SHELLFISH AQUACULTURE LEASE PROGRAM

IN PECONIC AND GARDINERS BAYS

KICKOFF MEETING

Town Hall
Southold, New York

January 31, 2007
7:00 p.m.

BEFORE:

THOMAS A. ISLES, A.I.C.P – Director
Department of Planning
APPEARANCES

John Aldred - Committee Member
Debra Barnes - Committee Member
Edward Bausman - Committee Member
Edwin Cohen - Committee Member
Walter Grothe - Committee Member
Thomas Isles - Committee Member
David Lessard - Committee Member
John McMahon - Committee Member
Gregg Rivara - Committee Member
Karen Rivara - Committee Member
Todd Stebbins - Committee Member
Vivian Viloria-Fisher - Committee Member
Martin Trent - Committee Member
DeWitt Davies - Department of Planning
Lauretta Fischer - Department of Planning
Jennifer Kohn – Assistant County Attorney
Michael Mule - Department of Planning
Michelle Weiss - Department of Planning
Donna Waide - Department of Planning
Chrissy Einemann - Department of Planning
Gregory Greene - Cashin Associates, P.C.
Jeffrey Kassner - Cashin Associates, P.C.

Members of the Public

John Holzapfel  Nathan Andruski  Kim Tetrault
Tom Kehoe  Michael Craig  Mike Osinski
Dean Yaxa  Peter Wenczel  Charles Murphy
Bill Pell  Bob Link  Joe Gergela
David Relyea  Andrew Myslborski  
Robert Hamilton, Jr.  Robert Wemyss  
Tom Isles: I would like to introduce myself. My name is Tom Isles. I am from the Suffolk County Planning Department. I would like to thank all of you for coming down tonight.

What I would like to begin with is an introduction of the members of ALPAC that are with us tonight. I think we have a pretty good turnout. At the end of this table is Edward Cohen, he is from the Suffolk County Department of Public Works, stand up and so you can see everybody. Next is Marty Trent with the Suffolk County Department of Health Services, Ed Bausman from Shelter Island, Wayne Grothe from the Nature Conservancy, Jim McMahon from the Town of Southold, who I would like to thank for his help in arranging tonight’s meeting at Southold and we appreciate the support of the town in that aspect as well; David Lessard from the Town of Riverhead, DeWitt Davies is the Chief Environmental Analyst for the County of Suffolk, and is the project manager for this project; Todd Stebbins is representing the County Executives Office, and specifically Carrie Meek Gallagher, Commissioner of Environment and Energy. We have John Aldred from the Town of East Hampton, Greg Rivara from Cornell Cooperative Extension, Karen Rivara from the East End Marine Farmers Association and Debra Barnes from New York State DEC.

Also joining us is Jenny Kohn, an Assistant County Attorney from the County Department of Law. I would also like to recognize a couple of elected officials here tonight including Bill Edwards from the Town of Southold, Barbara Blass from the Town of Riverhead, and I believe Jim King a trustee, the Head of Trustees for the Town of Riverhead, as well. Southold, I’m sorry, my apologies.
To begin the meeting tonight, this committee before you is a committee made up of a diverse grouping of interested organizations that are here for the purpose of advising the county and helping the county work through the process of developing an aquaculture lease program and we are going to hear more about that tonight.

So, the purpose of tonight’s meeting is to, we call it a kickoff meeting. It is an introduction to the start of the project. We are literally finalizing the contract and cementing work with the consultants. We will be explaining to you certain state legislation that went into effect in 2004 that directed a certain time table for these activities to occur in. We understand that this is a topic that is not simple. It is a topic that has been around literally for over a hundred years with the initial grants program going back to 1884.

We also know that there is extensive interest in the pluses and minuses of this. There’s the aspect of being able to provide environmental benefits to restoring a shellfish population in the Peconic Bay system. We understand there are economic benefits in terms of providing substitutions for some of the loss of the natural sets, but also doing so in the manner that minimizes conflict, that’s the manner that is appropriate. We also know there is a cultural aspect that is part of the life in the East End. So it’s something we take very seriously. It is something that we understand the responsibility that the County of Suffolk faces in developing this lease program.

Ultimately, there are many steps ahead of us including steps that deal with those issues of the environment, the economy, of the legal aspects of SEQRA compliance and all of that and here again we are going to be explaining that to you today.
Let me point out that notice of this meeting has been provided to an excess of 600 organizations and individuals, including all elected officials at both County level, State level. We’d like to point out that the current state legislation in 2004 that did bring us to this point was in the senate, sponsored by Senator Ken Lavalle; in the assembly it was sponsored by Assemblyman Tom DiNapoli with co-sponsorship by Fred Thiele and Patricia Acampora.

So extensive notice has been provided. Certainly if anyone feels that there should be additional notice certainly feel free to bring that to our attention. There will be a presentation tonight where we are going to go through an explanation of what the program is about, what the study is about, what the time table is and what the process is going to be for continued public participation.

Let me also point out that there is a second meeting, basically a duplicate of this meeting, that will take place next week on February 6, 2007 at the same time, seven o’clock, at Southampton Town Hall, so we’ll be over in the other fork. Everyone here is certainly welcome to participate in that as well.

So with that we would like to proceed with the presentation tonight to run through the program. The way we have this planned for this evening is that we are going to be giving the presentation at the front end of the meeting and then providing opportunities for your comments at the second half of the meeting.

Obviously, you do know or if you don’t know, there are cards out front for filing the request to speak and we’re going to do as many of those as we possibly can. We did indicate in the notice a two minute time limit; if we can give more time we will try to do so, but we want to give everyone a chance as much as possible.
Certainly written material is also welcomed and certainly keep in mind that this is not your last opportunity, so if you think of something tomorrow and you want to contact us feel free do so. We will be giving contact information tonight. We are also creating a web site, that has actually been created and is going live probably within the next few days where you can gather information and know what is going on with this program as we go through this process. We are going to explain a little bit more about that to you tonight as well.

So, this is the beginning, we appreciate your participation and at this point then I would like to introduce DeWitt Davies who again, DeWitt Davies is the Chief Environmental Analyst with the Suffolk County Planning Department. He is a recognized expert in aquaculture in his own sake and I would mention the additional work he has been involved with this. And we would like to proceed without any further adieu to start the presentation.

**DeWitt Davies:** Can you all hear me? Is this good enough?

Good evening, I am gratified to see a such a full contingent of people here who came tonight who are interested in the program. As Tom just mentioned, this is the beginning of a kickoff meeting and we wanted to get the public involved right at the beginning of this project, inform them as to what will happen over the next eighteen or nineteen months.

What I would like to do today is to take the chance to introduce some of the people that are going to be involved in this project, from the point of view of our staff in Hauppauge, as well as the consultant selected.
We have different portions of the program which are shown on the agenda that you should have in your packet and hopefully, we will try to go through this. It's a little bit hard to see, but the first part of this program, I'll be giving you a synopsis of events in terms of how we got to where we are today. Our consultants, Cashin Associates, will give you some detail on the actual technical scope of work that will be conducted over the next eighteen or so months. We will come back to our staff here and we'll give you some new information that we developed over the last month or so here, dealing with existing rights to underwater lands, the extent to which some of these lands are actively used for aquaculture, etcetera.

In one of our previous meetings there was a request to present an overview of existing culture practices and potential culture practices as they affect the Peconic system and our staff will be doing that, and at the end of the presentation we'll give you some details with respect to how you can participate in this process in the future, and then we will bring it back to Tom for the public portion of this meeting.

So how did we get to where we are today? There is rather long history which a lot of you are familiar with. It is over a century in its creation. A series of laws were created that the County was involved in through the State of New York, various things happened under those laws including the issuance of oyster grants. They came and they went and we have essentially a situation today where only a small portion of those grants is currently in effect.

