SHELLFISH AQUACULTURE LEASE PROGRAM
IN PECONIC AND GARDINERS BAYS
KICKOFF MEETING

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Town Hall
Southampton, New York
February 6, 2007
7:00 p.m.

B E F O R E:
THOMAS ISLES - Director
Department of Planning

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APPEARANCES

Edward Bausman - Committee Member
David Conover - Committee Member
Debra Barnes - Committee Member
John Aldred - Committee Member
Edward Warner, Jr. - Committee Member
Arnold Leo - Committee Member
Cornelia Schienk - Committee Member
Wayne Grothe - Committee Member
Gregg Rivara - Committee Member
Edwin Cohen - Committee Member
David Lessard - Committee Member
Jon S. Semlear - Committee Member
Stuart Heath - Committee Member
Karen Rivara - Committee Member
James McMahon - Committee Member
Dewitt Davies - Project Manager
Michael Mulay - Department of Planning
Michelle Weis - Department of Planning
Jeffrey Kassner - Cashin Associates

(Continued on following page)
APPEARANCES CONTINUED

MEMBERS OF THE PUBLIC

Mario Corraia
Robert Wemyss
Jeff Kraus
Larry Penney
Fred Carrington
Bill Pelle
Ian Berlick
Bob McAlemy
Lynn Mendelton
MR. ISLES: I'd like to welcome everyone to the second public kickoff meeting of ALPAC, as we call it, which is the Aquaculture Lease Program Advisory Committee. Since we are in a public building, I would like to start with the Pledge of Allegiance, lead by Lieutenant Lessard.

(Whereupon, the Pledge of Allegiance was recited.)

MR. ISLES: As indicated, this is the second meeting of ALPAC. We'll try to speak at a volume where everyone can hear us. If you have a problem hearing us, please raise your hand, and we'll try to accommodate that. We do have a public address system for the presentation this evening, and also comments from any of you who wish to address the Advisory Committee tonight.

Let me begin by doing an introduction of the Committee members that are here today, provide a brief explanation of what the role is of the committee, talk to you about the format of tonight's meeting, and then start the program.
To my left, to your right, is Edward Warner, representing the Town of Southampton Trustees. To his left is Johnson Lear, also from the Town of Southampton. Next we have Cornelia Schienk from Seagrass, New York. Next we have Wayne Grothe from the Nature Conservancy. Following is Gregg Rivara from Cornell Cooperative Extension. Edwin Cohen from the Suffolk County Department of Public Works. Ed is an engineer surveyor who is involved in some of the earlier issues with the land grants. Lieutenant David Lessard, from the Town of Riverhead. Arnold Leo from the Town of East Hampton. I apologize for the members who are turning your backs. As we go along with the presentation, you can turn your chairs and try and make this work.

Next we have Stuart Heath, also from the Town of East Hampton. Karen Rivara from East End Farmers Marine Association. Edward Bausman from Town of Shelter Island. Dr. David Conover, from the Marine Science Research Center, SUNY University at Stony Brook. Debra Barnes representing New York State DEC, an alternate to
Gordon Colden. And John Aldred, also from the Town of East Hampton. This is the second meeting of this group. We held a meeting last week at the Town of Southold. We welcome everyone here tonight. There are a few familiar faces from last week's meeting, and a few new faces.

ALPAC was formed by Suffolk County Executive, Steve Levy. We are going to provide you with a presentation of what this program is about. This committee was put together by the County Executive for the purpose of advising the county through the process of developing a lease program for the Peconic and Gardiners Bay system.

As you will hear tonight, there are obviously issues and a process that is to be followed. State law has to be modified to enable this process to go forward. A determination of whether a lease program will put into effect and what the nature of that may be has not yet been made. It's the purpose of this process and committee to assist in advising the County Executive, advising the County Legislator on...
what should or should not be done and also, helping us with the public outreach process with public participation.

It was this committee that recommended we have these kickoff meetings. And the primary purpose of the two meetings, tonight and last weeks meeting, is two-fold. One is to provide the public and all of you with an opportunity to hear what is the county doing, what is this program involved, what is the time table, what are the steps, what is the outcome of this. That's the first part of tonight to explain to you what is going on with this process. We have a presentation that's about 45, 50 minutes long. Here again, to give you information, adequate information.

The second part of the meeting is to hear from you. We do have sign-in cards which we would like you to fill out, if you would like to speak. We have indicated we do have to limit the time for speaking, perhaps to as little as two minutes. If we have more time, we'll try to provide it. It worked out fine last week, by giving a little bit of extra time that we can
accommodate. We also will receive written testimony. We do have one item I will read into the record, when we do get to that portion of the meeting. That's, fundamentally, the program for tonight, the two parts to it.

I would like to also introduce some of the staff members from the Suffolk County Planning Department. I am the Director of the Department, Thomas Isles. The Planning Department has been charged with the oversite of this program of, the oversite of the contract for the consultant work and for coordination of this committee. So, we will be through this process from beginning to end. We will be calling upon, obviously ALPAC, on repeated occasions, for their advice on how to proceed. We will also be calling upon other departments, county departments, Legal Department, Public Works and so forth, as well as other agencies that can help in coming forth with the best possible process.

Let me begin by introducing the project leader and manager, Dr. Dewit Davies, from the Suffolk County Planning Department, Chief
Environmental Analyst, who will be making an introduction in a moment. Let me also introduce here tonight is Loretta Fisher from the Suffolk County Planning Department, Principal Environmental Analyst. Also, Michael Mulay from the Planning Department, who is right over there. And Michelle Weis, Environmental Planner with the Department as well.

We also have consultants on board to be part of the presentation tonight, and they will be introduced a little later on. Unless there are any questions, at this time, from the members of ALPAC, we'll proceed now to the presentation. Let me say that we have the presentation available on the screen above you, as well as the two monitors. And we have provided a hard copy for you as well.

Finally, let me point out too that we do have a record of this meeting maintained, a stenographic record, so please speak one person at a time. And we have the pleasure tonight of this program is going to be carried over, I think it's call Sea-22, if I'm correct on that, in terms of local television network. There is
further multiple broadcasts of this event. With that, I'd like to introduce Dewit Davies.

MR. DAVIES: Good evening everyone.

Thank you for coming. It's again, gratifying to see such a large number of people at our second kickoff meeting. It's a pleasure for us to be out here in Southampton. The staff members, some of which you have already heard from, or introduced at least, have been involved out here for quite a long time. But over 20 or so years ago, we were responsible for initiating the commercial fishing dock in Southampton. We also were involved with the commercial fishing dock in Greenport. I'm glad to say that those projects did proceed to provide commercial fishing access to the shore.

We had other recommendations which perhaps were not as favorably reviewed, things at Fort Pond Bay. I think I saw Larry Penney. You remember all the watershed studies we were involved in Acquaboug, Montauk, etcetera. Good things came out of those also. Loretta had been involved in Randy's study of the Peconic Estuary Program, open space acquisition for a long time.
And out two new staff members: Michelle Weis, Southampton College, Marine Science Research Center graduate who has done research on hard clams in the Great South Bay. And Mike Mulay, graduate of the University of Rhode Island and the masters program up there. You'll be hearing a lot about these people, in terms of their interaction in the next 18 months or so.

As Tom mentioned, we had a good meeting last week. About 60 people attended that meeting. There where will be an opportunity for everyone to speak later on. I would ask, if you do have a comment to make, please come up to the microphone. We'll try to turn this around so that it can be appropriately recorded. I think everybody can hear me at this point.

Okay. Michelle, dim the lights a little bit. Now I can't read anything. This is the agenda that you have in the packet that was distributed. We'll glance through this quickly a little bit. We'll talk a little bit about the background of the program. Our consultants, Cashin Associates, will talk about the actual work program that they will address in the next
18, 19 months. We have Greg Greene, Jeff Kassner here who will be introducing other members of their group. After they are through with the description of the project, we'll come back to the Department of Planning to learn a little bit about the current practices that are underway, the modes of access that exist at this point in time, etcetera. And then we'll end in half the meeting, as Tom mentioned will be the public portion.

