



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: 2021-02-054 Date: February 16, 2021

This office has under consideration the application of:

**Bradley Boehringer & Travis Lundgren**  
**440 Condon Drive**  
**South Kingstown, RI 02879**

for a State of Rhode Island Assent to construct and maintain: commercial lease site using floating and submerged gear for oysters & scallops

Project Location:	Sakonnet River North of Sapowet Pt.
City/Town:	Tiverton
Waterway:	Sakonnet River

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

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

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

If you desire to protest, you must attend the scheduled hearing and give sworn testimony. A notice of the time and place of such hearing will be furnished you as soon as possible after receipt of your request for hearing. If you desire to request a hearing, to receive consideration, it should be in writing (**with your correct mailing address, e-mail address and valid contact number**) and be received at this office on or before March 16, 2021.

## Cover Letter

### Travis Lundgren & Brad Boehringer

Edited: February 10, 2021

We are very excited about the opportunity to work in Tiverton and create a business which exports seafood all over the United States. Brad Boehringer is the current owner of the Rocky Rhode Oyster farm which operates out of Pt Judith Rhode Island. You can find Rocky Rhodes in many of the local restaurants in the state and he has been well received in places such as Florida and Connecticut. Brad is looking to expand his acreage as the Pt Judith salt pond is at capacity for oyster leases, in order to expand Travis Lundgren is teaming up with Brad to accomplish more goals with farms in Pt Judith and Tiverton. Travis Lundgren has worked in the fishing industry in Galilee for fifteen years in various aspects of the fishing industry. After many different types of fishing and aquaculture experiences, Travis has focused the past seven years on oyster aquaculture managing the growth of 20 million oyster seed every year for multiple farms inside the Pt Judith pond and is now looking forward to growing oysters with his good friend.

There are a couple of different styles of farming that we plan on doing however the style that is most discussed is our use of floating gear. Floating gear for those who may not be entirely familiar, is the use of cages that are attached to floats and tied along a line together fifteen cages at a time. They are extremely advantageous for oyster farming because they bounce in the waves all day long, creating action inside the cages for the oysters to “loosen up” and therefore create extra space and accelerate growth. The innovative feature of the floating gear is that it can be flipped upside down in the water exposing the cage and the oysters to the sun and the air. This helps keep the gear clean which prevents people from needing to power wash gear from all of the bio fouling that occurs throughout the course of a growing season. By keeping the gear clean our farm can require a significantly less amount of time and effort to grow a great product than many standard methods of oyster aquaculture. There are many examples of floating gear in Rhode Island as you can see it from both sides of the Verrazano Bridge between North Kingstown and Jamestown.

We look forward to hearing from other residents and we always look to be a positive influence in our community around us, Brad and Travis both recognize Tiverton, especially that part of Sapowet Point to be one of Rhode Island’s most beautiful and special places and a place worth establishing a business that will last generations. We understand the magnitude of what we are asking and we want everyone who is concerned to understand that we always have an open door for suggestions towards making our public relations more amicable.

# Commercial Aquaculture Lease Application

Written: 2/10/2021

Application requested by Travis Lundgren & Brad Boehringer

1. Travis Lundgren & Brad Boehringer

(401) 489-3702 & (401) 207-0495

Travislundgren630@yahoo.com & Rockyrhodeoysterco@gmail.com

Mailing Address:

440 Congdon Dr

Wakefield, RI 02879

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

CRMC: D2020 – 10 - 068

3. DEM Aquaculture License number (applicable if products are offered for sale): AQUA 106 & DSF 33

4. Type of facility: Commercial lease site using floating gear and submerged gear to raise oysters and scallops.

5. Location of facility (include aerial or chart depicting exact location)(see attached):

☐ Town: Tiverton

☐ Water body: Sakonnet River - Area 5B

☐ Lat/long coordinates of facility:

- NE Corner 41 deg. 35' 23.624" N 71 deg. 12' 46.558" W
- NW Corner 41 deg. 35' 24.569" N 71 deg. 12' 47.957" W
- SE Corner 41 deg. 35' 16.808" N 71 deg. 12' 54.316" W
- SW Corner 41 deg. 35' 17.800" N 71 deg. 12' 55.66804" W
  - Total acreage: 2.96 Acres

6. The species of shellfish to be grown at the facility will be the Eastern Oyster/American Oyster *Crassostrea Virginica*, and the Bay Scallop *Argopectin Iradians*. Through our selection and purchasing of seed we will follow the Biosecurity Board Seed Protocols buying from local farms and registered hatcheries.

7. Gear Descriptions (sketch of cross-section attached):

a. Floating Gear

- Oyster Gro style Cages float on surface of the water in lines anchored with screw-in augers on opposite ends to keep cages in place
- Floating trays (attached same as cages above)
- Boat will pull alongside cages/trays to flip, clean, and weekly harvest the adults.

b. Bottom Gear

- Cages which will hold adult oysters preparing to be sold to market.

8. Description of the methods and equipment used to identify and mark site. We will discuss with the town of Tiverton what method of markings we should utilize to identify site – possibly including an optional solar powered lit high flyer.

