

**Public Hearing Minutes - Suffolk County Legislature's
Marine Industry Revitalization Advisory Council
Hauppauge – February 6th, 2019**

Committee Members Present: *Presiding Officer DuWayne Gregory, August Ruckdeschel, Tom Kehoe, Vincent Biondo, Legislator Susan A. Berland, Chris Pickerell, Lisa Calla, Kristen Jarnagin, Bill Hillman, Diana LaChapelle.*

Other Elected Officials Present: *Legislator Steven J. Flotteron, Legislator Robert Trotta.*

Staff Members Present: *Luann Dallojacono, Christina DeLisi, Fran Evans, Jason Richberg, Derek Stein.*

Meeting called to order at 5:00 p.m. by Presiding Officer DuWayne Gregory. After the Pledge of Allegiance and introductions of the Marine Industry Revitalization Advisory Council, Presiding Officer DuWayne Gregory explained the mission of the Advisory Council and opened the meeting for public comments following the reading into the record of previously received testimony.

Written Testimony:

Presiding Officer DuWayne Gregory began by reading into the record the three letters received prior to the Public Hearing. The first letter read was from the Long Island Oyster Growers' Association, the second from Frank Stallone, representing the Timber Point Shinnecock Marine Park Association, and the third letter from Suffolk County Legislator Kara Hahn. (Each letter is attached in the addendum.)

Public Hearing Speakers:

Presiding Officer DuWayne Gregory opened the floor up to public speakers and explained they would try to keep each speaker to three minutes. He also mentioned that anyone interested in speaking could fill out a speaker's card. The first speaker was then called to the podium.

Robert Sherry (Bayport) explained that he owns waterfront property along the Great South Bay in Bayport and that his property includes a bulkhead. He explained that due to silt piling up in the canal coming towards the house that he gotten permits for 300 feet of bulkhead. In 2000 he and his neighbors hired a dredging company to clear the canal of debris. They did this again in 2006 when a hydraulic dredge was used. He said that since the dredge window is small, they have not been able to do any maintenance dredging. He has been told that they don't have a place to put any of the spoils, although there is a wetland across the canal from his house. Mr. Sherry was also told that the Suffolk County owned property nearby was off-limits to dumping

the dredged materials. He explained that a F1 sewer at the canal fills up with black water during heavy storms. Robert Sherry sent a letter to Islip Town informing them of the issue and they responded that Suffolk County's Department of Public Works was responsible for dredging and that they couldn't handle the issue on their own. He concluded by asking the committee to look at the issues brought on by dredging regulations especially given the high cost of living on Long Island. Presiding Officer Gregory said he hit all of the points that led to the foundation of the Advisory Council. Presiding Officer Gregory explained how the Advisory Council was formed based on discussions regarding dredging and its expenses. Robert Sherry replied that he felt the expenses were primarily the result of the disposal and storage of dredge spoils, not due to dredging itself. Since he and his neighbors had previously paid \$30,000 for the dredging equipment but could only do it since a spoils site was available. Chris Pickerell asked if he felt runoff from the road was responsible for the pile up in the canal. Robert Sherry replied that he believed so and that the Town had put an easement on the site due to pile-up.

Gina Lieneck (Deer Park) spoke about her daughter Brianna, who passed away when a boat rammed her family's boat. She, her husband and her youngest daughter were all critically injured. The drivers of the other boat were untrained. She explained that she is working on a law at the New York State level which would require boaters to receive education as part of their registration. She explained that although New York State requires a safety course for jet skis or personal watercraft, there is no equivalent to that or a driver's license for boating. She noted that other States already have similar requirements. She addressed the Marine Trades Association and said that she doesn't think there is any good argument against educating boaters. Presiding Officer Gregory thanked Gina for telling her story and for her activism on boat safety. Tom Kehoe explained that in Huntington, Ed Carr and others are working on insurance for boats moored in the Town, and that Brianna's Law could be coupled in with that. Gina said that in her case, the other boat did not have insurance which meant that she was responsible for millions of dollars in medical bills. Since they lost so much, this is something else that they would like to see in the legislation. Legislator Susan A. Berland thanked her for sharing her story and for her courage.

