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COMMERCIAL WHITEWATER RAFTING
REVIEW OF RECREATIONAL USE LIMIT AND ALLOCATION SYSTEM

FINAL REPORT

BUREAU OF PARKS AND RECREATION
DEPARTMENT OF CONSERVATION
AND
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

DECEMBER 15, 1985

COMMERCIAL WHITEWATER RAFTING:
REVIEW OF RECREATIONAL USE LIMIT AND ALLOCATION SYSTEM
FINAL REPORT

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COMMERCIAL WHITEWATER RAFTING:

REVIEW OF RECREATIONAL USE LIMIT AND ALLOCATION SYSTEM

I. INTRODUCTION

This report completes the review of the recreational use limit and allocation system established in 1983 by PL Chapter 503, An Act to Regulate Commercial Whitewater Rafting. The review, undertaken jointly by the Bureau of Parks and Recreation (BPR) and the Department of Inland Fisheries and Wildlife (DIFW) in accordance with Section 6 of PL 1983, c. 502, has been prepared in two parts. A Preliminary Report, submitted to the Legislature on October 1, 1985, presents preliminary findings and issues and contains an analysis of all data considered to that point. This Final Report presents final findings and recommendations and includes additional important data. The two reports are companion documents.

II. ADDITIONAL INFORMATION CONTAINED IN THE FINAL REPORT

Additional information contained in this Final Report is supplementary to that contained in the Preliminary Report. The information is presented in a series of appendices. The new information includes the following:

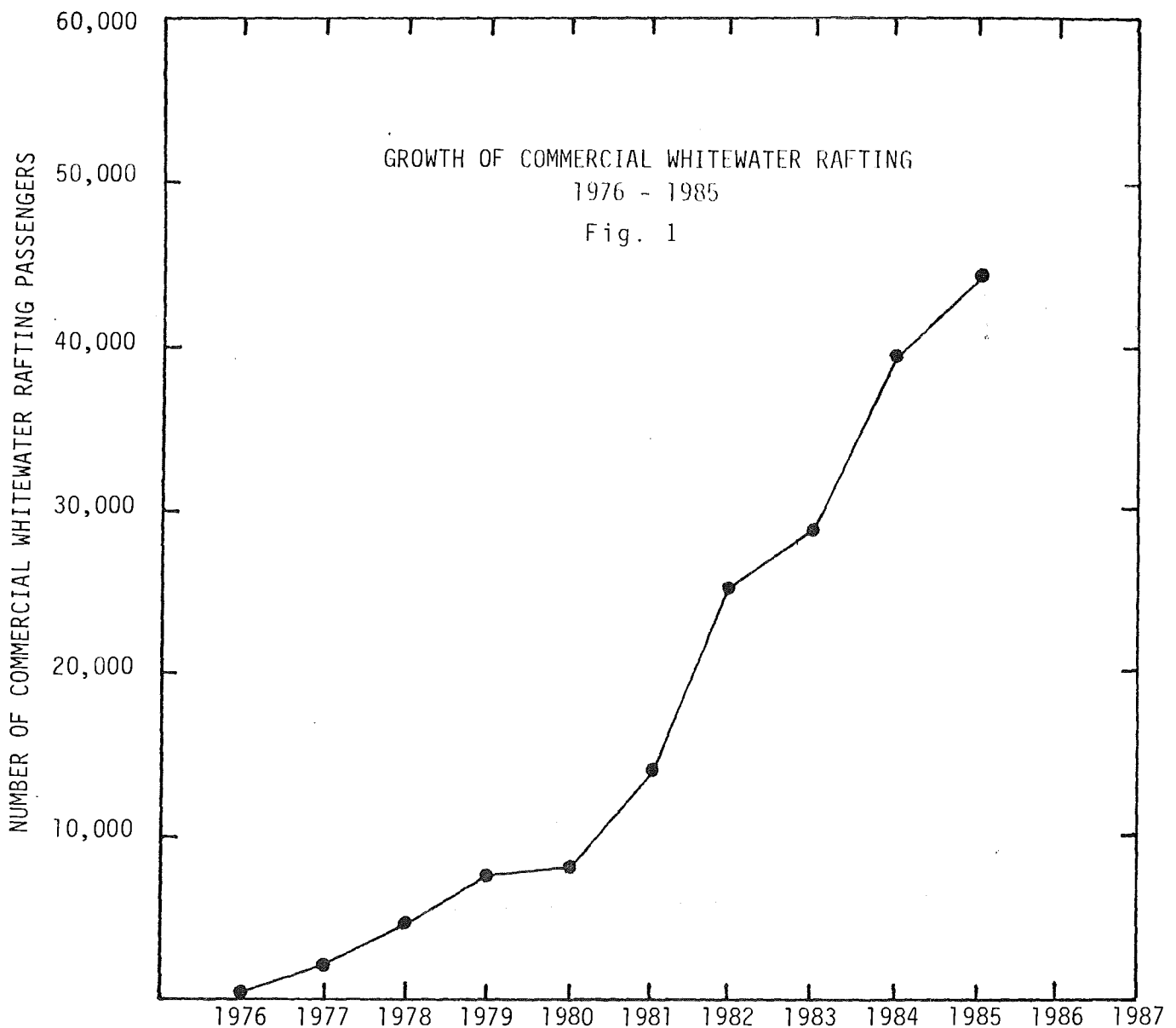
- use data (commercial whitewater rafting passengers) for the 1985 season;
- results of a survey of commercial whitewater rafting outfitters regarding the recreational use limit and allocation system;
- results of a review of outfitter brochures and informational materials regarding types of trips, trip services and prices;
- comments about the impact of rafting received at public meetings in The Forks and Millinocket;
- comments received in response to the Preliminary Report.

III. FINDINGS AND RECOMMENDATIONS

The Whitewater Advisory Committee has reviewed and supports the recommendations presented below.

A. RECREATIONAL USE LIMIT AND IMPACT OF RAFTING

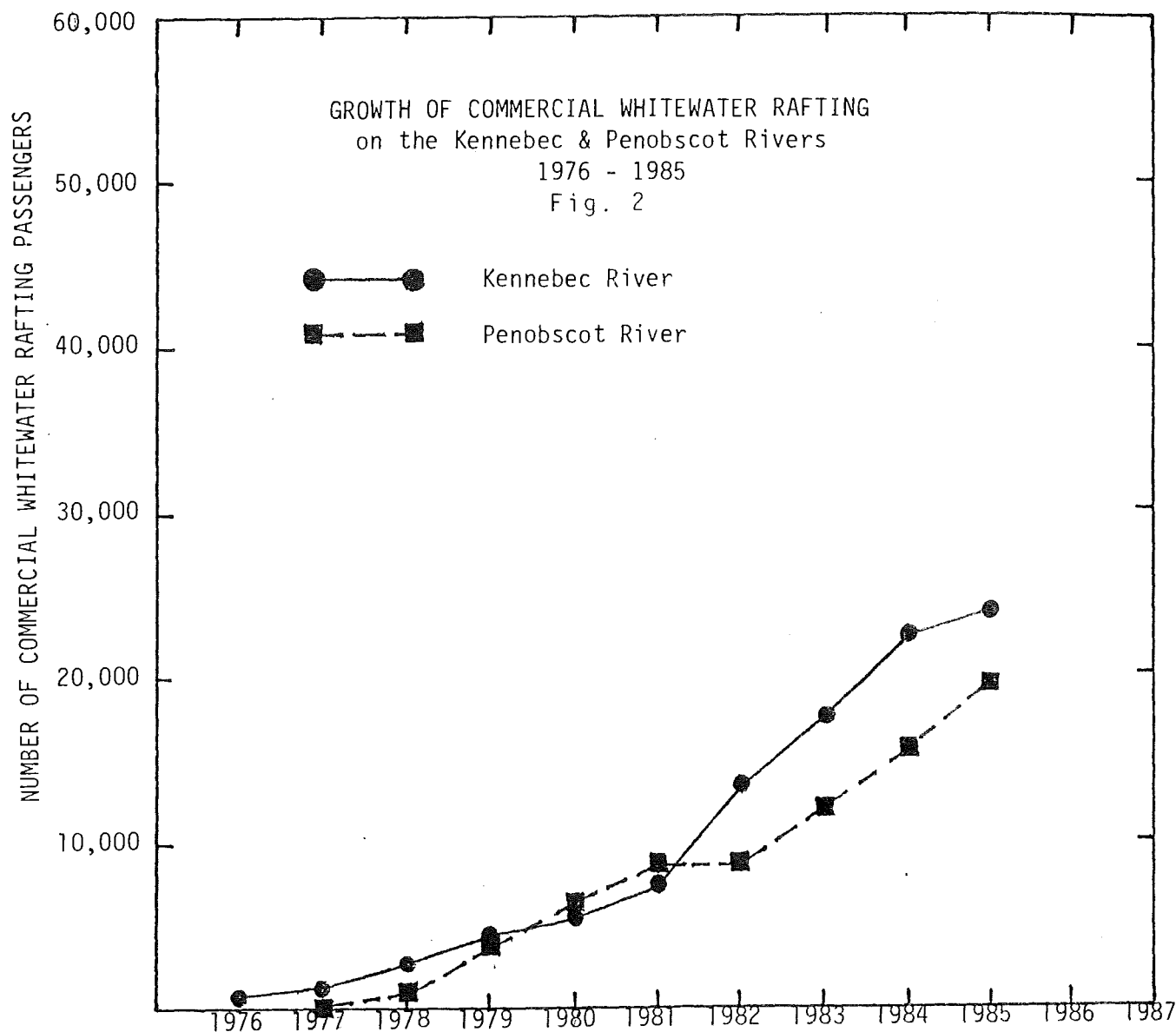
1. Commercial whitewater rafting continues to grow. (See Figures 1 and 2) Between 1983 and 1985 there was an increase of between 15,000 and 16,000 rafters (a 54% increase) on the Kennebec, Penobscot, Dead and Rapid Rivers. Commercial rafting on all but the Kennebec and Penobscot Rivers



NUMBER OF COMMERCIAL WHITEWATER RAFTING PASSENGERS

1976	600	1981	1400
1977	2000	1982	25000 ¹
1978	4700	1983	28851 ²
1979	7500	1984	39741 ³
1980	8000 (drought yr.)	1985	44540 ³

1. 1976 through 1982 figures are from "Whitewater Rafting, Report of the Commercial Whitewater Rafting Study Commission to the Maine Legislature," March 1983, and are estimates provided by the Whitewater Outfitters Association of Maine. The numbers were originally reported as "passenger days" but are believed to reflect the actual number of passengers. It is not known if the figures include passengers on the Dead or Rapid rivers.
2. DIFW records do not report passengers for the entire 1983 season. The 1983 estimate reflects the actual number of commercial passengers on the Kennebec reported by CMP for the full season, plus the number of Penobscot passengers reported in DIFW records adjusted upward according to the difference between CMP and DIFW figures on the Kennebec. Commercial passengers on the Dead and Rapid rivers are not included.
3. Includes commercial passengers on the Dead and Rapid rivers.



NUMBER OF COMMERCIAL WHITEWATER RAFTING PASSENGERS

	Kennebec River	Penobscot River
1976	600	0
1977	1260	213
1978	2600	976
1979	4335	3800
1980	5340	6106
1981	7341	8425
1982	13326	8588
1983 ¹	17517	11981
1984 ²	22369	15382
1985 ²	23677	18912

1. Figures for 1976 through 1983 are from "Application for License for Big "A" Hydroelectric Project, Vol. XI, Exhibit E, Environmental Report, Section E 7.0, Report on Recreational Resources," Great Northern Paper Company, March, 1984. This is the only source which provides use figures by river for years prior to 1983.
2. Figures for 1984 and 1985 are from DIFW records.

remains low (under 2,000 rafters) and confined to limited periods of high water. Regulation of commercial rafting on other rivers is not recommended at this time. Levels of use on other rivers should continue to be monitored through outfitter reports filed with DIFW.

2. Commercial rafting on the Kennebec River increased 35% (over 6,000 additional rafters) between 1983 and 1985. Rafting on the Penobscot River increased 58% (close to 7,000 additional rafters) over the same period. In spite of a considerable increase in the number of rafters on these rivers, overall levels of use are well below what is permitted by the recreational use limits on a season long basis: May to September rafting on the Kennebec is at 15% of maximum use, and May to September rafting on the Penobscot is at 22% of maximum use. Weekend days in July and August, however, are periods of heavy use, and on allocated days in these months rafting is at 88% of maximum use on the Kennebec and at 82% of maximum use on the Penobscot. Use limits were exceeded on only two days (Saturdays) in 1985: August 17 on the Kennebec and July 20 on the Penobscot. Levels of use in July and August suggest that these should be strong use limit enforcement periods for DIFW. Rafting on weekdays remains sufficiently below weekend levels that no additional allocated days are recommended; however, use by day of week should be monitored by the Department on a yearly basis.

3. Commercial rafting is having an impact on the river environment, access roads, on other users and the quality of the wilderness experience, and on area communities, and these impacts are identified below. Because impacts are occurring at present levels of use, it is difficult to recommend any increase in established use limits. At the same time, the impacts are not found to be exceptionally adverse and steps may be tried to address problems without reducing the established use limits, thus preserving stability in the rafting industry. The responsibility for taking these steps rests with outfitters, landowners, BPR and DIFW.

4. Commercial outfitters do an excellent job of managing litter and trash along the rivers. An inspection of river sites in the summer of 1985 revealed no litter at rafter sites along the Kennebec, and little or no litter at sites used predominantly by rafters on the Penobscot. Trash generated by commercial rafting does result in increased solid waste volumes at area dumps, but there are no complaints that disposal sites are filling up at greatly accelerated rates.

5. Based on site inspections in the summer of 1985 sanitary waste problems related to rafting appear minimal along the rivers. There were reports of sanitary waste odors at Salmon Point on the Penobscot River early in 1985, but these were not present during the inspection. Vault privies are currently being installed at Nesowadnehunk gravel pit to address the sanitary waste needs of the many commercial and private users at that site. A number of outfitters reported disposing of carried out sanitary waste in dumpsters or at the local dump. CMR 241 (State Plumbing Code), Sec. C, permits the disposal of sanitary waste at approved facilities only. Such facilities in this case would include approved septic systems, portable toilets which are regularly pumped, and approved holding tanks which are regularly pumped. A number of comments were also made about the practice by rafter tour bus drivers of emptying bus holding tanks in the road or at The Forks dump. It is recommended that outfitters dispose of sanitary waste from trips at approved facilities only, as required by law, and that outfitters make tour bus operators aware of these requirements.

6. The principal effect of commercial rafting on the river environment which requires attention is that of soil erosion, soil compaction and root exposure at river sites visited by rafters. (See Maps 1 and 2.) The following recommendations are made.

a. Rafting and launch, lunch, and take-out sites should be inspected periodically for impacts of use and evaluated for remedial measures or relocation to hardier sites. On the Kennebec River such inspections and evaluations may be jointly undertaken by the Bureau and Central Maine Power Company. On the Penobscot River this work can be done by the Bureau in consultation with the Penobscot Recreation Advisory Committee. Specific sites for which remedial work proposals should be developed in the next year include the following.

On the Kennebec River:

-Dead Stream Falls: stabilize eroded trail from river to falls.

-Carry Brook Access: stabilize and make safety improvements on trail to river.

- Moxie Stream (south) Lunch Site: attempt to stabilize trails and lunch area.
- Moxie Falls Scenic Area: place boulders to block vehicle access from Moxie Stream road; stabilize trails.

On the Penobscot River:

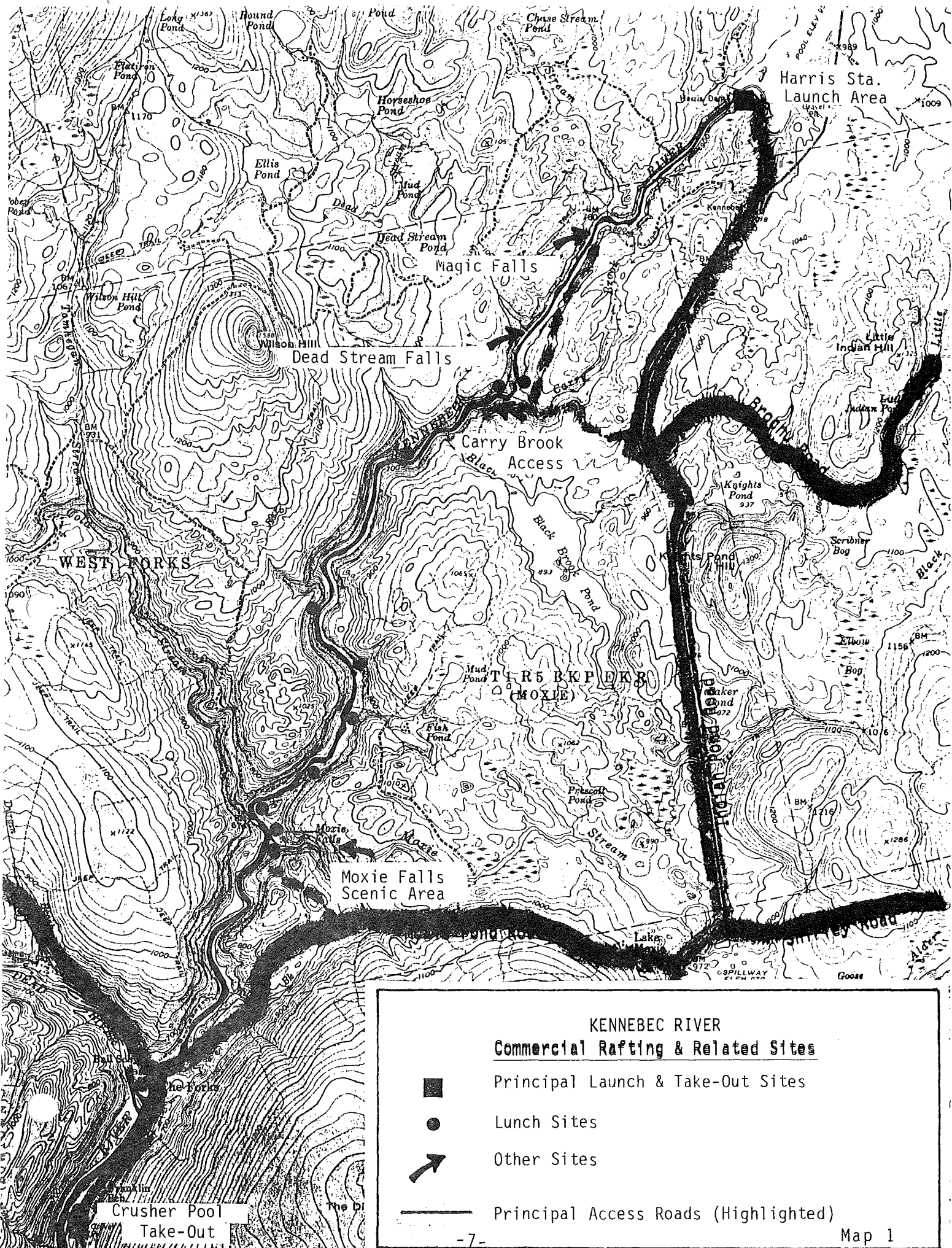
- Launch area opposite McKay Station: stabilize and make safety improvements (steps and guard rails) to trail to river, or relocate launch area.
- Trails to Salmon Point and Abol Ledges lunch sites: fill and stabilize.
- Abol Ledges Lunch Site: selective clearing and fill in lunch area, and rip rap of river bank.

