

**Meeting Minutes - Suffolk County Legislature's
Marine Industry & Revitalization Advisory Council**

April 17, 2019

Committee Members Present: *Presiding Officer DuWayne Gregory, Legislator Susan A. Berland, Legislator Al Krupski, August Ruckdeschel, Tom Kehoe, Eric Kreuter, Kim Lamiroult, Danielle Stango-Torre, Vincent Pesce, Diane LaChapelle, Bill Hillman, David Wicks*

Committee Members Absent:, *Vincent Biondo, Dr. Shaun McKay, Debra Montaruli, Legislator Bridget Fleming, Chris Pickerell, Lisa Calla, Kristen Jarnagin, Michael Jensen.*

Staff Members Present: *Lora Gellerstein, Christina DeLisi, Bob Fonti, Nancy Jacobsen, Vanessa Rojano, Derek Stein.*

Meeting called to order at 2:00 p.m. by Lora Gellerstein, Chief of Staff to Presiding Officer DuWayne Gregory.

Lora Gellerstein asked for those present to review and approve Minutes from the January 16th, 2019 Meeting, and February 6th and 7th, 2019 Public Hearings (Hauppauge and Riverhead). Several members suggested changes to the Minutes. Tom Kehoe requested that the committee move to approve the Minutes at the next scheduled meeting. All Agreed.

Review and Approval of prior Meeting Minutes:

Lora Gellerstein suggested the group discuss any salient points from the Public Hearings and stated she already had a list of some of the highlights. Tom Kehoe requested a copy of the key points and comments of both public hearings. Lora Gellerstein explained the notes were simply internal for the Presiding Officer to lead the conversation. Lora Gellerstein asked Derek Stein to hand out copies of the highlights.

Discuss Outstanding Issues from the Hauppauge and Riverhead Public Hearings:

Presiding Officer Gregory stated he thought the Public Hearings went very well with a number of great ideas and participation. He stated dredging was the most common issue and there were a number of other localized issues as well.

Presiding Officer Gregory asked if the members had reviewed the Minutes and Public Hearing notes. Diane LaChapelle replied that they passed over them for the next meeting.

Presiding Officer Gregory stated there was an issue related to the Health Department regarding permits for Shellfish sales. August Ruckdeschel replied that Chuck Westfall and the Long Island Oyster Growers Association had an issue with existing Health Department permits where it was cost prohibitive to set up a booth at a number of events. Tom Kehoe stated there is a bill covering that. August Ruckdeschel replied a bill was just laid on the table. Presiding Officer Gregory stated it is great that the County Executive is listening to our Public Hearings. August Ruckdeschel stated they had a press event at Catch Oyster Bar in Patchogue for the resolution, which creates a yearly shellfish permit for farmers and harvesters to get one

permit for an event where they can operate. They are also doing a pilot program which waives the fees for two years for sellers to have an incentive to participate. Presiding Officer Gregory asked if that was something they had been working on. August Ruckdeschel replied that they had put this together really fast. Legislator Krupski stated constituents had contacted his office about the permit before. Presiding Officer Gregory asked why he wasn't invited to the press event. August Ruckdeschel stated that shellfish vendors had found it cost prohibitive to cover events in the past due to the \$90 event fee. Legislator Krupski stated the other health regulations for handling raw shellfish are unchanged, including restrictions on safety standards.

Presiding Officer Gregory asked if anyone had any other questions on that or highlights from the Public Hearings. Tom Kehoe stated that more than half of the people at the Public Hearings discussed dredging. Presiding Officer DuWayne Gregory stated that it isn't just a money issue, but is complicated due to the number of agencies involved and the need for spoil sites. Tom Kehoe noted that while it is a process to change regulations, they are made by bureaucrats and can be changed. He recalled that the Eastern Oyster was at one point placed on the threatened list. Tom Kehoe stated that he met with former State Senator Marcellino regarding discrepancies between the allowable catch of lobster in Connecticut and New York and Senator Marcellino was not interested in changing the law. Bill Hillman stated that towns vary, some are willing to put work in and others are not. Presiding Officer Gregory noted that it is on Suffolk County's dime. Bill Hillman stated they are required to do some work, but towns are helpful in obtaining access. He stated that some towns take that responsibility seriously and others do not. Legislator Krupski stated that meeting with the towns is very important.

