

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

**MEETING SUMMARY  
June 21, 2007  
Meeting Number 8**

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

Start/End: 4:00 p.m. / 6:15 p.m.

Attending: *Members*  
John Aldred, Gilbert Anderson, Debra Barnes, Edward Bausman, Tom Isles  
David Lessard, James McMahon, Kimberly Paulsen, Gregg Rivara, Todd  
Stebbins, Martin Trent, Edward Warner

*Staff*  
DeWitt Davies, Laretta Fischer, Mike Mulé, Barbara DelGiudice

*Others*  
Gregory Greene, Keith Brewer, Robert Hamilton, Jr., Peter Wenczel, David  
Relyea, Capt. Robert W. Busby, Jr., Alice Weber, Howard Pickerell, Gary P.  
Joyce, Michael Kujawa, Kevin Beasley, David Bergen, Christina M. Grahn

Materials

Distributed: Meeting agenda; the Final DGEIS Scoping Document (Draft – June 4, 2007);  
minutes from the May 3, 2007 Public Scoping Hearing; summary of the May 3,  
2007 ALPAC meeting; reports from Cashin Associates (CA) on stakeholder  
meetings held to date; two memorandums from DeWitt Davies; correspondence  
received since the May 3, 2007 meeting; ALPAC member list; interested parties  
list; and list of reference materials.

Chairman Tom Isles began the meeting by giving a quick overview of the agenda, and a brief summary of the preceding meeting. Mr. Gilbert Anderson, Commissioner, Suffolk County Department of Public Works (DPW) was introduced as a new ALPAC member; he replaces Mr. Edwin Cohen as the representative from DPW.

It was announced that Ms. Karen Chytalo, Acting Director, was replacing Mr. Gordon Colvin as the representative from NYS DEC, Bureau of Marine Resources; Ms. Debra Barnes remains as the alternate.

There were no comments or additions to the May 3, 2007 Public Scoping Hearing minutes or the summary of the May 3, 2007 ALPAC meeting.

The Dept. of Planning intends to share all correspondence received on the leasing program with ALPAC. The following letters were received since the last ALPAC meeting on May 3, 2007, and are attached to this summary:

Attachment # 1: Letter dated June 4, 2007 from Ms. Christine M. Grahn, Marine Biologist I, Marine Finfish – NYS DEC to Mr. Gregory Greene, CA.

Attachment # 2: Letter dated June 6, 2007 from Hon. Edward P. Romaine, County Legislator, 1<sup>st</sup> District to Capt. Gary P. Joyce, in response to his letter of May 29, 2007, also attached.

Attachment # 3: Letter dated June 13, 2007 from Mr. Gregory J. de Bruin, P.E., L.S., President, Nassau-Suffolk Civil Engineers to Ms. Tracy L. Pollak, Principal Research Analyst, Suffolk County Purchasing Office.

### DGEIS Scoping

Mr. Michael Mulé gave a brief overview of the status of the Final DGEIS Scoping Document (draft) and SEQRA compliance protocol being followed by the County. He explained the process that the Scoping Document must go through in order to be adopted by the County.

Mr. Gregory Greene, CA, stated that all comments received on scoping were considered, and several changes were incorporated into the June 4, 2007 Final Scoping Document (draft) document as distributed at the meeting. These changes included:

- a. broadening the assessment of impacts to include ecological analysis, fisheries and rare and threatened/endangered species;
- b. expanding lease program mitigation measures, e.g., type of lease, lease size, phasing of program, monitoring of environmental conditions at lease sites, etc; and
- c. adding an assessment of shoreline facilities to support implementation of the program, as needed, to the DGEIS.