There were various programs involved with this and needless to say nothing happened for a long period of time and due to events that were precipitated just about four or five years ago, the meetings were established to examine the activities associated
with aquaculture in the Peconic and Gardiners Bays and what were some of the problems, etcetera. It was even talked about having an old law repealed that was in effect since 1969 and a new one put in its place.

Given that sort of quick introduction, there were a number of studies that were done by various groups during this period of time. The Suffolk County Aquaculture Committee issued a policy guidance report for the County back in 2002. Some of you were associated with that, some of you were on the committee, John Kotula from Shelter Island was one of the individuals who I saw before and there were some recommendations in that report in terms of what should be done with the existing state law, how to change it so that we could more or less modernize the approach in terms how this aquaculture program would be approached.

Another document that we produced is a survey plan which addressed the specific requirements of the old state law in terms of how they should be addressed. There were lots of things in that old state law that were too specific, antiquated, etcetera. This report contained recommendations for changing the state law that was adopted in 1969.

As we proceeded, as Tom mentioned, this Chapter 425 Laws of New York 2004 was adopted. Passing the law due to the efforts of many people at the local level. East End Marine Farmers were very active in that, as well as other groups. And that is the law that is codified in the Environmental Conservation Law, which is Section 13-0302. It is in the packet that you have picked up tonight. That is the text of the law that is the operating guideline that we will follow in this program.

Many things are included in this law. Old grants in good standing were ratified. It repealed a 1969 law, and established a new set of principals that we must follow to
proceed. It gives the County authority to lease underwater land, given certain criteria that are met, and those lands must be within an identified shellfish cultivation zone. There are lots of criteria that must be met. Jeff Kassner from Cashin will go into these a little bit later on. Lands within a thousand feet of highwater mark and then we talk about bay scallop fisheries and other fisheries involved, the hard clams for example. So there are lots of things here we have to do to in order to define areas which will not be subject to leasing.

A portion of the law also deals with the how. How will these things be implemented. What are the administrative requirements that have to be detailed so that we can proceed with the leasing process. Cultivation zone concept is where leasing should occur. This has to do with how leasing would occur.

There are some guidance referencing the state law in the Peconic Bay Aquaculture Committee report prepared by the Nature Conservancy. I think it was in 2002. That particular report contains some guidelines as to how a leasing program would be structured.

County Executive Levy supported adoption of the program in his annual message to the State in terms of legislative initiatives. After that occurred, a capital project was proposed and endorsed by the County Executive which provided the funding that was needed to carry out this program. A capital project was assigned to it and the County Department of Planning was given this responsibility and aquaculture planning became the priority of the department.

In response to an executive order from the County Executive, the Aquaculture Lease Program Advisory Committee was established in 2005, as a seventeen member
committee and this is a listing of the entities that were identified. The County Planning Department contacted all of the entities involved here for the identification of the representative. For example, the Town of Shelter Island, the supervisor was sent a letter and Ed Bausman was identified as the rep from Shelter Island. That’s how all this occurred where there is a level government up there. So on and so forth, the Nature Conservancy identified Wayne Grothe, for example.

We have very good attendance tonight by representatives on this committee and Legislature Fisher just came in. Welcome. And this is the committee which most of the members are here tonight.

What are the charges to this committee? Well, we advise the County Executive on the development of the Shellfish Aquaculture Leasing Program for the Peconic and Gardiners Bays. A very detailed statement of work was used in the preparation of a request for proposals, and the committee will seek input and views from the public, local government agencies and concerned citizens.

We had three meetings of this committee. This is not the first meeting. We had a lot of preparatory work to do to get to where we are today.

This slide here outlines some of the work that had to be done. We had input on the establishment of a Request For Proposals which contains a very detailed specification statement for the work that has to be done to address the law. That’s this document. It had to be advertised. We had to go out and get responses and an evaluation committee met this past summer. We had four responses to this RFP and a consultant was selected. That consultant was Cashin Associates. This is their proposal. This becomes the basis for the work that will be conducted under contract with the County.
This program consists of more than just the technical consultant’s part. We are involved in a longer timeframe here. This particular slide shows the various parts of this project.

One of the first milestones is the preparation of shellfish cultivation zone map. You see a target here of November of ‘07. This encompasses the where. The administrative requirements or recommended program, that is the how – March of ‘08.

The programmatic environmental review and formulation the leasing program law. That process is getting underway as we speak. This is the process that has to go through the Council of Environmental Quality, the County, etcetera.

The consultant will prepare a report documenting all of the proceedings by August of 2008. That concludes more or less the technical portion of things, however, there are other things that have to be done. This will be a recommended program submitted to the policy people in the County. There will be back and forth with respect to that. But it has to be enacted into local law and that is the responsibility of the elected officials and how they deem the merits of the program. We have a window of time from like September of 2008 to roughly December of 2009. This gives us about a year to get that process underway and hopefully we get through it.

The last part of the program is termed “execute leases”. Another very important time date here, because there is a sunset date in the law. If the County does not execute a lease by the sunset date, which is December 31, 2010, the lands that New York State ceded to the County for this purpose, approximately 110,000 acres, will revert to the State of New York and the County will lose its authority to do this program. So we are working under a deadline that seems long, but really is not. Because we have about three
or so or four years or so to get through this process, and if you think about it, it really is not a lot of time.

I would like to turn the meeting over now to the consultant that we selected for this project, this is Cashin Associates. So first I'd just mention Greg Greene from Cashin Associates is the Director for this project and he'll be overseeing its' administration. We have Jeff Kassner who I know a lot of you are familiar with in the past with his position at the Town of Brookhaven and Jeff will be managing a lot of the technical work on the project.

Tom Isles: While Jeff is coming up to the podium, and please do so, DeWitt Davies introduced Legislator Fisher and just to extend on that a little bit, Legislator Fisher is member of this committee. She is the Deputy Presiding Officer of the Suffolk County Legislature. She is also the Chair of the Environment, Planning and Agriculture Committee of the County Legislature. So someone who is very closely involved in environmental and planning matters throughout Suffolk County. Thank you.

Jeff, please.

Jeff Kassner: Thank you, Tom, and DeWitt. Its really quite a pleasure to be here and to see a lot of familiar old faces from the New York State Shellfish Advisory Committee as well.

I am Jeff Kassner. I am the Environmental Manager to the project and Gregory behind me is the Director for this project. Cashin brings to this particular project a lot of expertise that will be very important for developing this particular project. But we also reached out beyond our own staff to a lot of individuals that we feel are very knowledgeable about shellfish aquaculture.
Gef Flimlin many may know from Rutgers Cooperative Extension. He has been very involved in the program in New Jersey. He is very active in the Natural Shellfish Association as well. Bob Rheault from Rhode Island is a practicing aquaculturist, growing oysters under the Moonstone brand. He is also involved in the Shellfish Growers Association. Stan Czyzyk was formerly with the Blue Point Company has a lot of, again, practical experience in the art and practice of shellfish culture. Nancy Solomon is with Long Island Traditions.

Our first task will be to interview a lot of you hopefully to get information about what is happening out in the Peconic Estuary. To understand more about the resource and know more about the uses and so forth, so that we can identify conflicts that will be addressed as we develop the management plan.

And finally our counsel on this project, Michael Cahill. His responsibility will be to draft the various laws that will need to be adopted by Suffolk County, so that they can implement the leasing program.

This is taken from the request for proposal that we responded to. It describes all of the different elements and components of the work that we are obligated to undertake. And, as DeWitt pointed out, there is going to be a where part of it, and there is going to be a how part of it. And what our task is to come up with all of the details. And, so our first task is going to be to define the boundaries where shellfish cultivation can occur. And this goes back to various requirements of the law and I'll speak about it in a little bit more detail in a few slides.

