

**Public Hearing Minutes - Suffolk County Legislature's
Marine Industry Revitalization Advisory Council
Riverhead – February 7th, 2019**

Committee Members Present: *Presiding Officer DuWayne Gregory, Legislator Susan A. Berland, Legislator Bridget Fleming, Legislator Al Krupski, Vincent Biondo, Bill Hillman, Michael Jensen, Tom Kehoe, Eric Kreuter, Chris Pickerell, August Ruckdeschel.*

Other Elected Officials Present: *Legislator Sarah S. Anker, Mayor Dennis Siry, Councilman John Bouvier, Councilwoman Julie Lofstad, Village of Greenport Trustee Mary Beth Phillips, Southampton Town Trustee Ann Welker.*

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

Meeting was called to order at 5:05 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 and asked those present to submit written testimony if they did not wish to speak. (Letters received for written testimony are 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 called to the podium.

Mary Bess Phillips (Greenport) introduced herself as a Trustee in the Village of Greenport and thanked the Advisory Council for having a meeting out in Riverhead. She mentioned that her family business is in fishing with their own vessel the Aleutian, the Import Seafood Dock, Alice's Fish Market, and that her son is also involved in the Commercial Fishing industry. She mentioned that her family has been active in Greenport fisheries for many years and that the entrance to Stirling Harbor is in need of dredging. She also stated that she understood that the project is waiting for the New York State Department of Environmental Conservation (NYS DEC) to determine if testing must be done. She said that the Village started the permitting process but due to the regulations, the cost of the project to the Village has placed this project on hold since 2011. Mary Beth Phillips stated that Stirling Harbor is its own economic generator for the Region, with the East End Medical Center, Yacht Clubs and private boaters all using the Harbor. She recommended that the Advisory Council look to streamline the permitting process. Mary Beth Phillips then talked about water quality. She noted that there are businesses in the area around the harbor that want to be connected to the wastewater treatment plant. She can envision water

quality, environmental and affordable housing projects all emerging with cooperation between the County, Town and Village. She stated that available land on the north road of Manhasset Avenue could have capital investment which could be used to connect the two marinas and cesspool properties on Sandy Beach. This would keep pathogens from the Peconic Estuary and create affordable housing for younger County residents.

Craig Strong (Town of Brookhaven Environmental Department) spoke on behalf of the Town of Brookhaven Environmental Department. He said that Brookhaven has an Aquaculture Program with a number of leases in the Town. He stated they are looking to put aquaculture farmers in NY State agricultural districts.. The second issue noted was Mt. Sinai Harbor which is plugged up with sand. There has been two emergency dredging projects this year but the repairs to the stone jetties should be done by next May. After the repair more dredging projects could be done with a goal of finishing dredging at the Harbor by next September. August Ruckdeschel reminded everyone that the opportunity to enroll agricultural districts usually begins in March.

Jeff Flumignan (US Department of Transportation – Maritime Administration) Introduced himself as the Regional Director for the Department of Transportation Maritime Division. He mentioned that the Department of Transportation offers \$150 million for Maritime Infrastructure Grants. He also works in Economic and Workforce Development. He explained that he wanted to be available for any technical assistance on Federal matters. He recommended that the Advisory Council form a Seaport Task Force or a small Harbor Improvement Program based on Connecticut's model. Chris Pickerell asked if they provide any grants for dredging. Jeff Flumignan replied yes in some situations where it relates to construction and the navigation channels are typically under the Army Corps and individual states.

Robert Waife (Shelter Island) He has been a Shelter Island resident for 34 years, and owns Shelter Island Ground Tackle, Robert works as a Skipper for fishing boats and the Shelter Island Yacht Club. He suggested that the Advisory Council look at installing a self-service pump out facility for boaters. He stated that Coecles Harbor has had silt filling in and that winter storms have washed away sand. He said that reef balls, which are used to create habitat for fish and help mitigate tidal waves, could also be used on Shelter Island. He explained that they can be put into breakwaters or as part of cobble. Legislator Bridget Fleming asked what his thoughts on Coecles Harbor are. Robert Waife replied that the Inlet has filled and the channel will move with over-wash from storms remaining a threat. While some dredging has been done, the Town still has some dredging left to do. He further stated that the reef balls would not replace normal dredging.

