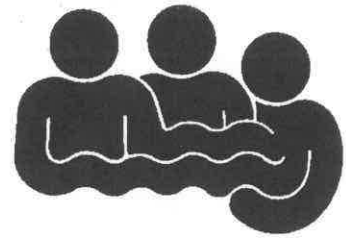


River Voices



A quarterly publication of River Network

PO Box 8787, Portland, OR 97207 (503) 241-3506 or (800) 423-6747

March 1992, Volume 3, Number 1

The theme of this issue of *River Voices* is land development along river corridors. In our 1990 national survey of river activists, we found that land development is their biggest concern. To help grassroots river activists grapple with this serious threat, we've put together a collection of articles and references. Inside are articles about how to be an effective advocate for river corridor protection, drafting and passing local zoning ordinances, a case study on the Saco River Corridor Commission in Maine, and a long list of resources and references for more information.

Protecting River Corridors: Techniques for Local Activists

by Richard D. Klein,
*Community & Environmental
Defense Associates*

River corridor lands are vital to the health of a river system. For much of the United States, forest is the optimal use for near-river lands, at least from an environmental perspective. Unfortunately, many of these benefits also make river corridors attractive settings for homes and other uses.

Land development along river corridors is a significant threat, but there are opportunities for local activists to become involved in the process. River protection advocates can be more effective if they take the approach of negotiating plans with developers and if they negotiate from a position of political strength. Some of the critical elements necessary for successfully negotiating with developers include: finding a win-win solution; gathering data; working with authorities, agencies, and public officials; and recruiting support.

WHY PROTECT RIVER CORRIDORS?

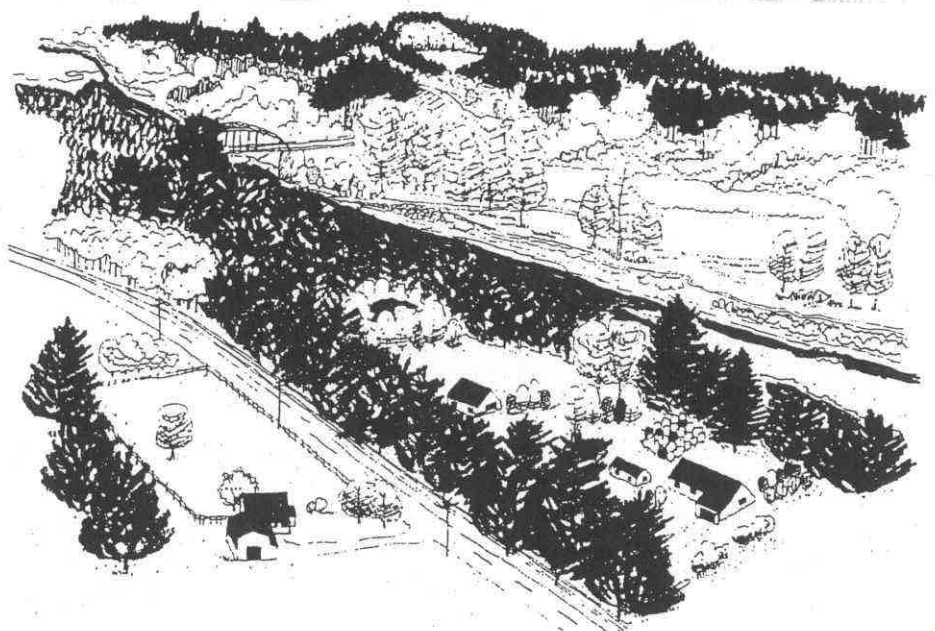
Some of the more important

benefits associated with preserving a river corridor include habitat protection, pollutant reduction, flood control, and enhanced public recreation opportunities. River corridor lands frequently serve as important corridors for wildlife movements, and in some areas account for substantial portions of the habitat available for birds and mammals. Trees lining a river moderate water temperature and offer fishery habitat in the form of fallen trunks and branches. When a

swollen river floods onto a flat woodland, trees and understory growth slow the deluge causing sediment to drop from suspension and lowering downstream flood-water damage. The human eye also finds the natural appearance of a wooded river more pleasing, and the higher quality waters associated with a carefully preserved corridor add to the aesthetic appeal.

Poorly planned river corridor development not only detracts from these benefits but tends to exacerbate the negative effects associated with highways, homes, and shopping centers. For example, shortcomings in erosion control tend to result in far greater quantities of sediment pollution when construction activity occurs within 300 feet of a river. The soils associated with river corridors tend to be poorly suited to the most effective measures for controlling pollutants washed from streets and rooftops.

(Advocacy continued on page 2)





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River Network is a national non-profit organization committed to building local support for river protection. We believe that local people are the voice of America's rivers and that without local action, rivers cannot be protected effectively, nor permanently.

River Network has three programs:

the **River Clearinghouse** to provide information and referrals to local river activists,

the **River Leadership Project** to develop river conservation leaders at the state and local levels, and

the **Riverlands Conservancy** to acquire outstanding riverlands and convey them to the public for protection.

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River Voices Editor: Rita Haberman

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SEEKING A WIN-WIN SOLUTION

Successfully negotiating with developers requires finding a win-win solution, one which satisfies your concerns while allowing others to attain their goals? The first step is to define clearly what it is you wish to preserve. The next is to understand the developer's goals. From this understanding you may find ways of preserving the river corridor features you value while allowing the development company to achieve their goals.

Why should one bother to seek win-win solutions? Because after months of expensive court battles and political jostling, most river corridor conflicts end in a negotiated settlement, which is another way of saying "win-win solution." You will also find decision-makers more open to your concerns if your initial approach is one of: How can we maintain the benefits of the corridor while allowing reasonable use? Taking an initial stance of total opposition to a development project tends to alienate decision-makers. But, of course, there are some development ventures which are so poorly conceived that a win-win solution simply is not possible.

