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STATE OF MAINE
123rd LEGISLATURE
FIRST REGULAR SESSION

**Report to the Joint Standing Committee on Agriculture, Conservation, and Forestry
Regarding Various Options for Managing the Upper Saco River Recreation Corridor**



January 4th, 2008



STATE OF MAINE
DEPARTMENT OF CONSERVATION
22 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0022

Master File

JOHN ELIAS BALDACCI
GOVERNOR

PATRICK K. MCGOWAN
COMMISSIONER

January 4, 2008

Senator John Nutting, Chair
Representative Wendy Pieh, Chair
Joint Standing Committee on Agriculture,
Conservation, and Forestry
100 State House Station
Augusta, Maine 04333-0100

Dear Senator Nutting and Representative Pieh:

Enclosed is the report regarding various options for managing the upper Saco River Corridor presented by the Bureau of Parks and Lands to the Committee on Agriculture Conservation, and Forestry as directed by Resolve 2007, chapter 67.

As directed by the Resolve, the Director and his staff convened and held several meetings with the Saco River Working Group to address several issues of use, enforcement and funding of the Upper Saco River Corridor. The report details the results of those meetings and presents several recommendations for improved management.

I am pleased to present this report to the Committee and will make myself available for further explanation and or discussion with the committee.

Sincerely,

Willard Harris, Director
Bureau of Parks and Lands

cc: Agriculture, Conservation, and Forestry Committee Members
Patrick McGowan, Commissioner, Department of Conservation



EXECUTIVE SUMMARY

Resolve 2007, Chapter 67 required the Director of the Bureau of Parks and Lands in the Department of Conservation to gather information to facilitate management of 40+ miles of the Saco River between Hiram Dam in the Town of Hiram and the New Hampshire border - the Upper Saco River Corridor.

More specifically, the Resolve required the Director to review approaches to addressing long-standing issues of law enforcement, safety, environmental impacts, and user conflicts resulting from ever-increasing recreational use of the upper corridor; consider approaches for consistent management of this corridor, while working with stakeholders to weigh the potential impacts of these approaches on local and regional economies; and address the potential benefits and drawbacks of the corridor becoming a federally-designated Partnership Scenic and Recreational River.

To address issues and facilitate management approaches, the Bureau convened a Saco River Working Group that included members from the Saco River Corridor Commission; the Saco River Recreational Council; legislators, private landowners, farmers and woodlot owners along the river; the Nature Conservancy; municipal officials or their designees from the towns of Hiram, Brownfield, Denmark, and Fryeburg; law enforcement officials; and owners of campgrounds and other businesses.

Following two Working Group meetings and a meeting with the Saco River Recreational Council in the fall of 2007, three broad areas of needed management focus were identified, along with specific actions that might be pursued in each area. The focus areas include law enforcement; funding and public information. Working Group discussions of specific actions indicate that a more permanent group of stakeholders should be established to:

- decide which actions will be most effective in changing user behavior immediately;
- secure community support for these actions;
- implement the selected actions; and
- consider longer term management strategies, including federal and state designations.

Finally, a recommendation on the establishment of a funding mechanism for preservation of the river is also provided in this report, the direct result of the work and subsequent discussions held between the Bureau, river stakeholders, and other state agencies.

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I. Background

The Upper Saco River Corridor includes about 40 miles of river and river shoreland from the Hiram Dam in Hiram, Maine to the Fryeburg, Maine/Conway, New Hampshire border. The shoreland includes lands within 500 feet of the river bank, or lands within the 100-year floodplain up to a maximum of 1,000 feet. Within the 500 foot shoreland alone, there are approximately 5,000 acres. Most of the shoreland is privately owned. State-owned, state-assisted, or town-owned natural resource or recreation properties in the Upper Corridor include the following:

Maine Department of Inland Fisheries and Wildlife:

- Brownfield Bog Wildlife Management Area – 5,700 acres in Fryeburg, Brownfield and Denmark.
- Lovewell Pond - boat access in Fryeburg provides access to the river in the bog.