Barley Dunne (Southampton) Introduced himself as the Director of the East Hampton Shellfish Hatchery. He is a lessee, Member of the Aquaculture Lease Program 10 Year Review and a boater. He said an issue of concern in East Hampton with the Aquaculture Lease Program is the utilization of floating gear. He believes the program is a benefit because it provides filter feeders, habitats and more. He also said a working waterfront is important where there is an area where product could be offloaded. He noted the Aquaculture Lease Program currently represents less than 1% of the area of Peconic Bay, compared to other States using 5% of their waters. He said

there are 40-50 operating oyster farms in the State, which is lower than other States. He said there are resources available to help. Legislator Bridget Fleming mentioned ownership of Shinnecock Commercial Dock to the Town of Southampton. It was felt they would be more likely to respond to the industry's need. She asked if East Hampton had any of the same issues. Barley Dunne mentioned that Long Island Oyster Growers' Association has proposed Captree State Park for some shoreside aquaculture infrastructure in Great South Bay.

Presiding Officer DuWayne Gregory noted Amityville Village Mayor Dennis Siry was a guest at the Public Hearing.

Dave Bergen (Cutchogue) Spoke about dredging and seconded the statements made by Mary Bess Phillips. He praised the work of the Department of Public Works but said the challenge with dredging is permitting and the reduction of the dredging window. He stated there was a dredging forum five years ago where he recalled a Federal official had offered ways for dredging to take place outside of existing dredging windows. He said any work to increase the dredge window would be helpful. He said more conversations should take place with the State on the May dredging period. He also had asked Congressman Lee Zeldin if any changes had been made with the dredging windows in the Magnuson-Stevenson Act. Congressman Zeldin replied there were no changes. He said work should still be done with Federal officials in order to offset budget and window issues. Legislator Al Krupski said that last year five creeks were dredged during the May window. Dave Bergen replied that there have been new regulations requiring bird monitors that were appointed during the dredge window at the last minute.

Julie Lofstad (Southampton) Introduced herself as a Southampton Town Councilwoman and as the owner of a fishing boat based out of the Port of Shinnecock. She said the Marine Industry is an economic engine for the area with a number of bait shops, fisheries, and the second largest commercial fishing port in New York located in Southampton. It supports the tourist industry in the area and there are a number of large fishing tournaments. She said commercial fishermen deal with significant regulation at the State and Federal level and these regulations should be fair and equitable in order to be in line with other States. She noted the offshore wind farm project is a major issue as well. Julie asked that the Advisory Council support these efforts even if they cannot change them directly. She said that the Council could help directly on issues such as maintaining and preserving working waterfront and the general promotion of local fisheries. She also said that environmental issues are a constant and we should all work together to help in this critical issue to protect Long Island.

Presiding Officer DuWayne Gregory recognized Legislator Sarah Anker who had joined the meeting.

Andrew Lynch (Quogue) Spoke as a resident of Southampton Town and a boat owner. He has done research on water quality with a number of groups. He said that he supports dredging due to the flushing effect that it has on contaminants. He stated that Penniman Creek on the west side of Shinnecock Bay is home to 25 docks, a yacht club, a youth sailing program and two

public access boat slips and is in need of dredging. At low tide the entrance is only two feet deep and was last dredged in the 1960s. The boat slips are used for Marine Bureau Police and for water emergencies. It took over a year to get approval for a place to put dredged materials. He asked the Advisory Council to look more closely at the South Shore and put Penniman Creek on their lists. Presiding Officer DuWayne Gregory said that dredging is the number one issue which he and the Advisory Council are looking into. He read a report that waterfront homes that are not dredged see their home values decrease by an average of \$250,000. Legislator Al Krupski added that there is a limit for some public sites for dredging materials which he disagrees with when contaminants are not found. Legislator Bridget Fleming said that the town puts together a priority list and asked when he spoke with the Trustees since she did not see the Cove on the priority list. Andrew Lynch replied he wasn't sure, but he did mention it to them. Chris Pickerell said that since it was last dredged in the 1960's it would be difficult to get it back on the list. Legislator Al Krupski said he was unsure of the spoil site requirement and suggested he ask Assemblyman Fred Thiele. Legislator Bridget Fleming said she would like to meet with Andrew Lynch and the Town trustees in the future.

