

**NYCRR Part 41 - Sanitary Condition of Shellfish Lands & Part 47 - Certification of Shellfish Lands - Express Terms**

Subparagraph 41.2(b)(3)(iv) is renumbered subparagraph 41.2(b)(3)(viii).

Subparagraph 41.2(b)(3)(iii) is renumbered subparagraph 41.2(b)(3)(vii).

Clause 41.2(b)(3)(ii)(‘d’) is renumbered subparagraph 41.2(b)(3)(vi) and is amended to read as follows:

(vi) West Pond. 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 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)(3)(ii)(‘e’) is renumbered subparagraph 41.2(b)(3)(v) and is amended to read as follows:

(v) Crescent Beach. 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)(3)(ii) is renumbered subparagraph 41.2(b)(3)(iv).

Subparagraph 41.2(b)(3)(i) is renumbered subparagraph 41.2(b)(3)(iii).

Renumbered clause 41.2(b)(3)(iii)(‘b’) is renumbered clause 41.2(b)(3)(iii)(‘d’).

Renumbered clause 41.2(b)(3)(iv)(‘b’) is renumbered clause 41.2(b)(3)(iii)(‘b’).

Renumbered clause 41.2(b)(3)(iv)('c') is renumbered clause 41.2(b)(3)(iii)('c').

A new subparagraph 41.2(b)(3)(i) is adopted to read as follows:

(i) Little Neck Bay. During the period January 1 through December 31, both dates inclusive, all that area of Little Neck Bay and its tributaries.

A new subparagraph 41.2(b)(3)(ii) is adopted to read as follows:

(ii) Manhasset Bay. During the period January 1 through December 31, both dates inclusive, all that area of Manhasset Bay and its tributaries.

Subparagraph 41.2(b)(4)(vii) is renumbered subparagraph 41.2(b)(4)(ix).

Subparagraph 41.2(b)(4)(vi) is renumbered subparagraph 41.2(b)(4)(viii).

Subparagraph 41.2(b)(4)(v) is renumbered subparagraph 41.2(b)(4)(vii).

Subparagraph 41.2(b)(4)(iv) is renumbered subparagraph 41.2(b)(4)(vi).

Subparagraph 41.2(b)(4)(iii) is renumbered subparagraph 41.2(b)(4)(v).

Clause 41.2(b)(4)(ii)('d') is renumbered subparagraph 41.2(b)(4)(iv) and is amended to read as follows:

(iv) West Pond. 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 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') is renumbered subparagraph 41.2(b)(4)(iii) and is amended to read as follows:

(iii) Crescent Beach. 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).

Clause 41.2(b)(4)(i)('b') is renumbered clause 41.2(b)(4)(i)('d').

Clause 41.2(b)(4)(ii)('b') is renumbered clause 41.2(b)(4)(i)('b').

Clause 41.2(b)(4)(ii)('c') is renumbered clause 41.2(b)(4)(i)('c').

Renumbered clause 41.2(b)(4)(vii)('b') is amended to read as follows:

('b') 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] signal pole located at the intersection of Cleft Road and [Shore Drive,] West Shore Road, Mill Neck (local landmark).

Renumbered subclause 41.2(b)(4)(vii)('d')('2') is amended to read as follows:

('2') During the period May 1 through October 31, both dates inclusive, all that area of The Cove, including tributaries, lying [easterly and southerly] southeasterly of a line extending [northeasterly from the 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.] southwesterly from the southwesternmost point of the Roosevelt Breakwater (local name, local landmark) to the northernmost corner of

the fixed dock serving the residence at 93 Cove Woods Road, and thence continuing along the eastern edge of said dock to the shoreline; and northerly of a line extending easterly from the flagpole located on the property of 92 Cove Neck Road to utility pole "LIL 22" located between Cove Neck Road and the shoreline.

Clause 41.3(b)(2)(i)(‘g’) is renumbered 41.3(b)(2)(i)(‘h’).

Clause 41.3(b)(2)(i)(‘f’) is renumbered 41.3(b)(2)(i)(‘g’).

Clause 41.3(b)(2)(i)(‘e’) is renumbered 41.3(b)(2)(i)(‘f’) and is amended to read as follows:

(‘f’) [Kismet and Saltaire.] Kismet. During the period May 1 through October 31, both dates inclusive, all that area [within the Saltaire Marina - Boat Basin (local name), and the Kismet Inn Marina- Boat Basin (local name).] of Great South Bay lying within 250 feet of the shoreline in Kismet, beginning at a line extending on a bearing of 324 degrees true from the northernmost peak of the building located at the entrance to the Kismet ferry dock (local landmark) and ending at a line extending on a bearing 324 degrees true from the northeasternmost corner of the dock serving the Way Yonder Yacht Club (local name, local landmark) located at 111 Seabay Walk, Bayshore.

