

Appendix A

Comment Number	Commenter Name	Date Received	Source/ Comment Type	Summary of comment with reasons for or against application
First 30 day Public Notice begins April 17, 2020				
1	Philip Capaldi	04/22/2020	Email/Support	SUPPORTS APPLICATION: Considers aquaculture site to be suitable for recreational uses, including shell fishing.
2	Timothy F. O'Toole	05/11/2020	Email/Support	SUPPORTS APPLICATION: Prefers to eat local food harvested by local people.
3	Jason Gomez	05/12/2020	Email/Support	SUPPORTS APPLICATION Oyster farm brings natural benefits to the Bay and fills shellfish demand in the area.
4	Philip & Margaret Grandchamp	05/14/2020	Email/Support	SUPPORTS APPLICATION because "the farm is an asset to the East Bay, and responsibly grown aquaculture can improve rivers, oceans, and qualify of life."
5	Margaret Manning	05/16/2020	Email/Support	SUPPORTS APPLICATION because it "creates local food production, job creation, and it aligns with shared coastal resource use and the working waterfront."
6	James Quinn	05/18/2020	Email/Support	SUPPORTS APPLICATION because it "is small-scale, low impact, with potential for enhancing native oyster population in the Sakonnet River."
7	Kenneth Mendez	05/19/2020	Email/Object	Recreational Fishing Concern: Proposed lease is within recreational fishing and will "displace fishing habitat." Recreational Concern: The farm would impede recreational activities.
8	Taylor M Johnston	05/24/2020	Email/Support	SUPPORTS APPLICATION – Oysters will reduce excessive nutrient loading in the estuary.

9	Bruce Cox	06/02/2020	Letter/Object	Harbor Commission recommendation of denial.
End of First 30 Day Public Notice Period (extended at request of Tiverton Harbor Commission from May 17, 2021 to June 2, 2021)				
10	Justin DiTucci	07/20/2020	Email/object	Recreational Fishing Concern: Proposed lease is within recreational fishing area.
11	Stephen Medeiros [RISAA]	05/10/2021	Email/object	Recreational Fishing Concern: Lease within recreational fishing area.
CRMC Semi-monthly meeting May 11, 2021: Application is continued				
12	Richard Pastore	06/10/2021	Email/object	POSITION CHANGE [from no objection] Recreational Fishing Concern: Proposed lease is within recreational fishing area.
13	Thomas Cody	06/10/2021	Email/object	Recreational Fishing Concern: Proposed lease is within recreational fishing area.
14	Patty Garber	06/12/2021	Email/Object	Recreational Concerns: The farm would impede navigation and reduce the use of kayaking, and paddle boarding. Riparian Rights Concern: Public's enjoyment of public trust resources. Deficient Public Notice and Comment & Category B Requirements
15	Liz Mendez [Forwarding Cynthia Sousa Aber's Email]	06/14/2021	Email to Tiverton Town Council	Recreational Concerns Riparian Rights Concern: Violation of public's enjoyment of public trust resources. Deficient Public Notice and Comment & Category B Requirements
16	Bruce Cox	06/14/2021	Email/Object	Request to speak at hearing.
17	Peter Dowling	06/14/2021	Email /Object	Recreational Concern: The farm would impede aesthetic interest, and reduce the use of kayaking, walking, boating, and fishing.
18	Representative McGraw	06/14/2021	Email/inquiry	Email regarding Michelle Dunn-Camera's Email

19	Ruth Hollenbach	06/14/2021	Email/object	Recreational Concern: The farm would impede aesthetic interest, and reduce the use of kayaking, walking, boating, and fishing. Deficient Public Notice and Comment & Category B Requirements
20	Carol S. Solimene	06/14/2021	Email/object	Recreational Concerns: The farm would impede navigation and reduce the use of kayaking, walking, fishing, swimming, kite boarding, and boating. Public Notice and Comment Requirements Concerns over Application's Details: The farm will create noise, plastic, and oil pollution to the area's environment.
21	Barbara Milotte	06/15/2021	Email/object	Public Notice and Comment Requirements
22	Gayle Lawrence	06/15/2021	Email/object	Recreational Concerns: The application would limit public access to land and water reducing the right to sail, fish, kayak, paddleboard, bird watch, parasail, and enjoyment of the beach. Concerns over Application's Details: Concerns that farm will cause pollution to the area's environment and increase resource competition for flora and fauna in the area.
23	Peter Nilsen	06/15/2021	Email/object	Recreational Fishing Concern: Lease within recreational fishing area. Recreational Concerns: The farm would impede navigation and reduce the use of kayaking, walking, swimming, kite boarding, and boating. Deficient Public Notice
24	Charles Lawrence	06/15/2021	Email/object	Request to speak at hearing.
25	Paul Fulton	06/15/2021	Email/object	Recreational Concerns: The farm would impede navigation and reduce the use of kayaking, and paddle boarding. Deficient Public Notice.
26	Sandy Oxx	06/15/2021	Email/object	Recreational Concern: The farm would impede aesthetic interest and navigation, and reduce the use of kayaking, walking, boating, and fishing.
27	Jeanne DeSousa	06/16/2021	Letter/object	Concerns for property value and quality of life, no notification of abutters, impact to recreational use and leisure activities, CRMC will not permit my seawall so why allow an oyster farm to disturb the area
28	Stephanie and Jonathan Beebe	06/16/2021	Email/object	Request to speak at hearing.

29	Liz Mendez	06/16/2021	Email/object	Recreational Concern: The farm would impede aesthetic interest, and reduce the use of kayaking, walking, boating, and fishing. Deficient Public Notice and Comment & Category B Requirements
30	Lori Wood	06/16/2021	Email/object	Riparian Rights Concern Deficient Public Notice and Comment
31	David Pollack	06/16/2021	Email/object	Recreational Fishing Concern: Proposed lease within recreational fishing area. Economic Concerns: the farm would reduce the State's recreational fishing economy.
32	Jeff Crawford	06/16/2021	Email/object	Recreational Fishing Concern: Proposed lease within recreational fishing area.
33	Russel and Mary Dexter	06/17/2021	Email/object	Recreational Concern: The farm would impede beach, boat, kayak, fishing, public access, and aesthetics. Deficient Public Notice and Comment
34	Hope Nichols	06/17/2021	Email /object	Recreational Fishing Concern: Proposed lease within recreational fishing area.
35	Kenneth B. Cooper	06/17/2021	Email/object	Recreational Fishing Concern: Proposed lease within recreational fishing area.
36	Dave Prockop	06/17/2021	Email/object	Recreational Fishing Concern: Proposed lease within recreational fishing area.
37	Donald and Sarah Libbey	06/22/2021	Email/object	Recreational Concern: The farm would impede aesthetic interest, and reduce the use of kayaking, walking, boating, and fishing. Riparian Rights Concern – Moorings in proposed site area. Deficient Public Notice and Comment
38	Denice DeMedeiros	06/23/2021	Received 06/23/2021 as attachment from Tiverton Town Council Letter [includes Aber, Metcalf	Recreational Concerns Public Notice and Comment Requirements

			Fulton, Garber, Clemens]	
39	Richard Metcalf	06/23/2021	Email/object	Kite Boarding: Concerns that the farm's gear is dangerous for kiteboarding and kayaking. Recreational Concerns: The application would limit swimming, kayaking, navigation, and recreational fishing.
40	David M. Elliott	06/30/2021	Email /object	Recreational Concern: The farm would impede beach, boat, kayak, and public access. Economic Concerns: The farm would cause a reduction in tourism to Rhode Island, generally, and cause the ancillary economy to suffer from a lack of tourist revenue. Concerns over Application's Details: Concerns that farm will cause pollution to the area's environment.
41	Paul Amaral	06/30/2021	Email/object	Recreational Concerns: The farm would impede recreational activities in the area. Economic Concerns: The farm would cause a reduction in property values.
42	Diane Sterrett	06/30/2021	Email /object	Recreational Concerns: The farm would impede navigation and reduce the use of kayaking, fishing, and shell fishing. Riparian Rights Concern – Moorings. Concerns over Application's Details: Concerns that farm will cause pollution to the area's environment.
43	David H. Smith	06/30/2021	Email /object	Recreational Concerns: The farm would impede navigation and reduce the use of kayaking, walking, swimming, kite boarding, and boating.
44	Marisa Bartolucci	07/01/2021	Email/object	Recreational Concern: The farm would impede aesthetic interest.
45	Peter Dickison	07/02/2021	Email/Support	Withdrawal of objection from 06/29/2021: SUPPORTS APPLICATION – no conflict between farm and recreational uses in proposed area.
46	Kelli Viera	07/02/2021	Email/object	Concerns over Application's Details: The farm will create noise, plastic, and oil pollution to the area's environment.

47	Lizzy Elliot	07/02/2021	Email/object	Recreational Concern: The farm would impede recreational use and the area must be preserved.
48	Sandy CF	07/03/2021	Email /object	Opposes application, leave nature alone, “anything for a buck”
49	Joe Cleverdon	07/03/2021	Email /object	Concerns over Application’s Details: The farm will create noise, plastic, and oil pollution to the area’s environment.
50	Cindy Cuba Clements	07/04/2021	Email /object	Recreational Concern: The farm would impede beach, boat, kayak, fishing, public access, and aesthetics. Concerns over Application’s Details: The farm will create noise pollution.
51	Glenn Melanson	07/05/2021	Email /object	Concerns over Application’s Details: Concerns that farm will cause pollution to the area’s environment.
52	Peter Jenkins	07/05/2021	Email/object	Recreational Fishing Concern: Lease within recreational fishing area. Deficient Public Notice and Comment & Category B Requirements: Contends that CRMC’s public notice of an aquaculture application is insufficient and granting application will “unreasonably interfere with” existing public access to tidal waters.
53	Amy Joseph	07/05/2021	Email /object	Recreational Concerns: The application impacts walking in the area and its natural beauty.
54	Gene Sartini	07/06/2021	Email /object	Recreational Fishing Concern: Proposed lease within recreational fishing area.
55	Julie Miller	07/06/2021	Email/object	Recreational Concern: The farm would impede recreational use and the area must be preserved.
56	Michael Woods [NEBHA]	07/06/2021	Letter/object	Recreational Fishing Concern: Lease within recreational fishing area. Riparian Rights Concern: Public’s enjoyment of public trust resources. Recreational Concerns: The farm would reduce “duck hunting” activity.
57	Anne Geissinger	07/06/2021	Email /object	Recreational Concerns: The application would limit public access to the area where people kayak, fish, and walk. Concerns over Application’s Details: The farm will create noise pollution.
58	Clint Clemens	07/06/2021	Email/object	Recreational Concerns: The farm would impede navigation and reduce the use of kayaking, and paddle boarding.

59	Joan Rastegar	07/09/2021	Email /object	Recreational Concerns: The application would limit public access to land and water reducing the right to sail, fish, kayak, paddleboard, bird watch, parasail, and enjoyment of the beach.
60	Pat Lardner [RICKA]	07/09/2021	Letter/object	Recreational Concerns: The farm would impede navigation and reduce the use of kayaking, and paddle boarding. Economic Concerns: The farm would cause a reduction in tourism to Sapowet causing the ancillary economy to suffer from a lack of tourist revenue. Riparian Rights Concern and impact to public's enjoyment of public trust resources.
61	Kate Hines	07/12/2021	Email/object	Recreational Concerns: People boat, swim, kayak, and shellfish in this area. Concerns over Application's Details: Harvesting, cleaning, noise, pollution, transferring of harvest with "refrigerated trucks." Deficient Public Notice and Comment
62	Rakesh Khurana	07/12/2021	Email /object	Recreational Concerns: The application would limit public access to land and water reducing the right to sail, fish, kayak, paddleboard, bird watch, parasail, and enjoyment of the beach. Riparian Rights Concern: Violation of public's enjoyment of public trust resources. Deficient Public Notice and Comment & Category B Requirements
63	Hugh O'Mara	07/12/2021	Email /object	Recreational Concerns: The application would limit public access.
64	Aiden FitzGerald	07/12/2021	Email/object	Recreational Concerns: The farm would impact public access.
65	Janice Vincent	07/12/2021	Email/object	Recreational Concern: The farm would reduce kayaking and swimming, and loss of sentimental value if application granted.
66	Matt Bauer	07/15/2021	Email/object	Recreational Concerns: The farm would reduce the use of hunting, fishing, and outdoor activity.
67	Karl Elias	07/15/2021	Email /object	Objection to application for the record
68	Stephanie Ralston Khurana	07/15/2021	Email/object	Recreational Concerns: The farm would impede navigation and reduce the use of kayaking, walking, swimming, kite boarding, and boating.

				Recreational Fishing Concern: lease within recreational fishing. Riparian Rights Concern: Violation of public's enjoyment of public trust resources. Deficient Public Notice and Comment & Category B Requirements
69	Jeanne De Souza	07/19/2021	Email /attachments	Total of 9 emails between two days forwarding various letters of objection from others and local news media articles
70	Jeanne De Souza	07/19/2021	Email/ attachments	
71	Jeanne De Souza	07/19/2021	Email/ attachments	
72	Jeanne De Souza	07/19/2021	Email/ attachments	
73	Jeanne De Souza	07/19/2021	Email/ attachments	
74	Jeanne De Souza	07/19/2021	Email/ attachments	
75	Jeanne De Souza	07/20/2021	Email/ attachments	
76	Jeanne De Souza	07/20/2021	Email/ attachments	
77	Jeanne De Souza	07/20/2021	Email/ attachments	
78	Rita Forrest	07/21/2021	Email/object	Registering objection for the record
79	Carmen Grinkis	07/24/2021	Email /object	Riparian Rights Concern: Violation of public's enjoyment of public trust resources.
80	Lawrence Farnell	07/26/2021	Email /object	Recreational Concern Riparian Rights Concern: Violation of public's enjoyment of public trust resources.

81	Patty Moretti	07/26/2021	Email /object	Recreational Concern Riparian Rights Concern: Violation of public's enjoyment of public trust resources.
82	Charlie Barmonde	08/04/2021	Email/object	Kite Boarding: Concern that aquaculture submerged gear would impede self-rescue emergency landing for kiteboards from Fogland beach when kiting gear malfunctions. Recreational Concern: The farm would impede aesthetic interest, and reduce the use of kayaking, walking, and boating.
83	Diane Bruno	08/05/2021	Email /object	Recreational Concern: The farm would impede aesthetic interest. Economic Concerns: the farm would cause a reduction in property values.
84	Jeanne De Souza	08/05/2021	Email /attachments	Multiple attachments: BCHA, RISA Board, Ted Hayes
85	Peter Bratsos	08/10/2021	Email/Support	Interveners' interests restrict access to the public and the farm does not interfere with recreational access to the beach.
86	Thomas Cody	08/13/2021	Email /object	Recreational Fishing Concern: Lease within recreational fishing area.
87	James A. Roehm	08/19/2021	Email/Support	Applicants are thoughtful and prepared, aquaculture is beneficial use of waters, objectors are petty and superficial
88	Donald & Sarah Libbey	08/19/2021	Email /object	Recreational Concerns: The farm would impede navigation and reduce the use of kayaking, walking, and swimming. Riparian Rights Concern: Public's enjoyment of public trust resources. Deficient Public Notice and Comment & Category B Requirements.
89	Markus Earley	08/24/2021	Email /object	Register objection
90	Michelle Haney	08/30/2021	Email /object	Recreational Concerns: The farm would impede navigation and reduce the use of kayaking, walking, and swimming. Deficient Public Notice and Comment & Category B Requirements: Contends that CRMC's public notice of an aquaculture application is insufficient and granting application will "unreasonably interfere with" existing public access to tidal waters.
91	Thomas Link	09/01/2021	Email /object	Recreational Fishing Concerns.

				Recreational Concerns: The farm would impede navigation and reduce the use of kayaking, walking, and swimming.
92	James L. Worrell	09/06/2021	Email/object	Riparian Rights Concern: Public's enjoyment of public trust resources. Recreational Concerns: The farm would impede navigation and reduce the use of kayaking, walking, swimming, kite boarding, and boating. Recreational Fishing Concerns.
93	Jeanne De Souza	09/15/2021	Email/attachment	Forwarding news article.
94	Marissa DeSautel, on behalf of the Kenneth and Elizabeth Mendez	10/06/2021	Letter to Acting Chairman Coia	Recreational Fishing Concern: Lease within recreational fishing area. Recreational Concern: The farm would impede aesthetic interest. Riparian Rights Concern: Violation of public's enjoyment of public trust resources. Deficient Notice and Comment: CRMC failed to notify abutters to the proposed farm, mischaracterized recreational use, Tiverton zoning restriction of land use to support the aquaculture site.
95	Bruce Cox	10/08/2021	Letter /request subcommittee	Deficient Notice and Comment: Harbor and Coastal Waters Commission contend that CRMC's public notice of an aquaculture application is insufficient. Amended on 10/26/2021 to include request for sub-committee. NOTE – Letter with attachments from Save Sapowet.
96	Mike Medeiros	11/15/2021	Form Letter/Object	Recreational Fishing Concern: Proposed lease within recreational fishing area – boy scouts.
97	Nicole Medeiros	11/15/2021	Form Letter/object	Recreational Fishing Concern: Proposed lease within recreational fishing area – boy scouts.
98	Darell Hamm	11/15/2021	Form Letter/object	Recreational Fishing Concern: Proposed lease within recreational fishing area – boy scouts.
99	Christopher Grant	11/15/2021	Form Letter/object	Recreational Fishing Concern: lease within recreational fishing area – boy scouts.

100	Jonathan Munroe	11/15/2021	Form Letter /object	Recreational Fishing Concern: Proposed lease within recreational fishing area. Recreational Concerns: The farm would reduce the use of “water activity.”
101	Jeanne De Souza	01/22/2022	Letter	Letter to Tiverton harbor master regarding moorings
102	Donald Libbey	01/24/2022	Email/object	Riparian Rights Concern - Moorings in proposed site area.
103	Nancy Swanson	04/11/2022	Email /object	Riparian Rights Concern: Violation of public’s enjoyment of public trust resources
104	Jeff Bull	04/12/2022	Email /object	Recreational Concern: The farm would impede aesthetic interest, and reduce the use of kayaking, walking, boating, and fishing.
105	Dan Stroud	04/12/2022	Email /object	Recreational Concern: The farm would impede aesthetic interest, and reduce the use of kayaking, walking, and fishing.
106	Dan Rubin	04/16/2022	Email /object	Recreational Concerns: The application would limit public access to land and water and increase congestion causing increased accidents.
107	Ken Lidman	04/16/2022	Email /object	Kite Boarding: Concern that aquaculture gear would impede self-rescue in emergency landing and kite control in proposed site area. Recreational Concern: The farm would cause congestion for kayaking and sailing. Economic Concerns: The farm would cause a reduction in tourism to Sapowet causing the ancillary economy to suffer from a lack of tourist revenue.
108	Carl Ferreira	04/17/2022	Email /object	Kite Boarding: Safe landing concerns in proposed site area when kiting gear malfunctions.
109	Maegan Heath	04/19/2022	Email /object	Recreation Concerns: Loss of sentimental value if application granted.
110	Andrew Magruder	03/31/2022	Email/object	Kite Boarding: Concern that aquaculture submerged gear would impede self-rescue emergency landing for kiteboards from Fogland beach when kiting gear malfunctions.
111	Phil Capaldi	05/02/2022	Email/Object	POSITION CHANGE from letter of support dated 04/22/2020:

				Recreational Fishing Concern: Proposed lease is within recreational fishing area.
112	Marissa DeSautel, on behalf of the Mendezes	10/25/2022	Letter/Object	Memo [with email from Ken Mendez to CRMC on May 9 th , 2022]
113	Diane E. Sanna	04/14/2023	Email /Object	Recreation Concerns: The application would limit public access to land and water reducing the right to sail, fish, kayak, paddleboard, boat, bird watch, parasail, enjoyment of the beach, navigation, aesthetics, hunting, and loss of sentimental value. Riparian Rights Concern – Moorings in proposed site area. Economic Concerns Deficient Notice and Comment
114	Overbeck	8/12/2021	Email/Support	Supports applicants, public benefit with no environmental impact
Second 30 day Public Notice of Alt. 1 Modified Application begins May 9, 2023				
115	David Latham	5/13/2023	Email/Object	Conflicts with Recreation and Fishing, there are better alternative site locations
116	Andrew Shaindlin	5/14/23	Email/Object	Recreation concern, local economy, possibility of debris
117	Janice Vincent	5/15/23	Email/Object	Recreation concern, shellfishing, access
118	Michelle Dun-Camera	5/15/23	Email/Object	Request for Hearing, pollution concerns
119	Dorothy Leonard	5/16/23	Letter/Support	SUPPORT- Ecosystem services supported by peer reviewed literature, is a suitable area for the operation
120	Fred DeFinis	5/17/23	Email/Object	Concerns for water-dependent activities and scenic impact
121	Susan + Christopher Erstling	5/17/23	Email/Object	Concerns for water-dependent activities and public access

122	Edward Marianacci	5/17/23	Email/Object	Concerns for water-dependent activities, recreation and shellfishing
123	Tiverton Harbor Management Commission	5/18/23	Letter/Object	
124	Donna Cook	5/20/23	Email/Object	Concerns for public access and Concerns for water-dependent activities.
125	Carol Solimene	5/22/23	Email/Object	Concerns for water-dependent activities, serenity, and pollution
126	Derek Hulitzky	5/24/23	Email/Object	Concerns for water-dependent activities, public access and shellfishing.
127	Thomas Cody	5/26/23	Email/Object	Concerns for recreational fishing and public use
128	William Niethe	5/28/23	Email/Object	Concerns for fishing, shellfishing and kayaking
129	Patricia Garber	5/28/23	Email/Object	Concerns for recreational use and property values, may be magnet for other applications, Tiverton does not want it
130	Erin Elliot	5/28/23	Email/Object	Concerns for access, quiet enjoyment, wildlife
131	Lynn and Jonathon Kaye	5/29/23	Email/Object	Concerns for water-dependent activities, recreation, erosion, wildlife, water circulation
132	Bill Gerlach	5/29/23	Email/Support	Applicants have demonstrated good character, stewardship, and farm will improve WQ and habitat
133	Cythia Sousa Aber	5/29/23	Email/Object	Concerns for recreational use and public access, and will have negative impact on environment
134	Marisa Bartolucci	5/30/23	Email/Object	Concerns for shellfishing, swimming, boating, scenic impact
135	Kelli Viera	5/30/23	Email/Object	Concerns for water-dependent activities, shellfishing, access

136	Tiverton Town Council	5/26/23	Letter/Object	Concerns for Shellfishing, Rec. fishing, SWMA intent for recreation use
137	William Gleeson	5/31/23	Email/Support	No impact to shellfishing based on personal knowledge, positive environmental impact and habitat improvement
138	Stephanie Beebe	5/31/23	Email/Object	Negative environmental impact, safety, rec use, scenic impact
139	Barbara Milotte	5/31/23	Email/Object	Infringes on public use
140	Glen Melanson	5/31/23	Email/Object	Concerns for Public access
141	Paul & Cathy Fulton	6/2/23	Email/Object	Concerns for Access, rec. use, fishing, shellfishing
142	Jon Bayer	6/2/23	Email/Support	Minimal impact to rec use; water quality and habitat enhancement
143	Manuel Sousa	6/4/23	Email/Object	Commercial activity in residential neighborhood, scenic impact
144	Kathleen Metcalf	6/4/23	Email/Object	Riparian mooring conflict, Concerns for safety, access, shellfishing
145	Russ and Mary Dexter	6/4/23	Email/Object	Applicants are from out of town, commercial use of residential property, rec. use conflict, no jobs will be created
146	David H. Smith	6/5/23	Email/Object	Interference with waterfront activities and riparian rights, site should be located in fish trap area west of Gould Island
147	Christine Ryan & Walter Brown	6/5/23	Email/Object	Negative impact rec/access, no "need" for this area
148	Paul Amaral	6/5/23	Email/Object	Lack of notice, use of upland parcel, riparian moorings, rec use, fishing and shellfishing
149	Joseph H. Hagan	6/5/23	Email/Support	Applicants are responsible skilled professionals with integrity
150	W. Peter Tirpaek	6/6/23	Email/Support	Supports local food production and farm families

151	Joan Davis	6/6/23	Email/Object	Environmental impact, public access, tranquility, recreation
152	Clint Clemens	6/6/23	Email/Object	Impact to underserved communities and their safety, dangers to inexperienced users, riparian moorings, fishing
153	Gayle Lawrence	6/6/23	Email/Object	Concerns for Public Access, water dependent use, quite enjoyment, erosion, water circulation, does not comply with local zoning
154	Glen Place (Trout Unlimited, RI Chapter)	6/7/23	Email/Object	Significant conflict with rec fly fishing esp. at night for striped bass, shellfishing, rec use
155	Markus Earley	6/7/23	Email/Object	Interfere with and significantly impact access and use of tidal waters, fishing, shellfishing, contrary to intent of SWMA acquisition
156	Richard Murdock	6/7/23	Email/Support	Environmentally beneficial, nutrient removal, will block public access, compatible with other water dependent uses
157	Donald Libbey	6/7/23	Email/Object	Request for subcommittee, deficient notice, Concerns for recreation use, outdated information in application, Concerns for water dependent use, no need for farm, upland zoning and commercial use of property, conflicts with riparian moorings and mooring field, erosion, shellfish, access and use of tidal waters, water dependent activities, rec fishing, scenic impact, intent of SWMA
158	Jeanne De Souza	6/7/23	Email/Object	Fishing from shore and wading, rec use, economically unsound due to size, safety and navigational concerns, alternative locations, local zoning and upland property, applicants have not engaged community, riparian mooring conflicts
159	Melissa McCarthy	6/7/23	Email/Support	Applicants' good character and reputation in community, well researched plan, good for environment and local economy
160	Joseph D. Maiato	6/7/23	Email/Support	Applicants are upstanding citizens and responsible stewards
161	Thomas Ramotowski	6/8/23	Email/Object	Increased use of area since COVID both from in and out of state, shellfishing, public access, unsuitable for oysters, fear of further aquaculture development, alternative sites possible

162	Megan deBethune	6/8/23	Email/Object	Support for Senate Bill 198
163	Dean Wagner, Esq. on behalf of clients: DeSouza, Metcalf, Aber, Fulton	6/8/23	Letter/Object	Request for hearing, public access and use of tidal water, conflict with water dependent uses and recreation, navigational hazard, interfere with riparian mooring access, intent of SWMA, lacks economic value, zoning and commercial use of upland property
164	Aidan Flynn &Carolyn Thrall	6/8/23	Email/Object	Concerns for Recreational use, danger to kayakers
165	Jamie French	6/8/23	Email/Object	Public access and use of tidal waters, conflict with water dependent use
166	Marisa Desautel Esq. on behalf of clients: Elizabeth and Kenneth Mendez	6/8/23	Letter/Object	Request for subcommittee hearing, insufficient notice, negative impact on abutters and local community's use of SWMA, contrary to intent of SWMA acquisition, recreational fishing and water dependent activities, disrupt natural resources, failed to show need for another oyster farm in Tiverton
167	Michael Woods, New England Backcountry Hunters and Anglers	6/8/23	Letter/Object	Re-statement of previous objection of 7/7/21, request for hearing, SWMA warrants protection from development
168	Rep. Edwards, House District 70, Tiverton	6/9/23	Email/Object	contrary to intent of SWMA acquisition for fishing and hunting

Second 30 Day Public Notice Period ends June 8, 2023

169	Maureen Morrow	7/7/23	Letter/Support	Understands why community is protective of area given beauty and community has changed due to COVID, harvesting seafood is a local tradition, applicants are two locals trying to make a living, supports application.
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170	RISAA/BCHA	7/8/23	Letter to DEM Director/Object	Application is contrary to intent of SWMA acquisition for recreational use, fishing and hunting
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Lisa Turner

2020-04-037

From: Phil Capaldi <philcapaldi@yahoo.com>
Sent: Wednesday, April 22, 2020 3:31 PM
To: 'Bruce Cox, Esq., Tiverton Harbor Commission'; 'Charles Smith'; 'Dave Robert, RICA, Tiverton Tax Assessor'; 'Denise M. deMediros, President, Tiverton Town Council'; 'Dennis M. Canario, Representative'; 'James A. Seveney, Senator, Portsmouth'; 'Jeanne Spencer, Tiverton Town Clerk's Office'; 'Louis P. DiPalma, Senator, Middletown'; 'Nancy Mello, Tiverton TC'; 'Neil Hall, Tiverton Building Official'; 'Robert D. Lloyd, Chief, Tiverton Fire Dpt.'; 'Thomas Ramotowski, Vice Chair, Tiverton Cons Comm'; 'Tiverton Town Planner'; 'Walter S. Felag, Jr., Senator'; 'William M. Anderson, Tiverton DPW Director'; 'Alison Kates, NRPA Program Coordinator'; 'Amy Rose Weinreich, Charlestown TC'; 'Andrew Nota, East Greenwich Town Manager'; 'Bruce Eastman, RISA'; 'C. Brown, DBEngineers'; 'Carol Wordell, Little Compton Town Clerk'; 'Charlotte Taylor'; 'Chris Church, Reporter'; 'Christina Collins, Jamestown Acting Town Admin'; 'Christine Andrews, QDC'; 'Chuck Horbert, RIDEM'; 'Colin Howard, Independent RI -- South Kingstown'; 'David Latham'; 'David Murdock'; 'David Prescott, Save the Bay'; 'Deborah Mongeau, Librarian'; 'Dennis Erkan, RIDEM F&W'; 'Diane Ray CIV USARMY CENAE'; 'Donna Giordano, Westerly TC'; 'Emilie Holland'; 'Eric Schneider, RIDEM Fish and Wildlife'; 'Erin Liese, Jamestown Town Clerk'; 'Glenn Modica'; 'James Bessette, Editorial Assistant'; 'James Tierney, Narragansett Town Manager'; 'Jamie Hainsworth, Jamestown Town Manager'; 'Jean Bellm, Exec Asst, Barrington'; 'Jeannette Alyward, North Kingstown TC'; 'Jeffrey Gardner'; 'Jennifer M. West, Portsmouth TC'; 'Jerry Elmer, Esq, CLF'; 'John Brown, THPO, Narragansett Indian Tribe'; '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'; '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'; 'Lynn D'Abrosca, City Clerk, Warwick'; 'Maria Wall Cranston TC'; 'Mark Schwager, EG Town Council President'; 'Matt Gineo, Oldport Marine'; 'Matt O'Brien, AP Reporter'; 'Meg Kerr, Audubon Society of RI'; 'Melanie Jewett Army, AICP, RIDOT'; 'Meredith J. DeSisto, Barrington TC'; 'Michael McGiveney'; 'Michael S. Wierbonics, US ACOE'; 'Mike Jarbeau, Save The Bay'; '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'; 'Ryan Belssing, Independent RI -- Narragansett'; 'Sarah Frazar, RIDEM Water Resources'; 'Scott Briggs, Librarian'; 'Susan Flynn, SK Town Clerk's Office'; 'Thomas R. Evans, State Librarian'; 'tim rockwell'; 'US Army Corp of Engineers'; 'Wendy J. W. Marshall, Middletown TC'; Lisa Turner

Subject: Re: 30 day public notice

Thank you Bowen Family!

I appreciate your willingness to consider the objection raised - and to pivot to accommodate for future generations to enjoy the DEM location!

I appreciate talking with you face to face at the meeting. It speaks to your character.

As your business develops, grows and thrives, and you become professionally connected to other RI growers - please continue to advocate for the recreational user - and offer

alternative solutions to aquaculture sites that are in areas suitable for recreational shellfishing.

Thanks again -

Phil Capaldi
15 Baneberry Trail
Saunderstown, RI 02874
401-413-3336

On Friday, April 17, 2020, 11:06:21 AM EDT, Lisa Turner <lturner@crmc.ri.gov> wrote:

Please Note: Comments must be received by May 17, 2020. Thank you!

Lisa A. Turner

Office Manager

Coastal Resources Management Council

Oliver Stedman Government Center

4808 Tower Hill Road; Room 116

Wakefield, RI 02879

401-783-3370

Cstaff1

From: Timothy O'Toole <totoole635@gmail.com>
Sent: Monday, May 11, 2020 8:07 AM
To: cstaff1@crmc.ri.gov
Subject: CRMC FILE # 2020-04-037

Greeting,

My name is Timothy F. O'Toole. I reside at 147 Long Highway, in Little Compton, RI, along with my wife and three children. 02837

Last week I had the good fortune to cross paths with my friend, John Bowen. We spent an hour or so discussing the oyster farm that he, and his brother Patrick are proposing for the Seapowet area in Tiverton. I was very impressed with the plan and their dedication to the project.

I have known the Bowen family since the early 1980's. They are honest, "salt of the earth" people, with strong roots in the East Bay community. I have seen how they fish and how they farm, and John's compost pile is a thing of beauty. They are good stewards of the land and sea.

I work in Providence and Warwick, and am familiar with the shellfish farms in South County. The Bowen's proposed oyster farm seems to be a positive step towards strengthening aquaculture in the under represented East Bay.

As we begin to emerge from the recent troubles, I realize how lucky my family is to live in a place where our food supply is so very local. I feel better eating food harvested by people I know and trust.

Thank you,

Timothy F. O'Toole
(401) 787-4267

Cstaff1

From: gomezjt@cox.net
Sent: Tuesday, May 12, 2020 8:14 PM
To: cstff1@crmc.ri.gov
Subject: 2020-04-037

CRMC staff,

This email is in reference to the planned oyster farm near the Seapowet bridge in tiverton, with applicants John and Pat Bowen. I've read thru the application and am truly impressed. The applicants have submitted a thorough and and we'll conceived plan. In addition to the natural benefits an oyster farm brings to the Bay, it fills a local East Bay need for shell fish production.

I have also personally known John and Pat Bowen for over 40 years. They are honest and hard working. Combined with John's education and experience in aquaculture, and Pat's in construction management, this project will be something RI will be proud of for years to come.

Please feel free to contact me with any questions.

Jason Gomez
401 864 2016
gomezjt@cox.net
14 River Run
East Greenwich,RI

A-4

2020-04-037

Cstaff1

From: searope <phgmag@aol.com>
Sent: Thursday, May 14, 2020 9:03 AM
To: cstaff1@crmc.ri.gov
Cc: Sean Shelley Bowen; Patrick Bowen
Subject: John & Patrick Bowen's Oyster Farm Application

Dear Sir, Madam,

This e-mail is in support of John and Patrick Bowen's Application for an Oyster Farm in the Sakonnet River.

We are familiar with the Sakonnet Area and believe this Oyster Farm will be an asset to the East Bay.

John and Patrick are very knowledgeable , hard working and reliable stewards of the Sakonnet area.

We believe that responsibly grown and maintained aquaculture can only improve our rivers, oceans and our quality of life.

Thank you for your consideration in this matter.

Sincerely,

Philip and Margaret Grandchamp
28 Indian Road
Little Compton Rhode Island 02837

413-822-5738

Sent from my iPad

Cstaff1

From: margaret manning <margaretmanning99@gmail.com>
Sent: Saturday, May 16, 2020 1:48 PM
To: cstff1@crmc.ri.gov
Subject: File #: 2020-04-037 (John Bowen and Patrick Bowen)

To Whom it May Concern,

As the sister of Patrick and John Bowen, and as a native Rhode Islander and life-long resident of the East Bay, I am writing in enthusiastic support of their aquaculture application for state assent.

Now, more than ever, as we weather the current coronavirus pandemic, it is critical that Rhode Island facilitate the increase of **local food production** and **job creation**. There couldn't be a more timely opportunity for CRMC to take the lead in a way that is **in keeping with our shared coastal resources** and treasured **heritage of working waterfronts**. Family-owned AND operated small businesses which have a vested interest in the stewardship of the areas in which they live and work, are exactly what the CRMC should be encouraging and supporting.

This is just one such application before you, but it is a profound example of the resourcefulness of resilient Rhode Islanders in these uncertain times. This is a modest proposal to seed oysters on a .97 acre farm but it is emblematic of the unfailing positivity and creativity of Rhode Islanders and our state's motto: "Hope." Small steps such as this application represent seeding a sustainable future for generations of Rhode Islanders. Your assent would represent Rhode Island's "lively experiment" at it's best.

Patrick and John are responsible, knowledgeable, passionate, and selfless. Their family values, work ethic, and good old-fashioned Yankee ingenuity are bar none. Their roots in the area go back 150 years and four generations. They live and raise their families in the adjacent town of Little Compton. Their integrity and experience, along with their unbridled enthusiasm for aquaculture and for sharing skills and science with future generations (as evidenced through their children's participation), ensure that they will be model stewards of this farm.

The CRMC process that is in place and that affords ample public input and careful consideration is a good one. I am confident that the Bowen's well-reasoned and responsive proposal would sail past the bar of why this process was established in the first place. I am convinced that it exceeds the criteria for favorable consideration and is worthy of CRMC assent.

Thank you,

Margaret Manning
81 Shaw Road
Little Compton, RI 02837

May 18, 2020

I am writing in support of the application of John and Patrick Bowen, File Number 2020-04-037, for a R.I. State Assent to operate and maintain a one-acre oyster farm in the Sakonnet River.

As a former oyster culturist and graduate student at URI's Graduate School of Oceanography, I had a R.I. Assent for a two-acre lease for ten years in the 1980's. Both of the applicants worked with me in what was one of the early oyster farms in R.I. I can attest that both applicants have the education, technical abilities, and environmental consciousness to operate an oyster farm within CRMC guidelines.

Since the days of dredging leased oyster beds, it has become increasingly recognized that modern oyster culture methods offer benefits to local economies and meet the needs of market demand without detrimental ecological consequences. Successful R.I. oyster farms are underrepresented in the East Bay area.

I would like to comment on several aspects of this application. I have reviewed the application and visited the site recently and many times over the years. The site is well chosen for protection from wind and surf, as well as high-flow conditions provided by tide and outflow from Seapowet Creek. It is suitable for the bottom system proposed in the application. The applicants have modified the location of the one-acre area to the south of the creek to be outside of a recreational area on the northern side. This site does not conflict with uses for bathing, fishing, or boating.

The scope and profile of the project are modest. The grow-out gear proposed would only occupy less than 4% of the total one-acre site and would not be visible at low tide. The activity for maintenance and harvesting also would be minimal, given that the proposed number of seed is 25,000.

I urge the council to grant this Assent for a small-scale, low-impact oyster farm, which does not conflict with existing uses, has little or no environmental impact, and has the potential for enhancing the native oyster population in the Sakonnet River.

Thank you for your consideration of these comments.

James Quinn, MD, MS
15 Milton Road
Little Compton, R.I. 02837



cstaff1

From: Kenny Mendez <kenneth.mendez@gmail.com>
Sent: Tuesday, May 19, 2020 5:05 PM
To: cstaff1@crmc.ri.gov
Subject: File #2020--04-037 application for one acre oyster farm

To whom it may concern,

I am writing to request a hearing and to receive consideration for the proposed one acre oyster farm at the mouth of Scapowet Marsh on the Sakonnet River. I urge CRMC not to grant approval for that location and instead find a more appropriate location. The current proposed site location is in prime striped bass fisheries habitat used by migratory fish that use that section of the Sakonnet River to feed on nutrients flowing out of the marsh. In addition, the location of that structure is frequently used by recreational fishermen, kayakers, and beach-goers. The location of the proposed farm would displace those recreational activities and displace prime fish habitat.

My address is 123 Long Pasture Way, Tiverton. You can reach me on this email address and my cell phone number is 703-304-1488.

Thank you for your consideration.

Sincerely,

Kenneth Mendez

Cstaff1

From: Taylor Johnston <taylor.mauck@gmail.com>
Sent: Sunday, May 24, 2020 8:23 AM
To: cstff1@crmc.ri.gov
Subject: Bowen application 2020-04-037

Dear Sir/Madam,

I write in support of John and Patrick Bowen's application for an oyster farm at Sapowet in Tiverton. I have discussed the project with the Bowens, and as a grower myself, am confident in their abilities: John Bowen has a degree in aquaculture and has 30 years of familiarity, and both worked for one of the first oyster farms in the State, in Little Compton, 40 years ago.

I'm also confident in John and Patrick's stewardship, and their intention to be a good neighbor in their recognition of and respect for the public's rights to Sapowet. Beyond all, the project makes sense.

I understand that this project will be a win/win, with the oysters taking advantage of the nutrient loading that development and farm run off around the estuary has created. As most of the farms are on the West Bay, the East Bay should have the same access and I wholeheartedly support the Bowen's application.

Thank you for your consideration,
Taylor M Johnston
Little Compton

A-9

Town of Tiverton, Rhode Island
HARBOR AND COASTAL WATERS MANAGEMENT COMMISSION
343 HIGHLAND ROAD
TIVERTON, RI
02878

June 2, 2020

Jeff Willis
CRMC
Oliver Steadman Government Center
4808 Tower Hill Road: Suite 3
Wakefield, R.I. 02879

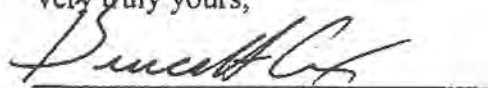
RE: File Number 2019-13-023
John Bowen and Patrick Bowen

Dear Mr. Willis:

The above application was reviewed by the Commission on June 1, 2020 via a Zoom meeting with seven of the Commission's nine members participating. The applicants, John Bowen and Patrick Bowen did not participate while David Beutel of CRMC participated in the review. Mr. Beutel confirmed that the applicants had been told of the meeting. After a thorough review and discussion members of the public were allowed to voice their opinions; but none were offered affirmatively or negatively. After the review the Commission by roll call vote, voted 6 to 1 to recommend denial of the application. Should this application proceed any further it is requested that it be before the CRMC Council and that we receive notice.

Kindest regards.

Very truly yours,



Bruce H. Cox, Chair

CC: Administrator

Amanda Turco

From: CRMC Staff <cstaff1@crmc.ri.gov>
Sent: Monday, July 20, 2020 8:25 AM
To: Amanda Turco
Subject: Fwd: Bowen Oyster Farm; File# 2020-04-037

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

From: Justin <jcd401@gmail.com>
To: cstaff1@crmc.ri.gov
Cc: friendsofseapowetmarsh@gmail.com, stevem@risaa.org
Date: 07/18/2020 9:37 AM
Subject: Bowen Oyster Farm; File# 2020-04-037

Dear team CRMC,

I am writing to express my concern and displeasure regarding the proposed oyster farm located at Seapowet Marsh in Tiverton, RI (File# 2020-04-037). I have just recently learned that the proposition has continued to move forward, and sadly without any significant opposition from the many residents and other outdoor enthusiasts who utilize the area for recreation. I understand that the comment period has closed, but I would like to have my note added to the file if at all possible.

Like many others in our state, I am an avid surf/shore fisherman. As such, I spend much of my time from April to November wading the shorelines of RI in search of striped bass, an extremely valuable species that we are so fortunate to have inhabiting our coastal waters. It is a fish whose commercial value is eclipsed by the wealth of unique recreational opportunities it provides. Fishing for many of us striper fisherman has become more of a lifestyle than a hobby; one where we are equally attached to our favorite spots as our own backyards. More so than most, we understand that our pursuits are only made possible by free public access, that we happily share with beach goers, kayakers, and the like. For myself and fellow anglers in the know, Seapowet Marsh is synonymous with striped bass fishing, and the placement of the Bowens oyster farm threatens to end that reality.

The farm is planned to be located in the fertile outflow of the marsh, just off the beach in shallow water. The one acre plot chosen here is prime fish habitat and for this reason, the most frequented area by the majority of anglers visiting Seapowet. The usual approach for wade-fisherman here is to walk out into waist deep water along the elevated sandbar, and depending on the tide, fishing from within the prospective farm, or at the very least casting within its perimeter. Fishing outside of the outflow is not nearly as productive, as the current running through this section creates a unique set of conditions. Unfortunately, we do not have the luxury of simply moving down the beach for this reason. The Bowen's commercial endeavor, in its current location, will completely displace our recreational activities and is an unfair use of this fantastic public space.

The biggest key to fishing successfully is choosing the right location, but without a boat, that means finding where you are allowed free access. RI has many legal access points mapped, but

the majority provide no parking opportunity, close during nighttime hours, or have been effectively privatized by abutting homeowners. Seapowet is really a gem in that it provides open and unrestricted access year-round for recreational activities. I feel the farm could jeopardize this altogether if placed in water accessible by foot, as security may become an issue. I worry parking may be jeopardized, as the commercial workers will be utilizing some of the already limited parking spaces during daytime hours. I believe allowing this operation will be opening a can of worms that leads to the average person losing more of their right to coastal access. Lastly, I'm concerned that increased human activity across this prime fish habitat may displace them as well.

For these reasons I would ask you to extend the public comment period, taking input from other anglers, kayakers, and town residents on how this would personally impact them and their enjoyment of the space. The community deserves a fair chance to voice their opinion on this, as the Bowen's endeavor benefits very few, but affects many. The events of the last several months have been distracting to say the least, and it is no surprise how this remained under the radar. Now that there are some of us in the know, we can spread the word and encourage others to speak their point of view regarding this massive change, before it is too late.

Thank you for your time and everything you do to protect the health of our coastline.

Sincerely,

Justin DiTucci
Tiverton, RI
401-207-8872

Benjamin Goetsch

From: Steve Medeiros <stevem@risaa.org>
Sent: Monday, May 10, 2021 2:14 PM
To: Goetsch
Cc: RISAA Board of Directors; Jenkins, Peter; Kenny Mendez
Subject: Bowen Application/Sepowet from RISAA

From: **Ben Goetsch** <bgoetsch@crmc.ri.gov>

Date: Mon, May 10, 2021 at 1:54 PM
Subject: Re: Document1
To: Kenny Mendez <kenneth.mendez@gmail.com>

Thanks Ken,

CRMC did not receive any comments from the association. Can you provide me with the meeting minutes for my reference.

Benjamin Goetsch
Coastal Resources Management Council
Aquaculture Coordinator
Oliver Stedman Government Center

Ben,
Please accept my apology for the scattered response from RISAA on the Bowen/Sepowet application. For the past 20 years, the RISAA Board of Directors has reviewed every aquaculture application that was filed, and has very rarely objected.

Unfortunate circumstances has occurred over the past few months that consumed our full attention on several major marine fisheries issues that began in December and consumed all of our time. We also received the Bowen application (revised), but it fell through the cracks. It came to our attention again last week after receiving messages from our members and Fly Fishing Committee asking us to please object to the application. Again the RISAA Board reviewed it and unanimously voted (via email) to object. It is on the agenda for our April 18 Board meeting when we will again vote and get it into the formal minutes.

The Board then requested that Peter Jenkins, our Public Access Chairman, attend the hearing and speak on behalf of the RISAA Board citing our unanimous objection.

I hope this message will assure you that we have in fact voted to OPPOSE the Bowen application.

Respectfully,

--

Stephen Medeiros, Executive Director
Rhode Island Saltwater Anglers Association
P.O. Box 1465, Coventry, RI 02816
office: 401-826-2121
<http://www.risaa.org>

Lisa Turner

From: Benjamin Goetsch <bgoetsch@crmc.ri.gov>
Sent: Thursday, June 10, 2021 2:44 PM
To: 'Lisa Turner'
Subject: FW: CRMC 2020-04-037

For the Bowen file, thanks -Ben

From: rpengri@gmail.com [mailto:rpengri@gmail.com]
Sent: Thursday, June 3, 2021 3:47 PM
To: bgoetsch@crmc.ri.gov
Cc: richhittinger@gmail.com; kenneth.mendez@gmail.com; Medeiros Steve <stevem@risaa.org>; 'Peter Jenkins' <peter@saltwateredge.com>
Subject: CRMC 2020-04-037

Ben

I remember seeing this application a while ago. I believe I indicated "no objection". I withdraw that opinion and wish to object. You have recently received correspondence from Kenny Mendez regarding the intense use of the area of the proposed aquaculture farm by recreational anglers. I was not aware of the use of the area by the subject anglers however I'm grateful for Kenny having had the ability to provide comments to you and others.

I realize I'm the pea under the mattress on the matter of public notification of these lease applications however this is perfect example of how the notification process needs formalization through a rigorous analysis of stakeholders. As you know I find the present notification process totally inadequate. Hopefully the Bay SAMP aquaculture subcommittee of which I am part of will address this issue.

Regards
dick

Richard Pastore P.E.
RP Engineering, Inc
121 Suffolk Drive
North Kingstown, RI 02852
401 885 7255 (W)
401 524 1229 (cell)



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

Lisa Turner

From: Thomas Cody <thomas.r.cody@gmail.com>
Sent: Thursday, June 10, 2021 3:10 PM
To: lturner@crmc.ri.gov
Subject: 6/22 Bowen Oyster Farm Meeting

Dear Lisa,

I would like to comment at the June 22nd meeting to discuss the Bowen Oyster Farm application. I was unable to make the last meeting and raise my concerns about the farms impact of recreational fishing. Thank you!

Best,
Thomas Cody

CStaff

From: garberp@cox.net
Sent: Sunday, June 13, 2021 8:03 PM
To: cstaff1@crmc.ri.gov
Cc: bhcox@slepkowlaw.com; DdeMedeiros@tiverton.ri.gov; dcook@tiverton.ri.gov
Subject: Costal Resources Management Council: Application 2020-4-037
Attachments: Oyster farm letter.docx

Hi Jennifer,

Attached you will find a letter on my thoughts of the proposed Bowen Oyster Farm in Tiverton.

Thank you for your time and consideration regarding this matter,

Patty Garber

To: Jennifer Cervenka csstaff1@crmc.ri.gov

Referencing: Application 2020-4-037

Date: June 12, 2021

I have been a Tiverton resident for 24 years. I recently became aware of the proposed Bowen Oyster Farm petition, and I would like to express my concerns before it is voted upon on the 22nd of this month.

Like most others in our town (country and world), I was preoccupied with the COVID-19 pandemic over the last year. If there was a public notification of the proposed oyster farm I (and many of my neighbors) were unaware of such. The past year we just experienced was not a year to make a decision that impacts our community without thoughtful input from residents.

What I am requesting is a pause. A pause for the community to come together and have a chance look at this proposal as we begin to emerge from the cloud of this pandemic.

My overall concerns:

- 1.) The timing of the application. One would not expect someone to evaluate an application or anything of import during a house fire, and COVID was our worldwide housefire. While the application process was legal, I believe that the timing and process for notification were not prudent given the pandemic.
- 2.) The concern for leaving public recreational waters open, and well - public. I am perplexed about the reasoning on how a public waterway that is utilized by many recreationally can be leased to private individuals if there is doubt that this will impact the fishing conditions for everyone. I am equally concerned about how the maintenance activities will impact the tranquil nature of the area that the public enjoys.
- 3.) The Bowens mentioned that they would access the traps by water or through private land access. Have they obtained written permission from the landowners that border the proposed oyster farm location for that land access? When some abutting property owners were recently approached by my neighbor, they had no knowledge of this oyster farm proposal. How many other residents are not aware of this proposal? I did read in the proposal that some abutting property owners were on board with the proposal – which is it?
- 4.) What do the twice daily maintenance activities involve? I would like a detailed account of these maintenance activities as they were not described fully in the application. These maintenance activities potentially have an impact on the peace and quiet of this area. This important detail was skimmed over in the application.
- 5.) What state and/or local agency(s) monitor the oyster farm?

- 6.) Are there any time limits on this permit to allow for periodic evaluation and review with public input? i.e., can the permit be withdrawn if the oyster farm is found to have unforeseen problems and/or if the Bowens fail to keep their part of the agreement.

I have not concluded yea or nay about the oyster farm proposal because I have more questions than answers (even after reading the 97-page proposal).

The Bowen brothers put time, thought and resources in their application. I respect this effort. I also respect the residents in our area and those that recreate here. I believe that the public, too, needs time, information, and a forum for an open dialogue with the Bowens, Coastal Management Resources Commission, The Tiverton Harbor Commission, etc. to be able to weigh in on the oyster farm – pro or con.

Respectfully,

Patty Garber

101 Long Pasture Way
Tiverton, RI 02878

401 226 6922

CStaff

From: Liz Mendez <lizmendez81@gmail.com>
Sent: Monday, June 14, 2021 11:47 AM
To: cstaff1@crmc.ri.gov
Cc: Cynthia Aber; bhcox@slepkowlaw.com
Subject: Re:Reference Application file: 2020-04-037 (Bowen Oyster Farm)

Cynthia Aber has requested me to forward this letter to the CRMC to be included as public comment on the above referenced oyster farm application.

To Jennifer Cervenka, Chair
Reference Application file: 2020-04-037 (Bowen Oyster Farm)

Begin forwarded message:

From: Cynthia Aber <Cynthia.Aber@umb.edu>
Date: June 14, 2021 at 11:30:55 AM EDT
To: publiccomment@tiverton.ri.gov
Cc: Cynthia Aber <Cynthia.Aber@umb.edu>
Subject: Proposed oyster farm

To the Town Council

As a 50 year summer resident and taxpayer of 42 Driftwood Drive, Tiverton, I want to vehemently voice my opposition to the proposal for the oyster farm in our adjacent waters.

I am appalled that abutters were not notified of this oyster farm proposal and only by chance learned of this meeting tonight with intent to town approval.

This deceptive action should be of grave concern not only to the abutters but to town residents who enjoy the recreational water activities the area provides and who will be adversely affected should this proposal be approved.

I'm afraid the town will have failed miserably in its responsibility as gatekeeper of the town resources to its tax paying citizens if it allows private enterprise to usurp the recreational opportunities offered in the area. If approved, this action could be construed as a miscarriage of justice .

Sincerely,
 Cynthia Sousa Aber

Lisa Turner

From: Bruce Cox <bhcox@Slepkowlaw.com>
Sent: Monday, June 14, 2021 1:10 PM
To: Lisa Turner
Subject: RE: CRMC Semimonthly Meeting Notification -- Tuesday, June 22, 2021 -- Bowen, Tiverton

Good afternoon,
 I would like to be registered to speak at the Bowne hearing. Would you please be so kind as to forward the link to me when it is set. Many thanks.
 Bruce

Bruce H. Cox

**SLEPKOW &
 SLEPKOW
 ASSOCIATES Inc.**

1481 Wampanoag Trail
 East Providence RI 02915
 401-437-1100
 fax 401-433-5066
bhcox@slepkowlaw.com

Welcome back! We are now allowing real estate agents and loan originators to attend closings. We look forward to seeing you soon.

This e-mail message is confidential and is intended only for named recipient(s). It may contain information that is subject to the attorney-client privilege or the attorney work-product doctrine or that is otherwise exempt from disclosure under applicable law. If have you received this e-mail message in error, or are not the named recipient(s), please immediately notify the sender, delete this message from your computer and destroy all copies. Thank you.

From: Lisa Turner <lturner@crmc.ri.gov>
Sent: Thursday, June 10, 2021 12:55 PM
To: margaretmanning99@gmail.com; kevinpjmoore@icloud.com; kenneth.mendez@gmail.com; jcd401@gmail.com; taylor.mauck@gmail.com; Bruce Cox <bhcox@Slepkowlaw.com>
Cc: 'Ben Goetsch ' <bgoetsch@crmc.ri.gov>
Subject: RE: CRMC Semimonthly Meeting Notification -- Tuesday, June 22, 2021 -- Bowen, Tiverton

Please see attached CRMC Semimonthly Meeting Notification for the Bowen aquaculture application.

Thank you!

Lisa A. Turner

CStaff

From: Peter Dowling <pmddowling51@gmail.com>
Sent: Monday, June 14, 2021 2:37 PM
To: cstaff1@crmc.ri.gov
Subject: bhcox@slepkowlaw.com

To: Jennifer Cervanka

I am writing to you in reference to an application filed in April 2020 for an oyster farm (Application 2020-04-037, Bowen Oyster Farm) at the mouth of the Seapowet Creek, just south of the Seapowet Bridge in Tiverton RI.

As a neighboring resident at 934 Seapowet Ave, I want to go on record as opposing this project. The last thing an environmentally fragile ecosystem needs is to be opened to a private enterprise. At the current time, and for the past 26 years that I have been living here, this particular area has been enjoyed by neighbors, friends, relatives and yes, tourists in a naturally passive manner. Swimming, sun bathing, picnicking, kayaking, canoeing and fishing are some of the leisure activities enjoyed in a passive manner. There is absolutely little to no noise by any type of machinery. There are not very many places where you can find this environment in the year 2021. Are we to now witness the demise of one of the few remaining pristine locations in this part of Rhode Island that is enjoyed by the general public? I, and many of my neighbors, certainly hope not. Please folks, do the right thing, and deny this application in the best interests of all (except the applicants).

Sincerely,

Peter Dowling
934 Seapowet Ave
Tiverton RI 02878

CStaff

From: Rep. McGaw, Michelle E. <rep-mcgaw@rilegislature.gov>
Sent: Monday, June 14, 2021 9:22 PM
To: cstaff1@crmc.ri.gov
Subject: CRMC inquiry

Hello-

I am hoping that you can help me learn more about the upcoming CRMC meeting scheduled for 6/22/21. The CRMC calendar indicates there will be a semi-monthly meeting, but I do not see that an agenda has been posted.

I was unable to locate this meeting on the SOS.ri.gov open meetings website.

Any information you can assist with regarding the agenda for the upcoming meetings would be very helpful.

In particular I am looking for more information regarding the proposed oyster farm off the shore of Tiverton as noted in the email below.

Thank you,

Representative Michelle McGaw

District 71

Portsmouth, Tiverton and Little Compton

401-250-3571

From: Michelle Dunn-Camera <michellebdunn@gmail.com>
Sent: Monday, June 14, 2021 11:53 AM
To: Rep. McGaw, Michelle E. <rep-mcgaw@rilegislature.gov>
Subject: Time Urgent Help Please - Living Nextdoor to an OysterFarm

Ms. McGaw,

Will you PLEASE ASAP HALT the Passing of CONSTRUCTION of a COMMERCIAL OYSTER FARM in the SOUTH TIVERTON MARSH and WATERWAYS along our homes?

Lisa Turner of The Coastal Resource Mangement Council wants the #Trending Oysters (Hip Farm).
ltturner@crmc.ri.gov

The FINAL TIME to NAY is:

The Virtual Meeting at 6:00pm on June 22nd will be when permit passes.

Without your objection, the Farm will be built. Would you please shut down this application because you have the authority?

There has been ZERO notification to the community that two polydactyl Tiverton brothers will be operating a Commercial Oyster Farm in our wildlife sanctuary.

Please contact Liz Mendez who lives on Main Road overlooking the marsh and is well informed and concerned about this - 703-298-6158.

Liz will give you the Entire Information Portfolio.

The Ms. Liz Mendez family recently moved here from Washington DC. Our DC neighbours have gotten a cold reception, obviously sad, from the Tiverton Town Council and the neighbours "busy" or ignorant to care of the immediate repercussions.

Our house values will plummet, adorable wildlife will disappear, and we will be living in a daily noisy construction zone.

Thank You for Caring!

And I just want to say;

What a powerful and gorgeous Lady you are! Thank you for your gorgeous thank you card. I have it posted on my vanity, because you are famous. Thank you for listening to Little Miss Housewife Sweatpants Dumpster-Fire about AirBnBs at my door, while you were campaigning.

You did it! Everyone is thrilled no one has dared to put up a new AIRbnb in our neighbourhood.

Thank you for reaching out as soon as possible to Ms. Mendez, as she is an excellent contact and beautiful person.

Best Wishes,

Michelle Camera

Michelle Dunn-Camera
121 Driftwood Drive
Tiverton, Rhode Island 02878
MichellebDunn@gmail.com
(612) 759-5856

CStaff

From: Ruth Hollenbach <rhollenbach@gmail.com>
Sent: Monday, June 14, 2021 9:30 PM
To: council@crmc.ri.gov; cstaff1@crmc.ri.gov; bhcox@slepkowlaw.com; terry.gray@dem.ri.gov; Denise Demedeiros; dcook@tiverton.ri.gov
Subject: Re: Application file:2020-04-037 - Bowen Oyster Farm-Proposed oyster farm in the Seapowet Fishing area in Tiverton

On Mon, Jun 14, 2021 at 7:47 PM Ruth Hollenbach <rhollenbach@gmail.com> wrote:

Hello,

Let's see, we uprooted ourselves, spent hundreds of thousands of dollars on our homes here, knowing the way the coastline was available for kayaking, windsurfing, wading and swimming. These are things we uprooted ourselves for, and pay High Taxes for..... Already, there are changed hunting days here - Sunday was added!!!! (when people are resting from a long work week) - How is it possible you can even consider a large area oyster farm with the excrement from them near the residential shoreline, and if cleaned (it won't get all the excrement), will cause lack of peace and privacy and mostly likely quiet, which the shore is supposed to give us? I have been appalled at some of the RI government's actions but this is on a par with them. These are residents of Rhode Island!

I also cannot believe the nearby residents were not told when this was proposed - in the midst of Covid craziness is when it was snuck in? That sounds very wrong, even unethical.

I am saying this is wrong. This is not of so much import and definitely not of import or any improvement of the town in which it would be, or for RI. If people know that this can happen anywhere, like this residential shoreline, then they will not want to move here, or pay taxes here or in RI.

Please do not completely ruin this gem that currently is talked about as a positive thing. It would then be talked about all over, about RI, as a negative thing, something that can happen down the road, when you never paid for that in your residential environment...

We hope you do the right thing,
 Sincerely,
 Ruth Hollenbach

Begin forwarded message:

From: Carol Solimene <csolimene06@yahoo.com>
Date: June 14, 2021 at 10:51:07 PM EDT
To: jwillis@crmc.ri.gov, Janet.Coit@dem.ri.gov, bgoetsch@crmc.ri.gov, rep-mcgaw@rilegislature.gov, bhcox@slepkowlaw.com
Subject: File #2020-04-037 and File #2021-02-054 - Oyster Farms in the Sakonnet River
Reply-To: Carol Solimene <csolimene06@yahoo.com>

To Whom It May Concern,

I am emailing to advise you of my opposition to operate any oyster farm projects presently being approved, applying for consideration or otherwise in the waters of the Sakonnet River in Tiverton. The Seapowet marshland area is quiet unique. It is a beautiful attribute to all the locals as well as nearby visitors. Statewide, this location is truly one of the most picturesque places...hands down.

I am concerned as a neighbor that I was never notified or informed of such a business wanting to operate in the area in which I reside. Shouldn't abutters be informed of such a disruption to what is otherwise a quiet and pristine location. I've just recently learned of the Bowen brothers (File #2020-04-037) as well as Boehringer and Lundgren (File #2021-02-054) which is three times larger than the Bowen's. When will it stop.

I am all for business and local farming but having an oyster farm in these waters would upset so many in so many ways. There is recreational fishing, sail and power boating, kayaking, wind and sail surfing, paddleboarders, beachgoers, swimmers and all the residences who would greatly be disrupted by this farming entity. Not to mention the potential polluting of the waters as a direct result of the farming. It is such a dramatic change to the use of the water going from public to exclusionary commercial use.

I request that you consider not allowing the oyster farms in the Seapowet area. Thank you for your consideration.

Respectfully submitted,
Carol A. Solimene, CYT
135 Driftwood Drive
Tiverton, RI 02878-4801
401.624.6124
401.598.6000

Lisa Turner

From: Jeff Willis <jwillis@crmc.ri.gov>
Sent: Tuesday, June 15, 2021 8:50 AM
To: 'Ben Goetsch '
Cc: 'Lisa Turner'
Subject: FW: Propsed oyster farm at the Seapower Marsh

Ben - For the File

Thanks,
Jeff

From: Barbara A Milotte [mailto:milotteb@gmail.com]
Sent: Monday, June 14, 2021 9:35 PM
To: jwillis@crmc.ri.gov
Subject: Propsed oyster farm at the Seapower Marsh

Hello Director Willis,

My name is Barbara Milotte and I have been a lifelong resident of Tiverton. I chose the Seapowet area 22 yrs ago to build my "retirement" home. I was informed this weekend of a proposed oyster farm off Driftwood Ave which is behind my home. I have seen many changes both positive and negative to this area. The marsh has been polluted by chemicals used in potato farming and also waste from local farm animals. We pick up trash daily from the shoreline but it is a privilege to care for this area. I was so excited to speak with the URI and RIDEM biologists who have been restoring our area to a healthier marsh and shoreline. Seapowet shoreline and marsh are beautiful wildlife preserves that need to be maintained for everyone.

I was never informed about the oyster farm proposed for our shoreline. I am asking you to please schedule a neighborhood meeting to discuss the oyster farm being considered and allow us to express our concerns for our neighborhood.

Sincerely,
Barbara Milotte
801 Seapowet Ave

Cstaff1

From: Gayle Lawrence <gylwrnce@yahoo.com>
Sent: Tuesday, June 15, 2021 10:16 AM
To: cstaff1@crmc.ri.gov
Subject: Bowen Oyster Farm, Tiverton File:2020-04-037
Attachments: Oyster farm letter.to.CRMC.ghl.2.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning,

I have attached a letter regarding the proposed Bowen Oyster Farm. Please enter it into the official record and make it available as soon as possible and prior to the public hearing of June to those involved in the review and approval process for this application.

Thank you for your consideration and for your attention to the concerns expressed in this letter.

Kind regards,
Gayle Lawrence
108 Long Pasture Way
Tiverton, RI 02878
401 624 7830

To: Jennifer Cervenka, Chair of CRMC at cstaff1@crmc.ri.gov
From: Gayle Lawrence 108 Long Pasture Way, Tiverton, RI 02878
Re: Proposed Bowen Oyster Farm (Reference Application file: 2020-04-037)

I reside on the eastern shore of the Sapowet Marsh and have done so for over 15 years. The marsh is a vitally important nursery for fisheries and an essential resting and nesting area for a variety of wading birds, and home to many other species who require this habitat. It is dynamic and changeable with the tides and the winds. It provides a protective buffer during storms and a beautiful and peaceful place for people to use for passive recreation, such as bird watching and kayaking as well as seasonal hunting, fishing, and crabbing. Substantial efforts are being made by various organizations in coastal areas to restore the marshlands that have been compromised over time, and there is determined effort to preserve and protect marshes everywhere, including those located along Rhode Island's coast.

In recent days I became aware of the proposal to establish not one but two oyster farms along the eastern shore of the Sakonnet River very near the mouth of the Sapowet marsh. This is very concerning to me because farming oysters is not without impact on the environment and on those who use the area for recreation. These are a few of my concerns:

- 1) Phytoplankton available to and required by other aquatic species will be reduced by the oysters, thus disrupting the food supply, and potentially depriving other native species of required nutrients.
- 2) Benthic species are also impacted by the accumulation of waste from the oysters.
- 3) This infrastructure will likely alter the course of the channel flowing out of the marsh in perhaps unexpected ways with unexpected consequences. What will flow back into the marsh with storms and changing tides? Has this been considered? What harm may be caused?
- 4) The traps and the activity associated with maintaining those can disturb the coastal area where a variety of birds feed, rest, and nest. Various species rely on the marsh for these essentials. Ibis, Egrets, Herons, Harriers, Osprey, smaller birds and a variety of ducks depend on the marsh. Some of these species are quite sensitive to human activity. Twice daily visits to service the traps creates disruption.
- 5) Pests and invasives species can inadvertently be introduced into the ecosystem along with the oysters, including harmful bacteria and viruses.
- 6) Sapowet marsh has been documented as having a high bacterial count and shell-fishing has been prohibited in the marsh itself. Has this fact and years of sampling data that supports it been considered? URI Watershed Watch is the source.
- 7) Oyster farms have a lifespan and require regular monitoring. What is the expected lifespan of this farm? Who will monitor the activity and enforce regulations? What provisions are there for mitigation or restoration given that may be necessary if restoration is even possible.
- 8) There is also a carry-capacity for aquaculture. How is that assessed in the case of oyster farms? Is the density proposed by the farm(s) addressed in any of the reviews?
- 9) Some balance between commercial interests and the interests of and access afforded residents and visitors to this part of the shore must be struck. Without answers and

CStaff

From: Peter Nilsen <pdfish@fullchannel.net>
Sent: Tuesday, June 15, 2021 11:04 AM
To: council@crmc.ri.gov
Cc: bhcox@slepkowlaw.com; cstaff1@crmc.ri.gov; terry.gray@dem.ri.gov
Subject: Comments on Seapowet Marsh / Bowen Oyster Farm
Attachments: RhodyLogo.final Color forPress.pdf; Untitled attachment 01055.htm

June, 14, 2021

Jennifer Cervenka – Chair, CRMC Council
Jeffrey Willis – Executive Director, CRMC
Terry Gray Assistant Director, RIDEM
Bruce Cox – Chairman, Tiverton Harbor Commission

Dear Jennifer,

Hello, my name is Peter Nilsen and I am President of 'Rhody Fly Rodders,' the oldest saltwater fly fishing club in America.' We have over 135 members who fish these coastal waters of Rhode Island, by wading the shore and using boats and kayaks. We have wade fished the shores of RI for over 60 years. Our club was started in 1962/1963 by Harold Gibbs, then Chief of Fish and Wildlife for the state of Rhode Island, and a fisheries biologist specializing in aquaculture who instituted quahog plantings here in RI waters back in the 1950's.

First, I would like to take this opportunity to make it known that Rhody Fly Rodders and its 135 members are strongly opposed to the Bowen application and installation for an oyster farm in the Seapowet estuary outlet area.

Our body of members have eons of years of fishing along the Rhode Island coastline and have fished the Seapowet/Fogland area for over 60 years, as it is ideal for parking and wading the sandbars and shoreline. We also have fishing get-togethers there many times during the year. I myself consider the Seapowet Marsh area one of my favorite spots to fish, as I grew up in the East Bay area.

Sadly, the East Bay has very few quality fishing opportunities or recreational areas to fish, kayak, sail, or windsurf because of the huge expanse of shoreline that is private property, and we would hate to have Seapowet outlet, this prime recreational area, be compromised by a commercial venue!

Also, a number of our members, including myself, are published authors of books on how and where to fly fish in these wonderful waters of Rhode Island, so I am intimately familiar with Rhode Island's coastline that can be safely accessed by the wade fishing angler. The Seapowet Marsh area is one of those areas. A falling tide and low tides are the best times for the recreational fishing angler to wade fish in this area. Many of our members also fish at night using sinking lines that could be snagged in the 'farm' apparatus. We are expert fishers of this area and the placement of the farm would remove a huge percent of this fishable area....but, fishing opportunities are only one aspect of recreation in this Seapowet area and it seems to me there's more than just our fishing rights that would be compromised, as there are also sailboats, swimmers, and vast community of wind surfers and keel boarders that use this shallow water area.

This shallow water area is basically between two protruding points of land, made of sand and rock, with a small bay in-between. There are two swimming beaches that anchor on each end. The private homes that line the shore of this cove have small docks and anchored sailboats. It's really an ideal area for all interests!

On the backside of Fogland beach, which is the south end of the area designated for this 'farm,' there's a rocky point that protrudes and a small road that ends in a parking area. This is the area where some days there are 20-30 parked cars with families that fish and swim. Also, there are kayakers and a huge wind surfing community, that use this 'whole' area daily! Pity the poor wind surfer that falls off his board in the shallow water where these pens are located. Injuries?

As President of this stakeholder group I am writing to encourage the CRMC to reject the current oyster lease proposed designated at the mouth of Seapowet Marsh because this farm will largely remove angler and recreational activity by unreasonably interfering with, impair, and significantly impact access and use of these tidal waters.

I strongly suggest that if this board has not physically visited this site before, that they should come see for themselves that this is not a good place for a commercial business, as this is a prime East Bay recreational area. I would hate to see other such fishing/recreational sites be handled like this. Our coastline is too valuable to be given away!

Because of CRMC's non-transparent process for collecting stakeholder input, I, and others were unaware of the RIMFC's June 7 vote on the project and was unable to provide the angler perspective. If the CRMC had a process that actively notifies individual stakeholders, then it could receive true accurate information. I am also cc'ing the Tiverton Harbor Commission since I understand they may be reconsidering their recommendation given this new information.

I do hope I have given you a better look into our concerns for this area. Thank you!

Sincerely,

Peter Nilsen

President

Newsletter Editor

Rhody Fly Rodders

'America's Oldest Fly Fishing Club'

75 Massasoit Ave.

Barrington, RI 02806

401.633.5329

pdfish@fullchannel.net

CStaff

From: Lawrence, Charles <charles_lawrence@brown.edu>
Sent: Tuesday, June 15, 2021 11:07 AM
To: cstaff1@crmc.ri.gov
Subject: Speak at June 22nd meeting

I wish to speak at the June 22nd meeting on the oyster farm in Tiverton.

Lawrence, Charles <charles_lawrence@brown.edu>

11:00 AM (5 minutes ago)

to lturner

—

Charles (Chip) E. Lawrence

Professor of Applied Mathematics, Box F

Center for Computational Biology

Brown University

Socrates: "I cannot teach anybody anything. I can only make them think"

CStaff

From: Fulton <fulton00@verizon.net>
Sent: Tuesday, June 15, 2021 5:37 PM
To: cstaff1@crmc.ri.gov
Cc: bhcox@slepkowlaw.com; DdeMedeiros@tiverton.ri.gov; dcook@tiverton.ri.gov
Subject: Application 2020-04-037 for an oyster farm near Seapowet Creek

Dear Ms. Cervenka,

It is my understanding that the CRMC will be meeting on June 22 to vote on whether to grant permission to a private vendor to install an oyster farm near the Seapowet Bridge in Tiverton.

First, I cannot understand how a decision about deploying public resources could be made without an effort to solicit public input on this matter. I respectfully request that any decision be delayed until public input can be received.

As I've no expertise in the area of the impact on water quality, my comments are confined to another matter: The use of a precious and protected public resource for the limited benefit of a single vendor.

The area proposed for these oyster cages is directly within a heavily used, yet pristine and beautiful spot of sea coast that has been preserved for generations for its own protection and for the ongoing use by the public. The report suggests it is an area unsuitable for swimming, but without a doubt it is in active use by fishermen (and women), kayakers, families, swimmers, and clammers.

The spot may be beneficial to oysters due to the nutrient-rich tidal waters from the Seapowet Marsh, but surely there are countless other spots in the river that will not detract from this gem, available to all without cost. The availability of nutrients to oysters should not be paramount, at the expense preserving this precious resource. I feel the CRMC should be protecting the coastline for the use of all current and future generations, and not selling off leases for limited financial benefit of a private vendor.

I've read the proposals, which are vague on some very essential points, such as:

Where, exactly, is the private access to this installation? Has the private landowner been informed and offered consent? While the vendor states maintenance will be from the shore (by wading), the use of boats is not explicitly excluded, leaving it open for changes once a license is granted.

What sort of equipment is used for maintenance? If hoses are used to flush the cages, are they powered by generators? And if the service is just before and after low tide, doesn't that suggest that there may be significant mechanical noise at times people are sleeping? Will trucks be backing into this shoreline site any time the tide is out, day or night? None of these questions are adequately addressed in the proposal.

It is my hope that this decision can be delayed until a full public hearing can be held, and that the CRMC will help the vendors find alternative sites that are less interfering with the pristine beauty of this recreational area.

Respectfully yours,

Paul Fulton
 52 Driftwood Drive

mobile: 339-927-1122=

CStaff

From: Sandy Oxx <sdyoxx@gmail.com>
Sent: Tuesday, June 15, 2021 10:55 PM
To: cstaff1@crmc.ri.gov
Cc: ddemedeiros@tiverton.ri.gov; dcook@tiverton.ri.gov
Subject: application 2020-04-037 oyster farm

Dear Ms. Cervenka,

I am writing this letter as a Tiverton resident who loves the slow and quiet waters of the saltmarsh along which I reside. From my house, I push my kayak out into these waters, paddling under the Sapowet Bridge and beyond. Many times, I spend hours paddling and breathing in the salt air, listening to children and families splashing in the water while examining the craggy shores to the south. This undisturbed aquatic environment is the reason I moved here from Newport three years ago. The outdoor reward after a long day's work gives me a renewed appreciation and lease on life that I could no longer find in Newport.

It is not only me. It is most of the community surrounding the Sapowet Marsh and Cove. We cherish this fragile, little place where we can swim, fish, and kayak so easily without the fear we will get our lines, feet or boats caught in a lobster trap or an oyster cage. The proposed one-acre oyster farm so close to the beach and only waterway in and out of the marsh will change our recreational life as we know it at Sapowet.

Initially, upon learning (which was only two days ago) that the oyster cages would be spread over the entire one-acre area, I grew increasingly concerned because during low tide I would have no access in my kayak from the Sapowet shore area near the bridge to the waters south of the Cove. I would be forced to paddle around the farm into the swift current of the Sakonnet River. I usually would paddle about 300-400 feet off the shore to the south of the bridge. That way I would not run into the rougher current of the outside waters. The oyster farm being so close to the shore, especially during low tide, would force me to travel in uncomfortable currents or risk scraping the bottom of my boat on the tops of the oyster cages.

I realize I am only one person with what some may consider an inconsequential need if viewed through the lens of profitability. However, this type of recreation offers so much solace, just as fishing, swimming, and kayaking offers to others who visit, live and work in the area.

Please reconsider this proposal for the oyster farm or at the very least, give the residents in the area time to mull over the pros and cons.

Thank you for the opportunity to share my thoughts.

Sincerely,

Sandy Oxx
124 Long Pasture Way
Tiverton, RI

Lisa Turner

From: Jeanne De Souza <desza196@yahoo.com>
Sent: Wednesday, June 16, 2021 12:20 AM
To: lturner@crmc.ri.gov
Cc: Liz Mendez
Subject: John Bowen & Patrick Bowen - CRMC File Number 2020-04-037
Attachments: CRMC Oyster Farm Proposal.docx

Hello Lisa, please see the attached letter relating to the proposed Oyster Farm that is on the CRMC agenda for this Tuesday, June 22.

I will be planning to attend the meeting.

Please let me know if you should have any questions.

Thank you very much.

Jeanne De Souza
697 Seapowet Avenue
Tiverton, RI 02878
401-458-2737

June 14, 2021

To Coastal Resources Management Council

Re: CRMC File Number: 2020-04-037 – Oyster Farm / John & Patrick Bowen / Sakonnet River, Tiverton RI

Hello,

As you are aware, there are many Tiverton residents who are opposed to the above noted, proposed oyster farm on the Sakonnet River, in close proximity to Driftwood Drive / Seapowet Avenue. I own the property at 697 Seapowet Avenue, just south of the Seapowet Avenue Bridge.

It's very unfortunate there wasn't a process or policy in place whereby the abutters and those with a vested interest to protect their land, property value, and most importantly quality of life living on and near the water where the proposed farm will be, could have been notified. The fact that the Tiverton Harbor Commission would allow a request of this magnitude to move forward to the CRMC without any obligation to notify and solicit feedback / concerns from those most affected, or even consider the possible negative outcome, seems unbelievable. In taking it a step further and learning that the CRMC also does not have an obligation to notify the abutters is extremely disappointing, and feels almost negligent.

The abutters of this oyster farm location were not notified until this past week. We have been told that it is not the town's jurisdiction (the waterway) and they didn't have a process in place to notify us.

We are all very disheartened, and rightly so. The proposed area for the farm is used by many residents for recreational activities – kayaking, paddle boarding, canoeing, rowing, swimming, fishing, and general leisure. There are families that live along the proposed site location with boat moorings as well. Many of the homes have been owned by the same families for nearly half a century. My family is on its 5th generation enjoying our property for over 70 years.

The proposed farm would be in our back yard, and those of our neighbors facing the Sakonnet River as well as those living on the Seapowet Marsh. It is so very distressing to think the peace and tranquility will be taken away, without a real chance to defend it. It will be taken from us not to improve the area, but to create profit for the individuals involved. Individuals who have no personal connection to the space, have had no part in maintaining and investing in the vicinity, surviving and recovering from the many storms, and truly appreciating the natural habitat.

In the last 2 years I have met with your agency and discussed putting in a seawall to protect my property, and the bridge. I was told it would never be approved, and that CRMC didn't care that I have lost so much land to the storms, because it is the "natural flow of the water", which we cannot disturb. It would only make sense that you do not allow an oyster farm to be put there, in the same area, so as not to create considerable disturbance.

I am requesting that you deny the application for this oyster farm in this location and help to preserve the beauty of the area. We all feel it would have a negative impact relating to the loss of use as we know it, the value of our properties as tax payers, and the investments we have made over the years to improve our land and homes.

I am not against aquaculture in its appropriate place. I do feel it is completely unfair to allow this to move forward to monetarily benefit the owners of the farm, who don't live in this immediate area, to then leave a lasting negative impact for those who do.

I won't reiterate the many good points made in the letters you have received by many concerned parties. It goes without saying that there is no end to the extreme efforts of many good people, and non-profit organizations to preserve the habitat of the Seapowet Marsh and surrounding far land and waters over many, many years. People who are extremely educated and experienced in the preservation and environmental aspect of the area, who have made great strides over the last few decades in protecting this natural habitat we are trying to defend, who would have been a huge asset to us, but were not given the chance to investigate and speak on our behalf.

Thank you for your consideration, and I look forward to attending the meeting on June 22.

Please feel free to reach out to me at any time.

Thank you again.

Jeanne De Souza
697 Seapowet Avenue
Tiverton, RI 02878
cell: 401-458-2737

Lisa Turner

From: stephanie beebe <spbeebe@gmail.com>
Sent: Wednesday, June 16, 2021 6:11 AM
To: lturner@crmc.ri.gov
Cc: Jonathan French
Subject: Zoom meeting: Tuesday June 22 at 6 pm/Bowen Oyster Farm

Hi Lisa,

I would like to request to speak at the meeting for myself and my husband (cc'd in this email, Jonathan French) on 6/22 at 6pm concerning the Bowen Oyster Farm application.

Thank you,
Stephanie & Jonathan

--

www.mayflowerwallpaper.com

cstaff1

From: Liz Mendez <lizmendez81@gmail.com>
Sent: Wednesday, June 16, 2021 10:24 AM
To: cstaff1@crmc.ri.gov
Cc: bhcox@slepkowlaw.com; DdeMedeiros@tiverton.ri.gov; dcook@tiverton.ri.gov; terry.gray@dem.ri.gov
Subject: Application file: 2020-04-037 - Bowen Oyster Farm

Dear CRMC Council Members,

I am writing in opposition to the location for a proposed oyster farm **Application file: 2020-04-037 - Bowen Oyster Farm** at the mouth of Seapowet Creek. I live on the Seapowet Marsh and am a frequent recreational user of the area.

I feel that the application has flaws which need to be addressed so that the CRMC Council has accurate information on which to make an informed decision. Below is information that I feel refutes some of the assumptions to the question asked in the application (Category B Requirements) and are referenced by number that they appear in the application.

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

- There is no specific need for an oyster farm to be placed in this area. It is a popular public recreation area that is heavily used by the local community, recreational anglers, kayakers, kite surfers, and windsurfers. Use has increased during and after the pandemic.
- Increasing "East Bay" representation in shellfish aquaculture should not be a priority, especially when it takes away from a known state recreation area. There are other places in the East Bay that may be more suitable for placement of an oyster farm.
- Local community members have not expressed a need for additional shellfish aquaculture representation in the East Bay.
- Local community members are against placement of this farm in their community waters.

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

- There is already a healthy fishery in the spot where placement of 200 cages is being considered. In the application, the applicants state that "oyster grow-out cages provide valuable habitat for finfish and have been compared with artificial reefs as part of habitat restoration programs" - in this Seapowet location there is **no scientific evidence** that this is true or would confer a benefit to the fishery. Adding structure may impede the natural contours of the land and the water outflow from the Seapowet salt marsh. In addition, have considerations been paid to what happens when the micronutrients that flow out of the creek are no longer available for the ocean life that depended on them when the oysters are placed to access the nutrients first?

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:

- We live in the local community and use these waters. The cages in their proposed area would have a significant impact on existing public access and use of the tidal waters. Local community members regularly swim, fish, kayak, and wade in these waters. In addition, this area is widely used and an important attraction for tourism for the State of Rhode Island.

- The citation references areas and Town Ordinances out of context and are not near the location of where the oyster farm will be placed.

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

- Oyster cages must be regularly cleaned and pressure washed. The noise and biowaste will be intrusive in our community adjacent to the farm. The science is another piece of the puzzle. **We don't know that the spread of pest organisms by oyster farming activities won't potentially lead to ecologically significant and irreversible changes to coastal ecosystems.** This is especially important due to the **potential impact on the fragile ecosystem of the Seapowet Salt marsh.**

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

- Local property immediately next to the proposed oyster farm has been in a single family for over 70 years. The CRMC has restricted the local property owners from altering the property so that the owners won't disturb the natural flow of the water with a seawall. Why can an oyster farm be placed in the same vicinity, but the property owner not allowed to make alterations?

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

- The cages in the proposed area would have a significant conflict with water dependent uses and activities such as recreational boating, swimming, and other water sports. Local community members regularly swim, fish, kayak, and wade in these waters. Kayaking, windsurfing, kiteboarding around a 1-acre farm in this area is a significant diversion. Fisherman wade out at low tide into the shallow waters and are especially impacted by the proposed location of the oyster farm which seeks to take advantage of the same shallow water.

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

- The area is known for its pristine beauty, undisturbed by commercial activity. The day-to-day twice daily maintenance operations of commercial aquaculture will intrude on the scenic beauty of the area.

Stakeholder input: In addition, there hasn't been meaningful public input on the application. Once the abutters learned, only about 10 days ago, there has been a large public outcry and the Town of Tiverton has taken it up at their Town Council. At the public meeting the Town asked their solicitor to send the CRMC a letter about the lack of abutter notification. Good governance requires input from stakeholders, and in this application, the piece with meaningful public comment seems obviously missing.

Interesting that a parallel application in the same vicinity has had no public input during the comment period. Is public input being sought in a meaningful way from the CRMC staff?

I am not against aquaculture, I am against the location of this particular oyster farm. Have the applicants considered other locations outside of this heavily used recreational area?

I urge the CRMC to reject the proposal or delay the decision in order to collect accurate information and get meaningful stakeholder feedback from residents and public who use the marsh.

Respectfully,

Liz Mendez

Tiverton, RI

Cell: 703-298-6158

cstaff1

From: Lori Wood <loriw@melloelectric.com>
Sent: Wednesday, June 16, 2021 11:38 AM
To: cstaff1@crmc.Ri.gov
Subject: Oyster Farm letter
Attachments: CRMC Letter.docx

Attached please find my opposition letter for the proposed oyster farm in Seapowet area of Tiverton, RI. Can you please direct this letter to the proper person.

Thank you
Lori Wood
101 Old Bulgarmarsh Road
Tiverton, RI 02878
508-951-8684

Lori Wood

101 Old Bulgarmarsh Road

Tiverton, RI 02878

June 16, 2021

To Coastal Resources Management Council

Re: CRMC File Number: 2020-04-037 – Oyster Farm / John & Patrick Bowen / Sakonnet River, Tiverton RI

Dear Members of CRMC:

I write this letter to you today in opposition to the oyster farm proposed in the Seapowet area. I also have riparian rights in a different area in the Town of Tiverton and understand the property owner's concerns and their feelings of helplessness when something they love could be taken away for the benefit of one business. There are other locations the farm could be placed that do not have such a negative impact on so many. I respectfully ask CRMC to reconsider the location of the farm. I would also ask CRMC to consider notifying waterfront property owners when an oyster farm is proposed in their vicinity.

Thank you for your consideration on this matter.

Respectfully,

Lori Wood

CStaff

From: Dave Pollack <dpollipo@cox.net>
Sent: Wednesday, June 16, 2021 1:16 PM
To: cstaff1@crmc.ri.gov; council@crmc.ri.gov; terry.gray@dem.ri.gov; stevem@risaa.org; friendsofseapowetmarsh@gmail.com
Subject: Proposed Oyster Farm at Sepowet Marsh

June 16, 2021

Dear CRMC Council Members,

I am writing in opposition to a proposed oyster farm at the mouth of Seapowet Marsh. I moved to Rhode Island in 2003 primarily because of the wonderful salt water fishing opportunities for non boat owning anglers like me. And it was the right move. For a few years the fishing was wonderful. And then it began to decline. I do not know what caused the decline, perhaps global warming, changes in the Gulf Stream, changes in the environment, loss of access due to shoreline development, and other factors. And now the fishery is further threatened by the proposed placement of an oyster farm in an area used by recreational anglers like me, which would significantly reduce access at low tide which is among the best times for fishing access at that area..

For several years my friend Mario has come to Rhode Island from South Carolina in June to fish with me. This year the shore fishing, especially for fly rodders, has been so poor that I told Mario not to come. There probably are a lot of Marios who are avoiding Rhode Island and spending their money elsewhere, where there is better fishing. The Rhode Island Salt Water Anglers Association, of which I am a member (I chair the 101 member Fly Fishing Committee) has been hard at work to preserve and nurture our fishery. Destroying habitat by placing an oyster farm to block access to prime fishing waters is not the way to do that. I am aware of the benefits to Rhode Island of oyster cultivation but the damage caused by this project far outweighs the damage to the fishing access in an already severely threatened fishery. Recreational fishing is of critical importance to the state's economy.

Thank you for considering my feedback.

Sincerely,

David Pollack

Wakefield, Rhode Island

CStaff

From: Crawford, Jeff (DEM) <jeff.crawford@dem.ri.gov>
Sent: Wednesday, June 16, 2021 4:27 PM
To: cstaff1@crmc.ri.gov
Subject: Proposed Oyster Farm

June 16, 2021

Dear CRMC Council Members,

I too am writing in opposition to a proposed oyster farm at the mouth of Seapowet Marsh. I have lived in Rhode Island since 1973, grew up every summer on Block Island and regularly fish saltwater and freshwater throughout Rhode Island. I do not feel there is a need for an oyster farm in an area used by recreational anglers. I have seen the increase of shellfish cultivation throughout the Narragansett Bay Environment and surroundings through the last decade and feel that there has been more than enough space provided to those who farm. I have nothing personal against these individuals and their trade however, it seems each year, shore fishermen are losing more access and locations to enjoy their recreational preference.

Jeff Crawford
North Kingstown

Lisa Turner

From: Russdexter <russdexter@comcast.net>
Sent: Thursday, June 17, 2021 8:11 AM
To: lturner@crmc.ri.gov
Subject: Sakonnet River oyster farm

We want to express our concern that the Bowen Oyster farm application, CRMC file number 2020-04-037, is proceeding without adequate public notification. There are thousands of people who use the abutting conservation land for sunning, swimming, fishing, kayaking and plain enjoyment of the beauty and quiet solitude of the area and they deserve to be notified. While there has been some occasional information published, that's not notification. The houses immediate abutting the proposed farm were not even aware of it.

Please hold up the discussion until all interested parties receive adequate notification. At a time of significant distrust in government, the CRMC should be taking extra care to be sure their decision is respected and not questioned.

Russell and Mary Dexter
41 Driftwood Dr
Tiverton, RI

Lisa Turner

From: council@crmc.ri.gov
Sent: Thursday, June 17, 2021 8:12 AM
To: jwillis@crmc.ri.gov; 'James Boyd'; bgoetsch@crmc.ri.gov
Cc: 'Lisa Turner'
Subject: FW: Seapowet Marsh

From: Hope Prockop [mailto:hellohealthier@gmail.com]
Sent: Wednesday, June 16, 2021 9:51 PM
To: council@crmc.ri.gov; friendsofseapowetmarsh@gmail.com; stevem@risaa.org; terry.gray@dem.ri.gov
Subject: Seapowet Marsh

I write today to express my strong opposition to the proposed Oyster farm outside of the Seapowet Marsh.

I moved to Rhode Island in 2019 to pursue an emerging interest in shore based salt water fishing. I've been lucky to connect with the Saltwater Edge and explore areas the experienced anglers of this area recommend.

Of the many sites I explored over the last 2 summers, the area outside the Seapowet Marsh offered me some of the safest and most enjoyable fishing. I continue to think it's a place where I can safely inspire fellow women anglers. Fishing has been the best pandemic outlet for me and I've shared this passion with my community which includes athletes and older women.

If there is anything I can do to get involved in this RIGHT NOW, please let me know. It would be a devastating situation to see this happen without a more careful look at other options. I'm fully supportive of Oyster farming in Rhode Island but please do not pursue this location. This is such a rich site for Striper fishing and I have to believe there are other Oyster options as of yet unexplored.

Thanks for your consideration,

Hope Nichols



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Lisa Turner

From: council@crmc.ri.gov
Sent: Thursday, June 17, 2021 8:55 AM
To: jwillis@crmc.ri.gov; 'James Boyd'; bgoetsch@crmc.ri.gov
Cc: 'Lisa Turner'
Subject: FW: Seapowet Marsh

From: kenneth cooper [mailto:thecoops1@comcast.net]
Sent: Thursday, June 17, 2021 8:38 AM
To: council@crmc.ri.gov
Subject: Seapowet Marsh

Dear Council Members:

I am a Westerly resident and member of RISAA's Fly Fishing Committee. I write you in opposition to the proposed oyster farm at the mouth of the Seapowet Marsh. I know the Marsh from fishing there. It's an insult to all recreational fishermen to authorize a commercial enterprise that will significantly restrict wading access at a prime fishing locale. Sure, oysters have some positive effect on the environment, but the Marsh is fairly pristine. On balance, the scales tip decisively in favor of preserving access to fishermen.

Kenneth B. Cooper
19 Rock Ridge Road
Westerly, RI 02891



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Lisa Turner

From: council@crmc.ri.gov
Sent: Friday, June 18, 2021 1:43 PM
To: jwillis@crmc.ri.gov; 'James Boyd'; bgoetsch@crmc.ri.gov
Cc: 'Lisa Turner'
Subject: FW: Seapowet Marsh

From: Dave Prockop [mailto:dprockop@groton.org]
Sent: Thursday, June 17, 2021 2:11 PM
To: council@crmc.ri.gov
Subject: Seapowet Marsh

Dear CRMC members,

I have just learned of a proposal to allow an oyster farm just outside the Seapowet Marsh and I'm writing to encourage you to consider a different location instead. There are not many locations around where people like me can safely fish by wading, so the area outside the Seapowet Marsh is part of a scarce resource.

There are many more locations in Rhode Island where you can fish from rocks but if you can't stand down at water level, you can't fish with light tackle or fly fishing gear (and standing on low rocks, at water level, can be very treacherous). There are also other sandy beaches to fish from, but few of those are close enough to water where fish are likely to be. This combination of water that can be waded and also has a chance of holding fish makes the area outside the Seapowet Marsh a rare location that is important to many of us who fish in Rhode Island. I urge you to move the proposed oyster farm to a different location.

With thanks for your consideration,

Dave Prockop
Providence



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cstaff1

From: Donald Libbey <dhclibbey@mac.com>
Sent: Tuesday, June 22, 2021 11:52 AM
To: cstaff1@crmc.ri.gov
Cc: rep-edwards@rilegislature.gov; sen-dipalma@rilegislature.gov; bhcox@slepkowlaw.com; DdeMedeiros@tiverton.ri.gov; Elizabeth Jackson; Clint Clemens; Kelly Clemens; Bill Thompson; natalie@nataliepangaro.com
Subject: Objection to CRMC Application 2020-04-037 (Bowen Oyster Farm) and Related CRMC Application 2021-02-054 (Wakefield Oyster Farm)

Dear CRMC:

We are the owners of the property with an address of 453 Neck Road, Tiverton, RI. Our property has access to the Sakonnet River between midway between Fogland and Seapowet via Right-of-Way established by the Almy family generations ago.

We were just informed by a concerned neighbor of the two (2) Oyster Farm proposals pending with the CRMC. To date, we were never notified by CRMC and/or the applicants of the pending applications to use areas near Seapowet Cove and north of the Cove in the adjacent waters to the South West of the Seapowet Marsh Wildlife Management Area for commercial oyster farming.

We object to both applications for the reasons that allowing a commercial venture in the proposed waters will impact on the coastal beauty of this largely undeveloped area, negatively impact recreational and boating use, including the waterways to and from existing moorings. It will also negatively impact on abutting property owners real estate values and uninterrupted views. We also object, because of a lack of notice to those most impacted, adjacent owners, and the general public, which use the Seapowet Marsh Wildlife Management Area and adjacent public beach heavily, this especially during the continuing pandemic.

The Bowen application

(www.crmc.ri.gov/meetings/2021_0511semipacket/2021_0511_BowenBowen_2020-04-037.pdf) ("Bowen") appears headed for approval on June 22, 2021 with little or no community input because of the lack of notice. The proposed Wakefield ("Wakefield") application www.crmc.ri.gov/applicationnotices/2021-02-054.pdf ("Wakefield") is much larger, and therefore, impacts greatly on the use of the waterways to the North of Seapowet Cove and South West of the environmentally sensitive Seapowet Marsh Wildlife Management Area.

While we can appreciate that this use seems compatible with the area, it is not. The two (2) locations are heavily used by recreational boaters (kayakers, rowers, SUPs, wind and kite surfers, and sailors), open water swimmers, and fisherman. The proposed locations would interrupt the free flow of navigation by all of these users. These are community waterways and areas, environmentally sensitive, for the enjoyment and use by the public, and must not be used for commercial exploitation.

Please note our objection to the two (2) applications.

Sincerely,

Don & Sarah Libbey
 453 Neck Road
 Tiverton, RI 02878

Lisa Turner

From: Joan Chabot <jchabot@tiverton.ri.gov>
Sent: Wednesday, June 23, 2021 4:26 PM
To: Lisa Turner
Cc: Jeannie Veegh
Subject: RE: CRMC Semimonthly Meeting Notification
Attachments: CRMC letter re Bowen .pdf

*Town Council
 emails
 letter
 June 2021*

Bowen,

Lisa,

Attached is a scanned copy of a letter from Tiverton Town Council president to CRMC regarding the Bowen project. Hardcopy is being sent via US Mail.

Thanks

Joan Chabot

From: Lisa Turner [mailto:lturner@crmc.ri.gov]
Sent: Tuesday, June 15, 2021 2:16 PM
To: 'Jeannie Veegh' <townclerk@tiverton.ri.gov>
Cc: 'Joan Chabot' <jchabot@tiverton.ri.gov>
Subject: RE: CRMC Semimonthly Meeting Notification -- Tuesday, June 22, 2021 -- Bowen, Tiverton

Good Afternoon Jeannie and Joan:

Thank you for your inquiry. As you noted, CRMC does send all Public Notices to the local municipality introducing projects that are being reviewed by the CRMC as well as requesting comment. My files show that we sent this application's Public Notice on April 17, 2020 (see attached.) From the comments that we receive within that 30 day comment period as provided by the Public Notice, I create a mailing list for future mailings, such as notification of Council review. During the comment period for Mr. Bowen's application, we received a letter of comment, as well as other information, from Mr. Cox, and he was added to the meeting notification list for the Bowen file. I received a number of public comments during the 30-day Public Notice period, all of whom were added to my meeting notification mailing list for the Bowen file.

I also send the Council's Semimonthly Meeting Agenda to each municipality for informational purposes.

I hope this provides clarification for you. Thank you!

Lisa A. Turner

Office Manager
 Coastal Resources Management Council
 Oliver Stedman Government Center
 4808 Tower Hill Road; Room 116
 Wakefield, RI 02879
 401-783-3370

From: Jeannie Veegh [mailto:townclerk@tiverton.ri.gov]
Sent: Tuesday, June 15, 2021 12:47 PM
To: lturner@crmc.ri.gov

Cc: Joan Chabot <jchabot@tiverton.ri.gov>

Subject: FW: CRMC Semimonthly Meeting Notification -- Tuesday, June 22, 2021 -- Bowen, Tiverton

Hi Lisa:

This meeting notice was forwarded to us today by Harbor Commission member Bruce Cox – however, we don't show it was ever sent to us and we typically get all notices (or so we thought)?

Regards,

Jeannie Veegh

Deputy Town Clerk

Tiverton Clerk's Office | Town Of Tiverton

Email: townclerk@tiverton.ri.gov | Phone: 401-625-6711

343 Highland Road, Tiverton, RI 02878



From: Bruce Cox [<mailto:bhcox@Slepkowlaw.com>]

Sent: Tuesday, June 15, 2021 11:51 AM

To: Tiverton Clerk (jchabot@tiverton.ri.gov) <jchabot@tiverton.ri.gov>; Mary Lou Sullivan <adminassist@tiverton.ri.gov>; Tiverton Town Clerk Leona Cook (townclerk@tiverton.ri.gov) <townclerk@tiverton.ri.gov>

Cc: Michael.Marcello@lewisbrisbois.com

Subject: FW: CRMC Semimonthly Meeting Notification -- Tuesday, June 22, 2021 -- Bowen, Tiverton

This is the contact information for anyone wishing to comment on the Bowen application.

Bruce

Bruce H. Cox

**SLEPKOW &
SLEPKOW
ASSOCIATES Inc.**

1481 Wampanoag Trail
East Providence RI 02915
401-437-1100
fax 401-433-5066
bhcox@slepkowlaw.com

Welcome back! We are now allowing real estate agents and loan originators to attend closings. We look forward to seeing you soon.

This e-mail message is confidential and is intended only for named recipient(s). It may contain information that is subject

to the attorney-client privilege or the attorney work-product doctrine or that is otherwise exempt from disclosure under applicable law. If have you received this e-mail message in error, or are not the named recipient(s), please immediately notify the sender, delete this message from your computer and destroy all copies. Thank you.

From: Lisa Turner <lturner@crmc.ri.gov>

Sent: Thursday, June 10, 2021 12:55 PM

To: margaretmanning99@gmail.com; kevinpjmoore@icloud.com; kenneth.mendez@gmail.com; jcd401@gmail.com; taylor.mauck@gmail.com; Bruce Cox <bhcox@SlepkiLaw.com>

Cc: 'Ben Goetsch ' <bgoetsch@crmc.ri.gov>

Subject: RE: CRMC Semimonthly Meeting Notification -- Tuesday, June 22, 2021 -- Bowen, Tiverton

Please see attached CRMC Semimonthly Meeting Notification for the Bowen aquaculture application.

Thank you!

Lisa A. Turner

Office Manager
Coastal Resources Management Council
Oliver Stedman Government Center
4808 Tower Hill Road; Room 116
Wakefield, RI 02879
401-783-3370

From: Lisa Turner [<mailto:lturner@crmc.ri.gov>]

Sent: Monday, May 3, 2021 6:34 PM

To: margaretmanning99@gmail.com; kevinpjmoore@icloud.com; kenneth.mendez@gmail.com; jcd401@gmail.com; taylor.mauck@gmail.com; Bruce Cox, Esq., Tiverton Harbor Commission <bhcox@SlepkiLaw.com>

Cc: 'Lisa Turner' <lturner@crmc.ri.gov>; 'Ben Goetsch ' <bgoetsch@crmc.ri.gov>

Subject: CRMC Semimonthly Meeting Notification -- Tuesday, May 11, 2021 -- Bowen, Tiverton

Please see attached CRMC Semimonthly Meeting Notification for the Bowen aquaculture application.

Thank you!

Lisa A. Turner

Office Manager
Coastal Resources Management Council
Oliver Stedman Government Center
4808 Tower Hill Road; Room 116
Wakefield, RI 02879
401-783-3370



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TOWN OF TIVERTON, RHODE ISLAND

TOWN COUNCIL

Coastal Resources Management Council
4808 Tower Hill Road
Wakefield, RI 02879

Re: CRMC File No. 2020-04-037
Hearing Date: June 22, 2021

Dear Commissioners:

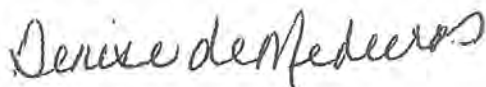
At the regular meeting of the Tiverton town council on June 14, 2021, we heard objections from many residents regarding the proposed off-shore oyster farm being proposed in the application as referenced above.

While we recognize that the Town of Tiverton does not have any authority over the issuance of the actual permit, we are concerned that the notice provision currently contained in the aquaculture statute does not require an applicant and/or the CRMC to provide notice to "abutters" to the project. Such notice would give residents who are affected the ability to actively participate in the public hearing process and assure that everyone's concerns are voiced.

Tiverton residents expressed concerns about the location of the oyster farm and its potential effect on recreational fishing and boating, as well as the lack of specificity as to how the owners would access their farm through privately owned shoreline access. All of these concerns need to be addressed by CRMC as you consider this application.

I am attaching copies of various letters and notices that we received at our town council meeting from concerned residents, and would ask that they be included in your official record at your public hearing scheduled for June 22, 2021.

Sincerely,



Denice DeMedeiros
President, Tiverton Town Council

Enclosures

6/14/2021

Town of Tiverton, Rhode Island Mail - Proposed oyster farm



Public Comment <publiccomment@tiverton.ri.gov>

Proposed oyster farm

1 message

Cynthia Aber <Cynthia.Aber@umb.edu>
To: "publiccomment@tiverton.ri.gov" <publiccomment@tiverton.ri.gov>
Cc: Cynthia Aber <Cynthia.Aber@umb.edu>

Mon, Jun 14, 2021 at 11:30 AM

To the Town Council

As a 50 year summer resident and taxpayer of 42 Driftwood Drive, Tiverton, I want to vehemently voice my opposition to the proposal for the oyster farm in our adjacent waters.

I am appalled that abutters were not notified of this oyster farm proposal and only by chance learned of this meeting tonight with intent to town approval.

This deceptive action should be of grave concern not only to the abutters but to town residents who enjoy the recreational water activities the area provides and who will be adversely affected should this proposal be approved.

I'm afraid the town will have failed miserably in its responsibility as gatekeeper of the town resources to its tax paying citizens if it allows private enterprise to usurp the recreational opportunities offered in the area. If approved, this action could be construed as a miscarriage of justice.

Sincerely,
Cynthia Sousa Aber

Sent from my iPhone

*Public Comments
rec'd 6/14/21 on
designated gmail acct.*

Jeannie Veegh

From: ktlmetcalf <ktlmetcalf@gmail.com>
Sent: Monday, June 14, 2021 11:16 AM
To: publiccomment@tivertonri.gov
Subject: Oyster farm

My name is Kathleen Metcalf and my husband Richard and I have just been informed that a proposal for an oyster Farm in the Sakonnet River in the vicinity of our property at 723 Seapowet Ave is being voted on this evening. First of all we are appalled that we have not been notified of this project in advance . We strongly reccommend this be voted against as we are concerned about the effects of all aspects of a future outcome should this project be allowed. The Sakonet River offers residents and visitors a wonderful place to swim,kayak enjoy the sun and spectacular views. Secondly we are concerned about property values declining. We as tax payers and residents should have a voice in this decision. In closing I also find it disturbing that these types of issues are not publicly available until either the last minute or worse after the fact. Again we strongly oppose this entire project.

Thank you
Kathleen Metcalf

Sent from my Samsung Galaxy , an AT&T LTE smartphone

6/14/2021

Town of Tiverton, Rhode Island Mail - Oyster farm at Sapowet Creek



Public Comment <publiccomment@tiverton.ri.gov>

Oyster farm at Sapowet Creek

1 message

Paul Fulton <paulfulton@verizon.net>

Mon, Jun 14, 2021 at 4:06 PM

Reply-To: Paul Fulton <paulfulton@verizon.net>

To: "publiccomment@tiverton.ri.gov" <publiccomment@tiverton.ri.gov>

Dear members of the Tiverton Town Council,

Only yesterday, I learned that the town of Tiverton is poised to permit an oyster farm opposite the outlet of Sapowet Marsh. I'm surprised and disappointed that abutters were offered no advance notice of this, and I'm told it may be too late to weigh in.

Nevertheless, I would like to register a number of opinions:

1. The decision to approve this oyster farm should be delayed until all questions can be answered, *including input from those in the immediate neighborhood.*

2. I've read some of the proposals, and feel there are some inaccuracies, and omissions. For instance:

The developers claim this is a non-swimming area, citing a report regarding currents. However, visit on any warm day and you will find many swimming (and fishing) in this area.

The developers claim they will service the farms by wading, but do not rule out the use of boats. Where is their access? Is it the ramp at the bend of Driftwood Drive (a private residence)? Will trucks be in the area at low tide, with the noise of machinery? Will generators be running to power hoses to clean the cages?

If this site is good for oysters due to the nutrients coming out of the marsh, how is it the effluents from the oysters won't enter the marsh with unforeseen consequences?

In general, the proposed spot is an unspoiled Tiverton gem, having been successfully protected for generations. There are more suitable spots that are less disruptive to recreation, kayaking, fishing, and the quality of life for local residents.

I respectfully request that this decision be delayed until there is a full airing of the issues.

Sincerely,

Paul Fulton
52 Driftwood Drive

To: Jennifer Cervenka csstaff1@crmc.ri.gov

Referencing: Application 2020-4-037

Date: June 12, 2021

I have been a Tiverton resident for 24 years. I recently became aware of the proposed Bowen Oyster Farm petition, and I would like to express my concerns before it is voted upon on the 22nd of this month.

Like most others in our town (country and world), I was preoccupied with the COVID-19 pandemic over the last year. If there was a public notification of the proposed oyster farm I (and many of my neighbors) were unaware of such. The past year we just experienced was not a year to make a decision that impacts our community without thoughtful input from residents.

What I am requesting is a pause. A pause for the community to come together and have a chance look at this proposal as we begin to emerge from the cloud of this pandemic.

My overall concerns:

- 1.) The timing of the application. One would not expect someone to evaluate an application or anything of import during a house fire, and COVID was our worldwide housefire. While the application process was legal, I believe that the timing and process for notification were not prudent given the pandemic.
- 2.) The concern for leaving public recreational waters open, and well - public. I am perplexed about the reasoning on how a public waterway that is utilized by many recreationally can be leased to private individuals if there is doubt that this will impact the fishing conditions for everyone. I am equally concerned about how the maintenance activities will impact the tranquil nature of the area that the public enjoys.
- 3.) The Bowens mentioned that they would access the traps by water or through private land access. Have they obtained written permission from the landowners that border the proposed oyster farm location for that land access? When some abutting property owners were recently approached by my neighbor, they had no knowledge of this oyster farm proposal. How many other residents are not aware of this proposal? I did read in the proposal that some abutting property owners were on board with the proposal - which is it?
- 4.) What do the twice daily maintenance activities involve? I would like a detailed account of these maintenance activities as they were not described fully in the application. These maintenance activities potentially have an impact on the peace and quiet of this area. This important detail was skimmed over in the application.
- 5.) What state and/or local agency(s) monitor the oyster farm?

- 6.) Are there any time limits on this permit to allow for periodic evaluation and review with public input? I.e., can the permit be withdrawn if the oyster farm is found to have unforeseen problems and/or if the Bowens fail to keep their part of the agreement.

I have not concluded yea or nay about the oyster farm proposal because I have more questions than answers (even after reading the 97-page proposal!).

The Bowen brothers put time, thought and resources in their application. I respect this effort. I also respect the residents in our area and those that recreate here. I believe that the public, too, needs time, information, and a forum for an open dialogue with the Bowens, Coastal Management Resources Commission, The Tiverton Harbor Commission, etc. to be able to weigh in on the oyster farm – pro or con.

Respectfully,

Patty Garber

101 Long Pasture Way
Tiverton, RI 02878

401 226 6922

Lisa Turner

From: Clint Clemens <clintclemens@me.com>
Sent: Monday, June 21, 2021 9:05 PM
To: cstaff1@crmc.ri.gov; bhcox@slepkowlaw.com; DdeMedeiros@tiverton.ri.gov; lturner@crmc.ri.gov
Subject: Seapowet Oyster Farm

CRMC:

I am the owner of the property at 451 Seapowet Ave, Tiverton RI.

I also own the jetty and the two moorings that are directly affected by the proposed applications of 3 acre floating farm in front of our property.

I am just now learning of this since it was never publicly announced by CRMC in any meaningful way.

I DEMAND that my voice and objections be heard, even though the preposterous deadline to register an objection has passed.

This greedy selfish use of a pristine waterfront, which we are required to carefully protect by CRMC, cannot stand. Not only is this waterway used by a number of boaters, kayakers and local fisherman, we also sail small and large 50-60 ft boat onto our moorings and shelter of the jetty. The flotsam proposed in this application would severely impact navigation to our moorings.

How does a for-profit operation from Wakefield get to fly under local concerns in order to profit and destroy our waterfront? Who gives them the right to destroy our property values for their gain? Create yet another unsightly mess of floating junk on the water? We do not want this dumped on our waterfront!

Who approved this? Have the decency to raise your hand and at least let the local stakeholders who are impacted have sufficient notice to register grievance.

This is absolutely outrageous. Town of Tiverton please stand up for our rights.

Please contact me as soon as possible to confirm that I will be able to speak. I will not let this stand.

Respectfully,
Clint Clemens
401-465-1784

Amanda Turco

From: Richard Metcalf <rhmetcalf1@gmail.com>
Sent: Wednesday, June 23, 2021 1:51 PM
To: Kathleen Metcalf
Subject: Fwd: Attn: Ben Goetsch

----- Forwarded message -----

From: Richard Metcalf <rhmetcalf1@gmail.com>
Date: Wed, Jun 23, 2021, 1:48 PM
Subject: Fwd: Attn: Ben Goetsch
To: Jeanne De Souza <desza196@yahoo.com>

----- Forwarded message -----

From: Richard Metcalf <rhmetcalf1@gmail.com>
Date: Wed, Jun 23, 2021, 1:47 PM
Subject: Attn: Ben Goetsch
To: <Cstaff1@crmc.ri.gov>

Greetings Mr Goetsch

My name is Richard Metcalf, I live at 723 seapowet ave in Tiverton. I would respectfully request this email be read out loud at the next meeting. I am very concerned about the proposed oyster farm that will be directly in front of my seawall. There are many concerns that I find troubling. The statement that it is not heavily used by swimmers, kayaker and recreational fisherman is completely false. My wife and I are avid kayaker that travel from the marsh under the bridge into the river. There are times when the strong winds and current make this very difficult. The farms location would make the task far more difficult and dangerous for anyone attempting this. This area is also used by kite surfers and wind surfers. I respectfully request that the oyster farm application be denied. I can think of other locations that would be far more suited for oyster farming that would not have that would not infringe on the rights of the people that enjoy this pristine water way. Thank you for your consideration.

Richard Metcalf

CStaff

From: David Elliott <delliott61@gmail.com>
Sent: Wednesday, June 30, 2021 8:28 AM
To: cstaff1@crmc.ri.gov
Cc: saveaseapowet@gmail.com
Subject: Oyster Farms - file 2020-04-037, file 2021-02-054

Dear Sir/Madam,

I am writing to suggest that pending oyster farm license applications (file 2020-04-037, and file 2021-02-054) are detrimental for both ecological and economic rational.

These licenses have the potential to create oyster farming in a section of the Sakonnet River that provides unique recreational resources and critical ecological benefit. During the summer and increasingly into the early autumn, there is significant recreational activity along this section of the Sakonnet River. Small craft, kayakers, wind-surfers, and swimmers are drawn to this area for its calm waters and access to tidal marsh areas that are particularly unique and vital to the larger tidal eco system. Beaches like Sapowet Beach and Fogland Beach are popular with residents and visitors. The tidal estuary of Fogland Marsh Preserve, and connecting to the Emilie Ruecker Wildlife Refuge, provides a tidal marsh area that supports wetlands and habitat that make it their home.

Locating oyster farms in these proposed locations threatens all these activities.

Rhode Island needs to generate economic growth, and needs to continue to modernize its economy. Aquaculture can contribute to those objectives. It should compliment other significant drivers of economic activity, and if implemented, should be done in a way that supports, not detracts, from the integrity and beauty of the State's coastal topography.

According to Tourism Economics, visitor spending contributed \$4.1b to the RI economy in 2019. Visitor spending grew at an annual growth rate of 4.1% from 2015- 2019. Food and Beverage made up \$1.2 billion and recreation contributed over \$1.1 billion to the economy in 2019. That is significant economic activity, generating jobs and tax revenue. A 4% + compounded growth rate makes this even more compelling. It's a fair statement to suggest that much of the tourism/visitor activity to the State is connected to our unique "Ocean State" coastline. It also suggests that the State and its agencies, including CRMC, must be thoughtful and strategic in how they manages this incredibly valuable asset- Rhode Island's coastline.

Oyster farming is a relatively new industry. There are appealing elements to it. At the surface, the environmental impacts appear favorable. Oysters filter large amounts of the water in which they live. But it is also essential for regulatory/oversight agencies to research and understand the longer term environmental impacts of this industry. Oyster farms consume significant volumes of fresh water and generate significant waste that returns to the source body of water. In the case of these proposed leases, that waste flows into the nearby tidal marshes. Is there clear science that suggests there is no environmental impact over a long period? We all know of plenty of examples of products & services that regulators thought were good ideas at the time, but led to irreparably negative and costly outcomes longer term: Roundup weedkiller, cigarettes, and Oxycontin to name a few.

Most of us don't want our State agencies to create unnecessary roadblocks to economic activity. However, we do want our State agencies to act thoughtfully, responsibly, and with transparency to all parties and States residents. Rhode Island's coastline is a critically vital asset to the State that provides economic activity, tax revenue, and enjoyment. It needs to be managed as such.

Thanks very much,

David M. Elliott
delliott61@gmail.com

CStaff

From: Paul Amaral <pamaral9@cox.net>
Sent: Wednesday, June 30, 2021 1:35 PM
To: rep-edwards@rilegislature.gov; sen-dopalma@rilegislature.gov; rep-mcgraw@rilegislature.gov; cstaff1@crmc.ri.gov; bhcox@slepkowlaw.com; DdeMedeiros@tiverton.ri.gov
Subject: Oyster Aquaculture Project Proposal
Attachments: Oyster Aqua.docx

To whom it may concern

Attached please find a letter of opposition to the project in question. I am requesting that this letter be entered into the official record. Thank you all and have a pleasant day.

Paul Amaral

Tiverton

June 29, 2021

To whom it may concern:

I wish to address the issue of the oyster aquaculture project proposed for the area of Tiverton southwest of Seapowet Creek. Although I do not reside in that specific area of Tiverton, I am always concerned about precedent setting projects that could potentially pose an existential threat to other areas of the town.

The presumption by the applicant that the area in question is not conducive to boating, swimming and fishing causes me to wonder if this is simply a naïve lack of knowledge of the history of the area, or an intentional attempt at deception. This area has a long history of recreational water activities that has been enjoyed by generations of Tiverton and area residents, myself included.

Seapowet area residents have, and continue to pay a high premium in real estate costs and property taxes in order to enjoy scenic vistas, as well as access to the waterfront. This project, and others like it, limits or denies access, and negatively impacts property values. Area residents and other taxpayers should have input, as well as an influence on the approval process for this project and others like it. To do so would be appropriate and in order.

Paul Amaral
Tiverton Resident

cstaff1

From: Diane M. Sterrett <dsterrett4@cox.net>
Sent: Wednesday, June 30, 2021 2:26 PM
To: cstaff1@crmc.ri.gov; bhcox@slepkowlaw.com
Subject: Application file: 2020-04-037 (Bowen Oyster Farm)

Dear Ms. Cervenka and Mr. Cox:

I am writing to express my concern over the Bowen Oyster Farm application and its location in the shallows of Seapowet Cove. I live on Driftwood Drive, adjacent to the cove, and am dismayed that the community was not given any advance warning or opportunity for input until recently. Most have not been aware of this application for a business in our residential neighborhood.

I object to the oyster farm for several reasons:

- As a Driftwood Drive resident, my deeded access to the water is the ramp at the north end of Driftwood. I am concerned at how close the oyster farm is to that location, and that any future expansion or drifting equipment will interfere with my ability to launch my dinghy and access my mooring.
- I am absolutely opposed to allowing commercial operations in a neighborhood that is zoned for residential use.
- This is also a popular recreational kayaking and fishing location, a rare spot where you can wade in from the shore and cast or quahog along the shore. It is currently a healthy spot – what are the long term environmental impacts of an oyster farm on water quality and the ecosystem of the nearby marsh? This is an area the town has protected for decades for the recreational use of all. Why should that be taken away to benefit one operation?

I respectfully request this application not be railroaded through and approved in a less than public process, and that the rights and concerns of abutters be taken into account.

Sincerely,

Diane Sterrett

cstaff1

From: tridentconsulting <tridentconsulting@comcast.net>
Sent: Wednesday, June 30, 2021 4:38 PM
To: council@crmc.ri.gov
Cc: consumers@riag.ri.gov; rep-edwards@rilegislature.gov; sen-dipalma@rilegislature.gov; rep-mcgaw@rilegislature.gov; Michael.Marcello@lewisbrisbois.com
Subject: Seapowet Cove, app 2020-04-037, and the Boehringer and Lundgren Oyster farm, app 2021-02-054.

Dear CRMC Council,

It is with Great Concern that I recently heard through the grapevine (not notified as an abutter) that two more commercial floating oyster farms are about to be permitted by your organization in close proximity to an already existing oyster farm right here in our town of Tiverton! I am a Direct abutter to the very large and only oyster farm directly in front of me at 377 Seapowet Ave, Tiverton RI. As is, when I look out any one of my windows or deck facing the Sakonnet River all I see is 30 commercial bouys directly in my view and a stones throw from my beach ... and now you want to permit two more, just so two commercial oyster businesses can benefit!?! That does not seem fair to the Tiverton residents and the Rhode Island public who fish, swim, kayak and boat in those waters to now deny them access to their own waters.

Right now when I go out to my boat, I have to be extra careful when leaving or returning to my mooring from the main navigable channel in the river, each time I have to pass through the mine field of bouys and now, if permitted, I would be blocked on even more public waters from accessing the main navigable channel and have to avoid floating oyster boxes just to enjoy my right as an abutter and boat owner! This will impact and deny every fisherman, swimmer, kayaker and boater access to their own waters!

Your system is flawed because you have spent decades "Saving the Bay" using Public Tax Dollars for the use of all public and now, without the input from local residents or the public you are intending to turn over pristine watersheet to a few commercial oystermen for their benefit only! There are other more suitable locations for aquaculture operations within Rhode Island waters that will not directly impact the public use of waters that have been preserved since "Save the Bay" originated!

Respectfully,

David H. Smith CDR USN (ret.)

Sent from my T-Mobile 4G LTE Device

cstaff1

From: Marisa Bartolucci <misab@mac.com>
Sent: Thursday, July 1, 2021 2:58 PM
To: cstaff1@crmc.ri.gov
Subject: #2020-04-037 Proposed Seapowet Oyster Farm

I am a resident of this area, I live on Neck Road, and I am outraged that the community was not consulted about this industrial oyster farm. It will forever change the rare, special beauty of Seapowet.

Marisa Bartolucci
917.509.1180

cstaff1

From: Peter Dickison <art@peterdickison.com>
Sent: Friday, July 2, 2021 8:13 AM
To: cstaff1@crmc.ri.gov
Subject: Withdrawing Objection to Application 2020-04-037

Hi,
After speaking directly to this applicant, i feel that they are conscientious and I do not see a conflict with this oyster farm and other recreational use at the site.

I wish to withdraw my objection to this Seapowet oyster farm application.

File#: 2020-04-037
Application Name: John Bowen and Patrick Bowen
City/Town: Tiverton
Description: Create and maintain a one acre oyster farm using bottom cages.

Thank you.

Peterdickison.com
401.787.7451

On Jun 29, 2021, at 8:42 PM, Peter Dickison <art@peterdickison.com> wrote:

File#: 2020-04-037
Application Name: John Bowen and Patrick Bowen
City/Town: Tiverton
Description: Create and maintain a one acre oyster farm using bottom cages.

The Seapowet area is a state owned wildlife management area and recreation site. I visit this public park. There is a parking area and it accommodates a variety of visitors for water access including beach, boat and kayak, fishing and all manner of water access.

I believe this site is not a good match for aquaculture due to the many people who use it for water recreation.

This is an ill-fitted choice for aquaculture /commercial use. As such, the aquaculture application is incompatible with the public use of the Seapowet Marsh Wildlife Management Area, and the public interest is undermined.

I urge CRMC to reject this application.

Peter Dickison
Peterdickison.com
401.787.7451

cstaff1

From: Kelli Viera <klv871@gmail.com>
Sent: Friday, July 2, 2021 10:59 AM
To: cstaff1@crmc.ri.gov
Subject: File # 2020-04-037 and 2021-02-054

Good morning

I would like to make an application to object to the proposed oyster farms both north and south of Seapowet Point

We own land on Seapowet and Driftwood and plan to build a home in the coming year, becoming full time Tiverton residents. We love Tiverton for its environmental beauty and quiet nature. We're concerned about both oyster farms causing noise, pollution, and traffic (water and or vehicle on/near our residence).

Please advise if there is a formal form to complete.

Thank you
Kelli Viera

cstaff1

From: Lizzy Elliott <lse Elliott7@gmail.com>
Sent: Friday, July 2, 2021 1:49 PM
To: cstaff1@crmc.ri.gov
Subject: 2020-04-037 AND 2021-02-054 - We MUST Save Seapowet

Hi there,

My name is Lizzy Elliott and I am a resident of Tiverton, living on Neck Road near the beautiful Seapowet area.

I am writing to express how STRONGLY I oppose the proposed Seapowet oyster farm. It is a direct intrusion on public land and the fragile ecosystem. This wonderful area that I use recreationally must be preserved and protected.

I hope you will do the right thing and protect nature for all to be able to enjoy for future generations.

With gratitude,
Lizzy

cstaff1

From: Sandy CF <moonwolf42@hotmail.com>
Sent: Saturday, July 3, 2021 11:53 AM
To: cstaff1@crmc.ri.gov
Subject: NO TO THE OYSTER FARM

Can we EVER just leave the environment ALONE??? Anything for a BUCK!!!!!!??? Sickening

cstaff1

From: Joe Cleverdon <gybingjoe@yahoo.com>
Sent: Saturday, July 3, 2021 1:49 PM
To: cstaff1@crmc.ri.gov
Cc: info@tivertonlandtrust.org
Subject: Seapowet 2020-04-037 & 2021-02-054

Dear Sir/Madam,

As a local Tiverton resident (I live near Fogland and Seapowet) and professional yacht captain, I am lucky enough to live and work on the last coastline in Rhode Island without commercial marine activity or development. The unique ecosystem of the Sakonnet River will be lost forever if these oyster farms are approved, and will inevitably be followed by more applications and more commercial activity.

The wildlife of the Seapowet marsh is integral to its survival. Commercial activity, tonnes of plastic, daily human interference, and engine noise will drive the animals, birds and fish away. Diesel, oil and plastic will line the shore. Having worked on yachts and lobster boats for 20 years (15 of them here in RI) I know how this will go; accidents and spills happen, bilges get filled with engine oil which is then pumped over the side, soap is used to 'clean it up' but this just makes it sink to the bottom.

Please do your job and protect this unspoiled, pristine coastline. Do not approve these oyster farms.

Sincerely,

Joe Cleverdon

cstaff1

From: Cindy Clements <cindycubaclements@gmail.com>
Sent: Sunday, July 4, 2021 1:49 PM
To: cstaff1@crmc.ri.gov
Subject: Permit Application 2020-04-037

I am writing to comment on permit application 2020-04-037 submitted by John and Patrick Bowen for a shellfish aquaculture farm south of Sapowet Creek in Tiverton, RI. I ask that the CRMC oppose this application.

I live in Tiverton near the proposed farm and I am shocked to learn that the CRMC is considering permitting a farm in this location. This is one of the few places in the area where the public in Tiverton has access to the Sakonnet. On any given warm day, you will find swimmers, kayakers, fishermen, boaters and more in the waters.

I regularly kayak to the area, sometimes turning into the marshes and, on calmer days, around the point. It is stunningly pristine and much appreciated from the shoreline and the water. I also bike and walk in the area and often see people stopped in their tracks, especially on the bridge, to take pictures and to soak in the beauty. What a shame it would be to have this spot marred by the floating plastic used by an aquaculture farm. How sad to have the quiet enjoyment of the scenery and wildlife, including many herons and egrets, disrupted by the emptying and cleaning of cages and other operations and maintenance generated by such a farm.

I am often frustrated by Rhode Island's lack of public options for access to the shoreline and waters. Yet I am proud and protective of the opportunities offered by free and public access to the Sakonnet via this very special spot. People drive miles to come and fish, swim and paddle in the area. Why should we hand over some of this treasured recreational area to a commercial enterprise?

The CRMC has in my experience been a positive force protecting and preserving the coastal waters of Rhode Island. I am confused as to why the neighboring community has had little to no notice of this application to inform the CRMC of how important this area is to us and others. I respectfully request that you give strong consideration to the importance of this area in providing access to the nature and beauty of the Sakonnet River. It belongs to the people.

Sincerely,

Cindy Cuba Clements
563 Neck Rd.
Tiverton, RI=

cstaff1

From: Melanson Glenn <gmelanson@vatvalve.com>
Sent: Monday, July 5, 2021 10:20 AM
To: cstaff1@crmc.ri.gov
Subject: Save Seapowet 2020-04-037 & 2021-02-054
Attachments: 20171124_095842.jpg; 20180903_071522.jpg; 20161114_060705.jpg; 20180923_185832.jpg; 20210606_090930.jpg

Hello CRMC,

I live at 801 Seapowet Ave. and walk my dog Duffy down to the Seapowet Beach twice a day. The beach and marsh are 2 of the most beautiful areas in Tiverton. Hundreds of people come to the beach in the morning to fish, watch the sunrise and enjoy a cup of coffee. There are also hundreds of birds that enjoy this little piece of heaven. A couple of years ago biologist came down to the Seapowet Marsh to plant sea grass and clean the marsh. The wildlife has steadily improved. I am very concerned about the future of the marsh if an oyster farm is flushing the debris from oysters at the mouth of the marsh. 25,000 oysters will upset the balance of the natural shellfish in the area. Hundreds of people come to the beach and marsh to clam, crab and fish. I hope the CRMC will prevent 2 people from coming into Tiverton to ruin this beautiful wildlife sanctuary. This is God's Country and should be kept pristine for everyone to enjoy. Oyster Farms should be in areas that don't affect so many people from enjoying the coastline.

Sincerely,

Glenn Melanson

cstaff1

From: Peter Jenkins <peter@saltwateredge.com>
Sent: Monday, July 5, 2021 7:07 PM
To: cstaff1@crmc.ri.gov; jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov;
 robert.ballou@dem.ri.gov
Cc: Rich Hittinger; Steve Medeiros; Peter Nilsen
Subject: Bowen Oyster Farm - Seapowet

June 30, 2021

Dear CRMC Council Members,

I am writing in opposition to a proposed oyster farm at the mouth of Seapowet Marsh. And frankly, to express my frustration in the effectiveness of the CRMC vetting process as it relates to other stakeholders. I write as a representative of the Access Committee of the Rhode Island Saltwater Anglers Association (RISSA), as a small business owner (The Saltwater Edge), and as a recreational angler who has fished Seapowet many times. The placement of this oyster farm is in an area used by recreational anglers would significantly reduce access for these anglers, especially at low tide. The RIMFC's recent decision in a 4-3 vote to support the project was based on limited public input from recreational anglers. Many stakeholders for this project were not notified of the agenda item and were not able to provide feedback at the meeting. I learned of that meeting at 3pm on the day of the meeting. Reports from the meeting were that the members were deadlocked in a 3-3 vote and the chair was forced to resolve the deadlock by casting the deciding vote. Had there been more opportunity and notice to stakeholders to provide their perspective, the outcome of the vote could have been different.

The proposed site in its revised location will still unreasonably interfere with, impair, and significantly impact existing use of tidal waters. From my experience and in conversations with local anglers, the proposed one-acre site would occupy and obstruct approximately 30% of the fishable area at low tide. There are few waters in Rhode Island that are as safe and as accessible as this area for recreational anglers who wade fish. I have a number of customers through my business who regularly fish this area. Further, DEM has invested taxpayer dollars to create a free parking area on the site for anglers, swimmers, windsurfers, and others to enjoy the Seapowet Marsh.

The application states the following:

"The water depth and coarse sand/gravelly bottom are not conducive to boating, swimming**, or fishing,...The area SW of Seapowet Point is extremely shallow and cannot be safely navigated during low tides*. The area west of Seapowet and Fogland Points present dangerous swimming conditions.** Fishermen, shellfishermen (sic) and bathers typically use the area to the north of the Seapowet Creek...."*

I feel there are a few inaccuracies with this statement.

- As someone who owns a fishing tackle shop and advises anglers on tackle and tactics, I know that the water depth is very conducive to fishing and when anglers ask for advice on where to shore fish safely, Seapowet is one of the few good options in the East bay especially when fishing with children.
- The fact that it cannot be safely navigated by boats at low tides is exactly why this is a prime area for the shore angler who likes to wade fish. Boat traffic interferes with surf fishing. There is easy, free taxpayer-funded parking, and it is safe to wade at night on both sides of the creek.

Based on a more accurate understanding of the location, it is clear that the project does not meet the Coastal Resources Management Program – Section 1.3.1(A) -Category B Requirements. The project fails to demonstrate that the alteration will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters and/or the shore.

The poor notification process for the RIMFC's June 7th meeting did not allow me to attend and to provide this perspective to the committee. I have cc'd the Chair, Bob Ballou, on this email since he cast the deciding vote.

While I did meet with the proposed applicants, appreciate their perspective, and empathize with their journey and many adjustments they've made to their application, I believe the application process for aquaculture projects like these through the CRMC is flawed. This is a larger concern beyond the Bowen Farm in particular. The process as it stands lacks adequate stakeholder user input. For example, if actual users of this area were actively made aware through notices in the monthly newsletters of RISSA and the Rhody Fly Rodders, and local town newspapers, then the MFC, CRMC, and local residents would have the opportunity to provide feedback earlier in the process. The reason for what might feel like a late surge in opposition to the project is that stakeholders are only finding out about the application now.

Finally, as a small business owner whose livelihood depends on fishing access, and as a passionate recreational angler, I encourage the Council to vote against granting this permit in the proposed location and find another area that better meets Category B requirements. The CRMC should learn from this case and quickly adjust the application process to collect better information so applicants like the Bowen's and stakeholders like me are not subjected to the struggles of cases like these.

Sincerely,

Peter Jenkins
Owner, The Saltwater Edge
Chair, RISSA Access Committee

Cc:
Jennifer Cervenka, Chair CRMC
Jeffrey Willis, Executive Director, CRMC
Benjamin Goetz, Aquaculture Coordinator, CRMC
Robert Ballou, Chair, RIMFC
Bruce Cox, Tiverton Harbor Commission
Rich Hittinger Chair, RISAA Legislative Committee
Steve Medeiros, President, RISSA
Peter Nielsen, President, Rhody Fly Rodders

cstaff1

From: Amy Joseph <aljscp@earthlink.net>
Sent: Monday, July 5, 2021 9:58 PM
To: cstaff1@crmc.ri.gov
Subject: Re: object to oyster farming in Tiverton

I am a resident of Tiverton and use the Seapowet beach on a daily basis for walking in nature and taking in its natural beauty. I object to the two proposals made below!!!

Sincerely,
Amy Joseph Main Rd. Tiverton

FILE NAME FOR APPLICATION SOUTH OF SEAPOWET POINT:

John Bowen and Patrick Bowen

2020-04-037

FILE NAME FOR APPLICATION NORTH OF SEAPOWET POINT:

Boehringer and Lundgren

2021-02-054

cstaff1

From: Gene Sartini <sartinigene@comcast.net>
Sent: Tuesday, July 6, 2021 8:03 AM
To: cstaff1@crmc.ri.gov
Subject: Seapowet

To whom it may concern, I am writing to ask that the proposed oyster farm at Seapowet is not allowed to be established. Seapowet provides a nice fishery for older people like myself. We are able to easily access the beach and fish for Striped Bass, Bluefish and several other species. Quite often people wade to the end of the sand bar near the bridge to fish. Placing an oyster farm directly in front of the outflow can restrict the movement of stripers and bluefish as they try to access the entrance to the estuary. The activitey of tending the farm will have a negative impact.

Please don't let profit ruin a beautiful natural area.

Sincerely,
Gene Sartini

cstaff1

From: Julie Miller <jmm.jmiller@gmail.com>
Sent: Tuesday, July 6, 2021 11:17 AM
To: cstaff1@crmc.ri.gov
Subject: Files 2021-02-054, 2020-04-037

Hello CMRC-

I'm concerned about the impact two applications for commercial aquaculture will have on public access and use of the Sakonnet River (North and South of Seapowet). I only recently learned about and read these applications and the structures they propose to house in the middle of pristine swimming and boating areas, and hope it's not too late to submit an objection. Could you please direct me to any forms or instructions required for filing an objection?

Thank you,

Julia Miller

91 Bonniefield Dr., Tiverton, RI

cstaff1

From: Rhode Island Chapter <rhodeisland@backcountryhunters.org>
Sent: Wednesday, July 7, 2021 10:23 AM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; jason.mcnamee@dem.ri.gov
Cc: cstaff1@crmc.ri.gov; phillip.edwards@dem.ri.gov; woods.michael.c@gmail.com
Subject: BHA Objection to Aquaculture Lease - CRMC File No. 2020-04-037
Attachments: BHA Opposition to Proposed Aquaculture Lease (CRMC File No. 2020-04-037).pdf

Hello Jeff, Ben and Jason,

Attached is a letter outlining the New England Chapter of Backcountry Hunters and Anglers' opposition to the proposed aquaculture lease adjacent to Sapowet Wildlife Management Area - CRMC File No. 2020-04-037. Don't hesitate to reach out if there are any questions - I would be happy to discuss our position on the issue further.

Best,

Michael Woods
Saunderstown, RI
Chair, New England Chapter Board
Backcountry Hunters and Anglers



NEW ENGLAND BACKCOUNTRY HUNTERS AND ANGLERS

July 6, 2021

To: Benjamin Goetsch – Aquaculture Coordinator, RI CRMC
Jeff Willis – Executive Director, RI CRMC
Jason McNamee – Deputy Director, Bureau of Natural Resources, RI DEM

Re: BHA Opposition to Proposed Aquaculture Lease (CRMC File No. 2020-04-037)

As the fastest growing organization of hunters and anglers in the nation, Backcountry Hunters & Anglers (BHA) seeks to ensure North America's outdoor heritage of hunting and fishing in a natural setting. Our members consider protecting and expanding access to public lands and waters a top priority, and recognize that access to wild places and abundant fish and wildlife populations are some of the most important factors to our participation in, and the perpetuation of, our outdoor traditions.

With these things in mind, we oppose the proposed aquaculture lease in waters adjacent to Sapowet Marsh Wildlife Management Area in Tiverton (CRMC File No. 2020-04-037). To be clear, we are not opposed to aquaculture as a practice, but rather to the siting of this application specifically. For hunters, anglers and other outdoor recreationalists who rely on public access Sapowet Marsh WMA is one of the last places in Rhode Island where we can experience undeveloped coastal marsh habitat and placing a commercial oyster growing operation in such close proximity will disrupt the activities we enjoy.

According to DEM's Outdoor Recreation mapping tool there are approximately eight public shoreline access points along the twelve miles of Tiverton-Little Compton shoreline abutting the Sakonnet River between Fort Adams and Grinnell's Beach. These access points are mirrored on the Coastal Resources Management Council's Rights-of-Way mapping tool. Three of these access points are Town or State beaches and parks that are heavily used by the public (Grinnell's, Fogland, Fort Adams) and simply do not provide the type of solitary outdoor experience that many recreational users seek. Several of the others are designated rights-of-way, but do not provide ample parking and are unsuitable for hunting because of proximity to occupied dwellings. In the 2018 Rhode Island Outdoor Recreation Survey administered by DEM as part of the State Comprehensive Outdoor Recreation Planning (SCORP) process an overwhelming 64% of respondents indicated protecting wilderness was a top priority – the most important of any type of park or recreational facility in the survey. Of the eight access points previously mentioned only one stands out as a place where recreational users can find ample parking and enjoy the wilderness of RI's coastal marsh habitat with a fishing rod, clam rake or shotgun in their hands – and that access point is Sapowet Marsh WMA.

On the topic of hunting - one of the many opportunities Sapowet Marsh WMA provides is for hunters to pursue puddle ducks that enjoy the shallow, mucky waters on the interior marsh, geese that frequent the adjacent agricultural fields, and diving ducks that utilize deeper water in the adjacent Sakonnet River. To put it simply, Rhode Islanders' coastal access is disappearing with each commercial and residential development that's approved along our shoreline. Sapowet Marsh WMA and the adjacent waters are deserving of protection from development as one of the last locations where these pursuits can be carried out in saltwater without a boat or private access and permission, and the only such place along the Sakonnet River. The 500'

setback required for hunting with firearms only applies to occupied dwellings – so hunters would still be allowed to legally hunt on the WMA if the proposed lease were allowed. Placing a commercial oyster growing operation in the proposed location will at a minimum deter waterfowl and other wildlife from using the area because of recurring, increased activity, and could degrade the experience of pursuing waterfowl at Sapowet WMA to the point that hunters are no longer interested in utilizing the area. It could also lead to conflicts and safety concerns – both for aquaculture workers and for hunters and dogs engaged in hunting near submerged equipment.

Between 2015 and 2017 over \$40,000 was invested in Sapowet Marsh WMA to improve coastal habitat and public access. Approximately 25% of those funds were granted through the U.S. Fish and Wildlife Service's Federal Aid to Wildlife Restoration program, commonly referred to as the Pittman-Robertson Act. This program, which is funded by hunters and recreational shooters who buy hunting and fishing licenses, tags, and stamps and pay taxes on firearms, ammunition and hunting equipment, provides grant funds to restore, conserve, manage and enhance wild birds and mammals and their habitat. It is regrettable, given the considerable investment made in the area using money taken from the hunting and shooting communities, that the concerns raised with regard to disruption of hunting activities in the area of the proposal are not addressed or even acknowledged or considered in the application.

When applying for aquaculture leases one of the requirements of applicants is to “demonstrate that the alteration will not unreasonably interfere with, impair or significantly impact public access to, or use of, tidal waters and/or the shore.” **Until negative impacts to its use for hunting – which is a traditional and historic use of Sapowet Marsh and the adjacent waters – are considered and addressed we urge the CRMC, the Division of Fish & Wildlife and the other parties involved in the aquaculture lease consideration process to reject the proposal before them (CRMC File No. 2020-04-037).**

Sincerely,

Michael Woods
Saunderstown, Rhode Island
rhodeisland@backcountryhunters.org

Rhode Island State Leadership Team Chair
New England Chapter Board
Backcountry Hunters and Anglers

cstaff1

From: Annie Geissinger <acgnbh@gmail.com>
Sent: Tuesday, July 6, 2021 8:30 AM
To: cstaff1@crmc.ri.gov
Subject: Seapowet permit application John Bowen and Patrick Bowen 2020-04-037

I am writing to object to the proposed oyster farm that would limit public access to the beautiful waters, beaches and marshes of Seapowet Point.

The point offers such beautiful, natural places for fishing, kayaking, walking--all activities which benefit the public and leave no harm at all to the environment. This is what I value, and what I stand for, for all of us--beautiful spaces and access to them over money-making and despoliation and yet more noise and gas pollution.

Please reject this application.

Sincerely

Anne Geissinger
Tiverton RI .

cstaff1

From: Clint Clemens <clintclemens@mac.com>
Sent: Tuesday, July 6, 2021 9:40 AM
To: cstaff1@crmc.ri.gov
Subject: Letter of objection
Attachments: Seapowet Waterway.pdf; Untitled attachment 00115.htm

CRMC Members. Please carefully consider this for the following matters:

John Bowen and Patrick Bowen

2020-04-037

Boehringer and Lundgren

2021-02-054

This letter serves as a warning to all decision makers regarding the proposed oyster farms in the Seapowet Waterway.

I have sailed the Sakonnet since the 1960's. I lived on my yawl in Tiverton Harbor year round for 4 years. I have sailed 20,000 ocean miles since. I know a hazard at sea.

The Sakonnet is unique in Rhode Island. The shores are not dotted with industrial or marina use. The Sakonnet offers views of rolling farms and stone walls . The water above Fogland is shallow except for the channel. This is why we don't have shipping traffic. On a summer SW breeze, power boats returning on a Sunday from the Cape and Islands, duck into the Sakonnet to head up the bay to the western marinas, rather than face the SW wind offshore.

The channel narrows and is near to shore at R10 off Seapowet Point. This creates a zone of heavy wake and traffic. Consequently, numerous small vessels seek safer water outside the channel to the east. The area is calmer and there is some protection from the fetch from the south by Seapowet Point.

The launch area at the Seapowet bridge, both from the beach, inside the estuary and to the south along Driftwood Dr, is quite popular. These public sites provide safe jumping off points for canoes, kayaks, and small boats. Many of these folks are new to the water, many from underserved communities. They launch and set out to explore what the locals call "The Seapowet Waterway" which links the Seapowet Marsh beach areas to the small ponds and inlets, Jack's Island and the [Emilie Reucker Audubon](#) refuge in upper Seapowet to the north.

Use of this Seapowet Waterway regularly includes fishermen wading, clamming, swimming, kayakers paddling and fishing, small craft such as Sunfish and cat boats, small power boats fishing the coastline, kite boards, windsurfers, and yachts dropping their hook to raft up in the protection of Seapowet Point.

If the proposed Boehringer and Lundgren three acre floating farm is permitted, this will cause a serious danger to all the small craft who enjoy this last gorgeous seascape on our Sakonnet.

If the Bowen application is approved by CRMC, then the many people who use the estuary, beach and shoreline for fishing and enjoying the water will be impacted by an acre of shallow underwater traps. Someone is going to trip or get tangled up in this mess.

Imagine a summer or fall day, the fish are running and you are chasing the blues up the coast. A thunderhead appears to the west. You're near Jack's Island and the storm is coming fast. Wind whips up. Wind against tide. The water is stacking up everywhere. You paddle as hard as you can to get back to your launch at the Seapowet Bridge. But you get tangled up in acres of steel cable, floating plastic traps. You get disoriented. Perhaps you are sculling as you do often. You row backwards always. You lose an oar in the cables, you fall in. You panic because you're a novice on the water in your kayak or rowing shell.

This is not a fictional scenario. Over the years there have been rescues up and down the Sakonnet, near the harbor and much further south. I personally stood on station in my boat as I waited for the Coast Guard with three panicked men without an engine getting blown out to sea in a strong northerly. My wife and son have stood on station waiting for the CG when a fisherman was killed when he fell over into his motor.

The truth is, the water is not the same as land. As we encourage underserved communities to use the water in RI, and we especially invite them to Seapowet, we must recognize that many don't have the skills necessary to understand and survive unfamiliar obstructions at sea. Folks travel often to enjoy the Seapowet Waterway, and they should be able to do this without barriers.

With the wonderful Emilie Reucker Wildlife Audubon preserve on the north end and the [Audubon Seapowet Marsh](#) on the southern end, the Seapowet Waterway is one of the last near pristine areas

Seapowet Seaway

accessible to all in our state. The parking is free, the beach accessible. With the crowding of other water access points, the popularity of this beach has grown exponentially during the pandemic.

