



SPECIAL NOTICE TO ALL SHELLFISH HARVESTERS IN THE TOWN OF EAST HAMPTON

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

The New York State Department of Environmental Conservation, Shellfisheries Section (department) has determined that Title 6 of the New York Codes, Rules and Regulations (NYCRR) Part 41, "Sanitary Condition of Shellfish Lands" required modification to correct the URL to the webpage that posts notices of changes in classification online.

The department has also determined that water quality in portions of Sag Harbor Bay, adjacent to the Town of East Hampton has changed, requiring reclassification to protect public health. Additionally, technical changes were required to improve enforcement and readability of the regulations in portions of Sag Harbor and Sag Harbor Bay.

Due to these determinations, the department has filed a Notice of Emergency Adoption and Proposed Rulemaking to amend 6NYCRR, Sections 41.0 and 41.3, "Sanitary Condition of Shellfish Lands," in Suffolk County.

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#### Highlights of changes are:

The department updated portions of 6NYCRR, Part 41, "Sanitary Condition of Shellfish Lands" to correct the URL to the webpage that posts notices of changes in classification online.

#### Highlights of changes are:

**Sag Harbor Bay:** 26-acres of Sag Harbor Bay were downgraded from certified year-round to uncertified year-round January 1 through December 31.

#### Technical Changes:

- Sag Harbor– The existing clauses within Sag Harbor were renumbered to reduce complexity and improve readability of the regulations.
  - Sag Harbor Bay– The existing clauses within Sag Harbor Bay were redefined to reduce complexity and improve readability of the regulations.
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**The new regulations are EFFECTIVE on August 06, 2025 and should appear in the NYS Register on August 27, 2025:** [State Register | Department of State \(ny.gov\)](https://www.state.ny.gov/register).

The following changes were made to Part 41, "Sanitary Condition of Shellfish Lands" (new text is underlined, old text that was removed is [bracketed]).

Section 41.0. Introduction is amended to read as follows:

The following is a statement of sanitary condition of shellfish lands in New York State. Notice of changes in classification will be posted online at [\[https://dec.ny.gov/regulatory/regulations/proposed-emergency-recently-adopted-regulations\]](https://dec.ny.gov/regulatory/regulations/proposed-emergency-recently-adopted-regulations) <https://dec.ny.gov/regulatory/regulations/proposed-emergency-recently-adopted-regulations> and sent to holders of a New York State shellfish diggers permit by electronic communication or by mail as and when they may occur.

