

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

MEETING SUMMARY

January 8, 2008

Meeting Number 11

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

Start/End: 4:00 p.m. / 7:00 p.m.

Attending: *Members/Alternates*
Tom Isles, DeWitt Davies, Jay H. Schneiderman, Martin Trent, Robert
Whelan, Tamara Sadoo, Wayne Grothe, John Aldred, Edward Bausman,
Stuart Heath, Gregg Rivara, Karen Rivera, Cornelia Schlenk, David
Conover, Edward Warner, Jr., James McMahon, Debra Barnes, Arnold
Leo, Kimberly Paulsen

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

Others
Gregory Greene, Keith Brewer, Kimberly Somers, Robert Nuzzi, Gef
Flimlin, Matthew Atkinson, Brian Mastaglio, Dean Yaxa, Mario Carrera,
Thomas J. Kehoe, David Relyea, Michael Craig, Kerrin Craig, Bill Pell,
Michael Kujawa, Howard Pickerell, John Dunne, Greg deBruin,
Christina Rizzo, Chuck Steidle, Stephen Gauger, Floyd Carrington

Materials

Distributed: Final meeting agenda; November 8, 2007 ALPAC Meeting Summary;
Correspondence (December 4, 2007 letter from Thomas J. Kehoe and
response letter from Thomas Isles dated December 13, 2007 [Attachment
#1]; January 3, 2008 letter from Robert Hamilton, Jr. and response letter
from Thomas Isles dated January 8, 2008 [Attachment #2]); Draft Lease
Program Goals and Outcomes Statement (December 13, 2007); Reference
List; Suffolk County Draft Shellfish Cultivation Zone Alternative 1B -
Minimum Lease with Moderate Growth Map (December 13, 2008);
Suffolk County Shellfish Aquaculture Lease Program – Proposed Program
Components (Working Draft December 18, 2008)

Welcome and Introductions

Chairman Tom Isles began the meeting by giving a quick overview of the agenda and a summary of work conducted at previous meetings. T. Isles informed the committee that Hon. Jay Schneiderman, Legislator for the Second Legislative District of Suffolk County, will now be the Legislature's representative on ALPAC, given his recent appointment as the Chairman of the Environment, Planning and Agriculture Committee; and that Tamara Sadoo will be the alternate committee member for the Suffolk County Executive designee (Carrie Meek Gallagher).

Review of November 8, 2007 ALPAC Meeting Summary

T. Isles indicated that there was one change to be noted on the Meeting Summary for the ALPAC meeting held on November 8, 2007. Item #1 of the public comment section on page 6 was amended to reflect the correct article of the NYS Education Law referenced by Mr. Floyd Carrington; "Article 105" was printed in error and will be replaced by the correct citation: "Article 145."

Correspondence, Communications and Updates

DeWitt Davies gave a brief summary of the correspondence and communications the County has received regarding the Lease Program since the last ALPAC meeting in November. Correspondence received and discussed was submitted by Thomas J. Kehoe, and Robert Hamilton, Jr. Comments were submitted by Michael Craig, Gregg Rivara, and Stephen Gauger. In response to Mr. Kehoe's letter, T. Isles assured the group that Dr. Rheault has been contacted by Cashin Associates and will be utilized in the development of this program. It was explained that Dr. Rheault will be involved in the peer review process of all work products. A formal response letter from T. Isles was presented to the group.

Mr. Hamilton had concerns on the shellfish cultivation zone, as mapped, and its apparent conflict with navigation and other user groups. T. Isles responded by highlighting the changes previously made to the map in which sensitive navigation areas in and around Greenport were removed from the cultivation zone. He also addressed the issue of balancing the rights of all user groups while adhering to the 2004 Leasing Law in the development of an aquaculture program. A formal letter of response from T. Isles was presented to the group.

D. Davies informed the group that the Draft Lease Program Goals and Outcomes Statement (December 13, 2007) was amended to include input from the five east-end towns prior to issuing a lease.

