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SHELLFISH AQUACULTURE LEASE PROGRAM
IN PECONIC AND GARDINERS BAYS
KICKOFF MEETING
-----X

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

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

ACCURATE COURT REPORTING SERVICE, INC.
6 Frances Lane
Port Jefferson, New York 11777
(631) 331 - 3753

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A P P E A R A N C E S

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Edward Bausman - Committee Member

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David Conover - Committee Member

6

Debra Barnes - Committee Member

7

John Aldred - Committee Member

8

Edward Warner, Jr. - Committee Member

9

Arnold Leo - Committee Member

10

Cornelia Schienk - Committee Member

11

Wayne Grothe - Committee Member

12

Gregg Rivara - Committee Member

13

Edwin Cohen - Committee Member

14

David Lessard - Committee Member

15

Jon S. Semlear - Committee Member

16

Stuart Heath - Committee Member

17

Karen Rivara - Committee Member

18

James McMahon - Committee Member

19

Dewitt Davies - Project Manager

20

Michael Mulay - Department of Planning

21

Michelle Weis - Department of Planning

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Jeffrey Kassner - Cashin Associates

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(Continued on following page)

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25

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2 APPEARANCES CONTINUED

3

4 MEMBERS OF THE PUBLIC

5 Mario Corraia

6 Robert Wemyss

7 Jeff Kraus

8 Larry Penney

9 Fred Carrington

10 Bill Pelle

11 Ian Berlick

12 Bob McAlemy

13 Lynn Mendelton

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2 MR. ISLES: I'd like to welcome everyone
3 to the second public kickoff meeting of ALPAC,
4 as we call it, which is the Aquaculture Lease
5 Program Advisory Committee. Since we are in a
6 public building, I would like to start with the
7 Pledge of Allegiance, lead by Lieutenant
8 Lessard.

9 (Whereupon, the Pledge of Allegiance was
10 recited.)

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

20 Let me begin by doing an introduction of
21 the Committee members that are here today,
22 provide a brief explanation of what the role is
23 of the committee, talk to you about the format
24 of tonight's meeting, and then start the
25 program.

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2 To my left, to your right, is Edward
3 Warner, representing the Town of Southampton
4 Trustees. To his left is Johnson Lear, also
5 from the Town of Southampton. Next we have
6 Cornelia Schienk from Seagrass, New York. Next
7 we have Wayne Grothe from the Nature
8 Conservancy. Following is Gregg Rivara from
9 Cornell Cooperative Extension. Edwin Cohen from
10 the Suffolk County Department of Public Works.
11 Ed is an engineer surveyor who is involved in
12 some of the earlier issues with the land grants.
13 Lieutenant David Lessard, from the Town of
14 Riverhead. Arnold Leo from the Town of
15 East Hampton. I apologize for the members who
16 are turning your backs. As we go along with the
17 presentation, you can turn your chairs and try
18 and make this work.

19 Next we have Stuart Heath, also from the
20 Town of East Hampton. Karen Rivara from East
21 End Farmers Marine Association. Edward Bausman
22 from Town of Shelter Island. Dr. David Conover,
23 from the Marine Science Research Center, SUNY
24 University at Stony Brook. Debra Barnes
25 representing New York State DEC, an alternate to

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2 Gordon Colden. And John Aldred, also from the
3 Town of East Hampton.

4 This is the second meeting of this
5 group. We held a meeting last week at the
6 Town of Southold. We welcome everyone here
7 tonight. There are a few familiar faces from
8 last weeks meeting, and a few new faces.

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

17 As you will hear tonight, there are
18 obviously issues and a process that is to be
19 followed. State law has to be modify to enable
20 this process to go forward. A determination of
21 whether a lease program will put into effect and
22 what the nature of that may be has not yet been
23 made. It's the purpose of this process and
24 committee to assist in advising the County
25 Executive, advising the County Legislator on

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2 what should or should not be done and also,
3 helping us with the public outreach process with
4 public participation.

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

18 The second part of the meeting is to
19 hear from you. We do have sign-in cards which
20 we would like you to fill out, if you would like
21 to speak. We have indicated we do have to limit
22 the time for speaking, perhaps to as little as
23 two minutes. If we have more time, we'll try to
24 provide it. It worked out fine last week, by
25 giving a little bit of extra time that we can

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2 accommodate. We also will receive written
3 testimony. We do have one item I will read into
4 the record, when we do get to that portion of
5 the meeting. That's, fundamentally, the program
6 for tonight, the two parts to it.

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

23 Let me begin by introducing the project
24 leader and manager, Dr. Dewit Davies, from the
25 Suffolk County Planning Department, Chief

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2 Environmental Analyst, who will be making an
3 introduction in a moment. Let me also introduce
4 here tonight is Loretta Fisher from the
5 Suffolk County Planning Department, Principal
6 Environmental Analyst. Also, Michael Mulay from
7 the Planning Department, who is right over
8 there. And Michelle Weis, Environmental Planner
9 with the Department as well.

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

19 Finally, let me point out too that we do
20 have a record of this meeting maintained, a
21 stenographic record, so please speak one person
22 at a time. And we have the pleasure tonight of
23 this program is going to be carried over, I
24 think it's call Sea-22, if I'm correct on that,
25 in terms of local television network. There is

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2 further multiple broadcasts of this event. With
3 that, I'd like to introduce Dewit Davies.

4 MR. DAVIES: Good evening everyone.

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

18 We had other recommendations which
19 perhaps were not as favorably reviewed, things
20 at Fort Pond Bay. I think I saw Larry Penney.
21 You remember all the watershed studies we were
22 involved in Acquaboug, Montauk, etcetera. Good
23 things came out of those also. Loretta had been
24 involved in Randy's study of the Peconic Estuary
25 Program, open space acquisition for a long time.

