

# Notice of Agency Rule-making Proposal

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AGENCY: Department of Agriculture, Conservation and Forestry

CHAPTER NUMBER AND TITLE: Chapter 2, Rules and Regulations for the Allagash Wilderness Waterway

PROPOSED RULE NUMBER (*leave blank; assigned by Secretary of State*):

CONTACT PERSON FOR THIS FILING: Tom Morrison/ 22 State House Station, Augusta, ME 04333/ phone: (207) 287-4717/ fax: (207) 287-6170/ email: [Tom.Morrison@maine.gov](mailto:Tom.Morrison@maine.gov) / URL: [www.maine.gov/dacf/parks](http://www.maine.gov/dacf/parks)

CONTACT PERSON FOR SMALL BUSINESS INFORMATION (if different):

PUBLIC HEARING (if any): None scheduled. Email [www.maine.gov/dacf/parks](http://www.maine.gov/dacf/parks) if requesting public hearing

COMMENT DEADLINE: May 23, 2014

BRIEF \*SUMMARY:

Existing rules are being amended in accordance with revisions made in 2012 to the Allagash Wilderness Waterway Management Plan and statutory changes, including provisions for off campsite winter camping, modification and substitution of existing snowmobile, aircraft and foot trail access points, and clarification of firearms provisions.

IMPACT ON MUNICIPALITIES OR COUNTIES (if any): None

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STATUTORY AUTHORITY FOR THIS RULE: Title 12 MRSA § 1803 (6)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (if different):

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: [Mari.Wells@maine.gov](mailto:Mari.Wells@maine.gov)

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*\* Check one of the following two boxes.*

*The above summary is for use in both the newspaper and website notices.*

*The above summary is for the newspaper notice only. A more detailed summary / basis statement is attached.*

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**Please approve bottom portion of this form and assign appropriate AdvantageME number.**

APPROVED FOR PAYMENT \_\_\_\_\_ DATE: \_\_\_\_\_

*(authorized signature)*

FUND	AGENCY	ORG	APP	JOB	OBJT	AMOUNT
014	01A	R001	32		4946	

# Notice of Agency Rule-making Proposal

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## DETAILED BASIS STATEMENT / SUMMARY:

In 2012, following Advisory Committee and public meetings, the Allagash Wilderness Waterway Management Plan was revised. In addition, state law was enacted relating to locations where concealed weapons may be carried.

Described below are the proposed amendments to existing Allagash Wilderness Waterway rules necessary to address changes made in the Management Plan and to comply with state law.

- Winter camping will be allowed off authorized campsites.
  - Snowmobile access will be allowed at Smith Brook and Nugent's Camps in substitution for currently authorized trails at Indian Stream and Bruntland Brook.
  - ATVs will be allowed during winter months on designated snowmobile trails when lack of snow cover limits access.
  - The authorized air craft landing on Churchill Lake at the Jaws will be relocated to the dam.
  - Aircraft landing, on open water, on the watercourse, may only occur at locations established in rule. Aircraft landing, on open water, at other locations within the One Mile area can occur with prior approval of the Bureau.
  - One authorized foot trail to Priestly Mountain will be eliminated while a portage trail between Telos Dam and Webster Lake and a trail at Sandy Point will be added.
  - Firearm provision will be amended to allow a concealed handgun to be carried by qualifying individuals consistent with 12 MRSA section 1803 (7). Provisions for the transport of firearms across the restricted zone at permanent watercourse crossings will be added.
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**DEPARTMENT OF CONSERVATION  
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY**

**059 670**

**BUREAU OF PARKS AND LANDS**

**Chapter 2: RULES AND REGULATIONS FOR THE ALLAGASH WILDERNESS  
WATERWAY**

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**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.

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**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~~ authorized 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 Kellogg 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 Kellogg Brook site during this period. Any camping equipment remaining in the Chamberlain Thoroughfare parking area or Kellogg Brook site ~~may be~~ is subject to removal by the Bureau, at the owner's expense. The Chamberlain Thoroughfare parking area and Kellogg 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 Chamberlain Thoroughfare parking area and the Kellogg 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.

F. Winter camping may be allowed off authorized campsites by special activity permit issued by the Waterway Superintendent.

**A. 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:

T6R11 - Telos Dam and Chamberlain Thoroughfare; ~~T7-R11~~ T6 R12 - Mud Pond Carry and McNally Brooks; ~~T7-R12, Indian Stream~~ T7-R12, Nugent's

Camps; T8-R12, ~~Smith Brook~~, T7-R13, Upper Crow's Nest and Lock Dam; T7-R14, Island Road Allagash Lake and Carry Trail; T8-R13, Zeigler Trail; T8-R14, Ledge Point 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.~~  
Designated locations may be temporarily closed when trail conditions are determined to be unsafe. When this occurs another location may be temporarily designated. The temporary closing/opening of designated access locations will be allowed by posting authorized by the Waterway Superintendent.
- C. ~~ATVs are prohibited in the Waterway between April 1 and December 31.~~  
Snowmobiles are prohibited on Allagash Lake and Allagash Stream.
- 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.~~  
ATVs are prohibited within the Waterway. Except, ATVs may be allowed during the winter months on designated snowmobile trails and on the watercourse when lack of snow cover limits access by snowmobile. This exception will be allowed by posting authorized by the Waterway Superintendent.
- E. ~~Other than as permitted above, ATV use is allowed only for~~  
ATVs are prohibited within one mile of Allagash Lake or Allagash Stream
1. ~~emergency, administrative, and forest management purposes;~~
  2. ~~administrative purposes at Nugent's and Jalbert's camps;~~
- F. 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;

- A. Aircraft may land and take off, on open water, on the watercourse, 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~~  
Churchill Dam, T10-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,~~ Watercraft, including watercraft equipment, 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 portage trail between Telos Dam and Webster Lake (T6-R11)  
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 Sandy Point Trail ( T11-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 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.~~

Firearms and archery equipment are prohibited within the Restricted Zone from May 1 through September 30. Firearms being transported across the restricted zone/watercourse from May 1 through September 30 must be securely wrapped in a 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. Except that, firearms and archery equipment may be transported across the restricted zone without being securely wrapped in a complete cover, fastened in a case, or carried in at least two pieces at the permanent watercourse crossings listed in Title 12, section 1882:

- Henderson Brook Bridge
- Reality Bridge
- Churchill Dam Bridge
- John's Bridge
- Chamberlain Thoroughfare Bridge
- Allagash Stream Bridge

- 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.~~ A concealed handgun may be carried by qualifying individuals consistent with the provisions of 12 MRSA section 1803, subsection 7. Open carry is not permitted under this provision.
- E. 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~~ 3.2 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:

<b>Allagash River</b>			<b>Umsaskis Lake</b>		
<b>Slope</b>	<b>Max. Width</b>	<b>Max. Size</b>	<b>Slope</b>	<b>Max. Width</b>	<b>Max. Size</b>
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

<b>Long Lake</b>			<b>Round Pond</b>		
<b>Slope</b>	<b>Max. Width</b>	<b>Max. Size</b>	<b>Slope</b>	<b>Max. Width</b>	<b>Max. Size</b>
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	35-40%	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.

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STATUTORY AUTHORITY:

Title 12 M.R.S.A. Section 1803 (6) ~~(C)~~

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

REPEAL AND REPLACE:

May 3, 2010 - filing 2010-163