

**Suffolk County Aquaculture Lease Program Advisory Committee  
Public Scoping Hearing on the Draft DGEIS Scoping Document  
and  
ALPAC Meeting**

**MEETING SUMMARY  
May 3, 2007  
Meeting Number 7**

Location: Suffolk County Community College – Eastern Campus –  
121 Speonk-Riverhead Road, Riverhead, New York

Start/End: 7:00 p.m. / 9:00 p.m.

Attending: *Members*

Edward Bausman, Wayne Grothe, Debra Barnes, Cornelia Schlenk,  
John Aldred, Stuart Heath, Arnold Leo, Karen Rivara, Kim Paulsen  
(representing Martin Trent), Seth Squicciarino (representing the  
Honorable Vivian Vilorio-Fisher), Tom Isles

*Staff*

D. Davies, L. Fischer, J. Kohn, M. Mule, C. Einemann, B. DelGiudice

*CEQ*

James Bagg, Michael Kaufmann

*Other*

Gregory Greene, Keith Brewer, Kim Somers, Ed Jurzenia, Matthew  
Atkinson, David Berger, Bob Wemyss, Bob Lintz, Gary Crowther,  
Jennifer Skilbred, Hon. Edward Romaine, Michael Kujawa, Jed  
Quaranta, Dean Yaxa, Darline Duffy

Public Hearing on Draft DGEIS Scoping Document

The public hearing began at approximately 7:10 pm

Opening remarks, introductions and agenda discussed by Mr. Tom Isles. He noted that Mr. Michael Kaufman, Vice Chairman of the Suffolk County CEQ, was in attendance as the representative of the CEQ.

Draft DGEIS Scoping Document presentation given by Greg Greene of Cashin Associates (CA):

The Suffolk County Shellfish Aquaculture Lease Program is subject to the SEQR process. The project will fall under a Type I action, and Suffolk County will act as the lead agency. To date, an Environmental Assessment Form (EAF) has been prepared, and a positive declaration has been issued. A Generic Environmental Impact Statement

(GEIS) will be prepared to meet the requirements under SEQR. CA is currently in the “Public Scoping Process” of the GEIS. Public comments are currently being accepted by the County until May 17, 2007.

### Public Comment Session

Mr. Isles acknowledged three written comments submitted prior to meeting by Hon. Philip Cardinale (Supervisor, Riverhead Town), Honorable Barbara A. Blass (Councilwoman, Riverhead Town) and Laura Stephenson (PEP Program Coordinator, Natural Resources Subcommittee). All three comments will be submitted into the record as part of the Public Comment Section of the Scoping Document and are included in this meeting summary as Attachments #1, 2, and 3.

Note: Two written comments were received by the close of the comment period. See memo from Mr. Ed Bausman and letter from Ms. Alice Weber on impacts of hydraulic dredging in Attachment #4; and letter from Ms. Jennifer Skilbred reflecting the concerns of the Group For The South Fork in Attachment #5.

### Public Speaker 1

Bob Wemyss, North Shore Baymen Association

Comments:

- Mr. Wemyss expressed concerns over water quality impacts associated with hydraulic dredging (benthic community impacts, resuspension impacts, impacts to a depth of 6-8 inches in the bottom). It was also reported that dredge boats caused a large, persistent plume of suspended sediments in Little Neck Bay.
- Layering a lease over oyster grants for other species cultivation (i.e. hard clams) appears to be part of the project scope and he was concerned about whether other entities beside existing oyster grant owners will be allowed to cultivate other species on grant lands.
- Mr. Wemyss believes that past relay programs are responsible for the introduction of Brown Tide and Red Tide into east end waters (i.e., Little Neck Bay relay program to Peconic Bays in the early 1980s introduced Brown Tide into Peconic Bay; Maine relay program to Huntington Bay introduced Red Tide) and is concerned that future aquaculture plantings may cause additional impacts.
- Harvesting of natural shellfish stocks should not be allowed under the aquaculture program. How will new leases be vetted to prove that no natural claim population exists on the lease?
- Raised the issue of the legality of the original grants.
- Raised concern that if you allow lessees to dredge natural clams then the net population will drop.
- Mr. Wemyss recommended that information gathering sessions should include stakeholders from other areas outside of the east end towns who also have commercial shellfish interest in the Peconic and Gardiners Bays.
- Mr. Wemyss believes that Gardiners Bay has good deep water harvesting for clams, which should be protected. Clammers who have been working in deep

water in Oyster Bay (20 to 45 feet deep) may want to move into Gardiners Bay when the Long Island Sound stocks are depleted.

