

**Chapter 1: RULES FOR PUBLIC USE OF WELLS RESERVE**

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**SUMMARY:** The Wells National Estuarine Research Reserve was established under 15 *Code of Federal Regulations*, Part 921. It is maintained to provide undisturbed areas as a natural field laboratory and educational site. This includes the protection of the area for short and long-term research, education, and interpretation. The Wells National Estuarine Research Reserve is also maintained to protect fish, wildlife, and plant communities. Multiple uses including low intensity recreational uses are allowed to the extent that they do not conflict with the operation of the Reserve for research and education.

The Wells National Estuarine Research Reserve Management Authority (the Authority) was established by the State legislature through passage of *Private and Special Law #108* in 1990. The legislation was amended in 2003 by LD #777 and in 2013 by LD #987. The purpose of the Authority is to manage and sustain the coastal lands and other resources within the reserve, further coordination and cooperation among state agencies, the Town of Wells and the United States Fish and Wildlife Service, and the Laudholm Trust, develop and implement programs for estuarine research and education and provide public access and opportunities for public enjoyment compatible with the protection of the reserve's natural resources. The Authority, in compliance with the Reserve Management Plan, is responsible for management of the Reserve lands for which the Authority holds a license, lease or other interest or lands that are under agreement with a cooperating agency. The Authority has overall jurisdiction over the establishment and coordination of research, education, and resource management policies for the Reserve. A violation of the rules of the Reserve is a Class E crime.

This chapter outlines the regulations governing the administration and public use of the Wells National Estuarine Research Reserve.

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**1. Regulations for Administration and Public Use of Wells Reserve**

- (A) Reserve regulations are superseded by US Fish and Wildlife Service regulations on the property of the Rachel Carson National Wildlife Refuge.
- (B) Any use of the Reserve and its facilities may be suspended by the Reserve Director without advance notice.
- (C) **DEFINITIONS**
  - (1) "Authorized Official" means any federal, state, or local official empowered to enforce provisions of these regulations.
  - (2) "Daylight Hours" means the hours between 7 a.m. and Sunset.
  - (3) "Group" means any assemblage of people larger than immediate family.
  - (4) "Laudholm Property" describes approximately 400 acres of land within the northern section of Wells National Estuarine Research Reserve and bounded by the Little and Merriland Rivers and Drakes Island Road. This area, containing

the Reserve visitor center, parking lot, and developed trails, comprises the primary contact point for Reserve visitors. The Laudholm Property is part of a State of Maine-designated "Wildlife Sanctuary" (see 1-C-8 below).

- (5) "Laudholm Trust" is a 501(c) (3) public charitable trust whose purpose is to support the programs, facilities, and land of the Wells National Estuarine Research Reserve.
- (6) "Reserve" shall mean Wells National Estuarine Research Reserve.
- (7) "Wells National Estuarine Research Reserve" means all lands, waters, and interests administered as part of the Reserve. These areas include land owned by the Town of Wells, State of Maine Department of Agriculture, Conservation, and Forestry, the Authority, and the United States Fish and Wildlife Service included within the boundaries of the Reserve as agreed in various memoranda of understanding.
- (8) "Wildlife Sanctuary" means specific lands designated by the State of Maine to protect animals and plants as outlined in the *Maine Revised Statutes* (12 M.R.S.) Sections 12701, 12706, 12707.

**(D) PUBLIC ENTRY AND ACCESS**

- (1) The primary use of the Reserve shall be for research and educational uses by scientists, educators, the public, and school children.
- (2) Recreational uses, including but not limited to sightseeing, nature observation and photography, hunting, fishing, swimming, boating, and picnicking, are permitted subject to State and Federal laws and Municipal Ordinances.
- (3) No person shall trespass, including but not limited to entering, occupying, using, or being in the Reserve except as specifically authorized in these regulations.
  - (a) Pedestrian access shall be limited to daylight hours and established trails.
  - (b) Vehicular access to the Reserve is restricted to the parking lot at Laudholm Property during daylight hours. Parking fees will be assessed as described in 1. I (1).
- (4) Hours or areas of entry may be modified by special permit by the Reserve Director.

**(E) PUBLIC NOTICE**

- (1) Whenever public access, use, or activity previously permitted is curtailed, the Public may be notified by any of the following methods:
  - (a) official signs posted conspicuously at appropriate intervals;
  - (b) special regulations posted and available in the Reserve office
  - (c) Maps available in the Reserve office;

- (d) other appropriate methods which shall give the public actual or constructive notice of permitted or curtailed public access, use, or activity.

(F) **PERMITS**

- (1) Permits required by these regulations can be obtained at the administrative office of the Reserve.
  - (a) Any person in the Reserve shall, upon request of any authorized official, exhibit the required federal, state, local, or Reserve permit or license authorizing their presence and activity on the area and shall furnish such other information for identification purposes as may be requested.
  - (b) The following activities require permits:
    - (i) Use of the Reserve for any scientific research, including sampling and collecting of specimens.
    - (ii) Deer hunting on the Laudholm Property, which is a State of Maine-designated Wildlife Sanctuary.
- (2) The Reserve Director may issue special permits to allow use of special access not normally allowed.
- (3) A permit may be terminated or revoked at any time for:
  - (a) non-compliance with the terms thereof or of these regulations;
  - (b) non-use
  - (c) violation of any law, regulation, or order applicable to the Reserve or to protect public health or safety or the resources of the Reserve.

