

New York State Department of Environmental Conservation

Division of Fish, Wildlife & Marine Resources

Bureau of Marine Resources – Shellfisheries Section

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Joe Martens
Commissioner

**RESCISSION OF EMERGENCY DESIGNATION OF SHELLFISH LANDS
IN THE STATE OF NEW YORK
AS UNCERTIFIED FOR THE HARVEST OF SHELLFISH OTHER THAN OYSTERS**

Pursuant to the provisions of Subdivisions 13-0307 (1) and (2) and Subdivision 13-0309 (1) of the Environmental Conservation Law and Section 47.4 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York, and based on a determination that *Vibrio parahaemolyticus* is not present in shellfish other than oysters at levels which may cause those shellfish to be hazardous for use as food, I, Debra A. Barnes, Shellfisheries Section Head, Bureau of Marine Resources, Division of Fish, Wildlife & Marine Resources of the Department of Environmental Conservation, hereby partially rescind the designation of shellfish lands as uncertified for the harvest of shellfish dated June 28, 2013. **This order is effective at sunrise on Saturday, September 7, 2013 and applies only to shellfish, other than oysters, in those areas described below:**

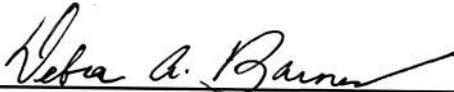
Accordingly, the harvest of shellfish, other than oysters, from the following area is permitted:

Town of Oyster Bay (north shore): All the normally certified shellfish lands in Oyster Bay Harbor lying easterly of a line extending southerly from the southwesternmost point of Brickyard Point on Centre Island to the landward end of the northernmost rock jetty lying north of the Town of Oyster Bay boat ramp in Theodore Roosevelt Memorial Park.

Note: The harvest of oysters continues to be prohibited in all of Cold Spring Harbor lying south of a line extending easterly from Rocky Point on Centre Island to Whitewood Point on Lloyd Neck.

I hereby certify that this is the original thereof.

Dated: September 6, 2013
East Setauket, New York


Debra A. Barnes, Section Head
Shellfisheries, Bureau of Marine Resources

Effective at sunrise on Saturday, September 7, 2013, the temporary emergency shellfish closure in Oyster Bay Harbor is partially rescinded.

Accordingly, the harvest of shellfish other than oysters is permitted from the following areas:

Town of Oyster Bay (north shore): All the normally certified shellfish lands in Oyster Bay Harbor lying east of a line extending southerly from the southwesternmost point of Brickyard Point on Centre Island to the landward end of the northernmost rock jetty lying north of the Town of Oyster Bay boat ramp in Theodore Roosevelt Memorial Park.

Please Note: The harvest of oysters continues to be prohibited in all of Cold Spring Harbor lying southerly of a line extending from Rocky Point (Centre Island) to Whitewood Point (Lloyd Neck).

To reduce the potential for growth of bacteria in shellfish after they are harvested and thereby minimize the risk of future illnesses, DEC reminds shellfish harvesters to practice good post-harvest handling measures for temperature control, including:

- Keeping shellfish shaded, out of direct sunlight
- Keeping shellfish on ice or spraying with cool water from a certified area
- Never place shellfish in standing or stagnant water
- Get shellfish under refrigeration within 5 hours of the start of harvest.

The DEC advises commercial harvesters who take shellfish from the re-opened areas of the harvest area known as NS-2 to label shellfish tags with the harvest area "NS2 -Cold Spring Harbor" or "NS2-Oyster Bay Harbor" as appropriate.

The DEC will continue to collect and test oyster samples from additional areas in eastern Oyster Bay Harbor to determine the level of Vp present in oysters. When the DEC, determines that Vp is no longer present in oysters at levels that are hazardous to human health, the remaining areas of eastern Oyster Bay Harbor and Cold Spring Harbor will be re-opened for oyster harvest.

A copy of the signed order and a map of the affected areas are attached.

Karen Graulich
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