



Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835
(401) 423-1920 Fax: (401) 423-1925

Meeting Notice

Shellfish Advisory Panel

Wednesday December 16, 2020, 4:00PM

Virtual public meeting - Zoom webinar

MEETING AGENDA

Panel Chair:

Katie Eagan

Scientific Advisor:

Michael Rice

Membership:

Jeff Gardner

Aquaculture

Bob Rheault

Alternate for J. Gardner

David Ghigliotti

Comm. Bullrake

Mike McGiveney

Comm. Bullrake

Gerald Schey

Comm. Bullrake

Manuel Sousa

Comm. Bullrake

Bob Smith

Dealer

Roger Tellier

Recreational Rod & Reel

Richard Pastore

Recreational Rod & Reel

Edward Troiano

Recreational Shellfish

Kenneth Murgo

Comm. Shellfishing

John McDonald

Comm. Shellfishing

Brennan Bica

Comm. Fishing & Dealer

Marine Fisheries staff:

Anna Gerber-Williams

Agenda item	Recommended action(s)	ePacket Attachment(s)/links
1. Aquaculture application 2020-07-068 (Jordan Viera)	Provide recommendation to the CRMC/Council pursuant to RI Gen. Laws §20-10-5(d)	<ul style="list-style-type: none"> • Application out to public notice • CRMC site assessment map and results • DEM Review letter and map
2. Aquaculture application 2020-08-001 (Antonio and Joseph Pinheiro)	Provide recommendation to the CRMC/Council pursuant to RI Gen. Laws §20-10-5(d)	<ul style="list-style-type: none"> • Application out to public notice • CRMC site assessment map and results • DEM Review letter
3. Proposal to the SAP for additional involvement during the aquaculture application Preliminary Determination review process.	Discussion and/or recommendations to CRMC regarding the proposed changes.	<ul style="list-style-type: none"> • PD process description • Aquaculture application and permitting process diagram
4. Any other matters	FYI/discussion and/or recommendations for future actions	
5. Adjourn		

To join the webinar, [click here](https://us02web.zoom.us/j/81051076080). Or enter the following into your web browser:
<https://us02web.zoom.us/j/81051076080>

To join by phone, call: 1-929-205-6099

Meeting ID: 810 5107 6080

Participant ID: Provided once you log onto webinar. If not logging onto webinar, simply wait on the line to be connected on the phone.

All RIMFC Species Advisory Panel meetings are open to the public.

For more information please contact Anna Gerber-Williams at (401) 423-1930.

* Aquaculture applications can be found at <http://www.crmc.ri.gov/applicationnotices.html>

* Posted to Sec. of State November XX, 2020



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 NOTICE

File Number: 2020-07-068 Date: July 29, 2020

This office has under consideration the application of:

Jordan Viera
18 Wilson Street
Bristol, RI 02809

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

a two-acre oyster farm using submerged cages and bottom plant.

Project Location:	The Cove
City/Town:	Portsmouth
Waterway:	Long Neck Cove

Plans of the proposed work may be seen at the CRMC office in Wakefield.

In accordance with the Administrative Procedures Act (Chapter 42-35 of the Rhode Island General Laws) you may request a hearing on this matter.

You are advised that if you have good reason to enter protests against the proposed work it is your privilege to do so. It is expected that objectors will review the application and plans thoroughly, visit site of proposed work if necessary, to familiarize themselves with the conditions and cite what law or laws, if any, would in their opinion be violated by the work proposed.

If you desire to protest, you must attend the scheduled hearing and give sworn testimony. A notice of the time and place of such hearing will be furnished you as soon as possible after receipt of your request for hearing. If you desire to request a hearing, to receive consideration, it should be in writing (**with your correct mailing address, e-mail address and valid contact number**) and be received at this office on or before August 29, 2020.

/lat



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

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

APPLICATION FOR STATE ASSENT

To perform work regulated by the provisions of Chapter 279 of the Public Laws of 1971 Amended.

Project Location <u>The Cove</u> <u>Portsmouth</u> <small>No. Street City/Town</small>	File No. (CRMC USE ONLY) <u>2020-07-068</u>
Owner's Name <u>Jordan Viera</u>	Plat: Lot(s):
Mailing Address <u>18 Wilson St.</u> City/Town <u>Bristol</u> State <u>RI</u> Zip Code <u>02809</u>	Contact No.: <u>401-533-2984</u>
Name of Waterway <u>Long Neck Cove</u>	Estimated Project Cost (EPC): <u>≤ \$1000</u> Application Fee: <u>\$50</u>
Longitude/latitude of all corners of Proposed Aquaculture Project Location (preferably in decimal degrees): NE - 41.637582N 071.222875W NW - 41.637582N 071.223583W SE - 41.636877N 071.222746W SW - 41.636893N 071.224441W	

Have you or any previous owner filed an application for and/or received an assent for any activity on this property?
 (If so please provide the file and/or assent numbers): No

Is this site within a designated historic district? YES NO

Is this application being submitted in response to a coastal violation? YES NO

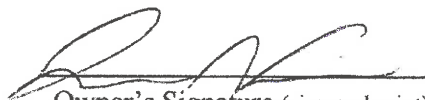
If YES, you must indicate NOV or C&D Number: _____

Name and Addresses of adjacent property owners whose property adjoins the project site. (Accurate addresses will insure proper notification. Improper addresses will result in an increase in review time.)

55 Hummocks Ave Portsmouth RI 02871

STORMTOOLS (<http://www.beachsamp.org/resources/stormtools/>) is a planning tool to help applicants evaluate the impacts of sea level rise and storm surge on their projects. The Council encourages applicants to use STORMTOOLS to help them understand the risk that may be present at their site and make appropriate adjustments to the project design.

NOTE: The applicant acknowledges by evidence of their signature that they have reviewed the Rhode Island Coastal Resources Management Program, and have, where possible, adhered to the policies and standards of the program. Where variances or special exceptions are requested by the applicant, the applicant will be prepared to meet and present testimony on the criteria and burdens of proof for each of these relief provisions. The applicant also acknowledges by evidence of their signature that to the best of their knowledge the information contained in the application is true and valid. If the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then the permit granted under this application may be found to be null and void. Applicant requires that as a condition to the granting of this assent, members of the CRMC or its staff shall have access to the applicant's property to make on-site inspections to insure compliance with the assent. This application is made under oath and subject to the penalties of perjury.08/04


 Owner's Signature (sign and print) Jordan Viera


PLEASE REVIEW REVERSE SIDE OF APPLICATION FORM



STATEMENT OF DISCLOSURE AND APPLICANT AGREEMENT AS TO FEES

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

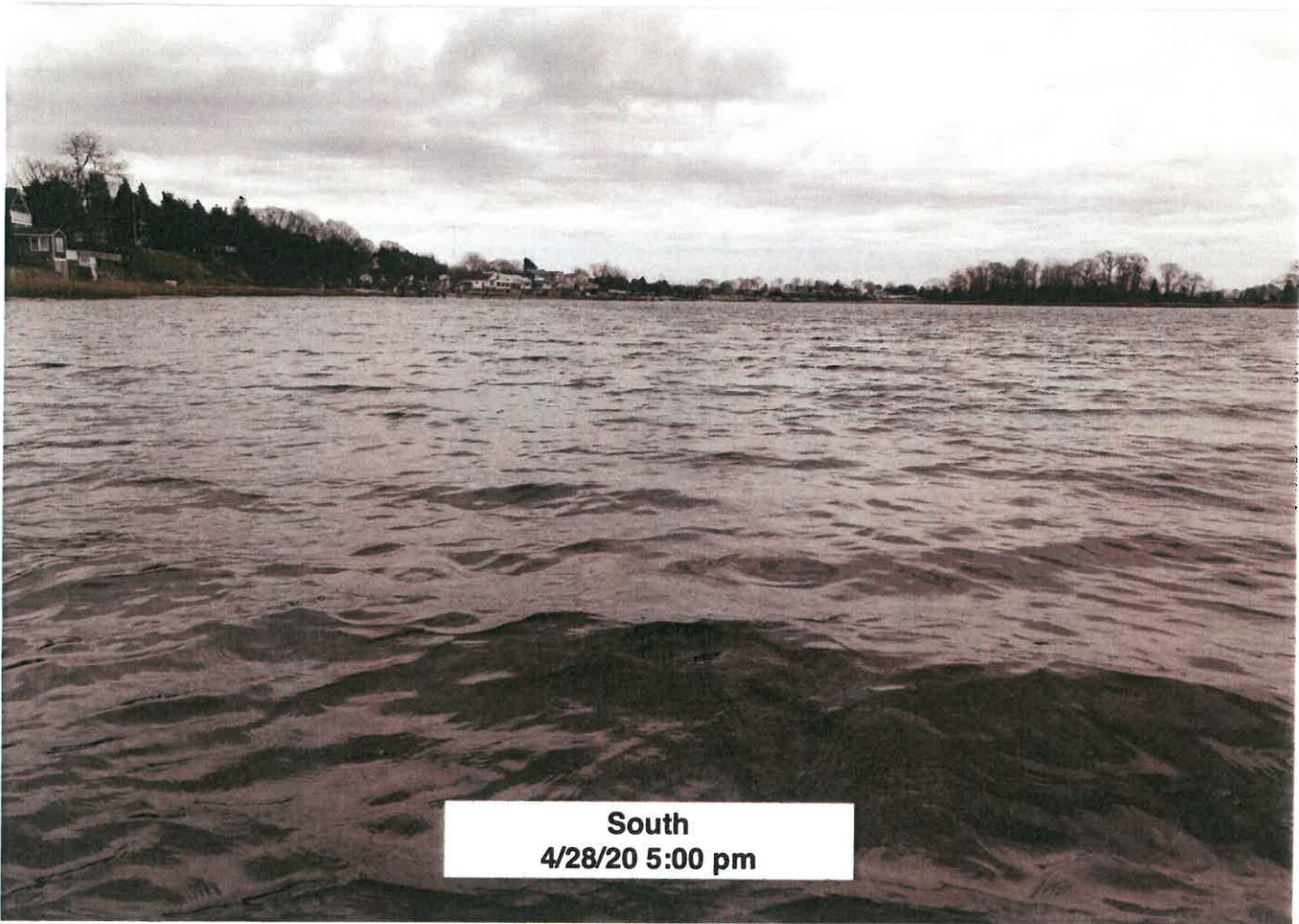
The applicant understands the above conditions and agrees to comply with them.