9. DEM Shellfish Harvesting Classification: 5B

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

- a. We are planning on growing oysters and scallops.
- b. We will follow the state mandated Vibrio Protocol to eliminate the risk of contamination in compliance with the ISSC.
- c. Our site selection is an approved shell fishing site which will be accessed by boat which will be docked at a marina in Tiverton/Bristol region.
- d. Floating gear will not disturb the natural habitat below, there will be only two anchors placed for every line approx. 10-20 cages. These floating cages/trays can be flipped upside down to expose the shellfish and dry off all bio-fouling. We will be using a gas-powered water pump to wash off the cages periodically as well.
- e. Bottom cages, trays, and bottom planted oysters will be carefully placed down, allowing adequate space and providing ample room for the natural habitat within the grounds of our farm. These oysters will also be cleaned with the gas powered washdown pump periodically.
- f. Oysters and Scallops grown in floating gear will be flipped over in order for the natural sunlight to defoul the gear. We will not sell any final product until it has been resubmerged for seven days. Following the *resubmergence protocol* we will track which oyster lines have been flipped and when they have been flipped, on the farm map that we use for inventory and record keeping.
- g. We intend to harvest weekly throughout the entire calendar year. There will be one vessel, a mid-20-foot length work skiff, in the beginning season. Likely expanding to two similar sized vessels by the start of the second season. Our vessels are equipped with shaded area to hide shellfish from sun exposure during Vibrio Protocol months, and have a

cooler filled with ice on vessel for submerging shellfish immediately upon harvest. We have secured several accounts that will be purchasing consistent quantities of shellfish from us throughout each year. Any sales following this account are intended to be local.

- h. We have planned to buy seed from local farms in southern Rhode Island. All reporting and record keeping requirements upheld by the CRMC, DEM, DOHM, and NMFS will be met.

**11. Procedures for maintaining records: for operations using seed acquired from out-of-state: description of notification, disease certification, and labeling/tagging procedures:**

All out of state seed purchases will come with a clean pathology report. All sales of seed will again have a clean pathology report to accompany the seed. All seed will be recorded and tracked in a notebook, including the total number of seed sold, the price sold, and the date in which a clean pathology report was acquired.

**12. Procedures for maintaining records: for upwellers/seed-growing facilities in prohibited waters: description of procedures, including frequency of grading (with particular reference to requirements that seed must be removed before it exceeds maximum "seed" size threshold, i.e., <32 mm for oysters, <25 mm for quahogs):**

This is not applicable because we will not be operating any upwellers or seed-growing facilities at this site.

**13. Procedures for maintaining records: for operations using seed from prohibited waters, or operations using shellfish obtained from a third party that originated as seed from prohibited waters:**

Detailed description of demarcation methods and record-keeping practices used at the lease site to ensure that animals have been cultured at least twelve (12) months in approved waters, prior to sale, including:

- a. We will begin all record keeping when we acquire seed and bring to our lease site. This will include parameters indicating the date, the source, the average size, and the quantity of seed.
- b. Once the seed has been carefully documented and arrived on lease, we will follow it throughout the stages of its life on our site with careful attention. We will have all cages numbered and identified on waterproof maps these maps will be updated and reprinted for daily use on the lease.

**Description of the process for notifying the third party that (a) seed came from prohibited**

**waters, (b) the date of that transfer, and (c) the remaining time needed to maintain the animals in approved waters prior to sale.** We will have all documents showing origin of seed and date of arrival on our lease. If the seed came from unapproved waters for shellfish cultivation we will have that documented on our charts/maps and will be evident as to when the shellfish has been in our approved waters for 12+ months.

In Response to Section 300.1:

1. *Demonstrate the need for the proposed activity or alteration:*
  - a. Travis Lundgren has worked and been a part of the oyster industry for almost a decade. Floating cages are an effective and efficient way of growing market sized oysters and Lundgren is prepared to utilize the full acreage in the application and create a business. Brad Boehringer runs Rocky Rhode Oyster Co. and is looking for more space to continue his operation's grow out since his current site in Point Judith Pond has recently been deemed a "conditional" harvest area which has negatively impacted his business' success.
2. *Demonstrate that all applicable local zoning ordinances, building codes, flood hazard standards, all safety codes, and all environmental requirements have or will be met; local approvals are required for activities as specifically prescribed for nontidal portions of project in Section 300.2, 300.3, 300.6, 300.8, 300.9, 300.11, 300.13, 300.15, and 300.17; for projects on state land, the state building official, for the purpose of section, is the building official;*
  - a. There are no local ordinances that pertain to nor approvals required for the architecture and environmental placement of our farm.
  - b. We are approximately 400+ft from the coastline.
3. *Describe the boundaries of the coastal waters and land area that are anticipated to be affected:*
  - a. No boundaries of the coastal waters and land area are anticipated to be affected. We have situated our application's perimeter both 200+ feet from the nearest shoreline and 200+ feet from the rock jetty east of the site. Both allotted spaces allowing ease of access for all water going vessels.
  - b. We are at least 750ft. from the nearest residential property.
4. *Demonstrate that the alteration or activity will not result in significant impacts on erosion and/or deposition process along the shore and in tidal waters:*
  - a. Aquaculture, especially our methods, is not known to directly impact erosion or deposition of subaqueous soil.
5. *Demonstrate that the alteration or activity will not result in significant impacts on the abundance and diversity of plant and animal life:*

