

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Marine Resources

123 Kings Park Blvd. (Nissequogue River State Park), Kings Park, NY 11754

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SPECIAL NOTICE TO SHELLFISH HARVESTERS, TOWN OF HEMPSTEAD “CONDITIONAL SHELLFISH HARVESTING PROGRAM” FOR HEMPSTEAD BAY – MIDDLE BAY

Pursuant to provisions of 6 NYCRR 47.3(b), the New York State Department of Environmental Conservation, in cooperation with the Town of Hempstead, will initiate a “conditional shellfish harvesting program” on **Friday, December 1, 2023**, in a portion of the uncertified shellfish lands in Hempstead Bay – Middle Bay described below.

To properly participate in this program, please take note the following:

1. CONDITIONAL AREA DESCRIPTION (See the map image at end for additional information)

MIDDLE BAY: All that area of Middle Bay bounded by a line extending northwesterly from the northwesternmost corner of the house located at 815 Channel Road, Lido Beach to the orange monument at the southernmost point of land on Cinder Island; then continuing northerly through a series of orange monuments to the orange monument on the northernmost point of land at North Cinder Island; then northeasterly to the flagpole with yardarms on the property at 3624 Bertha Drive, Baldwin; and a line extending easterly from the southernmost point of the Oakwood Beach Club building (local name, local landmark) through a series of orange monuments to the Meadowbrook State Parkway; then following the Meadowbrook State Parkway southerly to the southwestern base of the Fundy Channel Bridge; then extending westerly through a series of orange monuments to the orange monument on the eastern end of High Meadow Island; then extending southerly to the northwestern base of the Loop Parkway Bridge at the easternmost point of land at Alder Island; then following the Loop Parkway southwesterly to Lido Boulevard.

EXCEPT all that area within the Town of Hempstead West Marina.

EXCEPT the Hatchery Stock Reserve. Defined as all that area of Reynolds Channel (Wreck Lead Channel) lying within 200-feet of the shoreline, beginning at the orange monument on the northernmost point of the West Marina breakwater extending on a bearing due north and ending at the orange monument in Lido Preserve extending on a bearing due north.

EXCEPT the Central Middle Bay Spawning Reserve. Defined as all that area of Middle Bay bounded by a line beginning at the orange monument on the easternmost point of North Cinder Island extending easterly to the orange monument on Sea Dog Island; then extending southerly to the orange monument on the southwest point of Sea Dog Island; then extending southerly to the orange monument on Long Meadow Island; then extending northwesterly to the orange monument on West Long Meadow Island; then continuing westerly to the orange monument on the eastern shoreline of Cinder Island; then continuing northerly along the eastern shoreline of Cinder Island to the northernmost point of Cinder Island; and then extending northerly to the point of beginning.

EXCEPTIONS REMAIN UNCERTIFIED AND THE HARVEST OF SHELLFISH IS PROHIBITED FROM THOSE AREAS.



2. CONDITIONS TO BE MET

- Rainfall Limit,
- Boats Removed from Marina.

When **no more than 0.35 inches** of localized liquid precipitation is recorded for each of seven (7) successive days, the area may be “OPENED” (certified) for harvesting on the eighth (8) day and may remain “OPEN” until **more than 0.35 inches** of rain is recorded in a 24-hour period. Additionally, the program will not begin until all boats are removed from the Town of Hempstead West Marina.

***Town of Hempstead personnel will determine the amount of precipitation that is recorded daily.**

3. PUBLIC NOTIFICATION

(516) 897-2526

Daily Status Message: Open or Closed

Daily, Town personnel will determine the status of the area based on rainfall. A message advising harvesters of the status of the area will be available by **calling 516-897-2526 (897-CLAM) after 8:15 a.m.**, seven (7) days a week.

PRIOR TO HARVESTING IN THIS AREA, IT IS THE RESPONSIBILITY OF EACH HARVESTER TO CALL THE PHONE NUMBER ABOVE TO LEARN WHETHER THE AREA IS IN THE “OPEN” STATUS FOR THAT PARTICULAR DAY. UNTIL THE “OPEN” MESSAGE IS AVAILABLE VIA THE PUBLIC NOTIFICATION SYSTEM DESCRIBED ABOVE, THE AREA IS UNCERTIFIED (CLOSED) AND THE HARVEST OF SHELLFISH IS PROHIBITED.

Copies of the orders designating the area as “OPEN” or “CLOSED” will be posted in the NYSDEC Division of Marine Resources Headquarters Office in Kings Park, New York.

4. HOURS OF OPERATION & PROGRAM DURATION

Harvesting shall be prohibited in the conditional area **before 8:30 a.m. and after sunset**, on those days the area is in the “open” status. The program will be in effect from **Friday, December 1, 2023 through Tuesday, April 30, 2024**, both dates inclusive.

5. SPECIAL CONDITIONS

- **Closures due to extraordinary pollution events, such as rainfall in excess of three (3) inches, may exceed seven (7) days** duration and will require water sampling to determine the sanitary condition of the area prior to re-opening.

This “conditional shellfish harvesting program” may be suspended, revised, or terminated **at any time** if bacteriological water quality is found to be in contravention of the standards for certified shellfish lands OR if any other condition is found to exist which may be a threat to public health.

Dated: November 27, 2023
Kings Park, New York

Debra Barnes, Chief
Bureau of Shellfisheries

