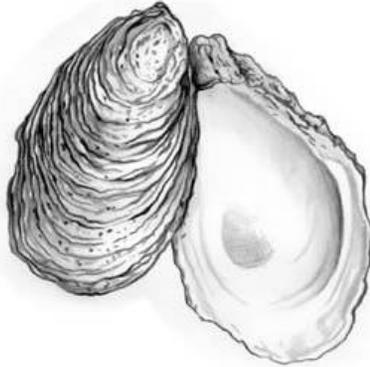


Shellfish Aquaculture Lease Program



in Peconic and Gardiners Bays

Suffolk County Aquaculture Lease Program Advisory Committee Project Kickoff Meeting

Southold Town Hall - January 31, 2007

Southampton Town Hall - February 6, 2007

7:00- 9:30 pm

SUFFOLK COUNTY
AQUACULTURE LEASE PROGRAM ADVISORY COMMITTEE

Project Kickoff Meeting Agenda
Southold Town Hall - January 31, 2007
Southampton Town Hall – February 6, 2007

- Welcome and Introductions

 - The 2004 Lease Law and Suffolk County Authority
 - Background on the Suffolk County Project
- } **Dept. of Planning**
-
- Consultant Scope of Work Overview – Cashin Associates, P.C.
- Task Descriptions and Methodologies
 - Shellfish Aquaculture Planning Area - Project Base Map (Task 1.1)
 - Discussion on Stipulations and Additional Criteria (Task 1.2)
- Deliverable Due Dates
- } **Cashin Associates**
-
- Underwater Lands Title Search Status
- Permitted Use of Underwater Lands for Shellfish Culture
- Shellfish Aquaculture Practices in the Planning Area
- Future Opportunities for Public Input
- Project Website
- } **Dept. of Planning**
-
- Public Portion/Comment

The 2004 Lease Law & County Authority

- Chapter 425, Laws of New York 2004.....09/14/04
(Environmental Conservation Law 13-0302)
- Previous work done on Peconic aquaculture
 - *Policy Guidance for Suffolk County on Shellfish Cultivation in Peconic and Gardiners Bays*
 - *Survey Plan for Shellfish Cultivation Leasing in Peconic and Gardiners Bays*

The Following Areas Can Not Be Located Within a Shellfish Cultivation Zone

(Chapter 425, Laws of New York 2004)

- Lands within 1,000 feet of the high water mark
- Lands “where bay scallops are produced regularly and harvested on a commercial basis”
- Lands “where there is an indicated presence of shellfish in sufficient quantity and quality and so located as to support significant hand raking and/or tonging harvesting”
- Lands where “leasing will result in a significant reduction of established commercial finfish or crustacean fisheries”

**Before leasing, the County must adopt regulations
by local law governing the leasing process:**

- applications
- notices
- forms and terms
- standards for approval/denial
- administration
- transfer and renewal
- marking and testing
- fees
- recording
- bonds
- other appropriate matters

Background on the Suffolk County Project

- Capital Project No. 7180.110: Aquaculture Leasing Program03/21/05
- Aquaculture Lease Program Advisory Committee (ALPAC).....06/15/05

Suffolk County Aquaculture Lease Program

Advisory Committee

Established by Executive Order No. 44-2005 and No. 45-2005.

Membership (17 entities):

- **Suffolk County Executive Office**
- **S.C. Legislature Environment, Planning and Agriculture Committee**
- **Suffolk County Dept. of Planning**
- **Suffolk County Dept. of Health Services**
- **Suffolk County Dept. of Public Works**
- **NYS Dept. of Environmental Conservation, Bureau of Marine Resources**
- **The Nature Conservancy**
- **East End Marine Farmers Assoc.**
- **Town of Southold**
- **Town of Riverhead**
- **Town of Shelter Island**
- **Town of Southampton**
- **Town of East Hampton**
- **East Hampton Baymans Assoc.**
- **SUNY - Marine Sciences Res. Ctr.**
- **Cornell Cooperative Extension**
- **New York Sea Grant Institute**

Charges to Committee

- Advise the County Executive on the development of the Suffolk County Shellfish Aquaculture Leasing Program
- Prepare a detailed statement of work to be used in a program request for proposals
- Seek the input and views of the public, local governments and concerned agencies

Request for Proposals (RFP) Process

- RFP advertised 03/30/2006
- Proposals submitted 06/02/2006
- Evaluation committee review 06/29/2006
- Notify successful proposer 07/20/2006
- Consultant contract

Aquaculture Lease Program Timeline

- Prepare Recommended Shellfish Cultivation Zone Map.....11/30/07
- Finalize Administrative Recommendations for S.C. Aquaculture Lease Management Program.....03/31/08
- Conclude Programmatic Environmental Review and Formulation of Leasing Program Law.....07/31/08
- Prepare Aquaculture Lease Management Program Report....08/31/08
- Enact and Implement the Aquaculture Lease Program....09/08-12/09
- Execute Leases.....Prior to 12/31/10

Cashin Associates, P.C.