- He suggested that there is conflict in jurisdiction for NYS-owned underwater lands to be leased by Suffolk County.

#### Public Speaker 2

David Bergen, Southold Town Trustee

##### Comments:

- The Town of Southold is in the process of addressing moorings within Town waters, and he stated that the Town would like to coordinate this decision process with the aquaculture lease program.
- Aquaculture shoreline buffer zone of 1,000 ft may be in conflict with the 1,500 foot jurisdiction established by the Local Waterfront Development Programs.

#### Public Speaker 3

Bob Link

##### Comments:

- Scoping document discusses potential adverse impacts, but should also address significant beneficial impacts.
- No liberation to lessees as to payment of fees. A lease fee is fine, but perhaps County should impose a fee—suggested 2% of sales for shellfish landed.
- Also need to include an assessment for the endangered species found within the study area.
- Calcium carbonate of shells may have implications to global warming, plus serve as a carbon sequestration mechanism.

#### Public Speaker 4

Matthew Atkinson, Peconic Baykeeper

##### Comments:

- Objectives of the Peconic Baykeeper are to have a healthy ecosystem, and aquaculture does have a place.
- Mitigation of potential impacts is needed.
- Include recreational shellfishing and finfishing in scope.
- Should not allow bottom cultivation within SAV existing and historical areas.
- Lease system should be kept fluid and monitored to see if leases remain productive over time, which may allow for the decrease or increase in certain areas. The aquaculture program should be phased in, so that the program can be adjusted based on early findings.
- Hydraulic dredging should first be performed in experimental areas. Peconic Baykeeper controls bottom lands and is looking to perform experiments on bottom culture.
- Should address if oyster grants will be used for other types of shellfish cultivation.
- Exclude undesired areas – areas that are too shallow, too much wave action, etc.
- There is extensive information regarding water quality in the bay, and it should be considered, plus monitored throughout the program.

- The legal setting should be fleshed out. What was conveyed to Suffolk County?

Public Speaker 5

Dean Yaxa, Oyster Grant holder (15 years of experience)

Comments:

- Does not want the proposed leasing program to move his existing grant or have it altered.
- Name recognition for product, as to place of origin, is important.
- Bottom cultures several species on his plot.
- Shares his lease and has had no problems with boaters.
- Supportive of the progress of scoping (CA's meeting with Marine Farmers), and has not experienced any problem with boaters and fishermen.

Public Speaker 6

Hon. Edward Romaine, Legislator

Comments:

- Had questions regarding approval of the scoping documents, specifically whether the County Legislature would have to approve it. James Bagg responded with a description of the approval process. Yes, the Legislature must approve the GEIS.

Public Speaker 7

Wayne Grothe, The Nature Conservancy

Comments:

- Villages may have 1,500 feet jurisdiction from the shoreline. Navigation law may also dictate some setbacks.

End of Public Hearing (8:40 p.m.). Public comment period to remain open for next two weeks. Written/oral comments may be submitted to SC Planning Department (DeWitt Davies) until May 17, 2007.

ALPAC Meeting #7 then called to order

There were no comments made on the March 22, 2007 ALPAC meeting summary.

Per request from Mr. A. Leo, the letter received by D. Davies from Hon. Norman C. Edwards, Jr., Town of East Hampton Trustee, reflecting his comments after attending the Project Kickoff meeting on February 6, 2007 will be attached to the summary of this meeting (Attachment #6).

T. Isles announced that Mr. Jeffrey Kassner has left his position at CA and hence, will no longer be serving as CA's project manager. He indicated that Mr. Greg Greene will be assuming this role on the project, and that other professional staff from CA have been assigned to the project as well.

Progress report on data collection was then presented by Keith Brewer, CA.