A little background. Suffolk County has been involved in this particular activity for well over a century. But the activity has not been consistent, nor has it been energetic over the last half a century, that's for sure. That started in 1885. During the period of 1885 and 1914, under New York State law, approximately 45,000 acres of underwater land had been granted for oyster cultivation in the Peconic and Gardiners Bay system. Over the years, much of that property has reverted to the public. Today we have about 5,000 acres that remain under that old grant system.

A 1969 law was past, and there was again
inactivity for about 30 years or so. There were complications with that particular program; it didn't represent the modern approach that we would all like to see with respect to how this activity could be managed in the future.

There were a number of events that some of you are probably familiar, with respect to activities that involve shellfish dredging and things like that. In the late 90's, there was a controversy. And because of that controversy, a number of committees were established to look into the problem and see where it could go.

One of the first committees was the Suffolk County Aquaculture Committee that issued a report policy guide for Suffolk County, with respect to this activity in June of 2002. At the same time, the Nature Conservancy of the Peconic Aquaculture committee met to discuss some of the more aspects of administration of the leasing program, as a generic recommendation; that report also issued in 2002.

After that, another report was issued by Suffolk County, a survey plan, for what it would take to do the requisite surveys needed to
address the 1969 law. However, movement was afoot to deal with that law. It was repealed by the State, and a new law was adopted in 2004. And that law -- the text of which is in your packet -- governs the activities that we are involved with today. That is the legal background. That is the legal guidance that we have from the State of New York to proceed in this particular program.

This slide shows some of the characteristics that we must consider when developing this program. The law seated, again seated property 110,000 acres of Suffolk County for the purposes of oyster cultivation. This slide discusses some of the criteria that are in the law that relate to the question of where shellfish cultivation could occur.

So, the distinction between the effort that we are embarking on now, is different from in the past, because we are no longer talking about the system in a generic sense. We are talking about site specific situations. That's the real difference here in our effort. The where is really the crux of the problem, with
respect to where shellfish cultivation could occur within the context, the spatial context of the Peconic and Gardiners Bays.

This slide also relates to some of the specifications in the law; things like applications, notifications, forms and terms of leasing, fees, whatever. All of those things are administrative aspects of the leasing program. They determine how such a program could be administered. This is the nuts and bolts of the approach.

There are no specifics in the state law that have been handed down to the county to follow. The older law did have some specifics, but they have been wiped clean. We are no longer obligated to follow them. We had a relatively clean slate to determine how such program should be developed.

Before we get into some of the more resent history, now I'd like to say, this process, collecting information, portraying it, analyzing it, coming up with recommendations is an analysis to what the master plan process entails, when one involves themselves with the
land surface. Here we're talking about the seascape; talking about moving those techniques seaward, in a marine setting. This is a trend that has been happening recently. A lot of people talk about marine preserves, and things of that nature. Here we're talking shellfish cultivation zone. It's, again, a way of looking at marine environment and designating some level of importance to some of the activities that occur there.

This slide, Tom mentioned that the County Executive established this particular committee. Prior to that, he supported a capital project that designated aquaculture planning as a priority for the County Department of Planning that provided the funds for this particular project. Following that event, ALPAC was created by the Executive Board with the 17 members; they are listed up here in the slide. And they are -- essentially, the entities were identified, the individuals were not. We contacted the entities and they, in turn, identified specific representatives that see here before you at the table; most of which are
here tonight. Down at Southampton, John
Semmler, Ed Warner; East Hampton Baymen's
Association, Stuart Heath. We have East
Hampton, John Aldred. And the other people Tom
mentioned from the other areas up here.

This committee was formed to advise the
County Executive on the development of the
program. It prepared a detailed statement of
work which formed the basis for a request for
proposals. And it will meet on a regular basis
throughout out the course of this project to
review products prepared by the consultant team
that we have and deal with the public, as we are
tonight.

As I mentioned before, we had the input
from the committee on the preparation of request
for proposals. Unfortunately, we have to go
through a rather detailed rigorous process to
select and hire consultants to do the job. It
takes time. Unfortunately, it takes a lot of
time, from my prospective, but we're bound to
it. We did issue this proposal request. Four
proposals were submitted last summer. Those
proposals were reviewed in the late summer, and
this particular proposal was selected. And Cashin Associates is the contractor that was selected, based on their proposal to the county. We're in the process now of finalizing the contract with Cashin Associates.

Here is a break down of some milestones in the project here that we are addressing:

Preparing a shellfish cultivation zone map; notice the timeline for the end of this year. Administrative recommendations is next year. We have already initiated the environmental review through the Suffolk County Council on Environmental Quality, and letters have gone out addressing that particular requirement. Cashin Associates will have the final report in the end of August 2008. So this segment is the actual consultant project that we're talking about at the present time. That doesn't end the program. That is a recommendation.

We have two other aspects here: Enact and implement the Aquaculture Lease Program. That has to be adopted by the policy makers, by local law. This is not something that could be done by a department on its own or anything
else. When and if that program is adopted in local law, the County would then have the power to execute leases with individuals. It will be a process outlined here, and then we'll have to go and implement the program.

You see here, prior to 12/31/2010, this date is in the law you have in your packet, that is a sunset provision. If the county fails to execute a lease by that time frame, all bets are off, we lose the game, and we have the same situation as you have today. And the situation for the county is a little different, because they would have lost the title to 110,000 acres of underwater title land for this purpose. That is the end point we are trying to address.

I think that, in closing, my first remarks here, before I turn it over to Cashin Associates, I think to say that there is an opportunity here to move forward for the next hundred years. We have been hamstrung by what has happened in the past hundred years. That frame work has been established in the late 1800's. Now is a chance to change that and move forward and here on. If we don't, you'll have
the same situation we have today. Maybe people enjoy that, and maybe they want that. But maybe there is another way to go, and we hope to point out. Now here is Jeff Kassner from Cashin Associates.

MR. KASSNER: Thank you, Dewit. I am with Cashin Associates. I'd like to introduce Greg Greene, the Director of Environmental Programs. And also with us to is Keith Brewer. He is going to be one of the main technical people that is working on our project. And we also have other staff in our offices and in Hauppauge as well.

As part of our consulting team, we wanted to make sure we got the best possible expertise that we could, in order to make sure that we came up with the best possible documents for the County. And so, we reached out and have secured the services of a number of sub-consultants and part-time employees. And some of these names, I hope, are familiar with you, because these are people that are really involved in shellfish aquaculture.

Gef Flimlin is with Rutgers Cooperative
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Extension. He has been doing a lot of work and outreach with shellfish growers down in New Jersey Culture Bays.

Bob Rheault is an Aquaculturist from Rhode Island. He is also the President of the East Coast Shellfish Growers Association. What Bob brings to this is that Rhode Island underwent a very similar program to what the county is going through now, where they had to address a lot of conflicts and other issues. He has dealt with some of this conflict resolution and how to set things up firsthand.

Stan Czyzyk, was with the Blue Points Company. He ran their shellfish Aquaculture Program in West Sayville. Again, very good hands on experience on the technical aspect of shellfish aquaculture.

Nancy Solomon from Long Island Traditions, she is with us tonight. One of the major things that we're going to have to do is collect a lot of information about fishing activities and other resource activities out in the Peconic and Gardiners Bay. Nancy has done a lot of work with fisherman and waterman, and she
will hopefully be talking to a lot of you, and you can make yourselves available to her, and she can record your experiences of going out and working in the Peconic and Gardiners Bay.

And then finally our attorney is Michael Cahill. One of the requirements, as you'll see in a few moments, is that we need to come up with some of the legislation that is necessary to implement this program; and he will be reviewing all of those documents.

