

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(R) Area No. 34-C, Vinalhaven, amended on January 26, 2012. This amendment reduces the size of the restricted area in Seal Bay by reopening a section of shore between Penobscot Island and Coombs Neck, due to water quality meeting the approved standard in the new approved area. 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(R).

RULE TITLE AND SUBJECT: DMR Chapter 95.05(R) Area No. 34-C, Vinalhaven, amended on January 26, 2012, is amended as follows:

TITLE & TEXT OF RULE: DMR Chapter 95.05(R) Area No. 34-C, Vinalhaven

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. Winter Harbor: inside and northwest of a line drawn across the mouth of an un-named cove on Calderwood Neck, located immediately to the east of Starboard Rock Road.
2. Vinal Cove: inside and west of a line drawn across the narrowest part of the channel that separates Vinal Cove from the rest of Winter Harbor.
3. The northern cove in 'The Basin': north of a line beginning at a red painted post located on the shore of a prominent point of land, approximately 1,500 feet south of the north end of The Basin, then running due west to a red painted post located on the opposite shore.
4. The west side of 'The Basin': west of a line beginning at the northeast point of Barton Island, then running due north to the opposite shore; AND east of a line beginning at a red painted post located on the shore of Barton Island, approximately 600 feet east of the northeast point of Barton Island, then running due north to the opposite shore.
5. Crotch Island and Lawrys Island: south of a line beginning at the northwest tip of Crotch Island, then running northeast to a red painted post located in the middle of the western shoreline of Lawrys Island; AND northwest of a line beginning at the southeast tip of Crotch Island, then running northeast to the south tip of Lawrys Island.
6. Cedar Island: inside (south and west) of a line beginning at the north tip of Cedar Island, then running northeast to green can navigational buoy #1, then running southeast to the north tip of Pole Island, then running southwest to the south tip of Cedar Island.
7. The southern cove in 'The Basin': south of a line beginning at a red painted post located on the shore of a prominent point of land, approximately 1,000 feet north of the southern end of the cove, then running due east across the most narrow part of the channel to a red painted post located on the opposite shore.
8. Hurricane Island: within 500 feet of the shoreline.
9. Southwest Vinalhaven: inside (east) of a line beginning at the west tip of Barton Island, then running southwest to the south tip of Pole Island, then running southeast to red nun navigational buoy #10, then running south to the north tip of a prominent point of land approximately 950 feet southwest of the north tip of Greens Island; AND south and west

of the causeway that separates Old Harbor Pond from Old Harbor; AND north of a line beginning at the south tip of the point of land on the eastern side of the mouth of Indian Creek, then running west to the south tip of Greens Island.

10. Roberts Harbor: inside (northwest) of a line beginning at the south tip of Narrows Island, then running southwest to the eastern point of land beyond the end of Roberts Cemetery Road AND south of a line drawn west from the western tip of Narrows Island to 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:

1. Crockett Cove and Long Cove: inside (east) of a line beginning at the southern tip of Crockett Point, then running south to the northwest tip of Dogfish Island; AND north of a line beginning at the south tip of Dogfish Island, then running east to the northwest tip of Leadbetter Island; AND north of a line beginning at the northeast tip of Leadbetter Island, then running east to a red painted post located on the shore beyond the end of Wharfs Quarry Road. This area is classified as "Restricted" and harvest requires a special MDMR permit.
2. Mill Creek: inside (south) of a line beginning at a red painted post located along the shore on the northern tip of the point of land beyond the end of Company Point Road, then running northeast, across the mouth of Mill Creek, to the northwest tip of Holt Point. This area is classified as "Restricted" and harvest requires a special MDMR permit.
3. Seal Bay: south of a line beginning at the western tip of Penobscot Island, then running southwest across the narrowest part of the channel to the opposite shore; AND ~~south west~~ of a line beginning at the east tip of an un-named point, located in the middle of the southeast shore of Penobscot Island ~~island~~, then running ~~east~~ southwest to a red painted post located on the ~~shore at the northwest point of Coombs Neck. tip of an un-named point 360 yards southwest of the western most tip of Burnt Island.~~ This area is classified as "Restricted" and harvest requires a special MDMR permit.
4. Old Harbor Pond: east of the causeway that separates Old Harbor Pond from Old Harbor. This area is classified as "Restricted" and harvest requires a special MDMR permit.

EFFECTIVE DATE: February 13, 2012

EFFECTIVE TIME: 10:10 AM

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Maine Department of Marine Resources

Pollution Closed Area No. 34-C



Vinalhaven

2/13/2012