The study area has been divided into five distinct areas: Area 1, Flanders Bay; Area 2, Great Peconic Bay; Area 3, Little Peconic Bay; Area 4, Noyack Bay, Southold Bay, Shelter Island Sound; and Area 5, Gardiners Bay. NYSDEC Temporary Marine Area Use Assignments (TMAUAs) were identified and plotted on the navigational charts for study area. Some TMAUAs appear to be partially or completely within the 1000 foot buffer zone, specifically in Areas 1, 2 and 4. Further investigation is needed to determine if those locations are accurate. Scallop areas and eelgrass beds were also identified and plotted on the study area maps. The scallop areas plotted are preliminary, based on CA's interview with full-time bayman, Nathan Andruski. The eelgrass beds plotted were based on a previous study conducted by CA in 1997. CA noted that these maps are working maps that will be modified over time with access to new pertinent information.

Committee Member Comments:

Arnold Leo, East Hampton Baymen's Association:

- Sewer outfalls and uncertified areas need to be added to the map.

CA response – CA is planning on adding these areas to the working maps. Only two areas are known to exist within the study area – in Flanders Bay (Area 1) and north of Shelter Island (Area 5).

John Aldred, East Hampton Town Shellfish Hatchery:

- East Hampton Commercial Fishing Advisory Committee (advisory to the EH Town Board) should be added to the stakeholders list. Arnold Leo is the consultant, and Bruce Hoek is the contact.

CA response – East Hampton Commercial Fishing Advisory Committee will be added to the stakeholders list.

Cornelia Schlenk, Sea Grant:

- The NYSDEC Shellfish Advisory Committee, of which she is the chair, should be contacted for input since baymen on this committee come from the five west end towns.

Debra Barnes, NYSDEC:

- Members of baymen groups outside of the East End towns should be contacted.
- She also suggested that local catches of shellfish reported by interviewed baymen should be quantified to the extent possible.

Ed Bausman, Shelter Island:

- Finfish impacts associated with dredging (i.e. loss of finfish habitat during hydraulic harvest process) should be addressed in the GEIS.

Public Portion/Comment

Bob Wemyss voiced concern over the lack of representation of baymen from west end towns on ALPAC. Baymen from Huntington, etc. harvest shellfish in the Peconics and should be included.

In response to the request made by Hon. Vivian Vilorio-Fisher at the March 22, 2007 ALPAC meeting, Jennifer Kohn, Suffolk County Dept. of Law reported on the question of whether the Legislator's position as a voting member of the SC CEQ was in any way a conflict with her voting membership on ALPAC. Ms. Kohn stated that it was the opinion of the Dept. of Law that there was no conflict, and that if a formal determination on the question was required, a request for same would have to be sent to the Suffolk County Board of Ethics.

Meeting adjourned at approximately 9:00 p.m.



# TOWN OF RIVERHEAD

PLANNING DEPT.  
2007 MAY -3 AM 10:10

PHIL CARDINALE, SUPERVISOR

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RIVERHEAD, NEW YORK 11901  
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May 2, 2007

DeWitt Davies, Chief Environmental Analyst  
Suffolk County Department of Planning  
P.O. 6100  
Hauppauge, NY 11788

Re: Draft Scope of Issues, Draft Generic Environmental Impact Statement for Proposed  
Suffolk County Shellfish Aquaculture Lease Program in Peconic and Gardiners Bays

Dear Mr. Davies:

Thank you for providing the Town of Riverhead the opportunity to contribute to the focus of this analysis. The Town agrees the program calls for a Generic EIS and the positive declaration notice and draft scoping document provided have gone a long way towards comprehensively outlining its promises and its perils. We note the potentially significant impacts can be broadly divided into those on the natural and on the social environments. While both categories are important and are interrelated, other agencies are better able to offer meaningful comment respecting impacts on water quality, species abundance and distribution and marine habitats. We'll focus on impacts on the use and enjoyment of the bays by the public in general and by Riverhead residents in particular.

The bays and underwater lands are common resources subject to the Public Trust Doctrine and as noted in the GEIS documents, leasing the bottoms would clearly restrict public access to those areas for shellfishing. As also noted, in situ support structures employed in growing operations or lease area marker buoys pose the potential to become constraints or even hazards to navigation and obstacles to finfishing. If lease areas become de facto exclusionary zones, the public's interest in fishing, boating and other water related activities is lost there and those activities will be displaced and concentrated elsewhere. Pressure on marine resources and user conflicts are increased in the non lease areas as a result including established navigation channels. The Riverhead Town Code includes statutes on the taking of marine resources, the setting of apparatus towards that end and the placement of structures within Town waters. Their aims include preventing such activities and structures from undue impact on natural resources and habitats, navigation and public safety and access to the water. The Town's Bay Constable tends to navigation aids in the creeks and the Peconic River while the Coast Guard handles the bay. Leasing