A new clause 41.3(b)(2)(i)(‘e’) is adopted to read as follows:

(‘e’) Saltaire. During the period May 1 through October 31, both dates inclusive, all that area of Great South Bay lying within 250 feet of the shoreline in Saltaire, beginning at a line extending on a bearing of 324 degrees true from the northernmost peak of the residence located at 8 Bay Promenade, Saltaire and ending at a line

extending on a bearing 324 degrees true from the northernmost corner of the bulkhead return opposite the residence located at 19 Bay Promenade, Islip.

Clause 41.3(b)(3)(v)(‘g’) is renumbered clause 41.3(b)(3)(v)(‘h’)

Clause 41.3(b)(3)(v)(‘f’) is renumbered clause 41.3(b)(3)(v)(‘g’).

Clause 41.3(b)(3)(v)(‘e’) is renumbered clause 41.3(b)(3)(v)(‘f’).

Clause 41.3(b)(3)(v)(‘d’) is renumbered clause 41.3(b)(3)(v)(‘e’).

A new clause 41.3(b)(3)(v)(‘d’) is adopted to read as follows:

(‘d’) During the period January 1 through December 31, both dates inclusive, all that area of the unnamed creek lying between Tuthill Point Road and Smith Street in East Moriches, and all that area lying within an 800-foot radius from the northwesternmost point of the dock on the property at 52 Tuthill Point Road in East Moriches.

Renumbered Clause 41.3(b)(3)(v)(‘h’) is amended to read as follows:

(‘h’) During the period May [1st] 1 through November [30th,] 30, 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 (local name, local landmark).

Subclause 41.3(b)(4)(i)(‘c’)(‘1’) is amended 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] 3 Jagger Lane, Westhampton (local landmark).

Subclause 41.3(b)(4)(ii)(‘a’)(‘1’) is amended 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] 4 Old Meadow Bend, Westhampton Beach to the northeastern corner of said dock; then [extends] extending northeasterly on a [true] bearing [north] 70 degrees [east,] true, to the opposite, eastern shoreline.

Subclause 41.3(b)(4)(iii)(‘b’)(‘3’) is amended to read as follows:

(‘3’) [Hampton Shores and Colonial Shores Boat Basin.] Tiana Bay. During the period May 1 through October 31, both dates inclusive, all that area [south and west] of Tiana Bay lying northerly and westerly of a line extending [northwesterly from the northeasternmost corner of the bulkhead serving] easterly from the flagpole on the property [of] at 83 West Tiana Road, East Quogue to the [southwestern] northwesternmost corner of the [fixed dock serving the property of 73 West Tiana Road, East Quogue.] southern chimney on the house at 3 Marinea Place, Hampton Bays; and lying southerly of the line described in subclause (‘4’) of this clause.

Subclause 41.3(b)(4)(iii)(‘b’)(‘4’) is amended to read as follows:

('4') Tiana [Bay.] Creek. During the period January 1 through December 31, both dates inclusive, all that area of Tiana [Bay] Bay, Tiana Creek, and tributaries lying northerly of a line extending easterly from the southernmost corner of the bulkhead [protecting the shoreline at the residence of] at 39 West Tiana Road, East Quogue, to the westernmost point [of land] of the sandspit extending westerly from the opposite [eastern] shoreline (local landmark).

Subparagraphs 41.3(b)(4)(v) through 41.3(b)(4)(xvii) are renumbered 41.3(b)(4)(vi) through 41.3(b)(4)(xviii).

A new subparagraph 41.3(b)(4)(v) is adopted to read as follows:

(v) Atlantic Ocean. During the period January 1 through December 31, both dates inclusive, all that area of the Atlantic Ocean lying within 250 yards of the flagpole located at 14 Gin Lane, Southampton (local landmark).

Renumbered clause 41.3(b)(4)(vi)('a') is amended to read as follows:

('a') During the period January [1st] 1 through December [31st,] 31, both dates inclusive, all that area of Mecox Bay, including tributaries, lying north and west of a line extending northeasterly from the southeasternmost corner of the residence at 97 Cobb Isle Road (said residence is a two-story, white painted house with two, second-story circular windows and two closely-spaced chimney flue pipes) to the southeastern end of Bay Lane, on the opposite eastern shoreline; and all that area of Sam's Creek and Swan Creek, lying easterly of a line extending northerly from the northwest corner of the residence at 168 Dune Road (said residence is a two-story, flat roofed, white house with large ornamental, circular openings) to an orange [marker] monument located at the

western entrance to Swan Creek; and all that area of Burnett Creek, Channel Pond, and the unnamed creeks between Bay [Lane and] Lane and Swan Creek, along the northeastern shoreline of Mecox Bay.