Maine Department of Conservation, Bureau of Parks and Lands:

- Swans Falls Campground and Canoe Access – 47 acres in Fryeburg
- Brownfield Parking and Canoe Access - 4 acres on Route 160

Town of Fryeburg

- Canal Bridge Canoe Access in Fryeburg – owned and managed by the town and developed with state funds

The Saco River Corridor Commission was established by the Maine Legislature in 1979 (38 MRSA Sections 951-969) to control land use along the river and two main tributaries from Saco Bay to the New Hampshire border. In 1983, a cooperative study of the river's natural resources was completed by the Commission and the U.S. Department of Agriculture. A recreational study (plan) of the corridor was developed at that time with assistance from an advisory committee of local citizens, businesses, and interested agencies. This study included recommendations for future management of river recreation in the corridor, however there were no funds to implement the recommendations. In the intervening years, Bureau of Parks and Lands staff have worked with the Saco River Recreation Council, of which it is a member, to address recreation management concerns on the River. The Council is a non-profit organization made up of canoeists, landowners, local residents, canoe liveries, the Appalachian Mountain Club, and others. It is this relationship that led to the development of Cooperative Agreements between the Bureau and the Council for management of some public camping and boat access areas beginning in 2008.

The Department of Inland Fisheries and Wildlife, in addition to its land holdings in the Upper Corridor, has statutory authority to control surface uses of the river, including recreational uses. This authority is exercised through adoption and enforcement of rules that address the use of watercraft (12 MRSA Section 13051).

It is the continuing and unresolved recreational use issues along the Upper Corridor that led to the 2007 legislative resolve and renewed efforts to find effective management tools.

II. Introduction

The Saco River Working Group was formed during the summer of 2007, with invitations sent to the following stakeholders. Nearly all invitees attended and participated at one or both of the Working Group meetings held in the fall:

- Rep. Roberta Muse (House District 99)
- Senator David Hastings (Senate District 13)
- Ed Wilkey, Selectman, Town of Fryeburg
- Sheriff Wayne J. Gallant, Oxford County Sheriffs Office
- Lieut. Adam Gormley, Maine Department of Inland Fisheries and Wildlife (Warden Service)
- Mike Pierce, Maine Department of Inland Fisheries and Wildlife (Warden Service)
- Wayne Brooking, Fryeburg Chief of Police
- Chris Gantick, Woodland Acres Campground, Brownfield
- Bob Tagliaferri, Saco River Livery Association
- Dennis Finn, Saco River Corridor Commission
- Stefan Jackson, The Nature Conservancy
- Ned McSherry, Saco River Recreational Council
- Eric Noble, Hiram Selectman, Chair
- Steve Gourley, Brownfield Selectman
- Roy E. Andrews, Fryeburg
- E. A. Russell, Saco Valley Forest Lands
- Betsey Thibodeau, Green Thumb Farms
- John Weston, Fryeburg
- Christina Ferla, Brownfield
- Nancy Leach, Fryeburg
- Michelle Broyer, Saco River Clean-up / Invasive Plants Patrol
- Rob Rose, Fiddlehead Campsites
- Bill Williams, Maine Forest Service
- Chris Thayer, White Mountain Facilities Director, Appalachian Mountain Club
- Fred Westerberg, Saco River Canoe and Kayak

Rep. Ralph Sarty of Denmark, who filled the recently-vacated House District 99 seat, participated in the second meeting.

III. First Meeting of the Saco River Working Group

The first meeting of the Saco River Working Group was held on September 10, 2007 and was well attended by stakeholders. Used primarily as a listening session, the focus of this meeting was to draft a list of priority issues, which would serve as the basis for formulating management options to be reviewed at subsequent meetings. Stakeholders and members of the public had the opportunity to voice concerns about use and management of the river. Thirty-five separate comments were recorded. (see meeting summary in Appendix.) In addition, attendees offered ideas for better managing the corridor.

Comments and concerns were consolidated into 9 priority issues:

- 1) Alcohol and Drug Abuse
- 2) Overuse
- 3) Trash and Human Waste
- 4) Lack of Funding
- 5) Lack of Enforcement Ability
- 6) Improper Use of Private Property
- 7) Bad Reputation for the River
- 8) Education (on proper use)
- 9) Damage to River Ecology and Habitat

The group agreed that a subsequent meeting would be scheduled to discuss management approaches that address these priority concerns. The Bureau would develop these approaches with input from the Saco River Recreation Council and other state agencies including Inland Fisheries and Wildlife and the Maine Forest Service.

IV. Meeting with the Saco River Recreation Council

On October 15, 2007, shortly after the first Working Group meeting, the Bureau of Parks and Lands met with the Saco River Recreation Council (SRRC) to discuss the priority issues identified by the Working Group and to more specifically explore the role of the SRRC in the future management of the river corridor.

