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ALLAGASH  
WILDERNESS  
WATERWAY



GOVERNOR'S WORKING GROUP  
on  
STRUCTURE, MANAGEMENT AND OVERSIGHT

*"Choosing Common Ground and Moving  
Ahead"*

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A REPORT TO  
GOVERNOR JOHN ELIAS BALDACCI

January 31, 2007

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**ALLAGASH  
WILDERNESS  
WATERWAY**

**GOVERNOR'S WORKING GROUP  
on  
STRUCTURE, MANAGEMENT and OVERSIGHT**

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***Cover Photographs***

**Front: Allagash River, looking downstream from Big Brook East  
campsite**

**Back: Allagash Falls  
August 1976 (DEN photos)**

**ALLAGASH WILDERNESS WATERWAY  
WORKING GROUP  
on STRUCTURE, MANAGEMENT and OVERSIGHT**

***“Choosing Common Ground and Moving Ahead”***

**A Report to Governor John Elias Baldacci**

**January 31, 2007**

**I. EXECUTIVE SUMMARY** (see sections IV. and V. for details)

In his June 19, 2006, Executive Order, Governor John E. Baldacci directed the Working Group to “offer its best guidance and advice to the Governor respecting the long-term governance, management, and oversight structure for the Allagash Wilderness Waterway” (AWW).

In the intervening six months the members of the Working Group have engaged in an examination of the forty-year history of the Waterway and an analysis of the conditions and circumstance that led to the Governor’s Executive Order. We have reviewed documentation of the AWW history, taken testimony at numerous public meetings and hearings, conducted correspondence with members of the several Waterway constituencies, engaged in an on-site examination of part of the Waterway, and sought advice from experts within and outside the state.

**FINDINGS:** We have identified a number of serious and continuing problems related to the governance, management, and oversight structure of the Waterway, if it is fully to achieve its promise for the people of Maine and the nation. Most importantly, these include:

- 1. Conflicting Constituent Expectations of the AWW.** There are a number of passionate Waterway constituencies with very different perceptions of the range of intended uses of the Waterway.
- 2. Loss of Public Confidence in Management.** Policy and management practices have contributed, often unwittingly, to the loss of public confidence in the state’s management of the Waterway. That lack of confidence has persisted in spite of survey evidence suggesting a high level of satisfaction among current Waterway users.
- 3. AWW’s Diminished Administrative Status.** Repeated government reorganizations have resulted in shifting the Waterway from the status of a separate, unique state conservation and recreation entity to that of another state park, under-resourced in terms of its special requirements and vulnerable to further cuts as spending reforms apply comparative measures related to cost per visitor day and similar metrics.
- 4. Lack of Long-Range Strategic Planning.** There has never been an attempt to establish an ongoing strategic planning process for the Waterway. The absence of a strategic vision and effective implementation plans confounds opportunities to obtain sufficient outside funds to support operations, management, capital investment, and any needed land acquisition or investment in general enhancement of the Waterway and its ecosystems.

**5. Need for a Common Sense of Purpose.** Members of the Working Group agree that the success of our recommendations on the governance-management-oversight structure for the Waterway will depend in large part on the achievement of a common sense of purpose and direction by the several constituencies that have a strong interest in the Allagash.

**RECOMMENDATIONS:** To address the issues and challenges identified, the Working Group offers seven recommendations for administrative and legislative action, and a concluding observation addressed to the general public. The recommendations aim to strengthen the Waterway's capacity to preserve and enhance the natural environment of the Allagash, support a variety of wilderness recreation experiences, and respect and protect the cultural heritage of the area. The seven members of the Working Group voted on the recommendations, and the recorded vote on each is indicated in parentheses.

**1. AWW Status.** The Working Group recommends that the AWW remain within the Department of Conservation/Bureau of Parks & Lands (DOC/BPL) for purposes of management and administration, and that it be restored to its pre-1995 status as its own, separate "region" within the BPL, sharing its central services. (7-0)

**2. AWW Mission.** The Working Group recommends that the BPL adopt a mission statement as the basis for its future strategic and management planning and operation of the AWW and offers the following as a stimulus for discussion, based upon the 1973 AWW management plan developed by the Bureau of Parks and Recreation with the help of a distinguished citizens' advisory body:

- ☐ Protect and enhance the wilderness character of the Allagash Wilderness Waterway and ensure its optimum public use through its careful management as a wilderness area, with priorities placed on offering wilderness experience to its primary users, the canoeists and fishermen.
- ☐ Preserve, protect and interpret significant artifacts that reveal the life experience and impact of the native peoples, the settlers, and those who came to use the forests and waters of the region for harvesting and transporting timber from the forest;
- ☐ Support and facilitate low impact recreational and educational uses of the Waterway that respect the integrity of the natural areas and history of the region, and are consistent with the Waterway's natural and historical conservation and enhancement programs. (6-1)

**3. AWW Superintendent.** The Working Group recommends the creation through legislation and General Fund appropriation of the new position of Superintendent of the AWW, who will have immediate responsibility for strategic planning and advancing the mission and goals of the Waterway; report directly to the Director of the BPL; supervise the day-to-day manager and other staff of the Waterway; work to secure federal, state and private funding to advance the Waterway's purposes; encourage and enlist private volunteer efforts to these ends; and build the public constituency of the Waterway through effective management, marketing, and public information and education. (7-0)

**4. AWW Advisory Council.** The Working Group recommends creation in statute of an AWW Advisory Council of seven members, to include:

1. a representative of the National Park Service (NPS);
2. a public member;  
and five persons with knowledge and experience in:
3. sustainable forest management, from a private landowner abutting the AWW;
4. wilderness recreation;
5. natural resource planning and management;
6. fisheries or wildlife conservation; and
7. cultural and historic preservation.

Members 2-7 will be nominated by the DOC Commissioner and subject to approval by the Legislature's committee of jurisdiction. Terms will be for five years, renewable one-time only, and initial terms of the non-NPS members will be staggered to ensure continuity. The Advisory Council will annually elect its own chair who will schedule, set the agenda for, and preside at Council meetings; meet at least twice annually; work with the Superintendent to develop and maintain a strategic plan and to advance the AWW mission and goals; and report at least annually on the state of the Waterway to the BPL Director, and at such other times as it may deem necessary or desirable. The Working Group strongly recommends that, while a variety of perspectives should be included in Advisory Council membership and it is desirable to have at least one member who resides or works in the Allagash/Upper St. John River region, all Advisory Council members will serve to represent the larger public interest in the Waterway, its mission and goals, rather than any narrow constituent interest. (7-0)

**5. AWW Technical Committees.** The Working Group recommends that the AWW Superintendent be authorized in statute to appoint, as needed, members and chairs of Technical Committees to assist him/her in such matters as strategic planning, AWW Permanent Endowment Fund management (see 6. below), personnel management and training, private landowner relations, watershed planning and management, marketing, public education and information, historic preservation, forest and fisheries management, campsite management and fees, etc. (7-0)

**6. AWW Permanent Endowment Fund.** The Working Group recommends the creation in statute of an AWW Permanent Endowment Fund, to receive funds from federal, state and private sources that will be expended for needed capital acquisition and improvements, any needed land acquisition, cultural and heritage programs and facilities, public and visitor education and facilities, and other purposes to advance the AWW mission. Every effort should be made in the statute to insulate the Endowment Fund from diversion to non-AWW uses. Disbursals from the Endowment Fund will be made by the Director of the BPL in accordance with an approved AWW management plan and with the advice of the AWW Advisory Council. (7-0)

**7. Legislative Oversight.** The Working Group recommends that the DOC Commissioner be required in statute annually to report to the Legislature's committee of oversight on progress in managing the AWW, in terms of its mission and goals, finances, administration, public educational and historic preservation efforts, natural character enhancements, and current challenges and prospects. This report will include the DOC's original General Fund budget request for operation of the AWW for the coming fiscal year; any leveraging of federal and private funds to advance the Waterway mission and goals; and a full accounting of the current operation of the AWW Permanent Endowment Fund (if established) in terms of its income, disbursements, and management, (7-0)

**Concluding Observation.** Finally, the Working Group urges a new beginning of careful listening, respectful communication, and energetic collaboration among all persons and groups with a stake in the future of the AWW. Only in this way, we believe, may the original and continuing promise of the AWW become a reality.



**ALLAGASH WILDERNESS WATERWAY  
WORKING GROUP  
on STRUCTURE, MANAGEMENT and OVERSIGHT**

***“Choosing Common Ground and Moving Ahead”***  
**A Report to Governor John Elias Baldacci**  
**January 31, 2007**

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### III. ACKNOWLEDGMENTS

The Working Group is an organization of volunteers, assisted by volunteers and those who provided assistance above and beyond their regular work assignments. We acknowledge with gratitude the contributions of our staff, Tom Federle, Charles Dow and Kelly Arata, who handled our research and support needs with professional distinction and good humor. Department of Conservation Commissioner Patrick McGowan, Bureau of Parks and Lands Director David Soucy, Bureau of Parks and Lands Northern Region Director Tim Hall and Bureau of Parks and Lands Southern Region Director Steve Curtis all contributed to our understanding of the history and the management issues affecting the Waterway. Recently retired departmental personnel, including Herb Hartman, former director of the Bureau of Parks and Recreation, Tom Cieslinski, former planner for the Bureau of Parks and Recreation, and Ken Wiley, former regional director for the Bureau of Parks and Lands all responded to our requests for information and knowledge. Drew Parkin, national leader in the field of wild and scenic rivers, and Jamie Fosburgh, rivers and trails natural resource planner, National Park Service, Boston Office, gave us invaluable advice and insights as we pursued our studies. Finally, we could not have gained the understanding we have of the Waterway without the active involvement of those who participated in our hearings, communicated with us and shared their perspectives on the past and future of this source of Maine pride and controversy.

## IV. INTRODUCTION TO THE RECOMMENDATIONS OF THE WORKING GROUP ON GOVERNANCE, MANAGEMENT AND OVERSIGHT STRUCTURE FOR THE ALLAGASH WILDERNESS WATERWAY

In his June 19, 2006, Executive Order, Governor John E. Baldacci directed the Working Group to “offer its best guidance and advice to the Governor respecting the long-term governance, management, and oversight structure for the Allagash Wilderness Waterway” (AWW), and asked that its recommendations be designed to “assure:

- ☐ effective communication and compatibility between the goals and objectives of the Allagash Wilderness Waterway Act and the Wild and Scenic Rivers Act, and the goals of recreational and commercial users and neighboring landowners;
- ☐ the continuing protection and preservation of the Allagash Wilderness Waterway and enhancement of its ecosystems;
- ☐ the continuing and effective expression of the history and culture of the region in which the river exists; and
- ☐ the sound, effective, and efficient management of all its resources.”

For six months the members of the Working Group have been engaged in an examination of the forty-year history of the Waterway and an analysis of the conditions and circumstance that led to the Governor’s Executive Order. We have reviewed documentation of the AWW history, taken testimony at numerous public meetings and hearings, conducted correspondence with members of the several Waterway constituencies, engaged in an on-site examination of part of the Waterway, and sought advice from experts within and outside the state.

We took as our starting point the 1966 Allagash Wilderness Waterway legislation, the intent of those who developed and enacted it, and the subsequent incorporation of the Waterway into the federal Wild and Scenic Rivers system.

Essentially, the founders of the Waterway came together on a few central points in creating the Waterway. There were, first and foremost, three things they wanted to prevent:

- ☐ Flooding of the Allagash River by a high hydroelectric dam on the St. John River, below the confluence of the St. John and Allagash;
- ☐ Damage to the watercourse and adjacent lands by timber harvesting that would destroy the wilderness character of the watercourse; and
- ☐ Development of resorts and housing along the Waterway.

The 1966 legislation creating the Waterway provided for its maintenance in perpetuity under State control, and established a framework for wilderness recreational uses of the Waterway, primarily canoeing and fishing. The legislation prohibited timber harvesting within the restricted zone of the Waterway, and permitted state-supervised commercial timber harvest operations outside the restricted zone. It also permitted maintenance of some timber roads and bridges crossing the Waterway.

In 1970 the Allagash Wilderness Waterway became the first state-administered “wild river” in the nation’s Wild and Scenic Rivers system. That designation accepted the state legislative mandate and subsequent regulations as justification for incorporation in the national program.

Three years later the State Bureau of Parks and Recreation adopted the first long range management plan for the Waterway, the November 1973 AWW Concept Plan. The Advisory Committee that worked with the Bureau to develop the plan was comprised of a broad spectrum of knowledgeable leaders in river use and conservation, wilderness recreation, fisheries and wildlife management, and forestry and timber harvesting.<sup>1</sup> They based their plan on the intent of the original Maine legislation and the federal Wild and Scenic Rivers Act; and their focus was provision for “the maintenance of the wilderness experience” in perpetuity.

It is important to note that the 1973 plan identified “three management areas” and described their “distinguishing characteristics” as follows:

Management Area 1 – Telos Lake, Round Pond (T6R11) and Chamberlain Lake. Unlimited horsepower, landing of aircraft at designated sites, and snowsleds permitted

Management Area 2 – Eagle Lake through to the northern terminus of the Allagash at Twin Brooks. Canoes only, 10 horsepower limit per canoe, landing of aircraft at designated sites, and snowsleds permitted.

Management Area 3 – Allagash Stream up to and including Allagash Lake. Use of motors, landing of aircraft, and snowsleds prohibited. All motors for any purposes other than administrative or emergency prohibited.

The 1973 plan took note of a number of river crossings and access points, and recommended against an increase in their numbers and for careful design and construction of those maintained, to reduce the impact on the “wilderness experience.”

The original Maine legislation, the Wild and Scenic Rivers designation, and the 1973 Concept Plan all contained the assumption of a range of wilderness experience uses within the general rubric of “canoeing and fishing.” As subsequent events would demonstrate, they also contained the seeds of conflict, given the range of views and sharp disagreements over what constitutes wilderness experience.

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<sup>1</sup> Advisory Committee members included: Linwood Dwelly, AWW guide; Fred Holt, Maine Forest Service; Paul Firlotte, Great Northern Paper Co.; Richard Folsom, Folsom’s Flying Service; Willard Jalbert, Jalbert’s Camps; Bud Leavitt, Bangor Daily News; Maynard Marsh, Maine Department of Inland Fisheries & Wildlife; Albert D. Nutting, School of Forestry, University of Maine; Robert Patterson, Natural Resources Council of Maine; John Sinclair, Seven Islands Land Co.; and Elmer H. Violette, attorney and former Maine Senator.

