

*MISCONCEPTIONS & FACTS ABOUT
THE ALLAGASH WILDERNESS WATERWAY*
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The act is aimed primarily at protecting both federal and state rivers. The act's statements of purpose and mission do not weigh federal or state ownership differently. In fact, Sec. 2. (a) reads as follows: "The national wild and scenic rivers system shall comprise rivers (i) that are authorized for inclusion therein by Act of Congress, or (ii) that are designated as wild, scenic or recreational rivers by or pursuant to an act of the legislature of the State or States through which they flow, that are to be permanently administered as wild, scenic or recreational rivers by an agency or political subdivision of the State or States" (See Public Law 90-542, 90th Congress, S. 119, October 2, 1968, An Act to provide for a National Wild and Scenic Rivers System, and for other purposes, p. 1.)

All of the steps spelled out in the act were closely followed by the State of Maine. The National Wild and Scenic Rivers Act expressly states that the National Wild and Scenic Rivers System shall comprise state administered rivers "that are found by the Secretary of the Interior, upon application of the Governor of the State or the Governors of the States concerned, or a person or persons thereunto duly appointed by him or them, to meet the criteria established in this Act and such criteria supplementary thereto as he may prescribe, and that are approved by him for inclusion in the system, including upon application of the Governor of the State concerned, the Allagash Wilderness Waterway, Maine, and that segment of the Wolf River, Wisconsin, which flows through Langlade County." (See Public Law 90-542, 90th Congress, S. 119, October 2, 1968, An Act to provide for a National Wild and Scenic Rivers System, and for other purposes, p. 1.) Emphasis added.

Pursuant to the Act, Governor Kenneth M. Curtis applied to the U.S. Department of the Interior for inclusion of the entire AWW in the National Wild and Scenic Rivers System as a wild river area, the most stringent of the three classifications. Governor Curtis's first letter of application with supporting materials was sent on April 10, 1970, in which he requested only the river be designated as "wild." But in his second letter of May 4, 1970, he requested that the entire AWW be designated as a wild river area because "since that time [April 10, 1970], the Maine State Park and Recreation Commission has been working closely with the Bureau of Outdoor Recreation to provide suitable information to meet the review requirements of the Act. . . . You will notice that the application modifies my original letter in that the entire waterway is now included and all concerned feel this is as it should be considering the character of the area and our understanding of the intent of the National Act. (See Governor Kenneth M. Curtis letters in River of Broken Promises.) Finally, after evaluation of the AWW, using Guidelines for Evaluating Wild, Scenic and Recreational River Areas Proposed for Inclusion in the National Wild and Scenic Rivers System under Section 2, Public Law 90-542, the Department of the Interior approved Governor Curtis's application and designated the AWW as a wild river area. Details and stipulations were published in Federal Register, vol. 35, no. 138, Friday, July 17, 1970, pp. 11525-11526.

1. Misconception:

The Wild and Scenic Rivers Act is meant primarily to protect waters within federal lands from development

2. Misconception:

Not all required steps for inclusion of the Allagash Wilderness Waterway (AWW) in the National Wild and Scenic Rivers System were taken.

3. Misconception:

Only the “recreational” classification of the Wild and Scenic Rivers Act allows dams (and by implication, the AWW should not be designated a wild river area.)

The wild river classification doesn't exclude all impoundments. See the Wild and Scenic Rivers Act, Section 15, (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 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.” (Emphasis added.)

Moreover, the guidelines for evaluating proposed waterways for inclusion in the National Wild and Scenic Rivers System, under criteria for wild river areas, do allow for impoundments to be included “in rare instances in which esthetic and recreational characteristics are of such outstanding quality as to counterbalance the disruptive nature of an impoundment” (See Guidelines for Evaluating Wild, Scenic and Recreational Rivers Areas Proposed for, p. 6.)

When the Department of the Interior approved Governor Curtis's application for inclusion of the AWW as a wild river area in the NWSR System, it stated that the entire AWW meets the criteria of a wild river area as follows: “a. Impoundments. There are three small dams within the Allagash Wilderness Waterway: (1) Telos Dam 5 +/- feet of Head. (2) Lock Dam 5 +/- feet of Head. (3) Churchill Dam 8 +/- feet of Head. These existing impoundments do not form impoundments which distract from or disrupt the wilderness character of the waterway and are of historic significance in that they portray the development of the logging industry in the northeastern United States. . . . The operation of all three dams is

governed by the policy established by the State of Maine in the Allagash Wilderness Waterway, 'to preserve, protect, and develop the maximum wilderness character of the watercourse.'" (See Federal Register, vol. 35, no. 138, Friday, July 17, 1970, pp. 11525-11526.)

4. Misconception:

The National Wild and Scenic Rivers Act does not establish any access points.

The approval of the AWW in the NWSR System does specifically permit two vehicle access points. Notice of the approval included the following: "b. Accessibility. Public access over private roads will be permitted to and along a portion of Telos Lake at the southern end of the waterway and to the northern boundary at West Twin Brook. Existing private roads within the waterway which have been developed for logging purposes will be closed to public use. These private roads do not create a substantial impact on the overall wilderness character of the river. As new timber management plans are prepared, most of these roads will be removed from the immediate river area. . . . Temporary bridges for short-term logging purposes may be authorized by the State. Any such crossing is designed to provide minimum impact on the wilderness character of the waterway." (See Federal Register, vol. 35, no. 138, Friday, July 17, 1970, p. 11526.)