Therefore, the decision by the [Tiverton Harbor Commission](#) and the review and potential approval by CRMC to allow shallow traps in a heavily used public area, as well as 3 acres of cabling and floating traps off Seapowet Point, pose a public safety hazard. Someone is going to get hurt. True abutter and stakeholder notification and feedback could have avoided the [outcry](#). Please help us keep this waterway safe for all.

Clint Clemens

cstaff1

From: Joan Rastegar <jkrastegar@gmail.com>
Sent: Friday, July 9, 2021 4:35 PM
To: cstaff1@crmc.ri.gov
Cc: SaveSeapowet@gmail.com
Subject: File 2020-04-037 (Bowen Oyster Farm)

Dear CRMC members,

I'm writing to voice my objection to the Bowen Oyster Farm application to develop an oyster farm (aquaculture site) on the Sakonnet River at Seapowet Marsh. This beautiful waterway should be preserved for public access and use. The proposal would result in limiting the public's right to use the Sakonnet for boating, sailing, fishing, kayaking, paddle boarding, parasailing, bird watching, and just simply sitting beach-side and enjoying the site of all these activities on the water. This public includes Rhode Islanders, but also visitors from other states and even foreign countries.

Please reconsider and reject this permit.

Yours sincerely,
Joan Rastegar



July 9th, 2021

State of Rhode Island
 RI Coastal Resources Management Council
 Stedman Government Center, Suite 3
 4808 Tower Hill Road
 Wakefield, RI 02879-1900

Subject: Bradley Boehringer & Travis Lundgren
 Application number: (RI CRMC 2021-02-054)

Attention: Jeffrey Willis, Executive Director
 Tracy Silvia, Permitting

To Whom it May Concern,

On behalf of the Rhode Island Canoe and Kayak Association (RICKA), I am writing to bring attention to concerns regarding the permit to construct and maintain a commercial lease site using floating and submerged gear for oysters & scallops at the Sakonnet River, Sapowet Marsh. RICKA consists of over 200 members and among the stated purposes in our constitution are to develop and promote boating and water safety practice, provide members with the opportunity for recreational paddling, and enable members to speak with a common voice on matters of concern to the paddlers."

As a Canoe/Kayak recreational club, our members have expressed concerns that the implementation of commercial oyster and scallop farming at the Sapowet marsh will impact public access to paddlers. In addition, our members have concerns that this project will impact the scenic and natural setting enjoyed by paddlers. We have concerns regarding protecting open space, wildlife habitat and existing agricultural lands and coastline in Tiverton.

Additional concerns that have been brought to the attention of the RICKA Executive Board by are members are the following:

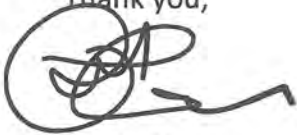
- The lack of visibility of the oyster farms poses safety hazards and potential damage to personal watercraft, particularly if our paddlers were to unknowingly come across an oyster farm in diminished visibility due to fog, weather or evening paddles.
- Shifts in tides can make a submersed oyster cage fine to paddle over at high tide but when the tide changes, they could cause damage to kayaks and canoes.
- Contrary to the application, both our Flat Water and Sea Kayakers access boat launches in these waters and there is concern regarding access, particularly at low tide.
- The notification process was also a concern in that many of our members learned of this late in the process. Communication of these type of projects could be better among the

recreational groups that are most impacted by this type of development of recreational waterways.

- The economic value lost to the State by people that can no longer use the resource to recreate should be considered.

I believe our members would be impacted by this project and are requesting that consideration be given to maintaining access to recreational canoe and kayakers. Please feel free to contact me if you have further questions.

Thank you,

A handwritten signature in black ink, appearing to be 'Pat Lardner', enclosed within a hand-drawn circle.

Pat Lardner
President, Rhode Island Canoe and Kayak Association
pslardner@gmail.com
588 Victory Highway
West Greenwich, RI. 02817

cc: stonefoxfarm@juno.com
doshea5031@aol.com
rentringer42@gmail.com
vtbren1@gmail.com

cstaff1

From: Kate Hines <kate@katehines.com>
Sent: Monday, July 12, 2021 7:40 AM
To: cstaff1@crmc.ri.gov
Subject: Oppose The Bowen 2020-04-037 and Boehringer 2021-02-054 Permits in Tiverton

Dear CRMC

I am deeply concerned about the imminent permitting for 2 large oyster farms located in Tiverton, in the shallows of the Sakonnet River.

We live about a mile south and see all kinds of boaters, swimmers, kayakers, shell fishermen and other sports, and families enjoying the waters in all seasons!

Both permits have been considered and have been partially approved without any public notification or conversation.

Both have been submitted by people who don't live in Tiverton.

The town will receive zero revenue for the loss of these pristine waters and the quietude there. The environmental impact is huge.

Let me address the quietude - 3 acres of oyster beds require frequent cleaning, which will be done w/ equipment fueled by gas powered generators - just consider the noise pollution. Plus the constant hauling by refrigerated trucks up and down the narrow residential streets.

This is a residential neighborhood, I am certain there is a commercial area better suited to a commercial aqua farm of this scale.

I trust you will do your utmost to delay these permits, until a proper and thorough review has been conducted.

Sincerely
Kate Hines
Tiverton

cstaff1

From: Khurana, Rakesh <rkhurana@hbs.edu>
Sent: Monday, July 12, 2021 8:23 AM
To: council@crmc.ri.gov
Cc: bhcox@slepkowlaw.com; bgoetsch@crmc.ri.gov; cstaff1@crmc.ri.gov
Subject: RE: File # 2020-04-037 Bowen Oyster Farm

Dear CRMC Council Members,

I am writing in opposition to the proposed oyster farm at the mouth of Seapowet Marsh. I live in Tiverton and am an active user of the area of the proposed marsh. I am not against oyster farms, but I am against placing this farm in this location for the following reasons:

- **Restricted public access.** The size and location of the farm will displace those who use it for recreational activities. I frequently kayak in and around the Seapowet Marsh and the area where the proposed farm will be located. At low tides, I see others use the proposed site for swimming, wading, fishing, and other water sports. The farm will create an impediment to these activities.
- **Violation of Rhode Island's Public Trust Doctrine.** The state is responsible for maintaining those waters for the public to use. Granting an oyster farm lease in this limited area contradicts this Public Trust Doctrine because the farm removes waters from public use for recreational fishing, kayaking, windsurfing, and other water sports.
- **Failure of CRMC Category B Requirement, Section 1.3.1(A).** The project fails to 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.
- **Commercial venture at the expense of established existing public use.** The area is heavily used for recreation. Why give up existing rights to use a designated public area in favor of two people who want to set up a commercial oyster farm?
- **Failure in the CRMC aquaculture approval process.** If CRMC had an effective approval process with meaningful community input, I believe this application would not have gotten this far. Given some of the flaws in the approval process, I understand that the CRMC is reviewing its application process. There was a significant failure in the CRMC aquaculture approval process for providing notice to stakeholders, particularly Tiverton community residents.

I only recently found out about this application from Tiverton friends and neighbors. I shared my concerns with two CRMC officers who were inspecting the Seapowet area last week. Our Rhode Island waters are too valuable recreationally and economically to make decisions without adequate stakeholder input. I encourage the Council to reject this application until it can develop a more thoughtful process and plan for towns like Tiverton and the entire Narragansett Bay.

By cc on this letter, I'm also asking the Tiverton Harbor Commission to revisit their initial decision on this project so they can collect better input from those who use this area.

Sincerely,

Rakesh Khurana

cstaff1

From: Hugh O'Mara <hugh.omara@gmail.com>
Sent: Monday, July 12, 2021 6:30 AM
To: cstaff1@crmc.ri.gov
Subject: File # 2020-04-037 (Bowen Oyster Farm)

Good morning,

It was recently brought to my attention that an application for oyster aquaculture is being considered that would restrict access to public areas in tiverton. I am a resident and this greatly concerns me. I am opposed to any such development and would like to be notified of any future discussions on this topic.

Thank you for your time.

Sincerely,

Hugh O'Mara

cstaff1

From: Aiden FitzGerald <aiden.fitzgerald@gmail.com>
Sent: Monday, July 12, 2021 8:32 AM
To: Aiden FitzGerald
Subject: 2020-04-037

Dear Officials,

As a Tiverton town resident who lives on Neck Rd. and enjoys frequent recreational use of the Sakonnet River and the Seapowet area, I object to the proposed oyster farms here. I believe that the aquaculture permit applicants should be required to obtain support from the abutting property owners and surrounding community members. I am hearing great opposition from our community-- our proposed resolution is that the aquaculture farmers apply for sites that are already used for commercial aquaculture, and/or do not impact public access to this beautiful area.

Thak you,

Aiden FitzGerald

385 Neck Rd, Tiverton, RI

cstaff1

From: Janice Vincent <rijv51@gmail.com>
Sent: Monday, July 12, 2021 9:11 AM
To: cstaff1@crmc.ri.gov
Subject: Proposed Oyster Farms at Seapowet

Dear CRMC,

I am hugely disappointed, and frankly horrified, that the leaders at CRMC have NOT considered the impact of the following proposed oyster farms on the beautiful beach and sanctuary of Seapowet, nor sought input from the Tiverton residents who have enjoyed this pristine area for many generations to swim, kayak, and bring our dogs there to swim.

File # 2020-04-037 (Bowen Oyster Farm) - a .97-acre submerged farm south of Seapowet

File # 2021-02-054 (Boehringer/Lundgren Oyster/Scallop Farm) - a 2.97-acre floating cage oyster and scallop farm, north of Seapowet bridge.

My family are multi-generational residents of Tiverton (since the 1800s). My grandparents were avid fishermen and brought my sisters and I to Seapowet to fish and swim. They also used to dig fresh clams and quahogs there until the area was destroyed by people from Fall River, MA. I now kayak in the sanctuary and bring my granddaughters there to swim and play in the sand. I teach them the importance of all natural resources: clean, fresh water and clean air, and the important role wildlife plays in the balance of nature. They love to watch the ducks and cranes that inhabit Seapowet.

Both applicants **do not live in Tiverton, nor enjoy the beautiful natural resources of Seapowet.** The Bowen brothers are from Little Compton. I can guess why they didn't attempt to put an oyster farm in Little Compton – the many wealthy people who own/live on the coastline would never allow it. We Tiverton residents may not be able to match the wealth of Little Compton residents, but it does not mean we love our natural resources any less. The Bowens purchased a tiny lot in Seapowet for the sole purpose of getting a foothold in Tiverton for their oyster farm. They have no local connections nor any interest in Tiverton other than as a business venture.

Mr. Bohringer and Mr. Lundgren are residents of South Kingstown. Why are they not starting their oyster farm in their own hometown? My best guess is for the exact same reason the Bowen brothers did not try to start their oyster farm in Little Compton: wealthy people who own/enjoy the beautiful southern RI coastline would never allow it.

I implore CRMC to reconsider the impact of both oyster farms on the average Tiverton residents who have enjoyed the beauty and natural resources of Seapowet for generations. Seek our input. Show us the onsite assessment that you conducted regarding the impact of two oyster farms on the pristine coastline and wildlife of Seapowet. Once these proposals are approved, there's no turning back.

Sincerely,

Janice Vincent
135 Stone Church Road
Tiverton, RI 02878

Sent from [Mail](#) for Windows 10

cstaff1

From: Matty Bauer <mpbauer170@gmail.com>
Sent: Thursday, July 15, 2021 1:44 PM
To: cstaff1@crmc.ri.gov
Subject: CRMC File No. 2020-04-037

To CRMC Staff

My name is Matt Bauer and I am asking you to oppose the proposed aquaculture lease in waters adjacent to Sapowet Marsh Wildlife Management Area in Tiverton (CRMC File No. 2020-04-037). As a lifelong hunter and angler, my family and I have enjoyed the public access at Sapowet Marsh. As a new father, I have looked forward to taking my son into the marsh to chase waterfowl and striped bass. With more and more of Rhode Island's coastline falling into the hands of commercial and residential development, public areas like Sapowet are even more important than ever. I am in no way opposed to the practice of aquaculture but instead of the location of this specific farm, Sapowet Marsh is a special place for the hunters, anglers, and outdoor recreationalist in a time where wild places are becoming a thing of the past.

Thank You,

Matt Bauer
Tiverton, Rhode Island

cstaff1

From: Karl Elias <kelias@alum.mit.edu>
Sent: Thursday, July 15, 2021 6:13 PM
To: cstaff1@crmc.ri.gov
Subject: objection to permit applications

I am writing to document objection to the following aquaculture applications:

FILE NAME FOR APPLICATION SOUTH OF SEAPOWET POINT:

John Bowen and Patrick Bowen

2020-04-037

FILE NAME FOR APPLICATION NORTH OF SEAPOWET POINT:

Boehringer and Lundgren

2021-02-054

Karl Elias

cstaff1

From: Stephanie Khurana <skhurana@drkfoundation.org>
Sent: Thursday, July 15, 2021 9:20 PM
To: : council@crmc.ri.gov; CC: bhcox@slepkowlaw.com; bgoetsch@crmc.ri.gov; cstaff1@crmc.ri.gov
Subject: Seapowet Marsh- Oyster Farm Opposition

Dear CRMC Council Members,

Thank you for your commitment to managing our coastal resources. It's a critical job that I deeply appreciate given the importance of preserving our public access rights.

I am writing in opposition to the proposed oyster farm at the mouth of Seapowet Marsh. I live in Tiverton and am an active user of the area of the proposed marsh. I am not against oyster farms or entrepreneurial activities to foster livelihoods which is core to my professional work. However, I am against placing this farm in this location for the following reasons:

- **Restricted public access.** The size and location of the farm will displace those who use it for recreational activities. I frequently kayak, run, and swim in and around the Seapowet Marsh and the area where the proposed farm will be located. In all seasons, I enjoy this space along with others for use of the proposed site for swimming, wading, fishing, and other water sports. The farm will create an impediment to these activities. To be clear, this is my absolute favorite coastal place on the planet. Me and my extended family enjoy the beautiful coast of Rhode Island here and the natural habitats that you have carefully preserved over time to allow us, our children, relatives and friends to experience nature in its most beautiful habitat.
- **Violation of Rhode Island's Public Trust Doctrine.** The state is responsible for maintaining those waters for the public to use. Granting an oyster farm lease in this limited area contradicts this Public Trust Doctrine because the farm removes waters from public use for recreational fishing, kayaking, windsurfing, and other water sports.
- **Failure of CRMC Category B Requirement, Section 1.3.1(A).** The project fails to 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.
- **Commercial venture at the expense of established existing public use.** The area is heavily used for recreation. Why give up existing rights to use a designated public area in favor of two people who want to set up a commercial oyster farm? There are hundreds of us who use this space on a regular basis. It is an anchor to our community.
- **Failure in the CRMC aquaculture approval process.** If CRMC had an effective approval process with meaningful community input, I believe this application would not have gotten this far. Given some of the flaws in the approval process, I understand that the CRMC is reviewing its application process. Thank you. There was a significant failure in the CRMC aquaculture approval process for providing notice to stakeholders, particularly Tiverton community residents.

I only recently found out about this application from Tiverton friends and neighbors. Our Rhode Island waters are too valuable recreationally and economically to make decisions without adequate stakeholder input. I encourage the Council to reject this application until it can develop a more thoughtful process and plan for towns like Tiverton and the entire Narragansett Bay.

By cc on this letter, I'm also asking the Tiverton Harbor Commission to revisit their initial decision on this project so they can collect better input from those who use this area.

Sincerely,

Stephanie Ralston Khurana

--
Stephanie Khurana

Managing Partner, Chief Operating Officer

[Draper Richards Kaplan Foundation](#)

535 Boylston Street, 7th Floor, Boston MA 02116

O: 617-830-7122 | C: 617-821-6554 |

We invest in social entrepreneurs who change the world.

cstaff1

From: Jeanne De Souza <desza196@yahoo.com>
Sent: Monday, July 19, 2021 10:37 PM
To: CStaff1; Lisa Turner
Cc: Liz Mendez
Subject: Letter for Bowen File 2020-04-037 RIMFC meeting

Hello Amanda and Lisa,

Could you please put the below letter from Kenny Mendez to the head of DEM in the Bowen File 2020-04-037? I will be sending over a series of letters that I feel are important to include in the file.

Thank you very much!!

Jeanne De Souza

From: Kenny Mendez <kenneth.mendez@gmail.com>
Subject: Recent RIMFC meeting
Date: June 11, 2021 at 11:07:28 AM EDT
To: janet.coit@dem.ri.gov
Cc: Peter Jenkins <peter@saltwateredge.com>, Steve Medeiros <stevem@risaa.org>, Justin <jcd401@gmail.com>

Dear Director Coit,

I am writing to make you aware and to ask for your additional oversight on the decision by the Marine Fisheries Council at its meeting on Monday, June 7, to vote in favor of placement of an oyster farm in the Seapowet Marsh Recreational Area in Tiverton. I believe the notification process for the Monday, June 7 public hearing was inadequate per RIGL Section 42-46-6 ("Open Meetings"). The lack of notice potentially impacted the outcome of the 4-3 vote to support the placement of the project. (It also appears from the RIMFC website that three of the nine council members' terms have expired.) I submitted a comment letter by email to RIMFC staff on June 3. As of June 3, there was no meeting of the council posted on the RIMFC calendar. I did not hear back from RIMFC staff about my submission until June 7th. On June 7th, the staff person notified me that there would be a council meeting that evening at 6pm on the proposed project. I did not receive formal notification about the meeting.

I know of at least three other stakeholders who were unaware of this meeting, including a representative from the Rhode Island Saltwater Anglers Association. I was the lone voice for public comment from the recreational angler. I am sure there would have been others but they were not given notice of the meeting. These stakeholders had also submitted letters or had signed up to speak at the CRMC public hearing on May 11 when the application was being considered for review (the application was sent back to the RIMFC because it lacked an RIMFC opinion on the project).

I and others are trying to provide the recreational angler perspective on this project. The proposed location of the oyster farm would occupy almost 30% of the fishable area at low tide for recreational anglers. I live on the Seapowet Marsh. My family are active users of the area where the proposed farm will be placed. I and many other anglers regularly use this area frequently. This local perspective has been absent in the public comment process because of its location as part of a DEM managed area. I am attaching the

materials I submitted to the MFC, copies of my email stakeholder correspondence, and an image of the farm placed within the low-tide fishable area.

Thank you for your kind attention to this matter and I look forward to hearing back from you.

Sincerely,

Kenny Mendez
703-304-1488

cstaff1

From: Jeanne De Souza <desza196@yahoo.com>
Sent: Monday, July 19, 2021 11:20 PM
To: CStaff1; Lisa Turner
Cc: Liz Mendez
Subject: Letter for Bowen File 2020-04-037 - Objection Letter from Diane Sanna
Attachments: Letter Tiverton oyster farm — Misleading claims, lack of public notice _ EastBayRI.com.pdf

Amanda and Lisa,

Re: File 2020-04-037 (Bowen Oyster Farm).

Could you please add the below attachment that supports our objection to the application CRMC File 2020-04-307 (Bowen Oyster Farm).

This is an online post written by Diane Sanna - "Letter: Tiverton oyster farm - misleading claims, lack of public notice" that was posted on July 7, 2021 as well as a link to the letter on the website. This letter appeared in the print version of the Sakonnet Times on July 8, 2021. Thank you.

<https://www.eastbayri.com/little-compton/stories/letter-oyster-farm-misleading-claims-lack-of-public-notice,91461?>

Thank you.

Jeanne De Souza

Letter: Tiverton oyster farm: — Misleading claims, lack of public notice

Posted Wednesday, July 7, 2021 12:00 am

To the editor:

Tiverton once again is fighting to protect and preserve its unique natural resources as oyster farm developers make misleading claims and seek to limit recreational use of Seapowet waterfront areas. Without notification to Seapowet residents, the Coastal Resource Management Council (CRMC) is reviewing two permits for the creation of aquaculture farms in backyards of Seapowet residents.

One of the developers, Bowen & Bowen of Little Compton has claimed that the Seapowet area is "not conducive to boating, swimming, or fishing." They are proposing 200 sixteen-inch high cages, as outlined in their CRMC application (File #2020-04-07, available at SaveSeapowet.org). Interesting that they did not propose this commercial venture in their own community.

Local residents are rallying to understand the process and why they were not notified. As part of the review process, CRMC sought authorization from DEM, RI Marine Fisheries, RI Office of Water Resources, RI Historical Preservation Commission, and the US Army Corps of Engineers, but not Seapowet residents. The Tiverton Harbor Commission has also reviewed this project with no notification to residents. The impact of these projects includes not only restricted access to waterfront recreational activities and disruption to the natural landscape of our town, but also the establishment of commercial businesses in residential areas. These factors should be of concern to all members of our community.

Moving forward, I hope the community will be better informed of the government entities responsible for ensuring public input so as to be included in each step of the process. This is essential to ensuring that Tiverton residents for generations to come may continue to enjoy the benefits of coastal living; swimming, fishing, kayaking in their own backyards, as well as the opportunity to preserve Tiverton's natural resources — perhaps the most valuable asset of our

community.

Diane Sanna

Tiverton

OTHER ITEMS THAT MAY INTEREST YOU

Letter: The little things, like good old cars, make a difference (/little-compton/stories/letter-the-little-things-like-good-old-cars-make-a-difference,91021)

Letter: Don't let oyster farm diminish beautiful Seapowet Creek (/little-compton/stories/letter-dont-let-oyster-farm-diminish-beautiful-sakonnet-creek,91620)

Letter: Protestors target Tiverton farming with misinformation (/little-compton/stories/letter-protestors-target-local-farming-with-misinformation,91483)

Letter: Proposed Tiverton oyster farm presents serious hazard to navigation (/little-compton/stories/letter-proposed-oyster-farm-presents-serious-hazard-to-navigation,91485)

cstaff1

From: Jeanne De Souza <desza196@yahoo.com>
Sent: Monday, July 19, 2021 11:24 PM
To: CStaff1; Lisa Turner
Cc: Liz Mendez
Subject: Objection Letter (by Will Newman) Bowen File 2020-04-037
Attachments: Letter Tiverton oyster farm — neighbors needed to know _ EastBayRI.com.pdf

Amanda and Lisa,

Re: File 2020-04-037 (Bowen Oyster Farm).

Please add the attachment below that supports our objection to the application CRMC File 2020-04-307 (Bowen Oyster Farm).

The attachment is the online post written by Will Newman - "Letter: Tiverton oyster farm neighbors needed to know" that was posted on June 29, 2021 as well as a link to the letter on the website. This letter appeared in the print version of the Sakonnet Times on July 1, 2021. Thank you.

https://www.eastbayri.com/stories/letter-tiverton-oyster-farm-neighbors-needed-to-know_91292

Thank you.

Jeanne De Souza

Letter: Tiverton oyster farm — neighbors needed to know

Posted Tuesday, June 29, 2021 12:00 am

To the editor:

At every level of government this question, too much or too little, is difficult to answer. Today in Tiverton the tension inherent in this question concerns notifying abutters of a proposed oyster farm.

In most states, which are larger with greater populations, this kind of issue would normally be handled at the county level.

In Rhode Island, of course, there are counties in name only with the result that no buffer exists between our town councils and the state government.

This gap can seem very wide, especially since most state agencies have paid "professional" staffs, while many town boards and committees are filled by volunteers.

It is flatly wrong and contrary to common sense for no one to have statutory responsibility to promptly inform abutters for all public or private proposals that will impact their property, allowing them ample time to make their concerns known. In these cases a little more government would protect the public and aid the transparency we must expect from decision-makers.

Let this particular case shine a light on a broader issue that needs real attention.

Will Newman

Tiverton

OTHER ITEMS THAT MAY INTEREST YOU

Letter: Open schools without masks on kids (/stories/letter-open-schools-without-masks-on-kids,91766)

cstaff1

From: Jeanne De Souza <desza196@yahoo.com>
Sent: Monday, July 19, 2021 11:28 PM
To: CStaff1; Lisa Turner
Subject: Objection Letter - Kathy Metcalf Letter to the Editor - Bowen File 2020-04-037
Attachments: Letter Don't let oyster farm diminish beautiful Seapowet Creek .pdf

Amanda and Lisa,

Here is another attachment that supports our objection to the Bowen Oyster Farm file 2020-04-037.

The attachment is a letter to the editor from Kathy Metcalf to the Sakonnet Times published on July 14, 2021. The link to the online letter is below.

Thank you.

Jeanne De Souza

Letter from Kathy Metcalf to the Sakonnet Times/EastBayRI newspaper, published July 14, 2021

<https://www.eastbayri.com/stories/letter-dont-let-oyster-farm-diminish-beautiful-sakonnet-creek,91620?newsletter=91773>

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East Bay This Week - July 17, 2021 (/newsletter.html?sub_id=91773) / Letter: Don't let oyster farm diminish ...

Letter: Don't let oyster farm diminish beautiful Seapowet Creek

Posted Wednesday, July 14, 2021 12:00 am

To the editor:

This letter is addressing CRMC file no. 2020-04-037 Bowen oyster Farm project to be located in the Sakonnet River within the Seapowet Creek area. Just a few years ago the DEM along with Save The Bay improved this area to "restore the natural habitat."

As a resident of this area for over 20 years I can assure you that Seapowet Point is an active beach and beautiful spot for activities including fishing, kayaking, kite surfing and spectacular sunsets. Year-round, cars (many from out of state) are there enjoying the view.

The proposed oyster farm needs to be questioned as to location. There are many areas that would better suit this project that would not inhibit public use of the waterway, not to mention the installation of commercial farming in a residential well-established neighborhood.

Please look at the website savesepowet.org for more information and facts. DEM and Save The Bay have worked hard in the past to preserve Seapowet Point — let's not have it taken away.

Kathy Metcalf

Tiverton

[Back to newsletter](#)

cstaff1

From: Jeanne De Souza <desza196@yahoo.com>
Sent: Monday, July 19, 2021 11:32 PM
To: CStaff1; Lisa Turner
Subject: Objection Letter by Todd Corayer - Bowen File 2020-04-037
Attachments: Improving CRMCS Public Awareness - Fishwrap Writer.pdf

Amanda and Lisa,

Please add the attached materials that support our objection to the application CRMC File 2020-04-307 (Bowen Oyster Farm).

Attached is a .pdf of an online post: "Improving CRMC's Public Awareness" that was posted online on July 15, 2021 as well as a link to the website. Thank you.

Jeanne De Souza

<https://fishwrapwriter.com/2021/07/14/improving-crmcs-public-awareness/>

Improving CRMC's Public Awareness

 fishwrapwriter.com/2021/07/14/improving-crmcs-public-awareness/

Todd Corayer

July 15, 2021



Share This Article On...

"They have such a head start," said Tiverton resident Ken Mendez, waist deep in an incoming Sakonnet River tide. Casting a fly rod southwest, he aimed to fool a striped bass feeding near the Seapowet Bridge and not foul hook a yellow corner buoy without numbers, marking a proposed shellfish aquaculture business. Mr. Mendez and others have fished this small river mouth for years at all hours, in all conditions, where people also swim and paddle kayaks. In March of 2020, John and Patrick Bowen applied to the Coastal Resources Management Council (CRMC) to lease .95 acres of public waters to grow



Corner marker for proposed shellfish aquaculture lease site in Tiverton, RI

Eastern oysters there. Nearing completion of the process, there is considerable, rising opposition to the lease but more so, calls for improving CRMC's public awareness of a gated system which permits businesses in public waters in front of people's homes without ever speaking with them, leaving abutters and historical users quite often out of the conversation.

"We bought this house because of the fishing," Mr. Mendez said, looking out over the Seapowet Marsh, piles of research and computer models. He is concerned because the site is in prime fishing grounds so he's weighed risks of waving the flag and giving up a spot. Anyone with good Yankee stock would know that place is fishy. Whether you fish, swim, hike or park to watch suns warm new days, we have secret spots for a reason. Anglers from the country's oldest fly fishing club, the Rhody Fly Rodders and a few folks in the know, wade fish there when times and tides align. As is increasingly the case, shared State resources

support many users but the question with the Bowen lease is, should one trump another, especially when one has been practiced for generations? Additionally, recreational fishing is worth approximately \$412 million dollars annually in Rhode Island. In 2019, CRMC reported “the combined value of aquaculture products for consumption and seed sales was \$6.07 million, down slightly from 2018 figures.” The State’s gross domestic product the same year was \$61,883,800,000 so aquaculture contributed a fraction of one per cent to our economy.



Just west of the Seapowet Marsh

Mr. Mendez's wife Liz said, “It’s not about oyster farming, it’s about the location.” Through Tiverton’s website, Mr. Mendez learned CRMC accepted the application on 4-13-20, read of prior regulatory meetings and realized how far along the process had progressed. He and Mrs. Mendez began asking questions and speaking with neighbors and that should be a mandated, shared effort by applicants and CRMC. If the CRMC application and consideration system exists to balance all users then equal energy should be expended by applicants to inform every resident they can manage. Permitting a shellfish farm on the Sakonnet isn’t equal to opening a shoe store in General Commerce zoning where another store previously existed. The proposed Bowen site is where people fish. Given such extensive financial and emotional costs expended fighting for and against a recent aquaculture business expansion in South Kingstown, where countless abutters and recreational users learned of the application only when this column alerted them, it might have been a learning moment to reevaluate a system which fails even surrounding neighbors.

That hasn’t happened.

Letters of opposition or requesting more public noticing were received after the thirty day period which indicates friends and family knew about the application but the vast majority of residents or users of the public recreation area did not. According to the East Coast Shellfish Growers Association’s Code of Conduct for Molluscan Shellfish Culture in the Eastern United States, growers shall, “Make a best effort to communicate early and openly with water-based and land-based neighbors about any facet of their operation which might affect them.”

Peter Jenkins, owner of The Saltwater Edge, American Saltwater Guides Association Board Chair and RI Saltwater Anglers Association Access Committee representative, wrote to CRMC: “The placement of this oyster farm in an area used by recreational anglers would significantly reduce access for these anglers, especially at low tide. The RIMFC’s recent decision in a 4-3 vote to support the project was based on limited public input from recreational anglers. Many stakeholders for this project were not notified of the agenda item

and were not able to provide feedback at the meeting. I learned of that meeting at 3pm on the day of the meeting." The application system is listing and it's not necessarily the Bowens' fault.

With the Bowen application, there was concern regarding its proximity to shallow water so "CRMC proposed an amended site." Why is CRMC proposing an amended site? Is the role of CRMC to evaluate specifics of a business proposed in public waters and determine if it is appropriate for the greater good which may impact existing users or to coach applicants through the process to obtain a lease? I don't recall being coached through my last building permit application.

If the job of our State regulatory body and it's aquaculture coordinator is to assist and coach, who is the State appointed coach to help residents and abutters who have little or no background in shellfish husbandry or this waterslide application process which might land a major league business in front of their home without any prior notice? Does Rhode Island offer an ombudsman for those who feel railroaded by a process they might never have experienced? My name is on the CRMC email list so I can understand potential impacts of such applications but strangely, I never received notice of this or another larger application just north of this site, proposed by Bradley Boehringer & Travis Lundgren. I wonder why that happened.



Townspeople are calling for a change at CRMC

Opposition is not always "NIMBY"

"In my opinion," Patrick Bowen said, "most of the opposition to our farm has come from wealthy individuals who are relative newcomers to Tiverton and Rhode Island and who exemplify the NIMBY hypocrisy." Indeed, applicants often feel frustrated when they proceed according to the rules then end up awash in last minute opposition. You will notice he said, "our farm" and not, "our application." This case seems different because siting is only part of the issue. When good people pay good money, Tiverton's 2020 tax rate is \$16.19 per thousand, they should be afforded fair warning of a sea change to their viewshed by the very government collecting their tax dollars, which are substantially based on the value of their viewshed. Improving CRMC's public awareness policies would hopefully prevent abutters from being ignored.

Opposition to the Bowen proposal exploded quite quickly. Yellow "Preserve Your Right to Seapowet Waterway" signs appeared near the bridge and inland. Some are the size of plywood sheets. Others call to "Reform CRMC." On 6/30/2021, Mr. Mendez requested Attorney General Peter Neronha to, "put a stop to all oyster farm permit reviews until serious

defects in the Rhode Island Coastal Resources Management Council governance structure and permitting processes can be remedied."

"It's not about the people," Mrs. Mendez said. The Bowens are following rules which afford applicants cover and a head start. Their file initially included eight letters of support, none written by Tiverton residents and two of opposition received within the public comment period, both of which are from Tiverton. At a 3/1/2021 virtual Tiverton Harbors Committee meeting, Mr. Bowen stated, "There have been no letters of opposition received from adjacent property owners," but there were letters of opposition dated as early as 5/19/2020, yet CRMC's Aquaculture Coordinator and meeting participant, Ben Goetsch, sat silently. There is palpable frustration at how much time and effort residents have expended to mobilize against something they might not even fully understand and that is the system failing them. "People are feeling threatened, to save their property," Mrs. Mendez said.



Signs of opposition can be seen throughout Tiverton

If improving CRMC's public awareness had been a priority, they might encourage applicants to knock on a few doors. Mr. Bowen is justifiably concerned by last minute misinformation and a Save Seapowet website, which can be deliberate or knee-jerk from people who don't know much, if anything, about a threat they perceive. The average homeowner likely has no knowledge of floating ADPI bags, upwellers, tumblers or trawl lines. So what happens when they feel cornered? They react, especially when there's a clock and it's almost done ticking.



Ken Mendez casts for striped bass in the mouth of Seapowet Marsh

And what about hunters in the marsh? In a 7-6-2021 letter to CRMC and other regulators, Backcountry Hunters & Anglers New England Chapter Board Chair, Michael Woods wrote, "Upon reviewing the application and associated documents, it is clear that impacts to hunters' use of the area was not acknowledged, considered or addressed at any point despite the lease's proposed location being less than 500 feet from the WMA's boundary and

the inlet to the marsh. This is shocking not only because Sapowet Marsh WMA and the adjacent waters have been used by hunters for decades, but also because over \$10,000 was granted in 2015 to improve Sapowet Marsh WMA through the U.S. Fish and Wildlife Service's Federal Aid in Wildlife Restoration Program, commonly referred to as the Pittman-Robertson Act." Another fail in the system.

Because aquaculture applications are made for state waters and abutters are most often on town land, CRMC has no mandate to directly notify those who might be most affected. In a 6-24-2021 Sakonnet Times article, Tiverton Town Council Vice President Michael Burk, "Was leery of inserting the town into a process over which it has no regulatory authority." And therein lies another problem. When it comes to processing aquaculture applications, which are business applications, the State and towns are convenient, distant cousins. To build a house or add a garage, you often need to notify abutters. And the permitting process is the applicant's burden. CRMC places burdens of application monitoring and information gathering on townspeople. Meanwhile, the rest of us have to send certified letters to neighbors when we want to stand up a wood shed.

Finding no wild clams or shifting the site a few clicks only whitewashes issues of visual impact, historical uses, noise of daily business operations and obstruction to fishermen and women who want to practice their sport. Regardless of husbandry methods, aquaculture requires gear, biofouling remediation, harvest methods, timely means of live animal transportation and access to the site. Where will the Bowens maintain or store their gear? Where will the gear be cleaned and dried? Walking across a sandy beach sounds romantic but the reality of managing a lease is serious business. On April 25, 2021, Patrick M. Bowen was the Authorized Signer for Strait Landing LLC, which then purchased 0.12 acres at 701 Seapowet Way. This land would afford access to the lease, described by CRMC Coordinator Goetsch as "A small family farm." Applying for .95 of an acre seems like a preliminary step because, given the proposed layout of trawls, it would require serious time before oysters pay for that strait strip of land.

"This is not a commercial area," Mr. Mendez said, balancing on a piece of old carpet, peeling off his waders in a pebble and slipper shell RIDEM Seapowet parking lot. Just to the north, Bradley Boehringer and Travis Lundgren have applied for three acres to deploy floating and submerged gear in front of Clint Clemens' home and David Rose's third generation farm land.

"I was never notified by anybody," Mr. Rose said of the application. He is one of the two closest land owners abutting the proposed business and only learned of the application while researching a different subject on line. In a 7-6-2021 social media post, Mr. Lundgren wrote, "The floating gear is aesthetically pleasing to someone who enjoys seeing mother nature do her best work. Wine vineyards have rows of post and fencing, our farm will have rows of floats dancing in the waves. It is a farm you can admire, engage with, or very easily steer clear due to there being minimal underwater hazards." The application calls for gear throughout the water column and vineyards are typically terrestrial, not positioned in shared

public waterways. His post leaves unclear what "engage with" might mean. As such, the same social media posts reads, "Furthermore the beach front that the farm is adjacent to is a protected coastline that is designated for sandpipers to nest. Humans are NOT permitted to use this beach and there are many signs posted by the DEM about not using the beach. The video of "north seapowet today" on the website shows people ILLEGALLY standing on the nesting grounds of an ENDANGERED species." In fact, according to the US Fish and Wildlife Service, the only endangered or threatened bird species in Rhode Island are piping plovers, red knots and Roseate terns. The shoreline above mean high water is private property, not RIDEM land. It is posted and owned by Mr. Rose.

"There are a couple different styles of farming that we plan on doing (sic) however the style that is most discussed is our use of floating gear," the CRMC application cover letter states. Such a discussion is sorely missing from the process. It also states, "we will be using a gas-powered (sic) water pump to wash off the cages..." and somehow, there is no requirement, let alone any courtesy, to inform any property owner. "We look forward to hearing from other residents and we always look to be a positive influence in our community around us...establishing a business that will last generations," they wrote, already assuming they will be in business for generations. Imagine how believable that would be if they started the process at a Groundswell Cafe table for a coffee with the neighbors to discuss their plans. Ideas and concepts would be available for all those interested and impacted. The Cafe would surely move in a few extra tables to accommodate the crowds who planted all those signs opposing the lease, which might not have happened at all if there was some basic respect and decorum. And there are a lot of signs.

How did no one even consider the hunters? What happened to New England? Are we all in on tourism at the expense of those traditions which made our part of the world so attractive to all those tourists, like fishing and hunting?

Improving CRMC's public awareness policies has never been more important.

CRMC's aquaculture application process is upside down

There should be at least one obvious outcome from these applications. The CRMC process for permitting aquaculture businesses is upside down. It does not stand as an impartial intermediary between one group looking to lease, from the people, a shared resource. Instead it seems to coax applicants through a system lubricated with modifications to appease the few who are actually watching. How does the body managing coastal resources not alert a landowner that there might be three acres of floating plastic bags, in an era trying desperately to remove plastic from the sea, located in front of their house, abutting their moorings, disturbing their peace and in a few years, possibly changing husbandry methods or increasing lease size?

It's time for a sea change at CRMC.

4 Comments

1.



Erin Elliott on July 15, 2021 at 9:47 am

Thank you for this in-depth story. A great summary of what is going on. Change MUST happen. In the meantime, this pristine area-providing access to all-is at threat. Appreciate this coverage. -Sincerely, a very concerned neighbor on the Sakonnet River.

[Reply](#)



[Todd Corayer](#) on July 17, 2021 at 9:42 am

Thank you Erin. I hope this piece and the hard work from Tiverton residents resonates with CRMC and they adjust their policies for contacting and respecting people. And thank yo for reading Fish Wrap, I always appreciate people making time to read it. Todd

[Reply](#)

2.

Robert Maietta on July 15, 2021 at 10:57 pm

Bravo Todd. Well said. Articulated perfectly. I hope my state representative is reading your column. I will forward it forthwith.

[Reply](#)



[Todd Corayer](#) on July 17, 2021 at 9:39 am

Thank you sir. It's time for a change in the way they solicit public input. As always, thank you for reading, I do appreciate it.

[Reply](#)

cstaff1

From: Jeanne De Souza <desza196@yahoo.com>
Sent: Monday, July 19, 2021 11:37 PM
To: CStaff1; Lisa Turner
Cc: Liz Mendez
Subject: Supporting Article - Objection - Bowen File 2020-04-037
Attachments: Proposed Tiverton oyster farm meets resistance _ EastBayRI.com.pdf

Amanda and Lisa,

Re: File 2020-04-037 (Bowen Oyster Farm).

Please add the attached materials that support our objection to the application CRMC File 2020-04-307 (Bowen Oyster Farm).

Attached is a newspaper article titled "Proposed Oyster Farm Meets Resistance" that was published in the Sakonnet Times newsprint paper on June 24, 2020 and posted online on July 1, 2021.

Thank you, and really appreciate your assistance.

Jeanne De Souza

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Proposed Tiverton oyster farm meets resistance

Hearing with the CRMC continued to a later date



(/uploads/original/20210701-151518-sepowet%20oysters-person2.jpg)

Posted Thursday, July 1, 2021 3:17 pm

By Kristen Ray

TIVERTON – An influx of resident concerns over a proposed oyster farm in the Seapowet Marsh area prompted a lengthy debate over if – and how – abutters should be notified of potential aquaculture projects in Tiverton's waterways during the Town Council's regular meeting last Monday, June 14.

Submitted by Little Compton brothers John and Patrick Bowen, the application seeks permission from the Rhode Island Coastal Resources Management Council (CRMC) to place a .97-acre, 200-cage aquaculture operation in the Sakonnet River, located southwest of Seapowet Creek. That area, the brothers said in their proposal, is rich with nutrients, and would not conflict with any recreational activities; as a result of the water depth and coarse and gravel seafloor, it is "not conducive to boating, swimming, or fishing."

But numerous residents said Monday night that that is hardly the case. "Visit on any warm day," Paul Fulton wrote in a letter to the council, and the site is full of swimmers, kayakers and fishermen.

"...The proposed spot is an unspoiled Tiverton gem, having been successfully protected for generations," Mr. Fulton continued. "There are more suitable spots that are less disruptive to recreation, kayaking, fishing, and the quality of life for local residents."

Resident Kathleen Metcalf said she fears that an abutting oyster farm would negatively impact property values.

"As taxpayers and residents, we should have a voice in this decision," she wrote.

And there are still plenty of questions that need to be answered, added resident Patty Garber, like what the daily maintenance would consist of and what local and state agencies, if any, would monitor the farm.

"What I am requesting is a pause," she pleaded to the council in her letter. "A pause for the community to come together and have a chance (to) look at this proposal as we begin to emerge from the cloud of this pandemic."

A question of responsibility

Probably most alarming, abutters said, is that they had been given no prior notice of the Bowens' proposal; residents had only first learned about it earlier this month, at the same time the application was nearing its final stages with the CRMC.

"It's like we don't have a leg to stand on when we don't have enough time to defend ourselves and defend our property," said Jeanne De Souza, who lives in front of where the farm would be located.

That is becoming a pattern, councilor Donna Cook said — time and time again, residents are finding out about these aquaculture operations at the last minute. It is becoming clear, she said, that abutters want to be notified of these developments by mail – but that is something the CRMC, at present, is not required to do.

"I think that's a weakness in the whole process," she said.

Though the CRMC does post applications on their website, Ms. Cook said that the "ordinary person" does not continuously check online updates. She asked the council if there is a way the town could help mitigate this issue for residents, whether it be through ordinance or policy.

While he said he appreciated Ms. Cook's efforts, vice president Mike Burk was leery of inserting the

cstaff1

From: Jeanne De Souza <desza196@yahoo.com>
Sent: Tuesday, July 20, 2021 12:25 AM
To: CStaff1; Lisa Turner
Cc: Liz Mendez
Subject: Objection Letter - Bowen File 2020-04-037 - Clint Clemens Article Sakonnet Times
Attachments: Clint Clemens Article Sakonnet Times.pdf

Amanda and Lisa,

Could you please add the attachment in support of our objection to the Bowen File 2020-04-037.

The article was in the Sakonnet Times, July 15 edition, see on-line link below, and attachment.

[Letter: Proposed Tiverton oyster farm presents serious hazard to navigation | EastBayRI.com - News, Opinion, Things to Do in the East Bay](#)

Thank you very much.

Jeanne De Souza

EastBayRI

Letter: Proposed Tiverton oyster farm presents serious hazard to navigation

Posted Monday, July 12, 2021 12:00 am

To the editor:

This letter serves as a warning to all decision makers regarding the proposed oyster farms in the Seapowet Waterway. I have sailed the Sakonnet since the 1960's. I lived on my yawl in Tiverton Harbor year round for four years. I have sailed 20,000 ocean miles since. I know a hazard at sea.

The Sakonnet is unique in Rhode Island. The shores are not dotted with industrial or marina use. The Sakonnet offers views of rolling farms and stone walls. The water above Fogland is shallow except for the channel. This is why we don't have shipping traffic.

On a summer southwest breeze, power boats returning on a Sunday from the Cape and Islands, duck into the Sakonnet to head up the bay to the western marinas, rather than face the southwest wind offshore. The channel narrows and is near to shore at R10 off Seapowet Point. This creates a zone of heavy wake and traffic. Consequently, numerous small vessels seek safer water outside the channel to the east. The area is calmer and there is some protection from the fetch from the south by Seapowet Point.

The launch area at the Seapowet bridge, both from the beach, inside the estuary and to the south along Driftwood Drive, is quite popular. These public sites provide safe jumping off points for canoes, kayaks, and small boats. Many of these folks are new to the water, many from underserved communities. They launch and set out to explore what the locals call "The Seapowet Waterway" which links the Seapowet Marsh beach areas to the small ponds and inlets, Jack's Island and the Emilie Reucker Audubon refuge in upper Seapowet to the north.

Use of this Seapowet Waterway regularly includes fishermen wading, clamming, swimming, kayakers paddling and fishing, small craft such as Sunfish and catboats, small power boats fishing the coastline, kite boards, windsurfers, and yachts dropping their hook to raft up in the protection of Seapowet Point.

If the proposed Boehringer and Lundgren three-acre floating farm is permitted, this will cause a serious danger to all the small craft that enjoy this last gorgeous seascape on our Sakonnet. If the Bowen application is approved by CRMC, then the many people who use the estuary, beach and shoreline for fishing and enjoying the water will be impacted by an acre of shallow underwater traps. Someone is going to trip or get tangled up in this mess.

Imagine a summer or fall day, the fish are running and you are chasing the blues up the coast. A thunderhead appears to the west. You're near Jack's Island and the storm is coming fast. Wind whips up — wind against tide. The water is stacking up everywhere.

You paddle as hard as you can to get back to your launch at the Seapowet Bridge. But you get tangled up in acres of steel cable, floating plastic traps. You get disoriented. Perhaps you are sculling as you do often. You row backwards always. You lose an oar in the cables, you fall in. You panic because you're a novice on the water in your kayak or rowing shell.

This is not a fictional scenario. Over the years there have been rescues up and down the Sakonnet, near the harbor and much further south. I personally stood on station in my boat as I waited for the Coast Guard with three panicked men without an engine getting blown out to sea in a strong northerly. My wife and son have stood on station waiting for the Coast Guard when a fisherman was killed when he fell over into his motor.

The truth is, the water is not the same as land. As we encourage underserved communities to use the water in RI, and we especially invite them to Seapowet, we must recognize that many don't have the skills necessary to understand and survive unfamiliar obstructions at sea. Folks travel often to enjoy the Seapowet Waterway, and they should be able to do this without barriers.

With the wonderful Emilie Reucker Wildlife Audubon preserve on the north end and the Audubon Seapowet Marsh on the southern end, the Seapowet Waterway is one of the last near pristine areas accessible to all in our state. The parking is free, the beach accessible. With the crowding of other water access points, the popularity of this beach has grown exponentially during the pandemic.

Therefore, the decision by the Tiverton Harbor Commission and the review and potential approval by CRMC to allow shallow traps in a heavily used public area, as well as three acres of cabling and floating traps off Seapowet Point, pose a public safety hazard. Someone is going to get hurt.

True abutter and stakeholder notification and feedback could have avoided the outcry. Please help us keep this waterway safe for all.

Clint Clemens

Seapowet Seaway

Tiverton

cstaff1

From: Jeanne De Souza <desza196@yahoo.com>
Sent: Tuesday, July 20, 2021 12:31 AM
To: CStaff1; Lisa Turner
Cc: Liz Mendez
Subject: Objection Letter - Bowen File 2020-04-037 - Russ Dexter - Article Sakonnet Times
Attachments: Russ Dexter Article Sakonnet Times.pdf; Andrew Rhyne.pdf

Amanda and Lisa,

Could you please add the attachment in support of our objection to the Bowen File 2020-04-037.

The article posted today in the Sakonnet Times. I am also including the article that Mr. Dexter is referring to.

Thank you very much.

Jeanne De Souza

EastBayRI

Letter: Protestors target Tiverton farming with misinformation

Posted Monday, July 12, 2021 12:00 am

To the editor:

We are so lucky to live in a part of the country that has abundant open space and a rich tradition of local food production. However, open space and local food production require continuous support from elected leaders and residents to prosper.

The production of aquatic plants and animals (aquaculture) is one of the oldest forms of agriculture on the planet. Some of the most environmentally friendly forms of agriculture are growing shellfish and seaweeds in nearshore waters.

Shellfish and seaweeds growing in our bay require no feed or fertilizers that most terrestrial farming requires. Shellfish and seaweeds remove nutrients from the water and significantly improve the local water quality of an area.

Shellfish farming has increased in popularity up and down the east coast of the US. Rhode Island, like many states, has developed a strict and measured plan to help farmers get leases to sites and ensure that only a tiny sliver of a given embayment or body of water is open for shellfish farmers. Most aquaculture permits and rulemaking occurs at the state level. Rhode Island's plan has been developed to keep other users' interests in mind, water access, commercial fishermen, recreational boaters, etc.

It is unfortunate to see baseless claims about oyster farming crop up in Tiverton from time to time. Rhode Island, like many other states, expressly included aquaculture within the scope of their right-to-farm protections. Unlike many letters and yard signs, there is no threat to the local waterways posed by a small local oyster farm. The local oyster farm, a bonafide farming operation, is as industrial as a local organic produce producer or pasture of hay.

Local farmers should be admired for their hard work and great food, yet some in Tiverton swat away farmers with NIMBY threats and misinformation. There are a lot of good information resources readers can turn to for accurate information about shellfish farms. NOAA is an excellent place to start: <https://www.fisheries.noaa.gov/topic/aquaculture>

Andrew L. Rhyne, PhD

Professor of Marine Biology

Little Compton

Letter: Writer wrong — Oyster farm proposals are not small

Posted Tuesday, July 20, 2021 12:00 am

To the editor:

In the Sakonnet Times letters to the editor, July 15, Dr. Andrew L. Rhyne claims that Tiverton residents are making baseless claims about the proposed oyster farms for Seapowet Conservation area. Dr. Rhyne is making the incorrect claims.

Dr Rhyne claims that Rhode Island keeps recreational uses in mind when approving oyster farms. He also states that the farm will not interfere with the local waterways. Yet the proposed oyster farm is right off Seapowet Conservation land where land is protected for residents to kayak, fish and swim. Placing the farm here will interfere with the use of conservation land set aside for free public use.

Dr Rhyne claims that only a small sliver of water will be used by the oyster farms. Once again he is wrong. The entire area from Fogland Beach through Seapowet to Emily Ruecker Wildlife Refuge is designated available for more oyster farms according to the CRMC.

In fact there is an open proposal for an 8 1/4 acre farm almost immediately south of the Seapowet farm and a three acre farm proposed immediately north of Seapowet Point. A small oyster farm has been proposed for Fogland and two other farms are already operating in the area. A Save Seapowet advocate has calculated that up to 128 acres of oyster farms can be fit into the space designated open to oyster farms off our shores.

Dr Rhyne says that the farms are little, but three acre and eight acre farms in limited space is not insignificant. The proposed farm from Dr Rhyne's Little Compton neighbors is listed as only one acre. But the proposers just bought 1/8 acre of unbuildable land for \$100,000 between two residents' property and across the street from state protected land. Obviously, the proposed one acre oyster farm is only a foot in the door. You can't pay for a \$100,000 piece of land with a small farm. It will grow if not stopped.

This area has been set aside for conservation for decades. By allowing commercial farmers here, the rights of Rhode Island recreation and nature buffs who have used this area for years will be usurped. The farmers should find an area that is not reserved for all Rhode Island residents.

Russell and Mary Dexter

Tiverton

OTHER ITEMS THAT MAY INTEREST YOU

Letter: Open schools without masks on kids (/stories/letter-open-schools-without-masks-on-kids,91766)

Letter: Waterfront Commission has best interests of city in mind (/stories/waterfront-commission-has-best-interests-of-city-in-mind,91765)

Letter: A couple of suggestions for Barrington Town Council (/stories/letter-a-couple-of-suggestions-for-barrington-town-council,91661)

Letter: Is this who we are in Bristol? (/stories/letter-is-this-who-we-are-in-bristol,91655)

cstaff1

From: Jeanne De Souza <desza196@yahoo.com>
Sent: Tuesday, July 20, 2021 2:35 PM
To: Lisa Turner
Cc: Amanda Turco; 'CRMC Staff'
Subject: Re: Objection Letter - Bowen File 2020-04-037 - Russ Dexter - Article Sakonnet Times

Your welcome, we are part of the abutters and neighbors on Seapowet Avenue, Driftwood Drive, and the Seapowet Marsh area that are in objection. My property is directly in front of where the proposed oyster farm by the Bowens will be, alongside Richard and Kathy Metcalf, and Cynthia Aber, and Paul and Cathy Fulton. Ken and Liz Mendez live on the marsh side and are also in objection, with many of our neighbors in the vicinity.

On Tuesday, July 20, 2021, 09:28:57 AM EDT, Lisa Turner <lturner@crmc.ri.gov> wrote:

Good Morning Jeanne: Thank you for your submittals. May I ask what working group you are representing as per reference in your emails stating "our objection to the Bowen File 2020-04-037"?

Thank you!

Lisa A. Turner

Office Manager

Coastal Resources Management Council

Oliver Stedman Government Center

4806 Tower Hill Road, Room 116

Wakefield, RI 02879

401-783-3370

From: Jeanne De Souza [mailto:desza196@yahoo.com]
Sent: Tuesday, July 20, 2021 12:31 AM
To: CStaff1 <cstaff1@crmc.ri.gov>; Lisa Turner <lturner@crmc.ri.gov>
Cc: Liz Mendez <lizmendez81@gmail.com>
Subject: Objection Letter - Bowen File 2020-04-037 - Russ Dexter - Article Sakonnet Times

Amanda and Lisa,

Could you please add the attachment in support of our objection to the Bowen File 2020-04-037.

The article posted today in the Sakonnet Times. I am also including the article that Mr. Dexter is referring to.

Thank you very much.

Jeanne De Souza

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A-78

cstaff1

From: Rita Forrest <rmfcpa7@gmail.com>
Sent: Wednesday, July 21, 2021 11:31 AM
To: CStaff
Subject: Re: Fileapplication

Thank you for your response. On the website it said i had to file an application. As long as my opposition is registered thats what matters

On Wed, Jul 21, 2021 at 8:11 AM CStaff <cstaff1@crmc.ri.gov> wrote:

Good Morning Ms. Forrest: Thank you for your recent emails regarding the oyster aquaculture farm proposed for Seapowet. I'm unsure as to what you are asking in your email below. A letter/email from you stating that you object is sufficient for an objection submittal.

Thank you!

Lisa A. Turner

Office Manager

Coastal Resources Management Council

Oliver Stedman Government Center

[4808 Tower Hill Road; Room 116](#)

[Wakefield, RI 02879](#)

401-783-3370

From: Rita Forrest [mailto:rmfcpa7@gmail.com]
Sent: Wednesday, July 21, 2021 6:44 AM
To: cstaff1@crmc.ri.gov
Subject: Fileapplication

Please send an application to object to the proposed oyster farming

John Bowen and Patrick Bowen

2020-04-037

--

Rita Forrest



Virus-free. www.avg.com

--

Rita Forrest

cstaff1

From: Carmen Grinkis <cgrinkis@me.com>
Sent: Saturday, July 24, 2021 5:34 PM
To: cstaff1@crmc.ri.gov
Subject: 2020-04-037

Hello, I live at 21 Laura, Lane, Tiverton RI 02878, USA - and I oppose the application for an oyster farm at seapowet. Individual gain should not be allowed to impact the coastal beauty enjoyed by all. Carmen Grinkis=

cstaff1

From: Lawrence Farnell <LFarnell@cox.net>
Sent: Monday, July 26, 2021 3:11 PM
To: cstaff1@crmc.ri.gov
Subject: Tiverton Oyster Farm

To whom it may concern

As a Tiverton resident I'm concerned about private interest affecting public access to coastal recreation areas.

In reference to files 2020-04-037 (Bowen) and 2021-02-054 (Boehringer/Lundgren)

The proposed locations of these farms will violate Rhode Island's Public Trust Doctrine, as the waters support heavy recreational use. CRMC should strive to work with both the applicants and the community to find more acceptable locations for these two farms.

Oysters are good location is bad.

Thank You
Lawrence Farnell

cstaff1

From: Patricia Moretti <pjmsherman@gmail.com>
Sent: Monday, July 26, 2021 9:02 PM
To: cstaff1@crmc.ri.gov
Subject: Ref: files 2020-04-037 (Bowen) and 2021-02-054(Boehringer/Lundgren)

The proposed locations of these farms will violate Rhode Island's Public Trust Doctrine, as the waters support heavy recreational use. CRMC should strive to work with both the applicants and the community to find more acceptable locations for these two farms.

Sincerely,

Patty Moretti

Lisa Turner

From: council@crmc.ri.gov
Sent: Thursday, July 29, 2021 3:11 PM
To: jwillis@crmc.ri.gov; 'James Boyd'; bgoetsch@crmc.ri.gov
Cc: 'Lisa Turner'
Subject: FW: file #2020-04-037

From: Charles Barmonde [mailto:charlie@barmondestudios.com]
Sent: Wednesday, July 28, 2021 11:22 AM
To: cstaff@crmc.ri.gov; council@crmc.ri.gov
Subject: file #2020-04-037

Good morning,

My Name is Charlie Barmonde and I reside at 385 neck rd, Tiverton. I am writing to share my objections to the proposed oyster farm in the Seapowet area. My objections are based on two factors.

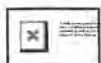
The first is that this is one of the very few areas open to public recreation along the Sakonnet. All summer long I observe countless small water craft from kayaks, to paddleboards, jet skis, motor boats tubing with families, kiteboarders, windsurfers and sailboats enjoying this pristine waterway. The vast majority of these people are not residents of this area rather they are from all over Rhode Island and the south coast, not to mention the mariners from all over the world who tuck in to this unique waterway for protection or recreation during their journeys. The Seapowet marsh area is the primary access point for many of these activities and the location of acres of aquaculture equipment would impair all of them and would render impossible others such as windsurfing, kiteboarding, and waterskiing where the high speeds and underwater appendages of the craft would be damaged by impact with underwater cables and equipment.

Second and more importantly is safety. To illustrate what I mean I will share a personal experience. Two years ago in early June I observed a kiteboarder attempting a downwind journey from Fogland to Seapowet. This is very common among novice kiteboarders who have not yet mastered the ability to sail upwind. I am a mariner myself and always keep an eye out for anyone who might need help. At this time of year the water is still quite cold and the wind tends to fall off abruptly when the afternoon cools off. The waterman I observed was unable to fly his kite due to the dying breeze and was drifting uncontrolled northwards towards Seapowet. I was concerned enough that I deployed my 9 foot dinghy and motored out to him to see if he needed help. He was lucky that I did because it was clear that he was getting hypothermic and still had a long way to drift before he ran into Seapowet (that is unless the current carried him around the west end of the watershed). This is a quiet time of year on the river and there were no other boaters around to assist. I helped the man into my dinghy and got him to land as fast as I could. His son had been watching him from Fogland and when he saw the rescue drove to Seapowet to gather up his Dad. In a similar situation, if this man continued his uncontrolled drift into a field of acres of cabling, there is a very substantial risk that he would be entangled in the equipment that is being proposed by the oyster farms and quite possibly drowned or become fatally hypothermic before anyone noticed. Left to simply drift in unaided he would have been significantly more hypothermic but that is probably it.

While I enjoy oysters and support aquaculture and the right of people to make a living from the sea I object to what I see as the interests of a few people over the safety and recreational opportunity of hundreds or more of the public who use this waterway for their enjoyment and still others who shellfish and fish for food as well. There are other places within the Sakonnet that pose little to no risk to the safety or enjoyment of our fellow Rhode Islanders where aquaculture can be practiced. In fact a simple scanning of a nautical chart shows areas (such as off of Gould Island) that are already designated for fish traps where there aren't any. I implore the CRMC to consider the interests of the many over the interests of the few and to place the conservation of a unique and pristine ecosystem ahead of what is a convenient placement of an aquaculture facility.

Thank you for your thoughtful consideration

Charlie Barmonde



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cstaff1

From: Diane Bruno <deetb@comcast.net>
Sent: Thursday, August 5, 2021 10:57 PM
To: cstaff1@crmc.ri.gov
Subject: John Bowen and Patrick Bowen 2020-04-037

CRMC,

I am writing to voice my concern regarding the commercialization of our beautiful Seapowet River, specifically South of the bridge.

I live approximately 400 yards south of the bridge and pay the Town of Tiverton \$24,000 in Real Estate Taxes annually. I am shocked and saddened that the CRMC would even consider allowing these oyster farms to be placed in our quiet, serene recreational areas, without even notifying the landowners that will be affected by this.

Before we purchased our home, we looked up and down the waters of R.I. and found our piece of heaven in South Tiverton right off of Seapowet Ave.

I can not impress upon you how our neighborhood 'pays for' and enjoys the rhythm of the tides on the river.

I BEG YOU TO SEEK OUT ANOTHER AREA for these oyster farmers. Are there not more areas in Little Compton that could accommodate them, since they are from Little Compton?

IS THERE NO WHERE ELSE ON THE RIVER that may accommodate such farms that would not impede the large amount of recreational activity that takes place DIRECTLY where you want to approve of this intrusion, practically in my neighbors back yard?

This is a highly disagreeable proposition that is affecting our stunning coastal waters that tourists come to see and admire.

If you continue with this project at this location, you are altering forever the coast of the Seapowet River.

CRMC- Coastal Resource Management! Is this how you 'manage' one of the few remaining pristine recreational areas on the Rhode Island Coast? Shame on you.

Yours truly,
Bob & Diane Bruno
Little Harbor Rd.,
Tiverton

cstaff1

From: Jeanne De Souza <desza196@yahoo.com>
Sent: Thursday, August 5, 2021 11:09 PM
To: CStaff1; Lisa Turner
Subject: Fw: Objection Documents - Additions for the Bowen File -2020-04-037
Attachments: Seapowet residents mobilize against oyster farms .pdf; RISAA Board of Directors July 29 2021 Meeting Summary.pdf; Rhode Island BHA Oppose Aquaculture Lease that Threatens Hunting Opportunities - Backcountry Hunters and Anglers.pdf; IMG_2238.jpeg; IMG_1129.jpeg; I support aquaculture, but not at Seapowet .pdf

Following on the below, I should have added notes for the items. I have added them in. Thank you again!

----- Forwarded Message -----

From: Jeanne De Souza <desza196@yahoo.com>
To: CStaff1 <cstaff1@crmc.ri.gov>; Lisa Turner <lturner@crmc.ri.gov>
Sent: Thursday, August 5, 2021, 10:54:20 PM EDT
Subject: Objection Documents - Additions for the Bowen File -2020-04-037

Hello Lisa and Amanda,

Could you please add the attachments below that support my objection to the application CRMC File 2020-04-037 (Bowen Oyster Farm).

Also, could I please ask for an updated link to the Bowen File, once these have been added?

Thank you very much, and Have a great day!

Jeanne De Souza
697 Seapowet Avenue
Tiverton, RI 02878
cell: 401-458-2737

1. Here is a 3-page .pdf of the Ted Hayes Sakonnet Times July 28, 2021 article (shorter version without the ads than the one you sent)
2. RISAA Board of Directors July 29 2021 Meeting Summary which outlines uproar from RISAA members/fisherman, hunters and residents would all be affected by the lease. Discussion about the Bowen application and the CRMC's lack of notification to local residents in Tiverton and the public.
3. BackCountry Hunters and Anglers:

Website: https://www.backcountryhunters.org/rhode_island_bha_oppose_aquaculture_lease
4. Photos below are from a community meeting regarding the two proposed oysters farms in Seapowet on June 26, 2021 (The Bowen Oyster Farm, and the Lundgren/Boehringer Oyster Farm).
5. Charlie Barmonde's letter to the editor.





Day Pass Log in

EastBayRI

(/tiverton/)

My account

Log out

Seapowet residents mobilize against oyster farms

Council asks solicitor to draft resolution requiring more CRMC notification



(/uploads

/original/20210728-084409-seapowet1.JPG)

Seapowet area residents opposed to two oyster farms off their shores have mobilized in recent weeks, planting hundreds of signs, launching a website and raising more than \$12,000 to cover legal fees.

Posted Wednesday, July 28, 2021 8:46 am

By Ted Hayes

Members of the Tiverton Town Council on Monday night directed the town solicitor to look over a proposed resolution that, if passed locally and sent to the Rhode Island General Assembly, could give residents more time to respond to controversial aquaculture proposals than state regulations currently call for.

The proposed resolution was put on the agenda by councilor Jay Edwards, who said the way the state Coastal Resources Management Council conducts business, specifically in the case of two current oyster farm proposals — one south of Seapowet Point, one north of it — has caused legitimate cause for concern here. Those opposed to the farms only heard of the proposals until they were well along in the CRMC approval process. And that's not right, he said.

"There's not a lot that the town can do other than send a message to the legislature, the governor, the CRMC, about how we feel about it," Mr. Edwards said.

However, "my focus is more on the fact that we feel that notification is lacking. People who are impacted directly by this aren't notified directly; they sort of have to find out. My intent is to change the rules a little bit so that the CRMC would be required to notify the town directly as soon as they get a permit application, not later on in the process. That gives us time to look into it (and) it gives abutters time to react to it, and gives the public in general time to make comment."

As the general assembly is not in session and won't be until January, the resolution would likely not affect the two proposals for south and north Seapowet, he said. "What this will affect is the future, which is the crux of my argument."

Late mobilization

The "lack of transparency" from CRMC has not been helpful in the fight to keep Seapowet clear, said Jeanne DeSouza, whose home lies just south of the bridge, directly onshore from where the Bowen oyster farm plan would be built.

Submitted by Little Compton brothers John and Patrick Bowen, the application seeks permission from the CRMC to place a .97-acre, 200-cage oyster operation in an area currently favored by fishermen and kayakers.

Though the plan was presented more than a year ago — the other, north of Seapowet, was submitted in January and is not as far along — Ms. DeSouza and her neighbors only heard about the Bowen plan recently as, unlike local zoning and land use issues, abutters are not notified directly by CRMC of proposals that may impact them.

"Our point all along was, we felt like we're jumping in at the 11th hour trying to protect this public space. But we're not against (oyster farmers) making a living."

The Bowen plan was expected to come to a CRMC vote in late June, but opponents, including Ms. DeSouza, asked for and received a delay. There is no scheduled date for CRMC to reconvene on the matter, and with the resignation this week of the CRMC's director, Ms. DeSouza said she does not know when it will be held.

But the extra time has given her and local allies a chance to regroup, and a full court press is

currently on to add their thoughts to the record and mobilize for when CRMC reconvenes. In recent weeks, opponents have started a website (<http://www.saveseapowet.org>), printed out two runs of 100 lawn signs each, and started a gofundme page to pay for the legal services they expect they'll need to hire representation and present witnesses to plead their case. At last count, the drive had raised \$12,400.

In addition, "dozens" of residents have recently filed comments with the CRMC, saying in many cases that while they are not opposed to aquaculture, farms need to be placed in areas that do not impact property owners and infringe on the public's right to enjoy the water. Ms. DeSouza said opponents have also asked that the CRMC send the project to committee, which would give those opposed another opportunity to state their case before the CRMC before it comes to a final vote.

"We're hopeful" the request will be granted, she said.

Harbor management?

At Monday night's meeting, councilors also suggested that the town's harbor management plan could be a good tool in helping the town control its destiny with respect to offshore farming.

Harbor commission chairman Bruce Cox, the town's representative to CRMC, said the commission was in the midst of updating its harbor management plan just prior to the Covid epidemic, and has not yet resumed in-depth discussions on it. But when it does, he said, there will be discussions on aquaculture and offshore land use.

Still, he said, local attempts to get the state to change might be a tough sell.

"Let's not fool ourselves here. Once you get past the high water mark you're no longer in charge. It's Coastal. You're proposing to get the legislature to tell Coastal to create a regulation. If you get the legislature to do that, then you have to get Coastal to act on the legislature's response."

"I agree with you, (more transparency and deference to local wishes and regulations) should be there. But it's not going to happen overnight. the CRMC and DEM are both very zealous advocates of their authority and their power, and that's part of the problem."

Still, he said the council's proposed resolution is a good, and needed, step:

"It is a difficult issue," he said. "I'm glad you're doing that. That's something we've been rapping heads about (and) I applaud you for that effort, quite honestly."

OTHER ITEMS THAT MAY INTEREST YOU

Tiverton police: Driver in SUV reportedly chased deer at Pardon Gray ([/tiverton/stories/tiverton-police-driver-in-suv-reportedly-chased-deer-at-pardon-gray,92013](#))

McKee stops short of mandating masks in Rhode Island schools ([/tiverton/stories/mckee-stops-short-of-mandating-masks-in-rhode-island-schools,91995](#))

Tiverton man faces federal charges in molestation case ([/tiverton/stories/tiverton-man-faces-federal-charges-in-molestation-case,91994](#))



Secretary's Office

Susan Lema



The Rhode Island Saltwater Anglers Association (RISAA) Board of Directors meets monthly. In order to keep all members apprised of Board business I will report here when appropriate. It is important to note that not all business will be reported here since there are often issues dealing with individual members and privacy will always be protected. Also, some Board business that doesn't result in any action won't be printed.

RISAA Board of Directors July 29, 2021 Meeting Summary

FINANCIAL REPORTS

• **Treasurer's Reports**

Treasurer **Peter O'Biso** presented reports for the following:

- RISAA checking and savings accounts
- Foundation checking and savings accounts
- Foundation scholarship fund

Note that, while RISAA financial reports are not published here, any member can request a copy via email, by contacting steve@risaa.org.

• **Investments**

- Reviewed investments funds as of June 30.

• **Budget Review**

- **Richard Hittinger** reviewed the budget plan for 2021.

Although we are running \$38,000 behind so far this year because of the loss of funds usually earned by the Fishing Show, we had budgeted for this loss, so we are on track with plan.

MEMBERS IN SICKNESS OR DISTRESS

- The Board acknowledged the serious injury of **Dawn Johnson** who suffered spinal damage from a fall, and has asked her husband **Gary** to wish her well from all.

COMMUNICATIONS

- Discussed communication from **Dave McLaughlin**, Executive Director of **Clean Ocean Access**, wanting to affiliate with RISAA and a possible RISAA Foundation Grant for a project to research all Rights of Way, current and historical, on Aquidneck Island/Newport. The Board agreed with both. S. Medeiros was directed to contact him and provide him with our Foundation's Grant Application.

OLD BUSINESS

• **Recreational Fishing Reporting App Grant**

Dave Monti updated the Board on the *AnglerCatch* app. The Evaluation Version has now been placed in online App Stores (free) still to limited number of testers. The number of testers will soon increase to 50 in the next few weeks, and the plan is to open it to the entire public by next spring.

A "marketing" meeting will be held with RISAA and the "partners" (RIDEM/Harbor Light Software) to begin a plan to spread the news. A booth at the 2022 New England Saltwater Fishing Show will be the kickoff for the app.

• **Saltwater License Plate**

Steve Medeiros updated the Board on the progress of

legislation in the House and Senate to move our striped bass license plate forward by reducing the mandatory minimum orders from 600 to 150. There were behind-the-scenes discussions on increasing the minimum funds that the DMV wants to get the production going, but the General Assembly went into summer recess and everything has stopped.

• **Meeting Seminars/Recordings**

Steve informed the Board that the subcommittee to investigate all options for in-person meetings and recordings has not met because **Gary Johnson**, our Elks contact, said they had not completed the WiFi upgrade and it made no sense to continue planning until that gets done and we can test it.

NEW BUSINESS

• **Coastal Resources Management Council (CRMC)**

There was much discussion about the "Bowen" **Seapowet Marsh** aquaculture application and the CRMC's lack of notification to local residents in Tiverton and the public. There has been an uproar from RISAA members/fishermen, hunters and residents who would all be affected by the lease, yet all claim CRMC will not listen to them. Member **Todd Corayer** wrote an article describing this and the Board instructed that it be printed in the RISAA newsletter (this issue).

In addition, the Board directed that a formal letter be written that would be sent to all of CRMC Board, expressing RISAA's dissatisfaction with the current methods of operation concerning aquaculture leases, and that this would also be sent to media outlets and printed here.

Richard Hittinger would compose the initial draft, for review and input from all Board members.

GOOD OF THE ORDER

• **Treasurer**

Peter O'Biso has formally informed the Board that this will be his final year as RISAA Treasurer. Although he would like to remain on the Board in another position, he needs to give up the Treasurer job. The Board needs to find a replacement. Any interested member should contact Steve Medeiros for more info.

• **Elections of Officers**

It should be noted RISAA By-Laws requires that all members be notified that Election of Officers will take place at the Annual Meeting in December. The deadline for nominations is October 15, and that notice must be posted started in August each year.

RHODE ISLAND BHA OPPOSE AQUACULTURE LEASE THAT THREATENS HUNTING OPPORTUNITIES

Posted by New England BHA Chapter (/newenglandbha) | July 09, 2021

In April of 2020, two Little Compton brothers applied for a lease to establish a commercial oyster growing operation in the tidal waters adjacent to Sapowet Marsh Wildlife Management Area in Tiverton, Rhode Island. (http://www.crmc.ri.gov/meetings/2021_0511semipacket/2021_0511_BowenBowen_2020-04-037.pdf) The state agency that manages aquaculture, the Rhode Island Coastal Resources Management Council, proceeded to review and work towards approval of the application with little scrutiny from the public. In June, approval of the lease appeared imminent, but was delayed because the CRMC granted a continuance of the hearing to objectors. (<https://www.eastbayri.com/stories/proposed-tiverton-oyster-farm-meets-resistance,91455>)

Upon reviewing the application and associated documents, it is clear that impacts to hunters' use of the area was not acknowledged, considered or addressed at any point despite the lease's proposed location being less than 500 feet from the WMA's boundary and the inlet to the marsh. This is shocking not only because Sapowet Marsh WMA and the adjacent waters have been used by hunters for decades, but also because over \$10,000 was granted in 2015 to improve Sapowet Marsh WMA through the U.S. Fish and Wildlife Service's Federal Aid in Wildlife Restoration Program, (<https://www.ri.gov/press/view/28867>) commonly referred to as the Pittman-Robertson Act. Pittman-Robertson funds are raised by taxing the purchase of firearms, ammunition and hunting equipment, and are apportioned to states to manage and enhance wild birds, mammals and their habitat.

New England BHA opposed the application for its failure to address impact to hunting opportunity in a letter to Coastal Resources Management Council Executive Director Jeff Willis, Aquaculture Coordinator Ben Goetsch and Department of Environmental Management Deputy Director, Bureau of Natural Resources Jason McNamee.

"When applying for aquaculture leases one of the requirements of applicants is to demonstrate that the alteration will not unreasonably interfere with, impair or significantly impact public access to, or use of, tidal waters and/or the shore." said New England Chapter Board Chair Michael Woods of Saunderstown, Rhode Island. "Until

negative impacts to its use for hunting – which is a traditional and historic use of Sapowet Marsh and the adjacent waters – are considered and addressed we urge the Coastal Resources Management Council, the Division of Fish & Wildlife and the other parties involved in the aquaculture lease consideration process to reject the proposal before them. It is regrettable, given the considerable investment made in the area using money taken from the hunting and shooting communities, that the concerns raised with regard to disruption of hunting activities in the area of the proposal are not addressed or even acknowledged or considered in the application.”

TAKE ACTION:

You can speak up to ensure hunting access and opportunity on Sapowet WMA is considered in the aquaculture leasing process by emailing the Rhode Island decision-makers listed below with the application number “CRMC File No. 2020-04-037” in the subject line.

- Ben Goetsch – Aquaculture Coordinator, RI CRMC - bgoetsch@crmc.ri.gov
- Jeff Willis – Executive Director – RI CRMC - jwillis@crmc.ri.gov
- CRMC Staff - cstaff1@crmc.ri.gov
- Jason McNamee – Deputy Director, Bureau of Natural Resources, RI DEM - jason.mcnamee@dem.ri.gov
- Philip Edwards – Chief, Division of Fish & Wildlife, RI DEM - phillip.edwards@dem.ri.gov



NEW ENGLAND BACKCOUNTRY HUNTERS AND ANGLERS

July 6, 2021

To: Benjamin Goetsch – Aquaculture Coordinator, RI CRMC
Jeff Willis – Executive Director, RI CRMC
Jason McNamee – Deputy Director, Bureau of Natural Resources, RI DEM

Re: BHA Opposition to Proposed Aquaculture Lease (CRMC File No. 2020-04-037)

As the fastest growing organization of hunters and anglers in the nation, Backcountry Hunters & Anglers (BHA) seeks to ensure North America's outdoor heritage of hunting and fishing in a natural setting. Our members consider protecting and expanding access to public lands and waters a top priority, and recognize that access to wild places and abundant fish and wildlife populations are some of the most important factors to our participation in, and the perpetuation of, our outdoor traditions.

With these things in mind, we oppose the proposed aquaculture lease in waters adjacent to Sapowet Marsh Wildlife Management Area in Tiverton (CRMC File No. 2020-04-037). To be clear, we are not opposed to aquaculture as a practice, but rather to the siting of this application specifically. For hunters, anglers and other outdoor recreationalists who rely on public access Sapowet Marsh WMA is one of the last places in Rhode Island where we can experience undeveloped coastal marsh habitat and placing a commercial oyster growing operation in such close proximity will disrupt the activities we enjoy.

According to DEM's Outdoor Recreation mapping tool there are approximately eight public shoreline access points along the twelve miles of Tiverton-Little Compton shoreline abutting the Sakonnet River between Fort Adams and Grinnell's Beach. These access points are mirrored on the Coastal Resources Management Council's Rights-of-Way mapping tool. Three of these access points are Town or State beaches and parks that are heavily used by the public (Grinnell's, Fogland, Fort Adams) and simply do not provide the type of solitary outdoor experience that many recreational users seek. Several of the others are designated rights-of-way, but do not provide ample parking and are unsuitable for hunting because of proximity to occupied dwellings. In the 2018 Rhode Island Outdoor Recreation Survey administered by DEM as part of the State Comprehensive Outdoor Recreation Planning (SCORP) process an overwhelming 64% of respondents indicated protecting wilderness was a top priority – the most important of any type of park or recreational facility in the survey. Of the eight access points previously mentioned only one stands out as a place where recreational users can find ample parking and enjoy the wilderness of RI's coastal marsh habitat with a fishing rod, clam rake or shotgun in their hands – and that access point is Sapowet Marsh WMA.

On the topic of hunting – one of the many opportunities Sapowet Marsh WMA provides is for hunters to pursue puddle ducks that enjoy the shallow, mucky waters on the interior marsh, geese that frequent the adjacent agricultural fields, and diving ducks that utilize deeper water in the adjacent Sakonnet River. To put it simply, Rhode Islanders' coastal access is disappearing with each commercial and residential development that's approved along our shoreline. Sapowet Marsh WMA and the adjacent waters are deserving of protection from development as one of the last locations where these pursuits can be carried out in saltwater without a boat or private access and permission, and the only such place along the Sakonnet River. The 500'

Day Pass Log in

EastBayRI (/)

My account

Log out

I support aquaculture, but not at Seapowet

Posted Wednesday, August 4, 2021 4:01 pm

To the editor:

My name is Charlie Barmonde and I reside in Tiverton. I am writing to share my objections to the proposed oyster farm in the Seapowet area. My objections are based on two factors.

The first is that this is one of the very few areas open to public recreation along the Sakonnet. As a waterman, all summer long I observe countless small water craft from kayaks, to paddleboards, jet skis, motor boats tubing with families, kiteboarders, windsurfers and sailboats enjoying this pristine waterway. The vast majority of these people are not waterfront property owners, rather they are from all over Rhode Island and the south coast, not to mention the mariners from all over the world who tuck in to this unique waterway for protection or recreation during their journeys. The Seapowet marsh area is a primary access point for many of these activities and the location of acres of aquaculture equipment would impair all of them and would render impossible others such as windsurfing, kiteboarding, and waterskiing where the high speeds and underwater appendages of the craft would make it dangerous. Furthermore their equipment would be damaged by impact with underwater cables and equipment.

Second and more importantly is safety. To illustrate what I mean I will share a personal experience. Two years ago in early June I observed a kiteboarder attempting a downwind journey from Fogland to Seapowet. This is very common among novice kiteboarders who have not yet mastered the ability to sail upwind. I am a mariner myself and always keep an eye out for anyone who might need help. At this time of year the water is still quite cold and the wind tends to fall off abruptly when the afternoon cools off. The waterman I observed was unable to fly his kite due to the dying breeze and was drifting uncontrolled northwards towards Seapowet. I was concerned enough that I deployed my nine-foot dinghy and motored out to him to see if he needed help. He was lucky that I did because it was clear that he was getting hypothermic and still had a long way to drift before he ran into Seapowet (that is unless the current carried him around the west end of the watershed). This is a quiet time of year on the river and there were no other boaters around to assist. I helped the man into my dinghy and got him to land as fast as I could. His son had been watching him from Fogland

and when he saw the rescue drove to Seapowet to gather up his Dad. In a similar situation, if this man continued his uncontrolled drift into a field of acres of cabling, there is a very substantial risk that he would be entangled in the equipment that is being proposed by the oyster farms and quite possibly drowned or become fatally hypothermic before anyone noticed. Left to simply drift in unaided he would have been significantly more hypothermic but that is probably it.

While I enjoy oysters and support aquaculture and the right of people to make a living from the sea, I object to what I see as the interests of a few people over the safety and recreational opportunity of hundreds or more of the public who use this waterway for their enjoyment and still others who shellfish and fish for food as well. There are other places within the Sakonnet that pose little to no risk to the safety or enjoyment of our fellow Rhode Islanders where aquaculture can be practiced. In fact a simple scanning of a nautical chart shows areas (such as off of Gould Island) that are already designated for fish traps where there aren't any. I implore the CRMC to consider the interests of the many over the interests of the few and to place the conservation of a unique and pristine ecosystem ahead of the convenient placement of an aquaculture facility.

Charlie Barmonde

Puncateest Neck Road

OTHER ITEMS THAT MAY INTEREST YOU

Consultant: Westport cell proposal lacks details (/stories/consultant-westport-cell-proposal-lacks-details,92038)

I support aquaculture, but not at Seapowet (/stories/i-support-aquaculture-but-not-at-seapowet,92037)

Elderly getting taxed out of Tiverton (/stories/elderly-getting-taxed-out-of-tiverton,92036)

What about Little Compton transfer station stickers? (/stories/what-about-little-compton-transfer-station-stickers,92035)

cstaff1

From: pcbrat1@cox.net
Sent: Tuesday, August 10, 2021 8:35 AM
To: cstaff1@crmc.ri.gov
Subject: Concerning aquaculture permit new Seapowet marsh

Concerning the objections to aquaculture permit for locations near Seapowet marsh, Tiverton.

I am a local resident who frequents the beach and roads along the marsh, and was curious about the signs. After reading through articles at "saveaseapowet.org" it seems to me the signs and campaign by opponents are misleading. The issue seems to be mostly about local ocean front property owners wanting to protect "their access & view" of the waters ..., not the publics. It further seems reasonable that nobody is ever going to want anything to obstruct "their view", and thus nobody would ever approve or be for something that affects them. Ocean front access is decreasing everywhere ... and even now a once scenic view of the river (where one of the farms is proposed) is now obstructed by a large new house completely blocking the view "from the public".

Ocean front homes and communities have fought for years to restrict access to the public, and instead maintain only their own rights (not the public's).

Local water ways and related resource use should be in the PUBLIC's interest, not the homeowners who have land next to the Public's waterways.

I clearly am not well versed in most aspects of the argument here, pro-con, but in some instances we have to side with community first. The "not in my backyard" concept does not really work anywhere.

If the state & local regulatory agencies have considered community good, (local business, tax revenue from farming, etc) for a special and limited location/permit, then I support the existing process, and oppose those who are challenging it.

When I first saw the signs I worried something was going to take away my ability to visit the beach, kayak the marsh and run the roads ... but it turns out local land owners only want to protect their views (their access) while continuing to restrict the public ..., and with misleading signs. The only people taking away MY rights to view MY Waterway, are those supporting the effort to stop the farming in "their back yard".

Peter Bratsos
 3775 Main Road
 Tiverton, RI 02878

Pcbrat1@cox.net

cstaff1

From: Thomas Cody <thomas.r.cody@gmail.com>
Sent: Friday, August 13, 2021 1:30 PM
To: cstaff1@crmc.ri.gov
Subject: Opposition to Proposed Aquaculture Lease (CRMC File No. 2020-04-037)

Dear CRMC Council Members,

I am writing to oppose the proposed aquaculture lease in waters outside of Sapowet Marsh Wildlife Management Area in Tiverton (CRMC File No. 2020-04-037). I frequently fish inside and outside of the Marsh and am concerned about the impact of the proposed farm on public access as well as the hazard it would pose to wading anglers.

Additionally, insufficient notification of the RIMFC's meetings has prohibited me from joining in order to voice my concerns and opposition. Thank you for your consideration -- I hope that the council will hear the voices of the anglers and hunters who have voiced concern about the oyster farm and deny the permit.

Sincerely,
Thomas Cody

17 Russell Dr.
N. Kingstown, RI
02852-6227

August 17, 2021

Executive Director
Coastal Resources Management Council
Stedman Government Center, Suite 3
4808 Tower Hill Road
Wakefield, RI 02879-1900

Re: Tiverton Aquaculture Permit

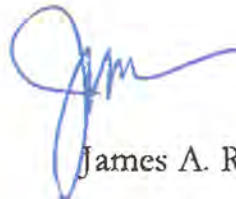
Hello,

Please add my letter of support for the Tiverton oyster farm permit.

From my reading of the August 8 Providence Journal article, the applicants are prepared, thoughtful, and committed to a clean, minimally-invasive process. The objections of a few home owners appear to be petty and superficial. These objectors offer no reasonable alternative. Not allowing the permit will decrease RI food production, inhibit small business, and prevent a cleaner bay – as one oyster filters ~55 gallons of water daily.

Narragansett Bay has a long history of aquaculture and oyster farming is a logical use, a process that has decades of experience – there was a large oyster farm here in Wickford until the 1938 hurricane destroyed it in an instant. Do not let a few objectors do the same destruction.

I hope the Council will approve the Tiverton oyster farm application and to look favorably on all future aquaculture applications that follow CRMC existing guidelines. Thank you.



James A. Roehm



cstaff1

From: Donald Libbey <dhclibbey@mac.com>
Sent: Thursday, August 19, 2021 1:04 PM
To: cstaff1@crmc.ri.gov
Subject: Fwd: Further Objection to CRMC Application 2020-04-037 (Bowen Farm) and CRMC Application 2021-02-054 (Boehringer Farm)
Attachments: Rowing History.pdf; Untitled attachment 00128.htm

Dear CRMC: I have recently learned that despite my request for filing and inclusion with CRMC Application 2020-04-037 and CRMC Application 2021-02-054, neither my first objection emailed to CRMC on June 22, 2021 (with CRMC email confirmation), and my Further Objection emailed to CRMC on July 28, 2021 are, in fact, contained in either of the files related to these applications.

Please place a copy of this email and attachment in the respective application files noting our *objection* to each.

Thank you for your anticipated cooperation in advance.

Regards,

Donald & Sarah Libbey
 453 Neck Road
 Tiverton, RI 02878

617-962-1650 (M)

Begin forwarded message:

From: Donald Libbey <dhclibbey@mac.com>
Date: July 28, 2021 at 12:08:10 PM EDT
To: cstaff1@crmc.ri.gov, council@crmc.ri.gov
Cc: rep-edwards@rilegislature.gov, sen-dipalma@rilegislature.gov, rep-mcgaw@rilegislature.gov, bhcox@slepkowlaw.com, DdeMedeiros@tiverton.ri.gov, mburk@tiverton.ri.gov, dcook@tiverton.ri.gov, djanick@tiverton.ri.gov, jpedwards@tiverton.ri.gov, jperry@tiverton.ri.gov, wvieira@tiverton.ri.gov, Michael.Marcello@lewisbrisbois.com, consumers@riag.ri.gov, info@tivertonlandtrust.org, Deb Hagen <debprinzo@gmail.com>, savesepowet@gmail.com
Subject: Re: Further Objection to CRMC Application 2020-04-037 (Bowen Farm) and CRMC Application 2021-02-054 (Boehringer Farm)

Please add these further objections to the record in Application 2021-02-054 and Application 2020-04-037.

Dear CRMC:

In furtherance to our previously filed objection(s) to Application **2021-02-054** ("Boehringer" (inadvertently referred to below as "Wakefield")) and Application **2020-04-037** ("Bowen") dated June 22, 2021 below, and with acknowledged receipt of same by cstaff1@crmc.ri.gov at 11:52 AM on June 22, 2021, I wish to add the following:

After having the opportunity to review the video record of the Tiverton Harbor Commission (the "THC") meetings on December 7, 2020

(<https://www.youtube.com/watch?v=L8m7Ro9LRe0>) and March 1, 2021

(<https://www.youtube.com/watch?v=Vby3Q8P39rk>) regarding the Boehringer application, it is unmistakably clear that the applicant mislead Commission members by omitting critical facts that were readily available using only a modicum of due diligence.

For example, during the presentations, applicant repeatedly referred to privately owned land/shoreline areas adjacent to the proposed site as DEM property, protected land, protected wildlife area, etc. These statements were clearly for the purpose of minimizing the potential impact on the public's use of the proposed site. The applicant knew or should have known that the statements were untrue at the time those statements were made. THC relied on the omissions and misstatements of fact when allowing the application to proceed with the CRMC.

Similarly, the applicant's lack of due diligence by only undertaking site visit(s) during the colder months, rather than including additional site visits during the Spring, Summer and Fall seasons when the public's use and access to the surrounding Seapowet Waterway and Fogland area is substantial, shows a lack of any respect for the process, the THC, and the public's right of use for navigation, fishing, and recreation. As evidence of such public use, I have attached a screen shot of my open water rowing history in the Seapowet/Fogland waters represented by the overlapping **red area**. This history is a record only of the periods of 2019 and 2020 during the months of April through October, multiple times per week (although I have been rowing continuously in the exact same Seapowet Waterway/Fogland area since 2009). You will note that my long established navigation and course takes me directly through both the Boehringer and Bowen proposed sites.

The Boehringer applicant's lack of simple due diligence was a deliberate attempt to undermine the "Public Trust" inherent in all waterways in Rhode Island.

As the CRMC is well aware, every applicant seeking an aquaculture permit before the CRMC has the burden of providing relevant, compelling and convincing evidence that the proposed facility/lease will not significantly interfere with such Public Trust uses and that such use will be in the public interest. By failing to undertake simple due diligence seeking information in the public domain (i.e., reviewing Tiverton property ownership records, undertaking multiple site visits at different times and seasons), the applicant has failed to meet its burden, and the application should be rejected.

Likewise, the Bowen application's failure to provide meaningful, compelling and convincing evidence of public's actual use of the proposed site and Seapowet Waterway rather than the general statements made that the area is lightly used by the public, is a failure of meeting its required burden, and was a deliberate attempt to minimize and negate the Public Trust. As evidenced by the attached, the area is in continuous use by me for rowing during three (3) seasons.

Allowance of the Boehringer and Bowen applications will result in my having to row farther out towards the marked navigational channel where power boat use and wake is significant. This constitutes a detrimental and significant navigational safety hazard to my continued recreational use of the Seapowet Waterway and Fogland area. CRMC's approval of the Boehringer and Bowens application will unquestionably impact not only me, but many other recreational users, including fisherman, kayakers, and others, all public uses that I have personally observed over the course of the past 12 plus years.

The improper siting of aquaculture operations will forever cause detriment to the public use of such area, and violate the current and future Public Trust uses of these areas. As set forth, in relevant part, R.I. Gen. Laws 20-10-1 states, "... the process of aquaculture should be conducted within the waters of the state in a manner consistent with the best public interest, with particular consideration given to the effect of aquaculture on other uses of the free and common fishery and navigation. . ." and recreational uses enjoyed by the public. (Emphasis added).

Neither the Boehringer application nor the Bowen application have met their burden to demonstrate that the proposed oyster farms will operate in a "manner consistent with the best public interest." Both applications should be soundly rejected.

Respectfully submitted,

Donald & Sarah Libbey
453 Neck Road, Tiverton, RI

On June 22, 2021 at 11:52 AM, Donald Libbey <dhclibbey@mac.com> wrote:

Dear CRMC:

We are the owners of the property with an address of 453 Neck Road, Tiverton, RI. Our property has access to the Sakonnet River between midway between Fogland and Seapowet via Right-of-Way established by the Almy family generations ago.

We were just informed by a concerned neighbor of the two (2) Oyster Farm proposals pending with the CRMC. To date, we were never notified by CRMC and/or the applicants of the pending applications to use areas near Seapowet Cove and north of the Cove in the adjacent waters to the South West of the Seapowet Marsh Wildlife Management Area for commercial oyster farming.

We object to both applications for the reasons that allowing a commercial venture in the proposed waters will impact on the coastal beauty of this largely undeveloped area, negatively impact recreational and boating use, including the waterways to and from existing moorings. It will also negatively impact on abutting property owners real estate values and uninterrupted views. We also object, because of a lack of notice to those most impacted, adjacent owners, and the general public, which use the Seapowet Marsh Wildlife Management Area and adjacent public beach heavily, this especially during the continuing pandemic.

The Bowen application

(www.crmc.ri.gov/meetings/2021_0511semipacket/2021_0511_BowenBowen2020-04-037.pdf) ("Bowen") appears headed for approval on June 22, 2021 with little or no community input because of the lack of notice. The proposed Wakefield ("Wakefield") application www.crmc.ri.gov/applicationnotices/2021-02-054.pdf ("Wakefield") is much larger, and therefore, impacts greatly on the use of the waterways to the North of Seapowet Cove and South West of the environmentally sensitive Seapowet Marsh Wildlife Management Area.

While we can appreciate that this use seems compatible with the area, it is not. The two (2) locations are heavily used by recreational boaters (kayakers, rowers, SUPs, wind and kite surfers, and sailors), open water swimmers, and fisherman. The proposed locations would interrupt the free flow of navigation by all of these users. These are community waterways and areas, environmentally sensitive, for the enjoyment and use by the public, and must not be used for commercial exploitation.

Please note our objection to the two (2) applications.

Sincerely,

Don & Sarah Libbey
453 Neck Road
Tiverton, RI 02878

2:06



Map



41° 34' 13" N
71° 12' 14" W



77

Wypt 001



Nonquit Pond
0.76 mi

Google

MotionX

Zoom: 13.5

Search



Menu

cstaff1

From: Markus Earley <markuse.lc.ld@gmail.com>
Sent: Tuesday, August 24, 2021 2:00 PM
To: cstaff1@crmc.ri.gov
Subject: Applications 2020-04-037 & 2021-02-054

Hello, I am a land owner in Tiverton RI. Please advise how I can object to the proposed oyster farms named below - I want to voice my opposition:

FILE NAME FOR APPLICATION SOUTH OF SEAPOWET POINT:

John Bowen and Patrick Bowen

2020-04-037

FILE NAME FOR APPLICATION NORTH OF SEAPOWET POINT:

Boehringer and Lundgren

2021-02-054

--
Thank You,
Markus

cstaff1

From: Haney <haneyt2003@yahoo.com>
Sent: Monday, August 30, 2021 11:15 AM
To: cstaff1@crmc.ri.gov
Subject: John Bowen and Patrick Bowen 2020-04-037

Dear CRMC Staff,

We are home owners in Tiverton and we are asking Coastal Resources Management Council and Tiverton Harbor Commission to reconsider the permit applications and restart this process based on the [Good Neighbor](#) policy that applicants should “communicate early and openly with water-based and land-based neighbors about any facet of their operation which might affect them.”

Impacts

Specifically, the non-conforming effect of the proposed aquaculture on other confirmed communal uses of fishery, navigation and recreational enjoyment have not been adequately considered as required by the CRMC’s regulations 650-RICR-20-00-1, 1.3.1, F & J.

The CRMC’s 5% aquaculture rule used for South Coast salt ponds may not apply to the social carrying capacity of the proposed Seapowet oyster farm which is a direct intrusion on the public and their established endowment of swimming, kayaking and boating. At lowest tide of two feet in the proposed area, the oyster cages would obtrude, creating safety issues, people and boats will be unable to freely pass over and could become entangled in the cage mechanisms.

The applicants have failed to meet the burden that their aquaculture facility is consistent with the best public interest as emphasized under R.I. Gen Laws 20-10-1. The applicants did not contact the abutters/neighbors of their proposed oyster farm prior to or during their application. In reference to the [East Coast Shellfish Growers’ Association](#) (ECSGA) best practices, the applicants have neglected the tenets of the Good Neighbor policy, “communicate early and openly with water-based and land-based neighbors about any facet of their operation which might affect them,” such as daily maintenance and operations required for hundreds of cages. In addition, “identifying other users is the first step in a successful farm and includes upland property owners in close proximity, boating/fishing activity.” There are concerns of transportation frequency from land through the water with an 18-foot boat and how this conveying will affect the proximity of birds and wildlife of Seapowet Marsh.

Protect our recreational rights on the water.

Once these two farms are approved, the Sakonnet River will change forever. While CRMC grants these leases for a fixed number of years, the agreements could last in perpetuity. Imagine putting a power plant in the Grand Canyon. For many Rhode Islanders, the Sakonnet River is just such a place. Because it is shallow and sandy, we have no shipping traffic. There are no commercial facilities of any kind on land or in the water from the southern Tiverton Harbor breakwater to Sakonnet Point. This jewel is the last waterway in mainland Rhode Island, and perhaps southern New England, to remain this preserved. Why then, should we mar our common scenic beauty and restrict access with acres of floating plastic and cages that foul our recreation areas?

Please reconsider this permit.

Sincerely,

Michelle Haney

cstaff1

From: Tom Link <mlink@linkdirectmarketing.com>
Sent: Wednesday, September 1, 2021 9:29 AM
To: Council@crmc.ri.gov; cstaff1@crmc.ri.gov; bgoetsch@crmc.ri.gov
Cc: SaveSeapowet@gmail.com
Subject: CRMC File 2020-04-037 (Bowen Oyster Farm)

Dear CRMC Council Members,

I am writing in opposition to the proposed oyster farm at the mouth of the Seapowet Marsh.

Two years ago I became a full-time resident of Little Compton after spending the past 20 summers here. As a recreational fisherman, I have fished the Seapowet area hundreds of times. When my children were young, I frequently brought them to the Seapowet Bridge to catch snapper blues. Even today, when I have guests who like to fish, I always bring them to Seapowet (not to mention swimming and kayaking there). It's still one of my favorite places to fish and I do so both in the marsh and outside the mouth of the creek. It's safe, it's accessible, has beautiful sunsets, and plenty of fish.

From the proposed oyster farm maps I've seen, I believe that the proposed farm will obstruct certain areas where I and other anglers fish. Please vote against granting this permit in the proposed location. There are so few places left that are as pristine as Seapowet Marsh. Let's keep it this way for us and future generations to enjoy.

Sincerely,

Thomas Link
51 Burchard Avenue
Little Compton, RI 02837

cstaff1

From: Jamie Worrell <jworrell54@gmail.com>
Sent: Monday, September 6, 2021 1:16 PM
To: council@crmc.ri.gov; cstaff1@crmc.ri.gov; bgoetsch@crmc.ri.gov
Cc: saveaseapowet@gmail.com
Subject: CRMC File 2020-04-037 (Bowen Oyster Farm)

Dear CRMC Council:

Local, sustainable, minimal-impact, family-run farming should be encouraged. The proposed Bowen oyster farm has many attractive attributes:

- It is a multi-generational family enterprise
- It builds on Rhode Island's marine traditions
- The backers are
 - educated in their specific field
 - attuned to the environmental and marine impact, and in support of minimizing the marine, environmental and visual impact
 - local, small business people who are part of their community
 - established professionals with a history of running an aquaculture business and farming oysters

I am in favor of so much of the proposed farm and what the Bowen's are seeking to accomplish. I appreciate what they do and are trying to do.

I am opposed only to the proposed location.

The proposed area is frequented by a wide spectrum of the public from all ages, areas, and walks of life for a variety of uses. The diversity of uses and users that this area attracts is exactly what public spaces should be. Nothing should interfere with that. Not now, not ever.

The public accesses this public area by both water and land. The oyster farm would sit between these public access points, and between the river and the marsh. The oyster farm, sitting in a very small tidal area between the wonderful Sakonnet River and beautiful Seapowet Marsh would break up the natural flow and untouched beauty of this special area which links the river and marsh. Nothing should interfere with that flow. Not now, not ever.

Unlike the oyster cages, every one of the public uses of this area is transitory, neither leaving nor requiring any permanent structure, fixture or equipment. Once the user is gone, their "footprint" is gone; the slate is clear for the next user and their preferred recreational activity.

The permanence of the oyster cages is such that they will be there in front of all users (visible or not) for as long as this farm exists, potentially interfering with whatever recreational pursuit compels any member of the public who chooses to access this Rhode Island public gem by water or land.

From the proposal accessible on CRMC's website, the mean low water level is 24-48" and the cages and bags are 18" tall, leaving a scant 6" of clearance in the lowest spots. As others have surely more elegantly pointed out, this depth potentially interferes with many public uses such as any vessel with a keel, motor or skeg; fishing, landing fish; snorkeling, swimming, wading, exploring. Public uses I have observed as a Tiverton

resident which could be interfered with include: rowing shells, stand up paddle boards, windsurfing, kiteboarding, motor & sail boats, kakaying, wading, swimming, snorkeling, fishing, and exploring.

What was not clear from the CRMC site was whether this lease was transferable or had a time limit associated with it (it appears mute on transferability and open-ended on time).

- Could its footprint be further limited to allow it to proceed while avoiding the interference above?
- Could a provision of non-transferability be added to prevent assignment of the lease to a group that does not possess some of the positive attributes listed above which the Bowen's possess?
- Could the lease be granted on a trial basis with further public comment periods mandated at 1,3,5 year intervals?

Thank you for your consideration of these and other comments, suggestions and questions submitted by interested citizens.

Sincerely,

James L. Worrell

cstaff1

From: Jeanne De Souza <desza196@yahoo.com>
Sent: Wednesday, September 15, 2021 2:42 PM
To: CStaff1; Lisa Turner
Subject: Addition for the Bowen File -2020-04-037 - EcoRI article: Sean Bowen states they would start with 30-40 cages
Attachments: Aquaculture Farmers and Recreational Users Tussle for Space Along Rhode Island's Crowded Coastline — ecoRI News.pdf

Hello Lisa,

Could you please put the attached article in the Bowen Oyster Farm File 2020-04-037. I have included the .pdf attachment, as well as the direct link.

Attached is the link to the article and a .pdf.

<https://www.ecori.org/shifting-sands/2021/8/19/cramped-quarters-aquaculture-farmers-and-recreational-users-vie-for-space-along-rhode-islands-coast>

Thank you for your help, and hope you have a nice afternoon!

Jeanne

Jeanne De Souza
697 Seapowet Avenue
Tiverton, RI 02878

Please note the specific reference below contained in the article. This would give the appearance that they are Spectators, as I believe that may be a CRMC term. It would be very unfortunate to provide such a heavily-used, recreational, public space - an almost acre - for what appears to be a hobby.

"The farm would be the Bowens' first dabble at running an aquaculture operation. Patrick, who teaches at the Diman Regional Vocational Technical High School in Fall River, Mass., and Sean, who is the aquaculture coordinator and composting coordinator for the Massachusetts Department of Agricultural Resources, told ecoRI News **the operation would start small, with 30-40 cages**. Perhaps in five years the farm would ramp up to the maximum 200 cages, they said."

2020-04-037



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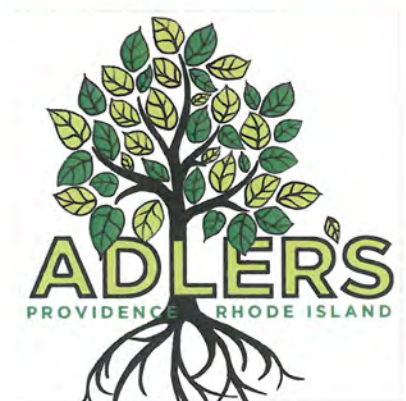
Shifting Sands

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Aquaculture Farmers and Recreational Users Tussle for Space Along Rhode Island's Crowded Coastline

August 21, 2021





A paddleboarder on the Sakonnet River in Tiverton passes near an area that could host a nearly 1-acre aquaculture operation. (Frank Carini/ecoRI News)

By FRANK CARINI/ecoRI News staff

TIVERTON, R.I. — The Ocean State's coastal areas and its salt ponds are some of the most popular, crowded and treasured spots in the state. They are recreational havens, economic drivers and food suppliers.

Green Hill, Ninigret, Point Judith, Potter, Quonochontaug and Winnapaug ponds run along Rhode Island's southern coast. These ponds are coastal lagoons with shallow water that are separated from the open ocean by a natural barrier, creating a protected environment that hosts an assortment of wildlife and myriad activities. On any given day, especially in the summer, you can find people boating, swimming, paddling, tubing, kite surfing, fishing and birding.

These ponds, as well as areas like the Sakonnet River and Nanaquaket Pond in Tiverton, have also become desired locations for aquaculture. These operations are particularly suited for salt ponds and coastal areas, because of shallower water, a longer



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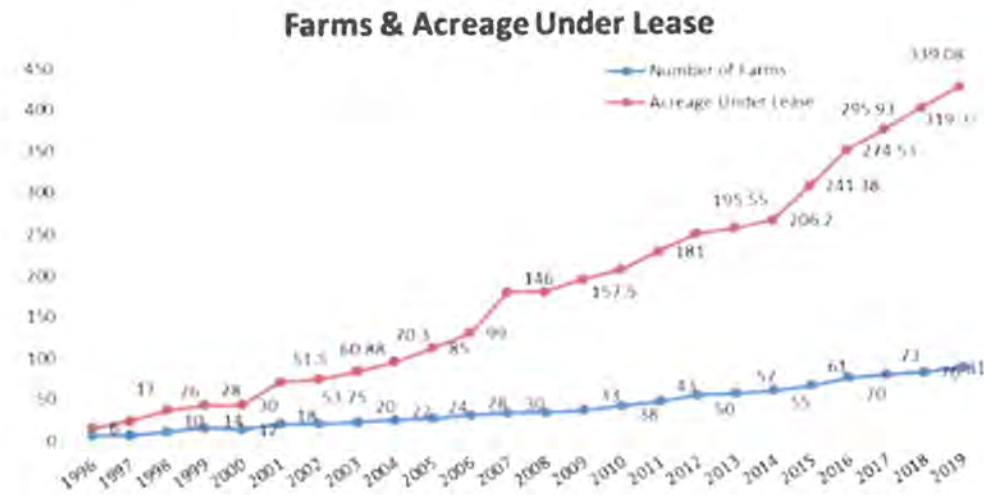
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Eighty-one Rhode Island aquaculture operations take up 339.08 acres of coastal waters. (Rod Hudson/Roger Williams University)

Rhode Island's aquaculture industry has steadily been on the rise for the past two-plus decades. From 1996 to 2019, the number of aquaculture farms in Rhode Island increased from six to 81 and the amount of space they occupy, from less than 20 acres to nearly 340, according to information presented by Rod Hudson, a shellfish hatchery manager and adjunct professor at Roger Williams University, during an aquaculture discussion Aug. 12 at Tiverton Public Library. The event was organized by Rep. Michelle McGaw, a Democrat who represents Little Compton, Portsmouth and Tiverton.

And while the general sentiment across the state, including by many who use the same waters to play, is that aquaculture is good for the local economy and environment — oysters like other bivalves filter water and remove excess nutrients such as nitrogen; the farming and harvesting of shellfish doesn't require antibiotics and fertilizers; a small oyster farm can clean as much as 100 million gallons of water daily — resistance has become strong. Concerns have been raised that this intensifying interest in marine farming is eroding the proper management of aquaculture

farm leases.

The Coastal Resources Management Council (CRMC) is the agency responsible for managing aquaculture leases. Under CRMC regulations, a maximum of 5 percent of a pond's water surface area can be used for commercial aquaculture.

The application process includes site visits by the Rhode Island Department of Environmental Management (DEM), the Army Corps of Engineers and the Rhode Island Historical Preservation & Heritage Commission. The application is also given a 30-day public notice period. This review determines if the proposal will be met with conflict, and the application is either approved or denied by CRMC's aquaculture coordinator before the project is voted on by the 10-member board.

The agency's current aquaculture coordinator, Benjamin Goetsch, told the Tiverton Harbor & Coastal Waters Management Commission at a meeting in March that CRMC doesn't tell aquaculture applicants where to put their projects, saying the review process is designed to determine if a chosen site can accommodate such an operation.

The regulations and the application process are meant to provide structure for a growing industry, but it is Rhode Island General Law 20-10-1 that sets the foundation.

"It is in the best public interest of the people and the state that the land and waters of the state are utilized properly and effectively to produce plant and animal life," according to state law. "The process of aquaculture should only be conducted within the waters of the state in a manner consistent with the best public interest."

But what is in the public's best interest is a matter of opinion.

Aquaculture expansion is certainly positive, as the state is bringing back an industry that had its last boom at the turn of the 20th century. Tourism, recreation and commercial fishing are also important to the Ocean State, but when boaters, abutters and fishermen have less access to coastal waters, tensions build.

Coastal property owners, recreational water users, anglers, waterfowl hunters, aquaculture operators and state officials are grappling with how to navigate their way through a complicated situation involving a shared resource.

With Rhode Island's aquaculture footprint growing, CRMC, during its ongoing effort to develop a Narragansett Bay Special Area Management Plan, "is holding robust discussions with an aquaculture working group and is looking hard at all of the processes involved in notifying, reviewing and deciding upon aquaculture applications for our public trust waters."

Aquaculture can be a growing business if sites are chosen well, according to the [Rhode Island Shellfisherman's Association](#).

The East Coast Shellfish Growers Association [recommends](#) that growers, "Make a best effort to communicate early and openly with water-based and land-based neighbors about any facet of their operation which might affect them."



While Rhode Island's main aquaculture crop is oysters, farmers are also raising hard-shell clams, mussels and seaweed. (istock)

User conflicts

Aquaculture projects proposed for the Sakonnet River in Tiverton have galvanized residents. Neighbors claim they did not hear about the two projects until they were well along in the CRMC approval process. This lack of transparency, they say, has made an already-contentious situation more problematic. They say the state's notification process is lacking, ignores abutters and other water users, and needs to be revamped.

However, unlike municipal zoning and local land-use issues, abutters are not required to be notified by CRMC or DEM of aquaculture operations proposed for state waters.

Kenneth Mendez, who has owned a home on Sapowet Marsh for the past three years, is among those concerned about plans to put more oyster cages in a Tiverton waterbody popular with the public. Two existing aquaculture operations on the eastern shoreline of the Sakonnet River take up about 5.5 acres in

Tiverton's riparian waters.

In a June 11 email to the DEM director, Mendez expressed concern that there is a lack of public notice when it comes to hearings associated with aquaculture projects. He said this lack of notification can potentially impact the outcome of important votes.

CRMC noted it has created an [online listserve](#) for anyone who wants to be notified of any activities related to Rhode Island aquaculture. The agency also has a [webpage](#) devoted to the industry.

To address residents' concerns, the Tiverton Town Council [recently directed](#) the town solicitor to look over a proposed resolution that, if passed locally and sent to the General Assembly, could give residents more time to respond to aquaculture proposals than state regulations currently require.

The resolution was reportedly put on the agenda by council member Jay Edwards. He has expressed concern about the way CRMC has dealt with the aquaculture farms proposed to the north and south of Sapowet Point on the Sakonnet River.

The proposed Bowen oyster farm plan — the one south of Sapowet Point and near where Sapowet Marsh empties into the Sakonnet River — was submitted by Little Compton brothers Patrick and Sean Bowen. Their [application](#) seeks CRMC permission to submerge up to 200 oysters cages in a 0.95-acre area 285 feet offshore.

The farm would be the Bowens' first dabble at running an aquaculture operation. Patrick, who teaches at the Diman Regional Vocational Technical High School in Fall River, Mass., and Sean, who is the aquaculture coordinator and composting

coordinator for the Massachusetts Department of Agricultural Resources, told ecoRI News the operation would start small, with 30-40 cages. Perhaps in five years the farm would ramp up to the maximum 200 cages, they said.

As for claims the public wasn't made adequately aware of the project, the lifelong Rhode Islanders said seven public hearings have been held on their proposal, the comment period was extended by 15 days and their application has been posted on the websites of CRMC and the town of Tiverton. The brothers noted they have changed the farm's plan three times to address residents' concerns.



A group of Tiverton residents and others who use local waterways for recreation have come out against aquaculture operations proposed for the Sapowet Marsh Wildlife Management Area of the Sakonnet River.
(Frank Carini/ecoRI News)

The Bowen aquaculture plan was originally filed in December 2019 and was expected to come to a CRMC board vote in June, but pushback from opponents, including Mendez, Rick Metcalf, Clint Clemens and Donald Libbey, delayed the process.

The project's opponents have since launched a [website](#) and posted

signs up and down Seapowet Avenue urging the preservation of access rights to the popular waterway.

Mendez, who regularly fishes for stripers and blues in the area where the Bowens' oyster cages would be submerged, told ecoRI News the farm would encroach on a public trust.

Metcalf, an avid Sakonnet River kayaker whose property overlooks the area where the Bowens have proposed their aquaculture operation, said DEM's nearby [Sapowet Marsh Wildlife Management Area](#) parking lots are packed Saturdays and Sundays with people boating, fishing and swimming in the tidal waters behind his house.

In a June 22 email to CRMC about the two Sakonnet River aquaculture projects, Libbey, a Neck Road resident, wrote that while "we can appreciate that this use seems compatible with the area, it is not." He said both locations are heavily used by recreational boaters, swimmers and anglers and their free flow of navigation would be interrupted by the aquaculture operations.

In another late-June email to CRMC, in regards to the Bowen aquaculture proposal, Peter Jenkins, owner of a Middletown-based saltwater fishing store and a member of the Rhode Island Saltwater Anglers Association's Access Committee, wrote that the proposed site would "unreasonably interfere with, impair, and significantly impact existing use of tidal waters. There are few waters in Rhode Island that are as safe and as accessible as this area for recreational anglers who wade fish."

Sean Bowen, who graduated from Unity College in Maine with a degree in sustainable aquaculture, called the claims the operation would interfere with recreational uses misleading. He noted the 16-inch-high cages would be submerged, four buoys would mark the farm's perimeter and the cages would be placed in rows of 10,

with 25 feet between each row. He said kayaks and paddleboards would be able to pass over the cages. He said there would still be plenty of room to fish.

“We want a low-profile operation with a low-carbon footprint,” Patrick Bowen said. “We want to be invisible.”

Tiverton resident Will Miranda is concerned about the impact the growing number of Rhode Island aquaculture operations are having on commercial fishing. While not a commercial fisherman himself, his father and other family members are, and he believes aquaculture farms can make valuable fishing and wild shellfishing areas inaccessible.

“They’re going up everywhere and anywhere,” he said. “We need to find suitable places to put them, but it seems like there is no plan for where they can be put. They should be going in places that have minimal impacts on the community.”

Miranda is also a kite surfer, but the 38-year-old doesn’t believe aquaculture, at least when it comes to his recreational use of salt ponds and coastal areas, hinders his enjoyment.

“I could get tangled up in cages and buoys and fall, but that’s my problem,” he said. “That’s on me.” He said floating cages are the bigger problem for a kiteboarder.

The New England chapter of Backcountry Hunters & Anglers has said the impacts to hunters’ use of the Sapowet Marsh area have not been acknowledged, considered or addressed.

The Boehringer aquaculture application, submitted in January by Wakefield residents Brad Boehringer and Travis Lundgren, requests the use of floating and submerged gear to raise oysters and scallops in a nearly 3-acre site north of Sapowet Point.

A similar situation is playing out in South Kingstown, where a proposed 3-acre expansion of an aquaculture operation in Potter Pond's Segar Cove has received pushback. Neighbors are concerned the project would effectively privatize more of the pond and further limit public access. Potter Pond currently features about 9 acres of aquaculture.

Like in Tiverton, opponents have created a [website](#), made CRMC aware of their disapproval and hired attorneys.

The Sakonnet River applications are currently under review and therefore CRMC can't comment on them directly, according to Laura Dwyer, the agency's public educator and information coordinator.

She noted the Potter Pond project still needs to go before the CRMC board for consideration. In an early August email, she said the board is waiting on scheduling and a written recommendation from a subcommittee.

"Regarding aquaculture generally, the CRMC has always sought to balance the many uses of our coastal ponds and Narragansett Bay, of which aquaculture is one," Dwyer wrote. "However, CRMC evaluates each application it receives on its own merits, and also considers what the impacts of these proposed activities may be with the many recreational, commercial, and other uses and users of the state's Public Trust waters."

No one at CRMC was made available to speak about the growing demands being put on Rhode Island's salt ponds and coastal areas and how this space is being managed. The next CRMC board meeting is scheduled for Aug. 24.

To see more stories in this series, [click here](#).

Editor's note: This story was updated Aug. 22.

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POST COMMENT...

Fed-Up 2 weeks ago · 0 Likes

Mr. Gerritt's aquaculture proportions are spoken in the same jargon used by the aquaculture advocates. It disregards spatial planning, shellfish disease introductions, genetic dilution of wild stocks, localized sediment impacts, bird roosting on gear, displacement of public trust usage, and more, all in exchange for a nominal annual fee. Those concerned with these impact little if any recourse.

erinielliott7@gmail.com

2 weeks ago · 0 Likes

I would hope that in a fair and democratic society that we need to hold our government officials accountable to live up to their commitment to the people they serve. It seems to me that aquaculture, although an important enterprise in our state, makes up a modest contribution to RI's revenue and employment base. Therefore, a thoughtful, long-range modernized plan for our coastline and wetlands, including scientific impact studies of aquaculture, not just comments like "well, oysters clean the water" seems to be warranted.

My understanding is that once these leases are granted access rights-for all intents and purposes-are given up FOREVER since the leases can be sold. And that "forever" is a HUGE price to pay for lost access, potential and real hazards to novice or injured water enthusiasts, and unstudied long-term damage to our precious ecosystem, not to mention unsightliness of these farms and/or noise pollution by any cleaning equipment. Please check out saveaseapowet.org for the latest updates. Thank you

 **greg gerritt** 2 weeks ago · 0 Likes

Rhode Island has 400 miles of coastline, the area of leases is 340 acres, about 1/2 square mile. This case goes to show just how little of the 400 miles is actually prime habitat and/or accessible to the public . Hence the conflicts over use.

 **richard pastore** 2 weeks ago · 0 Likes

i m a member of the shellfish advisory committee which

preliminarily reviews aquaculture applications and sends a recommendation to the marine fisheries council which then sends a recommendation to CRMC. i m also on the committee to advise CRMC on the aquaculture portion of the Bay SAMP.

i ve been complaining about the inadequate and un-rigorous public notification for years. its true that the applications are listed on the CRMC website and one can be notified via the aquaculture listserve however that begs the question first of who's hobby it is to peruse the CRMC website and second how is one supposed to know to sign up for the listserve. by the way even if one was on the listserve are they supposed to review the listing regularly to see if an application will effect them. the complaints by Bay users, lets call them stakeholders regardless of what type of user they are (other commercial entities or private citizens) has increased dramatically with the increase in applications.

as frank points out, other state and municipal regulatory processes (zoning board applications, septic system variances for example) have required abutter notifications via direct contact (certified letters) . the applicant is responsible for the notification which has to be documented to the regulatory agency. there is no such requirement for aquaculture applications which leads to growing conflicts that this article highlights. presently the CRMC Type I water definition includes preservation criteria which is being ignored with the granting of some of these leases. hopefully the SAMP aquaculture process will formulate a formal abutter notification process for both water users and upland property owners and not leave it up chance as to whether or not a potential effected party becomes aware of an application

dick pastore

Don Libbey 2 weeks ago · 0 Likes

Thank you for a balanced article on the subject of Oyster Farming in RI waters. What the majority of the public wants is a fair and transparent process that allows for valuable public input. That is not the process with CRMC today, which is why the recent appointment of a Committee of legislators and stakeholders to discuss revamping CRMC is so important.

What else is important, is completing the SAMP process, which hopefully will determine where aquaculture should be located in the waters of RI. When the historic use of the many to RI's waters are superseded by the commercialization of the Public Trust by the few, the system is flawed and should be revamped. Until such time as those changes are instituted and the SAMP program is finalized, there should be a moratorium on approval of any aquaculture projects.



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DESAUTEL LAW

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October 6, 2021

VIA USPS MAIL

Mr. Raymond Coia, Acting Chairman
Rhode Island Coastal Resources Management Council
Stedman Government Center - Suite 3
4808 Tower Hill Road
Wakefield, RI 02879-1900

**RE: CRMC Matter 2020-04-037
BOWEN OYSTER FARM**

Dear Acting Chairman Coia:

This office represents Kenneth and Elizabeth Mendez, who are property owners in Tiverton, Rhode Island and recreational users of the area under consideration for the above-referenced project. The Mendez's hereby formally object to the proposed Bowen Oyster Farm application sited in the Rhode Island Department of Environmental Management ("RIDEM") Sapowet Wildlife Management Area ("Seapowet WMA") in Tiverton, Rhode Island and ask the CRMC to deny the application. This proposed farm will have serious negative effects on the local community and directly impact the abutters. The Mendez's also formally request an opportunity to be heard at any and all public hearings on this matter.

16 U.S.C. §1452, known as the "Coastal Zone Management Act," entrusts the Coastal Resources Management Council ("CRMC") "to exercise effectively its responsibilities in the coastal zone through the development and implementation of management programs to achieve

wise use of the land and water resources of the coastal zone.” The CRMC is also entrusted with the protection of the interest of the public to the tidal waters; as “[t]he CRMC's authority emanates in part from the public trust doctrine. The public trust doctrine dictates that ‘the state holds title to all land below the high water mark in a proprietary capacity for the benefit of the public.’” Humphrey v. Coastal Resources Management Council, PC 10-1317, PC 10-1384 (citing Greater Providence Chamber of Commerce v. State, 657 A.2d 1038, 1041 (R.I. 1999)).

Under these powers and the governing CRMC regulations regarding the institution of aquaculture operations, John and Patrick Bowen have applied to install a .95 acre oyster farm in the Seapowet WMA located in Tiverton, Rhode Island. The area in which the oyster farm is proposed is located adjacent to the RIDEM Seapowet WMA which provides public parking and shore access to recreational users of the Seapowet waters. CRMC is delegated to assess the wisdom of the use; it is clear that the proposed farm at the proposed site would not be a wise use of the area entrusted to CRMC's management, as the loss of use of a near acre of tidal water areas utilized by the neighborhood population would be detrimental to abutters, recreational user access, and a disturbance to the already established wild and marine life.

I. CRMC failed to give proper notice to abutters to allow for the collection of public comment for review and consideration.

The Public comment period as required under RIGL §42-35-2.8 has been tainted by the CRMC's failure to provide adequate notice. 650-RICR-10-00-1 Section 1.5.1(B) states that after a completed application is submitted for CRMC review “public notice shall be sent on formal applications and/or starred (*) administrative applications to immediate abutters, appropriate municipal agencies in the area or areas so affected by the activity, appropriate quasi-municipal and State agencies which may be affected by the proposed activity, appropriate citizen interest groups, as well as State and local officials in the area or areas of the proposed activity.”



The intent of public comment is to provide *accurate* information to the general public about proposed projects and their effects on the surrounding community, and to allow for the community to engage in informed and meaningful discussion with government on these projects. However, in this case, the CRMC aquaculture coordinator did not accommodate a recommendation from the Rhode Island Marine Fisheries Council ("RIMFC") in November of 2020 to re-notice a second proposed lease location:

"The key challenge faced by the Council and the SAP regarding this application is that the members felt uncomfortable rendering a recommendation pertaining to two proposed lease site locations, only one of which was noticed for public comment. The members value the insights and perspectives offered by fishermen via the public comment process, and consider them carefully when formulating recommendations to the CRMC. The shifting nature of this proposal during the public comment period made it difficult for the Council and the SAP to apprehend public opinion and render informed recommendations." Letter dated November 16, 2020 from RIMFC.

It was only the Mendez's own proactive measures in directly communicating with the CRMC aquaculture coordinator on May 10, 2021 that revealed CRMC was considering a second alternative location. CRMC failed to provide adequate notice, and thus our clients, were unable to participate in this application process in a meaningful way.

The applicant in this case has not, to date, provided CRMC with sufficient detail and information regarding their intent for the subject proposal. Further, the information submitted to CRMC and the Tiverton Harbor Commission (which forms the basis for the public comment period and the public hearing) is not reliable, not accurate, and deficient. By way of illustration, the following are excerpts that demonstrate factual inaccuracies presented to the public and public bodies:

- At the March 1, 2021 Tiverton Harbor Commission Meeting, the applicants and the CRMC aquaculture coordinator mention support (7:52) for the application but selectively fail to mention the objection letters from recreational anglers submitted in June and July of 2020



stating that the proposed location is actively used by recreational anglers. This omission misleads the Tiverton Harbor Commission.

- The subject Assent application is vague as to the total number of cages proposed, “cultivation will likely result in a maximum of 200 cages in use on the farm.” The drawings of the cages, attached to the application, do not appear to be drawn to scale. This lack of clarity in the application was called out (2:15:51) during the June 1, 2020 Tiverton Harbor Commission Meeting but remains unaddressed in the current application.
- The application references two locations in the Seapowet WMA as support for approval, but these areas are nowhere near the proposed site, “[t]he area SW of Seapowet Point is extremely shallow and cannot be safely navigated during low tides...The area west of Seapowet and Fogland Points presents dangerous swimming conditions...Fishermen, shellfishermen and bathers typically use the area to the north of the Seapowet Creek.” However, residents and local fisherman confirm that fishermen, shore waders, and swimmers regularly use the area south of Seapowet Creek especially at low tide.

In this matter, adequate, or meaningful, notice would have provided sufficient time for active participation in the CRMC hearing process. Such active participation requires time for examination of the submissions and revisions of the application, and an opportunity to engage or obtain advice from experts or other knowledgeable professionals to evaluate those applicant submissions.

The statutory and regulatory notice requirement is an important element of the public’s ability to assist the CRMC in its important role of assessing and protecting the waters in which it holds in trust for the public. It also allows for the local community to comment and inform regarding the impact on the neighborhood and municipality. This comment period is used to address both environmental and social concerns, as well as the private interests of landowners. Acknowledging and addressing such concerns cannot be undervalued in an assessment of such an impactful consideration, such as the application currently before the CRMC regarding the installation of an oyster farm in Seapowet WMA.

II. The approval of Bowen’s Oyster Farm will have a negative impact on the abutters and local community’s use of the Seapowet WMA.



Under RIGL §46-23-6(B), the CRMC has authority to "approve, modify, set conditions for, or reject the design locations, construction alteration, and operation of specified activities or land uses when these are related to a water area under the agency's jurisdiction, regardless of their actual location." Humphrey v. Coastal Resources Management Council, PC 10-1317, PC 10-1384 (citing Greater Providence Chamber of Commerce v. State, 657 A.2d 1038, 1041 (R.I. Super. 1999)). However, that authority is limited by the Rhode Island Constitution, art. I, §17 which provides that the people shall continue to enjoy "the privileges of the shore," which includes the right to fish, swim, and pass along the shore. See id. Furthermore, any person proposing development within the State's tidal waters:

"shall be required to demonstrate that its proposal would not (i) conflict with any resources management plan or program; (ii) make any area unsuitable for any uses or activities to which it is allocated by a resources management plan or program; or (iii) significantly damage the environment of the coastal region." Id.

This is because "it is the policy of the State of Rhode Island to 'preserve, protect, develop and where possible, restore the coastal resources of the state for this and succeeding generations through comprehensive and coordinated long-range planning and management designed to produce the maximum benefit for society from such coastal resources...' " Id. (citing RIGL 1956 §46-23-1).

The Rhode Island legislature has specifically addressed these concerns *limiting* the scope of authorized aquaculture operations in Rhode Island waters and provided that "the process of aquaculture should only be conducted within the waters of the state in a manner consistent with the best public interest, with particular consideration given to the effect of aquaculture on other uses of the free and common fishery and navigation..." RIGL §20-10-1.

The applicant's proposed oyster farm aquaculture operation poses a substantial conflict with the water dependent uses of the area and activities such as recreational boating, fishing,



swimming and navigation. See 650 – RICR 20- 00-1, 1.3.1 (A)(1)(j). The General Assembly further codified its restrictions that aquaculture operations not interfere with or conflict with enjoyment of public trust resources as follows: “[i]t is the public policy of this state to preserve the waters of this state as free and common fishery. The health, welfare, environmental, and general wellbeing of the people of the state require that the state restrict the uses of its waters and the land thereunder for aquaculture and, in the exercise of the police power, the waters of the state and land thereunder are to be regulated under this chapter.” RIGL §20-10-1.

The Aquaculture Act, RIGL §20-10-1 *et seq.*, makes it clear that aquaculture is not an inherent right, but an activity that must necessarily be restricted to ensure that it does not interfere with the public’s enjoyment of public trust resources. This is why an applicant for an aquaculture permit is required to submit information to the CRMC in order that the CRMC may determine “the compatibility of the proposal with other existing and potential uses of the area and areas contiguous to it, including navigation, recreation, and fisheries” and the “degree of exclusivity required for aquaculture activities on the proposed site,” as well as other matters which help the Council determine the extent of conflict with public trust uses. 650 – RICR 20-00-1, 1.3.1 (K)(3)(a). It is unquestioned that it is the burden of the applicant to provide CRMC with sufficient relevant, compelling and convincing factual evidence which will allow CRMC to evaluate this evidence and make its determination that such proposed facility will not significantly conflict with or impermissibly interfere with such public trust uses and will be in the best public interest. The Bowen application fails to meet its burden to demonstrate that the proposed oyster farm will be sited and will operate in a manner consistent with the best public interest.

The Seapowet community has made it expressly clear through volumes of objections submitted to CRMC, both recently and historically, and other governmental outreach, that the



proposed site for this oyster farm will have a severe detrimental impact on the recreational use the Seapowet WMA is currently providing. The Seapowet WMA is an active area for community residents and residents of the greater Tiverton area. Fishing, paddle boarding and kayaking are just a few of the popular activities that occur in the proposed area. Additional objections come from broad stakeholder groups like the Rhode Island Saltwater Anglers Association, Rhody Fly Rodders, Backcountry Hunters and Anglers, Rhode Island Canoe/Kayak Association, and the Tiverton Town Council. *See attached documents.*

The Seapowet WMA is frequently used by the Mendez Family for recreational fishing. In fact, Kenneth Mendez fishes in the exact aquaculture area an average of five days per week from early April until mid-November. The newest CRMC application file materials for this matter show that the location for the project has been revised. Further, the application narrative states incorrectly that “[t]he water depth and coarse/gravelly bottom are not conducive to...fishing...” November 9, 2020 Application, Attachment J, p. 8. However, the new location is still part of the area that the Mendez Family uses for recreational fishing. The applicants’ statements about fishing are misleading at best. Many other stakeholders use the proposed area of the oyster farm as a thoroughway for kayaking. This area is near, and was proposed to be accessed, via a public shoreline access point from public parking. The extent of impact to the already heavily used public parking area is currently unclear. The public notice period has also been unhelpful in providing in information about the impact or use that the proposed project will have on this public access point. But the restrictive impact on the navigation and recreational use of the waters in which the proposed site impedes is clear.

Environmental concerns which comingle with social and recreational concerns also point to the need to deny the proposed application to necessarily preserve the area held in trust for the



public. In October of 2016, DEM partnered with Save The Bay to issue a joint Press Release discussing the launch of an improvement project at Seapowet Marsh Wildlife Management area. Director Janet Coit was quoted saying “coastal fish, heron, egrets, waterfowl and so much more wildlife call this special place home. It’s important we preserve it. Seapowet is also a place where significant shoreline erosion is threatening existing infrastructure and limiting the natural areas available to the public to enjoy.” CRMC was also noted to be a participant in this preservation project. The project was intended to preserve this unique area of natural coastline that is becoming more and more rare. This site is presently one of the few remaining natural public coastlines on the Sakonnet River.

The application filed with CRMC does not include a detailed plan on how cleanings and maintenance will take place. This engenders questions and concerns regarding possible disturbances to the local fish, wildlife, and natural vegetation in that area. In addition, there is insufficient information to evaluate possible additional waste and noise pollution for local residences. It is unclear exactly the degree of any potential negative ramifications of such activity, but it is clear that the applicants should be required to address these concerns under the relevant regulations, prior to any meaningful assessment of the wisdom of the proposed operation.

The addition of the .95-acre oyster farm as sited on the proposal clearly will have a direct impact on those who use the waters for recreation, such as the fishermen, hunters, kayakers, and swimmers, among others. In addition, it is unclear how the amount of impact the traffic to and from the proposed site will impact coastal ocean access for those who live along the proposed oyster farm’s edge and for those who use the coastal line for watersport/ swimming safety. This area of the Sakonnet River is in a unique location. The addition of this oyster farm would disturb



a large portion of this natural resource and harm those who live in the area and who enjoy its undeveloped coastline.

III. The Applicants failed to adequately show that there is a need for another oyster farm in the Tiverton area.

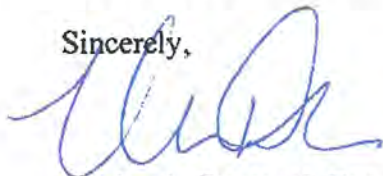
The CRMC Assent requirements 1.3.1(A) requires the applicant to demonstrate the need for the proposed activity. The sole demonstration of "need" in the instant application is that "at present the East Bay is largely under- represented" in regard to Rhode Island's oyster aquaculture industry. The application does not describe what Rhode Island or the local community's need for an oyster farm is, only that there is not one present in this area. At present, there are about eighty (80) oyster farms located up and down the Rhode Island coast. The Bowen application is silent as to whether there is a greater need for oysters using this proposed farm than is presently provided by these already existing farms.

In conclusion, the application for the Bowen's Oyster Farm to be located in the Seapowet WMA should be denied. This oyster farm would have detrimental effects on the area and would hinder or completely halt and prevent a large portion of recreational use that the local community relies on.

This office previously requested that the CRMC refer this matter to an appropriate subcommittee for consideration. To date, CRMC has provided no response to that request. My clients again request that the CRMC refer the matter to subcommittee.

Thank you for your anticipated consideration in this regard.

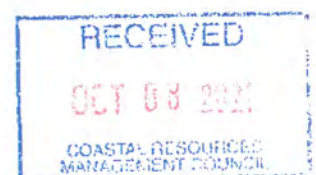
Sincerely,



Marisa A. Desautel, Esq.
cc: client



EXHIBITS



cstaff1

From: Peter Jenkins <peter@saltwateredge.com>
Sent: Monday, July 5, 2021 7:07 PM
To: cstaff1@crmc.ri.gov; jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov;
robert.ballou@dem.ri.gov
Cc: Rich Hittinger; Steve Medeiros; Peter Nilsen
Subject: Bowen Oyster Farm - Seapowet

June 30, 2021

Dear CRMC Council Members,

I am writing in opposition to a proposed oyster farm at the mouth of Seapowet Marsh. And frankly, to express my frustration in the effectiveness of the CRMC vetting process as it relates to other stakeholders. I write as a representative of the Access Committee of the Rhode Island Saltwater Anglers Association (RISSA), as a small business owner (The Saltwater Edge), and as a recreational angler who has fished Seapowet many times. The placement of this oyster farm in an area used by recreational anglers would significantly reduce access for these anglers, especially at low tide. The RIMFC's recent decision in a 4-3 vote to support the project was based on limited public input from recreational anglers. Many stakeholders for this project were not notified of the agenda item and were not able to provide feedback at the meeting. I learned of that meeting at 3pm on the day of the meeting. Reports from the meeting were that the members were deadlocked in a 3-3 vote and the chair was forced to resolve the deadlock by casting the deciding vote. Had there been more opportunity and notice to stakeholders to provide their perspective, the outcome of the vote could have been different.

The proposed site in its revised location will still unreasonably interfere with, impair, and significantly impact existing use of tidal waters. From my experience and in conversations with local anglers, the proposed one-acre site would occupy and obstruct approximately 30% of the fishable area at low tide. There are few waters in Rhode Island that are as safe and as accessible as this area for recreational anglers who wade fish. I have a number of customers through my business who regularly fish this area. Further, DEM has invested taxpayer dollars to create a free parking area on the site for anglers, swimmers, windsurfers, and others to enjoy the Seapowet Marsh.

The application states the following:

"The water depth and coarse sand/gravelly bottom are not conducive to boating, swimming**, or fishing,...The area SW of Seapowet Point is extremely shallow and cannot be safely navigated during low tides*. The area west of Seapowet and Fogland Points present dangerous swimming conditions.** Fishermen, shellfishermen (sic) and bathers typically use the area to the north of the Seapowet Creek...."*

I feel there are a few inaccuracies with this statement.

- As someone who owns a fishing tackle shop and advises anglers on tackle and tactics, I know that the water depth is very conducive to fishing and when anglers ask for advice on where to shore fish safely, Seapowet is one of the few good options in the East bay especially when fishing with children.
- The fact that it cannot be safely navigated by boats at low tides is exactly why this is a prime area for the shore angler who likes to wade fish. Boat traffic interferes with surf fishing. There is easy, free taxpayer-funded parking, and it is safe to wade at night on both sides of the creek.

Based on a more accurate understanding of the location, it is clear that the project does not meet the Coastal Resources Management Program – Section 1.3.1(A) -Category B Requirements. The project fails to demonstrate that the alteration will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters and/or the shore.



The poor notification process for the RIMFC's June 7th meeting did not allow me to attend and to provide this perspective to the committee. I have cc'd the Chair, Bob Ballou, on this email since he cast the deciding vote.

While I did meet with the proposed applicants, appreciate their perspective, and empathize with their journey and many adjustments they've made to their application, I believe the application process for aquaculture projects like these through the CRMC is flawed. This is a larger concern beyond the Bowen Farm in particular. The process as it stands lacks adequate stakeholder user input. For example, if actual users of this area were actively made aware through notices in the monthly newsletters of RISSA and the Rhody Fly Rodders, and local town newspapers, then the MFC, CRMC, and local residents would have the opportunity to provide feedback earlier in the process. The reason for what might feel like a late surge in opposition to the project is that stakeholders are only finding out about the application now.

Finally, as a small business owner whose livelihood depends on fishing access, and as a passionate recreational angler, I encourage the Council to vote against granting this permit in the proposed location and find another area that better meets Category B requirements. The CRMC should learn from this case and quickly adjust the application process to collect better information so applicants like the Bowen's and stakeholders like me are not subjected to the struggles of cases like these.

Sincerely,

Peter Jenkins
Owner, The Saltwater Edge
Chair, RISSA Access Committee

Cc:
Jennifer Cervenka, Chair CRMC
Jeffrey Willis, Executive Director, CRMC
Benjamin Goetz, Aquaculture Coordinator, CRMC
Robert Ballou, Chair, RIMFC
Bruce Cox, Tiverton Harbor Commission
Rich Hittinger Chair, RISAA Legislative Committee
Steve Medeiros, President, RISSA
Peter Nielsen, President, Rhody Fly Rodders



Benjamin Goetsch

From: Steve Medeiros <stevem@risaa.org>
Sent: Monday, May 10, 2021 2:14 PM
To: Goetsch
Cc: RISAA Board of Directors; Jenkins, Peter; Kenny Mendez
Subject: Bowen Application/Sepowet from RISAA

From: Ben Goetsch <bgoetsch@crmc.ri.gov>

Date: Mon, May 10, 2021 at 1:54 PM
Subject: Re: Document1
To: Kenny Mendez <kenneth.mendez@gmail.com>
Thanks Ken,
CRMC did not receive any comments from the association. Can you provide me with the meeting minutes for my reference.

Benjamin Goetsch
Coastal Resources Management Council
Aquaculture Coordinator
Oliver Stedman Government Center

Ben,

Please accept my apology for the scattered response from RISAA on the Bowen/Sepowet application. For the past 20 years, the RISAA Board of Directors has reviewed every aquaculture application that was filed, and has very rarely objected.

Unfortunate circumstances has occurred over the past few months that consumed our full attention on several major marine fisheries issues that began in December and consumed all of our time. We also received the Bowen application (revised), but it fell through the cracks. It came to our attention again last week after receiving messages from our members and Fly Fishing Committee asking us to please object to the application. Again the RISAA Board reviewed it and unanimously voted (via email) to object. It is on the agenda for our April 18 Board meeting when we will again vote and get it into the formal minutes.

The Board then requested that Peter Jenkins, our Public Access Chairman, attend the hearing and speak on behalf of the RISAA Board citing our unanimous objection.

I hope this message will assure you that we have in fact voted to OPPOSE the Bowen application.

Respectfully,

--

Stephen Medeiros, Executive Director
Rhode Island Saltwater Anglers Association
P.O. Box 1465, Coventry, RI 02816
office: 401-826-2121
<http://www.risaa.org>





RHODE ISLAND
SALTWATER
ANGLERS
Association



P.O. Box 1465, Coventry, Rhode Island 02816

401-826-2121

FAX: 401-826-3546

www.RISAA.org

The Honorable Daniel J. McKee
Governor of Rhode Island
Office of the Governor
82 Smith Street
Providence, RI 02903

RE: Open Letter Concerns Regarding Coastal Resource Management Council

Honorable Governor McKee:

We welcome you as the 76th Governor of the great State of Rhode Island and with this letter offer our perspective and recommendations concerning the Coastal Resource Management Council (CRMC).

The Rhode Island Saltwater Anglers Association (RISAA) represents over 7,500 recreational anglers and 28 affiliate clubs in Connecticut, Massachusetts and Rhode Island. Our members spend countless hours along the coast of Rhode Island fishing and enjoying the outdoors. We are not political in nature and we only want what is best for this great asset that we have been blessed with – our marine environment.

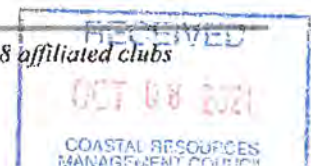
That is why we have become increasingly concerned about actions by the RI Coastal Resource Management Council (CRMC). These actions include some which have received much coverage by the media, such as the decision in the Ballard's Marina case on Block Island and some which are not as widely known such as the decisions in the South Fork Wind Farm and the Seapowet Marsh aquaculture application. In our opinion these decisions all have one thing in common, they favor development over existing uses and preservation of the marine environment.

This trend is concerning in general, but especially so when considering that the CRMC was established "to preserve, protect, develop, and where possible, restore the coastal resources of the state for this and succeeding generations....". It appears to us that the CRMC at a Council level is functioning to allow development as their main goal with preservation of the environment and existing uses as a secondary thought.

In the case of the South Fork Wind project the full Council voted against staff recommendations and did not even require the developer to avoid critical habitat during construction or provide mitigation funds into an account to be controlled by fishermen. This even though the developer's own documents showed that sound pressure during construction will kill invertebrates, finfish, and larvae for miles in all directions.

The CRMC staff includes many seasoned marine professionals who understand the RI marine environment and do a good job of evaluating potential impacts of proposed projects. We have no issue with their capabilities or performance. They work however, under the direction of the Council who are more politicians and developers than scientists and engineers.

The Rhode Island Saltwater Anglers Association represents over 7,500 recreational anglers and 28 affiliated clubs



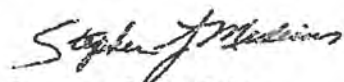
This causes confusion when staff is unsure if they will be supported by the Council when tough decisions are required. In the case of the South Fork Wind project staff said clearly "...the location of the SFW project on Cox Ledge, an area known for its biological diversity, is in our view one of the worst possible locations within Rhode Island Sound for this project." The Council still pushed ahead with full approval.

First, the composition of the Council, which you inherited, is not reflective of those using our coastal resources in Rhode Island. The issues with the Council are further complicated by the fact that the terms of all Council Members, except for the DEM Director's designee, have expired. We believe that you should appoint new, qualified Council members who have a better understanding of the Rhode Island marine environment and will preserve, protect, and where possible, restore the marine environment in our great State.

The Bay and the ocean are our most important resource and we must protect that resource for future generations. We are here to serve to help you appoint recreational users engaged with our coastal resources.

Thank you for listening to our comments on this very important issue.

Sincerely,



Stephen J. Medeiros
President



Richard C. Hittinger
1st Vice President

Cc: Jeffrey Willis, Director, CRMC
Terrence Gray, Director, RIDEM
Ben Goetsch, Aquaculture Coordinator, CRMC
Providence Journal



June, 14, 2021

Jennifer Cervenka – Chair, CRMC Council
Jeffrey Willis – Executive Director, CRMC
Terry Gray Assistant Director, RIDEM
Bruce Cox – Chairman, Tiverton Harbor Commission

Dear Jennifer,

Hello, my name is Peter Nilsen and I am President of 'Rhody Fly Rodders,' the oldest saltwater fly fishing club in America.' We have over 135 members who fish these coastal waters of Rhode Island, by wading the shore and using boats and kayaks. We have wade fished the shores of RI for over 60 years. Our club was started in 1962/1963 by Harold Gibbs, then Chief of Fish and Wildlife for the state of Rhode Island, and a fisheries biologist specializing in aquaculture who instituted quahog plantings here in RI waters back in the 1950's.

First, I would like to take this opportunity to make it known that Rhody Fly Rodders and its 135 members are strongly apposed to the Bowen application and installation for an oyster farm in the Seapowet estuary outlet area.

Our body of members have eons of years of fishing along the Rhode Island coastline and have fished the Seapowet/Fogland area for over 60 years, as it is ideal for parking and wading the sandbars and shoreline. We also have fishing get-togethers there many times during the year. I myself consider the Seapowet Marsh area one of my favorite spots to fish, as I grew up in the East Bay area.

Sadly, the East Bay has very few quality fishing opportunities or recreational areas to fish, kayak, sail, or windsurf because of the huge expanse of shoreline that is private property, and we would hate to have Seapowet outlet, this prime recreational area, be compromised by a commercial venue!

Also, a number of our members, including myself, are published authors of books on how and where to fly fish in these wonderful waters of Rhode Island, so I am intimately familiar with Rhode Island's coastline that can be safely accessed by the wade fishing angler. The Seapowet Marsh area is one of those areas. A falling tide and low tides are the best times for the recreational fishing angler to wade fish in this area. Many of our members also fish at night using sinking lines that could be snagged in the 'farm' apparatus. We are expert fishers of this area and the placement of the farm would remove a huge percent of this fishable areabut, fishing opportunities are only one aspect of recreation in this Seapowet area and it seems to me there's more than just our fishing rights that would be compromised, as there are also sailboats, swimmers, and vast community of wind surfers and keel boarders that use this shallow water area.

