

## DEFINITIONS

**“All Terrain Vehicle”**: *a motor driven, off-road, recreational vehicle capable of cross country travel on land, snow, ice, marsh, swampland, or other natural terrain. It includes, but is not limited to, a multi-track, multi-wheel or low pressure tire vehicle; a motorcycle or related 2-wheel, 3-wheel or belt-driven vehicle; an amphibious machine; or other means of transportation deriving motive power from a source other than muscle or wind. It does not include an automobile or motor truck; a snowmobile; an airmobile; or a vehicle used exclusively for emergency, law enforcement, or fire control purposes* (Title 12, §7851).

**“Division”**: the Maine Department of Conservation, Division of Parks and Public Lands (Title 12, §1801.1).

**Canoe**: A canoe is defined as a form of small watercraft long and narrow, sharp on both ends or sharp on one end and blunt at the other, usually propelled by paddles or small motors and having no sails. The width at the widest point shall not exceed 20% of the craft’s overall length, nor shall the transom, if any, exceed 26 inches in width. Measurement shall be the outside of the hull but shall not include gunwales, rub rails, or spray rails, if any (Title 12, §1872.2).

**“Ecological Reserve”**: state-owned lands specifically set aside to protect and monitor the state's natural ecosystems. The original designation was enabled by an act of the Maine Legislature in 2000. As specified in the legislation, the purposes of the Reserves are (Public Laws of Maine, Second Regular Session of the 119th, Chapter 592):

- "to maintain one or more natural community types or native ecosystem types in a natural condition and range of variation and contribute to the protection of Maine's biological diversity,"
- "as a benchmark against which biological and environmental change may be measured, as a site for ongoing scientific research, long-term environmental monitoring and education," and
- "to protect sufficient habitat for those species whose habitat needs are unlikely to be met on lands managed for other purposes".

**Kayak:** A kayak is defined as a form of small watercraft, long and narrow, sharp on both ends, usually propelled by a double-bladed paddle in a sitting position, and having no sails. It usually has a covered deck, a cockpit covered by a spray-deck and/or skirt, and may be equipped with a small rudder. The width at the widest point shall not exceed 25% of the craft's overall length. Measurement shall be the outside of the hull but shall not include gunwales, rub rails, or spray rails, if any.

**"New Construction Area":** *the area within 1/4 mile of the outer boundary of the Restricted Zone where new construction shall take place only with the prior approval of the Bureau (Title 12, §1876.2).*

**"One Mile Area":** all land and water within one mile of the shoreline of the watercourse.

**"Public Reserved Land":** *A. All the public reserved lots of the State, including any ministerial and school lands in the unincorporated areas of the State; B. All lands acquired with proceeds from the sale of public reserved lands; C. All lands received by the State in exchange for or pursuant to relocation of Public Reserved Lands; and D. All lands acquired by the State and expressly designated as public reserved lands by the director or otherwise by law (Title 12, §1801.8). These units range in size from 1,000 to 43,000 acres and in total comprise the 590,000-acre plus Public Reserved Lands System.*

**"Restricted Zone":** *the state-owned strip of land from 400 feet to 800 feet wide extending in all directions from the bounds of the watercourse and includes all land areas within the bounds of the watercourse. The Restricted Zone shall include all additional areas that may be added by mutual agreement between the Bureau and a private property owner (Title 12, §1872.8).*

**"Snowmobile":** *any vehicle propelled by mechanical power that is primarily designed to travel over ice or snow, supported in part by skis, belts or cleats (Title 12, §7821).*

**"Structure":** *anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground, including, but not limited to, buildings, mobile homes, walls, fences, billboards, piers, and floats (LURC Land Use Districts and Standards).*

**"Timber-harvesting operation":** *the cutting and removal of trees from their growing site and the attendant operation of mobile or portable chipping mills, and of cutting and*

*skidding machinery, including the creation and use of skid trails, skid roads and winter haul roads, and the construction or creation of land management roads (Title 12, §1872.10).*

**“Traditional recreation”**: activities that were occurring in the Allagash Waterway at the time of passage of the Allagash statute in 1966, including canoeing, primitive camping, stream and lake fishing from canoes and small boats, shoreline fishing, the use of small motors on canoes and boats, the use of large motors on boats on large lakes, hunting, hiking to nearby mountain summits, limited float plane access for canoeing and fishing parties, snowmobiling, and ice fishing.

**“Visible Areas”**: designated lands in the One Mile Area north of Churchill Dam that are visible to the naked eye from the watercourse (Title 12, §1872.11).

**“Visitor Days”**: the total number of days visitors to the Allagash spend in the Restricted Zone or on the watercourse.

**“Watercourse”**: the lakes, ponds, and rivers included in the Allagash Waterway, from Telos Lake in the south to the confluence of Twin Brook with the Allagash River in the north, and including Allagash Lake and Allagash Stream (Title 12, §1872.12).

**“Watercraft”**: *any type of vessel, boat, canoe or craft used or capable of being used as a means of transportation on waters, other than a seaplane (Title 12, §1872.14).*

**“Waterway”**: *all land area and all waters within one mile of the high water mark of the watercourse (Title 12, §1873.1).* It is often used interchangeably with the terms “Allagash” and “One Mile Area.”

## LITERATURE CITED

- Daigle, John J.(2003). *Allagash Wilderness Waterway Visitor Survey (Miscellaneous Report 436)*. Maine Agricultural and Forest Experimentation Station, University of Maine, Orono, ME.
- Daigle, John, J.C. Speirs, and B.M. Wallace (2002b). *Monitoring the Condition of Campsites in the Allagash Wilderness Waterway – Summers 1999-2001*. Technical Report submitted to the Maine Department of Conservation, Bureau of Parks and Lands, Augusta, ME.
- Dietz, Lew (1968). *The Allagash*. Holt, Rinehart, and Winston.
- Keen, Judy (2008, May 23). Gas costs cut into vacation travel. *USA Today*. Retrieved from [http://www.usatoday.com/travel/destinations/2008-05-22-vacation\\_N.htm](http://www.usatoday.com/travel/destinations/2008-05-22-vacation_N.htm)
- Maine State Comprehensive Outdoor Recreation Plan 2009-2014* (2009). Maine Department of Conservation, Bureau of Parks and Lands, Augusta, ME.
- National Park Service (1961). *Proposed Allagash National Recreation Area*. A Report Prepared by the National Park Service.
- United States Congress (1968). *An Act to Provide for a National Wild and Scenic Rivers System, and for other purposes*. Public Law 90-542.
- United States Department of the Interior (1963). *A Report on the Proposed Allagash National Riverway*. Prepared by the Bureau of Outdoor Recreation.
- Zinn, Harry C. (1990). A Comparison of Allagash Wilderness Waterway Users: Summer of 1988 and Spring of 1989. A Report Prepared for the Maine Bureau of Parks and Recreation, Department of Conservation.

THIS PAGE INTENTIONALLY LEFT BLANK.

**APPENDIX A: ADVISORY COMMITTEE MEMBERS**

|                   |  |
|-------------------|--|
| Steve Pound       | Winter user/fisherman  |
| Frederick Denico  | Adjacent land/camp owner (Advisory Council Member)   |
| Melford Pelletier | St. John Valley resident & Waterway user   |
| Sara Medina       | Seven Island Lands Company   |
| Ked Coffin*       | Irving Woodlands LLC   |
| Toby Pineo**      |  |
| Don Cyr           | Regional historical/cultural perspective (Advisory Council Member)                             |
| Rollin Thurlow    | Allagash Alliance  |
| Don Kleiner       | Maine Professional Guides Association  |
| Greg Shute        | Maine Wilderness Guides Association & Chewonki   |
| Jym St. Pierre    | Restore the North Woods  |
| Steve Tatko*      | Natural Resources Council of Maine   |
| Cathy Johnson**   |  |
| Paul Johnson      | Fisheries perspective (MDIFW Retired)  |
| Janet McMahon     | Ecological perspective (Advisory Council Member)   |
| Jamie Fosburgh    | National Park Service (Advisory Council Member)  |
| John Martin       | Maine State Representative   |
| Troy Jackson      | Maine State Senator  |
| Bill Greaves      | Maine Forest Service   |
| Dave Basley*      | ME Dept. of Inland Fisheries & Wildlife  |
| Frank Frost**     |  |
| Tom Ward          | ME Dept. of Inland Fisheries & Wildlife  |
| Will Harris       | Director, ME Division of Parks & Public Lands  |
| Tom Morrison      | Operations & Maintenance, ME Division of Parks & Public Lands                                  |
| Matt LaRoche      | AWW Superintendent, ME Division of Parks & Public Lands  |
| Vern Labbe        | Northern Region Lands Manager, ME Division of Parks & Public Lands                             |
| Rex Turner        | Outdoor Recreation Planner, ME Division of Parks & Public Lands.<br>[Plan coordinator, writer] |

\*Stepped down from Advisory Committee prior to plan completion

\*\*Replaced another representative on the Advisory Committee midway through planning

## APPENDIX B: ALLAGASH WILDERNESS WATERWAY STATE STATUTES

### **MRS Title 12, Chapter 220: BUREAU OF PARKS AND LANDS Subchapter 6: ALLAGASH WILDERNESS WATERWAY HEADING: PL 1997, C. 678, §13 (NEW)**

#### **12 §1871. DECLARATION OF POLICY**

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

#### **SECTION HISTORY**

1997, c. 678, §13 (NEW).

#### **12 §1872. DEFINITIONS**

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

1. Bounds of the watercourse. "Bounds of the watercourse" means the high-water marks of the shorelines of the lakes and ponds, the high-water marks of the intervening and connecting waters and the high-water marks of the banks of the streams and rivers of the watercourse.

[1997, c. 678, §13 (NEW)]

2. Canoe. "Canoe" means a form of small watercraft with no rudder or sails that is long and narrow, sharp on both ends or sharp on one end and blunt on the other end usually propelled by paddles or a small motor.

[1997, c. 678, §13 (NEW)]

3. Control station. "Control station" means a regular stopping place maintained by the bureau where users of the waterway may be registered.

[1997, c. 678, §13 (NEW)]

4. Emergency use. "Emergency use" means a use resulting from unforeseen circumstances that calls for immediate action to protect persons or property.

[1997, c. 678, §13 (NEW)]

5. Herbicide. "Herbicide" means a substance or mixture of substances used to destroy, desiccate, defoliate or prevent the growth of unwanted vegetation.

[1997, c. 678, §13 (NEW)]

6. Lock Dam Lot. "Lock Dam Lot" means a certain lot or parcel of land described as follows:

Beginning at a point on the East town line of Township 7, Range 13 on the south bank of the thoroughfare between Chamberlain and Eagle Lakes, said point beginning 4 miles + 26.25 chains northerly of the southeast corner of the town; Thence in a generally southwesterly direction a distance of 30 chains, more or less, to a point on the easterly shore of Chamberlain Lake, south of Lock Dam, so-called; Thence northwesterly by and along the easterly shore of Chamberlain Lake about 13 chains, more or less to a point; Thence northeasterly a distance of 40 chains, more or less, to a point on the east line of said township; Thence southerly along said east line of the township to the point of beginning, containing 40 acres, more or less, The aforesaid parcel of land containing 40 acres is that on which the said Lock Dam and improvements are presently located.

[1997, c. 678, §13 (NEW)]

7. Management plan. "Management plan" means a plan of timber harvesting operations for areas within the Allagash Wilderness Waterway.

[1997, c. 678, §13 (NEW)]

8. Restricted zone. "Restricted zone" means a land area of from 400 feet to 800 feet that extends in all directions from the bounds of the watercourse and includes all land areas within the bounds of the watercourse and all additional areas that may be added by mutual agreement between the director and private property owners.

[1997, c. 678, §13 (NEW)]

9. Telos Dam Lot. "Telos Dam Lot" means a certain lot or parcel of land situated in Township 6, Range II, WELS, being known as the Telos Dam Lot, being a square lot 20 chains on each side, The aforesaid parcel of land containing 40 acres, more or less, is that on which the said Telos Dam and improvements are presently located.

[1997, c. 678, §13 (NEW)]

10. Timber harvesting operation. "Timber harvesting operation" means the cutting and removal of trees from their growing site and the attendant operation of mobile or portable chipping mills and of cutting and skidding machinery, including the creation and use of skid trails, skid roads and winter haul roads and the construction or creation of land management roads.

[1997, c. 678, §13 (NEW)]

11. Visible from the watercourse. "Visible from the watercourse" means able to be seen by a person at any point on the watercourse from Churchill Dam north without the aid of any magnifying devices.

[1997, c. 678, §13 (NEW)]

12. Watercourse. "Watercourse" means the bodies of water consisting of lakes, rivers and streams extending from Telos Lake Dam northerly to the confluence of West Twin Brook and Allagash River, a distance of approximately 85 miles, and bodies of water consisting of lakes and streams extending from where Allagash Stream crosses the west boundary of T. 8, R. 14 easterly to the inlet of Allagash Stream with Chamberlain Lake, a distance of approximately 10 miles, the watercourse includes Telos Lake, Round Pond(T. 6, R. 11), Chamberlain Lake, Eagle Lake, Churchill Lake, the Allagash River, Umsaskis Lake, Long Lake, Harvey Pond, Round Pond (T. 13, R. 12), the Allagash Stream, Allagash Lake and all intervening and connecting bodies of water.

