

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

**MEETING SUMMARY
August 13, 2008
Meeting Number 17**

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

Start/End: 4:00 p.m. / 6:30 p.m.

Attending: *Members/Alternates*
Thomas Isles, DeWitt Davies, Christina DeLisi (representing Hon. Jay Schneiderman), Kimberly Paulsen, Todd Stebbins, Robert Whelan, Debra Barnes, Arnold Leo, Gregg Rivara, John Aldred, Wayne L. Grothe, James McMahan, Victor Bethge, Karen Rivara, Cornelia Schlenk, William Wise, Edward J. Warner, Jr.

Staff
Lauretta Fischer, Jennifer Kohn, Michael Mulé, Susan Filipowich, Barbara DelGiudice

Others
Gregory Greene, Keith Brewer, Kimberly Somers, David Relyea, Floyd Carrington, Dean Yaxa, Steven Lang, Dennis J. Quaranta, Michael Kujawa, Kevin McAllister, Florence Sharkey

Materials

Distributed: Meeting Agenda; June 26, 2008 ALPAC Meeting Summary; Correspondence/Communications (DeWitt Davies' email to James Gilmore dated July 3, 2008; email from John Aldred dated July 28, 2008; Letter from Robert Rheault dated June 26, 2008; Bill Pell's email to Hon. Jay Schneiderman dated June 30, 2008; NOAA News article - "*Seafood Consumption Declines Slight in 2007*," provided by Karen Rivara; Los Angeles Times article - "*A warning from the sea - Oyster 'seeds' are dying as Pacific Coast waters grow warmer*," provided by Karen Chytalo; Atlantic States Marine Fisheries Commission [ASMFC] report - "*Guidance Relative to Development of Responsible Aquaculture Activities in Atlantic Coast States*" [2002], provided by Debra Barnes; "*A Study of the Scallop Population at both Lake Montauk and Three Mile Harbor, East Hampton, New York*" [1973], referenced in the July 28, 2008 email from John Aldred; background/contact information on the "*2008 National Symposium on Shellfish and the Environment*," provided by John Aldred; and an email from John Aldred dated August 12, 2008); Maximum acreage that could be potentially leased (draft chart); Resolution No. 610-2008 adopted by S.C. Legislature on August 5, 2008 information sheet; Draft Program Schedule.

Note: copies of all the above are available and can be obtained by request from Ms. Barbara DelGiudice (Barbara.Delgiudice@suffolkcountyny.gov/631-853-5111).

Welcome and Introductions

Chairman Thomas Isles began the meeting by giving a quick overview of the agenda, to include updates on comments of the Draft DGEIS, update on revised *Administrative Guidance* document and a summary of work conducted at previous meetings. T. Isles introduced Susan Filipowich, a new staff member with the Suffolk County Department of Planning that will be assisting with the administration of the lease program.

Review of June 26, 2008 ALPAC Meeting Summary

T. Isles asked the committee for comments regarding the June 26, 2008 ALPAC Meeting Summary. Arnold Leo stated that his comment regarding hydraulic dredging on page 7 of the meeting summary should be corrected. Hence, the second sentence in the first paragraph on p.7 is amended to read as follows:

A. Leo stated that hydraulic dredging would need at least 10-acre leases, and would not be practical on 5-acre leases; and should only be used to harvest cultured stock and be subject to NYSDEC approval.

No other comments were received and the document was accepted.

Correspondence, Communications and Updates

DeWitt Davies gave a brief summary of the correspondence and communications that the County has received regarding the lease program since the last ALPAC meeting on June 26, 2008. Correspondence via email and letters received and discussed were submitted by DeWitt Davies regarding his email dated July 3, 2008 to James Gilmore of NYSDEC requesting additional information regarding NYSDEC Bureau of Marine Resources' written comments (June 24, 2008) on the program DGEIS, and email response from Debra Barnes (July 24, 2008) with attached reference list and TMAUA procedures; an email from John Aldred to DeWitt Davies dated July 28, 2008 regarding comments on the *Administrative Guidance* document (Second Draft dated June 26, 2008); a letter from Robert Rheault dated June 26, 2008 summarizing his comments from the June 26, 2008 ALPAC meeting; an email from Bill Pell to Hon. Jay Schneiderman dated June 30, 2008 regarding hydraulic dredging; a NOAA News article titled, *Seafood Consumption Declines Slight in 2007*, submitted by Karen Rivara; a Los Angeles Times article titled, *A warning from the sea – Oyster 'seeds' are dying as Pacific Coast waters grow warmer*, submitted by Karen Chytalo; the Atlantic States Marine Fisheries Commission (ASMFC) Report – *Guidance Relative to Development of Responsible Aquaculture Activities in Atlantic Coast States* (2002), provided by Debra Barnes; *A Study of the Scallop Population at both Lake Montauk and Three Mile Harbor, East Hampton, New York* (1973), referenced in the July 28, 2008 email from John Aldred; background/contact information on the *2008 National Symposium on Shellfish and the Environment* provided by John Aldred; and, an email from John Aldred dated August 12, 2008 with preliminary results of ground-truthing assessments of potential lease sites carried out in East Hampton.

