

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 OYSTER BAY

NOTICE OF CHANGES TO THE SANITARY CONDITION OF SHELLFISH LANDS IN AND ADJACENT TO THE TOWN OF OYSTER BAY, NASSAU COUNTY, NEW YORK

The New York State Department of Environmental Conservation, Shellfisheries Section (Department) has determined that it was necessary to make technical changes to improve enforcement and readability of the regulations in portions of South Oyster Bay, Zachs Bay, Long Island Sound, Hempstead Harbor, Frost Creek, Oyster Bay Harbor, and Mill Neck Creek adjacent to the Town of Oyster Bay.

Due to this determination, 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 41.2, "Sanitary Condition of Shellfish Land," in Nassau County.

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**Highlights of changes are:**

**Oyster Bay Harbor:**

- The year-round uncertified area of Oyster Bay Harbor was expanded in size by 2 acres to a total of 416 acres.
- 3-acres of Oyster Bay Cove were upgraded from uncertified year-round to seasonally uncertified May 1 through October 31.
- 5-acres of Oyster Bay Cove and Oyster Bay Harbor were upgraded from uncertified year-round and seasonally uncertified May 1 through October 31 to certified year-round.

**Technical Changes:**

- South Oyster Bay, Long Island Sound, Hempstead Harbor, Frost Creek, Oyster Bay Harbor, and Mill Neck Creek – Updated the text of the year-round uncertified areas to include closure dates.
- Zachs Bay – The existing clauses were renumbered, and ordinal indicators were removed from the text.
- Hempstead Harbor – Clarified the closure line description for West Pond.
- Mill Neck Creek – Clarified the reference marker for the year-round uncertified area.
- Oyster Bay Harbor – Updated reference points based off the U.S.C.G. Light List Volume 1, 2022.
- Town of Oyster Bay – Notes: References within paragraph notes were updated.

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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]).

(2) Town of Oyster Bay (South Shore)

Clause 41.2(b)(2)(i)(a) was amended to read as follows:

(a) [All] During the period January 1 through December 31, both dates inclusive, all that area of South Oyster Bay and Great South Bay, including tributaries, creeks and canals, between the east side of the northbound lanes of the Wantagh Parkway and the west side of

the southbound lanes of the Robert Moses Causeway lying within one-half mile of the mainland [(Northern)] (northern) shoreline.

Clause 41.2(b)(2)(iii)(a) was repealed.

Clause 41.2(b)(2)(iii)(b) was renumbered 41.2(b)(2)(iii)(a) and amended to read as follows:

(a) During the period January [1st] 1 through December [31st,] 31, both dates inclusive, all that area of Zachs Bay lying westerly of a line extending northerly from the northeasternmost corner of the three-colored brick building with covered patio (located on the southern shore of Zachs Bay and known locally as the "Pavilion," local names, local landmarks), through the adjacent wooden poles located in Zachs Bay to the opposite shoreline.

A new clause 41.2(b)(2)(iii)(b) was adopted to read as follows:

(b) During the period May 1 through October 31, both dates inclusive, all that area of Zachs Bay, including tributaries lying southerly of the State Boat Channel.

(4) Town of Oyster Bay (North Shore)

Clause 41.2(b)(4)(i)(b) was amended to read as follows:

(b) [All] During the period January 1 through December 31, both dates inclusive, all tributaries of Long Island Sound between Matinecock Point and Middle Chimney west of Oak Neck Point (local names, local landmarks).

Clause 41.2(b)(4)(ii)(a) was amended to read as follows:

(a) [All] During the period January 1 through December 31, both dates inclusive, all that area of Hempstead Harbor, including tributaries, lying southerly of a line extending northeasterly from the westernmost chimney on the seaward side of the large brown house (situated on the bluff within Sands Point Park and Preserve) located approximately 1,300 yards northwesterly of Mott Point, to the western end of the rock jetty at Red Spring Point, on the opposite eastern shoreline, and then continuing along the northeasterly side of said jetty to the shore. Said jetty forms the northern enclosure of the private marina serving The Legend Yacht and Beach Club Community on Pembroke Drive, Glen Cove (local names, local landmarks).

Clause 41.2(b)(4)(ii)(b) was amended to read as follows:

(b) [All] During the period January 1 through December 31, both dates inclusive, all that area of East Creek (the tidal creek and wetlands) located southerly of Prospect Point.