Everything that we do is largely predicated by the leasing law and one of the interesting things about the leasing law is that it has these stipulations which are sort of
shall we say vague and open to interpretation. So, for example, the law says that the shellfish cultivation zone has to be a thousand feet from the highwater mark. Well, there’s very few charts and figures that will show where that highwater mark is. Even the highwater mark is not a defined term for something of art rather than science. And so one of our tasks will be to define the criteria for saying well where are bay scallops produced regularly. Where is there a presence of shellfish that can be harvested. And, we are going to rely a lot on input from the public to identify where these areas are located.

We are going to be collecting lots and lots of data. Fortunately, the County through the Peconic Estuary program, has collected a lot of good baseline information that we will be using as we work to define these areas and also to map them. And ultimately the end product of this series of activities will be to identify where the shellfish cultivation zone is located. The shellfish cultivation zone is that area, a subset area of Peconic and Gardiners Bay, where leasing can be undertaken. And again, there will be plenty of opportunity for public input and comment on these matters.

Now, in Task 2, we are going to be working on developing the aquaculture lease program. Again, the how. And there’s a lot of things that have to be incorporated into the how. We need to have application forms. We need to have notifications. There may be various requirements about how large an area, what we can do on the area. Things that really will be the nuts and bolts of how this program is going to be implemented.

And, clearly that’s very important because the how will dictate the shape of the leasing program.

In Task 3 we are going to work on an environmental impact statement for this particular project. There will be a generic environmental impact statement prepared.
Sometime in the next couple of months there will be a public scoping meeting to look at and discuss with the public what should be in this environmental impact statement. The environmental impact statement will look at all the different impacts, both environmental and social and cultural and economic that this program will have. And again, the SEQRA process has lots of opportunities for public involvement and public participation.

And let me just say that the quality of the documents we prepare are in large part dependent upon the information that we are going to be obtaining and a lot of that information I think will be (inaudible) and interviews with people that are knowledgeable of what is happening out in the Peconic Estuary.

The generic environmental impact statement will have its own public hearing and then we will conclude with the preparation of the final Generic EIS and findings. And once this is done, this then sets the stage for the County to move forward and adopt a program, if they so choose.

Again, there needs to be a local law with various regulations that will (inaudible) rather, the various regulations this will contain various standards and criteria. For example, will there be performance standards required? Will an individual be required to document that they’re doing something and just not holding the property for some potential future use? There’s going to be a lot of meetings and ultimately at the end of this we will be prepare a lease management program report that will include the environmental impact statement, all the criteria, all the research that had been done, as well as all the various laws and regulations.

Now, just to go back to the lease law for a moment. The requirement set forth in the 2004 lease law, what it cedes to Suffolk County, the underwater lands that are in
Gardiners and Peconic Bays except for the underwater lands within a thousand feet of the highwater mark. And again, highwater mark is the (inaudible) term of art than of science. And, so our first task will be to really work and define where that shellfish planning area is.

We are going to make a distinction between the shellfish planning area and the shellfish cultivation zone. The shellfish planning area is the large area that is within that, that is seaward I guess of that one thousand foot zone and then within that area. If areas do not meet the various criteria they will not be included in the shellfish cultivation zone.

So, again, the shellfish planning area is only that area that is one thousand foot seaward of the high water mark where shellfish aquaculture could possibly take place. This aerial shows where that thousand foot line is. So that white line that sort of hugs along the shoreline is the shellfish cultivation planning area. And within that area will be a smaller area which will be the shellfish cultivation zone.

So, the area within the shellfish planning area where shellfish cultivation can occur is the cultivation zone. There are various criteria that have to be met and set forth in the law. Again, bay scallops, areas where bay scallops are produced regularly and harvested on a commercial basis cannot be in the shellfish cultivation zone. Where the presence of shellfish of sufficient quantity and quality so that they could support significant hand raking, again, would be excluded.

And, of course the challenge is how to define these various terms. What is a sufficient quantity and quality? What is produced regularly? And so that will be a major task for us to define and to determine in these areas.
Now, in addition to what is required by the lease law, there are other criteria that we will be looking at to see whether or not these areas that meet these requirements should be excluded for the shellfish cultivation zone. Clearly, where there are other use conflicts, sensitive environmental areas where carrying out shellfish cultivation may cause the significant harm to the environment, areas of submerged aquatic vegetation, these are all areas that probably would not be suitable for inclusion in the shellfish cultivation zone and again, we will be looking at those as well.

And essentially, the thing to come away with though, is that even though the planning area may occupy a hundred thousand or so acres, the areas where shellfish aquaculture will occur, the shellfish cultivation zone will be less than that.

So, just getting back to how the shellfish cultivation zone will be determined, we are going to be accumulating as much of the published information as possible. We've obtained a number of shellfish (inaudible) survey work. The Marine Science Research Center at Stony Brook with funding for the Nature Conservancy has been working on some benthic mapping using side scan sonar. We will be incorporating that information, navigational charts, various planning studies, documents and of course interviews with knowledgeable individuals.

This is our task deliverable due dates and all of the things that we have to accomplish. It is a very ambitious schedule, one that will address all of the various issues. And again, the idea is to get all of this done, so that there's sufficient time for the County to act on a leasing program, should it so choose.

And again, just a continuation of the task and the deliverable dates. I just want to point out that the next opportunity for significant public comment will be when the
scoping for GEIS is undertaken and that’s probably going to happen some time during May or June of this year. And, again, the purpose of scoping is to identify the various issues that should be incorporated in the environmental impact statement. And, hopefully, if all goes well by August of 2008, we will have completed our program report and delivered it to Suffolk County.

So at that point, I will turn it back over to DeWitt.

Tom Isles: Thank you so much Jeff. Thank you.

DeWitt Davies: The process that was just described to you is analogous to what we could call a land use planning process ending up with master plan, zoning code, four step plan. The difference here is that we are doing it over water and we’re not doing it over land. The concept of zoning is surprisingly, and relatively a recent phenomena. Indeed, four of the eastern five towns did not have a zoning ordinance prior to 1957 and one town, the Town of Riverhead, prior to 1959. So we had about a fifty year history of zoning on the upland. Well, now we are dealing with underwater land. There’s a movement afoot to do all sorts of things with coastal and ocean resource management and all sorts of other types of assignments and designations for preserves, things of that nature, which are gaining national prominence. And in this case, we are talking about establishing some priority (inaudible) areas within which shellfish cultivation under a lease program could occur.

On this particular side, before we get into some of the details as to what is happening out in the bays now, in general, oysters and other species are grown on private grants under off on bottom culture permits issued by New York State DEC. There’s also a temporary marine area use assignment program administered by the state where
shellfish species can be grown in culture containers off bottom. That’s basically the
general statement as to what is happening there.

Before we go to the next segment here, I would like to introduce some other
people who have been a part of this process. On our staff in the Planning Department,
Mike Mulé, from the University of Rhode Island, who has been in our office for about a
year and a half now and is involved in this program from the conceptual point of view as
well as participating in our office on the open space program under the direction of
Lauretta Fischer, a colleague of mine for about twenty-five years.

We have a relatively new staff member, Michelle Weiss, who has done a
remarkable job in the two months that she has been with us. It seems that she has been
working in our office for several years at this point. She’s done a great job.

I would also like to acknowledge some other people, Jenny Kohn is from the Law
Department in the County and has been working on this project to get the RFP and the
contract approved. And last but not least, Donna Waide, a land management specialist in
the Division of Real Estate, and a special mention to Donna. When the program was
envisioned a year and a half or so ago, we recognized that we had to get title searches on
all of these underwater land parcels in the Peconic and Gardiners Bay systems. There are
approximately five hundred parcels. Things that were issued over a century ago. It is a
very complicated situation. Donna started doing these title searches, I think in the early
part of this year and I would say literally thousands of hours that were spent doing this,
and we are creating a database with a lot of that information and we are going to
summarize that for you a little bit tonight. And, thanks Donna.

