

# Vermont Environmental Report

## The Appalachian Trail

### Will the Spirit of the Law Survive?

For at least a year landowners and federal government officials have been engaged in a struggle over the fate of the Appalachian Trail as it crosses Vermont. The rights and interests of the landowner along its route, as well as the character and integrity of the Trail, are now at stake. Like a heavy morning mist, these issues lie across the footpath -- obscuring its future and the future of the private land it traverses.

\*\*\*\*\*

Federal involvement with the Appalachian Trail began in 1968 with the passage of the National Scenic Trails System Act. This Act designated the Appalachian Trail, a 2000 mile footpath from Maine to Georgia, as one of two national trail systems. The Act gave the National Park Service the responsibility for overseeing the Trail. But the legislation gave the agency limited authority to acquire threatened land and only a small appropriation to carry out its obligations.

Over the years, the Trail environment deteriorated. The problems of development and increased use along its route, particularly in sections passing near urban and suburban areas in the mid-Atlantic states, became acute. Encroaching development forced re-routing the Trail as much as 25 to 30 times a year. Steve Rice, Executive Director of the Green Mountain Club, says, "The problem of roads severing the Trail became so serious that hikers had to take busses from one section of the Trail to another."

By 1976 there was a growing clamor for stronger legislation to protect the Trail.

During 1976, House Committee hearings were held to assess conditions on the Trail. The Appalachian Trail Conference, a non-profit hikers' organization, and the National Park Service, argued that stronger protective measures were urgently needed.

In early 1977, a bill that would amend the 1968 National Scenic Trails System Act began working its way through Congress. The bill gave the National Park Service \$90 million over a three-year period and the legal authority to acquire, by eminent domain if necessary, up to 500 feet on either side of the Trail for a protective corridor.

News of the pending legislation began reaching private landowners along the Trail in Vermont during the summer of 1977. Reactions were mixed. But many people were worried about how the legislation would affect their land and how it would change the character of the Trail as they knew it. For more than 40 years landowners in Vermont had allowed hikers to freely cross their land. Most people supported the Trail. They didn't feel it was being threatened -- not at least in Vermont. So it was difficult for them to see the need for government intervention.

Susan Hermann, a landowner in Pomfret, tells of one man who closed the footpath on his property when he heard about the impending legislation. "Even though he had a good feeling about the Trail and a good relationship with the hikers who used it," Hermann explains, "he was wary of the government moving in."

Hermann feels that the legislation was being "pushed through Congress without regard for individual landowners." The government was in touch with organizations like the Green Mountain Club and the Dartmouth Outing Club, but Hermann says, "the small private landowner was kept in the dark about what was happening."

Slowly, things began to change.

During the fall of 1977 and the winter of 1978, several public meetings were held in Vermont to discuss the implications of the proposed legislation.

In a letter to Richard Schwartz, Chief of the Land Acquisition Office in Philadelphia, Richard Carbin, Director of the Ottawaquechee Regional Planning Commission in Woodstock, expresses the sentiments of the landowners who attended the public meetings. Carbin writes, "What they [the landowners] wanted was a voice in the process, an opportunity to participate in each step of the project, and more flexibility in determining what options could be used to protect the Trail."

By January of 1978 the amendments to the National Scenic Trails Act had already passed the U.S. House and were coming up for a vote in the Senate.

continued on page 2