



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES
21 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0021

PATRICK C. KELIHER
COMMISSIONER

Shellfish Harvesting Area Classification-Notification of Changes

August 23, 2019

Ladies and Gentlemen:

Under the authority of 12 M.R.S.A. § 6172; the Commissioner has made the following classification change to Area No. 14, Royal River, Cousins River, and vicinity (Falmouth to Freeport): This notice reclassifies portions of the upper Cousins River and Pratt's Brook from Restricted and Prohibited to Conditionally Approved based on the performance of the Yarmouth Wastewater Treatment Plant and/or when rainfall meets or exceeds 1" in 24 hours due to water quality meeting approved standards under these conditions. An interactive map that allows the user to zoom in to specific areas can be found on the ME DMR website: <https://www.maine.gov/dmr/shellfish-sanitation-management/maps/index.html>. All existing pollution and biotoxin closures remain in effect.

The boundary descriptions of the area are as follows (struck text is being removed and underlined text is being added):

- 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. Cousins River ~~and Pratt's Brook~~ (Yarmouth and Freeport): north of a line beginning at a red painted post at the end of Eider Pt (Yarmouth) running east to the opposite shore. ~~at U.S. Route 4.~~
 2. Upper Royal River (Yarmouth): northwest of a line beginning at the stone pier on the shore of the Royal River, just south of navigational buoy N '14', then running in a northwesterly direction approximately 360 yards, to the southwestern lobe of the land that forms Browns Point (Yarmouth).
 3. Yarmouth mainland: west of a line beginning at Parker Pt (Yarmouth), then continuing southwest to Sandy Point (Cousins Island, Yarmouth) and then continuing southwest to Princes Point (Yarmouth).
 4. Cousins Island and Littlejohn Island (Yarmouth): west of a line beginning at the point of land approximately 500 yards southwest of Cornfield Point, Cousins Island, then running due south to Littlejohn Island; AND north of a line beginning at Doyle Point, Cousins Island, then running northeast to the southern tip of Littlejohn Island, then running northeast to the red "R 18" navigational buoy, then continuing northeast to the south tip of the unnamed point of land approximately 500 yards south of the end of Pemasong Lane.
 5. Upper Broad cove: North of a line beginning at a prominent point of land approximately 180 yards southeast from the end of Ebb Tide Lane, running southeast to a red painted post on the opposite shore.
 6. Sturdivant Island: North of a line beginning at the southwestern tip of Sturdivant Island, then running northwest 500 feet; AND west of a line beginning at the northeast tip of Sturdivant Island, then running northeast 500 feet.
 7. Sturdivant Island: East of a line beginning at the southwestern tip of Sturdivant Island, then running southwest 500 feet; AND south of a line beginning at the northeast tip of Sturdivant Island, then running southeast 500 feet.

8. Pratt's Brook (Yarmouth): north of a line beginning at a red painted post near the intersection of Granite St (Yarmouth) and Eider Pt running west to the opposite shore.

B. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels from the following Restricted area(s) without a special MDMR permit. Depuration certificate holders are required to check the Pollution Abatement Closure Notice before scheduling a harvest in any Restricted area.

1. Falmouth/Cumberland Shore: inside and shoreward of a line beginning on the shore at the end of Town Landing Road (Falmouth) running northeast to the southern tip of Sturdivant Island, then running northwest to the shore at the end of Spruce Lane (Cumberland).

2. Cousins Island (Yarmouth): inside of a line beginning at Madeleine Point continuing southwest to the northern tip of Sturdivant Island, then continuing southeast to the northern tip of Basket Island and continuing northeast to Doyle Point.

~~3. Upper Cousins River: west of a line beginning at a red painted post on the southernmost point of land prior to an unnamed creek approximately 336 yards south of the Rt. 1 bridge running south to a red painted post on the opposite side of the creek approximately 300 yards north of the end of Even Keel Road.~~

~~3. 4. Upper Whistler Cove: north of a line beginning at the eastern most point of land approximately 223 yards east from the bend in Lambert Rd running north to a red painted post on the opposite shore~~

C. Effective immediately, because of point source pollution and proximity to the Yarmouth Wastewater Treatment Plant, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels from the shores, flats and waters of the following Conditionally Restricted area(s) without a special MDMR permit:

1. Royal River (Yarmouth): west of a line beginning at the northeast tip of Browns Point (Yarmouth), then running southeast across the mouth of the Royal River to the "C 5" navigational buoy and continuing south to the southeastern tip of Parker Point (Yarmouth); AND east of a line beginning at the stone pier on the shore of the Royal River, just south of navigational buoy N '14', then running in a northwesterly direction approximately 360 yards, to the southwestern lobe of the land that forms Browns Point (Yarmouth) are classified as "Conditionally Restricted" and shall be closed to the harvest of clams, quahogs, oysters and mussels during any malfunction at the Yarmouth Wastewater Treatment Plant. This area is available only for a MDMR permitted project for male specific coliphage (MSC) depuration harvest, and is not suitable for relay purposes. **Please refer to the Statewide Conditional Area Closure Notice on the DMR website: <http://www.maine.gov/dmr/shellfish-sanitation-management/closures/pollution.html> for open/closed status.**

