

VII. RESOURCE PROTECTION NEEDS

A. ESSENTIAL LAND OR INTERESTS NEEDING FEDERAL PROTECTION TO MEET MANAGEMENT UNIT OBJECTIVES

Trail protection progress reports indicate that there are 465.3 miles of Trail which are unprotected. Protection responsibility for these areas is as follows:

<u>Responsibility for Protection</u>	<u>Number of Miles</u>
State governments	241.1
U.S. Forest Service	15.0
National Park Service	209.2
Total Unprotected	465.3

To fulfill the mandates of the National Trails System Act and the partnership described in the Comprehensive Plan, 224.2 miles of the remaining unprotected portion of the Trail must be protected through federal actions. Unprotected Trail areas where corridor design, survey work and landowner negotiations have been initiated or completed, should be acquired as soon as possible to protect the resources and to maintain cooperative relationships with participating landowners and local governments. The remaining miles of Trail should be protected as soon as funds are available.

B. LAND WHICH CAN BE PROTECTED THROUGH ALTERNATIVE STRATEGIES

The Comprehensive Plan indicates that state governments have accepted protection responsibility for over 620 miles, or more than 30% of the entire Appalachian Trail. States have already protected over 380 miles of the Trail. If the Comprehensive Plan is implemented as expected, the remaining unprotected 241.1 miles of Trail designated for state protection would not appear to require federal acquisition funds.

C. IMPLEMENTATION STRATEGIES

1. No Acquisition Funding for Five Years

If there were no federal funds for the protection of the Appalachian Trail for five years the following impacts would be likely to occur:

- a. Economic - An elimination of acquisition funds for five years would prevent the Park Service from executing its responsibilities for protection of the Appalachian Trail as mandated by the National Trails System Act. A substantial switch in the federal Trail protection role would also jeopardize the entire government and private sector partnership. Since the Park Service's protection and acquisition program is the driving force that makes alternative protection and management strategies possible, most if not all of these efforts would diminish or cease.

The elimination of funding would place the responsibility for Trail protection completely with state governments, corporate landowners, Trail clubs and private land trusts. There is no evidence that these interests could complete the Trail protection effort, and there are strong indications to the contrary.

The elimination of federal funding would jeopardize state Trail protection responsibilities for over 241 miles of the Trail. In addition, a lack of protection funds would be very discouraging to the Appalachian Trail Conference and reduce the motivation of its 61 member clubs to maintain the Trail. This contribution to the Appalachian Trail project presently is worth in excess of \$1 million dollars per year.

b. **Socio-Cultural** - The elimination of funding would disrupt, and place in "limbo", a large number of negotiations between landowners and the Park Service and Forest Service. Future initiatives by the federal government, after a possible five year hiatus, are likely to be met with distrust and opposition and could cost much more due to rising land prices and changed land uses.

Services essential to state and private protection efforts, such as surveys, appraisals and funding for landowner contacts would probably be eliminated. These services are frequently the financial incentive which makes the protection partnerships possible.

c. **Resource** - Elimination of federal funding would prevent the Park Service and Forest Service from protecting outstanding national natural resource values. The mandates of the National Trails System Act would not be executed. Major unprotected portions of the Trail, such as in Maine, would be much more difficult for the State to protect. In addition, in certain trail areas unprotected resource values are likely to be degraded and destroyed. Significant adverse impacts to Trail continuity will also occur. Link-ups between acquired tracts would not be purchased rendering useless millions of dollars worth of already-acquired lands.

d. **Conclusion** - Nearly 85% of the federal protection responsibility for the Appalachian Trail has been completed. The elimination of acquisition funds would not be cost effective and could have significant socio-cultural impacts especially where the Trail corridor has been agreed upon and landowner negotiations have progressed. The protection effort could not be implemented under this strategy and previous work accomplished would be jeopardized.

2. Low Level Funding

If the federal government were to reduce the amount of funds available for the protection of the Appalachian Trail, the following impacts would be likely to occur:

a. Economic - A low level of funding would sharply reduce the Park Service and Forest Service ability to protect the Appalachian Trail. Reduced funding would also sharply impact state and local government and private sector efforts to protect the Trail. The lack of a strong federal commitment to protect the entire Trail would significantly alter the protection partnership between Park Service, Forest Service, the states and the private sector.

Reduced funding would sharply curtail the momentum or driving force of the Project that helps to make alternative protection strategies possible. In addition, inadequate or delayed land acquisition money could disrupt negotiations between Park Service and Forest Service staff and landowners, many of which have gone on for significant periods of time.

Low levels of funding would place a much greater reliance on state governments, corporate landowners, Trail clubs and private land trusts to complete the protection effort. Without the substitution of other economic incentives it is highly unlikely that any of these interests could fill this protection void. Since each of these alternatives now play a supplementary role, their increased use would require considerable time and at best would only continue to serve as a supplement. Time delays in the protection effort could result in increased cost due to land price escalation.

b. Socio-Cultural - Low funding would decrease Park Service and Forest Service flexibility and use of alternative strategies. Support services now provided to assist state protection efforts would be curtailed or eliminated.

Reduced funding would also decrease the number of staff available to work with landowners and state and local officials. Such a reduction would hamper ability to be sensitive to landowner and local concerns in the planning, protection and management process, and hamper the ability of the Park Service and Forest Service to seek and develop alternative protection solutions.

c. Resource - Low level funding would prevent the Park Service from executing its responsibilities for the protection of the Appalachian Trail as mandated by the National Trails System Act. Various areas of outstanding national significance would not be protected and significant gaps in the Trail corridor would result. In addition, in certain Trail areas unprotected resource values are likely to be degraded and destroyed.

d. Conclusion - Low levels of funding would require the Park Service to seek to redefine its cooperative partnership with state governments and the private sector or enter into a "holding pattern." The "holding pattern" would involve continued pre-acquisition work, anticipating the future availability of funds, along with the increased use of donations and some reliance on emergency state protection actions and private land trust initiatives. Adequate funding would be needed to maintain staff and various support service functions as well as for increased financial incentives to states, private organizations and landowners to assume more of the responsibility for Trail protection.

3. Moderate or Full Funding

If the Park Service and Forest Service are to continue to execute their responsibilities for the protection of the Appalachian Trail at a moderate or full funding level the following impacts would be likely to occur:

a. Economic - In 1978 Congress authorized \$90,000,000 for protection of the Trail. It is currently estimated that \$28,000,000 is needed to complete Trail protection. This latest estimate reveals that Trail protection will have been achieved for \$67,000,000, a savings of \$23,000,000.

In addition, moderate or full funding will insure the continuation of the private cooperative management system which represents a private contribution to the Trail of over \$1 million dollars per year.

b. Socio-Cultural - Moderate or full funding will insure use of alternative protection techniques. Federal acquisition will also assure the continuation of the various public and private protection and management partnerships. The flexibility of these partnerships should continue to minimize the number of adverse condemnations and maximize cooperation with state and local governments, private groups and landowners.

c. Resource - Continued funding will insure the protection of a recreation area of outstanding national significance. This protection will help to fill significant representation voids in the National Park System.

d. Conclusion - Full or moderate funding would allow the Park Service to continue to execute its responsibilities for protection in a timely, flexible and cost efficient way. The Park Service should be encouraged to continue to make extensive use of creative protection and acquisition techniques, involving state and local governments and the private sector. This increased use of donations, private land trusts and state government agencies enhance a very effective protection program.

VIII. ANALYSIS OF H.R. 861

H.R. 861, a Bill to amend the National Trails System Act, is now awaiting House action after gaining Interior Committee approval in October 1981. Three of the Bill's provisions could have a significant effect on the protection and management of the Appalachian Trail, and thus on the conclusions of this case study. Each provision is described briefly and analyzed, below.

§207(h) of the Bill authorizes the donation of qualified real property interests in components of the National Trails System or environs to qualified organizations (essentially, non-profit land trusts), consistent with the provisions of Internal Revenue Code §170(b)(3), which governs charitable contributions of land interests. Such donations would be authorized even in jurisdictions which do not allow the transfer of certain property interests, for example easements in gross, where the receiving party does not own land adjacent to the easement.

This provision resolves the uncertainty, for donors of interest in and near ("environs of") designated trails such as the A.T., over I.R.S. approval of the donation under the vague "public benefit" standard of the 1980 Tax Treatment Extension Act. For the A.T., this means that land trusts in the areas around the Trail are given clear Congressional approval to protect both the Trail and the resources of the lands around it.

§§207(f) and 210 deal with the Secretary's authority to enter into cooperative agreements with states, private organizations and individuals for trail management. Under these sections, the Secretary may offer limited financial assistance to any cooperating party, loan equipment or grant Volunteer in the Parks or Forests (non-labile) status to private cooperators, and give financial and possibly technical assistance to states and localities to protect private adjacent land-owners from excessive liability and to promote compatible land uses by those owners. These two sections expand existing authority to help strengthen the Trail's unique Cooperative Management System with existing cooperators, and may attract more participants to the System.

§207(d) authorizes the acquisition of lands extending outside the Trail right-of-way, the subsequent exchange or resale of such outside lands, and the crediting of any sale proceeds to the Trail's acquisition account. The crediting clause, central to the resale scheme, effectively creates a revolving fund for each trail. A positive incentive for resale, particularly with NPS retention of protective covenants or rights, is also created, because the receipts immediately become available for further trail protection. These receipts may well be more than the difference between fee value and the cost of acquiring the protective covenants or rights directly, because the market for selling restricted lands in a park-like setting is often different from the market for those restrictions themselves when purchased directly from present owners. As the Cape Cod experience shows, buyers sympathetic to the restrictions are attracted, bid up the price, and

are thereafter more willing to limit their uses to those compatible with park (here, trail) values than present owners might be. They thereby help provide a buffer for the trail right-of-way while returning some lands to local tax rolls. This is a critical provision and although the Bill as worded appears to permit exchanges between States along the Trail, we would recommend that appropriate clarifying language be included in the section to secure this important additional flexibility.

The unanswered question here is the actual extent of such outside or "excess" lands. Certainly, lands legitimately needed for resource protection must not be bartered for a larger acquisition account or other needed lands. The intent of H.R. 861 is made clear in §207(d) specification that only lands outside the trail right-of-way (i.e., protection corridor) may thus be disposed. While the location and width of the right-of-way are flexible, that flexibility generally is to be used either for assuring trail resource protection or "minimizing the adverse effects upon . . . adjacent landowner(s) (§7(a)). Neither of these purposes ordinarily leads to purchase of lands outside the right-of-way.

More likely cases for producing "excess" lands for the revolving fund are situations involving owner hardship, emergency, severance costs, or an owner's wish to dispose of an entire tract. There may have been several instances of such purchases in the past along the A.T., instances which could well recur. Sometimes the excess parcels thus acquired are uneconomic for resale because they are effectively inaccessible from public roads. An appropriate amendment to H.R. 861 would allow Federal acquisition of reasonable rights-of-way for access to make such parcels marketable.

Use of this revolving fund provision may not be limited to these cases, but the extent of its full application is unclear. It certainly would be helpful to give the National Park Service the additional flexibility in land protection that this tool offers; speculation about its precise net effect is premature.

IX. ANALYSIS OF THE MAINE PROTECTION EFFORT

Background

The study team identified the Appalachian Trail within the State of Maine as an important area for the case study to examine. Over seventy percent of the 277 miles of the Maine A.T., which constitutes approximately ten percent of the entire Trail, is in private ownership. Responsibility for protection of the Trail in Maine is retained by the State. The State has determined that Trail protection would be most appropriately accomplished in cooperation with private landowners through donations, land exchanges and limited acquisition. Nearly all of the 207 privately owned miles is divided among eight national or international forest product corporations.

Research obtained through a brief search of the literature from past correspondence and from conversations with State officials, corporation representatives and Trail club members has been conducted to: 1) identify protection alternatives used in Maine; and 2) evaluate the potential of these protection alternatives for future use in the A.T. project.

The following points place the Appalachian Trail in the State of Maine in perspective.

1. The Maine Appalachian Trail Club (MATC) was formed in 1935 and completed, with the help of the CCC, the last section of the entire A.T. in 1937. Since that time most of Maine's portion of the Trail has been on private land and maintained by the MATC.
2. The National Trails System Act of 1968 established the Appalachian Trail as one of the two original National Scenic Trails. This Act provides that protection may be accomplished by local, State or federal government agencies entering into written cooperative agreements with landowners or by acquiring interests in land, as necessary.
3. In 1972, existing agreements between the landowner, MATC and the State of Maine were found insufficient by the Regional Solicitor. (See Attachment 1)* A stronger more satisfactory agreement was suggested. (Attachment 2).
4. MATC and Maine's Bureau of Parks and Recreation under agreement with the National Park Service since 1972 have been working with the private landowners on Trail locations and case-by-case landowner agreements, donations, land exchanges in the context of the consolidation of the State's Public Reserve Lands, and other forms of acquisition. Since 1978 the consolidation process has resulted in State ownership of the Trail segments through all of the Mahoosic and Bigelow Ranges and one half of the Borchairback Range.

