

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 95.04(H3), Area No. 36-A, Northern Bay, Town of Penobscot, amended on November 15, 2010. This amendment redefines the current prohibited zone in Carpenter Cove, and reclassifies the current "Restricted" zone near Hutchins Point to "Approved", due to water quality meeting the approved standard and a re-assessment of the OBD dilution zone. This amendment also reclassifies the portion of Northern Bay around the mouth of Winslow Stream to "Prohibited" because of the presence of malfunctioning septic systems. As authorized by 12 M.R.S.A. §§6172, 6192, 6193 & 6194 the Commissioner of Marine Resources adopts emergency amendments to Chapter 95.04(H3).

RULE TITLE AND SUBJECT: DMR Chapter 95.04(H3), Area No. 36-A, Northern Bay, Town of Penobscot, amended on November 15, 2010, is amended as follows:

TITLE & TEXT OF RULE: DMR Chapter 95.04(H3), Area No. 36-A, Northern Bay, Town of Penobscot

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:

- A. 1. Carpenter Cove and Wardwell Point area (Penobscot): southeast of a line running from Carpenter Point (Penobscot) to a point with the coordinates in degrees and decimal minutes of 44°27.43' N and 068°43.19' W AND east of a line beginning at a point with the coordinates in degrees and decimal minutes of 44°27.25' N and 068°43.06' W running southeast to a point with the coordinates in degrees and decimal minutes of 44°27.43' N and 068°43.19' W AND northwest of a line running from a point with the coordinates in degrees and decimal minutes of 44°27.25' N and 068°43.06' W running northwest to a red painted post at an unnamed point of land at the south end of Carpenter Cove (Penobscot); enclosed by a line starting at Carpenter Point, approximate position 44° 27' 43.53"N and 68° 42' 41.19"W, and running southwest to a point on Wardwell Point, approximate position 44° 27' 30.02"N and 68° 43' 36.29"W, and then running southeast to the northeast tip of Winslow Island and then running northeast to Freethy Point, approximate position 44° 27' 16.94"N and 68° 42' 31.72"W.
- ~~B. Hutchins Cove and Northern Bay (Penobscot): east of a line from a red painted post on the eastern most point of land at Grindle Point (Penobscot) (068°43.57' W, 44°27.92' N) running southeast to a point with the coordinates in degrees and decimal minutes of 44°27.43' N and 068°43.19' W, then running northeast to Carpenter Point (Penobscot) and south of a line from the eastern most point of land at Grindle Point (Penobscot) (068°43.57' W, 44°27.92' N) running due east to the eastern most point of land at Hutchins Point (Penobscot). This area is classified "Restricted" and requires a special MDMR permit.~~
- C. 2. Northern Bay and Winslow Cove (Penobscot): east of a line from a red painted post (44°27.02' N/068°42.84' W) , approximate position 44°27' 1.86"N and 68° 42' 46.1"W, at an unnamed point of land east of Bridges Point (Penobscot) running northwest to a point with the coordinates in degrees and decimal minutes of 44°27.25' N and 068°43.06' W, and then running northeast to a red painted post on an unnamed point of land at the

south end of Carpenter Cove (Penobscot) Freethy Point, approximate position 44° 27' 16.94"N and 68° 42' 31.72"W.

EFFECTIVE DATE: February 25, 2011

EFFECTIVE TIME: 11:08 AM

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Maine Department of Marine Resources Pollution Area No. 36-A



02.25.11

Northern Bay (Penobscot)

