

# MAINE STATE LEGISLATURE

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# **State Strategic Plan**



## **St. Croix International Waterway Commission**

Prepared in compliance with  
5 M.R.S.A. c. 151-C

### **St. Croix International Waterway Commission**

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**December 2004**

**St. Croix International Waterway Commission**

at December 2004

Maine Commissioners

Ken Gordon (Baileyville) - Co-Chair, Charles B. Livingstone (Calais), Donald Soctomah (Indian Township), Dale Wheaton (Forest City)

New Brunswick Commissioners

Tom Moffatt (St. David Ridge) – Co-Chair, Frank Carroll (McAdam), Gary Stairs (Green Mountain), one vacancy

Maine Liaison

David Soucy (Department of Conservation)

New Brunswick Liaison

Eric Hadley (Department of Natural Resources & Energy)

United States Federal Observer

vacant

Canada Federal Observer

Jean-Guy Deveau (Environment Canada)

Program Staff

Lee Sochasky - Executive Director



**St. Croix International Waterway Commission**  
**State Strategic Plan**  
(December 2004)

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## **Background**

### **St. Croix International Waterway**

The St. Croix River system flows along the United States/Canada border for nearly 115 miles through some of the region's largest lakes, along an outstanding wilderness corridor, past historic industries and communities and into the Gulf of Maine at Passamaquoddy Bay.

The St. Croix's recognition as one of Maine's 20 Outstanding Rivers and one of Canada's 25 Canadian Heritage Rivers highlights its exceptional values. However, an international boundary at mid-channel confounds the delivery of management, development and conservation opportunities that can benefit the people and economies on both sides.

In 1986 the State of Maine and the Province of New Brunswick recognized the need to work together to maintain the St. Croix's economy and way of life, and signed an agreement and legislation<sup>1</sup> to co-manage the St. Croix's boundary waters and shores for mutual benefit. In Maine, this corridor extends from the source of Monument Brook near Orient in Aroostook County, to the lower estuary at the Robbinston-Perry town line in Washington County. It includes the matching waters and shores in New Brunswick.

### **St. Croix International Waterway Commission**

The same Maine and New Brunswick legislation created the St. Croix International Waterway Commission to develop a transboundary management plan for the Waterway corridor and to facilitate its longterm, voluntary implementation by governments and local interests, on an international basis.

The Commission is unique in its structure and operation. It is an independent agency of both Maine and New Brunswick and also holds non-profit status in both countries. Its founding legislation specifies its structure, objectives and authorities. The latter two of these are summarized in Appendix A.

The Commission has no regulatory or management authority. It uses its unique ability to function equally in the United States and Canada, and in the public and private sectors, to assist all interests to find appropriate means to resolve boundary issues.

The Commission has eight members, four appointed by the Governor of Maine and four by the Premier of New Brunswick, who each serve two-year terms. The Commission maintains a single office and one staff person to assist its members in carrying out their responsibilities. By law, they report annually to the Governor and Premier on the Commission's work.

While the legislation identifies that Maine and New Brunswick will jointly fund the Commission, reduced appropriations now support only a portion of the Commission's core functions. The Commission meets the majority of its operating and program expenses by soliciting additional funding through grants, donations and contracts consistent with the Waterway management plan objectives. The extent of its activities each year are determined by its fundraising success.

### **St. Croix International Waterway Management Plan**

In 1989-1990, as required by legislation, the Commission involved federal, state and provincial agencies, local municipalities, shore owners and system users in the development of the longterm multiple-

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<sup>1</sup> Maine 38 M.R.S.A. c.8; New Brunswick Chapter S-14.1



use management plan for the St. Croix boundary corridor. Following three years of trial application and two inter-governmental reviews, the management plan<sup>2</sup> was accepted for on-going implementation by Maine and New Brunswick in 1994<sup>3</sup>.

This plan serves as a formal blueprint for proactive, voluntary management of the international corridor, and is unique in North America. It sets directions for future cooperation in the areas of environmental protection, integrated ecosystem management, recreational management, heritage recognition and economic development.

