NYS MARINE AQUACULTURE ADVISORY COMMITTEE
Meeting Summary – November 13, 2019

Date/Time: November 13, 2019; 11:00am – 12:00pm and 12:30pm – 3:30pm
Purpose: Discuss NY shellfish aquaculture industry issues & priorities

Attendees:
Name                        Representing
David Berg*                  Long Island Regional Planning Council
Wade Carden                  Division of Marine Resources, NYSDEC
Nelle D’Aversa*              NEIWPCC/NYSDEC
John Barley Dunne*           Town of East Hampton
Susan Filipowich             Suffolk County, Dept. of Economic Development and Planning
Karen Rivara*                East Coast Shellfish Growers Association
Gregg Rivara                 Cornell Cooperative Extension of Suffolk County
Sue Van Patten*              Division of Water, NYSDEC
Chuck Westfall*              Long Island Oyster Growers Association

* Attendees at first meeting - summary represents discussions at both meetings

❖ Permitting
➢ Federal (USACE, FDA)
  ▪ Time to obtain permits is problematic for permittees
  ▪ Bottom cultivation and mechanical harvesting permit difficult in NYS
  ▪ Placement of culch for restoration aquaculture considered fill (spat on shell OK)
  ▪ Living shoreline work should get Nationwide Permit (USACE Chesapeake does work itself)
  ▪ Nationwide permits (NWP) relevant to shellfish and seaweed aquaculture (see pages 4 – 5 of this document):
    • NWP #48 - Commercial Shellfish Aquaculture Activities
    • NWP #6 – Survey Activities
    • NWP #5 – Scientific Measurement Devices
  ▪ USACE requested DEC to conduct an environmental assessment for seaweed cultivation permit
    • Specific details of the request were not provided by USACE
  ▪ Need clear permitting mechanism from USACE NY District for commercial seaweed aquaculture
    • Initial contact with NY District through DEC may be best
  ▪ Would be beneficial to coordinate with USACE New England District (Corey Rose, Cori.M.Rose@usace.army.mil)
    • How does USACE permit seaweed in CT?
➢ State (NYSDEC, OGS)
  ▪ Funding needed for more groundwater monitoring to track inputs and reductions
• NY farms typically in deeper waters, require boat for access, an economic burden – State controlled waters (Peconics, LIS) require leases >1000 ft from shore – many shallow sites more appropriate for shellfish aquaculture
• Shellfish sanitation requirements – time and temp requirements - different in neighboring states – adds to NY growers’ expenses
• Shellfish sanitation requirements – other states monitor water temperature more frequently and require icing/cooling only on water temp exceedance
• Decision makers need science support from DEC
• An aquaculture webpage would be useful that tracks current DEC water quality/shellfish determinations by station

➢ Suffolk County
• SCALP ten year review underway; results very important to industry
• Exclusion of 100’s of acres by DEC based on fishery and benthic surveys is problematic - study needed to determine if there is any detrimental impact of aquaculture on fish/benthos – working group already prepared scope. However, updated DEC map reduces extend of excluded areas
• Change in law needed to permit commercial seaweed cultivation in County waters
• Process to amend leases is arduous

➢ Municipal (towns)
• Lease size may need to be increased
• Seaweed cultivation OK with Islip, Brookhaven, and DEC, but USACE permit a problem
• Public hatchery seed sales to private growers competes with private sector hatcheries
• Public seeding programs benefit harvestors who have much lower overhead and compete unfairly with growers

❖ Economic Development/Protection/Promotion

➢ Profitability
• Shellfish farmers need to be more profitable – biggest challenge
• Other states are more efficient and productive (volume) at bringing product to market
• NY growers need scale – 10 or 20 acres or more
• Few middlemen (dealers) in industry, so little price competition, lower price to growers
• Marketing cooperative (maybe by LIOGA or third party) could help
• Labor is biggest cost – third party servicing entity like one proposed by the Gino Macchio Foundation might help
• Other methods of farming in other states & larger farms are out-competing NY growers
• NY restaurants do not offer local NY oysters
• Difficult to sell direct
• Develop a cooperative distribution for shellfish growers

➢ Marketing
• Need better marketing of LI shellfish; more is needed in addition to NY Grown & Certified
• Should be able to take advantage of farm to table movement
• LI has a poor water quality image – problem for marketing local shellfish
• Conversation with restaurant association might be fruitful
• Community engagement needed

❖ Ecosystem services/bioextraction
- Need to be compensated for bioextraction and ecosystem services
- Growers could utilize estuary tributaries, canals where N highest, then transplant/relay
- Highest N locations in inner harbors, canals, estuary tributaries often closed to shellfishing
- Opportunities for bioextraction credit/payments could add to industry profitability
- Peconic Pearls donates $.05 per oyster to the Peconic Land Trust for environmental projects that benefit the Peconic Estuary.