*All attachments referred to in this chapter can be found immediately at end of chapter.

5. The Maine Trail System Act of 1973 authorized the State of Maine to protect the Trail with the acquisition of land or interests in land when necessary. No funds have ever been authorized, however, for this specific purpose.

6. The Maine Land Use Regulation Commission (LURC) was established in 1975. It provides the Trail with a limited protected zoning status. In 1979, the Solicitor's Office commented on LURC zoning by stating that such police power regulation "cannot possibly provide a permanent status to the actual Trail." They continued by making one very important point:

"There is one further point, however. In our view, the adoption of such police power regulations can be of extreme importance to protecting the established Trail corridor. While they would be no substitute for actual Trail acquisition of the right-of-way, such regulations can serve the invaluable function of protecting the right-of-way. In addition, they may also have an important role in the development of cooperative agreements with states and local governments with regard to the management of non-private lands where acquisition is not authorized."

7. On two occasions later in 1979, the Solicitor's Office wrote that "a cooperative agreement must insure the protection of the Trail" and that when "used in lieu of the acquisition of private lands must provide a similar level of protection." (Attachments 4 and 5) Clearly, by itself, no agreement could provide the necessary insurance of protection since they are not tied to the title of the land and are subject to termination.

8. The MATC with the support of Maine's Bureau of Parks and Recreation and the National Park Service is working to establish Trail corridor agreements and permanent protection. Proposals, including right-of-way and protective easements, have been submitted by MATC to most of the landowners in Maine. Negotiations are still in progress. The potential of federal acquisition has been an incentive for landowners to work with the MATC and the State.

Finding

Actions could be taken administratively and legislatively to assist the State of Maine in the protection of the Trail corridor.

- The State of Maine has received one donation protecting 6.8 miles of Trail to date.
- The Maine Appalachian Trail Club (MATC), the State, NPS and others are actively seeking the donation of necessary Trail interests in Maine.
- The MATC is working extensively with the local woodland managers of the forest product corporations.

- Additional donations of necessary interests at full market value may be possible.
- Donations at bargain sale may be possible using the State's unobligated balance of the Land and Water Conservation Fund which is expected to be exhausted by October, 1983.

Recommendation

THE ADMINISTRATION AND THE PARK SERVICE SHOULD PROVIDE INCENTIVES FOR TRAIL DONATIONS IN MAINE.

The Administration at either the Presidential or Cabinet level should:

- a. Seek necessary revisions of the tax laws to provide tax credit incentives for the donation of qualified conservation contributions, regardless of income.
- b. Create a Presidential or Cabinet level working group of public and private individuals: to identify the corporation's highest level concerns and interests in the Maine Appalachian Trail protection effort; to encourage donations; and, to publicize donations as an example of the President's initiative on volunteer and private sector support of public efforts.
- c. Provide federal funds as grants to states for the protection of the Trail.



United States Department of the Interior

ATTACHMENT 1

OFFICE OF THE SOLICITOR
143 SOUTH THIRD STREET
PHILADELPHIA, PENNSYLVANIA 19106

NOV 21 1972

W1823

Memorandum

To: Director, Northeast Region, National Park Service
From: Regional Solicitor, Philadelphia
Subject: Appalachian Trail Agreement, Maine

Acting Director Palmer's memorandum dated October 10, 1972 requested us to review a Memorandum of Agreement "for the promotion of the Appalachian Trailway" which is apparently intended to provide a route for the Appalachian National Scenic Trail over privately owned lands in the State of Maine. You state that the Chairman of the Appalachian Trail Conference questions the sufficiency of this agreement. In my opinion, his concern is well founded.

This agreement, from a legal standpoint, accomplishes very little. It does not contain a grant by the landowner to the general public to use the Appalachian Trail as a pedestrian path. It does not contain a description of the route. It does not specify the width of the route. Finally, it is not an agreement with anyone. It was the intention of the Act that the landowner would enter into a cooperative agreement with state or local governments to provide the necessary trail right-of-way. The agreement before us states that the respective owners mutually agree to carry out a program; no mention is made of any state, county, city or trail club as the other party to the agreement. Having noted these objections, I cannot see where any useful purpose would be served by revising the instrument. In a letter to Mr. Gray dated September 8, 1972 the President of the Maine Appalachian Trail Club indicates that the landowners are reluctant to enter into stronger agreements and this would undoubtedly be his response if a revised agreement was furnished to him. At page 52 of the guidelines prepared by the National Park Service there is a suggested Appalachian National Scenic Trail right-of-way cooperative agreement. The state and local agencies should be encouraged to use this agreement to the greatest extent possible in obtaining the necessary trail right-of-way. If a cooperative agreement cannot be obtained, the state or local governments should be encouraged to acquire lands or interests therein to provide the necessary right-of-way. I am not at all certain as to the role the Maine Appalachian Trail Club plays in this matter. Section 7 e of the Act provides that the state or local governments should enter into written cooperative agreements with landowners and makes no mention of private trail clubs. I assume there would be no objection to a trail club negotiating an agreement with a private landowner for the necessary right-of-way but it would seem advisable to me that the agreement should be assigned to a state or local agency. The agreement before me provides, however, that it cannot be assigned without the written permission of the grantor.

To summarize, it seems to me there should be an agreement between a landowner on the one hand and an eligible agency on the other which would provide a right-of-way for public use across the property of the landowner and that, so far as possible, the duties and responsibilities of the parties which are set forth in the cooperative agreement suggested by the Park Service should be included. If the Maine Appalachian Trail Club enters into these cooperative agreements with the landowners, provision should be made in the agreement for the assignment of the rights to the state or local governments involved.

William W. Reimond
WILLIAM W. REIMOND

**SUGGESTED APPALACHIAN NATIONAL SCENIC TRAIL
RIGHT-OF-WAY COOPERATIVE AGREEMENT**

WITNESSETH, that _____, landowner, hereinafter referred to as Conferer, in order to assure preservation and perpetuation of the Appalachian National Scenic Trail for public use and enjoyment, desires to cooperate with (State, county, city, trail club), hereinafter referred to as Conferee, in the matter of providing a route for such trail.

THEREFORE, in consideration of the mutual promises and covenants of this agreement, the Conferer hereby agrees to allow the general public the right to use the Appalachian National Scenic Trail as a pedestrian path across the lands described below:

Description of area granted or conferred [This need not be a technical metes and bounds description, but may be a linear description of the trail route and specify a certain number of feet on each side of that route.] to be utilized as a part of the Appalachian National Scenic Trail in accordance with the Act of October 2, 1968 (Public Law 90-543).

A. The Conferee [State, trail club, or other party] agrees to:

1. Assume responsibility for maintaining the right-of-way for pedestrian use by the public and for placing and maintaining trail markers and signs on the premises granted; provided, that the Conferee may enter into agreements with local governments, private organizations, or individuals for maintenance of the trail, trail facilities, markers and signs.
2. Recognize the right of the Conferer to cross or use the granted premises as a means of ingress to, or egress from, Conferer's adjoining lands or timber rights, including the use of motorized vehicles for such purposes.
3. Discourage the use, except by the Conferer, of motorized vehicles on the right-of-way and to authorize use of motorized vehicles by representatives of the Conferee on the premises granted only for special or unusual maintenance and emergency operations.
4. Discourage littering and other spoilage to or encroachment upon the natural features on the premises.
5. Secure the consent of the Conferer prior to construction of any shelter or other structures (except trail markers and sign) on said right-of-way by the Conferer or other maintaining agency, organization, or individual, and for the cutting of trees thereon, other than for normal maintenance purposes.

6. Hold harmless and indemnify Conferer against all loss, liability, damage, or injury to the person or property of any person who uses the granted premises for hiking and related purposes. Conferer shall have the full benefit of any insurance obtained by the Conferee upon the property and against the hazards involved.

7. Encourage use of the right-of-way for pedestrian travel only.

8. Termination of Conferee's interest in the premises granted, in the event the trail is relocated off these premises. Thereupon such interest shall revert to the Conferer.

B. The Conferer agrees to:

1. The assignment by the Conferee of Conferee's rights hereunder to the state or states in which said land is located, to the local governments involved, or to other governmental agencies, if The Appalachian Trail Conference, a body corporate of the District of Columbia, is the Conferee hereunder.

2. Secure the consent of the Conferee, or its assigns, prior to cutting any trees and removing timber within a distance of one hundred feet on either side of the footpath.

3. Refrain from the placement or development of structures and the undertaking of any other operations on the granted trail right-of-way which destroy the quality of the natural environment or detract from the primitive or pastoral setting of the trail; and consistent with this purpose, Conferer will secure the consent of Conferee prior to the placement of any structure (other than authorized trail markers and signs) within one hundred feet on either side of the trail right-of-way.

4. Notify the Conferee in writing if at any time within 20 years from the date of this agreement the lands involved in the use herein granted or any parts of such lands, are offered for sale to any person or party, and to afford the Conferee during, a period of 120 days from such notification the opportunity to purchase the trail right-of-way at the same price, proportionately, and on the same terms and conditions afforded another party.

5. Reversion of all interest in the above-described property to the Conferer if the trail is relocated off the premises herein granted.

IN WITNESS WHEREOF, the parties hereto affix their hands and seals this
day of , 19 .

WITNESS:

(SEAL)

(SEAL)

(SEAL)



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

18 JAN 1979

Memorandum

To: Assistant Secretary for Fish and Wildlife and Parks

From: Associate Solicitor, Conservation and Wildlife

Subject: Land Use Regulations for the State of Maine and their
Applicability in Assuring the Protection of the
Appalachian Trail Corridor in that State

This is in partial response to your request that we review a series of rules and regulations promulgated by the Maine Land Use Regulation Commission which provide, in part, for protection of a 200-foot wide corridor for major trails located in that State. You have asked (1) for our impression as to how much protection they really offer the Appalachian Trail; (2) whether they are enforceable and would withstand a court test; (3) how effective we anticipate they would be; and, (4) our opinion as to whether they would be strong enough for the Department to declare publicly that a 200-foot wide Appalachian Trail Corridor stretching for 275 miles through Maine has been effectively and adequately protected as a result of the adoption of these rules and regulations.

Because we are of the view that the response to the latter question — number four (4) — is not related to the effectiveness of these rules and regulations, we have decided to respond to that issue by separate memorandum. In our opinion, the National Scenic Trails Act, as amended on March 21, 1978, does not provide this Department with the option of determining that the Appalachian Trail is protected solely as a result of the exercise of state or local police power authorities. As a substantive matter, we also believe that the Congress was correct in structuring the Act in this manner.

Section 7(e) and (g) provide the basic direction this Department is to take with regard to land acquisition matters. These subsections provide, in part, as follows:

(e) Where the lands included in a national scenic trail right-of-way are outside of the exterior boundaries of federally administered areas, the Secretary charged with the administration of such trail shall encourage the States or local governments involved (1) to enter into written cooperative agreements with landowners, private organizations, and individuals to provide the necessary trail right-of-way, or (2) to acquire such lands or interests therein to be utilized as segments of the national scenic trail: Provided, That if the State or local governments fail to enter into such written cooperative agreements or to acquire such lands or interests therein within two years after notice of the selection of the right-of-way is published, the appropriate Secretary may (i) enter into such agreements with landowners, States, local governments, private organizations, and individuals for the use of lands for trail purposes, or (ii) acquire private lands or interests therein by donation, purchase with donated or appropriated funds or exchange in accordance with the provisions of subsection (g) of this section. The lands involved in such rights-of-way should be acquired in fee, if other methods of public control are not sufficient to assure their use for the purpose for which they are acquired.

(g) The appropriate Secretary may utilize condemnation proceedings without the consent of the owner to acquire private lands or interests therein pursuant to this section only in cases where, in his judgment, all reasonable efforts to acquire such lands or interests therein by negotiation have failed, and in such cases he shall acquire only such title as, in his judgment, is reasonably necessary to provide passage across such lands: Provided, That condemnation proceedings may not be utilized to acquire fee title or leases interests to more than an average of one hundred and twenty-five acres per mile.

These provisions demonstrate that the various states were provided a two year period after publication of the initial notice of selection of the original right-of-way within which to obtain trail protection either by written cooperative agreement or acquisition. These were the only options provided. If the states failed to achieve protection in this manner, the Secretary was then authorized to act, once again through cooperative agreements "for the use of lands for trail purposes" or through acquisition.