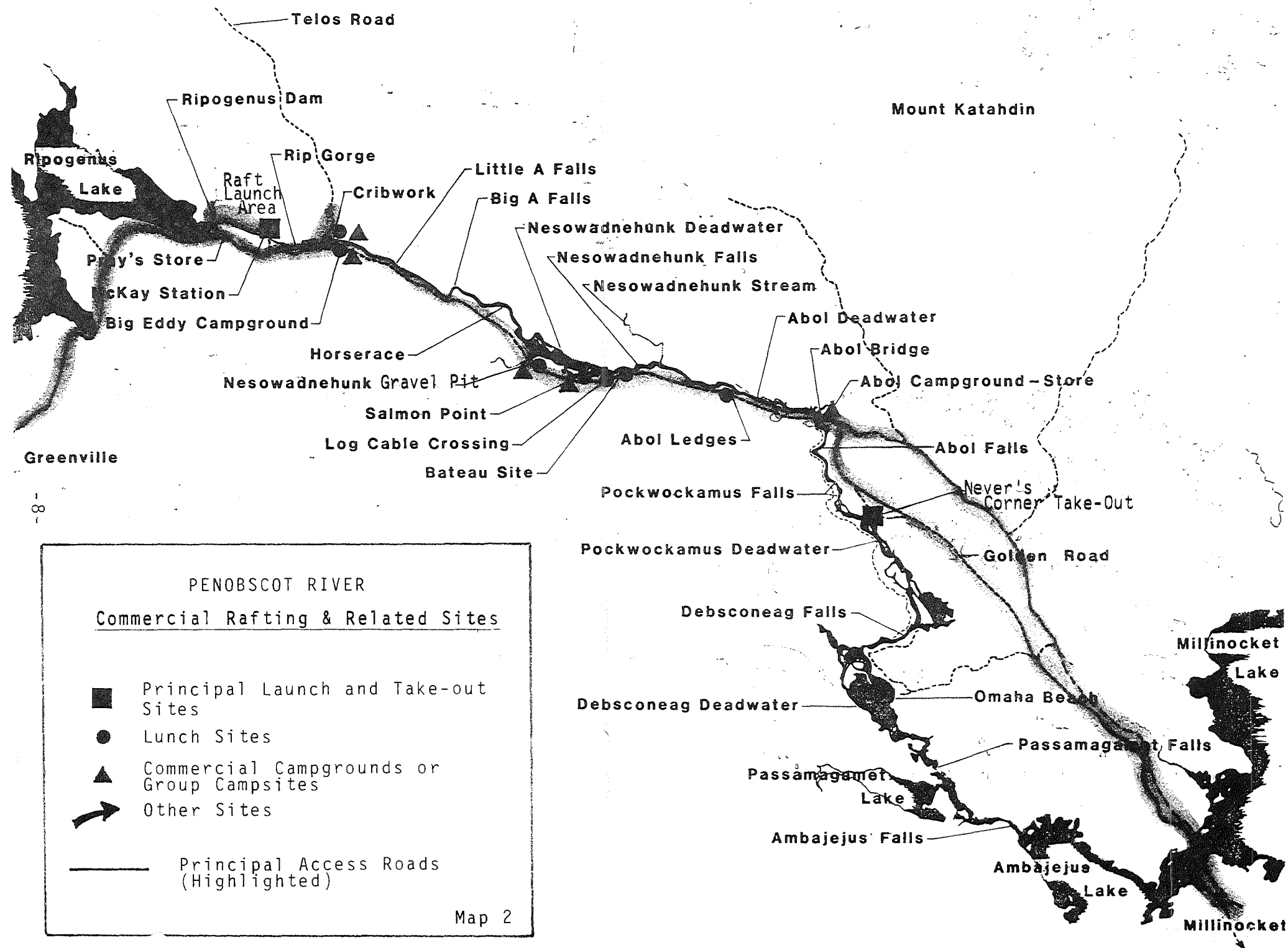
Expenses for mitigation of environmental problems related to rafting may be drawn from the Whitewater Rafting Fund subject to Legislative approval, or funded by landowners, as appropriate.

b. Overall, the number of river sites used principally by rafters should be limited in number so as to confine heavy use to a few sites where soil, vegetations and other impacts can be managed. Requests for additional lunch, launch, take-out or camping sites on the rivers should be denied except where new sites would clearly improve public safety or would offer conditions more resistant to heavy use than existing sites.

c. Some storage of lunch equipment should be permitted at raft lunch sites on the Penobscot River (as is now permitted by CMP on the Kennebec) to reduce the repeated movement of equipment over trails. Conditions of such storage, such as period of time, type of equipment, and visibility should be developed by the Bureau.

7. Commercial rafting has increased traffic volumes along the Kennebec and Penobscot rivers, resulting in traffic congestion, worn road surfaces and safety concerns at a limited number of points. By and large,





the access roads involved are privately owned by utility or paper companies, and resolution of many of the problems identified below must be accomplished through cooperative efforts of outfitters and landowners. The following recommendations are made.

On the Kennebec River:

- The Carry Brook Access Road must be maintained in passable condition for emergency purposes. Periodic filling and rough grading will be necessary, with costs to be negotiated between outfitters and landowners.
- Landowners should block the Magic Falls "road" to vehicle use to preserve the remote quality of the upper river corridor.

On the Penobscot River:

- The raft launch access road must be maintained in passable condition with costs of improvements to be negotiated between outfitters and Great Northern Paper Co.
- On-road parking and sightseeing from the bridge are sources of congestion at Telos Bridge. Conditions may be improved by expanded off-road parking, increased posting of "No Parking" signs and directional signs to the viewing area at the Cribwork picnic area. Alleviating congestion at the Bridge should be addressed by the Bureau and/or Great Northern Paper Company, as appropriate.
- Unloading of rafters from buses at Big Eddy Campground should be better controlled by outfitters and campground owners to improve safety. An unloading site on the river-side of the road is desirable, but until such a locations can be found, buses should unload well back from the traveled way, and outfitters should escort their customers quickly across the road.
- Sightseer parking in the road at Big Ambejackmockamus Falls is of special concern because of poor sight distances. An off-road

parking and viewing area with increased posting of "No Parking" signs may be desirable to improve public safety, and there should be more stringent enforcement of no parking policies. Problems in this area should be addressed by the Bureau and/or Great Northern Paper Company, as appropriate.

-Outfitters should establish regular communications through GNP with logging contractors to address any specific conflicts that arise between outfitter vehicles and buses and logging trucks. (Rafting use on weekdays, the time of heaviest truck use, increased 60% on the Penobscot between 1984 and 1985.)

-The number of commercial raft launch, lunch and take-out sites should be limited to specified access points where the movement of outfitter vehicles and equipment to and from the Golden Road can be managed safely and with minimal disruption to traffic and other users. The Bureau should select and clearly identify such points.

-Outfitters should cease using the old Pockwockamus take-out. This is not a designated boat access point, and the nearby Never's Corner take-out has recently been improved for commercial rafting use.

8. Fishing on the Penobscot River continues to be the principal river use on which commercial rafting has a strong impact on numbers of people. The rafting legislation recognized this by limiting the hours of rafting on the Penobscot. In 1985, there were instances in which trips were not off the river by 5 o'clock. Although these instances were few, they were sufficient to question whether the use limit should be reduced, at least under low water conditions when delays are more likely to occur, to preserve the time set aside for fishing. A reduction in the Penobscot use limit is not recommended at this time based on outfitter assurances that efforts such as aggressive paddling of deadwaters, avoidance of side trips, swimming and water fights, and delayed lunches will result in trips being completed by 5 o'clock.

9. Isolated instances of direct conflicts between rafters and fishermen on the Penobscot continue to occur. It is recommended that outfitters establish more formal and regular communications with Penobscot fishermen (e.g., through the Fin and Feather Club and Trout Unlimited) to agree upon rules of river etiquette and to address specific complaints when they arise.

10. Overall, the number of non-rafting users of the Penobscot River is significant. (The volume of recreational activity between Rip Dam and Ambajejus Lake in 1983 reported by GNP includes 33,600 sightseers, 4700 fishermen, 9100 campers, and 500 canoers/kayakers.) For this reason, the Legislature permitted no transfer of commercial rafters from the Kennebec to the Penobscot which would exceed the use limit, even under emergency conditions. Since the Penobscot use limit of 560 commercial rafting passengers is already fully allocated to outfitters, it is recommended that the rafting legislation be amended to reflect that it is not possible to transfer passengers to the Penobscot under any condition.

11. Just as rafting has an effect on other recreation users of the Penobscot River, it has an impact on some of the communities in Upper Kennebec River corridor. In the Millinocket area businesses which serve tourists clearly benefit from the patronage of rafters. But tourism dollars are overshadowed by the substantial employment and payroll generated by paper manufacturing at Great Northern Paper Co. In The Forks, West Forks and Caratunk, each having 1980 populations under 100, the establishment of both permanent and seasonal rafting headquarters has brought employment opportunities, increased real estate values, stabilized school enrollment and tourism dollars to communities with no major industries. (Outfitter survey results show that 10 outfitters have established seasonal or permanent headquarters in The Forks area since 1980, and 7 outfitters have relocated their permanent or seasonal residences to the area. Town officials report no major increase in service costs or taxes at this time. Overall, the fourteen respondents to the outfitter survey report a total of 52 permanent employees with over 50% residents of the river area when hired, and a total of 338 seasonal employees, with over one-third residents of the river area when hired. Although these benefits are enjoyed in the Upper Kennebec communities there appears to be a sense of loss for quieter, less crowded times, just as fishermen and some other users on the Penobscot note the loss of these conditions.

Within the use limits established in 1983, there is room for the continued growth of commercial rafting. If this growth is to occur without continued loss of the qualities of quiet and solitude for long term river area residents in the case of the Kennebec River, and for traditional recreation users (particularly fishermen) on the Penobscot River, outfitters must be especially sensitive to these values. Based on outfitter survey responses, the majority of company leaders and spokespersons understand and respect these values. Based on incidents cited by others, however, this understanding and respect is sometimes not communicated to guides and customers, and the following recommendations are made.

- a. Outfitters should require guides and customers to be as respectful of residents and other users as they require them to be of the environment. Only one outfitter currently addresses these conflicts in information material.
- b. Outfitters should discourage customers from pursuing unsupervised activities in the river corridors, and should instead direct interested customers to supervised areas and activities.
- c. As with logging contractors and fishermen on the Penobscot, outfitters should establish more formal and regular communication with residents of Upper Kennebec communities to address citizen concerns.

B. ALLOCATION SYSTEM

1. Allocations are currently required for Saturdays on the Kennebec River and for Saturdays and Sundays on the Penobscot River between mid-May and mid-September. Actual levels of use in 1985 indicate that allocations need not be required for other days at this time. (Refer to Appendix A.)
2. The privilege of occasionally exceeding allocations to accommodate unexpected friends of passengers is being abused. Eight outfitters exceeded allocations on four or more Saturdays on the Kennebec in 1985, and five outfitters exceeded allocations on four or more Saturdays on the Penobscot in 1985. At least one outfitter exceeded allocations on 12 Saturdays on the Kennebec, and on 15 Saturdays and 12 Sundays on the Penobscot in 1985.

On both days on which use limits were exceeded in 1985, at least six outfitters carried more than the permitted number of passengers. It is recommended that 12 MRSA, Sec. 7369, subsection 10-C, permitting occasional exceeding of allocations be repealed because of abuse. (Refer to Appendix A.)

3. Reports by outfitters and preliminary work by the Department indicate that some people are conducting whitewater trips for some type of fee but claiming to run private, noncommercial trips. Such trips are an evasion of outfitter and guide licensing requirements and related safety requirements and fees, as well as an evasion of the allocation system. The magnitude of the problem is not known as there is currently no means of monitoring private rafting. To provide a means of monitoring private rafting and to discourage violations of the law by participants in private trips, yet to avoid restrictive regulations on legitimate private users, it is recommended that the law be amended to require that all trips by persons other than licensed outfitters be registered with DIFW prior to launching, and that all participants in such trips be required to sign a registration form stating that no compensation or remuneration is required for the trip. Registration forms would be available and could be filed at the CMP gate on the Kennebec River, through Bureau and Department field staff on the Penobscot River and at such other convenient locations as may be designated by the Department.

It has been suggested that, in addition to requiring some formal notification by private trips, rental of rafts and other equipment and "free lancing" by guides should be regulated. It is felt that the pre-trip registration procedure will reach most persons potentially violating the law by operating a commercial trip without a license or without an allocation, and that it is unnecessary to further restrain rental of raft equipment or guide employment.

4. Current laws and regulations permit one outfitter to purchase the business of another outfitter and provide for the license and allocations of the seller to be transferred to the buyer, with assurances that the level and quality of service of the business can be maintained by the buyer. Under present definitions, however, the buyer becomes an "affiliate outfitter" and cannot use the

transferred allocations. Since the Legislature intended to permit the sale of businesses and the transfer of allocations, it is recommended that the statute be amended to exclude from the definition of "affiliate outfitter", buying outfitters to whom a selling outfitter's allocation is transferred by the Department.

5. The diversity of whitewater rafting trip experiences as services available from Maine outfitters is considerable. Nearly all outfitters with allocations offer basic one-day trips on the Kennebec or Penobscot River ranging in price from \$63 to \$80 and including transportation between base camp and river, a cookout lunch and basic rafting equipment. About one-half of the outfitters with allocations offer overnight camping trips on the Kennebec or Penobscot with prices ranging from \$120 to \$180 and including transportation, at least four meals and basic rafting equipment. (Outfitters vary in camping equipment provided.) A relatively few outfitters offer longer than two-day trips or trips on rivers outside Maine. Most outfitters also offer Spring trips on the Dead River. Basic one-day trips vary to some degree on time of year offered, day of week offered, minimum age limit, other trip activities included (hike, sauna) and the availability of additional equipment (wetsuits, helmets, drybags) and photography. Many outfitters offer custom planning of trips; a few offer trip packages that include long distance transportation; and some offer trip packages that include accommodations. For all trips there is considerable variation in outfitters' policies about financial arrangements such as balance due date for the trip fee, amount of fee refunded if trip is cancelled and discounts offered to groups or for multiple trips. (Refer to Appendix C for details on outfitter trips and services.)

6. By and large, the allocation system provides a fair distribution of river use among commercial outfitters because it requires all outfitters to meet the equivalent criteria in competing for allocations. Two questions of fairness raised by outfitters were further considered by the Whitewater Advisory Committee and changes are not recommended at this time. Should extra points be awarded for experience on rivers outside Maine if equivalent experience can be shown on Maine rivers? And, should performance in meeting past allocations be measured by the number of passengers carried on the "10 best days"

NUMBER & PERCENT OF ALLOCATIONS FILLED ACROSS SEASON & ON "TEN BEST DAYS"
KENNEBEC SATURDAYS - 1985

OUTFITTER	SEASONAL ALLOCATION	NO. SEASONAL ALLOCATIONS FILLED	% SEASONAL ALLOCATIONS FILLED	10 BEST DAY ALLOCATION	NO. ALLOCATIONS FILLED ON 10 BEST DAYS	% OF 10 BEST DAY ALLOCATION FILLED ON 10 BEST DAYS
ALL OUTDOOR ADV.	540	446	83%	300	300	100%
CRABAPPLE WHITE.	540	470	87%	300	299	100%
DOWNEAST RAFTING	1440	1078	75%	800	731	91%
EASTERN RIVER	1440	1095	76%	800	777	97%
GREAT ADVENTURES	720	391	54%	400	366	92%
MAINE WHITEWATER	1440	990	69%	800	728	91%
NEW ENGLAND WHT.	1080	814	75%	600	584	97%
NO. COUNTRY RIVERS	360	234	65%	200	191	96%
NORTHERN OUTDOORS	1440	1388	96%	800	797	100%
RAPID TRANSIT	540	270	50%	300	253	84%
ROLLING THUNDER	720	480	67%	400	368	92%
UNICORN RAFTING	1440	905	63%	800	733	92%
VOYAGERS WHITEW.	360	236	66%	200	174	87%
WHITWATER ADV.						
WILDERNESS RAFTING	1440	1111	77%	800	788	99%
WILDWATER ADV.	900	533	79%	500	438	88%
SOURCE: DIFW MONTHLY USE REPORTS						

allocated, or is it more equitably weighed in terms of proportion of allocation met across the season? (The following table shows that all outfitters met 80% or more of their Kennebec allocations on their "10 best days" in 1985, but only three outfitters met 80% or more of their allocation across the 1985 season; nonetheless, the rank-order of outfitters remains about the same under either scheme.

