



York River Wild and Scenic River Study

January 2020



Cover Photo: Jerry Monkman, Ecophotography

York River Wild and Scenic River Study

Study Report

January 2020

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The National Park Service wishes to thank the commitment of many individuals and organizations (especially the York River Study Committee appointees who volunteered their time for over three years). Please see the *York River Watershed Stewardship Plan* for a full list of acknowledgements to all who contributed to the Study.

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Contents

Abbreviations and Acronyms	vi
Summary – Principal Findings	1
Eligibility	1
Classification	1
Water Quality	1
Suitability	2
<i>York River Watershed Stewardship Plan</i>	2
Support for Designation	2
Partnership Wild and Scenic River Designation	2
Chapter I: Background.....	5
Wild and Scenic Rivers Program.....	5
York River Study History and Methods.....	6
History	6
Reconnaissance Survey	6
Study Bill.....	7
Study Approach - Partnership Rivers.....	7
Study Committee	8
Study Goals and Methods.....	9
Study Committee Recommendation and Town Votes	11
Chapter II: Description of the Study Area.....	13
Regional Setting	13
Wild and Scenic Study Area.....	13
Watershed Characteristics	15
Ecology and Natural Communities	15
Land Use, Towns, and Ownership Patterns.....	16
Overview of the Study Area Communities.....	19
Eliot.....	19
Kittery.....	19
South Berwick.....	19
York	19
Chapter III: Eligibility and Classification.....	21
Eligibility and Classification Criteria.....	21
Outstandingly Remarkable Values	21
Free-flowing.....	22

York River Wild and Scenic River Study

Classification Criteria	23
York River Study Findings	23
Free-flowing Determination	23
Outstandingly Remarkable Values	26
Conclusions on Eligibility and Classification	35
Chapter IV: Suitability	37
Suitability Criteria	37
Principal Factors of Suitability	37
Existing Protections	38
Management Framework	48
<i>Stewardship Plan</i>	48
Evidence of Support	49
Designation Effects	51
Summary of General Findings on Suitability	51
Study Conclusion	52
Chapter V: Consideration of Alternatives and Impacts	55
Alternatives	55
Impacts of Designation	56
Administrative Impacts	56
Impacts on Federally Assisted Water Resources Projects	56
Impacts on other Federally Funded or Assisted Projects	57
Other Potential Indirect Impacts of Designation	58
Effects of Designation: Addressing Legislative Report Requirements	58
Anticipated Costs of Designation	60
Summary of Expected Impacts	60
References	61
Preparers and Contributors	61
List of Recipients	62
Federal Agency Heads	62
Regional Federal Agency Heads	62
State of Maine	63
Appendix 1: York River Study Act	65
Appendix 2: Record of Endorsements and Support for Wild and Scenic Designation	67
Municipal Endorsements	67
Letters of Support	67
Individuals	67

Entities and Organizations	67
Municipal Endorsements	68
Letters of Support - Individuals	72
Letters of Support - Organizations	78
Appendix 3: Examples of Wild and Scenic Study Outreach and Education.....	89
Appendix 4: Other Wild and Scenic Study Documentation	102

Maps

Map 1. Major streams and tributaries in the York River watershed.	14
Map 2. York River watershed land cover	17
Map 3. Land ownership in the York River watershed	18
Map 4. Shoreland zoning in the York River watershed	41
Map 5. Conservation lands and undeveloped habitat blocks in the York River watershed.....	42
Map 6. Development potential of parcels in the York River watershed.	43
Map 7. York River watershed proposed stream reaches for PWSR designation.....	53

(Further information and additional maps are available in the companion document: *York River Watershed Stewardship Plan*)

Abbreviations and Acronyms

FERC	Federal Energy Regulatory Commission
IWSRCC	Interagency Wild and Scenic Rivers Coordinating Council
National System	National Wild and Scenic Rivers System
NPS	National Park Service
NRHP	National Register of Historic Places
ORV	Outstandingly Remarkable Value
PWSR	Partnership Wild and Scenic River
Stewardship Committee	York River Stewardship Committee
<i>Stewardship Plan</i>	<i>York River Watershed Stewardship Plan</i>
Study	York River Wild and Scenic River Study
Study Committee	York River Study Committee
WSR	Wild and Scenic River
WSRA	Wild and Scenic Rivers Act



Sunset over the York River. Photo: Michael Beland.

Summary – Principal Findings

On December 19, 2014 through Public Law 113-291, the U.S. Congress directed the National Park Service to conduct a study focused on the York River from the headwaters at York Pond to the mouth of the river at York Harbor and all associated tributaries for potential inclusion in the National Wild and Scenic Rivers System. Below is a summary of the principal findings.

Eligibility

The National Park Service Wild and Scenic River Study of the York River concludes that the studied portions of the river and its major tributaries are eligible for designation into the National Wild and Scenic Rivers System based on their *free-flowing* condition and the presence of one or more *outstandingly remarkable values*. The outstandingly remarkable values described in this report are **Ecological** and **Historic-Cultural**.

Classification

The Wild and Scenic Rivers Act provides for three possible classifications of eligible river segments: wild, scenic, and recreational. The criteria distinguishing these classifications are based on the degree of human modification of the river and its adjacent shorelines. Based upon the applicable criteria, the National Park Service has assigned a preliminary classification of **recreational** to the York River and its major tributaries that are eligible for designation.

Water Quality

The headwaters region of the York River is comprised of mostly forested areas, and the upstream tributaries include a series of water supply reservoirs with protected source water lands that surround them. The York River is categorized by the State of Maine as Class B waters that are deemed suitable for fishing, clamming and swimming. Indicators of high water quality include the large diversity of habitat supporting fish, birds, and other species of aquatic life and the availability of

surface drinking water supplies in the watershed. The York River’s water quality is supportive of identified outstandingly remarkable values, with management strategies in place to maintain and enhance these values into the future.

Suitability

The York River Wild and Scenic River Study concludes that approximately 30.8 miles of the York River and its major tributaries are suitable for designation.

- Analysis of existing local, state, federal, and non-regulatory protections applicable to the York River finds them to adequately protect the river consistent with the purposes of the Wild and Scenic Rivers Act. The *York River Watershed Stewardship Plan* developed as a part of the Study provides an appropriate and effective management framework for the long-term management and protection of the watercourses.
- Based upon the official record of endorsement from local governing bodies, citizens, and local and regional non-governmental organizations, it is concluded that there is substantial support for designation under the Wild and Scenic Rivers Act based on the Partnership Wild and Scenic River model.

York River Watershed Stewardship Plan

Development of the *York River Watershed Stewardship Plan* was one of the primary tasks of the York River Study Committee. The *York River Watershed Stewardship Plan* is the product of an extensive collaborative effort between the York River Study Committee, local citizens, local boards and commissions, nonprofits, and state agencies. The *York River Watershed Stewardship Plan* contains the vision and strategy for protecting and

enhancing the watercourses and the associated outstandingly remarkable values.

If the York River is designated, the *York River Watershed Stewardship Plan* will serve as the comprehensive river management plan required under Section 3(d)(1) of the Wild and Scenic Rivers Act. The *York River Watershed Stewardship Plan* functions as a companion document to this Study Report. If the rivers are not added to the National Wild and Scenic Rivers System, the *York River Watershed Stewardship Plan* can still serve to guide state and local protection of these waterways.

Support for Designation

On November 6, 2018, the Towns of York and Eliot voted via general referendum to endorse designation of the York River and to support the implementation of the *York River Watershed Stewardship Plan*. In November and December 2018, the Town Councils of Kittery and South Berwick unanimously voted in favor of designation and the *Stewardship Plan*. In addition, many of the land use boards from these communities voted in support of designation and the *York River Watershed Stewardship Plan* as a part of the community review process leading up to municipal legislative body votes. Local and regional organizations also provided letters of support.

(Please refer to Appendix 2 for endorsement letters and vote documentation.)

Partnership Wild and Scenic River Designation

Consistent with Congressional and local government intent established prior to its authorization, the York River Wild and Scenic River Study was conducted based on the established model of the Partnership Wild and Scenic Rivers. Examples of this model include the Missisquoi and Trout Rivers in Vermont, the Sudbury, Assabet, Concord Rivers in Massachusetts, and the Lamprey

River in New Hampshire. The conduct and findings of this York River Wild and Scenic River Study, including the record of public support for designation and the content and provisions of the *York River Watershed Stewardship Plan*, are all based on this premise.



Aerial view of the York River. Photo: David J. Murray, Clear Eye Photography.

Chapter I: Background

This chapter provides an introduction to the Wild and Scenic Rivers Act (WSRA) and the York River Wild and Scenic River Study (Study). It includes a review of the project's history, the study strategy and process, the principal participants, and the major study products and accomplishments.

Wild and Scenic Rivers Program

The National Wild and Scenic Rivers System (National System) was established by Congress in 1968 to protect certain outstanding rivers from the harmful effects of new federal projects such as dams and hydroelectric facilities. Since then, over 200 rivers or river segments totaling over 13,000 miles have been protected nationwide. To be considered 'Wild and Scenic' a river must be free-flowing and have at least one river-

related outstanding natural, cultural, or recreational resource value. The Congressional declaration of policy in the WSRA (16 U.S.C. 1271-1287) states:

It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes.

There are twelve Wild and Scenic River (WSR) segments located in New England: Eightmile and Farmington (Lower and West Branch) in Connecticut; Allagash in Maine; Sudbury-Assabet-Concord, Taunton, and Westfield in Massachusetts; Nashua-Squannacook-Nissitissit in Massachusetts and New Hampshire; Lamprey and Wildcat in New Hampshire; Wood-Pawcatuck in Rhode Island and Connecticut; and Missisquoi-Trout in Vermont.

Each river designated into the National System receives permanent protection from federally authorized or assisted dams, diversions, channelization or other water projects that would have a direct and adverse effect on its free-flowing condition, water quality, or outstandingly remarkable values (ORVs), or, for projects outside the designated segments, that would invade the segments or unreasonably diminish the segment's fish, wildlife, scenic, or recreational resources. The WSRA explicitly prohibits any new hydropower dam or related facilities licensed by the Federal Energy Regulatory Commission (FERC) on or directly affecting a designated river segment. The determination of a proposed federally assisted water resource project's or FERC-licensed hydropower project's potential impacts on the river's ORVs, water quality, and free-flowing condition is made by the federal river administering agency, in this case the National Park Service (NPS).

Studies under the WSRA can bring additional local benefits such as the preparation of a Management Plan, research studies, and cooperation among numerous river stakeholders. River designation may also bring possible funding through the NPS, matching grants, in-kind support, volunteer assistance, prestige and recognition to the region, and can boost the local economy through tourism.

Before a river can be added to the National System, it must be found both *eligible* and *suitable*. To be eligible, the river must be 1) free-flowing and 2) possess at least one river-

related ORV such as scenery, fisheries, wildlife, water quality, recreation, or cultural resources. The suitability determination is based on factors such as public support for designation versus conflicting river uses (e.g., hydropower development), evidence of adequate existing resource protection, and lasting protection measures such as are documented in the *York River Watershed Stewardship Plan*.

Local residents, leaders, and organizations must show strong support of their intent to participate in the long-term protection of the river. The *eligibility* and *suitability* analyses are presented in the chapters that follow.

York River Study History and Methods

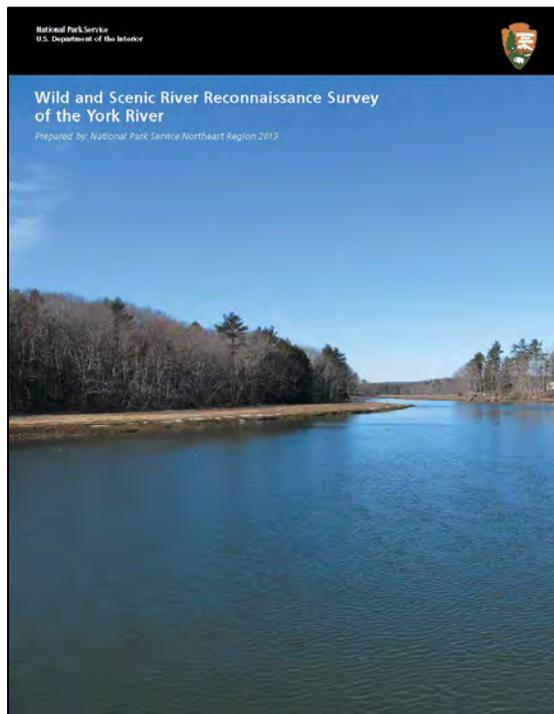
History

Beginning in 2009, the locally-based Friends of the York River group comprised of residents, town leaders, and others interested in river conservation led an exploratory effort to determine whether WSR designation might be an appropriate way to recognize and protect the York River and its associated resources. The group held a variety of public meetings and gathered letters of support for a York WSR Study from individuals, organizations, and the four watershed towns. Specifically, local interest was expressed in pursuing a 'Partnership' Wild and Scenic River Study based on river management models such as the Lamprey River in New Hampshire and Eightmile River in Connecticut. This resulting study addressed some of the particular features and requirements of the Partnership Wild and Scenic River model as a part of the preliminary evaluation process.

Reconnaissance Survey

Prior to the Wild and Scenic Study, a reconnaissance survey of the York River was conducted by the NPS at the request of U.S. Representative Chellie Pingree (Maine). The *Reconnaissance Survey* provided a preliminary

assessment of the eligibility and suitability of the York River as a candidate for Wild and Scenic designation according to criteria established under the WSRA. Included in the preliminary eligibility assessment was the identification of potentially significant natural, cultural and recreational resources to be evaluated as ORVs as defined by the WSRA. Key factors of suitability were also explored including potential local support and existing protection mechanisms. The outcome of the survey was a report that found that Congressional authorization for a WSR Study was warranted, and a finding that Wild and Scenic designation could be an appropriate technique for protection of the York River and its tributaries.



NPS 'Wild and Scenic River Reconnaissance Survey of the York River' cover.

Study Bill

The York River Wild and Scenic River Study Bill, introduced and passed in the House of Representatives during the 112th Congress, failed to make its way through the complete legislative process. In May 2013, Representative Pingree re-introduced the legislation in the House (H.R. 2197) and in

September 2013, Senator Angus King introduced a companion bill in the Senate (S. 1520). The York River Wild and Scenic River Study Bill asked for the amendment of the WSRA to authorize study of the York River from the headwaters at York Pond to the mouth of the river at York Harbor and all associated tributaries for potential inclusion in the National System. Subsequently, the York River Study Act passed as part of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015, Public Law 113-291 (H.R. 3979), and was then signed into law by President Obama on December 19, 2014.

Study Approach - Partnership Rivers

The Study was carried out in partnership with local stakeholders. The Partnership Wild and Scenic Rivers (PWSR) make up a subset of rivers in the National System. The PWSR approach was developed in response to the need for a WSR study and designation model tailored to rivers characterized by extensive private land ownership along the river, and well-established traditions of local control of river management in a community-based setting. This type of study and designation model has a proven track record of effectively creating river protection strategies that bring communities together in protecting, enhancing, and managing high value river resources. Coordinated private sector, local, state, and federal government commitments are leveraged through the partnership approach to achieve efficient and effective implementation of locally developed stewardship plans.

The NPS currently recognizes over a dozen PWSRs in eastern states that have gone through similar partnership-based study processes (coordinated through a locally-based study committee, as discussed below) and which share some common post-designation management approaches including:

- No reliance on federal ownership of land in order to achieve the WSRA's goals of protecting and enhancing river values.
- Land use management is regulated through existing local and state authorities, the same as before designation.
- Administration and implementation of a locally-led stewardship plan is accomplished through a representative stewardship committee with broad participation, convened for each river specifically for this purpose.
- Responsibility for managing and protecting river resources is shared between the local, state, federal, and non-governmental partners on the committee.
- Reliance on volunteerism as a key to success.
- No NPS superintendent, law enforcement, or similar elements of traditional federally managed units of the National Park System.

The land ownership patterns and local management frameworks in York River towns closely match conditions that prompted development of the partnership approach. Therefore, both the process implemented for this Study, and the potential WSR designation model evaluated as a part of the study closely track the precedents established by the existing PWSRs. For more information about the NPS WSR Program, and in particular PWSRs, please visit the website: <http://www.nps.gov/wsr>.

Study Committee

The WSRA states that congressionally authorized studies,

...shall be pursued in as close cooperation with appropriate agencies of the affected State and its political subdivisions as possible, shall be carried on jointly with such agencies if request for such joint study is made by the State, and shall

include a determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the national wild and scenic rivers system.

For more than 20 years, the NPS has taken advantage of this direction when conducting studies of rivers bordered by predominantly private and non-federal lands by encouraging formation of informal study committees based around state and local government representation. Such study committees become an integral part of the study approach, and the regular participation of local and state governments ensures full buy-in to the study process and eventual products. Local and state knowledge is often critical to effective and efficient research regarding potential ORVs of the study area, and is absolutely essential to the development of local and state-based management strategies for protection of such values. Since it is a central tenet of such non-federal land river studies that land-based resource protection must be primarily accomplished through local, state, and non-governmental action, it is therefore a central task of the study committee to develop a locally-based stewardship plan to protect the important river values being researched and documented throughout the study.

