Hempstead Town Shellfishing Ban

Aisha Al-Muslim
Seaford resident Kenneth Nersesian enjoys clamming with his family in Hempstead Bay — particularly during low tide, when he can take out his garden rake and scour the mud until he feels something hard.

That is, until the state Department of Environmental Conservation prohibited shellfish harvesting in about 8,600 acres covering Hempstead Bay, East Bay, South Oyster Bay and their tributaries along the Town of Hempstead’s South Shore. All clam, oyster and mussel harvesting is banned until further notice for public health reasons, DEC officials said.

Town officials said 37 commercial permits and 1,276 resident permits were issued in 2011.

“If it turns out the water is not safe, we would do whatever we could because we wouldn’t want to lose our natural resource in the bays,” said Nersesian, 52, vice president of the Seaford Wellness Council, who has been clamming for 12 years with his daughters Kristen, 19, and Jessica, 22.

An emergency closure on Feb. 18 impacted about 7,100 acres, covering all the underwater lands in Hempstead Bay west of the northbound lanes of Wantagh Parkway. The closure was expanded on April 1 to include 1,500 acres within South Oyster Bay west of the boundary with the Town of Oyster Bay, excluding a portion of Zach’s Bay.

The shutdown came after the U.S. Food and Drug Administration determined that water quality data provided to the DEC by the Town of Hempstead’s water testing laboratory had a “significant number of deficiencies.” The FDA advised the DEC that failure to close the areas promptly could prevent the sale of all state shellfish products in interstate commerce, DEC officials said.

“It’s truly bothersome that the waters may not have been adequately monitored and protected by the town,” Nersesian said. “I think about all the clams I have consumed from the water and it is a little disconcerting.”

DEC spokeswoman Lori Severino said the town’s laboratory “is the only laboratory in which the water quality data they generated . . . resulted in shellfish closures.” The state has cited problems with lab equipment and clerical errors.

The town’s lab “is currently working with the DEC to reopen bays and restore confidence in the laboratory’s data,” town spokesman Michael Deery said. “We are simultaneously drawing bay water samples and transporting them to the DEC lab for that agency to test.”

Adrienne Esposito, executive director of the Citizens Campaign for the Environment, said shellfish are considered filter feeders because they help clean the water. When bacteria build up inside the shellfish to an unsafe level it could be potentially harmful, she said.

“Those waters are used heavily for recreational activities and we need to know if the water quality is good and safe,” Esposito said. “So this is a big problem and Hempstead has to fix it.”

It could take at least four more months of town and state comparative testing before the areas are reopened, Severino said.