

**TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF
THE TOWN OF EAST HAMPTON, LONG ISLAND**

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June 22, 2020

County of Suffolk
Department of Economic
Development and Planning
Sarah Lansdale
Director, Division of
Planning and Environment

RE: *Suffolk County Shellfish Aquaculture Lease Program in Peconic Bay and Gardiner' Bay Ten Year Review: East Hampton Town Trustees Recommendations*

To All it May Concern:

The Trustees of the Freeholders and Commonalty of the Town of East Hampton (hereinafter "The Trustees") first wish to express their gratitude and appreciation of the efforts of the Suffolk County Shellfish Aquaculture Lease Program Ten Year Review Advisory Group (hereinafter "The Advisory Group"), Suffolk County Division of Planning and Environment Officials, and most importantly the public, in their spirited and active role in this ten year review process.

As historic stewards of the bottomlands and fisheries of the Town of East Hampton for over 400 years, the Trustees cannot overstate their level of interest in the current and future use of these bottomlands and the future of Aquaculture in these waters. While the board of nine Trustees may have their differences in opinions as to the specifics, there is a general consensus that Aquaculture does and must continue to play an important role in the future sustainable economic growth of our local waters. At the same time, these privatized uses must be carefully balanced with the general public's right to use and interest in these waters for navigation and for a variety of both recreational and commercial uses.

The Trustees have engaged in substantial research, review and public outreach during the course of this review process. In addition, Trustee John Aldred has played an integral and sometimes difficult role as a member of the Advisory Group. With this in mind, the Trustees offer the following recommendations for the County to entertain as they develop policy changes and a framework for the next ten years of the Aquaculture Lease Program:

1. Sites 854- 859. Sites 854, 855, 856, 857, 858, and 859 are either within or are dangerously close to an active navigation channel which is the gateway to Napeague Bay from waters to the east. The Trustees recognize these plots are currently unused, with only one existing, and currently inactive lease site. The County should remove these six plots from this location. Options to consider are relocation of some or all of these plots to a trial area such as Cherry Harbor, or, due to the limited interest in cultivating these sites, outright removal from the program.
2. Sites 840 & 841. Sites 840 and 841 are currently leased and in active use. It is believed there are six years remaining on these lease sites. There is an overwhelming consensus that these two sites are in a location that directly conflicts with navigation and recreational use, due to its proximity to

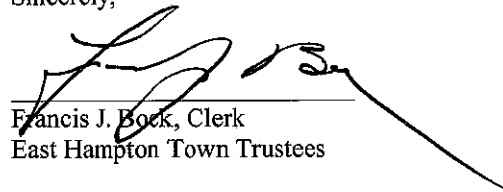
Devon Yacht Club, Lazy Point, and the developed areas along this coastline. It also appears much of the divisiveness and dissent among the members of the community can be traced back to the operation at these sites. Recommendations for these two sites are:

- a. Relocate the Leasehold Interest Under 6(b) of the Shellfish Aquaculture Lease Agreement. This section permits the County to *require* site relocation based on “environmental or other public policy considerations.” With language as to the timelines for relocation excluded from the lease agreement, it appears well within County authority to relocate the lessee at any time during the lease term. Recommended relocation sites are at 848-853. The benefits of these sites are detailed in Section 4 below.
 - b. Decline option to renew and relocate at end of lease term. If the County determines not to relocate these sites under 6(b) of the Lease Agreement, the next best alternative is to decline to renew these sites at the end of the lease term, relocate the lessee, and retire these sites at this time.
3. Sites 838-839, 842-847. These sites are either unleased or currently leased and inactive. The overwhelming consensus among the Trustees is, these sites, if actively leased and harvested, pose the same navigational, recreational, and commercial impediments to public use as do sites 840 and 841, and should be removed. Options to consider are relocation to areas such as Cherry Harbor, partial relocation and consolidation with sites 848-853 to the east, or outright removal from the program due to lack of interest.
 4. Sites 848-853. In the interest of compromise between the general public and the SCALP lessees, the Trustees believe these sites are the best suited for continued use and should be analyzed for potential growth. These sites are located outside of the navigational channel and they are out of the path of recreational pursuits further to the west. The nearest land to these sites is the Napeague State Park, an undeveloped strip of land. The sites are relatively well protected, but may have some exposure to northwest winds. It also appears feasible to expand this area, if necessary, by adding 1-2 more sites either to the north or south of the existing cluster.
 5. Cherry Harbor. There are differing opinions amongst the Trustees as to the need for expansion of the SCALP program. However, if the County determines there should be a relocation of certain sites versus outright removal from the program, the majority of Trustees agree the Cherry Harbor area has the characteristics that lend itself to a successful harvesting location. This location is relatively remote, well protected from the wind, and would present a good compromise between public interests and private use.
 6. Gear Types and Methods of Aquaculture. There are also differing opinions as to whether the County should take interest in the Lessee’s gear types and harvest methods. However, it appears the lease agreements were originally drafted with the intent that SCALP lessees affixed their gear to the sea floor. Whether it is evolving methodology, technology, or other factors, it is apparent that currently, the preferred and most productive method is to utilize floating crates. Understandably, floating gear has caused much concern to the general public as a navigational hazard, aesthetically, and otherwise. The County may want to review these concerns and make determinations as to the safety of these methods. Options to consider are to require that gear either be affixed to the sea floor or floated at midwater. If the County determines not to involve itself with harvesting methodology, another consideration is to require that all floating gear be marked with appropriate navigational lighting to deter interactions and collisions with boaters during the night and in inclement weather.
 7. Other Considerations. The Trustees also offer the following recommendations and considerations:
 - a. Consolidation: The County should analyze the existing lease participation, and when balanced with the promotion of future Aquaculture in these waters, determine whether it should consolidate the number of lease sites at this time. If participation over the next ten years trends upward, perhaps expansion should be considered at the next ten year review.

- b. No Automatic Renewals: In these lease agreements, the County does retain the right, in its sole discretion, to renew or refrain from renewing the leases. It may be good practice to review each site at the end of the lease term to determine whether any problems exist and if relocation is warranted.
- c. Navigational Channels: The County should remove existing lease sites from active navigational channels and the Trustees heavily caution against siting future plots within these channels, as they will continue to be a threat to safe navigation in Napeague Bay.
- d. County Monitoring Program: Where feasible, the County should consider continued, perhaps annual, monitoring of these lease sites to ensure the public interests are properly balanced with the promotion of successful Aquaculture. Perhaps the Advisory Group should survive the ten year review process and have a continued role in monitoring the program.
- e. Relocation of problematic sites to small "Clusters": Where relocation is recommended, the County should first consider sites near undeveloped land to lessen the interactions with public use. Small clusters, such those currently sited of Napeague State Park, lessen these impacts. Areas of undeveloped land include Napeague State Park, Gardiner's Island and tracts in Northwest Harbor. The Trustees do note there is heavy dissent among the public for any siting within the actively used Northwest Harbor.

The Trustees wish to thank the Suffolk County Division of Planning and Development for their active role in this process and their anticipated strong consideration of Trustee recommendations. The Trustees reiterate the importance of striking a balance between public access to these incredible local waters and the promotion of current and future sustainable Aquaculture. We are confident this project is in good hands, and look forward to the County's future directives. The Trustees are happy to further participate in any way you see fit. Thank you again for your time and consideration.

Sincerely,



Francis J. Bock, Clerk
East Hampton Town Trustees

CAC/FJB