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Stevan Pearce, Chairman  
Subcommittee on National Parks  
187 Ford House Office Building  
Washington, DC

Dear Mr. Pearce and Committee:

Thank you for the opportunity to appear before your distinguished Committee. I am a member of a family (S. John Stebbins and Phoebe Storrs Stebbins) that has been affected on three different parcels of land in the Hanover/Etna area of New Hampshire by the National Trail System Act regarding the Appalachian Trail (AT). I am here today to tell you about our experiences with a National Park in our backyard.

### **BACKGROUND**

I am a college graduate (University of Vermont) and recently retired (2004) bookstore manager. My wife and I owned and operated the Dartmouth Bookstore at Dartmouth College in Hanover, NH and sold the business in 2004 after spending thirty years there stocking bookstore shelves. The business was founded in 1872 and owned and managed by my wife's family since 1883. Prior to that I worked for Pepsico and also managed supermarkets for Martin's Foods.

Two of three parcels of family land mentioned above, each around 70 plus acres, were bisected by the relocation of the AT in 1984. My wife Ann Stebbins Cioffi and I have since inherited one of these parcels in Etna, NH (a village of Hanover) on Two Mile Road (also called Hanover Center Road). That land is directly behind and connected to our four acre house lot where we have lived since 1972. The other 70 acre parcel nearby on Ruddsboro Road is occupied by my brother-in-law David Stebbins and his family. Sections of each of these parcels were acquired by the U.S. Government in 1984 after a long and difficult road to compromise after being threatened by eminent domain. In the justification for condemnation letter written by the National Park Service (NPS) and accompanied by my photo, it was written that "because the owner has actively encouraged landowner resistance to the program despite its support by local and state government, the credibility of the NPS is at stake". We were resisting because the NPS originally was trying to drive a 1,000 foot corridor through the middle of our property. Eventually they were persuaded to compromise with all of us affected landowners. They settled for a 350 to 450 foot corridor through our property and located it at the back border rather than through the center. The third parcel of land (around 17 acres) is located on the slopes of Moose Mountain in a heavily forested area in rural Hanover and was affected in 2001. It was taken by eminent domain to widen the A.T. corridor. The

family did not dispute this since it was a parcel owned by around fifty descendants (some unknown by us) of the original owner and it simplified the legal tangle that could have ensued by dealing with each of these individuals. In this testimony I shall limit my remarks to just the 70 acre parcel we now own.

We have lived with the A.T. as a close neighbor now for more than twenty years. Originally we did worry about our safety and privacy but today I can report these were worries that never seriously materialized. Sure there are occasional problems but overall our pleasures having the A.T. there far outweigh these minor problems. However there is one major hassle we are currently experiencing with the National Park Service which I shall report to you about further on in this testimony.

## **I. PLEASURES WITH THE A.T. IN OUR BACKYARD**

1. RECREATION – My wife and I enjoy short walks on the A.T. to get away from life's pressures and drink in the nature around us. We see deer almost daily and have also seen bears, coyotes, bobcats, foxes, moose, fishers and more. We are also avid cross-country skiers and the A.T. has some nice runs after a newly-fallen snow. We do have both hiking and cross-country trails on our property that connect with the A.T.
2. HIKER ENCOUNTERS – Since I spend a lot of time working the land, I often meet very interesting people on the Trail. They come from all walks of life and all ages. They usually welcome the opportunity to stop and visit inquiring about the local habitat and marveling at the beauty. Never have I felt threatened. On one occasion I brought an injured hiker (knee problem) into the emergency room at our local hospital and she was eternally grateful for the lift.
3. A.T. PROVIDES US EASIER ACCESS TO OUR LAND – Once the footpath was carved through our former land, it opened up new gateways to parts of our land where we not often treaded. Now we have better access to more of our land to experience the nature and wildlife nearby and to work the land.
4. TRAIL MAINTENANCE – The A.T. is well maintained in our area primarily by the Dartmouth Outing Club. That makes for pleasant, safe and accessible hiking. After sudden storms (we have had a few this summer) and before the Outing Club gets out here, I have cleared the Trail of downed branches and small trees with my trusty chainsaw.

