This is an application for a shellfish aquaculture lease for the underwater lands within the Peconic Bay/Gardiners Bay Shellfish Cultivation Zone. This application is for on-bottom and/or off-bottom commercial shellfish cultivation activities, as well as non-commercial shellfish cultivation for experimental/educational or resource restoration purposes. A lease must be executed before the applicant can conduct any shellfish cultivation activities. Once the County approves the lease, the applicant may apply for required permits from the NYSDEC and other regulatory agencies.

EACH LEASE APPLICANT IS REQUIRED TO ATTEND A PRE-APPLICATION MEETING WITH THE COUNTY PRIOR TO COMPLETING AN APPLICATION. PLEASE CALL MS. SUSAN FILIPOWICH AT THE SUFFOLK COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING, DIVISION OF PLANNING AND ENVIRONMENT AT 631-853-4775 TO SET UP A MEETING. AN APPLICATION WILL NOT BE CONSIDERED COMPLETE UNTIL A PRE-APPLICATION MEETING IS HELD.

Suffolk County requires an application fee for Shellfish Aquaculture Lease Program applications, which shall not be applied towards the annual lease rental fee due upon execution of the lease agreement of $200 plus $5 per acre for a lease on County underwater land; or $200 for a lease on private oyster grant.

Shellfish Aquaculture Lease Program Application Fee: $100
Please make your check or money order payable to the Suffolk County Comptroller.

Mailing Instructions:
Subsequent to attending a pre-application meeting, provide one copy of your application to the Suffolk County Department of Economic Development and Planning, Division of Planning and Environment at the address listed below. 2018 Lease Applications must be received by the County by close of business on Friday, February 23, 2018. Applicant shall be notified by receipt when the application was received and accepted as complete by the County. Incomplete applications will be returned.

SUFFOLK COUNTY DEPT. ECONOMIC DEVELOPMENT & PLANNING
DIVISION OF PLANNING & ENVIRONMENT
P.O. Box 6100
H. Lee Dennison Bld. - Second Floor
Hauppauge, NY 11788-0099
ATTN: Ms. Susan Filipowich
DESCRIPTION OF THE LEASE APPLICATION PROCESS

The following information summarizes the process leading to the execution of a shellfish aquaculture lease and subsequent leaseholder program requirements.

1. **Pre-application Meeting:** Prior to completing an application, each lease applicant must contact the Suffolk County Department of Economic Development and Planning to set up a pre-application meeting. Applications submitted without a pre-application meeting will not be considered complete and will not be accepted.

2. **Public Comment Period:** Before the lease can be executed, notice shall be provided for at least two months by posting such notice in the Suffolk County Department of Economic Development and Planning, the Office of the Suffolk County Clerk, the New York State Department of Environmental Conservation Division of Marine Resources, and the Clerk’s Office of the Five East End towns. Such notice shall also be published in the official newspapers of the County. The notice shall include the name of the applicant, the boundaries of the lease, the lease site location, and the lease site identification number. The public will be able to submit written comments on proposed lease sites during this two-month period.

3. **Decision:** In addition to reviewing written comments, which were submitted during the public comment period, the Aquaculture Lease Board (ALB) shall hold two public meetings; at which all the lease sites that were identified in lease applications will be presented for consideration from a regional perspective. The public and lease applicants are invited to attend and speak at each meeting. Upon review of all oral and written public comment, the ALB will make a determination as to which sites will be eligible for lease.

4. **Preparation of Lease:** Subsequent to the second meeting of the ALB, Suffolk County will notify applicants of their proposed lease sites approval or disapproval. Applicants must respond and inform the County of their intention to proceed or withdraw from the lease application process. If necessary, Department staff will conduct the random selection process, to establish applicant priority. Once the County has determined which applicants will be proceeding with the execution of a lease, sites will be surveyed by a licensed land surveyor and lease site survey maps will be prepared. The Department will prepare the lease documents for execution and schedule a day/time for the applicant to come to the Division of Planning and Environment to sign these documents. Once the lease has been executed, an original copy will be sent to the applicant.