In our historical review and our exchanges with different individuals and groups, we have identified a number of serious and continuing problems related to the objectives cited in the Governor's Executive Order. Some of these stem from disagreements over the purposes and the implementation of the original Waterway legislation. Some are the result of policy decisions affecting the culture and traditions of the Allagash region. Some are the result of administrative changes within the Maine Department of Conservation (DOC), made a decade ago. All of these problems must now be addressed by changes in the governance, management, and oversight structure of the Waterway, if it is fully to achieve its promise for the people of Maine and the nation.

*The problems include the following:*

**1. Conflicting Constituent Expectations of the AWW.** There are a number of passionate Waterway constituencies with very different perceptions of the range of intended uses of the Waterway.

Their disagreements have led to ongoing conflicts over, first, access points to the Waterway and, second, whether the Waterway was intended as a wilderness resource only for extended trips by those engaged in a primitive canoeing experience, or for a range of wilderness recreational users from long-trip canoeists to day-trip fishermen and visitors.

The ensuing conflicts and accusations have led to a decline in public confidence in the management of the Waterway, undermining even the valiant effort by the Department of Conservation to reach consensus through the so-called River Drivers' Agreement of 2005. The vehemence of the rhetoric and the persistence of conflict suggest that there is "something under the skin" of virtually every affected constituency that calls for coherent, transparent and effective leadership to build public confidence and mutually supportive action to care for and enhance this extraordinary public resource.

**2. Loss of Public Confidence in Management.** Policy and management practices have contributed, often unwittingly, to the loss of public confidence in the state's management of the Waterway. That lack of confidence has persisted in spite of survey evidence suggesting a high level of satisfaction among current Waterway users.

The early effort to develop the "maximum wilderness character" of the restricted zone, for example, resulted in the loss of historic and cultural structures and artifacts in the lower reaches of the river, offending and alienating a number of Valley residents with strong family ties to former settlements and ancestral involvement in the use of the river. What some might consider minor access limitations have become major issues for people of the Valley.

Likewise, what some might consider insignificant and merely convenient points of access developed over time in the middle and lower stretches of the Waterway are an accumulating offense to those who consider that the state has reneged on its legal responsibility to protect and enhance the wilderness character of the Waterway. Thus, unresolved conflicts have festered in the minds of many, and communication across the broad group of users of the Waterway is strained and frequently combative and uncivil.

**3. The AWW's Diminished Administrative Status.** Repeated government reorganizations have resulted in shifting the Waterway from the status of a separate, unique state conservation and recreation resource to that of another state park, under-resourced in terms of its special requirements and vulnerable to further cuts as spending reform efforts apply comparative measures related to cost per visitor day and similar metrics.

The resource problem is compounded by the fact that actual use of the Waterway is in decline. A number of reasons have been advanced in the Working Group hearings for this diminished use, but none is entirely consistent with the available data. More and continuing study is needed as a basis for effective marketing and management of Waterway use.

The reduced number of user days, coupled with fixed operating and management expenses, have caused costs per user day to soar, to the point where the Commissioner of the Department of Conservation indicated the department might have difficulty justifying the investment in comparison with other State recreation areas. As a state park, without special status, the Waterway is not in a position to acquire sufficient state and other funds for needed capital investments in infrastructure, expenditures for maintenance, investments in archeological and historic site protection, preservation, restoration and interpretation, or acquisition of additional lands or easements that may be needed to conserve and enhance the ecosystems of the Waterway and its surroundings

**4. Lack of Long-Range Strategic Planning.** There has never has been an attempt to establish an ongoing strategic planning process for the Waterway.

Subsequent to the 1973 Concept Plan, the different constituencies and the managers of the Waterway have failed to work effectively to determine the long- term goals, objectives, and evaluative criteria for this extraordinary public resource. Planning exercises have been limited to intermittent management plans that address tactical issues, and have not involved consistent, stable, or broadly credible advisory bodies.

The absence of a strategic vision and effective implementation plans further confounds opportunities to obtain sufficient outside funds to support operations, management, capital investment, land acquisition that may be needed, and investment in general enhancement of the Waterway and the ecosystems of the area. An example of this shortcoming is the absence of a strategic examination of the Allagash watershed and determination of what public-private, collaborative steps, if any, might better protect and enhance the Waterway and its tributaries.

### **5. The Need for a Common Sense of Purpose**

Members of the Working Group agree that the success of our recommendations on the governance-management-oversight structure for the Waterway will depend in large part on the achievement of a common sense of purpose and direction by the several constituencies that have a strong interest in the Allagash.

We have heard this same message from several individuals who have testified in our exploratory meetings. Drew Parkin, a nationally recognized expert on the nation's wild and scenic rivers, made a special note of the importance to a successful river management program of "clear guidance on the long-term objectives for the river and how these are to be accomplished," as well as "consensus on this guidance."

The Working Group's recommendations offered below are designed to establish a structure of leadership that will engage and enlist support from the different Waterway constituencies -- including canoeists, fishermen, Waterway region residents, adjacent landowners and conservationists -- in re-building a vision for the jewel in our northern crown. They aim to set the strategic direction for its enhancement, both as a natural area offering a variety of wilderness recreational opportunities, and as a monument to those who braved the wilderness and built remote communities along the Waterway. Strategic planning of this breadth and magnitude will lead to implementation plans -- including sufficient funding -- that will make achievement of this vision possible; ensure efficient and effective management of the Waterway on behalf of all our citizens; and support stewardship of the wilderness and its history for future generations.

## V. LOOKING FORWARD: AWW WORKING GROUP RECOMMENDATIONS

To address the issues and challenges identified, the Working Group offers seven recommendations for administrative and legislative action, and a concluding observation addressed to the general public. The recommendations were voted on by the seven members of the Working Group, and the recorded vote on each is indicated in parentheses.

**1. AWW Status.** The Working Group recommends that the AWW remain within the Department of Conservation/Bureau of Parks & Lands (DOC/BPL) for purposes of management and administration, and that it be restored to its pre-1995 status as its own, separate "region" within the BPL, sharing the Bureau's central services. (7-0)

The Working Group developed and took to statewide public hearing a proposal to create a Board of Overseers with responsibility for developing needed strategic and long-term management plans for the AWW, and monitoring their implementation by the DOC (see Appendix F). After the public hearing the Working Group dropped this proposal, not because it necessarily lacked merit, but that it failed to bring together parties who have contested recent management of the AWW.

Following its 1966 creation in Maine statute and by public referendum, the AWW was organized as a separate administrative unit within the State Parks & Recreation Commission, Lawrence Stuart, Director. After the state government reorganization of 1973 and Stuart's retirement, the Waterway became one of seven administrative "regions" within the Commission's successor agency, the DOC's Bureau of Parks & Recreation. In the mid-80s the number of regions was reduced from seven to five, with the Waterway remaining its own, separate region. Finally, in 1995, as a DOC cost-cutting measure, the Bureau was merged with the Bureau of Public Lands to create the Bureau of Parks & Lands, the number of administrative regions was reduced from five to two, and the Waterway became a subordinate part of the BPL's Northern Region.

The Working Group traces the beginnings (though not the exclusive cause) of the current conflict and controversy surrounding the AWW to this 1995 administrative reorganization; and strongly recommends that it now be reversed, and that the Waterway be re-established as its own, separate region within the BPL.

**2. AWW Mission.** The Working Group recommends that the BPL adopt a mission statement as the basis for its future strategic and management planning and operation of the AWW, and offers the following as a stimulus for discussion:

- ☐ Protect and enhance the wilderness character of the Allagash Wilderness Waterway and ensure its optimum public use through its careful management as a wilderness area, with priorities placed on offering wilderness experience to its primary users, the canoeists and fishermen.
- ☐ Preserve, protect and interpret significant artifacts that reveal the life experience and impact of the native peoples, the settlers, and those who came to



use the forests and waters of the region for harvesting and transporting timber from the forest;

☐ Support and facilitate low impact recreational and educational uses of the Waterway that respect the integrity of the natural areas and history of the region, and are consistent with the Waterway's natural and historical conservation and enhancement programs. (6-1)

In November 1973, three years after the Waterway's designation by the National Park Service (NPS) as a "wild river," the Maine Bureau of Parks & Recreation prepared and adopted the first long-range management plan for the AWW, the 1973 AWW Concept Plan. The plan was drafted by Bureau planner Tom Cieslinski in close consultation with a distinguished citizens' Advisory Committee, each member of which had been instrumental in creation of the Waterway.<sup>2</sup> After beginning with express reference to the "maximum wilderness character" language of the Waterway's enabling statutes, and what Cieslinski recalls as "the most careful consideration" by the Advisory Committee, the following long-range policy statement was adopted to "assure that the intent of those who formulated and established the Waterway will be carried out in the future:"

The AWW will be protected, developed, and managed, to the optimum extent possible, as a wilderness area, with the priorities placed on offering a wilderness experience to its primary users, the canoeists and fishermen. From this policy statement, goals for the development and the management of the Waterway are adopted as follows:

☐ Development within the waterway shall be in accordance with wilderness policy. Development shall not disturb or otherwise conflict with the intent to provide an optimum wilderness experience in the Waterway.

☐ Management of the natural resources and of the users of the Waterway shall be in accordance with wilderness policy. Management shall create the optimum wilderness experience possible by controlling or regulating the user so as not to unduly disturb or upset the natural environment of the Waterway.

In order to protect, develop, and manage the Waterway, it may be necessary, from time to time, to recommend amending the state legislation creating the Waterway.

The Working Group recommends that the "maximum wilderness character" language of the Waterway statutes remain undisturbed. For future planning and management purposes, we recommend an operational mission statement that builds upon the carefully considered 1973 "long-range policy statement" for the Waterway; and incorporates today's increasing concern for cultural and historic preservation, as well as protection and enhancement of the Waterway's natural character. This recommendation may be implemented administratively by the DOC/BPL as part of its strategic and long-range planning efforts for the Waterway.

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<sup>2</sup> Advisory Committee members included: Linwood Dwelly, AWW guide; Fred Holt, Maine Forest Service; Paul Firlotte, Great Northern Paper Co.; Richard Folsom, Folsom's Flying Service; Willard Jalbert, Jalbert's Camps; Bud Leavitt, Bangor Daily News; Maynard Marsh, Maine Department of Inland Fisheries & Wildlife; Albert D. Nutting, School of Forestry, University of Maine; Robert Patterson, Natural Resources Council of Maine; John Sinclair, Seven Islands Land Co.; and Elmer H. Violette, attorney and former Maine Senator.

**3. AWW Superintendent.** The Working Group recommends the creation through legislation and General Fund appropriation of the new position of Superintendent of the AWW, who will have immediate responsibility for strategic planning and advancing the mission and goals of the Waterway; report directly to the Director of the BPL; supervise the day-to-day manager and other staff of the Waterway; work to secure federal, state and private funding to advance the Waterway's purposes; encourage and enlist private volunteer efforts to these ends; and build the public constituency of the Waterway through effective management, marketing, and public information and education. (7-0)

The Working Group finds that the demands of day-to-day AWW administration leave no time for needed strategic planning and development of the Waterway, and that its potential as a state and national resource goes unrealized for want of this sustained effort. We believe that only with the addition of this professional capability will the continuing conflicts abate and the Waterway's full potential be realized. We strongly believe that this authorization will pay for itself many times over in contributed monies that will come to the Waterway for the greater expression and public enjoyment of its nationally unique values.

**4. AWW Advisory Council.** The Working Group recommends creation in statute of an AWW Advisory Council of seven members, to include:

1. a representative of the National Park Service (NPS);
2. a public member;
- and five persons with knowledge and experience in:
3. sustainable forest management, from a private landowner abutting the AWW;
4. wilderness recreation;
5. natural resource planning and management;
6. fisheries or wildlife conservation; and
7. cultural and historic preservation.

Members 2-7 will be nominated by the DOC Commissioner and subject to approval by the Legislature's committee of jurisdiction.. Terms will be for five years, renewable one-time only, and initial terms of the non-NPS members will be staggered to ensure continuity. The Advisory Council will annually elect its own chair who will schedule, set the agenda for, and preside at Council meetings; meet at least twice annually; work with the Superintendent to develop and maintain a strategic plan and to advance the AWW mission and goals; and report at least annually on the state of the Waterway to the BPL Director, and at such other times as it may deem necessary or desirable. (7-0)

Experience in the Baxter Park, the White Mountain National Forest, Acadia National Park, and elsewhere persuades the Working Group that creation of this Advisory Council will strengthen the AWW, its management, and its public credibility, and will offer the Legislature and the general public assurances of its continuing oversight in accordance with the Legislature's intent and AWW history. The Working Group strongly recommends that, while a variety of perspectives should be included in Advisory Council membership and it is desirable to have at least one member who resides or works in the Allagash/upper St. John River region, all Advisory Council members will serve to represent the larger public interest in the Waterway, its mission and goals, rather than any narrow constituent interest.

**5. AWW Technical Committees.** The Working Group recommends that the AWW Superintendent be authorized in statute to appoint, as needed, members and chairs of Technical Committees to assist him/her in such matters as strategic planning, AWW Permanent Endowment Fund management (see 6. below), personnel management and training, private landowner relations, watershed planning and management, marketing, public education and information, historic preservation, forest and fisheries management, campsite management and fees, etc. (7-0)

The broad span of responsibilities for the new AWW Supervisor persuade the Working Group that he/she will need the continuing help and support of a variety of professional skills, which we believe will be forthcoming on a volunteer basis. Technical Committees will have the added value of engaging many persons who wish the Waterway well, and have no or little opportunity at present to contribute to its continuing improvement and effective management for all its legitimate users.

**6. AWW Permanent Endowment Fund.** The Working Group recommends the creation in statute of an AWW Permanent Endowment Fund, to receive funds from federal, state and private sources that will be expended for needed capital acquisition and improvements, any needed land acquisition, cultural and heritage programs and facilities, public and visitor education and facilities, and other purposes to advance the AWW mission. Every effort should be made in the statute to insulate the Endowment Fund from diversion to non-AWW uses. Disbursals from the Endowment Fund will be made by the Director of the BPL in accordance with an approved AWW management plan and with the advice of the AWW Advisory Council. (7-0)

The Working Group is persuaded that contributed funds will be forthcoming to advance a widely-supported AWW management plan; and believes that creation and effective insulation of an Endowment Fund will help attract and manage these funds appropriately, in accordance with the terms of their award or gift.