### Cashin Associates Progress Report: Stakeholder Meetings & Resource Mapping

G. Greene gave a quick overview of the stakeholder meetings that had taken place since the May 3, 2007 meeting and discussed and highlighted the main issues. (The stakeholder meetings that have been held to date by CA are as follows: East End Marine Farmers Association – April 9, 2007; Nathan Andruski, Southold Bayman – April 9, 2007; NYS DEC Marine Resource Advisory Council – May 15, 2007; North Fork Captains Association – May 22, 2007; North Shore Baymens Association – May 24, 2007; East Hampton Commercial Fishing Advisory Committee – May 31, 2007; and Peconic Baykeeper, Inc. – June 13, 2007. Meetings attended by DeWitt Davies, Dept. of Planning: NYS DEC Shellfish Advisory Committee – May 30, 2007 and Suffolk County Council on Environmental Quality – June 20, 2007. Draft reports on all of these meetings were distributed.) He stated that the North Folk Captains Association was concerned about navigational issues associated with fixed aquaculture gear. The East Hampton

Commercial Fishing Advisory Committee (EHCFAC) considers all of Gardiners Bay as supporting a variety of fisheries; it feels that leasing public underwater land for aquaculture will restrict access of other users to this area. Although the EHCFAC indicated that the majority of Gardiners Bay should not be considered for shellfish leases, they did indicate on the nautical charts supplied by CA one location where they felt aquaculture activities may be accepted in the Town of East Hampton. The North Shore Baymen's Association's concerns were restrictive access to bottom land, and enforcement and monitoring of lease holder compliance.

Mr. Keith Brewer, CA, gave a brief overview of the new data that has been added to the navigational charts/maps for the study area. Since the last meeting, the maps have been revised to show uncertified shellfish areas; New York State Significant Fish and Wildlife Habitats; underwater oyster grants verified by the County to date; and the area in the Town of East Hampton where the EHCFAC believes shellfish aquaculture leases may be acceptable. There is still a need to reconcile the location of *some* Temporary Marine Area Use Assignments, which appear to include the area within the 1,000 foot shoreline buffer zone. Mr. Gregg Rivara offered that Cornell Cooperative Extension worked with Assignment applicants to identify sites, using nautical charts, that were at least 1,250 feet offshore. Mr. David Lessard stated that he knew of no conflicts concerning Assignments that were located near the 1,000 foot buffer zone.

CA indicated that additional stakeholder meetings were in the process of being scheduled, in response to inquiries made by CA.

During the course of the discussion, a request was made for additional information, especially for fisheries. D. Barnes indicated that NYS DEC could provide information on parties that are permitted to grow clams on grant parcels. Mr. Edward Warner stated that some baymen may want access to two parcels, where product could be moved from one to the other, depending on water quality conditions. Mr. Edward Bausman stated that he notified baymen in Shelter Island about the project and that they should contact CA. Mr. John Aldred was interested in the view of the Town of Southold on use of marine areas in Gardiners Bay.

With respect to subcontractors and technical experts, G. Greene stated that negotiations were underway to hire Germano & Cahill, P.C., which would conduct legal analyses for the project (authority extended to Suffolk County under the 2004 NYS lease law; SEQRA compliance; LWRP and local government jurisdictional issues; etc.). CA has also discussed shellfish disease issues, the operation of the New Jersey shellfish leasing program and review of lease programs in other states with Mr. Gef Flimlin, The State University of New Jersey, Rutgers Cooperative Extension. Discussions are also underway with L.I. Traditions to develop an acceptable scope of work on the social aspects of shellfish leasing.

E. Bausman wanted to know if the bottom type east of Shelter Island could be mapped. He stated that it may not be appropriate to issue shellfish culture leases in areas with muddy sediments because of the issues relating to suspension of sediments and disruption of existing shellfish populations. Mr. Martin Trent replied that benthic mapping data obtained by the S.C. Dept. of Health Services would be made available to CA for use in its study.

