

114TH CONGRESS
2D SESSION

H. R. 845

AN ACT

To direct the Secretary of Agriculture to publish in the Federal Register a strategy to significantly increase the role of volunteers and partners in National Forest System trail maintenance, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “National Forest System Trails Stewardship Act”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. National forest system trails volunteer and partnership strategy.
- Sec. 5. Priority trail maintenance program.
- Sec. 6. Cooperative agreements.
- Sec. 7. Stewardship credits for outfitters and guides.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

8 (1) The National Forest System features a
9 world-class trail system with over 157,000 miles of
10 trails that provide world-class opportunities for hik-
11 ing, horseback riding, hunting, mountain bicycling,
12 motorized vehicles, and other outdoor activities.

13 (2) According to the Government Accountability
14 Office, the Forest Service is only able to maintain
15 about one-quarter of National Forest System trails
16 to the agency standard, and the agency faces a trail
17 maintenance backlog of \$314 million, and an addi-
18 tional backlog of \$210 million in annual mainte-
19 nance, capital improvements, and operations.

20 (3) The lack of maintenance on National Forest
21 System trails threatens access to public lands, and
22 may cause increased environmental damage, threat-

1 en public safety, and increase future maintenance
2 costs.

3 (4) Federal budget limitations require solutions
4 to National Forest System trail maintenance issues
5 that make more efficient use of existing resources.

6 (5) Volunteers, partners, and outfitters and
7 guides play an important role in maintaining Na-
8 tional Forest System trails, and a comprehensive
9 strategy is needed to ensure that volunteers and
10 partners are used as effectively as possible.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

13 (1) ADMINISTRATIVE UNIT.—The term “Ad-
14 ministrative Unit” means a national forest or na-
15 tional grassland.

16 (2) OUTFITTER OR GUIDE.—The term “out-
17 fitter or guide” means an individual, organization,
18 or business who provides outfitting or guiding serv-
19 ices, as defined in section 251.51 of title 36, Code
20 of Federal Regulations.

21 (3) PARTNER.—The term “partner” means a
22 non-Federal entity that engages in a partnership.

23 (4) PARTNERSHIP.—The term “partnership”
24 means arrangements between the Department of Ag-
25 riculture or the Forest Service and a non-Federal

1 entity that are voluntary, mutually beneficial, and
2 entered into for the purpose of mutually agreed-upon
3 objectives.

4 (5) PRIORITY AREA.—The term “priority area”
5 means a well-defined region on National Forest Sys-
6 tem land selected by the Secretary under section
7 5(a).

8 (6) SECRETARY.—The term “Secretary” means
9 the Secretary of Agriculture.

10 (7) STRATEGY.—The term “strategy” means
11 the National Forest System Trails Volunteer and
12 Partnership Strategy authorized by section 4(a).

13 (8) TRAIL MAINTENANCE.—The term “trail
14 maintenance” means any activity to maintain the
15 usability and sustainability of trails within the Na-
16 tional Forest System, including—

17 (A) ensuring trails are passable by the
18 users for which they are managed;

19 (B) preventing environmental damage re-
20 sulting from trail deterioration;

21 (C) protecting public safety; and

22 (D) averting future deferred maintenance
23 costs.

24 (9) VOLUNTEER.—The term “volunteer” means
25 an individual whose services are accepted by the Sec-

1 retary without compensation under the Volunteers in
2 the National Forests Act of 1972 (16 U.S.C. 558a
3 et seq.).

4 **SEC. 4. NATIONAL FOREST SYSTEM TRAILS VOLUNTEER**
5 **AND PARTNERSHIP STRATEGY.**

6 (a) **IN GENERAL.**—Not later than 2 years after the
7 date of the enactment of this Act, the Secretary shall pub-
8 lish in the Federal Register a strategy to significantly in-
9 crease the role of volunteers and partners in trail mainte-
10 nance.

11 (b) **REQUIRED ELEMENTS.**—The strategy required
12 by subsection (a) shall—

13 (1) augment and support the capabilities of
14 Federal employees to carry out or contribute to trail
15 maintenance;

16 (2) provide meaningful opportunities for volun-
17 teers and partners to carry out trail maintenance in
18 each region of the Forest Service;

19 (3) address the barriers to increased vol-
20 unteerism and partnerships in trail maintenance
21 identified by volunteers, partners, and others;

22 (4) prioritize increased volunteerism and part-
23 nerships in trail maintenance in those regions with
24 the most severe trail maintenance needs, and where

1 trail maintenance backlogs are jeopardizing access to
2 National Forest lands; and

3 (5) aim to increase trail maintenance by volun-
4 teers and partners by 100 percent by the date that
5 is 5 years after the date of the enactment of this
6 Act.