Dredging Presentation by Suffolk County Department of Public Works Chief Engineer Bill Hillman.

Lora Gellerstein stated that the group previously asked for a briefing on Suffolk County's Dredging Program and Bill Hillman had put together a presentation which was included in their folders.

"Waterways Dredge Program – Presentation – Questions and Answers."

Lora Gellerstein explained that the group had been asking for a briefing on dredging, and that Bill Hillman had put together a presentation which was included in their folders. She asked Bill Hillman if he was ready to present and he stated he is. Lora Gellerstein then briefed Legislator Krupski.

Bill Hillman began by stating that the dredge program has a budget of \$4-\$5 million annually in their capital program for the dredging of large harbors on the North Shore. Dredging work is contracted out for these harbors on a four to ten year cycle. A small amount of funding is set aside for a consultant to handle regulatory permits.

Bill Hillman stated that the Department of Public Works also uses the Capital funding for purchases, such as a new in-house dredge, which cost \$1 million. The annual operating fund for dredging is \$800,000 which includes equipment costs, repairs, and salaries including overtime. Vinny Pesce asked about the number of staff. Bill Hillman replied that is included in the slides. August Ruckdeschel asked what does the four to ten year cycle refer too. Bill Hillman explained that as Harbors are dredged, they naturally fill back up over time and the timing for each harbor depends on how fast they fill in. Tom Kehoe asked who determines the time cycle. Bill Hillman replied that he and Director of Waterways Scott Hilary determine that. Tom Kehoe stated that Northport Harbor hadn't been dredged since 1968. Bill Hillman replied that the lack of a disposal area has prevented dredging there. Tom Kehoe stated that the Town of Huntington just

alienated parkland for a disposal site. Bill Hillman stated that is the first time he is hearing about it. Tom Kehoe stated there is room at the Vanderbilt. Bill Hillman replied that the County doesn't supply sites to the towns and that the slides will cover that. Bill Hillman stated they have two people at the office who work with dredging, the Director of Waterways, and an Assistant Engineer. Another, part time assistant works with them as well. On the dredge they have a Captain, two dredge mates, two equipment operators. The waterways surveying crew has two mates. He stated they are responsible for 300 sites, with 80-100 active permits at any given time. The County dredge stays in the Peconic Bay, with contract dredging for usually three to four locations a year, depending on weather while trying to meet their goals. He noted that two years ago they had a bad year, with two weeks lost to mechanical issues, and the dredge being frozen in during the middle of December.

Bill Hillman explained that a dredge project is approved based on eleven criteria, and that they only dredge publically accessible areas and not private canals. He stated they dredge for the ten towns, who must meet with the dredge screening committee and make a case that the project meets one of ten criteria. He stated if it does not provide a public benefit, it will not be dredged. He noted that the slide listed all the information the screening committee needs, such as channel location, quantity, cost, and shoaling. He noted they now ask the Towns to conduct core samples, instead of grab samples previously permitted by the NYSDEC. Bill Hillman stated that the Towns have come in without tests which complicates dumping. He noted they now ask the towns to provide all information, so if a material is mud and not sand and there is no suitable upland reserve site it will simply not be approved. When an upland disposal site is found he stated they will then move forward with a project. Bill Hillman explained that they typically receive about 40 requests a year, but are generally restricted to about 25 projects a year. He stated they narrow down the list of projects by working with the town and conducting public safety investigations.