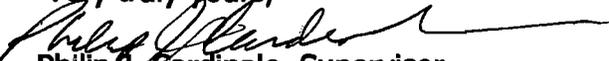
infrastructure would not only have to be reconciled with existing channels but these agencies would have to be informed of the locations for advisories to mariners. The GEIS should discuss how enforcement of the lease program is to be handled and by whom. Has the State ceded any regulatory authority to the County along with the Peconic and Gardiners Bay bottoms? Will local authority be affected in any way?

The Town hasn't an approved Local Waterfront Revitalization Plan but is moving towards that goal by year's end. Plan policies of relevance to the lease program include providing for public access to and recreational use of coastal waters, protection of Riverhead's water dependant uses, promotion of new water dependant uses in suitable locations and promotion of sustainable use of marine resources in the Peconic estuary. The lease program must also insure its compatibility with the Peconic Estuary Program Comprehensive Conservation and Management Plan. Chapter Four's (Habitat and Living Resources Management Plan) measurable goals include locating aquaculture activities in ecologically low productive areas of the estuary and assuring that they're mutually beneficial to the industry and to natural resources and water quality. Actions are identified to advance that goal but the GEIS must also consider the potential of the lease program to induce the construction of support infrastructure such as bulkheading and docks which would further harden the shoreline contrary to another goal.

According to the National Oceanic and Atmospheric Administration's website, over 80% of seafood consumed in the U.S. is imported and at least 40% of those imports are farmed. Open water aquaculture clearly works and offers the possibility of a revived and expanded marine based economy as well as the other social and environmental benefits cited by the GEIS documents. The adverse potentials however are equally plausible and the cost benefit dynamic changes when a common resource is exploited. The parable of the tragedy of the commons posits that the benefits of such exploitation primarily accrue to the relatively few individuals undertaking it, who are therefore motivated to maximize their use to the detriment of the resource because the costs are distributed over the wider range of individuals to whom it's available. The parable describes a phenomenon of human nature and can't be taken as a physical law but may well be an unintended consequence that should be considered. NOAA has authored a bill (National Offshore Aquaculture Act of 2007) currently before Congress and the comments offered on that legislation from environmental and other groups should become guidance to this intent.

Lastly. Certain outcomes of the program such as investment dollars and generated jobs seem easy to identify and quantify. Biotic effects both positive and negative such as changes in species abundance and distribution, habitat and water quality may be incremental, subtle and initially difficult to gauge. It may be advisable to phase the program in slowly while monitoring for the above effects so an eventual adverse impact isn't committed to before it's detected.

Very truly yours,



Philip J. Cardinale, Supervisor

**THIS COMMENT FROM COUNCILPERSON BLASS TO BE READ INTO THE RECORD  
IN THE EVENT SHE IS NOT ABLE TO ATTEND**

**From:** Barbara Blass [mailto:bllass@riverheadli.com]  
**Sent:** Tuesday, May 01, 2007 1:08 PM  
**To:** DeWitt.Davies@suffolkcountyny.gov; 'Laura Stephenson'  
**Cc:** 'Joseph Hall'; cardinale@riverheadli.com; 'George Bartunek'  
**Subject:** Comments of Draft Scope for DEIS of SC Shellfish Aquaculture Leasing Program

Hello Folks:

In the event I am unable to attend the public hearing on the draft scope, please consider including the potential for inducement of infrastructure improvements along the shoreline including docks and other hardening structures which development may contradict policies of adopted management plans, i.e. the CCMP for the PEP. The adequacy and or necessity of mooring regulations should also be discussed. Thank you.

Councilwoman Barbara Blass  
Town of Riverhead  
200 Howell Avenue  
Riverhead, NY 11901  
631.727.3200 x225  
631.369-3990, fax

**Comments from Laura Stephenson, PEP-Program Coordinator, on behalf of the PEP Natural Resources Subcommittee, per discussion at its meeting on March 14, 2007 with Suffolk County Dept. of Planning Staff**

Use of the term “rooted vascular plant” instead of submerged aquatic vegetation (SAV) or eelgrass. The intent here is that the term SAV is too broad and encompasses different algae ( some non-native); and solely using the term eelgrass excludes widgeon grass.