Cashin Associates, P.C., Progress Report

Gef Flimlin (The State University of New Jersey - Rutgers Cooperative Extension of Ocean County and member of the East Coast Shellfish Growers Association [ECSGA])

provided the committee with a presentation on the status of shellfish aquaculture occurring in the State of New Jersey. According to G. Flimlin, shellfish culture in New Jersey is predominantly conducted in shallow and inter-tidal waters. The State of New Jersey holds title to all tidal waters and issues leases for shellfish aquaculture. The fee for a lease application in New Jersey is approximately \$15, and the fee for the state to survey and mark the corners of a 2 acre lease plot is \$120. Field surveys are conducted by the state prior to issuing the lease to determine if the site is naturally productive. New Jersey aquaculture lease policy is limited to two leases per application, which are typically placed adjacent to each other. All lease applications are subject to a yearly review and approval process by two New Jersey shellfish councils. The lease fee is \$2/acre/year. New Jersey does not require performance standards for the leases. G. Flimlin stated that shellfish culture in New Jersey typically involves bottom planting or the use of off-bottom rack-and-bag gear. Netting is used for on-bottom culture sites for predator control. Plots are generally 14'x 20' in size, which allows for the planting of approximately 15,000 to 100,000 hard clams. He also stated that a Best Management Practices (BMP) manual for shellfish aquaculture along the east coast is currently being developed by the ECSGA. By following such BMPs, shellfish aquaculturists can ensure that they are “good neighbors.”

Keith Brewer, Cashin Associates (CA), provided a brief overview of the changes made to the Draft Shellfish Cultivation Zone Alternative 1B - Minimum Lease with Moderate Growth Map (update on the NYSDEC temporary assignments and private oyster grants). He informed the group that the heavy boat traffic area near Greenport Harbor has been eliminated for the area identified as the “blue zone” (area available for the placement of new aquaculture leases). He also stated that the private oyster grants that are used to cultivate shellfish species other than oysters are shown on the map. Temporary assignments comprised of 2.5 acres were also identified on the map.

J. Schneiderman suggested that adding water depths to the Draft Shellfish Cultivation Zone Alternative 1B - Minimum Lease with Moderate Growth Map may be useful to Suffolk County in determining appropriate locations for leases.

John Aldred informed J. Schneiderman that generally all of the blue zone was in deep water, therefore water depths would not necessarily be needed on the map. He asked the County for clarification on the private oyster grants. D. Davies replied that the Department of Planning is currently preparing a data report on the title search of the underwater lands within the study area performed by the S.C. Department of Environment and Energy, Division of Real Property, Acquisition and Management.

Gregg Rivara suggested adding an area scale to the key of the map, i.e., squares representing different acreages. This could serve as a sense of scale of the area associated with the 1% growth rate available for new leases per year in the study area. K. Brewer stated that it would be added to the map.

Karen Rivara asked if inactive oyster grants and oyster grants cultivating only oysters could also be indicated on the map. K. Brewer stated that the oyster grants would be changed on the map accordingly, to the extent that available information would allow.

Greg Greene, CA, gave a brief overview of the alternatives being considered under the Draft Generic Environmental Impact Statement. He also provided a description of the general components of the proposed Lease Program.

K. Rivara asked if the term of the lease for active oyster grants could be automatically renewed. G. Greene replied that the Lease Program requires a periodic review of the program, but suggested that the term could be changed to a 10 year renewal for grants. He also stated that serious conflicts with a lease on a grant would lead to the termination of the lease, and that the 5 year renewal term is geared for new leases on underwater lands not currently used for aquaculture. K. Rivara stressed her concerns of the possibility of the leases having to relocate in the future because of changes in the blue zone. She stated that this could be an unfair burden to a grower who has invested time and equipment.

D. Davies indicated that the County would explore ways to alleviate this concern. He also suggested that the term of the lease renewal be 10 years. G. Greene stated that CA will look into the flexibility of the law to address K. Rivara's concern.

