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96TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT

GOVERNMENT
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NATIONAL TRAILS SYSTEM ACT AMENDMENTS OF 1980

Mr. UDALL, from the Committee on Interior and Insular Affairs, submitted the following

REPORT*

[To accompany H.R. 8087]

[Including cost estimate of the Congressional Budget Office]

The Committee on Interior and Insular Affairs to whom was referred the bill (H.R. 8087) to amend the National Trails System Act by designating additional national scenic and historic trails, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, line 3, strike all after the enacting clause and insert the following:

That this Act may be cited as the "National Trails System Act Amendments of 1980".

TITLE I—AMENDMENTS TO THE NATIONAL TRAILS SYSTEM ACT

SEC. 101. Section 2 of the National Trails System Act (82 Stat. 919; 16 U.S.C. 1241 et seq.) is amended—

(1) in subsection (b), by striking out "the purpose" and inserting in lieu thereof "The purpose"; and

(2) by adding at the end thereof the following new subsection:

"(c) The Congress recognizes the valuable contributions that volunteers and private, nonprofit trail groups have made to the development and maintenance of the Nation's trails. In recognition of these contributions, it is further the purpose of this Act to encourage and assist volunteer citizen involvement in the planning, development, and management of trails.".

SEC. 102. Section 3 of the National Trails System Act is amended—

(1) by redesignating paragraphs (a) through (d) as paragraphs (1) through (4), respectively, and by inserting "(a)" after "SEC. 3.";

(2) in paragraph (2) of subsection (a) (as so redesignated), by adding at the end thereof the following: "National scenic trails may be located so as to represent, but need not be limited to, desert, marsh, grassland, mountain, canyon, river, or forest areas, as well as landforms which exhibit significant characteristics of the physiographic regions of the Nation.";

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* This publication was ordered to be printed as a committee print to serve as the Committee's report to H.R. 8087.

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(3) in the fourth sentence of paragraph (3) of subsection (a) (as so redesignated), by striking out "Act, are established as initial" and inserting in lieu thereof "Act are included as";

(4) in the fifth sentence of paragraph (3) of subsection (a) (as so redesignated), by striking out "subsequently"; and

(5) by adding at the end thereof the following new subsection:

"(b) For purposes of this section, the term 'extended trails' means trails or trail segments at least one hundred miles in length, except that historic trails of less than one hundred miles may be designated as extended trails. While it is desirable that extended trails be continuous, studies of such trails may conclude that it is feasible to propose one or more trail segments which, in the aggregate, constitute at least one hundred miles in length.".

SEC. 103. Section 4 of the National Trails System Act is amended by adding at the end thereof the following:

"(c) As used in this section, the term 'reasonably accessible' means accessible by local public transportation, or accessible within three hours driving time by major portions of the population to be served by the trail.".

SEC. 104. (a) Section 5(a) of the National Trails System Act is amended by adding at the end thereof the following:

"(11) The Santa Fe National Historic Trail, a route of approximately seven hundred and eighty miles extending from Independence, Missouri, to Santa Fe, New Mexico, following the route as depicted on a map identified as 'The Santa Fe Trail (figure 2)' in 'The Santa Fe Trail', a study report prepared by the Department of the Interior and dated July 1976. The map shall be on file and available for public inspection in the office of the Director of the National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior.

"(12) The Chisholm, Shawnee, and Western National Historic Trails, consisting of—

"(A) the Chisholm National Historic Trail, a trail of approximately six hundred and forty-eight miles extending from San Antonio, Texas, to Abilene, Kansas;

"(B) the Shawnee National Historic Trail, a trail of approximately four hundred and sixty miles extending from Belton, Texas, to Baxter Springs, Kansas;

"(C) the Western National Historic Trail, a trail of approximately six hundred and fifty-two miles extending from San Antonio, Texas, to Dodge City, Kansas;

which trails follow routes as depicted on a map identified as 'Old Cattle Trails of the Southwest: Western-Chisholm-Shawnee (figure 1)' in the 'Old Cattle Trails of the Southwest', a report prepared by the Department of the Interior and dated April 1975. The map shall be on file and available for public inspection in the office of the Director of the National Park Service, Washington, District of Columbia. The Secretary may also designate an additional segment of the Chisholm Trail consisting of approximately one hundred miles and extending from Cuero, Texas, to San Antonio, Texas, by publication of a route description thereof in the Federal Register. The trails shall be administered by the Secretary of the Interior.

"(13) The Potomac Heritage National Scenic Trail, a corridor of approximately eight hundred and seventy-four miles, extending from the mouth of the Potomac River to its source (except for one segment extending into Pennsylvania) following the route as generally depicted on the map identified as 'National Trails System, Proposed Potomac Heritage Trail' in 'The Potomac Heritage Trail', a report prepared by the Department of the Interior and dated December 1974. The map shall be on file and available for public inspection in the office of the Director of the National Park Service, Washington, District of Columbia. The trail shall initially consist of only those segments of the corridor located within the exterior boundaries of federally administered areas. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Potomac Heritage Trail. The Secretary of the Interior may designate lands outside of federally administered areas as segments of the trail, only upon application from the States or local governmental agencies involved, if such segments meet the criteria established in this Act and are administered by such agencies without expense to the United States. The trail shall be administered by the Secretary of the Interior.

"(14) The Natchez Trace National Scenic Trail, a trail system of approximately six hundred and ninety-four miles extending from Nashville, Tennessee, to Natchez, Mississippi, as depicted on the map entitled 'Concept Plan, Natchez Trace Trails Study' in 'The Natchez Trace', a report prepared by the Department of the Interior and dated August 1979. The map shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior.