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2 And out two new staff members: Michelle Weis,
3 Southampton College, Marine Science Research
4 Center graduate who has done research on hard
5 clams in the Great South Bay. And Mike Mulay,
6 graduate of the University of Rhode Island and
7 the masters program up there. You'll be hearing
8 a lot about these people, in terms of their
9 interaction in the next 18 months or so.

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

18 Okay. Michelle, dim the lights a little
19 bit. Now I can't read anything. This is the
20 agenda that you have in the packet that was
21 distributed. We'll glance through this quickly
22 a little bit. We'll talk a little bit about the
23 background of the program. Our consultants,
24 Cashin Associates, will talk about the actual
25 work program that they will address in the next

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2 18, 19 months. We have Greg Greene, Jeff
3 Kassner here who will be introducing other
4 members of their group. After they are through
5 with the description of the project, we'll come
6 back to the Department of Planning to learn a
7 little bit about the current practices that are
8 underway, the modes of access that exist at this
9 point in time, etcetera. And then we'll end in
10 half the meeting, as Tom mentioned will be the
11 public portion.

12 A little background. Suffolk County has
13 been involved in this particular activity for
14 well over a century. But the activity has not
15 been consistent, nor has it been energetic over
16 the last half a century, that's for sure. That
17 started in 1885. During the period of 1885 and
18 1914, under New York State law, approximately
19 45,000 acres of underwater land had been granted
20 for oyster cultivation in the Peconic and
21 Gardiners Bay system. Over the years, much of
22 that property has reverted to the public. Today
23 we have about 5,000 acres that remain under that
24 old grant system.

25 A 1969 law was past, and there was again

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2 inactivity for about 30 years or so. There were
3 complications with that particular program; it
4 didn't represent the modern approach that we
5 would all like to see with respect to how this
6 activity could be managed in the future.

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

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

23 After that, another report was issued by
24 Suffolk County, a survey plan, for what it would
25 take to do the requisite surveys needed to

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2 address the 1969 law. However, movement was
3 afoot to deal with that law. It was repealed by
4 the State, and a new law was adopted in 2004.
5 And that law -- the text of which is in your
6 packet -- governs the activities that we are
7 involved with today. That is the legal
8 background. That is the legal guidance that we
9 have from the State of New York to proceed in
10 this particular program.

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

19 So, the distinction between the effort
20 that we are embarking on now, is different from
21 in the past, because we are no longer talking
22 about the system in a generic sense. We are
23 talking about site specific situations. That's
24 the real difference here in our effort. The
25 where is really the crux of the problem, with

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2 respect to where shellfish cultivation could
3 occur within the context, the spatial context of
4 the Peconic and Gardiners Bays.

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

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

20 Before we get into some of the more
21 resent history, now I'd like to say, this
22 process, collecting information, portraying it,
23 analyzing it, coming up with recommendations is
24 an analysis to what the master plan process
25 entails, when one involves themselves with the

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2 land surface. Here we're talking about the
3 seascape; talking about moving those techniques
4 seaward, in a marine setting. This is a trend
5 that has been happening recently. A lot of
6 people talk about marine preserves, and things
7 of that nature. Here we're talking shellfish
8 cultivation zone. It's, again, a way of looking
9 at marine environment and designating some level
10 of importance to some of the activities that
11 occur there.

12 This slide, Tom mentioned that the
13 County Executive established this particular
14 committee. Prior to that, he supported a
15 capital project that designated aquaculture
16 planning as a priority for the County Department
17 of Planning that provided the funds for this
18 particular project. Following that event, ALPAC
19 was created by the Executive Board with the 17
20 members; they are listed up here in the slide.
21 And they are -- essentially, the entities were
22 identified, the individuals were not. We
23 contacted the entities and they, in turn,
24 identified specific representatives that see
25 here before you at the table; most of which are

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2 here tonight. Down at Southampton, John
3 Semmler, Ed Warner; East Hampton Baymen's
4 Association, Stuart Heath. We have East
5 Hampton, John Aldred. And the other people Tom
6 mentioned from the other areas up here.

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

16 As I mentioned before, we had the input
17 from the committee on the preparation of request
18 for proposals. Unfortunately, we have to go
19 through a rather detailed rigorous process to
20 select and hire consultants to do the job. It
21 takes time. Unfortunately, it takes a lot of
22 time, from my prospective, but we're bound to
23 it. We did issue this proposal request. Four
24 proposals were submitted last summer. Those
25 proposals were reviewed in the late summer, and

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2 this particular proposal was selected. And
3 Cashin Associates is the contractor that was
4 selected, based on their proposal to the county.
5 We're in the process now of finalizing the
6 contract with Cashin Associates.

7 Here is a break down of some milestones
8 in the project here that we are addressing:
9 Preparing a shellfish cultivation zone map;
10 notice the timeline for the end of this year.
11 Administrative recommendations is next year. We
12 have already initiated the environmental review
13 through the Suffolk County Council on
14 Environmental Quality, and letters have gone out
15 addressing that particular requirement. Cashin
16 Associates will have the final report in the end
17 of August 2008. So this segment is the actual
18 consultant project that we're talking about at
19 the present time. That doesn't end the program.
20 That is a recommendation.

21 We have two other aspects here: Enact
22 and implement the Aquaculture Lease Program.
23 That has to be adopted by the policy makers, by
24 local law. This is not something that could be
25 done by a department on its own or anything

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2 else. When and if that program is adopted in
3 local law, the County would then have the power
4 to execute leases with individuals. It will be
5 a process outlined here, and then we'll have to
6 go and implement the program.

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

17 I think that, in closing, my first
18 remarks here, before I turn it over to Cashin
19 Associates, I think to say that there is an
20 opportunity here to move forward for the next
21 hundred years. We have been hamstrung by what
22 has happened in the past hundred years. That
23 frame work has been established in the late
24 1800's. Now is a chance to change that and move
25 forward and here on. If we don't, you'll have

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2 the same situation we have today. Maybe people
3 enjoy that, and maybe they want that. But maybe
4 there is another way to go, and we hope to point
5 out. Now here is Jeff Kassner from Cashin
6 Associates.