The 1978 amendments did not change this basic structure. They did provide, however, that it was "the express intent of the Congress that the Secretary should substantially complete the land acquisition program necessary to insure the protection of the Trail within three complete fiscal years following the date of enactment of this sentence." In our opinion, this amendment closes the circle. Initially, the states were provided two (2) years to act pursuant to acquisition or cooperative agreements. If they failed to act in this manner, the Congress has now directed that the Secretary shall undertake these actions. Congress has not provided the Secretary with the authority to waive his acquisition responsibilities to protect the trail because of the enactment of state or local police power type rules and regulations.

We agree with this action. Police power regulations such as those in issue cannot possibly provide a permanent status to the actual trail. Any such regulations are subject to change by their very nature.

There is one further point, however. In our view, the adoption of such police power regulations can be of extreme importance to protecting the established trail corridor. While they would be no substitute for actual trail acquisition of the right-of-way, such regulations can serve the invaluable function of protecting that right-of-way. In addition, they may also have an important role in the development of cooperative agreements with states and local governments with regard to the management of non-private lands where acquisition is not authorized. We will comment further on these aspects of this issue upon completion of our review.


James D. Webb



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

JUL 6 1979

Memorandum

To: Karen Wade, Regional Coordinator for Virginia and Pennsylvania, Appalachian Trail Project Office

From: Assistant Solicitor, Parks and Recreation

Subject: Proposed Cooperative Agreement between the Virginia Division of Parks and the Town of Purcellville for Protection of the Appalachian Trail

This is in response to your request for our review of the above captioned document. As we have indicated informally, we have an initial concern about the types of cooperative agreements the Congress intended be used to protect the Appalachian Trail. We question whether the National Scenic Trails Act, as amended, contemplated agreements between a state and a local government as a basis for trail protection. Our second concern is whether the terms of this agreement are adequate "to provide the necessary trail right-of-way" as required by the National Scenic Trails Act, as amended.

Both issues turn on the terms of section 7(e) of the Act. This provision is as follows:

(e) Where the lands included in a national scenic trail right-of-way are outside of the exterior boundaries of federally administered areas, the Secretary charged with the administration of such trail shall encourage the States or local governments involved (1) to enter into written cooperative agreements with landowners, private organizations, and individuals to provide the necessary trail right-of-way, or (2) to acquire such lands or interests therein to be utilized as segments of the national scenic trail: Provided, That if the State or local government fail to enter into such written cooperative agreements or to acquire such lands or interests therein within two years after notice of the selection of the right-of-way is published, the appropriate Secretary may (i) enter into such agreements with landowners, States, local governments, private organizations, and individuals for the use of lands for trail purposes, or (ii) acquire

private lands or interests therein by donation, purchase with donated or appropriated funds or exchange in accordance with the provisions of subsection (g) of this section. The lands involved in such rights-of-way should be acquired in fee, if other methods of public control are not sufficient to assure their use for the purpose for which they are acquired.

As the first portion of this subsection indicates, states and local governments are encouraged "to enter into written cooperative agreements with landowners, private organizations, and individuals to provide the necessary trail right-of-way." This provision does not specifically authorize states to enter into cooperative agreements with local governments. Accordingly, there is a significant question in our mind whether this Department could recognize trail protection based upon such an agreement absent some other basis for participation. We would conclude, however, that this is not a problem with regard to the cooperative agreement in issue because the Town of Purcellville is acting as a landowner.

The second question is whether this cooperative agreement provides the type of protection contemplated by section 7(e). As indicated above, to be adequate this agreement must serve to "... provide the necessary trail right-of-way..." In our opinion, this phrase must be interpreted in a manner consistent with the remaining provisions of the National Scenic Trails Act. Cooperative agreement must meet the same standards of trail protection as other means of protection. Cooperative agreements are provided as an alternative, but not a lesser means of protection; they must be sufficient to carry out the purpose of this Act, as amended.

This purpose has been reenforced by the 1978 amendments to the National Scenic Trails Act. Those amendments require the Secretary "to insure the protection of the Trail within three complete fiscal years..." The Secretary must complete this responsibility through acquisition, where authorized to do so, absent approved cooperative agreements that can meet this standard, or state or local acquisition. Accordingly, to be satisfactory, a cooperative agreement must insure the protection of the Trail.

In our judgment, the proposed cooperative agreement between the Commonwealth of Virginia and the Town of Purcellville does not presently meet this standard -- it will not insure the protection of the Trail -- because it does not provide any form of significant permanent protection.

Initially, we note that both paragraphs 3 & 4 of subsection C provide that use of this land for trail purposes is subject to the use of the area as a public watershed, which use we will take precedent over any conflicting provision of the agreement. In C-3, trail use is also subject to "such other rights in said premises as have heretofore been granted."

As you have noted, the provisions of section A-12 also represent a problem. Despite language suggesting this agreement "shall continue in perpetuity," the Town has clearly reserved the right to sell this property at any time subject to a right of first refusal running to the State. Such a right does not insure the protection of the Trail. Finally, we note that section A-8 provides for termination of the agreement "upon 90 days notice of a violation of any of the foregoing conditions." While we can understand why the Town would want assurances that the agreement would be enforced, such a provision virtually insures that the agreement can be voided if that becomes appropriate.

We understand that several of these provisions are being strengthened to afford more extensive protection for the trail. We also understand, however, that given the use of the area in question as a public watershed, it is not possible to establish the trail right-of-way as an exclusive or necessarily permanent use. Finally, we recognize that acquisition of such public lands is not authorized by Congress.

Accordingly, we suggest that the most satisfactory solution to insure the protection of the trail in these situations may be to include a provision in the agreement, as between the Commonwealth and the Town, that in the event the trail must be relocated they will assume relocation responsibility in a mutually satisfactory way. In this manner, the Department of the Interior can in good faith recognize and approve such a cooperative agreement as providing the requisite trail protection and the present selection and acquisition of an alternative route by the National Park Service over private lands can be avoided.

We would be happy to review or participate in the development of such a provision. One possible version is attached hereto for your consideration.

(Sgd.) David A. Watts

David A. Watts

Attachment

cc: Director, NPS
ATTN: Jim Tobin, Allen Harpine
Regional Solicitor, Boston
Regional Solicitor, Atlanta

bcc: Secy's File
Chron CW(1)
Div. File ✓
PRaynor:ak: 3/6/7

ATTACHMENT

Subsection 5 to Section C:

This agreement will be submitted to the National Park Service of the Department of the Interior for review and acceptance as a cooperative agreement that will insure the protection of the Appalachian Trail in accordance with the requirements of subsection 7(e) of the National Scenic Trails Act, as amended, and that acceptance of this cooperative agreement by the National Park Service as protection of this portion of the Appalachian Trail will serve to eliminate the alternative federal responsibility to identify and acquire a trail right-of-way crossing private lands. Accordingly, conferer and conferee mutually agree that in the event the various terms and conditions of this agreement may serve to bar the further usage of the agreed upon trail route both conferer and conferee shall act to reestablish a trail right of corridor for the Appalachian Trail, acceptable to the National Park Service, for this portion of the trail.



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

NOV 2 1979

Memorandum

To: Assistant Secretary for Fish and Wildlife
and Parks

Attention: Dave Sherman

From: Assistant Solicitor, Parks and Recreation

Subject: Protection of the Appalachian Trail

This is an interim response to your memorandum requesting our views concerning the development of a strategy for the protection of the Appalachian Trail. As you have discussed with Pete Raynor of our staff, we feel protection of the Appalachian Trail is a three-part problem. Methods to protect the Trail vary depending upon the nature of the land in question.

The simplest problem is when the Trail corridor is in private ownership. The second and third situations arise when the Trail is owned either by a Federal agency or by a State or political subdivision.

In the first situation, land acquisition is typically the appropriate solution. In this regard, we understand that the land acquisition program is making progress to provide this element of protection for the Trail as contemplated by Congress with the 1978 amendments to the National Scenic Trails Act.

In the situation when the Trail is owned or administered by either another Federal agency or a State or political subdivision land acquisition is not a viable means of establishing Trail protection. Acquisition is specifically limited to private lands.

In these situations, there are several alternatives available. The most obvious is to develop cooperative agreements with these other units of government to provide adequate Trail protection. Other options are also available, however.

With regard to State and local governments, the cooperative agreement issue has been generally discussed in our memorandum of July 6, 1979, concerning a proposed cooperative agreement between the Virginia Division of Parks and the Town of Purcellville for the protection of the Appalachian Trail, copy enclosed. As indicated in that memorandum, we believe that Congress intended that cooperative agreements between State or local governments and private landowners provide permanent protection. This means that such cooperatives should not be used with private owners unless Trail protection is assured; that cooperative agreements used in lieu of the acquisition of private lands must provide a similar level of protection.

We recognize, however, that such a conclusion would not be appropriate concerning cooperative agreements between this Department and States or this Department and political subdivisions of States with regard to publicly owned lands.

As indicated above, such a conclusion would leave a protection gap because there is no authority to acquire such public lands and therefore no viable protection alternative to such cooperative agreements.

In this situation, we feel that such cooperative agreements -- between this Department and a State or political subdivision thereof for the management of publicly owned lands -- need not provide permanent protection but should be negotiated to provide as much protection as possible. We would be happy to participate in this process.

In dealing with State and local governmental lands, however, a second viable alternative is also provided by the provisions of the L&WCF Act. Both the SCORP planning process and the protections afforded by section 6(f)(3) of that Act, provide this Department with a viable method of assuring permanent protection to State and local publicly owned lands within the Appalachian Trail Corridor. To accomplish this, however, the Department must be willing to strongly encourage or to require the various States to submit planning, acquisition and development projects for L&WCF assistance that will result in the application of the no conversion provisions of section 6(f) of the Land and Water Conservation Fund Act.

In this regard, section 8 of the National Scenic Trails Act specifically encourages the use of the L&WCF program for historic trails purposes.

The problem is somewhat different with regard to federal lands. While a cooperative agreement approach is feasible, it is interesting to note that the National Scenic Trails Act specifically provides several alternative provisions with regard to the management of the trail on federal lands. Section 7, subsections (h) and (i), are specifically in point.

Subsection (h) provides that the Secretary charged with the administration of a national scenic trail "shall provide for the development and maintenance of such trails within federally administered areas..." Section 5(a)(1) provides that the Appalachian Trail shall be administered primarily as a footpath by the Secretary of the Interior, in consultation with the Secretary of Agriculture.

Subsection (i) provides, in part, that the Secretary may issue regulations governing the use, protection, management, development, and administration of the Appalachian Trail, with the concurrence of the heads of other Federal agencies administering lands through which the Trail passes.

We believe that these provisions may provide the Secretary of the Interior with additional authorities beyond cooperative agreements with other Federal land administrators. Once again, we would be happy to assist in the further interpretation and implementation of these provisions.



David A. Watts

Enclosure

X. CUMBERLAND VALLEY

The Cumberland Valley in south central Pennsylvania, just across the Susquehanna River to the west of Harrisburg, interrupts the chain of mountains followed by the Appalachian Trail. The Valley is approximately 12 miles wide, the longest valley crossing along the entire 2100 miles of the Appalachian Trail. The Cumberland Valley has been selected for particular attention in this case study for two reasons. The first is that the experience of the Park Service here may provide useful lessons to other Park Service personnel elsewhere faced with acquiring land in a community where such acquisition is unwelcome. The second is the hope that the study team might be able to provide fresh insights toward a solution that would meet the mutual needs of the Park Service and the people of the Cumberland Valley.

This chapter contains a brief chronology of significant events, the study team's thoughts as to their significance, recommendations for future actions, and some general principles of community relations. Our objective has not been to find fault with any group or individual, but rather to exploit the benefits of hindsight both to avoid similar situations in the future and to find a way through the present impasse in the Valley. The study team has reviewed the material in the Project's files, visited the Valley to acquire a sense of the physical environment, and interviewed as many people who have been involved as possible.

The Area

The Cumberland Valley portion of the Trail is in Cumberland County. The county is 355,200 acres in area, with about 555 square miles. The valley is bordered on the east by the Susquehanna River, on the north and west by Blue (or North) Mountain, and on the south by South Mountain. These mountains are more properly ridges. Most of the valley floor consists of low, gently rolling hills. The eastern end of the county is largely developed, with a mix of commercial, industrial, and residential land uses—heavily influenced by nearby Harrisburg. Moving westward into the valley, land uses become more residential, and of lower density. Mechanicsburg roughly six miles from the Susquehanna, marks the western boundary of more or less continuous suburban development. West of Mechanicsburg the predominant land use is agriculture, on some of the best agricultural land in the country. Many of the farms are dairy farms; the principal field crop is corn. The Borough of Carlisle is located about 12 miles west of Mechanicsburg. West of Carlisle the land use becomes even more predominantly agricultural, with less residential development.

