



PAUL R. LEPAGE
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

November 17, 2010

Ladies and Gentlemen:

Under the authority of Maine statute 12 M.R.S.A., Chapter 607, Section 6172; the Commissioner has made the following change to Area No. 36, Bagaduce River and Harborside (Castine, Penobscot, Brooksville): This amendment clarifies the boundary lines for the Bagaduce River conditional area and defines the 'Closed status' conditions for the seasonal and the waste water treatment plant conditionally approved areas described in sections B. and C. on this legal notice.. All existing pollution and red tide/psp 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 flats and waters of:
1. Harborside, Brooksville: lying south (inshore) of a line beginning at a red post located on the most western tip of land in Tom Cod Cove and running southwesterly to the most northwestern prominence (about 0.9 mile) at Harborside, then following the lowest tide mark southerly (about 0.6 mile) to a red post located on a stone pier.
 2. Bagaduce River: inshore (north and west) of a line beginning at the southern tip of Dice Head, Castine, and running east to the northern tip of High Tide Island, then northeast to the southern tip of Lower Negro Island, then running north to the eastern point on Upper Negro Island, then running northwest (about 0.2 miles) to a red painted post on the western shore of the Bagaduce River.
- B. Effective immediately, because of pollution, the shores, flats and waters of Bagaduce River located north of a line starting at a red-painted marker ($44^{\circ} 25' 28.7''N$ $68^{\circ} 45' 34.6''W$) on Jones Point, Brooksville; then running west across the Bagaduce River to the nearest opposite shore in Castine AND west of a line running from the same red-painted marker on Jones Point north across the "narrows" of the Bagaduce River to the nearest opposite Penobscot shore, are classified as "Conditionally Approved" and shall be closed to the harvest of clams, quahogs, oysters and mussels from May 1 through October 31. ~~Effective May 1 through October 31, the Bagaduce River will be closed between a line running north from the northern point of Jones Point, Brooksville to the nearest opposite shore of the so called "Grindle Eddy Narrows", Penobscot and a line from the west point of Jones Point, Brooksville west to the nearest opposite shore.~~
- C. 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 Bagaduce River: east of a line from the southern tip of Dice Head, Castine running south to the northwest point of Harborside, Brooksville; then north of a line extending from the northwest point of Harborside, Brooksville northeast to the western tip of land in Tom Cod Cove, Brooksville; then follows the shoreline~~

northeast to the northwest end of Indian Bar, Brooksville; then running across the bar to the northeast end; then running northeast to the Coast Guard navigational aid Nun "2"; then north to the southern tip of Henry Point, Brooksville; then follows the shoreline north to a red-painted marker (44° 25' 28.7"N 68° 45' 34.6"W) on Jones Point, Brooksville; then south of a line running from the red-painted marker west to the nearest opposite shore in Castine; then follows the shoreline approximately .9 miles to a red painted post (44° 24' 37.8"N 68° 46' 16.6"W) on the western shore of the Bagaduce River, Castine; then south and east of a line extending from the red painted post southeast about .2 miles to the eastern point on Upper Negro Island, Castine; then south and east of a line running south to Lower Negro Island, Castine; then south and east of a line running southwest to the northern tip of High Tide Island; then south of a line extending west to the southern tip of Dice Head, Castine. are classified as "Conditionally Approved" and shall be closed to the harvest of clams, quahogs, oysters and mussels during any malfunction event at the Castine Sewage Treatment Plant. This area is currently OPEN.

EFFECTIVE DATE: November 17, 2010

EFFECTIVE TIME: 2:15 PM

If you have questions, please contact Kohl Kanwit, Department of Marine Resources, 194 McKown Point Road, West Boothbay Harbor, Maine 04575-0008, Tel: (207) 633-9535, Email: Kohl.Kanwit@maine.gov. During **weekends/holidays**, contact 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/rm/public_health/closures/closedarea.htm . This information is also recorded on our HOTLINE (207-624-7727 OR 1-800-232-4733).



Maine Department of Marine Resources

Pollution Area No. 36

Bagaduce River and Harborside (Castine, Penobscot, Brooksville)