Most win-win solutions do not come about simply because the developer is a nice person who wants to preserve river corridors. Most result from a realization that it is better in the long run to settle with you. So whether you are pursuing a win-win solution or a knock-down defeat, it is crucial that you attain a position of strength. Strength is attached by creating the perception that science, law, and politics are on your side. And of the three, politics is the most important to victory.

GATHERING DATA

It is vital to have an understanding of the reasons why river corridors are important and the data supporting these reasons. The deeper one's understanding, the more successful

one will be in judging how a development venture might affect the corridor and in finding ways to prevent adverse effects. But take care not to fall into the trap I did as a novice environmental activist in the early 1970's. Being a technically-oriented person I used to hunt and hunt for just the right set of data that would convince decision-makers that I was right and the developer was wrong. I lost a lot of battles until I realized that a decision-maker must consider many other things besides what is environmentally right, such as impacts upon jobs, taxes, housing costs, and so forth. (An excellent reference on these topics is "Impacts of Growth: The Guide for Socioeconomic Impact Assessment in Planning," See p. 11 for citation)

How much science do you need to support your position? At least enough to convince you and your friends that you are probably right. But realize as the stakes grow larger, so will the need for greater degrees of scientific certainty.

WORKING WITH AUTHORITIES

Once you have established the scientific justification for river corridor protection, the next question is: Does anyone have the authority to protect the river corridor attributes you value? If not, then can some related law be interpreted in a way which might make protection possible? Or should you push for the enactment of a new law? There are a number of people who can answer these questions, such as an attorney specializing in land use or environmental law, veteran environmental advocates, your elected representatives, or government regulatory officials. (River Network's DORIS may also be a source, see p. 13.)

If the legal authority exists to achieve the protection you seek, yet no one is willing to use the authority to your satisfaction, then it is generally better to argue your case in a political arena, not in a court room. Citizens

(Advocacy continued on page 6)

Letters to the Network

River Network encourages you to use this column as an opportunity to share your ideas, information, successes, and problems with the "Network" of 1,500 river activists throughout the country. Send letters to River Network.

Establishing Water Quality Baseline Data

Dear Fellow River Conservationists,

If your state follows an anti-degradation policy in protecting its surface water, you may be interested in a scientific strategy we are using to preserve the Cacapon River.

West Virginia's water quality standards are written to preserve designated uses. In turn, uses are protected by maintaining certain water quality minima. Yet, because of insufficient revenues, the state's environmental protection budget is not adequate to determine if water quality is in fact being degraded. To fill this need, in 1989 we began a 3-year program to assemble the River's ecological baseline, a quantified picture of the River's current ecological health.

After baseline assembly, we will begin a less intense monitoring program. By comparing monitoring results to the baseline, we will be able to determine whether water quality is improving, staying the same, or declining.

Using EPA-approved techniques, we randomized through space and time our sites for measuring certain physical (temperature, turbidity), chemical (ammonia, phosphate, pH, total alkalinity), and biological (fecal coliform bacteria, benthic macroinvertebrates) indicators of water quality. We used our knowledge of the basin's land uses to determine which water quality parameters would be most useful. We chose 3 years as the length of the baseline study because it allows us to calculate means and variances, both important descrip-

tors of naturally fluctuating ecosystems.

Except for a little mopping up, the Cacapon's baseline is complete. Because we have been sharing our findings all along with state and federal regulators, their agencies have already begun reallocating resources to river stretches our data show are degraded.

Most importantly, long into the future, our baseline will provide a scientific benchmark against which forthcoming water quality measurements will be compared.

I would guess that other rivers may benefit from such a scientific approach. Feel free to contact me if you want more information.

Sincerely yours,

*George D. Constantz, Ph.D.
Pine Cabin Run Ecological Lab
Route 1 Box 469
High View, WV 26808*

River Advocates Should Run for Public Office

Maybe after yet another public hearing or an unproductive meeting with elected officials, you get that familiar feeling of frustration. At first you may blame it on your presentation or a poor turnout. Later, however, you may conclude that these public officials are: a) hostile, b) indifferent, c) uninformed, d) uninspired, or e) all of the above.

It's not time to give up on your river conservation efforts, instead join the party. You can make the critical difference by running for and serving in elected positions. River advocates can contribute unique sets of knowledge, skills, and experience. This combination is necessary to resolve the increasingly complex issues associated

with river conservation.

One example may illustrate this point. Whatever your opinion about President Carter's other issues, it was widely recognized that he was a friend of rivers. Whether he was whitewater rafting or flyfishing, his enjoyment was obvious. This attitude carried over into the political arena where Carter vetoed 17 destructive pork barrel water projects. (Unfortunately the veto was not sustained.)

I am not suggesting that you run for President to begin with. There are thousands of offices at various levels of government that have direct inputs concerning river issues. The opportunities abound from Soil and Water Conservation Districts to city councils to state legislatures.

The grassroots organizing and advocacy skills developed within river groups is readily transferable to political campaigns. In addition, your network of river supporters can also be excellent sources of volunteers and contributions.

I have been working for the last several years with the citizen-based Patton Valley Coalition to protect the community, cultural, and natural resources of Oregon's Tualatin River. After repeated interactions with unresponsive public officials, I decided it's time to see what I can do from the inside. I'm launching a campaign for a seat in the state legislature.

It's time for other river advocates to run for office too. Go for it!