What I'd like to do now is go through the scope of work. This was taken from the contract and the RFP that was submitted by Suffolk County. And what I'd like you to do is look at this from two prospective's. The first is exactly what the elements are individually and also collectively. Because these represent all the different steps, all the different pieces of data collection that will be necessary, so that we can develop a program report for Suffolk County.

And so our task, as to Dewit pointed out, would be to find the where and how. And this is our road map that we will be following.
So our first task was to locate and map the shellfish cultivation zone. That is area within the Peconic and Gardiners Bay system where shellfish leasing could occur. The first thing to note is this 1,000 foot shore line buffer. The law, the 2004 leasing law, sets forth a number of requirements. And one of requirements is that the area between the high water mark and 1,000 feet be excluded from any type of consideration for shellfish leasing. So anything between mean high water and 1,000 feet will be outside of the shellfish cultivation zone. And only within the shellfish cultivation zone can shellfish lease and aquaculture occur.

The next task that we have to do -- again, the quotations are actually things taken from the 2004 leasing law. We already talked about the 1,000 foot high water mark. The law also has requirements, in terms of determining where bay scallops are produced regularly and harvest on a commercial basis. Where there is a presence of shellfish in sufficient quantity and quality for hand raking and tonging. And finally where leasing will result in a
significant reduction in established commercial
fin fish or crustacean fisheries.

One of the things I'd like to point out
to your attention, and one of the issues that
will need your assistance with, and people that
are familiar, is that these are poorly defined
terms. What does it mean to produce regularly?
What is the present sufficient quantity and
quality, and what is significant reduction?

Part of the challenge is to come up with
a criteria that we can apply to our evaluation
of the 100,000 acres that make up Peconic and
Gardiners Bays. The other thing, we will be
looking at other criteria, as well, to determine
those areas that should be removed from the
shellfish cultivation zone.

We're going to be collecting a lot of
data in task 1.3. Fortunately, a lot of
information is available, as part of the Peconic
Estuary Program. Again, we are going to be
needing to reach out to those that are more
knowledgeable of the water -- and this is where
Nancy Solomon comes in -- to get more
information about areas of commercial and
recreational fishing of shellfish so forth. And then we will produce a map that shows all of these different pieces of information and will give the preliminary shellfish cultivation zone boundaries.

There will be an opportunity to review all of the maps. And hopefully we won't have to resolve any conflicts, but we're fully prepared to do this. This will be our best information and interpretation of the data. So, it will be reviewed by the public, so that in the outside chance we did get something wrong, it can be corrected. And finally we'll prepare the final shellfish cultivation zone map, and this will be the area within which shellfish aquaculture can take place.

Task two is really looking at here the how, as Dewit mentioned, to actually develop the Shellfish Aquaculture Lease Program. This is very important as well, because this will shape the type of program that the County has for Shellfish Aquaculture. So, they'll be talking about different procedural requirements and different performance standards and so forth, as
to how this whole program should be put together and how it's going to be implemented. And of course we'll be relying rather heavily on what has been done in other areas of the country. For example, the State of Virginia is doing a lot of work on this now. So, we'll put together this whole package of how it's going to be implemented.

Task three is to conduct an environmental review of this proposed activity. There will be a generic environmental impact statement prepared for this project, this program, and this well evaluate all the different environmental aspects that are necessary, in order to come up with a program that meets all the various needs and is very sensitive to the environment requirements.

I should point out, as part of the SEQRA review process, there is going to be a lot of opportunity for public comments and public participation. One of the activities that we will be having sometime in the not to distant future is what's called a scoping meeting to prepare a scoping document. And a scoping
document is what sets off all parameters that you will investigate in your environmental impact study. Once the generic statement is prepared, that also is subject to public review.

So, there is really going to be two parallel reviews; one is the map and what shows as a shellfish cultivation zone. And then the implementation, and also the environmental requirement as well.

Local laws, regulations and standards, this is the implementation part of it. All the different requirements are going to be codified in a local law regulation and very standard in criteria. This is where the county legislator is going to come in, where they will have to, if they so choose, adopt the various local laws and regulations to effect this program. Without local laws and regulations, there can be no program.

And we're here in task five, doing all the public outreach meetings. Again, we want the process to be very open. We want it to be very transparent. Because we really believe that the more information we can collect, the
better the program is going to be, and the more likely it's going to be to meet the needs of all the various constituent seats. And then we'll put all of this together in an Aquaculture Lease report, and this will be the document that contains all the information that we have put together.

I just want to go back and talk a little bit more about the shellfish planning area and shellfish cultivation zone. As I already mentioned, the area that is within 1,000 feet of the high water mark will be excluded from any type of leasing. And so, we're looking at all the Peconic Estuaries as our planning area; within that is the shellfish cultivation zone. That zone can not be any closer than 1,000 from the high water mark. Of course, it can be further, and changes are that will be, particularly if there are other resources that need to be protected. And, of course, the issue here, the law says high water mark. And that is really a term of art, rather than science. So, we will need, and we're in the process of identifying, where this 1,000 feet should be
measured. And so again, the shellfish planning area will be outside of that 1,000 foot area for the high water mark.

This is just a map that shows the area of Gardiners and Peconic Bays. And this white line here is the 1,000 foot line, as we have depicted it so far. We have two mounted maps outside the auditorium here which you can look at as well. So, all of our investigations will be inside of this line in here. And as we proceed and do all the investigations and look at all the different requirements as set forth in the law, the shellfish cultivation zone will be reduced, compared to our large area.

I mentioned this already; the 2004 lease law sets forth barriers of criteria that we need to meet, and these are specific requirements that are in the law. We're also going to be looking at other areas and other conditions that may not be suitable for shellfish aquaculture. So we're going to be looking at potential user conflicts. We're aware there is a significant wealth of Conch fishery in parts of the system there. We're going to map that and see whether
or not those areas, what areas, should be proposed. There is a number of sensitive environmental areas that it may be inappropriate to put down shellfish aquaculture. We know that there are areas of submerged aquatic vegetation, and these would be areas that we probably want to be excluded from that shellfish cultivation zone. Underwater cable utilities, navigation channels, we certainly don't want to jeopardize the safe navigation that takes place in the system. And then any other parameters that may come forth, as we continue this work. We know there are areas a lot of potting activity. We're going to exclude areas where there are pal nets, potentially commercial dredging and so forth. Again, some of these areas we're going to rely on information that we're going to get from the user groups, to provide us those areas that we should be aware of.

The bottom line of all of this is that the shellfish cultivation zone will be less than the shellfish aquaculture planner area. The planning area is everything within that white line. The shellfish cultivation zone will be a
subset of that, where all the different criteria, stipulations are going to be meet.

Again, information is very critical. We do have information on shellfish and eelgrass surveys. Some of them are old, some of them are not so old. There is a Benthic mapping project being done now, funded by the Nature Conservancy and being undertaken by the Marine Science Research Center; we will be getting access to all of that. Unfortunately, the mapping will probably not be done by the time the report needs to be finished; various navigation chart, planning studies, and again, interviews with knowledgeable officials.

This is our time frames of what it is that we hope to accomplish. We have already, pretty much, taken care of 1.1. We're working on 1.2 now. We have been collecting a lot of data. Hopefully we'll have some of this information by the middle part of this year. Again, prepare the final cultivation zone maps in the fall of this year.

Just talk a little bit about our environmental review. That's our SEQRA review,
State Environmental Quality Review Act is something that is set forth in the State of New York State Law Regulations. We're going to be working very closely with the Council on Environmental Quality on getting all of these different procedural requirements taken care of. The Environmental Assessment Forum has already been prepared, and it's being circulated.