The Appalachian Trail has traditionally crossed the Cumberland Valley between Mechanicsburg and Carlisle. Over the years it has followed a number of different routes. In places the Trail has been across private lands, generally on the basis of handshake agreements with landowners, but for most of its length and most of the time, the Trail across the Valley has been on public roads, which presents an increasingly serious safety problem. In a number of places the present route is experiencing rather dense roadside development.

The Cumberland Valley has grown substantially in population in recent years. The 1980 population was approximately 178,000. In the ten years prior to 1980, the population grew by 12.6%, while the population of Pennsylvania as a whole remained unchanged. This increase in population was not distributed evenly across the county. Four townships lie between Mechanicsburg and Carlisle: Monroe and South Middleton in the southern part of the county, Middlesex and Silver Spring in the north. From 1970 to 1980, the population of Middlesex Township increased 57.7%, that of Monroe increased 45.4%, South Middleton, 18.9%, and Silver Spring, 13%. Thus the land use in these townships is changing, in some cases dramatically, from rural and largely agricultural to a more suburban and residential character.

Chronology

In 1975, the Pennsylvania Department of Environmental Resources (DER) commissioned a study by Pennsylvania State University to develop Trail specifications and a protection strategy for the Appalachian Trail in Pennsylvania. Cumberland Valley was studied specifically. Secretary of DER Goddard wrote to local communities along the Trail advising them that the State would probably be acquiring land to protect the Trail. Around the same time an ad hoc committee was formed, consisting of representatives from DER, the Pennsylvania Game Commission, County planners, and the Trail community, to deal with Trail-related problems in the state as they arose. When the likelihood of federal legislation became apparent, the State decreased its level of involvement in the Cumberland Valley.

In 1977, Dr. Thurston Griggs, of the Mountain Club of Maryland and board member of the Appalachian Trail Conference, carried out a field survey in the Cumberland Valley to lay out a new route off roads. His field work was supplemented by a joint DER/NPS group working from aerial photographs. On March 21, 1978, the amendments to the National Trails System Act were passed, providing a greatly expanded role in Trail protection for the Park Service. One of the first decisions of the A.T. Project Office under the new provisions was to address the problems of the Cumberland Valley, both because of its long roadwalks and because it is one of the few areas in Pennsylvania experiencing substantial development. Griggs volunteered to make the initial contacts in the Valley. Because he had already done field work there, and because he is an influential and respected member of the Trail community, the Park Service agreed, with the concurrence of the ATC. In May 1978, Maurice Forrester sent out a letter on Keystone Trails Association (KTA) stationery to 65 landowners. Griggs followed up this letter with personal contacts. Of the 65 landowners, 54 responded, and Griggs reported that he had identified 31 potentially willing sellers.

Unfortunately, the situation quickly deteriorated from this point. Griggs began talking to landowners on May 15. Almost immediately he found a number of landowners who were hostile to the idea of the Trail crossing their property. By early June opposition was sufficiently strong to be organized into a group, Citizens Against the New Trail (CANT). At the same time, articles began appearing in the local newspapers portraying

Griggs and his activities in a most unfavorable light. They portrayed him as threatening unwilling sellers with condemnation. There was also uncertainty in the press as to Griggs' status, questioning whether he was in fact speaking for the federal government. By the end of June the atmosphere in the Valley was so unfriendly that Griggs felt obliged to suspend his activities.

On July 10, a large public meeting was held in Monroe Township, at which Dave Richie represented the Park Service. This meeting was well attended by CANT and others who by this time were unfriendly to the idea of locating the Trail on private lands. CANT used this meeting as an opportunity to get local elected officials on record in support of CANT's position against a new Trail route. The outcome was that Jacob Myers, a County Commissioner, took responsibility for arranging a meeting among local officials, the Park Service, and private citizens to develop a process for evaluating the Trail route across the Valley.

That meeting was held ten days later, on July 20. It was chaired by Myers and was attended by the two other County commissioners; the supervisors of Dickenson, Monroe, Middlesex, South Middleton, and Silver Spring Townships; representatives of the local Congressman and State legislators; the leadership of CANT; and representatives of DER, ATC, and the Park Service. It was decided that the commissioners should appoint an Advisory Committee representing all interested parties. It was agreed that this Advisory Committee would hold public meetings, which landowners could attend but not participate in directly.

At the beginning of August, the Commissioners announced the membership of this Trail Location Committee. It included three representatives of CANT; three representatives from the Cumberland County Planning Commission; two representatives from the Park Service; State Senator John Hopper; Caren Glotfelty from DER; Craig Dunn, a board member of ATC and a resident of the Valley; Richard Snelbaker, the solicitor for the five townships; and Frank Masland, a local resident and former chairman of the National Park Service Advisory Board. This group held its first meeting on August 29, 1978. At that meeting it was agreed that a professional planner from the Tri-County Planning Commission should prepare a comprehensive array and analysis of alternatives. At the same time, a subcommittee chaired by Masland would conduct field investigations of alternative routes. The members of the Committee expected that their work might take a year or more.

The Trail Location Committee held a series of meetings from the fall of 1978 into the spring of 1979, examining a number of proposed routes. However, no consensus emerged as to the desirability of any of them. In August of 1979, the townships of Middlesex, South Middleton, Monroe and Silver Spring passed identical resolutions regarding the proposed relocation of the Trail. Each township agreed "to support a plan to incorporate the Appalachian Trail into its public road system in cooperation with the adjoining townships similarly affected whereby the Trail would be a generally unpaved path or walkway immediately adjacent to the existing public roads equivalent to an unpaved sidewalk, said path or walkway to be a portion of this township's public road system and under its jurisdiction thus allowing local control of path crossings."

The acceptability of a "sidewalk" route was reviewed by the Trail Location Committee, leading to rejection of the Supervisors' proposal at a meeting in November 1979, following an official communication from Assistant Secretary Herbst that an off-road route in the Valley was necessary to meet the Trail protection mandate in the 1978 Trails Act amendments. The Trail Location Committee proposed to hire a local planning consultant, funded by the National Park Service, to study Trail location alternatives. Opposition to this course of action by CANT representatives and Township Supervisors became so heated, however, that the decision to hire a consultant was postponed indefinitely at a Committee meeting in January 1980. Project Office representatives, at the encouragement of Committee Chairman Myers, began a series of meetings with Township Supervisors and Richard Snelbaker to try to work out differences.

In May of 1980, Les Brewer, who had been hired by ATC as the field representative for Pennsylvania, proposed a new route following, in part, an abandoned railroad right-of-way. This route lay east of the other proposals, passing just west of Mechanicsburg. Project Office representatives felt that it was promising. Brewer arranged a meeting with the Silver Spring Township Planning Board to present the proposal to them. CANT representatives also attended this meeting, along with some landowners who vocally opposed use of the railroad right-of-way for the Trail. This opposition caused the board to cease further consideration of this alternative.

On November 20, 1980, the township supervisors met with Project representatives and reaffirmed their original position that the Trail should remain on roads across the Valley. On March 25, 1981, Commissioner Jacob Myers, Chairman of the Trail Location Advisory Committee, wrote a letter to members of the Committee, township officials, and concerned citizens, thanking them for their efforts--effectively suspending further work by the Trail Location Committee.

A. ANALYSIS OF COMMUNITY RELATIONS

In retrospect it is possible to identify a number of factors responsible for the impasse in the Cumberland Valley, which continues to the present time. Some of these factors resulted from decisions made by the Project Office that, with the benefit of hindsight, would have been made differently. Other factors are the result of the special characteristics of the Cumberland Valley. There is little doubt that, even under the best circumstances, the task of protecting a permanent Trail right-of-way across the Valley is a difficult one.

The mistakes made by the Project in the Cumberland Valley were made primarily at the very beginning. A closer look at the chronology of events is instructive. The 1978 amendments to the National Trails System Act were passed on March 21. Thurston Griggs began contacting landowners on May 15, less than two months later. The decision of the Project to go into the Cumberland Valley quickly was a natural one. One of the express intents of the 1978 amendments was to address the problem of roadwalks on the Trail, and the Cumberland Valley was and continues to be one of the longest roadwalks along the entire length

of the Trail. In addition, the Park Service was under some pressure from ATC to begin work in the Valley. Thurston Griggs had done field surveys in the summer of 1977 and was eager to discuss the proposed Trail route with landowners. The fact that the Park Service was not yet well organized ultimately contributed to inadequate procedures for consulting with affected parties and general misinformation about the intentions of the Project.

Griggs talked with affected landowners, but did not seek out county and township officials. As it was, local officials became aware that there was an effort underway to locate the Trail off roads when they began hearing complaints from their constituents. This tended to dispose them unfavorably to the whole effort.

Had they been consulted, local officials could have encouraged Griggs and the National Park Service to proceed more cautiously. Development pressures are intense in the Valley and many landowners, particularly those with large holdings, view their land as an investment. Many landowners, according to the township supervisors, are waiting for the right opportunity to derive the maximum economic benefit from their lands. A corridor for the Appalachian Trail did not necessarily fit in with these plans. Local officials might also have described the area's long history of adverse condemnations. U.S. Route 11, the Pennsylvania Turnpike, and Interstate 81 all run through the Valley, as do a number of utility rights-of-way. All these transportation and utility corridors required condemnation, generally of easements. Landowners in the Valley have acquired considerable experience in dealing with condemnation efforts, and it is a matter of some local pride that they generally drive hard bargains. The idea of another corridor across the Valley for the Appalachian Trail fell on particularly unreceptive ears.

The reasons for selection of a proposed route were unclear to landowners contacted. The route selected generally follows Stony Ridge. This ridge is the only north-south topographic feature across the Valley. From a resource-oriented point of view it was a logical choice. It is high ground and generally wooded along the crest, and provides some views of the surrounding farmland. However, the same features which make it desirable for the Trail make it attractive for residential development.

Landowners gained the impression that this route had been decided upon by the National Park Service and that lands needed for this route would be condemned if not sold willingly. Local newspaper articles reinforced this impression and contributed to attitudes unfavorable to Trail protection which still linger in the Valley.

In summary, a number of mistakes can be identified. They are: The failure to communicate with local officials before making contact with landowners; insufficient awareness of the development pressures at work in the Valley, the history of condemnations, and the attitudes of the people there; the impression given of inflexibility and readiness to use condemnation; and the failure to develop a process initially which would have involved landowners and local officials in planning the Trail route.

By the time the Park Service became actively involved in the Valley, the situation had deteriorated beyond the point where a quick reversal was possible. All the interested parties whom the study team has interviewed have agreed that the conduct of the Park Service in general and Dave Richie in particular has been exemplary. Several persons have spoken highly of Richie's honesty, flexibility, and openness. His involvement simply came too late.

A question that logically arises is why there has been so little substantial progress in the past three years, despite the best efforts of the Park Service. One reason is the recent uncertainty about and unavailability of adequate funding for Trail protection. No matter what route is ultimately selected, protecting it will be expensive. Land values in the Cumberland Valley are high and getting higher. Without adequate funds there has been no sense of urgency to arrive at a solution acceptable to all interested parties. Another reason is the attitude of the supervisors. It is not that they are obstructionist, although they do have an adversarial attitude. Rather it is that they are working from very different assumptions and perceptions from those of the Park Service.

In a recent meeting with the study team, the township supervisors and their solicitor, Richard Snellbaker, offered four arguments in support of their proposal to locate the Trail as a sort of sidewalk along existing roads. The first was that they perceived no problem with the existing situation, other than a safety problem that would be remedied by a sidewalk. They maintain that the Trail has traditionally crossed the Valley on roads, that the present roadwalk is direct and fast, makes a nice break for hikers, and offers services and the opportunity for friendly interaction with people along the route. The tradition of friendly relations with hikers is a matter of pride to a number of supervisors. They maintain that moving the Trail onto private lands would threaten those friendly relations.

The second argument is that land in the Valley is very highly valued for its development potential. They argue that the sale of lands for Trail protection would be a permanent loss of the development potential of those lands. Thirdly, they argue that they have acquiesced to condemnation for highway and utility corridors because those facilities provide a clear benefit to their communities; they see no such benefit from the Trail. Fourthly, they maintain that because of high land values an off-road corridor will be unjustifiably expensive for the small portion of the population who will use it.

