

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(JJ) Area No. 42-B, Swan's Island, Frenchboro, and Surrounding Islands (Swan's Island, Frenchboro), amended on June 11, 2010. This amendment reduces the size of the Prohibited area in Burnt Coat Harbor due to updates in the shoreline survey and remediation of pollution sources. As authorized by 12 M.R.S. §§6172, 6192, 6193 & 6194 the Commissioner of Marine Resources adopts emergency amendments to Chapter 95.04(JJ).

RULE TITLE AND SUBJECT: DMR Chapter 95.04(JJ) Area No. 42-B, Swan's Island, Frenchboro, and Surrounding Islands (Swan's Island, Frenchboro), amended on June 11, 2010, is amended as follows:

TITLE & TEXT OF RULE: DMR Chapter 95.04(JJ) Area No. 42-B, Swan's Island, Frenchboro, and Surrounding Islands (Swan's Island, Frenchboro).

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:

- A1. Burnt Coat Harbor (Swan's Island): ~~north~~ inside of a line beginning at the point of land (44° 08' 22" N, 68° 27' 00" W) approximately 75 yards south of the old Boathouse Restaurant, running northeast to ~~a point of land north of Stony Island City Point,~~ then running northwest approximately 230 yards to a red-painted post on an unnamed point of land (44° 09' 18" N, 68° 26' 51" W).
- B2. Red Point (Swan's Island): west of a line beginning at the mouth of the Goose Pond mountain stream, running to the southwest tip of West Sister Island, then running west-southwest approximately 2,100 yards to an unnamed point at the eastern end of Hero Beach, Swan's Island.
- C3. Toothacher Cove (Swan's Island): inside and north of a line beginning at an unnamed point of land separating Whale Cove from Sand Cove, on the west side of Toothacher Cove, running due east to a private pier on the east shore of Toothacher Cove. This area is classified "Restricted" and requires a special MDMR permit.
- D4. Mill Pond (Swan's Island): inside of a line beginning at a point of land locally known as Donny Carlson's Point, at the southern mouth of the Mill Pond, running west to a point of land (44° 08' 22" N, 68° 27' 00" W) approximately 75 yards south of the old Boathouse Restaurant, then running northeast to a point of land (44° 08' 40.4" N, 68° 26' 41.8" W) north of Stony Island. This area is classified "Restricted" and requires a special MDMR permit.

EFFECTIVE DATE: March 10, 2011

EFFECTIVE TIME: 11:17 AM

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Maine Department of Marine Resources

Pollution Area No. 42-B

Swan's Island, Frenchboro, and Surrounding Islands 03/10/11