(G) **PROHIBITED ACTS AND RESTRICTIONS**

- (1) **Taking or introducing natural objects, harassing wildlife, starting fires, walking off designated trails, bike riding on trails, littering, camping**
  - (a) No person shall remove any animal, plant, rock, mineral, or other natural object from within the Reserve with the following exceptions:
    - (i) Shellfish, game fish, or game animals may be taken by persons duly licensed and permitted by the appropriate federal, state, or local agency in specially designated areas.
    - (ii) Collecting for the purpose of management related research may be done by permit from the Reserve Director.

(iii) No plant or animal or their parts may be introduced or released into the Reserve except native species under special permit from the Reserve Director.

- (b) No person shall camp overnight within the Reserve.
- (c) No person shall light and maintain fires within the Reserve.
- (d) No person shall harass or disturb wildlife within the Reserve.
- (e) No person shall litter.
- (f) No person shall ride a bike on the trails.
- (g) All persons shall remain on the designated trails of the Reserve.

**(2) Vehicles**

- (a) Travel or use of any vehicle, including but not limited to automobiles, off-road vehicles, motorcycles, bicycles, mopeds, and snowmobiles shall be limited to access roads and parking areas.
- (b) Vehicles shall be parked only in places designated for that purpose.
- (c) Stopping, parking, or leaving any vehicle so as to obstruct the free movement of other vehicles or persons is prohibited, except in the event of accident or other condition beyond the control of the operator.
- (f) All persons shall obey the lawful order or signal of any authorized official directing, controlling, or regulating the movement of traffic.

**(3) Pets**

- (a) With the exception of seeing-eye dogs, domestic pets are prohibited from the Reserve.

**(4) Smoking**

- (a) Smoking is prohibited throughout the Reserve except for one designated area for such purpose.

**(H) OTHER APPLICABLE LAWS**

- (1) Violation of these regulations is a Class E Crime.
- (2) Nothing in these regulations shall be construed to relieve a person from any other applicable requirements imposed by a local ordinance or by a statute or regulation of the State of Maine or of the United States.

(I) **FEES**

- (1) A seasonal entrance fee is charged beginning on the Saturday directly before Memorial Day through Columbus Day. Members of Laudholm Trust are admitted free of charge.
- (2) The entrance fee is reviewed, established, and approved before the start of the calendar year by the Authority. A schedule of fees is available at the administrative offices of the Reserve.

2. **Policy for Reserve Educational Programs and Group Use of Trails and Education Facilities**

(A)

- (1) All group requests for use of the Reserve's environmental educational facilities and trails shall be referred to the Education Program Staff.
- (2) Any group found violating Reserve rules or trail etiquette may be required to leave and refused future use of Reserve environmental education facilities.
- (3) Reservations are required for all group visits of 10 people or more by calling the Education Program staff.
- (4) Children 15 and under must always be accompanied by an adult; and there must be one adult for every 10 children.
- (6) Staff guided tours of Reserve environmental education facilities and trails are available for pre-kindergarten children through senior citizen audiences year round.

(B) *[Not in use]*

(C) **FEES**

- (1) Fees for educational programs and facilities and group use are reviewed and established annually and are approved by the Authority before the start of each calendar year. A schedule of fees is available at the administrative offices of the Reserve.

3. **Policy for the use of the Wells Reserve Facilities by Non-Related Organizations for Non-Reserve Related Activities** is established in recognition of the fact that they will build public support and raise funds for the Reserve.

(A) **DEFINITIONS**

- (1) "Non-Reserve Related Activity" shall refer to weddings, receptions, festivals, anniversary parties, company parties, meetings, retreats, events, etc.

- (2) "Non-Related Organizations" means any group or individual, commercial or non-profit, that does not have as its primary mission and focus environmental science, education, and conservation.

**(B) ORGANIZATIONAL USE OF RESERVE FACILITIES**

- (1) The Reserve Director accepts or denies, pursuant to these regulations, requests for use of Reserve facilities by other organizations. A Building Advisory Committee is available to assist the Reserve Director in any decisions regarding the appropriateness of a request, fee, deposit or other issue. Visitors to any gathering at the Reserve are encouraged to view a presentation of Reserve purpose and activities.
- (2) Any organization or individual ("Lessees") using Reserve facilities shall defend or cause to be defended and to indemnify and hold harmless The Wells National Estuarine Research Reserve Management Authority and staff from and against any and all manner of claims, suits, expenses, damages or causes of action for damages arising out of, or allegedly arising out of, in whole or in part, the use or occupancy of the Reserve facilities by the Lessee, its agents, contractors, employees and invitees.
- (3) Fund raising or profit making events are not permitted at the Reserve and its Laudholm Property by any organization for any reason other than exclusively for support of the Wells Reserve.
- (4) Public events sponsored by any entity other than Wells Reserve are not permitted at Reserve facilities without permission.

**(C) FEES**

- (1) Fees for the use and rental of Reserve facilities and land by Non-Related Organizations are reviewed, established, and approved by the Authority before the start of each calendar year. A schedule of fees is available at the administrative offices of the Reserve

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**EFFECTIVE DATE:**

May 9, 1992 – filing 92-179

**EFFECTIVE DATE (ELECTRONIC CONVERSION):**

March 23, 1996 – filing 96-106

**NON-SUBSTANTIVE CHANGE:**

January 26, 1999 - converted to Microsoft Word format

**AMENDED:**

March 30, 2014 – filing 2014-051

**CORRECTION:**

April 24, 2013 – Section 2 numbering