Renumbered clause 41.3(b)(4)(vi)('b') is amended to read as follows:

('b') During the period May [1st] 1 through November [30th,] 30, both dates inclusive, all that area of Mecox Bay lying south and east of a line extending northeasterly from the southeasternmost corner of the residence at 97 Cobb Isle Road (said residence is a two-story, white painted house with two, second-story circular windows and two closely-spaced chimney flue pipes) to the southeastern end of Bay Lane, on the opposite eastern shoreline.

Renumbered clause 41.3(b)(4)(x)('a') is amended to read as follows:

('a') During the period May 1 through November 30, both dates inclusive, all that area of Cold Spring Pond [within the former Lobster Inn Boat Basin (local names, local landmark),] lying [northwest] northwesterly of a line extending northeasterly [along the fixed wooden dock] from the northernmost point of the bulkhead [of the former Lobster Inn Restaurant] at 5 Inlet Road to the [opposite shoreline,] highest point of the residence at 29 Inlet Road East, and all that area lying [southeast] southeasterly of a line extending [southwesterly] northeasterly 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).] northeastern corner of the residence at 33 Inlet Road West to the westernmost corner of



the fixed dock serving the property of 24 Cold Spring Court (local names, local landmarks).

Renumbered clause 41.3(b)(4)(x)(‘b’) is amended to read as follows:

(‘b’) During the period January 1 through December 31, both dates inclusive, all that area of [the former Lobster Inn Boat Basin] Cold Spring Pond lying [southeast] southerly of a line extending northeasterly [along the fixed wooden dock of the former Lobster Inn Restaurant to the opposite shoreline.] from the northernmost point of the bulkhead at 5 Inlet Road to the highest point of the residence at 29 Inlet Road East (local names, local landmarks).

Renumbered subclause 41.3(b)(4)(xii)(‘a’)(‘1’) is amended 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,] 60 Hidden Cove Court, Southampton.

Renumbered subclause 41.3(b)(4)(xii)(‘a’)(‘2’) is amended 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 and Turtle Cove lying east of the western side of the westernmost footbridge serving the residence at [40

Cedar Crest Road, Southampton; and, all that area of Turtle Cove (local name).] 60  
Hidden Cove Court, Southampton.

Renumbered subclause 41.3(b)(4)(xii)(‘b’)(‘1’) is renumbered 41.3(b)(4)(xii)(‘e’)  
and is amended to read as follows:

(‘e’) [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.] southeasternmost  
corner of the bulkhead at 1640 Conscience Point Road, Southampton, to the  
westernmost corner of the bulkhead at 229 Shore Road, Southampton.

Renumbered subclause 41.3(b)(4)(xii)(‘b’)(‘2’) is renumbered 41.3(b)(4)(xii)(‘c’)  
and is amended to read as follows:

(‘c’) [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] lying north of a line  
extending [northerly] easterly from the northeastern corner of the [bulkhead at the  
residence of 317] building D at 400 Noyack Road, Southampton, to the [southernmost  
point of land] southwesternmost corner of the fixed dock [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).] at 10 Helens Lane, Southampton, then continuing along the northwestern edge of the dock to the shoreline.

Renumbered clause 41.3(b)(4)(xii)('b') is repealed.

A new clause 41.3(b)(4)(xii)('b') is adopted to read as follows:

('b') During the period May 1 through October 31, both dates inclusive, all that area of North Sea Harbor and Fish Cove, including the unnamed creek connecting the two, lying easterly of a line extending northerly from the northern corner of the bulkhead at the residence of 317 Noyack Road, Southampton, to the southwestern corner of the fixed dock located at the residence of 102 Towd Point Road, Southampton, then continuing along the western edge of the dock to the shoreline.

A new clause 41.3(b)(4)(xii)('d') is adopted to read as follows:

('d') During the period May 1 through October 31, both dates inclusive, all that area of North Sea Harbor lying south of a line extending southeasterly from the northeasternmost point of land at Conscience Point, to the northern corner of the bulkhead at the residence of 317 Noyack Road, Southampton.

Subparagraph 41.3(b)(5)(iii) is renumbered subparagraph 41.3(b)(5)(xi).

Subparagraph 41.3(b)(5)(viii) is renumbered subparagraph 41.3(b)(5)(iii).

Renumbered clause 41.3(b)(5)(iii)('b') is amended to read as follows:

('b') During the period May 1 through December [14,] 31, both dates inclusive, all that area of Northwest Creek lying south of a line extending due east [(true)] (90 degrees true) from the easternmost point of land on the western side of the inlet to Northwest Creek to the opposite [shoreline, and northerly of the line described in clause

(a), of this subparagraph.] shoreline.

Subparagraph 41.3(b)(5)(vi) is renumbered subparagraph 41.3(b)(5)(viii).

Subparagraph 41.3(b)(5)(v) is renumbered subparagraph 41.3(b)(5)(vi).

