

**Maine Land Use Planning Commission**

Department of Agriculture, Conservation and Forestry



**BASIS STATEMENT AND SUMMARY OF COMMENTS**

**FOR AMENDMENTS TO**

**CHAPTER 10: LAND USE DISTRICTS AND STANDARDS REGARDING**

**APPENDIX D, LAKES AND RIVERS ON WHICH THE USE OF PERSONAL WATERCRAFT IS PROHIBITED: UPPER WILSON POND (LAKE #0410), PISCATAQUIS COUNTRY**

May 8, 2019

**STATUTORY AUTHORITY:**

12 M.R.S. § 685-A(3)  
12 M.R.S. § 685-A(7-A)  
12 M.R.S. § 685-C(10)(D)

**EFFECTIVE DATE OF THE RULE AMENDMENT:** *To be filled in after adoption*

**FACTUAL AND POLICY BASIS FOR THE RULE AMENDMENT:**

On January 3, 2019, the Commission received a petition requesting rulemaking to update the list of “Lakes and rivers on which the use of personal watercraft is prohibited” (Chapter 10, Appendix D). Specifically, the petitioner requests that the Commission add Upper Wilson Pond in Bowdoin College Grant West Township to the list.

The use of personal watercraft on certain categories of great ponds is prohibited by statute (12 M.R.S. §685-C(10)). Since the Moosehead Region Conservation Easement became effective (2009), Upper Wilson Pond now falls into one of those categories. The Commission maintains a list of the waterbodies on which the use of personal watercraft is statutorily prohibited in Chapter 10, Appendix D. This list is used by the public and by staff as a helpful reference.

The statute (12 M.R.S. §685-C(10)) reads, in part:

10. Operating a personal watercraft is prohibited on the following categories of great ponds:

...

D. Great ponds with less than all but more than 2/3 of their surface area in or partly in the jurisdiction of the commission that are identified as being of statewide significance in the “Maine Wildlands Lake Assessment” dated June 1, 1987 prepared by the commission, with 2 or more outstanding resource values in fisheries, wildlife, scenic or shore character and with more than 1/2 of their shoreline in public and private conservation ownership with guaranteed public access for low-impact public recreation.

Upper Wilson Pond is a Great Pond designated as a resource class 1A lake. This means that it is a lake of statewide significance with two or more outstanding values, specifically outstanding fisheries and scenic values.

About 88%, or more than 2/3, of the surface area of Upper Wilson Pond is in Bowdoinham College Grant West Township and within the LUPC jurisdiction. The remainder of Upper Wilson Pond lies within the Town of Greenville. Approximately 67% of the shoreline of Upper Wilson Pond, or more than 1/2, is protected by the Moosehead Region Conservation Easement.

The Moosehead Region Conservation Easement establishes a permanent right of public access for low-intensity outdoor recreation on protected lands. This right is described in Section 6 of the Conservation Easement.

Therefore, based on the facts presented here, the use of personal watercraft is prohibited by statute on Upper Wilson Pond. This rulemaking updates Appendix D of Chapter 10 of the Commission’s rules to reflect that.

**PUBLIC NOTICE OF RULEMAKING**

Commission Staff initiated rulemaking after receiving a petition for rulemaking. The proposed rule revision was posted for a thirty-day public comment period beginning March 6, 2019. Notice of the rulemaking was provided in the Secretary of State’s consolidated rulemaking notice on March 6, 2019. The Secretary of State’s notice appeared in the Bangor Daily News, Kennebec Journal, Portland Press Herald, Lewiston Sun-Journal, and the Central Maine Morning Sentinel. E-mail notice was also provided to approximately 1,171 individuals. These included the Commission’s mailing list of persons wishing to be contacted regarding rule making. The notice of the rulemaking and the proposed revisions were also posted on the Commission’s web site. The record remained open until April 5, 2019, to allow interested persons to file written statements with the Commission.

**COMMENTS AND RESPONSES:**

No comments were received.