Such requests for permission, and permission for activities requiring Grantee's consent under paragraph 3.1, shall be in writing and shall describe the proposed activity in sufficient detail to allow Grantee to judge the consistency of the proposed activity with the purpose of this Conservation Easement. Grantee may give its permission only if it determines, in its sole discretion, that such activities (1) do not violate the purpose of this Conservation Easement and (2) either enhance or do not impair the conservation values of the Protected Property. Notwithstanding the foregoing, the Grantee and Grantor have no right or power to agree to any activities that would result in the termination of this Conservation Easement or to allow any residential, commercial or industrial structures or any commercial or industrial activities not provided for above.

5. Access. The Protected Property has been accessible and used by the general public, as described in the Easement Documentation Report, and shall continue to be accessible and used by the general public as long as such public accessibility and use is consistent with the ecological preservation contemplated herein. Said accessibility and use by the general public is also subject to any and all laws, statutes, rules and regulations promulgated by the federal government, the State of Rhode Island and the Town of Westerly.

6. Costs and Liabilities. Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep and maintenance of the Protected Property, including the maintenance of adequate comprehensive general liability insurance coverage. Grantor shall keep the Grantee's interest in the Protected Property free of any liens arising out of any work performed for, materials furnished to or obligations incurred by Grantor.

Grantor agrees to release, hold harmless, defend and indemnify Grantee from any and all liabilities including, but not limited to, injury, losses, damages, judgments, costs, expenses and fees which Grantee may suffer or incur as a result of or arising out of the activities of Grantor on the Protected Property.

Grantee agrees to release, hold harmless, defend and indemnify Grantor from any and all liabilities including, but not limited to, injury, losses, damages, judgments, costs, expenses and fees which Grantor may suffer or incur as a result of or arising out of the activities of Grantee on the Protected Property.



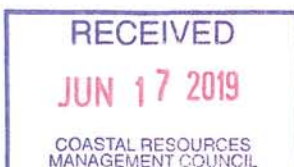
Grantee shall establish and maintain, for the duration of this Conservation Easement, a separate account ("Conservation Easement Monitoring and Enforcement Fund") of liquid assets, the sole purpose of which is to defend against any potential violations of the terms of this Conservation Easement. In addition, the Grantee agrees to defend the Protected Property, along with the Grantor, against third parties whose actions violate or might violate the terms of this Conservation Easement, as it has done in the past. The amount of funds to be retained in these accounts shall be reasonable and consistent with amount held by other land trusts in similar situations.

7. Taxes. The Grantor agrees to pay any real estate taxes or other assessments levied on the Protected Property. If the Grantor becomes delinquent in payment of said taxes or assessments, such that a lien created against the land is to be executed upon, the Grantee, at its option, shall, after written notice to the Grantor, have the right to purchase and acquire the Grantor's interest in said Protected Property by paying funds to discharge said lien or delinquent taxes or assessments, or to take such other actions as may be necessary to protect the Grantee's interest in the Protected Property and to assure the continued enforceability of this Conservation Easement.

8. Title. The Grantor covenants and represents that the Grantor is the sole owner and is seized of the Protected Property in fee simple and has good right to grant and convey the aforesaid Conservation Easement; that the Protected Property is free and clear of any and all encumbrances, including but not limited to, any mortgages not subordinated to this Conservation Easement, and that the Grantee shall have the use of and enjoy all of the benefits derived from and arising out of the aforesaid Conservation Easement.

9. Hazardous Waste. The Grantor covenants and represents that to the best of Grantor's knowledge no hazardous substance or toxic waste exists nor has been generated, treated, stored, used, disposed of, or deposited in or on the Protected Property, and that there are not now any underground storage tanks located on the Protected Property except for the possibility of buried munitions located in and around the remains of Fort Mansfield.

10. Grantee's Remedies. In the event that the Grantee becomes aware of a violation of the terms of this Conservation Easement, the Grantee shall give notice to the Grantor, at Grantor's last known post office address, of such violation via certified mail, return receipt

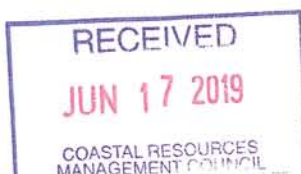


requested, and request corrective action sufficient to abate such violation and restore the Protected Property to its previous condition at the time of this grant, although the parties hereto are not prohibited from introducing other evidence. Grantor agrees that the Easement Documentation Report shall be deemed to provide objective information concerning the Protected Property's condition at the time of this grant. Failure by the Grantor to cause discontinuance, abatement or such other corrective action as may be requested by Grantee within thirty (30) days after receipt of such notice shall entitle Grantee to bring an action at law or equity in a court of competent jurisdiction to enforce the terms of this Conservation Easement; to require the restoration of the Protected Property to its previous condition; to enjoin such non-compliance by ex parte temporary or permanent injunction in a court of competent jurisdiction; and/or to recover any damages arising from such noncompliance. Such damages, when recovered, may be applied by the Grantee, in its sole discretion, to corrective action on the Protected Property. If such court determines that the Grantor has failed to comply with this Conservation Easement, Grantor shall reimburse Grantee for any reasonable costs of enforcement, including costs of restoration, court costs and reasonable attorneys fees, in addition to any other payments ordered by such court.

10.1 Emergency Enforcement. If Grantee, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the conservation values of the Protected Property, Grantee may pursue its remedies under this paragraph without prior notice to Grantor or without waiting for the period for cure to expire.

10.2 Failure to Act or Delay. The Grantee does not waive or forfeit the right to take action as may be necessary to insure compliance with this Conservation Easement by any prior failure to act and Grantor hereby waives any defense of laches with respect to any delay by the Grantee, its successors or assigns, in acting to enforce any restriction or exercise any rights under this Conservation Easement.

10.3 Violations Due to Causes Beyond Grantor's Control. Nothing herein shall be construed to entitle the Grantee to institute any enforcement proceedings against the Grantor for any changes to the Protected Property due to causes beyond the Grantor's control, such as changes caused by fire, flood, storm, earthquake or the unauthorized wrongful acts of third persons. In the event of violations of this Conservation Easement caused by unauthorized



wrongful acts of third persons or entities, at Grantee's option, Grantor agrees to assign its right of action to Grantee, to join in any suit, and/or to appoint Grantee its attorney-in-fact for the purposes of pursuing enforcement action.

10.4 Standing. By virtue of Grantee's acquisition of rights under this Conservation Easement, it shall be entitled, at its option, to standing before appropriate courts of law to pursue remedies or other matters which are necessary or incidental to the protection of the property which is subject to this Conservation Easement.

11. Parties Subject to Easement. The covenants agreed to and the terms, conditions, and restrictions imposed by this grant shall not only be binding upon the Grantor and Grantee but also their lessees, agents, personal representatives, successors and assigns, and all other successors to Grantee and Grantor in interest and shall continue as a servitude running in perpetuity with the Protected Property.

12. Subsequent Transfers. The Grantor agrees that the terms, conditions, restrictions and purposes of this grant or reference thereto will be inserted by Grantor in any subsequent deed or other legal instrument by which the Grantor divests either the fee simple title or possessory interest in the Protected Property; and Grantor further agrees to notify Grantee of any pending transfer at least thirty (30) days in advance. The failure of the Grantor to perform any act required by this paragraph shall not impair the validity of this Conservation Easement or limit its enforceability in any way, nor shall such failure impair the validity of any transfer.

13. Right of First Refusal. The Grantor hereby gives to the Grantee a Right of First Refusal to purchase the Protected Property. The conditions of this Right of First Refusal shall be such that whenever the Grantor receives a bona fide written offer to purchase all or any part of the Protected Property, Grantor shall deliver to the Grantee, by certified mail, return receipt requested, a duplicate original of the written offer, together with such other instruments as may be required to show the bona fides of the offer. The Grantee may elect to purchase the Protected Property at the offered price and upon such other terms and conditions not less favorable to the Grantor than those contained in the offer by giving to the Grantor by certified mail, return receipt requested, written notice of such election within ninety (90) days after delivery of the offer to the Grantee. The Grantee's failure to elect to exercise a particular right to purchase the Protected



Property when offered shall not affect the continued existence or enforceability of this Right of First Refusal as it may apply to other portions of the Protected Property subsequently offered or to successors in interest to the Grantor and such successors in interest shall be bound thereby.

14. No Extinguishment Through Merger. Grantor and Grantee herein agree that should The Watch Hill Conservancy come to own all or a portion of the fee interest in the Protected Property, (i) The Watch Hill Conservancy as successor in title to Grantor shall observe and be bound by the obligations of Grantor and the restrictions imposed upon the Protected Property by this Conservation Easement, as provided in paragraph 2; (ii) this Conservation Easement shall not be extinguished, in whole or in part, through the doctrine of merger in view of the public interest in its enforcement; and (iii) The Watch Hill Conservancy as promptly as practicable shall assign the Grantee's interests in this Conservation Easement of record to a qualified environmental organization as that term is defined in Section 170(h)(3) of the Code, which is organized and operated primarily for one of the conservation purposes specified in Section 170(h)(4)(A) of the Code in conformity with the requirements of this paragraph 14. Any instrument of assignment of this Conservation Easement or the rights conveyed herein shall refer to the provisions of this paragraph 14 and shall contain language necessary to continue it in force.

15. Amendment. In the event that the Protected Property is affected by unusual and unforeseen circumstances and conditions, Grantor and Grantee by mutual consent may amend this easement; provided that the amendment is not inconsistent with the conservation purpose of this easement; will not result in a net degradation of the conservation values of the Protected Property; will not affect the enforceability of the easement does not allow any new structures on the Protected Property beyond what is permitted by this Conservation Easement on its effective date; and is accomplished in compliance with any applicable state statute and with section 170(h) of the Code. Any such amendment shall be recorded in the official land records of the Town of Westerly, Rhode Island.

16. Assignment. The parties hereto recognize and agree that the benefits of this easement are in gross and assignable, and the Grantee hereby covenants and agrees that in the event it transfers or assigns the easement it holds under this indenture, the organization receiving the interest will be a qualified organization as that term is defined in Section 170(h)(3) of the



Code, which is organized and operated primarily for one of the conservation purposes specified in Section 170(h)(4)(A) of the Code, and Grantee further covenants and agrees that the terms of the transfer or assignment will be such that the transferee or assignee will be required to continue to carry out in perpetuity the conservation purposes which the contribution was originally intended to advance.

17. Extinguishment. The Grantor hereby agrees that at the time of the conveyance of this Conservation Easement to the Grantee, this Conservation Easement gives rise to a real property right, immediately vested in the Grantee, with a fair market value of said Conservation Easement as of the date of the conveyance that is at least equal to the proportionate value that this Conservation Easement at the time of the conveyance bears to the fair market value of the Protected Property as a whole at that time.

That proportionate value of the Grantee's property rights shall remain constant. When a change in conditions takes place, which makes impossible or impractical any continued protection of the Protected Property for conservation purposes, and the restrictions contained herein are extinguished by judicial proceeding, the Grantee, upon a subsequent sale, exchange or involuntary conversion of the Protected Property, shall not be entitled to any portion of the proceeds.

18. Eminent Domain. Whenever all or part of the Protected Property is taken in exercise of eminent domain by public, corporate, or other authority so as to abrogate the restrictions imposed by this Conservation Easement, the Grantor and the Grantee shall join in appropriate actions at the time of such taking to recover the full value of the taking and all incidental or direct damages resulting from the taking. All expenses incurred by the Grantor and the Grantee in such action shall be paid out of the recovered proceeds, with the remaining proceeds to be given to the Grantor.

19. The conveyance of this Conservation Easement by the Grantor to the Grantee shall not relieve Grantor of the obligation and responsibilities to obtain any and all applicable federal, state, and local governmental permits and approvals, if necessary, to exercise Grantor's retained rights and uses of the Protected Property.



20. Miscellaneous Provisions.

20.1 Severability. If any provision of this Conservation Easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Easement and the application of such provisions to persons or circumstances other than those as to which it is found to be invalid shall not be affected thereby.

20.2 Successors and Assigns. The term "Grantor" shall include the Grantor and the Grantor's heirs, executors, administrators, successors and assigns and shall also mean the masculine, feminine, corporate, singular or plural form of the word as needed in the context of its use.

20.3 Re-recording. The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Easement; for such purpose, the Grantor appoints the Grantee its attorney-in-fact to execute, acknowledge and deliver any necessary instrument on its behalf. Without limiting the foregoing, the Grantor agrees to execute any such instruments upon request.

20.4 Captions. The captions herein have been inserted solely for convenience of reference and are not a part of this Conservation Easement and shall have no effect upon construction or interpretation.

20.5 Counterparts. The parties may execute this instrument in two or more counterparts, which shall, in the aggregate, be signed by both parties; each counterpart shall be deemed an original instrument as against any party who has signed it. In the event of any disparity between the counterparts produced, the recorded counterpart shall be controlling.

20.6 Notices. Any notices required in this Conservation Easement shall be sent by registered or certified mail to the following address or such address as may be hereafter specified by notice in writing: Grantor: 222 Watch Hill Road, Westerly, RI 02891. Grantee: 222 Watch Hill Road, Westerly, RI 02891.

20.7 Compliance Certificates. Upon request by Grantor, Grantee shall within thirty (30) days execute and deliver to Grantor any document that may be requested by Grantor, including an estoppel certificate or compliance certificate, to certify to the best of Grantee's knowledge Grantor's compliance with any obligation of Grantor contained in this Conservation Easement or otherwise to evidence the status of this Conservation Easement. Grantor shall allow



access to Grantee adequate and within a sufficient time for Grantee to make a determination sufficient to enable the execution of such certificate.

20.8 Effective Date. Grantor and Grantee intend that the Conservation Easement arising hereunder to take effect on the day and year this Deed of Conservation Easement is recorded in the Land Evidence Records of the Town of Westerly, Rhode Island, after all required signatures have been affixed hereto. This Conservation Easement shall be timely recorded. Grantee may re-record this instrument or record any other instrument at any time as may be required to preserve its rights in this Conservation Easement.

TO HAVE AND TO HOLD the said Conservation Easement unto the said Grantee forever.

IN WITNESS WHEREOF, the Grantor has executed and sealed this document the day and year first above written.

Witness:

WATCH HILL FIRE DISTRICT, Grantor

By:
Charles S. Whitman III, Moderator,
duly authorized

By:
Grant G. Simmons III, Chairman, Parks
Commission, duly authorized

Witness:

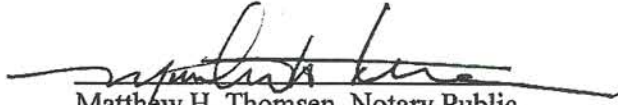
THE WATCH HILL CONSERVANCY,
Grantee

By:
Chaplin B. Barnes, Vice President
duly authorized



STATE OF RHODE ISLAND)
) SS: Westerly
COUNTY OF WASHINGTON)

On this 31st day of October, 2013, before me personally appeared CHARLES S. WHITMAN III and GRANT G. SIMMONS III, to me personally known, who, being by me duly sworn did say that they are the Moderator and Chairman of the Parks Commission of the Watch Hill Fire District, respectively; that the seal affixed to said instrument is the corporation seal of said corporation; and acknowledged said instrument to be the free act and deed of said corporation.


Matthew H. Thomsen, Notary Public
My Commission Expires: Jan. 27, 2014

STATE OF RHODE ISLAND)
) SS: Westerly
COUNTY OF WASHINGTON)

On this 21st day of October, 2013, before me personally appeared CHAPLIN B. BARNES, to me personally known, who, being by me duly sworn did say that he is the Vice President of The Watch Hill Conservancy; that the seal affixed to said instrument is the corporation seal of said corporation; and acknowledged said instrument to be the free act and deed of said corporation.

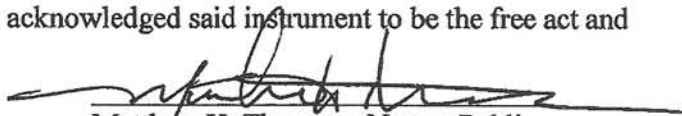

Matthew H. Thomsen, Notary Public
My Commission Expires: Jan. 27, 2014



EXHIBIT A

Those certain pieces or parcels of land located westerly of Bay Street in the Town of Westerly, County of Washington and State of Rhode Island and being shown as Lots A, H, M, P, Q, R, S, T and V on a plan entitled "Conservation Easement Plan, Prepared For, watch Hill Fire District, The Chaplin B. Barnes Napatree Point Conservation Area, Bay Street, Westerly, Rhode Island, Scale 1"=300', January 2, 2014" prepared by Cherenzia & Associates LTD and containing in total 60.01 acres of land more or less, which plan is recorded immediately after this document.

DONNA L. GIORDANO MMC TOWN CLERK
WESTERLY, RI RET: M. Thomson *CS*

Conservation Easement Napatree Point Parcels 2.doc
December 31, 2013



Official Receipt for Recording in:

Westerly Town Clerk
 45 Broad Street
 Westerly, Rhode Island 02891

Issued To:
 ORSINGER NARDONE LALLO THOMSEN
 42 GRANITE STREET
 PO BOX 558
 WESTERLY RI 02891

Recording Fees

Filing Type	Number	Volm	Page	Time	Recording Amount
Easement	00000102	02014	00340	02:11:36p	60.00
	DR-WATCH HILL FIRE DISTRICT IN-WATCH HILL CONSERVANCY				
Historical Preservation State	00000102			02:11:36p	3.00
Historical Preservation Town	00000102			02:11:36p	1.00
Plat	20140002	02014	00002	02:13:48p	45.00
	DR-WATCH HILL FIRE DISTRICT IN-BAY STREET				
Historical State Preservation-Plat	20140002			02:13:49p	3.00
Historical Town Preservation-Plat	20140002			02:13:49p	1.00

113.00

Collected Amounts

Payment Type	Amount
Check	388
	113.00
	113.00

Total Received : 113.00
 Less Total Recordings: 113.00
 Change Due : .00

Thank You
 DONNA L GIORDANO - Town Clerk

By - Town Clerk

Receipt# Date Time
 0092864 01/07/2014 02:14p



EXHIBIT 2

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COASTAL RESOURCES
MANAGEMENT COUNCIL

CRMC casts doubt on kelp farm objections

Kelp

Seaweed operation would be 900 feet off Napatree Point

By Dale P. Faulkner Sun staff writer

WESTERLY — Joseph MacAndrew, who wants to establish a seaweed farm off Napatree Point, says the venture would serve as an example of a low impact, sustainable commercial use of the town's coastal resources.

He is facing a considerable amount of opposition, however, from commercial, academic, and Watch Hill interests, who assert that the proposed sugar kelp growing operation would disrupt bird populations, impede recreational and commercial fishing, and pose other environmental risks.

MacAndrew, a resident of Westerly and chairman of the Conservation Commission, is seeking a permit from the state Coastal Resources Management Council to set up and run a 10-acre sugar kelp farm about 900 feet south of the Napatree Point beach. Farming would occur between Nov. 1 and April 30. All of the facility's equipment except for small buoys marking the four corners of the farming area would be removed at the end of each farming season.

"There doesn't seem to me to be a downside to it. If done efficiently it enhances the environment," MacAndrew said during an

See Kelp, A2

CRMC casts doubt on kelp farm objections

Kelp

From A1

interview last week.

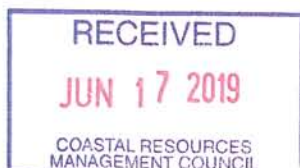
Several concerns were raised during a CRMC preliminary determination meeting conducted in February, but a summary of the council's staff responses questioned the basis for many of those concerns.

Questions had been raised about the farm's potential effect on sea ducks and birds, recreational fishing, scenic impact, wind and kite surfing, navigation, and biosecurity.

Some of the concerns were raised by the Napatree Science Advisors for The Watch Hill Conservancy.

In comments to The Sun, Peter V. August, professor of natural resources science at University of Rhode Island, said, "The Watch Hill Conservancy has many serious concerns about the kelp farm proposal off the Napatree Point Conservation Area. The conservancy, and many other local organizations, objected to siting a kelp farm off one of southern New England's most pristine natural barrier spits. We expressed our concerns in writing and in oral testimony at the preliminary determination meeting."

August is chairman of Napatree Science Advisors for The Watch Hill Conservancy.



P115

"It is very important to note that the conservancy does not have issues with kelp farming in general. We do have issues with a kelp farm 900 feet off the shoreline of a pristine conservation area and a globally important bird area that is enjoyed by tens of thousands of visitors and fishers each year, all year-round," he said.

CRMC findings

A summary of CRMC's findings written by David Beutel, the council's aquaculture coordinator, stated that the farm's effects on sea ducks beyond the 10 acre farm location "would be minimal and infrequent" and that the scenic impact concern was a "minimal issue" because the farm, depending on the type of markers it used, would be "challenging to see."

Concerns that the farm would negatively affect public use of Napatree Point and the barrier beach were "conjecture and doubtful," according to Beutel's written summary.

Beutel also noted that the U.S. Coast Guard has determined that the farm's location would have a minimal effect on navigation.

CRMC did, however, express a concern that MacAndrew's proposed anchor system would be insufficient to maintain kelp lines in the proper configuration.

Regarding biosecurity concerns about the source of kelp spores, Beutel said that CRMC would require biosecurity protocols and that its biosecurity board would approve the spores before they were delivered to the site.

Beutel also noted that Lisa Pellegrini, director of the town's Development Services Department, and Rui Almeida, former town planner, co-signed a letter in support of the project, saying it was consistent with goals in the municipal Comprehensive Plan.

In addition to the Napatree Science Advisors, opposition has been expressed by Watch Hill Outfitters, Jason Jarvis, a commercial fisherman, Peter Paton, a URI wildlife ecology professor, the Misquamicut Club, and the Watch Hill Fire District Park Commission.

Growing industry

Kelp farming is a growing industry in Rhode Island, Connecticut, and in the rest of New England and other parts of the United States.

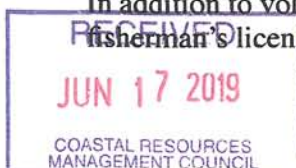
High in nutrients, kelp is grown for human consumption or as cattle feed and is also used in toothpaste, pharmaceuticals, and other products. It also absorbs carbon dioxide and reduces oceanic acidity.

MacAndrew, who has worked as a biologist for pharmaceutical companies for much of his professional life, said the farm would take three to five years to get up to full functionality and sustainability. He was accepted last summer into a two-year farmer in training apprenticeship program offered by GreenWave, a New Haven-based nonprofit organization that is working to develop sustainable aquaculture. GreenWave provides free training and technical assistance and guarantees a market for program participants' crops.

Bren Smith, executive director of GreenWave, is also the owner of Thimble Island Oyster Farm, and is chief mission officer of Sea Green Farms, a seaweed processing company. GreenWave is supporting a kelp farm in Groton and three in Stonington.

Each row of kelp would grow underwater on 435-foot longlines running south to north. Each line would be anchored and marked with a buoy. The corners of the farm would be marked with small buoys with solar lights or reflectors.

In addition to volunteering his time on the Conservation Commission, MacAndrew, who has held a commercial fisherman's license for several years, serves on the Wood Pawcatuck Watershed Association's board of trustees.



He said he views the kelp farm as an environmentally sound use of the town's natural resources. "I don't expect to make any money at it," he said.

He said he had studied establishment of a fish farm in Westerly but determined that there were too many potential environmental problems.

"There's nobody in town who's more environmentally conscious than me," MacAndrew said. In keeping with its regulations, CRMC announced on May 17 that interested persons can submit a request for a hearing on MacAndrew's proposal until June 17. Anyone wishing to protest the proposal would be required to attend the hearing and give sworn testimony.

August said, "The conservancy received a copy of the kelp farm application on May 17 and is carefully reading the full proposal now to see if the applicant has addressed any of the concerns we raised at the preliminary determination meeting."

dfaulkner@thewesterlysun.com

A view of Napatree Point, described by URI professor Peter V. August as "one of southern New England's most pristine barrier spits." The Watch Hill Conservancy and other local interests have raised concerns about a proposed kelp farm 900 feet offshore. The state Coastal Resources Management Council is reviewing the project, proposed by Joseph MacAndrew, right.

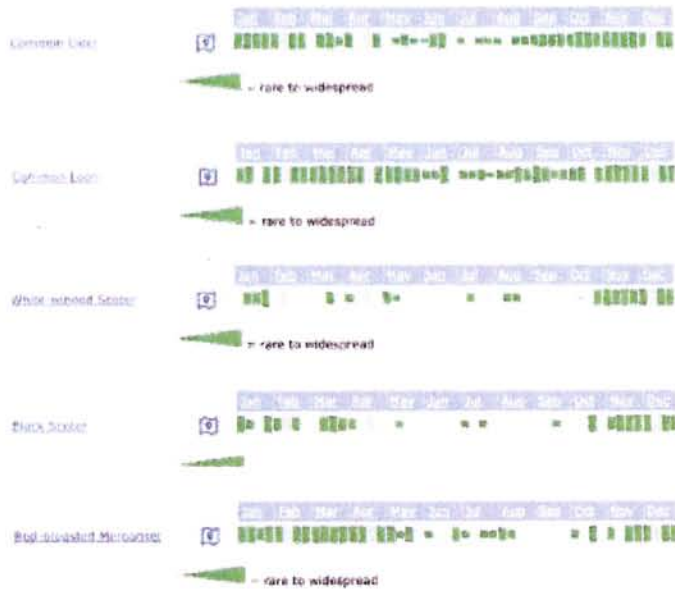
Harold Hanka, The Westerly Sun



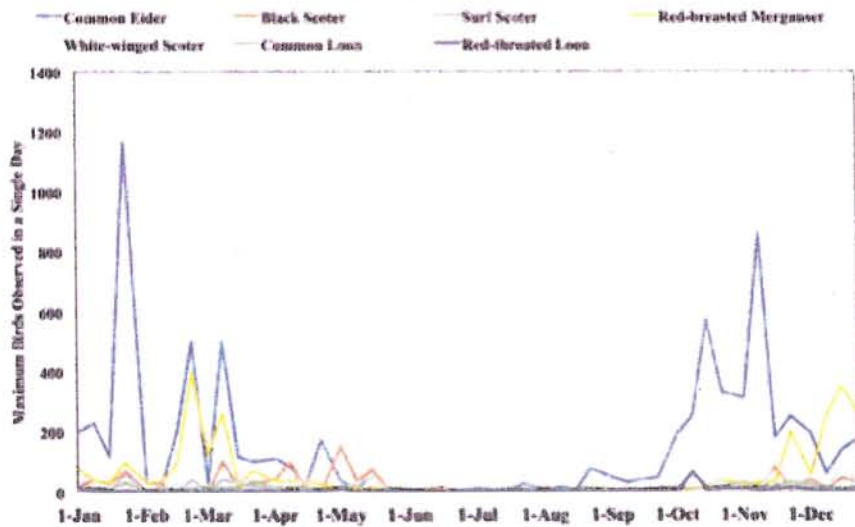
EXHIBIT 3



ATTACHMENT 1: Top - Abundance of loons and seaducks off Napatree Point Conservation Area, November 2017 to November 2018. Data taken from eBird database (Cornell Bird Labs) which includes long-term (since 1963), bi-monthly surveys by Reynold Larsen (Sassi et al., 2017). Bottom - maximum number of loons and seaducks observed on any given day off Napatree, 2000-2019, data taken from eBird database.

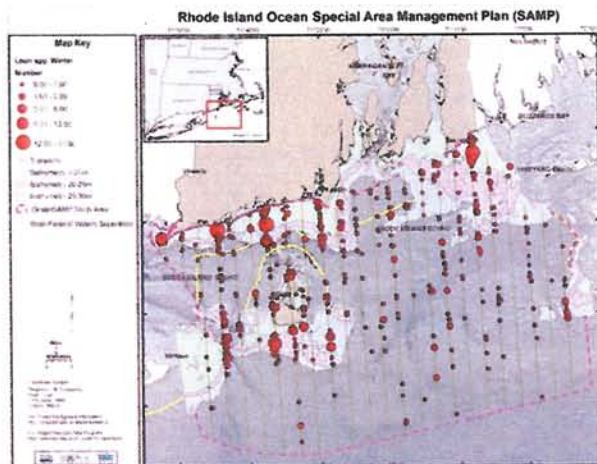


**High Counts of Seaducks and Loons on a Single Day at Napatree
Based on eBird Records: 2000-2019**

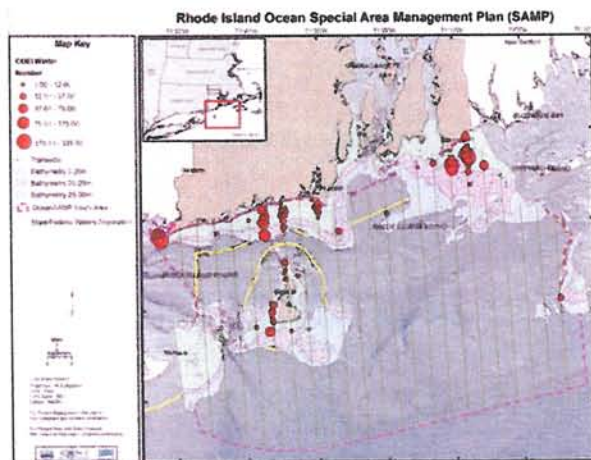


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MANAGEMENT COUNCIL

Based on surveys conducted for Ocean SAMP (Paton et al. 2010), Napatree Point supports large winter populations of Common Loon and Common Eider.



Distribution of Common Loons in southern Rhode Island. Taken from Paton et al. 2010, CRMC OSAMP



Distribution of Common Eider in southern Rhode Island. Taken from Paton et al. 2010, CRMC OSAMP

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EXHIBIT 4

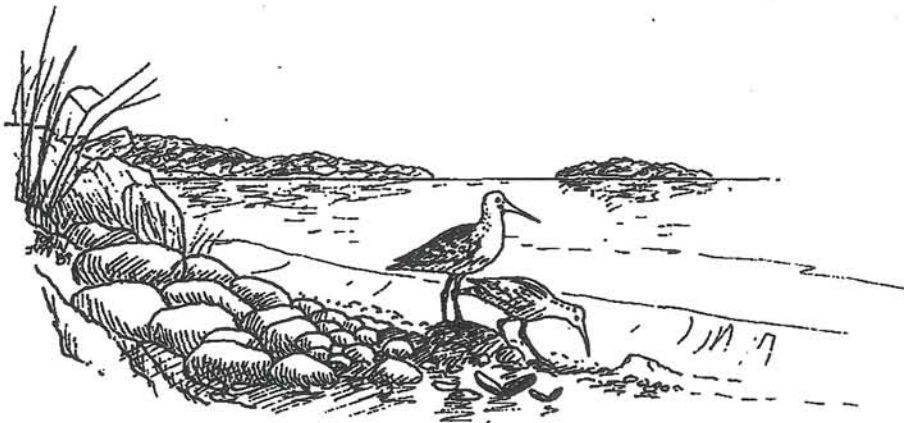
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THE RHODE ISLAND LANDSCAPE INVENTORY

A Survey of the State's Scenic Areas

State of Rhode Island
Department of Environmental
Management
Division of Planning and
Development

January 1990



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INTRODUCTION

Background

"... the Director of the Department of Environmental Management shall establish and maintain a list or inventory of areas within the state worthy of special designation as 'scenic' to include but not be limited to certain state roads or highways, scenic vistas and scenic areas, and to make such list available to the public."

R.I.G.L. 42-17.1

Rhode Island General Law 42-17.1 which was passed in the 1987 legislative session, established the legal authority by which The Rhode Island Landscape Inventory was initiated. Providing an inventory of the important scenic resources in Rhode Island has been a state planning objective for many years.

