

NOTICE OF EMERGENCY RULE-MAKING

AGENCY: Department of Marine Resources
STATUTORY AUTHORITY: 12 M.R.S.A. §§6172, 6192, 6193 & 6194
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BASIS STATEMENT

The Commissioner of the Maine Department of Marine Resources amends the emergency Chapter 95.10(Y), Area No. 8, Kennebunk River to Cape Porpoise (Kennebunk and Kennebunkport), amended on March 21, 2008. This amendment changes the title; places the Kennebunk River into Area No. 7; and places the region around Sampson Cove into Area No. 9. This amendment reclassifies the Turbats Creek area from restricted to prohibited, due to lack of a recent shoreline survey. This amendment reclassifies the prohibited area at Goat Island to approved due to the removal of a licensed overboard discharge. As authorized by 12 M.R.S.A. §§6172, 6192, 6193 & 6194 the Commissioner of Marine Resources adopts emergency amendments to Chapter 95.10(Y).

RULE TITLE AND SUBJECT: DMR Chapter 95.10(Y), Area No. 8, Kennebunk River to Cape Porpoise (Kennebunk and Kennebunkport), amended on March 21, 2008, is amended as follows:

TITLE & TEXT OF RULE: DMR Chapter 95.10(Y), Area No. 8, ~~Kennebunk River~~ Cape Arundel to Cape Porpoise (~~Kennebunk and Kennebunkport~~)

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 inside and shoreward of a line beginning at the northernmost tip of Bickford Island, then running southeast to the to the northwest point of land on Trott Island; then running southwest to the north tip of Bass Island; then running northwest to the end of Langsford Road; then running southwest to the northwestern most tip of Vaughn Island; AND inside and shoreward of a line beginning at the southern most tip of Vaughn Island, then running southwest to the easternmost tip of Bumpkin Island; then running southwest to the southern tip of Walkers Point, then running southwest to the southernmost tip of Cape Arundel. of the following areas:

- ~~1. Nessler Point (Kennebunkport): within 500 feet of shore, east of a line beginning at the land beyond the end of Skipper Joes Point Rd; AND south of a line beginning approximately 700 feet northeast of the south tip of Nessler Point.~~
- ~~2. Sampson Cove (Kennebunkport): within 300 yards of the head of Sampson Cove, inside and shoreward of a line beginning at the land beyond the end of Beech Street, then running north across the cove to the opposite shore.~~
- ~~3. Cape Porpoise Harbor (Kennebunkport): inside and shoreward of a line beginning the north tip of Bickford Island, then running east to the northwest point of Trott Island; then running southwest to the north tip of Bass Island; then running northwest to the end of Langsford Road.~~
- ~~4. Goat Island (Kennebunkport): within 500 feet of shore, south of the northeast tip of the island AND south of the west tip of the island.~~
- ~~5. Kennebunk River and Cape Arundel (Kennebunk and Kennebunkport): inside and shoreward of a line beginning at Oaks Neck (Kennebunk); running southeast to Fishing Rock (Kennebunk); continuing northeast to Cape Arundel (Kennebunkport); continuing northeast to Walker Point (Kennebunkport); continuing northeast to the~~

~~northwest end of Bumpkin Island (Kennebunkport); continuing north to the point of land at the end of Turbats Creek Road (Kennebunkport).~~

~~6. Turbats Creek and Cross Creek (Kennebunkport): inside and shoreward of a line beginning at the point of land at the end of the Turbats Creek Road; continuing east to the south end of Vaughn Island (Kennebunkport); continuing due north through Vaughn Island to a red painted post on the Kennebunkport mainland by the eastern end of Cross Creek (Kennebunkport). This area is classified restricted and requires a special MDMR permit.~~

~~7. Paddy Creek (Kennebunkport): east of a line beginning at the south end of Vaughn Island and running due north through Vaughn Island to a red painted post on the Kennebunkport mainland by the eastern end of Cross Creek; AND west of a line beginning at the north tip of Vaughn Island and running due north to the end of Langsford Road.~~

EFFECTIVE DATE: May 27, 2009

EFFECTIVE TIME: 12:25 PM

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Maine Department of Marine Resources

Pollution Area No. 8



Cape Arundel to Cape Porpoise (Kennebunkport)

05.27.09

