

CRMC DECISION WORKSHEET

2001-02-025

Cedar Island Oyster Co

Hearing Date:	
Approved as Recommended	
Approved w/additional Stipulations	
Approved but Modified	
Denied	Vote

APPLICATION INFORMATION						
File Number	Town	Project Location		Category	Special Exception	Variance
2001-02-025	Narragansett	Point Judith Pond		B	☐	☐
		Plat	NA			
		Owner Name and Address				
Date Accepted	March 31, 2026	Cedar Island Oyster Co		Work at or Below MHW		☒
Date Completed	August 24, 2026	c/o John & Cindy West 5 Plantation Drive Saunderstown, RI 02874		Lease Required		☒

PROJECT DESCRIPTION

Modification of assent to add floating gear to 2.3 acre lease.

KEY PROGRAMMATIC ISSUES

Coastal Feature: Submerged Land

Water Type: Type 2, Low Intensity Use

Red Book: 1.3.1(K)

SAMP: NA

Variances and/or Special Exception Details:

Additional Comments and/or Council Requirements:

Specific Staff Stipulations (beyond Standard stipulations): \$20,000.00 Performance Bond required.

STAFF RECOMMENDATION(S)

Aquaculture
Staff

BJG

Recommendation:

Approval

Executive Director Sign-Off

date

Staff Sign off on Hearing Packet

date

[Signature] 31 AUG 2026

[Signature]

8-24-26



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

DATE: July 29, 2026
TO: Jeffrey M. Willis, Executive Director
FROM: Benjamin Goetsch, Aquaculture Coordinator
SUBJECT: CRMC File No. 2001-02-025 (Aquaculture Assent Modification)

Applicant's Name:	John and Cindy West, Cedar Island Oyster Co.
Project:	Modification of aquaculture assent to add six horizontal floating lines of five-hundred low-profile baskets (FlipFarm®) for the cultivation of eastern oysters within the existing 2.3-acre lease.
Location	Point Judith Pond, South Kingstown/Narragansett
Water Type/Name:	Type 2, Low Intensity Use Waters
Coastal Feature:	Submerged Land

STAFF REPORT

1. Introduction

This Category B application is for a modification to an existing 2.3-acre oyster aquaculture lease in Point Judith Pond. The lease has been in operation for over twenty years using bottom cages. The applicants, John and Cindy West, now propose to add low-profile floating baskets (FlipFarm®) for the cultivation of eastern oysters within the existing 2.3-acre lease. No additional acreage is requested

Please note that the applicants have also simultaneously applied for a similar partial modification for floating gear within the three-acre gear area of their other lease nearby, CRMC File No. 2004-05-024. This staff report only will address CRMC File No. 2001-02-025 and the other file will be handled in a separate report.

2. History and Application Review

This application as originally proposed added seven horizontal floating lines, each 450' long and containing 400 low-profile baskets (FlipFarm) per line, within the 2.3-acre existing lease in Point Judith Pond off the shores of Narragansett. The 2.3-acre lease is permitted for bottom cages for the cultivation of the Eastern American Oyster (*Crassostrea virginica*). The application was originally put out to a 30-Day Public notice on April 13, 2026, but received two objections from property owners on Great Island, see Attachments G and H. One letter of support was also received from the Harbor Island Improvement Association which commended

the applicants for their continued environmental stewardship and community engagement throughout the application review process, see Attachment F.

However, on May 5, 2026, the Narragansett Harbor Commission also met with the applicants at their regularly scheduled meeting to discuss the application. Based on discussions at the meeting, the applicants agreed to resubmit new plans to CRMC that reduced the total number of floating horizontal lines from seven to six in order to increase the buffer of open water between the lease boundary and the first row of floating gear, thereby providing ample space for vessels to pass through or nearby the lease. Please note that this lease has been well marked and charted for over twenty years. The subsequent amended notice with the reduced plans was put out on May 21, 2026 and received no objections, see Attachment A. The applicants also submitted a letter to CRMC and the Narragansett Harbor Commission detailing the reasons for the amendment, see Attachment B.

