

Division of Marine Resources
205 North Belle Mead Road, Suite 1, East Setauket, NY 11733
P: (631) 444-0430 | F: (631) 444-0434 | FWMarine@dec.ny.gov
www.dec.ny.gov

SPECIAL NOTICE TO ALL SHELLFISH HARVESTERS IN THE TOWN OF SOUTHAMPTON

NOTICE OF SANITARY CONDITION OF SHELLFISH LANDS IN MORICHES BAY, QUANTUCK BAY, SHINNECOCK BAY, AND NORTH SEA HARBOR, ADJACENT TO THE TOWN OF SOUTHAMPTON, SUFFOLK COUNTY, NEW YORK

The New York State Department of Environmental Conservation, Shellfisheries Section has determined that water quality in sections of Quantuck Bay, Shinnecock Bay, and North Sea Harbor, adjacent to the Town of Southampton has changed, requiring reclassification to protect public health.

Due to this change in water quality, the Department has filed a Notice of Emergency Adoption and Proposed Rulemaking to amend Title 6 of the New York Code of Rules and Regulations, Part 41.3, "Sanitary Condition of Shellfish Land," in Suffolk County, which changes the dates of harvest and/or descriptions of uncertified shellfish lands in Quantuck Bay, Shinnecock Bay, and North Sea Harbor.

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**Highlights of changes are:**

**Quantuck Bay:**

- 1 acre of Moneybogue Bay was upgraded from uncertified year-round to seasonally uncertified from April 1 through December 14.
- 1 acre of Quantuck Canal was reclassified from uncertified year-round to seasonally uncertified from April 1 through December 14 due to an update in the closure references.
- 13 acres of Ogden Pond in Quantuck Bay were upgraded from uncertified year-round to seasonally uncertified from April 1 through December 14.

**Shinnecock Bay:**

- 36 acres of Shinnecock Bay and Far Pond were downgraded from certified to seasonally uncertified from May 1 through October 31.
- The seasonally uncertified period for Shinnecock Yacht Club, Best Boat Works, and Club on the Bay was extended from May 15 through October 31, to May 1 through October 31.
- The seasonally uncertified closures for Club on the Bay Marina and the Shinnecock Yacht Club were expanded to 1 acre.
- The seasonally uncertified closure for Best Boat Works Marina was expanded to 2 acres.
- Near the Shinnecock Canal; 9 acres of Shinnecock bay were downgraded to uncertified year-round and 28 acres of Shinnecock Bay were downgraded to seasonally uncertified from April 1 through October 31.
- 4 acres of Shinnecock Bay near the Commercial Fishing Docks were reclassified as year-round uncertified and 4 acres were reclassified as year-round certified due to an update in reference markers for the existing year-round closure in this area.

**North Sea Harbor:** 1 acre of North Sea Harbor was reclassified as year-round uncertified and 2 acres were reclassified as year-round certified due to an update of the closure line boundary markers.

**Technical Changes:** Included updates to the closure text descriptions regarding Moriches Bay (re-numbered), Sebonac Creeks, Wooley Pond, Noyack Bay, and Cold Spring Pond.

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The new regulations are **EFFECTIVE on October 1, 2020** and should appear in the NYS Register on **October 21, 2020**, see: <https://www.dos.ny.gov/info/register/2020.html>

The following shellfish lands are in such sanitary condition that shellfish thereon shall not be taken for use as food and such lands are designated as uncertified areas (new text is underlined, old text that was removed is [bracketed]).

(4) Town of Southampton

Existing clause 41.3(b)(4)(i)(a) was repealed.

A new clause 41.3(b)(4)(i)(a) was adopted to read as follows:

(a) Hart and Seatuck Coves.

A new subclause 41.3(b)(4)(i)(a)(1) was adopted to read as follows:

(1) During the period January 1 through December 31, both dates inclusive, all that area of Hart Cove, Seatuck Cove, and their tributaries lying north of a line extending northeasterly from the northeastern corner of the residence at 73 Moriches Island Road, East Moriches (said residence is located approximately 100 yards north of the foot of Moriches Island Road) to the southernmost point of land at Havens Point and thence continuing to the flagpole located at the residence at 39 Basketneck Lane, Remsenburg (local landmark; said residence is located approximately 100 yards southeast of the entrance to Fish Creek on the eastern shoreline of Seatuck Cove).

A new subclause 41.3(b)(4)(i)(a)(2) was adopted to read as follows:

(2) During the period May 1 through November 30, both dates inclusive, all that area of Moriches Bay lying north of a line extending northeasterly from the cupola located on the roof of the Moriches Coast Guard Station (located within the Town of Brookhaven) to the foot of Rodgers Lane, Remsenburg; and, all that area of Moriches Bay lying south of a line extending northeasterly from the northeastern corner of the residence at 73 Moriches Island Road, East Moriches (said residence is located approximately 100 yards north of the foot of Moriches Island Road) to the southernmost point of land at Havens Point and thence continuing to the flagpole located at the residence at 39 Basketneck Lane, Remsenburg (local landmark; said residence is located approximately 100 yards southeast of the entrance to Fish Creek on the eastern shoreline of Seatuck Cove).

Existing clause 41.3(b)(4)(i)(b) was repealed.

A new clause 41.3(b)(4)(i)(b) was adopted to read as follows:

(b) West Hampton Yacht Squadron. During the period January 1 through December 31, both dates inclusive, all that area of Moriches Bay within a 500-foot radius of the southernmost point of the westernmost breakwater protecting the entrance canal serving the Westhampton Yacht Squadron, Remsenburg (local name, local landmark).

Existing clause 41.3(b)(4)(i)(c) was repealed.

A new clause 41.3(b)(4)(i)(c) was adopted to read as follows:

(c) Speonk Point to Oneck.