The issue of using hydraulic dredges for harvesting cultured shellfish was raised by J. Aldred. Two letters from NYS DEC staff ( Ms. Alice Weber and Ms. Christina Grahn) have been

received on this issue. Both letters appeared to indicate that hydraulic dredging has a negative impact on the benthic environment and should not be allowed on leased parcels. CA and G. Rivara requested that NYS DEC clarify its official policy on hydraulic dredging. D. Barnes stated that she was not aware that the Bureau of Marine Resources had an official policy on hydraulic dredging and would have to get back to ALPAC on that issue. However, the Environmental Conservation Law prohibits the use of mechanical harvest for the taking of shellfish on public or unleased underwater lands with certain species exceptions (it is allowed on non-public or leased bottom); DEC does not issue mechanical harvesting permits, per sé; and the County has the authority to regulate whether or not hydraulic dredging will be permitted on leased parcels, which will likely be determined after the Environmental Review under SEQRA has been completed.

A. Weber stated that the agency has 20 years of data that show the Peconic system is a valuable juvenile finfish habitat that contributes to the commercial fisheries of the State. The potential for finfish habitat destruction by shellfish aquaculture activities needs to be addressed in lease program documentation.

Additional information on the extent to which Temporary Marine Area Use Assignments are actively used for the culture of different species was requested by CA. D. Barnes replied that available information on the level of actual activity on the Assignments was not complete. She also mentioned that NYS DEC has just initiated an aquaculture inspection program to update information about marine hatchery and on/off-bottom culture permit activities including Temporary Area Use Assignments, but that this information may not be available in time for use in the present study. The agency does have information on location of pound and trap nets in the Peconics.

Mr. Bob Busby, North Fork Captains Assoc., had questions as to who will enforce the aquaculture lease requirements. D. Davies indicated that enforcement is one of the administrative components that will be assessed in the study. Mr. Todd Stebbins wanted to know when the maps being prepared by CA for the five sub-areas in the Peconics would be available on the project website for review by the public. CA indicated that the draft maps would be ready for posting by the end of the summer, after the interview process and data collection efforts are completed.

#### Public comments

Mr. Peter Wenczel, a bayman for over 30 years who is currently whelk fishing in the Peconic and Gardiners Bays, questioned why impacts to the whelk fisheries were not being addressed in the draft DGEIS Scoping Document. It was brought to P. Wenczel's attention that since the last ALPAC meeting on May 3, 2007 the Scoping Document had been revised to include impacts associated with the whelk fishery. P. Wenczel also had concerns as to restrictions that will be placed on other users if portions of public underwater lands are leased to private shellfish culture entities, and who will be policing their activities. (P. Wenczel and K. Brewer met at the end of the session to arrange a meeting to obtain input from whelk fishermen.) E. Warner also indicated he would help provide information pertaining to the whelk fishery.

Mr. Robert Hamilton, a bayman for over 40 years who is currently dragging in Gardiners Bay, stated that he has shown up at several of the meetings and volunteered to provide information about the fisheries he has worked over the years. He stated that to date, no one has contacted him, and he feels that input from local baymen should be considered instrumental in implementing a shellfish aquaculture lease program, because of conflicts with draggers and other fisheries. (R. Hamilton and K. Brewer met at the end of this session to arrange a meeting date.)

Mr. David Relyea of Frank M. Flower & Sons, Inc. relayed observations on the experience that this company has had over the last century in growing oysters and clams in Oyster Bay. He felt that hydraulic dredging, if controlled, can be a valuable part of the County's aquaculture program. Hydraulic dredging may even have a beneficial effect by making bottom sediments more suitable for seed setting and survival. D. Relyea also explained that his company uses a survey grade GPS unit to locate all their marker buoys, and has found this method to be very effective in locating property boundaries along the 1,800 acres of bay bottom leased from the Town of Oyster Bay.

Flower & Sons allows whelk potting on their property to catch shellfish predators. Flower & Sons conducts both in-bottom and off-bottom culture of clams and oysters, and hydraulic dredging is utilized to harvest marketable stocks from the bay bottom in the bay. The beds are seeded with shellfish grown in the firm's hatchery, and harvested later on a rotating basis, after the shellfish have grown for 3 to 4 years.