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

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

25 Gef Flimlin is with Rutgers Cooperative

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2 Extension. He has been doing a lot of work and
3 outreach with shellfish growers down in
4 New Jersey Culture Bays.

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

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

19 Nancy Solomon from Long Island
20 Traditions, she is with us tonight. One of the
21 major things that we're going to have to do is
22 collect a lot of information about fishing
23 activities and other resource activities out in
24 the Peconic and Gardiners Bay. Nancy has done a
25 lot of work with fisherman and waterman, and she

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2 will hopefully be talking to a lot of you, and
3 you can make yourselves available to her, and
4 she can record your experiences of going out and
5 working in the Peconic and Gardiners Bay.

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

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

23 And so our task, as to Dewit pointed
24 out, would be to find the where and how. And
25 this is our road map that we will be following.

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2 So our first task was to locate and map the
3 shellfish cultivation zone. That is area within
4 the Peconic and Gardiners Bay system where
5 shellfish leasing could occur. The first thing
6 to note is this 1,000 foot shore line buffer.
7 The law, the 2004 leasing law, sets forth a
8 number of requirements. And one of requirements
9 is that the area between the high water mark and
10 1,000 feet be excluded from any type of
11 consideration for shellfish leasing. So
12 anything between mean high water and 1,000 feet
13 will be outside of the shellfish cultivation
14 zone. And only within the shellfish cultivation
15 zone can shellfish lease and aquaculture occur.

16 The next task that we have to do --
17 again, the quotations are actually things taken
18 from the 2004 leasing law. We already talked
19 about the 1,000 foot high water mark. The law
20 also has requirements, in terms of determining
21 where bay scallops are produced regularly and
22 harvest on a commercial basis. Where there is a
23 presence of shellfish in sufficient quantity and
24 quality for hand raking and tonging. And
25 finally where leasing will result in a

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2 significant reduction in established commercial
3 fin fish or crustacean fisheries.

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

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

18 We're going to be collecting a lot of
19 data in task 1.3. Fortunately, a lot of
20 information is available, as part of the Peconic
21 Estuary Program. Again, we are going to be
22 needing to reach out to those that are more
23 knowledgeable of the water -- and this is where
24 Nancy Solomon comes in -- to get more
25 information about areas of commercial and

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2 recreational fishing of shellfish so forth. And
3 then we will produce a map that shows all of
4 these different pieces of information and will
5 give the preliminary shellfish cultivation zone
6 boundaries.

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

18 Task two is really looking at here the
19 how, as Dewit mentioned, to actually develop the
20 Shellfish Aquaculture Lease Program. This is
21 very important as well, because this will shape
22 the type of program that the County has for
23 Shellfish Aquaculture. So, they'll be talking
24 about different procedural requirements and
25 different performance standards and so forth, as

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2 to how this whole program should be put together
3 and how it's going to be implemented. And of
4 course we'll be relying rather heavily on what
5 has been done in other areas of the country.
6 For example, the State of Virginia is doing a
7 lot of work on this now. So, we'll put together
8 this whole package of how it's going to be
9 implemented.

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

19 I should point out, as part of the SEQRA
20 review process, there is going to be a lot of
21 opportunity for public comments and public
22 participation. One of the activities that we
23 will be having sometime in the not to distant
24 future is what's called a scoping meeting to
25 prepare a scoping document. And a scoping

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2 document is what sets off all parameters that
3 you will investigate in your environmental
4 impact study. Once the generic statement is
5 prepared, that also is subject to public review.

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

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

21 And we're here in task five, doing all
22 the public outreach meetings. Again, we want
23 the process to be very open. We want it to be
24 very transparent. Because we really believe
25 that the more information we can collect, the

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2 better the program is going to be, and the more
3 likely it's going to be to meet the needs of all
4 the various constituent seats. And then we'll
5 put all of this together in an Aquaculture Lease
6 report, and this will be the document that
7 contains all the information that we have put
8 together.

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

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2 measured. And so again, the shellfish planning
3 area will be outside of that 1,000 foot area for
4 the high water mark.

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

16 I mentioned this already; the 2004 lease
17 law sets forth barriers of criteria that we need
18 to meet, and these are specific requirements
19 that are in the law. We're also going to be
20 looking at other areas and other conditions that
21 may not be suitable for shellfish aquaculture.
22 So we're going to be looking at potential user
23 conflicts. We're aware there is a significant
24 wealth of Conch fishery in parts of the system
25 there. We're going to map that and see whether

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2 or not those areas, what areas, should be
3 proposed. There is a number of sensitive
4 environmental areas that it may be inappropriate
5 to put down shellfish aquaculture. We know that
6 there are areas of submerged aquatic vegetation,
7 and these would be areas that we probably want
8 to be excluded from that shellfish cultivation
9 zone. Underwater cable utilities, navigation
10 channels, we certainly don't want to jeopardize
11 the safe navigation that takes place in the
12 system. And then any other parameters that may
13 come forth, as we continue this work. We know
14 there are areas a lot of potting activity.
15 We're going to exclude areas where there are pal
16 nets, potentially commercial dredging and so
17 forth. Again, some of these areas we're going
18 to rely on information that we're going to get
19 from the user groups, to provide us those areas
20 that we should be aware of.

21 The bottom line of all of this is that
22 the shellfish cultivation zone will be less than
23 the shellfish aquaculture planner area. The
24 planning area is everything within that white
25 line. The shellfish cultivation zone will be a

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2 subset of that, where all the different
3 criteria, stipulations are going to be meet.