[1997, c. 678, §13 (NEW)]

13. Use. "Use" means an activity of any form, kind or description.

[1997, c. 678, §13 (NEW)]

14. Watercraft. "Watercraft" means any type of vessel, boat, canoe or craft used or capable of being used as a means of transportation on waters, other than a seaplane.

[1997, c. 678, §13 (NEW)]

#### SECTION HISTORY

1997, c. 678, §13 (NEW).

### **12 §1873. ESTABLISHMENT; AREA**

1. Allagash Wilderness Waterway. The Allagash Wilderness Waterway, in this subchapter called the "waterway, II is established. The area of the waterway includes the watercourse as defined in section 1872, subsection 12 and all land area and all waters within one mile of the bounds of the watercourse as defined in section 1872, subsection I.

[1997, c. 678, §13 (NEW)]

2. Watercourse. The watercourse within the waterway is established covering an area as defined in section 1872, subsection 12.

[1997, c. 678, §13 (NEW)]

3. Restricted zone. A restricted zone within the waterway is established, covering an area as defined in section 1872, subsection 8, to preserve, protect and develop the maximum wilderness character of the watercourse. The boundaries of the restricted zone must be determined by the bureau after survey. The bureau shall establish a minimum width of 400 feet from the bounds of the watercourse as the width of the restricted zone if in the bureau's discretion that 400-foot width can preserve, protect and develop the maximum wilderness character of the watercourse. The bureau shall determine a greater width up to 800 feet as the width of the restricted zone if in the bureau's discretion the greater width is necessary to preserve, protect and develop the maximum wilderness character of the watercourse.

[1997, c. 678, §13 (NEW)]

#### SECTION HISTORY

1997, c. 678, §13 (NEW).

### **12 §1874. ADMINISTRATION**

The bureau shall administer the waterway under this subchapter, with the exception of powers to control activities previously delegated by law to the department's Bureau of Forestry, the Department of Inland Fisheries and Wildlife and the Board of Environmental Protection. The director shall create technical committees as needed to advance the waterway's purposes. [2007, c. 14 6, §2 (AMD)].

#### SECTION HISTORY

1997, c. 678, §13 (NEW). 2007, c. 146, §2 (AMD).

## **12 §1875. CONTROL OF WATER AREAS; PERMITTED AND PROHIBITED USES**

1. Power watercraft. Power watercraft may be used in the waterway only as follows.

A. Watercraft equipped with power propulsion of any kind or any other motorized equipment are allowed on Telos Lake, Round Pond (T. 6, R. II) and Chamberlain Lake as permitted by rule of the bureau. [1997, c. 678, §13 {NEW}]

B. Canoes equipped with one motor not to exceed 10 horsepower are allowed in the waterway except on Allagash Lake and Allagash Stream. [1997, c. 678, §13 {NEW}]

C. Except as permitted by paragraphs A and B, watercraft equipped with power propulsion are not allowed in the waterway. [1997, c. 678, §13 (NEW)]

2. Landing of aircraft. The landing of aircraft within the waterway is prohibited, except for:

A. Emergency use; [1997, c. 678, §13 {NEW}.J

B. Necessary use by state agencies and departments; [1997, c. 678, §13 (NEW)]

C. Use within landing areas and for purposes designated by the bureau; and [1997, c. 678, §13 (NEW)]

D. Landing of aircraft when water areas are frozen, except as permitted by rule of the bureau. [ 1997, c. 678, §13 {NEW}]

1997, c. 678, §13 (NEW)]

3. Motor-driven snowsleds. The use of motor-driven snowsleds is prohibited within the waterway except as permitted by rule of the bureau. [ 1997, c. 678, §13 (NEW)]

### **SECTION HISTORY**

1997, c. 678, §13 (NEW).

## **12 §1876. CONTROL OF LAND AREAS**

1. Structures. New structures or expansions of existing structures are not permitted within the restricted zone, except those structures essential to state service agencies, those structures determined by the bureau to be essential in maintaining water level controls and temporary structures determined by the bureau to be necessary for watercourse crossing and access. All existing structures must be removed except those determined necessary by the bureau to carry out the intent of this subchapter.

1997, c. 678, §13 (NEW)]

2. New construction. New construction within *1/4* mile of the restricted zone may be done only with the prior approval of the bureau.

1997, c. 678, §13 (NEW) ]

3. Camps. Other than structures permitted under subsection I, camps are prohibited within the restricted zone. Existing commercial sporting camps must be acquired by the bureau and may be leased back to the present owners or others on terms and conditions determined by the bureau. As of July 25, 1984, the bureau may not change the existing type of use of Jalbert's Sporting Camps on Round Pond and Nugent's Sporting Camps on Chamberlain Lake or destroy or abandon those camps without legislative approval.

[ 1997, c. 678, §13 (NEW)]

### **SECTION HISTORY**

1997, c. 678, §13 (NEW)

## **12 §1877. AUTHORITY TO ACQUIRE PROPERTY BY EMINENT DOMAIN OR OTHERWISE**

The bureau may acquire, on behalf of the State, land, improvements or any interest therein and water and power rights within the boundaries of the waterway or adjacent thereto by purchase, lease or gift and to enter into agreements concerning the same. Any land acquired that is adjacent to the waterway becomes part of the waterway. The bureau is authorized to accept and receive gifts and bequests of money or other property, including funds from the Federal Government, for purposes consistent with the intent of the Legislature in establishing the waterway, [1997, c. 678, §13 (NEW).]

Within the restricted zone, the bureau may acquire by eminent domain on behalf of the State any land, improvements or any interest therein and water and power rights, specifically excluding Telos Dam Lot and Lock Dam Lot and water and power rights connected therewith; however, the power and authority of the bureau as otherwise provided to accomplish the purposes of this subchapter apply to Telos Dam Lot and Lock Dam Lot. [1997, c. 678, §13 (NEW).]

### **SECTION HISTORY**

1997, c, 678, §13 (NEW),

## **12 §1878. MANNER OF ACQUISITION BY EMINENT DOMAIN**

Acquisition of property by the bureau by eminent domain pursuant to section 1877 must be made in the manner provided in Title 35-A, chapter 65, [1997, c, 678, §13 (NEW) .]

### **SECTION HISTORY**

1997, c. 678, §13 (NEW).

## **12 §1879. INITIAL PLAN FOR ACQUISITION**

As soon as possible after availability of funds after December 29, 1966 the bureau shall proceed to acquire title in fee simple to land within the restricted zone. The bureau shall acquire within the restricted zone any other rights the bureau determines necessary or convenient to accomplish the purposes of this subchapter, Nothing contained in this section and no action under this section may limit any of the powers or authority of the bureau under this subchapter. [1997, c. 678, §13 (NEW).]

### **SECTION HISTORY**

1997, c, 678, §13 (NEW).

## **12 §1880. CONTROL OF TIMBER HARVESTING OPERATIONS**

1, Restricted zone; timber harvesting. Timber harvesting operations are not permitted within the restricted zone, except:

A. By direction of the bureau for the purpose of maintaining healthy forest conditions; or [1997, c. 678, §13 (NEW),]

B. By direction of the bureau for the purpose of correcting situations arising from natural disasters. [1997, c. 678, §13 (NEW)]

[2003, c, 452, Pt. F, §3 (AMD); 2003, c, 452, Pt. X, §2 (AFF)]

2. Waterway outside restricted zone.

[2003, c. 452, Pt. F, §4 (RP); 2003, c. 452, Pt. X, §2 (AFF)]

3. Restricted zone; herbicides. The spraying of herbicides is prohibited within the restricted zone.

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

4. Restricted zone; aircraft. A person may not fly an aircraft equipped to spray herbicides lower than 500 feet above ground level over any portion of the restricted zone.

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

5. Waterway outside restricted zone. A person may not:

A. Commence a timber harvesting operation in the waterway outside the restricted zone without consultation with or, when required under subsection 6, paragraph B, written approval from the bureau; or [2003, c. 452, Pt. F, §5 (NEW); 2003, c. 452, Pt. X, §2 (AFF)]

B. Commence a herbicide application in the waterway outside the restricted zone without written approval from the bureau under subsection 6, paragraph B. [2003, c. 452, Pt. F, §5 (NEW); 2003, c. 452, Pt. X, §2 (AFF)]

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

6. Operations and application outside restricted zone. The following requirements apply to timber harvesting and herbicide application in the waterway outside the restricted zone.

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

(1) A description of the proposed timber harvesting operation that includes the type of cutting;

(2) The amount of timber proposed to be removed;

(3) The time of year of cutting and removal;

(4) The location of principal haul roads and crossings in the waterway to be used in connection with the proposed timber harvesting operation;

(5) A plan for reforestation;

(6) A stand table indicating species composition, size class and health of the original and residual stands;

(7) The expected date of reentry;

(8) A pesticide or other chemical treatment planned, excluding the use of herbicides before December 1, 1990; and

(9) A plan for mitigating evidence of harvesting.

When a permit is not required under paragraph B, those who are submitting the management plan shall cooperate with the bureau to address any concerns of the bureau. [2003, c. 4 52, Pt. F, § 5

(NEW); 2003, c. 452, Pt. X, §2 (AFF)]

B. When the bureau determines that a timber harvesting operation or herbicide application is proposed for an area in the waterway outside the restricted zone and visible from the watercourse, that operation may commence only with approval from the bureau. A request for approval on a form provided by the bureau must be completed and signed by the applicant. This paragraph may not be construed to excuse the applicant from obtaining other permits required by law. [2003, c. 452, Pt. F, §5 (NEW); 2003, c. 452, Pt. X, §2 (AFF)]

C. The bureau shall, within 30 days of receipt of a form requesting approval, either approve in writing the proposed timber harvesting or herbicide application upon terms and conditions the bureau determines are appropriate and reasonable or disapprove the request, setting forth in writing the reasons for the disapproval. If a decision is not made within the 30 days, the request for the timber harvesting operation or herbicide application is considered approved under the provisions of the management plan submitted. [2003, c. 452, Pt. F, §5 (NEW); 2003, c. 452, pt. X, §2 (AFF)]

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

(1) Produces the least adverse impact upon the natural character of the area in the waterway outside the restricted zone and visible from the watercourse for which the timber harvesting operation or herbicide application is proposed; and

(2) Is economically feasible, except that an applicant may waive the requirement of a finding of economic feasibility. [2003, c. 452, Pt. F, §5 (NEW); 2003, c. 452, Pt. X, §2 (AFF)]

E. Notwithstanding the provisions of paragraph D. the bureau may not deny approval for the removal of trees that are dead, dying or damaged by natural causes. [2003, c. 452, Pt. F, §5 (NEW); 2003, c. 452, Pt. X, §2 (AFF)]

F. Before disapproving a request for approval or imposing terms and conditions under paragraph C, the bureau shall have the request for approval and the management plan reviewed by an experienced professional forester. [2003, c. 452, Pt. F, §5 (NEW); 2003, c. 452, Pt. X, §2 (AFF)]  
2003, c. 452, Pt. F, §5 (NEW); 2003, c. 452, Pt. X, §2 (AFF) ]

7. Violations. The following penalties apply to violations of this section.

A. Except as otherwise provided in this subsection, a person who violates any provision of this section or rules adopted or permits issued under this section commits a civil violation for which a fine of up to \$1,000 for each day of the violation may be adjudged. [2003, c. 452, Pt. F, §5 (NEW); 2003, c. 452, Pt. X, §2 (AFF)]

B. A person who intentionally or knowingly falsifies any statement contained in a management plan or application under this section commits a civil violation for which a fine of up to \$1,000 may be adjudged. [2003, c. 452, Pt. F, §5 (NEW); 2003, c. 452, Pt. X, §2 (AFF)]

C. A person who violates the herbicide provisions of this section is subject to the penalties of Title 22, section 1471-J. [2003, c. 452, Pt. F, §5 (NEW); 2003, c. 452, Pt. X, §2 (AFF)]

In addition, the bureau may in the name of the State institute any appropriate action, injunction or other proceeding to prevent, restrain, correct or abate any violation of this subchapter or of the rules or permits issued under this subchapter as provided in section 1884.

[ 2003, c. 452, Pt. F, §5 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .J

#### SECTION HISTORY

1997, c. 678, §13 (NEW). 2003, c. 452, §§F3-5 (AMD). 2003, c. 452, §X2 (AFF) •

### **12 §1881. USE OF ROADS**

1. New roads. The bureau has sole control of access to the waterway from any public road. 1997, c. 678, §13 (NEW) ]

2. Existing roads. Existing private roads within the waterway remain privately owned as existing. The bureau may direct the discontinuance and relocation of any portion of such a road that is within the restricted zone at the expense of the bureau. When the bureau directs the discontinuance of a road and the landowner does not request the relocation of the road at the time of the bureau's directive, the bureau is not obligated to relocate that road.

[ 2001, c. 312, §1 (AMD)]

#### SECTION HISTORY

1997, c. 678, §13 (NEW). 2001, c. 312, §1 (AMD).

### **12 §1882. ACCESS POINTS AND CONTROL STATIONS**

Except as provided in this section, the bureau may determine the location of access points, control stations and watercourse crossings within the waterway. [2005, c. 598, §1 (RPR).]

