

NOTICE OF EMERGENCY RULE-MAKING

AGENCY: Department of Marine Resources
STATUTORY AUTHORITY: 12 M.R.S.A. §§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 Chapter 95.10(P) Area No. 3, Seapoint to York River (Kittery and York), amended on June 5, 2008. This amendment creates a large prohibited area from Sisters Point, Kittery to East Point, York including Seapoint and Crescent Beaches, Brave Boat Harbor and the York River due to lack of and expired shoreline survey work and pollution source assessment. As authorized by 12 M.R.S.A. §§6172, 6192, 6193 & 6194 the Commissioner of Marine Resources adopts emergency amendments to Chapter 95.10(P).

RULE TITLE AND SUBJECT: DMR Chapter 95.10(P) Area No. 3, Seapoint to York River (Kittery and York), amended on June 5, 2008, is amended as follows:

TITLE & TEXT OF RULE: DMR Chapter 95.10(P) Area No. 3, Sisters Point (Kittery) Seapoint to East Point York River (Kittery and York)

A. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels from the shores, flats, and waters inside a line beginning at Sisters Point (Kittery), extending northeast to red nun "2SR", then extending northwest to the tip of East Point (York). ~~of the following areas:~~

- ~~1. Seapoint Beach (Kittery): west of a line beginning at Seapoint, and extending due north to Cutts Island, Kittery. This area is classified restricted and requires a special MDMR permit.~~
- ~~2. Brave Boat Harbor (Kittery and York): northwest of a line across the harbor, approximately 1500 yards east of Brave Boat Harbor Road (Route 103), just northwest of the channel leading to Chauncey Creek. This area is classified "Restricted," and requires a special MDMR permit.~~
- ~~3. York River (York): upstream of a line beginning at the end of Orchard Farm Road and extending due west across the York River to Ramshead Point.~~

~~B. Effective immediately, because of pollution, the shores, flats and waters of the York River (York): southeast of the Sewell bridge; AND west of a line beginning at the southeast tip of Stage Island, then running due south to the opposite shore; have been classified as "Conditionally Approved," and shall be closed to the harvest of clams, quahogs, oysters and mussels from May 1 through November 14.~~

EFFECTIVE DATE: January 12, 2009

EFFECTIVE TIME: 12:10 PM

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Maine Department of Marine Resources

Pollution Area No. 3



Sisters Point (Kittery) to East Point (York)

1.12.09