"(15) The Florida National Scenic Trail, a route of approximately thirteen hundred miles extending through the State of Florida as generally depicted in 'The Florida Trail', a national scenic trail study draft report prepared by the Department of the Interior and dated February 1980. The report shall be on file and available for public inspection in the office of the Chief of the Forest Service, Washington, District of Columbia. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Florida Trail except with the consent of the owner thereof. The Secretary of Agriculture may designate lands outside of federally administered areas as segments of the trail, only upon application from the States or local governmental agencies involved, if such segments meet the criteria established in this Act and are administered by such agencies without expense to the United States. The trail shall be administered by the Secretary of Agriculture.".

(b) Section 5(b) of the National Trails System Act is amended—

(1) by inserting "(1)" after "(b)";

(2) by inserting the following after the second sentence "The feasibility of designating a trail shall be determined on the basis of an evaluation of whether or not it is physically possible to develop a trail along a route being studied, and, if so, whether the development of the trail would be financially feasible.";

(3) by striking out "The studies listed" and inserting in lieu thereof "Subject to paragraph (2), the studies listed";

(4) by striking out "Such studies, when submitted" and all that follows down through the colon and inserting in lieu thereof the following:

"(2)(A) If, during the course of conducting a study under this section, the appropriate Secretary determines that it is not feasible to develop a national scenic or national historic trail along the proposed route and that there is no significant need for such a trail, he shall submit a report containing such determination to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate. Unless a resolution of disapproval of the determination is adopted by either of such committees within the period of 30 calendar days of continuous session of Congress after the date of their receipt of the report, the Secretary may terminate further study of the proposed trail by publication of notice thereof in the Federal Register.

"(B) Before submitting any report under subparagraph (A) containing a recommendation against designation of a trail, the Secretary shall examine (i) whether the route affords an opportunity to commemorate a significant event in the development of the Nation or the region or to memorialize an individual whose activities had a far-reaching effect on the development thereof, and (ii) whether any segments of the route have the potential to be developed as national recreation trails. Based on such examination, any such report containing a recommendation against designation of a trail shall indicate whether the route provides an opportunity to memorialize or commemorate such an event or individual of whether any segments of the route could potentially be developed as national recreation trails, and, if so, shall contain suggestions for appropriate methods for carrying out the memorialization or commemoration or the trail development, including an estimate of the anticipated costs for each such activity.

"(C) For the purpose of this paragraph—

"(i) continuity of session is broken only by an adjournment of Congress sine die; and

"(ii) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

"(3) Completed studies, when submitted under paragraph (1), shall be printed as a House or Senate document, and shall include, but need not be limited to—";

(5) by redesignating paragraphs (1) through (10) as subparagraphs (A) through (J);

(6) in paragraph (3)(C) (as so redesignated), by inserting "16" before "U.S.C.";

(7) in paragraph (3)(I) (as so redesignated) by inserting "and" after the semicolon at the end of the paragraph;

(8) in paragraph (3)(J) (as so redesignated), by striking out "; and" and inserting in lieu thereof a period;

(9) by striking out "(11) to" and inserting in lieu thereof "(4) To"; and

(10) in paragraph (4) (as so redesignated) by inserting "exploration," after "commerce" in the first sentence of subparagraph (B).

(c) Section 5(c) of the National Trails System Act is amended—

(1) in paragraph (9), by striking out "Sante Fe" and inserting in lieu thereof "Santa Fe"; and

(2) by adding after paragraph (23) the following:

"(24) Goodnight and Goodnight-Loving Trails, extending from Fort Sumner, New Mexico, to Cheyenne, Wyoming, and from Concho, Texas, to Denver, Colorado, respectively.

"(25) Juan Bautista de Anza Trail, following the overland route taken by Juan Bautista de Anza in connection with his travels from the United Mexican States to San Francisco, California.

"(26) Trail of Tears, including the associated forts and historic properties, extending from the vicinity of Murphy, North Carolina, through Georgia, Alabama, Tennessee, Kentucky, Illinois, Missouri, Arkansas, to the vicinity of Tahlequah, Oklahoma.

"(27) Illinois Trail, extending from the Lewis and Clark Trail at Wood River, Illinois, to the Chicago Portage National Historic Site, generally following the Illinois River and the Illinois and Michigan Canal.

"(28) Jedediah Smith Trail, to include the routes of the explorations led by Jedediah Smith—

"(A) during the period 1826–1827, extending from South Pass, Wyoming, through the Great Salt Lake, Sevier, Virgin, and Colorado River Valleys, and the Mojave Desert, to the San Gabriel Mission, California; thence through the Tehachapi Mountains, San Joaquin and Stanislaus River Valleys, Ebbetts Pass, Walker River Valley, Bald Mount, Mount Grofton, and Great Salt Lake to Bear Lake, Utah; and

"(B) during 1828, extending from the Sacramento and Trinity River Valleys along the Pacific coastline, through the Smith and Willamette River Valleys to the Fort Vancouver National Historic Site, Washington, on the Columbia River.".

(d) Section 5(d) of the National Trails System Act is amended—

(1) by inserting after the first sentence the following: "If the appropriate Secretary is unable to establish such an advisory council because of the lack of adequate public interest, the Secretary shall so advise the appropriate committees of the Congress."; and

(2) by redesignating paragraphs (i) through (iv) as paragraphs (1) through (4), respectively, and by amending paragraph (1) (as so redesignated) to read as follows:

"(1) the head of each Federal department or independent agency administering lands through which the trail route passes, or his designee;".

(e) Section 5(f) of the National Trails System Act is amended—

(1) in paragraph (1) by striking out "national recreational" and inserting in lieu thereof "national historic" and by striking out "and" after the semicolon;

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following:

"(3) a protection plan for any high potential historic sites or high potential route segments; and

"(4) general and site-specific development plans, including anticipated costs.".