A Cooperative Agreement between the Bureau and the Appalachian Mountain Club for management of the Swans Falls campground and boat access site in Fryeburg has been in place since 1980. AMC decided not to renew the agreement after the 2007 season. The SRRC agreed to enter into a similar agreement with the Bureau to manage the Swans Falls property, the state-owned parking and canoe access site in Brownfield and to work with the Town in developing a similar agreement for the parking and canoe access site at Canal Bridge in Fryeburg. This management agreement would include the continued collection of fees for camping and canoe access at Swans Falls, and fee collection for parking and canoe access at the Brownfield and Canal Bridge sites.

The revenues from these areas are considered important in providing additional law enforcement support for critical use periods during the summer months, to include the Maine State Police, Oxford County Sherriff's Dept., the Town of Fryeburg Police Department and the Maine Warden Service.

There was also discussion about a prohibition of "party barges" along the Upper Saco River Corridor as a means of discouraging the problematic behavior associated these hand-made vessels.

These ideas would be further considered at the next meeting of the Working Group.

V. Second Meeting with Saco River Working Group and Discussion of Management Options

A second meeting of the Saco River Working Group was held on December 10, 2007. The purpose of this meeting was to introduce and discuss options for the future management of the Upper Corridor. These options were developed in consultation with the Saco River Recreation Council, the Maine Warden Service, and the Maine Forest Service.

The 9 priority issues developed at the September meeting were further consolidated as follows and presented at this meeting:

- Enforcement
- Funding
- Public Information

Enforcement. The Director of the Bureau of Parks and Lands presented several management approaches to resolving ongoing enforcement issues, including increased law enforcement by the Maine State Police, Oxford County Sheriff's Department, Fryeburg Police Department, and Maine Warden Service during 6-8 critical summer weekends. In addition to increases in these services, a new law or rule limiting the type of vessel that could be used on the river – effectively prohibiting the so-called “party barges,” was also proposed. This option would require rule-making by the Department of Inland Fisheries and Wildlife, which has jurisdiction over inland surface water uses, and would need to be initiated and supported at the local level.

- *Working Group members cited the need to limit or prohibit alcohol use; eliminate “party barges;” and make public drinking laws more enforceable. Private landowners noted the need for laws that limit the use of private land without prior permission without requiring them to post their land.*

Funding. Options were also presented for funding management activities on the river, including the collection of fees at critical public access points at Swans Falls in Fryeburg, the Brownfield parking and boat access site, and the town-owned Canal Bridge site in Fryeburg,. A management agreement between the Bureau, Town of Fryeburg, and Saco River Recreation Council would give the Council the needed authority to collect the fees, portions of which would be used to fund both law enforcement and management services.

- *Many Working Group members wished to include as part of the proposal a general use fee for anyone using the river, which could become a viable funding source.*
- *Recreation Council members indicated that revenues from the Swans Falls Campground would be limited due to overhead.*

Public Information. The Director outlined a commitment on behalf of the Department of Conservation to develop and distribute public information materials promoting proper use of the river. This would include pre-season press releases to statewide and Boston area newspapers and

development of a public service video, useable in a variety of venues, including the internet. The video could be a tool to counter postings on YouTube, a video-sharing website, that identify the Upper Saco as an opportunity for mayhem.

- *Working Group members remarked that public information efforts would need to be considerable to overcome the river's reputation as there is a lot of internet information now available.*
- *The Recreation Council also expressed their interest in committing to an educational effort at the Swans Falls campground – and area that can reach many users of the river.*

River Management Options - National Park Service. After discussion of the noted management options, meeting participants considered the Partnership Scenic and Recreation River program, a planning service of the National Park Service that evaluates interest in and eligibility for in the NPS Wild and Scenic River program. Entry into the program would require local support and participation, with the NPS providing consultants and planning resources. The resulting “plan” would address the issues, resources, benefits and drawbacks associated with a formal rivers designation. The advantage of this planning is that it can be undertaken without committing to formal designation. National Park Service authority would only be in place if the river became designated.

- *Working Group members expressed a mix of interest and skepticism in committing to the National Park Service program, although further information from the NPS website would be reviewed and discussed at a future meeting.*
- *The group recalled that the 1983 study by the Saco River Corridor Commission and the US Dept. of Agriculture took four years to complete.*
- *Another option to be looked at would be the designation of the river as a Recreational Waterway by the Maine Legislature, to include a commission for its ongoing management. This idea had been proposed to the legislature in the 1980's, where it received little support at that time.*

VI. Saco River Preservation Fund

Section three of the Resolve required that the Report to include “a recommendation for the creation of a Saco River preservation fund to fund future management of the river.” Funding options for the river were discussed extensively throughout the meetings and discussions with stakeholders, the substance of which was discussed earlier in this Report. As a result of these discussions, the Bureau of Parks and Lands concluded that any funding mechanism developed for management of the river be established and administered at the local level. The reason for this recommendation is three-fold:

- 1) The Bureau has no statutory management authority on any portion of the Saco River;
- 2) The State of Maine, through the Bureau of Parks and Lands and Inland Fisheries and Wildlife, owns only a small portion of land along the river in comparison with private landowners;
- 3) Those individuals and stakeholders whose property and livelihoods are in direct relation to the river are best able to understand and react to the management needs and resulting expenditures on a day-to-day basis .