The plan establishes 22 longterm transboundary policies and identifies 67 major actions recommended by public and private interests toward their implementation (Appendix B). To date, significant progress has been made on 21 of the 22 policies.

To ensure the delivery of the management plan, the Commission works with over 40 agencies in the American, Canadian, Maine and New Brunswick governments in addition to the area's municipalities, citizen and user groups and landowners. Action is taken strategically and opportunistically, often involving unique partnerships and creative funding across the international border. The Commission is extensively involved in nearly all management plan delivery, as a catalyst, facilitator, coordinator, partner or direct provider. Examples of this involvement are given in Appendix C.

### **Management Environment**

International water corridors create special challenges to resource management. In the absence of a common framework of law, governmental structure or policy, distinct national perspectives often raise strong barriers to transboundary problem-solving.

St. Croix management initiatives have achieved notable success in this difficult environment, due in large part to the involvement of the Commission and the willingness of agencies and local interests to explore new approaches to achieving shared objectives. The challenges are considerable, however, especially in three areas:

#### *National divisions:*

Governments on the facing shores of the St. Croix have very different political structures, cycles and agendas. In addition, government operating systems, policies, priorities and programs – in every area of management – are not directly compatible. Since 2002, increased national security measures have imposed new restrictions on economic and cultural connections that have longterm significance to the St. Croix.

The Commission understands the different national perspectives and works closely with governments and users to find boundary solutions that comply with the process and laws of each side while addressing needs at the river corridor level. The Commission's ability to facilitate international communication and problem-solving is one of its greatest strengths.

#### *Regional disparities:*

The St. Croix region represents one of the least populated, most economically depressed areas of Maine and New Brunswick. This socio-economic reality limits the local resources available for

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<sup>2</sup> St. Croix International Waterway: A Heritage - A Future. Plan for Long-term Cooperative Management of the St. Croix International Waterway. 60p.

<sup>3</sup> Maine Executive Order #2-FY94/95; New Brunswick Order-in-Council 94-7



management planning and delivery. In addition, people on opposite shores of the waterway face different time zones, currency and cultural perceptions and, in some areas, increasingly limited access to each other. "You can't get there from here" is becoming more a truism than a saying on the St. Croix.

Local interests do their best to overcome these handicaps -- often through unique partnering -- but cannot meet management needs as easily and effectively as those in more affluent or populated areas of the state or the province. The Commission is often called upon to help develop shared-resource, cost-effective solutions to transboundary research, management and development needs that would otherwise go unmet.

#### *Financial instability:*

Differences in government funding cycles and priorities (United States, Canada, Maine and New Brunswick) -- as well as a natural tendency to focus on needs entirely within jurisdiction -- are a special handicap to the delivery of all transboundary St. Croix initiatives, whether short or long term. This has been compounded by recent high fluctuations in the US-Canada exchange rate that have led to major shifts in buying power from one country to the other -- with local economic impacts and significant consequences to the Commission's own operation and delivery of bi-nationally funded programs.

In spite of these handicaps, the Commission continues to assist communities, user interests and agencies to find the resources to pursue the actions of the Waterway's management plan.

#### **Management Approach**

The St. Croix corridor faces current major transboundary challenges in economic development, recreational use, fisheries management and environmental quality. In facilitating solutions to these and other long-range issues, the Commission acts proactively -- by pursuing priorities identified in the Waterway management plan -- and reactively -- by responding to planning and program requests from governments and local interests. To ensure a balance, each year the Commission seeks a level of direct involvement in all fields of the Waterway management plan and in all geographic areas of the Waterway.