This shallow water area is basically between two protruding points of land, made of sand and rock, with a small bay in-between. There are two swimming beaches that anchor on each end. The private homes that line the shore of this cove have small docks and anchored sailboats. It's really an ideal area for all interests!

On the backside of Fogland beach, which is the south end of the area designated for this 'farm,' there's a rocky point that protrudes and a small road that ends in a parking area. This is the area where some days there are 20-30 parked cars with families that fish and swim. Also, there are kayakers and a huge wind surfing community, that use this 'whole' area daily! Pity the poor wind surfer that falls off his board in the shallow water where these pens are located. Injuries?

As President of this stakeholder group I am writing to encourage the CRMC to reject the current oyster lease proposed designated at the mouth of Seapowet Marsh because this farm will largely remove angler and recreational activity by unreasonably interfering with, impair, and significantly impact access and use of these tidal waters.



I strongly suggest that if this board has not physically visited this site before, that they should come see for themselves that this is not a good place for a commercial business, as this is a prime East Bay recreational area. I would hate to see other such fishing/recreational sites be handled like this. Our coastline is too valuable to be given away!

Because of CRMC's non-transparent process for collecting stakeholder input, I, and others were unaware of the RIMFC's June 7 vote on the project and was unable to provide the angler perspective. If the CRMC had a process that actively notifies individual stakeholders, then it could receive true accurate information. I am also cc'ing the Tiverton Harbor Commission since I understand they may be reconsidering their recommendation given this new information.

I do hope I have given you a better look into our concerns for this area. Thank you!

Sincerely,

Peter Nilsen

*President
Newsletter Editor
Rhody Fly Rodders
'America's Oldest Fly Fishing Club'
75 Massasoit Ave.
Barrington, RI 02806
401.633.5329
petfisher@fullchannel.net*





NEW ENGLAND BACKCOUNTRY HUNTERS AND ANGLERS

July 6, 2021

To: Benjamin Goetsch – Aquaculture Coordinator, RI CRMC
Jeff Willis – Executive Director, RI CRMC
Jason McNamee – Deputy Director, Bureau of Natural Resources, RI DEM

Re: BHA Opposition to Proposed Aquaculture Lease (CRMC File No. 2020-04-037)

As the fastest growing organization of hunters and anglers in the nation, Backcountry Hunters & Anglers (BHA) seeks to ensure North America's outdoor heritage of hunting and fishing in a natural setting. Our members consider protecting and expanding access to public lands and waters a top priority, and recognize that access to wild places and abundant fish and wildlife populations are some of the most important factors to our participation in, and the perpetuation of, our outdoor traditions.

With these things in mind, we oppose the proposed aquaculture lease in waters adjacent to Sapowet Marsh Wildlife Management Area in Tiverton (CRMC File No. 2020-04-037). To be clear, we are not opposed to aquaculture as a practice, but rather to the siting of this application specifically. For hunters, anglers and other outdoor recreationalists who rely on public access Sapowet Marsh WMA is one of the last places in Rhode Island where we can experience undeveloped coastal marsh habitat and placing a commercial oyster growing operation in such close proximity will disrupt the activities we enjoy.

According to DEM's Outdoor Recreation mapping tool there are approximately eight public shoreline access points along the twelve miles of Tiverton-Little Compton shoreline abutting the Sakonnet River between Fort Adams and Grinnell's Beach. These access points are mirrored on the Coastal Resources Management Council's Rights-of-Way mapping tool. Three of these access points are Town or State beaches and parks that are heavily used by the public (Grinnell's, Fogland, Fort Adams) and simply do not provide the type of solitary outdoor experience that many recreational users seek. Several of the others are designated rights-of-way, but do not provide ample parking and are unsuitable for hunting because of proximity to occupied dwellings. In the 2018 Rhode Island Outdoor Recreation Survey administered by DEM as part of the State Comprehensive Outdoor Recreation Planning (SCORP) process an overwhelming 64% of respondents indicated protecting wilderness was a top priority – the most important of any type of park or recreational facility in the survey. Of the eight access points previously mentioned only one stands out as a place where recreational users can find ample parking and enjoy the wilderness of RI's coastal marsh habitat with a fishing rod, clam rake or shotgun in their hands – and that access point is Sapowet Marsh WMA.

On the topic of hunting - one of the many opportunities Sapowet Marsh WMA provides is for hunters to pursue puddle ducks that enjoy the shallow, mucky waters on the interior marsh, geese that frequent the adjacent agricultural fields, and diving ducks that utilize deeper water in the adjacent Sakonnet River. To put it simply, Rhode Islanders' coastal access is disappearing with each commercial and residential development that's approved along our shoreline. Sapowet Marsh WMA and the adjacent waters are deserving of protection from development as one of the last locations where these pursuits can be carried out in saltwater without a boat or private access and permission, and the only such place along the Sakonnet River. The 500'



setback required for hunting with firearms only applies to occupied dwellings – so hunters would still be allowed to legally hunt on the WMA if the proposed lease were allowed. Placing a commercial oyster growing operation in the proposed location will at a minimum deter waterfowl and other wildlife from using the area because of recurring, increased activity, and could degrade the experience of pursuing waterfowl at Sapowet WMA to the point that hunters are no longer interested in utilizing the area. It could also lead to conflicts and safety concerns – both for aquaculture workers and for hunters and dogs engaged in hunting near submerged equipment.

Between 2015 and 2017 over \$40,000 was invested in Sapowet Marsh WMA to improve coastal habitat and public access. Approximately 25% of those funds were granted through the U.S. Fish and Wildlife Service's Federal Aid to Wildlife Restoration program, commonly referred to as the Pittman-Robertson Act. This program, which is funded by hunters and recreational shooters who buy hunting and fishing licenses, tags, and stamps and pay taxes on firearms, ammunition and hunting equipment, provides grant funds to restore, conserve, manage and enhance wild birds and mammals and their habitat. It is regrettable, given the considerable investment made in the area using money taken from the hunting and shooting communities, that the concerns raised with regard to disruption of hunting activities in the area of the proposal are not addressed or even acknowledged or considered in the application.

When applying for aquaculture leases one of the requirements of applicants is to "demonstrate that the alteration will not unreasonably interfere with, impair or significantly impact public access to, or use of, tidal waters and/or the shore." Until negative impacts to its use for hunting – which is a traditional and historic use of Sapowet Marsh and the adjacent waters – are considered and addressed we urge the CRMC, the Division of Fish & Wildlife and the other parties involved in the aquaculture lease consideration process to reject the proposal before them (CRMC File No. 2020-04-037).

Sincerely,

Michael Woods
Saunderstown, Rhode Island
rhodeisland@backcountryhunters.org

Rhode Island State Leadership Team Chair
New England Chapter Board
Backcountry Hunters and Anglers





July 9th, 2021

State of Rhode Island
RI Coastal Resources Management Council
Stedman Government Center, Suite 3
4808 Tower Hill Road
Wakefield, RI 02879-1900

Subject: John Bowen & Patrick Bowen
Application number: (RI CRMC 2020-04-37)

Attention: Jeffrey Willis, Executive Director
Tracy Silvia, Permitting

To Whom it May Concern,

On behalf of the Rhode Island Canoe and Kayak Association (RICKA), I am writing to bring attention to concerns regarding the permit to construct and maintain a commercial lease site using floating and submerged gear for oysters & scallops at the Sakonnet River, southwest of the Seapowet Bridge in the area known as Seapowet Cove. RICKA consists of over 200 members and among the stated purposes in our constitution are to develop and promote boating and water safety practice, provide members with the opportunity for recreational paddling, and enable members to speak with a common voice on matters of concern to the paddlers."

As a Canoe/Kayak recreational club, our members have expressed concerns that the implementation of commercial oyster and scallop farming at the Sapowet Cove will impact public access to paddlers. In addition, our members have concerns that this project will impact the scenic and natural setting enjoyed by paddlers. We have concerns regarding protecting open space, wildlife habitat and existing agricultural lands and coastline in Tiverton.

Additional concerns that have been brought to the attention of the RICKA Executive Board by are members are the following:

- The lack of visibility of the oyster farms poses safety hazards and potential damage to personal watercraft, particularly if our paddlers were to unknowingly come across an oyster farm in diminished visibility due to fog, weather or evening paddles.
- Shifts in tides can make a submersed oyster cage fine to paddle over at high tide but when the tide changes, they could cause damage to kayaks and canoes.
- Contrary to the application, both our Flat Water and Sea Kayakers access boat launches in these waters and there is concern regarding access, particularly at low tide.



TOWN OF TIVERTON, RHODE ISLAND

TOWN COUNCIL

Coastal Resources Management Council
4808 Tower Hill Road
Wakefield, RI 02879

Re: CRMC File No. 2020-04-037
Hearing Date: June 22, 2021

Dear Commissioners:

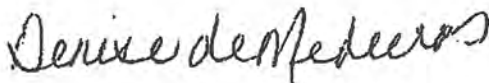
At the regular meeting of the Tiverton town council on June 14, 2021, we heard objections from many residents regarding the proposed off-shore oyster farm being proposed in the application as referenced above.

While we recognize that the Town of Tiverton does not have any authority over the issuance of the actual permit, we are concerned that the notice provision currently contained in the aquaculture statute does not require an applicant and/or the CRMC to provide notice to "abutters" to the project. Such notice would give residents who are affected the ability to actively participate in the public hearing process and assure that everyone's concerns are voiced.

Tiverton residents expressed concerns about the location of the oyster farm and its potential effect on recreational fishing and boating, as well as the lack of specificity as to how the owners would access their farm through privately owned shoreline access. All of these concerns need to be addressed by CRMC as you consider this application.

I am attaching copies of various letters and notices that we received at our town council meeting from concerned residents, and would ask that they be included in your official record at your public hearing scheduled for June 22, 2021.

Sincerely,



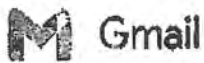
Denice DeMedeiros
President, Tiverton Town Council

Enclosures



6/14/2021

Town of Tiverton, Rhode Island Mail - Proposed oyster farm



Public Comment <publiccomment@tiverton.ri.gov>

Proposed oyster farm

1 message

Mon, Jun 14, 2021 at 11:30 AM

Cynthia Aber <Cynthia.Aber@umb.edu>
To: "publiccomment@tiverton.ri.gov" <publiccomment@tiverton.ri.gov>
Cc: Cynthia Aber <Cynthia.Aber@umb.edu>

To the Town Council

As a 50 year summer resident and taxpayer of 42 Driftwood Drive, Tiverton, I want to vehemently voice my opposition to the proposal for the oyster farm in our adjacent waters.

I am appalled that abutters were not notified of this oyster farm proposal and only by chance learned of this meeting tonight with intent to town approval.

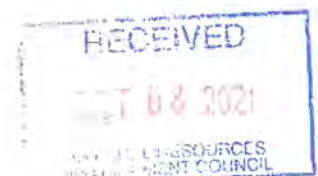
This deceptive action should be of grave concern not only to the abutters but to town residents who enjoy the recreational water activities the area provides and who will be adversely affected should this proposal be approved.

I'm afraid the town will have failed miserably in its responsibility as gatekeeper of the town resources to its tax paying citizens if it allows private enterprise to usurp the recreational opportunities offered in the area. If approved, this action could be construed as a miscarriage of justice.

Sincerely,
Cynthia Sousa Aber

Sent from my iPhone

*Public Comments
rec'd 6/14/21 on
designated gmail acct.*



Jeannie Veegh

From: ktlmetcalf <ktlmetcalf@gmail.com>
Sent: Monday, June 14, 2021 11:16 AM
To: publiccomment@tivertonri.gov
Subject: Oyster farm

My name is Kathleen Metcalf and my husband Richard and I have just been informed that a proposal for an oyster Farm in the Sakonnet River in the vicinity of our property at 723 Seapowet Ave is being voted on this evening. First of all we are appalled that we have not been notified of this project in advance . We strongly recommend this be voted against as we are concerned about the effects of all aspects of a future outcome should this project be allowed. The Sakonnet River offers residents and visitors a wonderful place to swim,kayak enjoy the sun and spectacular views. Secondly we are concerned about property values declining. We as tax payers and residents should have a voice in this decision. In closing I also find it disturbing that these types of issues are not publicly available until either the last minute or worse after the fact. Again we strongly oppose this entire project.

Thank you

Kathleen Metcalf

Sent from my Samsung Galaxy , an AT&T LTE smartphone



6/14/2021

Town of Tiverton, Rhode Island Mail - Oyster farm at Sapowet Creek



Public Comment <publiccomment@tiverton.ri.gov>

Oyster farm at Sapowet Creek

1 message

Mon, Jun 14, 2021 at 4:06 PM

Paul Fulton <paulfulton@verizon.net>

Reply-To: Paul Fulton <paulfulton@verizon.net>

To: "publiccomment@tiverton.ri.gov" <publiccomment@tiverton.ri.gov>

Dear members of the Tiverton Town Council,

Only yesterday, I learned that the town of Tiverton is poised to permit an oyster farm opposite the outlet of Sapowet Marsh. I'm surprised and disappointed that abutters were offered no advance notice of this, and I'm told it may be too late to weigh in.

Nevertheless, I would like to register a number of opinions:

1. The decision to approve this oyster farm should be delayed until all questions can be answered, *including input from those in the immediate neighborhood.*

2. I've read some of the proposals, and feel there are some inaccuracies, and omissions. For instance:

The developers claim this is a non-swimming area, citing a report regarding currents. However, visit on any warm day and you will find many swimming (and fishing) in this area.

The developers claim they will service the farms by wading, but do not rule out the use of boats. Where is their access? Is it the ramp at the bend of Driftwood Drive (a private residence)? Will trucks be in the area at low tide, with the noise of machinery? Will generators be running to power hoses to clean the cages?

If this site is good for oysters due to the nutrients coming out of the marsh, how is it the effluents from the oysters won't enter the marsh with unforeseen consequences?

In general, the proposed spot is an unspoiled Tiverton gem, having been successfully protected for generations. There are more suitable spots that are less disruptive to recreation, kayaking, fishing, and the quality of life for local residents.

I respectfully request that this decision be delayed until there is a full airing of the issues.

Sincerely,

Paul Fulton
52 Driftwood Drive



To: Jennifer Cervenka csstaff1@crmc.ri.gov

Referencing: Application 2020-4-037

Date: June 12, 2021

I have been a Tiverton resident for 24 years. I recently became aware of the proposed Bowen Oyster Farm petition, and I would like to express my concerns before it is voted upon on the 22nd of this month.

Like most others in our town (country and world), I was preoccupied with the COVID-19 pandemic over the last year. If there was a public notification of the proposed oyster farm I (and many of my neighbors) were unaware of such. The past year we just experienced was not a year to make a decision that impacts our community without thoughtful input from residents.

What I am requesting is a pause. A pause for the community to come together and have a chance look at this proposal as we begin to emerge from the cloud of this pandemic.

My overall concerns:

- 1.) The timing of the application. One would not expect someone to evaluate an application or anything of import during a house fire, and COVID was our worldwide housefire. While the application process was legal, I believe that the timing and process for notification were not prudent given the pandemic.
- 2.) The concern for leaving public recreational waters open, and well - public. I am perplexed about the reasoning on how a public waterway that is utilized by many recreationally can be leased to private individuals if there is doubt that this will impact the fishing conditions for everyone. I am equally concerned about how the maintenance activities will impact the tranquil nature of the area that the public enjoys.
- 3.) The Bowens mentioned that they would access the traps by water or through private land access. Have they obtained written permission from the landowners that border the proposed oyster farm location for that land access? When some abutting property owners were recently approached by my neighbor, they had no knowledge of this oyster farm proposal. How many other residents are not aware of this proposal? I did read in the proposal that some abutting property owners were on board with the proposal - which is it?
- 4.) What do the twice daily maintenance activities involve? I would like a detailed account of these maintenance activities as they were not described fully in the application. These maintenance activities potentially have an impact on the peace and quiet of this area. This important detail was skimmed over in the application.
- 5.) What state and/or local agency(s) monitor the oyster farm?



6.) Are there any time limits on this permit to allow for periodic evaluation and review with public input? i.e., can the permit be withdrawn if the oyster farm is found to have unforeseen problems and/or if the Bowens fail to keep their part of the agreement.

I have not concluded yea or nay about the oyster farm proposal because I have more questions than answers (even after reading the 97-page proposal!).

The Bowen brothers put time, thought and resources in their application. I respect this effort. I also respect the residents in our area and those that recreate here. I believe that the public, too, needs time, information, and a forum for an open dialogue with the Bowens, Coastal Management Resources Commission, The Tiverton Harbor Commission, etc. to be able to weigh in on the oyster farm – pro or con.

Respectfully,

Patty Garber

101 Long Pasture Way
Tiverton, RI 02878

401 226 6922





Town of Tiverton, Rhode Island
HARBOR AND COASTAL WATERS MANAGEMENT COMMISSION
343 HIGHLAND ROAD
TIVERTON, RI
02878

October 8, 2021
Amended October 26, 2021

Executive Director Jefferey Willis
Coastal Resource Management Council
4808 Tower Hill Road, Ste 116
Wakefield, R.I. 02879

INRE: Aquaculture Development

Dear Executive Director Willis:

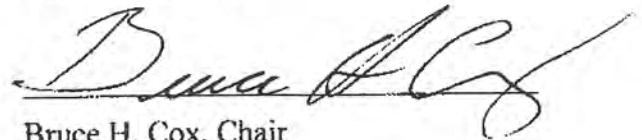
I write on behalf of the Harbor and Coastal Waters Commission of the Town of Tiverton. As you are undoubtedly aware the development of aquaculture farms in Tiverton has been the topic of significant controversy. This controversy has been intensified by the lack of meaningful notification to interested parties or stakeholders in the relevant areas who have only recently been made known to the Commission. This is consistent with the discussions I have held with CRMC personnel regarding the lack of meaningful notification. Publication of agendas on the Secretary of State website and local postings, while legally compliant, are clearly not sufficient. The applicants appeared before the commission, in some instances numerous times. Their applications were duly noted on the Commission's posted agenda each time they appeared. Despite these postings and meetings many of the interested parties were not aware of the change in the use of the waters in the waters of interest. (See the attached SAVE SEAPOWER binder with memo with exhibits and the group letter dated August 27, 2021)

The CRMC regulations do not require specific notification to those most directly effected, the waterfront owners, as they do not require any notification beyond the agenda posting. Indeed, I've been told, by CRMC personnel, that the use of the Harbor Commission as a means of

obtaining public input is somewhat unique to the process of obtaining public input. The CRMC notification requirement of aquaculture applicants is clearly deficient. It is in no way provides meaningfully notification to those with the greatest interest in the use of the impacted waters. As a result of this deficiency in notice it is the unanimous position of the Commission that the pending Boehringer & Lundgren as well as the Bowen applications warrant further vetting by the CRMC by referral to Subcommittee, prior to their approval. In addition to this immediate local issue, is the need to require direct notification to those most impacted as well as a meaningful public notification such as advertising in a local publication as is done with land based changes in zoning.

Kindest Regards.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Bruce H. Cox", written over a horizontal line.

Bruce H. Cox, Chair

Harbor and Coastal Waters Commission,
Tiverton, Rhode Island

Cc: Coastal Resource Management Council



Town of Tiverton, Rhode Island
HARBOR AND COASTAL WATERS MANAGEMENT COMMISSION
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October 8, 2021

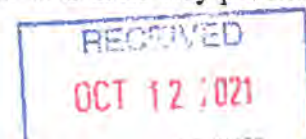
Executive Director Jefferey Willis
Coastal Resource Management Council
4808 Tower Hill Road, Ste 116
Wakefield, R.I. 02879

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Kindest Regards.

Very truly yours,



Bruce H. Cox, Chair

Harbor and Coastal Waters Commission,
Tiverton, Rhode Island

Cc: Coastal Resource Management Council



August 27, 2021

To the Members of the Tiverton Harbor Commission:

RE: CRMC File # **2020-04-037** (Bowen Oyster Farm)

We are writing about the Bowen oyster farm application in Tiverton waters. The Tiverton Harbor Commission (THC) decided not to revisit the decision on the Bowen proposed farm, citing administrative finality. However, since June 12, 2021, the public has submitted over 60 comment letters on the farm. These letters from abutters, recreational users and key stakeholder groups provide significant new information that was withheld from the THC. Administrative finality requires an element of fairness that does not exist here.

Here is a [link](#) to the current file that includes the correspondence referenced above. Considering this new information, we respectfully ask the THC to **send a letter to the CRMC that outlines renewed concerns about the proposed farm that have not been addressed adequately.**

Here are key concerns that arise from new information. Note that this list is not comprehensive. There are other concerns but below are a few:

1. **CRMC notification failure.** The CRMC did not give proper notice to abutters to allow for the collection of meaningful public comment for review and consideration. When applicants met with the THC, the applicants and CRMC staff led us to believe there were no objections from abutters and that abutters had been contacted about the proposed lease. Based on the community uproar and amount of recent comment letters, it is clear that CRMC did not meaningfully collect public comment.
2. **Misleading statements about abutter notification.** Given new information from property owners who abut the lease site, the statements made at the March 1, 2021 THC meeting by Patrick Bowen about abutter notification seem misleading. Patrick states (8:29) "There have been no letters of opposition received from adjacent property owners. We have personally discussed our proposal with no fewer than three nearby property owners all of whom have been supportive and expressed interest in the proposal". In fact, abutters and multiple adjacent property owners state they were not contacted by Bowen. There are 13 signed affidavits attesting to this. Patrick states (20:22) "one is directly in front that we have spoken to yes" seems to intentionally mislead since it is likely the individual who sold him the land (and is a non-Rhode Island resident with no vested interest in protecting this area).
3. **Mischaracterization of recreational use.** The application states that "Fisherman, shell-fishermen and bathers typically use the area to the north of the Seapowet Creek". The applicant's description of the use of the area mischaracterizes how it is used by the local community. New public input demonstrates that use of the area is not limited to north of the Seapowet Creek. The area is used by many including kayakers, waders, kite boarders and bathers. In addition, the proposed site in the outflow of the marsh is a well-used, historic striped bass fishing spot, documented by the public and in books. New comment



letters from hunting and fishing groups state that the public access with ample free parking and easy access to shallow waters at Seapowet is a rare and treasured spot used by members of these groups.

4. **Land access and lack of appropriate local permits.** The June 2021 purchase of land at 701 Seapowet by Strait Landing, LLC, affiliated with Bowen, raises the question about whether this land purchase will be used to service the proposed farm and whether the land will be used as an auxiliary commercial location to the proposed farm. The THC made it clear that access to the farm must be by boat and not by land. As early as a June 2020 THC meeting, Tiverton Town Administrator Cotta described his phone call with CRMC where he clearly stated (2:23:14) that it violates Tiverton zoning regulations to use a land-based enterprise to support the aquaculture site. When questioned about land vs boat access again at the THC meeting on March 1, 2021, Patrick explained (26:36) “at this point in time we are prepared to service the site with a boat” Patrick also states “we agreed to use a boat to place cages and to work the site if necessary”. Patrick’s language seems intentionally worded (“at this point in time”, “if necessary”) to leave room to pivot to land use. The June land purchase three months after this THC discussion in March raises significant questions about a major change to the application. Bowen never disclosed an intent to purchase this land. Given this lack of disclosure, Bowen’s choice of words seems to carefully narrow their modifications: “we agreed not to transport aquaculture cages across the state DEM parking lot”. Did Bowen have plans to bring the cages across the beach from their land? A recent August 5, 2021 Providence Journal article states that “Part of the appeal of the Sapowet Cove site is that the water is shallow enough for the Bowens to wade out and tend to their oyster cages at low tide, which means they won’t have to rely on a motorboat. They already own a small quahogging skiff but would prefer to make the whole operation carbon-neutral, they say”.
5. **Lack of information about maintenance operations** The Bowen application lacks disclosure of how the newly purchased land might be used to run maintenance operations for the proposed farm. Was the lack of information about maintenance operations in the application intentional? In a recent Sakonnet Times article (August 12, 2021), when asked how the farm would be serviced, Bowen appears to avoid providing details. There is little to no information in his recent public statements or in the application itself about what equipment will be used and how the cleaning of the cages will be conducted. Without concrete information on the operations of the business it seems imprudent to grant approvals.
6. **Appearance at low tide.** It is likely that the traps in the NE portion (contour 12 – 18”) of the proposed lease site will be visible at low tide. We tested water depth at low tide and the depth of the water in this corner was 7”. Carefully worded sentences obscure that likelihood. Patrick states “we intentionally planned it such that all of our gear will be submerged”. Patrick’s language “intentionally planned” leaves room if the cages are not fully submerged. In fact, it is also very likely that with the waves, and current, the cages will

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be visible at certain times throughout the day. Mean Low Tide and Low Tide are not the same and in June 2021 the THC was considering this water depth issue.

Due to the events of the last two months, we applaud the Tiverton Town Council for listening to the Tiverton Community and for actively pushing improvements to the notification process. Jay Edwards' draft legislation is a good step to correct a flawed CRMC aquaculture notification process. We encourage the THC to follow suit by acting on the new information received and providing a letter to the CRMC voicing these new concerns.

Sincerely,

_____	Cindy Aber	Driftwood Drive	cynthia.aber@umb.edu
_____	Jeanne DeSouza	Seapowet Ave	desza196@yahoo.com
_____	Paul Fulton	Driftwood Drive	paulfulton@verizon.net
_____	Cathy Fulton	Driftwood Drive	cathygfulton@gmail.com
_____	Kenneth Mendez	Long Pasture Way	kenneth.mendez@gmail.com
_____	Liz Mendez	Long Pasture Way	lizmendez81@gmail.com
_____	Kathy Metcalf	Seapowet Ave	ktlmetcalf@gmail.com
_____	Rick Metcalf	Seapowet Ave	rhmetcalf1@gmail.com

Cc: Tiverton Town Council



SAVE SEAPOWER

Presentation to Tiverton Harbor Commission
9.13.2021



Tiverton Harbor Commission
SAVE SEAPOWET

What is SAVE SEAPOWET?

Save Seapowet is a grass roots expression of alarm and public concern by neighbors and stakeholders to the proposed Bowen&Bowen (2020-04-037) and Boehringer Lundgren (2021-02-054) applications.

It is the position of the 100+ members of SaveSeapowet that the testimony before THC for these applications, was flawed and the committee was mislead. Contrary to testimony, meaningful notice to abutters was not given.

Save Seapowet is NOT opposed to oyster farms on the Bay.
Save Seapowet is FOR the protection of the Public Trust in established recreational areas, thus maintaining public safety and enjoyment.

WHAT IS THE SEAPOWET WATERWAY?

Exhibit A

The **Seapowet Waterway** is a heavily used recreational and fishing area connecting the Seapowet Marsh Wildlife Management area to Jacks Island and the Emilie Reucker Audubon Sanctuary to the north. The Waterway provides shelter to prevailing winds for small craft. Stakeholders include: kayaks, small sailboats without engines, larger auxiliary vessels, center consoles, paddle boarders, open water swimmers, snorkelers and scuba divers, kite foilers, wing foilers, and even horseback riders. Stakeholders range from inexperienced underserved communities to professional mariners. These views from the water are found no where else on the Bay.

Exhibit B (*Small sample* of stakeholders)

Think of the channel as RT 77 .
Think of Seapowet Seaway as a secondary local road.

POSITION of Save Seapowet

Both the Bowen application and the Boehringer and Lundgren (BL) applications interfere with the rights of established stakeholders to use the area. These proposed farms pose a risk to safety, infringe on riparian rights, and trample the rights of the public to use the waters protected under the Public Trust Doctrine. It is the position of Save Seapowet that there are numerous flaws in the public hearing before the THC for these applications.



Specific Flaws in the B&L application and hearing

1. Misrepresentations.

a. Recorded [THC Zoom meeting video](#) from December 7, 2020, demonstrates clear evidence that:

- i. **BL claim that abutting property to the East of their proposed farm was state owned and protected for sand piper preservation, was false and misleading (time stamp 10:44; 10:55; 11:05).** Simple due diligence by BL of available Tiverton public records would reveal evidence that the abutting property is privately owned and has been owned by the same family for generations.
- ii. **BL made little to no attempt to contact any abutters of the proposed farm, because they determined, without conducting any meaningful due diligence, that the abutting property was state owned. Nor were the two other abutting property owners contacted in any way. (time stamp 11:08).** BL testifies that there are “no properties directly run front of the lease” (time stamp 10:56), another indication that no effort was made to identify and contact abutters, exposing very little understanding of their impact on riparian rights.
- iii. **BL misrepresented that the site’s location would cause “very little” conflict with existing users (time stamp 11:37).** In fact, it poses tremendous conflict with users, and specifically interferes with the use of my moorings and access to my jetty. It interfere’s with Bill Hoffmans access to the open water and his proposed moorings, and interferes with David Rose’s access to open water. The moorings for Hoffman and Rose (under application) are as close to their property as possible to stay in the lea of the Point, yet still along the 8 ft contour. Any closer and the water is too shallow to moor a keel boat. **Exhibit C**



- iv. BL was asked if the proposed site would block access for small boats? BL suggested that a kayak would not be blocked from use, but that a powerboat could not traverse the site (*time stamp 16:32*). BL's admission that the proposed site would impede and hinder historic and current access to boat traffic should have been disqualifying. Expressing concern, Cox describes the traffic in the area: "Center consoles come in quite a bit, and don't bother to go out to the channel marker...so you don't find yourself with destroyed gear and pissed off people". (*time stamp 50:00*)
- v. The proposed site clearly impedes the historical use by myself and others of boat traffic larger than kayaks. **Exhibit D**
- vi. BL misrepresented that the location of the proposed farm leaves "ample room" for use of existing moorings (*time stamp 37:10*), and adequate room for boats to go around the proposed site. BL never made any effort to determine from the actual mooring holders what use is made of the existing moorings (i.e., potential size of vessel), and/or how the proposed site would impede access and navigation to and from the existing moorings. In fact, the location of the proposed site will impede and hinder navigation, access to, and use of the existing stone jetty, harbor, and existing moorings. BL and CRMC knew or should have known of the existing jetty (and harbor), because CRMC had previously granted me approval to maintain the jetty. **Exhibit E.**
- vii. Goetsch, speaking for the applicants BL, testified that the space between my existing moorings and the existing Berg farm to the north is 500'. In fact, it is 40% smaller at 302'. Hardly sufficient for a 53'x43' single screw wave pricing trimaran to moor safely in a breeze. (*time stamp 24:30; 29:50*). **Exhibit F**
- viii. BL's application contains inaccurate coordinates for the buoys providing the site's boundaries. The application has not been amended to correct the inaccurate coordinates, nor have the buoys been moved. **Exhibit G**
- ix. Applicants represented they are experienced oyster farmers and discuss generally the operations cleanliness. BL states, in relevant part, "[i]f we are doing are jobs, there will be little to know growth"



on the cages; and, "[w]e're going to make sure growth doesn't happen on those cages" (time stamp 37:50; 39:42). Additionally states that there is 20' between rows for small craft. "Lines would be spaced far apart" (time stamp 11:25) **Exhibit H**

WILLINGNESS TO MEET WITH APPLICANTS:

In July of this year, the applicants requested to meet. We communicated a date (August 10, Tiverton Town Library) and location for an off the record meeting. In anticipation of the meeting and at their request, I sent them a circled "Fish Trap" area on the chart indicating that there might be a possibility to relocate the application just west of the channel. After repeated attempts to get confirmation, we have heard nothing from BL. Their only response was to remove the temporary markers for moorings with applications submitted for riparian owners Bill Hoffman and David Rose.

Exhibit I

RIPARIAN MOORING RIGHTS

Regarding riparian mooring rights, the issue specifically before you is whether riparian mooring rights are superior to an application which has not had a hearing at the CRMC level. Delay of mooring approval is essentially a violation of riparian rights. The summer season is short and years of delay without end is not in riparian interest.

Following the CRMC memo concerning riparian mooring rights, there are no navigational hazards or depth restrictions for my moorings.

Exhibit J

Furthermore, according to the THC preliminary Harbor Management plan, the only reason for denial of a mooring is because of interference of navigation to others or swing room with another vessel. The limit of moorings between Seapowet Pt and Jack's Island is 15. With moorings the applied moorings for Rose and Hoffman, the total would be 12. Therefore, none of these conditions exist. [Tiverton Harbor Management Plan](#)

Although it took me two years to get assigned mooring numbers, I now wish to move my outer mooring S-02 closer to the jetty and in much better protection in the lee of Seapowet Pt. Friends have complained of the excessive exposure to the fetch on my guest mooring.

My moorings are 6' helical screws with Hazlett tackle. They are not easy to move and must be hydraulically installed. This week, I will be filing an amendment to the position of my outer mooring S-02 this week. The purpose of moving the mooring is to get better protection in prevailing winds from the point, and to provide closer and better access to my jetty. With your guidance, this will be approved without delay within 30 days.



Thank you for this opportunity to speak about Save Seapowet and the issues the applications have caused.

Clint Clemens
451 Seapowet Avenue
Tiverton, RI 02878

Owner of jetty





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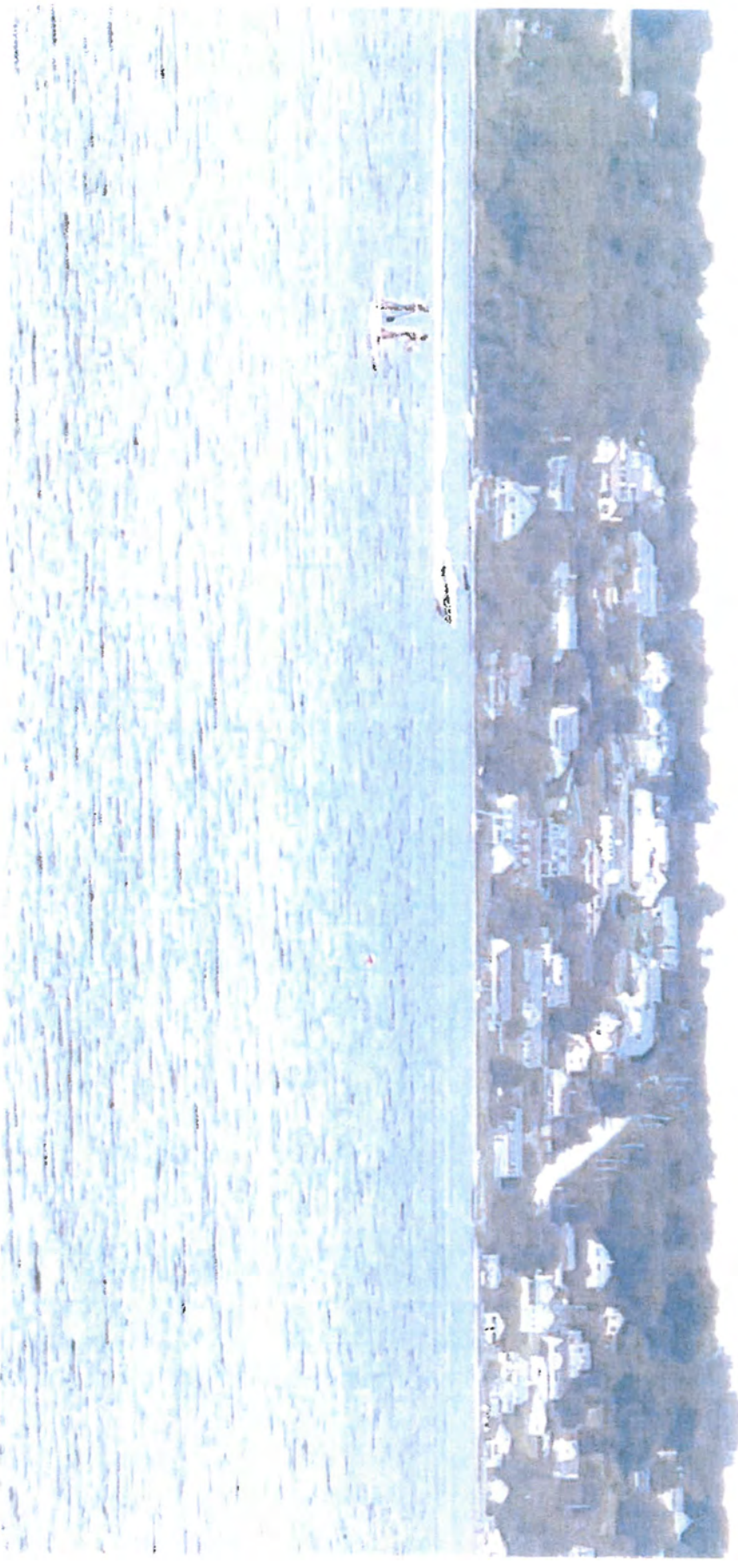
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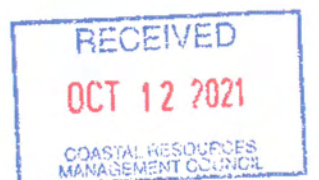
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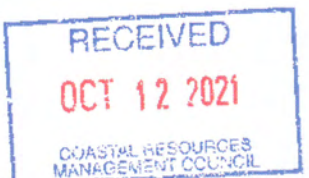
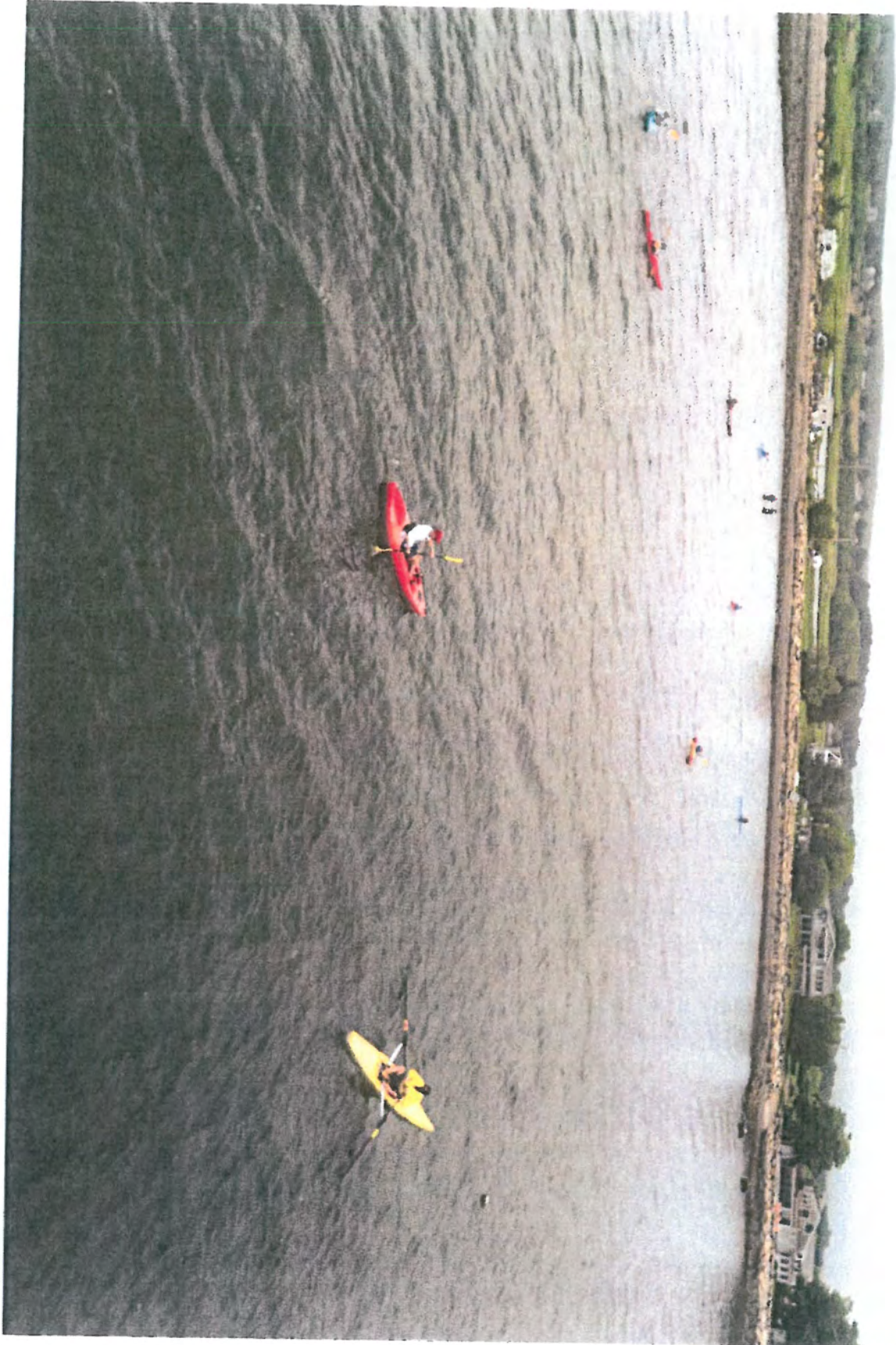
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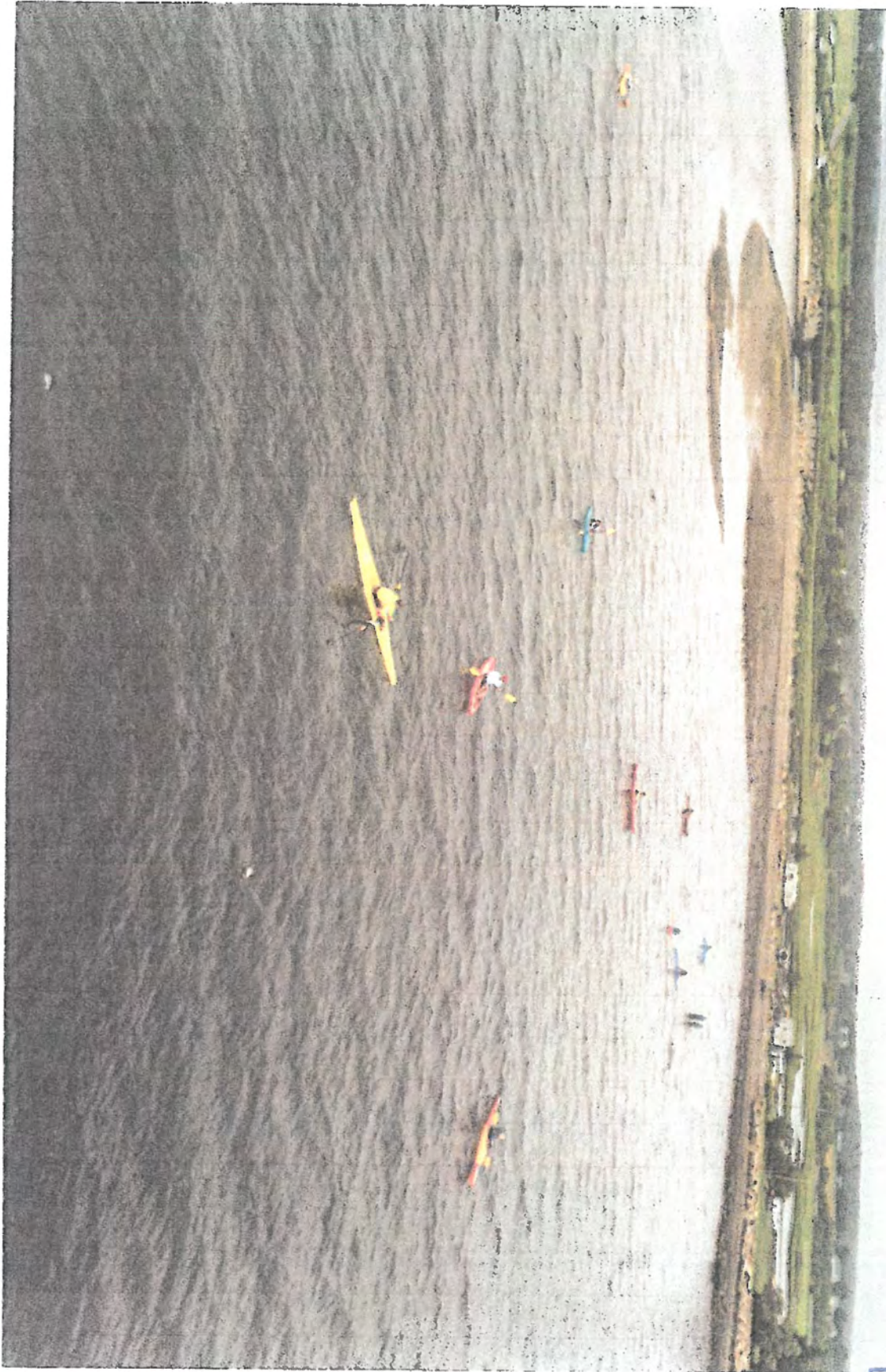


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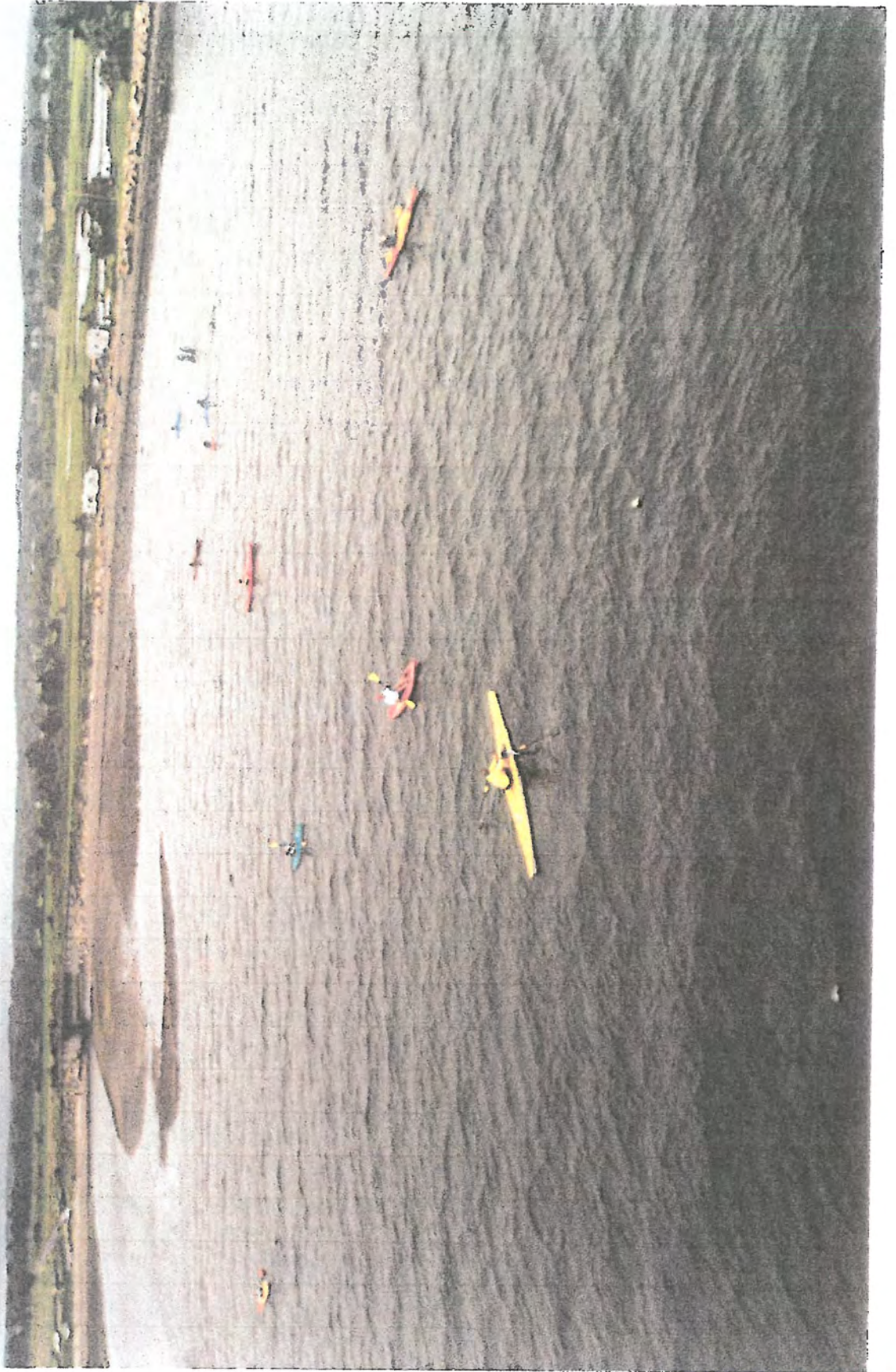


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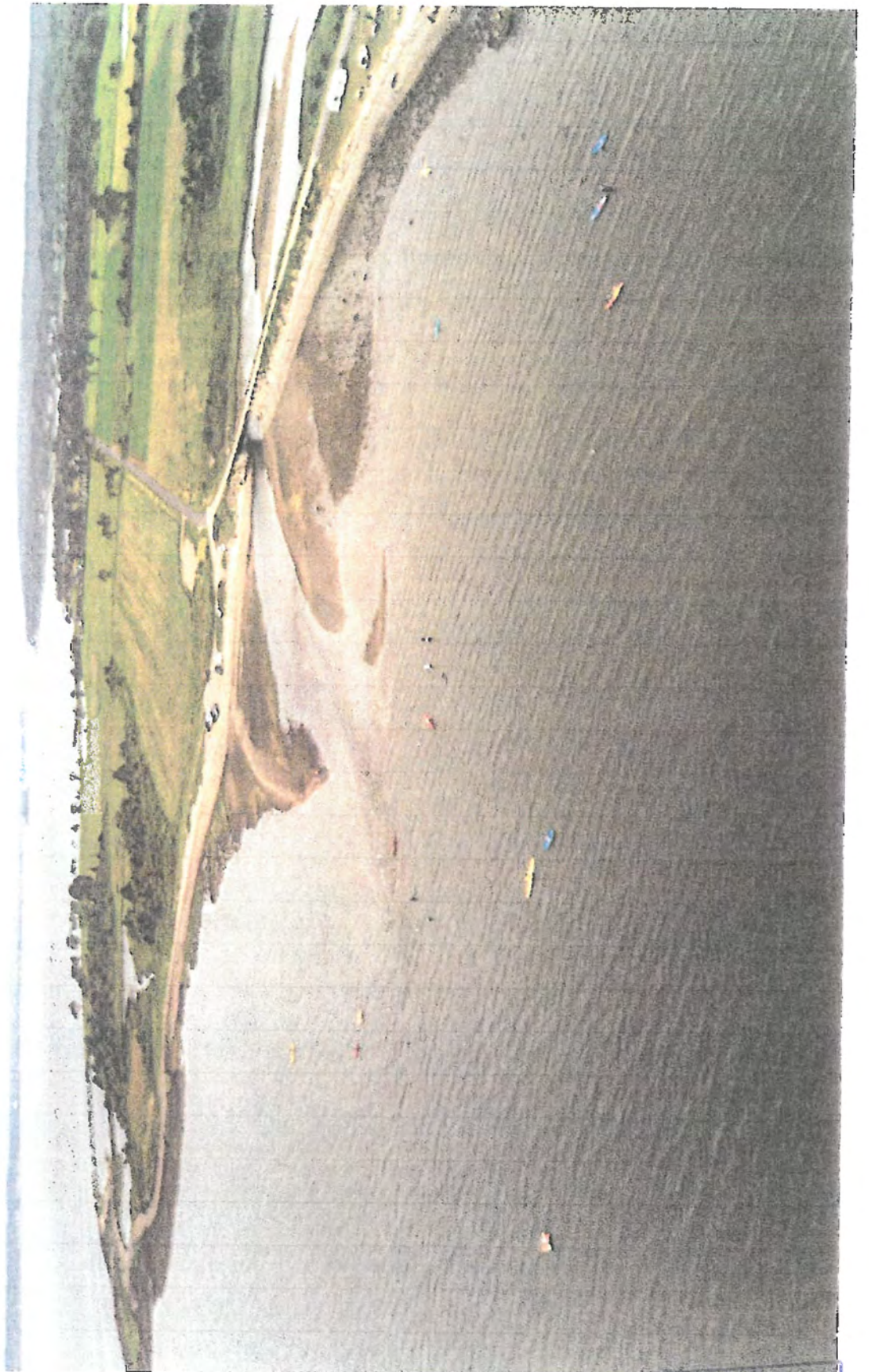


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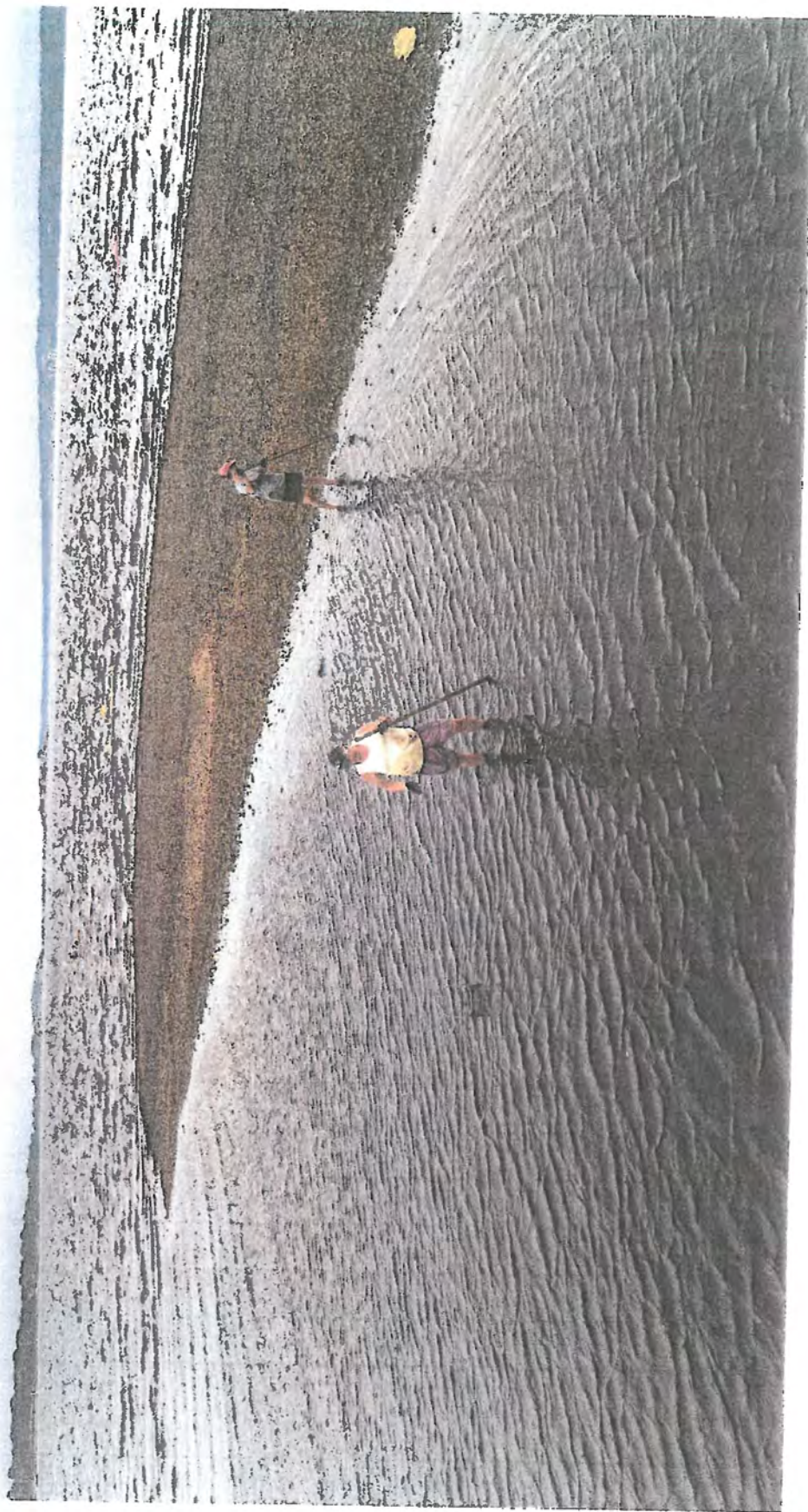
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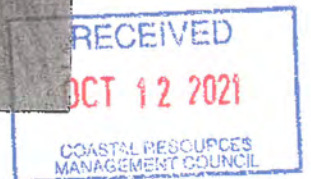
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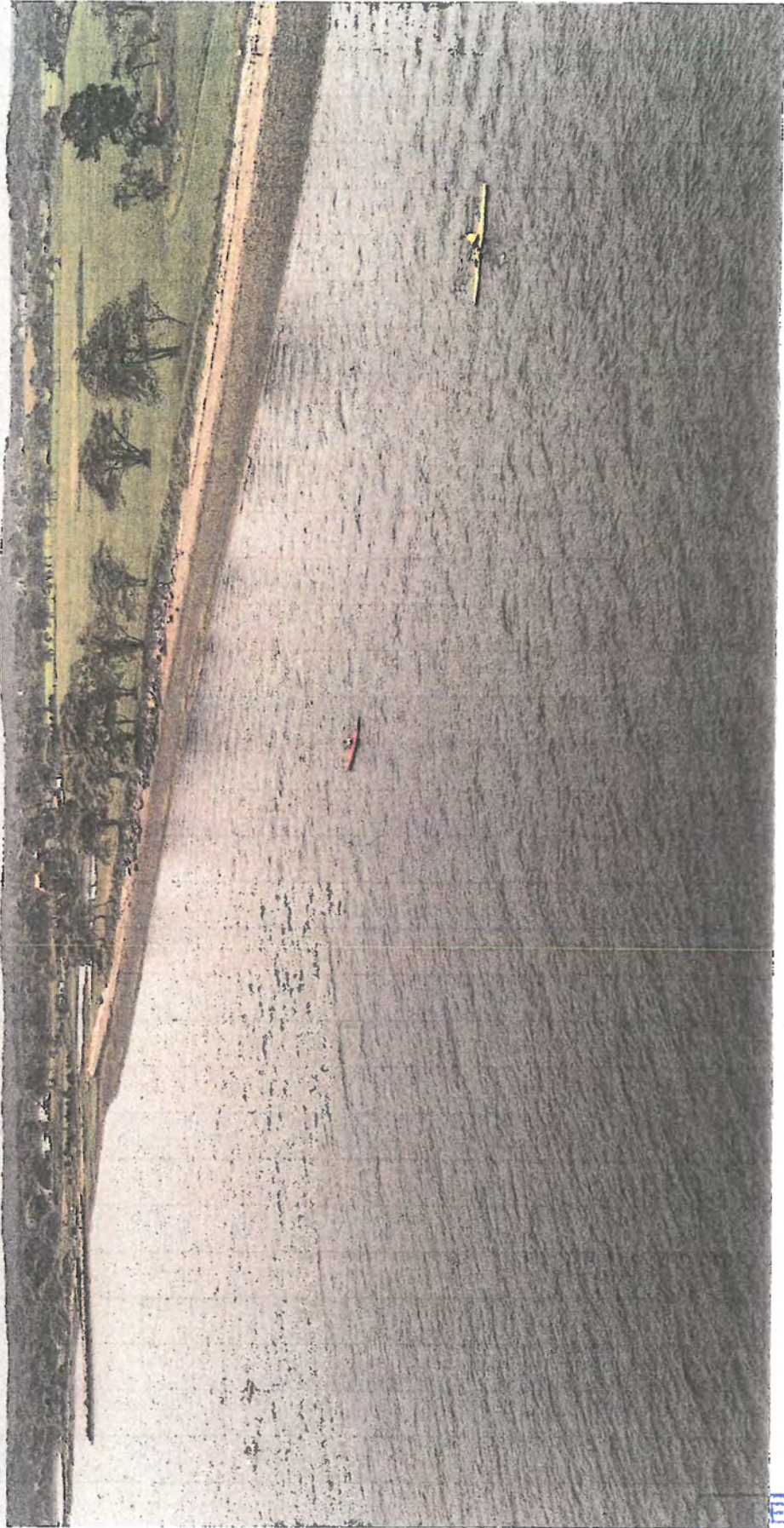


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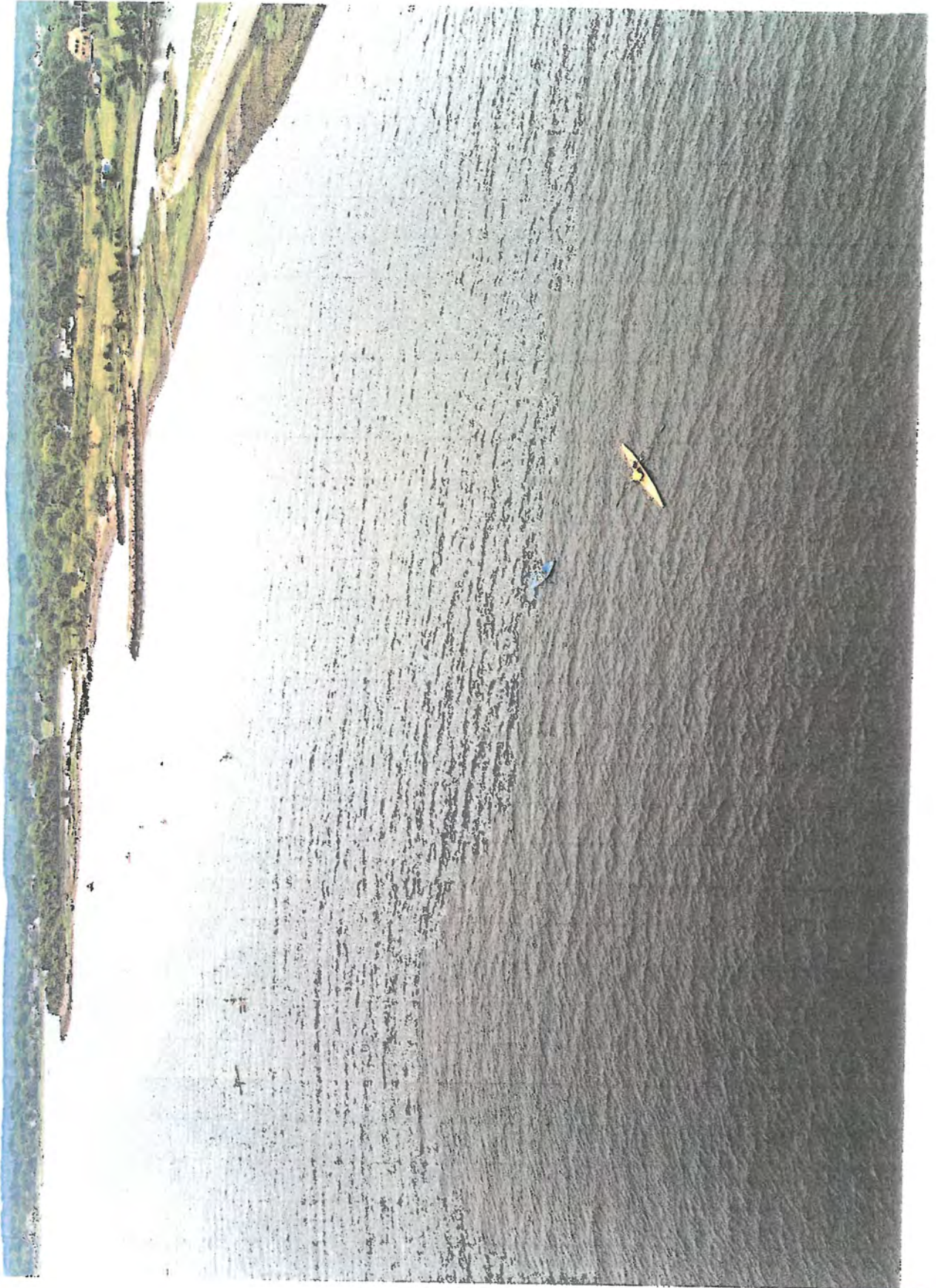


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MANAGEMENT COUNCIL



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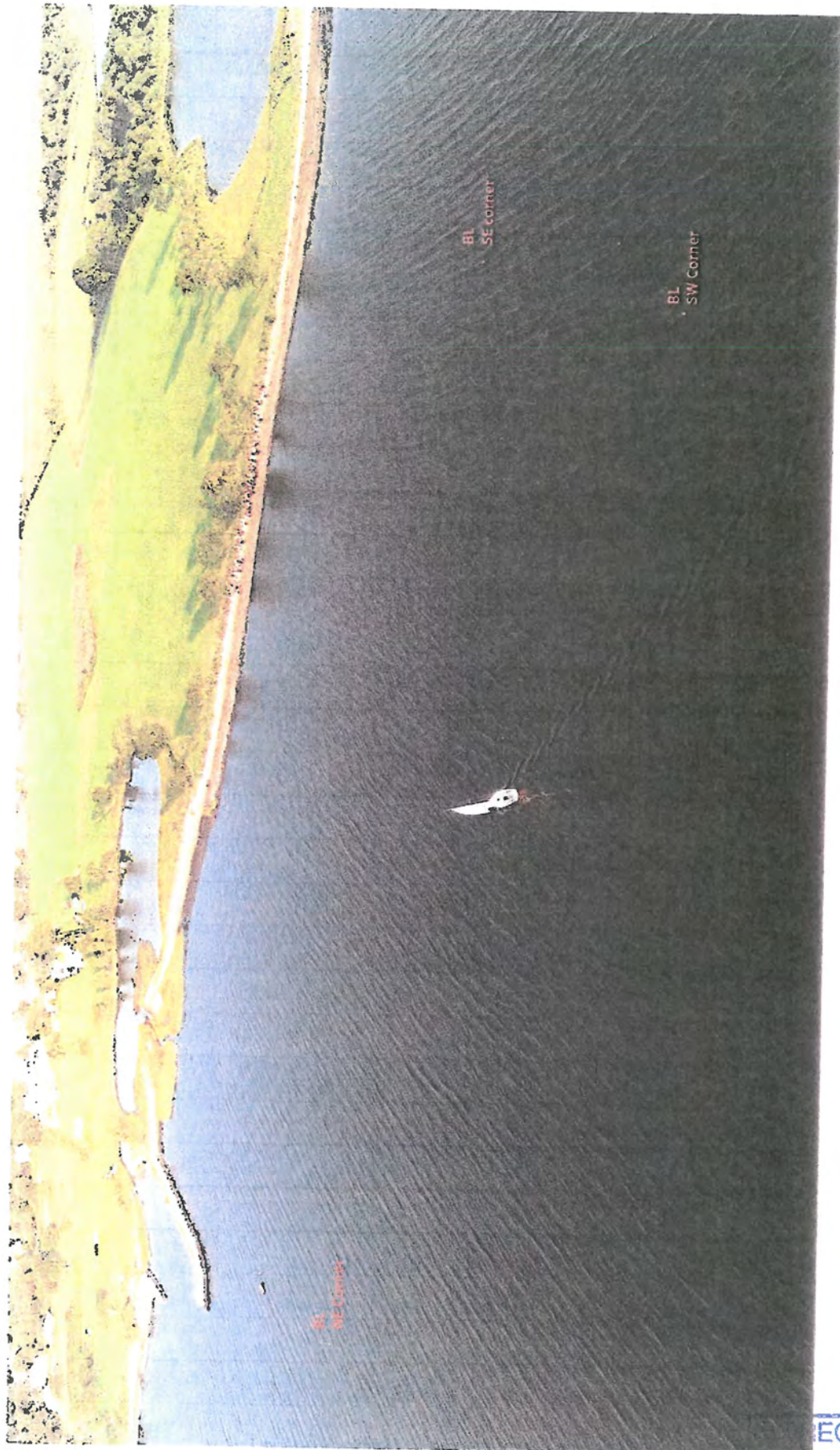


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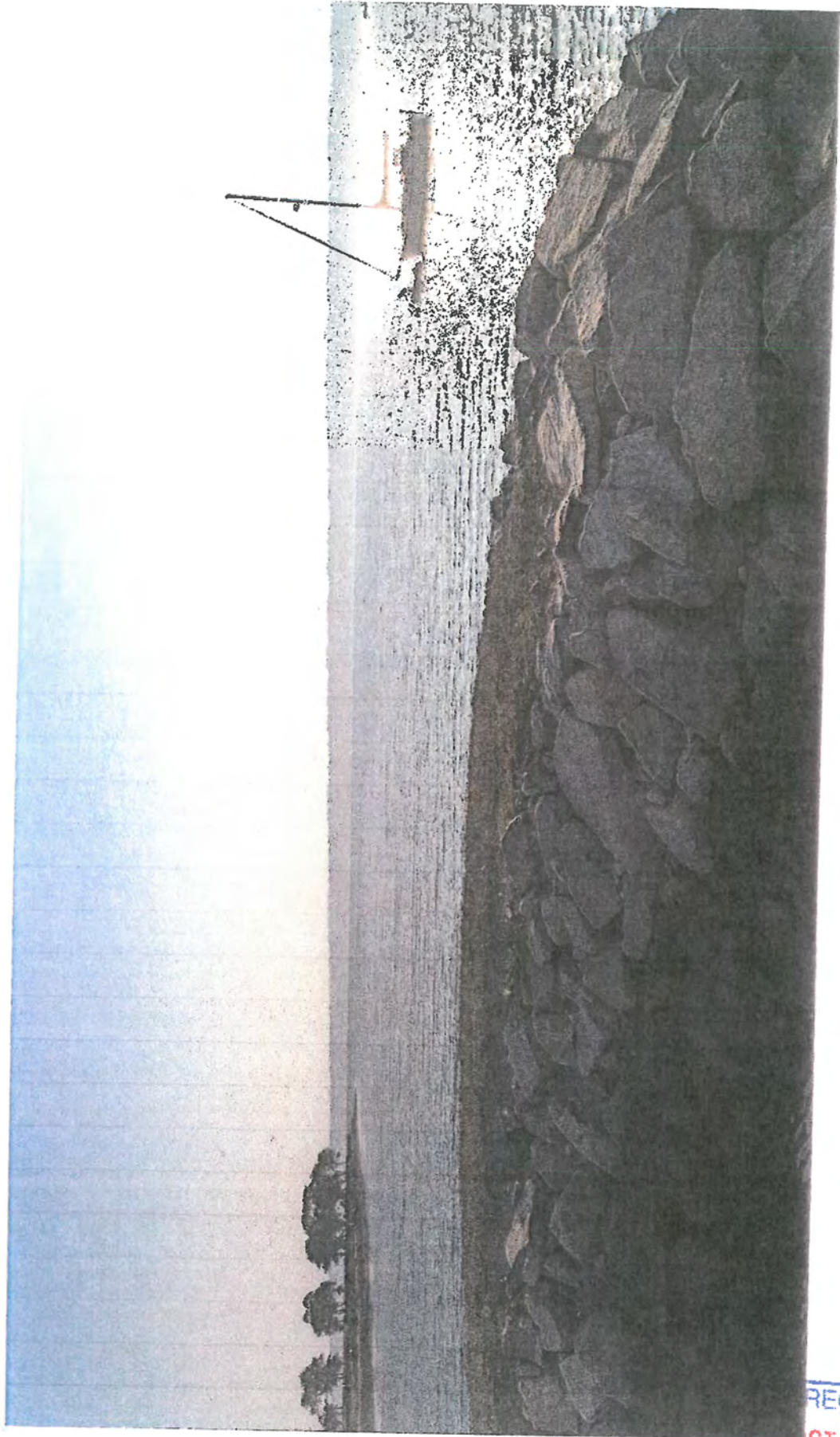
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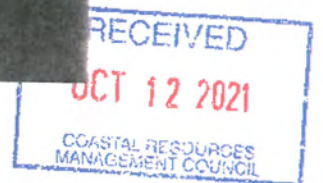
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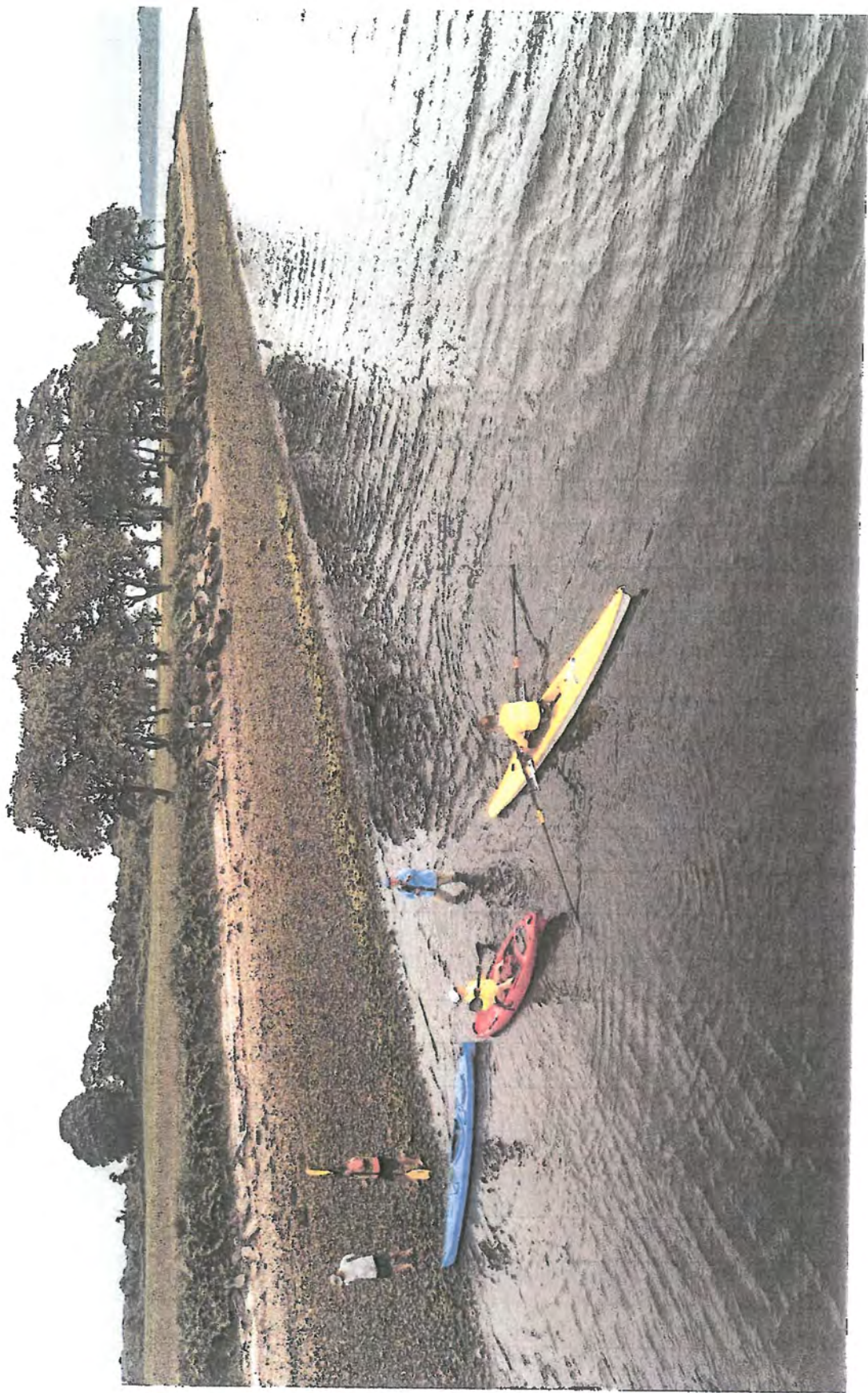


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COASTAL DEPARTMENT



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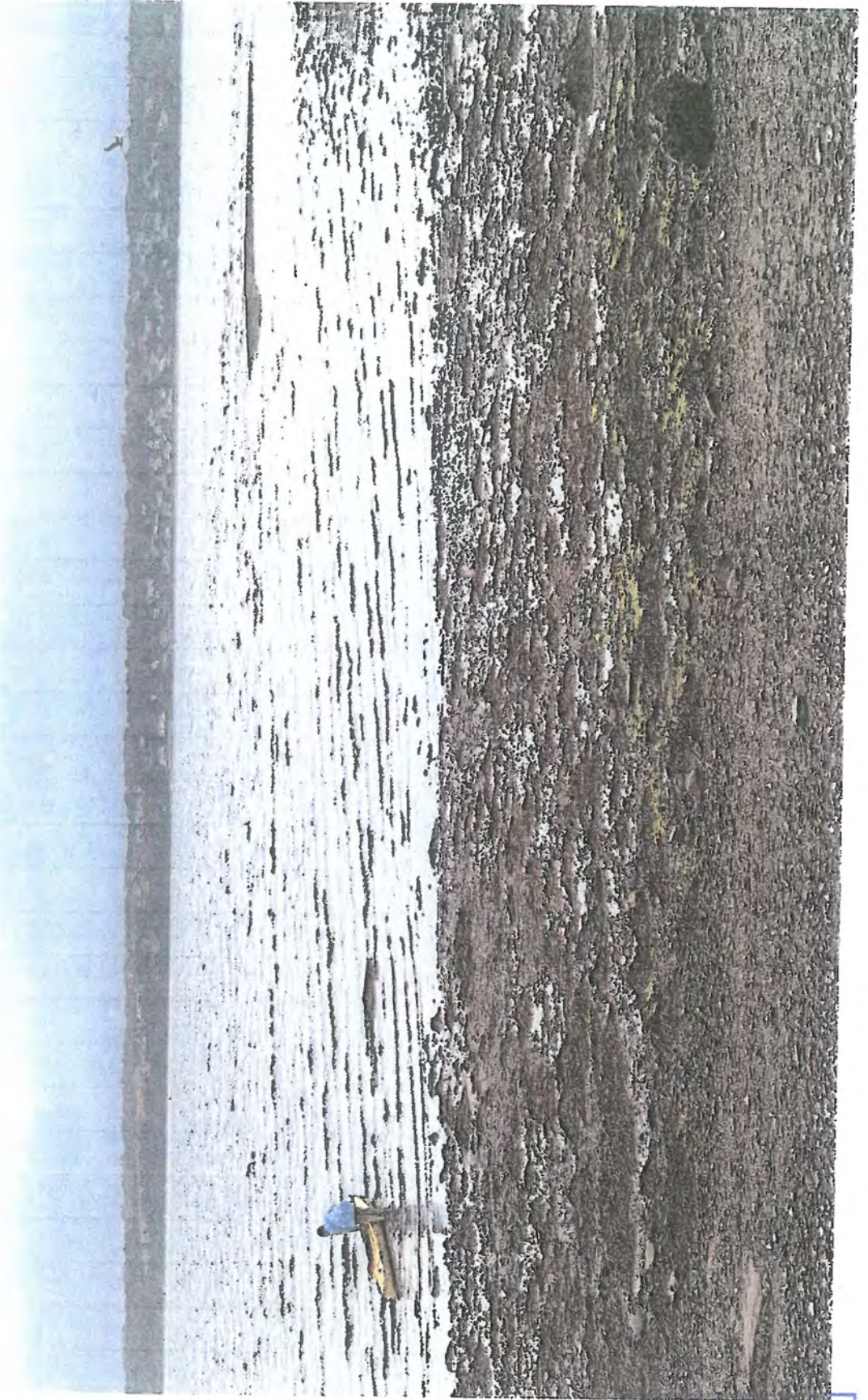


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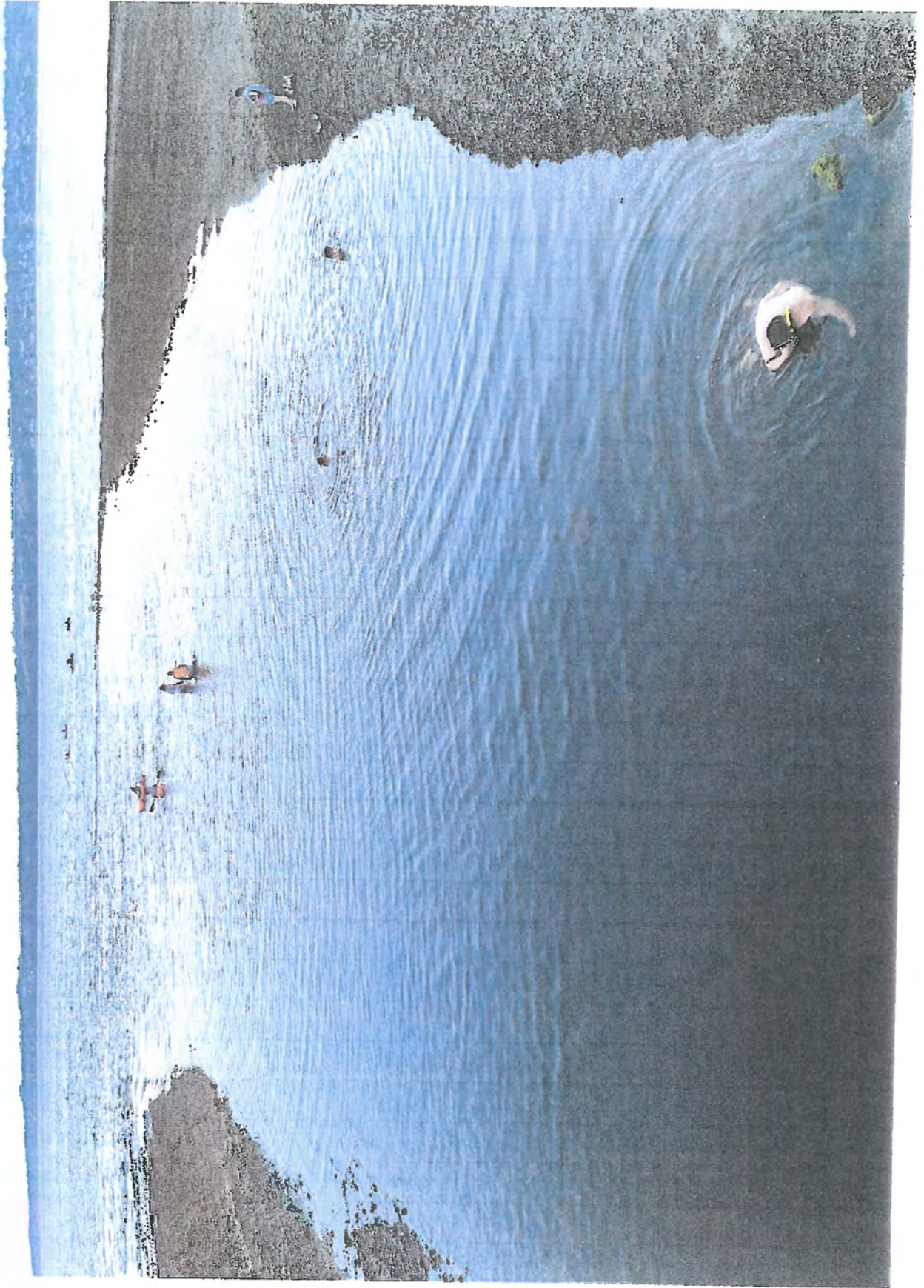
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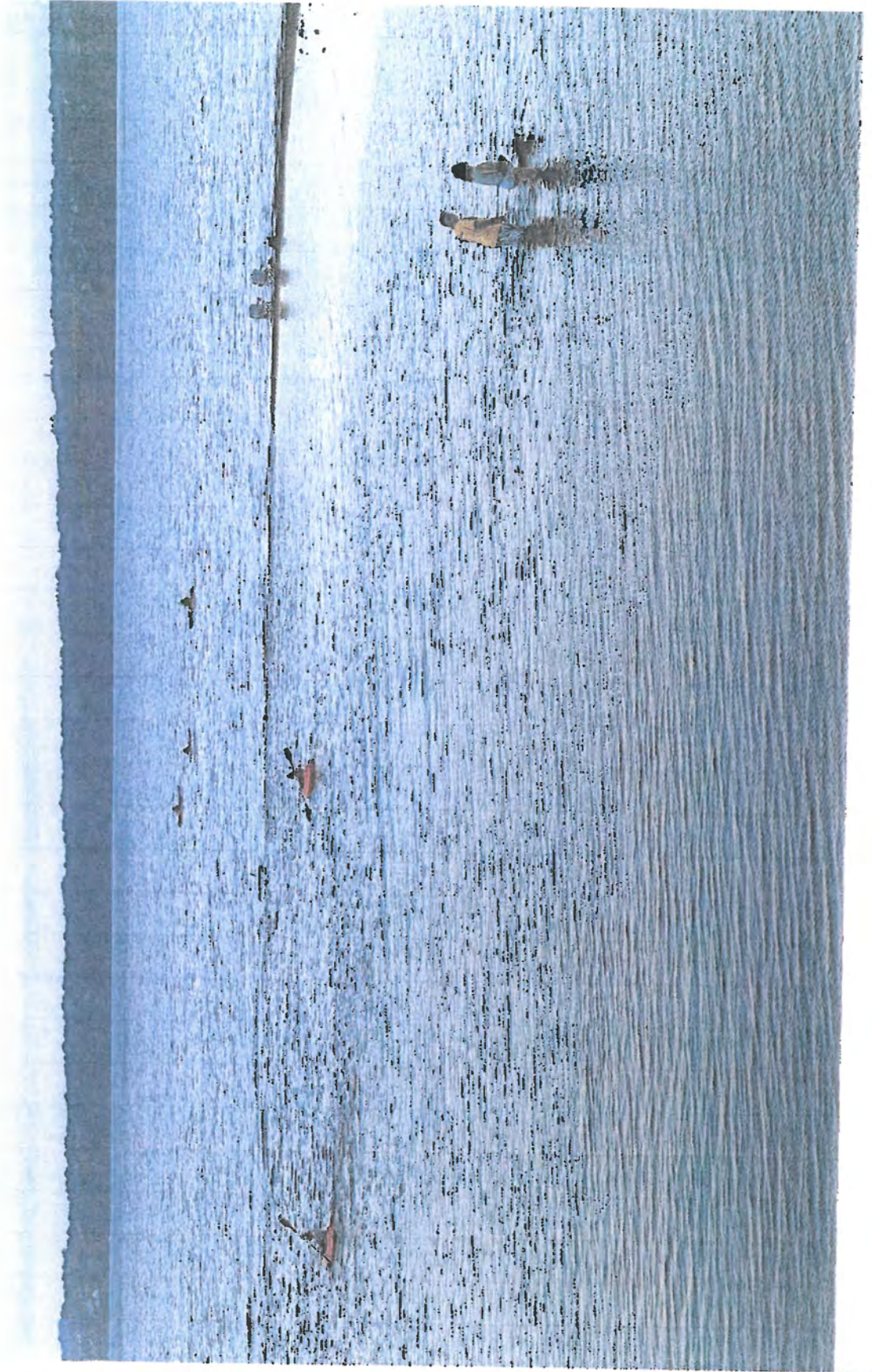
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COASTAL RESOURCES



Stakeholder example_034

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Stakeholder example_035

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COASTAL RESOURCES



Shoulder example_037

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OCT 12 2021
COAST GUARD

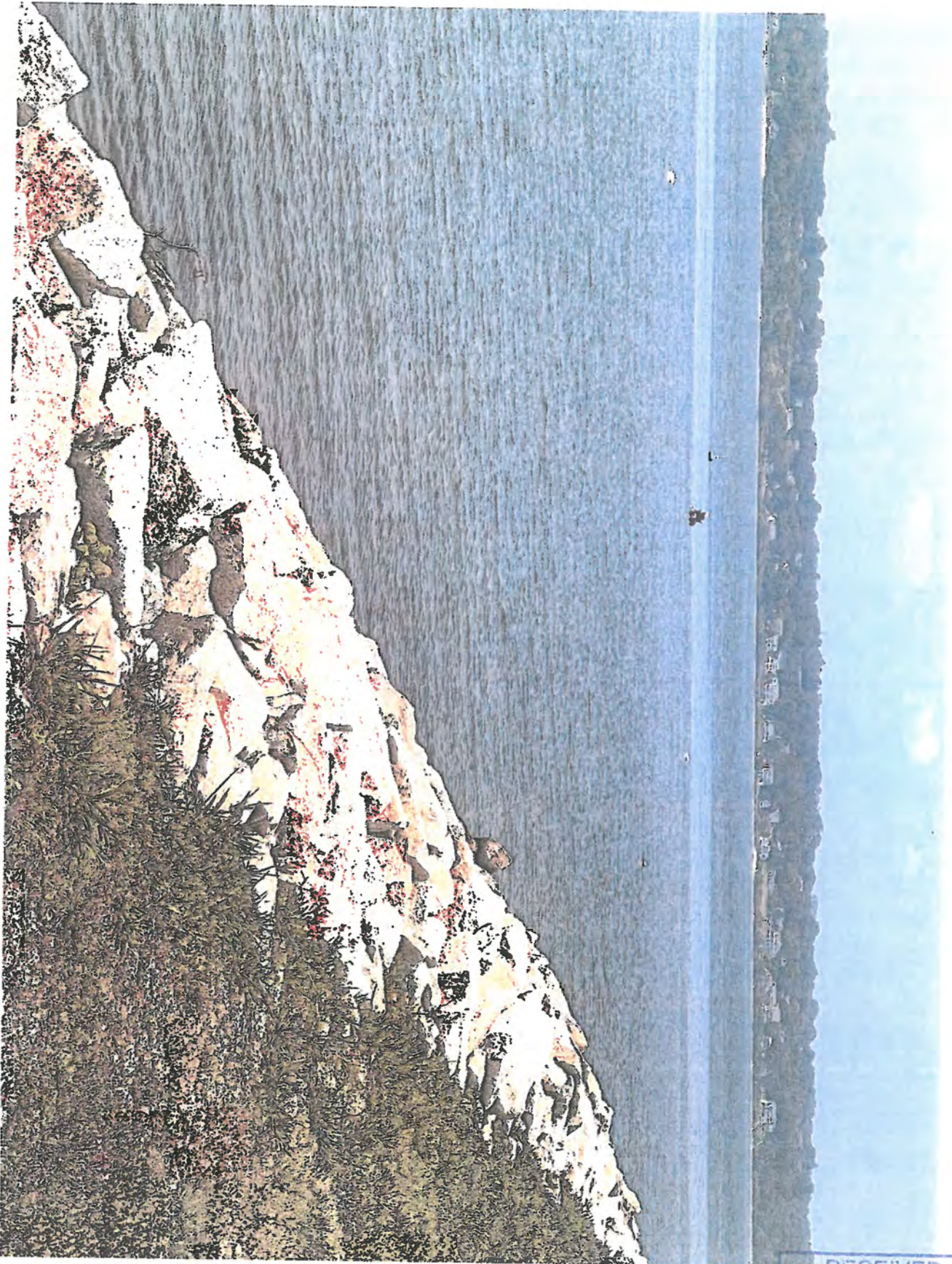


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COASTAL RESOURCES







Stakeholder example_041

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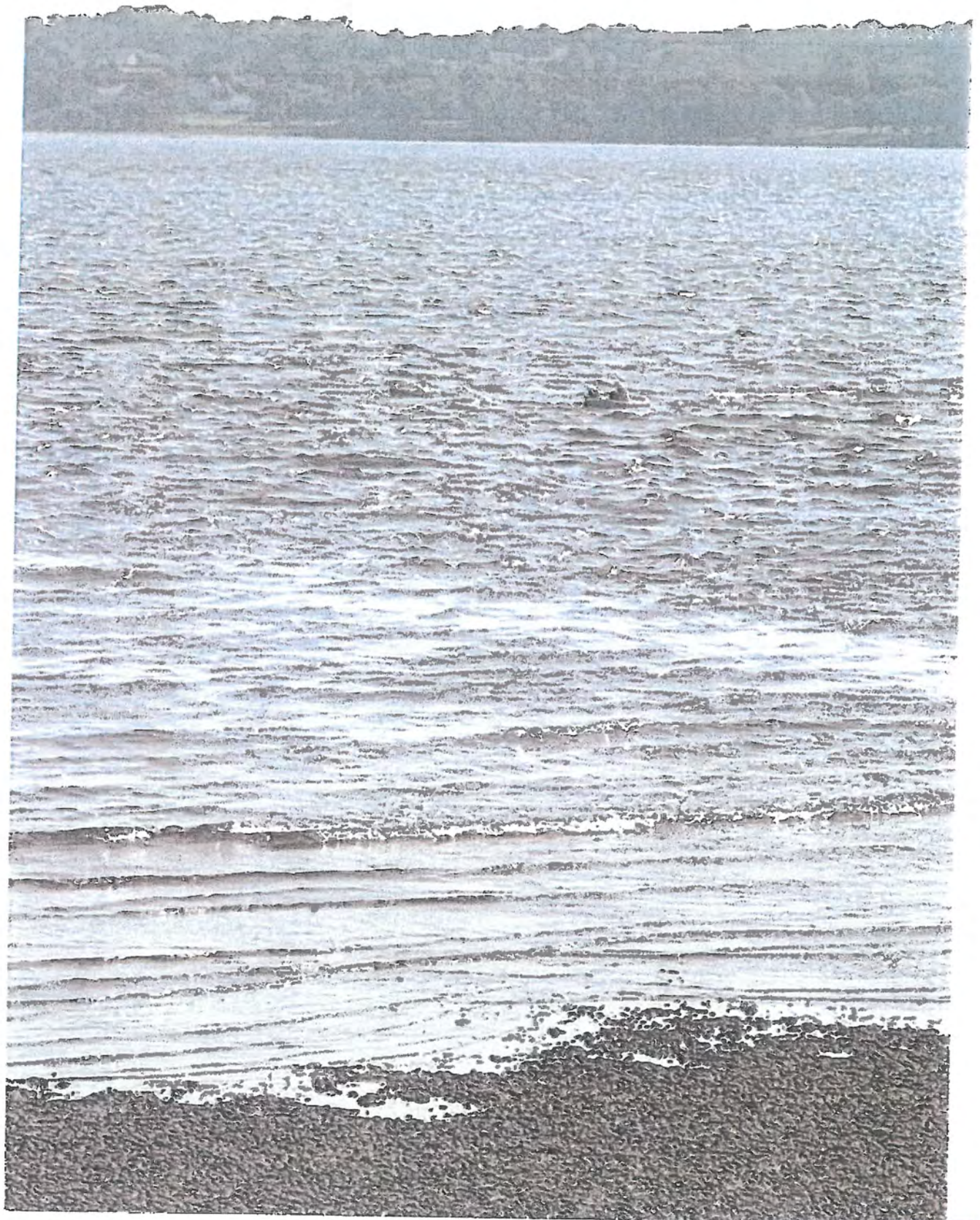
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COASTAL RESOURCES
DEPARTMENT OF THE INTERIOR

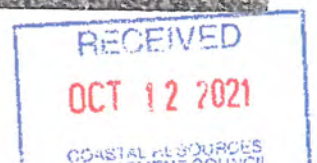


Stc' holder example_042





Stakeholder example_043

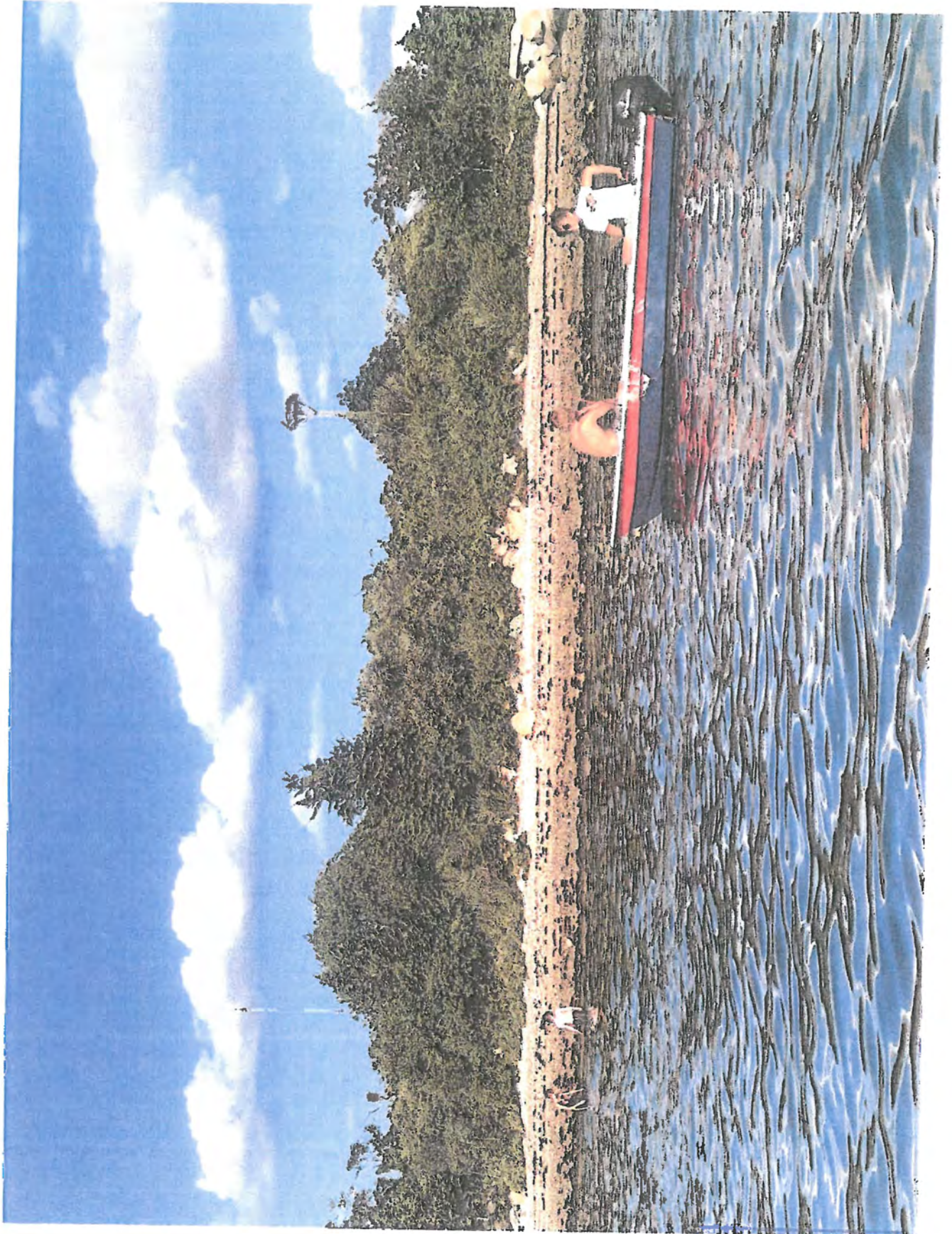




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POLICE SERVICES



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COASTAL RESOURCES
MANAGEMENT DIVISION



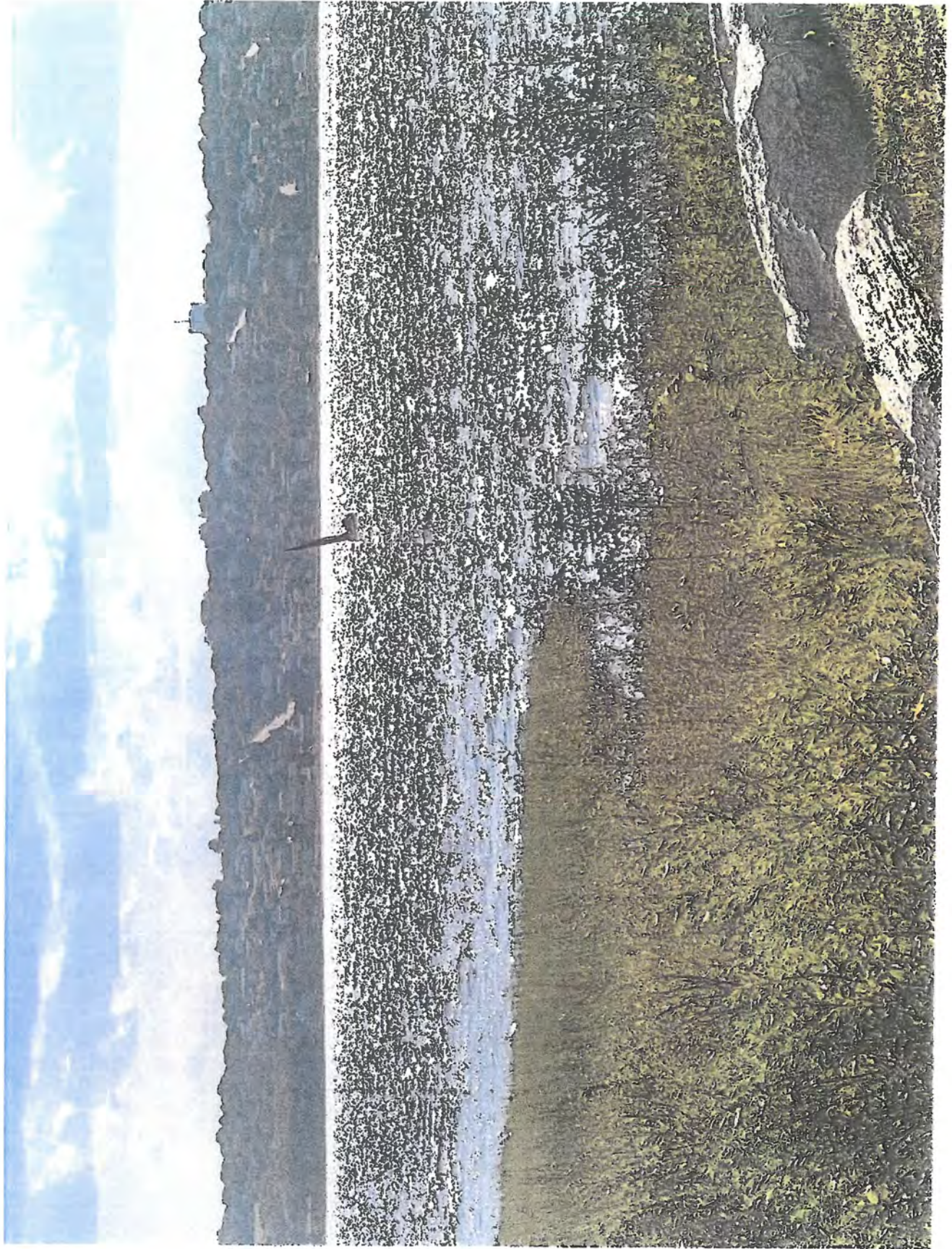
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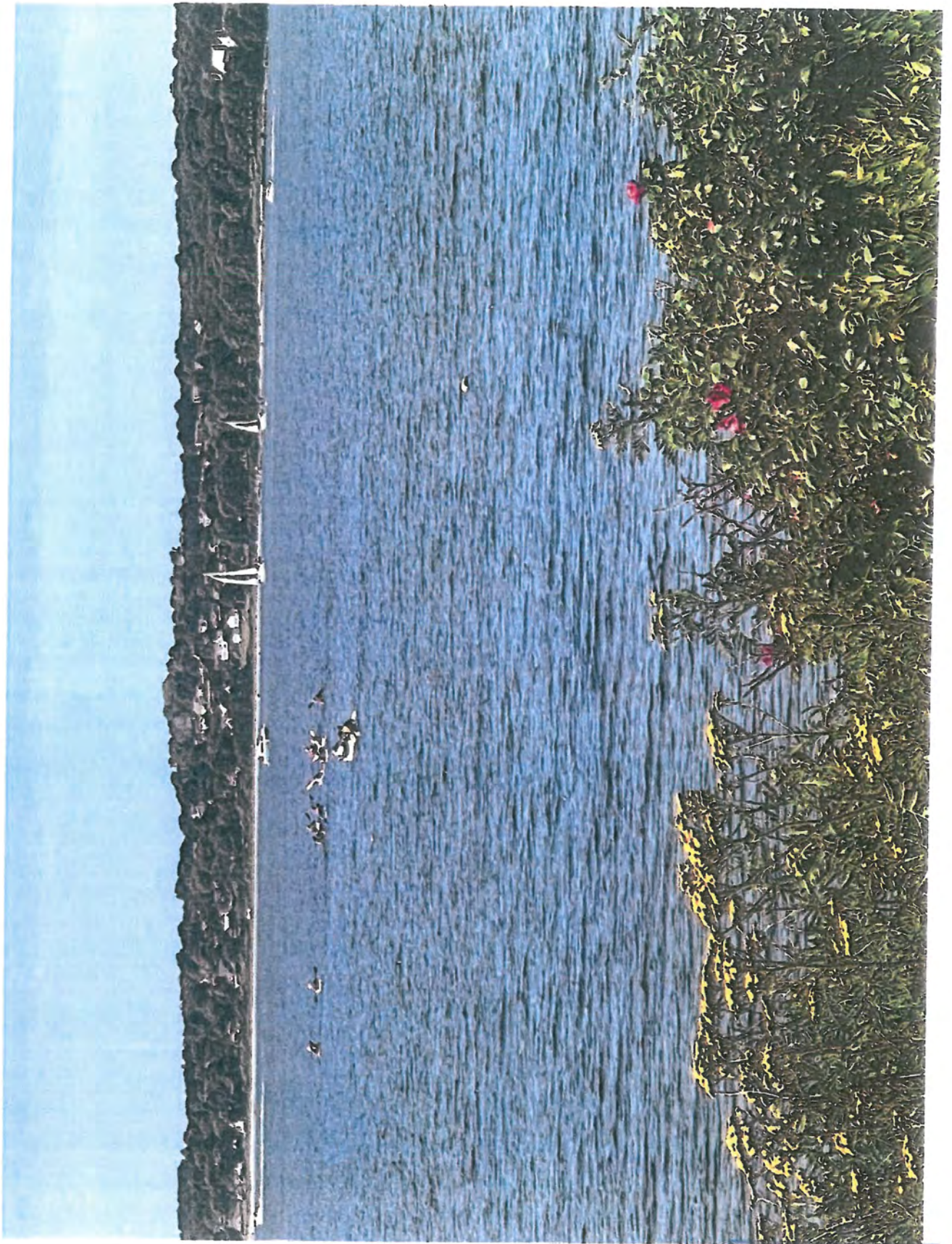
COASTAL MANAGEMENT



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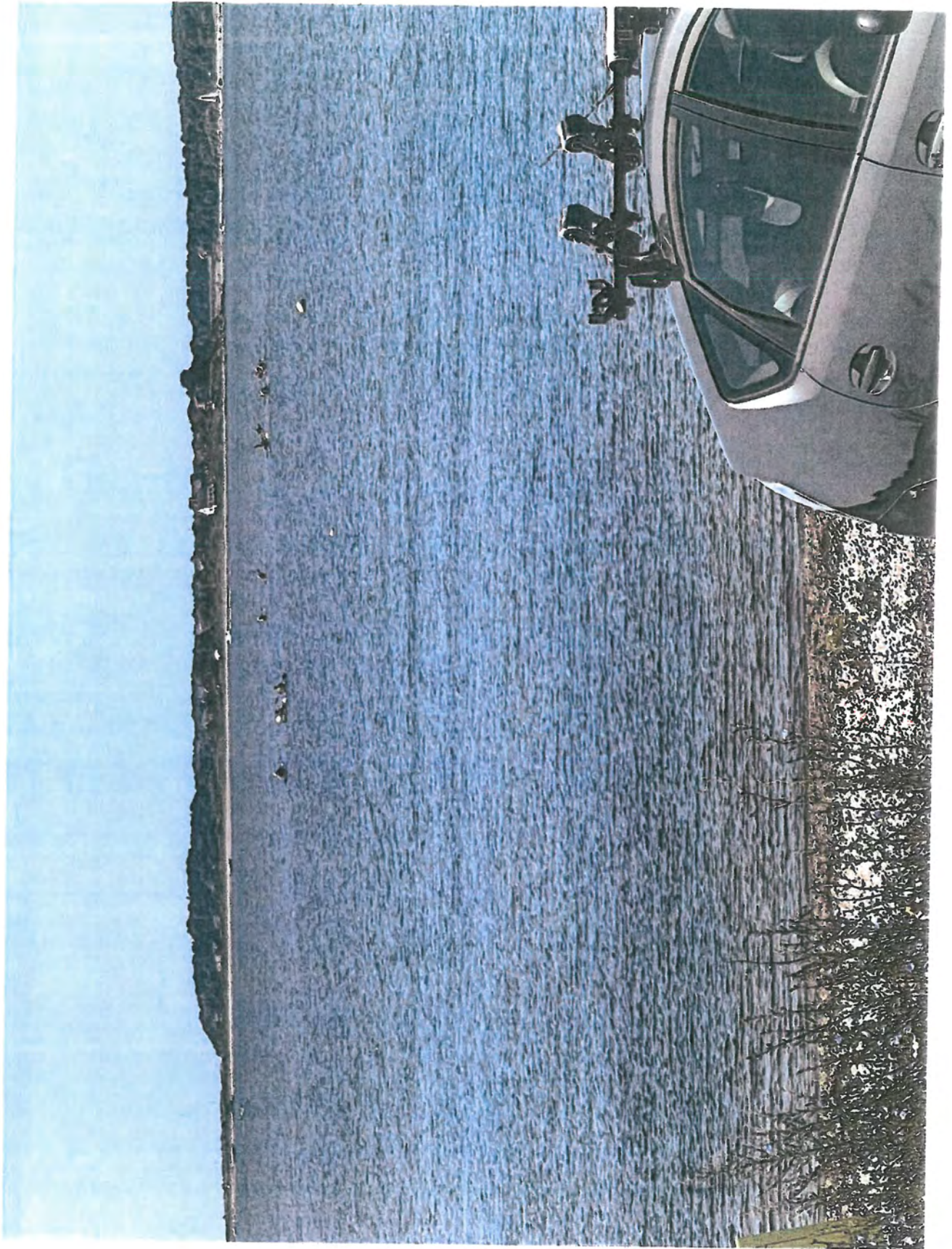
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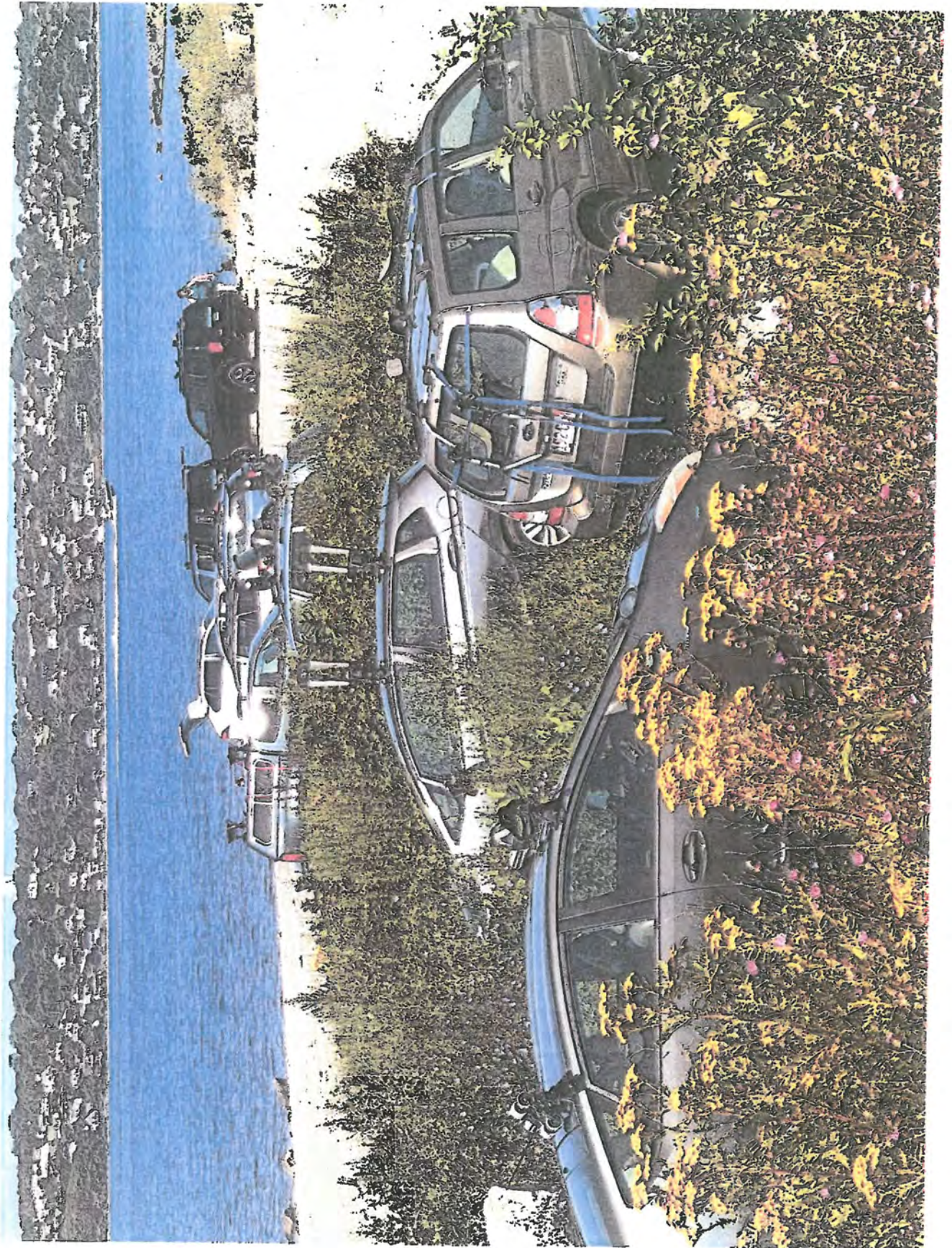
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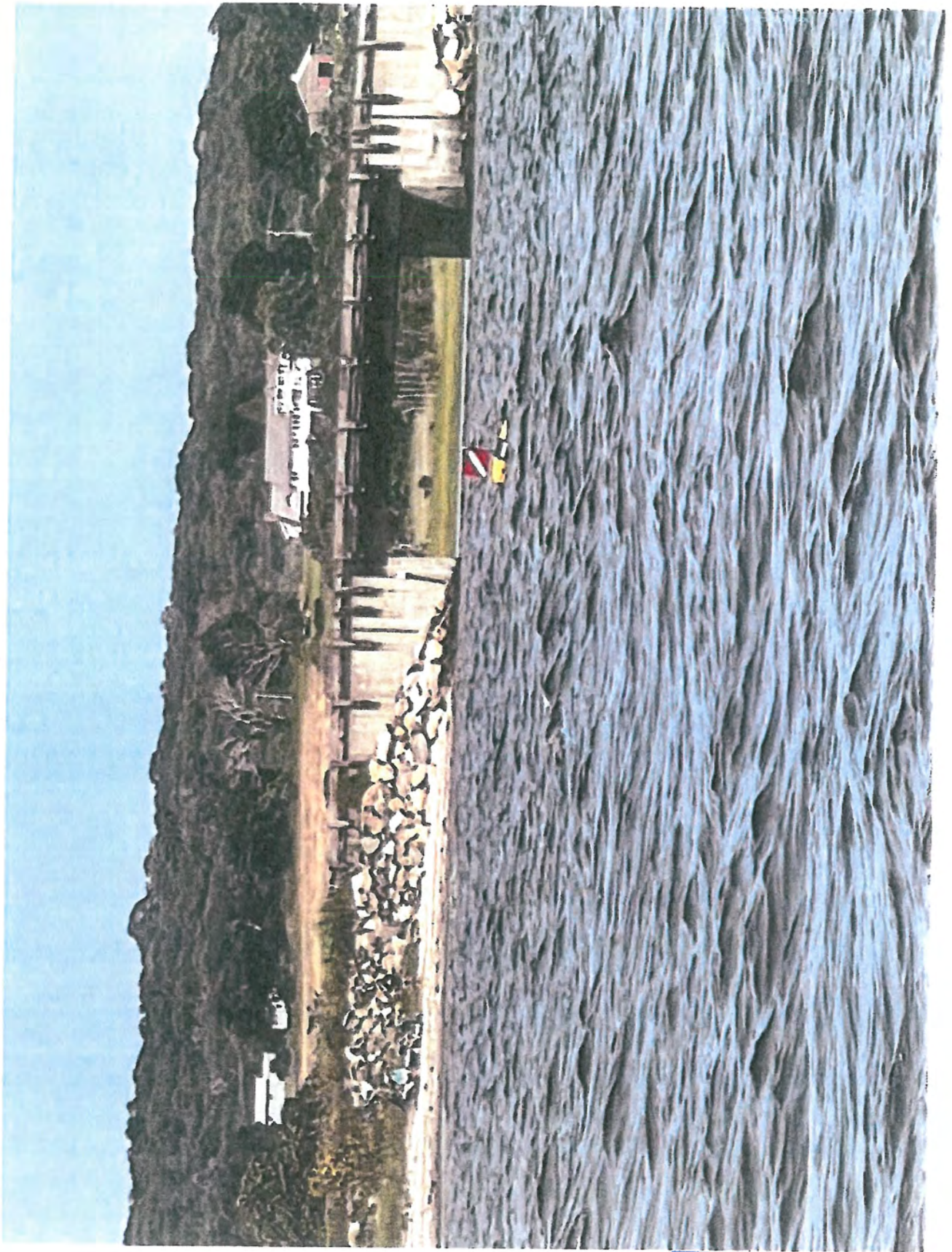
COASTAL RESOURCES
MANAGEMENT DISTRICT



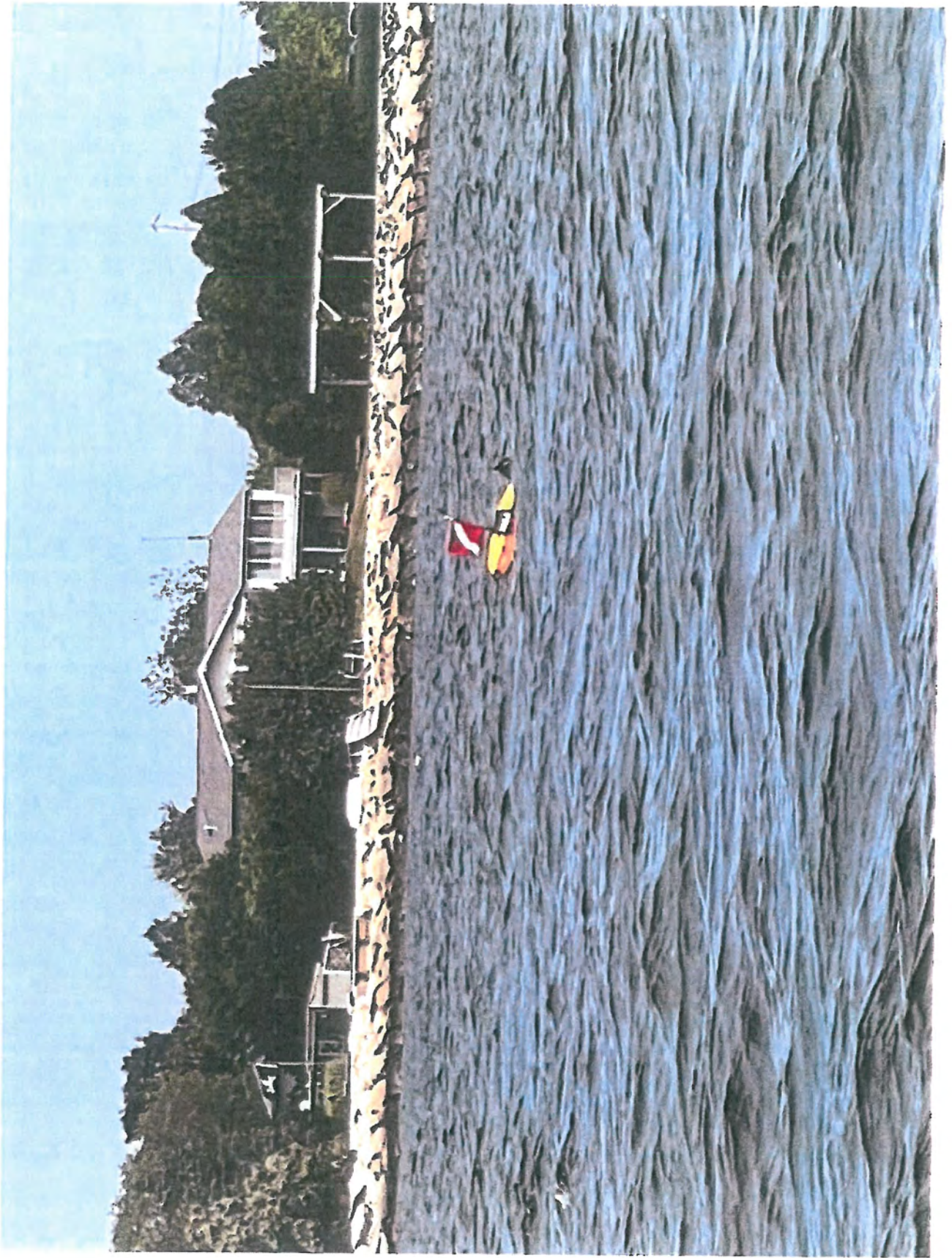
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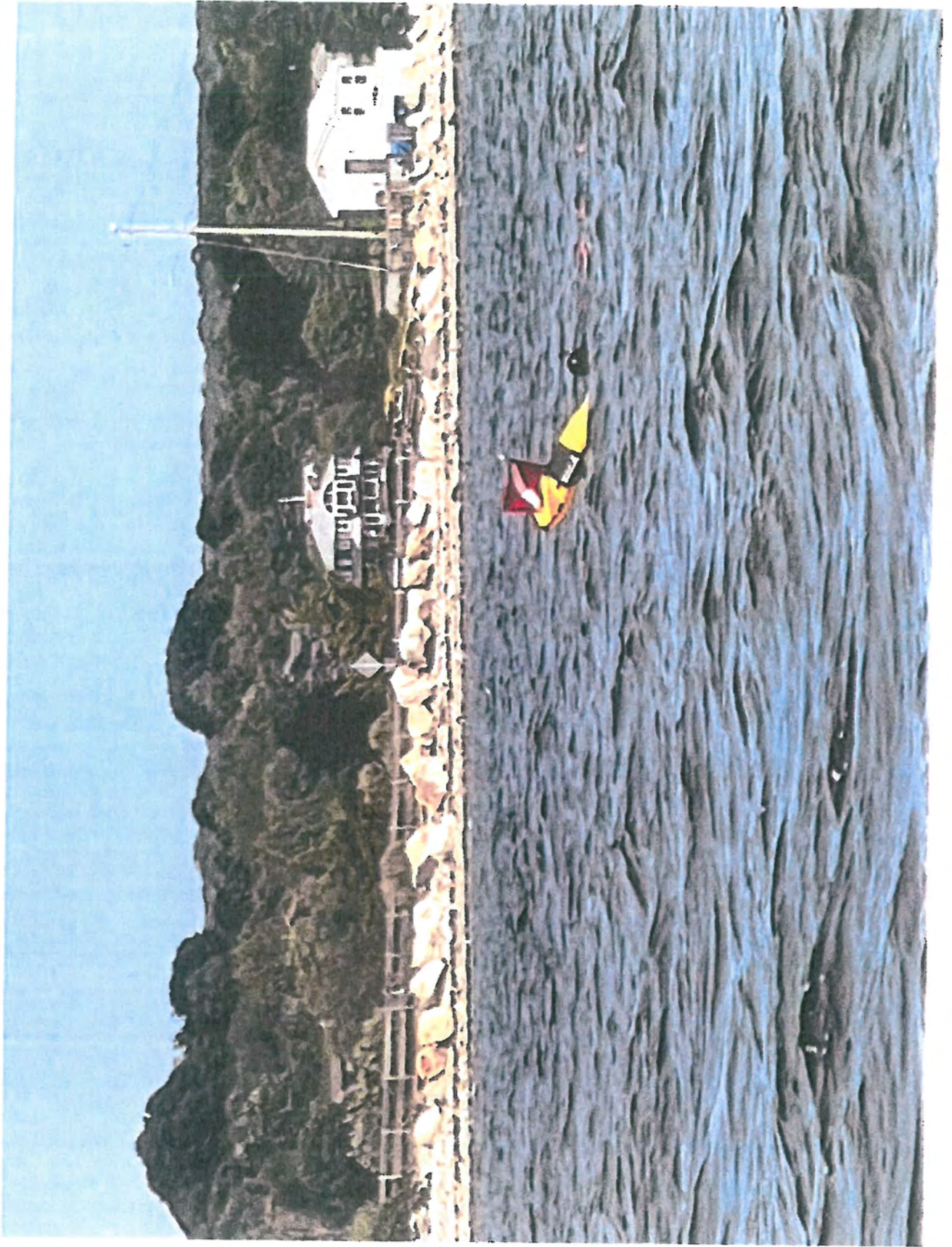
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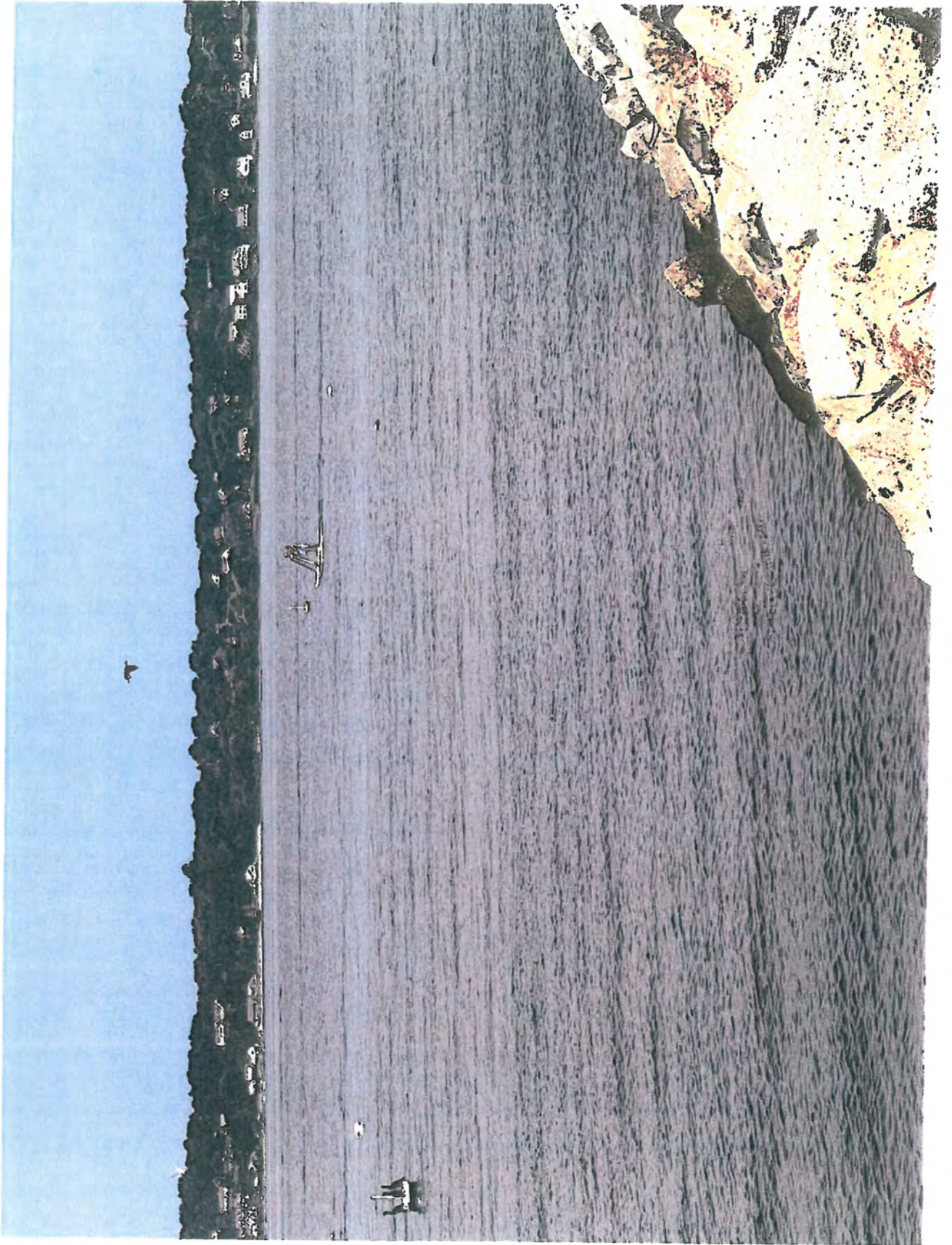
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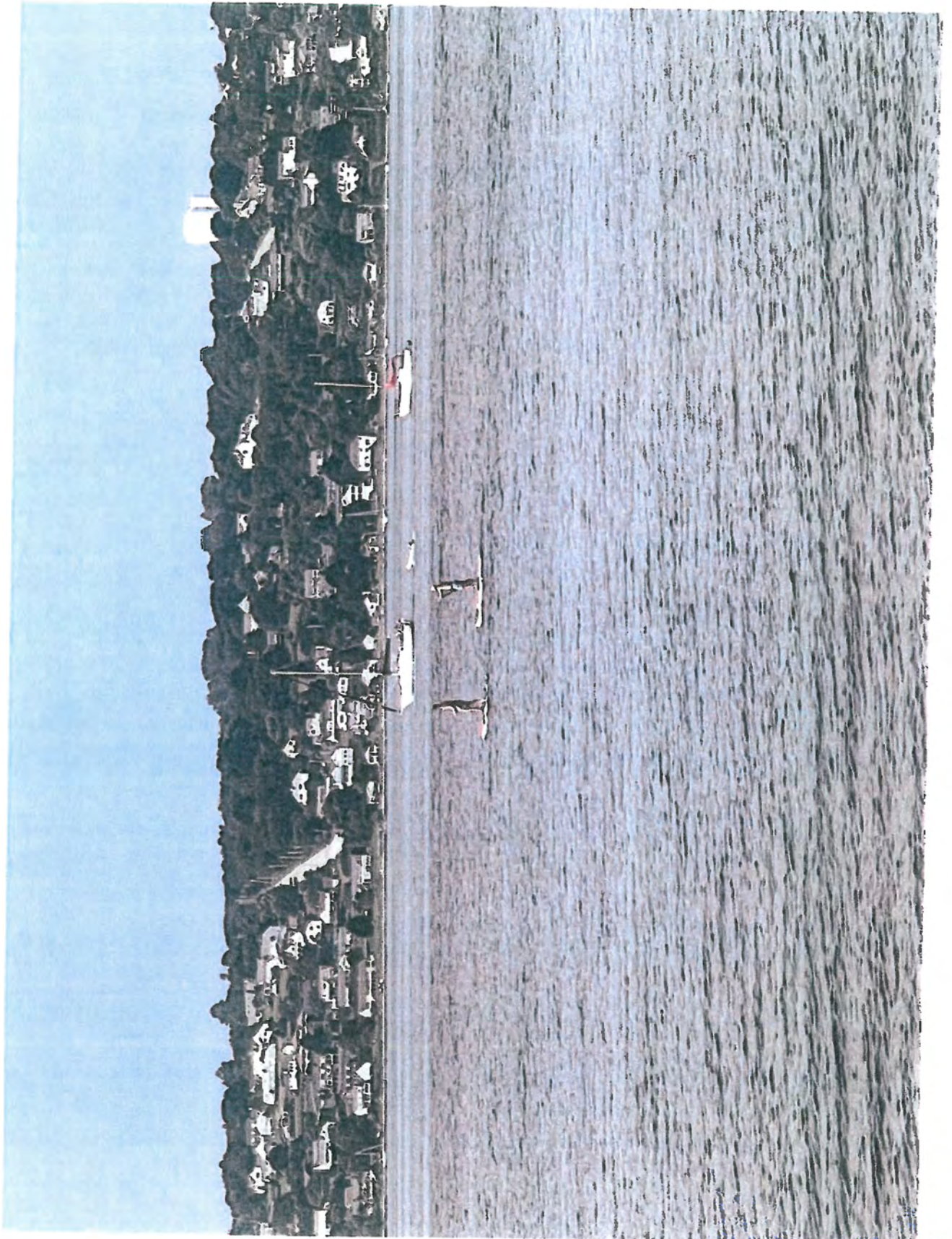
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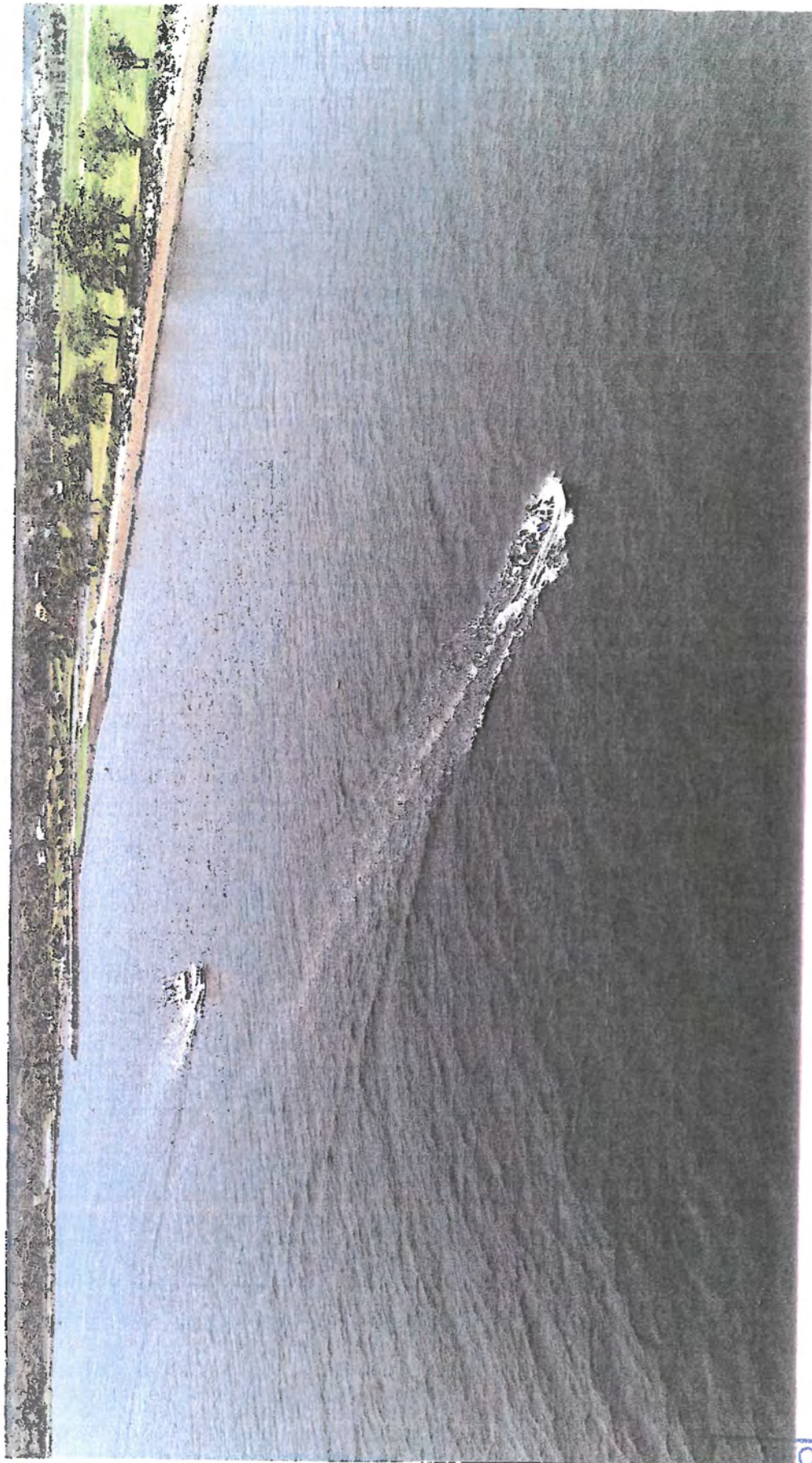
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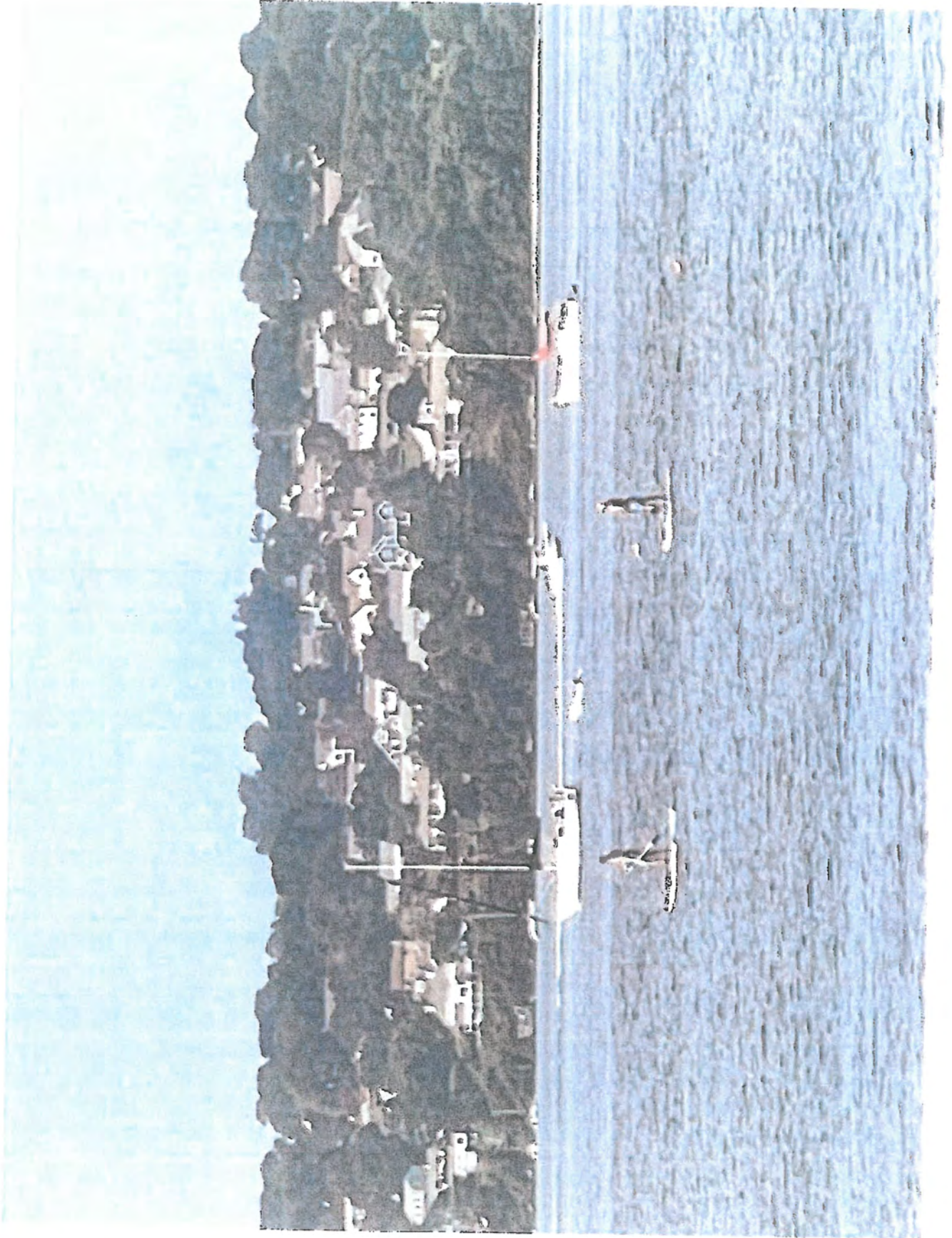


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COASTAL RESOURCES



Stakeholder example_058

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Stakeholder example_060

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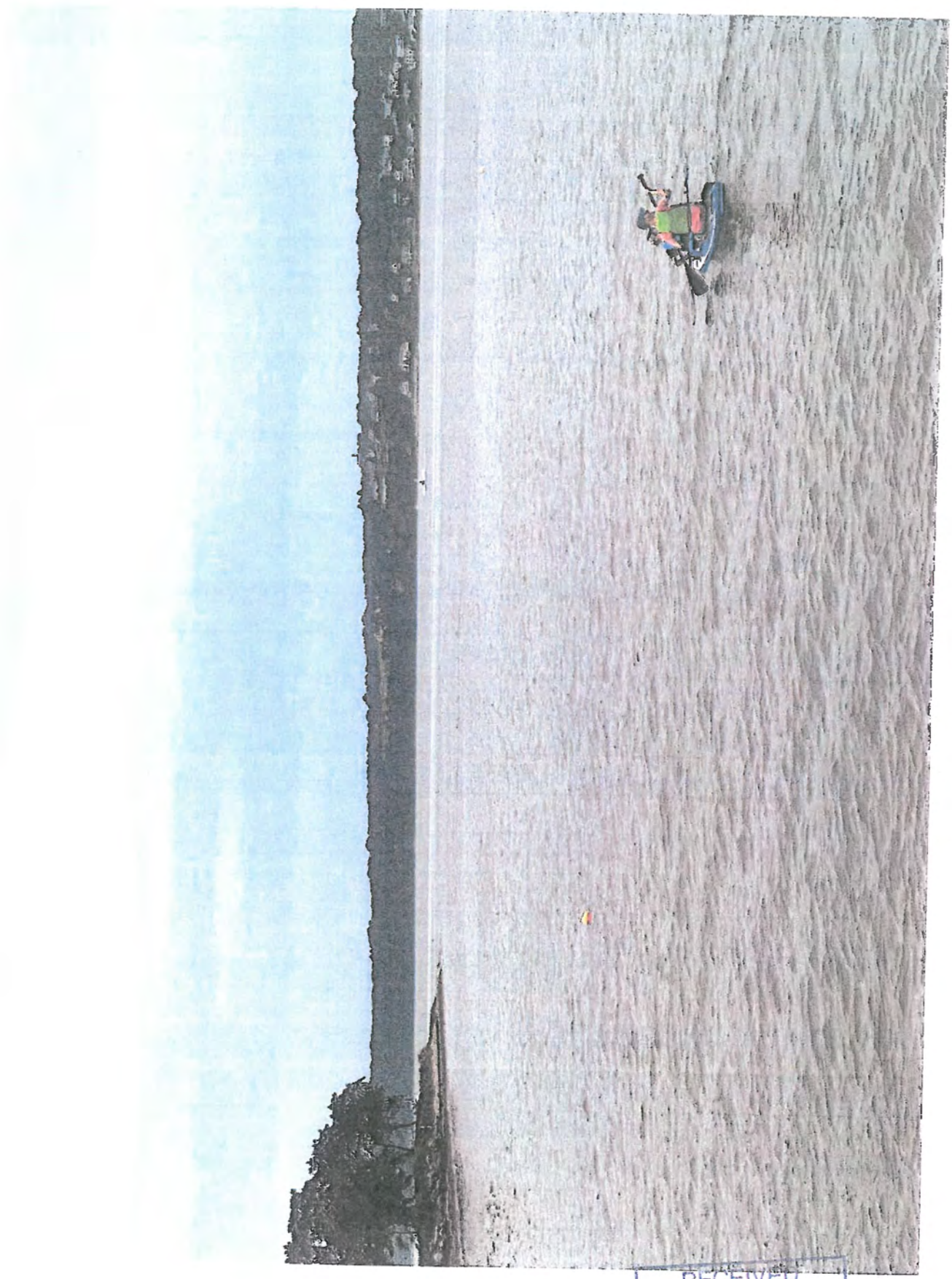


Stakeholder example_061

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COASTAL RESOURCES
MANAGEMENT INC. NCT

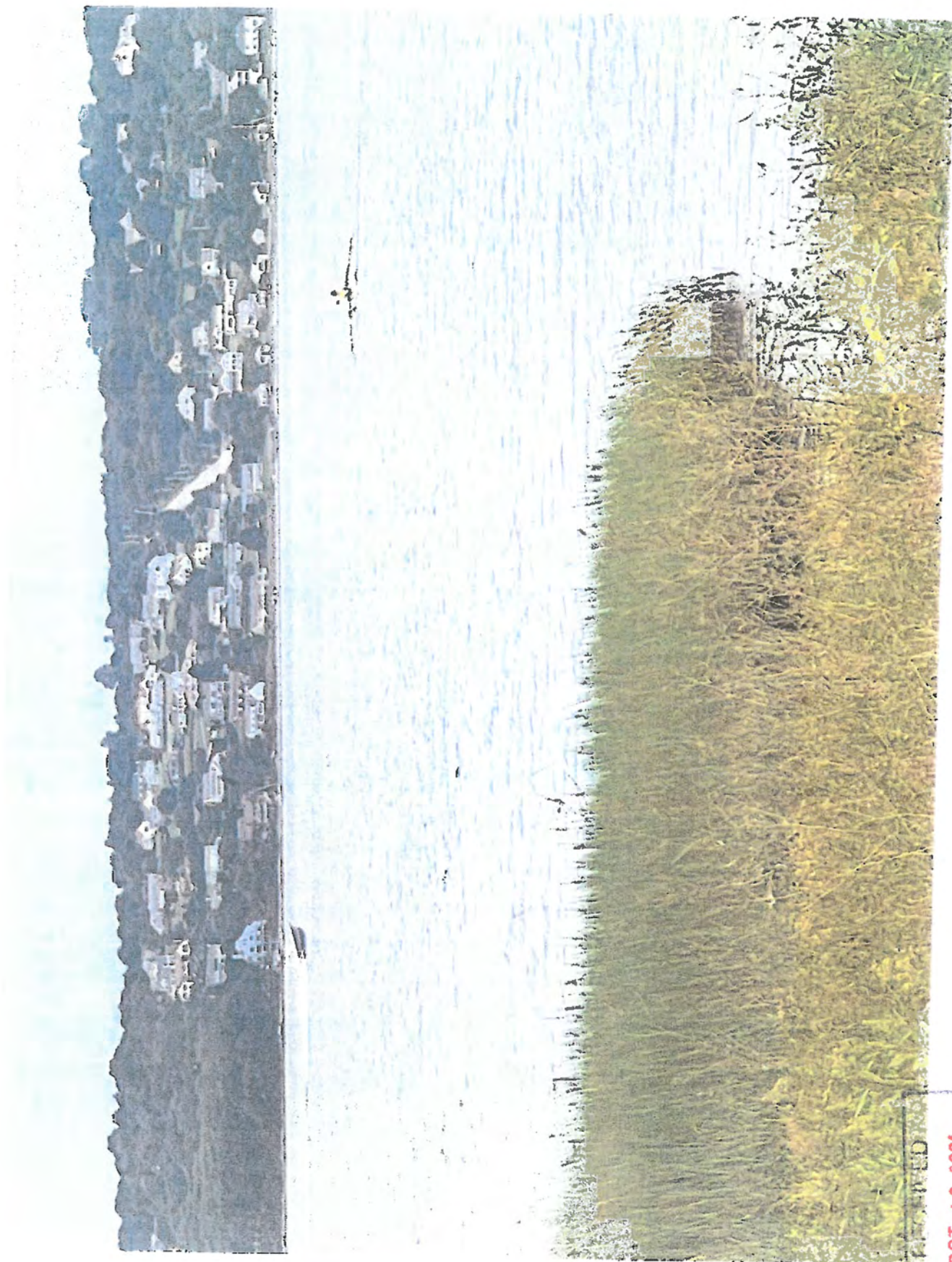


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COASTAL RESOURCES
MANAGEMENT COUNCIL

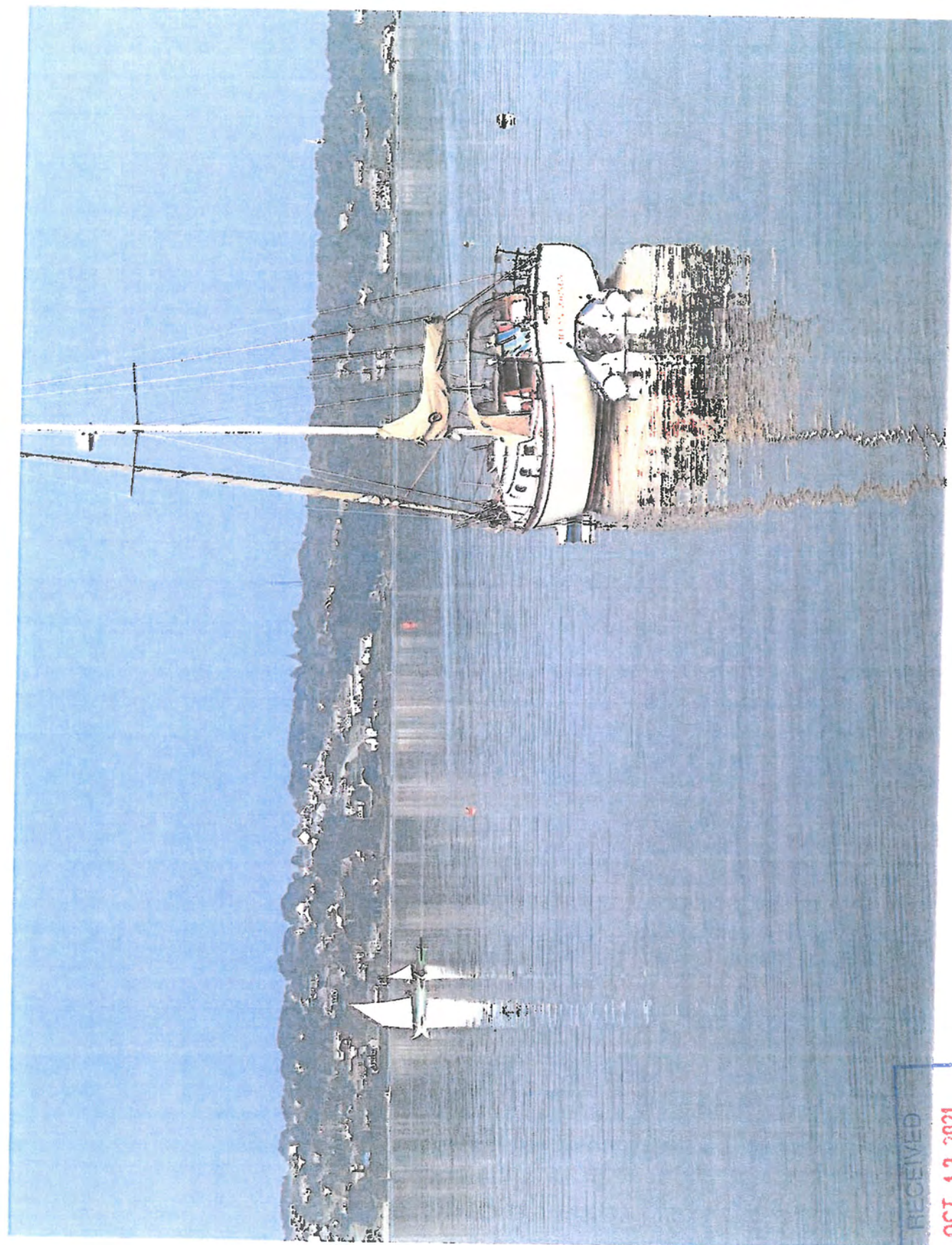


Stakeholder example_063





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CITY OF SEATTLE



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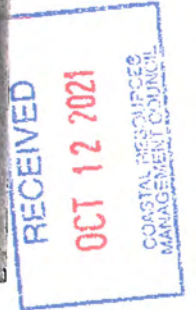
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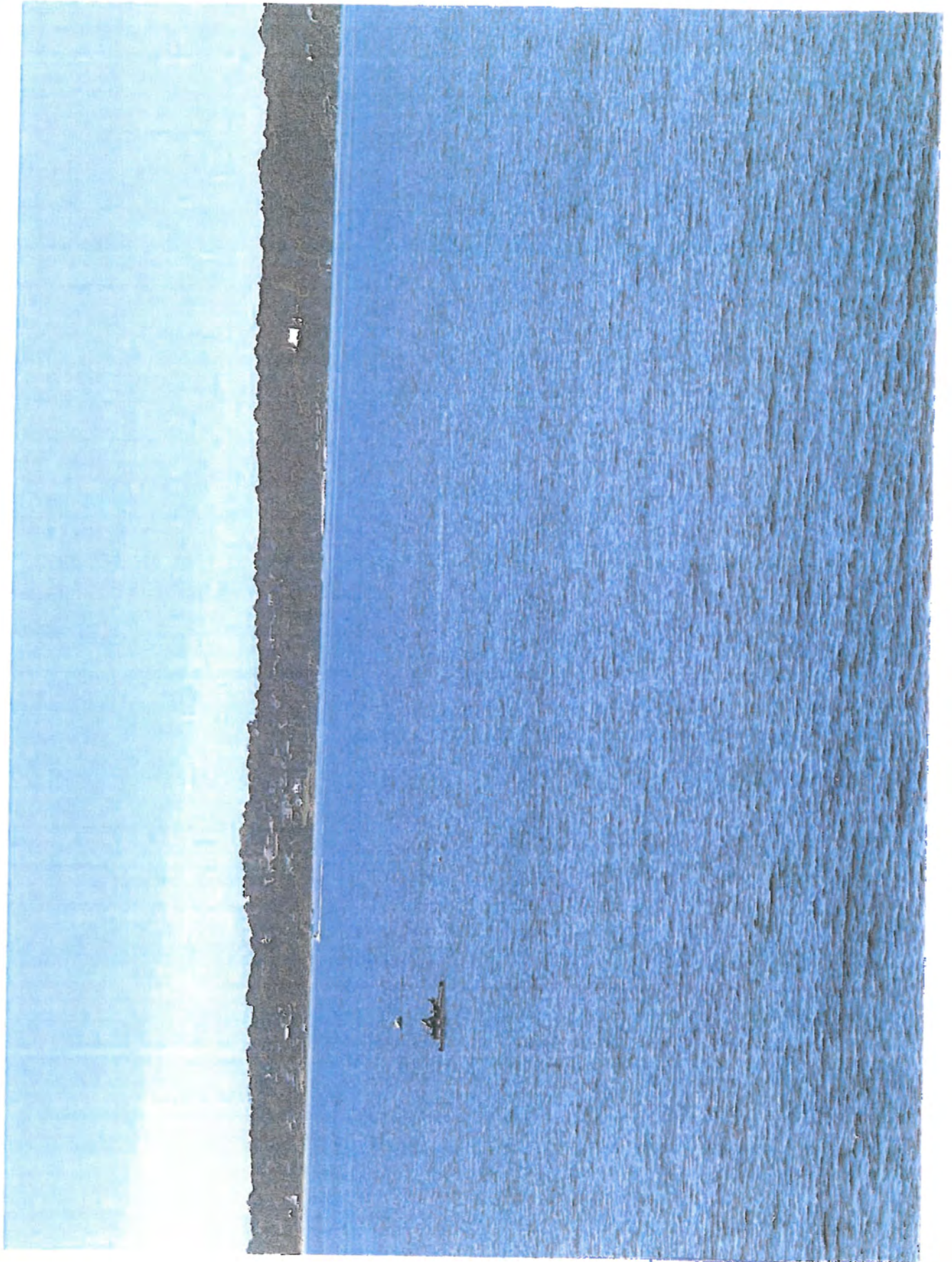
COASTAL RESOURCES
MANAGEMENT COUNCIL

Stakeholder example_065



Stakeholder example_066





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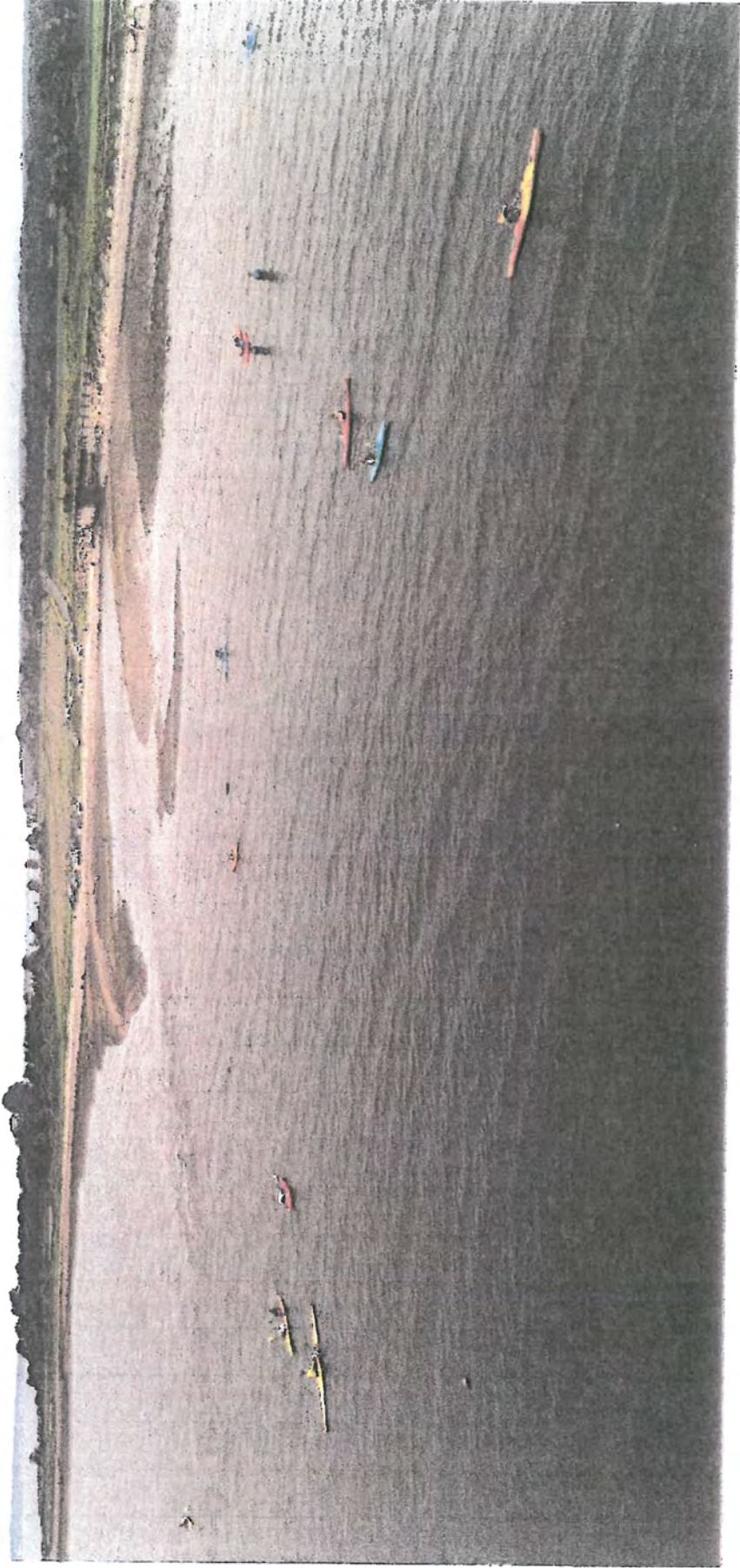
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COASTAL RESOURCES

BARBARA FELLETER

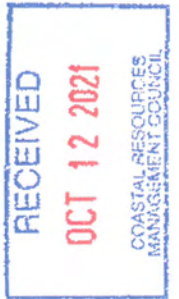


Stakeholder example_069



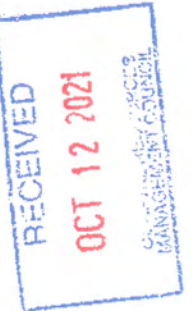


Stakeholder example_070



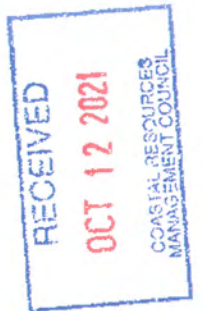


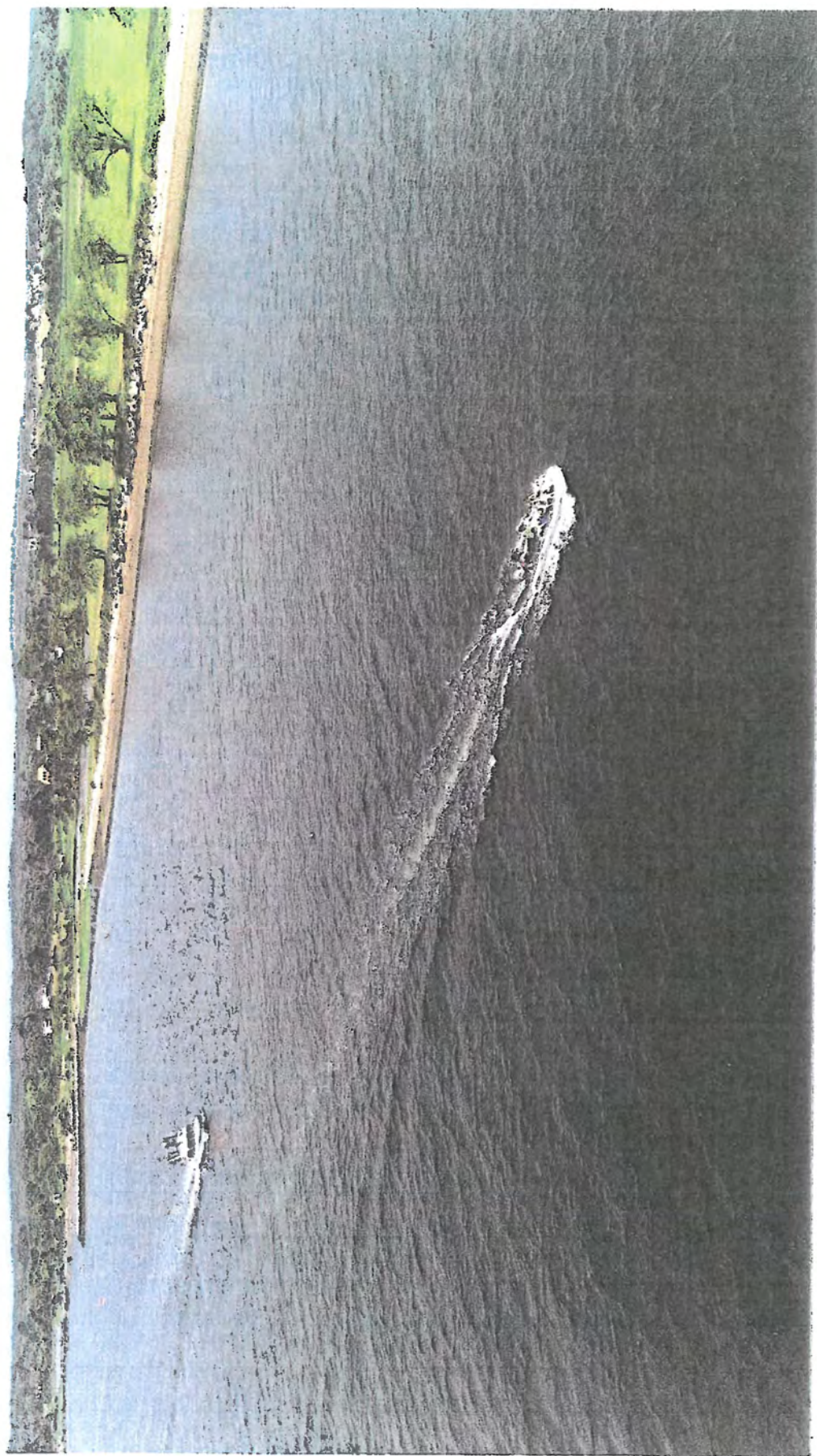
Stakeholder example_071



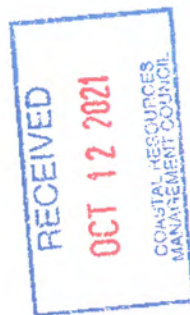


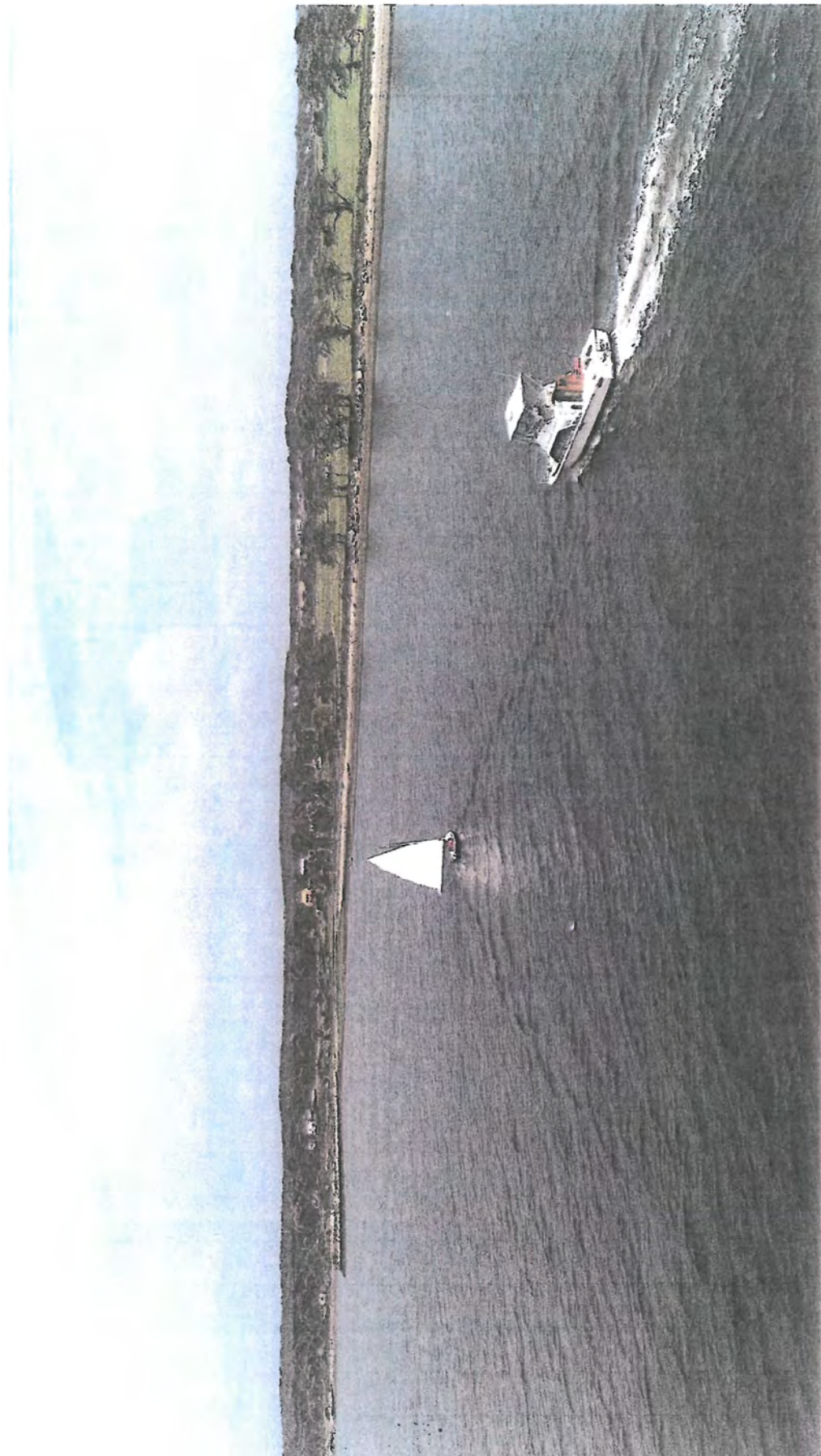
Stakeholder example_072





Stakeholder example_073





Stakeholder example_074

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CLATSOP AIR RESOURCES
MANAGEMENT COUNCIL



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

(401) 783-3370
Fax (401) 783-3767

M e m o r a n d u m

TO: Kevin Cote
FR: John Longo, Deputy Legal Council
RE: Riparian Rights
Date: May 20, 2019

This document is to provide you with the guidance you requested for addressing certain issues associated with riparian rights.