SEC. 105. Section 6 of the National Trails System Act is amended—

(1) in the first sentence, by inserting "by the appropriate Secretary" after "marked"; and

(2) by striking out ": Provided" and all that follows through the period and inserting in lieu thereof the following: ", or where the Secretary deems necessary or desirable, on privately owned lands with the consent of the landowner. Applications for approval and designation of connecting and side trails on non-Federal lands shall be submitted to the Secretary of the Interior.".

SEC. 106. (a) Section 7 of the National Trails System Act is amended—

(1) by striking out "SEC. 7. (a)" and inserting in lieu thereof "(2)"; and

(2) by inserting immediately after the section heading the following new paragraph:

"SEC. 7. (a) (1) (A) The Secretary charged with the overall administration of a trail pursuant to section 5(a) shall, in administering and managing the trail, consult with the heads of all other affected State and Federal agencies. Nothing contained in this Act shall be deemed to transfer among Federal agencies any management responsibilities established under any other law for federally administered lands which are components of the National Trails System. Any transfer of management responsibilities may be carried out between the Secretary of the Interior and the Secretary of Agriculture only as provided under subparagraph (B).

"(B) The Secretary charged with the overall administration of any trail pursuant to section 5(a) may transfer management of any specified trail segment of such trail to the other appropriate Secretary pursuant to a joint memorandum of agreement containing such terms and conditions as the Secretaries consider most appropriate to accomplish the purposes of this Act. During any period in which management responsibilities for any trail segment are transferred under such an agreement, the management of any such segment shall be subject to the laws, rules, and regulations of the Secretary provided with the management authority under the agreement, except to such extent as the agreement may otherwise expressly provide."; and

(3) in the second sentence of paragraph (2) of subsection (a) (as so redesignated), by inserting before the period "consistent with the purpose of this Act".

(b) Section 7(c) of the National Trails System Act is amended by adding at the end thereof the following: "The appropriate Secretary may also provide for trail interpretation centers, which shall be located at historic sites along the route of any national scenic or national historic trail, in order to present information to the public about the trail, with emphasis on that portion of the trail passing through the State in which the center is located. With respect to any such trail, only one trail interpretation center may be provided for by the Secretary in each State. Wherever possible, the centers shall be operated and maintained by a State agency under a cooperative agreement between the appropriate Secretary and the State agency.".

(c) Section 7(f) of the National Trails System Act is amended by inserting "(1)" after "(f)" and by adding at the end thereof the following:

"(2) When a tract of land lies partly within and partly without a national scenic or national historic trail right-of-way, the appropriate Secretary may, with the consent of the owner thereof, acquire the entire tract. Land so acquired outside the right-of-way may be exchanged for non-Federal land within such right-of-way, and any portion of the land not used for such exchanges may be disposed of in accordance with the provisions of section 5 of Public Law 90–401. The proceeds from any such disposal shall be credited to the appropriation account bearing the cost of land acquisition for the affected trail right-of-way.".

(d) Section 7(g) of the National Trails System Act is amended—

(1) by inserting immediately before the last sentence the following: "Notwithstanding any other provision of this Act or any other provision of law, the United States may not utilize condemnation proceedings or any other form of eminent domain power without the consent of the owner to acquire any lands, or interest in lands, located in Wyoming in connection with the Goodnight, Goodnight-Loving, and Jedediah Smith Trails studied or designated under this Act.";

(2) in the last sentence by striking out "No" and inserting in lieu thereof "Except for designated protected components of the trail, no";

(3) in the last sentence by striking out "or" the second place it appears and inserting in lieu thereof ", "; and

(4) in the last sentence by adding at the end before the period the following: ", or the sites for trail interpretation centers described under subsection

(c), as authorized under section 10 of this Act".

(e) Section 7(h) of the National Trails System Act is amended—

(1) by inserting "(1)" after "(b)";

(2) by inserting after the second sentence the following: "Such agreements may include provisions for limited financial assistance to encourage participation in the operation, development, or maintenance of such trails, provisions providing volunteer in the park or volunteer in the forest status (in accordance with the Volunteers in the Parks Act of 1969 and the Volunteers in the Forests Act of 1972) to individuals, private organizations, or landowners participating in such activities, or provisions of both types. Such Secretary shall also initiate consultations with affected States and their political subdivisions to encourage the development and implementation by such entities of appropriate measures to protect private landowners from trespass resulting from trail use and from unreasonable personal liability and property damage caused by trail use, and the development and implementation by such entities of provisions for land practices, compatible with the purposes of this Act, for property within or adjacent to trail rights-of-way. After consulting with States and their political subdivisions under the preceding sentence, the Secretary may provide assistance to such entities under appropriate cooperative agreements in the manner provided by this subsection."; and

(3) by striking out "Whenever the" in the last sentence of such subsection and inserting in lieu thereof the following:

"(2) Whenever the".

(f) Section 7(i) of the National Trails System Act is amended by adding at the end thereof the following new sentence: "The Secretary responsible for the administration of any segment of any component of the National Trails System (as determined in a manner consistent with subsection (a)(1) of this section) may also utilize authorities related to units of the National Park System or the national forests, as the case may be, in carrying out his administrative responsibilities for such component.".

SEC. 107. Section 8 of the National Trails System Act is amended—

(1) by redesignating subsection (d) (and any reference thereto) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) The Secretary of Transportation, in administering the Federal aid program, together with the Chairman of the Interstate Commerce Commission and the Secretary of the Interior, in administering the Railroad Revitalization and Regulatory Reform Act of 1976, shall encourage State and local agencies and private interests to establish such trails using the provisions of such programs.".