For 2005-2006, the Commission has placed priority on these management plan objectives:

- Capitalize on economic development opportunities for heritage-based businesses, using the cornerstones of the Downeast Heritage Center, St. Croix Island and nature-based tourism
- Consolidate cross-border environmental initiatives, notably through the implementation of transboundary water quality standards and improved collaboration on water management issues
- Conserve traditional, economically-significant recreational uses through transboundary management and planning for canoe-based recreation and added research to support native and high value fisheries
- Expand access to multi-sectoral information on the St. Croix through publications, web links and collaborative information projects
- Support planning for low-impact recreation and interpretation on lands that have been conserved through international efforts, notably within the Spednic Lake/Upper River corridor and at Devil's Head
- Review and update the waterway management plan, through extensive local and governmental consultations

The last of these addresses the only management plan policy that has not been acted upon since 1990, and will receive highest priority for funding solicitation and delivery.



The Commission fulfills a unique and highly flexible role that cannot be addressed by traditional governmental means. Its extensive use by government agencies and local interests are a measure of the Commission's ability to effectively address the unique needs of the international St. Croix corridor.

### Mission Statement/Goal/Objective

In 1990 the Commission adopted the following statement to describe its guiding principles. It reconfirmed this mission at strategic planning sessions in November 1995, March 1996 and January 2000.

*Believing* that the people of the St. Croix River Valley value and wish to preserve the river's unique natural and cultural heritage;

*Recognizing* the commitment of the State of Maine and the Province of New Brunswick to maintain these shared resources for the longterm benefit of the people; and

*Acknowledging* the roles of many governments in the management of this international system;

the St. Croix International Waterway Commission adopts this mission:

*"To ensure cooperative, comprehensive management of the St. Croix International Waterway's natural, historical and recreational resources to provide maximum longterm benefits -- in environmental, cultural and economic terms -- to the people who live in or visit the St. Croix region."*

This mission statement, which synthesizes the more extensive purposes and objectives stated in the Commission's enabling legislation, contains the Commission's state strategic planning goal and objective:

**Goal:** Ensure cooperative management of the natural, historical and recreational resources of the international St. Croix corridor

**Objective:** Provide maximum benefits (environmental, economic and cultural) to Maine and New Brunswick from cooperative management of the international St. Croix corridor

### Program Strategy

By legislative requirement, the Commission's involvements are wide-ranging, inter-jurisdictional and highly responsive to changing local needs and opportunities. However all are directed by the content of the longterm St. Croix management plan adopted by Maine and New Brunswick. The Commission's state program strategy is therefore:

**Program Strategy:** To ensure delivery, through direct action and multi-party collaboration, of the Maine and New Brunswick longterm cooperative management plan for the St. Croix boundary corridor

### Role of State Appropriations

The State of Maine's most recent biennial budget allocated \$24,918 annually to the St. Croix International Waterway Commission from the General Fund.

State appropriations provide a small but critical part of the Commission's annual funding. These





and \$33,000US (at current exchange rate) in direct and in-kind support from the Province of New Brunswick fund an office and part-time staff to undertake basic administrative functions – without which the Commission would not exist – and to raise additional monies to deliver active programs.

The Commission's annual expenditures now average \$240,000US, the majority of which is secured through grants, contributions and contracts solicited for specific projects that address needs identified in the Waterway's state/provincial management plan.

### **Developing Performance Measures**

Because much of the Commission's performance is linked to its annual fund-raising success rather than to its government appropriations, it has selected state performance measures that can be identified with its state funding. *These do not provide a measure of the Commission's performance in the many active program areas that are not directly supported by the state's appropriation.*

### **Performance Measures**

#### **Performance Measure 1: Number of responses to requests for services and information**

This measure most accurately reflects the Commission's response to emerging issues and user needs. It also offers the most direct correlation to state appropriation funding, as the Commission's part-time Executive Director – who is currently funded for 12 hours a week by this appropriation – performs these functions.

The majority of the information requests the Commission receives relate to facilities and resources (asked by visitors and residents), technical data (by government personnel and researchers) and cross-border information and contacts (by government, business, municipalities, NGOs and individuals). There is no other source for matching information on the Maine and New Brunswick sides of the St. Croix boundary corridor.