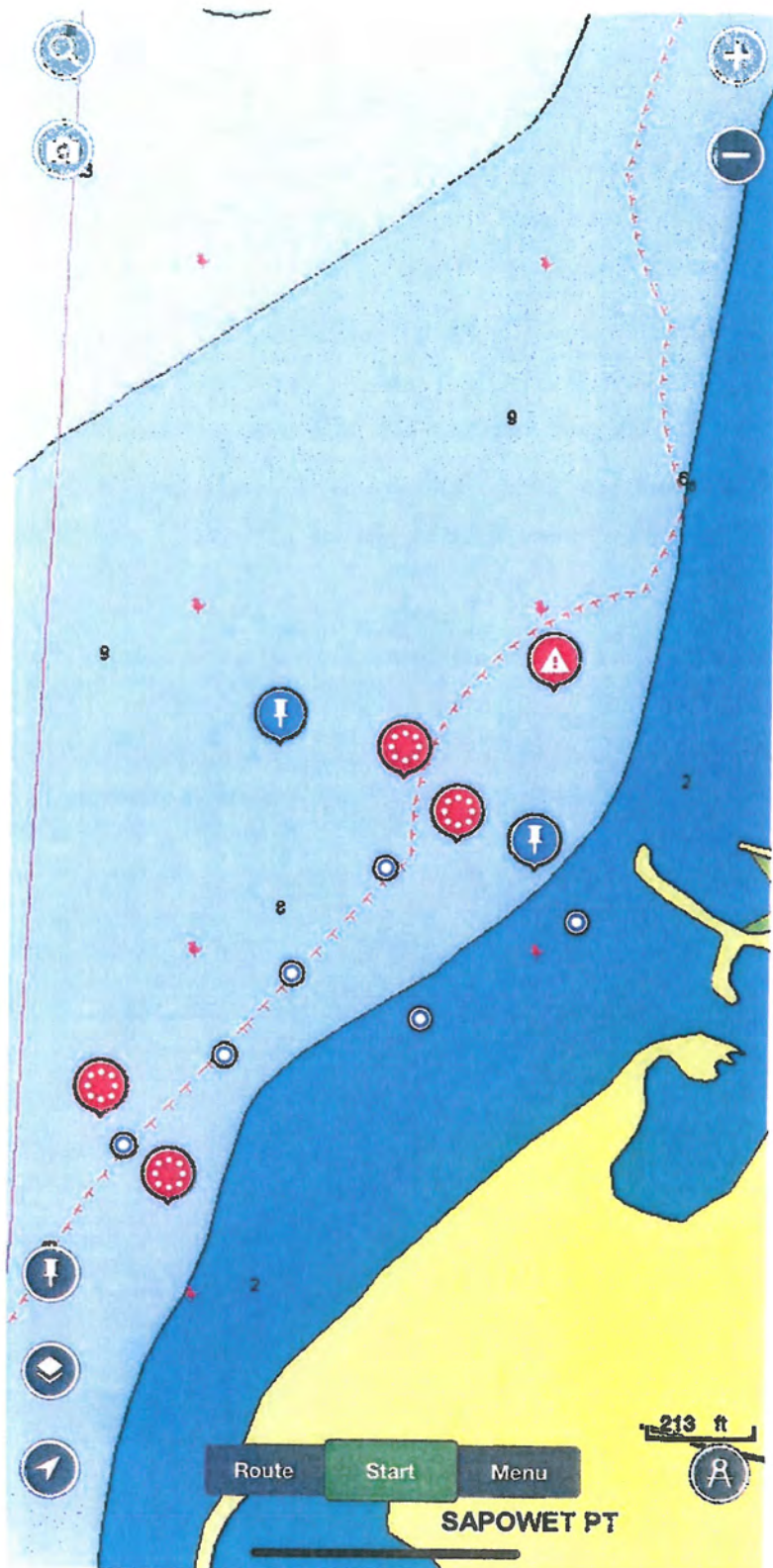
In general, and consistent with the State Constitution and state statutes, the CRMC recognizes that owners of properties contiguous to tidal waters of the State have certain riparian rights to access the shore and water.

Riparian rights 'run with the land,' not the land owner so owners can generally not swap or trade them.

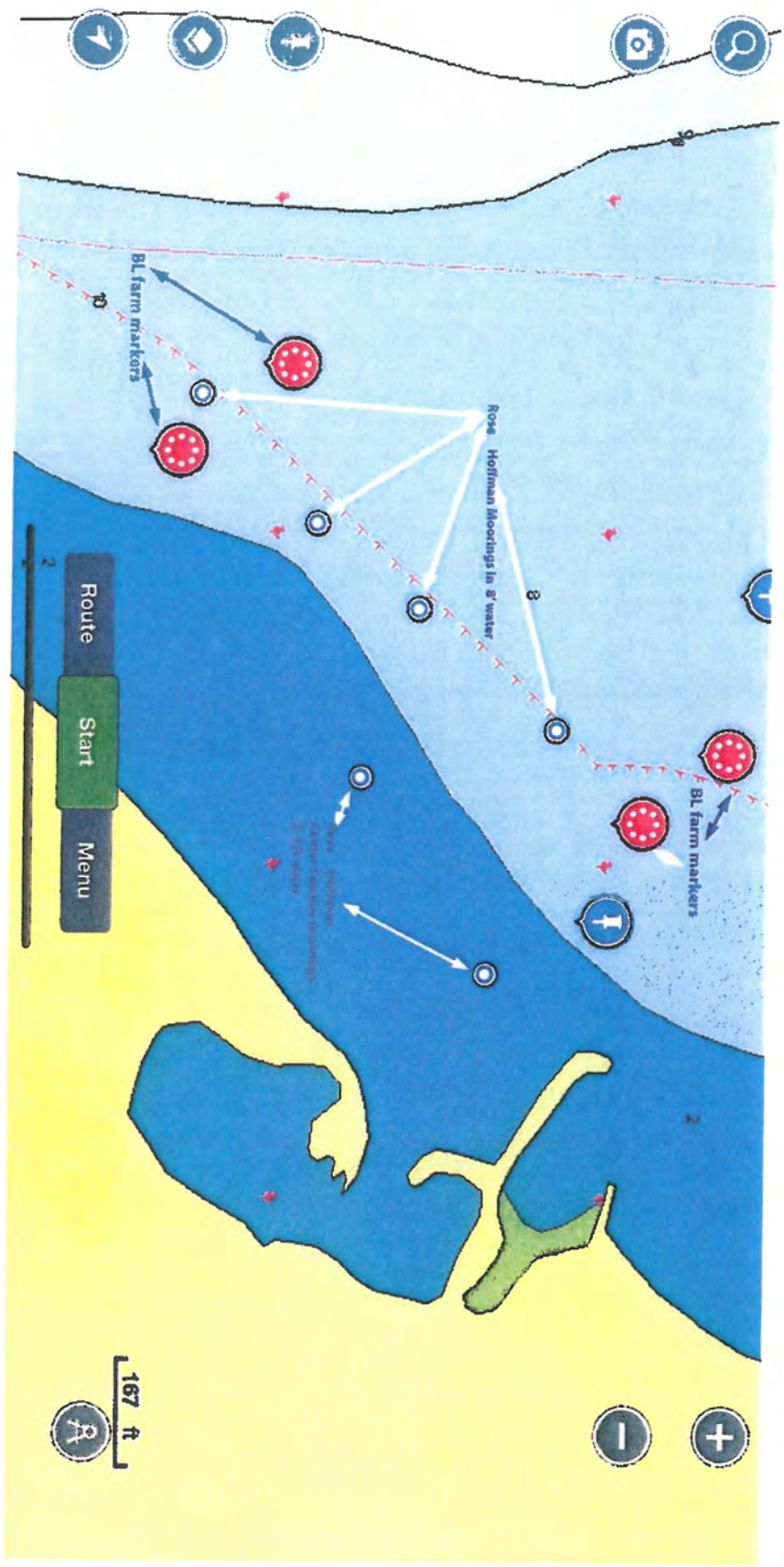
The nature and extent of the riparian rights associated with a property vary depending on the property and riparian rights do not automatically guarantee the property may have a mooring. For example:

- a) If access to the water from a property is practically impossible (i.e. Mohegan Bluffs, New Shoreham), the riparian rights for that property cannot be "transferred" to another location where access is possible.
- b) Riparian rights are generally limited to the area in the seaward extension of the property's lateral lot lines.
- c) The water enclosed by the seaward extension of the lateral lot lines may not be sufficient to support certain "access" structures (i.e. a dock, mooring, or outhaul).
- d) Since a mooring associated with a property must confine any moored vessel to the water enclosed by the seaward extension of the property's lateral lot lines, every riparian rights holder is not guaranteed to be allowed a mooring and some may be denied a mooring.
- e) Insufficient water depth, the presence of navigational hazards and other factors also mean every riparian rights holder is not guaranteed to be allowed a mooring and some may be denied a mooring.
- f) The characteristics of each property, its shoreline and the contiguous waters means it might be appropriate to consider options other than moorings for access (i.e. launching a kayak from the shore of a riparian property can be a legitimate exercise of riparian rights).





BL interference in riparian mooring rights



Hoffman 8ft moorings

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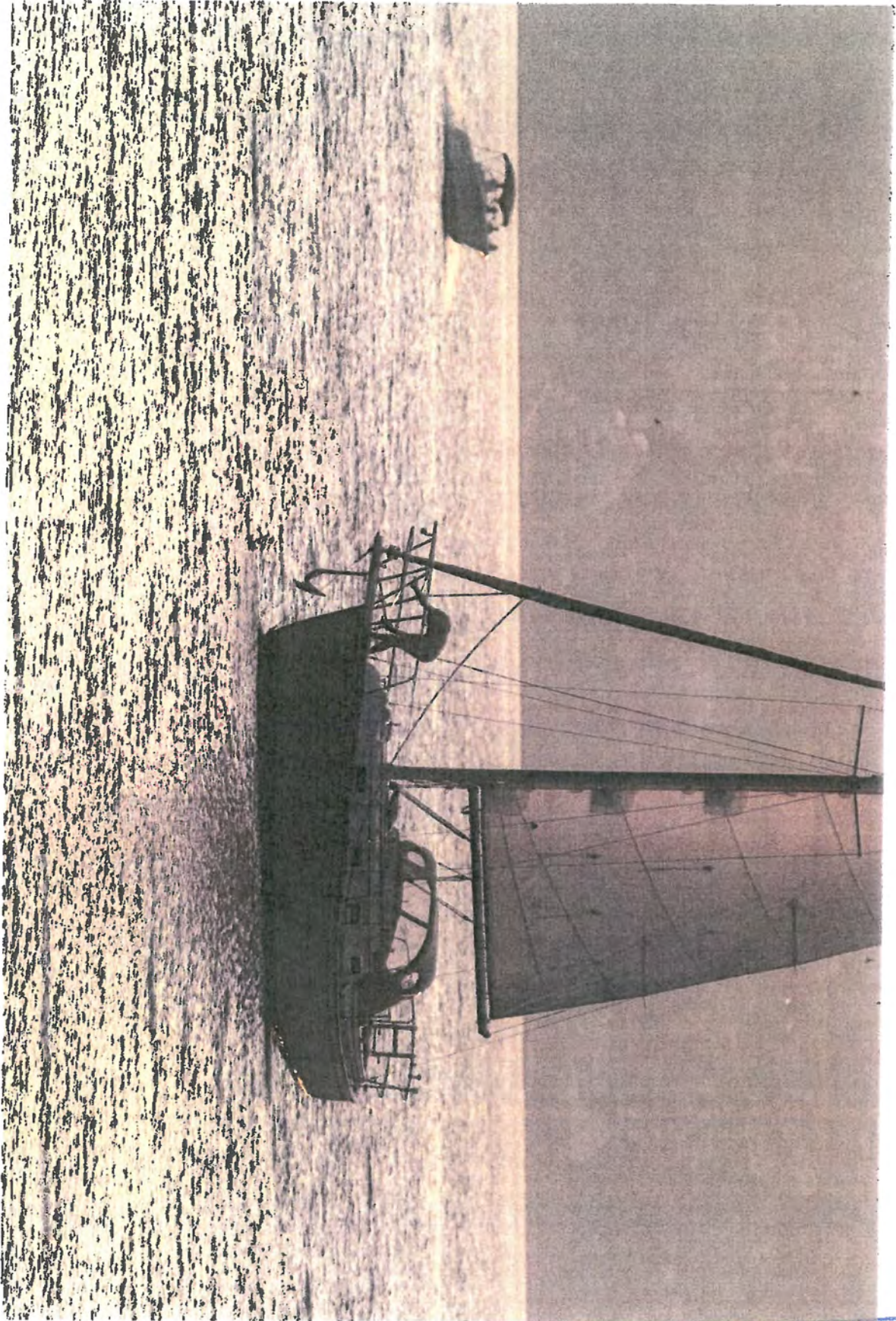


HM inspects RoseHoffman markers

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BUREAU OF SCIENCES



58' Vicem touring Seapowet off Jetty



34 ft monohull anchoring in lea of Pt_small boat traffic

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MANAGEMENT COUNCIL

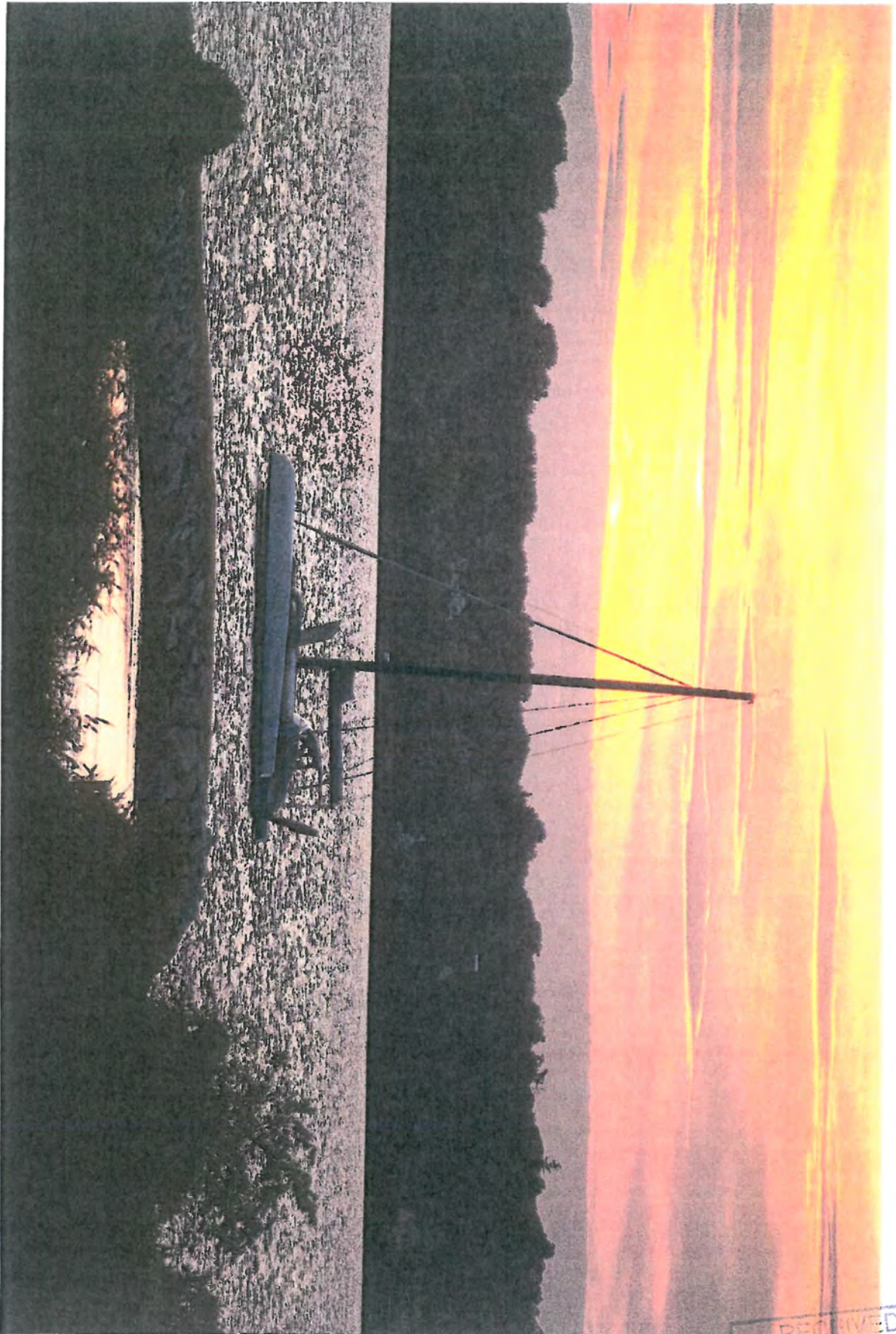


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Absolut 58' on S-02

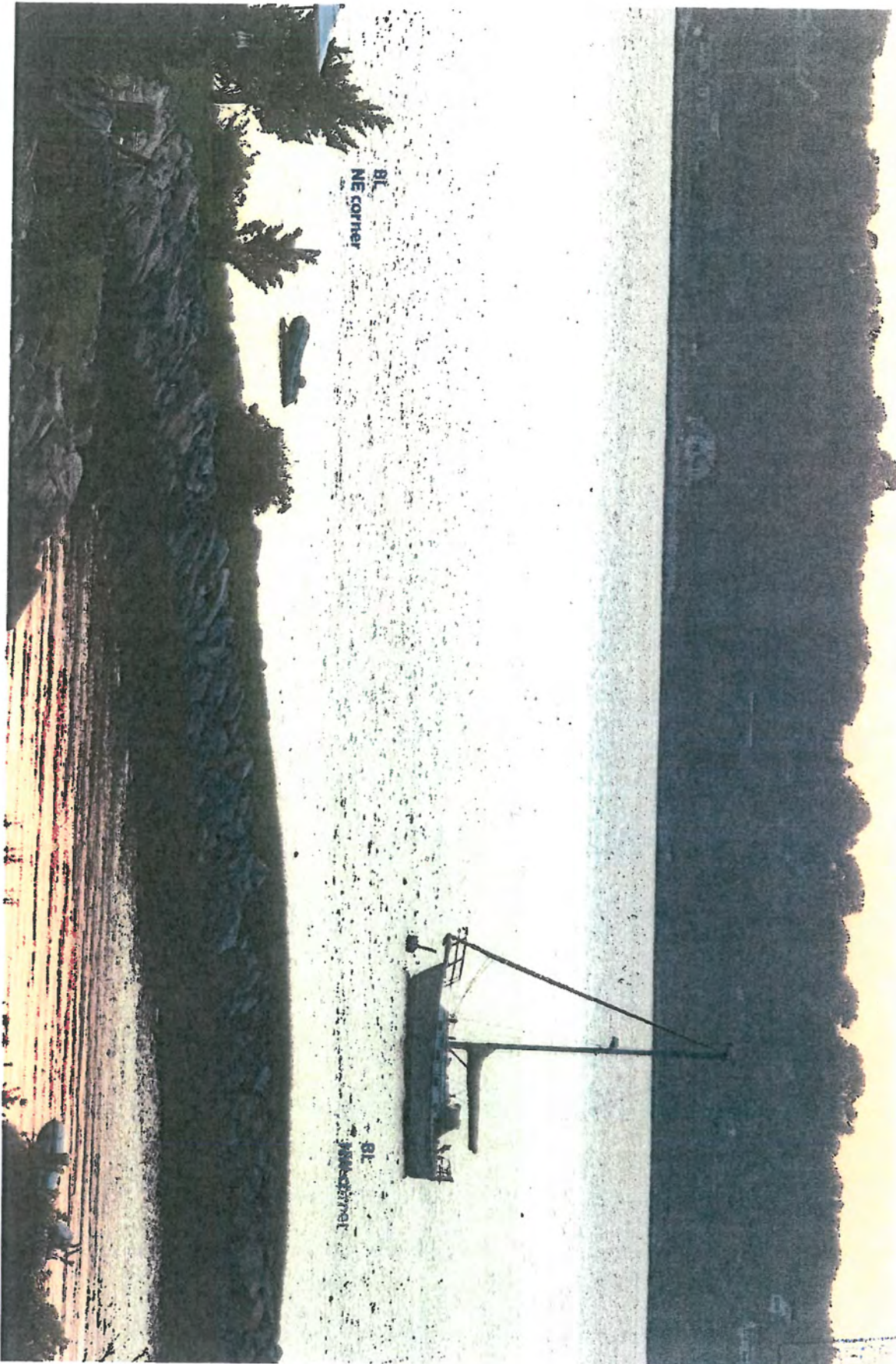


Clemens Mooring obstruction



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FINN 53' on S-02



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Ocean Sounds 34'



State of Rhode Island
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

DOC: 00001223
Bk: 1839 Pg: 106

FINDING OF NO SIGNIFICANT IMPACT

March 2, 2021

Dewitt C. Clemens
451 Seapowet Avenue
Tiverton, RI 02878

RECEIVED FOR RECORD
Tiverton, R.I.
JOAN B. CHABOT TOWN CLERK
Mar 26, 2021 09:47A

RE: CRMC Assent No. M2020-12-053: Fallen riprap to be replaced and sinkholes to be filled. Repairs shall be no further than 1' from existing toe. Also concrete structure to be replaced in-kind per CRMC approved plan dated 3/1/2021. Project Location: 451 Seapowet Avenue, Tiverton; Plat 702, Lot 112

Dear Applicant:

The Coastal Resources Management Council has reviewed your project proposal and has determined the findings of no significant impact on coastal resources. This project must be completed within three (3) years of the date of this notification, unless written application requesting an extension is received by CRMC sixty (60) days prior to the expiration date. If this project involves excess excavated materials, excess soils, excess construction materials, and debris (including any destructed materials) these materials shall be removed from the site and disposed of at an inland landfill or a suitable and legal upland location. If the project involves earthwork, appropriate erosion controls shall be utilized. All applicable policies, prohibitions, and standards of the RICRMP shall be upheld.

CAUTION: The limits of authorized work shall be only for that which was approved by the CRMC. Any activities or alterations in which deviate from this assent or what was detailed on the CRMC approved plans will require a separate application and review. Additionally, if the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then this permit may be found to be null and void. Plans for any future alteration of the shoreline or construction or alteration within the 200' zone of CRMC jurisdiction or in coastal waters must be submitted for review to the CRMC prior to commencing such activity.

Permits, licenses or easements issued by the Council are valid only with the conditions and stipulation under which they are granted and imply no guarantee of renewal. The initial application or an application for renewal may be subject to denial or modification. If an application is granted, said permit, license and easement may be subject to revocation and/or modification for failure to comply with the conditions and stipulations under which the same was issued or for other good cause.

Applicant agrees that as a condition to the granting of this assent, members of the Coastal Resources Management Council or its staff shall have access to applicant's property to make on-site inspections to insure compliance with the assent.

A copy of this authorization to perform construction related activities shall be kept on site and available for inspection. NOTE: Failure to have this letter on site or work in excess of your proposal constitutes a violation under this program.

Sincerely,

Lisa A. Turner, Office Manager
Coastal Resources Management Council

/lat/



State of Rhode Island

COASTAL RESOURCES MANAGEMENT COUNCIL
NOTICE OF

ASSENT

CRMC Assent No.: M2020-12-053

Date: February 2, 2021

This certifies that Dewitt C. Clemens
has permission to Fallen riprap to be replaced and sinkholes to be filled. Repairs shall be no further than 1" from existing toe. Also
concrete structure to be replaced in-kind per CRMC approved plan dated 3/1/2021.

situated at 451 Seapower Avenue
Plat No. 702

Lot No. 112

Said construction operations to be done in accordance with an approved assent on file in the Offices of the Coastal Resources
Management Council and subject further to all the provisions of the building ordinances of the :

City/Town of

Tiverton

and to all the applicable State, Local and Federal provisions. This assent shall expire three (3) years from the date of this assent.

[Signature]
Official Designee
Coastal Resources Management Council

THIS CARD MUST BE DISPLAYED IN A CONSPICUOUS PLACE ON THE PREMISES.
FAILURE TO DISPLAY WILL RESULT IN LEGAL ACTION.



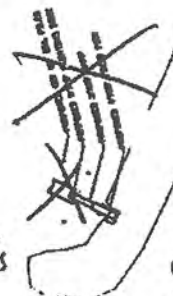
EXISTING 5'X8' CONCRETE
BULKHEAD WITH EROSION
UNDERNEATH TO BE
REPLACED IN KIND

16.5' CRMC
BUFFER

COASTAL
FEATURE

R2

R2
not
approved
under this
CRMC
Assessment
2020-12-53
3/1/21



COASTAL RESOURCES MANAGE
APPROVED BY: ANS
DATE: 3/1/21
SHEET: 02
NOTES: COASTAL RESOURCES MANAGE
2020-12-53

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MANAGEMENT DIVISION

OVERALL SITE PLAN
SCALE
1 inch = 100 ft.



STATE OF RHODE ISLAND
 COASTAL RESOURCES MANAGEMENT COUNCIL
 OLIVER H. STEDMAN GOVERNMENT CENTER
 4808 TOWER HILL ROAD
 WAKEFIELD, R.I. 02879

Official Receipt for Recording in.

Town of Tiverton
 343 Highland Road
 Tiverton, RI 02878

Issued To:
 WALK IN
 TIVERTON RI 02878

Recording Fees

Filing Type	Number	Vol#	Page	Time	Recording Amount
Assent	00001223	01838	00106	09:47:24a	45.00
DR-CRMC					
IN-CLEMENS DEWITT C					3.00
Historical Preservat					1.00
Historical Preservat					
					49.00

Collected Amounts

Payment Type	Amount
Check	49.00
	49.00

Total Received : 49.00
 Less Total Recordings: 49.00
 Change Due .00

Thank You
 JOAN B. CHABOT - Town Clerk
 By - Jeanne Spencer

Receipt# Date Time
 0081087 03/26/2021 09:50a



Dewitt C. Clemens
 118 Prospect Hill Street
 Newport, RI 02840-3129

STATESIDE PRECISION GROUP, LLC

DBA NEWPORT RENEWABLES

2360

Town of Tiverton

\$49

3/26/21

Dewitt CMC Records

3-00282
 3/23/21
 FWD

State of Rhode Island

COASTAL RESOURCES MANAGEMENT COUNCIL

NOTICE OF

ASSENT

Case No. 12-053

Date: February 2, 2021

This certifies that Dewitt C. Clemens

has permission to fill in riprap to be replaced and sinkholes to be filled. Repairs shall be no further than 1' from existing concrete structure to be replaced in-kind per CTRMC approved plan dated 3/1/2021.

situated at 451 Seapower Avenue

Plot No. 702

Lot No. 112

Said construction operations to be done in accordance with an approved assent on file in the Offices of the Coastal Resources Management Council and subject further to all the provisions of the building ordinances of the :

City/Town of

Tiverton

and to all the applicable State, Local and Federal provisions. This assent shall expire three (3) years from the date of this assent.

Paul Champagne
Official Designee
Coastal Resources Management Council

THIS CARD MUST BE DISPLAYED IN A CONSPICUOUS PLACE ON THE PREMISES.
FAILURE TO DISPLAY WILL RESULT IN LEGAL ACTION.



State of Rhode Island and Providence Plantations

ASSENT



NO. 27-Sakonnet River-70

Whereas, Ted B. Westfall, 451 Seapowet Avenue
Tiverton, R. I. has applied to the Department of Natural Resources,
 Division of Harbors and Rivers for assent to maintain existing structures in front
of his property

and hereby represents that he is the owner of the riparian rights attached to the property in-
 volved and has submitted plans of the work to be done.

Now, said Department and Division, having fully considered said application, does hereby author-
 ize said applicant, subject to the provision of Title 46, Chapter 6, of the General Laws of 1956, and of all
 laws which are or may be in force applicable thereto, to maintain an existing 80 ft.
extension of an existing stone and gravel jetty in front of his
property on the Sakonnet River off Seapowet Avenue at Tiverton,
Rhode Island, also to maintain existing piers, floats and ramps in
front of his property, all

Note: The attached communication from the Division of Water Supply
and Pollution Control dated May 11, 1970 is hereby made an integral
part of this Assent.

in accordance with said plans, provided that the applicant shall
not be held responsible for any damage to or destruction of the
property of the State or any other person or property

Nothing in this assent shall be construed as to impair the legal rights of any person.

No responsibility for the stability or permanence of said work
 is assumed by the granting of this assent.

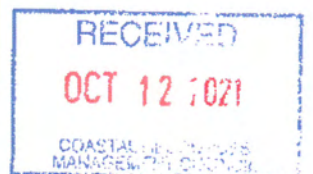
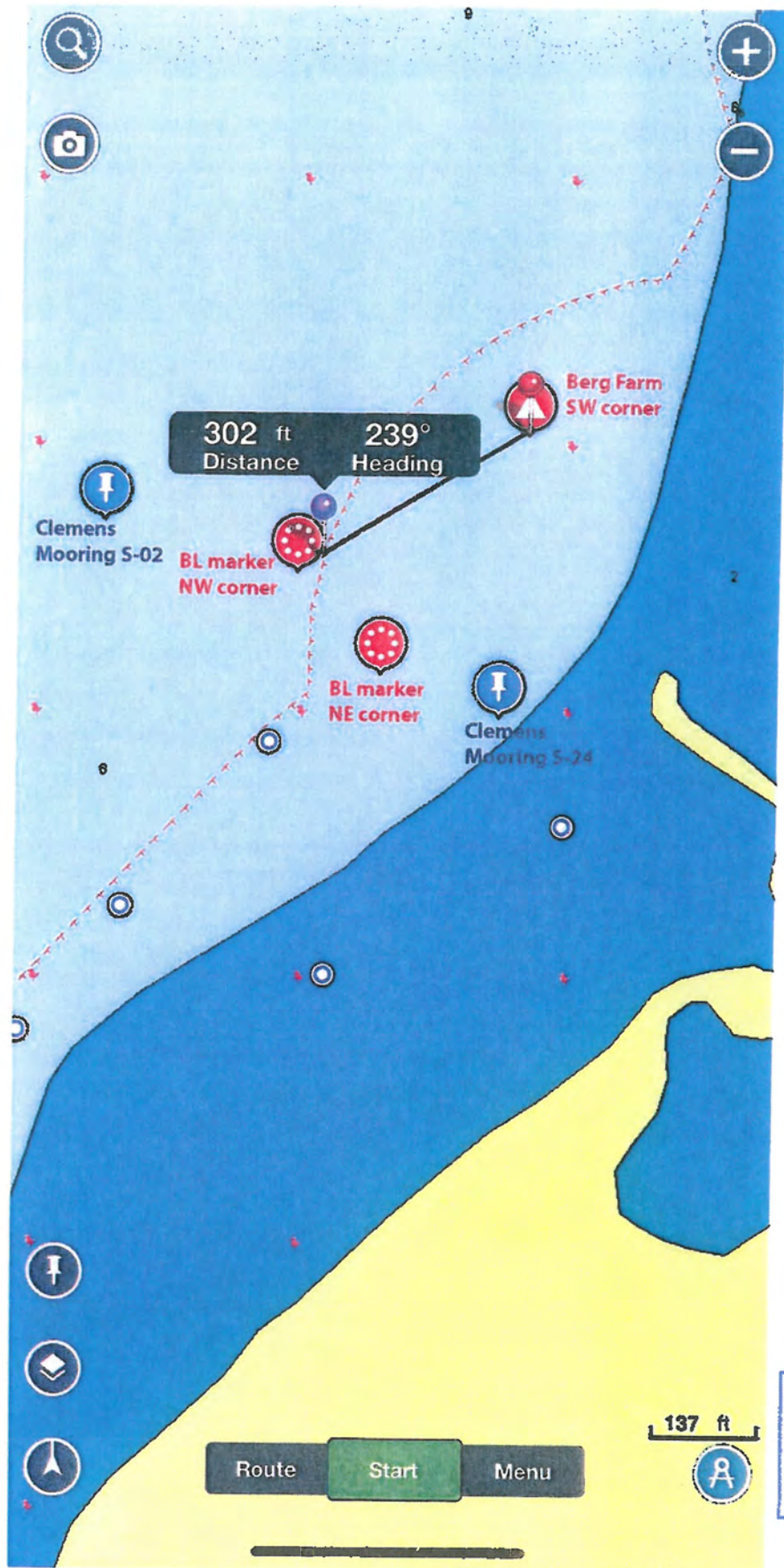
In Witness Whereof, said Department of Natural Resources, Division of Harbors and Rivers have
 hereunto set their hands and seal this twenty-first day of July in the year
nineteen hundred seventy

John L. Rego

Department of Natural Resources

Director

Chief



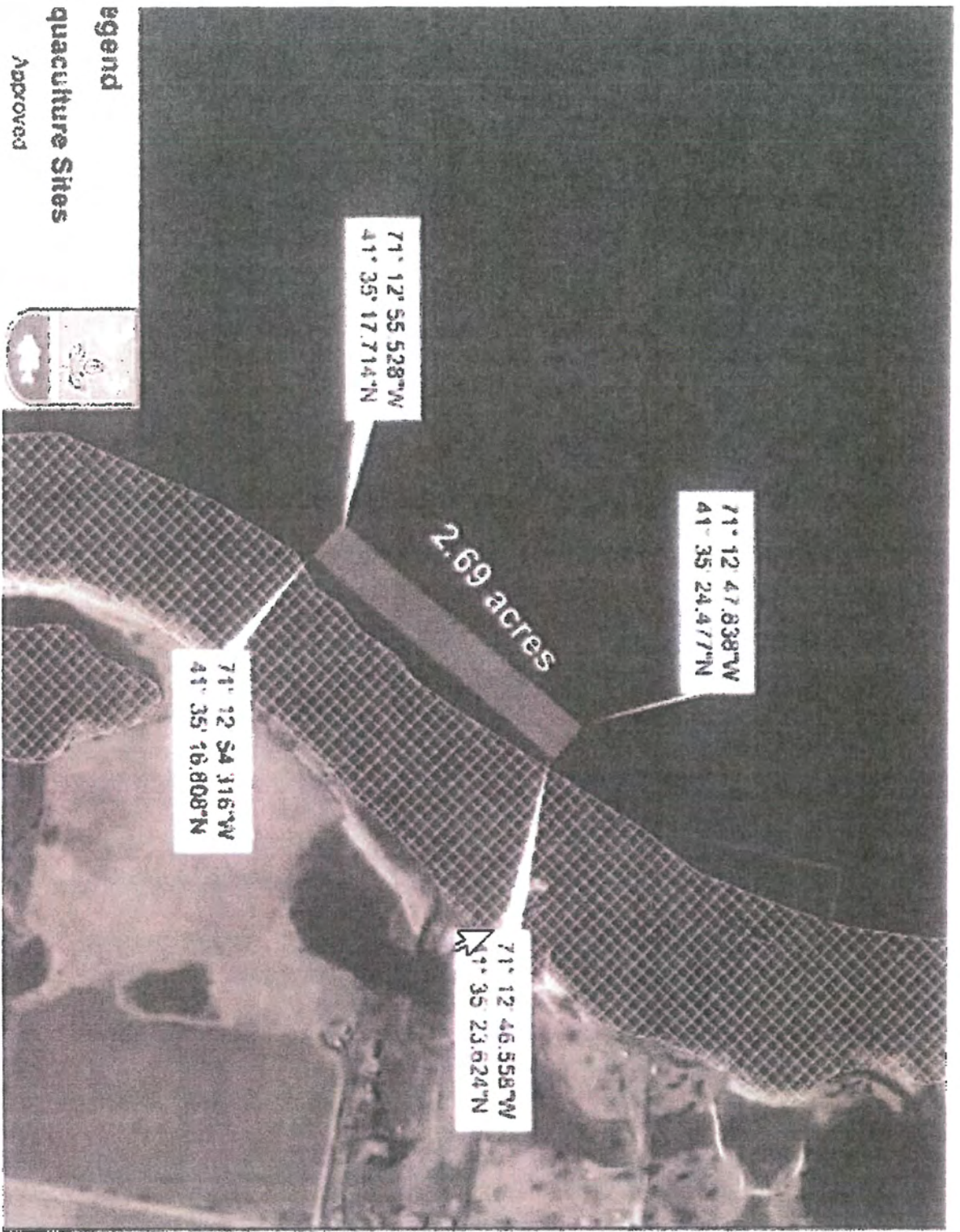
Only 302' between Berg Farm and BL



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High performance vessels need substantially more room to maneuver

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COASTAL RESOURCE
MANAGEMENT



These are the coordinates on application and the observed marker positions:

SW Corner

Application: 71 12' 55.528" W
41 35' 17.714" N
Observed: 71 12' 927" W
41 35' 308" N

SE Corner

Application: 71 12' 54.316"
41 35' 16.808" N
Observed: 71 12' 899" W
41 35' 279" N

NE Corner

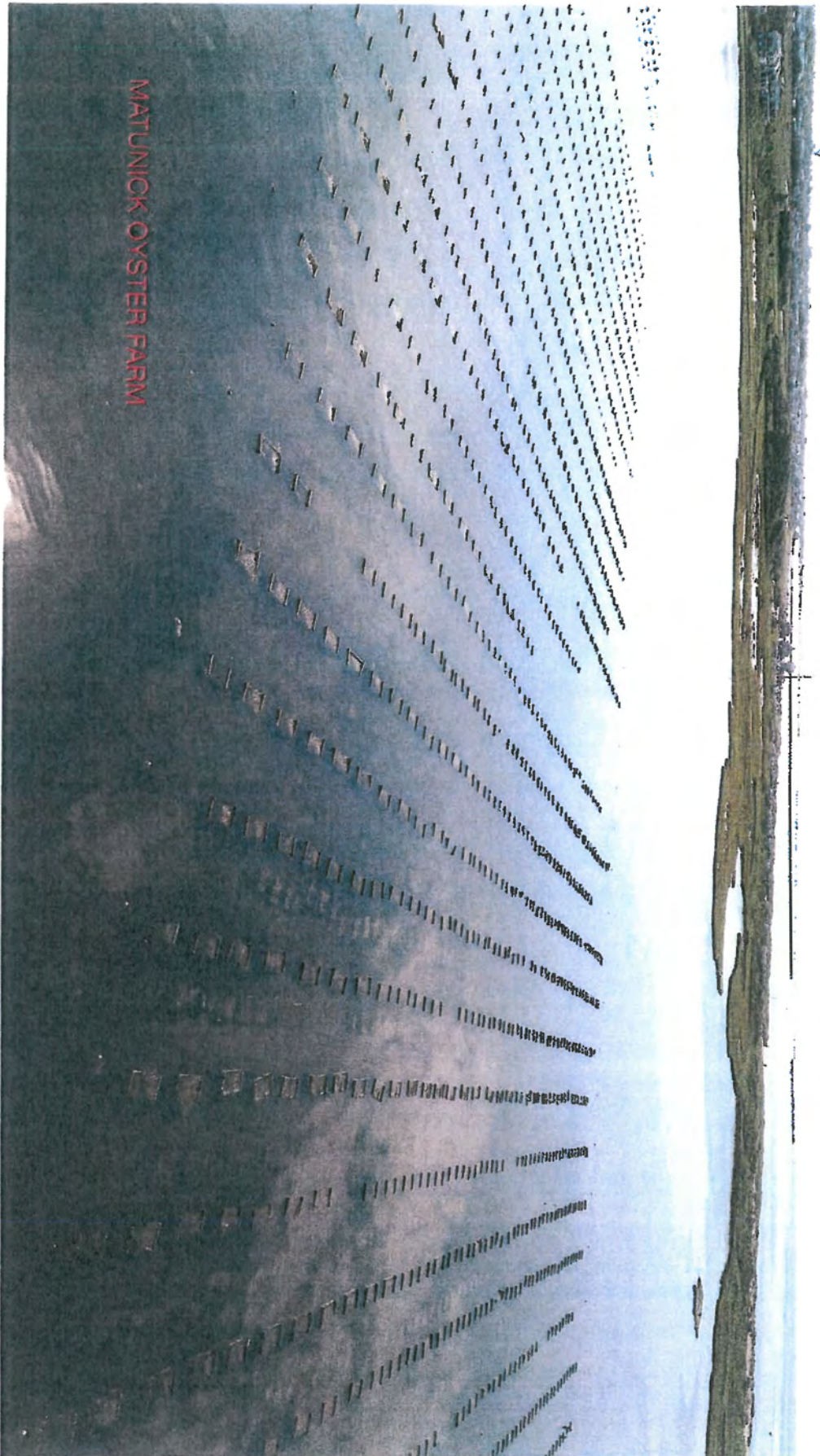
Application: 71 12' 46.558"
41 35' 23.624" N
Observed: 71 12' 776" W
41 35' 397" N

NW Corner

Application: 71 12' 47.838"
41 35' 24.477" N
Observed: 71 12' 797" W
41 35' 418" N



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MATUNICK OYSTER FARM

Parro well run oyster farm

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MANAGEMENT DIVISION

ROCKY RHODE OYSTER FARM
8.1.2021



Rocky Rhode Farm disorder

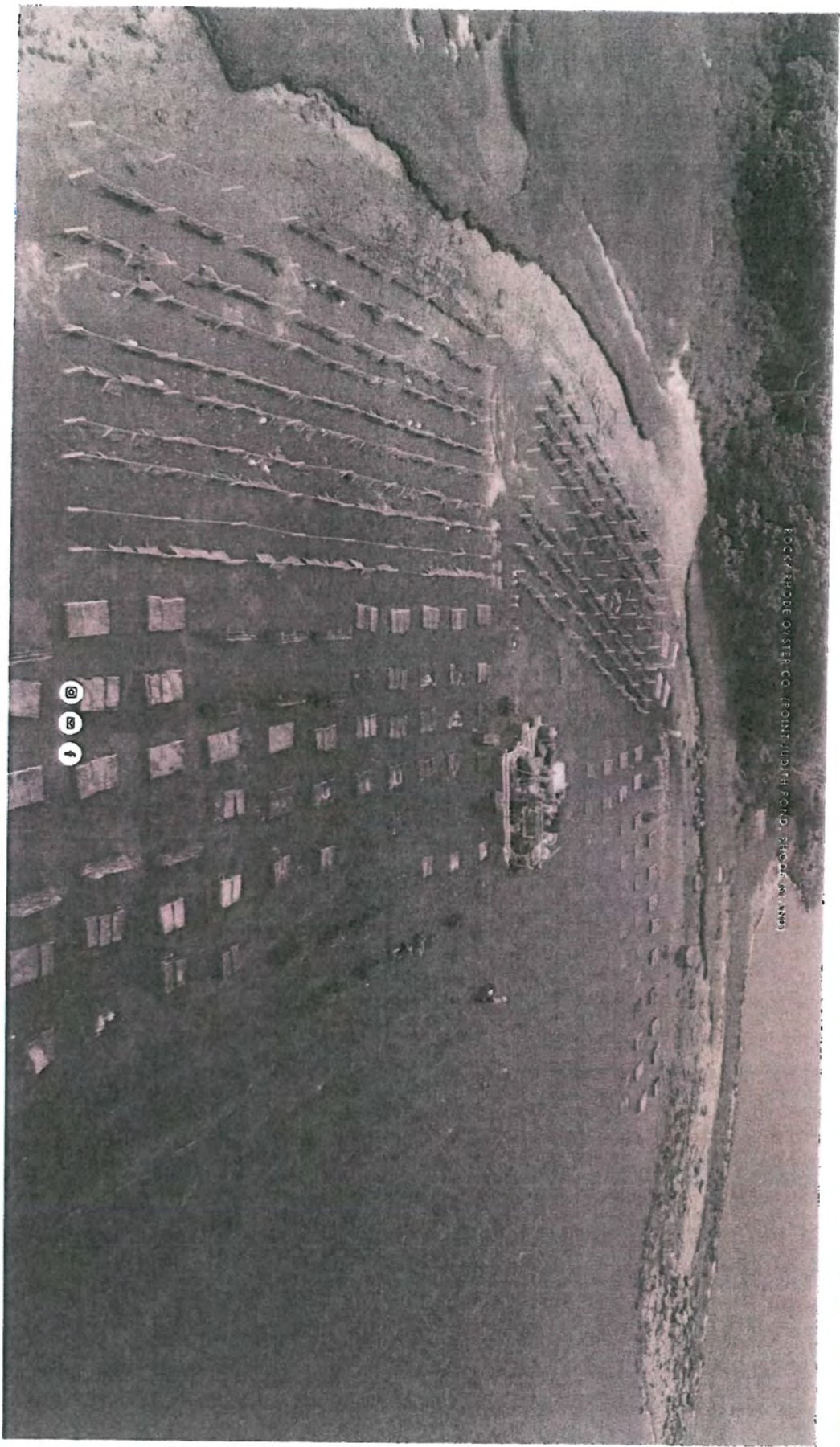
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MANAGEMENT COUNCIL

ROCKY RHODE OYSTER FARM
8.1.2021



Rocky Rhode Farm line disorder

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MANAGEMENT COUNCIL



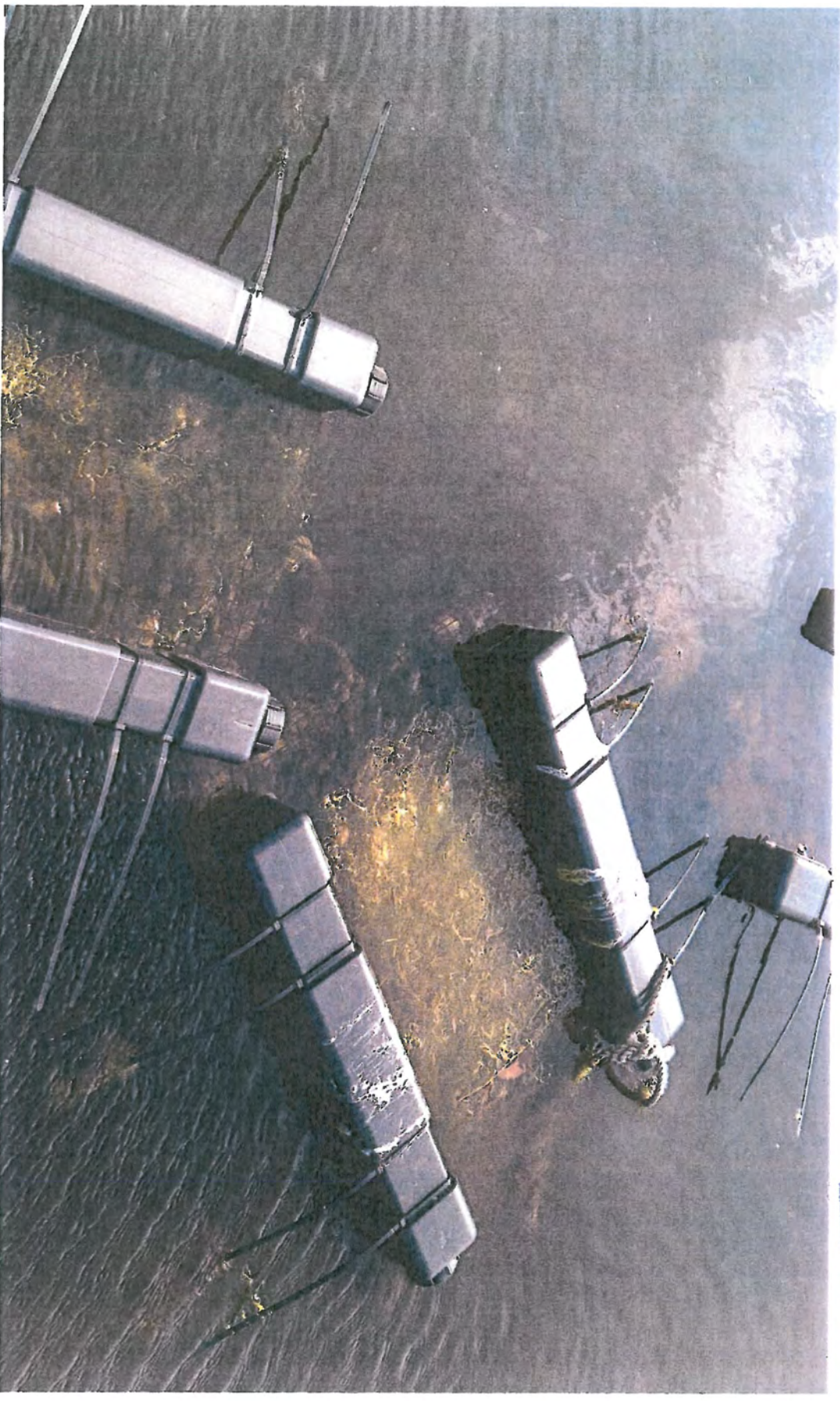
Rocky Rhode Oyster website home page showing orderly farm

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COASTAL RESOURCES
MANAGEMENT DIVISION

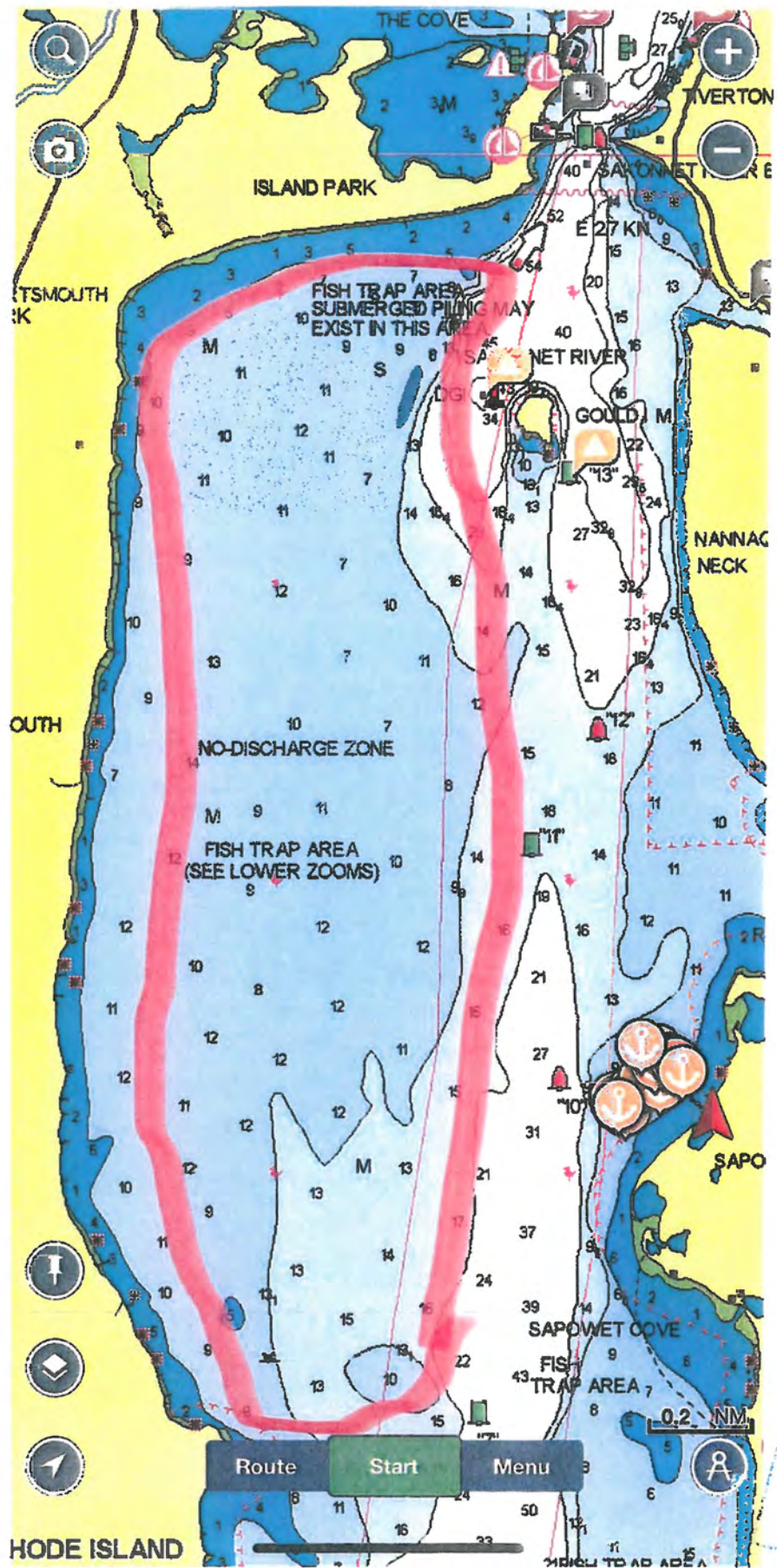


Rocky Rhode trap disorder

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MANAGEMENT OUTPOST



Rocky Rhode traps in need of cleaning



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FISH TRAP AREA

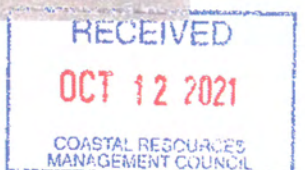


BL preparing to remove orange riparian marker 2

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MANAGEMENT DIVISION



BL preparing to remove orange riparian marker 3





D

OCT 12 2021

COASTAL RESOURCES
MANAGEMENT COUNCIL

BL preparing to remove orange riparian marker

RECEIVED

NOVEMBER 15, 2021

COASTAL RESOURCES
MANAGEMENT COUNCIL

To the Coastal Resources Management Council:

Re: File # 2020-04-037 (Bowen Oyster Farm)

I am making this statement in opposition to the proposed Oyster Farm (Bowen) in the Seapowet cove area.

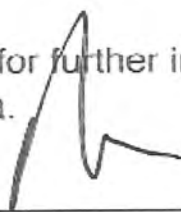
I am an active user of the Seapowet Wildlife Management Area. My main activity is CUB SCOUT FISHING

I have been using this area for 1 years. The proposed farm would limit my activities and historic use of this site.

Statement:

WE SPENT THE DAY WITH 40 CUB SCOUTS
FROM NARRAGANSETT COUNCIL FISHING.
PLEASE DON'T LIMIT THE FISHING.

I am available for further information concerning my recreational use in the Seapowet area.

Signature: 

NAME: MIKE MEDEIROS DATE: 8/27/21

PHONE: 508 208 9530

EMAIL: MEDEIROS.MICHAEL8@GMAIL.COM

RECEIVED

NOVEMBER 15, 2021

COASTAL RESOURCES
MANAGEMENT COUNCIL

To the Coastal Resources Management Council:

Re: File # 2020-04-037 (Bowen Oyster Farm)

I am making this statement in opposition to the proposed Oyster Farm (Bowen) in the Seapowet cove area.

I am an active user of the Seapowet Wildlife Management Area. My main activity is Cub Scout Fishing Pack 7

I have been using this area for 1 years. The proposed farm would limit my activities and historic use of this site.

Statement:

*Spent the day w/ 40 Cub Scouts
in a fishing derby. Please do not
restrict our access.
N. Medeiros*

I am available for further information concerning my recreational use in the Seapowet area.

Signature: Nicole Medeiros

NAME: Nicole Medeiros DATE: _____

PHONE: 774-644-4500

EMAIL: n.medeiros@ymail.com



To the Coastal Resources Management Council:

Re: File # 2020-04-037 (Bowen Oyster Farm)

I am making this statement in opposition to the proposed Oyster Farm (Bowen) in the Seapowet cove area.

I am an active user of the Seapowet Wildlife Management Area. My main activity is Fishing

I have been using this area for 1 years. The proposed farm would limit my activities and historic use of this site.

Statement:

I'm here with the Somerset Boy Scouts and parents.

I am available for further information concerning my recreational use in the Seapowet area.

Signature: [Handwritten Signature]

NAME: Darrell Harmon DATE: 8/29/2021

PHONE: 774-627-5832

EMAIL: darrell71@yahoo.com

Darrell

RECEIVED

NOVEMBER 15, 2021

COASTAL RESOURCES
MANAGEMENT COUNCIL

To the Coastal Resources Management Council:

Re: File # 2020-04-037 (Bowen Oyster Farm)

I am making this statement in opposition to the proposed Oyster Farm (Bowen) in the Seapowet cove area.

I am an active user of the Seapowet Wildlife Management Area. My main activity is FISHING

I have been using this area for 5 years. The proposed farm would limit my activities and historic use of this site.

Statement: WE COME HERE FOR FISHING DUE TO
ACTIVITY & PRIVACY. LOCAL & NICE AREA.
ONE OF FEW IN THE AREA.

I am available for further information concerning my recreational use in the Seapowet area.

Signature: 

NAME: CHRISTOPHER GRANT

DATE: 8/29/21

PHONE: 774-991-0551

EMAIL: MR_HALEPINT614@COMCAST.NET

To the Coastal Resources Management Council:

Re: File # 2020-04-037 (Bowen Oyster Farm)

I am making this statement in opposition to the proposed Oyster Farm (Bowen) in the Seapowet cove area.

I am an active user of the Seapowet Wildlife Management Area. My main activity is Fishing/water activity

I have been using this area for 35 years. The proposed farm would limit my activities and historic use of this site.

Statement:

This is Free public access, that's why I choose to use this area.

I am available for further information concerning my recreational use in the Seapowet area.

Signature: [Signature]

NAME: Jonathan Munroe DATE: 8-30-21

PHONE: 108 269-1405

EMAIL: JBmunroe1978@gmail.com



Boy Scout Fishing Derby at Seapowet Cove August 2021



RECEIVED
NOVEMBER 15, 2021
COASTAL RESOURCES
MANAGEMENT COUNCIL



Boy Scout Fishing Derby at Seapowet Cove August 2021



cstaff1

From: Jeanne De Souza <desza196@yahoo.com>
Sent: Saturday, January 22, 2022 4:27 PM
To: CStaff1
Subject: CRMC File #2020-04-037, John and Patrick Bowen
Attachments: JD Mooring.jpg

Hello, could you please add the below e-mail to the public comments section for the Aquaculture Application noted below. Could I also get an updated link to the file when you have a moment?

John Bowen and Patrick Bowen
 2020-04-037

Hope all is well! Thank you.

Jeanne De Souza

----- Forwarded Message -----

From: Jeanne De Souza <desza196@yahoo.com>
To: Tyler Loomis <harbormaster@tiverton.ri.gov>; Tiverton Ri Administrator <administrator@tiverton.ri.gov>; Michael Marcello <michael.marcello@lewisbrisbois.com>
Cc: wvieira@tiverton.ri.gov <wvieira@tiverton.ri.gov>; Donna Cook <dcook@tiverton.ri.gov>; Bruce Cox <bhcox@slepkowlaw.com>; Deb Hagen <debprinzo@gmail.com>; charles_lawrence@brown.edu <charles_lawrence@brown.edu>; Clint Clemens <clint@clintclemens.com>; bill@billthompsonstudio.com <bill@billthompsonstudio.com>; phyllis.ibbotson@mottandchace.com <phyllis.ibbotson@mottandchace.com>; duit1@aol.com <duit1@aol.com>; dstewart68@cox.net <dstewart68@cox.net>; Dean Wagner <dwagner@savagelawpartners.com>; louis_dipalma@yahoo.com <louis_dipalma@yahoo.com>
Sent: Saturday, January 22, 2022, 04:07:28 PM EST
Subject: De Souza Riparian Rights Concern - Mooring at 697 Seapowet Avenue, Tiverton, RI

Dear Tyler, Chris and Mike;

>

I wasn't able to attend the Tiverton Harbor Commission meeting on January 18, 2022, however I did have an opportunity to listen to the recording. I was hoping to discuss and clarify a question of mine, which now seems best to inquire in writing, where it pertains to riparian rights which has been an important discussion point.

>

As you know I own the property at 697 Seapowet Avenue (located directly south of the Seapowet bridge on the right side). In September I received approval for one of the two moorings I had applied for, and the coordinates for the mooring are: N 41 34.792 W 071 12.575. Realizing one's riparian rights run with the land, this mooring location does not run within my property lines (please see photo attached).

>

At the time of my approval, there were other applicants waiting for moorings, and a lot of pending activity in this specific area. There is also a mooring further out in front of our property, which I believe may belong to a neighbor two properties to the south. (I'm not sure why this mooring wouldn't run along that individual's own property lines.)

>

It is a stipulation in the CRMC RedBook (see excerpt below) that my mooring should be within my property lines, and I realize this may not have been possible for my assignment. It may also be due to the pending aquaculture application for a one-acre lease of land in front of my property applied for by the

Bowens (CRMC Application File # 2020-04-037). I would like to request my mooring not only be located within my property lines, but also located closer to the shore, still within an appropriate water depth. This would place it just inside the requested one-acre space; however, **I believe my riparian rights are not inferior to the rights of an aquaculture applicant for a lease that has not been approved.** That is the question I would like answered.

>

Could you please confirm that my understanding is correct, and next steps for an updated mooring assignment? I am happy to discuss in person if you prefer.

>

Thank you very much, your support is greatly appreciated.

>

(Note - from the RedBook on placement of riparian moorings: "Riparian mooring" means a mooring rented by a riparian property owner under a permit granted by a municipality located within coastal waters bordering that property as bounded by the seaward extension of that property's lateral lot lines. Said mooring may or may not be located within a CRMC approved mooring field. Lateral boundary of a site or an erf means a boundary other than a street boundary or a rear boundary.)

>

>

>

Jcanno De Souza
697 Seapowet Avenue
mailing address: 196 Old Bulgarmarsh Road
Tiverton, RI
401-458-2737

>>>>



cstaff1

From: Donald Libbey <dhclibbey@mac.com>
Sent: Monday, January 24, 2022 2:45 PM
To: bgoetsch@crmc.ri.gov; cstaff1@crmc.ri.gov
Subject: Further Objections to: Bowen Application #2020-04-037 and Boehringer Application #2021-02-054
Attachments: Untitled attachment 00348.pdf

Dear Mr. Goetsch:

I would appreciate your office adding this email and the attached remarks in PDF form presented to the Tiverton Harbor Commission at its meeting on January 18, 2022 as additional objections to both the pending Bowen Application **#2020-04-037** and the pending Boehringer/Lundgren Application **#2021-02-054**.

Please confirm your receipt by email Reply.

Thank you for your anticipated cooperation in advance.

Regards, Don Libbey
453 Neck Road
Tiverton, RI 02878

January 18, 2022, Tiverton Harbor Commission Agenda Item (G)(4)

Donald Libbey, 453 Neck Road, Tiverton

Good evening. Thank you for the opportunity to speak before the Harbor Commission (the "Commission") tonight regarding agenda item (G)(4). To shorten my presentation, I intend to read my remarks. I will submit a copy to the Commission's Secretary and would request that my written remarks be included in the minutes of the meeting.

As you are no doubt familiar with, two (2) aquaculture applications in Tiverton waters are still in the permitting process at the CRMC. At the same time, the Commission's Harbor Management Plan subcommittee has been hard at work for several months drafting Tiverton's updated Harbor Management Plan. I applaud the subcommittee's efforts to date and look forward to public review and comment on the Plan.

Having also attended many previous Commission meetings, the question of the superiority of opposing claims to Rhode Island's Public Trust waters has been raised numerous times with both CRMC and Tiverton officials because of the conflict between stakeholders and aquaculture development. The answer to that question affects not only Tiverton but has serious statewide implications.

CRMC has for years delegated mooring application approvals to the municipalities. Less than a year ago at the Harbor Commission's March 1, 2021 meeting via Zoom, the CRMC's representative affirmed Tiverton's authority to approve mooring locations, except in locations where an aquaculture lease had been approved.

CRMC's representative stated, in relevant part:

"You know, moorings are managed by the town here. There's no CRMC regulation other than you are not allowed to put a mooring on the lease. So as long as it's off the lease, CRMC doesn't have a problem with it."

See, <https://youtu.be/Vby3Q8P39rk?t=1472> at 24:47.

Using its authority, Tiverton routinely approved riparian mooring applications in a reasonable period. Recently, however, when a proposed riparian mooring would interfere with a "pending", and I highlight the word "pending", commercial aquaculture application, Tiverton officials have deferred to CRMC and withheld approval.

Tiverton's deferment to CRMC on the question of riparian moorings interfering with commercial aquaculture applications is evidenced by Town Administrator, Chris Cotta's September 22, 2021 email Reply to Mr. David Rose. I provided a copy of the email Reply to Chairman Cox last week because of my intention to read Mr. Cotta's statements into the record.

I quote from Mr. Cotta's Reply:

Mr. Rose,

Your riparian mooring will be processed, hopefully soon, although it may not be approved in your desired location. I believe the issue is the actual location you are seeking. Please understand, Tiverton only manages mooring applications on behalf of CRMC as we do not have the unilateral authority to issue mooring permits (including riparian moorings) to areas, especially where a conflict arises. Your suggested location is in the middle of the applicant aquaculture farm being considered currently by CRMC. We are not able to process your request until we receive clarification from CRMC that your requested location would be permissible. You are correct that we do not provide a specific time frame to approve mooring applications as issues like this arise from time to time. If you are willing to seek another location that will not impact CRMC's decision making regarding the aquaculture farm application currently under review, I will speak with the Harbormaster to facilitate an approval but I will not have him approve a riparian (*sic*) mooring request that conflicts with another application being reviewed by CRMC. Also, as a point of reference, if you are granted a location, it could be subject to change based upon CRMC future approvals that might impact your mooring location. It is my understanding that the Harbor Commission and Harbormaster are seeking a joint meeting with CRMC in the near future to discuss this along with other issues. Being that CRMC has ultimate control over all matters related to the Sakonnet R'siver (*sic*) bottom ground, including mooring locations, I might suggest you contact them as well to discuss your concerns.

Mr. Cotta's statements clearly and unequivocally demonstrate that CRMC has advanced a new policy abrogating Tiverton's long-established authority approving riparian moorings simply because the mooring would interfere with a pending commercial aquaculture application.

Mr. Cotta's Reply begs several questions that this Commission should answer for the public tonight.

1. Did any Commission member and/or the Harbor Master, communicate with and receive clarification from CRMC on whether pending commercial aquaculture applications have superior rights to riparian owner's rights?
2. If the answer is yes, when was the clarification communicated, was it in writing, and who at CRMC provided the writing? Is Tiverton relying on that writing to deny riparian mooring requests?
3. If not in writing, who at CRMC clarified the issue, and what was the clarification? Is Tiverton relying on the oral clarification to deny riparian moorings requests?
4. If there was no communication with CRMC seeking clarification, despite Mr. Cotta's representations, why not?

CRMC's apparent new policy relative to Tiverton's coastal waters appears both malicious and strategic. CRMC's new policy completely disregards the rights of

riparian owners in favor of commercial aquaculture development. CRMC's new policy clearly has statewide implications unless, as it seems, the policy is only enforced in Tiverton because our coastal waters are ripe for commercial aquaculture development? Neither the Commission nor other Tiverton officials should condone the CRMC's new policy.

This Commission represents the people of Tiverton. Mr. Chairman, you supposedly represent Tiverton riparian owners. When CRMC is trampling on riparian owners' rights, the people of Tiverton need this body to step up and protect those interests.

I urge the Commission to formally request a written legal opinion from the Town solicitor as to who has superior rights under Rhode Island law.

Thank you for your consideration.

RE: Riparian Mooring Application Delays

To David Rose <david@paramountlandscapeco.com> Copy mcurley@grsm.com •
Mary Lou Sullivan <adminassist@tiverton.ri.gov> • Denise deMedeiros <ddemedeiros@tiverton.ri.gov> •
donna.j.cook@cox.net • sighthound_lover01@yahoo.com

Mr. Rose,

Your riparian mooring will be processed, hopefully soon, although it may not be approved in your desired location. I believe the issue is the actual location you are seeking. Please understand, Tiverton only manages mooring applications on behalf of CRMC as we do not have the unilateral authority to issue mooring permits (including riparian moorings) to areas, especially where a conflict arises. Your suggested location is in the middle of the applicant aquaculture farm being considered currently by CRMC. We are not able to process your request until we receive clarification from CRMC that your requested location would be permissible. You are correct that we do not provide a specific time frame to approve mooring applications as issues like this arise from time to time. If you are willing to seek another location that will not impact CRMC's decision making regarding the aquaculture farm application currently under review, I will speak with the Harbormaster to facilitate an approval but I will not have him approve a riparian mooring request that conflicts with another application being reviewed by CRMC. Also, as a point of reference, if you are granted a location, it could be subject to change based upon CRMC future approvals that might impact your mooring location. It is my understanding that the Harbor Commission and Harbormaster are seeking a joint meeting with CRMC in the near future to discuss this along with other issues. Being that CRMC has ultimate control over all matters related to the Sakonnet River bottom ground, including mooring locations, I might suggest you contact them as well to discuss your concerns.

Chris Cotta
Town Administrator

From: David Rose [mailto:david@paramountlandscapeco.com]

Sent: Thursday, September 16, 2021 11:48 AM

To: administrator@tiverton.ri.gov

Cc: mcurley@grsm.com; adminassist@tiverton.ri.gov; DdeMedeiros@tiverton.ri.gov; donna.j.cook@cox.net; sighthound_lover01@yahoo.com

Subject: Riparian Mooring Application Delays

Good morning Mr Cotta-

I'm writing in regard to the delay in process of my application for *Riparian Moorings* in front of my Seapowet Avenue property. I have asked the harbor master as recently as this past Monday, when I may expect an official response to my application / approval of my rightful *riparian moorings*.

The harbor master explained (during THC meeting) that he is very busy and has other applications to review before mine. When asked, he stated there were (6) pending applications, including mine. He also indicated that he did not anticipate getting "to" mine until "next year".

Well, "next year" seems like a long time for an answer from a town regulator, especially in light of the fact that *Riparian Moorings* appear in law as an absolute right on my 30+ acre property. My application was delivered on 8/3/21 to town hall - about 6 weeks ago. While the town has no set turn around for mooring applications, 30 days seems like a reasonable expectation.

The harbor master was out to view my proposed locations on 8/15/21, as per his e mail, attached to this letter. He clearly indicates that he has seen my marker bouys and goes as far as to suggest that I can remove them. Based on this, I can only assume he has finished his site review, now only needing to issue my mooring numbers.

I am seeking final "approval" of the application as filed, or an official response otherwise, within a matter of days, not the months suggested by the town employed harbor master.

I look forward to your timely response!

Best regards-

David Rose

cstaff1

From: Nancy Swanson <nswanson99@gmail.com>
Sent: Monday, April 11, 2022 3:42 PM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; council@crmc.ri.gov; cstaff1@crmc.ri.gov; bhcox@slepkowlaw.com
Subject: 2020-04-037 Bowen Oyster Farm

Hello,

Although I am not from RI, I frequently visit Fogland and the surrounding area for summertime fun. Friends and I love the watersports that are available and the absolutely beautiful beaches and shoreline. It would be a tragic shame if this Oyster Farm interfered and impaired public access. Friends also visit with boats and it seems it would hamper navigation and restriction of the area would certainly result in congestion with increased probability of accidents. As I said, we (quite a big group) visit at least 10x during the summer months and spend quite a bit of money with local businesses, restaurants and hotels.

Please reconsider this drastic, tragic change you are contemplating for this beautiful neighborhood.

Nancy Swanson
(914) 772-4938

Lisa Turner

From: Jeff Willis <jwillis@crmc.ri.gov>
Sent: Tuesday, April 12, 2022 3:29 PM
To: 'Lisa Turner'
Cc: 'Ben Goetsch'; Jim Boyd; ldwyer@crmc.ri.gov
Subject: FW: Application file: 2020-04-037 Bowen Oyster Farm

Lisa, Ben – for the File.

Thanks,
Jeff

From: Jeff Bull [mailto:bull.jefferson@gmail.com]
Sent: Tuesday, April 12, 2022 3:25 PM
To: jwillis@crmc.ri.gov
Subject: Application file: 2020-04-037 Bowen Oyster Farm

Dear Mr. Willis,
I understand that you're considering an application for Bowen oyster farm at Seapowet Cove. I regularly use that area to fish, kayak and walk and am concerned about the interruption of those activities. It's apparently Application file: 2020-04-037 Bowen Oyster Farm.

I also have friends who rent in Tiverton for 2 weeks every summer and use Seapowet, as they don't have a permit for Fogland Beach. Their primary activity is taking grandchildren to the beach, kayaking, etc. A bunch of oyster cages would change all that, and they might stop coming. I would think the dollar value of tourism to the state and town far outweigh any rentals for oyster cages.

Please reject that application.

Jeff Bul
149 Horseneck Rd
Westport, MA



Virus-free. www.avg.com

Lisa Turner

From: council@crmc.ri.gov
Sent: Wednesday, April 13, 2022 12:46 PM
To: 'Lisa Turner'; 'Jeff Willis'
Cc: 'James Boyd'; 'Benjamin Goetsch'
Subject: FW: Bowen oyster farm at Seapowet Cove.

For the file.

From: Jeff Bull <rehobothcarpool@gmail.com>
Sent: Tuesday, April 12, 2022 3:43 PM
To: council@crmc.ri.gov
Subject: Bowen oyster farm at Seapowet Cove.

Dear Council staff:

I understand that you're considering an application for Bowen oyster farm at Seapowet Cove. That's a public beach! It's not an industrial, commercial property for one guy to make money.

I regularly meet friends there and use that area to fish, kayak and walk and don't want to lose that resource or look at a bunch of black cages.

I realize it's convenient for Bowen to farm right next to easy access. But it's not right,

Please reject that application. The public needs to be able to access the water there without looking at all those cages.

Dan Stroud
Baystate Road
Rehoboth, MA

Cstaff1

From: djsrubin@comcast.net
Sent: Saturday, April 16, 2022 9:18 PM
To: jwillis@crmc.ri.gov; BGoetsch@crmc.ri.gov; council@crmc.ri.gov; cstaff1@crmc.ri.gov; bhcox@slepkowlaw.com
Subject: Application file: 2020-04-037 Bowen Oyster Farm - Feedback

To whom it may concern

I started windsurfing with my father at Fogland and Seapowet in 1992. We would drive down from the Boston Suburbs almost every weekend from mid may thru mid October! In the past 25 years I have raised my kids in that cove as they have become avid windsurfers, kayakers and SUP enthusiasts.

My kids are in their 20's now - and we still make the trip 20-30 days every season and are passionate about what Seapowet and Fogland have to offer. During our weekend day trips:

- we have ice cream every trip at Helgers (for the past 30 years)
- we buy food at the Provender (and now its new replacement)
- we buy our cheese at the cheesewheel
- we buy coffee at coastal roasters
- And eat at Elaine's and Plouf Plouf (and every restaurant that has ever existed in that location over the years)

I am very concerned that an oyster farm will greatly interfere and impair public access, and create more congestion than that area can handle - which in turn will increased the probability of incidents/accidents. This area gets a lot of use in the summer months - and taking away this amazing natural resources just doesn't seem right when the goal of so many communities is to increase public access to land and water rather than limit it.

thank you for your consideration

Dan Rubin
18 Strathmore Road
Wellesley, MA 02482
617-513-2024

Cstaff1

From: ken and karen <weski1234@aol.com>
Sent: Saturday, April 16, 2022 12:14 PM
To: jwillis@crmc.ri.gov
Cc: BGoetsch@crmc.ri.gov; council@crmc.ri.gov; cstff1@crmc.ri.gov; bhcox@slepkowlaw.com
Subject: Application file: 2020-04-037 Bowen Oyster Farm att'n : Jeff Willis, Executive Director jwillis@crmc.ri.gov

Dear Mr. Willis,

It has come to my attention that there is a proposal to allow oyster farming in the cove of Fogland and nearby coastal regions. I am in fact a long time windsurfer at Fogland beach (cove side). I am also a property owner in Tiverton having relocated from another town in RI to gain more proximity to Fogland and the recreational opportunities for windsurfing and kayaking that it offers. I might state that I am not the only person who has moved to Tiverton for this reason, and would be rather upset if we lost this opportunity. Allowing oyster farming in the cove would restrict the area that windsurfers and kayakers can use, creating more congestion and the likelihood of accidents. It may actually totally eliminate the opportunity for safe sailing and kayaking in the cove.

Although some windsurfers sail and others kayak in the river, the great majority of we sailors sail in the cove. Why? This is because the cove offers shallow waters where sailors are not over their heads and we can self rescue if we have equipment failures or it gets too windy for us to control our boards.

Oyster farms encroaching on sailing space may encourage some sailors and kayakers to go out in the river and some will get stranded when the wind and waves increase. Sailing in the river requires far greater skill levels than many of us have. Personally I never dare sail in the river. I can foresee more rescues by the Coast Guard being needed, or worse consequences or even loss of lives as a result. I also foresee many less folks frequenting Fogland resulting in loss of parking revenue to the town. More significantly is the impact that losing these visitors will have on local businesses.

It is perplexing why coastal resources would allow oyster farming for the economic benefit of a few individuals while it eliminates a recreational venue enjoyed by hundreds for decades now. It is not exactly like farming oysters can help with global warming!

I believe the economic impact and benefits for local businesses in Tiverton from sailors, kayakers and even tourists who come to just watch the sailors has been ignored unintentionally by the Coastal Resource Commission. It is normal for the many sailors coming from distant towns to stop along the way to buy coffee at Groundswell or elsewhere before sailing. The Corner Grill is filled on weekends by sailors stopping for dinner after sailing, as are other places including Evelyn's and Plouf Plouf and many more. Others stop on Pond Bridge Road at the vegetable stand or at Helger's Stand, and many stop for ice cream at Gray's and Helger's. Small businesses often operate at margin and losing a portion of their business can make the difference between profiting or just breaking even, or sometimes just shutting down. I can't believe this is the intent of Coastal Resources.

I like oysters and like to buy locally procured fish and produce. However it seems unjust to restrict the access for recreation enjoyed by hundreds or even thousands for many years and to jeopardize the solvency of some local businesses for the benefit of just a few oyster farmers. I hope any such plan for Fogland is denied.

Thanks you for your attention.

Ken Lidman, 29 Yardarm Drive, Tiverton, RI 03846 weski1234@aol.com

Cstaff1

From: carl@carlferreiradmd.com
Sent: Sunday, April 17, 2022 4:21 PM
To: jwillis@crmc.ri.gov; BGoetsch@crmc.ri.gov; council@crmc.ri.gov; cstaff1@crmc.ri.gov; bhcox@slepkowlaw.com; DdeMedeiros@tiverton.ri.gov
Subject: Stakeholder Objection to Application File 2020-04-037 Bowen Oyster Farm
Attachments: CRMC Fogland Windsurfers (4).pdf

To the CRMC,

Attached please find my letter from the Fogland Windsurfers Group. Our letter is an objection to **File: 2020-04-037 Bowen Oyster Farm.**

Thank you,

Carl Ferreira

April 18, 2022

To the Coastal Resources Management Council,

Re: File: 2020-04-037 Bowen Oyster Farm

My name is Carl Ferreira, 65 Harbor Ridge Land, Tiverton, RI. I represent the Fogland Windsurfing Group. At present we have 336 member comprising local residents, members from other RI cities and towns, SE Connecticut, the greater Boston and Worcester areas and all points in between. In addition to windsurfing and kitesurfing, most of u have kayaks or paddleboards for those no wind summer days. Fogland and Sapowet are not only sites for water sports but also a destination for families to enjoy all the Sakonnet River has to offer.

I am writing to object to the Bowen Oyster farm. The proposed location at Sapowet will result in significant conflicts with water dependent uses and activities by the Fogland Windsurfing Group. A farm in this location will unreasonably interfere with, impair, or significantly impact existing use of the tidal waters. Historically I can document and verify windsurfing at Sapowet and the North Cove of Fogland as far back as 1986. I and many others in our group have been sailing there since 1990. Thierry Ciot with whom I have sailed since 1992 graciously forwarded the attached data documenting the sailing corridors between Fogland, Sapowet and across the river to Portsmouth via their GoPro Helmet Cam data.

Sapowet represents a safe haven for kilters and windsurfers alike. Because of its geography and shallow waters, sailors blown downwind or who have equipment breakage can find a safe haven at Sapowet to rest or repair. Virtually all of us have found ourselves there for one reason or the other.

Andy Magruder, a local kiteboarder relates the following: "Kiteboarders near Fogland who get into trouble use Sapowet as a safe landing spot. I crashed my kite which became unflyable and had to drive over a mile to Sapowet holding onto the downed kite. I've seen another fellow who lost his kiteboard just west of Fogland and used his still flying kite to drag into Sapowet. An oyster farm in this location would tangle up lines and trip kiteboarders bodies and be extremely dangerous".

Sapowet is like a beacon to stranded kilters and windsurfers. I have found myself blown downwind to Sapowet because of a broken mast or boom. It is exhausting to swim yourself and your equipment to any shore. To then find oneself in the maze of an oyster farm with broken equipment, dehydrated and exhausted is both disconcerting and dangerous. This is a recipe for disaster.

In the last 32 years I have seen a gradual increase in usage by water enthusiasts at both Sapowet and Fogland area. In the last couple of years, the usage has exploded in this area with windsurfers, kilters, foilers, kayaks, paddleboards, jet skis and sailboats. All of which have coexisted using the waterway/sailing corridors without incident. In addition, when the fee structure changed at Fogland, Sapowet offers a highly valued access point with free parking.

I refer you to the State Constitution Article 1 section 17 which reads in part...*and they (the people) shall be secure in their rights to use and enjoyment of the natural resources of the state with due regard for the preservation of their values.* With all due respect, we do not feel so secure if CRMC supports placement of the proposed farm in Sapowet. The proposed farm violates:

R.E. Gen. Laws 20-10-1

"aquaculture should only be conducted within the waters of the state in a manner consistent with the best public interest, with particular consideration given to the effect of aquaculture on other uses of the free and common fishery and navigation..."

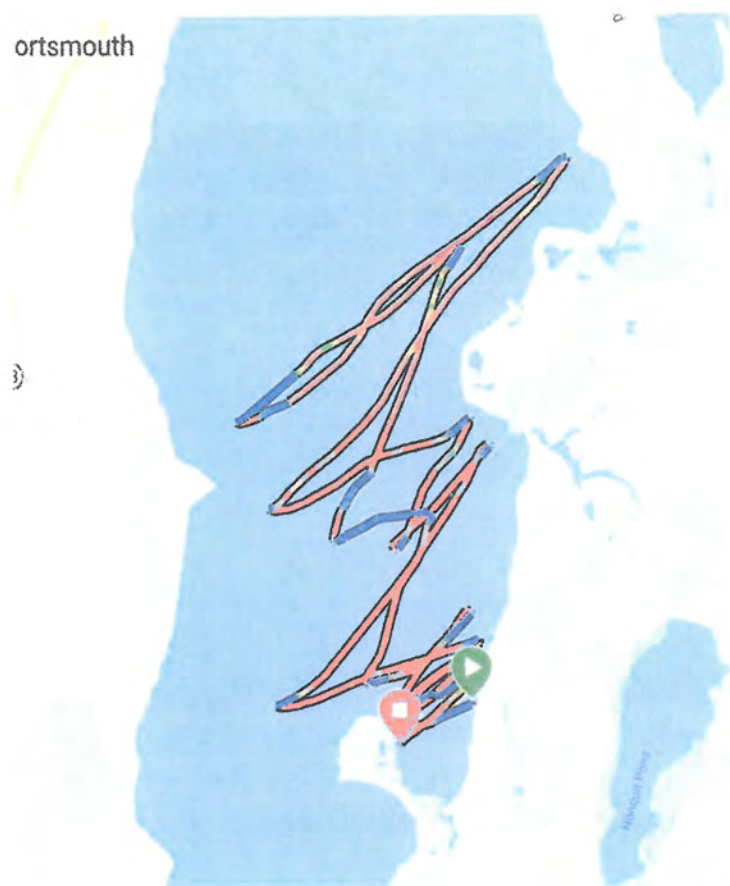
Many organizations that have appeared before you indicated that they are not opposed to oyster farms per se and neither do we. We do, however, strongly object to any entity, commercial or otherwise, whose actions restrict public access, recreational use or safe navigation on the Sakonnet River. I ask that CRMC staff use their regulatory authority to deny this application because it violates guidelines in CRMC's Redbook and in Rhode Island general laws. Thank you for your consideration and attention to this matter.

Regards,

Carl Ferreira Fogland Windsurfing Group
carl@carlferreiramd.com

Attachment below:

Sailing corridor between Fogland, Sapowet and across the river to Portsmouth via GoPro
Helmet Cam data (Thierry Ciot)



Lisa Turner

From: Jeff Willis <jwillis@crmc.ri.gov>
Sent: Tuesday, April 19, 2022 9:51 AM
To: 'Ben Goetsch'; lturner@crmc.ri.gov; Jim Boyd; ldwyer@crmc.ri.gov
Subject: FW: Application file: 2020-04-37 Bowen Oyster Farm OBJECTION

Lisa – for the file. Please acknowledge the sender.

Thanks,
 Jeff

From: Maegan Heath [mailto:maeganah@gmail.com]
Sent: Saturday, April 16, 2022 10:02 PM
To: carl ferreira <ferreiracarl@hotmail.com>; jwillis@crmc.ri.gov; BGoetsch@crmc.ri.gov; bhcox@slepkowlaw.com; DdeMedeiros@tiverton.ri.gov; rep-edwards@rilegislature.gov; sen-dipalma@rilegislature.gov
Subject: Application file: 2020-04-37 Bowen Oyster Farm OBJECTION

Dear CRMC,

My name is Maegan Heath. I am the daughter of George Heath. My father was a long time Tiverton resident and windsurfer at Seapowet and Fogland for many many years. My father was the man who lost his life at the Taunton Galleria Mall Bertuccis in May of 2016. His life was taken while saving a pregnant waitress from being viciously stabbed and attacked by a mentally unstable man who ran into the restaurant and started assaulting her. The waitress and her unborn daughter survived the attack thanks to my fathers quick action but unfortunately my father did not. My father died a hero. I do not want to make this letter about that horrible day though. My reason for this letter is to express my fear for the plan of an oyster farm to come in and replace such a deeply significant and meaningful place to me and hope it sheds some reasoning as to why it shouldn't be the case. I know I am only one person but I am hoping to speak for many when I express how valuable the locations are to so many of us while expressing my own personal attachment. I would have loved to personally attend the meetings however I am currently 9 months pregnant and on bed rest.

Tiverton is a small town with not much to do, especially back when I was growing up. Fogland and Seapowett felt like then and continues to feel like a small piece of paradise to people like me. To take away such great locations for public recreation, on top of its history and value to any and everyone who has valued it all these years, would be terrible. I spent my childhood at fogland and seapowet with my father and his group of friends and their families. I have very fond memories of just being a kid doing what kids do there while the adults would enjoy the best location around to do their water sports as well. To this day I see families making the very same memories with their families and I smile. I look forward to taking my daughter there to relive my childhood. Even though I may not windsurf I enjoy kayaking, swimming, and sunbathing which I plan to do at those very same locations. I see many families doing exactly that still to this day all these years later. It never gets old. An oyster farm will destroy that for myself and many others who share the same enjoyment in such activities. It's a Tiverton gem and we don't have many of those left.

These beaches have become so much more than just beaches to me since the passing of my father. He was cremated so I don't have a grave site that I can go by on a tough day, or even a good day, and feel close to him. Birthdays, fathers day, holidays, or when I'm just looking for that kind of comfort or any kind of peace of mind, I get in my car and drive right out to "the point" of fogland. That is where I feel closest to my father. I go there to clear my head, to cry, to laugh, to relax, and most importantly, to reminisce and remember the good times with my dad. Imagine someone going to your parents grave site and building a clam shack over it because it's a good location for their business to make a buck. That is how this feels to me to put it into comparison. The thought of it is truly heartbreaking. "The Point" as we call it has become a memorial place for my father as well as a first choice summer recreation location.

Tiverton needs locations like these to keep families local and give the kids places to be outside enjoying nature in their own town rather than cooped up inside with electronics in their hands. People shouldn't have to travel outside of town just to enjoy nice places especially when we already have somewhere this relaxing and beautiful right in Tiverton. There are plenty of places where an oyster farm can be made. There is absolutely nowhere else in the world that can bring the happiness and comfort these beaches bring to myself and I'm sure many others. My fathers friends as well as my father right up until before he passed have been windsurfing at these spots for well over 30 years, along with many other families who enjoy the simple things. Please take this into consideration before allowing another beautiful location to be destroyed for profit. Money isn't everything, but memories to have and memories to still be able to create are. I am begging whomever needs to be begged, please dont allow this. My father died a hero, but he also lived his life as a hero too, my hero. He was my hero for giving me the best childhood a girl could have dreamed of and when I think back, it's memories at these locations that stick out. Don't take that away from us. We need a hero now to help save these beaches. Thank you for your time hearing this.

Sincerely,
Maegan Heath



Virus-free. www.avg.com

cstaff1

From: Andrew Magruder <magruder3@cox.net>
Sent: Saturday, April 30, 2022 8:18 PM
To: cstaff1@crmc.ri.gov; council@crmc.ri.gov
Subject: RE: An oyster farm in Seapowet would endanger people kite boarding

Application file: 2020-04-037 Bowen Oyster Farm

From: cstaff1@crmc.ri.gov <cstaff1@crmc.ri.gov>
Sent: Friday, April 1, 2022 10:14 AM
To: magruder3@cox.net; council@crmc.ri.gov
Cc: cstaff1@crmc.ri.gov
Subject: RE: An oyster farm in Seapowet would endanger people kite boarding

Good morning,

Is there a specific application number for these comments?

Thank you,
Amanda Turco

Please note:
CRMC requires a confirmed appointment to accept document drop-off.

Amanda Turco
Senior Word Processing Typist



A 4808 Tower Hill Road
Wakefield, RI 02879
T (401) 783-3370
E cstaff1@crmc.ri.gov
www.crmc.ri.gov



Please consider the environment before printing this email

From: Andrew Magruder <magruder3@cox.net>
Sent: Thursday, March 31, 2022 4:42 PM
To: council@crmc.ri.gov; cstaff1@crmc.ri.gov
Subject: An oyster farm in Seapowet would endanger people kite boarding

Kiteboarders near Fogland Point who get into trouble use Seapowet as an emergency landing spot. I done this myself; I crashed my kite which became unflyable and had to drift over a mile to Seapowet holding onto the downed kite. Trouble occurs when a kite is crashed and passes between any two of its flying lines (called inversion), a flying line breaks, the kiter is hurt, an air bladder loses pressure or the kiter loses his board. I've seen another fellow who lost his kiteboard just west of Fogland and used his still flying kite to drag himself to Seapowet beach. I was windsurfing at the time and sailed in to land his kite for him in a safe manner, removing the risk that the kite would drag him ashore. Seapowet beach is relatively safe for landing a kite because it has a gradual slope so you can get your footing while you can your kite are still a safe distance out in the water.

An oyster farm would tangle kite lines, entrap kiteboarder's bodies and be extremely dangerous.

Many, many people use Seapowet Beach in the summer to swim, SUP and kayak.

I'm in favor of shellfish farms, just not in anywhere near Fogland or Seapowet which hundreds of people use for recreation.

cstaff1

From: Phil Capaldi <philcapaldi@yahoo.com>
Sent: Monday, May 2, 2022 2:46 PM
To: jwillis@crmc.ri.gov; Benjamin Goetsch; council@crmc.ri.gov; cstaff1@crmc.ri.gov; James Boyd
Cc: Todd Corayer; DdeMedeiros@tiverton.ri.gov; dcook@tiverton.ri.gov; mburk@tiverton.ri.gov; jpedwards@tiverton.ri.gov
Subject: Application 2020-04-037 Bowen Oyster Farm

Dear Mr. Goetsche,

Regarding Aquaculture Lease **Objection to Application file: 2020-04-037 Bowen Oyster Farm**. I am against the leasing of waters that are conducive for recreational shellfishing and fin-fishing and rescind my support. They modified the lease once, which I applauded. **Nevertheless, based on the modification - the lease is still in a location of recreational shellfishing. I object to this lease going forward.** This was only recently brought to my attention. After being named as a supporter of the lease. I was merely supporting their effort to find a solution. Which I know still exists.

In addition, I question the validity of the shellfish survey, and call on DEM to revisit the site, for the shoreline is littered with bay scallop and quahog shells.

The Bowen's know that the right thing to do is to modify it again - and be more transparent about their long term vision for their business. They know that once the community was made aware of this lease - many more opposed the lease. I remember being at the community center, in winter, and seeing that no one on the council even knew the basics of what was at stake.

It has been over five years since I began taking an active interest in the management of state submerged land via the aquaculture process. My learning curve becoming familiar with the CRMC's Coastal RedBook and State Statutes and Regulations was steep. I attended many meetings through the permitting process and quickly learned that being present at the meetings would be the only means to accurately see what transpires.

I am happy to meet with the growers and the other community members who oppose the lease location to discuss solutions before this finite resource is gone for generations. I have seen that type of bargaining between Mr. Crandall and a riparian right owners for a lease in Quonnie during a sidebar during a break in a full CRMC meeting.

Sincerely,

Phil Capaldi

15 Baneberry Trail
Saunderstown, RI 02874
401-413-3336
philcapaldi@yahoo.com



DESAUTEL LAW

Marisa@desautelesq.com
401.477.0023

October 25, 2022

VIA USPS MAIL

Mr. Jeffrey Willis, Executive Director
Mr. Kevin Sloan, Coastal Policy
Mr. Benjamin Goetsch, Aquaculture
Rhode Island Coastal Resources Management Council
Stedman Government Center - Suite 3
4808 Tower Hill Road
Wakefield, RI 0287-1900

**RE: CRMC Matter 2020-04-037
BOWEN OYSTER FARM**

Dear Sirs,

This office represents Kenneth and Elizabeth Mendez, who are property owners in Tiverton, Rhode Island and are recreational users of the area under consideration for the above-referenced aquaculture project. Significant new information has developed, which my clients ask the Coastal Resource Management Council ("CRMC") staff to include in a revised CRMC staff report. In light of this significant new information, my clients ask the CRMC to deny the application or, at a minimum, require a subcommittee hearing for this contested application.

The new information that has come to light, combined with stakeholder input, and community objections from Tiverton, highlights major deficiencies in the application materials, and has made the application a "lightning rod" for issues associated with aquaculture. These issues include lack of notification to stakeholders, failures in fulfilling CRMC Category B

regulatory requirements, and stakeholder group and public outcry about conflicts with established recreational use that the proposed farm would displace. Leaders in the Rhode Island aquaculture industry have referred to this application as “poorly sited.”

The Seapowet Wildlife Management Area (“Seapowet WMA”) and the contiguous waters adjacent to the public access areas are among the most valuable public resource on the Sakonnet River. Seapowet WMA includes a public boat launch, approximately 50 free parking spaces, and easy access for the multiuse activities such as fin fishing, shellfishing, kayaking, birding, hunting, hiking, swimming, bathing, and other watersports that occur throughout the year. The choice of this prime, heavily utilized location disregards the economic value of this irreplaceable public good and important salt marsh ecosystem. The Rhode Island Department of Environmental Management (“DEM”) along with partners such as Save The Bay and the US Fish and Wildlife invested significant resources into an improvement project in 2017 that (former) DEM Director Janet Coit said “will greatly improve this important coastal area to benefit our families and wildlife as well as strengthen our resilience. Coastal fish, herons, egrets, waterfowl and so much more wildlife call this special place home. It’s important we preserve it” (<https://www.ri.gov/press/view/28867>). The Seapowet WMA and contiguous waters also benefit from funding from the Wildlife and Sport Fish Restoration Program (WSFR) that help state wildlife and conservation officials boost conservation and opportunities for outdoor recreation.

Since the application was filed, Bill H.8244 was introduced in the Rhode Island State Legislature to prohibit new aquaculture leases from being placed within a 1,000-foot buffer zone from shoreline on the Sakonnet River. The intent was to keep commercial activity, such as the Bowen application, away from the Seapowet WMA; an area that provides an important economic and vital environmental good to the public. The bill evolved from heightened concerns

about the ill-sited placement of the proposal and originated from a resolution passed by the Town of Tiverton that was then sponsored by State Representatives Edwards, McGaw, Cortvriend, and Abney.

As you are aware, the CRMC's authority to permit aquaculture is restricted by the Rhode Island Constitution, and by statute. The land below the mean high tide mark is held in trust, by the state, to protect the public's right to use the ocean and coasts for a variety of activities including navigation, fishing, and commerce. *Greater Providence Chamber of Com. v. State*, 657 A.2d 1038, 1042 (R.I. 1995); *R.I. CONST. art. I, § 17*. The Supreme Court of Rhode Island held that the state may delegate the authority to regulate public trust lands on the state's behalf. *Town of Warren v. Thornton-Whitehouse*, 740 A.2d 1255, 1260 (R.I. 1999). While CRMC has been given the express authority, by statute, to lease out submerged land for aquaculture, that authority is limited by the Aquaculture Act. Under the Act, CRMC can only issue aquaculture permits if "it is in a manner consistent with the best public interest, with particular consideration given to the effect of aquaculture on other uses of the free and common fishery and navigation, and the compatibility of aquaculture with the environment of the waters of the state." *R.I. Gen. Laws §20-10-1*.

The proposed one-acre oyster farm is not in the best interest of the people or the state. In evaluating what is in the best interest of the people and the state, the economic and environmental benefits of an oyster farm must be balanced against the effects the farm will have on other existing uses of the area. This is made clear by CRMC's regulations on aquaculture, which contain additional Category B requirements demanding the applicant to "provide such other information as may be necessary for the council to determine: (AA) The compatibility of the proposal with other existing and potential uses of the area and areas contiguous to it,

including navigation, recreation, and fisheries.” 650 – RICR – 20-00-1, 1.3.1 (A)(1)(J). The General Assembly and CRMC’s own regulations clearly place the responsibility on CRMC to ensure that all aquaculture operations be in the best interest of the people and the state.

In balancing the potential benefits of the proposed oyster farm against the negative impacts it will have on public trust uses, it is clear the oyster farm is not in the best interest of the people or the state. The proposed farm will also violate Rhode Island’s Public Trust Doctrine by privatizing waters which are heavily used by the public. As the Rhode Island Supreme Court has held, “these lands below the high-water mark will not be appropriated by, or conferred upon, private individuals for purely private benefit. It is this principle that forms the foundation of the public-trust doctrine in Rhode Island as well as in the other states.” *Greater Providence Chamber of Com. v. State*, 657 A.2d 1038, 1042 (R.I. 1995).

The applicants have provided insufficient proof that their operation will provide enough economic value or employment to the state’s economy to be in the best public interest, especially when the proposed location would be appropriating the public use area of the Seapowet WMA and the public use areas contiguous to it. A review of the application when compared to industry standards raises questions about economic value and commercial viability. In 2020 and 2021, the reported farm gate value of aquaculture products sold for consumption per acre was \$11,862 and \$18,863, respectively. See Benjamin Goetsch, *Aquaculture in Rhode Island 2020*; Benjamin Goetsch, *Aquaculture in Rhode Island 2021*.

The Bowen Application indicates a plan with 25,000 oyster seeds and an anticipated harvest in 18-24 months. See *Application question 7*. Bottom cages are the most costly and labor-intensive to maintain. With the expected 50% mortality rate of bottom cages, (RISeaGrant, *Narragansett Bay SAMP Aquaculture Working Group Meeting – February 7th, 2022, YouTube at*

1:16:20), the operation may generate 12,500 market sized oysters, resulting in only \$8,750 in sales (not profits) at \$0.70 per oyster after 2 years of operation. *Bob Rheault, What Does the Oyster Consumer Want, East Coast Shellfish Growers Association*. The article states that oysters wholesale can be found priced anywhere from thirty cents to over seventy cents.

Studies show that “in order to break even or even make a marginal profit for oysters, a minimum of an acre per one person (owner/operator) is needed.” *Opportunities for Aquaculture on the Massachusetts South Coast: A Sector Analysis, Coastal Enterprises, Inc., 2018 at 31*. The proposed location, size, and operation will not generate sufficient value to be considered “in the best public interest” especially when considered against the value of the use of these waters for the “free and common fishery.” It will provide negligible, if any, economic benefit to the state while substantially obstructing the public’s use of a popular recreational area.

The proposed location overlaps with a designated recreational public shellfishing area. If cages are placed over the Seapowet WMA clam beds, the public will not be allowed to shellfish in the proposed lease area. Currently forty percent of the applicants' proposed lease remains within the public recreational shellfishing area. The land below the proposed site will be taken from the public domain and be closed to the public for shellfishing. Use of the public shellfish layer was discouraged at the preliminary determination hearing. Anna Gerber-Williams, principal marine biologist with the state Department of Environmental Management’s Division of Marine Fisheries said of the Bowen proposal, “[t]he area is a recreational shellfishing area... We would like to see it pushed outside of the recreational use area....”

(<https://www.heraldnews.com/story/news/2020/02/19/proposed-tiverton-oyster-farm-met/1675697007/>).

Since the application was filed, it has become evident that riparian rights are impacted by this proposal. Recently, residents had difficulty or were unable to place moorings in their riparian lateral boundaries. In addition, the proposed site would negatively impact riparian landowners' ability to access established moorings as the proposed lease location will create an obstruction for access to the moorings, especially at low tide.

Moreover, the small scale of the proposed oyster farm will not benefit the Sakonnet River's ecosystem. The Applicants indicate that "[t]he site was chosen for a variety of reasons, including proximity to the nutrient rich Seapowet Creek tidal flow." *See Application pg. 2*. The farm's operation will likely result in a net removal of nutrients from the water column because of the proposed location of the farm at the mouth of the Seapowet Creek outflow and the oyster's efficient feeding abilities. *See Michael Rice, Environmental Effects of Shellfish Aquaculture in the Northeast, Aquaculture Center, 2008*.

The proposed lease will create a significant conflict with long-established uses of the area, especially with recreational fishing. The Seapowet Marsh Wildlife Management Area is a well-established productive fishing spot that is documented in books covering recreational saltwater fishing in Rhode Island and New England. *See Gene Bourque, Fishing New England: A Rhode Island Shore Guide; Tom Keer Flyfishers Guide to New England Coast: Rhode Island, Massachusetts, New Hampshire, and Maine; J. Kenney Abrames, Striper Moon: Fly Fishing Techniques and Flies for Striped Bass in Estuary, River Bay & Surf*. Wading in the calm shallow waters is a regularly used technique for catching striped bass at this location, day and night. The cages and equipment will make the proposed location a dangerous spot to wade and fish, depriving anglers of its existing safe use. *See attached materials, previously submitted to CRMC.*

CRMC regulations require Category B assent applicants to “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.” (650 – RICR – 20-00-1, 1.3.1 (A)(1)(J)). New information received since the original application demonstrates that the application fails on its merits: it fails to demonstrate that the proposed farm will not result in a significant conflict.

In response to this Category B requirement, the applicants state:

“The site is located in the Sakonnet River, on the southwest side of the Seapowet Creek. The water depth and coarse sand/gravelly bottom are not conducive to boating, swimming, or fishing, and there is no significant hardshell clam resource on the site.”

The applicants merely state a conclusion about local fishing which contradicts authentic use of the area. Evidence has been submitted to CRMC to disprove the applicants’ statements and illustrate the significant conflict that would arise should a permit be granted. (See “Proposed Bowen Oyster Farm in Tiverton: Conflicting Use with Recreational Fishing” submitted by Mendez on May 9, 2022, as well as additional stakeholder letters and photos). Absent a demonstration that there will be no significant conflicts, CRMC cannot issue an aquaculture permit.

Additionally, the applicants’ statements below are incongruous and do not sufficiently address Category B requirements. (See application, applicants’ response #6, #10)

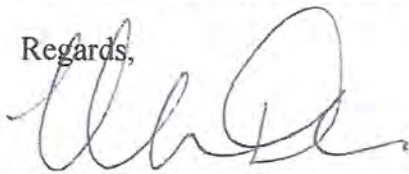
- “The Area SW of Seapowet point is extremely shallow and cannot be safely navigated during low tides.”
- “The area west of Seapowet and Fogland Points presents dangerous swimming conditions.”
- “Fisherman, shellfishermen and bathers typically use the area to the north of Seapowet Creek.”

In fact, fishermen frequently use the area south of Seapowet Creek because of the contour of the long sandbar which intensifies where the fish congregate to take advantage of the nutrient rich outflow of Seapowet Creek. Fishermen fish this area at night because of the shallow waters and safe wading at lower tides. Shellfishermen have historically used the area south of Seapowet Creek since it is a designated DEM shellfish area with valuable easy access. Bathers cross the outflow of Seapowet Creek and swim or explore in or contiguous to the proposed lease area.

New information received since CRMC's staff report includes submissions from many recreational angling stakeholder groups who object to this location, including Rhode Island Saltwater Anglers Association, Rhode Island Backcountry Hunters & Anglers and The Saltwater Edge local tackle shop. The Aquaculture Act and CRMC regulations require all aquaculture operations be "in a manner consistent with the best public interest," and the Bowen application clearly does not meet that standard. The proposed one-acre oyster farm is a very small operation that would have a negligible economic impact on the state. In contrast, the proposed farm will substantially interfere with long-established recreational activities along the DEM management area that provides free public access to the shore. The proposed farm's minimal benefit to the economy is substantially outweighed by the negative impact on the public's use of the Seapowet Marsh Wildlife Management Area.

For these reasons, the Bowen application should be denied at the staff level. Please do not hesitate to contact me if you have any questions in this regard.

Regards,

A handwritten signature in black ink, appearing to read 'Marisa Desautel', written over the word 'Regards,'.

Marisa Desautel, Esq.
Enclosure

Amanda Turco

From: Benjamin Goetsch <bgoetsch@crmc.ri.gov>
Sent: Tuesday, May 10, 2022 11:07 AM
To: 'Amanda Turco'
Subject: FW: CRMC aquaculture application (2020-04-037) significant conflicting use in Tiverton
Attachments: Bowen Application 2020-04-037 Illustration of Conflicting Use.pdf

Amanda,

Please add email and attachment to the Bowen file.

Thanks,
Ben

From: Kenny Mendez [mailto:kenneth.mendez@gmail.com]
Sent: Monday, May 9, 2022 9:51 PM
To: Jeff Willis <jwillis@crmc.ri.gov>; James Boyd <jboyd@crmc.ri.gov>; Benjamin Goetsch <bgoetsch@crmc.ri.gov>
Cc: rep-ruggiero@rilegislature.gov; sen-dipalma@rilegislature.gov; Rep. Edwards, John G. <rep-edwards@rilegislature.gov>; Save Seapowet <saveaseapowet@gmail.com>
Subject: CRMC aquaculture application (2020-04-037) significant conflicting use in Tiverton

Dear Jeff, Jim, and Ben,

Please find attached materials containing new information for the proposed Bowen commercial aquaculture operation at the outflow of Seapowet Marsh in Tiverton, that illustrate the significant conflict with existing recreational fishing. I want to make sure staff has this new information as part of the file to inform any potential revisions to the CRMC staff report. The materials support the position of public stakeholders, including myself, that the application should be denied because it fails to meet 650-RICR-20-00-01 Section 1.3.1(A)(1)(j).

I appreciate CRMC's willingness to hear from me, and from others, about inadequacies in the application process, which had effectively excluded meaningful stakeholder input. I want to acknowledge and thank you for making some changes to that process. Your openness to continual improvement of the application process is encouraging and I look forward to working with you on future improvements. While it is unfortunate that this application has taken so much time, granting a permit just because applicants have spent time in the system, wouldn't be right. At this point, the evidence of significant conflicting use is conclusive.

Your April 11, 2022 "Summary of Bay SAMP Aquaculture Element Process" sent to Bay SAMP Working Group Members, cites Administrative changes under "4) Other changes, d. Aquaculture gear shall not be permitted in areas of significant recreational or commercial fishing activity." I believe the new information submitted with this email will help CRMC staff, who lacked complete information previously, to better visualize the significant recreational fishing activity that has been in place for generations, right where the Bowen oyster operation is proposed, at the outflow of Seapowet Marsh. This new input, which is well-documented in independent publications, provides CRMC staff with additional reasons to reverse their support of the application for this site.

To continue to recommend approval of the Bowen application in the face of overwhelming opposition of existing users of those waters, and of the Tiverton Harbor Commission, Tiverton Conservation Commission, and Tiverton Town Council, would disregard the will of the people. It would further erode public confidence in the CRMC's ability to be unbiased in protecting public stakeholders and in upholding the Public Trust as set

forth in the Rhode Island Constitution (Art. 1, Sec 17).

Alternatively, now that more facts, and the extent of valid public opposition are known, denying the Bowen application immediately at the staff level -- without having to move to subcommittee or the full Council for a vote -- allows the CRMC to demonstrate how the agency will give proper weight to the public interest, and uphold the doctrine of Public Trust.

Thank you for your time and effort on this project. I am happy to discuss further if necessary.

Sincerely,

Kenny Mendez
Tiverton

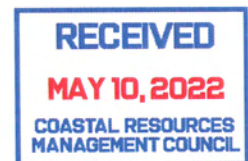


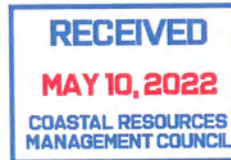
Virus-free. www.avg.com

*Proposed Bowen Oyster Farm in Tiverton:
Conflicting Use with Recreational Fishing*

May 2022

By Kenneth Mendez, Tiverton





Issues and Significant Conflicting Use

- Under the Public Trust Doctrine, the CRMC must give great weight to protecting the public's rights to existing uses of the waters pursuant to Article 1 Section 17 of the Rhode Island Constitution.
- The proposed lease will create a significant conflict with long-established uses, especially in the easily wadable shallow area during low tide. It will not be possible to fish among the cages without getting tangled in the gear.
- Wading in the dark is a regularly used technique for catching striped bass in this location at falling tides. Anglers will not be able to see the cages at night. The cages and equipment will make the proposed location a dangerous spot, depriving anglers of existing safe use.
- Sapowet Wildlife Management Area (Seapowet) is the only public access point with free ample Rhode Island Department of Environmental Management (RIDEM) parking on the entire length of the Sakonnet River Eastern Shoreline.

Issues and Significant Conflicting Use (continued)

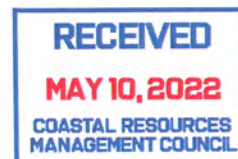
- This is a well-established productive fishing spot, documented in books on recreational saltwater fishing in Rhode Island and New England.
- The calm, easily wadable location at low tides has been an ideal spot to introduce youth and future generations to recreational fishing.
- Recreational angling stakeholders are opposed to the proposed lease location because of the interference with fishing. Embedding oyster cages in Seapowet Cove will create an obstruction to those that use the area for fin fishing and shell fishing. Anglers and shell fishermen will be displaced from existing uses.
- Seapowet Cove has unique characteristics for productive fin fishing. The aquaculture project can be placed in another location that does not have such a significant, high conflict with existing users.

Boy Scout Fishing Derby



4

- This boy scout fishing troop from Swansea, MA uses the area for fishing outings because it is the only publicly available fishing site with ample free parking along the length of the Eastern Shore of the Sakonnet. This is a well-used teaching area for the next generation to learn how to fish and to become stewards of our coastal waters.
- I, and other families, use this area to teach our kids and their friends to fish. This easily wadable and accessible location allows us a place to teach others to fish, too.



Safety Hazards at Night

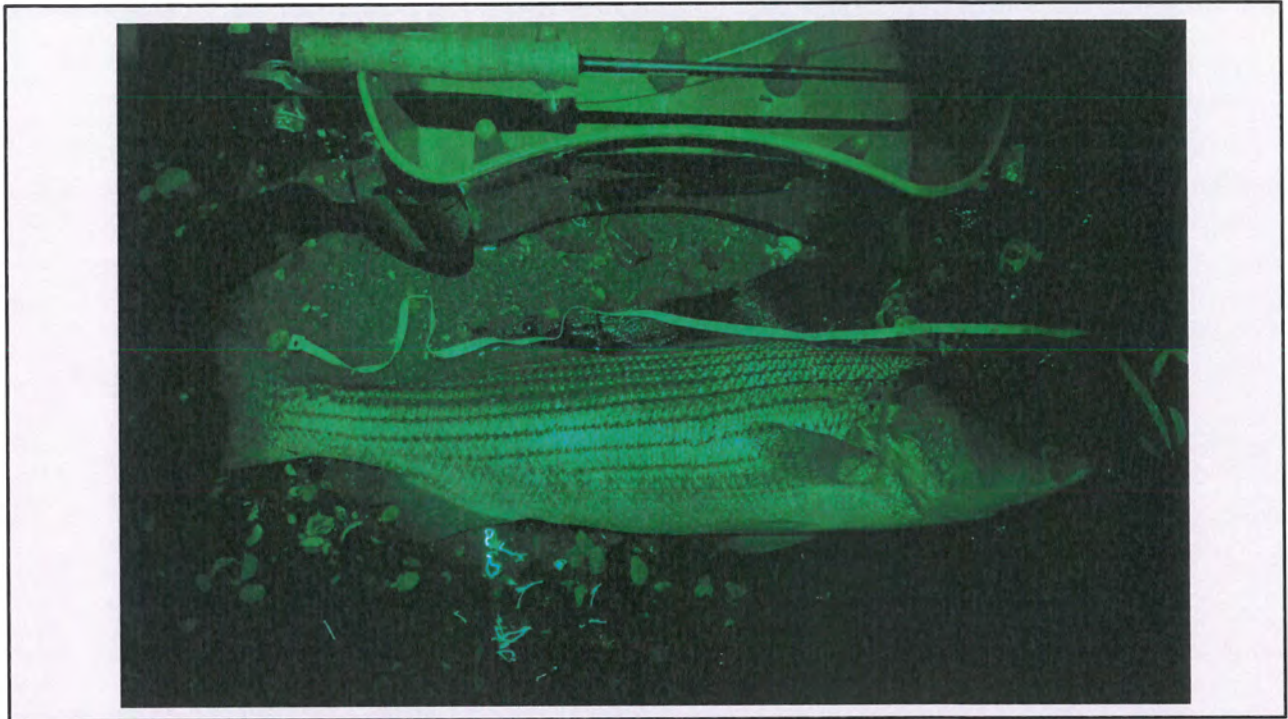
"Night fishing has exploded in popularity over the past few decades as anglers become more familiar with strategies and tactics that work when it comes to night fishing for striped bass...."
Topsail Angler



5

Night fishing is a regularly used fishing technique at the Seapowet Marsh. This is a full moon picture taken of an angler wading in the proposed Seapowet lease area at 12:33 a.m. on June 24, 2021 at the end of an outgoing tide. An angler at night would not see the submerged gear, creating a safety hazard.

The aquaculture cages can tear an angler's waders, entangle fishing line, and injure a snagged fish.



This keeper striper was caught and released in proposed lease area on August 6, 2021 at 11:23 p.m. It is representative of the existing fishing that is popular at night in the proposed lease waters.

Example: aquaculture farm will restrict fishing

Excerpt from aquaculture application in York, Maine:

1. APPLICANT CONTACT INFORMATION

Applicant Name: [Redacted]
Address: [Redacted]
City: [Redacted]
State: [Redacted]
Zip: [Redacted]
Phone: [Redacted]
Email: [Redacted]

2. PROPOSED LEASE SITE INFORMATION

Location of Proposed Lease Site: [Redacted]
Map: [Redacted]
Total acreage of site: [Redacted]
Type of culture: [Redacted]
Type of culture: [Redacted]

10. EXCLUSIVE USE

If your lease is granted, what activities would you request be excluded from occurring within the boundaries of the lease site? In your answer please address applicable commercial and recreational fishing, boating activities, and other activities you listed in the "Existing Uses" section of this application.

To enhance navigability we have allowed 20' between rows of floating shellfish gear and we welcome kayakers and paddlers. However, we ask that our gear not be handled and that no gear or shellfish are removed. Recreational fishermen may fish in the vicinity but in order to avoid entanglement of fishing hooks and lures, we suggest that recreational fishermen do not cast within the boundaries of the lease. We ask that recreational boaters do not enter the lease area as submerged gear could be a hazard on portions of the lease at low tide.

11. ENVIRONMENTAL CHARACTERIZATION

Directions: Using your knowledge of the area, describe the environment of the proposed lease site. Be sure to include units of measurement in your answers (i.e. feet, cm, y).

a. What are the approximate depths of the lease area?

The shore edge of the proposed lease is 2 ft deep and 6 ft deep on channel edge.

b. What are the approximate depths of ocean high water?

The shore edge of the proposed lease is 12 ft deep and 15 ft deep on channel edge.

...Recreational fishermen may fish in the vicinity but in order to avoid entanglement of fishing hooks and lures, we suggest that recreational fishermen do not cast within the boundaries of the lease....

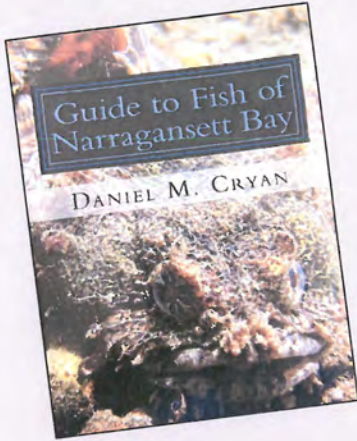
...We ask that recreational boaters do not enter the lease area as submerged gear could be a hazard on portions of the lease at low tide.

7

This is a copy of a current lease application in York, Maine with similar gear to the gear used in the proposed Bowen farm in Tiverton. Note that the applicant in Maine acknowledges that it is not possible to fish inside the lease. Fishing tackle and hooked fish will become snagged in aquaculture gear.

The same would happen in Tiverton, effectively making the proposed lease area unfishable for fin fishermen. Fish run erratically when hooked. In the Bowen application, leaving space between oyster cages is an illusory proposal as far as fishing is concerned. The same is true of forcing anglers to stand and cast from a place outside the perimeter of the oyster cages. Contrary to Rhode Island's Public Trust Doctrine, the lease would effectively eliminate the ability of anglers to wade in the shallow waters where the farm would be placed.

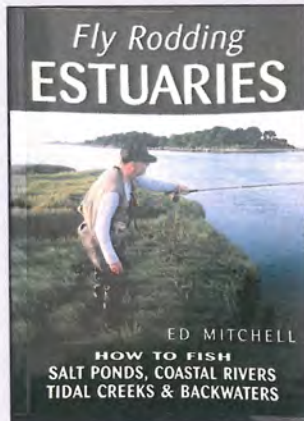
Guide to Fish of Narragansett Bay—The Fish



Habitat: It is found in a wide variety of habitats. Juveniles often inhabit salt marsh creeks, harbors, and river mouths....

Location characteristics: outflow of this marsh is prime habitat for small striped bass and larger striped bass in Narragansett Bay.

Unique Structure: What Makes a Great Fishing Hole



"If an extensive shallow sandbar has formed, you can bet that it is well worth investigating, especially during a rising tide...your primary concern is to locate any drop-offs. There should be one at the far outside edge of the bar where it joins deeper water. Watch the waves as they ride up over the flat. They'll break where the bottom first rises. This location is apt to be a red-hot destination...Also be on the lookout for a drop-off along the side of the bar. While the drop-off on the outside edge is usually fairly gradual, this one could be fairly steep, quickly tapering off in deeper water or a hole. Such a drop-off not only holds fish at the low stages of the tide, but also forms a perfect travel lane for fish seeking to approach the mouth as the tide rises...." (pg 77)

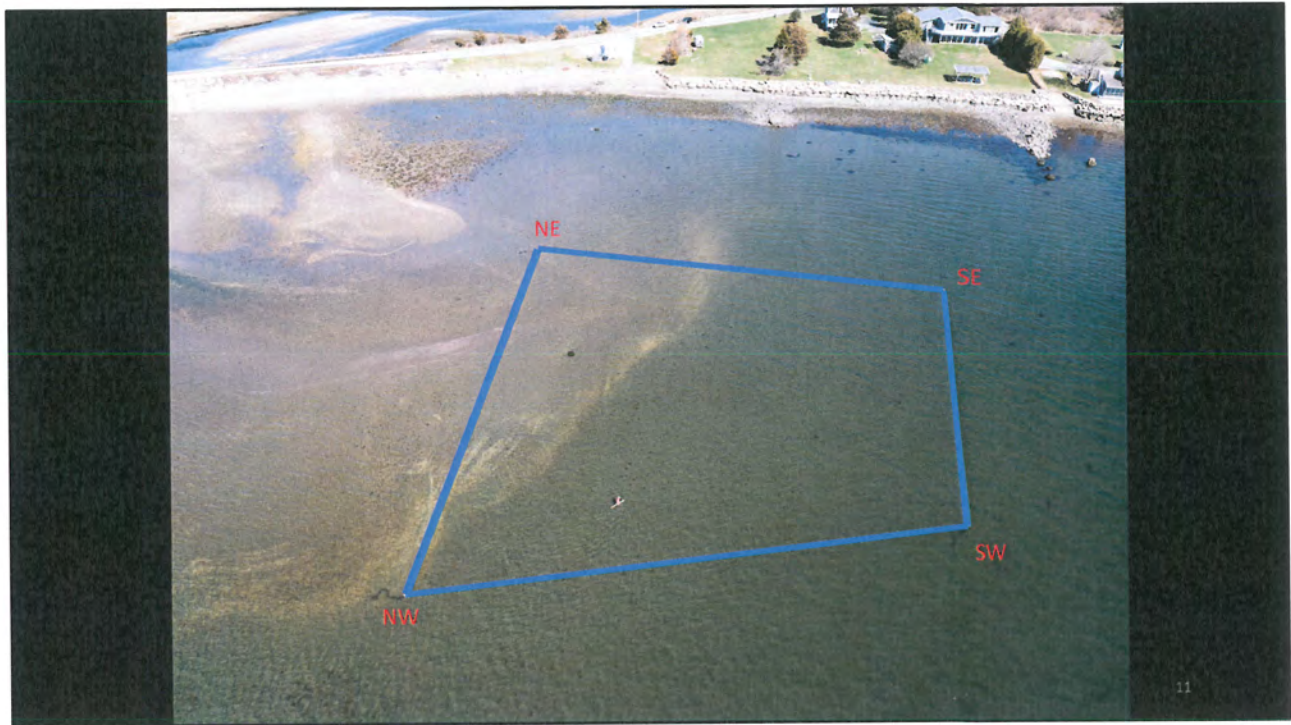
Location characteristics: expert author writes about where fish tend to congregate. The oyster farm would take the choicest spot in Seapowet Cove, that is used for recreational fishing. This proposed lease area has been in use for recreational fishing and other water activities by the general public for countless years.

"Watch the waves as they ride up over the flat. They'll break where the bottom first rises. This location is apt to be a red-hot destination...Also be on the lookout for a drop-off along the side of the bar...."

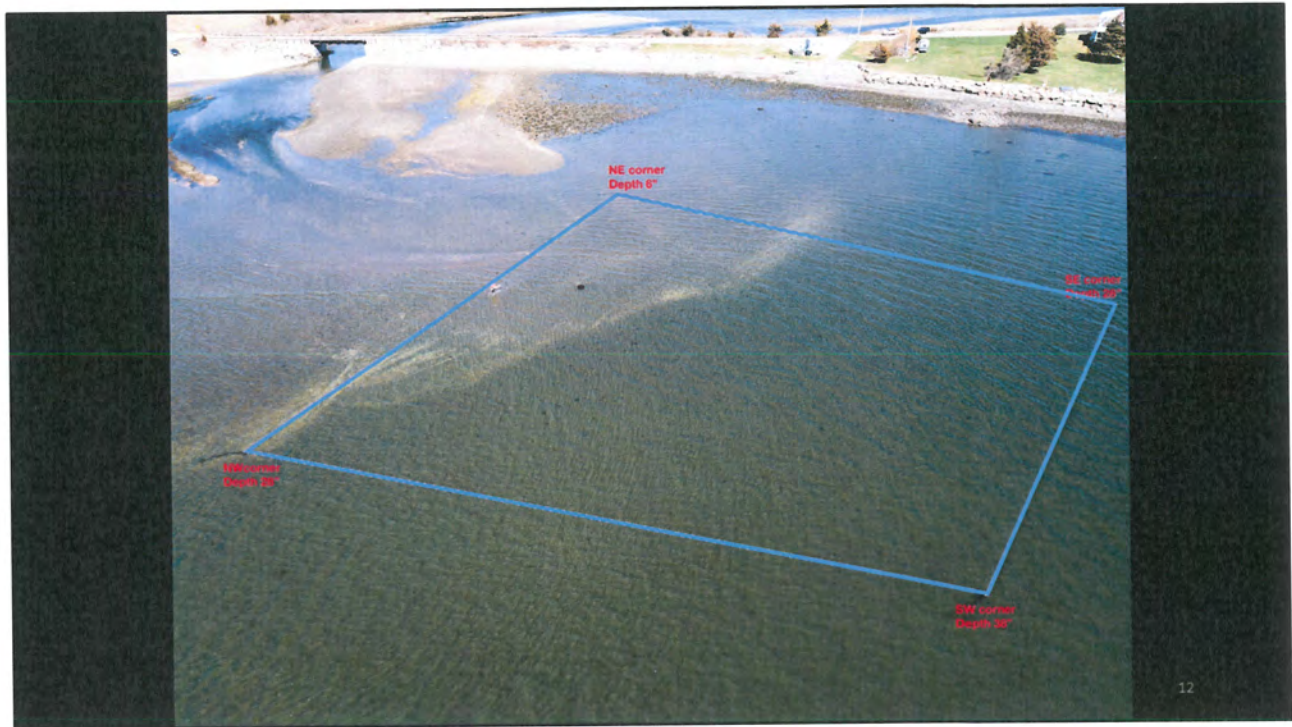
Fly Rodding Estuaries



This slide illustrates the wave activity at a low tide and the text explains what is unique about the benthic nature, the contours of the bottom, of this proposed lease location. Local anglers call this specific area "the Rip".



