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Final Recommendations of the Great Ponds Task Force

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STATE OF MAINE  
EXECUTIVE DEPARTMENT  
STATE PLANNING OFFICE  
38 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0038

ANGUS S. KING, JR.  
GOVERNOR

EVAN D. RICHERT, AICP  
DIRECTOR

TO: Citizens Interested in Maine's Great Ponds  
FROM: Hank Tyler *Hank*  
DATE: March 5, 1997  
RE: Final Recommendations of the Great Ponds Task Force.

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Please find enclosed the final recommendations of the Great Ponds Task Force dated February 25, 1997.

Senator Sharon Treat is sponsoring the Task Force's legislative package. You will be sent a notice when the Legislative Document is printed and the date for the Public Hearing is set.

If you have specific questions, please call me directly at (207) 287-1489.

*Note:* the Strategic Management Plan is not yet available.



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# FINAL RECOMMENDATIONS OF THE GREAT POND TASK FORCE

February 25, 1997

This is the complete slate of final recommendations which will be included in the Great Pond Strategic Management Plan and submitted to Governor King and the Legislature in January 1997.) Those which are legislative changes are identified with an (L). All of these will appear in the bill going before the 118th Legislature.

## Watercraft Issues Sound

- 1. The State of Maine shall establish a maximum sound level of 78 dB @ 50 feet as measured on the A scale for motorized watercraft. 82dB shall apply to all motors purchased prior to the 78 dB date of adoption. (L)**
- 2. The State of Maine shall prohibit tampering with or modifying the exhaust or muffler system of a watercraft that would result in an increased sound. (L)**

## Horsepower Limitations

- 3. The Department of Inland Fisheries & Wildlife and the Land Use regulation Commission, with assistance from the State Planning Office and the Land & Water Resource Council, shall propose horsepower and watercraft type restrictions, on a pond by pond basis, for those Great Ponds identified as "special lakes" in the State Planning Office's report Maine's Finest Lakes. The Department shall report their recommendations to the Land & Water Resources Council for endorsement and seek legislative action.**

Some examples of these Great Ponds are:

<u>County</u>	<u>Great Pond</u>	<u>Size(acres)</u>
Aroostook	Deboullie Lake	262
Aroostook	Gardner Lake	288
Piscataquis	First Debsconeag	320
Piscataquis	Second Debsconeag	189
Piscataquis	Third Debsconeag	1011
Piscataquis	Fourth Debsconeag	227
Piscataquis	Lobster Lake	3475
Piscataquis	Nahmakanta	1024
Piscataquis	Nesourdnehunk Lake	1394
Penobscot	Katahdin Lake	717
Somerset	Pierce Pond	1650
Somerset	Enchanted Pond	330
Somerset	Holeb Pond	1055
Somerset	Attean Pond	2745
Somerset	Penobscot Lake	1162
Somerset	Bald Mountain Pond	1152

Vendor Licensing

4. The State of Maine shall establish a licensing program for vendors who rent recreational motorized watercraft including Personal Watercraft. The purpose of this licensing program is to promote a direct linkage with boating instructional programs and educational and law enforcement officers of the State of Maine. Vendors who rent motorized watercraft including Personal Watercraft shall be required to provide educational materials and a brief instructional program which has been approved by the Department of Inland Fisheries & Wildlife. Commercial sporting camps shall be exempt from this licensing program. (L)

## Education

**5. The Department of Inland Fisheries and Wildlife shall assign the task of Surface-Use Coordinator to oversee surface use programs on inland waters. The Coordinator will ensure that enforcement, education and outreach are components of these programs and will develop and implement training and certification for Harbor Masters to assist the Maine Warden Service in the enforcement of surface use and boating laws. This position shall be funded by the Watercraft Enforcement Fund.**

**6. The State of Maine shall require mandatory water safety education for people ages 12 to 16 to operate motorized watercraft of 10 horsepower or greater. The State of Maine will monitor the status of educational requirement of the other New England states so that Maine can up-date its educational requirements to be consistent with the other New England states. (L)**

**7. The State of Maine, through the Departments of Inland Fisheries and Wildlife and Marine Resources, shall develop and promote, through its enforcement and education efforts, an official Code of Conduct for safe and courteous boating. Public input shall be solicited as part of this process.**