A new subclause 41.3(b)(4)(i)(c)(1) was adopted to read as follows:

(1) During the period January 1 through December 31, both dates inclusive, all that area of Speonk Cove, Speonk River, and all other canals and tributaries of said cove and river, lying north of a line extending northeasterly from the southeasternmost tip of Speonk Point to the southwestern corner of the gazebo located near the shoreline of the property at 5 Jagger Lane, Westhampton (local landmark).

A new subclause 41.3(b)(4)(i)(c)(2) was adopted to read as follows:

(2) During the period January 1 through December 31, both dates inclusive, all that area, including tributaries, north of a line extending easterly from the southernmost tip of land at Tanners Neck (local landmark) to the southeasternmost point of land, at the southeast corner of the property located at 15 Fiske Avenue, Westhampton Beach.

A new subclause 41.3(b)(4)(i)(c)(3) was adopted to read as follows:

(3) During the period May 1 through November 30, both dates inclusive, all that area of Moriches Bay lying north of a line extending easterly from the southeasternmost tip of Speonk Point to the southeasternmost point of land, at the southeast corner of the property located at 15 Fiske Avenue, Westhampton Beach; except as noted in this subparagraph.

Existing clause 41.3(b)(4)(i)(d) was repealed.

A new clause 41.3(b)(4)(i)(d) was adopted to read as follows:

(d) During the period May 1 through November 30, both dates inclusive, all that area of Moriches Bay lying east of a line extending south from the southeasternmost point of land at the southeast corner of the property located at 15 Fiske Avenue, Westhampton Beach, to the top of the conical shaped building of the Le Ronde Beach Club, at 297 Dune Road, Westhampton Beach (local names, local landmarks), and west of the Jessup Lane Bascule Bridge in Westhampton Beach.

Existing clause 41.3(b)(4)(i)(e) was repealed.

A new clause 41.3(b)(4)(i)(e) was adopted to read as follows:

(e) All other creeks, canals, and rivers located along the shoreline between the foot of Remsen Lane, Remsenburg, and the Jessup Lane Bascule Bridge in Westhampton Beach (local names, local landmark).

Existing clause 41.3(b)(4)(i)(f) was repealed.

Existing clause 41.3(b)(4)(i)(g) was repealed.

Existing clause 41.3(b)(4)(i)(h) was repealed.

Subparagraph 41.3(b)(4)(ii) was amended to read as follows:

(ii) Quantuck Bay. Unless otherwise described in this subparagraph, from April 1 through December 14, both dates inclusive, all that area of Moneybogue Bay, Quantuck Canal, Quantuck Bay, Aspatuck Creek, Quantuck Creek, Ogden Pond, and Quogue Canal lying easterly of the Jessup Lane bascule bridge in Westhampton Beach and westerly of the Post Lane bascule bridge in Quogue.

Existing clause 41.3(b)(4)(ii)(a) was repealed.

A new clause 41.3(b)(4)(ii)(a) was adopted to read as follows:

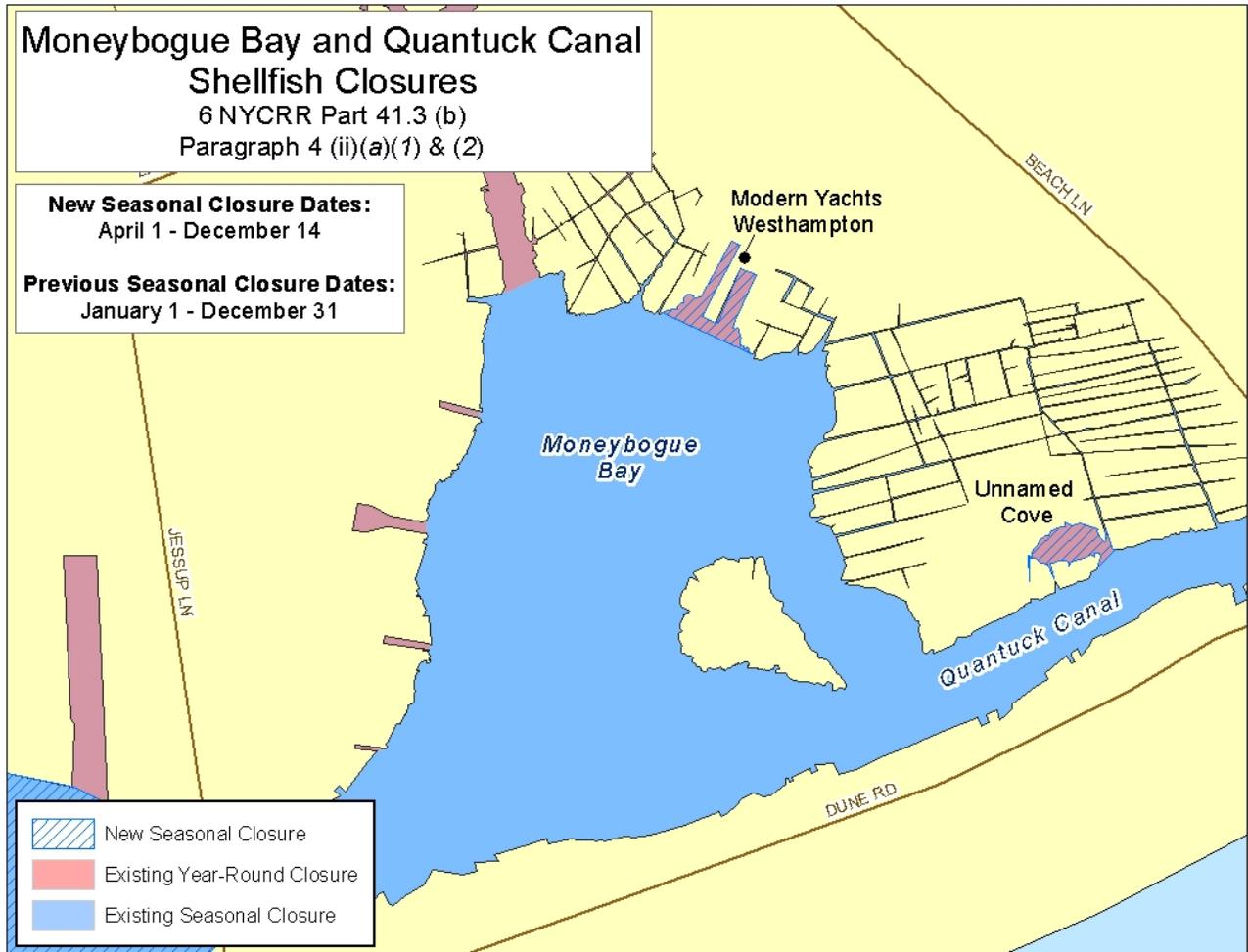
(a) Moneybogue Bay (local name) and Quantuck Canal.