In 1965 a "Report on the Historic Points of Interest, Scenic View Areas, and Special Topographical Features of the State of Rhode Island" was issued by the Statewide Planning Program (presently the Office of State Planning). The report indicated that "the task of identifying, analyzing, and mapping such areas was undertaken... so that they could be more easily protected and preserved... This is of particular importance in a state as small and as densely populated as Rhode Island, where such sites could easily be obscured by the density of development, and thus, go unnoticed and unprotected."

Since the publication of this 1965 report, the Rhode Island landscape has gone through dramatic change, particularly during the past few years of increased economic growth. Despite public and private sector efforts directed towards land conservation and preservation, Rhode Island is losing farmland and other unprotected open spaces to development at a rapid rate. The character of the landscape is changing through undefined residential, commercial and highway development which is encroaching on once rural areas and obliterating former clear distinctions between rural, suburban, and urban landscapes.



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Since the early 1980's improvements to existing state roads have made traveling through the state easier and quicker. These improvements have changed the ways in which Rhode Islanders visually experience the landscape. In driving the state's road system, it is becoming more and more difficult to distinguish one stretch of road from another, one place from another.

The loss of farmland and unprotected open spaces and the increasing inability to distinguish one landscape from another are critical components which have contributed to a loss of scenic resources in our landscape. The value of these scenic resources to the Rhode Island landscape is important in both tangible and intangible ways. The tangible elements are measured through strategic tourism resources, the economic value of agricultural lands, the open space needed to meet recreational demands, and the critical need to protect groundwater resources and wildlife habitats. The intangible elements are seen in the character of the land, the distinctiveness of communities, the richness in our historical and cultural heritage, and the unique "sense of place" experienced in special areas. All of these elements are essential to maintaining the quality of life in Rhode Island and the uniqueness of the Rhode Island landscape.

Urban areas are a part of Rhode Island's rich cultural and historical heritage as well as its uniqueness. However, the intent of this study is to focus on the more rural open space areas of the state where potential development pressures are most urgent. Thus, urban areas are excluded from this study. Hopefully these areas will be evaluated at a later time using evaluation criteria geared towards the more architectural characteristics of urban areas.

The 1986-1991 State Comprehensive Outdoor Recreation Plan (SCORP) redefines the loss of scenic vistas, roads, open spaces, farmlands, and coastal areas noted in the 1965 Statewide Planning report. The SCORP recommends a policy which recognizes that Rhode Island's "scenic rural landscapes, roads, and vistas of Narragansett Bay are important cultural and economic resources...". The SCORP underlines eight actions by which preservation of these scenic resources may occur, including an update of the 1965 Statewide Planning report cited earlier. The Rhode Island Landscape Inventory is an update on that 1965 report and provides Rhode Island with its most recent survey of the state's scenic areas.



Objectives and Goals of This Inventory

Cities, towns, and municipalities, as well as developers have requested the publication of a guide that will differentiate open space which should be preserved in its entirety versus open space which may be buildable but requires clearer design parameters so that development occurs in a manner that maintains the scenic quality of the landscape. In addition, some private organizations as well as municipalities have recognized that the preservation of isolated, scattered land holdings is less effective than a more unified regional approach to land preservation which utilizes a variety of techniques such as visual easements and purchase of development rights. (The Narrow River Preservation Association which seeks to protect land in the towns of South Kingstown, North Kingstown, and Narragansett is one such organization.)

The Rhode Island Landscape Inventory provides individual cities and towns with a comprehensive inventory and evaluation of scenic resources throughout the state. This will allow different municipalities to coordinate their land preservation and conservation efforts.

Previous landscape surveys done in Rhode Island such as the 1983 DEM report, **Open Space Preservation in Rhode Island: An Inventory of Significant Sites**, the Audubon Society's **Survey of Unique Natural Areas**, and the Nature Conservancy/RIDEM jointly-sponsored Natural Heritage Program's **Inventory of Rare and Endangered Species** have focused on the selection of unique or significant landscape sites from the perspective of ecological rather than aesthetic or scenic indicators. **Rhode Island's Salt Pond Regional Special Area Management Plan** (Coastal Resources Management Council, June 1985) lists the maintenance of "exceptional scenic qualities of the salt pond region", as one of its major goals. To date, however, no single report has focused on identifying those elements which define a scenic landscape and then evaluating landscapes from that perspective.

The Rhode Island Landscape Inventory can be used in conjunction with other surveys to provide a more comprehensive framework for evaluating landscape sites for preservation and conservation.

As mentioned previously, the Department of Environmental Management has a number of programs whose primary goal is focused on the preservation of open space for either its agricultural, recreational, or ecological value. All of these programs consider scenic resources as an element in their evaluation criteria.

The Rhode Island Landscape Inventory provides a method for rating the scenic quality of landscapes which are reviewed under existing State preservation programs.

The 1988 Rhode Island General Assembly passed an act relating to Comprehensive Planning and Land Use Re-evaluation. This act requires all cities and towns to adopt community comprehensive plans by 1991. One of the requirements of this act will be an inventory of all the significant natural and cultural resources (air, water, and land-based resources), open space areas and recreational resources for each community.

The Rhode Island Landscape Inventory provides key information for each of the 39 cities and towns within the state regarding significant scenic landscapes in their area, as well as evaluations for each of these scenic landscapes. Thus, each city and town will know not only the size and location of each scenic area, but, also, will have an analysis of those elements which were important towards an area's designation as a scenic resource.



Overall the main objective of this inventory is to provide a comprehensive report which identifies and evaluates landscapes of high scenic, historic, and cultural value. Some of the ways in which this inventory may be used to preserve and protect these important landscapes are as follows:

- Pinpoint areas for acquisition and/or protection based on scenic quality.
- Interface with other state landscape surveys and land preservation programs to provide a more comprehensive evaluation methodology.
- Direct development away from critically scenic or culturally important areas towards less sensitive landscapes.
- Provide the visual criteria for municipal zoning and subdivision regulations so that these regulations may allow development which is more closely aligned towards the vernacular New England landscape.
- Identify areas of tourism potential.
- Assist in the planning and management of road improvements and the preservation of scenic roadways.
- Assist the State Historic Preservation Commission in the identification and preservation of cultural and historic landscapes.
- Heighten awareness of scenic public open spaces for planning officials as well as the general public.
- Provide an educational tool for the public regarding the landscape heritage of Rhode Island.



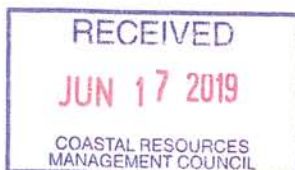
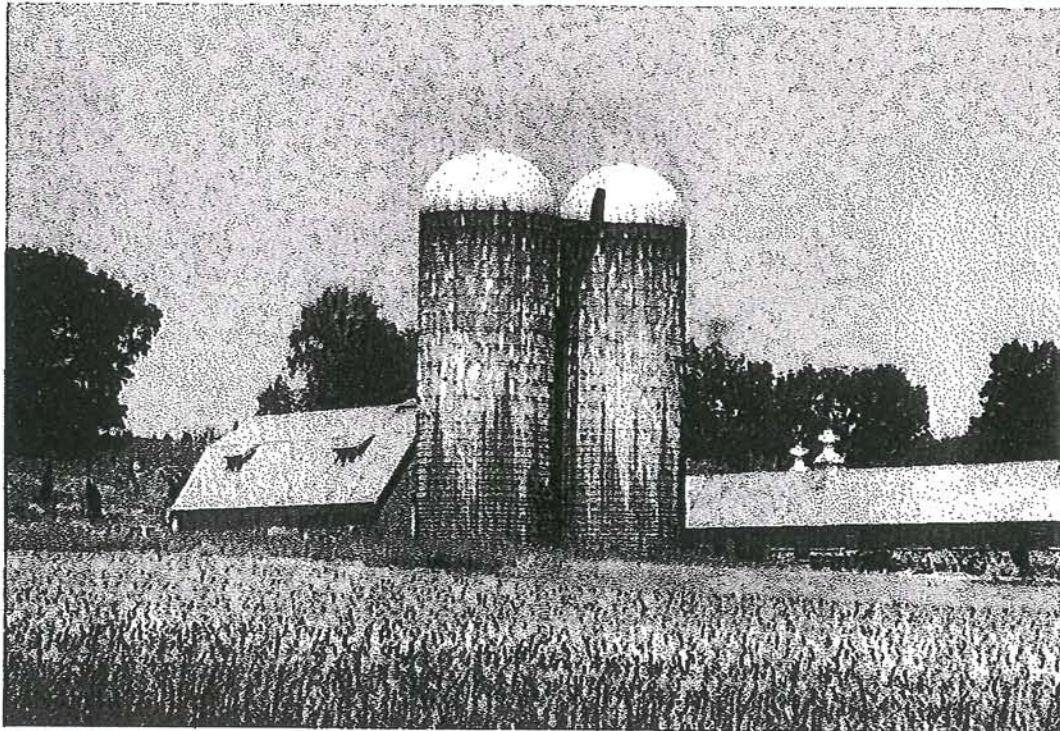
The Need for A New Survey

In the 1950's and 1960's, Rhode Island experienced a development boom which resulted in large expanses of open space, farmland, and woodland being developed into suburban house lots and commercial developments. Communities such as Barrington, Cranston, Johnston, and Lincoln changed from small rural communities to "heavily developed bedroom communities" (Lord, Peter. "The Race for What's Left", Sunday Journal Magazine, October, 25, 1987.)

In an attempt to maintain a balance between open space and development, Senator John H. Chafee, who was then Governor of Rhode Island, introduced the "Green Acres Program". Through a combination of state bond monies and matching federal and local grants, this program raised more than \$13 million towards the purchase of land for open space preservation. This money helped to purchase almost 3600 acres of land and preserve landscapes such as Colt State Park, and Snake Den State Park.

What the Green Acres Program did in the 1960's to maintain a balance between open space and development has unfortunately been insufficient in sustaining that balance in the 1980's. The recent surge in development over the past few years is overtaking the rural areas and open spaces that many Rhode Islanders have taken for granted. In spite of state programs already in existence and the passage of a \$16 million bond issue in 1986, a \$65 million bond issue in November 1987 and a \$54 million bond issue in 1989, there is still a need to identify, evaluate, and protect the Rhode Island landscape.

The premise of this inventory is that there is value in preserving the more traditional vernacular New England landscapes as scenic resources which define our "homes". The other premise is that new development should be able to adapt and fit into the existing landscape so that it may be recognized both as new development and as development which has been designed to enhance the existing character of the landscape.



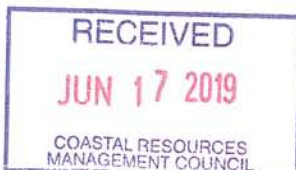
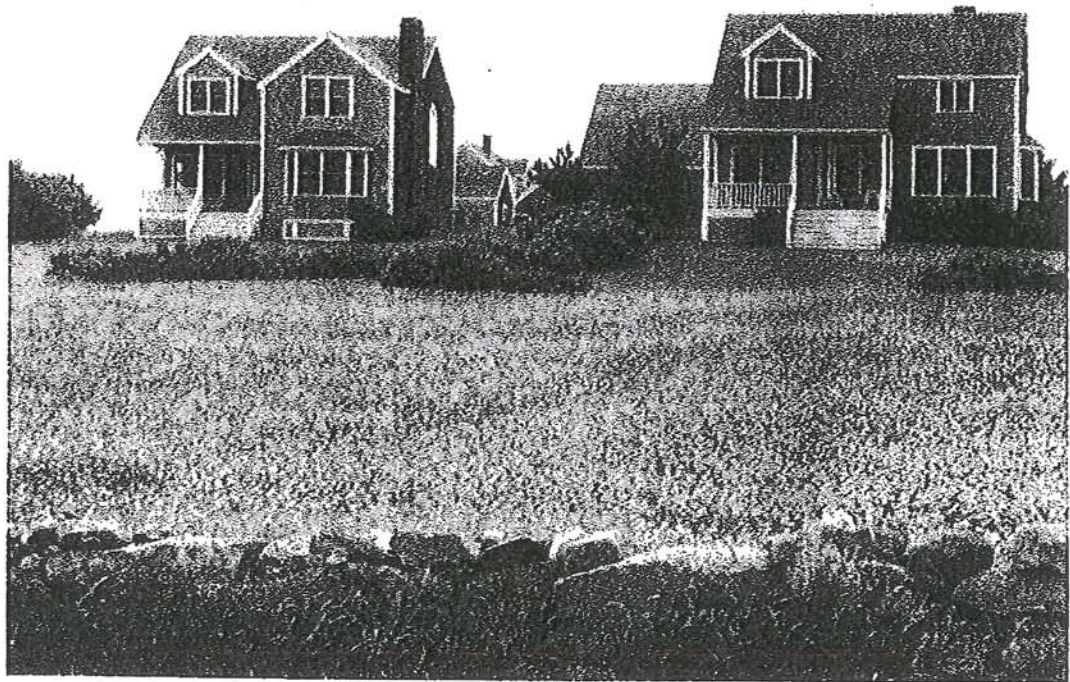
According to the Rhode Island Builders Association, about 75% of the land in Rhode Island was undeveloped in 1987. The major questions to be answered in planning towards land preservation and conservation are:

- How much of this undeveloped land can potentially be developed?
- Which areas should be identified for carefully planned development?
- Which areas should be identified for protection where no development is allowed?

Beginning in 1982, bond issues were approved by the voters of Rhode Island for over \$100 million in order to fund state programs which purchased land or acquired the development rights to open space. The following programs which are operated by RIDEM's Division of Planning and Development have combined to protect over 1200 acres of valuable land:

- The Farmland Preservation Program (1982)
- The Natural Heritage Preservation Revolving Loan Fund (1985)
- The Open Space and Agricultural Bond Fund (1986)
- The Open Space and Recreational Area Bond Fund (1987)
- The Open Space and Recreation Area Capitol Development Fund (1989)

We need to do more, however, than just provide bond monies for selected acquisition and preservation projects. As we move into the 1990's we should initiate steps towards identifying landscapes which need protection and be working to avoid the indiscriminate development that has already destroyed key areas of scenic landscapes. By identifying the most highly scenic areas in Rhode Island's landscape, this study takes a first step in this direction.



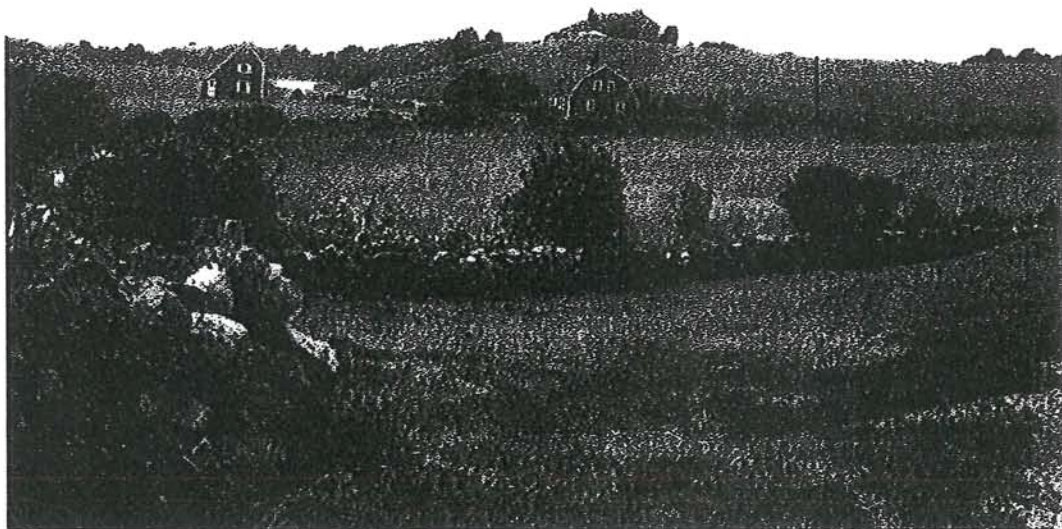
How To Use This Inventory

It is our intention that the **Methodology** section of this report be carefully studied with a focus on understanding the evaluation criteria and those elements which contribute to qualifying a landscape as scenic.

We recommend that the **Findings** section be used as a guide towards assessing which landscapes a city or town chooses to protect as scenic. This Inventory should not be used as the absolute word on which sites must be preserved "at all costs". First, this would be impossible since the landscape by its very nature is a changing, evolving element. Also, this study is intended to be used as a first step in evaluating the scenic resources of Rhode Island at a statewide level. Each city and town should use this Inventory to reevaluate each site in more detail using the evaluation criteria presented in this report. This evaluation should be done from the perspective of changes presently taking place or potential changes about to take place due to new development, roadway projects, or changes in zoning and planning regulations. In many cases, the information in this report will be of assistance for those cities or towns that are in the process of changing their zoning and planning regulations to include scenic criteria.

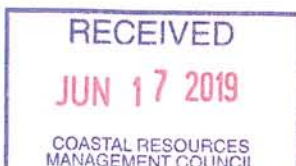
The **Map of Inventory Sites** on page 37 and the **List of Inventory Sites** on pages 38 through 41 give an overall picture of the most highly scenic areas in Rhode Island and their distribution around the state. The **List of Inventory Sites** provides the location and size (acreage) of scenic areas and their rating classification — either Distinctive or Noteworthy. The "List" also gives a brief assessment of each site indicating those natural, cultural/historical, and visual resources which contributed most to a site's scenic rating.

This rating classification system is similar to that used by the USDA Forest Service in their visual management system. The USDA Forest Service's classification "is based on the premise that all landscapes have some value, but those with the most variety or diversity have the greatest potential for high scenic value" (Bacon, 1978). A more detailed explanation of this classification system can be found in the **Methodology** section.



Both the "Map" and the "List" are meant to be used as a general reference guide to the highly scenic sites throughout the state. Cities, towns, and private organizations may then refer to the Index of USGS Quadrangle Maps (Appendix E) to find the appropriate USGS quadrangle specific to their area (These maps are included in the back folders in Appendix F). Municipalities may also contact the Department of Environmental Management, Division of Planning and Development to obtain USGS quadrangles for other parts of the state. In addition, all of the information on the USGS maps has been entered into the Geographic Information System at the University of Rhode Island, Environmental Data Center, Department of Natural Resource Science.

Finally, this report should be used as a guide towards understanding that highly scenic landscapes can be maintained and still accommodate change. Varying approaches may be acceptable for different landscapes under different circumstances. For some landscapes, no development may be the only acceptable approach in order to preserve and maintain the scenic quality of the area. Other landscapes may accommodate or even be enhanced by development, if the development utilizes the site's natural attributes. For all situations, awareness and appreciation of the scenic attributes of the landscape is essential.



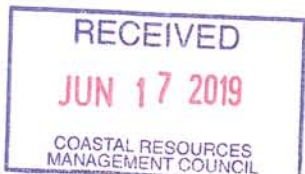
METHODOLOGY

The Development of the Study

As mentioned in the Introduction, this study grew out of 1987 legislation directing the Rhode Island Department of Environmental Management to establish and maintain a list of scenic areas in the state. The Rhode Island DEM had already established other programs to assess potential sites for preservation based upon their value as farmland, recreational open space, or important ecological areas. The focus of these evaluations was to identify significant natural factors from a largely ecological standpoint. There clearly was a need for a visual quality evaluation which integrated cultural, historical, and natural factors into existing programs.



In developing the scope of work for this study, it was apparent that we were dealing with the more subjective and abstract elements of landscape analysis or visual quality assessment rather than the more objective elements of ecological and natural factors evaluations of other previous programs and reports. Consequently, numerous methodologies were reviewed in order to obtain an approach best suited to evaluating the Rhode Island landscape.



Review of Existing Methods of Landscape Assessment

A large portion of the initial work for this landscape inventory was devoted to researching existing landscape survey methods. The book Foundations for Visual Project Analysis (ed. by Smardon, Palmer, and Felleman, 1986) provided a comprehensive resource of various techniques used for assessing the landscape as a visual resource. A careful review was made of visual impact assessment systems used by the USDA Forest Service, Bureau of Land Management and Soil Conservation Service, as well as those studies done by private practitioners such as Ervin Zube, Richard Chenowith, and Richard Smardon.

✓ We determined, as did Massachusetts DEM in The Massachusetts Landscape Inventory, that most existing methodologies were not suitable for evaluating the New England landscape in general, and the Rhode Island landscape, in particular, because these methodologies were developed for evaluating large areas of relatively undeveloped land in the western United States. Rhode Island has a great variety of coastal features, is fairly heavily forested, and has a rich heritage of cultural and historical land use patterns. Yet it lacks the dramatic change in physiographic features which most of the western areas of the United States possess.

Of all the methodologies which were reviewed, the two which proved to be the most useful for evaluating the Rhode Island landscape were the USDA Forest Service's National Forest Landscape Management Book and The Massachusetts Landscape Inventory.

✓ Rhode Island's landscape at present can best be described as a region of second growth forests which tend to limit distant views from the road. The landscape is subtle with varied topography, yet has strikingly varied coastal features combined with open agricultural lands, and significant water bodies comprised of natural and man-made lakes and ponds, rivers and streams, and wetlands. Rhode Island's traditional land development patterns, the fishing port, the rural farmstead, the coastal resort town, the small urban mill village, the "colonial" town common and agricultural lands edged with stone walls provide us with our most vivid cultural images of the landscape. These images combined with the variety of natural settings provide a complete picture of the scenic character of the landscape in Rhode Island. It is the identification and evaluation of cultural, historical and natural elements which provide a comprehensive approach for this landscape inventory.

✓ In the final analysis, Massachusetts' approach was found to be best suited and most closely aligned to the approach which we were seeking. This approach, although subjective since it represents the opinion of professionals and deals with a subjective analysis methodology, is guided by "specific, clearly listed, objective factors". It strikes a balance between the cultural and historical elements ___ "the created landscape", and the natural features of the landscape ___ "the physiogeographic landscape", with a strong emphasis on evaluating the value of rural open land.

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Scope of This Inventory

Webster's dictionary (second edition, 1970) defines the word landscape as "a portion of the land which the eye can comprehend at a glance". This inventory evaluates the Rhode Island landscape via a glance or view from the road, since this is the way most Rhode Islanders and visitors to Rhode Island are best able to view the state.

Only areas of scenic potential which were visible from the road were identified and evaluated. In addition, a decision was made at the onset of this project not to include urban areas. Although urban areas do contain vistas, streetscapes, etc., of scenic quality, they do not contain large tracts of open land. Since the nature of this study is to focus on the more rural open space areas of high scenic value where potential development pressures are most pressing, urban areas were excluded from the study.

After evaluating The Massachusetts Landscape Inventory, reviewing Neil Jorgenson's book A Guide to the New England Landscape, and discussing the characteristics of the Rhode Island landscape among Rhode Island DEM staff biologists, planners and landscape architects, as well as a consultant from Massachusetts DEM, we decided to divide the state into four physiogeographic regions. These four regions, **Interior Upland, Narragansett Lowland, Narragansett Bay Area, and Salt Pond/Coastal Plain** correlate to a combination of glacial, topographic, historic, and cultural elements.

The consultant from Massachusetts DEM advised us to keep the mapping technique as simple as possible and not map each individual scenic feature, small scenic overlook, or individual scenic view. As suggested, we also limited our mapping to large open tracts of land which could then be evaluated based on a combination of the evaluation criteria (The Physiogeographic Landscape, The Created Landscape, The Visual Landscape) which we developed.

Unlike Massachusetts DEM, the mapping for this inventory was not limited to areas over 1 square mile in size. Rhode Island is much smaller than Massachusetts and has a more subtle degree of variation in its physiogeographic features. Consequently, areas over 20 acres in size, but no smaller, were mapped.

By focusing on large open tracts of land, the most intact regions of open space and scenic quality in Rhode Island that were visible from the road were evaluated. These "landscape sites" often went beyond city and town boundaries, encompassing areas of several acres with shared visual, natural, cultural and historical characteristics. In some instances, "landscape sites" were broken up into alphabetized sections (A,B,C,etc.) because large areas of lesser visual quality were found in between sites of high visual quality. These areas of lesser visual quality were large enough to detract from the overall scenic quality of a "landscape site". Thus some landscape sites are noted as Site No. 62A,B,C. (Refer to List of Inventory Sites on page 38).

Small scenic areas under 20 acres (e.g. a monument or small historic town common) or isolated unique views which occurred within areas of "common" landscape quality were not included in this study. Some of these types of sites were listed by the cities and towns in the questionnaires which were sent out in the early phase of this project (See Appendix A). These small scenic sites and views are undoubtedly areas of scenic quality which are important to the individual cities and towns and which deserve some measure of protection. However, we determined that the individual cities and towns should look into and evaluate these areas in more detail so that we could focus the parameters of this study on areas of regional planning and statewide concern. Certainly the assessment criteria which were developed in this report may be used by the cities and towns for their own assessment work.



This inventory focuses on Rhode Island's most scenic landscapes which comprise about 15% of the State's land area. Three classifications of scenic quality were developed, just as in The Massachusetts Landscape Inventory. These three classifications are **Distinctive**, **Noteworthy**, and **Common**. Just as in the USDA Forest Service's visual management system, we developed a frame of reference by which the physical features of an area could be assessed. Features such as land pattern, water, rock formation, and vegetative patterns were compared in combination with those features found to be most common in a particular landscape character type or region. We also developed a frame of reference by which cultural and historic features could be assessed. Through this comparison, a site's overall degree of scenic quality was determined. In order to distinguish a site as **Distinctive**, **Noteworthy**, or **Common**, the common landscape characteristics for each physiogeographic region had to first be established as a benchmark from which the distinctive and noteworthy sites could be judged.

Distinctive landscapes are areas which have the highest visual appeal or "imageability" and contain a great deal of variety in form, line, texture, and color in the land when evaluating the physiogeographic, historic, and cultural features. These areas make up about 8% of the land in Rhode Island. An area such as an historic farmstead whose buildings are positioned on the land in a manner which is both highly scenic and agriculturally practical is considered "well-sited" and would be an example of a distinctive landscape. (Note: In many cases, positioning of structures was dictated by topography, soils, climate and other natural factors for practical purposes. This "positioning" factor is what has contributed to a farmstead or mill village being "well-sited" versus the somewhat vague setback requirements which are used today in positioning structures on a site.) **Noteworthy** landscapes make up about 7% of the land area in Rhode Island and are "areas of lesser, but nevertheless important, visual quality" with characteristics which combine to create an area of scenic value. The line, form, texture, and color characteristics of the landscape are less varied than for **Distinctive** landscapes. For example, a town common which is historic, topographically well-sited, and is well maintained but has some eyesores on the perimeter such as a junkyard would be rated noteworthy. **Common** landscapes which constitute the remainder of the Rhode Island landscape are areas of little scenic quality with characteristics which are indistinct or have very little variety in terms of line, form, texture, and color in the landscape for their particular region. Much of the second growth woodland which occurs in Rhode Island would be considered in this category because it is so prevalent throughout the state.



Evaluation Criteria/Scenic Features

Although this study is perceptual and thus subjective in nature, we have attempted to measure the scenic characteristics of the landscape as objectively as possible. A list of specific landscape features contributing to high visual quality for each of four physiogeographic regions in Rhode Island was developed. These four regions were delineated based upon common elements of topography, geology, vegetation and water features which characterized each region. Regional delineations used in The Massachusetts Landscape Inventory, as well as Neil Jorgenson's book A Guide to the New England Landscape were, also, helpful towards defining these four regions which are as follows:

Interior Upland
Narragansett Lowland
Narragansett Bay Area
Salt Pond/Coastal Plain

Once the physiogeographic regions had been delineated, specific scenic features or evaluation criteria were developed from the criteria used for three (Coastal Plain, Seaboard Lowland, Central Plain) of the six physiogeographic regions in The Massachusetts Landscape Inventory. These criteria were modified to reflect the specific characteristics of the Rhode Island landscape. It was decided that a fourth region, Narragansett Bay Area, was necessary to evaluate landscapes where Narragansett Bay was a major visual feature in the landscape. The specific evaluation criteria for each region are listed on charts in the section that follows describing "The Physiogeographic Landscape".

A preliminary field test was done for each of the physiogeographic regions to see how the evaluation criteria stood up. A DEM staff landscape architect and planning intern evaluated three sites in each region using preliminary score sheets which had been developed. These sites were also photographed. The result of this field test was a report to an advisory committee which viewed slides of the sites as they reviewed the evaluation criteria and the scoring which had been done for each site. Based upon comments and recommendations made by the advisory committee, both the evaluation criteria and the score sheet were modified.

At the same time, the results of the questionnaires which had been sent to the planning boards and conservation commissions in each of Rhode Island's cities and towns were being reviewed by the DEM staff. The purpose of this questionnaire was to obtain a sense of how individual cities and towns viewed their own landscapes and which landscapes they considered to be common versus highly scenic. The questionnaire asked for a list of specific landscapes where cultural and historical factors or natural factors were the dominant scenic elements. It requested that these sites be noted on a map of the city/town which had been enclosed with the questionnaire. When the final field survey was done in June through August 1988, these sites were checked and evaluated using the returned maps and questionnaires. (Note: a total of 21 out of 39 cities and towns responded.) Some of the sites listed in the questionnaires, such as special vistas or overlooks, were determined by field check to be too small to be included in the survey. Many sites, however, did correlate to sites which we delineated as areas to investigate for high scenic potential on the USGS maps.



After reviewing the results of the questionnaire, assessing the recommendations and comments of the advisory committee, researching further physical and cultural data on each of the four physiogeographic regions, and reviewing the opinions of the evaluators and DEM staff, the evaluation criteria were further refined. Scenic quality was broken down into three general categories from which the landscape is perceived. These categories are:

The Physiogeographic Landscape - those natural elements in the landscape which are perceived solely for their natural scenic beauty.

The Created Landscape - those elements of the landscape which have been used, shaped, or modified over time by human activity, occupancy, or intervention as part of an evolving cultural and historical process in the natural use and development of the land. (Reference: National Register Bulletin No. 30, How To Identify, Evaluate and Register Rural Historic Landscapes.)

The Visual Landscape - those purely visual elements to which humans relate in viewing a total landscape picture.