The application has also received the following correspondence from cooperating agencies:

- RIDEM submitted a letter of no objection dated June 3, 2026, citing “adverse impacts to marine fisheries and their habitat from this prospective gear modification would be minimal”, see Attachment C
- The US Coast Guard conveyed via an email dated July 30, 2026 that a navigational risk assessment and review of the application found that the “proposed project does not appear to increase impact to navigation safety” in the area, see Attachment D.
- US Army Corps of Engineers authorization in a letter dated August 10, 2026, see Attachment E.

Based on the size, location, and the results of review by other cooperating agencies, this application meets the threshold requirements for administrative approval pursuant to the Redbook section 650-RICR-20-00-1.1.6(D)(5), but only if no objections have been received during the 30-Day Public Notice Period. This application received one letter of support (Attachment F) and two objections (Attachments G and H) in response to the original 30-Day Public Notice Period. The two objections will be summarized and addressed in Section 4 of this report after a review of the applicable Redbook sections.

3. Applicable Sections of the RICRMP Policies and Standards for Aquaculture

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

Section title	650-RICR-20-00-1: Redbook Section number	Policy/ Standard/Prohibition and Discussion
Applications for Category A and Category B Council Assents	1.1.6(B) and 1.1.6(D)(5)	<i>“Through the adoption and implementation of the Marine Resources Development Plan by the Council on January 10, 2006, permit applications which meet the thresholds below ..., have received no objections, and are consistent with the goals and policies of the coastal resources management program will be reviewed and acted upon administratively by the executive director...”</i>

		This application is for a 2.3-acre modification for floating gear on a shellfish farm located in Type 2 waters in a Point Judith Pond. This proposed activity is a Category B application according to the Activity Matrix for Type 2 waters found in Redbook section 1.1.5. According to section 1.1.6(D)(5), the threshold for administrative approval of a Category B application for aquaculture includes “<i>sites up to three acres in the salt ponds or upper Narragansett Bay and less than ten acres elsewhere</i>”, but only if the application has “<i>received no objections</i>”. All other applications will require review by the full Council. This application has received two objections and is therefore not eligible for administrative approval and must be reviewed and acted upon by the full council.
Substantive Objections	1.1.6(G)	A discussion of the substance of the objections received follows this table, see Section 4.
Category B Requirements	1.3.1(A)	The applicant has provided written responses to all the required elements for a Category B application, please see Attachment A for details. It is the opinion of Staff that the material provided in the application meets the written requirements of this section of the Red Book.
Aquaculture Policies	1.3.1(K)(1)(a)	<i>“The CRMC recognizes that commercial aquaculture is a viable means for supplementing the yields of marine fish and shellfish food products, and shall support commercial aquaculture in those locations where it can be accommodated among other uses of Rhode Island waters. The CRMC recognizes that responsible shellfish aquaculture has a net positive effect on the environment, and therefore it is permissible in all water types. As any human activity can have adverse environmental effects, the Council recognizes the possibility of setting scientifically defensible limits on aquaculture leasing in any particular water body.”</i> This application is in Type 2 waters. Aquaculture is allowed in all water types and therefore this application is consistent

		with CRMC policy. Please note, current guidance strongly discourages siting floating aquaculture gear in Type 1 waters.
Aquaculture Policies	1.3.1(K)(1)(b)	<i>“The Council may grant aquaculture activities by permit only. The CRMC may grant aquaculture applicants exclusive use of the submerged lands and water column, including the surface of the water, when the Council finds such exclusive use is necessary to the effective conduct of the permitted aquaculture activities. Except to the extent necessary to permit the effective development of the species of animal or plant life being cultivated by the Permittee, the public shall be provided with means of reasonable ingress and egress to and from the area subject to an aquaculture lease for traditional water activities such as boating, swimming, and fishing.”</i> The applicant has not applied for exclusive use of the area and asserts they have chosen the 2.3-acre site and even reduced the proposal in such a way as to not impede reasonable access to and from the area. The low-profile floating gear would allow for small vessels and paddle craft to traverse the site between the lines without disrupting the operation.
Aquaculture Policies	1.3.1(K)(1)(h)	<i>“It is the Council’s policy to prohibit private aquaculture activities in not-approved areas as defined by the National Shellfish Sanitation Program (NSSP) that contain significant shellfish stocks potentially available for relay into approved areas for free and common fishery.”</i> This application is in waters classified as approved for the consumption of shellfish and the application is consistent with this policy.
Aquaculture Policies	1.3.1(K)(1)(i)	<i>“When the Council issues an authorization for aquaculture all wild shellfish stock, crustaceans, seaweed, and whelks existing within the authorized area shall remain the property of the state.”</i> See also Aquaculture Prohibitions 1.3.1(K)(4)(e): <i>“The harvest of wild bivalve molluscan shellfish, other than spat collection,</i>

