

## 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 95.09(XX), Area No. 62, St. Croix River, Calais and Robbinston, Loring, Mill, Frost and Lewis Coves (Robbinston and Perry), amended on March 10, 2010. This amendment reclassifies Lewis Cove (Perry) from prohibited to conditionally approved based on season, due to intermittent seasonal bacterial pollution impacting the area. This area will be seasonally open from December 1 to August 14. 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 (XX).

**RULE TITLE AND SUBJECT:** DMR Chapter 95.09 (XX), Area No. 62, St. Croix River, Calais and Robbinston, Loring, Mill, Frost and Lewis Coves (Robbinston and Perry), amended on March 10, 2010 is amended as follows:

**TITLE & TEXT OF RULE:** EMERGENCY Rule: DMR Chapter 95.09 (XX), Area No. 62, St. Croix River (Calais, Robbinston, Perry) ~~Calais and Robbinston, Loring, Mill, Frost and Lewis Coves (Robbinston and Perry)~~

A. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters, mussels and other marine mollusks from all shores, flats and waters of the following areas:

A 1. St. Croix River (Calais and Robbinston): from the head of tide in Calais, south to a line drawn due east from the northernmost prominence of Liberty Point (Robbinston) to the international US and Canadian border (in line of sight with the northwest tip of Navy Island, St. Andrews, NB, Canada).

~~B~~ 2. Mill Cove (Robbinston): northwest of a line starting at the mouth of an unnamed stream located approximately 525 feet east of Route 1, along the southern shore of Mill Cove, and extending northeast approximately 2325 feet to the south tip of Mill Point.

~~E~~ 3. Lewis Cove (Perry): inside of a line beginning at a red painted marker located on the southern shore of Lewis Cove approximate position 45 degrees 1.0 minute and 58.09 seconds N and 67 degrees 6.0 minutes and 18.93 seconds W and then running northwest approximately 360 feet to a red painted marker located on the northern shore of Lewis Cove (approximate position 45 degrees 2.0 minutes and 1.21 seconds N and 67 degrees 6.0 minutes 21.08 seconds W.  
~~inside of a line beginning at a red painted marker located the most northern tip of an unnamed point of land on the southern mouth of Lewis Cove (approximate position 45 degrees 2.14 minutes north and 67 degrees 5.51 minutes west) and then running northwest approximately 550 yards to a red painted marker located at the eastern most point of land on the northern mouth of Lewis Cove 45 degrees 2.34 minutes north 67 degrees 5.78 minutes west).~~

~~C~~ 4. Loring Cove (Perry): inside of a line beginning at the northeastwest tip of Loring Cove, and extending southeast approximately 1600 feet to an unnamed point on the opposite shore, forming the southeast prominence of Loring Cove. This area is classified as restricted, and harvesting requires a special MDMR permit.

D-5. Frost Cove (Perry): within 600 feet of a red painted marker located at the mouth of the unnamed stream that flows into Frost Cove. This area is classified as restricted, and harvesting requires a special MDMR permit.

B. Effective immediately, because of pollution, the shores, flats and waters of Lewis Cove (Perry): east of a line beginning at a red painted marker located on the southern shore of Lewis Cove (approximate position 45 degrees 1.0 minute and 58.09 seconds N and 67 degrees 6.0 minutes and 18.93 seconds W); and then running northwest approximately 360 feet to a red painted marker located on the northern shore of Lewis Cove (approximate position 45 degrees 2.0 minutes and 1.21 seconds N and 67 degrees 6 minutes 21.08 seconds W); AND west of a line beginning at a red painted marker located on the southern shore of the mouth of Lewis Cove (approximate position 45 degrees 2.0 minutes 8.34 seconds N and 67 degrees 5.0 minutes 31.8 minutes W); and running northwest to a red painted marker located on the northern shore of the mouth of the cove (approximate position 45 degrees 2.0 minutes 20.44 seconds N and 67 degrees 5.0 minutes 46.73 minutes W); have been classified as "Conditionally Approved" and shall be closed to harvest of clams, oysters, quahogs or mussels from August 15<sup>th</sup> through November 30<sup>th</sup>.