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

A. Chamberlain Thoroughfare Bridge; [2005, c. 598, §1 (NEW)]

B. Churchill Dam; [2005, c. 598, §1 (NEW)]

C. Umsaskis Lake Thoroughfare; [2005, c. 598, §1 (NEW)]

D. Henderson Brook Bridge; [2005, c. 598, §1 (NEW)]

E. Michaud Farm; and [2005, c. 598, §1 (NEW)]

F. Twin Brooks. [2005, c. 598, §1 (NEW)]

2005, c. 598, §1 (NEW)]

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

A. John's Bridge, limited to:

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

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

(3) Parking outside the restricted zone; and

(4) No vehicle access to the water's edge; [2005, c. 598, §1 (NEW)]

B. Bissonette Bridge road, over the road existing on the effective date of this paragraph to the trail existing on the effective date of this paragraph to the water's edge; [2005, c. 598, §1 (NEW)]

C. Finley Bogan, from the Inn Road to the top of the high bank; [2005, c. 598, §1 (NEW)]

D. Ramsey Ledge Campsite, limited to the motor vehicle parking area behind vegetative screening. Self contained motor vehicle camping is allowed and canoe access is allowed; and [2005, c. 598, §1 (NEW)]

E. Indian Stream, by the trail existing on the effective date of this paragraph. [2005, c. 598, §1 (NEW)]

2005, c. 598, §1 (NEW)]

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

[2005, c. 598, §1 (NEW)]

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

A. Henderson Brook Bridge; [2005, c. 598, §1 (NEW).]

B. Reality Bridge, also known as Umsaskis Bridge; [2005, c. 598, §1 (NEW).]

C. Churchill Dam Bridge; [2005, c. 598, §1 (NEW)]

D. John's Bridge; [2005, c. 598, §1 (NEW).]

E. Chamberlain Thoroughfare Bridge; and [2005, c. 598, §1 (NEW)]

F. Allagash Stream Bridge. [2005, c. 598, §1 (NEW)]

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

[2005, c. 598, §1 (NEW)]

#### SECTION HISTORY

1997, c. 678, §13 (NEW). 2005, c. 598, §1 (RPR).

#### **12 §1883. RULES**

*(REPEALED)*

#### SECTION HISTORY

1997, c. 678, §13 (NEW). 2001, c. 604, §15 (RP).

#### **12 §1884. ENFORCEMENT, INSPECTION AND PENALTIES FOR VIOLATIONS**

Permits issued by the bureau under this subchapter have the force and effect of law. No timber harvesting operation may be undertaken except in conformance with this subchapter. [2001, c. 604, §16 (AMD)]

For the purposes of inspection and to ensure compliance with permits issued or adopted by the bureau, authorized bureau staff or consultant personnel may conduct investigations, examinations, tests and site evaluations that are determined to be necessary to verify information presented to the bureau and may obtain access to any lands and structures regulated under this subchapter. [1997, c. 678, §13 (NEW)]

In addition, the bureau may in the name of the State institute any appropriate action, injunction or other proceeding to prevent, restrain, correct or abate any violation of this subchapter or of the permits issued

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

#### SECTION HISTORY

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

### **12 §1885. POSSESSION OF WEAPONS**

*(REPEALED)*

#### SECTION HISTORY

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

### **12 §1886. POLICE SUPERVISION**

*(REPEALED)*

#### SECTION HISTORY

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

### **12 §1887. JURISDICTION**

*(REPEALED)*

#### SECTION HISTORY

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

### **12 §1888. EMPLOYEES**

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

#### SECTION HISTORY

1997, c. 678, §13 (NEW).

### **12 §1889. ALLOCATION OF FUNDS**

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

#### SECTION HISTORY

1997, c. 678, §13 (NEW).

### **12 §1890. APPEALS**

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

#### SECTION HISTORY

1997, c. 678, §13 (NEW).

### **12 §1890-A. ALLAGASH WILDERNESS WATERWAY ADVISORY COUNCIL; ESTABLISHED**

*(REALLOCATED FROM TITLE 12, SECTION 1891)*

There is established the Allagash Wilderness Waterway Advisory Council, referred to in this section as "the council," pursuant to Title 5, section 12004-I, subsection 3-D. [2007, c. 695, Pt. A, §12 (RAL) .]

I. Duties. The council shall:

A. Meet at least twice annually; [2007, c. 695, Pt. A, §12 (RAL).]

B. Work with the manager of the waterway in developing and maintaining a strategic plan for the waterway and advancing the mission and goals of the waterway; and [2007, c. 695, Pt. A, §12 (RAL).]

C. Report annually to the Director of the Bureau of Parks and Lands regarding the state of the waterway and at other times as it is determined necessary by the council. [2007, c. 695, Pt. A, §12 (RAL) .]

2007, c. 695, Pt. A, §12 (RAL).]

2. Members. The council consists of 7 members including:

A. One representative of the United States Department of the Interior, National Park Service; [2007, c. 695, Pt. A, §12 (RAL).]

B. One public member; [2007, c. 695, Pt. A, §12 (RAL).]

C. One member with knowledge and experience in sustainable forest management who is a private landowner, or an employee of the landowner, whose holdings abut the waterway; [2007, c. 695, Pt. A, §12 (RAL).]

D. One member with knowledge and experience in wilderness recreation; [2007, c. 695, Pt. A, §12 (RAL).]

E. One member with knowledge and experience in natural resources planning and management; [2007, c. 695, Pt. A, §12 (RAL).]

F. One member with knowledge and experience in fisheries or wildlife conservation; and [2007, c. 695, Pt. A, §12 (RAL).]

G. One member with knowledge and experience in cultural and historic preservation. [2007, c. 695, Pt. A, §12 (RAL).]

The members shall annually elect a chair from among the members. The chair is responsible for scheduling, preparing the agenda of and presiding at meetings. 2007, c. 695, Pt. A, §12 (RAL) .]

3. Appointment. The Governor shall appoint the 6 members described in subsection 2, paragraphs B to G. The Governor shall invite the Northeast Regional Director of the National Park Service within the United States Department of the Interior to designate the member described in subsection 2, paragraph A. 2007, c. 695, Pt. A, §12 (RAL) .]

4. Terms. Council members serve terms of 5 years and may serve no more than 2 terms. 2007, c. 695, Pt. A, §12 (RAL).]

#### SECTION HISTORY

2007, c. 695, Pt. A, §12 (RAL).

### **12 §1890-B. ALLAGASH WILDERNESS WATERWAY PERMANENT ENDOWMENT FUND**

*(REALLOCATED FROM TITLE 12, SECTION 1891-A)*

The Treasurer of State shall establish a dedicated, non lapsing account called the Allagash Wilderness Waterway Permanent Endowment Fund and shall manage the account as a state-held trust. Subject to the approval of the Governor, the commissioner may accept funds from any source and may accept gifts in trust to be credited to the Allagash Wilderness Waterway Pennant Endowment Fund, except that a gift may not be accepted with any encumbrances or stipulations as to the use of the gift. Interest earned on investments in the fund must be credited to the fund. With the advice of the Allagash Wilderness Waterway Advisory Council under section 1890-A, the director may expend money from the fund for purposes consistent with section 1871 and an approved waterway management plan. [20 a 7, c, 2, §2 (COR).]

#### SECTION HISTORY

RR 2007, c. 2, §2 (COR). 2007, c. 695, Pt. A, §13 (RAL) ,

### **12 §1890-C. REPORTING**

*(REALLOCATED FROM TITLE 12, SECTION 1891-B)*

The commissioner shall report on or before March 1 st of each year to the joint standing committee of the Legislature having jurisdiction over conservation matters regarding the state of the waterway, including its mission and goals, administration, education and interpretive programs, historic preservation efforts, visitor use and evaluation, ecological conditions and any natural character enhancements, general finances, income, expenditures and balance of the Allagash Wilderness Waterway Permanent Endowment Fund, the department's annual budget request for the waterway operation in the coming fiscal year and current challenges and prospects for the waterway. [2007, c. 695, Pt. A, §14 (RAL).]

#### SECTION HISTORY

2007, c. 695, Pt. A, §14 (RAL) ,

### **12 §1891. ALLAGASH WILDERNESS WATERWAY ADVISORY COUNCIL; ESTABLISHED**

*(REALLOCATED TO TITLE 12, SECTION 1890-A)*

#### SECTION HISTORY

2007, c. 146, §3 (NEW). 2007, c. 240, Pt. NN, §2 (NEW). 2007, c. 695, Pt. A, §12 (RAL).

**12 §1891-A. ALLAGASH WILDERNESS WATERWAY PERMANENT ENDOWMENT FUND**

*(REALLOCATED TO TITLE 12, SECTION 1890-B)*

The Treasurer of State shall establish a dedicated, non lapsing account called the Allagash Wilderness Waterway Permanent Endowment Fund and shall manage the account as a state-held trust. Subject to the approval of the Governor, the commissioner may accept funds from any source and may accept gifts in trust to be credited to the Allagash Wilderness Waterway Permanent Endowment Fund, except that a gift may not be accepted with any encumbrances or stipulations as to the use of the gift. Interest earned on investments in the fund must be credited to the fund. With the advice of the Allagash Wilderness Waterway Advisory Council under section 1891, the director may expend money from the fund for purposes consistent with section 1871 and an approved waterway management plan.

**SECTION HISTORY**

2007, c. 146, §4 (NEW). 2007, c. 240, Pt. NN, §2 (NEW). 2007, c. 695, Pt. A, §13 (RAL).

**12 §1891-B. REPORTING**

*(REALLOCATED TO TITLE 12, SECTION J890-C)*

The commissioner shall report on or before March 1st of each year to the joint standing committee of the Legislature having jurisdiction over conservation matters regarding the state of the waterway, including its mission and goals, administration, education and interpretive programs, historic preservation efforts, visitor use and evaluation, ecological conditions and any natural character enhancements, general finances, income, expenditures and balance of the Allagash Wilderness Waterway Permanent Endowment Fund, the department's annual budget request for the waterway operation in the coming fiscal year and current challenges and prospects for the waterway.

**SECTION HISTORY**

2007, c. 146, §5 (NEW). 2007, c. 240, Pt. NN, §2 (NEW). 2007, c. 695, Pt. A, §14 (RAL).

**Rules & Regulations for the Allagash Wilderness Waterway**

SUMMARY: These rules govern public recreational uses of the Allagash Wilderness Waterway, and the approval and notification of timber harvesting, herbicide applications, and new construction in the Quarter Mile Zone.

**SECTION 1. DEFINITIONS**

**1.1 Allagash Waterway or Waterway:** The area of the waterway means the bodies of water consisting of lakes, rivers and streams extending from Telos Lake Dam northerly to the confluence of West Twin Brook and Allagash river, a distance of approximately 85 miles, and bodies of water consisting of lakes and streams, extending from where Allagash Stream crosses the West Boundary of T8 R14, easterly to the inlet of Allagash Stream with Chamberlain Lake, a distance of approximately 10 miles. The waterway includes Telos Lake, Round Pond (T6 R11), Chamberlain Lake, Eagle Lake, Churchill Lake, The Allagash River, Umsaskis Lake, Long Lake, Harvey Pond, Round Pond (T13 R12), the Allagash Stream, Allagash Lake, and all intervening and connecting bodies of water. It shall include all land area and all waters within one mile of the high water mark of the shore lines of the aforementioned lakes and ponds, intervening and connecting bodies of water, and the high water marks of either bank of the aforementioned streams and rivers.

**1.2 Campsite cell:** An area within a designated campsite designed to accommodate one camping party and containing a fireplace and a picnic table. Campsites may contain one or more cells.

**1.3 Canoe:** A canoe is defined as a form of small watercraft long and narrow, sharp on both ends or sharp on one end and blunt at the other, usually propelled by paddles or small motors, and having no sails. The width at the widest point shall not exceed 20% of the craft's overall length, nor shall the transom, if any, exceed 26 inches in width. Measurement shall be the outside of the hull but shall not include gunwales, rub rails, or spray rails, if any.

**1.4 Dead:** Trees that exhibit a near total loss of foliage and have a cambial layer that is discolored.

**1.5 Dead or Dying Area:** A harvest or sub-harvest area will be considered dead or dying if 70% or more of its trees 6 inches in diameter and larger measured at 4 1/2 feet above ground level, are expected to be dead within five years. Includes merchantable trees that have been uprooted or fallen because of natural causes.

**1.6 Dying:** Reasonably expected to be dead due to natural causes within five years; (e.g. spruce or fir severely defoliated in 3 successive years, trees with broken tops, blowdowns and windthrown trees, fire damaged or diseased).

**1.7 Entry:** The period of operation in each harvesting application received by the Bureau of Parks and Lands.

**1.8 Harvesting Area:** Total contiguous area within the One-Mile Area of the Waterway proposed for commercial operation or pre-commercial operation, at one entry.

**1.9 Kayak:** A kayak is defined as a form of small watercraft, long and narrow, sharp on both ends, usually propelled by a double-bladed paddle in a sitting position, and having no sails. It usually has a covered deck, a cockpit covered by a spray-deck and/or skirt, and may be equipped with a small rudder. The width at the widest point shall not exceed 25% of the craft's overall length. Measurement shall be the outside of

the hull but shall not include gunwales, rub rails, or spray rails, if any.

