

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 Regulation 95.08 D Closed Area No. 33, Searsport, previously amended on August 31, 2007. This amendment moves all areas previously described in Area No. 34 into this notice, reclassifies portions of Long Cove and Mill Cove from 'prohibited' to 'approved', due to water quality meeting the approved standard in those areas, and reclassifies a portion of Stockton Harbor from 'prohibited' to 'conditionally approved' based on season, due to the presence of a marina and water quality meeting the approved standard from November 16 through April 30. 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 95.08(D).

RULE TITLE AND SUBJECT: DMR Regulation 95.08 D Closed Area No. 33, Searsport, previously amended on August 31, 2007, is amended as follows:

TITLE & TEXT OF RULE: DMR Chapter 95.08(D) Area No. 33, Searsport to Stockton Springs
~~Regulation 95.08 D Closed Area No. 33, Searsport~~

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. (Searsport): north of a line beginning at the south tip of Moose Point (Searport), then running east to the south tip of Sears Island; AND west of a line beginning at a red painted post located on the western shore of Long Cove, beyond the end of Station Avenue, then running in a southeasterly direction to an unnamed point of land on the west shore of Sears Island, approximately 2500 feet south of the southwest end of the causeway.
2. Northern Long Cove (Searsport): north of a line beginning at a red painted post, located on the western shore of Long Cove, approximately 830 feet south of the head of the cove, then running east-northeast across Long Cove to a red painted post located on the opposite shore.

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 the shores, flats and waters of the following areas without a special MDMR permit:

1. Southeastern Long Cove (Searsport): east of a line beginning at a red painted post, located approximately 900 feet south of the northern end of the Sears Island causeway, then running in a southwesterly direction to an unnamed point of land on the west shore of Sears Island, approximately 2500 feet south of the southwest end of the causeway. This area is classified as "Restricted", and harvesting requires a special MDMR permit.
2. Stockton Harbor (Searsport and Stockton Springs): north of a line beginning at a red painted post located on the shore of Stockton Harbor (Searsport), approximately 0.6 miles southwest of the Searsport/Stockton Springs town line, then running east-northeast to a red painted post located on a prominent

unnamed point of land southwest of the causeway to Cape Jellison (Stockton Springs); AND southwest of a line beginning at a red painted post located on a prominent unnamed point of land southwest of the causeway to Cape Jellison (Stockton Springs), then running northwest across the mouth of Mill Cove approximately 1500 feet to the granite ruins on an unnamed prominent point of land. This area is classified as "Restricted", and harvesting requires a special MDMR permit.

3. Mill Pond (Stockton Springs): east of the Cape Jellison Road causeway. This area is classified as "Restricted", and harvesting requires a special MDMR permit.

C. Effective immediately, because of intermittent seasonal pollution and the presence of a marina, the following area is classified as "Conditionally Approved", and it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels from this area from May 1 through November 15: northeast of a line beginning at a red painted post located on the shore of Stockton Harbor (Searsport), approximately 0.6 miles southwest of the Searsport/Stockton Springs town line, then running southeast to a red painted post located on the Cape Jellison shore (Stockton Springs), beyond the end of Village Drive; AND south of a line beginning at a red painted post located on the shore of Stockton Harbor (Searsport), approximately 0.6 miles southwest of the Searsport/Stockton Springs town line, then running east-northeast to a red painted post located on a prominent unnamed point of land southwest of the causeway to Cape Jellison (Stockton Springs).

~~A. Searsport; north of a line beginning at Moose Point, extending east to the south tip of Sears Island and west of a line beginning at a red painted post located 2500 feet north of the northwest end of the causeway to Sears Island, on the west shore of Kidder Point, extending south to an unnamed point of land on the west shore of Sears Island 2500 feet south of the southwest end of the causeway.~~

~~B. Searsport; east of a line beginning at a red painted post located 2500 feet north of the northwest end of the causeway to Sears Island, on the west shore of Kidder Point, extending south to an unnamed point of land on the west shore of Sears Island 2500 feet south of the southwest end of the causeway. This area is classified as "Restricted" and requires a special MDMR permit.~~