- a. Our farm's architecture will result in an increase in both plant and animal life diversity. There is minimal to no existing plant life in the area so we are not concerned with encroaching on any submerged aquatic vegetation (SAV).
  - b. Under recommendation from the DFW we will not use mechanical roosting deterrents on our cages, no scarecrows or metal objects.
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:*
  - a. Public access through our farm will be impaired by floating cages. All normal sized watercraft will be easily able to navigate around our clearly marked lease. The small size of the lease relative to the immense acreage of water in the surrounding area will allow ample space for recreational uses such as waterskiing, sailing, fishing, etc...
7. *Demonstrate that the alteration will not result in significant impacts to water circulation, flushing, turbidity, and sedimentation:*
  - a. Maneuvering through the farm by boat will slightly increase turbidity, however the sedimentation will be minor.
8. *Demonstrate that there will be no significant deterioration in quality of waters in the immediate vicinity as defined by the DEM:*
  - a. Our farm's raising of shellfish should only improve the water quality.
9. *Demonstrate that the alteration or activity will not result in significant impacts to areas of historic and archaeological significance:*
  - a. We have found no archaeological or historical significance with our proposed site.
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:*
  - a. Our farm's site will consist of a small relative acreage in comparison to the surrounding area, activities can still happen with ease around the outside boundaries of the farm. We have provided space between us and the recreational shell-fishing area along the coastline permitting shellfishermen and whelk harvesters ample room to continue any preexisting activity.
  - b. We are at least 200 ft. from the nearest mooring field.
11. *Demonstrate that measures have been taken to minimize any adverse scenic impact:*
  - a. We will have CRMC mandated buoys with solar lights marking our site corners closest to channel, oysters & scallops that are in floating cages/trays will be tied together in tight neat lines. Oysters & scallops grown in bottom cages/trays will have a 12-16" lobster pot buoy marking the specific trawl of cages. Oysters that are bottom cultured will not have any gear required.
  - b. Our floating trays will have a float with an average height of 4" above the still water elevation. Our floating cages will have a float with an average height of 14" above still water elevation – which is the standard size float for the most

commonly used cages in the shellfish growing industry, previously permitted through the coastal ponds and west passage of the Narragansett Bay. At the beginning and end of each line of floating cages there will be a lobster pot styled buoy of 12-16" in length.