**1.10 Merchantable:** Trees that are useable for a wood product, whether the market exists or not.

**1.11 New Construction:** Includes any new buildings, roads, and other development. Does not include maintenance or repair work such as grading, re-ditching, replacement of culverts or replacement of bridge decks and stringers.

**1.12 One-Mile Area:** All land area and all waters within one mile of the high water mark of the shorelines of the Allagash Watercourse.

**1.13 Pre-Commercial Thinning:** Timber cutting operation that does not include removal of trees six inches in diameter or greater (4 1/2 feet above ground level) from the stand.

**1.14 Restricted Zone:** "Restricted Zone" means a land area of from 400 feet to 800 feet that extends in all directions from the bounds of the watercourse, and includes all land areas within the bounds of the watercourse and all additional areas that may be added by mutual agreement between the director and private property owners.

**1.15 Sub-Harvest Area:** Units within the harvest area that will be cut using different harvesting techniques, usually because of steepness of slope, species composition, soils, and/or condition of trees.

**1.16 Visible Area:** Those land areas that can be seen at any point on the watercourse from Churchill Dam north, without the aid of any magnifying devices.

**1.17 Watercourse:** "The watercourse" means the bodies of water consisting of lakes, river and streams extending from Telos Lake Dam northerly to the confluence of West Twin Brook and Allagash River, a distance of approximately 85 miles, and bodies of water consisting of lakes and streams extending from where Allagash Stream crosses the west boundary of T8 R14 easterly to the inlet of Allagash Stream with Chamberlain Lake, a distance of approximately 10 miles. The watercourse includes Telos Lake, Round Pond (T6 R11), Chamberlain Lake, Eagle Lake, Churchill Lake, the Allagash River, Umsaskis Lake, Long Lake, Harvey Pond, Round Pond (T13 R12) the Allagash Stream, Allagash Lake and all intervening and connecting bodies of water.

## **SECTION 2. Rules for Recreational Uses and Access**

### **2.1 REGISTRATION:**

Each party intending to camp overnight at an Allagash Wilderness Waterway campsite must register at the first opportunity at a North Maine Woods control station, an AWW Ranger Station, or with an AWW ranger.

### **2.2 CAMPING:**

A. Visitors shall pay any fees charged by the Bureau.

B. Camping is prohibited except at authorized campsites. Authorized campsites are identified by signs and indicated in the Bureau's Waterway brochure. Campsites consist of one or more individual cells each including a picnic table and a fireplace.

C. Camping is prohibited in parking areas, except camping will be allowed from October 1 to May 15 in the parking area at Chamberlain Thoroughfare, with the exception noted in section E.1, and October 1 to November 30 in the parking area at Umsaskis Thoroughfare.

D. Camping will be allowed on consecutive nights on any campsite if, in the judgment of the Bureau, as

represented by its authorized employees, such use is not an inconvenience to other users of the Waterway.

#### E. WINTER CAMPING AT CHAMBERLAIN THOROUGHFARE AND KELLOGG BROOK

1. Winter camping in the Chamberlain Thoroughfare parking area and the Kellog Brook site will not be permitted from the first Sunday in December to the second Saturday in December. All camping equipment must be removed from the parking area and Kellog Brook site during this period. Any camping equipment remaining in the parking area or Kellog Brook site may be subject to removal by the Bureau, at the owner's expense. The parking area and Kellog Brook site will be open to campers from 8:00 AM on the second Saturday in December to May 15.

2. Camping spaces in the parking area and the Kellog Brook site will be allotted on a first-come, first-served basis until the campground capacity is reached. Registration takes place at the Chamberlain Thoroughfare Bridge ranger station, beginning at 8:00 AM on the second Saturday in December. No camping equipment shall be left on-site without first registering.

3. One self-contained camping unit will be allowed per site.

4. Unregistered campers must register with the Waterway ranger upon arrival at Chamberlain Thoroughfare.

5. Full payment of the required fee will be due at the time of registration.

6. Assignment, subletting, and commercial use of campsites are not allowed.

#### 2.3 GROUP SIZE

A. Groups of more than 12 persons of any age, including trip leaders and/or guides, are prohibited from traveling on the Allagash watercourse or camping at Allagash Waterway campsite cells. (See exception under rule 2.3C)

B. Groups that exceed this limit and intend to use the watercourse or campsites must:

1. divide into self-contained groups of 12 or fewer persons and travel out of sight of each other or at least one half mile apart;

2. not share equipment or campsite cells.

C. Oversized groups that were "grandfathered" by rule in 1974 may be granted a permit that will allow them to exceed the 12 person maximum by no more than the number of persons in the largest group the organization registered in the past three years. In no case shall the number of persons in the group exceed 18. In any one year, oversized groups will not be permitted more trips than the largest number of trips they had in any of the previous three (3) years.

D. Trip Leader Permits are required for boys and girls camps licensed by the Maine Department of Human Services, or those camps located in another state that requires a similar license. Such camps, in conducting trips in the Waterway, shall:

1. provide at least one staff member over 18 years of age for each 6 campers, and;

2. ensure that the staff member in charge of the trip holds a valid Trip Leader Permit.

#### 2.4 RESOURCE DAMAGE

The cutting or damaging of live trees or brush within the Restricted Zone, except to maintain safe roadways and for authorized activities of the Bureau, is prohibited. The damage or removal of anything prehistorical or historical within the Restricted Zone is prohibited.

## **2.5 OPEN FIRES**

- A. Open fires are allowed only in fireplaces provided by the Bureau.
- B. No person shall build fireplaces in addition to those provided by the Bureau.
- C. When the ground is snow covered, fires must be built in authorized fireplaces, on authorized campsites, or on the ice below the high water mark.
- D. No fire shall be left unattended.

## **2.6 LITTER/REMOVAL OF WASTE**

- A. Littering is prohibited. Visitors must carry out all refuse. Unburned refuse left in fireplaces will be considered litter.
- B. The discharging of wastes of any kind, including, but not limited to soaps and detergents in the waters of the Allagash Wilderness Waterway is prohibited.

## **2.7 USE OF TRAILS, PARKING, AND OTHER AREAS**

Vehicles, including campers, snowmobiles, and ATV's, parked in unauthorized areas within the Restricted Zone, may be removed at the owner's expense.

## **2.8 USE OF WATERCRAFT**

- A. From the south end of Telos Lake to the north end of Chamberlain Lake, the use of all models of personal watercraft (PWC), hovercraft, airboats, racing boats, and pontoon boats is prohibited.
- B. From Lock Dam Stream, where it enters Eagle Lake north to Twin Brook Rapids, only canoes and kayaks without motors or motors not exceeding 10 H.P. may be used on the watercourse. Canoes and kayaks must meet the dimensions specified in the definitions section of this rule.
- C. On Allagash Lake and Allagash Stream to the red posts at the entrance of Chamberlain Lake, all watercraft are prohibited except canoes and kayaks without motors. Canoes and kayaks must meet the dimensions specified in the definitions section of this rule.
- D. Except on Telos and Chamberlain Lakes, the use of inflatable watercraft is prohibited.
- E. Water skiing or other activities in which individuals are towed behind watercraft are prohibited.

## **2.9 SWIMMING**

Swimming, jumping, and diving from all dams and bridges is prohibited.

## **2.10 ACCESS BY MOTOR VEHICLE**

- A. Unless otherwise provided for by these rules, access by motor vehicle to the watercourse shall be prohibited except at the following locations. Limited access at John's Bridge is as provided in section

2.11.

Chamberlain Thoroughfare Bridge, T6-R11;  
Indian Stream, T7-R12;  
Churchill Dam, T10-R12;  
Bissonette Bridge, T10-R12;  
Umsaskis Launching Area, T11-R13;  
Henderson Brook Bridge, T13-R12  
Michaud Farm, T15-R11;  
Finley Bogan T15-R11;  
Twin Brook, Allagash Plantation.

For the purposes of this rule, access by motor vehicle shall be defined as the stopping or standing of a motor vehicle and/or a trailer for the purpose of loading or unloading people, watercraft, baggage or provisions.

B. Parking of vehicles in the Restricted Zone is prohibited except within designated parking areas at the following locations:

Churchill Dam, T10-R12;  
Umsaskis Thoroughfare, T11-R13;  
Ramsay Ledge, T15-R11;  
Michaud Farm, T15-R11;  
Finley Bogan, T15-R11.

C. Unless otherwise provided for by these rules, parking for access to the watercourse is allowed outside the Restricted Zone and not to exceed any limits posted by the Bureau, only at the following designated parking lots. Parking outside the Restricted Zone for limited access at John's Bridge is as provided in section 2.11.

Chamberlain Thoroughfare, T6-R11;  
Henderson Brook Bridge, T13-R12;  
Indian Stream, T7-R12.

D. Access by motor vehicle for camping at authorized campsites is allowed only at Ramsay Ledge.

E. The operation of motor vehicles within the One Mile Area around Allagash Lake is prohibited from May 1 to September 30.

F. The use of automobiles and trucks on ice-covered portions of the watercourse is prohibited.

## **2. 11 JOHN'S BRIDGE, T9-R13**

The launching or retrieving of watercraft or other recreational equipment, the embarking or disembarking of passengers, baggage, or provisions from the watercourse within 500 feet of John's Bridge is prohibited, except during the months of May and September, between one hour before sunrise and one hour after sunset, with a day-use permit issued by the Bureau. Overnight or multi-day trips cannot start or end at this location. Vehicle parking must be outside the Restricted Zone.

## **2.12 ACCESS BY SNOWMOBILES AND ATVS**

A. Access to the watercourse by snowmobiles is prohibited except at the following locations:

T6 R11 - Telos Dam and Chamberlain Thoroughfare; T7 R11 - Mud Pond Carry and McNally Brooks;  
T7-R12, Indian Stream; T7-R13, Upper Crows Nest and Lock Dam; T7-R14, Island Road Allagash Lake

and Carry Trail; T8-R13, Zeigler Trail; T8-R14, Ledge Campsite; T9-R12, Twin Brooks; T10-R12, Churchill Dam; T11-R13, Reality Road; T12-R13, Ross Stream; T13-R12, Henderson Brook Bridge; T14-R12, Burntland Brook; T15-R11, Michaud Farm and Allagash Plantation - Twin Brook.

B. Snowmobiles are prohibited on Allagash Lake and Allagash Stream.

C. ATVs are prohibited in the Waterway between April 1 and December 31.

D. ATVs are allowed in the Waterway only on frozen ground from January 1 to March 31 with the following exceptions:

1. ATVs are prohibited within one mile of Allagash Lake or Allagash Stream
2. ATVs are prohibited on groomed snowmobile trails, except from the Chamberlain Bridge Parking Lot to Chamberlain Lake.

E. Other than as permitted above, ATV use is allowed only for

1. emergency, administrative, and forest management purposes;
2. administrative purposes at Nugent's and Jalbert's camps;

### **2.13 ACCESS BY AIRCRAFT**

A. Aircraft may land and take off, on open water, for the purposes of embarking or disembarking passengers, baggage, or provisions, only at the following locations:

Telos Landing, T5-R11;  
Chamberlain Thoroughfare Bridge, T6-R11;  
Nugents Camps, T7-R12;  
Lock Dam, T7-R13;  
The Jaws between Churchill Lake and Heron Lake, T9-R12  
Camp Drake on Umsaskis Lake, T11-R13;  
Jalbert's Camps, Round Pond, T13-R12.

B. Aircraft are not permitted to land or take off at any other locations within the One Mile Area except with the prior approval of the Bureau.

C. Aircraft may land on frozen bodies of water within the One Mile Area, except Allagash Lake.

### **2.14 WATERCRAFT STORAGE**

Watercraft, including watercraft equipment, shall not be left unattended in the Restricted Zone, except for emergency situations or temporary storage by permit. Temporary storage permits not to exceed 14 consecutive days, may be issued by the Bureau for designated locations not readily visible from the watercourse, at the sites listed below:

Chamberlain Thoroughfare (T16-R11);  
Indian Stream (T7-R12);  
Churchill Dam (T10-R12);  
Umsaskis Thoroughfare (T11-R13);  
Henderson Brook Bridge (T13-R12);  
Michaud Farm (T15-R11).

Each piece of equipment, including watercraft, shall be marked with a tag issued by the Bureau of Parks and Lands clearly showing the name and address of the owner and the date the watercraft was left unattended.

Any watercraft, tent, shelter other than an ice shack, or other personal property, structure, or fixture left unattended for more than three consecutive days without written authorization from the Bureau shall be deemed to have been abandoned, and the Bureau may take custody of such property and dispose of the same in accordance with the law.

