

APPENDIX C6. PLAN FOR THE MANAGEMENT OF NAHMAKANTA LAKE LANDS

Introduction

In the fall of 1990, the Land for Maine's Future Board and the National Park Service (NPS) purchased from Diamond Occidental Forests, Inc. lands in T1R11 and the south half of T2R11 WELS. Diamond retained ownership of 103 acres of land under and around Nahmakanta Lake Sporting Camps, subject to a conservation easement on the development and use of those camps that was acquired by the NPS. The NPS later acquired fee title to the 103 acres and is the lessor for the camps. The property acquired by the Land for Maine's Future Board is managed by the Maine Bureau of Parks and Lands (BPL).

The purpose of this appendix is to document the policies and procedures for the management of the NPS ownership, hereinafter referred to as the "Nahmakanta Corridor". Following a description of the land ownership pattern and special natural features, the plan outlines management policies, reviews principles for the development of public access and facilities, and discusses the administration of the developed sites.

Land Ownership

Figure C6-1 shows the location of the National Park Service Nahmakanta Corridor lands that are surrounded by the BPL's Nahmakanta Management Unit (NMU). The National Park Service holds fee title to lands along the Appalachian Trail from the T1R10/T1R11 line on Nahmakanta Stream to the T1R11/T2R11 line on Rainbow Stream, including a 250-foot strip of land along the northerly shores of Nahmakanta Stream and Nahmakanta Lake, the easterly side of Rainbow Stream, and the westerly side of Pollywog Stream. The ownership along the southwesterly shore of the lake varies from 1,000 to 3,500 feet in width, and includes Nesuntabunt Mountain and Crescent Pond. The NPS owns all of the land around Nahmakanta Lake. The State owns the land around the A.T. corridor and, under Maine law, the lake itself and the land under the water. The State lands are managed by the BPL. Uses of water bodies are under the jurisdiction of the Maine Department of Inland Fisheries and Wildlife. The Maine Land Use Regulation Commission prohibits the use of personal watercraft on the lake.

When the NPS acquired the corridor lands, it signed a Memorandum of Agreement (MOA) with the Maine Department of Conservation for the public's benefit that influences certain aspects of corridor management. The MOA called for the establishment of management practices that "will allow the continuation of appropriate traditional uses of Nahmakanta Lake while also preserving an environment harmonious with the use of the property as a national scenic trail." In brief, the MOA stipulated that 1) the NPS would develop and implement a management plan that allows public access to the lake, including access for launching non-motorized boats and canoes and boats/canoes with motors up to 10 horsepower, 2) the plan would provide for "a suitable means of road access and appropriate parking area(s)" somewhere south of the A.T.