# Boehringer and Lundgren 2020-10-068

2.96 ACRES

71° 12' 47.95787"W  
41° 35' 24.56959"N





71° 12' 55.66804"W  
41° 35' 17.80016"N

71° 12' 46.558"W  
41° 35' 23.624"N

71° 12' 54.316"W  
41° 35' 16.808"N

## Legend





### Aquaculture Sites

-  Approved
-  PD App
-  PN App
-  Proposed



### Submerged Aquatic Vegetation

#### Year

-  2006
-  2009
-  2012
-  2016

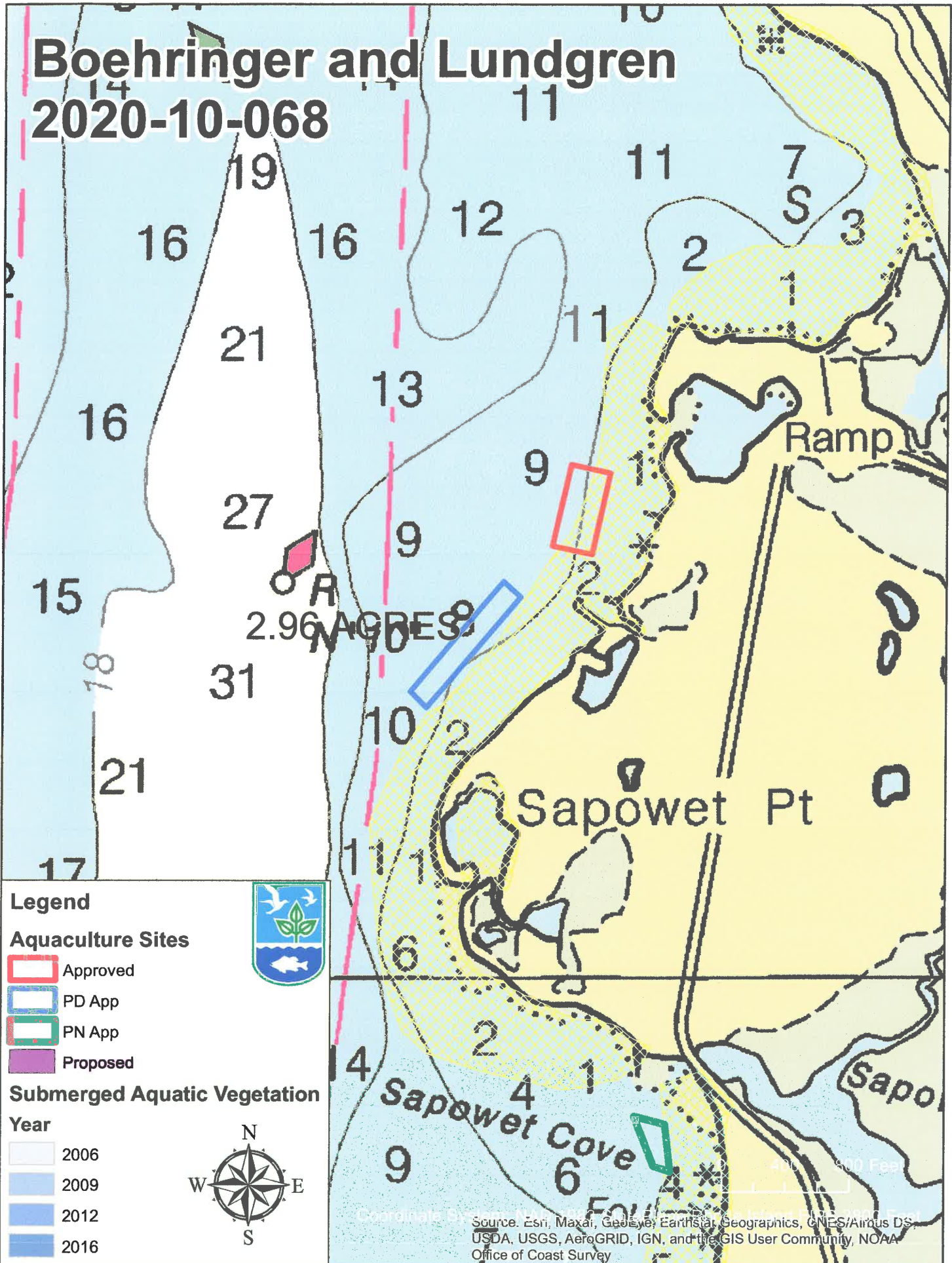


0 325 650 Feet

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

# Boehringer and Lundgren

2020-10-068



### Legend

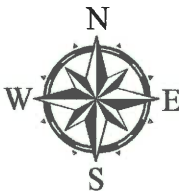
#### Aquaculture Sites

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#### Submerged Aquatic Vegetation

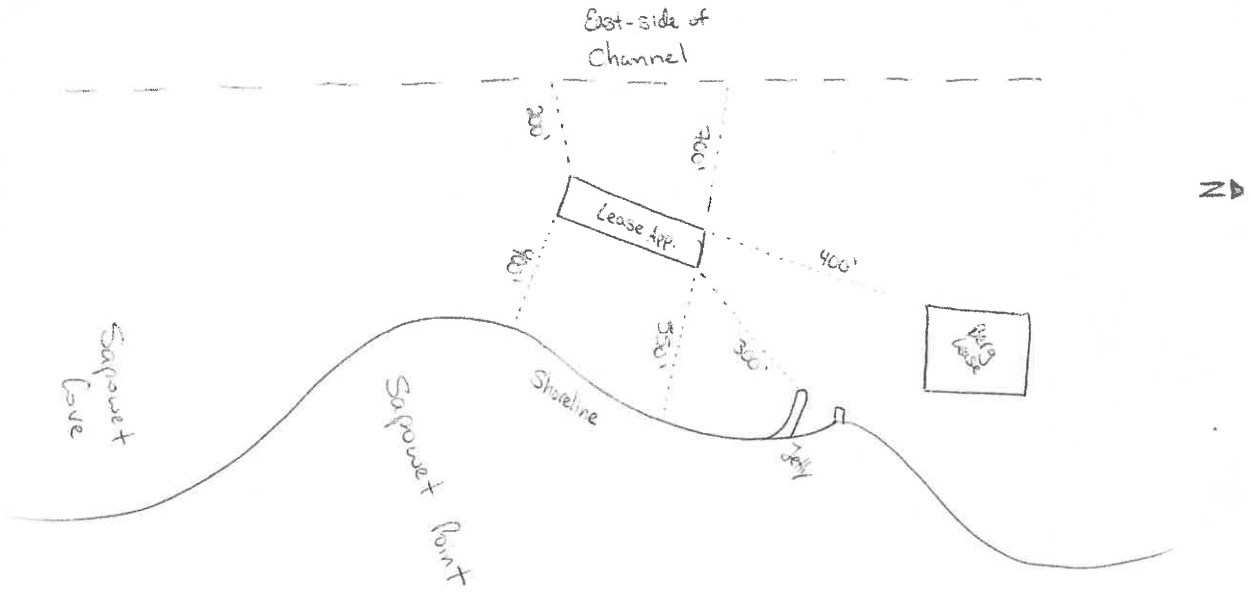
##### Year

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- 2009
- 2012
- 2016



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, NOAA Office of Coast Survey

Lease Notable Distances  
in Area  
Boehringer - Lundgren App  
dated: 2/4/21



# Boehringer and Lundgren

## 2020-10-068

**DISTANCE FROM SITE**

Coastline → SE Corner = 400'  
 → NE Corner = 550'

Jetty → NE Corner = 300'

Berg Lease → NW Corner = 400'

Channel → NW Corner = 700'  
 → SW Corner = 200'

