


1-31-2007

Allagash Wilderness Waterway Working Group on Structure, Management and Oversight: Choosing Common Ground and Moving Ahead

Allagash Wilderness Waterway Working Group

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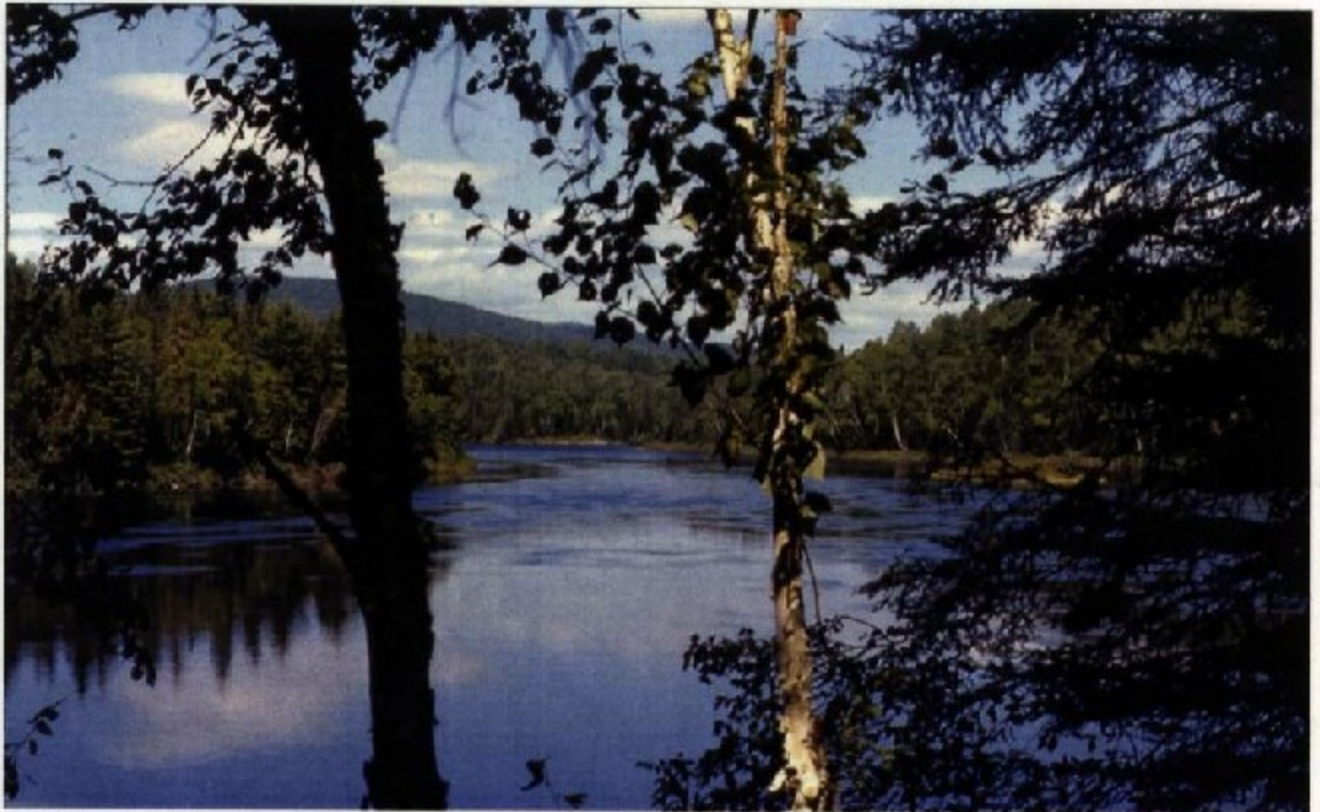
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Allagash Wilderness Waterway Working Group, "Allagash Wilderness Waterway Working Group on Structure, Management and Oversight: Choosing Common Ground and Moving Ahead" (2007). *Maine History & Policy Development*. 2.
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ALLAGASH WILDERNESS WATERWAY



GOVERNOR'S WORKING GROUP
on
STRUCTURE, MANAGEMENT AND OVERSIGHT

"Choosing Common Ground and Moving Ahead"

A REPORT TO
GOVERNOR JOHN ELIAS BALDACCI

January 31, 2007

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

“Choosing Common Ground and Moving Ahead”

A Report to Governor John Elias Baldacci

January 31, 2007

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

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

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

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

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

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

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

4. Lack of Long-Range Strategic Planning. There has never been an attempt to establish an ongoing strategic planning process for the Waterway. The absence of a strategic vision and effective implementation plans confounds opportunities to obtain sufficient outside funds to support operations, management, capital investment, and any needed land acquisition or investment in general enhancement of the Waterway and its ecosystems.