**7. Legislative Oversight.** The Working Group recommends that the DOC Commissioner be required in statute annually to report to the Legislature's committee of oversight on progress in managing the AWW, in terms of its mission and goals, finances, administration, public educational and historic preservation efforts, natural character enhancements, and current challenges and prospects. This report will include the DOC's original General Fund budget request for operation of the AWW for the coming fiscal year; any leveraging of federal and private funds to advance the Waterway mission and goals; and a full accounting of the current operation of the AWW Permanent Endowment Fund (if established) in terms of its income, disbursements, and management, (7-0)

There is widespread sentiment that careful and continuing oversight by the Legislature will be in the best interests of the Waterway, its users, and those responsible for its management. The Working Group sees the Commissioner's annual report as the regular vehicle and occasion for this needed public conversation.

**Concluding Observation.** Finally, the Working Group urges a new beginning of careful listening, respectful communication, and energetic collaboration among all persons and groups with a stake in the future of the AWW. Only in this way, we believe, may the original and continuing promise of the AWW become a reality.

The Working Group is persuaded that no recommendations for improvement of the Waterway and diminution of the conflicts surrounding it will be effective in the absence of a return to the civility and respectful discourse that characterized the early years of the Waterway's formulation and development, despite sharp differences of opinion at the time.

Of late we have heard conciliatory statements from Allagash guides, St. John Valley residents, forest landowners, sportsmen, and, in particular, from two distinguished Maine citizens, both ardent devotees of the Waterway and frequent spokespersons for opposing views of its management. The one pleaded, "The sky is not falling. 'Maximum wilderness character' is defined in people's hearts, and we're not losing it.... Let's see if we can't get along for a couple of years. Take a deep breath. Our doors are open."

The other testified that the Allagash "is a most unusual riverway. Its natural beauty and diversity, its wildness, and its sense of history and of going back in time all make it unique in the country, and have caused it to draw people to it for centuries. These qualities are at its core, the feelings all of us here today have in common. Let us focus on these as a way to heal the longstanding divisiveness and misunderstanding that have characterized the Waterway's management."

These words hearten us and persuade us that common ground along the Allagash Wilderness Waterway is within reach today. Let us choose the common ground, and move ahead.

## VI. APPENDICES

- A. Draft Implementing Legislation
- B. Governor Baldacci's Executive Order
- C. Descriptive List of Members
- D. Calendar of Meeting and Hearing Dates and Locations
- E. Supplemental Comments by Working Group  
Member Everett (Brownie) Carson
- F. November 21, 2006, Working Group Draft Recommendations
- G. Bibliography of Key Reference Documents
- H. Allagash Wilderness Waterway Statutes
- I. Federal Wild River Designation under Wild and Scenic Rivers Act
- J. Visitor Days and Costs Charts
- K. Brief Description of AWW Administrative Management Issues
- L. Waterway Maps

## APPENDIX A

### AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE ALLAGASH WILDERNESS WATERWAY WORKING GROUP

Be it enacted by the people of the State of Maine as follows:

Sec.1: 12 MRSA §1888-A is enacted to read:

**§1888-A. Superintendent.** The bureau shall employ a Superintendent of the Allagash Wilderness Waterway whose duties shall include, but not be limited to:

1. Developing, maintaining and implementing a strategic plan and appropriate management plans for the Waterway;
2. Advancing the mission and goals of the Waterway;
3. Reporting to the bureau director;
4. Supervising Waterway employees;
5. Working to secure state, federal and private funding to advance the Waterway's purposes;
6. Encouraging and enlisting private volunteer efforts to advance the Waterway's purposes;
7. Building the public constituency of the Waterway through effective management, marketing, and public information and education; and
8. Creating technical committees as needed to advance the Waterway's purposes, and appointing members and chairs of such committees.

Sec. 2: 5 MRSA §12004-I, sub-§3-D, is enacted to read:

Conservation	Allagash Wilderness Waterway Advisory Council	Expenses/Legislative per diem	12 MRSA §1891
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Sec. 3: 12 MRSA §1891 is enacted to read:

**§1891. Allagash Wilderness Waterway Advisory Council.**

1. **Duties.** The Allagash Wilderness Waterway Advisory Council shall:
  - A. Meet at least twice annually;
  - B. Work with the Superintendent of the Allagash Wilderness Waterway in developing and maintaining a strategic plan for the Waterway and advancing the mission and goals of the Waterway; and
  - C. Report at least annually to the director of the Bureau of Parks and Lands regarding the state of the Waterway and at such other times as it may deem desirable.
2. **Members.** The Allagash Wilderness Waterway Advisory Council shall consist of seven members including:
  - A. One representative of the National Park Service;
  - B. One public member;

- C. One with knowledge and experience in sustainable forest management who is an employee of or a private landowner whose holdings abut the Waterway;
  - D. One with knowledge and experience in wilderness recreation;
  - E. One with knowledge and experience in natural resource planning and management;
  - F. One with knowledge and experience in fisheries or wildlife conservation; and
  - G. One with knowledge and experience in cultural and historic preservation.
- The members shall annually elect a Chair from among the members. The Chair shall be responsible for scheduling, preparing the agenda, and presiding at meetings.

3. **Appointment.** The Commissioner shall appoint the six members described in subsections (2)(b) through (2)(g) of this section. The service of members so appointed may commence only upon approval of the joint standing committee of the Legislature that has jurisdiction over matters concerning the Allagash Wilderness Waterway. The Commissioner shall invite the Northeast Regional Director of the National Park Service to designate the member described in subsection (2)(a).
4. **Terms.** Advisory Council members shall serve terms of five years and may serve no more than two terms.

Sec. 4: 12 MRSA 1892 is enacted to read

**§1892. Allagash Wilderness Waterway Permanent Endowment Fund.** The State Treasurer shall establish a dedicated, non-lapsing account called the Allagash Wilderness Waterway Permanent Endowment Fund and must manage the account as a state held trust. Subject to the approval of the Governor, the Commissioner may accept funds from any source and may accept gifts in trust to be credited to the Allagash Wilderness Waterway Permanent Endowment Fund. Interest earned on investments in the fund must be credited to the fund. With the advice of the Advisory Council, the Bureau Director may expend money from the fund for purposes consistent with section 1871 and an approved Waterway management plan.

Sec. 5: 12 MRSA §1893 is enacted to read:

**§1893. Reporting.** The commissioner shall annually report to the joint standing committee of the Legislature that has jurisdiction over matters concerning the Allagash Wilderness Waterway regarding the state of the Waterway, including its mission and goals, administration, education and interpretive programs, historic preservation efforts, visitor use and evaluation, ecological conditions and natural character enhancements, general finances, income, expenditures and balance of the AWW Permanent Endowment Fund, the Department's annual budget request for AWW operation in the coming fiscal year, and current challenges and prospects for the Waterway.

**Sec. 6: Management as separate region.** The department shall administer and manage the Allagash Wilderness Waterway as a separate region within the Bureau of Parks and Lands.

**Sec. 7: Staggered terms.** Notwithstanding 12 MRSA §1891(4) and in order to ensure a certain level of continuity of service on the Allagash Wilderness Waterway Advisory Council, the Commissioner of the Department of Conservation shall in creating the Advisory Council appoint two members to three-year terms, two members to four-year terms, and two members to five-year terms. The legislative committee approval requirements of 12 MRSA §1891(3) apply to initial and subsequent appointments. An initial term of three or four years shall be considered a full term for purposes of calculating the term limitation in 12 MRSA §1891(4).

**Sec. 8: Appropriations and allocations.** The following appropriations and allocations are made:

**Personal Services**

**Public Service Manager II** (Regional Manager) – Range 29/confi

FY 08 - \$83,085

FY 09 - \$87,895

**Office Associate II** (former Clerk Typist III) – Range 13/admin

FY 08 - \$52,502

FY 09 - \$55,673

**Fiscal Estimate For Personal Services**

FY 08 - \$135,587

FY 09 - \$143,568

**All Other** – Computers, CFM, office supplies, uniform, etc.

**FY 08 - \$12,450**

**FY 09 - \$11,580**

**Per Diem**

\$55/day x 5 days/year x 7 members = \$ 1,925 in both FY 08 and FY 09

**Total**

**FY 08 – \$149,962**

**FY 09 - \$157,073**



## APPENDIX B



OFFICE OF  
THE GOVERNOR

NO. 15 FY 06/07  
DATE June 19, 2006

### AN ORDER ESTABLISHING THE ALLAGASH WILDERNESS WATERWAY WORKING GROUP

**WHEREAS**, the year 2006 marks the 40<sup>th</sup> anniversary of the creation by the Maine Legislature of the Allagash Wilderness Waterway Act;

**WHEREAS**, the Allagash Wilderness Waterway is one of the great natural resources of the people of Maine and the nation;

**WHEREAS**, the people of the Allagash have a rich history and culture tied to the river that includes recreational use and enjoyment of the river and job opportunities in the region;

**WHEREAS**, the citizens of Maine, in creating the Allagash Wilderness Waterway, committed themselves to preserve, protect and develop the maximum wilderness character of the watercourse in the midst of a working forest; and

**WHEREAS**, the river has been designated a wild river under the Wild and Scenic Rivers Act; and

**WHEREAS**, the occasion of the 40<sup>th</sup> anniversary of the Allagash Wilderness Waterway Act marks an appropriate time to consider the governance, management, and oversight structure established for this resource, and whether this structure will best secure its qualities for the indefinite future.

**NOW THEREFORE**, I, John E. Baldacci, Governor of the State of Maine, do hereby establish the Allagash Wilderness Waterway Working Group ("the Working Group") for the purpose of providing advice and guidance pertaining to the best governance, management, and oversight structure that will assure:

1. effective communication and compatibility between the goals and objectives of the Allagash Wilderness Waterway Act and the Wild and Scenic Rivers Act, and the goals of recreational and commercial users and neighboring landowners;

2. the continuing protection and preservation of the Allagash Wilderness Waterway and enhancement of its ecosystems;
3. the continuing and effective expression of the history and culture of the region in which the river exists; and
4. the sound, effective, and efficient management of all its resources;

### **Duties**

The Working Group is to offer its best guidance and advice to the Governor respecting the long-term governance, management, and oversight structure for the Allagash Wilderness Waterway.

### **Membership**

The Allagash Working Group shall consist of 7 members:

1. Don Nicoll (as Chair)
2. Senator John Martin
3. Phyllis Jalbert
4. Richard Barringer
5. Don Hudson
6. Brownie Carson
7. Anthony Hourihan

### **Meetings**

Meetings of the Allagash Working Group shall take place as follows:

June 26<sup>th</sup> in Augusta  
July 17<sup>th</sup> in Augusta  
August 13<sup>th</sup>, 14<sup>th</sup> or 15<sup>th</sup> in the St. John Valley  
September 11<sup>th</sup> in Bangor  
October 23<sup>rd</sup> in Augusta  
November 28<sup>th</sup> in Augusta

Notice of the times and locations of the meetings will be given in advance of all meetings. All meetings shall be open to the public. To the extent possible, the Working Group shall arrange for videoconferencing or online audio streaming of all meetings so that people can observe and participate or listen from remote locations. A draft of the Working Group's report will be made available prior to the meeting of November 28<sup>th</sup>. The November 28<sup>th</sup> meeting shall include a public hearing.

The Working Group, through its Chair, may schedule additional meetings if the Chair determines it is necessary for the Working Group to complete its charge. Any such meeting shall be preceded by public notice and shall be open to the public.

**Staffing**

Staffing for the Working Group will be provided by the Governor's Office and the Attorney General's Office. Additionally, the State Planning Office will provide resources as needed to the Working Group.

**Report**

The Working Group shall report to the Governor not later than December 15, 2006, presenting its advice and guidance respecting the best governance, management, and oversight structure for the Allagash Wilderness Waterway, together with proposals for change, if any, and suggested means to implement them.

**Effective Date**

The effective date of this Executive Order is June 19, 2006.

  
John E. Baldacci, Governor

## **APPENDIX C – Working Group Members**

### **Richard C. Barringer**

Richard Barringer is Research Professor in USM's Muskie School of Public Service where he teaches both public policy & management and community planning & development, and is principal investigator for the U.S. EPA's New England Environmental Finance Center. He holds degrees from: Harvard College, A.B., 1959; University of Massachusetts, M.A., 1963; Massachusetts Institute of Technology, Ph.D., 1968. He is a former board member the Natural Resources Council of Maine, the Maine Audubon Society, and the Western Mountains Alliance.

Mr. Barringer served in the administrations of three Maine governors as commissioner of conservation and director of state planning, and is the author or editor of numerous books, reports, and landmark Maine laws in the areas of land use, education, the environment, energy, economic development, and tax policy. He helped organize and chair two recent Governor's Blaine House Conferences, one on Maine's Natural Resource-based Industries, the other on Maine's Creative Economy, the results of which are available on the State of Maine website, [www.state.me.us](http://www.state.me.us). His recent publications include the edited volume, Changing Maine, 1960-2010 (Tilbury House, Gardiner, 2004); and, as co-author, The Creative Economy in Maine: Measurement and Analysis, Southern Maine Review (USM, February 2005). He is the father of four grown sons and lives in Portland with his wife, Martha Freeman.

### **Everett B. (Brownie) Carson**

Everett B. (Brownie) Carson is executive director of the Natural Resources Council of Maine (NRCM). He earned his bachelor's degree from Bowdoin College and a law degree from the University of Maine. He also served in the U.S. Marine Corps in Vietnam.

Prior to his 1984 appointment as executive director, Mr. Carson was a staff attorney and lobbyist for NRCM.

Mr. Carson serves on the boards of the State Environmental Leadership Program, the League of Conservation Voters and the League of Conservation Voters Education Fund, but still finds time to hike, sail, and paddle with his twin daughters.

### **Anthony Hourihan**

Anthony Hourihan is Regional Manager – Maine for Irving Woodlands, U.S. affiliate of J.D. Irving, Ltd., Canada, with oversight of Irving's woods operations and its Pinkham Lumber sawmill. His office is in Fort Kent.

Mr. Hourihan is a native of New Brunswick and earned his B.S. in Forestry from the University of New Brunswick in 1992. His thesis was on watershed management and stream flow impacts

of harvesting on Crown Lands in Southern New Brunswick. He is currently studying for his M.B.A.