A new subclause 41.3(b)(4)(ii)(a)(1) was adopted to read as follows:

(1) Moneybogue Bay. During the period January 1 through December 31, both dates inclusive, all canals on the northwestern shoreline of Moneybogue Bay in Westhampton Beach; and, all that area of Moneybogue Bay including tributaries, lying north of a line that runs southeasterly along the northern edge of the fixed dock serving the residence of 3 Old Meadow Bend, Westhampton Beach to the northeastern corner of said dock; then extends northeasterly on a true bearing north 70 degrees east, to the opposite, eastern shoreline.

A new subclause 41.3(b)(4)(ii)(a)(2) is added to read:

(2) Quantuck Canal. During the period January 1 through December 31, both dates inclusive, all the area of the canal on the northern shoreline of Quantuck Canal, lying north of a line extending from the southeastern end of the bulkhead serving the residence of 178 Beach Lane, Westhampton Beach to southernmost corner of the dock serving the residence of 129 Seafield Point, Westhampton Beach.



Existing clause 41.3(b)(4)(ii)(b) was repealed.

A new clause 41.3(b)(4)(ii)(b) was adopted to read as follows:

(b) Quantuck Bay, Aspatuck Creek, and Quantuck Creek.

A new subclause 41.3(b)(4)(ii)(b)(1) was adopted to read as follows:

(1) Quantuck Bay. During the period January 1 through December 31, both dates inclusive, all that area of the tributary (said tributary is located between Meadow Lane and Quantuck Lane in Quogue) lying north and west of a line extending from the northeasternmost corner of the house at 36 Meadow Lane, Quogue in a southeasterly direction on a true bearing of south 78 degrees east, to the southwesternmost point of land on the opposite, eastern shoreline; and, all that area of the canal (said canal runs parallel to Quogo Neck Lane in Quogue) north and east of a line extending in a northwesterly direction on a true bearing of north 15 degrees west from the northernmost corner of bulkhead serving the Village of Quogue Recreation Area at the end of Quogo Neck Lane, Quogue to the southwestern point of land on the opposite northern shoreline.

A new subclause 41.3(b)(4)(ii)(b)(2) was adopted to read as follows:

(2) Aspatuck Creek. During the period January 1 through December 31, both dates inclusive, all that area of Aspatuck Creek and its tributary north of Main Street.

A new subclause 41.3(b)(4)(ii)(b)(3) was adopted to read as follows:

(3) Quantuck Creek. During the period January 1 through December 31, both dates inclusive, all that area of the canal at the southeast corner of Quogue point; and, all that area lying north and west of a line extending northeasterly from the southernmost corner of bulkhead serving the residence at 30 Foster Lane in Westhampton Beach, to the southernmost corner of bulkhead serving the residence at 767 Montauk Highway in Westhampton Beach; and, all that area of Quantuck Creek and its tributary north of Montauk Highway.

A new clause 41.3(b)(4)(ii)(c) was adopted to read as follows:

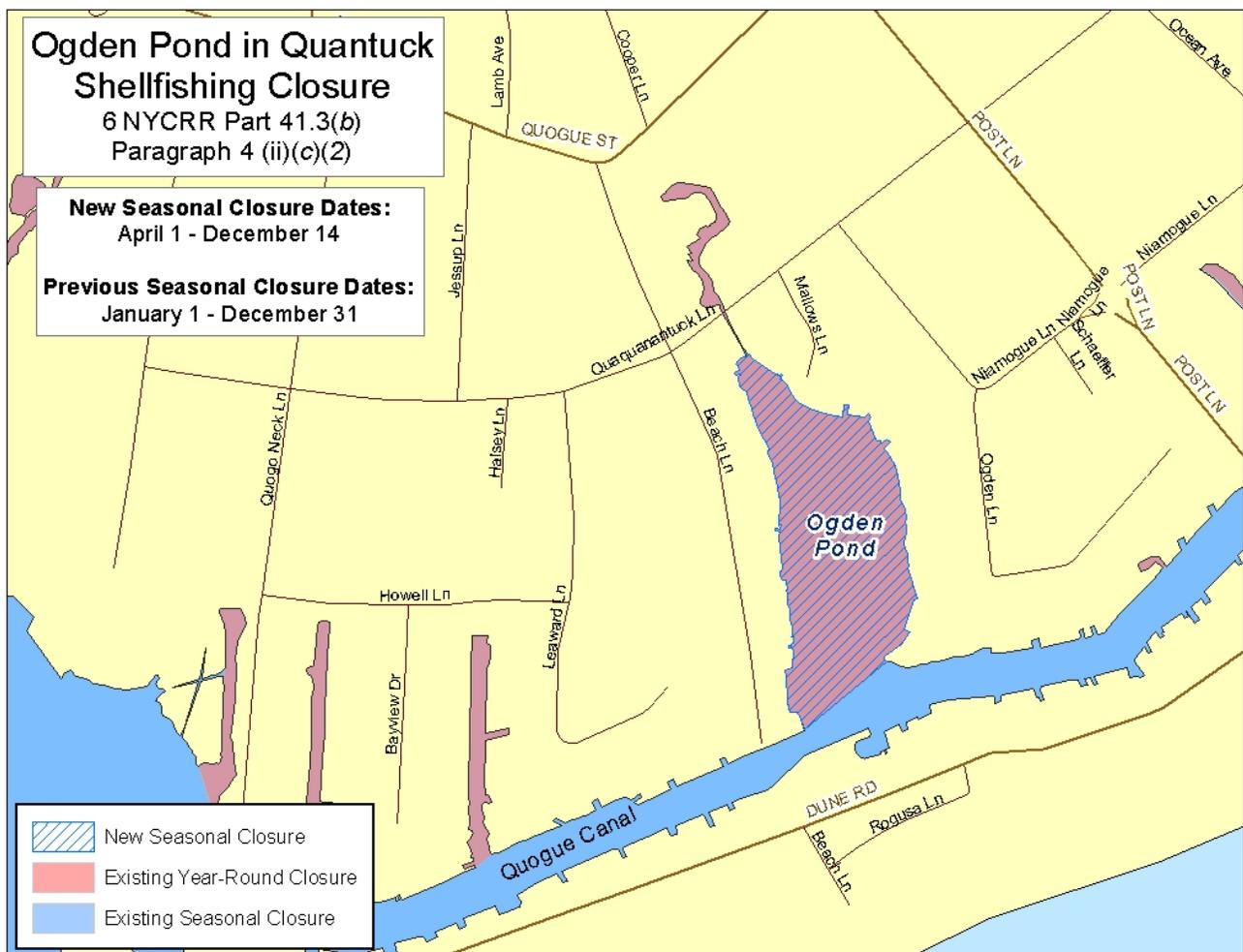
(c) Quogue Canal and Ogden Pond.

A new subclause 41.3(b)(4)(ii)(c)(1) was adopted to read as follows:

(1) Quogue Canal. During the period January 1 through December 31, both dates inclusive, all canals on the northern shoreline of Quogue Canal east of Quogo Neck Lane, Quogue and west of the Post Lane bascule bridge, Quogue.

A new subclause 41.3(b)(4)(ii)(c)(2) was adopted to read as follows:

(2) Ogden Pond. During the period January 1 through December 31, both dates inclusive, all of the area of the unnamed pond north of Quaquanatuck Lane in Quogue and its tributary leading into Ogden Pond.



Clause 41.3(b)(4)(iii)(h) was amended to read as follows:

(h) Heady Creek. During the period May [1st through November 30th (both dates inclusive) all that area,] 1 through November 30, both dates inclusive, all that area including tributaries of Heady Creek, lying north of a line extending due west from the southernmost tip of land on the [eastern side of Heady Creek] southwesternmost point of Ruth Wales Dupont Sanctuary (said sanctuary is at the foot of Captain Neck Lane, Southampton) directly across to the opposite shoreline.

Clause 41.3(b)(4)(iii)(i) was amended to read as follows:

(i) Taylor Creek. During the period May [1st through November 30th (both dates inclusive)] 1 through November 30, both dates inclusive, all that area including tributaries of Taylor Creek lying northeast of a line extending southeasterly from the southernmost tip of land on the [eastern side of Heady Creek, to a white brick chimney on a grey shingled, one story] southwesternmost point of Ruth Wales Dupont Sanctuary (said sanctuary is at the foot of Captain Neck Lane, Southampton) to the northernmost corner of the chimney of the residence at 501 Meadow Lane, in the Village of Southampton.

Existing clause 41.3(b)(4)(iii)(j) was repealed.

A new clause 41.3(b)(4)(iii)(j) was adopted to read as follows:

(j) Southampton Yacht Club. During the period May 1 through October 31, both dates inclusive, all that area of Old Fort Pond lying within a 65-yard radius from the junction of the bulkhead serving Southampton Yacht Club and the northern edge of gangway connecting the southern dock running west to east and serving said marina to the bulkhead.

Existing clause 41.3(b)(4)(iii)(k) was repealed.

A new clause 41.3(b)(4)(iii)(k) was adopted to read as follows:

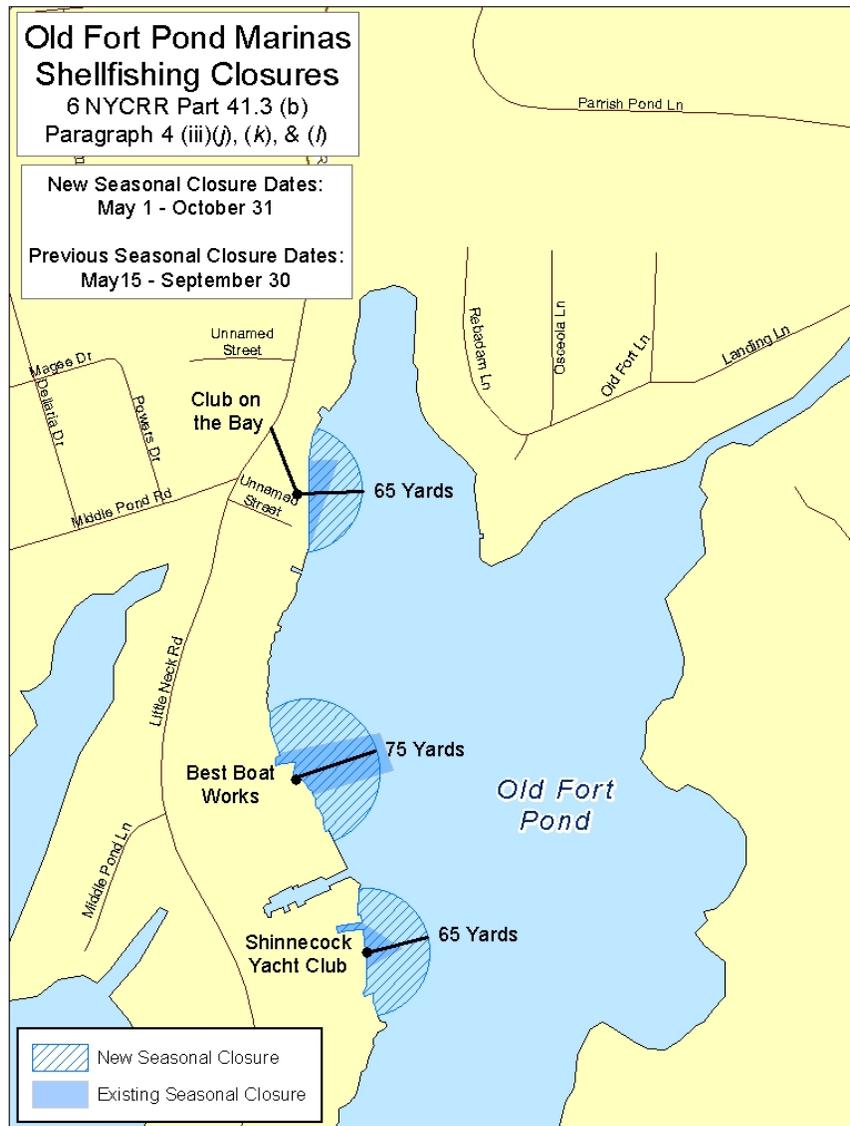
(k) Best Boat Works Marina. During the period May 1 through October 31, both dates inclusive, all that area of Old Fort Pond lying within a 75-yard radius from the junction of the northern edge of the dock connecting the shoreline of Best Boat Works marina, and the western edge of the westernmost dock running in a northern and southern direction and serving said marina.

Existing clause 41.3(b)(4)(iii)(l) was repealed.

A new clause 41.3(b)(4)(iii)(l) was adopted to read as follows:

(l) Club on the Bay Condominiums. During the period May 1 through October 31, both dates inclusive, all that area of Old Fort Pond lying within a 65-yard radius from the southeasternmost corner of the northern building complex of the "Club on the Bay" Condominiums (local name).

(see reference map on next page)

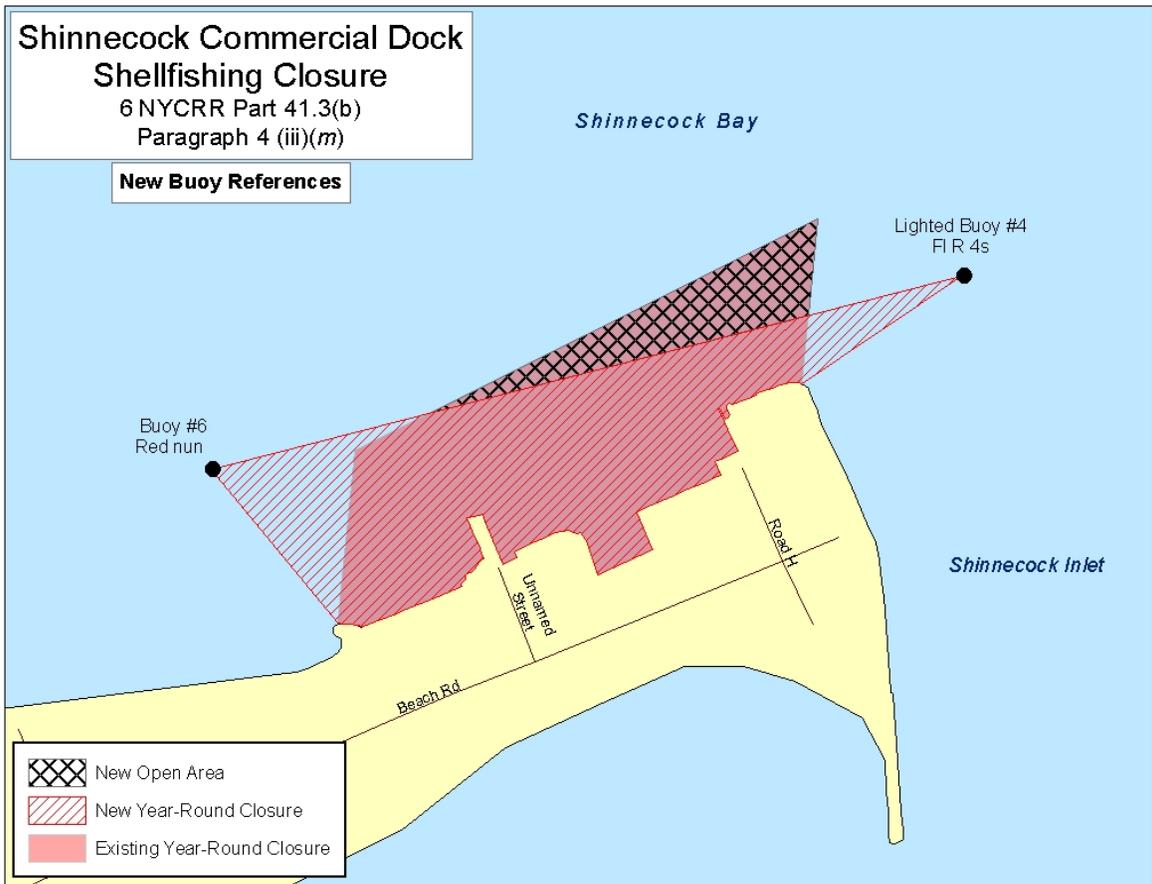


Existing clause 41.3(b)(4)(iii)(m) was repealed.