1200 Veterans Memorial Highway, Hauppauge, New York 11788

Key Personnel

Title

Gregory T. Greene

Director, Environmental Programs

Jeffrey Kassner

Environmental Manager

Keith Brewer

Senior Scientist

Michael Brusseau

Senior Planner

Thomas Melito

Senior Planner

Russell Wetjen

GIS Supervisor

Subconsultants & Part-time Employees

George (Gef) Flimlin Jr. -

Marine Extension Agent, Rutgers Cooperative
Ext.

Robert B. Rheault, Jr., Ph.D. -

Adjunct Professor, Univ. of Rhode Island /
Moonstone Oysters / President, East Coast
Shellfish Growers Association

Stanley Czyzyk -

Shellfish Aquaculture Specialist

Nancy Solomon -

Exec. Director, L.I. Traditions

Michael J. Cahill, Esq. -

Legal Counsel, Germano & Cahill

SCOPE OF WORK
DEVELOPMENT OF THE SUFFOLK COUNTY SHELLFISH AQUACULTURE
LEASING PROGRAM IN PECONIC AND GARDINERS BAYS

Task 1 – Locate and map Shellfish Cultivation Zones

1.1 Establish base map architecture and mapping requirements.

A base map of the underwater lands in Peconic and Gardiners Bays showing the 1,000 foot shoreline buffer will be prepared.

1.2 Define criteria for determining Shellfish Cultivation Zone boundaries

The criteria for lands that cannot be located in the Shellfish Cultivation Zone will be defined for:

Lands “within one thousand feet of the high water mark.”

Lands “where bay scallops are produced regularly and harvested on a commercial basis.”

Lands “where there is an indicated presences of shellfish in sufficient quantity and quality and so located as to support significant hand raking and/or tonging harvesting.”

Lands “where leasing will result in a significant reduction of established commercial finfish or crustacean fisheries.”

Additional criteria for lands that should not be leased to reduce potential conflicts and to protect environmental quality and habitats will be developed.

SCOPE OF WORK

DEVELOPMENT OF THE SUFFOLK COUNTY SHELLFISH AQUACULTURE LEASING PROGRAM IN PECONIC AND GARDINERS BAYS

1.3 Collect, interpret and format data

Existing data on oyster grants, channels, easements, submerged aquatic vegetation, historically productive fish and shellfish areas, areas of commercial and recreational fishing and boating, natural resources management area, and the biology, chemistry, geology and circulation of the Peconic and Gardiners Bays system will be obtained, reviewed and synthesized for incorporation into the project as appropriate.

1.4 Construct GIS maps showing data coverages and preliminary Shellfish Cultivation Zone boundaries

GIS maps showing the relevant information and the Shellfish Cultivation Zone boundaries will be prepared together with a narrative report. These maps will serve as a basis for the mapping of the shellfish cultivation zone.

1.5 Review preliminary GIS maps and resolve conflicts

The GIS maps and narrative reports will be reviewed by the various constituencies, government agencies, the general public and ALPAC.

SCOPE OF WORK
DEVELOPMENT OF THE SUFFOLK COUNTY SHELLFISH AQUACULTURE
LEASING PROGRAM IN PECONIC AND GARDINERS BAYS

1.6 Prepare final Shellfish Cultivation Zone Map

The GIS maps and the narrative will be revised based on the review and a final Shellfish Cultivation Zone map and narrative report will be prepared based on the comments.

Task 2 – Develop Proposed Aquaculture Lease Program

2.1 Develop administrative procedures, regulations and criteria for all aspects of the leasing program

A report that contains a discussion of alternative approaches to leasing and recommendations for all aspects/procedures of the proposed leasing program will be prepared.

Task 3 Conduct a programmatic environmental analysis and coordinate SEQRA review

In order for the Aquaculture Leasing Program to comply with the requirements of the New York State Environmental Quality Review Act, an Environmental Assessment Form, a Scoping Document, and a Draft Generic Environmental Impact Statement will be prepared. Following public review and comment, a Final Generic Environmental Impact Statement and Findings will be prepared.

SCOPE OF WORK

DEVELOPMENT OF THE SUFFOLK COUNTY SHELLFISH AQUACULTURE LEASING PROGRAM IN PECONIC AND GARDINERS BAYS

Task 4 Local law, regulations, standards and criteria

A draft of Suffolk County Shellfish Aquaculture Lease Program local laws and regulations, standards, criteria, applications and notices will be prepared by the legal sub-consultant based on the technical information and public input that has been obtained.

Task 5 Meetings

Participate in meetings of the ALPAC, the general public, the Suffolk County Council on Environmental Quality and the Suffolk County Legislature and its committees.

Task 6 Suffolk County Aquaculture Lease Management Program Report

The Final Suffolk County Aquaculture Lease Management Program Report will be prepared. It will include documentation of all information and analysis conducted in the project and the selection of preferred alternatives.