Arnold Leo asked if there were any state requirements for the program review process. He also stated that a lease, by definition, can be terminated, and there is no guarantee that a lease cannot be ended.

Ed Bausman asked whether leases could be revoked if a lease holder fails and allows the site to go fallow, or if the lease holder breaks any laws. He suggested that leases should be reverted back to the County if they are not used, instead of being extended or passed down to future generations. G. Greene replied that the general component regarding performance standards could include information for revoking a lease.

K. Rivara asked who would be responsible for the costs of surveying a lease and if the County could assign corner lots based on GPS coordinates. She stressed that high survey costs would deter interest in the program. T. Isles replied that the County relied on the County Attorney for the survey requirements for a lease. He also added that surveying the entire area, including the blue zone, prior to issuing leases is not required under the 2004 Leasing Law and is not being considered by the County.

J. Schneiderman suggested that the County Law Department could be asked to determine if GPS coordinates can be used to mark leases. T. Isles replied that he would research the possibility further.

J. Aldred inquired about 50 acre leases, as suggested by The Nature Conservancy's Peconic Aquaculture Committee. He believes that 50 acre leases should not be precluded in the future.

K. Rivara stated that bottom culture, especially hard clam culture, cannot be accomplished on 5 or 10 acre plots, and that it would not be economically viable to conduct bottom culture on such small size leases. G. Greene replied that since the program is subject to review, the size of leases permitted could be changed if the demand for larger scale operations exists.

A. Leo stated that the program components do not specify how many leases an individual can sublease. G. Greene replied that CA will look into re-wording the subleasing component to reflect the number of subleases that could be held by one party.

J. Aldred asked what is the advantage of not allowing oyster grants located in the blue zone from cultivating species other than oysters under the 2004 Leasing Law, as previously permitted under the 1969 law. G. Greene replied that the process of identifying the blue zone was based on conflicts with various users of the estuary, and that those grants not within the blue zone were in areas that had socio-economic conflicts.

K. Rivara asked if experimental/educational leases would require a benthic and land survey. G. Greene stated that surveys required on such leases have not been determined.

Cornelia Schlenk asked if experimental/educational leases would be subject to the blue zone. G. Greene replied that they would be required to be within the blue zone. T. Isles added that this requirement falls under the state law, which prohibits leases in productive areas.

J. Aldred suggested that public shellfish restoration efforts be included under experimental/educational leases.

Edward Warner recommended that Suffolk County residents should be given priority to obtain leases. He expressed his concern about giving up bottomlands to “outsiders.” T. Isles replied that the County would look into that option.

Kimberly Somers, CA, provided a brief overview of the total acreage of new leases under the proposed 1% growth rate for the first five years of the program, and the breakdown of the maximum conceivable acreage for leases. K. Somers also explained the lease components for temporary assignments converting to the lease program.

Public Portion/Comments:

1. Matthew Atkinson, Peconic Baykeeper, Inc., stated that his organization owned 289 acres of private oyster grants in the study area. He informed the group that Peconic Baykeeper is concerned about the County’s Lease Program because the proposed components will limit the shellfish species allowed by law to be cultivated on private grants. He stated that he would like the County to provide

input on the policy and legal justifications regarding limits to grow “other” species on grants.

2. Brian Mastaglio spoke on behalf of Michael Craig, a temporary marine assignment holder. B. Mastaglio expressed M. Craig’s concerns regarding costs for current shellfish growers to participate in the lease program. He stated that specific costs need to be determined, so that current growers can assess if it will be feasible to continue their operations. He asked if the grower would be responsible for the costs of the survey and bond, and if the costs would be on an annual basis or every five years. He also inquired about subleasing. He wanted to know if a lease could be legally handed down for a permanent transfer instead of a sublease.
3. Dean Yaxa, a private oyster grant holder, expressed his concerns regarding the lack of time for the public comment period during these meetings. He stated that many of the interested parties were unable to remain at the meeting passed the time it was due to end. He also stated that shellfish growers cannot afford any additional costs.