Mr. Hourihan began his work for the Irving corporation in the Sussex (New Brunswick) District, working in road construction and harvesting operations. He represented Irving on several committees in the Fundy Model Forest Program (one of ten model forests established in Canada) involving many stakeholders working on broad scale forest management.

Mr. Hourihan moved to Nova Scotia in 1995, following Irving's acquisition of new forest lands. He worked three years as District management Forester developing long-term management plans for the new lands and in 1998 became Woodlands Superintendent for Western Nova Scotia overseeing all forest operations. He transferred to Prince Edward Island in 2000, where he integrated a new sawmill into the Irving group. In 2002 he was appointed Operations Manager for Irving's Spruce Division, working out of the Saint John, New Brunswick head office. He took on his current position in 2004.

#### **William Donald (Don) Hudson, Jr.**

Don Hudson was New Hampshire born and Northern New England bred. He earned his A.B. in French and Environmental Studies at Dartmouth College, his M.S. in Botany at the University of Vermont and his Ph.D. in Ecology and Evolutionary Biology at Indiana University.

Mr. Hudson joined the staff of the Chewonki Foundation, Wiscasset, Maine, in 1982, as Head Naturalist and Teacher. He became Assistant Executive Director in 1985, Executive Director in 1991 and President in 1997. Throughout his tenure at Chewonki he has continued his scientific research, teaching, publications and involvement in a variety of education projects. He has organized and led numerous wilderness canoe trips in Maine and in Canada, including the arctic regions. He is a Master Registered Maine Guide.

Mr. Hudson has a long record of service on governing boards and advisory bodies, including: Sheepscot River Watershed Council, Board of Directors; Penobscot River Restoration Trust, outside member, Board of Directors; Maine Woods Forever, Board of Directors (Co-President 2005- ); National Marine Educators Association (Treasurer 2003- ); State of Maine, Allagash Wilderness Waterway Advisory Council; Gulf of Maine Council on the Marine Environment (Chair, 2005-2006); Friends of Baxter State Park, Charter Board of Directors, (Treasurer 2000-); Success By 6, Board of Directors; Cornerstones of Science, Advisory Board, Curtis Memorial Library, Brunswick, Maine; State of Maine, Advisory Commission on Radioactive Waste and Decommissioning; Community Advisory Panel for the Decommissioning of Maine Yankee Atomic Power Plant; Gulf of Maine Marine Education Association, President (1998-2000); State of Maine, Baxter State Park Advisory Committee, Ad Hoc Member; State of Maine, Endangered Plant Technical Advisory Committee, State Planning Office; and Maine Environmental Education Association, President (1985-1989), Treasurer (1989-1998).

Mr. Hudson and his wife, Josephine Wilcox Ewing, and their two sons live in Arrowsic.

### **Phyllis Jalbert**

Phyllis Jalbert was born in Eagle Lake, Maine, and grew up in Van Buren, Fort Kent and the Allagash River. She earned her B.A. at Colby College.

Following her initial work as a grant writer and manager of an internationally successful artist, Ms. Jalbert entered the real estate business. She currently owns and operates Whitaker, Brooke & Harrison, Inc., a real estate management firm in Brooklyn, New York. Her business includes financial services, design, construction, recycling, reconstruction, rehabilitation, restoration, marketing, brokerage and management of commercial, mixed-use and residential properties in Brooklyn and Manhattan.

Ms. Jalbert resides in an historic townhouse that she restored in Boerum Hill, Brooklyn, NY, and in a restored 1835 farmhouse in North Yarmouth, Maine.

Ms. Jalbert is a Registered Maine Guide and operates the Willard Jalbert Camps on the Allagash Wilderness Waterway. She was a member of the Allagash Wilderness Waterway Advisory Council. She is a director of the U.S. Biathlon Association. She is an avid canoeist, skier, student of yoga, amateur pianist, accordionist and chanteuse. Her favorite pastime is being in the Allagash with family and good friends.

Ms. Jalbert is actively involved with the construction of the Michael Klahr Center of the Holocaust and Human Rights Center at the University of Maine in Augusta.

### **Senator John L. Martin**

Senator John L. Martin, Eagle Lake, is serving his fourth term in the State Senate, representing District 35, the northernmost district in the State. He is Assistant Majority Leader of the 123<sup>rd</sup> Senate, Chair of the Senate Rules Committee, and Senate Chair of the Joint Standing Committee on Natural Resources.

Born in Eagle Lake, Maine, on June 5, 1941, Senator Martin attended local schools and received his B.A. in History and Government from the University of Maine at Orono in 1963 and did advanced graduate study in Political Science at the University of Maine at Orono.

The Aroostook Democrat, who was first elected to the House of Representatives in 1964, served an unprecedented ten terms as Speaker of the House. He was a co-sponsor of the legislation that created the Allagash Wilderness Waterway.

Senator Martin is an assistant professor of Political Science and Government at the University of Maine at Fort Kent and a member of the New England Political Science Association and the American Academy of Political Science.

Senator Martin has served in a number of leadership posts in the National Conference of State Legislatures and other national and regional state legislative organizations. From 1970-72 he was Chairman of the State of Maine Land Use Regulation Commission and was also Chairman of the Intergovernmental Relations Commission in 1969.

Senator Martin's other activities include serving as Treasurer of Northern Maine General Hospital, a non-profit organization, which operates the Eagle Lake Nursing Home, the Eagle Lake Boarding Home, and the Powell Memorial Center, a home for mentally retarded adults.

### **Donald E. (Don) Nicoll**

Don Nicoll, chair of Governor Baldacci's Allagash Wilderness Waterway Working Group, is a native of Boston, Massachusetts, and was educated in the public schools of that city. He earned his B.A. in history and government at Colby College and his M.A. in history and government at Pennsylvania State University. Following graduate studies, he and his wife moved to Buckfield, Maine, in 1951. Now retired and living in Portland, his career in and connected with Maine has included work as a radio and television reporter and editor, executive secretary of the Maine Democratic Party, administrative assistant to U.S. Representative Frank M. Coffin (D-Maine), legislative assistant, news secretary and administrative assistant to U.S. Senator Edmund S. Muskie (D-Maine), chairman and chief executive officer of the New England Land Grant Universities Joint Operations Committee, vice president for planning and public affairs for the Maine Medical Center, and program planning consultant to non-profit health, education and community service organizations in Maine.

Throughout his career, Mr. Nicoll has been an active volunteer and has served as a member of and chair of a number of state commissions and committees, including the Special Commission on Restructuring State Government (co-chair), the Maine State Compensation Commission (chair), the Maine (Mental Health) Systems Assessment Commission (chair), and the Capitol Planning Commission (member). He is a member and former chair of the Board of Visitors of the Edmund S. Muskie School of Public Service, University of Southern Maine.

Mr. Nicoll first visited the Allagash area with Governor Muskie in 1955. As Senator Muskie's administrative assistant he represented the Senator in negotiations with the U.S. Department of the Interior and the State of Maine on development of the Maine Allagash Wilderness Waterway program and federal matching fund contributions to the state for land acquisition and establishment of the Waterway. In 1967 Senator Elmer Violette of Van Buren, then-Representative John Martin, he and others made the first of their many "annual inspection trips" on the Allagash. In recent years he served as a member of the Allagash Wilderness Waterway Advisory Council.

## APPENDIX D

### Allagash Wilderness Waterway Working Group

#### *Schedule of Meetings and Hearings - 2006*

- June 26, 2006            Augusta (State House, Room 126)  
                              [organization meeting and initial discussion; public input period]
- July 17, 2006            Augusta (State House, Room 126)  
                              [Working Group discussion meeting; public input period]
- August 12, 2006        Ashland High School  
                              [public hearing]
- August 13-14, 2006    Allagash Wilderness Waterway  
                              [field trip: Michaud Farm area, Allagash Falls, Taylor Camps, Moir Farm]
- August 14, 2006        Ft. Kent Council Chambers  
                              [public hearing]
- September 11, 2006    Orono (UMO, Doris Twitchell Village Building)  
                              [Working Group discussion meeting; public input period]
- October 18, 2006        Augusta (State House, Room 126)  
                              [Working Group discussion meeting; public input period]
- November 9, 2006        Augusta (State House, Room 126)  
                              [Working Group discussion meeting; decisions on initial draft  
  plan; public input period]
- November 28, 2006    Augusta (UMA with connections to UMO, USM, UMFK)  
                              [public hearing on draft plan; hearing conducted using UMS ITV system]
- December 13, 2006    Augusta (State House, Room 126)  
                              [Working Group discussion meeting; action on final draft plan]



## APPENDIX E

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January 9, 2007

Don Nicol, Chairman  
Allagash Wilderness Waterway Working Group  
65 Delaware Court  
Portland, ME 04103-6100

RE: AWW final report: revised draft, 1/03/2007

Dear Don,

Thank you for sending the draft final report of the AWW Working Group. Members of our group have invested an enormous amount of time and energy in assessing what changes, if any, should be made in the long-term governance, management, and oversight structure for the Allagash Wilderness Waterway (AWW) pursuant to Governor Baldacci's June 19, 2006 executive order.

I have reviewed the final draft report and given careful consideration to the charge we were given, issues we studied, and recommendations made in this report. I want to offer my endorsement for a number of the recommendations, explain my reservations about and opposition to others, and then suggest an avenue by which we might reach consensus on a report to be delivered to the Governor on January 19<sup>th</sup>.

First, I support most of the recommendations in our report. Specifically, I agree with:

1. The Working Group's recommendation that the AWW be restored to its pre-1995 status as its own, separate "region" within the BPL, sharing its central services.
2. The Working Group's recommendation that a new position, superintendent of the AWW, be created through legislation and a general fund appropriation. This superintendent will report directly to the director of the Bureau of Public Lands, supervise the manager and other staff of the Waterway, and have a relatively "high profile" as s/he advances the mission and goals of the Waterway in a variety of venues.
3. The Working Group's recommendation that a seven-member AWW advisory council be created in statute, and that six of the seven council members possess specific expertise and/or experience that will add

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value to management and oversight of the Waterway, and also strengthen the public's connection to this unique resource. (Please see my comment below about one important language change in the description of the membership.)

4. The Working Group's recommendation that the AWW superintendent be authorized to appoint technical committees to assist him/her with a variety of tasks.
5. The Working Group's recommendation that a permanent endowment fund be established, by statute, to receive funds from federal and private sources. (The Working Group also considered the possibility that state funds might be authorized and appropriated for an endowment fund, perhaps with a specific purpose of being used to acquire land adjacent to the current Waterway. While it is not clear that such appropriations will be made, I suggest that language in the new statute allow for that possibility.)
6. The Working Group's recommendation that the DOC commissioner report annually to the Legislature's committee of oversight (presumably the Agriculture, Conservation and Forestry Committee) on the overall health and finances of the Allagash Wilderness Waterway.
7. The Working Group's recommendation that strategic planning should become a formal part of the management strategy for the Waterway. Although none of the formal, specific recommendations in the Working Group's report state this point clearly, we referenced the "lack of long-range strategic planning" as one of the problems that must be addressed by changes in the governance, management, and oversight structure of the AWW, and also reference "future strategic and management planning" of the AWW in Recommendation #2, "AWW mission." There was certainly a strong consensus among members of the Working Group that the strategic planning is essential for the long-term well being of the Waterway.

Let me now address those parts of the report about which I have reservations, and also those with which I strongly disagree.

#### **A Board of Overseers/Trustees for the AWW**

I do not agree with the Working Group's decision to drop our recommendation to create an independent board of overseers or trustees for the Allagash. After substantial discussion of this option, and prior to our November 28<sup>th</sup> public hearing, we unanimously agreed that such a board would strengthen the management structure. At the November 28<sup>th</sup> public hearing, there was divided opinion among those who spoke about this proposal. The language in our draft report states that it was dropped, not because it

lacked merit, but because it "failed to bring together parties who have contested recent management of the AWW." Our decisions should be guided by merit, not by the difficult politics related to management of the Waterway. I believe we should recommend to the Governor that an independent board of overseers or trustees needs to be created – if not at the present time, at some definite future point.

### **Creating a New "Mission" for the AWW**

I understand the reasons why some members of our Working Group wanted to include a recommendation for a mission statement, but I cannot agree with this section of the report. First, the Governor did not ask us to revisit the fundamental mission of the Allagash Wilderness Waterway. By venturing beyond our charge and into the disputed territory about what the founders of the Waterway meant by the language in the original laws and guidelines, we would keep open and very much in focus disagreements about the fundamental importance of the AWW to the various constituencies that use it.

The proposed language fails to restate that the mission of the AWW was and remains to preserve, protect and develop the maximum wilderness character of the Waterway. The proposed language fails to acknowledge that the primary use of the AWW was and is to preserve and enhance the multi-day wilderness canoeing experience. The proposed language seeks to change the core purpose for which the Allagash Wilderness Waterway was created, a purpose well-defined in original statutory language and the State's application for designation of the Allagash as the nation's first state administered Wild and Scenic River. While preserving and interpreting human history along the Allagash River is an important management objective, it must be accomplished within the context of protecting the Waterway's wilderness character.

Should the Governor recommend changes to the management structure that include creation of the new superintendent's position and advisory council, these are the people who should undertake drafting a mission statement and a strategic plan; that was not the purpose of our Working Group. This recommendation, as crafted, is one that I cannot support. I propose deleting this section.

### **Description of Membership on the New Advisory Council**

As noted above, I support the creation of a seven-member advisory council. However, the sentence, "At least one member shall reside within 100 miles of the Waterway" was inserted into language of the report after the closure of our last public meeting, and without discussion. There was considerable discussion about whether the member with "sustainable forest management" experience would need to represent a private landowner with property in or adjacent to the AWW, and I ultimately agreed (albeit with reservations) to that provision. That member might, or might not, reside within 100 miles of the Waterway, and there was no discussion about a geographic location of any other person, including the public member. This language should be deleted.

### **Expenditures from the AWW Endowment Fund**

I believe that creation of a permanent endowment fund for the Allagash Wilderness Waterway is a very important endeavor. The Working Group noted that management costs of the AWW are significantly higher than those incurred at various units in the state park system, yet the Allagash must compete with those parks for its share of the DOC budget. An endowment would provide an ongoing stream of income that would help the department fully staff and better manage the resource. In addition, there are spectacular lands adjacent to the Waterway, such as Priestly Lake, acquisition of which would be gifts to future generations of those who cherish the wilderness character of the area.