In designating allowed cultivation zones please keep in mind:

1. Historic and current rooted vascular plant distribution (perhaps using the 1930’s map produced by Steve Schott – CCE as a baseline).
2. Restoration Suitability. This includes allowing for natural resurgence and/or human guided restoration efforts at sites which a.) historically supported populations and b.) have been deemed fit to support restoration work/plantings via restoration suitability index models and/or pertinent field experience.

Given the nature of the above comments, any specific questions/reasoning regarding these comments should probably be forward to Chris Pickerell and Steve Schott of CCE.

**To: Dewitt Davies**  
**From: Ed Bausman**  
**Date: May 16, 2007**  
**RE: NYS DEC comments**

**Since our last meeting, I have contacted and discussed hydraulic dredging for clams with Alice Weber, DEC Marine Finfish Unit Leader. I have faxed you a copy of her letter. Would you please post this for consideration by the other ALPAC members?**

**Of special note are Ms Weber's comments on page 2 of her letter, citing clam destruction/mortality. Hydraulic dredging reduces species diversity of benthic fauna.**

**Since New York State has banned fish draggers in the Peconics for over 10 years, to prevent destruction of bottom habitat, how can we consider allowing hydraulic dredging in this federally and state protected estuary?**

*regards,  
Ed*

**New York State Department of Environmental Conservation  
Division of Fish, Wildlife & Marine Resources**

**Bureau of Marine Resources**

205 North Belle Mead Road, Suite 1, East Setauket, New York 11733

Phone: (631) 444-0430 • FAX: (631) 444-0434

Website: www.dec.state.ny.us



May 7, 2007

Mr. Ed Bausman  
PO Box 2001  
Shelter Island, NY 11964

Dear Mr. Bausman:

In answer to your inquiry relating to the effects of hydraulic, mechanical or power dredging on marine fishery resources, I have summarized below some of the information available on the subject.

**General comments.** NYSDEC has had an ongoing finfish trawl survey project in Peconic Bays since 1985. The results of this long term survey have clearly demonstrated that the Peconic Bay Estuary affords significant habitat for a large number of finfish and crustacean species [see Weber & Grahn (1998) enclosed]. Many of the species that occur in the estuary represent juvenile forms of some of New York's most valuable commercial and recreational finfish resources, as well as the forage base upon which they rely. In recognition of the importance of Peconic/Gardiners Bay to marine finfish species, the National Marine Fisheries Service has designated this area as federally protected Essential Fish Habitat (EFH). Any credible review of the impacts of aquaculture-related dredging or bottom disturbing activities on the Peconic Bay ecosystem will need to address the potentially significant impacts of these activities not just on the shellfish and benthos, but on the finfish resources as well.

**Methods of cultivation & harvest.** There is a fairly substantial (and rapidly expanding) body of literature on the effects of fishing and shellfishing gear on marine habitats. Recent reviews of these impacts have raised significant concerns about the effects of dredges (both mechanical & hydraulic) on marine environments, which I will briefly summarize below; most of these findings were based on studies examining the effects of hydraulic dredges as well as large (5 to 13' dredge frame width)

mechanical dredges such as those used in the sea scallop fishery, gear comparable to that used in many aquaculture activities.