Renumbered subclause 41.3(b)(5)(vi)(‘a’)(‘2’) is amended to read as follows:

(‘2’) During the period May 1 through November 30, both dates inclusive, all that area of Hog Creek lying north of a line extending easterly from the highest point of the center peak of the residence located at 59 Isle of Wight Road to the northwesternmost point of land on the south side of the dug basin on the opposite shore, and lying south of a line extending easterly from the highest point of the center peak of the residence located at 99 Isle of Wight Road to the northerly corner of the hexagon shaped residence located at 120 [Fenmarsh] Waterhole Road on the opposite shoreline.

A new clause 41.3(b)(5)(vi)(‘c’) is adopted to read as follows:

(‘c’) During the period May 1 through November 30, both dates inclusive, all that area of Gardiners Bay including the inlet into Accabonac Harbor, lying within a 350-yard radius in all directions from the northernmost point of Louse Point Road.

Subparagraph 41.3(b)(5)(iv) is renumbered subparagraph 41.3(b)(5)(v).

Subparagraph 41.3(b)(5)(vii) is renumbered subparagraph 41.3(b)(5)(iv).

Renumbered clause 41.3(b)(5)(iv)(‘b’) is renumbered clause 41.3(b)(5)(iv)(‘c’) and is amended to read as follows:

(‘c’) During the period May 1 through December [14,] 31, both dates inclusive, all that area of [Northwest Harbor within a 200-yard radius from the western point of the

spit of land on the southerly side of the entrance to] the old Mile Hill Marina (local [name), including the old Mile Hill Marina] name, local landmark) and the unnamed creek located immediately south of the old marina, which are [all] both located [southwesterly of] between the entrance of Northwest Creek and Mile Hill Road.

A new clause 41.3(b)(5)(iv)(‘b’) is adopted to read as follows:

(‘b’) During the period May 1 through December 31, both dates inclusive, all that area of Northwest Harbor lying within 400-yards of the shoreline beginning at a line extending due north (0 degrees true) from the northwesternmost point of the beach access staircase at 777 Route 114, East Hampton (local landmark) and ending at a line extending northwest on a bearing 315 degrees true from the northernmost point of the parking lot at the end of Mile Hill Road (local landmark).

Subparagraph 41.3(b)(5)(ix) is renumbered subparagraph 41.3(b)(5)(vii).

Renumbered clause 41.3(b)(5)(vii)(‘f’) is renumbered clause 41.3(b)(5)(vii)(‘g’).

Renumbered clause 41.3(b)(5)(vii)(‘e’) is renumbered clause 41.3(b)(5)(vii)(‘f’).

A new clause 41.3(b)(5)(vii)(‘e’) is adopted to read as follows:

(‘e’) During the period May 1 through November 30, both dates inclusive, all that area of Gardiners Bay including the inlet into Accabonac Harbor, lying within a 350-yard radius in all directions from the northernmost point of Louse Point Road.

A new subparagraph 41.3(b)(5)(ix) is adopted to read as follows:

(ix) Napeague Harbor. During the period May 1 through October 31, both dates inclusive, all that area of Napeague Harbor and its tributaries lying west of a line extending northwesterly from LIPA telephone pole number 14 on Napeague Meadow

Road (said telephone pole has an osprey platform on top) to the southeasternmost point of land on the western side of the outlet creek of Napeague Pond (said creek outlet is southwest of Shore Drive West).

Subparagraph 41.3(b)(5)(x) is repealed.

Subparagraph 41.3(b)(5)(ii) is renumbered subparagraph 41.3(b)(5)(x).

Renumbered clause 41.3(b)(5)(x)(‘e’) is amended to read as follows:

(‘e’) Southern Montauk Lake. During the period May 1 through October 31, both dates inclusive, all that area of Montauk Lake (Montauk Harbor) and tributaries lying southerly of a line extending easterly from the [highest point of the stone chimney serving the residence of 80] flagpole with yardarms on the property of the residence at 100 Old West Lake Drive, Montauk, to the northwestern corner of northernmost [wooden] jetty extending from the shoreline of the Bridgeford Cottage Colony at 31 East Lake Drive, Montauk (local landmarks, local names); then proceeding along the northern edge of said jetty to the shoreline.

Subparagraph 41.3(b)(5)(i) is renumbered subparagraph 41.3(b)(5)(ii).

A new subparagraph 41.3(b)(5)(i) is adopted to read as follows:

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

Subparagraph 41.3(b)(6)(ii) is amended to read as follows:

(ii) Coecles Harbor. [During the period May 15th through October 31st, both

dates inclusive, all that area of Coecles Harbor lying south of a line extending easterly from the eastern end of Hudson Avenue (local name, local landmark) to the northeasternmost corner of the fueling dock at the Coecles Harbor Marina and Boatyard (local name, local landmark) and west of a line extending southerly along the easternmost side of said fueling dock and thence continuing to the southeasternmost corner of the southernmost floating dock at said marina and north of a line extending westerly along the southernmost side of said floating dock to the shoreline.]