Upon review of the language we approved at our last meeting, I would suggest reconsideration of the requirement that the AWW advisory council approve any expenditure from the endowment fund. The advisory council should "advise" the superintendent and the Director of BPL with respect to decisions about expenditures, but not have the authority to veto by withholding approval. Disbursement by public employees whose job it is to manage the Waterway, together with oversight by the commissioner, Governor, and Legislature should provide sufficient insurance that these funds will be appropriately invested.

### **Conclusion**

I have enjoyed both the challenge and the opportunity to serve with you and other members of the Working Group to do the work assigned to us by Governor Baldacci last June. I trust that these comments will be helpful, and look forward to discussing them with you and fellow members of the Working Group.

Sincerely,



Everett B. Carson  
Executive Director

~~Supreme Court of the United States~~  
~~Washington 25, D. C.~~

CHAMBERS OF  
JUSTICE WILLIAM O. DOUGLAS

November 8, 1960

Dear Governor:

May I write you confidentially for your  
advice and help?

This last September I ran the Allagash. I finished the trip with a feeling of great concern that that fine wilderness river would soon be lost due to the encroachments of civilization. The roads are penetrating closer and closer, and in view of the nature of modern lumbering operations the roads that are built are easy invitation to all the jeeps and other cars that can travel dirt roads.

There is some concern in the minds of the people in northern Maine at the idea of the National Parks Service taking over the Allagash. The Park Service to them means roads and hotels. What the Allagash needs is not roads and hotels as I see it, but a corridor from one to three or four miles on each side of the river and lakes that make up the Allagash water, and the restoration of the natural flow of the Allagash. This means eliminating relics of the old dams there, sealing up the Telos cut, taking out the dam at Chamberlain Lake and giving America once more a great unrestricted river run which is, I think, incomparable in this country.

It seemed to me, just between us, that the ideal solution would be to make some arrangements to put the Allagash under the Baxter State Authority. I wonder if there are men in Maine of your proportions that have your vision and dimension of thought who would take steps to make that a reality?

I don't know all the landowners. I do know the pulp company and the paper company and the hydro-electric company are involved. There may be for the most part only three. Those three could do it in large part. If it could be done under conditions similar to those that cover your Baxter State Park, we would be assured of an enduring recreational area for those who love canoes and the feel of fast water under them.

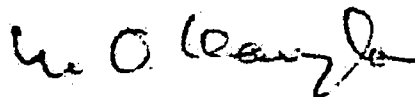
- 2 -

It may be that some slight concessions would have to be made to allow motors to be used on canoes. It may be that in some stretches hunting for deer at least could be allowed.

But by and large I think that the framework of the Baxter State Park fits the Allagash perfectly.

This letter is for you and you alone. It is written out of concern that this great river may be lost by the encroachments of so-called "civilization."

Yours faithfully,

A handwritten signature in dark ink, appearing to read "W. O. Langdon". The signature is fluid and cursive, with a large, stylized initial "W" and a long, sweeping underline.

The Honorable Percival P. Baxter  
Portland  
Maine

## APPENDIX F

*NOTE: The following draft report was distributed for public comment, which the Working Group received at a multi-site, interactive television hearing, November 28, 2006, and through written comments, received through December 13, 2006. The Working Group considered the responses at its meeting of December 13, 2006, and revised the report.)*

DRAFT - November 21, 2006 (Subject to further review and revision by the members of the Working Group)

### INTRODUCTION TO THE RECOMMENDATIONS OF THE WORKING GROUP ON GOVERNANCE, MANAGEMENT AND OVERSIGHT STRUCTURE FOR THE ALLAGASH WILDERNESS WATERWAY

In his June 19, 2006, executive order, Governor Baldacci directed the Working Group to “offer its best guidance and advice to the Governor respecting the long-term governance, management, and oversight structure for the Allagash Wilderness Waterway” and asked that its recommendations be designed to “assure:

1. effective communication and compatibility between the goals and objectives of the Allagash Wilderness Waterway Act and the Wild and Scenic Rivers Act, and the goals of recreational and commercial users and neighboring landowners;
2. the continuing protection and preservation of the Allagash Wilderness Waterway and enhancement of its ecosystems;
3. the continuing and effective expression of the history and culture of the region in which the river exists; and
4. the sound, effective, and efficient management of all its resources.”

For almost five months we have been engaged in an examination of the forty-year history of the Waterway and an analysis of the conditions and circumstance that led to the Governor’s executive order. We have reviewed documentation of the history, taken testimony at hearings, conducted correspondence with members of the several Waterway constituencies, engaged in an on-site examination of part of the Waterway, and have sought advice from experts in and outside the state.

There are those who suggest that the Waterway “ain’t broke,” so no changes are needed to “fix it.” They cite University of Maine Professor John Daigle’s survey that found a 97% satisfaction rate among Waterway users. The Working Group’s observations and inquiries have validated the generally favorable view of the Waterway itself and the experience it offers a variety of users. It should be noted also that, in addition to being successful as a recreational resource, the Waterway has achieved its initial, protective aims: (1) to prevent flooding of the river by high dams on the St. John River; (2) to prevent destructive timber harvest operations along the watercourse; and (3) to prevent vacation home development or other intensive recreation developments in the Waterway area. In addition, the Waterway restricted zone has, as intended, a more “wilderness” appearance and there have been no significant incidents of ecological damage within the Waterway.

We have also identified a number of serious problems related to the objectives cited in Governor Baldacci’s executive order. They need to be addressed by changes in the governance,

The problems include the following:

1. There are several passionate Waterway constituencies with very different perceptions of the range of intended uses of the Waterway. Their disagreements have led to ongoing conflicts over access points and differences over whether the Waterway was intended only for long trips by those engaged in a primitive canoeing experience or whether it was intended to be a recreational resource for a range of users, from long trip canoeists to day trip visitors. The conflicts and accusations have led to a decline in public confidence in the management of the Waterway, undermining even the valiant effort by the Department of Conservation to achieve consensus through the River Drivers' Agreement. The vehemence of the rhetoric and the persistence of sniping suggest that there is "something under the skin" of virtually every constituency that calls for coherent, transparent and effective leadership to build public confidence and mutually supportive action to care for and enhance this extraordinary public natural resource.

2. Policy and management practices have contributed, often unwittingly, to the loss of public confidence in the state's management of the Waterway. The effort to develop the maximum wilderness character of the restricted zone, for example, resulted in the loss of historic and cultural structures and remains in the lower reaches of the river, offending and alienating a number of Valley residents with strong family ties to former settlements and ancestral involvement in the use of the river. What some might consider minor access limitations have become major issues for people of the Allagash, the St. John Valley and neighboring communities. Likewise, what some might consider insignificant and merely convenient points of access developed over time in the middle and upper stretches of the Waterway, are an accumulating offense to those who consider that the state has reneged on its legislated responsibility to protect and enhance the wilderness character of the Allagash. Thus, unresolved conflicts have festered in the minds of many, and communication across the broad group of users of the Waterway is strained and occasionally combative.

3. Government reorganization efforts have resulted in shifting the Waterway from being a separate, unique state conservation and recreation entity to being another state park, understaffed in terms of its special requirements and vulnerable to further cuts as spending reform efforts try to apply comparative measures related to cost per visitor day and similar metrics. The financial problem is compounded by the fact that actual use of the Waterway is down, for a variety of reasons. The reduced number of user days, coupled with fixed operating and management expenses, have caused costs per user day to soar, to the point where the Department of Conservation has difficulty justifying the investment in comparison with other State recreation areas. As a state park, without special status, the Waterway is not in a position to acquire sufficient state and other funds to make adequate capital investments in infrastructure, expenditures for maintenance, investments in archeological and historic site protection, preservation, restoration and interpretation, or to acquire additional lands or easements that may be needed to conserve and enhance the ecosystems of the Waterway and its surroundings

4. There never has been an attempt to develop an ongoing strategic planning process for the Waterway. The different constituencies and the managers of the Waterway have not worked together to determine the long term goals, objectives and evaluative criteria for this extraordinary public resource. Planning exercises have been limited to intermittent management plans that



**Report to Governor John Elias Baldacci, January 31, 2007**

address tactical issues and have not involved consistent, stable or broadly credible governing or advisory bodies. The absence of a strategic vision and implementation plans further confounds opportunities to obtain sufficient funds to support operations, management, capital investment and investment in general enhancement of the ecosystems of the area. An example of this shortcoming is the absence of a strategic examination of the Allagash watershed and a determination of what steps, if any, would be desirable to protect the Waterway and its tributaries.

Our recommendations are designed to establish a structure of leadership that can enlist support from the different Waterway constituencies in rebuilding a vision for the jewel in our northern crown and setting the strategic direction for its enhancement as a natural area offering a variety of recreational opportunities and a monument to those who braved the wilderness and built communities. Strategic planning of that breadth and magnitude will lead to implementation plans – including sufficient funding – that will make achievement of our vision possible, and ensure efficient and effective management of the Waterway on behalf of all our citizens and support stewardship of the wilderness and its history for future generations.

## **PROPOSED ALLAGASH WILDERNESS WATERWAY GOVERNANCE STRUCTURE**

### **I. Policy Guidance**

The Working Group recommends that the basic mission and goals of the AWW continue to be articulated in Maine law through the legislative process. The Working Group recommends the creation of an AWW Board of Overseers to develop and oversee implementation of strategic and management plans consistent with the AWW statutes and the federal Wild and Scenic Rivers Act.

### **II. AWW Board of Overseers**

The Working Group recommends that an AWW Board of Overseers (the Board) be established in statute. The dictionary definition of “overseer” is “one who keeps watch over and directs the work of others; a supervisor or superintendent.” The Working Group believes that it would be counterproductive for the Board members to “represent” established interest groups and believes it preferable for Board members to possess a range of leadership and management skills, knowledge of the Waterway, and technical areas of expertise. The proposed geographic distribution of the public members recognizes the importance of ensuring involvement of regional perspectives in governance of the Waterway. The creation of the Board is intended to enhance the credibility, visibility and continuity of AWW leadership.

The recommended Board membership would be as follows:

1. The Commissioner of the Maine Department of Conservation;
2. The Maine Attorney General or his/her designee;
3. The Director of the Maine State Planning Office;
4. A member of the public from the First Congressional District of Maine; and
5. A member of the public from the Second Congressional District of Maine.

The first three Board members would serve by virtue of the public offices to which they have been appointed or elected, while the last two would be appointed for four year terms in accordance with Title 3, Chapter 6, of the Maine Revised Statutes. That is, they would be nominated by the Governor, reviewed by the legislative committee with jurisdiction over AWW issues, and confirmed by vote of the Maine Senate. The initial terms should be staggered so as to promote continuity of the public representation, and the number of terms should not be limited.

**Report to Governor John Elias Baldacci, January 31, 2007**

The public members of the Board should receive compensation in the form of legislative per diem and expenses allowable under Title 5, Section 12002-B, of the Maine Revised Statutes.

The Working Group does not believe it necessary to create a new government agency for AWW management. Therefore, the Board should be nested within the Department of Conservation for administrative, personnel, budgeting, and support purposes.

Throughout the Working Group process, stakeholders pointed to several serious challenges facing the AWW. Based on the stakeholder input, the Working Group recommends that the Board should have the authority to:

1. Develop strategic and long-range management plans for the AWW and, with private landowners, watershed management plans for the Allagash River;
2. Participate in the hiring and evaluation of the Director of AWW;
3. Monitor implementation of established strategic and long-range management plans;
4. Report biennially to the Legislature on progress, challenges, and needs;
5. Build relations with neighboring landowners;
6. Increase financial base of AWW; accept grants and other monies to this end;
7. Establish an Advisory Council and Technical Committees as needed;
8. Conduct public meetings and hearings;
9. Establish rules for administration of AWW;
10. Enter into agreements with other entities in furtherance of its purposes; and
11. Prepare and submit AWW budget requests to the DOC and to the Legislature.

**III. Management and Funding**

The Working Group heard from stakeholders a fair amount of frustration that the AWW was run as "just another park." The Working Group agrees that the AWW is one of Maine's crown jewels of natural recreation areas. In recognition of that fact, the Working Group recommends elevating the position of AWW Director and making the Director responsible for carrying out the Board's legal mandate and collaborating with other State and federal agencies, local volunteers, and interested parties. The Director would be hired by the Commissioner of the Department of Conservation, with the consent of the Board.

The AWW Director would hire, supervise, and evaluate AWW staff. Hiring would require approval of the Commissioner of the Department of Conservation.

The AWW budget would be prepared by the Board and submitted to both the Department of Conservation and the Legislature's Joint Standing Committee on Appropriations and Financial Affairs. This process would allow the legislative committee to review the Board's requests in their entirety, not just the requests included in the administration's budget.

The AWW needs additional financial resources in order to flourish. While funding for the new AWW Director position would necessarily come from State funds, the Working Group believes that a coordinated effort by the Director, the Board, and interested stakeholders could raise federal and private funds that would more than justify the additional State expense.

The Working Group recommends that the Board and Director pursue federal and other sources of funds for needed AWW capital improvements, land acquisition, physical facilities, visitor information and education, and heritage programs.

Because the Working Group believes there are significant opportunities for private fundraising for AWW improvements, it recommends that an AWW Permanent Endowment Fund be created to receive such funds. Expenditures from the Permanent Endowment Fund should be limited to a percentage of the income to the Fund to allow for continuous growth of the Fund. The Permanent Endowment Fund should be created to provide the maximum protection that can be afforded by law, so that prospective donors would have comfort that their gifts could not be diverted to address other governmental needs.

**IV. Public Involvement and Support**

The Working Group recommends that the Board be authorized to create both an Advisory Council and technical committees, as needed. The Advisory Council should consist of six to ten people to serve at the pleasure of the board with knowledge and experience in such areas as forest management, recreation, watershed management, wildlife conservation, cultural and historic preservation, and Wild and Scenic River planning and management. A representative of the National Park Service would serve as an ex officio member of the Council. The Board should annually appoint a Chair of the Advisory Council.

The Working Group believes that the Board may wish to establish technical committees to advise the Board on specific subjects or tasks such as Permanent Endowment Fund management, personnel management, private landowner relations, watershed planning, public education, historic preservation, forest and fisheries management, campsite management and fees, etc. Each technical committee should have a chair, appointed as determined by the Board.