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

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

24 Just talk a little bit about our
25 environmental review. That's our SEQRA review,

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2 State Environmental Quality Review Act is
3 something that is set forth in the State of
4 New York State Law Regulations. We're going to
5 be working very closely with the Council on
6 Environmental Quality on getting all of these
7 different procedural requirements taken care of.
8 The Environmental Assessment Forum has already
9 been prepared, and it's being circulated.

10 I already mentioned scoping. That's
11 where we'll look at all the different aspects
12 that need to go into our draft of our impact
13 statement. Again, public comment on that. The
14 drafting of our environmental generic impact
15 statement, by the close of this year. Once the
16 final draft has been completed, it is open to
17 public comment. There is going to be an oral
18 and a written comment period on that. You
19 prepare your final generic impact statement, and
20 then you prepare your findings that synthesize
21 all the different comments. Once that is
22 completed, then the County is free to enact the
23 various laws on the requirements. We'll have to
24 do the laws and regulations as part of this
25 whole process, the meetings, and then hopefully

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2 by August of '08 we'll have everything completed
3 and put together.

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

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

18 I want to switch now to some current
19 information we just developed for the program
20 that pertains to the type of access that people
21 have who conduct Aquaculture activities in the
22 Peconic and Gardiners Bays. We wanted to
23 develop a database of individuals that own
24 grants, private grants, and want to develop a
25 database for those individuals that have the

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2 various type of permits to conduct aquaculture
3 in the system. And as Tom mentioned earlier,
4 we're going to reach out to the areas of public
5 that we're dealing with; that involves mailing
6 invitations to the set of meetings to 600 or 700
7 individuals. And there was a lot of e-mail
8 exchange also involved in the advertisements.
9 If anybody wants to continue on, in terms of
10 getting on an interested parties mailing list,
11 please register with Dotty Sonerson and Christy
12 Iman who are outside of at the table, before you
13 leave tonight.

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

22 As part of the effort from the
23 Department, we have had title searches done on
24 approximately 400 or so parcels of underwater
25 land by our division of real estate individuals

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2 who spend thousands of hours going through title
3 searches and put it in our database. We'll be
4 reporting on that a little later. But now I'm
5 going to turn over the mic to Mike Mulay.

6 MR. MULAY: I'm going to give you a
7 little information on the status of the
8 underwater land title search that is being
9 conducted. As most of you probably know,
10 similar to upland property, Peconic and
11 Gardiners Bays are divided into individual
12 underwater parcels. There are about 450 of
13 these underwater parcels, making up
14 approximately 110,000 acres. Like Dewit said,
15 with the help of Suffolk County division of Real
16 Estate, we conducted a title search on
17 approximately 400 parcels, making up 106,000
18 acres. (That's shown in the yellow color.)
19 There are about another 50 parcels, making up
20 4,000 acres, that is yet to be completed. (That
21 is shown here in red, mostly around
22 Shelter Island.)

23 Out of those 400 parcels that we had a
24 title search conducted, 48 are in private
25 ownership, (And they're shown here in red,

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2 making up 4,500 acres.) Those parcels make
3 4,500 acres, which is about four percent of the
4 entire 110,000 acre project area. In addition
5 to those 48 parcels, there are ten with some
6 sort of title conflict associated with them,
7 (And they are shown in blue and make up 930
8 acres.) So, together those 58 parcels total
9 about 5,400 acres in all. And these slides were
10 created to reflect whatever private interests
11 are out there at this time.

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

21 Now this slide shows all the active and
22 pending temporary marine area use assignments
23 for 2006. These are, for the most part, five
24 acre circular plots, with a few minor exceptions
25 where there's two assignments split up with two

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2 and a half acre plots. Keep in mind, this map
3 is not to scale. These just indicate a rough
4 center point of these lots. This is blown up so
5 you can see them up here. So, in total, there
6 31 sites with active and pending assignments
7 associated with them, making up about 145 acres.

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

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

19 MS. WEIS: Good evening. Nice to see
20 everyone. I just want to point out two
21 important things, before I begin this section.
22 The first ties in with what Michael just said.
23 It states that in 1980 only five on/off-bottom
24 permits were issued by the State. In 2006, over
25 50 were issued. At obviously illustrates that

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2 fact that this is a growing industry and needs
3 to be recognized at this time.

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

11 Currently, there are three primary
12 shellfish species be cultivated for our food
13 market restoration and restocking purposes.
14 These are the American oyster, the hard clam and
15 bay scallop; with the American oyster being the
16 primary shellfish that is being cultivated.
17 These species are raised in two general ways:
18 On-bottom culture and off-bottom culture.
19 On-bottom culture is defined by the New York
20 State DEC as the raising, breeding, growing or
21 planting of marine plant or animal life on, or
22 in, any natural underwater lands of the State.
23 Again, for the purpose of this program, we are
24 only looking at shellfish. So, we're excluding
25 fin fish.

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2 And an example of this would be free
3 planting; essentially, the distribution of
4 shellfish either mechanically or by hand on the
5 bay bottoms and then left unprotected or under
6 protective screening until ready to be
7 harvested. They are then harvested either by
8 using dredges or rakes for oysters and hard
9 clams.

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

18 The primary gear that is used is the use
19 of bags, trays, rakes, cages, like oyster
20 condos, nets, such as lantern nets, either used
21 on an individual basis, or used on a submerged
22 or surface long wide system. Currently, oysters
23 and clams are really raised for commercial
24 purposes. Whereas, scallops are raised on an
25 experimental basis, at this time.

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2 Again, as you recall, the three major
3 shellfish species raised currently are the hard
4 clam, oyster and bay scallop; and that will
5 mostly carry on in the future. But potentially
6 we are also looking at the use of blue muscles,
7 soft-shelled clams and razor clams.

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

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

23 MR. DAVIES: Okay. You probably are all
24 wondering how does this effect me? We're almost
25 done. We only have a few more minutes to go,

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2 and then you'll have your shoot at us, me, the
3 committee, to raise your questions and your
4 concerns. Bear with me a few more minutes.