SEC. 108. Section 10 of the National Trails System Act is amended—

(1) by inserting "(a)(1)" after "SEC. 10.";

(2) by striking out "(a) The" in the second sentence and inserting in lieu thereof "for the";

(3) by striking out "It is the express intent" and inserting in lieu thereof the following:

"(2) It is the express intent";

(4) in subsection (a)(2) (as so redesignated), by inserting "Appalachian" before "Trail"; and

(5) in subsection (c)—

(A) by inserting "(1)" after "(c)";

(B) by inserting before the period at the end of paragraph (1) (as so redesignated) ", except that funds may be expended for the acquisition of lands or interests therein for the purpose of providing for one trail interpretation center, as described in section 7(c), along each such trail in each State crossed by the trail"; and

(C) by adding at the end of such subsection the following:

"(2) Effective October 1, 1981, there is hereby authorized to be appropriated such sums as may be necessary to implement the provisions of this Act relating to the trails designated by paragraphs (9) through (16) of section 5(a) of this Act. Not more than $3,000,000 may be appropriated for the purposes of acquisition of land and interests therein for the trail designated by section 5(a)(14) of this Act, and not more than $16,500,000 may be appropriated for the purposes of the development of such trail.".

SEC. 109. The National Trails System Act is amended by adding the following new sections at the end thereof:

"VOLUNTEER ACTION TRAILS DEMONSTRATION PROGRAM

"SEC. 11. (a)(1) In addition to the cooperative agreement authority contained in this Act, there is authorized to be established a volunteer action trails demonstration program (hereinafter in this section referred to as the 'program') to encourage volunteers and volunteer organizations to plan, develop, and manage trails throughout the Nation. The program shall be administered by the Secretary of the Interior (with respect to lands and programs primarily under the jurisdiction of such Secretary) and by the Secretary of Agriculture (with respect to lands and programs primarily under the jurisdiction of such Secretary).

"(2) Together with the grant authority provided under this section, the Secretaries are encouraged to utilize wherever appropriate, in furtherance of the purposes of this section, existing authorities available to them under the Volunteers in the Parks Act of 1969, the Volunteers in the Forests Act of 1972, and section 6 of the Land and Water Conservation Act of 1965 (relating to the development of Statewide Comprehensive Outdoor Recreation Plans).

"(b)(1) Under the program each Secretary may make grants of not more than $25,000 to volunteer trail groups which are committed to managing, maintaining, or developing trails, or which agree to conduct such activities. During any fiscal year, no volunteer trail group may receive under this section, in the aggregate, an amount exceeding $25,000. Grants under this section may be made available, as provided under paragraph (2), only for the purposes of—

"(A) developing or maintaining (i) trails which are components of the National Trails System, or (ii) trails which, if so developed and maintained by such groups, could qualify for designation as components of the National Trails System; or

"(B) operating programs to organize and supervise volunteer trail building efforts with respect to the trails referred to in subparagraph (A), conducting trail-related research projects, or providing education and training to volunteers on methods of trail planning, construction, and maintenance.

"(2) Financial assistance made available to volunteer trail groups under this subsection for the purposes described in subparagraphs (A) and (B) of paragraph (1) shall be used for—

"(A) providing tools to volunteers engaged in trail-related work projects organized by the group;

"(B) providing reimbursement for incidental expenses incurred by volunteers, such as transportation, lodging, and subsistence;

"(C) providing resource materials for the programs referred to in paragraph (1)(B);

"(D) assisting in defraying the incidental costs of office operations of the group (including postage, telephone expenses, duplicating, and clerical supplies), other than the costs of salaries or benefits for staff or the costs of rent, insurance, or similar charges for office space;

"(E) constructing or maintaining trail-related public use facilities, including historic features where appropriate;

"(F) providing insurance protection for the trail group and its volunteers (as determined to be adequate by the Secretary); or

"(G) any combination of the items specified under subparagraphs (A) through (F).

"(3) No grant shall be made available under this section to a volunteer trail group unless the group submits an application to the appropriate Secretary. The Secretary shall not approve any such application unless—

"(A) in the application, the group (i) agrees to provide funds, or services pertaining to trails, the value of which is equal to the amount of the grant (as determined under criteria established by the Secretary), and (ii) describes the services, if any, to be provided under clause (i);

"(B) in the application, the group agrees to abide by such procedures as the Secretary may establish under subsection (c) to ensure accountability for any funds made available to the group under this section; and

"(C) the application specifies the manner in which the funds sought by the group would be used if made available under this section.

"(c)(1) The Secretaries shall develop a uniform format for the grant applications required under this section and for any reports required to be submitted by grant recipients, and the Secretaries shall establish such uniform procedures and requirements as may be necessary to ensure that funds made available under this section are used for the purposes for which the grant was made. Each Secre-

tary shall be responsible for establishing such criteria as may be necessary to evaluate applications submitted under this section.

"(2) To the maximum extent practicable, applications and program information shall be made available, and grants shall be administered, at appropriate agency field offices.

"(3) The program shall be carried out, to the maximum extent practicable, in consultation with interested State and Federal agencies and volunteer trail groups.

"(d) (1) There is authorized to be appropriated to the Secretary of the Interior to carry out the program not more than $400,000 for the fiscal year ending September 30, 1982, not more than $425,000 for the fiscal year ending September 30, 1983, not more than $450,000 for the fiscal year ending September 30, 1984, not more than $475,000 for the fiscal year ending September 30, 1985, and not more than $500,000 for the fiscal year ending September 30, 1986.

"(2) There is authorized to be appropriated to the Secretary of Agriculture to carry out the program not more than $400,000 for the fiscal year ending September 30, 1982, not more than $425,000 for the fiscal year ending September 30, 1983, not more than $450,000 for the fiscal year ending September 30, 1984, not more than $475,000 for the fiscal year ending September 30, 1985, and not more than $500,000 for the fiscal year ending September 30, 1986.

"(e) For purposes of this section, the term 'volunteer trail group' means any private organization—

"(1) which is devoted to providing for or fostering the development, management, maintenance, or public appreciation of hiking, horseback, bicycling, or related trails;

"(2) which has a membership composed of citizens willing to donate services in order to further the trail-related objectives of the organization;

"(3) which has a staff composed of either volunteers or paid employees; and

"(4) no part of the net earnings of which inures to the benefit of any private shareholder or individual.