As a part of the discussions that took place prior to congressional authorization of the York River Study, local community support for the Study was preconditioned on the understanding that such a study committee would be formed as the first step of the study process. Congress passed the York River Wild and Scenic River Study Bill in December 2014. In 2015, discussions and outreach to communities to obtain appointments to the study committee occurred, and the locally-based York River Study Committee (Study Committee) was established. The Study Committee began meeting on October 13, 2015. Committee members brought a wealth of knowledge and experience in business,

culture, ecology, government, organization, and recreation to the study team. The members included appointees from all the river towns in the study area and representatives from the Wells National Estuarine Research Reserve, Maine Department of Marine Resources, Maine Department of Transportation, and NPS. Other participants in the study process included local boards, regional planning commissions, and other individuals and organizations. Additional input from independent researchers, local and state supporting agencies, professional contractors, and the general public ensured the study's progress and comprehensiveness. The NPS provided staff support, coordination, and technical assistance on the Study and development of the *York River Watershed Stewardship Plan (Stewardship Plan)* document. Subcommittees on ORVs and Outreach helped guide and implement the study process.



*York River Study Committee members and coordinator.
Photo: Robin Cogger.*

In addition to developing the *Stewardship Plan*, the long-term goal of the Study Committee was to encourage, through education and outreach, planning at the local, regional and state levels that utilizes the information and voluntary recommendations outlined in the *Stewardship Plan*, regardless of the outcome of designation. The Study Committee held meetings in York, Maine on the fourth Tuesday of each month throughout the three-year study period. All meetings were run by consensus and were

advertised, and open to the public. Votes, when required, were approved by a majority of the officially-appointed representatives present.

Study Goals and Methods

General

The Study Committee with locally-appointed representatives from the four towns of the study area and agency representatives was tasked with:

1. Providing local knowledge and expertise to help guide and interpret research on the natural, cultural, and recreational resource values associated with the rivers. This information forms the basis for both ORV determinations and the *Stewardship Plan*.
2. Developing a comprehensive river *Stewardship Plan* to serve as a blueprint for improved management and conservation of the identified natural, cultural, and recreational values, with technical assistance from the NPS. This Plan can serve the river, local communities, state agencies, and other stakeholders regardless of whether WSR status is achieved or even sought as a result of the study.
3. Serving as the focal point for local community, citizen, and stakeholder involvement throughout the study process.

To meet these goals, the Study Committee conducted extensive research, established resource protection priorities, and worked intensively within the communities to educate and receive input for the *Stewardship Plan*.

Research

Early in the study process, the Study Committee formed an ORV subcommittee which used the NPS *Reconnaissance Survey* along with input from local, state, and federal resource experts to identify recreational, natural, and cultural values important to the

local communities. These values became the focus of *Stewardship Plan* development and WSR eligibility determinations.

The Study Committee identified two distinct potential ORVs which, along with free-flowing character and water quality, formed the backbone of the Study's investigations. These two potential ORVs are **Ecological** and **Historic-Cultural**.

Research was performed by Study Committee members, State of Maine and local supporting agencies, and individuals. The results of the research helped to produce a clear picture of the status of the potential ORVs, as well as identify existing protections for the potential ORVs and the management outcomes resulting from these protections. Major research undertaken during the Study to identify ORVs, develop management recommendations, and determine eligibility and suitability included several studies and authoritative reports:

- *An Assessment of Spring Fish Communities in the York River, Maine: Report to the York River Study Committee*; Wells National Estuarine Research Reserve
- *Archaeological Survey of the York River Headwaters: A Community Approach for Identification and Management*; Northeast Archaeology Research Center, Inc. and Groundroot Preservation Group, LLC.
- *York Watershed Build-Out Scenarios and Regulatory and Non-Regulatory Recommendations Report*; Southern Maine Planning and Development Commission and Spatial Alternatives.

These studies are available on the York Wild and Scenic Study website, <http://www.yorkrivermaine.org/>.

Outreach and Education

A major outreach and education effort was conducted throughout the four municipalities in the study area including active events such as watershed walks, festivals, school

presentations, and citizen engagement in projects. The Outreach subcommittee worked to maximize engagement and information sharing with local residents, and to gather input about valued river resources. Meetings, presentations, workshops, booths at events, email updates, newspaper articles, outreach through local organizations, mailings, and the Study website were all venues for outreach. Examples of outreach events and materials are included in Appendix 3 at the end of this Report and on the Study website <http://www.yorkrivermaine.org/>.

The following is an abbreviated list of outreach projects completed by the Study Committee:

- Monthly Study Committee meetings advertised and open to the public
- Displays with Wild and Scenic information available in town offices, town libraries, farmer's markets, local festivals, and polling places
- Regular presentations and distribution of materials at town Board of Selectmen, Council, Planning Board, and other meetings
- Presentations and outreach to local schools and civic organizations
- Informational mailings to land owners
- A PowerPoint presentation developed and presented at meetings of various local organizations, municipal boards, and civic groups
- Watershed walks held at points of interest along the York River
- Study website regularly updated with events, meeting notes and presentations, and other information
- Presentations and resource review by knowledgeable speakers (See Appendix 3)
- Over the course of the Study, nearly 40 newspaper articles in local and regional papers including the York Weekly, Seacoast Online, Portsmouth Herald, Portland Press Herald, and Bangor Daily News

- A short video produced by the Study Committee and available on the Study website



York River Study Committee meeting. Photo: NPS.

Stewardship Plan

The Study Committee accomplished its major goal of preparing the *Stewardship Plan* that will function as a blueprint for conservation actions and management practices and serves as a companion document to this Study Report. It is intended to provide a guidance framework for local commissions and governments as well as for a future Wild and Scenic stewardship committee (if the river receives the federal designation), non-profit organizations, civic groups, and citizens. A stewardship plan is intended to serve as the comprehensive plan required for all designated WSRs, as well as to stand alone regardless of whether the river gains designation status. Technical assistance and involvement of the NPS throughout its development made preparation of the *Stewardship Plan* feasible, and ensured that WSRA objectives would be met.

Preparation of the *Stewardship Plan* involved:

1. *Determining existing resource protections* and the adequacy of those protections through a comprehensive review of town regulations, plans, and policies as well as current federal and state regulations;
2. *Setting protection goals* for each resource value at local, state, and federal levels that meet WSRA

requirements for protection and enhancement of ORVs, water quality, and free-flowing characteristics;

3. *Identifying threats* that currently impact or are likely to impact the potential ORVs and the significance and likelihood of their potential impact;
4. *Comparing protection goals with known and potential threats* in order to assess the effectiveness of existing resource protection and to identify potential gaps in protection; and
5. *Establishing recommended management priorities and strategies* based on gaps in protection: Where gaps were identified between existing protection measures and desired levels of protection, strategies to fill such gaps are recommended in the *Stewardship Plan*.

For each ORV identified during the Study, the Study Committee considered the existing protections for these resources and evaluated whether the protections were sufficient. The Study Committee then made suggestions for voluntary stewardship recommendations, which are included in the *Stewardship Plan*.

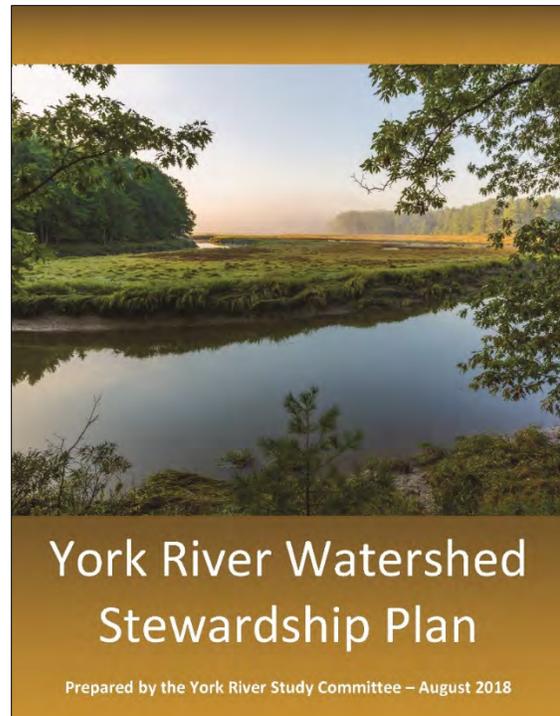
The *Stewardship Plan* presents a series of recommendations that can be voluntarily implemented by local landowners, municipalities, and state and federal agencies working together to help protect river-related resources and maintain and enhance the quality and way of life valued by so many people. The end product of these steps was a series of recommendations in the *Stewardship Plan*.

Study Committee Recommendation and Town Votes

On October 24, 2017, the Study Committee unanimously voted to recommend the designation of the York River and named tributaries into the National System. The Study Committee concluded that designation as a PWSR can help communities protect the

Chapter I: Background

river and watershed resources for the benefit of the environment, economy, and citizens. The Study Committee's recommendation supporting designation and the *Stewardship Plan* was presented in a general referendum article on the town ballots in York and Eliot in November and in resolutions adopted by town councils in Kittery and South Berwick in November and December 2018. Favorable votes in each of the communities demonstrated local support for Congressional designation and endorsement of the *Stewardship Plan*.



'York River Watershed Stewardship Plan' cover.



Aerial view of the York River. Photo: David J. Murray, Clear Eye Photography.

Chapter II: Description of the Study Area

Regional Setting

The York River, located approximately five miles north of the Piscataqua River that forms the coastal area border between Maine and New Hampshire, is one of the smallest of the 60 rivers that flow into the Gulf of Maine from Nova Scotia, New Brunswick, Maine, New Hampshire, and Massachusetts. A dynamic environment with a biologically productive marine ecosystem, the Gulf of Maine is fringed by coastal marshes and estuaries along the coast of Massachusetts, New Hampshire, and Maine that serve as feeding grounds and nurseries for fish, crustaceans, and tidal and migratory birds. Along with coastal habitat, this area supports a long history of fishing, recreation, and coastal development, and continues to

provide resources for the people who live, work, and visit the region.

Wild and Scenic Study Area

This Study focuses on the river segments identified in the York River Study Act (Public Law 113-291) as follows:

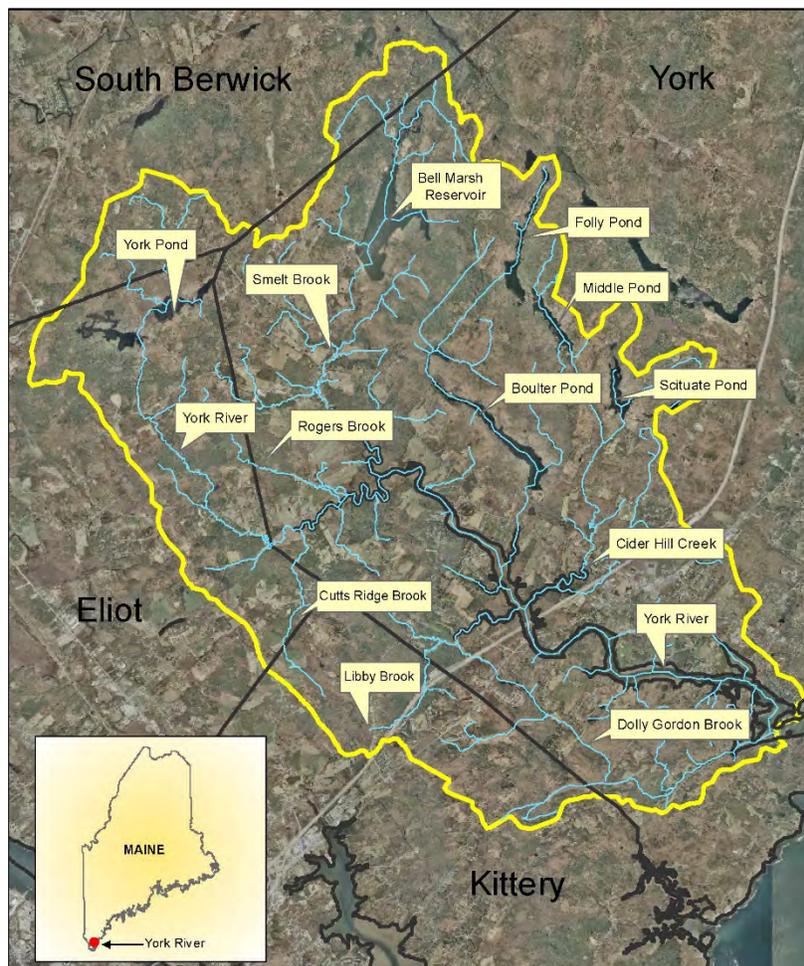
“(144) YORK RIVER, MAINE.—The segment of the York River that flows 11.25 miles from the headwaters of the York River at York Pond to the mouth of the river at York Harbor, and any associated tributaries.”

The York River begins at the outlet of York Pond in Eliot flowing southeast through the remnants of the upper and lower Bartlett Mill ponds, woodlands, former mill sites and forested wetlands. Before reaching the Eliot-York line, the river becomes tidal. After crossing into York, it is joined by tributary streams starting with Cutts Ridge Brook and Rogers Brook and then by Smelt Brook at an area historically called the Partings. Heading downstream, residential docks begin to

Chapter II: Description of the Study Area

appear in the York River near Scotland Bridge, which is also the first public boat launch site. Farther on, the river is joined by Bass Cove Creek, Cider Hill Creek, and Dolly Gordon Brook. Continuing under Interstate 95 and US Highway Route 1, the river makes several sweeping bends as it meanders along its scenic shores, and the first town boat mooring area is encountered. Crossing under historic Sewall's Bridge and continuing to the harbor, the number of private docks increases, stately waterfront homes and historic buildings can be viewed, and lobster boats and other signs of an active working waterfront contribute to the river's character.

York Harbor, with two busy town docks, numerous town moorings and boat slips, a private marina, many private docks, and adjacent walking trails, is a vibrant area that supports diverse commercial and recreational uses. From the Harbor, the river continues its journey to the Gulf of Maine after traveling around Stage Neck which creates a protected entrance at the mouth of the river. See Table 1 for stream reaches recommended for designation.



Map 1. Major streams and tributaries in the York River watershed.
(map by Wells National Estuarine Research Reserve)

Table 1. Stream Reaches Recommended for PWSR Designation

Stream Reach	Length (miles)
Bass Cove Creek , from Boulter Pond outlet to York River	0.95
Cider Hill Creek , from Middle Pond dam to York River	3.77
Cutts Ridge Brook , from headwaters in Kittery to York River	2.15
Dolly Gordon Brook , from headwaters in York to York River	3.17
Libby Brook , from headwaters in Kittery to Dolly Gordon Brook	1.65
Rogers Brook , from headwaters in Eliot to York River	2.43
Smelt Brook , from Bell Marsh Reservoir dam to York River	4.54
York River , from York Pond outlet to Route 103 Bridge, including Barrell Mill Pond*	12.14
Total length:	30.80

*Barrell Mill Pond is the name frequently used locally, and it is the name used in the *Stewardship Plan*. The US Geological Survey name is Barrells Millpond.

Watershed Characteristics

The York River watershed is located in southern Maine within the towns of York, Eliot, Kittery, and South Berwick. The majority (71%) of the watershed area is located within the Town of York. The watershed covers 33 square miles and includes the York River mainstem and numerous wetlands, ponds, and tributaries, as well as drinking water reservoirs and the extensive salt marsh estuary. There are a total of 109 miles of streams and rivers in the watershed. Major tributaries of the York River include Bass Cove Creek, Cider Hill Creek, Cutts Ridge Brook, Dolly Gordon Brook, Libby Brook, Rogers Brook, and Smelt Brook. This watershed is comprised of large unfragmented forested areas and agricultural lands, along with rural and some suburban residential development. The many important habitat areas support rare and endangered plant and animal species.

There is a wide range of land use types within the York River watershed including undeveloped lands, rural working lands, villages, and commercial areas. The lands

surrounding the York headwaters are characterized by large tracts of conservation lands protecting undeveloped mixed and hardwood forests, ponds, and small wetlands. Elevation along the river is low, but there are a few hills in the headwaters that exceed 200'. Slopes are mostly gentle up through the York tidal headwaters, and soils are good for farming. The tidal environment of the York River extends all the way through the Town of York and into the Town of Eliot, as well as a significant way up the tributary streams. With the exception of several dams that are associated with impounded drinking water reservoirs which are outside of the possible Wild and Scenic designation area, the York River and its major tributaries remain free-flowing throughout the watershed. Portions of the York River were historically dammed to power grist, saw, and dairy operations, but most of these dams maintain riverine appearance or no longer exist.

Ecology and Natural Communities

The York River estuary extends about 8.5 miles inland from the coast to the head of tide, with approximately 500 acres of salt

marshes encompassing the area surrounding the York River and its tributaries. The York River’s extensive estuary is one of the Gulf of Maine’s least disturbed marsh-estuarine ecosystems and may be the most ecologically diverse coastal drainage system for its size in the Gulf of Maine. The entire estuary provides habitat for roosting and feeding tidal wading birds and waterfowl as well as migratory birds including the rare saltmarsh sharp-tailed sparrow, which inhabits only coastal salt marshes of the eastern United States. The York River’s excellent spawning habitat supports 28 species of diadromous fish including smelt, alewives, eel, bluefish, striped bass, and Atlantic herring. The headwaters of the York River are characterized by numerous wetlands and undisturbed riverine forests that are biologically significant. Home to rare and threatened species like the ringed boghaunter, one of the rarest dragonflies in North America, these forests and wetlands are at the northernmost extent of the geographic range of many plant and animal species.