7. Some outfitters have suggested that the allocation system would be more fair if more credit were given for weekday use. Allocations are required only when there is a likelihood that the use limit will be reached or exceeded, and use limits are not now being approached on weekdays. When allocations become necessary on weekdays, those outfitters with strong prior weekday performance will receive appropriate credit at that time.

8. Based on the fact that weekday use does not approach use limits (and on the fact that the Kennebec has sufficient weekday water for additional trips), some outfitters have suggested that it is unfair to limit trips on these days to 80 persons per outfitter. Increasing the daily passenger limit is not recommended for two reasons: the impact of large group trips would be increased and even with the 80 person trip limit in place, there is the potential for weekday use limits to be exceeded.

9. It is not known whether a fair distribution of river use between commercial and noncommercial rafting exists at the present time because private use is not currently monitored. It is known that some people are running trips for some types of compensation while claiming to be noncommercial, unfairly drawing business from licensed operators and potentially creating the impression of higher volumes of private rafting than really exists. A noncommercial trip registration procedure has been recommended to address these problems.

10. Because the allocation system rewards performance in meeting past allocations, competition to fill weekend passenger slots is keen, and as noted above, most outfitters fill at least 80% of these slots on 10 of the 17 or 18 allocated days. Some outfitters report that pressure to achieve volumes on these days results in less attention to services, but given that these are the days most in demand by customers, it is likely that attention would be focused on high volumes with or without the allocation scheme. At the same time, some outfitters indicate that their own successful competition for

weekend customers through advertising results in an excess demand for weekend trips and other companies are able to fill their slots from this overflow rather than through direct competition. For outfitters meeting weekend allocation, additional customers must be found on weekdays and there is evidence of competition for the weekday customer in trip prices and advertising of less crowded river conditions.

11. The use limit controls the volume of weekend business and the allocation system limits the proportion of that business each outfitter may have. New entrants and outfitters at below maximum allocations have no opportunity to compete for additional weekend customers unless another company loses passenger slots. This condition exists because the Legislature recognized the commitment and investment of outfitters in business (or establishing businesses) at the time the regulations were imposed, and awarded initial allocations based in large measure on relative levels of demonstrated use at the time. To have done otherwise would have disrupted the stability of these businesses at the time, and any changes in this scheme now would have the same effect.

12. Although the allocation system may not permit the degree of weekend business expansion desired by outfitters, it does promote the stability of outfitter businesses by permitting a predictable level of weekend business for outfitters with allocations, and this level is secure for three years, provided outfitters maintain the level and quality of service they claim to offer. It is not recommended that the allocation period be extended, as some outfitters have suggested, because frequent and regular reviews of outfitter performance are necessary to assure that allocations are fairly distributed and that quality service levels are maintained.

13. Outfitters are required to have liability insurance in order to maintain an outfitter license. Under this requirement, the stability of the industry is threatened if insurance carriers discontinue liability coverage, and the prospect of such discontinuance of coverage in 1986 is of concern to outfitters and to the State. However, because limits on liability will be under consideration by the Legislature and these may improve the likelihood of continued coverage, no recommendations to change current outfitter insurance requirements are made at this time.

14. The allocation system encourages efficient use of passenger slots by rewarding past performance in filling allocations. Greater efficiency (more slots filled overall) may be achieved by awarding points for proportion of allocations filled over the season, rather than on the 10 heaviest use days, and such a change in the allocation rules should be considered by the Whitewater Advisory Committee, as recommended in item B.-6 above.

15. Inefficient use of rafts resulting in overcrowding of boats at launch sites and possibly in delayed trips on the Penobscot has been noted by only two outfitters. These conditions were not considered in the course of this review, but raft numbers should be monitored by the Department to determine if restrictions on the number of craft are necessary to reduce crowding and trip delays, and to preserve public access.

16. The allocations system should be flexible enough to adapt to some changes in river use in river conditions. The law currently permits an emergency transfer of allocations to the Kennebec River when water levels on the Penobscot are too low for rafting, but not when water levels are too high for rafting. The statute should be amended to permit transfers to the Kennebec under high water conditions, as well. The system should not, however, be so flexible as to permit regular exceeding of allocations to accommodate additional passengers or to permit exceeding the use limit on the Penobscot River. For these reasons, it has been recommended that the flexibility of the system be limited by changes in the statute noted in the preceding items A.-8 and B.-2.

17. Opportunity for public access to the Kennebec and Penobscot Rivers does not appear to be restricted by commercial rafting at this time. A finding of restricted public access could not be made, however, without regular monitoring of noncommercial rafting and nonrafting use and without records of complaints by private users. Therefore, in addition to the noncommercial trip registration procedure recommended above, it is recommended that DIFW request and maintain copies of the yearly use records of Great Northern Paper and CMP, and keep records of complaints made to field staff about river crowding or restricted access.

C. OTHER RIVER MANAGEMENT OBJECTIVES

1. Communications among river users needs to improve. Among outfitters, legitimate disagreements should be suspended to address their common interest in reducing the potential for conflict among rafters and other river users and residents, and in responding to complaints. Disruptive behavior on the part of one company or its customers is quickly interpreted to be characteristic of the entire industry. Particular steps which might be pursued cooperatively by outfitters include:

- developing agreed upon rules of river etiquette to be followed by guides and customers so as to reduce conflict with other users and area residents;
- providing a single outfitter contact to whom specific complaints may be directed for resolution;
- assuring that all guides know and follow the procedures necessary to complete Penobscot trips by 5:00 P.M.;
- formalizing communication (for example, through annual meetings) with Penobscot fishermen and logging contractors and with residents of The Forks, West Forks and Caratunk area to address concerns.

Communications between the Bureau and all river users on the Penobscot River should be improved, to promote environmentally sound use practices and mutual respect among users. The Bureau, in consultation with users, should develop and post or distribute guidelines for river use.

2. Monitoring of river use by the Department is necessary to adhere to the river use limits, to determine whether additional days should be allocated and to document outfitter performance in meeting allocations. The present means of compiling use data are cumbersome and time-consuming. DIFW should use its computer capability to store, compile and analyze use reports (including noncommercial trip registrations) on a regular (at least yearly) basis. For these purposes, all data should be stored and compiled by river, outfitter (or private trip identifier), outfitter allocation, year, month, day of week and date.

3. In spite of major revisions to allocation system rules in 1985, outfitters continue to suggest modifications to the system. Some points raised by outfitters have been addressed both in the Preliminary and the Final Report and there are recommendations for further consideration of these issues by the Whitewater Advisory Committee. There are a number of additional recommendations made by outfitters regarding both the allocation system and river management. No specific response to these has been made in this report because of the number of such suggestions submitted and because of the tardiness of the submissions. The Department and the Bureau intend to further pursue these and, with the Whitewater Advisory Committee, more fully assess those particular ones dealing with allocations.

4. Because complete allocation system regulations were only adopted in 1985, their adequacy can only be evaluated after at least one three year allocation period has expired and the criteria applied for a new allocation period (which begins in 1988). For this reason, as well as to give full consideration to the many modifications suggested by outfitters, it is recommended that the statute be amended to extend the life of the Advisory Committee from June 30, 1986 to June 30, 1990.

IV. PROPOSED CHANGES TO COMMERCIAL WHITEWATER
RAFTING LAWS (12MRSA, Sec. 7361 through 7370-A)

The following list identifies specific recommended changes to the whitewater rafting laws. In addition to changes recommended as a result of this review, there are included these other modifications suggested by the Department:

- repeal of the requirement that the Department implement a public information program on whitewater trip safety to make it clear that the State does not assume responsibility for rafter safety;
- repeal of non-regulatory language describing the use limits, retaining only that language necessary to establish the limits;
- clarification of language requiring allocations on the legal holidays of Memorial Day, July 4, and Labor Day.

1.) Sec. 7363, Subsec. 2: AMEND BY ADDING TWO SENTENCES

2. Affiliated outfitter. "Affiliated outfitter" means:

- A. Any outfitter who owns directly, indirectly or through a chain of successive ownership 10% or more of the financial interest in any other outfitter.
- B. Any outfitter, 10% or more of whose financial interests are owned directly or indirectly or through a chain of successive ownership by any other outfitter;
- C. Any outfitter, 10% more of whose financial interests are owned directly or indirectly or through a chain of successive ownership by a person who owns 10% or more of the financial interest in another outfitter; or
- D. Any outfitter who, in the year 1982 or thereafter:
 - (1) Purchases, leases, borrows, accepts, receives or otherwise obtains on a nonarms-length basis from another whitewater outfitter, either directly or indirectly, more than $\frac{1}{2}$ of its real or personal property; or
 - (2) Receives from another outfitter on a nonarms-length basis more than $\frac{1}{2}$ of the ordinary services related to the business of whitewater outfitting, including, but not limited to, mail, telephone, reservations, repair, maintenance, personnel training and management.

Provided, that a person shall not be found to be an affiliated outfitter solely because of blood relationship, marriage or previous employment; and further provided that an outfitter who purchases the business of another outfitter whose license has been returned to the Department as provided in section 7365, subsection 6, shall have 60 days from license re-issue to submit an affidavit applying for the selling outfitter's allocation, assuring that the level and quality of services of the selling outfitter will be maintained; if the Department transfers the selling outfitter's allocation to the buying outfitter, these transferred allocations shall be added to the buyer's allocations and shall not be considered as affiliated. No outfitter shall receive more than the maximum allocation of 80 passengers per day.

2.) Sec. 7367, Subsec. 4: REPEAL SECTION

~~4. Safety information. The department shall implement a public information program on whitewater trip safety. In developing the program, the department shall consult with the Whitewater Safety Committee. The department may also require outfitters and guides to provide safety information to passengers on whitewater raft trips.~~

3.) Sec. 7368, Subsecs. 2 & 3: REPEAL ALL LANGUAGE EXCEPT STATEMENTS ESTABLISHING THE USE LIMITS

~~2. Kennebec River. Recreational use limits for the Kennebec River are set as follows.~~

~~A. On the Kennebec River, only enough rafts for 600 to 800 passengers can be physically launched in an hour. In years with normal water flow, water releases average 4 to 7 hours on weekdays, one or 2 hours on Saturdays and never on Sundays. Saturday use has increased to a level which places a burden on the physical launching facilities.~~

~~B. There is little competing use of the stretch of the Kennebec River where rafting occurs, between Harris Station and West Forks, because of its inaccessibility.~~

~~C.~~ The recreational use limit on the Kennebec River between Harris Station and West Forks is specified as follows. Noncommercial recreational use is not limited. The commercial limits are:

- ~~A. (1)~~ Saturdays: 800 commercial passengers;
- ~~B. (2)~~ Sundays: ~~No water released;~~ no limit set; and
- ~~C. (3)~~ Weekdays: 1,000 commercial passengers.

3. ~~West Branch Penobscot River. Recreational use limits for the West Branch Penobscot River are set as follows:~~

~~A. On the West Branch Penobscot River, water releases are typically continuous from McKay Station every day, except a few days a year when the mill at Millinocket is shut down; however, the rapids are dangerous and rafts can get pinned in the cribwork at low water. The department has estimated that an average interval of 5 minutes between rafts at the cribwork is needed for safety. Rafts ordinarily carry 8 to 10 passengers.~~

~~B. It is found that use of the river is shared, especially with salmon fishing. Whitewater craft shall only be allowed on the West Branch Penobscot River between McKay Station and Pockwockamus Falls between 8:30 a.m. and 5 p.m., in order to allow free time for other uses.~~

~~C.~~ The recreational use limit of the West Branch Penobscot River between McKay Station and Pockwockamus Falls is specified as follows. Noncommercial recreational use is not limited. The commercial limit is 560 commercial passengers per day, any day.

4.) Sec. 7369, Subsec. 10-A: AMEND TO CLARIFY

A. ~~Nonholiday~~ Weekday use, except on the legal holidays of Memorial Day, July 4, and Labor Day, does not require an allocation so long as the recreational use limit has not been reached. If the department determines that the recreational use limit of a river will be reached on weekdays, the department shall provide by rule for allocations. ~~For purposes of this subchapter, legal holidays are Memorial Day, July 4, and Labor Day.~~

5.) Sec. 7369, Subsec. 10-B: REPEAL AND REPLACE

~~B. Under low water conditions, an emergency swap of an allocation may be made from one river to the other, provided that water is available, if the receiving river is the Kennebec River, or that the recreational use limit is not exceeded; if the receiving river is the Penobscot. The department shall promulgate rules for emergency swap.~~

B. Under high or low water conditions on the Penobscot River, an emergency swap of an allocation may be made to the Kennebec River provided that sufficient water is available there. Under no circumstances will a transfer of an allocation be allowed from the Kennebec River to the Penobscot River.

6.) Sec. 7369, Subsec. 10-C: REPEAL THIS SECTION

~~C. An outfitter may occasionally exceed the allocation by 2 passengers on a trip of up to 40 passengers, or 4 passengers on a trip of up to 80 passengers, to accommodate unexpected friends of passengers. Abuse of this privilege will result in its loss.~~

7.) Sec. 7369, Subsec. 12: NEW SECTION

12. Noncommercial whitewater rafting trips; prior registration required. Any person without a commercial whitewater outfitter's license using a whitewater craft on any stretch of river for which a specific allocation is required, and including days for which an allocation is not required, shall, prior to launching such craft, file a "Noncommercial Trip Registration Form" with the department. The form shall state that the person's use of whitewater craft on this river stretch does not constitute a commercial whitewater trip as defined in Sec. 7363, and shall be signed by all persons using the craft.

8.) Sec. 7369-A, Subsec. 4: AMEND

4. Sunset. The Whitewater Advisory Committee shall terminate June 30, ~~1986~~ 1990.

V
APPENDICES

APPENDIX A
1985 Use Data

1985 Use Data

Brief Summary

DIFW records show that rafting on the Kennebec and Penobscot rivers increased 13% between 1984 and 1985, reflecting a gain of 1308 (6%) passengers on the Kennebec River and a gain of 3530 (23%) passengers on the Penobscot River. Overall use by month of year in 1985 remained similar to that in 1984, with July and August accounting for over 60% of the season's rafters. There was a noticeable increase in the proportion of August use on the Kennebec and in the proportion of June use on the Penobscot. Day of week use on the Kennebec was essentially the same in 1985 and in 1984. On the Penobscot there were substantial increases in both weekday and Saturday use. On the Kennebec River, less than half (45%) of the 1985 rafters traveled the river on allocated days (Saturdays from mid-May to mid-September). On the Penobscot River, in contrast, 70% of the rafters traveled the river on allocated days (Saturdays and Sundays from mid-May to mid-September).