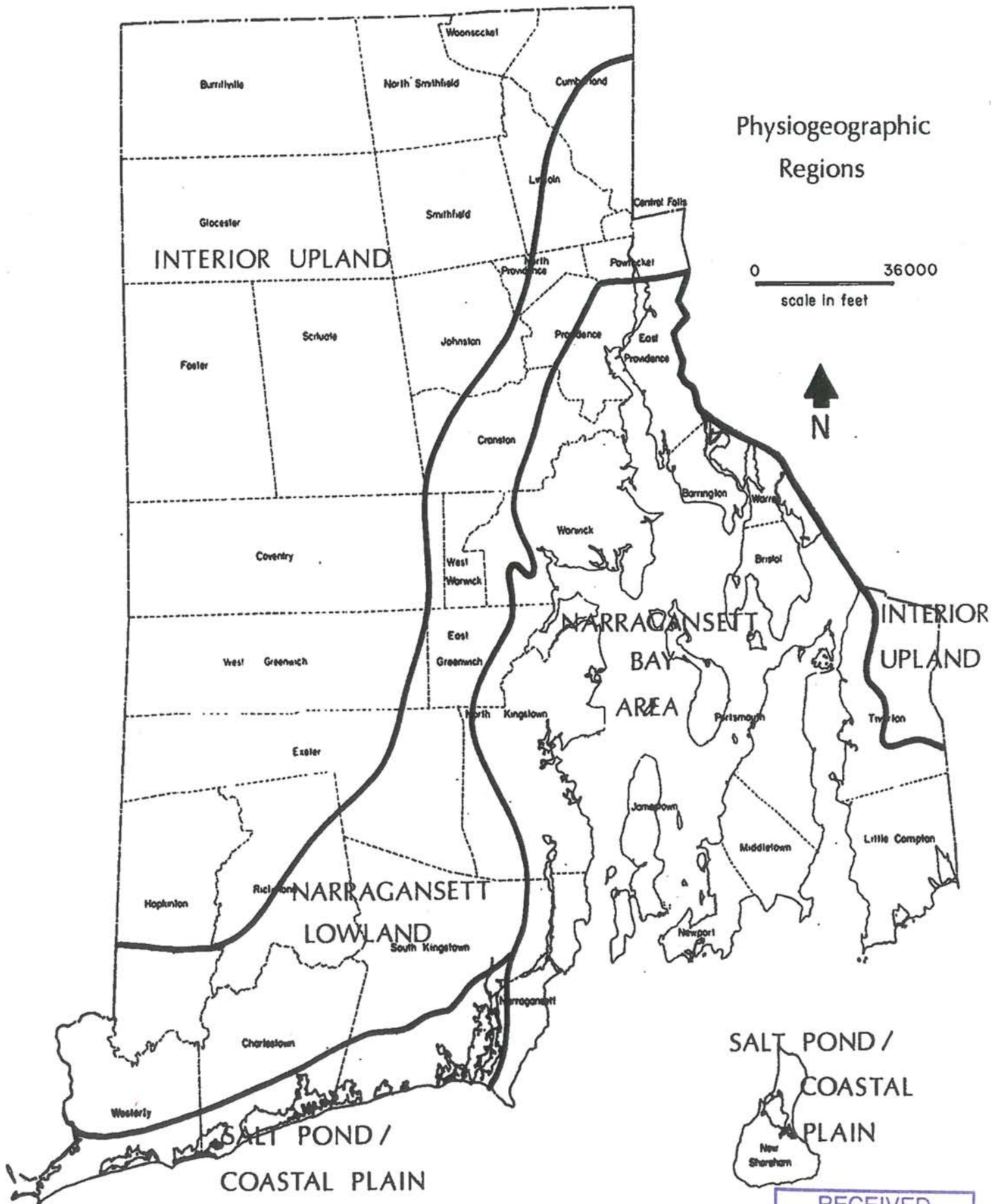
The strategy was to break down scenic quality into the above-mentioned general categories and then assess each of these general categories in terms of specific individual components. By doing this, the inventory team was able to make more consistent decisions in the field, in addition to having a solid background for explaining the basis for these decisions.

The individual components in The Physiogeographic Landscape category assess natural sciences information about the landscape and the life it supports. Scenic features such as land form (topography, geology, glacial formations, etc.), land cover (vegetation), coastal features, and water features (rivers, streams, lakes, ponds, wetlands, estuaries) are described in detail for each of the four physiogeographic regions.

The individual components or scenic features in the category of The Created Landscape assess the scenic impact of landscape elements which have been modified by the evolving cultural patterns in the development of the land. Components such as land pattern, built fabric, containment, and historic interest contribute significantly to the identity of a landscape site.

The individual components in The Visual Landscape assess the type of view (narrow vista, panorama, etc.), and how capable the landscape is of visually absorbing potential change or development (Visual Absorption Capacity).





THE RHODE ISLAND LANDSCAPE INVENTORY

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Assessment Procedure

After defining the scenic features contributing to high scenic quality in each of the four physiogeographic regions, the DEM staff then identified the locations of these features on 1:24000 - 7 1/2 minute USGS topographic maps. By delineating all areas of potential scenic quality, many hours of investigation were saved before going into the field.

Scenic features such as land form (topography), land cover (vegetation), and some types of land use are readily discernable on USGS maps by viewing topographic lines and tonal shading. Open space areas are denoted as white, urban areas are purple or pink, suburban areas are pink, and forested areas are green. Structures are also noted on the USGS maps. The Rhode Island Historic Preservation Commission's listing of National Historic Register Districts was used to denote historic villages, towns, structures, farms, etc. on the USGS maps.

After mapping the initial data, the preliminary field work or windshield survey was done in the Spring of 1988 to test the evaluation criteria, the database mapping, and the evaluation score sheet (See Appendix D for a sample score sheet). Once the initial findings had been presented to the advisory committee and reviewed by them in April 1988, the score sheet and evaluation criteria were revised.

The second, more detailed, phase of the windshield survey was done between June and September 1988 with three interns working with the DEM staff landscape architect. The interns who were students in the fields of planning, landscape architecture, and landscape history, provided a blend of backgrounds for this survey work and evaluation.

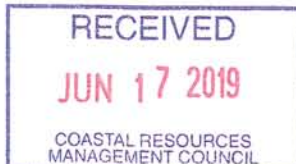
The tools used in this windshield survey were the 7 1/2 minute USGS maps, the questionnaire results from the cities and towns, the score sheets, two 35mm cameras loaded with Ektachrome slide film, pencils, and colored markers.

The survey work was set up so that each person on the team was assigned a task. These tasks were 1) driving, 2) navigation as per the USGS map, 3) photography, and 4) evaluation. The tasks were rotated so that no one person became bored, each person had an opportunity to try a different task during the day, and all members of the team contributed to the evaluation of the sites.

The score sheet was set up so that each component or scenic feature of the evaluation criteria was rated based upon a numerical scoring system of values ranging from 1 to 10. Physiogeographic, cultural/historical, and visual components with a Distinctive value were scored or rated between 8 and 10, those of a Noteworthy value between 4 and 7 and those considered to be Common, between 1 and 3.

At the end of each week, the score sheets and USGS maps were reviewed and compared with the questionnaire results. Questionable areas were noted for further field investigation. Also, slides were labelled and filed so that a slide library of potential scenic landscapes in Rhode Island was compiled by the end of the summer's field work.

The field work was completed within a twelve-week period. An extra week was then given to rechecking those areas which had been termed "questionable" and required additional reconnaissance.



THE PHYSIOGEOGRAPHIC LANDSCAPE

To develop evaluation criteria for each of the four physiogeographic regions, it was necessary to analyze and assess the major characteristics of each region. Natural features of topography (land form), soil types, vegetation (land cover), glaciation and water features (lakes & ponds, rivers & streams, and wetlands) were assessed throughout the state. The boundaries for the four physiogeographic regions were then established based upon natural features which were characteristic to each region. These boundary lines are as accurate as possible given the scale (USGS 1:24000) at which the assessment was done.

Interior Upland

The Interior Upland region includes most of western and northern Rhode Island and a small area in the northeastern corner of Tiverton.

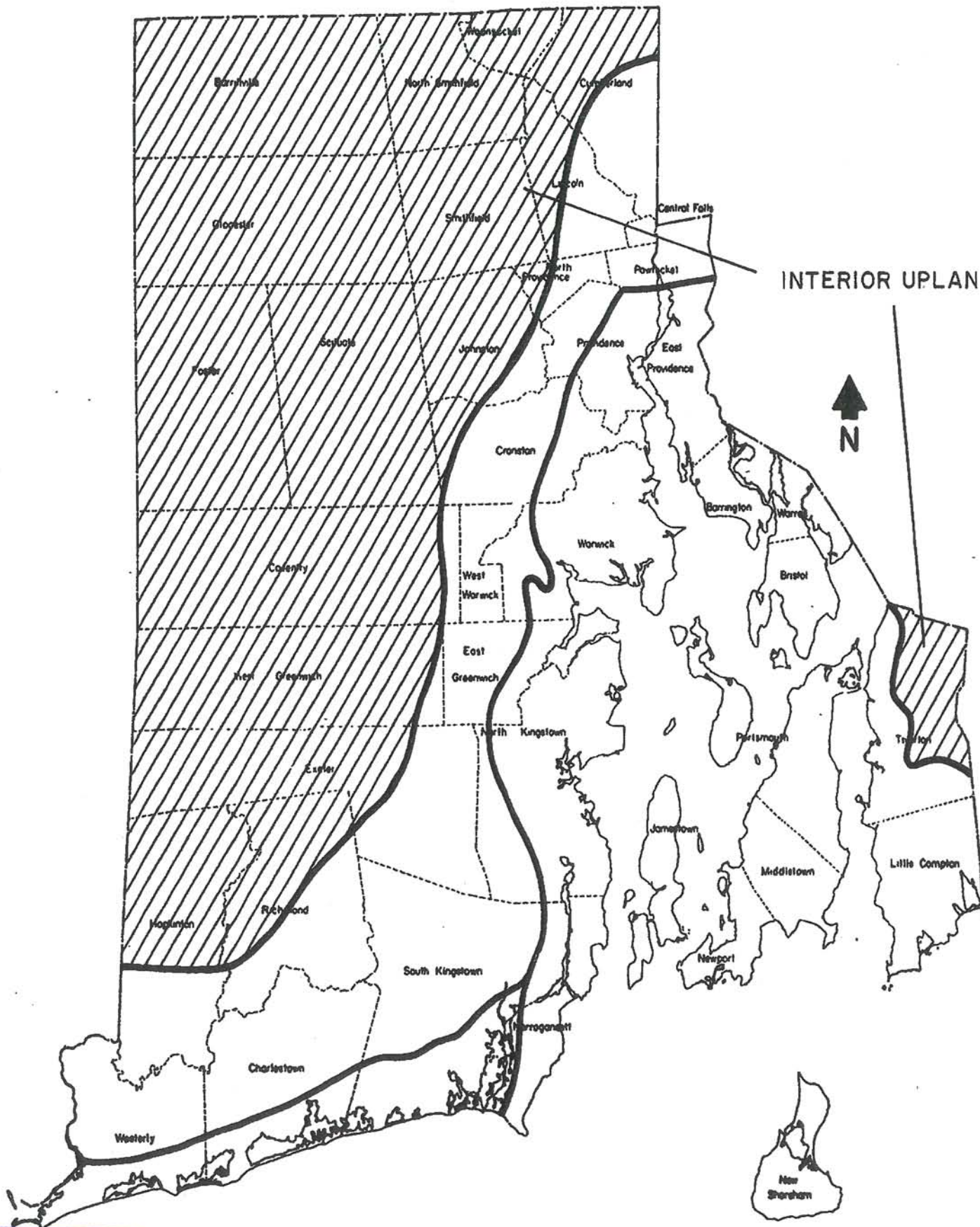
The land form ranges in elevation from Jerimoth Hill in Glocester which at 809 feet above mean sea level is still the highest point in the state, to a low elevation of about 250 feet above mean sea level in Hopkinton. Most of the western part is undulating terrain punctuated by sharp bedrock outcrops. Areas of rocky topography (Cumberlandite) occur in the northwestern corner of the region around Diamond Hill in Cumberland.

The vegetation is mainly extensive oak forests with concentrations of hemlock. Most of the undeveloped land is agricultural land comprised of dairy farms and orchards.

There are numerous water features in this region including many lakes and ponds in the northern part. The largest water feature in this region is the Scituate Reservoir which provides most of Rhode Island with its drinking water. Other reservoirs are the Flat River Reservoir and the Pascoag Reservoir which have some development around them and are used for recreational purposes, and the Diamond Hill Reservoir whose primary use is as a water supply source for the City of Pawtucket. The rivers and streams in this region include part of the Blackstone River and the Branch River in Woonsocket and Cumberland, the Moosup River in western Coventry and West Greenwich, the Wood River which begins around the West Greenwich town line, and portions of the Pawtuxet River. It should be noted that the wetlands in this region are predominantly red maple swamps.

This region, particularly the northernmost and westernmost sections is the least densely populated in the state and consists of small rural communities such as Clayville and Harrisville.



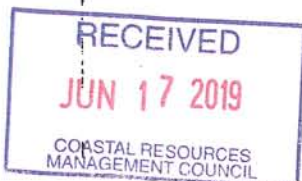


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THE RHODE ISLAND LANDSCAPE INVENTORY

The Physiogeographic Landscape - Interior Upland

	Distinctive 10 - 8	Noteworthy 7 - 4	Common 3 - 1
Land Form	Notable geologic features such as high plateaus, sharp bedrock outcrops, promontories, steep slopes, and deep valleys. Outstanding glacial features.	Some identifiable geologic features. Some topographic variety.	No topographic variety. Few, if any, geologic features.
Land Cover	Variety of woodland and/or agricultural/pastoral vegetation. Interesting mosaic of land cover and spatial sequences. Unique stands of old growth timber greater than 60 feet.	Some agricultural/ pastoral lands but majority is in forest or wetlands. Some timber stands greater than 60 feet.	Abandoned farmland going into primary succession. Unbroken woodland or indistinct vegetation. Scrub vegetation of poor quality and size with most timber under 60 feet.
Water Features: Rivers & Streams	Unpolluted rivers and streams. Some changing flow characteristics. Little or no development along edge. Falls, meanders, rapids, whitewater in some areas.	Streams or rivers with no visible pollution. Brooks with some changing flow characteristics. Some development along edge.	Visible pollution. High density development along edge.
Water Features: Lakes & Ponds	Little or no shoreline development along edge. Varied shoreline configuration. Presence of islands or outstanding shoreline features. No visible pollution.	Some shoreline development along edge. Some shoreline interest. No visible pollution.	High density shoreline development. Lack of shoreline features.
Wetlands: Freshwater	Outstanding or highly varied vegetation types. No development in viewshed.	Some mix of vegetation types. Some development present but viewshed not degraded.	No vegetational variety. High density development.



Narragansett Lowland

The Narragansett Lowland region comprises an area running diagonally across the state. Its eastern boundary is the Narragansett Bay region. Its southern boundary is the glacial moraine along Route 1. Its western boundary is the Interior Upland Region and the Connecticut state line near the towns of Westerly and Hopkinton. Its northeastern boundary is the Massachusetts state line bordering Cumberland and Pawtucket.

The landform ranges in elevation from sea level at the mouth of the Providence River to about 400 feet above sea level in Cumberland. Most of the land is low level coastal plain with features of rolling hills and glacial boulders such as in the town of Lincoln and the village of Shannock.

The vegetation is mainly forest comprised of a variety of oaks and some pitch pine. Open agricultural lands (dairy farms and turf farms) are interspersed throughout. One unique vegetational feature is a concentrated band of Rhododendrons which occurs north of Route 1 from Ministerial Road (Route 110) west to Ell Pond.

The water features include some of the most significant in the state with Worden Pond in South Kingstown, the largest natural pond in the state, the Blackstone River which played a major role in the development of the state's industry in the 19th century, and the state's largest wooded swamp, Great Swamp. Other water features include a series of kettle ponds in South Kingstown and Charlestown along the top of the Route 1 moraine, the Pawcatuck River which winds its way through Hopkinton and Richmond, and sections of the Pawtuxet River in Warwick and West Warwick.

The predominant land use pattern in the region is suburban development and the population is steadily increasing with more and more open land lost each year to development. Some outstanding open spaces still remain as well as some nineteenth century mill villages along the Blackstone and Pawtuxet Rivers.



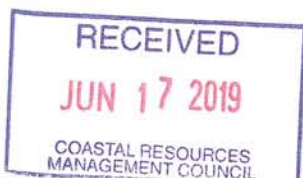
The Physiogeographic Landscape - Narragansett Lowland

	Distinctive (10 - 8)	Noteworthy (7 - 4)	Common (3 - 1)
Land Form	Notable land forms such as plateaus, valleys, steep slopes, sharp bedrock outcrops, or promontories.	Undulating land. Some identifiable land features.	Topographic variety with few identifiable features.
	Outstanding glacial features		
Land Cover	Outstanding variety of woodland and/or agricultural land.	Some agricultural/pastoral land surrounded by woodland.	Intensive development or woodland (second growth) c indistinct character.
	Unique areas of conifers or hardwoods present.	Tall stands of vegetation but not unique.	
	Interesting mosaic of land cover sequences.	Some vegetational and land cover variety.	
Water Features: Rivers & Streams	Streams or rivers with no visible pollution.	Unpolluted brooks.	Visible pollution.
	Some changing flow characteristics.	Little changing flow characteristics.	
	Little or no development along edge.	Some development along edge.	High density development along edge.
	Falls, meanders, rapids, whitewater in some areas.		
Water Features: Lakes & Ponds	Little or no shoreline development.	Some shoreline development.	High density shoreline development.
	Varied shoreline configuration.	Some shoreline interest.	Lack of shoreline features.
	Presence of islands or outstanding shoreline features.		
	No visible pollution.	No visible pollution.	
Wetlands: Freshwater	Outstanding or highly varied vegetation types.	Some mix of vegetation.	No vegetation variety.
	Presence of open water. Unpolluted.	No visible pollution.	Pollution visible.
	No development in viewshed.	Some development present but viewshed not degraded.	High density development.
Headlands:	Rocky headlands greater than 50' in height. Little development.	Headlands less than 50' in height. Some development.	Headlands minimal or absent. Intensive development.



The Physiogeographic Landscape - Narragansett Bay Area

	Distinctive (10 - 8)	Noteworthy (7 - 4)	Common (3 - 1)
Land Form	Notable land forms such as plateaus, valleys, sharp bedrock outcrops, or promontories.	Undulating land. Some identifiable land features.	Little topographic variety. Few identifiable land features.
Land Cover	Outstanding glacial features and/or pastoral vegetation.	Some agricultural/pastoral land surrounding woodland.	Intensive development or forest land.
	Unique areas of conifers or hardwoods present.	Tall but indistinct stands of conifers or hardwoods.	Second growth vegetation of indistinct character.
	Interesting mosaic of spatial land cover sequences.	Some vegetational and land cover variety.	
	Presence of water.		
Coastal Features	Undisturbed beaches, dunes, sea cliffs, and coastal bluffs.	Some shoreline development and disturbance of natural coastal features.	Heavy shoreline development. Disturbance of natural coastal features.
Water Features: Rivers & Streams	Unpolluted streams or rivers.	Streams and rivers with no visible pollution.	Visible pollution.
	Some changing flow characteristics.	Little changing flow characteristics.	
	Little or no development along edge.	Some development along edge.	High density development along edge.
	Falls, meanders, rapids, whitewater in some areas.		
Water Features: Lakes & Ponds	Little or no shoreline development.	Some shoreline development.	High density shoreline development.
	Varied shoreline configuration.	Some shoreline interest.	Lack of shoreline features.
	Presence of islands or outstanding shoreline features.		
	No visible pollution.	No visible pollution.	
Wetlands: Estuaries	Large expanses of salt marshes with woodland or farmland borders.	Large expanses of salt marshes with some development on borders.	Marshlands absent or badly polluted and bordered by intensive development.
	Little or no development in viewshed.	Development present but does not degrade visual integrity of area.	
	No visible pollution.	No visible pollution.	



Wetlands: Freshwater	Outstanding or highly varied vegetation types.	Some mix of vegetation types.	No vegetation variety.
	Presence of open water. Unpolluted.	No visible pollution.	Pollution visible.
	No development in viewshed.	Some development present but viewshed not degraded.	High density development.
Headlands	Rocky headlands greater than 50' in height. Little development.	Headlands less than 50' in height. Some development.	Headlands minimal or absent. Intensive development.



Salt Pond/Coastal Plain

The Salt Pond/Coastal Plain Region encompasses Block Island and all of the area south of Route 1. The landform comprises terminal moraines (Block Island) of Wisconsin Glaciation, pitted outwash plains, barrier beaches and some flat sandy beaches. Bedrock outcrops are completely absent from this region. The topography consists of marine erosional features, specifically dunes and bluffs, along the shore. Major elevations of headlands include Clayhead, Block Island (100 feet above mean sea level), Mohegan Bluffs, Block Island (60 feet above mean sea level), and Watch Hill, Westerly (50 feet above mean sea level).

The vegetation consists of maritime forests and scrublands of oak and pitch pine. What is left of farmland is mostly turf farms. Much of the land is used mainly for summer residences but many areas have become year-round communities. The major fishing port of Gallilee is located along the eastern boundary of this region.

Water features include extensive salt ponds and salt marshes. This is the only region in Rhode Island which contains such a predominance of salt marshes. The only major river in the region is the part of the Pawcatuck River near the town of Westerly. Lakes and ponds occur as extensions of barrier beaches (e.g. Great Salt Pond on Block Island). Many of the barrier beaches have extensive shoreline development which has occurred in spite of damage and destruction caused by severe hurricanes and coastal storms.

The Watch Hill summer colony is a picturesque area of summer homes and large estates overlooking the Atlantic Ocean and Ninigret Point, the westernmost point in Rhode Island. The barrier beaches along Ninigret Pond and Truston Pond are both protected wildlife refuges. Other barrier beaches along Quonochontaug Pond, Weekapaug Pond, and Green Hill Pond are partially developed. State and town officials have attempted to lessen impacts on the environment in these areas.



The Physiogeographic Landscape - Salt Pond/ Coastal Plain

	Distinctive (10 - 8)	Noteworthy (7 - 4)	Common (3 - 1)
Land Form	Notable geological features, definable hills, bluffs, or promontories.	Undulating land.	Little topographic variety.
	Identifiable glacial features.	Some identifiable land features.	
Land Cover	Interesting mosaic of agricultural/pastoral land and/or natural woodland/moorland.	Variety of land cover with areas of interesting vegetation.	Monotonous unbroken woodland.
	Unusual or outstanding areas of vegetation.	Few areas of unique or outstanding vegetation.	Vegetation is uninteresting.
Coastal Features	Undeveloped pristine barrier beaches.	Some shoreline development and dune disturbance.	Heavy shoreline development.
	Undisturbed dunes or bluffs.		Dunes or bluffs absent or destroyed.
Presence of Ocean	Ocean dominates the landscape visually, audibly, and through the presence of coastal features (rocky shore, bluffs, dunes, and coastal vegetation.)	Ocean is visible in the landscape (middle ground) and through presence of coastal vegetation.	Awareness of ocean through distant vistas.
	Ocean breezes and salt air are definitely present.		
Water Features: Rivers & Streams	Unpolluted streams or rivers.	Streams or rivers with no visible pollution.	Visible pollution.
	Some changing flow characteristics.	Little changing flow characteristics.	
	Little or no development along edge.	Some development along edge.	High density development along edge.
	Falls, meanders, rapids, whitewater in some areas.		
Water Features: Lakes & Ponds	Little or no shoreline development.	Some shoreline development.	High density shoreline development.
	Varied shoreline configuration.	Some shoreline interest.	Lack of shoreline features.
	Presence of islands or outstanding shoreline features.		
	Unpolluted, pristine, clear water.	No visible pollution.	



Wetlands: Estuaries	Large expanses of salt marshes with woodland or farmland borders.	Large expanses of salt marshes with some development on borders.	Marshlands absent or badly polluted and bordered by intensive development.
	Little or no development in viewshed.	Development present but does not degrade visual integrity of area.	
	Unpolluted.		
Wetlands: Freshwater	Outstanding or highly varied vegetation types.	Some mix of vegetation types.	No vegetation variety.
	Presence of open water. Unpolluted.	No visible pollution.	Pollution visible.
	No development in viewshed.	Some development present but viewshed not degraded.	High density development.
Headlands	Rocky headlands greater than 50' in height. Little development.	Headlands less than 50' in height. Some development.	Headlands minimal or absent. Intensive development.



THE CREATED LANDSCAPE

The category of The Created Landscape was developed in order to assess cultural and historical factors which have impacted the landscape. These factors analyze man's actions on the land. The specific factors of land pattern, built fabric, containment, and historic interest were used in composite to assess which areas possess an outstanding presence in the landscape and contribute significantly to creating a "sense of place". Norberg-Schultz (1980) defined three requirements which he felt were necessary towards providing the common qualities which create a "sense of place". These requirements are that a place have meaning (e.g. Historic Interest), interest (e.g. Built Fabric, Historic Interest), and provide a sense of orientation (e.g. Land Pattern, Containment).

The Created Landscape is the category we have developed in order to evaluate cultural and historical elements of the traditional New England landscape. This landscape possesses "a significant concentration, linkage(s), or continuity of natural and man-made components that are united by human use and past events or aesthetically by plan or physical development". (C. Brockway, 1989).

We have used the following four evaluation criteria in evaluating the cultural and historical factors that have impacted the landscape of Rhode Island:

Land pattern evaluates the existing use of the land as well as the presence of outstanding focal points and features such as old farmhouses, unique stands of trees, or unusual rock outcroppings.

Built Fabric evaluates the architectural elements within the landscape. The premise is that within any area there will be a characteristic development pattern that establishes an average or common condition. Any areas which are above this average condition are rated either distinctive or noteworthy. With built fabric, the elements of harmony, continuity, and consistency of architectural form produce high ratings.

Containment evaluates the natural shape of the land as historically influenced by man's use. Where natural features are strong enough to define a town's edge or a farmstead's perimeter, the area maintains a cohesiveness, and thus, a well-defined "sense of place".

Historic Interest simply evaluates whether the area is a National Historic District, possesses structures on the National Register of Historic Places, or has some architectural or natural historic importance.



The Created Landscape

	Distinctive (10 - 8)	Noteworthy (7 - 4)	Common (3 - 1)
Landpattern	Excellent siting of major farms, rural towns, mill villages, estates, historic areas, or residential developments.	Well-sited farms, towns, mill villages, historic areas or residential developments.	Poorly sited developments.
	Very interesting mosaic in landpattern.	Somewhat interesting mosaic in the land pattern.	Uninteresting or indistinct mosaic in landpattern.
	Dominant presence of focal point(s) or outstanding feature(s).	Presence of focal point(s) or outstanding feature(s).	No focal point(s) or landpattern feature(s).
Built Fabric	Scale, massing, and setback of built fabric do not overpower the natural landscape.	Scale, massing, and setback of built fabric are somewhat intrusive upon the natural landscape.	Scale, massing, and setback of built fabric overpower the natural landscape.
	Excellent continuity and harmony of form in relationship between vegetation and development.	Overall continuity and harmony of form in relationship between vegetation and development.	Lack of continuity and of harmony of form in relationship between vegetation and development.
	Consistency in built fabric. Core character of built fabric is intact.	Fairly consistent built fabric. Core character of built fabric is slightly eroded.	Inconsistency in built fabric. Core character of built fabric is non-existent.
Containment	Visually dominant natural features define the created landscape.	Some natural features define the created landscape.	Natural features present but not contributing to definition of the created landscape.
	No eyesores or intrusions present on perimeter.	Few eyesores or intrusions present on perimeter.	Eyesores or intrusions on perimeter.
Historic Interest	National Register districts and landscapes or many buildings on National Register.	Some historic buildings and landscapes.	Little to no historic interest.
	Historic fabric maintains integrity with no intrusions or eyesores.	Historic fabric maintains integrity with few intrusions or eyesores.	Historic fabric does not maintain integrity or has some intrusions or eyesores.
	Landscape has historic relationship to area. Ecological landscape elements appear to be historically correct.	Landscape has some historic relationship to area. Ecological landscape elements are historically altered.	Heavily altered landscape with no historic relationship. Severely altered ecological elements.



THE VISUAL LANDSCAPE

The Visual Landscape evaluates two perceptual factors __ type of view and the visual absorption capability of the land.

Types of views provide the viewer with a visual framework within which to assess the landscape, much like a camera lens defines the viewframe of a photograph. We developed three categories within the "type of view" evaluation feature. A vista is a defined angle of perception within the landscape which limits the view to a particular part of the landscape while providing the viewer with a sightline to distant ground. A narrow view provides a focal point or narrow sightline within the landscape which draws the viewer's visual focus to one small area in the landscape. A panorama is a wide sweeping angle across the horizon which allows our visual framework to take in as much of the landscape as is physically possible with only a movement of the head. Wide sweeping panoramas, distant vistas, or narrowly-framed views to a focal point can affect how one experiences the landscape and perceives its scenic elements.

Visual absorption capability measures the potential of the land to visually absorb development or change. The visual absorption capability is "an indication of the degree of difficulty", in terms of cost factors, by which the land can visually absorb change or development "without significantly affecting visual character" (Bacon, 1978). Factors such as slope, vegetation (height, density, and diversity) and the erosion potential of soils affect a landscape's development capability. The more restrictive factors such as steep slopes, dense vegetation, and highly erodible soils usually are the most difficult and costly to change or develop, and thus, were given higher numerical scoring in our system. A landscape which scored high in visual absorption capability would be less likely to visually absorb change or development. For example, the visual landscape of a steep slope with tall, dense conifer trees would be greatly altered by the clearing of the land for some type of development, and thus, score high in our evaluation system.



The Visual Landscape

Factor	High (10 - 8)	Medium (7 - 4)	Low (3 - 1)
Type of View			
Vista	Outstanding year-round vista. No intrusions or eyesores.	Noteworthy, seasonal or partly obscured vista. Occasional intrusion or eyesore.	Vista minimal or absent due to heavy foreground mass. Eyesores present.
Narrow View	Outstanding focal point in well contained viewshed.	Narrow view with interesting focal point or feature. Few eyesores present but not dominant.	Narrow view without quality focal point or feature. Eyesores present.
Panorama	Panoramic view with dominant features. No eyesores. Varied topography. Distant ground visible.	Non-dominant features or focal elements in panorama. Few eyesores present. Middle ground visible.	Uninteresting panorama without dominant elements or focal features. Some eyesores present.
Visual Absorption Capability			
	High (5—>)	Medium (3—>)	Low (1<—)
Slope	Undulating topography. Slopes are below 15%.	Slopes between 15% and 40%.	Steep slopes above 40%.
Vegetation Density	Dense vegetation. High amount of woodland acreage.	30%-70% density/ Some open land.	0-30% density. Large tracts of open land.
Height	Tall stands of wood-land.	Medium vegetation height.	Low growth for region; grasses and open land.
Diversity	High vegetation diversity.	Some vegetation diversity. Mix of conifers and deciduous trees.	Little vegetation diversity.
Soil			
Erosion potential	Low erosion potential.	Moderate erosion potential.	High erosion potential.
Stability	Low instability hazard and/or good regenerative potential.	Medium instability hazard and/or some regenerative potential.	Instability hazard and/or poor regenerative potential.
Visual contrast	Low visual contrast between exposed soil and adjacent vegetation.	Moderate visual contrast between exposed soil and adjacent vegetation.	High visual contrast between exposed soil and adjacent vegetation.
Site Recoverability	High; minimum to no impact from development.	Medium; some degradation of landscape from development.	Low; landscape would be degraded by development.



FINDINGS

An Overview

The results of research, field evaluations and analysis produced a composite map of the state (See Map of Inventory Sites on page 37) which shows 135 highly scenic sites in Rhode Island. These sites are shown in more detail on the 7 1/2 minute USGS quadrangle maps as well as listed on the List of Inventory Sites on pages 38 through 41.

Of the total 135 sites, 62 sites or 45% are rated Distinctive and 73 or 54% are rated Noteworthy. The total land coverage comprises roughly 107,391 acres or approximately 26% of all the open space in Rhode Island. (This open space data for the state was obtained from 1982 studies done by the USDA Forest Service on open space and forestlands and the U.S. Department of Agriculture study on farmland. The information was obtained from the Department of Administration, Division of Planning).