Gef Flimlin stated that shellfish aquaculture is a farming activity that needs to be seen as a productive industry with water quality benefits. He informed the group that if the perspective on aquaculture is changed, then the public would make more environmentally-conscious decisions on upland uses that could affect the marine environment.

T. Isles noted the concern that has been expressed over potential dollar costs to participate in the lease program, and that the program will be responsive to this concern.

K. Rivara suggested restructuring future meeting agendas to assure adequate public comment time, so that public speakers do not leave if a meeting runs late.

T. Isles asked the committee if anyone would object to a mid-portion public comment period during future ALPAC meetings.

A. Leo suggested that an approximate 10 minute public comment period be held between each agenda item, and perhaps extend the length of the ALPAC meeting to three hours.

T. Isles said that the County would look into restructuring the next ALPAC meeting to include additional opportunities to obtain public comment.

Mario Carrera, a public attendee, asked if the committee was going to respond to Robert Hamilton’s letter of January 3, 2008. T. Isles informed that this was discussed earlier in the meeting and there was an opportunity for comment at that time. T. Isles then briefly reiterated to M. Carrera the concerns addressed in R. Hamilton’s letter and Suffolk County’s response to those concerns.

The meeting was then adjourned by T. Isles.



PLANNING DEPT.
DEC-7 AM 10:41

December 4, 2007

Thomas Isles
Suffolk County Department of Planning
P.O. Box 6100
Hauppauge, NY 11788

Dear Mr. Isles:

I am writing to you to express my concerns about the working of the ALPAC Committee.

I e-mailed Legislator Fisher on November 1st, questioning the lack of use of a noted industry expert, Dr. Robert Rheault. Dr. Rheault is the President of Moonstone Oysters and is the founder and President of the East Coast Shellfish Grower's Association. Cashin Associates listed Dr. Rheault as a consultant working for them on their survey; however, he has never been contacted or retained by them. Dr. Rheault is widely considered to be one of the two preeminent authorities of shellfish aquaculture in the Northeast, the second expert being Mr. David Relyea of Flowers Oyster Company in Bayville, New York. Attached is a copy of a letter from Dr. Rheault that pertains to my comment and the e-mail sent to Legislator Fisher. At the last ALPAC Committee meeting I briefly addressed the committee concerning this matter.

Additionally, I am calling to question several important matters:

- 1) Is Cashin Associates writing the final report for the committee? It seems as if Cashin is doing just that, and that they are writing their report in stages as they move along. At the last ALPAC meeting, Cashin presented two alternatives that they are proposing. Who elected Cashin or gave them the authority to make policy?

- 2) Was it the intent of our State Legislators to see little (1%) or no increase in the underwater lands that would be available for aquaculture as proposed by Cashin? I do not think so.
- 3) Aquaculture Methodologies - there are numerous methodologies currently in use to raise and grow oysters and clams. Who on your committee has seen them and can discuss these various ways to grow clams and oysters? How can this disparate group (ALPAC) make recommendations on the future of the Peconic Bay Shellfish Industry when some of its members have never seen these various methodologies?
- 4) Mechanical Harvesting has been demonized. The ALPAC Committee has allowed several disgruntled individuals to demonize mechanical harvesting (dredging and/or mechanical harvesting is successfully used in Connecticut Maryland, Virginia, Alabama, Mississippi, Louisiana, and Texas). Was this the intent of our State Legislators to totally discredit a viable means of raising and harvesting shellfish? I do not think so.

Mr. Isles, I know it is your intention to present sound and wise recommendations to your colleagues in the county legislature for their consideration. Hopefully, upon completion, the ALPAC Committee will have created a framework upon which aquaculture may flourish and prosper in the Peconics, with the blessing and input of the key stakeholders.

Please, the Peconic Bay Shellfish Industry that is in place needs to have more say in the writing of this document. In an attempt at being politically correct we seem to have marginalized the few people who understand aquaculture and should be writing this report.

May I hear from you in the hopes that these issues can be resolved before any report is written?