- ▶ Studies of hydraulic clam dredges showed that these dredges penetrate up to 25cm deep, resuspend large quantities of sediment and affect a large number of infauna through removal and/or burial.
- ▶ Dredges are towed more slowly and cover less ground per haul, but have more area in contact with the bottom than trawls, and unlike trawls, are designed to penetrate the substrate to remove infaunal invertebrates
- ▶ Hydraulic dredges in general, affect the benthos to a higher degree than mechanical dredges, creating trenches up to 25 cm deep, re-suspending large quantities of sediment, and affecting the abundance of infauna through removal and/or burial.
- ▶ Non-harvested organisms such as sand dollars, crustaceans and worms are significantly disrupted by the dredge.
- ▶ Clam dredgers report heavily dredged beds often accumulate large amounts of clam tissue that creates biological oxygen demand with localized hypoxia and (in extreme cases) mortality of otherwise healthy clams [and presumably other species].
- ▶ Dredging lowered the average density of benthic fauna by 59% and decreased the number of species present.
- ▶ Hydraulic clam dredging reduces the diversity and abundance of benthic fauna within its path
- ▶ Dredging removes seafloor features, leaves trough marks, lowers sediment consolidation and re-suspends sediments.
- ▶ Dredging reduced the number of individuals and proportion of benthic species and left dead and damaged invertebrates in the dredge track
- ▶ hydraulic dredging reduced the number of species by 40%, densities of macroinfauna by 60% and total biomass of invertebrates by 90% and took 6 to 12 months to recover
- ▶ hydraulic dredges penetrate mud sediments up to 30 cm, flatten natural mounds and topography and leave troughs in their path that have been shown to last anywhere from a few hours to 6 months.
- ▶ hydraulic dredge plumes can have sediment concentrations that are orders of magnitude higher than background levels, or equivalent to or greater than levels generated by storms, persist for minutes up to hours and break down the cohesive bonds in the sediments thus increasing the likelihood of resuspension in the future.
- ▶ dredges disrupt amphipod tube mats and result in a decline in dominant megafaunal species (scallops, anemones and worms)
- ▶ studies of dredging targeting sea scallops resulted in high mortality rates of spider crabs and the probable mortality of many discarded ascidians

In summary, the existing literature<sup>1</sup> demonstrates that there is cause for concern about the effects of dredges on benthic fish habitats, as well as the non-target benthic community. The Peconic estuary provides critical benthic habitat for many important juvenile finfish life stages (including winter flounder, weakfish, bluefish, scup, blackfish, summer flounder, puffers and butterfly)-- most of which would be highly vulnerable to the effects of dredge gear. Given the status of many of our

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<sup>1</sup>References for these studies are as follows: (Murawski & Serchuk, 1989; Ismail, 1985; Kaiser et al 1996; Pranovi and Giovanardi, 1994; Brambati and Fontoln 1990; Pickett 1973; Hall 1994; Hall et al, 1990; Connor and Simon, 1979; Meyer 1981; Ruffin, 1995; Colle 2001; Currie and Parry, 1999; Rogers et al 1998 -cited in NMFS, 2001)

regional fishery resources, any activity resulting in an increase in juvenile finfish mortality or a loss of juvenile fish habitat would likely have a significant adverse impact on local finfish productivity.

#### **Impacts on Winter Flounder, a species of particular concern**

In addition to concerns about the impacts of mechanical, hydraulic and power dredging on marine finfish species and habitat, there is particular concern about potentially significant adverse impacts of these activities on local stocks of winter flounder. The winter flounder (*Pseudopleuronectes americanus*) is a demersal flatfish species found primarily in estuarine and coastal waters along the Atlantic coast from Canada to Delaware. In New York waters, winter flounder are a year round resident species, and are known to inhabit all of our local bays, estuaries and inshore areas. Fishery survey and landings data compiled since the 1930's have shown that the winter flounder has been one of the most ubiquitous and abundant finfish species found in our local waters, and it has historically sustained one of New York's most important and valuable marine recreational and commercial fisheries. In recent years, however, both landings and survey abundance of winter flounder in New York and throughout the Atlantic coast have declined significantly. In particular, populations of winter flounder in New York's nearshore waters, as evidenced by recreational landings, have virtually collapsed. A recent population stock assessment<sup>2</sup> indicates that the size of the spawning stock biomass of winter flounder is less than 25% of sustainable levels and recruitment to the stock has been poor. Recruitment data from New York waters shows that winter flounder populations have not produced a sizable year class since 1992. Protection of winter flounder spawning and nursery habitat is a critically important part of fishery management efforts to rebuild winter flounder populations in New York.

Winter flounder are known to spawn in New York's bays, harbors and estuaries from December through April, with peak spawning activity strongly related to temperature ( $< 10^{\circ} \text{C}$ ). Studies done in local waters indicate that peak spawning varies from year to year but usually occurs within the months of January to March. Winter flounder eggs are demersal and adhesive, and hatch within 15 to 25 days. Larval winter flounder are pelagic, but are strongly associated with the bottom, often 'resting' on the bottom when they are not actively swimming. Newly hatched larvae are often found within a few centimeters of the bottom, in saltwater coves, coastal bays and harbors, small narrow estuaries, and protected embayments geographically linked to spawning areas. Larvae are mostly found over sand or sand/silt bottom types. The larval stage lasts approximately 50 to 80 days, depending on the ambient water temperature. The larvae complete metamorphosis at a length of 8 to 9mm TL, after which they become benthic, preferring sand or sand/silt substrate. In the Peconic Bay