On pages 38 through 41 the sites are listed by USGS quadrangle. The data on this list has been entered into a computerized database (Paradox) which allows a list of sites to be obtained based upon the following criteria:

- alphabetically by town
- by acreage
- by descriptive assessment

After the assessment procedure was completed and the composite map showing all of the highly scenic sites in Rhode Island was compiled, the following findings became apparent:

1. There is still a great deal of open space of high scenic quality left in Rhode Island.
2. As expected, highly scenic sites were found in rural coastal communities such as Tiverton, Little Compton, and around the bay islands.
3. Large tracts of highly scenic sites were found in the western rural areas of Rhode Island in the communities of Foster, Smithfield, and North Smithfield, despite the fact that these communities contain large acreage of woodland which, based on our evaluation criteria, was considered our baseline classification or a common visual landscape type for Rhode Island. We did not expect to be able to evaluate large tracts of open space "from the road" in these areas.
4. The State's open space has no overall common image, but is comprised of a series of various vignettes; fishing ports in South County, mill villages in the Blackstone Valley, resort areas in Newport and in Narragansett, turf farms in West Greenwich and Exeter, rural farmsteads in western Rhode Island and small villages in the East Bay which show the influence of having been part of the seventeenth century Massachusetts Bay Colony.

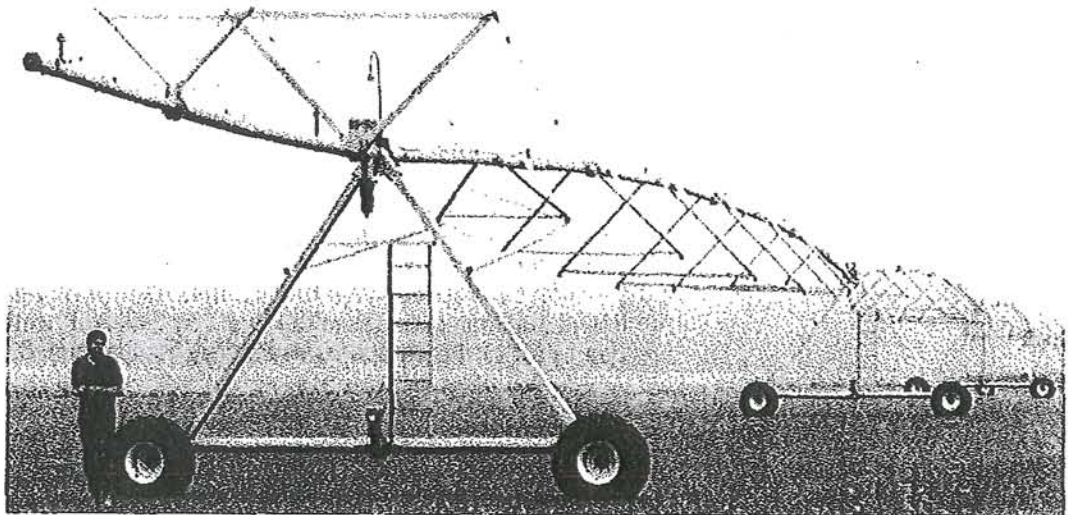


Target Areas

The Map of Inventory Sites shows all of the sites within the State of Rhode Island that were assessed as being either Distinctive or Noteworthy in terms of their scenic quality. (Note: This assessment used the evaluation criteria of this report and was made based upon conditions in the state during the summer of 1988. Since that time, we have become aware of changes in the landscape that have occurred at some sites due to new development.) We consider these 135 sites to be the primary target areas for Rhode Island in terms of preservation or conservation of their scenic quality.

Based upon our assessment and fieldwork observations, the greatest threat to areas of scenic quality are along coastal areas in the Salt Pond/Coastal Plain Region, the Narragansett Bay Region, and large rural farmsteads in the Interior Upland Region. We were not surprised to find a large number of highly scenic sites in Block Island, Tiverton, Little Compton and along the coast from Wickford south to Point Judith/Narragansett and west to Westerly. We were surprised to find that there are still a number of large landholdings of high scenic quality, which are visible from the road, in towns such as Smithfield, Exeter, Gloucester, Bristol, Warren and Coventry. In recent years, these towns have experienced a great deal of growth, and consequently, development pressures on what little open land remains. These towns should find the scenic areas which we have noted helpful towards their open space preservation plans. In addition, there are areas not directly visible from the road that should be evaluated using our evaluation criteria. Each city and town knows its situation best. We would suggest that you use the Map of Inventory Sites on page 37 to initially locate all sites within your city or town which should be considered Target Areas. The folders in Appendix F contain USGS maps for each city and town providing more detailed locations for each site. Additional information is also available from the Environmental Data Center, Natural Resource Science, College of Resource Development at the University of Rhode Island.

We suggest that these target areas be studied and included in the Comprehensive Land Use Re-evaluation Plan which each city and town is required to produce. We also suggest that these target areas be carefully looked at in terms of prospective development threats or other possible land use changes in or around them. Appropriate measures for the preservation and maintenance of these highly scenic areas should be attempted by each city and town as soon as possible, if Rhode Island is to continue to preserve the scenic character of its landscape.



List of Inventory Sites

QUAD	SITE NO.	SITE NAME	SIZE	RATING	TOWN	DESCRIPTION
1	1	WALLUM LAKE	265 ACRES	N	BURRILLVILLE	SCENIC, CLEAN LAKE WITH HISTORIC FACTORY
2	2	EAST IRONSIDE ROAD	170 ACRES	D	BURRILLVILLE	BEAUTIFUL SEQUENCE OF OLD FARMS & FIELDS
3	2	EAST IRONSIDE ROAD	460 ACRES	D	BURRILLVILLE	BEAUTIFUL SEQUENCE OF OLD FARMS & FIELDS
4	3	ELDER BALLOU & WRENTHAM ROADS	364 ACRES	N	CUMBERLAND	HISTORIC CEMETERIES, FIELDSTONE WALLS, OPEN VIEWS
4	4	DIAMOND HILL RESERVOIR	275 ACRES	N	CUMBERLAND	OPEN VISTAS ACROSS RESERVOIR; VARIED TOPOGRAPHY
5	1	WALLUM LAKE	268 ACRES	N	BURRILLVILLE	SCENIC, CLEAN LAKE WITH HISTORIC FACTORY
5	5	ROUND POND	113 ACRES	N	BURRILLVILLE	SMALL WOODED POND; NO VISIBLE SHORELINE DEVELOPMENT
6	6	WAKEFIELD POND/CROFT FARM	301 ACRES	D	BURRILLVILLE	NICE PINE FOREST; INTERESTING & VARIED SHORELINE
6	7	BOWDISH RESERVOIR	516 ACRES	N	GLOCESTER	SCENIC WATER VIEWS; HISTORIC (1845) CLARK FARM
6	8	SHELDON ROAD	715 ACRES	D	GLOCESTER	OLD FARMS IN SCENIC LAND PATTERN; UNDULATING TOPO.
6	9	TOWN FARM ROAD/WILSON RESERVOIR	2189 ACRES	N	BURRILLVILLE	UNIQUE WOODLANDS ALONG ROAD; SCENIC RESERVOIR VIEW
6	10	DOUGLAS HOOK ROAD	368 ACRES	D	GLOCESTER	INTERESTING LAND PATTERN & CULTURAL ELEMENTS
6	11	CHEPACHET CEMETERY	94 ACRES	N	GLOCESTER	SCENIC VIEWS TO HISTORIC CEMETERY; SCENIC LANDFORM
6	12	SNAKE HILL ROAD/POUND ROAD	1629 ACRES	N	GLOCESTER	GOOD RELATIONSHIP OF BUILT FABRIC TO LAND FORM
7	13A	COLWELL ROAD	1010 ACRES	N	BURRILLVILLE	NOTEWORTHY VEGETATION; NICE RESIDENTIAL DEVELOP.
7	13B	EVANS ROAD/TARKILN ROAD	3534 ACRES	N	GLOCESTER/SMITHFIELD	WELL-SITED FARMS; SCENIC VISTAS ACROSS LANDSCAPE
7	14	STILLWATER RESERVOIR	1320 ACRES	N	SMITHFIELD	SCENIC VIEWS ACROSS WATER; NOTEWORTHY LAND PATTERN
7	15	BRAYTON ROAD	127 ACRES	D	SMITHFIELD	DISTINCTIVE VISTAS AND CULTURAL ELEMENTS
7	16	GRANGE ROAD	205 ACRES	D	NORTH SMITHFIELD	EXCELLENT VIEWS; DISTINCT FOREST & LAND PATTERN
8	4	DIAMOND HILL RESERVOIR	220 ACRES	N	CUMBERLAND	OPEN VISTAS ACROSS RESERVOIR; VARIED TOPOGRAPHY
8	17	LITTLE POND ROAD	873 ACRES	N	CUMBERLAND	WINDING, RURAL ROAD; STONE WALLS; NICE VEGETATION
8	18	CISTERCIAN MONASTERY	280 ACRES	N	CUMBERLAND	INTERESTING LAND COVER; SOME SCENIC VIEWS
8	19A	GREAT ROAD/BUTTERFLY POND	287 ACRES	N	LINCOLN	SCENIC RURAL ROAD WITH HISTORIC INTEREST
8	19B	WHIPPLE ROAD	349 ACRES	N	SMITHFIELD/LINCOLN	INTERESTING FARMS AND PONDS; NEW TRACT HOUSING
9						
10	20	PAINE FARM	110 ACRES	D	FOSTER	WELL-SITED RURAL HISTORIC FARM & APPLE ORCHARD
10	21	BOSWELL FARM	287 ACRES	N	FOSTER	HISTORIC FARMS WITH WELL-SITED BUILDINGS
10	24	NORTH ROAD	88 ACRES	N	FOSTER	SCENIC RURAL ROAD; SOME DISTINCTIVE FARM BUILDINGS
11	22A	WINDSOR ROAD	82 ACRES	N	FOSTER	NICE SEQUENCE OF WOODLAND AND OPEN FARMLAND
11	22B	WINDSOR ROAD	49 ACRES	N	FOSTER	NICE SEQUENCE OF WOODLAND AND OPEN FARMLAND
11	22C	WINDSOR ROAD	194 ACRES	N	FOSTER	NICE SEQUENCE OF WOODLAND AND OPEN FARMLAND
11	23A	TUCKER HOLLOW RD./ S. FOSTER	54 ACRES	D	FOSTER	PRISTINE PIECE OF LAND WITH INTERESTING TOPOGRAPHY
11	23B	TUCKER HOLLOW RD./ S. FOSTER	212 ACRES	D	FOSTER	PRISTINE PIECE OF LAND WITH INTERESTING TOPOGRAPHY
11	24	NORTH ROAD/FOSTER CENTER RD.	584 ACRES	N	FOSTER	NOTEWORTHY FARMS; INTERESTING RURAL ROAD
11	25A	WALKER ROAD	712 ACRES	D	FOSTER	WELL-SITED, HISTORIC FARMS; INTERESTING TOPOGRAPHY
11	25B	HOWARD HILL ROAD	241 ACRES	D	FOSTER	WELL-SITED, HISTORIC FARMS; INTERESTING TOPOGRAPHY
11	26	WEST CONNAUG RESERVOIR	603 ACRES	D	FOSTER	RURAL ROAD WITH SCENIC VISTAS TO RESERVOIR
11	27	CLAYVILLE	540 ACRES	D	SCITUATE	DISTINCTIVE HISTORIC TOWN; HIGH VISUAL QUALITY
11	28	SCITUATE RESERVOIR	1048 ACRES	D	SCITUATE	SCENIC VIEWS FROM ROAD ACROSS RESERVOIR; PINES
11	29	BARDEN RESERVOIR	758 ACRES	D	FOSTER/SCITUATE	BEAUTIFUL WOODED AREA W/ PONDS & SPILLWAYS
12	28	SCITUATE RESERVOIR	6584 ACRES	D	SCITUATE	SCENIC VIEWS FROM ROAD ACROSS RESERVOIR; PINES
12	30	PIPPIN ORCHARD RD./SEVEN MILE RD.	1155 ACRES	N	CRANSTON	PICTURESQUE FARMS; AGRICULTURAL FIELDS DOMINANT
12	31	PECK HILL ROAD	252 ACRES	N	CRANSTON	ROLLING TERRAIN; NARROW VIEWS FROM ROAD TO WOODS
12	32	CENTRAL PIKE/PINE SWAMP	189 ACRES	D	CRANSTON	OPEN CORN FIELDS; ROLLING TERRAIN; PANORAMIC VIEWS
12	33	MOSWANSICUT POND	632 ACRES	D	CRANSTON	INTERESTING TOPO; NICE FARMS; SCENIC POND
13						
14	34	HUNDRED ACRE COVE	931 ACRES	N	BARRINGTON	BEAUTIFUL MARSH; INTERESTING LANDPATTERN SEQUENCE
15	35A	MOOSUP VALLEY	311 ACRES	D	FOSTER	WOODED RURAL SETTING; INTERESTING LAND FORM
15	35B	QUANDUCK BROOK	137 ACRES	D	FOSTER	SCENIC BROOK IN WOODLAND SETTING
15	35C	VAUGHN HOLLOW	154 ACRES	D	FOSTER	RICE CITY POND AREA IS WELL-SITED AND CONTAINED
15	36B	TILLINGHAST POND/ W. GREENWICH CENTER	293 ACRES	D	WEST GREENWICH	INTERESTING RURAL TOWN CENTER; NICE POND

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COASTAL RESOURCES
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List of Inventory Sites(cont)

QUAD	SITE NO.	SITE NAME	SIZE	RATING	TOWN	DESCRIPTION
15	36A	HOPKINS HOLLOW	161 ACRES	D	COVENTRY	DISTINCTIVE LAND FORM & TILLINGHAST FARM
16	25A	HOWARD HILL ROAD	218 ACRES	D	FOSTER	WELL-SITED HISTORIC FARMS; INTERESTING TOPOGRAPHY
16	35A	MOOSUP VALLEY ROAD	250 ACRES	D	FOSTER	WOODED RURAL ROAD; INTERESTING TOPOGRAPHY
16	37A	BOWEN HILL FARM	268 ACRES	D	COVENTRY	WELL-SITED HISTORIC FARM; INTERESTING TOPO CHANGES
16	37B	BROADWALL FARM	248 ACRES	D	COVENTRY	WELL-SITED HISTORIC FARM; VARIED TOPOGRAPHY
16	38	SUMMIT/KOZELA POND	148 ACRES	N	COVENTRY	NICE POND SURROUNDED BY AGRICULTURAL FIELDS
16	39	LITTLE & GREAT GRASS PONDS/ CRANBERRY BOG	862 ACRES	D	COVENTRY	DISTINCTIVE FARMSTEAD; VIEWS ACROSS PONDS AND BOG
16	40	FRY POND/CEDAR SWAMP	305 ACRES	D	WEST GREENWICH	UNIQUE CEDAR SWAMP; VARIED LAND COVER & TOPOGRAPHY
17	30	SEVEN MILE ROAD	189 ACRES	N	CRANSTON	SCENIC RURAL ROAD; WOODLAND & OPEN FIELDS
17	41	LATEN KNIGHT RD./BURLINGHAME ROAD	538 ACRES	N	CRANSTON	SCENIC RURAL ROAD WITH WOODLAND AND FARMS
17	42	NATICK HILL GOLF COURSE	153 ACRES	N	WARWICK	OPEN SCENIC VIEWS ACROSS GOLF COURSE
17	43	TARBOX POND/CARR POND	848 ACRES	N	WEST GREENWICH	SCENIC SWAMP AND POND; NICE FARM
17	44	REYNOLD'S POND	204 ACRES	N	COVENTRY/W. GREENWICH	SCENIC VIEWS ACROSS WATER
18	45	GASPEE POINT	159 ACRES	N	WARWICK	SCENIC SHORELINE W/ VIEWS TO BAY; HISTORIC PAWTUXET
18	46	BUTTONWOODS/BRUSH NECK	493 ACRES	N	WARWICK	SCENIC VIEWS TO BAY; HISTORIC HOMES; OCEAN
18	47	WARWICK NECK	418 ACRES	D	WARWICK	VIEWS TO BAY; ELEGANT HOMES; HIST. ALDRICH ESTATE
18	48	POTOWOMUT/GODDARD PARK	688 ACRES	N	WARWICK	STATE PARK W/ FIELDSTONE WALLS; BAY VIEWS; ESTATES
18	49	QUIDNESSETT FARM LANDS	1161 ACRES	D	WARWICK	DISTINCTIVE FARMLANDS, PONDS, MARSH; VIEWS TO BAY
19	50	CONIMICUT POINT	90 ACRES	N	WARWICK	NICE VIEWS TO OCEAN WITH UNDISTURBED WETLANDS
19	51	MUSSACHUCK CREEK/ NYATT POINT/ECHO LAKE	541 ACRES	D	BARRINGTON	NICE COMBINATION OF OPEN LAND, WOODLAND, & WETLAND
19	52	BIRCH SWAMP ROAD	482 ACRES	N	WARREN	INTERESTING AGRICULTURAL LANDS
19	53	SMITH COVE MARSH	228 ACRES	O	BARRINGTON	WETLAND WITH VARIED VEGETATION
19	54	BLITHEWOLD/ST. COLUMBANS	144 ACRES	D	BRISTOL	VIEWS TO OCEAN/BAY; LARGE LANDSCAPED ESTATES
19	55	POPPASQUASH NECK/COLT STATE PARK	1482 ACRES	D	BRISTOL	VIEWS TO BAY; STATE PARK; LARGE LANDSCAPE ESTATES
19	56	N. PRUDENCE ESTUARINE SANCTUARY	1176 ACRES	D	PORTSMOUTH	UNIQUE NATIONAL ESTUARINE SANCTUARY; HIGHLY SCENIC
19	57	PRUDENCE ISLAND/NAG POND AREA	465 ACRES	N	PORTSMOUTH	SCENIC VIEWS TO OCEAN/BAY; VARIED TOPOGRAPHY
20	58	TOUISSET	827 ACRES	N	WARREN	SCENIC BEACH COMMUNITY; WOODLAND & FARMLANDS
20	59	MOUNT HOPE	418 ACRES	N	BRISTOL	UNDEVELOPED WOODLAND/FIELDS W/ VIEWS TO BAY
20	60	CORY'S LANE	134 ACRES	N	PORTSMOUTH	NICE OPEN FIELDS
21	61	TEN ROD ROAD/BEACH POND	200 ACRES	D	EXETER	SCENIC RURAL ROAD; INTERESTING VIEWS ACROSS POND
21	62	MOSCOW/ROCKVILLE/ LONG POND/ELL POND	1017 ACRES	D	RICHMOND	HISTORIC TOWN CENTER; NICE FIELDS; HIGHLY SCENIC
22	61	TEN ROD ROAD	829 ACRES	D	EXETER	SCENIC ROAD THROUGH ARCADIA MGT. AREA
22	62	MOSCOW/ROCKVILLE	88 ACRES	D	RICHMOND	HISTORIC TOWN CENTER; NICE FIELDS
22	63	OLD NOOSENECK ROAD	635 ACRES	N	RICHMOND	INTERESTING LAND FORM & LAND PATTERN; WATERFALLS
22	64	DYE HILL ROAD	818 ACRES	D	RICHMOND	INTERESTING RURAL ROAD W/ NICE FARMS & WOODLAND
22	65	NEW LONDON TURNPIKE/TUG HOLLOW	913 ACRES	N	EXETER/RICHMOND	DISTINCTIVE WETLANDS AND TOPOGRAPHY
23	66	SLOCUM ROAD	75 ACRES	N	NORTH KINGSTOWN	RURAL ROAD W/ INTERESTING LANDPATTERN & VEGETATION
23	67	W. ALLENTOWN ROAD TURF FARMS	1253 ACRES	D	NORTH KINGSTOWN	EXCELLENT VIEWS ACROSS OPEN TURF FARMS TO DISTANCE
23	68	SLOCUM TURF FARMS/YAWGOOG POND	2758 ACRES	D	N. KINGSTOWN/S. KINGSTOWN	VIEWS ACROSS TURF FARMS; INTERESTING LAND PATTERN
23	69	FRENCHTOWN RD./TILLINGHAST RD.	339 ACRES	N	EAST GREENWICH	RURAL ROAD W/ NICE FARMSTEADS & HISTORIC BUILDINGS
23	70	PHILMONEY FARM AREA	218 ACRES	D	EXETER	DISTINCTIVE HISTORIC FARMSTEAD (1870'S); NICE VIEWS
23	71A	VICTORY HIGHWAY/HALLVILLE ROAD	668 ACRES	N	EXETER	UNDULATING TOPOGRAPHY; WOODLAND & OPEN FARM FIELDS
23	71B	VICTORY HIGHWAY/SO. COUNTY TRAIL	715 ACRES	N	EXETER	UNDULATING TOPOGRAPHY; WOODLAND & OPEN FARM FIELDS
24	66	SHERMANTOWN ROAD	418 ACRES	N	NORTH KINGSTOWN	RURAL ROAD W/ INTERESTING LANDPATTERN & VEGETATION
24	72	BISSSEL COVE/ROME POINT	906 ACRES	N	NORTH KINGSTOWN	WOODED DIRT ROADS W/ VIEWS TO BAY; SUMMER HOMES
24	73	GILBERT STUART ESTATES	691 ACRES	D	NORTH KINGSTOWN	INTERESTING RURAL ROAD; FARMSTEADS; HISTORIC AREA
24	74	PETTAQUAMSCUTT RIVER	306 ACRES	N	N. KINGSTOWN/S. KINGSTOWN	EXCELLENT VIEWS ACROSS RIVER & SALT MARSH; HISTORIC
24	75	CASEY FARM	179 ACRES	D	NORTH KINGSTOWN	WELL-SITED, HISTORIC (1760) FARM; VIEWS TO BAY
24	76	ELDRED AVENUE	80 ACRES	N	JAMESTOWN	UNDULATING TOPOGRAPHY; VIEWS TO BRIDGE
24	77	JAMESTOWN BROOK/WINDMILL HILL	595 ACRES	N	JAMESTOWN	INTERESTING TOPOGRAPHY & VEGETATION

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COASTAL RESOURCES
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List of Inventory Sites(cont)

QUAD	SITE NO.	SITE NAME	SIZE	RATING	TOWN	DESCRIPTION
24	128	TOWER HILL ROAD	385 ACRES	N	NORTH KINGSTOWN	INTERESTING TOPOGRAPHY; HISTORIC FARMS
24	129	WICKFORD HARBOR/WICKFORD VILLAGE	388 ACRES	N	NORTH KINGSTOWN	HISTORIC FISHING VILLAGE AND TOWN; WATER VIEWS
24	130	BELLEVILLE POND	341 ACRES	N	NORTH KINGSTOWN	RURAL WOODLAND AREAS AROUND POND
25	57	SOUTH PRUDENCE	997 ACRES	N	PORTSMOUTH	EXCEPTIONALLY NICE WATER VIEWS
25	78	ELDRED AVENUE	149 ACRES	N	JAMESTOWN	VIEWS TO NEWPORT BRIDGE ACROSS MARSH
25	77	WINDMILL HILL/ROUND SWAMP	206 ACRES	N	JAMESTOWN	INTERESTING SWAMP MAKES EXCELLENT FOCAL POINT
25	78	ST. MARY'S POND/BISSON POND	781 ACRES	N	MIDDLETOWN	NICE OPEN AREAS WITH VIEWS ACROSS PONDS
25	79	HESSIAN'S HOLE SWAMP	277 ACRES	N	PORTSMOUTH	VIEW FROM HILL TO FIELDS, BAY, AND SWAMP
25	80	SANDY POINT ROAD	89 ACRES	D	PORTSMOUTH	DISTINCTIVE ROAD W/ OPEN FIELDS BORDERED BY WALLS
25	81	MITCHELL LANE	749 ACRES	D	MIDDLETOWN/PORTSMOUTH	EXCELLENT AGRICULTURAL AREA W/ VIEWS ACROSS FIELDS
25	80	SANDY PT. RD./ GLEN FARMS/WAPPING ROAD	1854 ACRES	D	PORTSMOUTH	NEW HOUSING MIXES WELL W/ FARMS; OPEN FIELDS; VIEWS
26	82A	TIVERTON/MAIN ROAD	6312 ACRES	D	TIVERTON	SCENIC ROAD ALONG BAKONNET; WELL-SITED BUILDINGS
26	82B	HAROLD A. WATSON RESERVOIR	645 ACRES	D	LITTLE COMPTON	WELL-SITED FARMS AND VIEWS TO WATER
26	83	LITTLE COMPTON HISTORIC CENTER	313 ACRES	D	LITTLE COMPTON	HISTORIC, WELL-SITED & WELL MAINTAINED TOWN CENTER
26	84A	CRANDALL ROAD FARMS	239 ACRES	D	TIVERTON	HISTORIC TOWN COMMON; VARIETY OF LAND COVER; VIEWS
26	84B	OLD STONE ROAD/ CRANDALL ROAD FARMS	971 ACRES	D	TIVERTON/LITTLE COMPTON	OPEN FARM FIELDS BORDERED BY FIELDSTONE WALLS
26	85	QUICKSAND POND	660 ACRES	D	LITTLE COMPTON	EXCELLENT VIEWS ACROSS POND; VARIED VEGETATION
27	62A	CANONCHET	64 ACRES	D	HOPKINTON	SMALL RURAL WOODLAND AREA W/ VARIED VEGETATION
27	62B	YAWGOOG	82 ACRES	D	HOPKINTON	SMALL RURAL WOODLAND AREA W/ VARIED VEGETATION
27	62C	HOPKINTON	225 ACRES	D	HOPKINTON	RURAL HISTORIC TOWN CENTER
27	86	HEARTWOOD FARM	41 ACRES	N	HOPKINTON	DISTANT VIEWS FROM HISTORIC FARM (1700'S)
27	87	ASHAWAY	418 ACRES	N	HOPKINTON	WELL-MAINTAINED TOWN CENTER; MILL WITH WATERFALL
27	88A	VALLEY ROAD	410 ACRES	N	HOPKINTON	INTERESTING LAND FORM, LAND COVER, & LAND PATTERN
27	88B	VALLEY ROAD	66 ACRES	N	HOPKINTON	INTERESTING LAND FORM, LAND COVER, & LAND PATTERN
28	62A	CANONCHET	120 ACRES	D	HOPKINTON	SMALL RURAL WOODLAND AREA W/ VARIED VEGETATION
28	89A	NEW LONDON TURNPIKE FARM	253 ACRES	D	HOPKINTON	ROLLING TOPO & ROCKY FIELDS; SCENIC LARGE FARM
28	89B	ELLIS FLATS	273 ACRES	N	HOPKINTON	LAND PATTERN OF TURF FARMS PROVIDES SCENIC QUALITY
28	90A	SHANNOCK	1311 ACRES	D	RICHMOND	RURAL MILL VILLAGE; ROLLING TOPO; NICE WATERFALL
28	90B	CAROLINA	112 ACRES	D	RICHMOND	ROLLING TOPOGRAPHY WITH STEEP SLOPES; DISTANT VIEWS
29	91	HORSE FARM ON S. COUNTY TRAIL	186 ACRES	N	SOUTH KINGSTOWN	WELL-SITED FARM IN RURAL SETTING
29	92	HEATON ORCHARD ROAD TURF FARMS	531 ACRES	D	SOUTH KINGSTOWN	INTERESTING LAND PATTERN OF TURF FARMS W/ VIEWS
29	93	WORDEN POND/LARKIN POND	1920 ACRES	N	SOUTH KINGSTOWN	SCENIC MINISTERIAL ROAD; VIEWS ACROSS WORDEN POND
29	94	PERRYVILLE	304 ACRES	N	SOUTH KINGSTOWN	HISTORIC FARM, CHURCH, CEMETERY; MT. LAUREL STANDS
29	95	TRUSTOM POND/MATUNUCK	1776 ACRES	D	SOUTH KINGSTOWN	HISTORIC FARMS; DIVERSE VEGETATION; VIEWS TO POND
29	96	SNUG HARBOR/JERUSALEM	384 ACRES	N	SOUTH KINGSTOWN	PICTURESQUE FISHING VILLAGES; VIEWS TO HARBOR
29	97	GAULEE	392 ACRES	N	NARRAGANSETT	SCENIC MARSHLANDS; VIEWS TO OCEAN
29	98	TUCKERTOWN	402 ACRES	N	SOUTH KINGSTOWN	VIEWS TO PONDS, WETLANDS, AND SCENIC FARMS
29	99	SUGERLOAF HILL	188 ACRES	N	SOUTH KINGSTOWN	LARGE RESIDENTIAL ESTATES; SCENIC OLD POST ROAD
29	100	CURTIS CORNER	533 ACRES	N	SOUTH KINGSTOWN	HISTORIC FARMS & STABLES; SCENIC VIEWS; STONE WALL
30	74	PETTAQUAMSCUTT/BRIDGETOWN	155 ACRES	N	NARRAGANSETT	WELL-SITED RESIDENTIAL AREA; VIEWS UP NARROW RIVER
30	87	GAULEE	36 ACRES	N	NARRAGANSETT	SCENIC MARSHLANDS; VIEWS TO OCEAN
30	101	PETTAQUAMSCUTT COVE/NARROW RIVER	1017 ACRES	D	NARRAGANSETT	PICTURESQUE SUMMER COLONY; SALT MARSH; RIVER VIEWS
30	102A	OCEAN ROAD	168 ACRES	N	NARRAGANSETT	SCENIC OCEAN VISTAS THROUGH RESIDENTIAL ESTATES
30	102B	LONG COVE/CHAMPION COVE	295 ACRES	N	NARRAGANSETT	SCENIC OCEAN VIEWS ACROSS MARSHES
30	102C	POINT JUDITH	143 ACRES	N	NARRAGANSETT	SCENIC OCEAN PANORAMA FROM THE POINT
30	103	FOX HILL POND	228 ACRES	D	JAMESTOWN	WELL-SITED FARMS AND EXCELLENT VIEWS TO OCEAN
30	104	BEAVERTAIL POINT	215 ACRES	D	JAMESTOWN	VARIED VEGETATION; ROCKY SHORELINE; VIEWS; A GEM
31	105	NEWPORT/OCEAN DRIVE	3984 ACRES	D	NEWPORT	LANDSCAPE VARIETY: MANSIONS, PARKS, OCEAN, BEACHES
31	106A	NORMAN BIRD SANCTUARY/GREY CRAIG	347 ACRES	N	MIDDLETOWN	SCENIC WILDLIFE REFUGE; VARIED VEGETATION & TOPO
31	106B	LITTLE COMPTON AGRICULTURAL LANDS	4401 ACRES	D	LITTLE COMPTON	EXQUISITE BEACHES; BEAUTIFUL FARMS & HOMES



List of Inventory Sites(cont)

