

BRUSHWHACKER

Summer 2004

Somewhat regular publication of the Mid State Trail Association



Tioga Region Report, Summer 2004

June Trail Crew Report

Tioga Region Trail Crew spent a lot of hours in the Woolrich Region and completed 2/3 of the excessive list of 25 tasks assembled for the week. Tom Bastian deserves special recognition for working both extra days and second shifts! We took time to honor our newly wed cook and land negotiator, Wanda Shirk, and her proud groom George with a gift basket appropriately wrapped in orange polka dot flagging tape.

The Crew worked across four parcels in Farmington Township, clearing and marking trail past several viewpoints. We tunneled beneath 15 m tall "M.F. rose" with a chain saw and three brushwhackers. A few spot improvements were made for the MST in SGL 37, side hill constructed in Stephenhouse Run, and clearing done on the Keller Trail for the Corps of Engineers.

Thanks to all who turned out for a wonderful job! Nineteen km more MST is now ready to be opened through three townships, except for three gaps within PENNDOT right-of-way.

Pete Fleszar

Joe Healey, bottom of steps, and Bill Dietrich standing on the second flight of stairs near the top of the 100 meters of cribbing built above Pine Creek across from Blackwell.

Photo Tom Kelliher

KTA Trail Care on the Mid State Trail

October Trail Care

October 15-17, MST southern extension near Everett. Camp at Woy Bridge, bring water. John Stein 717.533.3679

November Trail Care

We will be working from the warm modern cabins of Hills Creek State Park, November 5-7. You bring food and water, we supply fun and work. We will continue to renovate footpaths within the State Park, and finish items left from June. Pete Fleszar 717.583.2093

Contacts. Joe Healey at jnlhealey@aol.com and Keystone Trails Association at www.kta-hike.org



The *Autumn meeting of the MSTA* will be on Saturday, September 11, 2004 at 1:00 PM at Pavilion #3 in Little Pine State Park. Potluck lunch at noon.; meeting at 1:00 PM. B

HIKER ALERT SUMMER 2004

Tom Thwaites

Mid State Trail Section 10: The first few hundred meters of trail were rebuilt by the "A team" from the June Trail Care using 6 x 6 s and rebar provided by Tioga State Forest. As you may recall, the part of the trail just north of PA 414 was cut into the face of a cliff by Trail Care in a single day back in 1987. It is a wooded cliff, but still on the steep side. Over the years it has not fared well but has become one of the most heavily used sections of the Mid State Trail. The new improvements make the trail safer and more enjoyable.

The new section of the Mid State at Cowanesque Lake will add a new feature to the longest trail in the state. For about a kilometer the trail follows the old route of PA 49 through the ghost town of Nelson. Nelson was moved to higher ground back in the 1970s when the flood control dam was built. The buildings were removed but the spruce trees along the main road survive and sidewalks can be seen under the heavy growth of brush. At one place a peony bush still competes with this brush. The cross road at the center of town dips gently into the recreational level of Cowanesque lake.

Mid State Trail Association is moving toward renumbering the trail sections whenever the next (11th) edition of the guide book is printed. This may cause some confusion because some trail signs already installed tell the hiker to "see guide sec 2" or "see guide sec 3". Please understand these are the OLD section numbers like the old exit numbers on our interstates. The trail signs in question are made of locust and may last twenty years or more. Renumbering the maps poses other problems if we are to avoid having maps with the same numbers for widely different parts of the trail. Phasing in new map numbers will take about 15 years.

Chuck Keiper Trail: Two relocations to reduce road walking on PA 144 were cut and blazed by the June Trail Care. The first of these runs from the monument to Swamp Branch Road and has a view to the southeast. The portion of the cross connector beyond Swamp Branch Road is still on PA 144. The other relocation is at Drake Hollow and required 1.6 kilometers of side hill construction..

Make the Mid State Trail Yours

Opportunities continue for new overseers for sections of the 430 or so kilometers of the Mid State Trail. It's a wonderful excuse to get out and hike the trail at least three times per year. We will help you if you run into situations you can't handle yourself.

