



State of Rhode Island
Coastal Resources Management Council
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RHODE ISLAND COASTAL RESOURCES MANAGEMENT COUNCIL
 REPORT OF FINDINGS -- PRELIMINARY DETERMINATION

STATEMENT OF LIMITATIONS

The contents of this staff determination report shall be valid only for the period on and preceding the date of this report. This report is neither an approval nor denial of the subject proposal. It is an evaluation of CRMC regulations in effect as of January 13, 2025 as they pertain to the below stated proposal, including preliminary staff recommendations.

Modifications to the below stated proposal may, upon the discretion of the CRMC, render this determination null and void.

APPLICANT INFORMATION

NAME: Rocky Rhode Oyster Co., LLC. **CRMC FILE NO.** D2024-10-057
LOCATION/POLE: Dutch Harbor
CITY/TOWN: Jamestown

CONTACT PERSON(S) & ADDRESS:

Rocky Rhode Oyster Co., LLC.
 722 Curtis Corner Road
 Wakefield, RI 02879

PRELIMINARY REVIEW INFORMATION

PROPOSAL: Oyster Farm Expansion

PLAN(S) REVIEWED: Plans Stamped 10/16/24

INVESTIGATOR B. Goetsch **DATE** : 12-11-24 **TIME** 5:30

MEASUREMENTS & OBSERVATIONS:

PREVIOUS CRMC ACTIONS FOR SITE: CRMC# 2019-12-055

Preliminary Buffer and Setback Requirements: NA

SETBACK (ref. Section 1.1.7 Red Book)

BUFFER (ref. Section 1.1.9 Red Book)

NAME: **Rocky Rhode Oyster Co., LLC**

CRMC FILE NUMBER: **D2024-10-057**

Note: **Setbacks** apply to “construction related activities” including filling, removing, and grading (ref: Section 1.3.1(B) Red Book). The coastal program requires a minimum setback of either 50’, or the buffer zone width plus 25’ (whichever is greater). Work within this minimum setback will require a variance per Section 1.1.5 of the Red Book. All variances must be requested in writing. No construction or construction related work shall occur within the required setback (exemptions include structural shoreline protection, outfalls and water dependant uses). Work within the required setback may require a Category “B” review (public notice and decision by the full coastal council) and would likely result in adverse CRMC staff recommendations to the Coastal Council during the review process.

Buffer zones are areas that must be retained in, or allowed to revert to, “an undisturbed natural condition.” All structures (excluding accessory structures) should be setback a minimum of 25’ from the buffer zone to allow for access, fire protection and maintenance without infringement into the buffer.

If applicable, the plan must show “area of land within 50 feet” in accordance with Rule 5.04 of The Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast (the Rules), and label this area as a “buffer zone” in accordance with Rule 5.14. In addition, no activities (such as: drainage, grading, filling, etc.) may affect the freshwater wetland or the buffer zone. Where such alterations occur, or are proposed, an application shall be submitted in accordance with CRMC’s Freshwater Wetland Rules.

Coastal Hazard: In accordance with Section 1.1.10, the applicant is encouraged to utilize CRMC’s “STORMTOOLS” mapping feature to better understand the impact of current and future Sea Level Rise and Storms on the subject property. Also, in accordance with Section 1.1.6(I), the applicant is required to complete a “Coastal Hazards Worksheet” to further understand the impact of climate change on a proposal (<http://www.crmc.ri.gov/coastalhazardapp.html>). While the RICRMP does not yet require structures to be designed for SLR scenarios, the applicant should consider SLR, Climate Change, and design life expectations in design planning.

Coastal feature verification shall be valid for one-year from the date of this Determination or until an erosion event (e.g., due to storm event, landslide, man-induced alteration, etc.) occurs that alters the coastal feature.

SUMMARY OF FINDINGS

CRMC JURISDICTION: YES

TYPE WATER: 4 Multi-Purpose

For the purpose of this review the coastal feature(s) shall be:
Submerged land.

Applicability of Red Book and SAM Plans (as amended):

Red Book Sections: 1.3.1(K)

SAMP: NA

STAFF CONCERNS/COMMENTS/INFORMATION REQUIREMENTS:

This preliminary determination (PD) application was reviewed at the December 2024 Jamestown Harbor Commission meeting.

This application is for a 3.5-acre expansion of an existing oyster farm using floating gear Type 4 waters. The application proposes using the FlipFarm low-profile floating baskets and bottom cages for oysters and bay scallops. The application also proposes the cultivation sugar kelp during the month of Nov to May. Most of the site would be for the FlipFarm baskets with 17 lines dedicated to that gear type. DEM had no objections to the site location but expressed a concern regarding gear interacting or coming free during adverse weather conditions.

Notice of the PD meeting was sent out on the CRMC Aquaculture Listserv 30 days ahead of the meeting date. One email was received in response from Sharon Prudie on West Wind Drive which stated that

NAME: **Rocky Rhode Oyster Co., LLC**

CRMC FILE NUMBER: **D2024-10-057**

Dutch Island Harbor has become “overfarmed” and her objection was based on her observations that oyster farms in the area have reduced the entrance to Dutch Island Harbor making navigation difficult for recreational sail boats. No definition or evidence of over farming was presented in the comments. The current proposal however is well within the aquaculture area and does not project any further into Dutch Island Harbor than the already permitted sites in this area, such as the Silkes site to the east which is well marked with hazard buoys.

The PD meeting itself resulted in little discussion and revealed very few issues with the application. One mariner in attendance had concerns about sail boats navigating into the harbor near the aquaculture area with another farm added. When the precise location of the proposal was shown to her it was made clear that it did not extend any further West than the existing leases (i.e. the Silkes site). This fact should be emphasized and clearly shown in a full application to avoid confusion concerning the cumulative impact of the proposal. CRMC’s recommendation was to widened the distance between the site and Seakist in order to create a fairway within the buffer that can be used by the other farmers, the public to reach the shore, and for CRMC to aid in inspection.

Recommendations for full application:

1. Use location maps showing and detailing distances from all other approved farms and shoreline.
2. If possible, work with the other farmers in the area to coordinate and ensure that any buffer zones between leases are satisfactory to all to avoid objections. Please note, it may be necessary to adjust corners and the overall lease size to accommodate agreeable buffer zones,
3. If possible, create fairways that can be used to access the shoreline by the public, particularly between the Seakist site. They need not be marked on the water but should be identified in plans if possible.
4. Show dimensions for all gear types in diagram form or annotated photos.
5. Expect objections from residents of West Wind Drive and possibly other members of the community. In a full application, address the concerns related in the Prudie email where possible. Reaching out to concerned residents in the community before submitting a full application is recommended by Staff but not required. It should be noted that residents of West Wind Drive were involved in mediation with the previous owner of Walrus and Carpenter (WC) that resulted in relocating the old WC site to a new location which they agreed not to object to.
6. Reconsider the addition of kelp. While CRMC has no issue with this request, the ACOE authorization for this project may be delayed given current policies. Staff recommend pursuing kelp as a later modification to the site if this application is approved.
7. For purposes of Army Corps review and consultation with NMFS, please include the following details:
 - a. List the number, types, and either diameter or square footage of each kind of bottom anchor you plan to use; and
 - b. Provide a total calculation of all vertical lines, both for bottom cages and anchoring systems. Include diameter and breaking strength if known

SIGNATURE: _____ Aquaculture Coordinator