

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Marine Resources

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SPECIAL NOTICE TO ALL SHELLFISH HARVESTERS IN THE TOWN OF SOUTHAMPTON

NOTICE OF CHANGES TO THE SANITARY CONDITION OF SHELLFISH LANDS IN AND ADJACENT TO THE TOWN OF SOUTHAMPTON, SUFFOLK COUNTY, NEW YORK

The New York State Department of Environmental Conservation, Shellfisheries Section (Department) has determined that water quality in portions of Flanders Bay and Shelter Island Sound adjacent to the Town of Southampton has changed, requiring reclassification to protect public health. The Department has also determined that it was necessary to make technical changes to improve enforcement and readability of the regulations in portions of Moriches Bay, Sagaponack Pond, Peconic River, Sebonac Creeks, and Fresh Pond.

Due to these determinations, 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.

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**Highlights of changes are:**

**Flanders Bay:**

- 61-acres near Goose Creek and Birch Creek will be downgraded from certified year-round to seasonally uncertified from May 1 through October 31.
- Less than 1-acre near Goose Creek will be upgraded from seasonally uncertified May 1 through October 31 to certified year-round.

**Shelter Island Sound:** 30-acres of Genet Creek will be downgraded from certified year-round to uncertified year-round.

**Technical Changes:**

- Moriches Bay, Sagaponack Pond, Peconic River, and Fresh Pond – Updated the text of the year-round uncertified areas to include the closure dates, and renumbered existing subparagraphs and clauses.
- Moriches Bay – Clarified the closure line reference point near Havens Point.
- Sebonac Creeks – Corrected the name of "West Cove Creek" to "West Neck Creek".

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The new regulations are EFFECTIVE on June 27, 2022 and should appear in the NYS Register on July 13, 2022, see: [State Register | Department of State \(ny.gov\)](#)

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

Subclause 41.3(b)(4)(i)(a)(1) was amended 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] southeasternmost point of land at Havens Point and [thence] then 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).

Subclause 41.3(b)(4)(i)(a)(2) was amended 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] southeasternmost point of land at Havens Point and [thence] then 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).

Clause 41.3(b)(4)(i)(d) was renumbered subclause 41.3(b)(4)(i)(c)(4).

Clause 41.3(b)(4)(i)(e) was renumbered clause 41.3(b)(4)(i)(d) and amended to read as follows:

(d) [All] During the period January 1 through December 31, both dates inclusive, 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)