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

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

20 The only thing we said, with respect to
21 the assignments, is that new people who come in
22 and want assignments be notified that there is
23 this program under way. The County may change
24 its position if, in fact, this program is
25 adopted. We don't know what will happen yet.

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2 That's down the line. And there are a lot of
3 things have to do in the interim period here.

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

20 Regardless of the type of lease, all of
21 the leases must be located within a shellfish
22 cultivation zone and are subject to the
23 requirements to be developed for that type of
24 lease. It does not mean that the zone has to be
25 a contiguous area. It could mean many zones

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2 making up the total zone. All types of on and
3 off-bottom shellfish culture activity should be
4 considered in the bottom, on the surface, in the
5 water column, etcetera.

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

21 We hope you signed in tonight. Again, I
22 hope you signed in, if you want to receive
23 notices of the meetings and things of that
24 nature; preferably by e-mail. If not, through
25 regular mail. There are a couple of phone

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2 numbers up here. Tom Isles, Project Director,
3 853-5191. If you don't want to bother Tom, call
4 me please, at (631) 853-4865. You can e-mail
5 us, and we will make every attempt to address
6 your concerns and get back to you as soon as we
7 can. One minute to 8:00. We are on schedule.
8 I'll turn back to Tom.

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

23 What I'd like to do now is start the
24 public portion. We did receive one letter, and
25 I was asked to read it into the record. So, I'm

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2 going to start then by reading this letter into
3 the record, and I guess the cards all. Let me
4 begin. This is addressed to me. It is sent to
5 ALPAC. "Dear Mr. Isles" -- this is sent from
6 the East Coast Shellfish Growers Association,
7 and I'll read it, hopefully, in the two minutes
8 I have allotted for each person.

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

18 I can predict that the upcoming meetings
19 will be charged with emotion, as waterfront
20 homeowners and recreational boaters will make
21 impassioned pleas to block the spread of
22 aquaculture leases, claiming navigational
23 impairment and destruction of property values.
24 Fishermen will claim that prospective areas to
25 be designated for leasing are productive and

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2 vital to their livelihood. Environmentalists
3 will give examples of potential environmental
4 problems and evoke images of environmental
5 calamity. I challenge these groups to provide
6 documented evidence of any of these claims.

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

17 Shellfish aquaculture improves water
18 quality. Because the shellfish are filter
19 feeders, they remove particles from the water,
20 including plankton and silt, as well as bacteria
21 and viruses. They help graze down the peaks in
22 phytoplankton blooms (including the noxious
23 brown tide) and reduce the frequency of anoxic
24 events. In doing so, they improve light
25 penetration, which can help preserve eelgrass.

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2 It has been shown that the sustainable harvest
3 of shellfish removes nutrients from the water
4 column. We have calculated that aquaculture of
5 the American oyster alone removes over 177
6 metric tons of nitrogen from coastal waters and
7 sequesters thousands of tons of carbon.

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

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

21 Cultured shellfish and the gear used to
22 protect them from predators provide a wonderful
23 habitat for millions of juvenile fish, crabs and
24 lobsters that seek refuge in the nooks and
25 crannies while feeding off the fouling that

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2 grows on the gear. Research has demonstrated
3 that the abundance and diversity of organisms in
4 and around shellfish aquaculture operations is
5 equal to, or superior to that of eelgrass beds.

6 Shellfish aquaculture will provide jobs
7 and economic development and help preserve a
8 working waterfront that is an essential part of
9 the tourism appeal of the Peconics. Over 90
10 percent of the shellfish farms on the East Coast
11 are small family farms, run by owner-operators
12 whose livelihood depends on maintaining good
13 water quality and affordable waterfront access.
14 Economists note that new wealth is created by
15 only a handful of industries; farming, mining
16 and fishing. Everyone else is simply moving old
17 money back and forth. They also note that these
18 industries have a tremendous impact on local
19 economies (far beyond the value of their
20 harvest) because the money these firms create is
21 recycled many times over as it is used to pay
22 rents, buy groceries and support local
23 industries such as boat building and outboard
24 repair. While resource managers continue to
25 document the decline of most wild-harvest

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2 fisheries, aquaculture is self-sustaining
3 because farmers invest annually in the resource,
4 planting tens of thousands of dollars of seed
5 annually.

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

17 Shellfish aquaculture in the Northeast
18 is growing at a rate of about 15 percent
19 annually, in part because we have the best
20 testing shellfish in the world. I encourage
21 Suffolk County planners to see how their
22 neighbors to the north have dealt with these
23 issues. Residents will invariably say they
24 support aquaculture until they see a project
25 planned in their backyard, and suddenly there

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2 will be a wave of protests that this particular
3 spot is inappropriate. Planners will need to
4 create a system of leasing that is objective,
5 fair, balanced and immune to local politics.

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

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

21 MR. CORRAIA: I want to thank you for
22 being here tonight. A lot of familiar faces
23 over the years. I know I have been sort of
24 non-existent. There have been a few years you
25 haven't seen me active. It's been about seven

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2 years. I used to be President of the
3 Long Island Baymens Alliance, a very active
4 organization. I'm very much for aquaculture. I
5 have been very active myself. I have been
6 active since 1985. I have one of those land use
7 assignments that you showed up on the screen
8 earlier. There is a couple of things I am
9 concerned about. And one in particular has to
10 do with leasing of too much land to commercial
11 entities. That could truly degrade the quality
12 of water; especially if you're going to allow
13 mechanical dredging of waters. I don't think
14 the -- well, I was very involved with Peconic
15 Estuary Program. I was very instrumental in
16 getting it designated as an estuary of national
17 significance. I was very active in the
18 Long Island Sound study. I served on governors
19 council, with that aspect also. Mechanical
20 dredging, if this is going to move in that
21 direction, I think it is a big mistake;
22 especially for this system of the Peconics.
23 That is one thing I want to send a red flag up
24 about.