## THE MISSION OF THE ALLAGASH WILDERNESS WATERWAY

Governor Baldacci's charge to the Working Group did not include action on the mission of the Waterway. Nevertheless, the Group soon found that, forty years after its founding, there are heightened disagreements over the purposes of the Waterway, in the context of its beginnings and in light of the experience of the last four decades. Mission-related issues were raised with the Working Group again and again.

We recommend that the question of mission be addressed by the legislature and by the proposed Allagash Wilderness Waterway Board of Overseers as part of a major strategic planning effort. We offer the following as our vision of what might be and as an initial contribution to the discussion.

1. Protect and enhance the wilderness character of the Allagash Wilderness Waterway and ensure its optimum public use through judicious management of it as a wilderness area and enhancement of the integrity of its tributaries, with priorities in the Waterway placed on offering wilderness experience to its primary users, the canoeists and fishermen;
2. Demonstrate the value we attach to the culture and history of the Allagash region by preserving, protecting and interpreting significant artifacts that reveal the life experience and impact of the native peoples, the settlers and those who came to use the forests and waters of the region in harvesting and transporting timber from the forest;
3. Enrich the lives of current and future generations by supporting and facilitating a variety of low impact recreational and educational uses of the Waterway that respect the integrity of the natural areas and history of the peoples of the area and are consistent with the Waterway's natural and historical conservation and enhancement programs.

NOTE: the term "low impact" refers to the uses now permitted in the Waterway under the constraints established by the statutes to protect the natural environment and its enjoyment by a variety of users.

DRAFT - November 21, 2006 (Subject to further review and revision by the members of the Working Group)

## **APPENDIX G**

### **BIBLIOGRAPHY OF KEY REFERENCE DOCUMENTS PREPARED FOR THE ALLAGASH WILDERNESS WATERWAY WORKING GROUP**

- I. Governor's Executive Order Establishing the AWW Working Group**
- II. Allagash Wilderness Waterway Statute**
  - A. Public Law 1997, Chapter 678
  - B. Public Law 2006, Chapter 598
- III. Allagash Wilderness Waterway Planning Documents**
  - A. 1999 Management Plan (Current)
  - B. Proposed Revisions to the Management Plan
    - i. See Appendix D: Summer Visitor Use
    - ii. See Appendix E: Monthly Distribution
    - iii. See Appendix F: Winter Visitor Use
    - iv. See Appendix G: AWW Rules and Regulations
    - v. See Appendix H & I: Forestry Operations
  - C. 1970 Allagash Wilderness Waterway Policy
  - D. 1973 Allagash Wilderness Waterway Concept Plan
  - E. Organizational Charts
- IV. Wild and Scenic Rivers Act**
  - A. See Appendix J: WSRA Statute
  - B. See Appendix K: Federal Register Text
  - C. See Appendix L: Federal Designation Request
  - D. U.S. Dept. of Interior Guidelines for Evaluating Wild, Scenic and Recreational Rivers
- V. Memorandum of Agreement Between Maine Department of Conservation and the United States Department of the Interior, National Park Service**
- VI. River Drivers Agreement**
  - A. River Drivers Agreement (RDA) – May 10, 2003
  - B. River Drivers Agreement Signatories
  - C. Allagash Wilderness Waterway Advisory Council, Alphabetical list of the Endorsers of the River Drivers Agreement
  - D. River Drivers Agreement Mediator, Jonathon Reitman
    - i. Reitman Letter to the Committee March 21, 2006
    - ii. The Allagash: A Case Study of Successful Environmental Mediation
    - iii. Jonathon Reitman Biography

**VII. Other Models for Governance, Management and Oversight**

- A. LURC Statute
- B. Technical Committee, Nova Scotia Department of Natural Resources

**VIII. Additional References**

- A. "Straight Talk About the Allagash" – Questions and Answers About the Allagash Wilderness Management Plan Revisions
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- B. Allagash Wilderness Waterway Map / Brochure

**IX. Historical Reference Documents**

- A. The Allagash River Authority "A Proposal for State Control" January 1965
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- C. Survey of AWW Visitor Use and Characteristics, 1973
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- F. November 1965 Letter from Don Nicoll
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- H. April 10, 1970 Letter from Governor Curtis to Secretary Hickel
- I. May 4, 1970 Letter from Governor Curtis to Secretary Hickel
- J. July 19, 1970 Remarks of Senator Muskie at Dedication for Allagash Wilderness Waterway
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- N. Notes from July 28, 1965 meeting in Senator Udall's Office
- O. June 8, 1970 letter from U.S. Senator Edmund Muskie to Senator Henry Jackson
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- X. News Bureau, Department of Economic Development, March 20, 1964 – We Need More Outdoor Recreation Areas by Earle Doucette
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- Z. Statement of the Executive Secretary of the Association for Multiple Use of Maine Timberlands in regards to LD 1376, An Act to Create an Allagash Wilderness Waterway , April 22, 1965
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- II. Article from Telegram, The Real Problem, May 30, 1965
- JJ. Article, Reed Favors State Control Over Allagash, May 27
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- MM. Congressional Record, page 11879 – Senate – May 27, 1965
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- VV. Article from Maine Times, Churchill Dam Needs Replacing, October 13, 1996

## APPENDIX H

### ALLAGASH WILDERNESS WATERWAY STATUTE

#### Title 12, Chapter 220, BUREAU OF PARKS AND LANDS

Subchapter 6: ALLAGASH WILDERNESS WATERWAY (HEADING: PL 1997, c. 678, @13 (new))

#### §1871. Declaration of policy

Whereas the preservation, protection and development of the natural scenic beauty and the unique character of our waterways, wildlife habitats and wilderness recreation resources for this generation and all succeeding generations; the prevention of erosion, droughts, freshets and the filling up of waters; and the promotion of peace, health, morals and general welfare of the public are the concern of the people of this State, the Legislature declares it to be in the public interest, for the public benefit and for the good order of the people of this State to establish an area known as the Allagash Wilderness Waterway. [1997, c. 678, §13 (new).]

PL 1997, Ch. 678, §13 (NEW).

#### §1872. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [1997, c. 678, §13 (new).]

1. **Bounds of the watercourse.** "Bounds of the watercourse" means the high-water marks of the shorelines of the lakes and ponds, the high-water marks of the intervening and connecting waters and the high-water marks of the banks of the streams and rivers of the watercourse. [1997, c. 678, §13 (new).]

2. **Canoe.** "Canoe" means a form of small watercraft with no rudder or sails that is long and narrow, sharp on both ends or sharp on one end and blunt on the other end usually propelled by paddles or a small motor. [1997, c. 678, §13 (new).]

3. **Control station.** "Control station" means a regular stopping place maintained by the bureau where users of the waterway may be registered. [1997, c. 678, §13 (new).]

4. **Emergency use.** "Emergency use" means a use resulting from unforeseen circumstances that calls for immediate action to protect persons or property. [1997, c. 678, §13 (new).]

5. **Herbicide.** "Herbicide" means a substance or mixture of substances used to destroy, dessicate, defoliate or prevent the growth of unwanted vegetation. [1997, c. 678, §13 (new).]

6. **Lock Dam Lot.** "Lock Dam Lot" means a certain lot or parcel of land described as follows: [1997, c. 678, §13 (new).]

Beginning at a point on the East town line of Township 7, Range 13 on the south bank of the thoroughfare between Chamberlain and Eagle Lakes, said point beginning 4 miles + 26.25 chains northerly of the southeast corner of the town; [1997, c. 678, §13 (new).]

Thence in a generally southwesterly direction a distance of 30 chains, more or less, to a point on the easterly shore of Chamberlain Lake, south of Lock Dam, so-called; [1997, c. 678, §13 (new).]

Thence northwesterly by and along the easterly shore of Chamberlain Lake about 13 chains, more or less to a point; [1997, c. 678, §13 (new).]

Thence northeasterly a distance of 40 chains, more or less, to a point on the east line of said township; [1997, c. 678, §13 (new).]

Thence southerly along said east line of the township to the point of beginning, containing 40 acres, more or less. [1997, c. 678, §13 (new).]

The aforesaid parcel of land containing 40 acres is that on which the said Lock Dam and improvements are presently located. [1997, c. 678, §13 (new).]

7. **Management plan.** "Management plan" means a plan of timber harvesting operations for areas within the

6. Operations and application outside restricted zone. The following requirements apply to timber harvesting and herbicide application in the waterway outside the restricted zone. [2003, c. 452, Pt. F, §5 (new); Pt. X, §2 (aff).]

A. Before a timber harvesting operation is commenced in the waterway outside the restricted zone, a management plan must be submitted to the bureau. The plan must contain:

- (1) A description of the proposed timber harvesting operation that includes the type of cutting;
- (2) The amount of timber proposed to be removed;
- (3) The time of year of cutting and removal;
- (4) The location of principal haul roads and crossings in the waterway to be used in connection with the proposed timber harvesting operation;
- (5) A plan for reforestation;
- (6) A stand table indicating species composition, size class and health of the original and residual stands;
- (7) The expected date of reentry;
- (8) A pesticide or other chemical treatment planned, excluding the use of herbicides before December 1, 1990; and
- (9) A plan for mitigating evidence of harvesting.

When a permit is not required under paragraph B, those who are submitting the management plan shall cooperate with the bureau to address any concerns of the bureau.

[2003, c. 452, Pt. F, §5 (new); Pt. X, §2 (aff).]

B. When the bureau determines that a timber harvesting operation or herbicide application is proposed for an area in the waterway outside the restricted zone and visible from the watercourse, that operation may commence only with approval from the bureau. A request for approval on a form provided by the bureau must be completed and signed by the applicant. This paragraph may not be construed to excuse the applicant from obtaining other permits required by law.

[2003, c. 452, Pt. F, §5 (new); Pt. X, §2 (aff).]

C. The bureau shall, within 30 days of receipt of a form requesting approval, either approve in writing the proposed timber harvesting or herbicide application upon terms and conditions the bureau determines are appropriate and reasonable or disapprove the request, setting forth in writing the reasons for the disapproval. If a decision is not made within the 30 days, the request for the timber harvesting operation or herbicide application is considered approved under the provisions of the management plan submitted.

[2003, c. 452, Pt. F, §5 (new); Pt. X, §2 (aff).]

D. The bureau shall approve a timber harvesting operation or herbicide application when it finds that the management plan provides for the silvicultural alternative that:

- (1) Produces the least adverse impact upon the natural character of the area in the waterway outside the restricted zone and visible from the watercourse for which the timber harvesting operation or herbicide application is proposed; and
- (2) Is economically feasible, except that an applicant may waive the requirement of a finding of economic feasibility.

[2003, c. 452, Pt. F, §5 (new); Pt. X, §2 (aff).]

E. Notwithstanding the provisions of paragraph D, the bureau may not deny approval for the removal of trees that are dead, dying or damaged by natural causes.

[2003, c. 452, Pt. F, §5 (new); Pt. X, §2 (aff).]

F. Before disapproving a request for approval or imposing terms and conditions under paragraph C, the bureau shall have the request for approval and the management plan reviewed by an experienced professional forester.

[2003, c. 452, Pt. F, §5 (new); Pt. X, §2 (aff).]

7. Violations. The following penalties apply to violations of this section. [2003, c. 452, Pt. F, §5



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to prevent, restrain, correct or abate any violation of this subchapter or of the permits issued under it or rules adopted under section 1803. This action may include, but is not limited to, proceedings to revoke or suspend any bureau permit or approval taken before the District Court in accordance with Title 4, section 152, subsection 9 and Title 4, chapter 5 or, notwithstanding the provisions of Title 5, section 10051, before the Superior Court, as part of an enforcement action brought by the bureau. [2001, c. 604, §16 (amd).]

PL 1997, Ch. 678, §13 (NEW).  
PL 1999, Ch. 547, §B28 (AMD).  
PL 1999, Ch. 547, §B80 (AFF).  
PL 2001, Ch. 604, §16 (AMD).  
PL 2003, Ch. 452, §F6 (AMD).  
PL 2003, Ch. 452, §X2 (AFF).

#### **§1885. Possession of weapons (REPEALED)**

PL 1997, Ch. 678, §13 (NEW).  
PL 2001, Ch. 604, §17 (RP ).

#### **§1886. Police supervision (REPEALED)**

PL 1997, Ch. 678, §13 (NEW).  
PL 2001, Ch. 604, §17 (RP ).

#### **§1887. Jurisdiction (REPEALED)**

PL 1997, Ch. 678, §13 (NEW).  
PL 2001, Ch. 604, §17 (RP ).

#### **§1888. Employees**

The bureau shall fix the duties of and employ permanently or part-time any employees and other personnel, subject to the Civil Service Law, the bureau considers necessary in the discharge of its duties under this subchapter. [1997, c. 678, §13 (new).]

PL 1997, Ch. 678, §13 (NEW).

#### **§1889. Allocation of funds**

Except for revenues resulting from an increase in fees in the waterway that, as provided in this chapter, accrue to a dedicated revenue account to be used for capital improvements in the waterway, all money received by the bureau with respect to the operation and management of the waterway must be deposited with the Treasurer of State to be credited to the General Fund. [1997, c. 678, §13 (new).]

PL 1997, Ch. 678, §13 (NEW)

#### **§1890. Appeals**

Any applicant for a timber harvesting permit who is aggrieved by a decision of the bureau relating to timber harvesting operations may appeal in accordance with Title 5, chapter 375, subchapter VII. [1997, c. 678, §13 (new).]

PL 1997, Ch. 678, §13 (NEW).

This Act was presented to the  
Governor by the Senate on APR 13 2006  
and has become law without his signature.  
(Constitution, Article IV, Part Third)

STATE OF MAINE

APR 26 '06

CHAPTER

598

PUBLIC LAW

IN THE YEAR OF OUR LORD

TWO THOUSAND AND SIX

S.P. 811 - L.D. 2077

An Act To Make Adjustments to the Allagash Wilderness Waterway

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §1882, as enacted by PL 1997, c. 678, §13, is repealed and the following enacted in its place:

§1882. Access points and control stations

Except as provided in this section, the bureau may determine the location of access points, control stations and watercourse crossings within the waterway.