Sincerely yours,

Thomas J. Kaboe
President - K & B Seafood, Inc.
Co-Chair Molluscan Shellfish Institute - National Fisheries Institute
Board Member - East Coast Shellfish Growers Association
Member - East End Marine Farmers Association

cc: Vivian Vilorio-Fisher
DeWitt Davies
Dr. Robert Rheault
Bill Pell

Tom Kehoe

From: Tom Kehoe [tjkehoe@verizon.net]
Sent: Thursday, November 01, 2007 12:51 PM
To: Vivian.Vioria-Fisher@suffolkcountyny.gov
Cc: 'bob@moonstoneoysters.com'; 'Karen E Rivara'
Subject: Shellfish Leasing Program
Attachments: skid-cashinletter.pdf

Dear Legislator Fisher,

I am writing to you to present a problem that has come to my attention regarding the Suffolk County Leasing Program. Attached is a letter sent to me today by Dr. Robert Rheault, a noted aquaculturist and marine biologist. Dr. Rheault is listed as a consultant to the Cashin Associates survey. As you can see from the attached letter, Dr. Rheault has never been consulted nor has he participated in any of Cashin's work. My concern in presenting this to you is that Dr. Rheault's input is vitally important from an industry viewpoint and it appears that it will be lacking in any of Cashin's work.

I look forward to hearing from you regarding this.

Regards,

Tom Kehoe

THOMAS J. KEHOE
tjkehoe@verizon.net

K&B

SEAFOOD, INC.

176 LAUREL ROAD EAST NORTHPORT, NY USA 11731
TEL: 631-261-8161
FAX: 631-261-0382
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12/3/2007



MOONSTONE OYSTERS
1121 Mooresfield Rd.
Wakefield, RI 02879
(401) 783-3360

November 1, 2007

To whom it may concern,

I am writing to express my concern over the aquaculture regulatory review process going on in Suffolk County at this time. When this process was initiated I was contacted by two consulting groups and asked if I would consider acting as a consultant. I have a PhD in Biological Oceanography and have been a commercial oyster producer in Rhode Island for 21 years. I have been involved in several similar regulatory review processes in Rhode Island and I am intimately aware of the issues surrounding aquaculture. I am also the president of the East Coast Shellfish Growers Association.

I agreed to act as a consultant and my name and resume was on the proposals submitted by two consulting groups seeking the award to do the work for Suffolk County. Cashin Associates was subsequently awarded the contract, at least in part, because of the strong consulting team they had assembled in their proposal.

I have not since heard from anyone at Cashin. I have not been asked to provide any services nor have I been paid for any work. I believe Cashin may have misrepresented the work that they intended perform and I am concerned that the quality of the product they generate may not serve the best interests of the taxpaying citizens of Suffolk County.

I would still welcome the opportunity to contribute some of my experience and expertise to the process by making a presentation to your group if you think that would be helpful.

Sincerely,

Robert Rheault, Ph.D.
President

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING

THOMAS A. ISLES, A.I.C.P.
DIRECTOR OF PLANNING

December 13, 2007

Mr. Thomas J. Kehoe
President
K&B Seafood, Inc.
176 Laurel Road
East Northport, NY 11731

Dear Mr. Kehoe:

This is in response to your December 4, 2007 letter and various concerns raised with respect to the conduct of the Suffolk County Aquaculture Lease Program study. I want to thank you for participating in recent ALPAC meetings, and we value your input.

First, you expressed concern that Dr. Robert Rheault has not been contacted by Cashin Associates, P.C. (CA) to participate in the study and provide his advice with respect to shellfish aquaculture technology. In response, the proposal submitted by CA did identify Dr. Rheault as a technical expert that would contribute to conduct of the lease program study. I have asked CA to address your concern and the Principal-In-Charge has indicated that CA is aware that Dr. Rheault is an authority on shellfish aquaculture in this region, and that it anticipates using him to provide technical review and input into the design of the Suffolk County aquaculture plan. When draft documents are ready, CA will submit them to expert review. It is CA's intention to include Dr. Rheault in this process. Hence, CA has contacted Dr. Rheault, and he will be contributing as a sub-consultant on this project.