Signature

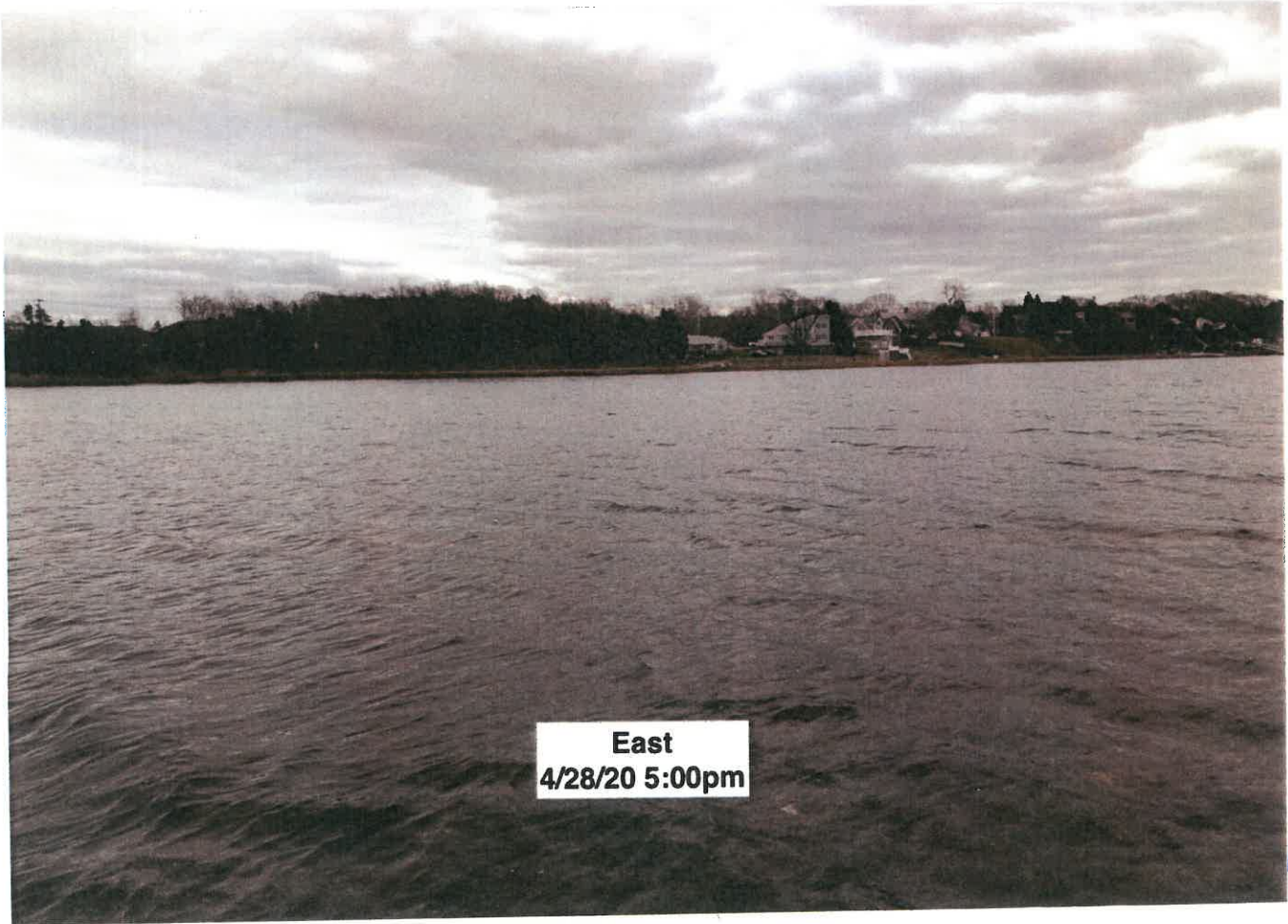
7/19/20
Date

Jordan Viera 18 Wilson St Bristol RI 02809
Print Name and Mailing Address



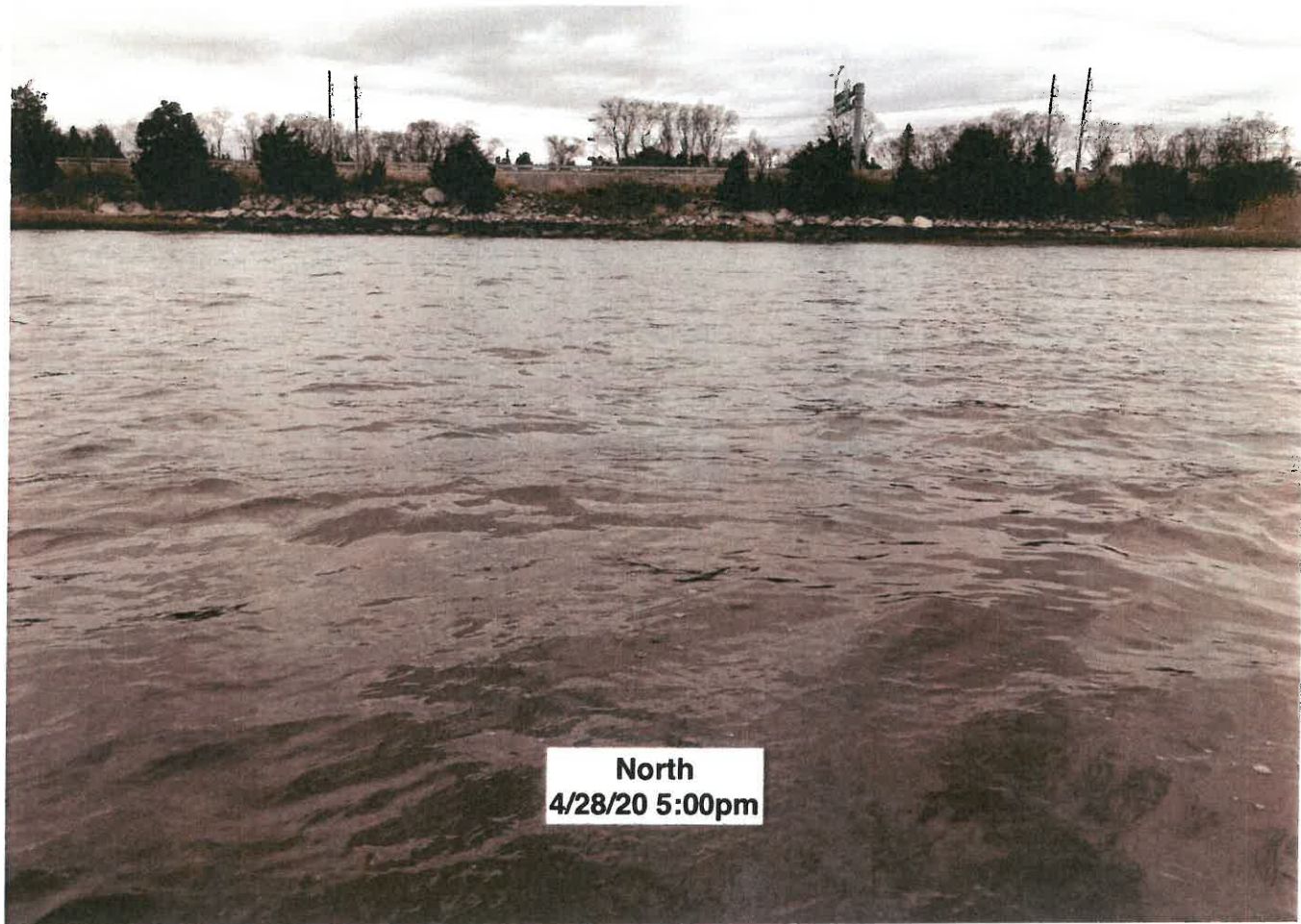


South
4/28/20 5:00 pm

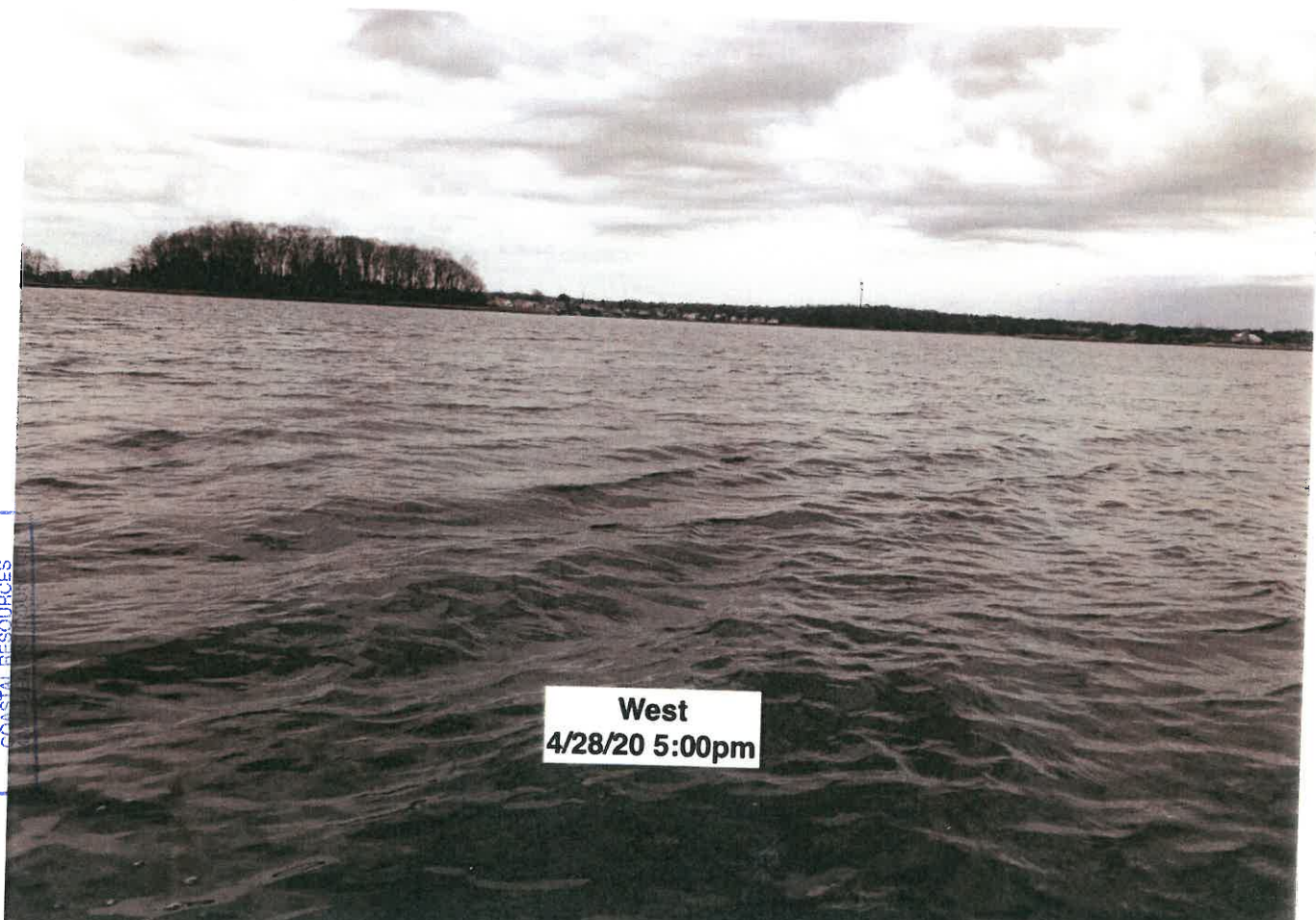


East
4/28/20 5:00pm

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North
4/28/20 5:00pm



West
4/28/20 5:00pm

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CRISTAL RESOURCES

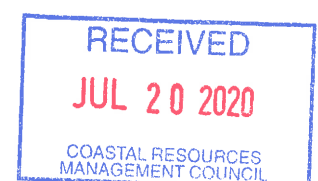
Aquaculture Site Proposal
Jordan Viera
7/2020

This is a proposal for the start of a 2.0 acre shellfish farm in the Northeast corner of “The Cove” in Portsmouth RI. Seed oysters will start in oyster bags, that will be held in six slotted bag cages. As the oysters grow they will be sorted and some of the large enough inventory will be transferred to two tiered bottom tray cages, others will be bottom planted. As product reaches a marketable size, both cage and bottom planted oysters will be harvested and sold to local distributors.

Over the past few years there has been increasing demand for high quality “craft” oysters. While the amount of farmers in RI has been steadily increasing, so has the demand for this product; markets are expanding and as of recently shellfish farmers have been more successful than ever. This proposed site is an ideal location for growing shellfish and would almost certainly be profitable, benefitting not only the grower, but the economy of RI as a whole.

The location of this site is ideal for a shellfish farm; oysters, quahogs and mussels thrive naturally in these waters. This area is inaccessible on foot and unappealing to recreational boaters due to the shallow waters and close relation to a heavily trafficked road. Lack of visitors and shallow waters is both an ideal and hard to find combination in RI waters. Being close to a heavily trafficked road may not be aesthetically pleasing but there are no physical downsides; in fact a farm would likely be beneficial to the ecosystem by mitigating the negative impacts. It should also be noted that currently this area is covered in debris and litter; this would not be the case if a shellfish farm was present here.

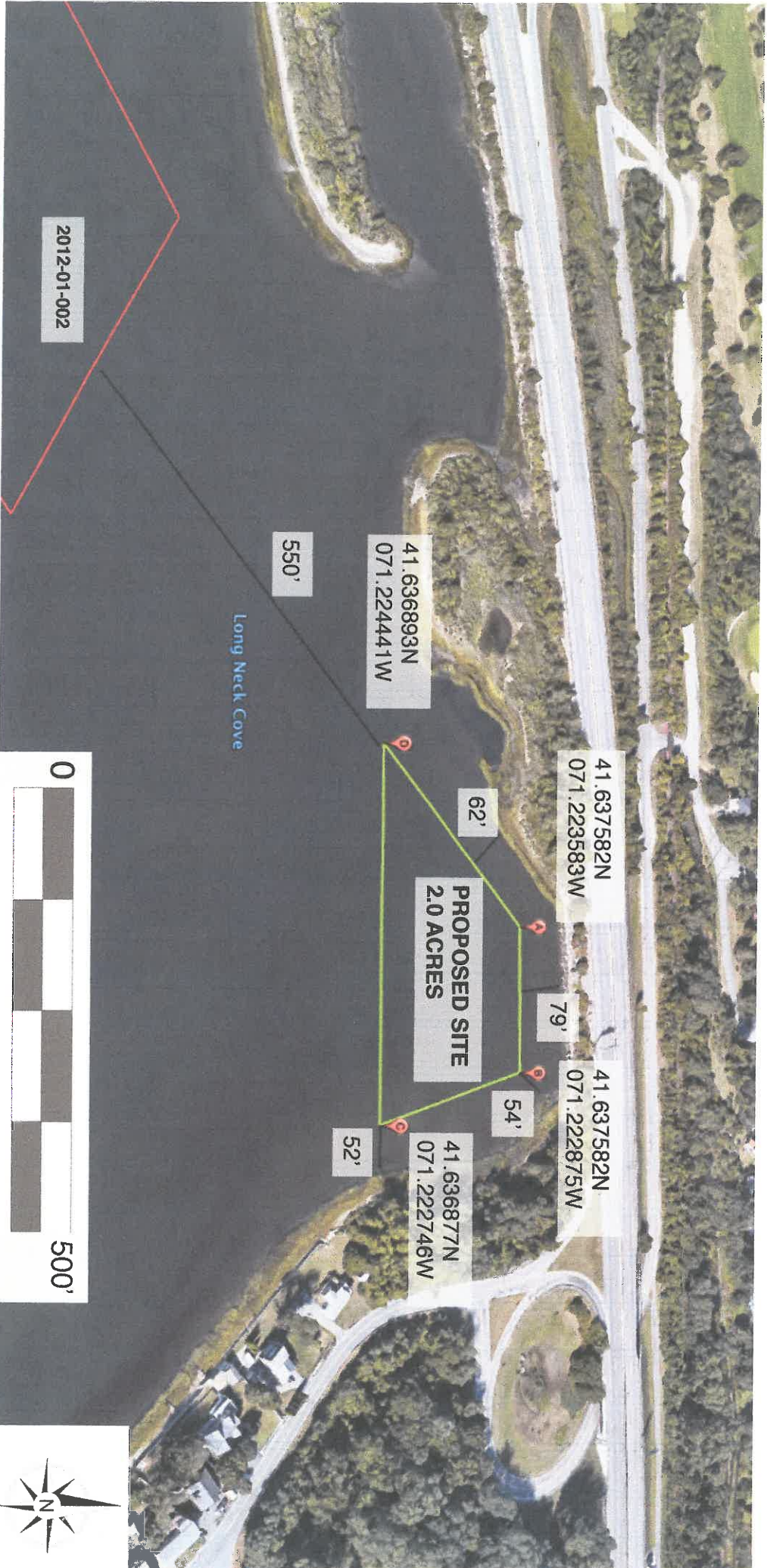
In addition to the economic and environmental benefits of a shellfish farm, its simply a lifestyle that many people, including myself, desire. I am a graduate of the University of Rhode Island's Fisheries and Aquaculture Technology program; I have completed Dr. Dale Leavitt's Applied Shellfish Farming course, I have been working in the aquaculture industry full time for five years. I enjoy being a steward of the environment and hope to bring my passion and skills in shellfish farming to Rhode Island waters.