Captain Paul Sprieser (Edgewater, NJ) explained that he saw Gina's story on the news and was compelled to reach out to her and meet her in person for the first time today. He explained that on August 30th, 2016 the ferry he was Captain of was involved in a crash with kayakers and although he was found to not be at fault, he felt strongly about her cause since he sees firsthand the lack of training on the water. He has helped to organize 200 New York Harbor Captains in support of Brianna's Law and he is here today to support it. He explained that if the kayakers had a VHF radio, the accident could have been avoided. Presiding Officer Gregory thanked him for making the trip.

Captain Christopher Costa (Port Imperial, NJ) began by explaining that he has 34 years of experience as a Captain, including with New York Waterways, a large private ferry operator. At work he has seen a number of traffic issues involving boats and that during summer it is chaotic with a number of collisions and near misses where amateur operators often lack basic navigation

skills. He said New York should catch up to Connecticut and New Jersey where there is a safety training requirement. Presiding Officer DuWayne Gregory asked if a license would expire after a given amount of time. Christopher Costa replied that to operate a boat you would need a certificate, but you can still purchase a boat without any requirements. Gina Lieneck said that for operating a boat professionally there is, but not recreationally. Christopher Costa explained that they are looking for an eight hour course with a Certificate teaching basic navigation regardless of age. Kristen Jarnigan asked if other states required in person or if it could be done online. Gina Lieneck replied that an eight hour classroom is part of the New York State proposal with a system for eight hour online courses to be available as well. Christopher Costa mentioned how there are some guided tours already in New York Harbor with trained guides. Chris Pickerell asked if they would want operators to have proof of a certificate on the water. Gina Lieneck replied that they would and that it could be determined through boat registrations. Chris Pickerell asked if the US Coast Guard would then have jurisdiction to enforce it. Gina Lieneck replied that there currently are fees, and changes can be made to ensure insurance liability. Paul Sprieser explained that they are looking at a system similar to New Jersey, where licensed boat owners are marked on their Driver's License. Tom Kehoe asked if insurance was part of the bill. Gina Lieneck replied that there is an insurance liability, if a boater does not have it is included in the bill.

Jason Masters (Ronkonkoma) spoke on aquaculture in Suffolk County, he noted there has been an increase in harmful algal blooms which has closed down some areas for aquaculture, fishing or recreation. As a scientist and consultant he has measured water parameters where he has found that Suffolk County waters are becoming more acidic. He said he wants to see more awareness of marine jobs, and asked the Advisory Council to consider how much money could be brought in just by expanding and protecting the industry. He said that if there were ten million new oysters on the market that would create about 15 new jobs, five to ten new farms and bring in between five and ten million dollars in revenue with perhaps 12 million dollars in additional tax revenue for the County over 30 years. He said there is an environmental impact as well and this could save in mitigation costs including dredging as well, saving 30 million dollars over a thirty-year period.

George Hoffman (Setauket) said he is a Trustee of the Setauket Harbor Task Force which works for clean water and healthy harbors and the Long Island Sound Study, a bi-state organization helping direct policy and funding for water issues. He thanked the Presiding Officer and the Suffolk County Legislature for creating the Council. He asked the Advisory Council to consider the coastal ecology and economy. He noted that Connecticut has worked on a "Blue Plan" getting together any organizations using the Long Island Sound in order to meet their needs and work together. He explained the "Blue Plan" identifies stakeholders and traditional industries and will try to minimize conflict while maximizing usage of the Sound.

Bonnie Brady (Montauk) said that she represents commercial fisher/men throughout Long Island through the Long Island Commercial Fishing Association. She made a list of County-level issues for the Advisory Council to consider. She noted that quotas are outside the County's