### Enforcement

**8. The State of Maine shall increase the fine for violations of Maine law by operators of Watercraft. The suggested language is: “ A current violation of law concerning the operation of watercraft shall result in a non-suspendable forfeiture of not less than \$100 or more than \$500. (L)**

**9. The State of Maine shall better define and make more approachable for the public the procedure for revoking a Code Enforcement Officer’s certification when there are documented cases of the CEO failing to carry out his/her authority to enforce existing laws.**

### Surface Use

#### Personal Watercraft

**10. The State of Maine shall increase the minimum age to operate a Personal Watercraft on State waters to 16 years of age. (L)**

**11. The State of Maine shall not allow “wake jumping” while operating a Personal Watercraft. (L)**

**12. In the State of Maine , “Personal Watercraft” shall mean any watercraft 14 feet in length or less, using an inboard motor powering a jet pump as its primary source of power, and designed to accommodate persons sitting, standing or kneeling on the watercraft. (L)**

**13. In the State of Maine, Personal Watercraft shall display an educational decal approved by the Department of Inland Fisheries and Wildlife which the operator will have a clear view of when operating the Personal Watercraft. (L)**

**14. Personal watercraft shall be prohibited on Great Ponds entirely within the jurisdiction of LURC unless specifically allowed by LURC. (L)**

**15. Personal watercraft shall be prohibited on Great Ponds under 200 acres not wholly enclosed within the jurisdiction of LURC , provided that this limitation will not take effect until June 1, 1999 during which time citizens may petition the Department of Inland Fisheries and Wildlife to modify or repeal this restriction for a given Great Pond or section of a Great Pond**

**A petition to modify the restriction, may without limitation address such factors as time of use and designated areas on a Great Pond or use of a personal watercraft.**

**A petition may, as well, address the issue of personal watercraft on a regional basis involving two or more Great Ponds that are perceived as an interrelated recreational resource.**

**The Department of Inland Fisheries and Wildlife with the assistance of the State Planning Office and the Land & Water Resource Council shall develop a plan to implement the petition process and a possible fee structure to address costs associated with this process. (L)**

**16. The State of Maine shall expand the rulemaking authority of the Commissioner of IF&W (*Title 12, Sec. 7792 #4*) to consider horsepower and/or watercraft type limitations for Great Ponds or sections of Great Ponds to include the following: 1) environmental concerns including noise, 2) wildlife values, 3) speed, and 4) traditional use. (L)**

17. Notwithstanding recommendation #15, the Maine Indian Tribal State Commission shall arrive at its own recommendations with respect to the surface-use of Great Ponds within Indian Territory for consideration by the Legislature and the Department of Inland Fisheries and Wildlife and the Land Use Regulation Commission. The Maine Indian Tribal State Commission shall make its recommendations no later than Sept 1, 1997. If recommendations are not made by that time, the provisions of recommendation #15 shall apply. Those Great Ponds within the Indian Territory jurisdiction are:

**Penobscot Waters**

Alder Stream TWP (T2 R5 WBKP), Franklin County  
Round Mountain Pond

T2 R9 NWP & T3 R9 NWP, Penobscot County  
East Branch Lake  
Little Mattamiscontis Lake  
Mattamiscontis Lake

T6 R8 WELS, Mattagamon Tract, Penobscot County  
First Lake Mattagomon  
Mountain Catcher Pond

**Passamaquoddy Waters**

Lowelltown TWP (T1 R8), Franklin County  
Big Indian Pond  
Clear Pond  
Elaine Pond  
Little Indian Pond  
Squaw Pond  
Trout Pond  
Twin Island Pond

Holeb TWP (T6 R1 NBKP), Somerset County  
Fish Pond  
Grassy Pond  
Little Fish Pond

Prentiss TWP (T4 R4 )