**Proposed Aquaculture Site:
 Jordan Viera
 7/2020**

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Proposed Aquaculture Site:
Jordan Viera
7/2020

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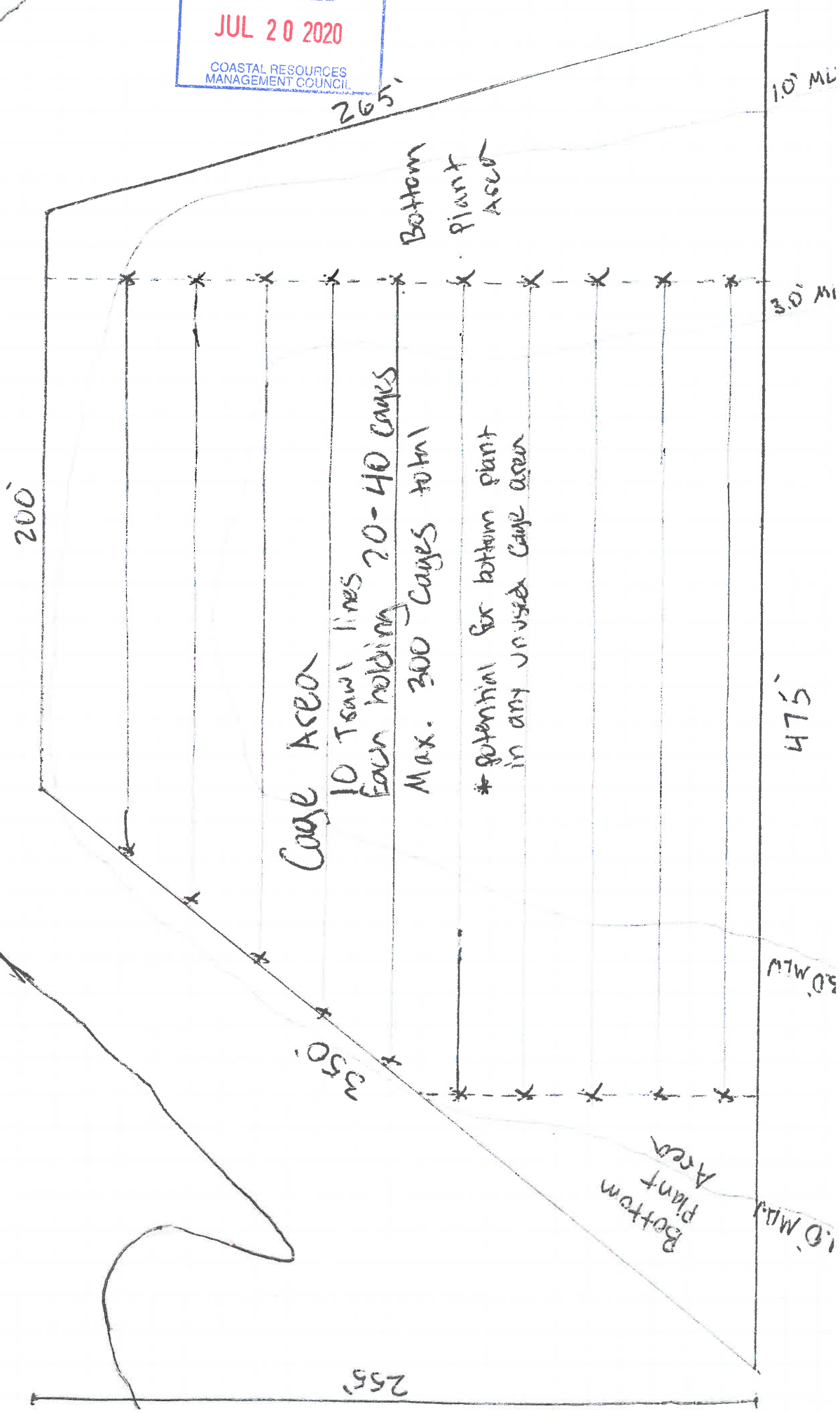
A NIGON East Dalarna Nature Wild RI Division of F

Proposed Site Layout
Susan Viera 7/2020

1" = 48'

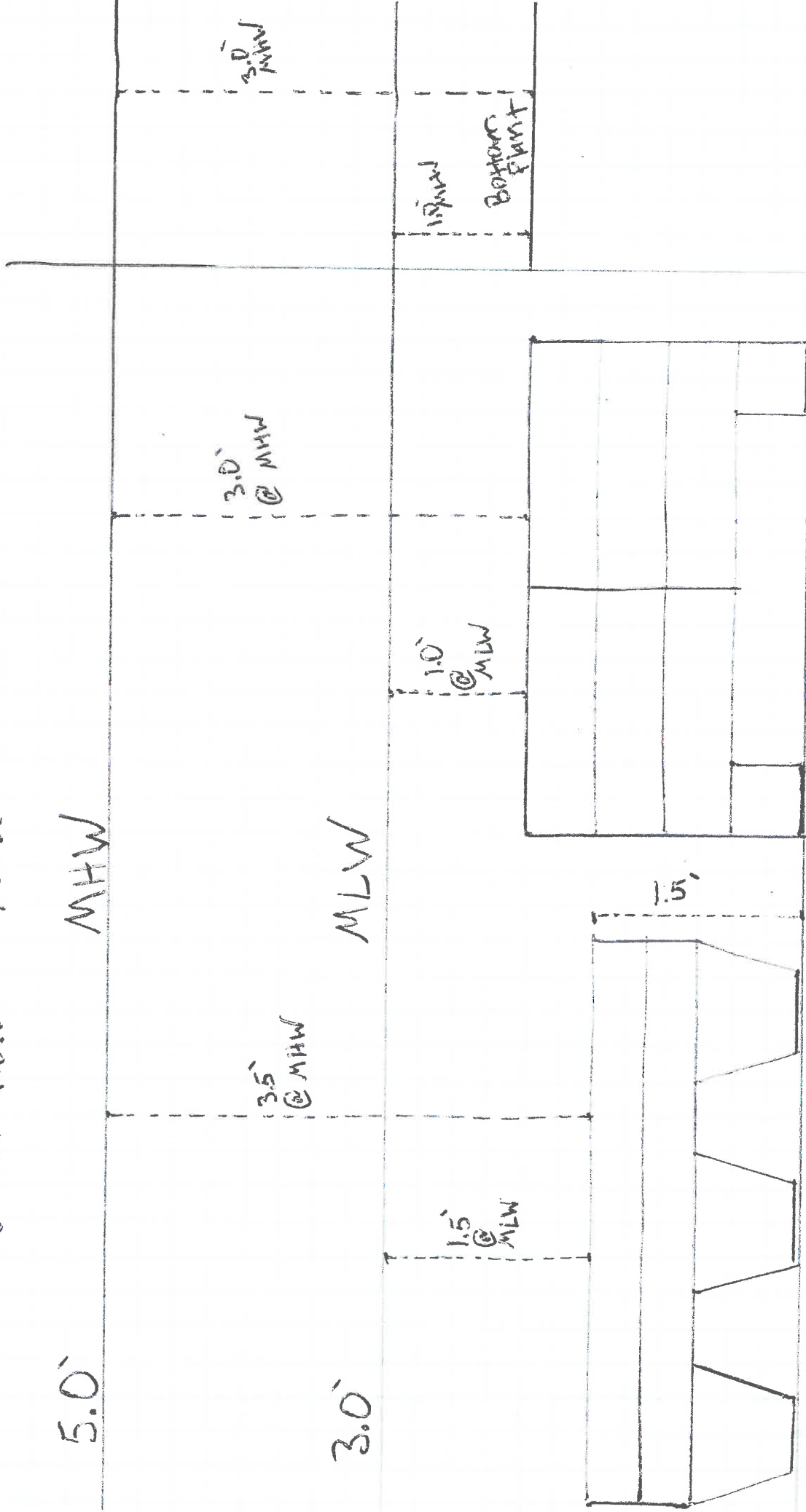
Shoreline

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Site Cross Section
Susan Viera 7/2020

1" = 1'

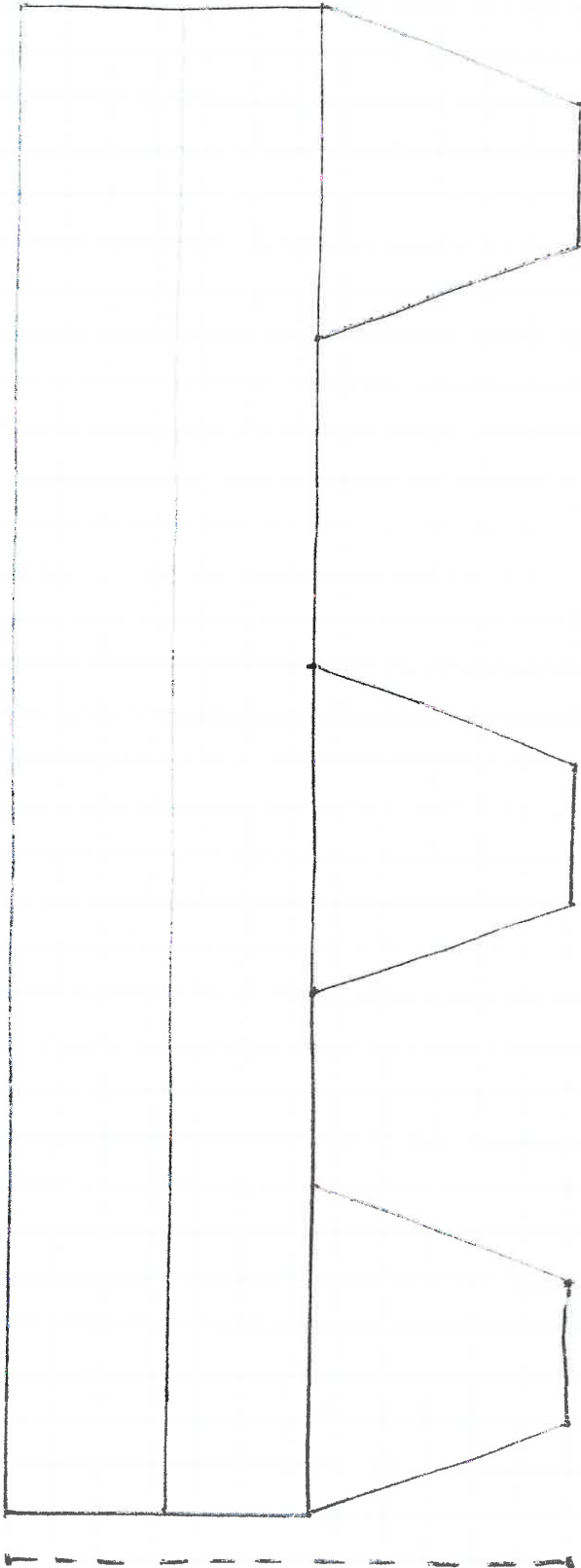


3' x 4' x 1.5' Double Slanted
Tray Cage

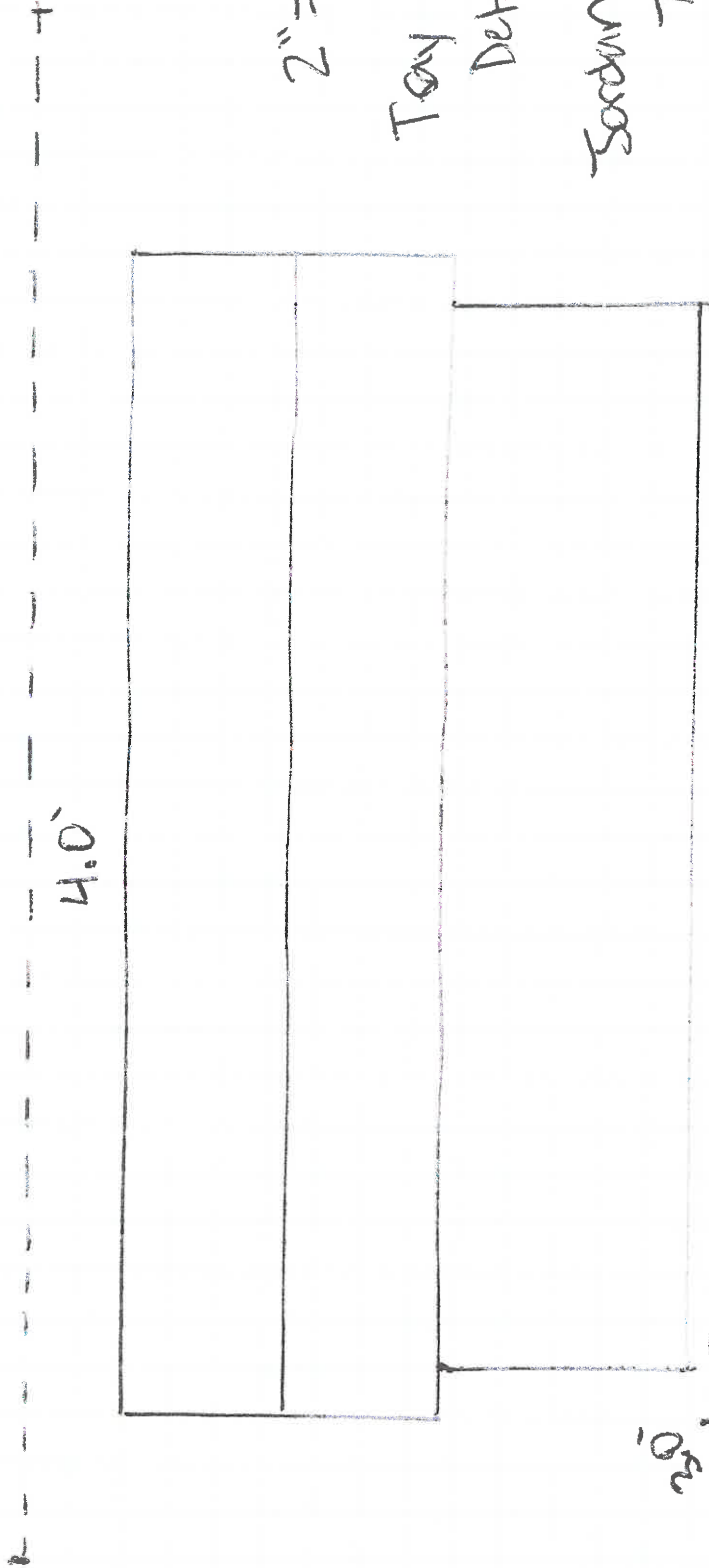
3.5' x 3.5' x 2' Six Slot
Bay Cage



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Long Side
1.5'