		<i>naturally occurring in a CRMC permitted lease is prohibited. All wild shellfish within a lease area will remain the property of the State of Rhode Island and remain in place for the benefit of the public resource. This resource is not to be harvested by any person for commercial or recreational purposes. Any incidental catch by the lease holder within an aquaculture lease shall be returned immediately to the same waters.”</i> The applicant has not proposed any activities inconsistent with this policy or prohibition. Given harvest from floating gear does not involve harvesting directly off the bottom, incidental bycatch of naturally occurring shellfish is not expected.
Aquaculture Prerequisites	1.3.1(K)(2)(a)	<i>“Prior to issuing a permit for marine aquaculture within tidal waters, the Council shall obtain and give appropriate consideration to written recommendations from the Director or his or her designee of the Department of Environmental Management ... shall review the application to determine that the proposed aquaculture activity will not adversely affect including, but not limited to: (1) Marine life adjacent to the proposed area and the waters of the state, and (2) The continued vitality of indigenous fisheries.”</i> The application has received written a recommendation from DEM, see Attachment E. DEM has “no objections” to application stating: “adverse impacts to marine fisheries and their habitat from this prospective gear modification would be minimal”. Staff agree with this DEM recommendation.
Aquaculture Prohibitions	1.3.1(K)(4)(f)	<i>“In the coastal salt ponds, the area occupied by commercial aquaculture, shall not exceed five percent (5%) of the total open water surface area of the coastal pond below MLW.”</i> Point Judith Pond has been determined to be currently at the 5% limit based on previous applications and GIS analysis. However, this application does not seek to expand the area already occupied by

		commercial aquaculture and therefore this prohibition does not apply.
Aquaculture Prohibitions	1.3.1(K)(4)(g)	<i>“Proposed aquaculture leases may not be sited where eelgrass (Zostera marina) or widgeon grass (Ruppia maritima) exists.”</i> Based on Staff observations and state data, eelgrass and widgeon grass do not currently exist in this area, nor have previous routine eelgrass surveys found this to be an area of historic eelgrass habitat. It is Staff’s opinion that this prohibition does not apply.
Aquaculture Standards	1.3.1(K)(5)(a)(16)	<i>“Aquaculture operations shall be located at sites and operated in such a manner as to not obstruct public access to and from tidal waters.”</i> The proposed aquaculture site is not in an intertidal area and therefore does not restrict public access to and from tidal waters.
Aquaculture Standards	1.3.1(K)(5)(a)(17)	<i>“Any new lease in a coastal salt pond shall be limited in size as follows: (AA) A maximum three (3) acres for methods using gear including, but not limited to, racks, bags, and floating cages; or (BB) A maximum of ten (10) acres for bottom planting.”</i> This application is for a modification to an existing aquaculture lease in a coastal salt pond. Given this site is not a “new lease” the standard does not apply, however the proposed modification is only 2.3 acres which would be consistent with this standard if it were a new lease.

4. Public Comments

To date, this application has received one letter of support from the Harbor Island Improvement Association (Attachment F) and two letters of objection (Attachments G and H) from property owners on Great Island. Staff will summarize the objections below:

- 1) The sheer number of floating objects proposed will be a “significant visual change to the environment...impeding on the scenic nature of the area and making it more optically crowded”;
- 2) The proposal will impede navigation, recreation, and fisheries in the area;
- 3) Camp Fuller uses this area for sailing, canoeing and kayaking;

- 4) CRMC has already stated that Point Judith Pond is at the 5% limit for aquaculture and therefore no new lease applications should be accepted;
- 5) The 5% rule does not consider marked channels, mooring fields, and sand bars that are not navigable at all tides and therefore reduces recreational usage;
- 6) The applicants have listed their farm for sale in the past and therefore CRMC should not accept this application for modification as doing so would be to “aid and abet a private transaction”.

