

**Suffolk County Aquaculture Lease Program Advisory Committee
Public Meeting**

**MEETING SUMMARY
April 21, 2009
Meeting Number 20**

Location: Cornell Cooperative Extension, Kermit W. Graf Building,
423 Griffin Avenue, Riverhead, New York – First Floor Conference Room

Start/End: 4:00 p.m. / 5:45 p.m.

Attending: *Members/Alternates*
Thomas Isles, DeWitt Davies, Hon. Jay Schneiderman, Martin Trent, Camilo Salazar, Debra Barnes, Gregg Rivara, Wayne Grothe, John Aldred, William Wise, Karen Rivara, Arnold Leo, Edward J. Warner, Jr.

County Officials and Staff
Patrick Heaney, Laurreta Fischer, Mike Mulé, Susan Filipowich, Barbara DelGiudice

Others
Gregory Greene, Keith Brewer, Michael Ostrow, Paul D. Rohme, William Brauning, Wade Carden, Howard Pickerell, Dean Yaxa, Bill Pell, Stephen Gauger, Floyd Carrington, Edward A. Bullock, Jr., Scott Gillis, Bill Geraghty, David Relyea, Philip Curcio, Michael Craig, Peter Wenczel, Florence Sharkey

Materials

Distributed: Meeting Agenda; March 5, 2009 ALPAC Meeting Summary; Correspondence/Communications (letter to Peter Wenczel from Thomas A. Isles dated March 17, 2009; email from Roger C. Tollefsen dated March 25, 2009 and response email from DeWitt Davies dated April 20, 2009); Draft footnote language for Lease Program maps; Revisions Page - *Administrative Guidance* Eighth Draft April 9, 2009; *Attachment C - Administrative Guidance* (Eighth Draft - April 9, 2009) document; *Shellfish Aquaculture Lease Program Management Plan* (Draft - April 21, 2009); Draft Program Completion and Implementation Schedule (4/21/09).

Note: Copies of all the above are available and can be obtained by request from Ms. Barbara DelGiudice (Barbara.Delgiudice@suffolkcountyny.gov/631-853-5111).

Welcome and Introductions

Chairman Thomas Isles began the meeting by giving a quick overview of the agenda, to include project updates, comments received by ALPAC members on the *Administrative Guidance* Sixth Draft March 5, 2009 document, the introduction of the Lease Program Management Plan, the Lease Program schedule, and a summary of work conducted at previous meetings.

Review of March 5, 2009 ALPAC Meeting Summary

T. Isles asked the committee for comments regarding the March 5, 2009 ALPAC Meeting Summary.

Gregg Rivara commented on the misspelling of "fallow" on pages 4 and 5. T. Isles informed G. Rivara that the change will be noted and the minutes accepted.

Correspondence and Communications

DeWitt Davies gave a brief summary of the correspondence and communications the County has received regarding the Lease Program since the last ALPAC meeting on March 5, 2009. Correspondence via email and letters received and discussed were submitted by Peter Wenczel and Roger Tollefsen.

The correspondence discussed was a response from T. Isles to Peter Wenczel regarding P. Wenczel's report that a certain area of the Cultivation Zone recently had a harvest of bay scallops. T. Isles explained that although some of the area P. Wenzel was concerned about is within the Cultivation Zone, this does not guarantee or necessarily mean that any leases will be sited there in the future, and that all proposed lease sites will be subject to public notice. Specific concerns of a particular area will be taken into consideration by the Aquaculture Lease Board prior to considering the issuance of any leases.

D. Davies responded to an email sent to the County in regards to concerns over the effect the program could have on nutrient concentrations in the Peconic Bay system. D. Davies explained that this issue was considered and addressed in the Draft Generic Environmental Impact Statement. Also, as discussed in the Final GEIS, the program has been designed so that only a very small percentage (less than 3%) of the underwater lands in the estuary will be committed to shellfish aquaculture during the first decade of program implementation.

Lease Program Inquiries and Presentations

Susan Filipowich informed the committee that there were two more inquires about the program (one on March 6 and one on April 6). To date, there have been a total of 14 inquires since December 2008.

Draft Shellfish Cultivation Zone – Aquaculture Lease Sites Map

Gregory Greene, Cashin Associates (CA), explained that there have been no changes to the draft map except for notes added to the bottom addressing the purpose and use of the maps.

Administrative Guidance (Eighth Draft – 04/09/09)

D. Davies stated that the Administrative Guidance document is still a work in progress, and more changes were made to the document. D. Davies also stated that the draft Lease Agreement has been approved by Suffolk County Department of Law for insertion into the Administrative Guidance document (Eighth draft, April 9, 2009), but will still have some additional changes incorporated from the Department of Law.

In addition, D. Davies briefly reviewed with the Committee all other changes made to the guidance document. A handout was enclosed in the April 9, 2009 ALPAC information packet describing each of the changes.

William Wise asked for some clarification on the purpose of the public meeting and how the information gathered at the meeting will influence the decisions of the Aquaculture Lease Board. He also asked how the Board will address existing aquaculture operations that will be phased into the program.

