

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(L), Area No. 39, Blue Hill Harbor (Blue Hill), McHeard and Curtis Coves (East Blue Hill) and the Blue Hill Salt Pond (Blue Hill –Sedgwick), previously amended on March 24, 2011. This amendment reclassifies Curtis Cove from ‘prohibited’ to ‘approved’, due to 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 95.04(L).

RULE TITLE AND SUBJECT: DMR Chapter 95.04(L), Area No. 39, Blue Hill Harbor (Blue Hill), McHeard and Curtis Coves (East Blue Hill) and the Blue Hill Salt Pond (Blue Hill –Sedgwick), previously amended on March 24, 2011, is amended as follows:

TITLE & TEXT OF RULE: DMR Chapter 95.04(L), Area No. 39, Blue Hill Harbor and vicinity (Brooklin, Sedgwick, Blue Hill) ~~Blue Hill Harbor (Blue Hill), McHeard and Curtis Coves (East Blue Hill) and the Blue Hill Salt Pond (Blue Hill –Sedgwick)~~

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. Blue Hill Harbor (Blue Hill): ~~and vicinity~~, north of a line ~~beginning that begins~~ at the west tip of Sculpin Point and ~~running runs~~ southwest 260 yards ~~yds~~ to the east tip of Parker Point; AND south of a line that begins at the ~~south tip of the point of land at the~~ eastern side of the bridge over Mill Stream on Route 172/176 in downtown Blue Hill, ~~then~~ running southeast approximately 1300 yards ~~yds~~ to the southwest prominence of Peters Point; AND south of a line beginning at the eastern prominence of Peters Point ~~and extending then running east-northeast~~ approximately 370 yards to a red painted ~~post marker~~ located on a prominent point of land on the north shore of Blue Hill Harbor.
2. McHeard Cove (Blue Hill): ~~and Curtis Coves~~, inside (northwest) of a line beginning at a red painted ~~post marker~~ located on the western shore at the mouth of McHeard Cove, ~~then running northeast across the mouth of the cove to the south tip of Bay Point, approximately 1000 yards from the bridge in East Blue Hill (Approximate position 44° 24.5' N, 68° 31.2' W), and running northeast approximately 1500 yards to the most Southwest prominence of Conary Point, East Blue Hill.~~
3. Western Blue Hill Bay (Blue Hill): inside and westerly of a line ~~running from~~ beginning at the easternmost point of High Head, ~~Blue Hill,~~ then running northeast to the most eastern tip of Sand Point, ~~Blue Hill.~~

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 area without a special MDMR permit: Bragdon Brook (Blue Hill), west of a line beginning at the easternmost point of the southern shore of the mouth of the cove into which Bragdon Brook empties, then running approximately 500 yards north to the southeast tip of Holden Point. This area is classified as “Restricted”, and harvesting requires a special MDMR permit.

C. Effective immediately, because of non-point source pollution and proximity to the Blue Hill WWTP, the following areas have been classified as “Conditionally Restricted”, and 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, and harvest shall be completely banned during any malfunction at the Blue Hill WWTP:

1. Blue Hill Harbor (Blue Hill): north of a line beginning at the south tip of the point of land at the eastern side of the bridge over Mill Stream on Route 172/176 in downtown Blue Hill, then running southeast

approximately 1300 yards to the southwest prominence of Peters Point. This area is classified as “Conditionally Restricted”, and harvesting requires a special MDMR permit; harvest shall be completely banned during any malfunction at the Blue Hill WWTP. This area is currently OPEN to MDMR permit harvest.

2. Blue Hill Harbor (Blue Hill): north of a line beginning at the eastern prominence of Peters Point then running east-northeast approximately 370 yards to a red painted post located on a prominent point of land on the north shore of Blue Hill Harbor. This area is classified as “Conditionally Restricted”, and harvesting requires a special MDMR permit; harvest shall be completely banned during any malfunction at the Blue Hill WWTP. This area is currently OPEN to MDMR permit harvest.