Clause 41.2(b)(4)(ii)(d) was amended to read as follows:

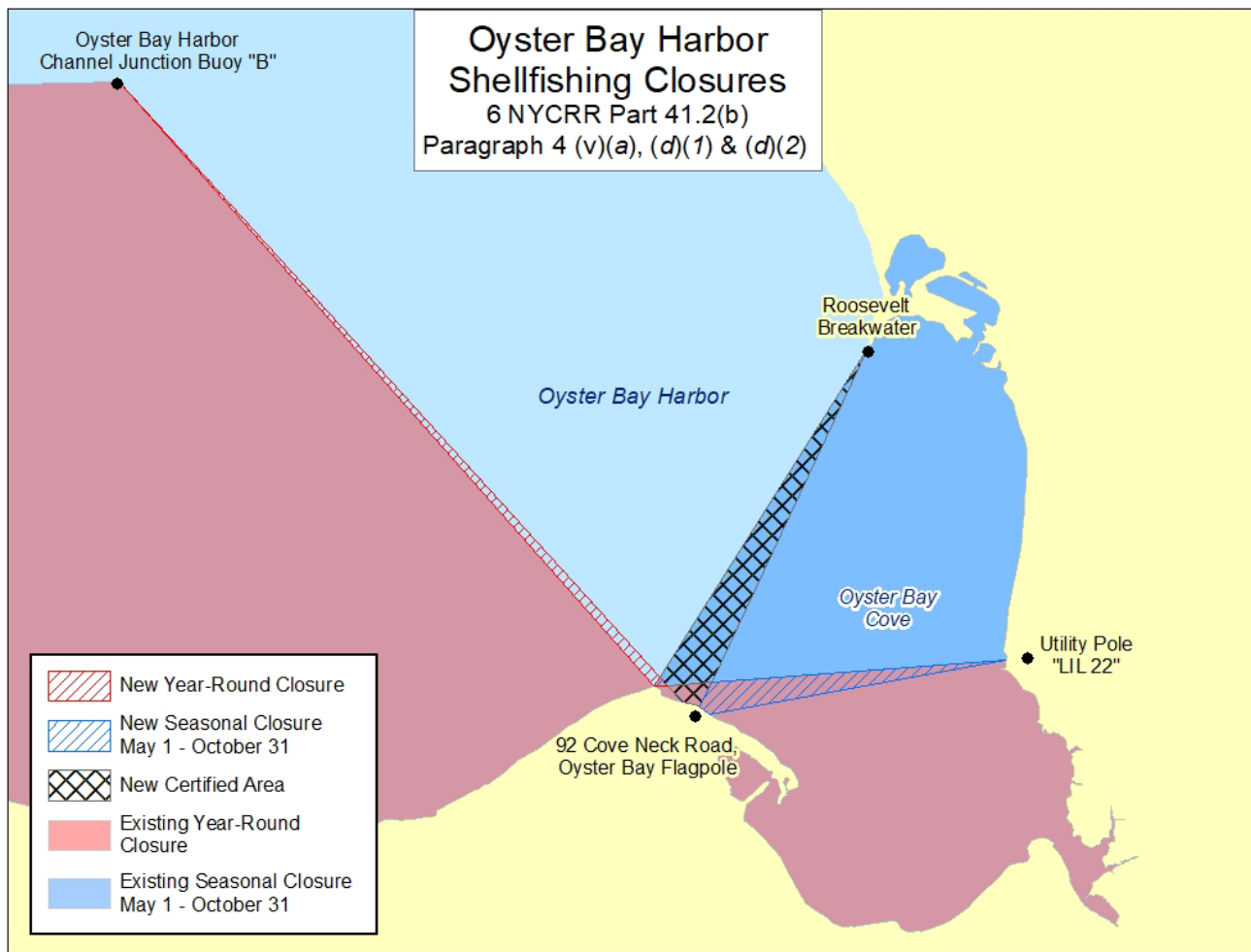
(d) [All] During the period January 1 through December 31, both dates inclusive, all that area of West Pond and that portion of Hempstead Harbor lying between lines extending 500 feet [northwesterly] on a bearing of 305 degrees true from the seaward ends of the rock jetties on each side of the entrance to West Pond (local names, local landmarks).

Clause 41.2(b)(4)(ii)(e) was amended to read as follows:

(e) [All] During the period January 1 through December 31, both dates inclusive, all that area of Hempstead Harbor lying within 250 yards of the seaward end of the rock jetty at the City of Glen Cove's Crescent Beach at the foot of Crescent Beach Road, on the eastern shore of Hempstead Harbor (local names, local landmarks).

Subparagraph 41.2(b)(4)(iv) was amended to read as follows:

(iv) Frost Creek. [All] During the period January 1 through December 31, both dates inclusive, all that area of Frost Creek and all that area of Long Island Sound within 400 yards in all directions of the northernmost end of the jetty located on the eastern side of the entrance to Frost Creek.