An important note: It appears that the state could allow non-motorized access on 1/4 mile trails where roads now exist and stay within the National Wild and Scenic Rivers Act's designation as a wild river area. The criteria for evaluating proposed waterways for inclusion in the NWSR System under Wild River Areas, 2, state the following: "Generally inaccessible" means there are no roads or other provisions for overland motorized travel within a narrow, incised river valley, or if the river valley is broad, within 1/4 mile of the riverbank. The presence, however, of one or two inconspicuous roads leading to the river area will not necessarily

bar wild river classification." (See Guidelines for Evaluating Wild, Scenic and Recreational River Areas Proposed, p. 6.)

5. Misconception:

The idea of only having two entry points for vehicles was never really seriously considered.

On April 1970 the Maine State Park and Recreation Commission in collaboration with its advisory committee published its "policies to maintain the wilderness character." At the top of the list was the following policy: "1. Discontinuance of all private woods roads as their usefulness ceases to the woods operator except that at the two (2) ends of the Waterway, Telos Lake and Allagash Village. If the Realty Road continues to cross at the middle of the Waterway as it now does, then strict control or access at this point will be maintained." (See "The Allagash Wilderness Waterway, April, 1970," a report for the purpose of including the Allagash Wilderness Waterway in the Wild and Scenic Rivers System, p. 13. See also Federal Register above.)

6. Misconception:

There are today only seven existing approved summer motor vehicle access points to the AWW, as published in the "Allagash Wilderness Waterway Management Plan, January 1998," p. 8.

There are now twelve state approved vehicle access points, five of which were approved after the 1999 Management Plan was published. Two of the five allow one to drive within one-hundred feet of the river at Ramsay

Ledges and Cunliffe campsites, and then carry a canoe a short distance to put into the river. State approval of one of the five, John's Bridge, is under court appeal.

7. Misconception:

The AWW was not intended for multi-day canoe trips.

A careful reading of the AWW Act provides a strong inference that the intent of the legislation was to preserve the Allagash for a wilderness canoe experience, which by its nature tends to require multi-day trips. The reason why multi-day trips were originally in the vision of the waterway's use is borne out by "A Summary of Selected Statistics from the Allagash Wilderness Waterway Survey," December, 1966. This reported that the average party consisted of 4.1 persons, stayed 5.0 days and spent an average of 26.7 visitor days in the A.W.W." A 1969 survey in the "Allagash Wilderness Waterway Concept Plan," November, 1973, reported that less than 2 percent were day users. (See p. 19.)

Furthermore, the Maine State Park and Recreation Commission's report of April, 1970, in referring to the 1966 AWW Act stated: "The intent of this legislation sets forth that this watercourse shall forever be maintained and operated in its wild condition to provide a wilderness canoe experience." (See p. 1)

And the 1973 "Concept Plan" stated that "intensive day-use is also not compatible with the wilderness experience and will not be allowed." The remoteness of the Waterway makes day-use an insignificant aspect however. Modest day-use should continue to be allowed at sites with immediate road access, for the benefit of local residents." (Emphasis added) (See p. 23.)

8. Misconception:

Those who want to restrict motorized vehicular access to the Allagash Wilderness Waterway are elitists because the average person cannot afford to take two weeks off for a long canoe trip.

Proponents of easy access to the waterway have used the term “elitist” time and again to define those who advocate for adhering to the intent of the waterway as a place to be developed for maximum wilderness character for a wilderness canoe experience. It is a fact that some of the proponents for easy access who invoke the “elitist” label are themselves retired with months of time for a long canoe trip, have second homes close to the waterway, and have reported journeying to Alaska to find “true wilderness.” It is a fact that many of those who testified for restricting access are ordinary citizens who by financial standards are not wealthy. It is a fact that the users of the waterway who take multi-day trips for long distances each year number in the thousands.

9. Misconception:

The reconstruction of Churchill Dam in 1968 was paid for by Great Northern Paper Company.

This is clearly not the case. Maine’s agreement with the United States Bureau of Outdoor Recreation for receiving and using Land and Water Conservation Funds, Project Number 18-00028, dated April 14, 1967, includes an amendment dated March 31, 1967, that provides \$200,000 for “Reestablishment of Churchill Dam.” Furthermore, the “Progress Report on Establishment of Allagash Wilderness Waterway, April 23, 1968) states that “the State has entered into a contract with the Great Northern Paper Company to rebuild Churchill dam. Competitive bidding

was employed and total estimated costs as a result of the bidding are less than the original estimated cost of \$200,000.

10. Misconception:

Because only 53 percent of Maine's registered voters turned out to vote in the 1966 election, the 68 percent who voted for the bond issue to develop the maximum wilderness character of the Allagash (36 percent of Maine's registered voters) does not indicate much support by the public for the AWW Act.

Though the 68 percent of 53 percent works out to be 36 percent of the voters, this misconception suggests that all registered voters who didn't vote in the election were against the bond issue. It can be equally argued that the 47 percent who didn't vote were neutral because they weren't moved enough by the issue to vote, that is they didn't care enough about the issue, either for or against. It can also be argued that if there had been strong support against the AWW more people would have voted against it. All of this is speculation, of course, but the fact remains that 68 percent of Maine's registered voters cast ballots that approved the bond issue, a total of nearly 185,000 voters.

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