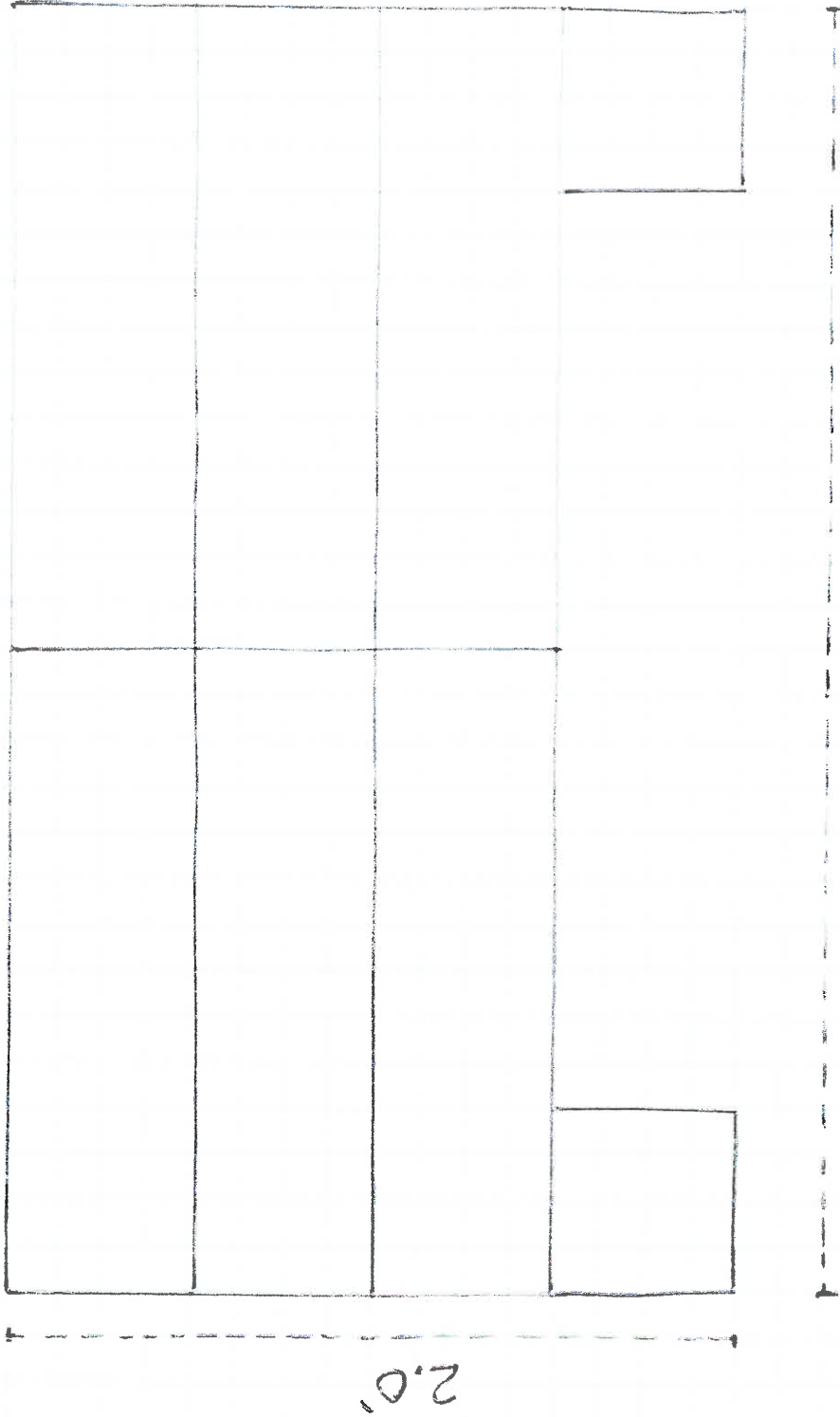


Short Side

2" = 1'

Tray Cage
Details

Sordan Vera
7/2020



Bag Cages will be 3.5' x 3.5' x 2.0' and hold 6 standard oyster bags

Bag Cage Details

Sosanna Viera 7/20/20

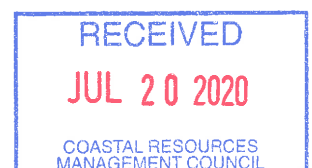
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Aquaculture Operational Plans
Jordan Viera
7/2020

1. Jordan Viera 18 Wilson Street Bristol RI
2. CRMC File Number - D 2020-04-016
3. DEM Aquaculture License Number - N/A
4. This location will be used as a commercial lease site for both nursery and growout of oysters. Seed will be grown throughout 100 bag cages, each containing six oyster bags; 200 bottom tray cages, along with basic bottom planting will be used for growout.
5. The proposed site is in the Northeast corner of "The Cove" in Portsmouth RI. Center coordinate - 41.637227N 071.223372W (for corner coordinates see maps).
6. The main species raised on this site will be the Eastern Oyster, *Crassostrea virginica*. However, we would like to be able to experiment with and possibly growout the Northern Quahog, *Mercenaria mercenaria*. All seed will meet biosecurity board protocols for pathology testing.
7. Two types of cages will be used for growing, with a maximum of 300 cages:
Bag cages, each containing six oyster bags, will be used to raise seed. These cages will be kept on the southern three trawl lines (See Proposed Site Layout), which is the deepest part of the proposed site. They will be held onto the line with gangions, thus helping stay organized and limiting the amount of buoys needed on the site. See "Bag Cage Details" and "Site Cross Section" for cage dimensions. Bottom tray cages will be used for growout. These cages will be kept on the North most seven trawl lines (See Proposed Site Layout). They will be held onto the line with gangions, thus helping stay organized and limiting the amount of buoys needed on the site. See "Tray Cage Details" and "Site Cross Section" for cage dimensions.
8. The site will be marked at each corner by a standard pot buoy with assent numbers, unless otherwise instructed by CRMC.
9. DEM Shellfish Harvesting Classification - GA4-1
10. Seed will be purchased and brought to site following state protocol in the spring. Seed will be dispersed throughout the bag cages. Over the next couple months, on a biweekly basis cages will get hauled up and washed, bags will be shaken to ensure even growth, and the cages will be put back down. On an as need be basis, cages will be held on the boat for air drying. After about two months, once seed has reached a sufficient size it will be sorted on a tumbler. Large enough seed will be transferred to tray cages and/or bottom planted and anything too small will go back into bag cages to be sorted again in the future. During growing season, the plan is to be on a cycle of washing and sorting all tray cages every two months. They will be hauled up, washed, tumbled and graded by size. Then redistributed throughout the cages based on size. Occasionally tray cages may be washed and air dried on the boat on an as needed basis. As product in tray cages reaches a marketable size, it will be sorted and bagged by hand directly out of the cage. As bottom planted areas reach marketable size, they will be hand raked, using an "oyster rake", allowed to purge in a bottom cage for a week and then hand picked and bagged. All product going to market will be harvested, handled, transported and sold strictly following Rhode Islands Shellfish handling, processing and selling regulations. Quahogs will be started in oyster bags and once of sufficient size will be bottom planted in bottom plant areas, they will then be covered in netting of the appropriate size until they are ready to be harvested with a bullrake. It is likely that quahogs will not be successful at this site.



11. Seed will always be purchased from a reputable source. Seed purchased from out of state will be pathology tested prior to shipment; this pathology report will then be submitted to the Aquaculture Coordinator five days before the planned shipment.
12. Currently, the plan is for all oysters to always be grown in approved waters. In the unlikely event that the business model changes and seed is grown in prohibited waters, strict records will be maintained and regular grading will be performed. The seed would be continually graded as often as possible, as they approach 30mm they will be moved to approved waters and kept separate from other crop. Strict records will be kept in a waterproof logbook of when the prohibited water seed came to the approved location.
13. In the unlikely event that seed is purchased from prohibited waters, they will be grown separate from other crop on the farm. When the seed arrives, they will go into cages that are marked with flagging tape, to identify them as prohibited water seed. When the seed gets sorted it will be sorted separate from any other product. Detailed notes and records will be kept on file during all operations. Once the product has been in the approved waters for at least 12 months it will be put on track to be sorted for marketable product. As previously stated, any cages of prohibited water seed would be marked with flagging tape for quick identification, in addition to this cages of the same cohort would always be kept on the same trawl line together. So in addition to flagging tape, we would also know complete trawl lines that contain prohibited water seed (i.e. "lines 7-10 contain all cages of prohibited water seed"). Prior to receiving any seed from prohibited waters, we would get in contact with the Aquaculture Coordinator, providing them with the source of the seed and making sure the pathology report had been received. Once this information has been confirmed, we will provide a date of shipment. When seed arrives it will be grown in the arrived waters of the site for a minimum of six months before being sold.



Jordan Viera
07/20

Coastal Resources Management Program - Section 1.3.1(A) - Category B Requirements

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

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

The demand for high quality shellfish has been continually growing over the past several years; even with the introduction of more farms there is still high demand. Our goal is to cultivate high quality oysters to help fill this void while also having a positive impact on the surrounding marine environment.

(2) demonstrate that all applicable local zoning ordinances, building codes, flood hazard standards, and all safety codes, fire codes, and environmental requirements have or will be met; local approvals are required for activities as specifically prescribed for nontidal portions of a project in Sections 1.3.1(B), 1.3.1(C), 1.3.1(F), 1.3.1(H), 1.3.1(I), 1.3.1(K), 1.3.1(M), 1.3.1(O) and 1.3.1(Q); for projects on state land, the state building official, for the purposes of this section, is the building official;

N/A

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

All activities will occur in the sub tidal regions of "The Cove" and there will be no impact on coastal lands.

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

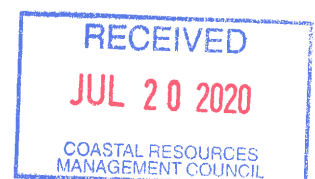
Our goal is to always use the largest mesh size gear possible, not only does this allow more flow and food for the oysters but it will also be the least intrusive in terms of restricting natural water flow. Since our gear will have minimal to no impact on water flow and circulation we will not have any impacts on erosion and/or deposition processes.

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

Crassostrea virginica is a native species to this body of water. Lines and cages will act as habitat for other native marine species. It is unlikely that increasing the abundance of oysters in this small footprint of this site would have absolutely no impact on abundance and diversity of local marine fauna, however with the small size of this site, any impacts would be negligible. It should also be noted that any impacts would likely be positive, since oysters are known for increasing water quality.

(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;

This area within "The Cove" is inaccessible by foot and its shallow waters and close proximity to route 24 make it unappealing to boaters. The selected site has been studied throughout all seasons for the past couple years, occasionally kayakers can be seen in this area, but the described plans should have no impact on this activity.



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

As previously stated, we plan to always be using the largest meshed gear possible, thus reducing impacts on water circulation, flushing, turbidity and sedimentation to the point where they are negligible.

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

Oysters are known for their positive impacts on water quality. As oysters pump water over their gills they trap suspended particles of food and nutrients as well as sediment and chemical contaminants, thus improving water quality for other marine life.

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

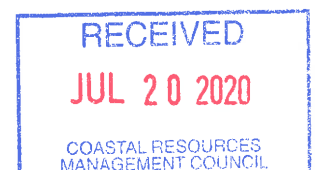
N/A

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

This area within "The Cove" is inaccessible by foot and its shallow waters and close proximity to route 24 make it unappealing to boaters. The selected site has been studied throughout all seasons for the past couple years, occasionally kayakers can be seen in this area, but the described plans should have no impact on this activity. See attached photos showing lack of recreation.

(11) demonstrate that measures have been taken to minimize any adverse scenic impact (see Section 1.3.5).