Your second concern involves the role of CA in the project and how that role relates to the issue of official policy. CA is under contract to Suffolk County to produce work products that are specified in technical service requirements in accord with an overall project schedule. The Department of Planning is responsible for administering this contract, reviewing all project documentation and draft reports provided by CA, and ultimately determining the specifics and content of any policy determinations that result from the study including its vetting through the SEQR process. The Department of Planning in turn will present its recommendations pertaining to any proposed Suffolk County Shellfish Aquaculture Lease Program to the County Executive Office for final policy review and action by the government of the County. In short, CA does not make policy for Suffolk County; it does provide the results of research and a deliberative process that are used in presentation of program alternatives for subsequent evaluation, amendment as needed, and action by the Department and elected officials.

The third issue you raised relates to the intent of the NYS Legislature in passing the legislation that enables Suffolk County to develop and implement a shellfish cultivation program in Peconic and Gardiners Bays. In my reading of the law, there are no specific numerical criteria or standards that must be met with respect to either the details of the lease program itself, or the extent to which it applies to underwater lands that could be considered available for leasing. It is the intent of our work to identify a program that is fair to all parties involved and addresses diverse opinions, and in the end, is capable of scrutiny, review and adoption by Suffolk County. Note that quantitative descriptions on the extent to which lands will be subject to lease activity will be forthcoming in the near future.

In your fourth concern, you question the ability ALPAC to make judgments on the future of shellfish aquaculture in the Peconics. Please be advised that the 17-member committee was established by the County Executive to provide the County with advice on the conduct of the program. The membership of ALPAC was established by design, to include diverse interests, of which private aquaculture is just one. Several ALPAC members have the expertise and experience that you want to see represented. Other members bring backgrounds that are different, but that contribute to understanding the regional context to which any future shellfish cultivation leasing activities must relate. Also, CA has received considerable input from the aquaculture industry during the course of its work to date.

With respect to your fifth issue that mechanical harvesting has been “demonized,” I believe it is safe to say that both those in favor of mechanical harvesting, as well as those who oppose use of this harvest technique, have been given an opportunity to express their opinions at ALPAC meetings and during interviews with CA. The issue of mechanical dredging will be investigated in the study from a regulatory point of view, which is distinct from the means of providing access to underwater lands for conduct of private shellfish culture activities.

I share your desire to see study recommendations that will enable shellfish aquaculture to prosper in the Peconics. Please continue your scrutiny of this process as well as energetic review of draft project documentation and reports that will be soon available to you, your industry colleagues and public at large.

Sincerely,

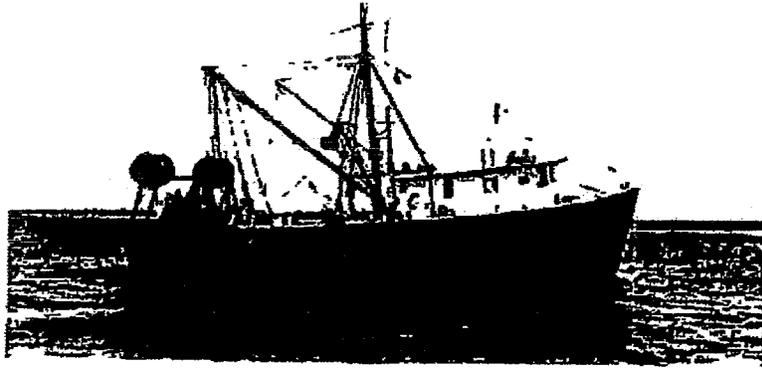


Thomas A. Isles, A.I.C.P.
Director of Planning

TAI:DSD:bd

cc: Hon. Vivian Vilorio-Fisher
DeWitt S. Davies, Ph.D.
Robert Rheault, Ph.D.
Bill Pell