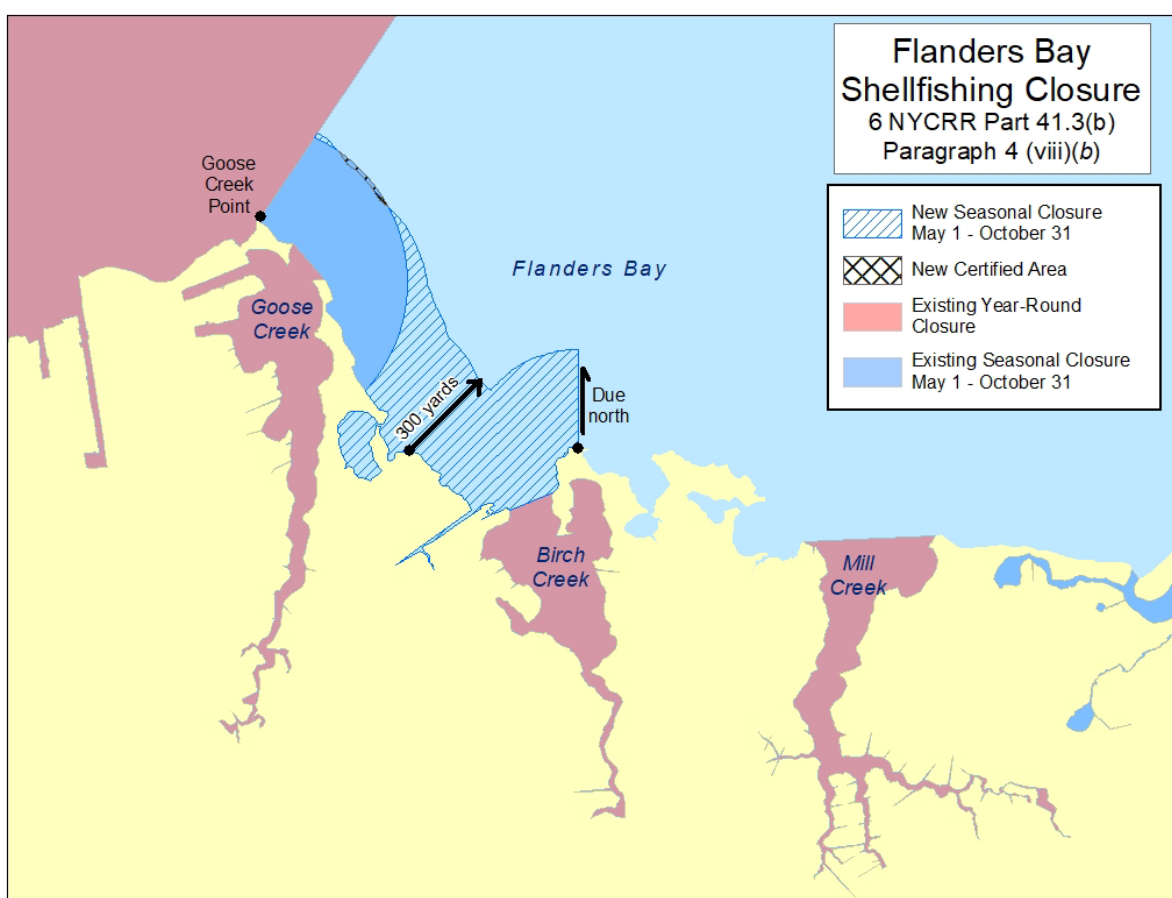
Subparagraph 41.3(b)(4)(vii) was renumbered subparagraph 41.3(b)(4)(xvii).

Subparagraph 41.3(b)(4)(viii) was renumbered subparagraph 41.3(b)(4)(vii).

Renumbered clause 41.3(b)(4)(vii)(a) was amended to read as follows:

(a) [All] During the period January 1 through December 31, both dates inclusive, all waters of the Peconic River and its tributaries within the Town of Southampton.

Subparagraph 41.3(b)(4)(ix) was renumbered subparagraph 41.3(b)(4)(viii).



Renumbered clause 41.3(b)(4)(viii)(b) was amended to read as follows:

(b) Except as otherwise described in subparagraph [(ix)] (viii) of this paragraph, during the period May 1 through October 31, both dates inclusive, all that area of Flanders Bay lying within [a 500-yard radius from the northeastern corner of the residence at 112 Pine Avenue, Flanders (said residence is the easternmost house at the foot of Pine Avenue).] 300 yards of the shoreline between the northernmost point of land at Goose Creek Point and a line drawn due north (true) from the northernmost point of land located immediately east of the entrance to Birch Creek.

Subparagraph 41.3(b)(4)(xv) was renumbered subparagraph 41.3(b)(4)(ix).

Subparagraph 41.3(b)(4)(xiii) was renumbered subparagraph 41.3(b)(4)(xv).

Subparagraph 41.3(b)(4)(xii) was renumbered subparagraph 41.3(b)(4)(xiii) and amended to read as follows:

(xiii) Fresh Pond. [All] During the period January 1 through December 31, both dates inclusive, all that area of Fresh Pond and its tributaries and all that area of Little Peconic Bay within 600 feet of the mouth of Fresh Pond.

Subparagraph 41.3(b)(4)(xi) was renumbered subparagraph 41.3(b)(4)(xii).

Subparagraph 41.3(b)(4)(x) was renumbered subparagraph 41.3(b)(4)(xi).