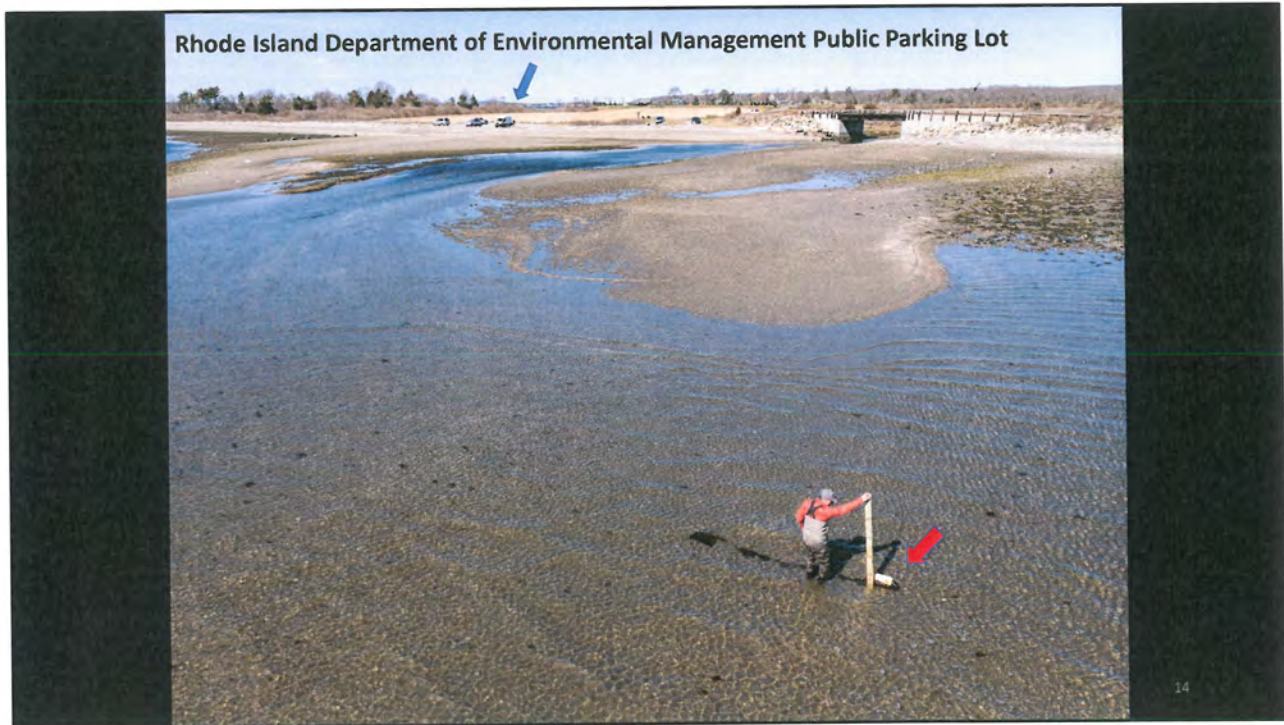
- Proposed lease area
- Extremely shallow and easy to wade at falling and low tides.



Overhead view of the full proposed lease area.



- Proposed lease area positioned at the outflow from Seapowet marsh.
- Fish face “upstream” into outflow of marsh to feed on baitfish moving with outflow.
- Change in color of bottom shows a “shelf” holding area for fish.
- Orange arrows represent fish facing into outflow current.
- Proposed lease area has been in use for fishing—recreational and for consumption—for generations.
- To accommodate and support this use, public monies were invested in recent years to expand free public parking at this location and to move the parking lot off the beach (pictured in next slide).



- Cages will not be submerged at all tides.
- Water is ankle deep at low tide, making for good wading.
- Easy access for fishing because anglers walk the sandbar from Rhode Island Department of Environmental Management parking lot.
- Picture shows Northeast corner of proposed lease.

RECEIVED

MAY 10, 2022

COASTAL RESOURCES
MANAGEMENT COUNCIL



- Anglers cast their lines throughout the entire proposed lease area.
- Anglers currently wade in the proposed lease area to fish more water.
- Cages will protrude, obstruct, and be hazardous, especially in the dark.
- Far arrows mark southeast and southwest corners of proposed lease area.
- Note mooring block for location and depth on northern side of lease area.
- Here's a video link <https://youtu.be/Z6L5-eLLRfE> to watch an angler's casting range through the lease.



- Typical fishing situation for angler with fish represented by orange arrows.
- Here's a video link <https://youtu.be/NBEutFKWoZ8> to see how an angler casts in the proposed lease area.



The arrows represent where recreational anglers stand and the range of their casts covering the entire lease area. Anglers regularly fish the "Rip" because of the marsh outflow, which creates good structure and current for fish.

Importance of a Unique Fishing Hole

Question to Professor Dennis Nixon: "If there is a known favorite fishing hole identified by many local users in the community does the placement of an oyster farm in the fishing hole supplant/override the rights of those recreational anglers?"

"If it's that kind of a place with unique characteristics that makes it a special spot that distinguishes it from the other thousands of acres in Narragansett Bay by all means I think that's highly relevant information that could be introduced and should be taken notice of by the CRMC in deciding where to grant somebody a lease...."

Narragansett Bay SAMP Aquaculture Working Group Meeting
— October 26th, 2021

18

The proposed lease area, with shallow waters and a long sandbar, provides rare and easy access to shore fishing. Both adults and children can wade safely. For people who do not have the means to rent or buy a boat, and with the free parking provided at the location, this popular fishing hole gives access to a fishery by people from all walks of life, regardless of their individual means.

Fails the Conflicting Use Test

650-RICR-20-00-01 Section 1.3.1(A)(1)(j)

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

CRMC Subcommittee Recommendation to Deny Raso Application:

"The proposed project stands as a physical barrier to those that use the proposed area for fin fishing and shell fishing. The area where the proposed project would be sited is known to be a productive fin fishing spot. The fishers that fish there now, will be displaced...."

19

- The proposed Bowen oyster farm results in a significant conflict with recreational fishing as well as other recreational water uses by the public.
- Similar to CRMC Subcommittee recommendation to deny the Raso Application, the proposed Bowen Application sited in Seapowet Cove will create a physical barrier to those who cast into the lease area and who shell fish in the lease area.
- The proposed location of the cages will create an unsafe condition for anglers who regularly fish the area in the dark and will effectively deny access to the lease area by wade fishing anglers.

The Public Trust Doctrine in the Rhode Island Constitution

“The people shall continue to enjoy and freely exercise all the rights of fishery, and the privileges of the shore, to which they have been heretofore entitled under the charter and usages of this state, including but not limited to fishing from the shore, the gathering of seaweed, leaving the shore to swim in the sea and passage along the shore; and they shall be secure in their rights to the use and enjoyment of the natural resources of the state with due regard for the preservation of their values;...”

Rhode Island Constitution Article 1, Section 17. “Fishery rights –Shore privileges—Preservation of natural resources”

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- Under the Public Trust Doctrine, the CRMC must give great weight to protecting the public’s rights to existing uses of the waters pursuant to Article 1 Section 17 of the Rhode Island Constitution.
- An oyster farm in this location will take away long-standing free access, and eliminate future access for recreational anglers to the site location.
- Proposed location takes away users’ ability to “freely exercise all the rights of fishery,...and enjoyment of the natural resources of the state....”
- Location violates RI Constitution “they shall be secure in their rights to the use and enjoyment of the natural resources of the state....”

"When the Bowens brought all this up to us in the first place they said, 'Oh there's no shellfish there anyways. They didn't say anything about being an angler spot....They were hell-bent on getting the thing as close to shore so they could access it from the shore....I was not aware of it being an angler spot. They made us aware that people they said that were next door were totally okay with it. When I did the research, those people weren't next door, they were about a half a mile down the river. So, I'm a little...bit perturbed at this point right now because of the way that this thing was presented to us without all the facts, and we just went with what was presented to us...we didn't have all the facts. Having all the facts now, I'm against it and if there's a way that we can have a re-vote on it, I would revote. And my vote would be against it. That's all I have to say...."

Tiverton Harbor Commission Member, June 7, 2021

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Quote from member of Tiverton Harbor Commission, at a public meeting when the group discussed their vote as having been based on incomplete and misleading information for the proposed site of the Bowen lease.

Farm Location Opposed by Individual Anglers, Numerous Statewide Recreational Angling Groups, and Local Stakeholders



Rhode Island BHA Oppose
Aquaculture Lease that Threatens
Hunting Opportunities

by New England BHA Chapter | July 09, 2021



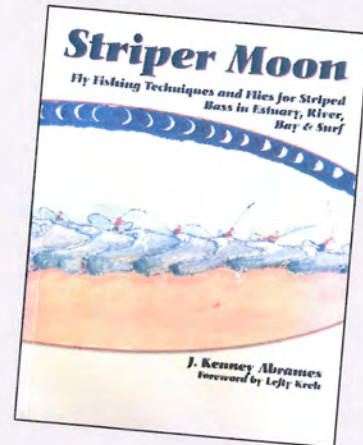
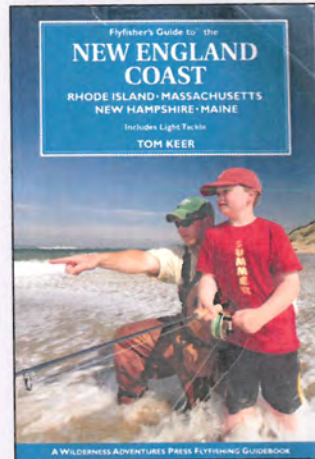
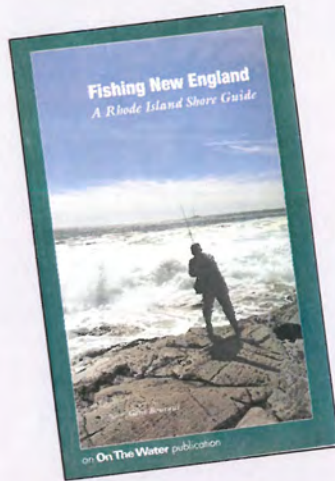
THE CANNON NEW ENGLAND BHA NEW ENGLAND NEWS
NEW ENGLAND FISHERIES



22

- These large stakeholder groups from Rhode Island's recreational angling community oppose the proposed farm location.
- These groups and individual angler objectors were not given adequate notification about a June 2021 Rhode Island Marine Fisheries Council vote on the proposed lease area. The RIMFC deliberations lacked meaningful input from stakeholders about the historic use of the area.
- As a result of this issue with the Bowen Application, recent changes to the aquaculture notification process attempt to remedy the notification shortfall with RIMFC.

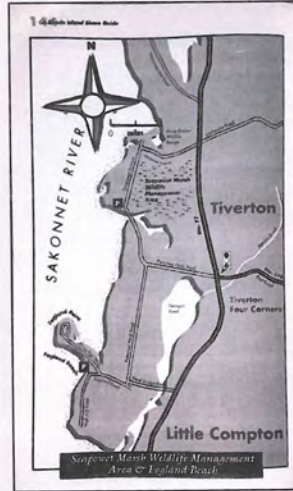
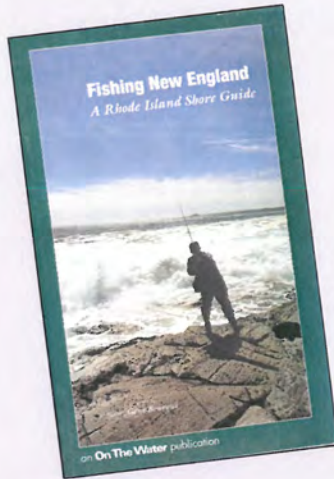
Documented Prime Recreational Angler Access



23

These books recognize Seapowet as a prime fishing location.

Fishing New England A Rhode Island Shore Guide



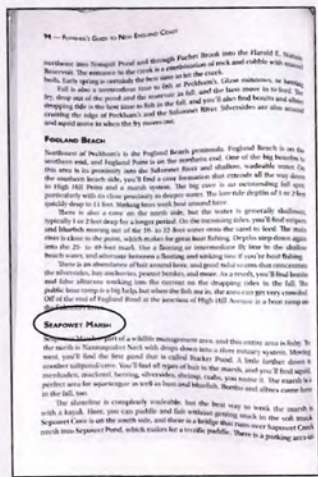
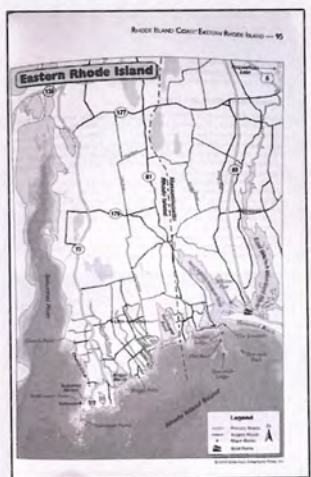
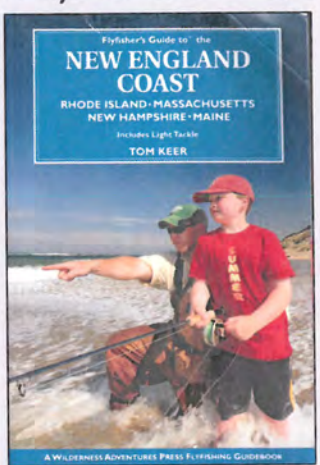
Fishing New England describes the Seapowet Wildlife Management Area, and why this location is good fishing.

Productive Existing Use: Seapowet Wildlife Management Area

"This is one of the most accessible and productive locations along the east shore of the Sakonnet River....On an outgoing tide the narrow channel on the northwest side of the bridge holds predators, particularly under low-light conditions. The tides carry bait to fish holding in the Sakonnet from the trough at the bridge to the flat on both sides of the marsh entrance...."

Fishing New England, A Rhode Island Shore Guide

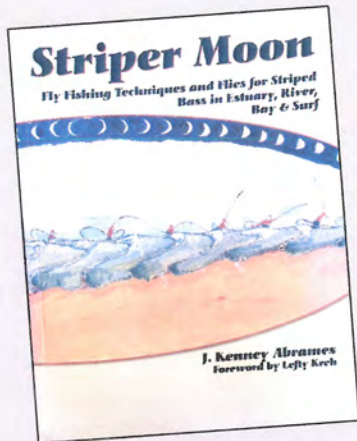
Existing Use: Flyfisher's Guide to the New England Coast



Fly Fisher's Guide to the New England Coast describes the Sakonnet shoreline in this area as completely wadable and a perfect area for squeteague, bass, bluefish, bonito, and false albacore.

Existing Use: Striper Moon

Fly Fishing Techniques and Flies for Striped Bass in Estuary,
River, Bay & Surf



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In **Striper Moon**, Kenney Abrames from Rhode Island, writes about his experience in striped bass fishing in the Seapowet Marsh estuary and highlights night fishing. Photo looks East into the Seapowet Marsh.

RESOLUTION 2022-0007

TOWN OF TIVERTON

RESOLUTION FOR COASTAL BUFFER ZONE TO ALLOW FOR
AQUACULTURE OPERATIONS AND MINIMIZE CONFLICTING USES

WHEREAS, the Town of Tiverton values existing public access and use of coastal waters and wishes to protect that access and use as guaranteed by the Public Trust; and

WHEREAS, the Town of Tiverton values and wants to protect the rights of riparian landowners; and

WHEREAS, the Town of Tiverton recognizes that other municipalities in Narragansett Bay also wish to protect public access and use of coastal waters, and want to protect the rights of riparian landowners; and

WHEREAS, the Town of Tiverton understands that the Rhode Island State Legislature gives the Coastal Resources Management Council jurisdiction over coastal waters; and

WHEREAS, the Coastal Resources Management Council is responsible for reviewing and permitting aquaculture leases; and

WHEREAS, the Coastal Resources Management Council is exploring expansion of aquaculture in Narragansett Bay; and

WHEREAS, the Town of Tiverton wishes to reduce conflicting use of public waters, protect the rights of the public to access and use the State's waters as guaranteed by the Public Trust, and protect the rights of riparian landowners; and

WHEREAS, the Town of Tiverton understands the need to accommodate aquaculture and other uses of Tiverton's coastal waters; and

WHEREAS, the Town of Tiverton believes a 1,000 foot buffer zone from shoreline in which no future aquaculture leases can be sited will minimize conflicting uses; and

WHEREAS, the Town of Tiverton believes excluding the future placement of aquaculture farms from Type 1 and Type 2 waters will also minimize conflicting uses in the same way as a 1,000 foot buffer zone; and

WHEREAS, the Town of Tiverton understands that it has no authority to create this kind of buffer zone but believes Rhode Island's State Legislature has the authority to create this kind of buffer zone through legislation; and

NOW, THEREFORE, BE IT RESOLVED, that we, the Town Council of the Town of TIVERTON ask the Rhode Island State Legislature to develop and to pass legislation that minimizes conflicting uses of Narragansett Bay coastal waters but still allows for aquaculture projects by creating a 1,000 foot from shoreline (mean high tide) buffer zone in which no future aquaculture leases can be sited, or exclude future aquaculture farms from Type 1 and Type 2 waters. This approach will help Tiverton and other Narragansett Bay communities to balance public waters with commercial use and create more specific guidelines for the CRMC and future aquaculture farms; and

BE IT FURTHER RESOLVED, upon passage of this Resolution, the Tiverton Town Clerk is requested to submit a certified copy of this Resolution to each and every member of the Rhode Island General Assembly who represents the Town of Tiverton and to all coastal cities and towns in Rhode Island.

Introduced by: Councilor Donna J Cook
Date: April 25, 2022

- ***Consistent with Town of Tiverton Resolution on conflicting uses, April 25, 2022, proposed permit should not be granted.***

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- Because of the significant conflict created by the proposed oyster farm location in Tiverton waters that are highly used by recreational anglers and by others who boat, swim, kayak, and windsurf, the Tiverton Town Council passed a Resolution on April 25, 2022 asking the Rhode Island State Legislature to create legislation that prohibits oyster farms from being placed in locations like Seapowet where there's significant conflict with existing recreational use.
- This Resolution amplifies the sentiment of the Tiverton Harbor Commission, Tiverton Conservation Commission, and many individuals in Tiverton's community. The Resolution calls for a 1,000 ft buffer zone in which no future aquaculture leases can be sited or a buffer zone that excludes future aquaculture leases from Type 1 and Type 2 waters.
- The proposed Bowen aquaculture farm would not be allowed in its proposed location within 1,000 ft of the shoreline and its proposed location in Type 1 waters in Seapowet.

Travel, tourist, and wildlife-oriented websites recommend fishing and other recreational activities at Seapowet:



State of Rhode Island
Town of Tiverton

Seapowet Marsh and Point Fishing Area

Primary use: Conservation area or wildlife refuge

Other uses: Historic interest, fishing, hiking/walking

Services: Boat ramp

Parking: Yes

"Located off Seapowet Avenue, this refuge area includes a variety of coastal habitats. There is a parking area along a cobble beach north of the bridge over the Seapowet River and walking or driving access to Seapowet Point. There is a marsh on the point, popular for shellfishing. The beach is a good spot for walking, fishing, bird watching, or enjoying the view of the river. There is also a small gravel boat launch ramp south of the bridge that provides access to an extensive salt marsh and tidal creek area...."

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- www.tiverton.ri.gov

- www.tripadvisor.com
- newenglandwithlove.com
- trailsandwalksri.wordpress.com

MAY 10, 2022

COASTAL RESOURCES
MANAGEMENT COUNCIL

Public Access to the Rhode Island Coast

A guide to parks, wildlife refuges, beaches, fishing sites, boat ramps, pathways, and views along the Rhode Island coast



Tiverton

T5. Two Rod Way

This right-of-way at the end of Two Rod Way, off Seapowet Road, offers a great view of the Sakonnet River. It also provides access to the coastal trails of the Emily Ruecker Wildlife Refuge. The extension of this road is a good place to hand-launch a boat into a protected cove.

- CRMC ROW#: T-6
- Fishing

T6. Emily Ruecker Wildlife Refuge

This 50.5-acre refuge owned by ASRI encompasses freshwater, brackish, and marine habitats as well as wooded uplands and fields. A network of trails runs through the refuge and follows the shores of the Sakonnet River. This is an ideal spot for walking and bird watching year round. There are trail maps available at the entrance at the parking area and trailhead, located off Seapowet Road.

T7. Seapowet Marsh and Point Fishing Area

Located off Seapowet Avenue, this refuge area includes a variety of coastal habitats. There is a parking area along a cobble beach north of the bridge over the Seapowet River and walking or driving access to Seapowet Point. There is a marsh on the point, popular for shellfishing. The beach is a good spot for walking, fishing, bird watching, or enjoying the view of the river. There is also a small gravel boat ramp south of the bridge that provides access to an extensive salt marsh and tidal creek area.

- Historic interest

The CRMC's own website calls out the good fishing at the Seapowet area in this guide written by *Rhode Island Sea Grant Coastal Resources Center*.

Significant Use: Catch for Consumption Seapowet Anglers



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- Fly fisherman wading in the lease area with a catch of a sea robin.
- Some anglers keep their legal catch for personal consumption.
- Many anglers fish this area after dark when striped bass actively feed.



Shore angler with a keeper striped bass pulled from the lease area.



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Anglers wading and casting into the lease area.



Anglers fishing into the lease area from shore at low tide.



Anglers crossing the channel at low tide towards proposed lease area. Note how shallow: person on the far left stands at the corner of the lease area.

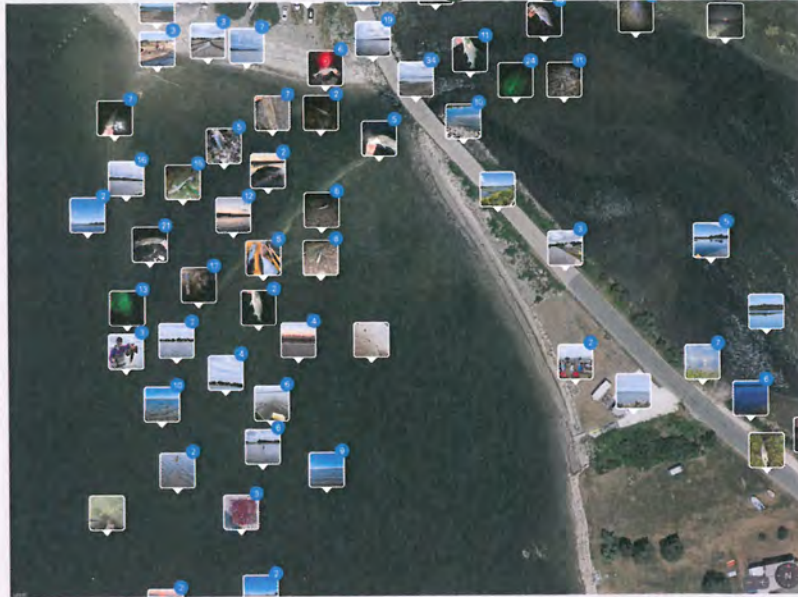


37

Typical images of anglers at various tides fishing from shore around the proposed lease area.

The value of a public shore fishing location and the social and environmental good it provides to many current users and future generations, should be prioritized, especially if a potential lease could be sited in a number of other locations.

A Fishing Log



- This is from a log where a geotagged photo is taken of fish caught and landed and is representative of existing longstanding use of the angling community.
- In most cases, the fish has been hooked between 50-250 feet from where it was landed. This means that anglers stand to cast, and the fish run, throughout the entire area of the proposed Bowen lease.
- Each photo in the log has an exact GPS location, time, and date.
- Photos with green flash were taken at night.
- After landing a fish, DEM regulations require the angler to safely release striped bass under 28" in length. Cages, lines, and other aquaculture gear will impede a safe release when striped bass become snagged in the gear, which is sure to happen.

Conclusions

1. New information further demonstrates how the location of the proposed Bowen oyster farm creates significant conflict with recreational angling. It will not be possible to fish among the cages without angler lines and fish becoming snagged in aquaculture gear. The lease will unnecessarily transform the location into a dangerous spot to wade, especially at night, depriving anglers of safe use.
2. CRMC staff should deny the Bowen application immediately because the application fails the significant conflicting use test in 650-RICR-20-00-01 Section 1.3.1(A)(1)(j). It fails this test based on recreational angling alone but it also fails because of significant conflicts with other water dependent uses and activities.
3. Now that CRMC and its staff have new, accurate and more complete information about the severity of the conflicting use, extensive public opposition, and opposition of the Tiverton Town Council, the application to locate an aquaculture operation in Seapowet Cove should not be granted. The proposed location does not comply with CRMC's new 2022 administrative changes: "aquaculture gear shall not be permitted in areas of significant recreational or commercial fishing activity."
4. Seapowet Cove has unique characteristics for productive fin fishing and equity of access for the public. The aquaculture project can be placed in a different location that does not result in significant conflict with Seapowet Cove's pre-existing uses by the general public for recreational fishing, wading, kayaking, and enjoyment of Rhode Island waters and nature in a pristine condition.
5. The Tiverton Town Council's Coastal Buffer Zone Resolution demonstrates the Tiverton Community's belief that siting the proposed Bowen aquaculture operation in Seapowet Cove would result in significant conflict with pre-existing uses; and therefore, neither it nor any future aquaculture operation should be licensed in the proposed location.
6. CRMC has recently made changes to its aquaculture application process to be more inclusive of public input. Applying the new information received about the Bowen application allows CRMC staff to act to deny the application, before going to Subcommittee or a Council vote, and would demonstrate that the agency and its staff are unbiased in protecting the public's rights under Article 1 Section 17 of the Rhode Island Constitution.

Jenn Abbruzzese

From: Jeff Willis <jwillis@crmc.ri.gov>
Sent: Monday, April 17, 2023 9:06 AM
To: 'Lisa Turner'; 'Jennifer Abbruzzese'; 'Brittany Spurlock'
Cc: bgoetsch@crmc.ri.gov; Jeff Willis
Subject: FW: Objection to CRMC File # 2020-04-037 (Bowen Oyster Farm)
Attachments: 23.4.14 CRMC Letter of Opposition.docx (2).pdf

For the file please.

Thanks,
Jeff

From: Diane Sanna [mailto:dsanna02@gmail.com]
Sent: Friday, April 14, 2023 6:44 PM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; cstaff1@crmc.ri.gov
Cc: sen-dipalma@rilegislature.gov; Jay Edwards <rep-Edwards@rilegislature.gov>; DdeMedeiros@tiverton.ri.gov; bhcox@slepkowlaw.com; thoram2@verizon.net; mburk@tiverton.ri.gov
Subject: Objection to CRMC File # 2020-04-037 (Bowen Oyster Farm)

The attached document outlines several objections to the Bowen aquaculture application at Seapowet. I am requesting that the approval process be re-examined based on a number of factors that were not clearly represented by the applicant during previous local and state hearings. I furthermore request that the attachment be included in the record for consideration by all local and state agencies and boards involved in the approval of this aquaculture proposal.

Thank you for your time and consideration,

Diane Sanna



Virus-free. www.avg.com

To: Jeffrey Willis, Executive Director, CRMC: jwillis@crmc.ri.gov
Ben Goetsch: bgoetsch@crmc.ri.gov
Staff: cstaff1@crmc.ri.gov

FROM: Diane E. Sanna
PO Box 231
Tiverton, RI 02878

CC: Senator Louis DiPalma: sen-dipalma@rilegislature.gov
Representative John Edwards: rep-Edwards@rilegislature.gov
Tiverton Town Council President Denise deMedeiros: DdeMedeiros@tiverton.ri.gov
Tiverton Town Council Vice President Michael S. Burk: MBurk@tivertonri.gov
Tiverton Harbor Commission: bhcox@slepkowlaw.com
Tiverton Conservation Commission: thoram2@verizon.net

DATE: April 14, 2023

RE: Objection to CRMC File # 2020-04-037 (Bowen Oyster Farm)

The following are objections to the Bowen aquaculture application at Seapowet. The approval process should be re-examined based on a number of factors that were not clearly represented by the applicant during previous local and state hearings. They are outlined below. We request that the following be included in the record for consideration by all local and state agencies and boards involved in the approval of this aquaculture proposal.

LIMITED OPPORTUNITY FOR PUBLIC INPUT

Given the former notification process that was in place by CRMC, there was poor and minimal public notice for this proposed oyster farm. We have 14 signed affidavits from the abutters and immediate neighbors stating they had never received communication from the applicants or the CRMC with respect to the proposal. This lack of notice is why the opposition is so strong, and in full force, as the public learned of this application following the meetings that had been held with the Tiverton Harbor Commission for approval.

Public input and comment on the project was also misrepresented by the applicant, brought to light by comments made by a member of the Tiverton Harbor Commission, during the June 7, 2021:

When the Bowens brought all this up to us in the first place they said, 'Oh there's no shellfish there anyways. They didn't say anything about being an angler spot.....They were hell-bent on getting the thing as close to shore so they could access it from the shore....I was not aware of it being an angler spot. They made us aware that people they said that were next door were totally okay with it. When I did the research, those people weren't next door, they were about a half a mile down the river. So, I'm a little...bit perturbed at this point right now because of the way that this thing was presented to us without all the facts, and we just went



with what was presented to us...we didn't have all the facts. Having all the facts now, I'm against it and if there's a way that we can have a re-vote on it, I would revote. And my vote would be against it. That's all I have to say....

ADDITIONAL PROCEDURAL CONCERNS

It has been noted during several public meetings, including the Mar 13, 2023 Tiverton Town Council meeting that the application lacks significant details about where it will conduct operations and clean biofouling from the equipment. The CRMC Aquaculture Coordinator failed to address these deficiencies in reviewing the application and in presentations to the Tiverton Harbor Commission. The applicants implied to the Tiverton Harbor Commission they would work the site with a boat, but have since made public comments that they want the cages close to shore so they do not have to use a boat. (Mar 15, 2023 Senate Committee on Environment and Agriculture and Mar 13, 2023 Tiverton Town Council meeting).

Robert Ballou, Chair of the RI Marine Fisheries Council also noted the lack of clarity of the Bowens' application in his letter dated Nov 16, 2020, to Ben Goetsch, Aquaculture Coordinator. In his explanation of why the Council and the Shellfish Advisory Panel, citing the following:

The key challenge faced by the Council and the SAP regarding this application is that the members felt uncomfortable rendering a recommendation pertaining to two proposed lease site locations, only one of which was notified for public comment....The shifting nature of this proposal during the public comment period made it difficult for the Council and the SAP to apprehend public opinion and render informed recommendations.

In addition, during initial approval hearings, the applicants did not disclose that they were in the process of purchasing a strip of land on Seapowet. The land was purchased after preliminary approvals were received and just days before the CRMC Council June 2021 hearing. The timing allowed the applicants to omit significant information about operations involving private property that could have been brought to light by the CRMC Aquaculture Coordinator. This private land use is significant information that should have been brought to the Tiverton Harbor Commission and the Town of Tiverton due to potential zoning issues that would arise by this application and the use of the land in a residential neighborhood.

INFRINGEMENT OF PROPERTY OWNERS' RIPARIAN RIGHTS

CRMC's support of this application in the proposed location has caused the Tiverton Harbor Master to withhold placement of riparian moorings in the proposed lease area. It is clear that the riparian rights of these property owners are being infringed upon.

Richard Metcalf, the owner of two lots abutting the proposed oyster farm has an existing mooring that is located within the proposed lease space. This was substantiated by the Tiverton Harbor Master during the Tiverton Harbor Commission Meeting on June 1, 2020. Mr. Metcalf applied for a second guest mooring in July 2021 and the approval has been delayed due to confusion over who has superior rights, the riparian landowner or the applicant. The proposed aquaculture location stretches across both of Metcalf's properties. Metcalf doesn't want to lose riparian rights on either of his two lots. Metcalf's properties would lose value if he suffers the loss of his riparian rights.



The second abutter, Jeanne DeSouza, also applied for two moorings in July 2021. The first mooring was approved but it was not assigned in her riparian lot lines. It was assigned two properties away, well outside of her property lines. Ms. DeSouza then requested her mooring be moved to specific coordinates within her riparian lot lines. The mooring was reassigned, but it was placed further out than was requested, with the rationale that a mooring could not be placed in that area because it was too shallow. Of great concern is the fact that the aquaculture applicants also applied for a mooring in this area and were given a site in the shallow location where Ms. De Souza had requested. Approval for her second mooring has been delayed since July 2021 when she applied.

It should be noted that the oyster farm applicants own a very narrow piece of land, and per town code and CRMC guidance, their mooring should not be permitted, due to the small size of their property and lack of swing room. More importantly, commercial moorings are not allowed in Type 1 waters.

CONFLICTING PUBLIC TRUST INTERESTS

Subsection (f)(1) OF RIGL 46-23-1 confirms the importance of the CRMC adhering to the public trust doctrine. “[T]he submerged lands of the state are impressed with a public trust and . . . the state is responsible for the protection of the public’s interest in these lands.” “The state . . . holds [the submerged lands] in trust for the use of the public. In benefiting the public, the state preserves certain public rights which include, but are not limited to, fishery, commerce, and navigation in these waters and the submerged lands that they cover.”

Subsection (f)(2) instructs the CRMC to “develop, coordinate, and adopt a system for the leasing of submerged . . . lands, and licenses for the use of that land, and will ensure that all leases and licenses are consistent with the public trust.”

The Seapowet site presents a conflict between two legitimate users of public trust resources. The determination of whether a private business should be given preference over the riparian rights of residents must be resolved by looking at proportionality and context.

This conflict at Seapowet arises in a narrow water body, as opposed to one that is wide open. In a wide open waterspace a large aquaculture operation leaves ample room for other users. Not so in a narrow waterbody, where such a large footprint consumes a large proportion of the available maneuvering room. Another important contextual factor is that the shoreline of this narrow water body, and the towns nearby, are all populated. The people living on the waterfront of Seapowet, and those who live within driving distance, represent a greater proportion of the public than would be the case if the aquaculture was proposed for a waterbody that adjoins an unpopulated, rural, area. A large segment of the public, in addition to Seapowet residents, are accustomed and have the right to access this waterbody. It is not right that one concern, e.g. the owner of this aquaculture operation, can fence off for itself a large area of this narrow waterbody for its exclusive use.



NON-COMPLIANCE WITH TIVERTON COMPREHENSIVE COMMUNITY PLAN

The location of the proposed oyster farm site is non-compliant with the Town of Tiverton Rhode Island Comprehensive Community Plan (TCCP). The following excerpts from the TCCP demonstrate this. The TCCP highlights, throughout the document, the scenic, natural coastline as a crucial element of Tiverton's character:

The combination of beaches, shellfish beds and fishing areas, salt marshes and ponds serve to maintain the natural balance and function as a natural, recreational and economic resource for the town. (p. 13)

Community access to Tiverton waterways are vital as recreational and economic resources to all residents and to sustain the economic benefit of tourism.

Tiverton has a long history as a destination for seasonal tourism. Local residents and visitors are able to take advantage of the natural open spaces and beaches. Continued economic development capitalizing and marketing these strengths should be encouraged (p. 17).

Although the applicants revised their initial plan based on feedback, "the prospective site still intersects with the recreational shellfishing area" (DEM letter to Aquaculture Coordinator, June 25, 2020). The site also intersects with a recreational fin fishing area.

In addition, it is important to distinguish that the proposed site is contiguous to the Seapowet Marsh, which is:

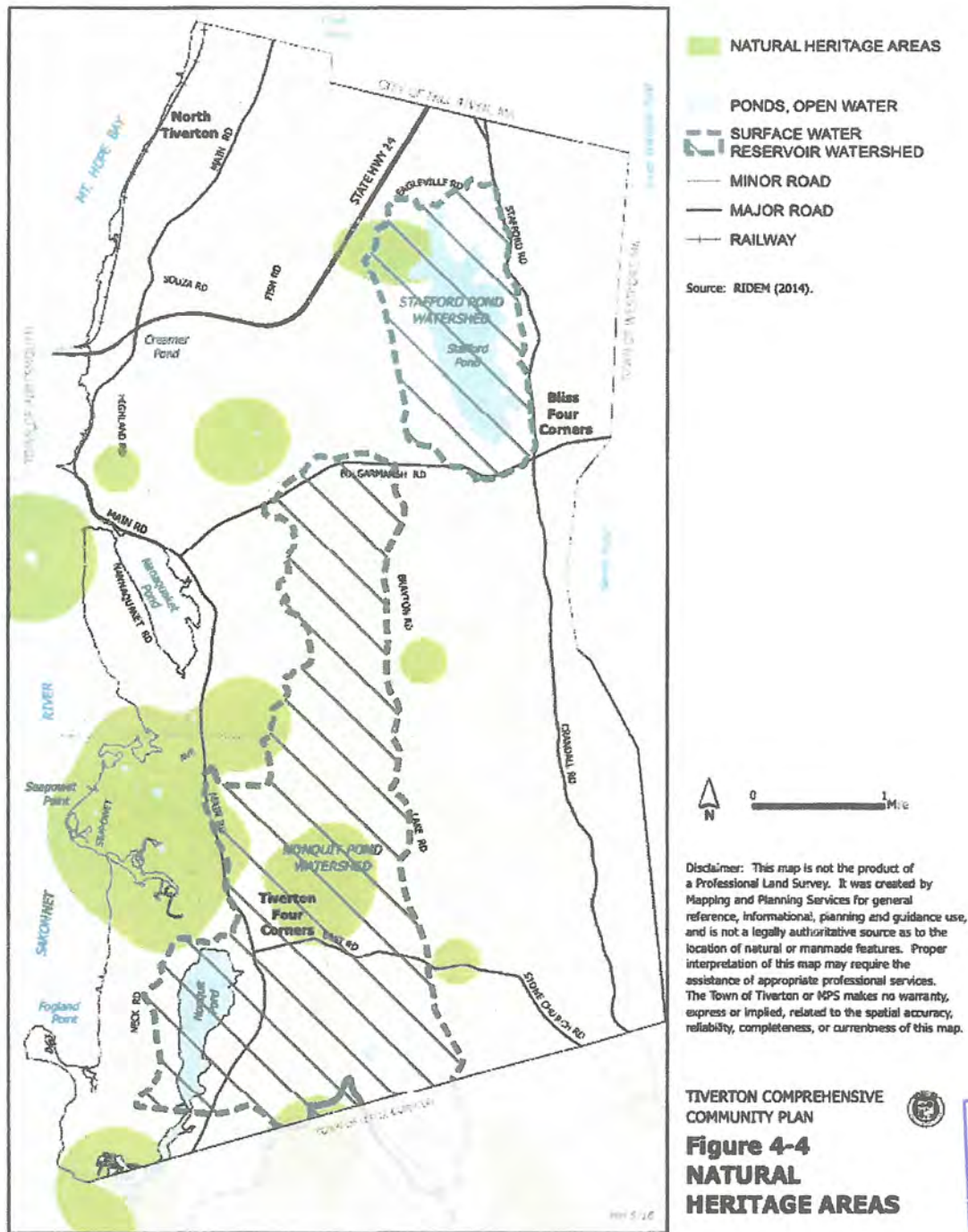
owned by the Rhode Island Department of Environmental Management with the Emily Reucker Wildlife Refuge, owned by the Audubon Society of Rhode Island, lying just to the north. This exemplary wetland provides breeding habitat for two state listed rare bird species, and is an important feeding area for wading birds, including egrets and ibis which breed nearby. (p.24)

Also noteworthy is the designation of Seapowet Point and Seapowet Marsh as Heritage Areas (designated to serve as an aid in the conservation of state listed rare, threatened or endangered plant and animal species found in Rhode Island), as described in the TCCP:

In 1990, the State of Rhode Island released a landscape inventory of scenic areas throughout the state. Four areas of the town were identified as distinctive or noteworthy. These are Fogland Marsh, Seapowet Marsh, Sin and Flesh Brook and Weetamoo Woods. These areas correspond to the areas identified by the RI Natural Heritage Program as ecologically significant habitat areas. (p. 25)

This is depicted in Figure 4.4, below, of the TCCP.





Furthermore, the TCCP establishes the following goals for the town. Numerous action steps speak specifically to the protection and preservation of the scenic coastline:

4.4 Natural and Cultural Resources Goal, Policies, and Actions Goal:

Preserve and protect the natural features and unique cultural qualities that contribute to the special character, identity, heritage and environmental quality of Tiverton.

- Protect the rural character of the community, including working farms, woodlands, the rural landscape and scenic coastline.
- Protect those natural features that sustain the basic functions of the town, including high air quality, surface and groundwater, wetlands and coastal features.

- Preserve biological diversity and integrity through protection and management of State and Federally-listed rare species habitat areas and ecologically significant natural communities, and through public education.
- Protect the environment from potential sources of contamination.
- Preserve and enhance the visual quality of the community and its natural beauty.
- Preserve the historic and architectural features and the special areas of the community that contribute to its unique character. (P. 29)

Action 18:

Consider standards for the protection of coastal scenic views as part of the Planning Board's subdivision review process. Tiverton's scenic coastline contains unique features and vantage points that add to the town's waterfront character. Views from the coastline and from the water to the coastline are important assets that merit preservation. Key vantage points should be identified. Siting of structures along the coastline should consider the impact on coastal views, and the siting of facilities within environmentally sensitive areas of the coast should consider their impact on the area's natural and scenic qualities (p. 36)

IMPEDIMENT OF THE NAVIGATION OF PUBLIC WATERWAYS

The Tiverton Harbor Commission and the RI CRMC are charged with maintaining public access to the tidelands and water, which are public trust lands, protected under our state constitution. The public trust mandates that this waterspace be reserved for public use; however, oyster cages are in fact, barriers to public use. The proposed cages prevent others from using the Seapowet waterspace. Vessels cannot move through the waterspace occupied by these cages. People cannot swim or fish in the waterspace because it is occupied by these cages. Installation of these barriers is equivalent to one person (or company) fencing off this waterspace for personal private use, an action that the public trust doctrine would forbid.

In closing, thank you for your consideration of the issues raised and objections to the Bowens' aquaculture application in the Seapowet waterway.

REFERENCES

Rhode Island General Law 46-23-6 Waters and Navigation Chapter 23 Coastal Resources Management Council. <http://webserver.rilegislature.gov/Statutes/TITLE46/46-23/46-23-6.htm>

Rhode Island Geographic Information Systems, Accessed <https://www.arcgis.com/apps/mapviewer/index.html?layers=e51cd580e21c4e7f9db8885f0fd8a9b5>

Tiverton Harbor Commission Meeting, June 1, 2020. <https://www.youtube.com/live/6eFyusWtvVo?feature=share&t=8196>

Town of Tiverton Rhode Island Comprehensive Community Plan (2018). Accessed [https://www.tiverton.ri.gov/documents/planningboard/COMP%20PLAN/Combined%20Adopted%20Comp%20Plan%20Tiverton%20with%20appendices%20\(for%20posting%20online\).pdf](https://www.tiverton.ri.gov/documents/planningboard/COMP%20PLAN/Combined%20Adopted%20Comp%20Plan%20Tiverton%20with%20appendices%20(for%20posting%20online).pdf)

RECEIVED

APR 14 2023

6

COASTAL RESOURCES

A-114*

cstaff1

From: John Overbeck <johnhoverbeckv@gmail.com>
Sent: Thursday, August 12, 2021 10:12 AM
To: cstaff1@crmc.ri.gov
Subject: Seapowet Marsh

To whom it may concern,

I moved to Tiverton at the behest of my lovely wife two years ago. I have been nothing but miffed at the populous and our inability as a town to produce a product.

These two gentleman have expressed a genuine desire to employ, and educate locals (unlike the folks that purchased the Provender, and have subsequently purchased anything available in the area).

I support these two gentlemen and their endeavor. It does nothing but benefit us with little to no environmental impact.

John Overbeck
4220 Main Rd.
Tiverton, RI 02878
P: (802)-497-8764
E: Johnhoverbeckv@gmail.com

* Listed out of
order

A-115

Cstaff1

From: David L <davidclatham@gmail.com>
Sent: Saturday, May 13, 2023 10:44 AM
To: cstaff1
Subject: Application file # 2020-04-037, Sapowet Cove

Follow Up Flag: Follow up
Flag Status: Flagged

May 13, 2023

Ladies and Gentlemen,

I write in to object to application file # 2020-04-037 (John Bowen & Patrick Bowen 79 Shaw Road, Little Compton, RI 02831) requesting state permission to develop Sapowet Cove in Tiverton for commercial aquaculture.

I urge the CRMC council to REJECT this proposal. The application fails to demonstrate that the proposed operation will not unduly conflict with other activities on Sapowet Cove. To the contrary, the application presents significant and unacceptable conflicts with other historic public uses of that waterway, including fishing, kayaking, shellfishing, among many other activities. To allow a lease in that location would ignore the substantial, sustained opposition to the application, and deprive the general public of an important recreational resource.

I have no doubt that a more suitable, less publicly intrusive, location can be found for that enterprise.

Sincerely,

David Latham
Matunuck, RI

Cstaff1

From: Andrew Shaindlin <shaindlin@yahoo.com>
Sent: Sunday, May 14, 2023 9:44 PM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; cstff1@crmc.ri.gov
Cc: rep-edwards@rilegislature.gov; sen-dipalma@rilegislature.gov; DdeMedeiros@tiverton.ri.gov; saveaseapowet@gmail.com; bhcoxri@gmail.com
Subject: Objection CRMC File # 2020-04-037 (Bowen application)
Attachments: IMG_8152.jpeg

Follow Up Flag: Follow up
Flag Status: Flagged

To members of the RI Coastal Resources Management Council (CRMC),

As a citizen of Tiverton, RI I am writing to voice my family's opposition to the commercial oyster farm proposed for the Seapowet shoreline on the Sakonnet River.

Public access to the shoreline and tidal waters is a fundamental right enshrined in our state's constitution. This proposal unduly and unnecessarily impinges on that access by impairing the public's ability to use the coast in a spot currently, and historically, enjoyed for generations by residents of the state and visitors from elsewhere, for individual and non-commercial pursuits.

I believe it's clear that commercial activity as described in the proposal would:

- interfere with the recreational activities that make Rhode Island and its coastal resources appealing.
- decrease the value added to the local economy by boaters, fishermen, wind- and kite-surfers, swimmers and beach-goers who visit the area and patronize its businesses.
- benefit only the business owners and not the resident community that currently and historically cares for stewards this natural resource.

It would also materially increase the volume of commercial traffic (such as trucking) in the quiet area adjacent to the proposed business, and increase the likelihood of commercial pollution, such as the several large, plastic items (which I am informed are floating oyster-farming cages) that washed up last month on the shoreline of Neck Road in Tiverton, about 3/4 mile south of Seapowet Bridge.

I attach for your information a photo I took at the foot of Bonnielfield Drive, on April 11 showing the kind of problems we should be careful to avoid, from allowing this kind of business to operate in this location. My family does not want or need more unsightly and polluting plastic on or around our local beaches.

Time has allowed for considered analysis of the pros and cons of the proposed business, and public objections and stakeholder concerns should be accounted for in your deliberations and decision. The negative aspects far outweigh the few positive aspects, and the number of

people whose interests are damaged will far outweigh the tiny number of people who would benefit from owning and operating a business in this pristine location.

Reviewing the long list of specific and stringent legal and environmental requirements for business like the one proposed for Seapowet reinforces the critical importance of the resource being managed: there would not be the long list of requirements if the resource were easy to replace or maintain. It seems likely, based on common sense, that a commercial seafood operation in this location would infringe several of the requirements. But if even one such requirement were to be violated, the permit must be denied.

Thank you for serving the public interest by putting this process to rest, and protecting this spectacular coastline.

Sincerely,

Andrew Shaindlin
Tiverton, RI



Cstaff1

From: Janice Vincent <rijv51@gmail.com>
Sent: Monday, May 15, 2023 10:20 AM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; cstaff1
Cc: sen-dipalma@rilegislature.gov; rep-edwards@rilegislature.gov; Ddemedeiros@tiverton.ri.gov; Save Seapowet; hcoxri@gmail.com
Subject: OBJECTION: CRMC File# 2020-04-037 John Bowen & Patrick Bowen - Tiverton Aquaculture Application

Dear Environment and Agriculture Committee Members,

The Bowen aquaculture plan for over 200 oyster cages in a public and HIGHLY used marine wildlife and recreation area **must NOT be approved**. This poorly sited aquaculture proposal is not in the best public interest such as the proposed farm in the waters adjacent to the Seapowet Wildlife Management Area.

Forty percent of the proposed lease is in the public shellfish area. **This makes the proposed area off limits to the public for clamming.**

- There is overwhelming evidence to deny this application.
- The location unreasonably interferes with, impairs, and significantly impacts existing public access to and use of tidal waters and/or the shore.
- The location creates significant conflicts with water dependent uses and activities such as recreational boating, swimming, and navigation.

My paternal great grandparents settled in Tiverton in the early 1800s. Farming their land, fishing and harvesting seafood was critical for them to feed their 8 children. They were at Seapowet or Fogland every weekend. My grandparents had several recreational boats and often put down anchor in Seapowet to fish, dig for clams or quahogs. We were so fortunate to always have fresh vegetables and fresh seafood. Sometimes we cooked whatever we caught on a fire on the beach.

I no longer fish or harvest shellfish, but I'm at Seapowet at least three days a week during the summer with my granddaughters (6th generation Tivertonians), dog, or alone to kayak through the marsh until it gets too cold. It is so peaceful and beautiful. PLEASE do not let a non-resident (from Little Compton), or frankly anyone, destroy this pristine and public recreational area.

Thank you,

Janice Vincent
Tiverton, RI 02878

Sent from [Mail](#) for Windows

Cstaff1

From: Michelle Dunn-Camera <michellebdunn@gmail.com>
Sent: Monday, May 15, 2023 4:17 PM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; cstff1@crmc.ri.gov
Cc: rep-edwards@rilegislature.gov; sen-dipalma@rilegislature.gov;
DdeMedeiros@tiverton.ri.gov; saveaseapowet@gmail.com; bhcoxri@gmail.com
Subject: Objection CRMC File #2020-04-037 (Bowen Application)

Attn: CRMC, Harbor Commission, & Our Political Representatives

Jeff Willis, Executive Director, CRMC
Ben Goetsch, Aquaculture Coordinator, CRMC
CRMC Staff

Rep. John Edwards
Sen. Lou DiPalma
Denise DeMedeiros, Chair, Tiverton Town Council
Bruce Cox, Chair, Tiverton Harbor Commission
Save Seapowet

Hearing Request:
File Number 2020-04-037
Application of John Bowen & Patrick Bowen

From the HomeOwners:
Paul Camera & Michelle Dunn
121 Driftwood Drive
Tiverton, Rhode Island 02878

Paul Camera
pcamerabrit@gmail.com
(612) 201-3921

Michelle B. Dunn
michellebdunn@gmail.com
(612) 759-5956

Thank you for Mailing Michelle Dunn and Paul Camera the following document:

"A notice of the time and place of [File Number 2020-04-037] hearing as soon as possible after receipt of [Michelle Dunn and Paul Camera's] request...[to] attend the scheduled hearing and give sworn testimony" (CRMC Council: 9 May 2019).

Objection: The proposed Oyster Farm destroys biodiversity and leaves behind a legacy of environmental extinction. Approving one family's distorted version of an Ayn Rand utopia sets a precedent of inviting commercial industry. Rachel Carson is a deadbeat.

The Bowens' propose polluting the water with metal, plastic, and what other byproducts? The Application for creating the infrastructure of the Love Canal II is hereby a nay.

Regards,

A black and white photograph of a handwritten signature in cursive script. The signature reads "Michelle". The ink is dark and the background is light and slightly textured.

Michelle Dunn-Camera
121 Driftwood Drive
Tiverton, Rhode Island 02878
michellebdunn@gmail.com
(612) 759-5956

A-119

Cstaff1

From: Dorothy Leonard <msmussel@oceanequities.org>
Sent: Tuesday, May 16, 2023 9:10 AM
To: cstaff1@crmc.ri.gov
Subject: Comments on RI Public Notice File Number: 2020-04-037
Attachments: Bowen lease.docx

*Dorothy L. Leonard
Ocean Equities LLC
11 Mariners Way Unit #1
Stevensville, MD 21666
PH: 410-604-2782
CELL: 410-562-4880
EMAIL: msmussel@oceanequities.org*

OCEAN EQUITIES, LLC

DOROTHY L. LEONARD
11 Mariners Way Unit 1
Stevensville, Maryland 21666

May 16, 2020

COMMENTS ON RHODE ISLAND PUBLIC NOTICE

File Number: 2020-04-037

Date: May 9, 2023

In support of the application of: John Bowen & Patrick Bowen of 79 Shaw Road, Little Compton, RI 02831 for a State of Rhode Island to construct and maintain: a 0.97-acre oyster farm using submerged bottom cages in Sapowet Cove.

I have reviewed the original application and the revised application for a submerged oyster farm in Sapowet Cove on the Sakonnet River and conclude that the addition of this farm would be an asset to Rhode Island and the ecosystem of the Sakonnet. The proposed lease area is very suitable for an oyster farm as it is located in an area with minimal development, backed by a sizeable marsh. The water quality is excellent ensuring that the area will be approved for harvest.

Recent studies have shown that oyster farming/aquaculture is very beneficial to the surrounding water bodies. Exploring the potential for marine aquaculture to contribute to ecosystem services. For example, *Exploring the potential for marine aquaculture to contribute to ecosystem services* by [Rebecca R. Gentry](#), [Heidi K. Alleway](#), [Melanie J. Bishop](#), [Chris L. Gillies](#), [Tiffany Waters](#), [Robert Jones](#): 13 February 2019. <https://doi.org/10.1111/raq.12328> refers to 29 peer reviewed papers that describe the provision of nine distinct ecosystem services provided by operational or experimental aquaculture farms. Some of the services cited are carbon sequestration, acidification regulation, nutrient removal, water clarity and an increase in fauna. Most important is the role that an oyster farm serves in providing a healthy food service and economic return to the community.

I am in **support** of this farm and encourage approval of the lease.

Sincerely yours

Dorothy L Leonard

Dorothy L. Leonard
President

From: fdefinis@verizon.net
Sent: Wednesday, May 17, 2023 3:07 PM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; cstff1@crmc.ri.gov
Cc: rep-edwards@rilegislature.gov; sen-dipalma@rilegislature.gov; DdeMedeiros@tiverton.ri.gov; saveaseapowet@gmail.com; bhcoxri@gmail.com
Subject: Objection CRMC File # 2020-04-037 (Bowen application)

Follow Up Flag: Follow up
Flag Status: Completed

I am writing to express my strong opposition to the proposed installation of fixed gear aquaculture adjacent to the Sapowet Wildlife Management Area. Although we live in Middletown, we visit the area quite often. I fish from shore, shell-fish, and bring my boat in close to shore to fish when the tide is favorable. I also hunt the fields and shores of the WMA. Further, my wife and I launch kayaks, picnic, hike and go beachcombing along the shores.

The proposed commercial operation would interfere with our use and enjoyment of the area including our water-based activities as well as the negative scenic impact which would hinder my wife's watercolor painting and photography.

The Sapowet WMA provides a unique, affordable location for people to enjoy our shores and waterways, whether actively fishing or shell fishing or enjoying passive recreation. As an outdoorsman, I am very concerned that properties that were purchased with funds such as Pittman-Robinson for the expressed purpose of preserving them for outdoor recreation could be impacted by commercial development, in direct violation of the spirit, if not the letter of the intent.

Fred DeFinis

16 Evelin Circle

Middletown, RI

Cstaff1

A-121

From: Susan Erstling <serstling@cox.net>
Sent: Wednesday, May 17, 2023 5:20 PM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; cstff1@crmc.ri.gov
Cc: rep-edwards@rilegislature.gov; sen-dipalma@rilegislature.gov;
DdeMedeiros@tiverton.ri.gov; saveaseapowet@gmail.com; bhcoxri@gmail.com;
serstling@cox.net
Subject: Objection CRMC File#2020-04-037 (Bowen application)

Mr. Jeff Willis, Executive Director, CRMC

Mr. Ben Goetsch, Aquaculture Coordinator, CRMC

CRMC Staff

Dear Sirs and Madam,

This letter is to express our strong objection to the Bowen application for oyster cages in the marine wildlife and recreation area of Tiverton, RI.

These oyster cages significantly conflict with current activities such as recreational boating, swimming, kayaking, family activities and other enjoyments of our beautiful coastline. Further, this placement impairs public access to tidal waters and the shore for the benefit of a private business operation. As a resident and user of the Sakonnet River coastline for 40 years, I find consideration of this application directly oppositional to the values and rights of Rhode Islanders guaranteed in our constitution, not to mention the consideration of the natural environment.

For the benefit of two private entrepreneurs, thousands of community members will be denied the life sustaining activities and beauty of the RI coastline. Further, it is unclear what the environmental impact of such an oyster farm will have on local plant and animal life in this area. I strongly urge you to find another setting for this enterprise and preserve the natural and historic aspects of this area.

Thank you very much for your consideration.

Susan and Christopher Erstling

36 Point View Drive

Tiverton, RI

Cstaff1

A-122

From: Edward Marianacci <dredmd@yahoo.com>
Sent: Wednesday, May 17, 2023 7:12 PM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; cstaff1@crmc.ri.gov
Cc: rep-edwards@rilegislature.gov; sen-dipalma@rilegislature.gov;
DdeMedeiros@tiverton.ri.gov; saveseapowet@gmail.com; bhcoxri@gmail.com
Subject: Subject: Objection CRMC File # 2020-04-037 (Bowen application)

Jeff Willis, Executive Director, CRMC

Ben Goetsch, Aquaculture Coordinator, CRMC

CRMC Staff

Re: Subject: Objection CRMC File # 2020-04-037 (Bowen application)

May 17, 2023

Dear Councilors:

It has come to my attention that on May 9, 2023 the coastal resources management council (CRMC) reviewed the Bowen application for up to 200 oyster cages in the public and highly used marine wildlife and recreation area of Tiverton, Rhode Island. I am writing to formally submit my objection to this application.

I understand that per CRMC regulations, a proposed aquaculture operation must demonstrate the following:

- Not unreasonably interfere or impact existing public access to, or use of, tidal waters or the shore

- Not interfere with recreational boating, swimming, navigation and commerce
- Not result in significant impact or erosion of the shore or tidal waters
- Will not impact the abundance and diversity of plant and animal life
- Will not impact water circulation, and must have minimized scenic impact

I am aware that 40% of the proposed lease is in the public shellfish area. This set aside makes the proposed area restricted and off-limits to public clamming. This would significantly impact summer recreation. The location chosen would also impact public access to the shore and popular public use of tidal waters for activities like recreational boating, swimming and navigation.

I would respectfully ask the council members to please consider the many Rhode Islanders who use these shores and wish to preserve and enjoy the natural beauty of the Seapowet area.

Sincerely,

Ed

Edward B. Marianacci

199 High Hill Road

Tiverton, RI 02878

A-123

Town of Tiverton, Rhode Island
HARBOR AND COASTAL WATERS MANAGEMENT COMMISSION
343 HIGHLAND ROAD
TIVERTON, RI
02878

May 18, 2023

Executive Director Jefferey Willis
CRMC Chair Raymond C. Coia
Coastal Resource Management Council
4808 Tower Hill Road, Ste 116
Wakefield, R.I. 02879

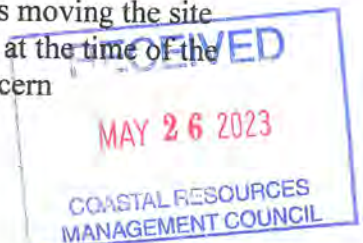
INRE: Bowen CRMC File No. 2020-04-037

Dear Executive Director Willis and CRMC Chair Raymond C. Coia:

I write as Chair of the Tiverton Harbor and Coastal Waters Commission (THC) and its representation of the citizen of Tiverton and surrounding communities as well as a plethora of members of the community of stakeholders using the Sapowet waters where the Bowens propose placing an aquaculture farm. The response, once the proposal was properly exposed, was consistently aggressively negative. In October 2021 the THC recommended that the matter be referred to subcommittee for specialized review. In the time passing since the initial presentation of the application a number of issues not presented by the applicant or the stakeholders have come forward. The issues not presented in the current proposed application are the extensive and intensive use of these waters by the public. Additionally, there were elements of misrepresentation. Bowens maintained that they were going to maintain the site from the water. They now have acquired land with the clear anticipation of using it as a base of operations; a land base.

On Monday night, May 15th, 2023 the THC at its properly posted meeting in Tiverton Town Hall, after receiving the re-noticing of the Bowen application for review **voted unanimously to request the denial of the application. Explicitly reversing its prior vote.**

There are material changes in the amended application, not the least of which is moving the site back into the DEM Shellfish area, which was a significant concern of the THC at the time of the original application and why they originally moved it to answer the THC's concern



It is clear that this application should not proceed at the very least, if at all, until there is a complete hearing by the CRMC and only after a full vetting by a CRMC subcommittee review.

We hereby request that the hearing be conducted, this inspite being assured that one would occur.

In reviewing the application, the subcommittee and the Council have to review the application following the standards required under the Category B application elements, most of which it fails to meet. These elements are accurately addressed in writing by a Tiverton land owner, Donald Libby. He writes as follows:

"I would like to point out several Category B Requirements from the Red Book where the applicants have not met their burden, and why the Commission should respond and oppose the application:

1. Demonstrate the need for the proposed activity

By admission, the site is in an environmentally sensitive area, including 40% of the site overlaying the designated DEM Recreational Shellfish area.

If approved, the Bowens 40% of the Bowen lease would overlap the DEM Shell Fish area.

Exclusive use would prohibit the public from using a large portion of the designated Recreational Shellfish area.

2. Demonstrate that all applicable local zoning ordinances, building codes, etc. have or will be met

The application fails to disclose how they intend to or could comply with local zoning while operating a commercial business on their small sliver of land on Seapowet Avenue. The zoning is R80 residential zone, not commercial.

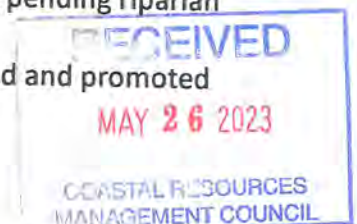
Will the Bowen's affirm that the business will preclude their commercial or "farm" use of the Seapowet Ave property? (The road is Seapowet, the point is Sapowet.)

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

The applicant does not provide any information on the affected coastal waters and land area. It is clear from the multitude of opposition presented to the Commission and the CRMC, the Sapowet site is heavily recreated by a variety of people and stakeholders. Anglers, swimmers, beachgoers, kiteboarders, boaters, kayakers, all use the area including the proposed site.

Also, this the site includes a longtime mooring field area, including long pending riparian mooring applications.

The site is also the location of a fishing hole that anglers have recognized and promoted



for decades.

4. Demonstrate that the alteration or activity will not result in significant impacts on erosion and or depositions processes along the shore and tidal waters.

If the applicant intends to use the sliver of land for their operations, there likely will be a considerable erosion effect on the shoreline of the property because of abnormal use.

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

The Seapowet area provides significant public access to the Sakonnet River. The location of the site will impact on the public's use of tidal waters in and around the site, and impact on recreational use.

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

The proposed site will significantly impact on recreational use of the Seapowet Point area. The beach and nature areas adjacent to the proposed site affords heavily used free off-street parking, and a sandy beach.

At low tide many waders indulge, as do shell fisherman. Anglers enjoy wading at different times of the day including at night. The location of the site will reduce safety for all users.

The site will conflict with water dependent uses because the proposed site will be a physical obstacle, even if the cages are located on the bottom. The site would exist in a portion of Sapowet that has a demonstrated use as a recreational area. The public uses the area for fishing, swimming, sailing, boating, kayaking, paddle boarding, operating personal water craft and vessels. The proposed project would displace a area from those activities. Displacement of those activities at the site would likely increase safety issues as users would have to traverse deeper water to go around the cages farther from shore or inshore where waves and sea-state could increase unsafe conditions.

The contention that waders, swimmers, and other users will be less-impacted, because they can access the proposed farm and surrounding areas is insufficient to demonstrate that the proposed project will not result in significant conflicts. Recreational users may not feel welcome or safe to operate in, through, or around an area used for commercial purposes. It is likely that that many users would forgo visiting Sapowet with obstructions located in the water.

Navigation by motor and sailing vessels to and from the mooring area located in and near the site will be affected, and make it more difficult for boaters to access their moorings.

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MAY 26 2023

COASTAL RESOURCES
MANAGEMENT COUNCIL

The proposed site would be a physical barrier to those that use the proposed area for fishing both from shore and wading. The site is a demonstrated fishing and angler area. Fisherman will be displaced from using the area. The area is known to be a productive fishing spot.

The DEM has designated a native Shellfish area, in which the site will overlay by 40%. There is demonstrated use for shell fishing. Those users would be displaced and unable to use a large portion of the designated area.

The contention that the proposed project will not impede fishing is insufficient to demonstrate that the proposed project will not result in significant conflicts. Those wanting to fish in the site will have to contend with the constant threat of gear entanglement. Consequently, users may decide to fish farther out in less safe and deeper water, or they may simply fish elsewhere losing what is an historic fishing area.

Regardless of whether or not the conflict might be more dangerous for users, the simple fact that more users will be forced into a smaller area demonstrates that there will be significant conflicts between the site and water dependent uses.

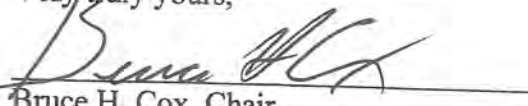
The applicant has made no accommodation to the public's water dependent uses, and there will be no avoidance of significant conflicts." Donald Libby

An additional element brought forward by a Tiverton citizen, Kenneth Mendez, that mandates review is whether allowing this aquaculture project violates the restrictions and covenants that the State committed itself to with the Federal Government in its grant applications used to acquire the Sapowet Wildlife Management Area. going back to 1949 where RIDEM applied for federal government funding to keep the area open for hunting and fishing. These original grant applications were obtained from the RIDEM several sections of which would prove a violation of federal grant funding objectives if RIDEM or CRMC, both agencies of the State, allowed the placement of a commercial oyster farm contiguous to the Sapowet Wildlife Management area. More recently tens of thousands of dollars have been spent to raise the land mass of the Sapowet to facilitate the habitation of precious sea grasses in anticipation of sea level rise.

I understand the file on this application is more than seven hundred pages thick. This letter needs to be no longer as I am certain that the CRMC will realize that this application requires either outright denial at this time or at the very least full and careful subcommittee review before being heard by the full Council.

Kindest regards,

Very truly yours,


Bruce H. Cox, Chair,

Cc: Tiverton Town Council
Terrence Gray, Director, RIDEM
Ben Goetsch, Aquaculture Policy

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MAY 26 2023

COASTAL RESOURCES
MANAGEMENT COUNCIL

Cstaff1

From: Donna Cook <donnaigcook@gmail.com>
Sent: Saturday, May 20, 2023 11:46 AM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; cstaff1@crmc.ri.gov
Cc: rep-edwards@rilegislature.gov; sen-dipalma@rilegislature.gov; DdeMedeiros@tiverton.ri.gov; saveseapowet@gmail.com; bhcoxri@gmail.com
Subject: Objection CRMC File # 2020-04-037 (Bowen application)

- Dear Jeff Willis, Executive Director, CRMC, Ben Goetsch, Aquaculture Coordinator, CRMC, CRMC Staff

I strongly oppose and object to CRMC File # 2020-04-037 Bowen's application that has been re-submitted and re-noticed to commercialize a beautiful area of Sapowet Wildlife Refuge. This is the same application that was submitted in November 2020 in the same location.

As stated in the past by letters and testimony, it is already being used for recreational activities and will interfere in the public use of the shoreline for enjoyment given to us in Trust/Gift by Section 17 of the RI Constitution.

200 oyster cages in the public and highly used marine wildlife and recreation area of Tiverton, RI is in conflict with the public use. Forty percent of the proposed lease is in the public shellfish area. **This makes the proposed area off limits to the public for clamming.**

I continue to believe there is overwhelming evidence to deny this application.

- The location unreasonably interferes with, impairs, and significantly impacts existing public access to and use of tidal waters and/or the shore.
- The location creates significant conflicts with water dependent uses and activities such as recreational boating, swimming, and navigation.
- Many of the reviews of this application by certain agencies or organizations, such as the Tiverton Harbor Commission, took place before complete information was available to them from public objectors and stakeholders.

Per CRMC regulations a proposed aquaculture operation must demonstrate all of the following.

- It will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters, and/or the shore.

- It will not result in significant conflicts with water dependent uses and activities such as recreational boating, swimming, navigation and commerce.
- All applicable local zoning ordinances, building codes and all environmental requirements have or will be met.
- It will not result in significant impacts or erosion and/or deposition processes along the shore and in tidal waters.
- It will not result in significant impacts on the abundance and diversity of plant and animal life.
- It will not result in significant impacts to water circulation, flushing, turbidity and sedimentation.
- Measures have been taken to minimize scenic impact.

If the application fails to demonstrate any one of these items, the permit may not be issued.

Respectfully,

Donna J Cook

91 East Demello Dr.

Tiverton, RI 02878

4019351150



Virus-free. www.avast.com

A-125

Cstaff1

From: Carol Solimene <csolimene06@yahoo.com>
Sent: Monday, May 22, 2023 8:40 PM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; cstaff1@crmc.ri.gov
Cc: rep-edwards@rilegislature.gov; sen-dipalma@rilegislature.gov; ddemedeiros@tiverton.ri.gov; bhcoxri@gmail.com; Save Seapowet
Subject: CRMC File #2020-04-037 - Objection of Bowen Application

Dear CRMC,

Please accept this email as my opposition for the above captioned applicants approval to operate an oyster farm in the waters of the Sakonnet River in Tiverton. The Seapowet marshland area is quiet unique. This area, in my view, is Rhode Island's Yellowstone. If Yellowstone's environment was not protected from development, imagine what it would look like today? This area on the Sakonnet River is one of the most picturesque places in the State of Rhode Island. It is such a wonderfully beautiful attribute to all the locals and visitors alike.

I believe in local farming and I am pro-business but having an oyster farm in these waters would upset all the recreational activities that transpire in the area. There is lots of fishing, sail and power boating, kayaking, wind and sail surfing, paddleboarders, beachgoers, swimmers not to mention how this farming entity would greatly disrupt the serenity for the local residences. Then there is the potential of water pollution as a direct result of this farming. It is such a dramatic change to the use of the water going from public to exclusionary commercial use.

I wholeheartedly request that you help to preserve this area by not allow for any such oyster farms to locate and operate in the Seapowet area.

Thank you for your consideration.

Respectfully submitted,

Carol A. Solimene, CYT
P.O. Box 535
Tiverton, RI 02878-0535
401.598.6000

From: Derek Hultzky <derekhultzky@gmail.com>
Sent: Wednesday, May 24, 2023 1:50 PM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; cstff1@crmc.ri.gov
Cc: rep-edwards@rilegislature.gov; sen-dipalma@rilegislature.gov;
DdeMedeiros@tiverton.ri.gov; saveaseapowet@gmail.com; bhcoxri@gmail.com
Subject: Objection CRMC File # 2020-04-037 (Bowen application)

To: Jeff Willis, Executive Director, CRMC; Ben Goetsch, Aquaculture Coordinator, CRMC; and CRMC Staff

Along with numerous others, I believe there's overwhelming evidence as follows to deny this application:

- Most egregiously, the proposed lease serves the for-profit interests of only two individuals -- while impeding and/or removing existing and substantial public access to public resources.
- Forty percent of the proposed lease is in the public shellfish area thereby making the proposed area off limits to the public for clamming.
- The location unreasonably interferes with, impairs, and significantly impacts existing public access to -- and use of -- tidal waters and/or the shore.
- The location creates significant conflicts with water dependent uses and activities including recreational boating, swimming, and navigation.
- Many of the reviews of this application by certain agencies or organizations, including the Tiverton Harbor Commission, took place before complete information was available to them from public objectors and stakeholders.

Per CRMC regulations, any proposed aquaculture operation must demonstrate ALL of the following:

- It will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters, and/or the shore.
- It will not result in significant conflicts with water dependent uses and activities such as recreational boating, swimming, navigation and commerce.
- All applicable local zoning ordinances, building codes and all environmental requirements have or will be met.
- It will not result in significant impacts or erosion and/or deposition processes along the shore and in tidal waters.
- It will not result in significant impacts on the abundance and diversity of plant and animal life.
- It will not result in significant impacts to water circulation, flushing, turbidity and sedimentation.
- Measures have been taken to minimize scenic impact.
- If an application fails to demonstrate any one of these items, the permit may not be issued.

Again, I believe that there's substantial evidence to deny this application in order to PRESERVE existing public access to -- and use of -- tidal waters and/or the shore, and to AVOID significant conflicts with water dependent uses and activities including recreational boating, swimming, and navigation.

This application proposes to serve the for-profit interests of only two individuals -- at the significant expense to the public as outlined above.

Thank you for your consideration of my objection to this application -- an application that serves extremely narrow interests at the expense of substantial impact on a very concerned public.

Derek Hultzky

From: Thomas Cody <thomas.r.cody@gmail.com>
Sent: Friday, May 26, 2023 10:54 AM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; cstff1@crmc.ri.gov
Subject: Objection CRMC File # 2020-04-037 (Bowen application)

Dear CRMC Staff,

I am writing about the proposed oyster farm outside of Seapowet Marsh. I received the CRMC's notification email and I am still concerned about the location of the proposed oyster farm. It has not been moved further away from the tip of the sand flat extending from the south side of the outflow and the sandbar on the north side.

I live in Tiverton and fish outside of the marsh every week (at times multiple days a week) and I believe that the farm will be too close to the sandflat on the south side of the outflow that I and many other anglers walk out on in order to fish. I moved to RI in large part because of its incredible shoreline access. I have lived in both Connecticut and Massachusetts and both states have terrible shoreline fishing access compared to Rhode Island. It is very difficult to find access points in other states along the coast and I am concerned that the RI is going the way of so many other states and slowly allowing private interest to outweigh public access.

I do not, and likely never will be able to own waterfront property, and while that is essentially a requirement in order to fish in other areas around New England, I feel very lucky that RI has such robust public access to some phenomenal fishing areas. There are few spots along the Sakonnet where fishing from shore can be as good as they are currently at Seapowet. I am deeply concerned that the oyster farm as proposed will significantly impact recreational angler's ability to fish the outflow.

To be clear, I am not against all oyster farming and certainly would like to see smaller-scale, family-run operations like the Bowen's. It is unfortunate that the CRMC did not sufficiently consider the application's impact on recreational users and has, literally and figuratively, put the Bowen's in a difficult spot.

I hope CRMC prioritizes public, recreational use in this case. Thank you for your time and consideration and for listening to all stakeholders in this issue.

Sincerely,
Thomas Cody

Cstaff1

A-128

From: William Niethé <neeth@aol.com>
Sent: Sunday, May 28, 2023 1:36 PM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; cstff1@crmc.ri.gov
Cc: rep-edwards@rilegislature.gov; sen-dipalma@rilegislature.gov;
DdeMedeiros@tiverton.ri.gov; saveaseapowet@gmail.com; bhcoxri@gmail.com
Subject: Objection CRMC File # 2020-04-037 (Bowen application)

Dear Jeff Willis, Executive Director, CRMC, Ben Goetsch, Aquaculture Coordinator, CRMC, CRMC Staff

I would like to voice my concern over the proposed oyster/aquaculture farm at Seapowet. I have used this area for over 20 years and find the proposed area for the farm would be right in the area that I and many others have fished, kayaked and quahog for those 20 years. When fishing or quahogging there are many others doing the same and this would affect us all. At low tide you will see people 50-100 yards out in the water wading. This area is both sides of the outlet from the swamp south and towards Fogland. This proposal seems like it would benefit a few at the cost of denying water access for fishing, quahogging and kayaking to many.

Thank you
William Niethé
508-493-9592
109 Sandra Lee Lane
Tiverton, RI 02878

From: garberp@cox.net
Sent: Sunday, May 28, 2023 2:27 PM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; cstaff1@crmc.ri.gov
Cc: rep-edwards@rilegislature.gov; sen-dipalma@rilegislature.gov; DdeMedeiros@tiverton.ri.gov; saveaseapowet@gmail.com; bhcox@slepkowlaw.com
Subject: Objection CRMC File # 2020-40-037 Bowen Application

Subject: Objection CRMC File # 2020-04-037 (Bowen application)

May 28, 2023

To: Jeff Willis, Executive Director, CRMC; Ben Goetsch, Aquaculture Coordinator, CRMC and CRMC staff

How and why do I oppose the Bowen's application for an oyster farm in the middle of a conservation area? Let me count the ways:

- 1.) **CRMC's, process or lack thereof:** Right from the get go there was inadequate notice to abutters , residents and recreational users of Seapowet Marsh and stakeholders. And, to add insult to injury, this application started when the world came to a halt at the onset of the COVID pandemic. People's attention was focused on not getting COVID and not dying.

I acknowledge that CRMC has made some changes to the process recently, but the jury is out to whether or not this will result in a rejection of the application in its current poorly proposed public conservation location.

- 2.) **Public Trust versus private profit:** If this application gets approved it will restrict existing recreational use of the area including fishing from the shore, kayaking, and swimming.
- 3.) **Reduce property values,** thus, reduce tax revenue to the Town of Tiverton all for a measly fee that the oyster farm proprietors would pay.
- 4.) **The natural beauty of the coastline will be compromised** and could make a foothold for future oyster farm expansions that could go all the way to Fogland Beach (by CRMC's own admission!)
- 5.) **Profit only the oyster farm owners** while negatively impacting everyone who uses the area for recreation and who have built homes adjoining the area for its' water view i.e. the public.
- 6.) **More information revealed to Tiverton Town Council and the Tiverton Harbor Commission have reversed their vote** to a resounding "**NO**" for this application.
- 7.) **Tiverton Town does not want this application approved.** The people of Tiverton do not want this application approved. I don't want this application approved.

Please reject this application as it stands in its current proposed location. Rhode Island's coastline and public spaces and conservation areas need protection not development.

Patricia Garber
Tiverton, RI

From: Erin Elliott <erinielliott7@gmail.com>
Sent: Sunday, May 28, 2023 4:17 PM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; cstaff1@crmc.ri.gov
Cc: sen-dipalma@rilegislature.gov; DdeMedeiros@tiverton.ri.gov; saveseapowet@gmail.com; bhcoxri@gmail.com; rep-edwards@rilegislature.gov
Subject: Objection CRMC File # 2020-04-037 (Bowen application)

To Whom it May Concern, from an interested Tiverton Resident and Homeowner,

There is reasonable and very specific cause to deny this application for clamming, oyster farming or for that matter that resembles a commercial aquaculture enterprise.

This is truly a delicate and fragile piece of coastline. In no way does a commercial enterprise make sense in this area.

Let me paint the visual picture of this area, in case you haven't been there recently. This site lies directly next to a modest country road, barely two lanes, that runs along pristine coastline made up of protected shoreline and farmland. The interaction of human engagement with the waterway is truly intimate and very small-scale.

In all times of year-particularly the summer months-it feels like an area that harkens back to an earlier and simpler time. Bicycles lazily riding by, a few families dotting the shoreline their summer picnics, children engaging with this waterway-many times for their very first open water experience.

I implore you to recognize that this is not a place that supports in ANY way anything that has to do with commercial aquaculture enterprise. Any endeavor of this scale simply does not fit with the public need for access, enjoyment and the wildlife inhabiting this specific region.

For this reason I humbly request that you deny this application.

Kind regards,

Erin and David Elliott
671 Neck Rd. Tiverton ,RI 02878

From: lynnkaye.lk <lynnkaye.lk@gmail.com>
Sent: Monday, May 29, 2023 7:41 AM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; cstff1@crmc.ri.gov
Cc: rep-edwards@rilegislature.gov; sen-dipalma@rilegislature.gov;
DdeMedeiros@tiverton.ri.gov; Save Seapowet; bhcoxri@gmail.com
Subject: Objection to File #2020-04-037

To: Coastal Resources Management Council
re: file #2020-04-037)

Re: Objection and to deny the proposed ~
The Bowen application for up to 200 oyster cages in the public and highly used
marine wildlife and recreation area of Tiverton

- The location unreasonably interferes with, impairs, and significantly impacts existing public access to and use of tidal waters and/or the shore.
- The location creates significant conflicts with water dependent uses and activities such as recreational boating, swimming, and navigation.
- It will unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters, and/or the shore.
- It will result in significant conflicts with water dependent uses and activities such as recreational boating, swimming, navigation and commerce.
- It will result in significant impacts or erosion and/or deposition processes along the shore and in tidal waters.
- It will result in significant impacts on the abundance and diversity of plant and animal life.
- It will result in significant impacts to water circulation, flushing, turbidity and sedimentation.

Thank you for your review

Lynn & Jonathan Kaye
Concerned citizens of Rhode Island

From: Bill Gerlach <gerlachbill@yahoo.com>
Sent: Monday, May 29, 2023 9:17 AM
To: cstaff1@crmc.ri.gov
Cc: Me At Work
Subject: Letter of Support -- CRMC Application 2020-04-037 (Sapowet Cove Oyster Farm)

To Whom It May Concern:

I am writing this letter in support of the proposed oyster farm project to be located in Sapowet Cove (CRMC Application 2020-04-037). I have known one of the applicants -- John Bowen -- for over a decade and can personally vouch for his character both personally and professionally.

Since both our sons participated in local Cub Scout Pack 10 in Tiverton/Little Compton, I've come to know of John's commitment to his community and environmental stewardship. As such, this proposal with his brother, Patrick, for a local oyster farm in Sapowet Cove would be another extension of that. It is both thorough and thoughtful, factoring in and balancing stakeholder needs -- human and non-human. Not surprisingly, John (and Patrick) are pursuing a venture that creates win/win/win -- a local business generating tax revenue whose very nature strengthens local food systems, and will undoubtedly benefit our local environment through water quality improvements and creating habitat to foster local aquatic biodiversity.

Investment and support in such business models is what our community, state, and region needs at this moment in time. I strongly recommend that the CMRC approves this application and allows this venture to go forth.

Thank you,
Bill Gerlach
506 King Road
Tiverton, RI 02878
401-575-1799
gerlachbill(at)yahoo(dot)com

Cstaff1

A-133

From: Cynthia Aber <Cynthia.Aber@umb.edu>
Sent: Monday, May 29, 2023 11:08 AM
To: cstaff1@crmc.ri.gov
Subject: Fwd: Oyster farm application #2020-04-037

Sent from my iPhone

Begin forwarded message:

From: Cynthia Aber <Cynthia.Aber@umb.edu>
Date: May 29, 2023 at 10:59:32 AM EDT
To: jwillis@crmc.ri.gov
Subject: Oyster farm application #2020-04-037

To the CRMC board,

As a 50 plus year resident of Driftwood Drive, and a Tiverton native, please add my name to the list of those opposing the Bowen oyster farm application.

I have made known my objections and rationale in previous letters and comments via zoom to one of the Tiverton Town Council early meetings about the Bowen application.

Everything about their application site is in conflict with the recreational activities and purpose for which it was intended and limits access for the community for the sole commercial benefit of the Bowen brothers and I might add, in a residential neighborhood.

I implore the CRMC to deny the application because of its negative impact in this pristine environment.

Cynthia Sousa Aber
42 Driftwood Drive
Sent from my iPhone

From: Marisa Bartolucci <misab@me.com>
Sent: Tuesday, May 30, 2023 4:50 PM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; cstff1@crmc.ri.gov
Cc: rep-edwards@rilegislature.gov; sen-dipalma@rilegislature.gov; DdeMedeiros@tiverton.ri.gov; Save Seapowet; bhcoxri@gmail.com
Subject: Bowen application for aquaculture operation in the waters off Seapowet

To Whom It May Concern:

I was disheartened to discover that the Bowen brothers are again seeking approval for a lease to run a 200-cage oyster farm in the waters off Seapowet. I am not against the brothers conducting an aquaculture business, but 40% of their proposed lease is in a public shellfish area, which would deprive local residents of the right to clam. This shoreline and its adjacent tidal waters are currently used for such recreational activities as swimming and boating. An oyster farming operation here would also significantly impact the area's exceptional unspoiled beauty. Why then do the Bowen brothers feel they have any hope to have their application approved? It was my understanding that if any aquaculture application would impair recreational use or scenic beauty it would automatically be denied.

Is this not the case?

Yours sincerely,

Marisa Bartolucci

Marisa Bartolucci
917.509.1180

From: Kelli Viera <klv871@gmail.com>
Sent: Tuesday, May 30, 2023 10:06 PM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; cstff1; rep-edwards@rilegislature.gov; ddemedeiros@tiverton.ri.gov; saveaseapowet@gmail.com; bhcoxRI@gmail.com; sen-dipalma@rilegislature.gov
Subject: Objection CRMC File # 2020-04-037 (Bowen application)

To: Jeff Willis, Executive Director, CRMC; Ben Goetsch, Aquaculture Coordinator, CRMC; and CRMC Staff

Along with numerous others, I believe there's overwhelming evidence as follows to deny this application:

- Most egregiously, the proposed lease serves the for-profit interests of only two individuals -- while impeding and/or removing existing and substantial public access to public resources.
- Forty percent of the proposed lease is in the public shellfish area thereby making the proposed area off limits to the public for clamming.
- The location unreasonably interferes with, impairs, and significantly impacts existing public access to -- and use of -- tidal waters and/or the shore.
- The location creates significant conflicts with water dependent uses and activities including recreational boating, swimming, and navigation.

Per CRMC regulations, any proposed aquaculture operation must demonstrate ALL of the following:

- It will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters, and/or the shore.
- It will not result in significant conflicts with water dependent uses and activities such as recreational boating, swimming, navigation and commerce.
- All applicable local zoning ordinances, building codes and all environmental requirements have or will be met.
- It will not result in significant impacts or erosion and/or deposition processes along the shore and in tidal waters.
- It will not result in significant impacts on the abundance and diversity of plant and animal life.
- It will not result in significant impacts to water circulation, flushing, turbidity and sedimentation.
- Measures have been taken to minimize scenic impact.
- If an application fails to demonstrate any one of these items, the permit may not be issued.

Again, I believe that there's substantial evidence to deny this application in order to PRESERVE existing public access to -- and use of -- tidal waters and/or the shore, and to AVOID significant conflicts with water dependent uses and activities including recreational boating, swimming, and navigation.

This application proposes to serve the for-profit interests of only two individuals -- at the significant expense to the public as outlined above.

Additionally and most currently, both the Tiverton Harbor Commission and the Tiverton Town Council 100% disapprove of this application.

Thank you for your consideration of my objection to this application -- an application that serves extremely narrow interests at the expense of substantial impact on a very concerned public.

Kelli Viera
401-787-6329

A-136

TOWN OF TIVERTON, RHODE ISLAND

OFFICE OF TOWN ADMINISTRATOR



May 26, 2023

Executive Director, Jefferey Willis
Coastal Resources Management Council
Stedman Government Center, Suite 116
4808 Tower Hill Road
Wakefield, RI 02879-1900

RE: Oyster Lease for Bowen brothers – application file# 2020-04-037

Dear Executive Director Jefferey Willis and CRMC Chair Raymond C. Coia,

The Town of Tiverton's Town Council voted on May 22, 2023 at their regular council meeting to send an objection letter regarding the above listed application for an oyster lease in the Sakonnet River near the Sapowet Marsh Management Area next to the Seapowet Bridge in Tiverton. There are numerous reasons for the objection, some of which have already been presented to CRMC. This letter will attempt to articulate the reasons for the Town Council decision to request that CRMC issue a denial.

First, the Tiverton Harbor and Coastal Waters Management Commission (THCWMC) has weighed in with the Town Council on 5/18/23 and they stated that said application would be detrimental to those stakeholders who utilize this area extensively. There are many users both recreational and commercial that use the area for both shell fishing and fin fishing as well as the numerous recreational uses such as wind surfing, kayaking, boating, paddleboarding and the like (some of these complaints were included in the 6/22/21 letter to CRMC from Council President DeMedeiros – Attachments 2 and 3 to this letter as well as attachments 11 and 12). The shell fish area will be impacted in approximately 40% of the lease area. There will also be significant impacts for recreational users for fishing, mooring access and riparian right issues. The THCWMC have submitted a letter to the CRMC office dated May 18, 2023 that includes these reasons and many more justifying the reason to deny said application. The application commentary/summary on file is replete with references that the THCWMC has granted its positive approval for the pending application but these comments are not stated within the contextual parameters offered

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by the THCWMC. The letter dated 5/18/23 clearly negates the information in the applicant file that the local harbor commission is in agreement with the application. Please find the 5/18/23 letter as attachment 14 to this document.

Second, Mr. Michael Woods, Chair of the New England Chapter Board for the Backcountry Hunters and Anglers along with Dawn Filliatreault Wood, President of the RI Saltwater Anglers Association wrote to Director Terrance Gray of RIDEM on 5/22/23 to reject the application for the Bowen brother's application listed above citing various conflicts with between commercial oyster farming and the thousands of people who use the area for recreational purposes. Please see attachment 15 to this document. They further state in their correspondence that there are direct conflicts to 650-RICR-20-00-01 CRMC's Red Book code.

The summary information in the file suggests there are plenty of quahogs on the northern side of the creek with very few in the area to the south. CRMC discussed with a (one) local harvester to confirm the assertion yet no scientific information or published shellfish survey was ever introduced as evidence to support the CRMC claims in the file (see applicant file CRMC summary of information on the CRMC web page for application listed above 2020-04-037). It is well known that this area is frequented by recreational users to harvest both shell fish and finfish for their personal use.

The applicant states it is their intention to wade out to the leased area to perform maintenance and harvest the crops yet the leased area is 400 feet from the South West corner of the Seapowet Bridge to the nearest Northeast corner of the proposed lease and 260 feet from the Northeast and Southeast corners of the lease area to the shore yet there is no lease granting the applicant daily ability to traverse, haul, maintain or defoul the proposed 200 cages between the leased area and the shoreline. The daily wading throughout the non leased areas will clearly disrupt the sea bed, shellfish beds, eel grasses and ecosystems that fish and marine species utilize for sustenance for survival. Moreover, this constant disruption of the sea bed will clearly disrupt the spawning and ability for recreational fisher men and women to attain and harvest sport fish or shell fish. Please review attachment 12 pictures to gain an overview as to what the public will be faced with if said lease is approved. The applicant does not state how they will maintain and operate the oyster cages. Is it their intention to haul, drag and carry equipment to and from the residential lot they own? Will they be power washing the cages to remove excessive growth on the residential property and if so, how will they transport from lease to land? The application is devoid of any land use description for which any land abutter or the Town can comment on related to zoning issues.

In the application CRMC seeks answers of the applicant pursuant to Section 1.3.1(A) Category B requirements specifically to demonstrate all applicable zoning issues are in compliance. The applicant simply states permits will be required for proposed lease will be obtained through RI

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CRMC. This does nothing with respect to responding to how their land (701 Seapowet Avenue, Tiverton, plat 703 Lot 105 owned and operated by the Bowens as Strait Landing LLC which is listed as a .125 acre lot which is approximately 20 foot wide by 100 foot long at best with the shorter side along the water front— property card attached as attachment 17) which they will access said lease is in conformance with local zoning with respect to operating a commercial operation of oyster farming on a piece of land that sits in the river not adjacent to their property that is zoned residential. As part and any hearing to be held, it is important to understand that the Town may not be able to dissuade CRMC from approving the propose lease for the applicant to perform oyster farming in the river but the CRMC has no jurisdiction to permit the land owner to somehow infer or use the residentially owned property as a commercial fishing operation, that which is not in conformance with the local zoning. To that end, it has been the position of the Town that these leased areas in Tiverton be at least 1000 feet (currently legislation pending in the RI General Assembly this session offered by local legislators, Representative John Edwards and Senator Lou DiPalma) from shore. The Town contends these leases should all require that they be accessed only via vessels that must use commercial ports/docks and or approved RIDEM boat ramps and that all products harvested are sold to commercially licensed retail seafood operations. The town maintains there are ample areas in the river that do not provide the excessive conflicts for recreational uses that the applicants proposed lease provides. The applicant and CRMC have failed to provide any rationale as to reconcile the public recreational uses, the funding allocated to purchase and support public access against the profits of a single commercial lease in light of the fact there are numerous non confliction areas where the lease could be granted.

Subsequent to the preliminary determination noted in the file CRMC had only received two letters citing potential interference with recreational shore fishing. The CRMC, RIDEM and the applicant met to discuss and decided to move the initial application lease to a more south west area to avoid the recreational shore fishing. This movement of the lease area generated a few issues. The first being they moved the leased area to now incorporate approximately 40% of the known shell fish beds (see attachment 14 and 15) to now be in the lease area. The second issue is there are thousands of people from all over New England who frequent this area yet have no knowledge of this proposed lease and the pending conflict with the recreational uses historically permitted in this area as they never received noticed of same. There are many people who come to the Sapowet Marsh Management Area each year and all year to recreate in this pristine public space. Allowing this applicant sole discretion to use the sea bed for a commercial operation in a heavily used publicly funded recreational area that will be further compounded by the disruption of soils, shellfish beds, eel grasses and the ecosystem the wildlife thrive on outside the leased area to the dismay of the many who come to fish recreationally for either shellfish and or finfish species to support their families well being would be not only tragic and unforgiven but a further waste of dedicated financial resources set forth by the Federal Government, RI DEM, the

Nature Conservancy, Open Space and many others to acquire and preserve this pristine area for public recreational uses.

According to the RIDEM online files the state has tendered upwards of \$2,254,145 in DEM funds alone to acquire nearly 408 acres of land for the enjoyment of all, not just Rhode Islanders to use the Sapowet Marsh Management Area (SMMA) (see attachments 4, 5, 6, 7, 8 and 9 all documents related to public access for the area).

Sapowet Marsh Management Area acquisitions:

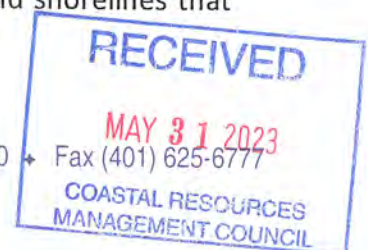
1958	254.5 acres - project 5130 - Sapowet Marsh	\$	not listed
1960	25.4 acres – project 5200 – Hathaway property	\$	2,800
1997	43.4 acres – project 5062 – Lacerda property	\$	950,000
1997	11.1 acres – project 3052 – Peckham property	\$	80,345
1997	29.8 acres – project 3034 – Taradash property	\$	626,000
1999	33.0 acres – project 5074 – Babbitt property	\$	525,000
2001	11.1 acres – project 5147 – Durfee property	\$	70,000

This does not include the millions of matching funds authorized by the Federal Government, Nature Conservancy, Open Space, Save The Bay and many others to retain this area for public access specifically for hunting, fishing and all other recreational uses. It is the Town of Tiverton's along with many who use and or maintain (see attachment 4) these areas contention that many of these property acquisitions hold strict guidelines prohibiting or restricting the publics' right to use these areas as intended. The Town is requesting that CRMC hold a full public hearing in the Town of Tiverton and seek legal guidance from the RIDEM's property acquisition office regarding any lease that may restrict or limit the publics use of the intended uses set forth in the acquisition documents that were used to generate funding for this area. The application on file appears to have only sought comment from the DEM fisheries office but no other integral functional units related to this area within DEM. CRMC publishes extensive rules (see attachment 10) related to communicating with appropriate parties with respect to shoreline changes and Tiverton would expect similar discussions be required with all the stakeholders regarding this application. The Town of Tiverton finds any approved lease for a single commercial enterprise to benefit financially over the intended recreational uses for this area to be disheartening and wholly objectionable. Approval of the applicants proposed lease area would be misguided as it would benefit a sole lease for commercial gain over the thousands of recreational users for shell fishing and fin fishing not to mention bathing, kayaking, windsurfing, paddle boarding and boating.

The Town of Tiverton reserves the rights to all the documents previously submitted (attachments 1 and 2) along with any and all testimony provided at the SAMP hearings by Tiverton public officials held throughout the state over the past two years.

The Town is providing the following supporting attachments that substantiate the narrative above to reject the Bowen Application #2020-04-037:

1. Letter dated August 3, 2021 to Ben Goetsch, CRMC and Jennifer McCann URI from Christopher Cotta, Town Administrator (2 pages)
2. Letter dated June 22, 202 to CRMC from Town Council President, Denise DeMedeiros with enclosures (6 pages)
3. Letter dated August 24, 2021 by Frank Carinii, News Staff for EcoRI (12 pages)
4. Article providing that grant funds along with RIDEM, Save The Bay and the Town of Tiverton worked to provide marsh restoration work for the benefit of the public (2 pages)
5. RIDEM file on Lacerda land purchase, Sapowet marsh Project, 1958 Sapowet Marsh federal aid project, 1958 Sapowet Marsh Cooke Project, 1956 Sapowet Marsh federal aid project, and 1949 Sapowet Marsh preliminary project documents (42 pages)
6. Land acquisition by RIDEM for the Town of Tiverton related to Sapowet Marsh management Area as well as all other RIDEM land acquisitions in Tiverton to date (4 pages)
7. October 15, 2015 letters to Town Administrator Matt Wojcek from Tricia Hilton regarding Seapowet Beach and its uses (3 pages)
8. Explore RI Blueways and Greenway description of Sapowet Point area (2pages)
9. Tiverton RI, rack card depicting recreational areas inclusive of Sapowet Marsh Management Area (13 pages)
10. RICRMC shoreline change SAMP document, Volume 1 (23 pages)
11. May 11, 2023 email from Jay Edwards to Town Administrator that includes an email from Kenny Mendez 5/10/23 to Town Councilor Jay Edwards describing his opposition to the lease area for the application discussed herein (2 pages)
12. May 23, 2023 email from Liz Kenny providing the measurements from the lease area to land along with numerous pictures that show clearly the distances and shorelines that clearly depict conflict areas for recreational fishing use (9 pages)



13. May 18, 2023 email from Bruce Cox, Chair of the Tiverton Harbor and Coastal Water Management Commission (THCWMC) to the Town Administrator and Council President addressing the commissions change from to reflect an outright denial for said lease from CRMC (2 pages)
14. May 18, 2023 letter from the THCWMC Chair, Bruce Cox to the Town Council President Denise DeMedeiros seeking CRMC to hold a full hearing on the matter of file #2020-040037 that includes a copy of the letter dated 5/18/23 to Executive Director Jefferey Wills at CRMC from the THCWMC seeking denial position for the lease area for this applicant (5 pages)
15. May 22, 2023 letter from the Backcountry Hunters and Anglers Association jointly with the RI Saltwater Anglers Association respectfully seeking denial of this application for their memberships. (12 pages)
16. May 12, 2023 email from Jeanne DeSouza to Tiverton Town Administrator depicting the conflict between neighboring community of Little Compton and the legal representative Anthony DeSisto who now represents the Town Council for Little Compton, who also represents CRMC. A link in the email can be followed that will clearly articulate her concerns (2 pages)
17. Tiverton plat and lot card for 701 Seapowet Avenue for map lot 703-105 which is .125 AC belonging to a limited liability corporation for the Bowens called Straight Landing LLC which is registered as a R80 residential lot (2 pages)

To be clear, this letter represents the Tiverton Town Council's concern that the proposed lease area is in direct conflict with numerous land-related and public access matters for the proposed area. The Town Council is not objectionable to oyster farming, they simply believe this lease is in direct conflict with the intent of the previously acquired parcels of land that not only created Sapowet Beach, but the entire Sapowet Marsh Management Area which is owned by the RIDEM. These properties provides public amenities for waterfront access to recreationally fish for both shellfish and finfish and provide hunting as well for all who want to partake in any of the non fishing related recreational activities this area offers to the public. Granting a sole commercial operation, the ability to conflict with the intent of millions in tax dollars used to acquire these lands and provide the necessary access that is unavailable elsewhere for recreational purposes would be totally misguided and an outright abuse of federal, state, local and private funded acquisitions to benefit a single commercial lease.



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The only support for this lease that is found in the application comes direct from the applicant's personal friends in Little Compton and the Little Compton Town Council, none of whom have any direct relationship to the properties involved around the proposed lease area or understand the complexity of recreational offerings that are supported by the Federal, State, Local and private foundations for the benefit of public access versus the profit to one commercial lease. Little Compton's Town Council has blindly supported this lease via an approved resolution yet had this been in front of any of the recreational areas in their community and created a restriction for public access we doubt the resolution would have ever seen the light of day. There is no support for this lease from Tiverton residents, the Tiverton Harbor and Coastal Waters Management Commission, the Tiverton Town Council, the Tiverton Planning or Zoning Boards or the Tiverton Town Administrator based on all the arguments stated throughout this letter. Moreover, there has been no notification regionally to the thousands of public members throughout Southeastern New England who enjoy the access provided to them for recreational hunting and fishing through the well planned and financed acquisitions of hundreds of acres that provide recreational use for the public as a whole. Additionally, the CRMC has yet to weigh in on how or why these excessive recreational use conflicts should be entertained at the expense of public funded land acquisitions to benefit a single commercial user when there are other non-conflicted areas that the applicant should seek for their commercial venture.

Additionally, the Tiverton Town Council has reservations related to the legal representation of the RI CRMC as being the same legal representative for the Little Compton Town Council (attachment16). There is a clear representation conflict in this regard.

The Tiverton Town Council has many concerns about the nexus between the land lease in the river that is currently under the CRMC review for a commercial operation and the applicants desire to use residential property in a very quiet neighborhood through an implied use of said lot that has no primary use with no buildings situated there on. The applicants have never provided a clear use for the residential lot or connection to the application before CRMC. Granting a commercial lease for the oyster farm does not in any way shape or form allow the non-conforming lot to be considered an accessory use for the lease under consideration. Should CRMC grant the lease over the Town's objection the Town Council would request specific restrictions that access to and maintaining said lease must be done via a vessel that is required to use commercial docks and or approved DEM boat ramps and that any product harvested must be sold to commercially licensed seafood retailer and that the residential property owned by the Bowens either personally or through an LLC can not be used for the operational purposes of oyster farming so as to provide continued peaceful uses for all residential properties in the area.

For all of the above, including each of the attachments included with this memo, the Town of Tiverton request that CRMC provide, prior to any final vote for this application, a formal full hearing in the town of Tiverton (see attachment 13), the town that will be most affected by any

lease being granted for this application. The Town requests that CRMC seek opinions from each of the government and public agencies who funded land acquisitions for public recreational uses to weigh in on allowing a commercial lease to be approved in a public area used extensively for recreational purposes. And lastly the Town will seek, based on all the above, a full and complete denial to the applicant for a lease in this particular area due to the excessive recreational conflicts that said lease will create.

The recent CRMC decision extending this 2020 application comment period open to June 8, 2023 provides some pause as to the rationale related to a purported defect with this proposed lease application. A copy of this memorandum will be forwarded to the State Attorney General and Civil Division for review to ensure the public's right to access this area for recreational use is not infringed upon without a properly advertised public hearing and that any covenants and restrictions related to the property acquisitions that relate to the access for public use are properly maintained without restriction.

Regards,



On behalf of and at the direction of the Tiverton Town Council
Christopher Cotta, Town Administrator

Cc: Tiverton Town Council

Tiverton Harbor and Coastal Water Management Commission

Tiverton Town Clerk, Joan Chabot

Town Solicitor, Michael Marcello

Terence Gray, RIDEM Director

RI Attorney General, Peter Neronha



Town of Tiverton Office of the Town Administrator

Date: August 3, 2021

To: Ben Goetsch, CRMC and Jennifer McCann, URI
Narragansett Bay Special Area Management Plan – Aquaculture group

From: Christopher Cotta, Town Administrator

RE: Advisory concerns from Tiverton that need to be addressed with regard to aquaculture licenses issued in the Sakonnet River area

The Town of Tiverton recognizes that CRMC has autonomy and legislative authority to grant aquaculture licenses/permits to approved applicant/users within the confines of the regulated area. The town does have the following concerns that should be considered and or adopted when consideration of licenses or permits are being reviewed.

1. Each applicant for a license/permit should be required to notify land property owners within 1000 feet of any portion of the proposed aquaculture area they apply for and subsequently be required to notify any additional abutters should said licensed area be moved to a more suitable location. This notification process should be a requirement of CRMC imposed upon the applicant as both an initial step in the process and a subsequent step should the permitted area be changed to a different location. The applicant can and should visit the local town tax assessor's office to obtain the required abutter information to be used for notification purposes. CRMC should provide standard clear and concise language outlining the proposal along with a web location that contains the complete application package. Notifications should be done via certified mailing with a signature of receipt requested.
2. Additional non certified mail notification should be made to the local Harbor Commission, Recreation Commission, Private beach Associations and Town Administration. Notification to these entities will permit timely comments regarding mooring fields as well as unobstructed access to fairways to those mooring fields, recreational use conflicts and other associated uses in that particular area.
3. Similarly, any abutting dock owner within the 1000 foot area should be able to comment regarding unobstructed fairway access to and from their permitted dock.
4. Notification should be required to be completed at least 30 days prior to CRMC undertaking any deliberative actions with respect to an application.



5. All aquaculture licenses are to be limited to waterway access only. CRMC licenses and permits do not allow any commercial activity to be performed on land or across fragile beach areas.
6. All licensed activity will be conducted in the boundary of the licensed area.
7. All aquaculture activities, including transportation and maintaining the assets used in the aquaculture business shall be done via commercial vessels that utilize commercial docks and or recognized boat ramps for access, operation and maintaining the licensed aquaculture business.
8. No licensed/permitted aquaculture business will be permitted activities that allow access to cross the mean high tide area of any beaches or fragile marsh areas.
9. Municipalities maintain strict zoning rules and regulations, therefore no CRMC licensed activity can or will be used to circumvent local zoning issues. To the extent any applicant owns residential property that abuts a licensed aquaculture activity authorized by CRMC in Tiverton local waters does not permit the property owner to operate a commercial business activity from their residential property.
10. CRMC will not permit any aquaculture licensee to use any CRMC and or RI DEM owned beaches as access to or from their licensed / permitted aquaculture area.

This memo can and probably should be forwarded to the entire Narraganset bay Special Area Management Plan advisory group via email.



Attachment 2
6/1/21

TOWN OF TIVERTON, RHODE ISLAND

TOWN COUNCIL

Coastal Resources Management Council
4808 Tower Hill Road
Wakefield, RI 02879

Re: CRMC File No. 2020-04-037
Hearing Date: June 22, 2021

Dear Commissioners:

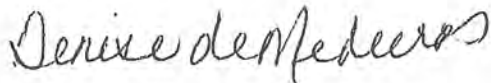
At the regular meeting of the Tiverton town council on June 14, 2021, we heard objections from many residents regarding the proposed off-shore oyster farm being proposed in the application as referenced above.

While we recognize that the Town of Tiverton does not have any authority over the issuance of the actual permit, we are concerned that the notice provision currently contained in the aquaculture statute does not require an applicant and/or the CRMC to provide notice to "abutters" to the project. Such notice would give residents who are affected the ability to actively participate in the public hearing process and assure that everyone's concerns are voiced.

Tiverton residents expressed concerns about the location of the oyster farm and its potential effect on recreational fishing and boating, as well as the lack of specificity as to how the owners would access their farm through privately owned shoreline access. All of these concerns need to be addressed by CRMC as you consider this application.

I am attaching copies of various letters and notices that we received at our town council meeting from concerned residents, and would ask that they be included in your official record at your public hearing scheduled for June 22, 2021.

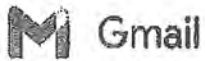
Sincerely,



Denise DeMedeiros
President, Tiverton Town Council

Enclosures





Public Comment <publiccomment@tiverton.ri.gov>

Proposed oyster farm

1 message

Cynthia Aber <Cynthia.Aber@umb.edu>

Mon, Jun 14, 2021 at 11:30 AM

To: "publiccomment@tiverton.ri.gov" <publiccomment@tiverton.ri.gov>

Cc: Cynthia Aber <Cynthia.Aber@umb.edu>

To the Town Council

As a 50 year summer resident and taxpayer of 42 Driftwood Drive, Tiverton, I want to vehemently voice my opposition to the proposal for the oyster farm in our adjacent waters.

I am appalled that abutters were not notified of this oyster farm proposal and only by chance learned of this meeting tonight with intent to town approval.

This deceptive action should be of grave concern not only to the abutters but to town residents who enjoy the recreational water activities the area provides and who will be adversely affected should this proposal be approved.

I'm afraid the town will have failed miserably in its responsibility as gatekeeper of the town resources to its tax paying citizens if it allows private enterprise to usurp the recreational opportunities offered in the area. If approved, this action could be construed as a miscarriage of justice.

Sincerely,
Cynthia Sousa Aber

Sent from my iPhone

*Public Comments
rec'd 6/14/21 on
designated gmail acct.*

RECEIVED

MAY 31 2023

COASTAL RESOURCES
MANAGEMENT COUNCIL

Jeannie Veegh

From: ktlmetcalf <ktlmetcalf@gmail.com>
Sent: Monday, June 14, 2021 11:16 AM
To: publiccomment@tivertonri.gov
Subject: Oyster farm

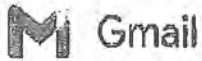
My name is Kathleen Metcalf and my husband Richard and I have just been informed that a proposal for an oyster Farm in the Sakonnet River in the vicinity of our property at 723 Seapowet Ave is being voted on this evening. First of all we are appalled that we have not been notified of this project in advance . We strongly reccomend this be voted against as we are concerned about the effects of all aspects of a future outcome should this project be allowed. The Sakonet River offers residents and visitors a wonderful place to swim,kayak enjoy the sun and spectacular views. Secondly we are concerned about property values declining. We as tax payers and residents should have a voice in this decision. In closing I also find it disturbing that these types of issues are not publicly available until either the last minute or worse after the fact. Again we strongly oppose this entire project.

Thank you

Kathleen Metcalf

Sent from my Samsung Galaxy , an AT&T LTE smartphone



**Oyster farm at Sapowet Creek**

1 message

Paul Fulton <paulfulton@verizon.net>

Mon, Jun 14, 2021 at 4:06 PM

Reply-To: Paul Fulton <paulfulton@verizon.net>

To: "publiccomment@tiverton.ri.gov" <publiccomment@tiverton.ri.gov>

Dear members of the Tiverton Town Council,

Only yesterday, I learned that the town of Tiverton is poised to permit an oyster farm opposite the outlet of Sapowet Marsh. I'm surprised and disappointed that abutters were offered no advance notice of this, and I'm told it may be too late to weigh in.

Nevertheless, I would like to register a number of opinions:

1. The decision to approve this oyster farm should be delayed until all questions can be answered, *including input from those in the immediate neighborhood.*

2. I've read some of the proposals, and feel there are some inaccuracies, and omissions. For instance:

The developers claim this is a non-swimming area, citing a report regarding currents. However, visit on any warm day and you will find many swimming (and fishing) in this area.

The developers claim they will service the farms by wading, but do not rule out the use of boats. Where is their access? Is it the ramp at the bend of Driftwood Drive (a private residence)? Will trucks be in the area at low tide, with the noise of machinery? Will generators be running to power hoses to clean the cages?

If this site is good for oysters due to the nutrients coming out of the marsh, how is it the effluents from the oysters won't enter the marsh with unforeseen consequences?

In general, the proposed spot is an unspoiled Tiverton gem, having been successfully protected for generations. There are more suitable spots that are less disruptive to recreation, kayaking, fishing, and the quality of life for local residents.

I respectfully request that this decision be delayed until there is a full airing of the issues.

Sincerely,

Paul Fulton
52 Driftwood Drive



To: Jennifer Cervenka csstaff1@crmc.ri.gov

Referencing: Application 2020-4-037

Date: June 12, 2021

I have been a Tiverton resident for 24 years. I recently became aware of the proposed Bowen Oyster Farm petition, and I would like to express my concerns before it is voted upon on the 22nd of this month.

Like most others in our town (country and world), I was preoccupied with the COVID-19 pandemic over the last year. If there was a public notification of the proposed oyster farm I (and many of my neighbors) were unaware of such. The past year we just experienced was not a year to make a decision that impacts our community without thoughtful input from residents.

What I am requesting is a pause. A pause for the community to come together and have a chance look at this proposal as we begin to emerge from the cloud of this pandemic.

My overall concerns:

- 1.) The timing of the application. One would not expect someone to evaluate an application or anything of import during a house fire, and COVID was our worldwide housefire. While the application process was legal, I believe that the timing and process for notification were not prudent given the pandemic.
- 2.) The concern for leaving public recreational waters open, and well - public. I am perplexed about the reasoning on how a public waterway that is utilized by many recreationally can be leased to private individuals if there is doubt that this will impact the fishing conditions for everyone. I am equally concerned about how the maintenance activities will impact the tranquil nature of the area that the public enjoys.
- 3.) The Bowens mentioned that they would access the traps by water or through private land access. Have they obtained written permission from the landowners that border the proposed oyster farm location for that land access? When some abutting property owners were recently approached by my neighbor, they had no knowledge of this oyster farm proposal. How many other residents are not aware of this proposal? I did read in the proposal that some abutting property owners were on board with the proposal – which is it?
- 4.) What do the twice daily maintenance activities involve? I would like a detailed account of these maintenance activities as they were not described fully in the application. These maintenance activities potentially have an impact on the peace and quiet of this area. This important detail was skimmed over in the application.
- 5.) What state and/or local agency(s) monitor the oyster farm?



- 6.) Are there any time limits on this permit to allow for periodic evaluation and review with public input? I.e., can the permit be withdrawn if the oyster farm is found to have unforeseen problems and/or If the Bowens fail to keep their part of the agreement.

I have not concluded yea or nay about the oyster farm proposal because I have more questions than answers (even after reading the 97-page proposal!).

The Bowen brothers put time, thought and resources in their application. I respect this effort. I also respect the residents in our area and those that recreate here. I believe that the public, too, needs time, information, and a forum for an open dialogue with the Bowens, Costal Management Resources Commission, The Tiverton Harbor Commission, etc. to be able to weigh in on the oyster farm – pro or con.

Respectfully,

Patty Garber

101 Long Pasture Way
Tiverton, RI 02878

401 226 6922



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Aug 24

Oyster farmers vie with recreational users

This series is supported by the Pulitzer Center and the Society of Environmental Journalists.

Aquaculture Farmers and Recreational Users Tussle for Space Along Rhode Island's Crowded Coastline

August 21, 2021

A paddleboarder on the Sakonnet River in Tiverton passes near an area that could host a nearly 1-acre aquaculture operation. (Frank Carini/ecoRI News)

By FRANK CARINI/ecoRI News staff

TIVERTON, R.I. — The Ocean State's coastal areas and its salt ponds are some of the most popular, crowded and treasured spots in the state. They are recreational havens, economic drivers and food suppliers.

Green Hill, Ninigret, Point Judith, Potter, Quonochontaug and

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from the open ocean by a natural barrier, creating a protected environment that hosts an assortment of wildlife and myriad activities. On any given day, especially in the summer, you can find people boating, swimming, paddling, tubing, kite surfing, fishing and birding.

These ponds, as well as areas like the Sakonnet River and Nanaquaket Pond in Tiverton, have also become desired locations for aquaculture. These operations are particularly suited for salt ponds and coastal areas, because of shallower water, a longer growing season and easier access.

Eighty-one Rhode Island aquaculture operations take up 339.08 acres of coastal waters. (Rod Hudson/Roger Williams University)

Rhode Island's aquaculture industry has steadily been on the rise for the past two-plus decades. From 1996 to 2019, the number of aquaculture farms in Rhode Island increased from six to 81 and the amount of space they occupy, from less than 20 acres to nearly 340, according to information presented by Rod Hudson, a shellfish hatchery manager and adjunct professor at Roger Williams University, during an aquaculture discussion Aug. 12 at Tiverton Public Library. The event was organized by Rep. Michelle McGaw, a Democrat who represents Little Compton, Portsmouth and Tiverton.



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local economy and environment — oysters like other bivalves filter water and remove excess nutrients such as nitrogen; the farming and harvesting of shellfish doesn't require antibiotics and fertilizers; a small oyster farm can clean as much as 100 million gallons of water daily — resistance has become strong. Concerns have been raised that this intensifying interest in marine farming is eroding the proper management of aquaculture farm leases.

The Coastal Resources Management Council (CRMC) is the agency responsible for managing aquaculture leases. Under CRMC regulations, a maximum of 5 percent of a pond's water surface area can be used for commercial aquaculture.

The application process includes site visits by the Rhode Island Department of Environmental Management (DEM), the Army Corps of Engineers and the Rhode Island Historical Preservation & Heritage Commission. The application is also given a 30-day public notice period. This review determines if the proposal will be met with conflict, and the application is either approved or denied by CRMC's aquaculture coordinator before the project is voted on by the 10-member board.

The agency's current aquaculture coordinator, Benjamin Goetsch, told the Tiverton Harbor & Coastal Waters Management Commission at a meeting in March that CRMC doesn't tell aquaculture applicants where to put their projects, saying the review



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The regulations and the application process are meant to provide structure for a growing industry, but it is Rhode Island General Law 20-10-1 that sets the foundation.

"It is in the best public interest of the people and the state that the land and waters of the state are utilized properly and effectively to produce plant and animal life," according to state law. "The process of aquaculture should only be conducted within the waters of the state in a manner consistent with the best public interest."

But what is in the public's best interest is a matter of opinion.

Aquaculture expansion is certainly positive, as the state is bringing back an industry that had its last boom at the turn of the 20th century. Tourism, recreation and commercial fishing are also important to the Ocean State, but when boaters, abutters and fishermen have less access to coastal waters, tensions build.

Coastal property owners, recreational water users, anglers, waterfowl hunters, aquaculture operators and state officials are grappling with how to navigate their way through a complicated situation involving a shared resource.

With Rhode Island's aquaculture footprint growing, CRMC, during its ongoing effort to develop a Narragansett Bay Special Area Management Plan, "is holding robust discussions with an



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aquaculture applications for our public trust waters.

Aquaculture can be a growing business if sites are chosen well, according to the Rhode Island Shellfisherman's Association.

The East Coast Shellfish Growers Association recommends that growers, "Make a best effort to communicate early and openly with water-based and land-based neighbors about any facet of their operation which might affect them."

While Rhode Island's main aquaculture crop is oysters, farmers are also raising hard-shell clams, mussels and seaweed. (istock)

User conflicts

Aquaculture projects proposed for the Sakonnet River in Tiverton have galvanized residents. Neighbors claim they did not hear about the two projects until they were well along in the CRMC approval process. This lack of transparency, they say, has made an already contentious situation more problematic. They say the state's notification process is lacking, ignores abutters and other water users, and needs to be revamped.

However, unlike municipal zoning and local land-use issues, abutters are not required to be notified by CRMC or DEM of aquaculture operations proposed for state waters.



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Oyster cages in a Tiverton waterbody popular with the public. Two existing aquaculture operations on the eastern shoreline of the Sakonnet River take up about 5.5 acres in Tiverton's riparian waters.

In a June 11 email to the DEM director, Mendez expressed concern that there is a lack of public notice when it comes to hearings associated with aquaculture projects. He said this lack of notification can potentially impact the outcome of important votes. CRMC noted it has created an online listserve for anyone who wants to be notified of any activities related to Rhode Island aquaculture. The agency also has a webpage devoted to the industry.

To address residents' concerns, the Tiverton Town Council recently directed the town solicitor to look over a proposed resolution that, if passed locally and sent to the General Assembly, could give residents more time to respond to aquaculture proposals than state regulations currently require.

The resolution was reportedly put on the agenda by council member Jay Edwards. He has expressed concern about the way CRMC has dealt with the aquaculture farms proposed to the north and south of Sapowet Point on the Sakonnet River.

The proposed Bowen oyster farm plan — the one south of Sapowet Point and near where Sapowet Marsh empties into the Sakonnet River — was submitted by Little Compton brothers Patrick and



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onshore.

The farm would be the Bowens' first dabble at running an aquaculture operation. Patrick, who teaches at the Diman Regional Vocational Technical High School in Fall River, Mass., and Sean, who is the aquaculture coordinator and composting coordinator for the Massachusetts Department of Agricultural Resources, told ecoRI News the operation would start small, with 30-40 cages. Perhaps in five years the farm would ramp up to the maximum 200 cages, they said.

As for claims the public wasn't made adequately aware of the project, the lifelong Rhode Islanders said seven public hearings have been held on their proposal, the comment period was extended by 15 days and their application has been posted on the websites of CRMC and the town of Tiverton. The brothers noted they have changed the farm's plan three times to address residents' concerns.

A group of Tiverton residents and others who use local waterways for recreation have come out against aquaculture operations proposed for the Sapowet Marsh Wildlife Management Area of the Sakonnet River. (Frank Carini/ecoRI News)

The Bowen aquaculture plan was originally filed in December 2019 and was expected to come to a CRMC board vote in June, but pushback from opponents, including Mendez, Rick Metcalf, Clint Clemens and Donald Libbey, delayed the process.



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access rights to the popular waterway.

Mendez, who regularly fishes for stripers and blues in the area where the Bowens' oyster cages would be submerged, told ecoRI News the farm would encroach on a public trust.

Metcalf, an avid Sakonnet River kayaker whose property overlooks the area where the Bowens have proposed their aquaculture operation, said DEM's nearby Sapowet Marsh Wildlife Management Area parking lots are packed Saturdays and Sundays with people boating, fishing and swimming in the tidal waters behind his house.

In a June 22 email to CRMC about the two Sakonnet River aquaculture projects, Libbey, a Neck Road resident, wrote that while "we can appreciate that this use seems compatible with the area, it is not." He said both locations are heavily used by recreational boaters, swimmers and anglers and their free flow of navigation would be interrupted by the aquaculture operations.

In another late-June email to CRMC, in regards to the Bowen aquaculture proposal, Peter Jenkins, owner of a Middletown-based saltwater fishing store and a member of the Rhode Island Saltwater Anglers Association's Access Committee, wrote that the proposed site would "unreasonably interfere with, impair, and significantly impact existing use of tidal waters. There are few waters in Rhode Island that are as safe and as accessible as this area for recreational



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Sean Bowen, who graduated from Unity College in Maine with a degree in sustainable aquaculture, called the claims the operation would interfere with recreational uses misleading. He noted the 16-inch-high cages would be submerged, four buoys would mark the farm's perimeter and the cages would be placed in rows of 10, with 25 feet between each row. He said kayaks and paddleboards would be able to pass over the cages. He said there would still be plenty of room to fish.

"We want a low-profile operation with a low-carbon footprint,"

Patrick Bowen said. "We want to be invisible."

Tiverton resident Will Miranda is concerned about the impact the growing number of Rhode Island aquaculture operations are having on commercial fishing. While not a commercial fisherman himself, his father and other family members are, and he believes aquaculture farms can make valuable fishing and wild shellfishing areas inaccessible.

"They're going up everywhere and anywhere," he said. "We need to find suitable places to put them, but it seems like there is no plan for where they can be put. They should be going in places that have minimal impacts on the community."

Miranda is also a kite surfer, but the 38-year-old doesn't believe aquaculture, at least when it comes to his recreational use of salt



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I could get tangled up in cages and buoys and fail, but that's my problem," he said. "That's on me." He said floating cages are the bigger problem for a kiteboarder.

The New England chapter of Backcountry Hunters & Anglers has said the impacts to hunters' use of the Sapowet Marsh area have not been acknowledged, considered or addressed.

The Boehringer aquaculture application, submitted in January by Wakefield residents Brad Boehringer and Travis Lundgren, requests the use of floating and submerged gear to raise oysters and scallops in a nearly 3-acre site north of Sapowet Point.

A similar situation is playing out in South Kingstown, where a proposed 3-acre expansion of an aquaculture operation in Potter Pond's Segar Cove has received pushback. Neighbors are concerned the project would effectively privatize more of the pond and further limit public access. Potter Pond currently features about 9 acres of aquaculture.

Like in Tiverton, opponents have created a website, made CRMC aware of their disapproval and hired attorneys.

The Sakonnet River applications are currently under review and therefore CRMC can't comment on them directly, according to Laura Dwyer, the agency's public educator and information



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She noted the Potter Pond project still needs to go before the CRMC board for consideration. In an early August email, she said the board is waiting on scheduling and a written recommendation from a subcommittee.



“Regarding aquaculture generally, the CRMC has always sought to balance the many uses of our coastal ponds and Narragansett Bay, of which aquaculture is one,” Dwyer wrote. “However, CRMC evaluates each application it receives on its own merits, and also considers what the impacts of these proposed activities may be with the many recreational, commercial, and other uses and users of the state’s Public Trust waters.”

No one at CRMC was made available to speak about the growing demands being put on Rhode Island’s salt ponds and coastal areas and how this space is being managed. The next CRMC board meeting is scheduled for Aug. 24.

Special House Commission
 < **Takes First Steps Toward CRMC Revamp**
I support aquaculture, but not at Seapowet >

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Digging a healthier marsh in Tiverton

Save the Bay and DEM working to bring better health to Seapowet Marsh



(https://epsilon.creativecirclecdn.com/eastbayri/original/20180503-102823-seapowet%20marsh-3.jpg)

From left, Alex Burrows of DEM, Al Gettman of DEM, Tanner Steeves of DEM and Wenley Ferguson of Save The Bay dig runnels through the Seapowet Marsh to restore waterways and make the marsh viable.

RICHARD W. DIONNE JR.



Posted Friday, May 4, 2018 12:00 pm

By Tom Killin Dalglish

Rising seawaters that are encroaching into Seapowet Marsh are threatening habitat destruction in "one of the largest marshes in Narragansett Bay," says Wenley Ferguson of Save The Bay (<http://www.savebay.org/>).

She and a four-person crew representing the Division of Fish and Wildlife in the Department of Environmental Management (DEM) and Save The Bay, were out at the marsh late last week, in what they call a "marsh restoration project." They will be returning intermittently in coming weeks.

"We're trying to prevent our marshes from drowning in place," she said last Friday, after a day in the marsh.

"That's why I call it adapting rather than restoring," she said, a turn of phrase that may indicate the level of long-term optimism held about thwarting the effects of rising seas caused by climate change.

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Her crew's goal, she said, is "to facilitate the drainage of impounded water from the marsh surface through the excavation of small creeks and the maintenance of existing ditches ... to allow these degraded areas to revegetate, accrete sediments and reduce further subsidence of the marsh."

To do this, they use simple shovels, and a machine built for the purpose, called a "low ground pressure excavator," to excavate or carve out an estimated 4,440 linear feet of shallow channels, creeks, or "runnels," that will range from 6 to 12 inches wide and from 10 to 12 inches deep.

What's at stake is less problematic than the long-term effectiveness of their means to turn the migrating waters away.

You can tell the boundaries of the migration of sea water, Ms. Ferguson said, by looking for "black grass," an early-greening grass with a deep root structure, that's among the earliest grasses to "green-up" in the spring.

Also, she said, look for dead blueberry bushes, one of the upland vegetations that die as saltwater advances.

"We're experiencing a period of accelerated sea level rise," she said. "Historically, marshes were able to increase their elevation at about the same rate as sea level encroachment. Now we're discovering salt marshes are not keeping pace with sea level rise in coastal areas like salt marshes."

"Salt marshes," she said, "are among the most productive habitats because of the vegetation that grows in them."

The marshland vegetation helps where birds nest, she said, and "it becomes the base of the food chain. It fosters and supports species that in turn foster and support others."

"Minnows live in salt marshes, and these small fish provide food for striped bass and bluefish," she said.

"The marsh also supports birds, like the egret, and shore birds like the yellow leg and willet. The meadow marsh provides habitat for saltmarsh sparrows. But rising water is flooding their nests. High marsh grasses are beginning to die with sea level rise, and the habitat for these birds is disappearing," she said. "Because of this, the saltmarsh sparrow is an indicator of climate change, kind of like our region's polar bear."

"Our project is trying to lower the water level, so the marsh is not flooded all the time. Plants can't grow in water," she said.

The project will plant switch grass, little blue stem, and other grasses, she said.

One of the objectives is mosquito abatement. The other day she looked down into a small pool, she said, about "the size of a coffee table, and there were all these little squiggly lines. They were mosquito larvae. These natural pools are pretty deep, and when the mosquito lays its eggs in these depressions — because there are no fish, no predators, they do wonderfully."

"These little creeks we're digging," she said, "bring fish up into the pools, and the little minnows eat the mosquito larvae."

Ms. Ferguson said she and her crew are going to continue their work on an occasional basis in the coming months, and "once fall comes we'll be in another area of the marsh."

Her group's work is supported by a \$19,242 grant from the Coastal Resources Management Council's Coastal and Estuarine Habitat Restoration Trust Fund for the early phase of the project, for which DEM is providing a match in the amount of \$16,000.

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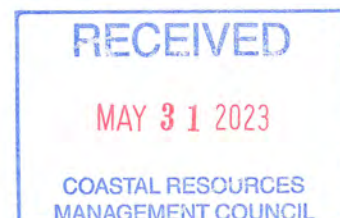
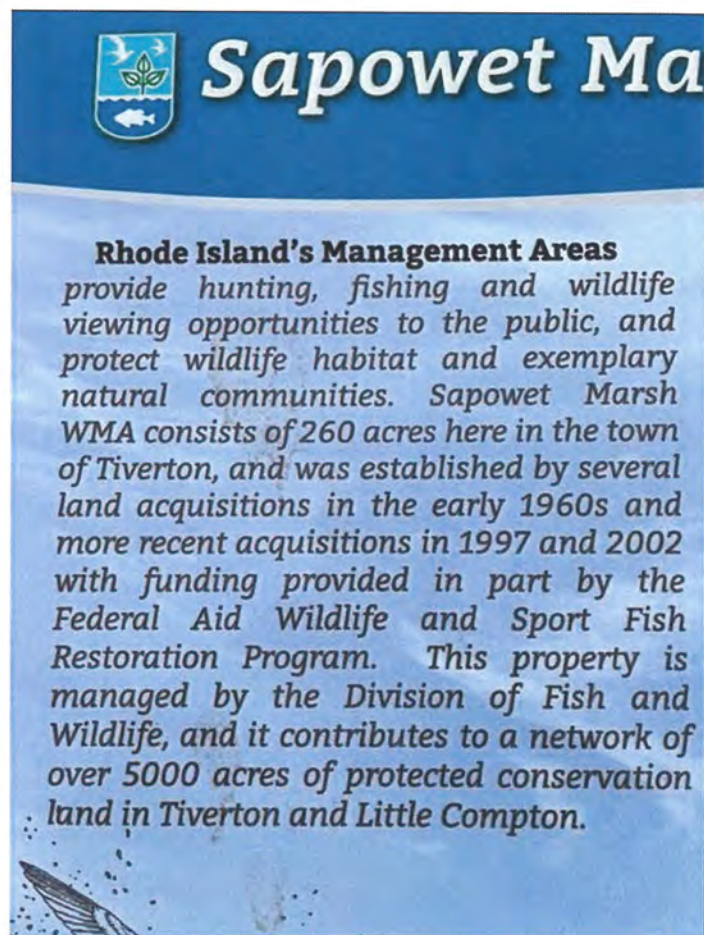
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6. 1949 Sapowet Marsh Preliminary Project Statement W-13-L (Page 38)



1997 Application package for Sapowet - Lacerda



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OMB Approval No. 0348-0043
CONSTITUTIONAL
MANAGEMENT COUNCILAPPLICATION FOR
FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: Application ☐ Construction ☒ Non-Construction		2. DATE SUBMITTED 6/9/97		Applicant Identifier	
Preapplication ☐ Construction ☐ Non-Construction		3. DATE RECEIVED BY STATE		State Application Identifier	
		4. DATE RECEIVED BY FEDERAL AGENCY		Federal Identifier 1-W-15-L	
5. APPLICANT INFORMATION					
Legal Name: RI/DEM - Division of Fish and Wildlife				Organizational Unit.	
Address (give city, county, state, and zip code): 4808 Tower Hill Rd. Wakefield [Washington], Rhode Island 02879				Name and telephone number of the person to be contacted on matters involving this application (give area code) John F. O'Brien, Deputy Chief	
6. EMPLOYER IDENTIFICATION NUMBER (EIN): 0 5 - 6 0 0 0 5 2 2				7. TYPE OF APPLICANT: (enter appropriate letter in box) ☒ A A State B County C Municipal D Township E Interstate F Intermunicipal G Special District H Independent School Dist I State Controlled Institution of Higher Learning J Private University K Indian Tribe L Individual M Profit Organization N Other (Specify) _____	
8. TYPE OF APPLICATION: ☒ New ☐ Continuation ☐ Revision If Revision, enter appropriate letter(s) in box(es): ☐ ☐ A Increase Award B Decrease Award C Increase Duration D Decrease Duration Other (specify): 1 5 6 1 1				9. NAME OF FEDERAL AGENCY: U.S. FISH AND WILDLIFE SERVICE	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 1 5 - 6 0 5 TITLE: FISH & WILDLIFE RESTORATION				11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: SAPOWET MANAGEMENT AREA	
12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.): TIVERTON, RI					
13. PROPOSED PROJECT:		14. CONGRESSIONAL DISTRICTS OF:			
Start Date 7/1/97	Ending Date 6/30/07	a. Applicant Second		b. Project Second	
15. ESTIMATED FUNDING:		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?			
a Federal	\$ 1,500,000 .00	a. YES THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON. DATE 6/9/97			
b Applicant	\$.00	b. NO ☐ PROGRAM IS NOT COVERED BY E.O. 12372			
c State	\$ 500,000 .00	☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW			
d Local	\$.00	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?			
e Other	\$.00	☐ Yes If "Yes," attach an explanation ☒ No			
f Program Income	\$.00				
g TOTAL	\$ 2,000,000 .00				
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED					
a Typed Name of Authorized Representative John F. O'Brien		b Title Deputy Chief		c Telephone number 789-3094	
d Signature of Authorized Representative 				e Date Signed 6/9/97	

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PROJECT STATEMENT

State: Rhode Island

Project title: Sapowet Management Area

A. Need:

The Sapowet Management Area is located on the easterly side of the Town of Tiverton, R.I., bordering the Sakonnet River, the eastern most entrance into Narragansett Bay (figures 1, 2, 3). The Tiverton - Little Compton region is unique by its location at the eastern limits of the state with land access only from Massachusetts and access from the rest of Rhode Island by a series of bridges that connect it to the mainland via the Sakonnet, Newport and Jamestown Bridges or to northern R.I. population centers via the Mt. Hope Bridge. The Division of Fish and Wildlife currently owns and manages 45,861 acres statewide for hunting, trapping, fishing and compatible fish and wildlife related recreations. Fish and wildlife management areas in Bristol - Newport Counties (the East Bay region), the area which comprises the Sapowet Area, total 2,616 acres or 3.1 % of the total land area of that region (83,830 acres). By comparison fish and wildlife management areas for mainland Rhode Island, comprising Providence, Kent and Washington counties, totals 43,151 acres or 7.3 % of the total land area of the region.

Population projections for Bristol and Newport counties prepared by the R.I. Division of Planning indicate that the human population will increase by 13,011 to 148,094 residents by the year 2020, an 8.8% increase. The human density for this area considering the projections is 1130 people per square mile, compared with 998 people per square mile on a statewide basis.

These comparisons highlight the need to acquire additional lands in order to fulfill the objectives of the Division of Fish and Wildlife which include providing recreational opportunities for hunting, fishing and compatible wildlife associated recreations for the citizens of the state. The Sapowet Area is easily accessible to population centers located in the Newport-Middletown-Portsmouth and Bristol -Providence regions. Public areas open to hunting, fishing and trapping in the East Bay region are limited causing the potential for crowding due to the limited area available. Hunting, fishing and associated wildlife recreation opportunities are in great demand as public lands are increasingly sought after by a growing number of participants in these activities. During summer months, the human population increases further as tourists flood into the state placing further demands on existing public lands. According to a 1991 National Survey of Fishing hunting and Wildlife Associated Recreation in Rhode Island, 97 thousand residents spent an average 20 days each fishing, 16 thousand residents spent an average 21 days hunting and 368 thousand enjoyed non-consumptive forms of wildlife associated recreation.

Another related concern for the East Bay region, resulting from the increase in human population, is the loss of wildlife habitat that occurs as a result of pressure to develop the land for housing, commercial and industrial purposes. The loss of habitat resulting from

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these development pressures threatens the conservation of fish and wildlife values in the area, demanding action in order to counteract these negative consequences.

B. Objective:

To identify, evaluate, and acquire properties in the Sapowet Management Boundary Area (figure 4) that provide important fish and wildlife habitat values and which support public recreation for hunting, fishing and compatible fish and wildlife associated recreational activities.

C. Expected Results and Benefits:

Wildlife:

The Sapowet Management Area was acquired in several parcels during the late 1950's and early 1960's. The management area has not been added to since that time. Expansion of the area is necessary in order to fulfill the divisions objectives to acquire properties that provide important fish and wildlife habitat values and which support hunting, fishing and other compatible recreations. Additional acquisitions of land will serve to protect the ecological integrity of the overall Sapowet area and provide for the addition of upland habitats on which to implement wildlife management practices.

A significant portion of the existing management area is comprised of salt marshes and brackish water areas. Most of the surrounding uplands to the north and east are farmland which is privately owned and vulnerable to development pressures. Acquisition of these areas will afford the opportunity to extend protection to these habitats which in turn will provide new wildlife habitats that can be developed to enhance hunting and fishing opportunity as well as serve as a vital buffer to the salt marshes that form the core of Sapowet management area.

Parcels will be acquired within the boundary as they become available. We will immediately acquire approximately 42 acres of prime farmland habitat (Lacerda farm) comprised of cultivated fields, pastures and hedgerows. The area will be operated as a wildlife management area and public hunting area (figure 5).

The farmland habitats will be maintained by way of continued farming practices through a lease to a local farmer. Special lease conditions will be designed in order to allow farming of agricultural row crops and pasture such as corn, potatoes, vegetables, hay or silage. Turf grass will not be permitted to be grown on the farmland due to its limited contribution to wildlife habitat values and concerns for soil depletion. Approximately 36 of the acres will be cultivated in this way with the balance maintained in hedgerows and non tillable wet areas bordering wetlands.

The Sapowet marsh attracts a variety of resident and migratory waterfowl (ducks and geese) and supports hunting for these species during fall seasons. A small number of duck blinds (4 or 5) are built and maintained on the marsh for this purpose. The multiple tidal creeks and potholes within the marsh provide many other potential blind setups for

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hunters using small boats and canoes. During winter, black duck is the primary duck species using Sapowet salt marsh with other species including American widgeon, gadwall, mallard and mergansers also found there.

Canada goose populations, particularly resident birds, have grown significantly in numbers in the state over the last several years with substantial populations using the east bay region. Presently, opportunities to hunt geese from field blinds over decoys is limited to private property. We plan to establish two or three pit blinds in the newly acquired agricultural fields to the northwest of Sapowet Marsh that will support waterfowl (goose and duck) hunting. A hunting program will be established similar to one operated on the South Shore Management Area where blinds are reserved for full or half day hunting by parties who make some form of advanced reservation and are required to hunt with decoys. Recently, the closure of the regular goose season has severely curtailed hunting opportunities for these species. Special early or late goose seasons for resident birds have additional restrictions placed on them in the east bay region due to migrant geese mixing with resident flocks. Once the regular goose season is restored, potentially 420 hunter days of goose hunting could be supported by the newly acquired fields. An additional 250 days of waterfowl hunting will be provided by the Sapowet marsh area.

Upland and small game species in the area include pheasant, woodcock and cottontail rabbit. Ring-neck pheasant are stocked at the Sapowet management area during the hunting season as a put and take hunting opportunity. Pheasant stocking takes place along the narrow state property bordering the salt marshes with much of the hunting occurring in private unposted fields northwest of the management area. The new land acquisitions will permit improvement of stocking operations by distributing birds into new habitats, dispersing the hunting pressure and improving the quality of the hunting. We expect that the area will support 350 to 400 hunter days of pheasant hunting and 100 days of small game hunting annually.

Wildlife observation and other non-consumptive forms of recreation will be enhanced by new acquisitions. The newly acquired habitats will protect these lands from potential development enhancing ability to observe and photograph wildlife and the natural habitats of the Sapowet Area. Many forms of recreation are possible in the area ranging from such active forms as boating and photography to passive forms such as enjoying the aesthetics, scenery of the habitats and wildlife observation. The Sapowet area, with the new acquisition, is expected to provide at least 500-600 days of non-consumptive recreation annually.

Fisheries:

The Division of Fish and Wildlife owns and maintains the Sapowet Fishing Area which is located north of the tidal creek into Sapowet marsh and west of Puncatest Neck Road bordering Sakonnet river. The fishing area consists of 26 acres of beach, marsh and tidal creeks abutting the Sapowet management area. The fishing area has parking for 20 to 30 cars. A cobblestone boat ramp is available for launching small powerboats, sailboats or cartopped boats. Shore fishing is available from over 2000 feet of natural beach facing

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the Sakonnet river and pier fishing is possible from the tidal creek bridge. Fishing for important recreational gamefish such as striped bass, bluefish and squeteague are very popular in this area. Other important recreational species include tatau and winter flounder. Area use:

D. Approach :

The Division of Fish and Wildlife will identify and evaluate parcels which meet the objectives of this plan. All properties acquired in this area will be managed and controlled by the Division of Fish and Wildlife. The Division will work in cooperation with other agencies within the Department of Environmental Management as well as private organizations such as the Nature Conservancy and Champlin Foundation to acquire properties which extend the objectives outlined in the plan.

Properties will be acquired by using one or a combination of methods within the project area as follows:

1. Purchase fee simple with seller donation (in-kind match). The seller in this method would donate 25% of the property's value to the Division. This donated value would become the match necessary for acquisition via Pittman-Robertson / Dingle-Johnson Projects.

2. Purchase fee simple with state funds. The Division will acquire parcels of land, as they become available, at their appraised value, using state moneys as the 25% match for Pittman-Robertson / Dingle-Johnson Projects.

3. Control of land without purchase. In this method, land within the acquisition area would be controlled by one of the following methods: conservation easement, donation of development rights or life use of property.

The Division will attempt to acquire additional parcels as they become available which are within the acquisition boundary (an area of approximately 750 acres) in order to expand Sapowet Management area and further the objectives of the Division. With the addition of the Lacerda farm, the Division will own and manage approximately 234 acres or 31% of the area within the acquisition boundary.