I already mentioned scoping. That's where we'll look at all the different aspects that need to go into our draft of our impact statement. Again, public comment on that. The drafting of our environmental generic impact statement, by the close of this year. Once the final draft has been completed, it is open to public comment. There is going to be an oral and a written comment period on that. You prepare your final generic impact statement, and then you prepare your findings that synthesize all the different comments. Once that is completed, then the County is free to enact the various laws on the requirements. We'll have to do the laws and regulations as part of this whole process, the meetings, and then hopefully
by August of '08 we'll have everything completed and put together.

So, at this point I'd like to turn it back over to Suffolk County and Dewit.

MR. DAVIES: Mr. Warner, to reiterate something, add on what Gef said about the planning area. It does not include town owned or trustee owned underwater lands to any extent, whatsoever. There is also one of the people at our meeting last week left, I think, with not understanding the situation there. Nothing within 1,000 feet will involve this program, whatsoever. And we'll start tracking things, when we go. I think the individual fish trap fisherman are concerned about what is happening in that area he utilizes along the shore line.

I want to switch now to some current information we just developed for the program that pertains to the type of access that people have who conduct Aquaculture activities in the Peconic and Gardiners Bays. We wanted to develop a database of individuals that own grants, private grants, and want to develop a database for those individuals that have the
various type of permits to conduct aquaculture in the system. And as Tom mentioned earlier, we're going to reach out to the areas of public that we're dealing with; that involves mailing invitations to the set of meetings to 600 or 700 individuals. And there was a lot of e-mail exchange also involved in the advertisements. If anybody wants to continue on, in terms of getting on an interested parties mailing list, please register with Dotty Sonerson and Christy Iman who are outside of at the table, before you leave tonight.

So what is the current mode of access? We have a couple of types of access. Oysters and other species are grown on private grants, under on and off-bottom culture permits issued by Debbie Barnes' office. We have also temporary Marine area use assignments issued by the State, where oysters and other species are grown in off-bottom culture situations.

As part of the effort from the Department, we have had title searches done on approximately 400 or so parcels of underwater land by our division of real estate individuals
who spend thousands of hours going through title
searches and put it in our database. We'll be
reporting on that a little later. But now I'm
going to turn over the mic to Mike Mulay.

MR. MULAY: I'm going to give you a
little information on the status of the
underwater land title search that is being
conducted. As most of you probably know,
similar to upland property, Peconic and
Gardiners Bays are divided into individual
underwater parcels. There are about 450 of
these underwater parcels, making up
approximately 110,000 acres. Like Dewit said,
with the help of Suffolk County division of Real
Estate, we conducted a title search on
approximately 400 parcels, making up 106,000
acres. (That's shown in the yellow color.)
There are about another 50 parcels, making up
4,000 acres, that is yet to be completed. (That
is shown here in red, mostly around
Shelter Island.)

Out of those 400 parcels that we had a
title search conducted, 48 are in private
ownership, (And they're shown here in red,
making up 4,500 acres.) Those parcels make 4,500 acres, which is about four percent of the entire 110,000 acre project area. In addition to those 48 parcels, there are ten with some sort of title conflict associated with them, (And they are shown in blue and make up 930 acres.) So, together those 58 parcels total about 5,400 acres in all. And these slides were created to reflect whatever private interests are out there at this time.

So, now I'm going to get into the Permitted Use of Underwater Land for Shellfish Culture, and these slides were created with some help and data from Josh Thiel from New York State DEC. Out of those 58 parcels I just mentioned, 16 have an on or off-bottom oyster culture permit associated with them, as issued by the State of New York, and they make up approximately 1,300 acres.

Now this slide shows all the active and pending temporary marine area use assignments for 2006. These are, for the most part, five acre circular plots, with a few minor exceptions where there's two assignments split up with two
and a half acre plots. Keep in mind, this map is not to scale. These just indicate a rough center point of these lots. This is blown up so you can see them up here. So, in total, there 31 sites with active and pending assignments associated with them, making up about 145 acres.

Between the oyster culture permits and the TMAU's, there are about 1,400 acres of permitted land in our project area for 2006. Keep in mind that not all of this 1,400 acres is activity being used for cultivation purposes at one time. It is possible and likely that only portions of these sites are being used at one time.

Now to speak a little bit about shellfish aquaculture practices is Michelle Weis.

MS. WEIS: Good evening. Nice to see everyone. I just want to point out two important things, before I begin this section. The first ties in with what Michael just said. It states that in 1980 only five on/off-bottom permits were issued by the State. In 2006, over 50 were issued. At obviously illustrates that
fact that this is a growing industry and needs
to be recognized at this time.

The second point is, I realize that many
of performing are working on the bays day in and
day out. So this portion of the demonstrations
is strictly to be an introduction to the current
shellfish practices in Peconic and Gardiners
Bays, for those who are not as familiar with the
practices.

Currently, there are three primary
shellfish species be cultivated for our food
market restoration and restocking purposes.
These are the American oyster, the hard clam and
bay scallop; with the American oyster being the
primary shellfish that is being cultivated.
These species are raised in two general ways:
On-bottom culture and off-bottom culture.
On-bottom culture is defined by the New York
State DEC as the raising, breeding, growing or
planting of marine plant or animal life on, or
in, any natural underwater lands of the State.
Again, for the purpose of this program, we are
only looking at shellfish. So, we're excluding
fin fish.
And an example of this would be free planting; essentially, the distribution of shellfish either mechanically or by hand on the bay bottoms and then left unprotected or under protective screening until ready to be harvested. They are then harvested either by using dredges or rakes for oysters and hard clams.

And the other type of cultivation is off-bottom culture, as many of you familiar with. The definition of this is simply the raising, breeding or growing of marine plant or animal life, including containment on or in any raft, rack, float, cage, box or other similar device or structure in any natural waters of the State.

The primary gear that is used is the use of bags, trays, rakes, cages, like oyster condos, nets, such as lantern nets, either used on an individual basis, or used on a submerged or surface long wide system. Currently, oysters and clams are really raised for commercial purposes. Whereas, scallops are raised on an experimental basis, at this time.
Again, as you recall, the three major shellfish species raised currently are the hard clam, oyster and bay scallop; and that will mostly carry on in the future. But potentially we are also looking at the use of blue muscles, soft-shelled clams and razor clams.

Again with new species and new times you are looking at potentially additional future Aquaculture techniques and gears. For on-bottom culture, you may or may not see corrals and dredges. For off-bottom culture, you often see surface systems, such as Taylor floats, floating bags and rafts which is in the picture seen here; not from New York State, of course. And the use of both on-bottom culture, as well as off-bottom culture techniques; using a combination of the two, in order to create a culture of multiple species at a time.

That is an introduction what is currently and potentially going on Peconic and Gardiners Bay. I'll turn it back over to Dewit.

MR. DAVIES: Okay. You probably are all wondering how does this effect me? We're almost done. We only have a few more minutes to go,
and then you'll have your shoot at us, me, the committee, to raise your questions and your concerns. Bear with me a few more minutes.

There is an interim time period between now and when and if this program is bedded properly, is adopted and is implemented. And we have a window of opportunity, if you will, between now and that cut off date, the sunset date in the legislator.

What happens in the mean time? Well, no county permission is required for oyster cultivation on private grants. The New York State DEC requests the County permission for other shellfish cultivation on/off-bottom on grants at least 1,000 feet seaward of the high water mark. Temporary marine area use assignments are also issued for bottom culture of all species, and those will continue.

The only thing we said, with respect to the assignments, is that new people who come in and want assignments be notified that there is this program under way. The County may change its position if, in fact, this program is adopted. We don't know what will happen yet.
That's down the line. And there are a lot of things have to do in the interim period here.