Bill Hillman explained that any material that has more than 10% silt needs an upland disposal site and locations are limited. Legislator Krupski added that it is a DEC issue, and stated that with surplus material locations the Department of State and even private landowners can be involved. Tom Kehoe stated these requirements are relatively new and have become burdensome to the towns. Legislator Krupski stated that he had worked with the County on dredging when he was a Southold Town Trustee, and that the DEC's policies set the bottom line. Bill Hillman stated that the restriction with putting non-sand materials on the beach has been around for decades, but he noted that development around waterfronts has made it more difficult to identify upland disposal sites. Legislator Krupski stated that core sample testing has made transportation of spoils more difficult. Tom Kehoe recalled the Army Corps. Of Engineers wanted to dump materials into the Long Island Sound. Eric Kreuter brought up that some of the towns had refused to do core sampling due to cost. Bill Hillman stated that is a Brookhaven issue, and that Supervisor Ed Romaine had been opposed to the change in the core sampling policy. Legislator Krupski asked if there are different requirements for different materials. Bill Hillman replied that they receive a permit for ten years, so core testing applies and dumping sites apply for ten years. He stated that they had a productive meeting with the DEC regarding the possibility of opening up some windows and for discussing the history of a location and for simplifying the process at sites where details will not change. He stated the DEC has been very responsive.

Bill Hillman then listed regulatory restrictions, as well as a calendar showing the October-November-December timeframe where dredging is permitted. Legislator Krupski stated that previously the window applied from January to March as well. Bill Hillman stated current discussions with the DEC potentially could reopen September for dredging. He stated that other than National Marine Fisheries' eelgrass

restrictions, the DEC is the main agency and they will be meeting again on April 30th. Bill Hillman mentioned how they had hired Scott Hilary as Director of Waterways due to his environmental background. Eric Kreuter asked if the capital budget would cover the expanded window. Bill Hillman replied that is already accounted for, but the window opening up would permit the in-house dredge to complete more projects. Presiding Officer Gregory asked if in a perfect world what number of projects could be completed. Bill Hillman replied that there are so many variables with this that the question could be framed as asking for what would be realistic. He stated that he could pose it to the Director of Waterways as asking what they would need. He stated that he would ask what number of projects could be done in house and contracted out. Presiding Officer Gregory stated that he is frustrated by how many people can't use their water access, so how could a recurring funding source help. Bill Hillman stated that on a yearly basis they are working on about 80 permits a year out of a total of 300 sites. He stated that they have instituted a program with a new hydraulic dredge and a mechanical dredge as well.

Bill Hillman listed operational challenges, including the three-month / 92 day window. With holidays and weekends that leaves about 60 dredge days during which the dredge crew work 10 hours a day. He also stated that there is a new regulation with the Red Knot in addition to existing regulations protecting flounder, eelgrass, and the piping plover. He stated that the February 11th DEC meeting was successful, and at the meeting on April 30th, they hope to open the September and spring dredging windows.

Bill Hillman explained their mechanical dredge solution where they would hire two engineers and use three old front-loaders the Department of Public Works' Highway Crew was set to replace to sit on the shore and excavate sand in some areas. He stated the administration likes the idea, and one position and one candidate have been found for the staff positions. Tom Kehoe asked if that would require the same permits. Bill Hillman replied that it does, but existing permits can be modified. Tom Kehoe asked if you would need the Department of State and Army Corps., first. August Ruckdeschel stated that they would get approval from the County for aquaculture, and the DEC and the Army Corps are later. Bill Hillman stated for dredging the DEC must approve the permit before the Army Corps. Bill Hillman stated they could perhaps run this program for a decade with these old front-loaders and staff. Legislator Krupski stated they could get a lot of smaller projects done and stated that the Natural Resources Conservation Service has purchased sites in Mastic-Shirley which could be used as a spoil site with the DEC's support, another site had been targeted for acquisition as well. Bill Hillman stated that they are looking into getting a barge to circumvent issues of access. Legislator Berland inquired if there was a possibility they wouldn't get the front loaders, Bill Hillman replied that it is a process. Vincent Pesce asked if the BOMARC site was being looked at for spoils, Bill Hillman replied that it has to be proximate to the location due to the pump that is connected to the dredge. Eric Kreuter asked if the EPA or Department of State explain why they override the DEC at times. Bill Hillman stated that they always go back at them, and that they have inconsistent standards. Bill Hillman stated that if they fight too much towards the EPA they do have the power to shut their program down. Legislator Krupski stated that the winter flounder regulation came in ten to fifteen years ago in an area based on if a habitat is suitable for breeding, and that towns offered to hire biologists in order to dispute the claim and try to re-permit the longer dredging window. Legislator Krupski added that the short window has made the risk of winter storms worse. Bill Hillman stated that their Director of Waterways has been very successful since he is able to speak the DEC's language.