John Mackall (Amagansett) Said there is little knowledge of activities on the water. He feels harbormasters should get more involved with surface equipment on the bays. Harbormasters should be more aware. John stated that surface equipment can be a threat to boaters at night. There is local knowledge of where hotspots are but there has been a lack of communication to locals. He also said local waterfront revitalization plans in East Hampton focus on scenic resources and should be respected in light of the placement of floating gear. There should be communication to local newspapers. Legislator Al Krupski mentioned that there is the Aquaculture Lease Program Ten Year Review ongoing, and suggested his comments be submitted to them. John Mackall said that would be good and Presiding Officer Gregory asked if he had comments to submit. John Mackall said he could and remarked that surface equipment could have a conflict with scenic resources. Tom Kehoe said that the surface equipment is a concession to help the industry and is a NIMBY issue which has been ongoing in the public. John Mackall replied that he understands but feels as though more outreach could be done.

Patricia Aiken Said that a focus should be to continue to protect the environment and stated she had discussions regarding the wide array of casual uses for waterfronts. She said one idea is to have a marine spatial planning process to look at how different uses fit together and how to resolve conflicts. She said that this could help businesses operate and that it would benefit the traditions of Long Island's Marine Industry.

Arthur Kretschmer (Mattituck) Said he is a commercial fisherman in Mattituck, who agreed with John Mackall that a number of people don't like to see commercial fishermen. Arthur stated that Mattituck Harbor is also in need of dredging. He said that Southampton Town only allows oyster farming in the winter when they aren't worth much and that oyster farming should be allowed in the summer when people would buy them and argued for conditional openings for shellfish harvest. He said that the Advisory Council should look at protecting the marine

infrastructure which is almost gone. He said that he had been to NY DEC meetings for waterfronts and had often heard conflicting information. He suggested that the County send someone to the meetings. August Ruckdeschel said that he attends NY DEC meetings. Arthur Kretschmer said that the East End is under-represented at these meetings. August Ruckdeschel stated there are four members, but Arthur Kretschmer said they haven't attended meetings. Legislator Al Krupski said that regulations have stopped dredging at Mattituck Inlet. Tom Kehoe said that it isn't the County's job to find markets. Arthur Kretschmer said he isn't asking for that. Tom Kehoe said usually winter is a good time to sell oysters, Arthur Kretschmer disagreed. Tom Kehoe said the industry should not go to the NY DEC for promotion. Arthur Kretschmer said that if the regulations preventing harvesting in the summer it would help them.

Karen Rivara (Greenport) Said she is a resident of Greenport and was part of the Aquaculture Lease Advisory Committee and helped to set up the Aquaculture Program. She said the program was established with the goal of creating economic opportunity and for having people do oyster farming out in the bay. She said that she doesn't see the issue with surface equipment that others do and noted that much of Peconic Bay is muddy making it impossible to grow shellfish on cages on the bottom. She said that it is 1,000 feet or more from the shoreline, so they can't be seen from the shore easily. She said research should be done on gear technologies that could help everyone but it is important to have shellfish out in the bay due to the benefit they provide in cleaning out nitrogen. She said she supports the County's efforts for mitigation of outflow from septic systems. She said they need working waterfront protections, since it is very hard for fishers to access the water currently. She liked the idea of utilizing preservation funds on working waterfront properties. Chris Pickerell asked if there is a gear that would allow it to be in the water but off the bottom. Karen Rivara said she has not heard of any directly, but hasn't heard of any issues with floating gear. She said if funding was provided, research could be done to convince farmers to utilize "less ugly" gear.

Chuck Westfall (Amityville) Spoke on the initiative he had proposed for infrastructure use at Captree State Park. He said he hoped that the Advisory Council or the Legislature could support the initiative when it is completed. He said that shoreline access is at a premium. He mentioned the Suffolk County Department of Health Services regulations which make it difficult for oyster farmers to sell products at fairs, wineries or other events. He said that it would help local oyster growers to compete with other States since it would provide more direct access to Long Island markets. Chuck said that it would not require any changes to law since it is only the cost that is prohibitive. Presiding Officer DuWayne Gregory asked if there was also a 14 day limit. Chuck Westfall replied that there is, as permits only apply for 14 consecutive days. Tom Kehoe said retail fish markets are regulated by New York State Agriculture and-Markets. Chuck Westfall said that there is a distinction between a farmer handing someone an oyster and selling it at a fish market. Legislator Bridget Fleming asked for information on Captree State Park as a site. Chuck Westfall said that this would be primarily for Western Suffolk oyster farmers; since shellfish are moved along Route 27, it could become a waystation for oyster farmers to drop off product and for distributors to pick up product, saving fishermen money and creating a stop point for the market.

