SUFFOLK COUNTY
SHELLFISH AQUACULTURE LEASE PROGRAM
LEASE APPLICATION

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

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

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

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

Mailing Instructions:

Provide one copy of your application to the Suffolk County Department of Economic Development and Planning, Division of Planning and Environment at the address listed below. **Applications for a lease under the _____Lease Application Cycle must be submitted to the County no later than_____.** The applicant shall be notified upon receipt when the application has been reviewed and accepted as complete by the County, or if the application is incomplete.

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

DESCRIPTION OF THE LEASE APPLICATION PROCESS

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

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

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

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

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

5. **Requirements Once a Lease is Issued:** The leaseholder must obtain all permits required by the NYSDEC and other regulatory agencies prior to conducting shellfish cultivation operations on the lease site. Lease site boundaries must be adequately marked according to requirements and permitting set forth by the US Coast Guard Private Aids to Navigation and the NYSDEC. Maintenance of the lease shall be subject to the ability to demonstrate substantial shellfish aquaculture activity. Each leaseholder must complete and submit Leaseholder Annual Report Form, Suffolk County Form 22, Contractor's/Vendor's Public Disclosure Statement, and Annual Lease Rental Fee each year they hold a lease with the County.

SHELLFISH AQUACULTURE LEASE PROGRAM
LEASE APPLICATION

Full Legal Name of Applicant: _____
(For applicants who are incorporated, partnerships or a LLC, please also complete Attachment B)

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

Street Address: _____

Mailing Address:_____

City, County: _____

State, Zip: _____

Telephone #: business _____ home _____ cellular_____
(Please indicate your preferred contact number *)

Email address:_____

Date of Birth: _____

Social Security No.: _____

Date of Pre-application meeting: _____

Please list proposed lease sites in priority order:

Lease Sites Map ID#	Proposed Site Location: (Town) (Water body)
1.	
2.	
3.	

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

Total Acreage Requested (check one):

☐ 10 acres ☐ 5 acres ☐ Other _____ acres

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

_____

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

_____

If you are a **private oyster grant owner**, has your grant parcel been surveyed? If yes, please provide a copy of the grant survey, if available. ☐ Yes ☐ No ☐ N/A

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

☐ Yes ☐ No ☐ N/A

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

_____

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

☐ Yes ☐ No ☐ N/A

Explanation of Proposed Commercial Lease

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

Proposed Lease Type (check one):

☐ Commercial ☐ Experimental/Educational ☐ Resource Restoration

Proposed Type of Culture Operation (check one):

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

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

☐ Eastern Oyster ☐ Razor Clam

☐ Hard Clam ☐ Bay Scallop

☐ Blue Mussel ☐ Other: _____

(Please list species)

Proposed Culture Gear:

	Gear Type	Amount
1.	_____	_____
2.	_____	_____
3.	_____	_____

Proposed Harvest Method:

_____

_____

Potential Shellfish Stock Source:

	Hatchery Name	Location
1.	_____	_____
2.	_____	_____
3.	_____	_____

Please explain proposed activity on proposed *commercial* or *non-commercial* lease site:

_____

_____

_____

_____

_____

(*Attach additional information if necessary*.)

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

_____

_____

_____

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

☐ Yes ☐ No

If yes, explain: _____

_____

$ 100 Lease Program Application Fee Enclosed: ☐

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

Lease Application Status Form enclosed (Attachment A): ☐

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

Full Legal Name of Applicant: _____

Print Name of Signer:_____

Title of Signer: _____

Signature: _____ **Date:** _____

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

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

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

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

Offering a false instrument for filing in the second degree is a class A misdemeanor.

Attachment A - Lease Application Status Form

COUNTY OF SUFFOLK
SHELLFISH AQUACULTURELEASE PROGRAM
LEASE APPLICATION STATUS FORM

Full Legal Name of Applicant: _____

Street Address: _____

Mailing Address:_____

Preferred Phone #: _____

Proposed Lease Sites in Priority Order

Lease Sites Map ID#	Proposed Site Location: (Town) (Water body)
1.	
2.	
3.	