Shellfish Planning Area

- Requirements forth in 2004 Lease law: “...ceded to the county of Suffolk...underwater lands within Gardiners and Peconic Bays, except underwater lands within 1,000 feet of the *high water mark*...”
- That area of Gardiners and Peconic Bays 1,000 feet seaward of the high water mark in which shellfish aquaculture could possibly take place provided certain criteria are met.



CASHIN ASSOCIATES, P.C.
 HAUPPAUGE, NEW YORK
 JANUARY 23, 2007

FIGURE 1
 AERIAL PHOTO
 SHELLFISH AQUACULTURE PLANNING AREA
 PECONIC AND GARDINERS BAYS

SUFFOLK COUNTY
 SHELLFISH AQUACULTURE LEASE PROGRAM
 COUNTY OF SUFFOLK
 DEPARTMENT OF PLANNING

Shellfish Aquaculture Cultivation Zone

- That area within the Shellfish Aquaculture Planning Area in which shellfish cultivation could occur
- As set forth in 2004 Lease Law, the following “...shall not be included in a shellfish cultivation zone”
 - “where bay scallops are produced regularly and harvested on a commercial basis”
 - “where there is an indicated presence of shellfish in sufficient quantity and quality and so located as to support significant hand raking and/ or tonging harvesting”
 - “will result in a significant reduction of established commercial finfish or crustacean fisheries”

In addition to the stipulations in the 2004 Lease Law, other considerations in establishing the Shellfish Cultivation Zone include:

- User conflicts
- Sensitive environmental areas
- Areas of submerged aquatic vegetation
- Underwater cable and /or utility easements
- Navigation channels
- Other

Conclusion

- Because of the areas to be excluded, the Shellfish Cultivation Zone will be less than the Shellfish Aquaculture Planning Area

How will the Shellfish Cultivation Zone be determined?

- Analysis of available published information
 - Shellfish and eelgrass surveys
 - Benthic mapping
 - Navigation charts
 - Planning studies and documents
- Interviews with knowledgeable individuals

Task Deliverable Due Dates

<u>Task</u>	<u>Final Task Deliverable Due Date</u>
1.1 – Establish base map architecture & mapping requirements	01/31/07
1.2 – Define criteria for determining Shellfish Cultivation Zone	02/28/07
1.3 – Collect, interpret and format data	
- Natural resource management area designations	05/31/07
- Location, extent & type of existing private shellfish cultivation	05/31/07
- Data collection & field assessments	07/31/07
1.4 – Construct GIS maps showing data coverage and preliminary Shellfish Cultivation Zone boundaries	08/31/07
1.5 – Review preliminary GIS maps and resolve conflicts	10/31/07
1.6 – Prepare final Shellfish Cultivation Zone map	11/30/07
2.1 – Develop administrative procedures, regulations and criteria for all aspects of the leasing process	03/31/08

Task Deliverable Due Dates

<u>Task</u>	<u>Final Task Deliverable Due Date</u>
3.0 – Conduct programmatic environmental analysis and coordinate SEQRA review	
- EAF	02/28/07
- Final Scoping	05/31/07
- DGEIS	12/31/07
- FGEIS	04/30/08
- Findings	07/31/08
4.0 –Local law, regulations, standards and criteria	06/30/08
5.0 –Meetings	
6.0 –Suffolk County Aquaculture Lease Management Program report	08/31/08

Access to Underwater Lands for Shellfish Culture in Peconic & Gardiners Bays

Present

- Oysters and other species grown on grants under off/ on- bottom permits issued by NYSDEC.
- Temporary Marine Area Use Assignments issued by NYSDEC. Oysters and other species grown in off-bottom culture containers.

