

## Petition to the SCALP 10-Year Review Committee – Comment on Site Maps

From: **Over 500 East Hampton residents who use and enjoy Gardiner's Bay extensively**

Date: **June 17, 2020**

**We citizens who live near and enjoy Gardiner's Bay, offer a petition in comment on the SCALP program, open to additional offline and online signatures by members of the public over time. Committee members, and anyone else reviewing this petition, will be able to see the number of signatories rising daily, to better understand the full magnitude of the user conflicts caused by the Suffolk County Aquaculture Lease Program, as implemented in the Town of East Hampton. (See the website [<https://citizensofgardinersbay.org/>] and the online petition [[Support Responsible Aquaculture , Keep Our Bays Safe And Navigable! at Change.org](#)]).**

### **Please understand:**

- We support our local Town's aquaculture program, but strongly oppose the County's SCALP program as implemented in the Town of East Hampton.
- Over 10 years ago, 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 didn't 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 should have been clear from the Town's own LWRP, that these lease sites were 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."**

- We, and the outpouring of public comment, confirm this extensive use is real. In addition to those listed in the LWRP, we would add that kiteboarding, stand-up paddling, and more, also regularly occurs in this region.
- 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 waters:
  - 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
- All traditional users of the bay shores and waters can and do share that use, happily, because they merely pass through. They navigate, as is their right. But the new breed of surface aquaculturists do not share, because they do not pass through. They *occupy* the surface. They prevent any other user group from use of, or passage across, large areas of occupied surface waters. This is unneighborly, and dangerous, and impairs public navigation rights.
- We are not willing to lease 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?
- Tolerance of any existing or future floating gear leases goes against the long-standing policy of our Town and Trustees to preserve public access to our shores and waters. Surrendering public assets for the exclusive use of for-profit businesses would set a dangerous legal precedent that would no doubt be used against the Town and Trustee's efforts to maintain public access in the future.

**Therefore, we ask the 10-Year Review Committee to recommend the following:**

- Reduce the SCALP presence in East Hampton by eliminating lease sites 838 through 847 and 854 through 859 due to the obvious navigational conflicts.

- Allow sites 848-853 to remain with the stipulation they are for traditional gear that rests on the bottom only, with minimal surface buoys. Mandate the relocation of sites 840 and 841, to 849 or 850, or up-island. Note that 840 and 841, in the center of the local boating basin, 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, and enforce changes in program rules.
- Disallow any use of floating gear in Gardiner's Bay due to the obvious navigational conflicts. If used elsewhere, floating gear should only be allowed in locations with no objections from other users. SCALP must regulate all gear to insure it does not infringe on public navigation rights protected by the Public Trust Doctrine as recognized in New York State law.
- 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. These should not be grandfathered in or allowed to stay until their bottom lease expires.

The mandate of the 10-Year Review Committee, and the SCALP program administrators to "minimize user conflicts" would be best served by the above recommended program changes. We ask that you report the extensive user conflicts identified here and ask that you now weigh the input from local residents most heavily since that input was entirely disregarded 10 years ago. Please note, citizens signing here may also submit their own separate comments, with additional insights.

Thank you all for the many hours and days and extensive work you have put into the 10-Year Review. We hope you can agree, we can all be pro-aquaculture, and still conclude that SCALP leases are just not a good fit for the residents and waters of East Hampton.

**The Citizens of Gardiners Bay**