

## 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 Regulation 95.09 Q, Closed Area No. 59, Outer Cobscook Bay (Eastport and Perry), promulgated on February 6, 2007. This amendment reclassifies Deep Cove (Eastport) from prohibited to approved due to an updated shoreline survey and water quality meeting 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 95.09(Q).

**RULE TITLE AND SUBJECT:** DMR Regulation 95.09 Q, Closed Area No. 59, Outer Cobscook Bay (Eastport and Perry), promulgated on February 6, 2007, is amended as follows:

**TITLE & TEXT OF RULE:** ~~DMR Regulation Chapter 95.09(Q), Closed Area No. 59, Outer Cobscook Bay (Eastport and Perry)~~

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:

~~A. Deep Cove (Eastport): easterly (shoreward) of a line starting at the western most tip of Shackford Head and extending northwesterly to the most westerly tip of Mathews Island.~~

~~B. 1. Eastport: inside (shoreward) of a line beginning at the easternmost point of land on Kendall Head and extending southeasterly to the easternmost point of land on Redoubt Hill; then easterly to Dog Island; then running southerly to the ~~most~~ easterly tip of Todd Head; then southerly to the ~~most~~ easterly point of Buckman Head; then southwesterly to the tip of Estes Head; and then northwesterly to the southern ~~most~~ tip of Shackford Head. This closure encompasses the shores and waters of Johnson, Harris, Prince and Broad Coves.~~

~~C. 2. Kendall Head (Eastport): inside a ~~triangle bordered by a~~ line beginning at a red-painted post on the east end of the Carlow Island-Quoddy Village causeway; then extending northeasterly to the southern ~~most~~ tip of Clam Cove Head, Deer Isle, New Brunswick, Canada; then runs southerly to a red-painted post located at the ~~most eastern~~ tip of Kendall Head; ~~and then follows the high tide shoreline, northwesterly, to the Carlow Island-Quoddy Village causeway red painted post.~~ This closure extends northeastward to the US-Canadian international border.~~

~~D. 3. Sipayik, Pleasant Point (Perry): inside a ~~triangle bordered by a~~ line beginning at the easternmost tip of Frost Point; then extending easterly to the southern ~~most~~ tip of Clam Cove Head, Deer Isle, New Brunswick, Canada; then runs southwesterly to the ~~most southern~~ end of the Maine Central Railroad right of way causeway rock sea wall, Pleasant Point; ~~and then follows the high tide shoreline, northerly, to Frost Point.~~ This closure extends eastward to the US-Canadian international border.~~

~~E. 4. Little River (Perry): inside of a line beginning at the southwest tip of Gleason Point and extending southwest approximately 100 yards to a point on the opposite shore ~~forming the northeast prominence~~ of Gleason Cove. This area is classified "Restricted" and harvesting requires a special MDMR permit.~~

~~F. 5. Half Moon Cove (Eastport): inside and east of a line starting at a red-painted ~~marker post~~ on the southeast end of the Carlow Island-Quoddy Village causeway and extending southwest approximately 963 yards to the western tip of Norton Island (a small island in the southern portion of Half Moon Cove) then continuing 200 yards southwest to a red-painted ~~marker post~~ on a small unnamed point on the northeast side of "Bar Harbor", so called. This area is classified as "Restricted" and harvesting requires a special MDMR permit.~~

EFFECTIVE DATE: March 2, 2012

EFFECTIVE TIME: 11:12 AM

AGENCY CONTACT PERSON: Kohl Kanwit, Department of Marine Resources,  
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[http://www.maine.gov/dmr/rm/public\\_health/closures/closedarea.htm](http://www.maine.gov/dmr/rm/public_health/closures/closedarea.htm)

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# Maine Department of Marine Resources

## Pollution Area No. 59



3/2/2012

### Outer Cobscook Bay (Eastport and Perry)

