



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 28, 2023

This notice is in effect until repealed or replaced.

Under the authority of 12 M.R.S.A. § 6172; the Commissioner has made the following changes to Growing Area WI, McKenney Point (Cape Elizabeth) to Stockbridge Point (Freeport). This notice reclassifies Mackworth Cove from Prohibited to Conditionally Restricted requiring a special MDMR permit to harvest due to water quality meeting the restricted standard in the open status, reclassifies the Conditionally Approved portion of Broad Cove to seasonally closed for two additional months due to water quality no longer meeting the approved standard when in the open status, and reclassifies the Conditionally Restricted areas in the lower Royal and Cousins Rivers to have an additional condition to close following a high-flow event at the Yarmouth Wastewater Treatment Plant. 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/fisheries/shellfish/shellfish-closures-and-aquaculture-leases-map>. 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):

Prohibited: Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters, mussels or whole or roe-on scallops taken from the shores, flats and waters of the following Prohibited areas:

- P1. Cousins River (Yarmouth, Freeport): north of a line beginning at a red painted post at the end of Eider Pt (Yarmouth) running east to the opposite shore.
- P2. 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.
- P3. 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).
- P4. Yarmouth Mainland (Yarmouth): west of a line beginning at Parker Pt (Yarmouth), then continuing southwest to Sandy Point (Cousins Island, Yarmouth) and then continuing southwest to Princess Point (Yarmouth).
- P5. 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.

- P6. Sturdivant Island (Cumberland): 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.
- P7. Sturdivant Island (Cumberland): 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.
- P8. Clapboard Island (Falmouth): within 300 feet of shore.
- P9. Western Casco Bay and Islands (Cape Elizabeth to Falmouth): inside and shoreward of a line beginning at the end of Waites Landing Road (Falmouth), then running southwest to the south tip of the most western island of The Brothers, continuing southeast to the south tip of the southeastern most island of The Brothers, continuing northeast to Crow Island (1000' northeast of Chivericks Cove (Long Island), continuing southeast to the navigational aide Red Beacon "P" Mo (A), and then continuing northwest to McKenney Point (Cape Elizabeth); AND south of a line beginning at the northeastern tip of Martin Point (Portland) running east to the western tip of Mackworth Island; AND east of the Mackworth Island causeway bridge, south of the Route 4 bridge (Falmouth/Portland).
- P10. Bates Island (Chebeague Island): inside and shoreward of a line beginning at the north tip of Bates Island; then running southwest to the south tip of Ministerial Island; then running southeast to the south tip of Bates Island.
- P11. Cliff Island (Portland): within 500 feet of shore.
- P12. Hope Island (Chebeague Island): within 500 feet of shore.
- P13. Stave Island: east of a line beginning at the northern tip of Stave Island running northeast approximately 250 yards to the northern end of the western Stave Island ledge; AND south of a line beginning at the northern end of the western Stave Island ledge running east to the northern end of the eastern Stave Island ledge; AND west of a line beginning at the northern end of the eastern Stave Island ledge running southwest to the eastern tip of Stave Island.
- P14. Presumpscot River (Portland/Falmouth): North of a red painted post at the end of Foreside Common Dr. (Falmouth) running west to a red painted post on the opposite shore (Portland).

Restricted: Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters, mussels or whole or roe-on scallops (from aquaculture leases with an MOU only) from the shores, flats and waters of the following Restricted area without a special MDMR permit:

- R1. 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.
- R2. Mussel Cove (Falmouth): inside and shoreward of a line beginning at a red painted post at the most northern point of land at the mouth of Mussel Cove (Falmouth), then continuing southeast to the tip of Bartlett Point (Falmouth), then continuing southeast to the tip of Prince Point (Falmouth).

Conditionally Restricted (WWTP): Effective immediately, because of proximity to a WWTP, it shall be unlawful to dig, take or possess any clams, quahogs, oysters, mussels or whole or roe-on scallops (from aquaculture leases with an MOU only) from the shores, flats and waters of the following Conditionally Restricted area(s) following a malfunction/CSO event at the Yarmouth Wastewater Treatment Plant OR

when flow rates at the Yarmouth Wastewater Treatment Plant exceed 1.31 MGD over four hours. Harvest in this area during the open status is allowed only with a special MDMR permit.

- CR1. 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 "C5" 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). This area is available only for a MDMR permitted project for male specific coliphage (MSC) depuration harvest and is not suitable for relay purposes.
- CR2. Cousins River (Yarmouth/Freeport): east of a line beginning at the northeast tip of Browns Point (Yarmouth), then running southeast across the mouth of the Royal River to the "C5" navigational buoy; AND south of a line beginning at the northeast tip of Browns Point running northeast to the opposite shore at the end of Lambert Rd (Freeport); AND north of a line beginning at the "C5" navigational buoy running northeast to the western tip of Fogg Point (Freeport).