Key personnel for this project are:

Michael Lapisky, Deputy Chief Wildlife Resources, Federal Aid Coordinator

John O'Brien, Deputy Chief Freshwater Fisheries

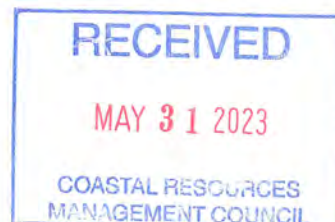
Brian Tefft, Principal Wildlife Biologist

Lisa Pointek, Land Acquisition Supervisor

Jay McGuinn, Associate Civil Engineer

E. Location:

The location of the Sapowet Management Area is shown on the following series of maps (figures 1,2,3,4)



MAP OF THE STATE OF
RHODE ISLAND



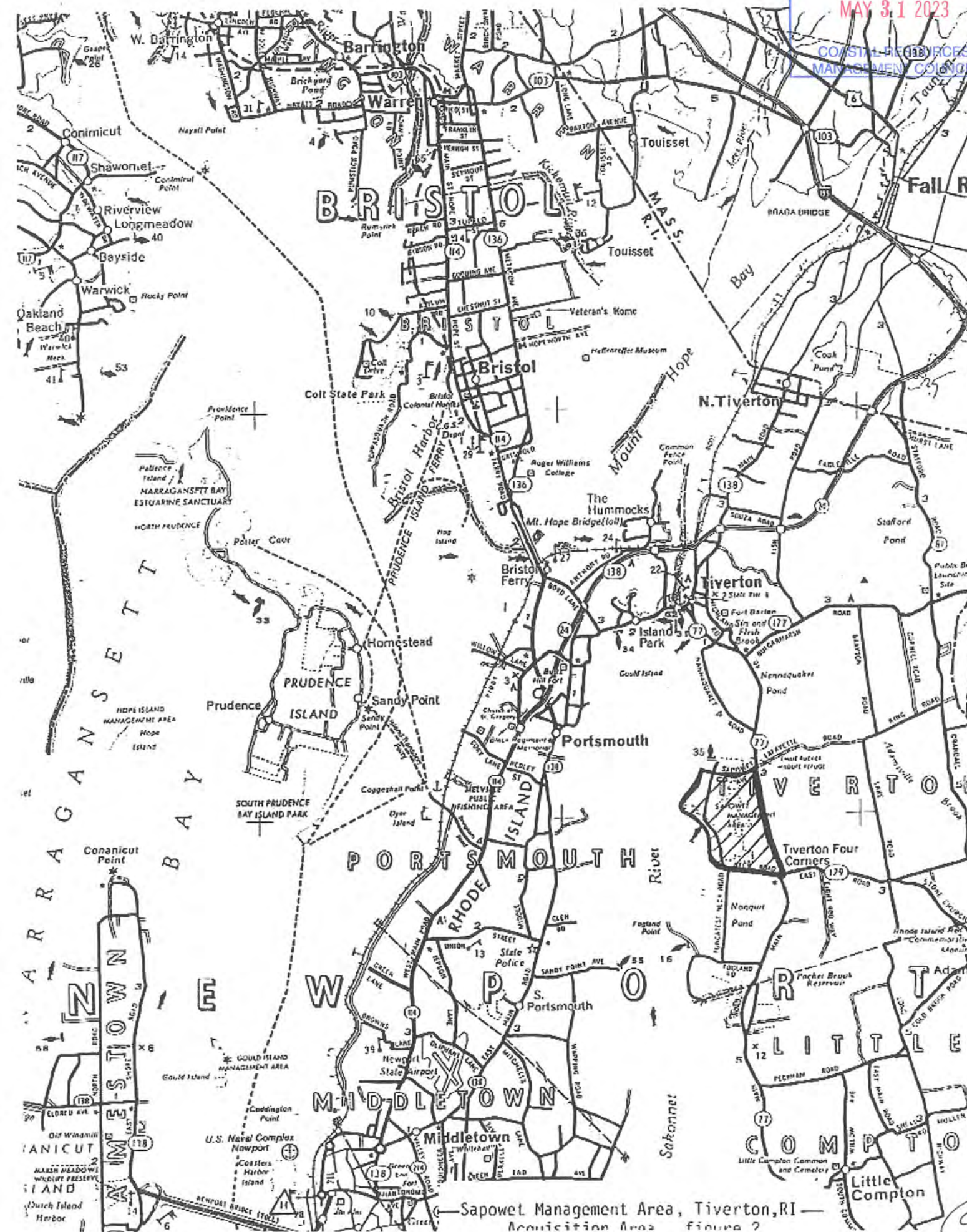
Locus Map

figure 1

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Sapowet Management Area, Tiverton, RI —
Acquisition Area figure 2

SAPOWET MARSH

Wildlife Management Area

Department of Environmental
Management
Division of Fish and Wildlife

figure 3

- Wildlife Management Area
- Streams
- Paved Roads
- - - Dirt Roads
- Lakes and Ponds

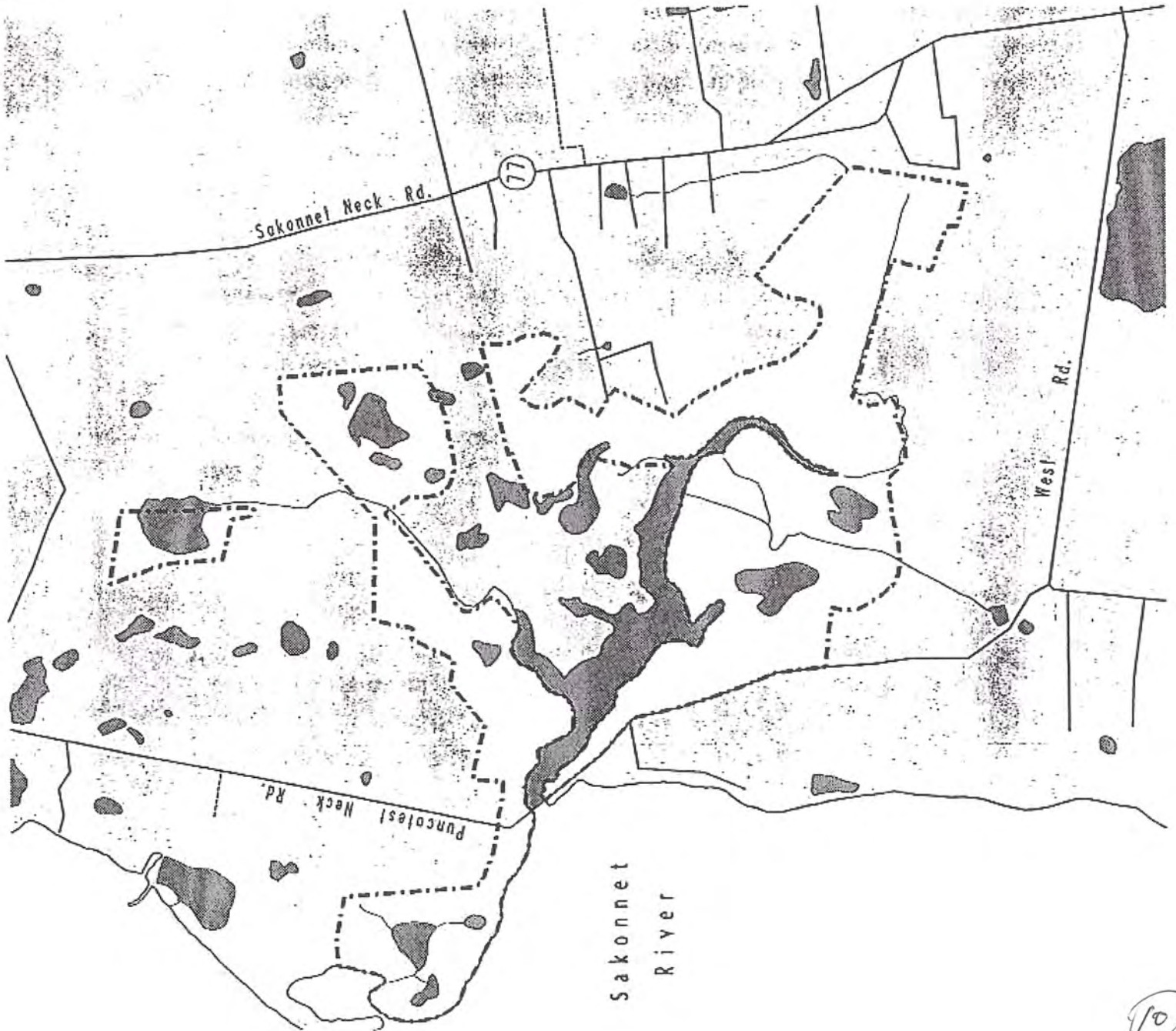
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Location
Map



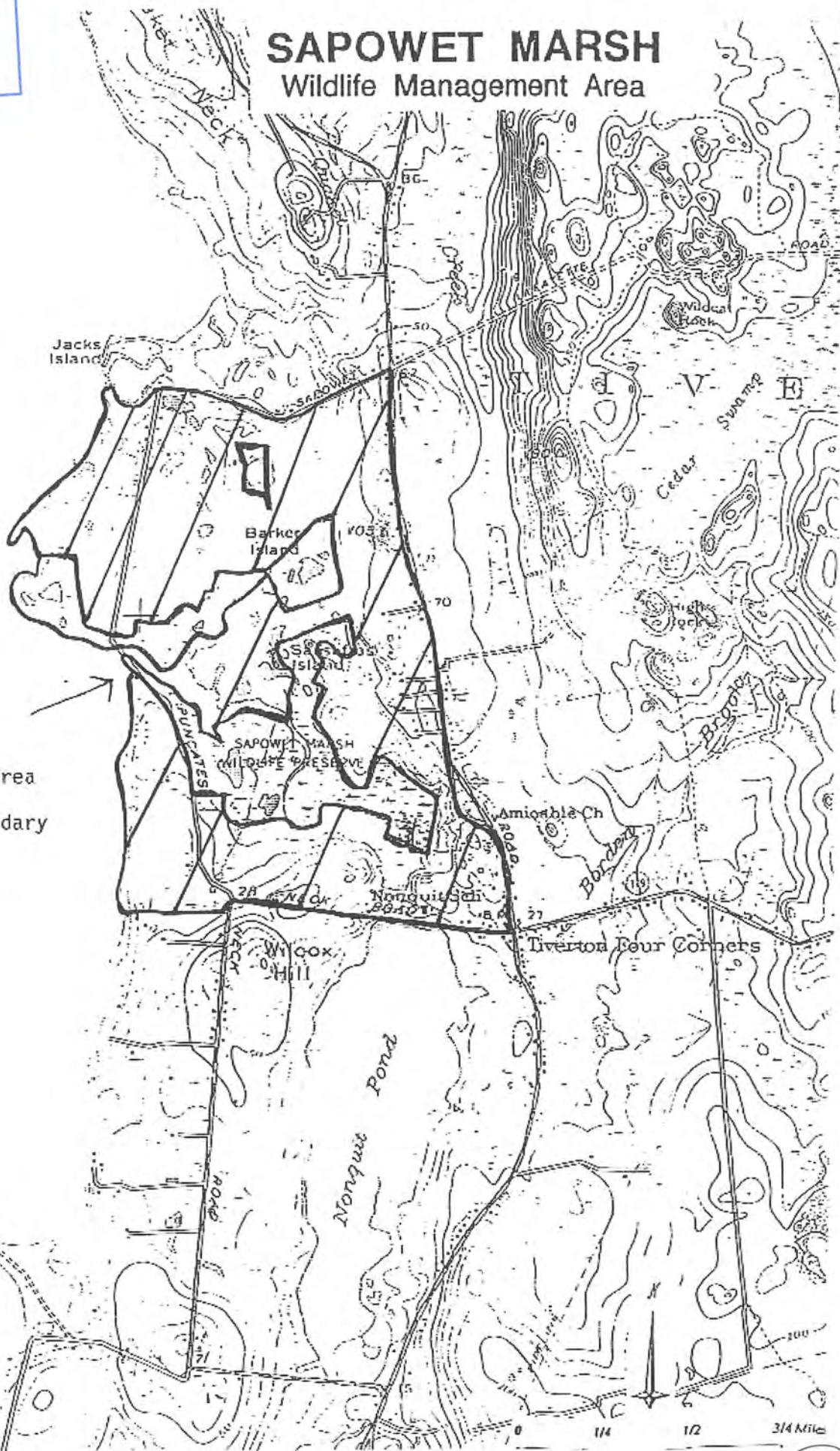
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SAPOWET MARSH Wildlife Management Area

Sapowet Management Area
Acquisition Boundary
figure 4



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figure 5

**RHODE ISLAND FISH AND WILDLIFE
LACERDA PROPERTY- TIVERTON, R.I.
MANAGEMENT PLAN**

Prepared by Brian C. Tefft, Principal Wildlife Biologist, October 25, 1996

Management Statement: The Lacerda Property shall be incorporated into the existing Sapowet Management Area and shall be managed to provide wildlife habitat and recreational opportunities and access for hunting, fishing and compatible non-consumptive users.

Habitat Management and Maintenance:

The property will be maintained as an active farm with farming activities to compliment the goal of wildlife habitat management and providing access for hunting and compatible non consumptive recreations. Farming will be maintained by leasing the land to a qualified farmer through an agricultural lease. R.I. Fish and Wildlife will, on an as needed basis, mow or brush back field edges to be determined by the management biologist.

Agricultural Leases: In order to maintain the agricultural land use on the property, Fish and Wildlife will lease those portions of the property suitable for crops to a qualified farmer. The following lease conditions will apply to farming on this parcel.

The Lessee shall use the premises only for the purpose of raising and harvesting agricultural products. The Premises may not be used for any other purpose unless such other use is approved in writing by the State. The Lessee will comply with the following special conditions:

- a. No turf grass shall be permitted to be grown on the premises.
- b. Lessee shall apply lime and fertilizer in accordance with best management practices.
- c. A total of 40(=/-) tillable acres are to be planted, as follows:

Fields A,B,C,D (32+/- acres - see attached map) Acreage shall be farmed to grow annual row crops consisting of either corn, potatoes, vegetables or hay/silage crops (alfalfa). If field C is leased by a non-corn producer, the lessee shall plant a 100 foot wide corn strip running in an east west direction from Scapowet Avenue to the boarder of the Sapowet Marsh/ edge of field. Lessee may harvest half the width of the corn strip and but shall leave half the width (50 feet)

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Lessee shall plant an annual cover crop of winter rye at the rate of 100 pounds per acre immediately following the harvest of the principal crop but no later than September 30 of each year.

Field E (4 +/- acres): Shall be planted annually to buckwheat at the rate of 60 pounds per acre (one half total acreage) and sunflower at the rate of 25 pounds per acre (one half total acreage).

Lessee shall leave standing for wildlife the entire crop so planted in field E. Crops shall be fertilized at the rate of 250 pounds per acre 10-20-20.

d. The Lessee shall comply with all regulations of the Rhode Island Pesticide Control Act of 1976.

Wildlife Management and Hunting:

Upland Game: Upland and small game include pheasant, woodcock and rabbit. The goal for these species is to maintain a diversity of habitats that meet the requirement of these animals. Habitat will be provided in accordance with the management of farming land use described above in the habitat management section. Hunting for upland game will be allowed on the management in accordance with established seasons. In addition, R.I. Fish and Wildlife will annually stock pheasant on the property during the hunting season. Hunting and stocking of pheasant is a well established and long standing practice at Sapowet Management Area.

Waterfowl: The adjacent Sapowet Marsh attracts a variety of resident and migrating waterfowl (ducks and geese). The agricultural practices described above will maintain fields in condition so that they will provide additional feeding habitats that may be used by waterfowl. R.I. Fish and Wildlife will explore potential sites within the agricultural fields for establishment of one, possibly two pit blinds to duck and goose hunting.

Non-Game Wildlife: Non-game wildlife include all remaining species of mammals, birds, reptiles amphibians and insects that inhabit the management area. The property currently provides habitat for many of these wildlife which will continue, compatible with the overall habitat management plan described above.

13

3-11-85

8-941



Lacerda Farm, Tiverton R.I.

A = 10.0^{1/2} acres

B = 3.0^{1/2} acres

C = 12.8^{1/2} acres

D = 7^{1/2} acres

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NEPA COMPLIANCE CHECKLIST

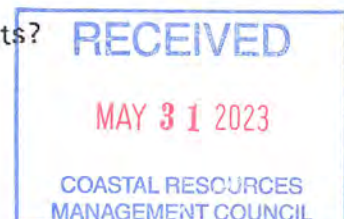
State: RHODE ISLAND Grant/Agreement Number: FW-15-L

Grant/Project Name: SAPOWET MANAGEMENT AREA

Will this proposal:

Yes No

- X a. Adversely affect floodplains or wetlands or require compliance with Executive Order 11988 (Floodplain Management), or Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?
- X b. Have adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species or have adverse effects on designated critical habitat for these species?
- X c. Have adverse effects on historic or cultural resources or properties listed or eligible for listing on the National Register of Historic Places?
- X d. Adversely affect unique geographic characteristics such as park, recreation, or refuge lands, wilderness areas, wild or scenic rivers, sole or principle drinking water aquifers, prime farmlands, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks?
- X e. Have significant adverse effects on public health or safety?
- X f. Have highly uncertain environmental effects or involve unique or unknown environmental risks?
- X g. Have highly controversial environmental effects?



- | | | |
|-------|--------------|--|
| _____ | <u> X </u> | h. Be related to other actions with individually insignificant, but cumulatively significant environmental effects? |
| _____ | <u> X </u> | i. Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment? |
| _____ | <u> X </u> | j. Establish a precedent for future action or represent a decision in principle about a future consideration with significant environmental effects? |

- _____ x i Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment?

- _____ x j. Establish a precedent for future action or represent a decision in principle about a future consideration with significant environmental effects?

This proposal x is; is not completely covered by categorical exclusion: No. 1,4A ,
Department of the Interior, 516 DM 6 Appendix 1. No. 4

An Environmental Assessment is, x is not , attached.

Project Leader: John M. Ken

Date: 6/9/97

State Authority Concurrence: _____

Date: _____

Within the spirit and intent of the Council of Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA) and other statutes, orders, and policies that protect fish and wildlife resources, I have caused the above administrative record to be established and have determined that the project

✓ is categorically excluded as provided by 516 DM 6 Appendix 1. No further documentation will be made.

— is not completely covered by the categorical exclusions as provided by 516 DM 6 Appendix 1.

Exceptions:

Staff Specialist/Division of Federal Aid

Date _____

R5 - FA (4/94)

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(b)



U.S. FISH AND WILDLIFE SERVICE
Division of Federal Aid

ASSURANCES

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Note: Certain of these assurances may not apply to your project or program. If you have questions, please contact the Regional Director of the U.S. Fish and Wildlife Service. Further, if you are required to certify to additional assurances, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Title II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

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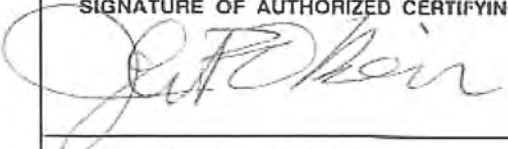
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10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in flood plains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historical Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

ADDITIONAL ASSURANCES GENERALLY APPLICABLE TO CONSTRUCTION, LAND ACQUISITION, OR LAND DEVELOPMENT

1. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.
2. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications, and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.
3. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL		TITLE	
		Deputy Chief	
APPLICANT ORGANIZATION		DATE SUBMITTED	
DEM / FISH & WILDLIFE		6-9-97	

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RHODE ISLAND DIVISION OF PLANNING
One Capitol Hill
Providence, Rhode Island 02908
(401) 277-2093

NOTICE OF DETERMINATION

JOHN O'BRIEN
RIDEM
DIVISION OF FISH AND WILDLIFE
4808 TOWER HILL RD
WAKEFIELD RI 02879

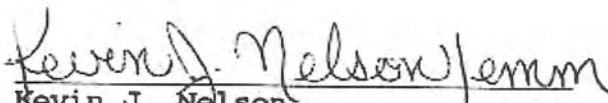
Date: 10 June 1997 S.A.I.: DEM-97-12

Project: Sapowet Management Area

We are pleased to notify you that the review of your above identified application has been completed. It is in conformance with applicable state plans and does not conflict with other plans of which we are aware. Therefore, we recommend that the project be accepted for federal financial assistance.

This action has been taken in accordance with the rules and regulations governing the Intergovernmental Review Process adopted by the State Planning Council pursuant to Presidential Executive Order 12372.

The application, the state process determination, and all supporting documentation are available at the Rhode Island Division of Planning.


Kevin J. Nelson
Review Coordinator

DOP-017 (1/90)

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Sapowet Marsh Project Statement

A handwritten signature in black ink, enclosed within an oval shape.

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PROJECT STATEMENT

State: Rhode Island

Project title: Sapowet Management Area

A. Need:

The Sapowet Management Area is located on the easterly side of the Town of Tiverton, R.I., bordering the Sakonnet River, the eastern most entrance into Narragansett Bay (figures 1, 2, 3). The Tiverton - Little Compton region is unique by its location at the eastern limits of the state with land access only from Massachusetts and access from the rest of Rhode Island by a series of bridges that connect it to the mainland via the Sakonnet, Newport and Jamestown Bridges or to northern R.I. population centers via the Mt. Hope Bridge. The Division of Fish and Wildlife currently owns and manages 45,861 acres statewide for hunting, trapping, fishing and compatible fish and wildlife related recreations. Fish and wildlife management areas in Bristol - Newport Counties (the East Bay region), the area which comprises the Sapowet Area, total 2,616 acres or 3.1 % of the total land area of that region (83,830 acres). By comparison fish and wildlife management areas for mainland Rhode Island, comprising Providence, Kent and Washington counties, totals 43,151 acres or 7.3 % of the total land area of the region.

Population projections for Bristol and Newport counties prepared by the R.I. Division of Planning indicate that the human population will increase by 13,011 to 148,094 residents by the year 2020, an 8.8% increase. The human density for this area considering the projections is 1130 people per square mile, compared with 998 people per square mile on a statewide basis.

These comparisons highlight the need to acquire additional lands in order to fulfill the objectives of the Division of Fish and Wildlife which include providing recreational opportunities for hunting, fishing and compatible wildlife associated recreations for the citizens of the state. The Sapowet Area is easily accessible to population centers located in the Newport-Middletown-Portsmouth and Bristol -Providence regions. Public areas open to hunting, fishing and trapping in the East Bay region are limited causing the potential for crowding due to the limited area available. Hunting, fishing and associated wildlife recreation opportunities are in great demand as public lands are increasingly sought after by a growing number of participants in these activities. During summer months, the human population increases further as tourists flood into the state placing further demands on existing public lands. According to a 1991 National Survey of Fishing hunting and Wildlife Associated Recreation in Rhode Island, 97 thousand residents spent an average 20 days each fishing, 16 thousand residents spent an average 21 days hunting and 368 thousand enjoyed non-consumptive forms of wildlife associated recreation.

Another related concern for the East Bay region, resulting from the increase in human population, is the loss of wildlife habitat that occurs as a result of pressure to develop the land for housing, commercial and industrial purposes. The loss of habitat resulting from

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these development pressures threatens the conservation of fish and wildlife values in the area, demanding action in order to counteract these negative consequences.

B. Objective:

To identify, evaluate, and acquire properties in the Sapowet Management Boundary Area (figure 4) that provide important fish and wildlife habitat values and which support public recreation for hunting, fishing and compatible fish and wildlife associated recreational activities.

C. Expected Results and Benefits:

Wildlife:

The Sapowet Management Area was acquired in several parcels during the late 1950's and early 1960's. The management area has not been added to since that time. Expansion of the area is necessary in order to fulfill the divisions objectives to acquire properties that provide important fish and wildlife habitat values and which support hunting, fishing and other compatible recreations. Additional acquisitions of land will serve to protect the ecological integrity of the overall Sapowet area and provide for the addition of upland habitats on which to implement wildlife management practices.

A significant portion of the existing management area is comprised of salt marshes and brackish water areas. Most of the surrounding uplands to the north and east are farmland which is privately owned and vulnerable to development pressures. Acquisition of these areas will afford the opportunity to extend protection to these habitats which in turn will provide new wildlife habitats that can be developed to enhance hunting and fishing opportunity as well as serve as a vital buffer to the salt marshes that form the core of Sapowet management area.

Parcels will be acquired within the boundary as they become available. We will immediately acquire approximately 42 acres of prime farmland habitat (Lacerda farm) comprised of cultivated fields, pastures and hedgerows. The area will be operated as a wildlife management area and public hunting area (figure 5).

The farmland habitats will be maintained by way of continued farming practices through a lease to a local farmer. Special lease conditions will be designed in order to allow farming of agricultural row crops and pasture such as corn, potatoes, vegetables, hay or silage. Turf grass will not be permitted to be grown on the farmland due to its limited contribution to wildlife habitat values and concerns for soil depletion. Approximately 36 of the acres will be cultivated in this way with the balance maintained in hedgerows and non tillable wet areas bordering wetlands.

The Sapowet marsh attracts a variety of resident and migratory waterfowl (ducks and geese) and supports hunting for these species during fall seasons. A small number of duck blinds (4 or 5) are built and maintained on the marsh for this purpose. The multiple tidal creeks and potholes within the marsh provide many other potential blind setups for

hunters using small boats and canoes. During winter, black duck is the primary duck species using Sapowet salt marsh with other species including American widgeon, gadwall, mallard and mergansers also found there.

Canada goose populations, particularly resident birds, have grown significantly in numbers in the state over the last several years with substantial populations using the east bay region. Presently, opportunities to hunt geese from field blinds over decoys is limited to private property. We plan to establish two or three pit blinds in the newly acquired agricultural fields to the northwest of Sapowet Marsh that will support waterfowl (goose and duck) hunting. A hunting program will be established similar to one operated on the South Shore Management Area where blinds are reserved for full or half day hunting by parties who make some form of advanced reservation and are required to hunt with decoys. Recently, the closure of the regular goose season has severely curtailed hunting opportunities for these species. Special early or late goose seasons for resident birds have additional restrictions placed on them in the east bay region due to migrant geese mixing with resident flocks. Once the regular goose season is restored, potentially 420 hunter days of goose hunting could be supported by the newly acquired fields. An additional 250 days of waterfowl hunting will be provided by the Sapowet marsh area.

Upland and small game species in the area include pheasant, woodcock and cottontail rabbit. Ring-neck pheasant are stocked at the Sapowet management area during the hunting season as a put and take hunting opportunity. Pheasant stocking takes place along the narrow state property bordering the salt marshes with much of the hunting occurring in private unposted fields northwest of the management area. The new land acquisitions will permit improvement of stocking operations by distributing birds into new habitats, dispersing the hunting pressure and improving the quality of the hunting. We expect that the area will support 350 to 400 hunter days of pheasant hunting and 100 days of small game hunting annually.

Wildlife observation and other non-consumptive forms of recreation will be enhanced by new acquisitions. The newly acquired habitats will protect these lands from potential development enhancing ability to observe and photograph wildlife and the natural habitats of the Sapowet Area. Many forms of recreation are possible in the area ranging from such active forms as boating and photography to passive forms such as enjoying the aesthetics, scenery of the habitats and wildlife observation. The Sapowet area, with the new acquisition, is expected to provide at least 500-600 days of non-consumptive recreation annually.

Fisheries:

The Division of Fish and Wildlife owns and maintains the Sapowet Fishing Area which is located north of the tidal creek into Sapowet marsh and west of Puncatest Neck Road bordering Sakonnet river. The fishing area consists of 26 acres of beach, marsh and tidal creeks abutting the Sapowet management area. The fishing area has parking for 20 to 30 cars. A cobblestone boat ramp is available for launching small powerboats, sailboats or cartopped boats. Shore fishing is available from over 2000 feet of natural beach facing

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the Sakonnet river and pier fishing is possible from the tidal creek bridge. Fishing for important recreational gamefish such as striped bass, bluefish and squeteague are very popular in this area. Other important recreational species include tatau and winter flounder. Area use:

D. Approach :

The Division of Fish and Wildlife will identify and evaluate parcels which meet the objectives of this plan. All properties acquired in this area will be managed and controlled by the Division of Fish and Wildlife. The Division will work in cooperation with other agencies within the Department of Environmental Management as well as private organizations such as the Nature Conservancy and Champlin Foundation to acquire properties which extend the objectives outlined in the plan.

Properties will be acquired by using one or a combination of methods within the project area as follows:

1. Purchase fee simple with seller donation (in-kind match). The seller in this method would donate 25% of the property's value to the Division. This donated value would become the match necessary for acquisition via Pittman-Robertson / Dingle-Johnson Projects.

2. Purchase fee simple with state funds. The Division will acquire parcels of land, as they become available, at their appraised value, using state moneys as the 25% match for Pittman-Robertson / Dingle-Johnson Projects.

3. Control of land without purchase. In this method, land within the acquisition area would be controlled by one of the following methods: conservation easement, donation of development rights or life use of property.

The Division will attempt to acquire additional parcels as they become available which are within the acquisition boundary (an area of approximately 750 acres) in order to expand Sapowet Management area and further the objectives of the Division. With the addition of the Lacerda farm, the Division will own and manage approximately 234 acres or 31% of the area within the acquisition boundary.

Key personnel for this project are:

Michael Lapisky, Deputy Chief Wildlife Resources, Federal Aid Coordinator
John O'Brien, Deputy Chief Freshwater Fisheries
Brian Tefft, Principal Wildlife Biologist
Lisa Pointek, Land Acquisition Supervisor
Jay McGuinn, Associate Civil Engineer

E. Location:

The location of the Sapowet Management Area is shown on the following series of maps (figures 1,2,3,4)

(24)

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MANAGEMENT COUNCIL

MAP OF THE STATE OF RHODE ISLAND

SHOWING
BOUNDARIES OF
CITIES AND TOWNS

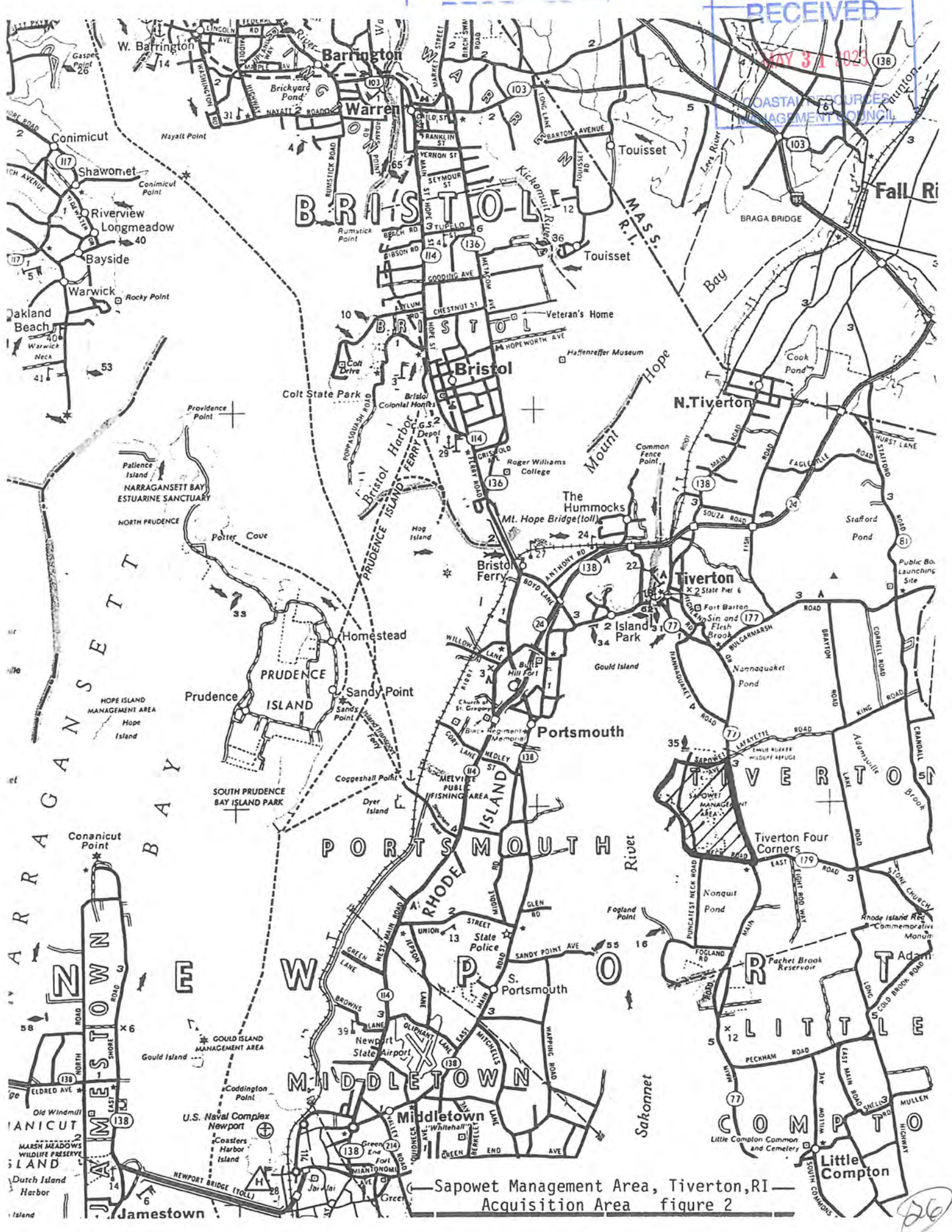
0 1 2 3 4 5 miles
SCALE



Locus Map

figure 1

25



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Sapowet Management Area, Tiverton, RI -
Acquisition Area figure 2

26

SAPOWET MARSH

Wildlife Management Area

Department of Environmental Management

Division of Fish and Wildlife

figure 3



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0 1/8 1/4 3/8 Miles
1 inch = 1000 feet
Scale 1 : 12,000



Location
Map

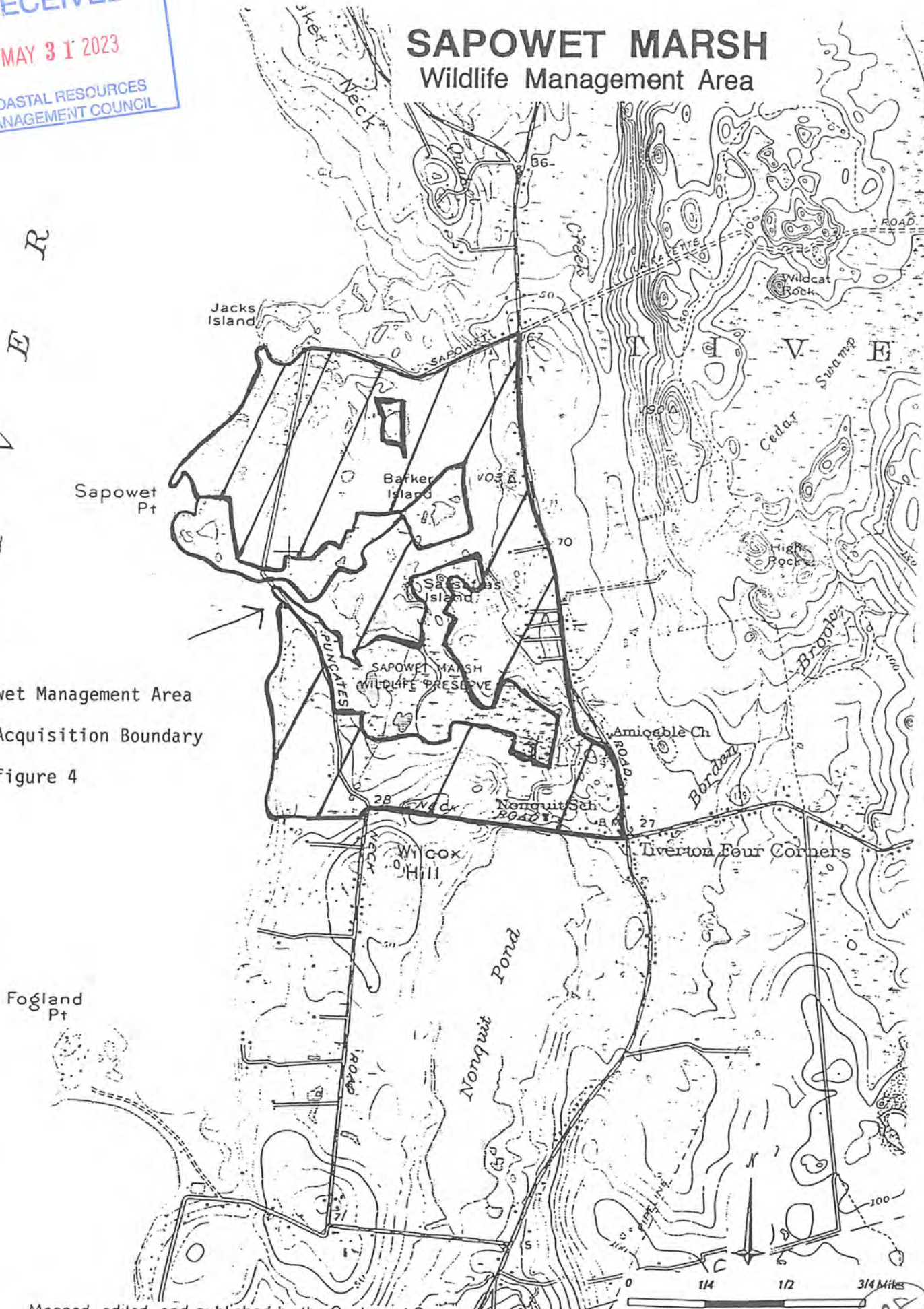
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SAPOWET MARSH Wildlife Management Area

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Sapowet Management Area
Acquisition Boundary
figure 4





1958 Sapowet Marsh Federal Aid Project
Agreement W-13-2

A handwritten signature or set of initials, possibly "JG", enclosed within a hand-drawn circle.

UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE

FEDERAL AID PROJECT AGREEMENT

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MANAGEMENT COUNCIL

United States Obligation:

State Rhode Island

Fish Restoration \$

Project No. 4-13-1-D-2

Wildlife Restoration \$ 1125.00

Contract No. 14-16-005-256

MEMORANDUM OF AGREEMENT made this 26th day of Sept., 1958

by and between U. S. Dept. of Agr. & Conserv. Div. of Fish & Game, constituting for the purpose hereof the Fish and Game Department of the State above indicated, hereinafter called the Fish and Game Department, and the Secretary of the Interior, hereinafter called the Secretary, pursuant to the Acts of Congress approved September 2, 1937 (50 Stat. 917) as amended, and August 9, 1950 (64 Stat. 430) to provide Federal Aid to the States in wildlife and fish restoration, respectively, as applicable:

WHEREAS the Fish and Game Department has submitted a preliminary project statement, plans, specifications, and estimates for a project herein described, and the Secretary has approved said documents:

NOW, THEREFORE, in consideration of the premises and of the several promises to be faithfully performed by each, as hereinafter set forth, the Fish and Game Department and the Secretary do hereby mutually agree as follows:

ARTICLE I. Project description:

1. Type Acquisition Total estimated cost \$1500.00
2. Name Baymont Marsh
3. Location Town of Tiverton - Newport County
4. Species primarily benefited Waterfowl
5. Description and purpose Preserve waterfowl habitat for nesting and migratory waterfowl, and for a public hunting area.

ARTICLE II. The obligation of the United States on said project is the sum of \$ 1,125.00, provided the amount payable hereunder shall not exceed 75 percentum of the actual cost of said project

as determined by the Secretary. Payments shall be made to Gen'l Treas. State of Rhode Island
(State Treasurer, Fish and Game Department, etc.)

ARTICLE III. Funds other than Federal, for use of the Fish and Game Department have been made available to accomplish said project in the following amount and manner; 775.00

Chapter 251, Sections 8, 9, 10 G. L. 1938

30

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ARTICLE IV.—GENERAL CONDITIONS.

SECTION 1. *Prosecution of Work.*—The Fish and Game Department will carry said project through to final completion in strict compliance with said plans and specifications, will directly supervise all labor and construction, which shall include adequate inspection throughout, subject at all times to inspection and approval by the Secretary, in accordance with the laws of said State, the rules and regulations of the Secretary, and the following conditions:

(a) It is agreed that any construction work on the project will be performed by contract when practicable.

(b) Should the funds listed herein as the total estimated cost be insufficient to finish all work proposed in the preliminary project statement, it is agreed that additional projects will be submitted as funds become available until the unit is finally completed, and in the case of lands, that the State will take sufficiently long options of purchase or lease purchase agreements at appraised values acceptable to the Secretary to obligate the vendors for a period estimated to be sufficient to consummate acquisition.

(c) Research work conducted under this project shall be continuously correlated with other research studies conducted by the State and Federal Governments to avoid duplication.

(d) Personnel employed from funds provided under this project shall be selected on the basis of competency and perform their duties in a manner acceptable to the Secretary.

SECTION 2. *Payments.*—Upon submission of vouchers by the Fish and Game Department in such form and detail as the Secretary shall prescribe, payments shall be made to the payee designated and authorized to receive public funds, of such sums as shall not exceed the United States pro rata share, as specified in this agreement.

The Secretary reserves the right to withhold such sum as he shall deem necessary to insure completion of the project in compliance with said plans and specifications.

SECTION 3. *Management and Maintenance.*—If the project includes the acquisition, lease, or development of areas of land or water, the Fish and Game Department will use every means within its power to insure proper and permanent management and maintenance of said areas as provided in the preliminary project statement, surveys, plans, specifications, the Act of September 2, 1937, as amended, and/or the Act of August 9, 1950.

ARTICLE V. SPECIAL CONDITIONS.

IN WITNESS WHEREOF, the parties have hereunto affixed their signatures, the Fish and Game Department on the day and year first above written, and the Secretary on the date indicated below.

SECRETARY OF THE INTERIOR

Division of Fish & Game
(Official title of Fish and Game Department)

By *DR. J. S. G. [Signature]*

By *[Signature]*

~~Regional Director, Fish and Wildlife Service~~
Regional Director, Bureau of Sport Fisheries
and Wildlife

Date OCT 1 1958

Title *Chief*

(2)

31



1958 Sapowet Marsh Cooke Project Statement W-3-L

STATE Rhode Island
PROJECT FW-3-L
FW 3-L

FEDERAL AID IN FISH AND WILDLIFE RESTORATION

PRELIMINARY PROJECT STATEMENT

LAND ACQUISITION

DATE FEB 28 1958

The Secretary of the Interior

Washington, D. C.

Sir:

The State of Rhode Island by and through the Department of Agriculture and Conservation, Division of Fish and Game constituting the State Fish and Game Department, and pursuant to the Federal Aid in Fish and Wildlife Restoration Acts (64 Stat. 430) and (50 Stat. 917) and to the Rules and Regulations of the Secretary of the Interior made and published thereunder, does hereby submit this statement describing a fish and/or wildlife land acquisition project and requests authorized financing thereof. Said project is proposed as a means of promoting efficient management of fish and/or wildlife resources, and will be executed under the provisions of said Act(s) and said Rules and Regulations.

A. Name of project: Sakonnet River Marsh and Boat Launching Area

B. Project location:

- 1) County: Newport
- 2) Project area is immediately west of Sakonnet Marsh and is approximately $2\frac{1}{2}$ miles south of Tiverton, R. I., and $8\frac{1}{2}$ miles south of Fall River Mass.
- 3) Map: Three copies enclosed.

C. Project Justification:

- 1) (a) Striped Bass, black-backed flounder and black fish
(b) Waterfowl and fur bearers
- 2) The area concerned is heavily utilized by fishermen and duck hunters. At present there is no access problem. However, it is felt that unless the area is acquired the marsh will be filled in for developments in the near future, and access denied to the general public.
- 3) None available
- 4) Does not apply

D. Management Plans

- 1) To permit public fishing and waterfowl hunting.
- 2) Parking areas will be constructed and level ditching is contemplated on the marsh.
- 3) None



E. Project description:

- 1) Total acreage: 55 acres
- 2) Tracts in unit: 5
- 3) Tract ownership: Private
- 4) Cover type
 - agriculture 10%
 - marsh 75%
 - brush 5%
 - ponds 10%
- 5) Does not apply
- 6) " " "
- 7) " " "
- 8) " " "

F. Estimated acquisition costs

- 1) Dry lands \$16,000
- Marsh and ponds 3,000
- Total - \$19,000

Acquisition by purchase

G. Prorating charges

Dingell-Johnson (D-J)	\$8,000	34%
Pittman-Robertson (P-R)	11,000	66%

H. Names of State and Federal employees who examined area:
Thomas J. Wright, John M. Cronan, Albert A. Zurlinden

Assurance is given that the foregoing information concerning the project herein described is presented to the best ability of the State Fish and Game Department, and all applicable provisions of the State laws have been fully complied with.

Respectfully submitted:

Division of Fish & Game

By

Thomas J. Wright

Chief

MAR 4 1958

Approved: Date

SECRETARY OF THE INTERIOR

By

D. R. Gascoyne

Regional Director, Bureau of
Sport Fisheries and Wildlife

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(34)

1956 Sapowet Marsh federal Aid Project
Agreement W-13-L-1



(50 Stat. 917)
(1951)UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE

FEDERAL AID PROJECT AGREEMENT

United States Obligation:

State Rhode IslandFish Restoration \$ 1551.75Project No. W-13-L-1Wildlife Restoration \$ 1,552.00Contract No. 14-19-008-7712MEMORANDUM OF AGREEMENT made this 18 day of April, 1956

DIVISION OF FISH AND GAME

by and between DEPARTMENT OF AGRICULTURE AND CONSERVATION, constituting for the purpose hereof the Fish and Game Department of the State above indicated, hereinafter called the Fish and Game Department, and the Secretary of the Interior, hereinafter called the Secretary, pursuant to the Acts of Congress approved September 2, 1937 (50 Stat. 917) as amended, and August 9, 1950 (64 Stat. 430) to provide Federal Aid to the States in wildlife and fish restoration, respectively, as applicable:

WHEREAS the Fish and Game Department has submitted a preliminary project statement, plans, specifications, and estimates for a project herein described, and the Secretary has approved said documents:

NOW, THEREFORE, in consideration of the premises and of the several promises to be faithfully performed by each, as hereinafter set forth, the Fish and Game Department and the Secretary do hereby mutually agree as follows:

ARTICLE I. Project description:

1. Type Acquisition Total estimated cost \$ 2,069.00
2. Name Sapowet Marsh
3. Location Town of Tiverton -- Newport County, Rhode Island
4. Species primarily benefited Waterfowl
5. Description and purpose Preserve waterfowl habitat for nesting and migratory waterfowl and for a public hunting area.

ARTICLE II. The obligation of the United States on said project is the sum of \$ 1551.75, provided the amount payable hereunder shall not exceed 75 percentum of the actual cost of said project State of Rhode Island as determined by the Secretary. Payments shall be made to General Treasurer

(State Treasurer, Fish and Game Department, etc.)

ARTICLE III. Funds other than Federal, for use of the Fish and Game Department have been made available to accomplish said project in the following amount and manner; \$ 517.00 517.25

Chapter 251, Sections -- 8.9.10 G.L. 1938

(1)



16-64621-1

36

ARTICLE IV.—GENERAL CONDITIONS.

SECTION 1. *Prosecution of Work.*—The Fish and Game Department will carry said project through to final completion in strict compliance with said plans and specifications, will directly supervise all labor and construction, which shall include adequate inspection throughout, subject at all times to inspection and approval by the Secretary, in accordance with the laws of said State, the rules and regulations of the Secretary, and the following conditions:

(a) It is agreed that any construction work on the project will be performed by contract when practicable.

(b) Should the funds listed herein as the total estimated cost be insufficient to finish all work proposed in the preliminary project statement, it is agreed that additional projects will be submitted as funds become available until the unit is finally completed, and in the case of lands, that the State will take sufficiently long options of purchase or lease purchase agreements at appraised values acceptable to the Secretary to obligate the vendors for a period estimated to be sufficient to consummate acquisition.

(c) Research work conducted under this project shall be continuously correlated with other research studies conducted by the State and Federal Governments to avoid duplication.

(d) Personnel employed from funds provided under this project shall be selected on the basis of competency and perform their duties in a manner acceptable to the Secretary.

SECTION 2. *Payments.*—Upon submission of vouchers by the Fish and Game Department in such form and detail as the Secretary shall prescribe, payments shall be made to the payee designated and authorized to receive public funds, of such sums as shall not exceed the United States pro rata share, as specified in this agreement.

The Secretary reserves the right to withhold such sum as he shall deem necessary to insure completion of the project in compliance with said plans and specifications.

SECTION 3. *Management and Maintenance.*—If the project includes the acquisition, lease, or development of areas of land or water, the Fish and Game Department will use every means within its power to insure proper and permanent management and maintenance of said areas as provided in the preliminary project statement, surveys, plans, specifications, the Act of September 2, 1937, as amended, and/or the Act of August 9, 1950.

ARTICLE V. SPECIAL CONDITIONS.

IN WITNESS WHEREOF, the parties have hereunto affixed their signatures, the Fish and Game Department on the day and year first above written, and the Secretary on the date indicated below.

SECRETARY OF THE INTERIOR

By *[Signature]*
Acting Director, Fish and Wildlife Service.

Date MAY 3 1956

DEPARTMENT OF AGRICULTURE AND CONSERVATION

DIVISION OF FISH AND GAME

(Official title of Fish and Game Department)

By *[Signature]*
Assistant Director

Title

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1949 Sapowet Marsh Preliminary
Project Statement W-13-L



38

STATE Rhode Island

PROJECT 13-L

PRELIMINARY PROJECT STATEMENT

LAND ACQUISITION

as required by

FEDERAL AID IN WILDLIFE RESTORATION ACT

Date OCT 5 1949

The Secretary of the Interior,

Washington, D. C.

Sir: The State of Rhode Island, pursuant to the provisions of the Act of Congress approved September 2, 1937 (50 Stat. 917), as amended, entitled "An Act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes," and to the Rules and Regulations of the Secretary of the Interior made and published thereunder, does hereby submit by its Department of Agriculture and Conservation, Division of Fish and Game constituting the State Fish and Game Department, this preliminary project statement for the Wildlife-restoration project described herein, which it is proposed to carry on under the provisions of said Act and said Rules and Regulations, and for which Federal aid is requested out of the apportionments made to said State by the Secretary of the Interior under the provisions of the said act.

1. Name of project: Sapowet Marsh
2. County: Newport
3. Nearest Town: Tiverton, 3 miles north
4. Needs for the proposed acquisition: Increase public wildlife management areas and preserve game habitat.
5. Planned administration of project area:
 - (a) Portion of area to be set aside as refuge: At least 10 per cent.
 - (b) What protection will be afforded wildlife: Area to be fenced and patrolled against illegal hunting and trapping.
 - (c) What uses will be made of the lands other than for game propagation: Public hunting.
6. Wildlife restoration developments planned:
 - (a) Pot hole construction for additional surface water, either by dynamiting drag line.



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6. Cont.

(b) Impounding fresh water where practical.

(c) Food patch plantings on fringes if possible.

7. Boundaries: At the present time the legal description of the area is not available but it roughly follows the marsh outline as shown on the Tiverton Quadrangle U.S.G.S.

8. Cover type percent:

(a) Agriculture 4

(b) marsh (salt) 78
marsh (fresh) 17

(c) Submerged 1

Total Acres 260

9. Land Improvements: There are no improvements.

10. Present land uses:

(a) Farming is carried on extensively along the fringes of the marsh proper. A variety of products are produced, as the soil is fertile, free from rocks etc. and include hay, potatoes, corn and market garden crops.

(b) A portion of the marsh proper is grazed over and several pastures in crop rotation are found along the edges.

(c) Trapping is generally free and open to the public, although a few years ago a portion of the marsh was rented as a muskrat farm.

(d) The area is hunted over extensively and is for the most part free to the public, but there are cases where gifts have been made to the landowner for the exclusive privilege of hunting his holdings.

(e) Some fishing at the entrance of the channel carried on. This consists of clamming and bait fishing for blue fish and bass.

(f) Others uses include the cutting of marsh hay. This practice has not been carried on for some years because of the influx of tractors as standard farm equipment which are too heavy for harvesting the hay on the frozen surface in the winter. There is a market for this product for mulching but the price at the present time does not warrant the risk of using a tractor on the ice.

11. Timber: There is no timber in the tract.

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12. Tracts in unit: (approximations)
- (a) Number 15
 - (b) Average acreage 17
13. Tract ownership:
- (a) 100% private
14. Land rentals: no information is available on rental rates for hunting, trapping or marsh hay lands.
15. Purchase possibilities: Most of the present landowners contacted are favorable to the sale of their section of the marsh. One landowner of approximately 10 acres was not, but this tract would not prevent the project from functioning satisfactory.
16. Estimated acquisition costs:
- (a) Lands \$3000.00
 - (b) Improvements .00
 - (c) Products .00
 - (d) Total \$3000.00
17. Estimated costs:
- (a) Land examination .00
 - (b) Negotiations .00
 - (c) Boundary Surveys 1500.00
 - (d) Title abstracting 500.00
 - (e) Contingency 200.00
 - (f) Total 2200.00
18. Estimated total cost of project: \$5200.00
19. Estimated time to complete: One Year
20. Funds for maintenance to be provided by future P.R. Grants.



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21. Names of State and Federal employees examining the area (no reports)

T.J. Wright, R. I. Division of Fish and Game

P. Brownell, R. I. Division of Fish and Game

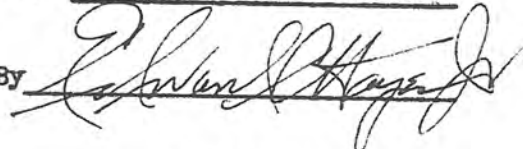
T. Marston, U. S. Fish and Wildlife Service

D. Crawford, U. S. Fish and Wildlife Service

22. This statement covers all the work contemplated under the entire land-acquisition program for this area.

Assurance is given that the foregoing information concerning the project herein described is presented to the best ability of the State Fish and Game Department, and that all of the provisions of the State laws affecting the power and authority of the State Fish and Game department to cooperate with the Federal Government in relation to this project have been fully complied with.

Respectfully submitted: Division of Fish and Game

By 

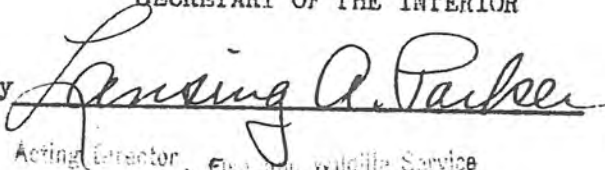
Administrator

Approved: Date DEC 21 1949

Approved: Date DEC 21 1949


(Regional Director)

SECRETARY OF THE INTERIOR

By 

Acting Director, Fish and Wildlife Service

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Land Acquisition/RI Dept. Environmental Management Town/City Report

Project ID	DEM Area	Property	Date Acquired	Acquisition Type	Land Use	Acres	Appraised Value
Barrington							
1189		Vendituoli Farm	5/11/2018	Conservation Easement	Local Grants/Open Space	3.24	\$220,000.00
1128		Sowam's Road	12/22/2006	Conservation Easement	Local Grants/Open Space	12.3	\$2,000,000.00
4027		Sowam's Road Recreation Area	4/5/2006	Recreation Easement	Local Grants/Recreation	5.87	\$600,000.00
1080		Bosworth St. Cons. Area	11/5/2001	Conservation Easement	Local Grants/Open Space	10.15	\$600,000.00
1032		Johannis Farm	5/29/1991	Conservation Easement	Local Grants/Open Space	0	\$591,000.00
1017		Devine / Vargas	4/19/1990	Conservation Easement	Local Grants/Open Space	46.75	\$589,000.00
7004	Rumstick Point	Rumstick Point	5/26/1968	Fee Title	Parks, Beaches, Bike Paths	33	\$0.00
5134	One Hundred Acre Cove	Hundred Acre Cove		Fee Title	Fish & Wildlife	100	\$4,000.00
7089	East Bay Bikepath	Haines Memorial State Park		Fee Title	Parks, Beaches, Bike Paths	101.7	
Total for Barrington (9 acquisitions)						313.01	\$4,604,000.00

Attachment 6
4 pages



Wednesday, January 4, 2023

Project ID	DEM Area	Property	Date Acquired	Acquisition Type	Land Use	Acres	Appraised Value
Tiverton							
3129		Brower	8/12/2022	Agricultural Development Rights	Agricultural Lands	25.5	\$580,000.00
3126		Ishihara/Movement Ground	2/9/2022	Agricultural Development Rights	Agricultural Land Preservation	5.94	\$180,000.00
9099		Chase Marina	10/13/2021	Fee Title	Boat Ramps/Fishing Access	0.387	\$720,000.00
5301		Mandros	11/13/2020	Fee Title	Fish & Wildlife	149.5	\$710,000.00
3119		Moore	6/18/2019	Agricultural Development Rights	Agricultural Land Preservation	11.27	\$328,000.00
1194		Manchester, John	8/10/2018	Conservation Easement	Local Grants/Open Space	42.3	\$260,000.00
1195		F & J Matta	8/2/2018	Conservation Easement	Local Grants/Open Space	60.3	\$225,000.00
1187		Hancock	12/14/2016	Conservation Easement	Local Grants/Open Space	27.08	\$165,000.00
1182		Nonquit Trail Access	6/20/2016	Conservation Easement	Local Grants/Open Space	9.64	\$141,000.00
3103		Wetencourt/Golden Tassel Farm	3/24/2015	Agricultural Development Rights	Agricultural Land Preservation	59.76	\$515,000.00
4034		Seaside Gas Station	3/7/2014	Recreation Easement	Local Grants/Recreation	0.25	\$435,000.00
5268		Marvell/Cliff Farm	6/14/2013	Conservation Easement	Fish & Wildlife	131.3	\$740,000.00
1169		Baier	9/21/2012	Conservation Easement	Local Grants/Open Space	21.83	\$145,000.00
5260		Tiverton Rod & Gun	4/23/2012	Fee Title	Fish & Wildlife	120.1	\$695,000.00
1166		Clark	2/8/2012	Conservation Easement	Local Grants/Open Space	16.3	\$375,000.00
5257		Helger	12/29/2011	Conservation Easement	Fish & Wildlife	30	\$220,000.00
6023	Adamsville Brook	Crandall Rd / Newport Water	5/27/2011	Lease	Fish & Wildlife	66	\$0.00
1161		Durfee	4/15/2011	Conservation Easement	Local Grants/Open Space	63.48	\$485,000.00
3088		Ferolbink Farm	8/3/2010	Agricultural Development Rights	Agricultural Land Preservation	126	\$3,840,000.00
1151		Sandywoods/Bossom	7/17/2009	Conservation Easement	Local Grants/Open Space	96	\$750,000.00
1134		Kirwin Property	8/10/2007	Conservation Easement	Local Grants/Open Space	56.75	\$650,000.00
1130		LeBreux, Lucien	1/19/2007	Conservation Easement	Local Grants/Open Space	148.27	\$770,000.00
3074		LeBreux - Middle Acres	1/19/2007	Agricultural Development Rights	Agricultural Land Preservation	88.14	\$820,000.00
6100	Weetamoo Woods	Narragansett Electric/TNC	12/22/2006	Forestry Easement	Forest Lands	101.23	\$650,000.00
1125		Almy, Dugan, Babcock	10/6/2006	Conservation Easement	Local Grants/Open Space	99.462	\$1,122,000.00
1122		Pereira	7/26/2006	Conservation Easement	Local Grants/Open Space	49.267	\$350,000.00
1094		Sanford Property	4/8/2002	Conservation Easement	Local Grants/Open Space	109	\$210,000.00
5163	Eight Rod Farm	Morash/Toste Farm	12/24/2001	Fee Title	Fish & Wildlife	337	\$2,750,000.00
5147	Sapowet Marsh Mgmt. Area	Durfee	7/17/2001	Fee Title	Fish & Wildlife	11.03	\$70,000.00

Wednesday, January 4, 2023

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2

Project ID	DEM Area	Property	Date Acquired	Acquisition Type	Land Use	Acres	Appraised Value
1058		ita Farm/Pardon Gray Prese	3/31/2000	Conservation Easement	Local Grants/Open Space	226	\$1,114,000.00
5074	Sapowet Mgt. Area	Babbitt	12/9/1999	Fee Title	Fish & Wildlife	33	\$525,000.00
3034	Sapowet Marsh Mgmt. Area	Taradash	12/22/1997	Agricultural Development Rights	Agricultural Land Preservation	29.845	\$626,000.00
3052	Sapowet Marsh	Peckham, Jason M.	12/22/1997	Agricultural Development Rights	Agricultural Land Preservation	11.16	\$80,345.00
5062	Sapowet Marsh Mgmt. Area	Lacerda	11/5/1997	Fee Title	Fish & Wildlife	43.4	\$950,000.00
2002		Weetamoo Woods	11/27/1990	Conservation Easement	Loans for Open Space	133.4	\$388,200.00
1018		Weetamoo Woods	5/18/1990	Conservation Easement	Local Grants/Open Space	291.18	\$548,062.00
3008		Hathaway Farm	8/20/1987	Agricultural Development Rights	Agricultural Land Preservation	72	\$567,000.00
3002		Ferolbink Farm	2/5/1986	Agricultural Development Rights	Agricultural Land Preservation	33.2	\$182,604.00
5131		Tiverton Trout Pond	11/17/1964	Fee Title	Fish & Wildlife	0.75	
6082		Tiverton Fire Tower	5/21/1963	Deed Out	Forest Lands	1	\$200.00
5200	Sapowet Marsh	Hathaway	7/12/1960	Fee Title	Fish & Wildlife	25.4	
9093	Stafford Pond	Stafford Pond (Treeful)	4/1/1959	Fee Title	Boat Ramps/Fishing Access	0.45	\$2,800.00
5130	Sapowet Marsh Mgmt. Area	Lowet Marsh Management A	11/19/1958	Fee Title	Fish & Wildlife	254.5	
Total for Tiverton (43 acquisitions)						3218.371	\$23,885,211.00



Project ID	DEM Area	Property	Date Acquired	Acquisition Type	Land Use	Acres	Appraised Value
------------	----------	----------	---------------	------------------	----------	-------	-----------------

Grand Total **Acres: 88,806.93** **Appraised Value: \$448,457,270.23**

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MANAGEMENT COUNCIL

(4)

Attachment 7
Bases
ADMIN

OCT 19 2015

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TO: Matt Wojcek, Town Administrator
FROM: Tricia Hilton, Tiverton Conservation Commission
DATE: Oct. 7th, 2015
SUBJECT: Seapowet Beach

Matt,

At our September meeting, the Tiverton Conservation meeting agenda included a presentation jointly given by Wenley Ferguson of Save The Bay and Tanner Steeves from RI DEM regarding an upcoming project at RI DEM's Seapowet Beach Management Area.

Currently there are two official parking areas, one just at the entrance and a second lot further down the beach. The second lot is rarely used, generally people drive onto the beach and park at will along the shoreline.

Attached is the Seapowet Point Restoration Project Plan. To summarize, the "second" parking area will be relocated to a grassy area near the entrance and vehicular access to the beach will be restricted to the parking areas. In addition, there will be a restoration component of dunes and shrubland.

After hearing the project proposal, the Conservation Commission agreed that these changes would be beneficial for most users at the beach. As it stands today, there is effectively no defined parking area, you might be sitting on a blanket by the shore only to have a vehicle drive up and park right next to you. The new plan should increase safety, make the beach more attractive to families with children, and reduce the dumping and littering problem. Nonetheless, for some this change will not be well received, particularly fishermen who are used to driving their vehicles with all their gear directly to their fishing spot of choice as well as those who "camp" on the beach.

The purpose of RI DEM's visit was to keep Tiverton informed of their plans and enlist our help in getting the word out to the public. The Conservation Commission has also offered to assist with the dune restoration and beach grass planting. We will look into the possibility of enlisting some Tiverton High School students as well who could apply volunteer time towards their community service requirements/credits.

I will forward the official press release from RI DEM when it comes out.

Regards,
Tricia Hilton



1



**Rhode Island Department of
Environmental Management**

**Division of Fish & Wildlife
Great Swamp Field Headquarters
277 Great Neck Rd
West Kingston, RI 02892
Tel: 401-789-0281
Fax: 401-783-7490**

Sapowet Point Restoration Project – Sapowet Marsh Management Area

Sapowet Marsh Management Area comprises 258 acres in Tiverton, RI along the Sakonnet River near the mouth of Sapowet Creek. The original purchase was made in 1960 and additional purchases were made in 1997 and later. The RIDEM Division of Fish and Wildlife is commencing a restoration project at a 36 acre region of Sapowet Marsh Management Area that aims to restore this unique coastal site, with the ultimate goals of restoring sensitive coastal habitats, enhancing wildlife habitat, and improving coastal resiliency. With funding provided by the CRMC Coastal and Estuarine Habitat Restoration Trust Fund and the Federal Aid to Wildlife Restoration program, this project will result in the restoration of 4 acres of Sandy/Cobble Shoreline, Coastal Dune, and Coastal Shrub habitats; and 9 acres of Coastal Grassland habitat.

Specifically, this project will:

- Restrict vehicular access to sensitive coastal habitats
- Relocate anthropogenic and impervious structures (fencing, signage, parking lot) away from the shoreline
- Revegetate coastal dune and coastal shrubland habitats by planting shrubs and beachgrass
- Control invasive vegetation
- Restore a 9-acre agricultural field to coastal grassland consisting of native warm season grasses and forbs that will provide valuable wildlife habitat and may accommodate future saltmarsh transgression

In addition to positive conservation outcomes, we anticipate several public benefits:

- Increase the amount of "natural" shoreline and beach space available for recreation and relaxation
- Reduce vandalism
- Improve public safety
- Reduce littering and dumping
- Improve vistas and scenery
- Improve parking amenities by creating a safer and more stable parking area
- Enhance educational opportunities with new signage



(2)

- Reduce the amount of sediment, oil and gasoline entering the intertidal and nearshore aquatic habitats (shellfishing)

Tentative Timeline:

- Fall 2015 – New parking lot construction; invasive plant control beginning
- Winter 2015 – Existing parking lot demolition and barrier installation
- Spring 2015
 - Beachgrass and coastal shrub plantings
 - Native warm season grass seeding
 - Invasive plant control
 - Installation of educational signage

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3

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photo: ©Stockphoto.com/GarMan101



Sapowet Point

[Back to List](#)

41° 34.93' N 71° 12.585' W See this location in: [Google Maps](#) [Map Server](#) [Acme Maps](#)

This is a site for launching hand-carried boats such as canoes or kayaks.

Description & Overview:

Sapowet Marsh Management Area is a RI DEM property on the east side of the mile-wide Sakonnet River. There is a gravel parking lot here next to the beach, which can be used as site from which to launch sea kayaks and other hand carried boats. The Sakonnet River is a broad, open salt water inlet connecting Rhode Island Sound to the south with Mount Hope Bay to the north. If the Sakonnnet River is too rough for safe paddling or if you simply want to explore some "tighter" waters you can head under the bridge and up into the large Sapowet Marsh, but pay attention to the tides and tidal currents.

[Post a Review, Comment or Photographs](#)

On most days the southwest wind fills in strongly in this area in the morning and blows briskly throughout the afternoon, producing strong waves, so be prepared for this when planning your trip.

This site provides access to the following water bodies: **Sakonnet River.**

Location:

Town: Tiverton

Nearest Town Center: Tiverton Four Corners

Driving Landmarks: If heading south on Route 77 turn right onto Seapowet Avenue/Lafayette Road and go 1.4 miles (bear left at 0.7 miles when the road bends sharply to the left). Look for a dirt road turn off on the right just before the bridge over Sapowet Creek.

If heading north on Route 77 turn left on Neck Road/Puncatest Neck Road and go 0.8 miles. Then turn right on Seapowet Avenue and go 0.8 miles and look for a dirt road turn off on the left just after the bridge over Sapowet Creek.

Access & Waters:

Water 'Features' At Site: estuary, ocean/bay

Note: Because one boat launch can access, say, both a lake and a river or both the upstream and downstream portions of a river, not all paddling trips at a given site will necessarily encounter all of the features listed.

Type of Access: Boat launch for hand carried boats

ADA Accessible Boat Launch? no

Shoreline: cobbles and sandy gravel

Float/Dock: no

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Approximate Length of Carry between Car Access and Water: 50 feet

Parking:

Parking: parking lot

ADA Accessible Parking Spaces? no

Nearby Amenities:

Public Restrooms: No

Sources for More Information:

Other Guidebooks: Site 40 in Ed Mullen's book "Kayaking Narragansett Bay"

Website: [Mike Krabach's kayak access website](#)



Do you have comments, corrections or additions to the information about this site?

Post a Review,
Comment or
Photographs

Help us work together to make this website better by sharing your knowledge!

Send Private
Feedback

Private feedback goes to the Blueways Alliance/RI Land Trust Council. We'll use your information to make this website better or pass it along to the people who can deal with physical issues at this

site. Public comments are posted here (once they've been reviewed and approved) for all to see.

The data on this website come from many sources, including volunteers and organizations across the state of Rhode Island and nearby parts of Massachusetts. We have done our best to make sure the data are accurate and up to date, but any information critical to the success of your trip should be confirmed before you start. **The maps and information on this website should not be substituted for nautical charts, topographic maps, or other more detailed maps and guides.** We welcome corrections and additions. To send a correction or provide other feedback, please use our feedback form (see link above).

This site report was last updated on June 5, 2011

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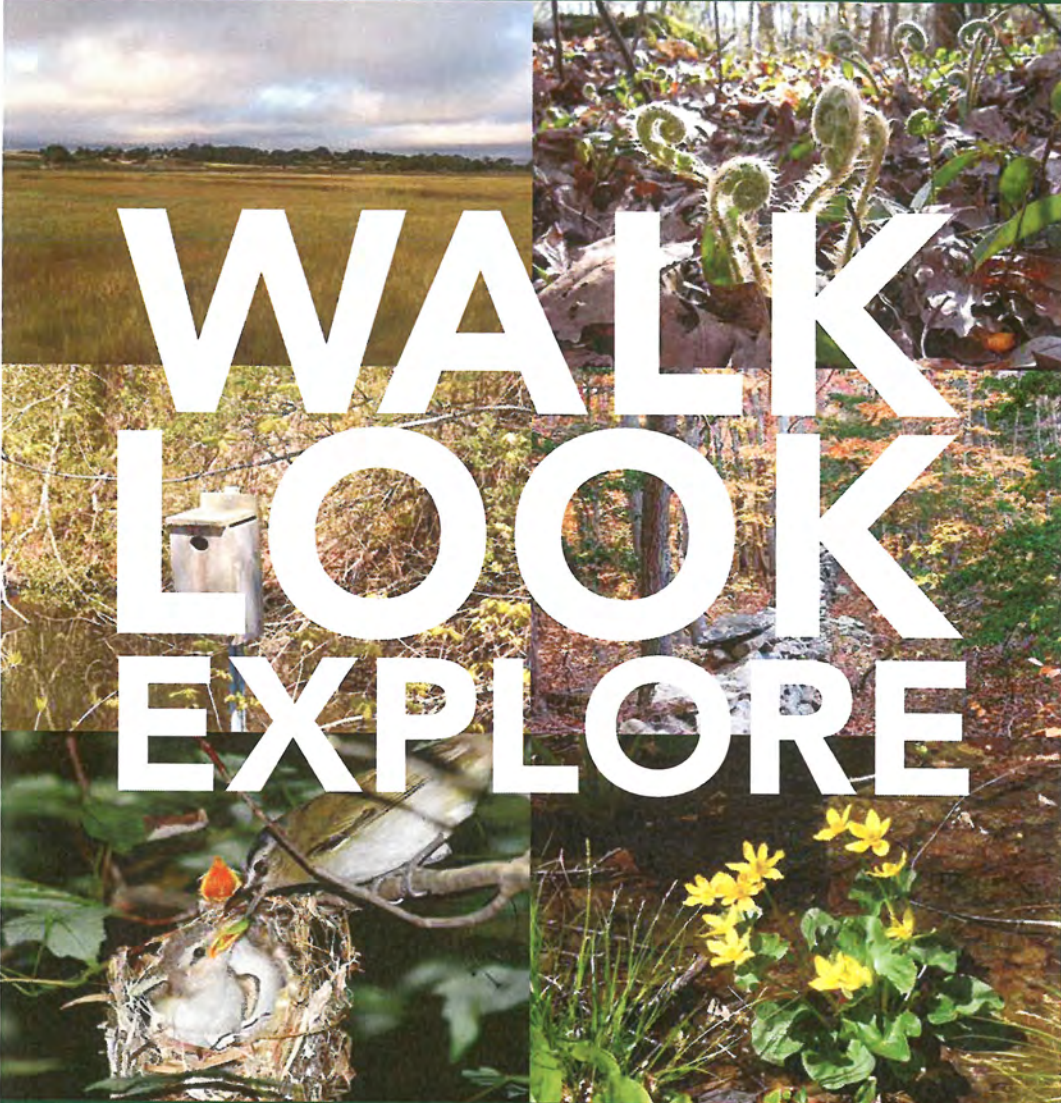
email: info@exploreri.org

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TIVERTON, RHODE ISLAND



WALK LOOK EXPLORE

18 miles of **Walking Trails** through
deep woods, pastoral meadows,
salt marshes and river vistas

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1



WELCOME TO TIVERTON

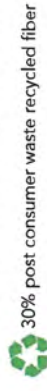
We take great pride in our small town's intimate character and cherish our history, arts community, and the natural beauty of our preserved wild places. We invite you to enjoy the more than 18 miles of public trails in our woods, meadows, and coastal marshes.

For nature to thrive, your assistance in keeping these areas pristine is greatly appreciated.

Carry out what you carry in. And enjoy.



Funded by the Tiverton Land Trust, Town of Tiverton, Discover Newport and Pocassetlands Stewardship Fund.
Published by the Tiverton Open Space Commission, Town Hall, 343 Highland Road, Tiverton, RI 02878.
©2018 Town of Tiverton. All Rights Reserved.



30% post consumer waste recycled fiber

TRAILS ETIQUETTE

It is very simple: surround yourself in nature and leave only footprints.

The following regulations apply to all open spaces in Tiverton. More detailed regulations for each preserve are posted at trailheads.

- Open sunrise to sunset.
- Carry out what you carry in.
- NOT permitted: motorized vehicles, alcohol, camping, fires, glass, trapping, metal detectors, paint ball, off-trail geocaching, or competitive field activities.
- Dogs must be on a physical leash, kept on trails, and their waste removed.

No Dogs: Pocasset Ridge Conservation Area and Emilie Ruecker Wildlife Refuge.

- ONLY Weetamoo Woods and Pardon Gray Preserve allow mountain biking and horseback riding.

- **Safety Alert:** Ticks and poison ivy are found in all wild areas of Southeastern New England. You can minimize risk by avoiding contact with vegetation and staying on official trails.

Thank you for being a steward of our natural habitats.

This booklet and all maps are available to download at www.tiverton.ri.gov



Tiverton Community Map

PUBLICLY ACCESSIBLE

- Walking Trails
- Salt Marshes
- Beaches with Seasonal Life Guards
- Fort Barton and Highland Woods
- Basket Swamp Preserve
- Weetamoo Woods
- Pardon Gray Preserve
- Pocasset Ridge Conservation Area
- Emilie Ruecker Wildlife Refuge
- RIDEM Eight Rod Farm
- Grinnell's Beach
- Fogland Beach
- RIDEM Sapowet Marsh
- TNC Fogland Marsh Preserve
- High Hill Point



Data Sources: RIDGIS, Town of Tiverton, August 2017
Boundary lines are approximate.
Produced by Taylor Arsenault



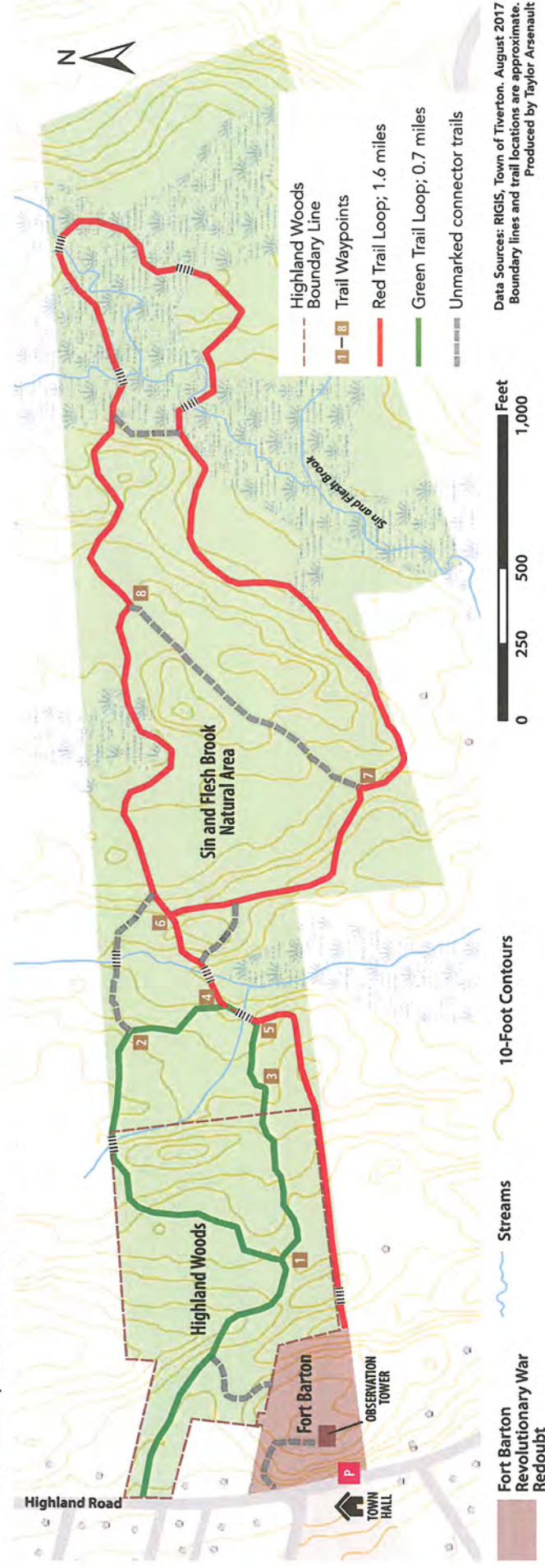
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A FORT BARTON AND HIGHLAND WOODS

98 acres; 2.8 miles of trails

NO BIKES; NO HUNTING



There is much to charm visitors at Fort Barton and Highland Woods, including Revolutionary War history, vernal pools, and the pristine Sin and Flesh Brook Natural Area. Parking is opposite Town Hall at 343 Highland Road, where a climb up a winding driveway leads to original Revolutionary War earthworks. Less strenuous access is 250 yards north to Highland Woods where one can park on the street and take a gentler path up. While wandering around the redoubt, it is easy to imagine colonial militias firing artillery across the narrow Sakonnet Passage to harass British positions. Climb the observation tower and enjoy a panoramic view of the Sakonnet Passage and Mount Hope Bay.

At least another hour will be required to check out the towering oaks, the lovely scent of sweet pepperbush, and the babbling ripples of Sin and Flesh Brook.

STEWARDS: Town of Tiverton and Tiverton Land Trust

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B BASKET SWAMP PRESERVE

96 acres; 1.3 miles of trails

Basket Swamp was the name given on an old Tiverton map to the wetland in this preserve. That was a common name for swamps where "basket ashes" grow. That tree (*Fraxinus nigra*) is a swampland species uniquely suited for basket making. The only trailhead is on Cornell Road, a quarter mile south of Bulgarmarsh Road (Route 177). Coming off the trailhead is the White Trail that descends immediately into the wetland's oak-holly hardwood forest. The trail quickly transitions to a dry, oak-pine woodland, just as the Yellow Trail branches off to the left (south). Walking through stone fences and flat stone-free terrain, one senses the presence of an old farm settlement. Further south the trail curves westward and crosses a cleared gas-line easement, the other side of which is the start of the Red Trail. This leads to a lovely walk through mature birch, sassafras, and woodland ferns. Eventually circling clockwise back to the east, the trail returns to the easement where, 500 feet to the south, the White Trail may be joined for returning to the trailhead.

STEWARDS: Tiverton Land Trust



Data Sources: RIGIS, Town of Tiverton, August 2017
Boundary lines and trail locations are approximate.
Produced by Taylor Arsenault

Learn more at tivertonlandtrust.org

C WEETAMOO WOODS

655 acres; 6.5 miles of trails

Weetamoo Woods is named after the last Sachem of the Pocasset area native people. She died in King Phillips War. The best trailhead for a first-time visitor is on East Road, a quarter mile east of historic Tiverton Four Corners. The information kiosk is a short walk from the parking area. From there hikers may take various trail loops for visiting many natural and historical features, including High Rock, a 12-acre meadow, an Early American slab bridge, and the foundations and arched bridge associated with an 1800s sawmill. In between these features are hundreds of acres of coastal oak-holly forest that surround Cedar Swamp. Trails may also be accessed at the Land Trust trailhead and parking area on Main Road adjacent to a 65-acre grassland maintained for ground nesting bird species.

STEWARD: Town of Tiverton



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D PARDON GRAY PRESERVE

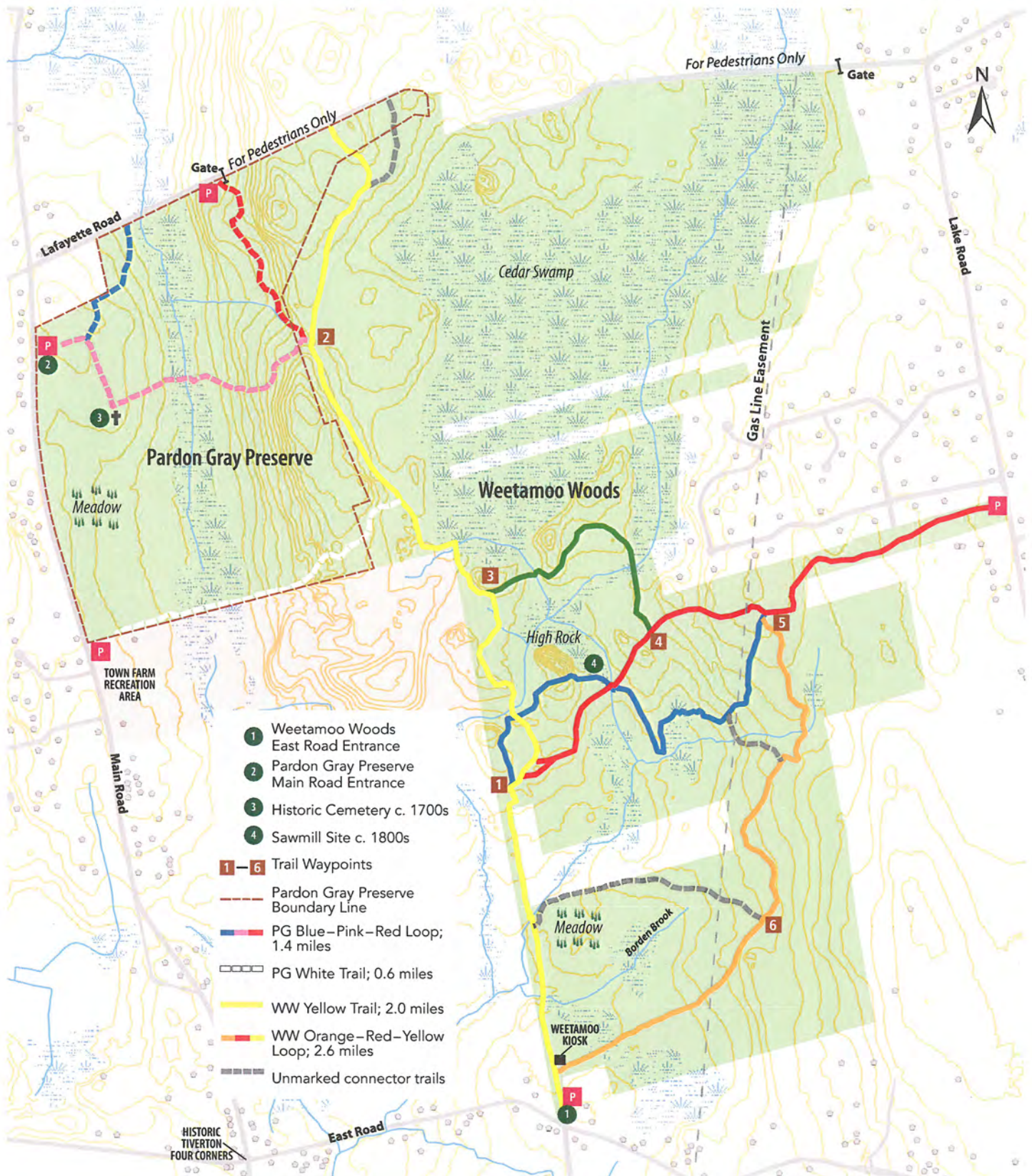
229 acres; 1.8 miles of trails

Pardon Gray Preserve nestles alongside the northwest border of Weetamoo Woods. It includes part of the forested "Pocasset Ridge" and overlooks 65 acres of open grassland-meadow, an increasingly rare habitat for grassland nesting birds. From the Main Road parking area, the restored Gray family cemetery is visible in the field, with its fieldstone wall enclosure and markers dating back to the 18th century. This trail continues into the woods below, past a lovely vernal pool, thence up the ridge for a 1 ½-mile counter-clockwise loop around the Ridge Trail back to the parking lot by way of the Lafayette Connector trail off Lafayette Road.

STEWARD: Tiverton Land Trust



Learn more at tivertonlandtrust.org



Municipal Property

Forested Wetlands

Streams

10-Foot Contours

0 500 1,000 2,000 Feet

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Data Sources: RIGIS, Town of Tiverton, August 2017
Boundary lines and trail locations are approximate.
Produced by Taylor Arsenault

E POCASSET RIDGE CONSERVATION AREA

617 acres; 2.1 miles of trails

Adjacent to Weetamoo Woods and Pardon Gray Preserve, Pocasset Ridge is a vital part of the Tiverton "Pocassetlands" – over 1,500 acres of closed canopy forest. The stewards manage Pocasset Ridge as a wild area to achieve minimal ecosystem disturbance. Reserved exclusively for hikers, without dogs or mountain bikes, this is a place to get lost in the silence of the forest, or in a symphony of deep woods birdsong on a spring morning. The only trailhead is at 2910 Main Road, adjacent to the south intersection of Nanaquaket with Main Road. From there the trail rises to a rocky highland forest of oak, huckleberry, glacier-strewn boulders and granite outcrop. The Cliff Trail passes through a drainage basin with magnificent beeches and red oaks, and terminates at a 90-foot sheer cliff overlooking a red maple – yellow birch swamp. The Loop Trail connects two old wagon roads, which for generations gave passage to oxcarts loaded with fuel wood.

STEWARDS: The Nature Conservancy, Tiverton Land Trust, RIDEM, Town of Tiverton



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NO DOGS; NO BIKES; RIDEM BOW HUNTING



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15

F EMILIE RUECKER WILDLIFE REFUGE

52 acres; 1.3 miles of trails

Emilie Ruecker Wildlife Refuge offers a great place to sample three of Tiverton's signature coastal ecotypes – woodlands, fresh water wetlands, and coastal salt marshes. The Orange and Red Trails on the east side favor the upland habitats, while the Blue and Yellow Trails provide a tour of the shoreline and estuarine systems. Emilie Ruecker is also a superb location for marsh birds, with shallow tidal areas to attract waders, and good shoreline cover for excellent observation points. Trailhead parking is on Seapowet Avenue, a quarter mile west off Main Road.

NOTE: Emilie Ruecker Wildlife

Refuge is for hikers only – no dogs or mountain bikes.

STEWARD: Audubon Society of Rhode Island



16



Data Sources: RIGIS, Town of Tiverton, August 2017
Boundary lines and trail locations are approximate.
Produced by Taylor Arsenault



Learn more at asri.org

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17

G EIGHT ROD FARM

418 acres, 1.5 miles of unmarked trails

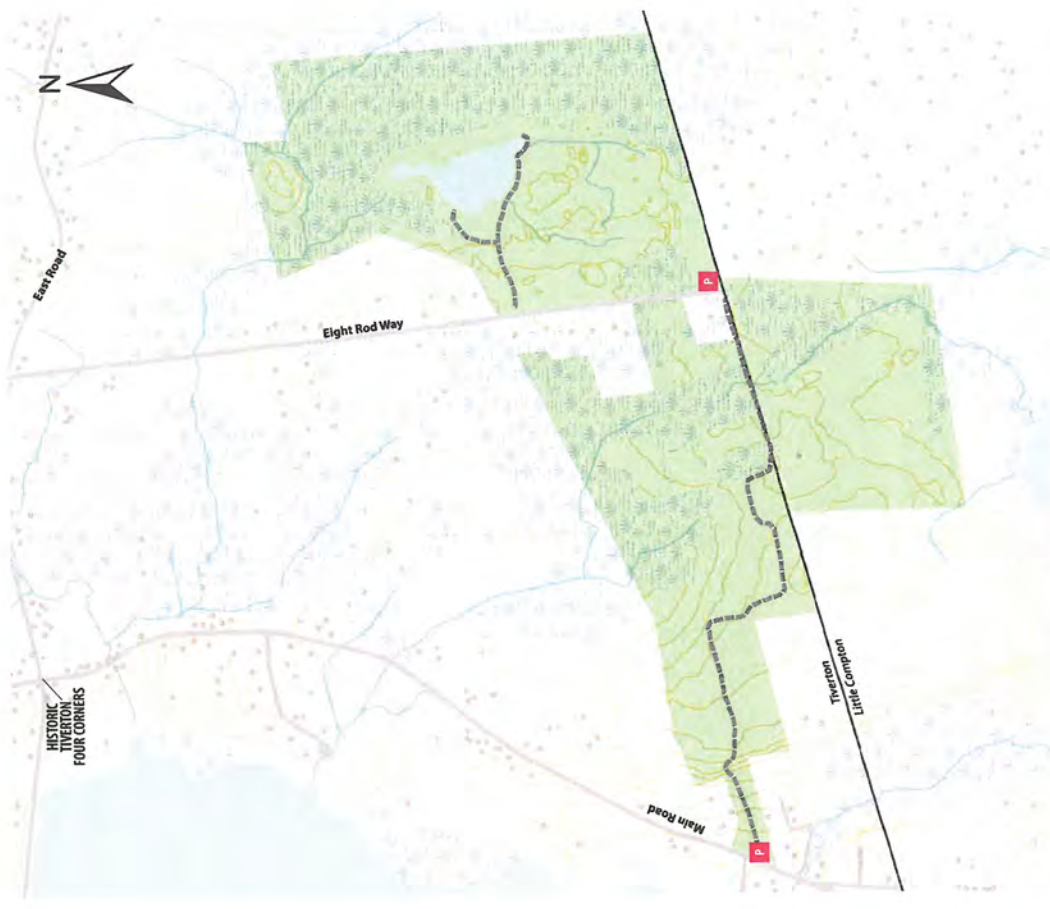
Eight Rod Farm is a state wildlife management area located on the border with Little Compton. Farmed in the summer months, this property offers seasonal fishing and hunting. The trailhead on Main Road is opposite the intersection with Pond Bridge Road. From there the trail rises slowly, passes through a hedgerow, then meanders a mile plus through various open fields, with several dead-end spur trails off the main trail. The final quarter mile is a laneway on the town boundary with Little Compton. The trail ends at the southern end of the paved Eight Rod Way. Another short trail leading to a pond may be accessed a quarter mile up Eight Rod Way.

NOTE: Fluorescent orange must be worn during hunting season.

STEWARDS: RIDEM Division of Fish and Wildlife



RIDEM HUNTING PERMITTED



Data Sources: RIGIS, Town of Tiverton, August 2017
Boundary lines and trail locations are approximate.
Produced by Taylor Arsenal

Learn more at dem.ri.gov

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SALT MARSHES AND BEACHES



The Sakonnet River is a broad, saltwater strait connecting Rhode Island Sound to the south with Mount Hope Bay to the north. Tiverton's shoreline offers expansive salt marshes and several public beaches, both cobble and sandy.

1 Grinnell's Beach

Small family beach with lifeguards and restrooms. Parking fee for out-of-state visitors. No dogs April 1st through Columbus Day.

Steward: Town of Tiverton



2 Fogland Beach and Conservation Area

Seasonal lifeguards, restroom facilities, playground and picnic tables. Parking fee for out-of-town visitors. Located on the north shore, the conservation area is limited to gentle uses. No dogs April 1st through Columbus Day.

Steward: Town of Tiverton



3 Sapowet Marsh

This 260-acre refuge includes a variety of coastal habitats. Parking allowed on north side of bridge, with walking access to the cobble beach for fishing, bird watching, kayaking, or simply enjoying the view. Seasonal hunting permitted.

Note: Fluorescent orange must be worn during hunting season.

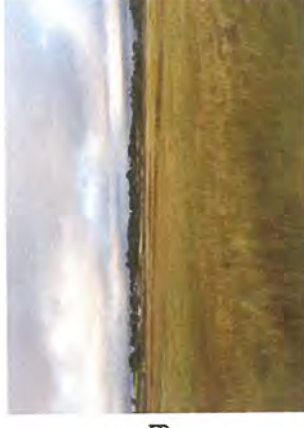
Steward: RIDEM Division of Fish and Wildlife



4 Fogland Marsh Preserve

Filled with plant, bird and aquatic life, this fragile salt marsh connects to a pristine, ¼-mile beach reaching into neighboring Little Compton. No parking.

Steward: The Nature Conservancy of Rhode Island



5 High Hill Point

Small, neighborhood, cobble beach. No lifeguards, no parking. Pedestrian and bicycle access only. No dogs April 1st through Columbus Day.

Steward: Town of Tiverton



IN APPRECIATION:

Our deepest appreciation to Tiverton's many volunteers and the coordinated efforts of the following dedicated land preservation groups for their continued interest in Tiverton's natural areas.

Tiverton Land Trust, a private, non-profit corporation, focuses on preserving Tiverton's rural character and natural resources. TLT derives funding through private donations, membership and land grants when acquiring parcels for preservation. The land trust is accredited by the National Land Trust Accreditation Commission.

401-625-1300 tivertonlandtrust.org

Tiverton Open Space and Land Preservation Commission, a Town Council appointed volunteer commission, is tasked to preserve and steward natural habitats and farmland in Tiverton. Land acquisitions are funded primarily by a share of the town's real estate conveyance tax income to match federal, state and private grant opportunities.

Town Hall: 401-625-6700 tiverton.ri.gov

The Nature Conservancy is a worldwide conservation organization with specific interests in the Sakonnet region for the protection of ecologically important lands and waters for nature and people.

Rhode Island office: 401-331-7110 nature.org/rhodeisland

Audubon Society of Rhode Island, an independent statewide conservation organization, fosters the conservation of wild birds and other forms of wildlife through land protection, environmental education and advocacy.

401-949-5454 asri.org

Rhode Island Department of Environmental Management

401-222-4700 dem.ri.gov

The Town of Tiverton thanks the following individuals for their unique contributions:

Taylor Arsenault, GIS/GPS mapping; Mary Sexton, Good Graphic Design; Ginger Lacy, Project Coordinator; and Garry Plunkett for his GPS tracking and extensive knowledge of the natural habitats of Rhode Island.

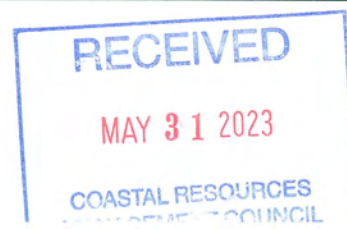


Photography by: Geoff Dennis, Garry Plunkett, Wayne Browning, Ginger Lacy, John Berg, Leslie Lindeman, and Phil Schuyler.



You can help care for these natural areas
with a donation to the
Pocassetlands Stewardship Fund
at the Rhode Island Foundation.

To donate, contact RIF:
401.274.4564 • rifoundation.org



13)

CHAPTER 6

State and Municipal Considerations

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MANAGEMENT COUNCIL

Town Administrator

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COASTAL RESOURCES
Hingham, MA 02043

ATTACHMENT 11
2 PAGES

From: Jay Edwards <sighthound_lover01@yahoo.com> on behalf of Jay Edwards
Sent: Thursday, May 11, 2023 6:49 AM
To: Town Administrator; Michael Marcello; Bruce H. Cox
Subject: Fw: Bowen application out for public notice again
Attachments: Sapowet Grant files.pdf

Hi all,
CRMC has reopened public notice, so it appears that the Bowen's will be given another opportunity to make their case, as well as the public. Kenny has found additional information here that may bolster the case for CRMC to deny their application. I hope we can use it to support the town's previous response in which we expressed our objections to the Bowen's proposal. Public comment will end on June 8, so we have a very short period in which to act if we choose to. Members of the public can use this same information, but it will carry more weight if the town does too.
Respectfully,
Jay Edwards

----- Forwarded Message -----

From: Kenny Mendez <kenneth.mendez@gmail.com>
To: Jay Edwards <sighthound_lover01@yahoo.com>
Cc: Liz Mendez <lizmendez81@gmail.com>
Sent: Wednesday, May 10, 2023 at 02:31:14 PM EDT
Subject: Bowen application out for public notice again

Jay...In case you hadn't seen it, the CRMC just restarted the public notice period for the Bowen application today. The official public notice period ends on June 8, 2023. I called you and left a message to see if you'd have a few minutes to discuss some new information that I've found.

I've attached the grant applications used to acquire the Sapowet Wildlife Management Area going back to 1949 where RIDEM applied for federal government funding to keep the area open for hunting and fishing. I obtained the original grant applications from the RIDEM. I highlighted sections that would prove a violation of federal grant funding objectives if RIDEM allowed the placement of a commercial oyster farm contiguous to the Seapowet Wildlife Management area. The intent of the grants is to create fishing and hunting opportunities for the public and to preserve habitat by acquiring lands to create the Seapowet Wildlife Management area.

The Project Statement for the Lacerda Grant application declares that the objective of acquiring property in the Sapowet Management Boundary Area is to provide "important fish and wildlife habitat values" and "support public recreation for hunting, fishing and compatible fish and wildlife associated recreational activities." The grant objective for the Seapowet Area refers to the activities that the land acquisition facilitates in the immediate area. Those activities are named as "hunting, fishing and other compatible recreations" and "non-consumptive" recreation highlighted as "boating and photography to passive forms such as enjoying the aesthetic, scenery of the habitats and wildlife observation". All these activities currently take place at Seapowet. People hunt, fish, kayak, sail, clam, birdwatch, explore and use the natural resources of the site. A commercial aquaculture operation in this location is inconsistent with these activities.

An acre of metal and plastic cages placed in the shallow water contiguous to the Seapowet Wildlife Management Area will restrict recreational fishing activity and other activities currently enjoyed by the public. It is irrefutable that people wade out and fish in the area of the proposed lease. Increased human activity from aquaculture operations and shallow exposed cages will also impact the bird ecosystem and create risk of waterfowl depredation. These restrictions and potential risks violate the objectives of the federal grant. In addition, there was scant detail in the pending aquaculture application about where and how aquaculture operations will be conducted (cleaning of cages, power washing of biofouling) which raises concerns about impacts on wildlife that have not been addressed.

The grant applications and project statements recognize the need to acquire land to protect the Sapowet Wildlife Management for hunting, fishing, and wildlife-associated recreational activities that accompany the land acquisition. The objective of the grants are to prevent commercial development of the area. A commercial business allowed in that area violates compliance with the grant's intent to restrict commercial activities. Given this new information and some of what

the Bowen's have expressed at Town Council Meetings, I'm wondering whether this could be helpful information for the Town Council. I'll try calling again later.

All the best,

Kenny



Town Administrator

From: Liz Mendez <lizmendez81@gmail.com> on behalf of Liz Mendez
Sent: Tuesday, May 23, 2023 1:57 PM
To: Chris Cotta; Mike Burk
Subject: Bowen distance from shore follow up information
Attachments: Bowen distance from shore.pdf; Untitled attachment 00924.htm; CRMC File 2020-04-037 Bowen Modified App 11-2020.pdf; Untitled attachment 00927.htm

Hi Chris and Mike,

Thank you for a productive discussion on the Bowen proposal at the Town Council meeting last night. It's encouraging that the Town will send a letter to the DEM and the CRMC with the town's objections to this proposal.

Questions came up regarding how far the proposal is from the shore. Attached is a map (from the Bowen modified application) that shows the distances from shore - **260 feet from shore and 400 feet from the bridge**. This modification moves it closer to shore than the original application. Also included are photos showing the Seapowet area.

Two of the marker buoys on the land-based side are no longer there, making it difficult during the public notice to see where the site is.

For quick reference, a .pdf of the Bowen modified application is attached.

Best,

Liz Mendez





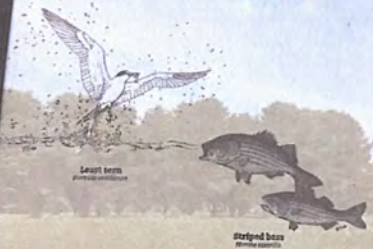
Sapowet Marsh Wildlife Management Area

Rhode Island's Management Areas provide hunting, fishing and wildlife viewing opportunities to the public, and protect wildlife habitat and exemplary natural communities. Sapowet Marsh WMA consists of 260 acres here in the town of Tiverton, and was established by several land acquisitions in the early 1960s and more recent acquisitions in 1997 and 2002 with funding provided in part by the Federal Aid Wildlife and Sport Fish Restoration Program. This property is managed by the Division of Fish and Wildlife, and it contributes to a network of over 5000 acres of protected conservation land in Tiverton and Little Compton.



Features:

Sapowet Marsh WMA is located here on the eastern shore of the Sakonnet River at the mouth of Sapowet Creek where a large tidal marsh occurs that gives the area its name. This site is part of the Narragansett Bay ecosystem, and features a variety of coastal habitats including: sandy shoreline; coastal grassland; and tidal saltmarsh. Sapowet Marsh WMA offers opportunities for hunting, fishing, birding, boating and shellfishing.



Funding and support for this project provided by:



Illustrations courtesy of: Paul J. Fusco/CT DEEP-Wildlife

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Sapowet Marsh Wildlife Management Area: Coastal Ecosystem

Coastal Resilience:

Coastal landscapes are constantly changing due to impacts from storms and tides. As sea level rise continues, shoreline erosion and seawater inundation will further re-shape this space. In 2016, restoration efforts were undertaken to relocate infrastructure (a parking lot and roadway) and revegetate 10 acres of disturbed area with native plants, aiming to improve the site's ability to adapt to the effects of climate change and provide a suitable area for saltmarsh habitat to shift inland as part of a dynamic process known as marsh transgression. These efforts are intended to improve coastal resiliency and provide critical habitat for saltmarsh plants and wildlife into the future.



Wildlife Habitat and Species of Greatest Conservation Need:

Coastal habitats support many species of conservation concern, including diamondback terrapin and the Federally Endangered piping plover. Tidal marsh birds such as seaside sparrow and saltmarsh sparrow nest here and can be seen flying low throughout the marsh during the summer months.

Shorebirds and waterfowl, such as American black duck, use the beach and tidal areas during migration and as wintering habitat. Beach nesting birds forage here too, and least tern can be seen making dramatic dives into the water while searching for fish.



Diamondback terrapin - *Malaclemys terrapin*



Saltmarsh sparrow - *Ammodramus caudatus*



Least tern - *Sterna antillarum*

Funding and support for this project provided by:



Information and photos re: location of the Bowen proposal

Map of Bowen modified location – currently out for public notice in May 2023. This location was selected May 1, 2020, two weeks after their original application was filed in April 2020. According to this map they are 260 from shore, and 400 feet from the bridge. Two of the marker buoys (on the land-based side) are no longer in place.



DEM Parking lot and Bowen corner marker at the outflow of Seapowet Creek





At low tide the Bowen corner marker is very close to the sandbar accessible from the DEM Parking lot. Corner buoy to the left of the person. At high tide it looks different.



The cages will not be submerged at all tides. **Mean Low Water** is an average number over a period of years. **Low tide** varies so it is likely the cages will be exposed at different tides. Exposed cages pose issues that have may not have been adequately scrutinized during the application process. It would be better for cages to have at least 3 feet of water or more over them





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INTERTIDAL AREA IN FRONT OF BOWEN'S STRIP OF LAND.



Bowen strip is in middle with DeSouza on left and Metcalf on right.



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BIOFOULING OF BOWEN CORNER MARKER: There is little information about how and where the operations of the farm will take place. It's unclear how much information CRMC requires from an applicant. The application does not indicate how biofouling will be cleaned. Cages located in shallow areas during hot weather and summer months will need to be cleaned frequently. What happens to the biofouling of 200 cages and cleaning them? Will cleaning of the cages impact the public users of the area?

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MANAGEMENT COUNCIL

Attachment 13
2/MS

Town Administrator

From: Bruce H. Cox <bhcox@slepkowlaw.com> on behalf of Bruce H. Cox
Sent: Thursday, May 18, 2023 4:46 PM
To: Marcello, Michael; Christopher Cotta
Cc: Jay Edwards; Denise Saurette; Denise M. deMedeiros
Subject: RE: Bowen CRMC Application

The Commission voted on Monday to recommend denial of the application and to encourage the Town Council to take the same position. I will be submitting a letter to the Council to that effect together with the letter being sent to the CRMC. Councilor Burke has placed us on the agenda. Regardless of what Mr. Geutch says, the Commission was adamant in its position that it should have it pointed out to the CRMC that the Commission has changed its position.

Bruce H. Cox

**SLEPKOW &
SLEPKOW
ASSOCIATES Inc.**

1481 Wampanoag Trail
East Providence RI 02915
401-437-1100
fax 401-433-5066
bhcox@slepkowlaw.com

Welcome back! We are now allowing real estate agents and loan originators to attend closings. We look forward to seeing you soon.

This e-mail message is confidential and is intended only for named recipient(s). It may contain information that is subject to the attorney-client privilege or the attorney work-product doctrine or that is otherwise exempt from disclosure under applicable law. If have you received this e-mail message in error, or are not the named recipient(s), please immediately notify the sender, delete this message from your computer and destroy all copies. Thank you.

From: Marcello, Michael <Michael.Marcello@lewisbrisbois.com>
Sent: Thursday, May 18, 2023 4:22 PM
To: Christopher Cotta <administrator@tiverton.ri.gov>
Cc: Jay Edwards <sighthound_lover01@yahoo.com>; Denise Saurette <treasurer@tiverton.ri.gov>; Bruce H. Cox <bhcox@slepkowlaw.com>; Denise M. deMedeiros <ddemedeiros@tiverton.ri.gov>
Subject: Bowen CRMC Application

Chris

Today I spoke with the Ben Geutch of the CRMC related to the Bowen application. He confirmed that the request for written public comment during this period is a result of a procedural defect of notice in the original application and the CRMC modification of the proposed site back in 2020. The current proposed site contains about an 80% overlap of the original proposed location but some of the boundary was moved south and east out of the deeper channel.

He confirmed that all prior written comments remain in the file, and there is no need to resubmit the same comments again. He confirmed that the town's original concerns were in the file via a letter send from the Council President.

Once this comment period is closed, there will be a public hearing on the application before the CRMC.

Mike Marcello



Michael Marcello

Partner

Michael.Marcello@lewisbrisbois.com

T: 401.406.3317 F: 401.406.3312

One Citizens Plaza, Suite 1120, Providence, RI 02903 | LewisBrisbois.com

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~~9-11~~
Attachment 14
Spices

Town of Tiverton, Rhode Island
HARBOR AND COASTAL WATERS MANAGEMENT COMMISSION
343 HIGHLAND ROAD
TIVERTON, RI
02878

May 18, 2023

Tiverton Town Council
President Denise M. deMedeiros
343 Highland Road
Tiverton, RI 02878

INRE: Bowen CRMC File No. 2020-04-037

Dear President deMedeiros:

At its May meeting the members of the Harbor and Coastal Management Commission voted that a formal request be made of the Tiverton Town Council to join in the Commission's request of the Coastal Resource Management Council that the above pending application be submitted to a full hearing before them. Attached is the letter being sent.

Kindest regards,

Very truly yours,

A handwritten signature in black ink, appearing to read "Bruce H. Cox", written over a horizontal line.

Bruce H. Cox, Chair,



Town of Tiverton, Rhode Island
HARBOR AND COASTAL WATERS MANAGEMENT COMMISSION
343 HIGHLAND ROAD
TIVERTON, RI
02878

May 18, 2023

Executive Director Jefferey Willis
Coastal Resource Management Council
4808 Tower Hill Road, Ste 116
Wakefield, R.I. 02879

INRE: Bowen CRMC File No. 2020-04-037

Dear Executive Director Willis and CRMC Chair Raymond C. Coia:

I write as Chair of the Tiverton Harbor and Coastal Waters Commission (THC) and its representation of the citizen of Tiverton and surrounding communities as well as a plethora of members of the community of stakeholders using the Sapowet waters where the Bowens propose placing an aquaculture farm. The response, once the proposal was properly exposed, was consistently aggressively negative. In October 2021 the THC recommended that the matter be referred to subcommittee for specialized review. In the time passing since the initial presentation of the application a number of issues not presented by the applicant, the stakeholders have come forward. The issues not presented in the current proposed application are the extensive and intensive use of these waters by the public. Additionally, there were elements of misrepresentation. Bowens maintained that they were going to maintain the site from the water. They now have acquired land with the clear anticipation of using it as a base of operations; a land base.

On Monday night, May 15th, 2023 the THC at its properly posted meeting in Tiverton Town Hall, after receiving the re-noticing of the Bowen application for review **voted unanimously to request the denial of the application. Explicitly reversing its prior vote.**

There are material changes in the amended application, not the least of which is moving the site back into the DEM Shellfish area, which was a significant concern of the THC at the time of the original application and why they originally moved it to answer the THC's concern

It is clear that this application should not proceed at the very least, if at all, until there is a

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MANAGEMENT COUNCIL

complete hearing by the CRMC and only after a full vetting by a CRMC subcommittee review.

We hereby request that the hearing be conducted, this spite being assured that one would occur.

In reviewing the application, the subcommittee and the Council have to review the application following the standards required under the Category B application elements, most of which it fails to meet. These elements are accurately addressed in writing by a Tiverton land owner, Donald Libby. He writes as follows:

"I would like to point out several Category B Requirements from the Red Book where the applicants have not met their burden, and why the Commission should respond and oppose the application:

1. Demonstrate the need for the proposed activity

By admission, the site is in an environmentally sensitive area, including 40% of the site overlaying the designated DEM Recreational Shellfish area.

If approved, the Bowens 40% of the Bowen lease would overlap the DEM Shell Fish area.

Exclusive use would prohibit the public from using a large portion of the designated Recreational Shellfish area.

2. Demonstrate that all applicable local zoning ordinances, building codes, etc. have or will be met

The application fails to disclose how they intend to or could comply with local zoning while operating a commercial business on their small sliver of land on Seapowet Avenue. The zoning is R80 residential zone, not commercial.

Will the Bowen's affirm that the business will preclude their commercial or "farm" use of the Seapowet Ave property? (The road is Seapowet, the point is Sapowet.)

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

The applicant does not provide any information on the affected coastal waters and land area. It is clear from the multitude of opposition presented to the Commission and the CRMC, the Sapowet site is heavily recreated by a variety of people and stakeholders. Anglers, swimmers, beachgoers, kiteboarders, boaters, kayakers, all use the area including the proposed site.

Also, this the site includes a longtime mooring field area, including long pending riparian



mooring applications.

The site is also the location of a fishing hole that anglers have recognized and promoted for decades.

4. Demonstrate that the alteration or activity will not result in significant impacts on erosion and or depositions processes along the shore and tidal waters.

If the applicant intends to use the sliver of land for their operations, there likely will be a considerable erosion effect on the shoreline of the property because of abnormal use.

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

The Seapowet area provides significant public access to the Sakonnet River. The location of the site will impact on the public's use of tidal waters in and around the site, and impact on recreational use.

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

The proposed site will significantly impact on recreational use of the Seapowet Point area. The beach and nature areas adjacent to the proposed site affords heavily used free off-street parking, and a sandy beach.

At low tide many waders indulge, as do shell fisherman. Anglers enjoy wading at different times of the day including at night. The location of the site will reduce safety for all users.

The site will conflict with water dependent uses because the proposed site will be a physical obstacle, even if the cages are located on the bottom. The site would exist in a portion of Sapowet that has a demonstrated use as a recreational area. The public uses the area for fishing, swimming, sailing, boating, kayaking, paddle boarding, operating personal water craft and vessels. The proposed project would displace a area from those activities. Displacement of those activities at the site would likely increase safety issues as users would have to traverse deeper water to go around the cages farther from shore or inshore where waves and sea-state could increase unsafe conditions.

The contention that waders, swimmers, and other users will be less-impacted, because they can access the proposed farm and surrounding areas is insufficient to demonstrate that the proposed project will not result in significant conflicts. Recreational users may not feel welcome or safe to operate in, through, or around an area used for commercial purposes. It is likely that that many users would forgo visiting Sapowet with obstructions located in the water.



Navigation by motor and sailing vessels to and from the mooring area located in and near the site will be affected, and make it more difficult for boaters to access their moorings.

The proposed site would be a physical barrier to those that use the proposed area for fishing both from shore and wading. The site is a demonstrated fishing and angler area. Fisherman will be displaced from using the area. The area is known to be a productive fishing spot.

The DEM has designated a native Shellfish area, in which the site will overlay by 40%. There is demonstrated use for shell fishing. Those users would be displaced and unable to use a large portion of the designated area.

The contention that the proposed project will not impede fishing is insufficient to demonstrate that the proposed project will not result in significant conflicts. Those wanting to fish in the site will have to contend with the constant threat of gear entanglement. Consequently, users may decide to fish farther out in less safe and deeper water, or they may simply fish elsewhere losing what is an historic fishing area.

Regardless of whether or not the conflict might be more dangerous for users, the simple fact that more users will be forced into a smaller area demonstrates that there will be significant conflicts between the site and water dependent uses.

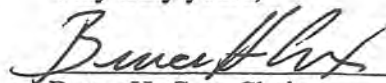
The applicant has made no accommodation to the publics water dependent uses, and there will be no avoidance of significant conflicts." Donald Libby

An additional element brought forward by a Tiverton citizen, Kenneth Mendez, that mandates review is whether allowing this aquaculture project violates the restrictions and covenants that the State committed itself to with the Federal Government in it's grant applications used to acquire the Sapowet Wildlife Management Area. going back to 1949 where RIDEM applied for federal government funding to keep the area open for hunting and fishing. These original grant applications were obtained from the RIDEM several sections of which would prove a violation of federal grant funding objectives if RIDEM or CRMC, both agencies of the State, allowed the placement of a commercial oyster farm contiguous to the Sapowet Wildlife Management area. More recently tens of thousands of dollars have been spent to raise the land mass of the Sapowet to facilitate the habitation of precious sea grasses in anticipation of sea level rise.

I understand the file on this application is more than seven hundred pages thick. This letter needs to be no longer as I am certain that the CRMC will realize that this application requires either outright denial at this time or at the very least full and careful subcommittee review before being heard by the full Council.

Kindest regards,

Very truly yours,



Bruce H. Cox, Chair,



Attachment 15
12 pages



VIA EMAIL - terry.gray@dem.ri.gov

May 22, 2023

Terrance Gray, Director
RI Department of Environmental Management (RIDEM)
235 Promenade Street
Providence, RI 02908

Dear Director Gray,

We are writing on behalf of the New England Chapter of Backcountry Hunters and Anglers (BHA) and the Rhode Island Saltwater Angler's Association (RISAA). Together our organizations represent nearly 10,000 hunters and anglers who value recreational fishing and hunting opportunities in Rhode Island. Members of our organizations purchase hunting and fishing licenses from RIDEM to enjoy these activities, and we value the work the agency does to protect and enhance quality hunting and fishing opportunities for the public to enjoy in our state.

As you may know, a proposal for a commercial aquaculture lease (CRMC application 2020-04-037) within Seapowet Cove in Tiverton has recently been re-noticed to the public – almost three years since the most recent action by CRMC on the application. While little has changed regarding the proposal itself, which seeks to establish a ~1 acre oyster farm in wading-depth water, much has occurred outside of CRMC's consideration process. Resolutions and legislation have been introduced opposing the development at both the municipal and state levels, and the public has broadly opposed the proposal too. The hunting and fishing communities, who advocate for the conservation of fish and wildlife, the habitats that they depend upon, and access to the places where Rhode Islanders hunt and fish, have also unanimously opposed 2020-04-037. The public re-notice (Appendix 1) specifies that comments should be received by June 8, 2023, with a public hearing to be scheduled at a future date.

With these things in mind, BHA and RISAA **urge you as Director of RIDEM to recommend against and to oppose 2020-04-037**. Our request is based on new information related to the intended use of the area outlined in applications for federal assistance grant funding, and the likely conflicts that a commercial aquaculture operation would create with the terms of grants that have been used to acquire and preserve Seapowet Marsh WMA.

In making this request, we acknowledge that the Coastal Resources Management Council (CRMC) holds primary decision-making authority on the permitting of aquaculture, and RI General Law only requires that the Council consider the Director's recommendations in the terms outlined in § 20-10-5, related to the application's potential to cause adverse effects to marine life and the vitality of indigenous fisheries. However, 650-RICR-20-00-1, CRMC's Red Book, expands the Council's obligation, requiring them in 1.3.1 K 2a to give appropriate consideration to the Director's recommendations *"including, but not limited to"* the criteria



Use of the area by boat-based anglers is also highlighted in "Lacerda", stating:

"The fishing area consists of 26 acres of beach, marsh and tidal creeks abutting the Sapowet management area. The fishing area has parking for 20 to 30 cars. A cobblestone boat ramp is available for launching small powerboats, sailboats and cartopped boats. Shore fishing is available from over 2000 feet of natural beach facing the Sakonnet river and pier fishing is possible from the tidal creek bridge. Fishing for important recreational gamefish such as striped bass, bluefish and squeteague are very popular in this area. Other important recreational species include tautog and winter flounder.

While the "Cooke" and "Lacerda" projects don't represent the totality of the acquisition and development grants that have contributed to Seapowet Marsh WMA, they present a clear narrative that the Department's *intent* in seeking federal grants to acquire and develop the area was not limited to terrestrial conservation, recreation and usage, and that access to and usage of the adjacent waters, including beyond casting distance from shore, were a contributing factor highlighted in requests for federal assistance. **We are concerned that a commercial aquaculture operation in the immediate vicinity of Seapowet Marsh WMA will interfere with the very qualities, and recreational opportunities, that the Department highlighted to secure the funding used to acquire and develop Seapowet Marsh WMA.**

Respectfully, we request that the Director **send a letter to CRMC that recommends against and opposes 2020-04-037** based on the Department's responsibility to preserve and to protect its interests in the waters adjacent to Seapowet Marsh WMA so that the quality hunting and fishing opportunities that Rhode Islanders have enjoyed within Seapowet Cove for decades remain protected for future generations.

Thank you for your consideration.

Sincerely,

Michael Woods
Chair, New England Chapter Board
Backcountry Hunters and Anglers

Dawn Filliatreault Wood
President
Rhode Island Saltwater Anglers Association

Cc: Jason McNamee, Deputy Director for Natural Resources, RI DEM
Philip Edwards, Chief - Division of Fish and Wildlife, RI DEM
Representative John Edwards
Senator Lou DiPalma
Tiverton Town Council



Appendix 2 - "Cooke" Application for Federal Assistance (FW-3-L)

STATE Rhode Island
PROJECT FW-3-L
FW 3-L

FEDERAL AID IN FISH AND WILDLIFE RESTORATION

PRELIMINARY PROJECT STATEMENT

LAND ACQUISITION

DATE FEB 28 1958

The Secretary of the Interior

Washington, D. C.

Sir:

The State of Rhode Island by and through the Department of Agriculture and Conservation, Division of Fish and Game constituting the State Fish and Game Department, and pursuant to the Federal Aid in Fish and Wildlife Restoration Acts (64 Stat. 430) and (50 Stat. 917) and to the Rules and Regulations of the Secretary of the Interior made and published thereunder, does hereby submit this statement describing a fish and/or wildlife land acquisition project and requests authorized financing thereof. Said project is proposed as a means of promoting efficient management of fish and/or wildlife resources, and will be executed under the provisions of said Act(s) and said Rules and Regulations.

A. Name of project: Sakonnet River Marsh and Boat Launching Area

B. Project location:

- 1) County: Newport
- 2) Project area is immediately west of Sakonnet Marsh and is approximately 2½ miles south of Tiverton, R. I., and 8½ miles south of Fall River Mass.
- 3) Map: Three copies enclosed.

C. Project Justification:

- 1) (a) Striped Bass, black-backed flounder and black fish
(b) Waterfowl and fur bearers
- 2) The area concerned is heavily utilized by fishermen and duck hunters. At present there is no access problem. However, it is felt that unless the area is acquired the marsh will be filled in for developments in the near future, and access denied to the general public.
- 3) None available
- 4) Does not apply

D. Management Plans

- 1) To permit public fishing and waterfowl hunting.
- 2) Parking areas will be constructed and level ditching is contemplated on the marsh.
- 3) None

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Appendix 2 – "Lacerda" Application for Federal Assistance (FW-15-L)

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE		2. DATE SUBMITTED 6/9/97	Applicant Identifier RECEIVED
1. TYPE OF SUBMISSION: ☐ Construction ☐ Preapplication ☒ Non-Construction ☐ Construction		3. DATE RECEIVED BY STATE	State Application Identifier JUN 25 1997
		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier FW-15-L FEDERAL AID
5. APPLICANT INFORMATION			
Legal Name: RI/DPM - Division of Fish and Wildlife		Organizational Unit:	
Address (give city, county, state, and zip code): 4808 Tower Hill Rd. Wakefield [Washington], Rhode Island 02879		Name and telephone number of the person to be contacted on matters involving this application (give area code): John F. O'Brien, Deputy Chief	
6. EMPLOYER IDENTIFICATION NUMBER (EIN): 0 5 - 6 0 0 0 5 2 2		7. TYPE OF APPLICANT: (enter appropriate letter in box) ☒ A A. State H. Independent School Dist. B. County I. State Controlled Institution of Higher Learning C. Municipal J. Private University D. Township K. Indian Tribe E. Interstate L. Individual F. Intermunicipal M. Profit Organization G. Special District N. Other (Specify) _____	
8. TYPE OF APPLICATION: ☒ New ☐ Continuation ☐ Revision If Revision, enter appropriate letter(s) in box(es): ☐ A ☐ B ☐ C ☐ D A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other (specify): _____ 1 5 6 1 1		9. NAME OF FEDERAL AGENCY: U.S. FISH AND WILDLIFE SERVICE	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 1 5 - 6 0 5 TITLE: FISH & WILDLIFE RESTORATION		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: SAPOWET MANAGEMENT AREA	
12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.): TIVERTON, RI			
13. PROPOSED PROJECT: Start Date: 7/1/97 Ending Date: 6/30/07		14. CONGRESSIONAL DISTRICTS OF: a. Applicant: Second b. Project: Second	
15. ESTIMATED FUNDING: a. Federal: \$ 1,500,000 .00 b. Applicant: \$.00 c. State: \$ 500,000 .00 d. Local: \$.00 e. Other: \$.00 f. Program Income: \$.00 g. TOTAL: \$ 2,000,000 .00		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? a. YES THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE 6/9/97 b. NO ☐ PROGRAM IS NOT COVERED BY E.O. 12372 ☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
		17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? ☐ Yes If "Yes," attach an explanation ☒ No	
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED			
a. Typed Name of Authorized Representative John F. O'Brien		b. Title Deputy Chief	c. Telephone number 789-3094
d. Signature of Authorized Representative 		e. Date Signed 6/9/97	

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MANAGEMENT COUNCIL

these development pressures threatens the conservation of fish and wildlife values in the area, demanding action in order to counteract these negative consequences.

B. Objective:

To identify, evaluate, and acquire properties in the Sapowet Management Boundary Area (figure 4) that provide important fish and wildlife habitat values and which support public recreation for hunting, fishing and compatible fish and wildlife associated recreational activities.

C. Expected Results and Benefits:

Wildlife:

The Sapowet Management Area was acquired in several parcels during the late 1950's and early 1960's. The management area has not been added to since that time. Expansion of the area is necessary in order to fulfill the divisions objectives to acquire properties that provide important fish and wildlife habitat values and which support hunting, fishing and other compatible recreations. Additional acquisitions of land will serve to protect the ecological integrity of the overall Sapowet area and provide for the addition of upland habitats on which to implement wildlife management practices.

A significant portion of the existing management area is comprised of salt marshes and brackish water areas. Most of the surrounding uplands to the north and east are farmland which is privately owned and vulnerable to development pressures. Acquisition of these areas will afford the opportunity to extend protection to these habitats which in turn will provide new wildlife habitats that can be developed to enhance hunting and fishing opportunity as well as serve as a vital buffer to the salt marshes that form the core of Sapowet management area.

Parcels will be acquired within the boundary as they become available. We will immediately acquire approximately 42 acres of prime farmland habitat (Lacerda farm) comprised of cultivated fields, pastures and hedgerows. The area will be operated as a wildlife management area and public hunting area (figure 5).

The farmland habitats will be maintained by way of continued farming practices through a lease to a local farmer. Special lease conditions will be designed in order to allow farming of agricultural row crops and pasture such as corn, potatoes, vegetables, hay or silage. Turf grass will not be permitted to be grown on the farmland due to its limited contribution to wildlife habitat values and concerns for soil depletion. Approximately 36 of the acres will be cultivated in this way with the balance maintained in hedgerows and non tillable wet areas bordering wetlands.

The Sapowet marsh attracts a variety of resident and migratory waterfowl (ducks and geese) and supports hunting for these species during fall seasons. A small number of duck blinds (4 or 5) are built and maintained on the marsh for this purpose. The multiple tidal creeks and potholes within the marsh provide many other potential blind setups for



the Sakonnet river and pier fishing is possible from the tidal creek bridge. Fishing for important recreational gamefish such as striped bass, bluefish and squeteague are very popular in this area. Other important recreational species include tautog and winter flounder. Area use:

D. Approach :

The Division of Fish and Wildlife will identify and evaluate parcels which meet the objectives of this plan. All properties acquired in this area will be managed and controlled by the Division of Fish and Wildlife. The Division will work in cooperation with other agencies within the Department of Environmental Management as well as private organizations such as the Nature Conservancy and Champlin Foundation to acquire properties which extend the objectives outlined in the plan.

Properties will be acquired by using one or a combination of methods within the project area as follows:

1. Purchase fee simple with seller donation (in-kind match). The seller in this method would donate 25% of the property's value to the Division. This donated value would become the match necessary for acquisition via Pittman-Robertson / Dingle-Johnson Projects.

2. Purchase fee simple with state funds. The Division will acquire parcels of land, as they become available, at their appraised value, using state moneys as the 25% match for Pittman-Robertson / Dingle-Johnson Projects.

3. Control of land without purchase. In this method, land within the acquisition area would be controlled by one of the following methods: conservation easement, donation of development rights or life use of property.

The Division will attempt to acquire additional parcels as they become available which are within the acquisition boundary (an area of approximately 750 acres) in order to expand Sapowet Management area and further the objectives of the Division. With the addition of the Lacerda farm, the Division will own and manage approximately 234 acres or 31% of the area within the acquisition boundary.

Key personnel for this project are:
Michael Lapisky, Deputy Chief Wildlife Resources, Federal Aid Coordinator
John O'Brien, Deputy Chief Freshwater Fisheries
Brian Tefft, Principal Wildlife Biologist
Lisa Pointek, Land Acquisition Supervisor
Jay McGuinn, Associate Civil Engineer

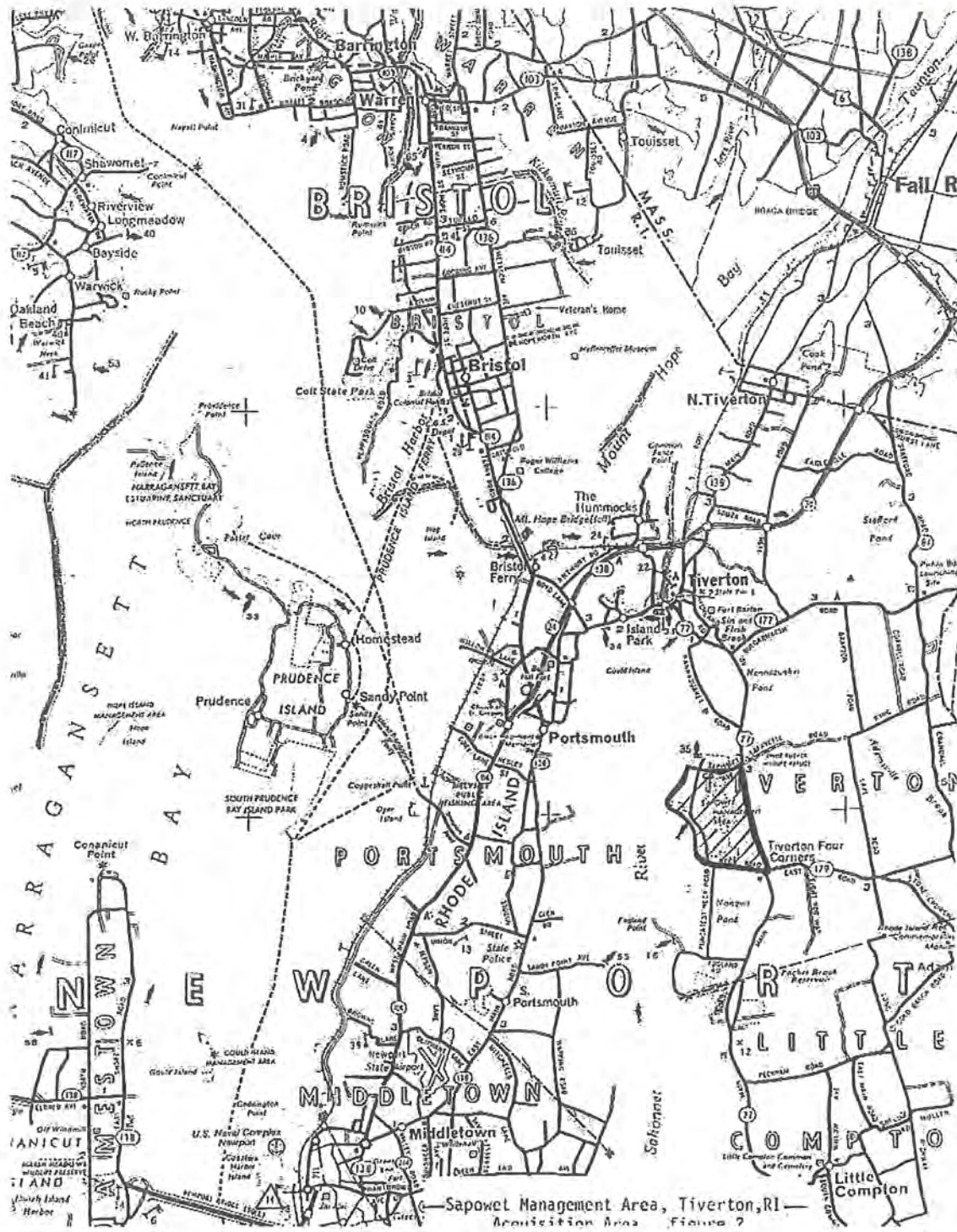
E. Location:

The location of the Sapowet Management Area is shown on the following series of maps (figures 1,2,3,4)

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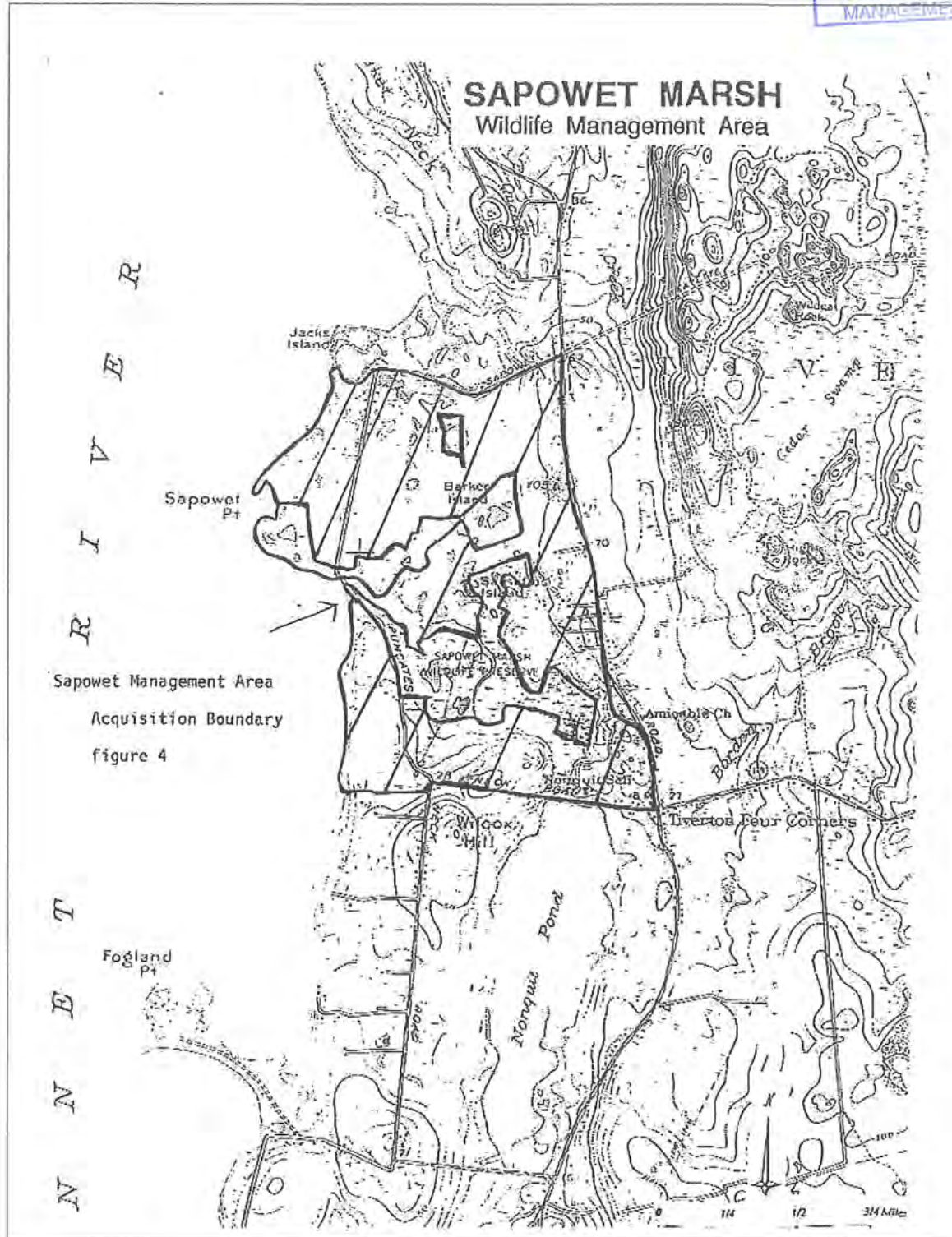
— Sapowet Management Area, Tiverton, RI —
Acquisition Area Figure 2

2

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MANAGEMENT COUNCIL



8



Lessee shall plant an annual cover crop of winter rye at the rate of 100 pounds per acre immediately following the harvest of the principal crop but no later than September 30 of each year.

Field E (4 +/- acres): Shall be planted annually to buckwheat at the rate of 60 pounds per acre (one half total acreage) and sunflower at the rate of 25 pounds per acre (one half total acreage). Lessee shall leave standing for wildlife the entire crop so planted in field E. Crops shall be fertilized at the rate of 250 pounds per acre 10-20-20.

d. The Lessee shall comply with all regulations of the Rhode Island Pesticide Control Act of 1976.

Wildlife Management and Hunting:

Upland Game: Upland and small game include pheasant, woodcock and rabbit. The goal for these species is to maintain a diversity of habitats that meet the requirement of these animals. Habitat will be provided in accordance with the management of farming land use described above in the habitat management section. Hunting for upland game will be allowed on the management in accordance with established seasons. In addition, R.I. Fish and Wildlife will annually stock pheasant on the property during the hunting season. Hunting and stocking of pheasant is a well established and long standing practice at Sapowet Management Area.

Waterfowl: The adjacent Sapowet Marsh attracts a variety of resident and migrating waterfowl (ducks and geese). The agricultural practices described above will maintain fields in condition so that they will provide additional feeding habitats that may be used by waterfowl. R.I. Fish and Wildlife will explore potential sites within the agricultural fields for establishment of one, possibly two pit blinds to duck and goose hunting.

Non-Game Wildlife: Non-game wildlife include all remaining species of mammals, birds, reptiles amphibians and insects that inhabit the management area. The property currently provides habitat for many of these wildlife which will continue, compatible with the overall habitat management plan described above.

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MANAGEMENT COUNCIL

NEPA COMPLIANCE CHECKLIST

State: RHODE ISLAND Grant/Agreement Number: FW-15-L

Grant/Project Name: SAPOWET MANAGEMENT AREA

Will this proposal:

Yes No

- X a. Adversely affect floodplains or wetlands or require compliance with Executive Order 11988 (Floodplain Management), or Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?
- X b. Have adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species or have adverse effects on designated critical habitat for these species?
- X c. Have adverse effects on historic or cultural resources or properties listed or eligible for listing on the National Register of Historic Places?
- X d. Adversely affect unique geographic characteristics such as park, recreation, or refuge lands, wilderness areas, wild or scenic rivers, sole or principle drinking water aquifers, prime farmlands, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks?
- X e. Have significant adverse effects on public health or safety?
- X f. Have highly uncertain environmental effects or involve unique or unknown environmental risks?
- X g. Have highly controversial environmental effects?

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COASTAL RESOURCES
MANAGEMENT COUNCIL

OMB Approval No: 0348-0040/0348-0042



U.S. FISH AND WILDLIFE SERVICE
Division of Federal Aid

ASSURANCES

Note: Certain of these assurances may not apply to your project or program. If you have questions, please contact the Regional Director of the U.S. Fish and Wildlife Service. Further, if you are required to certify to additional assurances, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Title II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1503 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

(11)

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MANAGEMENT COUNCIL

23

RHODE ISLAND DIVISION OF PLANNING
One Capitol Hill
Providence, Rhode Island 02908
(401) 277-2093

NOTICE OF DETERMINATION

JOHN O'BRIEN
RIDEM
DIVISION OF FISH AND WILDLIFE
4808 TOWER HILL RD
WAKEFIELD RI 02879

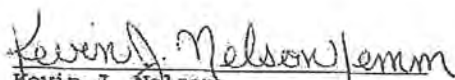
Date: 10 June 1997 S.A.I.: DEM-97-12

Project: Sapowet Management Area

We are pleased to notify you that the review of your above identified application has been completed. It is in conformance with applicable state plans and does not conflict with other plans of which we are aware. Therefore, we recommend that the project be accepted for federal financial assistance.

This action has been taken in accordance with the rules and regulations governing the Intergovernmental Review Process adopted by the State Planning Council pursuant to Presidential Executive Order 12372.

The application, the state process determination, and all supporting documentation are available at the Rhode Island Division of Planning.


Kevin J. Nelson
Review Coordinator

DOP-017 (1/90)

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Town Administrator

From: Jeanne De Souza <desza196@yahoo.com> on behalf of Jeanne De Souza
Sent: Friday, May 12, 2023 2:23 PM
To: Tiverton Ri Administrator; burk.ms@gmail.com; jedwards@tiverton.ri.gov; Mike Marcello; Jay Edwards
Subject: Fw: DeSisto and Bowen at Little Compton Town Council May 4 2023

Good afternoon, I wanted to share the below with you as it relates to the Little Compton Town Council and the Bowen's. Thought you might find it interesting, and the links to the seven minute discussion are below. It's upsetting what they do behind the scenes with misleading information!

Have a nice weekend, and thank you for all of your support!

Jeanne De Souza

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Thursday, May 11, 2023, 10:10 PM, Save Seapowet <saveseapowet@gmail.com> wrote:

At the Little Compton Town Council meeting last week the Bowen matter was discussed as well as the LC February resolution opposing House bill 5037 and Senate Bill S198. Anthony DeSisto was present as the recently hired Town Solicitor. This seems like a way for the Bowens to influence DeSisto during this process that is outside of the CRMC and to get their message out why they are entitled to a location in Seapowet. The discussion was one-sided and promoted the Bowen side with no one refuting information.

In addition, the Bowen discussion was not on the agenda, therefore not noticed to the public.

Here is a link to when Councilor McHugh discusses the town's February Resolution and the Bowen application. Sean Bowen speaks. (runs about 7 minutes).

<https://www.youtube.com/live/aO0kWWcNGUc?feature=share&t=2223>

Here is a link to the agenda:

<https://opengov.sos.ri.gov/Common/DownloadMeetingFiles?FilePath=\Notices\4326\2023\459329.pdf>

++++
This is not a complete transcript,

McHugh: I want to talk quickly about a resolution that this Council voted on. Resolution opposing House bill 5037 and Senate Bill S 198. McHugh reads the Resolution. Antithetical to....Reduces access to local seafood.....voted on 23 of February by the LC Town Council.

This about the Bowen brothers. They've been in the Boston Globe, the Providence Journal, Sakonnet Times. I don't know what paper you haven't been in. I just want to let you know where the path is for their oyster farm...he describes in detail the steps taken so far. The Bowens haven't heard back from the

CRMC it almost been 2 years to continue their hearing....When that happened is when Save Seapowet got together, lots of letters were written, a very high powered attorney was hired by Save Seapowet from my understanding. And the House bills that are in this resolution were crafted by Lou DiPalma and Jay Edwards. They have already had testimony on both of these bills. And they are sitting there for a vote. So just a couple of things.

I think the Bowens have been wronged here. I think that the lawyers for the CRMC and the lawyers hired by the folks at Seapowet who live there are trying to grind these folks into submission and delay them. And they've done that for two years now. And the two bills that we are talking about here that we don't agree with are ready to be sent for a vote but they haven't been. In my opinion it's cuz they don't have the votes to do it, it would be declined and it wouldn't go forward and the Bowens would succeed. I don't know if that is right Sean Bowen? But it's the closest that I've got from the articles that I have read.

I think it's quite clear that this is a political game going on and I think that John Edwards is involved and Lou DiPalma is involved. I think they want their votes in Tiverton. And so I think that is what is going on here. And I do have a question and I think it begs the question. And I'm not a CRMC expert for sure. Do these applications sit for two years? Is this a regular practice of the CRMC? I don't know. Our solicitor would know the answer. I don't know that he is bound to answer that question but I will ask you that question.

DeSisto: It depends on the application.

McHugh: Are there applications sitting there that are two years old? Or is this the only one?

DeSisto: There are some that are older. Yes.

McHugh: Is there anything I missed Sean?

Sean Bowen: In addition to having an application at the CRMC I want to say I'm a huge aquaculture proponent. It's a very efficient form of farming and food production. I applaud the Council for taking a proactive stance on that. The bill is about our application and not about our application, the bill has a broader reach than just us. So I really appreciate the Council looking at aquaculture and seeing it as a viable form of agriculture which it is. So thank you.

Councilor 1: Patrick (McHugh) when you have something like that, put it on the agenda. It wasn't on the agenda - but McHugh wanted the opportunity to speak.

Councilor 2: Just so we all can feel comfortable, but I support the Bowens obviously, I think aquaculture is a good safe way to fish I guess you would call it fish, and every oysters cleans 50 gallons of water every day, so I don't see how it can harm the Sakonnet River. It's actually cleaning the river.



Tiverton, RI

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Disclaimer: This information is for tax assessing purposes and is not warranted

Picture Not Available

Sketch Not Available

Parcel Identification

Map/Lot 703-105
 Account 7442
 State Code 13 - Res Vacant
 Card 1/1
 User Account 19-3528-07

Assessment

Land \$33,100
 Building \$0
 Card Total \$0
 Parcel Total \$33,100

Building Sub Areas

Land Information

Land Area 0.125 AC
 Zoning R80
 Neighborhood N210

Prior Assessments

Fiscal Year	Land Value	Building Value	Outbuilding Value	Total Value
2022	\$33,100	\$0	\$0	\$33,100
2021	\$33,100	\$0	\$0	\$33,100
2020	\$49,500	\$0	\$0	\$49,500
2019	\$92,800	\$0	\$0	\$92,800

Yard Item(s)

Location and Owner

Location 701 SEAPOWET AVENUE
 Owner STRAIT LANDING LLC
 Owner2
 Owner3
 Address C/O 225A LONG HIGHWAY
 Address2
 Address3 LITTLE COMPTON RI 02837

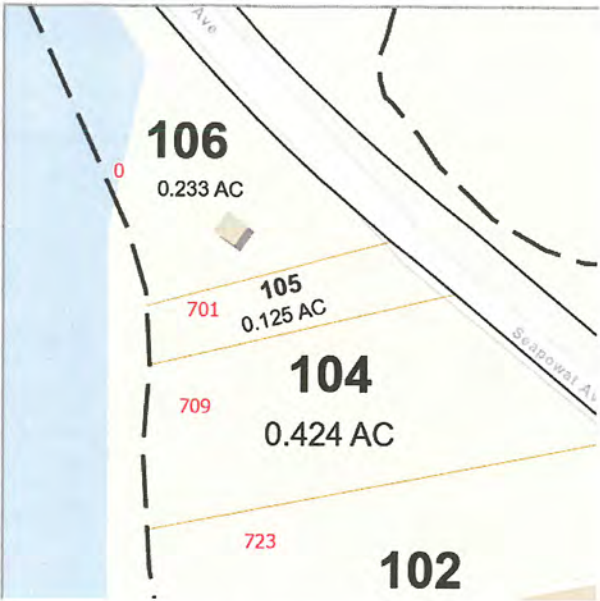


Building Information

Design
 Year Built
 Heat
 Fireplaces 0
 Rooms 0
 Bedrooms 0
 Bathrooms
 Above Grade Living Area 0 SF

Sale Information

Sale Date	Sale Price	Legal Reference	Instrument
06/17/2021	\$100,000	1855-250	Quitclaim
11/21/2008	\$50,000	1217-68	Quitclaim
11/20/2008	\$0	1217-66	Quitclaim
04/09/2008	\$0	1196-254	Quitclaim
08/12/2006	\$0	1088-138	Quitclaim
08/31/1981	\$0	164-206	Miscellaneous



[Click To Open AxisGIS Maps](#)



Cstaff1

A-137

From: William Gleeson <gleesonswineandspirits@gmail.com>
Sent: Wednesday, May 31, 2023 2:01 PM
To: cstaff1@crmc.ri.gov
Subject: Tiverton oyster farm- Sean and Patrick Bowen

William Gleeson
80 Robin Road
Portsmouth RI 02871
05/31/2023

I am writing to express my support for Sean and Patrick Bowen's oyster farm proposal.

I live in Portsmouth, directly across from their site at Sapowet cove.

I've dug quahogs and clams at Sapowet cove since I was young, and don't find their project to infringe upon that activity in the least.

The Bowen's endeavor should be welcomed by anyone who cares about our waterways in Rhode Island. Oysters have been an integral part of this area for hundreds of years.

Local Native Americans harvested wild oysters hundreds of years before European settlers arrived. More recently, pollution, overfishing and climate change decimated the wild oyster populations. Oyster aquaculture helps repopulate wild populations when seed oysters break off, eventually allowing wild oyster reefs to form, providing important habitat for marine life. Their ability to filter pollutants from up to 50 gallons of water a day is a remarkable side benefit of having an oyster farm.

They also consume algae, allowing more sunlight to reach the river bottom, promoting the growth of eelgrass.

I am a native Rhode Islander, born and raised on Aquidneck Island.

I urge you to support Sean and Patrick Bowen. Their project will only improve the quality of the Sakonnet River, and ultimately be a positive effect for everyone who appreciates our waterways.

Sincerely,
William Gleeson

Sent from my iPad=

Cstaff1

A-138

From: stephanie beebe <spbeebe@gmail.com>
Sent: Wednesday, May 31, 2023 4:08 PM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; cstff1@crmc.ri.gov
Cc: rep-edwards@rilegislature.gov; sen-dipalma@rilegislature.gov;
DdeMedeiros@tiverton.ri.gov; Saveseapowet Marsh; bhcoxri@gmail.com
Subject: Objection CRMC File # 2020-04-037 (Bowen application)

Hello,

I would like to add my objection to File # 2020-04-037/Bowen application.

The proposed aquaculture site abuts Seapowet marsh, an ecologically delicate area. The installation of cages and their maintenance can result in the unintended detriment of critical habitat and waters, possibly creating competition and changing the ecosystem. Oyster cages can become detached and cause harm to swimmers and the environment. The potential negative long term impact on the nature and landscape by a privately operated enterprise is risky, poorly placed and without merit.

The .97 acres are in direct conflict with the existing and popular recreational activities enjoyed by visitors and Tiverton residents: boating, fishing, birdwatching, swimming, and kayaking. From Memorial Day to Labor Day the Seapowet marsh is the only free beach available in Tiverton. Limiting access to those waters spoils a long term precedent and is a significant disruption of access and availability to community members who benefit from our coastal area without financial barriers.

The suggested site of public and highly trafficked waters interferes with the surrounding area and is incompatible with the established use of the Seapowet marsh.

Thank you,
Stephanie Beebe

From: Barbara A Milotte <milotteb@gmail.com>
Sent: Wednesday, May 31, 2023 8:13 PM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; cstff1@crmc.ri.gov
Cc: rep-edwards@rilegislature.gov; sen-dipalma@relegislature.gov;
DeMedeiros@tiverton.ri.gov; saveaseapowet@gmail.com; bhcoxRI@gmail.com
Subject: Objection File #2020-04-037

Dear CRMC,

I have been a lifelong resident of southern Tiverton. I built my home on Seapowet Ave over twenty years ago. When I tell folks where I live, I always hear the complement of how fortunate I am to live here. I always respond, "This area is God's country". This area is for all to enjoy. The Seapowet shoreline is one of the last areas in RI that offers access for shellfishing, fishing, swimming, boating, any water activity that is FREE! How can a private oyster business infringe on the publics' right to use this area?

Please do not approve the Bowen oyster farm on this RI public shoreline.
Thank you.

Barbara A Milotte
801 Seapowet Ave.

From: Glenn <melansong10@gmail.com>
Sent: Wednesday, May 31, 2023 8:31 PM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; cstaff1@crmc.ri.gov
Cc: rep-edwards@rilegislature.gov; sen-dipalma@rilegislature.gov; DdeMedeiros@tiverton.ri.gov; saveseapowet@gmail.com; bhcoxri@gmail.com
Subject: Objection CRMC File # 2020-04-037 (Bowen application)
<https://mail.google.com/mail/u/0?ui=2&ik=d9ef4fa5de&attid=0.1&permmsgid=msg-a:r-5215444122351047452&th=1887459f94f81532&view=att&disp=safe&realattid=1887459a03bcab5b8371>



Hello CRMC,

I am strongly against the Bowen application for an oyster farm at Seapowet Shoreline. This is a beautiful public waterfront area enjoyed by hundreds of people. Fishing, kayaking, clamming, shell collecting, sail surfacing, bird watching, swimming and sunbathing are a few of the activities taking place at the Seapowet Shoreline. I personally walk down to the beach with my Lab a couple times a day. This is a quiet peaceful area that is free for the public to enjoy. It should not be ruined by an oyster farm that takes away access to the shoreline by the public. The Bowens have stated there aren't any shellfish in the area but they are completely wrong. They overpaid for a tract of land to have access to their proposed oyster farm and tried to sneak it in without notifying the abutters. Shame on them. Please do not approve their application.

Best Regards,

Glenn Melanson
801 Seapowet Ave.
Tiverton, RI 02878

From: Paul Fulton <paulrfulton@gmail.com>
Sent: Friday, June 2, 2023 9:48 AM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; cstff1@crmc.ri.gov
Cc: rep-edwards@rilegislature.gov; sen-dipalma@rilegislature.gov;
DdeMedeiros@tiverton.ri.gov; Save Seapowet; bhcoxri@gmail.com
Subject: Objection to CRMC File # 2020-04-037 (Bowen Oyster Farm)

Dear members of the CRMC,

Many have written their objections to permitting an oyster farm at the mouth of the Sepowet Marsh, a designated Natural Heritage Area, citing shortcomings in the application, some irregularities in the review process, and other more legal and procedural matters. For example, many of the original reviews by various agencies occurred before full and accurate information was available, and before opening the process to public comment. Of course, there are other commonsense reasons why we believe this application fails to meet the requirements sufficiently to sacrifice a rare public resource.

We will not try to reiterate those reasons here, as they are well documented. Rather, we wish to express our opposition on more simple grounds. Stated simply: With all the possible alternative, why would the agency wish to place an aquaculture facility in the heart of a well-preserved, well-loved, and well-used conservation area? This beautiful gem has been preserved for decades, for what? For the limited benefit of two business people?