The majority of the service requests relate to transboundary or multi-sectoral issues. These range from the simple (devising a plan to route recreational users around a bridge construction project) to the technical (convening a government-industry session to address boundary dam safety) and the complex (developing transboundary partnerships to stage a world tourism event). In such matters, the Commission is the only entity able to provide seamless coordination across fields of jurisdiction and interest.

#### **Performance Measure 2: Number of additional dollars secured to deliver the St. Croix management plan**

Fundraising success is a direct measure of the Commission's ability to deliver its mission. On average, in addition to its state and provincial appropriations, the Commission secures \$170,000-\$230,000 annually in grants and contracts that directly pay for management plan actions.

Fundraising is a major activity of the Commission's Executive Director and is related directly to the level of appropriations: the core staff time provided by appropriations is used to secure program funding.

#### **Performance Measure 3: Number of management plan actions acted upon**

The Commission's primary responsibility is to ensure the implementation of the management plan



adopted by Maine and New Brunswick for the St. Croix. This plan is extremely wide-ranging (see Appendix B), interactive and longterm. Each year, the Commission pursues action priorities from the management plan based upon strategic importance, government interest, available partnerships and potential funding sources. All of these vary significantly and often unpredictably over time and across international borders.

As a result, the specific management plan actions that are addressed in any one year vary with external influences. However the number of actions addressed remains a good measure of the depth and breadth of the Commission's involvement. These can be accounted against the management plan actions listed in Appendix B.

### Performance Goals

A Maine appropriation of \$24,918 as currently proposed enables the Commission to carry out legally-required and essential functions and retain an Executive Director for 12 hours per week. Based on such an appropriation, the Commission has set the following performance goals for FY 2005 and 2006:

<b>Performance Measure</b>	<b>Total performance goal</b>	<b>Maine share of performance goal</b>
1. Number of responses to requests for services and information	1,400	400
2. Number of added dollars secured to deliver management plan	\$180,000	\$70,000
3. Number of management plan actions acted upon	9	9





**St. Croix International Waterway Commission**

**Legal Objectives and Authorities**

The purposes for which the Commission is established are described in a 1986 Maine/New Brunswick Memorandum of Understanding, which is a quasi-legal document, and in 1987 Maine and New Brunswick statutes, which are law in their respective jurisdictions. The texts of these vary somewhat between the documents, with the Maine version being most like the founding MOU. The MOU and legislative acts, with partial consistency, also outline the Commission's legal objectives and authorities.

A general statement of the common elements of these descriptions is given below:

<b>Summary of Legal Objectives &amp; Authorities of the St. Croix International Waterway Commission</b>	
<b>Objectives</b>	<b>Authorities</b>
1) Protect and manage natural and recreational resources for the longterm	a) Direct the cooperative development of a recreational and resource management plan
2) Encourage and maintain appropriate recreational and educational opportunities	b) Establish working committees to conduct the planning and recommend strategies
3) Encourage appropriate tourism	c) Seek to implement the plan through working agreements among agencies and other public and private parties
4) Protect and promote awareness of human heritage resources	d) Cooperate with private entrepreneurs and landowners
5) Ensure coordination in planning and management	e) Provide a formal channel for public involvement and education on planning and management
6) Establish mechanisms and processes for fair representation of users, to minimize conflicts	f) Ensure the area is managed according to the adopted plan
7) Obtain optimal benefits from recreational and educational uses while recognizing existing economic uses of the forest	

**Powers**

The MOU and Maine legislation empower the Commission to carry out its mandate in potentially far-reaching terms: "The Commission shall, subject to the applicable laws of the governments of the United States and Canada, have all the powers and capacity necessary or appropriate for the purpose of performing its functions...".

These documents then give a non-exclusive list of some of the more practical powers: to enter into contracts, appoint staff, acquire property and enter into projects relating to property, prepare an annual budget and seek funds (including by government appropriations and donations).



## **St. Croix International Waterway Management Plan Policies and Recommended Actions**

In 1994, Maine and New Brunswick adopted for implementation a comprehensive management plan for the international St. Croix boundary corridor, prepared according to legislation in both jurisdictions. The following 22 policies, and the 67 actions recommended to begin policy implementation, are being applied voluntarily by governments, communities and waterway users under the coordination of the St. Croix International Waterway Commission.