D. Davies informed the group that the *Underwater Land Title Search Data Report* completed by the Suffolk County Department of Planning has been posted on the project website (<http://www.suffolkcountyny.gov/departments/planning/Environmental%20Analysis.aspx>).

Michael Mulé informed the group that he received a phone call from Victor Bethge, regarding potential buoy conflicts. M. Mulé clarified that buoys used to mark the perimeter of a lease would have to comply with US Coast Guard standards and that internal buoy types used for cages and submerged gear would be at the discretion of the grower.

D. Davies stated that Wayne Grothe provided the ALPAC members with The Nature Conservancy's new brochure titled, *The Importance of Shellfish in the Peconic Estuary*, which will be distributed to the public in east end newspapers.

Survey of Lease Boundaries (Res. No. 610-2008)

D. Davies stated that the Boundary Survey Resolution was approved by the EPA Legislative Committee on July 28, 2008 and subsequently adopted by the Suffolk County Legislature on August 5, 2008. D. Davies explained that this resolution will provide funding for lease boundary surveys during the early years of the program.

Draft Shellfish Cultivation Zone Map

Gregory Greene, Cashin Associates (CA), provided the group with background information regarding the Winergy Power LLC property located in Gardiners Bay, south of Plum Island. G. Greene stated that this site was initially considered in the Shellfish Cultivation Zone, but was then removed. He stated that there was a request now to include the site into the Shellfish Cultivation Zone. G. Greene informed the group that the water column lease on the Winergy site in effect restricts other users from the site. If the site is included into the Shellfish Cultivation Zone it would be treated as a fallow grant, limited to two 10-acre leases, and would follow a full lease application process, including a public notice and comment period. G. Greene further stated that the Winergy site provides the potential for a variety of shellfish aquaculture operations due to the different nature of the site, such as deeper and colder water and good circulation. James McMahon voiced his agreement that the site could provide an opportunity to conduct different types of shellfish culture.

William Wise questioned when the water column lease on the site expires. G. Greene replied that the water column lease issued by NYS Office of General Services expires in 2037.

G. Greene stated that based on input received at the last ALPAC meeting, some of the 20-acre parcels within the Shellfish Cultivation Zone Map have been revised. G. Greene stated that potential lease sites located south of Robins Island were removed because of recreational fishing conflicts in this area. He also stated that the south side of Shelter Island where no cultivation zone is identified may be revised to show some parcels available for leases. No other comments were made, and noting general agreement, T. Isles indicated that the Shellfish Cultivation Zone would be amended to include the Winergy Power LLC leased site and the other more general changes mentioned.

John Aldred inquired about the finalization process of the Shellfish Cultivation Zone Map. T. Isles stated that it must be approved and adopted by the County Legislature. D. Davies added that the finalization process may include modifications to the appearance of the map in order to make it more understandable.

Final Generic Environmental Impact Statement (August 13, 2008 Draft)

D. Davies stated that the FGEIS handed out to the ALPAC members is an updated version from the email sent on August 6, 2008. D. Davies informed the group that the handout version is a preliminary draft and does not include all of the appendices that will be included in the final version. D. Davies added that some of the responses to comments are still under review.

D. Davies discussed the maximum acreage for shellfish cultivation leases achievable under the proposed lease program, which was stated as 2,966 acres. D. Davies explained that this acreage is representative of the maximum acreage that could be potentially leased during the first 10 years of the program. D. Davies added that the 2,966 acres is 2.7% of the 110,000 acres of underwater land subject to County jurisdiction, 1,596 acres of which are already permitted for culture by NYSDEC; which leaves 1,370 acres of additional underwater land that may be subject to lease.