D. Effective immediately, because of intermittent seasonal pollution and proximity to the Blue Hill WWTP, the following area is classified as “Conditionally Approved”, and 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 area during any malfunction at the Blue Hill WWTP: Blue Hill harbor (Blue Hill), south of a line beginning at the west tip of Sculpin Point and running southwest 260 yards to the east tip of Parker Point; AND north of a line beginning at the south tip of Woods Point, then running west-southwest to the east tip of Holden Point. This area is currently OPEN.

E. Effective immediately, because of intermittent seasonal pollution, 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 October 31: Blue Hill Salt Pond (Blue Hill, Sedgwick, Brooklin), west of a line beginning at a red painted post located at the northeast mouth of the cove into which Carleton Stream empties (Blue Hill), then running south-southwest to the west tip of Carleton Island (high tide position), then continuing south-southwest to the first unnamed point of land (high tide position) located approximately 400 yards south of Meeting House Point, beyond the end of Rob Road (Brooklin). This area may be harvested with a special MDMR permit during the closed status (May 1 through Oct. 31), and is open to unrestricted harvest during the open status (Nov. 1 through April 30).

~~4. Bragdon Brook, Blue Hill west of a line beginning at the easternmost point of the southern shore of the cove into which Bragdon Brook empties, and then running approximately 500 yards north to the southernmost tip of Holden Point. This area is classified restricted and any harvest requires a special MDMR permit. B. 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. Blue Hill Harbor: north of a line that starts at the eastern side of the Mill Stream Bridge on Route 172 in downtown Blue Hill, then extends southeast approximately 1300 yards to the western prominence of Peters Point; AND north of a line starting from the eastern prominence of Peters Point and extending east approximately 370 yards to a red painted marker located on the north shore of Blue Hill Harbor. These areas include Peters Cove and the flats north of Hub Island. They are classified “Conditionally Restricted” and harvesting requires a special MDMR permit and shall be closed to all harvest following a malfunction of the Blue Hill WWTP. These areas are currently OPEN and harvesting requires a special MDMR permit. 2. Blue Hill Salt Pond; from May 1 through October 30 the area inside (west) of a line starting at a red painted post located on the northeast shore of Carleton Stream (Blue Hill) approximately 575 yards from the mouth of the stream; then running southwest to the west tip of Carleton Island (high tide position); and continuing southwest to the first unnamed point (high tide position) approximately 400 yards south of Meeting House Point (Brooklin) (N 44 degrees 20 minutes 6.7 seconds; W 68 degrees 35 minutes .72 seconds) is classified as restricted and harvesting requires a special MDMR permit. This area is open to unrestricted harvesting from November 1 through April 30. C. Effective immediately, because of pollution, the shores, flats and waters of Blue Hill Harbor north of a line that begins at the west tip of Woods Point and runs west approximately 2800 yards to Holden Point; AND south of a line that begins at the west tip of Sculpin Point and runs west approximately 260 yards to the east tip of Parker Point have been classified as “Conditionally Approved” and shall be closed to all harvest following a malfunction of the Blue Hill WWTP. The area is currently OPEN.~~

EFFECTIVE DATE: August 2, 2011

EFFECTIVE TIME: 1:50 PM

AGENCY CONTACT PERSON: Darcie Couture, Department of Marine Resources,
194 McKown Point Road, W. Boothbay Harbor, Maine 04575