25 Also, the concept -- like with

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2 mechanical dredging -- reducing the amount of
3 oxygen in the water. That is a very real thing
4 in the Peconic system. I really don't want to
5 see that happen.

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

25 And also just hazards to navigation, in

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2 terms of stakes. You have a million stakes out
3 there, marked in certain areas. It is
4 definitely a problem, in terms of boats going
5 through at night. I saw it first hand, having
6 been there.

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

14 One other thing, too. The focus is
15 mainly on oysters. I'm glad about that. You
16 spoke about clams. But I am key on scallops. I
17 would love to see more work put into scallops on
18 the bottom culture. I would love to see this
19 group address the selling of scallops out of
20 season. That's my personal preference. A lot
21 of people might not agree with this. If I could
22 sell scallops out of season, I would be able to
23 do it very well and make a decent amount of
24 money culturing and growing my scallops in my
25 cages, and selling them out of season of the

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2 normal scallop season. I would like to see that
3 addressed in this set up. And I think if you
4 truly want to make it succeed, if you want to
5 make Suffolk County succeed, that's an Avenue to
6 go down. That's all I have to say. I'd like to
7 thank you for the opportunity to speak to you.

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

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

17 MR. ISLES: I just wanted to clarify
18 that.

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

21 MR. ISLES: Thank you very much. Let me
22 point out too, Mr. Williams is our next speaker,
23 when he's coming to the podium. We don't have
24 answers for you tonight. There are a few things
25 we can tell you about the program, the status of

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2 it, what the process may be. There are many
3 questions that are going to be raised; and
4 that's a good way of pointing the issues. We
5 appreciate that. This will be part of the
6 process.

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

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

15 Also talking about layering leases over
16 grants. And I'd love to know how, what you
17 would do, in the cases where a grant is not
18 really productive. Can't exempt them from the
19 standard that you can't have a lease for an area
20 that is non-productive. The Suffolk County
21 Legislator had a resolution that declaring a
22 public need for a particular piece of property
23 that was bought out of taxes, for taxes out of
24 bankruptcy, and then went back into bankruptcy,
25 bought for taxes from another individual, about

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2 700 acres. It's the area where aquaculture
3 technology with dredging. It's a natural bed.
4 And it's in private ownership again. I'd like
5 to know what this committee did with the
6 Legislator's resolution declaring s public need
7 for that property, and all of these properties
8 that have natural claims on them. So many of
9 these grants were granted over to the edge
10 habitat, where it's a transition between the
11 harder bottom and the mud bottom, which is area
12 the Baymen survive on. It's where the clams
13 are.

14 I spoke to the Department of
15 Conservation, on several occasions, over
16 assignments that were given directly on the
17 edge. I would call up, say, Joshua Thiel, and
18 look, you're granting an assignment smack on the
19 edge, where I don't have to go there to know
20 that that area is going to have some quantity of
21 shellfish. It's poor practice. All of these
22 things were supposed to be located where there
23 weren't shellfish, it turns out they were
24 located were all located where there were
25 shellfish. And you say by the fall you should

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2 be designating the areas that would be in the
3 aquaculture zone. I'm not sure how you can bet
4 the areas in the aquaculture zone by the fall,
5 in what way, shape or form? Because the public
6 has to have time to go out and check what
7 shellfish are present in these areas. I don't
8 read it as some place where I'm working now or
9 someone is working now. I read it as there is
10 sufficient quantity for commercial activity to
11 be supported. And almost the entire edge in
12 Gardiners Bay, with just the little poking
13 around that I did, I can throw a clam rake down
14 there and make a day's pay. I'm not sure that I
15 should have to send a couple of guys from
16 Huntington out there to throw a clam rake down
17 to prove it is commercially productive. Have to
18 come up with some objective standards where you
19 check the underwater lands, physically check the
20 underwater lands. It's not about talking to
21 this guy or that guy. Physically check the
22 underwater lands, and you declare this is
23 appropriate for an aquaculture zone. Give us
24 the map, and we'll see if you actually did your
25 homework.

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2 This whole thing with the County not
3 taking land back for taxes for the last 50
4 years, for one major corporation that held most
5 of this land is absurd. Anybody in the County
6 who owned a piece of property, who let their
7 taxes go in arrears that long, the County owns
8 the property.

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

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

17 MR. ISLES: Yes we are.

18 MR. WEMYSS: If you put that title
19 search through a grid that shows the enacting
20 statute, you'll find the majority of the lands,
21 when they were granted, were restricted to 25
22 acres in a single deed. If you have any parcels
23 that were granted between 1896 and 1906 that was
24 more than 25 acres in a single deed, then it was
25 illegally granted in the original, and it should

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2 be wiped right off the map. You're bound by the
3 statute by which the land was granted. This has
4 been all totally ignored.

5 MR. ISLES: You're at five minutes.

6 Wrap up your comments.

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

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

14 MR. WEMYSS: I would also like to
15 reiterate what Mario said, that allowing
16 hydraulic dredging on this property would be
17 tragic. You're saying you have a new day and
18 you can do something different. Start out with
19 four or five acres and let them plant, grow,
20 cultivate and harvest shellfish, the same way
21 Baymen harvest shellfish, and you'll have so
22 much less problem with the Baymen. People are
23 holding these grants that know they are holding
24 natural shellfish that are waiting for the time
25 that they can hydraulically dredge. You saw it

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2 at the last meeting you were at; that a guy with
3 a hydraulic dredge in the Peconics saying there
4 is a great resource over there, why can't we
5 access it. I'm over there, dredging now in
6 Connecticut, and I'm wondering why I can't
7 dredge in my backyard. Can't make that about
8 this, because nothing will get done before 2010.

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

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

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2 that is progressive here. I think that is the
3 important issue.