## **2.15 FOOT TRAILS**

A. The development and maintenance of foot trails within the Allagash Wilderness Waterway is prohibited, except, and to the extent that the landowner has given permission, those listed below:

The Allagash Mountain trail between Allagash Lake and Allagash Mountain;  
The Carry Trail between Round Pond (T7-R14) and the south end of Allagash Lake;  
The Johnson Pond Outlet trail between Johnson Pond and Allagash Stream (T8- R14);  
The trail between Otter Pond and Allagash Lake (T8-R14);  
The Indian Stream trail along Indian Stream to Eagle Lake (T7-R12);  
The Priestly Mountain Trail;  
The Pumphandle Trail (T8-R13);  
The Round Pond Mountain trail to the Round Pond Mountain Tower (T13-R12);  
The Tramway trail between Chamberlain and Eagle Lakes;  
The trail to the Ice Caves from Allagash Lake;  
Portage Trails at Little Allagash Falls, Lock Dam and Allagash Falls.  
The portage trail between Churchill Dam and Big Eddy.

B. Use of the Ziegler (Eagle Lake), Russell Cove (Eagle Lake), and Island Campsite (Allagash Lake) trails is prohibited between May 1 and September 30.

## **2.16 POWER EQUIPMENT**

A. The possession or use of power saws is prohibited within the Restricted Zone and on the watercourse, except at Nugent's and Jalbert's camps or in vehicles in transit. Chainsaws may be used at Jalbert's and Nugent's camps consistent with the terms of the Bureau's leases for these camps.

B. The use of other motor-powered tools and equipment within the Restricted Zone and on the watercourse is prohibited, except:

1. Generators may be used in the camping areas at Chamberlain Thoroughfare Bridge and Kellog Brook from October 1 through May 15.

2. Generators may be used at Jalbert's and Nugent's camps.

3. Power ice augers may be used on any of the lakes open to ice fishing except Allagash Lake.

## **2.17 CONDUCT**

A. Conduct detrimental to the safety and well being of a person or persons is prohibited, including, but not limited to disorderly conduct, indecent acts, intoxication, or coarse language.

B. Conduct that would change or damage the natural features, structures, and wilderness character of the Waterway is prohibited.

C. Soliciting and advertising are prohibited.

## **2.18 ARTIFACTS**

A. Use of metal detectors is prohibited.

B. Artifacts within the Restricted Zone are the property of the State and their disturbance, removal, or possession is prohibited except as specifically permitted in writing by the Director of the Bureau of Parks and Lands for research, preservation, or educational purposes.

## **2.19 HUNTING/POSSESSION OF FIREARMS**

Hunting and trapping shall be in accordance with the laws of the State of Maine, the laws and rules of the Maine Department of Inland Fisheries and Wildlife, local ordinances and the following Bureau rules:

A. The bureau may permanently or temporarily close trails and other areas within the Restricted Zone to hunting. Trails and other areas closed to hunting shall be posted by the Bureau.

B. Hunting within the Restricted Zone is prohibited from May 1 through September 30.

C. Firearms and archery equipment are prohibited within the Restricted Zone from May 1 through September 30, except when being transported across the Restricted Zone. Any firearms or archery equipment being transported across the Restricted Zone from May 1 through September 30, except in a motor vehicle, must be securely wrapped in complete cover, fastened in a case, or carried in at least two pieces in such a manner that they cannot be discharged unless joined together.

D. Discharging any firearm or archery equipment is prohibited from or within 300 feet of any picnic area, camping area or campsite, parking area, building, shelter, boat launching site, posted trail or other developed area, within the Restricted Zone, including dams, or from Chamberlain Bridge, John's Bridge, Umsaskis Thoroughfare Bridge, or Henderson Brook Bridge.

## **2.20 ICE SHACKS / PERSONAL PROPERTY**

A. Ice shacks are not allowed on Allagash Lake. Windbreaks may not remain on Allagash Lake overnight.

B. Ice shacks must be removed from the watercourse within three (3) days of the close of ice fishing.

C. Ice shacks and/or structures used for ice fishing are prohibited within the Waterway from April 3 to the second Saturday in December, except that ice shacks may be stored in the parking lot at Chamberlain Thoroughfare Bridge from April 3 until May 15.

## **2.21 PETS**

Pets must be under the owner's control at all times and must not be left unattended. Pet owners are required to immediately clean up any fecal deposits left by their pets on campsites, trails, and in parking lots, and other developed areas, within the Restricted Zone.

## **2. 22 EXCEPTIONS**

State employees or their representatives in the official conduct of their duties and with prior permission from the Bureau may be exempted from the above rules.

## **SECTION 3. TIMBER HARVESTING/HERBICIDE TREATMENT/NEW CONSTRUCTION**

### 3.1 TIMBER HARVESTING

A. A management plan for all forest operations within the Waterway must be submitted to the Bureau of Forestry on the appropriate section(s) of the Forest Operation Notification.

B. Forestry Operations in Visible Areas must receive the prior written approval of the Bureau of Parks and Lands. Maps of Visible Areas are available from the Bureau of Parks and Lands.

C. Standards for timber harvesting in the Visible Area of the Waterway and associated road construction are presented in section 4.2 of these rules. Timber harvesting approval for the remainder of the Waterway within the One-Mile Zone is not required, but the Bureau must receive prior notification of plans to harvest.

D. Harvesting in Visible Areas that exceeds the standards, can only take place to remove trees that are dead, dying, or damaged by natural causes, or is the sole economically feasible silvicultural alternative. Such proposed harvesting must be reviewed in the field by Bureau staff with landowner representatives in order to determine the impact on the natural character of the Visible Area, as well as the ramifications of disapproval. In such cases, additional information may be requested of the applicant to justify exceeding the standards.

E. For harvesting in the Waterway outside of the visible area, submission of the appropriate section(s) of the Forest Operations Notification will serve as notification by the landowner of plans to harvest.

### 3.2 STANDARDS

The following standards will apply to timber management and associated activities. A management plan will be approved by the Bureau of Parks and Lands if these standards are met.

A. Timber Harvesting in the Restricted Zone is not permitted except for reasons of public safety or partial clearing for administrative purposes (campsites, ranger cabins, authorized trails, etc.) Visual enhancement cuts are not allowed.

B. Timber Harvesting in Visible Areas of the Waterway shall not remove in any 10 year period more than 40% of the volume of trees 6 inches or greater in diameter, measured 4 1/2 feet above ground level, in the area to be cut; however, all remaining merchantable trees in an area may be harvested in the removal stage of a shelterwood system providing that sufficient natural regeneration is present on the site. Evidence of adequate, well distributed natural regeneration must be included with the application for the removal harvest of a shelterwood.

C. Strip or patch cuts in the Visible Area should be oriented perpendicular to the line of sight from the river. Maximum harvest openings for the strip or patch cuts based on slopes are as follows:

| Allagash River |            |          | Umsaskis Lake |            |          |
|----------------|------------|----------|---------------|------------|----------|
| Slope Max.     | Width Max. | Size     | Slope Max.    | Width Max. | Size     |
| 0-5%           | 2000'      | 50 acres | 0-5%          | 1800'      | 50 acres |
| 6-10%          | 2000'      | 50 acres | 6-10%         | 650'       | 20 acres |
| 11-15%         | 2000'      | 50 acres | 11-15%        | 350'       | 20 acres |
| 16-20%         | 1800'      | 20 acres | 16-20%        | 250'       | 10 acres |
| 21-25%         | 900'       | 20 acres | 21-25%        | 180'       | 10 acres |
| 26-30%         | 600'       | 10 acres | 26-30%        | 140'       | 5 acres  |
| 31-35%         | 450'       | 10 acres | 31-35%        | 100'       | 5 acres  |

|        |      |         |        |     |         |
|--------|------|---------|--------|-----|---------|
| 36-40% | 350' | 5 acres | 36-40% | 80' | 5 acres |
|--------|------|---------|--------|-----|---------|

| Long Lake  |            |          | Round Pond |            |          |
|------------|------------|----------|------------|------------|----------|
| Slope Max. | Width Max. | Size     | Slope Max. | Width Max. | Size     |
| 0-5%       | 2000'      | 50 acres | 0-5%       | 1800'      | 50 acres |
| 6-10%      | 750'       | 20 acres | 6-10%      | 650'       | 20 acres |
| 11-15%     | 400'       | 20 acres | 11-15%     | 350'       | 20 acres |
| 16-20%     | 250'       | 10 acres | 16-20%     | 250'       | 10 acres |
| 21-25%     | 200'       | 10 acres | 21-25%     | 180'       | 10 acres |
| 26-30%     | 150'       | 5 acres  | 26-30%     | 140'       | 5 acres  |
| 31-35%     | 100'       | 5 acres  | 31-35%     | 100'       | 5 acres  |
| 36-40%     | 100'       | 5 acres  | 36-40%     | 80'        | 5 acres  |

D. Timber harvesting in other areas of the Waterway, outside the Visible Area, requires only notification of the Bureau of Parks and Lands through the appropriate section of the Forest Operations Notification.

E. Road construction for timber harvesting in the Restricted Zone is not permitted, although winter roads may cross the watercourse at right angles with the prior written permission of the director.

F. Roads for timber harvesting in Visible Areas of the Waterway should be designed to follow the contours of the land, avoiding straight lines and taking advantage of foreground vegetation for screening.

### 3.3 NEW CONSTRUCTION

Prior written approval by the Bureau of Parks and Lands of new construction with 1/4 mile of the Restricted Zone is required. New construction approval application forms are available from the Bureau of Parks and Lands.

### 3.4 HERBICIDE TREATMENT

All proposed herbicide treatments must be submitted to the Bureau of Parks and Lands. Prior written approval by the Bureau of Parks and Lands of herbicide treatments within Visible Areas is required. Herbicide application forms are available from the Bureau of Parks and Lands.

#### EFFECTIVE DATE:

May, 1978 (filed August 14, 1978)

#### AMENDED:

July 1, 1979

July 14, 1983

February 10, 1986 - Section 3

May 7, 1986

June 8, 1987

April 6, 1988

November 29, 1988 (EMERGENCY)

March 21, 1989

March 8, 1992

June 19, 1994 (pages 1-3)

EFFECTIVE DATE (ELECTRONIC CONVERSION):

May 4, 1996

NON-SUBSTANTIVE CORRECTION:

August 7, 1997 footer added to form, alerting public that there may be an updated version available from the Department.

February 23, 2000 - converted to MS Word

AMENDED:

September 17, 2000

December 7, 2003 - filing 2003-459

April 28, 2010- effective date May 3, 2010 - filing 2010-163

**APPENDIX D: 2002 NATIONAL PARK SERVICE /  
DEPARTMENT OF CONSERVATION MEMORANDUM OF AGREEMENT**

Memorandum of Agreement  
Between  
Maine Department of Conservation  
And the  
United States Department of the Interior  
National Park Service

WHEREAS, the National Park Service and Maine Department of Conservation share the mutual goal of preserving the significant natural and cultural resource values and wilderness recreation experience that continue to make the Allagash Wilderness Waterway a resource of exceptional value to the citizens of Maine and the United States; and

WHEREAS, the State of Maine, through the Department of Conservation, has the management authority and responsibility for the Allagash Wilderness Waterway under the State statutes governing the Waterway, primarily 12 MRSA Section 1871 et seq., and as a state-managed "wild" component of the National Wild and Scenic Rivers system under Section 2(a) of the Wild and Scenic Rivers Act; and

WHEREAS, the National Park Service has found that the Department of Conservation's management of the Waterway has achieved substantial success in ensuring that the vast majority of the Waterway experience is intact, and in many instances enhanced, by thirty years of Waterway management; and

WHEREAS, the National Park Service has authority and responsibility to administer Section 7 of the Wild and Scenic Rivers Act to ensure compatibility of "federally assisted" water resource development projects on the Allagash Wilderness Waterway and other Wild and Scenic Rivers; and

WHEREAS, the Department of Conservation reconstructed the Churchill Dam on the Allagash in 1997 without obtaining a permit from the US Army Corps of Engineers, which in turn necessitates, for permit approval, the review and consent of the National Park Service for projects affecting designated Wild and Scenic Rivers such as the Allagash;

Now, therefore, in consideration of the foregoing and the mutual covenants contained herein, the parties agree as follows:

**I. PURPOSES**

A. This agreement is entered into by and between the National Park Service (NPS) and the Maine Department of Conservation (DOC) to resolve all matters pertaining to the NPS' review of the Churchill Dam project on the Allagash Wilderness Waterway (US Army Corps of Engineers file number 200002730).

B. This agreement re-affirms the DOC's commitment to manage the Allagash Wilderness Waterway to meet the objectives and responsibilities of a state-administered river under the federal Wild and Scenic Rivers Act and the State statutes governing the Waterway.

C. This agreement re-affirms the parties' continued understanding that the State of Maine has the responsibility and authority to manage and administer the Allagash Wilderness Waterway as a "wild" component of the Wild and Scenic River System in accordance with the State statutes governing the Allagash Wilderness Waterway and does not represent an expansion of NPS authority under state or federal laws.

