

Petition to the East Hampton Town Board

From: **501 local residents who enjoy the use and beauty of Gardiner's Bay**
Re: **The Suffolk County Aquaculture Lease Program (SCALP) 10-Year Review**
Date: **June 17, 2020**

We support the Town's aquaculture program but strongly oppose the County's SCALP program in the Town of East Hampton, as currently implemented.

Over 10 years ago, the ALPAC (Aquaculture Lease Program Advisory Committee) was mandated to identify lease sites that would, "minimize user conflicts" and "establish shellfish farms at locations that do not pose conflicts with fisherman or other bay users."
(SCALP Program Mgt. Guide pgs. 8 and 9).

However, the 22 lease sites selected in East Hampton have failed to "minimize user conflicts." Faulty lease sites were selected because the only input was from Brad Loewen, speaking for the baymen, who did not want sites anywhere, and Bob Valenti, who wanted some near the fish factory for his own use. There was no input from local residents or any other users of the bay.

It is clear from the outpouring of public commentary and from the Town's own LWRP that these lease sites are inappropriate and destined to cause conflict: **"The sheltered waters of Gardiner's Bay and more open exposure of Napeague Bay bordering the Reach receive extensive boating use of all types, including sailing and motor boating, canoeing, kayaking, and rowing, windsurfing, waterskiing and jet-skis.**
(Town of East Hampton LWRP)

Further, many comments have pointed out that the use of floating gear is illegal. It violates public navigation rights protected by the Public Trust Doctrine, and exceeds the County authority to lease bottomlands, but not surface waters.

The County's mandated 10-Year Review process is intended to correct these past mistakes and to, "determine if and/or how the program should be changed and implemented in 2020 and beyond" and to "review, revise and map updates to shellfish cultivation zones." (SCALP presentation Town of East Hampton January 2019)

Clearly, the overwhelming majority do not want SCALP leases in Town:

- The fishermen do not want them
- The marina industry does not want them

- The residents and users of Northwest Harbor do not want them
- The residents and users of Gardiner's Bay do not want them

The Town Board is elected by popular vote. Therefore, we ask that the Board's recommendation on SCALP reflect the comments and objections of all of these groups, not just some of them.

- The Board should not want the SCALP program in town waters for several reasons:

1. The County can only award bottom leases 1,000 feet from shore and as John Aldred has stated, there really are not any appropriate places for floating gear leases 1,000 feet from shore in Town waters; they are too open and exposed and too heavily used by others.

2. Tolerance of any existing or future floating gear leases goes against the Town's long standing policy of preserving public access to our Town resources; surrendering public assets for the exclusive use of for profit businesses will set a dangerous legal precedent for the Town and would no doubt be used against the Town and Trustee's efforts to maintain public access to our coastline in the future.

3. We are not willing to lease out our other recreational assets such as beaches and parks for the exclusive use of commercial enterprises, so why would we surrender our waters to this County program that harms so many for the private benefit of so few?

We ask that the Town Board, via their representative, recommend the following:

- Reduce the SCALP presence in East Hampton by eliminating lease sites 838-847 and 854-859 due to the obvious navigational conflicts.
- Allow sites 848-853 to remain with the stipulation they are for gear on bottom only, with minimal surface buoys. Mandate the relocation of gear in sites 840 and 841 to 849 or 851. Note that 840 and 841 are in the worst possible location re user conflicts and must be moved if future conflicts are to be avoided. Keep in mind that under the terms of the leases issued, the

County has the ability and right to relocate a farmer to another site at any time.

- Disallow any use of floating gear in Napeague Bay due to the obvious navigational conflicts. If used elsewhere in East Hampton, floating gear should only be allowed in locations with no objections from other users.
- Insist the County cancel vacant leases that are in default (not being farmed). For instance, it appears that sites 850 and 853 have never been farmed and are thus in default.
- Of the County alternative maps, we find Alternative 6 the most reasonable for East Hampton because it eliminates most of the SCALP aquaculture zone. However, sites 840, 841 and 856 need to be removed as well.

We further request that the Town's comments on SCALP be delivered in writing – approved by all Board members – and reflect the above points, and not merely the personal views of Barley Dunne.

This is especially important because while we appreciate Mr. Dunne's work in aquaculture, he appears conflicted. Not only is that his career, he is personally a lessee in the SCALP program and until recently the boss of the Town employee who holds leases 840 and 841. To date his submissions to SCALP have been his personal views and he has made dismissive comments regarding residents' testimony. The Town's official comments should fully reflect the concerns of all the citizens and residents of the Town of East Hampton.

You can be pro-aquaculture and still conclude that SCALP leases are not right for the residents of East Hampton.

The Town and the Trustees have rightfully dedicated a great deal of time and thought to issues like Deepwater Wind installations that are miles from shore and cables that come ashore underground and below the surface of the water; in this instance regarding the SCALP 10-Year Review, we ask that you help eliminate once and for all the preventable conflicts which this program has created on some of our most pristine and heavily used surface waters only 1,000 feet from our shores.

Thank you,
The Citizens of Gardiner's Bay