Percent of Commercial Whitewater Rafters
by Month of Year - 1984 & 1985

	<u>Kennebec River</u>		<u>Penobscot River</u>	
<u>Month</u>	<u>1984</u>	<u>1985</u>	<u>1984</u>	<u>1985</u>
April	<.5%	<.5%	0	<.5%
May	6%	6%	6%	8%
June	17%	17%	19%	22%
July	27%	28%	29%	28%
August	36%	39%	35%	35%
Sept.	12%	10%	9%	7%
Oct.	1%	1%	1%	<.5%

Percent of Commercial Whitewater Rafters
by Day of Week - 1984 & 1985

	<u>Kennebec River</u>		<u>Penobscot River</u>	
<u>Day</u>	<u>1984</u>	<u>1985</u>	<u>1984</u>	<u>1985</u>
Sun.	5%	5%	34%	32%
Mon.	11%	11%	3%	5%
Tues.	8%	7%	3%	5%
Wed.	7%	7%	3%	2%
Thurs.	6%	7%	4%	5%
Fri.	13%	14%	8%	10%
Sat.	51%	48%	35%	42%

Change in Number of Commercial Whitewater Rafters
by Month of Year 1984-1985

	<u>Kennebec River</u>		<u>Penobscot River</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
April	-10	-16%	+14	
May	-36	-3%	+594	+63%
June	+213	+6%	+1328	+45%
July	+474	+8%	+741	+17%
Aug.	+1202	+15%	+1199	+22%
Sept.	-280	-11%	-197	-14%
Oct.	+67	+55%	-78	-47%

Change in Number of Commercial Whitewater Rafters
by Day of Week 1984-1985

	<u>Kennebec River</u>		<u>Penobscot River</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Sun.	+162	+15%	+716	+14%
Mon.	+225	+10%	+508	+104%
Tue.	+86	+5%	+404	+90%
Wed.	+236	+16%	-131	-31%
Thur.	+224	+16%	+333	+55%
Fri.	+473	+17%	+756	+66%
Sat.	+214	+2%	+1009	+15%

1985 WHITEWATER RAFTING REVIEW

NO. COMMERCIAL WHITEWATER RAFTING PASSENGERS BY DAY OF WEEK 1985

OUTFITTER	KENNEBEC RIVER							
	SUN	MON	TUE	WED	THU	FRI	SAT	TOTAL
ALL OUTDOOR ADVENTURES	55	24	61	19	115	121	742	1137
ATLANTIC OUTDOOR ADV.	0	15	6	0	0	34	0	55
BACK COUNTRY RIVER TOURS								
CRAB APPLE WHITEWATER	84	187	76	102	52	156	532	1189
DOWNEAST RAFTING	144	361	233	167	269	451	1159	2784
EAGLE WHITEWATER								
EASTERN RIVER EXPED.	86	252	169	221	0	292	1116	2131
FRONTIER RIVER EXPED.	0	0	14	0	0	41	0	55
GREAT ADVENTURES/KEN.	21	80	18	22	9	32	398	580
MAINE WHITEWATER	43	139	55	169	73	175	1048	1702
NEW ENGLAND WHITEWAT.	61	77	79	59	91	152	872	1391
NORTH AMERICAN WHITE.	81	10	0	12	0	47	0	150
NORTH COUNTRY OUTFIT.								
NORTH COUNTRY RIVERS	49	81	16	19	42	54	285	546
NORTHERN OUTDOORS	223	707	379	366	377	857	1579	4538
RAPID TRANSIT	35	27	24	26	3	42	279	436
ROLLING THUNDER	22	44	107	113	39	219	523	1067
UNICORN RAFTING EXPED.	97	341	272	129	211	409	932	2391
VOYAGERS WHITEWATER	36	31	72	64	44	21	228	496
WHITEWATER ADVENTURES								
WILDERNESS RAFTING	0	70	56	82	199	66	1166	1639
WILD WATER ADVENTURES	137	108	96	170	49	149	593	1302
WINDFALL/CAMP HAWWASA	0	10	41	16	21	0	0	88
TOTAL	1224	2564	1769	1756	1594	3318	11,452	23,677
%	5%	11%	7%	7%	7%	14%	48%	99%
SOURCE: DIFW USE REPORTS								

1985 WHITEWATER RAFTING REVIEW

NUMBER OF COMMERCIAL WHITEWATER RAFTING
PASSENGERS 1985

OUTFITTER				
	KENNEBEC	PENOBSCOT	DEAD	TOTAL
ALL OUTDOOR ADVENTURES	1137	0	0	1137
ATLANTIC OUTDOOR ADV.	55	0	0	55
BACK COUNTRY RIVER TOURS	0	0	119	119
CRAB APPLE WHITEWATER	1189	0	144	1333
DOWNEAST RAFTING	2784	1680	228	4692
EAGLE WHITEWATER	0	0	0	0
EASTERN RIVER EXPED.	2131	4230	151	6512
FRONTIER RIVER EXPED.	55	0	148	203
GREAT ADVENTURES/KEN.	580	82	62	724
MAINE WHITEWATER	1702	1544	280	3526
NEW ENGLAND WHITEWAT.	1391	531	114	2036
NORTH AMERICAN WHITE.	150	6	0	156
NORTH COUNTRY OUTFIT.	0	0	60	60
NORTH COUNTRY RIVERS	546	557	65	1168
NORTHERN OUTDOORS	4538	3386	0	7924
RAPID TRANSIT	436	400	98	934
ROLLING THUNDER	1067	569	96	1732
UNICORN RAFTING EXPED.	2391	3428	160	5979
VOYAGERS WHITEWATER	496	45	67	608
WHITEWATER ADVENTURES				
WILDERNESS RAFTING	1639	1368	151	3158
WILD WATER ADVENTURES	1302	1042	0	2344
WINDFALL/CAMP HAWWASA	88	44	8	140
	23,677	18,912	1951 ¹	44,540 ¹
SOURCE: DIFW USE REPORTS				

1. Figure does not include Dead River passengers reported late by Northern Outdoors (160 passengers) and Adventure Rafting (147 passengers). Adjusted total for Dead River is 2258. Adjusted total for all three rivers is 44,847.

1985 WHITEWATER RAFTING REVIEW

NO. COMMERCIAL WHITEWATER RAFTING PASSENGERS BY MONTH
1985

OUTFITTER	KENNEBEC RIVER							
	APR	MAY	JUNE	JULY	AUG	SEP	OCT	TOT
ALL OUTDOOR ADVENTURES	0	112	177	244	303	148	153	1137
ATLANTIC OUTDOOR ADV.	0	0	7	27	14	7	0	55
BACK COUNTRY RIVER TOURS	—	—	—	—	—	—	—	—
CRAB APPLE WHITEWATER	15	107	181	301	438	147	0	1189
DOWNEAST RAFTING	0	115	412	750	1231	276	0	2784
EAGLE WHITEWATER	—	—	—	—	—	—	—	—
EASTERN RIVER EXPED.	0	72	376	566	938	179	0	2131
FRONTIER RIVER EXPED.	0	0	0	55	0	0	0	55
GREAT ADVENTURES/KEN.	0	10	124	200	246	0	0	580
MAINE WHITEWATER	0	95	360	381	689	177	0	1702
NEW ENGLAND WHITEWAT.	0	73	196	385	551	180	0	1391
NORTH AMERICAN WHITE.	0	0	0	88	62	0	0	150
NORTH COUNTRY OUTFIT.	—	—	—	—	—	—	—	—
NORTH COUNTRY RIVERS	0	7	73	145	201	107	13	546
NORTHERN OUTDOORS	0	368	786	1255	1708	421	0	4538
RAPID TRANSIT	0	19	49	121	205	30	12	436
ROLLING THUNDER	16	65	151	273	413	138	11	1067
UNICORN RAFTING EXPED.	0	90	240	740	1032	289	0	2391
VOYAGERS WHITEWATER	0	61	86	166	173	10	0	496
WHITEWATER ADVENTURES	—	—	—	—	—	—	—	—
WILDERNESS RAFTING	23	45	425	402	615	129	0	1639
WILD WATER ADVENTURES	0	118	312	363	402	107	0	1302
WINDFALL/CAMP HALOWASA	0	15	0	64	9	0	0	88
TOTAL	54	1372	3955	6526	9236	2345	189	23,677
%	<.50%	6%	17%	28%	39%	10%	1%	101%
SOURCE: DIFW USE REPORTS								

1985 WHITEWATER RAFTING REVIEW

NO. COMMERCIAL WHITEWATER RAFTING PASSENGERS BY DAY OF WEEK 1985

OUTFITTER	PENOBSCOT RIVER							
	SUN	MON	TUE	WED	THU	FRI	SAT	TOTAL
ALL OUTDOOR ADVENTURES	---	---	---	---	---	---	---	---
ATLANTIC OUTDOOR ADV.	---	---	---	---	---	---	---	---
BACK COUNTRY RIVER TOURS	---	---	---	---	---	---	---	---
CRAB APPLE WHITEWATER	---	---	---	---	---	---	---	---
DOWNEAST RAFTING	548	65	51	41	0	81	894	1680
EAGLE WHITEWATER	---	---	---	---	---	---	---	---
EASTERN RIVER EXPED.	1083	274	327	0	372	716	1458	4230
FRONTIER RIVER EXPED.	---	---	---	---	---	---	---	---
GREAT ADVENTURES/KEN.	0	22	8	0	14	38	0	82
MAINE WHITEWATER	627	0	0	0	0	0	917	1544
NEW ENGLAND WHITEWAT.	438	47	10	0	0	36	0	531
NORTH AMERICAN WHITE.	0	0	0	0	0	6	0	6
NORTH COUNTRY OUTFIT.	---	---	---	---	---	---	---	---
NORTH COUNTRY RIVERS	144	6	9	0	0	36	356	551 ¹
NORTHERN OUTDOORS	1213	138	178	81	161	279	1336	3386
RAPID TRANSIT	173	0	0	0	0	14	213	400
ROLLING THUNDER	161	7	54	11	29	65	242	569
UNICORN RAFTING EXPED.	893	260	123	44	297	486	1325	3428
VOYAGERS WHITEWATER	12	0	20	0	0	0	13	45
WHITEWATER ADVENTURES	---	---	---	---	---	---	---	---
WILDERNESS RAFTING	419	46	10	42	12	137	702	1368
WILD WATER ADVENTURES	249	132	65	78	19	0	499	1092
WINDFALL/CAMP HALWASA	0	0	0	0	35	9	0	44
TOTAL	5960	997	855	297	939	1903	7955	18,912
%	32%	5%	5%	2%	5%	10%	42%	101%
SOURCE: DIFW USE REPORTS								

¹. DATE UNKNOWN FOR 6 REPORTED PASSENGERS

1985 WHITEWATER RAFTING REVIEW

NO. COMMERCIAL WHITEWATER RAFTING PASSENGERS BY MONTH 1985

OUTFITTER	PENOBSCOT RIVER							
	APR.	MAY	JUNE	JULY	AUG	SEP	OCT	TOTAL
ALL OUTDOOR ADVENTURES								
ATLANTIC OUTDOOR ADV.								
BACK COUNTRY RIVER TOURS								
CRAB APPLE WHITEWATER								
DOWNEAST RAFTING	0	126	389	429	625	111	0	1680
EAGLE WHITEWATER								
EASTERN RIVER EXPED.	0	268	941	1248	1349	336	88	4230
FRONTIER RIVER EXPED.								
GREAT ADVENTURES/KEN.	0	0	8	36	38			82
MAINE WHITEWATER	0	109	468	419	548	0	0	1544
NEW ENGLAND WHITEWAT.	0	15	147	188	134	47	0	531
NORTH AMERICAN WHITE.	0	0	0	0	6	0	0	6
NORTH COUNTRY OUTFIT.								
NORTH COUNTRY RIVERS	0	34	116	128	236	43	0	557
NORTHERN OUTDOORS	0	363	940	840	1048	195	0	3386
RAPID TRANSIT	0	46	58	88	165	43	0	400
ROLLING THUNDER	14	97	40	98	236	84	0	569
UNICORN RAFTING EXPED.	0	328	755	957	1141	247	0	3428
VOYAGERS WHITEWATER	0	0	0	0	20	25	0	45
WHITEWATER ADVENTURES								
WILDERNESS RAFTING	0	56	228	444	604	36	0	1368
WILD WATER ADVENTURES	0	88	160	332	382	80	0	1042
WINDFALL/CAMP HAWWASA	0	0	0	15	29	0	0	44
TOTAL	14	1530	4250	5222	6561	1247	88	18,912
%	<.5%	8%	22%	28%	35%	7%	<.5%	100%
SOURCE: DIFW USE REPORTS								

KENNEBEC SATURDAYS

APPLICATIONS

ALLOCATIONS

○	ALLOCATION EXCEEDED			
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SOURCE: DIFW USE REPORTS

NO. PASSENGERS CARRIED ON ALLOCATED DAYS 1985
PENOBSCOT SUNDAYS

[illegible]

APPENDIX B

Results of Outfitter Survey
Regarding
Recreational Use Limit and Allocation System

1985 Outfitter Survey

Summary

Total Respondants	15
Outfitters With Allocations	12
Outfitters Without Allocations	3

Respondants by 1985 Allocation

<u>Outfitter</u>	1985 Allocation			<u>Total</u>
	<u>K-Sat.</u>	<u>P-Sat.</u>	<u>P-Sun.</u>	
Crab Apple	30	0	0	30
Downeast	80	64	56	200
Eastern	80	80	80	240
Great Adventures	40	0	0	40
Maine	80	72	72	224
North Country	20	16	0	36
Northern	80	80	80	240
Rolling Thunder	40	20	28	88
Unicorn	80	80	80	240
Voyagers	20	0	0	20
Wilderness	80	64	40	184
Wildwater	50	48	48	146
Totals	680	524	484	1688

1985 Passengers Carried by Respondants Without Allocations

<u>Outfitter</u>	<u>Ken.</u>	<u>Pen.</u>	<u>Dead</u>	<u>Total</u>
Adventure Rafting	0	0	0	0
Atlantic Outdoors	55	0	0	55
Camp Haluwas	88	44	8	140
Totals	143	44	8	195

Questions Related to Recreational Use Limit

1. Trip Practices to Prevent Trash/Litter

No. Responses - 15

Carry-In/Carry-Out, usually including others' litter	9
Do Not Lunch on River	6

2. Disposal Sites for Carried-Out Trash

No. Responses - 15

Kennebec River:

The Forks	1
West Forks Dump	2
The Forks Dump	5
Moxie Dump	1
Town Dump	2
Base Camp	4
Greenville Dump	1
Rockwood Dump	1

Penobscot River:

Pray's	2
Pray's Campgrnd	3
Pray's Dump	1
Disposed by Pray	1
Dump near Rpgns.	1
Medway Dump	1
Greenville Dump	1
Rockwood Dump	1
Base Camp	4
Don't Run Penob.	1
Town Dump	1

3. Type of Toilet Facilities During Trip

No. Responses - 15

Rocket boxes/plastic lined ammo cans or similar	9
Portable toilets/pottis	2
Base camp facilities	5

4. Sanitary Waste Disposal Sites
No. Responses - 13

Kennebec River:

W. Forks Dump	1
W. F. Septic Dump	2
At rental toilets	1
The Forks Dump	2
Crusher Pool	
PortaJohn	1
Base Camp	5

Dead River:	The Forks Dump	1
-------------	----------------	---

Penobscot River:

The Forks Dump	1
Big Moose Inn	
Dumpster	1
Pray's Campgrnd.	3
At rental toilets	2
Medway Dump	1
Base Camp	2
Pray's Dump	1

5. Methods to Extinguish and Remove Evidence of Cooking Fires
No. Responses - 15

Use gas grills	1
Do not cook on river	3
Cook at on-river base camp;	
do not remove coals	2
Drown ashes and remove	
coals periodically	10

6. Comment on Overall Impact of Rafting on River & Environment
No. Responses - 14

Low or minimal impact	11
Noted waste left by	
fishermen	2
Rivers cleaner now than	
before rafting	1
Trips >40 have small impact	
in specific areas	1
Erosion at Carry Brook and	
Dead Stream	1
Guidelines (as Col. Riv.)	
should be provided	1
Access roads should be main-	
tained to reflect	
economic input	
Traffic is small price to pay	
for economic input	1

7. Bus Passengers to Put-In Site or Meet There
 No. Responses - 14
 Yes - 13 (Note: Pray's is put-in site for many outfitters)
 No - 1 2%+ meet at launch site
8. Traffic Problems
 No. Responses - 14
 No problems 8
 Problems 6
1. vehicles have to back in at Salmon Pt.;
 2. 4 pt. turns required at Never's Corner;
 3. dirt roads hard on vehicles;
 4. private visitors to Penobscot park in or next to road;
 5. road to Rip Gorge put-in is hazardous;
 6. Rip Gorge put-in road: condition, congestion, parking;
 7. Penob. launch road primitive;
 8. need "No Parking, Standing or Stopping" signs at Big "A" Falls.
9. New Permanent Year-round Facilities Established since 1980
 No. Responses - 13
 No new permanent facilities 8
 New permanent facilities 5
1. The Forks, Rte. 201 - house and land;
 2. Caratunk - home office;
 3. The Forks - base camp (& campground);
 4. Added rafting to Inn business);
 5. Kingfield;
10. New Seasonal Facilities since 1980
 No Responses - 14
 No. new seasonal facilities 6
 New seasonal facilities 8
1. in The Forks;
 2. photo lab & guide housing at Pray's;
 3. base camps at Moxie Pond & Big Moose Inn;
 4. house & land in The Forks; lease sites at Pray's;
 5. rent house in The Forks; rent place on Rip Lake or Penob. River for mtg. place;
 6. base camp in The Forks;
 7. Red Brick camps in Jackman; Big Moose Inn on Penobscot;
 8. The Forks and Big Eddy.

11. Relocated Seasonal or Permanent Residence since 1980
 No. Responses - 14
 No Relocation: 8
 Relocation of seasonal residence:
 1. to Moxie Pond on Kennebec & Big Moose Inn
 on Penobscot - 3;
 2. to home on Pleasant Pond in Caratunk;
 3. to The Forks.
 Relocation of Permanent residence-3;
 1. to permanent home in The Forks;
 2. to permanent home in Caratunk.
12. Number of Permanent Employees & of These, Number Residents
 When Hired
 No. Responses - 14
 Total permanent employees 52
 Total permanent employees,
 residents of river area when
 hired 29 (55%)
13. Number of Seasonal Employees & of These, Number Residents
 When Hired
 No. Responses - 14
 Total seasonal employees 338
 Total seasonal employees,
 residents of river area when
 hired 128 (37%)
14. Conflicts with Local Residents
 No. Responses - 14
 No Conflicts 9
 Conflicts: 4
 1. one in 7 years re. parked cars;
 2. with one particular resident;
 3. some party crowds at local establishments;
 4. increased taxes due to high real estate
 values.
15. Steps to Minimize Conflicts
 No. Responses - 14
 No Conflicts/Problems 4
 Customer Control 3
 Communication/Respect/Quick
 Response to Complaints 6
 Try to Hire More Local people 2
 Paid higher rates for use of
 real estate 1

16. Impact of Rafting on Social Structure

No. Responses - 14

Economic benefit: jobs and/or
increased trade 8
General socio/economic benefit 5
Shift in river value from
logging and fishing to rafting
and water quality 1

17. Direct Conflicts with Other Users

No. Responses - 15

No Conflicts 9
Conflicts 6
1. not enough space given to
canoers/kayakers;
2. other campers taking reserved space;
3. rafts interfere with fishing on Penob.(2);
4. use of old Penob. take-out;
5. with fishermen - fish stop biting.