## II. DOC AGREES TO UNDERTAKE THE FOLLOWING MEASURES:

### A. On-The-Ground Mitigation Efforts

DOC will complete the following actions within two years of the date the Corps issues a permit to the department for Churchill Dam:

1. Plant and revegetate the riprap abutments of Churchill Dam to encourage the continued growth of natural, non-woody vegetation, in a manner that does not compromise the integrity and operation of the dam.
2. Relocate the visitors' vehicle parking area from near Churchill Dam to an upland location not visible from the river, the dam, and their immediate environs. The site of the current parking lot will be restored to a naturally vegetated condition, leaving in place a travel surface for future access to the boarding house and the campsite accessible for persons with disabilities.
3. Plant additional vegetation (and/or allow existing vegetation to grow and mature) as necessary to create a more natural setting for the river users as they launch, portage, and visit in the vicinity of the river, dam, boarding house, and barn (a view through trees of and from the Ranger cabin is allowed).
4. Lengthen the distance of the pedestrian trail at the former site of Bissonnette Bridge so that motor vehicles are kept a minimum of 400 feet from the shore. The department's project design will not result in a request to fill wetlands or the watercourse if at all possible. The department will promote conversion to a trail by prohibiting vehicle access, and with landowner permission, blocking the privately-owned road.
5. Any development of the access at the proposed Churchill Lake canoe access site, T9R12 (aka John's Bridge) will include redesigning this project to make the road to the parking area, the parking area, and all associated infrastructure entirely outside the Restricted Zone with only a foot trail from the parking

area to the high water mark. The department's project design will not result in a request to fill wetlands or the watercourse if at all possible. Only if landowner approval for the parking lot is not available, may the Department locate the parking area and associated infrastructure at the outer edge of the Restricted Zone, still leaving only a foot trail from the parking area to the high water mark. This redesign is subject to all applicable permit requirements. Non-motorized, wheeled devices to assist in moving canoes and dunnage from the parking lot to the water are acceptable.

B. Resource Planning and Management

1. **Historical Resources.** The DOC will develop and carry out a program of historical resource identification, planning and preservation with a target completion date of five years from the date the Corps issues a permit to the DOC for Churchill Dam.

Activities taken under this section of the agreement shall be implemented through a process that provides for public comment and full involvement from the Allagash Waterway Advisory Council, landowners, NPS, and interested groups.

The DOC will use its regular appropriations for this program in consideration with its other program priorities, and if necessary seek funds from grants and outside sources. The DOC will pursue additional appropriated funds if needed to complete the program and will continue to make the program a priority until it is completed. Pursuing additional funding is considered to be a good faith effort to complete the program in compliance with this agreement.

a. The DOC will prepare or contract for the preparation of:

1. Historic Resource Study for the Allagash Wilderness Waterway that will: establish historical contexts for logging and outdoor recreation along the Waterway, identify property types and individual properties associated with these contexts establish character-defining features of Allagash structures, and nominate selected properties for listing on the National Register of Historic Places
2. Historic Structure Report for the boarding house at Churchill Depot

- b. Documentation, to standards established by the Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER), of the Eagle Lake Tramway and Eagle Lake and West Branch Railroad. This documentation will include the remnants of

these two log transportation methods, as well as the larger context of the various water control structures (dams and the Telos Cut) that facilitated the transportation of logs to mills throughout the history of lumbering in the Allagash.

The historic resource study, historic structure report, and documentation as described above shall be prepared in accordance with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation.

- c. Along with the activities above describing historical resources, DOC will continue with its program of identifying and preserving prehistoric sites and artifacts.
2. **Review of 1999 Allagash Wilderness Waterway Plan.** Within two years of the date the Corps issues a permit to the DOC for Churchill Dam, the department will review its 1999 Management Plan according to the following provisions and understandings:
    - a. **Background.** The parties recognize and agree that the 1999 Management Plan is generally consistent with the preservation of outstanding resource values under the state Allagash statute and the Wild and Scenic Rivers Act (WSRA).
    - b. **Review Process.** The review process will produce recommendations to the DOC for revisions to the 1999 Management Plan. The parties agree to explore conducting the review through a neutral facilitator. The review shall be conducted through a process that provides for public comment and full involvement from the Allagash Waterway Advisory Council, landowners, NPS, and interested groups. Before beginning the review, a proposal for the review process will be made in consultation with the Allagash Waterway Advisory Council.
    - c. **Purposes.** The purposes of the review are to:
      1. Develop recommendations for additions to the 1999 Management Plan on how the WSRA and federal guidelines on WSRA rivers should be interpreted and applied to the Allagash Wilderness Waterway, specifically dams, bridges, and buildings and the type of and number of access points, with the understanding that a number of vehicle access points will remain and that access in some areas of the waterway will be less than 500 feet.

2. Make recommendations to incorporate the intent of the federal "wild" river designation into the 1999 Management Plan.
3. Consider the use of the Allagash Wilderness Waterway by Maine citizens when examining the relationship between the state Allagash statute and the WSRA.

### III. NPS AGREES TO TAKE THE FOLLOWING MEASURES:

#### A. NPS Planning/Policy Assistance

The NPS will assist the DOC to review draft documents and attend meetings, in implementing this agreement.

#### B. Advisory Council Participation

At the request of the DOC, the NPS will assign a project liaison to regularly attend any future meetings of the Bureau of Parks and Lands Allagash Waterway Advisory Council.

#### C. Churchill Dam Permit

Once signed by both parties, this agreement will constitute the basis of the NPS' final Section 7 determination for Churchill Dam. The NPS will notify the Corps in writing of the acceptance of this Memo of Agreement and its approval of the issuance of the Corps 404 permit based on the mitigation measures contained in this Agreement.

### IV. IMPLEMENTATION OF THIS AGREEMENT

1. **US Army Corps of Engineers 404 Permit.** The parties agree that implementation of the measures specified in this agreement satisfy the mitigation that NPS is requiring related to issuance of a Corps of Engineers permit for construction of the Churchill Dam project. The parties agree that the provisions of this agreement will be completed if the Corp issues a 404 permit for which the DOC has applied (Churchill Dam, its canoe landing, and associated infrastructure at the site). This agreement is null and void if the Corps does not issue the permit for which the DOC has applied.

2. Terms of this agreement are enforceable only by the parties hereto and, once incorporated into the Corps permit, also by the Corps of Engineers.

The parties hereby execute this agreement by their duly authorized representatives' signatures on the dates indicated below.

NATIONAL PARK SERVICE

By Marie Rust

Date 2-22-02

Marie Rust, Regional Director  
National Park Service, Northeast Region

STATE OF MAINE DEPARTMENT OF CONSERVATION

By Ron Lovaglio

Date Feb. 22, 2002

Ronald B. Lovaglio, Commissioner  
Maine Department of Conservation

## APPENDIX E: ALLAGASH WILDERNESS WATERWAY STRATEGIC PLAN

### Allagash Wilderness Waterway Strategic Plan *FINAL*

#### INTRODUCTION

The Allagash Wilderness Waterway is unique in Maine and the country as a state-managed river within the federal Wild and Scenic River system. The natural beauty, ecological diversity, and wildness of the Waterway are the backdrop for experiences that evoke a deep sense of history – a sense of traveling back in time, yet it winds through a busy, working forest that covers nearly the entire northern third of the state. The Waterway was created as the era of log drives on Maine’s rivers was coming to an end, and at the beginning of major changes in the management and ownership of Maine’s forestland. Long-term management of a pristine resource in a landscape of changing interests and conditions is no small task. This first Strategic Plan of the Allagash Wilderness Waterway is, thus, offered with a profound sense of responsibility to all of the people of Maine and the country who hold the Allagash dear.

The Allagash Wilderness Waterway Advisory Council was established in 2007 (P.L. 2007, c. 146) in amendments to the Waterway law, implementing the recommendations of the Governor’s Allagash Wilderness Waterway Working Group. The amendments were proposed by the Governor and received virtually unanimous approval in both the House and the Senate (See the pertinent language from MRS 12, sec, 1891 in the Appendices).

There are four key features of the legislation creating the current AWW Advisory Council:

1. The Council is specifically charged to “work with the manager of the waterway in developing and maintaining a strategic plan for the waterway and advancing the mission and goals of the waterway;” and to “report annually to the Director of the Bureau of Parks and Lands regarding the state of the waterway and at other times as it is determined necessary by the council.”
2. The Council elects its own chair annually and the chair “is responsible for scheduling, preparing the agenda for and presiding at meetings.”
3. With the exception of the National Park Service representative and the “public member,” each member is designated to bring “knowledge and experience in” one of five areas of importance to the Waterway.
4. The Council is independent and advisory.

These features were designed to develop a strategic context for planning in the Waterway, insure the independence of the Council from the Bureau, while encouraging a collaborative relationship, and provide a platform for public policy discussion that is not divided by narrow constituency interests. The Council seeks to establish constructive and open communication with Bureau of Parks and Lands staff, volunteers, and stakeholders. In addition, the Council serves to strengthen the capacity of the “manager” (Superintendent) to provide internal and external leadership and to attract financial and volunteer support for expanded resources on behalf of ecological enhancement, user experience and interpretive programs of the Waterway.

It is in this collaborative spirit that the Allagash Wilderness Waterway Advisory Council, working in concert with the Bureau of Parks and Lands, offers its first strategic plan as directed by the legislature. This plan has been developed as a recommended framework for AWW management planning by AWW Advisory Council members Don Cyr, Anthony Hourihan, Don Hudson, Robert McIntosh, Janet McMahon Don Nicoll, and Dick Walthers, in collaboration with National Park Service staff member Jamie Fosburgh, and Maine Bureau of Parks & Lands Director, Will Harris, Director of Operations Tom Morrison, and AWW Superintendent Matt LaRoche.

## MISSION & GUIDING PRINCIPLES

### Mission Statement

*Preserve, protect and develop the maximum wilderness character of the Allagash Wilderness Waterway by ensuring its ecological integrity and optimum public use through careful management as a wilderness area in the historic and modern context of a working forest.*

### Guiding Principles

- Priority is placed on providing a memorable wilderness recreation experience to its primary users, the canoeists and fishermen.
- The rich history, culture and traditions of the Allagash River contribute to its uniqueness, and will be preserved and interpreted as an asset to the Waterway and its visitors.
- The Maximum Wilderness Character of the Watercourse and Restricted Zone is fundamental to the purposes of the Waterway under founding state statutes and the federal wild river designation, and is central to state administration and management.
- The Watercourse and Restricted Zone shall be managed in accordance with wilderness management principles and legislative mandate's to facilitate preservation of historical features and traditions that enrich the Waterway and visitor experience.
- Broader Waterway purposes of ecological integrity, viewsheds, fish and wildlife management, forest management and wilderness recreation and character of the ¼ and 1-mile zones shall be pursued in partnership with landowners and appropriate agencies, especially the Maine Departments of Conservation and Inland Fisheries and Wildlife.

### Statutory Definitions

#### “Watercourse”:

The lakes, ponds and rivers included in the Allagash Waterway, from Telos Lake in the south to the confluence of Twin Brook with the Allagash River in the north, and including Allagash Lake and Allagash Stream (Title 12, S.1872.12)

#### “Waterway”:

All land area and all waters within one mile of the high water mark of the Watercourse. (Title 12, S. 1873.1)

#### “Restricted Zone”:

The state-owned strip of land from 400 feet to 800 feet wide extending in all directions from the bounds of the Watercourse and includes all land areas within the bounds of the Watercourse. The Restricted Zone shall include all additional land areas that may be added by mutual agreement between the Bureau and a private property owner. (Title 12, S. 1872.8)

#### “New Construction Area” (also known as “¼ mile zone”)

The area within ¼ mile of the outer boundary of the Restricted Zone where new construction shall take place only with the prior approval of the Bureau (Title 12, S. 1876.2)

#### “One Mile Area”

All land and water within one mile of the shoreline of the Watercourse. (Title 12, S. 1873.1)

## DRAFT STRATEGIC PLAN

### A. ECOLOGICAL INTEGRITY & RECREATION

**1. GOAL:** Encourage and manage recreational use of the Allagash Wilderness Waterway at a level that maintains the Waterway's wilderness character and ecological integrity<sup>1</sup> and minimizes disruption of the natural wilderness character of the restricted zone.

- a. Objective:** Develop the following maps of the Allagash Wilderness Waterway to provide a common and easily updated knowledge base for managers and Advisory Council members:
- 1) Ecological features (species and habitats tracked by the Maine Natural Areas Program and Department of Inland Fisheries and Wildlife, data on native fish populations, invasive species, etc.),
  - 2) Public and private conservation lands delineated, and any rights of way and landowner boundaries within the mile zone,
  - 3) AWW infrastructure (campsites, legal access points, parking areas, foot paths, snowmobile trails, historic sites, ranger stations, sporting camps, springs, etc.) as well as bridges, North Maine Woods gates and nearby campsites.

*Each of these maps will include the following base layers: topography, hydrology, roads, dams, town boundaries, Allagash River watershed boundary, AWW zones, and mapped visual areas. The maps will be working drafts that can be regularly updated to provide a current picture of the Allagash Wilderness Waterway's natural, cultural, and recreational resources. The maps are intended to be used for planning purposes only.*

**b. Objective:** The Bureau will develop and implement a comprehensive methodology to collect pertinent data and analyze year-round recreational use of the Waterway including day and winter use.

**c. Objective:** The Bureau will present to the Commissioner an ecological integrity and wilderness appearance assessment of the existing campsites, service facilities and areas, watercraft launching sites and public road crossings in the restricted zone, indicating priority areas for corrective action and upgrading, and a proposed timetable and funding for achieving the goal.

**d. Objective** Using the above analyses, the Bureau will evaluate the carrying capacity of the Waterway, taking into account the guiding principle that priority is placed on providing solitude and a simple wilderness recreation experience to its primary users, the canoeists and fishermen.