What will we be look at, in terms of the types of leases that could be considered in this program? Well, it could be commercial leases, on public underwater land. But also on private oyster grant land involving species other than oysters. It could be non-profit leases on public underwater land, or private oyster grant land. And that would involved, for example, the Nature Conservancy, which has a grant; the Peconic Bay Keeper, which has a grant; a Research Institution like SUNY Stony Brook for other purposes; it could be a municipality lease that could be targeted to public underwater lands. So, these are the types of things that will be considered, as we as we go through this program.

Regardless of the type of lease, all of the leases must be located within a shellfish cultivation zone and are subject to the requirements to be developed for that type of lease. It does not mean that the zone has to be a contiguous area. It could mean many zones.
making up the total zone. All types of on and off-bottom shellfish culture activity should be considered in the bottom, on the surface, in the water column, etcetera.

Okay. Future Opportunities for Public Input. We're going to have approximately 20 meetings of ALPAC and other groups associated with the program development and review, over the next 18 or so months. There will be hearings with the SEQRA process, etcetera. All of meetings are open to the public. All of the ALPAC meetings have a public portion at the end of the meeting for the public to make and raise concerns at those meetings. We have a website established. And I think the agenda also has specific pages to the general address. There is also a specific page on the agenda where we will post all meetings notices, all meeting records, all reports, etcetera, as the program develops.

We hope you signed in tonight. Again, I hope you signed in, if you want to receive notices of the meetings and things of that nature; preferably by e-mail. If not, through regular mail. There are a couple of phone
numbers up here. Tom Isles, Project Director, 853-5191. If you don't want to bother Tom, call me please, at (631) 853-4865. You can e-mail us, and we will make every attempt to address your concerns and get back to you as soon as we can. One minute to 8:00. We are on schedule.

I'll turn back to Tom.

MR. ISLES: Thank you very much, and everyone else who made a presentation. If we could try to get the lights back on. Great. Thank you very much. That completes the portion of the meeting for the presentation. Here again, it was a little lengthy. But that was for the purpose of giving us a full explanation of what we are charged with doing, what that time frame is. And certainly if you have any questions tonight, based on what you heard today, now is the time to raise them. Or certainly the door is open. If you think of something tomorrow, give us a call and we'll do our best to answer those questions.

What I'd like to do now is start the public portion. We did receive one letter, and I was asked to read it into the record. So, I'm
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going to start then by reading this letter into
the record, and I guess the cards all. Let me
begin. This is addressed to me. It is sent to
ALPAC. "Dear Mr. Isles" -- this is sent from
the East Coast Shellfish Growers Association,
and I'll read it, hopefully, in the two minutes
I have a lotted for each person.

"In my capacity as president of the East
Coast Growers Association, I have been asked to
provide comments for the upcoming meetings to
develop and implement the shellfish aquaculture
lease program for the underwater lands in
Peconic and Gardiners Bays. Having endured a
similar process over the past 20 years in
Rhode Island, I have lots of personal experience
in these sorts of processes.

I can predict that the upcoming meetings
will be charged with emotion, as waterfront
homeowners and recreational boaters will make
impassioned pleas to block the spread of
aquaculture leases, claiming navigational
impairment and destruction of property values.
Fishermen will claim that prospective areas to
be designated for leasing are productive and
vital to their livelihood. Environmentalists will give examples of potential environmental problems and evoke images of environmental calamity. I challenge these groups to provide documented evidence of any of these claims.

The reality of shellfish aquaculture is that the practice is recognized as sustainable with proven environmental benefits. I have a PhD in Biological Oceanography and have spent much of my career documenting these benefits. In this brief letter I can only scratch the surface, but I encourage you to visit our website" -- provided in the letter -- "for more detailed discussions and dozens of references to support the points I am making.

Shellfish aquaculture improves water quality. Because the shellfish are filter feeders, they remove particles from the water, including plankton and silt, as well as bacteria and viruses. They help graze down the peaks in phytoplankton blooms (including the noxious brown tide) and reduce the frequency of anoxic events. In doing so, they improve light penetration, which can help preserve eelgrass.
It has been shown that the sustainable harvest of shellfish removes nutrients from the water column. We have calculated that aquaculture of the American oyster alone removes over 177 metric tons of nitrogen from coastal waters and sequesters thousands of tons of carbon.

Environmental Defense notes: One type of aquaculture - mollusk farming - actually reduces nutrient pollution, because 35-40 percent of the total organic matter ingested by a mollusk is used for growth and permanently removed by harvest of the mollusk." And there is a citation.

"EPA notes that mollusks are filter feeders and, in some cases, are recommended not only as a food source, but also as a pollution control technology in and of themselves. Mollusks remove pollutants from ambient waters via filtration.

Cultured shellfish and the gear used to protect them from predators provide a wonderful habitat for millions of juvenile fish, crabs and lobsters that seek refuge in the nooks and crannies while feeding off the fouling that
grows on the gear. Research has demonstrated that the abundance and diversity of organisms in and around shellfish aquaculture operations is equal to, or superior to that of eelgrass beds.

Shellfish aquaculture will provide jobs and economic development and help preserve a working waterfront that is an essential part of the tourism appeal of the Peconics. Over 90 percent 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.

Economists note that new wealth is created by only a handful of industries; farming, mining and fishing. Everyone else is simply moving old money back and forth. They also note that these industries have a tremendous impact on local economies (far beyond the value of their harvest) because the money these firms create is recycled many times over as it is used to pay rents, buy groceries and support local industries such as boat building and outboard repair. While resource managers continue to document the decline of most wild-harvest
fisheries, aquaculture is self-sustaining because farmers invest annually in the resource, planting tens of thousands of dollars of seed annually.

As planners work through the delicate process of deciding how diverse user groups will share a limited public resource amid increasing population pressures, they should consider which uses provide tangible environmental benefits while taking unproductive grounds and making them productive. Which users are going to be the most ardent protectors of water quality? And which industries will invest the most to sustain the treasured and delicate natural resources of the Peconics?

Shellfish aquaculture in the Northeast is growing at a rate of about 15 percent annually, in part because we have the best testing shellfish in the world. I encourage Suffolk County planners to see how their neighbors to the north have dealt with these issues. Residents will invariably say they support aquaculture until they see a project planned in their backyard, and suddenly there
will be a wave of protests that this particular spot is inappropriate. Planners will need to create a system of leasing that is objective, fair, balanced and immune to local politics.

Shellfish aquaculture should be an integral part of every coastal zone management program because the benefits to the environment and the local economy are proven." This is signed by Robert Rheault, President of the East Coast Shellfish Growers Association.

As I said, we do accept written testimony. This one was asked to be read into the record. At this point, I would like to proceed then with the cards and opening it up for public comments. What we would like to do is ask you come up to the podium, when you are called to speak. The first card is Mario Corraia. Please come up. The next speaker on deck is Robert Wemyss.

MR. CORRAIA: I want to thank you for being here tonight. A lot of familiar faces over the years. I know I have been sort of non-existent. There have been a few years you haven't seen me active. It's been about seven
years. I used to be President of the
Long Island Baymens Alliance, a very active
organization. I'm very much for aquaculture. I
have been very active myself. I have been
active since 1985. I have one of those land use
assignments that you showed up on the screen
earlier. There is a couple of things I am
concerned about. And one in particular has to
do with leasing of too much land to commercial
entities. That could truly degrade the quality
of water; especially if you're going to allow
mechanical dredging of waters. I don't think
the -- well, I was very involved with Peconic
Estuary Program. I was very instrumental in
getting it designated as an estuary of national
significance. I was very active in the
Long Island Sound study. I served on governors
council, with that aspect also. Mechanical
dredging, if this is going to move in that
direction, I think it is a big mistake;
especially for this system of the Peconics.
That is one thing I want to send a red flag up
about.

Also, the concept -- like with
mechanical dredging -- reducing the amount of oxygen in the water. That is a very real thing in the Peconic system. I really don't want to see that happen.

