

MEMORANDUM OF UNDERSTANDING  
BETWEEN THE STATE OF MAINE OF THE UNITED STATES  
AND THE PROVINCE OF NEW BRUNSWICK OF CANADA  
REGARDING THE ST. CROIX INTERNATIONAL WATERWAY

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I. FINDINGS

This Memorandum of Understanding between the State of Maine of the United States of America and the Province of New Brunswick of Canada gives formal recognition to the outstanding recreational and natural values of the St. Croix River and describes a cooperative program to manage jointly this common heritage. The St. Croix River, for its entire length, including Grand Lake and Spednic Lake, forms a common boundary between the United States and Canada. The management of the river and lakes and the use of adjacent lands is of special concern to the State of Maine and the Province of New Brunswick. The St. Croix River and lakes system is noted for its recreational fishery, and the adjacent lands provide habitat for many species of wildlife including three endangered Species - the bald eagle, the osprey and the eastern panther. The diverse landscape features and natural resources provide the visitor with opportunities for boating, canoeing, hiking, bird watching, camping, swimming, picnicking, ice fishing, hunting, and cross country skiing, among others. The river and forest lands along its shores provide hydropower and the raw materials for a forest products industry offering quality employment opportunities to people of Maine and New Brunswick. The thoughtful development of opportunities to appreciate and use these resource features can provide increased development of tourism and employment, while protecting the very resources attracting people to the area. To shepherd the resources carefully and effectively, while promoting the tourism potential of the area, will require joint planning, development, and management of the area by the State of Maine, the Province of New Brunswick and other interested private and public parties.

11. PURPOSE

In view of the common heritage shared between the Province of New Brunswick and the State of Maine, and the need to plan jointly for the management and protection of the international waterway areas, the parties hereby agree to create a commission, which shall be known as the St. Croix International Waterway Commission. The objectives of the Commission shall be, to the extent permitted by the laws of the United States and Canada, to:

- a) protect and manage an increasingly valuable natural and recreational resource for current and future usage;
- b) encourage and maintain a high quality back country recreational and educational experience for users of the resource;
- c) encourage tourism, based on identified themes, with resultant economic benefits to the region;
- d) protect and promote awareness of human heritage resources including both Indian and Early European;
- e) ensure coordination-in the planning and management of a shared resource;
- f) establish the mechanisms and processes to be used to ensure fair representation of all user groups thereby minimizing conflicts;
- g) and obtain optimal benefits from recreational and educational use of the resource while, recognizing the historic and current economic importance of the forest resource including its management and commercial utilization.

The above mentioned objectives shall be carried out to the extent permitted by the laws of the two countries.

### III. MEMBERSHIP AND ORGANIZATION

The Commission shall consist of eight members, of whom four shall be appointed by the Premier of the Province of New Brunswick and four appointed by the Governor of the State of Maine. Initially one half of the members shall be appointed for a term of one year and one-half for two years, so that members may not all reach the end of their terms at the same time. Thereafter, all members shall be appointed for a term of two years and may be eligible for re-appointment. Representatives of the Governments of the United States and Canada will be invited as observers by the Governor of Maine and the Premier of New Brunswick; respectively Representatives from the Governments of the United States and Canada shall not be counted for purposes of determining a quorum.

Alternates may be appointed for each member of the Commission in the same manner as the members. The Commission shall elect two co-chairpersons one of Canadian nationality and one of United States nationality from among its members, each of whom shall hold office for a term of two years.

A quorum shall consist of at least six members of the Commission or their alternates, including always three Canadian and three United States members. The Commission shall reach its decision on all issues by consensus. When failing to reach consensus the Commission shall refer the issue for resolution to both the Governor of the State of Maine and the Premier of the Province of New Brunswick for their Joint consideration.