**e. Objective** Carrying capacity will likely include different thresholds for different uses and locations. Management strategies should be developed for high-use areas including integration with day users.

**2. GOAL:** The Allagash Wilderness Waterway will be managed to protect native fish<sup>2</sup> and wildlife habitats and maintain water quality. The Bureau and Waterway will support Maine Department of Inland Fisheries and Wildlife's existing policies to manage native fish and wildlife habitats, and will work with appropriate agencies, landowners, and users in the watershed to maintain water quality.

**a. Objective** Working with Maine Inland Fisheries and Wildlife biologists and technical working group members, an inventory of important native fish habitats, identification of existing and potential threats,

---

<sup>1</sup> Ecological integrity can be defined as the maintenance of constituent species and ecological processes in a given region, in this case the Waterway. Determination of ecological integrity usually required establishing some reference conditions, such as high water quality, low erosion rates, healthy populations of native species, and so on. (Adapted from Hunter, M.L. Jr. and J. Gibbs (2007) *Fundamentals of Conservation Biology*, Blackwell Publishing)

<sup>2</sup> Native fish are considered in this context to be species indigenous to the historical Allagash River drainage, from Telos Lake to Allagash Falls.

and recommended measures to protect the fisheries resource. (e.g., management, education, monitoring) will be compiled.

**b. Objective:** Working with Maine Natural Areas Program ecologists and Maine Inland Fisheries and Wildlife biologists, inventory and monitoring needs for rare species, exemplary communities, aquatic habitats and significant wildlife habitats will be identified for the Waterway and measures to fill in information gaps within the Waterway will be identified and implemented. (e.g., *Maine Outdoor Heritage Fund grant for inventory and monitoring*).

**3. GOAL:** Manage stream flows and lake levels in the Allagash Wilderness Waterway to minimize or reduce impacts on river, lake, and floodplain ecosystems, to maintain native fish populations, and to maintain traditional recreational uses as outlined in the enabling legislation and the Wild and Scenic River designation.

**a. Objective:** The Bureau will work with Maine Inland Fisheries and Wildlife and other pertinent natural resource agencies to evaluate the impacts of the Telos, Churchill and Lock Dams on the hydrology and ecology of the Allagash Wilderness Waterway and make recommendations for the management<sup>3</sup>, maintenance and/or future modification of existing dams.

**4. GOAL:** Management of the Allagash Wilderness Waterway will be informed by an understanding of the Allagash River watershed as a whole, within the larger public and private working forest of Northern Maine.

**a. Objective:** The Bureau encourages, establishes and maintains regular and effective means of communication and coordination with relevant state agencies and partner organizations working at the regional and watershed scale on issues including but not limited to fisheries management, invasive species, water quality, climate change, and similar large scale issues and threats.

**5. GOAL:** Acquire remaining private in-holdings within the Restricted Zone as opportunities arise employing a willing buyer/willing seller approach. Encourage and accept gifts of land within the One-Mile Zone and adjacent to the current Waterway boundary (e.g., north of Twin Brooks) and acquire or protect through conservation easements other critical tracts of land within the one mile zone that complement the management objectives of the Restricted Zone.<sup>4</sup>

**a. Objective:** The Bureau will acquire remaining out-holdings in the restricted zone (the Lock Dam Lot) through a cooperative agreement with the landowner.

**b. Objective:** The Bureau will identify, natural and recreational features that would complement the management objectives of the Waterway for possible future land acquisition.

**c. Objective:** The Bureau will develop a process for acquiring, or protecting through conservation easement, key parcels within (or abutting) the Allagash Wilderness Waterway that includes review and comment by AWW Advisory Council and with consideration of funding for acquisition and stewardship.

## **B. HISTORIC and CULTURAL PRESERVATION<sup>5</sup>**

---

<sup>3</sup> *Recommended lake levels and stream flows are in place for the AWW. Existing water management plans should be periodically reviewed to insure that they are being followed and that they remain effective in protecting and enhancing the AWW's water resources.*

<sup>4</sup> *The Citizens to Protect the Allagash prepared a white paper outlining land protection priorities for the Waterway that was submitted to the Bureau of Public Lands in 2005. This could serve as a starting point.*

<sup>5</sup> *See Appendix B for an overview of historical and cultural background for the Allagash Wilderness Waterway.*

**1. GOAL:** The archaeology, history, and culture of the Allagash Wilderness Waterway will be shared with the public, in the context of its wilderness character.

**a. Objective:** Archaeological sites will be catalogued, but their location not publicly disclosed to insure protection from treasure-hunters. The history of occupation by Paleo-Indians and Malecites will be prepared and shared with the public.

**b. Objective:** A plan will be developed to maintain essential and historically important Waterway buildings in a manner that retains their historic character in keeping with the time they were built. If unsafe and not on the National Register of Historic Places and not deemed significant to local history, buildings will either be dismantled and used elsewhere, or be included in appropriate historical exhibits inside or outside the Waterway<sup>6</sup>.

**c. Objective:** Obtain evaluations by the Maine Historic Preservation Commission of National Register sites (e.g. the Tramway) to determine how they should best be managed and preserved.

**d. Objective:** Develop guidelines and policies that ensure that the artifacts from the history of lumbering on display at the barn at Churchill Dam will be protected and remain accessible on an informal basis and opened to visitors at the Ranger's discretion.

**e. Objective:** Develop interpretive materials for the AWW that have minimal impact on its ecological integrity and on the wilderness experience of users (e.g., maps and guidebooks as opposed to kiosks on the river).

**f. Objective:** Establish cooperative relationships and explore additional interpretive opportunities with organizations connected culturally to the Waterway such as the Allagash Historical Society, the Maine Acadian Heritage Council, and the Lumberman's Museum in Patten to explore additional interpretive opportunities.

## C. SUPPLEMENTAL RESOURCES<sup>7</sup>

**1. GOAL:** The Allagash Wilderness Waterway Advisory Council in collaboration with the Department of Conservation and the Bureau will establish a program for obtaining funds to help fulfill the mission and goals of the Waterway, including donations for specific projects as well as ongoing funding to assist in operations of the Waterway.

**a. Objective:** The Bureau will complete needs assessment and develop an initial supplemental capital and program resource plan to meet those needs.

**b. Objective:** The Council will help establish a private fund-raising foundation, independent of the Waterway administration and management, to obtain donations and to provide technical assistance to the superintendent and staff of the Waterway in obtaining grants for implementation of the supplemental capital and program resource plan.

**c. Objective:** The foundation will initiate fund-raising efforts, with support and guidance of the Council where appropriate.

**d. Objective:** The Bureau will employ a planner and a fund-raising specialist as part of the Waterway

---

<sup>6</sup> For example, the Moir farm should be dismantled for the sake of safety and pieces of it could be preserved in the barn near the Churchill Dam Ranger Station. It is of Acadian construction (*pièce-sur-pièce*) and illustrates the French influence on construction in the region.

<sup>7</sup> See Appendix C: Supplemental Resources- Rationale and Recommendations for Implementation.

staff.

**2. GOAL:** The Bureau will establish an effective program for recruiting, selecting, training, coordinating and supporting volunteers to undertake projects and programs that enhance its capacity to fulfill the mission and goals of the Waterway.

**a. Objective:** Develop an initial volunteer services program plan.

**b. Objective:** Implement the volunteer services program.

#### **D. ADMINISTRATION & MANAGEMENT**

**1. GOAL:** The Bureau of Parks and Lands will establish and maintain an ongoing strategic planning program consistent with the mission and goals of the Waterway, acting in consultation with the Allagash Wilderness Waterway Advisory Council.

**a. Objective:** The council will recommend and the Bureau will adopt an initial strategic plan.

**b. Objective:** The Bureau will develop and adopt, an updated Management Plan for the Waterway that will consider and incorporate as appropriate the goals and objectives of the strategic plan.

**c. Objective:** The Council will annually review and assess the status of the Management Plan and the Strategic Plan, and report its findings in the Allagash Wilderness Waterway Advisory Council's annual report to the legislature.

**d. Objective:** In collaboration with the Advisory Council, the Bureau will undertake a ten-year review and revision of the strategic plan, to be followed by conforming modifications in the Management Plan.

**2. GOAL:** Develop cooperative working relationships with stakeholders, including residents of communities in the vicinity of the Waterway, forest landowners, owners and operators of recreation programs in the watershed, and others, to fulfill the mission and goals of the Waterway.

**a. Objective:** The Superintendent will initiate a cooperative stakeholder-Waterway working relationship program.

**b. Objective:** The Bureau of Parks and Lands will incorporate the cooperative stakeholder-Waterway working relationship program into the Management Plan.

#### **APPENDICES**

##### **Appendix A. 12 §1891. Allagash Wilderness Waterway Advisory Council; established**

There is established the Allagash Wilderness Waterway Advisory Council, referred to in this section as "the council," pursuant to Title 5, section 12004-I, subsection 3-D. [2007, c. 146, §3 (NEW).]

**1. Duties.** The council shall:

A. Meet at least twice annually; [2007, c. 146, §3 (NEW).]

B. Work with the manager of the waterway in developing and maintaining a strategic plan for the waterway and advancing the mission and goals of the waterway; and [2007, c. 146, §3 (NEW).]

C. Report annually to the Director of the Bureau of Parks and Lands regarding the state of the waterway and at other times as it is determined necessary by the council. [2007, c. 146, §3 (NEW).]

**2. Members.** The council consists of 7 members including:

- A. One representative of the United States Department of the Interior, National Park Service; [2007, c. 146, §3 (NEW).]
- B. One public member; [2007, c. 146, §3 (NEW).]
- C. One member with knowledge and experience in sustainable forest management who is a private landowner, or an employee of the landowner, whose holdings abut the waterway; [2007, c. 146, §3 (NEW).]
- D. One member with knowledge and experience in wilderness recreation; [2007, c. 146, §3 (NEW).]
- E. One member with knowledge and experience in natural resources planning and management; [2007, c. 146, §3 (NEW).]
- F. One member with knowledge and experience in fisheries or wildlife conservation; and [2007, c. 146, §3 (NEW).]
- G. One member with knowledge and experience in cultural and historic preservation. [2007, c. 146, §3 (NEW).]

MRS Title 12 §1891. Allagash Wilderness Waterway Advisory Council; established  
 The members shall annually elect a chair from among the members. The chair is responsible for scheduling, preparing the agenda of and presiding at meetings. [ 2007, c. 146, §3 (NEW) .]

**3. Appointment.** The Governor shall appoint the 6 members described in subsection 2, paragraphs B to G. The Governor shall invite the Northeast Regional Director of the National Park Service within the United States Department of the Interior to designate the member described in subsection 2, paragraph [2007, c. 146, §3 (NEW).]

**4. Terms.** Council members serve terms of 5 years and may serve no more than 2 terms. [2007, c. 146, §3 (NEW).]

**Appendix B. Historical and cultural overview, to be considered as background material for the Management Plan:**

*The Allagash Wilderness Waterway has a long and rich history of human use, knowledge of which can benefit today's users.*

*The Allagash River is a major tributary of the Saint John River, which reaches the Bay of Fundy at Saint John, New Brunswick. People traveled the Allagash for thousands of years, the headwaters of an important watershed and an ancient hunting and trading route. The Waterway has archaeological sites of Paleo-Indians as well as the more recent Maliseet (Malecite) culture. The Natives of the region, including the local Malecites and the Micmacks of Nova Scotia and eastern New Brunswick, were allies with New France and partners in the wars to rid Maine of English occupation. These wars, called the French and Indian Wars, started in 1675 with King Philip's War and continued to the Treaty of Paris in 1763. The Allagash was a primary transportation route to the headwaters of the Kennebec River, which also served as the frontier between New France and New England. French and Indian raiding parties used the Allagash to reach the highlands from which they could descend both the Kennebec and Androscoggin Rivers to harass English colonists.*

*Following the defeat of France, the French, Acadians and French-Canadians, occupied the territory near Madawaska in 1785 with land grants from the King of England. The settlement, called the Madawaska Territory, encompassed the entire St. John and Allagash watershed upriver from Grand Falls on the St. John River. The settlement grew into the Saint Francis area after Chantiers (lumber camps) were developed in 1826. Loyalists from New Brunswick were the principle owners of the camps, fueling international tensions. The Northeastern Boundary Dispute and the Aroostook War called into question the ownership of this "forested wasteland," as the authorities on both sides of the dispute called it. The dams built to divert the headwaters of the Allagash to the Penobscot were political manifestations of this disagreement over the international boundary, which was finally resolved by the Webster-Ashburton Treaty in 1842.*

*The Allagash River has a colorful and controversial history, much of which is lost to those who use it today. The remote and wild character of the Allagash belies the fact that it was a busy pre-contact and colonial highway, which was further developed into a commercial highway with the advent of log drives. As roads have replaced the river for timber*

transport in recent decades, the Allagash is returning to its wild state. The story of the Allagash needs to be conveyed in a way that respects its present day wilderness character.

## **Appendix C. Supplemental Resources– Rationale and Recommendations for Implementation.**

Given limited State Government financial resources, the fact that the Waterway is not intended for intensive visitor use and the inherent financial and personnel costs of preserving and enhancing the natural areas of the Waterway and interpreting the natural and cultural character of the area, it is evident it will be impossible to fulfill the Waterway's mission and goals without supplemental financial, personnel and in-kind services and materials.

