

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 95.10(W) Area No. 6, Ogunquit River to Webhannet River (Ogunquit and Wells) amended on November 30, 2010. This amendment reduces the size of the seasonal conditionally approved area in the Ogunquit River by reclassifying a portion of the river to prohibited, due to water quality no longer meeting the 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 95.10(W).

RULE TITLE AND SUBJECT: DMR Chapter 95.10(W) Area No. 6, Ogunquit River to Webhannet River (Ogunquit and Wells), amended on November 30, 2010, is amended as follows:

TITLE & TEXT OF RULE: DMR Chapter 95.10(W) Area No. 6, Ogunquit River to Webhannet River (Ogunquit and Wells)

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. Upper Ogunquit River (Ogunquit): north of a line starting from the northeast corner of the boat ramp of at the Ocean Street footbridge and running east to a red painted post on the opposite shore.

2. Lower Ogunquit River, Ogunquit Beach, Moody Beach, Wells Beach and the Webhannet River (Ogunquit and Wells): south of a line beginning at a red painted post located on the western shore of the Ogunquit River, at the end of Green Needle Lane and running east to the opposite shore of the river; AND west and shoreward of a line formed by the Beach Street bridge (Ogunquit); AND west and shoreward of a line beginning at the eastern tip of Israels Head (Ogunquit), then running northeast to Bibb Rock, then running north to the eastern tip of the northern jetty at the mouth of the Webhannet River (Wells), AND south of a line running northwest from the southern edge of the parking lot at the end of Foster Lane to the point of land at the end of Atlantic Avenue.

3. Webhannet River (Wells): south of Mile Road. This area is classified as "Restricted," and requires a special MDMR permit.

4. Pope Creek, Webhannet River (Wells): west of a line starting at the northern shore at the mouth of Pope Creek and running south ~~to~~ across the mouth of Pope Creek and continuing south across the mouth of an unnamed creek to a red painted post. This area is classified as "Restricted," and requires a special MDMR permit.

5. Depot Brook, Webhannet River (Wells): west of a line drawn across the mouth of Depot Brook. This area is classified as "Restricted," and requires a special MDMR permit.

6. Western Shore of Ogunquit River (Ogunquit): west of a line starting from the southern tip of an unnamed point of land located on the western shore of the Ogunquit River and running southwest across a sandbar to a red painted post located on the shore in front of The Dunes on the Waterfront Hotel.

B. Effective immediately, because of pollution, the shores, flats and waters of the Ogunquit River (Ogunquit), south of a line starting from the northeast corner of the boat ramp of at the Ocean Street footbridge and running east to a red painted post on the opposite shore; AND north of a line

beginning at a red painted post located on the western shore of the Ogunquit River, at the end of Green Needle Lane and running east to a red painted post on the opposite shore of the river; AND east of a line starting from the southern tip of an unnamed point of land located on the western shore of the Ogunquit River and running southwest across a sandbar to a red painted post located on the shore in front of The Dunes on the Waterfront Hotel; have been classified as “Conditionally Approved,” and shall be closed to the harvest of clams, quahogs, oysters and mussels from May 1 through October 31.

C. Effective immediately, because of pollution, the shores, flats and waters of the upper Webhannet River (Wells), north and west of a line starting at the boat ramp located at the end of Harbor Road and running northeast to the northernmost point of land at the end of Atlantic Avenue, and then running east to the southern edge of the parking lot at the end of Foster Lane, AND east of a line running across the mouth of Depot Brook; have been classified as “Conditionally Approved”, and shall be closed to the harvest of clams, quahogs, oysters and mussels from May 1 through November 30.

D. Effective immediately, because of pollution, the shores, flats and waters of the lower Webhannet River (Wells), north of Mile road, AND south of a line starting at the boat ramp located at the end of Harbor Road and running northeast to the northernmost point of land at the end of Atlantic Avenue, AND east of a line starting at the northern shore at the mouth of Pope Creek and running south across the mouth of Pope Creek and continuing south across the mouth of an unnamed creek to a red painted post have been classified as “Conditionally Approved”, and shall be closed to the harvest of clams, quahogs, oysters and mussels from May 1 through December 31.

EFFECTIVE DATE: January 19, 2011

EFFECTIVE TIME: 2:15 PM

AGENCY CONTACT PERSON: Amy M. Fitzpatrick, Department of Marine Resources,
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Maine Department of Marine Resources

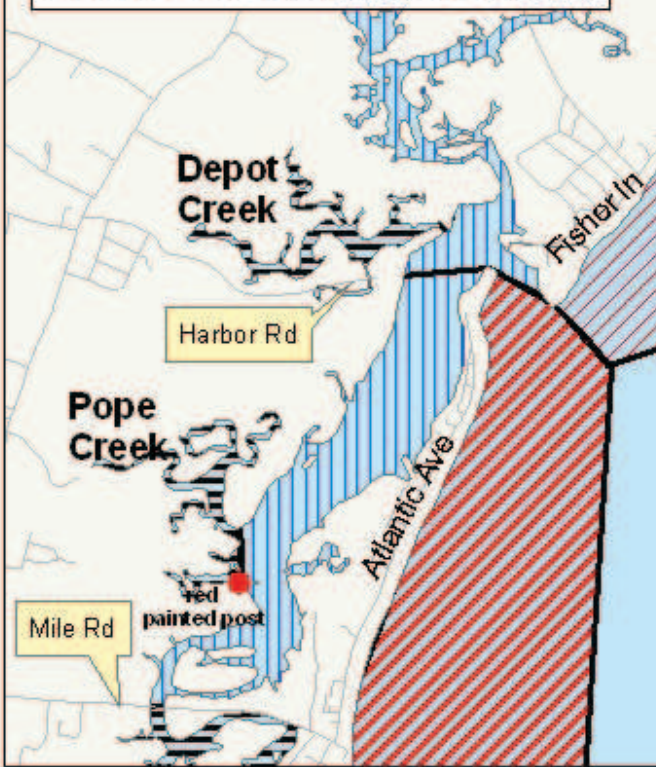
Pollution Area No. 6



Ogunquit River to Webhannet River (Ogunquit and Wells)