## II. PROBLEMS WITH THE A.T. IN OUR BACKYARD

1. CAMPING - On several occasions hikers have camped overnight on the property. The property has a few inviting spots that lure hikers to pitch a tent. There is a small brook (Monahan Brook) on the property which makes for a convenient place to wash clothes and body. Another is a small clearing at the top of a hill adjacent to an old farmhouse foundation that is in remarkable shape and fun to explore. Occasionally there has been litter and human waste left behind. Generally the end-to-enders are more mindful than the weekend hikers. End-to-enders that I have stumbled on camping there have done so more because of sudden bad weather than convenience. We do have Dartmouth College nearby (five miles) and we do get the occasional couples out for a night of adventure and love.
2. HIKERS' DOGS – I have witnessed more hikers with companion dogs on the AT more than ever in the past two years. We have an abandoned town road we own that connects our backyard to the 70 acre parcel and the Trail traverses it for a few hundred feet. Dogs have come running down that road into our backyard beckoned by our sheep in the past (we no longer raise sheep) and our hens (we still raise them). Fortunately the sheep were protected by electric fence and the hens by fencing so we have lost no animals to them. Most hikers have their dogs on leashes and are in control. But there have been a few who have had to chase after their dogs and retrieve them in our yard at the edge of our chicken pen.
3. MOUNTAIN BIKERS – Supposedly wheeled vehicles are prohibited on the Trail but they do show up there occasionally. Since we have a well-defined wood road that connects to it, we have had mountain bikers come cruising down through our yard and then on to the paved Partridge Road on which we live.
4. MINOR PRIVACY PROBLEMS – Again due to the wood road which used to be an old town road and shows up as such on old maps, we do get the occasional day hikers who leave the AT to cut through our yard. We have posted a sign along the road indicating that it is a private road and not a public right-of-way and that does minimize the intrusions. Of course our neighbors know we don't mind if they use the road and our trails. Our land is in current use and we do not post it so the land is open to hunters and fishermen.

### III. Our Experience With Reserved Rights and Uses

Back in 1984 when we settled with the NPS, we reserved certain rights and uses. It was always our intention that when we retired we would work the land to make it more productive and to keep active. Now that we are retired these rights are more meaningful and include:

1. The Right to Tap the Maple Trees – Even before the A.T. was relocated on our land we tapped the maple trees just about every spring. We continue to do that with buckets and do not run sap tubing across the Trail. We have had no problem with the NPS pursuing this right. The occasional snowshoers on the A.T. during sugar season are intrigued and enjoy checking out the sap in hung buckets as attested by their tracks leading up to the buckets. We plan to tap even more trees when we make them more accessible. We are working with a licensed forester to assist us in this endeavor.
2. The Right To Remove Dead and Downed Timber – We fuel our wood evaporator which boils down the sap into syrup with this wood along with other wood harvested elsewhere on our property. We have had no problem pursuing this right.
3. The Right To Farm and Maintain Orchards - There is an overgrown clearing at the top of the hill behind our house on land acquired by the NPS on which many old apple trees are located. It was always our hope to open this up again to an orchard by thinning and planting new trees. We did plant some new trees there but the deer found them quite appetizing and we did not have the time to cultivate them. Now we do have the time and plan to resurrect this orchard for personal use. Again we have had no problem from the NPS occasionally clearing brush undergrowth and fallen trees.
4. The Right To Harvest Timber – Here is where we are currently at loggerheads with the NPS. We are caught up in bureaucratic muddle attempting to get our logging plan approved (since December, 2004). We have spent more than \$1,000 with a licensed forester creating a Forest Stewardship Plan and have spent many hours with him marking trees to be culled and harvested. Our land is old pasture that has reverted to forest land with no controls in place thus it is overstocked with pasture pine that is stunting the growth of sugar maples and other hardwood. Our goals with this plan, which we feel is compatible with the A.T. are:

- (1). Improve aesthetic and scenic qualities of forest
- (2). To cultivate the growth of sugar maples
- (3). Enhance wildlife carrying capacity
- (4). Promote general health and vigor of the forest
- (5). Expand recreational opportunities
- (6). Prevent erosion and protect water quality
- (7). Protect cultural and historical features (old stone walls & fencing)

The major hang-up has been that we need permission to cross the A.T. to get the logs out. We also are asking permission to use an open field owned by the NPS adjacent to our land as a log landing. Due to the relocation of the A.T. on our land, we are landlocked with regards to a economically feasible logging operation. The NPS located the footpath on the only high ground we could have used as a log landing and we are left with wetlands bordering the road from which logs could be loaded and hauled away. Logging on wetlands is extremely expensive and not really environmentally sensitive. Our logging operation is simply a “clean up” and there is not much money to be made. In fact if we break even on the operation we will consider it a success. So far we have showed this plan to and walked the land with the following governmental agencies to get the problem resolved:

1. Appalachian Trail Conference – Matt Stevens, local Environmental Coordinator, could see no major environmental problems with our plan. Unfortunately he learned that he could not grant approval because that would be the job of the White Mountain National Forest who manages the land for the NPS.
2. White Mountain National Forest – Matt provided us with names so we could show our plan to these folks. We contacted District Ranger John Serfass and he walked the land with us, studied our plan, and turned us down because he felt we could bring the logs out through our four acre lot. Unfortunately this log route out would be prohibitively expensive for us and would mean creating a long, new logging road out through our property and NPS land. We next went to his boss Tom Wagner and he walked the land with us recently accompanied by John. Tom was sympathetic to our plight as he realized our problems had been created by the relocation of the Trail on our property. He recognized that our forester’s plan made sense. Tom’s hang-up has been this – when we settled with the NPS back in 1984 there was no clear declaration of access for us to cross the Trail. It does not show up on maps produced by the NPS. However this access was meant to be and I produced for him the paperwork to back this up. Tom then told us we needed to get permission from the NPS - specifically Pam Underhill, Park Manager for the A.T.. She was suppose to have joined us when we walked with

Tom but unfortunately couldn't make it. She has since contacted me and we have set up a date in August for her to walk the land with us.

**Paperwork Mess** – During the past month I have done research into all the paperwork that was done back in 1984. Obviously that was a time when the NPS Land Acquisition Office was overwhelmed. Likewise so were we – all obviously anxious to move on. Here is what I have learned and believe to be the problem.

Prior to signing off with the NPS in 1984 the family received a proposed QUITCLAIM DEED regarding our 70 acre parcel. In the last paragraph it states:

“The Grantors further reserve for themselves, their heirs, grantees and assigns, the right to maintain two crossings of the Property conveyed as wood roads for occasional agricultural and recreational crossing by tractor or other vehicles. One crossing shall follow the existing logging roadway in the westerly portion of the property and the second shall enter the middle or easterly portion of the property, which roadway shall be determined when established by the Grantors. The use of these roadways shall not interfere with the maintenance and use of the Appalachian Trail”.

Somehow this QUITCLAIM DEED got misplaced and was never signed. However another signed QUITCLAIM DEED, dated July 21, 1994 (ten years after the settlement) has surfaced and it is a mess. And I have to plead guilty because I signed it and the property described within it is not ours!

It relates to TRACT 199-01 which is property acquired by the NPS from the Hanover Water Company whose land borders ours on the westerly side of our property. There are no reservations in this deed for us to cross the AT because it is not our land and we should never have signed it.

In summary, we have had generally pleasant experiences with the A.T. in our backyard. We do find it an asset. It is our hope the NPS will be a good neighbor and allow us to cross the AT and use their field with minimum impact. We have promised to clean up after the operation is completed. We would not be encountering these problems if the AT had not been relocated on our property. Thank you for the opportunity to be here today.

Dave Cioffi  
Landowner