**Cape Horn Pond  
Duncan Pond  
Hall Pond  
Lower Welman Pond**

**Alder Brook TWP (T3 R3 NBKP), Somerset County  
Beaver Pond**

**3ND, Hancock County  
Lower Pistol Pond  
Side Pistol Lake**

**T4 ND, Hancock County  
Killman Pond  
Middle Chain Lake  
Middle Pistol Lake  
Upper Chain Lake  
Upper Pistol Lake**

**T5 R1 NBPP, Washington County  
Mill Privilege Lake**

**T5 ND BPP, Washington County  
Lower Chain Lake  
Sysladobsis Lake**

**T19 MD BPP, Washington County  
Black Brook Pond  
Grassy Pond**

Safety

**18. In the State of Maine, no person shall operate a watercraft without utilizing the factory installed safety features provided by the manufacturer. (L)**

Navigational Aids

**19. The State of Maine shall grant limited liability to incorporated lake associations or other incorporated associations for placing navigational aid markers in Great Ponds. (L)**

Acadia National Park

**20. The National Park Service shall manage Great Ponds at Acadia National Park in a manner consistent with the purposes for which the park was established. The following actions shall be implemented to protect the special qualities and values of Great Ponds at Acadia National Park.**

**A. Personal watercraft shall be prohibited on Eagle Lake and Jordan Pond.**

**B. Horsepower shall be limited to 10 at Eagle Lake and Jordan Pond.**

**C. Internal combustion engines shall be prohibited at Upper Hadlock Pond, Lower Hadlock Pond, Witch Hole Pond, Aunt Betty's Pond, Bubble Pond, Round Pond and Lake Wood.**

**D. The Department of Inland Fisheries & Wildlife shall, in consultation with the National Park Service, affected towns and local residents, shall resolve surface use issues on a case-by-case basis for those Great Ponds bordering Acadia National Park.**

**E. The National Park Service shall cooperate with the Departments of Inland Fisheries & Wildlife and Environmental Protection to resolve future environmental or social issues on Great Ponds at Acadia National Park.**

## **Water Quality Issues**

### **Public Water Supplies**

**21. The State of Maine shall recognize that there are numerous Great Ponds which are public water supplies and that the nature of this use requires that the Department of Environmental Protection and the Department of Human Services -Health Engineering ensure the maximum environmental and public health protection for these water resources.**

**22. The State of Maine shall increase the no trespass zone around the in-takes to a public water supply to 1,000 feet. A process establishing agreements regarding existing uses within 1,000 feet of all existing in-take shall be developed by the DHS-Health Engineering.**  
(L)

**23. The State of Maine shall design all new public boat launching sites, and retrofit all existing public, boat launching sites located on Great Ponds that serve as a public water supply to afford the highest feasible level of water quality protection.**

## Funding

### FUNDING AND A MECHANISM TO IMPLEMENT THE CONSERVATION PLAN

**24. The State of Maine shall establish a Water Craft Enforcement Fund to be administered by the Department of Inland Fisheries and Wildlife to be used in support of boating enforcement including Harbor Masters, education, safety, and the administration of the expanded rulemaking authority held by the Commissioner of Inland Fisheries & Wildlife (Title 12, Sec 7792 #4). (L)**

**25. The State of Maine shall increase the boat registration fee from \$4.00 to \$15.00 (this increase to be applied only to the first boat in the case of commercial multiple ownership), the real estate transfer tax from \$4.40 per \$1,000 to \$4.84 per \$1,000 or a combination of the two. The real estate transfer tax increase shall apply only to those transfers entirely within Great Pond watersheds. These funds shall be dedicated revenues to support boating enforcement, education and safety on Maine lakes and to ensure the future water quality of this significant recreational and economic resource. The funding shall be split with 70% to the Water Craft Enforcement Fund, to be administered by the Department of Inland Fisheries and Wildlife and 30% to revitalize the Lakes Program at the Department of Environmental Protection (to protect water quality and enhance lakes education). IF&W shall work with the Department of Marine Resources to determine the percentage which shall go to Marine enforcement. (L)**

**26. Establish a mandatory, one time fee of \$10.00 collected by the municipalities for canoes, kayaks, sail boards, sail boats and rowing craft. The fee shall be divided two ways: \$1.00 to the municipality collecting the fee to cover administration; \$9.00 to the Lakes Heritage Fund with automatic coverage of the Lakes Program (depending on registration and real estate transfer tax revenues) but not to exceed the requested \$484,000 for this program. The use of remaining funds shall be decided by the Land & Water Resource Council.(L)**