A new clause 41.3(b)(4)(iii)(m) was adopted to read as follows:

(m) Shinnecock Commercial Fishing Dock. All that area of Shinnecock Bay bounded by a line extending northwesterly from the northwesternmost point of rock pile (said rock pile is adjacent to the westernmost corner of bulkhead serving the Shinnecock Bay Commercial Fishing Station, local name and local landmark) to Buoy "6" (Red nun); thence continuing northeasterly to the Lighted Buoy "4" FI R 4 sec; thence extending southwesterly to the northernmost corner of the western jetty of Shinnecock Inlet; and, thence continuing along the shoreline westerly to the point of beginning.

(see reference map on next page)



A new clause 41.3(b)(4)(iii)(o) was adopted to read as follows:

(o) Far Pond. During the period May 1 through October 31, both dates inclusive, all that area of Far Pond in its entirety; and, all that area of Shinnecock Bay lying within a 275-yard radius from the northwestern corner of the foot of Far Pond Road in Southampton.

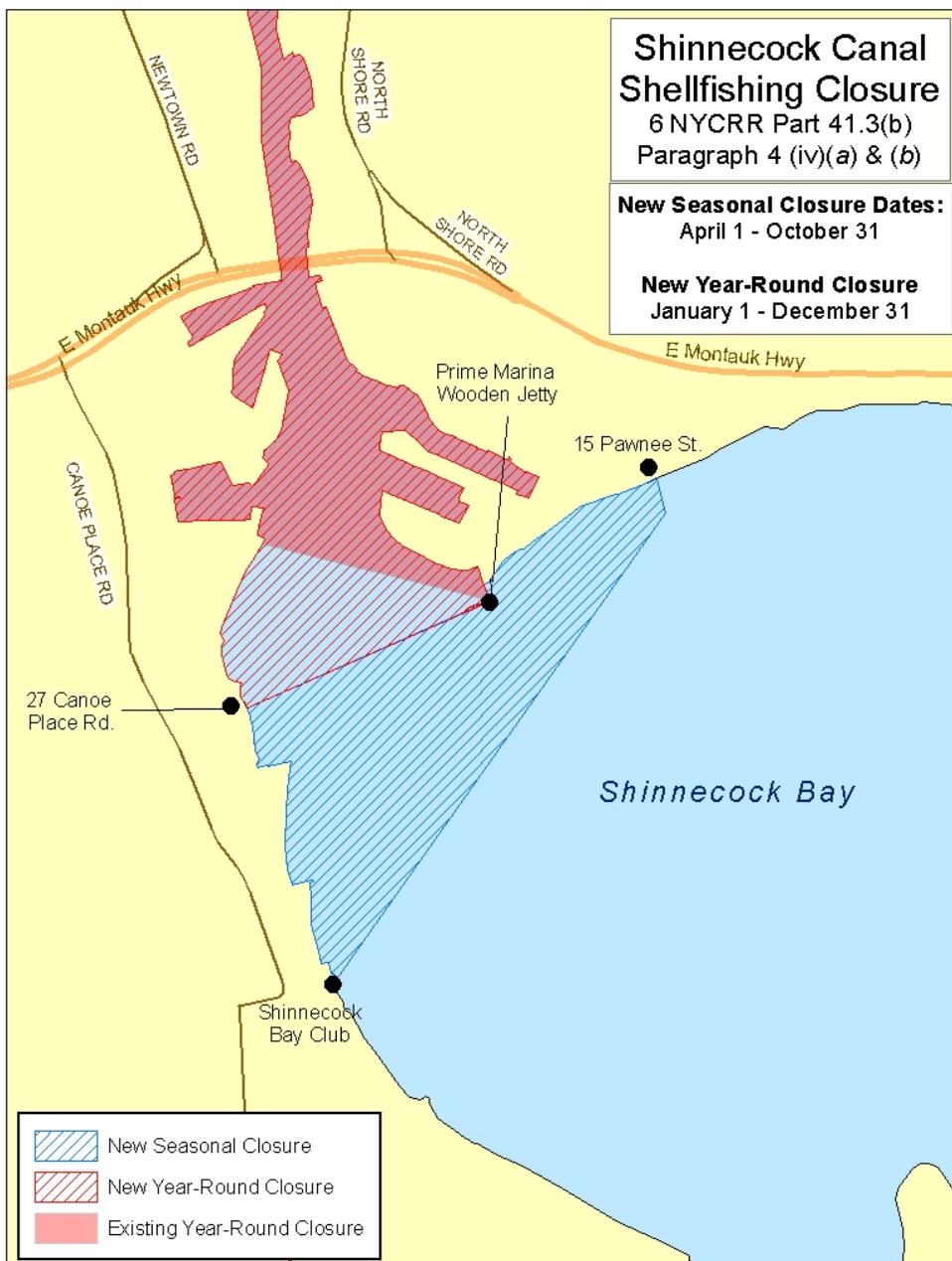


Clause 41.3(b)(4)(iv)(a) was amended to read as follows:

(a) [All] During the period January 1 through December 31, both dates inclusive, all that area, including boat basins, marinas and all other tributaries, lying southerly of a line extending northeasterly from the northern tip of the western rock jetty [located at the western entrance to the Shinnecock Canal in Great Peconic Bay] to the northern tip of the eastern rock jetty [(located) (said jetties are located at the [eastern] entrance to the Shinnecock Canal in Great Peconic Bay); and, all that area including boat basins and marinas and all other tributaries lying northerly of a line extending [easterly from the southeastern end of the fuel dock serving Corr's Mariner's Cove to the southernmost end of the bulkhead protecting the shoreline at Jackson's Marina (local names and local landmarks).] in a northeasterly direction from the northeastern corner of the chimney serving the residence of 27 Canoe Place Road, Hampton Bays, to the southeastern corner of the intersection of the wooden jetty and breakwater serving the marina at 6 Tepee Street, Hampton Bays (said jetty is running in a northwest to southeast direction from the southernmost point of land at said property).