Also, another thing too, the staking aspect. How is it actually going to be monitored? I originally came from Oyster Bay where Flank and Flowers has an operation there. I saw first hand how stakes were put in the wrong areas; areas that were owned by the public and supposed to be used by people, baymen. We were excluded by these areas, and there was really no means of showing exactly where these land use assignments were. And that's something that the County should have in effect. If you are going to do that, and you are going to lease these assignments, you should be able to verify exactly where these stakes are, because they get moved. They get moved, maybe unintentionally by ice. They get moved and set intentionally in the wrong places. That is something that has to be addressed, if you're going to pursue this mode.

And also just hazards to navigation, in
terms of stakes. You have a million stakes out there, marked in certain areas. It is definitely a problem, in terms of boats going through at night. I saw it first hand, having been there.

And one other thing too; the setting of traps. I do set traps. I do like to set traps. I don't want to be excluded from setting traps because someone has a lease assignment there and they say I'm not supposed to go there. That is something -- I know it was talked about. It should definitely be addressed.

One other thing, too. The focus is mainly on oysters. I'm glad about that. You spoke about clams. But I am key on scallops. I would love to see more work put into scallops on the bottom culture. I would love to see this group address the selling of scallops out of season. That's my personal preference. A lot of people might not agree with this. If I could sell scallops out of season, I would be able to do it very well and make a decent amount of money culturing and growing my scallops in my cages, and selling them out of season of the
normal scallop season. I would like to see that addressed in this set up. And I think if you truly want to make it succeed, if you want to make Suffolk County succeed, that's an Avenue to go down. That's all I have to say. I'd like to thank you for the opportunity to speak to you.

MR. ISLES: The front part of what you said, one statement, concerned about the size of commercial leases. Are you talking about the individual leases or the collective area?

MR. CORRAIA: What happens is, there are certain people that might get lucky, they might be better at what they do. There might be -- well, you don't want to have too much land in the hands of one entity, one person.

MR. ISLES: I just wanted to clarify that.

MR. CORRAIA: I don't want to see that. It's a big problem.

MR. ISLES: Thank you very much. Let me point out too, Mr. Williams is our next speaker, when he's coming to the podium. We don't have answers for you tonight. There are a few things we can tell you about the program, the status of
it, what the process may be. There are many
questions that are going to be raised; and
that's a good way of pointing the issues. We
appreciate that. This will be part of the
process.

Mr. Wemyss, if you could begin by
telling your name for the record.

MR. WEMYSS: Robert Wemyss, W-E-M-Y-S-S,
Secretary of the North Shore Baymen's
Association. The legislation states about areas
where there is an indicated presence of
shellfish in sufficient quantity and so located
for significant hand raking and harvesting.

Also talking about layering leases over
grants. And I'd love to know how, what you
would do, in the cases where a grant is not
really productive. Can't exempt them from the
standard that you can't have a lease for an area
that is non-productive. The Suffolk County
Legislator had a resolution that declaring a
public need for a particular piece of property
that was bought out of taxes, for taxes out of
bankruptcy, and then went back into bankruptcy,
bought for taxes from another individual, about
700 acres. It's the area where aquaculture technology with dredging. It's a natural bed. And it's in private ownership again. I'd like to know what this committee did with the Legislator's resolution declaring a public need for that property, and all of these properties that have natural claims on them. So many of these grants were granted over to the edge habitat, where it's a transition between the harder bottom and the mud bottom, which is area the Baymen survive on. It's where the clams are.

I spoke to the Department of Conservation, on several occasions, over assignments that were given directly on the edge. I would call up, say, Joshua Thiel, and look, you're granting an assignment smack on the edge, where I don't have to go there to know that that area is going to have some quantity of shellfish. It's poor practice. All of these things were supposed to be located where there weren't shellfish, it turns out they were located were all located where there were shellfish. And you say by the fall you should
be designating the areas that would be in the aquaculture zone. I'm not sure how you can bet the areas in the aquaculture zone by the fall, in what way, shape or form? Because the public has to have time to go out and check what shellfish are present in these areas. I don't read it as some place where I'm working now or someone is working now. I read it as there is sufficient quantity for commercial activity to be supported. And almost the entire edge in Gardiners Bay, with just the little poking around that I did, I can throw a clam rake down there and make a day's pay. I'm not sure that I should have to send a couple of guys from Huntington out there to throw a clam rake down to prove it is commercially productive. Have to come up with some objective standards where you check the underwater lands, physically check the underwater lands. It's not about talking to this guy or that guy. Physically check the underwater lands, and you declare this is appropriate for an aquaculture zone. Give us the map, and we'll see if you actually did your homework.
This whole thing with the County not taking land back for taxes for the last 50 years, for one major corporation that held most of this land is absurd. Anybody in the County who owned a piece of property, who let their taxes go in arrears that long, the County owns the property.

MR. ISLES: That's not an issue for this committee. That is a police that was reviewed in the 2002 study. There was a recommend change in County policy that did not sell off those tax lands. It is not something before this committee that we have any jurisdiction on.

MR. WEMYSS: You're doing a title search.

MR. ISLES: Yes we are.

MR. WEMYSS: If you put that title search through a grid that shows the enacting statute, you'll find the majority of the lands, when they were granted, were restricted to 25 acres in a single deed. If you have any parcels that were granted between 1896 and 1906 that was more than 25 acres in a single deed, then it was illegally granted in the original, and it should
be wiped right off the map. You're bound by the statute by which the land was granted. This has been all totally ignored.

MR. ISLES: You're at five minutes.

Wrap up your comments.

MR. WEMYSS: It took you about seven minutes to read the guys letter from Rhode Island. He didn't have the courtesy to come and address the committee.

MR. ISLES: If you want to add to your comments, feel free to do so. I'm just telling you where you are in your time.

MR. WEMYSS: I would also like to reiterate what Mario said, that allowing hydraulic dredging on this property would be tragic. You're saying you have a new day and you can do something different. Start out with four or five acres and let them plant, grow, cultivate and harvest shellfish, the same way Baymen harvest shellfish, and you'll have so much less problem with the Baymen. People are holding these grants that know they are holding natural shellfish that are waiting for the time that they can hydraulically dredge. You saw it
at the last meeting you were at; that a guy with
a hydraulic dredge in the Peconics saying there
is a great resource over there, why can't we
access it. I'm over there, dredging now in
Connecticut, and I'm wondering why I can't
dredge in my backyard. Can't make that about
this, because nothing will get done before 2010.

MR. ISLES: Thank you. The next speaker
is Jeff Kraus. There was also submitted some
additional paperwork with this. The speaker on
deck would be Larry Penney.

MR. KRAUS: My name is Jeff Kraus. I
have been a commercial fisherman for 33 years
full-time. I fished in the bays, for 25 of
those years, fish traps, gill nets, pots. I've
also been involved with aquaculture for about
ten years. I was one of the first to actually
grow shellfish in the Town of Southampton. I
had well publicized legal problems with the
town, which we have resolved. Fortunately, I
think the town has taken the initiative to try
to be progressive with this issue, at this
point; I appreciate that. And I think we're all
working towards trying to establish something
that is progressive here. I think that is the important issue.

Coming from the prospective of being a commercial fisherman who has basically gone from being a trap fisherman, Baymen scallop, harvester, gill netter, and currently I run a stern troller out in the ocean. I'm planning on leaving at 4:00 in the morning. I hope I can get out of here in a hurry. My point being, the opportunities within the bays have really changed over the past 25 years. And I think anybody that is a Baymen and at this point this time knows that it's not getting any easier. And I think that aquaculture is something that offers opportunities that really can give these people who are inclined to that type of a lifestyle more opportunities then are available today.

With that in mind, I want say that I think it's important for this forum to continue and to try to give people an opportunity to have access to the bottom. Because at this point this time, that's the most difficult battle that this industry has; is access to the bottom,
where they can legally grow shellfish and do so and plan a future, plan how much gear they can put down, what they are going to do next year, and what they can legally do. There's a lot of gray area out there now. And for people trying to earn a living in this business, you have to scratch your head and wonder where you're going next. There's not a lot of opportunity out there.