If Trail protection efforts in the Valley are to proceed, it is important to understand two very different objectives. These objectives must be taken into account and further mediation must focus on resolving them through working together to find a mutually acceptable solution.

The objective of the Park Service is to implement Trail protection in accordance with the National Scenic Trails Act and the intent of Congress as reflected in the legislative history. Keeping the Trail continuous, providing permanent protection, assuring a safe hiking

experience off roads, and meeting landowner concerns are important considerations in planning the Trail route. Every effort is made to meet these standards everywhere along the Trail. At this time the route in the Valley does not meet these standards.

The Park Service planning process provides flexibility both in planning the Trail location and meeting local concerns. In the case of Cumberland Valley, various route alternatives have been evaluated from the perspective of meeting the intent of Congress and maintaining a high standard of quality, while remaining responsive to local needs. One alternative proposed by the Park Service included the use in part of a railroad right-of-way as the Trail route. It appears that this route may meet most of the criteria set by Congress without having a significant adverse impact upon the community. This proposal was discussed with the township supervisors to a limited extent and could use additional analysis.

The township supervisors do not perceive the existing Trail route as a problem. In a sense, they never agreed with the Park Service position that the Trail corridor in the Cumberland Valley is inadequate and in need of protection. They feel that the Park Service is trying to resolve a problem that doesn't really exist. The supervisors view the Valley as a unique section of the Trail in that it is a growing and populated area which distinguishes it from the rural ridgetops which the Trail usually follows. The supervisors conclude that the Trail has a designated route through the Valley. They feel there is no need to develop something new, and their objective is to maintain the present Trail route given their contention that the Valley situation is unique.

The supervisors have developed a proposal which would incorporate the Trail into the county's public roads system and provide for a protected unpaved path along the roadways. They have considered other proposed routes for the Trail, but have selected the route along roadways as the preferred alternative. This proposal also requires further clarification and analysis.

Clarification of the two proposals described above in terms of costs, design, location, and social and cultural impacts may provide a good framework to work out terms for deciding on an acceptable route through the Valley. As an extension of this idea the study team has developed the following findings and recommendations:

FINDING 1

The Cumberland Valley portion of the Appalachian Trail may be unique environmentally and culturally. Protection of this portion of the Trail requires additional planning and flexibility in order to insure that the effort is sensitive to local social and economic concerns.

RECOMMENDATION:

THE PROJECT SHOULD CONTINUE ITS EFFORTS TO PLAN AND PROTECT A PERMANENT RIGHT-OF-WAY FOR THE TRAIL ACROSS THE VALLEY IN CONSULTATION WITH TOWNSHIP OFFICIALS AND IN A MANNER WHICH IS SENSITIVE TO THEIR UNIQUE CONCERNS.

FINDING 2

The process used in planning a national trail route, or any other type of recreation area, and in making landowner and local government contacts is critical to a successful protection effort.

RECOMMENDATION:

THE PARK SERVICE SHOULD DEVELOP A PROCESS AND GUIDELINES TO BE USED SERVICEWIDE FOR IDENTIFYING AND ASSESSING THE SOCIAL AND CULTURAL VALUES AND DYNAMICS OF A GIVEN AREA BEFORE COMMENCING ACQUISITION EFFORTS. THIS SHOULD BE DONE IN ORDER TO IDENTIFY APPROPRIATE RESOURCE PROTECTION TECHNIQUES.

B. PRINCIPLES OF COMMUNITY RELATIONS

The following principles are offered for the consideration of Park Service personnel faced with the situation of having to go into a community to protect and acquire lands in pursuit of the Park Service's mission. These principles have been drawn from two sources. The first is the experience of the Project, not only in the Cumberland Valley but also in places where the consultation process has worked well, as in Connecticut and Dutchess County, New York. The second source is the

experience of the Division of Natural Resource Planning of the Mid-Atlantic Regional Office in carrying out various technical assistance projects. These principles should not be regarded as a cookbook procedure or checklist; rather, they should be viewed as different manifestations of a single point of view or attitude. That attitude is one of open cooperation, flexibility, and sympathy for the points of view of other interests. A discussion of the principles of community relations has a place in a study of other-than-fee-acquisition techniques for a very practical reason. Where the community relations process is carried out successfully, it creates a congenial atmosphere in which a broad range of alternative strategies are possible, including less-than-full-market-value techniques such as bargain sales and donations. Where the community relations process is ignored or not carried out successfully, an atmosphere of mistrust, hostility, and confrontation may result in which no desirable solutions are possible.

- First impressions are important. If the community forms an unfavorable impression of you at the outset, you will have a big problem for a long time. It is crucial to show a positive attitude right from the beginning. Flexibility, patience, and an attitude of dealing with equals in a spirit of cooperation will make the job a great deal easier.
- Contact elected public officials before initiating actions. This is basic courtesy. If they are friendly, local officials can be an invaluable source of assistance and information. If they are not friendly to your project, it will still be necessary to consult with them, and it is better to have spoken with them at the outset rather than have them find out about your presence after you have begun contacting landowners. It is also a matter of courtesy to observe a certain protocol in contacting officials, beginning with United States and State Senators and Congressmen, and proceeding in order to State officials, county officials, and local officials such as mayors and township supervisors.
- Understand the community into which you are going. Communities which look almost identical through the windshield of your car may in fact be very different in terms of history, attitudes, values, and the way the people use the resource. What are the values of people in the community? What are the attitudes among landowners of stewardship for the land? How do they use and what do they expect from the land? Are they tax farmers holding land for investment purposes waiting for the right price, or has the land been in their family for generations and they hope to pass it on to their grandchildren? What are their feelings toward government in general? Does the community have a history of adverse condemnations for highways and utilities? It is important to acquire at least a sense of the answers to these kinds of questions as you begin to work in a community. Without this kind of knowledge it will be impossible to develop protection strategies that accomplish the missions of the Park Service while also being sensitive to local needs and desires. The best--in fact the only--way to get this kind of information is to talk to people, as many people as you can.

Ask questions and listen carefully to what people tell you and to what they do not tell you. Learn to read between the lines of what you hear. You have a powerful incentive for taking the time and effort to do this. Your work will go much more smoothly if it is sensitive to local attitudes, values, and needs.

- Maintain your credibility. This is among your most valuable assets. In talking with opponents it may sometimes be tempting to say what they want to hear rather than what is the case. Resist this temptation. You will be much more effective in the long run if they believe what you say, no matter how unpalatable it may sometimes be.
- You must not only be reasonable and fair, you must also appear to be so. You will not only be dealing with people at first hand, you will also be dealing with people's perceptions of you, and it will be to your benefit to give them every opportunity to see what a sterling person you are. If you perform all your good deeds in private you will receive only half the benefit of them. Keep your process open and accessible to the community.
- It is better to deal with opponents face-to-face rather than through the mail. If you suddenly encounter opposition or conflict in the course of your work, you may feel tempted to withdraw from the scene and conduct further dealings with your opponent by correspondence rather than face-to-face. This is a natural tendency - few people enjoy conflict - and it is usually a mistake. Consider the effect it has on your opponent. Rather than dealing with a flesh-and-blood person, he or she is now receiving impersonal communications on official government stationery from a faceless bureaucracy. The result is almost always a heightened feeling of conflict. Talk to your opponent, in person if at all possible, by telephone if absolutely necessary. Establishing a personal relationship will go a long way toward preventing a situation in which a negotiated settlement is not possible.
- Never underestimate the power of the press. Do not be deceived by a small town paper's appearance. Just because it does not look like the New York Times does not mean it is not influential. A local newspaper can be very important in shaping people's opinions, setting a community's agenda, and influencing the attitudes of local officials. It is an effective vehicle for disseminating information. Maintain friendly relations with the press, even--especially--when they print unflattering things about you or your project.
- Anticipate objections to your project and have responses ready. People will have entirely legitimate concerns about the effect of your project upon them. You will be better able to set them at ease if you can demonstrate that you have already anticipated these concerns and have developed appropriate measures to address them.

- State your interests clearly and identify the interests of the community. It will be easier to reach an agreement if you negotiate from the interests you wish to protect rather than from a position. In the case of the Appalachian Trail, an example of a position might be a particular Trail route. Examples of interests would be that the Trail be continuous; that it meet some standard of quality, e.g., that it be located off roads; and that some measure of protection be achieved for whatever corridor is finally agreed upon. It is also important that you identify the community's interests. This may require some effort if they respond to you with a position. You will have to identify the reasons why they adopted that position. Those reasons are their basic interests. Once your and their interests have been clearly identified it may then be possible to reach an agreement that satisfies everyone's interests. But whether or not that ideal result is attained, it will be easier to negotiate some compromise on the basis of interests rather than from hardened positions.
- It is not enough to reach an appropriate and legitimate result; you must reach it by an appropriate and legitimate process. No community wants to feel that a decision has been imposed on them. People will react negatively to a decision that they perceive as having been made behind their backs, even if they have no objection to the substance of the decision. People want to feel that they have been involved in the decisionmaking process, and that their concerns have been heard and addressed.
- Involve potential opponents in the decisionmaking process. Everyone with an interest in your project should have the opportunity to be involved in the decisionmaking process. You should take special care to ensure that potential opponents are involved. An opponent of a project will be less likely to adopt and maintain an extreme or irresponsible position if he or she has been actively involved in the decisionmaking process. It is important to make the invitation to participate public. An opponent who publicly refuses to participate will lose a great deal of credibility within the community-at-large.
- "I'm from the Federal government, trust me" is not an effective way to respond to community concerns. Take the time to persuade people of the legitimacy of your mission and the validity of your techniques for accomplishing it. It is better to go into the technical aspects of your work, even if lay people cannot fully understand or appreciate it, than to attempt to gloss over it, which will encourage them to assume the worst. If the way you do business cannot stand up to this sort of scrutiny, the chances are it could do with some improvement anyway.
- Enlist the support of local persons having moral authority in the community. It is perhaps regrettable but nonetheless true that your supporters will not be as strongly motivated or as active as your opponents. This is because those who will benefit from your project are distributed across the country and through

future generations, whereas your opponents are on the scene and are very directly and concretely affected. This makes it all the more important to enlist local people to your support who enjoy the respect of the community. Their support will make it much easier for local elected officials to support you as well.

- Designate one person—or at the most two—to speak for you and represent you in the community. Do not deluge the community with a rotating cast of characters. This will only lead to their confusion and your own. Having no more than one or two spokesmen also makes it much easier to establish personal relationships, which are vital for creating an atmosphere of trust.
- It may be useful to designate a person to whom people can appeal. Despite the foregoing principle as to the benefits of only one or two spokesmen, it may sometimes be useful to involve another person in the role of a higher court, especially in cases where feelings are running high and there is an atmosphere of conflict. This person should be a sort of higher authority, someone to whom members of the community can appeal for redress of any grievance they may have with your principal spokesman. This is important, because it is vital that your principal spokesman not be perceived as standing in the way of a possible solution. The higher authority figure allows your spokesman to continue working effectively toward a solution.
- Strive for substantial effective agreement rather than for unanimous agreement, which you may never achieve. The more people who have become involved in the consultation process, the less your chances of achieving unanimous agreement on any particular course of action. However, this need not result in no action being taken. If you have carried out a fair and reasonable consultation process, and if you have made a serious attempt to involve all the parties with an interest in the decision in that process, and if as a result of that process you have arrived at a fair and reasonable decision, and if you have achieved substantial agreement within the community that the course of action decided upon is the right and proper thing to do, then the community will allow you to proceed with your project even in the absence of unanimity. You should always strive for unanimity, but be realistic about your chances of achieving it.
- Take as much time as—but no more than—you need to reach substantial effective agreement. It takes time to win the trust of a community and time to reach an agreement that the community accepts. This process has a certain tempo that cannot be speeded up beyond a certain point. However, once you have reached agreement on a course of action, it is best to move quickly. This is to the benefit of the community as much as the Park Service. It is unfair to ask landowners to

live with the uncertainty that you may be acquiring some or all of their property for longer than a minimal amount of time. Do the business you agreed to do as expeditiously as possible, and let the community get back to going about its business.

XI. APPENDIX

A. CASE STUDY PROCESS

The Appalachian Trail Case Study has been conducted by the Appalachian Trail Project Office (ATPO) and the Mid-Atlantic Regional Office (MARO) of the National Park Service (NPS). Active participants to the case study included representatives from the U.S. Department of Agriculture's Forest Service, the States of Maine, Massachusetts, Connecticut, Maryland, and Pennsylvania, the Appalachian Trail Conference including numerous member organizations, a variety of local governments in Pennsylvania, the Department of the Interior's Offices of the Solicitor and Policy Analysis and three private land trust organizations.