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<sup>2</sup>Northeast Fisheries Science Center. 2003. Report of the 36<sup>th</sup> Northeast Regional Stock Assessment Workshop (36<sup>th</sup> SAW), Stock Assessment Review Committee (SARC) Consensus Summary of Assessments. NEFSC Ref. Doc. 03-06.

area, NYSDEC trawl survey data<sup>3</sup> indicates that recently metamorphosized winter flounder (<25mm TL) first appear in our trawl survey catches in early May and continue to be taken through mid-June. Winter flounder juveniles are one of the most ubiquitous species found throughout Peconic Bays, and were collected in all of the months sampled.

In response to concerns about significant declines in regional landings of winter flounder, the ASMFC adopted a *Fishery Management Plan (FMP) for Inshore Stocks of Winter Flounder*<sup>4</sup> in May of 1992. The plan concluded that effective management of winter flounder stocks over the long term requires restraints on fishing mortality as well as on **indirect mortality due to loss of productive habitat**. The ASMFC Plan was considered unique in that it not only recognized the crucial role shallow water habitats play in determining the ultimate productivity of winter flounder stocks, but it also was the first plan which formally incorporated specific habitat management measures.

In an effort to minimize egg and larval mortality, the plan specifically recommended that states implement a **prohibition on dredging within or encompassing the period January 15 to May 15**. While the recommendations in the plan focus primarily on protecting spawning fish and eggs, there is information cited in the plan review that suggests that larval winter flounder may be significantly at risk from activities associated with dredging. A study done in Milford, Ct. described the effects of a low to moderately contaminated silty-clay sediment plume on larval winter flounder as 'catastrophic', a result that should give us reason to be concerned with the impacts of aquaculture-related dredging activities on larval winter flounder, as well as spawning adults and eggs.

In summary, since nearshore coastal and estuarine habitats provide the primary spawning sites for adults, as well as juvenile nursery areas and juvenile and adult foraging locations, habitat quality is of particular importance to many species. The proximity of these habitats to many human activities makes winter flounder especially susceptible to habitat degradation, resulting in the loss of reproductive and growth potential. While the effects of habitat modification on fish stocks are often indirect, gradual and unquantifiable, individual small-scale effects clearly have cumulative effects on local and regional fisheries. This is particularly important to consider in light of what we know about the life history and current status of winter flounder stocks, the historic importance of this fishery resource in New York, and the known risks associated with dredging activities.

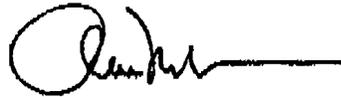
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<sup>3</sup>Weber et al. 1998. Species composition, seasonal occurrence and relative abundance of finfish and macroinvertebrates taken by small mesh otter trawl in Peconic bay, New York. NYSDEC, Division of Fish, Wildlife and Marine Resources, East Setauket, NY. 128pp.

<sup>4</sup>Howell et al. 1992. Fishery management Plan for Inshore Stocks of Winter Flounder. Atlantic State Marine Fisheries Commission Report No. 21, 138pp.

I hope this information provides you with a better understanding of the importance of protecting marine finfish and their habitat in New York's marine waters, and please contact me at 631.444.0437 if you have any further questions.

Sincerely

A handwritten signature in black ink, appearing to read 'Alice Weber', with a long horizontal line extending to the right.

Alice Weber  
Marine Finfish Unit Leader

cc: S. Heins  
C. Grahn



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May 16, 2007

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Lionel Pincus

John Sargent

Garrick C. Stephenson

James Trees

Harold M. Wit

Re: Suffolk County Shellfish Aquaculture Lease Program in  
 Peconic Bay and Gardiner's Bay Draft Scoping Document

Dear DeWitt Davies and Suffolk County Planning Department,

**Summary Statement:**

I am writing on behalf of Group for the South Fork, to express our comments on the Suffolk County Shellfish Aquaculture Lease Program in Peconic Bay and Gardiner's Bay draft scoping document.

For the record, Group for the South Fork represents the conservation and community planning interests of some 2000 member-households, businesses and individuals residing primarily in the five East End towns (Southampton, East Hampton, Shelter Island, Riverhead, and Southold). For three and a half decades the group has made a full-time professional commitment to the protection and preservation of eastern Long Island's fragile natural resources, including the Peconic Estuary and its Bays.