Sincerely,

*Bob Roth
Patton Valley Coalition, Vice Chair
Candidate for Oregon House
1924 D Street
Forest Grove, OR 97116*

How to Draft and Pass Local Land Use Controls for River Corridors

by Joan Channing Kimball,
Massachusetts Riverways Program

The rivers and streams of the United States are an essential part of our country's character and possess an irreplaceable ecological value for humans and other species. Rivers have suffered and are suffering numerous injuries from industrial discharges, inadequately treated sewage, inappropriate development, water supply diversions, dams and other causes.

Although river protection often is the responsibility of local communities, most local communities have not taken steps to protect rivers. There are many kinds of regulations which communities can pass which add to river protection.

Riverfront bylaws (or ordinances), which create protected buffer zones, are among the most important, cost effective, local options to protect rivers. Buffer zones can help prevent and control non-point source pollution, erosion and siltation, and flood damage. They can help protect the groundwater table and water recharge/storage areas adjacent to rivers. Buffer zones conserve shore cover, tend to lower water temperature, protect fisheries habitat, and create linear corridors for wildlife habitat and migration. Riverfront bylaws guide the placement of structures away from the riverfront buffer zones and encourage developments which harmonize with the environment. A protected buffer zone enhances the positive functions of rivers as scenic and recreational and historical amenities. When communities protect unique natural river features, it helps to give a sense of place to residents and visitors. For some communities this becomes a means to encourage tourism, attract desirable business relocation, and increase property values.

When people wish to protect their river or stream by enacting a riverfront bylaw, there are important steps which need to be taken.

1. Determine whether a bylaw is the right solution?

Do your homework

A group of interested citizens should form a preliminary study committee. This group might well consist of individuals from a watershed association, conservation group, angler or recreation association, city or town boards and individual riverfront property owners.

The study committee may wish to survey the river both (1) on foot (if land-owners permission is given) or by canoe and (2) by reading whatever records exist. In addition, the committee must review local town bylaws and regulations to learn what protection exists. (The Massachusetts Riverways Program has both a manual describing how to perform a shoreline survey and a River Protection Report Card which allows people to see which protection strategies are in place.) The study committee should also know how much undeveloped and unprotected land exists along the river and imagine what that stretch would look like if all parcels were developed as close to the river as local zoning allows.

Meet with local officials

If it seems that a riverfront bylaw would be a reasonable approach to river protection, a good strategy is to meet with a sympathetic official city or town board. Discuss the option with the board and suggest they appoint a committee to study the desirability of having a bylaw. If the board is receptive, ask them to have the committee draft a bylaw for their approval and sponsorship. Provide the board with names of prospective committee members. This list should include the names of

Riverfront ordinances, which create protected buffer zones, are among the most important, cost effective, local options to protect rivers.

some of the members of the preliminary study committee.

Establish a bylaw committee

The city or town board should carefully select the make-up of the river bylaw committee. Representatives from different interests such as adjacent landowners, environmentalists, anglers, businesspeople and city or town board members. The committee should divide up the work and create a time table. They must consider all points of view when drafting a bylaw and must keep the public informed about its purposes. Involving landowners in this process is essential.

2. Draft the bylaw

Define a clear purpose

The purpose(s) of the bylaw must be carefully and clearly defined. This will facilitate the process of drafting the bylaw since all the language must be expressed in terms consistent with the stated purpose.

Determine setback width

The width of the setback must be determined. This will depend on (1) the purpose(s) of the bylaw, which resources it is designed to protect; (2) the existing uses of the land; and (3) the feasibility of enforcement. Most buffer zones range from 50 to 300 feet. Numerous studies discuss the width of the setback and the protection offered for needs ranging from pollution abatement to habitat.

Protect landowners' rights

It is essential that the affected landowner be allowed to make some economic use of his/her land to avoid a "taking" problem; however, the fifth amendment to the Constitution does not require that the landowner be able to make the greatest profit on his/her land.

Allow for flexibility

Care and attention should be given to prohibitions and exemptions. Look at both prohibitions and exemptions in terms of the resources to be protected as stated in the purpose. Local knowledge of the area is important and should be incorporated. Consideration of whether you want to include site review and opportunities for cluster zoning is important.

Include a severance clause

Inclusion of a severance clause will insure that the entire bylaw is not invalidated even if a section of the bylaw is struck down by the courts. Other sections of the bylaw will remain in effect.

Seek professional legal review

Legal review of the draft and the final version of the bylaw is essential. Some communities ask their city or town counsel; others ask lawyers who do pro bono work; others hire lawyers.

3. Work for passage of the bylaw

Educate and involve the public

Throughout the process, the public must feel both informed and invited to make comments. Special care must be given to make sure the public understands the purpose of the bylaw, what will happen without the bylaw, and the ways which landowners may be protected with the bylaw.

Establish a schedule for tasks

Simultaneously with the drafting, part of the committee needs to be considering press releases, public meetings, pertinent slide shows (slides of the present river, slides of the rivers with similar zoning after development, etc.) and planning meetings with neighborhoods, conservation and other interested groups, and city or town officials. Part of the committee needs to ensure that a timetable moving back from city or town meeting has been created and that deadlines are met. Someone must take responsibility for ensuring that all legal deadlines from the city or town and state are met. After passage of the bylaw, the committee or the official city or

The issues raised in this article are discussed in more detail in Riverways Community Guide: Drafting and Passing Local River Protection Bylaws, a publication of the Massachusetts Department of Fisheries, Wildlife and Environmental Law Enforcement's Riverways Program. The guide should be published spring 1992. For more information, call Joan Channing-Kimball at (617) 727-1614 ext. 384, or write to Riverways Program, Massachusetts Division of Marine Fisheries, 100 Cambridge Street, Boston, MA 02202.

(Advocacy continued from page 2)

tend to have the advantage in the political arena, while development interests have a greater ability to wage protracted legal battles.