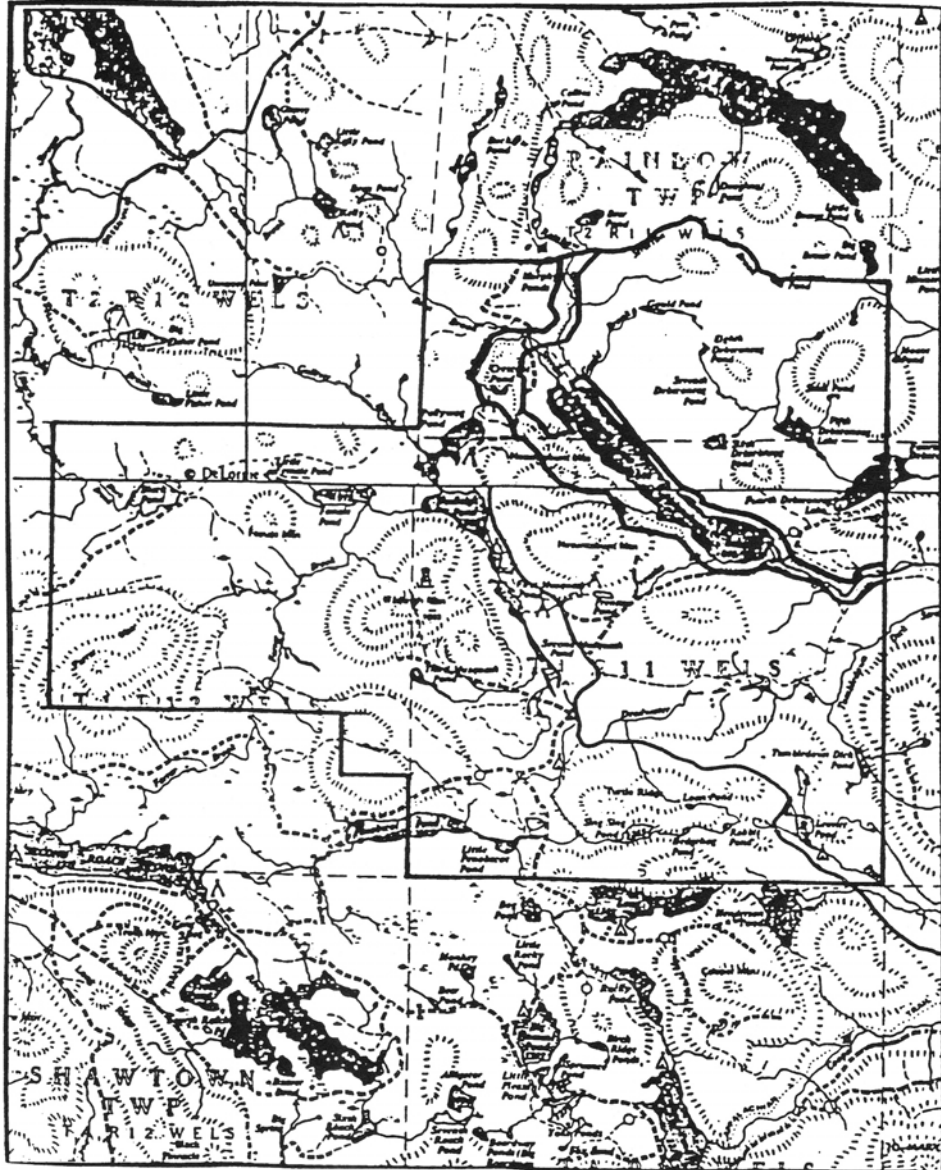


Figure C6-1. Location of the Nahmakanta Corridor Surrounded by the Bureau of Parks & Lands Nahmakanta Management Unit (adapted from the Woodlot Alternatives Report.)

footpath, and 3) the plan would provide for the establishment of primitive camping sites on the property. The actual development of the facilities would be an obligation of the State. The developments would not take place unless the State were able to fully fund them and to provide for management of their use in a way that protects the quality of the Appalachian National Scenic Trail.

A final Memorandum of Agreement was signed by the NPS and the BPL in 1997 (Appendix B9). That MOA incorporates the principles of the original memorandum, except that the BPL has no jurisdiction over the size of outboard motors used on the lake, so the prohibition is against carrying larger motors across the corridor. Both the final Unit Plan for the management of the Nahmakanta Unit and the 1997 MOA incorporate (by reference) the following language of this management plan, which was completed in October, 1994.

Rare, Threatened, and Endangered Plant and Animal Species

The Maine Appalachian Trail Club contracted with Woodlot Alternatives, Inc., of Brunswick Maine in March, 1992, for a landscape analysis and inventory of the Nahmakanta Corridor. Woodlot Alternatives was already under contract with the BPL for a similar analysis of the State's ownership in the area.

Woodlot Alternatives' report was delivered to the MATC in December, 1992. No rare, threatened, or endangered animals were discovered within the Nahmakanta Corridor. However, two rare plants were located, both within Pollywog Gorge. Fragrant fern (*Dryopteris fragrans*), a State-listed "Special Concern" species, was found in several locations in the gorge on acidic ledges. The rare luminous moss (*Schistostega pennata*) was found at one site in the gorge in a small horizontal crack on two large granitic slabs. Both of these finds were recorded on Natural Heritage Program data forms.