<u>QUAD</u>	<u>SITE NO.</u>	<u>SITE NAME</u>	<u>SIZE</u>	<u>RATING</u>	<u>TOWN</u>	<u>DESCRIPTION</u>
32	106B	SACHUEST POINT	393 ACRES	D	MIDDLETOWN	MARSHLANDS; WILDLIFE REFUGE W/ VIEWS, BEACHES
33	107	NAPATREE POINT	678 ACRES	D	WESTERLY	SAND SPIT & DUNES W/ VIEWS TO OCEAN & LONG ISLAND
34	107	NAPATREE POINT	58 ACRES	D	WESTERLY	SAND SPIT & DUNES W/ VIEWS TO OCEAN & LONG ISLAND
34	108	AVONDALE	258 ACRES	N	WESTERLY	INTERESTING LAND PATTERN; VIEWS TO PAWCATUCK RIVER
34	109	WATCH HILL	747 ACRES	N	WESTERLY	LARGE HOMES & ESTATES IN THIS OCEAN SUMMER COLONY
34	110	WINNAPUG POND	845 ACRES	N	WESTERLY	SCENIC VIEWS ACROSS POND; INTERESTING LAND FORM
34	111	ORE ROAD	472 ACRES	N	WESTERLY	INTERESTING LAND PATTERN; OPEN FIELDS & WOODLAND
34	112	AGUNTAUG SWAMP	958 ACRES	D	WESTERLY	SECOND LARGEST SWAMP IN R.I. VARIED LAND PATTERN
34	113	QUONOHONTAUG & NINIGRET PONDS	47 ACRES	N	WESTERLY	SCENIC VIEWS ACROSS COASTAL PONDS & BARRIER BEACH
35	113	QUONOHONTAUG & NINIGRET PONDS	4268 ACRES	N	CHARLESTOWN	SCENIC VIEWS ACROSS COASTAL PONDS & BARRIER BEACH
36	114	SOUTHEAST ROAD/BLOCK ISLAND	239 ACRES	N	NEW SHOREHAM	INTERESTING LAND PATTERN; VIEWS TO OCEAN
36	115	OLD HARBOR/BLOCK ISLAND	431 ACRES	N	NEW SHOREHAM	HISTORIC TOWN CENTER; OCEAN VIEWS; OLD HOTELS
36	116	CRESCENT BEACH/BLOCK ISLAND	214 ACRES	N	NEW SHOREHAM	SCENIC SAND BEACH AND SAND DUNES
36	117	CORN NECK ROAD/BLOCK ISLAND	242 ACRES	N	NEW SHOREHAM	WINDING RURAL ROAD EDGED BY STONE WALLS, FARMS
36	118	CLAYHEAD TRAIL/BLOCK ISLAND	310 ACRES	D	NEW SHOREHAM	WILDLIFE REFUGE W/ VARIED VEGETATION; VIEWS; BLUFFS
36	119	SACHEM POND/BLOCK ISLAND	215 ACRES	D	NEW SHOREHAM	HISTORIC POND W/ FRINGE MARSH AREA
36	120	BEACH PLUM NECK/ NORTH LIGHT/BLOCK ISLAND	182 ACRES	D	NEW SHOREHAM	DISTINCTIVE LAND FORM, LAND COVER, & BUILT FABRIC
36	121	GREAT SALT POND/BLOCK ISLAND	1140 ACRES	D	NEW SHOREHAM	INTERESTING RELATIONSHIP OF LAND FORM TO BUILT
36	122	WEST SIDE ROAD/BLOCK ISLAND	708 ACRES	N	NEW SHOREHAM	VARIED LAND COVER; FARMS; OPEN FIELDS; STONE WALLS
36	123	LEWIS/DICKENS FARM/BLOCK ISLAND	349 ACRES	D	NEW SHOREHAM	THE BEST PLACE ON B.I. 1870 FARM W/ PANORAMIC VIEW
36	124	BLACK ROCK RD. & PT/BLOCK ISLAND	215 ACRES	N	NEW SHOREHAM	VARIED TOPOGRAPHY LEADING TO BLUFFS AND BEACH
36	125	RODMAN'S HOLLOW/BLOCK ISLAND	188 ACRES	D	NEW SHOREHAM	LOWEST POINT ON B.I.; VARIED TOPO & VEG.; BLUFFS
36	126	PECKHAM/FRESH PONDS/BLOCK ISLAND	177 ACRES	D	NEW SHOREHAM	INTERESTING LAND PATTERN/ LAND FORM RELATIONSHIP
36	127	MOHEGAN BLUFFS/BLOCK ISLAND	80 ACRES	D	NEW SHOREHAM	INCREDIBLE BLUFFS W/ VIEWS TO MONTAUK; BEACH

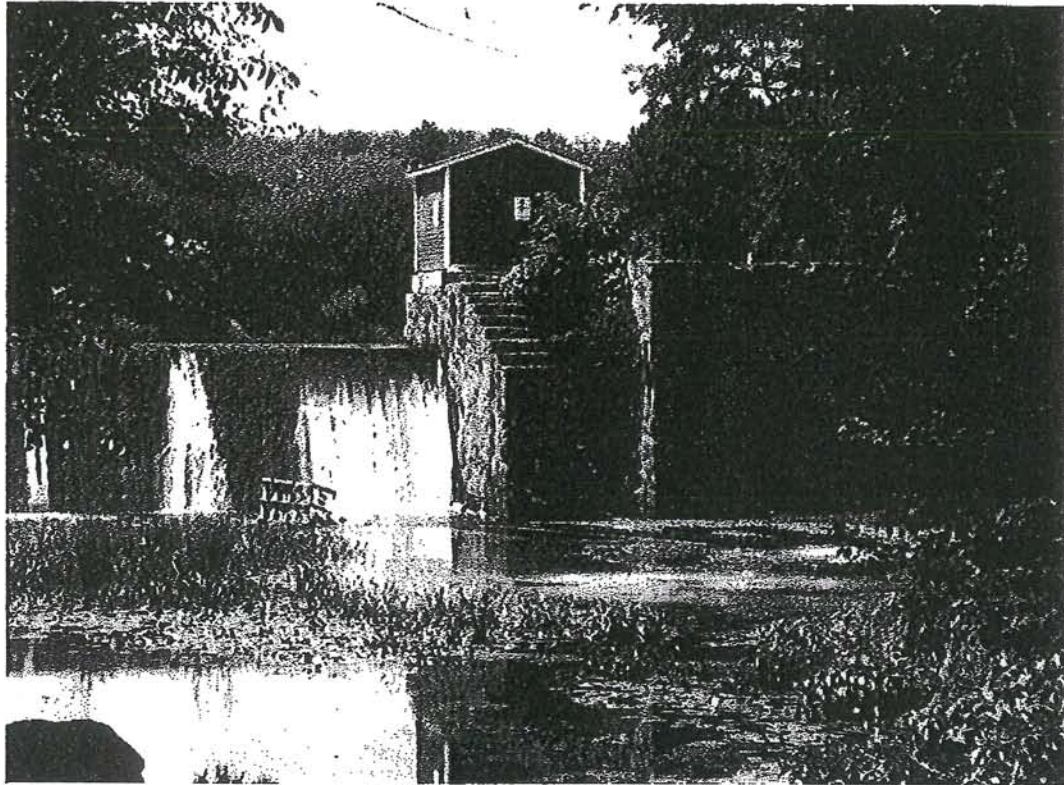


PRESERVATION TECHNIQUES

Preservation of the Landscape's Scenic Quality

The 1982 Massachusetts Landscape Inventory (Yaro, Preston, Dodson, Finnen, & Jorgenson) stated that "landscape surveys play a vital role in the preservation of scenic quality". To date many of Rhode Island's most significant scenic landscapes have been saved largely due to efforts to preserve their unique ecological value or location. The aesthetic or scenic aspects of these landscapes were not always the primary reason for their preservation. This is largely due to the fact that it is difficult to measure scenic quality or to place a value on aesthetics.

Scenic resources, however, are an important measure of the value of the landscape. In the book Foundations for Visual Project Analysis (ed. Swardon, Palmer, & Felleman, 1986), the editors point out that "the importance of scenic resources is deeply ingrained in cultural values. In traditional societies, the visual harmony between development and context was made possible through widely shared traditions and the resulting similarity of project types and forms extended over periods of time. This was commonly known as vernacular design".



The vernacular New England landscape (e.g. mill villages, town commons, rural farmsteads) has been described by J. B. Jackson, John Stilgoe and others who have studied its development. They have emphasized that the value of a landscape lies not just in its tangible elements such as agricultural resources, economic value, or environmental quality, but in the intangible elements - aesthetics and scenic beauty.



The scenic or aesthetic value of the traditional New England landscape lies in its unique scenic resources. People tend to appreciate landscapes which define where they live and make their "home" or their part of the country special and identifiable from other areas.

Because much of what we see as new development today is the same all over the United States and often makes no clear distinctions between rural and urban, people resent the loss of identity to the landscape where they live.

Modern society has made it almost impossible for the traditional vernacular New England landscape to continue to evolve due to technological advances, development pressures, and zoning practices which often stress large-lot rezoning. Concerted efforts which focus on the identification, protection, and preservation of the landscape appear to be one way of maintaining a balance between the preservation of the traditional vernacular landscape and the demands for new development.



Landscape Preservation and Conservation Techniques

In October 1987, the Lincoln Institute of Land Policy and the New England Governor's Conference sponsored a meeting to consider land conservation strategies for New England. This conference identified a growing threat to the natural, cultural, and historical character of New England's rural landscape. The lack of planning and the prevalence of crisis-intervention approaches to speculative development are the chief causes of this threat.

According to Robert D. Yaro, one of the conference participants and a professor at the Center for Rural Massachusetts, University of Massachusetts at Amherst, "traditional conservation and planning approaches simply won't succeed in preserving the character of our countryside... New approaches will be required if we are to succeed in preserving our most important natural, historic, and scenic areas" (A LAND CONSERVATION STRATEGY FOR NEW ENGLAND: White Papers presented on October 18 - 20, 1987, New England Fall Assembly of the Lincoln Institute of Land Policy).

Yaro suggests some possible strategies towards initiatives which deal more successfully with the problems of rapid development and unregulated land speculation now occurring in New England. He suggests that:

- Each state should develop a Comprehensive Plan (The Rhode Island legislature passed a bill in 1988 requiring all cities and towns to submit Comprehensive Plans by 1991. The Rhode Island Landscape Inventory can be a valuable tool in the development of these Comprehensive Plans.)
- Special regions of "outstanding natural, cultural, historic, recreational or scenic resources should be created. (The Rhode Island Landscape Inventory provides target areas in the above categories with which cities and towns may focus their planning initiatives and funding.)
- Improved local planning and expanded land conservation activities should involve financing from real estate transfer taxes.

One of the traditional strategies for land preservation and conservation has been simple acquisition of the land. Today, most of the open spaces available are in large landholdings and the recent real estate boom has inflated land prices. The combination of these two factors requires that large sums of money be available to acquire parcels of open space.

Consequently, the focus of land preservation and conservation strategies is shifting less towards the total and complete acquisition of a parcel of land and more towards a means of maintaining the scenic quality of an area — a way of allowing open space to be built upon while still maintaining the scenic character of the landscape. Methods such as conservation restrictions, limited development techniques, visual easements, transfer of development rights, revised zoning and subdivision regulations with scenic criteria and design guidelines included, and public education programs are some of the ways in which the quality of scenic landscapes can be maintained.



It has been shown that scenic criteria can be a viable element in evaluating a parcel of land. In 1985, Bernard J. Nlemann, Jr. and Richard E. Chenoweth, both professors at the University of Wisconsin-Madison, combined modern methods of real estate appraisal with a visual quality assessment in order to determine a dollar value compensation for 24,400 acres of private land in Washington state that was being acquired via condemnation by the USDA Forest Service. They included scenic criteria in their evaluation (Reference: Landscape Architecture Magazine September/October 1985).

The Rhode Island Landscape Inventory provides visual evaluation criteria from which scenic elements in the landscape may be assessed in combination with standard real estate appraisals. In using this combination, cities and towns could choose to purchase the development rights to a parcel rather than go the more costly route of outright purchase of the land.

Previous work has shown that regulations relating to scenic quality help to preserve property values. (Reference: Searle/Everett/Doherty, A Rural Land Use Primer for Rhode Island , 1976). The Rhode Island Landscape Inventory will be a valuable tool for cities and towns who wish to include scenic criteria and design guidelines in their zoning and subdivision regulations.

The Spring 1989 Issue of Preservation Forum Volume 3 Number 1 published by the National Trust for Historic Preservation, devoted an article to the protection of "Vistas of Landmarks and Other Scenic Views". Examples were given of methods of protecting important views. In Austin, Texas stricter zoning guidelines were established which allowed for visual easements. North Carolina passed legislation in 1983 entitled "The Mountain Ridge Protection Act" which was developed in response to the intrusion upon a familiar view of Little Sugar Mountain resulting from construction of a ten story condominium project on its ridge line. Here in Rhode Island we have the beginnings of legislation which will protect our scenic highways. What is needed to put some "teeth" into this legislation is an active board which evaluates new highway projects on the basis of their potential impacts to scenic quality. The Rhode Island Landscape Inventory provides a base from which this evaluation work can be initiated.

One of the most important and perhaps least used techniques for preservation and conservation of scenic quality is education. Programs are needed to educate the public, municipal officials, and developers as to the importance of scenic quality not only in terms of preserving the character of a landscape but enhancing its scenic quality through limited development techniques such as those proposed by author Robert Lemire in his book Creative Land Development or the National Register of Historic Places program on designed historic landscapes (National Register Bulletin 30).

The Rhode Island Landscape Inventory is intended to provide insight and educational material about the scenic character of the Rhode Island landscape. Increased public awareness and concern about what is occurring to our landscape is a key issue in its preservation. Citizens and officials must understand that the disappearance of open space and scenic areas to development is not a process beyond their control. We can preserve those landscape elements which make Rhode Island the "Ocean State", make it a place where the public can enjoy ocean vistas and beaches along miles of accessible coastline in the summer, savor the varied colors of fall foliage and the views of apple orchards along rural country roads in autumn, take in the sights of wildflowers in open fields in the spring, or experience the ambience of a pine woods while cross-country skiing in winter. We hope this inventory is the beginning of continued efforts made towards the preservation and conservation of the Rhode Island landscape before it all disappears.



RHODE ISLAND LANDSCAPE INVENTORY QUESTIONNAIRE

The Rhode Island Landscape Inventory is designed to identify Rhode Island landscapes of high scenic quality. Landscapes such as the barrier beaches and salt ponds in South County, the historic farmsteads of Portsmouth and West Greenwich, the town commons in Little Compton and Tiverton, the Bay Islands, the historic mill villages and scenic views along the Blackstone River Corridor, are all landscapes which are not only scenic but are distinctive and unique to Rhode Island. One of the ultimate goals of The Rhode Island Landscape Inventory is to find those landscapes of high scenic quality which define Rhode Island, and make the landscape of Rhode Island unique and different from that of Vermont, California, Nebraska, Florida or any other state.

By taking a few minutes to complete this survey and return it to our office, you will be assisting us in this goal as well as help to initiate work on a report which will be a valuable resource to your community.

The evaluation criteria for The Rhode Island Landscape Inventory will be based upon physiogeographic, cultural/historical, and visual features in the landscape. The questions which follow are oriented towards the physiogeographic, cultural/historical and visual features in the landscape in your community.

A. COMMON FEATURES

1. Name five specific locations in your city/town which you would consider common or typical landscapes for your area. These may be common natural, or cultural/historical landscapes.

For example: Natural: barrier beach - Charlestown
Cultural/historical: specific farm or town common

C1. _____
C2. _____
C3. _____
C4. _____
C5. _____

Please indicate these specific locations for each type of common landscape on the enclosed highway map using the appropriate letter/number (C1,C2,C3, etc.).

B. PHYSIOGEOGRAPHIC FEATURES

1. Name specific locations in your city/town which are examples of the most distinctive or unique natural landscapes of high scenic quality for your area.

For Example: Areas of outstanding topographic and geologic features.
Areas with a variety of natural or pastoral vegetation.
Lakes, ponds, rivers, wetlands or coastline which are pristine, untouched and unpolluted.

PD1. _____



PD2. _____
PD3. _____
PD4. _____
PD5. _____

Please indicate these specific locations for distinctive natural areas on the enclosed highway map using the appropriate letter/number (PD1, PD2, PD3, etc.).

B. CULTURAL AND HISTORICAL FEATURES

1. Name five specific locations in your city/town which are the most distinctive or unique landscapes of high scenic quality which have cultural and historical value.

For example: Historic farm; town common; rural townscape; estate; mill village; roadway or parkway. (Note: These are general categories. We would like specific names.)

CD1. _____
CD2. _____
CD3. _____
CD4. _____
CD5. _____

Please indicate these specific locations for cultural/historical areas using the appropriate letters/number (CD1, CD2, CD3, etc.).

C. VISUAL FEATURES

1. Name the five most scenic views in your city/town. These may be views from a hilltop, knoll, or plateau; views across water; views across a large scenic tract of open space.

V1. _____
V2. _____
V3. _____
V4. _____
V5. _____

Please indicate these views on the enclosed highway map using the appropriate letter/number (V1, V2, etc.). Also please indicate the direction of the view by an arrow (or arrows in the case of panoramic views. See enclosed sample.).



If we have may questions regarding this survey, we would like to contact you. Thus we would appreciate your filling out the background information below. This information will be kept confidential.

Name: _____

Job Position: _____

City/Town: _____

How long have you lived in your city/town? _____

Daytime Telephone: _____

Thank you for taking the time to complete this survey. Please return your completed survey form and the highway map to DEM/Division of Planning and Development, 22 Hayes Street, Providence, R.I. 02908, Attn: Elena Pascarella.

If you have any questions regarding the survey or the Rhode Island Landscape Inventory, please contact me at 277-2776.

Sincerely,
Elena Pascarella
Landscape Architect
Project Coordinator

Bibliography

Commonwealth of Massachusetts - Office of Planning and Program Development, Department of Environmental Management, The Massachusetts Landscape Inventory: A Survey of the Commonwealth's Scenic Areas. Boston, Massachusetts, 1982.

Cudnohufsky, Walter L. The Qualities of Landscapes That Please, Planning and Resource Development Program, Cooperative Extension Service, University of Massachusetts, Amherst, Massachusetts, 1970.

Duerkson, Christopher J. Aesthetics and Land-Use Controls: Beyond Ecology and Economics. American Planning Association, Planning Advisory Report Number 399, Washington, D.C., 1987.

Everett, Michael J. et al. Coastal Aesthetics: A Visual Quality Analysis of Narragansett Bay. Providence, Rhode Island, Regional Land Program Inc., 1981.

Fabos, Julius Gy et al. The Wetland Landscape Planning Process. Research Bulletin 653, and Composite Landscape Assessment. Research Bulletin 637. Amherst, Massachusetts. Massachusetts Agricultural Experiment station, University of Massachusetts, 1977 and 1978.

Fairbrother, Nan. The Nature of Landscape Design. New York, Knopf, 1972.

Fenneman, N.M. Physiography of Eastern United States. New York, McGraw Hill, 1938.

Jackson, J. B. The Vernacular Landscape.

Jorgenson, Nell, A Guide to New England's Landscape, 2nd ed. Chester, Connecticut, Pequot Press, 1977.

LAND/RISD, Doherty, Joanna et al. A Preservation and Conservation Study/Northwestern Connecticut Regional Planning Area. Warren, Connecticut, 1975.

LAND/RISD, Searle, Everett, Dougherty. A Rural Land Use Primer for Rhode Island. University of Rhode Island, College of Resource Development, Kingston, Rhode Island, 1976.

Lake, Celinda et al. Public Opinion Polling: A Handbook for Public Interest and Citizen Advocacy Groups. Island Press, Covelo, California, 1987.

LATIS (Landscape Architecture Technical Information Series), Coen, Nassauer, Tuttle. Landscape Architecture In The Rural Landscape. American Society of Landscape Architects, Washington, D.C., 1987.

Litton, Tetlow, Sorenson & Beatty. Water and the Landscape/An Aesthetic Overview of the Role of Water In The Landscape. Water Information Center, Inc., Port Washington, New York, 1974.

Lynch, Kevin. Image of the City. The MIT Press, Cambridge, Massachusetts, 1974.

Lord, Peter. "The Race for What's Left". Sunday Journal Magazine. Providence Sunday Journal, October 25, 1987.

McClelland, Linda Flint, J. Timothy Keller, Genevieve P. Keller, Robert Z. Melnick, National Register Bulletin 30: How To Identify, Evaluate and Register Rural Historic Landscapes. U. S. Department of the Interior, NPS, Interagency Resources Division, Washington, D.C., 1988.



McHarg, Ian. Design with Nature. New York: Natural History Press, 1971.

Olsen and Lee. Rhode Island's Salt Pond Region: A Special Area Management Plan (Ninigret to Point Judith Ponds). Coastal Resources Center, Graduate School of Oceanography, The University of Rhode Island, Kingston, Rhode Island, 1985.

Rhode Island Statewide Comprehensive Transportation and Land Use Planning Program, Technical Paper Number 2, A Report on the Historic Points of Interest, Scenic View Areas and Special Topographical Features of the State of Rhode Island, October 1965.

State of Rhode Island, Department of Environmental Management, Division of Planning and Development. Open Space Preservation in Rhode Island: An Inventory of Significant Sites, April 1983.

State of Rhode Island, Department of Environmental Management, Division of Planning and Development. Building at the Shore: A Handbook for Development on the Rhode Island Coast, 1981.

State of Rhode Island, Public Laws Chapter 82-601. An Act Relating to Comprehensive Planning and Land Use Regulation, January 1988.

Smardon, Palmer & Felleman (eds.). Foundations for Visual Project Analysis. John Wiley & Sons, Inc., 1986.

Steele, Fritz. The Sense of Place. CBI Publishing Company, Inc., Boston, Massachusetts, 1981.

Thurow, Toner Farley. Performance Controls for Sensitive Lands: A Practical Guide for local Administrators, Parts 1 and 2, American Society of Planning Officials, Planning Advisory Service Report Numbers 307,308, Chicago, Illinois, 1975.

U.S.D.A. Bureau of Land Management. The Bureau of Land Management and Visual Resource Management - An Overview, conference at Incline Village, Nevada, 1979.

U.S.D.A. Soil Conservation Service. Soil Conservation Service Landscape Resource Management, conference at Incline Village, Nevada, 1979.

U.S.D.A. Forest Service. Measuring Scenic Beauty: A Selected Annotated Bibliography, Technical Report 25, Fort Collins, Colorado, Rocky Mountain Forest and Range Experiment Station, 1976.

U.S.D.A. Forest Service. National Forest Landscape Management Volume 1 U.S.D.A., Handbook 434, Washington, D.C., 1973.

U.S.D.A. Forest Service. National Forest Landscape Management Volume 2, Chapter 1. "The Visual Management System", Washington, D.C., 1974

Zube Ervin et al (eds.). Landscape Assessment :Values, Perceptions, Resources, Stroudsburg, Pennsylvania, Dowden, Hutchinson, and Ross, 1975.

Zube, Ervin (Chr.). Scenic Heritage Classification and Evaluation: Report for the Heritage Conservation Recreation Service, U.S.Department of Interior, Washington, D.C., H.C.R.S., April 5, 1978.

Zube, Ervin. Studies in Landscape Perception, Amherst: University of Massachusetts Press, 1976.



DEFINITIONS

Conservation restrictions (easements) - "A restriction limits what an owner can do with his/her property, and/or enables others to use it for specific purposes. State law defines such restrictions. Conservation restrictions may be drafted to conform to almost any situation such as a restriction against development; a restriction against altering a particular scenic view; a restriction against cutting trees." (Ref. p. 139 Land Saving Action ed. by Russell L. Brenneman and Sarah M. Bates)

Evaluation criteria - Evaluation criteria used in The Rhode Island Landscape Inventory were developed by assessing individual components (e.g. vegetation, built fabric, panoramic views) of natural (physiogeographic), cultural, historical, and purely visual features in the landscape.

Farmland Preservation Program - A state program operated through the Department of Environmental Management under the auspices of the Agricultural Land Commission for the purpose of purchasing farmland development rights. This program was adopted pursuant to Chapters 42-35 and 42-82 of the General Laws of Rhode Island in June 1983, amended May 1982, and amended March 1989. The rules and operating procedures for this program are available through the DEM Division of Planning and Development.

Green Acres Program - A state program initiated in 1964 by then Governor John Chafee through a legislative act which provided state funds to match federal recreation funds for the purpose of purchasing land for recreational use.

Geographic Information System - A computerized information system which allows for input, manipulation, and analysis of geographically referenced data. This data can be used to support decision-making processes in planning projects.

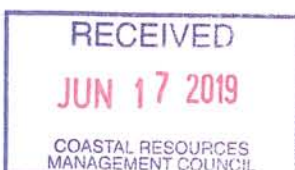
"Landscape site" - A "landscape site" in The Rhode Island Landscape Inventory is an area which was determined to be highly scenic based upon the inventory evaluation criteria and analysis methodology.

Natural Heritage Preservation Revolving Loan Fund - A program which regulates "loan generation, disbursement, loan repayment and mortgage covenants" on projects involving the Natural Heritage Program. "The Fund is by law (Section 42-17.5-5 of the R.I.G.L.) intended to implement and encourage preservation of properties which possess open, scenic, natural, agricultural and ecological value by making available no-interest loans to municipalities, no-profit land trusts and other conservation organizations." The rules and operating procedures are administered through DEM's Division of Planning and Development.

Open Space and Agricultural Conservation Grants - "Public Law 419, 1986; Open Space and Agricultural Land Conservation authorizes the R.I. Department of Environmental Management to administer \$10 million in state bond funds for acquisition of property and/or development rights for the purpose of preserving agricultural and other open spaces, to be allocated equally between State and municipal projects.

Open Space and Recreation Capitol Development Program - "A program funded via 1989 public law Chapter 552 which authorizes the DEM to administer \$53 million in State bond funds according to the following:

1. Section 7 (b) State Coastal and Shoreline Acquisition and Recreational Development Program - \$26 million.
2. Section 7 (c) Local Acquisition and Development - \$15 million.
3. Section 7 (d) Farm Land Development Rights - \$3 million.
4. Section 7 (e) Roger Williams Park Restoration - \$9 million.



Purchase of Development Rights - The acquisition of a conservation easement for the rights of development of a parcel to insure preservation of the property as an undeveloped open space in perpetuity.

Vernacular landscape - The landscape of an area characterized by distinctive landscape features indigenous to that area. For example: The town common of New England contains elements such as a church, municipal building and stately homes all facing onto a central, common, green, open space.

Visual easement - A conservation restriction or easement which protects the visual or scenic elements of a parcel of land.

Visual quality assessment - The framework of method by which a landscape is inventoried, rated or measured, and evaluated based on the visual or scenic aspects of its individual natural, cultural, and/or historical characteristics.

Windshield survey - An analysis of an area as seen via the windshield of an automobile. Thus the survey or analysis only evaluates that which the viewer can see from the perspective of sitting in the automobile.



QUAD No. 11
 ROAD 14 ME
 CAMERA NO. 1
 CAMERA NO. 2
 CAMERA NO. 3

DATE:

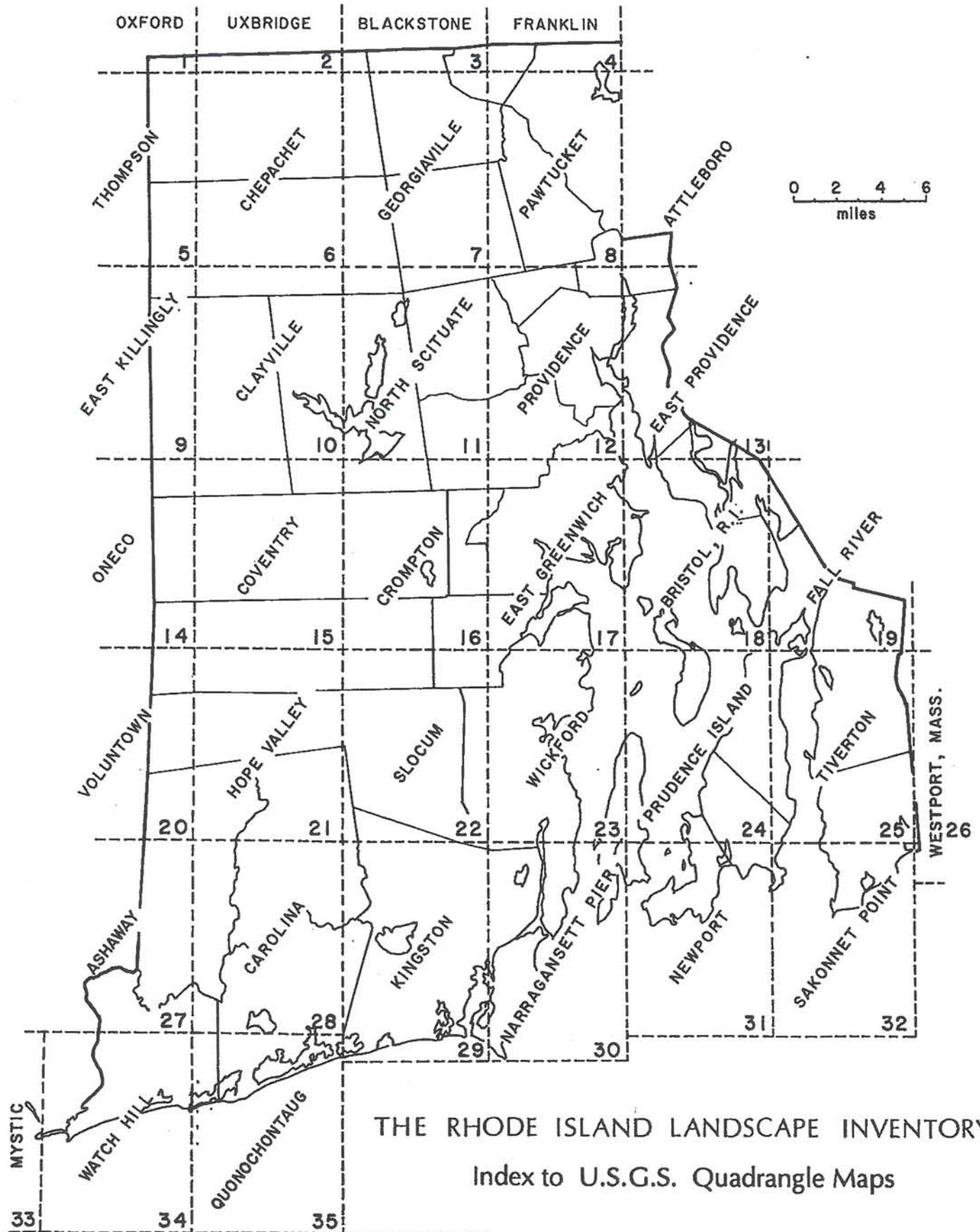
FROM	TO:	UPLAND INTERIOR
PHOTOGRAPHS NO.S:	-	<input type="checkbox"/> NARRAGANSETT LOWLAND
PHOTOGRAPHS NO.S:	-	<input type="checkbox"/> NARRAGANSETT BAY
PHOTOGRAPHS NO.S:	-	<input type="checkbox"/> COASTAL PLAIN/SALT POND

WEATHER: SUNNY HAZY FOGGY CLOUDY PARTLY CLOUDY DEEP SHADE RAIN

VISUAL			PHYSIOGEOGRAPHIC										CULTURAL				V.A.C.				
Pano-rama	Narrow View	Vista	Land Form	Land Cover	Lakes, Ponds	Rivers, Streams	Freshw. Wetl'd	Estuary Wetl'd	Coastal Features	Head-lands	Prsnce of Ocean	Rel'tive Relief	Land-pattern	Built Fabric	Containment	Historic Interest	Slope	Soil	Veget'n		
																		Ht	Dv	Dn	

REMARKS

P174



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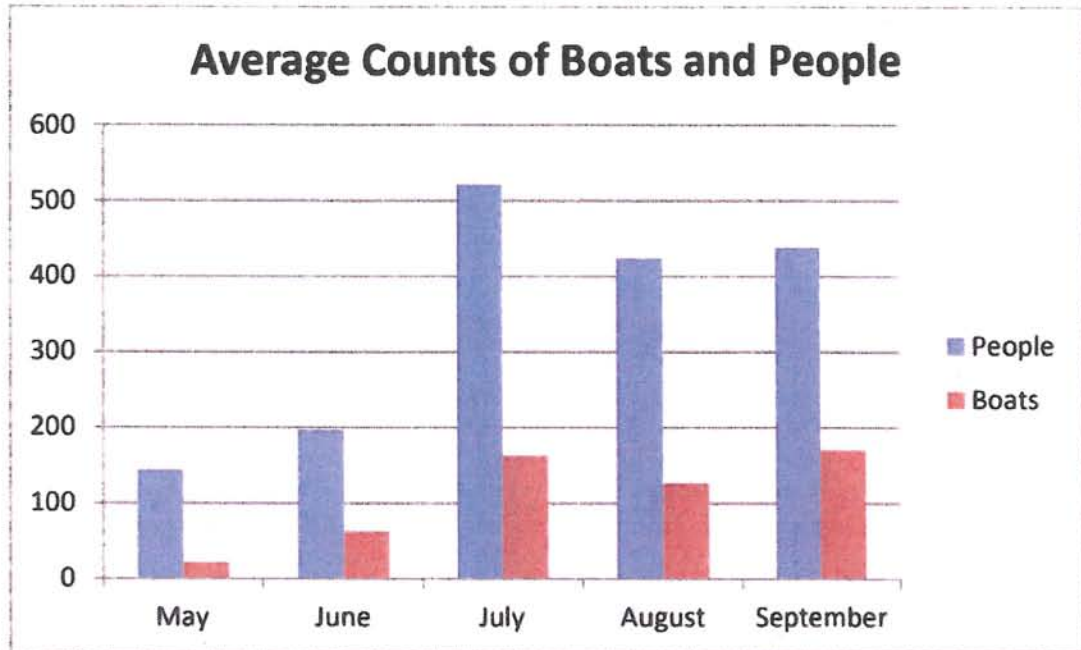
36

P175

EXHIBIT 5

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Average number of visitors per day, by month, on Napatree in 2017. Daily maximum values are considerably higher. From Rogers, 2017.



