

# 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 Regulation 95.04(VV), Area No. 50-B, Egypt Bay, West Brook, Mill Brook, Springer Creek, Card Mill-Johnny's Brook (Franklin) and Evergreen Point (Sullivan), amended on April 29, 2010. This amendment changes the title of the rule for Area No. 50-B and reclassifies the Evergreen Point area from "Restricted" to "Approved" due to water quality meeting approved standards. 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(VV).

**RULE TITLE AND SUBJECT:** DMR Chapter 95.04(VV), Area No. 50-B, Egypt Bay, West Brook, Mill Brook, Springer Creek, Card Mill-Johnny's Brook (Franklin) and Evergreen Point (Sullivan), amended on April 29, 2010, is amended as follows:

**TITLE & TEXT OF RULE:** DMR Chapter 95.04(VV), Area No. 50-B, Egypt Bay, West Brook, Mill Brook, Springer Creek, Card Mill-Johnny's Brook (Franklin) ~~and Evergreen Point (Sullivan).~~

- A. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters and mussels from all shores, flats and waters of the following areas:
- A.1. Egypt Bay (Hancock-Franklin): westerly and northerly (upstream) of a line beginning at a red post on an unnamed point that is located approximately 1000 yards southeast of where route 182 crosses Egypt Stream. From this red post the line runs south (about 300 yards) to the most eastern tip of an unnamed island, then runs southeasterly for approximately 330 yards to the nearest point (unnamed) of land.
  - ~~B.2.~~ West Brook (Franklin): inside (northerly) of a line beginning at a red-painted post on the southernmost tip of the un-named point on the eastern shore of the cove into which West Brook enters Taunton Bay, and then extending westerly to a red-painted post on the western shore of the cove.
  - ~~C.3.~~ Mill Brook (Franklin): inside (northerly) of a line beginning at the southernmost tip of Hardison Point and extending southwesterly (about 0.2 mile) to the most southeastern tip of an unnamed point that is located about 600 yards southeast of where Route 182 crosses Mill Brook. This unnamed point is located on the western shore of the cove where Mill Brook enters Taunton Bay.
  - ~~D.4.~~ Springer Creek (Franklin): inside (northerly) of a line beginning at the southernmost tip of Dwelley Point and extending westerly to the southernmost tip of Julius Darling Point.
  - ~~E.5.~~ Hog Bay (Franklin): in an area extending from the mouths of Johnny's Brook and Card Mill Stream west to a line across Hog Bay just where it widens, marked by red-painted posts, approximately 1900 yards west of the Route 200 (Bert Gray Road, so called) bridges crossing the head of Hog Bay.
  - ~~F.~~ ~~Evergreen Point (Sullivan): east of a line starting at the northwest tip of Evergreen Point (Evergreen Point Road) and extending north approximately 910 yards to a red marker on the most western tip of the un-named point (Plover Lane) on the northern shore of the cove. This new regulation classifies the area as restricted and any harvest requires a special MDMR permit.~~

EFFECTIVE DATE: December 21, 2011

EFFECTIVE TIME: 9:58 AM

AGENCY CONTACT PERSON: Kohl Kanwit, Department of Marine Resources,  
194 McKown Point Road, W. Boothbay Harbor, Maine 04575  
[http://www.maine.gov/dmr/rm/public\\_health/closures/closedarea.htm](http://www.maine.gov/dmr/rm/public_health/closures/closedarea.htm)  
EMAIL: [Kohl.Kanwit@maine.gov](mailto:Kohl.Kanwit@maine.gov)



# Maine Department of Marine Resources

## Pollution Area No. 50-B

Egypt Bay, West Brook, Mill Brook, Springer Creek, Card Mill-Johnny's Brook (Franklin)

12/21/11