The report notes that "the Appalachian Trail traverses approximately ten and one half miles in the NMU. Natural communities in and near the AT corridor were found to be more intact and of higher ecological quality than those in most of the NMU. This is largely due to protection of these areas from recent cutting." "The entire west shore of Nahmakanta Lake supports many exceptional forest communities."

In particular, the report notes the following "unique natural communities": 1) a mature hardwood floodplain forest along Nahmakanta Stream upstream from the T1R11/T1R10 town line, 2) an old-growth spruce-hemlock forest about two miles northerly along the AT from the south end of the lake, 3) "exemplary stands of old growth mixed northern hardwoods" near Nesuntabunt Mountain.

None of the findings of the Woodlot Alternatives' report identify rare, threatened, or endangered species at the locations that this plan identifies as suitable for consideration for development. However, none of these sites was specifically studied for the presence of such species.

Management Policies

Except for differences stated in this section, all of the management policies that are spelled out in the *Local Management Plan for the Appalachian Trail in Maine* (LMP) apply to the Nahmakanta Corridor. Policies of particular interest to managers and users of the Nahmakanta Corridor include:

1. All signs within the corridor must conform with MATC standards.
2. Open wood fires are prohibited except at designated, prepared sites that have been authorized for safe fire use by the Maine Forest Service. No permit is required at such a site. At all sites, users are encouraged to use stoves rather than wood fires.
3. No trash may be deposited on corridor lands.
4. Horses, and pack animals are prohibited on corridor lands.
5. Hunting and trapping are prohibited on corridor lands.
6. No live vegetation may be cut within corridor lands, except in connection with Trail and campsite management.
6. Special uses (including research activities) are permitted on corridor lands only by special use permit. Guidelines require that the permitted use not derogate the values or purposes of the AT, that the permit be temporary (not more than five years), non-transferable, and revocable at the discretion of the NPS. There must be a clear need for the permitted use.
7. Corridor use may not jeopardize the existence or the habitat of a threatened or endangered species.
8. Projects that involve the development of new campsites, or that require a significant amount of soil disturbance or removal of vegetation require preparation, by the NPS, of an environmental assessment according to the terms of the National Environmental Policy Act.

The following text focuses on policies that have been modified for the Nahmakanta Corridor.

Overnight Facilities

LMP policies specify that camping is permitted anywhere within the NPS Appalachian Trail corridor except where unacceptable resource damage resulting from such camping is highly probable. The policy for the Nahmakanta Corridor is that **camping is prohibited at other than designated sites from the Pollywog Stream bridge to the road crossing south of Nahmakanta Lake.**

The discharge of firearms is prohibited throughout the Appalachian Trail Corridor. Because of past public behavior, notice of this prohibition should be clearly posted at the south end of Nahmakanta lake. Consumption of alcoholic beverages must represent no nuisance to other users of the area. Pets must be so restrained that they are not a nuisance to others.

Mechanized Vehicles

LMP policies specify that all mechanized vehicles, motorized and non-motorized, are prohibited on corridor lands. The policy for the Nahmakanta Corridor is that **mechanized vehicles may be driven over the access road at the south end of the lake for the temporary purpose of discharging boats, motors, and other personal property.** The State owns rights-of-way along the woods roads that cross the Corridor near Nahmakanta Stream, at a point south of Crescent Pond, and at Pollywog Stream. The State may authorize the use of motorized and non-motorized vehicles, including snowmobiles, along these roads, but not on Corridor lands adjacent to the roads. Outboard motors of greater than 10 horsepower may not be transported across the corridor. Vehicles may be parked within the corridor only at the designated parking area near the south end of the lake, or at the AT road crossings. No boat-launching facilities of any kind may be constructed on the shoreline of Nahmakanta Lake.