Land Use, Towns, and Ownership Patterns

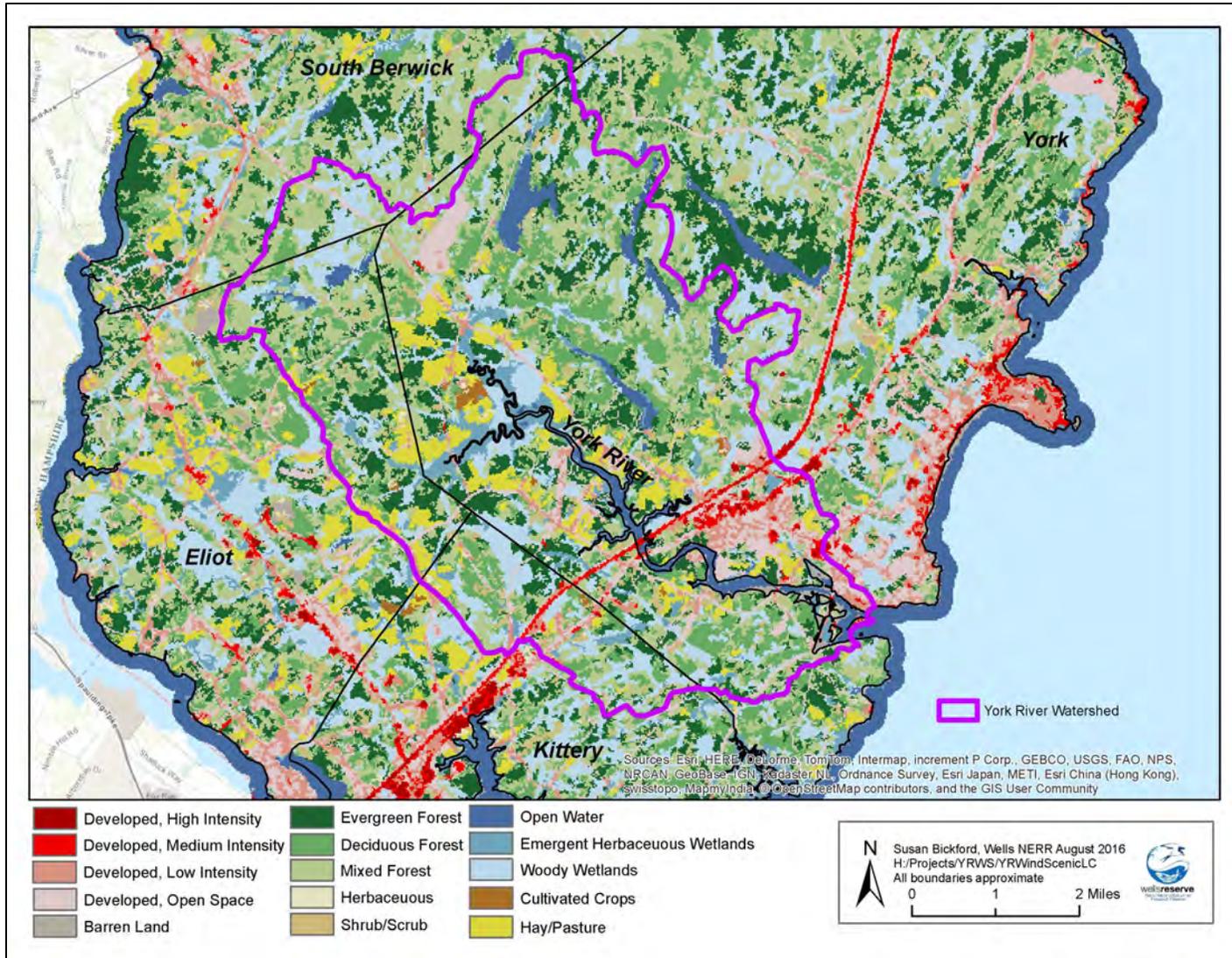
Land use within the river corridor is similar to that in the watershed as a whole. Large tracts of forest and wetland systems surrounding the headwaters combine with a mix of estuarine marshes, and rural and suburban residential, and denser village-type development near the harbor.

Forest habitats (deciduous, evergreen and mixed forest types) and shrublands make up 55 percent of the land cover in the watershed (National Land Cover Database). Wetlands and open water make up almost 25 percent of the land area. Developed areas make up 12.3 percent of the land cover, with open space and low intensity development types associated with rural and suburban housing accounting for most of the developed areas. Pasture and hay fields make up 6.4 percent of land cover.

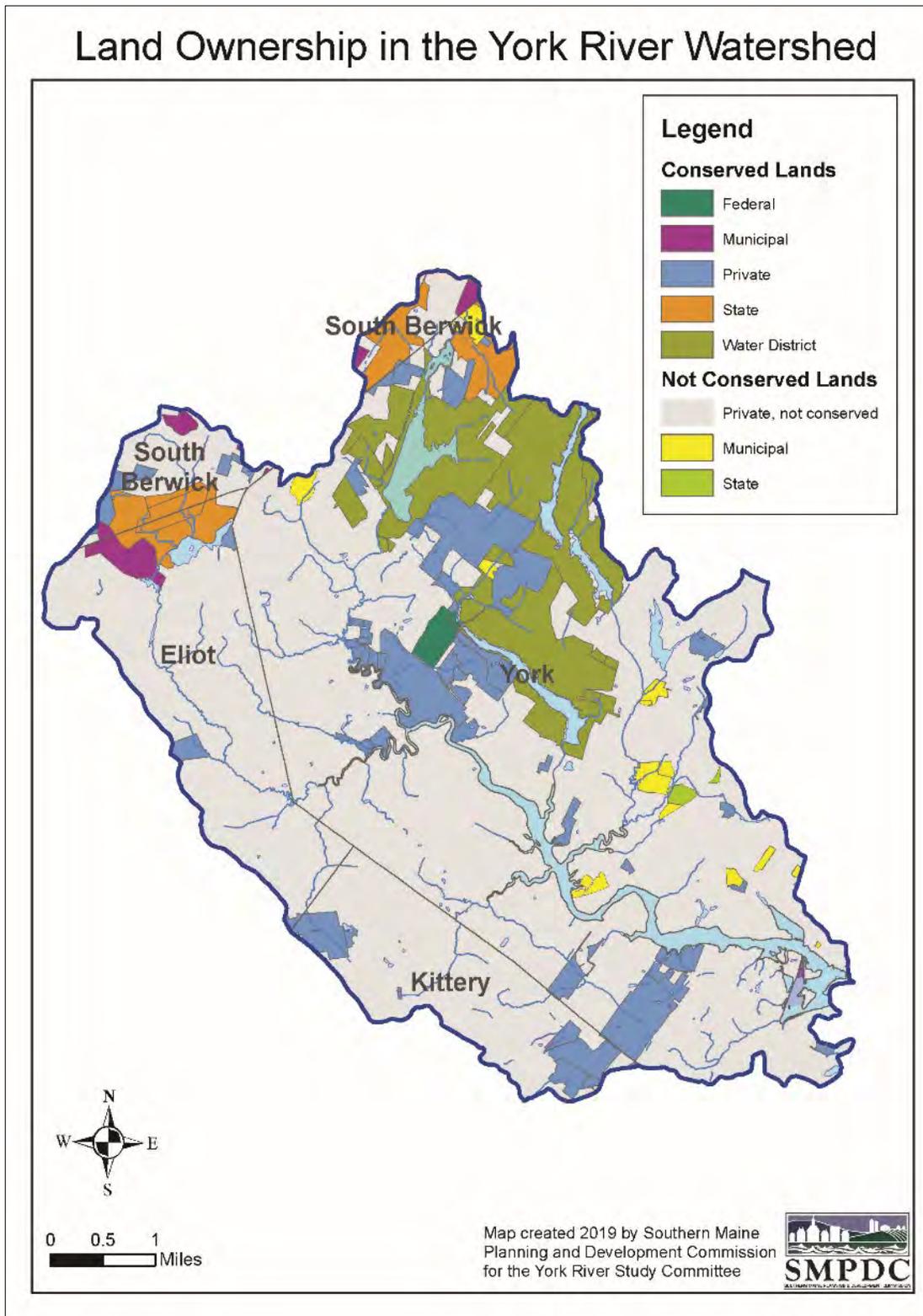
Table 2. Land Cover in the York River Watershed

Land Cover Type	Watershed Coverage (%)
Open Water	4.2
Developed, Open Space	7.6
Developed, Low Intensity	3.3
Developed, Medium Intensity	1.1
Developed, High Intensity	0.3
Barren Land (rock/sand/clay)	0.6
Deciduous Forest	14.0
Evergreen Forest	13.7
Mixed Forest	24.7
Shrub/Scrub	2.6
Grassland/Herbaceous	0.3
Pasture/Hay	6.4
Cultivated Crops	0.4
Woody Wetlands	15.3
Emergent Herbaceous Wetlands	5.3

Source: National Land Cover Database, 2011



Map 2. York River watershed land cover
 (Wells National Estuarine Research Reserve)



Map 3. Land ownership in the York River watershed
(map by Southern Maine Planning and Development Commission)

There are over 5,500 acres of watershed lands protected from development, representing about 26 percent of the area. This includes approximately 2,500 acres of the Kittery Water District's water supply lands that are maintained as undeveloped conservation lands but do not have permanent protection. The transportation corridor created by Interstate 95 and U.S. Route 1 divides the watershed, with generally less developed areas to the northwest, and much of the denser development occurring to the southeast along the coast and highways. The population living within the York River watershed increased from 6,300 in 2000 to 6,449 in 2010 (US Census Bureau). The projected 2017 population in the watershed was 7,032 and the projected 2022 population is 7,380 (ESRI).

Overview of the Study Area Communities

Eliot

Eliot, Maine had a 2010 population of about 6,200 (US Census Bureau). The town is bordered by Kittery and York to the east, South Berwick to the north, and New Hampshire and Great Bay to the west and south. According to the town's 2009 Comprehensive Plan, Eliot has a village center and area where commercial and industrial growth is taking place, but much of the town maintains a rural character. The town includes extensive wetlands that limit future development.

Kittery

With a population of about 9,500 (2010 US Census), Kittery is the second largest town in the York River watershed. The town is bordered by York and Eliot to the north and

the Piscataqua River then Portsmouth, NH to the south. The Town of Kittery's drinking water supply is provided by several reservoirs surrounded by undeveloped forest land in the headwaters of the York River and its tributaries. According to the 2015 Kittery Comprehensive Plan, the major land uses in Kittery are residential (53.3%), open space (21.4%), and vacant land (10.4%).

South Berwick

The Town of South Berwick had a 2010 population of about 7,200 (US Census Bureau). South Berwick is bordered by Eliot, York, Wells, North Berwick, Berwick, and the Salmon Falls River that separates South Berwick from Rollinsford, NH. According to the 2007 South Berwick Comprehensive Plan, open space and conservation plans are coupled with land use recommendations as part of a greater strategy to maintain rural character, encourage development near services and the village and to preserve wildlife habitat and the Mount Agamenticus region in particular.

York

Over 70% of the York River watershed is in the Town of York. With a population of around 12,500 (2010 US Census), York is bounded by Kittery, Eliot, South Berwick, and Ogunquit. Being an ocean-front community, the population of York swells in the summer compared to the year-round population. Much of the land use in York is undeveloped forested areas, developed residential land, and cropland and pasture, with small areas of urban or built-up land. According to the York Comprehensive Plan, "York is a place where you can find tranquility and solitude close to the amenities of the community."

Chapter II: Description of the Study Area

Table 3. Census Data for York County Study Area Municipalities (US Census Bureau)

	York	Kittery	Eliot	South Berwick	York River Watershed	York County
Population April 1, 2010	12,529	9,490	6,204	7,220	6,449	197,131
Population July 1, 2017	13,088	9,722	6,594	7,464	7,032	204,191
Population percent change 2010 to 2017	4.5%	2.4%	6.3%	3.8%	9.0%	3.6%



Kayakers on the York River. Photo: Jerry Monkman, Ecophotography

Chapter III: Eligibility and Classification

The purpose of this chapter is to document NPS findings relative to the:

1. *Outstandingly remarkable* natural, recreational and cultural resource values (ORVs) associated with the York River study area;
2. *Free-flowing* character of the study segments; and
3. Preliminary *classifications* which would be appropriate if the segments are included in the National Wild and Scenic Rivers System.

Eligibility and Classification Criteria

The subsections below describe the relevant eligibility and classification criteria as set forth

in the WSRA; USDA/USDI Interagency Guidelines for Eligibility, Classification, and Management of River Areas as published in the Federal Register on September 7, 1982; Technical Report of the Interagency Wild and Scenic Rivers Coordinating Council on the Wild & Scenic Rivers Study Process, December 1999; and NPS Director's Order 46 of May 1, 2015.

Outstandingly Remarkable Values

To be considered eligible for inclusion in the National System, a river segment, together with its adjacent lands, must also support one or more outstandingly remarkable natural, cultural, or recreational resource values. Such resource values must be directly related to, or dependent upon, the river and its adjacent lands (generally ¼ mile or another geographic area as defined by the study team). The outstandingly remarkable threshold within the WSRA is designed to be interpreted through the professional judgment of the study team during the Study.

The descriptions below provide examples to help interpret this outstandingly remarkable eligibility requirement.

National Values

Resource values which are exemplary at a national scale clearly meet the outstandingly remarkable threshold. A nationally significant resource would be rare, unique, or exemplary at a national scale. For example, a recreational boating experience that draws visitors from all over the nation would qualify as a nationally significant recreational resource.

Regional Values

Based upon the desirability of protecting a regional diversity of rivers through the National System, a river segment may qualify based on regionally rare, unique or exemplary resource values. The area, region, or scale of comparison is not fixed, and should be defined as that which serves as a basis for meaningful comparative analysis; it may vary depending on the value being considered. For example, physiographic regions are appropriate for geologic and biologic resources, while the region occupied by a particular culture is appropriate for archaeological resources.

Values in Aggregate

A river may qualify for a given resource value based upon an aggregate or assemblage of important values, no one of which would confer eligibility standing alone. For example, a series of unusual and distinctive river-related geologic features may together qualify a segment as exhibiting an outstandingly remarkable geologic value even though no one element meets the criteria alone.

Defining River-Related Values

The Interagency Wild and Scenic Rivers Coordinating Council has characterized the determination as to whether a given resource value is *river-related* as based on three criteria. To be river-related a resource value should:

1. Be located in the river or on its immediate shorelands (generally within ¼ mile on either side of the river);

2. Contribute substantially to the functioning of the river ecosystem; and/or
3. Owe their location or existence to the presence of the river.

For the purposes of the York River Study, the geographic area of consideration for the majority of land-based values was established as those resources located within ¼ mile of the York River and its tributaries.

Region of Comparison

The resources within the watershed were evaluated in comparison to nearby watersheds, the State of Maine, New England, and the United States. The legislatively authorized study segments as well as the major tributaries in these towns, including Bass Cove Creek, Cider Hill Creek, Cutts Ridge Brook, Dolly Gordon Brook, Libby Brook, Rogers Brook, and Smelt Brook, were established as the geographic range of consideration for the York River's ORVs.

Free-flowing

The National System is designed to protect eligible free-flowing rivers and sections of rivers that support ORVs from the adverse impacts of federally-assisted water resource projects, such as construction of new dams. The Act's definition of free-flowing is outlined in Section 16:

(b) "Free-flowing", as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the national wild and scenic rivers system shall not automatically bar its consideration for such inclusion: Provided, that this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the national wild and scenic rivers system.

Rivers that have dams upstream, downstream, or on a tributary to the study segment, including those that regulate flow through the segment, along with the existence of minor dams, rip-rap, and other diversions within the segment, may still be eligible as long as the river is otherwise free-flowing and supports at least one ORV.

Classification Criteria

The WSRA requires that all eligible or designated river segments be classified as wild, scenic, or recreational. These classifications are based solely on the degree of access and human development of the waterway and shoreline present at the time of designation. Section 2(b) of the WSRA defines them as follows.

Wild river areas: Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

Scenic river areas: Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

Recreational river areas: Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

The Interagency Guidelines provide additional direction, including:

In segmenting the river the study team should take into account the management strategies necessary to administer the entire river area and should avoid excessive segmentation.

The basis of classification is the degree of naturalness, or stated negatively, the degree of evidence of man's activity in the study area. The most natural rivers will be

classified wild; those somewhat less natural, scenic; and those least natural, recreational.

The classification criteria provide uniform guidance for professional judgment, but they are not absolutes. It is not possible to formulate criteria so as to mechanically or automatically classify river areas. Therefore, there may occasionally be exceptions to some of the criteria.