Legislator Bridget Fleming asked if restaurants would come out to the site. Chuck Westfall said it is already happening with refrigerated trucks and it would expedite the process. Chris Pickerell asked if he could describe the Islip Aquaculture program. Chuck Westfall said the Islip Program is similar to the Suffolk Aquaculture Lease Program as there is a lottery for five acre leases of which the majority use floating gears.

David Daly (Southold) Is the founder of Southold Bay Oysters and asked for help with the Suffolk County Health Department regulations. He said they met in January 2018 regarding changes to permits allowing farmers to sell products at events. Current regulations mean there is a \$95.00 permit fee for each day of an event and a \$210.00 host fee. There is no permit currently for weekly recurring events, such as the Greenport Farmers' Market or Mattituck First Friday Street Fairs. To date, they have not received any feedback from Suffolk County's Department of Health. He said they are presenting their recommendations for changes to the permitting process and easing requirements. He stated small-scale farmers have difficulty selling products and that easing these requirements would allow for a steady source of income at these events. Presiding Officer DuWayne Gregory asked what kind of permit would be ideal. David Daly replied that New York State's permit for a particular event would be a good model to follow. This permit allows up to three times a week, if an event is at the same site. He clarified that the 14 day permit only applies to an event that lasts 14 days and with the \$95.00 fee it makes attendance at these events which may generate \$200.00-300.00 in revenue not as profitable.

Steven Schnee Introduced himself as a member of the Long Island Oyster Growers' Association. He reiterated what David Daly and Chuck Westfall had said earlier. He stated selling at vineyards and street fairs are the sweet spot and any changes to the regulations would be very helpful. Steven said that the Aquaculture Lease Program is great and he is a member. This program has a ripple effect which helps individuals get involved in the industry.

Elizabeth Peoples (Greenport) She and her wife recently purchased an oyster farm and are part of the Aquaculture Lease Program. She spoke about her move to the East End and her involvement in the Long Island Oyster Growers' Association. They were pleased to participate in the program due to the positive environmental impact oyster farming has on the environment.

Sean Gilligan (Greenport) Introduced himself as the General Manager of two Stirling Harbor properties in Greenport. He said he supports the Aquaculture Lease Program and he has never seen an accident involving surface gear. He said that the dredging of Stirling Harbor entrance is closing rapidly due to winter storms. The dredging window was shut by the time the issue became apparent and now May is the earliest it would be open. Greenport Yacht Yard is interested in covering the cost of the dredging to a certain amount. He has already gotten a quote for the work. He said it is a high priority for businesses in the Stirling Basin and local businesses. Stirling Harbor Marina has roughly 500 boat slips, and the Yacht Yard has roughly 400 so the lack of dredging is a threat with an 80 feet wide entrance. They stand to lose hundreds of thousands in revenue if dredging is not done at Stirling Harbor. He said they are also pursuing sewer development in Greenport, where they will assist in bringing sanitary sewers to the marinas and

restaurants at the property. Legislator Al Krupski reiterated the importance of the Stirling Basin and sewer hookups. Chris Pickerell asked if there was a dewatering site. Sean Gilligan replied that they have a Harbor Plan at a sandy point nearby.

Ann Welker (Southampton) Introduced herself as a Southampton Town Trustee. She commended the speakers and the County for its work with septic systems. She spoke on what are non-priority and priority dredging sites. She said there are a number of small marina owners who struggle to get through the permit process or get funding for dredging. She said they are desperately in need of funding sources for secondary dredging sites. She asked if there were any ideas the Advisory Council could offer for these sites. Presiding Officer DuWayne Gregory said that it is certainly his goal and the Advisory Council is looking at all the issues that need to be changed and develop a plan.