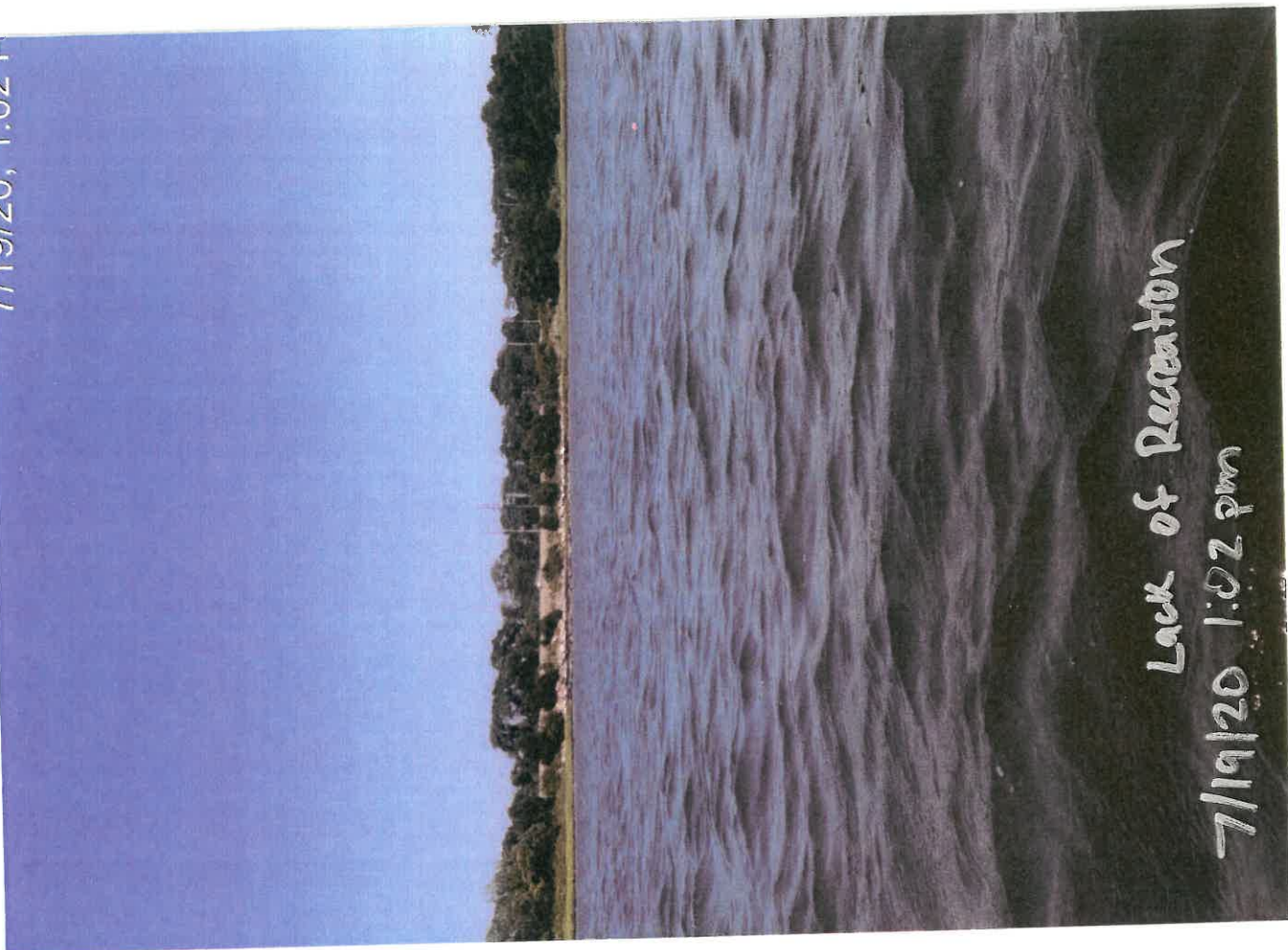
The only thing that will be visible on the surface is buoys, cages and oysters will always be well below the low tide level so they should never become exposed. In order to minimize the amount of buoys needed, we will be using 10 trawl lines. When not in use there will be no buoys on the lines, when in use there will be a dark colored buoy on each end of the trawl. We will always attempt to use as few buoys as possible, during busy times of the year there may be up to 20 in use, however for the majority of the year there will be as few as 5.



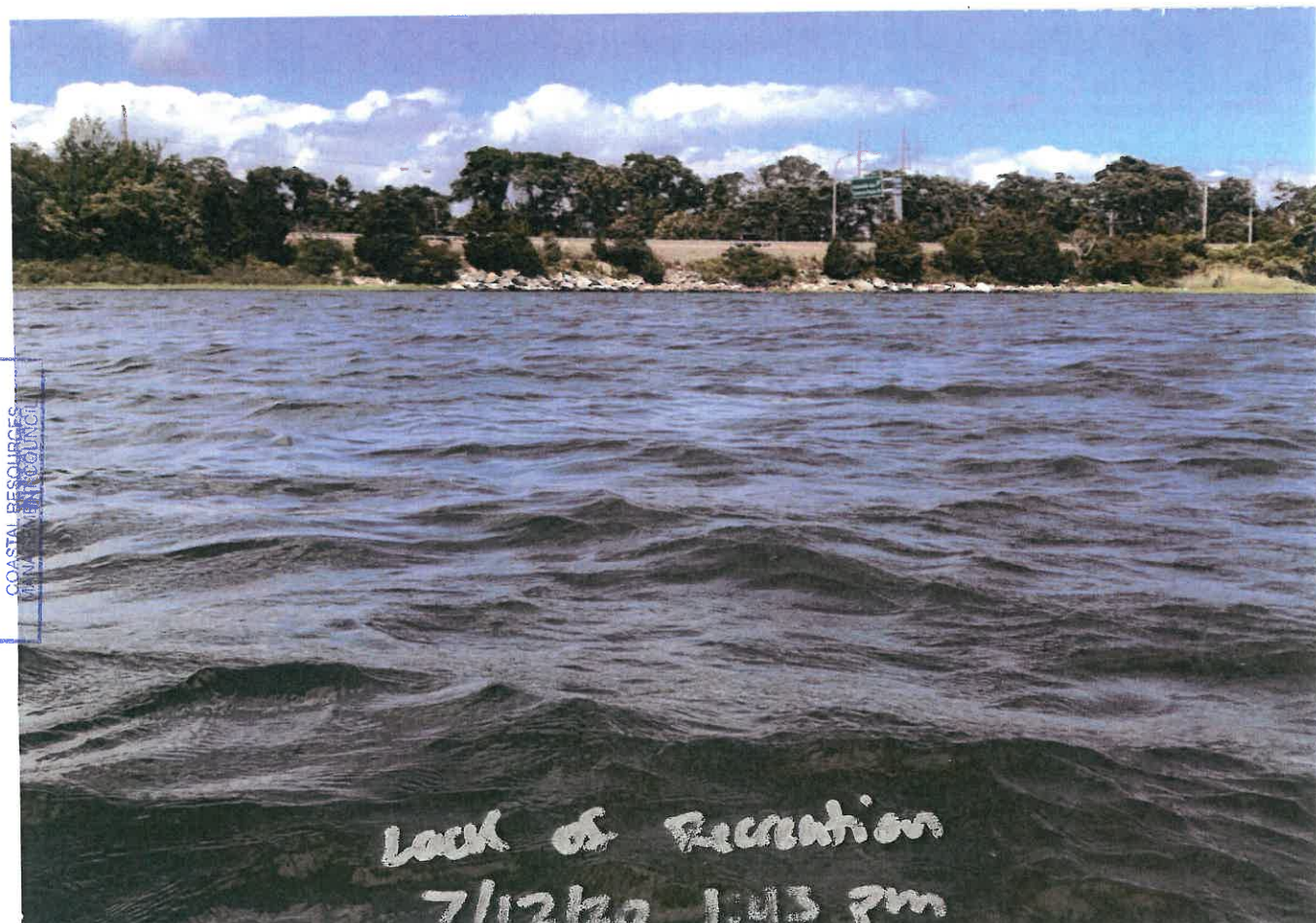
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JUL 20 2020

COASTAL RESOURCES
COUNCIL

7/19/20, 1:02 P



Lack of Recreation
7/19/20 1:02 pm




Lack of Recreation
7/12/20 1:43 pm

Viera Survey Stations

Write a description for your map.

Legend

 Viera





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) 783-3767

Shellfish Survey for Viera proposed lease, CRMC File# 2020-04-016

Date completed: 9/24/20

Investigator: Ben Goetsch, Aquaculture Coordinator

Gear used: tongs, 12 tooth

Sampling method: 4 grab samples per station

Substrate: soft mud, muddy sand with gravel

Tidal stage: high

Vegetation and other invertebrates observed: sand worms

Observations: low density of quahogs, very mucky in the middle, slightly harder on edges

Station 1: 2 quahogs (including 1<1")

Station 2: 1 quahog

Station 3: 3 quahogs (including 1<1")

Station 4: 1 quahog

Station 5: 2 quahogs

Station 6: 1 quahogs

Station 7: 4 quahogs

Station 8: 2 quahogs

Results: 2 quahogs per square meter

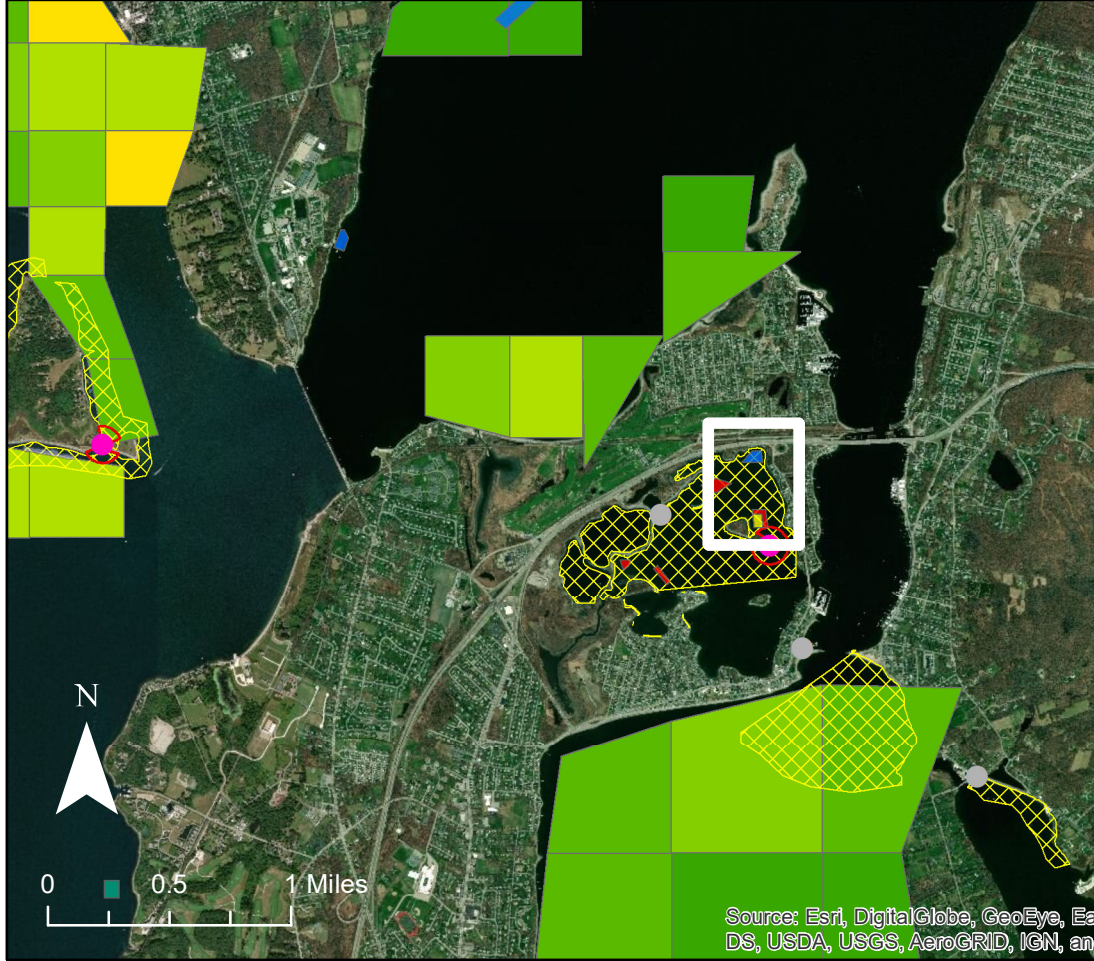
Viera

2020-04-016

0 250 500 Feet

2020-04-016
2.0 ac total

Coordinate System: NAD 1983 StatePlane Rhode Island FIPS 3800 Feet



Aquaculture Sites

- Approved
- Expanded
- PD App
- PN App
- Withdrawn/Expired
- DMF_Fixed_Monitoring_Sites
- DMF_Sites_400ft
- Boat_Access

SAV Weight

- 0.166667 - 0.333333
- 0.333334 - 0.500000
- 0.500001 - 0.666667
- 0.666668 - 0.833333
- 0.833334 - 1.000000
- Rec. Shellfishing (SMP)

Quahog Abund/m^2

- 0.000000 - 0.386564
- 0.386565 - 0.742760
- 0.742761 - 1.255957
- 1.255958 - 1.826788
- 1.826789 - 2.461520
- 2.461521 - 3.179719
- 3.179720 - 4.582960
- 4.582961 - 6.309102
- 6.309103 - 9.490298
- 9.490299 - 17.698588



0 0.5 1 Miles

Source: Esri, DigitalGlobe, GeoEye, Earthstar, USDA, USGS, AeroGRID, IGN, and



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

DIVISION OF MARINE FISHERIES/DIVISION OF FISH AND WILDLIFE

3 Fort Wetherill Road
Jamestown, Rhode Island 02835

October 30, 2020

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

Re: Jordan Viera 2020-07-068


Dear Mr. Goetsch:

The Rhode Island Department of Environmental Management (Department), through the Division of Marine Fisheries (DMF) and the Division of Fish and Wildlife (DWF), has received and reviewed the application submitted by Jordan Viera for a 2.0 acre site in Long Neck Cove (Portsmouth) for cultivating eastern oysters (*Crassostrea virginica*) and potentially the Northern quahog (*Mercenaria mercenaria*). The site will use three growing methods, which include to hanging cages with bags for oyster seed, bottom cages, and direct bottom plant for larger oysters.

The DMF believes that the adverse impacts to marine fisheries and their habitat from this prospective site would be minimal. As such, the DMF does not have objections to this application. However, the DMF would like the applicant to be aware that this area is used for recreational shellfishing.

The DMF and DFW's acceptance of the current proposal is specific to the location (provided by the coordinates) and specifications outlined in the application.

Sincerely,



Jason McNamee,
Deputy Director, RIDEM



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 NOTICE

File Number: 2020-08-001 Date: September 22, 2020

This office has under consideration the application of:

Antonio & Joseph Pinheiro
161 Beacon Avenue
Jamestown, RI 02835

for a State of Rhode Island Assent for a 0.57 acre landward expansion of their existing shellfish farm, 2014-12-056, for the bottom planting, with no gear, of eastern oysters (*Crassostrea virginica*), quahogs (*Mercenaria mercenaria*), and soft-shell clams (*Mya arenaria*).