Without further adieu I would like to introduce Mike Mulé
Tom Isles: Mike is going to talk about the land aspect and title aspect of the underwater lands.

Mike Mulké: I am going to give you a little information on the status of the underwater land title search. So similar to upland property, Peconic and Gardiners Bays are divided into individual underwater parcels. There are about 450 underwater parcels totaling about 110,000 acres and with the help of Donna Waide from our Division of Real Estate, we conducted a title search on about 400 of these parcels totaling about 106,000 acres. Those are shown here in this tan color. There are about 50 parcels making up about 4,000 acres that are not completed yet. They are shown here in red, mostly around Shelter Island.

Out of those 400 parcels which have had a title search conducted, about 48 were in private ownership and they are shown here in red. These parcels make up about 4,500 acres and are about 4% of the 110,000 acre project area. In addition to those 48 private lots there are 10 parcels with some sort of title conflict associated with them and they are shown here in blue. Together its 58 parcels total about 5,400 acres and this slide was just created to reflect whatever private interests are out there at this time.

Now I’m going to review a little information on the permitted uses of the underwater land for shellfish culture and these slides were created with help and data from Josh Thiel of the DEC. So out of those 58 parcels that I just mentioned, 16 have on or off bottom oyster culture permits associated with them as issued by the State of New York and they total about 1300 acres.

Now this slide shows all the active and pending Temporary Marine Area Use Assignments for 2006. For the most part they are 5 acre circular plots with a few exceptions where several assignments are split between two, two and a half acre parcels.
This map is not to scale. These points are just center points of these plots and are blown up so you can see the scale here.

In total there are 31 sites with active and pending assignments associated with them, making up about 145 acres. 16 oyster culture permits and Temporary Marine Area Use Assignments, there are about 1,400 acres of permitted land in our project area for 2006. Keep in mind that not all of these areas are actively being used for cultivation purposes. Possible and more likely that only portions of each of these sites are actually being used for cultivation.

Now to speak a little bit about shellfish aquaculture practices is Michelle Weiss from Suffolk County Planning. Thank you.

Tom Isles: Thank you Michael. Michelle is a resident of Southold. Southold Town. Thank you.

Michelle Weiss: (Inaudible) right now are people who actually are out there every single day making a living with this. So this portion of the presentation is really just an introduction for those who aren’t as familiar. So those present shellfish (inaudible) currently being done in Peconic and Gardiners Bay.

Aquaculture is an increasing industry. In 1980, the State issued just five on/off bottom culture permits. Whereas in 2006 they issued over fifty. So its absolutely an interesting industry that is why we are looking at it right now.

Presently, there are about three species that are harvested for free market, restoration and restocking purposes. This is the American Oyster, the hard clams, and the bay scallops. The oyster being the common species (inaudible) in Peconic Bay.
When we talk about cultivation we are really looking at two ways. We are looking at on bottom culture and off bottom culture. According to the New York State DEC, on bottom culture defined as the raising, breeding, or growing of plant or animal life including containment on or in any natural underwater land of the State. For the purposes of this project, we are focusing only on shellfish, so that eliminates all finfish and plants.

An example of on bottom culture would be free planting. It is essentially the distribution of shellfish either mechanically or by hand and leaving that shellfish on the bay bottom either unprotected or under protective screening until later harvested.

The way that it is harvested is primarily using oyster dredges and additionally with hand rakes for hard clams. The other type of culture process is off bottom culture. Again, the New York State DEC defines this as raising, breeding or growing of plant or animal life including containment on or in any raft, rack, float, cage, box or other similar device structure in any natural waters of the State.

There is a lot of aquaculture containment gear out there to do this. These bags, trays, racks, cages, which is oyster condos, lantern nets and really you are looking at just the commercial growth of oysters and clams and raising scallops more at an experimental level at this point in time.

Again, you remember I said the three major species out there are the oyster, hard clam and scallop and this mostly likely will remain in the future. However, if this program is implemented, there is the possibility of increasing the shellfish that is out there being raised, including blue mussel, soft shell clam and the razor clam. And, although it’s not saying that it will be done, we’re considering other possible practices as well. For on bottom culture you are looking at the corral or dredges for bay scallops. For
off bottom culture again, the use surface systems like Taylor floats, floating bags and rafts. Then again moving away from just raising strictly one species or mono-cultures but potentially being able to raise multiple species in your own plot at the same time. So that’s where we’re looking at in the future. Turning it back to DeWitt.

Tom Isles: Thank you Michelle. DeWitt is serving as the jury foreman today. (Laughter) Good job.

DeWitt Davies: I’m sure we’ll be put on trial in about ten minutes. (Laughter) We’re almost done, we’re almost done and then you’ll have your shot.

We’re in an interim period here. We have no leasing program. The study hasn’t been done, no law has been passed, no conclusions have been reached, no program has been developed. The funnel end of this project is very wide at the beginning. We are going to throw a lot of stuff in it. Then it comes down and comes out of the other end. That’s the program. We are trying to be inclusive in respect to the ideas that are out there. How they pass muster from the technical point of view from the social point of view, economic point of view. Everything has to be considered during the process and it will be an intense period of time and there is no question about that. And, we hope you will continue your involvement during this period.

What happens between now and then if there is a then. Well, okay, things are going on. There is no intent here to stop things that are going on. For example, no County permission is required for oyster cultivation on grants. That’s going to happen whether or not we ever see a leasing program. That’s a right.

What happens when you have a situation where people request certain things involving grants. Well, if there’s historical activity associated with grants, the County
upon request from the DEC will take a look at an application, there will be no objection to that. If there are new activities that have never been done before on a grant you might have a problem with that in the interim period. You don’t want people to do certain things in an interim period that they may not be able to do in the future, if in fact the program is adopted.

We have temporary and ...

(TAPE CHANGE)

There is no intent to stop things that are going on that have gone on. So we have this interim period where things will happen, so we discuss here but (inaudible) necessarily impact the people who are out there doing things in various (inaudible).

Okay, I said there is a wide funnel in the beginning of this project. But what is a lease? What does the law require? What does the law state? Well, it says that the County would have the authority to issue shellfish cultivation leases in this area once all the requirements are met. The County has the authority. The County does not have the power, because it does not have a program that is adopted by local law. That is what it’s about.

However, in developing the program for consideration by the policymakers what are we going to do with respect to the kinds of leases. There have been many suggestions. Everyone knows what a private lease is. That could occur on public underwater land. A lease could also occur on a private land if it involves species other than oysters.

What about a non-profit lease, meaning a non-profit organization. The Nature Conservancy, for an example, is an underwater land grant owner. The Peconic Baykeeper
is an underwater land grant owner. Maybe a research institution would like to get a lease for these certain things in the research perspective. So that’s where you can put a non-profit, that would be involved with public underwater land, but if there’s a grant involved, which some of them do have, it could involve a grant.

What is a municipal lease? Town of Shelter Island representative on this committee suggested why can’t the towns lease property. We thought about that and it is an interesting suggestion. We look back at the law and the law does not say anything about the kinds of lease. It says lease for shellfish cultivation. It doesn’t say to who. So that is on the table with respect to consideration. Maybe a township would want to lease some underwater land in the offshore portion of the Peconics to advance it’s own cultivation program. Certainly, a lot of activities occurring in inshore waters with respect to control, etcetera. So there could be a municipal lease.

In accord with the law, all of the leases would have to occur within a designated shellfish cultivation zone. So how that zone is drawn would depend on the kind of leases that people want to see developed in this area. Also, they would have to be subject to the requirements that we develop for that kind of lease. There may be different requirements for different types of a leases. Again that’s going to be on the table.