York River Study Findings

The free-flowing segments of the York River and its tributaries are found eligible for designation based on the presence of multiple ORVs. These segments meet the classification of a "recreational river area" due to the existing level of human development.

Free-flowing Determination

This subsection describes the free-flowing character of the study segments, and presents an inventory of study area remnant and historical dams.

General Streamflow Conditions

A survey of shoreline characteristics was conducted, in part, to assess the effects of infrastructure such as dams, bridge piers, docks, riprap, etc., on the free-flow of the York River and its tributaries. Significant shoreline development and channel alterations that individually or collectively affect free-flowing conditions, such that the segment is not riverine in character or flows cannot support ORVs or water quality, could deem a river segment ineligible (See Table 4). Low and remnant dams, typically historical in nature, on the tributaries and mainstem of the York River do not regulate flow or create large, lake-like impoundments. General river-like characteristics are maintained; making river segments containing such structures

Chapter III: Eligibility and Classification

eligible for designation. Current river flows are not impaired and therefore adequate to support the instream values for which the rivers are being considered for designation.



Middle Pond Dam. Photo: Unknown

The detailed survey of shoreline characteristics did not include the portion of the York Harbor downstream of the Route 103 Bridge, which contains significantly altered shorelines and numerous docks and moorings. The Study Committee found that compelling community interest in continued operation of the existing York Harbor Federal Navigation Project, which requires periodic maintenance dredging, made this segment of

the river unsuitable for Wild and Scenic designation.



Retaining wall near Sewall's Bridge on the York River. Photo: Joan LeBlanc.

The Study Committee recommended early in the study process that the downstream boundary for Wild and Scenic designation be the existing Route 103 Bridge, located at the upstream extent of the York Harbor Federal Navigation Project, and the Study Committee intends that potential designation of the York River into the National System not preclude or interfere with maintenance dredging for the existing York Harbor Federal Navigation Project. As a result of this recommendation, no further eligibility or suitability analysis was conducted for this section of the river.

Table 4. Approximate Linear Feet of Hardened Shoreline for the York River

Location*	Northerly Shore	Southerly Shore
Route 103 Bridge	405'	340'
Pedestrian causeway connecting Fisherman's Walk on Route 103 Bridge to Wiggly Bridge and then Wiggly Bridge to Steedman Woods	620'	
Shoreline area from John Hancock Wharf to Sewall's Bridge	1,050'	
Sewall's Bridge	265'	470'
Rice's Bridge (Route 1)	220'	150'
I-95 Bridge (Maine Turnpike)	240'	500'
Scotland Bridge	310'	300'
Birch Hill Road Bridge (Thermoplastic Bridge)	50'	60'

*Measurements for bridges include associated abutments, rip rap and retaining walls.

York River Watershed Dams

There is a long history of both tidal and riverine dams and mills in southern Maine dating back to the 17th century. The upper York River was historically dammed by a series of impoundments and mill ponds to power grist, saw, and dairy operations; the majority of those impoundments are no longer in existence. The Study Committee reviewed the existing dams of the York River watershed to determine whether the structures meet the WSRA’s free-flowing river definition and Interagency Guidelines’ criteria that permit the existence of low dams on WSRs, provided that affected river reaches remain “generally natural and riverine in appearance.”

The State of Maine Emergency Management Agency provided an inventory of seven dams that are situated within the York River watershed; five of the dams are associated with the Kittery Water District and two of the

dams are privately owned. The Kittery and York Water Districts have a series of six drinking water reservoirs that supply water to parts of Kittery, Eliot, and York including the Portsmouth Naval Shipyard in Kittery which is a large water consumer. Kittery Water District reservoirs include Folly Pond, Middle Pond, Bell Marsh Reservoir, and Boulter Pond. The privately owned York Pond Dam located at the outlet of York Pond in the Town of Eliot is the only dam on the York River mainstem.

While the lands surrounding each of these reservoirs are mostly undeveloped, segments of the York River mainstem and tributaries impounded by these dams do not meet eligibility standards due to the altered flow regimes and more lake-like character of the reservoirs. The dams at the outlets of the reservoirs form the upstream boundaries for potential WSR designation for the downstream segments.

Table 5. Dams within the York River watershed

Dam Name	River/Pond/Reservoir	Dam Function	Owner	Year Constructed	Dam Height (ft)
Bell Marsh	Bell Marsh Reservoir / headwaters of Smelt Brook	Water Supply	Kittery Water District	1987	62
Bell Marsh Dike	Bell Marsh Reservoir	Water Supply	Kittery Water District	Unknown	18
Boulter Pond	Boulter Brook / Bass Cove Creek	Water Supply	Kittery Water District	1951, upgrades 2001, 2006, 2007	31
Middle Pond	Cider Hill Creek	Water Supply	Kittery Water District	1901, renovated 1989	35
Folly Pond	Cider Hill Creek	Water Supply	Kittery Water District	1942	21
Scituate Pond	Cider Hill Creek	Recreation	Private	1947	18
York Pond	York Pond	Mill Dam	Private	Pre 2006	6

Outstandingly Remarkable Values

This subsection describes the natural, recreational and cultural resource values supported by the York River and its tributaries that are deemed to meet the outstandingly remarkable threshold. The Study evaluated each resource's river-relatedness or dependency and applied the rare, unique or exemplary criteria that are needed to establish that a given resource meets outstandingly remarkable status. More detailed information on these resource values can be found in the *York River Watershed Stewardship Plan* and on the Study website at <http://www.yorkrivermaine.org/>. All of the resources cited contribute to the overall eligibility of the York River for designation. ORVs were identified only for segments that meet the free-flow standard. Not all river reaches in the study area support all noted ORVs, but there is no stretch of river which does not contribute to the viability and ORVs of the whole.

The Study Committee was tasked with identifying and researching potential ORVs associated with the watercourses as required by the WSRA. Not just one, but two potential ORV categories were identified. The geographic area of consideration for the majority of land-based values was established as those resources located within ¼ mile of the watercourses. The examination of these resources (as described in detail in the *Stewardship Plan* and briefly below) was accomplished through substantial research that was conducted prior to and during the Study, and included evaluation of the significance of the resources within a national, statewide, and regional context. Consultations with experts and professionals (see Preparers and Contributors) provided the background information needed to determine the eligibility of the ORVs present.

The resources of the York River study area that are deemed ORVs fall within the following categories: **Ecological** and **Historic-Cultural**.

The following table describes the resources supported by the York River that are deemed to meet the outstandingly remarkable threshold for Wild and Scenic designation.

River Segment	Values	ORV Resource or Feature	Region of Comparison	Example(s) of Unique (U), Rare (R), or Exemplary (E) Status
York River watershed rivers and streams (system-wide)	Ecological	<ul style="list-style-type: none"> • Water quality • Watershed connectivity • Unique and diverse habitats/overall biodiversity • Concentration of rare, threatened and endangered species/species of greatest conservation need • Unfragmented forest areas protecting headwater streams, wetlands, drinking water supplies, and riparian areas 	State of Maine	<ul style="list-style-type: none"> • One of largest intact coastal wetlands in southern Maine (R, E) • Greatest diversity of threatened and endangered species of any Maine region (U, R) • Regional reference site for water quality (U) • 28 species of estuarine and freshwater fish and excellent fish habitat, including diadromous fish and habitat (U)
		<ul style="list-style-type: none"> • Part of largest intact coastal forest between Acadia and the New Jersey Pine Barrens • Salt marsh habitat/coastal ecosystem resiliency 	Northeastern United States	Top 1% of sites surveyed for resiliency – most likely to support biological diversity and ecological functions with sea level rise (U)
	Historic-Cultural	<ul style="list-style-type: none"> • Diverse, well-preserved and documented sites; important to regional culture and identity • Early industry and settlement (Euro-American) • Formative events and settlement for colonization and early governance (Province of Maine) • Many archaeological sites (pre-contact and colonial) 	New England	<ul style="list-style-type: none"> • High concentration of notable historic structures along river (U, R) • Early tidal dams and mill structures (U) • Three local historic districts (York) and many local historic landmarks (U) • Native American archaeology sites, including middens (U)
		Historic sites: National Register of Historic Places (NRHP)	United States	National Historic District and five river-related individual National Register sites (U)
York River	Ecological	<ul style="list-style-type: none"> • Diadromous fish and fish habitat • Salt marsh habitat • Coastal ecosystem resiliency • Tidal wading bird habitat • Inland waterfowl/wading bird habitat 	State of Maine	Identified as State Focus Area for ecological significance (R, E)
	Historic	<ul style="list-style-type: none"> • Archaeological sites (pre-contact and colonial) • Numerous historic buildings, NRHP sites and district, Scotland Bridge area settlement, Punkintown, mill and dam sites • Early industry and settlement, importance to early European colonization and early Maine government 	State of Maine & United States	<ul style="list-style-type: none"> • Contributes to York National Historic District and three local historic districts (U) • NRHP sites: John Hancock Warehouse, Isabella Breckinridge House, McIntire Garrison, Frost Garrison and House (U) • Punkintown settlement archaeology (U)
	Cultural	<ul style="list-style-type: none"> • Scenic working waterfront: Sewall’s Bridge dock easement • Iconic bridges: Wiggly Bridge and Sewall’s Bridge – America’s first wooden pile drawbridge built in 1761 	State of Maine & United States	<ul style="list-style-type: none"> • First in nation conservation easement to maintain working waterfront (U, R) • Sewall’s Bridge - National Historic Civil Engineering Landmark (U, R)

Chapter III: Eligibility and Classification

River Segment	Values	ORV Resource or Feature	Region of Comparison	Example(s) of Unique, Rare, or Exemplary Status
		<ul style="list-style-type: none"> • Unique river views combining history, natural resources and built environment 		<ul style="list-style-type: none"> • York River/Harbor Heritage Coastal Area (U) • Findings from State Coastal Scenic Landscape Assessment (1987) (U, E)
Cutts Ridge Brook, and Rogers Brook	Ecological	<ul style="list-style-type: none"> • Diadromous fish and fish habitat • Salt marsh habitat • Coastal ecosystem resiliency • Tidal wading bird habitat • Forested stream habitat/forested wetlands 	State of Maine	Identified as State Focus Area for ecological significance (R, E)
Smelt Brook	Ecological	<ul style="list-style-type: none"> • Diadromous fish and fish habitat • Salt marsh habitat • Coastal ecosystem resiliency • Tidal wading bird habitat 	State of Maine	Identified as State Focus Area for ecological significance (R, E)
	Historic	<ul style="list-style-type: none"> • Historic mill and dam sites • Shipbuilding site • Archaeological sites 	New England	Sites of early Colonial industry and settlement (U)
Bass Cove Creek	Ecological	<ul style="list-style-type: none"> • Diadromous fish and fish habitat • Salt marsh habitat • Tidal wading bird habitat 	State of Maine	Identified as State Focus Area for ecological significance (R, E)
Dolly Gordon Brook and Libby Brook	Ecological	<ul style="list-style-type: none"> • Salt marsh habitat • Coastal ecosystem resiliency • Tidal wading bird habitat • Inland waterfowl/wading bird habitat (Dolly Gordon Brook) 	State of Maine	Identified as State Focus Area for ecological significance (R, E)
	Historic	<ul style="list-style-type: none"> • Historic tidal saw mill and dam sites • Archaeological sites • Historic site: Barrell Homestead (National Register site) 	New England & United States	<ul style="list-style-type: none"> • One of the earliest known tidal powered saw mills in Colonial America (1634) (U, R) • National Register of Historic Places site (U)
Cider Hill Creek	Ecological	<ul style="list-style-type: none"> • Diadromous fish and fish habitat • Salt marsh habitat • Coastal ecosystem resiliency • Tidal wading bird habitat • Forested stream habitat/forested wetlands 	State of Maine	Identified as State Focus Area for ecological significance (E)
	Historic	<ul style="list-style-type: none"> • Historic archaeology site: Point Christian remains • Historic mill and dam sites • Other archaeological sites 	New England	Remains of the 1634-35 Point Christian manor house (home of Thomas Gorges, colony governor) (U, R)

Ecological Resources

Water Quality

The high water quality of the York River supports many uses and provides excellent aquatic habitats for fish and other species. Recreational fishing, swimming and boating, drinking water supplies, and riverine habitat and wildlife are all supported by the high water quality of the York River and its tributaries. Many York River headwater streams flow through large blocks of protected forests around York Pond, Bell Marsh Reservoir, and the Kittery Water District's supply ponds, providing exceptional water quality for habitats and users downstream. The river's water quality is further protected by extensive fringing salt marshes and naturally vegetated buffers throughout the watershed. A testament to the high water quality, the several ponds and reservoirs in the York River watershed are examples of the few surface drinking water supplies left in southern Maine. Categorized by the State of Maine as a Class B waters, the York River watershed attains fishable, swimmable standards established by the Clean Water Act.

Habitat, Wildlife, and Biodiversity

The presence of both salt and freshwater ecosystems and the convergence of those systems in an estuary contribute to the wide range of special habitats present – including fringing marshes, salt marshes, tidal flats, and the nutrient-rich tidal marsh estuary. Comprised of large tracts of Southern and Northern hardwood forests, the watershed's undeveloped uplands contain numerous headwater streams, wetlands, and vernal pools that contribute to excellent water quality and healthy habitats throughout the York River watershed.

Diverse and Rare Natural Communities in the York River watershed (classification by Maine Natural Areas Program):

- Tidal marsh estuary
- Spartina salt marshes
- Oak-pine forest
- White oak-red oak forest
- Oak-hickory forest
- Pitch pine bog

Significant Wildlife Habitat in the York River watershed (defined under Maine's Natural Resources Protection Act):

- Tidal wading bird and waterfowl (2,490 acres)
- Inland wading bird and waterfowl (2,870 acres)
- Significant vernal pools (30 acres, mapping incomplete)
- Shorebird feeding and roosting (60 acres)
- Deer wintering areas (460 acres)

Tidal Marsh Estuary and Salt Marsh: The York River estuary, the largest intact coastal wetland area in southern Maine, extends about 8.5 miles inland from the Atlantic coast to the head of the tide. The estuary is one of Maine's most intact and ecologically diverse marsh-estuarine ecosystems. The estuary's salt marshes provide excellent spawning and nursery habitat for up to 28 species of diadromous and estuarine fish that have been documented in the York River, including rainbow smelt, alewives, eel, bluefish, winter flounder, striped bass, and Atlantic herring (*Fish Communities and Habitats of the York River Watershed*, Dionne, et al. 2006). Salt marshes of the York River provide critical nursery and forage areas for many commercially significant species in the Gulf of Maine. The estuary serves as an important roosting and feeding area for tidal wading birds and waterfowl. In addition to being aesthetically pleasing, these saltmarshes provide erosion protection, serve as coastal storm buffers and filter sediment and pollutants before they reach coastal waters. The ecosystem services that salt marshes provide for New England are particularly important considering the uncertainties associated with shifting environmental conditions and sea level change.



Salt marsh along the York River. Photo: Jerry Monkman, Ecophotography.

Coastal Resiliency: The York River watershed is one of the most resilient coastal systems in the Northeast Atlantic region. The tidal habitats and salt marshes of the York River are in the top tier of Northeastern coastal sites for resiliency; they are most likely to support biological diversity and ecological functions under various sea level scenarios. Topography, extensive undeveloped natural areas, and high quality habitat and water quality of the York River watershed will allow for adaptation to sea level change and sustained productive coastal habitats and ecosystem services.

Coastal Forest: The York River watershed is unique in the Northeast in that it hosts the largest intact coastal forest in the area between Acadia and the New Jersey Pine Barrens. These coastal forests provide habitat for and support river-dependent rare, threatened, and endangered species. The northern and southern forests overlap in the region, and this biome transition is another reason that the area has such rich biological diversity. Most of these mixed oak, pine, hickory, and hardwood forests have a history of timber harvest, but many have since returned to mature forest conditions.

Threatened and Endangered Species

The robust ecosystems of the York River watershed support a diversity of both plant and animal species, making this the area of Maine with the greatest diversity of threatened and endangered species in the state. The estuary and tidal flats provide important roosting and feeding area for birds, including the rare saltmarsh sharp-tailed sparrow. The river area also provides extensive habitat and a migration corridor for birds within the greater Atlantic flyway. The State endangered Blanding's turtle and New England cottontail are documented to be present in the region. Rare plant species of the watershed include saltwater false foxglove, spongy arrow-head, and water pimpernel. The American eel, although not listed officially as an endangered species, is a declining species that utilizes the free-flowing habitat of the York River. (Focus Area of Statewide Ecological Significance: York River Headwaters)

The diversity and high quality of many interacting ecological features in the York River watershed reflect the overall health of the ecosystem. Ecology is recognized as an ORV of the York River based on the presence of exemplary rare and diverse ecological systems and rare, threatened, or endangered species within New England.



Saltmarsh sharp-tailed sparrow. Photo: Maine Department of Inland Fisheries and Wildlife.