Project Location:	West Passage
City/Town:	Jamestown
Waterway:	Dutch Island Harbor

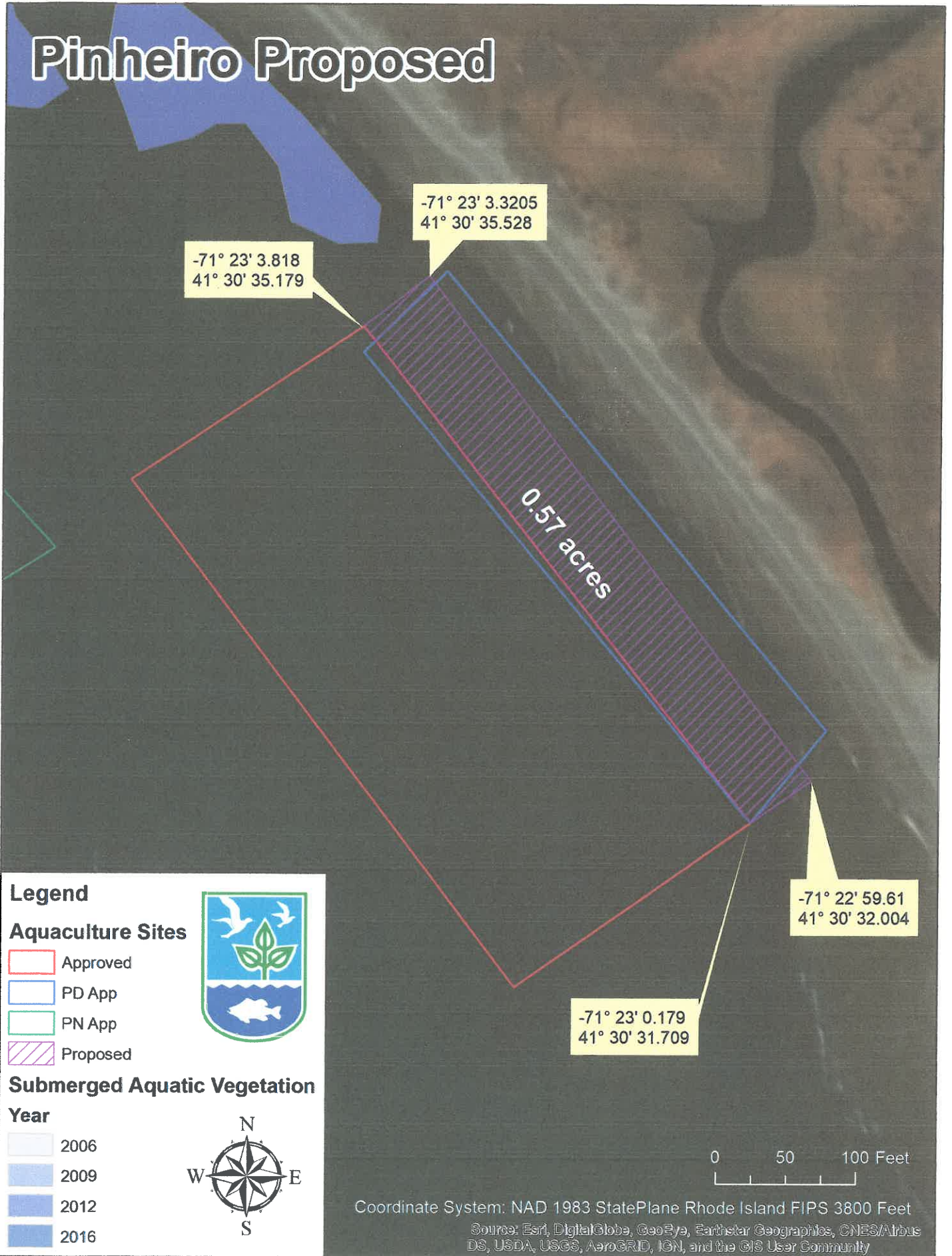
Plans of the proposed work may be seen at the CRMC office in Wakefield.

In accordance with the Administrative Procedures Act (Chapter 42-35 of the Rhode Island General Laws) you may request a hearing on this matter.

You are advised that if you have good reason to enter protests against the proposed work it is your privilege to do so. It is expected that objectors will review the application and plans thoroughly, visit site of proposed work if necessary, to familiarize themselves with the conditions and cite what law or laws, if any, would in their opinion be violated by the work proposed.

If you desire to protest, you must attend the scheduled hearing and give sworn testimony. A notice of the time and place of such hearing will be furnished you as soon as possible after receipt of your request for hearing. If you desire to request a hearing, to receive consideration, it should be in writing (**with your correct mailing address, e-mail address and valid contact number**) and be received at this office on or before October 22, 2020.

Pinheiro Proposed



Legend

Aquaculture Sites

- Approved
- PD App
- PN App
- Proposed



Submerged Aquatic Vegetation

Year

- 2006
- 2009
- 2012
- 2016



Coordinate System: NAD 1983 StatePlane Rhode Island FIPS 3800 Feet
 Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



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APPLICATION FOR STATE ASSENT

To perform work regulated by the provisions of Chapter 279 of the Public Laws of 1971 Amended.

Project Location <u>West Passage</u> <u>Jamestown, RI</u> <small>No. Street City/Town</small>	File No. (CRMC USE ONLY) <u>2020-08-001</u>								
Owner's Name <u>Antonio & Joseph Pinheiro</u>	Plat: Lot(s): <u>N/A</u>								
Mailing Address <u>161 Beacon Ave</u> City/Town <u>Jamestown</u> State <u>RI</u> Zip Code <u>02835</u>	Contact No.: <u>401 374 5301</u>								
Name of Waterway <u>West Passage, Narragansett Bay</u>	Estimated Project Cost (EPC): Application Fee:								
Longitude/latitude of all corners of Proposed Aquaculture Project Location (preferably in decimal degrees): <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><u>-71° 23' 3.32059</u></td> <td style="width: 50%;"><u>-71° 23' 0.179</u></td> </tr> <tr> <td><u>41° 30' 35.528</u></td> <td><u>41° 30' 31.709</u></td> </tr> <tr> <td><u>-71° 22' 59.61</u></td> <td><u>-71° 23' 3.818</u></td> </tr> <tr> <td><u>41° 30' 32.004</u></td> <td><u>41° 30' 35.179</u></td> </tr> </table>		<u>-71° 23' 3.32059</u>	<u>-71° 23' 0.179</u>	<u>41° 30' 35.528</u>	<u>41° 30' 31.709</u>	<u>-71° 22' 59.61</u>	<u>-71° 23' 3.818</u>	<u>41° 30' 32.004</u>	<u>41° 30' 35.179</u>
<u>-71° 23' 3.32059</u>	<u>-71° 23' 0.179</u>								
<u>41° 30' 35.528</u>	<u>41° 30' 31.709</u>								
<u>-71° 22' 59.61</u>	<u>-71° 23' 3.818</u>								
<u>41° 30' 32.004</u>	<u>41° 30' 35.179</u>								

Have you or any previous owner filed an application for and/or received an assent for any activity on this property?
 (If so please provide the file and/or assent numbers): N/A

Is this site within a designated historic district? YES NO

Is this application being submitted in response to a coastal violation? YES NO

If YES, you must indicate NOV or C&D Number: N/A

Name and Addresses of adjacent property owners whose property adjoins the project site. (Accurate addresses will insure proper notification. Improper addresses will result in an increase in review time.)

N/A

STORMTOOLS (<http://www.beachsamp.org/resources/stormtools/>) is a planning tool to help applicants evaluate the impacts of sea level rise and storm surge on their projects. The Council encourages applicants to use STORMTOOLS to help them understand the risk that may be present at their site and make appropriate adjustments to the project design.

NOTE: The applicant acknowledges by evidence of their signature that they have reviewed the Rhode Island Coastal Resources Management Program, and have, where possible, adhered to the policies and standards of the program. Where variances or special exceptions are requested by the applicant, the applicant will be prepared to meet and present testimony on the criteria and burdens of proof for each of these relief provisions. The applicant also acknowledges by evidence of their signature that to the best of their knowledge the information contained in the application is true and valid. If the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then the permit granted under this application may be found to be null and void. Applicant requires that as a condition to the granting of this assent, members of the CRMC or its staff shall have access to the applicant's property to make on-site inspections to insure compliance with the assent. This application is made under oath and subject to the penalties of perjury.08/04

Owner's Signature (sign and print)

PLEASE REVIEW REVERSE SIDE OF APPLICATION FORM



STATEMENT OF DISCLOSURE AND APPLICANT AGREEMENT AS TO FEES

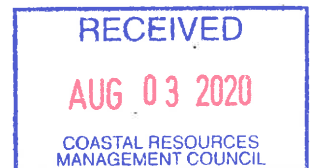
The fees which must be submitted to the Coastal Resources Management Council are based upon representations made to the Coastal Resources Management Council by the applicant. If after submission of this fee the Coastal Resources Management Council determines that an error has been made either in the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

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

Joseph Pinheiro / Antonio Pinheiro
Signature

8/3/2020
Date

Joseph Pinheiro / Antonio Pinheiro
Print Name and Mailing Address
161 Beaton Ave
Jamestown, RI 02835



Antonio and Joseph Pinheiro

08/26/2020

161 Beacon avenue

Jamestown, RI 02835

Application for Aquaculture Assent

Location:

North Westerly Corner 41.509878 N, -71.384178 W

North Easterly Corner 41.508987 N, -71.383187 W

South Easterly Corner 41.508808 N, -71.383383 W

South Westerly Corner 41.509722 N, -71.384394 W

-We are applying for a roughly .57 acre expansion of our current Assent off the Jamestown Brook in Dutch Harbor. The area is known as 3W and classified as approved for shellfish harvesting by the RI Dem.

-Our current lease is at capacity. We attached a map of roughly where the gear is now. We have 10 trawls with roughly 17 floating cages or floating boxes. This year we have deployed 250 bottom planted bags of spat on shell oysters for the EQUIP Oyster restoration program. We also have quahogs and Oysters planted directly on the bottom throughout the whole lease.

-The species we wish to culture are Mercenaria Mercenaria, Mya Arenaria, Crassostrea Virginica. These are currently marketable species and needed in today's market. They will be sold for human consumption. All three species will be planted together over the entire site.

- All species will be bottom planted. The Mercenaria Mercenaria and Mya Arenaria will be spread on the bottom and will bury themselves into the substrate. The Crassostrea Virginica will be planted on top of the previously stated two species and will rest on the bottom during grow-out. We will not use any netting to protect them. Instead, we will control predators by checking the site as needed and removing manually or with traps through our Commercial Fishing license.

-We are commercial shellfish harvesters. We will not shellfish commercially and then visit the lease in the same day.

-We will bottom plant numerous species of bi-valve shellfish using no gear. Daily routine will consist of checking on the shellfish, bringing them aboard one of our vessels, cleaning and tumbling them as



needed. Depending on the size of shellfish bought, they can take anywhere from 18 months to 3 or more years to reach market size.

-We will acquire seed from New England based Hatcheries, such as Muscongus Bay Aquaculture and the like and purchased according to all current CRMC and Bio-Security rules and regulations and follow NSSP guidelines and be accompanied, when required by CRMC, with a pathology report. We will purchase the seed at a very small size, possibly as small as eyed larvae. The shellfish, depending on the size, may be grown in our Upweiler or in our existing gear on our other lease before being transferred to the proposed site. Shellfish from our current site and/or Upweller may be transferred to this lease as well. We will notify the CRMC at least 5 days in advance for any out of state Seed deliveries and will follow all Bio-Security protocols.

-If shellfish spat are bought in other than Approved waters, they will spend a minimum of 6 months on the lease before being sold for consumption. They will be planted in a specific area and records of such will be kept to insure they are not sold before applicable rules and regulations apply

-Each corner of the lease will be marked with a Spar Buoy with the Assent number

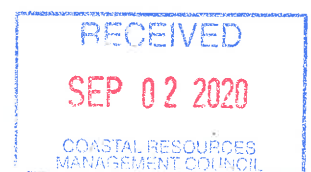
-Harvest will be done with rakes and follow RI Vibrio guidelines/ regulations for cooling and safe harvest. NSSP guidelines will be followed.

-We are licensed through the RI Department of Health (license number RI510ss) as Shellfish Shippers. Once the shellfish are harvested for intended consumption, they are shaded and cooled, and transferred in a timely manner to buyers. (please see attached document for detailed harvest methods)

-There is minimal recreation and shellfish harvesting in the proposed area. The public is encouraged to utilize the area for recreation, except for shellfish harvesting. We expect that the shellfish we plant will help increase the population in abutting areas and therefore be a benefit to shellfish harvesting by the public.

-The proposed site will be utilized for Commercial sales. We also have worked with URI, CRMC, Seagrass and Others for research purposes, which we intend to continue if this site is approved.

-There is a recommendation by the CRMC not to expand landward from the southwest corner, however such recommendation references the Geologist's report contained in the Preliminary Determination report. The Geologist recommended not extending to the MLW mark. Our current proposal is 25'-30' from the MLW mark in a seaward direction. This is the area where the Jamestown Brook frequently empties directly on to. In today's market, Shellfish with a unique flavor is sought after. This area gives the shellfish a mild brine, and one of the most unique tasting shellfish we have experienced. There-fore, being as close to that outlet is our preferred method of growing and what we feel to be the most viable way to be successful. It should be noted that when our current lease was starting to come out of the water on a moon low tide, (also: not mean low as stated in the preliminary determination report) we were the ones to notify the CRMC and inquire the best route, to avoid potential conflict. We feel that a little faith between us and the CRMC would be the best course of action. We will do what we have done in the past and notify the CRMC and work with them to move to a non-intertidal area if the problem arises.



Antonio and Joseph Pinheiro

161 Beacon ave

Jamestown, RI 02835

Responses to Section 300.1

1. Demonstrate the need for the proposed activity or alteration

To supplement the need for seafood for human consumption. Our current site is being fully utilized using bottom gear, bottom planting and floating gear, and we have another 500,000 seed on order which will soon need a space to grow.

