

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 95.07(F), Area No. 20, Kennebec River and Tributaries amended on December 16, 2011. This amendment redefines the trigger limits for conditional areas managed by the river gauge and eliminates seasonal closures. 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 95.07(F).

RULE TITLE AND SUBJECT: DMR Chapter 95.07(F), Area No. 20, Kennebec River and Tributaries amended on December 16, 2011 is amended as follows:

TITLE & TEXT OF RULE: DMR Chapter 95.07(F), Area No. 20, Kennebec River and Tributaries.

- 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. The Kennebec River and its tributaries, bounded by the shoreline and the following four lines: (1) a line beginning at the south tip of Hockomock Point (Woolwich) running southeast to the north tip of Flying Point (Georgetown); (2) line beginning at the eastern end of Stony Brook Road (Phippsburg), running east to a red painted post on the western shore of Lee Island; (3) a line beginning at the south tip of Lee Island running southeast to the northern tip of Squirrel Point (Arrowsic), (4) a line beginning at a red painted post on the northeastern tip of Bald Head (Arrowsic) running in a southerly direction to a red painted post on shore at Rotunda Hill (West Georgetown).
 2. Mill Pond (Phippsburg): west of a line starting at the northernmost tip of Eagret Point and running north to the opposite shore.
 3. The lower Kennebec River, south of a line beginning at the ice breaker pilings in Georgetown running due west to a red painted post on Long Island AND west of a line beginning at the southeast tip of Bay Point (Georgetown) running south to the "5A" spindle at Jack Rock AND north of a line from the "5A" spindle running northwest to the east tip of Hunniwell Point (Phippsburg) AND east of a line beginning at Hunniwell Point running northeast to the south tip of Long Island.
 4. Wood Island within 500 feet of the eastern shore, from the north tip of the island to the south tip of the island.
- B. Effective immediately, because of intermittent pollution due to river discharge, the shore, flats and waters of the following areas are classified as "Conditionally Approved" and shall be closed to the harvest of clams, quahogs, oysters and mussels when river discharge meets or exceeds 30,000 cfs between October 1st and January 31st; when river discharge meets or exceeds 60,000 cfs between February 1st and April 30th and when river discharge meets or exceeds 40,000 cfs between May 1st and September 30th:
1. Upper Kennebec River, south of a line beginning at the eastern end of Stony Brook Road (Phippsburg), running east to a red painted post on the western shore of Lee Island; AND west of a line beginning at the south tip of Lee Island running southeast to the northern tip of Squirrel Point (Arrowsic); AND west of a line beginning at a red painted post on the northeastern tip of Bald Head (Arrowsic), running south to a red painted post on the shore at Rotunda Hill (West Georgetown); AND north of a line beginning at a red painted post on the eastern side of Parker Head (Phippsburg), running east to a red painted post at Marrtown (West Georgetown). This area is currently OPEN.
 2. Outer Mill Pond (Phippsburg): north and west of a line beginning at the southwestern most tip of Parker Head then running south to the opposite shore; AND east of a line starting at the northernmost tip of Eagret Point and running north to the opposite shore. This area is currently OPEN.

3. Middle Kennebec River (Phippsburg and Georgetown): south and west of a line beginning at a red painted post on the western side of Parker Head (Phippsburg), running east to a red painted post at Marrtown (West Georgetown), then running southeast to the northern tip of Marr Island (Georgetown), and continuing southward along the western shore of the island, then running southeast to the north tip of Long Island (Georgetown), AND north and east of a line beginning at the southwestern most tip of Parker Head then running south to the opposite shore, AND north and east of a line beginning at the northeast tip of Cox Head (Phippsburg), running north to the C"11" navigational buoy, then running west to a red painted post on the Phippsburg shore AND north of a line beginning at the southern most tip of land on Cox Head (Phippsburg) running east to the opposite shore of Long Island (Georgetown). This area is currently OPEN.