7 (c) ADDITIONAL REQUIREMENT.—As a component of
8 the strategy, the Secretary shall study opportunities to im-
9 prove trail maintenance by addressing opportunities to use
10 fire crews in trail maintenance activities in a manner that
11 does not jeopardize firefighting capabilities, public safety,
12 or resource protection. Upon a determination that trail
13 maintenance would be advanced by use of fire crews in
14 trail maintenance, the Secretary shall incorporate these
15 proposals into the strategy, subject to such terms and con-
16 ditions as the Secretary determines to be necessary.

17 (d) VOLUNTEER LIABILITY.—

18 (1) IN GENERAL.—Section 3 of the Volunteers
19 in the National Forests Act of 1972 (16 U.S.C.
20 558e) is amended by adding at the end the following
21 new subsection:

22 “(e) For the purposes of subsections (b), (c), and (d),
23 the term ‘volunteer’ includes a person providing volunteer
24 services to the Secretary who—

1 “(1) is recruited, trained, and supported by a
2 cooperator under a mutual benefit agreement with
3 the Secretary; and

4 “(2) performs such volunteer services under the
5 supervision of the cooperator as directed by the Sec-
6 retary in the mutual benefit agreement, including di-
7 rection that specifies—

8 “(A) the volunteer services to be performed
9 by the volunteers and the supervision to be pro-
10 vided by the cooperator;

11 “(B) the applicable project safety stand-
12 ards and protocols to be adhered to by the vol-
13 unteers and enforced by the cooperator; and

14 “(C) the on-site visits to be made by the
15 Secretary, when feasible, to verify that volun-
16 teers are performing the volunteer services and
17 the cooperator is providing the supervision
18 agreed upon.”.

19 (2) **ADDITIONAL REQUIREMENT.**—Not later
20 than 2 years after the date of the enactment of this
21 Act, the Secretary shall adopt regulations imple-
22 menting this section. These regulations shall ensure
23 that the financial risk from claims or liability associ-
24 ated with volunteers undertaking trail maintenance
25 is shared by all administrative units.

1 (e) CONSULTATION.—The Secretary shall develop the
2 strategy in consultation with volunteer and partner trail
3 maintenance organizations, a broad array of outdoor
4 recreation stakeholders, and other relevant stakeholders.

5 (f) VOLUNTEER AND PARTNERSHIP COORDINA-
6 TION.—The Secretary shall require each administrative
7 unit to develop a volunteer and partner coordination im-
8 plementation plan for the strategy which clearly defines
9 roles and responsibilities for the administrative unit and
10 district staff, and includes strategies to ensure sufficient
11 coordination, assistance, and support for volunteers and
12 partners to improve trail maintenance.

13 (g) REPORT.—

14 (1) CONTENTS.—The Secretary shall prepare a
15 report on—

16 (A) the effectiveness of the strategy in ad-
17 dressing the trail maintenance backlog;

18 (B) the increase in volunteerism and part-
19 nership efforts on trail maintenance as a result
20 of the strategy;

21 (C) the miles of National Forest System
22 trails maintained by volunteers and partners,
23 and the approximate value of the volunteer and
24 partnership efforts;

1 (D) the status of the stewardship credits
2 for outfitters and guides pilot program de-
3 scribed in section 7 that includes the number of
4 participating sites, total amount of the credits
5 offered, estimated value of trail maintenance
6 performed, and suggestions for revising the pro-
7 gram; and

8 (E) recommendations for further increas-
9 ing volunteerism and partnerships in trail main-
10 tenance.

11 (2) SUBMISSION.—Not later than 3 years after
12 the date of enactment of this Act, the Secretary
13 shall submit the report required by paragraph (1)
14 to—

15 (A) the Committee on Agriculture, Nutri-
16 tion, and Forestry and the Committee on En-
17 ergy and Natural Resources of the Senate; and

18 (B) the Committee on Agriculture and the
19 Committee on Natural Resources of the House
20 of Representatives.