A new clause 41.3(b)(4)(iv)(b) was adopted to read as follows:

(b) During the period May 1 through October 31, both dates inclusive, all that area north and west of a line extending northeasterly from the southeasternmost corner of property of the Shinnecock Bay Club on Canoe Place Road, Hampton Bays, to the southeastern corner of the dock at 15 Pawnee Street in Hampton Bays, thence continuing northerly along the eastern edge of said dock to the shoreline; and, south of a line extending in a northeasterly direction from the northeastern corner of the chimney serving the residence of 27 Canoe Place Road in Hampton Bays, to the southeastern corner of the intersection of the wooden jetty and breakwater serving the marina at 6 Tepee Street in Hampton Bays (said jetty is running in a northwest to southeast direction from the southernmost point of land of said property).



Subparagraph 41.3(b)(4)(vi) was amended to read as follows:

(vi) Sebonac Creek Complex. During the period May [1st] 1 through November [30th (both dates inclusive),] 30, both dates inclusive, all that area of the Sebonac Creek Complex and its tributaries, including Bullhead Bay, Little Sebonac Creek, West Cove Creek, and Scallop Pond [and its tributaries].

Existing subclause 41.3(b)(4)(vii)(a)(1) was repealed.

Existing subparagraph 41.3(b)(4)(vii) *Note* was repealed.

Clause 41.3(b)(4)(ix)(d) was amended to read as follows:

(d) During the period May [1st] 1 through November [30th] 30, both dates inclusive, all that area of Hubbard Creek including tributaries.

Existing subparagraph 41.3(b)(4)(ix) *Note* was repealed.

Existing clause 41.3(b)(4)(x)(a) was repealed.

A new clause 41.3(b)(4)(x)(a) was adopted to read as follows:

(a) Davis Creek and Turtle Cove.

Existing subclause 41.3(b)(4)(x)(a)(1) was repealed.

A new subclause 41.3(b)(4)(x)(a)(1) was adopted to read as follows:

(1) Davis Creek. During the period May 1 through November 30, both dates inclusive, all that area of Davis Creek lying east of a line extending northeasterly from the northwestern corner of the bulkhead at the residence of 308 Towd Point Road, Southampton, to the southwesternmost corner of the bulkhead at the residence of 336 Towd Point Road in Southampton; and, all that area of Davis Creek lying west of the westernmost footbridge serving the residence at 40 Cedar Crest Road, Southampton.

Existing subclause 41.3(b)(4)(x)(a)(2) was repealed.

A new subclause 41.3(b)(4)(x)(a)(2) was adopted to read as follows:

(2) Davis Creek and Turtle Cove. During the period January 1 through December 31, both dates inclusive, all that area of Davis Creek lying east of the westernmost footbridge serving the residence at 40 Cedar Crest Road, Southampton; and, all that area of Turtle Cove (local name).

Existing subclause 41.3(b)(4)(x)(a)(3) is repealed.

Existing subclause 41.3(b)(4)(x)(a)(4) is repealed.

Existing clause 41.3(b)(4)(x)(b) was repealed.

A new clause 41.3(b)(4)(x)(b) was adopted to read as follows:

(b) North Sea Harbor, Alewife Creek, and Fish Cove.

Existing subclause 41.3(b)(4)(x)(b)(1) was repealed.