Peconic and Gardiners Bays Underwater Lands Title Search Status

**Suffolk County
Department of Planning**

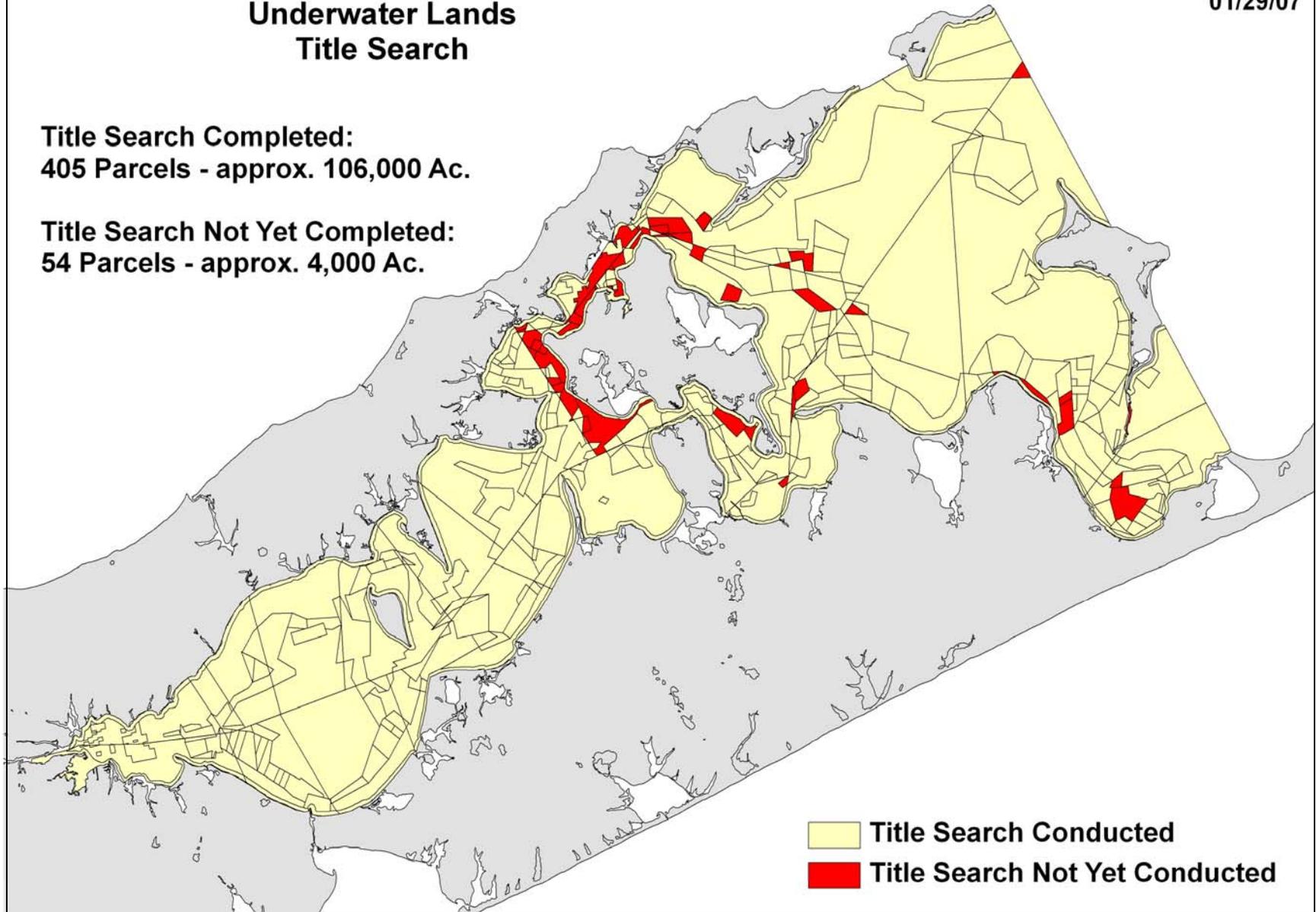
Acknowledgements: Title searches were conducted by Ms. Donna Waide, Suffolk County Department of Environment and Energy, Division of Real Estate

**Peconic & Gardiners Bays
Underwater Lands
Title Search**

**DRAFT
01/29/07**

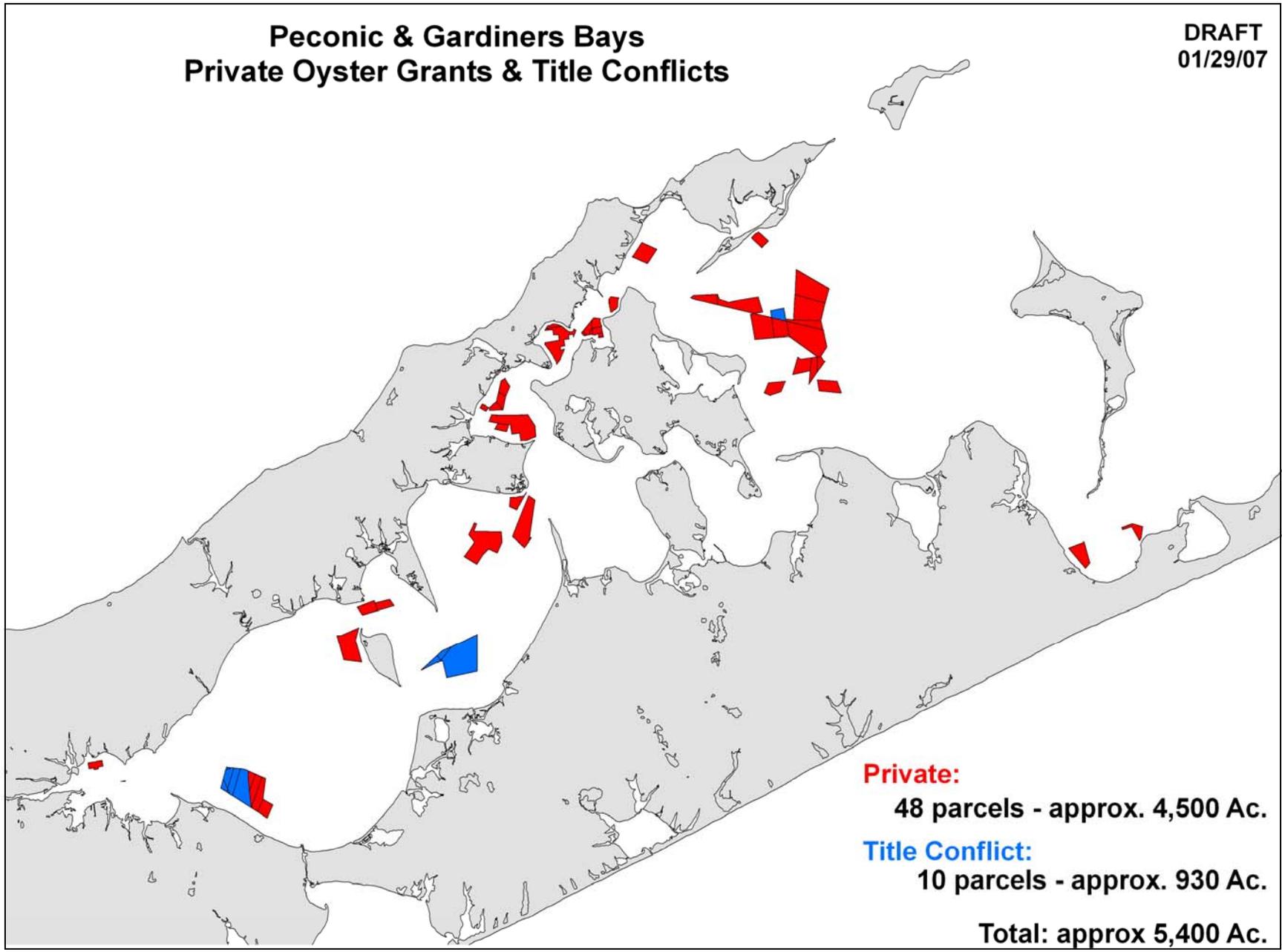
**Title Search Completed:
405 Parcels - approx. 106,000 Ac.**