"(f) No grants may be made, or contracts entered into, under this section except to such extent, or in such amounts, as may be provided in advance in appropriation Acts.

"DEFINITIONS

"SEC. 12. As used in this Act:

"(1) The term 'high potential historic sites' means those historic sites related to the route, or sites in close proximity thereto, which provide opportunity to interpret the historic significance of the trail during the period of its major use. Criteria for consideration as high potential sites include historic significance, presence of visible historic remnants, scenic quality, and relative freedom from intrusion.

"(2) The term 'high potential route segments' means those segments of a trail which would afford high quality recreation experience in a portion of the route having higher than average scenic values or affording an opportunity to vicariously share the experience of the original users of an historic route.

"(3) The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific, the Northern Mariana Islands, and any other territory or possession of the United States.".

SEC. 110. Section 6(a) of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–6a) is amended at the end of the first paragraph by adding the following new sentences:

"Notwithstanding any other provision of law, no Federal fee shall be imposed for entrance or admission to any national recreation area, any unit of the National Wild and Scenic Rivers System, or any unit of the National Trails System. Notwithstanding any other provision of law, effective June 1, 1981, no Federal fee shall continue to be imposed for entrance or admission to any unit of the National Park System at which the receipts collected for entrance fees exceeded the cost of collection of said fees by less than $2,000 in calendar year 1979 (as determined by the National Park Service report entitled 'Report of Entrance Fee Rates, Collections and Costs to Collect CY 1979' and dated May 13, 1980): *Provided*, That, if the Secretary of the Interior, prior to April 1, 1981, makes a specific determination that fee collection will be reasonably necessary to protect park resources in an individual unit affected by this sentence, he may continue an

entrance fee at that unit after providing notice of his intention to do so to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate.".

SEC. 111. Section 3(a) of the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467), is amended in the first sentence by—

(1) striking out "to include but not be limited to representatives competent in" and inserting in lieu thereof "each of whom shall possess knowledge and expertise related to the protection and management of the National Park System, including but not limited to"; and

(2) by striking out "and natural science, who" and inserting in lieu thereof "resources management and the natural sciences, who".

TITLE II—STUDY COMMITTEE

SEC. 201. The Congress finds that those portions of the Mississippi, Saint Croix, and Minnesota River corridors lying within the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties in the State of Minnesota—

(1) represent a significant recreation resource which would benefit a large population in the immediate vicinity;

(2) represent a significant historical and cultural resource worthy of preservation for the enjoyment and benefit of present and future generations;

(3) contain significant natural and scientific values that enhance the diversity and esthetic character of the metropolitan area;

(4) are important commercial resources vital to the continued economic well-being of the region and the Nation;

(5) are of national significance and constitute an area of national concern; and

(6) are in need of cooperative recreational planning and management so as to improve efforts to further the preservation, enhancement, and use of these recreational resources.

SEC. 202. (a) A study committee (hereinafter in this title referred to as the "committee") consisting of fifteen members shall be established in accordance with this section to examine methods by which Federal, State, regional, and local governments can cooperate to enhance the recreational opportunities along those portions of the Mississippi, Minnesota, and Saint Croix Rivers described in section 201 of this title. The committee shall be responsible for carrying out the study described under section 204.

(b) (1) The committee shall consist of fifteen members as follows:

(A) A Chairperson, who shall be appointed by the Secretary of the Interior from among individuals designated in a list of nominees submitted by the Governor of Minnesota.

(B) A Vice Chairperson, who shall be a member designated by the Secretary of the Interior.

(C) Four members, one of whom shall be designated by each of the following: the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Transportation, and the Secretary of Defense.

(D) Nine members, who shall be appointed by the Secretary of the Interior from among individuals designated in a list of nominees jointly submitted by the Governor of Minnesota, the Metropolitan Council, and the mayors of Minneapolis and Saint Paul.

Members appointed under this subsection shall include representatives of each of the interests described under section 204(e) of this title.

(2) The Governor of Minnesota, the Metropolitan Council, and the mayors of Minneapolis and Saint Paul shall submit the nominations required under this subsection within forty-five days after the date of the enactment of this Act. All appointments of members required under this subsection shall be made within sixty days after the date of the enactment of this Act.

(c) Members of the committee who are full-time officers or employees of the United States shall receive no additional pay, allowance, or benefits (except for expenses under subsection (d)) by reason of their service on the committee.

(d) All members of the committee shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties for the committee from funds appropriated for such purpose.

67-851 O - 80 - 2

(e) The Chairperson of the Study Committee, if other than one to whom paragraph (c) applies, shall receive per diem at the maximum daily rate for a GS 11 of the general schedule when engaged in the actual performance of duties vested in the Study Committee from funds appropriated for this purpose.

(f) The committee shall terminate within two years and two months after the date of the enactment by the Congress of the law providing for the initial appropriation to carry out this title. Any funds appropriated under this title shall be available until expended.

SEC. 203. (a) If a multifunctional regional agency (hereinafter in this title referred to as the "Regional Planning Agency") authorized by State law to plan for and coordinate the development of the seven counties described in section 201 is in existence on the date of enactment of this Act, the Governor of the State of Minnesota shall, if permitted under State law, request such agency to assist in carrying out the study described under section 204 of this title.

(b)(1) To the extent that funds are appropriated for this purpose, the Regional Planning Agency shall provide the committee with financial, administrative, and other necessary support services.

(2) The Regional Planning Agency, after consultation with the committee, shall have the power to appoint and fix the pay of such additional personnel as may be necessary to carry out its duties under this title. Such personnel may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, from funds appropriated for such purpose.

(3) The Regional Planning Agency, after consultation with the committee, may also procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed $100 per day.