To get back to the question of what should be done, all types of shellfish cultivation are eligible under the lease program. On bottom, off bottom, water columns, all of them. Within the realm of at least examination. So that’s where we’re headed.

Opportunities for public input. Jeff mentioned a couple of them. I hope everybody signed in tonight. We will keep you informed if you did sign in. Either an email or mail
or whatever we have to do, we will try to communicate with you about important (inaudible).

We will have on the order of twenty or so meetings as we go across the timeframe of the project. A lot of those meetings will be ALPAC meetings. Those meetings are open to the public. There is as public portion to comment at each of those meetings. Two of the three meetings that we held to date have been in Riverhead. It gives the opportunity for the people (inaudible) particular issue a chance to attend. There will be hearings and all sort of things that relate to this process and they will be advertised, etcetera. (Inaudible.)

We have a Department of Planning website. This is the general address and you can navigate through that to get to the specific links to the Suffolk County Aquaculture Lease Program. All of our meetings, our announcements, the records of the meetings, etcetera, will be posted on that website and I hope we’ll be able to post products that are developed by Cashin Associates in some form on that website also.

So it’s an opportunity and invitation for everyone to let us know if you want to receive certain things. We have an interested parties list and if you want to be on that list please let us know. Tom’s number is up there. My number is up there. We can send you notices of meetings as they occur, preferably by email. If we have to do it by regular mail, we will do that too. So there should be plenty of opportunity for the people and the various constituencies out here to participate in this program as we go forth.

Tom Isles: Thank you very much DeWitt. We (inaudible) a rather complete presentation and the reason for that is this is an informational meeting. It gives all of you an opportunity to hear what is going on, what is proposed and what is going to be happening
in the next year and a half to two years as this unfolds. So we went to a further degree I think in explanation for the benefit of conveying as much of this information as possible.

We are right on schedule with our timeframe here at this point. What I would like to do now is open it up for comment. We do have cards. (inaudible – talk between Tom and some else about the cards). We have two written testimonies which we’ve accepted and we certainly appreciate that and that is certainly workable for us and then we have the cards as well. And, there are a few cards here but certainly we can accommodate others as well.

We have indicated that based on this meeting, we would limit comments to two minutes. I’m going to try to give everybody as much time as they need, understanding that we want to try to give everyone an opportunity to speak. So try to keep within that and if we need to cut it back, we’ll do so. If you need a little extra time, take it, but please be courteous and try to respect the time limit.

Alright, let me begin with the first speaker then, and that is John Holzapfel

John Holzapfel: I’m from Orient and I’m an oyster grower (inaudible). I need to just encourage all of you on this committee to follow through with the task that you’ve been given. I will speak positively for it. I have always believed in this thing, occupational interest of mine for over thirty years. I also own an (inaudible) of grant that goes back to (inaudible) and I have dock property also.

I will speak positively in that small leases that are available for individuals. I am against thousands of acres to individuals, groups and corporations and that’s what led to the historic breakdown a long time ago and if it’s a small piece of property that individuals can work, that’s the way to go.
Secondly, I’d have to say that there are two benefits that you’re all familiar with and I will repeat, there is an environmental benefit. We know that more oysters and shellfish the more (inaudible) in the bay. It’s an obvious statement and it happens all the time. The second thing, is that environmentally, it also adds to the local population of shellfish. We have a million or two million oysters out in our area and they now seed, where they’re growing in the areas around us and they’re there. They weren’t there for the last ten or fifteen years. They’re appearing now. So, there’s a benefit to the general public also.

Secondly, there is also an economic benefit. There are jobs for individuals. This is something that we should look at and it’s a benefit to the entire County.

Historically, back in 1910, there were three to four hundred people, I just looked the other day in the newspaper, historically, three or four hundred people working (inaudible) alone in the oyster industry. Now times have changed but the possibilities are there. It’s up to you people to see if you can bring back an industry to the County.

The County Aquaculture Committee, Nature Conversancy Aquaculture Committee have gone through a lot of information. I know you are familiar with it and I asked you to look through that carefully and see the recommendations that they brought forth. I thought they were very positive and important.

So, finally what I want you to do is move forward with this as fast as you can as best as you can and please (inaudible) there are very many interests involved in the bottom. They have to be respected and I think that with your attention we can bring together the various interests for a positive result for the County. Thank you.
Tom Isles: Thank you sir. The next speaker is a Tom Kehoe. Speaker after that, the person on deck, is Dean Yaxa.

Tom Kehoe: Chairman Isles, members of the committee. Thank you for the opportunity to address you. My name is Tom Kehoe. I live in Northport. I am an elected official in the Village of Northport. I come before you this evening as a representative of the National Fisheries Institute and I represent NFI which is the nation’s leading and largest trade association representing all segments of the seafood industry.

And as co-chair of NFI Molluscan Shellfish Institute, I am fortunate enough to officially give you NFI’s position on what we think about your ALPAC program. This is important information. The Molluscan Shellfish Institute is the national umbrella association and we have member associations from all of the three, Pacific Coast Shellfish Growers, the East Coast Shellfish Growers (inaudible) in the Peconic, and in the gulf people who (inaudible) represents all the gulf states.

Jacques Cousteau, the famous underwater explorer, once said, “With the earth’s burgeoning human populations to feed, we must turn to the sea with new understanding and new technology. We need to farm at the sea as we farm the land”.

Aquaculture is a means to produce a healthy, affordable and quality seafood for all consumers. Sustainability and, I emphasize sustainability, is essential for farm seafood as well as for our wild capture fisheries. Our U.S. fisheries are generally managed, and (inaudible), so that U.S. Fisheries are generally managed (inaudible), however, the ocean fisheries cannot produce the increased harvests needed to satisfy our nation’s rising demand for seafood.
According to recent statistics from the United Nations, local consumption of seafood will exceed 180 million tons in the near future. By comparison, we, and I mean the seafood industry worldwide, can only harvest 100 million tons from the wild. Where will the other 80 million tons be grown? If we don’t grow it, China or some other developing country will jump in and start to grow some of the seafood to feed us and the other countries of the world.

Aquaculture is required to meet great demands for seafood products and offers new and alternative employment methods and opportunities for American workers, and in the case of ALPAC given the opportunity for some real jobs for people. Local jobs here on the east end where they’re strongly needed.

Shellfish aquaculture can and does coexist alongside with other responsible stakeholders. And I re-emphasize, this can and does in other parts of the country pose this with responsible stakeholders. Prior to the North Fork’s emergence as a prominent wine producing region long before the LIE terminated in Riverhead, I got my license (inaudible). And, before the LIE opened up the East End for tourism, as John said and I agree, the Peconic Bay system was the largest producer of shellfish employing many, many people.

You’ll hear at your hearings in a little bit and I see some of these folks in the audience, you’re gonna hear it at this hearing and all the rest of them a few alarmists ringing their bells trying to put fear and doubt in your minds and your hearts about damage to the ecosystem, gear conflicts and a multitude of other issues that you know have been (inaudible) for twenty or thirty years.
The truth is with the shellfish aquaculture it’s eco-friendly, it cleans the water column and it will provide ecological and economic benefits that we all need. Shellfish aquaculture is a growth industry and if I (inaudible), it’s the largest growth section in the aquaculture industry in the United States. I’m also affiliated with the (inaudible) organization.

Tom Isles: You think you can wrap it up.

Tom Kehoe: Yes, shellfish growers have and continue to demonstrate themselves to be responsible stewards of our resources and we and those who make public policy must think forward and lay a framework for our children and grandchildren, a framework that will open up our resources to a beneficial co-existence amongst all stakeholders.

