

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 BB., Area No. 50, Sorrento, promulgated on January 11, 1999. This amendment creates a seasonal closure in Sullivan Harbor due to water quality not meeting approved standards between May 1 and October 31. 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 BB.

RULE TITLE AND SUBJECT: DMR Regulation 95.04 BB, Area No. 50, Sorrento, promulgated on January 11, 1999, is amended as follows:

TITLE & TEXT OF RULE: ~~DMR Regulation Chapter 95.04(BB), Closed Area No. 50, Sorrento and Sullivan Harbor (Sullivan)~~

1. ~~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 Sorrento and Sullivan, Hancock County, in the following two three areas:~~

~~(A) The area bounded by a line drawn southerly from a red painted post located at the easternmost tip of Doan's Point, so called, to the eastern tip of Preble Island, thence westerly along the northern shore of said island and the northern shore of Dram Island to its western tip, thence northerly to Bean Point.~~

~~EXCEPTION: Shellfish may be harvested from October 1 through April 30 in Sorrento Harbor and Eastern Point Harbor.~~

~~(B) The area of Back Cove east and north of a line starting at a red painted post on the tip of Van Duesen Point; extending southeasterly to the tip of Huber Point, so called, on the north shore of Back Cove; and continuing south to a red painted post, approximately 1200 feet east of Wilson Point, so called, on the south shore of Back Cove.~~

A. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess and clams, quahogs, oysters or mussels taken from the shores, flats and waters of Back Cove (Sorrento), east of a line beginning at a red painted post located on the shore at the western tip of Van Duesen Point, running southeast to the western tip of Huber Point, then running southwest to a red painted post located on the shore approximately 400 yards east of the northern tip of Wilson Point.

B. Effective immediately, because of the proximity to a marina, the shores, flats and waters of Sorrento Harbor (Sorrento), west of a line beginning at a red painted post located on the shore at the eastern tip of Doans Point, running south to the eastern tip of Preble Island; AND east of a line beginning at the western most tip of Bean Point, running south to the western tip of Dram Island; AND north of a line beginning at the eastern tip of Dram Island, running east to the western tip of Preble Island; has been classified as "Conditionally Approved" and it shall be closed to the harvest of clams, quahogs, oysters or mussels from May 1 through September 30.

C. Effective immediately, because of seasonal non point source pollution, the shores flats and waters of Sullivan Harbor (Sullivan), north of a line beginning on the shore at the stairs located at # 2 Miramar Avenue, running southeast to the northern tip of Little Island, then running due east to the nearest point of land on the mainland; has been classified as "Conditionally Approved" and it shall be closed to the harvest of clams, quahogs, oysters or mussels from May 1 through October 31.

EFFECTIVE DATE: January 26, 2012

EFFECTIVE TIME: 4:04 PM

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
EMAIL: Kohl.Kanwit@maine.gov



Maine Department of Marine Resources

Pollution Area No. 50



Sorrento and Sullivan Harbor

1/26/12