4. Todd Bay (Georgetown): east of a line beginning at a red painted post at Marrtown (West Georgetown), running due south to the north tip of Marr Island; AND east and north of a line beginning at the south tip of Marr Island, running southeast to the north tip of Long Island, then continuing southeast to the north tip of Spinney Point (Georgetown). This area is currently OPEN.

5. Lower Todd Bay (Georgetown): south of a line beginning at the northern tip of Long Island, then running southeast to Spinney Point (Georgetown); AND north of a line beginning at the ice breaker pilings in Georgetown, then running west to a red painted post on the opposite shore of Long Island. This area is currently OPEN.

6. Wyman Bay (Phippsburg): west of a line beginning at the northeast tip of Cox Head (Phippsburg), running north to the C"11" navigational buoy, then running west to a red painted post on the Phippsburg shore. This area is currently OPEN.

7. Lower Kennebec Popham Bar (Phippsburg and Georgetown): south and west of a line beginning at the southern most tip of land on Cox Head (Phippsburg) running east to the opposite shore of Long Island (Georgetown); AND north and east of a line drawn across the mouth of Atkins Bay beginning from the northwest tip of Sabino Head running northeast to the south tip of Little Cox Head (Phippsburg); AND north and west of a line beginning at the southern tip of Long Island running southwest to the opposite shore at Fort Popham (Phippsburg). This area is currently OPEN.

C. Effective immediately because of intermittent pollution, the following area is classified as "Conditionally Approved" and shall be closed to the harvest of clams, quahogs, oysters and mussels when rainfall meets or exceeds 1.5" within a 24 hour period during the period October 1st through May 14th AND shall be closed when river discharge meets or exceeds 30,000 cfs between October 1st and January 31st; when river discharge meets or exceeds 60,000 cfs between February 1st and April 30th and when river discharge meets or exceeds 40,000 cfs between May 1st and September 30th; the shores, flats and waters of Atkins Bay (Phippsburg) inside of a line drawn across the mouth of the bay beginning from the northwest tip of Sabino Head running northeast to the south tip of Little Cox Head. This area is currently OPEN.

D. Effective immediately, because of intermittent pollution, the following area is classified as "Conditionally Approved" and shall be closed when river discharge meets or exceeds 60,000 cfs: the shores, flats and waters of Heal Eddy and Sagadahoc Bay (Georgetown), inside and shoreward of a line starting at the southeastern tip of Bay Point, then running southeast to the northern most tip of Stage Island, then running northeast to the south tip of Indian Point. This area is currently OPEN.

B. Effective immediately, because of intermittent pollution, the following area is classified as "Conditionally Approved", and shall be closed to the harvest of clams, quahogs, oysters and mussels from October 1 through December 31 AND shall be closed when river discharge meets or exceeds 30,000 cfs: the shores, flats and waters of the lower Kennebec River, south of a line beginning at the eastern end of Stony Brook Road (Phippsburg), running east to a red painted post on the western shore of Lee Island; AND west of a line beginning at the south tip of Lee Island running southeast to the northern tip of Squirrel Point (Arrowsic); AND west of a line beginning at a red painted post on the northeastern tip of Bald Head (Arrowsic), running in a southerly direction to a red painted post on the shore at Rotunda Hill (West Georgetown); AND north of a line beginning at a red painted post at Parker Head (Phippsburg), running due east to a red painted post at Marrtown (West Georgetown). This area is currently CLOSED.