Shellfish aquaculture is a win - win for all of Suffolk County. Thank you for your time.

Tom Isles: Thank you for coming down tonight.

Tom Kehoe: Your welcome.

Tom Isles: Our next speaker as stated is Dean Yaxa. On deck is Bill Pell.

Dean Yaxa: In 2006, 6,100 acres of shellfish land in the area of north shore industry was shut down by New York State. Through the summer of growing oysters in uncertified water (inaudible) the plume of the water, the area was shut down, 6,100 acres was shutdown from the beginning of May to the end of July. And the magnitude of that shutdown and the bad press can never be reversed. I don’t think. It changes, but it just takes too long.
I’m suggesting a strong (inaudible) of permits. The people who are now doing aquaculture are striving to produce a beautiful Long Island product, which is the best. Aquaculture puts back. I can readily say it cleans the water, but aquaculture puts back.

The other quick thing, the cost for aquaculture permits I feel should increase every year, as the taxes of grants do, and I’m a grant owner, okay, to make the playing field level. Again, once again, aquaculture puts back. Thank you.

Tom Isles: Thank you. Okay. Next is Bill Pell and on deck is Dave Relyea from F/M Flower & Sons.

Bill Pell: (Most of his comments were inaudible. He was speaking very low.)

I’m Bill Pell. I (inaudible) oyster. I have a five acre assignment.

Remember back in the 30s. (Inaudible.)

There are many (inaudible) we have to do here. Stay positive. Respect the other rights of other baymen who conduct business on the ground. (Inaudible.)

I would suggest that given enough people (inaudible).

I’ve seen it happen. I’ve seen (inaudible) come. I’ve (inaudible) come and seen them go. (Inaudible.)

Tom Isles: Thank you for your comments Mr. Pell. The next speaker as indicated is David Relyea. Following him will be Robert Hamilton.

David Relyea: (Most of his comments were inaudible. He was speaking very low.)

I’m Dave Relyea. I’m an owner of the Frank M. Flowers and Sons oyster farm. (Inaudible) aquaculture (inaudible) will continue to do it successfully and now that I’ve been doing it I can (inaudible) other people (inaudible). (Inaudible.)
I just like to say is (inaudible) and other people are doing it already. I think the program you are going to set up gives more people an opportunity to do it.

(Inaudible)

Tom Isles: Thank you very much. Okay, the next speaker is Robert Hamilton, Jr., I believe is the name, and following him on deck would be Nathan Andruski, I believe. Mr. Hamilton.

Robert Hamilton: Good evening. After looking at the handout of few of my concerns have already been addressed.

I oppose leasing of any public land which is currently or has been historically used by commercial fishermen in the Peconic and Gardiners Bay. The following fisheries and gear types are currently used: finfishing using draggers, gillnets, pots, traps and rod and reel; shellfish using rakes and dredges; conch using pots and draggers and lobsters using pots and draggers.

Nearly one hundred percent of Gardiners Bay is now and has been used by commercial fishers from Southold, Shelter Island, East Hampton, Southampton, and Riverhead. They are harvesting finfish, shellfish, conch and lobsters.

(Inaudible – Small sentence.)

I just hope that in your meetings you will contact the commercial fishing associations in the different towns and local and commercial fisherman who have been active and fishing in those grounds. And I would hope that you would contact the local people who know where the good fishing areas are and not and they come to some decision as to where you can put your leases with the least amount of (inaudible) impact.
And I also request that all correspondence and review material be sent in a timely manner so the public has time to respond before comment deadlines have passed and the only reason I (inaudible) that is that we have fish farms at Orient and by the time we got the Environmental Impact Statement and made comments on it, the comment period was already over. So they (inaudible) all our comments and the purpose (inaudible), they (inaudible) a bond (inaudible). Well they went out of business and left everything float around and go derelict and I hope that you will require some type of kind of a bond so if they do put gear on the bottom and markers that they will take care of those markers, whether they have to be (inaudible) or not and take care of the gear that’s on the bottom, and just not abandon it.

I tried growing oysters myself unfortunately (inaudible) I do shellfish sometimes, and sometimes (inaudible).

I just hope that you contact the local baymen’s association (inaudible). Thank you.

Tom Isles: Thank you Mr. Hamilton. Okay, next is Nathan Andruski. Give me one second on the person on deck. Okay, Michael Craig is on deck. Mr. Andruski, hi.

Nathan Andruski: I’m Nathan Andruski. I basically represent myself. (Inaudible – Speaking very low).

I think it’s a good idea. I admire (inaudible) on the boat and everything. Hydraulically dredging clams in Gardiners. There’s a (inaudible) resource out there. It’s really, really hard to harvest (inaudible) of 30 or 50 feet of water. And, yeah a lot of concerns that brought upon us. (Inaudible), lobsters pots, fish traps, (inaudible).
If you want to get in a (inaudible) on a hydraulic dredging they do in Connecticut, they have a very, very, very good program. They carry (inaudible) gear you’re talking about over there. You want to get good feedback on that, you probably contact them and (inaudible) for reference. Thank you.

Tom Isles: Thank you for your comments. The next speaker is Michael Craig and on deck would be Peter Wenczel. Mr. Craig.

Michael Craig: My name is Mike Craig. I grow oysters in Peconic Bay. I am a member of the East End Marine Farmers Association and I’m going to read a brief letter from them.

The East End Marine Farmers Association is a shellfish growers association made up of some of the largest and smallest shellfish farming operations in New York. We’ve worked very hard with our State and County legislators to bring forth the possibility of leasing underwater lands in the Peconics to grow our businesses and provide opportunities for those wishing to enter the business.

The reality of shellfishing aquaculture is that practice is recognized as a sustainable and proven environmental benefits. Shellfish aquaculture improves water quality. Because shellfish are filter feeders, they remove particles underwater including plankton and silt as well as bacteria and viruses.

It has been shown that the sustainable harvest of shellfish removes nutrients from the water column. The Environmental Defense notes one type of aquaculture, mollusk farming, actually reduces nutrient pollution. Thirty-five to forty percent of the total organic matter ingested by a mollusk is used for growth and permanently removed by harvest of the mollusk.
Cultured shellfish and the gear used to protect them from predators provide habitat for millions of juvenile fish, crabs and lobsters that seek refuge in the nook and crannies while feeding off the fouling that grows on the gear.

Shellfish aquaculture provides jobs and economic development, help preserve a working waterfront, and is the essential part of the tourism appeal of the Peconics. Over 90% of the shellfish farms on the east coast are small family farms run by owner operators whose livelihood depends on maintaining good water quality and affordable waterfront access.

The economic multiplier, the amount of money cycled through our economy, for shellfish farming is quite high, 2.5 to 4.0. Money generated by shellfish farming generally remains in the local community in the form of equipment and supply purchases to sales of shellfish in restaurants.

The opportunity for establishing shellfish farms in New York is limited. Many growers do business in other neighboring states to insure that their investment in gear and animals under cultivation is not jeopardized by loss of access to growing areas.

We are thankful that the County of Suffolk is pursuing this leasing program. We are not looking to displace other stakeholders, but to provide an opportunity for our industry. There is plenty of room for both.

The East End Marine Farmers Association is also a member of the East Coast Shellfish Growers Association. A letter from that organization has been submitted with 45 references listing the benefits of shellfish farming. The members of the East End Marine Farmers Fishing Association ask that you review that letter as well.
On a personal note, I am a temporary assignment holder in the State of New York and I know myself and a bunch of other people that I work with are concerned and we spend a lot of time, energy and money, developing our businesses where they are right now. We would like to stay where we are. And I think that should be given the utmost concern because some leases are marketed as site specific and I think that is very important on the marketing end. I personally (inaudible) in Manhattan and they know exactly what I want and I'm doing and think that goes a long way in what I do and also (inaudible) where your site is (inaudible).

