

LONG ISLAND / SUFFOLK

Lawsuit over Suffolk aquaculture site settled

Devon Yacht Club dropped its suit in return for Suffolk County agreeing to move an underwater site leased to the Amagansett Oyster Co. to avoid interference with sailing lessons and races.



Exterior views of the Devon Yacht Club In Amagansett which has filed a lawsuit against the county over aquaculture leases in Gardiners Bay on Monday, Jan. 8, 2018. Photo Credit: Joseph D. Sullivan

By Rick Brand

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A lawsuit brought last year by an opponent of a Suffolk County plan to create a huge underwater agricultural district between the North and South Forks for oyster and seaweed cultivation has been settled.

The more than a century-old Devon Yacht Club agreed to drop its suit in return for the county agreeing to move one of its 10-acre underwater sites, leased to the Amagansett Oyster Co., to a location about a mile east so as not to interfere with the club's sailing lessons and races.

As part of the settlement, the county agreed to “take all reasonable steps” to expedite the application of the Amagansett Oyster Co. to get state approval for the new site. The county also agreed to notify the yacht club of renewals of lease sites and proposed new ones.

All parties have signed the agreement; it will be presented Wednesday to state Supreme Court Justice Joseph Pastoressa, County Attorney Dennis Brown said

“This settlement is a win-win for our shellfish farmers and local residents who continue to enjoy the amenities on the East End,” said County Executive Steve Bellone.

County officials say the agreement will have no financial impact on Amagansett Oyster Co. because the firm had not yet begun cultivating seed oysters at its original site, which was leased in 2017.

Frank McMahon, president of the company, based in Providence, Rhode Island, could not be reached immediately for comment.

Concern over the lawsuit and whether the proposed agricultural district could affect recreational activities led county lawmakers to reduce the size of the district from about 103,000 acres to about 25,000 acres.

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Under state law, agricultural district designation is aimed at protecting aquaculture operators, many of them small-scale, from nuisance lawsuits as long as they are using standard agricultural procedures.

The state Department of Agriculture and Markets approved the agricultural district designation last September for

the 25,000 underwater acres.

There are about 600 acres in cultivation in Peconic, Napeague and Gardiners bays under a 10-year aquaculture leasing program. The leasing is aimed at spurring growth of the oyster industry and helping to clean up the bays through the natural filtration systems of millions of seeded oysters.

Suffolk officials are conducting a study to assess the impact of the first 10 years of the leasing program and make recommendations to improve operations for the next decade. The county study also will recommend how many acres should be leased over the next decade.

Kurt Schade, Devon Yacht Club’s commodore, said he was satisfied with the settlement.

But Schade noted that the leasing program originally envisioned that equipment would be placed on

leased bay bottom. He said he hoped the county review also would deal with concerns about surface equipment used by some operators that could interfere with or pose hazards to boats.



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