With that in mind, I encourage you guys to continue this process and to give small individuals and small operations. And I think Mario was right in that regard -- make it available to people operate small operations and can build a future for themselves and their families. Thank you very much.

MR. ISLES: Next speaker is Larry Penney. And following Larry will be Floyd Carrington.

MR. PENNEY: I'm Larry Penney, Natural Resource Department, East Hampton Town. I was part of the committee with Dewit Davies and Ron Verlag and someone from Cornell Property Extensions. We put on the first big aquaculture
symposium on the east end on Long Island in 1977 at Southampton College. It was a very successful venture. I got the grant for shellfish hatchery and started that. And then John took that over. And I think that paid off well, as it were our job for the Department. But I also am a marine ecologist, here on the east coast and so forth and have been a professional teacher for ten years, college professor. I know one thing, there is no such thing as a free lunch. That is, every plankton that is produced has somewhere to go, has a role. We all know about primary productivity, and then the no plankton or shellfish and other filter feeders that take the phytoplankton and feed on the phytoplankton. The idea of a bottom that is unproductive is kind of like equating it to a hard scrabble farm field, that has no nutrients or anything going for it and everything. If there were plankton around, and if there are seed around -- there are other things going on in the bay that we don't understand. That's why we don't have the bay scallops in great numbers. There's a lot of
things going on. I don't want people to get the notion that if you put shellfish in certain areas you label it unproductive, that all of a sudden they're going to do fine because there is going to be enough phytoplankton for them to survive. That phytoplankton that they take will go to somebody else. I'm not so sure we're going to rob Peter to pay Paul. I'm not against the commercial aquaculture, per say. I grew up in Mattituck, New York. I know about the oyster boats in Greenport oyster tracks and all of that kind of stuff.

I am kind of concerned, working for East Hampton Town, and I help work for the trustees, and I know the town's trustees in the way the Southampton trustees are interested. And I have always worked, since I have been with the Town of East Hampton and before that, to try to help the Baymen; that's one of my jobs. I worked with Arnold Leo here. I don't think we should write Baymen off, per say, because serious Baymen still know how to make a living. We have three right here that I know make a living on the bay. It's a hard living. They
work hard, they understand the bays. There are lots of other way of making a living, building houses is much more lucrative. I don't want to write the Baymen off. They are very important kind of local resource. They have been here for 350 years or something. So, I work to promote the Baymen. And I hope that -- I hope that if we go into this kind of commercial aquaculture, that we are not going to rob Peter to pay Paul. I hope we continue to recruit Baymen. We have a very important fishing industry on Eastern Long Island; East Hampton, Montauk. I have a dragger out there who does very well, who knows those waters.

We have to do this very, very carefully. I personally would like to be involved in the assessment of the land in East Hampton Town waters. Our jurisdiction goes beyond Gardiners Island and half way between Orient Point and Montauk Point. I want to be involved in that kind of assessment of whether it's productive or unproductive.

MR. ISLES: Is that an offer?

MR. PENNEY: It's an offer.
MR. ISLES: We appreciate that. Our next speaker is Fred Carrington. And the speaker on deck is Bob McAlemy.

MR. CARRINGTON: Good evening. I'm coming tonight, I should say, holding two stakes. One is that as a fisherman. And, more importantly, what they are discussing tonight as a licensed land surveyor in the State of New York. My firm has done work on underwater lands out in the Peconic. There are a few things I'd like to say about that. Having a title search of 450 parcels is a start; it's not the end at all. Now you have to turn this over to licensed land surveyors. They are the only ones, legally, in the State of New York who can determine the boundaries to get these things resolved.

The parcel we did for the Peconic Bay Keeper looks somewhat like it did on a tax map. When we did our analysis and we resolved all the boundaries and all the titles and that, the distance is all 60, 80, 100 feet. Unless you get a surveyor in here and go through all of those 449, all the ones that I did, these are...
probably all the decent surveys in there, you're going to open up to legal action.

Secondly, as Mario said, how are you going to know where to put the stakes? GIS is not going to do this for you, in a legal way. They're going to get you out there close. But when people start talking about moving stakes and having resolutions, and it comes to court, unless you have it done by a surveyor, you're going to lose.

I would be willing to help in any way I can. I have can extensive maps of all the leases in my office. I think through the County Center, they have all the microfiche on the oyster lots and that. I don't think, if you're going to have this thing resolved with all those parcels, your time frame in this whole project, unless you have a whole group of surveyors, you're not going to get it done. It took me a substantial amount just for one parcel of 280 acres. It's a big project. If you're going to do it, I hope you do it right.

MR. ISLES: That's obviously something we have begun to talk about in the survey. It
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was an issue that came up before. It's something that is a factor in this. I think it is going to be dependent on how this program intersects with these existing grants. And so your offer to help us is appreciated. I know you have a business. I understand that. But the fact we can call upon you for those kind of questions is appreciated. Thank you.

Next speaker is Bill Pelle, by way.

MR. MC ALEMY: My name is Bob McAlemy. Unlike the other speakers who know what they are talking about, I'm a layman. I volunteered as a Citizens Advisory Committee for the Peconic Estuary Program, and found out from the Baymen that the mollusks spawn when the temperature reaches about 70 degrees. These are the spring time. Sometimes you get a fall spawn. The spawn floats around for a couple of weeks, and then you get a strike and set. I've seen myself -- I go out and rack clams -- and that is indeed what happened. But during the time of the Peconic Estuary Program, the Baymen do it all the time. We thought that, yeah, the spawning was okay, but we didn't see any sets or
strikes. So, in the plan that came out of all of these studies, we found out that concentrations of roughly a couple of parts per billion. Thinking six billion people in the world, that ain't much. A billion molecules of water, one molecule of pesticide or other manmade chemicals wipes out the spawn; kills the eggs and larvae. So, in the CCMP, the recommendations were to stop putting crap in the water that's going the kill the eggs and larvae. Don't put pesticide in, and don't dig mosquito control ditches that would be a conduit of the runoff and all this terrible kind of stuff. Makes sense.

I also volunteer to the Suffolk County Vector Control Advisory Committee. And their the report says it's okay to use pesticide, and it's okay to dig up the marsh and do trenches and this kind of thing. I have a cautionary tale to tell you. It was the same consultant on those two, and it's the consultants that you have on this program. Also, that was refuted by the Council on Environmental Quality. You mentioned you're going to have the Council on
Environmental Quality. They said, don't spray the pesticide, don't dig up the marsh. And what I have here are some documents that maybe can be attached; they were supported by a number of academically based salt marsh scientist, universities and so, who say that don't dig up the marsh, it's bad for it. And it's not going to be good for the mosquitos. I think everyone should have a copy of this.

And also, I have got another offering from the DEC that said the particular pesticide or larvicide they want to use is Melatonin -- whatever it is. Methoprene. There are 24 reports of studies in the Peer Review literature that say don't do that. And against this, the consultant came -- and I think it should be circulated -- and said it's okay to do it. So, I would be careful, you guys that are going to make a living out of it. Be careful on what the consultant tells, and look into the background of what the scientists are saying. Thank you very much. Maybe you can distribute these.

MR. ISLES: Thank you. Next the speaker is Bill Pelle. And following Bill Pelle will be
MR. PELLE: Hello. I'm Bill Pelle. I raise oysters in Southampton Town and also Southold Town, and I get my seed from Riverhead Town. Thank you for your outfit in this committee again. And last week -- I went to the meeting there -- someone stood up to complain about the traps. He had traps over 1,000 feet. Most traps are over 1,000 feet. I don't know where his traps are. How I heard him talking. I think his traps were originally owned by Pete Alovich. Then it went to John Rempy. Then it went to Weis Dredlick. And then it went to Denezio, and now he has them. At the same time, Blocks had oysters out there. Long Island Farms had oysters, and there is plenty of room. They work around the traps. If you are going to throw gear out there, you're going to walk around a person's traps. You're not going to interfere with traps, because you don't want your traps to get in with his traps. If I had fish traps, I would want oysters fairly close, because fish come near the oyster traps. They live around oyster traps. You can catch more...
fish in there.