2.96 ACRES

**Legend**


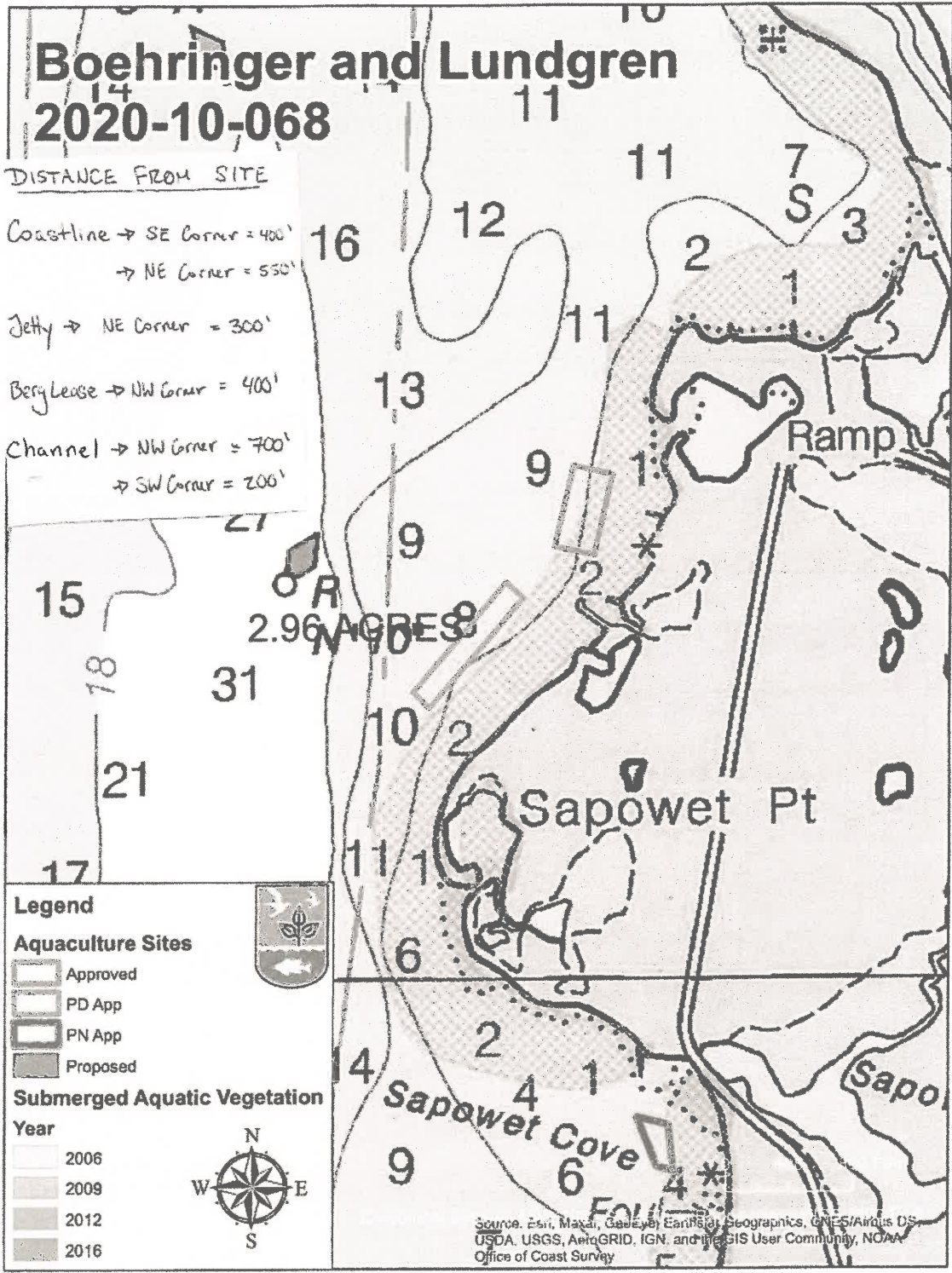
**Aquaculture Sites**

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**Submerged Aquatic Vegetation**

**Year**

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- 2009
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- 2016

Source: Esri, Maxar, GeoEye, Earthstar, Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, NOAA Office of Coast Survey



South



North



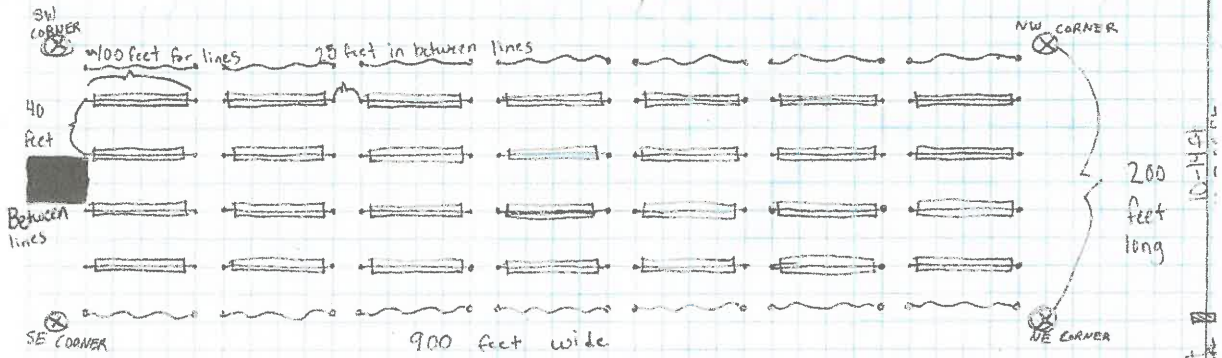
West







EAST



EACH HORIZONTAL Square = 25 ft of distance    EACH Vertical Square length = 20 ft of distance    EACH  = line of 15 cages