http://www.maine.gov/dmr/rm/public_health/closures/closedarea.htm

EMAIL: Darcie.Couture@maine.gov



Maine Department of Marine Resources

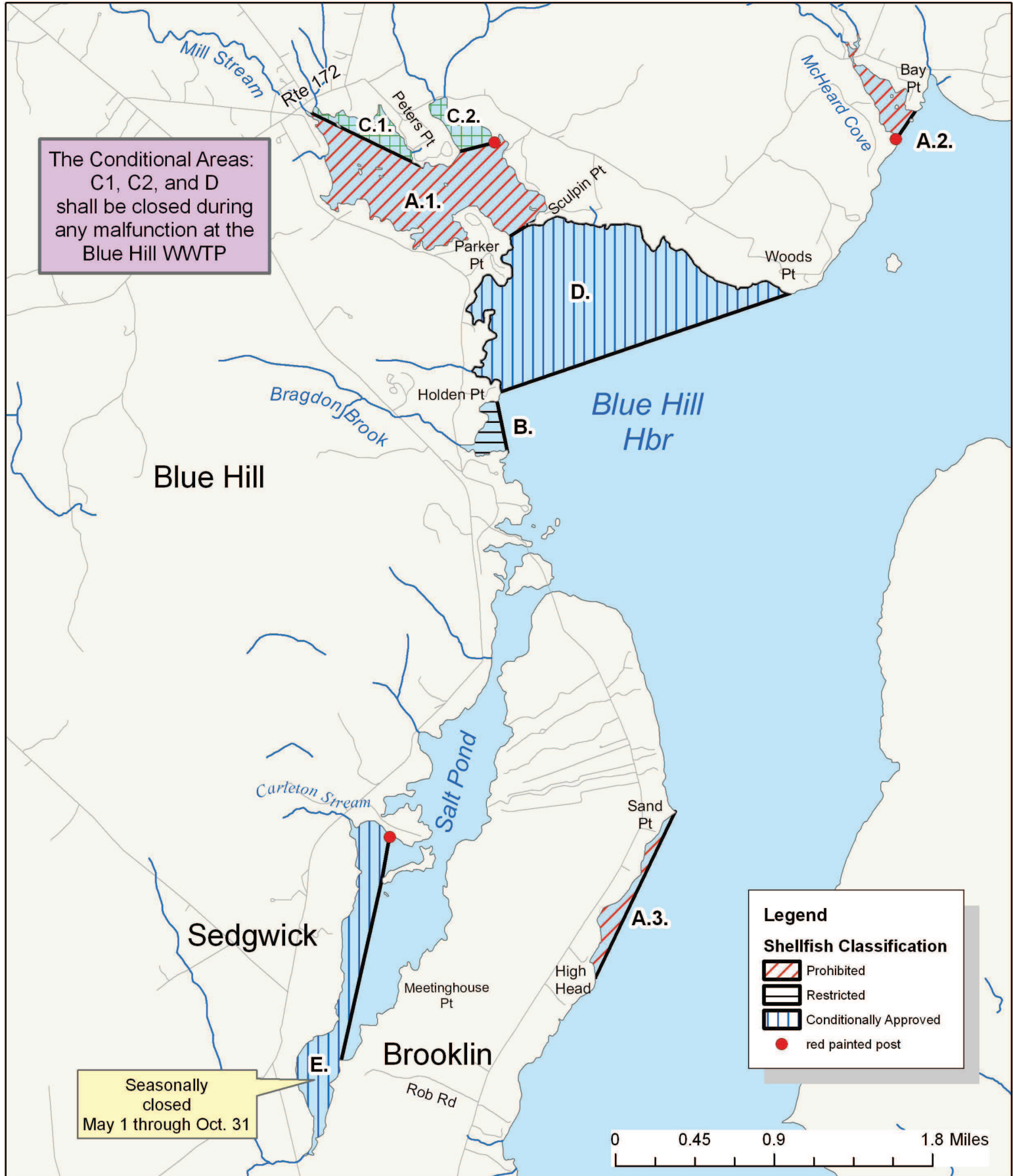
Pollution Area No. 39

Blue Hill Harbor and vicinity (Brooklin, Sedgwick, Blue Hill)



8/2/11

The Conditional Areas:
C1, C2, and D
shall be closed during
any malfunction at the
Blue Hill WWTP



Legend

Shellfish Classification

-  Prohibited
-  Restricted
-  Conditionally Approved
-  red painted post

Seasonally closed
May 1 through Oct. 31

