



# Clamming limits: not all dig the

■ **Proposal aims** to revive fishery in Great South Bay

■ **Baymen say** poor water quality is the problem

BY JENNIFER SMITH  
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Whether the clams were abundant or scarce, commercial clambers on the Great South Bay have always been free to take as many as they want.

Now — more than three decades after the spectacular crash of the bay's hard clam population — local governments are considering whether to block new applicants from clamming and impose daily harvest limits. The recommendations come as communities try to restore a fishery decimated by overharvesting, pollution and environmental changes in the Great South Bay.

The proposals have yet to be finalized or put to a vote by the towns they concern — Babylon, Islip and Brookhaven. But they have already set scientists, environmental advocates and some local officials against baymen who say there aren't enough clambers left on the bay to make a dent.

"Why put a moratorium?" said Don Smith, a bayman from Patchogue who blames poor water quality for low clam harvests. "There's nobody going clam digging."

Local clam harvests hit an all-time high in the mid-1970s, then declined in the next decade. The population has yet to recover.

Last year, Babylon, Islip and Brookhaven issued 158 town shellfish permits. The state issued 477 permits to town residents, many of whom likely fish outside town waters. The three towns own about 50,000 acres of underwater land in the Great South Bay.

The proposed changes come out of an intergovernmental group formed last year by Suffolk County to develop management and protection plans for hard clams in the Great South Bay. Members include environmental advocates, shellfish industry representatives and local, state and federal officials.



Baymen like Don Smith, right, and Ed Rohrbach want to see more areas for shellfishing.

NEWSDAY PHOTO / THOMAS A. FERRARA

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## Areas of concern

Proposed changes to regulate commercial clamming in the Great South Bay would affect about 50,000 acres of underwater land owned by the towns of Babylon, Islip and Brookhaven.



The idea is to provide breathing room for millions of baby clams that the towns and the Nature Conservancy have been seeding across the bay bottoms to boost the populations. Clam surveys this year indicate that recurring blooms of brown tide algae may have killed off many of the juveniles that were hailed last fall as a sign that restoration efforts were working.

"It hasn't wiped out the initial gains," said Suffolk County Executive Steve Levy. He said the rules were needed to help restore the fishery. "Overharvesting before we're ready could impede our ability to get long-range sustainability."

The group wants the towns to set up a separate hard clam permit that would only allow commercial harvesting by

those who are already active clambers. At least 450 diggers in the three towns would be eligible for the permit, according to the recommendations.

Baymen would be limited to 2,000 hard clams per day under the proposed rules. Recreational clambers could take only 50, instead of the 100-clam limit

set by the state.

New York State does not set a commercial harvest limit for clams, but towns can adopt stricter laws. Seven other Long Island towns have daily limits that range from 2,000 clams to 10 bushels, according to the state Department of Environmental Conservation.

Some baymen said local governments should focus on opening up more areas to shellfishing and improving water quality in the bay through stricter regulation of sewage plants and other polluters.

"Basically all we're saying is if they give us water quality along the road, we'll have clams," said



# idea

## Seeking EPA's help

The Nature Conservancy has spent millions trying to revive hard clams in the Great South Bay. Now the conservation group wants to get the bay declared an "impaired waterbody" because of harmful algae such as brown tide. The designation that could funnel federal dollars to study troubling changes in the bay's ecosystem.

The federal Environmental Protection Agency maintains a list of rivers, lakes and estuaries with substandard water quality. "Without the listing, the EPA can't spend any money," said Carl LoBue, a marine biologist with the group.

This fall, LoBue asked the state Department of Environmental Conservation to recommend the Great South Bay for the list, citing nitrogen pollution that spurs blooms of algae. The agency is expected to respond to the request this winter, he said.

— JENNIFER SMITH

Bill Hamilton, vice president of the Brookhaven Baymen's Association and a member of the committee that came up with the proposals. Hamilton said he voted against them but was overruled. "A lot of the things that they're trying to get in place, it's like putting the cart before the horse," he said.

But those who have been working to restore the bay's decimated clams say the changes are necessary to protect the remaining population, particularly if clams start to rebound.