The Bureau has offered to provide input on both the development and administration of this fund, by and through its continued involvement with the Saco River Recreation Council. This includes the development of management agreements for the Bureau-owned Swans Falls and Brownfield sites in which funds collected would be dedicated to river management. Funds collected at the town-owned Canal Bridge site would also have to be used for site maintenance and river management under guidelines set forth by the Bureau’s Boating Facilities Division, as this site was developed using monies from that program. Together, these three funding sources would provide significant and additional monies to support the ongoing management needs within the Upper Saco River corridor.

VII. Future Steps

Next steps towards developing and implementing approaches towards future management of the Upper Saco River Corridor will include the following.

- Finalize Cooperative Agreements with the Saco River Recreational Council and Town of Fryeburg for management of the Swans Falls campground, parking and boat access site; the Brownfield parking and boat access site; and the Canal Bridge parking and boat access site.
- Develop an ongoing stakeholder group to make decisions on river management approaches that can be immediately implemented, and review longer term management options, including the National Park Service Partnership program and designation of the river as a State Recreation Waterway by the Maine Legislature.
- Continue to build community support in Fryeburg, Denmark, Brownfield, and Hiram as management approaches are developed.
- Continue to work toward establishing a stable funding source for river recreation management that includes parking fees and other ways to generate income.
- As management initiatives are implemented, provide public information about these efforts through press releases and public service announcements.

In addition to the above, it was clear at the second Working Group meeting that participants thought increased enforcement during the 6 to 8 weekends of July and August would make the greatest difference in user behavior. Many law enforcement representatives at the meeting advocated a change in statute that would impose a complete ban on alcohol, as well as chainsaws, from Swans Falls to the Hiram Dam. This was seen by them as necessary to give enforcement officials sufficient authority to confiscate the quantities of beer commonly seen at the start of many river trips. However, a total ban on alcohol was not unanimously endorsed. Many felt this was too extreme and suggested some limit on alcohol short of a total ban. The lack of agreement on this issue made it difficult to develop consensus recommendations to meet the perceived need for enforcement.

VIII. Appendices

Resolve 2007, Chapter 67

RESOLVE Chapter 67, 123rd Maine State Legislature
Resolve, To Preserve the Saco River

PLEASE NOTE: Legislative Information *cannot* perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Resolve, To Preserve the Saco River

Preamble. Whereas, the Saco River flows through several municipalities and recreational use of the river has increased dramatically in the past decade; and

Whereas, developing a plan for appropriately managing recreational use of the river and providing law enforcement, sanitation and emergency services is essential; and

Whereas, a consistent approach to managing recreational use of the river is essential to maintaining the quality of the experience for users, as well as resolving conflicts between recreational users and owners of property adjacent to the river; now, therefore, be it

Sec. 1 Development of recreation management plan for Saco River. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation, referred to in this resolve as "the director," shall gather information to facilitate the management of that portion of the Saco River between the New Hampshire border at Balch Pond and the Hiram Dam in the Town of Hiram. For the purposes of this resolve, this portion of the river is referred to as "the Upper Saco River Recreation Corridor."

Specifically to be reviewed are various approaches to address issues including, but not limited to, boating safety, law enforcement, environmental impact of recreational uses, conflicts among recreational users and the degradation of public and private property within the corridor. The director shall seek an approach that provides for consistent management throughout the Upper Saco River Recreation Corridor. The director shall work with stakeholders to consider potential effects of various management approaches on local and regional economies.

The director shall contact the New Hampshire Department of Environmental Services, Watershed Management Bureau, Rivers Management and Protection Program. The director shall invite one or more representatives from New Hampshire to join in examining the management of the Upper Delaware River as a federally designated Partnership Scenic and Recreational River and assess the benefits and drawbacks to such a designation; and be it further

Sec. 2 Working group. Resolved: That the director shall convene a working group, including, but not limited to, one representative of:

1. The Saco River Corridor Commission;
2. The Saco River Recreational Council;
3. The Nature Conservancy;
4. Municipal officials or citizens designated by municipal officials from the towns of Hiram, Brownfield, Denmark and Fryeburg;
5. Law enforcement;
6. Owners of campgrounds within the Upper Saco River Recreation Corridor;

RESOLVE Chapter 67, 123rd Maine State Legislature
Resolve, To Preserve the Saco River

7. Citizens who own land and reside within the Upper Saco River Recreation Corridor;
8. Owners of working woodlots within the Upper Saco River Recreation Corridor; and
9. Owners of farms within the Upper Saco River Recreation Corridor.