The Commission shall appoint an Executive Director. The Executive Director shall serve as the principle staff to the Commission and shall be responsible for preparation of the Commission's agendas, meeting minutes, the Commission plan for management of the St. Croix International Waterway, public participation in the planning process, supervision of other commission staff, and other duties as the Commission may specify. The first Executive Director of the Commission shall be nominated jointly by the State of Maine and the Province of New Brunswick, and approved by the Commission, and shall serve for a period of three years in an office within a community along the St. Croix River. At the end of this initial three year term, the Commission shall evaluate the performance of the Executive Director and submit their evaluation with recommended action to the State of Maine and the Province of New Brunswick. The State of Maine and the Province of New Brunswick shall each designate a staff person from their respective governments to serve as a principal liaison and facilitator for requests made by the Executive Director in the conduct of the planning and management efforts for the St. Croix International Waterway. (See Addendum "A" listing suggested government departments and agencies, private associations, and communities from which Commission members and working committee members may be appointed.)

The Commission shall hold at least two meetings every calendar year and shall submit an annual report to the governor of the State of Maine and the Premier of the Province of New Brunswick on or before March 31, of each year along with an audit Statement of the financial operations of the Commission. The Commission shall permit inspection of its records by the accounting agencies of both Governments. The Commission may employ both Canadian and United States citizens. Their employment shall be subject to the relevant United States and Canadian laws.

#### IV. AUTHORITIES

The Commission shall have the authority, to the extent permitted by the laws of the United States and Canada, to:

- 1) direct the development of the recreation and resource management plan in cooperation with landowners;
- 2) establish working committees to conduct the planning and recommend the management strategies to the Commission for the uses and resources of concern;
- 3) seek to implement the plan through working agreements established among the line departments of the State of Maine, the Province of New Brunswick and other appropriate and interested public and private parties including where necessary, private landowners;
- 4) cooperate with private entrepreneurs and landowners;
- 5) provide a formal channel for public involvement and education on the planning and management efforts;
- 6) ensure that the area is managed according to the adapted plans, in cooperation with all interested parties, until the plan is modified, or until this Memorandum of Understanding is repealed by any of the signatory parties.

#### V. POWERS

The Commission shall, subject to the applicable laws of the United States and Canada, have all of the power and capacity necessary or, appropriate for the purpose of performing its functions including but not by way of limitation, the following powers and capacity to:

- a) enter into contracts;
- b) appoint staff, and to fix the terms and conditions of their employment and remuneration;
- c) appoint an Executive Director who shall serve as the principle staff to the Commission, and who shall be responsible for preparation of the Commission's agendas, meeting minutes, the Commission plan for management of the St. Croix International Waterway, public

participation in the planning process, supervision of staffs and other duties as the Commission may specify;

d) acquire and dispose of personal and real property;

e) cooperate or engage in joint projects with local municipalities or other authorities for the improvement, development, or maintenance of property;

f) prepare an annual budget that specifies the expenditures that the Commission may make in the forthcoming fiscal year (see Addendum B which is a proposed first year operating budget for the Commission) and

g) seek necessary funding from the State of Maine, the Province of New Brunswick and various other private and public sources to carry out the purposes of this Memorandum of Understanding, and to accept donations, bequests or devises intended for furthering the functions of the Commission and to use such as may be provided in the terms thereof.

## VI. COMMISSION OPERATING PROCEDURES

The State of Maine and the Province of New Brunswick shall share the costs of developing and managing the St. Croix International Waterway. To the extent feasible the Commission may seek to enter into arrangements with agencies of Canada and the United States to provide necessary services as the Commission may request.

There will be four working committees: Land Use, Recreation, Fisheries and Wildlife, and Non-Recreation Uses, established to undertake the planning and to oversee the management of the uses and resources in the waterway area. The committees will be staffed by personnel from line agencies of the State of Maine and the Province of Hew Brunswick. The working committees may appoint subcommittees as needed.

The working committees may invite elected community representatives, representatives from federal agencies, private citizens, members of citizen organizations, and representatives from private sector commercial interests to serve on the committee in an “ex-officio” capacity.

Each committee shall prepare a preliminary plan designed to optimize the management of the uses or resources for which it has responsibility. These plans shall be submitted to the Executive Director of the Commission who shall work with the committees to resolve

conflicts, and to integrate the plans into a unified management plan that is in accord with the objectives set forth in this memorandum, or as may be further spelled out by the Commission.