In general the draft scoping document does a good job of discussing many important factors to consider. However, there are a few topics that we would like to stress the importance of when reviewing the possible environmental impacts from shellfish aquaculture. These major issues of concern include: the mitigation of potential impacts, the relationship between the public and public lands in private use, the siting and location of shellfish, the impacts of mechanical dredging on water quality and benthic habitat, and the intensity of aquaculture to be permitted.

**Draft Scoping Document Comments:**

Plans for mitigation of potential impacts should be considered early on. These plans could include growing a variety of native shellfish species to lessen the potential impacts from disease, growing only native species and local wild genotypes to lessen the genetic impacts on wild populations, and preventing applications of food, drugs, or chemical treatments to further protect the natural environment.



We recommend that a fresh look is taken at the relationship between shellfish aquaculture leasing and the Public Trust Doctrine. Please consider the public benefits that may come from this as well as the barriers it may provide to public use. As is mentioned in the current draft scoping document it is important to consider the conflicts of use which might arise, and essential to move forward in a precautionary manner to help ease this conflict of public and private uses

We believe that the siting and location of aquaculture leases should be closely studied to ensure that they are not granted in areas that currently or historically show natural submerged aquatic vegetation. Even the historical areas should be protected with the future goal of revegetation as natural habitat.

Another concern that should be carefully considered is that of the impacts of mechanical dredging on water quality and benthic habitat. Overturning the benthos could prove disastrous for some benthic communities and could eventually result in a monoculture of farmed shellfish being all that remains in the dredged areas. The mechanical dredging process can also stir sediments up into the water column, which may reduce water quality for a period of time.

We strongly recommend that as this program progresses, due to the uncertainty of impacts on the estuary, the County continue to view this as a small scale experimental program rather than jumping headlong into extensive leasing for aquaculture. A few experimental sites could be set up in areas of different water quality, currents, or other variables, and baseline data should be collected as well as data over time to try to fully understand the impacts shellfish farming has on our natural resources, long before any large scale or long-term leases are granted.

**Closing Remarks:**

On behalf of the Group for the South Fork, I appreciate the opportunity to provide you with these comments with the hope that you will conduct the most stringent review of this program. Although some of these comments are addressed in the draft scoping document, we found them important enough to mention again and hopefully ensure that they are seriously considered in creation of the environmental impact statement.

As you are well aware, with any project that causes changes to the intricately connected natural environment it is essential to proceed carefully and cautiously. Thank you for your time and attention to our concerns. Please contact me with any comments or questions you may have.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Skilbred".

Jennifer Skilbred  
Environmental Advocate

Dear Dewitt,

I am a commercial fisherman who fishes nine months annually exclusively in Gardiners Bay and Cherry Harbor. I would like to express my concern about the leasing of any public bottom land in those bodies of water for they are very productive. I own a 40 foot dragger and make my living trawling in those areas that are not being utilized by trap fishermen, conch and lobster potters, gill net setters, clammers and hook and liners. I attended the meeting held in Southampton on February 6, and found the public comments basically supportive of leasing unproductive public lands for small aquaculture operations.

I do believe that we can utilize unproductive bottom land for small private aquaculture sites, but I caution that the County only look to lease bottom lands which are currently not productive in commercial shellfish and finfish harvesting. In summarizing the public comments rendered at the two kickoff meetings over the Counties proposal, I see that several baymen and fishermen have expressed concern over leasing any of the productive bottom lands in Gardiners Bay. I fully agree that those bottom areas are fully productive.

As a resident of the Town of East Hampton which has had a diverse inshore fishery for centuries, I have a concern about leasing any public land for private use unless it is proven to be unproductive. Also, I believe that these leased areas should be small in size i.e. 5-6 acres and appropriately marked for navigational safety. As small private operations, I would support aquaculture, for it could bring new life to the shellfish market and baymen back to local waters.

Therefore, I urge ALPAC and the County to consider the needs of current commercial fishing interests and focus on the utilization of truly unproductive bottomlands. This will have the potential of making the Peconic and Gardiners Bay system more productive for East End baymen, fishermen and aquaculturists.

Sincerely,  
Norman C. Edwards, Jr.  
PO Box 543  
Amagansett, NY 11930