Dean Yaxa had some questions about role of the Aquaculture Lease Board and whether any of the appointees will have any shellfish backgrounds. He also asked who will be deciding who will be appointed to the Board.

W. Wise also expressed concern about acreage if a participant decides to drop out of the program. Will this acreage enter back into the program and count towards the cap for that year? D. Davies said that this issue has not really been discussed, but if a participant was to drop out of the program, that acreage will most likely be made available and not count towards that current year's cap because it was already deducted from the cap when first issued.

John Aldred asked about the cost of the survey and who would be responsible for that fee. D. Davies explained that the initial surveys will be done with capital funds that the County has made available for that purpose. However, after that funding has expired the responsibility may fall on the lessee.

T. Isles discussed the insurance and indemnification issue and stated that the lease agreement currently has what is acceptable to the County and affordable to the lessee.

Program Management Plan - First Draft April 21, 2009

D. Davies began this discussion by reviewing the Table of Contents as to what the document will contain, as well as reviewing the oyster grant and TMAUA tables. This

was followed by a review by Michael Mulé of the SEQRA process that lead up to the creation of the Shellfish Aquaculture Program Management Plan. S. Filipowich explained the changes made to the flow charts since the last meeting, which included the main change as to when the benthic survey will be needed.

J. Aldred asked what would happen if an applicant picks a contested site and then drops out early leaving an open spot. D. Davies replied that the program would simply move to the next applicant on the list established through the random selection process.

W. Wise asked for an explanation of the criteria that will be used to justify an objection of leasing a particular site. D. Davies stated that anyone can object to a site, but the Aquaculture Lease Board will make the decision as to whether the objection is credible or not, and will be considered on a case-by-case basis.

Debra Barnes said that there appears to be some discrepancy in the grant table and that the NYSDEC will review and inform the County on what needs to be updated.

Karen Rivara expressed concern over the need for an existing grant owner, who has been planting shellfish stock on their grant, to go through the public notice portion of the program to determine whether the area is considered naturally productive. D. Davies explained that all applications must go through the public notice process; however, if it is determined that the area has been seeded by the applicant, this would be considered by the Aquaculture Lease Board when making its decision on lease site eligibility.

J. Aldred asked if taxes were being paid on grants with title issues. M. Mulé said that some are, and some are not, and this will have to be looked at on a case-by-case basis.

W. Wise asked if the ALPAC committee will continue to have a role when the program is implemented. T. Isles stated that it was not the intent of the County to continue having the ALPAC committee meet after program implementation begins. W. Wise suggested that the County should consider having ALPAC committee members provide some type of continued involvement, especially in the early stages of implementation.

Philip Curcio asked if the County has anticipated changes to the current Loran and GPS systems for locating the lease sites. T. Isles replied that this issue is a concern of New York State licensed surveyors that will be surveying the leases, and they will deal with any changes in the global positioning systems as they arise.

Several ALPAC members asked about how the phasing in of existing operations will take place once the program is implemented, and will any "new" applications be processed at the same time. T. Isles stated that although the logistics are not completely worked out at this time, it is anticipated that even though incorporating existing operations into the program will most likely have priority, hopefully new lease applications will also be processed during initial implementation.

Program Schedule

D. Davies gave a brief overview of the Program Completion and Implementation Schedule (4/21/09). Tentatively the County plans to file the Introductory Resolution in May and hope for adoption by June. If the schedule is held, the County plans to hopefully initiate the program implementation by July 2009.

Legislature Schneiderman notified the committee that there will need to be a public hearing conducted by the Suffolk County Legislature, and that August 4, 2009 would be the earliest date the program could be voted on.

Public Portion/Comments

Florence Sharkey stated that she opposes the program and wanted to know who will be eligible to participate in the program. She feels it should be limited to local residents. Also, she wanted to know how the County plans on policing program activities to ensure that the participants are staying within their boundaries. She additionally stated that she is totally opposed to any type of hydraulic dredging in the Peconic Bay system.

Scott Gillis, a surveyor representing the NSCE, thanked the County and ALPAC committee in their willingness to address all concerns while developing the program. He also offer any assistance if needed.

Edward J. Warner, Jr. stated that if hydraulic dredging is going to be an obstacle in moving the program forward could it possibly be addressed in another manner. There should be a mechanism to work around it.

K. Rivara responded by stating that only deep water is currently available for aquaculture, and therefore, hydraulic dredging is the only way that harvesting clams could be profitable. She also stated that because of the small scale of the program, there would be very limited dredging involved in the harvesting of shellfish. T. Isles added that this issue was addressed in the SEQRA process, and the County does not have jurisdiction in regulating this activity.

F. Sharkey asked why razor clams are included in the program when baymen get ticketed for harvesting them. K. Rivara said that shellfish farmers would harvest razor clams that they planted and cultivated. D. Barnes stated that mechanical harvest is not allowed on public lands. There is no prohibition of mechanical harvest on private lands.

J. Aldred suggested that the County follow up with press releases and public information sessions to notify people of the public hearing and local law.

The meeting was adjourned at 5:45 p.m.