**Title Search Not Yet Completed:
54 Parcels - approx. 4,000 Ac.**



Peconic & Gardiners Bays Private Oyster Grants & Title Conflicts

DRAFT
01/29/07



Private:
48 parcels - approx. 4,500 Ac.
Title Conflict:
10 parcels - approx. 930 Ac.
Total: approx 5,400 Ac.

Permitted Use of Underwater Lands for Shellfish Culture

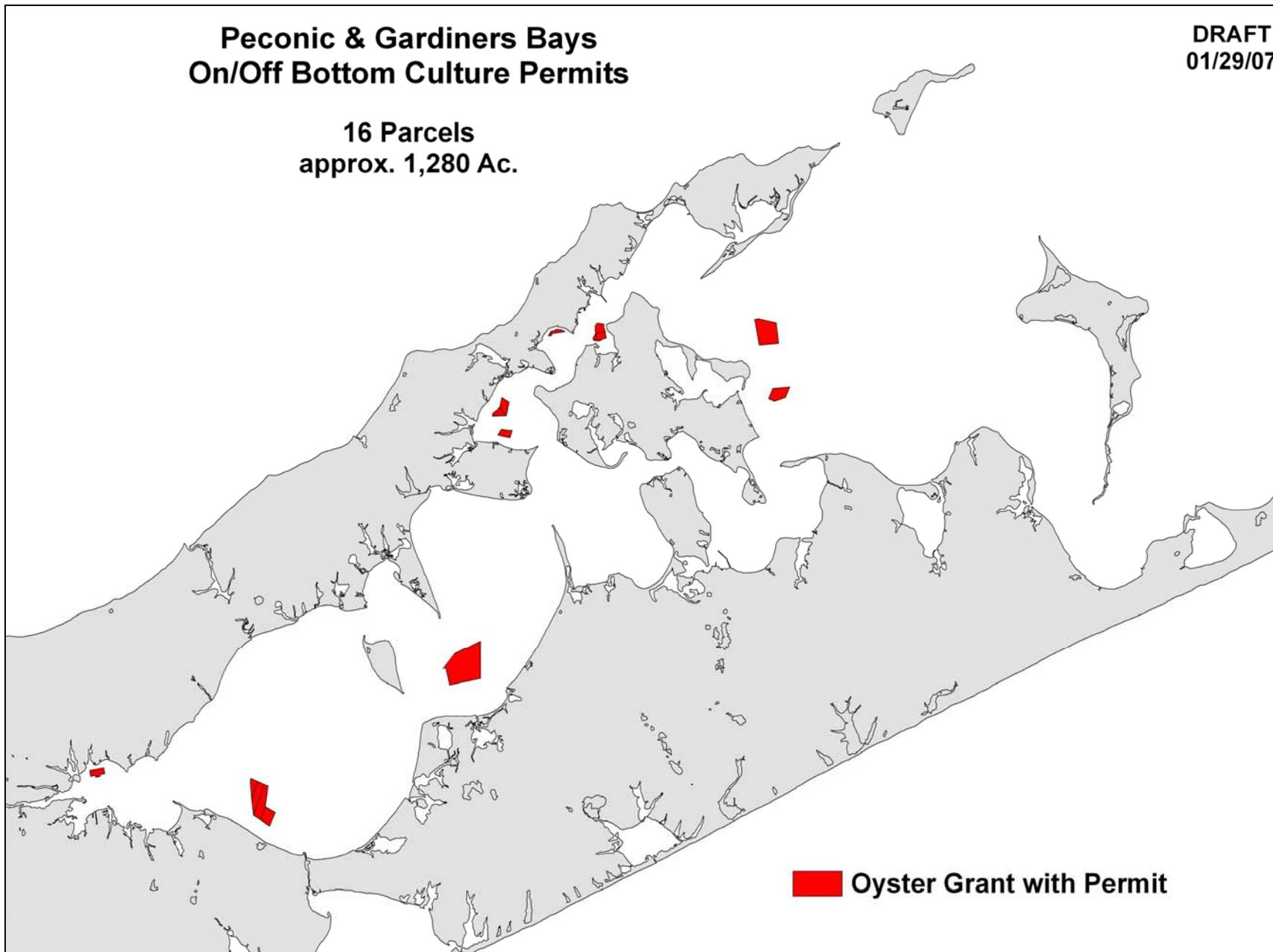
**Suffolk County
Department of Planning**