1. Spring, summer and fall motor vehicle access to watercourse. Spring, summer and fall access by motor vehicle to the edge of the watercourse must be maintained at:

A. Chamberlain Thoroughfare Bridge;

B. Churchill Dam;

C. Umsaskis Lake Thoroughfare;

D. Henderson Brook Bridge;

E. Michaud Farm; and

F. Twin Brooks.

2. Spring, summer and fall access by motor vehicle to existing short trails. Spring, summer and fall access by motor vehicle to short trails existing on the effective date of this subsection and leading to the watercourse must be maintained at:

A. John's Bridge, limited to:

(1) Unloading and access during the months of May and September;

(2) Day use only with a permit from the bureau;

(3) Parking outside the restricted zone; and

(4) No vehicle access to the water's edge;

B. Bissonette Bridge road, over the road existing on the effective date of this paragraph to the trail existing on the effective date of this paragraph to the water's edge;

C. Finley Bogan, from the Inn Road to the top of the high bank;

D. Ramsey Ledge Campsite, limited to the motor vehicle parking area behind vegetative screening. Self-contained motor vehicle camping is allowed and canoe access is allowed; and

E. Indian Stream, by the trail existing on the effective date of this paragraph.

3. Snowmobile access to watercourse. The bureau shall maintain 19 snowmobile access points to the watercourse. Snowmobiles are prohibited on Allagash Lake and Allagash Stream.

4. Permanent watercourse crossings. Notwithstanding section 1876, subsection 1, only the following six bridges within the waterway are permanent watercourse crossings:

A. Henderson Brook Bridge;

B. Reality Bridge, also known as Umsaskis Bridge;

C. Churchill Dam Bridge;

D. John's Bridge;

E. Chamberlain Thoroughfare Bridge; and

F. Allagash Stream Bridge.

Watercourse crossings may not be constructed at the locations of the former Schedule Brook Bridge or the former Bissonette Bridge. Any right or interest granted to any person by the State to construct or maintain a bridge at those sites is extinguished.

**Sec. 2. Findings of fact.** The Legislature finds that the Henderson Brook Bridge in the Allagash Wilderness Waterway, which is designated as a wild river pursuant to the federal Wild and Scenic Rivers Act, 16 United States Code, Section 1273(a)(ii), is a vital economic link to the Town of Allagash and the surrounding areas, providing access:

1. **Timber harvesting.** For approved timber harvesting operations of approximately 150,000 tons of timber annually, with an economic value to the region of over \$6,500,000 per year;

2. **Employment.** To enhanced employment for the residents of the region; and

3. **Recreation.** To recreational activities in the Allagash region.

**Sec. 3. Private rights to "ghost bridges" to be extinguished.** The Department of Conservation, Bureau of Parks and Lands shall identify any private right, title or interest held by any person to construct or maintain a bridge at the locations of the former Schedule Brook Bridge or the former Bissonette Bridge, or at any other point within the Allagash Wilderness Waterway; and shall make every effort to enter into agreements with those persons to convey all such rights to the bureau on behalf of the State. Upon conveyance to the State of those rights, all such rights are extinguished. Nothing in this section may be construed to interfere with any person's right to lawfully cross the watercourse as defined in the Maine Revised Statutes, Title 12, section 1872. The department shall report to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters on the progress of these

discussions at the time it submits its proposed amendments to the 1999 Allagash Wilderness Waterway management plan under section 4.

**Sec. 4. Submission of management plan for review.** No later than January 15, 2007, the Department of Conservation, Bureau of Parks and Lands shall submit all changes proposed to the 1999 Allagash Wilderness Waterway management plan to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters for review. The department may proceed with improvements proposed in the plan that were begun prior to the effective date of this Act, but may not begin any other improvements proposed in the plan until the committee completes its review. Following completion of its review, the committee may report out a bill to the First Regular Session of the 123rd Legislature on any matter pertaining to the management of the Allagash Wilderness Waterway.

**Sec. 5. Study.** The Commission to Study the Henderson Brook Bridge in the Allagash Wilderness Waterway, referred to in this section as "the commission," is established.

**1. Commission membership.** The commission consists of 15 members, appointed as follows:

- A. Two members of the Senate, appointed by the President of the Senate;
- B. Three members of the House of Representatives, appointed by the Speaker of the House;
- C. Seven members appointed by the Governor, as follows:
  - (1) Three persons, each representing a statewide environmental organization;
  - (2) One person representing the interests of the Friends of the Allagash;
  - (3) One person representing the interests of J.D. Irving, Limited;
  - (4) One person representing the interests of Clayton Lake Woodlands; and
  - (5) One person representing the interests of Seven Islands Land Company;
- D. The Commissioner of Conservation, or the commissioner's designee;
- E. The Executive Director of the Sportsman's Alliance of Maine, or the executive director's designee; and
- F. The representative of the National Park Service, Boston Support Office having responsibility for assistance to the State on matters pertaining to the Allagash Wilderness Waterway under the National Park Service's Rivers, Trails and Conservation Program, or that person's designee.

In appointing legislative members, the Speaker of the House and the President of the Senate shall ensure that not more than 3 of the 5 appointed Legislators are members of the same political party. The Governor shall make his appointments from names recommended to the Governor by the organizations referenced in paragraph C.

**2. Chairs.** The first-named Senate member is the Senate chair of the commission and the first-named House of Representatives member is the House chair of the commission.

**3. Appointments.** All appointments must be made no later than 30 days following the effective date of this Act. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the commission.

**4. Duty.** The duty of the commission is to make recommendations on the design of a bridge to replace the existing Henderson Brook Bridge within the Allagash Wilderness Waterway. In performing this duty, the commission shall consider the economic, environmental and aesthetic issues associated with the design, the specific location of the bridge within the immediate area of the existing bridge, approaches to the bridge and the configuration of a motor vehicle access site to the watercourse at the bridge. The commission shall consider designs that locate the bridge abutments away from the edge of the watercourse to the extent that is within economic and engineering constraints. In conducting its study, the commission shall consult with engineering professionals experienced in bridge design and construction, including, but not limited to, design professionals affiliated with the Advanced Engineered Wood Composites Center at the University of Maine.

**5. Staff assistance.** The Legislative Council shall provide necessary staffing services to the commission.

**6. Compensation.** Legislative members of the commission are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the commission. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the commission.

**7. Report.** The commission shall submit a preliminary report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than November 1, 2006 and shall submit a final report including its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters no later than January 15, 2007. The commission is authorized to introduce legislation related to its report to the First Regular Session of the 123rd Legislature at the time of submission of its final report.

**8. Extension.** Upon request by the commission, the Legislative Council may grant a limited extension of time for the commission to complete its study and make its final report.

**9. Commission budget.** The Department of Conservation, Bureau of Parks and Lands shall, no later than 15 days following the effective date of this Act, transfer to the Executive Director of the Legislative Council sufficient funds to fund all per diem and expense costs for legislative members of the commission. All other costs of the commission, including per diem and expenses for other members, must be funded by the bureau from within existing resources. The commission shall hold at least 6 meetings. The Executive Director of the Legislative Council shall administer any funds received by the commission. The executive director shall notify the chairs of the commission when sufficient funding has been received. Within 10 days after its first meeting, the

commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget.

**Sec. 6. Appropriations and allocations.** The following appropriations and allocations are made.

**LEGISLATURE**

**Study Commissions - Funding 0444**

Initiative: Allocates funds for the per diem and expenses of legislative members of the Commission To Study the Henderson Brook Bridge in the Allagash Wilderness Waterway. Funds are provided through a transfer from the Department of Conservation to the Legislature.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2005-06</b>	<b>2006-07</b>
Personal Services	\$0	\$1,650
All Other	\$0	\$3,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$4,650</b>

## APPENDIX I

### FEDERAL REGISTER TEXT

Office of the Secretary  
ALLAGASH WILDERNESS  
WATERWAY, MAINE

Notice of Approval for Inclusion in  
National Wild and Scenic Rivers  
System as State Administered  
Wild River Area

Pursuant to the authority granted the Secretary of the Interior by section 2 of the Wild and Scenic Rivers Act (82Stat. 906, 907) and upon proper application of the Governor of the State of Maine, the Allagash Wilderness Waterway, Maine. Is hereby designated a State administered wild river area of the National Wild and Scenic Rivers System.

The application, which contains the management and development plan for the Allagash Wilderness Waterway, submitted by the State of Maine has been evaluated by this Department<sup>1</sup>. It has been determined that the entire Allagash Wilderness Waterway meets the requirements for classification as a wild river area under the provisions of the Wild and Scenic Rives Act and the supplemental guidelines adopted by this Department and the Department of Agriculture in February 1970.

<sup>1</sup> Copy filed with the Office of the Federal Register as part of the original document. Copies are also available at Bureau of Outdoor Recreation, Department of the Interior, Washington, D.C. 20240

The application has been reviewed by the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Federal Power Commission, the Director of the Water Resources Council, the Chairman of the New England

River Basins Commission and heads of other affected Federal departments and agencies. Their comments stated there were no conflicts and offered no objections to inclusion of the Allagash Wilderness Waterway in the National Wild and Scenic Rivers Systems as a State administered wild river area. The following is my evaluation of the management and development plan for the Allagash Wilderness Waterway submitted by the State of Maine.

ALLAGASH WILDERNESS  
WATERWAY, MAINE  
EVALUATION FOR INCLUSION  
IN THE NATIONAL WILD AND  
SCENIC RIVES SYSTEM IN  
ACCORD WITH THE WILD  
AND SCENIC RIVES ACT (82  
STAT. 906) AS A STATE  
ADMINISTERED WILD RIVER  
AREA

1. The Allagash Wilderness Waterway is specifically identified in section 2(a) (11) of the Wild and Scenic Rivers Act as being an outstandingly remarkable free flowing stream which, with its immediate environs, would be a worthy addition to the National Wild and Scenic Rivers System.

2. On May 11, 1966 the Allagash Wilderness Waterway Act, Title 12, Maine Rev. Stat. Ann., sec 661 et seq. became effective. That Act:

a. Established the State policy to preserve, protect, and develop the natural scenic beauty and unique character, wildlife habitat and wilderness recreational resources of the Allagash Wilderness Waterway for this generation and all succeeding

generations; and declared such policy is in the public interest, for the public, benefit, and the good order of the people of Maine.

b. Established 400-800-foot restricted zone from the shores of the watercourse, which has been purchased in fee title by the State to be maintained and administered in a wild state.

c. Provided permanent control of all land uses outside the restricted zone and within 1 mile of the high watermark of the watercourse.

d. Provided permanent and exclusive administration of the entire watercourse by the Maine State Park and Recreation Commission.

3. The entire Allagash Wilderness Waterway has been designated in a manner consistent with Wild River Area.

4. The entire Allagash Wilderness Waterway is permanently administered without expense to the United States.

5. The entire Allagash Wilderness Waterway meets the criteria of a Wild River Area established by the Wild and Scenic Rives Act, and the Guidelines for Evaluation Wild, Scenic and Recreational River Areas Proposed for Inclusion in the National Wild and Scenic Rives System February 1970 as follows:

a. *Impoundments*. There are three small dams within the Allagash Wilderness Waterway:  
(1) Telos Dam 5  $\pm$  feet of Head.  
(2) Lock Dam 5  $\pm$  feet of Head.  
(3) Churchill Dam 8  $\pm$  feet of Head.

These existing structures do not form impoundments which distract from or disrupt the wilderness

characters of the waterway and are of historic significance in that they portray the development of the logging industry in the northeastern United States. Originally these structures permitted the Allagash and Penobscot Rivers to be used as a principle route for transporting timber to the sawmills. Wood is now trucked to the mills. Churchill Dam has been rebuilt and is operated for the primary purpose of controlling water flows for optimum canoeing throughout the entire recreation season. Telos Dam and Lock Dam are operated by Bangor Hydro Electric Co. for water storage. The operation of all three dams is governed by the policy established by the State of Maine in the Allagash Wilderness Waterway, "to preserve, protect and develop the maximum wilderness character of the watercourse."

b. *Accessibility.* Public access over private roads will be permitted to and along a portion of Telos Lake at the southern end of the waterway and to the northern boundary at West Twin Brook. Existing private roads within the waterway which have been developed for logging purposes will be closed to public use. These private roads do not create a substantial impact on the overall wilderness character of the river. As new timber management plans are prepared; most of these roads will be removed from the immediate river area. There are six established and designated areas for the landing and take-off of passengers and equipment by aircraft:

- (1) Telos Lake at Telos Landing.
- (2) Chamberlain Lake at Nugents' Camp.

- (3) Churchill Lake at its northerly end near Heron Lake.

- (4) Umsaskis Lake at the Forest Warden's headquarters.

- (5) Long Lake at Jalbert's Camp.

- (6) Round Pond (113, R12) at Jalbert's Camp.

During the winter, snowmobiles are permitted on designated roads, trails, and paths. The Allagash Lake and Stream are closed to all forms of motorized travel including aircraft.

Temporary bridges for short-term logging purposes may be authorized by the State. Any such crossing is designed to provide minimum impact on the wilderness character of the waterway.

c. *Essentially primitive.* The overall character of the Allagash Wilderness Waterway is an outstanding vestige of primitive America. There are no permanent habitations or agricultural lands within the waterway and other than the three existing low dams; there are no diversions, straightening, rip-rapping or other modification of the waterway. There is no substantial evidence of man's intrusion within the 400-to 800 foot restricted zone adjoining the watercourse. The watershed is free also of such evidence within the boundary. All existing structures have been removed except those essential to State service, maintaining water level control, and temporary structures necessary for watercourse crossing and access.

d. *Unpolluted.* There is no data on the existing quality of the water in the waterway. However, there are no sawmills, industries, permanent residences, or other activities of man within the drainage basin of the Allagash

Wilderness Waterway which would suggest that the present water quality would not meet or exceed the minimum criteria for aesthetics and primary contact recreation as interpreted in the Federal Water Pollution Control Administration's Water Quality Criteria, April 1, 1968, The Maine Environmental Improvement Commission has classified the Allagash Wilderness Waterway as Class B-1 which is suitable for the water contact recreation; for use as portable water supply after adequate treatment; and for a fish and wildlife habitat. A concept of nondegradation will be followed whereby existing high water quality will be maintained to the maximum extent feasible. The waterway supports the propagation of aquatic life including fish, which are typical of high quality streams, in the north woods.

This action of approving the Allagash Wilderness Waterway for inclusion in the National Wild and Scenic Rives System is fully within the meaning and intent of the provisions of the National Environment Policy Act of 1969 (83 Stat. 852) and Executive Order 11514.

