NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.06 G, Closed Area No. 25-A, South Bristol, promulgated on May 5, 1988, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation No. 95.06 G, Closed Area No. 25-A, South Bristol.

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 that portion of South Bristol, Lincoln County, ENCLOSED by a line beginning at a red painted post located one-half mile, more or less, north of the most southwestern tip of the South Bristol Peninsula (eastern shore of Jones Cove) and running to the westernmost extremity of Foster Point, Rutherford Island; thence southeasterly to the southernmost tip of Rutherford Island; thence easterly to the southern tip of Turnip Island; thence northeasterly to the northwestern extremity of Crow Island; thence northerly to the easternmost prominence of the lowest tide mark of Rutherford Island; then following the lowest tide mark in a northerly direction to the north end (Davis Point) of said island; then running westerly to the north end of Gem Island; then running west to a red post on the mainland; then running northwesterly across the peninsula to the red post that marks the beginning of this enclosure line.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: May 27, 1993

AGENCY CONTACT PERSON: Robert D. Lewis
Department of Marine Resources
State House Station #21
Augusta, ME 04333

PORTLAND PRESS HERALD
May 31, 1993

STATEMENT OF FACT AND POLICY

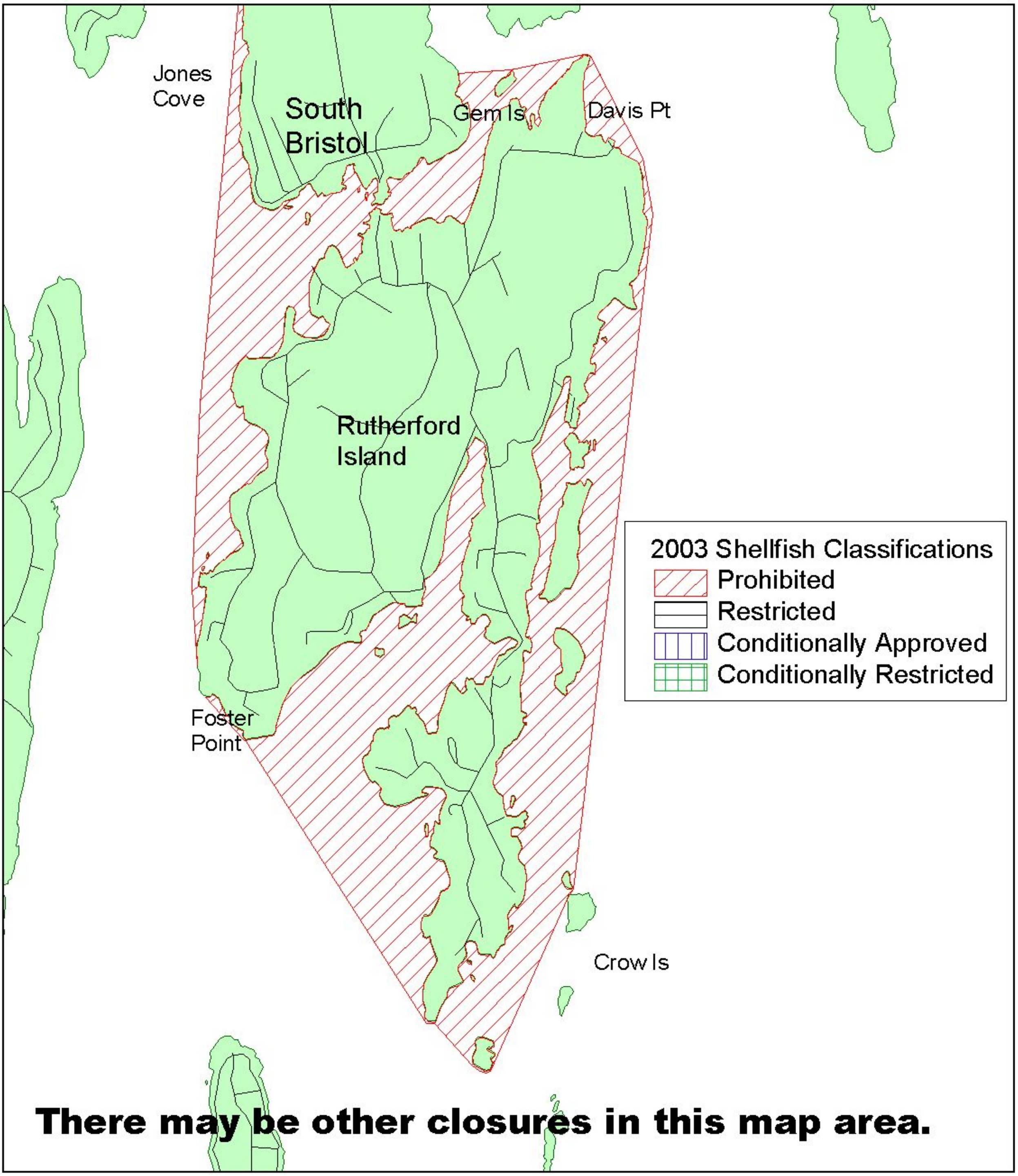
The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.06 G, Closed Area No. 25-A, South Bristol, promulgated on May 5, 1988, and replaces it with a new regulation. This new regulation extends the old closure to include that portion of the Gut and the southern end of McFarlands Cove situated south of a straight line beginning at the north end of Davis Point and running in a straight line through the northern tip of Gem Island to a red post on the mainland.

Department personnel have determined that there is a licensed overboard waste water discharge in this cove. The probability of malfunction of this system poses a threat to the public health and consequently the harvest of clams, mussels, oysters and quahogs is prohibited in the cove area. The remaining portion of the closed area has many waste discharges as well as portions that are subject to intermittent pollution. These factors require prohibition of shellfish harvest to protect the public health.

E. PENN ESTABROOK
Deputy Commissioner

Maine Department of Marine Resources

Legal Notice of Shellfish Closure Area

5/27/93

C25A South Bristol