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

20 With that in mind, I want say that I
21 think it's important for this forum to continue
22 and to try to give people an opportunity to have
23 access to the bottom. Because at this point
24 this time, that's the most difficult battle that
25 this industry has; is access to the bottom,

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2 where they can legally grow shellfish and do so
3 and plan a future, plan how much gear they can
4 put down, what they are going to do next year,
5 and what they can legally do. There's a lot of
6 gray area out there now. And for people trying
7 to earn a living in this business, you have to
8 scratch your head and wonder where you're going
9 next. There's not a lot of opportunity out
10 there.

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

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

21 MR. PENNEY: I'm Larry Penney, Natural
22 Resource Department, East Hampton Town. I was
23 part of the committee with Dewit Davies and Ron
24 Verlag and someone from Cornell Property
25 Extensions. We put on the first big aquaculture

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2 symposium on the east end on Long Island in 1977
3 at Southampton College. It was a very
4 successful venture. I got the grant for
5 shellfish hatchery and started that. And then
6 John took that over. And I think that paid off
7 well, as it were our job for the Department.
8 But I also am a marine ecologist, here on the
9 east coast and so forth and have been a
10 professional teacher for ten years, college
11 professor. I know one thing, there is no such
12 thing as a free lunch. That is, every plankton
13 that is produced has somewhere to go, has a
14 role. We all know about primary productivity,
15 and then the no plankton or shellfish and other
16 filter feeders that take the phytoplankton and
17 feed on the phytoplankton. The idea of a bottom
18 that is unproductive is kind of like equating it
19 to a hard scrabble farm field, that has no
20 nutrients or anything going for it and
21 everything. If there were plankton around, and
22 if there are seed around -- there are other
23 things going on in the bay that we don't
24 understand. That's why we don't have the bay
25 scallops in great numbers. There's a lot of

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2 things going on. I don't want people to get the
3 notion that if you put shellfish in certain
4 areas you label it unproductive, that all of a
5 sudden they're going to do fine because there is
6 going to be enough phytoplankton for them to
7 survive. That phytoplankton that they take will
8 go to somebody else. I'm not so sure we're
9 going to rob Peter to pay Paul. I'm not against
10 the commercial aquaculture, per say. I grew up
11 in Mattituck, New York. I know about the oyster
12 boats in Greenport oyster tracks and all of that
13 kind of stuff.

14 I am kind of concerned, working for
15 East Hampton Town, and I help work for the
16 trustees, and I know the town's trustees in the
17 way the Southampton trustees are interested.
18 And I have always worked, since I have been with
19 the Town of East Hampton and before that, to try
20 to help the Baymen; that's one of my jobs. I
21 worked with Arnold Leo here. I don't think we
22 should write Baymen off, per say, because
23 serious Baymen still know how to make a living.
24 We have three right here that I know make a
25 living on the bay. It's a hard living. They

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2 work hard, they understand the bays. There are
3 lots of other way of making a living, building
4 houses is much more lucrative. I don't want to
5 write the Baymen off. They are very important
6 kind of local resource. They have been here for
7 350 years or something. So, I work to promote
8 the Baymen. And I hope that -- I hope that if
9 we go into this kind of commercial aquaculture,
10 that we are not going to rob Peter to pay Paul.
11 I hope we continue to recruit Baymen. We have a
12 very important fishing industry on Eastern
13 Long Island; East Hampton, Montauk. I have a
14 dragger out there who does very well, who knows
15 those waters.

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

24 MR. ISLES: Is that an offer?

25 MR. PENNEY: It's an offer.

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2 MR. ISLES: We appreciate that. Our
3 next speaker is Fred Carrington. And the
4 speaker on deck is Bob McAlemy.

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

19 The parcel we did for the Peconic Bay
20 Keeper looks somewhat like it did on a tax map.
21 When we did our analysis and we resolved all the
22 boundaries and all the titles and that, the
23 distance is all 60, 80, 100 feet. Unless you
24 get a surveyor in here and go through all of
25 those 449, all the ones that I did, these are

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2 probably all the decent surveys in there, you're
3 going to open up to legal action.

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

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

24 MR. ISLES: That's obviously something
25 we have begun to talk about in the survey. It

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2 was an issue that came up before. It's
3 something that is a factor in this. I think it
4 is going to be dependent on how this program
5 intersects with these existing grants. And so
6 your offer to help us is appreciated. I know
7 you have a business. I understand that. But
8 the fact we can call upon you for those kind of
9 questions is appreciated. Thank you.

10 Next speaker is Bill Pelle, by way.

11 MR. MC ALEMY: My name is Bob McAlemy.
12 Unlike the other speakers who know what they are
13 talking about, I'm a layman. I volunteered as a
14 Citizens Advisory Committee for the Peconic
15 Estuary Program, and found out from the Baymen
16 that the mollusks spawn when the temperature
17 reaches about 70 degrees. These are the spring
18 time. Sometimes you get a fall spawn. The
19 spawn floats around for a couple of weeks, and
20 then you get a strike and set. I've seen
21 myself -- I go out and rack clams -- and that is
22 indeed what happened. But during the time of
23 the Peconic Estuary Program, the Baymen do it
24 all the time. We thought that, yeah, the
25 spawning was okay, but we didn't see any sets or

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2 strikes. So, in the plan that came out of all
3 of these studies, we found out that
4 concentrations of roughly a couple of parts per
5 billion. Thinking six billion people in the
6 world, that ain't much. A billion molecules of
7 water, one molecule of pesticide or other
8 manmade chemicals wipes out the spawn; kills the
9 eggs and larvae. So, in the CCMP, the
10 recommendations were to stop putting crap in the
11 water that's going to kill the eggs and larvae.
12 Don't put pesticide in, and don't dig mosquito
13 control ditches that would be a conduit of the
14 runoff and all this terrible kind of stuff.
15 Makes sense.

