



SUFFOLK COUNTY SHELLFISH AQUACULTURE LEASE PROGRAM LEASE ASSIGNMENT APPLICATION

This is an application for the assignment of an existing shellfish aquaculture lease site within the Shellfish Cultivation Zone in Peconic Bay/Gardiners Bay. The current leaseholder (assignor), as the applicant, must initiate the lease assignment application process and must submit a completed Leaseholder Annual Report form, along with this application to the Department of Economic Development and Planning, Division of Planning & Environment. Before the proposed assignee can conduct any shellfish cultivation activities on the lease site, a lease assignment must first be executed.

THE PROPOSED ASSIGNEE IS REQUIRED TO ATTEND A PRE-APPLICATION MEETING WITH THE COUNTY PRIOR TO THE SUBMISSION OF THIS 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 SCHEDULE A MEETING. AN APPLICATION WILL NOT BE CONSIDERED COMPLETE UNTIL A PRE-APPLICATION MEETING IS HELD.

Suffolk County requires a **non-refundable** application fee for Shellfish Aquaculture Lease Program lease assignment applications, which shall **not** be applied towards the first payment of the annual lease rental fee.

Shellfish Aquaculture Lease Program Lease Assignment Application Fee: \$100

Please make your check or money order payable to the *Suffolk County Treasurer* and submit with your application.

Mailing Instructions:

Provide one copy of your Lease Assignment Application, Leaseholder Annual Reporting form and Application Fee to the Suffolk County Division of Planning & Environment at the address listed below. The assignor and proposed assignee shall be notified upon receipt when the application has been reviewed and accepted as complete by the County, or if the application is incomplete.

SUFFOLK COUNTY DEPT. ECONOMIC DEVELOPMENT & PLANNING
DIVISION OF PLANNING & ENVIRONMENT
P.O. Box 6100
H. Lee Dennison Bld. - Fourth Floor
Hauppauge, NY 11788-009
ATTN: Ms. Susan Filipowich

DESCRIPTION OF THE LEASE ASSIGNMENT APPLICATION PROCESS

The following information summarizes the process leading to the approval of a shellfish aquaculture lease assignment.

1. **Pre-application Meeting:** Prior to completing an application, the proposed assignee must contact the Suffolk County Division of Planning & Environment to set up a pre-application meeting. The assignor has the option to either attend this pre-application meeting or participate via conference call. All applicants are required to bring a current government-issued identification document (e.g., driver's license) to this meeting. Applications submitted without a pre-application meeting, involving both parties will not be considered complete and will not be accepted.
2. **Public Comment Period:** Before the assignment can be approved, notice shall be provided for at least two months by posting such notice in the Suffolk County Division of Planning & Environment, the Office of the Suffolk County Clerk, the New York State Department of Environmental Conservation Bureau of Marine Resources, and the Clerk's Office in all East End towns. Such notice shall also be published in the official newspaper of the County. The notice shall include the name of the current leaseholder (assignor), the name of the proposed assignee, the lease site identification number, the lease site location, and lease site coordinates. The public will be able to submit written comments to the Division of Planning and Environment on the proposed lease site assignment during this two-month period.
3. **Decision:** The County will make a determination as to whether or not the assignment is approved. All comments submitted during the public comment period will be taken into consideration by the County during the lease assignment application review process. If the application is not approved, the assignor and proposed assignee will receive a letter either denying the application, or requesting additional information. If approved, the County will contact the assignor and proposed assignee and notify them of the same.
4. **Preparation of Lease:** Once the County has approved the lease assignment, staff will proceed with the lease assignment execution process. Staff will prepare the lease assignment documents for execution and schedule a date and time for the assignor and proposed assignee to come to the Division of Planning & Environment and sign the lease assignment documents. Once the lease assignment has been executed and recorded in the Office of the Suffolk County Clerk, an original copy will be sent to the assignee officially designating them as the leaseholder. A certified copy will be sent to the assignor notifying them of the same.
5. **Requirements Once a Lease is Issued:** The party to whom the lease is being assigned must obtain all permits required by the NYSDEC and other regulatory agencies prior to conducting shellfish cultivation operations on the lease site. 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. Maintenance of the lease shall be subject to the ability to demonstrate substantial shellfish aquaculture activity. Each leaseholder must complete and submit the Annual Leaseholders Reporting Form, Suffolk County Form 22, *Contractor's/ Vendor's Public Disclosure Statement*, and Annual Lease Rental Fee each year he or she holds the lease.

**SHELLFISH AQUACULTURE LEASE PROGRAM
LEASE ASSIGNMENT APPLICATION**

Current Leaseholder's Information (Assignor)

Full Legal Name of Assignor: _____

(For Assignors who do not attend the pre-application in person, please submit a copy of a driver's license with this application.)