Policy headings are highlighted in bold, followed by abbreviated versions of the recommended action headings. For the complete text of these policies and actions, consult the full management plan available from the St. Croix International Waterway Commission, P. O. Box 610, Calais, ME 04619.

1. **Develop the St. Croix as an International Heritage Waterway**
  - 1.1 Establish an International Heritage Waterway
  - 1.2 Create a Waterway Image
  - 1.3 Initiate an information/interpretation program
  - 1.4 Incorporate Heritage Waterway concepts in planning
  - 1.5 Develop a heritage resource inventory
2. **Establish joint water quality objectives**
  - 2.1 Set cooperative water quality goals
  - 2.2 Work toward consistent water quality standards
3. **Maintain shoreland character and environmental quality**
  - 3.1 Maintain a shoreland greenway
  - 3.2 Act locally to maintain and restore shorelands
4. **Manage pollution to maintain quality**
  - 4.1 Manage future pollution
  - 4.2 Create an action plan for present pollution
  - 4.3 Enforce environmental regulations
  - 4.4 Involve local interests in quality improvement
5. **Maintain biological productivity and diversity**
  - 5.1 Monitor and manage productivity
  - 5.2 Monitor and support diversity
6. **Preserve & interpret history and culture**
  - 6.1 Interpret St. Croix Island
  - 6.2 Expand interpretation of Waterway history
  - 6.3 Study & interpret archaeological sites
  - 6.4 Maintain cultural bonds
7. **Preserve the visual landscape**
  - 7.1 Inventory visual resources
  - 7.2 Conserve visual character and scenic places

8. **Conserve and interpret the Waterway's natural heritage**
  - 8.1 Protect rare and significant species and habitats
  - 8.2 Expand natural heritage interpretation
9. **Establish a Spednic Lake/Upper River Conservation Area**
  - 9.1 Protect natural character
  - 9.2 Protect and interpret heritage resources
  - 9.3 Manage use for environmental and recreational quality
10. **Develop appropriate longterm public land and water access**
  - 10.1 Develop a longterm plan
  - 10.2 Maintain an inventory of public access lands
11. **Develop a coordinated recreational information program**
  - 11.1 Develop transboundary recreational information
  - 11.2 Develop uniform recreational signage
  - 11.3 Use information to distribute and manage recreation
12. **Integrate recreational planning to minimize conflicts**
  - 12.1 Integrate recreational water needs
  - 12.2 Identify and address potential conflicts
13. **Manage sport fishing for recreation and economic benefit**
  - 13.1 Manage existing fisheries for a high quality
  - 13.2 Develop fisheries for Spednic bass and Atlantic salmon
  - 13.3 Coordinate regulation, enforcement and on-site licensing
  - 13.4 Involve the public in conservation and enhancement
14. **Develop quality opportunities for canoeing/water recreation**
  - 14.1 Monitor/manage canoe recreation
  - 14.2 Manage water releases for more uniform experience
  - 14.3 Expand canoeing and boating facilities and services
  - 14.4 Encourage additional low-impact recreation
15. **Expand landbased recreational opportunities**
  - 15.1 Identify and develop outdoor recreational opportunities
  - 15.2 Link with future trail and touring networks
16. **Incorporate heritage concepts in economic development**
  - 16.1 Apply heritage values to development planning
  - 16.2 Give priority to heritage and water dependent uses
17. **Capitalize on the Waterway's economic strengths**
  - 17.1 Manage for a sustainable forest products industry
  - 17.2 Expand and diversify tourism
  - 17.3 Appropriately develop marine shipping
  - 17.4 Develop border opportunities
  - 17.5 Improve transportation infrastructure

18. **Better integrate, interpret and exchange information**
  - 18.1 Improve interagency communication
  - 18.2 Improve public communication
  - 18.3 Centralize information services
  - 18.4 Cooperatively address information needs
  