RECEIVED
S.C. PLANNING DEPT.
2007 JAN -7 AM 10:08



**ROBERT HAMILTON JR. INC.
F/V MISS NANCY
527 MAIN STREET
GREENPORT, N.Y. 11944
631-477-0243, 631-477-0928 FAX
316-383-1430 CELL**

Suffolk County Aquaculture
Lease Program
Thomas Isles - chairman

1/3/08

Dear Mr Isles,

The last draft chart of possible lease areas in the Gardners Bay area is in conflict with commercial fishing activities. I fish in this area almost every day. The channel area from Bug Light to Greenport Breakwater is very heavily trafficed in spring, summer and fall. As many as 20 to 40 vessels per hour transit this area as well as recreational and commercial intrests.

Coast Guard regulations prohibit fixed gear with buoys in a navigable channel.

Please feel free to contact local fishermen about conflicts in proposed lease areas. This proposed area conflicts with draggers and also conch fishermen.

Sincerely

Robert Hamill

Also:

In the draft General Components #12 only mentions natural shellfish stock as a reason not to lease the area.

What about areas used by:

draggers
lobstermen
conch potters
gill netters

and other commercial interests?

I have fished in Gardner's Bay for nearly 40 years.

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING

THOMAS A. ISLES, A.I.C.P.
DIRECTOR OF PLANNING

January 8, 2008

Mr. Robert Hamilton, Jr.
Robert Hamilton Jr. Inc.
F/V Miss Nancy
527 Main Street
Greenport, NY 11944

Dear Mr. Hamilton:

This is in response to your January 3, 2008 letter in which you raised two concerns on issues under discussion as part of the Suffolk County Aquaculture Lease Program study. Thank you for this input and for providing valuable information on commercial fisheries in Peconic and Gardiners Bays at recent Aquaculture Lease Program Advisory Committee (ALPAC) meetings.

The first issue raised an objection to use of any area between the Greenport breakwater on the west to Bug Light on the east, for shellfish culture leases due to conflicts with navigation. This area was shown to include potential areas for additional lease placement on the draft "Shellfish Cultivation Zone Alternative 1B" map dated November 8, 2007, which was discussed at the November 8, 2007 ALPAC meeting.

Please note that navigational channels and areas of heavy boat/vessel traffic have been taken into consideration and the corresponding map has been revised. The draft "Shellfish Cultivation Zone Alternative 1B" map dated December 13, 2007 has been modified. On this draft map, no areas considered for additional lease placement are shown in the area between Fanning Point on the west to Bug Light on the east. This area includes the waters from Greenpoint to Long Beach that are the subject of your concern.

The second point raised deals with item #12 on the draft "Proposed Program Components" statement dated December 18, 2007. You questioned why the existence of a productive natural shellfish stock, to be determined by documentation provided by a prospective lessee, is the only criteria listed that would prevent the lease of an area not currently used for shellfish culture. You mentioned the need to consider other commercial fisheries interests, i.e., draggers, lobstermen, conch potters, gill netters, as factors to be considered in the leasing process.

Letter to Robert Hamilton Jr.

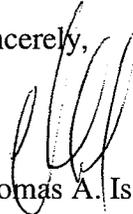
January 8, 2008

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In response to this concern, an extensive effort was conducted by Cashin Associates, P.C. to collect data and information from commercial fishermen and to portray same on the draft "Environmental Resource Conditions" map set dated September 26, 2007. A very large area to the east of Shelter Island extending to the limits of Suffolk County's ownership interest was identified as an area that "Supports Multiple Commercial Fisheries." Subsequently, this large area was not included within the draft Shellfish Cultivation Zone Map, dated December 13, 2007. Other areas of fishery and habitat concern, e.g., scallop production areas and eelgrass beds, were also excluded from the zone.

I am cognizant of the need to prepare a lease program that is fair to all groups that utilize the Peconic Estuary. Please continue your participation in and scrutiny of the process as program recommendations are developed in the near future.

Sincerely,



Thomas A. Isles, A.I.C.P.
Director