

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(W), Area No. 47, Bar Harbor to Hulls Cove, Salisbury Cove, Thomas Bay and Trenton Airport (Bar Harbor, Gouldsboro, Trenton), previously amended on January 19, 2011. This amendment reduces the size of the restricted area at the Trenton Airport due to water quality meeting the approved standard at the seaplane ramp and at the southwestern margin of the closure. However, a smaller restricted closure must remain in effect due to a pollution source southwest of the seaplane ramp. 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(W)

RULE TITLE AND SUBJECT: DMR Chapter 95.04(W), Area No. 47, Bar Harbor to Hulls Cove, Salisbury Cove, Thomas Bay and Trenton Airport (Bar Harbor, Gouldsboro, Trenton), amended on January 19, 2011, is amended as follows:

TITLE & TEXT OF RULE: DMR Chapter 95.04(W), Area No. 47, Bar Harbor to Hulls Cove, Salisbury Cove, Thomas Bay and Trenton Airport (Bar Harbor, Gouldsboro, Trenton)

- 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. Bar Harbor to Thrumcap (Bar Harbor, Gouldsboro), inside (west) of a line drawn from the northeast corner of the seawall at The Harborside Hotel and Marina property northeast to the eastern tip of Bar Island, Gouldsboro; then east to the southern tip of Sheep Porcupine Island; then southeast to the most eastern tip of Bald Porcupine Island, Gouldsboro; then south to the western tip of Thrumcap, Bar Harbor; and then southwest to an unnamed point of land 500 yards southeast of Bear Brook outlet.
 2. Bar Harbor to Hulls Cove (Bar Harbor, Gouldsboro), inside (west) of a line drawn from the easternmost tip of Lookout Point, Bar Harbor; then southeast to the western tip of Bar Island; and then south to the corner of the seawall on the west side of Bridge Street.
 3. Sand Point to Levi Point (Bar Harbor), inside (south) of a line beginning at a red-painted post (~~44 26' 23.0"N 68 16' 11.4"W~~) on the most northern tip of Sand Point and running east to CG navigational buoy 'C13' (Sunken Ledge), then continuing southeast to a red-painted post (~~44 25' 47.9"N 68 14' 23.0"W~~) on the eastern tip of Levi Point.
 4. Salisbury Cove (Bar Harbor), inside (south) of a line beginning at a red-painted post (~~44 26' 0.6"N 68 17' 22.4"W~~) on the most northern point of land on the west side of Salisbury Cove and running northeast to a red-painted post (~~44 26' 2.9"N 68 17' 3.0"W~~) on the most northern point of land on the east side of Salisbury Cove.
 5. Trenton Airport (Trenton), inside (west) of a line beginning at ~~mid span of the Rt. 3, Trenton-Mount Desert Island Bridge~~, a red-painted post on the shore approximately 380 yards from the north end of the Trenton-MDI bridge; then running northeasterly to Trap Rock and then north to a red-painted post (~~44 26' 38.1"N 68 21' 18.5"W~~) at the mouth of the Jordan River, 900 feet northeast of the west side of the Trenton Airport seaplane ramp. This area is classified "Restricted" and requires a special MDMR permit.
 6. Thomas Bay (Bar Harbor): inside and southeast of a line beginning at the northwest tip of Blunts Point and then running northeast to a red painted post (~~44 25' 53"N 68 20' 0.0"W~~) on

the western tip of an un-named point forming the east margin of the cove at the mouth of Northeast Creek. This area is classified "Restricted" and requires a special MDMR permit.

- B. Effective immediately, because of pollution, the shores, flats, and waters of Thomas Bay (Bar Harbor), inside and south of a line beginning at the northwest tip of Blunts Point and then running southwest to a red painted post (~~44 25' 20.5"N — 68 20' 50.5"W~~) on the eastern tip of an un-named point forming the east margin of the salt pond at the mouth of Jones Marsh are classified as "Conditionally Approved" and shall be closed to the harvest of clams, quahogs, mussels and oysters from May 1 through September 30.
- C. Effective immediately, because of pollution, the shores, flats, and waters of Bar Island bar (Bar Harbor-Gouldsboro) between two lines; one line extends north from the seawall on the west side of Bridge Street to the western tip of Bar Island; AND a second line that extends from The Harborside Hotel and Marina property northeast to the eastern tip of Bar Island, are classified as "Conditionally Restricted" and shall be closed to the harvest of clams, quahogs, mussels and oysters from June 1 to March 1 AND during any discharge event from the Roderick Street and West Street combined sewer overflows (CSOs) of the Bar Harbor Wastewater treatment plant. Harvesting from this area requires a special MDMR permit.