18. Steps Taken to Minimize Conflicts with Other Users

No. Responses - 14

No Conflicts 3
Steps Noted 11

Most common include:

1. politeness, courtesy - 4
2. instruct staff to avoid
fishermen & fishing spots - 4
3. respect for other users - 4
4. worked to set aside prime
fishing hours - 2
5. lobby for fish ladders.

Some specific suggestions:

1. Train guides & guests to respect other users;
2. Post signs & information re. proper river etiquette;
3. With respect to fishermen on Penobscot:
 - a. pass fishermen at a distance;
 - b. avoid Big Eddy stops;
 - c. stay out of eddies being fished and have kayakers do same;
 - d. no water fights and swimming;
 - e. follow up on complaints from fishermen.
4. Separate rafters and other users at Nes. Gravel Pit and supervise use.

19. Should Numbers of People on Rivers Increase, Decrease or
Remain Same

No. Responses - 15

	Incr.	Decr.	Remain Same	Total
Kennebec	6	0	9	15
Penobscot	4	1	10	15

20. Suggestions to Improve Relationships between Rafterers,
Residents, and Other Users

No. Responses - 13

1. allow successful companies to run more guests and limit marginal companies. Fewer companies = fewer vehicles, better management and swifter complaint resolution;
2. eliminate Penobscot overnights;
3. don't hire hippies as guides;
4. reduce regulations;
5. place local residents on Advisory Committee;
6. increased awareness by company employees;
7. ship loud-mouth drunks back to Boston;
8. respect/communications - 3;
9. no conflict/no suggestion - 3;
10. other comment - 2;
11. protect the resource; allocate room for growth; provide for multiple use.

Questions Related to Allocation System

1. Has System Discouraged Service Diversification?

No. Responses - 15

No

8

Yes

7

1. didn't consider growth stage;
2. has limited Sat. growth which produces capital to improve services;
3. pressure to fill allocations limits offering of other services;
4. any regulations decrease options;
5. wish to offer weekend Penob. trips but not to extent of filling allocations;
6. can't offer weekend trips; allocations should be reviewed annually;
7. expand Penob. overnight camping; increase party size from 30-40; create 2 additional raft-camping sites.

2. Is Allocation Distribution among Outfitters Fair?

No. Responses - 14

Yes

6

No

7

1. award criteria too quantitative; more consideration should be given for safety, service quality, etc.
2. allocations should be in proportion to weekday use;
3. no consideration given to companies who run every day; protects companies who run 1 day/wk.

4. some companies with allocations run weekends only; this hurts outfitters who run weekdays but can't reach weekend potential;
5. system locks successful companies into moderate volumes and keeps small companies small, unprofessional, underfunded and poorly trained;
6. bigness praised, non-profit programs do not get considered, but offer quality trip;
7. "No Comment" - 2.

3. Is Distribution between Rafting and Other Uses Fair?

No. Responses - 14

Yes	12
No	1
Other	1

The one "No" and two "Yes" responses referred to the 10% public use set aside: The 10% set aside should be added to the allocated use limit, when necessary, not subtracted from it. Count of private rafting must reflect only legitimate privates, not commercial operators posing as private groups.

4. Does System Encourage, Discourage or Have No Effect on Competition?

No. Responses - 14

Encourages	6
Discourages	2
No Effect	1
Both	2
"Yes"	1
Other	2

Some Comments:

1. system encourages competition and uniformity of trips and prices;
2. some companies can get away with little advertising and survive on weekend overflow from other companies. This isn't real competition;
3. system discourages competition by favoring 1 day/wk. companies (i.e., companies which run only on alloc. days);
4. promotes lying on prospectus;
5. there will be competition with or without system - 2.

5. Does System have Positive, Negative or No Effect on Business Stability?

No. Responses - 14

Positive	9
Negative	4
No Effect	0
Positive & Negative	1

Some comments on negative effect:

1. there are lower profits in shoulder seasons because companies must run full allocations on 10 weekend days. Bank decisions influenced by this as well as by short (3 yr.) allocation period;
2. need 10 year alloc. period to get serious bank financing;
3. limits companies which have reached Sat. limit & whose weekday use isn't considered
4. business isn't stable if company can be shut down for loss of insurance or employee's mistake;
5. must be careful not to over-regulate so Maine companies cannot compete with Canada and Virginia;
6. limited resource and high demand = stability for outfitters.

6. Does System Encourage Full Use of Slots?

No. Responses - 14

Yes	7
No	4
Yes & No	1
Other	2

Some comments from those responding "No" or "Other"

1. May, June & Sept. are below full use;
2. some outfitters don't run allocations;
3. State is unwilling to take allocations away from less successful companies;
4. company brokers a lot of business to other companies which can't fill allocations, so some companies are wasting slots;
5. an outfitter can run weekends only and still hold onto allocations;
6. some outfitters benefit from customer overflow of other companies. System encourages reliance on tour groups which help meet allocations, but aren't profitable for outfitter.

7. Is Procedure Timely?

No. Responses - 14

Yes	7
No	5 (Following year's program must be prepared by Oct. or Nov.)
Don't Know	1
Other	1

8. Has System Been Inflexible?

No. Responses - 13

No	7
Yes	5
Could Be	1

Comments re. inflexibility:

1. DIFW refused transfer to Kennebec when Penobscot was low and Ken. had enough water;
2. need more credit given to outfitters and new entrants who run strong weekday business;
3. if Kennebec is low, transfer to Penobscot is not possible. Drought could cause bankruptcy;
4. could be inflexible if people were denied space & Kennebec flowed all day;
5. during high water, Kennebec Saturday releases are long: more people could raft;
6. need to switch to Kennebec on low water Penobscot days to have everyone off river by 5:00 P.M.; and need to be able to switch rivers if water on one is too high or otherwise unmanageable.

9. Can System Be Easily Evaded?

No. Responses - 14

No	2
Yes	12
No Comment	1

Comments on Evasion of System (summary):

1. commercial operators are claiming to be private; some pose as "clubs," some guides hire out for the day, and some people rent rafts;
2. there are no real penalties or deterrents to prevent this evasion;
3. the definition of commercial is not broad enough [to cover commercial operators posing as private];

4. private rafting should be regulated;
5. make it illegal for whitewater guides to free-lance;
6. make it illegal to rent rafting equipment;
7. establish a permit system for private rafting or impose heavy fines (\$10,000) for violations;
8. do not apply 10% public use set aside based on current records of private rafting, since many are not really private;
9. require anyone collecting fees to be treated as a commercial outfitter;
10. regulate private rafting for safety;
11. relieve non-profit operators from head and license fees (submitted by non-profit church group classed as commercial because it charges to cover costs).

10. Suggested Changes to Allocation System to Better Meet Goals of Law

No. Responses - 13

Suggested changes other than those dealing with evasion of the system (covered above):

1. minimum allocation should be 40, with remaining slots awarded on quality vs. passengers run basis;
2. make allocations transferable to outfitters purchasing other companies & remove non-transferable clause;
3. since use limit has already been allocated, 10% public use set aside should not be taken out of this number, but added to the use limit (i.e., 800 + 80 on the Kennebec and 560 + 56 on the Penobscot);
4. weekdays and unallocated days should not be limited to 80 persons per trip, as this penalizes larger outfitters who could run a second trip when use is well below the limits. (Individual trips should remain at 80 passengers.);
5. affiliates should be permitted to run unallocated days on Kennebec and Penobscot, (submitted by an affiliate);
6. allocations should be reviewed yearly. Establish a permit system for companies without allocations & parcel these out during off-peak seasons; (submitted by outfitter without allocation);

7. allocate by boat to force efficient use of river space; then, each outfitter could have a minimum of 40 people and there would be no more boats than are currently on river;
8. need more credit given to outfitters and new entrants who run a strong weekday business as this is an index of ability to get easier weekend customer. Current system protects 1 day/week operators;
9. prospectus should reflect documentable facts. State should make spot inspections of equipment and facilities, make unannounced trips with all companies, review weekday success;
10. system discourages diversity on weekends because of effort needed to fill allocations;
11. competition is compromised when marginal outfitters benefit from advertising of successful companies;
12. if marginal outfitters aren't meeting allocation, successful ones should be allowed to run more than 80 people per day;
13. there should be a stronger correlation between allocations and percentage of industry business that the outfitter controls;
14. amend law to require insurance only if available. Carriers are beginning to refuse coverage or discontinue policies;
15. award more (or all) points) for in-state experience and less (or no) points for experience on rivers outside Maine. Experience on other rivers should be a single category since quality of experience is same whether river is in-state or out-of-state.

APPENDIX C

Results of Review of Outfitter Brochures and Informational Material

INVENTORY OF WHITEWATER TRIPS & SERVICES

(Source: 1985 brochures and informational materials requested from outfitters.)

A. Respondants

No. Responses to Requests for
Brochures and Information - 13

Respondants include:

- 1) Crab Apple Whitewater
- 2) Downeast Whitewater
- 3) Eastern River
- 4) Great Adventures
- 5) Maine Whitewater
- 6) North Country Rivers
- 7) Northern Outdoors
- 8) Rolling Thunder
- 9) Unicorn Rafting
- 10) Voyagers Whitewater
- 11) Wilderness Rafting
- 12) Wildwater Adventures
- 13) Windfall/Camp Haluasa*

*Not included in analysis.

B. Basic Raft Trips Offered

<u>One Day Trips</u>	<u>No. Outfitters</u>
Kennebec River: Harris Sta. - The Forks; 12-14 mi.; Class IV & V	12
Penobscot River: Rip Dam - Never's Cor.; 13 mi.; Class IV & V; (includes split trips)	11
Penobscot River: Big Eddy - Never's Cor.; 12 mi.; Class IV & V; (omits gorge & Cribworks)	4
Penobscot River: Nesowadnehunk Falls - Debsconeag Falls; Class IV & V	1
Dead River: Grand Falls - The Forks: 15 - 16 mi.; Class III - V; (special rafting releases)	11
Rapid River: Lower Richardson Lake - Umbagog; 7 mi.; Class III - V	2

<u>Two Day Trips</u>	<u>No.</u> <u>Outfitters</u>
Kennebec River: E. Outlet - The Forks; 22 +- mi.; Class II - V; (overnight camping on or near Indian Pd.)	7
Penobscot River: Rip Dam or Big Eddy to Never's Cor.; 13 mi.; Class IV - V; (overnight camping on or near river)	5
Penobscot River: Rip Gorge - Debsconeag Falls; Class IV - V; (overnight camping on or near river)	3
Kennebec & Penobscot: combines Kennebec & Penobscot 1 day trips; (one includes overnight camping)	3
Kennebec & Dead: combines Kennebec & Dead 1 day trips; (2 include overnight camping)	6
<u>Trips on Less Than Class IV Maine Rivers</u>	
Kennebec, E. Outlet only	1
Kennebec, E. Outlet & Indian Pd.	1
<u>Longer Than Two Day Trips</u>	
Kennebec - Penobscot 5 day overnight; 2 days on Kennebec, 1 day in Moosehead Lake area, 2 days on Penobscot; includes accommodations	2
Penobscot 5 & 6 day overnight; canoeing on Upper W. Branch plus rafting on Lower W. Branch; includes accommodations	2
<u>Trips on U.S. Rivers Outside Maine</u>	
Swift River, NH. - ME	3
Hudson River, NY	5
Moose River, NY	3
Upper Youghiogheny River, Md.	1
Gauley River, W. Va.	1
Cheat River, W. Va.	1
Colorado River, Col.	1

C. Selected Characteristics of Basic One-Day Trips

	<u>Kennebec River</u>	<u>Penobscot River</u>
	No.	No.
	<u>Outftrs.</u>	<u>Outftrs.</u>
Time of Year Offered:	Apr.-Oct. 5	Apr.-Oct. 4
	May-Oct. 4	May-Oct. 1
	May-Sept. 3	May-Sept. 5
		June-Sept. 1

	<u>Kennebec River</u>	<u>Penobscot River</u>
	No.	No.
	<u>Outftrs.</u>	<u>Outftrs.</u>
Days of Week Offered:	Wkdays	Sat.
	& Wkends 1	& Sun. 4
	Mon.-Sat. 5	Sun.-Sat. 4
	Mon.-Sun. in	Mon.-Sat. 1
	early season 4	Tue.-Thur.
	Sun.-Sat. 1	& Sat.-Sun. 1
	Not specified 1	Mon.-Fri.
		5/13-9/13;
		Sat. & Sun..
		early & late
		in season 1

	<u>Kennebec River</u>	<u>Penobscot River</u>
	No.	No.
	<u>Outftrs.</u>	<u>Outftrs.</u>
Trip Meals Incl.:	Steak Cookout 7	6
	Hearty Meal 1	1
	Cookout Lunch 3	4
	Steak Dinner	
	at Inn 1	

Other Trip Activities:	Visit Dead
	Stream Falls 5
	Hike to Moxie
	Falls 3
	Spec. Event
	Trips 1

Age Limit:	14 years 3	16 years 5
	12 years 7	15 years 1
	10 years 1	14 years 3
	Not spec. 1	12 years 1
		Not spec. 1

D. Basic Raft Trip Services (for Standard One Day Trip, Except as Noted).

1. Transportation: Transportation from an outfitter's base camp or meeting place to the raft launch area, and from the raft take-out back to the base camp are provided by the outfitter for all one day raft trips and all 2 day overnight raft trips that include camping as part of the trip. Two outfitters offer trip packages that include long distance transportation; e.g., from Boston, for groups. Seven outfitters offer custom planning of trips for groups.
2. Accommodations: Accommodations are not normally included in one day raft trips; however, a number of outfitters do offer camping or other lodging at their base camp, and either offer trip packages that include accommodations or offer lodging at regular prices. Still other outfitters offer trip packages that include lodging at area establishments or they offer to make lodging arrangements for customers.

No. outfitters offering accommodations pkg.	<u>4</u>
At outfitter managed base	<u>2</u>
At area lodging place	<u>2</u>

No. outfitters with accommodations at outfitter managed base.	<u>4</u>
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No. outfitters offering to package accommodations as a service	<u>7</u>
--	----------

Meals, other than trip meals, are not normally included in trip prices. Two outfitters offer accommodations packages which include meals; three outfitters offer meals at outfitter-managed base camps.

3. Overnight Camping Services: On all overnight camping trips, outfitters provide at least the campsite; four provide tents, three do not provide tents, and one will rent tents or the customer may bring his own. Meals on all overnight camping trips include at least one lunch, one dinner and one breakfast. (Brochures are not often specific on meals provided.)

4. Equipment Provided Customers: All outfitters provide rafts, paddles and life jackets. The availability of other equipment varies.

	<u>No.</u> <u>Outfitters</u>
Wetsuit included	1
Wetsuits available for rent	10
Wetsuits available for sale	1
Helmets included (required & optional)	5
Drybag included (other outfitters include drybag on overnight trips)	2

5. Row-frame Trips: Six outfitters offer row-frame trips for customers who choose less rigorous rafting.

6. Trip Photography: Six outfitters regularly offer trip photography and a seventh offers it "whenever possible." One offers a slide show of the customer's trip. Customers pay an additional fee for trip photos.

E. Basic Raft Trip Prices (for Most Common One-Day and Overnight Camping Trips)

<u>One-Day Trips:</u>		<u>Price</u>		
	<u>Min.</u>	<u>Max.</u>	<u>Average</u>	<u>Variation</u>
Kennebec				
Weekday	\$50	\$70	\$63	\$20
Weekends	70	80	72	10
Penobscot				
Weekday	65	80	70	15
Weekends	65	80	75	15

Two-Day Trips (Includes Overnight Camping on River)

Kennebec E. Outlet - The Forks (7 outfitters)	120	145	136	25
Penobscot: Rip Gorge - Pockwockamus or Debsconeag Falls (8 outfitters)	130	180	144	50

F. Financial Arrangements

<u>Trip Deposit Required at (or near) Time of Reservation</u>	
	<u>No.</u> <u>Outfitters</u>
50% of trip fee	11
\$30/person required	1

Balance Due Date for Remainder of Trip Fee

30 days (or 4 wks.) before trip date	7
21 days before trip date	1
14 days before trip date	1
10 days before trip date	1
On trip date	1
Not specified	1

Amount of Deposit Refunded if Trip is Cancelled

	<u>No.</u> <u>Outfitters</u>
Within 30 days of trip date, no refund	7
More than 30 days before trip date:	
full refund	2
all but \$10/person refunded	4
80% refund	1
More than 7 days before trip, full refund	1
50% of deposit not refundable	1
Deposit not refundable, but transferable to another date	1
Not specified	2

Discounts Offered

-1 free trip for every 10 persons	1
-every 10th person free weekdays & every 15th person free weekends	1
-available for children & for families with 6 or more in party, weekdays	1
-if group trip arrangements are handled by one person, deduct \$2.50/person for parties of 6-10 and \$5.00/person for parties of 11-20	1
-one free trip every 20 persons with one person making arrangements; 10% for party of 10 or more reserving at same time; 10% for 2 consecutive trips	1
-10% for groups of 10 or more	1
-10% for groups of 8 or more on weekdays	1
-\$5/person for groups of 8 or more	1
-discounts available but not specified	1
-discounts not indicated	3

APPENDIX D

Comments on the Impact of Rafting
Received at Public Meetings

Notes of Public Meeting
on
Commercial Whitewater Rafting

11/14/85

Stearns High School

Millinocket, Maine

7:00-9:00 P.M.