Winter Use

Winter use represents a special management challenge. Nahmakanta Lake currently receives significant ice-fishing pressure and snowmobiles regularly travel across the lake and across corridor lands. Ice fishing shanties are common, and are sometimes left on NPS lands when the lake is not frozen.

In general, all policies, rules, and regulations for winter use of the Nahmakanta Corridor are the same as those for non-winter use. In particular, no provision has been made, with regard to snowmobiles, for any relaxation of the National Trails System Act prohibition of motor vehicles on the AT or NPS regulations that prohibit motor vehicles on corridor lands. Thus, snowmobiles may not cross corridor lands to reach the lake. Ice shanties may be dragged across the corridor by hand when the ground is snow-covered, but shanties left on corridor lands will be confiscated.

On 5 November 1993, the Maine Appalachian Trail Club's Executive Committee voted to endorse the concept of a land exchange between the National Park Service and the Maine Bureau of Public Lands. The exchange would provide the BPL with fee title to a land corridor, not to exceed the minimum width necessary for the safe passage of snowmobiles, between the boat launch access road at the south end of Nahmakanta Lake and the closest point of the lake. [No land exchange was made, but the 1997 MOA allows snowmobile use of the same route used for boat launching.]

Public Access Development

The plan for providing public road access to the lake required balancing a desire to keep vehicles as far away from the AT as possible with allowing access close enough so that boaters will not feel inclined to cut a bootleg access route, such as the one that they used to use to drive directly to the lake shore. Figure C6-2 shows the final design.

The old turnout on the main haul road was widened and leveled to provide parking for a maximum of ten vehicles with boat trailers. To discourage camping at the parking area, there will be no privy at this site. "Recreation vehicles" (with built-in living facilities) will not be permitted to use (park overnight in) the A.T. corridor (which includes the parking area). The old "bootleg" road to the beach was blocked to vehicle access and converted into a blue-blazed side trail from the parking lot to the AT. The old Nahmakanta Lake access road, once blocked with formidable trenches and berms, was reopened to provide single-lane vehicular access to a one-way turn-around, where the public can off-load boats and gear to be carried to the lake. (A wheeled cart is now provided to facilitate this.) The road through the turn-around circle was gated at the end nearest the lake to allow for maintenance vehicle access to the south end of the lake. This gate is located approximately 430 feet from the waterline at the nearest beach (and about 100 yards from the AT). The turn-around is rimmed both inside and out with large boulders to prevent anyone from parking in the area without blocking the road for others. This design should ensure peer pressure against road-hogs and provide self-enforcement of our intent that all parking be in the designated area. No gravel or other minerals may be mined within the corridor.

Facilities Development

Four locations along the lake (Figure C6-3) may be developed for primitive camping sites. The following general policies apply to all sites:

1. Sites should be designed so as to be generally invisible from the Appalachian Trail. Exact locations will be determined through field work by the BPL and the MATC. Both the BOL brochure for the area and signs at the sites will inform the public that camping is allowed only at sites designated as tenting areas, and that tenting is not allowed directly on the beaches.

2. Campsite facilities will generally be primitive in design. Except for Site 5, developments will be limited to a standard BPL fire place, subject to Maine Forest Service approval, and a primitive toilet facility. Rustic tables may be allowed, on a case-by-case basis. However, lake campers often carry tables down to the shore, so some means will have to be designed to fix any tables in place.

3. No trash may be deposited at any of the sites. All users must carry out what they carry in.

Site 1: This is a large, attractive beach with good access (i.e., reasonably deep water up close to the beach). Two distinct use areas have developed near different sections of the beach. Fires have been built in both areas, and both live and dead trees have been cut (the latter for firewood, the former for a shelter frame). A grove of large hemlock on high ground behind the westernmost of the two sites offers an attractive camping area. This site probably offers the best potential for a developed boater-access facility. Two designated overnight sites may be developed at this location.

Site 2: This site includes deep-water access to a small beach. The land behind the beach is rather low and not attractive for camping. However, one designated overnight site may be developed at this location.