The Executive Director shall solicit public comments on the plan in both the State of Maine and the Province of New Brunswick. The Director shall work with the working committees to revise, if necessary, the plan before, presenting it to the Commission for final adoption. The Commission shall formally adopt the plan by consensus. The Commission shall reassess the recreation and resource management plan at least once in every four years, and shall submit its assessment, with any recommendations to the State of Maine and the Province of New Brunswick.

The Commission shall submit annually to the State of Maine and the Provincial Government of New Brunswick a budget covering total anticipated expenditures to be financed from all sources, and shall conduct its operations in accordance with the budget as approved by these two Governments.

Authority to regulate development and usage of the water and shore lands of the St. Croix River, Grand Lake, and Spednic Lake rests with the State and Provincial Governments, their respective federal governments and, for matters affecting international jurisdiction, the International Joint Commission. In cases where regulatory authority is inadequately defined, the Commission will recommend measures to assure that authority is vested with the appropriate departments, and they shall take action to facilitate assumption of the needed authority. It will be the responsibility of the line departments to enforce regulations in the area. All initiatives from line departments which impact upon the area shall be referred to the appropriate working committee, and that committee will advise the Commission if the initiative is consistent with the goals of the adopted plan. The committees shall exercise such of the powers and functions of the Commission as are delegated to them by the Commission, and shall submit at each meeting of the Commission minutes of their proceedings since the last preceding meeting of the Commission. The working committees may appoint subcommittees as needed. The Commission may appoint other committees as it considers necessary or desirable for the administration of the adopted plans. The Commissioners shall receive no remuneration from the Commission; however, they may be paid by the Commission a reasonable per diem and travel expenses in the conduct of Commission business.

## VII. BOUNDARIES

The boundaries for the St. Croix International Waterway shall be on the New Brunswick side, commencing 200 feet from the high watermark at the southernmost point of St Andrews; thence by a straight line in a southerly direction to the easternmost point of Navy Island (also known as St. Andrews Island); thence by a straight line in a southwesterly direction toward the northern end of the bridge over Lewis Cove in Perry, Maine, to the International Boundary; thence in a northerly direction along the International Boundary to the monument on Monument Brook; thence southerly along the Canadian side of Monument Brook 200 feet from the high watermark to the point where the said Monument Brook empties into North Lake; thence easterly along the northern shore of North Lake 200 feet above the high watermark to Highway 122; thence easterly along Highway 122 to Canterbury; thence southerly along the Canadian Pacific Railway line to McAdam; thence westerly, along Route 4 to the international Boundary between St. Croix and Vanceboro; thence southerly 200 feet above the high watermark along the Canadian side of St. Croix River and maintaining this 200 feet above the high watermark around Oak Bay and Waweig Bay to the place of beginning being 200 feet from the high watermark at the southernmost point of St. Andrews.

And on the Maine side, commencing 250 feet from the high watermark at the northern end of the bridge over Lewis Cove in Perry, Maine, thence by a straight line in a northeastern direction toward the easternmost point of Navy Island to the International Boundary; thence in a northerly direction along the International Boundary to the monument on Monument Brook, thence southerly along the United States side of Monument Brook 250 feet from the high watermark continuing southward along Monument Brook to North Lake and southward along the shores of North Lake, The Thoroughfare, Grand Lakes Mud Lake, and Spednic Lake; and thence southerly 250 feet above the high watermark along the United States side of the St. Croix River to the place of beginning being 250 feet from the high watermark at the northern end of the bridge over Lewis Cove in Perry, Maine.

## VIII. TIMETABLE

The Commission shall develop a management plan for the St., Croix International Waterway within eighteen months after both the State of Maine and the Province of New Brunswick have appropriated the funds necessary to support the Commission. The necessary management agreements to implement the plan shall be formulated and signed by the

participating management agencies prior to Commission approval of the plan and shall be considered part of the plan.