Acknowledgements: All 2006 permit information was provided by Mr. Joshua Thiel, Bureau of Marine Resources, NYS Department of Environmental Conservation

**Peconic & Gardiners Bays
On/Off Bottom Culture Permits**

**DRAFT
01/29/07**

**16 Parcels
approx. 1,280 Ac.**

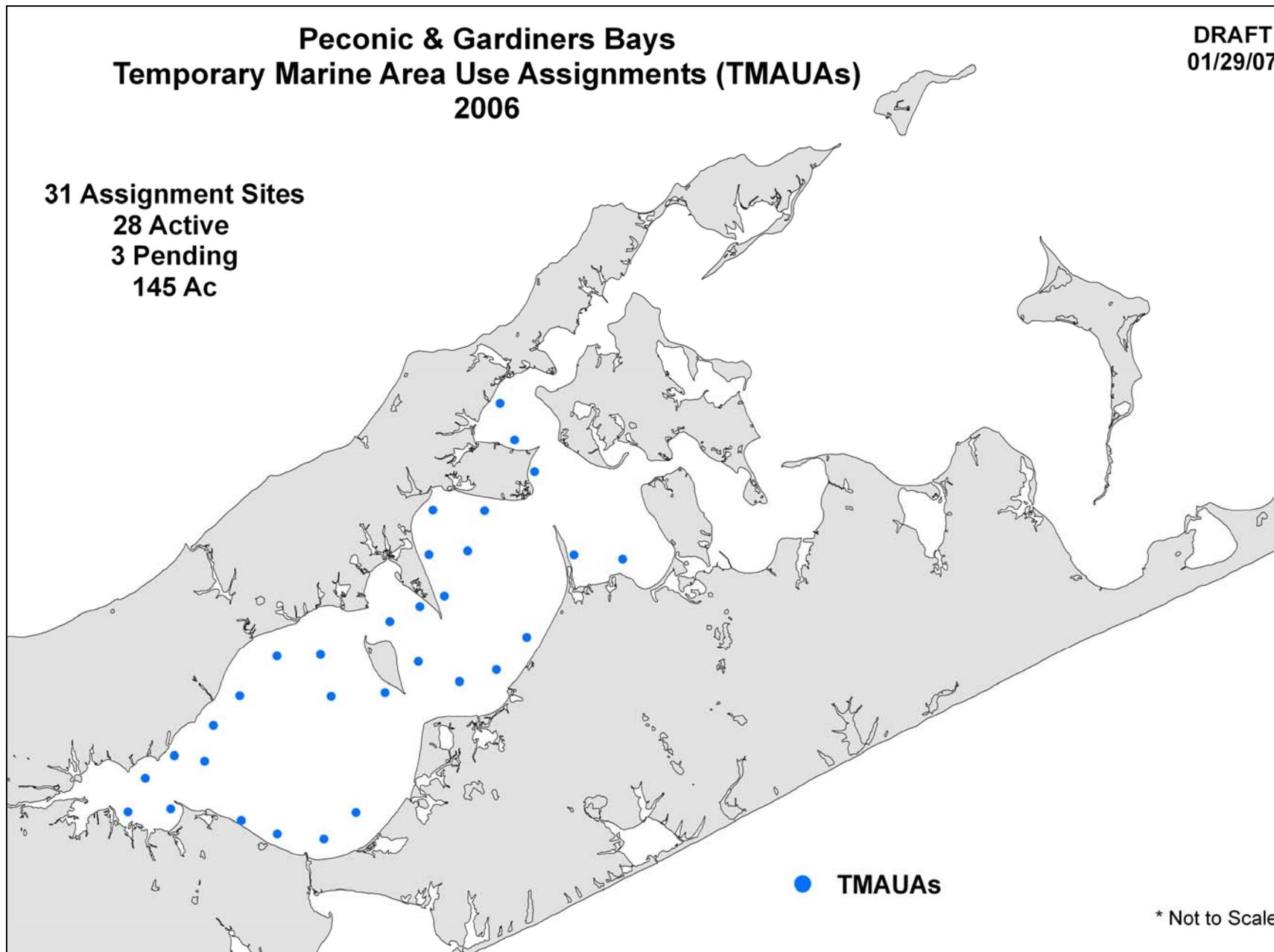


