

## 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 95.04(N) Area No. 39-C, Herrick Bay (Brooklin) promulgated on May 23, 2011. This new rule reclassifies the seasonal conditional area in Herrick Bay to restricted due to water quality meeting the standard for restricted harvest. This amendment also reclassifies a portion of Eastern Flye Point from approved to restricted based on water quality meeting the standard for restricted harvest. 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 95.04(N).

**RULE TITLE AND SUBJECT:** DMR Chapter 95.04(N) Area No. 39-C, Herrick Bay (Brooklin) is amended as follows:

**TITLE & TEXT OF RULE:** DMR Chapter 95.04(N) Area No. 39-C, Herrick Bay and Eastern Flye Point, (Brooklin)

- ~~A. 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 northwest Herrick Bay, west of a line beginning at the north end of Batchelder Point, then running northwest to the northern shore of the cove formed off the mouth of Batchelder Brook, at the land beyond the end of Herricks Bay Lane. This area is classified as "Restricted," and harvesting requires a special MDMR permit.~~
- ~~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 northern Herrick Bay, north of a line beginning at the south tip of an unnamed point of land on the east shore of the cove formed by Watson Brook, located approximately 224 yards from the culvert under Route 175, then running due west across the cove approximately 170 yards, to the mouth of an unnamed brook on the opposite shore. This area is classified as "Restricted," and harvesting requires a special MDMR permit.~~
- A. C. Effective immediately, because of non point pollution intermittent seasonal pollution, the following area has been classified as "Conditionally Approved," and shall be closed to the harvesting of clams, quahogs, oysters and mussels from July 1 through March 31: it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of Herrick Bay, north of a line beginning at the north end of Batchelder Point, then running in a northeasterly direction approximately 540 yards to the north tip of Blakes Point. **This area is classified as "Restricted," and harvesting requires a special MDMR permit.** AND east of a line beginning at the north end of Batchelder Point, then running northwest to the northern shore of the cove formed off the mouth of Batchelder Brook, at the land beyond the end of Herricks Bay Lane; AND south of a line beginning at the south tip of an unnamed point of land on the east shore of the cove formed by Watson Brook, located approximately 224 yards from the culvert under Rte. 175, then running due west across the cove approximately 170 yards, to the mouth of an unnamed brook 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 eastern Flye Point, (Brooklin) inside and westerly of a line beginning at a pier located at the end of driveway located at 101 Harriman Point extending due east to

the lowest tide mark, then approximately 830 yards along said tide line to a point opposite a red painted post located on the shore. **This area is classified as "Restricted," and harvesting requires a special MDMR permit.**

EFFECTIVE DATE: February 3, 2012

EFFECTIVE TIME: 2:10 PM

AGENCY CONTACT PERSON: Kohl Kanwit, Department of Marine Resources,  
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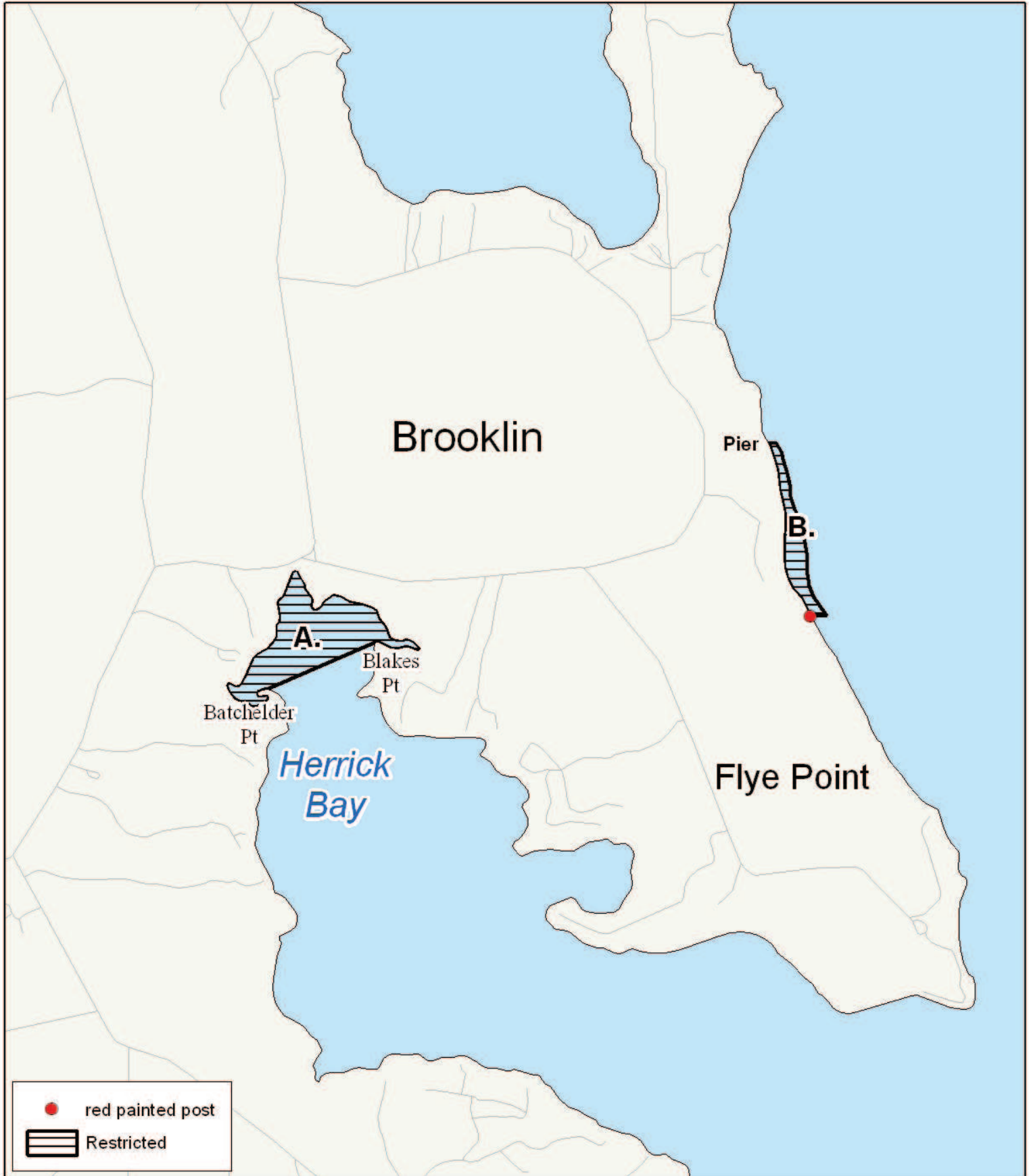
# Maine Department of Marine Resources

Pollution Area No. 39-C

Herrick Bay (Brooklin) and Eastern Flye Point (Brooklin)



2/3/12



- red painted post
- Restricted

0 250 500 1,000 1,500 2,000 Yards