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MANAGEMENT FOUNDATION

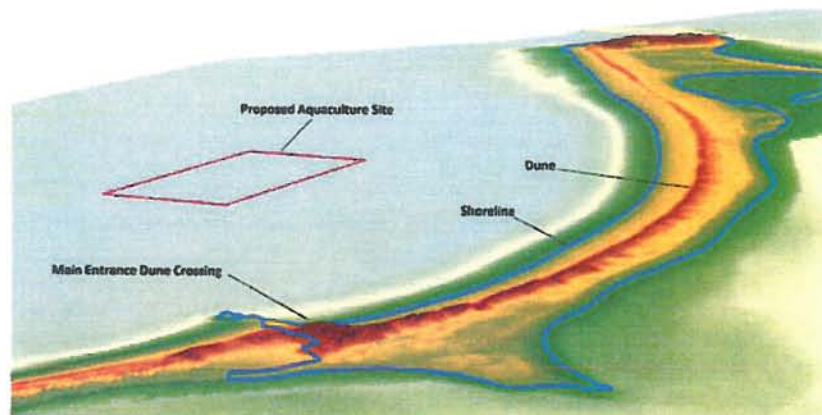
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Representations of Proposed Aquaculture Site relative to Napatree Point

Oblique GIS representation of aquaculture site relative to Napatree Point Conservation Area. Project site size, scale and perspective based on coordinates in the application. Land image is topographic elevation, based on NOAA Topo-Bathy LiDAR data; the darker the color the higher the elevation. Napatree coastline based on 2016 RIGIS imagery. **B** - Viewscape of the Napatree shoreline from the main entrance to Napatree at the crest of the foredune. Size, location and scale of the kelp aquaculture site is approximate. Photo by Janice M. Sassi. **C**: Map of the Napatree Point Conservation Area with the kelp aquaculture site. Size, scale, and location based on coordinates provided in the application. Aerial photo, RIGIS 2018. **D**: Float buoy array. Napatree kelp farm will have 100 float buoys when in full operation.

A.



B.



EXHIBIT 7

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MANAGEMENT COUNCIL

United States Department of the Interior
National Park Service

For NPS use only

National Register of Historic Places Inventory—Nomination Form

received

date entered

Continuation sheet 64

Item number 10

Page 3

of the Misquamicut Golf Club is included for the architectural quality of the clubhouse, the scenic value of its landscaped grounds, and the important role of the club in the history of social life at Watch Hill. Napatree Point is included because it has historically been part of the community, once built up with dwelling that were part of the village, and is a prominent landform in the vistas of seascape and landscape here. These vistas are a constituent element of the unique visual character of Watch Hill and are important to an understanding of the district's history, for they were instrumental in encouraging the development of this area as a summer resort.



P181

17 June 2019

Mr. David Beutel
RI Coastal Resources Management Council
Stedman Government Center, Suite 3
4808 Tower Hill Road
Wakefield, RI 02879-1900

Dear Mr. Beutel:

I Chair the Science Advisors for the Napatree Point Conservation Area (NTPCA). I have been doing this for a decade. I report to Janice Sassi, the NTPCA Manager. The Science Advisors provide Ms. Sassi the best science and data for her to use in making stewardship and management decisions for the NTPCA.

The proposed aquaculture operation¹ off Napatree beach will negatively impact the NTPCA in a number of ways and I oppose this project for many reasons. The scenic character of the NTPCA will be significantly diminished² and wildlife, especially loons and sea ducks, will be impacted by the kelp aquaculture operation and the boat traffic associated with it³. The operations calendar the applicant has proposed will conflict with public enjoyment from recreational angling in the project area in the fall, and especially the spring and early summer⁴. Others will be providing detailed statements on these shortcomings of the proposal. If this application is heard before the full Council, please include me on the list of speakers.

I will offer four major concerns:

First, there are a number of omissions or inaccuracies in the application that deserve note. Second, the application does not adequately address compliance with the DOI USFWS John H. Chafee Coastal Barrier Resources Act (CBRA)⁵.

Third, the kelp farm will eliminate essential fish habitat as defined and mapped by the NOAA Fisheries service⁶.

Fourth, the kelp farm is "offshore development" within an Area Designated for Preservation (ADP). The potential impacts to sea ducks is in conflict with the management goals of ADP's.

¹ CRMC Application Number 2019-05-061

² RICR § 1.2.1.B.2.a, § 1.2.1.B.2.g

³ RICR § 1.2.1.B.2.a

⁴ RICR § 1.2.1.B.2.g

⁵ RICR § 1.3.1.A.1.b

⁶ RICR § 1.3.1.K.2.a.1&2



(1) Concerns About the Application

1. Page 2 – Napatree Point is included in the Watch Hill Historic District. The National Register of Historic Places specifically recognizes the waters off Napatree as being a significant element in the historic district designation. *“Napatree Point is included because it has historically been part of the community and is a prominent landform in the vistas of seascape and landscape here. These vistas are a constituent element of the unique visual character of Watch Hill and are important to an understanding of the district’s history”*⁷
2. Page 6. The north arrow shown on the maps is true north, not magnetic⁸. This is clearly evident on NOAA nautical charts for the area. Magnetic declination for Little Narragansett Bay is 14 degrees west⁹.
3. Page 6 & P 26. Applicant failed to describe CRMC notification of aquatic plant seed entering RI (§ 1.3.1.K.5.a.4)
4. Page 8. Per § 1.1.6.D.5, the size of the farm is 10 acres, thus requiring action by the full Council.
5. Page 9. You cannot compare anchorage systems in Fisher’s Island Sound with that required off Napatree beach. USACOE NACCS data¹⁰ show 100-year wave heights off Napatree to be 4.1-4.7 meters. The wave heights in the vicinity of the Fisher’s Island kelp farm sites is 2.7-3.5 meters. CRMC staff specifically recommended that the applicant consider helical anchoring systems. He failed to follow this recommendation.
6. Page 10. Depth of the site is 19-20 feet, not 29 feet based on the NOAA chart included in proposal. Tidal datum on NOAA chart 13214 is MLLW not MLW.
7. Page 12. Nautical chart missing the required cartographic metadata (north arrow, scale). Site plan maps do not have depth contours as are required.
8. Page 19. White buoys are stated to be 12”-24” but on page 25, they are said they will be 16”-24”. This is confusing.
9. Page 25. To discover debris, the applicant said he will walk the Napatree beach every 2-3 days in the winter. No plan was presented for debris removal as requested in the PD report by CRMC staff. There is no public vehicular access to Napatree. Any gear or debris removal will have to be done by the Fire District or the Easement holder (The Watch Hill Conservancy).

⁷ National Register of Historic Places, sheet 64.

<https://support.google.com/earth/thread/4842430?hl=en>

⁹ NOAA Chart 13214 Fisher’s Island Sound, last correction 5/14/2019

¹⁰ ACOE 2015. Army Corp of Engineers North Atlantic Coast Comprehensive Study: Resilient Adaptation to Increasing Risk. Available online at <https://www.nad.usace.army.mil/CompStudy/>. Online mapping tool available at <https://www.northeastoceanouncil.org/naccs/>¹¹ Westerly Sun, 26 May 2019



10. Page 27. Hard to see how this will benefit the local economy when the applicant is quoted in the Westerly Sun¹¹ as stating “*I don’t expect to make any money at it.*” What are his motives for starting a kelp farm at this highly valued public area?
11. Page 27. There are CBRS conflicts. See next section.
12. Page 28. Recreational and commercial fishermen disagree with the lack of impacts. This was clearly evidenced at the PD hearing.

(2) Proposed Kelp Farm Restrictions Under the John H. Chafee Coastal Barrier Resources System (CBRS)¹²

The proposed kelp farm sits squarely inside CBRS System Unit D08 (Figure on right). This location was added to the Coastal Barrier Resources Act (CBRA) in 1982¹³. The CBRS stipulates that “*these areas (are) ineligible for most new federal expenditures and financial assistance. CBRA encourages the conservation of hurricane prone, biologically rich coastal barriers by restricting federal expenditures that encourage development, such as federal flood insurance.*” Any use of federal funding (NOAA Sea Grant, USDA NIFA, EPA National Estuary Program, FEMA) on the proposed kelp farm would require review by the Department of Interior to determine if any restrictions would apply.



The CBRS was established with these goals: 1) to reduce wasteful expenditure of federal resources; and 2) protect the natural resources associated with coastal barriers. Specifically, the Coastal Barrier Resources Act (CBRA) is based on the following premises:

- (1) coastal barriers along the Atlantic and Gulf coasts of the United States and the adjacent wetlands, marshes, estuaries, inlets and nearshore waters provide—
 - (A) habitats for migratory birds and other wildlife; and
 - (B) habitats which are essential spawning, nursery, nesting, and feeding areas for commercially and recreationally important species of finfish and shellfish, as well as other aquatic organisms such as sea turtles;
- (2) coastal barriers contain resources of extraordinary scenic, scientific, recreational, natural, historic, archeological, cultural, and economic importance; which are

¹¹ Westerly Sun, 26 May 2019

¹² Relevant to CRMC Regulation § 1.3.1.A.1.b

¹³ <https://www.fws.gov/cbra/>



being irretrievably damaged and lost due to development on, among, and adjacent to, such barriers;

CBRA was established precisely to prevent offshore development inside the system unit. The proposed kelp farm is inconsistent with the goals of CBRA. The site off Napatree beach is habitat for migratory birds, is essential habitat for commercially important species of fish, and has extraordinary scenic, recreational, cultural, and economic importance to the region.

In assigning a 15-year lease to the proposed site, RI CRMC is assuming responsibility that CBRA regulations will be followed and that the leaseholder or his operational partners, such as GreenWave, meet the mandate and requirements of this law. It is worthy to note that publicly available IRS 990 tax documents indicate GreenWave is the recipient of substantial "government funding." Given that grant awards are public record, it will be easy to monitor compliance with CBRA requirements.

I strongly recommend that CRMC denies this application in order to support the intention of the CBRA and to reduce our collective responsibility in monitoring compliance with CBRA federal regulations.

3. The Proposed Kelp Farm Destroys Essential Fish Habitat¹⁴

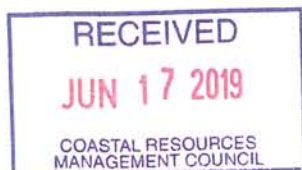
CRMC recognizes the importance of ensuring that aquaculture projects do not have negative impacts on habitats of commercially and recreational important fisheries (§ 1.3.1.K.2.a.1/2). NOAA has designated regions along the United States coast as essential fish habitat (EFH) for fish species of importance to commercial and recreational fisheries¹⁵. Essential fish habitat (EFH) is identified for species managed in Fishery Management Plans under the Magnuson-Stevens Fishery Conservation and Management Act. Essential fish habitat is the habitat necessary for managed fish to complete their life cycle, thus contributing to a fishery that can be harvested sustainably.

Based on NOAA EFH maps, the proposed kelp farm sits within the essential fish habitat of the following species:

Species	Life Stage Affected	Management Jurisdiction
Longfin Inshore Squid	Eggs	Mid-Atlantic
Spiny Dogfish	Sub-Female, Adult Male	Mid-Atlantic
Albacore Tuna	Juvenile	Secretarial
Skipjack Tuna	Adult	Secretarial
Smoothhound Shark	All life stages	Secretarial

¹⁴ Relevant to CRMC Regulation § 1.3.1.K.2.a.1&2

¹⁵ <http://www.nmfs.noaa.gov/habitat/habitatprotection/efh/index.htm>



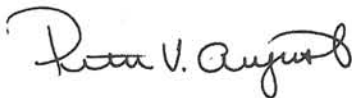
Complex (Atlantic Stock)		
Sand Tiger Shark	Neonate, Juvenile	Secretarial
Winter Flounder	Eggs, Juvenile, Larvae, Adult	New England
Little Skate	Juvenile, Adult	New England
Atlantic Herring	Juvenile, Adult	New England
Atlantic Cod	Adult	New England
Pollock	Adult, Juvenile	New England
Red Hake	Adult, Eggs, Larvae, Juvenile	New England
Windowpane Flounder	Adult, Larvae, Eggs, Juvenile	New England
Winter Skate	Adult, Juvenile	New England

Clearly, this site jeopardizes essential fish habitat for commercially and recreationally important species as determined by the NOAA Fisheries service.

4. A Kelp Farm is Not An Appropriate Offshore Development Inside a CRMC “Area Designated for Preservation.”

The proposed kelp farm is inside a CRMC “Area Designated for Preservation”¹⁶. The designation is intended to protect sea duck foraging habitat¹⁷. Aquaculture is an offshore development activity that must meet CRMC policy standards¹⁸. Given the disturbance to sea ducks from weekly site inspections (detailed by Dr. Peter Paton) and given the risk of entanglement in all the submerged anchor rope, a 10-acre kelp farm is inappropriate inside an Area Designated for Preservation. For these reasons, and the reasons expressed by other members of the Napatree Point community, I respectfully ask CRMC to deny this application for a kelp farm at the site that has been proposed. I also request that the full Council hold a hearing on this application.

Sincerely,

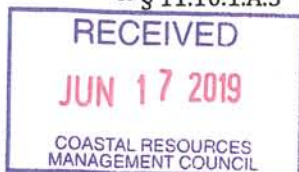


Peter V. August, Ph.D.
 Professor Emeritus of Natural Resources Science
 Chair, Napatree Point Conservation Area Science Advisors

¹⁶ § 11.10.3.A

¹⁷ § 11.10.3.A.1, see Figure 8 in 11.10.2

¹⁸ § 11.10.1.A.5



June 17, 2019

Mr. David Beutel
Coastal Resources Management Council
Stedman Government Center, Suite 3
4808 Tower Hill Road
Wakefield, RI 02879-1900

RE: CRMC Aquaculture Application 2019-05-061 by J. T. MacAndrew

Dear Mr. Beutel,

I manage Napatree Point Conservation Area (NTPCA) for the Watch Hill Fire District, the majority owner of the Napatree Point Conservation Area and The Watch Hill Conservancy which owns a Conservation Easement over Napatree.

I strongly oppose this project based on the following sections of the RI Code of Regulations (RICR) Red Book 650 RICR 20-00-01 (12/16/2018):

§ 1.1.6.G.1.c.3: *Substantive objection to impact to vegetation and biological communities*

§ 1.1.6.G.1.c.5: *Substantive objection to impact to scenic values*

§ 1.1.6.G.1.c.9: *Substantive objection to non-conforming local regulations (conservation easement, see below)*

§ 1.2.1.B.2.a: *CRMC goal to protect scenic and plant habitat values in Type 1 waters*

§ 1.2.1.B.2.f: *Applicants need to mitigate impacts on scenic quality*

§ 1.2.1.B.2.g: *Activities do not impact public enjoyment of Type 1 waters abutting a conservation area*

§ 1.2.2.A.1.a.4: *Protect scenic value of beaches*

§ 1.3.1.A.1.e: *Alteration will not impact abundance and diversity of plant and animal life*

§ 1.3.1.A.1.j: *Alteration will not conflict with water dependent uses and activities*

§ 1.3.1.A.1.k: *Applicant's demonstration to minimize adverse scenic impact*

Napatree is managed for public use and the protection of the geology, plants, and animals of the site. As the easement holder, The Watch Hill Conservancy is charged with the stewardship of Napatree in order to protect its "significant natural, habitat, scenic and open space values."

The unique and distinctive characteristics of Napatree include:

- Napatree is in the National Register of Historic Places (Watch Hill Village, National Register of Historic Places, 1985) and is included in the Rhode



Island Scenic Inventory database developed by the RI Department of Environmental Management (RIGIS 2019).

- For the past 80 years, Napatree has remained an undeveloped conservation area and a pristine example of a barrier spit ecosystem (Oakley 2018). It includes some of the most threatened habitats in Rhode Island – maritime herbaceous dune, maritime shrubland, maritime beach strand, and salt marsh (RI WAP 2015). Dense mussel beds occur on the north shoreline of Napatree and the largest patch of eelgrass in Rhode Island lies off Napatree in Little Narragansett Bay (August et al. 2016).
- Napatree’s importance to birds cannot be overstated. We do bird surveys twice a month with Dr. Reynold Larsen who has been recording our species since 1963 (Sassi et al. 2017). Over 300 species have been observed on Napatree.
- Napatree has been designated a **Globally Important Bird Area** by the National Audubon Society and a “**Hotspot**” by the Cornell Bird Lab (eBird database).
- Napatree is part of the US Fish and Wildlife Service Coast and Barrier Resources System (**USFWS CBRS**) and has been designated *Climate Response Demonstration Site* by the URI Coastal Institute.
- The national Land Trust Alliance has made Napatree a Case Study for exemplary land stewardship.
- The waters off the southern shore of Napatree area identified by CRMC as an “Area Designated for Preservation” to protect sea duck habitat (CRMC Red Book § 11.10.2.).

The many monitoring projects that are used to establish science-driven stewardship and management of Napatree are published every year in the State of Napatree Reports (available online at www.tinyurl.com/ntpca-son, Attachment 1).

Napatree is heavily used by the public (Rogers 2017). It is not uncommon to have 1,500 people on the 1 mile of ocean-facing beach on a summer day (Attachment 2). Visitors enter Napatree from Fort Road in Watch Hill and by boat. As many as 600 boats can be anchored off the north shore of Napatree. There is no vehicular access. Visitors come to Napatree all year to enjoy the natural beauty of the site, bird-watch, walk the shore, fish, and surf off the south shore at the groin. Napatree is a favorite spot for kiteboarders during the fall and winter when the winds come from the north (Attachment 3).

The viewscape from the top of the dune at the entrance to Napatree is iconic (Attachment 2). It is this exact scene that dominates the search result if you query “Napatree Point” in Google Images . This is the image featured by Trip Advisor’s 15 BEST Things to do in RI, Visit RI.com, Yankee Magazine’s “Walks Worth Their Salt,” and South County Tourism Council’s web site. A search of “Napatree Point” in Google Images yields this exact view of the Napatree shoreline – this scene dominates the search result! It is used by travel organizations, economic



development programs, tourism agencies, and numerous private galleries of photos (Attachment 4).

The Ocean Community Chamber of Commerce's website has featured this pristine landscape of Napatree Point of Napatree for the last 18 months – it is the first image that any visitor to this popular site will see, is. Assuredly, if this picture were to include hundreds of buoys, it would not be the perfect postcard that the Chamber relies on to attract visitors.

Granting this aquaculture permit will effectively exclude *thousands* of people from fishing and navigating the 10 acres of ocean. It will contaminate the rare, pristine view of the Atlantic from Westerly to Montauk and Fishers Island. Spoiling this viewscape does not “...produce the maximum benefit for society from such coastal resources; and that the preservation and restoration of ecological systems shall be the primary guiding principal upon which environmental alteration of coastal resources shall be measured, judged and regulated.” (From CRMC's legislative Charter, 1971).

Rather than preserving and restoring ecological systems, this project will corrupt this unique section of Rhode Island's coast for no other reason than for commercial development benefitting one individual.

I am not alone in my concern of the impacts a kelp farm will have on visitor enjoyment at Napatree. Indeed, Napatree Point is deemed a place of special significance to the Town of Westerly, especially the iconic coastscape at the entrance to Napatree. On 10 June 2019, the Westerly Town Council unanimously approved sending a letter to CRMC stating the Town **does NOT support** a private kelp farm off Napatree beach (Westerly Sun, June 11, 2019)

Substantive Objections and Concerns

Maintenance of the scenic integrity of beaches and the shore, and protection of the public enjoyment of coastal waters is valued highly by CRMC (RICR Red Book, § 1.2.2.A.1.a.4, § 1.2.1.B.2.g). The proposed kelp farm would abut Type 1 waters. The presence of the kelp aquaculture infrastructure less than 1,000 feet from shore will significantly diminish the natural viewscape of the oceanside of Napatree. The viewscape will be especially diminished from October to the end of April when full gear is in place. We strongly disagree with CRMC staff that the kelp farm will be “challenging to see” from shore. The four 6”x14” marker buoys that have been deployed to indicate the corners of the 10-acre plot are clearly visible with the naked eye from Napatree's shore now. The marker buoys currently in place are smaller than the 100 individual 12”-24” black and white buoys that will be used from November to 30 April. When fully deployed, the kelp farm will be clearly visible from anywhere along the Napatree shore. Many tens of thousands of visitors to Napatree will be impacted by this degradation of the scenic value of the site. The kelp farm is located in an area that is heavily used by recreational anglers and kite surfers. Their enjoyment of coastal waters will be diminished.



To empirically assess the visibility of 12" and 24" white mooring buoys, we deployed white, round floats that were 12" and 24" in diameter at the NW corner of the kelp farm site on a clear and somewhat calm morning (14 June 2019). One observer was stationed on the beach in front of the proposed kelp farm and another observer at the top of the main dune crossing at the entrance to Napatree. Both buoys were easily seen with the naked eye (Attachment 5). The two rows of 20 white buoys will be conspicuous from any vantage point on Napatree.

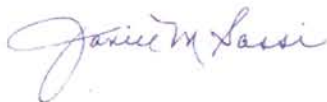
Rather than preserving and restoring ecological systems, this project will corrupt this iconic coastscape for no other reason than for commercial development benefitting one individual. If this lease is approved it will set a precedent for the site and other lease application will follow. The 15-year lease can be sold or transferred. There is nothing to prevent a move in the future to expand or to modify this lease to accommodate other crops. I submit that a working waterfront off Napatree is not in the best interest of the Ocean State.

I reject the argument that this project will support local economic development. Seed and product will be purchased and sold to GreenWave, a Connecticut firm affiliated with a for-profit Maine company named "SeaGreens Farms." One person stands to benefit economically, the applicant.

Ironically, the applicant is quoted in the 26 May 2019 Westerly Sun claiming "I don't expect to make any money at it."

Please include me on the list of objectors to present my concerns to the full Council should this application for a lease make it to that level of evaluation.

Sincerely yours,

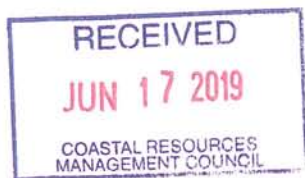


Janice M. Sassi
Manager
Napatree Point Conservation Area



References

- ACOE 2015. Army Corp of Engineers North Atlantic Coast Comprehensive Study: Resilient Adaptation to Increasing Risk. Available online at https://www.nad.usace.army.mil/Portals/40/docs/NACCS/NACCS_main_report.pdf. Online mapping tool available at <https://www.northeastoceancouncil.org/naccs/>
- August, P., Sassi, J., Rogers, K., and Cressman, Greene J. 2016. The Geography of the Napatree Point Conservation Area. In (Janice M. Sassi, Editor) The State of Napatree Report. The Watch Hill Conservancy. Available online at www.tinyurl.com/ntpca-son
- August, P., Simmons, G., and Sassi, J. 2018. Monitoring and Stewardship in the Napatree Point Conservation Area: Where Do the Data Go? In (Janice M. Sassi, Editor) The State of Napatree Report. The Watch Hill Conservancy. Available online at www.tinyurl.com/ntpca-son
- Barnes, C.B. 2005. Watch Hill Through Time: The Evolution of a New England Shoreline Community. The Watch Hill Conservancy.
- CRMC Stormtools. 2019. Stormtools Design Elevation Maps. Available online at: <http://www.beachsamp.org/stormtools-design-elevation-sde-maps/>
- Oakley, B. 2018. Understanding the Short- and Long-term Shoreline Change of Napatree Barrier Using RTK-GPS Beach Profiles and Mapping of the Last High Tide Swash: 2018 Update. In (Janice M. Sassi, Editor) The State of Napatree Report. The Watch Hill Conservancy. Available online at www.tinyurl.com/ntpca-son
- Rasmussen, S. and Simmons, G. 2018. Napatree Water Quality. In (Janice M. Sassi, Editor) The State of Napatree Report. The Watch Hill Conservancy. Available online at www.tinyurl.com/ntpca-son
- Rhode Island Historical Preservation and Heritage Commission. 2019. National Register of Historic Places. Available online at: <http://www.preservation.ri.gov/register/>
- RI WAP. 2015. Rhode Island Wildlife Action Plan. Rhode Island Department of Environmental Management. Available online at: <http://www.dem.ri.gov/programs/fish-wildlife/wildlifehuntered/swap15.php>
- RIGIS 2019. Scenic Landscape Inventory Metadata. Available online at: <https://www.arcgis.com/sharing/rest/content/items/47335178326a4ca0b5a23185731c24d7/info/metadata/metadata.xml?format=default&output=html>
- Sassi, J., K. Rogers, & P. August. 2017. Reynold Larsen Bird Surveys: A Long-term Monitoring Resource. In (Janice M. Sassi, Editor) The State of Napatree Report



2017. The Watch Hill Conservancy. Available online at www.tinyurl.com/ntpca-SoN

Rogers, K. 2017. Visitor Activity of Napatree: 2017. In (Janice M. Sassi, Editor) The State of Napatree Report 2017. The Watch Hill Conservancy. Available online at www.tinyurl.com/ntpca-SoN

United States Fish and Wildlife Service. 2019. Coastal Barrier Resources System. Available online at: <https://www.fws.gov/cbra/>

Westerly Land Records. 2013. Conservation Easement Between the Watch Hill Fire District and The Watch Hill Conservancy. Recorded January 7, 2014. Book 2014, Page 340, Doc# 00000102



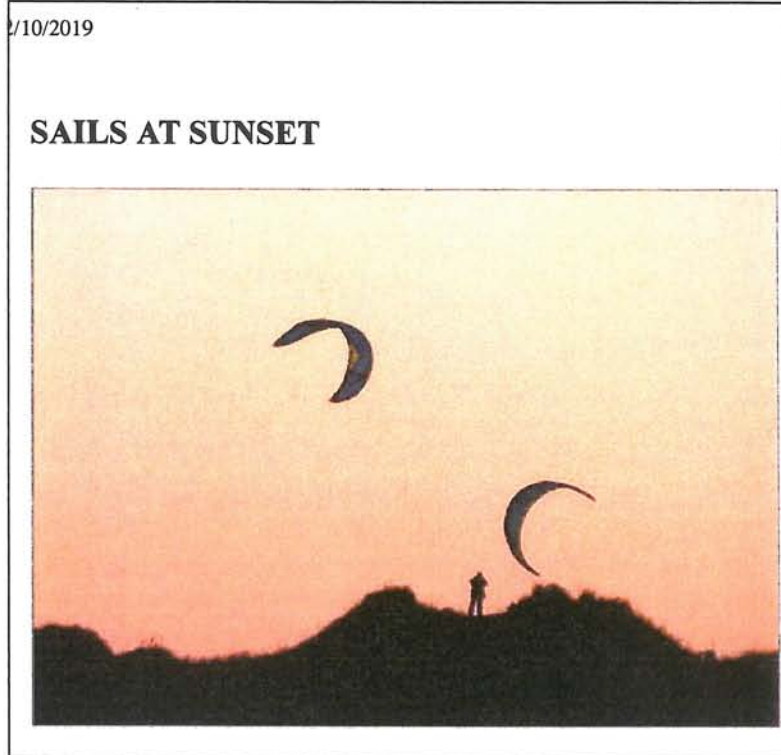
Attachment 1. State of Napatree Report 2017. All years available online at www.tinyurl.com/ntpca-son

Attachment 2. Top: Napatree beach on a typical summer day. Photograph taken from the top of the dune at the main entrance, an iconic vista in Rhode Island. Photograph by Janice M. Sassi. **Bottom:** Map of the Napatree Point Conservation Area with the kelp aquaculture site. Green triangles are Napatree Water Quality monitoring sites. Aerial photo, RIGIS 2018.



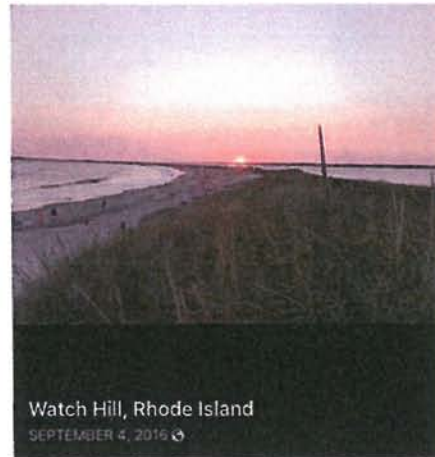
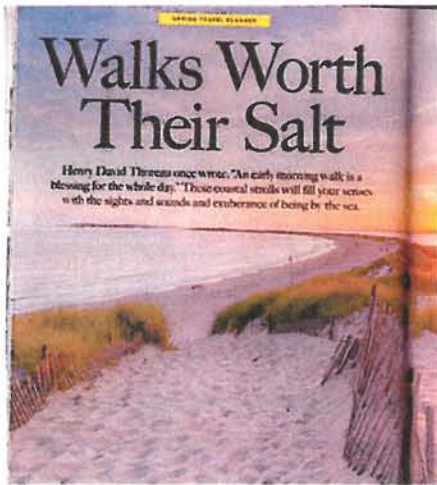
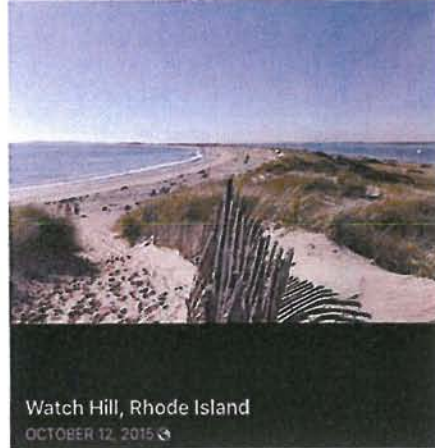
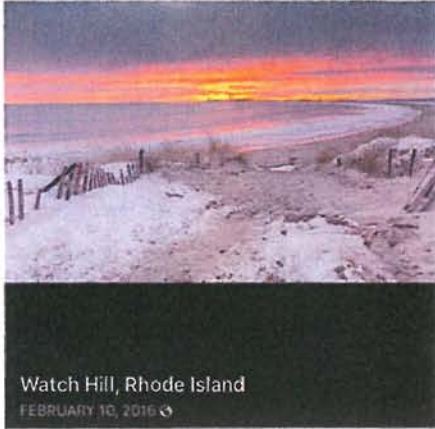
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Attachment 3. Winter kite surfer off Napatree Beach. Photo by Harold Hanka, Westerly Sun, February 10, 2019



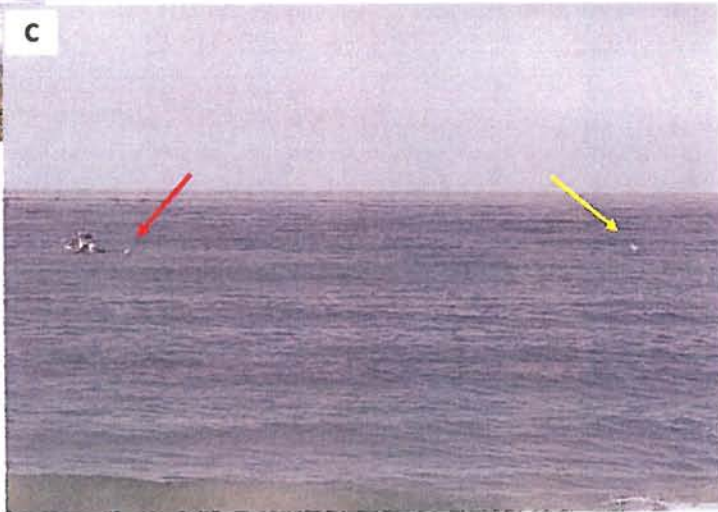
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Attachment 4. The iconic views of Napatree are regularly featured in travel publications.