The Appalachian Trail Case Study began in early October, 1981. Team members initially assembled and reviewed background information on the legislative history of the Appalachian National Scenic Trail, resource characteristics, current plans and other topics germane to the study mandate.

The next portion of the study required team members to identify various protection alternatives used in the Project. The objective of this identification effort was to assess the effectiveness of current protection techniques and to evaluate the potential of these and other alternatives for future use in the Project.

Staff met with a wide variety of representatives from federal, state and local government agencies and private organizations to discuss existing and potential Trail protection efforts. In addition, staff reviewed a variety of selected public and private initiatives that illustrate different types of protection strategies. This material was then documented and circulated to the study participants for review and discussion.

Specific topical and geographic areas, such as land trusts, the State of Maine and the Cumberland Valley in Pennsylvania, were then identified by the study team for further research and analysis. These areas were selected because the study team felt that they illustrated issues appropriate to the objectives of the case study.

In addition, study team staff, with the assistance of the Appalachian Trail Conference, designed, distributed and analyzed a survey of Trail managers. The purpose of the survey was to gather information on the opinions and attitudes of Trail managers on existing and potential protection efforts.

A series of study team meetings were held to discuss the information being collected. The results of these meetings were summarized, in the form of preliminary findings and options, and presented at a mid-study meeting of all the case study leaders in Denver, Colo., in December, 1981. After the Denver meeting, the study team, with considerable assistance from other case study participants, conducted additional research on various aspects of the study. Study findings were revised and refined in order to represent the consensus opinion of the study participants.

B. TRAIL MANAGERS' SURVEY

One of the primary objectives of the Appalachian Trail Case Study was to: 1) document protection alternatives used in the Project; 2) review selected cases that illustrate protection strategies; and 3) evaluate the potential of protection alternatives for future use in the Project. Case study leaders determined that one desirable element in this review process should be an assessment of perspectives, concerns and priorities of "Trail managers," or individuals who possessed experience in Trail-related protection and/or management programs.

The staff of the Park Service A. T. Project Office were assigned the responsibility of identifying individuals who met all of the following criteria: 1) had personal and direct experience with the Service Trail protection process; 2) had experience or knowledge of Trail maintenance, Trail construction, or backcountry management issues; 3) were familiar with a particular region, area, or section of the Trail; and 4) were affiliated with one or more organizations involved in Trail protection and Trail management. A list of 42 individuals was assembled including representatives from most geographic areas along the Trail and members from 24 different organizations. (A complete list is attached.)

The Appalachian Trail Conference was asked to assist case study leaders in developing an appropriate survey form and transmittal letter, for distribution to the above list of individuals. (A copy of this letter and the survey form is also attached.) The survey form included 19 short answer type questions pertaining to a variety of subjects including; perceptions of the current Trail protection process, familiarity with various alternatives, experiences with state and local governments and landowners, management concerns, and priorities for the future.

The transmittal letter and survey forms, as well as return envelopes, were mailed to each individual on the survey list on January 12, 1982. Participants were requested to complete and return the survey forms to the Appalachian Trail Conference by January 29, 1982. As of February 10, 29 responses were received. The following is a summary of these responses.

1. How important do you think a continuation of the current Park Service land acquisition program is to the permanent protection of the Appalachian Trail?

All respondents indicated that the Park Service acquisition program was "critical" or "essential" to permanent protection of the Trail. Several of the participants stated that this need was particularly necessary in order to provide Trail continuity.

2. Do you see zoning or other land use regulations as providing adequate permanent protection for the Trail in your area? Are there management problems associated with using land use regulations, easements or leases as protection techniques?

Only one respondent indicated that zoning or other land use regulations had proven effective in providing protection to the Trail. This response was in reference to the Land Use Regulation Commission in the State of Maine. Act 250 in Vermont was also cited as an example of land use regulation that could afford some protection in the vicinity of the Trail. Virtually all of the participants however stated that zoning did not provide adequate protection. Most of these people cited lack of permanency as their primary concern. Some also indicated that zoning and land use regulation was subjected to political "whim," was politically unpopular, or was simply non-existent in many rural areas along the Trail. One participant objected to zoning on the grounds that it constitutes a "taking" of certain property rights without just compensation to the landowner.

Responses concerning easements were generally more favorable. Several participants stated that easements had proven to be a useful alternative to fee simple acquisition. Others suggested that easements could potentially provide adequate and permanent protection. Some concerns were noted however. For example, several respondents indicated that most landowners preferred to sell their property outright or in fee simple. A number of people (25%) also expressed concerns related to additional administrative or enforcement problems associated with easement provisions or the necessity to "monitor" such properties more frequently. Similar concerns were expressed with respect to leases.

3. Several Trail clubs have been involved in A.T. protection by negotiating with landowners and purchasing land. Has your club done this sort of work? If not, do you see this as a possible role for your organization in the future?

A large majority of respondents indicated that they or their organizations had been involved in landowner contacts related to corridor design or in negotiations. Less than half stated that their organization had acquired Trail-related properties through purchase or gift. Generally, only the larger organizations (i.e.-AMC, PATC) or organizations with an existing land trust capability (i.e.-Berkshire Natural Resources Council, Ottawaquechee Regional Land Trust) had experience in land acquisition. Most of the representatives of organizations that lacked such experience stated that future land acquisition activity was unlikely, generally because of a lack of adequate funding and other resources.

4. Would you or members of your club be interested in learning more about alternatives to fee simple (full ownership) land acquisition? Are there any topics such as donations, acquiring partial interests, establishing or working with land trusts, fundraising, and so on that are of particular interest?

A majority of participants (55%) indicated that they were already familiar with such alternatives and/or would welcome additional information. Those who did not wish to learn more about such issues generally cited their preference for the current land acquisition program or reluctance to pursue such alternatives due to inadequate resources.

5. Are you familiar with the use of land trusts (nonprofit organizations empowered to acquire lands and other interests in property for the benefit of the general public) for protecting natural resources? Do you think there is an opportunity to involve land trusts further in the protection of the A.T. corridor in your area?

Most of the respondents (79%) were at least familiar with the land trust concept and many of these people recognized at least some potential for the use of land trusts in A.T. protection. The majority of these participants however stated that the likelihood of any significant contributions from land trusts was very limited.

6. Has your organization worked with land conservation groups such as The Nature Conservancy, Trust for Public Lands, or others? If so, please identify the group, project area, and results.

Participants from Maine, Vermont, Connecticut and Virginia expressed knowledge of purchases in their areas by The Nature Conservancy, although not all of these people had worked directly with TNC. Other organizations that were noted included: Ottauquechee Regional Land Trust (Vermont), Housatonic Valley Association (Connecticut), Berkshire Natural Resources Council (Massachusetts), American Farmlands Trust (Vermont), Trust for Public Lands (Vermont), National Audubon Society (New York), Scenic Hudson Association (New York), Lehigh Valley Conservancy (Pennsylvania), and Southern Appalachian Highlands Conservancy (Tennessee).

7. Is your organization involved in land protection or management activities other than those concerned with the A.T.? If so, please describe.

All but six of the participants stated that their organizations were involved in activities other than those associated with the A.T. These activities ranged from maintenance programs on other trails and property or facility management to a broad range of programs related to backcountry management and resource protection.

8. Has your club encountered any landowner concerns about such things as trespass, property damage, or personal liability? If so, were you able to resolve them?

A large majority of respondents indicated knowledge of at least some landowner concerns over such issues. Trespass and property damage were cited more frequently than liability as relevant issues. The frequency of such concerns however appeared to be limited. Most participants reported resolution in these instances, primarily through discussions with affected landowners and remedial action (repair, signing, trail patrol, etc.). A few people however stated that trail relocations were required in order to satisfy the landowner. With respect to personal liability, the representative from the Green Mountain Club stated that the club provided insurance coverage to landowners. Another respondent cited a limited liability law in the state of New Hampshire.

9. An important aspect of any land protection program is establishing and maintaining good rapport with landowners. Has there been good rapport in your area? Have the government agencies along the A.T. worked effectively with private landowners? Do you have suggestions for improving relations with landowners?

Virtually all of the participants reported that rapport with landowners was generally good (the one exception was Cumberland Valley, PA). Most of these people also indicated that relations with landowners were improving as a result of two factors:

- 1) increased contact due to current acquisition program; and
- 2) increased involvement of landowners in local management planning initiatives.

A number of respondents indicated that NPS approaches to landowners had been effective, but few suggested that other government units had provided much assistance. Recommendations for improving relationships with landowners included increased communications (i.e. visits, phone calls, letters, newsletters) and increased involvement in management planning and decisions.

10. Have local governments (municipal, county) been helpful in protecting the A.T. in your area? Do you work with them often?

Most respondents stated that local governments have been generally neutral to sympathetic, but few examples of tangible support were cited. These included a number of cooperative agreements related to municipal watershed properties, preacquisition assistance from the town of Damascus (VA), and several resolutions of support. Several participants indicated that local government bodies want to be kept informed of acquisition activities, however. Others stated that these units have been more helpful in management issues such as law enforcement. Two people noted some local government concerns related to loss of tax revenue from federal land acquisition. A majority of respondents indicated that they maintained at least periodic contact with local governments.

11. Has the state been helpful in protecting the A.T. in your area? Do you have any ideas or suggestions for improving their efforts?

Responses reflected a broad range of state involvement in Trail protection. Some states, such as Massachusetts, New Jersey and Maryland have assumed a major responsibility for protection. Others like New York, Pennsylvania and Virginia have been involved in a limited number of purchases, generally in areas near existing state holdings. Still others have provided technical assistance in planning or negotiations. In areas where federal ownership is dominant (i.e. the southern national forests), states have been relatively inactive. Funding limitations were cited as the primary reason for limited state involvement in some areas.

12. Are there any particular governmental policies, programs, or regulations that present a problem to you on the A.T.? Are there any that have aided your efforts?

The most frequent response to this question related to the current NPS land acquisition program. Participants indicated that the program has been very helpful, but that delays in funding and corresponding delays in land acquisition have been disruptive. Other problems noted included inadequacies in long term payments-in-lieu-of taxes to local governments and limitations of federal appraisal practices. Helpful policies or suggested policies included: VT Act 250, state liability limitation laws, federal reimbursement for local fire fighting activities, cooperative agreements for trail management and related funding, eminent domain authority, and the authority to sell surplus lands with revenues returned for other land acquisition.

13. Do you have any ideas or suggestions for the federal government in protecting the Appalachian Trail?

Approximately 80 percent of the respondents stated that continued progress in the federal Trail protection program and funding in support of this land acquisition was their primary concern or suggestion. Other recommendations included: less emphasis on timber harvesting in the national forests; the formulation of regulations for public use in the Trail corridor; more flexibility in appraisal practices; a more effective payment-in-lieu-of-taxes program; boundary surveys and marking of the Trail corridor; and general support for volunteer programs.

14. What are the major problems your organization is experiencing regarding the maintenance of the Trail? What kind of assistance would help ease these problems in terms of resources, information, or technical advice?

The majority of participants indicated few if any problems with trail maintenance. Some respondents however noted concerns over major new trail construction, facility development (i.e. parking

lots, bridges), and conflicting uses including easy road access and ORV use along the Trail. Recommendations included: funding for major construction; volunteer recruitment, training and supervision; and staff assistance or supplemental manpower programs such as YACC.

15. Changes in the tax laws may reduce the attractiveness of tax deductible gifts to nonprofit organizations. Do you feel this will affect your fundraising or land protection efforts? If so, do you have any plans to deal with this problem?

Responses ranged from no concern to considerable concern over these tax law changes. In general, those who were least concerned represented organizations whose financial resources were developed primarily or entirely from membership dues rather than donations. Those representing organizations that receive substantial contributions of lands or funds were quite concerned. No suggestions were offered for dealing with the problem.

16. In addition to protecting the Trail corridor itself, the protection of adjacent lands on a voluntary landowner basis may be desirable to enhance the A.T. experience. Do you view protection of adjacent lands as an appropriate role for your organization?

A majority of respondents indicated that additional protection near the Trail was desirable and an appropriate role for their organization. Many of these people suggested, however, that completion of the current federal program was their first priority. Additional protection was viewed as a long term goal. Several participants expressed doubt that voluntary protection would prove to be significant.

17. In general, do you feel that the section of Trail your group is involved with has adequate protection from incompatible uses? If not, what needs to be done?

Most participants stated that protection was adequate in acquired areas, but was inadequate in areas remaining to be purchased. Some however indicated that even after federal acquisition is completed, incompatible uses may remain. Examples included ORV use, major facility development (i.e. wind turbines, transmission towers, etc.), trespass and vandalism, etc. Recommendations included timely completion of federal land acquisition, effective monitoring programs, and increased recognition and community support for the Trail corridor and adjacent lands.