A new Clause 41.3(b)(6)(ii)(‘a’) is adopted to read as follows:

(‘a’) During the period May 1 through October 31, both dates inclusive, all that area of Coecles Harbor lying within a 500-yard radius of the northeasternmost corner of the main fixed dock of the Coecles Harbor Marina.

A new Clause 41.3(b)(6)(ii)(‘b’) is adopted to read as follows:

(‘b’) During the period May 1 through October 31, both dates inclusive, all that area of Coecles Harbor bounded by a line extending westerly from Sungic Point to the easternmost point of Taylor’s Island then continuing southerly to the westernmost point of the fixed dock at 47N South Ferry Rd.

A new Subparagraph 41.3(b)(6)(iv) is adopted to read as follows:

(iv) West Neck Harbor. During the period May 1 through October 31, both dates inclusive, all that area of West Neck Harbor lying within 700 feet of the shoreline, beginning at a line extending from the northernmost corner of the bulkhead at 5 East Brander Parkway to the southwesternmost point of land at the Montclair Colony and ending at a line extending due North (0 degrees true) from the northernmost point of the

easternmost jetty at Shell Beach Point.

Subparagraph 41.3(b)(7)(i) is amended to read as follows:

(i) Long Island Sound. All that area lying within a one-half mile radius of the sewer outfall located at [Lat. 41° 6' 30" N.] Latitude 41° 6' 33" N. and [Long. 72° 23' 9" W.] Longitude 72° 23' 14" W. and serving the Greenport Sewage Treatment Plant. [Such] Said outfall is located 500 feet offshore of the westernmost rock jetty on the Village of Greenport property southwest of Inlet Point and approximately 500 feet easterly of the shoal marked "Parker Rock" on N.O.A.A. Nautical Chart No. [12358.] 12358, 23rd Ed., Apr. 2019.

Clause 41.3(b)(7)(iv)('a') is amended to read as follows:

('a') During the period May 1 through December 31, both dates inclusive all that area lying southerly of a line extending easterly from the northernmost point of the western jetty to the northernmost point of the eastern jetty at the entrance to Mattituck Creek; and lying north of a line extending easterly from an orange monument near the red shack on the south side of the entrance to Howards Creek (local landmark), to an orange monument near the flagpole [serving the residence] at 1085 West View Drive (local landmark), and the area of Howards Creek lying easterly of a line extending northwesterly from an orange monument near the dock serving the residence at 1175 Point Pleasant Road to an orange monument near the dock serving [the residence located on Fox Hollow Road] 624 Deer Path on the opposite shore.

Clause 41.3(b)(7)(iv)('b') is amended to read as follows:



(‘b’) During the period January 1 through December 31, both dates inclusive, all that area lying south of a line extending easterly from an orange monument near the red shack on the south side of the entrance to Howards Creek (local landmark), to an orange monument near the flagpole [serving the residence] at 1085 West View Drive (local landmark), and all that area of Howards Creek lying west of a line extending northwesterly from an orange monument near the dock serving the residence at 1175 Point Pleasant Road to an orange monument near the dock serving [the residence located on Fox Hollow Road] 624 Deer Path on the opposite shore.

Clause 41.3(b)(7)(vii)(‘a’) is amended to read as follows:

(‘a’) During the period January 1 through December 31, both dates inclusive, all that area of Hashamomuck Pond and Long Creek lying westerly of a line extending southerly from the orange monument located on the shore at the Terrace Garden Colony Cottages to the northernmost corner of the residence at 645 Mill Creek Drive; and lying southerly of the line extending easterly from the orange monument located on the shoreline of the property at [1645] 1665 Mill Creek Drive to the orange monument on the opposite shore.

Clause 41.3(b)(7)(ix)(‘b’) is amended to read as follows:

(‘b’) During the period April 1 through [December 14,] November 30, both dates inclusive, all that area of Gull Pond, including tributaries lying north and west of a line extending northeasterly from the southeastern end of the jetty protecting the southwestern side of the entrance to Gull Pond to the southeastern end of the jetty protecting the northeastern side of the entrance to Gull Pond (local landmarks).

Clause 41.3(b)(7)(x)(‘a’) is amended to read as follows:

(‘a’) Plum Gut. [All] During the period January 1 through December 31, both dates inclusive, all that area of Plum Gut, Plum Gut Harbor and tributaries [lying northerly and easterly of] bounded by a line extending westerly from the southernmost point of land exposed at mean high water at Pine Point to [buoy GR "MS"] Midway Shoal Lighted Buoy MS (said buoy is located near Midway Shoal) and thence continuing northerly to the [F12.5 sec 5M PA.] Plum Gut Light (located on the skeleton tower on Plum Island).