For example, let's say a development company wishes to replace a riparian old growth forest with an industrial park. Your research has shown that such a forest has values quite rare in your part of the world. You have also learned that the local planning office has a regulation allowing the preservation of unique natural features, such as the forest. Your first action should be a chat with planning officials to determine if they intend to protect the forest. If they have elected not to, then find out why and see if you can develop arguments which might cause them to change their minds. Should the planning officials refuse to budge, then work up through the planning director, the town council, and any state or federal officials that might have the authority to dictate preservation of the forest.

Threatening a law-suit against these decision-makers should be a last resort. Legal action tends to be most effective in preventing the immanent loss of a resource until political action has built sufficient momentum to bring about victory. Thus legal action should be used only when political action has little chance of success.

DEALING WITH REGULATORY AGENCIES

Environmental advocates frequently find themselves having to deal with regulatory agencies that are unwilling or unable to address the impacts of developments. To deal successfully with the issue, one needs to understand how regulatory agencies operate. First of all, regulatory agencies, even those with the words, "environmental protection" in their names, exist not to protect rivers but to serve as mediators among the many groups with conflicting interests in rivers. Agencies are more inclined to find ways to allow people to carry-out projects rather than refuse permits. So

Strive for a Win-Win Solution

If possible, look for a solution that satisfies you and imposes the fewest restrictions on how the property owner can use his land. It takes lots of time and money to stop a project. It is far easier to convince the property owner to modify, rather than abandon, her development plans.

Don't Delay; Start Today

Time is frequently the greatest enemy in dealing with development. It is easier to: preserve land in a natural state before the property owner becomes committed to development; modify a development proposal while the plans are still being drawn up; raise the money and recruit the volunteers needed to deal with development when a deadline is months away as opposed to a few weeks. So begin early.

Assume the Positive

When dealing with development issues, it is seldom possible to operate solely on the basis of facts. Invariably, one must make a number of assumptions. Assume that others want to support your efforts with dollars and volunteer hours; don't assume you

if you approach the agency with a win-win attitude, the likelihood of success will be enhanced.

Be prepared to demonstrate to regulators that this particular project is unlike all the others which are routinely approved. The unusual impact makes it different, and they should use their authority to require the use of measures to eliminate the impact. This approach will be more successful than simply urging the official to veto the entire project. If the official continues to insist that he is powerless to resolve the impact, then as a minimum try to move him to the point where he agrees that the impact is real and unique. Getting even this limited support will enhance your credibility

Secrets to Success

must bear all costs and responsibilities alone. Assume that decision makers will be receptive to your concerns; don't assume that no one will care how a development proposal may affect you. Assume win-win solutions are possible; don't assume that halting development is the only answer.

Pursue a Combined Political and Legal Strategy

The objective of political action is to convince decision makers - mostly elected officials - to support your cause. Legal action serves to ensure that a proposed development venture complies with all applicable laws.

Hustle!

Clearly define your goals. Investigate all the options that may lead to the attainment of your goals. Decide which options have the greatest potential for success; then, starting with the most promising, pursue each option until you run out of time and money. Each additional option you pursue creates another factor working in your favor. The key to success is to get as many of the most promising options working for you as quickly as possible.

as you search the chain of authority for a decision-maker who has the power to protect the river corridor.

WIN SUPPORT OF LOCAL OFFICIALS

Political action is most effective when directed towards a decision-maker who has the power to act as you wish and can be influenced by you and your supporters. Most river corridor protection campaigns are won at the local (county, city or town) level of government. This is because most river corridor issues are also land use issues, and land use is regulated primarily by local government. Of equal or greater importance, however,

is the fact that local officials must be more responsive to voter wishes than state or federal officials.

In the case of our riparian old growth forest a number of decision-makers may have the power to compel the developer to preserve the resource. These people may include the planning director, members of a planning board, and the town council. But which of these people can you influence to act as you wish? If you know the planning director is a Sierra Club member then you've got it made, unless the newly elected town council is dominated by chamber of commerce types who are itching for an excuse to sack the director. But if only two of the five council members are conservatives and two are committed tree-huggers, then the question becomes: Can you influence the fifth council member to cast her vote in favor of the forest?

If after presenting your data on the importance of the riparian old growth forest she sympathizes, but counters with the need for the increased tax-base and jobs the industrial park will bring, then the moment may be right for your win-win solution. And if you haven't found a win-win option then you need to convince the council member that a substantial number of her constituents think saving the forest is more important than the industrial park.

PRO-ACTIVE RIVER CORRIDOR PROTECTION

River corridor advocacy tends to focus either on reactions to specific development proposals or on sweeping, pro-active changes. Frequently efforts to establish pro-active policies grow out of heated controversy over a specific project. The contentious project tends to create a sudden awareness of the need for a change which has actually been evolving for quite some time. Placing long segments of the corridor in a greenway or zoning these lands for low-intensity use are examples of sweeping, pro-active change.

If you are looking for pro-active

methods for protecting a river corridor, then your search should begin with local officials. Look for a decision-maker who has creative ideas for enhancing corridor protection, but lacks the public support to get the idea moving towards implementation. Your search for a solution may move on to river corridor advocacy groups, state natural resource or environmental protection agencies, and federal officials. Also take a look at what other jurisdictions in your area are doing. If a neighboring county requires a 100-foot buffer along streams and rivers, then a similar measure may prove palatable to your county official.

Once a promising pro-active measure has been identified, talk to all of the people or interest groups that might be affected. Listen to their concerns and try to modify the proposal to resolve their concerns. If you pursue this approach diligently, future opposition will be reduced, though it is seldom eliminated.