Then you have the conch fisherman. I conched for a few years. Conchs move up and down the bay on the water temperature, the weather. I have trouble with conchs climbing up the side of my oyster cages. I told them, I'd rather you set your conch traps next to my trap, get rid of them, instead of me doing it. I don't have enough time to do both.

Most of the problem is educating the people, educating the town people, people on boats. If you are careful what kind of gear you set -- we're in Gardiners Bay and Peconic Bay gear area, and also about the bay scallop. I raised bay scallops the last couple of years, I did very good at it, in traps. I was up in Albany yesterday lobbying for bay scallops, where I can sell them at a certain size and out of season, because I would compete with the wild stuff. I don't know if that's going to happen. We tried last year. We're going to try again in March, go back to Albany in New York State.

You have to remember one thing. Aquaculture, they being put back. We don't
take. That's what's going to happen. Eventually you're going to run out of stuff in the water. The Baymen are not going to have enough fish to survive on, not enough clams to survive on. And they're going to turn to other methods to make a living on the water. This is one chance for them to do it. If you need any help, I'll be available to donate some time to you.

MR. ISLES: We appreciate it very much. Thank you. The next speaker is Ian. The speaker on deck is Lynn Mendelton.

MR. BERLICK: I'm Ian Berlick. I'm president of the Southampton Town Baymen's Association. This association has been working with the Town for a number of years now to get our own aquaculture growing in town waters. Many of our members have been involved in aquaculture for five or ten, 15 years, in some cases. A lot of them have been involved with the passages of the law, which enabled this committee to go forward. We have been involved be with lobbying up in Albany to promote this bill and the whole procedure. There is support
among Baymen. They are some concerns, you know. Of course everybody wants to have the opportunity to continue with the wild harvest, when that is available. But at the same time, I think we all realize that the number of Baymen in the town have gone down dramatically. The number of hard clams and scallops and other natural products available for harvest has generally gone down. By having the option to raise some of these products, I think gives us a chance to stay on the water. I think that has been an important consideration.

There was some talk about the movement of stakes and all. I realize from the surveying standpoint, that you want to get those boundaries established accurately. Once they are established, from a practical standpoint, with GPS being reasonably accurate these days, if someone has a site, I don't think there will be any great incentive to move that stake over 15 feet to gain a few extra feet this way or that way. Certainly, that is going to make things either.

One of the benefits of having
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aquaculture in the estuary is you do have potential to encourage a set from the cultured product, which is in the cages, it can set. If we leave enough of the land, and we should leave a majority of the land in the estuary available to wild harvest. But if you can get a set from the caged product and it's set in the wild harvest area, it can benefit everybody.

One of my concerns is -- I see Gardiners Bay has been included in on this now. When I was on one of the planning committees, we were initially talking about Shelter Island to the west. Gardiners Bay has considerable fin fish harvest. They drag there, they gill net there, they lobster there, they conch, as they do in the rest of the Peconics. And a lot of that area is reasonably productive with hard clams. I think we have to look hard at the areas in Gardiners Bay, that we don't restrict that too much. Any lease given in Gardiners Bay should be looked at extra closely.

Other than that, as I said, by and large, the Baymen in Southampton Town are in favor of this. We appreciate the work you have
all done on this. And we want to see it move forward. Thank you.

MR. ISLES: Thank you for your comments.

Our next speaker is Lynn Mendelton.

MS. MENDELTON: I'm supposed to hand this to the guy with the gray hair. (Handing.)

My is name is Lynn Mendelton. I represent several entities. I'm an East Hampton Town Trustee. I am with the Peconic Estuary Program, the Natural Resources Committee, the CAC. I'm part of a family that owns marinas. I'm a boater. I live in East Hampton off of the harbor. And I have a background in Molecular Biology. And I have a doctorate.

While listening to the comments today, I was jotting down certain topics that I think what I'll do is put a letter to you tomorrow. Some of the things that cropped up in my mind were plot size. Who is going to determine plot size? How big will it be? Can we incorporate a rotation schedule, where there will be an off time for specific plots, so that just like a farmer, you have a space that can actually come back on its own perhaps, when it's not being
used or leased.

After working with Rick Bella on the PEP on biodiversity disease parasites; how do we control those? After working with John Aldred, how do we get the aquaculture people to really help the people who are trying to put in their own aquaculture farms, like Stuart. I'm sure you're going to try to do that; right? How do we enforce the things that we are establishing? Huge issues. As a trustee, I know that's probably the biggest issue that we have; how do you enforce that?

Biodiversity I just gently talked about. Talking about things other than shellfish in lots. How can we make sure that it's not just bottom culture and off-bottom culture? The off-bottom culture -- if I'm on a HobieCat on the inner Peconic Bay, I want to be able to traverse areas that are four feet deep. And those may be off that 1,000 foot mark. So, don't impede the waterways. It's very important in the inner Peconic. So, what you have to really consider is public use and very high traffic areas.
Finally, what I have had in the back of my mind, with the trustees is, shellfish culture, especially scallops, which is one of my favorite meats. And I can still remember them back in the old days. Spawning sanctuaries.

What I would like to propose is that we coordinate with the people who are managing the inner waterways, the trustees and the Aquaculture Department, and what Fred works with on the north shore, and what John and Wayne is working with, so there is a coordination where if you have places that are off limits for leasing, which are the spawning sanctuaries or the eelgrass areas, that they also be surrounded by a net, where you can't have any kind of leasing of those properties. So there is almost like a zone around those areas that there is no question that you don't have to enforce it to tightly, because there is almost like a buffer zone; all right. That is something that you could look at.

Finally, money. Who is going to provide the money? How much is it going to be? We haven't heard anything about that. Who is it
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going towards? Is it going back towards public
grants? Is it going back to the aquaculture
facility? Is it going back to the Baymen? I'd
like to know the answers to those questions.

Finally, with the enforcement's coming
from the State, I'd like to implore
Suffolk County to set up an independent
enforcement agency, that is independent of the
State. Because the State has a lot to gain by
the losses of Suffolk County; right Dewit?
That's all I have to say. Thank you.

MR. ISLES: Thank you. That completes
the cards handed in at this time. If anyone
else would like to speak, certainly we do have
additional time. You could raise your hand, and
we'll fill out a card quickly. If there is no
one else that would like to speak, I'd like to
give the committee members an opportunity to add
comments they may want to do today. And then
we'll begin to close this meeting. Well give a
second for anybody who may want to make any
comments. I think it has all been very good	onight, and very clear. Karen.

MR. KAREN: There is some information on
the table, if anybody is unfamiliar with shellfish aquaculture, how it is done, and also some information about the economic benefits, if you would like to look at that.

MR. ISLES: Thanks. That completes the hearing for this evening. The kickoff meetings now for the ALPAC have now been completed. We had the Southold meeting last week, and this meeting tonight. I'd like to thank the Town of Southampton for hosting tonight's meeting with John's assistance on that. I'd like to thank all the ALPAC committee members for the very good attendance at both meetings. At this point we'll go forward. Thank you all very much.

(Time noted: 8:42 p.m.)
CERTIFICATE

I, BETHANNE MENNONNA, a Notary Public within and for the State of New York do hereby certify that the foregoing is a true and accurate transcript of the proceedings, as taken stenographically by myself, at the time and place aforementioned.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of March, 2007.

[Signature]

BETHANNE MENNONNA

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