EFFECTIVE DATE: September 2, 2011

EFFECTIVE TIME: 3:18 PM

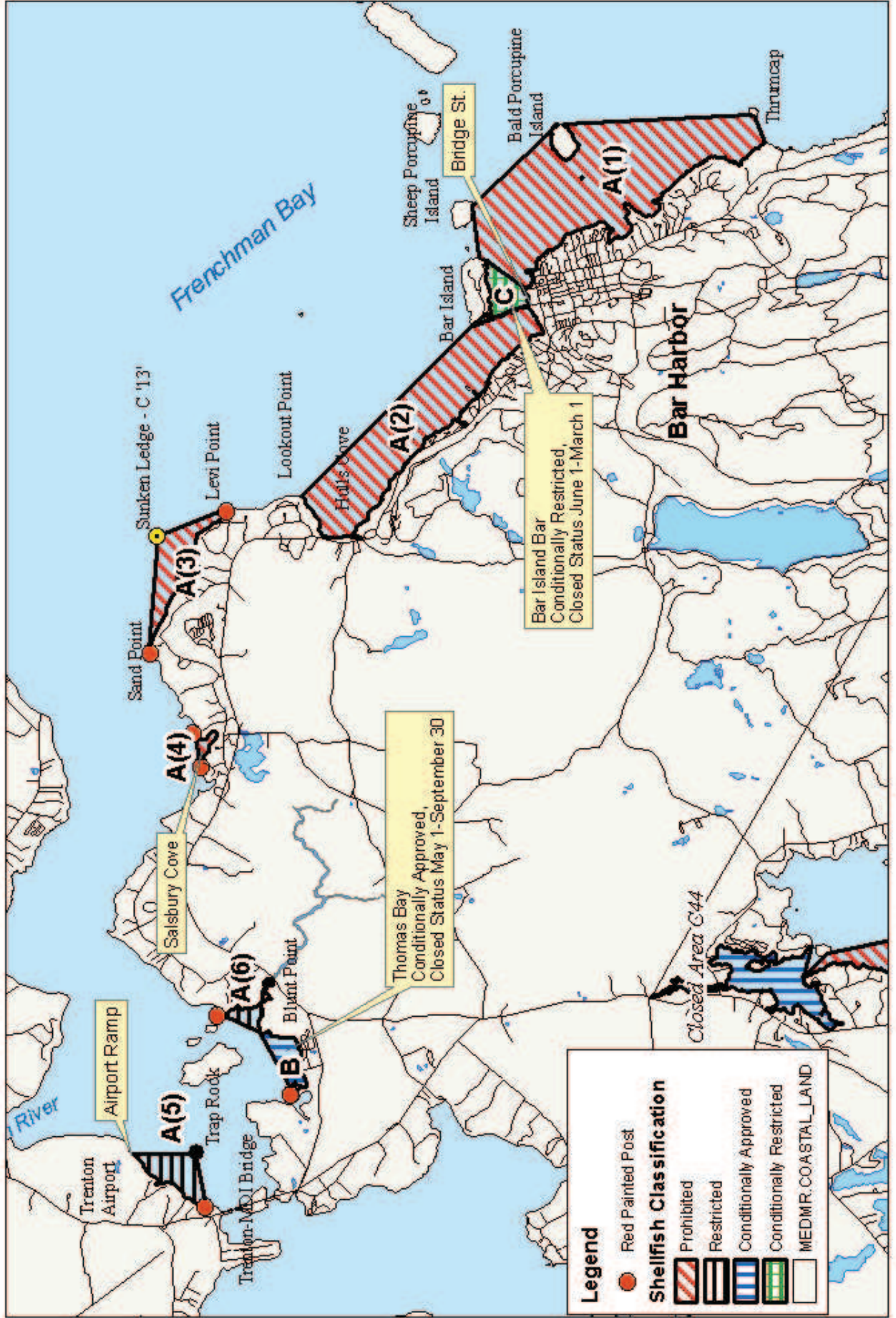
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Maine Department of Marine Resources

Pollution Area No. 47

Bar Harbor to Hulls Cove, Sand Point, Salisbury Cove, Salsbury Cove, Thomas Bay and Trenton Airport (Bar Harbor, Gouldsboro, Trenton) September 1, 2011



Legend

- Red Painted Post

Shellfish Classification

- Prohibited
- Restricted
- Conditionally Approved
- Conditionally Restricted
- MEDMR_COASTAL_LAND

