

NOTICE OF EMERGENCY RULE-MAKING

AGENCY: Department of Marine Resources
STATUTORY AUTHORITY: 12 M.R.S. §§6172, 6192, 6193 & 6194
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BASIS STATEMENT

The Commissioner of the Maine Department of Marine Resources amends the emergency DMR Chapter 95.05(A), Area No. 26-B, Martin Point, Friendship to Gay Island, Cushing amended on March 14, 2011. This amendment reopens the inner portion of Hatchet Cove Friendship, the western shore of Friendship Long Island, a portion of the north shore of Morse Island and a portion of the northeast corner of Friendship Harbor, due to pollution abatement and water quality meeting the approved standard. The lobster pound on Friendship Long Island remains closed for shellfish harvest. All existing pollution and red tide/psp closures remain in effect. As authorized by 12 M.R.S. §§6172, 6192, 6193 & 6194 the Commissioner of Marine Resources adopts emergency amendments to Chapter 95.05(A).

RULE TITLE AND SUBJECT: DMR Chapter 95.05(A), Area No. 26-B, Martin Point, Friendship to Gay Island, Cushing, amended on March 14, 2011, is amended as follows:

TITLE & TEXT OF RULE: DMR Chapter 95.05(A), Area No. 26-B, Martin Point, Friendship to Gay Island, Cushing

A. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters, or mussels taken from the shores flats and waters of the following areas:

1. Friendship Harbor, Hatchet Cove and Martin Point, Friendship: bound by the following lines: 1) east of a line running south from the center of the marine railway on the southwestern side of Martin Point to the northern tip of Gull Rock; AND 2) north of a line running northeast from the northern tip of Gull Rock to the point of land at the end of Bradford Point Road; AND 3) south of a line running ~~northeast~~ southeast from the tip of Jesse's Point to a red painted post on the prominent point on the opposite shore ~~a red painted post on an unnamed point of land on the opposite shore~~; AND 4) south and west of a line running south from a red painted post located on the shore of the prominent point of land on the western shore of Hatchet Cove to the northern tip of Little Sand Island, then continuing southeast to the southern tip of Sand Island and continuing along the southern shore of Sand Island; and then running northeast from the southeastern tip of Sands Island to a red painted post located on the shore of a small unnamed point of Land, west of Cove Way Lane.
- ~~2. Hatchett Cove, Friendship; north and west of a line drawn from the northeastern tip of the most prominent unnamed point on the western shore of Hatchet Cove to a red painted post located in front of the last house on the shore at the end of North Cemetery Lane, Friendship.~~
- ~~2.3.~~ Friendship Long Island, Friendship: South of a line drawn northwest from a red painted post located on the western most point of the small unnamed island just west of Little Morse Island to a red painted post located on the Friendship Long Island shore approximately 1200 feet southwest of the eastern most point on Friendship Long Island; AND north of a line drawn southwest from the same red painted post (mentioned above) that is located on the western most point of the small unnamed island just west of Little Morse Island to a red painted post located on the southernmost end of an unnamed point on the Friendship Long Island shore in Lobster Gut.
- ~~3.4.~~ Morse Island, Friendship: Inside of a line drawn ~~northwest~~ north from the most northeastern point of Morse Island to the red nun navigational buoy #4 located north of Morse Island and continuing southwest to the most northwestern point of Morse Island.
- ~~4.5.~~ Cranberry Island. Friendship: South of a line drawn from the most northwestern point on Cranberry Island, to the most northeastern point on Cranberry Island, in the town of Friendship.

- ~~5.6.~~ Friendship Long Island, Friendship: Inside and east of a line drawn across the mouth of the lobster pound on the northwest shore of Friendship Long Island, from a red painted post located 50 feet southwest of the cable area on the northwest end of Friendship Long Island, that continues southwest following the dead low water zone to a red painted post located on the northwestern end of Ned's Point on Friendship Long Island in the town of Friendship.
- ~~6.7.~~ Meduncook River, Friendship and Cushing: north of a line drawn from the point at the end of Gun Creek Lane, Cushing to a red painted post on the tip of a point on the opposite shore in the town of Friendship. This area is classified "Restricted" and harvest requires a special MDMR permit.
- ~~7.8.~~ Crotch Island, Cushing: inside of a line drawn from the southwest prominence of Crotch Island to the southwest prominence of Davis Point and continuing northwest to the southeast point on Crotch Island.
- ~~8.9.~~ Back River, Friendship: north of a line starting at the northern tip of the unnamed point at the end of Back River Lane, Friendship extending east to the north tip of the unnamed point on the opposite shore.
- ~~9.10.~~ Hornbarn Cove, Cushing: north and shoreward of a line starting at a red painted post located on the eastern shore of Hornbarn Cove, approximately 900 feet from the head of the cove, and running northwest to a red painted post located on the opposite shore of the cove. This area is classified "Restricted" and harvest requires a special MDMR permit.

EFFECTIVE DATE: November 18, 2011

EFFECTIVE TIME: 9:21 AM

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Maine Department of Marine Resources

Pollution Closed Area No. 26B

Martin Point, Friendship to Gay Island Cushing