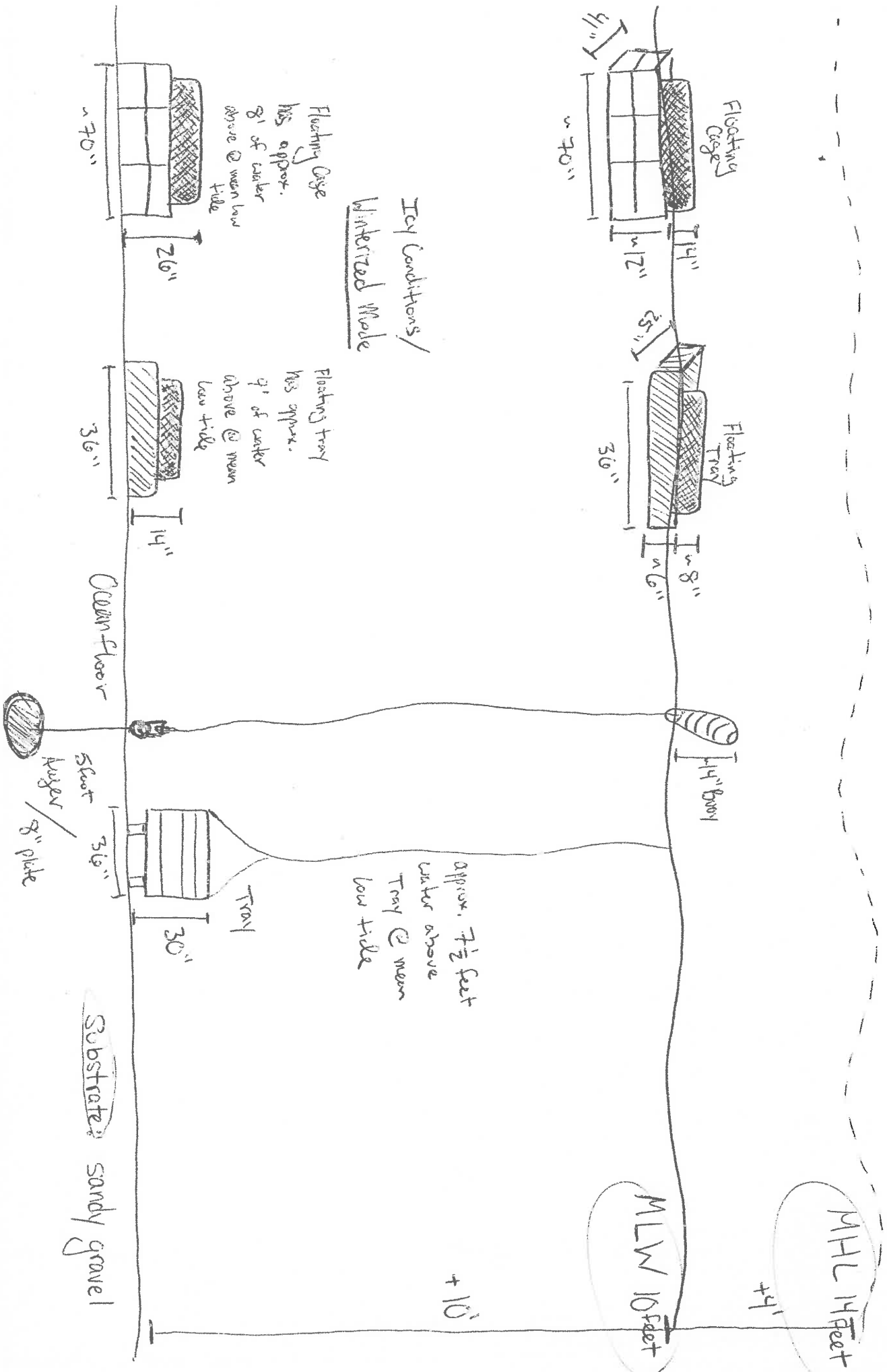
**KEY**

-  - Corner marker - 4x
-  - Auger / buoy combo - 84x
-  - Floating cage/tray lines - 28x
  - ↳ 15 cages
  - ↳ 40 trays } per line
-  - cage trawl submerged - 14x
  - ↳ 20 cages/trawl

Total Buoys = 168  
 Corner Markers = 4  
 Total Horizontal Lines = 42  
 Total Vertical Lines = ~~12~~ 88