DO NOT WRITE BELOW THIS LINE

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

Date & Time Application Received by County: _____

County Representative: _____

Contact Information: _____

Status:

Complete: _____

Incomplete: _____ *

*See Attached Summary of Reasons for Incomplete & Directions for Submitting Additional Information, if Applicable.

This page was intentionally left blank.

Attachment B – Corporate, Partnership or LLC Lease Applicants

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

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

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

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

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

C-3. Federal Tax ID No. (EIN): _____

C-4. Please list the names, addresses and **titles** of all officers:

_____

_____

_____

_____

C-5. Please list the name and addresses of all directors:

_____

_____

_____

C-6. Has the corporation, or any shareholder, director, or officer applied for a Suffolk County shellfish aquaculture lease for underwater lands in Peconic Bay or Gardiners Bay in the past? ☐ **Yes** ☐ **No**

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

_____

_____

C-7. Please list the names and addresses of all shareholders, who own or control at least 5% of the outstanding stock and the percentage of the outstanding stock currently owned or controlled by each such shareholder:

_____

_____

C-8. Please list the names and addresses of shareholders, directors, or officers owning an interest, either directly or beneficially, in any other New York State shellfish cultivation operation as well as the quantity of acreage attributed to each such person:

_____

_____

_____

C-9. Has the corporation or any officer, director or shareholder ever been convicted or found guilty of any civil, criminal or administrative violations of the Environmental Conservation Law or other Federal, State or local law, as it pertains to shellfish, finfish, other marine resources, environmental protection, food sanitation, navigation or operation of a vessel? ☐ Yes ☐ No

If yes, explain: _____

(Attach additional sheets if necessary)

Full Legal Name of Applicant: _____

Print Name of Signer:_____

Title of Signer: _____

Signature: _____ **Date:** _____

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

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

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

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

Offering a false instrument for filing in the second degree is a class A misdemeanor.

II. **Partnership Applicants** *(discard if not applicable)*

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

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

P-2. Does this partnership conduct business under a different name other than the legal partnership's name? ☐ Yes ☐ No

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

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

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

_____

_____

_____

P-5. Has the partnership or any partner applied for a Suffolk County shellfish aquaculture lease for the underwater lands of Peconic Bay or Gardiners Bay in the past? ☐ **Yes** ☐ **No**

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

_____

_____

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

_____

_____

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

☐ Yes ☐ No

If yes, explain:_____

(Attach additional sheets if necessary)

Full Legal Name of Applicant: _____

Print Name of Signer:_____

Title of Signer: _____

Signature: _____ **Date:** _____

The Application must be executed by a partner.

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

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

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

Offering a false instrument for filing in the second degree is a class A misdemeanor.

III. Limited Liability Company (LLC) Applicants *(discard if not applicable)*

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

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

_____

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

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

L-3. Federal Tax ID No. (EIN): _____

L-4. Please list the names, addresses, and ownership interest of all members:

_____

_____

_____

_____

L-5. Please list the names, addresses, titles and ownership interest (if any) of all persons authorized to manage the LLC and to enter into contracts. *You must submit a resolution that lists all of the members, states who is authorized to manage the LLC, and authorizes entry into the subject Shellfish Aquaculture Lease with the County of Suffolk. This resolution must be executed by all of the members and managers. All signatures on the resolution must be acknowledged.*

_____

_____

_____

_____

L-6. Has the LLC or any member applied for a Suffolk County shellfish aquaculture lease for the underwater lands of Peconic Bay or Gardiners Bay in the past? ☐ **Yes** ☐ **No**

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

_____

_____

L-7. State whether the LLC or any member owns an interest, either directly or beneficially, in any other New York State shellfish cultivation operation, as well as the quantity of acreage from the existing operation:

_____

_____

L-8. Has the LLC or any member been convicted or found guilty of any civil, criminal or administrative violations of the Environmental Conservation Law or other Federal, State or local law, as it pertains to shellfish, finfish, other marine resources, environmental protection, food sanitation, navigation or operation of a vessel? ☐ Yes ☐ No

If yes, explain: _____

(Attach additional sheets if necessary)

Full Legal Name of Applicant: _____

Print Name of Signer:_____

Title of Signer: _____

Signature: _____ **Date:** _____

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

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

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

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

Offering a false instrument for filing in the second degree is a class A misdemeanor