RECRUITING SUPPORT

When you have gone about as far as you can in creating a win-win solution, then reach out to all those who will benefit and request their support. You need to recruit people who can make your campaign a success through their contributions of dollars, volunteer hours, and influence. Begin with those people who benefit to the greatest degree. Your request for support should be made as personal as practical and by someone they feel a kinship to. A face-to-face request for support should do three things: 1.) Clearly describe how the solution directly benefits the prospective supporter, 2.) Present a plan which has a high probability of attaining the solution, and 3.) Make it clear that the benefits can ONLY be attained if the prospect acts NOW!

You can expect support from as many one-half the people you contact when all three criteria are met.

The most effective expressions of support are those which clearly

demonstrate that the constituent truly cares about the issue and will remember the decision-maker's position come the next election. Generally, the more trouble a person goes to when expressing support, the more powerful the message. For instance, a handwritten, well-reasoned letter is a more powerful expression of support than a form letter that only required a constituent's signature at the bottom. On the other hand, while most officials know that one-half of those who sign a petition will have forgotten about the question within two weeks, even this weak expression of support can be enhanced if you make it clear that you intend to remind the petitioners of the decision-maker's action just before the next election.

The closest thing to a guarantee of success is this: The more people you get working for you, the more likely a successful outcome. And remember that most advocacy campaigns appear to be having no effect at all until some indistinct threshold is crossed and decision-makers begin seeing things your way.

Richard D. Klein is the President of Community & Environmental Defense Associates (CEDA) in Maryland Line, Maryland. Richard is one of River Network's DORIS specialists. He invites your calls to discuss ways to apply these concepts to your specific river corridor issues. Richard has been helping people deal with land development projects since 1970. He served as the executive director of Maryland's Save Our Streams program for 10 years. He was also with the Maryland Department of Natural Resources for 10 years as a manager working on water pollution control and fisheries.

All of the information covered in this article is discussed in more detail in a book by Klein, Everybody Wins: A Citizen's Guide to Development.

To contact Richard Klein or obtain a copy of Everybody Wins (\$16.00) write or call: Community & Environmental Defense Associates, PO Box 206, Maryland Line, MD 21105, (410) 329-8194.

The Saco River Corridor Commission: An Interlocal Solution to River Corridor Development

by Rita Haberman,
Clearinghouse Coordinator,
River Network

Rivers flow with no regard for political boundaries, and the Saco River is no exception. The headwaters of the Saco are in the White Mountains. From there, it flows for 43 miles through New Hampshire and 83 miles through the towns, forests, and farms of 20 municipalities of Maine and on out to the Atlantic near the City of Portland. In the vicinity of the metropolitan areas of Portland and Boston, the beautiful, unspoiled country of southwestern Maine is a hotspot for residential development. Southwestern Mainers recognized this threat to their river and devised an interlocal solution for regulating development and minimizing its impacts on the river.

The impetus for protecting the Saco started in the late 1960's when portions of the Saco River Valley were experiencing an onslaught of housing developments. Concerned citizens formed a group called the Saco River Corridor Association (SRCA). Armed with facts and figures documenting the pressures and impacts of development, the SRCA won the support of the Maine legislature to initiate a coordinated plan to protect the river valley.

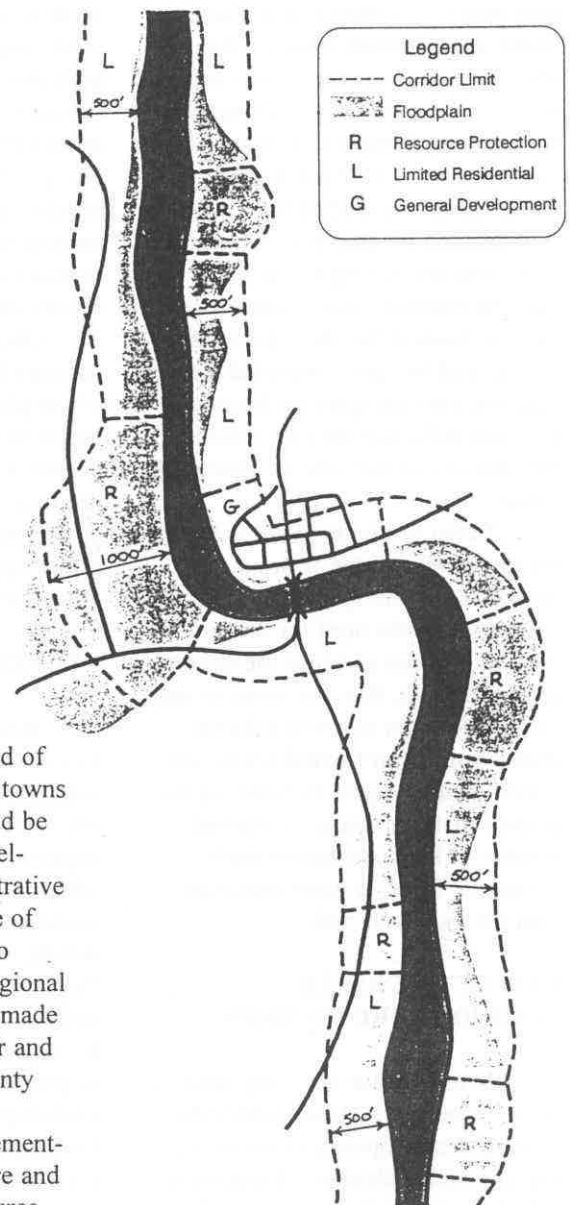
The Saco River Environmental Advisory Committee worked with riparian landowners, local planning boards, and other concerned citizens to devise a regional plan for the Saco valley. They wanted a plan that would allow orderly growth and prevent haphazard and intensive development in river corridor lands. The plan was completed in 1971 and approved by the legislature in 1973 as the Saco River Corridor Act. The purpose of the Act was to protect and preserve

land and water quality within the Corridor. As defined in the Act, the Corridor includes all lands within 500 feet of the riverbank on each side. If, however, the 100-year floodplain extends farther than 500 feet, the Corridor follows the flood line up to 1000 feet from the river bank.