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Attachment 5. Yellow arrows mark 24" diameter white experimental buoys, red arrows mark the 12" diameter experimental buoys. (A) View from the top of the main dune crossing. (B) four 24" white mooring buoys on the Bay side of Napatree. Distance to the buoys in this photo is 1,263' (Nikon 1200 laser range finder). They are clearly visible from great distances. (C) buoys viewed just north of the kelp farm on Napatree beach. The vessel is a 17' Zodiac.



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June 14, 2019

David Beutel
Coastal Resources Management Council
Stedman Government Center, Suite 3
4808 Tower Hill Road
Wakefield, RI 02879-1900



Dear Mr. Beutel:

We are members of the Watch Hill Park Commission. Beth Bean is the current Commissioner and Grant Simmons was the Commissioner from 2005-2018. The Park Commission manages the Napatree Point Conservation Area on behalf of the Fire District. In addition, as part of our stewardship of Napatree and nearby coastal waters, Grant has been conducting water quality sampling for the Rhode Island Watershed Watch program for 13 years. This entails weekly measurements off the south shore of Napatree (and two other locations) from April to October.

We are writing to express the unequivocal objection by the Park Commission to the proposed 10-acre kelp aquaculture lease proposal located less than 1,000 feet south off the Napatree shoreline. As an open-ocean, exposed site in a high wave-energy zone, the aquaculture infrastructure will be vulnerable to strong storms. Dislodged and broken gear will come ashore on Napatree or create a hazard to navigation in one of New England's heaviest used ship traffic corridors. The footprint of the operation sits squarely on top of our water quality sampling station.

Our objections are relevant to the numerous CRMC regulations that serve to protect the scenic values of our coast and the public enjoyment of these areas. Specifically, CRMC RICR Red Book sections: § 1.2.1.B.2.a, § 1.2.1.B.2.f, § 1.2.1.B.2.g, and § 1.2.2.A.1.a.4.

The proposed kelp farm site is unique to Rhode Island and Connecticut in that it is located in an exposed open-ocean setting. To our knowledge, all but one of the operational kelp farms in the two states are located in protected sites; in the lee of Fisher's Island, in salt ponds, or Narragansett Bay. The south shore of Napatree is squarely in a high wave-energy zone that is exposed to open ocean. This is evidenced by:

- (1) The geology of the ocean-side of Napatree is classic for a high-energy ocean-facing shoreline - a conspicuous foredune, scarp, and berm (Oakley 2018).

- (2) The pronounced sorted bedforms (Oakley, 2019) on the sea floor bottom within the footprint of the proposed kelp farm Attachment 1. These are characteristic of extremely high wave energy locations.
- (3) The Army Corp of Engineers North Atlantic Coast Comprehensive Study: Resilient Adaptation to Increasing Risk (ACOE 2015) shows the site of the proposed kelp farm to be extremely high energy. In a 100-year storm event, wave heights would be 4.6 m (15 feet).
- (4) The CRMC Stormtools Design Elevation (SDE) Maps for a 100-year storm on the oceanside shoreline of Napatree exceed 30 feet. This is among the highest inundation elevations along RI's south shore (CRMC Stormtools 2019, Attachment 2). This means that any structure along the beach that is under 30' in height would be damaged by surge and wave energy in a 100-year recurring storm event.

From our assessment of the proposed anchoring system of the kelp farm and the scope of lines used to secure buoys and long-lines, it is evident that the design is not capable of withstanding strong storms and high seas. In full deployment with all 100 float buoys and 20 long lines deployed, there will be considerable gear (2 miles of rope, 60 anchors) that can, and probably will, be broken loose in a storm. In early spring when the kelp has grown out, the weight of this material in the water column will be huge and the massive surface area of kelp exposed to wave energy will be extremely high.

Mr. Beutel expressed the same opinion in the PD meeting and in his written summary of the PD. He remarked how the kelp farm south of the Jamestown Bridge is frequently askew because of wave action. He recommended the applicant use a helical anchoring system. The applicant has chosen, however, to retain the originally proposed 250-500 anchors. It is important to note that the ACOE NACCS 100-year recurring storm wave height at the Jamestown site is 4.75 feet, whereas the wave heights at the proposed kelp farm site is 15 feet!

In a southern storm, any gear breaking away from the proposed kelp farm will end up on Napatree beach. There is no public vehicular access to Napatree, so the burden of clean-up will fall on the Park Commission and The Watch Hill Conservancy. We realize the applicant would be required to post a bond to pay for cleanup in such incidents. Nevertheless, only the Fire District and Conservancy are allowed ATV access to the Napatree beach; the task of removing debris would fall on these two organizations. Furthermore, the floating debris (buoys and associated lines) in the waters off Napatree be pushed south in a Nor'Easter storm, this would be a significant navigation hazard to boaters (Appendix 3).

November is a popular fishing month, especially for Tautog. The rocky reef 1,000 feet west of the proposed kelp farm is a Tautog fishing hotspot. In the summer, surface gear will be removed but 1,200 feet of rope and 60 anchors will remain in the water. This subsurface entanglement of gear will be a trap for any fishing tackle used to catch bottom fish at the site.



Simmons monitors water quality in Little Narragansett Bay on behalf of the Fire District and The Watch Hill Conservancy. This is done in conjunction with the URI Watershed Watch Program. Our data are the reference baseline data for all of Little Narragansett Bay. We monitor water quality weekly from April through October and have been doing so for 13 years. The results of our work are published in Rasmussen and Simmons (2018) and posted on the Internet for all to review by Watershed Watch and the Wood-Pawcatuck Watershed Association. Our ocean-side water quality monitoring site off Napatree sits squarely in the footprint of the proposed kelp farm (Attachment 4).

We object to the proposed kelp aquaculture proposal because it will disrupt a 13-year record of water quality monitoring at this location. We will lose access to the site when gear is deployed. If forced to change locations, we will lose continuity in our long-term monitoring. As the applicant clearly states in the proposal, the kelp farm will change water quality parameters of the site, thus, we will lose our reference, baseline natural condition.

The wave energy exposure of the proposed kelp farm cannot be changed. The loss of the water quality monitoring site continuity cannot be reclaimed. For all of these reasons, the Watch Hill Fire District's Park Commission strongly opposes the proposed kelp aquaculture operation off Napatree beach and urges the CRMC to deny permit for this application.

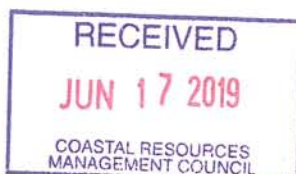
Respectfully,



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Grant G. Simmons III
Member
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Sources:

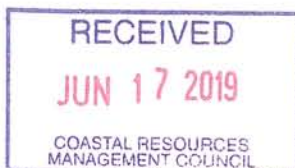
ACOE 2015. Army Corp of Engineers North Atlantic Coast Comprehensive Study: Resilient Adaptation to Increasing Risk. Available online at <https://www.nad.usace.army.mil/CompStudy/>. Online mapping tool available at <https://www.northeastoceancouncil.org/nacacs/>

CRMC Stormtools. 2019. Stormtools Design Elevation Maps. Available online at: <http://www.beachsamp.org/stormtools-design-elevation-sde-maps/>

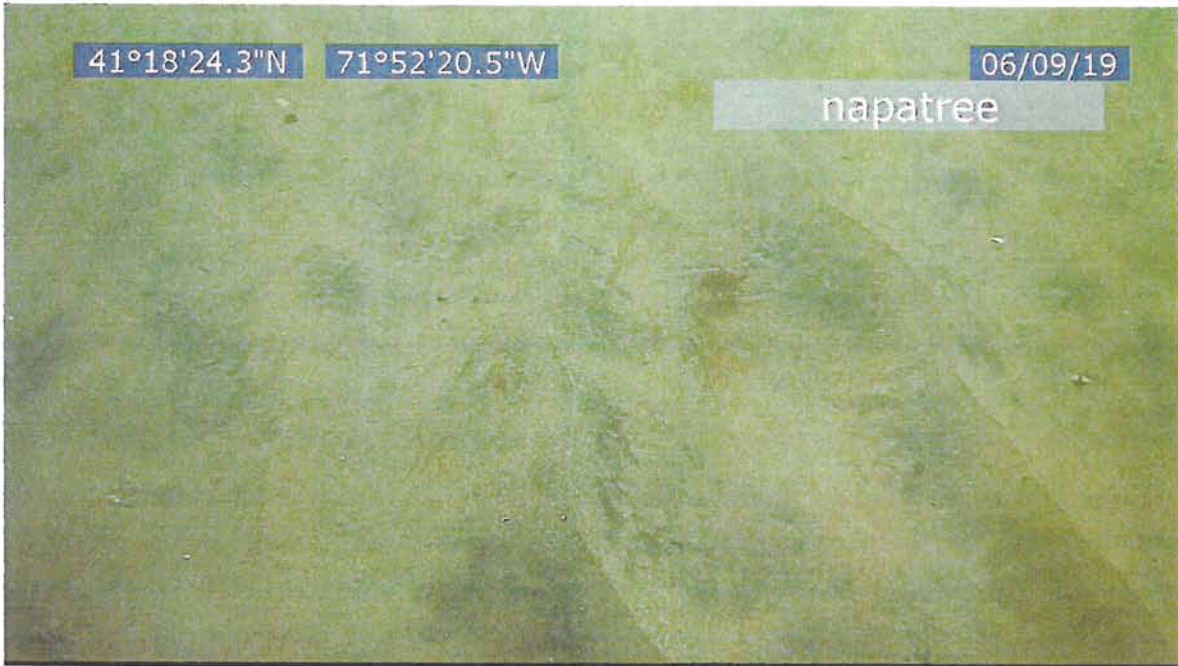
Oakley, B. 2018. Understanding the Short- and Long-term Shoreline Change of Napatree Barrier Using RTK-GPS Beach Profiles and Mapping of the Last High Tide Swash: 2018 Update. In (Janice M. Sassi, Editor) The State of Napatree Report. The Watch Hill Conservancy. Available online at www.tinyurl.com/ntpca-son

Oakley, B. 2019. Persistence of Sorted Bedforms on the Glaciated Rhode Island Shoreface at the Weekly to Decadal Scale. In (Wang, P. and Rosati, J. D., Editors) Coastal Sediments: Tampa, FL, World Scientific Publishing Company.

Rasmussen, S. and Simmons, G. 2018. Napatree Water Quality. In (Janice M. Sassi, Editor) The State of Napatree Report. The Watch Hill Conservancy. Available online at www.tinyurl.com/ntpca-son

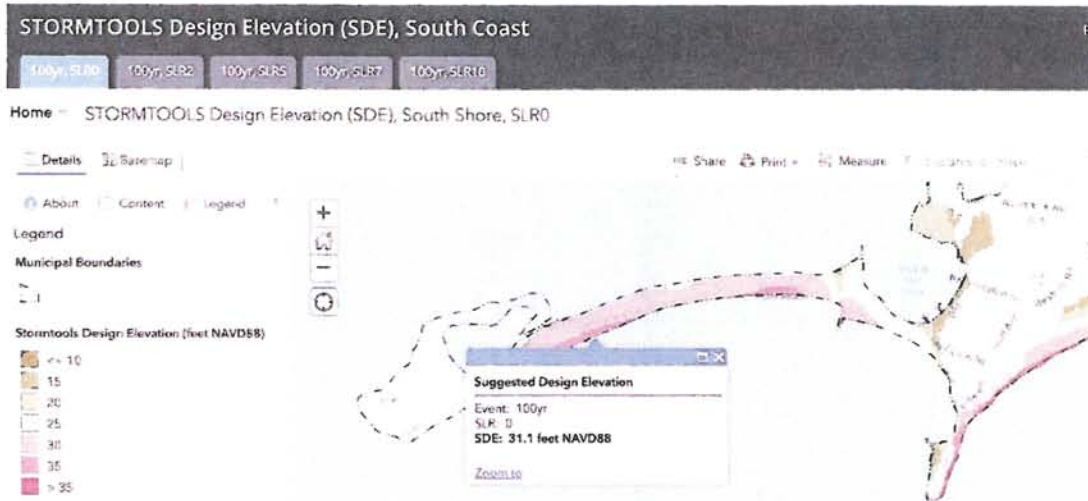


Attachment 1. Sorted bedforms on sea floor inside the foot print of the kelp farm location off Napatree beach. Ridges such as this are characteristic of a high wave energy site. Image obtained by The Watch Hill Conservancy, Napatree Point Conservation Area.



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Attachment 2. CRMC Stormtool Design Elevation map for Napatree Beach. > 30 feet SDE indicates a very high wave-energy shoreline. 100 year storm event, current sea level conditions. <http://www.beachsamp.org/stormtools-design-elevation-sde-maps/>



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Attachment 4. Map of the Napatree Point Conservation Area with the kelp aquaculture site. Size, scale, and location of kelp farm based on coordinates provided in the application. Green triangle is Napatree Water Quality monitoring site. Aerial photo, RIGIS 2018.



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THE WATCH HILL FIRE DISTRICT
222 WATCH HILL ROAD
WESTERLY, RI 02891

RANDOLPH G. ABOOD
MODERATOR
RANDY@NINIGRET.COM
917-696-5011



June 17, 2019

Mr. David Beutel
RI Coastal Resources Management Council
Stedman Government Center, Suite 3
4808 Tower Hill Road
Wakefield, RI 02879-1900

Re: Application of Joseph MacAndrew for a Kelp Farm adjacent to Napatree Point. CRMC Application Number 2019-05-061

Dear Mr. Beutel:

As the Moderator of the Watch Hill Fire District of Westerly ("the Fire District"), and on behalf of the Fire District, I am writing to you, in opposition to the proposed permitting of a kelp aquaculture operation requested by Mr. MacAndrew directly adjacent to Napatree beach (CRMC Application Number 2019-05-061). The background to the Fire District's stewardship of Napatree Point, and our objections to the proposed permit, are outlined below.

Background of Napatree Point Since 1945

As you may be aware, Napatree Point was acquired by the Watch Hill Fire District in 1945, following World War II and the catastrophic Hurricane of 1938. All forms of human habitation including, but not limited to, the houses on Fort Road and the road itself, were destroyed never to be rebuilt. Since then, and as a consequence, the Fire District has, over the past 80 years, been the steward of this unique, but fragile, spit of land -- allowing for natural habitation as well as year-round beachgoers and water enthusiasts. It is one of the most pristine barrier spit ecosystems in southern New England, managed as a nature refuge in order to protect the geology, plants, wildlife, and habitats. Napatree Point is open to the public every day of the year. We are deeply committed to keeping Napatree a public resource and protecting the ecology of the site.

We take our stewardship very seriously, as we do all of our assets in Watch Hill, including the iconic merry-go-round, which is the oldest functioning merry go round in the United States, as well as the public beach adjacent to it.

The natural beauty of this bay is breathtaking, and to my mind one of the great jewels of our country, and certainly Rhode Island. Witness the number of people who come to Watch Hill by car or by boat to photograph the sunsets, to take walks through the town and to stroll through or picnic on the beautiful beaches of Napatree Point. To them, and to their children and grandchildren, Napatree Point provides a timeless and uncluttered escape from the busyness and constant change of everyday life.



P205

The Fire District has, as one of its primary missions, the continued preservation and conservation of Napatree Point for the benefit of all visitors, including beach strollers, bathers, photographers, painters and pleasure boaters. In addition to covering many of the annual operating expenses including fencing and signage, we maintain and staff, at our expense, an all-terrain vehicle to help monitor and patrol the area.

The successful stewardship of Napatree Point is complex. That is why the Fire District, through the Conservation Easement registered with the Town of Westerly (Grantor - Watch Hill Fire District; Grantee - The Watch Hill Conservancy; recorded January 7, 2014: Book 2014, Page 340, Doc# 00000102), partnered with The Watch Hill Conservancy to assist us in protecting its many conservation and preservation values. The Conservation Easement encourages, and in many cases mandates, that the Conservancy engage in various scientific testing, water stewardship, ecological and environmental enhancements, and reasonable and rationale pedestrian usage.

Our Objections to this Particular Application

Our objections fall into two categories: (1) The actual location of this proposed kelp farm adversely affects our ability to protect the distinctive, iconic scenic value of the Napatree Point Conservation Area; and (2) The potential debris from the aquaculture operation represents a hazard to people and wildlife on Napatree Point, and the wash out to the navigation channels to the south of the site will become a hazard to the high volume of boaters that use the channel (NOAA Northeast Data Portal, Marine Traffic maps).

Viewscape of Napatree Point

As evidenced in the CRMC Red Book regulations, protecting the scenic character of beaches and Type 1 coastal waters is important in Rhode Island (RICR § 1.2.1.B.2.a, § 1.2.2.A.1.a.4). The proposed 10-acre kelp aquaculture operation, requested to be less than 900 feet from the Napatree shoreline, will destroy the iconic, totally unobstructed views-cape of the area. What is now a pristine natural setting will have a large, conspicuous, commercial kelp farm directly obstructing the natural scenery. During the kelp growing season (November to April 30) the 100+ buoys will dominate the Napatree shoreline. It seems that this proposal is an attempt to compromise the aesthetic enjoyment of thousands of Napatree visitors, who come from all over the region, for the benefit of an untested commercial enterprise of a single individual.

Despite the statements by Mr. MacAndrew that this 10-acre farm will be the limit to further intrusions into that bay area, there is no basis for his statement. As a matter of equity, how would CRMC justify not considering applications to create farms there, purely as a matter of fairness to others. Mr. MacAndrew claims that this is the only location where he can place his farm because all the other suitable places are taken. If that is truly the case, then perhaps we have maximized the proper places for kelp farms in this area of Rhode Island.

To our point, we have absolutely no objection to kelp farms, as from the little we, as non-scientists, understand of them they provide a public benefit. However, when we weigh the public benefit of this farm, incrementally against the number of farms extant or that can still be created, against the public harm to the particular location requested by Mr. MacAndrew adjacent to Napatree Point, the harm clearly outweighs the benefit.

We would also point out that at a Westerly Town Council hearing this past Monday specifically on the subject of Mr. MacAndrew's application, the Town Council unanimously agreed that a kelp farm adjacent to Napatree Point would create a significant damage to the area, aesthetically and economically



(due to the reliance on tourism).

Vulnerable Oceanside Shoreline

Despite the statements of Mr. MacAndrew, the Napatree shoreline is vulnerable to high wave-energy (see references below). Witness both the 1938 hurricane and the very recent Hurricane Sandy that essentially destroyed the beach on which the Watch Hill Yacht Club cabanas sit. Every kelp aquaculture operation in Connecticut and all but one in Rhode Island are in protected waters. The proposed site is directly exposed to open ocean and is vulnerable to southerly storms. The site also abuts a Type 1 coastal waterway. According to the proposal, full deployment of gear will be done by November 1. We are still in the hurricane season at that time. Superstorm Sandy hit Rhode Island on October 29. Storms of this magnitude will almost certainly dislodge buoys and lines from the proposed aquaculture site. The debris will end up on Napatree beach. Cleanup responsibility will fall upon the Fire District. The Fire District undertakes many functions and expenses to maintain the quality and aesthetic that is Watch Hill, including a public beach in Watch Hill and of course the iconic and famous carousel. We don't wish to increase our responsibilities and costs, especially for a private enterprise that could easily place itself in another, less pristine, less fragile location.

For the foregoing reasons and rationales, the Watch Hill Fire District strongly opposes the approval of this permit to operate a kelp aquaculture farm off the Napatree shore. If this matter comes before the full Council, I wish to be included on the list of objectors who will address Council members.

Very truly yours,



Randolph G. Abood
Moderator

Sources:

ACOE 2015. Army Corp of Engineers North Atlantic Coast Comprehensive Study: Resilient Adaptation to Increasing Risk. Available online at <https://www.nad.usace.army.mil/CompStudy/>. Online mapping tool available at <https://www.nmtheastoceancouncil.org/naccs/>

CRMC Stormtools. 2019. Stormtools Design Elevation Maps. Available online at: <http://www.beachsamp.org/stormtools-design-elevation-sde-maps/>

Oakley, B. 2018. Understanding the Short- and Long-term Shoreline Change of Napatree Barrier Using RTK-GPS Beach Profiles and Mapping of the Last High Tide Swash: 2018 Update. In (Janice M. Sassi, Editor) The State of Napatree Report. The Watch Hill Conservancy. Available online at www.tinyurl.com/ntpca-son





DANIEL A. HOSTETTLER
PRESIDENT & GROUP MANAGING DIRECTOR
WATCH HILL, RHODE ISLAND, U.S.A.

14 June 2019

Mr. David Beutel
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

Dear Mr. Beutel,

I am writing to express my objection to the development of a 10-acre, privately-owned kelp aquaculture operation off the beach on Napatree Point (CRMC File # 2019-05-061). My concerns are contained in the attached Resolution that was authored and approved by the Board of Directors of The Watch Hill Conservancy.

Pristine Napatree Point is an important attraction for visitors to Watch Hill. Many of our guests enjoy tours of Napatree to learn about its wildlife and history. The view from the dune at the far eastern portion is unsurpassed.

I object to subjecting this unique area to industry and its hazards.

Thank you for your consideration.

Regards,

Daniel A. Hostettler
President & Group Managing Director



**A Resolution
To Protect the Napatree Point Conservation Area**

Whereas, the Napatree Point Conservation Area is a natural area for all of the public to enjoy¹; and

Whereas, the iconic coastscape of Napatree Beach is one of the most pristine in our region²; and

Whereas, Napatree is designated as a Globally Important Bird Area by the Audubon Society³ and as a Climate Response Demonstration Site by the URI Coastal Institute⁴; and

Whereas, Napatree is home to many state and federally protected species of birds and other wildlife (e.g., Piping Plover, Osprey, American Oystercatcher, Least Tern, Diamondback Terrapin)⁵; and

Whereas, more than 10,000 visitors enjoy Napatree's shores and viewscapes each year⁶; and

Whereas, the local natural beauty and coastal viewscape (listed in the official State of RI Scenic Landscape Inventory database²), and public access thereto, of which Napatree is a crown jewel, is vital to the local economy⁷; and

Whereas, the Napatree shoreline has one of Rhode Island's highest wave energies during storms (USACE NACCS database⁸), thus there is significant risk that lines, anchors, buoys and kelp will be displaced to our beaches; and

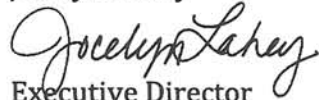
Whereas, the proposed 10-acre kelp farm that is less than 1,000 feet off the Napatree shore, will ruin the iconic Napatree viewscape⁹, diminish critical winter bird habitat¹⁰, and create biosecurity concerns; and

Whereas, we strongly oppose the concept of allowing a single individual who stands to benefit financially at the expense of an irreplaceable natural resource that serves the greater public good; and

Whereas, it can be expected that if one aquaculture permit is allowed, more will follow. Thereby, any adverse impacts to this irreplaceable natural resource would be greatly magnified; so

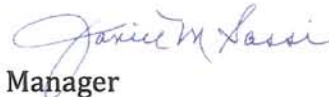
Therefore, Be it Resolved, we the undersigned oppose the application for a kelp farm off the Napatree shore and urge the RI Coastal Resources Management Council to deny this application.

Jocelyn Lahey



Executive Director
The Watch Hill Conservancy

Janice Sassi



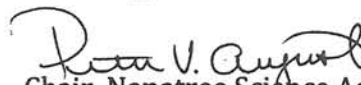
Manager
Napatree Point Conservation Area

Deborah Lamm



Chairman
The Watch Hill Conservancy

Peter August, Ph.D.



Chair, Napatree Science Advisors
University of Rhode Island



Sources

- 1 *Westerly Land Records. 2013. Conservation Easement Between the Watch Hill Fire District and The Watch Hill Conservancy. Recorded January 7, 2014. Book 2014, Page 340, Doc# 00000102*
- 2 *RIGIS 2019. Scenic Landscape Inventory Metadata. Available online at <https://www.arcgis.com/sharing/rest/content/items/47335178326a4ca0b5a23185731c24d7/info/meta>*
- 3 *<https://www.audubon.org/important-bird-areas>*
- 4 *<https://ci.uri.edu/ci-projects/support-of-primary-research/demonstration/>*
- 5 *<http://www.dem.ri.gov/programs/bnatres/fishwild/swap/sgcncomm.pdf>*
- 6 *Sassi, J., K. Rogers, and P. August. 2017. Reynold Larsen Bird Surveys: A Long-term Monitoring Resource. In (Janice M. Sassi, Editor) State of Napatree Report 2017. The Watch Hill Conservancy, Westerly, RI*
- 7 *Rogers, K. 2017. Visitor Activity of Napatree: 2017. In (Janice M. Sassi, Editor) The State of Napatree Report 2017. The Watch Hill Conservancy. Available online at www.tinyurl.com/ntpca-SoN*
- 8 *<https://www.ecori.org/green-economy/2018/4/10/rhode-islands-forests-home-to-plenty-of-bucks>*
- 9 *<https://www.nad.usace.army.mil/CompStudy/>*
- 10 *§ 1.1.6.G.1.c.5: Substantive objection to impact to scenic values*
- 11 *§ 1.2.1.B.2.a: CRMC goal to protect scenic values in Class 1 waters*
- 12 *§ 1.2.1.B.2.f: Applicants need to mitigate impacts on scenic quality*
- 13 *§ 1.2.2.A.1.a.4: Protect scenic value of beaches*
- 14 *§ 1.3.1.A.1.k: Applicant's demonstration to minimize adverse scenic impact*
- 15 *http://www.crmc.ri.gov/samp_ocean/finalapproved/TechRep11a-PatonAvianRept.pdf*



Richard C. Youngken

Youngken Associates
PO Box 326
Peace Dale, RI 02879

June 15, 2019

Rhode Island Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

RE: CRMC application 2019-05-061

Joseph T. MacAndrew application for CRMC Aquaculture permit/ 10 acre Kelp Farm in Block Island Sound off Napatree Point Barrier Beach

Dear Council Members:

As a professional historic preservation planner with over ten years of project experience with the Watch Hill Historic District (see attached resume), I have been asked by the Watch Hill Conservancy to comment on the above permit application. The permit application to locate a 10 acre sugar kelp farm with attendant buoys and moorings within the viewshed of the Napatree Conservation area is, in my opinion, an adverse visual environmental impact upon the Watch Hill Historic District, which is listed in the National Register of Historic Places. Under CRMC regulations and state law, the extent of this impact and appropriate mitigation should be addressed before a permit is issued for the project.

As stated on pg 68 of the National Register nomination/registration form for the Watch Hill Historic District, the Napatree Conservation Area and Napatree Point and the vistas over waters to the south are included as integral elements in the district because *"it (Napatree) has historically been part of the community, once built up with dwellings that were part of the village, and (it) is a prominent land-form in the vistas of seascape and landscape here. These vistas are a constituent element of the unique visual character of Watch Hill and are important to an understanding of the district's history, for they were instrumental in encouraging the development of this area as a summer resort."*

For your reference the boundaries of the historic district were drawn to geographically include Napatree Point and Napatree beach. The Type 1 waters along the beach **and** the Type 4 waters to the south of the beach which are the subject of the MacAndrew kelp farm permit application are adjacencies which affect the integrity of the district. The National (and State Register) historical designation includes references to all of this area. These affected boundary areas are reflected in the Watch Hill District National Registration form (pg 127) as within the following UTM coordinates which locate the district on the USGS Watch Hill Quadrangle:

WATCH HILL HISTORIC DISTRICT
Westerly, Rhode Island

A 19 262700 4578780	D 19 260660 4576160
B 19 263140 4578030	E 19 258370 4576480
C 19 262529 4577340	F 19 258170 4576790

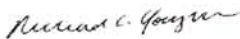
The visual appearance of the kelp farm when it is in operation will be that of a large mass of black buoys on the surface of the ocean in a long rectangle ten (10) acres in size framed by larger white mooring buoys lying off Napatree beach. In my opinion this will give the appearance of a large black mat undulating with the waves and



surge in the area. Contrary to the existing pristine condition, the kelp farm will appear to uninformed visitors as a form of marine pollution and debris (which will inevitably wash ashore due to storm action). There is no historical precedent for such a long term visual change to the historic viewscape of Napatree other than from a temporary marine disaster such as a ship wreck or an oil spill. There is no known historical record of kelp fishing in this fashion at this location. Hence the change in the visual character of this important seascape is unprecedented. The site is visible from the iconic Watch Hill Lighthouse and from the stretch of public beach at the Watch Hill Merry-Go-Round (a National Historic Landmark) and at Napatree beach. In each case the view of the kelp farm buoys will be from a nearly horizontal plane rather than as from above. Hence the buoys will appear to be more concentrated – a denser arrangement than if viewed from the air. These coastal viewing areas are frequented by area residents and tourists year-round who are attracted to and enjoy the scenic and unspoiled qualities of the dramatic seascape that have made Watch Hill such an attractive and lucrative resort from the mid-19th century to today. As stated in the Watch Hill Historic District National Register nomination/registration form (previously cited), it is these scenic qualities which led to the area's development in the first place and it is these qualities among others that National Register designation seeks to preserve.

Although seasonal, the visual appearance of the MacAndrew kelp farm mooring system as proposed, in my opinion will have a negative impact on the scenic values of the area of Napatree beach and the waters of the southern edge of the National Register historic district – the iconic ocean vistas cited by the National Register. Every effort should be made to evaluate and mitigate the visual impact of the project such that the multiple buoy/mooring system is not visible from Watch Hill and Napatree beach or if this is not possible, the application should be denied. Care should also be taken with the precedent that this application, if approved, will create in the leasing of additional public waters either within or adjacent to the National Register district for kelp farming and the attendant impact of visually inappropriate multiple buoy/mooring systems. Although aquaculture is a use which may be permitted in Type 4 waters under CRMC regulations, the density, layout, and type of buoy/mooring system proposed for kelp farming in this location has a negative scenic impact upon the Type 4 and adjacent Type 1 resources in this case and conveys the visual appearance of a floating business.