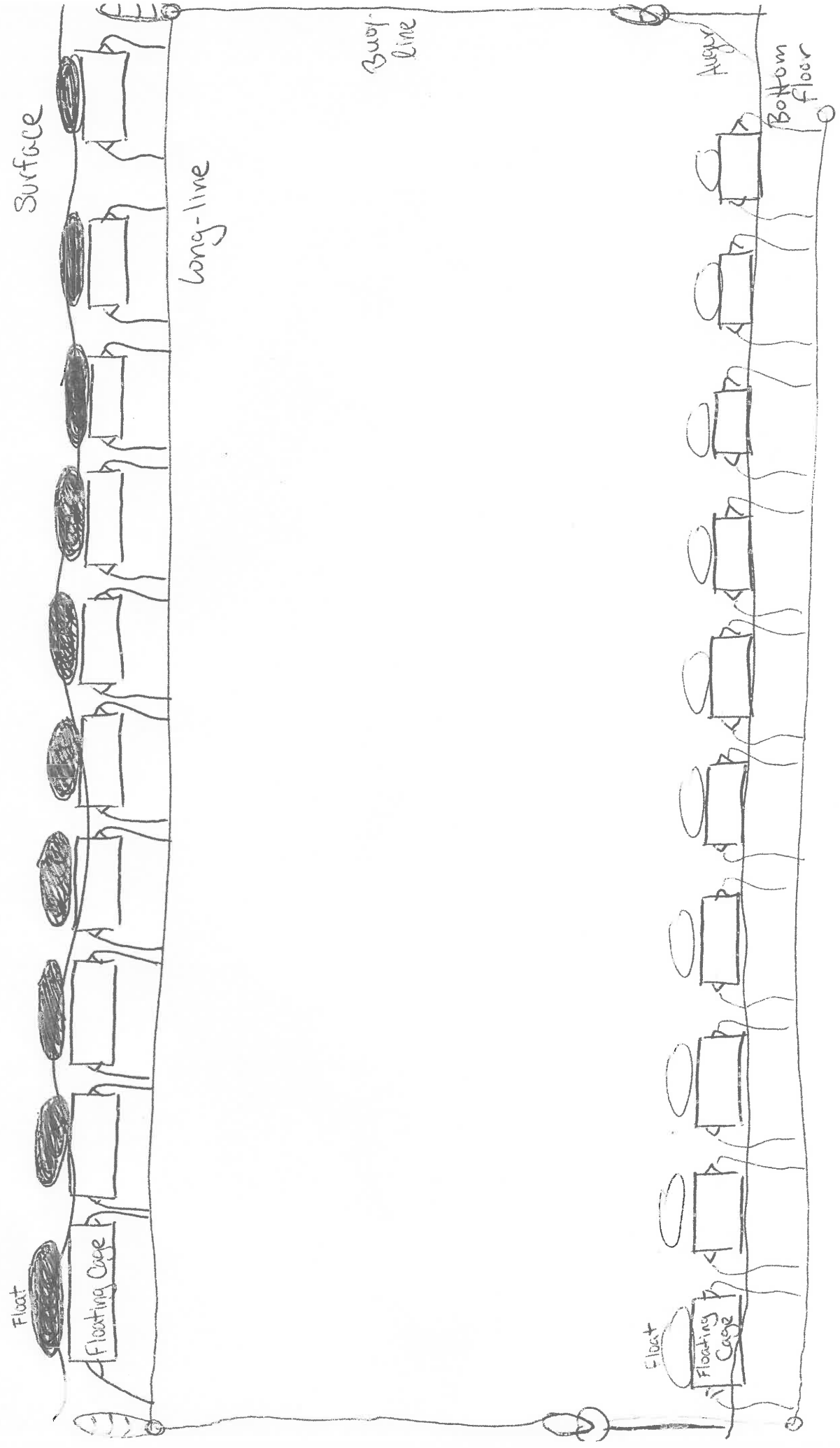


Condgren & Beahringer  
 Cross-Section View Plan  
 dated: 11/5/20



Cross-section (Expanded)  
Boehringer - Madison  
edited: 2/4/21

Floating Perspective  
vs.  
Sunken Perspective









**Shellfish Survey for new aquaculture site, CRMC File# 2021-02-054**

Applicant: Brad Boehringer and Travis Lundgren

Date completed: 12/3/2020

Location: Sakonnet River, north of Sapowet Point off the shore of Tiverton

Investigator: Ben Goetsch, Aquaculture Coordinator

Dan Goulet, Captain of the R/V Jack Reed

Gear used: 14 ft Tongs (12 teeth on each head)

Sampling method: Grab samples, 4/station = 1 square meter

Substrate: Mud/rocks

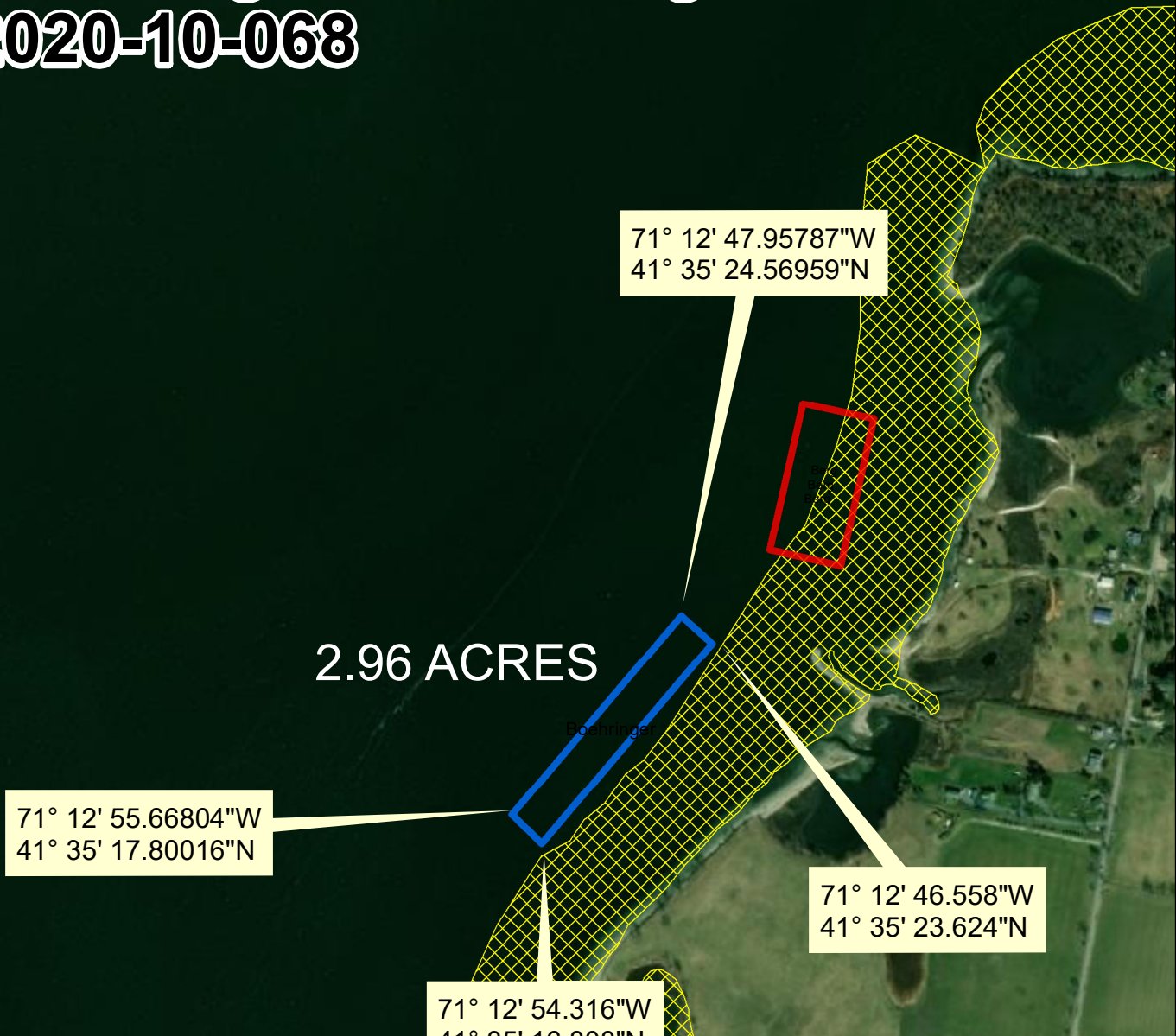
Tidal stage: low/outgoing, wind against tide