Table 6. Riparian Habitat in the York River Watershed

Land Type	Acres	% of total
Forest (deciduous, evergreen, mixed)	2,025	40%
Wetlands (emergent, woody, herbaceous)	1,926	38%
Developed (high, medium, low, open)	559	11%
Open Water	233	4%
Crop / Pasture	225	4%
Scrub-Shrub	85	2%
Barren Land (gravel pit)	51	1%

Table 7. River-dependent Rare, Threatened, and Endangered Species in the York River watershed

Animals	Plants
Spotted turtle	Featherfoil
Blanding’s turtle	Mudwort
Ringed boghaunter	Palegreen orchid
Saltmarsh sharp-tailed sparrow	Saltmarsh false foxglove
New England cottontail*	Sassafras
	Spongy arrowhead
	Water pimpernel
	Broad beech fern*

*Rare, threatened, and endangered species in the York River watershed that are not specifically river-dependent.

Historic-Cultural Resources

The long and diverse history of the York River area is preserved by the rich set of river-related cultural and historic resources found in the area today. The persistent human settlement of this area relates to its abundant natural resources and the presence of the York River with its associated harbor and estuary. Paleoindian archaeological sites in the watershed firmly establish Native American presence in the watershed ca. 11,000 BP (Before Present). Dating back to 1622, Euro-American archaeological sites and historic buildings in the watershed offer a unique glimpse into the lives of some of the earliest European settlers in the country and document the formative period in the nation’s history and development. Native Americans as well as Euro-Americans utilized the coastal waterway

as a safe harbor and benefited from the abundant coastal, riverine, and inland natural resources. There is a history of fishing, timber harvest, ship-making, brick-making, and coastal shipping that developed as a result of the settlement on the banks of the York River. As well as being historic, the York River harbor remains an active working waterfront important to the local economy and character.

With three historic district and eight individual sites listed on the National Register of Historic Places, the York River’s historic resources help to preserve regional and national heritage. There is a vibrant local community of historical organizations (Old York Historical Society, Eliot Historical Society, Old Berwick Historical Society, Kittery Historical and Naval Society) that supports the preservation of the region’s

Chapter III: Eligibility and Classification

historic resources. The cultural and historic resources of the York River include pre-contact Native American and historical archaeological sites, buildings, and infrastructure documenting the historical fishing and milling trades, and modern era engineering accomplishments.

Archaeological Sites

There are 23 documented prehistoric archaeology sites within the York River watershed. Several of the sites are river-related (e.g., shell middens) and regionally significant, and contribute directly to PWSR designation eligibility for the York River. There are 94 historical period archaeology sites in the watershed, including early tidal dams and mills dating back to the 1630s. Other seventeenth century sites, including the remains of the 1634 governor's mansion, Point Christian Manor, are some of the earliest best preserved sites in New England. There are also many later period archaeological and historical sites along the river and throughout the watershed including brick and shipyards, mills, dams, and shipwrecks. Given early settlement patterns along the waterways and use of water resources, salt marshes, and riparian habitats, many of the sites are considered river-related and contribute directly to PWSR designation eligibility.

An archaeological survey of the York River headwaters was conducted in 2017 by Northeast Archaeology Research Center, Inc., under direction of the Study Committee, to help determine the possible presence of significant archaeological and cultural resources that may contribute to the outstandingly remarkable historic and cultural values of the York River. Several artifacts

including lithic tools, a projectile point dating from 4,500-5,000 years ago, and a sample of burned bone representing food remains were excavated from sample sites within the 2,000 acre survey area. The survey resulted in the identification of six previously unknown pre-contact Native American archaeological sites, and the investigation of six 18th and 19th century historical Euro-American sites, including the remains and domestic artifacts of a historical settlement adjacent to York Pond, called Punkintown.



2017 Archaeological Survey in the York River watershed. Photo: Jenn Hunter.

Little is known about the remains of this small settlement in the York River headwaters that at its peak in the 19th century had a population of only about 30 to 40 people. Punkintown residents were known to be self-sufficient, using the river to power their saw and grist mills and to transport stone blocks from a nearby granite quarry (<http://www.seacoastonline.com/article/20071118/NEWS/711180349>). Based on survey findings, the researchers recommended nomination of Punkintown as an archaeological district to the National Register of Historic Places.

Table 8. National Register of Historic Places Sites

National Register Listing	Significance	Type	Other information
York Historic District	Architecture	Historic district	River-related
John Hancock Warehouse	Commerce	Warehouse	River-related
Old York Gaol	Politics/government	Correctional facility	National historic landmark
Old Schoolhouse	Education	School	
Isabella Breckinridge House	Architecture	Single dwelling	River-related
Barrell Homestead	Politics/government	Single dwelling	River-related
John Sedgley House	Architecture	Single dwelling	
McIntire Garrison House	Architecture	Single dwelling	River-related; National historic landmark
Frost Garrison and House	Architecture	Single dwelling	River-related

Historic Districts, Sites, Buildings, and Structures

The York River region is notable for its many early industrial and milling sites. The earliest known tidal powered mill site in New England was established on Old Mill Creek (now Dolly Gordon Brook) as early as 1634. The remains of numerous historical dams and tide or water-powered mills are still visible on the river landscape today at the headwaters of the river, on major tributaries, and pond outlets. These dams and saw and grist (or corn) mills date as early as the mid-17th century, but also include an example of a unique 20th-century, small-scale, hydro-electric facility and saw mill at the headwaters of the York River.

Some notable historic properties and structures are described below:

John Hancock Warehouse and Wharf (1740)

Listed on the National Register of Historic Places, the John Hancock Warehouse is the last remaining commercial building on the York River from the colonial period in the Town of York. The Wharf, which serves as a working dock to three local lobster boats, is preserved by Old York Historical Society with funding from the state's Working Waterfront Access Pilot Program.

George Marshall Store (1870)

Located on the banks of the York River, the George Marshall Store sold general merchandise; it is preserved by Old York Historical Society and currently used as an art gallery featuring local artists and is open to the public.

Sayward Wheeler House (1718)

Jonathan Sayward was a prominent judge and shipping merchant in York, Maine; his historic house on the banks of the York River is preserved by Historic New England.



John Hancock Wharf on the York River. Photo: Old York Historical Society.

Elizabeth Perkins House (18th century-1920s)

Old York Historical Society preserves this historic home that "...stands as of the most complete and finest surviving example of colonial revival architecture and interior design in the Piscataqua Region of Maine that is open

Chapter III: Eligibility and Classification

to the public on a regular basis. Its gabled outline, elegant grounds, and prominent site along the York River at the end of the 18th century Sewall's Bridge combine to make it one of York's most prominent and endearing historic landmarks" (Old York Historical Society). Located on the banks of the York River, the building contributes to the scenic quality of this river segment.

McIntire Garrison House (1709)

This privately owned house on the banks of the York River is on the National Register of Historic Places and is a National Historic Landmark. The thick protective walls of this log structure provided protection from Native American attacks and were widely used throughout New England.

Town of York Local Historic Districts

The Town of York has three local historic districts that fall within the York River watershed – the York Harbor Local Historic District, the Lindsay Road Local Historic District including Steedman Woods, and the Village Center Local Historic District. All three historic districts highlight the area's historic dependence on the river and its natural resources.

Historical Mill Dams

The remains of historical dams and tidal mill ponds on the York River and tributaries contribute to the area's rich history of hydropower generation for grist and saw mills and dairy operations. These are some of the first mill dams built in the United States.

Sewall's, Wiggly, and Thermoplastic Bridges

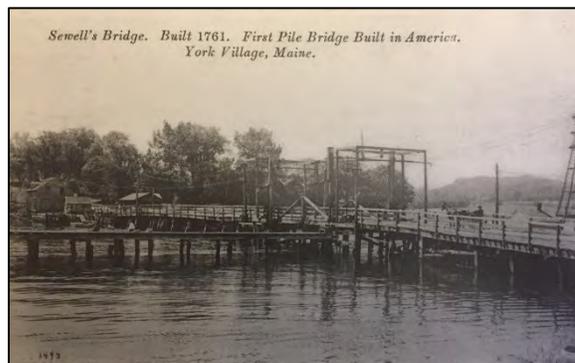
Sewall's Bridge is a historic civil engineering landmark. The wooden trestle bridge was originally designed and constructed by Major Samuel Sewall in 1761 and remained in use as a York River crossing until 1934, when it was replaced by a similarly designed wooden pile bridge. It was the earliest bridge of its kind with an authentic existing construction record and drawings. Original wood was used in the 1934 reconstruction. The 2013 reconstruction of the bridge removed all its historical wooden

elements, but the historical character of the bridge was retained.

Built in the 1930s, Wiggly Bridge, a pedestrian bridge, is one of the smallest suspension bridges in the U.S. and is an attraction for locals and tourists alike.

Constructed with recycled plastic bottles, the Thermoplastic Bridge spanning Rogers Brook is the first of its kind in the U.S.

These findings support the overall presence of outstandingly remarkable historic and cultural river-related values that should be protected. Historic and cultural resources are recognized as an ORV of the York River based on regionally (New England) and nationally significant river-dependent archaeological sites, historic buildings and structures, and unique bridges.



*Historical photo of Sewall's Bridge on the York River.
Photo: courtesy of Cindy Donnell.*

Classification

The preliminary classification for the York River and its tributaries is based on each segment's accessibility, riverine characteristics, human development patterns and history of impoundments or structures within the river. Recognizing that some smaller reaches with possible scenic classification exist, the preliminary classification for all eligible river segments is **recreational** due to the York River and its tributaries being accessible by road, having some development along their shorelines,

and having undergone some impoundment or diversion in the past.

Conclusions on Eligibility and Classification

Approximately 30.8 miles of the York River mainstem, from the outlet of York Pond to the Route 103 Bridge, and the major tributaries of Bass Cove Creek, Cider Hill Creek, Cutts Ridge Brook, Dolly Gordon Brook, Libby Brook, Rogers Brook, and Smelt Brook are eligible for WSR designation based on free-flowing conditions and the presence of ORVs that include **Ecological** and **Historic-Cultural** resources. The preliminary classification for the 30.8 miles is **recreational**.



Salt marsh along the York River. Photo: Jerry Monkman, Ecophotography

Chapter IV: Suitability

Suitability Criteria

This chapter presents the Study findings relative to Section 4(a) “on the suitability or non-suitability for addition to the national wild and scenic rivers system.” The suitability of the river for designation is directly related to existing and future river management which will also be discussed in this chapter.

Principal Factors of Suitability

In 1995, members of the Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service, and U.S. Forest Service established an interagency council to address administration of National Wild and Scenic Rivers. The Interagency Wild and Scenic Rivers Coordinating Council (IWSRCC) developed criteria for suitability of rivers considered for inclusion in the National System. These criteria are similar to, but distinct from the eligibility

requirements for inclusion in the National System.

The IWSRCC developed the following criteria as a general guide to exploring the suitability or non-suitability of river segments for inclusion in the National System. A suitability analysis is designed to answer the following questions:

1. *Should the river’s free-flowing character, water quality, and ORVs be protected, or are one or more other uses [e.g., issuance of a hydro license] important enough to warrant doing otherwise?*
2. *Will the river’s free-flowing character, water quality, and ORVs be protected through designation? Is it the best method for protecting the river corridor? In answering these questions, the benefits and impacts of WSR designation must be evaluated and alternative protection methods considered.*
3. *Is there a demonstrated commitment to protect the river by any nonfederal entities that may be partially responsible for implementing protective management?*

In answering these questions, the benefits and impacts of WSR designation must be evaluated and alternative protection methods considered.

Rivers such as the York River that flow through predominantly private lands are often best considered following the PWSR study approach and potential designation model. For these rivers, the NPS has developed and refined additional factors upon which suitability findings should be made:

1. The adequacy of existing protection measures to conserve the river's outstanding resources without the need for federal land acquisition or federal land management.
2. Whether there is an existing or proposed management framework that will bring the key river interests together to work toward the ongoing protection of the river.
3. The strength of local support for river protection and national designation.
4. The effects of designation on uses of the land, water base, and resources associated with the river; the neighboring communities; etc.

Existing Protections

Protections for free-flowing character, water quality and each of the identified ORVs were assessed by the NPS in conjunction with the Study Committee and the complete findings are available in the *Stewardship Plan* and its appendices. There are various forms of existing federal, state, and local programs, statutes, regulations, and ordinances that contribute to the protection of the York River and its related resources. These protections extend from the waterway and adjacent lands to the large areas of conserved land and open space throughout the watershed. Additionally, there are established conservation commissions, land trusts, and other non-governmental supporting

organizations that have strong interests in protecting the outstanding resources identified by the local community during the study process. There is also strong local and regional appreciation, evident in town and regional plans, of the importance of the York River and the resources it supports. The four towns in the study area demonstrate their support for sustaining healthy river systems with regulations at times above and beyond State requirements, support for projects in the watershed that promote good water quality, and zoning and development regulations that align with WSR values.

The *Stewardship Plan* demonstrates that these existing protections, along with implementation of the recommendations in the *Stewardship Plan*, meet the suitability criteria for the segments that are recommended for WSR designation. A summary of existing protections follows.

Water Quality and Riverine Habitat Protection

National

The Clean Water Act provides substantial protection for the York River's water quality by restricting all discharge into rivers. The Clean Water Act works to restore and maintain the chemical, physical, and biological integrity of the nation's surface waters. States are required to adopt surface Water Quality Standards and an Anti-Degradation Policy as well as the National Pollutant Discharge Elimination System, which is administered by the State of Maine and requires a discharge permit from the appropriate authority. Under the Clean Water Act, a Section 404 permit requires approval from the U.S. Army Corps of Engineers for any project that would discharge dredged or fill material into waters of the United States. The National Environmental Policy Act and the Rivers and Harbors Act also provide additional protection for streams and rivers.

State

At the state level, the Maine Department of Environmental Protection administers programs under the Clean Water Act such as the Maine National Pollutant Discharge Elimination System. Under the National Pollutant Discharge Elimination System, the Maine Department of Environmental Protection has established a municipal stormwater systems (MS4) General Permit that requires a permittee to develop, implement, and enforce a Stormwater Program Stewardship Plan implementing six minimum control measures including public education and outreach, public involvement and participation, and illicit discharge detection and elimination to protect water quality. Part of the York River watershed was recently included under this permit requirement and the initiatives that the towns are undertaking to meet its requirements will provide additional water quality protections for the river. Stormwater regulations direct resources to bolster existing public education and outreach programs such as York's voluntary *Lawns to Lobsters* program that encourages local citizens to use low-impact lawn care methods to protect water quality.

Local

Towns and local organizations in the study area have demonstrated their support for WSRs by enacting local regulations that go above and beyond State regulations, including zoning regulations that are consistent with WSR values, and supporting river improvement projects. The *Shoreland Overlay District*, formed by the Town of York and described in the York Zoning Ordinance, creates a 250-foot resource protection zone to limit development in sensitive resource areas. The Overlay District likely provides the single most important local regulatory protection, since the mainstem of the York River and many of its tributaries are located within the Town of York. There are also

municipal protections in Kittery, Eliot, and South Berwick and existing water quality programs related to the protection of Kittery Water District reservoirs and lands that provide a source of drinking water for Kittery and portions of York and Eliot.

Kittery Water District recognizes that water and watersheds must be preserved, conserved and protected; that an adequate supply of clean water is a basic human right; that water is a public trust to be guarded by all levels of government acting as an equal partner with the public; and that the best advocates for water are local communities and citizens. The district coordinates with York Water District to conduct watershed monitoring programs to maintain water quality.

The protection of water quality is strongly supported in the community that depends on the clean waters for tourism, recreation, and fishing industries that are vital for the regional economy. If the water quality of the York River were to decline, there would be detrimental effects not only on natural habitats and fisheries, but also on the well-being of residents and the regional economy.

Land Conservation and Natural Resources Protection

National

The Endangered Species Act of 1973 (16 U.S.C. §1531 et seq.) protects endangered species of fish, wildlife, and plants, and authorizes the federal government to maintain a list of those species that are endangered or threatened. No one is permitted to possess, sell, or transport these listed species, and any person who violates the law may face legal penalties. Land and conservation funds may be used to conserve these species. Section 7 of the Endangered Species Act requires the federal government to not jeopardize the species, or modify their critical habitat. Recovery plans must be in

place for the listed species, and these plans must be reviewed every two years. If a species is delisted, it must be monitored for five years.

State

The Maine Department of Inland Fisheries and Wildlife works to preserve, protect, and enhance all of Maine's wildlife resources including Maine's nongame wildlife and the state's endangered and threatened species.

The Maine Department of Marine Resources works to conserve and develop marine and estuarine resources; to conduct and sponsor scientific research; to promote and develop the Maine coastal fishing industries; to advise and cooperate with local, state, and federal officials concerning activities in coastal waters; and to implement, administer, and enforce the laws and regulations necessary for these purposes.

Established to protect and conserve water quality, habitat, wetlands, and other important natural resources, the State of Maine's Mandatory Shoreland Zoning Act requires municipalities to establish, administer, and enforce land use controls for areas in the shoreland zone, including areas surrounding coastal and inland wetlands, rivers, and certain streams. The Mandatory Shoreland Zoning Act establishes minimum standards for structure setbacks, minimum lot area and frontage, clearing limitations, timber harvesting limitations, erosion and sedimentation control, sewage disposal, and nonconformance provisions.