How was the Saco River Corridor Association able to get the State to approve a plan requiring the coordination of so many different communities? Margaret Roy, Executive Director of the Saco River Corridor Commission and veteran of the organization since 1976, explains, "The timing was right. Rural communities had only minimal zoning requirements, and towns were sprawling. People recognized the need for some kind of regulation." To assure the many towns along the river that the plan would be sensitive to their needs, they developed a program that left administrative control in the hands of the people of the valley. They created the Saco River Corridor Commission, a regional level land use regulatory agency made up of a locally appointed member and an alternate from each of the twenty Corridor communities.

The primary tools for implementing the Act are a permit procedure and three land use districts, the Resource Protection District, the General Development District and the Limited Residential District. In each of the three districts, the Act specifies those types of uses which are 1) allowed without a permit, 2) allowed by permit only, or 3) prohibited altogether. (See sidebar for details)

The Act also established General Performance Standards which gener-



Example of districting along the Saco River Corridor.

Saco River Corridor Land Use Districts

Resource Protection District includes those areas where the whole width of the Corridor is within the 100 year floodplain. It also includes wetlands and lands, either public or private, which after meeting specific criteria, are found to be important as fish and wildlife habitats or for their educational, scientific, historic, archaeological, or open space value. Agriculture and forestry are the primary uses allowed within this district. Residential and other non-conforming uses which existed before the Act came into effect may continue, but new residential, commercial, and industrial uses are prohibited.

General Development District includes those areas which were already developed before the Saco River Corridor Act became effective. Most uses are allowed in this district without a permit, although permits are needed for manufacturing and industrial uses; for sand, gravel, and topsoil removal; and for alteration of wetlands. Auto graveyards, junkyards, smelting operation and dumps are prohibited.

Limited Residential District includes all areas within the corridor which are not included in the Resource Protection or General Development Districts. These are areas in which intensive development has not occurred but in which there are lands suitable for orderly and low-density residential growth. While primary uses allowed in this district are single family residences, also allowable by permit are libraries, firehouse, and public utility structures. Although most commercial uses are prohibited in this district, home occupations and open space commercial uses (such as tent camping areas) are allowed by permit. Also prohibited in this district are manufacturing and industrial uses, hospitals and clinics, billboards, and any uses which are prohibited in the General Development District.

ally apply to all three districts, even in cases where an actual permit from the Commission is not required. For example, one performance standard states, all buildings, regardless of district, must be set back at least 100 feet from the normal high water line of the Saco and its two main tributaries. Other performance standards restrict certain activities such as timber harvesting within 250 feet of the high water line and put limits on the placement of piers, docks, and floats. The most important standard in the Act, known as the "aggregate system," applies only to single family residences and accessory structures in the Limited Residential District. Under this standard the lot on which a residence is to be built must have at least 100 feet of frontage on the river, and the combined river frontage and setback from the river of any building must be no less than 500 feet. Recognizing the need for flexibility in management, the Commission is authorized, after public hearing, to adopt additional performance standards.

A common criticism of local planning commissions is they are vulnerable to political pressures. With recommendations from Margaret, the Commission makes decisions on approximately 70 applications each year. According to Margaret, the

interlocal SRCC has been able to remain rather objective because of the nature of the Commission. "With 20 members, the Commission is relatively large and represents a diversity of interests over 80 miles of river. Commissioners usually don't personally know applicants, so their decisions can remain objective and fair." Over the years the locally appointed commissioners have included teachers, farmers, truck drivers, lawyers, housewives, a landscape architect, a mechanic, and others who together provide an extraordinary balance of ideas and a much needed common sense approach to land use controls.

Unlike many river protection programs the SRCC has a relatively long history — almost 20 years. What are the keys to the longevity of the Commission? Margaret gives a few reasons. The establishment of the Commission was the result of a grassroots initiative. Meetings are open to all interested parties. Concerned parties involved in the process understand it, and as a result, feel a sense of ownership in the program and a responsibility to have it succeed. Also, the SRCC has a reputation of being fair. Margaret spends the majority of her time helping applicants get through the permit process. She takes the time to explain the regulations. (Saco continued on page 10)



Saco River at Steep Falls, Maine

Information Sources for River Corridor Protection

Land Trust Alliance

900 Seventeenth Street NW, Suite 410
Washington, DC 2006
(202) 785-1410

The Land Trust Alliance is a national organization of some 900 land trusts from throughout the nation. The Alliance provides specialized services, publications, information, and training for land trusts and other land conservation organizations. The Alliance can help you locate a land trust near you, provide information on forming a new land trust in your community, and supply additional materials on how to save land. Some helpful literature by the Alliance includes: *Starting A Land Trust*, *The Conservation Easement Book*, *Developing a Land Conservation Strategy*, *Creative Land Development* and numerous others.

American Greenways Program

The Conservation Fund
1800 North Kent Street, Suite 1120
Arlington, VA 22209
(703) 525-4610

The American Greenways Program provides land planning services, essential information, and strategic support to assist state and local greenway projects nationwide. They help exchange information, trade ideas, and establish policies that advance the greenway concept. They are currently developing a publication, *Design Manual for Creating Greenways*, to be available fall 1992.

The Waterfront Center

1536 44th Street, NW
Washington, DC 20007-2066

The Waterfront Center is non-profit organization providing information about urban waterfront planning, development, and culture. Some services of the Center include: Waterfront World (a bi-monthly magazine of the waterfront community), an annual waterfront conference, community consulting services, an annual project design competition, publications, and slide shows.