Site 3: This site is a prominent beach, with deep-water access, on a point about half a mile from Wadleigh Stream Lean-to on the Appalachian Trail. The beach along the point is separated from another beach in the cove, near the AT footpath and an important spring, by Wadleigh Stream. Access to the second beach is much shallower, but no real problem for a small boat. The land behind the beach along the point is low and flat, but apparently dry. The land behind the beach in the cove, except for a narrow wooded strip, is mostly under water. Two designated overnight sites may be developed at this location north of Wadleigh Stream.

Site 4: This site is an attractive beach. Access by water is good, but the AT goes directly across the beach. The area behind the beach is a beaver flowage, and channels in the sand indicate that water sometimes runs across the beach itself from this wetland. The beach is bracketed by ledges. Presence of the A.T. and the wetland make this site unsuitable for overnight use, but day use will probably continue. No facilities may be developed at this site.

Site 5: This site is the extensive beach at the south end of the lake, which extends from the lake's outlet into Nahmakanta Stream to near the Appalachian Trail. The area behind the beach includes the long gravel berm that was constructed as part of the old dam and a grassy area between the beach and the site of the old Nahmakanta Lake Lean-to. The area near the outlet and the area crossed by the AT near the old lean-to site are separated by scrub woods and an old gravel borrow area. Two designated overnight sites for the general public may be developed at this location, in the vicinity of the two existing use areas nearest the old dam spillway. A full toilet facility must be provided for this location, to accommodate both overnight and day use expected at the south end of the lake. Design will depend on the suitability of the soils, but maintenance vehicle access should be included in the plans for the area, so a pump-out vault would be possible. Access to the toilet facility would be over the existing roadway.

Site 6: This site is a narrow beach adjacent to the A.T. footpath. It may be managed for day use only, with no facilities development.