Going to work, (inaudible) and if you're in a good spot where you don't have to deal with it, it is important. So I like the temporary assignment, you (inaudible) consideration we deserve.

Tom Isles: Mr. Craig, can you stay there for a moment. I just (inaudible) for one moment. I would like to recognize that Supervisor Scott Russell is here with us and we want to thank the town for their accommodation. I believe Legislator Viloria-Fisher had a question.

Legislator Viloria Fisher: I just had a quick question to Mr. Craig. You mention in this statement the issue of affordable waterfront access. Does the East End Marine Farmers Association see that as a possible problem or a current problem. How do you (inaudible).

Michael Craig: Well, you need a place to keep your boat and it is not cheap out on the East End. Presently, I work out of Meetinghouse Creek and I have been fortunate enough to have a private owner out there who let me use his lot. I actually tried to get into Suffolk County Boat Basin but they won't let commercial (inaudible).

Legislator Viloria Fischer: So what currently is the problem now.
Michael Craig: (Inaudible) needs to be addressed. We do want aquaculture to succeed. We need a place to leave the boat.

Tom Isles: Thank you Mr. Craig. Our next speaker is Peter Wenczel and the speaker after that will be Bob Link. Mr. Wenczel.

Peter Wenczel: I am a commercial fisherman and have been on the water for I guess thirty years. The main business that I’m involved in is fishing for whelk. And I have a couple comments (inaudible) I hope you bare with me.

In the initial stages of the formulation (inaudible) this program together, I did address at least one or two of you, I’m not even sure maybe it was held in Riverhead or some sort of aquaculture committee and my concern is that how this might conflict with the whelk fishery. I’m surprised to see that that fishery wasn’t even mentioned in the criteria. Mr. Hamilton is one hundred percent correct when he says that Gardiners Bay is one hundred percent utilized.

In the fishery (inaudible) whelk fisheries it is kind of an analogous to the cattlemen on the plains and once you start giving it up and fencing us off you’re gonna have, no matter how you do it, on commercial fisherman (inaudible) using that area.

I really think that you need to include in this criteria the whelk fishery. You might say well there is something about finfishing (inaudible), but the last time I checked and correct me if I’m wrong Gregg, but I don’t think whelk fishing (inaudible).

So there is no, in the plan as it is now, there is absolutely no mention of that fishery and it is a big fishery and it is one of the fisheries that is a viable fishery for many men on the Peconic/Gardiners sanctuary.
And I think that the other thing that really concerns me is what will the criteria for (inaudible) in determining what that zone is and what constitutes a conflict of existing fisheries. It is very vague and I would ask if you would allow me to participate in developing that criteria and anybody else who is still actively fishing in these areas.

As I said, I’m a whelk fisherman I make ninety percent of my income from that fishery and it is very important to me.

I’m kinda amazed that there is no fisherman that’s going to be impacted on this committee. Kinda seems strange to me. You know when you start to develop a plan it is going to displace people no matter how you do it. It does seem obvious.

Some of the other points I have is how big the leases will be. I think a lot of people (inaudible) have small lease and not corporate leases and what not. I agree with that. The principle I’m against and always have been against is the privatization of public land. I served as a trustee in Southold and that meeting didn’t (inaudible) about it. From the time of our forefathers in establishing of the east end towns, the importance of keeping public underwater lands public has always been noted and need to note that.

I’m not against aquaculture, fine, but I don’t know. It is always going to (inaudible) the individuals exclusive access to public bottoms or public lands. We did not give people exclusive access to the park land and basically that is what these areas are. As time goes on the population increases on the east end, there is more and more people utilizing these areas, not for commercial fishing or recreational fisherman but that’s basically what you’re doing. I’m sure I’m not going to change that (inaudible).

I hate to say it but to argue with one of my fellow fishermen, but I hope this program is not about leasing land to allow the harvest of wild stock. I mean, it’s my
understanding that this was never what this was about. And if it becomes that, that would be a huge mistake, allowing individuals to exclusive access to our resources that had traditionally been everybody’s, you know. That would be a mistake. And that’s about it I guess.

Once again I ask to go out to the fishermen (inaudible) in developing criteria that are (inaudible). I have been at it a long time. I think (inaudible). (Inaudible.)

Tom Isles: Thank you Mr. Wenczel. We appreciate your offer (inaudible). We’ll definitely take you up on that. Okay, next is Mr. Link and following that would be Andrew Myslborski. I’m sure I mispronounced that, but I’ll do my best. My apologies.

Bob Link: Thank you for allowing me to address you. I’m (inaudible). Peter Drucker, who just passed away last year says forget the internet, aquaculture is the business for the 21st Century.

To put that in perspective, it takes six thousand gallons of water to make one pound of (inaudible) fish. It takes four thousand gallons of water to make one pound of seafood. So we are going to have water shortages, we are going to have bunch of things (inaudible) and then personal comments.

(Banter between Tom Isles and Bob Link regarding the asking of questions and Bob just asking for them to consider.)

First question. It’s one hundred and twenty days for the DGEIS to the FGEIS. Is that enough time? I’ve been through (inaudible). I’m the guy who had a fish farm and mine was three years from beginning to end.

Number two. Is the aquaculture program going to be required for all applicants, so that everyone knows where the shellfish are going?
Number three. Is bonding going to be required for all the applicants, environmental (inaudible).

Number four. Product liability. Will all applicants be required to have product liability insurance. God forbid somebody gets sick. Does anyone think of that? Number five. On/off bottom shellfish culture, does anyone check with the Coast Guard. Are they going to leave marks on the buoy?

Those are my questions for you to consider, I wasn't looking for answers.

On a personal note, I'm the guy that Mr. Hamilton was talking about that founded the company that had the fish farm. We did post the bonds. I was fought (inaudible) by the bankers. (Inaudible) they forgot what they wanted. They left the area thoroughly. In 2001, (inaudible) and he and his own resources cleaned up the place. (Inaudible.) Even though they allowed their bonds to lapse and (inaudible) I made sure that what I started (inaudible).

Thank you very much.

Tom Isles: Thank you for your comments sir. Our next speaker is, commenter is Andrew Myslborski and following him would be Robert Wemyss.

Andrew Myslborski: (All comments inaudible – extremely low talking).

Tom Isles: Okay, Robert Wemyss is the next speaker and Kim Tetrault is afterwards.

Robert Wemyss: My name is Bob Wemyss. I’m secretary of the North Shore Baymen’s Association. First about the original grants. How this (inaudible) started out. How the State ended up in court with aquaculture technology, and we ended up in court with the State and County. You got to realize you had a bunch of (inaudible) information that were run out of office by a court case in which they leased for granted actually productive
scallop lands (inaudible) couldn’t be granted. They had three different meetings, from this town to that town to other town. So the baymen finally show up one night to lease this 230 acres (inaudible) broke the camel’s back.

For six years you got granted lands and never registered the deed. The County has no idea. Overnight thousands of acres came up on the (inaudible). (Inaudible) they were all owned by what the (inaudible) Blue Point Corporation, Long Island Oyster Farms. (Inaudible) puppeteering. They never (inaudible) for whether they were productive lands or not. Those are really grant lands that you are dealing with now. The State has continuously allowed illegal activities for shellfish culture other than oysters. Because what the court says was to (inaudible) grant or a grant to purchase the oyster culture alone. My understanding is once the courts laid down the law that’s what the law means. So when a lease program (inaudible) off the ground in 1969 and people came and bought these grants out of (inaudible) from Long Island Oyster Farms (inaudible) they finally allowed them to engage in business and was not allowed on those grants. The County totally abandoned this responsibility to manage these grants. It took (inaudible) to (inaudible) appointed by the law and they were supposed to oversee activities on these grants. Nobody oversaw these activities on the grants.