The director shall seek the advice of the working group and develop options for managing the Upper Saco River Recreation Corridor in consultation with the working group; and be it further

Sec. 3 Recommendations and report; funding. Resolved: That the director shall submit a report to the joint standing committee of the Legislature having jurisdiction over public lands no later than December 15, 2007. The report must include various options for managing the Upper Saco River Recreation Corridor as a recreational waterway of statewide significance. The report must also include a recommendation for the creation of a Saco River preservation fund to fund future management of the river.

Letter of Invitation to Serve on the Saco River Working Group

August 27, 2007

Rep. Roberta Muse
35 Warren Street
Fryeburg, Maine 04037
robertamuse@gmail.com

Via Email and First Class Mail

Dear Rep. Muse:

On behalf of the Department of Conservation, Bureau of Parks & Lands, I am writing to invite you to join the Saco River Preservation Working Group.

In accordance with legislation passed during the last legislative session, (123rd Maine State Legislature, Resolve Chapter 67), I have been charged with convening a temporary working group from which to solicit advice and aid the Bureau in identifying options for managing the Upper Saco River Recreation Corridor. As a stakeholder of the Upper Saco River Recreation Corridor, your input on this issue is vital to our success.

I hope that you will consider joining the Working Group, and attend the first meeting on September 10, 2007. The meeting will take place at the Fryeburg Fairgrounds in the main office from 6:30 – 8:30 pm. It is my hope that during this first meeting we will identify and prioritize the management issues facing the Upper Saco.

Please plan to attend the meeting and come prepared to identify 1-2 key issues that you and/or your organization believe to be facing the Upper Saco River Recreation Corridor today.

I have enclosed a copy of the legislation as well as the agenda for the September meeting for your review. Should you have questions or wish to contact me prior to the meeting you can reach me at 207-287-4961 or by email at will.harris@maine.gov. I look forward to working with you.

Sincerely,

Willard Harris, Director
Maine Bureau of Parks & Lands

Invitation to Attend Second Meeting of the Saco River Working Group

November 21, 2007

Dear Saco River Working Group Member:

We have scheduled the next meeting of the Saco River Working Group for Monday, December 10th, from 4:00 p.m. until 6:00 p.m. at the Fryeburg Fairgrounds main office. The purpose of this meeting will be to review and discuss options for addressing the following priority issues developed at our last meeting. We are also looking forward to furthering the plan for managing the Saco River, and utilizing your input and expertise towards its development.

The priority issues are:

- 1) Alcohol and drug abuse
- 2) Overuse
- 3) Trash and human waste
- 4) Lack of funding
- 5) Lack of enforcement ability
- 6) Improper use of private property
- 7) Bad reputation (due to barges, alcohol use, etc.)
- 8) Education (on proper use)
- 9) Damage to river ecology and habitat

Please contact John Titus (207-287-4916 or john.titus@maine.gov) if you need a copy of the minutes from the September 10th meeting or otherwise have questions. I look forward to seeing you all on December 10th.

Sincerely,

Willard R. Harris, Director
Maine Bureau of Parks and Lands

Minutes of First Saco River Working Group Meeting

Saco River Working Group

September 10, 2007

6:30 – 8:30 p.m.

Fryeburg Fairgrounds – Main Office

Attendance: Ed Wilkey, Roy Andrews, Cynthia Walker, Steve Gourley, Tim Creem, Sherriff Wayne Gallant, Michael McAllster, Wayne Brooking, Rep. Bobbie Muse, Mike Pierce, Mark Mayhew, Gregg Hesslein, Ned McSherry, Bob Tagliaferri, Fred Westerberg, Elbridge Russell, Don and Betsey Thibodeau, Cliff Hall, Arizona Zipper, Carly Trumann, H. Rip Neddenreip, Eric Root, Dan Smith, Corey Lane, Bob Wallstrom, Nancy and Stephen Harnden Leach, Christina Ferla, John Weston, Lisa Williams Ackley, Stefan Jackson

From the Bureau of Parks and Lands: Will Harris, Steve Curtis, George Powell, John Titus

I. Maine Bureau of Parks and Lands Director Will Harris welcomed all to the meeting; went over the evening's agenda with introductions following.