**27. Establish an annual \$10.00 water quality impact fee on residential dwelling units on parcels wholly or partially within the shoreland zone of a Great Pond. The fee shall be divided three ways: \$3.00 going to the municipality for code enforcement training and education using guidelines established by the Land & Water Resource Council for the use of these funds; \$1.00 to the municipality collecting the fee to cover the cost of administration; \$6.00 to the Lakes Heritage Fund with automatic coverage of the Lakes Program (depending on registration and real estate transfer tax revenues) but not to exceed the requested \$484,000 for this program. The use of remaining funds shall be decided by the Land & Water Resource Council. (L)**

**28. The State of Maine shall allocate penalties levied by DEP for violations of laws related to Great Ponds, to the Maine Lakes Heritage Fund.**

**29. The State of Maine shall establish a Lakes Heritage Fund, a dedicated fund to be administered by the Land and Water Resource Council using the Great Ponds Management Plan and the recommendations contained therein as its guide in the allocation of future funds. The Fund shall be authorized to accept dollars through grants, contracts, gifts and other sources of funding. (L)**

**30. The State of Maine shall develop a matching grant program to provide funding for expansion of local planning and ordinance development, and CEO lake protection activities in municipalities where Great Ponds are at risk.**



NOTE: The following information will be incorporated into the body of the Strategic Management Plan and will be referenced wherever appropriate.

Additional sources of funding and actions, recommended and prioritized by the Great Ponds Task Force and requiring funding to implement, are listed below.

FUNDING NEEDS ( Prioritized by the Great Ponds Task Force and recommended for consideration)

- 1.) Revitalization of the Lakes Program at DEP - \$484,000
- 2.) Increased enforcement and education through IF&W, DMR - \$840,000
- 3.) Increased enforcement and education through Harbor Masters - \$(included in #2)
- 4.) Petition process under expanded criteria -\$(included in #2)
- 5.) Inland & Fisheries and Wildlife Surface-Use Coordinator (position) - \$50,000
- 6.) Establishment of decibel limit for motorized watercraft - \$12,000
- 7.) Establishment of a vendor licensing program - \$(self funded through vendor fees)
- 8.) Mandatory water safety education - \$?
- 9.) Code of Conduct for Safe and Courteous Boating - \$25,000
- 10.) Priority Watershed Project - \$250,000 - \$500,000
- 11.) Expansion of CEO lake protection - \$50,000
- 12.) Water Craft Educational Materials (to include the Guide to Safe Boating in Maine) \$25,000
- 13.) Placement of navigational aids - \$2,000
- 14.) Retrofit public boat launching sites on Great Ponds serving as public water supplies - \$(existing sources)

## FUNDING SOURCES

Existing funding sources that could be redirected:

- A. Boat excise tax.
- B. Loon license plate revenues.
- C. Federal and State tax on gasoline
- D. Wetland compensatory mitigation funds.

**Potential funding sources for consideration:**

- A. Reapportionment of the State and Federal gas tax.
- B. A one-time non motorized water craft fee.
- C. Environmental fines related to Great Ponds (specifically, N.R.P.A., waste discharge, erosion control).
- D. State of Maine income tax check-off.
- E. Bond issue for capital improvements.
- F. \$1,000 fine for motorized vehicles that break through the ice of Great Ponds.
- H. A surcharge on rental water craft units.
- I. Shore land owner fee. An annual fee for each shore land property owner.
- J. General Fund

**Policy**

**31. The State of Maine shall direct the Land & Water Resource Council to address the implementation of the Great Ponds Management Plan and Recommendations and to maintain a subcommittee, to meet semi-annually and having broad representation, and whose purpose will be to insure that issues regarding Great Ponds shall be identified and acted upon in a timely manner. (L)**

Exotics

**32. The Department of Inland Fisheries and Wildlife shall recognize that nuisance exotic aquatic plants and animals are threats to Great Pond water quality and ecology. Therefore, it is recommended that the State of Maine and the Maine Marine Trade Association develop and implement an educational program to reduce the potential of introducing exotic aquatic plants and animals into Maine's Great Ponds.**