EFFECTIVE DATE: August 2, 2011

EFFECTIVE TIME: 10:25 AM

AGENCY CONTACT PERSON: Darcie Couture, Department of Marine Resources,
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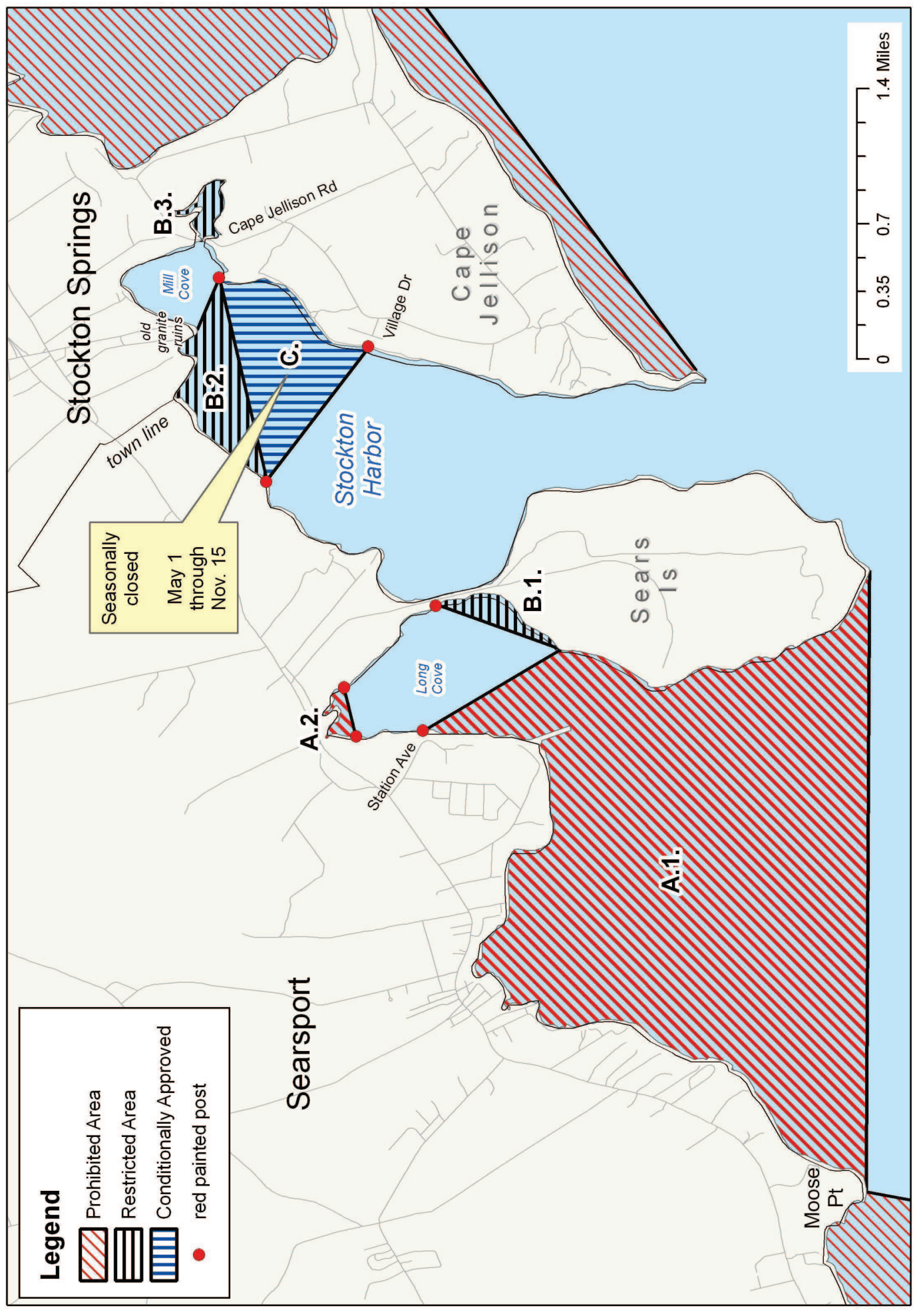


Maine Department of Marine Resources





Pollution Area No. 33

Searsport to Stockton Springs

8/2/11



Legend

-  Prohibited Area
-  Restricted Area
-  Conditionally Approved
-  red painted post