#### IX. FIRST MEETING OF THE COMMISSION

The first meeting of the Commission shall be called by the Governor of the State of Maine and shall be held in Calais, Maine. The Premier of the Province of New Brunswick shall designate a person to serve as the temporary chair of the Commission at its first meeting until the Commission nominates from among its members and approves by consensus co-chairpersons.

#### X. AGREEMENT BECOMES EFFECTIVE

This Memorandum of Understanding is effective when signed below by the parties. This agreement may be amended or extended in ways which are in keeping with the spirit of this Memorandum of Understanding by mutual agreement in writing by the Governor of the State of Maine and the Premier of the Province of New Brunswick. The Governor of the State of Maine and the Premier of the Province of New Brunswick both agree to seek enabling legislation and appropriations from their respective State and Provincial Governments to implement this agreement.

The parties hereto have signed this Memorandum of Understanding

DATE: Nov. 18, 1986

DATE: Dec. 3, 1986

SIGNED: Joseph E. Brennan

SIGNED: Richard Hatfield

Governor Joseph E. Brennan

Premier Richard B. Hatfield

State of Maine

Province of New Brunswick

## ADDENDUM A

### SOURCES FOR COMMISSION AND WORKING COMMITTEE MEMBERS, INVITEES AND OBSERVERS

Members of the Commission and its various working committees may include, but not be limited to, representatives from the following government departments and agencies, private associations, and community offices:

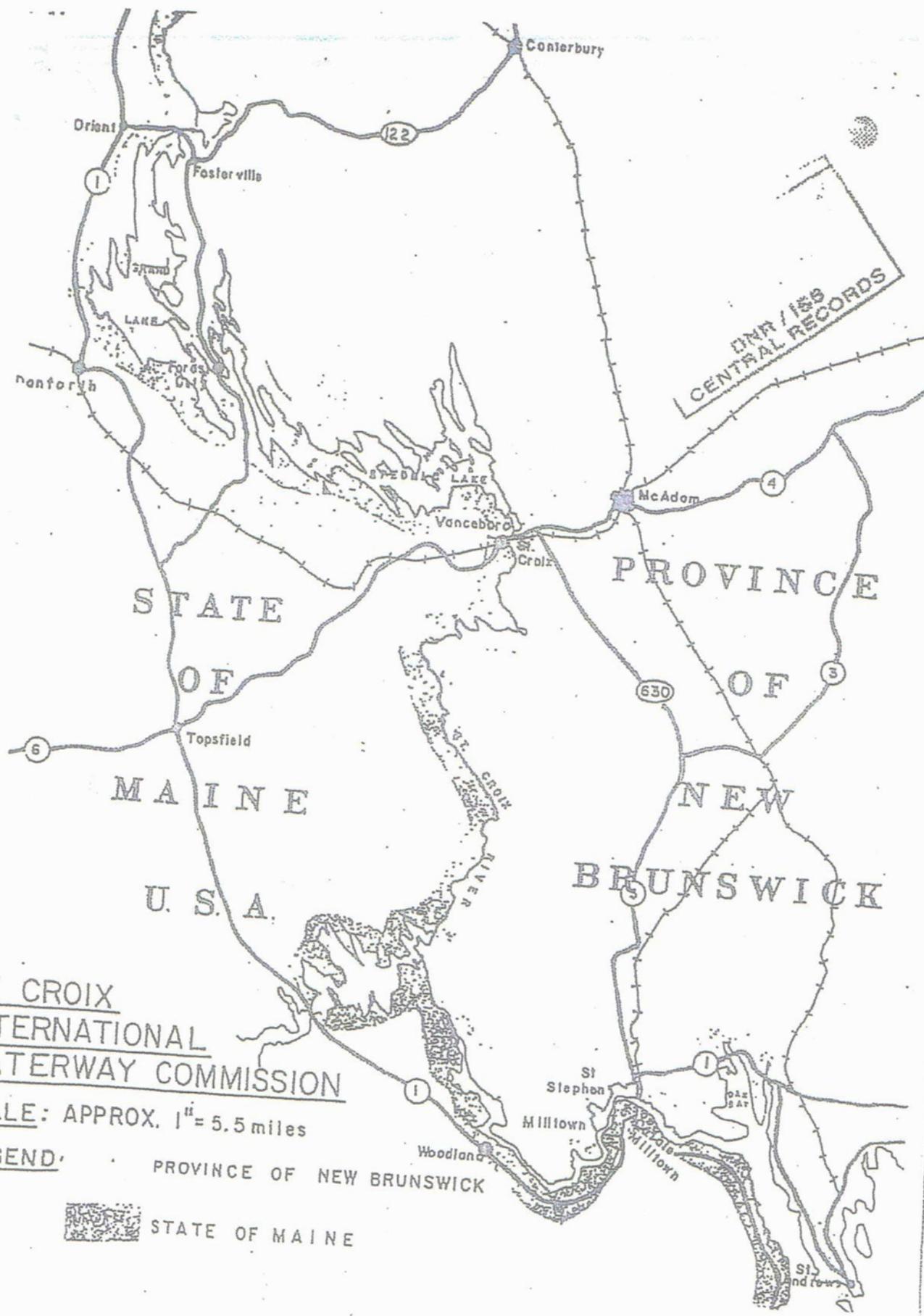
- New Brunswick Community Improvement Corporation Local Member of Parliament
- New Brunswick Department of Tourism, Recreation & Heritage
- Local Member of the Legislative Assembly
- New Brunswick Natural Resources and Energy
- New Brunswick Municipal Affairs and Environment
- New Brunswick Federation of Naturalists
- New Brunswick Canoe Association
- Mayor, Selectmen, or Members of Town Councils
- New Brunswick Wildlife Federation
- Union of New Brunswick Indians
- Department of Fisheries and Oceans, Canada
- Department of the Environment, Canada
- Department of External Affairs, Canada
- New Brunswick Outfitters Association
- Maine Department of Conservation
- Local Member of the State Legislature
- Local Rod and Gun Clubs
- Georgia-Pacific Corporation
- Passamaquoddy Tribal Government
- Maine Audubon Society
- Maine Natural Resources Council
- Washington County Regional Planning Commission
- Washington County Commissioners
- Maine State Planning Office
- Maine Department of Inland Fisheries and Wildlife
- Maine Department of Marine Resources
- Maine Sea Run Salmon Commission
- Bass Anglers Sportsmen Society
- U.S. Environmental Protection Agency
- U.S. Army' Corp of Engineers
- U.S.-Department of the Interior, National Park Service