- ~~C. Effective immediately because of intermittent pollution, the following area is classified as "Conditionally Approved", and shall be closed when river discharge meets or exceeds 30,000 cfs: the shores, flats and waters of Lower Kennebec River (Phippsburg and Georgetown) south and west of a line beginning at a red painted post at Parker Head (Phippsburg), running due east to a red painted post at Marrtown (West Georgetown), then running southeast to the northern tip of Marr Island (Georgetown), and continuing southward along the western shore of the island, then running southeast to the north tip of Long Island (Georgetown), and continuing along the western shore, then running southwest from the southern tip of Long Island to Fort Popham (Phippsburg); AND east of a line drawn across the mouth of Atkins Bay, from northwest tip of Sabino Head to the south tip of Little Cox Head (Phippsburg); AND east and north of a line beginning at the northeast tip of Cox Head (Phippsburg), running north to the C"11" navigational buoy, then running due west to a red painted post on the shore of Phippsburg; AND east of a line starting at the northernmost tip of Eagret Point (Phippsburg) and running north to the opposite shore. This area is currently OPEN.~~
- ~~D. Effective immediately, because of intermittent pollution, the following area is classified as "Conditionally Approved", and shall be closed to the harvest of clams, quahogs, oysters and mussels from September 1 through December 31 AND shall be closed when river discharge meets or exceeds 30,000 cfs: the shores, flats and waters of Todd Bay (Georgetown), east of a line beginning at a red painted post at Marrtown (West Georgetown), running due south to the north tip of Marr Island; AND east and north of a line beginning at the south tip of Marr Island, running southeast to the north tip of Long Island, then southeast to the north tip of Spinney Point. (Georgetown). This area is currently CLOSED.~~
- ~~E. Effective immediately because of intermittent pollution, the following area is classified as "Conditionally Approved" and shall be closed when river discharge meets or exceeds 30,000 cfs: the shores, flats and waters of lower Todd Bay, south of a line starting at the northern tip of Long Island, then running southeast to Spinney Point (Georgetown); AND north of a line beginning at the ice-breaker pillings in Georgetown, then running due west to a red painted post on Long Island. This area is currently OPEN.~~
- ~~F. Effective immediately, because of intermittent pollution, the following area is classified as "Conditionally Approved," and shall be closed to the harvest of clams, quahogs, oysters and mussels from October 1 through December 31, AND shall be closed when river discharge meets or exceeds 30,000 cfs: the shores, flats and waters of Wyman Bay, west of a line beginning at the northeast tip of Cox Head (Phippsburg), running north to the C"11" navigational buoy, then running due west to a red painted post on the Phippsburg shore. This area is currently CLOSED.~~
- ~~G. Effective immediately because of intermittent pollution, the following area is classified as "Conditionally Approved," and shall be closed to the harvest of clams, quahogs, oysters and mussels when rainfall meets or exceeds 1.5" within a 24 hour period during the period October 1st through May 14th AND shall be closed when river discharge meets or exceeds 30,000 cfs: the shores, flats and waters of Atkins Bay, inside of a line drawn across the mouth of the bay from the northwest tip of Sabino Head to the south tip of Little Cox Head AND south of a line beginning at a red painted post located on the shore at the end of Tug Boat Drive running in an easterly direction to the southernmost tip of Little Cox's Head. This area is currently OPEN.~~
- ~~H. Effective immediately, because of intermittent pollution, the following area is classified as "Conditionally Approved", and shall be closed when river discharge meets or exceeds 60,000 cfs: the shores, flats and waters of Heal Eddy and Sagadahoc Bay (Georgetown), inside and shoreward of a line starting at the southeastern tip of Bay Point, then running southeast to the northern most tip of Stage Island, then running northeast to the south tip of Indian Point. This area is currently OPEN.~~

EFFECTIVE DATE: February 17, 2012

EFFECTIVE TIME: 12:28 PM

AGENCY CONTACT PERSON: Kohl Kanwit, Department of Marine Resources,
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http://www.maine.gov/dmr/rm/public_health/closures/closedarea.htm
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Maine Department of Marine Resources