Ten to twenty percent of shellfish seed grown in the hatchery are sold to other private growers, many of which have shellfish farms in the Peconics. Clam aquaculture requires in-bottom culture to be effective. R. Relyea saw no reason why hard clam culture could not be conducted on leased bottom in the Peconics. It was mentioned that the Town of Oyster Bay continues to support Flower & Sons and that Oyster Bay has sets of clams and oysters that are attributable, at least in part, to the ongoing culture of shellfish on Flower's leased ground. Studies have shown that periodic, limited hydraulic harvesting has not permanently harmed the bay bottom.

D. Relyea offered to have members of ALPAC visit the company operation in Bayville, to get a better idea of what is involved in running a large scale shellfish aquaculture business. (D. Relyea and K. Brewer met at the end of this session to arrange a meeting date for CA.)

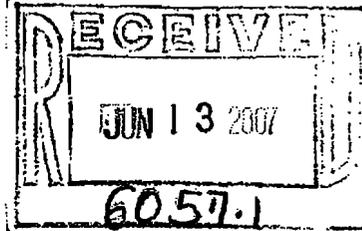
E. Warner asked if there would be a residency requirement for lease holders under the County leasing program. D. Davies answered that residency is one of the administrative components that will be addressed in the program.

Issues were raised regarding derelict equipment. Abandoned shellfish culture equipment could become a nuisance and navigational hazard. It was suggested that lease holders should provide a bond to cover removal of derelict equipment, if necessary.

Per request from T. Stebbins, D. Davies asked CA to contact everyone on the ALPAC interested parties list in writing to offer them the opportunity to provide input to this project. CA responded that they would contact those parties that they did not have meetings with to date.



**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](http://www.dec.state.ny.us)



June 4, 2007

Mr. Gregory Green  
Cashin Associates, P.C.  
1200 Veterans Memorial Highway  
Hauppauge, NY 11788  
[ggreene@ca-pc.com](mailto:ggreene@ca-pc.com)

Dear Mr. Green:

In follow up to your presentation at the May 15 meeting at the NYS Marine Resources Advisory Committee on the proposed Suffolk County Peconic Bays Aquaculture Plan, I am enclosing the following report - *"Species Composition, Seasonal Occurrence and relative abundance of Finfish and Macroinvertebrates taken by Small Mesh Trawl in Peconic Bay, New York"* by Weber and Grahn (1998). This survey continues to the present and the results of this important long term study has clearly demonstrated that the Peconic Bay Estuary affords significant habitat for a large number of finfish and crustacean species. 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). Additionally, Peconic/Gardiners Estuary is of national importance and one of the first to be included in the EPA's National Estuary Program with the goal of maintaining and restoring the ecological integrity of these valuable waters. The National Estuary Program has identified seven key management

issues which threaten an estuaries health, two of which are directly related to this proposed program.

*"1. Threats to habitat which include conversion of open land and forest for commercial development and agriculture, forestry, highway construction, marinas, diking, dredging and filling, damming, and bulkheading.*

*2. Natural and human-induced events which disturb or change environmental conditions affect the distribution and abundance of estuarine species. Declines in fish and wildlife populations have resulted from fragmentation and loss of habitats and ecosystems; pollution and decreased water quality; overexploitation of resources; and introduced species."*

Needless to say there is a very real potential for degradation and/ loss of these valuable and significant habitats from the impacts created by aquaculture-related dredging or bottom disturbing activities. Since this estuary is the critical foundation for the production of a large number of New York's valuable commercial and recreational finfish and crustacean species, the impact to those living resources habitats that would be created by this type of proposed commercial development will need to be addressed. If you have any questions I can be reached at 444-9442.

Sincerely,



Christina M. Grahn  
Marine Biologist I  
Marine Finfish - NYSDEC

# SUFFOLK COUNTY LEGISLATURE



2007 JUN 11 10:51:12

**EDWARD P. ROMAINE**  
**LEGISLATOR 1ST DISTRICT**

June 6, 2007

Capt. Gary P. Joyce  
P. O. Box 618  
Aquebogue, NY 11931

Dear Capt. Joyce:

Thank you for your letter regarding the county's proposed Aquacultural Lease Program. You clearly identified one of the most important issues facing the commercial fishing industry today – that of access to the water.