Please make no mistake: This area is *used*, for fishing, clamming, swimming, paddleboarding and kayaking. This farm would remove much of that access. Despite claims it would remain unobtrusive, the character of this beautifully preserved gem, now available for free to the public, will be forever diminished. We feel the placement of this facility is exactly contrary to public benefit. Why should the exclusive benefit of two oyster farmers supersede the interest of countless citizens who use this space in the manner for which it was attended?

We strongly encourage you to deny this application for the benefit of current and future generations of Rhode Islanders.

Thank you for considering our thoughts on this matter.

Respectfully submitted,

Paul & Cathy Fulton
52 Driftwood Drive
Tiverton, RI

Cstaff1

A-142

From: Jon Bayer <bayerjon21@gmail.com>
Sent: Friday, June 2, 2023 7:48 PM
To: cstaff1@crmc.ri.gov
Subject: Oyster Farm Proposal

I am writing in support of the proposed oyster farm as I feel it would be great for the watershed and impose little to no impediments to recreational use of the proposed zone.

Aside from the benefits to the purity of the watershed and nutrient load, the site will be beneficial to the entire habitat and provide juvenile fish and other species valuable protection and positive structure to develop in.

Jon Bayer
jbayer1968@yahoo.com
(860) 857 3680
Sent from my iPhone=

From: Manuel Sousa <manuel.b.sousa.86@gmail.com>
Sent: Sunday, June 4, 2023 1:32 PM
To: Staff/CRMC
Subject: 2020-04-037 Bowen application

Manuel Sousa
369 Stone Church Rd
Tiverton RI 02878
401-829-9041

For the following reasons please deny this application:

- 1) it was denied in 2020 by the Shellfish Advisory Panel due to location.
- 2) Denied by the Tiverton town Council due to location and It would change it's Character and quality
- 3) denied by Tiverton Harbor Commission due to location.
- 4) Denied by Little Compton town council due to location. They said that it should be 1000' off shore.
- 5) State Senator L. Diploma, due to location.
- 6) State Representative John Edwards due to location
- 7) all the neighbors due to Location.

This application is for a commercial business. The Bowens own a small strip of land that gives them access to and from Seapowet Ave to their proposed oyster farm. That strip of land becomes an extension of their commercial farm, therefore that piece of land is also commercial and in a residential neighborhood. This is a Tiverton RI zoning issue.

Because of all the negativity around this application please deny it and keep the Seapowet beach area pristine. Please do not change it's character and quality.

If you vote to allow this application please add two stipulations. No more area can be added and ownership can not be transferred in any form

Thank you very much,
Manuel Sousa,
Tiverton RI

PS...in 2016 I had a one acre walk in oyster farm in Old Orchard Cove, Island Park, Portsmouth RI. I called it my hobby farm because I knew that for all the work and money it would be difficult to make a profit.

From: Kathleen Metcalf <ktlmetcalf@gmail.com>
Sent: Sunday, June 4, 2023 2:25 PM
To: cstaff1@crmc.ri.gov
Subject: Re: file#2020-04-03

On Sun, Jun 4, 2023, 2:05 PM Kathleen Metcalf <ktlmetcalf@gmail.com> wrote:

The purpose of this letter is to address my opposition to the Public-Pre-Notice for the Modified Proposed Bowen Oyster Farm to be located at Seapowet Point of the Sakonnet River.

As a resident of Tiverton and an abutter of the land involved in this issue I am compelled to request CRMC to seriously consider all oppositions to this application. Along with riparian rights to have moorings within our "tax paying" boundaries I sincerely find the location of this farm is inconsiderate of the public access to the only pristine waters along the Sakonnet River that anyone can access free of charge. To attempt navigating kayaks, canoes, small boats, swimming and fishing through an Oyster farm greatly impacts the safety of people. Over the years (25plus) living in this location I have observed many natural changes to the shifting of the sandbars. Anyone not familiar with the waters will be challenged to safely navigate Oyster cages.

Lack of shellfish is misleading to imply to anyone familiar with the area. Often DEM patrols the area and questions people as to how much and size they have collected. I personally can attest to quahog shells on our lawn that have been dropped by Seagulls. Also take a drive along Seapowet Ave and observe the broken pieces of shells by the bridge that have been dropped, broken then broken down further from traffic.

As an abutter to the land involved in this Oyster farm I strongly oppose any use of said land to be used for process or storage in any way related to farming. I also question what processing will be done in the waters as that also has consequences to the pristine waters and noise.

In conclusion I respectfully request all letters submitted by private citizens and the Town of Tiverton be taken into consideration in this matter.

Thank you for your consideration.

Kathleen Metcalf
723 Seapowet Ave
Tiverton RI 02878
401-835-0147
ktlmetcalf@gmail.com

From: Russdexter <russdexter@comcast.net>
Sent: Sunday, June 4, 2023 7:12 PM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; cstaff1@crmc.ri.gov
Cc: sen-dipalma@rilegislature.gov; DdeMedeiros@tiverton.ri.gov; saveseapowet@gmail.com; bhcoxri@gmail.com; John Edwards
Subject: Objection CRMC File # 2020-04-037 (Bowen application)

Gentlemen,

For nearly two years, since the summer of 2021, when the Seapowet neighborhood and users of the Seapowet Marsh and Point Fishing Area became aware of the Bowen oyster farm application, hundreds of letters have been written and submitted to the CRMC vehemently objecting to this oyster farm. Let's be clear, two out-of-town-brothers, part time hobbyists, gainfully employed full time in Massachusetts, want to cultivate oysters, in large, barely under-the-surface wire cages, in waters that have been designated for public recreational use, for well over 50 years! On any given day, this area is beset with beach goers, swimmers, kayakers, wind surfers, sail boaters, and fishermen, locals and otherwise. The sliver of land the Bowens purchased to serve as their base of operation is sandwiched between two long term Tiverton resident properties, and abuts waters behind the entirety of Driftwood Drive residents, many of whom also make use of the many recreational activities their properties afford them.

Public push back has resulted in various Bowen brother fits and starts—they move their buoy markers a few feet in different directions or say they will...or did; they promise to access the wire oyster cages by boat, then by wading out on foot—whichever answer will get their application approved. There is reason to believe that the Town of Tiverton will not allow the Bowens to use to their property for commercial purposes, all of 1/8 acre, and they've said they won't use public beach parking, so it continues to boggle the minds of those wondering where these oyster farmers are going to house their vehicles and machinery. Who's to say their use of the shoreline won't result in erosion, one of your primary concerns.

The Bowens have professed to generate jobs for locals wishing to remain in the area, but how will the one acre oyster farm license they're applying for support full time employment for even one person, let alone whatever number they've alluded to?

Furthermore, between summer, 2021, when the Seapowet public first became aware of the Bowen oyster farm application, through May, 2023, the following agencies, organizations, associations, government bodies, commissions, legislators, and councils have all point blank, decidedly and strongly rejected or disapproved of the Bowen application, notably led by the Tiverton Town Council and Tiverton Harbor Commission. Besides hundreds of letters on file with the CRMC, they include - Tiverton Harbor and Coastal Waters Commission -RI Saltwater Anglers Association -New England Chapter Board for Back Country Hunters & Anglers....

Representative John Edwards and Senator Lou DiPalma have filed legislation to keep aquaculture 1000' away from recreational areas. Along with matching Federal funds, the DEM has poured more than \$2.25MM into 400+ acres of the Sapowet Marsh Area for RI-ers and the public to use this area for recreational activities. And use it they do!

No one and no body wants an oyster farm in a long ago designated conservation area, a highly used recreational park, and its surrounding waters. Except Sean and Patrick Bowen, the hobbyists from

our Little Compton town neighbor. Little Compton's Town Council has backed oyster farms in public recreation areas so it seems more appropriate to locate it off one of their public beaches.

So, please tell us you'll put a stop to their outrageous application. How many times, letters, meetings, hearings, studies, by how many organizations is it going to take to finally end this nonsense, once and for all?

Russ and Mary Dexter
Tiverton RI

Lisa Turner

A-146

From: council@crmc.ri.gov
Sent: Monday, June 5, 2023 7:57 AM
To: 'Benjamin Goetsch'
Cc: 'Jim Boyd'; 'Laura Miguel'; 'Lisa Turner'
Subject: FW: Tiverton Oyster Farm Application
Attachments: Fish trap area off Portsmouth.png

From: tridentconsulting <tridentconsulting@comcast.net>
Sent: Monday, June 5, 2023 6:37 AM
To: council@crmc.ri.gov
Cc: Michael.Marcello@lewisbrisbois.com; rep-edwards@rilegislature.gov; sen-dipalma@rilegislature.gov; rep-mcgaw@rilegislature.gov; bhcox@slepkowlaw.com
Subject: Tiverton Oyster Farm Application

CRMC Aquaculture Administrator,

The recent re-application of the Bowen oyster farm by CRMC in Tiverton waters has required the Tiverton Harbor Commission and town solicitor to re-address this issue and ultimately unanimously vote against the application.

I agree with the town not wanting an oyster farm located right up on their shores interfering with many waterfront activities the least of which is encroaching on properties with riparian rights.

When the Bowen's submitted their first application two years ago, I offered an alternative location for this application. I asked about locating the oyster farm in the four square mile "fish trap" area West of Gould Island on the Sakonnet River which is currently not in use for aquaculture. It is already Federally identified as a "Fishtrap Area" on the NOAA chart 13221 with protections in place.

CRMC, as the regulatory agency for aquaculture, has the operational mandate to "locate" most advantageous sites with least amount of impact to all persons of Rhode Island within the State Constitution, this "fishtrap" site is already located and protected.

I did not receive an answer then. Recently, at the Bowen's re-application Tiverton Harbor Commission meeting, I asked the question again and to date have not received an answer to an already Federally identified aquaculture location on the Sakonnet River.

Please consider this alternative to remediate years of trying to force an application, which solely benefits one commercial entity, upon the rights of the people of Rhode Island, the Town of Tiverton and the abutting Riparian Rights Landowners.

Very Respectfully,

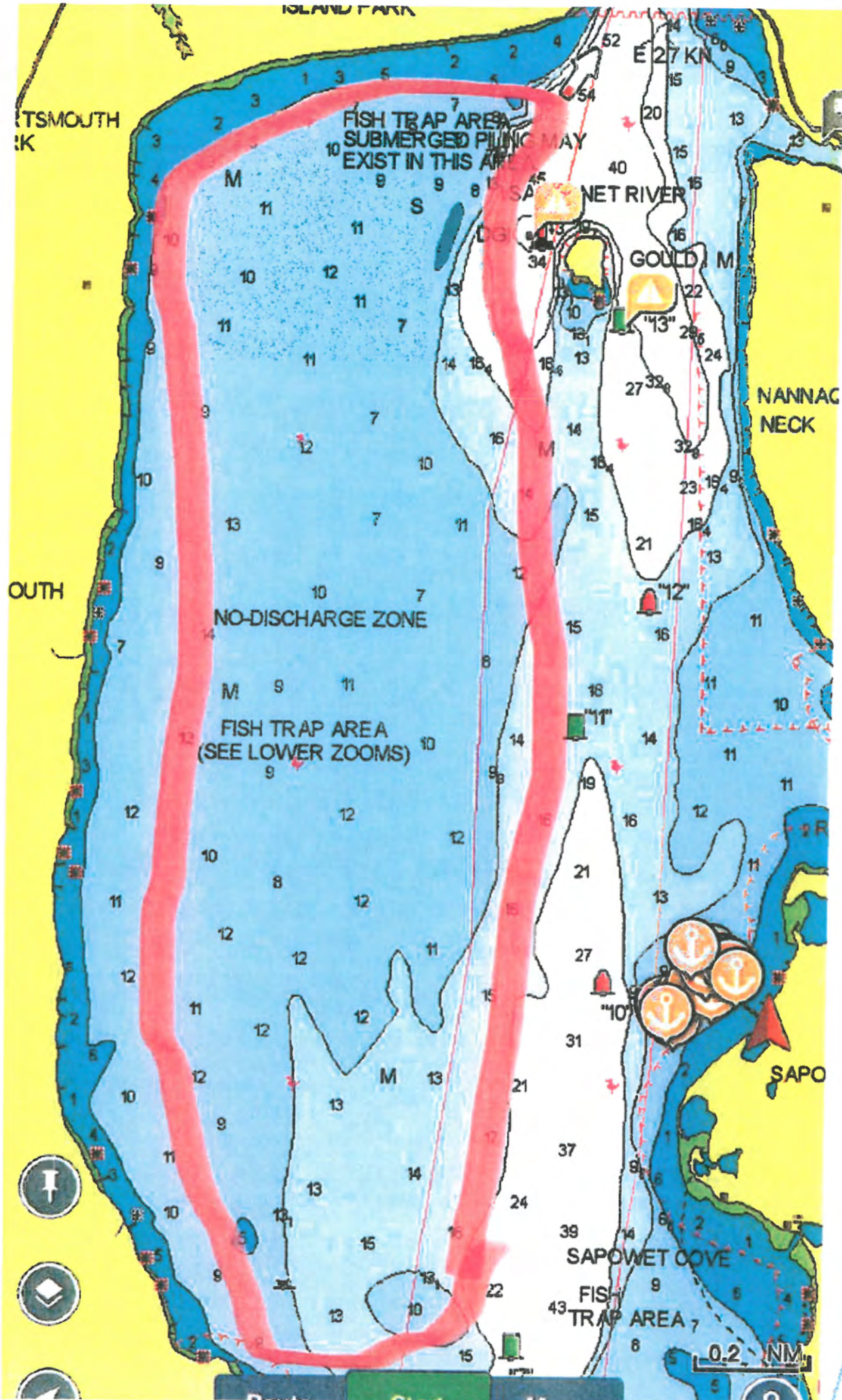
David H. Smith
377 Seapowet Ave

Tiverton, RI 02878

617-594-2972c

TridentConsulting@comcast.net

Sent from my T-Mobile 4G LTE Device



REC

Cstaff1

A-147

From: christine ryan <cryan58@cox.net>
Sent: Monday, June 5, 2023 10:20 AM
To: jwillis@crmc.ri.gov
Cc: bgoetsch@crmc.ri.gov; cstaff1@crmc.ri.gov; christine ryan
Subject: Objection: CRMC File # 2020-04-037 (Bowen Application)

TO: Jeff Willis, Executive Director, CRMC
RE: Objection: CRMC File # 2020-04-037 (Bowen Application)
DATE: June 4, 2023

Recently Rhode Island has been recognizing and paying more attention to ensure water access and recreation for all Rhode Islanders. Here in Tiverton we have a beautiful area that has been preserved for decades by private citizens and forward-thinking Federal, state, and local government entities as well as public and private organizations. Instead of honoring the preservation efforts and celebrating the enjoyment and use of this area, we now have another government agency (CRMC) actually considering leasing some of this area to two individuals so they can establish a commercial venture that will undoubtedly have a negative impact.

There are no reasons that this commercial venture needs to be located near the Seapowet Creek and Bridge which are adjacent to the preserved recreation area. There are many compelling reasons why it should not be located there. The Tiverton Town Administrator summarized several of the issues in a recent letter (May 26, 2023) to CRMC and included documentation showing objections to the Bowen proposal from Tiverton Town Council, Harbor Commission, Tiverton residents, as well as local and regional Fishing Associations. In particular, the Harbor Commission (May 18, 2023 letter from Harbor Commission Chair to Exec. Dir. of CRMC) noted how and why the applicants did not meet the standards set by CRMC's Category B application elements.

The applicants have no 'need' to take this area for their own enterprise - there are other sites that would serve their purposes without despoiling the area or infringing on the rights of others.

We urge you to deny the Bowen Application CRMC File Number 2020-04-037.

Christine E Ryan and Walter A Brown
108 Driftwood Drive, Tiverton

Cc: Rep. John Edwards
Sen. Lou DiPalma
Denise DeMedeiros, Chair, Tiverton Town Council
Bruce Cox, Chair, Tiverton Harbor Commission

Cstaff1

A-148

From: Paul Amaral <pamaral9@cox.net>
Sent: Monday, June 5, 2023 7:34 PM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; cstaff1@crmc.ri.gov
Cc: sen-dipalma@rilegislature.gov; rep-Edwards@rilegislature.gov;
DdeMedeiros@tiverton.ri.gov; bhcox@slepkowlaw.com; thoram2@verizon.net;
mburk@tiverton.ri.gov
Subject: RE: Objection to CRMC File # 2020-04-037 (Bowen Oyster Farm)
Attachments: Objection to CRMC File # 2020-04-037 P.Amaral 5-5-23 .pdf

Please see attached objection to CRMC File # 2020-04-037 (Bowen's Oyster Farm).

Paul Amaral

Resident Tiverton, RI

To: Jeffrey Willis, Executive Director, CRMC: jwillis@crmc.ri.gov Ben Goetsch: bgoetsch@crmc.ri.gov Staff: cstaff1@crmc.ri.gov

FROM: Paul Amaral
9 Watermark Drive
Tiverton, RI 02878

CC: Senator Louis DiPalma: sen-dipalma@rilegislature.gov Representative John Edwards: rep-Edwards@rilegislature.gov Tiverton Town Council President Denise deMedeiros: DdeMedeiros@tiverton.ri.gov Tiverton Town Council Vice President Michael S. Burk MBurk@tivertonri.gov Tiverton Harbor Commission: bhcox@slepkowlaw.com Tiverton Conservation Commission: thoram2@verizon.net

DATE: June 5, 2023

RE: Objection to CRMC File # 2020-04-037 (Bowen Oyster Farm)

I am filing an objection to the Bowen Oyster farm application on the Seapowet Waterway in Tiverton, and I am requesting that my letter of objection be entered into the public record. First and foremost I was particularly displeased with the lack of public notice for this proposal. There has also been a total lack of significant detail around where various specific aspects of the operation will be conducted, demonstrating a total lack of clarity in the overall application process. It would also appear that significant detail was omitted during initial approval hearings relating to the purchase of a small land parcel at the site of the proposed operation

Abutting property owners' riparian rights have also been infringed upon through CRMC's support of this application in the proposed location, which has caused the Tiverton Harbor Master to withhold placement of riparian moorings in the proposed lease area. Likewise, the public interest in and use of this area for recreational purposes will be negatively impacted for many area families who have done so for generations. Should a private entity be given preference over the riparian rights of residents and/or the public access to the waterway.

I would further submit that the location of the proposed oyster farm site is not in alignment or in compliance with the Town of Tiverton Comprehensive Community Plan. This project would clearly intersect with the recreational fishing/shellfishing activities, and would disrupt the maintenance of the natural balance and function of a natural and recreational resource. In the same manner the proposed project directly abuts the Seapowet Marsh, a wetland area which provides a breeding habitat for a host of animal species.

In conclusion, it is my firm belief that it is appropriate and in order for due consideration to be given to the abutters, concerned Tiverton residents and all others who seek access to this Waterway for recreational purposes.

Cstaff1

A-149

From: PATRICE HAGAN <phagan23@cox.net>
Sent: Monday, June 5, 2023 10:14 PM
To: cstaff1@crmc.ri.gov
Subject: from joseph hagan re: Bowen application

June 5, 2023

To: Coastal Resource Management Council

Re: Modified Application of John and Patrick Bowen for oyster/shellfish aquaculture farm in Seapowet Cove, Tiverton, RI,

file: 2020-04-037

Fr: Dr. Joseph H. Hagan, 120 Maple Avenue (PO Box 546), Little Compton, RI 02837, phagan23@cox.net, 401 635 8306

Sirs:

As a resident of the area concerned with the modified application for the shellfish aquaculture (oyster) farm in Sapowet Cove, I wish to record my strong support for its acceptance by the CRMC.

I have carefully reviewed the application and believe it to be excellent.

Also, the Bowen brothers are skilled professionals in the matter in question and are persons of highest integrity and responsibility.

It is my recommendation that their application be approved.

Joseph H. Hagan, Ed.D., DPA

former President of Roger Williams University

A-150

Cstaff1

From: STUDIO BY THE SEA <seathestudio@gmail.com>
Sent: Tuesday, June 6, 2023 11:26 AM
To: cstaff1@crmc.ri.gov
Subject: Support for Local Farming: Bowen Application 2020-04-37
Attachments: CRMC Letter.docx

Please see the attached letter of Support for the Bowen Aquaculture Farm in Tiverton

W. Peter Tirpaeck
118 Sakonnet Point Rd
Little Compton RI 02837

CRMC Aquaculture Committee
Stedman Government Center #116
Wakefield RI 02879

June 5, 2023

RE. Support for Local Farming Initiatives

Dear CRMC staff;

I am writing today to voice my support for the local farming effort proposed by John and Patrick Bowen in Tiverton Rhode Island. I am familiar with the area of their proposed aquaculture site and have hiked and harvested fish and shellfish in the area for 40 years. The action of gathering food from local sources, both wild and farmed, is as sensible as it gets. To support local businesses who service their local communities is what makes communities thrive. To preserve and properly manage our natural resources is what makes planets survive.

For many generations, The Bowen Families have lived and demonstrated their commitment to being part of a healthy, diverse and productive community . As a ruling body, the CRMC, manages the states coastal resources and here with this application we have a Family that wishes to exercise their right to produce food resources for their community. In this day and age there seems to always be a competing entity with any new enterprise and this proposed farm has dealt with some resistance. I am asking you to approve this modified application and reverse the trend where local farmers are subject to an unrealistic amount of constraints. We NEED local farm families to be continuously supported so they can provide for the communities they live in. Food sources are not meant to be generated only by large corporate regional companies!

So as you review the legal angles, and the details of the design , and the letters, I ask that you also remain focused on what is beneficial to the local farm families and ultimately to all of those who call Rhode Island their home. Thank You.

Respectfully submitted, W Peter Tirpaeck

From: Benjamin Goetsch <bgoetsch@crmc.ri.gov>
Sent: Tuesday, June 6, 2023 12:21 PM
To: cstaff1@crmc.ri.gov
Subject: FW: SAVE SEAPOWET

From: Joan Davis <davisjoan2@gmail.com>
Sent: Tuesday, June 6, 2023 12:15 PM
To: bgoetsch@crmc.ri.gov
Subject: Fwd: SAVE SEAPOWET

----- Forwarded message -----

From: Joan Davis <davisjoan2@gmail.com>
Date: Tue, Jun 6, 2023 at 11:03 AM
Subject: SAVE SEAPOWET
To: <bgoetsch@crmc.ri.gov>, <jwillis@crmc.ri.gov>
Cc: <sen-dipalma@rilin.state.ri.us>, ddemedeiros@tiverton.ri.gov <ddemedeiros@tiverton.ri.gov>, saveseapowet@gmail.com <saveseapowet@gmail.com>, bhcoxRI@gmail.com <bhcoxRI@gmail.com>, <rep-edwards@rilegislature.gov>

I think if any one had taken the time to study the water, marshes, plants at Seapowet this application would not ever be on the table! Not to mention all of the sea birds that flock there in order to hunt and eat the important food for their diets.

This application should be denied for those reasons alone nevermind the impact it will have on public access to the tidal water and to the shore. This area has been used by generations of people from the local area and they have taken good care of the beach and water. The amount of clams, etc that they catch and eat is minimal and has not devastated their numbers. Having a business operation in their stead is a completely different issue.

No longer will the area be as tranquil as it now is, but it will also prevent people from enjoying recreational swimming, boating, etc. as will the impact it will have on the nature of the Sakonnet River and Seapowet Beach in Tiverton.

Shame to any of you who back this plan because you have not taken the time and energy to study Seapowet and to understand its valuable importance to nature.

Joan Davis
32A Cliff Avenue
Newport, RI 02840

Cstaff1

A-152

From: Clint Clemens <clint@clintclemens.com>
Sent: Tuesday, June 6, 2023 3:01 PM
To: Jeff Willis; CRMC; cstaff1
Cc: rep-edwards@rilegislature.gov; DdeMedeiros@tiverton.ri.gov; Bruce Cox -Home; Save Seapowet; sen-dipalma@rilegislature.gov
Subject: CRMC (re: file #2020-04-037)

CRMC Staff:

After the last several years of public discussion on the Bowen application, I am incredulous that this application is still under consideration.

There has been near unanimous opposition locally in the affected community, demonstrable failure of the Category B requirements, aquaculture industry opposition, recreational fishing industry opposition, and interference with the rights of riparian owners to site moorings between their riparian lines.

On numerous occasions the community has publicly stated the location interferes with the Public Trust for all residents and especially for underserved communities. I have repeatedly and publicly warned of dangers to inexperienced users of Seapowet beach. These folks kayak, swim, fish, play in the shallow water of the proposed lease area (markers are missing). Their safety must surely come before the Bowen's profit. I remember sitting in on a Zoom call with CRMC during COVID where the agency professed that access for underserved communities is a priority. Why is this being disregarded for the commercial profit of two individuals?

If it is not apparent to all, let me spell out what is going on with regard to this application. The Bowen's made a poor decision to purchase property at a rate of approximately what \$1000/sq ft, setting a record for property cost per foot in Tiverton. This land is useless and cannot be built on. As they try to salvage their purchase, they are taking Public Trusts rights, and enraging a community which clearly does not want this. Their original hearing at the Tiverton Harbor Commission was flawed. Their community outreach non-existent, resulting in the uproar of the last two years. Their application has been disavowed by their own association as a poor site example with inadequate community engagement.

After repeated requests by the THC for clarity, CRMC refuses to rule on this fundamental question: Who has superior rights: an aquaculture applicant or a riparian owner. There are several riparian owners who have been delayed and denied their riparian right to site a mooring between their lateral property lines. Where is CRMC on all this? When asked at a recent THC meeting directly about this question, Ben Goetsch had "no comment". All this does is open the whole process to suspicion and litigation.

Again, I ask where is the communal benefit in granting this application? In the hearts and minds of the community and state-wide associations with thousands of members, there is none.

Regards,
Clint Clemens

From: Gayle Lawrence <gylwrnce@yahoo.com>
Sent: Tuesday, June 6, 2023 4:24 PM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; cstff1@crmc.ri.gov
Cc: John G. Rep. Edwards; Louis P. Sen. DiPalma; Denise M. DeMedeiros; Save Seapowet; bhcoxri@gmail.com
Subject: CRMC file #2020-04-37 (Oyster Farm Application-Bowen Brothers: Memo of Objection)

To: Jeff Willis, Executive Director, CRMC, Ben Goetsch, Aquaculture Coordinator and CRMC Staff

From: Gayle Lawrence, 108 Long Pasture Way, Tiverton, RI 02878

RE: CRMC file #2020-04-37 (Oyster Farm Application-Bowen Brothers)

June 6, 2023

Dear Mr Willis, Mr. Goetsch, and CRMC Staff

Once again, I write to object to the placement of an oyster farm in the waters at the outlet of the Seapowet marsh in Tiverton, RI-just off the eastern shore of Sakonnet River, adjacent to the DEM designated public access area.

The proposed commercial aquaculture operation would have a significant negative impact on public access to this very popular recreational area and would essentially preclude all other uses. Those uses include, but are not limited to, fishing, wading, kayaking, clamming, paddle boarding, and quiet enjoyment of the river at that location.

For the sixteen odd years I have lived overlooking the marsh and have visited that stretch of the shoreline myself to wade, watch birds, and enjoy the beauty of the water's edge, I have found that area to be very popular with many people. Historically, it has been open and accessible to residents and visitors alike for a wide variety of recreational uses. Improvements to parking and efforts by DEM to protect the shoreline from erosion have made it even more desirable spot to visit and spend time.

This project, should it be permitted, and it should not, would deprive all those present and future users of the many benefits derived from visits to and use of those waters and that area. A commercial operation in that location denies the rights to access of many, in favor of the interests of a very few.

In addition, based on my understanding of the criteria set by CRMC in its regulations governing permits for aquaculture, this proposed aquaculture operation will fail to meet any of CRMC's stated requirements. In fact, it will do the opposite!

It WILL interfere with, impair, or significantly impact existing public access to, or use of, tidal waters, and/or the shore.

It WILL result in significant conflicts with water dependent uses and activities such as recreational boating, swimming, navigation, and commerce.

It WILL result in significant impacts or erosion and/or deposition processes along the shore and in tidal waters.

It WILL result in significant impacts on the abundance and diversity of plant and animal life.

It WILL result in significant impacts to water circulation, flushing, turbidity and sedimentation.

Furthermore, no evidence exists that suggests the applicants have made efforts to comply with all local zoning ordinances, building codes, and all environmental requirements, OR have they indicated any measures they would take to minimize the scenic impact.

A case in point, it seems Bowens have cut the vegetation along the parcel they own, which is not generally permitted, and have also changed the surface covering to prevent any vegetation from growing back. From my experience with a town-owned parcel along the shore, I know CRMC carefully regulates and monitors changes to buffer zone vegetation. The actions of the Bowen brothers at the buffer zone on their parcel suggests they might not adhere closely to regulations more generally.

As I understand it, if the application fails to demonstrate any one of these items, the permit may not be issued. Therefore, this permit should be denied, and this project should be rejected. I urge you to deny this application and not allow this oyster farm to be located at the mouth of the Seapowet marsh.

Thank you for your attention to my concerns and the concerns of many regarding this proposed project.

From: Glenn Place <tu225president@gmail.com>
Sent: Wednesday, June 7, 2023 8:50 AM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; cstff1@crmc.ri.gov
Cc: terry.gray@dem.ri.gov; rep-edwards@rilegislature.gov; sen-dipalma@rilegislature.gov; DdeMedeiros@tiverton.ri.gov; savesepowet@gmail.com; bhcoxri@gmail.com
Subject: RI TU Sapowet Letter of Objection
Attachments: RITU Seapowet Letter Objection.pdf

Good morning,

Please find attached the Rhode Island Chapter of Trout Unlimited's (TU225) letter objecting to the proposed oyster farm in the waters at the outflow of Seapowet Marsh in Tiverton.

Thank you for the generosity of your time,

Glenn

Glenn Place
President
Rhode Island Chapter TU225
1-401-225-7712

<https://rhodeisland.tu.org/>
<https://www.facebook.com/Trout-Unlimited-Rhode-Island-Chapter>

"HE LEARNED, BECAME OLDER, WISER AND, YES, BIGGER. HE BECAME A BETTER FISH, AND TO CATCH HIM, I WOULD HAVE TO BECOME A BETTER MAN." (Louis Cahill)

THERE IS NO BETTER TIME FOR CONSERVATION THAN THE PRESENT!!

MANY MEN GO FISHING ALL OF THEIR LIVES WITHOUT KNOWING THAT IT IS NOT FISH THEY ARE AFTER.

(HENRY DAVID THOREAU)



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Rhode Island Chapter of Trout Unlimited (TU225)
203 Arcadia Road
Hope Valley, Rhode Island 02832

Officers

Glenn Place
President

Vice President
James Less

Joe Coppola
Secretary

Ron Marafioti
Immediate Past President

Lawson Cary III
Treasurer

Directors

Richard Benson
Susan Estabrook
John Genovese
Ronald Steere
Pierre Duval
Gregory Houde
Ray Stevens
Gary Menard

Conservation

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Communications

Lawson Cary Co-Chair
Glenn Place Co-Chair

Activities

David Butler Co-Chair
Diane Butler Co-Chair

Banquet Committee

John Genovese Co-Chair
Susan Estabrook Co-Chair

Habitat Assessment

Group

Al Ball
Richard Benson
Ron Marafioti
James Less

Veteran Services

Ron Marafioti, Chair

Subject: Objection Application 2020-04-037 Bowen Aquaculture Application

Dear Mr. Willis,

I am writing to object to the proposed oyster farm in the waters at the outflow of Seapowet Marsh in Tiverton. I am President of the Rhode Island Chapter of Trout Unlimited, a nonprofit conservation group whose membership is composed of hundreds of anglers who fish Rhode Island waters. While our chapter is focused on conserving, protecting, and restoring cold-water trout fisheries in Rhode Island, many of our members fish in Rhode Island's coastal saltwater, as well. The Seapowet Marsh area, and the specific location of the proposed oyster farm, is known in our fishing community as a good spot to safely wade to fly fish for striped bass and bluefish. Striped bass are nocturnal feeders. The location is particularly attractive to those of us who wade fish at night because of the shallow, sandy bottom, and easy parking at the RIDEM-improved parking lot. An oyster farm placed in that location would create significant conflict with recreational anglers.

In addition to my Trout Unlimited volunteer role in protecting Rhode Island's cold-water fisheries, I own and operate Tom's Market, a local grocery store in Tiverton. I employ 135+ people, understand the shellfish commercial market, and know the Sapowet Wildlife Management Area in Tiverton. There is little economic benefit generated by this proposed one-acre farm in these waters when compared with the value that area provides for public recreational uses like fishing and digging for quahogs. The shoreline, only 250 ft away from the proposed lease, is covered with quahog shells and the waters the proposed farm would occupy is a known spot to dig for clams.

There are other places to locate this farm that will not interfere with the significant recreational use and beauty of these public waters in Tiverton. I encourage you to deny this application.

Sincerely,

Glenn Place

Glenn Place
President
Rhode Island Chapter Trout Unlimited TU225
1-401-225-7712

Cstaff1

A-155

From: Markus Earley <markuse.lc.ld@gmail.com>
Sent: Wednesday, June 7, 2023 11:06 AM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; cstff1@crmc.ri.gov
Cc: rep-edwards@rilegislature.gov; sen-dipalma@rilegislature.gov;
DdeMedeiros@tiverton.ri.gov; saveaseapowet@gmail.com; bhcoxri@gmail.com
Subject: Objection CRMC File #2020-04-037
Attachments: Objection-CRMC File 2020-04-037.pdf

Hello, Please see my attached PDF letter of objection to CRMC File #2020-04-037

Thank you.

Markus Earley
Tiverton RI

June 7, 2013

To: Jeff Willis CRMC/Ben Goetsch CRMC/CRMC Staff

Copy: Representative John Edwards/Senator Lou DiPalma/Denise DeMedeiros/Bruce Cox/Save Seapowet

Via: email

Re: Objection CRMC File #2020-04-037 (Bowen application)

I am a Tiverton RI landowner, in process of building a home and strenuously object to the Bowen proposed oyster farm located at the outflow of the Seapowet Marsh. It is a highly used recreational area and a place where people fish, shellfish and recreate. Metal cages will impede the public and there are alternative locations where the proposed farm might be sited.

It is my understanding that Federal and public funds were used to purchase the area to preserve it for fishing, hunting and wildlife, not a commercial oyster farm!

The proposed location will interfere with and significantly impact public access to, and use of the tidal waters and the shoreline.

Please do not allow this to occur – the Earth and its local inhabitants: humans, animals, insects, and sealife need Seapowet to remain as is!

Thank you for entering my letter into the public record.

Sincerely,

A handwritten signature in dark ink, appearing to read "Markus Earley". The signature is fluid and cursive, with the first name "Markus" being more prominent than the last name "Earley".

Markus Earley

Tiverton, RI

Cstaff1

A-156

From: Barbara Murdock <bkbmurdock@gmail.com>
Sent: Wednesday, June 7, 2023 12:17 PM
To: cstff1@crmc.ri.gov
Cc: Richard Murdock; Sean Bowen
Subject: File #2020-04-037
Attachments: Application of John and Patrick BowenFile 2020.docx

Supporting document for the Application.

Please confirm that you receive this e-mail and supporting attachment Please confirm that you receive this e-mail and supporting attachment.

I am Richard Murdock. My wife and I live at 58 Long Pasture Rd in Little Compton, RI. Sean has been my neighbor for over 30 years. We have known most of the Bowen families.

I am writing to support Sean and Patrick's application for a .97 acre Oyster Farm in Seapowet Cove.

There are approximately 80 shellfish farms in Rhode Island. I believe there is one in Tiverton and 1 in Little Compton.

Shellfish aquaculture is a very environmentally beneficial activity. Oysters improve water clarity by filtering algae from the water column. They remove nutrients from the water especially the nutrient loading caused by septic systems, farm and lawn fertilizers, a major problem in estuarine areas in the state. Their location for the oyster farm will be effective in capturing nutrients coming from Seapowet Creek.

The Bowen brothers have selected an area where the submerged cages will not block access to the DEM area. Sean has expressed interest in having schools and a university use their site to conduct research in aquaculture. The proposed oyster farm is less than an acre which makes it one of the smallest in the state. I believe operation will create a habitat for attracting fish and marine life.

The opponents of the application have expressed concerns of blocking public access to DEM areas, preventing kayakers and fisherman access to the site. I don't feel these concerns are valid.

Shellfish aquaculture is a proven resource for the state of Rhode Island. This proposed oyster farm could easily exist along with fishermen, kayakers and other users. Oysters are a favored seafood. There are not enough oysters produced in this Southcoast area to satisfy demand.

I strongly recommend approval of this application.

Richard Murdock 401. 635-4876
58 Long Pasture Rd.
L. C. R. I. 02837
rmurdock@geiconsultants.com

Cstaff1

A-157

From: Donald Libbey <dhclibbey@mac.com>
Sent: Wednesday, June 7, 2023 2:02 PM
To: jwillis@crmc.ri.gov; cstaff1@crmc.ri.gov
Cc: bgoetsch@crmc.ri.gov; ahoffman@riag.ri.gov; rboots@riag.ri.gov; Senator DiPalma; Sen. Felag; Edwards; Mike Burk; rep-carson@rilegislature.gov; bhcox@slepkowlaw.com
Subject: Opposition to Bowen File No. 2020-04-037
Attachments: Libbey Opposition to File 2020-04-037 06072023.pdf

Dear Mr. Willis: Attached please find for filing my Opposition to Bowen File No. 2020-04-037. I would appreciate your office confirming receipt of the document, and having it placed in the file for consideration by the Council.

Thank you for your anticipated cooperation in advance.

Regards, Don Libbey
617-962-1650 (M)(WApp)

DONALD H. C. LIBBEY
453 NECK ROAD
TIVERTON, RI 02878
(617) 962-1650
DHCLIBBEY@MAC.COM

June 7, 2023

Via Email Only:

jwillis@crmc.ri.gov
cstaff1@crmc.ri.gov

Jeffrey Willis, Executive Director
Coastal Resources Management Council
Stedman Government Center, Suite 3
4808 Tower Hill Road
Wakefield, RI 02879-1900

RE: **Opposition to CRMC Assent of Bowen File No. 2020-04-037**

Dear Director Willis:

I oppose the Coastal Resources Management Commission's ("CRMC" or the "Council") full and/or any modified assent of the amended aquaculture application submitted by John and Patrick Bowen (the "Applicant" or "Bowen"), CRMC File No. 2020-04-037 (the "Amended Application"), to establish a .95-acre¹ aquaculture lease in the Sapowet Cove/Seapowet Point area (collectively the "Seapowet Area")² of Tiverton.³ There is a good faith basis to oppose the Amended Application and by doing so continue to protect the Public Trust in our shoreline and coastal areas. Those reasons are set forth below.

In accordance with the Administrative Procedures Act (*R.I. Gen. Laws c.42-35*), I hereby request a public hearing on the Application.

The CRMC should unconditionally deny the Amended Application. In the alternative, prior to any determinative Council vote, the Council should send the Amended Application to subcommittee for review, discussion, and recommendation. Any such subcommittee should include a representative from Tiverton and all subcommittee meetings/hearings should be held in Tiverton.

¹ The so-called CRMC Public Re-Notice references a .97-acre lease area. Certain purported "official" documents in the file reference the original 1.1-acre area without clarification even following the filing of the Amended Application.

² Including RIDEM's Sapowet Wildlife Management Area.

³ This submission includes my previously filed opposition letters and supporting information to the Application as though the same were fully set forth herein.

1. Overwhelming Stakeholder and Shellfish Industry Opposition

The Town of Tiverton ("Tiverton" or the "Town Council") has unanimously opposed the Amended Application. Tiverton's Coastal and Harbor Management Commission (the THC), has unanimously opposed the Amended Application.⁴ Both have submitted recent correspondence to the CRMC opposing approval of the Amended Application on various grounds, including, but not limited to, overwhelming evidence of significant historic recreational use at the proposed site that would substantially curtail and/or prohibit current water dependent uses, and the failure of the Applicant to meet its burden to comply with several Category B requirements. See, *650-RICR-20-00-1, §1.3.1(A), et seq.*

According to the 2020 US Census survey, Tiverton's population was **16,360**.⁵ While it cannot be said that all Tiverton residents oppose the Amended Application, without doubt, a significant majority do oppose, as represented by Tiverton's duly elected Town Council's unanimous vote, and the unanimous vote of the THC.

Several statewide stakeholder groups also oppose⁶ the Amended Application, including, the New England Chapter of Back Country Hunters and Anglers ("BCHA"), the Rhode Island Saltwater Anglers Association ("RISAA"), and the Fogland Windsurfers ("FW") to name a few. Each has written to CRMC, the Town Council and/or the THC opposing the Amended Application. Collectively, BHA, RISAA and FW represent over **10,000** members.

In addition, other stakeholder opposition includes the East Coast Shellfish Growers Association ("ECSGA") which has **1,500** members, and the Ocean State Aquaculture Association ("OSAA"). Both have publicly stated that the location of the proposed Bowen lease is poorly sited and the continued push for approval has caused damage to serious aquaculture farmers.⁷

⁴ The Bowens and the CRMC Aquaculture Coordinator like to tout the fact that in March 2021 the THC advised the CRMC that it had no objection to the Bowens Application. Thereafter, site impacted stakeholder groups, abutters and others provided the THC with significant historic and continuing recreational use information and opposition. Once the THC was provided with all the material facts regarding the proposed site's public use, it unanimously directed that correspondence be submitted to the CRMC formally objecting to and opposing the Amended Application.

⁵ <https://www.census.gov/quickfacts/tivertontownnewportcountyrhodeisland> Tiverton's population has likely increased since 2020.

⁶ Several individuals associated with the Narraganset Council of Cub Scouts also submitted letters in opposition, because of their historic use of the site for fishing and exploring with the Scouts.

⁷ Testimony at various hearings have suggested that the proposed .95-acre lease would never be economically viable, including testimony received at THC's May 15, 2023 meeting from Manuel Sousa, a longtime member of RI's Shellfish Advisory Panel (the "SAP"). It should be noted that the SAP voted unanimously "to recommend to the RI [Marine Fisheries Council] that the aquaculture activities proposed in the application is not consistent with competing uses engaged in the exploitation of marine fisheries." (Emphasis in original).

<https://dem.ri.gov/sites/g/files/xkgbur861/files/programs/bnatres/marine/mfapmtng/SAP992020ppt.pdf>

Dr. Robert Rheault, long-time Executive Director of the ECSGA appeared on June 7, 2022, before the RI House Committee on Corporations regarding then proposed HB 8244⁸, and testified, in relevant part, as follows:

[T]he state aquaculture association was moved by this recent application to actually inspect future applications and decide whether to support or oppose them because we believe there are certain applications that are poorly sited that actually damage the industry and we would not support them and we would come out against them. So, this is a very unusual step for an aquaculture association to consider opposing an application, but we believe that this particular application is one of those cases where it's become such a lightning rod for dissent that we believe it's damaging the ability of serious farmers who have made significant investments to continue to work.

<https://ritv.devosvideo.com/show?video=0ba5121399f4&apg=c1bd29a8> at 53:45

Written testimony submitted at the same hearing by OSAA, stated, in relevant part, ". . . **we do not expect the current pending application to be permitted as it is ill sited and has raised significant concerns and protest.**" (Emphasis added)

<https://www.rilegislature.gov/Special/comdoc/House%20Corporations%202022/6-7-2022--H8244--Ocean%20State%20Aquaculture%20Association.pdf>

Collectively, more than **27,000** concerned people, represented by their local government, and stakeholder organizations, including those in the shellfish industry, oppose approval of the Amended Application.

The Council's determination to assent to the Amended Application would severely and detrimentally impact on the historic and significant recreational use of the Seapowet Area waters and shoreline. In balancing the interests of all parties, it cannot be clearer that the CRMC's obligation to protect the Public Trust far outweighs any of the Bowen's interests, and the Amended Application must be denied with prejudice.

2. Failure of Procedure in the Public Re-Notice

I have had the opportunity to review the 780-page⁹ file (the "File"), including the Amended Application provided with the Public Re-Notice. I have visited the proposed site on many occasions, not including my significant recreational and water dependent uses of the area since 2008 referenced in previous correspondence. My last visit to the

⁸ HB 8244 (resubmitted in 2023 as HB5037 and also introduced in the RI Senate as SB198) regarding 1,000-foot buffer zone setback from MHW for aquaculture sites on the Sakonnet River, including a 2 year moratorium on applications to enable further study.

⁹ The number of pages contained in the File provided to me as of May 23, 2023. Mr. Goetsch's cooperation was very helpful with my review of the File.

proposed site was May 31, 2023, from the Seapowet shoreline adjacent to the Applicant's property.¹⁰

I respectfully submit that the Amended Application should be denied, because of significant procedural defects in the Public Re-Notice, the Amended Application, and certain documents contained in the File representing various approvals and authorizations.

During the Public Notice period commencing on or about May 8, 2023, and during my last visit to the Seapowet Area, I observed that only the Northwest and Southwest corner buoys were present.¹¹ The direct result is that neither the public nor stakeholders, are able to accurately identify the location of the proposed lease area as referenced in the Amended Application. The failure to have corners of the site identified makes it impossible, viewing or wading from shore and/or from a vessel to calculate and confirm the purported distances to MHW on shore, the Seapowet Bridge, RIDEM's environmentally sensitive Sapowet Marsh Wildlife Management Area ("SWMA"), and the Recreational Shellfish Layer evidenced by RIDEM's Marine Fisheries Map ("DEM Recreational Shellfish Area"), and as referenced in the Amended Application.¹²

Without the missing Northeast ("NE") and Southeast ("SE") corner buoys, the public's ability to accurately identify the proposed lease area and determine its coverage and location is near impossible. The corner buoys are necessary so one can determine whether the Applicant's representations in the Amended Application are accurate and truthful. For examples, whether the Applicant's representation that forty (40%) percent of the proposed lease area is in the DEM Recreational Shellfish Area is accurate, and/or whether the admitted encroachment of the DEM Recreational Shellfish Area will materially and substantially interfere with the public's shell fishing activity, cannot be determined during the Public Comment period.

Similarly, the Amended Application is defective, and should be determinative in the Council's denying assent. The failure of the Applicant to sign the Amended Application, provided as part of the Public Re-Notice, should be a sufficient basis to deny assent. This is not a mere inadvertence that can easily be corrected, but should be fatal. The Applicant has made material representations from which the public and ultimately, the Council must rely upon for accuracy and truthfulness. The unsigned document provides no such comfort.

In addition, several documents relied upon by the public, CRMC and/or other responsible agencies contained within the File that are necessary for a fulsome

¹⁰ Title is held by Strait Line, LLC. On information and belief, the Bowens are Members of the LLC.

¹¹ The failure to have corner buoys in the water was brought to the attention of the Aquaculture Coordinator and others by email on May 31, 2023. Whether the missing shoreside NE and SE buoys were previously located at the site does not provide any basis for determining the accurate location of the site during the re-noticed Public Comment period.

¹² See, Pg. 2 of Amended Application regarding "Changes to application ..." and specific reference to "DEM Recreational Shellfish Area".

evaluation, are stale and/or have expired. Those outdated and/or expired documents include the purported shellfish survey taken on August 8, 2020.

The document itself begs the following questions:

What is the explanation for the so-called shellfish survey undertaken some two (2) months prior to the Bowen's purported "official" submission of the Amended Application on November 10, 2020?

How could the surveyor determine the correct area for survey on August 8, 2020, without having the benefit of the purported new coordinates in-hand, since they had yet to be filed?

This procedural defect is yet another basis to deny assent. The Council should order that a new "independent"¹³ shellfish survey be undertaken and provided to the public for review and comment prior to any final determination.

Further, the United States Army Corp. of Engineers (the "ACE") authorization letter dated January 5, 2021, has expired. The authorization expressly expired on March 3, 2022, over a year ago. On information and belief, the Applicant has yet to seek a new authorization, and that defect should also be fatal to the Council's assent.

To obtain a "new" authorization, the Applicant must provide to ACE all relevant information that exists as of the time of new submission. This would necessarily include all the overwhelming opposition gleaned since the now expired authorization was granted in January 2021. While resubmission may allow the Applicant to utilize ACE's Self-Verification procedure, the Applicant would be required to provide the full and complete record of significant stakeholder and individual opposition to the location of the lease. That submission would likely generate the need for a public hearing at ACE.¹⁴

It is my understanding that of several criteria required for authorization, of paramount consideration is whether the proposed activity materially interferes with the public use of the water for navigation and recreation. Because of the significant public opposition to the Amended Application, it is doubtful that the ACE would provide any new authorization to proceed with the lease.

Because of the myriad defects in the Public Re-Notice, the Amended Application and the documents relied on by the public in determining whether to respond favorably or not, the Council must deny the Amended Application with prejudice. At the very least, the material defects in procedure should require the Applicant to resubmit a new

¹³ The survey was undertaken by the Aquaculture Coordinator and not an independent 3rd party.

¹⁴ While current CRMC guidelines suggest that ACE authorization can be accomplished concurrently with CRMC's determination, the material change in circumstances evidenced by significant opposition would likely result in ACE's denial of authorization. On information and belief, RI's General Permit issued by ACE also expired, and is in the process of renewal.

application, requiring new authorizations from RIDEM, RIMFC, ACE and other agencies, followed by a new public comment period.

3. Applicant's Failure of Category B Requirements

The Bowen's have proposed a .95-acre lease in an area that has demonstrated evidence of historic recreational use, including, fishing, wading, bathing, boating, kayaking, and shell fishing.

The Amended Application must be denied, because CRMC's assent will severely restrict the public's access to, and use of, the Seapowet Area in derogation of the Public Trust Doctrine. *R.I. CONS. Art.I, §17, and see, Greater Providence Chamber of Com. v. State, 657 A.2d 1038, 1042 (R.I. 1995).*

CRMC's authority to permit aquaculture is restricted by the Rhode Island Constitution, and by statute. Under the Aquaculture Act, CRMC may only issue a permit if "... it is in a manner consistent with the best public interest, with consideration given to the effect of aquaculture on other uses of the free and common fishery and navigation..." *R.I. Gen Laws §20-10-1.*

The Bowen's represent that the proposed site will cause little or no impact on long-time competing water dependent uses of, and public access to, the Seapowet Area. On the contrary, a substantial cross-section of people from Tiverton, *underserved* communities,¹⁵ various stakeholder organizations, and others from across RI have thoughtfully and factually expressed their opposition to the Amended Application. They have demonstrated significant historic use of the Seapowet Area shoreline and waterways for recreational and other related activities. The Council's assent of the Amended Application will significantly impair and cause the public's loss of use of this pristine area of the Sakonnet River for the benefit of a small and unviable commercial enterprise.

As the record amply demonstrates, opposition to the Amended Application is almost universal. While significant interference, impact, and loss of use is more than a sufficient basis to deny the Amended Application, significant impairment and negative impact is only one of the Category B requirements where the Bowen's have failed to carry their burden.

650-RICR-20-00-01 Section 1.3.1(A) dictates that applicants applying for assent for a project in Tidal or Coastal Pond Waters are required to demonstrate how the project meets "Category B" requirements. In the exercise of its jurisdiction and authority, the Council must consider whether the Applicant has demonstrated that the proposed project meets those "Category B" requirements.

¹⁵ Many from Fall River and other places in Massachusetts visit the Seapowet Area because of the diversity of activities they can enjoy, and the availability of free parking.

The burden is on the Applicant to demonstrate compliance with Category B requirements. See, 650-RICR-20-00-1, 1.3.1(A)(1)(J). In this matter before the Council, the Applicant has failed to meet its burden on several of the requirements.

The Applicant has failed to carry his burden as to the following Category B requirements:

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

In responding to 1A, the Applicant simply provides a boilerplate response to the "need" requirement, interspersed with language about the value of the nutrients at the specific location and its "lack of shellfish resources within the site", and the "largely under-represented" oyster culture in the East Bay. The Applicant's minimalist approach is insufficient to carry its burden.

The Applicant admits that the proposed site is in an environmentally sensitive area, which includes the SWMA, and the DEM Recreational Shellfish Area. The Applicant admits that 40% of its lease would encroach on the DEM Recreational Shellfish Area. The admitted encroachment means that the public would be denied access and prohibited to shellfish in a portion of the DEM Recreational Shellfish Area.

What exactly is the need for aquaculture in this natural and pristine area and a recognized DEM Recreational Shellfish Area? By giving exclusive use to .95-acres of watershed and submerged land area, for the benefit only of the Bowens, you deprive the public of a portion of a recognized and highly used Recreational Shellfish Area.

One of the main objections from RIDEM, THC and others with the original proposed site application was that the lease area encroached into a significant portion of the recognized DEM Recreational Shellfish Area. The Amended Application suggests that a reduction in the encroachment from the original application is a sufficient basis to meet its burden. The public and stakeholders, overwhelmingly disagree. Assenting to exclusive use to the public's deprivation of a recognized area for public shell fishing is a clear violation of the Public Trust Doctrine. *R.I. CONS. Art.I, §17, and see, Greater Providence Chamber of Com. v. State, 657 A.2d 1038, 1042 (R.I. 1995).*

The Applicant has failed to meet its burden as to Category 1A, and the Amended Application must be denied with prejudice.

1B: Demonstrate that all applicable local zoning ordinances, building codes, flood hazards standards, and all safety codes, fire codes, and environmental requirements have or will be met.

Here, Applicant provides a non-answer. Through an LLC, the Applicant owns a small, unbuildable piece of land on Seapowet Avenue (the "Non-Buildable Lot"). This Non-Buildable Lot almost directly faces the proposed lease site. Applicant has never

“formally” disclosed this purchase to the CRMC, although it is now a commonly known fact.

Applicant's non-answer of a general intent to comply with zoning and other regulations is insufficient to meet its burden with this category. This begs questions that must be addressed in any public forum, including,

What is the Applicant's intent vis-à-vis the use of the Non-Buildable Lot with the operation of its commercial enterprise?

Will the Applicant seek zoning relief from Tiverton and/or through the Right to Farm Act to operate a commercial enterprise in a residential R80 zone?

In answer to the latter question, the Town of Tiverton, through its Town Council and Town Administrator, have made it abundantly clear that they have grave concerns and objections to the Bowen's use of the Non-Buildable Lot for its commercial operation.

“Best Practices” suggested by Executive Director, Dr. Rheault of the ECSGA states, in relevant part,

Often, regulations allow shellfish farmers to do things that may not be in the best interest of the larger community. An example is the **Right to Farm Law**, which in many states allows farmers to make noise or generate offensive odors as long as they are conducting a “normal farming practice.” **Just because it's allowed by law doesn't mean it's a good idea for shellfish farmers to go out at dawn and run loud pumps or leave rotting shellfish out in the sun. Such activities would alienate the public and could make it harder for future farmers to acquire leases. Activities may technically be allowed under the law, but in practice they might not be prudent.** (Emphasis added).

Why Best Practices? How Do They Differ From Laws and Regulations?

https://x5gefe.p3cdn1.secureserver.net/wp-content/uploads/2022/10/ECSGA_NL_v3-22.pdf

It is highly unlikely that the Applicant will be afforded any zoning relief from Tiverton to operate a commercial business from the Non-Buildable Lot. ECSGA's Dr. Rheault's suggested Best Practices are also informative with this category.¹⁶

Since neither the CRMC, Tiverton nor the public has any understanding of how the Applicant intends to operate its business, aside from “. . . the applicants will not

¹⁶ Tiverton clearly objects to any such commercial use of the Non-Buildable Lot, and at the very least, the Council must prohibit any such commercial use should the Council affirmatively modify and assent to the Amended Application.

transport oyster cages across the Sapowet Management Area (sic) public parking area", and Installation (placement) and removal of cages will be conducted by boat and/or private access to the shore", it should suggest to the Council that the Applicant is unwilling or unable to provide operational information to the public and the CRMC for evaluation because it will be unfavorable to their efforts.

Without Applicant's forthright disclosure of operational information, and for those reasons stated above, the Applicant has failed to meet its burden as to Category 1B, and the Amended Application must be denied with prejudice.

1C: Describe the boundaries of the coastal waters and land area that is anticipated to be affected. Applicant appropriately depicted both his initial concept and alternate concepts (i.e., the farm as a polygon or a rectangle, respectively) in the application materials.

While the Applicant has set forth the Latitude/Longitude coordinates for the proposed lease site, the Applicant failed to maintain the NE and SE corner buoys during the public comment period so that the public could accurately observe the location and breadth of the proposed lease area.

In the Amended Application, the Applicant has not only failed to disclose to the Council the existence of a mooring field that currently impacts the lease area, nor disclosed pending riparian mooring applications (some pending for over two (2) years) that would impact the proposed site.¹⁷

Because of the missing NE and SE buoys referenced earlier, the failure to disclose the existence of the mooring field, and the pending riparian mooring applications, the Applicant has failed to adequately describe the boundaries of the lease sufficiently for public comment and to accurately determine whether the lease area will have a negative impact on those existing water dependent uses and in derogation of riparian rights. For that reason, the Applicant has not met its burden regarding Category 1c, and the Amended Application must be denied with prejudice.

1d: 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.

If the applicant intends to use the Non-Buildable Lot for their commercial operations, there will likely be a considerable erosion effect on the shoreline of the property because of abnormal and overuse of the shoreline. The failure to provide information to the CRMC and the public on the intended use of the Non-Buildable Lot and the likely result of abuse and overuse of the shoreline causing erosion in the expected operation of their commercial enterprise, is a failure to carry the burden

¹⁷ Many believe, and there is circumstantial evidence suggesting, that Tiverton was warned by the CRMC not to approve riparian mooring requests that would interfere with the Bowen's and another then pending (since withdrawn) aquaculture application.

consistent with Category 1D, and the Amended Application must be denied with prejudice.

1E: Demonstrate that the alteration or activity will not result insignificant impacts on the abundance and diversity of plant and animal life.

Admittedly, because 40% of the lease area encroaches on the recognized DEM Recreational Shellfish Area, it will likely cause significant impact on the native clam and quahog population. Because that impact is likely to be significant, the Applicant has not met its burden as to Category 1E, the Amended Application must be denied with prejudice.

1F: Demonstrate that the alteration will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters and/or the shore.

The publics demonstrated historic use of the entirety of the Seapowet Area for recreational purposes, including the beach, the SWMA, recognized boat ramp, sandflats at low tide, and the location of the lease area within walking, wading and kayaking distance of the shoreline must be recognized. Consideration of the public interest far outweighs the Applicant's need and must take precedence over a commercial enterprise that will significantly interfere with, impair, and impact on existing public access to, and use of, tidal waters and the shore.

For those reasons, the Applicant has not met its burden as to Category 1F, and the Amended Application must be denied with prejudice.

1J: Demonstrate that the alteration or activity will not result in significant conflicts with water dependent uses and activities such as recreational boating, fishing, navigation, and commerce.

If approved, the Amended Application and its proposed location would promote significant conflicts with other historic and demonstrated water dependent uses and activities. A significant number of individuals and important stakeholders, including BCH, RISAA, FW, and the ECSGA and OSSA, the Town Council and THC. Collectively, they represent thousands of members and residents who have thoughtfully engaged in the faulty approval process, and opposed the Amended Application, many citing, for example, the severe impact on water and other dependent uses assent would result.

Many of the concerns raised regarding current water dependent uses include significant safety issues. If the Amended Application is approved, swimmers, waders, kayakers, anglers, and other water dependent users will be forced out into deeper water to the west of the proposed lease, bringing them closer to existing navigational channels and operating power boats and moorings, as well as increased wave and wind exposure. Inshore at the tidelands, the nearness of the proposed site to the shoreline will have significant impact on waders, walkers, anglers, and other users.

The Applicant's purported generosity to allow access to the lease area for recreational use by kayakers and waders, is insufficient to demonstrate that the proposed project will not result in significant conflicts. Recreational users may not feel welcome or safe to operate in, through or around an area exploited for commercial purposes. As a result, it is very likely that many current users will forgo the Seapowet Area altogether.

The public's historic use of the Seapowet Area for water and other dependent uses, demonstrates conclusively that future conflict and negative impact will occur should the Council provide assent. This overwhelming objective evidence of conflict demonstrates the Applicant cannot meet its burden as to Category 1J, and the Amended Application must be denied with prejudice.

1K: Demonstrate that measures have been taken to minimize any adverse scenic impact.

The Applicant admits that the Seapowet area is environmentally sensitive. That sensitivity includes unique vistas and views not found in any other coastal area of Rhode Island. The Applicant admits that its equipment, i.e., bottom cages, will be exposed at various low tides. Even low-profile bottom cages proposed by the Applicant will not sufficiently minimize the exposure of the cages at low tide. The Council's assent would have a dramatic and adverse scenic impact on the Seapowet Area.

During my water dependent and shoreline use of the Seapowet area for recreation, including quahogging, sailing, boating, swimming, kayaking, SUPing, and coastal rowing, I have observed low tides on more occasions than I can count. At low tide I have walked-out into what is purported to be the proposed site (hard to tell because of the lack of inshore corner buoys identifying the area), and on many of those occasions, the water has been only mid-calf. That clearly demonstrates that the proposed bottom cages will be exposed frequently at low tide. This exposure will also undoubtedly cause bird and other biofouling of the cages, causing negative and adverse scenic impact.

The Applicant has not met its burden to demonstrate minimum adverse scenic impact. The Applicant has not, therefore, met its burden as to Category 1K, and the Amended Application must be denied with prejudice.

4. Conclusion

As I have observed many, many times since purchasing my home in Tiverton and well before the filing of the Bowen's application, the scenic views at Seapowet are magical. The water views are beautiful at peak and low tides, and at sunrise and sunset. Enjoyment and tranquility can be found in the exquisite marsh and water views courtesy of RIDEM's thoughtful and planned acquisition of significant landholdings benefiting the public for hunting, fishing, recreating and the protection of wildlife. Commercialization of any part of the Seapowet Area would disrupt and conflict with DEM's well-planned and

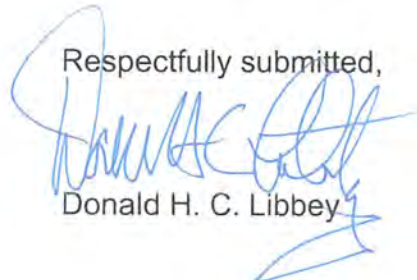
expensive efforts to maintain wildlife and scenic diversity for the public's enjoyment and use.

To observe the many visitors and families using the Seapowet Area; enjoying the beach; wading and frolicking in the tidal waters; shell fisherman and the public digging in the Recreational Shellfish Area; birdwatchers and nature lovers walking the SWMA; anglers hoping for a bite, one can fully understand that the Seapowet Area is unlike any other coastal area of Rhode Island. It is irreplaceable, and of extreme value to locals and those from afar. It must not be invaded by any aquaculture development that benefits only the few to the deprivation of the many.

As the Rhode Island Supreme Court has stated, "these lands below the high-water mark will not be appropriated by, or conferred upon, private individuals for purely private benefit." *Greater Providence Chamber of Com. v. State*, 657 A.2d 1038, 1042 (R.I. 1995). The approval of the Amended Application would be inappropriate, especially where-as-here, it would confer upon private individuals Public Trust waters that have demonstrable and significant competing public use.

Thank you for your consideration. For any, and all those reasons set forth above, I respectfully request the Council review all the thoughtfully submitted opposition to this poorly sited aquaculture farm and make the decision to finally, and fully, deny assent of File 2020-04-037 with prejudice.

Respectfully submitted,



Donald H. C. Libbey

Cc: Via email:

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Cstaff1

A-158

From: Jeanne De Souza <desza196@yahoo.com>
Sent: Wednesday, June 7, 2023 2:44 PM
To: jwillis@crmc.ri.gov; CRMC; Cstaff1
Cc: Senator DiPalma; Sen. Felag; John Edwards; Denise DeMedeiros; Tiverton Ri
Administrator; Bruce H. Cox; Dean Wagner
Subject: Objection CRMC File # 2020-04-037 (Bowen Application)
Attachments: JDS Letter to CRMC Bowen File Final.pdf

Dear Mr. Willis and Mr. Goetsch:

Please find attached my objection for the proposed Bowen oyster farm application, Bowen File No. 2020-04-037. Can you please confirm receipt of this letter when you have a moment?

Thank you for your consideration.

Jeanne De Souza

401-458-2737

June 6, 2023

Mr. Jeffrey Willis, Executive Director
Mr. Ben Goetsch, Aquaculture Coordinator
CRMC Staff

RE: Objection CRMC File #2020-04-037

Dear Mr. Willis, Mr. Goetsch, and CRMC Staff:

I am writing to you today with my strong opposition to the proposed Bowen Oyster Farm, File #2020-04-037 proposed in the Sapowet Cove area of the Sakonnet River. I own the property directly in front of the proposed lease space, at 697 Seapowet Avenue. The land to the north and east is owned by RI DEM. The land that abuts my property to the south is the 0.125 acre lot that was purchased by the Bowens.

I will do my best not to reiterate the many, and very important facts that have been shared with you in the abundance of opposition letters, and instead will stick to a few painful points.

As you have heard many times, this is a heavily-used and recreated public space, enjoyed by not only the local community, but by so many Rhode Islanders throughout the state, and those from nearby Massachusetts communities. These are people who are not able to provide their input because they are outside the notification process. They most certainly would not see a public notice or know how or where to look for one, and it's our responsibility to be their voice. As you know, this area has been owned, preserved and protected by RI DEM, through numerous grants to enhance and protect it for the hunters and fishermen, and all of the public. My family has enjoyed many activities in this space for over 70 years, spending the days swimming, boating, digging clams, quahogging, walking the sandbar and fishing. In fact, my sister and I rowed every evening after dinner through this very space (and enjoyed jumping off the bridge with the neighborhood kids)! My children and grandchildren will fish, paddleboard and kayak as well. Our right to shellfish (and yes there are quahogs in this space) would be eliminated if the application is approved.

If you haven't had a chance to visit this location in person, I strongly urge you to. Not only will you appreciate the full effect of this amazing space, but you should feel obligated to understand what will be taken away from so many of the public, should this application be approved.

The state beach that is owned by RI DEM has a newly-enhanced parking lot which is free to the public, and quite often is completely overflowing. On any given day, the types of recreational activities you will witness are swimming, kayaking, canoeing, folks clamming and quahogging, and anglers fishing. Many families arrive in the morning, will experience the low and high tides, and enjoy everything both have to offer, leaving when it gets dark. Since I have been able to witness this for all of my life, I understand the value of what this particular area offers to so many, which should never be discounted!

The proposed lease space is only ~250 feet from my property. It will restrict us from fishing from the banks of the property when the tide is high, and will also limit us from wading through the water to fish when the tide is low. This would be a new barrier to activities we enjoy and have had access to for decades.

If approved, it will be a commercial entity that will benefit only two people, the applicants. Economically it's not sound and will provide a minimal monetary impact to the State of RI. It will certainly not be worth what it will cost the state in breaking the Public Trust and interfering with the public's ability to use the space and recreate safely.

While you have seen an abundance of opposition for this poorly-sited location, there is real concern for not only the interruption of the numerous recreational activities that will be a direct disregard for the public's right to use this space, but also the navigational hazard it will create. I have witnessed many instances when the weather and winds change quickly and various users (whether on kayaks, row boats, windsurfing equipment, etc.) will tuck into this cove. A paddleboarder with an 8" to 12" fin at low tide, maneuvering with the wind, is not going to have a safe time crossing over the cages that may be barely underwater, and most certainly not the ones that will be exposed. The inner northeast buoy marker at low tide is in approximately 6" of water. The close proximity of the proposed farm to the sandbars and the long intertidal zone make it more challenging to navigate around cages to get access to the takeout/launch spot.

The cages will prohibit any type of vessel to maneuver through the rows, and in fact will force people to attempt to go around them, causing users to go out into deeper water which may not be best for them. This past Friday I watched a kayaker come out of the marsh and maneuver her vessel traveling South directly through the center of the proposed lease toward Fogland Beach. The tide was so shallow, had she tried to go around the proposed oyster farm, she would have run aground and tried to walk her kayak out. No matter how the cages are placed, there will be an obstruction to passage.

With the strong public, recreational use and activities that occur, this site should be prohibited for commercial purposes. The history and evidence of its public usage are overwhelming. When someone gets injured while recreating, as a result of the aquaculture gear that would be placed here, who will be accountable - when the reviewing parties, and the applicants, have been informed during the public comment and review process of the hazard? I would assume all involved. Is that a chance worth taking, when someone not familiar with the area is injured while losing control in their activity, or seeking refuge from the changing winds, in an area with 200 cages?

Fortunately, there are alternate locations available to the applicant. There is a federally-identified 4-mile fish trap area to the West of Gould Island which was discussed with the Aquaculture Coordinator at the Tiverton Harbor Commission (THC) meeting on May 15, 2023. CRMC could direct these applicants to this area that offers many viable locations that would reduce user conflict. This would seem to be a thoughtful approach while allowing all stakeholders' interests to be aligned, and not interfere with well-established activities. Almy Creek is another spot that would reduce user conflict.

Many of us have strong concerns as the application lacks sufficient information on how the Bowens would operate their farm. This deficit is surprising to me, I feel CRMC should require more complete

detail given what the applicant expects to receive. How could you propose an application that is not complete and understood? How will the Council know what they are actually voting on, and where is the dual control? It is stated in the opposition letter from the Town of Tiverton (Chris Cotta, Town Administrator), there are serious concerns in this regard, especially as it relates to zoning.

The applicants have yet to communicate with any of the concerned parties in the last two years, including the abutters. When I asked the applicants the question of how they would operate their farm in a public town meeting two years ago, their reply to me was they couldn't comment without a lawyer present. It's great that the CRMC process has been improved as it relates to notification and guidelines, unfortunately this application has not benefited from any of the changes.

When Bruce Cox asked the Aquaculture Coordinator at the most recent THC meeting how the Bowens will plan to operate their farm, he noted he was at the meeting to answer process and procedure questions, and not discuss the current application.

When Patrick Bowen was asked by the Tiverton Town Council ([at its March 13, 2023 meeting](#)) what he planned to do with the strip of land that he purchased in front of the proposed lease space, he responded "using it for all lawful purposes". When he was asked a second time what he planned to do with that strip of land as it relates to the pending oyster farm application, he said "I also have a mooring off the coast, so I can park my vehicle on that land and access the mooring." He was then asked "so you plan on landing the oysters there", and he said "it's a possibility".

This is the application that is presented before us and expected to be accepted by the community. Instead, it is quite the opposite. This controversial application is bringing down the aquaculture industry and making it more difficult for existing oyster farmers - the farmers who are good stewards of their community, working well alongside their neighbors, communicating, and who have invested heavily in appropriate locations. They have been faced with defending their industry, due to the irrationality of this proposed application, and the conflict that has dragged on, which is well-known throughout the state.

The Aquaculture Coordinator noted at the May THC meeting that "it's a statutory requirement that CRMC obtain and give due consideration to the opinion of the Marine Fishery Council with regard to the consistency of the application with the competing uses of the marine fisheries of the state, and to get the opinion of DEM and the compatibility of the application and its impact to the environment". I asked him if CRMC would be getting renewed opinions from these agencies, given there would be much more public comment than was originally received for the agencies to review. I was told no, as these agencies have their own processes. This stance does not seem right and isn't aligning with CRMC's statutory requirement. By not going back to the agencies for review, public stakeholder input is being dismissed. The Aquaculture Coordinator's role as an advocate for the industry needs to be understood in this permit process.

The critical question of who has the superior rights as it relates to the space for the proposed oyster farm has surfaced numerous times in the last two years - is it the applicant for an aquaculture farm or the riparian landowner? Ben Goetsch was asked that question by Bruce Cox at the May THC meeting and he replied "neither". However, the RI Constitution states it's the riparian owner, which was mentioned to him after his response by an attendee, and he did not disagree. Therefore, my riparian

rights are superior to an applicant. The Aquaculture Coordinator's claim that no one has superior rights is his interpretation.

I believe my riparian rights are being violated, whether intentional or not. As you know Riparian Rights run with the land, while private moorings are for recreational use alone. Under the Tiverton Code of Ordinances, riparian moorings are subject to certain location-related guidelines. I have approximately 345 feet of property frontage vs. the Bowens with ~ 28 feet (their parcel of land is .125 acres). The Bowen property is not large enough for a riparian mooring as it doesn't have the frontage or setback required. However, they do have a mooring, which appears to be centered with and on or just outside of their proposed lease site. This site has caused my mooring to be located further out. It's important to note is this is Type 1 water, which I believe means moorings are restricted from commercial use.

With the question of superior rights answered, my second mooring is located closer to my property, (and almost exactly where my father's mooring was many years ago) in more shallow water, allowing us to wade out to the mooring and access/enjoy it safely. The Town's Solicitor, my own lawyer, and the Tiverton Harbormaster are aware of its placement. At high tide, I should not be forced to go out the inconvenient and challenging distance to my first assigned mooring. I believe this mooring was placed outside of the proposed lease space so as not to create conflict, while the THC waited for a final answer on the superior rights issue. There is another neighbor in the same situation. This, in fact, stymied the process for us.

Due to the riparian mooring conflicts, and the many other important and overwhelming facts that have been brought to your attention, this application should be denied. It has been exasperating and costly for all parties involved, and I'm sure has brought on an abundance of stress to the staff at CRMC as well.

Thank you.

Jeanne De Souza
697 Seapowet Avenue
Tiverton, RI 02878

(Mailing address: 196 Old Bulgarmarsh Road, Tiverton, RI 02878)

Cc:
Representative John Edwards
Senator Lou DiPalma
Christopher Cotta, Tiverton Town Administrator
Denise DeMedeiros, Chair, Tiverton Town Council
Bruce Cox, Chair, Tiverton Harbor Commission
Dean J. Wagner, Partner - Savage Law Partners

From: Melissa McCarthy <mcmel@uri.edu>
Sent: Wednesday, June 7, 2023 6:03 PM
To: Cstaff1@crmc.ri.gov
Cc: seanbow@yahoo.com
Subject: CRMC File Number 2020-04-037 Bowen Sapowet Cove, Tiverton, RI
Attachments: CRMC_File_Number_2020-04-037_Bowen-Sapowet-Cove-Tiverton-RI.pdf

To whom it may concern,

Attached is my letter of support for the **CRMC File Number 2020-04-037**. The Bowen Sapowet Cove, Tiverton, RI application for an oyster farm.

Please feel free to contact me if I may be of further assistance.

Thank you,

--

Melissa McCarthy
Director, University Research External Relations
Division of Research and Economic Development
The University of Rhode Island Secretary/Clerk The University of Rhode Island Research Foundation Board of Directors
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75 Lower College Road
Kingston, RI 02881 USA
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Instagram: [uriresearch](#)
Twitter: [@URI_Research](#)

Please enjoy URI's [Momentum: Research & Innovation](#) magazine.

June 7, 2023

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

Melissa McCarthy
154 Kings Ridge Road
South Kingstown, RI 02879

CRMC File Number: 2020-04-037

It is with great enthusiasm that I am writing a letter of support for the application of Mr. John Bowen and Mr. Patrick Bowen for their application for a submerged oyster farm in Sapowet Cove, Tiverton, RI.

I have the great fortune of knowing both of the Bowen brothers since our childhood in Little Compton, RI. Their entire family is of great character, outstanding ethics, morals, intelligence, kindness, and consideration. They are very invested in the local farming community and take great care in the land that they produce upon. Mr. John Bowen has a garlic farm in Little Compton and Mr. Patrick Bowen has recently opened an orchard farm in Little Compton. To say that these two gentlemen care about the community, have deep roots in the community, and want to provide for the future of the community is an understatement. Even my parents, who were great friends with the parents of the Bowen brothers say that: "They come from good stock. They are the salt of the Earth. That we need more people like them."

I also had the great fortune of attending Saint Philomena's School with the Bowens. They were always studious and at the top of their class. I have read their application. I have discussed their plans for the oyster farm with each of them and know that they have done their research. I work in the Division of Research at the University of Rhode Island and have been extraordinarily impressed with the work they have put into the oyster farm. They have done their due diligence, they have made tremendous plans, they have testified in front of the Tiverton Town Council, they have made accommodations for any concerns that have arisen. They are ready, this project is ready.

Rhode Island is fortunate enough to have more than 80 oyster farms. Oysters are filter feeders, they keep water clean, they are incredibly good for our waters. Not only are oysters good for the environment, but they are also good for the economy. It is time for Tiverton to reap the benefit of an oyster farm, especially one owned by the Bowen family.

The 2020 CMRC Rhode Island Aquaculture Industry report states that:

- Oysters remained the number one aquaculture product with 6,062,056 sold for consumption
- Oyster seed sales from RI aquaculturists was valued at \$167,000
- Combined value of aquaculture Tiverton will be lucky to have an oyster farm.
- The number of aquaculture farm workers was 216.

*I notice that this report does not include the number of restaurants that now carry oysters a regular item on their menu and the shuckers that are employed year-round. Therefore, the benefits are even greater.

The combination of the Bowens and an oyster farm is a win win for Tiverton.

I close by again expressing my enthusiastic support for Mr. John Bowen and Mr. Patrick Bowen's application for a submerged oyster farm in Sapowet Cove, Tiverton, RI, CRMC File Number: 2020-04-037. Please feel free to contact me if I can be of further assistance.

Sincerely,



Melissa McCarthy

From: Joe Maiato !!! <josephmaiato@aol.com>
Sent: Wednesday, June 7, 2023 6:19 PM
To: cstaff1@crmc.ri.gov
Subject: File Number: 2020-04-037 Application of: John Bowen & Patrick Bowen 79 Shaw Road Little Compton, RI 02831

CRMC Staff:

I am writing in support of the above-captioned application.

I have known these brothers for well over 30 years, I have also known both of their parents as well as their wives and their children from when they were small infants! A finer, upstanding family cannot be found!

These gentlemen are perfect examples of what all citizens should be! They are extremely responsible and are men of their word. they are very active in donating their time and efforts to various community efforts.

As a member of the Beach Commission in town here for many years, I am very well aware of the sensitivities of one of our most precious natural resources, our shoreline. I am confident that these gentlemen will always treat it with the respect and care that it deserves.

I wholeheartedly support their endeavor and hope that you do too!

Thank you very much for your time in this matter,
Joseph D. Maiato
10 Tompkins Lane
Little Compton, RI 02837

Cstaff1

A-161

From: thoram2@verizon.net
Sent: Thursday, June 8, 2023 12:39 AM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; cstaff1@crmc.ri.gov; sen-dipalma@rilegislature.gov; rep-edwards@rilegislature.gov; ddemedeiros@tiverton.ri.gov; mburk@tiverton.ri.gov
Subject: Objection to CRMC File No. 2020-04-037
Attachments: CRMC Bowen Oyster Farm Objection Ramotowski.docx

I request that my objections to CRMC application 2020-04-037 - Bowen Oyster Farm - (attached) be entered into the official record for said application and be taken into consideration by the CRMC when it reviews the application for possible approval.

Respectfully,

Thomas Ramotowski
17 Beaudoin Road
Tiverton, RI, 02878
thoram2@verizon.net

To: Jeffrey Willis, Executive Director, CRMC

From: Thomas Ramotowski, 17 Beaudoin Road, Tiverton, RI, 02878

Date: 07 June 2023

Subject: Objection to CRMC File No. 2020-04-037 (Bowen Oyster Farm)

1. I object to the creation of an oyster farm in the Sakonnet River at the location specified in CRMC file no. 2020-04-037. For the record, I live in North Tiverton; thus I am not a neighbor or abutter to the proposed oyster farm location. I do, however, go to the Seapowet Marsh Management Area frequently to enjoy the beach, water (I am a recreational quahog raker), and to relax while watching beautiful sunsets.
2. The Seapowet Marsh Management Area is a beautiful area that allows people to have free access to Narragansett Bay. It is one of the only areas where free parking is available for visitors. In the east Bay part of Rhode Island, we do not have any State beaches; the closest State beach is Scarborough State Beach in Narragansett. That beach is about an hour's drive from most of Tiverton, and requires driving over a toll bridge twice. Many people in the local area (myself included) have viewed Horsehead State Beach in Westport (Massachusetts) as "our" State beach, but during the COVID epidemic, the parking fee there for out-of-state vehicles was raised to \$40/day, effectively putting it out of reach for many people. The point is, there are few options for people along the east side of the Bay and we should not be reducing access and use further by setting aside part of the nearshore area off Seapowet for the private and exclusive use of two oyster farmers – especially when their proposed farm does not need to be in shallow, near-shore waters where it will conflict with other long-established uses.
3. The CRMC needs to understand that the Seapowet waterfront is used by many people, including a large number of Massachusetts residents. I have met people there from RI, MA, CT, NY, NJ, VA and NC. The existing CRMC notification process is deficient, because it doesn't reach the out-of-State people, most of whom are likely unaware that a portion of the near shore area off the Refuge might be converted from public to exclusive private use. I don't believe any aquaculture leases should be approved near any public access locations to the shore for this reason, and if the CRMC insists on considering such applications, the applicant should be required to erect a large sign at the location clearly showing the area to be affected and how it will be affected.
4. As I mentioned earlier, I rake for quahogs off Seapowet, and I have met others who rake for clams there as well. I have also seen people fishing there (it is well-known as an excellent fishing location) as well as many people enjoying the beach and boating/kayaking/wading in the nearshore waters. The beach and adjacent waters are heavily used during the summer, and these activities would suffer if any of the near shore waters are removed from public use for the exclusive private use of shellfish farmers.
5. I have walked the proposed site of the oyster farm at low tide (it is marked by buoys), and can attest that the water never came above my waist (I am 5 feet 9 inches tall). The bottom throughout the proposed location is mostly sandy with some muddy areas – prime quahog habitat. While the current density of quahogs there is low (most likely because that area is much easier to rake – and therefore is raked more often and thoroughly - than the area north of Seapowet Creek, which has a cobble-dominated bottom and a much higher density of clams), the clam population there can rebound quickly given the nutrients coming out of the Creek and

- the overall high water quality at Seapowet (the near shore north of the Creek with identical conditions but a more rocky bottom contains lots of clams). The shallow depth of the proposed oyster farm location at low tide would preclude essentially all public use of the area (including kayaking – which is quite popular in this area) until high tide. Even at high tide, the cages that would be located closest to the shore might not be under enough water to allow kayaks to pass over them.
6. It should be noted that the area proposed for the oyster farm is not good habitat for natural oyster populations. Oysters need to settle onto hard substrates to form natural reefs. The proposed area is essentially 100% sandy/muddy bottom with few if any rocky outcrops, and a much lower amount of cobbles. It is, therefore, highly unlikely that oysters were ever naturally present in this particular area. If the oyster were to be approved, the CRMC would be converting clam habitat artificially into oyster habitat. There are few places as it is for a person to go clamming with easy access to high quality waters with free parking. Given the fact that aquaculture activities can be carried out anywhere, at any water depth, the State of Rhode Island should not be converting public near shore areas like Seapowet to private leases for the exclusive uses of much smaller numbers of people.
 7. It has been said that around 1900, there were many more oyster farms located throughout Narragansett Bay, and they occupied a greater percentage of surface area than the current aquaculture leases do today. However, things have changed significantly since that time; the population of the State and surrounding area has increased. Bay-based recreation has grown significantly and is now the dominant use of the State's near-shore waters. There is much more competition for use of the limited near-shore areas. Another way to think about this is that around 1900, the land area of Rhode Island was largely deforested (for farming) but no one is saying now that we should be cutting down large numbers of trees so the State could look like it did at that time. Similarly, there is no pressing demand to convert the Bay to its 1900 condition when there was a higher density of oyster farms. Public sentiment is very much in the other direction, as can be inferred by the unanimous rejection of the Bowen oyster farm proposal by the Tiverton Conservation Commission, the Tiverton Harbors and Coastal Management Commission, and the Tiverton Town Council. Further evidence of the lack of popularity of this particular proposal is the fact that it has generated proposed legislation in the RI Statehouse that would force aquaculture leases in the Sakonnet River to be located at least 1000 feet from the shore. This legislation is significant in that it represents the first major restriction that would be placed on the siting of aquaculture leases in RI – and it was inspired by this particular application.
 8. Why are people who live along the east side of the Bay so upset about this application? The Sakonnet River is different from other locations in Rhode Island's coastal waters that have been given over to aquaculture leases in the past. It is much narrower than either the east or west passages into Narragansett Bay. Large portions of it cannot be converted to aquaculture leases because of the channel and navigation requirements. Most of the remaining area not liked by oyster farmers because of its depth (it would require boat access and access to the cages would be more difficult) and the existence of pre-approved mooring fields. This leaves the very limited amount of near-shore shallow areas, which probably make up less than 5% of the total surface area. Thus, by the CRMC's own rules, essentially all of the shallow, near-shore waters of the Sakonnet River could be converted to aquaculture leases without exceeding the CRMC's stated

coverage goals. The feared encroachment has already begun; the waters off of Seapowet already host one aquaculture lease, and there have been other proposals over the years for leases off within Nannaquacket Pond (in Tiverton) and off of Fogland Beach (also in Tiverton). There are also several existing leases within Gull Cove in Portsmouth (by the way, another one of the few “free” access points to the shore – via the Gull Cove State Fishing Area). The State of Rhode Island is supposed to hold the State’s submerged lands as a public trust and protect the public’s interest in these lands. All locations where the public has free, unimpeded access to the shore are crucial pieces of this public trust and should not cut up into pieces to be distributed to individual for their private, exclusive use.

9. Oyster farming can be done in waters of all depths via floating cages, or cages placed on the sea floor. The same cannot be said for many of the activities (clam raking, shore/shallow water fishing, wading, etc.) that would be displaced from a portion of the Seapowet reserve should the Bowen application be approved. Aquaculture proponents have options for what they want to do – but the public does not, and they have seen their access to near shore areas continuously reduced as the total amount of area leased for aquaculture increased. I strongly object to the approval of the Bowen application for the reasons I have stated and respectfully request that the CRMC stop approving aquaculture leases near public access points to the shore.

Cstaff1

A-162

From: Cowgirl weaver <megansimonsms@gmail.com>
Sent: Thursday, June 8, 2023 5:11 AM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; cstaff1@crmc.ri.gov
Cc: rep-edwards@rilegislature.gov; sen-dipalma@rilegislature.gov;
DdeMedeiros@tiverton.ri.gov; Save Seapowet; bhcoxri@gmail.com
Subject: Objection CRMC File # 2020-04-037 (Bowen application)

Dear Environment and Agriculture Committee Members,

My name is Megan deBethune. My children and I enjoy the serenity we find at the Seapowet marsh and waterway. It is a safe place for my kids to swim and experience nature.

I am for bill number S. 198. This bill addresses my concerns that new commercial aquaculture operations are creating conflict and taking away public access to the waters in the Sakonnet. CRMC is not doing enough to prevent poorly sited aquaculture proposals that are not in the best public interest such as the proposed farm in the waters adjacent to the Seapowet Wildlife Management Area. The bill moves aquaculture gear further away from conflicting use areas of the Sakonnet.

Respectfully yours,
Megan deBethune
Portsmouth R

Cstaff1

A-163

From: Dean Wagner <dwagner@savagelawpartners.com>
Sent: Thursday, June 8, 2023 2:52 PM
To: 'Jeff Willis'; rcoia@crmc.ri.gov; bgoetsch@crmc.ri.gov
Cc: Anthony DeSisto; cstff1@crmc.ri.gov; Allison Charette
Subject: Objection to CRMC File Number 2020-04-037 (Bowen Application) and Request for Hearing
Attachments: 6 8 2023 Objection to Bowen Application CRMC File No. 2020-04-037.pdf

Executive Director Willis, Chairman Coia, and Mr. Goetsch:

This office represents Tiverton property owners Jeanne DeSouza (697 Seapowet Ave.), Richard and Kathleen Metcalf (723 Seapowet Ave.), Cynthia Aber (42 Driftwood Drive), and Cathy and Paul Fulton (52 Driftwood Drive) in opposition to the above-referenced application.

Attached please find our substantive formal written objection and request for a hearing.

Please let me know if you require any additional information.

Thank you for your attention to this matter.

Dean

Dean Wagner, Esq. | Partner



SAVAGE LAW PARTNERS, LLP

564 South Water Street, Providence, RI 02903

Phone: 401-238-8500 | Fax: 401-648-6748

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Dean J. Wagner, Esq.

dwagner@savagelawpartners.com

June 8, 2023

VIA EMAIL AND REGULAR MAIL

Jeffrey Willis, Executive Director
Raymond C. Coia, Chairman
Benjamin Goetsch, Aquaculture Coordinator
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900
jwillis@crmc.ri.gov
rcoia@crmc.ri.gov
bgoetsch@crmc.ri.gov

Re: CRMC File Number 2020-04-037
Bowen Application

Dear Executive Director Willis, Chairman Coia, and Mr. Goetsch:

This office represents several Tiverton property owners including Jeanne DeSouza (697 Seapowet Ave.), Richard and Kathleen Metcalf (723 Seapowet Ave.), Cynthia Aber (42 Driftwood Drive), and Cathy and Paul Fulton (52 Driftwood Drive), in opposition to the above-referenced application for an aquaculture farm in Type 1 waters in Seapowet Cove. **Please allow this letter to serve as our substantive formal written objection and request for a hearing.**

We hereby adopt and incorporate by reference the points, arguments and exhibits set forth in the written objections submitted by the Town of Tiverton (May 26, 2023), the New England Chapter of Backcountry Hunters and Anglers (BHA) and the R.I. Saltwater Angler's Association (RISAA) (May 22, 2023), and Attorney Marisa Desautel on behalf Kenneth and Elizabeth Mendez (October 25, 2022). We will not unnecessarily repeat the many convincing points and arguments set forth in those objections.

As you are well aware, under the public trust doctrine, the state holds title to all land below the high-water mark in a proprietary capacity for the benefit of the public. *Greater Providence Chamber of Commerce v. State*, 657 A.2d 1038, 1041 (R.I. 1995). The state's authority over that land is limited by article 1, section 17, of the Rhode Island Constitution, which provides that the people shall continue to enjoy and freely exercise all the rights of fishery.¹ The state has delegated the authority to regulate that land on the state's behalf but that delegation is limited by the CRMC's enabling act (*see* R.I.G.L. § 46-23-1 *et seq.*), as well as the Aquaculture Act (*see* R.I.G.L. § 20-10-1 *et seq.*).²

In enacting the Aquaculture Act, the General Assembly explicitly set forth a declaration of its "intent and public policy" with respect to aquaculture. *See* R.I. Gen. Laws § 20-10-1. The General Assembly recognized that aquaculture is a proper and effective method to cultivate plant and animal life. However, the Legislature made clear that aquaculture must be compatible with existing and proposed public trust uses:

the process of aquaculture should only be conducted within the waters of the state in a manner consistent with the best public interest, with particular consideration given to the effect of aquaculture on other uses of the free and common fishery and navigation, and the compatibility of aquaculture with the environment of the waters of the state; therefore,

It is the public policy of this state to preserve the waters of this state as free and common fishery. The health, welfare, environment, and general wellbeing of the people of the state require that the state restrict the uses of its waters and the land thereunder for aquaculture and, in the exercise of the police power, the waters of the state and land thereunder are to be regulated under this chapter.

¹ Article I, Section 17 of the Rhode Island Constitution provides:

The people shall continue to enjoy and freely exercise all the rights of fishery, and the privileges of the shore, to which they have been heretofore entitled under the charter and usages of this state, including but not limited to fishing from the shore, the gathering of seaweed, leaving the shore to swim in the sea and passage along the shore; and they shall be secure in their rights to the use and enjoyment of the natural resources of the state with due regard for the preservation of their values; and it shall be the duty of the general assembly to provide for the conservation of the air, land, water, plant, animal, mineral and other natural resources of the state, and to adopt all means necessary and proper by law to protect the natural environment of the people of the state by providing adequate resource planning for the control and regulation of the use of the natural resources of the state and for the preservation, regeneration and restoration of the natural environment of the state.

R.I. Const. Art. I, § 17.

² The Coastal Resource Management Council ("CRMC") is charged with managing the tidal waters and submerged lands as a public trust for the citizens of the state. The CRMC recognizes that "the leasing process must take into consideration what is best for all of the residents of the state. This is referred to as the "Public Trust Policy," as lands are managed as a public trust for the citizens of the state by the agencies charged with regulating these lands." (CRMC Guide to Aquaculture Applications p. 3.)



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R.I. Gen. Laws. §20-10-1 (emphasis added). Consistent with this statutory mandate, CRMC regulations require that any proposed commercial aquaculture lease must be located “where it can be accommodated among other uses of Rhode Island waters”. 650-RICR-20-00-1.3.1(K)(1)(a).

An applicant for a commercial aquaculture lease is required to provide information necessary for the Council to determine: “the compatibility of the proposal with other existing and potential uses of the area and areas contiguous to it, including navigation, recreation, and fisheries...” Section 1.3.1(K)(3)(4)(AA) (emphasis added).

Category B Assent Requirements (f) and (j) require that the applicant:

- f. 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;
- j. 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...

650 R.I. Code. R. 20-00-1.3.1(A)(1) (emphasis added).

As is evidenced by the many letters sent in opposition to the Bowen Application, the proposed shellfish farm would clearly interfere, impair, or significantly impact existing uses, and directly conflicts with the use and enjoyment of such protected public trust activities as boating, fishing, swimming and other recreational uses. The proposed farm is not compatible with existing uses and activities. On the contrary, it will conflict with, and significantly impact, existing uses.

As several of the objectors have pointed out, literally thousands of people use the area of the proposed lease for recreational purposes including boating, shell fishing, fin fishing, kayaking, wind surfing, kite boarding, paddleboarding, and swimming.³ This alone is reason enough for the CRMC to deny the application.

Moreover, several objectors have noted that the proposed location would also create a navigational hazard. Jeanne DeSouza who owns property directly in front of the proposed lease space, wrote:

I have witnessed many instances when the weather and winds change quickly and various vessels (whether on kayaks, row boats, windsurfing equipment etc.) will tuck into this cove. A paddle board with an 8” to 12” fin at low tide, maneuvering with the wind, is not going to have a safe time crossing over the cages that may be barely underwater, and most certainly not the ones that will be exposed. The inner northeast buoy marker at low tide is in approximately 6” of water. The close proximity of the proposed farm to the sandbars and the long intertidal zone make it more challenging to navigate around cages to get access to the take out/launch spot.

³ The proposed lease area even overlaps with a designated recreational public shell fishing area.



Clearly, the applicants cannot meet their burden of demonstrating that the proposed farm will not result in significant conflicts with water dependent uses and activities such as recreational boating, fishing, swimming, navigation, and commerce.

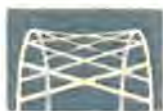
Second, the applicants cannot demonstrate that the alteration will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters and/or the shore. The proposed aquaculture farm would interfere with the riparian rights of the waterfront property owners whose access would be significantly curtailed. Several property owners have moorings within the seaward extension of their property lines or thereabouts which are located near or within the area of the proposed farm. The farm would interfere with riparian landowners' ability to access their moorings. Those riparian rights are superior to those of a pending (unapproved) aquaculture application.⁴

Third, as the oppositions and attachments submitted by the Town of Tiverton and other objectors show, the proposed lease is also in direct conflict with the State's acquisition and creation of Seapowet Beach and the entire Seapowet Marsh Management Area.⁵ The Seapowet Marsh Management Area includes free public parking, a public boat launch and public access to an area preserved and protected for public use as a publicly funded recreational area. It is difficult to imagine a more inappropriate site for an aquaculture farm.

On top of the clear conflicts with existing uses is the total lack of economic value to the public or otherwise. The applicants have not, and cannot, demonstrate that their proposed aquaculture farm is consistent with the best public interest. Other objectors have commented on the lack of economic value and commercial viability of the proposed lease. *See, e.g.,* Desautel letter dated October 25, 2022 at pp. 4-5. "The proposed location, size, and operation will not generate sufficient value to be considered "in the best public interest" especially when considered against the value of the use of these waters for the "free and common fishery". It will provide negligible, if any, economic benefit to the state while substantially obstructing the public's use of a popular recreational area".

⁴ Although the CRMC lacks the jurisdiction to adjudicate riparian rights, it must take those pre-existing rights into consideration when assessing whether a proposed aquaculture farm will unreasonably interfere or impact existing public access to the tidal waters. CRMC's enabling statute provides, in relevant part, that CRMC "is authorized to exercise ... operating functions [that] are essential to the management of coastal resources". The express list of such functions includes "[e]nforcing and implementing riparian rights in the tidal waters after judicial decisions." R.I.G.L. § 46-23-6(4)(v) (emphasis added). The text of the Enabling Statute unambiguously affords the responsibility of adjudicating riparian rights to the judiciary and not CRMC. Nevertheless, the applicant must demonstrate that the proposed lease "will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters and/or the shore". 650 R.I. Code. R. 20-00-1.3.1(A)(1)(f). Here, the proposed site would interfere with access to riparian moorings, especially at low tide.

⁵ A sign in the parking lot entitled "Sapowet Marsh Wildlife Management Area" states: "Rhode Island's Management Areas provide hunting, fishing and wildlife viewing opportunities to the public, and protect wildlife habitat and exemplary natural communities. Sapowet Marsh WMA consists of 260 acres here in the town of Tiverton, and was established by several land acquisitions in the early 1960s and more recent acquisitions in 1997 and 2002 with funding provided in part by the Federal Aid Wildlife and Sport Fish Restoration Program. This property is managed by the Division of Fish and Wildlife, and contributes to a network of over 5000 acres of protected conservation land in Tiverton and Little Compton. [...] Sapowet Marsh WMA offers opportunities for hunting, fishing, birding, boating and shellfishing."



The Town of Tiverton maintains that there are ample areas in the Sakonnet River where an aquaculture farm would not create significant conflicts with existing recreational uses. Stakeholders have even suggested alternative areas (including a Federally identified four-mile fish trap area to the west of Gould Island as well as the area of Almy Creek) to no avail.

The applicants have also failed to demonstrate that all applicable local zoning ordinances have been or will be met as required by CRMP § 1.3.1(A). The applicants have purchased a non-conforming unbuildable lot (.125-acre strip of land) located in an R80 zone (adjacent to Type 1 waters) and apparently intend to use this property for the proposed commercial operation. The applicants state that they intend to access the site using waders but offer no explanation as to how they intend to maintain and operate the oyster cages. The Town of Tiverton and abutters vigorously object to any use of the strip of land for commercial purposes and the applicants have not, and cannot, demonstrate that all applicable local zoning ordinances have been or will be met as required by CRMP § 1.3.1(A). 650 R.I. Code. R. 20-00-1.3.1(A)(1)(b).

The CRMC has received opposition from the Tiverton Town Council, the Tiverton Town Administrator, the Tiverton Harbor and Coastal Waters Management Commission (THCWC), the New England Chapter of Backcountry Hunters and Anglers (BHA), the R.I. Saltwater Angler's Association (RISAA), the RI Coastal Advocacy Coalition, coastal property owners, and members of the public who recreate in the area. Stakeholders even created a website entitled *Save Seapower For All*.

The Ocean State Aquaculture Association is on record as stating that “we do not expect the current pending application to be permitted as it is ill sited and has raised significant concerns and protest”. (See OSAA Power Point presentation is opposition to 2022- H8244. ⁶) Even Dr. Robert Rheault, the Executive Director of East Coast Shellfish Growers Association, and arguably the most prominent advocate for aquaculture in the State, has expressed opposition to the Bowen application. In testimony before the House Committee on Corporations in opposition to H8244, Dr. Rheault testified:

...the State Aquaculture Association was moved by this ... application to actually inspect future applications and decide whether to support or oppose them because we believe that there are certain applications that are poorly sited, that actually damage the industry, and we would not support them, and we would come out against them. So, this is a very unusual step for an aquaculture association to consider opposing an application, but we believe that this particular application is one of those cases where it's become such a lightning rod for descent that we believe it is damaging the ability of serious farmers who have made significant investments in their farms to continue to work...

<https://nrtv.devosvideo.com/show?video=0ba5121399f4&app=c1bd29a8> (June 7, 2022 Hearing House Committee on Corporations, at 53:50- 54:47.

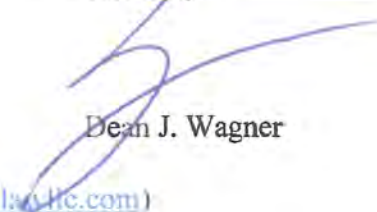
⁶ H8244 was introduced in the General Assembly to prohibit new aquaculture leases from being sited within 1,000 feet from the median high tide line. The Bill was a direct response to the Bowen application.



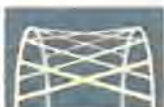
The Bowen application has become a "lightning rod for descent" for good reason. It is clearly not in the best public interest. The proposed lease area is totally incompatible with existing uses, and would interfere, impair and significantly impact existing public access and use of the tidal waters, and result in significant conflicts with the use and enjoyment of such protected public trust activities as boating, fishing, swimming and other recreational uses. For these reasons, and the reasons articulated in the dozens of opposition letters, the CRMC should deny the Bowen Application.

If you have any questions, or would like to discuss this matter further, please contact me. Thank you for your attention to this matter.

Sincerely,


Dean J. Wagner

cc: Anthony DeSisto, Esq. (via email to tony@adlawllc.com)
Cstaff1@crmc.ri.gov



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Cstaff1

A-164

From: Carolyn Thall <cthall68@comcast.net>
Sent: Thursday, June 8, 2023 4:19 PM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; cstaff1@crmc.ri.gov
Cc: rep-edwards@rilegislature.gov; sen-dipalma@rilegislature.gov;
DdeMedeiros@tiverton.ri.gov; saveseapowet@gmail.com; bhcoxri@gmail.com
Subject: File #2020-04-037

June 8, 2023

Dear CRMC leadership and staff,

We are writing to record our **objection** to the Bowen Farm application (File #2020-04-037) for 200 oyster cages in the marine and wildlife recreation area of Tiverton, RI.

This unique tidal area attracts and is enjoyed by the public all year round. An oyster farm here would be a tremendous obstacle to boating, swimming, and other activities. One example of an activity that would be hindered — made impossible — is kayaking. If kayakers are forced to go all the way out around the 200 cages, it would be too far out into the river for many people, especially children. Worse yet, the cages would be a danger to kayakers — including children — who do not know they are there.

It would be a terrible mistake to allow this farm in this recreational and pristine area.

Please reject the application.

Thank you,

Aidan Finnan and Carolyn Thall
81 Driftwood Drive
Tiverton, RI

A-165

Cstaff1

From: Jamie French <jmerfrench52@gmail.com>
Sent: Thursday, June 8, 2023 3:57 PM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; cstff1@crmc.ri.gov
Cc: rep-edwards@rilegislature.gov; sen-dipalma@rilegislature.gov;
ddemedeiros@tiverton.ri.gov; Save Seapowet; bhcox@slepkowlaw.com
Subject: re: file #2020-04-037

I continue to believe there is overwhelming evidence to deny this application.

The location unreasonably interferes with, impairs, and significantly impacts existing public access to and use of tidal waters and/or the shore.

The location creates significant conflicts with water dependent uses and activities such as recreational boating, swimming, and navigation.

Thank you.

Jamie French

48 Craig Ave. Tiverton

401-624-9012

jmerfrench52@gmail.com

06/08/23

A-169

Cstaff1

From: Maureen Morrow <mmorrowcnm@gmail.com>
Sent: Friday, July 7, 2023 6:12 AM
To: cstaff1@crmc.ri.gov
Cc: bowenp@cox.net
Subject: File 2020-04-037 Bowen Oyster Farm SUPPORT

To Whom It May Concern:

I will be brief. I live in Tiverton approximately 1 mile from the Seapowet Marsh. This area on both sides of the bridge have gained popularity with folks from near and far. It is an area of extraordinary beauty. So, I understand why people wish to be protective. But fishing and harvesting seafood along the Sakonnet River has a long, rich history.

I support the Bowen brothers establishing an oyster farm in this area. I have looked over the plans and am aware of the placement and dimensions of the submerged farming equipment. These are two local guys trying to make a living doing something that they enjoy. Our area has been overtaken by high priced real estate, exacerbated by COVID and the movement of folks from cities to the suburbs. Many local people who were raised in Tiverton and Little Compton cannot afford to live here. But that is getting into another issue.

I think that these brothers have waited long enough for a decision and I hope that the CRMC grants them the necessary permits to make a living where they live.

Sincerely,
Maureen Morrow
Tiverton

A-166

Cstaff1

From: Marisa Desautel <marisa@desautelesq.com>
Sent: Thursday, June 8, 2023 4:33 PM
To: cstaff1@crmc.ri.gov
Cc: 'Kenneth Mendez'; 'Liz Mendez'
Subject: Bowen Oyster Farm
Attachments: Exhibit 1 - obj letters.pdf; Exhibit 2 - 1997 Grant.pdf; Exhibit 3 - 1959 Grant.pdf; Exhibit 4 - 2015-2017 funding.pdf; Exhibit 5 - RIMFC.pdf; Exhibit 6 - NSSP.pdf; Scan0038.pdf

Good afternoon,
Please see the attached objection letter and exhibits regarding the above referenced matter. This correspondence also serves as formal request for a hearing on the subject application.
Thanks,
M

Marisa Desautel, Esq.
Managing Attorney
401.477.0023



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Marisa Desautel, Esq.
Marisa@desautelesq.com
401.477.0023

June 8, 2023

VIA USPS AND ELECTRONIC MAIL

Raymond Coia, Chairman
Rhode Island Coastal Resources Management Council
Stedman Government Center – Suite 3
4808 Tower Hill Road
Wakefield, RI 0287-1900

**RE: CRMC Matter 2020-04-37
BOWEN OYSTER FARM**

Dear Chairman Coia;

This office represents Kenneth and Elizabeth Mendez, who are property owners in Tiverton, Rhode Island, and recreational users of the area under consideration for the above-referenced project. On October 6, 2021, Mr. and Mrs. Mendez first formally objected to the proposed Bowen Oyster Farm application sited in the Rhode Island Department of Environmental Management (“RIDEM”) Sapowet Wildlife Management Area (“Sapowet WMA”) in Tiverton, Rhode Island. Mr. and Mrs. Mendez hereby supplement their previous objection letters with the following information and ask the CRMC to deny the application. See Exhibit 1, attached.

I. The Bowen Project Violates Historical State Project Plans for the Sapowet WMA which Demonstrate Significant Recreational Use of the Area

The proposed lease will create significant conflict with long-established recreational fishing use. The application fails to demonstrate that the embedded oyster cages “will not result in significant conflicts with water dependent uses and activities such as recreational boating, fishing, and navigation...” as stated in 650-RICR-20-00-01 Section 1.3.1(A)(1)(j). As a result, the proposed project cannot be approved as it exists today.

Recently discovered grant applications and supporting documents for federal funding from the Wildlife Sport Fish Restoration Program (“WSFR”) provide irrefutable evidence that there is significant use of the area by recreational anglers. This evidence is important because it shows the extent to which the proposed lease activity would preclude existing uses of the area.

The attached WSFR June 25, 1997 Federal Aid Project Statement used to apply for funds states that “[f]ishing for important recreational gamefish such as stripped (sic) bass, bluefish and squeteague are very popular in this area. Other important recreational species include tataug (sic) and winter flounder.” Exhibit 2, attached. Moreover, the attached WSFR August 13, 1959 Federal Aid Project Agreement supplied funding to acquire a boat launching area to provide public fishing access for saltwater species. See Exhibit 3, attached. These materials also demonstrate that Sapowet Cove has unique characteristics for productive fin fishing because of the federal funds invested to support fin fishing.

Embedding oyster cages in Sapowet Cove will obstruct and prevent fin fishing. It will not be possible to fish among the cages without getting tangled in the gear. Wade fishing in the area at night will also not be possible. Clearly, obstruction and prevention of fishing is contrary to the purpose for which federal funding was granted for Sapowet Cove. This obstruction and prevention also violates 650-RICR-20-00-01 Section 1.3.1(A)(1)(j), as the project would result in significant

conflicts with water dependent uses and activities such as recreational boating, fishing, and navigation.

II. The Bowen Project Violates the Purpose for which the State received Federal Funds to Create the Sapowet Wildlife Management Area

The Sapowet WMA was established with the use of federal funding and was created to support fishing, hunting, and other recreational uses. Allowing a commercial aquaculture operation in the Sapowet WMA violates provisions of the federal obligations used to create the Sapowet WMA. *See* 50 C.F.R. §80 Administrative Requirements, Pittman-Robertson Wildlife Restoration And Dingell-Johnson Sport Fish Restoration Acts. It is clear from the grant documents and Project Plan, see attached Exhibits 2 and 3, which outline the operations and use of federal funding, that the RIDEM obtained this funding to further fishing, hunting and recreational interests. Under §80.134(a)-(c), a State fish and wildlife agency must use and maintain property acquired using grant funds “for the purpose authorized by the grant.”

Pursuant to §80.134(c), “[i]f a grant funds management, operation, or maintenance of a parcel of land or water, or a capital improvement, the agency must use it for the purpose authorized in the grant during the grant period. The agency must do this even if it did not acquire the parcel or construct the capital improvement with grant funds.” Further, §80.135 requires that the RIDEM cannot allow any use of the grant area that interferes with the area’s “authorized purpose under a grant” or the RIDEM would have to “fully restore the real property to its authorized purpose” or “replace the real property using non-Federal funds.”

CRMC provided funding for this area through the CRMC Coastal and Estuarine Habitat Restoration Program and Trust Fund, which seeks to restore ecological conditions degraded by human impact. In 2015, CRMC provided \$30,759 in funding for the Sapowet Point Restoration and Coastal Resilience Project for RIDEM “to reconfigure public access, change land management

practices and enhance vegetation at a state-owned shoreline property in Tiverton,” to “allow for the migration and future development of coastal wetlands as sea levels rise, and enhance the existing shoreline habitat while still allowing for safe public access and recreation.” See Exhibit 4, attached.

The CRMC also awarded \$19,242 to RIDEM in 2016 and 2017, for the Sapowet Creek salt marsh adaptation and coastal restoration in Tiverton for the purpose of restoring “21 acres of cultivated agricultural field to coastal grasslands by planting native warm season grasses and forbs and managing invasive species in the surrounding buffer,” as well as improving “the adjacent marsh to restore natural drainage patterns and remove ponding that has resulted from sea level rise.” See Exhibit 4, attached.

III. The Previous Approval issued by the Rhode Island Marine Fisheries Council is Invalid Because of New CRMC Aquaculture Guidelines and previous CRMC Staff Failure to Coordinate Stakeholder Input

The current application remains defective because the Rhode Island Marine Fisheries Council (“RIMFC”) decision of June 7, 2021 is procedurally unsound. From May 19, 2020 until June 7, 2021, the CRMC Aquaculture Coordinator failed in his responsibilities to “ensure that key interests...as well as all other interested parties, are invited to attend and participate in the [Shellfish Advisory Panel] Meeting,” as required by the Administrative Policies and Procedures of the Rhode Island Marine Fisheries Council. See Exhibit 5, attached. There was no communication from the CRMC Aquaculture Coordinator to recreational angler objectors about the following meetings:

- September 2, 2020 Shellfish Advisory Panel Meeting;
- November 2, 2020 RIMFC meeting, and;
- June 7, 2021 RIMFC meeting.

CRMC recognized this defect in public notification between recreational angler objectors to an aquaculture application filed with the CRMC and RIMFC notification to this same group of recreational anglers. As a result, these stakeholders had no way of knowing the same aquaculture application was being reviewed by the RIMFC. In February 2022, the CRMC made administrative revisions to its aquaculture application process to make sure recreational angler objectors to an aquaculture application with the CRMC are also notified when the same application comes up for review by the RIMFC. However, the Bowen application, for some reason, was never subject to this process. It follows that the RIMFC decision is invalid because it still suffers from an RIMFC recommendation that lacks meaningful participation with stakeholders.

IV. CRMC failed to give proper notice for the project's modified location dated May 1, 2020 to property owners and aquaculture leaseholders within 1,000 feet of the proposed boundary in accordance with CRMC's revisions to its aquaculture application process

In addition to failure to meet the public comment requirements under RIGL §42-35-2.8, the proposal violates the CRMC's "Planned Administrative Revisions to the CRMC Aquaculture Application process," issued in February 2022. The revision mandates that "CRMC will notify all property owners and aquaculture leaseholders within 1,000 feet of the proposed boundary of any new or expanded aquaculture application," including "Preliminary Determinations (PD), 30 Day Public Notices (PN), and CRMC Public Hearings related to an aquaculture application." This regulatory notice requirement is essential to the public's ability to assist the CRMC in its important role of assessing and protecting the waters in which it holds in trust for the public. Failure to abide by notice requirements violates the CRMC's regulations and undermines public participation in the decision-making process.

Since project inception, the application processes have not benefitted from the new CRMC notification process and meaningful stakeholder input was not obtained at the appropriate early

stages of the application. Re-noticing three years into an already convoluted process is not an adequate remedy. Approval letters were sought and obtained from the DEM, RIMFC, SAP, Army Corps of Engineers, and other agencies referencing a location that was not properly noticed to the public. Considering the obvious and significant due process implications, public notice and comment should be started over.

V. The Applicants have failed to mark the four corners of the proposed site in violation of CRMC regulations.

The CRMC Guide to Commercial Aquaculture Applications provides that “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.”

Despite clear regulatory directives, the subject site was not properly marked at the time of the May 9, 2023 “re-notice” period, and was not marked until June 1, 2023, only 8 days before the end of the 30-day notice. Stakeholders seeking to comment on the proposal have been unable to do so adequately because they cannot view the proposed site. The failure to properly mark the proposed location violates CRMC guidelines as well as interferes with the ability of the public to evaluate and comment on the proposal. Accordingly, the notice period should be extended. The lack of proper marking is yet another piece of important evidence demonstrating that the public has not been afforded adequate opportunity to review the project and provide input.

VI. The Project Applicant Provided Incorrect Depths at the Project Site

The May 9, 2023 re-notice that contains application No. 2020-04-037, dated November 10, 2020, states that in response to objections, the site was moved into deeper water with an average MLW depth of two to four feet. Pages 16-18 include maps drawn by P. Bowen with detailed

contours showing depths of 12" – 54". However, there is no description of how these MLW values were determined (nor how they were related to NOAA MLW datum).

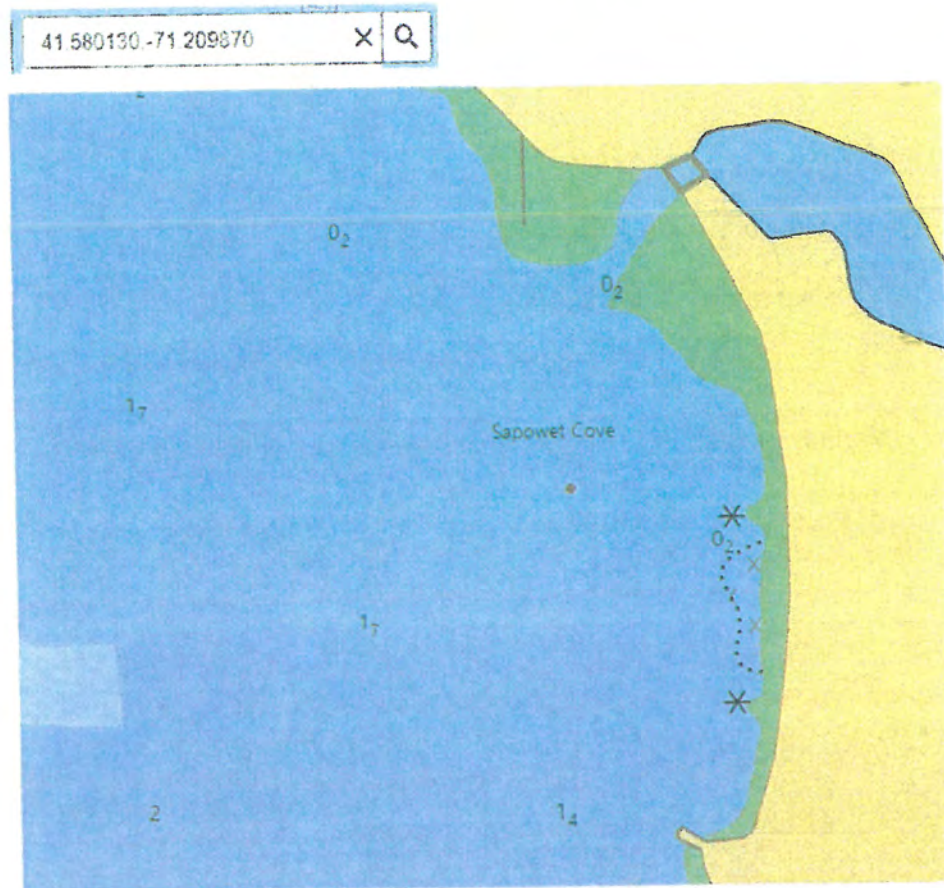
A quick review of the values and plugging the coordinates into the NOAA Electronic Navigational Charts (ENC) viewer¹ shows that actual depths are less than what the applicant reports. The northeast and southeast corners are very close to the 0.65 ft mark and while there are no depths shown near the other two corners, they are much closer to the 0.65-foot (0.2 meter) than the 5.58 foot (1.7 meter) marker. See examples below.

Northeast corner of lease shown in meters (0.2 meters = 0.65 feet)



¹ NOAA ENC – Electronic Navigational Charts, NOAA, <https://www.nauticalcharts.noaa.gov/charts/noaa-enc.html>.

Southwest Corner shown in meters:



Also, the NOAA charts now show MLLW (The average of the lower low water height of each tidal day 1983-2001) rather than MLW (The average of all the low water heights observed: 1983-2001) used by applicant. The use of MLLW is stated on the NOAA paper chart for Narragansett Bay. The only other low tide depth statistic that NOAA publishes and only for certain observation stations is Min Tide (Lowest Observed Tide). This should be a very site-specific number, especially for the shallow waters in the vicinity of the proposed lease. The only nearby stations reporting Min Tide are Fall River 2.56 lower than MLLW and Conimicut Point Warwick, 2.96 feet below MLW.

Mr. and Mrs. Mendez point out this information because it has a significant impact on water quality in the Sapowet WMA. The National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish: 2019 Revision Chapter 6.04 notes that aquaculture operations can pose a significant public health concern if aquaculture structures attract birds or mammals, and that the shellfish authority (“RIDEM, OWR Shellfish program”) is required to evaluate whether an aquaculture operation attracts birds or mammals and if so, require modification of the operating plan. See Exhibit 6, attached. To date, it is unclear from the application materials whether this requirement has been met. Based on the ENC depths and additional height of ADPI bags, it seems the aquaculture cages and ADPI bags will be exposed on a regular basis, and public health will be impacted.

VII. The proposal is inconsistent with CRMC’s Aquaculture Application revisions which require the council to determine whether the proposal is compatible with contiguous areas.

Under CRMC’s 2022 “Planned Administrative Revisions to the CRMC Aquaculture Application process,” the “‘areas contiguous’ to a proposal is, at minimum, the area within 1000’ of the project’s boundaries.” Existing category B Application Requirements require applications to “Provide such other information as may be necessary for the Council to determine: (AA) The compatibility of the proposal with other existing and potential uses of the area and areas contiguous to it...”

The Sapowet WMA is within 1000 feet of the proposal, so it is a contiguous area. The Wildlife and Sport Fish Restoration (WSFR) Program established the Sapowet WMA to prevent “loss of wildlife habitat that occurs as a result of pressure to develop the land for housing, commercial and industrial purposes.” The federal program further states that the area “shall be managed to provide wildlife habitat and recreational opportunities and access for hunting, fishing,

and compatible non-consumptive users.” The proposed oyster farm is a commercial, consumptive operation, and will likely affect wildlife habitat and recreational use in the Sapowet WMA.

Although the applicants agree not to use the Sapowet WMA to conduct their commercial business, the commercial operation will have an impact on the wildlife habitats and recreational uses in the area which the federal grant programs intended to protect. The applicants stated in their November 10, 2020 revised application, which was re-noticed on May 9, 2023, that “the applicants will not transport oyster cages across the Sapowet Management Area public parking area,” and that “installation (placement) and removal of cages will be conducted by boat and/or private access to the shore.” However, the water at the proposed location is shallow (Mean Low Water depth is as low as 12-18 inches), so there is a risk that the cages (16 inches deep plus ADPI bags on top) may become exposed during low tide and attract shorebirds. Attraction of new wildlife will impact the existing nearby ecosystems.

Thus, the proposal is incompatible with the contiguous area because it promotes commercial development in an area restricted by Federal grants and will impact wildlife habitats and recreation in the area. Therefore, it should be denied.

VIII. The proposal will interfere with the rights of riparian landowners to access navigable waters. The proposal will also interfere with nonmotorized craft accessing the channel to the boat launch and salt marsh.

The Supreme Court of Rhode Island has held that riparian landowners have a right of access to navigable waters, of which they cannot be deprived. Riparian landowners also have the right to construct whatever wharf or dock is necessary to gain access to navigable waters, as long as such construction does not interfere with navigation or the rights of other riparian landowner. See Potter v. Crawford, 797 A.2d 489, 493 (R.I. 2002). Access to moorings from the shoreline will be blocked, interfering with riparian landowners’ right to access the navigable waterway.

The location of the proposal, adjacent to a large intertidal zone and between two exposed sandbars, will impact navigation into the channel to access the boat launch and salt marsh. The rows of cages necessary for the proposed oyster farm would make it difficult to navigate around them and into the channel due to the long sandbars and proximity of gear to the mouth of the channel.

IX. The Applicants failed to adequately show that there is need for another oyster farm in the Tiverton area and Alternative Locations are Available.

As stated in the Mendez's previous objection letter, the applicants failed to satisfy the CRMC Assent requirements 1.3.1(A) which requires the applicant to demonstrate the need for the proposed activity. In addition to the lack of need in Sapowet, there are alternative locations for the proposed oyster farm that would reduce conflict with existing users and/or cause less harm to the community. For example, Almy Creek, located on the border of Tiverton and Little Compton, is suited for the applicants' operation because there is another functioning oyster farm there using bottom cages and the shallow outflow is similar to Sapowet. Additionally, the Fish Trap, located in Portsmouth, is a suitable alternative location. Thus, at the same time as the applicants have not established the need for an oyster farm, they have also failed to establish need for an oyster farm at this particular location in Sapowet.

In conclusion, the application for the Bowen's Oyster Farm as proposed in the Sapowet WMA should be denied. This oyster farm would have detrimental effects on the area and would hinder or completely halt and prevent a large portion of recreational use that the local community relies on.

Thank you for your anticipated consideration in this regard.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Desautel', written in a cursive style.

Marisa A. Desautel, Esq.
e.c. client

Marisa@desautelesq.com
401.477.0023

October 6, 2021

VIA USPS MAIL

Mr. Michael Tikoian
Chairman, Rhode Island Coastal Resources Management Council
Stedman Government Center - Suite 3
4808 Tower Hill Road
Wakefield, RI 0287-1900

**RE: CRMC Matter 2020-04-037
BOWEN OYSTER FARM**

Dear Chairman Tikoian:

This office represents Kenneth and Elizabeth Mendez, who are property owners in Tiverton, Rhode Island and recreational users of the area under consideration for the above-referenced project. The Mendez's hereby formally object to the proposed Bowen Oyster Farm application sited in the Rhode Island Department of Environmental Management ("RIDEM") Sapowet Wildlife Management Area ("Seapowet WMA") in Tiverton, Rhode Island and ask the CRMC to deny the application. This proposed farm will have serious negative effects on the local community and directly impact the abutters. The Mendez's also formally request an opportunity to be heard at any and all public hearings on this matter.

16 U.S.C. §1452, known as the "Coastal Zone Management Act," entrusts the Coastal Resources Management Council ("CRMC") "to exercise effectively its responsibilities in the coastal zone through the development and implementation of management programs to achieve

wise use of the land and water resources of the coastal zone.” The CRMC is also entrusted with the protection of the interest of the public to the tidal waters; as “[t]he CRMC's authority emanates in part from the public trust doctrine. The public trust doctrine dictates that ‘the state holds title to all land below the high water mark in a proprietary capacity for the benefit of the public.’” Humphrey v. Coastal Resources Management Council, PC 10-1317, PC 10-1384 (citing Greater Providence Chamber of Commerce v. State, 657 A.2d 1038, 1041 (R.I. 1999)).

Under these powers and the governing CRMC regulations regarding the institution of aquaculture operations, John and Patrick Bowen have applied to install a .95 acre oyster farm in the Seapowet WMA located in Tiverton, Rhode Island. The area in which the oyster farm is proposed is located adjacent to the RIDEM Seapowet WMA which provides public parking and shore access to recreational users of the Seapowet waters. CRMC is delegated to assess the wisdom of the use; it is clear that the proposed farm at the proposed site would not be a wise use of the area entrusted to CRMC’s management, as the loss of use of a near acre of tidal water areas utilized by the neighborhood population would be detrimental to abutters, recreational user access, and a disturbance to the already established wild and marine life.

I. CRMC failed to give proper notice to abutters to allow for the collection of public comment for review and consideration.

The Public comment period as required under RIGL §42-35-2.8 has been tainted by the CRMC’s failure to provide adequate notice. 650-RICR-10-00-1 Section 1.5.1(B) states that after a completed application is submitted for CRMC review “public notice shall be sent on formal applications and/or starred (*) administrative applications to immediate abutters, appropriate municipal agencies in the area or areas so affected by the activity, appropriate quasi-municipal and State agencies which may be affected by the proposed activity, appropriate citizen interest groups, as well as State and local officials in the area or areas of the proposed activity.”

The intent of public comment is to provide *accurate* information to the general public about proposed projects and their effects on the surrounding community, and to allow for the community to engage in informed and meaningful discussion with government on these projects. However, in this case, the CRMC aquaculture coordinator did not accommodate a recommendation from the Rhode Island Marine Fisheries Council (“RIMFC”) in November of 2020 to re-notice a second proposed lease location:

“The key challenge faced by the Council and the SAP regarding this application is that the members felt uncomfortable rendering a recommendation pertaining to two proposed lease site locations, only one of which was noticed for public comment. The members value the insights and perspectives offered by fishermen via the public comment process, and consider them carefully when formulating recommendations to the CRMC. The shifting nature of this proposal during the public comment period made it difficult for the Council and the SAP to apprehend public opinion and render informed recommendations.” Letter dated November 16, 2020 from RIMFC.

It was only the Mendez’s own proactive measures in directly communicating with the CRMC aquaculture coordinator on May 10, 2021 that revealed CRMC was considering a second alternative location. CRMC failed to provide adequate notice, and thus our clients, were unable to participate in this application process in a meaningful way.

The applicant in this case has not, to date, provided CRMC with sufficient detail and information regarding their intent for the subject proposal. Further, the information submitted to CRMC and the Tiverton Harbor Commission (which forms the basis for the public comment period and the public hearing) is not reliable, not accurate, and deficient. By way of illustration, the following are excerpts that demonstrate factual inaccuracies presented to the public and public bodies:

- At the March 1, 2021 Tiverton Harbor Commission Meeting, the applicants and the CRMC aquaculture coordinator mention support (7:52) for the application but selectively fail to mention the objection letters from recreational anglers submitted in June and July of 2020

stating that the proposed location is actively used by recreational anglers. This omission misleads the Tiverton Harbor Commission.

- The subject Assent application is vague as to the total number of cages proposed, “cultivation will likely result in a maximum of 200 cages in use on the farm.” The drawings of the cages, attached to the application, do not appear to be drawn to scale. This lack of clarity in the application was called out (2:15:51) during the June 1, 2020 Tiverton Harbor Commission Meeting but remains unaddressed in the current application.
- The application references two locations in the Seapowet WMA as support for approval, but these areas are nowhere near the proposed site, “[t]he area SW of Seapowet Point is extremely shallow and cannot be safely navigated during low tides...The area west of Seapowet and Fogland Points presents dangerous swimming conditions...Fishermen, shellfishermen and bathers typically use the area to the north of the Seapowet Creek.” However, residents and local fisherman confirm that fishermen, shore waders, and swimmers regularly use the area south of Seapowet Creek especially at low tide.

In this matter, adequate, or meaningful, notice would have provided sufficient time for active participation in the CRMC hearing process. Such active participation requires time for examination of the submissions and revisions of the application, and an opportunity to engage or obtain advice from experts or other knowledgeable professionals to evaluate those applicant submissions.

The statutory and regulatory notice requirement is an important element of the public’s ability to assist the CRMC in its important role of assessing and protecting the waters in which it holds in trust for the public. It also allows for the local community to comment and inform regarding the impact on the neighborhood and municipality. This comment period is used to address both environmental and social concerns, as well as the private interests of landowners. Acknowledging and addressing such concerns cannot be undervalued in an assessment of such an impactful consideration, such as the application currently before the CRMC regarding the installation of an oyster farm in Seapowet WMA.

II. The approval of Bowen’s Oyster Farm will have a negative impact on the abutters and local community’s use of the Seapowet WMA.

Under RIGL §46-23-6(B), the CRMC has authority to "approve, modify, set conditions for, or reject the design locations, construction alteration, and operation of specified activities or land uses when these are related to a water area under the agency's jurisdiction, regardless of their actual location." Humphrey v. Coastal Resources Management Council, PC 10-1317, PC 10-1384 (citing Greater Providence Chamber of Commerce v. State, 657 A.2d 1038, 1041 (R.I. Super. 1999)). However, that authority is limited by the Rhode Island Constitution, art. I, §17 which provides that the people shall continue to enjoy "the privileges of the shore," which includes the right to fish, swim, and pass along the shore. See id. Furthermore, any person proposing development within the State's tidal waters:

"shall be required to demonstrate that its proposal would not (i) conflict with any resources management plan or program; (ii) make any area unsuitable for any uses or activities to which it is allocated by a resources management plan or program; or (iii) significantly damage the environment of the coastal region." Id.

This is because "it is the policy of the State of Rhode Island to 'preserve, protect, develop and where possible, restore the coastal resources of the state for this and succeeding generations through comprehensive and coordinated long-range planning and management designed to produce the maximum benefit for society from such coastal resources...'" Id. (citing RIGL 1956 §46-23-1).

The Rhode Island legislature has specifically addressed these concerns *limiting* the scope of authorized aquaculture operations in Rhode Island waters and provided that "the process of aquaculture should only be conducted within the waters of the state in a manner consistent with the best public interest, with particular consideration given to the effect of aquaculture on other uses of the free and common fishery and navigation...". RIGL §20-10-1.

The applicant's proposed oyster farm aquaculture operation poses a substantial conflict with the water dependent uses of the area and activities such as recreational boating, fishing,

swimming and navigation. See 650 – RICR 20- 00-1, 1.3.1 (A)(1)(j). The General Assembly further codified its restrictions that aquaculture operations not interfere with or conflict with enjoyment of public trust resources as follows: “[i]t is the public policy of this state to preserve the waters of this state as free and common fishery. The health, welfare, environmental, and general wellbeing of the people of the state require that the state restrict the uses of its waters and the land thereunder for aquaculture and, in the exercise of the police power, the waters of the state and land thereunder are to be regulated under this chapter.” RIGL §20-10-1.

The Aquaculture Act, RIGL §20-10-1 *et seq.*, makes it clear that aquaculture is not an inherent right, but an activity that must necessarily be restricted to ensure that it does not interfere with the public’s enjoyment of public trust resources. This is why an applicant for an aquaculture permit is required to submit information to the CRMC in order that the CRMC may determine “the compatibility of the proposal with other existing and potential uses of the area and areas contiguous to it, including navigation, recreation, and fisheries” and the “degree of exclusivity required for aquaculture activities on the proposed site,” as well as other matters which help the Council determine the extent of conflict with public trust uses. 650 – RICR 20-00-1, 1.3.1 (K)(3)(a). It is unquestioned that it is the burden of the applicant to provide CRMC with sufficient relevant, compelling and convincing factual evidence which will allow CRMC to evaluate this evidence and make its determination that such proposed facility will not significantly conflict with or impermissibly interfere with such public trust uses and will be in the best public interest. The Bowen application fails to meet its burden to demonstrate that the proposed oyster farm will be sited and will operate in a manner consistent with the best public interest.

The Seapowet community has made it expressly clear through volumes of objections submitted to CRMC, both recently and historically, and other governmental outreach, that the

proposed site for this oyster farm will have a severe detrimental impact on the recreational use the Seapowet WMA is currently providing. The Seapowet WMA is an active area for community residents and residents of the greater Tiverton area. Fishing, paddle boarding and kayaking are just a few of the popular activities that occur in the proposed area. Additional objections come from broad stakeholder groups like the Rhode Island Saltwater Anglers Association, Rhody Fly Rodders, Backcountry Hunters and Anglers, Rhode Island Canoe/Kayak Association, and the Tiverton Town Council. *See attached documents.*

The Seapowet WMA is frequently used by the Mendez Family for recreational fishing. In fact, Kenneth Mendez fishes in the exact aquaculture area an average of five days per week from early April until mid-November. The newest CRMC application file materials for this matter show that the location for the project has been revised. Further, the application narrative states incorrectly that “[t]he water depth and coarse/gravelly bottom are not conducive to...fishing...” November 9, 2020 Application, Attachment J, p. 8. However, the new location is still part of the area that the Mendez Family uses for recreational fishing. The applicants’ statements about fishing are misleading at best. Many other stakeholders use the proposed area of the oyster farm as a thoroughway for kayaking. This area is near, and was proposed to be accessed, via a public shoreline access point from public parking. The extent of impact to the already heavily used public parking area is currently unclear. The public notice period has also been unhelpful in providing in information about the impact or use that the proposed project will have on this public access point. But the restrictive impact on the navigation and recreational use of the waters in which the proposed site impedes is clear.

Environmental concerns which comingle with social and recreational concerns also point to the need to deny the proposed application to necessarily preserve the area held in trust for the

public. In October of 2016, DEM partnered with Save The Bay to issue a joint Press Release discussing the launch of an improvement project at Seapowet Marsh Wildlife Management area. Director Janet Coit was quoted saying “coastal fish, heron, egrets, waterfowl and so much more wildlife call this special place home. It’s important we preserve it. Seapowet is also a place where significant shoreline erosion is threatening existing infrastructure and limiting the natural areas available to the public to enjoy.” CRMC was also noted to be a participant in this preservation project. The project was intended to preserve this unique area of natural coastline that is becoming more and more rare. This site is presently one of the few remaining natural public coastlines on the Sakonnet River.

The application filed with CRMC does not include a detailed plan on how cleanings and maintenance will take place. This engenders questions and concerns regarding possible disturbances to the local fish, wildlife, and natural vegetation in that area. In addition, there is insufficient information to evaluate possible additional waste and noise pollution for local residences. It is unclear exactly the degree of any potential negative ramifications of such activity, but it is clear that the applicants should be required to address these concerns under the relevant regulations, prior to any meaningful assessment of the wisdom of the proposed operation.

The addition of the .95-acre oyster farm as sited on the proposal clearly will have a direct impact on those who use the waters for recreation, such as the fishermen, hunters, kayakers, and swimmers, among others. In addition, it is unclear how the amount of impact the traffic to and from the proposed site will impact coastal ocean access for those who live along the proposed oyster farm’s edge and for those who use the coastal line for watersport/ swimming safety. This area of the Sakonnet River is in a unique location. The addition of this oyster farm would disturb

a large portion of this natural resource and harm those who live in the area and who enjoy its undeveloped coastline.

III. The Applicants failed to adequately show that there is a need for another oyster farm in the Tiverton area.

The CRMC Assent requirements 1.3.1(A) requires the applicant to demonstrate the need for the proposed activity. The sole demonstration of “need” in the instant application is that “at present the East Bay is largely under- represented” in regard to Rhode Island’s oyster aquaculture industry. The application does not describe what Rhode Island or the local community’s need for an oyster farm is, only that there is not one present in this area. At present, there are about eighty (80) oyster farms located up and down the Rhode Island coast. The Bowen application is silent as to whether there is a greater need for oysters using this proposed farm than is presently provided by these already existing farms.

In conclusion, the application for the Bowen’s Oyster Farm to be located in the Seapowet WMA should be denied. This oyster farm would have detrimental effects on the area and would hinder or completely halt and prevent a large portion of recreational use that the local community relies on.

This office previously requested that the CRMC refer this matter to an appropriate subcommittee for consideration. To date, CRMC has provided no response to that request. My clients again request that the CRMC refer the matter to subcommittee.

Thank you for your anticipated consideration in this regard.

Sincerely,

Marisa A. Desautel, Esq.
ec: client

Marisa@desautelesq.com

401.477.0023

October 25, 2022

VIA USPS MAIL

Mr. Jeffrey Willis, Executive Director
Mr. Kevin Sloan, Coastal Policy
Mr. Benjamin Goetsch, Aquaculture
Rhode Island Coastal Resources Management Council
Stedman Government Center - Suite 3
4808 Tower Hill Road
Wakefield, RI 0287-1900

**RE: CRMC Matter 2020-04-037
BOWEN OYSTER FARM**

Dear Sirs,

This office represents Kenneth and Elizabeth Mendez, who are property owners in Tiverton, Rhode Island and are recreational users of the area under consideration for the above-referenced aquaculture project. Significant new information has developed, which my clients ask the Coastal Resource Management Council ("CRMC") staff to include in a revised CRMC staff report. In light of this significant new information, my clients ask the CRMC to deny the application or, at a minimum, require a subcommittee hearing for this contested application.

The new information that has come to light, combined with stakeholder input, and community objections from Tiverton, highlights major deficiencies in the application materials, and has made the application a "lightning rod" for issues associated with aquaculture. These issues include lack of notification to stakeholders, failures in fulfilling CRMC Category B

regulatory requirements, and stakeholder group and public outcry about conflicts with established recreational use that the proposed farm would displace. Leaders in the Rhode Island aquaculture industry have referred to this application as “poorly sited.”

The Seapowet Wildlife Management Area (“Seapowet WMA”) and the contiguous waters adjacent to the public access areas are among the most valuable public resource on the Sakonnet River. Seapowet WMA includes a public boat launch, approximately 50 free parking spaces, and easy access for the multiuse activities such as fin fishing, shellfishing, kayaking, birding, hunting, hiking, swimming, bathing, and other watersports that occur throughout the year. The choice of this prime, heavily utilized location disregards the economic value of this irreplaceable public good and important salt marsh ecosystem. The Rhode Island Department of Environmental Management (“DEM”) along with partners such as Save The Bay and the US Fish and Wildlife invested significant resources into an improvement project in 2017 that (former) DEM Director Janet Coit said “will greatly improve this important coastal area to benefit our families and wildlife as well as strengthen our resilience. Coastal fish, herons, egrets, waterfowl and so much more wildlife call this special place home. It’s important we preserve it” (<https://www.ri.gov/press/view/28867>). The Seapowet WMA and contiguous waters also benefit from funding from the Wildlife and Sport Fish Restoration Program (WSFR) that help state wildlife and conservation officials boost conservation and opportunities for outdoor recreation.

Since the application was filed, Bill H.8244 was introduced in the Rhode Island State Legislature to prohibit new aquaculture leases from being placed within a 1,000-foot buffer zone from shoreline on the Sakonnet River. The intent was to keep commercial activity, such as the Bowen application, away from the Seapowet WMA; an area that provides an important economic and vital environmental good to the public. The bill evolved from heightened concerns

about the ill-sited placement of the proposal and originated from a resolution passed by the Town of Tiverton that was then sponsored by State Representatives Edwards, McGaw, Cortvriend, and Abney.

As you are aware, the CRMC's authority to permit aquaculture is restricted by the Rhode Island Constitution, and by statute. The land below the mean high tide mark is held in trust, by the state, to protect the public's right to use the ocean and coasts for a variety of activities including navigation, fishing, and commerce. *Greater Providence Chamber of Com. v. State*, 657 A.2d 1038, 1042 (R.I. 1995); *R.I. CONST. art. I, § 17*. The Supreme Court of Rhode Island held that the state may delegate the authority to regulate public trust lands on the state's behalf. *Town of Warren v. Thornton-Whitehouse*, 740 A.2d 1255, 1260 (R.I. 1999). While CRMC has been given the express authority, by statute, to lease out submerged land for aquaculture, that authority is limited by the Aquaculture Act. Under the Act, CRMC can only issue aquaculture permits if "it is in a manner consistent with the best public interest, with particular consideration given to the effect of aquaculture on other uses of the free and common fishery and navigation, and the compatibility of aquaculture with the environment of the waters of the state." *R.I. Gen. Laws §20-10-1*.

The proposed one-acre oyster farm is not in the best interest of the people or the state. In evaluating what is in the best interest of the people and the state, the economic and environmental benefits of an oyster farm must be balanced against the effects the farm will have on other existing uses of the area. This is made clear by CRMC's regulations on aquaculture, which contain additional Category B requirements demanding the applicant to "provide such other information as may be necessary for the council to determine: (AA) The compatibility of the proposal with other existing and potential uses of the area and areas contiguous to it,

including navigation, recreation, and fisheries.” 650 – RICR – 20-00-1, 1.3.1 (A)(1)(J). The General Assembly and CRMC’s own regulations clearly place the responsibility on CRMC to ensure that all aquaculture operations be in the best interest of the people and the state.

In balancing the potential benefits of the proposed oyster farm against the negative impacts it will have on public trust uses, it is clear the oyster farm is not in the best interest of the people or the state. The proposed farm will also violate Rhode Island’s Public Trust Doctrine by privatizing waters which are heavily used by the public. As the Rhode Island Supreme Court has held, “these lands below the high-water mark will not be appropriated by, or conferred upon, private individuals for purely private benefit. It is this principle that forms the foundation of the public-trust doctrine in Rhode Island as well as in the other states.” *Greater Providence Chamber of Com. v. State*, 657 A.2d 1038, 1042 (R.I. 1995).

The applicants have provided insufficient proof that their operation will provide enough economic value or employment to the state’s economy to be in the best public interest, especially when the proposed location would be appropriating the public use area of the Seapowet WMA and the public use areas contiguous to it. A review of the application when compared to industry standards raises questions about economic value and commercial viability. In 2020 and 2021, the reported farm gate value of aquaculture products sold for consumption per acre was \$11,862 and \$18,863, respectively. See Benjamin Goetsch, *Aquaculture in Rhode Island 2020*; Benjamin Goetsch, *Aquaculture in Rhode Island 2021*.

The Bowen Application indicates a plan with 25,000 oyster seeds and an anticipated harvest in 18-24 months. See *Application question 7*. Bottom cages are the most costly and labor-intensive to maintain. With the expected 50% mortality rate of bottom cages, (*RISeaGrant*, *Narragansett Bay SAMP Aquaculture Working Group Meeting – February 7th, 2022, YouTube at*

1:16:20), the operation may generate 12,500 market sized oysters, resulting in only \$8,750 in sales (not profits) at \$0.70 per oyster after 2 years of operation. *Bob Rheault, What Does the Oyster Consumer Want, East Coast Shellfish Growers Association*. The article states that oysters wholesale can be found priced anywhere from thirty cents to over seventy cents.

Studies show that “in order to break even or even make a marginal profit for oysters, a minimum of an acre per one person (owner/operator) is needed.” *Opportunities for Aquaculture on the Massachusetts South Coast: A Sector Analysis, Coastal Enterprises, Inc., 2018 at 31*. The proposed location, size, and operation will not generate sufficient value to be considered “in the best public interest” especially when considered against the value of the use of these waters for the “free and common fishery.” It will provide negligible, if any, economic benefit to the state while substantially obstructing the public’s use of a popular recreational area.

The proposed location overlaps with a designated recreational public shellfishing area. If cages are placed over the Seapowet WMA clam beds, the public will not be allowed to shellfish in the proposed lease area. Currently forty percent of the applicants' proposed lease remains within the public recreational shellfishing area. The land below the proposed site will be taken from the public domain and be closed to the public for shellfishing. Use of the public shellfish layer was discouraged at the preliminary determination hearing. Anna Gerber-Williams, principal marine biologist with the state Department of Environmental Management’s Division of Marine Fisheries said of the Bowen proposal, “[t]he area is a recreational shellfishing area...We would like to see it pushed outside of the recreational use area....”

<https://www.heraldnews.com/story/news/2020/02/19/proposed-tiverton-oyster-farm-met/1675697007/>).

Since the application was filed, it has become evident that riparian rights are impacted by this proposal. Recently, residents had difficulty or were unable to place moorings in their riparian lateral boundaries. In addition, the proposed site would negatively impact riparian landowners' ability to access established moorings as the proposed lease location will create an obstruction for access to the moorings, especially at low tide.

Moreover, the small scale of the proposed oyster farm will not benefit the Sakonnet River's ecosystem. The Applicants indicate that "[t]he site was chosen for a variety of reasons, including proximity to the nutrient rich Seapowet Creek tidal flow." *See Application pg. 2.* The farm's operation will likely result in a net removal of nutrients from the water column because of the proposed location of the farm at the mouth of the Seapowet Creek outflow and the oyster's efficient feeding abilities. *See Michael Rice, Environmental Effects of Shellfish Aquaculture in the Northeast, Aquaculture Center, 2008.*

The proposed lease will create a significant conflict with long-established uses of the area, especially with recreational fishing. The Seapowet Marsh Wildlife Management Area is a well-established productive fishing spot that is documented in books covering recreational saltwater fishing in Rhode Island and New England. *See Gene Bourque, Fishing New England: A Rhode Island Shore Guide; Tom Keer Flyfishers Guide to New England Coast: Rhode Island, Massachusetts, New Hampshire, and Maine; J. Kenney Abrames, Striper Moon: Fly Fishing Techniques and Flies for Striped Bass in Estuary, River Bay & Surf.* Wading in the calm shallow waters is a regularly used technique for catching striped bass at this location, day and night. The cages and equipment will make the proposed location a dangerous spot to wade and fish, depriving anglers of its existing safe use. *See attached materials, previously submitted to CRMC.*

CRMC regulations require Category B assent applicants to “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.” (650 – RICR – 20-00-1, 1.3.1 (A)(1)(J)). New information received since the original application demonstrates that the application fails on its merits: it fails to demonstrate that the proposed farm will not result in a significant conflict.

In response to this Category B requirement, the applicants state:

“The site is located in the Sakonnet River, on the southwest side of the Seapowet Creek. The water depth and coarse sand/gravelly bottom are not conducive to boating, swimming, or fishing, and there is no significant hardshell clam resource on the site.”

The applicants merely state a conclusion about local fishing which contradicts authentic use of the area. Evidence has been submitted to CRMC to disprove the applicants’ statements and illustrate the significant conflict that would arise should a permit be granted. (See “Proposed Bowen Oyster Farm in Tiverton: Conflicting Use with Recreational Fishing” submitted by Mendez on May 9, 2022, as well as additional stakeholder letters and photos). Absent a demonstration that there will be no significant conflicts, CRMC cannot issue an aquaculture permit.

