

NOTICE OF EMERGENCY RULE-MAKING

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S. §§6172, 6192, 6193 & 6194

Struck text is being removed, and underlined text is being added

BASIS STATEMENT

The Commissioner of the Maine Department of Marine Resources amends the emergency DMR Chapter 95.05(H), Area No 28, Marshall Point to Clark Cove (St. George) amended on January 26, 2012. This amendment reduces the size of the restricted area in Mosquito Harbor, St. George by reclassifying the outer portion of Mosquito Harbor as approved due to water quality meeting the approved standard. 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(H).

RULE TITLE AND SUBJECT: DMR Chapter 95.05(H), Area No 28, Marshall Point to Clark Cove (St. George), amended on January 26, 2012, is amended as follows:

TITLE & TEXT OF RULE: DMR Chapter 95.05(H), Area No 28, Marshall Point to Clark Cove, (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. Marshall Point, St George: inside of a line extending from the Marshall Point Lighthouse to the red nun #2 on Mosquito Ledge, then northwest to a red painted post at the end of Tibbetts Road, St George.
2. Tenants Harbor, St George: inside of a line beginning at a red painted post located on the shore 100 feet south of Atwood Brothers Lobster and extending southeast to the southwest tip of Northern Island, then to the west tip of Southern Island, then to the Hart Ledge green can #1 navigational buoy, then southwest to a red painted post located approximately 400 yards due north of Mosquito Head.
3. Seavey Cove, St George: inside and west of a line drawn southeast from a red painted post located on the shore approximately 111 yards north of the lobster wharf at the southeast end of the former Great Eastern Mussel Farm property to a red painted post located on the shore at the north tip of States Point.
4. Clark Cove, St George: inside and north of a line beginning at the northeast tip of Clark Island, St George, running northeast to the southeastern tip of Clark Point, St George.

B. Effective immediately, because of non-point source pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from shores, flats, and waters of the following areas, without a special MDMR permit:

1. Mosquito Harbor, St George: inside north of a line drawn southwest from a red painted post located on the shore at the end of Bufflehead Lane, St George to a red painted post on the opposite shore. ~~the end of an old stone pier at the north shore of Mosquito Harbor, St George to the end of a pier at the end of Birch Lane, St George.~~ **This area is classified as "Restricted" and requires a special MDMR permit.**
2. Long Cove, St George: inside and east of a line drawn north from a red painted post located on the north tip of the prominent unnamed western point on Clark Is, to a red painted post on the unnamed point at the end of Caven Lane. **This area is classified as "Restricted" and requires a special MDMR permit.**
3. Long Cove, St George: inside and north of a line beginning at an unnamed point southeast of the end of Long Cove Road and running southeast to a red painted post on the unnamed point at the end of Caven Lane. **This area is classified as "Restricted" and requires a special MDMR permit.**

EFFECTIVE DATE: February 9, 2012

EFFECTIVE TIME: 2:10 PM

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http://www.maine.gov/dmr/rm/public_health/closures/closedarea.htm

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Maine Department of Marine Resources

Pollution Area No. 28



Marshall Point to Clark Cove, St George

2/9/12