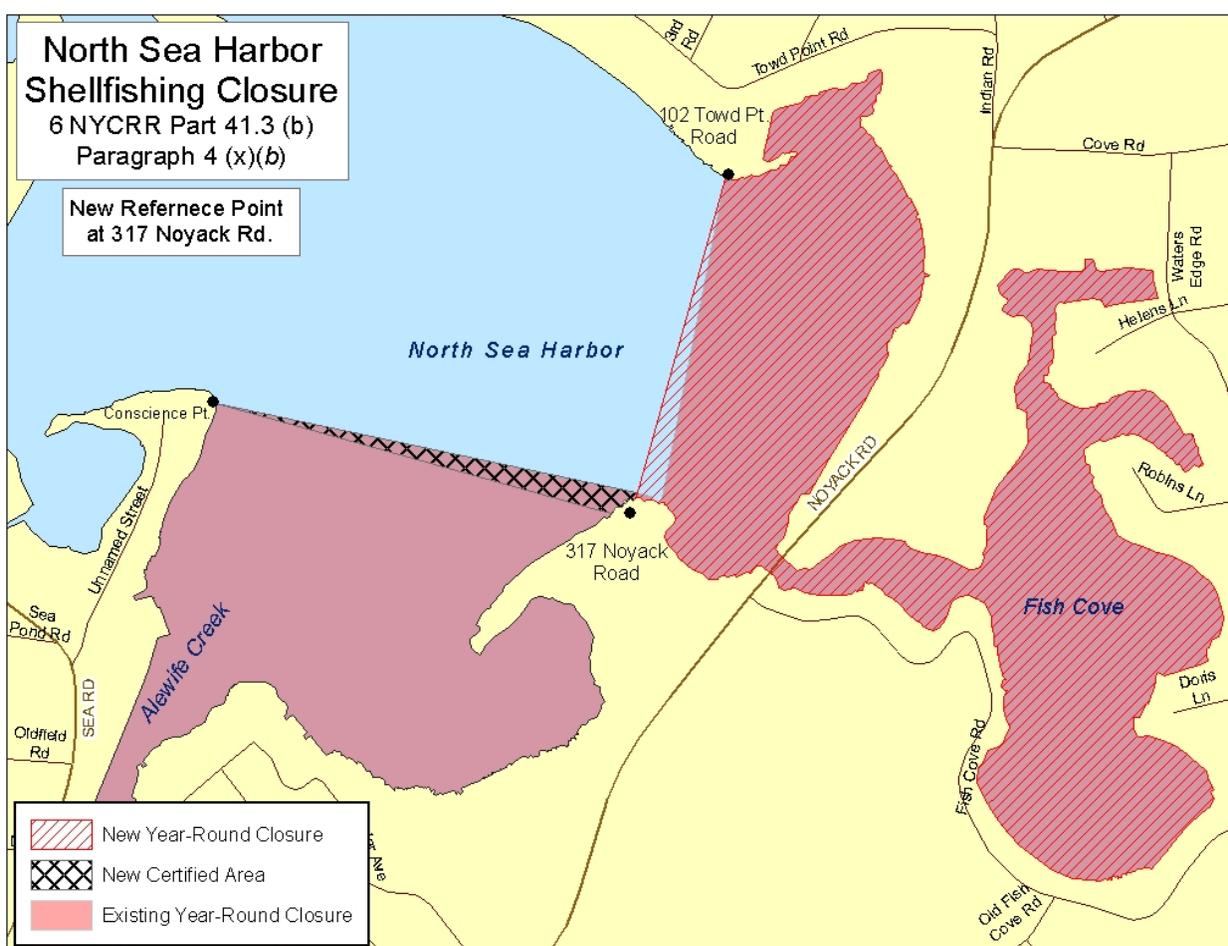
A new subclause 41.3(b)(4)(x)(b)(1) was adopted to read as follows:

(1) North Sea Harbor and Alewife Creek. During the period January 1 through December 31, both dates inclusive, all that area of Alewife Creek (local name) and North Sea Harbor lying south and west of a line extending southeasterly from the northeasternmost point of land at Conscience point, to the northeastern corner of the bulkhead at the residence of 317 Noyack Road, Southampton.

A new subclause 41.3(b)(4)(x)(b)(2) was adopted to read as follows:

(2) North Sea Harbor and Fish Cove. During the period January 1 through December 31, both dates inclusive, all that area of Fish Cove and North Sea Harbor, including the unnamed creek connecting the two, lying east of a line extending northerly from the northeastern corner of the bulkhead at the residence of 317 Noyack Road, Southampton, to the southernmost point of land located at the residence of 102 Towd Point Road, Southampton on the opposite shoreline (said residence is a light-colored, two-story house with a stand of trees between the shoreline and the residence).

Existing subparagraph 41.3(b)(4)(x) *Note* was repealed.



Subparagraph 41.3(b)(4)(xi) was amended to read as follows:

(xi) Wooley Pond. During the period May [1st] 1 through November [30th (both dates inclusive)] 30, both dates inclusive, all that area of Wooley Pond and its tributaries.

Subparagraph 41.3(b)(4)(xiii) was amended to read as follows:

(xiii) Mill Creek. During the period April [1st] 1 through December [14th] 14 [(both dates inclusive), both dates inclusive], all that area of Mill Creek. ‘Special note:’ Mill Creek is a tributary of Noyack Bay.

Subparagraph 41.3(b)(4)(xiv) was amended to read as follows:

(xiv) Noyack Creek. During the period May [1st] 1 through November [30th (both dates inclusive)] 30, both dates inclusive, all that area of Noyack Creek lying southerly of a line extending southwesterly on a bearing of south 80 degrees west from the southwesternmost point of land on Clam Island to the opposite shoreline located at Morton National Wildlife Refuge in Noyack.

Clause 41.3(b)(4)(xv)(a) was amended to read as follows:

(a) During the period May [1st] 1 through November [30th (both dates inclusive)] 30, both dates inclusive, all that area of Cold Spring Pond within the former Lobster Inn Boat Basin (local names, local landmark), lying northwest of a line extending northeasterly along the fixed wooden dock of the former Lobster Inn Restaurant to the opposite shoreline, and all that area lying southeast of a line extending southwesterly from the northwesternmost point of land on the unnamed peninsula bordering the northeastern side of the cove, continuing southwesterly to the opposite shoreline (adjacent to the former Lobster Inn Restaurant).

Clause 41.3(b)(4)(xv)(b) was amended to read as follows:

(b) During the period January [1st] 1 through December [31st (both dates inclusive),] 31, both dates inclusive, all that area of the former Lobster Inn Boat Basin lying southeast of a line extending northeasterly along the fixed wooden dock of the former Lobster Inn Restaurant to the opposite shoreline.

Clause 41.3(b)(4)(xv)(c) was amended to read as follows:

(c) During the period May [1st] 1 through November [30th] 30, both dates inclusive, all that area of Cold Spring Pond lying northeast of a line extending southeasterly from [an orange marker] a monument located on the northern shoreline in the northeastern corner of the pond to another [orange marker] monument located on the eastern shoreline adjacent to Shrubland Road

A new paragraph 41.3(b)(4) *Note* was adopted to read as follows:

Note: All reference points in the town of Southampton are taken from N.O.A.A. Nautical Chart No. 12352, 36th Ed., May 2020 and/or No. 12358, 23rd Ed., Apr. 2019 and Light List Volume 1, 2020, except as indicated as local landmark or local name.

Dated: October 1, 2020
East Setauket, New York

Debra Barnes, Chief
Bureau of Shellfisheries