21 **SEC. 5. PRIORITY TRAIL MAINTENANCE PROGRAM.**

22 (a) SELECTION.—In accordance with subsections (b)
23 and (c), not later than 6 months after the date of the en-
24 actment of this Act, the Secretary of Agriculture shall se-

1 lect no fewer than 9 and no more than 15 priority areas
2 for increased trail maintenance accomplishments.

3 (b) CRITERIA.—Priority areas shall include a well-de-
4 fined region on National Forest System land where the
5 lack of trail maintenance has—

6 (1) reduced access to public land;

7 (2) led to an increase, or risk of increase, in
8 harm to natural resources;

9 (3) jeopardized public safety;

10 (4) resulted in trails being impassible by the in-
11 tended managed users; or

12 (5) increased future deferred trail maintenance
13 costs.

14 (c) REQUIREMENTS.—In selecting priority areas, the
15 Secretary shall—

16 (1) consider any public input on priority areas
17 received within 3 months of the date of enactment
18 of this Act;

19 (2) consider the range of trail users (including
20 motorized and non-motorized trail users); and

21 (3) include at least one priority area in each re-
22 gion of the United States Forest Service.

23 (d) INCREASED TRAIL MAINTENANCE.—

24 (1) IN GENERAL.—Within 6 months of the se-
25 lection of priority areas under subsection (a), and in

1 accordance with paragraph (2), the Secretary shall
2 develop an approach to substantially increase trail
3 maintenance accomplishments within each priority
4 area.

5 (2) CONTENTS.—In developing the approach
6 under paragraph (1), the Secretary shall—

7 (A) consider any public input on trail
8 maintenance priorities and needs within any
9 priority area;

10 (B) consider the costs and benefits of in-
11 creased trail maintenance within each priority
12 area; and

13 (C) incorporate partners and volunteers in
14 the trail maintenance.

15 (3) REQUIRED TRAIL MAINTENANCE.—Utilizing
16 the approach developed under paragraph (1), the
17 Secretary shall substantially increase trail mainte-
18 nance within each priority area.

19 (e) COORDINATION.—The regional volunteer and
20 partnership coordinators may be responsible for assisting
21 partner organizations in developing and implementing vol-
22 unteer and partnership projects to increase trail mainte-
23 nance within priority areas.

24 (f) REVISION.—The Secretary shall periodically re-
25 view the priority areas to determine whether revisions are

1 necessary and may revise the priority areas, including the
2 selection of new priority areas or removal of existing pri-
3 ority areas, at his sole discretion.

4 **SEC. 6. COOPERATIVE AGREEMENTS.**

5 (a) IN GENERAL.—The Secretary may enter into a
6 cooperative agreement with any State, tribal, local govern-
7 mental, and private entity to carry out this Act.

8 (b) CONTENTS.—Cooperative agreements authorized
9 under this section may—

10 (1) improve trail maintenance in a priority
11 area;

12 (2) implement the strategy; or

13 (3) advance trail maintenance in a manner
14 deemed appropriate by the Secretary.

15 **SEC. 7. STEWARDSHIP CREDITS FOR OUTFITTERS AND**
16 **GUIDES.**

17 (a) PILOT PROGRAM.—Within 1 year after the date
18 of enactment of this Act, in accordance with this section,
19 the Secretary shall establish a pilot program on not less
20 than 20 administrative units to offset all or part of the
21 land use fee for an outfitting and guiding permit by the
22 cost of the work performed by the permit holder to con-
23 struct, improve, or maintain National Forest System
24 trails, trailheads, or developed sites that support public
25 use under terms established by the Secretary.

1 (b) ADDITIONAL REQUIREMENTS.—In establishing
2 the pilot program authorized by subsection (a), the Sec-
3 retary shall—

4 (1) select administrative units where the pilot
5 program will improve trail maintenance; and

6 (2) establish appropriate terms and conditions,
7 including meeting National Quality Standards for
8 Trails and the Trail Management Objectives identi-
9 fied for the trail.

Passed the House of Representatives September 26,
2016.

Attest:

Clerk.

114TH CONGRESS
2^D SESSION

H. R. 845

AN ACT

To direct the Secretary of Agriculture to publish in the Federal Register a strategy to significantly increase the role of volunteers and partners in National Forest System trail maintenance, and for other purposes.