Staff will respond to each element of the objections accordingly:

- 1) The application proposes six horizontal longlines with 400 low-profile floating baskets each, making the total number of individual floating baskets for this three-acre area 2,400. Based on staff experience and observation and particularly when viewed from the shore, the profile of a floating object, like a floating oyster cage or basket, can have more impact on the visual environment than the total number of objects. The low-profile design of this system ensures only about four inches of the object is above the water’s surface while in a growing position. CRMC guidance for floating aquaculture gear directs applicants to use devices with a floating profile of four inches or less to minimize the visual impact of the cultivation system while still retaining the effective operational benefits of the floating technology. In addition, the applicants have continued to minimize the visual impact by voluntarily reducing the number of floating lines from seven to six
- 2) Navigation, recreation, and fisheries might all be theoretically impacted by this proposal, but it is Staffs’ opinion, based on observations, experience and input from other cooperating agencies and town bodies, that any such impact would likely be minimal. The USCG has conducted a navigational risk assessment for the project and found the proposal does not appear to increase impact to navigation safety. This lease has also been marked and operational since 2001, and the site was originally chosen and approved based on the limited impacts to other water dependent uses in the area. During the application review period, the applicants engaged with local harbor management commissions and the public to ensure there would not be significant navigational impacts based on local traffic patterns and recreational uses and even voluntarily reduced its footprint by approximately 15%. Shellfishing by the public is not allowed within a lease area by regulation, whether the modification is approved or not. Other types of fishing have not been observed by Staff in this area or brought to Staff’s attention by any of the sportsman groups that regularly review and engage on aquaculture applications. Please note, fin fishing is allowed within a lease area as long as it does not disrupt the operation.
- 3) Staff discussed this application and the location with the Camp Fuller Executive Director and he, nor anyone else at Camp Fuller, has indicated that this application would negatively impact their activities. No objection has been received from Camp Fuller.
- 4) Point Judith Pond has reached the 5% limit on aquaculture and CRMC will not accept a new or expanded lease application until the total area occupied by aquaculture were to decrease from its current state. This application is not for a new or expanded lease, but for a modification of an existing lease with no additional acreage proposed. As such, the 5% rule does not apply to this application.
- 5) By regulation, the 5% rule sets the maximum area occupied by aquaculture leases in the coastal salt ponds at five percent of the total open water surface area of the salt pond below Mean Low Water (MLW). The rule is a scientifically defensible limit on aquaculture expansion in the ponds and was established through a working group using an ecosystem-based approach to coastal resource management in combination with current knowledge of ecological carrying capacity models. The 5% rule is not based on human navigation patterns or

recreational activity, though other aspects of the RICRMP address these issues during the permit process. The 5% rule does allow for the other 95% of the pond to be open for all other allowable uses.

6) This application does not seek to transfer the lease to any other party. CRMC does not intervene in the business decisions of aquaculture lease holders if all rules and regulations are followed. In this case, the applicants are model aquaculturists and have been fully utilizing and working their leases for over twenty years. They have always followed the regulations and have followed all the appropriate administrative steps to modify their assent accordingly. Please note, the Executive Director may approve the transfer of a lease from the lessee to another party provided the aquaculture operation remains the same, including size, species, gear, and methods of culturing. The full Council must approve any transfers that involve a deviation from the existing assented aquaculture operation, see 650-RICR-20-001.3.1(K)(5)(a)(10).

Staff Comments and Recommendation

It is Staff opinion that the application, as publicly noticed on May 21, 2026, is complete and has met the technical requirements of 650-RICR-20-001.3.1(K) and all other policies and standards of the RICRMP.

As such, Staff believe that the proposed 2.3-acre modification can be accommodated amongst the other uses of the area and recommends this application for approval with the following additional stipulations:

- 1) A Performance Bond in the amount of \$20,000 be posted in the event of abandonment and/or to cover the cost of gear removal.

Benjamin Goetsch, Aquaculture Coordinator