Clause 41.3(b)(7)(xii)(‘c’) is renumbered Clause 41.3(b)(7)(xii)(‘e’)

Clause 41.3(b)(7)(xii)(‘b’) is renumbered Clause 41.3(b)(7)(xii)(‘c’)

Clause 41.3(b)(7)(xii)(‘d’) is renumbered Clause 41.3(b)(7)(xii)(‘b’)

A new Clause 41.3(b)(7)(xii)(‘d’) is adopted to read as follows:

(‘d’) Hippodrome Pond. During the period January 1 through December 31, both dates inclusive, all that area of Hippodrome Pond including its inlet.

Clause 41.3(b)(7)(xv)(‘b’) is amended to read as follows:

(‘b’) Corey Creek. [All] During the period of January 1 through December 31, both dates inclusive, that area of Corey Creek lying north and west of a line extending northeasterly from the northernmost corner of the bulkhead at 2950 Minnehaha Boulevard to the southernmost tip of the rock revetment at 723 Windy [Pont] Point Lane.

A new clause 41.3(b)(8)(i)(‘c’) is adopted to read as follows:

(‘c’) During the period May 1 through October 31, both dates inclusive, all that

area of Flanders Bay within 100 yards of the southernmost point of the jetty on the eastern side of the entrance to Kings Creek.

Clause 41.3(b)(9)(i)(‘a’) is amended to read as follows:

(‘a’) During the period January 1 through December 31, both dates inclusive, all that area of Port Jefferson Harbor, including tributaries, lying east and south of a line extending [northerly from the flagpole located at the foot of Washington Street, Poquott,] southwesterly from the landwardmost point of the rock ruins located at the foot of Anchorage Road, Belle Terre (local landmark) to Port Jefferson Harbor Lighted Bell Buoy "5", [and thence continuing northeasterly to the landwardmost point of the rock ruins located at the foot of Anchorage Road, Belle Terre (local names, local landmarks).] then continuing southerly to the northernmost point of the fixed dock serving the residence at 53 Chestnut Avenue, East Setauket, and thence continuing along the western edge of said dock to the shoreline.

Clause 41.3(b)(9)(i)(‘c’) is amended to read as follows:

(‘c’) During the period May 1 through October 31, both dates [inclusive] inclusive, all that area of Port Jefferson Harbor and Setauket Harbor, including tributaries, lying southerly and westerly of a line extending easterly from the northernmost chimney of the residence at 10 Preston Lane, Strongs Neck (said residence is a [two story] two-story house protected by a seawall), to Port Jefferson Harbor Lighted Bell Buoy “5”, [and thence] then continuing [southeasterly] southerly to the [flagpole located at the foot of Washington Street (Village of Poquott).] northernmost point of the fixed dock serving the residence at 53 Chestnut Avenue, East Setauket, and thence continuing along the

western edge of said dock to the shoreline.

Clause 41.3(b)(9)(iv)(‘i’) is amended to read as follows:

(‘i’) During the period May 1 through December 31, both dates inclusive, all that area of Stony Brook Harbor and its tributaries lying south of a line extending southeasterly from the [southernmost] northernmost red brick chimney on the Knox School [located at 541 Long Beach Road in the incorporated Village of Nissequogue (said school is a three-story red brick building, local] (local name, local landmark) to the [southernmost] chimney on the residence at [121 Harbor Road in the incorporated Village of Head of the Harbor (said residence is a white three- story structure with dark shutters and three chimneys and is located on the Thatch Meadow Farm property, local landmark).] 20 Woodlot Road (Head of the Harbor).

Clause 41.3(b)(9)(iv)(‘j’) is amended to read as follows:

(‘j’) During the period June 1 through October 31, both dates inclusive, all that area of Stony Brook Harbor [lying southerly and westerly of] bounded by a line extending northeasterly from the [southernmost red brick chimney on the Knox School, located at 541 Long Beach Road in the incorporated Village of Nissequogue (said school is a three-story red brick building, local landmark),] chimney on the residence at 24 Stillwater Road (Nissequogue) to Porpoise Channel Buoy “15” (G C “15”), then to Porpoise Channel Buoy “13” (G C “13”), and continuing southeasterly to the northernmost corner of the boat house located on the property of 121 Harbor Road [in the incorporate Village of Head of the Harbor;] (Head of the Harbor), and [northerly of a

line extending southeasterly from the southernmost red brick chimney on the Knox School to the southernmost chimney on the residence at 121 Harbor Road in the incorporated Village of Head of the Harbor (said residence is a white three-story structure with dark shutters and three chimneys and is located on the Thatch Meadow Farm property, local landmark).] continuing along the shoreline to the chimney on the residence at 20 Woodlot Road (Head of the Harbor) to the northernmost red brick chimney on the Knox School (Nissequogue).