5. **Requirements Once a Lease is Issued:** The leaseholder must obtain all permits required by the NYSDEC and other regulatory agencies prior to conducting shellfish cultivation operations on the lease site. Copies of these permits need to be submitted each year. Lease site boundaries must be adequately marked according to requirements and permitting set forth by the US Coast Guard Private Aids to Navigation and the NYSDEC. Continuance of the lease shall be subject to the ability to demonstrate substantial shellfish aquaculture activity. Each leaseholder must complete and submit a Leaseholder Annual Report Form, Suffolk County Form 22, Contractor’s/Vendor’s Public Disclosure Statement, and Annual Lease Rental Fee for each year they hold a lease with the County.
Full Legal Name of Applicant: __________________________________________
(For applicants who are incorporated, partnerships or a LLC, please also complete Attachment B)

If you are a sole proprietor not operating under your personal name, please submit a General Business Certificate issued by the County Clerk for your Business Name.

Street Address: ________________________________________________________
Mailing Address: ________________________________________________________
City, County: ___________________________________________________________
State, Zip: _____________________________________________________________

Telephone #: business _______ home _______ cellular ______________
(Please indicate your preferred contact number *)

Email address: _________________________________________________________

Date of Birth: _________________________________________________________

Social Security No.: ____________________________________________________

Date of Pre-application meeting: __________________________________________

Please list proposed lease sites in priority order:

<table>
<thead>
<tr>
<th>Lease Sites Map ID#</th>
<th>Proposed Site Location: (Town)</th>
<th>(Water body)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
<td></td>
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<tr>
<td>2.</td>
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<tr>
<td>3.</td>
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</tbody>
</table>

If you are a private oyster grant owner and you are applying for multiple grant parcels, a separate application must be submitted for each grant parcel. Please list only one grant parcel in the table above.

Total Acreage Requested (check one):

☐ 10 acres   ☐ 5 acres   ☐ Other __________ acres

If you are a private oyster grant owner, you must submit a copy of your oyster grant deed with this application. According to the deed, please list the official owner(s) of the oyster grant:

________________________________________________________________

If a private oyster grant owner, please indicate your grant’s Suffolk County Tax Map number:

________________________________________________________________
If you are a **private oyster grant owner**, has your grant parcel been surveyed? If yes, please provide a copy of the grant survey, if available.  

☐ Yes  ☐ No  ☐ N/A

If you are a **private oyster grant owner**, are cultivation activities currently taking place on the grant?

☐ Yes  ☐ No  ☐ N/A

If the cultivation of shellfish is occurring on the **private oyster grant**, please indicate on-off-bottom shellfish culture permit number:

________________________________  __________________________________

If you are a **private oyster grant owner**, did the cultivation of species other than oysters taken place on the oyster grant between 1/1/99 – 12/31/08?

☐ Yes  ☐ No  ☐ N/A

**Explanation of Proposed Commercial Lease**

Generally describe the cultivation activities to be conducted on the lease site, using the descriptive categories below. Your answers will be used for general information purposes only. Note that a shellfish aquaculture lease issued by Suffolk County authorizes access to the lease site for conduct of shellfish cultivation activities. **Restrictions on cultivation activities may be included in required permits issued by other relevant agencies.**

Proposed Lease Type (check one):

☐ Commercial  ☐ Experimental/Educational  ☐ Resource Restoration

Proposed Type of Culture Operation (check one):

☐ ON-BOTTOM  ☐ OFF-BOTTOM  ☐ ON/OFF-BOTTOM

Proposed List of Species to be Cultivated (check all that apply):

☐ Eastern Oyster  ☐ Razor Clam

☐ Hard Clam  ☐ Bay Scallop

☐ Blue Mussel  ☐ Other: ___________________________  

(Please list species)

Proposed Culture Gear:

<table>
<thead>
<tr>
<th>Gear Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
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<tr>
<td>2.</td>
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<td>3.</td>
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</tbody>
</table>
Proposed Harvest Method:

________________________________________________________________________

________________________________________________________________________

Potential Shellfish Stock Source (attach additional information if necessary):

<table>
<thead>
<tr>
<th>Hatchery Name</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
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<tr>
<td>3.</td>
<td></td>
</tr>
</tbody>
</table>

Please describe proposed activity on proposed commercial or non-commercial lease site:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

(attach additional information if necessary.)