Cornelia Schlenk asked what category of the maximum acreage handout would the educational/experimental lease acreages fall under. D. Davies replied that the acreage for such leases was not included in the maximum acreage for shellfish cultivation, as depicted in the handout, and will not be part of the total acreage cap.

A. Leo asked about the acreage of grants that are used to cultivate species other than oysters. D. Davies replied that it would not be considered as part of the acreage cap for new aquaculture leases. G. Greene added that those lands are already committed to shellfish aquaculture and it would not be considered as new land for aquaculture. D. Davies stated that the acreage descriptions on the maximum acreage handout will be edited in response to A. Leo's comment to show the acreage of leases that could be issued on grants that are now permitted to cultivate oysters only.

Keith Brewer of CA provided a brief overview of the revisions made to the FGEIS that was sent to ALPAC members via email on August 6, 2008.

Kimberly Somers gave a brief overview of the changes made to the Lease Program Components made in response to comments received on the DGEIS.

J. Aldred asked who would be required to perform the ground-truthing study. G. Greene replied that the lease applicant would not perform the ground-truthing and that an independent, qualified person would be used and would have to follow the sampling protocol described in the *Administrative Guidance* document.

W. Wise questioned the acreage amount eligible for grant holders who are only cultivating shellfish on a small portion of a grant; whether only the active portion of the grant or the entire grant would be eligible for a lease. D. Barnes replied that sometimes the DEC culture permits specify the allowable acreage for the cultivation of other species on a grant, but it will not state where on the grant cultivation should take place.

Dean Yaxa (private oyster grant holder) commented that he was asked by the DEC where exactly the clams he intended on planting were going to be cultivated on his grant when he applied for a permit. He added that grant holders with culture permits for other species should be able to use their entire grant for the species permitted.

G. Greene gave an overview of the framework for the Findings Statement for the FGEIS. He explained that the Findings Statement will be based on the Scoping, Public Hearing, DGEIS, and FGEIS, and stated that the Findings Statement is required before an agency can act on a program. It serves as a record of the decisions made, and summarizes any adverse impacts and how they will be mitigated.

G. Greene also gave an overview of the hydraulic dredging section in Appendix E of the FGEIS. D. Davies added that the hydraulic dredging operations performed on the former Bluepoints Company's underwater land harvested less than 5% of cultured stock and approximately 95% of wild stock during peak production years in the early 1980s.

T. Isles stated that the FGEIS will continue to be reviewed and that any comments from ALPAC members regarding the document should be submitted to the County by August 20, 2008.

W. Wise asked how the DEC will deal with the increased workload if the Shellfish Aquaculture Lease Program is successful. D. Barnes replied that new aquaculture growth will likely be equivalent to the annual workload associated with the Temporary Marine Area Use Assignment Program (TMAUAs). D. Barnes added that the tradeoff would be that the DEC would not have to deal with the TMAUA program, and that the workload for the review and permitting of new leases would not be overwhelming.

G. Greene stated that the lease application process could be altered to extend invitations to Towns/Trustees for the pre-application meeting, if this were to be helpful to the Towns.

J. Aldred stated that the pre-application meeting should be structured so that people would not have to travel to the County's office in Hauppauge several times; the timeframe should be refined to group lease applications in the same townships together.

Gregg Rivara stated that on page 51 of the FGEIS, the references to the sea scallop and cutterhead dredges should be removed.

C. Schlenk stated that positive impacts should also be included in the FGEIS. G. Greene replied that such comments could be included.

Program Schedule

D. Davies discussed the draft program schedule handout, and that adjustments would be made according to how work progressed.

Next ALPAC Meeting

Wednesday October 29, 2008, second floor conference room, Cornell Cooperative Extension of Suffolk County, Riverhead, New York. At this meeting, draft four of the guidance document and *Draft Program Management Report* will be discussed. (Note: This meeting was subsequently cancelled, and re-scheduled for December 11, 2008.)

Public Portion/Comments

David Relyea – complimented Suffolk County, ALPAC and CA’s efforts in the development of the lease program.

Florence Sharkey – questioned how many species would be permitted to be cultured under a lease, and who would be responsible for accident insurance under the proposed program. D. Barnes replied that culture on leases would be limited to native bivalves. G. Greene replied that the County Law Department will be reviewing liability issues of the lease holder.

The meeting was adjourned at 6:30 p.m.