## ADDENDUM B

### PROPOSED FIRST YEAR BUDGET FOR ST. CROIX INTERNATIONAL WATERWAY COMMISSION

<u>Salaries and Benefits</u>	<u>In U.S. \$</u>	<u>In Canadian \$</u>
Executive Director	30,000	42,000
Administrative Assistant	15,000	21,000
Health Insurance	2,500	3,500
Retirement	7,800	10,900
Commissioner per Diem and travel	5,000	7,000
<u>Total Salaries and Benefits</u>	<u>\$60,300</u>	<u>\$84,400</u>
 <u>Administrative Overhead</u>		
Rent	\$ 5,000	\$7,000
Telephone	3,000	4,200
Travel	3,000	4,200
Postage	1,500	2,100
Printing	1,500	2,100
Public Information (Hearings, Notices)	1,000	1400
Supplies	1,000	1,400
Capital Acquisitions	10,000	14,000
Electricity	1,000	1,400
Contingencies	2,000	2800
<u>Total Administrative Overhead</u>	<u>\$29,000</u>	<u>\$40,600</u>
<u>Grand Total*</u>	<u>\$89,300</u>	<u>\$125,000</u>

\*Note: The State of Maine and the Province of New Brunswick shall each be responsible for one-half of this total budget. Funds may include contributions from respective federal funding sources.



ST. CROIX  
INTERNATIONAL  
WATERWAY COMMISSION

SCALE: APPROX. 1" = 5.5 miles

LEGEND:

PROVINCE OF NEW BRUNSWICK

 STATE OF MAINE