2. Demonstrate that all applicable local zoning ordinances, building codes, flood hazard standards, and all safety codes, fire codes, and environmental requirements

have or will be met.

N/A

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

This expansion should have minimal to no negative effect on the above stated areas. While we have noticed some shellfish wash ashore, we can utilize methods, such as using cages (bottom and floating) on our currently approved site to help reduce the fetch in the proposed area. We will plant the Oysters a little at a time to ensure they do not wash ashore. The two species of Clams we have listed will be buried in the substrate and will not be washed ashore.

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

Shellfish were once abundant in the area. This application should have no negative impact on such. It should help to reduce erosion.

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 very little plant and animal life in the area. Shellfish will act as a cornerstone of a new bio-diverse marine community which should prove to be positive impact. There is no eel-grass on the proposed site. There historically has been some to the North-West, but that has seemed to disappeared over the past couple of years, according to our observations.



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.

The proposal is 25-30' from mean low water and should not interfere with access for the public. Traditional uses, other than shellfishing, are implied and encouraged. If the site proves to be intertidal, we will do what we have in the past, and contact CRMC, and either move, or eliminate the area in the intertidal zone. It should be noted that this is similar to many restoration sites/ efforts that are employed in shallow water throughout the State which are generally seem to be highly encouraged by the public and are not known to be intrusive at all to access.

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

There are significant tides in the area. The shellfish planted on bottom will have no negative impact.

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

Shellfish are filter feeders and will help clean the water

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

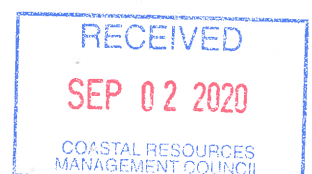
N/A

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

Traditional uses, such as boating, swimming, fin-fishing and the like (except for shellfishing) are implied and encouraged. We have had no negative feedback from the users we have encountered while using the area, and it seems a lot of them are using the area for the sole purpose of viewing the Shellfish Farm for recreation. If approved, this site should act as a restoration site to surrounding areas for shellfish.

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

The proposal is for bottom planting shellfish with no gear. There should be no negative visual impact.







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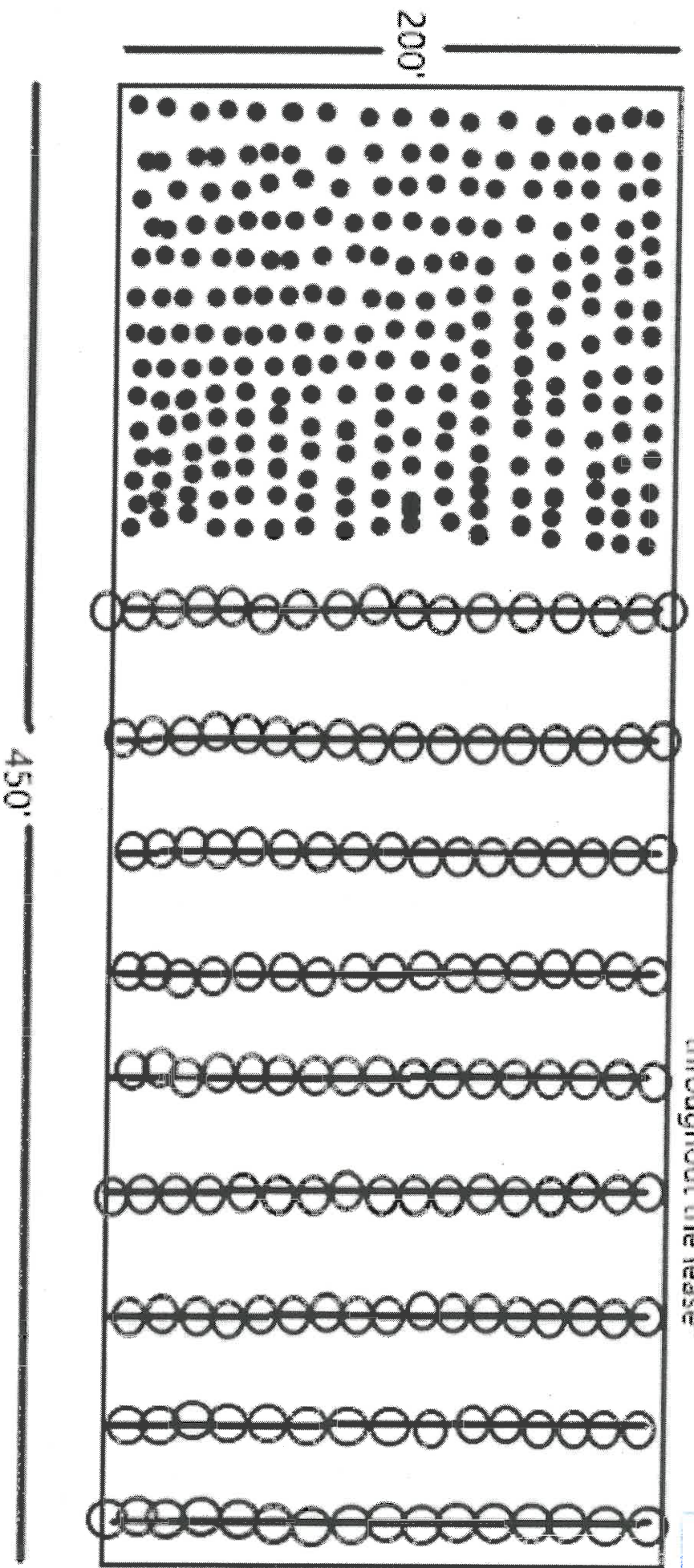
SEP 02 2020

 COASTAL RESOURCES

 MANAGEMENT COUNCIL

CURRENT LEASE GEAR LAYOUT

There is also bottom planted Oysters and Quahogs spread everywhere throughout the lease



Antonio and Joseph Pinheiro

161 Beacon ave

Jamestown, RI 02835

KEY

- Floating Cages/ Boxes
- Equip Restoration Bottom Planted Bags

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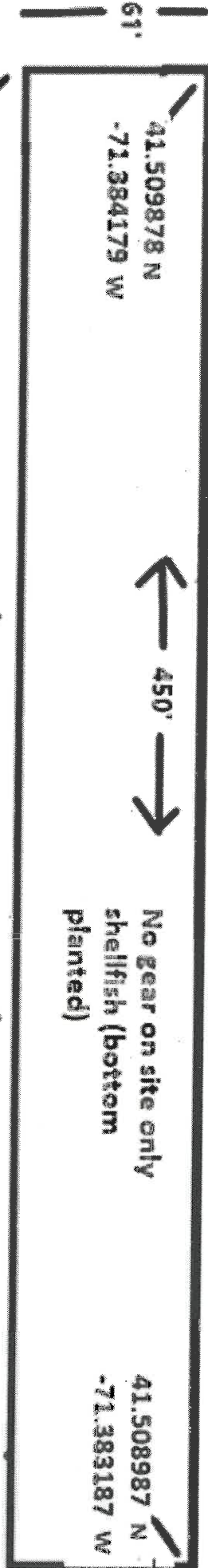
Antonio and Joseph Pinheiros
161 Beacon Ave
Jamestown, RI 02835

SITE PLANS

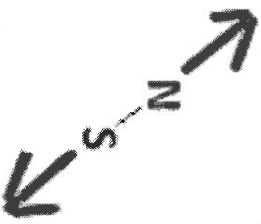
Inside Corner roughly
2' at MLW

Shoreline at Mean Low Tide roughly 25-30' from lease

Inside Corner roughly
7" depth at MLW



outside boundary at
roughly 3' at MLW



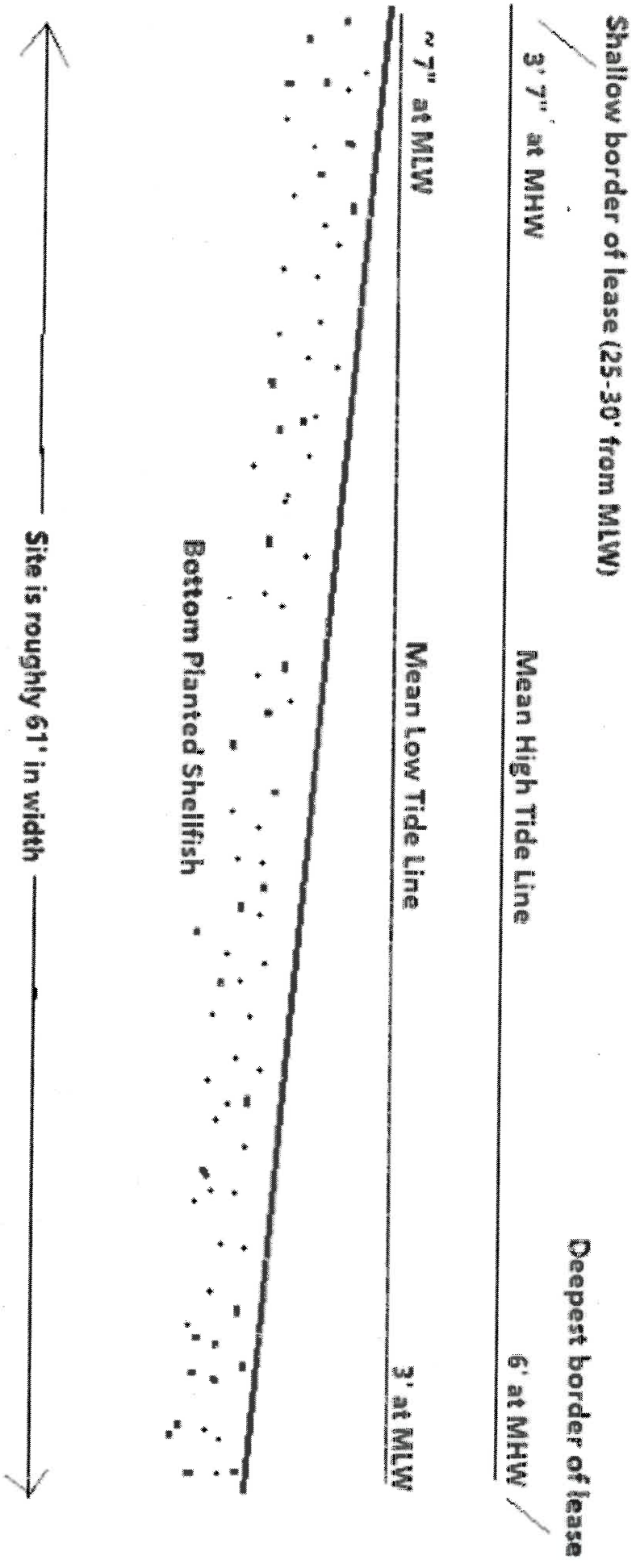
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Date of Preparation 08/16/2020

Scale
1" = 45.57'

Antonio and Joseph Pinheiro
161 Beacon ave
Jamestown, RI 02835

Cross Section Depths at Mean Low and Mean High Tide

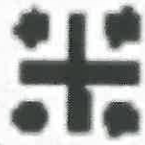
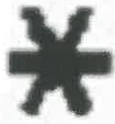