➢ Shoreside Facilities
  - Need for shoreside facilities for off-loading, shipping, and processing
  - LIOGA proposal submitted to State for Captree location (see page 6 of this document)

➢ Competition for public funds
  - Funding for water quality, farmland protection, etc. is going to NGOs, not growers; however growers are the ones that are contributing to better water quality
  - Funding for preserving farmland should also include preserving working waterfronts

➢ Need for State representation
  - NYSDEC is the lead regulatory agency, not economics/marketing focused
  - NYS Department of Agriculture & Markets should represent aquaculture as similar agencies do in other states
    - Phil Giltner may already represent both vintners and aquaculturists
  - Ag & Mkts would be ideal entity to promote but would require additional funding
  - NY may benefit from a more cooperative effort like that of CT DEEP & CT DA/BA

❖ Governor’s Initiatives and LINAP
  - Several marine/environmental initiatives supported by Governor’s office
    - LINAP, Shellfish Restoration; HABs; Revive Mother Nature; Billion Oyster Project
  - Support for environment / economic development suggests timing good to advance aquaculture

❖ NIMBY Issues and User Conflicts
  - Visual concerns on floating gear and more; yacht club legal suit
  - Misinformation on how aquaculture impacts water quality
  - Misinformation campaign by North Shore Baymens Association
  - LIOGA working on BMPs for floating gear
  - BMPs play an important role in providing guidelines to growers getting into the industry
  - Industry to provide comments on BMPs within NYS shellfish aquaculture permitting guidance document
  - Lack of community engagement

❖ Other Potential Working Group Members
  - Mike Ciaramella; NY Sea Grant fisheries
  - Steve Schott; Suffolk County Cornell Cooperative Extension seaweed expert
  - Phil Giltner; Agriculture & Markets in Albany or staff member from Brooklyn office
  - Anthony Dvarskas; SoMAS - Environmental economics, ecosystem services, economics of restoration, natural capital accounting; and/or Nils Volkenborn; SoMAS - Sediment biogeochemistry, animal-sediment interactions, benthic ecology

❖ Next Steps
  - Development of formal NYS Aquaculture Working Group similar to one in CT
  - Identify priority actions
  - Schedule meeting for early December to plan next steps
Final Regional Conditions, Water Quality Certification and Coastal Zone Concurrence for Nationwide Permits in the State of New York - Expiration March 18, 2017

A. Nationwide Permits Index:
1. Aids to Navigation
2. Structures in Artificial Canals
3. Maintenance
4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
5. Scientific Measurement Devices
6. Survey Activities
7. Outfall Structures and Associated Intake Structures
8. Oil and Gas Structures on the Outer Continental Shelf
9. Structures in Fleeting and Anchorage Areas
10. Mooring Buoys
11. Temporary Recreational Structures
12. Utility Line Activities
13. Bank Stabilization
14. Linear Transportation Projects
15. U.S. Coast Guard Approved Bridges
16. Return Water from Upland Contained Disposal Areas
17. Hydropower Projects
18. Minor Discharges
19. Minor Dredging
20. Response Operations for Oil and Hazardous Substances
21. Surface Coal Mining Activities
22. Removal of Vessels
23. Approved Categorical Exclusions
24. Indian Tribe or State Administered Section 404 Programs
25. Structural Discharges
26. [Reserved]
27. Aquatic Habitat Restoration, Establishment, and Enhancement Activities
28. Modifications of Existing Marinas
29. Residential Developments
30. Moist Soil Management for Wildlife
31. Maintenance of Existing Flood Control Facilities
32. Completed Enforcement Actions
33. Temporary Construction, Access, and Dewatering
34. Cranberry Production Activities
35. Maintenance Dredging of Existing Basins
36. Boat Ramps
37. Emergency Watershed Protection and Rehabilitation
38. Cleanup of Hazardous and Toxic Waste
39. Commercial and Institutional Developments
40. Agricultural Activities
41. Reshaping Existing Drainage Ditches
42. Recreational Facilities
43. Stormwater Management Facilities
44. Mining Activities
45. Repair of Uplands Damaged by Discrete Events
46. Discharges in Ditches
47. [Reserved]
48. Commercial Shellfish Aquaculture Activities
49. Coal Remining Activities
50. Underground Coal Mining Activities
51. Land-Based Renewable Energy Generation Facilities
52. Water-Based Renewable Energy Generation Pilot Projects
Proposed Great South Bay Aquaculture Center at Captree State Park (preliminary 2/22/18)

One of the obstacles to aquaculture on Long Island is shoreside access to the water since nearly all shoreline is taken up by private home owners and marinas. Captree Boat Basin is an exception as the park is already set up for commercial use. The addition of aquaculture has a positive impact on areas that haven't seen use in decades.

The Long Island Oyster Growers Association would like to propose creating a state-sponsored aquaculture center at Captree State Park. This center could serve the needs of the many aquaculture farms that are now in the Captree area. Construction could be phased in over a multi-year period, based on demonstrated need. While Long Island oyster growers are not able to give a full accounting of proposed costs, some estimated costs provide a general idea of the scale of the project.

Phase I Docking: (spring/summer 2018):

a) allow skiff docking in the basin area shown shaded in yellow. This can be done without infrastructure changes. All that is needed is the State’s permission.

b) realignment and addition of poles to more efficiently accommodate smaller boats at estimated cost of $5,000.00.

c)

Phase II Off-Loading Area Landing (fall/winter 2018):

a) construction of a winch and davit for the landing of shellfish (area shown shaded in yellow to the west of the boat ramps) – estimated cost $$$$$$$

b) construction of 8’x16’ storage area for hand trucks and dollies.

Phase III Outdoor storage area for trap, cages and miscellaneous gear (winter 2018-19)

a) this would likely not require construction but merely a cleared area for storage of 20’x50’.

Phase IV Construction of a cold storage lock-up with 24 ft. box truck access:

a) this phase would not be started until need was established.

This project, while small in scale and costs, will have an immensely positive effect on aquaculture in the Great South Bay while benefitting the marine biosphere and ecology. Signage explaining the sustainable nature of aquaculture and its positive effects on the environment would educate and inform residents and recreational visitors about responsible wetland use.