II. Rep. Bobbie Muse was introduced, who sponsored a Resolve passed by the 123rd Legislature to establish the Saco River Working Group. She stated that the Bureau of Parks and Lands has been directed to develop a recreation management plan for the corridor between the New Hampshire border and the Hiram Dam in Hiram. A Report to the legislature is due by December 15th, which will include management recommendations for the waterway, as well as recommendations for developing and establishing a preservation fund for its future management.

III. Most of the meeting was spent developing a list of issues important in developing the corridor management plan (facilitated by John Titus, Bureau of Parks and Lands). Issues discussed included:

- 1) Legislation in general, which has "over run" the river and the rights of the landowners along the river
 - 2) The unauthorized use of fires on private lands, which is a frequent problem along the river
 - 3) The cutting of trees on private land for firewood (including the use of chainsaws)
 - 4) The issuing of permits for fires on private lands, unwelcomed by some landowners
 - 5) The lack of or need for law enforcement, with the #1 problem on the river being the consumption of alcohol
 - 6) Unbridled use of private land along the river, which includes all manner of bad behavior
 - 7) Broken bottles, which if prohibited, would help with some of the problem
 - 8) The river's reputation in general, which is at risk because of its reputation as a "party river"
 - 9) The economic and social implications resulting from the rivers' declining reputation
- There is a need to change the way the river is currently being used.

- 10) The lack of or need for “target marking” by communities and area businesses similar to what the nearby ski areas do – as a means to attract a desirable clientele.
- 11) Human waste, trash, drugs, foul language, and nudity are all big problems.
- 12) Prosecution of those who have been summonsed has been lax – there are many who “failed to appear” (FTA). Need to find a way to hold offenders accountable.
- 13) The use of “booze barges” constructed and custom designed for the river. They have become a navigational and safety problem on the river.
- 14) Use of “potato canons”
- 15) The use of the river From Canal Bridge to Walker Falls is a short distance, but an area that has seen significant use and negative impact
- 16) 100 canoes in one hour have been seen from one location on the river
- 17) Water quality has to be an issue, given the amount of use and abuse (TNC reports that the water quality testing down river has shown no problems with water quality to date)
- 18) NH landowner laws differ from ME landowner laws
- 19) The “bottom line” is that not enough money is available to correct the problems
- 20) It will be important to identify the difference between “misuse” and “over use”
- 21) Erosion of riverbanks and the resulting loss of habitat is a serious problem; much of this is from impaction/trampling
- 22) U-Tube (internet) advertises the river as a come-to destination for parties
- 23) Campground standards are lacking wherever people stay along the river
- 24) There is some confusion regarding landowner and other laws that impact the river
- 25) Swans Falls Campground is the largest use area (AMC was unable to attend the meeting)
- 26) Education is generally lacking, but there is recognition that “you can’t educate the un-educatable” (meaning we have to change the users of the river)
- 27) Landowners want their land back from trespassers
- 28) There is adverse impact on real estate values
- 29) There is anecdotal evidence of toxins being dumped in the river
- 30) Oil and gasoline is getting into the river from vehicles operating on sandbars
- 31) The river has the potential to be one of the more polluted rivers in the state
- 32) Fireworks are a frequent occurrence
- 33) The river is at risk for invasive plants
- 34) Motor size may need to be addressed
- 35) Officer safety is a real concern for those enforcing laws on the river

Ideas to consider...

- 1) Consider a total ban on alcohol on the river
- 2) If you deal with the alcohol first, other problems will go away
- 3) A “failure to appear” could be attached to a vehicle license
- 4) River users should bear some of the costs of management
- 5) Look into NH landowner laws for ideas/help for Maine landowners
- 6) There is need to better understand the rules and laws already in place that can help manage future use
- 7) The river corridor problems will require the help of many to resolve the current issues
- 8) We need more “river runners” and dumpsters, and information boards
- 9) Liveries provide 35% of the canoe use on the river. Any “solutions” will impact them

- 10) We can consult the AG's office to get help beefing up a commitment to enforcing laws and prosecuting violators
- 11) Checkpoints at various landings could be places where contraband could be confiscated
- 12) All canoes should be registered
- 13) The state could decide not to issue fire permits, which it has the discretion to do
- 14) Introduce "Leave no Trace" principles to all river users
- 15) Look at visitor capacity as a means to control/limit use
- 16) Local communities could start a "counter campaign" to attract a more positive clientele
- 17) The river is larger than the local communities - the context should be broadened due to the river's state-wide significance as a means to solve problems and to get funding
- 18) Partnership with the Wild and Scenic River Program is a possible means to get funding