(c) To the extent of available appropriations, the Regional Planning Agency may obtain, by purchase, donation or lease, such facilities, equipment, and services as may be needed to carry out the duties of such agency under this title.

(d) To the extent feasible and practicable, the Regional Planning Agency may utilize personnel available under the authority provided in the Intergovernmental Personnel Act of 1970 to assist such agency in carrying out its duties.

(e) Within forty-five days after receiving the report required by section 204, the Regional Planning Agency shall provide the committee with written comments on that report. Upon receipt of those comments, the committee shall submit the report, together with such written comments, to the President, the Congress, and appropriate State, regional, and local government units.

SEC. 204. (a) The committee shall conduct a study on the preservation, enhancement, protection, and use of the designated recreation areas along the river corridors described in section 201 of this title. For the purpose of this title, designated areas shall be defined as those park, open space, recreation, or historical sites designated in an adopted Federal, State, regional, or local government plan. In carrying out the study, the committee shall review and utilize existing studies, and shall consider existing plans, programs, and policies as they affect the present and future recreational use of the river corridor described in section 201 of this title.

(b)(1) Within two years after the date of the enactment by the Congress of the law providing for the initial appropriation to carry out this title, the committee shall provide the Regional Planning Agency with a written report on the findings and conclusions of study described under subsection (a), together with recommendations for policies which should be adopted, and actions which should be taken, to optimize the recreational, fish and wildlife, historic, natural, scientific, scenic, and cultural values of the river corridor areas referred to in section 201 of this title. The study may also include recommendations for any institutional changes which the committee deems desirable and feasible to provide permanent management of the designated recreational areas along these river corridors, as well as recommendations for specific areas of local, regional, State, and Federal agency cooperation for river corridor management of the designated recreational areas.

(2) All policies and actions recommended by the committee shall be compatible with, and shall assure the integrity of, existing federally designated management programs and units on the Saint Croix and Minnesota River corridors. The committee shall recommend no policy or action which would place unreasonable restrictions on existing or compatible economic uses of these resources.

(c) The committee shall provide for public participation in the planning process in order to take into account the concerns of recreational, commercial, cultural, and environmental interests, and State, regional, and local governments.

SEC. 205. Effective October 1, 1981, there are authorized to be appropriated $300,000 to carry out this title.

PURPOSE

H.R. 8087 [1] amends the National Trails System Act of 1968 for the purpose of identifying trail routes for study purposes, for designating trails as new components of the National Trails System, and for further encouraging and assisting volunteer citizen involvement in the advancement of the Nation's trail development program.

BACKGROUND

Since its inception in 1968, the National Trails System Act has remained in a period of relative infancy for its first decade of existence. During this period, the two trails initially designated as components of the System (the East's Appalachian National Scenic Trail (AT) and the West's Pacific Crest National Scenic Trail (PCT)) moved forward in terms of better definition of their routings and rights-of-way protections, and a number of other potential new trails came under study. Finally, in the latter part of this first decade, significant strides began to materialize in the completion of routing and protection for the AT and the PCT, and recommendations came forth from the earlier studies for potential new trail routes for designation, followed by the designation of numerous new trails to become components of the System. In 1978, Congress created a major new trail classification—National Historic Trails—which has since grown quite significantly in its embrace of new components.

Provision was recently made in law to assemble advisory councils for national scenic and historic trails, and to develop comprehensive management plan documents to guide the protection, management and use of the trails.

This bill proposes the study of six more trail candidates, and adds seven already studied trails as new components of the System. The bill also provides long overdue increased volunteer work incentives to active, and potentially active, volunteer trail workers. The bill also steps into the field of much needed attention relative to landowner liability, property damage and trespass related to trail use.

SECTION-BY-SECTION ANALYSIS

Sections 101 through 109, inclusive, consist of amendments to the National Trails System Act of 1968, as amended.

Section 101 amends section 2 of the Act to make a technical correction, and to add a new subsection to recognize the contributions made

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[1] H.R. 8087 was introduced Sept. 8, 1980, by Mr. Phillip Burton, and cosponsored by Mr. Johnson of Colorado, Mr. Sebelius, Mr. Lagomarsino, Mr. Gudger, Mr. Reuss, Mr. John Burton, and Mr. Mineta. The measure as reported also contains the provisions of the following bills: H.R. 4250, H.R. 4251, H.R. 4252, H.R. 4276, H.R. 4587, H.R. 5694, and H.R. 8135.

by volunteers in developing and maintaining trails. It is further made a purpose of the Trails Act to encourage and assist this involvement.

Section 102 amends section 3 of the Act to clarify that "national scenic trails," as defined in the Act, may be applied to trails which can be developed in a wide variety of landforms. This underscores the opportunity to consider the designation of such trails throughout the many different regions of the Nation.

The section also makes wording changes to apply to national historic trails. The changes would make clear that the Federal protection components of such trails are established on qualifying segments of an historic route on Federal lands. Finally, a specific definition of the term "extended trails" is included to aid the agencies charged with studying potential national scenic and national historic trails.

Section 103 amends section 4 of the Act to specifically define the term "reasonably accessible". This specific definition, as was the case in the preceding section, will assist those responsible for administering the Act in carrying out existing authorities therein.

Section 104 amends section 5 of the Act in several areas. First, a number of new national scenic and national historic trails are established. Four national historic trails are established: Santa Fe, Chisholm, Shawnee, and Western.

Three national scenic trails are established: Potomac Heritage, Natchez Trace, and Florida.

In each establishing paragraph, provisions are made for defining the route, insuring public access to the route definition, and placing the responsibility for administration of each trail with an appropriate Department. In addition, certain special provisions applying to individual trails are made as follows:

1. An addition to the Chisholm Trail may be made in southern Texas by the Secretary of the Interior through authority herein extended to him. The Committee notes the previous recognition given to this historic route in Cuero, Texas, and expects that the Secretary will determine if a route in this area can be identified for later designation.

