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A virtually dead plan to legally protect East End oyster farmers by quadrupling Suffolk's agriculture districts was unexpectedly revived and approved Tuesday when Legis. Bridget Fleming proposed scaling back the area to be covered.

The Sag Harbor Democrat filed a new plan that reduces the underwater area in Peconic, Napeague and Gardiners bays that could become agricultural districts to 25,000 acres.

The size of the new proposal is based on tax map areas where aquaculture operators already have leases with the county. But it will only provide protection to oyster farmers who are leasing a total of 600 acres in 10-acre lots.

The new proposal, unanimously approved, was put before lawmakers in Hauppauge on Tuesday as an emergency resolution so it could be acted on immediately before summer recess. The county application to expand its agricultural districts must undergo two public hearings before it can be submitted to the state Department of Agriculture and Markets for approval by the Aug. 29 deadline.

Fleming, who earlier succeeded in tabling a larger proposal that added 104,000 underwater acres, called the revised measure a "common-sense solution that will allow us to afford some level of protection to the small oyster farmers while recognizing the needs of the marine industry."

The Long Island Farm Bureau and the Long Island Oyster Growers Association said oyster farmers, who often have to struggle financially to keep their startup businesses afloat, can ill afford the expenses of potential litigation.

"I think it is a tremendous first step, to allow underwater lands into ag districts," said Rob Carpenter, the farm bureau's executive director. "We're very excited the legislature is entering into this, and it couldn't have been done without Legislator Fleming's support."

Backers maintain that aquaculture firms can turn unproductive bay bottom into economic engines for the local economy and also help clean the bays with the natural filtration systems of the millions of oysters that are being cultivated.

The proposal surfaced after Devon Yacht Club in East Hampton filed a lawsuit late last year against one aquaculture firm, Amagansett Oyster Co., saying it "substantially interfered" with the club's sailing classes and "infringes on their property rights." An official of the Shelter Island Yacht Club also said the floating gear and buoys could pose navigational hazards. He called for a moratorium on new leases until a pending review of the first 10-year leasing program is complete. That study, however, is expected to take three years to complete.

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