19. **Develop effective public/private partnerships**
  - 19.1 Increase public and user involvement in management
  - 19.2 Develop intercommunity cooperation in waterfront planning
  - 19.3 Cooperatively plan East Grand Lake development
  - 19.4 Cooperatively integrate estuarial use and management
  
20. **Address longterm issues on an interjurisdictional basis**
  - 20.1 Coordinate International Heritage Waterway recognition
  - 20.2 Integrate water planning and management
  - 20.3 Integrate fisheries planning and management
  - 20.4 Coordinate Conservation Area planning and management
  - 20.5 Address future needs by cooperative means
  
21. **Maintain coordination through a Waterway Commission**
  - 21.1 Direct the Commission to coordinate early action
  - 21.2 Identify the Commission's longterm roles
  
22. **Regularly review management progress and directions**
  - 22.1 Monitor Waterway programs
  - 22.2 Review the Waterway plan every four years



## Commission Program Highlights

The Commission is involved in all management areas identified in the St. Croix International Waterway Management Plan, with some highlights noted below. These actions have earned the Gulf of Maine Council on the Marine Environment's Visionary Award, the Canadian National River Conservation Award and the Maine Tourism Award.

### International Heritage Waterway

- Distributes a color St. Croix heritage brochure and map
- Provides public information displays and presentations on the St. Croix's multi-faceted heritage
- Assists in the development of video and television productions highlighting St. Croix heritage

### Environmental Setting

- Facilitated the development of a provincial shoreland zoning regulation for the St. Croix (a Canadian precedent)
- Works actively with state and provincial agencies and the International Joint Commission to review water quality goals and water resource management options for the St. Croix system
- Conducts on-going international baseline water quality studies in the St. Croix watershed
- Coordinates the state's volunteer water quality monitoring program for the St. Croix lakes
- Carried out assessments and planning for the classification of New Brunswick's St. Croix waters
- Coordinated remediation and monitoring programs leading to the re-opening of 1000 acres of clam flats

### Human Heritage

- Collaborates with agencies and others to expand interpretation of St. Croix Island International Historic Site
- Established *Ste-Croix 2004* to deliver a world event on the 400th anniversary of St. Croix Island's French settlement
- Assisted the National Park Service to place a St. Croix Island International Historic Site curriculum in 200 schools
- Sponsors a St. Croix Heritage Honor Roll
- Hosted log-driving and lumbering heritage sessions

### Natural Heritage

- Delivers the St. Croix's Atlantic salmon restoration program
- Worked with the Land for Maine's Future program, New Brunswick and others to protect, to date, over 100 miles of highly-valued, undeveloped shorefront on the St. Croix lakes, river and estuary
- Conducts aquatic habitat studies, habitat improvement projects and fisheries surveys on the lakes and river mainstem
- Supports selected research on native species and species assemblages

### Recreational Heritage

- Coordinated a 3-year international fisheries development program involving 13 agencies and local groups
- Produces and distributes an annual transboundary fishing regulation summary for the St. Croix
- Produced and distributes a waterproof, full color recreational map of 80 miles of international waterway
- Maintains 55 remote campsite and access facilities on the Maine and New Brunswick sides of the St. Croix
- Carried out public consultations for a proposed linear St. Croix Provincial Park
- Participates in the planning and development of trails in the St. Croix corridor
- Collaborates with water management and user interests in planning for multiple recreational uses

### Economic Development

- Sponsored a Waterway heritage-oriented business opportunity study, which identified 84 new opportunities
- Provides technical input and multi-party facilitation for the planning of major commercial, utility and transportation projects affecting the Waterway
- Participates in the delivery of major regional tourism initiatives, including the Downeast Heritage Center
- Sponsored an agency-owner review of safety assessments and contingency plans for five transboundary dams

### Waterway Management

- Sponsors workshops that bring together agency and user interests on management issues
- Assists intergovernmental committees with management planning and coordination
- Serves as a central clearing house and direct source for all types of information on the St. Croix