D. Effective immediately, because of proximity to a WWTP and non-point pollution due to rainfall, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels from the shores, flats and waters of the following Conditionally Approved area(s) when rainfall meets or exceeds 1" within a 24 hour period, during any malfunction of the Yarmouth Waste Water Treatment Plant, or when flow rates at the Yarmouth Waste Water Treatment Plant exceed 1.31 MGD over four hours. Certified shellfish dealers are required to retain shellstock from the Cousins River Conditional Area for a minimum of six hours after the harvest time indicated on the harvest tag. **For current status, please refer to the Statewide Conditional Area Closure Notice on the DMR website: <http://www.maine.gov/dmr/shellfish-sanitation-management/closures/pollution.html>**

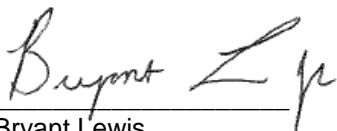
1. Cousins River (Yarmouth/Freeport): northwest of a line beginning at the northern most tip of Parker Point (Yarmouth) running northeast to the western most tip of Fogg Point (Freeport); AND northeast of a line beginning at the northeast tip of Browns Point (Yarmouth), then running southeast across the mouth of the Royal River to the "C 5" navigational buoy and continuing south to the southeastern tip of Parker Point (Yarmouth); AND south of a line beginning at a red painted post near the

intersection of Granite St (Yarmouth) and Eider Pt running west to the opposite shore; AND south of a line beginning at a red painted post at the end of Eider Pt (Yarmouth) running east to the opposite shore; Rt. 1; AND east of a line beginning at a red painted post on the southernmost point of land prior to an unnamed creek approximately 336 yards south of the Rt. 1 bridge running south to a red painted post on the opposite side of the creek approximately 300 yards north of the end of Even Keel Road; AND south of a line beginning at the eastern most point of land approximately 223 yards east from the bend in Lambert Rd running north to a red painted post on the opposite shore.

- E. Effective immediately, because of proximity to a WWTP, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels from the shores, flats and waters of the following Conditionally Approved area(s) following a malfunction/CSO event at the Yarmouth Wastewater Treatment Plant. **For current status, please refer to the Statewide Conditional Area Closure Notice on the DMR website: <http://www.maine.gov/dmr/shellfish-sanitation-management/closures/pollution.html>**
1. Freeport Shore: east of a line beginning at the northern tip of Parker Point (Yarmouth) running southeast to the point of land at the end of Sea Meadows Ln (Yarmouth); AND southeast of a line beginning at the northern tip of Parker Point (Yarmouth) running northeast to the western tip of Fogg Point (Freeport); AND north of a line beginning at the north tip of Cornfield Point (Yarmouth) running northeast, to the southwest tip of Little Moshier Island (Yarmouth), then continuing north to the south tip of the unnamed point of land, located 1150 yards southwest of the end of Stockbridge Point (Freeport).
- F. Effective immediately, because of intermittent pollution caused by rainfall, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels from the shores, flats and waters of the following Conditionally Approved area(s) when rainfall meets or exceeds 1" within a 24 hour period. **For current status, please refer to the Statewide Conditional Area Closure Notice on the DMR website: <http://www.maine.gov/dmr/shellfish-sanitation-management/closures/pollution.html>**
1. Cousins Island Shore: east of a line beginning at Parker Pt (Yarmouth), then running southwest to Sandy Point on Cousins Island, Yarmouth; AND west of a line beginning at the northern tip of Parker Point (Yarmouth) running southeast to the point of land at the end of Sea Meadows Ln (Yarmouth).

If you have questions, please contact Department of Marine Resources, 194 McKown Point Road, West Boothbay Harbor, Maine 04575-0008, Tel: (207) 633-9500 Email: DMRPublicHealthDiv@maine.gov. During **weekends/holidays**, contact on duty Marine Patrol Officers through the appropriate State Police barracks: from New Hampshire border to Brunswick, barracks 1-800-228-0857; from Cushing/Boothbay to Lincolnville/Belfast area, barracks 1-800-452-4664; from Belfast to Canadian border, barracks 1-800-432-7381. This notice can be viewed on the Department's website at: <http://www.maine.gov/dmr/shellfish-sanitation-management/closures/pollution.html>. This information is also recorded on our HOTLINE (207-624-7727 OR 1-800-232-4733).

Sincerely,



Bryant Lewis
Western Maine Growing Area Supervisor
Commissioner's Designee

3:00 PM
(Effective Time)



Maine Department of Marine Resources

Pollution Area No. 14

Royal River, Cousins River, and vicinity (Falmouth to Freeport)