Comments, questions, suggestions, and volunteers to help with all aspects of trail care are always welcome. Please contact the Mid State Trail Association or msttioga@epix.net

Treasurer Report

August 16, 2004

MONETARY ASSETS:

\$19,949.15 - Money Market Checking Account

\$15,606.44 - Time Deposit ()

\$ 33.46 - Petty Cash

\$35,589.05 - TOTAL ASSETS

Approximately \$13,600 is from donations earmarked as "MSTA Land Fund", which, if not to be spent soon, should be moved into another interest-bearing Time Deposit, leaving about \$6,400 in checking.

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The Mid State Trail Association was founded in 1982. Our bylaws state: The purpose of this organization shall be the completion and preservation of the Mid State Hiking Trail System. To this end the MSTA will: Supervise, coordinate, and carry out trail work. Ensure that maps and guides are available for the hiking public. Enter into agreements with private landowners and public land managers to provide for the trail. Take such other actions as may be appropriate to further the purpose of the organization.

Adopted September 30, 1984

Elections are held every other year at the fall meeting. Current officers, elected for two year term until fall 2004:

Tom Kelliher, President,
kelliher@goucher.edu
410.931.2946

Rich Lange,
Vice President,
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Jean Aron
Secretary/Treasurer shorthiker@aol.com,
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This newsletter is published approximately once each season and distributed to members of the MSTA. Opinions expressed are those of the listed authors. The Editors encourage submission reflecting all viewpoints for publication, but reserve the right to edit for reasons of space or to prevent violent confrontation. You are encouraged to submit your material by email, disc, or CD. Newsletter editor, Mike Cosgrove, 610.449.4612 midstatetrail@DOMAIN.snip.net

MSTA web site

<http://phoenix.goucher.edu/MSTA/>

Mid State Trail Association

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Boalsburg, PA 16827

To join the MSTA please send your name and address with dues to the MSTA. Dues are \$10.00 per family per calendar year or portion there of. Please indicate if you would like to oversee a part of Pennsylvania's wildest trail. ☺

Loysburg Gap and Mid State Trail Hike in October

October 24, 2004, Sunday

Meet at 9:00 AM (8:00 AM for breakfast) at New Frontier Restaurant (814-766-2917) on Rt. 36 about one mile east of Loysburg, PA. Wear sturdy boots, and bring lunch/water. Optional dinner at local restaurant.

The hike is difficult with a long up hill to the spectacular 300 degree view from a point above Yellow Creek, and then an easier walk on the Mid State Trail using woods roads to Civil War Trench.

Other hikes are planned in the area on Saturday, October 23, 2004. Meet at 9:00 AM at New Frontier Restaurant.

Hikers can make their own overnight arrangements including any of the following:

1. Loysburg area Camping: 814 766-3118
2. Everett area cabins and camping information: 800-813-6336, 814-735-2768, 814-623-1821, www.bedford.net/canoe, canoe@bedford.net
3. Many Bedford area motels and campgrounds including Best Western, Town House 814-623-5138

Leader: John Stein, STEINHIKE@CS.COM

Funding for the MSTA for Trail Protection in the Everett Region

Attention Mid State Trail Association Hikers:

A sum of \$10,755 was deposited in the MSTA account this week. Of this:

\$8,755 is to match the 10.3 acre easement near Everett at \$1000 per acre for undeveloped mountain land and 85% for an easement as opposed to ownership.

\$1,000 is to match the contribution of Susquehanna Appalachian Trail Club.

\$1,000 is a challenge to individual contributors, whose participation has been notably lacking up to now. Our donor is concerned about this. If only 10 people contribute \$100 each we will be able to meet this challenge!

Tom Thwaites

see related article by Tom K. next column

Babb Creek Route Progress

A few folks, but especially Jeff Mitchell, have wandered the woods to find the best route to propose to Forestry in the Babb Creek area. So far, the projected route crosses a few private land parcels and a small corner of Game Land. It could include many fabulous scenic features, a few cultural remnants, and several km along both pristine and recently rehabilitated streams, which provide scenic camping possibilities, and reduces our exposure to logging higher up.

Many more papers still need to be shuffled before we can start building. Now would be a great time to receive and consider your ideas.

Pete Fleszar

Alexandria Road, US Route 22

The open area between US 22 and Alexandria Road at the south end of Section One of the Mid State Trail has been signed "NO PARKING". This area is shown as a parking area on last year's and previous editions of map 201. Hikers should use the large parking lot at the north end of Lower Trail a few hundred meters down Alexandria Road. The reason and authority for this posting are unknown.