Additionally, the applicants’ statements below are incongruous and do not sufficiently address Category B requirements. (See application, applicants’ response #6, #10)

- “The Area SW of Seapowet point is extremely shallow and cannot be safely navigated during low tides.”
- “The area west of Seapowet and Fogland Points presents dangerous swimming conditions.”
- “Fisherman, shellfishermen and bathers typically use the area to the north of Seapowet Creek.”

In fact, fishermen frequently use the area south of Seapowet Creek because of the contour of the long sandbar which intensifies where the fish congregate to take advantage of the nutrient rich outflow of Seapowet Creek. Fishermen fish this area at night because of the shallow waters and safe wading at lower tides. Shellfishermen have historically used the area south of Seapowet Creek since it is a designated DEM shellfish area with valuable easy access. Bathers cross the outflow of Seapowet Creek and swim or explore in or contiguous to the proposed lease area.

New information received since CRMC's staff report includes submissions from many recreational angling stakeholder groups who object to this location, including Rhode Island Saltwater Anglers Association, Rhode Island Backcountry Hunters & Anglers and The Saltwater Edge local tackle shop. The Aquaculture Act and CRMC regulations require all aquaculture operations be "in a manner consistent with the best public interest," and the Bowen application clearly does not meet that standard. The proposed one-acre oyster farm is a very small operation that would have a negligible economic impact on the state. In contrast, the proposed farm will substantially interfere with long-established recreational activities along the DEM management area that provides free public access to the shore. The proposed farm's minimal benefit to the economy is substantially outweighed by the negative impact on the public's use of the Seapowet Marsh Wildlife Management Area.

For these reasons, the Bowen application should be denied at the staff level. Please do not hesitate to contact me if you have any questions in this regard.

Regards,

Marisa Desautel, Esq.
Enclosure

APPLICATION FOR
FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: Application ☐ Construction ☒ Non-Construction		2. DATE SUBMITTED 6/9/97		Applicant Identifier RECEIVED	
3. DATE RECEIVED BY STATE		3. DATE RECEIVED BY STATE		State Application Identifier JUN 25 1997	
4. DATE RECEIVED BY FEDERAL AGENCY		4. DATE RECEIVED BY FEDERAL AGENCY		Federal Identifier FW-15-L FEDERAL AID	
5. APPLICANT INFORMATION					
Legal Name RI/DRM - Division of Fish and Wildlife				Organizational Unit	
Address (give city, county, state, and zip code): 4808 Tower Hill Rd. Wakefield [Washington], Rhode Island 02879				Name and telephone number of the person to be contacted on matters involving this application (give area code) John F. O'Brien, Deputy Chief	
6. EMPLOYER IDENTIFICATION NUMBER (EIN): 05 - 6000522					
7. TYPE OF APPLICANT: (enter appropriate letter in box) A A State B County C Municipal D Township E Interstate F Intermunicipal G Special District H Independent School Dist I State Controlled Institution of Higher Learning J Private University K Indian Tribe L Individual M Profit Organization N Other (Specify) _____					
8. TYPE OF APPLICATION ☒ New ☐ Continuation ☐ Revision If Revision, enter appropriate letter(s) in box(es): ☐ ☐ A Increase Award B Decrease Award C Increase Duration D Decrease Duration Other (specify): 1 5 6 1 1					
9. NAME OF FEDERAL AGENCY: U.S. FISH AND WILDLIFE SERVICE					
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 1 5 6 0 5					
11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: SAPOWET MANAGEMENT AREA					
12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.): TIVERTON, RI					
13. PROPOSED PROJECT:					
Start Date 7/1/97		Ending Date 6/30/07		14. CONGRESSIONAL DISTRICTS OF: a. Applicant Second b. Project Second	
15. ESTIMATED FUNDING:				16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?	
a Federal	\$ 1,500,000	.00		a YES THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE 6/9/97	
b Applicant	\$	.00		b NO ☐ PROGRAM IS NOT COVERED BY E.O. 12372	
c State	\$ 500,000	.00		☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
d Local	\$	.00			
e Other	\$	.00			
f Program Income	\$	.00		17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? ☐ Yes If "Yes," attach an explanation ☒ No	
g TOTAL	\$ 2,000,000	.00			
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED					
a Typed Name of Authorized Representative John F. O'Brien				b Title Deputy Chief	
c Telephone number 789-3094				d Date Signed 6/9/97	
e Signature of Authorized Representative 					

RECEIVED

JUN 25 1997

FEDERAL AID

PROJECT STATEMENT

State: Rhode Island

Project title: Sapowet Management Area

A. Need:

The Sapowet Management Area is located on the easterly side of the Town of Tiverton, R.I., bordering the Sakonnet River, the eastern most entrance into Narragansett Bay (figures 1, 2, 3). The Tiverton - Little Compton region is unique by its location at the eastern limits of the state with land access only from Massachusetts and access from the rest of Rhode Island by a series of bridges that connect it to the mainland via the Sakonnet, Newport and Jamestown Bridges or to northern R.I. population centers via the Mt. Hope Bridge. The Division of Fish and Wildlife currently owns and manages 45,861 acres statewide for hunting, trapping, fishing and compatible fish and wildlife related recreations. Fish and wildlife management areas in Bristol - Newport Counties (the East Bay region), the area which comprises the Sapowet Area, total 2,616 acres or 3.1 % of the total land area of that region (83,830 acres). By comparison fish and wildlife management areas for mainland Rhode Island, comprising Providence, Kent and Washington counties, totals 43,151 acres or 7.3 % of the total land area of the region.

Population projections for Bristol and Newport counties prepared by the R.I. Division of Planning indicate that the human population will increase by 13,011 to 148,094 residents by the year 2020, an 8.8% increase. The human density for this area considering the projections is 1130 people per square mile, compared with 998 people per square mile on a statewide basis.

These comparisons highlight the need to acquire additional lands in order to fulfill the objectives of the Division of Fish and Wildlife which include providing recreational opportunities for hunting, fishing and compatible wildlife associated recreations for the citizens of the state. The Sapowet Area is easily accessible to population centers located in the Newport-Middletown-Portsmouth and Bristol-Providence regions. Public areas open to hunting, fishing and trapping in the East Bay region are limited causing the potential for crowding due to the limited area available. Hunting, fishing and associated wildlife recreation opportunities are in great demand as public lands are increasingly sought after by a growing number of participants in these activities. During summer months, the human population increases further as tourists flood into the state placing further demands on existing public lands. According to a 1991 National Survey of Fishing hunting and Wildlife Associated Recreation in Rhode Island, 97 thousand residents spent an average 20 days each fishing, 16 thousand residents spent an average 21 days hunting and 368 thousand enjoyed non-consumptive forms of wildlife associated recreation.

Another related concern for the East Bay region, resulting from the increase in human population, is the loss of wildlife habitat that occurs as a result of pressure to develop the land for housing, commercial and industrial purposes. The loss of habitat resulting from

these development pressures threatens the conservation of fish and wildlife values in the area, demanding action in order to counteract these negative consequences.

B. Objective:

To identify, evaluate, and acquire properties in the Sapowet Management Boundary Area (figure 4) that provide important fish and wildlife habitat values and which support public recreation for hunting, fishing and compatible fish and wildlife associated recreational activities.

C. Expected Results and Benefits:

Wildlife:

The Sapowet Management Area was acquired in several parcels during the late 1950's and early 1960's. The management area has not been added to since that time. Expansion of the area is necessary in order to fulfill the divisions objectives to acquire properties that provide important fish and wildlife habitat values and which support hunting, fishing and other compatible recreations. Additional acquisitions of land will serve to protect the ecological integrity of the overall Sapowet area and provide for the addition of upland habitats on which to implement wildlife management practices.

A significant portion of the existing management area is comprised of salt marshes and brackish water areas. Most of the surrounding uplands to the north and east are farmland which is privately owned and vulnerable to development pressures. Acquisition of these areas will afford the opportunity to extend protection to these habitats which in turn will provide new wildlife habitats that can be developed to enhance hunting and fishing opportunity as well as serve as a vital buffer to the salt marshes that form the core of Sapowet management area.

Parcels will be acquired within the boundary as they become available. We will immediately acquire approximately 42 acres of prime farmland habitat (Lacerda farm) comprised of cultivated fields, pastures and hedgerows. The area will be operated as a wildlife management area and public hunting area (figure 5).

The farmland habitats will be maintained by way of continued farming practices through a lease to a local farmer. Special lease conditions will be designed in order to allow farming of agricultural row crops and pasture such as corn, potatoes, vegetables, hay or silage. Turf grass will not be permitted to be grown on the farmland due to its limited contribution to wildlife habitat values and concerns for soil depletion. Approximately 36 of the acres will be cultivated in this way with the balance maintained in hedgerows and non tillable wet areas bordering wetlands.

The Sapowet marsh attracts a variety of resident and migratory waterfowl (ducks and geese) and supports hunting for these species during fall seasons. A small number of duck blinds (4 or 5) are built and maintained on the marsh for this purpose. The multiple tidal creeks and potholes within the marsh provide many other potential blind setups for

hunters using small boats and canoes. During winter, black duck is the primary duck species using Sapowet salt marsh with other species including American widgeon, gadwall, mallard and mergansers also found there.

Canada goose populations, particularly resident birds, have grown significantly in numbers in the state over the last several years with substantial populations using the east bay region. Presently, opportunities to hunt geese from field blinds over decoys is limited to private property. We plan to establish two or three pit blinds in the newly acquired agricultural fields to the northwest of Sapowet Marsh that will support waterfowl (goose and duck) hunting. A hunting program will be established similar to one operated on the South Shore Management Area where blinds are reserved for full or half day hunting by parties who make some form of advanced reservation and are required to hunt with decoys. Recently, the closure of the regular goose season has severely curtailed hunting opportunities for these species. Special early or late goose seasons for resident birds have additional restrictions placed on them in the east bay region due to migrant geese mixing with resident flocks. Once the regular goose season is restored, potentially 420 hunter days of goose hunting could be supported by the newly acquired fields. An additional 250 days of waterfowl hunting will be provided by the Sapowet marsh area.

Upland and small game species in the area include pheasant, woodcock and cottontail rabbit. King-neck pheasant are stocked at the Sapowet management area during the hunting season as a put and take hunting opportunity. Pheasant stocking takes place along the narrow state property bordering the salt marshes with much of the hunting occurring in private unposted fields northwest of the management area. The new land acquisitions will permit improvement of stocking operations by distributing birds into new habitats, dispersing the hunting pressure and improving the quality of the hunting. We expect that the area will support 350 to 400 hunter days of pheasant hunting and 100 days of small game hunting annually.

Wildlife observation and other non-consumptive forms of recreation will be enhanced by new acquisitions. The newly acquired habitats will protect these lands from potential development enhancing ability to observe and photograph wildlife and the natural habitats of the Sapowet Area. Many forms of recreation are possible in the area ranging from such active forms as boating and photography to passive forms such as enjoying the aesthetics, scenery of the habitats and wildlife observation. The Sapowet area, with the new acquisition, is expected to provide at least 500-600 days of non-consumptive recreation annually.

Fisheries:

The Division of Fish and Wildlife owns and maintains the Sapowet Fishing Area which is located north of the tidal creek into Sapowet marsh and west of Puncatest Neck Road bordering Sakonnet river. The fishing area consists of 26 acres of beach, marsh and tidal creeks abutting the Sapowet management area. The fishing area has parking for 20 to 30 cars. A cobblestone boat ramp is available for launching small powerboats, sailboats or cartopped boats. Shore fishing is available from over 2000 feet of natural beach facing

the Sakonnet river and pier fishing is possible from the tidal creek bridge. Fishing for important recreational gamefish such as striped bass, bluefish and squeteague are very popular in this area. Other important recreational species include tautog and winter flounder. Area use:

D. Approach :

The Division of Fish and Wildlife will identify and evaluate parcels which meet the objectives of this plan. All properties acquired in this area will be managed and controlled by the Division of Fish and Wildlife. The Division will work in cooperation with other agencies within the Department of Environmental Management as well as private organizations such as the Nature Conservancy and Champlin Foundation to acquire properties which extend the objectives outlined in the plan.

Properties will be acquired by using one or a combination of methods within the project area as follows:

1. Purchase fee simple with seller donation (in-kind match). The seller in this method would donate 25% of the property's value to the Division. This donated value would become the match necessary for acquisition via Pittman-Robertson / Dingle-Johnson Projects.

2. Purchase fee simple with state funds. The Division will acquire parcels of land, as they become available, at their appraised value, using state moneys as the 25% match for Pittman-Robertson / Dingle-Johnson Projects.

3. Control of land without purchase. In this method, land within the acquisition area would be controlled by one of the following methods: conservation easement, donation of development rights or life use of property.

The Division will attempt to acquire additional parcels as they become available which are within the acquisition boundary (an area of approximately 750 acres) in order to expand Sapowet Management area and further the objectives of the Division. With the addition of the Lacerda farm, the Division will own and manage approximately 234 acres or 31% of the area within the acquisition boundary.

Key personnel for this project are:

Michael Lapisky, Deputy Chief Wildlife Resources, Federal Aid Coordinator

John O'Brien, Deputy Chief Freshwater Fisheries

Brian Tefft, Principal Wildlife Biologist

Lisa Pointek, Land Acquisition Supervisor

Jay McGuinn, Associate Civil Engineer

E. Location:

The location of the Sapowet Management Area is shown on the following series of maps (figures 1,2,3,4)

MAP OF THE STATE OF
RHODE ISLAND

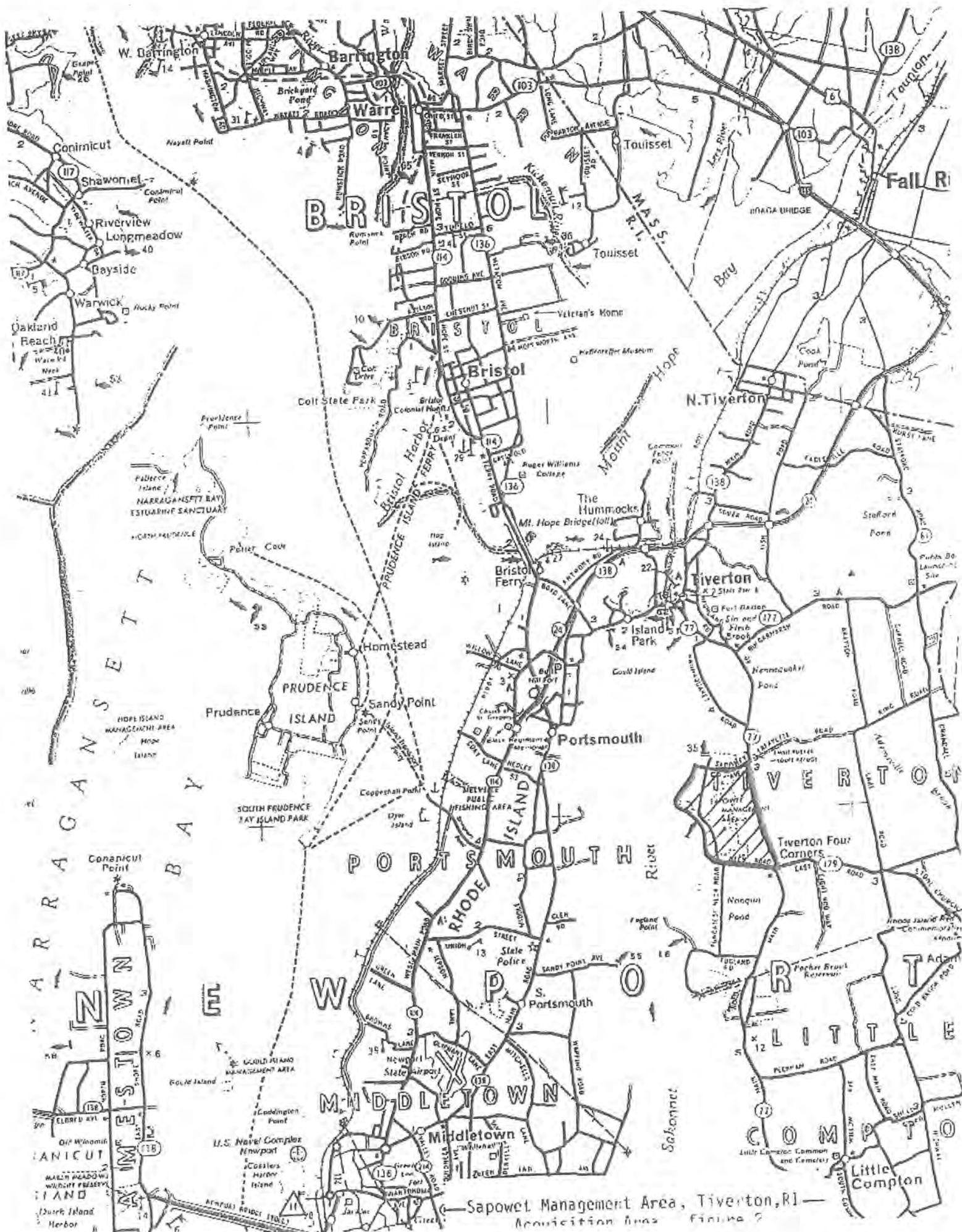
SHOWING
BOUNDARIES OF
CITIES AND TOWNS

0 1 2 3 4 5 miles
SCALE



Locus Map

figure 1



← Sapowet Management Area, Tiverton, RI — Acquisition Area Figure 2

SAPOWET MARSH

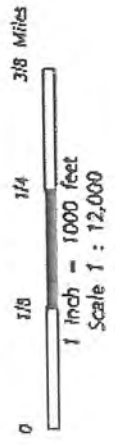
Wildlife Management Area

Department of Environmental Management

Division of Fish and Wildlife

figure 3

- Wildlife Management Area
- Streams
- Paved Roads
- Dirt Roads
- Lakes and Ponds



Location Map



SAPOWET MARSH

Wildlife Management Area

R
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V
E
R

Sapowet Management Area
Acquisition Boundary
figure 4

T
E
N
N

Fogland Pt

Sapowet Pt

Jacks Island

Barker Island

Sapowet Island

SAPOWET MARSH
WILDLIFE RESERVE

Amiesble Ch

Nanquish Ch

Tiverton Four Corners

Nanquish Pond

Wigox Hill

Cedar

Wildcat Brook

Sun mg

Brook

Bordley

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**RHODE ISLAND FISH AND WILDLIFE
LACERDA PROPERTY- TIVERTON, R.I.
MANAGEMENT PLAN**

Prepared by Brian C. Tefl, Principal Wildlife Biologist, October 25, 1996

Management Statement: The Lacerda Property shall be incorporated into the existing Sapowet Management Area and shall be managed to provide wildlife habitat and recreational opportunities and access for hunting, fishing and compatible non-consumptive users.

Habitat Management and Maintenance:

The property will be maintained as an active farm with farming activities to compliment the goal of wildlife habitat management and providing access for hunting and compatible non consumptive recreations. Farming will be maintained by leasing the land to a qualified farmer through an agricultural lease. R.I. Fish and Wildlife will, on an as needed basis, mow or brush back field edges to be determined by the management biologist.

Agricultural Leases: In order to maintain the agricultural land use on the property, Fish and Wildlife will lease those portions of the property suitable for crops to a qualified farmer. The following lease conditions will apply to farming on this parcel.

The Lessee shall use the premises only for the purpose of raising and harvesting agricultural products. The Premises may not be used for any other purpose unless such other use is approved in writing by the State. The Lessee will comply with the following special conditions:

- a. No turf grass shall be permitted to be grown on the premises.
- b. Lessee shall apply lime and fertilizer in accordance with best management practices.
- c. A total of 40(=/-) tillable acres are to be planted, as follows:

Fields A,B,C,D (32+/- acres - see attached map) Acreage shall be farmed to grow annual row crops consisting of either corn, potatoes, vegetables or hay/silage crops (alfalfa). If field C is leased by a non-corn producer, the lessee shall plant a 100 foot wide corn strip running in an east west direction from Sapowet Avenue to the boarder of the Sapowet Marsh/ edge of field.

Lessee may harvest half the width of the corn strip and but shall leave half the width (50 feet)

Lessee shall plant an annual cover crop of winter rye at the rate of 100 pounds per acre immediately following the harvest of the principal crop but no later than September 30 of each year.

Field E (4 +/- acres): Shall be planted annually to buckwheat at the rate of 60 pounds per acre (one half total acreage) and sunflower at the rate of 25 pounds per acre (one half total acreage). Lessee shall leave standing for wildlife the entire crop so planted in field E. Crops shall be fertilized at the rate of 250 pounds per acre 10-20-20.

d. The Lessee shall comply with all regulations of the Rhode Island Pesticide Control Act of 1976.

Wildlife Management and Hunting:

Upland Game: Upland and small game include pheasant, woodcock and rabbit. The goal for these species is to maintain a diversity of habitats that meet the requirement of these animals. Habitat will be provided in accordance with the management of farming land use described above in the habitat management section. Hunting for upland game will be allowed on the management in accordance with established seasons. In addition, R.I. Fish and Wildlife will annually stock pheasant on the property during the hunting season. Hunting and stocking of pheasant is a well established and long standing practice at Sapowet Management Area.

Waterfowl: The adjacent Sapowet Marsh attracts a variety of resident and migrating waterfowl (ducks and geese). The agricultural practices described above will maintain fields in condition so that they will provide additional feeding habitats that may be used by waterfowl. R.I. Fish and Wildlife will explore potential sites within the agricultural fields for establishment of one, possibly two pit blinds to duck and goose hunting.

Non-Game Wildlife: Non-game wildlife include all remaining species of mammals, birds, reptiles amphibians and insects that inhabit the management area. The property currently provides habitat for many of these wildlife which will continue, compatible with the overall habitat management plan described above.

3-11-85

48-83

8-941



Lacerda Farm, Tiverton R.I.

A = 10.0th acres

B = 3.0th acres

C = 12.0th acres

D = 7.0th acres

10-11-85 RCT

NEPA COMPLIANCE CHECKLIST

State: RHODE ISLAND Grant/Agreement Number: FW-15-L

Grant/Project Name: SAPOWET MANAGEMENT AREA

Will this proposal:

Yes No

- X a. Adversely affect floodplains or wetlands or require compliance with Executive Order 11988 (Floodplain Management), or Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?
- X b. Have adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species or have adverse effects on designated critical habitat for these species?
- X c. Have adverse effects on historic or cultural resources or properties listed or eligible for listing on the National Register of Historic Places?
- X d. Adversely affect unique geographic characteristics such as park, recreation, or refuge lands, wilderness areas, wild or scenic rivers, sole or principle drinking water aquifers, prime farmlands, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks?
- X e. Have significant adverse effects on public health or safety?
- X f. Have highly uncertain environmental effects or involve unique or unknown environmental risks?
- X g. Have highly controversial environmental effects?



U.S. FISH AND WILDLIFE SERVICE

Division of Federal Aid

ASSURANCES

Note: Certain of these assurances may not apply to your project or program. If you have questions, please contact the Regional Director of the U.S. Fish and Wildlife Service. Further, if you are required to certify to additional assurances, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Title II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in flood plains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historical Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

ADDITIONAL ASSURANCES GENERALLY APPLICABLE TO CONSTRUCTION, LAND ACQUISITION, OR LAND DEVELOPMENT

1. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.
2. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications, and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.
3. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 		TITLE Deputy Chief	
APPLICANT ORGANIZATION DEM / F&H & WILSON		DATE SUBMITTED 6-9-82	

RHODE ISLAND DIVISION OF PLANNING
One Capitol Hill
Providence, Rhode Island 02908
(401) 277-2093

NOTICE OF DETERMINATION

JOHN O'BRIEN
RIDEM
DIVISION OF FISH AND WILDLIFE
4808 TOWER HILL RD
WAKEFIELD RI 02879

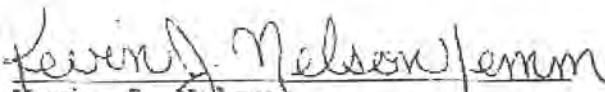
Date: 10 June 1997 S.A.I.: DEM-97-12

Project: Sapowet Management Area

We are pleased to notify you that the review of your above identified application has been completed. It is in conformance with applicable state plans and does not conflict with other plans of which we are aware. Therefore, we recommend that the project be accepted for federal financial assistance.

This action has been taken in accordance with the rules and regulations governing the Intergovernmental Review Process adopted by the State Planning Council pursuant to Presidential Executive Order 12372.

The application, the state process determination, and all supporting documentation are available at the Rhode Island Division of Planning.


Kevin J. Nelson
Review Coordinator

Certified

Rhode Island

2/27/61

FW-3-L-1

Sakonnet River Marsh and Boat
Launching Area

PS&E 8/13/59-8/12/60 \$5,880.

<u>Owner</u>	<u>Tract</u> <u>No.</u>	<u>Acres</u>	<u>Price</u>
Formerly	2	25 or	5,000
Charles &		26	
Hazel I.			
Hathaway;			
now Glenna			
H. Cooke			

Rhode Island

FW-3-L-1

cc: Audits (FA)

OFFICE MEMORANDUM

UNITED STATES GOVERNMENT

TO: Regional Director
Boston, Massachusetts

DATE: February 27, 1961

FROM: Federal Aid Supervisor
Boston, Massachusetts

STATE: FA - Rhode Island

SUBJECT: Project, Certification

PROJECT: FW-3-L-1

Based upon a review of project reports and inspection of the work or knowledge of project accomplishments, I certify that the project was satisfactorily completed.

EXCEPTIONS:

None.

JF Ashley

UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE

FEDERAL AID PROJECT AGREEMENT

United States Obligation:

Fish Restoration \$ - 0 -

Wildlife Restoration \$ 1170.00

State Rhode Island

Project No. FW 311

14-16-003-721

Contract No.

MEMORANDUM OF AGREEMENT made this 13th day of August, 1959

by and between Rhode Island Dept. of Agr. and Cons. Div. Fish & Game, constituting for the purpose hereof the Fish and Game Department of the State above indicated, hereinafter called the Fish and Game Department, and the Secretary of the Interior, hereinafter called the Secretary, pursuant to the Acts of Congress approved September 2, 1937 (50 Stat. 917) as amended, and August 9, 1950 (64 Stat. 430) to provide Federal Aid to the States in wildlife and fish restoration, respectively, as applicable:

WHEREAS the Fish and Game Department has submitted a preliminary project statement, plans, specifications, and estimates for a project herein described, and the Secretary has approved said documents:

NOW, THEREFORE, in consideration of the premises and of the several promises to be faithfully performed by each, as hereinafter set forth, the Fish and Game Department and the Secretary do hereby mutually agree as follows:

ARTICLE I. Project description:

1. Type Acquisition Total estimated cost \$5880.00
2. Name Sakonnet River Marsh and Boat Launching Area
3. Location Tiverton, R. I.
4. Species primarily benefited Waterfowl and salt water fish species
5. Description and purpose To provide a public hunting and fishing area.

ARTICLE II. The obligation of the United States on said project is the sum of \$ 1170.00, provided the amount payable hereunder shall not exceed 75 percentum of the actual cost of said project as determined by the Secretary. Payments shall be made to General Treas. State of R. I.
(State Treasurer, Fish and Game Department, etc.)

ARTICLE III. Funds other than Federal, for use of the Fish and Game Department have been made available to accomplish said project in the following amount and manner; 1170.00

Chapter 251, Section 8, 9, 10, General Laws 1938

ARTICLE IV.—GENERAL CONDITIONS.

SECTION 1. *Prosecution of Work.*—The Fish and Game Department will carry said project through to final completion in strict compliance with said plans and specifications, will directly supervise all labor and construction, which shall include adequate inspection throughout, subject at all times to inspection and approval by the Secretary, in accordance with the laws of said State, the rules and regulations of the Secretary, and the following conditions:

(a) It is agreed that any construction work on the project will be performed by contract when practicable.

(b) Should the funds listed herein as the total estimated cost be insufficient to finish all work proposed in the preliminary project statement, it is agreed that additional projects will be submitted as funds become available until the unit is finally completed, and in the case of lands, that the State will take sufficiently long options of purchase or lease purchase agreements at appraised values acceptable to the Secretary to obligate the vendors for a period estimated to be sufficient to consummate acquisition.

(c) Research work conducted under this project shall be continuously correlated with other research studies conducted by the State and Federal Governments to avoid duplication.

(d) Personnel employed from funds provided under this project shall be selected on the basis of competency and perform their duties in a manner acceptable to the Secretary.

SECTION 2. *Payments.*—Upon submission of vouchers by the Fish and Game Department in such form and detail as the Secretary shall prescribe, payments shall be made to the payee designated and authorized to receive public funds, of such sums as shall not exceed the United States pro rata share, as specified in this agreement.

The Secretary reserves the right to withhold such sum as he shall deem necessary to insure completion of the project in compliance with said plans and specifications.

SECTION 3. *Management and Maintenance.*—If the project includes the acquisition, lease, or development of areas of land or water, the Fish and Game Department will use every means within its power to insure proper and permanent management and maintenance of said areas as provided in the preliminary project statement, surveys, plans, specifications, the Act of September 2, 1937, as amended, and/or the Act of August 9, 1950.

ARTICLE V. SPECIAL CONDITIONS.

IN WITNESS WHEREOF, the parties have hereunto affixed their signatures, the Fish and Game Department on the day and year first above written, and the Secretary on the date indicated below.

SECRETARY OF THE INTERIOR

By Frederick L. Jacobson
Acting National Director of Technical Services

BUREAU OF SPORT FISHERIES AND WILDLIFE

Date AUG 13 1959

Division of Fish and Game

(Official title of Fish and Game Department)

Thomas J. Wright

Title Chief

(2)

FEDERAL AID IN FISH AND WILDLIFE RESTORATION

PLANS, SPECIFICATIONS, AND ESTIMATES

LAND ACQUISITION

Date - August 5, 1959

The Secretary of the Interior,

Washington, D. C.

Sir:

The State of Rhode Island by and through the Department of Agriculture and Conservation, Division of Fish and Game constituting the State Fish and Game Department, and pursuant to the Federal Aid in Fish and Wildlife Restoration Acts (64 Stat. 430) and (50 Stat. 917) and to the Rules and Regulations of the Secretary of the Interior made and published thereunder, does hereby submit this statement describing a fish and/or wildlife land acquisition project and requests authorized financing thereof. Said project is proposed as a means of promoting efficient management of fish and/or wildlife resources, and will be executed under the provisions of said Act(s) and said Rules and Regulations.

A. Name of Project: Sakonnet River Marsh and Boat Launching Area

B. Supporting Data: options attached

C. Tract Summary

Name of Owner	Tract #	Acres	Option Price
Formerly Charles and Hazel I. Hathaway - now, Glenna H. Cooke by deed recorded July 11/59	#2 on appraisal report	25 or 26	\$5,000.00 ✓

D. No reduction in land appraisal value is anticipated.

E. Acquisition overhead costs:

1. Land Examination	\$00.00
2. Purchase Negotiations	00.00
3. Boundary Surveys	150.00 ✓
4. Title Abstracting and Vesting	450.00 ✓
5. Total	600.00 ✓

F. Summary of estimated cost

Lands	5000.00 ✓
Other	600.00 ✓
Total	5600.00 ✓
Contingency Fund 5%	280.00 ✓
Total Estimated Cost of Project	5880.00 ✓

Prorating charges
Pittman-Robertson \$5580.00 / 100%

G. Surveys - Tract will be surveyed if required by Title Company

H. This is not a final segment.

Assurance is given that the foregoing information concerning the project herein described is presented to the best ability of the State Fish and Game Department, and all applicable provisions of the State laws have been fully complied with.

Respectfully submitted: Div. of Fish & Game

By

Thomas J. [Signature]
Chief

Approved: Date

AUG 15 1959

SECRETARY OF THE INTERIOR

By:

Fred L. Jackson
Acting Regional Director, Bureau of Sport
Fisheries and Wildlife

758

OPTION TO SELL REAL ESTATE

(To be excuted in duplicate)

A N D

C O N T R A C T O F S A L E

If and when accepted by the RHODE ISLAND Division of Fish and Game
Veteran's Memorial Building
83 Park Street
Providence, Rhode Island

August 3 19 59
(Date)

To the Rhode Island Division of Fish and Game,

83 Park Street, Providence, R. I.

I/We Glenna Hathaway Cooke
(Name of Owner)

being the owner/s, hereby offer for sale to the State of Rhode Island,
the following described land, in the County of Newport, R. I., to wit :

Those certain lots or parcels of land in the Town of Tiverton together with
any buildings or improvements there on, easements, restrictions, and/or rights
of way as shown in a certain deed to the aforesaid Glenna Cook Hathaway by Charles
Elezar Hathaway and Hazel I. Hathaway, recorded July 11, 1959 in Land Evidence
Book #85 at page 459 of the Town of Tiverton.

containing 25 acres, more or less, for the consideration of \$ Five Thousand
5,000.00,
the acreage to be determined by a survey of the tract by or at the direction of
the aforesaid Division of Fish and Game; and in consideration of the sum of \$1.00

JTS

to me/us in hand paid, the receipt of which is hereby acknowledge, hereby agrees/s to grant, bargain, sell and convey the above described premises, free and clear of all liens and encumbrances, to the State of Rhode Island by proper warranty deed.

And, for the consideration aforesaid, I/We further agree that this offer shall be irrevocable for 12 months from the date hereof and may be accepted by endorsement hereon by the Director of Department of Agriculture and Conservation and mailing or handing a copy hereof containing said acceptance endorsement to me/us.

If this offer is so accepted, then the said game Division shall have such further time as may be necessary to obtain surveys, conduct title examination, obtain title approval of the Attorney General, and make payment according to the usual practice. Grantor further agrees to furnish on request all necessary title information and instruments which he possesses or can obtain, and to make every possible effort to correct title defects.

All taxes which may be levied up to the time of actual conveyance to the state are to be paid by the grantor.

Witness the hand/s and seal/s of the said owner/s and optioner/s.

Glenah H. Cooke (L.S.)

John K. Cooke (L.S.)

WITNESSES: for both

Albert Zur Linden

ACCEPTANCE OF OFFER

The foregoing offer was accepted by the Rhode Island Department of
Agriculture and Conservation on August 3, 1959 and now becomes a Purchase
Contract between the parties this 3rd Day of August, 1959.

Rhode Island Department of Agriculture
and Conservation

By: John L. Rego
(Director)

An executed copy of this contract was (mailed) (handed) to

Mrs. Glenna H. Cooke at 208 So. Clarendon St. Cranston, R.I.
(Name of Grantor) (Address)

on August 8, 1959, 1959.

Rhode Island Division of Fish and Game

By: Thomas J. Wright
(Chief)

OPTION TO SELL REAL ESTATE

(To be excuted in duplicate)

A N D

C O N T R A C T O F S A L E

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Veteran's Memorial Building
83 Park Street
Providence, Rhode Island

August 3 19 59
(Date)

To the Rhode Island Division of Fish and Game,

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Those certain lots or parcels of land in the Town of Tiverton together with
any buildings or improvements there on, easements, restrictions, and/or rights
of way as shown in a certain deed to the aforesaid Glenna Cook Hathaway by Charles
Elezar Hathaway and Hazel I. Hathaway, recorded July 11, 1959 in Land Evidence
Book #85 at page 459 of the Town of Tiverton.

containing 25 acres, more or less, for the consideration of \$ Five Thousand
5,000.00,
the acreage to be determined by a survey of the tract by or at the direction of
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-2-

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And, for the consideration aforesaid, I/We further agree that this offer shall be irrevocable for 12 months from the date hereof and may be accepted by endorsement hereon by the Director of Department of Agriculture and Conservation and mailing or handing a copy hereof containing said acceptance endorsement to me/us.

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Rhode Island Department of Agriculture
and Conservation

By: John L. Rego
(Director)

An executed copy of this contract was (mailed) (handed) to

Mrs. Glenna H. Cooke at 208 So. Clarendon St. Cranston, R.I.
(Name of Grantor) (Address)

on August 8, 1959, 1959.

Rhode Island Division of Fish and Game

By: Thomas J. Wright
(Chief)

I hereby certify this to be a true copy.

Thomas J. Wright
Thomas J. Wright, Chief
Division of Fish and Game

WJ

BUREAU OF SPORT FISHERIES AND WILDLIFE

State: Florida
 Audit Period: January 22-26, 1961

Audit No. 3 Final
 Project Segment No. FW-3-1-1
 Contract 14-16-005-721

FEDERAL AID AUDIT MEMORANDUM

Name of Project: Sarasota River Marsh and Boat Launching Area

Vouchers Audited:	No. 3 Final	Amounts:	Total	Federal
		D-J \$		\$
		P-R \$	51.75	\$ 38.81

Period of Vouchers Audited:

The following tabulation summarizes the status of funds and total deduction recommended as a result of this audit:
 (See attached sheet for details.)

	Project Cost	Amounts	Federal Share
--	--------------	---------	---------------

Comments:

Certification: Examination of the State's records and supporting encumbrance documents pertaining to the items of cost claimed on the reimbursement vouchers listed above disclosed all expenditures and credits have been made in compliance with the provisions of the Preliminary Project Statement, Plans, Specifications, and Estimates and Project Agreements except as noted herein. It is, therefore, recommended that the payments covered by the above vouchers be approved after necessary adjustments, if any, have been made. Mr. Ashley on 2/27/61

Approved:

C. E. Chase
 Accountant

United States Department of the Interior
Bureau of Sport Fisheries and Wildlife
Branch of Federal Aid

Washington Office
Admin. R.O.
Fed. Aid R.O.
State's Copy

REPORT OF FINAL PAYMENT
OF FEDERAL AID PROJECT

Rhode Island
(State)
Sakonnet River Marsh and
Boat Launching Area
(Title of Project)

FW-3-L-1
(Project No.)
14-16-005-721
(Contract No.)

Voucher No. 3 - Final

	<u>Project 6321--PR</u>	<u>Project 6221--DJ</u>
1. Total cost of project	\$ <u>5,880.00</u>	\$ _____
2. Total Federal funds obligated	\$ <u>4,410.00</u>	\$ _____
3. Total payments of Federal pro rata share of cost	\$ <u>3,865.31</u>	\$ _____
4. Unexpended balance of Federal funds	\$ <u>544.69</u>	\$ _____
5. Disposition of unexpended balance of Federal share obligated in project agreement. Transferred to--		
a. State's apportionment account	\$ <u>544.69</u>	\$ _____
b. Migratory Bird Conservation Fund, F. Y. _____	\$ _____	\$ _____
c. Sport Fish Research Program Account, F. Y. _____	\$ _____	\$ _____
6. Date of payment of final voucher	<u>January 17, 1962</u>	
7. Remarks:		

Voucher #4 processed as progress -
Now considered final by State
See letter of 2/5/62.

(Signature)

(Title) 16642 .

**PUBLIC VOUCHER FOR FEDERAL AID PAYMENTS TO STATES UNDER FEDERAL AID
IN FISH AND WILDLIFE RESTORATION ACTS**

FW311-3

PAID BY SCHEDULED P. 12/18/61 FOR PAYMENT (For use of Paying Office)
--

THE UNITED STATES, DE., To Treasurer, State of Rhode Island
(Official title of payee authorized by State law)
State House Providence Rhode Island
(Address) (City) (State)

State Voucher No. 3 Progress X Final -

PROJECT: State Rhode Island Project No. FW361 Contract No. 14-16-005-721
Plans, specifications, and estimates approved 8/13/59 Contract executed 8/13/59
(Date) (Date)
This voucher for period from 8/13/59 to 6/30/61

TOTAL COST (Cumulative)	PRO RATA PERCENT CLAIMED	TOTAL AMOUNT CLAIMED	LESS PREVIOUS PAYMENTS AND PENDING CLAIMS	NET AMOUNT CLAIMED	APPROVED FOR PAYMENT (Payee must not use this column)																
5,153.75	75	3,865.31	3,826.50	38.81																	
<table><tr><th>Project</th><th>Inobligated Balance</th><th colspan="2">Reversion To</th></tr><tr><td></td><td></td><th>MBCF</th><th>FW</th></tr><tr><td>6321</td><td></td><td></td><td></td></tr><tr><td>6321</td><td>544.69</td><td></td><td></td></tr></table>						Project	Inobligated Balance	Reversion To				MBCF	FW	6321				6321	544.69		
Project	Inobligated Balance	Reversion To																			
		MBCF	FW																		
6321																					
6321	544.69																				

I CERTIFY that the above claim is correct and just and that payment therefor has not been received.

Division of Fish and Game
(Insert official name of State fish and game department)

By _____
Title Chief

Pursuant to authority vested in me, I certify that this account is correct and proper for payment.

Account submitted for _____
Differences (herein explained) _____

Approved for _____

Date _____

(Authorized certifying officer)

ACCOUNTING CLASSIFICATION (for completion by Administrative Office)

APPROPRIATION, LIMITATION, OR PROJECT SYMBOL		APPROPRIATION TITLE		LIMITATION OR PROJECT Amount		APPROPRIATION Amount	
		14X5029	Fed. Aid in Wildl. Rest. Act				
			of Sports Fish & Wildl.				
			Fed. Aid in Fish. Rest. & Mgt.				
		14X1617	Per. of Sports Fish & Wildl.				
ALLOTMENT SYMBOL		AMOUNT	(Receipt Limitation) OBLIGATIONS LIQUIDATED	COST ACCOUNT		OBJECTIVE CLASSIFICATION	
				Symbol	Amount	Symbol	Amount
Proj. 6321		38.81					
Proj. 6221		-0-					
			</				

Paid by check No. _____, dated _____ for \$ _____ on the Treasurer of the
United States to the order of the payee named above.

GPO 201349

ITEMIZATION SHEET FOR FEDERAL AID PROJECTS

To Accompany Memorandum Voucher Form 3-1509a

U. S. FISH AND WILDLIFE SERVICE

BUREAU OF SPORT FISHERIES AND WILDLIFE

State Rhode Island Project No. FW311 Sheet No. 1 Voucher No. 3

DATE OF DELIVERY, DATE OF PAYMENT, OR PERIOD OF SERVICE IS....	Voucher ITEM NO.	ARTICLES OR SERVICES (Enter description of materials, etc., name of firm, and invoice, voucher, or warrant number; and list names, titles, and salary rates of personnel)	QUAN- TITY	UNIT PRICE		AMOUNT	
				Cost	Per	Dollars	Cts.
2/13/61	81036 ✓	Lands Title Search, etc. Cooke property Tiverton				51	75
TOTAL,						51	75
Plus previous vouchers (to be used only on last sheet),						51.02	00
Total cost (cumulative),						51.53	75

UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE

FEDERAL AID TO STATES IN FISH AND WILDLIFE RESTORATION

State Rhode Island

Project No. FW3L1

Contract No. 14-16-005-721

Voucher No. 3 { Progress
Final

SCHEDULE OF ESTIMATES, EXPENDITURES, AND BALANCES

Period ending 6/30/61

ITEM No. (1)	ITEM (2)	LATEST COST ESTIMATES (3)	EXPENDITURES			BALANCE (7)
			Previous Vouchers (4)	This Voucher (5)	Total (6)	
	Lands	5,000.00	5,000.00	51.75	5,000.00 5,051.75	51.75
	Other	600.00	102.00	51.75	153.75 102.00	446.25 498.00
	Contingency	280.00				280.00
	TOTALS,	5,880.00	5,102.00	51.75	5,153.75	726.25

LAND PROJECT CHECK SHEET
ENGINEERING CERTIFICATION

STATE Phil. Island PROJECT PA-3-L-4 RECEIVED 11/12/61

FISCAL: Received 11/12/61
☒ Assemble file with voucher
☒ Commitment date, PPS approval date
☐ Pre-audit voucher

BIOLOGIST GENERAL REVIEW: Received
☐ Lump sum or per acre

CLERK-STENOGRAPHER: Received
☐ Log out to Realty

REALTY: Received
☐ Check PS&E & supporting data
☐ Minimum requirements
☐ Description against option & appraisal
☐ If deficiencies, return to FA
☐ Certify lump sum purchase

ENGINEERING: Received
☐ Certify per acre purchases & return to Realty

REALTY: Received
☐ Record data on land card
☐ Tract purchase map

CLERK-STENOGRAPHER: Received
☐ Log in from Realty

BIOLOGIST: Received
☐ Checks:
☐ Conditional approval
☐ Value on land card with voucher
☐ PS&E for conformity
☐ Certify

FISCAL: Received 11/15/61
☒ Pay final voucher
☐ Notify Biologist to certify project
☐ Entry on approved & acquired acreage summary

Mo
Land
in the country


State: Rhode Island
Audit Period: May 31 - June 2, 1961

Audit No. 1 Progress
Project No. W-3-1-1
Contract 14-16335-000-721

AUDIT MEMORANDUM

Name of Project: Sakonnet River Marsh and Boat Launching Area

Vouchers Audited No. 1-2 Prog. Amounts: Total \$-1 1,102.00 Federal \$-1 1,826.50

Period of Vouchers Audited: April 1 - September 30, 1960

Deduction Recommended:

The following tabulation reflects the status of funds and deduction recommended as a result of this audit: (See attached sheet for details.)

<u>Amounts</u>	
<u>Project Cost</u>	<u>Federal Share</u>

Comments: None

Certification:

Examination of the State's records and supporting encumbrance documents pertaining to the items of cost claimed on the reimbursement vouchers listed above disclosed all expenditures had been made in accordance with the provisions of the project contract. It is therefore recommended that the payments covered by the above vouchers be approved after necessary adjustments, if any, have been made.

T. E. GREGG
Accountant

D. O. Vou. No.
Bu. Vou. No.

PUBLIC VOUCHER FOR FEDERAL AID PAYMENTS TO STATES UNDER FEDERAL AID
IN FISH AND WILDLIFE RESTORATION ACTS

FW-31-1

THE UNITED STATES, DE., To Treasurer, State of Rhode Island
(Official title of payee authorized by State law)

State House Providence R. I.
(Address) (City) (State)

State Voucher No. 1 Progress 1 Final

PROJECT: State Rhode Island Project No. FW-31-1 Contract No. 74-16-005-731
Plans, specifications, and estimates approved 8/13/59 Contract executed 8/13/59
(Date) (Date)
This voucher for period from 4/1/60 to 6/30/60

TOTAL COST (Cumulative)	PRO RATA PERCENT CLAIMED	TOTAL AMOUNT CLAIMED	LESS PREVIOUS PAYMENTS AND PENDING CLAIMS	NET AMOUNT CLAIMED	APPROVED FOR PAYMENT (Payee must not use this column)
5,000.00	75	3,750.00		3,750.00	

Action Regional Office by Agent Division of Fish & Game

Action Central Office by

Action in Accounts by

Remarks:

Audit No. 1 Progress 2/5 6/1/61

ACCOUNTING CLASSIFICATION (for completion by Administrative Office)

APPROPRIATION, LIMITATION, OR PROJECT SYMBOL		APPROPRIATION TITLE		LIMITATION OR PROJECT		APPROPRIATION	
		Amount		Amount		Amount	
14X1617		Fed. Aid in Fish Rest. & Mgt.		Fed. Aid in Wildl. Rest. Bur.			
		Bur. of Sports Fish & Wildlife		of Sports Fish & Wildlife			
		(Receipt Limitation)					
ALLOTMENT SYMBOL		AMOUNT	OBLIGATIONS LIQUIDATED	COST ACCOUNT		OBJECTIVE CLASSIFICATION	
				Symbol	Amount	Symbol	Amount
Proj. 6221		- 0 -					
Proj. 6321		3,750.00					

Paid by check No. _____, dated _____ for \$ _____ on the Treasurer of the
United States to the order of the payee named above.

ITEMIZATION SHEET FOR FEDERAL AID PROJECTS

To Accompany Memorandum Voucher Form 3-1509a

U. S. FISH AND WILDLIFE SERVICE

BUREAU OF SPORT FISHERIES AND WILDLIFE

State Rhode Island

Project No. FW 3-I-1

Sheet No. 1

Voucher No. 1

DATE OF DELIVERY, DATE OF PAYMENT, OR PERIOD OF SERVICE IS.....	ITEM NO.	ARTICLES OR SERVICES (Enter description of materials, etc., name of firm, and invoice, voucher, or warrant number; and list names, titles, and salary rates of personnel)	QUAN- TITY	UNIT PRICE		AMOUNT	
				Cost	Per	Dollars	Cts.
5/31/60		Land Land bordering Sakonnet River owned by G. H. Cooke L. V. 89416				5,000	00
TOTAL						5,000	00

PLUS PREVIOUS VOUCHERS (to be used only on last sheet)

TOTAL COST (cumulative) 5,000 00

UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE

FEDERAL AID TO STATES IN FISH AND WILDLIFE RESTORATION

State Rhode IslandProject No. FW 3-1-1Contract No. 14-16-005-721Voucher No. 1 { Progress
Final

SCHEDULE OF ESTIMATES, EXPENDITURES, AND BALANCES

Period ending June 30, 1960

ITEM NO. (1)	ITEM (2)	LATEST COST ESTIMATES (3)	EXPENDITURES			BALANCE (7)
			Previous Vouchers (4)	This Voucher (5)	Total (6)	
	Lands	5,000.00		5,000.00	5,000.00	
	Other	600.00				600.00
	Contingency	280.00				280.00
TOTALS,		5,880.00		5,000.00	5,000.00	880.00

LAND PROJECT CHECK SHEET
ENGINEERING CERTIFICATION

STATE Phoenix Island PROJECT FW-3-L-1

RECEIVED 9/16/60

FISCAL: Received 9/16/60
☒ Assemble file with voucher
☒ Commitment date, PPS approval date
☒ Pre-audit voucher

BIOLOGIST GENERAL REVIEW: Received 9-20-60
☒ Lump sum for per acre 205

CLERK-STENOGRAPHER: Received 9/20/60
☒ Log out to Realty

REALTY: Received 9-20-60
☒ Check PS&E & supporting data
☒ Minimum requirements
☒ Description against option & appraisal
☒ If deficiencies, return to FA
☒ Certify lump sum purchase

ENGINEERING: Received 1-6-61
☒ Certify per-acre purchases & return to Realty

REALTY: Received 2/9/61
☒ Record data on land card
☒ Tract purchase map

CLERK-STENOGRAPHER: Received 1-9-61
☒ Log in from Realty

BIOLOGIST: Received 2-22-61
☒ Check:
☒ OK Conditional approval
☒ OK Value on land card with voucher
☒ OK PS&E for conformity
☒ Certify no effect 205

FISCAL: Received 2/14/61
☒ Pay final voucher
☒ Notify Biologist to certify project
☒ Entry on approved & acquired acreage summary

25.41 acres
10,000.

back to Realty 1-10-61
res. 1-11-61
do State 1-10-61

D. O. Vou. No.
Bu. Vou. No. -

**PUBLIC VOUCHER FOR FEDERAL AID PAYMENTS TO STATES UNDER FEDERAL AID
FW 3 L 1 IN FISH AND WILDLIFE RESTORATION ACTS**

Treasurer State of R. I.

THE UNITED STATES, Dr., To _____
State House Providence, R. I. (Official title of payee authorized by State law)

(Address)

(City)

(State)

State Voucher No. _____ Progress _____ Final 11-16-05-791

PROJECT: State _____ 8/13/59 Project No. _____ Contract No. _____

Plans, specifications, and estimates 8/12/59 (Date) Contract executed 11/31/60 (Date)

This voucher for period from 1/1/1957 to 12/31/1957

TOTAL COST (Cumulative)	PRO RATA PERCENT CLAIMED	TOTAL AMOUNT CLAIMED	LESS PREVIOUS PAYMENTS AND PENDING CLAIMS	NET AMOUNT CLAIMED	APPROVED FOR PAYMENT (Payee must not use this column)
5,102.00 5,102.00	75	76.50 3,826.50	3,750.00	76.50	

Action Regional Office by _____ Division of Fish and Game

Action Central Office by

Chief

Action in Accounts by _____

Remarks:

Q-101 No 1 Pargana 1962 6/1/61

ACCOUNTING CLASSIFICATION (for completion by Administrative Office)

APPROPRIATION, LIMITATION, OR PROJECT SYMBOL	APPROPRIATION TITLE				LIMITATION OR PROJECT Amount	APPROPRIATION Amount
	14X5029 Fed. Aid in Wildf. Rest. Bur of Sports Fish & Wildf.					
			COST ACCOUNT		OBJECTIVE CLASSIFICATION	
ALLOTMENT SYMBOL	AMOUNT	OBLIGATIONS LIQUIDATED	Symbol	Amount	Symbol	Amount
Proj. 6321	76.50					
Proj. 6221	- 0 -					

Paid by check No. _____, dated _____, for \$ _____ on the Treasurer of the
United States to the order of the payee named above. GPO #01350

ITEMIZATION SHEET FOR FEDERAL AID PROJECTS

To Accompany Memorandum Voucher Form 3-1509a

U. S. FISH AND WILDLIFE SERVICE

BUREAU OF SPORT FISHERIES AND WILDLIFE

State Rhode Island Project No. FW 3 L 1 Sheet No. 1 Voucher No. 1

DATE OF DELIVERY, DATE OF PAYMENT, OR PERIOD OF SERVICE 15----	ITEM NO.	ARTICLES OR SERVICES (Enter description of materials, etc., name of firm, and invoice, voucher, or warrant number; and list names, titles, and salary rates of personnel)	QUAN- TITY	UNIT PRICE		AMOUNT	
				Cost	Per	Dollars	Cts.
9/30/60	43536	Other Title search, etc. Cooke & Hathaway land				102	00
TOTAL,						102	00
PLUS PREVIOUS VOUCHERS (to be used only on last sheet),							
TOTAL cost (cumulative),						102	00

UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE

FEDERAL AID TO STATES IN FISH AND WILDLIFE RESTORATION

State Rhode IslandProject No. FW 3 L 1Contract No. 14-16-005-721Voucher No. 1 Progress
Final

SCHEDULE OF ESTIMATES, EXPENDITURES, AND BALANCES

Period ending 12/31/60

ITEM No. (1)	ITEM (2)	LATEST COST ESTIMATES (3)	EXPENDITURES			BALANCE (7)
			Previous Vouchers (4)	This Voucher (5)	Total (6)	
	Lands	5,000.00	/			5,000.00
	Other	600.00	/	102.00	102.00	498.00
	Contingency	280.00	/			280.00
TOTALS,		5,880.00	5,000.00	102.00	102.00	5,778.00 768.00

State of Rhode Island

INTER-DEPARTMENTAL COMMUNICATION

January 27, 1961 19.....

TO: Thomas J. Wright, Chief

DEPT.: Division of Fish & Game

FROM: J. Joseph Nugent, Attorney General

DEPT.: Attorney General's Office

SUBJECT: CERTIFICATE OF LAND OWNERSHIP IN THE TOWN OF TIVERTON

This is to certify that the State of Rhode Island is in full possession of twenty-five and forty-one hundredths (25.41) acres of land, more or less, in the Town of Tiverton, County of Newport, State of Rhode Island. This land was conveyed to the State of Rhode Island under existing state practice by Glenna Hathaway Cooke, under deed dated July 8, 1960, filed for record on July 12, 1960 and recorded among the land records of the Town of Tiverton in Book 86 of Deeds beginning at Page 395.

A photostatic copy of said deed and a plat drawn in August 1960, scale 1"=200', entitled, "Plat Showing Land Sold to the Rhode Island Division of Fish and Game by Glenna H. Cooke in Tiverton", ~~are~~ attached

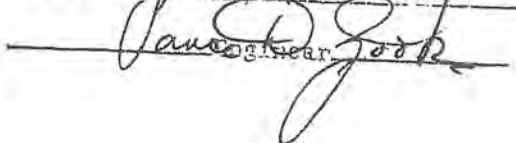

J. Joseph Nugent
Attorney General

Approved as to description; the

(approximate) acreage 25.41

based deed dated 7/8/60

Date 2/14/61


Vincent J. Zook

2060



Know all Men by these Presents, that

GLENN HATHAWAY COOKE, of the City of Cranston, County of Providence, in the State of Rhode Island,
RECEIVED
DIV. OF PURCHASES

hereinafter called the Grantor

for and in consideration of the sum of \$10,000.00 (Ten Thousand Dollars) Dollar

to be paid by STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
the Acquiring Authority, and Conservation being the Acquiring Authority),

hereinafter called the Grantee, the receipt whereof is hereby acknowledged, do hereby give,
grant, bargain, sell and convey unto the said Grantee

and its successors heirs and assigns forever,

in fee simple

That certain tract or parcel of land with all the buildings and improvements thereon situate in the Town of Tiverton, State of Rhode Island, bounded and described as follows:

That land situated westerly from the line which is parallel with Seapowet Road, sometimes called Saponit Road, which said line is four hundred (400) feet westerly from Seapowet Road, sometimes called Saponit Road, and extends to Parcel II hereinafter described on the west, and bounded on the south by the Seaconnet River and on the north by land now or formerly of Esther I. Rose.

PARCEL II: That certain tract or parcel of land with all the buildings and improvements thereon situate in the Town of Tiverton, State of Rhode Island, bounded and described as follows:

Land situated on Seapowet Neck and being Marsh land bounded northerly and easterly by land now or formerly of Esther I. Rose, said northerly and easterly lines being the bottom edge of the bank between the marsh land and the adjacent water; southerly by marsh land now or formerly of Jennie M. Hathaway, and westerly by the Seaconnet River, said tract containing about (2) acres, twenty-two and 50/100 (2.50) square rods of land.

PARCEL III: That certain tract or parcel of land with all the buildings and improvements thereon situate in the Town of Tiverton, State of Rhode Island, bounded and described as follows:

Land situated on Seapowet Neck near Seapowet Creek, the point of beginning being at a stone bound on the shore of the Seaconnet River, said point being the southwesterly corner of Round Island, so-called, and the southwesterly corner of the premises herein described; thence southeasterly along the shore of said river in a direct line one hundred (100) feet to a stone bound;

thence northeasterly in a direct line one hundred (100) feet to a stone bound; thence northwesterly in a direct line one hundred (100) feet to a stone bound; thence southwesterly in a direct line one hundred (100) feet to the point of beginning, said tract contains about ten thousand (10,000) square feet of land.

PARCEL IV: That certain tract or parcel of land with all the buildings and improvements thereon situate in the Town of Tiverton, State of Rhode Island, bounded and described as follows:

Beginning at the northwesterly corner of Parcel III hereinabove described at a stone bound, and thence in a general northerly direction along the westerly line of the base of Round Island and Fox Point by a line which is marked by stone bounds at difference angles about eighty (80) rods, more or less, to land now or formerly of Esther I. Rose; thence westerly in line with said last named land to the Seaconnet River; thence southerly and southwesterly by the waters of said river to the point of beginning, said tract contains about one hundred (100) rods of land.

That certain parcels of land as shown in the same four parcels of land as conveyed by the said Glenn Hathaway Cooke to the State of Rhode Island and Providence Plantations in the office of the Town Clerk of the Town of Tiverton in Book 47 at page 459, the descriptions in said deed being herein incorporated by reference for a further description of the same.

That in all easements and ways appurtenant to said property and passing with the title thereto, particularly the way extending from said premises to Seapowet Road, sometimes called Saponit Road, across the premises now or lately owned by Antonia A. Sylvia and particularly referred to in that certain deed from Sarah E. Hathaway to Antonia A. Sylvia, dated August 14, 1941 and recorded in the Real Estate Records of the Town of Tiverton in Book 72 at page 502.

Said Parcel II is conveyed subject to:

a. Reservation of all seaweed and drift that may drift up on the shore as reserved in deed from Henry Duffee et al to Frederick H. Booth, dated January 20, 1903 and recorded in said office in Book 47 at page 143.

b. Restriction and covenant not to do any ditching or excavating on the land of the State of Rhode Island and Providence Plantations.

To Have and to Hold, the aforegranted premises, with all the privileges and appurtenances thereunto belonging, unto and to the use of said Grantee

and its successors ~~heirs~~ and assigns forever,
in fee simple.

And I, the said Grantor do hereby, for myself and for my heirs, executors and administrators, covenant with the said Grantee and its successors ~~heirs~~ and assigns that I am lawfully seized in fee simple of the said granted premises; that the same are free from all incumbrances, except said reservation, restriction, covenant and taxes that I have good right, full power and lawful authority to sell and convey the same in manner as aforesaid; that the said Grantee and its successors ~~heirs~~ and assigns shall by these presents at all times hereafter peaceably and quietly have and enjoy the said premises, and that I, the said Grantor will, and my heirs, executors and administrators, shall warrant and defend the same to the said Grantee and its successors ~~heirs~~ and assigns forever against the lawful claims and demands of all persons, except as to said reservation, restriction, covenant and taxes

And for the Consideration aforesaid I, JOHN K. COOKE, husband of ~~GLORIA~~
HATHAWAY COOKE,

do hereby release all my right of Curtesy ~~and for Dower~~, and all other right, title and interest, statutory or otherwise, in and to the said granted premises unto the said Grantee
and its successors ~~heirs~~ and assigns, forever.

In Witness Whereof,

and seals this 8th day of July in the year of
our Lord one thousand nine hundred and sixty me have hereunto set my hand

Signed and sealed in presence of

At M. Lee

Glennia Hathaway Cooke
John K. Cooke



CC #63229 63229

AB-47906

WARRANTY DEED

LEONA HANAWAY COYKE
mail to TO
STATE OF RHODE ISLAND AND PROVIDENCE
PLANTATIONS
% N. J. O'Brien

Mail to *divorce of husband*
Address *125 State House*
Providence R.I.



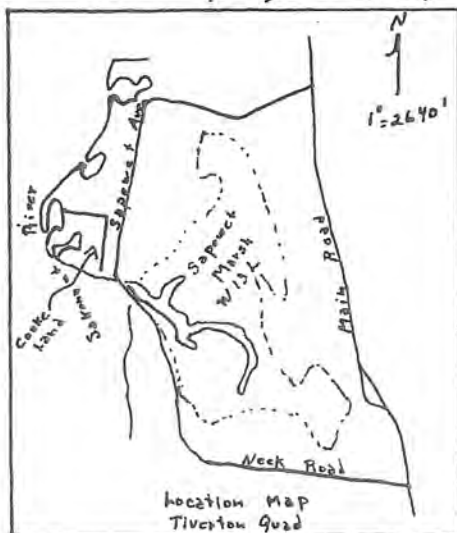
RECEIVED FOR RECORD

Recorded for Record
at 10:55 AM July 12, 1960
Recorded in Book No. 876
Page 385-6-7
in the Town of Providence, R.I.
Witness
Herbert H. Vandyke
Notary Public

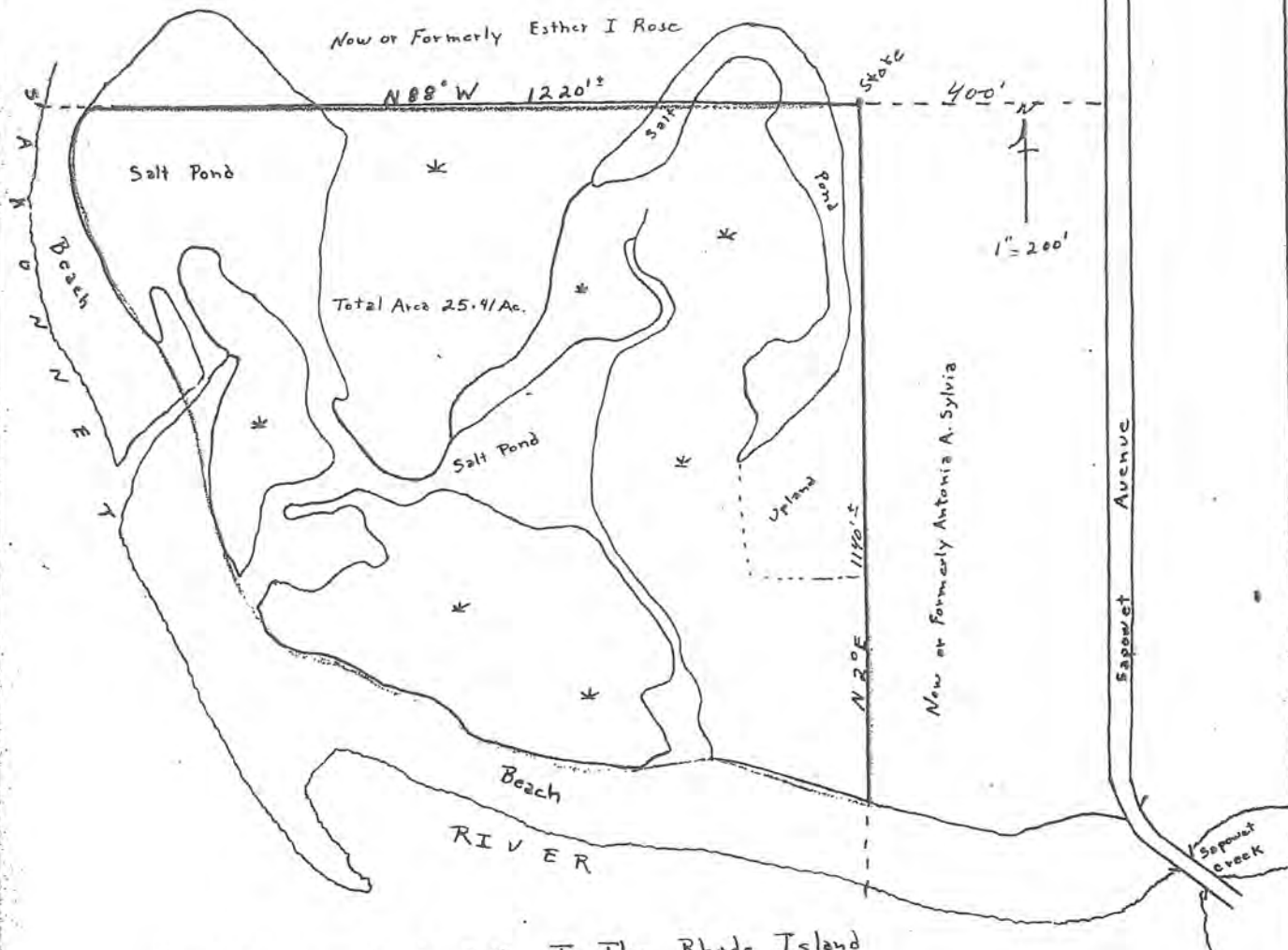
Mortgage Guarantee
&
Title Company

85 Westminster Street
PROVIDENCE 3, R. I.

U.S. POSTAL SERVICE
170 N
BOSTON, MASS.



Acquisition line



Plat Showing Land Sold To The Rhode Island
Division of Fish & Game by Glenna H. Cooke
in Tiverton - 7/60.

Project F-W-3-L-1

Drawn August 1960



RI Coastal Resources Management Council

...to preserve, protect, develop, and restore coastal resources for all Rhode Islanders

RI CRMC



CRMC funds 9 habitat restoration projects

April 7, 2015, WAKEFIELD - The RI Coastal Resources Management Council has awarded funding for nine habitat restoration projects through its RI Coastal and Estuarine Habitat Restoration Trust Fund (CEHRTF).

The Council approved the funding at the March 10 semi-monthly meeting in Providence. Projects approved for funding include two anadromous fish passage restoration projects, a salt marsh restoration project, a barrier beach restoration project, two coastal upland restoration projects, and one equipment request for the RI Department of Environmental Management (RIDEM). Project locations span the entire state, from Napatree Point in Westerly to Quicksand Pond in Little Compton, and to Blackstone Park in upper Narragansett Bay in Providence.

In its request for proposals, the CRMC put special emphasis this year on projects that would enhance the resiliency of Rhode Island's coastal habitats to climate change and sea level rise. One of the funded projects, the Seapowet Point Restoration and Coastal Resilience Project, exemplifies these goals. The RIDEM Division of Fish and Wildlife will receive \$30,759 to reconfigure public access, change land management practices and enhance vegetation at a state-owned shoreline property in Tiverton. The changes will allow for the migration and future development of coastal wetlands as sea levels rise, and enhance the existing shoreline habitat while still allowing for safe public access and recreation.

Save The Bay will receive \$5,000 to improve anadromous fish passage to 86 acres of spawning area by removing obstructions from Mussachuck Creek in Barrington. The project will be carried out in partnership with the Rhode Island Country Club and the RIDEM's Division of Fish and Wildlife.

The Nature Conservancy will receive \$9,300 to continue its work restoring native plant communities within the salt marsh complex at Goosewing Beach in Little Compton. This is an

ongoing project funded previously by the CEHRTF and the US Fish and Wildlife Service, and earlier phases have been successful at managing the invasive plant species *Phragmites australis* at the project site while allowing native plants to establish and thrive. This year's award will go towards maintaining the gains made to-date through follow-up monitoring and management.

The Rose Island Lighthouse Foundation will receive \$16,000 to fund initial phases of a wading bird restoration project on Rose Island in Newport. The ultimate goal is to restore nesting populations of wading birds recently extirpated from the island. The early phases of the project will include planting of native tree species to serve as a screen between nesting habitat areas and areas of heavier human activity as well as the deployment and monitoring of bird decoys.

The Watch Hill Conservancy will receive \$20,433 for restoration of barrier beach plant communities on Napatree Point in Westerly. The funded project will expand upon restoration efforts previously funded by the CRMC and the URI Coastal Institute to control invasive plant species and plant native barrier beach species that will help to improve habitat value and decrease the area of walking trails that allow for human disturbance of the dune system.

The Blackstone Parks Conservancy will receive \$30,000 for the second phase of a restoration project previously funded through the CEHRTF. The project will address severe erosion problems in a forested coastal upland in Blackstone Park in Providence through an extensive planting effort and trail maintenance measures.

Save The Bay will receive \$100,000 towards removal of the Shady Lea dam on the Mattatuxet River in North Kingstown. This project received funding previously through the CEHRTF for design and a portion of the construction costs. Additional funding has been provided through the US Fish and Wildlife Service and the dam owner.

Habitat restoration projects are funded through the RI Coastal and Estuarine Habitat Restoration Trust Fund and are selected from recommendations by the fund's Technical Advisory Committee. Program funds come from the state's Oil Spill Prevention Administration and Response Act (OSPAR), established by the legislature following the 1996 North Cape oil spill. Each year, the CEHRTF advisory committee, with approval of the CRMC allocates \$225,000 from the OSPAR account to habitat restoration projects throughout the state.

"The CRMC is pleased to support this year's diverse suite of habitat restoration projects, and recognizes the important role that habitat restoration and enhancement can play in improving the resilience of our coastal areas to climate change and sea level rise," said CRMC Executive Director Grover Fugate.

To date and including this year, the Trust Fund has awarded \$2.7 million for 105 projects, which have leveraged more than \$23 million in matching funds. In its 12 years, the Trust Fund has helped to restore over 300 acres of Rhode Island.

The full 2014-2015 Coastal and Estuarine Habitat Restoration Trust Fund report will be available on CRMC's web site at <http://www.crmc.ri.gov/habitatrestoration.html>.

Photos of the projects are available upon request.

Stedman Government Center
Suite 116, 4808 Tower Hill Road, Wakefield, RI 02879-1900
Voice 401-783-3370 • Fax 401-783-2069 • E-Mail cstaff1@crmcr.ri.gov



An Official Rhode Island State Website



RI Coastal Resources Management Council

...to preserve, protect, develop, and restore coastal resources for all Rhode Islanders

RI CRMC



CRMC funds 6 habitat restoration projects

March 4, 2016, WAKEFIELD - The RI Coastal Resources Management Council has awarded full funding for five habitat restoration projects, and partial funding for one project, through its RI Coastal and Estuarine Habitat Restoration Trust Fund (CEHRTF).

The Council approved the funding at the February 23 semi-monthly meeting in Providence. Projects approved for funding include a coastal adaptation project, creation of a statewide oyster restoration guidance document, an extensive fishway project, a coastal habitat restoration project, fish passage improvements, and one equipment request for the RI Department of Environmental Management (RIDEM).

As with the previous year, in its request for proposals the CRMC put special emphasis on projects that would enhance the resiliency of Rhode Island's coastal habitats to climate change and sea level rise. One of the funded projects, Grinnell's Beach coastal adaptation project, exemplifies these goals. The Town of Tiverton's Conservation Commission received \$3,750 to restore a coastal buffer of warm season grasses, native shrubs, and beach grass. The restoration will restore the dune and coastal shrub habitat and create pollinator habitat, and the buffer restoration will create a dune where there is currently parking lot, which will increase the resiliency of the beach by moving the parking area inland and removing infrastructure that floods during king tides and is a hazard during storms.

The R.I. Department of Environmental Management, along with other partners, was awarded \$25,377 to conduct oyster monitoring, assessment, and development of a R.I. Oyster Restoration Guidance Document. The areas of study include the South Shore coastal ponds, the Great Salt Pond, and select locations in Narragansett Bay, and will provide essential guidance for future oyster restoration projects, including a prioritization of potential sites for restoration and enhancement, as well as best techniques for reef creation. Project partners include The Natural

Resource Conservation Service (NRCS), U.S. Fish and Wildlife Service, via the USF&W Sportfish Restoration Program.

The largest award this year - \$110,873 - will go to the Woonasquatucket River Watershed Council (WRWC) for the Manton Pond Dam nature-like fishway construction. This project, which had previously been awarded funding in 2009, 2010, 2012, and 2013, will allow migratory fish access to the nine acres of pond habitat in Manton Pond. It will also open approximately 0.7 river miles from Manton Pond Dam to the next upstream impoundment at Lyman Mill Pond Dam, bringing the total available spawning habitat from 4-6 to 5.3 river miles. This award will see the realization of the multi-year project to open a significant segment of the Woonasquatucket River to fish passage. Prolific damming of the river, mostly to power textile mills, has greatly impeded diadromous fish passage on this river for more than 150 years. To-date, extensive work has been done through the WRWC to re-open the river. The Rising Sun Mills (the first dam on the river) Denil fish ladder was constructed in 2008; a partial breach of Paragon Mills (second dam) was completed in September 2010; a Denil fish ladder was completed at Atlantic Mills (third dam) in May 2009; the dam at Dyerville Mills (fourth dam) was removed in October 2009; and the fifth and final dam on the lower part of the river, Manton Pond Dam, is 90 percent design-complete and ready for construction. Project partners include USDA Natural Resources Conservation Service (NRCS) and RIDEM Division of Fish & Wildlife.

The Nature Conservancy received \$70,000 for improving fish passage at Bradford Dam in Westerly/Hopkinton. TNC and project partners plan to remove the dam as part of a larger, ecosystem-wide restoration program for the Pawcatuck River Watershed, including dam removals and fish passage restoration at White Rock, Potter Hill, and Bradford Dams. For this project, TNC plans to partially remove the right side of the dam and adjacent fish ladder, and in place of the dam to construct six raised arched stone weirs with a low flow notch in the center for fish passage and recreation boat passage during lower river levels.

DEM was also awarded \$5,000 for the purchase of an excavator. This low ground pressure equipment is used statewide for mosquito abatement and control and wetland restoration.

The Taylor Point Restoration Association received partial funding - \$10,000 - for their project to restore the point by eliminating the invasive plant species and re-vegetate with native ones; to protect existing native species; to improve degraded footpaths to provide safe public shoreline access; and maintain existing views of Narragansett Bay. The long-term goal of the project is the establishment of an ecologically robust coastal area and native buffer zone, which will serve as a valuable aesthetic and recreational resource. The funding will also go toward creating base maps and collecting biological data to add to the restoration planning process.

Habitat restoration projects are funded through the RI Coastal and Estuarine Habitat Restoration Trust Fund and are selected from recommendations by the fund's Technical Advisory Committee. Program funds come from the state's Oil Spill Prevention Administration and Response Act

(OSPAR), established by the legislature following the 1996 North Cape oil spill. Each year, the CEHRTF advisory committee, with approval of the CRMC allocates \$225,000 from the OSPAR account to habitat restoration projects throughout the state.

“The CRMC is pleased to support this year’s suite of habitat restoration and coastal adaptation projects, and recognizes the important role that these projects play in improving the resilience of our coastal areas to climate change and sea level rise,” said CRMC Executive Director Grover Fugate. “We are also glad to see the final piece of the Manton Pond Dam project come to fruition.”

To date and including this year, the Trust Fund has awarded \$3 million for 110 projects, which have leveraged more than \$23 million in matching funds. In its 13 years, the Trust Fund has helped to restore over 300 acres of coastal and estuarine habitat.

The full 2015 Coastal and Estuarine Habitat Restoration Trust Fund report will be available on CRMC’s web site at <http://www.crmc.ri.gov/habitatrestoration.html>. *Photos of the projects are available upon request.*

Stedman Government Center
Suite 116, 4808 Tower Hill Road, Wakefield, RI 02879-1900
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An Official Rhode Island State Website



RI Coastal Resources Management Council

...to preserve, protect, develop, and restore coastal resources for all Rhode Islanders

RI CRMC



CRMC funds 11 habitat restoration projects

March 22, 2017, WAKEFIELD - The R.I. Coastal Resources Management Council (CRMC) has awarded funding for eleven habitat restoration projects, through its RI Coastal and Estuarine Habitat Restoration Trust Fund (CEHRTF).

The Council approved the funding at the February 28 semi-monthly meeting in Providence. Projects approved for funding include a salt marsh restoration and enhancement project, a statewide salt marsh monitoring effort, eelgrass monitoring and assessment, two coastal resiliency projects, construction of a fishway, an urban habitat restoration pilot project, and evaluation of strategies to facilitate salt marsh migration.

As with the previous two years, in its request for proposals the CRMC put special emphasis on projects that would enhance the resiliency of Rhode Island's coastal habitats to climate change and sea level rise. One of the funded projects, improving coastal resiliency at Longmeadow coastal access site, exemplifies these goals. Through the Trust Fund, the R.I. Department of Environmental Management was awarded \$4,225 to restrict vehicular access over sensitive coastal habitats that have been damaged by traffic. In addition, RIDEM will remove 1,000 square feet of asphalt and repair and revegetate a dune to address the severe coastal and erosion that has occurred at the site.

The largest award this year - \$64,000 - was awarded to The Nature Conservancy for improving fish passage at Bradford Dam in Westerly and Hopkinton. This project, which was awarded funding in 2016 for the removal of the dam and construction of a nature-like step-pool in its place, will receive partial funding associated with increased project costs due to project design changes and construction.

DEM's Division of Fish & Wildlife was awarded \$40,000 for the construction of the Factory Brook Dam Fishway in South Kingstown. A fish ladder will be constructed at a small, privately-owned

dam for the purpose of restoring river herring to Factory Brook and Factory Pond. The existing five-foot-high dam prevents herring passage to spawning and nursery habitat in the 30-acre pond and one mile of stream habitat. Fish passage would potentially result in tens of thousands of returning river herring annually, which will enhance freshwater and marine ecosystems.

Narragansett Bay National Estuarine Research Reserve (NBNERR) was awarded \$20,424 toward the evaluation of strategies to facilitate salt marsh migration at Sheep Pen Marsh on Prudence Island. It is estimated that Rhode Island has lost 53 percent of its marsh area since 1832 and researchers fear additional losses may be accelerating due to sea level rise. Ideally, marshes will migrate landward with rising seas, but current research shows that some types of upland vegetation can prevent migration. NBNERR will create a field project to determine how the removal of three different types of upland vegetation affects marsh migration.

NBNERR was also awarded \$19,427 toward salt marsh monitoring in Rhode Island at multiple salt marshes across the state. The project is designed to improve understanding of marsh vulnerability to sea level rise at a broad scale that can be used to guide restoration and adaptation project funding. The monitoring will occur over a small network of marshes and answer specific questions about marsh condition and response to sea level rise.

The CRMC also awarded \$19,242 to DEM's Division of Fish & Wildlife for the Sapowet Creek salt marsh adaptation and coastal restoration in Tiverton. DEM plans to restore 21 acres of cultivated agricultural field to coastal grasslands by planting native warm season grasses and forbs and managing invasive species in the surrounding buffer. Improvements will also be made to the adjacent marsh to restore natural drainage patterns and remove ponding that has resulted from sea level rise.

The University of Rhode Island's Environmental Data Center (EDC) received \$17,982 for eelgrass Tier 1 accuracy assessment and monitoring. Eelgrass and widgeon grass are the main species of seagrasses found in Rhode Island coastal waters. Mapping the distribution and extent of seagrasses is a critical first step in understanding, managing, and protecting these shallow-subtidal estuarine habitats. The extent of seagrasses, however, is sensitive to environmental conditions like water quality, storms, disease, and coastal development. The EDC will refine eelgrass maps created in 2016 from aerial photography by mapping eelgrass beds in the field and comparing the two datasets.

Watch Hill Fire District and Watch Hill Conservancy were awarded partial funding of \$15,000 for coastal barrier protection and plant community restoration in the Napatree Point Conservation Area in Watch Hill. This project will expand previous efforts to restore native plants on Napatree by adding species to benefit pollinator species and managing invasive species.

The Council awarded \$15,000 in partial funding to URI for the restoration of diamondback terrapin nesting habitat on the Potowomut River in East Greenwich. During the spring and

summers of 2015-2016, URI and Rocky Hill School faculty and students documented a previously unknown population of diamondback terrapins living in Potowomut River and nesting and using the beach and salt marsh habitat along the river. This is only the second documented significant population of the turtles in the state. This project will restore and improve habitat for the population of terrapins that uses the location for nesting and overwintering of hatchlings. The funding will go toward planning for this project, data collection, obtaining necessary permits, terrapin monitoring, and developing a long-term monitoring program for the population post-restoration.

A total of \$5,000 was awarded to the Blackstone Parks Conservancy for the revegetation and slope stabilization in Blackstone Park Conservation District in Providence. The BPC plans to continue previous work to stabilize the slope in the area, which will stem erosion and create favorable conditions for plant survival. Native plants will be added to the 4-acre restoration site, and fences will be installed to protect the new plants.

The Woonasquatucket River Watershed Council received \$4,700 in Trust Fund monies for an urban habitat restoration pilot project along the Woonasquatucket River on Promenade and Kinsley Avenue in Providence. This project will continue work being done by the WRWC and the Providence Parks Department to manage invasive plants in the area. Before beginning the project, invasive plants were strangling and killing many of the native trees and shrubs on the site. Funds will go toward the purchase of native plants to increase habitat in the very urbanized stretch of river.

Habitat restoration projects are funded through the RI Coastal and Estuarine Habitat Restoration Trust Fund and are selected from recommendations by the fund's Technical Advisory Committee. Program funds come from the state's Oil Spill Prevention Administration and Response Act (OSPAR), established by the legislature following the 1996 North Cape oil spill. Each year, the CEHRTF advisory committee, with approval of the CRMC allocates \$225,000 from the OSPAR account to habitat restoration projects throughout the state.

"The CRMC is pleased to support this year's suite of habitat restoration and coastal adaptation projects, as well as the variety of statewide and focused planning and research efforts," said CRMC Executive Director Grover Fugate. "Rhode Island must study and then act to protect and preserve its fragile and valuable coastal habitats, and these projects will serve to inform the state for future restoration projects."

To date and including this year, the Trust Fund has awarded \$3.25 million for 121 projects, which have leveraged more than \$23 million in matching funds. In its 14 years, the Trust Fund has helped to restore over 300 acres of coastal and estuarine habitat. *Photos of the projects are available upon request.*



Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835
(401) 423-1920 Fax: (401) 423-1925

Administrative Policies and Procedures of the Rhode Island Marine Fisheries Council

Adopted September 13, 2016

This document sets forth the administrative policies and procedures of the Rhode Island Marine Fisheries Council, with particular reference to the operations of the Council and its committees. This document updates and replaces the *Species Advisory Panel Policy*, adopted by the Council on June 4, 2007 and revised on January 5, 2009. It incorporates by reference the document titled *Shellfish Aquaculture Lease Proposals -- Policies and Procedures Governing RIMFC and DEM Reviews -- Adopted by the RI Marine Fisheries Council – August 3, 2009 -- As Amended September 2009*.

Part A – General

1. The RI Marine Fisheries Council (Council) is established in accordance with RIGL Section 20-3-1 to serve in an advisory capacity to the Director of the Rhode Island Department of Environmental Management (Director) and/or other state agencies on marine fisheries issues pertaining to the State of Rhode Island, particularly those involving the planning, management, and regulation of the State's marine fisheries.
2. Council members are appointed by the RI Governor, and subject to advice and consent by the RI Senate. Members serve four-year terms, and are eligible for reappointment once. Members appointed to fill a seat vacated during a term serve the remainder of the term and are then eligible for reappointment to a full term. Members whose terms have expired may continue to serve until replaced or reappointed.
3. No person may serve on the Council if assessed a criminal or administrative penalty in the past 3 years for a violation of a marine fisheries law or regulation, including any suspension or revocation of a commercial or recreational fishing license or permit or dealer's license, or any fine, donation, probation, imprisonment, or other filing, imposed administratively or by a court of law.
4. The Director or his or her designee shall serve as the Council Chairperson (Chair).

Shellfish Aquaculture Lease Proposals

Policies and Procedures Governing RIMFC and DEM Reviews

Adopted by the RI Marine Fisheries Council – August 3, 2009
As Amended September 2009

Policy #1:

The RI Marine Fisheries Council (RIMFC) authorizes the Council's Shellfish Advisory Panel (SAP) Chair to schedule SAP meetings, on an as-needed basis, for the purpose of reviewing applications for issuance of aquaculture leases that have been submitted to CRMC and that CRMC has referred to the RIMFC for review for the consideration of recommendations pursuant to R.I. Gen. Laws §20-10-5(b). The RIMFC hereby determines that it is procedurally unnecessary for the full RIMFC to conduct preliminary reviews of each of the individual aquaculture lease applications prior to designating them for consideration as SAP agenda items. The SAP Chair will provide updates to the full Council at every regularly scheduled Council meeting regarding any/all meetings or activities involving the SAP or the SAP Chair.

Policy #2:

In accordance with the procedures set forth below, the RIMFC will be provided with full and timely notification regarding all SAP recommendations pertaining to aquaculture lease applications. The RIMFC hereby delegates the SAP with the authority to prepare recommendations concerning individual aquaculture lease applications and to forward said SAP recommendations to the CRMC, with said SAP recommendations being deemed approved by the RIMFC, and reflective of the RIMFC's final recommendation pertaining to the application, unless, within ten (10) days of the receipt of said SAP recommendation, any member of the RIMFC notifies DEM of his/her desire to bring the SAP recommendation before the full RIMFC for further review and consideration, in which case the matter will be placed on the agenda for the next RIMFC meeting.

Policy #3:

Upon receipt of SAP recommendations pertaining to aquaculture lease applications, the CRMC will immediately forward said recommendations to the applicants. If any applicant wishes to bring the SAP recommendation(s) before the full RIMFC for further review and consideration, the applicant will so notify the CRMC who in turn will notify DEM, and the matter will be placed on the agenda for the next RIMFC meeting.

Procedures:

1. The CRMC receives an initial, draft proposal for a new or expanded aquaculture facility. In response, the CRMC Aquaculture Coordinator (AC) distributes the proposal to all interested parties and conducts a Preliminary Determination (PD) meeting, inviting: ACOE, NMFS, USCG, DEM, DOH, adjacent municipality(s), the RIMFC Shellfish Advisory Panel (SAP) Chair, commercial and recreational fishing industry representatives, and other interested parties.
 - DEM and the SAP Chair make every effort to respond to the draft proposal, via the PD process.
 - As part of the PD process, DEM and the SAP Chair identify information needs and key issues to be addressed by the applicant, in coordination with the AC.
2. The AC provides recommendations back to the applicant, drawing upon the comments provided through the PD process.
3. DEM and the SAP Chair remain available for consultation with the AC, as the applicant addresses preliminary suggested modifications to his/her lease application.
4. The applicant submits a lease application to the AC, which the AC, as an action in the 30 day public notice process, distributes to all interested parties, including DEM, the RIMFC, and all members of the SAP. (*In advance, DEM shall provide the AC with names and addresses of all SAP and Council members.) During the 30-day period:
 - The SAP Chair, in coordination with DEM, schedules a SAP meeting, with a target date within 15-20 days following the close of the 30-day period.
 - DEM conducts an internal preliminary review of the application, with a target date for completion of no more than 15-20 days following the close of the 30-day period (i.e., corresponding to the date of the SAP meeting).
 - The AC remains available for consultation with DEM and SAP Chair during the review process.
 - The AC helps ensure that key interests, including the applicant, as well as all other interested parties, are invited to attend and participate in the SAP meeting.
5. Upon completion of the 30-day notice period, the AC coordinates with the applicant regarding public comments and any potential modifications to lease application based thereupon.
6. The SAP meeting takes place. At the meeting, the AC, in coordination with the applicant, addresses any preliminary modifications to the application; DEM presents its preliminary comments on the application; and industry interests (among others) are given the opportunity to comment. Those unable to attend the meeting are encouraged to submit written comments. The SAP seeks consensus on a recommendation regarding the application, including any potential additional modifications thereto.

7. Within ten (10) days following the SAP meeting, the SAP Chair develops minutes of the meeting, with particular reference to the panel's recommendation(s). Upon completion of the minutes, they are submitted to the RIMFC, with a copy to DEM and the AC; the AC then forwards the recommendation(s) to the applicant. Simultaneously, DEM's preliminary comments on the application are submitted to the RIMFC, with a copy to the AC, who then forwards said comments to the applicant. Relevant application materials, provided by the AC, are included in the RIMFC submittal.
8. Within ten (10) days following receipt of the SAP meeting minutes, and all associated documents, and DEM's preliminary comments on the application, any RIMFC member may request that the matter be brought before the full RIMFC at the next regularly scheduled RIMFC meeting.
9. If no RIMFC member makes such a request, DEM notifies the AC, on behalf of the RIMFC, that the SAP recommendation(s) constitute(s) the RIMFC recommendation. That recommendation stands unless and until an applicant seeks further review and consideration by the full RIMFC, pursuant to #11 below.
10. If any RIMFC member does request that the matter be brought before the full RIMFC, the matter is scheduled for consideration at the next regularly scheduled RIMFC meeting. At that meeting, the RIMFC develops a recommendation to the AC, drawing upon the recommendations of the SAP, and in consideration of any other relevant issues, including DEM comments and any additional public comment offered at the RIMFC meeting. The RIMFC may continue any matter that requires additional review. The RIMFC recommendation is forwarded to the AC immediately following final adoption.
11. Notwithstanding the process outlined above, any applicant wishing to bring the SAP recommendation(s) pertaining to his/her lease application before the full RIMFC for further review and consideration may do so, at any time, by making that request to the AC, who in turn forwards the request to DEM. Upon receipt of such request, the matter is scheduled for consideration at the next regularly scheduled RIMFC meeting. At that meeting, the RIMFC develops a recommendation to the AC, drawing upon the recommendations of the SAP, and in consideration of any other relevant issues, including DEM comments and any additional public comment offered at the RIMFC meeting. The RIMFC may continue any matter that requires additional review. The RIMFC recommendation is forwarded to the AC immediately following final adoption.
12. Immediately following the SAP meeting, or, if the matter is brought before the RIMFC, immediately following adoption of their final recommendation, DEM submits its final written comments on the application to the AC.
13. The AC completes the regulatory review process pursuant to CRMC's programmatic requirements.

National Shellfish Sanitation Program (NSSP)

Guide for the Control of Molluscan Shellfish 2019 Revision



Chapter VI. Shellfish Aquaculture

Requirements for the Authority

[Note: The Authority must meet the requirements of this section even if the Authority does not formally adopt this section in regulation.]

@ .01 General

- A. Aquaculture activities which may pose a significant public health concern and are regulated in this Chapter include, but are not limited to:
 - (1) Seed production in waters classified as Prohibited or Unclassified;
 - (2) Aquaculture structures that attract birds or mammals; and
 - (3) Land based aquaculture.
- B. The Authority shall:
 - (1) Approve the written operational plan for operations as outlined in @.01A above;
 - (2) Inspect operations outlined in @.01A above at least annually; and
 - (3) At a minimum inspect operator records to verify that appropriate permits are up to date and operational plans required in @ .01 A (1). are being implemented.
 - (4) Consistent with Chapter IV @ .01 D(1)(e) when aquaculture as defined in the Model Ordinance attracts birds or mammals, their presence should be considered for possible adverse effects on growing area water quality.

@ .02 Seed Shellstock

- A. The Authority shall establish the maximum seed size for each species of shellfish that can be produced in prohibited waters. In determining the maximum seed size Authorities shall establish sizes that require a minimum of 120 days of growing to reach market size.
- B. The Authority shall establish appropriate corrective actions for when seed exceeds the maximum seed size when it has been produced in waters classified as prohibited.
- C. All sources of seed produced or collected in prohibited waters shall be sanctioned by the Authority.

@.03 Aquaculture in Federal Waters

- A. Federal Agency Responsibilities. Once the appropriate permits for the construction of the aquaculture facility have been obtained,
 - (1) NOAA is responsible for establishing a contract, in consultation with FDA, with the aquaculture facility describing requirements of the NSSP including:
 - (a) the frequency with which NOAA will audit the aquaculture facility and vessels;
 - (b) testing requirements of the aquaculture facility; and
 - (c) the generation of product identification for traceability (i.e., tag numbers); and
 - (2) FDA is responsible for reviewing the aquaculture facility operational plan prior to the start of operations, as well as the annual inspection of records, to ensure adherence to NSSP requirements. FDA is also responsible for the classification of the growing area(s) associated with the aquaculture facility.

Requirements for the Harvester/Dealer

.01 Exceptions

Hatcheries and nurseries rearing larvae and/or seed that are located in:

- A. Approved or conditionally approved growing areas are exempt from these requirements; or
- B. Restricted or Conditionally Restricted would be exempt from these requirements but subject to relay requirements in Chapter V for seed that exceeds the maximum seed size established by the Authority.

.02 General

- A. Any person who performs aquaculture as defined in the Model Ordinance or operates an aquaculture facility to raise shellfish for human consumption shall obtain:
 - (1) A permit from the Authority for the activity and functioning of his facility;
 - (2) A harvester's license; and
 - (3) Certification as a dealer, where necessary.
- B. Shellfish aquaculture as defined in the Model Ordinance shall be practiced only in strict compliance with the provisions of the permit issued by the Authority for the aquaculture activity. Authorization shall be based on the operator's written operational plan.
- C. Prior to beginning his activity, an operator shall obtain the permission of the Authority for use of his facility.
- D. Any shellfish seed raised in aquaculture that exceeds the maximum seed size established by the Authority shall be subjected to relaying or depuration prior to direct marketing if the culture area or facility is located in or using water which is in:
 - (1) The closed status of the conditionally approved classification;
 - (2) The restricted classification; or
 - (3) The open status of the conditionally restricted classification.
- E. Only drugs sanctioned by the FDA shall be used for shellfish treatment.
- F. Harvesting, processing, storage, and shipping requirements for shellfish raised in a land-based aquaculture facility or a seed rearing facility or system that exceeds the maximum seed size established by the Authority shall be the same as the requirements for shellfish specified in Chapters V., VII., VIII., IX., X., XI., XII., XIII. and XIV.
- G. Complete and accurate records shall be maintained for at least two (2) years by the operator of the aquaculture facility and shall include the:
 - (1) Source of shellfish, including seed if the seed is from growing areas which are not in the approved or conditionally approved classification; and
 - (2) Water source, its treatment method, if necessary, and its quality in land based systems.

.03 Seed Production in Water Classified as Prohibited or Unclassified

Seed may come from any growing area, or from any growing area in any classification, provided that:

- A. The source of the seed, if from waters classified as prohibited or unclassified, is sanctioned by the Authority; and
- B. Operational Plan. Each aquaculture site that cultures seed in waters classified as prohibited or unclassified shall have a written operational plan. The plan shall be approved by the Authority prior

to its implementation and shall include:

- (1) A description of the design and activities of the culture facility;
- (2) The specific site and boundaries in which shellfish aquaculture activities will be conducted;
- (3) The types and locations of any structures, including rafts, pens, cages, nets, or floats which will be placed in the waters;
- (4) The species of shellfish to be cultured and harvested;
- (5) Procedures to assure that no poisonous or deleterious substances are introduced from the seed production activities; and
- (6) Corrective actions for addressing seed exceeding the maximum seed size as defined by the Authority.

.04 Aquaculture That Attracts Birds or Mammals

A. Operational Plan. Each aquaculture site that the Authority determines may attract sufficient birds and/or mammals that their waste presents a human health risk shall have a written operational plan. The plan shall be approved by the Authority prior to its implementation and shall include:

- (1) A description of the design and activities of the culture facility;
- (2) The specific site and boundaries in which shellfish aquaculture activities will be conducted;
- (3) The types and locations of any structures, including rafts, pens, cages, nets, or floats which will be placed in the waters;
- (4) The species of shellfish to be cultured and harvested;
- (5) Procedures to assure that no poisonous or deleterious substances are introduced from the aquaculture activities;
- (6) A description of the mitigation or deterrent measures to minimize the potential pollution impact of birds and/or mammals; and
- (7) Maintenance of the required records.

.05 Land Based Aquaculture

A. Operational Plan. Each facility shall have a written operational plan. The facility must obtain approval from the Authority prior to its implementation and shall include:

- (1) A description of the design and activities of the culture facility;
- (2) The specific site and boundaries in which shellfish culture activities will be conducted;
- (3) The types and locations of any structures, including rafts, pens, cages, nets, tanks, ponds, or floats which will be placed in the waters;
- (4) The species of shellfish to be cultured and harvested;
- (5) Procedures to assure that no poisonous or deleterious substances are introduced into the activities;
- (6) A program of sanitation, maintenance, and supervision to prevent contamination of the shellfish products;
- (7) A description of the water source, including the details of any water treatment process or method;
- (8) A program to maintain water quality, which includes collection of microbial water samples and their method of analysis and routine temperature and salinity monitoring (the bacterial indicator monitored shall be the same as used for monitoring growing areas);
- (9) If applicable, collection of data concerning the quality of food production (algae or other) used in the artificial harvest system; and

Cstaff1

A-167

From: Rhode Island Chapter <rhodeisland@backcountryhunters.org>
Sent: Thursday, June 8, 2023 11:16 PM
To: jwillis@crmc.ri.gov; bgoetsch@crmc.ri.gov; cstff1@crmc.ri.gov
Subject: BHA Re-Objection to 2020-04-037
Attachments: 2023 Re-Notice - BHA Opposition to 2020-04-037.pdf

All,

Find attached BHA's re-objection to aquaculture application 2020-04-037, which seeks to establish a commercial oyster-growing operation within Seapowet Cove. As you may recall, BHA originally objected to this application through correspondence on July 7, 2021, and because the concerns we raised at that point have not been addressed by the applicants our reasons for objection remain.

We look forward to continuing to engage in the consideration of 2020-04-037, and intend to provide sworn testimony before the Council when a public hearing is held.

Best,

Mike

Michael Woods
Saunderstown, RI
(908) 723-5339
Chair, New England Chapter [Backcountry Hunters & Anglers](#)



NEW ENGLAND BACKCOUNTRY HUNTERS AND ANGLERS

June 8, 2023

To: Jeffrey Willis, Executive Director, Rhode Island Coastal Resources Management Council (RI CRMC)
Ben Goetsch, Aquaculture Coordinator, RI CRMC
Via: cstaff1@crmc.ri.gov

Re: 2023 Re-Notice – BHA Opposition to 2020-04-037

Backcountry Hunters & Anglers (BHA) seeks to ensure North America's outdoor heritage of hunting and fishing in a natural setting. BHA's members recognize that our participation in, and the perpetuation of, our outdoor traditions relies primarily upon two things – access to places to hunt and fish, and abundant populations of fish and wildlife to pursue.

With these things in mind, we re-submit our objection to CRMC Application No. 2020-04-037, which seeks to establish a commercial oyster farm within Seapowet Cove in Tiverton. Additionally, we request that CRMC hold a hearing on this application, and intend to submit sworn testimony at that time.

As CRMC's files should show, BHA has previously objected to 2020-04-037 through correspondence submitted on July 7, 2021. Unfortunately, it does not appear as though the applicants have addressed any of the concerns we raised at that point, and as a result our rationale for objection remains.

While we don't necessarily feel that the proposed terms in 2020-04-037 would expressly violate any current RI General Law we do believe that approving the application would run afoul of the legislative guidance that the RI General Assembly has provided the council, which requires the balancing of development and protection of coastal resources including public access to achieve the maximum benefit to society. Our position remains that Seapowet Cove and the adjacent lands, including Sapowet Marsh Wildlife Management Area, provide both unique public access and a unique natural environment that warrants protection from development beyond nearly any other vicinity along the approximately 14 mile stretch of the Sakonnet River's eastern shore.

Given the considerable opposition to 2020-04-037 from the public we are hopeful that CRMC will schedule a public hearing on the application prior to proceeding, and we look forward to providing sworn testimony at that point.

Sincerely,

Michael Woods
Saunderstown, Rhode Island
rhodeisland@backcountryhunters.org

Rhode Island State Leadership Team Chair
New England Chapter Board
Backcountry Hunters and Anglers

Cstaff1

A-168

From: Jeff Willis CRMC <jwillis@crmc.ri.gov>
Sent: Friday, June 9, 2023 6:19 AM
To: cstaff1
Cc: Ben Goetsch
Subject: Fwd: Seapowet Oyster farm objection letter File #2020-04-037 (Bowen Application)

Thanks,
Jeff

Begin forwarded message:

From: John Edwards <jay@elect-jay.com>
Date: June 8, 2023 at 10:06:59 PM EDT
To: terry.gray@dem.ri.gov, jwillis@crmc.ri.gov
Cc: Kenny Mendez <kenneth.mendez@gmail.com>, cstaff@crmc.ri.gov, Kathleen Morgan <KMorgan@rilegislature.gov>
Subject: Fwd: Seapowet Oyster farm objection letter File #2020-04-037 (Bowen Application)

Directors Willis & Gray,

I write today on behalf of my constituents in House District 70, Tiverton and the thousands of southern New Englanders who enjoy the Seapowet Marsh Wildlife Management Area in strong opposition to the proposed Bowen oyster farm.

RIDEM was originally given a grant to secure the first part of this area in 1949, under the Truman Administration. This was an important acquisition of land that was hunted over extensively & abutted the entrance to the marsh where there was clamming and bait fishing. RIDEM again received another federal grant in 1956 for an acquisition of the Seapowet March as waterfowl habitat. Almost 2 years later, the Secretary of the Interior gave RIDEM another grant to acquire 55 acres to support public access to the area to permit public fishing & waterfowl hunting. This project was to include construction of parking for the public. RIDEM applied for & received numerous further grants and acquired more land around the mouth of the marsh including the Lacerda properties in 1996. It is in the Project Statement for the Lacerda acquisition that RIDEM states that the possible loss of wildlife habitat due to pressure to develop this area for housing, commercial & industrial purposes is a concern for the East Bay region. Currently the Seapowet Marsh Wildlife Management area contains 260+ acres.

It is important to show the history and intent of these purchases to document how RIDEM has consistently worked to protect this unique area, all surrounding the mouth of the Seapowet Marsh. Now, CRMC has entertained leasing an acre of the public's preserve in the heart of the mouth of the marsh entrance to a commercial oyster farm. The application would usurp 40% of the public shell fishing area for private commercial use and deny public clamming in this area. This area is used by kayakers, kite boarders, sailboarders, bait & fly fishing, and families who wade out to clam or just enjoy the shallow water at the mouth.

It is unconscionable that CRMC & RIDEM would allow the State's use & access to this beautiful and unique area to end in favor of just 2 individuals for a merely commercial purpose especially since the

point in acquiring this property was to preserve it from commercial development. The use of the area by thousands of Rhode Islanders will now be severely limited so just 2 people can block the center of this pristine area to make money. That is not what aquaculture leasing was intended to be. CRMC & RIDEM have been guardians of the public trust and in denying this application will continue to be the guardians we all expect and deserve.

I implore both of you to vote against this application and continue the public's use and access to all of the Seapowet Marsh & Wildlife Management Area on behalf of all Rhode Islanders.

Representative Jay Edwards
House District 70, Tiverton
Majority Floor Manager
Member House Finance Committee
Member House Labor Committee
Member House Municipal Govt Committee
Member Permanent Joint Committee on the State Lottery

A-169

Cstaff1

From: Maureen Morrow <mmorrowcnm@gmail.com>
Sent: Friday, July 7, 2023 6:12 AM
To: cstaf1@crmc.ri.gov
Cc: bowenp@cox.net
Subject: File 2020-04-037 Bowen Oyster Farm SUPPORT

To Whom It May Concern:

I will be brief. I live in Tiverton approximately 1 mile from the Seapowet Marsh. This area on both sides of the bridge have gained popularity with folks from near and far. It is an area of extraordinary beauty. So, I understand why people wish to be protective. But fishing and harvesting seafood along the Sakonnet River has a long, rich history.

I support the Bowen brothers establishing an oyster farm in this area. I have looked over the plans and am aware of the placement and dimensions of the submerged farming equipment. These are two local guys trying to make a living doing something that they enjoy. Our area has been overtaken by high priced real estate, exacerbated by COVID and the movement of folks from cities to the suburbs. Many local people who were raised in Tiverton and Little Compton cannot afford to live here. But that is getting into another issue.

I think that these brothers have waited long enough for a decision and I hope that the CRMC grants them the necessary permits to make a living where they live.

Sincerely,
Maureen Morrow
Tiverton



A-170

VIA EMAIL - terry.gray@dem.ri.gov

May 22, 2023

Terrance Gray, Director
RI Department of Environmental Management (RIDEM)
235 Promenade Street
Providence, RI 02908

Dear Director Gray,

We are writing on behalf of the New England Chapter of Backcountry Hunters and Anglers (BHA) and the Rhode Island Saltwater Angler's Association (RISAA). Together our organizations represent nearly 10,000 hunters and anglers who value recreational fishing and hunting opportunities in Rhode Island. Members of our organizations purchase hunting and fishing licenses from RIDEM to enjoy these activities, and we value the work the agency does to protect and enhance quality hunting and fishing opportunities for the public to enjoy in our state.

As you may know, a proposal for a commercial aquaculture lease (CRMC application 2020-04-037) within Seapowet Cove in Tiverton has recently been re-noticed to the public – almost three years since the most recent action by CRMC on the application. While little has changed regarding the proposal itself, which seeks to establish a ~1 acre oyster farm in wading-depth water, much has occurred outside of CRMC's consideration process. Resolutions and legislation have been introduced opposing the development at both the municipal and state levels, and the public has broadly opposed the proposal too. The hunting and fishing communities, who advocate for the conservation of fish and wildlife, the habitats that they depend upon, and access to the places where Rhode Islanders hunt and fish, have also unanimously opposed 2020-04-037. The public re-notice (Appendix 1) specifies that comments should be received by June 8, 2023, with a public hearing to be scheduled at a future date.

With these things in mind, BHA and RISAA **urge you as Director of RIDEM to recommend against and to oppose 2020-04-037**. Our request is based on new information related to the intended use of the area outlined in applications for federal assistance grant funding, and the likely conflicts that a commercial aquaculture operation would create with the terms of grants that have been used to acquire and preserve Seapowet Marsh WMA.

In making this request, we acknowledge that the Coastal Resources Management Council (CRMC) holds primary decision-making authority on the permitting of aquaculture, and RI General Law only requires that the Council consider the Director's recommendations in the terms outlined in § 20-10-5, related to the application's potential to cause adverse effects to marine life and the vitality of indigenous fisheries. However, 650-RICR-20-00-1, CRMC's Red Book, expands the Council's obligation, requiring them in 1.3.1 K 2a to give appropriate consideration to the Director's recommendations *"including, but not limited to"* the criteria

mentioned previously. As a result, we believe that the Director can have significant influence on CRMC's consideration of aquaculture applications beyond the specific criteria outlined in RI General Laws.

We will detail the relevant new information, and our concerns further below:

According to recently obtained files, the Department of Environmental Management has applied for and been granted funding through the Federal Aid in Wildlife Restoration Act (Pittman-Robertson or P-R) at least a half-dozen times to acquire and develop property in the vicinity of Seapowet Cove since around 1950. Of primary concern to the aquaculture issue are two projects – the “Cooke” project in 1958 (FW-3-L), and the “Lacerda” project in 1997 (FW-15-L). The state received \$19,000 and \$1,500,000 respectively in federal assistance to acquire the property that currently constitutes the shoreline boundary of Seapowet Marsh WMA outside of the Seapowet Avenue bridge (both grant applications are included as appendices to this letter).

In the proposal for the 1958 “Cooke” acquisition (Appendix 2) the Department clearly highlighted not only the value of the area for angling, but also acknowledged that a component of the acquisition involved launching boats – and presumably enabling fishing beyond the reach of casting from the shore. In the “Cooke” proposal the project was named “*Sakonnet River Marsh and Boat Launching Area*”, and the first justification provided with RIDEM's funding application was the area's value for recreational access to “*Striped Bass, black-backed flounder and black fish*”. Further, the application opined that if property were not secured by acquisition then access might be denied to the general public.

The 1997 “Lacerda” acquisition (Appendix 3) built on the state's holdings and includes a “Seapowet Management Area Project Statement” which further describes the Department's intent for use of the area. After documenting the disparity in the Department's holdings available for outdoor recreation between the east bay and mainland (3.1% of land area vs. 7.3%, respectively) to highlight the need for funding projects in the area, the application clearly states the Department's goals and objectives:

“These comparisons highlight the need to acquire additional lands in order to fulfill the objectives of the Division of Fish and Wildlife which include providing recreational opportunities for hunting, fishing, and compatible wildlife associated recreations for the citizens of the state.”

Beyond hunting and fishing, the application elaborates on what “compatible wildlife associated recreations” includes, stating:

“Wildlife observation and other non-consumptive forms of recreation will be enhanced by new acquisitions. The newly acquired habitats will protect these lands from potential development enhancing ability to observe and photograph wildlife and the natural habitats of the Sapowet area. Many forms of recreation are possible in the area ranging from such active forms as boating and photography to passive forms such as enjoying the aesthetics, scenery of the habitats and wildlife observation.

Use of the area by boat-based anglers is also highlighted in "Lacerda", stating:

"The fishing area consists of 26 acres of beach, marsh and tidal creeks abutting the Seapowet management area. The fishing area has parking for 20 to 30 cars. A cobblestone boat ramp is available for launching small powerboats, sailboats and cartopped boats. Shore fishing is available from over 2000 feet of natural beach facing the Sakonnet river and pier fishing is possible from the tidal creek bridge. Fishing for important recreational gamefish such as striped bass, bluefish and squeteague are very popular in this area. Other important recreational species include tautog and winter flounder.

While the "Cooke" and "Lacerda" projects don't represent the totality of the acquisition and development grants that have contributed to Seapowet Marsh WMA, they present a clear narrative that the Department's *intent* in seeking federal grants to acquire and develop the area was not limited to terrestrial conservation, recreation and usage, and that access to and usage of the adjacent waters, including beyond casting distance from shore, were a contributing factor highlighted in requests for federal assistance. **We are concerned that a commercial aquaculture operation in the immediate vicinity of Seapowet Marsh WMA will interfere with the very qualities, and recreational opportunities, that the Department highlighted to secure the funding used to acquire and develop Seapowet Marsh WMA.**

Respectfully, we request that the Director **send a letter to CRMC that recommends against and opposes 2020-04-037** based on the Department's responsibility to preserve and to protect its interests in the waters adjacent to Seapowet Marsh WMA so that the quality hunting and fishing opportunities that Rhode Islanders have enjoyed within Seapowet Cove for decades remain protected for future generations.

Thank you for your consideration.

Sincerely,

Michael Woods
Chair, New England Chapter Board
Backcountry Hunters and Anglers

Dawn Filiatreault Wood
President
Rhode Island Saltwater Anglers Association

Cc: Jason McNamee, Deputy Director for Natural Resources, RI DEM
Philip Edwards, Chief - Division of Fish and Wildlife, RI DEM
Representative John Edwards
Senator Lou DiPalma
Tiverton Town Council

Appendix 1 – CRMC Public Re-Notice for Application 2020-04-037



State of Rhode Island
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 RE-NOTICE

File Number: 2020-04-037 Date: May 9, 2023

This office has under consideration the application of:

John Bowen & Patrick Bowen
79 Shaw Road
Little Compton, RI 02831

for a State of Rhode Island Assent to construct and maintain: a 0.97-acre oyster farm using submerged bottom cages in Sapowet Cove. The first public notice for this application was on April 17, 2020. The applicants have modified the coordinates of the original site as described in the first public notice. This second public notice period is based upon the modified application submitted to CRMC on November 9, 2020. This modified version of the application has been reviewed by the Rhode Island Marine Fisheries Council and the Rhode Island Department of Environmental Protection consistent with the requirements of R.I. Gen Laws 20-10-5. The full CRMC Council will now consider this modified version of the application at a public hearing on a date to be determined after the close of this second public notice period. A copy of the modified application materials is attached. *Please note that all public comments previously submitted to CRMC on this application will remain in the file and will continue to be considered by the CRMC.*

Project Location:	Sakonnet River
City/Town:	Tiverton
Waterway:	Sapowet Cove

Plans of the proposed work are attached and can be requested at Cstaff1@crmc.ri.gov.

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

You are advised that if you have good reason to enter protests against the proposed work it is your privilege to do so. It is expected that objectors will review the application and plans thoroughly, visit site of proposed work if necessary, to familiarize themselves with the conditions and cite what law or laws, if any, would in their opinion be violated by the work proposed.

If you desire to protest, you must attend the scheduled hearing and give sworn testimony. A notice of the time and place of such hearing will be furnished you as soon as possible after receipt of your request for hearing. If you desire to request a hearing, to receive consideration, it should be in writing (with your correct mailing address, e-mail address and valid contact number) and be received at this office on or before June 8, 2023.

Please email your comments/hearing requests to: cstaff1@crmc.ri.gov; or mail via USPS to: Coastal Resources Management Council; O. S. Government Center, 4808 Tower Hill Road, Rm 116; Wakefield, RI 02879.

Appendix 2 - "Cooke" Application for Federal Assistance (FW-3-L)

STATE Rhode Island
 PROJECT FW-3-L
FW 3-L

FEDERAL AID IN FISH AND WILDLIFE RESTORATION

PRELIMINARY PROJECT STATEMENT

LAND ACQUISITION

DATE FEB 28 1954

The Secretary of the Interior

Washington, D. C.

Sir:

The State of Rhode Island by and through the Department of Agriculture and Conservation, Division of Fish and Game constituting the State Fish and Game Department, and pursuant to the Federal Aid in Fish and Wildlife Restoration Acts (64 Stat. 430) and (50 Stat. 917) and to the Rules and Regulations of the Secretary of the Interior made and published thereunder, does hereby submit this statement describing a fish and/or wildlife land acquisition project and requests authorized financing thereof. Said project is proposed as a means of promoting efficient management of fish and/or wildlife resources, and will be executed under the provisions of said Act(s) and said Rules and Regulations.

A. Name of project: Sakonnet River Marsh and Boat Launching AreaB. Project location:

- 1) County: Newport
- 2) Project area is immediately west of Sakonnet Marsh and is approximately 2½ miles south of Tiverton, R. I., and 8½ miles south of Fall River Mass.
- 3) Map: Three copies enclosed.

C. Project Justification:

- 1) (a) Striped Bass, black-backed flounder and black fish
 (b) Waterfowl and fur bearers
- 2) The area concerned is heavily utilized by fishermen and duck hunters. At present there is no access problem. However, it is felt that unless the area is acquired the marsh will be filled in for developments in the near future, and access denied to the general public.
- 3) None available
- 4) Does not apply

D. Management Plans

- 1) To permit public fishing and waterfowl hunting.
- 2) Parking areas will be constructed and level ditching is contemplated on the marsh.
- 3) None

E. Project description:

- 1) Total acreage: 55 acres
- 2) Tracts in unit: 5
- 3) Tract ownership: Private
- 4) Cover type

agriculture	10%
marsh	75%
brush	5%
ponds	10%
- 5) Does not apply
- 6) " " "
- 7) " " "
- 8) " " "

F. Estimated acquisition costs

- 1) Dry lands \$16,000
- Marsh and ponds 3,000
- Total - \$19,000

Acquisition by purchaseG. Prorating charges

Dingell-Johnson (D-J)	\$8,000	34%
Pittman-Robertson (P-R)	11,000	66%

H. Names of State and Federal employees who examined area:
Thomas J. Wright, John M. Cronan, Albert A. Zurlinden

Assurance is given that the foregoing information concerning the project herein described is presented to the best ability of the State Fish and Game Department, and all applicable provisions of the State laws have been fully complied with.

Respectfully submitted:

Division of Fish & Game

By

Thomas J. Wright

Chief

MAR 4 1958

Approved: Date

SECRETARY OF THE INTERIOR

By

DR. [Signature]
Regional Director, Bureau of
Sport Fisheries and Wildlife*mhm*

Appendix 2 - "Lacerda" Application for Federal Assistance (FW-15-L)

APPLICATION FOR
FEDERAL ASSISTANCE

OMB Approval No. 0346-0043

1. TYPE OF SUBMISSION: ☒ Application ☐ Construction		2. DATE SUBMITTED 6/9/97		Applicant Identifier RECEIVED	
☐ Preapplication ☐ Construction		3. DATE RECEIVED BY STATE		State Application Identifier JUN 25 1997	
☐ New Construction ☐ Non-Construction		4. DATE RECEIVED BY FEDERAL AGENCY		Federal Identifier FW-15-L	
5. APPLICANT INFORMATION				Organizational Unit	
Legal Name RI/DWM - Division of Fish and Wildlife				Name and telephone number of the person to be contacted on matters involving this application (give area code) John F. O'Brien, Deputy Chief	
Address (give city, county, state, and zip code) 4808 Tower Hill Rd. Wakefield [Washington], Rhode Island 02879					
6. EMPLOYER IDENTIFICATION NUMBER (EIN) 05-6000572				7. TYPE OF APPLICANT (enter appropriate letter in box) ☒ A	
8. TYPE OF APPLICATION ☒ New ☐ Continuation ☐ Revision If Revision, enter appropriate letter(s) in box(es) ☐ ☐ A. Increase Award E. Decrease Award C. Increase Duration D. Decrease Duration Other (specify): 1 5 6 1 1				A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School Dist. I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify):	
9. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER 1 5 6 0 5				10. NAME OF FEDERAL AGENCY U.S. FISH AND WILDLIFE SERVICE	
11. TITLE FISH & WILDLIFE RESTORATION				12. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT SAPOWET MANAGEMENT AREA	
13. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.) TIVERTON, RI					
13. PROPOSED PROJECT		14. CONGRESSIONAL DISTRICTS OF:			
Start Date 7/1/97	Ending Date 6/30/07	a. Applicant Second		b. Project Second	
15. ESTIMATED FUNDING		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?			
a. Federal	\$ 1,500,000.00	a. YES THIS PREAPPLICATION APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE 6/9/97			
b. Applicant	\$.00	b. NO ☐ PROGRAM IS NOT COVERED BY E.O. 12372			
c. State	\$ 500,000.00	☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW			
d. Local	\$.00				
e. Other	\$.00				
f. Program Income	\$.00	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?			
g. TOTAL	\$ 2,000,000.00	☐ Yes If "Yes" attach an explanation ☒ No			
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.					
a. Typed Name of Authorized Representative John F. O'Brien		b. Title Deputy Chief		c. Telephone number 789-3094	
d. Signature of Authorized Representative				e. Date Signed 6/9/97	

RECEIVED

JUN 25 1997

FEDERAL AID

PROJECT STATEMENT

State: Rhode Island

Project title: Sapowet Management Area

A. Need:

The Sapowet Management Area is located on the easterly side of the Town of Tiverton, R.I., bordering the Sakonnet River, the eastern most entrance into Narragansett Bay (figures 1, 2, 3). The Tiverton - Little Compton region is unique by its location at the eastern limits of the state with land access only from Massachusetts and access from the rest of Rhode Island by a series of bridges that connect it to the mainland via the Sakonnet, Newport and Jamestown Bridges or to northern R.I. population centers via the Mt. Hope Bridge. The Division of Fish and Wildlife currently owns and manages 45,861 acres statewide for hunting, trapping, fishing and compatible fish and wildlife related recreations. Fish and wildlife management areas in Bristol - Newport Counties (the East Bay region), the area which comprises the Sapowet Area, total 2,616 acres or 3.1 % of the total land area of that region (83,830 acres). By comparison fish and wildlife management areas for mainland Rhode Island, comprising Providence, Kent and Washington counties, totals 43,151 acres or 7.3 % of the total land area of the region.

Population projections for Bristol and Newport counties prepared by the R.I. Division of Planning indicate that the human population will increase by 13,011 to 148,094 residents by the year 2020, an 8.8% increase. The human density for this area considering the projections is 1130 people per square mile, compared with 998 people per square mile on a statewide basis.

These comparisons highlight the need to acquire additional lands in order to fulfill the objectives of the Division of Fish and Wildlife which include providing recreational opportunities for hunting, fishing and compatible wildlife associated recreations for the citizens of the state. The Sapowet Area is easily accessible to population centers located in the Newport-Middletown-Portsmouth and Bristol-Providence regions. Public areas open to hunting, fishing and trapping in the East Bay region are limited causing the potential for crowding due to the limited area available. Hunting, fishing and associated wildlife recreation opportunities are in great demand as public lands are increasingly sought after by a growing number of participants in these activities. During summer months, the human population increases further as tourists flood into the state placing further demands on existing public lands. According to a 1991 National Survey of Fishing hunting and Wildlife Associated Recreation in Rhode Island, 97 thousand residents spent an average 20 days each fishing, 16 thousand residents spent an average 21 days hunting and 368 thousand enjoyed non-consumptive forms of wildlife associated recreation.

Another related concern for the East Bay region, resulting from the increase in human population, is the loss of wildlife habitat that occurs as a result of pressure to develop the land for housing, commercial and industrial purposes. The loss of habitat resulting from

these development pressures threatens the conservation of fish and wildlife values in the area, demanding action in order to counteract these negative consequences

B. Objective

To identify, evaluate, and acquire properties in the Sapowet Management

Boundary Area (figure 4) that provide important fish and wildlife habitat values and which support public recreation for hunting, fishing and compatible fish and wildlife associated recreational activities

C. Expected Results and Benefits

Wildlife

The Sapowet Management Area was acquired in several parcels during the late 1950's and early 1960's. The management area has not been added to since that time. Expansion of the area is necessary in order to fulfill the divisions objectives to acquire properties that provide important fish and wildlife habitat values and which support hunting, fishing and other compatible recreations. Additional acquisitions of land will serve to protect the ecological integrity of the overall Sapowet area and provide for the addition of upland habitats on which to implement wildlife management practices.

A significant portion of the existing management area is comprised of salt marshes and brackish water areas. Most of the surrounding uplands to the north and east are farmland which is privately owned and vulnerable to development pressures. Acquisition of these areas will afford the opportunity to extend protection to these habitats which in turn will provide new wildlife habitats that can be developed to enhance hunting and fishing opportunity as well as serve as a vital buffer to the salt marshes that form the core of Sapowet management area.

Parcels will be acquired within the boundary as they become available. We will immediately acquire approximately 42 acres of prime farmland habitat (Lacerda farm) comprised of cultivated fields, pastures and hedgerows. The area will be operated as a wildlife management area and public hunting area (figure 5).

The farmland habitats will be maintained by way of continued farming practices through a lease to a local farmer. Special lease conditions will be designed in order to allow farming of agricultural row crops and pasture such as corn, potatoes, vegetables, hay or silage. Turf grass will not be permitted to be grown on the farmland due to its limited contribution to wildlife habitat values and concerns for soil depletion. Approximately 30 of the acres will be cultivated in this way with the balance maintained in hedgerows and non tillable wet areas bordering wetlands.

The Sapowet marsh attracts a variety of resident and migratory waterfowl (ducks and geese) and supports hunting for these species during fall seasons. A small number of duck blinds (4 or 5) are built and maintained on the marsh for this purpose. The multiple tidal creeks and potholes within the marsh provide many other potential blind setups for

hunters using small boats and canoes. During winter, black duck is the primary duck species using Sapowet salt marsh with other species including American widgeon, gadwall, mallard and mergansers also found there.

Canada goose populations, particularly resident birds, have grown significantly in numbers in the state over the last several years with substantial populations using the east bay region. Presently, opportunities to hunt geese from field blinds over decoys is limited to private property. We plan to establish two or three pit blinds in the newly acquired agricultural fields to the northwest of Sapowet Marsh that will support waterfowl (goose and duck) hunting. A hunting program will be established similar to one operated on the South Shore Management Area where blinds are reserved for full or half day hunting by parties who make some form of advanced reservation and are required to hunt with decoys. Recently, the closure of the regular goose season has severely curtailed hunting opportunities for these species. Special early or late goose seasons for resident birds have additional restrictions placed on them in the east bay region due to migrant geese mixing with resident flocks. Once the regular goose season is restored, potentially 420 hunter days of goose hunting could be supported by the newly acquired fields. An additional 250 days of waterfowl hunting will be provided by the Sapowet marsh area.

Upland and small game species in the area include pheasant, woodcock and cottontail rabbit. Ring-neck pheasant are stocked at the Sapowet management area during the hunting season as a put and take hunting opportunity. Pheasant stocking takes place along the narrow state property bordering the salt marshes with much of the hunting occurring in private unposted fields northwest of the management area. The new land acquisitions will permit improvement of stocking operations by distributing birds into new habitats, dispersing the hunting pressure and improving the quality of the hunting. We expect that the area will support 350 to 400 hunter days of pheasant hunting and 100 days of small game hunting annually.

Wildlife observation and other non-consumptive forms of recreation will be enhanced by new acquisitions. The newly acquired habitats will protect these lands from potential development enhancing ability to observe and photograph wildlife and the natural habitats of the Sapowet Area. Many forms of recreation are possible in the area ranging from such active forms as boating and photography to passive forms such as enjoying the aesthetics, scenery of the habitats and wildlife observation. The Sapowet area, with the new acquisition, is expected to provide at least 500-600 days of non-consumptive recreation annually.

Fisheries

The Division of Fish and Wildlife owns and maintains the Sapowet Fishing Area which is located north of the tidal creek into Sapowet marsh and west of Puncatest Neck Road bordering Sakonnet river. The fishing area consists of 26 acres of beach, marsh and tidal creeks abutting the Sapowet management area. The fishing area has parking for 20 to 30 cars. A cobblestone boat ramp is available for launching small powerboats, sailboats or cartopped boats. Shore fishing is available from over 2000 feet of natural beach facing

the Sakonnet river and pier fishing is possible from the tidal creek bridge. Fishing for important recreational gamefish such as striped bass, bluefish and squeteague are very popular in this area. Other important recreational species include tautog and winter flounder. Area use:

D. Approach :

The Division of Fish and Wildlife will identify and evaluate parcels which meet the objectives of this plan. All properties acquired in this area will be managed and controlled by the Division of Fish and Wildlife. The Division will work in cooperation with other agencies within the Department of Environmental Management as well as private organizations such as the Nature Conservancy and Champlin Foundation to acquire properties which extend the objectives outlined in the plan.

Properties will be acquired by using one or a combination of methods within the project area as follows:

1. Purchase fee simple with seller donation (in-kind match). The seller in this method would donate 25% of the property's value to the Division. This donated value would become the match necessary for acquisition via Pittman-Robertson / Dingle-Johnson Projects.

2. Purchase fee simple with state funds. The Division will acquire parcels of land, as they become available, at their appraised value, using state moneys as the 25% match for Pittman-Robertson / Dingle-Johnson Projects.

3. Control of land without purchase. In this method, land within the acquisition area would be controlled by one of the following methods: conservation easement, donation of development rights or life use of property.

The Division will attempt to acquire additional parcels as they become available which are within the acquisition boundary (an area of approximately 750 acres) in order to expand Sapowet Management area and further the objectives of the Division. With the addition of the Lacerda farm, the Division will own and manage approximately 234 acres or 31% of the area within the acquisition boundary.

Key personnel for this project are:

Michael Lapisky, Deputy Chief Wildlife Resources, Federal Aid Coordinator

John O'Brien, Deputy Chief Freshwater Fisheries

Brian Teth, Principal Wildlife Biologist

Lisa Pontek, Land Acquisition Supervisor

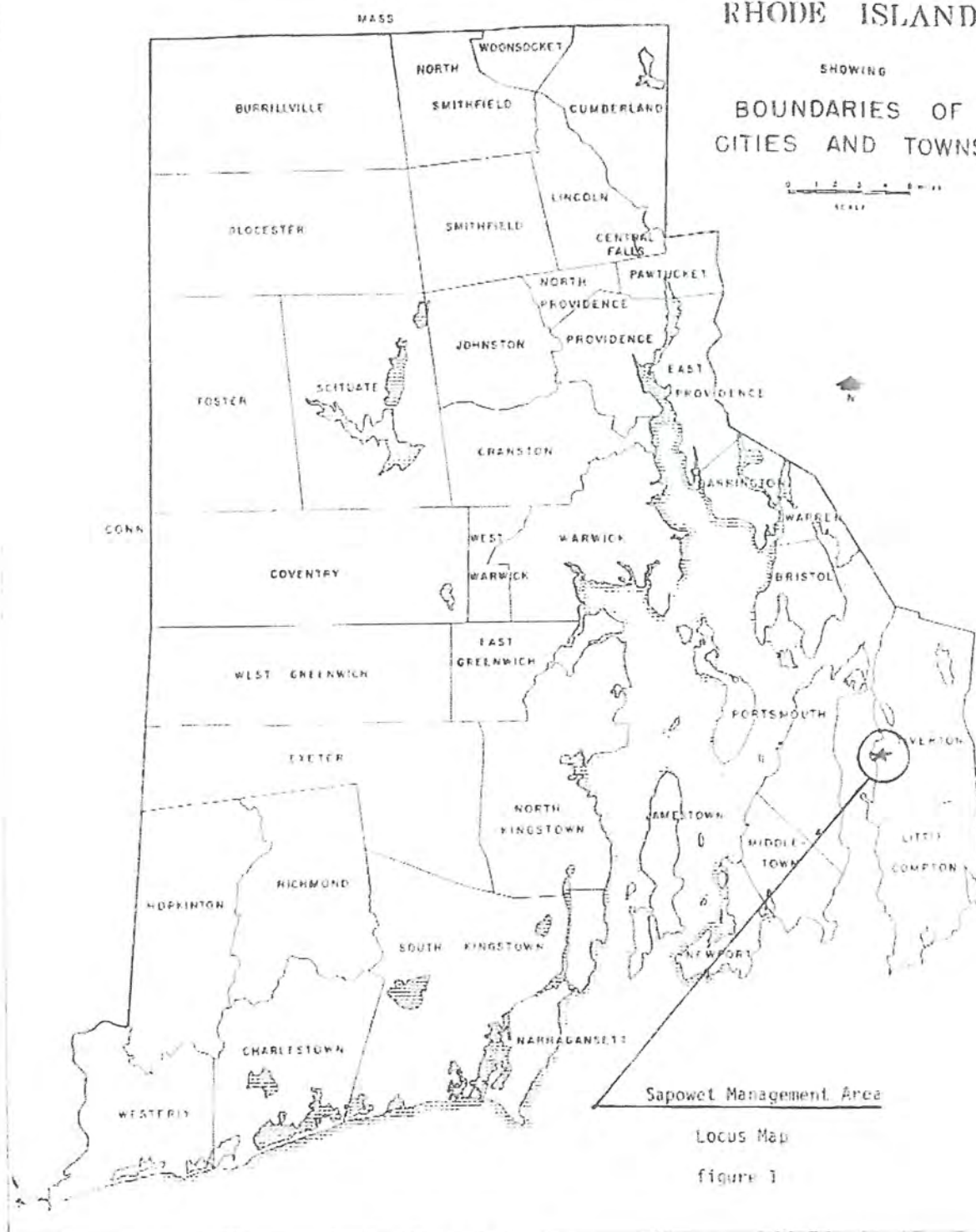
Jay McGuinn, Associate Civil Engineer

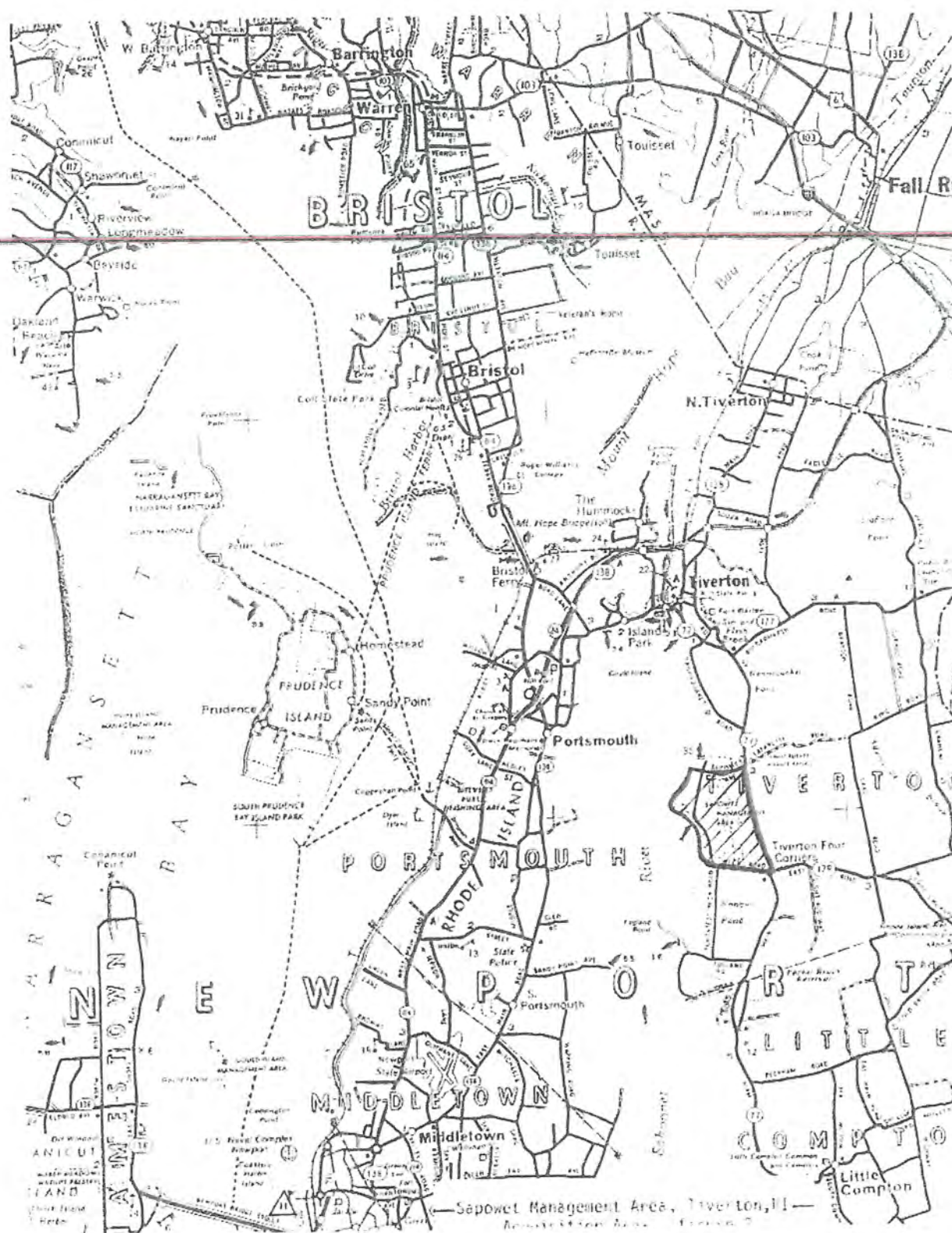
E. Location:

The location of the Sapowet Management Area is shown on the following series of maps (figures 1,2,3,4)

MAP OF THE STATE OF RHODE ISLAND

SHOWING
BOUNDARIES OF
CITIES AND TOWNS





SAPOWET MARSH

Wildlife Management Area

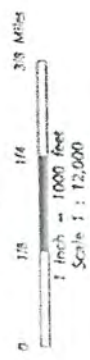
Department of Environmental Management

Division of Fish and Wildlife

Figure 3



- Wildlife Management Area
- Streams
- == Paved Roads
- Dirt Roads
- Lakes and Ponds



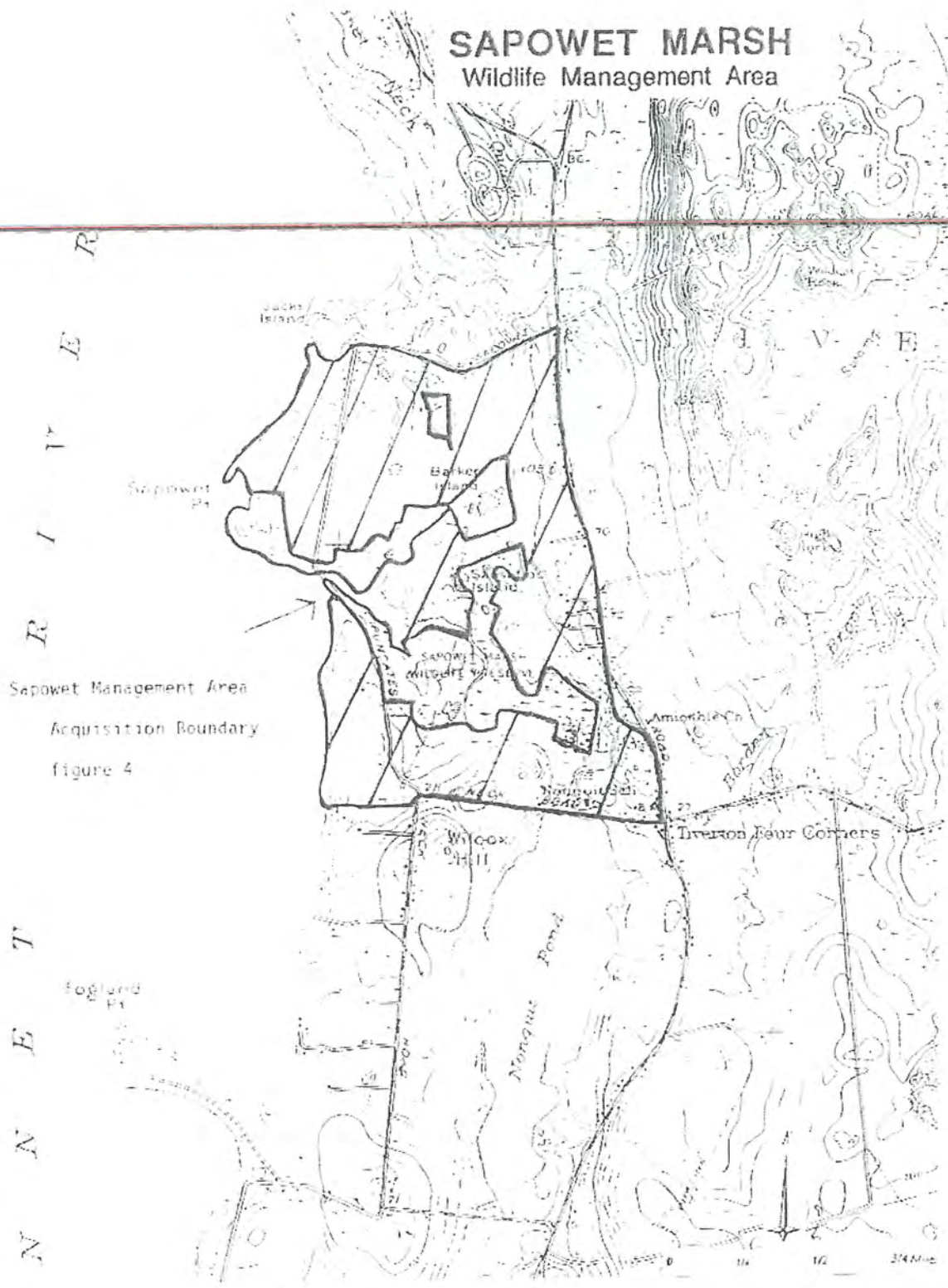


figure 5

**RHODE ISLAND FISH AND WILDLIFE
LACERDA PROPERTY- TIVERTON, R.I.
MANAGEMENT PLAN**

Prepared by Brian C. Tefft, Principal Wildlife Biologist, October 25, 1996

Management Statement: The Lacerda Property shall be incorporated into the existing Sapowet Management Area and shall be managed to provide wildlife habitat and recreational opportunities and access for hunting, fishing and compatible non-consumptive users.

Habitat Management and Maintenance

The property will be maintained as an active farm with farming activities to compliment the goal of wildlife habitat management and providing access for hunting and compatible non consumptive recreations. Farming will be maintained by leasing the land to a qualified farmer through an agricultural lease. R.I. Fish and Wildlife will, on an as needed basis, mow or brush back field edges to be determined by the management biologist.

Agricultural Leases: In order to maintain the agricultural land use on the property, Fish and Wildlife will lease those portions of the property suitable for crops to a qualified farmer. The following lease conditions will apply to farming on this parcel.

The Lessee shall use the premises only for the purpose of raising and harvesting agricultural products. The Premises may not be used for any other purpose unless such other use is approved in writing by the State. The Lessee will comply with the following special conditions:

- a. No turf grass shall be permitted to be grown on the premises.
- b. Lessee shall apply lime and fertilizer in accordance with best management practices.
- c. A total of 40(+/-) tillable acres are to be planted, as follows.

Fields A,B,C,D (32+/- acres - see attached map) Acreage shall be farmed to grow annual row crops consisting of either corn, potatoes, vegetables or hay/silage crops (alfalfa). If field C is leased by a non-corn producer, the lessee shall plant a 100 foot wide corn strip running in an east west direction from Scapowet Avenue to the boarder of the Sapowet Marsh/ edge of field. Lessee may harvest half the width of the corn strip and but shall leave half the width (50 feet)

Lessee shall plant an annual cover crop of winter rye at the rate of 100 pounds per acre immediately following the harvest of the principal crop but no later than September 30 of each year

Field E (4 +/- acres). Shall be planted annually to buckwheat at the rate of 60 pounds per acre (one half total acreage) and sunflower at the rate of 25 pounds per acre (one half total acreage). Lessee shall leave standing for wildlife the entire crop so planted in field E. Crops shall be fertilized at the rate of 250 pounds per acre 10-20-20

d. The Lessee shall comply with all regulations of the Rhode Island Pesticide Control Act of 1976

Wildlife Management and Hunting:

Upland Game. Upland and small game include pheasant, woodcock and rabbit. The goal for these species is to maintain a diversity of habitats that meet the requirement of these animals. Habitat will be provided in accordance with the management of farming land use described above in the habitat management section. Hunting for upland game will be allowed on the management in accordance with established seasons. In addition, R.I. Fish and Wildlife will annually stock pheasant on the property during the hunting season. Hunting and stocking of pheasant is a well established and long standing practice at Sapowet Management Area.

Waterfowl. The adjacent Sapowet Marsh attracts a variety of resident and migrating waterfowl (ducks and geese). The agricultural practices described above will maintain fields in condition so that they will provide additional feeding habitats that may be used by waterfowl. R.I. Fish and Wildlife will explore potential sites within the agricultural fields for establishment of one, possibly two pit blinds to duck and goose hunting.

Non-Game Wildlife. Non-game wildlife include all remaining species of mammals, birds, reptiles, amphibians and insects that inhabit the management area. The property currently provides habitat for many of these wildlife which will continue, compatible with the overall habitat management plan described above.



Lacorda Farm, Tiverton R.I.

A = 10.0 acres

B = 3.0 acres

C = 12.0 acres

D = 1.0 acres

3-11-85

NEPA COMPLIANCE CHECKLIST

State: RHODE ISLAND Grant/Agreement Number: FW-15-L

Grant/Project Name: SAPOWET MANAGEMENT AREA

Will this proposal:

Yes No

- X a. Adversely affect floodplains or wetlands or require compliance with Executive Order 11988 (Floodplain Management), or Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?

- X b. Have adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species or have adverse effects on designated critical habitat for these species?

- X c. Have adverse effects on historic or cultural resources or properties listed or eligible for listing on the National Register of Historic Places?

- X d. Adversely affect unique geographic characteristics such as park, recreation, or refuge lands, wilderness areas, wild or scenic rivers, sole or principle drinking water aquifers, prime farmlands, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks?

- X e. Have significant adverse effects on public health or safety?

- X f. Have highly uncertain environmental effects or involve unique or unknown environmental risks?

- X g. Have highly controversial environmental effects?

- ☐ ☒ h. Be related to other actions with individually insignificant, but cumulatively significant environmental effects?
- ☐ ☒ i. Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment?
- ☐ ☒ j. Establish a precedent for future action or represent a decision in principle about a future consideration with significant environmental effects?

This proposal ☒ is; ☐ is not completely covered by categorical exclusion: No. 1-4A,
Department of the Interior, 516 DM 6 Appendix 1. No. 4

An Environmental Assessment ☐ is, ☒ is not, attached.

Project Leader: _____

Date: 6/9/97

State Authority Concurrence: _____

Date: _____

Within the spirit and intent of the Council of Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA) and other statutes, orders, and policies that protect fish and wildlife resources, I have caused the above administrative record to be established and have determined that the project

☒ is categorically excluded as provided by 516 DM 6 Appendix 1. No further documentation will be made.

☐ is not completely covered by the categorical exclusions as provided by 516 DM 6 Appendix 1.

Exceptions:

Honley
Staff Specialist Division of Federal Aid

7/7/97
Date



U.S. FISH AND WILDLIFE SERVICE
Division of Federal Aid

ASSURANCES

Note: Certain of these assurances may not apply to your project or program. If you have questions, please contact the Regional Director of the U.S. Fish and Wildlife Service. Further, if you are required to certify to additional assurances, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Title II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11980; (d) evaluation of flood hazards in flood plains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historical Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

**ADDITIONAL ASSURANCES GENERALLY APPLICABLE TO CONSTRUCTION,
LAND ACQUISITION, OR LAND DEVELOPMENT**

1. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.
2. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications, and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.
3. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL <i>[Signature]</i>	TITLE <i>Deputy Chief</i>
APPLICANT ORGANIZATION <i>Dem / Feh & Wilske</i>	DATE SUBMITTED <i>6-9-92</i>

RHODE ISLAND DIVISION OF PLANNING
One Capitol Hill
Providence, Rhode Island 02908
(401) 277-2093

NOTICE OF DETERMINATION

JOHN O'BRIEN
RIDEW
DIVISION OF FISH AND WILDLIFE
4808 TOWER HILL RD
WAKEFIELD RI 02879

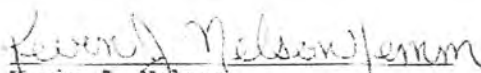
Date: 10 June 1997 S.A.I.: DEM-97-12

Project: Sapowet Management Area

We are pleased to notify you that the review of your above identified application has been completed. It is in conformance with applicable state plans and does not conflict with other plans of which we are aware. Therefore, we recommend that the project be accepted for federal financial assistance.

This action has been taken in accordance with the rules and regulations governing the Intergovernmental Review Process adopted by the State Planning Council pursuant to Presidential Executive Order 12372.

The application, the state process determination, and all supporting documentation are available at the Rhode Island Division of Planning.


Kevin J. Nelson
Review Coordinator

DOP-017 (1/90)