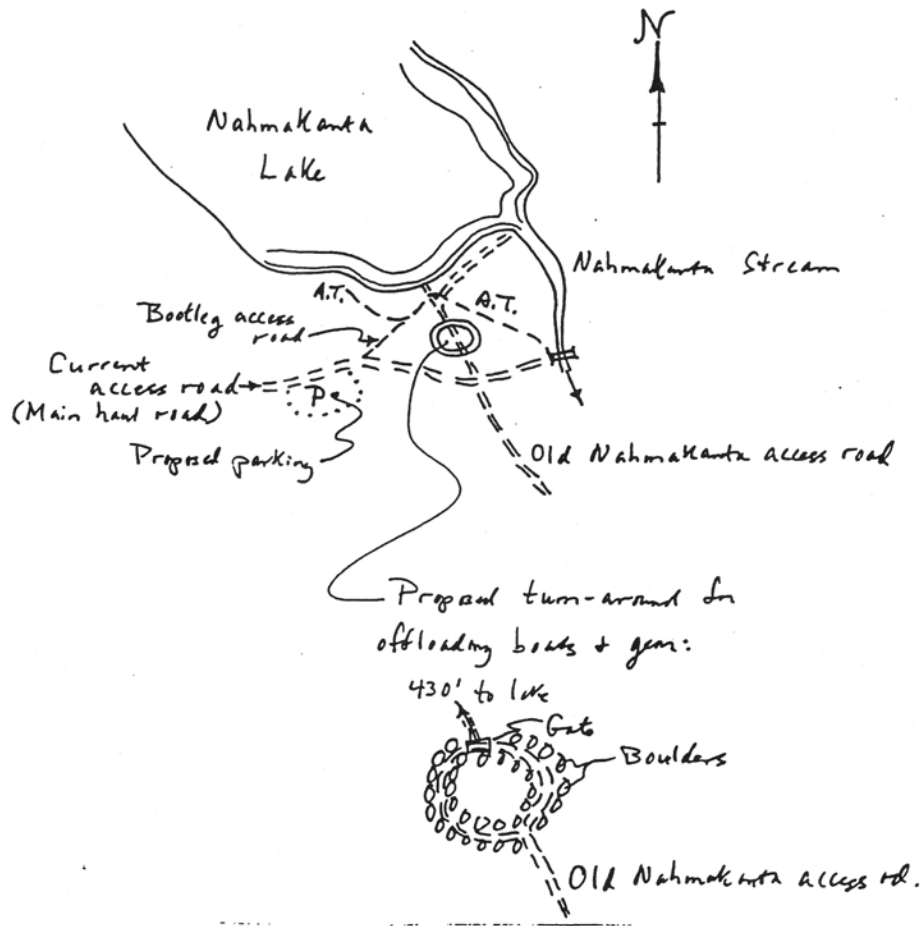


Figure C6-2. Nahmakanta Lake public parking and boat launch access in the Nahmakanta Corridor.

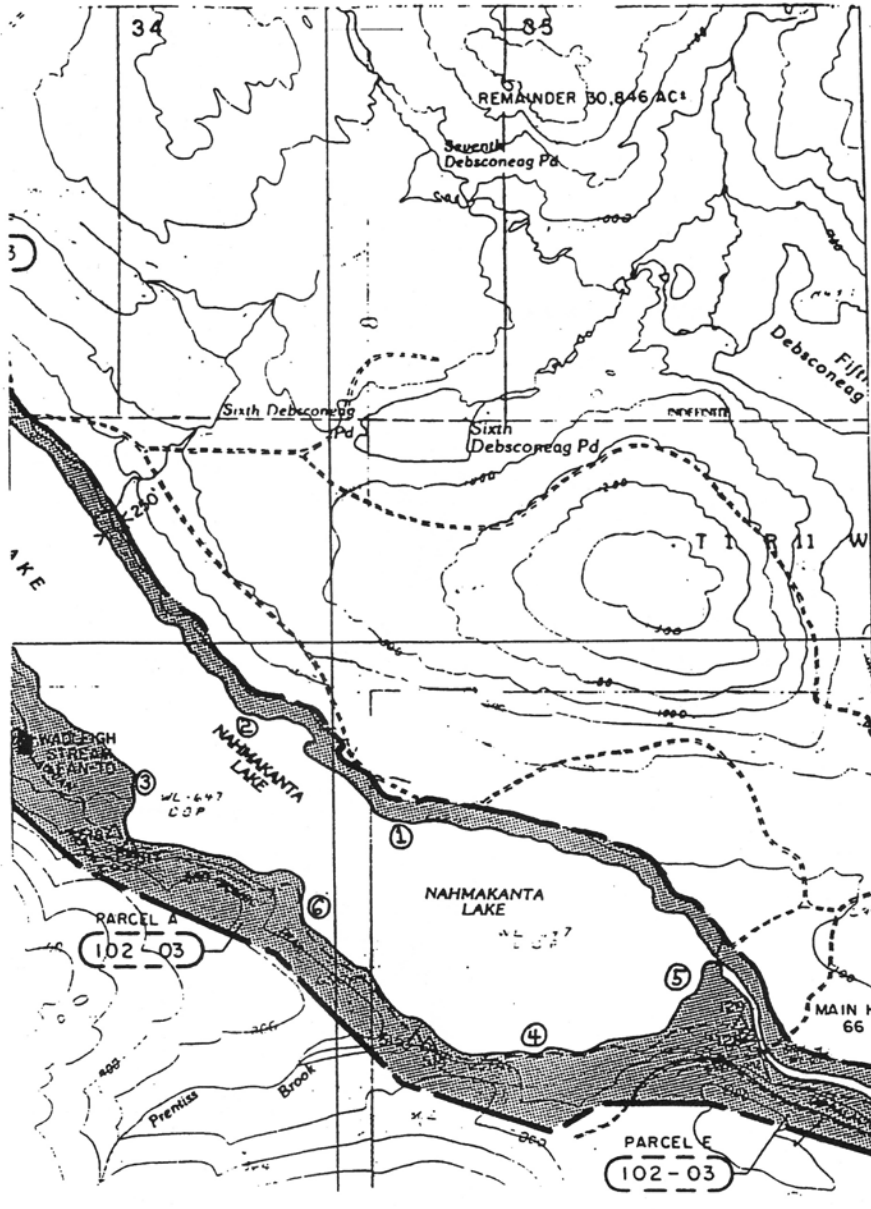


Figure C6-3. Potential camping and day-use sites within the Nahmakanta Corridor.