I will begin working with the Planning and Real Estate Departments to seek marina or waterfront property for the purposes of developing a working commercial port. Without proper water access, the commercial fishing industry cannot flourish and survive.

Sincerely,

Edward P. Romaine  
County Legislator, 1<sup>st</sup> District

Cc: Thomas Isles, Planning Director  
Christopher Kent, Director of Real Estate

29 May 2007

County Legislator Edward P. Romaine  
423 Griffing Avenue  
Riverhead, NY 11901

JUN 01 2007

Legislator Romaine,

Regarding the Aquaculture Lease Program.

I fully support what the county is attempting to do with the aquaculture program. My main concern has to do with something unaddressed; i.e., water access.

The commercial fishing establishment – whether inshore or offshore, free swimming or pen- or tank-grown – is being forced away from the water by NIMBYism, town ordinances, astronomical land pricing, etc. This is not just a Suffolk County problem but one common to anyplace with a shore line.

Dwindling access is critical to the economics, culture, work ethic, history, etc., of the area's marine culture ... and I believe an overlooked mechanism is **already** in place that can address it.

What about using the existing PDR program to purchase the next bayside marina that becomes available? The basis: to turn the marina into a working commercial port that not only provides local fishermen a (realistic and economical) place to tie up their boats, but also includes a marine school to train the future in marine technology, business, crafts, etc.?

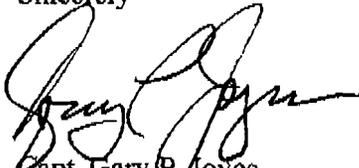
This fits the philosophy and intent of the PDR program; it's politically and socially visionary; there is a bill in Congress that, if passed would provide the funds; it's easier to "sell" with the educational initiative facet; it's "cutting edge" in coastal land management; it would be hard for

any rabid "greens" to argue the proposal without looking elitist; etc., etc., et al.

The county's aquaculture program is a great idea. But access **must** be addressed as part of it if it – or any other program aimed at improving marine environment – is to succeed.

I'd be more than happy to expand on this when and if you'd care to discuss it further.

Sincerely



Capt. Gary P. Joyce  
PO Box 618  
Aquebogue, NY 11931  
631 722 9480  
gjoyce@optonline.net

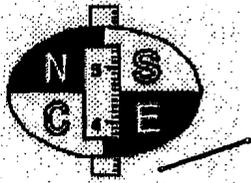
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June 13, 2007

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Tracy L. Pollak  
Principal Research Analyst  
Suffolk County Purchasing Office  
360 Yaphank Avenue  
Yaphank, NY 11980

**RE: Shellfish Aquaculture Leasing Program**

Dear Ms. Pollak:

I am writing to you as a representative of the regional branch of the New York State Association of Professional Land Surveyors in reference to your current Shellfish Aquaculture Leasing Program.

It has come to our attention that it may be the intent of this project to describe and set boundaries of underwater leases without the services of a licensed professional land surveyor. Please be advised that this would be in conflict with New York State Education Law. Only licensed land surveyors may set and describe property boundaries. Possession of a GPS unit does not make one qualified to interpret deeds or leases; resolve conflicts with physical evidence; or resolve conflicts with adjacent parcels. In addition, it should cost the County less to have the work done by a licensed professional than it would to have it done wrong by an unlicensed person.

I ask that you respond to me in writing to confirm that Suffolk County intends to comply with New York State law by using a licensed land surveyor to interpret, describe, and layout any lease boundaries contemplated under this project. Of course, I am available to discuss this in person, at your convenience. My cell number is 516-805-4118.

Sincerely,

Gregory de Bruin, P.E., L.S.  
President  
Nassau-Suffolk Civil Engineers

✓ cc: Steve Levy, Supervisor

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