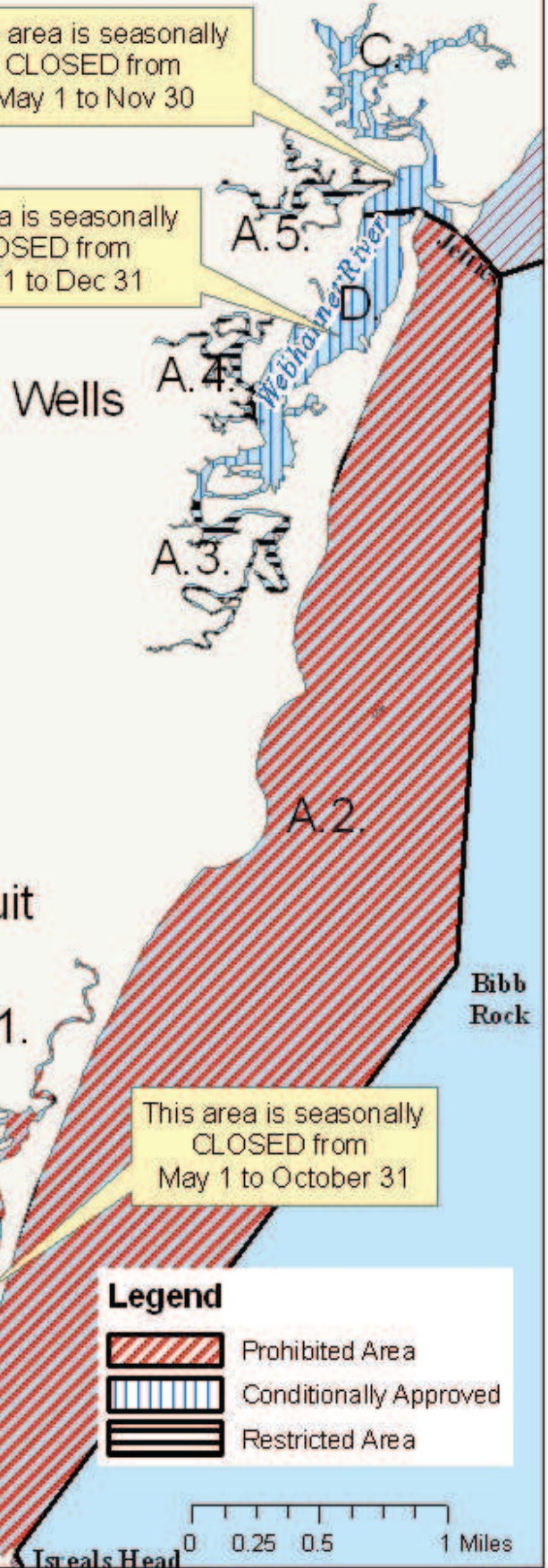
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Details for Webhannet River

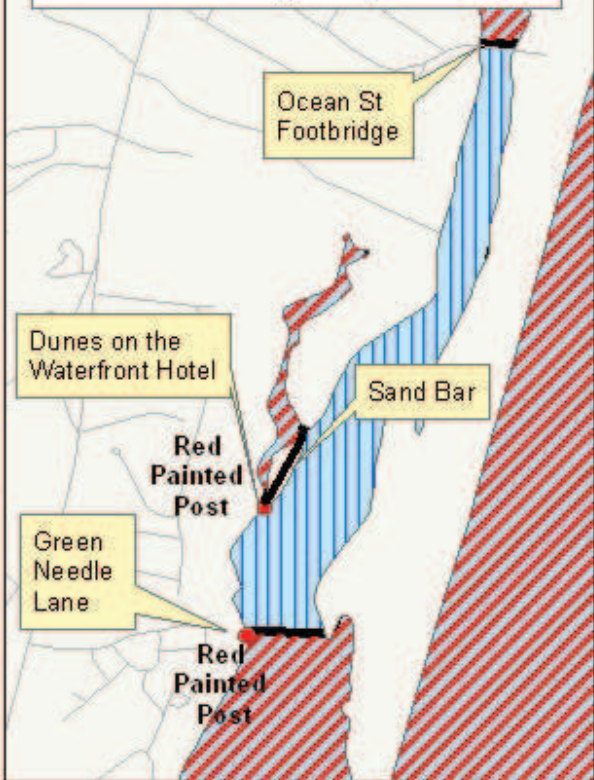


This area is seasonally CLOSED from May 1 to Nov 30

This area is seasonally CLOSED from May 1 to Dec 31



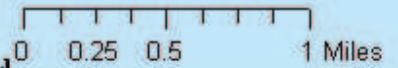
Detail For Ogunquit River



This area is seasonally CLOSED from May 1 to October 31

Legend

- Prohibited Area
- Conditionally Approved
- Restricted Area



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