18. Please identify your three highest priority needs at this point. These could include topics such as need for funds, volunteers, staff, technical advice, tools, and so on. What actions are you taking to meet these needs? (NPS and ATC have information which might be helpful--please write for details.)

The most common response to this question was the need for funds in various forms, including: appropriations for federal land acquisition; funds for major Trail and facility construction; and funds for staff support, training programs, travel expenses, and education programs. Other priorities included: more volunteers, established monitoring programs, boundary surveys and marking, and law enforcement.

19. Although private protection alternatives have been used on the A.T., the program has been based primarily on the federal purchase of interests in Trail lands. Do you think that the federal government should see private alternatives as a supplement to or as a replacement for the regular federal program?

Essentially all of the respondents stated that private protection alternatives represented only a supplement to the federal acquisition program. Several people cited the linear nature and general complexity of Trail protection in support of this view. Others emphasized the limited application or feasibility of private alternatives in many areas. Some participants also noted the necessity for eminent domain authority in certain instances. Finally, a number of participants indicated that the existing blend of private alternatives, less-than-fee alternatives, and fee-simple acquisition that characterizes the current NPS protection program represents the most effective approach to Appalachian Trail protection.

APPALACHIAN TRAIL
CONFERENCE

P. O. BOX 236
HARPERS FERRY, W. VA. 25425
TELEPHONE (304) 535-6331



January 12, 1982

Because of your experience in the planning and design of the Appalachian Trail corridor, we are hoping you will be able to take time to assist the U.S. Department of the Interior, the Park Service's parent agency, by answering the enclosed questionnaire.

As you know, many policy changes are taking place in the federal government. Budgetary constraints and political considerations may affect the ability of the Dept. of the Interior to acquire and protect national resources like the Appalachian Trail. In order to meet Interior responsibilities and the conservation challenges that lies ahead, a "Case Study" team from the Park Service is studying the possible use of land conservation alternatives that rely either on private purchases or on "less than fee" (less than full purchase) rather than a "fee simple" (full) acquisition.

The Dept.'s team has developed the enclosed questionnaire and has thoughtfully asked the Conference to assist them in their efforts to determine the Trail club reaction to possible changes in the federal protection role. Filling out and returning the questionnaire will enable the "Case Study" team to represent better your interests and concerns, as well as document those innovative approaches to land protection that have already been used on the Appalachian Trail.

Please return the questionnaire to ATC by January 29 in the return envelope provided. If you have any questions, please don't hesitate to contact me or Joe DiBello, Dept. of Interior, Philadelphia, Pa. (215) 597-1581.

Thank you very much!

Sincerely,

Laurence R. Van Meter
Executive Director

LRV/rb

Enclosures

cc: Joe DiBello
Dave Richie

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Ruth E. Blackburn
Chairman
Stephen Clark
Vice Chairman
Thurston Griggs
Vice Chairman

James L. Bore
Vice Chairman
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David L. Repner
M. Scott Johnson
Hollye Hight
Charles A. Blankenship
Raymond F. Hunt
William R. Nelson

Margaret C. Drummond
John W. Davis
Laurence H. Van Meter
Executive Director

Questions: Please reply to only those questions you feel comfortable answering. Leave blank those you feel you can't answer. If you need more space, feel free to use the backs or additional sheets. Please return questionnaire to ATC by January 29.

NAME:

PHONE:

ORGANIZATION:

A.T. RESPONSIBILITIES:

1. How important do you think a continuation of the current Park Service land acquisition program is to the permanent protection of the Appalachian Trail?

2. Do you see zoning or other land use regulations as providing adequate permanent protection for the Trail in your area? Are there management problems associated with using land use regulations, easements or leases as protection techniques?

3. Several trail clubs have been involved in AT protection by negotiating with landowners and purchasing land. Has your club done this sort of work? If not, do you see this as a possible role for your organization in the future?

4. Would you or members of your club be interested in learning more about alternatives to fee simple (full ownership) land acquisition? Are there any topics such as using donations, acquiring partial interests, establishing or working with land trusts, fundraising, and so on that are of particular interest?

5. Are you familiar with the use of land trusts (nonprofit organizations empowered to acquire lands and other interests in property for the benefit of the general public) for protecting natural resources? Do you think there is an opportunity to involve land trusts further in the protection of the AT corridor in your area?

6. Has your organization worked with land conservation groups such as The Nature Conservancy, Trust for Public Lands, or others? If so, please identify the group, project area, and results.

7. Is your organization involved in land protection or management activities other than those concerned with the AT? If so, please describe.

8. Has your club encountered any landowner concerns about such things as trespass, property damage, or personal liability? If so, were you able to resolve them?

9. An important aspect of any land protection program is establishing and maintaining good rapport with landowners. Has there been good rapport in your area? Have the government agencies along the AT worked effectively with private landowners? Do you have suggestions for improving relations with landowners?

10. Have local governments (municipal, county) been helpful in protecting the AT in your area? Do you work with them often?

11. Has the state been helpful in protecting the AT in your area? Do you have any ideas or suggestions for improving their efforts?

12. Are there any particular governmental policies, programs, or regulations that present a problem to you on the AT? Are there any that have aided your efforts?

13. Do you have any ideas or suggestions for the federal government in protecting the Appalachian Trail?

14. What are the major problems your organization is experiencing regarding the maintenance of the trail? What kind of assistance would help ease these problems in terms of resources, information, or technical advice?

15. Changes in the tax laws may reduce the attractiveness of tax deductible gifts to nonprofit organizations. Do you feel this will affect your fundraising or land protection efforts? If so, do you have any plans to deal with this problem?

16. In addition to protecting the trail corridor itself, the protection of adjacent lands on a voluntary landowner basis may be desirable to enhance the AT experience. Do you view protection of adjacent lands as an appropriate role for your organization?

17. In general, do you feel that the section of trail your group is involved with has adequate protection from incompatible uses? If not, what needs to be done?

18. Please identify your three highest priority needs at this point. These could include topics such as need for funds, volunteers, staff, technical advice, tools, and so on. What actions are you taking to meet these needs? (NPS and ATC have information which might be helpful—please write for details.)

19. Although private protection alternatives have been used on the AT, the program has been based primarily on the federal purchase of interests in Trail lands. Do you think that the federal government should see private alternatives as a supplement to or as a replacement for the regular federal program?

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C. COST ANALYSIS

The 2100-mile Appalachian Trail requires numerous operations to keep it open and well managed. These include:

- o maintenance of existing Trail
- o reconstruction of existing Trail route.
- o construction of relocations
- o construction and maintenance of 250 campsites and shelters
- o sponsorship of volunteer and staff ridgerunners and caretakers
- o publication of maps, guidebooks, other information
- o preparation of plans for the Trail
- o monitoring of corridor lands acquired for the Trail
- o assistance in planning final corridor design

These management operations are shared by a unique cooperative system of private and public organizations: The Appalachian Trail Conference, its 31 maintaining Trail clubs, landowners, the Forest Service, National Park Service, and Tennessee Valley Authority, and the park and forest services of 14 states. Given this diversity of organizations (volunteer vs. government, local vs. national), the variety of management tasks, and the range of cost estimates between different sections of the A.T., predicting costs for the Trail as a whole is difficult.

However, it is clear from the direction provided in the Comprehensive Plan and the tradition of the Trail, that the great bulk of the costs associated with operating the Trail will be assumed by the volunteer-based organizations which created the Trail 60 years ago and have maintained much of it ever since. No significant new expenses for governments at the state or federal level are expected.

By way of example of the volunteer contribution, the costs of three management tasks--Trail maintenance, reconstruction, and construction--have been estimated below.

Analyzing costs shared by 32 private organizations, 2 federal agencies, and approximately 16 state agencies must necessarily depend on broad "replacement costs", as if the government were to suddenly be encumbered with the work done by the federated clubs. The estimates below are calculated in this way. In reality, these costs have been and will continue to be a cashless contribution from Trail volunteers.



Financial savings to government for maintenance, reconstruction and construction of the Appalachian Trail:

- I. Maintenance: The U. S. Forest Service estimates that annual maintenance of trails in regions 8 and 9 (eastern regions) costs \$350 per mile per year. These repeating cycles of annual work assures the opening and clearing of the Trail, paint blazing, signing, clearing of drainage structures and repair of bridges.

Existing state and federal park and forest programs contribute varying amounts of work to the effort. Therefore, this estimate must account for this share. Experience indicates that the Trail clubs provide approximately 50% of the trail work, where the A.T. crosses established state forests and parks, or established federal forests and parks.

<u>Administration</u>	<u>Mileage</u>	<u>% share of work assumed by Trail club</u>
NPS (established parks)	212.6	50%
USFS	804.1	50%
Established state forests and parks	252.8	50%
NPS lands, outside established areas	137.7	100%
State land, outside established areas	95.4	100%
Private land	554.0	100%
Total	2056.6	

Totals: On 1269.5 Trail miles, the clubs provide 50% of the costs of maintenance, which @ \$350/mile/year = \$175/mile/year (50%) contributed or \$222,162.

On 787.1 Trail miles, the clubs provide 100% of the cost of maintenance, which @ \$350/mile/year = \$275,485.

Total Trail club contribution to maintenance per year = \$497,647.

- II. Reconstruction: Reconstruction is the capital improvement of existing Trail mileage through installation of drainage structures, treadway excavation and, in the case of wet terrain, bridge boardwalks. The U. S. Forest Service estimates that reconstruction costs \$3000 per mile, and that the life expectancy of this work (its depreciation) is 20 years. Therefore, planners may surmise that 1/20th of the Trail is rebuilt each year. Trail club records indicate, in fact, that approximately 5% (1/20) of their Trail sections, receive capital reconstruction each year.

The clubs will reconstruct 438.9 miles of Trail outside state and federal holdings in the next 20 years. This estimate is derived by the fact that, of the approximately 348.2 miles of the Appalachian Trail that will be relocated in the next 5 years, most of this is on the 787.1 miles of the Trail outside existing state and federal holdings. Reconstruction costs should exclude work on trail segments slated for relocation. $787.1 - 348.2 = 438.9$ miles of trail to be reconstructed.

5% of 438.9 = 21.95 miles per year X \$3000 (100%) = \$65,850 reconstruction cost per year, contributed entirely by volunteer organizations.

Reconstruction efforts where the Trail is on existing state and federal holdings, averages out to be shared on a 50:50 basis between the Trail clubs and the resident agency.

5% of 1269.5 = 63.48 miles X \$1500 (50%) = \$95,220.00, $\frac{1}{2}$ of total reconstruction cost that is contributed by the Trail clubs each year.

Total annual club contribution to Appalachian Trail reconstruction
= \$161,070.00.

III. Construction of Relocations: 348.2 miles of the Trail, as stated previously, will be relocated in the next 5 years. The U.S. Forest Service estimates that construction of new trail in the eastern regions costs \$5100 per mile. This expense includes all major capital investments, including bridges over streams, clearing, excavation, drainage and hardening of the Trail in wet areas.

The 348.2 miles will be almost entirely executed by the Trail clubs, because this mileage is outside established state and federal holdings.

69.64 miles will be relocated each year ($\frac{1}{5}$ of 348.2), therefore, the cost per year = $69.64 \times \$5100$ or \$355,164.00.

<u>Totals</u>	Maintenance	\$ 497,647.00
	Reconstruction	161,070.00
	Construction	355,164.00

\$1,013,881.00 Annual contribution over next
five years.

D. A SELECTED CASE STUDY

Ottauquechee Regional Land Trust

The Ottauquechee Regional Land Trust (ORLT), headquartered in Woodstock, Vermont, is playing an important role in assisting the National Park Service to protect the 54.9 miles of Appalachian Trail in Vermont for which the Park Service has protection responsibility. Most of the ORLT's contribution to date has been in the form of pre-acquisition work, making landowners aware of the Congressional mandate to protect the Trail and the probable need to acquire property or interest in property along the Trail corridor. If NPS funding for the Appalachian Trail should be substantially reduced in the future, the ORLT would be in a position to play a much larger role in protecting the Trail. Already the ORLT has accepted two donations of property on the Trail which it expects to resell to the Park Service, and the Trust is contemplating the possibility of holding interests or property along the Trail in the future. The Ottauquechee Regional Land Trust is a good example of a private sector conservation tool that shows great promise not only for protecting portions of the Appalachian Trail but for other sorts of natural resource protection as well.