Clause 41.3(b)(10)(ii)(‘h’) is amended to read as follows:

(‘h’) During the period May 1 through December 31, both dates inclusive, all that area of Stony Brook Harbor and its tributaries lying south of a line extending southeasterly from the [southernmost] northernmost red brick chimney on the Knox School [located at 541 Long Beach Road in the incorporated Village of Nissequogue (said school is a three-story red brick building, local] (local name, local landmark) to the [southernmost] chimney on the residence at [121 Harbor Road in the incorporated Village of Head of the Harbor (said residence is a white three-story structure with dark shutters and three chimneys and is located on the Thatch Meadow Farm property, local landmark).] 20 Woodlot Road (Head of the Harbor).

Clause 41.3(b)(10)(ii)(‘i’) is amended to read as follows:

(‘i’) During the period June 1 through October 31, both dates inclusive, all that area of Stony Brook Harbor [lying southerly and westerly of] bounded by a line extending northeasterly from the [southernmost red brick chimney on the Knox School, located at 541 Long Beach Road in the incorporated Village of Nissequogue (said

school is a three-story red brick building, local landmark),] chimney on the residence at 24 Stillwater Road (Nissequogue) to Porpoise Channel Buoy “15” (G C “15”), then to Porpoise Channel Buoy “13” (G C “13”), and continuing southeasterly to the northernmost corner of the boat house located on the property of 121 Harbor Road [in the incorporate Village of Head of the Harbor;] (Head of the Harbor), and [northerly of a line extending southeasterly from the southernmost red brick chimney on the Knox School to the southernmost chimney on the residence at 121 Harbor Road in the incorporated Village of Head of the Harbor (said residence is a white three-story structure with dark shutters and three chimneys and is located on the Thatch Meadow Farm property, local landmark).] continuing along the shoreline to the chimney on the residence at 20 Woodlot Road (Head of the Harbor) to the northernmost red brick chimney on the Knox School (Nissequogue).

Clause 41.3(b)(11)(ii)(‘a’) is amended to read as follows:

(‘a’) During the period January 1 through December 31, both dates inclusive, all that area of Northport Bay, Northport Harbor, Steers Canal, and their tributaries lying southerly of a line extending northeasterly from the highest point of the green domed cupola of the residence located at 24 [Mariner] Mariners Court, Centerport, [on the northeastern shore of Little Neck Point, to the highest point of the gazebo located between the shoreline and the residence at 8 Hawkins Drive, Northport (local names, local landmarks), located near the eastern shore of Northport Bay.] to the northwesternmost corner of the beach pavilion located on Steers Beach, Northport

(local names, local landmarks).

Clause 41.3(b)(11)(iii)('b') is amended to read as follows:

('b') During the period May 1 through October 31, both dates inclusive, all that area of Centerport Harbor, including tributaries, lying southerly of a line extending easterly from the easternmost corner of the white-painted garage with red-colored shingled roof (located near the western shoreline of Centerport Harbor on the property at 76 Knollwood Road, local names and local landmarks) to the gazebo with a sailboat weather vane located at 247 Little Neck [Road, (local names and local landmarks) and lying northerly of the line described in clause ('a') of this subparagraph.] Road.

Subdivision 47.1(a) is amended to read:

(a) 'Approved' means acceptable to the [commissioner,] department based on [his] a determination as to conformance with appropriate [standards and/or] standards, good public health [practices and/or] practices, or good manufacturing practices.

Subdivision 47.1(b) is amended to read:

(b) 'Coliform group' means all of the aerobic and facultative [anaerobic] anaerobic, gram-negative, non-spore [forming] forming, rod-shaped [bacteria which will produce gas from lactose when such lactose is incubated for 51 hours or less at 35 degrees Celsius plus or minus 0.5 degrees Celsius.] bacilli which ferment lactose broth with gas formation within 48 hours at 95°F (35°C plus or minus 0.5°C).

Subdivision 47.1(c) is amended to read:

(c) 'Commissioner' means the Commissioner of Environmental Conservation or [his] the commissioner's duly authorized representative.

Subdivision 47.1(d) is amended to read:

(d) 'Contamination' means any foul, loathsome, dangerous, [toxic, abnormal, impure or unsafe] toxic or abnormal or impure substance. 'Contaminated' means the presence of such [substance or] substances.

Subdivision 47.1(f) is amended to read:

(f) 'Fecal coliform' means [bacteria] that portion of the coliform group which will produce gas from [EC medium when such medium is incubated for 26 hours or less at 44.5 degrees Celsius plus or minus 0.2 degree Celsius in a water bath.] lactose in an EC or A-1 multiple tube procedure liquid medium within 24 hours, plus or minus 2 hours, in a water bath maintained at 112.1°F (44.5°C, plus or minus 0.2°C), or another approved method acceptable to the department.