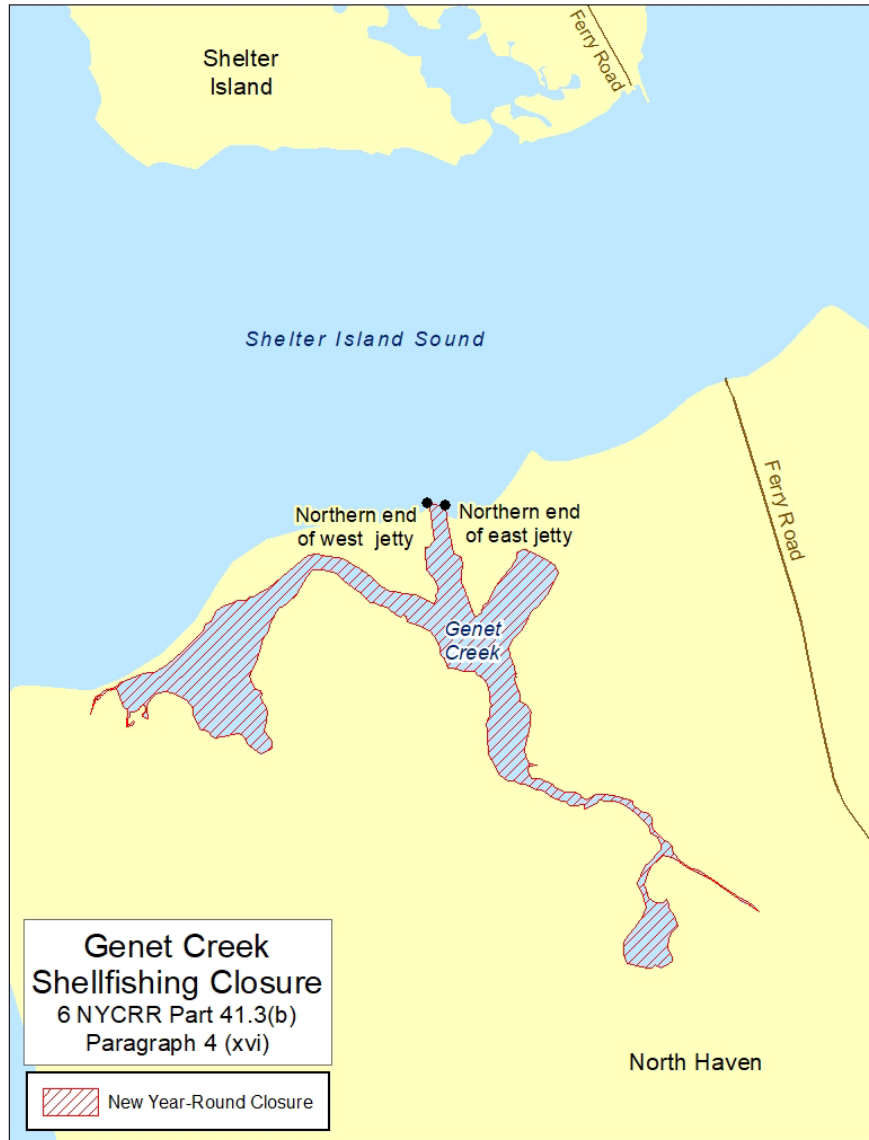
Subparagraph 41.3(b)(4)(vi) was renumbered subparagraph 41.3(b)(4)(x) and amended to read as follows:

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

Subparagraph 41.3(b)(4)(xvi) was renumbered subparagraph 41.3(b)(4)(vi) and amended to read as follows:

(vi) [All] During the period January 1 through December 31, both dates inclusive, all that area of Sagaponack Pond, a brackish embayment and its tributaries, including any inlet when open to the Atlantic Ocean.

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A new subparagraph 41.3(b)(4)(xvi) was adopted to read as follows:

(xvi) Genet Creek. During the period January 1 through December 31, both dates inclusive, all that area of Genet Creek and its tributaries lying south of a line extending easterly from the northernmost point of the western jetty at the entrance to Genet Creek to the northernmost point of the eastern jetty at the entrance to Genet Creek.

Dated: June 27, 2022
Kings Park, New York

Debra Barnes, Chief
Bureau of Shellfisheries