The state-wide Mandatory Shoreland Zoning Act is administered at the local level through the adoption of shoreland zoning ordinances. The four towns within the watershed have shoreland zoning ordinances that comply

with the State's minimum requirements, and York, Kittery, and South Berwick have adopted several provisions that exceed the State's minimum requirements.

Local

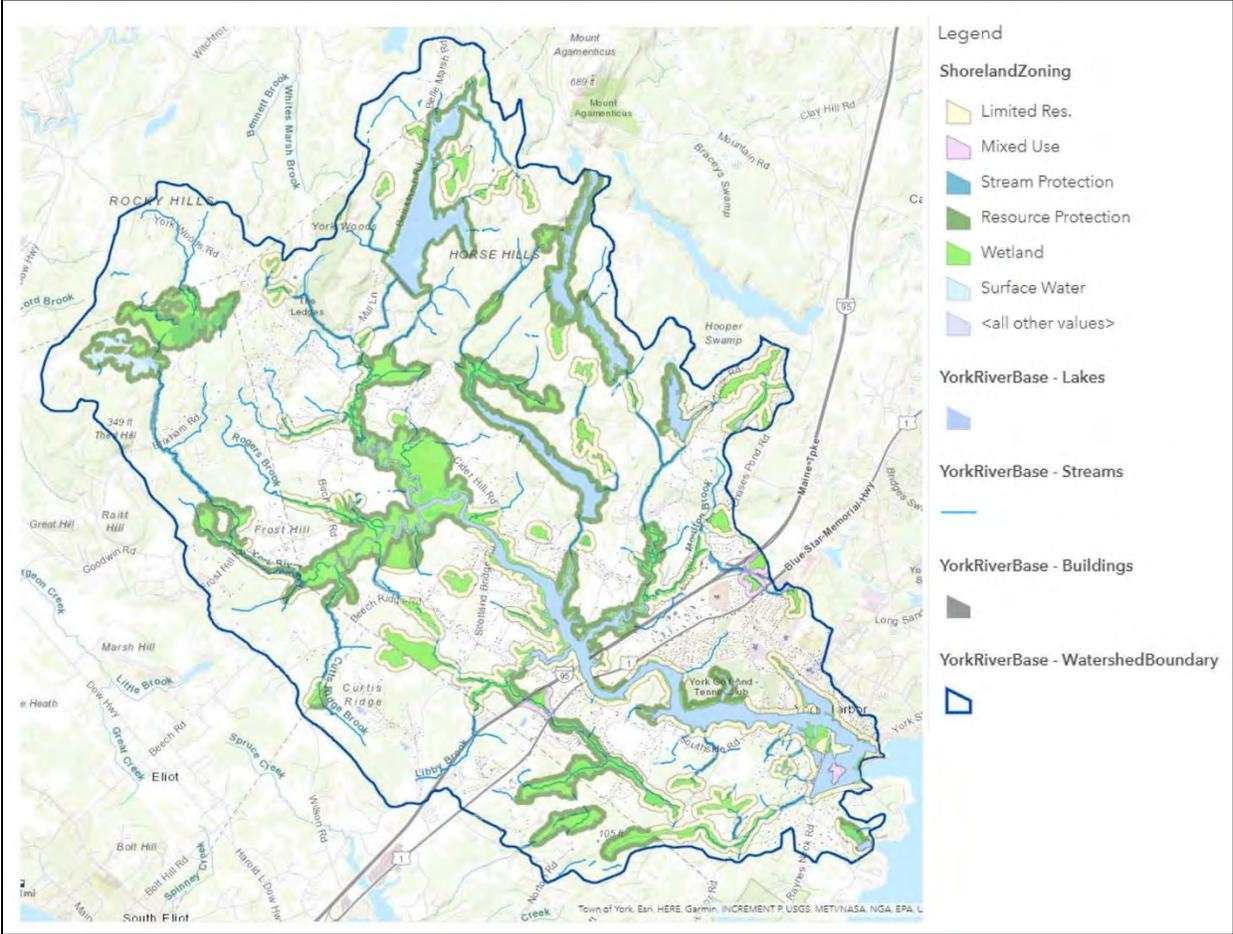
Development pressure and population growth are significant in southern Maine. For instance, York's population increased from 9,818 in 1990 to 12,854 in 2000. This 30.9% increase was the largest in York County¹. With the existing combination of an excellent highway access system to the region and the desirability of the coastal location there has been an influx of year-round residents and the associated development and loss of open space. Despite this development pressure, there is an extensive network of local and regional conservation organizations working in the York River study area to protect and preserve watershed resources that include groups such as land trusts, and other conservation organizations (Table 9). Currently, roughly 5,600 acres of the watershed (or 26%) is in conservation of some type, including a significant amount of acres owned by the Kittery and York Water Districts.² The four towns' Comprehensive Plan land protection policies and zoning/subdivision land use regulations are outlined in Table 10.

In the Towns of Eliot and South Berwick, conservation purchases can be made using the open space accounts within the town operating budgets. Communities can appropriate funds to this account or use proceeds from tax foreclosures, mitigation

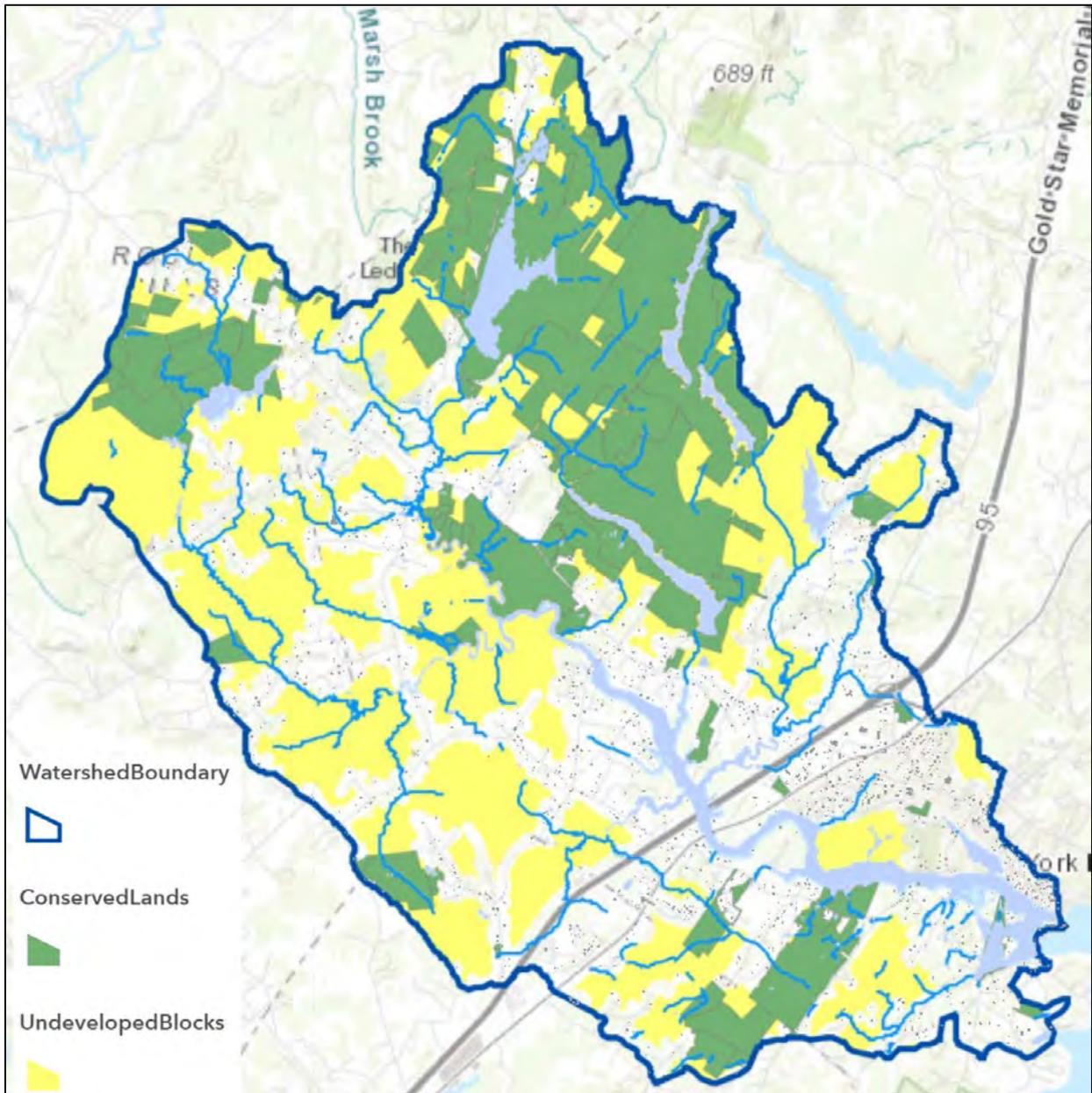
fees, and other mechanisms to help fund land conservation purchases. All four watershed towns have appropriated town funds for land conservation projects.

¹ U.S. Census Bureau

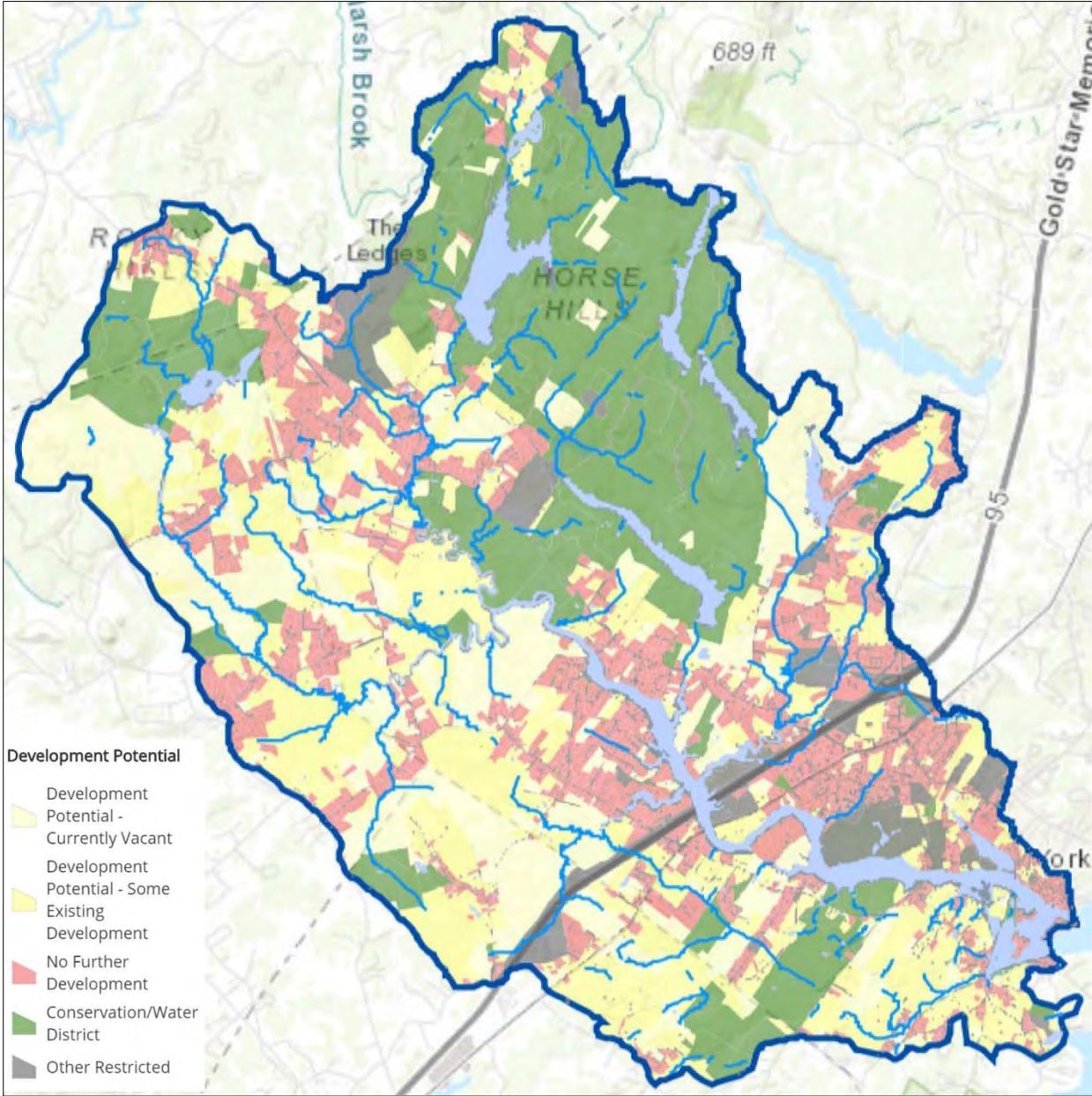
² SMPDC's York River Watershed Study: Regulatory and Non-regulatory Recommendations Report



Map 4. Shoreland zoning in the York River watershed. (map by Spatial Alternatives)



Map 5. Conservation lands and undeveloped habitat blocks in the York River watershed.
(map by Spatial Alternatives)



Map 6. Development potential of parcels in the York River watershed.
(map by Spatial Alternatives)

Table 9. Conservation Groups working within the York River study area

Group	Description
Wells National Estuarine Research Reserve	The Wells National Estuarine Research Reserve works to expand knowledge about coasts and estuaries, engage people in environmental learning, and involve communities in conserving natural resources, all with a goal of protecting and restoring coastal ecosystems around the Gulf of Maine.
Maine Department of Environmental Protection	Maine Department of Environmental Protection is responsible for protecting and restoring Maine's natural resources and enforcing the state's environmental laws.
Beginning with Habitat	Beginning with Habitat, a collaborative program of federal, state and local agencies, and non-governmental organizations, is a habitat-based approach to conserving wildlife and plant habitat on a landscape scale. The goal of the program is to maintain sufficient habitat to support all native plant and animal species currently breeding in Maine.
Mount Agamenticus to the Sea Conservation Initiative	Mount Agamenticus to the Sea Conservation Initiative is a collaborative conservation group consisting of ten organizations that works to conserve the most important forests, fields, wetlands and marshes in a focus area that includes part of Kittery, Eliot, York, Ogunquit, Wells, and South Berwick. The ten organizations involved are the Great Works Regional Land Trust, Kittery Land Trust, Maine Coast Heritage Trust, Maine Department of Inland Fisheries and Wildlife, The Nature Conservancy – Maine Field Office, Trust for Public Land, U.S. Fish and Wildlife Service/Rachel Carson National Wildlife Refuge, Wells National Estuarine Research Reserve, York Land Trust, and York Rivers Association.
York Land Trust	A member-supported, nonprofit organization, the York Land Trust works with local, state and federal partners to protect landscapes, waterways, wildlife, and natural resources that define the community's unique character.
Kittery Land Trust	The Kittery Land Trust is a member supported local non-profit organization led by a group of volunteers committed to conserving special places and vital natural resources in Kittery for current and future generations.
U.S. Fish and Wildlife, Rachel Carson and Great Thicket National Wildlife Refuges	Rachel Carson and Great Thicket National Wildlife Refuges protect valuable upland forests, salt marshes and estuaries for migratory birds along 50 plus miles of coastline in York and Cumberland Counties. The proximity of the refuges to the coast and its location between the eastern deciduous forest and the boreal forest creates a composition of plants and animals not found elsewhere in Maine.
Maine Coast Heritage Trust	Maine Coast Heritage Trust conserves and stewards Maine's coastal lands and islands for their renowned scenic beauty, ecological value, outdoor recreational opportunities, and contribution to community well-being. Maine Coast Heritage Trust provides statewide conservation leadership through its work with land trusts, coastal communities and other partners.
Great Works Regional Land Trust	A member supported, nonprofit organization that provides conservation options for landowners in Eliot and South Berwick, Great Works holds property and conservation easements to conserve the value of the area's natural, historic, agricultural, forestry, scenic, and recreational resources.
The Nature Conservancy, Maine Field Office	The Nature Conservancy is the leading conservation organization working around the world to protect ecologically important lands and waters for nature and people. The Nature Conservancy works to protect habitat, recreation, and quality of life from development and urban sprawl in the Mount Agamenticus region, one of the fastest growing regions in Maine.

Table 10. Natural resource protection in local planning and zoning in York River WSR study area towns.

		York	Kittery	Eliot	South Berwick
Town Comprehensive Plan	Habitat Protection	Yes	Yes	Yes	Yes
	Water Quality Goals	Yes	Yes	Yes	Yes
Open Space Plan		No	No	Yes	Yes
Open Space Account		No	Yes	Yes	No
Land Use Regulations (Zoning and Subdivision)	Require Riparian Setback/Buffer	Yes (250')	Yes (100-250')	Yes (75-250')	Yes (250')
	Stormwater Management Standards	Yes	Yes	Yes	Yes
	Flood Hazard Regulations	Yes	Yes	Yes	Yes
	Require Natural Resource Protection	Yes	Yes	Yes	Yes
	Shoreland Zoning beyond state minimum	Yes	No	Yes	Yes
	Cluster Subdivisions	Yes, not mandatory	Yes, not mandatory	Yes, mandatory in Critical Rural Area.	Yes, not mandatory

Historical and Waterfront Preservation

National

Passed in 1966, the National Historic Preservation Act acknowledged the need to identify, evaluate, and protect America's historic and archaeological resources. As a result of this legislation, federal agencies must consider the effects of all their actions on cultural resources, nominate all significant cultural resources under their jurisdiction to the National Register of Historic Places, and mitigate adverse effects upon significant cultural resources. The *National Register of Historic Places* is part of a national program to coordinate and support public and private efforts to protect cultural resources across the country. Historic sites may be entered in the National Historic Register after nominations

are submitted by historians and/or archaeologists, usually employed by the property owner.