16 I also volunteer to the Suffolk County
17 Vector Control Advisory Committee. And their
18 the report says it's okay to use pesticide, and
19 it's okay to dig up the marsh and do trenches
20 and this kind of thing. I have a cautionary
21 tale to tell you. It was the same consultant on
22 those two, and it's the consultants that you
23 have on this program. Also, that was refuted by
24 the Council on Environmental Quality. You
25 mentioned you're going to have the Council on

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2 Environmental Quality. They said, don't spray
3 the pesticide, don't dig up the marsh. And what
4 I have here are some documents that maybe can be
5 attached; they were supported by a number of
6 academically based salt marsh scientist,
7 universities and so, who say that don't dig up
8 the marsh, it's bad for it. And it's not going
9 to be good for the mosquitos. I think everyone
10 should have a copy of this.

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

24 MR. ISLES: Thank you. Next the speaker
25 is Bill Pelle. And following Bill Pelle will be

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2 Ann Berlich.

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

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2 fish in there.

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

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

24 You have to remember one thing.
25 Aquaculture, they being put back. We don't

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2 take. That's what's going to happen.
3 Eventually you're going to run out of stuff in
4 the water. The Baymen are not going to have
5 enough fish to survive on, not enough clams to
6 survive on. And they're going to turn to other
7 methods to make a living on the water. This is
8 one chance for them to do it. If you need any
9 help, I'll be available to donate some time to
10 you.

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

14 MR. BERLICK: I'm Ian Berlick. I'm
15 president of the Southampton Town Baymen's
16 Association. This association has been working
17 with the Town for a number of years now to get
18 our own aquaculture growing in town waters.
19 Many of our members have been involved in
20 aquaculture for five or ten, 15 years, in some
21 cases. A lot of them have been involved with
22 the passages of the law, which enabled this
23 committee to go forward. We have been involved
24 be with lobbying up in Albany to promote this
25 bill and the whole procedure. There is support

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2 among Baymen. They are some concerns, you know.
3 Of course everybody wants to have the
4 opportunity to continue with the wild harvest,
5 when that is available. But at the same time, I
6 think we all realize that the number of Baymen
7 in the town have gone down dramatically. The
8 number of hard clams and scallops and other
9 natural products available for harvest has
10 generally gone down. By having the option to
11 raise some of these products, I think gives us a
12 chance to stay on the water. I think that has
13 been an important consideration.

14 There was some talk about the movement
15 of stakes and all. I realize from the surveying
16 standpoint, that you want to get those
17 boundaries established accurately. Once they
18 are established, from a practical standpoint,
19 with GPS being reasonably accurate these days,
20 if someone has a site, I don't think there will
21 be any great incentive to move that stake over
22 15 feet to gain a few extra feet this way or
23 that way. Certainly, that is going to make
24 things either.

25 One of the benefits of having

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2 aquaculture in the estuary is you do have
3 potential to encourage a set from the cultured
4 product, which is in the cages, it can set. If
5 we leave enough of the land, and we should leave
6 a majority of the land in the estuary available
7 to wild harvest. But if you can get a set from
8 the caged product and it's set in the wild
9 harvest area, it can benefit everybody.

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

23 Other than that, as I said, by and
24 large, the Baymen in Southampton Town are in
25 favor of this. We appreciate the work you have

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2 all done on this. And we want to see it move
3 forward. Thank you.

4 MR. ISLES: Thank you for your comments.
5 Our next speaker is Lynn Mendelton.

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

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

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

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2 used or leased.

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

14 Biodiversity I just gently talked about.
15 Talking about things other than shellfish in
16 lots. How can we make sure that it's not just
17 bottom culture and off-bottom culture? The
18 off-bottom culture -- if I'm on a HobieCat on
19 the inner Peconic Bay, I want to be able to
20 traverse areas that are four feet deep. And
21 those may be off that 1,000 foot mark. So,
22 don't impede the waterways. It's very important
23 in the inner Peconic. So, what you have to
24 really consider is public use and very high
25 traffic areas.

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2 Finally, what I have had in the back of
3 my mind, with the trustees is, shellfish
4 culture, especially scallops, which is one of my
5 favorite meats. And I can still remember them
6 back in the old days. Spawning sanctuaries.
7 What I would like to propose is that we
8 coordinate with the people who are managing the
9 inner waterways, the trustees and the
10 Aquaculture Department, and what Fred works with
11 on the north shore, and what John and Wayne is
12 working with, so there is a coordination where
13 if you have places that are off limits for
14 leasing, which are the spawning sanctuaries or
15 the eelgrass areas, that they also be surrounded
16 by a net, where you can't have any kind of
17 leasing of those properties. So there is almost
18 like a zone around those areas that there is no
19 question that you don't have to enforce it to
20 tightly, because there is almost like a buffer
21 zone; all right. That is something that you
22 could look at.

23 Finally, money. Who is going to provide
24 the money? How much is it going to be? We
25 haven't heard anything about that. Who is it

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2 going towards? Is it going back towards public
3 grants? Is it going back to the aquaculture
4 facility? Is it going back to the Baymen? I'd
5 like to know the answers to those questions.

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

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

25 MR. KAREN: There is some information on

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2 the table, if anybody is unfamiliar with
3 shellfish aquaculture, how it is done, and also
4 some information about the economic benefits, if
5 you would like to look at that.

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

16
17 (Time noted: 8:42 p.m.)

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19 -o0o-

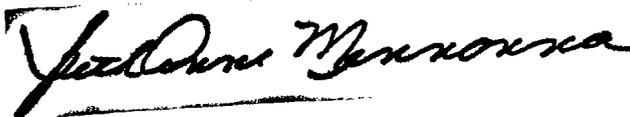
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Shellfish Aquaculture Program - 2/6/07

C E R T I F I C A T E

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.



BETHANNE MENNONNA