scope beyond simply sending letters. Media access and promotion of products was another area she mentioned. She stated that commercial fishermen needed markets, including a processing site, but in order to qualify for NOAA funding and programs, a site plan would need to be done. She said that there was only one true processor on Long Island, but Superstorm Sandy took his business out. She said that mobile markets are one option where increased access would help. She said that tourism is another area with potential. She also mentioned how moving forward the DEC will allow comments on the permitting process where there are some issues involving if you have to take a permit back. She also mentioned that more markets are key and she noted that Long Island fishermen are beholden to the fresh fish market at Hunts' Point. She also said that moving forward the offshore wind farm issue is key, and noted that the Bureau of Ocean Energy Management (BOEM) has the offshore energy projects in major fishing grounds. She said that the laying down of transmission lines that connect to wind turbines would have an impact on fisheries. She stated the seafloor would be plowed for grids impacting benthic marine life. She also said that direct current also has some alternating current within it which could impact fish that used magnetism, and suggested that the Council wait on more science on the subject. She also noted that there are two exposed cables on Block Island due to storms at Tobay Beach and Crescent Beach where there is no current mitigation plan.

Ian Milligan (Northport) mentioned that he is a Trustee in the Village of Northport and colleague to Tom Kehoe, and the Commodore of the Greater Huntington Council of Yacht and Boat Clubs. He said that the Council and the Village have tried for years to get Northport Harbor dredged. He noted that he has met with Bill Hillman and the Suffolk County Department of Public Works and they are prepared to do the job and have a contract with the Town for a dewatering site. Although the Town is not ready yet there is an issue with park alienation. He said Northport Harbor has 900 moored boats, a small private marina, a village dock, while the Town operates a small marina, and there is a 300 boat slip marina. He stated that the 300 slip marina will close within ten years, if dredging is not done. The owners have received offers to sell the property for residential development. If the marina is sold, the accessibility to the harbor and the revenue from water access will be greatly impacted. He said that the transient dock draws people in from outside the Village and its' potential is limited by the water depth. He said the outer half of the channel used to be Federal property, but no one has direct responsibility for it currently. Mr. Milligan stated the key to dredging is cost, since small municipalities or the county cannot pay for it at this time. As Commissioner of the waste water treatment plant, he noted increasing the depth of water would allow for more flushing and would improve the water quality of the harbor. Tom Kehoe asked if he thought the boating community would be open to a user fee. Ian Milligan said that he is not sure, but spoil removal is key. He said that if the County put a tax on boat fuel or other items that could work, but it has a key impact on local economies. Tom Kehoe said that most harbors on the Island have similar issues. Ian Milligan agreed, and said that he thinks people don't realize the need for dredging, and that you need so many layers of government in the room for this topic, and in the end it is all about the money.

Edward Carr (Huntington) introduced himself as Director of Maritime Services for the Town of Huntington, and is speaking on behalf of Town Supervisor Chad Luppinacci. He listed three issues the County could assist the Town with, including marine policing, dredging of the inner harbor, and the restoration of the Coindre Hall and the waterfront of the Vanderbilt Museum. He said that the Suffolk County Marine Police used to be staffed 365 days, 24 hours a day with two boats in Huntington, but is now reduced to one vessel which is shared between Huntington, Smithtown, and occasionally Brookhaven. He said that this has put pressure on Town Bay Constables and suggested that the County increase funding to the Marine Police. On dredging, he said that with contaminated (+10% non-sand material(s)) spoils the town has full responsibility after the material is moved upland by the Department of Public Works. He said that County assistance would help keep dredging projects moving and prevent inaction. He stated that at Coindre Hall there is a shuttered boat house and a dock that is no longer safe to use. While at the Vanderbilt there is the closed Seaplane Hanger, he said that these structures should be rehabilitated for repurposing. Coindre Hall structures could be used for public access, chartering, fishing, and kayaking and to store marine police or bay constable vessels, or for marine police office space. The Vanderbilt Seaplane Hanger could become a shellfish hatchery or be used by rowing clubs. He noted that both parks are underutilized and in need of restoration. Tom Kehoe said that he had toured the Vanderbilt, and was told the Seaplane Hanger was a condemned building. Edward Carr replied that he believes the site could be rehabilitated, and is condemned only due to safety. Kristen Jarnigan replied that the Vanderbilt Museum receives over \$1,000,000 in hotel-motel tax funds for restorative projects. Presiding Officer Gregory added that he met with members of the board previously. Edward Carr spoke about the Coindre Hall dock, which is grandfathered into the current DEC wetland restrictions, but is in a state of disrepair and is currently unusable. Legislator Susan A. Berland said that while the Vanderbilt Museum receives a lot of revenue they also have plenty of costs and being a historic structure increases their costs considerably. She said the County and town could cooperate on funding the Coindre Hall projects. Chris Pickerell asked for the cost of stabilizing the dock. Edward Carr replied it would be a \$150,000 to \$200,000 project to complete. Tom Kehoe asked why Huntington has not established an aquaculture program. Edward Carr responded that the Long Island Oyster Farms went out of business in 1993, baymen asked for code revisions prohibiting the leasing of bay bottoms, which continues today. Tom Kehoe asked if floating systems could be used. Edward Carr said they cannot, they would need a lease.