This is how aquaculture technology registered deeds for ten thousand acres and went out there with a dredge boat. Now you got a hydraulic dredger from Connecticut (inaudible) a great idea. There is a great deal of product out there and we’d like to get some access to it. You have to be concerned about this because that what lays behind the (inaudible).
Lots of people have gotten up and said (inaudible) be in favor of lease. Very small leases up and down the coast, we could get five or ten acres. This committee, the first committee was formed, we’re talking about y’know a minimum of fifty acres. This is more land than anybody used to start a business in aquaculture. Why people are able to do it with ten acres in Virginia, five acres in Florida. The only reason someone needs fifty, a hundred acres, is if they want to dredge.

Now, the original grant ignored the fact the land they were granting were put up. It didn’t pull out. There is a standard in the original grant where a man can dig three bushels in a day. I have friends that they worked out here, (inaudible) myself, and I know that getting three bushels in the day from most of these grant areas should be no problem. I’m not proposing that that be the standard, but you have to consider the habitat of these grants. Someone says the aquaculture assignment should be a sense of grandfathered in and preferred for lease. Those lands weren’t bad either because the State granted them on the basis that they were a temporary assignment and they could be moved if a natural set of shellfish occurred there. So they say what we would like to see is if you determined these areas that you believe are appropriate as aquaculture farms allow them to be completely bay and (inaudible). There is no annual review and (inaudible) someone cries at more public meetings people lose interest, nobody comes and then under the table suddenly someone has thousands of acres.

Things can happen on all the towns on the island. You start out with a baymen’s lease of two acres in Islip. It all ended up being incorporated. That’s twenty square miles of the great South Bay in private ownership. This was not from some colonial grant. This is from criminal activity of the government. Taking the lands for Blue Point. (Inaudible.)
There is no even possibility in a colonial grant that you got ownership of the underwater lands in the way that you can alienate it from the public or the fisherman.

You have the legislative authority to lease this land. It's underwater land where they can indicate it's perfect for shellfish in sufficient quantities and so located to support significant hand rake, and tonging and others.

Long Island Sound, rest of Long Island Sound, commercial hard clam fishery is going on in forty-five, fifty feet of water. (Inaudible) last year so (inaudible) can use hand rake and all with (inaudible). They're liable to do away with second (inaudible) the rake. They put up (inaudible) in Gardiners Bay that are in majority of the edge that holds the clams is in between fifteen and thirty-five feet of water. That is all workable by hand. Don't let someone tell that's not workable by hand and there are sufficient quantities of shellfish.

Guy sitting right here were out in Gardiners Bay making a living (inaudible) coming out here harvesting shellfish commercially. (Inaudible) in western Long Island Sound, natural set and working on it making a living. (Inaudible.)

This is a great place for a guy to work and, you don't a lot (inaudible) out there for a baymen that's a good thing. Plenty of places to search around and catch some clams. Just make sure what you lease...

(TAPE CHANGE)

...that's a demand of oxygen that immediate. That's re-suspending all the (inaudible) whatever you have (inaudible) re-suspending a layer of sediment three to four inches deep (inaudible). If you’ve ever been by a dredge boat take a look, there is a big mud stream coming out the back.
(Inaudible – Tom talking to Mr. Wemyss wrapping it up.)

Tom Isles: Thank you very much. Okay, our next speaker then is Kim Tetrault (inaudible) from Cornell Cooperative Extension and then Mike Osinski after that.

Kim Tetrault: I work for Cornell Cooperative Extension, I just have some observations that I’ve made in the last (inaudible) the Peconic. I teach an aquaculture training program to the community, non-profit and non-commercial. What I’ve noticed is that (inaudible) a lot of folks in (inaudible) and some of them (inaudible) but I noticed a small (inaudible) in the Peconics. (Inaudible) small scales, mom/pop they get to be pretty good at.

(Inaudible – tape not good.)

My own personal knowledge of aquaculture if I would get into it commercially the last thing I would want (inaudible). I think that the leasing program offers new commerce and the new industry a chance to get use to what (inaudible) expand on their leases. (Inaudible) the entrepreneurs working for fast tracks of land and so this allows (inaudible) in the Peconic Bay. (Inaudible) aquaculture the United States (inaudible). If you think about that figure and you think about if aquaculture might (inaudible), it still got to be relatively small but it’s sufficient and it’s an important industry.

And, I personally say this kind of effort and this panel and these meetings just shows how concerned people are about the industry and how much (inaudible).

Thank you.

Tom Isles: Thank you. Next speaker is Mike Osinski and following that is Charles Murphy.

Mike Osinski: Hi, I’m Mike Osinski. I have a small oyster farm (inaudible). (Inaudible) whatever anybody says (inaudible). (Inaudible) there’s a lot of people interested in this
and you’re gonna go to Southampton next week and (inaudible) roomful of people and (inaudible). I hope there’s not a conflict with the whelk. I know the guy that says whelk fishing (inaudible), welfare of (inaudible) and oysters. I don’t know how it would effect them. I can’t (inaudible).

Anyway. These meetings (inaudible). (The rest of his statement is inaudible.)

Tom Isles: Thank you Mike. Next speaker is Charles Murphy. Mr. Murphy.

Charles Murphy: Thank you for giving me the opportunity to speak tonight.

(Inaudible – tape not good.)

Our town (inaudible) aquaculture re-growth seed. You (inaudible) on leasing land. I (inaudible) myself and possibly by some folk to go out and check the bottom (inaudible).

(Inaudible) I think the population of shellfish, hard clams that this should not be (inaudible) and (inaudible). You can basically work in six to seven feet of water.

(Inaudible.)

Tom Isles: Thank you Mr. Murphy. Okay, that completes the cards that we received tonight. (Inaudible.) We only have a couple of more minutes left. (Inaudible.)

Speaker: (Joe Gergela) I don’t know if people know that (inaudible). We worked very closely with the growers and over the last couple of years we have been doing some (inaudible) on the federal level (inaudible). (Inaudible) oysters on the endangered species list. In my mind farmers, fisherman and baymen and people who make their living do this (inaudible) endangered species. This is an opportunity for a new day and I wanted to commend Tom, DeWitt and I told them before but I’d like say publicly the work that has
gone into this thus far has been top shelf, extremely professional and think you both are
going get this done. It’s very important.

Bob Wemyss and Mr. Murphy (inaudible) is that you want to start hearing from
the various interest groups and stakeholders and (inaudible) with all stakeholders
(inaudible) you should be able to work this out and I just want to commend all of you for
your efforts thus far (inaudible) to assist you.

Now, that’s all I really wanted to say, to commend you on your good work. Thank
you.

Tom Isles: Thank you Joe. Anyone else, we have a couple of minutes left. Okay,
(inaudible). Is there anyone on the committee who has a comment to make, certainly you
are welcome to use this time.

That essentially completes the scheduled meeting but I want to give the
committee members a chance to make any comments. (Talking among individuals). I’m
sorry, Karen.

Karen Rivara: I just wanted to let the audience know, if anybody is unfamiliar with
aquaculture there is a (inaudible) out there and that is typical of what the oysters farmers
are using in the Peconics right now and most of what people are cultivating oysters
(inaudible) cultivation, (inaudible) on the bottom. And also there is some information
about oysters, I’m sorry, shellfish farming, for anybody who is unfamiliar with
(inaudible).

Tom Isles: Thank you Karen. (Inaudible.) The next meeting is next Tuesday night in
Southampton Town Hall. (Inaudible) participation. You are welcome to come to it and
we’d certainly enjoy that. And we expect there will be others here and we’d welcome that. I’d like to thank the committee once again for their work tonight. (Inaudible.)

Thank you all.

Time Ended: 9:30 p.m.