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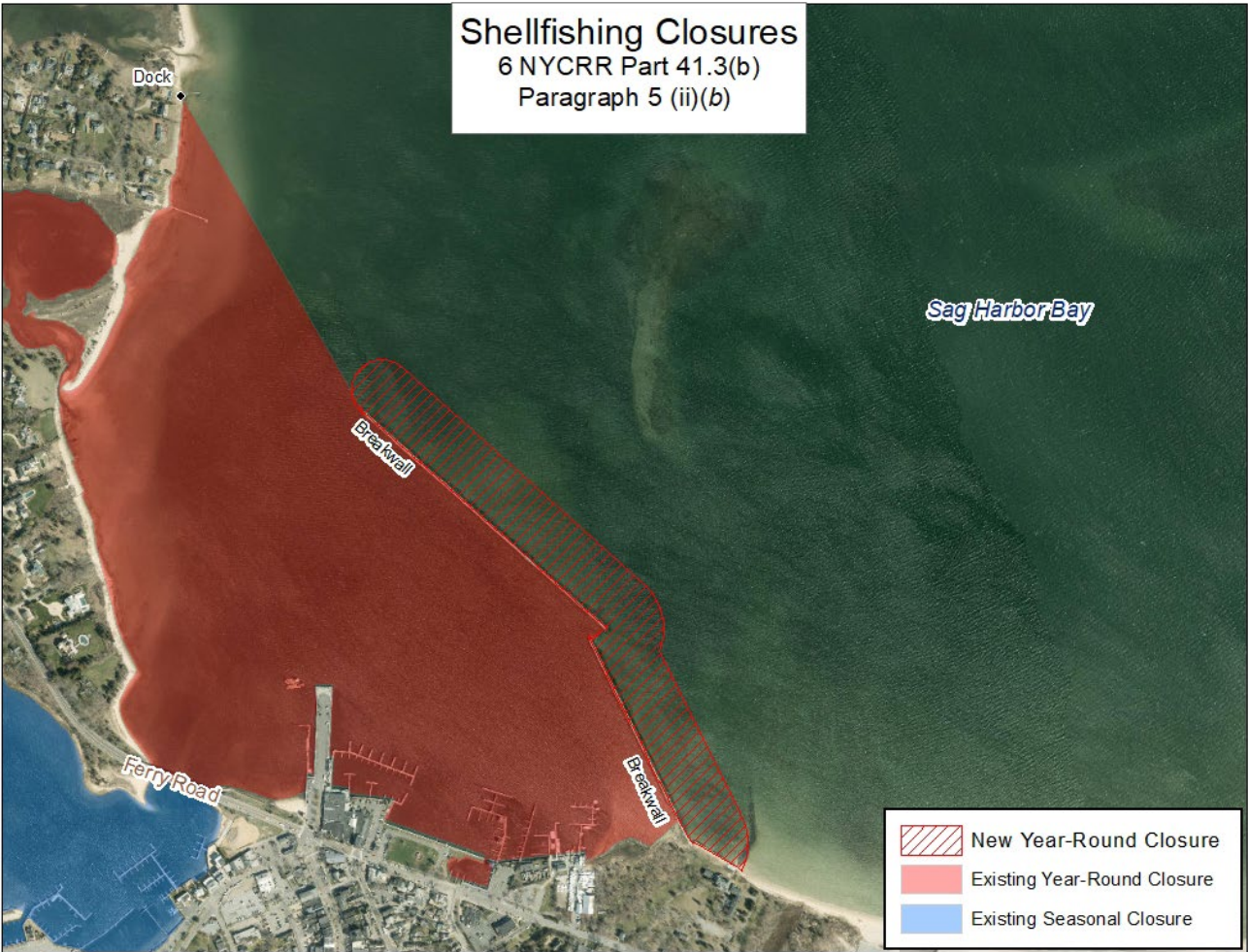
The following shellfish lands are in such sanitary condition that shellfish thereon shall not be taken for use as food and such lands are designated as uncertified areas (new text is underlined, old text that was removed is [bracketed]).

(5) Town of East Hampton

Clause 41.3(b)(5)(ii)(a) is repealed.

A new clause 41.3(b)(5)(ii)(a) is adopted to read as follows:

(a) During the period January 1 through December 31, both dates inclusive, all that area of Sag Harbor lying between the northern side of the Ferry Road Bridge (local name) and a line beginning at the southernmost point of the southern Sag Harbor breakwall and extending northerly along said breakwall to its northmost point and then continuing to the southernmost point of the adjacent northern breakwall and then continuing northwesterly along said breakwall to its northwesternmost point and thence continuing northwesterly to the southwestern corner of the fixed dock at 32 East Harbor Drive, North Haven.



Clause 41.3(b)(5)(ii)(b) is renumbered 41.3(b)(5)(ii)(c).

A new clause 41.3(b)(5)(ii)(b) is adopted to read as follows:

(b) Sag Harbor Bay. During the period January 1 through December 31, both dates inclusive, all that area of Sag Harbor Bay within 100-feet of the Sag Harbor breakwalls.

Clause 41.3(b)(5)(ii)(c) is repealed.

A new Clause 41.3(b)(5)(ii)(c) is adopted to read as follows:

(c) Sag Harbor Bay. During the period May 1 through November 30, both dates inclusive, all that area of Sag Harbor Bay within 250-yards of the northernmost point of the peaked roof of the residence at 1 Harding Terrace, Sag Harbor; and Little Northwest Creek, including its tributaries.

Dated: August 06, 2025  
Kings Park, New York

Debra Barnes, Chief  
Bureau of Shellfisheries