Kevin Maloney (Sayville) thanked the Council for their work. He is a professional tugboat Captain and worked for a dredging company in multiple States. He said there is a need for more dredging while educating boaters. He said that there is a need for more education and has also witnessed a number of dangerous situations. He noted that blame often falls onto professionals, but early education on boating could help. He said that while it takes time for people to learn, he supports the educational licensing requirements that would be mandated under Brianna's Law. He also spoke about how dredging would help get people out into the marinas which has great

potential. He said that he really appreciated the Marine Industry Revitalization Advisory Council and offered his experience to anyone on the Council.

Chris Squeri (Amityville) introduced himself as the Executive Director of the New York Marine Trades Association. He said that dredging is a major battle, dredged materials he said can be reused. Many programs are underused, but all feed into the economy, such as every boater paying a fuel tax. He noted that all storm drains lead to the bay and all of that material will pile up into a canal or waterway. He stated that how this is handled varies but in Suffolk County most is done by the county itself, but is a problem that needs to be resolved. He said that Marine Trades support boating safety and invites power squadrons to each of their boat shows. He said they have backed a number of Bills, including the PWC Mandatory Education Bill, small-boat lifejacket requirements, and a Bill that required education for new boaters passed in 1996. He said they are willing to talk about Brianna's Law, want substantial fixes to existing problems. He noted that the Bill does not cover kayakers, paddle boarders and others. He stated that law enforcement has to investigate overturned kayaks. He stated that the Marine Trade Associations' supported BWI (boating while intoxicated) laws and carbon monoxide poisoning regulations. He noted there were 22 fatalities in 2015 but added that citing boating fatalities may overstate the problem associated with boating accidents because cardiac arrests or some drownings can be counted as boating deaths. The New York Marine Trades Association have worked for safety for years and stated that New York State has done a great job in the past. Bill Hillman asked if his organization supported online courses. Chris Squeri replied that they do and want to phase in the program. He suggested that kayakers, paddle boarders and others should be included. Presiding Officer Gregory asked if that meant they would need to register kayaks. Chris Squeri said they have discussed this, but it poses its own problems. Presiding Officer Gregory asked how that would work with owners who rent kayaks out. Chris Squeri replied that they have training available for owners and kayak registration is difficult since they lack ID numbers and concluded by saying they want effective laws.

Chuck Westfall (Amityville) said he is representing the Long Island Oyster Growers Association (LIOGA). He said aquaculture is environmentally positive and membership of LIOGA is about 100 members, most of whom are growers. He said that farming is a tough industry, and mentioned that there is tons of potential for growth in the industry, noting that Connecticut has a \$30 million harvest, far more than Long Island. He said they are looking to level the playing field, such as the preservation and development of shore-side infrastructure. LIOGA has proposed Captree State Park as a shore side site where visitors could get involved with the industry. He said another push has been to locate farms in agricultural districts, the Suffolk County Aquaculture Lease Program in Peconic Bay and Gardiner's Bay and soon the program in Islip town and Brookhaven will also be placed in Agricultural districts. Regulatory issues are a disadvantage compared to other States. Connecticut can produce oysters cheaper in part due to regulations. Tom Kehoe said Connecticut allows dredging and bottom aquaculture on larger tracts of land. Chuck Westfall agreed that's part of it, while he noted competitor farms are more mechanized. Tom Kehoe said he is a member of LIOGA, and said Peconic Bay used to be a major