Clause 41.2(b)(4)(v)(a) was amended to read as follows:

(a) [All] During the period January 1 through December 31, both dates inclusive, all that area, including tributaries, lying southerly of a line extending northwesterly from the [northernmost point of land on the west shore of The Cove (Oyster Bay Cove), known locally as Weeks Point, to buoy GR "B" (identified locally as JB "B" located in the main channel south of Moses Point] flagpole located on the property of 92 Cove Neck Road, Oyster Bay (local landmark) to Oyster Bay Harbor Channel Junction Lighted Buoy "B" and thence continuing westerly to [buoy G C "5" located in the main channel southeast of Brickyard Point,] Oyster Bay Harbor Channel Buoy "5", thence continuing southwest to the northeasternmost corner of the [earth filled] bulkhead at Jakobsen's Shipyard (local landmark).

Clause 41.2(b)(4)(v)(b) was amended to read as follows:

(b) [All] During the period January 1 through December 31, both dates inclusive, all that area, including tributaries, lying south of a line extending northwesterly from the flagpole near shore at Roosevelt Memorial Park at Oyster Bay (local landmark) to the traffic light located at the intersection of Cleft Road and Shore Drive, Mill Neck (local landmark).

Clause 41.2(b)(4)(v)(c) was amended to read as follows:

(c) [All] During the period January 1 through December 31, both dates inclusive, all that area, including tributaries, lying northerly of a line extending westerly from the southernmost tip of Plum Point to the [southernmost tip] southwesternmost corner of the dock located in front of

the main clubhouse of the Seawanhaka-Corinthian Yacht Club (local [landmarks].] landmarks), thence continuing northerly along the western edge of the main dock to the shoreline.

Subclause 41.2(b)(4)(v)(d)(1) was amended to read as follows:

(1) During the period January [1st] 1 through December [31st,] 31, both dates inclusive, all that area of [the] The Cove, including tributaries, lying southerly of a line extending easterly from the [northernmost point of land at Weeks Point (local name, local landmark)] flagpole located on the property of 92 Cove Neck Road, Oyster Bay (local landmark) to utility pole "LIL 22" located between Cove Neck Road and the [shoreline, at the former site of the Village of Cove Neck police booth (local names, local landmarks).] shoreline.

Subclause 41.2(b)(4)(v)(d)(2) was amended to read as follows:

(2) During the period May [1st] 1 through October [31st,] 31, both dates inclusive, all that area of [the] The Cove, including tributaries, lying easterly and southerly of a line extending northeasterly from the [northernmost point of land at Weeks Point] flagpole located on the property of 92 Cove Neck Road, Oyster Bay (local landmark) to the southwestern end of the Roosevelt Breakwater (local name, local landmark); and thence continuing along said breakwater to the easterly shoreline of Cove Neck.

Clause 41.2(b)(4)(v)(e) was amended to read as follows:

(e) During the period May [1st] 1 through October [31st,] 31, both dates inclusive, all that area lying easterly of the east side of the Bayville Bridge which connects the Villages of Mill Neck and Bayville (local names) and northerly and westerly of a line extending northeasterly from the utility pole NYT 99, opposite the foot of The Concourse (a private road into Mill Neck Estates) and located between West Shore Road and the concrete seawall adjacent to the shoreline, to the southwesternmost corner of the fixed wooden dock, west of the boat launching ramp, at the Village of Bayville Beach, on West Harbor Drive (local names, local [landmarks].] landmarks), thence continuing northerly along the western edge of the dock to the shoreline.

Subparagraph 41.2(b)(4)(vi) was amended to read as follows:

(vi) Mill Neck Creek (Mill Neck Bay). [All] During the period January 1 through December 31, both dates inclusive, all that area, including tributaries, lying westerly of the [Bascule] east side of the Bayville Bridge which connects the Villages of Mill Neck and Bayville (local names).

Paragraph 41.2(b)(4) *Note* was amended to read as follows:

Note: All reference points, except local landmarks or local names, in the Town of Oyster Bay (North Shore) are taken from N.O.A.A. Nautical Charts No. 12364, 41st Ed., Apr. 2020 and/or No. 12365, 29th Ed., Mar. 2020 and/or No. 12366, 30th Ed., Oct. 2014 and U.S.C.G. Light List Volume 1, [2021.] 2022.

Dated: June 27, 2022
Kings Park, New York

Debra Barnes, Chief
Bureau of Shellfisheries