

**Suffolk County  
Aquaculture Lease Program Advisory Committee**

**MEETING SUMMARY  
29 June 2005**

**Suffolk County  
Aquaculture Lease Program Advisory Committee**

Location: Suffolk County Department of Planning, Hauppauge

Start/End: 10:30am / 12:45pm

Attending: *Members*  
J. Aldred, D. Barnes, E. Bausman, T. Biegert, E. Cohen, G. Colvin,  
D. Conover, D. Davies, W. Grothe, D. Lessard, G. Rivara, C. Schlenk, M.  
Trent

*Staff*  
C. Einemann, C. Farrell, L. Fischer, M. Mulé, T. Stebbins

*Other Attendees*  
J. Gergela

Meeting called to order by DeWitt Davies on behalf of Chairman Thomas Isles. DeWitt Davies presented relevant aquaculture information included from the following handouts;

- Committee members and charge
- Leasing Law (Chapter 425, Laws of New York 2004)
- Summary of the 2004 Leasing Law (Chapter 425, Laws of New York 2004)
- Aquaculture Lease Program Components
- Access to Underwater Lands for Shellfish Culture in Peconic/Gardiners Bays by Time Period
- East End Marine Farmers Association – Memo
- The East Hampton Town Baymans Association – Letter

Copies of presentation and all abovementioned handouts can be obtained from the Suffolk County Department of Planning upon request.

## Discussion

- Edwin Cohen (DPW)
  - Is depth an issue with regard to site selection?

Response: Debra Barnes (NYSDEC)

- Depth restricts gear types.
- Preference for firm bottom is more of an issue.

- Martin Trent (DHS)
  - PEP has benthic mapping project underway.
  - Voiced concern regarding boating/navigation hazards.
  - Voiced concern regarding encroachment on recreational shellfishing grounds.
- Gordon Colvin (NYSDEC)
  - Expressed support for the county effort.
  - Voiced concern for existing operations on grants and assignments.
  - Referenced: TNC – Bluepoints Committee
  - Voiced concern regarding aquaculture's effect on other living marine organisms.
  - Brought up issue of sharing resources.
- Gregg Rivara (CCE)
  - Brought up issue of performance criteria for lease retention.
  - Referenced CT. & VA. reports of eelgrass bed expansion near culture structures on the bottom.

Response: Debra Barnes (NYSDEC)

- 1000' offshore would likely be too deep for eelgrass to be an issue.

- Mentioned contribution of shellfish culture operation to natural productivity and effect on future cultivation.

- Debra Barnes (NYSDEC)
  - Voiced concern regarding definition of "productivity" and "in sufficient quantity and quality" as stated in Chapter 425, Laws of New York 2004.
  - Brought up issue of cultured shellfish effect on market.
  - Stated that the NYSDEC impact statement on surf clam harvesting is under preparation.

- Edward Bausman (Shelter Island)
  - Voiced concern regarding aquaculture's effect on local clammers and their livelihood.
  - Voiced concern regarding aquaculture's impact on bay bottom conditions, predators, and chance of disease.
  - Brought up issue of monitoring the above stated conditions.
  
- Wayne Grothe (TNC)
  - Encouraged committee to base the leasing program on the 2002 *Policy Guidance for Suffolk County on Shellfish Cultivation in Peconic and Gardiners Bays*, it's appendix, *Peconic Bays Aquaculture Advisory Committee's Final Report*, and the 2003 *Survey Plan for Shellfish Cultivation Leasing in Peconic and Gardiners Bays* because those reports already had "buy in" from east end town constituents.
  
- David Conover (MSRC)
  - Stated his organization was involved in benthic mapping in the Peconic Estuary and also has a shellfish pathology lab.
  - Voiced concern regarding ecological impacts due to concentration of organisms.
  - Stated interest in determining possible positive and negative impacts of shellfish culture from the program.
  
- Cornelia Schlenk (NYSGI)
  - Stated that definition of mapping criteria is "key" to the project
  - Does contractor choose criteria for mapping or does the committee?