Administration of Developed Sites

The MOA stipulates that all costs associated with the development, maintenance, and monitoring the use of parking and camping facilities within the Nahmakanta Corridor will be paid by the State or these activities will not occur. (Although not specifically listed in the MOA, it is understood that the State accepts similar obligations for day-use facilities that it develops.) It is understood that, under the terms of the MOA, the NPS is providing the land upon which camping, parking, and day-use facilities may be developed, but that no fees may be charged for the use of the land itself. However, the State may charge fees, for the use of the developments, that are comparable to fees charged on other State-owned developments in the area. The State may retain a third party, such as the North Maine Woods organization, to carry out the physical maintenance of developed facilities and to collect any fees that are charged for use of the sites.

If the BPL elects to charge fees for the use of the sites developed on NPS land, then anyone passing through a road access gate who wishes to camp at one of these sites must pay the designated fee. "Appalachian Trail Backpackers", defined as those who are traveling along the Appalachian Trail and are carrying all of their food and camping gear on their persons, may use the sites without charge. Use of all sites will be on a first-come, first-served basis.

The terms of the MOA indicate that the State is responsible for monitoring the use of developments provided for the public (other than Appalachian Trail Backpackers). Monitoring must ensure, among other purposes, that allowing continuing traditional uses of the lake will be done in such a way as to preserve an environment that is harmonious with the use of the Nahmakanta Corridor as a national scenic trail. It is critically important to the successful implementation of this plan for the management of Nahmakanta Lake lands that State-controlled developments be monitored regularly and frequently, and that the rules and regulations (both State and Federal) that apply to these developments be enforced rigorously. Monitoring will be judged adequate only if violations of development-related rules and regulations have no significant impact on the quality of the experiences of users of the Appalachian National Scenic Trail. If the public's use of the proposed facilities results in repeated and substantial interference with hikers' use of the Appalachian Trail, the facilities must be removed and the site(s) restored. The plan for the administration of State-controlled developments must be approved by the Maine Appalachian Trail Club, the Appalachian Trail Conservancy, and the National Park Service before any facilities are constructed.

The Maine Appalachian Trail Club, under authority delegated by the National Park Service through the Appalachian Trail Conservancy, is responsible for the overall management of the Nahmakanta corridor. This authority does not include law enforcement, transfers of title or use and occupancy to the lands, issuance of special use permits, or charging of any fees or costs. As a part of its normal corridor-monitoring program, the MATC will share a responsibility for monitoring any facilities that are

developed by the BPL under the MOA, but will have no authority or responsibility for law enforcement or the maintenance of those facilities. Normal corridor monitoring requires only a few visits to a given area each year, so offers no substitute for regular supervision of public use of the proposed facilities.

The Nahmakanta Lake corridor lands owned by the National Park Service are held under "proprietary jurisdiction" rather than sovereign Federal jurisdiction. All Maine laws apply to these lands. The NPS is due the same protection under State law as any private landowner and exercises all rights of a private party. The State is expected to exercise its full civil and criminal jurisdiction over private activities on NPS-owned Trail lands. However, only commissioned NPS Rangers may legally enforce Federal regulations on these lands, unless these regulations or similar regulations have been adopted by the Maine Legislature.

The BPL has no law-enforcement arm, so relies on Maine Forest Service Rangers, game wardens, sheriffs and the State Police, as appropriate, to deal with law enforcement matters. Both existing and prospective BPL rules and regulations would be unenforceable on lands other than those under BPL jurisdiction. The MOA provides no authority for the BPL with regard to NPS lands other than for facilities construction and management.