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Antonio and Joseph Pinheiro

COORDINATES

Coastal
Lobster
Habitat
Map



41.509878

-71.384179

41.509878

-71.384394

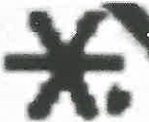
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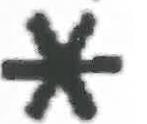
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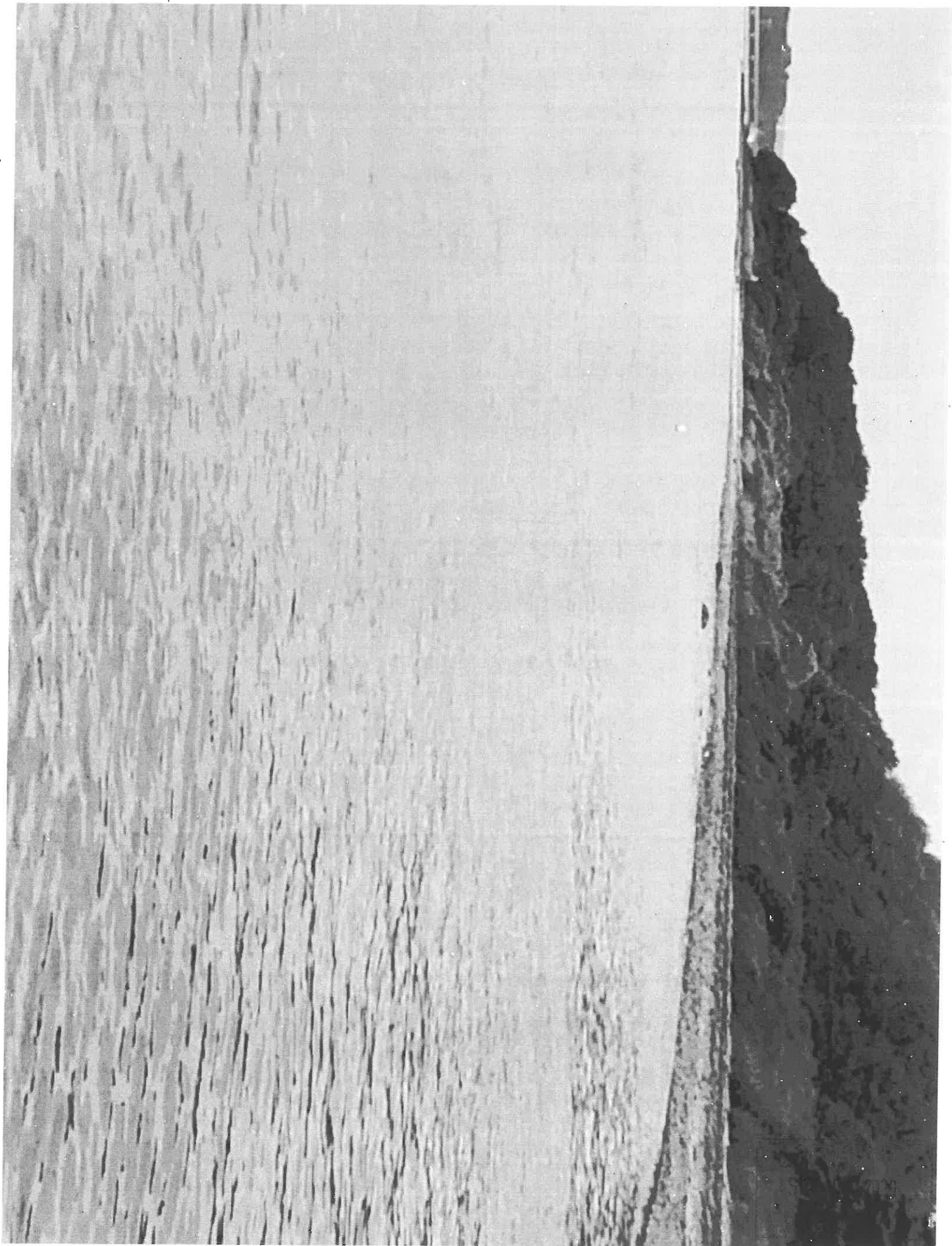
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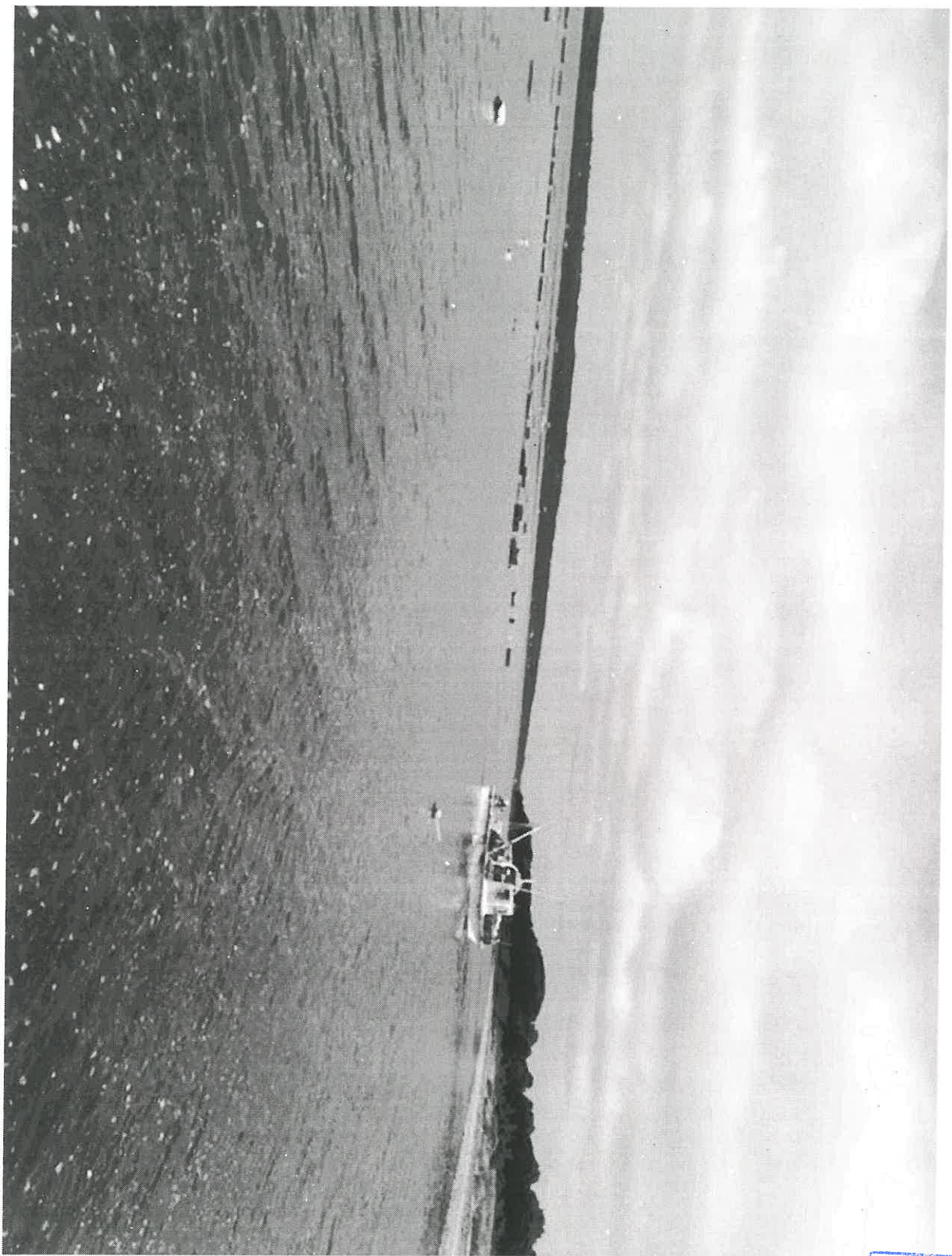
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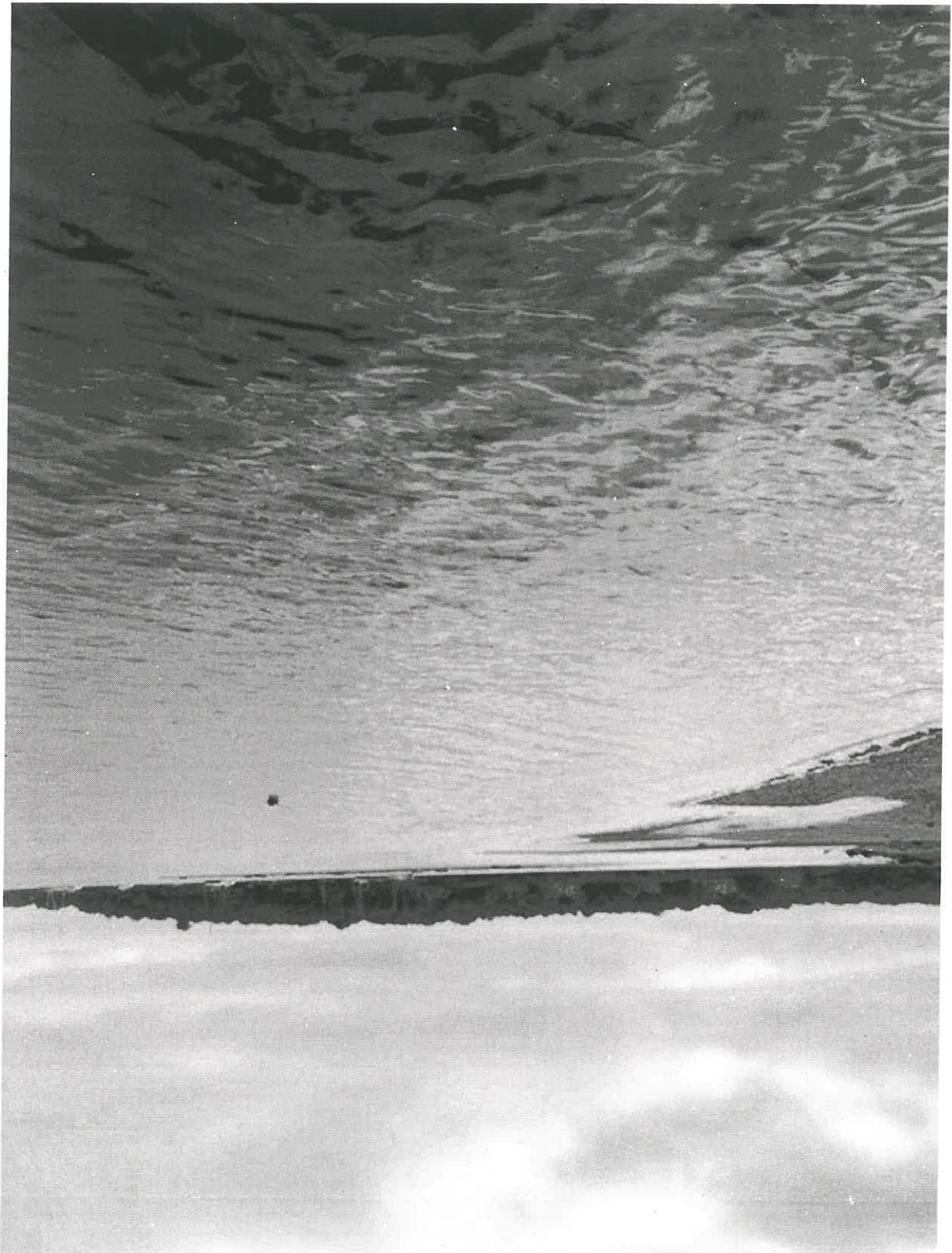


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HACCP Plan Form

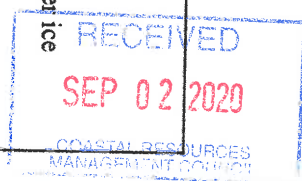
Firm Name: Sunset Beach Aquaculture llc.

Firm Address: 161 Beacon avenue
Jamestown, RI 02835

Product Description: OYSTER

Method of Storage and Distribution: To be stored and shipped under ice

Intended Use and Consumer: General Public



(1) Critical Control Point	(2) Significant Hazards	(3) Critical Limits for each Preventive Measure	Monitoring			(7) Who	(8) Corrective Actions	(9) Verification	(10) Records
			(4) What	(5) How	(6) Frequency				
Live shellfish cooler storage	Pathogen Growth	Product adequately iced Shellstock cooled to internal temp of 50° or less within 10 hrs, prior to shipping	Product iced Temp and cooling time	Visual check for ice Clock and Thermometer	Each container when in operation Each container	Owner	Check temp if not adequately iced, make sure product is less than or equal to 45°F. Add ice if necessary. Hold and evaluate product IAW the procedures in 2015 NSSP MO Chapter X 01. (F)(3) Dispose product	Review and signature of monitoring and corrective action records within one (1) week of preparation. Thermometer Calibration (minimum 2x year)	Cooler temperature/ ice log Corrective action record Thermometer calibration record.

Signature of Company Official:

Date: 04/17/2017

-626-19-8112020



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) 783-3767

Shellfish Survey for Pinheiro expansion, CRMC File# 2020-08-001

Date completed: 10/18/20

Investigator: Ben Goetsch, Aquaculture Coordinator

Gear used: Ribb Recreational Rake, 9 tooth

Sampling method: 8 pulls per transect

Substrate: sand, sand and rocks

Tidal stage: low

Vegetation and other invertebrates observed: crepidula, spider crab, dead man's fingers

Observations: very low density of clams found in most areas with some high density pockets

Transect 1: 5 quahogs (including 1 <1"); 3 oysters

Transect 2: 8 quahogs; 1 oyster

Transect 3: 7 quahogs; 1 oyster

Transect 4: 6 quahogs (including 1<1")

Transect 5: 6 quahogs (including 1<1")

Results: 6.4 quahogs per square meter



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

DIVISION OF MARINE FISHERIES/DIVISION OF FISH AND WILDLIFE

3 Fort Wetherill Road
Jamestown, Rhode Island 02835

October 26, 2020

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

Re: Pinheiro 2020-08-001

Dear Mr. Goetsch:

The Rhode Island Department of Environmental Management (Department), through the Division of Marine Fisheries (DMF) and the Division of Fish and Wildlife (DFW), has received and reviewed the application submitted by Antonio and Joseph Pinheiro for a 0.57 acre site expansion of their existing lease (2014-12-056) in Dutch Harbor for cultivating eastern oysters (*Crassostrea virginica*), quahogs (*Mercenaria mercenaria*), and soft-shell clams (*Mya arenaria*). The site will use direct bottom planting with no gear.

Given the use of bottom planting in the expanded area, the DMF believes that the adverse impacts to marine fisheries and their habitat from this prospective site would be minimal. As such, the DMF does not have objections to this application. The DMF and DFW's acceptance of the current proposal is specific to the location (provided by the coordinates) and specifications outlined in the application.

Sincerely,

Jason McNamee,
Deputy Director, Bureau of Natural Resources



State of Rhode Island and Providence Plantations
Coastal Resources Management Council
Oliver H. Stedman Government Center
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Dear Shellfish Advisory Panel,

The CRMC's program for comprehensively managing aquaculture applications includes the important first step of the preliminary determination (PD) process, which is purposefully designed to give the stakeholders such as town officials, harbor committee, harbor master, planning department, etc., the RI Department of Environmental Management and the applicant a chance to review and discuss the proposal with CRMC staff. This PD meeting (lately held via Zoom) usually occurs in the town offices of the community with the proposed aquaculture site and may include representatives from the U.S. Army Corps of Engineers, National Marine Fisheries Service, environmental organizations, commercial and recreational fishing industry associations, and town residents.

At this CRMC meeting the proposed aquaculture lease will be discussed and the applicant will be expected to answer any questions that arise. After the meeting the CRMC Aquaculture Coordinator will prepare a report to the applicant detailing suggestions and/or recommendations that arise from the meeting. The applicant is not required to take these suggestions into account when preparing the full CRMC application. However, the applicant will be aware that these suggestions and/or recommendations will surface again during the full application review process and the choice of not heeding them will have to be defended. Once the applicant has received the PD report they can apply for an aquaculture lease from the CRMC.

While many SAP members are notified individually of PD meetings, CRMC would like to formally invite and welcome the SAP into the PD process. CRMC suggests that the SAP members deliver any questions, suggestions or comments to the SAP chair. The chair can then attend the PD meeting on behalf of the SAP and report back to the members on the meeting. If the chair cannot attend, she may designate another member to attend in her stead or alternatively written comments would be accepted as well. When the PD report is complete, the Aquaculture Coordinator will share a copy with the SAP chair.

Sincerely,

Benjamin Goetsch
Aquaculture Coordinator