"If word gets out that things are looking good on the bay there could be a tremendous increase in the number of permits and diggers out there," said William Wise, director of the Living Marine Resources Institute at Stony Brook University. "It's a real concern that any success we might have would be quickly overcome by a significant increase in harvest activity."

# Fighting to be part of Shinnecock tribe

BY MARK HARRINGTON  
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Tucked into the documentation last week proposing federal recognition for the Shinnecock Indian Nation was a little-known figure: The tribe is 22 percent smaller than previously thought.

The Bureau of Indian Affairs report said that the tribe, after internal analysis, "disenrolled" 201 members in January. Along with other scattered names dropped from the rolls over the years, the change reduced the tribe's ranks to 1,066 — down from the roughly 1,300 the Shinnecocks had long claimed.

Thoroughly scrutinized membership lists are one of the requirements of federal recognition. That assures that only true tribal members receive benefits from the federal government.

But for some who find themselves on the outside looking in with the hopes of reconnecting to the tribe, the federal recognition decision is bittersweet.

"I think it's wonderful. I want what's best for all my people," said Rose Samuels of Patchogue. She has waged a 15-year effort to move onto the Shinnecock reservation, where she said her ancestors once lived and are buried.

She is not alone. John Maynes of Bellport said he, too, has hundreds of family members who belong on both Shinnecock and Mastic-based Unkechaug tribe member lists. And Samuels said there may be another 300 in Setauket.

Samuels said while the tribe has given her and her daughters medical benefits that come with membership, her dream of owning a home on the South Fork property has been denied. "I wish I understood why they're not giving me my land."

Tribal leaders said disputes with members and those wishing to be members are internal matters they decline to discuss publicly. Samuels is seeking benefits for others in her family, no small matter. "I have a large family, 972 members," she said.

Samuels said she is in con-



PHOTO BY DANIEL GOODRICH

**SEEKING RECOGNITION:** Rose Samuels, above, has spent years trying to prove she is a true tribal member. Below, John Maynes, left, with daughter Audrianna, cousin Kerry Carle and aunt Elsie Poyner, also claims his family is part of the tribe.



FILE PHOTO BY JOSEPH D. SULLIVAN

tact with clans who have Shinnecock links numbering in the hundreds in Amityville, Setauket and Bellport, among others. She said she believes the tribe used her name on membership rolls submitted to the government to increase tribal rolls. "If you are going to use our names for the rolls in federal recognition, then you need to give us all what we're entitled to — land."

In its report last week, the Indian Affairs bureau gave some cause for hope.

"The current, disenrolled and potential members who lack evidence for the proposed finding are closely re-



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lated as kin to current members. ... The Department anticipates that they should be able to locate the documentation necessary to resolve the few missing generation-to-generation connections."

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## HOLIDAY SCHEDULE

Friday is Christmas Day. Newsday will not publish, but news and sports updates will be available all day at [newsday.com](http://newsday.com). Federal, state, county and local government offices, schools, courts, the financial markets and post offices will be closed. No mail will be delivered except for Express Mail. Many businesses also will be closed. The Long Island Rail Road will operate on a weekend/holiday schedule and off-peak fares will be in effect. Tomorrow, 13 extra trains will depart from Penn Station on various branches between 12:55 p.m. and 3:49 p.m. New York City subways will operate on a Sunday schedule, as will Long Island Bus.

## CORRECTIONS

The deed to a house can be changed by the homeowner without an attorney, using the appropriate forms and by filing supporting documents. However, it is recommended that this transaction be done with the help of a lawyer because of the potential for error. Information was incorrect in Act2's Ask the Expert column on Dec. 19.

## THIS DATE IN HISTORY

**1823** The poem popularly called " 'Twas the Night Before Christmas" was published anonymously.  
**1941** U.S. forces on Wake Is. surrendered to the Japanese.  
**1948** Hideki Tojo and six other Japanese war leaders were executed in Tokyo.  
**1967** President Lyndon B. Johnson held an unprecedented meeting with Pope Paul VI at the Vatican.