Tom Thwaites

Challenge Land Fund Donation

Tom Kelliher

As you know, we recently approved the creation of a land fund to be used for purchasing easements or land outright in order to permanently protect the MST corridor as it passes through private lands. The Susquehanna Appalachian Trail Club, in recognition of our pioneering steps in protecting Pennsylvania footpaths, generously donated \$1,000 to the fund. The value of this fund now stands at over \$13,000.

A generous, anonymous donor has offered to match, dollar-for-dollar, any donations to the land fund made during this calendar year. Please, do what you can to help us build the funds necessary for securing the permanency of the Mid State Trail. Any donations you make this year will be doubled by our generous benefactor. Donations may be sent to the MSTA at the Boalsburg address.

PENNDOT Highway Occupancy Agreement: Illegitimate, Irrational, Possibly Illegal

Tom Kelliher

Two years ago, the US Army Corps of Engineers (USACE) asked Pete Fleszar to confirm with PENNDOT that a proposed new section of the Mid State Trail through USACE's Cowanesque Lake lands would not adversely impact PA 49. The USACE is the fee-simple owner of the land, and has granted an easement to PENNDOT for the PA 49 right-of-way. Little did Pete or the USACE know how involved and complicated this seemingly simple request would become.

Prior to Pete's contact PENNDOT had become aware of potential liability issues when a piece of a rail-trail bridge (an old railroad bridge) fell onto a PENNDOT road. PENNDOT then began to develop a Highway Occupancy Agreement (HOA) to be used when footpaths cross PENNDOT roads or otherwise intersect the right-of-way. Unfortunately, the MSTA was chosen as the test case for this new HOA process. DCNR counsel saw an early version of the HOA and were told that it would apply only to rail-trails. We have not found anyone in the footpath community who was consulted or even informed about these new "requirements" before PENNDOT issued a policy memo intended to place these into effect.

Our understanding is that PENNDOT intends to apply the HOA to footpaths as well as all rail-trails. They provide funding to many rail-trails, but we don't use their money. The HOA would apply to all crossings, intersections, and road walks, and only the Appalachian Trail would be exempt, because of its special legal status.

We could agree that it might be mutually beneficial for us to have a written understanding with PENNDOT, just as we do with other State agencies. However, the HOA does not benefit the hiking community. There is nothing in it for hikers, not even an obligation for PENNDOT

to post signs along the road alerting drivers to hikers crossing the road. Instead, we would be obligated to post signs along the footpath to alert hikers to the road crossing. This would be highly redundant anywhere, and possibly prohibited at Cowanesque by our agreement with the USACE. We don't see how these provisions applied to us even benefit motorists or road maintainers. It is an exercise in bureaucratic unreality gone amok.

The HOA would also require us to provide financial data to PENNDOT, something never requested by any other State agency. Hiking clubs might be required to post a bond, to cover PENNDOT's costs of correcting problems at crossing sites, if the club doesn't correct them itself in a timely manner. We don't know what problems a footpath might cause that would cause financial restitution to be required, or how these non-existent problems relate to the required bonding amounts. Some clubs would be unable to post such a bond. Our certificate of deposit satisfies PENNDOT for now, but what would happen if the HOA was applied to all our road crossings?

PENNDOT thinks of us as a landowner, and requires that we donate land to them if they decide to widen a road. We own no land. Crossing proposals are expected to include detailed engineering plans. The cost of having such plans produced would likely be prohibitive to an organization such as the MSTA.

Finally, we can not find any regulations giving PENNDOT the authority to impose these onerous requirements. The HOA does not cite any legal authority in this matter.

In June, we received the HOA that PENNDOT expects us to sign and are now exploring options. PENNDOT has the Mid State Trail confused with a rail-trail or a public utility. Pete worked with PENNDOT for two years, trying to educate them about the difference between a rail-trail and a footpath. Tom Kelliher, Hugh Downing, and KTA council met with a PENNDOT representative to discuss the issue, too. Although many HOA provisions initially suggested were eliminated in the final draft, all these aforementioned problems remain. All who have seen the final HOA are shocked. Signing it would set a bad precedent for the entire hiking community and lead, I am afraid, to severing numerous footpaths.



Jean Aron models a new T Shirt designed for the MSTA. It reads, "We Are Not Out Standing, We Are Out Hiking".

Photo Gert Aron

Mid State Trail Association
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