Subdivision 47.1(h) is amended to read:

(h) 'Hazardous' means actually or potentially dangerous to human health. ['Nonhazardous' means not actually or potentially dangerous to human health.]

Subdivision 47.1(i) is amended to read:

(i) 'Marine district' means the waters of the Atlantic Ocean within three nautical miles of the coastline of the State, and all tidal waters within the State including the Hudson River up to the Governor Mario M. Cuomo [Bridge.] Bridge (formerly known as the Tappan Zee Bridge).

Subdivision 47.1(j) is amended to read:



(j) 'MPN' means most probable number, which is an estimate of the [number] numbers of bacteria per 100 milliliters or grams of [sample,] sample using laboratory tests and probability tables in a manner endorsed [and/or] or approved by the United States Department of [Health, Education and Welfare,] Health and Human Services, Public Health Service, Food and Drug Administration.

Subdivision 47.1(k) is amended to read:

(k) 'Person' means any individual, group of individuals, public or private corporation, limited liability company, industry, [copartnership,] co-partnership, joint-stock company, not for profit organization, association, firm, legal entity, trust or estate.

Subdivision 47.1(n) is amended to read:

(n) 'Total coliform' means bacteria of the coliform group which will produce gas from brilliant green bile lactose broth two percent when such broth is incubated for 51 hours or less at [35 degrees Celsius plus or minus five-tenths (0.5) degree Celsius.] 35°C, plus or minus 0.5°C.

Paragraph 47.3 (a)(1) is amended to read:

(1) The department shall periodically examine shellfish lands to determine the sanitary condition thereof. Such examinations, hereinafter referred to as sanitary surveys, shall include shoreline (pollution source) surveys and water quality evaluations conducted at a frequency determined by the commissioner to adequately protect public health. Following a sanitary survey, the department shall on the basis of shoreline surveys and criteria contained in paragraph (2) of this subdivision determine which of the examined shellfish lands are of such sanitary condition that shellfish may be taken

therefrom for use as food. Lands that meet such criteria shall be designated, by commissioner's order, 'certified shellfish lands'; except, no particular shellfish lands may be designated certified shellfish lands in the absence of a sanitary survey conducted within the previous [10] 12 years. Lands that do not meet such criteria or have not been subject to a sanitary survey within the previous [10] 12 years shall be designated, by commissioner's order, 'uncertified shellfish lands'. At any time particular certified shellfish lands may be redesignated by commissioner's order as uncertified shellfish lands if such lands no longer meet the criteria contained in paragraph (2) of this subdivision. The department, annually, and as often as it deems necessary, shall cause a notice describing certified shellfish lands and uncertified shellfish lands to be published in a newspaper widely distributed in the county in which such lands are located.

Subparagraph 47.3 (a)(2)(iii) is amended to read:

(iii) have, when samples are collected from those portions of the [uncertified] certified lands most probably exposed to fecal contamination during adverse hydrographic and pollution conditions: a median (or geometric mean) total coliform MPN per 100 milliliters of sample of 70 or less; and unless extenuating circumstances warrant otherwise, not more than 10 percent of the samples have a total coliform MPN per 100 milliliters of sample in excess of 330 (or the MPN value at the estimated ninetieth percentile does not exceed 330) when a multiple dilution fermentation tube test is used which examines three 10-milliliter sample portions, three one-milliliter sample portions

and three one-tenth (0.1) milliliter sample portions; and unless extenuating circumstances warrant otherwise, not more than 10 percent of the samples have a total coliform MPN per 100 milliliters of sample in excess of 230 (or the MPN value at the estimated ninetieth percentile does not exceed 230) when a multiple dilution fermentation tube test is used which examines five 10-milliliter sample portions, five one-milliliter sample portions, five one-tenth (0.1) milliliter sample portions and five one-hundredth (0.01) milliliter sample portions; or

Subparagraph 47.3 (a)(2)(iv) is amended to read:

(iv) have, when samples are collected from those portions of the [uncertified] certified lands most probably exposed to fecal contamination during adverse hydrographic and pollution conditions: a median (or geometric mean) fecal coliform MPN per 100 milliliters of sample of 14 or less; and unless extenuating circumstances warrant otherwise, not more than 10 percent of the samples have a fecal coliform MPN per 100 milliliters of sample in excess of 49 (or the MPN value at the estimated ninetieth percentile does not exceed 49) when a multiple dilution fermentation tube test is used which examines three 10-milliliter sample portions, three one-milliliter sample portions and three one-tenth (0.1) milliliter sample portions; and unless extenuating circumstances warrant otherwise, not more than 10 percent of the samples have a fecal coliform MPN per 100 milliliters of sample in excess of 43 (or the MPN value at the estimated ninetieth percentile does not exceed 43) when a multiple dilution fermentation tube test is used which examines five 10-milliliter sample portions, five one-milliliter sample portions and five one-tenth (0.1) milliliter sample portions.