Gary Cobb (East Hampton) Introduced himself as a member of the East Hampton Town Fisheries' Advisory Committee and a partner in a business that helps bring local fish to market. He said that in East Hampton there are three packing facilities and each is on the market for sale. Inlet Seafood Market, Gosman's Fish Market and Stuart's Seafood Market have been up for sale for a while. The loss of this infrastructure would be catastrophic for fishermen in East Hampton and Southampton. He said that any efforts, perhaps in conjunction with the State or with Town Preservation Boards, to purchase development rights or to preserve these facilities would be crucial. He said the State Committee presently does not have representation for those in the East End. He said that the current East End representative is a drag fisherman from Mt. Sinai and not a baymen type fisherman. He said that any programs to lure a processing plant and developers who support the industry would be helpful. Presiding Officer DuWayne Gregory asked about Gosman's being sold. Gary Cobb replied that he believes the zoning rights allow for hotel development and he doesn't know if they are discussing selling it to another fisher or a commercial developer. Legislator Al Krupski asked if they could provide funding to buy the site to keep it open for fishing. Gary Cobb said that if they could purchase development rights the site could be retained. August Ruckdeschel said he loves the idea of using CDF to buy development rights. He said there is also a historic element to preserving the industry he currently has a survey available which could be used in discussions with potential fishing processors. Gary Cobb also said that areas conditionally opened could be relocated and there was previously a town project. Tom Kehoe said there was a program in Huntington Town for the relocation of shellfish. Gary Cobb said relocation from creeks to larger waters would help support more farming.

Bryan DeLuca (Riverhead) Introduced himself as the President of the East End Tourism Alliance. The Alliance has received over \$10 million in development grants for tourism events. He said he is a Discover Long Island Board Member and will be Chair of the organization in 2020. He said clean water is critical to the tourism industry in the East End. He said he would like to see more work done with storm drains and run-off from main streets which has at times limited kayaking businesses due to high bacterial rates in the water. He said there are programs for filtration systems in storm drains. He said he has worked with the Cleaning Vessel Program at the

Treasure Point Marina, a \$70,000 State Program connecting house barges to the Riverhead sewer system. Bryan said the Treasure Point Marina is probably the only marina on Long Island to have done that. His main job is to be the Executive Director of the Hyatt East End and the Long Island Aquarium. He also plays a role with the Riverhead Foundation Rescue Center which has seen an Unusual Mortality Event (UME) in New England affecting Gray and Harbor Seals. There have been close to 800 stranded Harbor Seals. There is no clear cause yet, but it could continue to move into New York waters. The Aquarium's hospital cannot take these seals back due to possibility of contamination of their own seals. Seals have been treated in New England facilities but they are concerned if this moves towards local waters. The Riverhead Rescue Center has shifted towards endangered species, including sea turtles, which they will lead in the Northeast. Legislator Al Krupski praised the work with the house boats and said all programs are part of the M4 New York State Program. Although there are new rules expected with reporting from the DEC, Riverhead has had a constant problem with storm water runoff. Legislator Sarah Anker said Mt. Sinai also has an issue with storm drain runoff and has looked at some filtration systems, but they must be maintained. She asked if the Unusual Mortality Event affecting seals is tied to climate change. Bryan DeLuca said there is no sign that it is and they partner with organizations across the East Coast. Sarah Anker asked if a larger facility is needed. Bryan DeLuca said it is an issue but comes down to DEC funding.

Connor Needham (Shelter Island) He is representing Coecles Harbor Marina in Shelter Island. He has said dredging of Real Point has become a concern. It is not only a point of access to the marina but is used for public moorings as well. There was a previous \$40,000 program for dredging at the site. It was done at the mouth of the harbor but climate change storm activity has increased and expedited the filling in of the site. The marina and harbor could lose business if dredging is not done. He said there used to be a casino at the north entrance of the harbor. As a direct result of Hurricane Carol, the current channel was opened up. Like Stirling Harbor, the entrance to the harbor is quite narrow, and has only gotten worse and with there has been two collisions due to the changes at the site. Presiding Officer DuWayne Gregory asked if the lack of dredging is impacting his family's business and how long his family has operated it. Connor Needham replied that it is affecting business and his family has owned it since the 1970's. He said the marina has 60 slips, and 50 moorings with almost 200 boat owners and fishermen coming in to the scenic harbor during the summer it has become dangerous and some have moved to other areas. He noted that it was dredged in the summer, but a nor'easter brought all the material back into the channel. Legislator Bridget Fleming said Shelter Island is looking to develop a plan. Connor Needham said his Uncle is the President of the Waterways Committee and they have become more involved. Legislator Bridget Fleming noted that the Town has to recommend the site to the County and said she will follow up on it. Legislator Sarah Anker said it becomes a priority after the Town designates a site.

E. Burke filled out a card to speak but left.

John Bouvier; Southampton Councilman filled out a card, but had to leave due to a previously scheduled event.

Presiding Officer DuWayne Gregory asked if anyone else would like to speak, there seeing none. The meeting was adjourned at 7:06 p.m.

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