Economic Impact

- E. Baker, North Woods Trading Post: receive est. 25% of gross from rafters. Repeat business in rafting is noticeable: 2nd year's trip and another year's non-raft vacation; some purchase cottages.
- F. Boynton, Millinocket Lake Store: many come back to area with families because they have enjoyed the area; lodging establishments are fully occupied in the summer, largely because of rafting.

-

Impact on Access Roads

- W. Robinson: were many short trips this year with rafters skipping deadwaters and concentrating on major rapids; this added to traffic. Kayakers and canoers are taking out at Old Pock. take-out. Are they governed by rafting regulations, too?
- Dan Corcoran, GNP: in response to question about traffic on Golden Road: traffic is as much from sightseers as from rafters. Worst problem is during week with trucks, but sees education as solution.
- F. Boynton: if use limit is raised it should not be during week.

Impact on Other Users

- A. Hughes, Millinocket: had to sell cottage because rafters moved in next door with loud partying.
- F. Boynton: researched these complaints and it was largely local people or non-rafters causing problems.
- E. Baker: says Ms. Boynton has tried to control hooliganism and rafters have matured in past 2 years. Disruption not near what it was in past and had no problems in 1985. Five years ago would have opposed rafting because of rafters' behavior; in last 2 years, either people are different or have learned some manners. Are seeing more well-educated people and family groups.
- P. Pray: supervision has done much to control problems in campground. Outfitters are controlling people better.
- P. Pray and E. Baker: have more problems with rafters exploring the area while unsupervised. They have no activities for second day. Most want to see where they rafted the previous day, so they go exploring along the river.

- A. Gallant, E. Millinocket: fishes Nesowadnehunk Falls and says there is too much boat traffic there and that this is unsafe. Rafters also coming too close to fishermen. Doesn't believe guides can adequately control rafts to avoid fishermen. Response by raft guide present: river channel is narrow here. Problem may be rafts moving into eddies to watch others come over falls, and these should move to the left or downstream.
- P. Pray: Nesowadnehunk Stream area shouldn't be used by rafters because it is aesthetically valuable.
- W. Robinson: Nesowadnehunk Stream is getting more use now than when it was a lunch site because rafters are stopping to swim and sightsee.
- K. Meyer, BPR staff: area is recovering from past use because rafters are staying on rocks.
- A. Gallant: quite a few fishermen do use the mouth of the Nesowadnehunk Stream but fishing isn't good along stream for another $\frac{1}{2} \pm$ mile.
- ?Name: friends camping in area were disturbed by rafters blowing up rafts early in the morning.

Comments About Safety

- W. Robinson: have there been accidents at launch site? Have planned improvement been carried out? (Herb: still being discussed with GNP.)
- ?Name: is double guiding required in cribworks? Are helmets required? (John Marsh: No. Neither suggestion received support at public hearings.)

Comments About General Public Access to River

- A. Gallant: is there an adverse possession rule that applies to river access? Interest is in continued ability to have vehicle access for fishing at Nesowadnehunk Falls.
- P. Pray: are the designated put-ins and take-outs the only ones people are supposed to use for boat access? (Herb: yes) Are people subject to fines for using other areas? Can BPR control use of put-in areas for all users? (Herb: technically, yes).

Note: Above comments and questions concern BPR's authority to manage recreational use in the Penobscot easement and are not directly concerned with rafting.

Comments on Private Rafting

-C. Pray, Pray's Store and Cottages: preliminary report seems to recommend regulation of private rafting which legislature wanted to avoid. (Herb: intent is to bring private rafting that is really commercial under regulations. There is no desire to regulate legitimate non-commercial rafting).

Other Comments

-?Name: do outfitters have to have liability insurance or not? Sen Pray responds that legislature is considering caps on liabilities [as way of preventing carriers from cancelling liability policies.] Similar problems affects variety of businesses and municipal government.

-E. Baker: feels GNP provided no mitigation for small commercial stores, campgrounds, etc. in Big 'A' application. Doesn't want more rafters to sign up with GNP because businesses will lose customers.

Rafting - Millinocket Public Meeting

11/14/85

Name

Address

John F. Marsh

Alvan H. Hallant

Fredericka Deyton

William B. Campbell

Bud Newell

Lillian E. Warh

Vernon F. Wood

James E. Nicholson

Bunny Pray

Peter Pray

Dan Corcoran

John Kay

Wilbur Robinson

Erwin J. Bacon

Anne Erickson

Ann C. Hughes

Robert Chase

Joey Zabin

Charles Pray

Jim Fearwood

Riephart Clark

Bob Burrier

Charles J. Sanders

Herb Hartman

C. Bostey

MAINE WARDEN SERVICE

E. Millinocket Maine

Millinocket Maine

Central Maine Power Co.

CMP Co

54 School St Millinocket, Me

54 School St. Millinocket, Me

99 Bowdoin St. Millinocket, Me.

335 Congress Millinocket, Me

GNP, Millinocket

Office of Legislative Assistants

Millinocket

Ambrose Lake (North Woods Tract)

Katahdin Mines Millinocket, Me

4 Orchard St. Millinocket

71 Elm St.

Eastern River Expeditions

Millinocket, Me. (want copy)

NORTHERN OUTDOORS

Millinocket, Me. (want copy)

60 Canyon Dr Millinocket

75 Cottage Rd., Millinocket, Me.

Parks & Recreation

"

"



Fin and Feather Club

P. O. Box 123
MILLINOCKET, MAINE 04462

November 19, 1985

C. Bastey
Bureau of Parks & Recreation
Department of Conservation
State House Station 22
Augusta, Maine 04333

Dear Ms. Bastey:

First, I would like to apologize for not attending your meeting on November 14 in Millinocket. I have been away trapping for the past 3 weeks and haven't been home. I do feel your timing for such a meeting which requests comments from area sportsmen was very poor due to the fact that most avid outdoorsmen are usually hunting this month.

I am writing on behalf of the members of the Fin and Feather Club of Millinocket. The Fin and Feather Club is the largest unaffiliated sporting organization in Northern Maine. We have 230 members from Millinocket, East Millinocket, Medway, Brownville and Mattawamkeag. Many of our members are avid fishermen who spend considerable time on the West Branch. I have represented the membership by sitting on the West Branch Easment Committee. Our organization is very concerned with any decisions, rules or regulations made concerning the West Branch. Our organization is very concerned with the report which will be presented to the legislature dealing with the use limit and allocation system. We will not accept any increase in the use limit or allocation system on the river. We already feel the West Branch is being utilized beyond it's carrying capacity as far as use limits go. The West Branch is already so people polluted, many of its traditional users will no longer fish or use the West Branch for recreational use.

I can't express strongly enough the feelings of the members of the Fin and Feather Club. I repeat, we in no way will gracefully accept an increase in the use limits or the allocation system, if anything we would like to see a reduction in the use limits of the river. Our members feel the commercial rafting outfitters who operate on the West Branch have done more damage to the West Branch than any other single user group. This once beautiful and myjestic river becomes a people polluted mad house during the rafting season. If you really want to see the West Branch, come see it between now and next April. This is the West Branch the members of our organization are trying to protect.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Reed".

Bill Reed
Vice President

102A Somerset Street
Millinocket, Maine 04462
November 19, 1985

Mr. C. Bastey
Bureau of Parks & Recreation
Department of Conservation
State House Station 22
Augusta, Maine 04333

Dear C. Bastey:

I would like to submit this letter as written comment on the effect of commercial rafting on recreation and the community. First let me say that your timing for these hearings was quite objectionable. I'm sure you are aware that November is deer and trapping season. Most folks, especially sportsmen in the area are off on hunting trips or other wildlife harvesting excursions. Since it is the sportsmen who might object to commercial rafting and since the advance notice of the hearing was so short (legal of course but short) it left many sportsmen unaware of this hearing.

Another point is that the notice I read said nothing about written comments being in within 7 days. If I hadn't gotten the information from the local sports club to which I belong I would not have known either.

Now to the matter at hand, commercial rafting. As a fisherman I would say rafting has an adverse effect on my recreation and that of many other fishermen. I know many, many fishermen who have left the river for more secluded spots rather than to have to fight the hordes of rafts. This saddens me since this is our way of getting back to nature and enjoying the outdoors, individually seeking a one on one experience with nature. Fishermen were on the river long before commercial rafters but since most of these fishermen are not a united or commercial group but individuals they have been driven away rather than fight the flood of rubber boats and quick thrill seekers.

Fishing the beautiful river in peace and quiet, undisturbed by crowds is what fishing use to be. Now it is fish fast and get out of the way.

Please don't get me wrong. I'm not saying that people who raft are bad. I'm just saying that commercial rafting is a racket for sheer profit not a true ~~form of~~ natural wild recreation. In this community outfitters take the money and run leaving us to change our lifestyle to accomodate these intruders. We welcome anyone who wants to share the beauty of this glorious state but we don't welcome those who turn wilderness experiences into a circus. I have taken a rafting trip down the Penobscot and I was thrilled but I can go on a roller coaster to get a thrill. You can not truly appreciate or enjoy the real beauty and peace of nature on the river on a quick trip in a rubber raft.

Individuals who raft, not organized companies, can get along well with the fisherman. But commercial rafting is a side show and we don't need this sort of thing in the Katahdin area.

There never use to be a traffic problem on the river road and now the commerical rafters have had to go to buses which has improved the traffic they caused but we still have the problem of many people stopping on the side of the road to see the rafters. The appreciation of the river scenery has been lost to snapshots of rafters. This region is losing the good old wild natural state of being in exchange for the tourist oriented circus that commercial rafting has caused.

As far as commercial rafting in the community, it does little if any for the Millinocket area. Only a few places make profit on them like bus service or campgrounds but I would say most people would just as soon see all rafting outfitters leave. Most of the rafting outfitters make a quick trip in and leave, leaving little money or good will in the community. If ever there was a ban on commerical rafting in the State of Maine the Millinocket community would not grieve.

Thank you for your time and consideration.

Sincerely,

R. Reed

TOWN OFFICE

East Millinocket, Maine

===== "THE TOWN THAT PAPER MADE" =====

November 14, 1985

Bureau of Parks & Recreation
Department of Conservation
State House Station #22
Augusta, ME 04333

Attention: C. Bastey

Dear Sir/Madame,

On behalf of the Town of East Millinocket, we would like to comment on the impact of commercial white-water rafting on our Town.

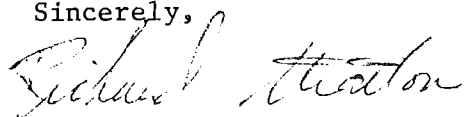
As you know, East Millinocket is located at the base of Mt. Katahdin. Our residents are avid sportsmen and use this recreation area as extensively as anyone else. However, our livelihood is dependent upon uses of the rivers for other purposes than fishing and rafting. It is vital that the river community in the Katahdin Region not be closed from industrial use just for the sake of Recreation.

Commercial rafting, in the past several months, has posed a potential threat to the job security of many people in this area with their opposition to industry and industrial uses of Maine rivers.

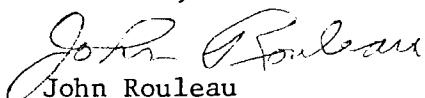
We would also like to comment on the impact that rafting may have on the natural and pristine surroundings of the Katahdin rivers region. As everyone is well aware, the wild and free aspect of our area as imagined by Percival Baxter is its main attraction. The hundreds of rafters that go down the West Branch each summer cannot but have an effect. Currently, there are no facilities to accomodate these people. We are very concerned that the natural wilderness will be altered or damage as a result.

We feel that the rivers can be enjoyed by everyone. However, great care must be taken in the future to preserve not only the natual surroundings, but the hundreds of jobs that depend on the industrial use of the river. A fair, equitable balance must be maintained.

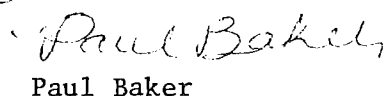
Sincerely,



Richard Stratton
Chairman, Board of Selectmen



John Rouleau



Paul Baker



TOWN OF MILLINOCKET

MILLINOCKET, MAINE

OFFICE OF TOWN MANAGER

TEL 207-723-9701

November 21, 1985

Bureau of Parks and Recreation
Department of Conservation
State House Station 22
Augusta, Maine 04333

Attention: Cindy Bastey

RE: White Water Rafting

Dear Ms. Bastey:

Please accept this letter as written comments from the Town of Millinocket concerning the effects of commercial white water rafting on this area.

The Town of Millinocket is the closest town to the section of the West Branch of the Penobscot River used for commercial white water rafting. The Town is comprised of approximately 7,500 citizens and is the home of the Great Northern Paper Company.

Our economy is closely tied to the paper industry and virtually everyone in the area works either directly or indirectly for the paper or wood products industry.

It is difficult for someone not familiar with our area to appreciate the extent to which we depend upon the paper industry. However, let me say that all other forms of economic activity in this area are negligible when compared to the dominance of the paper industry in our local economy.

Recreation of all forms are enjoyed by our citizens and our citizens especially enjoy the great outdoors and West Branch area.

The tourist industry itself in our area is very small and has a negligible effect on our local economy. When one considers that commercial white water rafting is but one small aspect of the entire tourist industry, its effect on this area is hardly noticed.

When considering the effect of commercial white water rafting on this area, please keep in mind that access to the West Branch of the Penobscot River is over private roads owned and maintained by the Great Northern Paper Company. The purpose of these roads is to provide the raw material necessary to run the mills in Millinocket and East Millinocket.

Please keep in mind that Great Northern Paper Company has been very generous in allowing the public the use of its roads and we feel the State should make more of an effort to remind the public that access to the area is by permission of Great Northern and that its logging trucks and other vehicles have the right-of-way on its private roads.

The actual economic effect on this area of commercial white water rafting is very small. Commercial white water rafting outfitters are based in other areas than Millinocket. Commercial outfitters seem to bus their customers to the West Branch area from other points and do not make great use of local motels or restaurants.

Obviously, many rafting customers do rent motel rooms in Millinocket and do patronize restaurants and other retail stores. Though it is impossible to differentiate between a rafting customer and a fisherman or other tourist during the summer months. However, since the vast majority of Millinocket's citizens work in the paper mills or in related industries, the economic effect of rafting customers on our area is very small. Also, when one considers rafting as such a seasonal sport, the economic effect when considered on a year round basis is smaller still.

At this point in time, the tourist industry is in its infancy in our area. However, with the anticipated modernization of the paper mills in Millinocket and East Millinocket, we hope that tourism will grow and that our economic base will be diversified. We hope that the State will take appropriate measures to prevent commercial white water rafting companies from crowding out other types of tourism on the West Branch during the summer months.

Everyone is very familiar with the "Coney Island" atmosphere on the weekends during the summer in the West Branch area while commercial white water rafting is at its peak. White water rafting does not seem to be "family type" entertainment and many single people seem to be attracted to the sport and unfortunately those single people seem to be more interested in having a "good time". Their sport does not lend itself to quiet contemplation of nature's splendors in the West Branch area.

Please keep in mind that 15,000 rafters used the West Branch during the summer of 1984 and most of those people used the river on about ten weekends. The potential for traffic congestion, and pollution of our waterways is here and must be dealt with.

At this time, there are no adequate sanitation facilities for 15,000 customers of commercial white water rafting in the West Branch area. There are no adequate traffic control devices or parking facilities. Many area residents can relate story after story of buses filled with rafters in the middle of the road, buses parked on curves, cars parked in the middle of the Telos bridge, and pedestrians walking the road in the area of the Telos bridge. At certain times, problems exist in the area with public drinking and other forms of rowdyism.

We ask the State to either build adequate sanitation facilities or force the rafting companies to provide adequate sanitation facilities since the rafting companies bring the customers to the area with full knowledge of the lack of facilities for them.

We ask the State to provide adequate parking for the people using the area.

If the State will not provide proper sanitation facilities or parking, the State should take appropriate steps to limit the number of customers of commercial white water rafters in the area so that the existing facilities are not overloaded.

The State must provide adequate law enforcement on the weekends in this area to control the crowds and the traffic on the narrow winding road along the West Branch. Why wait until a tragedy occurs at the Telos bridge?

During the Big A hearings, rafters testified that upwards of 35,000 people would soon be using the West Branch for rafting. The State must take appropriate steps now to provide for traffic control, proper sanitation, and adequate parking before the number of rafters doubles again.


In addition, the State should question whether it is in the best interests of the public to allow rafting to grow from 15,000 customers to 35,000 customers per summer. Consider the effect on fishing, camping, other forms of white water boating, sight seeing, and those who simply want some peace and quiet.

There are definite problems with public safety on the West Branch at this time due to congestion caused by commercial white water rafting. The State should allow for all uses and not ignore the thousands of people drawn to the area by rafting each summer.

It cannot be said that the West Branch of the Penobscot River is a better place today for the public when compared to the West Branch before commercial white water rafting began. The area is more crowded, the area is noisy, the area is suffering from people pollution.

Now that commercial white water rafting is here to stay the State must regulate the activity so that it does not crowd out other more desirable forms of tourism and recreation which are engaged in by many other members of the public.