The National Historic Preservation Act shapes how state and federal governments interact, and how state and federal agencies are funded for the management of cultural resources.

State

The National Historic Preservation Act mandates that a State Historic Preservation Office administer the national historic preservation program at the state level. The state provides matching funds and designates a state office to promote and administer preservation activities. The Maine Historic Preservation Commission, an independent agency within the executive branch of the state government, is designated as the State

Historic Preservation Office, and oversees the administration of the National Register program in the State of Maine. The Maine Historic Preservation Commission reviews and approves nominations of historic properties to the National Register of Historic Places and makes grant awards for historic preservation projects. When reviewing a project for inclusion in the National Register, the Maine Historic Preservation Commission's goal is to identify significant cultural resources, and to avoid or minimize adverse effects on them. Nominations are then submitted to the NPS, which oversees the National Registry and makes the final determination regarding the site's inclusion in the National Register. The NPS provides funding, technical support, and tools for State Historic Preservation Offices to develop statewide preservation programs. Through Sections 106 and 110 of the National Historic Preservation Act (16 U.S.C. § 470 et seq.), all federal agencies and State Historic Preservation Offices are mandated to consider the impacts of government activities upon historic and cultural resources and to manage historic properties.

Furthermore, Maine's Site Location of Development (Title 38, Chapter 3, §481-490) is significant as it protects cultural resources in the state by requiring Maine Historic Preservation Commission consultation on projects larger than 20 acres, large structures and subdivisions, oil terminal facilities, and their associated infrastructure activities (e.g., stormwater management), that may not come under Section 106 jurisdiction. The Maine Historic Preservation Commission reviews approximately 300-500 projects under this law each year.

Local

There is a long history of local conservation and historical preservation in the York River region. Since the early 1900s, the York River watershed communities have recognized the importance of their towns' historic resources

to local, regional, and national history. This is reflected in their commitment to historic resources preservation through the formation of numerous preservation groups and organizations including the Old York Historical Society, Old Berwick Historical Society and Counting House Museum, Eliot Historical Society, and the Kittery Historical and Naval Society and Museum. These mostly volunteer organizations play a significant role in the development, institutionalizing, and sharing of local culture, history, art, and educational programming. The historical societies are responsible, in a large part, for the preservation of the historic character and resources found in these communities today, and equally important, the cultivation of public interest in historic preservation. The four towns' historic and cultural resource protections are outlined in Table 11.

Local historical organizations include:

York Historic District Commission manages and provides preservation incentives within three designated local historic districts: Village Center, Lindsay Road, and York Harbor, with a total of 76 individual historic properties and landmarks in the three districts.

Old York Historical Society works to preserve and promote the rich history of the York region through programs and educational experiences that enhance historical perspective and build on community pride. The organization, as it exists today combines two or three pre-existing organizations that merged over the years, was founded over one hundred years ago to preserve the history and artifacts of York, Maine. York is one of New England's earliest colonial settlements; it is also the nation's first chartered city (1641) and first incorporated city (1642). The Old York Historical Society preserves 37 period room settings and several galleries housed throughout nine historic museum buildings. (<https://oldyork.org/>)

Eliot Historical Society was founded in 1897 and works to preserve the town’s history through collection of artifacts and documents.

(<http://www.eliothistoricalsociety.org/>)

Old Berwick Historical Society promotes public awareness of local and regional history. The Counting House Museum is a regional treasure containing one of northern New England’s last textile mill ballrooms.

(<http://www.olderberwick.org/>)

Kittery Historical and Naval Society stores artifacts and documents related to pre-revolution days through to the modern Navy. Kittery is Maine’s oldest incorporated town

(1647). (<http://kitterymuseum.com/>)

Each study area town has ordinances or regulations that require properties to be evaluated for the presence of archaeological or historical resources for larger planned residential and mixed-use developments, cluster and multifamily developments, subdivisions, and mobile home parks. Applicants are required to obtain an opinion from the local historic district commission, Maine Historic Preservation Commission, or other experts as to the impact of the proposed development upon historical and archaeological resources, and where significant resources are highly likely to be present. Planning boards are then empowered to act to help conserve these resources.

Table 11. Historic and cultural resource protection in local planning and zoning in York River WSR study area towns.

		York	Kittery	Eliot	South Berwick
Town Comprehensive Plan	Local Historic Districts, Sites, or Landmarks	Yes	Yes	Yes	Yes
	Privately Protected Resources	Yes	Yes	N/A	Yes
	Local review of large development projects	Yes	Yes	Yes	Yes
	Local Historic Commission	Yes	Proposed	Yes	Yes
Land Use Regulations (Zoning and Subdivision)	Local Historic Districts, Sites, or Landmarks	Yes	Yes	Yes	Yes
	Visual Compatibility Factors	Yes	Yes	Yes	Yes
	Shoreland zoning provisions beyond water/habitat protection	Yes, for certain archaeological sites	Yes, need archaeologist for any excavation. Special setbacks for certain uses.	No	Yes, for certain archaeological sites and scenic resources

An active local historical community works to interpret, document, and protect rich cultural and historical resources. Old York Historical Society maintains the working waterfront at its John Hancock Wharf and leases the dock to commercial fishermen. The *York Land Trust* holds an easement on Sewall's dock in order to provide long-term access to the historic waterfront for local fisherman, and for its scenic value. Multiple partners came together to complete this unique approach to protect the working waterfront from conversion to a private residential dock; it is the first project of its kind in the U.S. The small-scale commercial waterfront, located upstream of the Route 103 Bridge, maintains traditional waterfront uses and historical character of the area.

Protections for free-flowing character, water quality, and each of the identified ORVs were assessed by the NPS in conjunction with the Study Committee, and the complete findings are available in the *Stewardship Plan* and its Appendices. Together with a locally administered river stewardship plan, these existing protections are found to meet the suitability criteria for the designated segments that are recommended for WSR designation.

Management Framework

The *York River Watershed Stewardship Plan* (August 2018), together with the York River Stewardship Committee (Stewardship Committee) that would be charged with its implementation, will ensure that a coordinated management framework exists to meet the purposes of the WSR designation. This type of management framework has proven to be a successful approach in providing management coordination and implementation on the 16 existing PWSRs.

Stewardship Plan

Development of the *Stewardship Plan* was of central importance to the Study Committee, and the final, completed Stewardship Plan is available as a companion document to this Study Report. The *Stewardship Plan* is a guidance document for protection and enhancement of the York River study area. It details the management framework and protection strategies and standards for identified ORVs, free-flowing conditions, and water quality. Each of the four towns included in the study area formally endorsed the *Stewardship Plan* in 2018 through votes of their general referendum ballot articles or Town Councils. Select boards, land use commissions, and local organizations have endorsed the *Stewardship Plan* as well. Representatives from the Maine Department of Transportation, and other relevant state agencies intend to participate in the implementation of the *Stewardship Plan*. Endorsement of the *Stewardship Plan* by the partners substantiates suitability for designation by demonstrating local commitment to river conservation if the designation occurs.

Though existing protections are deemed adequate, it is important to ensure optimal protection of ORVs, water quality, and free-flowing character over time due to threats and a changing environment. To do so, the Study Committee identified a protection goal for each ORV, identified threats and management issues that could degrade ORV quality, noted potential gaps between these threats and existing protections, and recommended tools or techniques for improving protection and enhancement of the ORVs at the local level. This analysis and the protection strategies developed for the *Stewardship Plan* could potentially serve as a tool to protect and enhance the values of the York River whether or not Wild and Scenic designation is achieved.

The *Stewardship Plan* calls for the creation of a Stewardship Committee charged with coordinating and overseeing its implementation. As with the Sudbury-Assabet-Concord Rivers, the Lamprey River, and the other designated PWSRs, it is envisioned that the Stewardship Committee would lead the *Stewardship Plan* implementation process in the event of a Wild and Scenic designation. Each of the key entities that would be the core membership of the Stewardship Committee has endorsed its creation through the *Stewardship Plan*. These entities include: the four towns bordering the river segments, Wells National Estuarine Research Reserve, and the NPS. State agencies will also likely participate. It will be vital for the Stewardship Committee to develop and maintain local and regional partnerships with towns and with other conservation organizations to achieve short and long range *Stewardship Plan* goals. It will also be the Stewardship Committee's responsibility to monitor the ORVs, free-flowing character and water quality with respect to the degree they are protected, degraded, or enhanced during implementation of the *Stewardship Plan*.

The purpose of the Stewardship Committee is to lead and coordinate implementation of the *Stewardship Plan* by:

- Bringing together on a regular basis stakeholders responsible for river management and facilitating cooperation and coordination among them.
- Providing a focus and a forum for all river interests to discuss and make recommendations regarding issues of concern.
- Monitor the outstanding resources with respect to the degree they are protected, degraded, or enhanced during implementation of the plan.
- Assisting the NPS in implementation of the WSR designation and expenditure of

potential federal funding for *Stewardship Plan* implementation (subject to WSR Designation).

- Assisting the NPS in the review of potentially adverse federal water resource development projects (subject to WSR Designation).

The Stewardship Committee will also:

- Review and update the *Stewardship Plan*.
- Promote public involvement and education.
- Promote river enhancement initiatives.
- Report to the member towns and organizations on the activities of the Committee and prepare periodic status reports.
- Assist in securing additional funding to facilitate implementation of the *Stewardship Plan*.

Evidence of Support

There was a high level of interest in the Wild and Scenic Study from the Study Committee, the study area towns, and the public throughout the study process, and this interest developed into widespread support for the designation of the York River and adoption of the *Stewardship Plan* as the Study progressed. Towns, organizations, and individuals demonstrated strong interest in protecting the outstanding resources, water quality and free-flowing character of the York River.

Study Committee

The Study Committee began meeting regularly in 2015 to fulfill its mission of conducting the study process through facilitating public involvement, guiding research on potential ORVs, developing the *Stewardship Plan*, and assessing local support for the designation. A high level of volunteer commitment was displayed throughout the course of the Study. The Study Committee stated its intention to continue meeting until the river gains designation, at which time a

Chapter IV: Suitability

transition to the post-designation Stewardship Committee would occur.

The Study Committee voted to endorse the *York River Watershed Stewardship Plan* and to recommend Wild and Scenic designation at its October 24, 2017 meeting.

Local Support

Local communities were integrally involved in the study process and *Stewardship Plan* development. Planning boards and conservation commissions, and other town boards and committees were involved and provided feedback to inform the Study. Many endorsed designation at their meetings prior to official town votes and have provided letters of support as shown in Appendix 2.

The following is a list of many of the key endorsement letters received as of the publishing of this Study Report.

Groups and Organizations

Eliot Conservation Commission
Eliot Historical Society
Eliot Select Board
Eliot Town Manager
Friends of York River
Great Works Regional Land Trust
Kittery Conservation Commission (memo to Town Council)
Kittery Land Trust
Kittery Planning Board (memo to Town Council)
Kittery Water District
Maine Coast Heritage Trust
Old York Historical Society
Rachel Carson National Wildlife Refuge
South Berwick Conservation Commission
Southern Maine Planning and Development Commission
Wells National Estuarine Research Reserve
York Country Club
York Harbor Board
York Land Trust
York Lobstermen's Association

York Parks and Recreation Department
York Planning Board
York Rotary
York Shellfish Commission

Maine Legislators and Other Individuals

State Representative Lydia Blume
State Representative Patty Hymanson
State Representative Michele Meyer
State Senator Mark Lawrence
Emerson Baker
David Burdick
Scott Eldredge
David Gittins
Edward Little

Towns

The Town Councils of Kittery and South Berwick unanimously voted in favor of the *Stewardship Plan* and Wild and Scenic designation, 7-0 and 5-0, respectively. Voters in York and Eliot endorsed designation and adoption of the *Stewardship Plan* with 63% voter approval in York and 73% approval in Eliot. The following general referendum ballot article was approved by both towns:

Shall the Town endorse the York River Study Committee's recommendation to seek Wild and Scenic River designation for the York River and its major tributaries with the understanding that designation would not involve National Park Service ownership or management of lands, and further, accept the committee's York River Watershed Stewardship Plan?

Statement of Fact: *The York River Wild and Scenic Study, which was authorized by the US Congress, evaluated the York River for inclusion in the National Wild and Scenic Rivers System under its "Partnership" river model. The York River Study Committee believes a Partnership Wild and Scenic River designation would provide key financial resources, technical assistance, and a local structure to best*

enable implementation of the York River Watershed Stewardship Plan. The Stewardship Plan is a non-regulatory guidance document that recommends strategies to preserve important historic, cultural, economic and natural resources in the York River watershed consistent with goals in towns' comprehensive plans. Community support for designation and acceptance of the Stewardship Plan is a prerequisite to Partnership Wild and Scenic River designation. However, such endorsement does not commit the Town to provide any financial resources. Funding to implement the Stewardship Plan is anticipated to come from annual Congressional appropriations through the National Park Service's Partnership Wild and Scenic Rivers Program if the York River is designated. There is no land ownership or management by the National Park Service, and there are no required changes to local ordinances with a Partnership Wild and Scenic River designation.

See Appendix 2 for additional information on Municipal Endorsement.

Designation Effects

Partnership Wild and Scenic River Model

NPS encouraged broad participation of local stakeholders in the study process and spent substantial time and effort considering and explaining the effects of the designation. Other rivers such as the Taunton, Sudbury-Assabet-Concord, and other PWSRs, have established a model for designation and management which constitute a substantial track record for the practical and expected effects of a WSR designations in settings very similar to the York River study area. These case studies and examples were explored

with the affected communities and other stakeholders as a part of the study process.

Common features of all of the existing PWSRs (as noted in Chapter 1) include the following:

- No reliance on federal ownership of land in order to achieve the WSRA's goals of protecting and enhancing river values.
- Land use management is regulated through existing local and state authorities, the same as before a designation.
- Administration and implementation of a locally led stewardship plan is accomplished through a broadly participatory stewardship committee, convened for each river specifically for this purpose.
- Responsibility for managing and protecting river resources is shared between the local, state, federal, and non-governmental partners on the committee.
- Reliance on volunteerism as a key to success.
- No NPS superintendent, law enforcement, or similar elements of traditional federally managed units of the National Park System.

As a factor of suitability for WSR designation, the PWSR model was used as the baseline for consideration of the likely impacts of designation. These are further refined in the *Stewardship Plan*, and discussed in Chapter 5 of this Report.

Summary of General Findings on Suitability

Analysis of existing local, state, federal, and non-regulatory protections applicable to the York River and its tributaries are found to adequately protect the river consistent with the purposes of the WSRA. These protections, combined with local support through town policies for river protection provide

substantial protection to the river and its adjacent lands. When combined with the statutory protections that would be provided through the WSR designation, the river's ORVs, free-flowing character, and water quality would be adequately protected without the need for federal land acquisition or federal land ownership and management. This finding is consistent with similar findings that have been made for each of the existing PWSRs, whereby the designating legislation for each of those rivers has prohibited the federal condemnation of lands, as provided for by Section 6(c) of the WSR. It is anticipated that any designating legislation for the York River will likewise include such a provision.