2. Additional restrictions are placed on the Potomac Heritage Trail, defining the initial trail as only those corridor segments which lie within the boundaries of Federal areas such as national forests or units of the National Park System. No lands outside of these existing areas may be acquired by the Federal Government for the trail. The Secretary may designate other areas as segments of the trail only upon application from an appropriate State or local agency, and only if such segments meet the criteria in the Act and are to be administered without direct expense to the Federal Government.

3. Limitations are placed on the Florida Trail which restrict any Federal acquisition for the trail outside of federally administered areas to purchases from willing sellers. Designation of any segments of the trail outside federally administered areas must also be made only upon application from State or local agencies, and with a commitment that, once acquired, these segments would be administered without direct expense to the Federal Government.

Second, clarifying changes are made to the section, including guidance in determining the feasibility of making a trail designation. An additional provision adds a mechanism which permits a Secretary responsible for carrying out a study to inform the authorizing com-

mittees in the event that an early determination is made that a trail route is not feasible for designation as a national scenic or national historic trail. The Secretary is to provide certain additional information to the committees, following which, unless a committee resolution of disapproval is agreed to in a timely manner, the study may be terminated. The Committee expects that, while this early termination of a study would be the exception rather than the rule, some savings in cost may be realized in those instances where the preliminary investigation of a route clearly indicates that it is not feasible to contemplate going forward with a designated route.

Third, six trail routes are authorized for study under the provisions of the Act, as follows: the Goodnight, Goodnight-Loving, Juan Bautista de Anza, Trail of Tears, Illinois, and Jedediah Smith Trails. General route descriptions are included for each trail to be studied.

Fourth, additional changes are made in subsections 5(d) and 5(f) of the Act, including provisions for notifying the authorizing committees in the event that a Secretary is unable to establish an advisory council for a trail, redefining the Federal members of trail advisory councils, and requiring additional information in the management plans to be prepared for certain trails.

Section 105 makes changes to section 6 of the Act to strike out a proviso which required that any connecting or side trails must provide additional points of access. The Committee notes that there may be other reasons, such as affording an opportunity for loop trails, to designate and mark such trails. It is also specified that any such designation on private lands may be accomplished only with the consent of the owner.

Section 106 amends section 7 of the Act in a number of instances.

Subsection 7(a) is amended by requiring that the Secretary charged with overall administration of a national scenic or national historic trail must consult with all affected State and Federal agencies. No presumption is to be made that a trail designation carries with it any transfer of management responsibility for affected Federal lands. A mechanism is established where a management transfer may be negotiated, including a provision that such transferred segments will be subject to the usual laws, rules, and regulations governing management of lands administered by the receiving Secretary, subject to whatever exceptions may be provided for in the transfer agreement. For example, the Secretary of the Interior, who is responsible for administration of the Appalachian National Scenic Trail, could negotiate an agreement with the Secretary of Agriculture. This agreement might provide that a certain segment of the trail corridor, acquired by the National Park Service, would be transferred to the U.S. Forest Service for management, and would be governed by Forest Service rules and regulations, except that the agreement might specify that the transferred corridor segment would not be managed for timber production or other specified purposes.

Subsection (a) is also amended to make clear that development and management of various trail segments to complement multiple-use plans will also be accomplished consistent with the purposes of the National Trails System Act.

Subsection 7(c) is amended by authorizing the appropriate Secretary to provide for trail interpretation centers along national his-

toric or scenic trails. Only one such center for each trail may be provided for in each State. Such centers should be operated and maintained by a State agency wherever possible.

Subsection 7(f) is amended to provide that the Secretary may, with owner consent, acquire an entire tract when a portion of the tract lies outside a trail right-of-way. Lands so acquired outside the right-of-way (or acquisition corridor) may be exchanged with States, political subdivisions, or private owners for other non-Federal land within such a right-of-way. This is consistent with the existing exchange authorities of section 7(f). This provision is important in two respects. First, it permits acquisition of entire tracts when in the best interest of both the trail manager and the seller. Second, it permits exchanges of those lands unnecessary for the acquisition program with State, local governmental, and private owners of non-Federal lands within the trail right-of-way that should be protected. By permitting the proceeds from the disposal of any excess land not used for exchange to be credited to the account bearing the cost of the original acquisition, the Committee intends to avoid having the administering Secretary need to seek redundant appropriations to carry out the program.

Subsection 7(g) is amended to specifically restrict any Federal land acquisition in the State of Wyoming for the Goodnight, Goodnight-Loving, or Jedediah Smith Trails which would ever be designated to be from willing sellers only.

An exception is also made for designated protected components of a national historic trail or the Continental Divide Trail, as well as for the sites identified for trail interpretation centers, to the otherwise applicable exemption from the provisions of section 4(f) of the Department of Transportation Act (49 U.S.C. 1653 (f)).

Subsection 7(h) is amended by building on the existing provisions in the Act relating to cooperative agreements. Initially, it will expand the existing use of cooperative agreements between the trail managers (primarily the National Park Service and the Forest Service) and landowners, private organizations, States, and political subdivisions to develop, operate, and maintain lands within established trail rights-of-way. This is consistent with the traditional volunteer efforts underlying many of these trails and the important role that adjacent landowners should play in this process. It will also encourage the use of existing provisions concerning volunteers in the parks and forests as a part of the cooperative agreements process to provide protection from personal injury and tort claim liability for landowners, private volunteers, and the organizations participating in this effort.