Very truly yours,


Vincent J. Brunette
Acting Town Manager
Town of Millinocket

Regarding white-water rafting:

In my opinion rafting has brought in a lot of unsavory characters. Sure, I know there are some very responsible, level-headed ones also. The experience I had with a group at a local motel left a very bad impression in my mind. This group, all of states, were drinking when they came in, drank most of the evening and I assume, from the mess they left behind, still at it in the morning. When the motel door was opened, complete chaos - lamps broken, door knobs broken, thermostat tore off the wall, beds tore apart, beer cans hidden under the beds, desk plate torn off etc etc. All this can be checked with local police who, fortunately, together with a state trooper caught them at Alchoh. They paid damages to the room but

do you think this was necessary? These were not kids, they were grown men who showed no respect whatsoever for our area. Are they allowed to drink and raft? Is this safe? I would think this would be dangerous for the more responsible persons involved in rafting. I take a lot of elderly for rides toward the mountains during the summer. I have also seen the litter left behind. Do you really think the money they bring into this area makes up for all the disadvantages? They spend 2 or less weeks here. We live here all year. They think we're a bunch of "thicks" living in the woods, not very educated, and we should accept whatever they choose to dish out. If all of the rafters could be made to follow certain rules

and regulations maybe it might help.

(1) No drinking

(2) No litter

(3) No down-grading people or the area.

If they choose to raft here, they should also treat the people here with some respect.

I doubt if anyone can police the area effectively to see that rules are obeyed. The "bad apples" are the ones that disturb me.

Steve Clark
Selectman, Medway

Notes of Public Meeting
on
Commercial Whitewater Rafting

11/19/85

Town Hall

West Forks, Maine

7:00-9:00 P.M.

Economic Impact

- S. Haley (Forks Assessor): real estate values are up. People have market for property. Taxes are not up, and services are not up. Rafting has brought jobs to the community, a second income to many families and a better standard of living.
- B. McDonald (Forks Assessor): 10 years ago people had income from woods or no income; rafting has brought jobs.
- E. Webb, proprietor Webb's Store, W. Forks: rafting has brought business and part and full time jobs; is a big plus to the area.
- Bo Dillihunt, Jackman Chamber of Commerce: rafting brings business to Jackman area.
- B. Holden, owner of 2 businesses in Jackman area, including Briarwood Mt. Lodge: rafters return to area for fall and winter recreation; he can increase business by offering rafting to customers.
- T. Hildreth, Carrabassett Valley: estimates 3,000 people stayed at Carrabassett Valley because of rafting; many were motor tour customers but also had individuals and families.
- S. Hockmeyer, outfitter and resident of The Forks: business provides 60-70 seasonal and 20 full time jobs; are running a year-round business.
- S. Peabody, outfitter/proprietor CrabApple Acres Inn in The Forks: rafting has strengthened the inn and are able to generate income on a year-round basis.
- M. Polstein, outfitter, West Forks resident: estimates that out of \$65,000 payroll, \$40,000 goes to people living in a 30 mile radius [of Forks, W. Forks]. As resident of community, he feels his investments will return taxes and contributions to community to compensate for any service increases.
- D. Dionne, W. Forks resident works for Northern Outdoors: one brother and 2 sisters work for outfitter as well as self. All have permanent jobs because of rafting.
- Name?, is a teacher aide in local schools (serving Forks, W. Forks and Caratunk): half of children in schools have parents who are outfitters or who work for outfitters and school system wouldn't have aide position without these children.

- W. Ricker, Forks resident: local community must pay for rubbish rafters bring to dump and for road improvements (Local assessor says road damage is due to logging trucks, not to outfitter/rafter traffic.)

Impact on Access Roads

- see last comment above
- general agreement that traffic is a "zoo" on Memorial Day because of combined Kennebec and Dead River use
- S. Hockmeyer: outfitters bus people and thus minimize traffic; there isn't a lot of independent traffic from rafting

Environmental Impact

- E. Webb, referring to comments by IP official, Russ Overcamp: considering numbers, effect [on Dead River and access roads] was minimal and people well policed.
- S. Hockmeyer: outfitters are in business to please people and it is in their best interest to keep environment, etc. in good condition
- M. Polstein: value of damage (e.g. erosion) needs to be weighed against service given and other kinds of environmental damage. There is value to people experiencing wilderness and relative to other activities, damage is minimal

Effect on Other Users

- E. Hood, fisherman with lot on river for 25 years: has been caught on river because of releases; before rafting, had at least Sundays to fish; need more time when water levels are down for fishing, picnicking, rockhounding, etc. Feels that CMP is regulating river especially on Sundays, to benefit rafting at expense of fishermen. (Less concerned with number of people on river.)
- W. Ricker: who gave CMP right to regulate river for rafting? River hasn't been stocked for 3 years and fishery is down
- A. Corson, Kennebec Water Power Company: dam isn't regulated for rafting; is regulated according to water needs of watershed for power purposes.
- S. Peabody, outfitter: Sunday reservations are always tentative; customers are told there may be no water. Had to refund \$1300 this year for lack of water on Dead River.
- ? Name, another outfitter: Sunday water isn't regulated for rafting and always have to deal with refunds or rescheduling for Sunday customers

- E. Hood: LURC needs to apply more control to kinds of development in area along river, e.g., tenting areas
- S. Peabody: rafting and kayaking, and canoeing blend well; no conflict here

Effect on Community Life

- J. Kokajko: outfitters are members of the community
- M. Polstein: see statement above
- S. Hockmeyer: outfitters are the community; have homes here, children in school, love the area and love the community
- S. Peabody: schools can now stay open (vs. children being bussed 20 mi.) because outfitters live here and provide jobs which keeps owners here (same with post office)
- L. Hathaway, 6 yr. resident of area: wouldn't be able to stay without rafting [because of income, schools staying open, etc.]
- Don Dwyer, W. Forks Selectman: rafters now outnumber the locals

Comments on Preliminary Report

- M. Polstein: law's objective of providing public access needs to be considered in another way: that rafting provides access to many to the river and wilderness, which wouldn't otherwise be available. Also, rafters aren't necessarily looking for wilderness experience [if that means solitude and quiet in remote outdoor setting.]
- S. Peabody: wilderness means different things to different people
- B. Campbell: will this project recommend regulation of private rafting? [CSB response: need clear distinction between legitimate private rafting and commercial operators claiming to be private; no one wishes to regulate legitimate private rafting.]
- ?Name: it may be non-legitimate private rafters causing local problems.
- S. Peabody: maybe customers of the non-legitimate private operators aren't aware of laws [KLM response: many non-legitimate customers are schooled on how to respond to questions]
- E. Addison, outfitter: at national convention others are impressed with ME. regulations, especially regarding guide training requirements and use limit
- J. Kokajko: same comment
- M. Polstein: present use limit set based on river characteristics, dam releases, and levels of use existing at time law was established.

- P. Fischer: this is true of use limits elsewhere and legitimacy of these use limits is being questioned, e.g., on Gauley River. Rivers may be able to handle more use
- C. Dunn: objects to 10 pts. being awarded for experience on out-of-state rivers. Feels experience on other rivers [than those for which allocation is being requested] should be a single category including both other in-state and out-of-state rivers.

Dept Meeting
The Forks
11/19/85

Name	Address
Susan Haley	The Forks, Me.
Sharyn Peabody	The Forks, Me.
Eric Hood	Fairfield, Me.
Donald Bruce	West Forks
James Deery	West Forks
Warren Ricker	The Forks
Margaret Ricker	" "
Marie Hood	Painfield, Me.
Amy M Bruce	Caratunk, ME.
Mary Mahrup	The Forks, Me.
Don Richard	Augusta, Me.
Don Waterhouse	morning Inland
Clifford R. Walter	Bingham, ME.
Donald Hopkins	Solon, Me.
Rudger H. Davis	S. Bowdoin.
Bud Newell	Augusta, Me.
Chick Vigue	CARATUNK, ME.
Maureen A. Berlin	W. Forks
Allen J. Corson	Waterville - Kennebec Water Board
W. E. Dillhunt	Caratunk Jackman Me.
Jeffrey Hood	Jackman, Me.
Brad Bolden	Jackman, Me.
Harry C. Berry	West Fork Me.
Robert G. Frost MD.	West Forks, Me.
Paul Fischer	Gumville, Maine

William Dillon
 Edmund Wash
 Sue A. Peirce
 Ernest R. Peirce
 Judy Bates
 Jo Ann Stewart
 William B. Campbell
 James Minton
 Jeff Russell
 The Courts
 G. H. Stevens
 Danielle McConne
 Brenda MacDonald
 Frances Gibson
 Arthur McKinnon
 Chuck R. Dunn
 LARRY WRIGHT
 John Lightner
 Tom Aldred

Greenville, ME
 West Forks Me
 West Forks, Me.
 West Forks, Me.
 Caratunk, Me.
 Caratunk, Me.
 C.M.P. Co.
 The Forks Me.
 Falmouth, Maine
 W.O.A.W. FORKS
 NEW HARTFORD CT.
 West Forks, Me.
 The Forks, Me.
 Bingham Me
 Kingfield, Me
 Kingfield Me
 THE FORKS ME
 The Forks, Me
 Carrabassett Valley

44

(Notes: not all present signed in, eg. Suzie Hockmeyer,
 John Kokajko)
 Staff Present: Bastey, Meyer, Knox)

Notes from phone call to C. Bastey on 11/20/85 following public meeting in The Forks

- Caller wished to remain anonymous: is long term resident of The Forks and attended meeting but did not speak.
- Called to express some negative feelings about the meeting: attendance was not balanced representation of rafters and local people
- Feels rafting brings benefit to economy but also brings imbalance of population: rafters outnumber local people
- Problems: (1) traditional camping, fishing and picnicking areas just aren't there any more. Commercial and permit campsites no longer available to traditional visitors who come to the area, especially fishermen. Example: Lake Moxie Campground now owned by Unicorn and used mostly by rafters. Rafters are too rowdy; (2) Local people who aren't involved in rafting feel they have no control any more
- Suggestions: Needs to be more harmony between rafters and people working for outfitters and long term local residents and traditional recreation users. Need campsites (or new campgrounds) for more traditional users (especially fishermen) and more communication between long term residents and rafters/outfitters so that specific problems can be handled and so that outfitters and rafters become sensitive to traditional residents' feelings and needs.

Caratunk, Maine, 04925
November 8, 1985

State of Maine
Department of Conservation

Gentlemen:

Because I am not certain that I will be able to attend the meeting at The Forks on November 19th, this note will outline a few things which in my opinion should be considered before submitting legislation which could continue or increase the rafting business in the east branch of the Kennebec River.

1- There is no question but what rafting businesses have given employment to many natives of this region who might otherwise be unemployed. This applies particularly to women who can thus increase family income in general. This is a PLUS unless you believe, as some of us old reactionaries do, that a married woman with a couple of children and a husband who is making top wages as a logger or pulp truck driver should stay at home to take care of the youngsters, even older ones who MIGHT accept guidance to the point at least of avoiding the teen age pregnancies so common here. But be neutral and call it a plus.

2- The operators of the rafting businesses are undoubtedly making very large returns on their investments. For them, at least, this is a PLUS again... as it is for the stores in West Forks which are run by fair minded, non-profiteering, service minded persons.

3- It was never smart to try to run the east branch from the dam to The Forks in a canoe, so I can see no conflict there. There could be conflict with the new breed of cayakers or such craft users. Call that one even, possibly even a PLUS for rafting which more persons can enjoy without needing skills.

4- There is a definite question in my mind about the legality of giving water to rafters when it is not needed for the power generation, which on some days it is not. The authorizing of the dam at Indian Pond was based on power provision. If I were a positive opponent of the rafting business I might hire a sharp lawyer to check this out. Obviously there would be no rafting on the east branch of the Kennebec if there had never been a dam because after the spring runoff there would not be enough water. This is NOT a wild river, as advertised. It is as controlled as an amusement park sluiceway. Call that a NEUTRAL observation.

5- IF the "guides" can draw unemployment insurance in the off seasons, then this practice should be stopped. When a person deliberately takes seasonal work he should not expect society to support him in the off season. So I would call this a MINUS.

6- When the employees do move into towns such as Caratunk (and happily

we do not have many here) they DO add to school costs if they have children. Many, being young, footloose, unskilled and restless, are not the most desirable residents in small towns... but this is a problem for The Forks and West Forks, not for us. We have, incidentally, just revised our zoning to make all Pleasant Pond shorefront, 1000 feet back from the water, strictly residential and also the whole of Caratunk's main street. The general sentiment in Caratunk is that the people do not want any rafting businesses established here, this not being a resort town and the customer types not being too considerate of our rural peace and quiet.

Probably this is another MINUS on the rafting deal.

7- It would be my suggestion that the rafting be kept small, perhaps with a 50% cut in the number of rafts that any one operator could have. Obviously in a democratic society, opportunities to use public resources must be open to all, so I do not see how there can be any legal limit on the number of operators but only on the number of rafts permitted each day. IF you can prevent the chance of opposition argument that the rafters are usurping the whole river at certain times of day, then this would be a plus. The way to do it is to cut down on the numbers, and I think that this would bring better feelings in general... and also stop the growth which COULD get worse and worse. Cut back to 4 rafts per company and you would be acting sanely.

8- I do have one thought which is the result of 57 odd years in contact with resort or entertainment or recreation businesses in any area. I went to work in hill country resorts when I was 15. That was in 1928, a comparative boom time when recreation was being stressed as a need, although not to the extent it is today. In 1932 the resort areas were in a state of disaster. Recreation is cyclical. When I got out of the navy in 1945, I made quite a lot of money in resort area businesses. By 1952 there was again the horror resulting from overbuilding and an area dependence on recreation. Now we stress recreation again. We are more interested as a state in FUN than in helping productive businesses. We ARE overbuilding and overinvesting in such recreation. Note Evergreen Valley. Note the cash flow problems at Sugarloaf. Note the demise of the old "Big A" at Agamenticus. You base a hill country economy on recreation and you are asking for eventual problems. Those who got in early, made their money, and got out will be fine. Others will suffer.

9- I have no personal ax to grind, have too few years left to do the work I still want to do on woodlots and growth and other things, so my only interest, sincerely, is in keeping this area from becoming a Disneyland Carnival.

Sincerely,

Bill Clark

For staff, not speaking for
entire Caratunk's Selecting who may
go to Meeting or staying over.

cc - Dorothy Rutledge
Chief Voice of the People

Rafting

Meeting-goers give business a 'paddles up'; but complaints about trash and fishing remain

By DON WATERHOUSE

Sentinel Staff

THE FORKS — While there were a few complaints about litter and other negatives relating to the growth of a whitewater rafting industry along the upper Kennebec River in this area during the past 10 years, most speakers at a public hearing here Tuesday night said the proliferation of rafting outfits and fans has had a positive effect on the region.

Speakers at the session sponsored by the Maine Department of Conservation cited the number of jobs created by the rafting outfitters, the increase in tax bases for area communities and the increased opportunities for recreational pursuits.

"When I came here 10 years ago there were very few (good) income jobs, unless you worked in the woods," said Brenda MacDonald of The Forks. "I feel rafting has brought jobs to the area we never had before."

Brad Oldham, a lodge owner, said the rafters have brought him "a tremendous amount of business." Others cited the number of full and part-time jobs created for women, allowing many families to upgrade their standards of living.

Others, mainly rafting outfitters themselves, said they enjoy living in the area and feel they are not only

business people but also members of the community.

"I wouldn't be a member of the community if it wasn't for rafting," Oldham said.

Matthew Polstein, operator of New England Whitewater Center, West Forks, said he expects the investments he has made in his company will result in the doubling of his taxes next year. He also said the majority of his payroll is paid out to people who live within 30 miles of the Forks-West Forks area.

Susie Hockmeyer of Northern Outdoors, the largest whitewater business in the area, said she and her husband Wayne employ up to 70 people full or part-time, and their business not only includes the whitewater expeditions, but also a restaurant and lodging. She said they are trying to attract snowmobiling trade during the winter.

Not all attending Tuesday's meeting spoke positively of the rafting influences, however.

"I have no rafts, that's why I have no clothes," said Warren Ricker, who operates hunting and fishing camps in The Forks. "They've ruined my business. Businesses have all gone to hell except for the whitewaters."

Ricker also complained about the rafting interests "dumping all their rubbish" at the town dump.

Erl Hood said there is no doubt

rafting has had positive effects on the region, "but what bothers me is (the outfitters) are after money, and they're going to get hungrier and hungrier and hungrier." He complained he "can't even fish on the river on Sunday anymore" because of the rafting traffic.

Ricker also complained about what he felt was a negative impact on fishing.

"We haven't had a fish put in the river for three years," Ricker said. "The whitewater rafters don't give a damn if there's any fish or not."

Ricker was asked if the fishing is any worse than when logging runs were conducted along the river.