Street Address: _____

Mailing Address: _____

City, County: _____

State, Zip: _____

Telephone: business _____ home _____ cellular _____

Email address: _____

Federal Tax ID No. **or** Social Security No.: _____

SCALP ID#: _____

Term of Lease: _____

Proposed Assignee's Information (attach additional information on separate sheets)

Full Legal Name of Assignee: _____

(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 _____

Email address: _____

Date of Birth: _____

Federal Tax ID No. **or** Social Security No.: _____

Date of Pre-application meeting: _____

Identify shellfish cultivation leases, if any, presently held by the proposed assignee:

<u>Lease Sites Map ID#</u>	<u>Site Location</u> (Town) (Water body)

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

Please indicate lease acreage amount: _____ Acres

If a **private oyster grant**, please indicate Suffolk County Tax Map number:

If this assignment is for a lease overlay on a private oyster grant, please submit a copy of the deed with this application. According to the deed, please identify the official owner of the oyster grant:

Proposed Lease Type (please check one):

- Commercial Experimental/Educational Resource Restoration

Explanation of Proposed Commercial Lease Project

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. Please note that a shellfish aquaculture lease issued by Suffolk County only 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 Type of Culture Operation (please 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:

	<u>Gear Type</u>	<u>Amount</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____

Proposed Harvest Method:

Potential Shellfish Stock Source:

	<u>Hatchery Name</u>	<u>Location</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____

Please explain 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 Proposed Assignee 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 Assignment Application Fee Enclosed:

Please make check or money order payable to the *Suffolk County Treasurer*.

Lease Application Status Form enclosed (Attachment A):

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. I understand that by submitting this Lease Assignment Application, I am applying to transfer all of my rights and privileges granted to me by the Suffolk County Shellfish Aquaculture Lease Program Shellfish Aquaculture Lease Agreement to the Proposed Assignee. After the Assignment Document is executed, I will no longer be authorized to conduct shellfish aquaculture at the Lease Site under the Lease with the County of Suffolk.

Full Legal Name of Assignor: _____

Print Name of Signer: _____

Title of Signer: _____

Signature of Assignor: _____ **Date:** _____

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

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. I understand that by signing this Lease Assignment Application, I am applying for the remaining years of the Lease Term specified in the Assignor's Shellfish Aquaculture Lease Agreement and I will be responsible for meeting all requirements stated in the Shellfish Aquaculture Lease Agreement.

Full Legal Name of Assignee: _____

Print Name of Signer: _____

Title of Signer: _____

Signature of Assignee: _____ **Date:** _____

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

Attachment A - Lease Application Status Form



**COUNTY OF SUFFOLK
SHELLFISH AQUACULTURE LEASE PROGRAM
LEASE ASSIGNMENT APPLICATION STATUS FORM**

Current Leaseholder's Information (assignor)

Full Legal Name of Assignor: _____

Mailing Address: _____

Phone: _____

<u>Lease Sites Map ID#</u>	<u>Site Location:</u> (Town)	(Water body)

Proposed Assignee's Information

Full Legal Name of Assignee: _____

Mailing Address: _____

Phone: _____

DO NOT WRITE BELOW THIS LINE

TO BE COMPLETED BY S.C. DIVISION OF PLANNING & ENVIRONMENT

Date & Time Application Received by County: _____

County Representative: _____

Contact Information: _____

Status:

Complete: _____

Incomplete: _____ *

*See Attached Summary of Reasons for Incomplete & 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. The date and state in which incorporated *(include a copy of the Certificate and Articles of Incorporation)*: _____

C-2. Does this corporation conduct business under a different name other than the legal corporate name? Yes No

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

C-3. Please list the names, addresses and titles of all officers:

C-4. Please list the name and addresses of all directors:

C-5. 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-6. 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-7. 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 quantity of acreage attributed to each such person:

C-8. 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 Assignee: _____

Print Name of Signer: _____

Title of Signer: _____

Signature of Assignee: _____ **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 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 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** applying for a lease.

P-1. The date and state in which the partnership was formed *(include a copy of either the Certificate of Limited Partnership 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 so, please submit a General Business Certificate issued by the Suffolk County Clerk for your Business Name.

P-3. Please list the names, addresses, and ownership shares of all partners:

P-3. 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-4. State whether the partnership (or any partner) owns an interest, either directly or beneficially, in any other New York State shellfish cultivation operation as well as the quantity of acreage from the existing operation:

P-5. 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 Assignee: _____

Print Name of Signer: _____

Title of Signer: _____

Signature of Assignee: _____ **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 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.

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. The date and state in which the LLC was formed *(include a copy of the Articles of Organization and Operating Agreement)*:

L-2. Does this LLC conduct business under a different name other than the legal LLC name?
 Yes No

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

L-3. Please list the names, addresses, and ownership interest of all members:

L-4. Please list the names, addresses, titles and ownership interest (if any) of all persons authorized to manage the LLC and to enter into contracts. You must submit a 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. This resolution must be executed by all of the members and managers. All signatures on the resolution must be acknowledged.

L-5. 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-6. 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 quantity of acreage from the existing operation:

L-7. 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 Assignee: _____

Print Name of Signer: _____

Title of Signer: _____

Signature of Assignee: _____ **Date:** _____

The Application must be executed by a managing member, or a manager or other principal designated in question L-3.

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.