Response: DeWitt Davies (S.C. Dept of Planning)

- Some criteria are defined in the law while others will be posed in a RFP. Respondents to the RFP should propose how they will address the "criteria" issue in terms of suggested definitions and utility to this particular project given the availability of data on the Peconic Estuary system, the need to collect additional information within the timeframe and other constraints of the project, etc. The committee will review draft work products on this issue that are prepared by the successful respondent, and in turn, provide direction for appropriate revisions, etc.
  
- When does the public's input come into the picture?
- Does the \$600,000 cover all expected expenses and if not, are there procedures underway to secure funds for the future?

Response: DeWitt Davies (S.C. Dept of Planning)

- There are time frame and available funds constraining the project.

- John Aldred (East Hampton)
  - Stated that the project “lives or dies in the towns” especially among the fishermen.
  - Stated that the fishermen should be brought into the process ASAP.
  - Stated that local parties want program to remain “small scale” and have a “component to benefit the public resource.”
  - Stated that East Hampton Town Bayman’s Association still needs to consider its position on the issue before making an official statement.
  - Stated that the nature of the Local Waterfront Revitalization Program should be brought in.
  - Voiced concern regarding bringing the program to a local level as far as possible.
  - Suggested locating meeting in east end and at times conducive to local involvement.
  - Suggested getting locals opinion on “productivity.”
  
- Wayne Grothe (TNC)
  - Suggested an east end sub-committee.
  
- David Lessard (Riverhead)
  - Brought up the issue of whether “small scale” operations are economically feasible.
  - Brought up issue of lease time frames, gear recovery bonds, and lack of viable areas.
  - Brought up issue of taking committee members to view an active aquaculture site to gain an appreciation for practical problems.
  
- Todd Stebbins (S.C. Executive Office)
  - Expressed need to get input from east end baymen.

Response: DeWitt Davies (S.C. Dept. of Planning)

- Future meetings will be at times and locations conducive to east end involvement and all meetings are open to the public.

- Edward Bausman (Shelter Island)
  - Expressed support for gear removal bonds.
  
- Joseph Gergela (Long Island Farm Bureau)
  - Brought up issue of the Peconic Estuary being a “public resource” which is to be shared; and the aquaculture program being in the interest of the

State of New York as stated in the 2004 Leasing Law (Chapter 425, Laws of New York 2004).

- Brought up issue of addressing user conflicts.
- Volunteered to lobby for funding if needed.

- Gordon Colvin (NYSDEC)
  - Voiced concern regarding potential conflict of interest with respect to participants' involvement in preparation of the RFP and potential for their responses to such requests.

Response: Christina Farrell (S.C. Asst. Attorney)

- Dept. of Law will research conflict of interest with regard to RFP and prepare a response.

### **Other Business**

DeWitt Davies requested volunteers for Project Scope of Services Subcommittee.

### **Scope of Services Subcommittee Volunteers**

Jon Aldred (East Hampton)  
Edwin Cohen (DPW)  
Gregg Rivara (CCE)

Martin Trent (DHS)  
Gordon Colvin / Debra Barnes (NYSDEC)  
Suffolk County Dept. of Planning

Subcommittee will start its work and have a draft of the scope of services for full committee review in early fall.

### **Additional member and public comment**

- The East Hampton Town Bayman's Association
  - Voiced concern that the committee is heavily weighted to those in favor of aquaculture leases.
  - Voiced concern regarding the time and location of the first meeting and its preclusion of the working bayman.
  - Stated official position as being against the use of public lands for private aquaculture.
  - Voiced concern over definition of "productive."
  - Brought up issue of performance criteria for lease retention.

- East End Marine Farmers Association
  - Recommended that individuals using NYSDEC temporary marine area use assignments not be required to move from that site to an aquaculture zone.
  - Urged County to assure that as long as underwater land grants are being farmed in accordance with current NYDEC regulation that they may do so in the future.

\* See attached to view both letters in their entirety

June,29,2005

To whom it may concern:

The East Hampton Town Baymans Association is very concerned with the plan to open the Gardiners-Peconic Bay system to private aquaculture. Though this plan is a result of discussions with various user groups including the Baymans Association, we feel our concerns were either misunderstood or disregarded. A case in point, though we don't know all the people appointed to this committee, it appears to us to be heavily weighted to those in favor of aquaculture leases. Indeed the place and time of this meeting precludes the working bayman who is our representative.