EFFECTIVE DATE: April 11, 2011

EFFECTIVE TIME: 10:50 AM

AGENCY CONTACT PERSON: Darcie Couture, Department of Marine Resources,  
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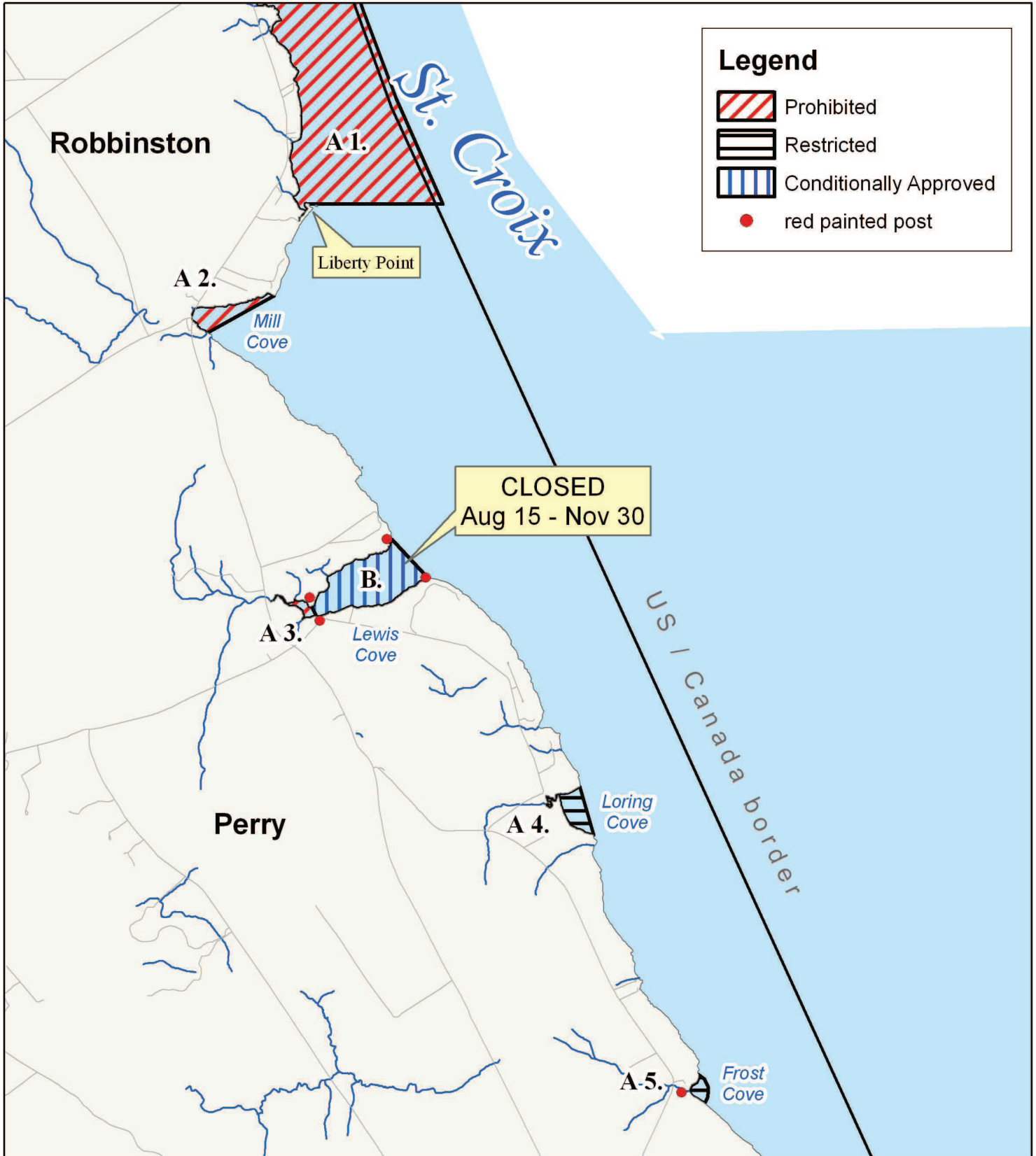
# Maine Department of Marine Resources

## Pollution Area No.62

St. Croix River (Calais, Robbinston, Perry)



04/11/11



0 0.75 1.5 2.25 Miles