

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(E), Area No. 27, Upper St. George River and Tributaries (Warren to St. George) amended on May 8, 2012. This amendment closes the rainfall conditional areas on the St George River due to rainfall exceeding 1.5 inches in a twenty-four hour period. 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(E).

RULE TITLE AND SUBJECT: DMR Chapter 95.05(E), Area No. 27, Upper St. George River and Tributaries (Warren to St. George), amended on May 8, 2012, is amended as follows:

TITLE & TEXT OF RULE: DMR Chapter 95.05(E), Area No. 27, Upper St. George River and Tributaries (Warren to St. George)

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. St. George River: north of a line beginning at a red painted post, located below the bend in Sunrise Terrace Road (Thomaston); then running east to green navigational beacon #21; then running in a northerly direction to a red painted post located east of the piling ruins which are on the east side of the old maritime museum.
2. Mill River: north of the railroad trestle.

B. Effective immediately, because of proximity to a WWTP, seasonal discharge from the Thomaston WWTP, and intermittent pollution caused by rainfall, the shores, flats, and waters in that portion of the St George River: south of the railroad trestle that crosses the Mill River; AND south and east of a line beginning at a red painted post, located below the bend in Sunrise Terrace Road (Thomaston); then running east to green navigational beacon #21; then running in a northerly direction to a red painted post located east of the piling ruins which are on the east side of the old maritime museum; AND north of a line beginning at a red painted post located at the bottom of the stairs at the end of Bobolink Lane (Thomaston), then running east to the red nun navigational buoy #16, then continuing southeast to the northern-most tip of Hospital Point (South Thomaston), have been classified as "Conditionally Restricted," and harvest requires a special MDMR permit. This area shall be closed to all harvest during the months of January, February and March and/or following a malfunction at Warren Sanitary District or Thomaston Treatment Facility, and/or when rainfall meets or exceeds 1.5 inches in a 24 hour period. This area is currently ~~OPEN~~ CLOSED.

C. Effective immediately, because of intermittent pollution caused by rainfall, the shores, flats, and waters in that portion of the St George River: south of a line beginning at a red painted post, located at the bottom of the stairs at the end of Bobolink Lane (Thomaston), then running east to the red nun navigational buoy #16, then continuing south to a red painted post, located at the end of Cliff Road at Hospital Point (South Thomaston); AND north of a line beginning at Fort Point (St. George), then running northwest to the unnamed point on the opposite shore (Cushing); have been classified as "Conditionally Approved" and shall be closed to the harvest

of clams, quahogs, oysters and mussels, when rainfall meets or exceeds 1.5 inches within a 24 hour period or 2.0 inches within a 48 hour period. This area is currently ~~OPEN~~ CLOSED.

D. Effective immediately, because of intermittent seasonal pollution and pollution caused by rainfall, the shores, flats, and waters in that portion of the St George River: east of a line beginning at a red painted post, located at the end of Cliff Road at Hospital Point (South Thomaston), then running north to red nun navigational buoy #16, and then running southeast to the northernmost tip of Hospital Point (South Thomaston), have been classified as "Conditionally Approved" and shall be closed to the harvest of clams, quahogs, oysters and mussels, when rainfall meets or exceeds 1.5 inches within a 24 hour period or 2.0 inches within a 48 hour period, AND from July 1 through October 31. This area is currently ~~OPEN~~ CLOSED.

EFFECTIVE DATE: May 10, 2012

EFFECTIVE TIME: 3:58 PM

AGENCY CONTACT PERSON: Kohl Kanwit, Department of Marine Resources,
194 McKown Point Road, W. Boothbay Harbor, Maine 04575
http://www.maine.gov/dmr/rm/public_health/closures/closedarea.htm
EMAIL: Kohl.Kanwit@maine.gov



Maine Department of Marine Resources Pollution Area No. 27

Upper St. George River and Tributaries (Warren to St. George)



5/10/2012