Conditionally Restricted (WWTP & Rainfall): Effective immediately, because of proximity to a WWTP AND intermittent pollution due to rainfall, it shall be unlawful to dig, take or possess any clams, quahogs, oysters, mussels or whole or roe-on scallops (from aquaculture leases with an MOU only) from the shores, flats and waters of the following Conditionally Restricted area(s) following a malfunction/CSO event at the Falmouth Wastewater Treatment Plant or Arcadia Street CSO OR when rainfall meets or exceeds 1" within a 24 hour period. **Harvest in this area during the open status is allowed only with a special MDMR permit.**

- CR3. Presumpscot River and Mackworth Cove (Falmouth/Portland): north of a line beginning at the northeastern tip of Martin Point (Portland) running east to the western tip of Mackworth Island; AND west of the Mackworth Island causeway bridge North of the Route 1 bridge (Falmouth/Portland); AND south of a red painted post at the end of Foreside Common Dr. (Falmouth) running west to a red painted post on the opposite shore (Portland).

Conditionally Approved (WWTP & Rainfall): Effective immediately, because of proximity to a WWTP AND intermittent pollution due to rainfall, it shall be unlawful to dig, take or possess any clams, quahogs, oysters, mussels or whole or roe-on scallops (from aquaculture leases with an MOU only) from the shores, flats and waters of the following Conditionally Approved area(s) following a malfunction/CSO event at the Yarmouth Wastewater Treatment Plant OR when flow rates at the Yarmouth Wastewater Treatment Plant exceed 1.31 MGD over four hours OR when rainfall meets or exceeds 1" within a 24 hour period. **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:

<https://www.maine.gov/dmr/fisheries/shellfish/closures>

- CA1. Cousins River (Yarmouth, Freeport): north of a line beginning at the northeast tip of Browns Point (Yarmouth) running northeast to the opposite shore at the end of Lambert Rd (Freeport); 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.

Conditionally Approved (WWTP & Rainfall): Effective immediately, because of proximity to a WWTP AND intermittent pollution due to rainfall, it shall be unlawful to dig, take or possess any clams, quahogs, oysters, mussels or whole or roe-on scallops (from aquaculture leases with an MOU only) from the shores, flats and waters of the following Conditionally Approved area(s) following a malfunction/CSO event at the Yarmouth Wastewater Treatment Plant OR 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:

<https://www.maine.gov/dmr/fisheries/shellfish/closures>

- CA2. Cousins Island Shore (Yarmouth): 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).

Conditionally Approved (WWTP): Effective immediately, because of proximity to a WWTP, it shall be unlawful to dig, take or possess any clams, quahogs, oysters, mussels or whole or roe-on scallops (from aquaculture leases with an MOU only) 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: <https://www.maine.gov/dmr/fisheries/shellfish/closures>

- CA3. Freeport Shore (Freeport, Yarmouth): 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).

Conditionally Approved (Seasonal): Effective immediately, because of seasonal pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters, mussels or whole or roe-on scallops (from aquaculture leases with an MOU only) from the shores, flats and waters of the following Conditionally Approved area(s) during the closed dates:

- CA4. Western Broad Cove (Cumberland): west of a line beginning at the end of Beach Rd. running northeast to a red painted post on the northeastern shore on a small south facing point along Ledge Rd (closed ~~August~~ ~~September~~ 1st through ~~December 31st~~ ~~November 30th~~).
- CA5. Falmouth Foreside (Falmouth to Cumberland): east of a line beginning at a red painted post at the most northern point of land at the mouth of Mussel Cove (Falmouth), then continuing southeast to the tip of Bartlett Point (Falmouth), then continuing southeast to the tip of Prince Point (Falmouth); AND east of a line beginning at the end of Waites Landing Road (Falmouth), then running southwest to the south tip of the most western island of The Brothers, continuing southeast to the south tip of the southeastern most island of The Brothers; AND south of a line beginning at the point of land at the end of Sanderson Road (Cumberland) running southeast to 500 feet from the northwestern shore of Sturdivant Island (closed May 1st through November 14th).

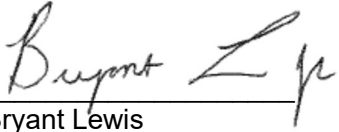
Approved: All other shores, flats and waters not described in the above sections are Approved and it is lawful to dig, take or possess any clams, quahogs, oysters, mussels or whole or roe-on scallops (from aquaculture leases with an MOU only) when in the open status. For current status, please refer to the Biotxin and Emergency Closure Notices on the DMR website: <https://www.maine.gov/dmr/fisheries/shellfish/closures>

A. Growing Area WI.

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:

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<https://www.maine.gov/dmr/fisheries/shellfish/closures>. This information is also recorded on our HOTLINE (207- 624-7727 OR 1-800-232-4733).



Bryant Lewis
Western Maine Growing Area Supervisor
Commissioner's Designee

10:30 AM
(Effective Time)