Riverlands Conservancy

River Network
PO Box 8787
Portland, OR 97207
(503) 241-3506

The Riverlands Conservancy acquires private lands along threatened rivers and transfers them into public ownership.

National Park Service

Rivers, Trails and Conservation Assistance Program
PO Box 37127
Washington, DC 20013
(202) 343-3780

Rivers, Trails and Conservation Assistance consists of planning and technical assistance programs, to protect the nation's rivers, trails, and greenway corridors. The national office can refer you to the appropriate regional office.

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tions and the rationale behind them. It's usually not a simple "yes or no" decision for development proposals. Margaret helps people design their development plans to minimize impacts on the river.

Another key factor to the success of the SRCC is active enforcement. "Once regulations are passed, many people think the work is over, but it's not," says Margaret. Margaret also spends a significant amount of time in the field checking for compliance with the plan. One relatively new enforcement technique of the SRCC, which seems to be working well, is negotiated consent agreements. It's a legally-binding agreement between the Commission and the violator describing how to remediate. "Consent agreements keep us out of the time-consuming and expensive courts, but we'll go to court if necessary," explains Margaret.

Even with its good reputation and its solid local support, unfortunately, each year the SRCC struggles to get funding. While there is general agreement that the work of the Commission to protect the Saco is valuable, the question of who should pay the costs of administering the program remains an unresolved issue. Currently its annual budget fluctuates from \$30,000 to \$45,000 depending on allocations from the State, counties, and municipalities. "We're usually in a financial crisis, but our supporters come through and lobby when we need them," explains Margaret. The strongest supporters of the programs are riverine landowners. "Most of the people living in this area use and love the river. They want to keep it in a high quality condition and see the Commission as a way to ensure protection," says Margaret.

Throughout its 20-year history, undoubtedly Margaret and the Commission have learned numerous lessons and identified ways to improve the program. First, the basis for the program, the comprehensive plan needs to be updated to incorporate new

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(Saco continued from page 10)

information. Second, the geographic jurisdiction of the Commission needs to be redefined. It includes only land within the Corridor, which is defined arbitrarily - only parts of two major tributaries of the Saco, and frequently includes only a portion of the floodplain. Third, an objective evaluation of the effectiveness of the performance standards is needed. And fourth, better enforcement mechanisms are needed. Margaret can only do so much alone. Although a local citizen watchdog group was very active in the early stages of the organization, their on-going surveillance is still needed.

Even with some of its limitations, the SRCC is a success story for river protection. The SRCC provides a model and many useful concepts necessary for any effective river corridor protection program initiated and run by local people.

For more information, contact the Saco River Corridor Commission, PO Box 283, Main Street, Cornish ME 04020, (207) 625-8123.

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(Bylaws continued from page 5)

town board must follow all legal steps in the correct time frame.

Gather supporting statements

Committee members should work to collect supporting statements from a diverse set of interests including city or town boards, local organizations, and river landowners.

4. Enforce the bylaw

Enforcement depends upon how well the bylaw is drafted, who has enforcement powers, and how much community support is behind the bylaw. The care spent in determining the variance procedures, the prohibitions and exemptions will pay off.

The ultimate assurance that the bylaw will be implemented correctly is surveillance by a group of concerned citizen watchdogs.

#

Selected References on River Corridor Protection

Greenways for America, 1990, Charles Little. John Hopkins Press, 701 W. 40th Street, #275, Baltimore, MD 21211, (301)338-6960.

Saving America's Countryside: A Guide to Rural Conservation, 1989, Samuel Stokes, John Hopkins University Press.

Everybody Wins! A Citizen's Guide to Development, 1990, Richard Klein, Community & Environmental Defense Associates, PO Box 206, Maryland Line MD 21105, (410) 329-8194.

Creating Successful Communities and Resource Guide for Creating Successful Communities, 1989, Mantel, Harper, and Propst, Island Press, Island Press, Box 7, Covelo, CA 95428, 1-800-828-1302.

A Design Manual for Conservation and Development, 1988, Yaro, Lincoln Institute of Land Policy and the Environmental Law Foundation, 1-800-848-7236.

User's Guide to Shoreland Property, 1991, Mississippi Headwaters Board, Cass County Courthouse, Walker, MN 56484.

Stream Sites: buying, building, & care. Land and Water Management Division of Michigan Department of Natural Resources, PO Box 30028, Lansing, MI 48909.

A Review of Model Land Use Regulations, 1990, USDOJ/National Park Service, Midwest Regional Office, Division of Planning & Environmental Quality, 1709 Jackson Street, Omaha, NE 68102.

Stream Corridor Management: A Basic Reference Manual, 1986, New York State Department of Environmental Conservation, Division of Water, Bureau of Water Quality, 50 Wolf Road, Albany, NY 12233.

Economic Impacts of Protecting Rivers, Trails and Greenway Corridors: A Resource Book, 1990, USDOJ/National Park Service, Rivers, Trails & Conservation Assistance, Western Region, 600 Harrison, #600, San Francisco, CA 94107, (415) 744-3968.

Impacts of Growth: The Guide for Socioeconomic Impact Assessment in Planning, Canter, Atkinson, & Leistritz, Urban Land Institute, Lewis Publishers, Inc., 121 S. Main Street, Chelsea, MI 48118.

Developments, newsletter of the National Growth Management Leadership Project (NGMLP). NGMLP's mission is to advocate new state and regional solutions to managing growth through education, research and leadership development. NGMLP is administered by 1000 Friends of Oregon, 534 SW 3rd Ave., #300, Portland, OR 97204.

Grant Funding Alert

Recreational Equipment, Inc. (REI) is awarding grants to state and local river conservation groups through the National Rivers Coalition.