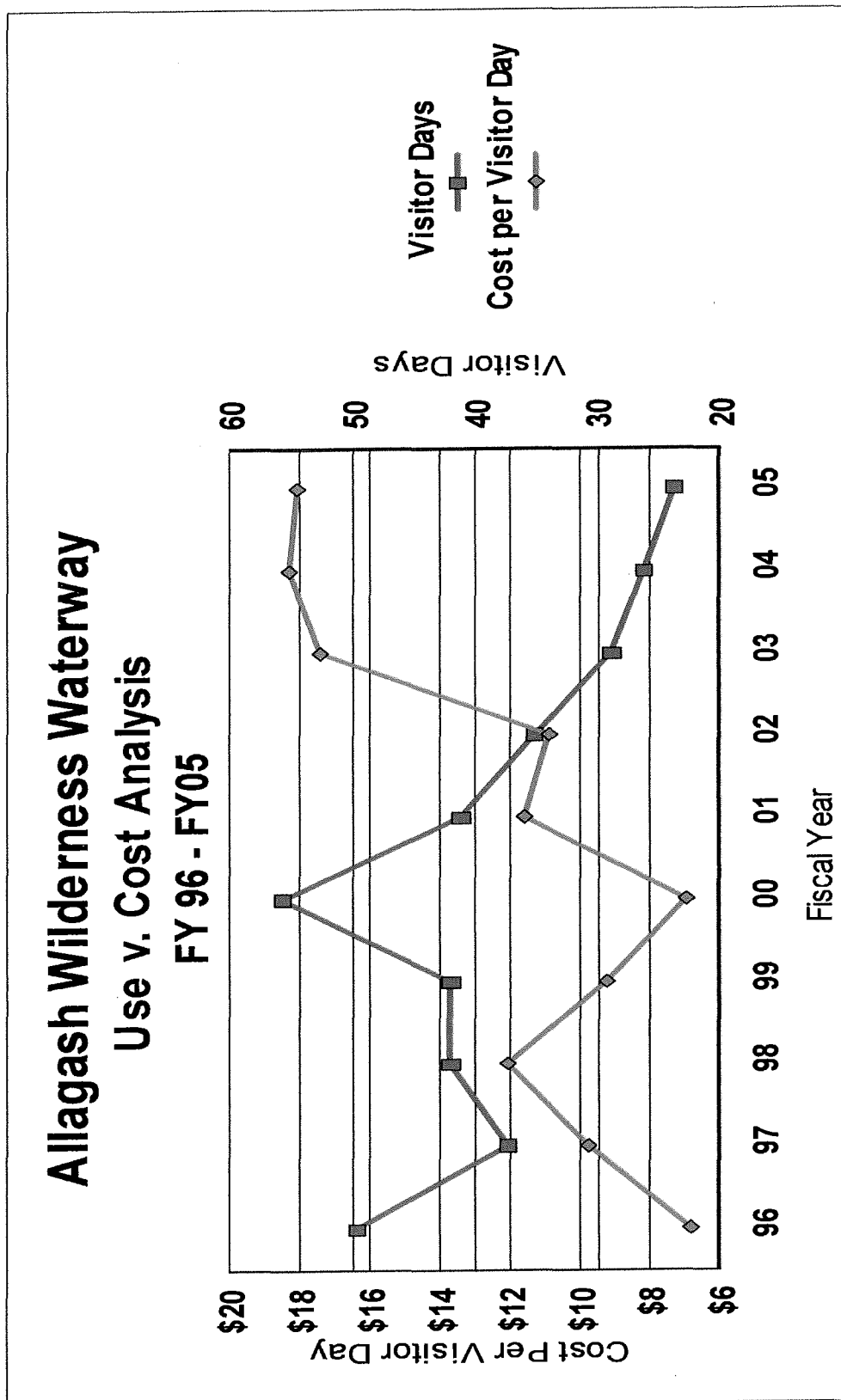
Notice is hereby given that effective July 19, 1970; the Allagash Wilderness Waterway as described herein is approved for inclusion in the National Wild and Scenic Rivers System as a wild river to be administered by the State of Maine:

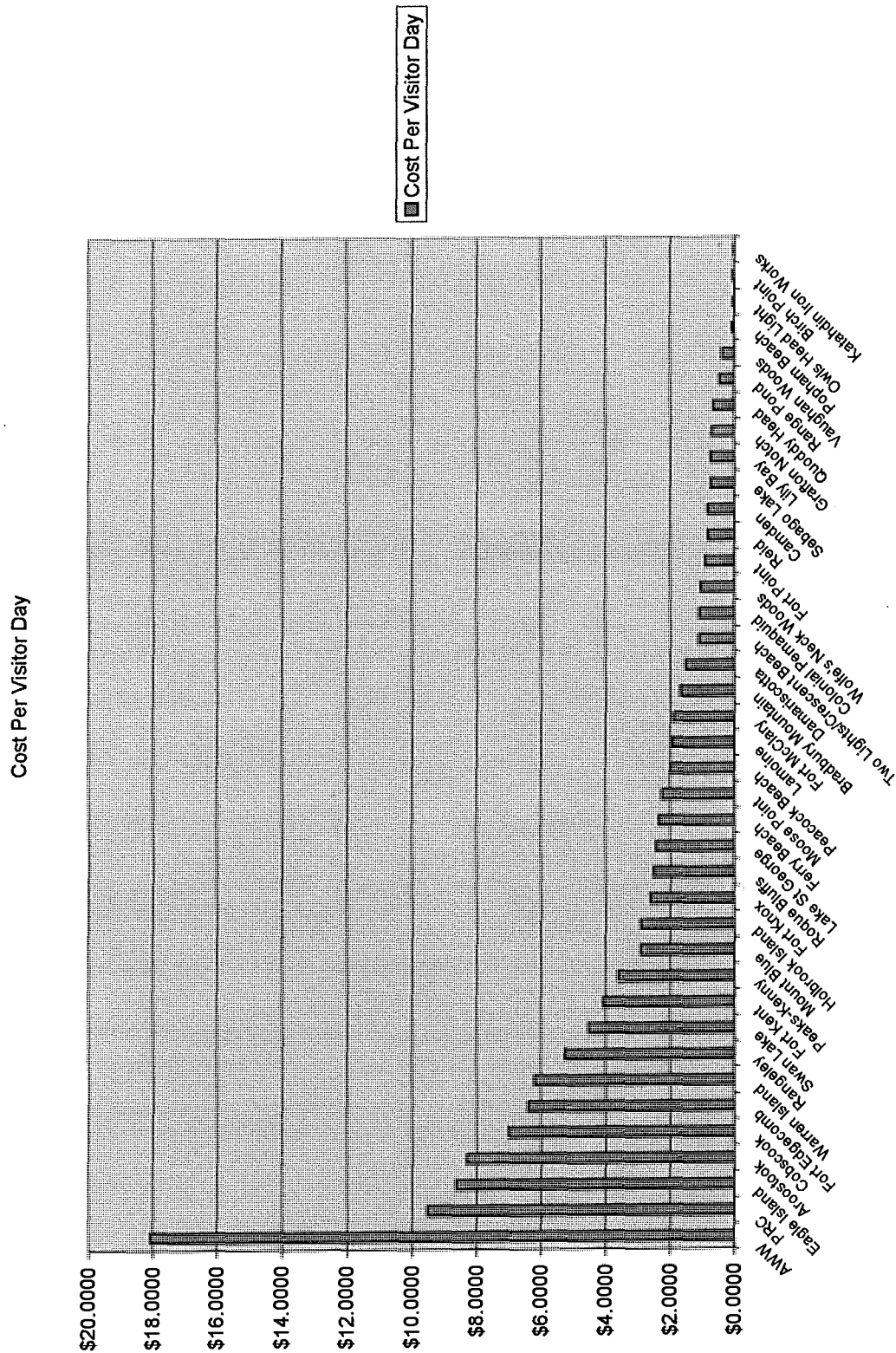
WALTER J. HICKEL,  
Secretary of the Interior,

JULY 13, 1970  
[F.R. Doc. 70-9231; Filed July 16, 1970; 8:52 a.m.]



## APPENDIX J





## APPENDIX K

**NOTE:** *The following outline was prepared by the BPL Northern Region Office at the request of the Working Group to provide information on support and shared services provided to the Allagash Wilderness Waterway by the Bureau and the Department of Conservation.*

### Administrative Issues In the Management of the Allagash Wilderness Waterway

The support work listed below is currently performed by the Bangor Regional Office.

#### Personnel Management

- . Processing position transactions
  - o Vacancy management and Recruitment (postings) o New Hires
  - . Note: Hiring decisions are made by field staff o Transfers and Promotions
  - o Status Changes (Changes in season, etc.)
  - o Seasonal Leave
  - o Benefit levels and support
  - o Maintenance of Training Records and compliance

#### Business Management

- . Allocation of special funds (Loon Fund)
- . Management of donations accounts
- . Processing and posting of bills and invoices
- . Approvals and posting of procurement card purchases

#### Maintenance Management

- . Maintenance Inspections
- . Development, funding, and supervision of Minor projects (> \$500 < \$10,000) . Technical (engineering and permitting) support for maintenance projects
- . Contract management and supervision
- . Specialized staff support (solar systems, gas systems, carpentry, etc.)
- . Specialized equipment support (earthwork and construction equipment, etc.)

#### Operational Management

- . Vehicle Fleet
  - o Fleet Assignments, fleet management, payment of fleet bills
- . Vessel Fleet
  - o Procurement, management, and major maintenance of vessel fleet and outboard motors
- . Capital Equipment
  - o Replacement of capital equipment based on Bureau budget management of capital inventory
- . Public Use
  - o Collection and collation of public use data
- . Park Income
  - o Depositing and processing of fees collected by contractors
- . Planning and Research
  - o Reports and data research projects as assigned
- . Uniforms
  - o Ordering and distribution
  - o Payment of uniform costs
  - o Management of safety boot allocations
- . Radio System
  - o Radio inventory and replacement management
  - o Payment of radio lease costs
  - o Note: The radio repeater system is administered and maintained by the

Office of Information Technology. Dispatch services are provided through the Maine Forest Service in Ashland.

**Promotions and Visitor Services**

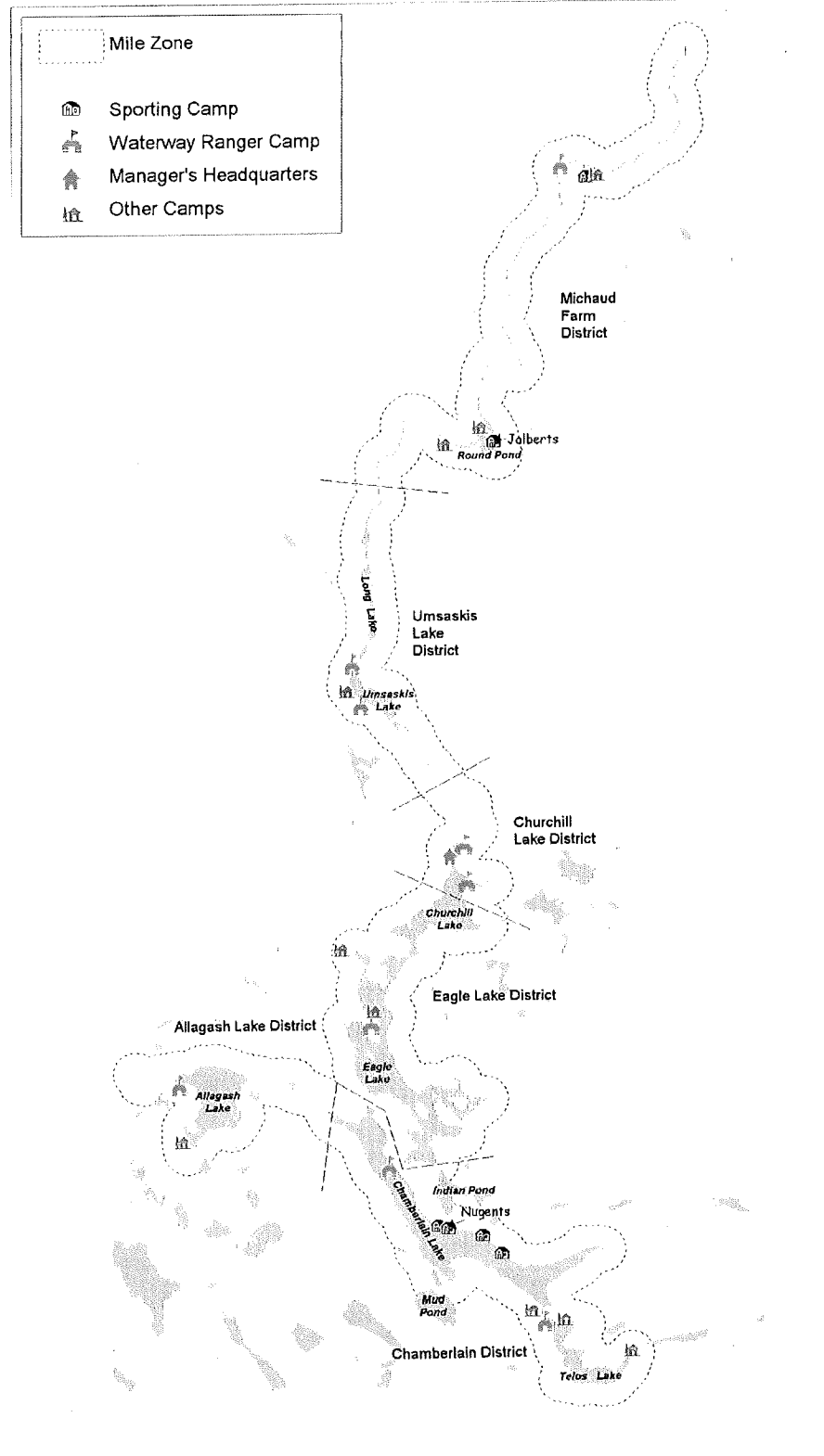
- . Call center for all visitor inquiries
- . Distribution point for all brochures, handouts, and publications
- . Development and management of all printed materials, signs, rules, and other public documents
- . Management of the Allagash store.

The Augusta office currently supports the Web Page for the Allagash Wilderness Waterway.

## APPENDIX L

Allagash Wilderness Waterway

Map 2 - Administrative Structures and Districts



**Allagash Wilderness Waterway** Map 4 - Summer Motor Vehicle, Road, and Float Plane Access