IV. Prioritization of Issues. Will Harris summarized the previous hours' discussion by offering the following list of priorities needing address:

- 1) Alcohol and drug abuse
- 2) Overuse
- 3) Trash and human waste
- 4) Lack of funding
- 5) Lack of enforcement ability
- 6) Improper use of private property
- 7) Bad reputation (due to barges, alcohol use, etc.)
- 8) Education (on proper use)
- 9) Damage to river ecology and habitat

After some discussion, it was agreed to make these priorities the main agenda item for the next meeting of the Working Group, which will be scheduled following the Fryeburg Fair. Will thanked everyone for coming and for their participation.

Meeting adjourned at 8:15 p.m.

Minutes of Second Saco River Working Group Meeting

Saco River Working Group
December 10, 2007
4:00 – 6:15 p.m.
Fryeburg Fairgrounds – Main Office

Attendance: Chief Wayne Brooking (Fryeburg PD), Dennis Finn (Saco River Corridor Commission), Cindy Walker (SRRC), William Gormely (IF&W), Walter Gryzb (Maine State Police), Wayne Gallant (Oxford County Sherriff), Matt Baker (Oxford SO), Dave Tripp (Oxford SO), Timothy Ontengco (Oxford SO), Fred Westerberg (SRRC), Rep. Ralph Sarty, Sen. David Hastings, Rep. Bobbie Muse, Roy Andrews (Fryeburg Rec.Council/President of Fryeburg Fair), Stefan Jackson (TNC), Ned McSherry (SRRC), Bob Tagliaferri (SRRC), Mark Mayhew (Maine Forest Service), Nancy Leach, landowner, Robert Rose, (Fiddlehead Campground)

From the Bureau of Parks and Lands: Will Harris (Director), Steve Curtis, George Powell, John Titus

I. Welcome and Introductions.

II. Recap of September 10th Meeting (priority issues regarding future management of the Saco River).

III. Recommendations from the Bureau. Since the September meeting, the Bureau has met with the Saco River Council and with several state agencies including Inland Fisheries and Wildlife and the Maine Forest Service. The following recommendations are as follows:

Enforcement.

- There are predictably 6-8 weekends in the summer when there is need for additional enforcement. Increased enforcement from all agencies (local, county, state) will be needed.
- Most agree there is need to develop a rule or law prohibiting “party barges.” IF&W controls surface water uses; the proposed prohibition would have to be initiated at the local level with significant local support behind it.

Funding

- An agreement with the Saco River Recreation Council for management of Swans Falls Campground put-in and parking (agreement formally with AMC) should bring in some income
- A similar agreement would be made with the Recreation Council for the put-in and parking area at the Brownfield site.
- Although Canal Bridge is owned/operated by the Town of Fryeburg, state Boating Division monies were used to develop the site; fees can be charged provided the

monies go back into its operation and maintenance. The Town could sublease the site to the Saco River Recreation Council, with the council managing a separate fund from the proceeds (so it doesn't mix with town funds).

Public Information

- The Department of Conservation, with help from our Public Information officer, will develop some positive press promoting the proper use of the river.
- The Department would work with interested parties in developing its own videos to counter the numerous and inappropriate U-Tube videos found on the web.
- Press releases could go out to the Boston Globe as well as local newspapers.

River Management - National Park Service. The Bureau was also asked (in the Resolve establishing the Working Group) to look into participation in the National Park Service's Partnership Scenic Recreational River program. This would involve a willingness by communities along the river to join in this effort. No one group would be in charge. The NPS would develop a comprehensive plan at its expense, with recommendations regarding the river being formally designated as a Wild and Scenic River. Participation in this program would not require giving up any control to the NPS. More information can be found at: <http://www.nps.gov/nero/rivers/wildandscenic.htm>.