There are a number of potential funding sources for supplemental investments in the Waterway and its operations: the Federal government, private foundations and individuals. Some funding sources will support capital investments, some will contribute to special programs and some will provide grants or gifts to build the State's Allagash Wilderness Waterway Endowment Fund.

There are also individuals and groups with a strong commitment to the value and potential of the Waterway willing to help, with money, time, talent and materials. There are in addition individuals willing to participate in organizing and developing programs to obtain and provide funds, materials and personal services to the Waterway.

### ***Observations and Principles***

- As of mid-year 2010 staff resources are too limited to undertake and manage an effective supplemental program for funding or a substantial supplemental program for donated volunteer services and materials. The new superintendent will have more than enough to do overseeing all facets of the Waterway, given the restrictions on funding and personnel. The Waterway does not have planning staff and it does not have fund-raising staff.

- Gaining assistance from outside the Bureau and Department and developing mechanisms to sustain voluntary support are high priorities.

- It is imperative in developing voluntary support systems to insure that the contributions of volunteers are consistent with the intent of the AWW statutes, pertinent federal legislation, the Memorandum of Agreement with the National Park Service, the Strategic Plan and the Management Plan.

- It is also important that voluntary organizations seeking to assist in support for the Waterway operate with independence in advocating priorities within the Strategic Plan.

- Contributions and grants to the Waterway should be used to enhance the capacity for fulfilling the promise of the Waterway and must not be used as a substitute for the State's responsibilities under the original statute, its commitments in connection with the original Federal grant for land acquisition and the Memorandum of Agreement with the National Park Service. Obtaining contributions for the Allagash Wilderness Waterway Endowment Fund is an important way to supplement State general fund appropriations in meeting its commitment to preserve, protect and enhance the wilderness character and ecological integrity of the Waterway in perpetuity.

- Organizations formed to provide financial support to the Waterway or to recruit volunteers and contributions of material for the Waterway are not the same as, nor should they substitute for organizations that provide independent advocacy for different perspectives on the Waterway.

- A major priority for strengthening community support for the Waterway and for maintaining the Waterway as a sustainable, ecologically sound wilderness area in the midst of a working forest and a recreation area that appeals to a variety of users who respect the values of the Waterway is to build strong links with the settlements in the area and constructive relationships with stakeholders in and outside the Waterway.

### ***Implementation Notes***

The superintendent and staff of the Waterway, with assistance from the Bureau of Parks and Lands and with advice from the Advisory Council, shall be responsible for developing the supplemental capital and program resource plan.

Members of the Advisory Council will undertake to recruit prospective incorporators and facilitate formation of the private fund-raising foundation and intend to do so by implementing the following draft proposal for Allagash Wilderness

Waterway Foundation:

***Purposes***

To seek and obtain financial contributions that will enhance the capacity for fulfilling the mission and goals of the Waterway, are consistent with the intent of the AWW statutes, the State's commitments in connection with the original Federal grant for land acquisition and the Memorandum of Agreement with the National Park Service, and will not be used as a substitute for the State's responsibilities under those statutes and commitments;

To make those funds available to the Waterway through the Allagash Wilderness Waterway Endowment Fund, the Bureau of Parks and Public Lands "Donation Fund" or other Department of Conservation vehicles, as appropriate; and

To provide technical assistance to the superintendent of the Waterway in developing proposals for federal or private foundation grants.

***Governance***

A seven-person board of directors, self-perpetuating, with a limit of two continuous five year terms, will be established. The qualifications of the individual directors should match those of the members of the Advisory Council, except that each member must have had experience in fund-raising and/or financial asset management and oversight.

Initial recruitment of Board members should be undertaken by representatives of the Advisory Council, working with the Commissioner of Conservation and the director of the Bureau of Parks and Lands; thereafter the seven board members will elect the members and their officers.

## APPENDIX F: FEDERAL REGISTER TEXT

### APPENDIX EXHIBIT K FEDERAL REGISTER TEXT

Office of the Secretary

#### ALLAGASH WILDERNESS WATERWAY, MAINE

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

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

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

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

The application has been  
reviewed by the Secretary of  
Agriculture, the Secretary of  
the Army, the Chairman of  
the Federal Power  
Commission, the Director of  
the Water Resources Council,  
the Chairman of the New  
England River Basins  
Commission and heads of  
other affected Federal  
departments and agencies.  
Their comments stated there  
were no conflicts and offered  
no objections to inclusion of  
the Allagash Wilderness  
Waterway in the National  
Wild and Scenic Rivers  
Systems as a State  
administered wild river area.

The following is my  
evaluation of the  
management and  
development plan for the  
Allagash Wilderness  
Waterway submitted by the  
State of Maine.

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

1. The Allagash Wilderness  
Water way is specifically  
identified in section 2(a) (11)  
of the Wild and Scenic  
Rivers Act as being an  
outstandingly remarkable free  
flowing stream which, with  
its immediate environs,  
would be a worthy addition  
to the National Wild and  
Scenic Rivers System.
2. On May 11, 1966 the

- Allagash Wilderness  
Waterway Act, Title 12,  
Maine Rev. Stat. Ann., sec  
661 et seq. became effective.  
That Act:
- a. Established the State  
policy to preserve, protect,  
and develop the natural  
scenic beauty and unique  
character, wildlife habitat and  
wilderness recreational  
resources of the Allagash  
Wilderness Waterway for this  
generation and all succeeding  
generations: and declared  
such policy is in the public  
interest, for the public,  
benefit, and the good order of  
the people of Maine.
  - b. Established 400-800-foot  
restricted zone from the  
shores of the watercourse,  
which has been purchased in  
fee title by the State to be  
maintained and administered  
in a wild state.
  - c. Provided permanent  
control of all land uses  
outside the restricted zone  
and within 1 mile of the high  
watermark of the  
watercourse.
  - d. Provided permanent and  
exclusive administration of  
the entire watercourse by the  
Maine State Park and  
Recreation Commission.
3. The entire Allagash  
Wilderness Waterway has  
been designated in a manner  
consistent with Wild River  
Area.
4. The entire Allagash  
Wilderness Waterway is  
permanently administered  
without expense to the United  
States.
  5. The entire Allagash  
Wilderness Waterway meets  
the criteria of a Wild River  
Area established by the Wild  
and Scenic Rives Act, and the  
Guidelines for Evaluation  
Wild, Scenic and  
Recreational River Areas

Proposed for Inclusion in the National Wild and Scenic Rivers System . . . February 1970 as follows:

a. *Impoundments*, There are three small dams within the Allagash

Wilderness Waterway:

(1) Telos Dam 5 + feet of Head.

(2) Lock Dam 5 + feet of Head.

(3) Churchill Dam 8 + feet of Head.

These existing structures do not form impoundments which distract from or disrupt the wilderness characters of the waterway and are of historic significance in that they portray the development of the logging industry in the northeastern United States. Originally these structures permitted the Allagash and Penobscot Rivers to be used as a principle route for transporting timber to the sawmills. Wood is now trucked to the mills.

Churchill Dam has been rebuilt and is operated for the primary purpose of controlling water flows for optimum canoeing throughout the entire recreation season. Telos Dam and Lock Dam are operated by Bangor Hydro Electric Co. for water storage. The operation of all three dams is governed by the policy established by the State of Maine in the Allagash Wilderness

Waterway, “ to preserve, protect and develop the maximum wilderness character of the watercourse.”

b. *Accessibility*. Public access over private roads will be permitted to and along a portion of Telos Lake at the southern end of the waterway and to the northern boundary at West Twin Brook. Existing private roads within the waterway which have

been developed for logging purposes will be closed to public use. These private roads do not create a substantial impact on the overall wilderness character of the river.

As new timber management plans are prepared, most of these roads will be removed from the immediate river area. There are six established and designated areas for the landing and take-off of passengers and equipment by aircraft:

(1) Telos Lake at Telos Landing.

(2) Chamberlain Lake at Nugents’ Camp.

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

(4) Umsaskis Lake at the Forest

Warden’s headquarters.

(5) Long Lake at Jalbert’s Camp.

(6) Round Pond (t13, R12) at Jalbert’s Camp.

During the winter, snowmobiles are permitted on designated roads, trails, and paths. The Allagash Lake and Stream are closed to all forms of motorized travel including aircraft. Temporary bridges for short-term logging purposes may be authorized by the State. Any such crossing is designed to provide minimum impact on the wilderness character of the waterway.

c. *Essentially primitive*. The overall character of the Allagash Wilderness Waterway is an outstanding vestige of primitive America. There are no permanent habitations or agricultural lands within the waterway and other than the three existing low dams; there are no diversions,

straightening, rip-rapping or other modification of the waterway. There is no substantial evidence of man’s intrusion within the 400-to 800 foot restricted zone adjoining the watercourse.

The watershed is free also of such evidence within the boundary. All existing structures have been removed except those essential to State service, maintaining water level control, and temporary structures necessary for watercourse crossing and access.

d. *Unpolluted*. There is no data on the existing quality of the water in the waterway.

However, there are no sawmills, industries, permanent residences, or other activities of man within the drainage basin of the Allagash Wilderness

Waterway which would suggest that the present water quality would not meet or exceed the minimum criteria for aesthetics and primary contact recreation as

interpreted in the Federal Water Pollution Control Administration’s Water Quality Criteria, April 1, 1968, The Maine

Environmental Improvement Commission has classified the Allagash Wilderness Waterway as Class B-1 which is suitable for the water contact recreation; for use as portable water supply after adequate treatment; and for a fish and wildlife habitat.

A concept of nondegradation will be followed whereby existing high water quality will be maintained to the maximum extent feasible.

The waterway supports the propagation of aquatic life including fish, which are typical of high quality streams, in the north woods.

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

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

WALTER J. HICKEL,  
Secretary of the Interior,  
JULY 13, 1970  
[F.R. Doc. 70-9231; Filed  
July 16,

1970: 8:52 a.m.]

APPENDIX G: CHAMBERLAIN LAKE (LOCK DAM)  
ECOLOGICAL RESERVE FACT SHEET

Ecological Reserve Fact Sheet January 2009

**Chamberlain Lake (Lock Dam)**

Eagle Lake Twp., Soper Mountain Twp., T7 R12 WELS, T7 R13 WELS

**Vital Statistics**

**Size: 2,890 acres**

Regulated: 2,825 acres

Non-Regulated: 65 acres

Upland: 2,723 acres

Forested Wetland (NWI): 151 acres

Non-Forested Wetland: 21 acres

Open Water: 0 acres

Roads: 0 miles

Biophysical Region: St. John

Uplands

BPL Region: North



*Rare Species and Exemplary Natural Community Table for Chamberlain Lake*

| Common Name                          | Latin Name | S-RANK | G-RANK | State Status |
|--------------------------------------|------------|--------|--------|--------------|
| <i>Exemplary Natural Communities</i> |            |        |        |              |
| Evergreen Seepage Forest             |            | S4     | GNR    | N/A          |
| Montane Spruce-Fir Forest            |            | S4     | G3G5   | N/A          |
| Spruce-Fir Wet Flat                  |            | S4     | GNR    | N/A          |
| Spruce-Northern Hardwoods Forest     |            | S4     | GNR    | N/A          |
| White Pine Forest                    |            | S4     | G5     | N/A          |
| <i>Rare Plants</i>                   |            |        |        |              |
| None found                           |            |        |        |              |
| <i>Rare Animals</i>                  |            |        |        |              |
| None found                           |            |        |        |              |

**Description**

Near the head of the Allagash Wilderness Waterway, the Chamberlain Lake ecological reserve lies on the Bear Mountain peninsula in Chamberlain Lake. Nearly all of the reserve was classified as regulated timberland, and less than 5% is wetland (mostly coniferous wetland).

Many locations sampled during the Ecological Reserves Inventory and later monitoring efforts indicate past selective harvesting, but harvesting has apparently not occurred within the last 50+ years, based on ages of stumps and old logging roads. Several areas of matrix-forming natural communities are in outstanding condition. The most noteworthy stands are mixed hardwoodconifer stands supporting trees over 200 years old. Interestingly, charcoal pellets were

found in all stands sampled, although the dominance of mid to late-successional stand types suggests that fires in most locations occurred long ago. Other intact forest types include a large black spruce bog and swamp just north of Lock Dam and a small, stunted spruce slope forest on top of Bear Mountain. The northern part of the Reserve includes the Tramway (<http://www.maine.gov/doc/parks/programs/history/allagash/tram.htm>), remnants of an old logging railway that transferred logs from Chamberlain to Eagle Lake over a century ago.

### **Resources**

- Rooney, S.C. 1981. A preliminary natural resources inventory, Telos Public Lot, T6 R11 WELS. Bureau of Public Lands, Department of Conservation, Augusta, Maine. 33 pp.
- Telos Unit Management Plan. 1990. Bureau of Public Lands, Department of Conservation, Augusta, Maine. 39 pp.
- Weber, J.E. and S.C. Rooney. 1993. An ecological inventory of the Chamberlain Lakes Unit. Bureau of Public Lands, Augusta, Maine. 8 pp. (+ appendices).