Sincerely,



Richard C. Youngken
Historic Preservation Planner

cc Jocelyn Lahey, Executive Director
The Watch Hill Conservancy
One Bay Street,
Watch Hill, RI 02891

Glenn Modica
Project Review
Rhode Island Historical Preservation and Heritage Commission
150 Benefit Street
Providence, RI 02903



Richard C. Youngken

Principal,

Youngken Associates

youngken.associates@yahoo.com

401-789-6237. 401-378-0805 (cell)

Mr. Youngken has over 40 years professional experience in community planning, community revitalization, historic preservation, grant-seeking and grant-making.

Since 2010, he has been a principal with Youngken Associates, a Rhode Island-based planning and historic preservation consulting firm. He has served as planning staff or consultant for the Town of East Greenwich, R.I. (Town Planner 1985-1988), Newport Collaborative Architects in Newport, R.I. (Associate and Planning Director, 1988-1999), the City of Newport (Planning Department, Historic District Commission 1988), the Adirondack Museum, the State of New York SHPO (Section 106 project review), and the Saratoga Springs Preservation Foundation (Assistant Director).

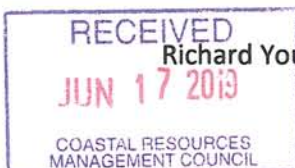
Mr. Youngken is currently consulting with the Watch Hill Conservancy economic development and revitalization for historic Bay Street in Watch Hill that includes grant-seeking, infrastructure improvements, and streetscape enhancements. He has led project planning teams for similar economic development projects in Newport (Broadway), Westerly (Downtown), Middletown (Town Center), Wakefield (Main Street's Saugatucket River Walkway) and West Greenwich (Exit 5), R.I.

Between 1999 and 2010, Mr. Youngken was the Executive Director of The Dunn Foundation, a Warwick and Newport, R.I. based private grant-making philanthropy whose mission concerns rural, suburban, and urban planning issues centered on community appearance and scenic character.

He has served on the Board of Directors of several environmental groups including Rhode Island's Save The Bay, the Saugatucket River Heritage Corridor Coalition, and the South Kingstown (R.I.) Land Trust. He is an Advisor Emeritus of the National Trust for Historic Preservation and is currently a member of the South Kingstown (R.I.) Historic District Commission and the Rhode Island Scenic Roadway Board.

Planning Projects:

Mr. Youngken's professional projects have included community revitalization plans, long range comprehensive town plans, comprehensive zoning by-law updates, local design review zoning ordinances, parking studies, innovative conservation directed subdivision and land development regulations, historic resources surveys, National Register nominations, historic tax credit applications, and design guidelines for historic district commissions.



Resume

2019

Mr. Youngken has specialized in community involvement in the planning process and has successfully led many community revitalization and master planning projects based upon community input employing stakeholder buy-in including the involvement of business people. He has used public presentations, community surveys, educational forums, and guided charrettes to gain input and endorsement. Notable among these are special area revitalization plans, community comprehensive plans and plan elements for the Towns of East Greenwich, Foster, Narragansett, and special area economic revitalization plans for Broadway in Newport, downtown Westerly, West Greenwich, Bay Street in Watch Hill, and Middletown, R.I. Many of these planning efforts have involved beautiful communities seeking to attract sustainable economic development while preserving their unique identity and local quality of life.

Based in part upon his extensive work in historic preservation and his prior planning staff assistance for historic district commissions (Newport, Saratoga Springs, East Greenwich), Mr. Youngken has recently written and compiled review standards and guidelines for the South Kingstown Historic District Commission. In 2010, he assisted the Newport Restoration Foundation with compilation of their *Historic Home Owners' Toolkit*, specifically written for Newporters and the Newport Historic District Commission. Also in 2010 he completed review standards and guidelines for the newly formed Narragansett Historic District Commission and provided commission members with project review training. Most recently he has been assisting the Town of North Kingstown, RI with design guidelines for Wickford's commercial main street.

Noteworthy revitalization planning projects led by Mr. Youngken have included:

- Commercial Main Street and special area revitalization plans: *Downtown Westerly Revitalization Plan* (Westerly, R.I.); *Broadway Revitalization Plan* (Newport, R.I.), *Broad Street Revitalization Plan* (Cumberland, R.I.), *Middletown Center Master Plan*, (Middletown, R.I.); *Vision 2012*, Watch Hill Conservancy, (Watch Hill, R.I.).
- Implementation of the Broadway Revitalization Plan: commercial façade design CDBG grant program with Martha Marie Grogan, Broadway Main Street Manager.
- Historic property master plans: Paradise Farm, Norman Bird Sanctuary, Middletown, R.I.; Blithewold Carriage House, Bristol, R.I.; Farmlands, Portsmouth, R.I.; Camp Meehan, North Providence, R.I.; Ocean Lawn and Salve Regina University, Newport, R.I.; Camp Hoffman, South Kingstown, R.I.; Rose Island, Newport, R.I.
- Innovative model conservation development design guidelines for the Scituate Reservoir watershed.
- Municipal planning clients have included: Glens Falls, N.Y.; Foster, Narragansett, South Kingstown, Middletown, Newport, Bristol, Warwick, West Greenwich, Narragansett, Cumberland, Scituate, R.I.; North Stonington, New Britain, Conn.



Richard Youngken

Resume

2019

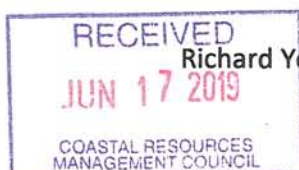
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Noteworthy historic preservation planning projects have included:

- Restoration and historic tax credit consulting for the historic Lanphear Livery (aka Holdredge Garage), Watch Hill, R.I.
- Historic District Commission Standards and Guidelines, Rules of Procedure, and Project Application guidelines: written for the Towns of Narragansett, Hopkinton, North Kingstown, and South Kingstown, R.I.
- Award-winning rehabilitation tax credit applications and rehabilitation planning: Vanderbilt Hall, Wrentham House and Wrentham Carriage House, Newport, R.I.; Narragansett Reading Room/Sea Lawn, Narragansett, R.I.: planned and compiled for private clients.
- Award-winning restoration of the historic Hale House, Matunuck, R.I.: exterior and interior planning and consultation for the Pettaquamscutt Historical Society.
- Award-winning additions and rehabilitation of the historic Willett Library, Saunderstown, R.I.: consultation and planning for the Willett Free Library Association.
- Historic Structure Reports/ HABS/HAER documentation: Hale House, Matunuck, R.I. Ironville Historic District, Crown Point, N.Y.; US Coast Guard Stations, Cape Cod, Mass.
- Great Camps of the Adirondacks National Register survey and thematic district nomination/listing: written for the Preservation League of New York State.
- Historic Resources Surveys: Adirondac Ironworks, Tahawus, N.Y.; Minerva, Glens Falls, and Saratoga Springs, N.Y.; Preston, North Stonington, East Lyme, and New Britain, Conn.; Apponaug, Newport, and Middletown (Indian Avenue), R.I.
- National Register of Historic Places nominations/listings: Individual listings, City-wide and thematic districts: The Adirondack Great Camps, Glens Falls and Saratoga Springs, N.Y.; New Britain and Preston, Conn. Individual nominations include resources in Ballston Spa, N.Y., New Britain, Conn., Westerly, Foster, Middletown, Narragansett and South Kingstown, R.I.

Authored publications and education materials include:

African Americans in Newport, An Introduction to the Heritage of African Americans in Newport, RI 1700-1945 (a historic resources survey), Rhode Island Historical Preservation and Heritage Commission, 1998.



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2019

ViewFinders Too, Exploring Community Appearance, (a middle school curriculum unit), The Dunn Foundation, 2002.

Watch Hill Style, The Watch Hill Conservancy, 2009, (an analysis and primer on Watch Hill, Rhode Island's domestic summer architecture).

Historic Preservation Standards and Guidelines, Town of Narragansett Historic District Commission, Narragansett, R.I., 2010.

Historic Home Owners' Tool Kit, Newport Restoration Foundation, 2010.

Scituate Reservoir Watershed Zoning Project, Rural Design Manual, Rhode Island, Department of Environmental Management, 1997 (model conservation-themed land development guidelines and zoning by-laws).

Collaboration on preservation-themed films:

Community of Choices, The Dunn Foundation, Warwick, R.I., 2002,

Newport's World Heritage, Newport, R.I., 2006.

Preserving Hale House and Matunuck's (R.I.) Cultural Heritage, Pettaquamscutt Historical Society, 2008.

Project Awards:

Rhode Island Historical Preservation and Heritage Commission and Preserve Rhode Island Rhody Awards (Wrentham House 2008, Narragansett Reading Room/Sea Lawn 2010, Hale House 2011, Esten-Bowen House 2012, Willett Library, Saunderstown, 2014), Lanphear Livery 2017

Newport Restoration Foundation, Doris Duke Historic Preservation Award (Wrentham Carriage House 2011)

Aquidneck Land Trust (Sakonnet Greenway Trail)

Newport Historical Society (*Broadway Revitalization Plan*)

Adjunct Professor/ Teaching assistant/Guest Lecturer:

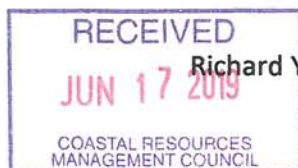
University of Rhode Island Graduate Curriculum in Community Planning, Studio Rhode Island School of Design, Adult Continuing Education, Historic Preservation

Education:

MCP (Masters in Community Planning) University of Rhode Island , 1977.

BA (Architectural History, Art History, Sociology) Duke University, 1974.

College Year in Athens (Greece), 1973. Saint George's School, 1970.



Richard Youngken

Resume

2019



14 June 2019

Officers

Ann Johnson
PRESIDENT

Andrew Barber
VICE PRESIDENT

Peter McCormick
TREASURER

Regina Livingston
SECRETARY

Mr. David Beutel
Coastal Resources Management Council
Oliver H. Stedmen Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

RE: Request for CRMC Aquaculture Lease
CRMC File # 2019-05-061
Applicant: J. T. MacAndrew

Board of Directors

Marion Abood
Douglas Crawford
Chantal Curtis
John B. Daukas
Paul Dewey
Wilson Eghin
Sarah Emanuel
Betty-Jo Greene
Keith LaRose
Beaumont Lett
Elizabeth Masterson
Heidi McWilliams
Peter Renchan
Randall Saunders
Aaron Simmons

Dear Mr. Beutel:

As notification and discussion of the proposed ten-acre kelp farm in the waters off Napatree Point in the Town of Westerly has spread, consideration of the placement and future impact of this endeavor has generated significant concern.

While the benefits of aquaculture and the investment in kelp farming have due merit, the proposed location of the farm in question raises important historical, environmental and especially, situational questions.

The Watch Hill Lighthouse Keepers Association formed in 1986 with a mission to preserve and protect the historic lighthouse property – and by extension, the Association takes active interest in ensuring the integrity of the land and water surrounding the Lighthouse. Fishers Island Sound and Little Narragansett Bay provide beautiful locations and abundant tourism opportunities for visitors to Napatree Point and the Lighthouse – both those that arrive by land and those traveling on the water. Recreational traffic is abundant. Fishing from Lighthouse Point is year-round. The land spit that is Napatree and nearby Sandy Point are popular for boaters, walkers, paddle boarders and families. Scientific research dedicated to preservation of plant and animal species and to understanding the imminent effects of rising tides and climate change occurs in these waters. Interest in maintaining this treasured natural habitat – reacting to environmental occurrences with dedication to conservation – is paramount. Introducing a business endeavor into the area will, most assuredly, forever change this wonderful place.

Emeritus

Judy Lentz

RECEIVED

JUN 17 2019

COASTAL RESOURCES
MANAGEMENT COUNCIL

Watch Hill Lighthouse Keepers Association

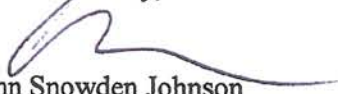
PO Box 1511

Westerly, RI 02891

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The conservation of this pristine location matters to all of the Town of Westerly and its visitors. Therefore, the concern of the Lighthouse Keepers rests with the impact and future implications farming licenses for this specific kelp project may have on the character and integrity of this unique and active part of the State. The aforementioned application proposes a location in an area still evidencing the impact of Sandy in 2012. The Watch Hill Lighthouse Keepers Association holds responsibility for maintaining the buildings of this treasured historical site, and from its position on Lighthouse Point, has an equally important mission to maintain the tranquility and natural beauty the waters offer our visitors. The Lighthouse Keepers therefore request CRMC to consider our concerns and work with the applicant to relocate the kelp farm.

Yours sincerely,



Ann Snowden Johnson
President, WHLKA
afsjohnson@gmail.com



THE MISQUAMICUT CLUB  INCORPORATED IN 1895

June 16, 2019

Mr. David Beutel
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

Dear Mr. Beutel,

I am writing to express the Misquamicut Club's objection to the proposal of a 10-acre, privately-owned, kelp aquaculture operation off the beach on Napatree Point (CRMC File # 2019-05-061). Our concerns are contained in the attached Resolution that was authored and approved by the Board of Directors of The Watch Hill Conservancy.

In principle, we applaud the efforts being proposed to bring sustainable aquaculture, including kelp farming, to Rhode Island. Our opposition to this proposal would be to ask "have every and all alternative locations for this enterprise been considered so to not impose a visual impediment upon the natural setting that is the seascape of Napatree Point?"

Rhode Island is a state with an abundance of sheltered shoreline. Among the many coves and bays of the state, however, Napatree Point is truly a unique and special place. The views from Watch Hill lighthouse down the length of Napatree Point and Long Island Sound are one of a kind, even in a state with abundant ocean views. Napatree Point is a state treasure.

A commercial aquaculture operation will forever significantly alter the viewscape and diminish Napatree's natural quality. It would set a precedent for similar or expanded operations that would further diminish a Rhode Island coastal landmark of rare beauty.

Please help us in preserving this amazing resource, not only for the many current visitors who enjoy it throughout the year, but for generations of future users who may never have a chance to see it in its currently unspoiled beauty.

Sincerely,

William C. Gridley, FAIA
President
The Misquamicut Club



Town of Westerly

Town Hall • 45 Broad Street • Westerly, Rhode Island 02891

TEL: (401) 348-2530 • www.WesterlyRI.gov

2019-05-061

Office of the
Town Manager

June 13, 2019

Mr. David Beutel
State of Rhode Island
Coastal Resources Management Council
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879

RE: Notification of Rescinded Support for Proposed Kelp Aquaculture Farm South of Napatree Point Barrier Beach

Dear Mr. Beutel,

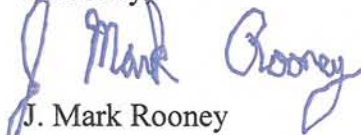
This letter is to inform you that at the June 10, 2019 Westerly Town Council Meeting, the Town Council reached a unanimous consensus to oppose an application made by Mr. Joseph MacAndrew for a Kelp Aquaculture Farm proposed south of the Napatree Point Barrier Beach at Watch Hill, RI. The Town Council reaffirmed its support for Aquaculture Farming (Kelp), just not in the sensitive area of Mr. MacAndrew's application.

If Mr. MacAndrew does not withdraw his application (as the Town Council suggested he do), the Town requests that CRMC hold the next hearing on the application here at the Town Hall and allow a representative for the Town to present testimony in opposition to the application as agreed to at the June 10th Town Council Meeting.

Therefore, I am sending notification that the Town wishes to formally withdraw the previous letter of support for the project dated February 22, 2019 from the Director of Development Services and the Town Planner.

Thank you for your attention to this matter.

Sincerely,


J. Mark Rooney
Town Manager





Mr. David Beutel
RI Coastal Resources Management Council
Stedman Government Center, Suite 3
4808 Tower Hill Road
Wakefield, RI 02879-1900

June 16, 2019

Dear Mr. Beutel:

The Watch Hill Memorial Library & Improvement Society, Inc. wishes to object to the application for a lease for a 10-acre kelp farm off Napatree Point Beach (CRMC File Number 2019-05-061). I am president of the Watch Hill Memorial Library & Improvement Society and our Board voted on Saturday to object the location of this farm. We represent over 300 active members whose aim is the beautification and safety of our village.

There are many reasons why we object to this proposal, most of which are summarized in the attached community resolution. My organization is especially concerned about the size (almost 3 football fields) and that it can be expanded. This ruins views from the beach along Napatree Point and the lighthouse, where we volunteer at the museum. Not just that, but the disruption of the bird populations and the blocking of fishing boats. We are sure it's a worthy venture but it should be located elsewhere.

Thank you for accepting my concerns. Please let me know when and where there will be a public hearing so I can express the views of my organization.

Sincerely,

Ardith (Ardi) Schneider, President

A Resolution

To Protect the Napatree Point Conservation Area

Whereas, the Napatree Point Conservation Area is a natural area for all of the public to enjoy¹; and

Whereas, the iconic coastscape of Napatree Beach is one of the most pristine in our region²; and

Whereas, Napatree is designated as a Globally Important Bird Area by the Audubon Society³ and as a Climate Response Demonstration Site by the URI Coastal Institute⁴; and

Whereas, Napatree is home to many state and federally protected species of birds and other wildlife (e.g., Piping Plover, Osprey, American Oystercatcher, Least Tern, Diamondback Terrapin)⁵; and

Whereas, more than 10,000 visitors enjoy Napatree's shores and viewsapes each year⁶; and

Whereas, the local natural beauty and coastal viewscape (listed in the official State of RI Scenic Landscape Inventory database²), and public access thereto, of which Napatree is a crown jewel, is vital to the local economy⁷; and

Whereas, the Napatree shoreline has one of Rhode Island's highest wave energies during storms (USACE NACCS database⁸), thus there is significant risk that lines, anchors, buoys and kelp will be displaced to our beaches; and

Whereas, the proposed 10-acre kelp farm that is less than 1,000 feet off the Napatree shore, will ruin the iconic Napatree viewscape⁹, diminish critical winter bird habitat¹⁰, and create biosecurity concerns; and

Whereas, we strongly oppose the concept of allowing a single individual who stands to benefit financially at the expense of an irreplaceable natural resource that serves the greater public good; so

Therefore, Be it Resolved, we the undersigned oppose the application for a kelp farm off the Napatree shore and urge the RI Coastal Resources Management Council to deny this application.

Sources

- ¹ *Westerly Land Records. 2013. Conservation Easement Between the Watch Hill Fire District and The Watch Hill Conservancy. Recorded January 7, 2014. Book 2014, Page 340, Doc# 00000102*
- ² *RIGIS 2019. Scenic Landscape Inventory Metadata. Available online at <https://www.arcgis.com/sharing/rest/content/items/47335178326a4ca0b5a23185731c24d7/info/metadata/metadata.xml?format=default&output=html>*
- ³ <https://www.audubon.org/important-bird-areas>
- ⁴ <https://ci.uri.edu/ci-projects/support-of-primary-research/demonstration/>
- ⁵ <http://www.dem.ri.gov/programs/bnatres/fishwild/swap/sgcncomm.pdf>
Sassi, J., K. Rogers, and P. August. 2017. Reynold Larsen Bird Surveys: A Long-term Monitoring Resource. In (Janice M. Sassi, Editor) State of Napatree Report 2017. The Watch Hill Conservancy, Westerly, RI
- ⁶ *Rogers, K. 2017. Visitor Activity of Napatree: 2017. In (Janice M. Sassi, Editor) The State of Napatree Report 2017. The Watch Hill Conservancy. Available online at www.tinyurl.com/ntpca-SoN*
- ⁷ <https://www.ecori.org/green-economy/2018/4/10/rhode-islands-forests-home-to-plenty-of-bucks>
- ⁸ <https://www.nad.usace.army.mil/CompStudy/>
- ⁹ § 1.1.6.G.1.c.5: *Substantive objection to impact to scenic values*
§ 1.2.1.B.2.a: *CRMC goal to protect scenic values in Class 1 waters*
§ 1.2.1.B.2.f: *Applicants need to mitigate impacts on scenic quality*
§ 1.2.2.A.1.a.4: *Protect scenic value of beaches*
§ 1.3.1.A.1.k: *Applicant's demonstration to minimize adverse scenic impact*
- ¹⁰ http://www.crmc.ri.gov/samp_ocean/finalapproved/TechRep11a-PatonAvianRept.pdf

From: Dave Beutel <dbeutel@crmc.ri.gov>
Sent: Monday, May 20, 2019 7:46 AM
To: Lisa Turner
Subject: FW: [Non-DoD Source] ten acre seasonal kelp farm

From: LeBlanc, Edward G CIV [mailto:Edward.G.LeBlanc@uscg.mil]
Sent: Friday, May 17, 2019 1:28 PM
To: Dave Beutel
Subject: RE: [Non-DoD Source] ten acre seasonal kelp farm

No objections Dave. Seems like a worthy project. And they already propose to light the corners!

Edward G. LeBlanc
 Chief, Waterways Management Division
 Coast Guard Sector Southeastern New England
 Office 401-435-2351
 Cell 401-580-8747
 Fax 401-435-2399
 E-mail: Edward.G.LeBlanc@uscg.mil

From: Dave Beutel <dbeutel@crmc.ri.gov>
Sent: Friday, May 17, 2019 10:21 AM
To: 'Alison Verkade - NOAA Federal' <alison.verkade@noaa.gov>; 'Steve Medeiros' <stevem@risaa.org>; 'Azure Cygler' <azure@crc.uri.edu>; 'Robert Rheault' <bob@ecsga.org>; 'Robert Ballou' <robert.ballou@DEM.RI.GOV>; 'Rich Fuka' <captlobster@gmail.com>; mclamdigger@aol.com; 'Dennis Erkan' <dennis.erkana@DEM.RI.GOV>; 'Prescott, David' <dprescott@SaveBay.org>; 'Leavitt, Dale' <dleavitt@rwu.edu>; seabrown58@gmail.com; 'Jim Arnoux' <eastbeachosterfarm@gmail.com>; 'Dave Reis' <dreis@crmc.ri.gov>; 'Jeff Grant' <jeffgrant19@cox.net>; 'Jeff Gardner' <watchhillysters@gmail.com>; 'Jody King' <nosmoshep@icloud.com>; 'Katie Eagan' <eagan.katie@gmail.com>; kurt.blanchard@dem.ri.gov; 'Michael A. Rice' <rice@uri.edu>; 'Rich Hittinger' <hittinger@risaa.org>; FVThistle@verizon.net; dmontifish@verizon.net; 'Rick Bellavance' <makosrule@verizon.net>; cgreinstrategies@gmail.com; lad0626@aol.com; 'Catherine White' <Catherine.White@health.ri.gov>; 'John Torgan' <jtorgan@TNC.ORG>; dean.hoxsie@dem.ri.gov; LeBlanc, Edward G CIV <Edward.G.LeBlanc@uscg.mil>; cindy.hannus@dem.ri.gov; 'Jerry Carvalho' <comfish100@gmail.com>; 'Phil Capaldi' <philcapaldi@yahoo.com>; marcapcar@icloud.com; marcapcar@me.com; michaেলাonosko@gmail.com; john_crosson@watkinson.org; dacapaldi@aol.com; mmcapaldi@aol.com; jschickler@cox.net; suemarinaro@me.com; traceydistefano@gmail.com; travisbarao@gmail.com; mroderick@towndock.com; maridee2@gmail.com; Taylor.M.Bell@usace.army.mil; dacapaldi@aol.com; mmcapaldi@aol.com; 'Ed' <etroiano1@cox.net>; buddhajay108@yahoo.com; 'Kenneth Murgio' <kenneth.murgio@gmail.com>; mike@watchhilloutfitters.com; 'Peter August' <pete@edc.uri.edu>; 'Janice Sassi' <janicem88@outlook.com>; 'Main, Robin L.' <rmain@hincklevallen.com>; bruce@lolobag.com; 'Joseph MacAndrew' <josephmacandrew@gmail.com>; johnmoretta@westerlyri.gov
Cc: 'Janet Coit' <Janet.Coit@DEM.RI.GOV>; 'Jason McNamee' <jason.mcnamee@DEM.RI.GOV>; 'Osenkowski, Jay (DEM)' <jay.osenkowski@DEM.RI.GOV>; psozek@lighttower.com; 'Mcmanus, Conor (DEM)' <Conor.McManus@dem.ri.gov>; 'Livermore, Julia (DEM)' <Julia.Livermore@dem.ri.gov>; 'Dick Pastore' <RPENGRI@gmail.com>; 'Mike Jarbeau' <mjarbeau@savebay.org>; 'Todd Corayer' <tcorayer@fishwrapwriter.com>; traceydistefano2013@gmail.com; 'Lisa Turner' <lturner@crmc.ri.gov>; 'Gerry Schey' <gerryschey22@gmail.com>; davidclatham@gmail.com; 'Jeff Grant' <jeffgrant1619@gmail.com>; buddhajay108@yahoo.com; ppaton@uri.edu; bdelaney@westerlyri.gov; 'Jennifer Harrington' <jsh.harrington@gmail.com>
Subject: [Non-DoD Source] ten acre seasonal kelp farm

This application for a ten acre seasonal sugar kelp farm south of Napatree Point begins thirty day public notice today. Please provide comments to CRMC by June 17, 2019.

David Beutel
Coastal Resources Management Council
Aquaculture Coordinator
Oliver Stedman Government Center
4808 Tower Hill Road
Wakefield, RI 02879
401-783-3370

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From: jason jarvis <buddhajay108@yahoo.com>
Sent: Saturday, May 18, 2019 7:37 PM
To: rpengri@gmail.com; 'Dave Beutel'; 'Alison Verkade - NOAA Federal'; 'Steve Medeiros'; 'Azure Cygler'; 'Robert Rheault'; 'Robert Ballou'; 'Rich Fuka'; mclamdigger@aol.com; 'Dennis Erkan'; 'Prescott, David'; 'Leavitt, Dale'; seabrown58@gmail.com; 'Jim Arnoux'; 'Dave Reis'; 'Jeff Grant'; 'Jeff Gardner'; 'Jody King'; 'Katie Eagan'; kurt.blanchard@dem.ri.gov; 'Michael A. Rice'; 'Rich Hittinger'; FVThistle@verizon.net; dmontifish@verizon.net; 'Rick Bellavance'; cgreinstrategies@gmail.com; lad0626@aol.com; 'Catherine White'; 'John Torgan'; dean.hoxsie@dem.ri.gov; 'LeBlanc, Edward G CIV'; cindy.hannus@dem.ri.gov; 'Jerry Carvalho'; 'Phil Capaldi'; marcapcar@icloud.com; marcapcar@me.com; michaelaonosko@gmail.com; john_crosson@watkinson.org; dacapaldi@aol.com; mmcapaldi@aol.com; jschickler@cox.net; suemarinaro@me.com; traceydistefano@gmail.com; travisbarao@gmail.com; mroderick@towndock.com; maridee2@gmail.com; Taylor.M.Bell@usace.army.mil; dacapaldi@aol.com; mmcapaldi@aol.com; 'Ed'; 'Kenneth Murgo'; mike@watchhilloutfitters.com; 'Peter August'; 'Janice Sassi'; 'Main, Robin L.'; bruce@lolobag.com; 'Joseph MacAndrew'; johnmoretta@westerlyri.gov
Cc: 'Janet Coit'; 'Jason McNamee'; 'Osenkowski, Jay (DEM)'; psozek@lighttower.com; 'Mcmanus, Conor (DEM)'; 'Livermore, Julia (DEM)'; 'Mike Jarbeau'; 'Todd Corayer'; traceydistefano2013@gmail.com; 'Lisa Turner'; 'Gerry Schey'; davidclatham@gmail.com; 'Jeff Grant'; ppaton@uri.edu; bdelaney@westerlyri.gov; 'Jennifer Harrington'
Subject: RE: ten acre seasonal kelp farm

I strongly oppose, this area is used by commercial and recreational fishermen. The gear used is there year round if I'm not mistaken. Conch, lobster and other species are caught here throughout the fishing season.

Sent from Yahoo Mail on Android

On Fri, May 17, 2019 at 4:14 PM, Richard Pastore <rpengri@gmail.com> wrote:

no objection

Richard L. Pastore P.E.

RP Engineering, Inc

121 Suffolk Drive

North Kingstown, RI 02852

401 885 7255

www.RPENGRI.COM

From: Dave Beutel <dbeutel@crmc.ri.gov>
Sent: Friday, May 17, 2019 10:21 AM
To: 'Alison Verkade - NOAA Federal' <alison.verkade@noaa.gov>; 'Steve Medeiros' <stevem@risaa.org>; 'Azure Cygler' <azure@crc.uri.edu>; 'Robert Rheault' <bob@ecsga.org>; 'Robert Ballou' <robert.ballou@DEM.RI.GOV>; 'Rich Fuka' <captlobster@gmail.com>; mclamdigger@aol.com; 'Dennis Erkan' <dennis.erkana@DEM.RI.GOV>; 'Prescott, David' <dprescott@SaveBay.org>; 'Leavitt, Dale' <dleavitt@rwu.edu>; seabrown58@gmail.com; 'Jim Arnoux' <eastbeachhoysterfarm@gmail.com>; 'Dave Reis' <dreis@crmc.ri.gov>; 'Jeff Grant' <jeffgrant19@cox.net>; 'Jeff Gardner' <watchhillysters@gmail.com>; 'Jody King' <nosmoshep@icloud.com>; 'Katie Eagan' <eagan.katie@gmail.com>; kurt.blanchard@dem.ri.gov; 'Michael A. Rice' <rice@uri.edu>; 'Rich Hittinger' <hittinger@risaa.org>; FVThistle@verizon.net; dmontifish@verizon.net; 'Rick Bellavance' <makosrule@verizon.net>; cgreinstrategies@gmail.com; lad0626@aol.com; 'Catherine White' <Catherine.White@health.ri.gov>; 'John Torgan' <jtorgan@TNC.ORG>; dean.hoxsie@dem.ri.gov; 'LeBlanc, Edward G CIV' <Edward.G.LeBlanc@uscg.mil>; cindy.hannus@dem.ri.gov; 'Jerry Carvalho' <comfish100@gmail.com>; 'Phil Capaldi' <philcapaldi@yahoo.com>; marcapcar@icloud.com; marcapcar@me.com; michaelaonosko@gmail.com; john_crosson@watkinson.org; dacapaldi@aol.com; mmcapaldi@aol.com; jschickler@cox.net; suemarinaro@me.com; traceydistefano@gmail.com; travisbarao@gmail.com; mroderick@towndock.com; maridee2@gmail.com; Taylor.M.Bell@usace.army.mil; dacapaldi@aol.com; mmcapaldi@aol.com; 'Ed' <etroiano1@cox.net>; buddhajay108@yahoo.com; 'Kenneth Murgio' <kenneth.murgio@gmail.com>; mike@watchhilloutfitters.com; 'Peter August' <pete@edc.uri.edu>; 'Janice Sassi' <janicem88@outlook.com>; 'Main, Robin L.' <rmain@hinckleyallen.com>; bruce@lolobag.com; 'Joseph MacAndrew' <josephmacandrew@gmail.com>; johnmoretta@westerlyri.gov
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Subject: ten acre seasonal kelp farm

This application for a ten acre seasonal sugar kelp farm south of Napatree Point begins thirty day public notice today. Please provide comments to CRMC by June 17, 2019.

David Beutel

Coastal Resources Management Council

Aquaculture Coordinator

Oliver Stedman Government Center

4808 Tower Hill Road

Wakefield, RI 02879

401-783-3370

r

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no objection

Richard L. Pastore P.E.
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