Subcommittee Reports

Presiding Officer Gregory asked if there were any Subcommittee reports. Tom Kehoe stated that the **MIRAC Aquaculture and Commercial Fishing Subcommittee** met at Suffolk County Community College the day of the Riverhead Public Hearing (2.7.19) where they met with some Deans. Tom Kehoe stated they discussed a curriculum, but there is some redundancy with existing Cornell Cooperative programs.

David Wicks stated the **MIRAC Education and Workforce Development Subcommittee** met before a workshop the Department of Labor was holding. Diane LaChapelle stated she and Eric Kreuter were pleasantly surprised by about twenty people coming to the event. She stated BOCES had held a job fair at Islip High School where marine tech courses were featured. Craig Horowitz then updated the Advisory Council on the contract the Department of Labor had entered into with Eastern Suffolk BOCES to provide Federal funding for a marine technology and repair course that will start in the fall, he stated it is very exciting for the Labor Department to have Federal funding available to train unemployed and underemployed workers in marine tech and repair areas due to the existing shortage in the field. Legislator Al Krupski asked if they have reached out to High Schools in order to get more people interested in the field. Diane LaChapelle stated that motivated their program at Islip High School, and they have looked to expand the program out to other high schools but have been limited by time.

Eric Kreuter's father's program at Kingsborough Community College had been approved by the New York State Department of Labor, and he had also been in contact with Suffolk County Community College about the possibility of cross-enrollment programs with winter courses. He stated that he has been in contact with Western Suffolk BOCES about holding a pre-apprentice program for students looking to get in the college-level apprentice program. Bill Hillman stated that one of the candidate's he had found for the engineering positions he had mentioned had a degree in Diesel Repair, and David Wicks stated there is a big program for that in Ohio and a program is also offered in New London. Eric Kreuter stated the Kingsborough Community College program will also result in an AAS degree. Bill Hillman stated that perhaps we could promote these programs as well. David Wicks stated that BOCES has agreed to look at advertising our programming since the difficulty is getting guidance counselors to steer students towards these programs even though they can be very lucrative. He stated that about 7% of Suffolk County students take advantage of Career Technical Education (CTE) programs where upstate it is closer to 50%. Legislator Al Krupski stated that August Ruckdeschel had worked on a program to get kids involved in agricultural programs at the high school level and asked if it could be a model for marine engineering. August Ruckdeschel stated that he isn't sure, and there is no equivalent to the New York State Agri-Markets for the Marine Industry. Presiding Officer DuWayne Gregory asked if there was any other new business.

Bill Hillman noted the reef ball proposal, and stated that the Department of Public Works is looking to replace the Smith's Point County Park Bridge and may dispose of material from the bridge for a reef. Legislator Al Krupski stated that Cornell Cooperative would know where to put the material. August Ruckdeschel stated that he often attends Marine Resources Advisory Council meetings. The Marine Resources Advisory Council circulated a list of ongoing legislation in the New York State Legislature that August Ruckdeschel thought might be helpful to the MIRAC. Legislator Al Krupski asked if material from Smith Point's bridge could be used to reinforce roads, Bill Hillman replied that he'd need to investigate.

There being no other business, Presiding Officer DuWayne Gregory adjourned the meeting at 3:20 p.m. The next meeting of the Advisory Council will be held on May 15th, 2019 at 11:30 a.m.

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