■ Oyster Grant with Permit

**Peconic & Gardiners Bays
Temporary Marine Area Use Assignments (TMAUAs)
2006**

**DRAFT
01/29/07**

**31 Assignment Sites
28 Active
3 Pending
145 Ac**



● TMAUAs

* Not to Scale

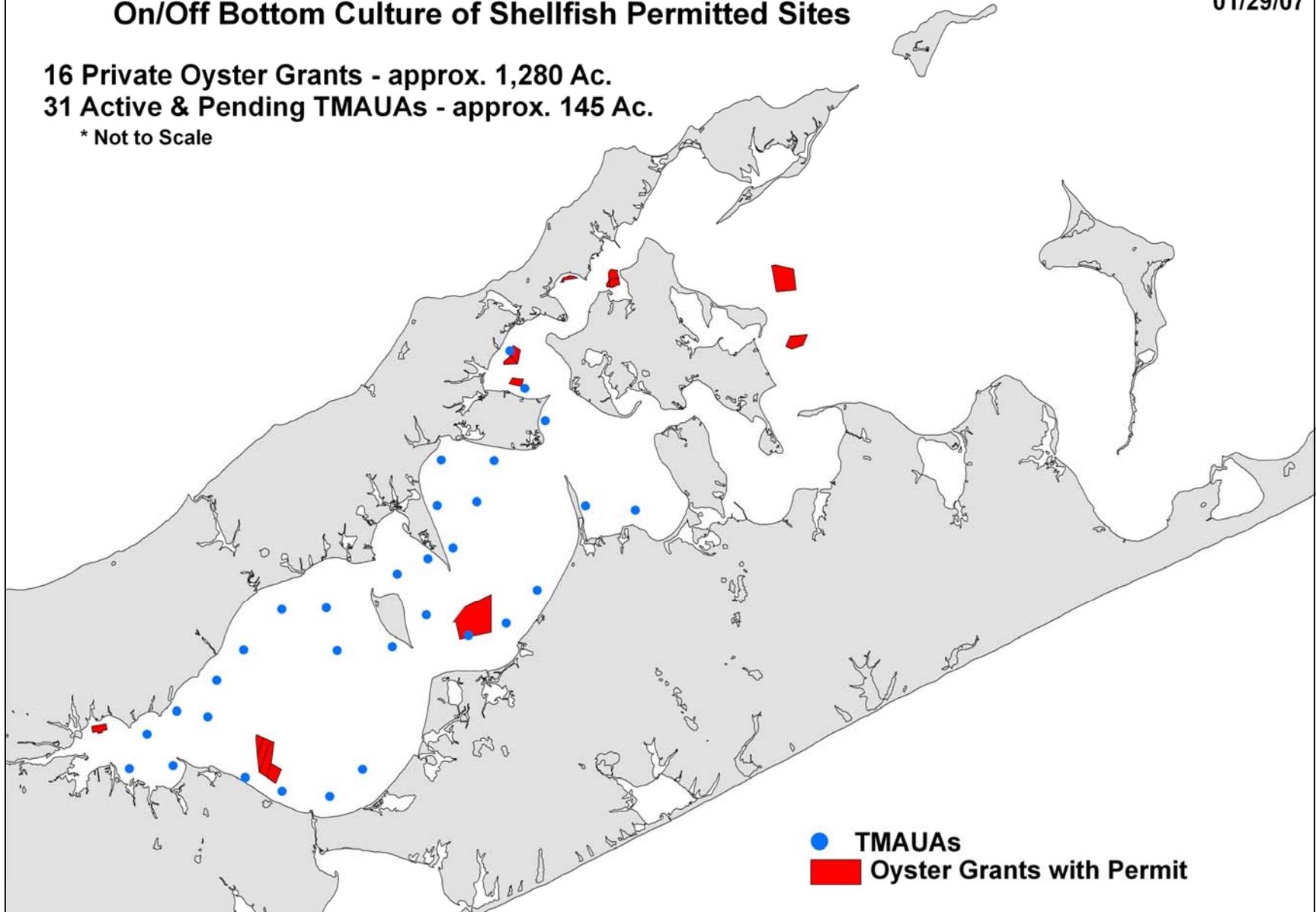
Peconic & Gardiners Bays On/Off Bottom Culture of Shellfish Permitted Sites