Planned use of shellfish cultured from non-commercial lease site (e.g., left in-place, harvested for off-site analysis, etc.):

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Has the lease applicant ever been convicted or found guilty of any civil, criminal or administrative violations of the Environmental Conservation Law or other Federal, State or local law, as it pertains to shellfish, finfish, other marine resources, environmental protection, food sanitation, navigation or operation of a vessel?

☐ Yes ☐ No

If yes, explain: ____________________________________________________________________________

________________________________________________________________________

$ 100 Lease Program Application Fee Enclosed: ☐

Please make check or money order payable to the Suffolk County Comptroller.
Lease Application Status Form enclosed (Attachment A): ☐

Are you a Suffolk County Employee? ☐ Yes ☐ No

I hereby state that the information included in this application is true and correct and that I have read and understand the regulations of the New York State Department of Environmental Conservation, and the requirements of the Suffolk County Shellfish Aquaculture Lease Program in Peconic Bay and Gardiners Bay governing shellfish aquaculture.

Full Legal Name of Applicant: ____________________________________________

Print Name of Signer: ____________________________________________________

Title of Signer: _________________________________________________________

Signature: ___________________________ Date: ___________________________

The Application must be executed by an authorized party. If a corporation, the form should be signed by an officer and a certified, duly-adopted corporate resolution authorizing the application should be attached. If a partnership, the form should be signed by a partner. If a LLC, the form must be executed by a managing member, or a manager or other principal.

McKinney’s Penal Law § 175.35 Offering a false instrument for filing in the first degree
A person is guilty of offering a false instrument for filing in the first degree when, knowing that a written instrument contains a false statement or false information, and with intent to defraud the state or any political subdivision, public authority or public benefit corporation of the state, he offers or presents it to a public office, public servant, public authority or public benefit corporation with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office, public servant, public authority or public benefit corporation.

Offering a false instrument for filing in the first degree is a class E felony.

McKinney’s Penal Law § 175.30 Offering a false instrument for filing in the second degree
A person is guilty of offering a false instrument for filing in the second degree when, knowing that a written instrument contains a false statement or false information, he offers or presents it to a public office or public servant with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become part of the records of such public office or public servant.

Offering a false instrument for filing in the second degree is a class A misdemeanor.
Attachment A - Lease Application Status Form

COUNTY OF SUFFOLK
SHELLFISH AQUACULTURE LEASE PROGRAM
LEASE APPLICATION STATUS FORM

Full Legal Name of Applicant: ____________________________________________________________
Street Address: _____________________________________________________________________
Mailing Address: _____________________________________________________________________
Preferred Phone #: ____________________________________________________________________

Proposed Lease Sites in Priority Order

<table>
<thead>
<tr>
<th>Lease Sites Map ID#</th>
<th>Proposed Site Location:</th>
<th>(Town)</th>
<th>(Water body)</th>
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<td>3.</td>
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</tr>
</tbody>
</table>

DO NOT WRITE BELOW THIS LINE
TO BE COMPLETED BY S.C. DIVISION OF PLANNING AND ENVIRONMENT

Date application was received by County: ________________________________
County Representative: ________________________________________________
Status:
   Complete: ____________
   Incomplete: ____________ *

*See attached reasons for incompletion & directions for submitting additional information, if applicable.
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Attachment B – Corporate, Partnership or LLC Lease Applicants

I. **Corporate Applicants** *(discard if not applicable)*

Please provide the following additional information if you are a corporate entity applying for a lease.

C-1. Please list the date and state in which incorporated *(include a copy of the Articles of Incorporation)*:

________________________________________________________________________

C-2. Type of Corporation:  

☐ Domestic Corp.  ☐ Foreign Corp.

*If a Foreign Corp., (i.e., a corporation that was not incorporated in the State of New York), a Certificate of Authority from the NYS Dept. of State, which allows the Corp. to do business in NYS must be submitted.*

C-3. Does this corporation conduct business under a different name other than the legal corporate name?  