producer, noted that the baymen were able to ban bottom dredging in Huntington. He said that there are a number of gear product issues and that the entire Aquaculture Lease Program is limited until there is a change allowing bottom dredging and shellfish cultivation. Chuck Westfall said that dealing with regulatory agencies is something he struggles with. Tom Kehoe said the State allows it, but Towns ban it themselves. Chuck Westfall replied that some have been grandfathered in. Tom Kehoe said that the Towns have to be convinced to open the industry up. Chuck Westfall said that these regulations prevent the industry from operating on equal ground along the East Coast. Chuck Westfall stated event regulations are an issue since oyster growers cannot attend a number of events due to Suffolk County Health Department permits and regulations as mentioned in the previously read letter. He said Suffolk County has to protect its' own Aquaculture Lease Program from ongoing lawsuits. He also said that letters from the County Legislature could begin discussions to open Captree State Park up for more aquaculture, along with creating a "Grown-In New York Program". August Ruckdeschel said according to the 2012 US Census of agriculture, Suffolk County does about \$9.3 million in aquaculture sales per year. He mentioned the Choose Long Island campaign supporting local foods, where they could set up a program to incentivize restaurants to highlight locally grown oysters from LIOGA's data.

William Kiarluk (Port Jefferson) made some suggestions regarding how the Advisory Council could operate based on his work with the Stony Brook Harbor Task Force and as Commodore of the Stony Brook Yacht Club. Said that two channels in Stony Brook Harbor were in need of dredging. He worked with Legislator Nora Bredes to organize dredging efforts to preserve the harbor, which is still active today. The group worked problems out through communications at Federal, State, and Local levels and ultimately the dredging project was completed. The task force received numerous grants and over the last six years the Stony Brook Yacht Club established a marine sanctuary growing clams and oysters. He suggested that the Council work along similar lines in order to complete these projects.

Carrie Gaffey (Babylon) said that she lives along Grand Canal in Babylon. On the north end, a sewer drain has filled the canal with run-off from Montauk Highway. She explained that there is a beach club at the end of the canal which has been eroding and moving towards the mouth the canal. The neighborhood was devastated in Superstorm Sandy, water and materials came in from the east into the canal. Over the past six years many have been working on their houses and she is still rebuilding her home. Bulkheads were rebuilt from New York Rising grants, but canal has not yet been finished. A spoils site is available at Bergen Point Treatment Plant. Her neighborhood received \$6.5 million in block grants, which has only resulted in a few small improvements in her area. She asked for help from the County, Village, Town, or State and is thankful for the foundation of this Advisory Council.

Open Discussion:

Tom Kehoe asked Bonnie Brady to come up to discuss the Offshore Wind Farm project and its' impact on commercial fishing.

Bonnie Brady (Montauk) explained that Deepwater Wind (now Ørsted) was turned down for a project off Coxes Ledge in 2015, but made a request for a proposal off the South Fork which was chosen by LIPA. She mentioned that the project was unlikely to generate power during the summer months when it is most needed and New York had no input in the siting of the offshore project. She mentioned that the turbines have an impact on radar scatter, impacting the US Coast Guard. Tom Kehoe asked how the project continues to go forward despite the opposition. Bonnie Brady said that is a question for East Hampton Town, where she said there is a non-disclosure agreement between the Town government and Ørsted/Deepwater Winds. She noted that while it is green energy, it uses gasoline for backup and has created a program with rapid expansion across the south shore of Long Island. She said that with these developments there would not be the transit lanes that allow scallop fishermen to operate out of Shinnecock Canal. She said that almost 40% of New York's squid catch is at the site and the site's proposal has approximately 84 wind farms on roughly 144,000 acres. She said the site is far larger than any project in Europe. She noted that Montauk was rated the 66th largest port in the United States, which has dropped from being ranked 47th in 2012. Shinnecock has rebounded with \$6.1 million in income, which she said could be lost if the project goes on as planned.

Presiding Officer DuWayne Gregory then mentioned that there will be a Public Hearing tomorrow in Riverhead for the East End residents to speak at. Tom Kehoe thanked Presiding Officer Gregory for organizing the Public Hearings. The meeting was adjourned at 7:40 p.m.

Minutes compiled by Derek Stein, Legislative Aide to Presiding Officer DuWayne Gregory