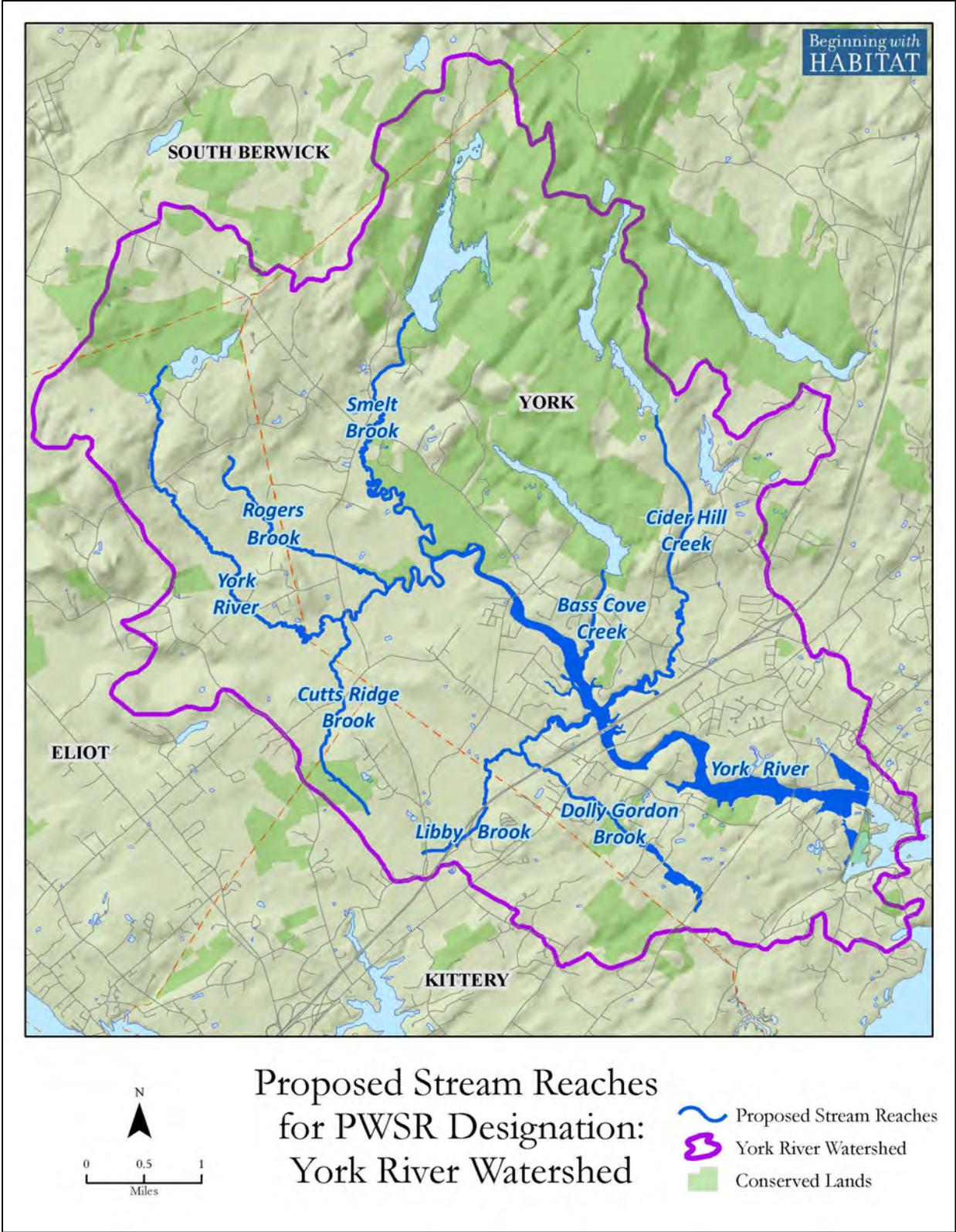
The *Stewardship Plan* was developed with input from and to meet the needs of local, state, and federal stakeholders and programs. It was endorsed as the *Stewardship Plan* for the York River by the riverfront towns. It would be utilized as the "comprehensive management plan" called for by Section 3(d) of the WSR, if the York River and its tributaries were to be designated as components of the National System. The

Stewardship Plan as implemented by the future Stewardship Committee provides an appropriate and effective management framework for the long-term management and protection of the watercourses.

Based upon the official record of endorsement from local governing bodies, citizens, local and regional non-governmental organizations as well as active participation in the Study from several State of Maine agencies, it is concluded that there is sufficient support to make the river suitable for designation under the WSR based on the PWSR model.

Study Conclusion

The Study concludes that approximately 30.8 miles of the York River and its tributaries of Bass Cove Creek, Cider Hill Creek, Cutts Ridge Brook, Dolly Gordon Brook, Libby Brook, Rogers Brook, and Smelt Brook are currently eligible and suitable for designation under the WSR. The York River and its tributaries are assigned a preliminary classification of **recreational**.



Map 7. York River watershed proposed stream reaches for PWSR designation



Kayakers on the York River. Photo: Jerry Monkman, Ecophotography.

Chapter V: Consideration of Alternatives and Impacts

This chapter discusses alternatives considered as a part of the study process, as well as the reasonably foreseeable impacts associated with designation, as required by the WSRA. For National Environmental Policy Act purposes, the NPS has concluded that such foreseeable impacts of designation are consistent with utilization of Categorical Exclusion 3.2R. The pertinent impacts of designation are fully discussed in this Report and its companion document the *Stewardship Plan*, as required by the WSRA. Substantial public engagement and involvement also occurred throughout the study process, and an additional 90 day public and agency review period is also a part of the WSRA specified process.

Alternatives

The purpose of this document is to report on the conduct and findings of the WSR Study of the York River, and determine the eligibility and suitability of the river under the relevant criteria of the WSRA. The scope of alternatives considered was further limited by coordination between the NPS and local and congressional study sponsors that occurred prior to study authorization, as reflected in the *Reconnaissance Survey* (see Chapter 1) which clearly established that only consideration of designation based on the PWSR model would be evaluated. Alternatives such as creation of a federally managed park area were therefore not investigated. This understanding was confirmed at the outset of the Study through consideration by the Study Committee.

The review of eligibility and suitability, as described in previous chapters, did not produce any findings or results that would warrant consideration of any other alternative than designation or non-designation of the entire nominated river area under the principles of the PWSR model. There was no

impetus to consider partial designation scenarios or alternatives, as favorable suitability findings exist for all eligible segments. As such, no other alternatives were evaluated.

Impacts of Designation

The designation as proposed would be based on 25 years of experience with the PWSR management model. The general principles of which include:

- No reliance on federal ownership of land in order to achieve the WSRA's goals of protecting and enhancing river values.
- Land use management is regulated through existing local and state authorities, the same as before a designation.
- Administration and implementation of a locally led stewardship plan is accomplished through a broadly participatory stewardship committee, convened for each river specifically for this purpose.
- Responsibility for managing and protecting river resources is shared between the local, state, federal, and non-governmental partners on the committee.
- Reliance on volunteerism as a key to success.
- No NPS superintendent, law enforcement, or similar elements of traditional federally-managed units of the National Park System.

This administrative and management model effectively limits federal involvement to a role centered around technical and financial assistance to the locally-based Management Council, implementation of Section 7 of the WSRA, and coordination and communication functions.

Administrative Impacts

Administration of the rivers under the WSRA is detailed in the *Stewardship Plan* and summarized in Chapter 4. The centerpiece of administration would be creation of the

Stewardship Committee to partner with the NPS and oversee *Stewardship Plan* implementation. The Stewardship Committee would be non-regulatory. It would serve as a vital communication and coordination body charged with overall implementation of the *Stewardship Plan* through voluntary actions, public education, and technical and financial support to local communities and partners. Its operations would be funded, subject to congressional appropriations, through cooperative agreements authorized under the WSRA. This new entity would serve to increase attention and focus of all partners on the preservation of natural, cultural, and recreational values as described in the *Stewardship Plan*.

Impacts on Federally Assisted Water Resources Projects

New protection for the designated segment would be provided through application of Section 7(a) of the WSRA against new federally-licensed hydroelectric development projects or potentially adverse impacts of "federally assisted water resource development projects."

The Federal Power Commission [FERC] shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended, on or directly affecting any river which is designated in section 3 of this Act as a component of the national wild and scenic rivers system or which is hereafter designated for inclusion in that system, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a wild,

scenic or recreational river area or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of designation of a river as a component of the national wild and scenic rivers system.

Based upon application of Section 7(a), no new hydroelectric developments could be licensed by FERC on the designated river segment. No known FERC licensed projects or facilities were identified on the York River and its tributaries. New projects would not be allowed.

Other potential projects that could trigger review under Section 7 of the WSRA would include streambank stabilization projects or similar in-stream work requiring permits under Section 404 of the Clean Water Act. Such projects/permits would be reviewed for consistency with the designation, and NPS would generally favor designs and techniques that mimic and support natural stream channel processes in its review/consideration (soil bioengineering techniques, incorporation of vegetation, use of native materials, etc.).

The Maine Department of Marine Resources sought information during the Study about the review of proposed aquaculture projects. Aquaculture projects that require federal approvals for gear or navigation marking would be reviewed under Section 7 of the WSRA. The scope of the review would be consistent with the scale and complexity of the project. Generally, conditions required under existing state and federal approvals would ensure consistency with the WSRA. No aquaculture projects are currently proposed in the York River study area, and those large enough to require federal approvals would likely be located downstream of the Route 103 Bridge, outside of the Wild and Scenic designated segment.

Bridge replacement projects often require Section 404 permits and may have federal funding associated with them, thereby triggering WSR review. Such replacements

have been a frequent and routine occurrence on the PWSRs throughout New England and the Northeast. Often there may be opportunities to improve free-flowing condition through removal of instream piers or other design components. Opportunities also sometimes exist to improve recreational access associated with bridges. Preservation of scenic and historic qualities may also be involved in reviews. NPS and the Stewardship Committee can be expected to advocate for the protection and enhancement of WSR values (free-flow, natural, cultural and recreational values) in association with bridge replacement projects. This has the potential to impact how such projects get completed.

Impacts on other Federally Funded or Assisted Projects

The overall context and purpose of a WSR designation is to establish a federal policy to protect and enhance WSR values for the enjoyment of present and future generations, as articulated in Sections 1 and 10 of the WSRA:

Section 1:

(b) It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes.

Section 10:

(a) Each component of the national wild and scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values.

In this context, any federal agency undertaking projects that could impact the designated segment of the York River and its tributaries would coordinate with the NPS as an aspect of their normal project review procedures under the National Environmental Policy Act. The NPS would have the opportunity to comment on those projects to ensure that WSR values are recognized and protected. Such coordination would not carry the definitive weight of Section 7 of the WSRA (which applies only to federally assisted water resource development projects), but nonetheless could impact the implementation of other sorts of federally funded or assisted projects. The effect of such coordination would be to provide greater weight to the recognition and protection of values such as scenery, recreation, historic and cultural values associated with the designated river segment.

Other Potential Indirect Impacts of Designation

WSR designation can be anticipated to raise the overall awareness and visibility of the York River and its tributaries as a resource of national recognition and significance. This may improve the ability of local partners to raise grant funds and otherwise compete for resources directed toward conservation, research, and recreation efforts. Similarly, the added recognition and awareness could impact decision makers at all levels (individuals, local boards, state, federal, and non-governmental) to consider stewardship of river values in their decision making.

Recreational visitation would only be expected to increase if the Stewardship Committee placed a strong emphasis on marketing and promotion of the York River. There is no data from the existing PWSRs in New England indicating that designation itself leads to increased recreational use or visitation.

Effects of Designation: Addressing Legislative Report Requirements

P.L. 113-291 contained several special reporting requirements whereby Congress directed the NPS to report on certain particular matters in the York Wild and Scenic River Study Report. Language from P.L. 113-291 states:

Determine the Effect of Designation on:

- (I) Existing commercial and recreational activities (such as hunting, fishing, trapping, recreational shooting, motor boat use, and bridge construction).*
- (II) Energy Related Infrastructure (authorization, construction, operation, maintenance, or improvement)*
- (III) State and Local authorities related to I and II.*

Discussion: Existing commercial and recreational activities were explored as a part of the study process. Detailed information regarding the wide variety of recreational and commercial uses is found in the eligibility chapter of this Report and in the *Stewardship Plan*. PWSR designation would create no authority for the NPS to manage or regulate recreational activities. NPS does not issue recreational use permits or otherwise manage recreational usage in the PWSRs.

Wild and Scenic designation will have no effect on the periodic maintenance dredging of the existing the York Harbor Federal Navigation Project downstream of the Route 103 Bridge. Maintenance dredging, and occasional enlarging and deepening of

navigation channels and anchorage areas, is essential to accommodate commercial and recreational vessels in York Harbor.

Authorized in 1886, the York Harbor Federal Navigation Project is a pre-existing development, the future maintenance of which is part of the baseline condition that existed prior to commencement of the Wild and Scenic Study (see NPS letter to the U.S. Army Corps of Engineers in Appendix 4).

Bridge construction or other construction activities which trigger federal permits subject to Section 7 of the WSR (construction of federally assisted water resource development projects) would be subject to NPS review. These impacts are discussed in other sections of Chapter 5 of this Report. Numerous bridges have been replaced on PWSRs in New England over the last 25 years. NPS and the Study Committee consulted with the Maine Department of Transportation about priority stream crossings, including ecological, hydrologic, and hydraulic considerations as well as current structural integrity of stream crossings in the watershed. No outstanding issues were identified regarding bridges or planned bridge construction projects during the course of the Study.

No known hydroelectric projects or facilities were identified during the Study.

The authority of State and local authorities to manage existing commercial and recreational activities, bridge and other construction activities, and energy related infrastructure will remain unchanged.

Identify Any WSR-Related Authorities by which DOI could or would:

- (I) Influence Local Land Use Decisions (zoning, etc.) and restrict use of non-federal lands
- (II) Condemn Property

Discussion: The potential authority of the NPS to influence or compel disposition of private or non-federal lands relates back to the potential condemnation authority of the WSR. Without such authority, no direct or

indirect means to compel or regulate non-federal lands exists in the WSR. It is an essential provision of the PWSR model that designating legislation include a prohibition against such use of condemnation authority. All of the existing PWSRs contain such a legislative prohibition, and it is essential to the model as discussed in this Report and as incorporated into the provisions of the *Stewardship Plan*.

The potential of the York WSR designation, as discussed in this Report and in the *Stewardship Plan*, to influence local land use decisions or local land use regulation relates solely to the voluntary measures that communities may undertake in response to the *Stewardship Plan*. The *Stewardship Plan* contains many strategies and opportunities for communities to pursue through their normal local procedures to continue to manage and protect the York River and its tributaries. It is entirely possible that communities will capitalize on WSR designation to further strengthen local river protections through zoning, subdivision regulations, and similar related means. It is important to note, however that neither the *Stewardship Plan* nor designation require any changes—all of the communities have existing, robust framework in place that form an adequate basis for the designation.

Identify Private Lands Associated with the WSR Study Areas

Discussion: Private lands within the study area were identified and are portrayed on the Land Ownership Map in Chapter 2. No direct impacts to the management or regulation of private lands would accompany designation. Indirect impacts through local community initiatives to implement the *Stewardship Plan* would need to be proposed, developed, reviewed and adopted through standard community procedures. The *Stewardship Plan* contains a full discussion of land management and the local community regulations associated with the preservation of outstanding resources.

Anticipated Costs of Designation

The anticipated direct annual cost of designation is expected to be similar to the established PWSRs funded through congressional appropriations. In FY18 and 19, the total annual costs of administration funded through federal appropriations averaged approximately \$170,000 per river. The NPS considers this level of funding adequate to implement the designations consistent with approved Plans, and it represents an established baseline funding level for the PWSRs.

History with the established PWSRs indicates that this level of federal investment is leveraged many times over through local, state, federal, and non-governmental partners working voluntarily to implement the management plans. In 2017, the NPS published a *20 Years of Success* report for the PWSRs, documenting many highlights of leveraged successes associated with the designation model. These leveraged contributions from partner organizations and other funding entities could be considered indirect costs associated with the designation, as could the time that volunteers serving on the Stewardship Committee will commit. For estimation purposes, the indirect costs associated with voluntary partners contributions associated with the Stewardship Committee and WSR protection and enhancement initiatives under the *Stewardship Plan* will likely equal or exceed the direct federal costs. This estimation reflects voluntary contributions of in-kind support and does not imply that local partners will incur any direct expenses.

Summary of Expected Impacts

Under the WSR designation, the NPS would become a federal partner and advocate for the preservation of identified WSR values in the context of federally funded or assisted projects that could impact river values. The Stewardship Committee would be created as a non-regulatory communication and

coordination body focused on spurring implementation of the *Stewardship Plan*. There are no known existing FERC projects or facilities, and new hydroelectric developments would be prohibited. Designation would elevate the status and perception of the river and its values at the local, state, and federal levels. Consistent with past experience on 16 similar PWSRs it is anticipated that these impacts will have a steady, modest, long-term effect of helping ensure that identified river values are protected and enhanced.

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Town of South Berwick: Jean Demetracopoulos

Town of York: Karen Arsenault, Cindy Donnell, Thom Kearns, Joan LeBlanc, Michael Masi, Chuck Ott and Beth Walter (active from 2016-2017)

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- Scott Stevens - Groundroot Preservation Group, LLC and York's Historic District Commission
- David Webber - Chair, York Harbor Board Chair
- Karen Young - Mount Agamenticus to the Sea Conservation Initiative

List of Recipients

The Study Report Draft will be made available for public comment through the NPS Planning, Environment & Public Comment website. In addition, hard copies will be sent to the following list of state and federal agencies:

Federal Agency Heads

- Secretary of the Interior
- Secretary of Agriculture
- Chief of Army Corps of Engineers
- Administrator Environmental Protection Agency
- Chairman of Federal Energy Regulatory Commission (FERC)
- Administrator of Federal Emergency Management Agency
- Administrator of Department of Transportation Federal Highway Administration
- Head of any other affected federal department/ agency

Regional Federal Agency Heads

- Regional Forester of Eastern Region 9 of USDA Forest Service
- State Conservationist of USDA Natural Resource Conservation Service
- Commander and District Engineer of New England District of Army Corp of Engineers
- Region 1 Director of US Fish & Wildlife Service
- Regional Administrator Region 1 of Federal Emergency Management Agency

- Regional Administrator Region 1 of Environmental Protection Agency
- Maine Division Administrator of US Department of Transportation Federal Highway Administration
- Head of any other affected federal department or agency

State of Maine

- Janet T. Mills, Governor, State of Maine