IV. Discussion of Recommendations

Enforcement

- Many of the ideas discussed tonight are the same ones discussed 25 years ago. Instead of just talking about them again, we need those earlier recommendations to be implemented. Several in this room worked hard to step up enforcement action recommended at that time.
- Privacy issues (as a result of enforcement activity 25 years ago) brought forth by the Maine Civil Liberties Union caused enforcement agencies to back off.
- There used to be a 97% conviction rate for arrests made on the river. Making convictions stick today is very difficult.
- It was agreed 25 years ago that the river would benefit from becoming a state-designated recreational waterway. A "commission" would be set up to promulgate rules needed for the river. This idea received little support from the Legislature at that time.
- The crossing of jurisdictional lines makes old solutions difficult.
- Since alcohol is the number one problem, we need to a way reduce/regulate the amount of alcohol brought onto the river. We need to pass a law in this regard that pertains just to the Saco River.
- The issues are different today than from 25 years ago. Back then we could deal with the few "Rambo" types to clean up the river. Today, that won't be enough to solve the problem.
- The Town of Fryeburg spent \$8,800 on river enforcement last year; with plans to double that request.
- Only a multi-faceted approach to law enforcement will work on the river. Someone has to take a lead role in coordinating the enforcement agencies involved.
- Ability to "respond" adequately to enforcement needs will be the biggest concern.

- The number of arrests has increased dramatically over the years, yet the problem still continues. Adding roadblocks isn't going to help. Taking away their alcohol doesn't help either – they just go get more.
- I agree that we have to focus on the excessiveness of the alcohol, but controlling it is going to be hard to do.
- There are more abuses now in other communities along the river, including Denmark and Brownfield. The “problems” are being pushed down river. This is what happens when enforcement is stepped up on the Fryeburg end.
- Laws have to be changed to force people to get permission to use private land. We need a permit system that tells us who is on the river, where they are going, and how long they will be there.
- We don't like the idea of having to post our land. We would rather not post it, and just have laws that require users to get permission to use private land.
- Fire Permits state that the fire can only occur on non-posted land only. This is not intended as permission to use private land.
- We have heard a lot about changing laws tonight – what are the laws you want to change?
Response: limit or prohibit alcohol on the river; eliminate “party barges,” make public drinking laws more enforceable.
- A prohibition on alcohol will not be enforceable.
- If you just make alcohol “contraband,” all you have to do is confiscate it – you can enforce without an arrest.
- The Delaware Gap is an example of a problem river similar to the Saco, although it gets considerably more use.
- The Boston Harbor Islands is another example of a water course that had lots of issues. There was a ban on alcohol implemented, although it was hard on local businesses at first (including ferry use). With time, local business improved.
- If you are going to change laws, you also need a plan on how you are going to enforce it.
- Boat enforcement programs in several municipalities, including Naples, are working well - they might provide ideas.
- We will have to consider the impacts on businesses if alcohol is banned from the river. There must be a way we can control alcohol amounts in a way that does not negatively affect these businesses.
- We just want the “abuses” taken care of.
- We have to remember that there are a lot of good users of the river. Most people do not cause problems and have a good experience. I visit the people who use my land on the river, and most are fine. It is hard to find anything growing, “hot dog sticks” are cut as quick as they grow. Let's not be too hard on the good people who use the river also.

Funding

- Swans Falls Campground probably won't bring in much money, as there is considerable overhead needed to run the facility. We could do a more aggressive educational program from the campground to help with the problem
- If you're going to charge for parking at Canal Bridge, some local residents who use the Town Beach also use this parking area.
- Canal Bridge could net \$18,000 per year from parking fees.

- Charging user fees for the river has to be considered.

Public Information

- Swans Falls campground can be a place where education can be stepped up.
- I found 85 You-Tube sites on the web, all promoting alcohol use on the river. This will be difficult to overcome.

River Management

- At one time we had a Task Force as a coordinating group worked out; it just never came into being.
- The NPS Partnership Wild & Scenic River Program could be the solution, without losing anything, to the future management of the river.
- Once a river becomes a Wild and Scenic River, the NPS then has some “rights” within the designated area.
- A similar “study” was undertaken years ago under then Parks and Recreation Director Herb Hartman, the study was conducted by the Department of Agriculture. A plan was developed; the process took 4 years. If we undertake another study, it will take considerable time to accomplish.
- We need to convince the State that the river is worthy of designation. There has to be a place common to all of us where we can communicate. A Recreational Waterway designation would provide that.
- Where would the private landowners come in if the river were to be designated? Response: any plan for the river would have to include the support of the private landowners.
- The website for information on this program can be found at:
<http://www.nps.gov/ncrc/programs/pwsr/>
- It is possible to get a grant (up to \$150,000) from NPS to develop a management plan without a requirement to commit to entering this program.
- If a commitment is made, additional funding may be available to implement the management plan.

V. Next Steps. The Bureau will continue to refine the recommendations I outlined tonight, including working with the Fryeburg Police Chief regarding enforcement issues; finalizing agreements with the Recreation Council, developing public information from our Department, and exploring further the NPS partnership program or a possible state waterway designation.

Meeting adjourned at 6:15 p.m.

