

## 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 95.10(P) Area No. 3, Sisters Point (Kittery) to East Point (York), amended on January 10, 2011. This amendment reclassifies a portion of Brave Boat Harbor from Prohibited to Approved due to the completion of a shoreline survey and 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 95.10(P).

**RULE TITLE AND SUBJECT:** DMR Chapter 95.10(P) Area No. 3, Sisters Point (Kittery) to East Point (York), amended on January 10, 2011, is amended as follows:

**TITLE & TEXT OF RULE:** DMR Chapter 95.10(P) Area No. 3, Sisters Point (Kittery) to East Point (York)

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

1. Brave Boat Harbor and vicinity (Kittery, York); inside and shoreward of a line beginning at Sisters Point (Kittery), ~~then~~ extending northeast to red nun "2SR", and then extending ~~northwest~~ east to the tip of East Point (York); AND east of a line starting at the southernmost point of land at the mouth of Brave Boat Harbor northern shore (York) and running south across the mouth of the Harbor to the most northeastern point of the prominent point of land, located on the opposite shore (Kittery); AND south of a line beginning at ~~drawn from~~ the most western point of Stage Neck (York) and running due west to a red painted post on the eastern point of Harris Island; AND east of a line beginning at ~~drawn south from~~ the western point of Harris Island and running due south to a red painted post on the mainland shore located approximately 215 feet to the west of the old pilings.
2. York River (York); west of a line at the Sewalls Bridge.
3. Upper Brave Boat Harbor: north and west of a line beginning at the old train trestle pilings, located on the northern shore of the Harbor (York) and running southwest across the mouth of an unnamed creek to the opposite shore.

B. Effective immediately, because of pollution, the shores, flats and waters of the York River (York): east of the Sewalls Bridge; AND north of a line drawn from the most western point of Stage Neck due west to a red painted post on the eastern point of Harris Island AND west of a line drawn south from the western point of Harris Island to a red painted post on the mainland shore located approximately 215 feet to the west of the old pilings. This area is classified as "Conditionally Approved," and shall be closed to the harvest of clams, quahogs, oysters and mussels from May 1 through November 15.

EFFECTIVE DATE: March 2, 2011

EFFECTIVE TIME: 3:22 PM

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# Maine Department of Marine Resources

## Pollution Area No. 3



Sisters Point (Kittery) to East Point (York)

03.02.11