Vegetation and other invertebrates observed: some crepidula, red algae, 1 small whelk

Observations: Only one quahog (cherry) found over 12 sq meters (48 pulls of the tongs), many empty slipper shells, one old empty quahog shell, and one very small whelk. Lots of small rocks and a shelly black mud bottom.

Results: 0.08 quahogs per square meter

# Boehringer and Lundgren 2020-10-068



## Legend





### Aquaculture Sites

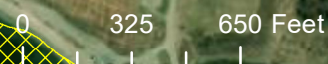
-  Approved
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### Submerged Aquatic Vegetation

#### Year

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-  2009
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Coordinate System: NAD 1983 StatePlane Rhode Island FIPS 3800 Feet

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



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

March 16, 2021

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

Re: Boehringer and Lundgren 2021-02-054

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 Bradley Boehringer and Travis Lundgren for a 2.96-acre aquaculture lease at Sapowet Point in the Sakonnet River, Tiverton, for cultivating eastern oysters (*Crassostrea virginica*) and Bay scallops (*Argopectin irradians*). The site will use both floating (Oyster Gro style cages and floating trays) and submerged gear.

While DFW does not find the proposed facility poses a significant risk to migratory birds, DFW does want the lease holder to be aware that the nearby Sapowet Marsh is an Important Bird Area of global priority (Rhode Island 2016). Greater Scaup can be found in large concentrations along the coves of the Sakonnet River. Scaup are listed as species of high conservation concern within the New England/Mid-Atlantic Coast Bird Conservation Region (Mckinney et al. 2015, Steinkamp 2005). The abundance of Scaup in the bay is lower now than reports of 20,000 birds in the mid-1900s and this trend is reflective of the declines in the North American Breeding population (Afton and Anderson 2001, Mckinney et al. 2015). Greater Scaup frequently feed on invertebrates such as mollusks, insects and crustaceans and as such, the aquaculture production may frequently face depredation from these or similar species (Price & Nickum 1995, Varennes et al. 2013). Various species of wading birds, gulls, and terns may also be attracted to the floating cages both as foraging and roosting opportunities (Callier et al. 2018). DFW encourages the applicant to explore floating gear designs that deter roosting (see Comeau et al. 2009). DFW will not support moving deterrents, scarecrows, etc. as they will also displace non-target species from the lease and surrounding area. Lethal removal of depredating birds requires authorization from DFW and may not be supported. Additionally, installation of exclusion devices or deterrents will be considered



lease modifications and will need to be approved, as some versions are known to have lethal implications for diving ducks (Varenes et al. 2013).

Given the lack of existing data, the DFW believes the adverse impacts to marine birds would be minimal and as such, the DFW does not have objections to this application.

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,

A handwritten signature in black ink that reads "Jason E. McNamee". The signature is written in a cursive style with a large initial "J" and "M".

Jason McNamee,  
Deputy Director, Bureau of Natural Resources

## References

Afton, A.D., and M.G. Anderson. 2001. Declining scaup populations: A retrospective analysis of long-term population and harvest-survey data. *Journal of Wildlife Management* 65:781-796.

Callier MD, Byron CJ, Bengtson DA, Cranford PJ, Cross SF, Focken U, Jansen HM, Kamermans P, Kiessling A, Landry T, O'Beirn F, Petersson E, Rheault RB, Strand Ø, Sundell K, Svåsand T, Wikfors GH, McKindsey CW (2018) Attraction and repulsion of mobile wild organisms to finfish and shellfish aquaculture: a review. *Rev Aquac* 10:924–949.

Comeau LA, St-Onge P, Pernet F, Lanteigne L (2009) Deterring coastal birds from roosting on oyster culture gear in eastern New Brunswick, Canada. *Aquac Eng* 40:87–94.

Price IM, Nickum JG (1995) Aquaculture and Birds: The Context for Controversy. *Colon Waterbirds* 18:33–45.

Rhode Island. 2016. Audubon. <https://www.audubon.org/important-bird-areas/state/rhode-island>, accessed, 2 March 2020.

Steinkamp, M. 2005. New England/mid-Atlantic coast bird conservation region (BCR 30) implementation plan. Atlantic Coast Joint Venture, US Fish and Wildlife Service, Laurel, MD. 251 pp.

Varenes É, Hanssen S, Bonardelli J, Guillemette M (2013) Sea duck predation in mussel farms: the best nets for excluding common eiders safely and efficiently. *Aquac Environ Interact* 4:31–39.