Background

The ORLT was incorporated in 1977, after approximately two years of planning and laying groundwork. As a tax-exempt organization, a land trust must be chartered by the State in which it operates. The founder and Executive Director of the ORLT is Rick Carbin. In the mid-1970s Carbin served as Executive Director of the Ottauquechee Regional Planning Commission. He became frustrated with the ability of local zoning and planning efforts to deal with the area's problems of poor development, scattered growth, and a speculative real estate market. Carbin talked about his concerns with many residents of the Woodstock area and found that a number of like-minded people shared his perceptions, and were particularly disturbed by the loss of productive farm and forest lands. The Ottauquechee Regional Land Trust grew out of this nucleus of concerned citizens.

At the outset Carbin served as director of the Trust while continuing to serve as director of the Regional Planning Commission. During the planning stages and for a time after the ORLT's formal organization, a number of private groups were helpful in providing advice and guidance. The Nature Conservancy was particularly helpful, as were a number of regional or local land trusts in Connecticut and Massachusetts; the Redding (Connecticut) Land Trust, the Lincoln (Massachusetts) Land Trust, and the Connecticut River Watershed Council. The ORLT began its activities slowly and with relatively modest initial objectives. Carbin talked with local landowners about the possibility of their donating development rights and conservation easements to the Trust, explaining to them the financial and tax advantages of such donations. It was necessary for ORLT to begin by focusing on donations because of its initial lack of financial resources.

The Trust's first major success was the purchase of the development rights of a farm which was for sale on the open market. The ORLT's purchase of these rights allowed a working farmer to buy the property for farming purposes, which he would not have been able to afford if he had had to pay the full market value. At the same time, this transaction allowed the seller to receive full value for the property. This is especially important to farmers because their land usually represents almost all their total assets. A farmer whose land constitutes his pension fund, hospitalization plan, children's education, and life insurance generally is not in a position to sell his land for less than the market will bear. Thus land trusts like the Ottauquechee have a vital role to play in conserving farmland.

Involvement with the Appalachian Trail

It was during the first year of the ORLT's activities, in 1977, that the Trust first became involved with the Appalachian Trail. Carbin attended the Park Service's first public meeting in the area, in his capacity as director of the Regional Planning Commission. This first meeting was boisterous, with many local residents unhappy about the prospect of the Park Service acquiring land for a Trail corridor. At this initial meeting Carbin suggested holding a second meeting, to be attended only by affected landowners. At this second meeting Carbin realized that the landowners were not opposed to the Trail or its protection, but rather wanted some voice in the location of the Trail on their property. At this meeting Carbin introduced the possibility of the Park Service purchasing easements rather than full fee.

As a result of this second meeting, Carbin set up a steering committee represented both by landowners and the Park Service, under the supervision of the ORLT. One of the committee's actions was to hire a staff person from Vermont to coordinate Trail protection activities with the landowners. Preston Bristow from the Green Mountain Club was hired. Since this initial involvement with the Appalachian Trail, the ORLT has conducted a number of property appraisals, and has helped greatly with pre-acquisition activities, working with landowners to make them more amenable to dealing with the Park Service. The ORLT has also begun working with landowners along the Long Trail in northern Vermont.

ORLT Methods

Because land trusts appear to have so much potential for conserving natural resources, it may be instructive to look in some detail at how the Ottauquechee Trust is structured and how it functions.

The ORLT began as a purely local effort in the Woodstock area. Its top priority is to keep working farms and timberland in productive use. In the course of its work the Trust has developed criteria to use in deciding which properties to protect. The land must be important in some way, either as active farmland or as timberland in a sufficiently large parcel to be commercial. Under Vermont law, managed timberland qualifies for preferential tax assessment with a minimum lot size of 25 acres.

When it first began, the ORLT had to rely on donations to acquire interests in land because it had very few assets. Donations naturally are a preferred way for land trusts to acquire property because it costs them nothing. The usefulness of donations is generally limited, however, because relatively few landowners are in a position to take advantage of the tax benefits that can accrue from donation of property to a tax-exempt organization. Unless there are changes in the tax laws, this is likely to be increasingly true in the future because the Economic Recovery Act has reduced the highest marginal tax bracket from 70% to 50%. The Internal Revenue Service is also in the process of re-writing regulations concerning gifts for conservation purposes. The uncertainty surrounding these new regulations has held up Trust activities and could eliminate some opportunities. If the new regulations are much stricter, this could further limit the attractiveness to landowners of donations from a purely financial point of view.

The ORLT has therefore had to resort to conservation techniques that generate income or at least pay their own way. Sometimes the Trust will buy a property and then resell it, while retaining a scenic easement or conservation restriction on the property. Or the Trust might buy a property and sell it to a buyer who is willing to donate a scenic easement to the Trust, take a tax write-off on the donation, and then make a cash contribution to the Trust. Either case requires that the Trust obtain sufficient credit to make the purchase. The Trust does this by relying on the credit of its members and supporters. This technique thus requires that the Trust's backers have substantial assets, although these need not be in cash or other liquid forms. The Woodstock area is one of the more wealthy areas in Vermont, and real estate prices have been rising at a fairly steady rate of 15% per year for the past ten years. Many of the ORLT's supporters have large landholdings that they purchased 30 or 40 years ago, so these landowners have substantial net worth that the Trust can draw against. As the Trust resells the properties it acquires, encumbered with scenic easements or conservation restrictions, it pays off the loans. In effect, then, its supporters' landholdings function almost as a revolving fund. Using this technique, the Trust was able to pay more than one million dollars for 330 acres of land in South Woodstock. It appears that a substantial line of credit may be a fundamental prerequisite for the successful establishment of a land trust. Holding easements is made easier for the Trust by the fact that such easements are not taxed in Vermont. In some other States easements are considered a form of property and are taxed as such.

Another technique that Carbin foresees the ORLT using extensively in the future, although the Trust has not used it much to date, is a process sometimes known as creative land development. In this process, the Trust would acquire a property, such as a farm or parcel of timberland. The most appropriate portion for development would be subdivided and sold for development purposes. The remainder would either remain the property of the Trust or would be resold with easements or restrictions. The proceeds from the sale of the portion to be developed would finance most or all of the transaction. The advantages to a land trust of this type of transaction are several. It ties up credit

for a relatively short time, it generates income, and perhaps most importantly in the long run, it removes from the Trust the suspicion in the community that the Trust is hampering growth, holding down local property tax revenues, or generally being exclusionary. This is a perception that land trusts sometimes encounter, particularly in less wealthy communities.

Generating income and accumulating assets are continuing challenges for most land trusts. The ORLT is doing quite well, going from no assets in 1977 to an operating budget of \$150,000 in 1980. This money came from contributions and income from transactions, and went to pay staff salaries and fees for legal, planning, and engineering services. The Trust's endowment is now around \$30,000. The role of contributions in the financing of the ORLT remains important. Whenever the Trust arranges a transaction that confers tax benefits on a landowner, it asks the landowner for a cash contribution, in effect, to share the benefit. Because many interested landowners in the Woodstock area are retired, estate planning is also an important part of the Trust's activities.

While the ORLT began in the Woodstock area, it has recently enlarged its area of interest to include the entire State. Carbin is considering launching a large, statewide fundraising drive to increase the Trust's endowment. It will be interesting to see how the Trust succeeds in other parts of Vermont. The Woodstock area is somewhat unrepresentative of the State as a whole, being wealthier than average and having a high proportion of landowners with a strong interest in conservation. These appear to be two necessary pre-conditions for a successful land trust. But having become established, it may be possible for the ORLT to expand into less congenial parts of the State. For example, in the Northeast Kingdom, in the extreme northern end of the State, there is a good deal of foreign investment coming from Switzerland. The pattern is that the foreign investors buy a farm and then lease it back to the farmer for a five-year period. It may be difficult for the ORLT to compete in this type of real estate market. In other parts of Vermont, however, with a steady source of income from contributions, endowment, and creative land development, the Trust may well be able to pay full market value for properties, as is generally necessary in communities of working farmers.

Lessons of the ORLT

In addition to requiring a fairly wealthy community and landowners with a strong interest in conservation, Carbin identifies three elements that a land trust must have in order to succeed. The first is a strong leader, someone who is willing to play a leadership role not only within the land trust but within the community as well. Furthermore, this leader must be widely perceived as being businesslike and competent. Secondly, the trust must have at its disposal a substantial amount of impeccable technical ability. The ORLT has two attorneys on its staff and sometimes draws on the planning expertise of the Ottauquechee Regional Planning Commission. Knowledge and ability regarding taxes,

finance, real estate, land use planning, and mapping are required, and the staff must be capable of working out the details of each individual case, which can vary widely. Thirdly, the structure of the land trust is important. It must have a solid board of directors who understand and are committed to the processes involved. The ORLT has an 11-member board, all of whom are full-time residents of the Woodstock area. As the Trust expands its activities to cover the entire State, the composition of the board will gradually extend to the whole State as well.

Conclusion

The Ottauquechee Regional Land Trust is playing a highly useful role in protecting the Appalachian Trail corridor in Vermont, in assisting with pre-acquisition work and in accepting donations and passing them through to the Park Service. In general, land trusts have the potential to help a great deal, not only in pre-acquisition work and accepting donations, but also in holding properties and interests in properties themselves, in three-party exchanges, and perhaps in working out land management plans with Trail corridor landowners.

E. Task Directive
Appalachian Trail Case Study

Background

Recent reports by the General Accounting Office have criticized the heavy reliance on fee simple purchase to protect land in the National Park System. Although current policies require consideration of alternatives, in many areas the full range of creative protection strategies has not been thoroughly explored. Practical funding constraints, rapid expansion of the National Park System, increasing pressures on natural resources, and landowner and citizen concerns about past Federal acquisition practices are some of the forces which require new approaches to meeting the intent of Congress in currently authorized units of the National Park System.

This study of the Appalachian Trail project is one of several efforts to determine what lands or interests need to be in Federal ownership to protect park resources, what alternative protection tools are available, and what implementation strategies are most cost effective. The basic objective of the case studies is to find how to provide the highest quality of resource protection and visitor use at lowest cost. Findings will be presented to the Director for his consideration and approval before any changes in current policy will be affected. The case study will complement and not interfere with on-going planning, acquisition or protection efforts.

Participants in case study

Appalachian Trail Project Office (ATPO)
Planners from Mid-Atlantic Regional Office (MARO)
U.S. Forest Service (USFS)
State representatives from Maine, Massachusetts, New Jersey, Pennsylvania
and Maryland (States)
Appalachian Trail Conference (ATC)

	<u>What</u>	<u>Who</u>	<u>When</u>
1.	Prepare a draft of chapters on Legislative History, Resource Description, Current Plans and Status of Program. Circulate draft to participants.	ATPO	Completed
2.	Document protection alternatives used in the project. Review selected cases that illustrate protection strategies. Evaluate potential of protection alternatives for future use in the project.	ATPO- MARO	10/5-- 10/30

To illustrate the diversity of the project, team members will focus attention on a State-led protection effort that is receiving minor support from the NPS (Maine), an exclusively State protection effort (Maryland), a Forest Service protection effort receiving private and state support (Roan Mountain, Tennessee), an NPS-led protection effort where a primary role is played by a

regional land trust (Vermont), and an unsolved problem area (Cumberland Valley, Pennsylvania). In addition, team members will provide an overview of the balance of the NPS involvement in the project highlighting alternative protection strategies in use and identifying opportunities for expanding these alternative strategies.

ATC will also organize a study of concerns, priorities and perspectives of trail managers, with the help of MARO, with the intention of having this information available during the testing period beginning after December 7.

Circulate draft of chapters on Alternative Strategies and Analysis of Alternatives to participants before November 9 meeting.

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|---|---------------|----------------|
| 3. Meeting of participants to review draft materials and to agree on scope of additional study. | All | 11/9 |
| 4. Prepare report on preliminary findings and circulate to participants. | ATPO-
MARO | 11/20 |
| 5. Present preliminary findings to case study leaders. | ATPO-
MARO | 12/7 |
| 6. Test preliminary findings with ongoing protection program. Monitor, evaluate and circulate findings to participants. | ATPO-
MARO | 12/7--
2/15 |

This testing period is not likely to be long enough to reach definite conclusions about alternative approaches that may be identified by December 7, but it is expected to generate information that will help improve our ability to forecast the probable success of these alternatives. For example, landowner reaction to a modified easement approach could be monitored as a means of estimating savings that a modified approach might yield.

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| 7. Submit final report, reflecting comments of participants. | ATPO-
MARO | 3/8 |
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Cost

There should be no additional costs for ATPO in participating in the case study. Outside participants would be expected to absorb their costs as a part of their contribution to the Appalachian Trail partnership. To fund the participation of the MARO planners, \$40,000 for 16 work months and \$7,500 for travel costs, or a total of \$47,500, is required.

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