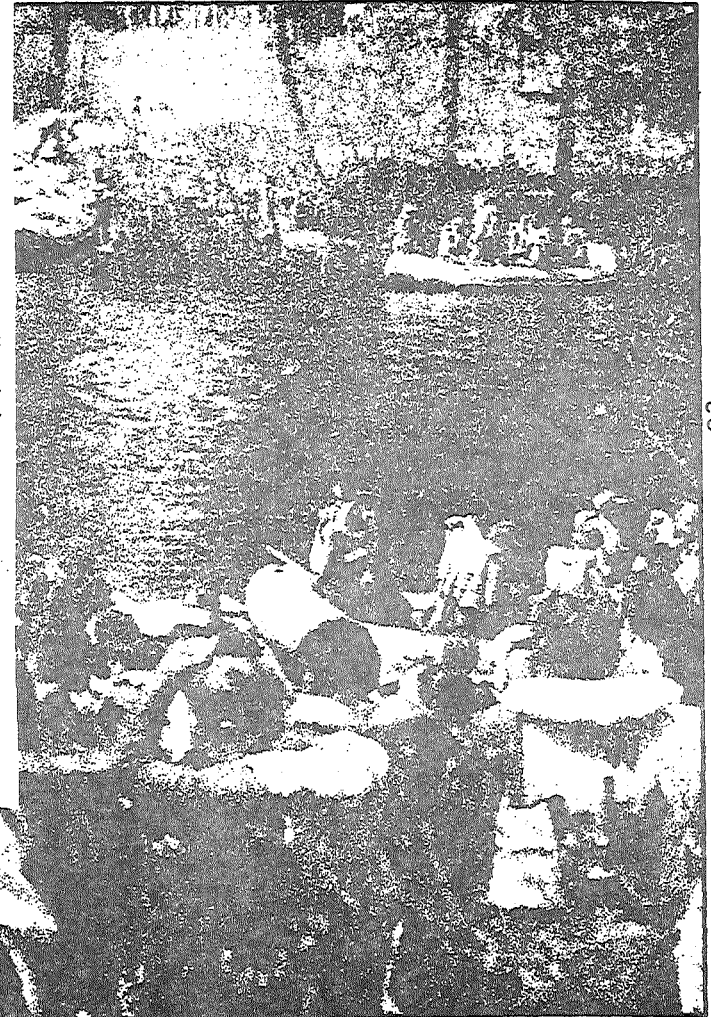
"We fished between the logs and it was a lot better then than it is now," he said.

Log runs along the upper Kennebec have been banned since the mid-70's.

Later, Ms. Hockmeyer agreed that rafting had brought "phenomenal changes" to the area.

"It's our community, too. We love this community, and we don't want to hurt the area either," she said.

Information gathered at the hearing, conducted by Cindy Bastey of the Bureau of Planning and Research, will be included in a report requested by the Maine Legislature when it passed a law two years ago regulating commercial whitewater rafting outfits in the state.



Sentinel file photo.

The growth in the popularity of white water rafting has brought scenes like this one to towns in northern and central Maine.

MORNING SENTINEL

11/21/85

Rafting data sought

AUGUSTA, MILLINOCKET and THE FORKS - Comments on the effects of commercial whitewater rafting on community services and facilities, business, and recreation will be received by the Maine Bureau of Parks and Recreation during public meetings slated for Millinocket and The Forks.

The Millinocket meeting will be held at Stearns High School on Nov. 14 and the meeting at The Forks will be in the town building on Nov. 19. Both meetings begin at 7 p.m.

According to Cindy Bastey, Bureau Planning and Research Assistant, information gathered at the meetings will be included in a report requested by the legislature when they passed the 1983 law regulating commercial whitewater rafting.

"Business people, town officials, fishermen, boaters and residents have this opportunity to tell us how commercial rafting affects them. We'd like to hear from people not directly a part of the rafting industry, but influenced by it," Bastey said.

The legislative report will re-

view experience with the use and allocation system established by the 1983 Commercial Whitewater Rafting Act. The law placed state controls on rafting companies operating on Maine rivers and was enacted to distribute river use fairly while it protected natural and recreational resources.

Maine has 14 rivers where at least one commercial whitewater rafting outfitter is licensed to operate. Most rafting activity is concentrated on the Penobscot and Kennebec Rivers.

According to Bastey, the number of commercial whitewater rafting passengers on the Kennebec rose from 17,517 in 1983 to 22,369 in 1984; during the same interval, rafting passengers on the Penobscot rose from 11,981 to 15,382.

Persons who wish to submit written comments may do so within seven days of the respective meeting date. Comments should be mailed to the Bureau of Parks and Recreation, Department of Conservation, State House Station #22, Augusta 04333.

KATAHDIN TIMES
11/12/85

APPENDIX E
Comments Received in Response to
Preliminary Report

WILDERNESS RAFTING EXPEDITIONS, INC.

P.O. BOX 41
ROCKWOOD, MAINE 04478
207-534-2242

November 23, 1985

Cindy Bastey
Bureau of Parks and Recreation
State House Station 22
Augusta, Maine 04333

Dear Ms. Bastey,

I am writing to comment on the Penobscot River rafting study which you are presently involved in.

It has been brought to my attention that there has been some discussion about low water situations and the problem of rafters completing their trips by 5:00 PM.

This past season there were some days in which there were several bad pinning situations in the cribworks which resulted in delays of two hours or more. These delays did result in some very long days on the river. These delays in most of these situations were caused by companies who had put in earlier in the morning in front of my company. This did become a frustrating problem for my people who have developed very good skills on the river. As the season moved along we developed a policy of putting in on the lower section of river first, when the water was flowing at a certain level or lower. This seemed to solve the problem for the most part.

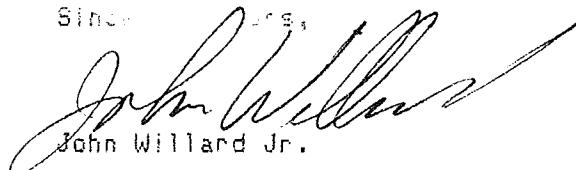
I feel that the delays were not the fault of just one or two companies but were the result of all of the companies, including my own, at one time or another. I feel that this problem can be handled by the close cooperation of all of the companies on the river without reducing the allocations during low water.

Certainly, if after further study allocations had to be changed, these changes should not be applied to just the outfitters with later put-in times.

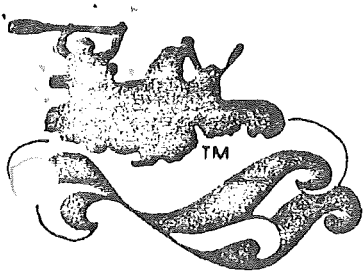
I am sure that in the future all companies will do their best to be off the river before 5 PM regardless of the circumstances.

Should you have any questions, feel free to contact me.

Sincerely,



John Willard Jr.



Eastern River Expeditions

Box 1173
Greenville, ME 04441

11/25/85

(207) 695-2411

Cindy Bastey
Planning and Research Assistant
Department of Conservation
State House Station 22
Augusta, Maine 04333

Dear Cindy,

I am writing in response to the Preliminary Report on Recreational Use Limit and Allocation System. I am sorry for the delay in my response, October was an extremely busy month for me and the flooding in West Virginia which inundated one of our regional bases kept me out of touch for the first half of November.

I feel that you have done an excellent job with the study, however, I do disagree with several points in the preliminary findings. Specifically:

I.B.1.b.1), I do not feel that any of the study data supports the idea that the environmental effects of rafting on the Kennebec are the result of specific use levels. I can not honestly accept the idea that 800 people a day is an "environmentally OK" level of use while 1000 is not. I feel that such problems as soil erosion, root exposure, trash or sanitary waste are the result of the style and methods of use rather than any specific level of use.

I.B.1.b.2), I can not find any specific correlation between the numbers of people on the Penobscot and the time at which the trips reach Nevers Corner. Again I feel that this is more a question of individual style (with an element of luck in the crib) than of specific numbers. In addition I feel that as we can not plan in advance for low water, outfitters in general may suffer economic hardship if forced to cancel at the last minute due to low water. If the Dept. wishes to insure that all rafters are below Abol Bridge by 5:00 PM they simply need to enforce this existing regulation. The outfitters will figure it out if they have to.

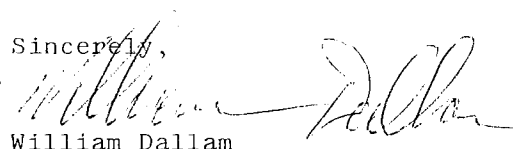
I.B.2.b., I feel that the importance of filling the "10 best days" is already somewhat skewing the booking practices of many of the outfitters. If all allocated days were to be considered I feel that the pressure to fill these days would cause an even greater amount of the use to be concentrated on the weekends further aggravating weekend crowding and the related problems. It would seem that the logical direction would be toward spreading the use out through the week so as to lessen the effects of surges of weekend use.

In closing I would like to ask that those involved in wording the final draft bear in mind that the whitewater industry is still very young and has been in a constant state of regulatory flux for the last three years. Many of the industry's problems would probably resolve themselves if left

(2)

in a static environment for several seasons. Please try to remember that while the industry may have some problems the economic and social effects are generally beneficial and the environmental effects are generally minor, particularly when compared to the more traditional uses of the affected river systems. It would be a pleasant change for me to read a state document concerning the whitewater industry worded in a more positive style than the state criminal statutes.

Sincerely,



William Dallam
Manager, ERE



UNICORN RAFTING EXPEDITIONS, INC.

P.O. BOX T
BRUNSWICK, MAINE 04011
(207) 725-2255

November 27, 1985

Cindy Bastey
Bureau of Parks & Recreation
Department of Conservation
State House Station 22
Augusta, ME 04333

Dear Cindy:

Enclosed please find Unicorn Expedition's response to the Department of Conservation and Department of Inland Fisheries and Wildlife's "Review of Recreational Use Limit and Allocation System Preliminary Report". I wish the following to be on record and reflected in the final report.

I. Allocations:

- a. The allocations system should be flexible enough to allow transfers of allocations from one river to another during times of emergencies, i.e. extreme water levels
- b. Under the present system outfitters with the maximum allowable allocations (80) are being penalized by being limited to this number during non-allocated periods. As long as a river's carrying capacity has not been exceeded, outfitters should not be allocated during non-allocated periods.

II. Carrying Capacity: Rivers carrying capacities should not be lowered.

- A. More effective management on both the various state departments and outfitters parts will eliminate past environmental safety congestion, etc, problems by
 1. Developing more landing facilities, eg. areas near Big A, Little A, Abol Bridge on the Penobscot River
 2. Developing more campsite locations
 3. Eliminating pirate raft trips



UNICORN RAFTING EXPEDITIONS, INC.

P.O. BOX T
BRUNSWICK, MAINE 04011
(207) 725-2255

November 27, 1985
Jay Schurman to Cindy Bastey
Page two

4. Have rafters paddle in deadwater sections in order to be off the river by 5:00 p.m.
5. Some outfitters should start their Penobscot trip with the lower section.

III. Having outfitters' overnight guest arrive at the Salmon Point Campsite by vehicle should not be allowed.

Outfitters should be permitted to leave equipment out of sight (in crib) at this site.

In summary, we feel the economic benefits the rafting industry has created from both within and outside state boundries should be taken into consideration in future decision making.

Sincerely,

Jay Schurman
President

RECEIVED
NOV 29 1985
BRUNSWICK, MAINE
UNICORN RAFTING EXPEDITIONS, INC.

Comments on Preliminary Rafting Report, page 2, regarding launch and take-out sites. Spreading launch sites out along the river reduces congestion on the river, and it avoids the logjams of rafts waiting in eddies for others to negotiate rapids. Thus, rafts can stay in the middle of the river and avoid disturbing shoreline fishermen as much.

My company was the first to start putting in at the Baten@ launch and two other small companies have followed suit. Erosion is not yet a problem on the gradual slope into the river, although the beginning of the trail near the road has been damaged in the past by 4-wheel drive trucks.

Using the site as a third alternative helps us get off the river before 5 p.m.

Erosion is a problem on the Kennebec at Dead Stream Falls and stops there should be curtailed on Saturdays. The rapid erosion at Carry Brook Eddy should be stopped A.S.A.P. by constructing a switchback trail before someone gets killed. Boulders more dangerous than the guardian rock are ready to roll down the hill after a few more rainstorms. Prohibiting access would not solve the problem because it is beyond a natural recovery.

Page 76. Someone suggested that the number of rafts should be limited to reduce congestion at put-ins. That means larger rafts with 10-11 per boat. But they take more space, take longer to inflate and take longer to move. They generate more income per guide, but a smaller raft gives a better ride and more of a chance to sit up front. Mandating raft size for reasons other than safety would reduce the diversity of trip experiences.

RED-12/11/85

FROM: RAPID TRANSIT RAFT. EXP.
PO BOX 6661
PORTLAND, ME. 04101



Kennebec Water Power Co.

Established 1893



Allen J. Corson
River Engineer

November 26, 1985

Ms. Cindy Bastey
Bureau of Parks and Recreation
Dept. of Conservation
State House Sta. #22
Augusta, Maine 04330

Dear Ms. Bastey:

A review of your preliminary report on Commercial Whitewater Rafting was both interesting and informative, certainly a thorough fact-finding effort on your part. My only comments pertain to your discussion of the Dead River, and are offered for clarification purposes.

Section 1,B,1,f, on Page 3, is correct in that rafting on the Dead River has increased in recent years and is currently concentrated during two (2) May weekends. I would like to make it clear, however, that these releases, as well as any others, are subject to current and projected weather conditions and that we may modify future releases. My observation has been that, due to several factors, use of the Dead River, by smaller rafts, has increased substantially this past season. Bookings, in excess of allocations by outfitters, appears to have overflowed to the increased use of the Dead River. Also, the appeal of a more relaxed, family rafting experience has led to greater Dead River volume.

Again, on page 12, please keep in mind that, during a wet spring, many days, during May and June, would produce flows large enough for rafting opportunities. All flows on the Dead River are regulated to meet downstream needs, whether they provide an opportunity for rafting or not.

Thank you for allowing us an opportunity to comment.

Sincerely,


Allen J. Corson

AJC:gbj



Central Maine Power Company

GENERAL OFFICE, EDISON DRIVE, AUGUSTA, MAINE 04336
(TWX NUMBER, CMP-AGUA 710-226-0195)

(207) 623-3521

December 2, 1985

Department of Conservation
Bureau of Parks & Recreation
State House Station 22
Augusta, Maine 04333

Attn.: Ms. Cindy Bastey
Planning & Research Assistant

Re: Preliminary Report on Recreational Use
Planning and Allocation System

Dear Ms. Bastey:

Central Maine Power Company has reviewed your preliminary report entitled: "Commercial Whitewater Rafting: Review of Recreational Use Limit and Allocation System" dated October 1, 1985.

We would like to commend you for a well written and very informative report. It is quite apparent that you have spent considerable time and effort on this project.

Central Maine Power Company's primary concern is to be able to control its land and water rights in order to effectively operate Harris Station as licensed by the Federal Energy Regulatory Commission (F.E.R.C.). We are receptive to and will consider any recommendations or suggestions made by the various State departments in conjunction with the commercial rafting business which takes place on our lands.

We would like to comment on several items contained in the report in the hope they will be reflected in the final report to the Legislature. The following comments are addressed to specific statements in the report and are referenced herein by page and item number from the report:

Page 3, Item F: At this time, Central Maine Power Company intends to continue monitoring use on the Dead River during the two large spring releases. These figures will be supplied to the interested State departments upon request.

Department of Conservation
Page 2
December 2, 1985

Page 4, Item 3: Central Maine Power Company has recently received a suggestion from John Marsh of Inland Fisheries & Wildlife which would help to halt the influx of illegal commercial rafters at Harris Station. Mr. Marsh has suggested the Company release form, which all private rafters must sign at the Harris Station gate house, be revised to include an affidavit which states the undersigned is not taking the trip for hire. Each signature on the form would be notarized by the gatekeeper. Mr. Marsh believes this action will deter some and provide him with a weapon for enforcement for those who persist in charging for rafting trips without having the required licenses or approvals. Central Maine Power Company is considering this proposal and a decision should be forthcoming.

Page 21, Item 3: It is stated that the number of commercial rafting passengers for 1983 and 1984 is a GNP estimate. I believe this is a typo and should read CMP estimate.

Page 36, Moxie Falls: Central Maine Power Company owns a 25-foot wide strip on both sides of Moxie Stream, a 1,000-foot wide strip along the easterly bank of the Kennebec River and a 100-foot wide strip on which the road to Moxie Falls is located. The State does not own the fee to this land, but has limited use of it through an Indenture of License dated November 19, 1981.

Page 44, Item 2: Central Maine Power Company received reports of people "tubing" the Kennebec this past season. We will consider this matter prior to next season.

Our final comment deals with the structure of the report itself. Perhaps this report should be separated into two separate sections; one on the Kennebec, and one on the Penobscot. This might be less confusing to anyone not fully aware of the extent of the subject.

Department of Conservation
Page 3
December 2, 1985

Overall, the report was viewed favorably by those at Central Maine Power Company who saw it. We sincerely appreciate the opportunity to review and comment on the work. If we can be of any further assistance in this endeavor, please do not hesitate to contact us.

Very truly yours,

Bud Newell

A. E. Newell, III
Real Estate Department

AEN,III:hls
cc: WBCampbell
ACorson
DWCreamer
CEDillihunt

Other Comments Received
On Preliminary Report

1. Frank ?: Eagle Whitewater omitted from report. Use figures should reflect passengers carried by Eagle, especially on p. 53, Preliminary Report.

	No. Passengers Carried			
	<u>Kennebec</u>		<u>Penobscot</u>	
	1983	1984	1983	1984
Eagle Whitewater	8	47	0	14

2. S. Neilly: Delays in getting off Penobscot River by 5 o'clock can be prevented by paddling deadwaters, avoiding extra activities (swimming, water fights, etc.) postponing lunches, etc. Rafting party use areas need to be better separated from private party use areas on the Penobscot to avoid conflicts, e.g., at Nesawadnehunk Gravel Pit. More outfitters can take steps to reduce conflicts with fishermen by avoiding eddies. BPR should post and/or distribute rules of river etiquette.
3. Peter Pray: Pointed out that reference to litter at Cribworks picnic area and at campground picnic table (p.36) left impression that trash was not controlled at his site. Trash is collected daily at both areas. P. 14: raft drop opposite McKay Station is 65+ feet above the water, not 200 feet. Regarding rafters crossing road at the campground, pointed out this use is permitted by LURC, but feels that situation may be improved by having buses park and unload passengers further back from road.