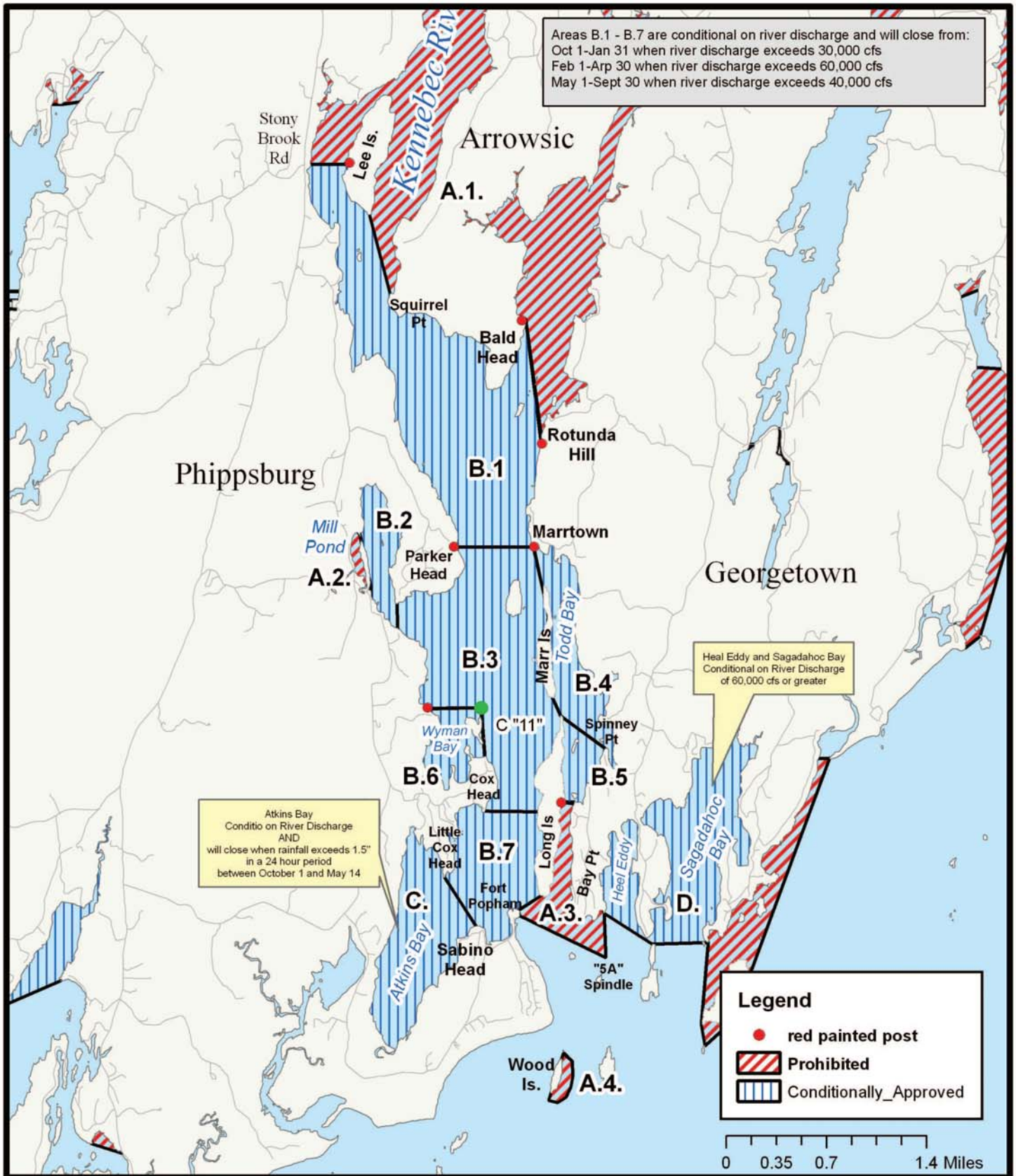
Pollution Area No. 20

Kennebec River and Tributaries



2/17/12

Areas B.1 - B.7 are conditional on river discharge and will close from:
Oct 1-Jan 31 when river discharge exceeds 30,000 cfs
Feb 1-Apr 30 when river discharge exceeds 60,000 cfs
May 1-Sept 30 when river discharge exceeds 40,000 cfs



Atkins Bay
Condition on River Discharge
AND
will close when rainfall exceeds 1.5"
in a 24 hour period
between October 1 and May 14

Heel Eddy and Sagadahoc Bay
Conditional on River Discharge
of 60,000 cfs or greater

Legend

- red painted post
- ▨ Prohibited
- ▤ Conditionally Approved