DRAFT
01/29/07

16 Private Oyster Grants - approx. 1,280 Ac.

31 Active & Pending TMAUAs - approx. 145 Ac.

* Not to Scale



Shellfish Aquaculture Practices in Peconic and Gardiners Bays Planning Area

**Suffolk County
Department of Planning**

**Acknowledgements: Gregg Rivara, Cornell
Cooperative Extension and John Aldred, East Hampton
Town Hatchery**



Present Shellfish Species Cultured

- Food Market, Restoration and Restocking Purposes:
 - **American Oyster** (*Crassostrea virginica*)
 - **Hard Clam** (*Mercenaria mercenaria*)
 - **Bay Scallop** (*Argopecten irradians*)



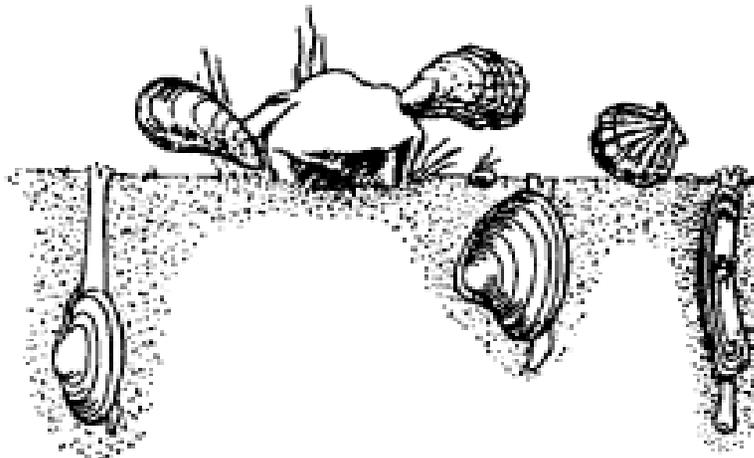
On-Bottom Shellfish Aquaculture Practices

1) *On-bottom culture*

– raising, breeding or growing of marine plant or animal life, including containment on, or in, any natural underwater lands of the State (NYSDEC)

– “*Free planting*”

- mechanically or by-hand
- unprotected or under protective screening



On-Bottom Culture

– Current on-bottom harvest gear in Peconic and Gardiners Bays

- Oysters- dredge
- Hard Clams- dredge, rake



Off-Bottom Shellfish Aquaculture Practices

2) Off-Bottom culture

- raising, breeding or growing of marine plant or animal life, including containment on, or in, any raft, rack, float, cage, box or other similar device or structure in any natural waters of the State (NYSDEC)



Off-Bottom Culture

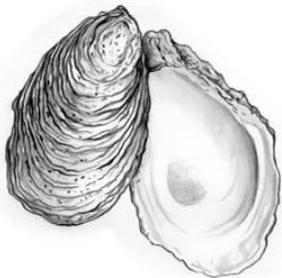
Current off-bottom techniques:

- Submerged and surface longline systems or individual
 - Bags
 - Trays
 - Racks
 - Cages
 - Oyster condos
 - Lantern nets
- Commercial oyster and clam culture and experimental scallop purposes



Potential Shellfish Species

- **Shellfish species**
 - American Oyster (*Crassostrea virginica*)
 - Hard Clam (*Mercenaria mercenaria*)
 - Bay Scallop (*Argopecten irradians*)
 - **Blue Mussel (*Mytilus edulis*)**
 - **Soft-shelled clam (*Mya arenaria*)**
 - **Razor clam (*Ensis directus*)**



Potential Future Shellfish Aquaculture Practices

- *On- Bottom Culture:*
 - Corrals, dredges
- *Off- Bottom Culture:*
 - Surface systems-
 - Taylor floats, floating bags, rafts
- *Combina*
 - Moveme



Access to Underwater Lands for Shellfish Culture in Peconic & Gardiners Bays

Interim period until leasing program is established

- No County permission required for oyster cultivation on grants
- NYSDEC requests County permission for other shellfish cultivation, on / off-bottom, on grants at least 1,000 feet seaward of the high water mark
- Temporary Marine Area Use Assignments (TMAUAs) (off-bottom; all species)

Analysis of Lease Program Options

- Types of shellfish cultivation leases that will be considered in the development process:
 - *Commercial*
 - Public underwater land
 - Private oyster grant land
 - *Non-profit*
 - Public underwater land
 - *Municipal*
 - Public underwater land
- All leases must be located within a Shellfish Cultivation Zone and are subject to the requirements for that type of lease
- All types of on/off- bottom shellfish culture activities should be considered

Future Opportunities for Public Input

- Approximately 20 meetings- all open to the public- will be held for program development
- Hearings associated with NYS Environmental Quality Review Act compliance
- Department of Planning website: <http://www.co.suffolk.ny.us>
- Suffolk County Aquaculture Lease Program website:
<http://www.co.suffolk.ny.us/webtemp3.cfm?dept=11&id=2742>

Contact Information

Thomas A. Isles - Director

(631) 853-5191

DeWitt Davies - Project Manager

(631) 853-4865

(dewitt.davies@co.suffolk.ny.us)