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

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

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

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

Protect and enhance the wilderness character of the Allagash Wilderness Waterway and ensure its optimum public use through its careful management as a wilderness area, with priorities placed on offering wilderness experience to its primary users, the canoeists and fishermen.

Preserve, protect and interpret significant artifacts that reveal the life experience and impact of the native peoples, the settlers, and those who came to use the forests and waters of the region for harvesting and transporting timber from the forest;

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

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

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

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

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

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

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

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

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

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

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

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III. ACKNOWLEDGMENTS

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

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

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

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

- the continuing protection and preservation of the Allagash Wilderness Waterway and enhancement of its ecosystems;

- the continuing and effective expression of the history and culture of the region in which the river exists; and

- the sound, effective, and efficient management of all its resources.”

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

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

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

- Flooding of the Allagash River by a high hydroelectric dam on the St.

- John River, below the confluence of the St. John and Allagash;

- Damage to the watercourse and adjacent lands by timber harvesting that would destroy the wilderness character of the watercourse; and

- Development of resorts and housing along the Waterway.

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

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

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

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

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

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

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

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

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

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

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

The problems include the following:

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

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

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

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

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

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

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

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

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

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

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

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

5. The Need for a Common Sense of Purpose

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

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

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

V. LOOKING FORWARD: AWW WORKING GROUP RECOMMENDATIONS

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

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

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

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

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

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

Protect and enhance the wilderness character of the Allagash Wilderness Waterway and ensure its optimum public use through its careful management as a wilderness area, with priorities placed on offering wilderness experience to its primary users, the canoeists and fishermen.

Preserve, protect and interpret significant artifacts that reveal the life experience and impact of the native peoples, the settlers, and those who came to

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VI. APPENDICES

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

APPENDIX A

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

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

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

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

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

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

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

§1891. Allagash Wilderness Waterway Advisory Council.

1. **Duties.** The Allagash Wilderness Waterway Advisory Council shall:
 - A. Meet at least twice annually;
 - B. Work with the Superintendent of the Allagash Wilderness Waterway in developing and maintaining a strategic plan for the Waterway and advancing the mission and goals of the Waterway; and
 - C. Report at least annually to the director of the Bureau of Parks and Lands regarding the state of the Waterway and at such other times as it may deem desirable.
2. **Members.** The Allagash Wilderness Waterway Advisory Council shall consist of seven members including:
 - A. One representative of the National Park Service;
 - B. One public member;
 - C. One with knowledge and experience in sustainable forest management who is an employee of or a private landowner whose holdings abut the Waterway;
 - D. One with knowledge and experience in wilderness recreation;
 - E. One with knowledge and experience in natural resource planning and management;
 - F. One with knowledge and experience in fisheries or wildlife conservation; and
 - G. One with knowledge and experience in cultural and historic preservation.

The members shall annually elect a Chair from among the members. The Chair shall be responsible for scheduling, preparing the agenda, and presiding at meetings.

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

Sec. 4: 12 MRSA 1892 is enacted to read

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

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

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

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

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

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

Personal Services

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

FY 08 - \$83,085

FY 09 - \$87,895

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

FY 08 - \$52,502

FY 09 - \$55,673

Fiscal Estimate For Personal Services

FY 08 - \$135,587

FY 09 - \$143,568

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

FY 08 - \$12,450

FY 09 - \$11,580

Per Diem

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

Total

FY 08 – \$149,962

FY 09 - \$157,073

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

APPENDIX E



January 9, 2007

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

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

Dear Don,

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

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

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

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

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

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

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

A Board of Overseers/Trustees for the AWW

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

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

Creating a New "Mission" for the AWW

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

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

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

Description of Membership on the New Advisory Council

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

Expenditures from the AWW Endowment Fund

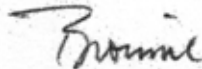
I believe that creation of a permanent endowment fund for the Allagash Wilderness Waterway is a very important endeavor. The Working Group noted that management costs of the AWW are significantly higher than those incurred at various units in the state park system, yet the Allagash must compete with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

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

Conclusion

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

Sincerely,



Everett B. Carson
Executive Director

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

November 8, 1960

Dear Governor:

May I write you confidentially for your
advice and help?

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

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

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

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

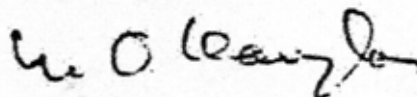
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It may be that some slight concessions would have to be made to allow motors to be used on canoes. It may be that in some stretches hunting for deer at least could be allowed.

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

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

Yours faithfully,



The Honorable Percival P. Baxter
Portland
Maine