The Coalition considers applications for grassroots work that:

- Protects and enhances natural resources and recreation for rivers subject to hydropower licensing and relicensing;
- Adds rivers for study or designation in the National Wild and Scenic Rivers System or improve the management of designated rivers;
- Improves State river programs through efforts on legislation, regulations and/or implementation of a statewide rivers assessment;
- Promotes the passage of state or federal legislation that would facilitate federal, state or local river protection; and
- Supports increased funding of the National Park Service's Conservation Assistance Program for Fiscal Year '93.

Grants generally range from \$200 to \$1000. Funding is given for river policy work and should be used for printing, mailings, organizing grassroots meetings, travel and telephoning.

The Coalition meets to review applications in April, June, September and December. Proposals must be received no later than the 20th of each preceding month. They need not be more than 2-3 pages in length and should describe the need, the organization, the goal being sought in the project and a budget for the proposed work. Indicate whether or not your group is a 501 (c)(3) organization. Other pertinent information (newspaper articles, sample materials) may be appended.

Send applications to Suzi Wilkins at American Rivers, 801 Pennsylvania Ave. SE, Suite 400, Washington, DC 20003; (202) 547-6900. Suzi can answer any questions regarding these grants.

River Conference

The American River Management Society is hosting a symposium entitled, "Rivers for Tomorrow: Strategies for Planning & Management," in Portland, Oregon on April 28 - May 2, 1992.

Anyone with a stake in sound river management is encouraged to attend including recreationists, landowners, river conservationists, urban and regional planners, and researchers.

The five-day symposium will concentrate on key issues surrounding river planning and management:

- * River Recreation Management
- * Water Use & Development
- * River & Watershed Protection
- * River Restoration & Enhancement
- * Wild & Scenic River Designation
- * Water Quality & Quantity

For more information contact:

Conference Assistant
Oregon State University
College of Forestry
Peavy Hall 202
Corvallis, OR 97331-5707
(503) 737-2329

Is Your River Trashed?
Then Do Something About It During...

National River Cleanup Week May 2 - 10, 1992

Join the crowd in a nationwide cleanup of more than 3,000 miles of the nation's waterways. We're letting the nation know that rivers are not trash dumps. Get involved. Organize or participate in a clean-up on an urban or wilderness river in your area. For information on how you can get started, call

America Outdoors 615-524-4814

River Network Services

Toll-free problem solving service:

1-800-423-6747: Call us and we'll give you whatever help we can to save your river.

Networking:

We maintain a database of over 1,500 grassroots river conservation organizations. Tell us what your working on and we'll put you in touch with other activists and organizations who can share their experience with you.

Lotus Software:

Free copies of Lotus 123 software are available to any incorporated organization working on river protection. Contact us for more information.

Special Publications:

River Wealth and *River Wise* - collections of fundraising and public education techniques used successfully by grassroots river groups. \$5 each
C(3) or C(4) - a manual to lead river groups through the decision-making process of whether to apply as 501(c)(3) or 501(c)(4) tax-exempt status. \$2

Case studies:

We document and distribute "success stories" of river conservation to help activists avoid reinventing the wheel.

Fundraising Training Videos:

If your group is considering a fundraising campaign, you may want to consider some training first. Kim Klein, a national fundraising trainer and author of *Fundraising for Social Change*, with help from the Partnership for Democracy, has produced six videos:

Planning for Fundraising
 Special Events
 The Role of the Board

Asking for Money & Prospect Identification
 Major Gift Solicitation
 Raising Money by Mail

River Network has purchased a set of these videos. If you'd like to borrow them, free of charge, give us a call.

DORIS is a free service to put you in touch with volunteer specialists with expertise on river protection issues. DORIS is a computer database. It gives you access to over 500 river specialists within conservation organizations, professional societies, state and federal agencies, and our national network of river guardians.

Call us toll-free at (800) 42-DORIS and we'll link you up with some free advice.

DORIS recently helped:

Janet Levers (Cache Creek Basin Resource Coalition - Capay, California) contend with violations of the California Environmental Quality Act by several gravel extraction operators.

Bernie McGurl (Lackawanna River Corridor Association - Scranton, Pennsylvania) organize a committee of specialists to develop a plan to restore the

Lackawanna from the acid mine drainage from coal mines.

Charles Maguire (Friends of the Fenholloway - Perry, Florida) organize a campaign to clean up the Fenholloway after decades of toxic discharges from pulp mill operations.

Wes Wood (Valley Forge Chapter of

Trout Unlimited - West Chester, Pennsylvania) identify specialists to help his group grapple with streamside development and industrial pollution.

Warren Wise (Friends of the Rappahannock - Fredricksburg, Virginia) assess and review the potential impacts of a proposed coal-fired power plant along the Rappahannock.



DORIS Specialist Profile

Pete Skinner

Pete has 20 years of experience working on the New York State Law Department's Environmental Bureau Scientific Staff and 17 years of experience as a key Director of the American Whitewater Affiliation. He has a passion for rivers, a wealth of knowledge about river protection, and a desire to share both. "State and federal protection programs are underfunded and understaffed so the burden falls on the shoulders of concerned citizens. I enjoy helping other river activists quickly come up to speed on river protection techniques before it's too late. The river conservation movement needs informed, energized activists supported by experts. DORIS bridges that gap," says Pete.

Yes, I'd like to support the work of River Network.
Enclosed is my donation:

___\$35 Supporter ___\$100 Contributor ___\$1000 Founder
Name: _____
Address: _____
City, State, Zip: _____
Telephone: _____

Yes, I know of a river guardian or group that may be
interested in becoming part of the national Network.
Please send information to:

Name: _____
Organization: _____
Address: _____
City, State, Zip: _____
Telephone: _____

Send to River Network, PO Box 8787, Portland, OR 97207

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