☐ Yes  ☐ No

*If yes, please submit a General Business Certificate issued by the Suffolk County Clerk for your Business Name.*

C-4. Federal Tax ID No. (EIN):

________________________________________________________________________

C-5. Please list the names and addresses of all shareholders, who own or control at least 5% of the outstanding stock and the percentage of the outstanding stock currently owned or controlled by each such shareholder:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

C-6. Please list the names and addresses of all directors:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

C-7. Please list the names, addresses and **titles** of all officers:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

C-8. Is the certified and duly adopted corporate resolution, which authorizes entry into the subject Shellfish Aquaculture Lease with the County of Suffolk, enclosed?  

☐ YES
C-9. Has the corporation, or any shareholder, director, or officer applied for a Suffolk County shellfish aquaculture lease for underwater lands in Peconic Bay or Gardiners Bay in the past?  
☐ Yes  ☐ No

If yes, state the outcome or current status of that application or lease:
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

C-10. Please list the names and addresses of shareholders, directors, or officers owning an interest, either directly or beneficially, in any other New York State shellfish cultivation operation as well as the location and quantity of acreage attributed to each such person:
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

C-11. Has the corporation or any officer, director or shareholder ever been convicted or found guilty of any civil, criminal or administrative violations of the Environmental Conservation Law or other Federal, State or local law, as it pertains to shellfish, finfish, other marine resources, environmental protection, food sanitation, navigation or operation of a vessel?  
☐ Yes  ☐ No

If yes, explain:
________________________________________________________________________
________________________________________________________________________
(Attach additional sheets if necessary)

Full Legal Name of Applicant: ________________________________________________

Print Name of Signer: _______________________________________________________

Title of Signer: ____________________________________________________________

Signature: ___________________________ Date: ________________________________

The Application must be executed by an officer and must be accompanied by a certified, duly adopted corporate resolution authorizing the application.

McKinney’s Penal Law § 175.35 Offering a false instrument for filing in the first degree
A person is guilty of offering a false instrument for filing in the first degree when, knowing that a written instrument contains a false statement or false information, and with intent to defraud the state or any political subdivision, public authority or public benefit corporation of the state, he offers or presents it to a public office, public servant, public authority or public benefit corporation with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become part of the records of such public office, public servant, public authority or public benefit corporation.

Offering a false instrument for filing in the first degree is a class E felony.

McKinney’s Penal Law § 175.30 Offering a false instrument for filing in the second degree
A person is guilty of offering a false instrument for filing in the second degree when, knowing that a written instrument contains a false statement or false information, he offers or presents it to a public office or public servant with the knowledge or belief that it will be filed with, registered or recorded in or other wise become part of the records of such public office or public servant.

Offering a false instrument for filing in the second degree is a class A misdemeanor.
II. **Partnership Applicants** (discard if not applicable)

Please provide the following additional information if you are a Partnership or Limited Partnership (LP) applying for a lease.

P-1. Please list the date and state in which the partnership was formed *(include a copy of either the Certificate of LP or documentation of the formation of a General Partnership):*

________________________________________

P-2. Does this partnership conduct business under a different name other than the legal partnership’s name?  

☐ Yes  ☐ No

*If yes, please submit a General Business Certificate issued by the Suffolk County Clerk for your Business Name.*

P-3. Federal Tax ID No. (EIN): ____________________________

P-4. Please list the names, addresses, and ownership shares of partners:

________________________________________

________________________________________

________________________________________

P-5. Has the partnership or any partner applied for a Suffolk County shellfish aquaculture lease for the underwater lands of Peconic Bay or Gardiners Bay in the past?  

☐ Yes ☐ No

*If yes, state the outcome or current status of that application or lease:*

________________________________________

________________________________________

P-6. State whether the partnership (or either partner) owns an interest, either directly or beneficially, in any other New York State shellfish cultivation operation as well as the location and quantity of acreage from the existing operation:

________________________________________

________________________________________

P-7. Has the partnership or any partner been convicted or found guilty of any civil, criminal or administrative violations of the Environmental Conservation Law or other Federal, State or local law, as it pertains to shellfish, finfish, other marine resources, environmental protection, food sanitation, navigation or operation of a vessel?  

☐ Yes ☐ No

*If yes, explain:______________*  

*(Attach additional sheets if necessary)*
Full Legal Name of Applicant: ____________________________________________

Print Name of Signer: _________________________________________________

Title of Signer: ______________________________________________________

Signature: ____________________________________________________________ Date: ______________

The Application must be executed by a partner.