Therefore we wish this letter to be our official position on the leasing of the bays for private use and as such entered into the record.

In general, we are against the use of public lands for private aquaculture and especially so for Gardiners Bay. We feel leases will put the greatest amount of public bay into the smallest number of private hands for an unacceptable length of time. Though the leases aren't to be let on productive bay bottom who is to determine what productive is and what is the definition of productive? Is it only shellfish production or are you to consider the productivity of other fisheries or even recreational and visual productivity? Does the public know of this plan? Has the environmental impact been addressed in any formal way? Can anyone lease bay? Will water front land owners be allowed to lease and thereby extend there private property? Will the lessee be required to prove at least a minimum of production in order to hold the lease? What is your definition of aquaculture? These and many other questions must be answered. To lease any bay at this point is at best premature and is not in the public interest.

We urge you not to be fooled into "doing the right thing" or being "politically correct". Private aquaculture in our bays may not be the correct thing.

To be specific, we in East Hampton have banned private aquaculture on any public harbor or bay, through our soon to be adopted Local Waterfront Revitalization Plan. The state assures us the plan is in affect to the borders of East Hampton. This was done to protect the public interest rather than the interests of a few and to maintain a viable and traditional commercial and recreational fishery that provides jobs and income for the citizens of our town. The D.E.C. has examined the document and has agreed that it will comply with the wishes of East Hampton and will not issue any aquaculture permits in East Hampton waters.

Thank you:



B Loewen Pres, E.H. Baymen Asso.

## **East End Marine Farmers Association**

**P.O. Box 193  
Orient, NY 11957  
631-765-1808**

### **MEMO**

**To: Dr. DeWitt Davies – Suffolk County Department of Planning  
From: Karen Rivara – East End Marine Farmers Association  
RE: Suffolk County Aquaculture Lease Program Advisory Committee**

Dear Dr. Davies,

I will be unable to attend this morning's meeting in Hauppauge as I have too much work to do in my shellfish nursery. I am very interested in attending future meetings and will be more able to do so once my hatchery is closed for the season.

I have two concerns regarding current access to shellfish cultivation sites that I would like the committee to address as we work on the details of a leasing program. There are two forms of access now available to shellfish farmers; a five acre NYSDEC Temporary Marine Area Use Assignment, "assignments" and underwater land grants.

#### **Assignments**

Shellfish farmers using assignments are cultivating several different species of shellfish, mainly oysters and bay scallops. They may not plant shellfish on the bottom and maintain exclusive rights to them. The farmers have adapted their cultivation techniques according to the site they have chosen for their assignment. These include; the type of gear, boat, stocking density of seed, size of seed stocked into system and other parameters that make their cultivation system unique to the site they have been able to select. These sites are also convenient to the docking facilities they use. The East End Marine Farmers Association recommends that individuals actively using an assignment not be required to move from that site to an aquaculture zone. Some system must be put in place to allow these farms to stay where they are. A farm is not an easy thing to relocate. There would be a significant cost to the grower if he or she were required to move.

#### **Underwater Land Grants**

Grant owners have purchased shellfish cultivation rights associated with a described piece of underwater property. These grants are purchased as property. The title to this land is recorded at the Suffolk County Department of Real Estate and taxes are paid annually. Some farmers who own underwater land have been permitted by the NYSDEC to cultivate species other than oysters on this land. We have been told that as long as we are documenting our activities of planting and harvesting, we may continue to cultivate species other than oysters on these grounds. Hard clams take 4-6 years to mature to harvest size. We would like to have the County assure us that as long as we are operating our farms in accordance with current NYSDEC regulation that we may do so in the future. We see no reason why those who are willing to invest in a shellfish farm should

not be able to continue to harvest shellfish in a manner that has been proven to be sustainable, reduces harvest pressure on the wild populations, is environmental beneficial and can lead in many instances to the establishment of wild populations "down-stream" from the shellfish farm.

The County of Suffolk would like to encourage shellfish farming as a way to enhance shellfish populations in the Peconic Estuary. This is a laudable goal. However, we must make certain that as we move to a new form of access we do not undermine the current farming activities that are successful and that have required a significant amount of investment.

Thank you,



Karen Rivara