McKinney’s Penal Law § 175.35 Offering a false instrument for filing in the first degree
A person is guilty of offering a false instrument for filing in the first degree when, knowing that a written instrument contains a false statement or false information, and with intent to defraud the state or any political subdivision, public authority or public benefit corporation of the state, he offers or presents it to a public office, public servant, public authority or public benefit corporation with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office, public servant, public authority or public benefit corporation.

Offering a false instrument for filing in the first degree is a class E felony.

McKinney’s Penal Law § 175.30 Offering a false instrument for filing in the second degree
A person is guilty of offering a false instrument for filing in the second degree when, knowing that a written instrument contains a false statement or false information, he offers or presents it to a public office or public servant with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become part of the records of such public office or public servant.

Offering a false instrument for filing in the second degree is a class A misdemeanor.
III. **Limited Liability Company (LLC) Applicants** *(discard if not applicable)*

Please provide the following additional information if you are a LLC applying for a lease.

L-1. Please list the date and state in which the LLC was formed *(include a copy of the Articles of Organization)*:

________________________________  __________________________________

L-2. Type of LLC:  
- [ ] Domestic LLC  
- [ ] Foreign LLC

*If a Foreign LLC, (i.e., a LLC that was not formed in the State of New York), a Certificate of Authority from the NYS Dept. of State, which allows the LLC to do business in NYS must be submitted.*

L-3. Does this LLC conduct business under a different name other than the legal LLC name?  
- [ ] Yes  
- [ ] No

*If yes, please submit a General Business Certificate issued by the Suffolk County Clerk for your Business Name.*

L-4. Federal Tax ID No. (EIN): ________________________________________________

L-5. Please list the names, addresses, and ownership interest of all members:

________________________________  __________________________________

________________________________  __________________________________

________________________________  __________________________________

________________________________  __________________________________

L-6. Please list the names, addresses, titles and ownership interest (if any) of all persons authorized to manage the LLC and to enter into contracts:

________________________________  __________________________________

________________________________  __________________________________

________________________________  __________________________________

________________________________  __________________________________

L-7. Is a copy of the LLC’s Operating Agreement enclosed?  
- [ ] YES
L-8. Is the certified resolution that lists all of the members, states who is authorized to manage the LLC, and authorizes entry into the subject Shellfish Aquaculture Lease with the County of Suffolk, enclosed?  
☐ YES

L-9. Has the LLC or any member applied for a Suffolk County shellfish aquaculture lease for the underwater lands of Peconic Bay or Gardiners Bay in the past?  
☐ Yes ☐ No  

If yes, state the outcome or current status of that application or lease:

________________________________
________________________________

L-10. State whether the LLC or any member owns an interest, either directly or beneficially, in any other New York State shellfish cultivation operation, as well as the location and quantity of acreage from the existing operation:

________________________________
________________________________
________________________________

L-11. Has the LLC or any member been convicted or found guilty of any civil, criminal or administrative violations of the Environmental Conservation Law or other Federal, State or local law, as it pertains to shellfish, finfish, other marine resources, environmental protection, food sanitation, navigation or operation of a vessel?  
☐ Yes ☐ No  

If yes, explain: __________________________________________________________  
(Attach additional sheets if necessary)

Full Legal Name of Applicant: ____________________________________________

Print Name of Signer: ___________________________________________________

Title of Signer: _________________________________________________________

Signature: _______________________________ Date: _________________________

The Application must be executed by a managing member, or a manager or other principal designated in question L-4.

McKinney’s Penal Law § 175.35 Offering a false instrument for filing in the first degree
A person is guilty of offering a false instrument for filing in the first degree when, knowing that a written instrument contains a false statement or false information, and with intent to defraud the state or any political subdivision, public authority or public benefit corporation of the state, he offers or presents it to a public office, public servant, public authority or public benefit corporation with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office, public servant, public authority or public benefit corporation.

Offering a false instrument for filing in the first degree is a class E felony.

McKinney’s Penal Law § 175.30 Offering a false instrument for filing in the second degree
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Offering a false instrument for filing in the second degree is a class A misdemeanor.