In addition, this amendment specifically addresses the concern of landowners about personal liability, property damage, and trespass from trail use from another perspective. Each Secretary charged with the administration of any component of a national scenic or national historic trail is also directed to consult with States and political subdivisions concerning the development and implementation of uniform provisions providing adjacent landowners with reasonable protection from these concerns. While improvements in this area will in large part depend on the willingness of individual States to enact appropriate legislation, the Committee expects the Secretary to take the initiative in bringing this issue to the attention of appropriate State legislators. Finally, each Secretary is asked to again consult with these

entities concerning protection of the trail with regard to areas within and adjacent to the rights-of-way. Cooperative agreements may be used to encourage both protection for landowners and protection for the trail.

In this manner the provisions of this amendment to section 7(h) of the Act build upon existing and traditional cooperative efforts under the National Trails System Act program to utilize private, State, and local initiative to the greatest degree practicable in the implementation of these trail programs, consistent with the overall purposes of the Act. The Secretaries of Interior and Agriculture should continue their present efforts in this regard, continue to provide financial assistance as an element of these cooperative efforts, and implement expanded programs along these lines as soon as practicable.

Subsection 7(i) is amended to specify that the appropriate Secretary responsible for the management of any segment of a component of the National Trails System may utilize the appropriate National Park System or National Forest System authorities in administering such segment.

Section 107 amends section 8 of the Act to encourage the development of additional metropolitan area trails in conjunction with the provisions of the Railroad Revitalization and Regulatory Reform Act of 1976. This reflects the concern that previous congressional efforts have not been successful in establishing a process through which railroad rights-of-way which are not immediately necessary for active service can be utilized for trail purposes. This appears to be true despite the fact that these efforts have also been to preserve established railroad rights-of-way for future reactivation of rail service, to protect rail transportation corridors, and to encourage energy efficient transportation use. Interim use of established railroad rights-of-way pursuant to donation, transfer, lease, sale or otherwise in a manner consistent with the National Trails System Act, if subject to restoration or reconstruction for railroad purposes, should not necessarily constitute an abandonment of such right-of-way for railroad purposes.

Section 108 amends section 10 of the Act, first by making correcting changes, then by authorizing the expenditure of funds to acquire necessary lands for one trail interpretation center in each State for each listed trail. The section is further amended to authorize necessary funding for the trails designated in this legislation. Up to $3 million may be appropriated for land acquisition along the Natchez Trace Trail, and up to $16.5 million may be appropriated to develop the Natchez Trace Trail system itself.

Section 109 adds two new sections to the Act.

A new section 11 is added which establishes a limited term volunteer action demonstration program for trails work. The purpose of this program is to allow the Secretaries of Interior and Agriculture to encourage and assist volunteer efforts to develop and maintain existing components of the National Trails System, as well as trails which, once established, could qualify for the System. Related volunteer efforts in trail planning and related activities are also to be encouraged. The Secretaries are to utilize existing authorities as well as a program of small grants not exceeding $25,000 to stimulate this volunteer effort. The language of the amendment specifies the purposes for which the

grants are to be made and the limitations on the expenditures from such grants, while leaving the Secretaries the necessary discretion to administer the program. The dollar limitation on grants should be viewed as an absolute maximum to be considered in exceptional cases. Smaller grants which can encourage a large number of volunteer efforts should be the general rule.

The emphasis in the program should be the use of small grants of Federal money to act as a catalyst to produce useful results. The grants should not be thought of as directly paying for projects, but rather as providing a needed stimulus to bring forth a larger response. The intent of the program is to expand recreation opportunities by getting viable trails on the ground and open to the public. Field management personnel in both the National Park Service and the Forest Service should be encouraged to use the incentives in the program to assist volunteer trail organizations in meeting the recreation demand that exists for better trail-related opportunities. The Committee proposes to limit authorized funding for the program to 5 years, intending that a careful evaluation of the program will be made at the end of that time to determine its effectiveness.

The types of volunteer organization which could qualify for this program, have been defined to include those whose efforts support the types of trails included in the National System. These will be principally volunteer organizations dealing with hiking, horseback riding, or bicycling. However, related types of organizations which are involved with components of the System, such as a snowmobile group which contributes to the maintenance of the Ice Age National Scenic Trail, might also qualify under the terms of the program.

A new section 12 is added to include specific definitions of certain terms used elsewhere in the legislation.

Section 110 amends the Land and Water Conservation Fund Act of 1965 to expressly prohibit the imposition of any Federal entrance fee at any national recreation area, any component of the National Wild and Scenic Rivers System, or any unit of the National Trails System.

Entrance fees are also to be abolished at a number of National Park System units where fees are now collected at either a net loss, or with profit of less than $2,000 annually. A specific listing of these units is referenced. The Secretary of the Interior is also given a limited opportunity to continue an entrance fee at any of these latter units where he makes a specific determination that such a fee is necessary for the protection of park resources. Notice of any such determination must be sent to the authorizing committees of the Congress.

Section 111 amends the Historic Sites Act of 1935 with regard to the Secretary of the Interior's National Park System Advisory Board. The initial purpose of this Board was to advise the Secretary with regard to historic aspects of the Nation's heritage, working in close association with the National Park Service. As a matter of practice through the years, and very properly so, representation on the Board included expertise in fields much broader than those fields specified in the 1935 Act, which were largely associated with history, archeology, and architecture. In 1976, the Congress renamed the Board to its present broadened scope title, and added to the list of expertise to be represented, "natural science". The breadth of expertise to be sought to be represented on the Board is in no way limited by the law, nor does

the amendment by this Act seek to alter that breadth. What this provision is designed to do is to specifically add representation in resources management (meaning both natural and historic/cultural resources), and to add representation in any number of the relevant natural sciences (natural sciences is pluralized from its earlier form). A principal rationale for this added emphasis in the natural resource/science area is due to a strong concern over the jeopardy of the National Park System's natural, and also historic/cultural, resources as indicated by the "State of the Parks" report submitted by the National Park Service to the Congress in May of this year. The Board might quite appropriately promptly compose itself with the appropriate expertise, and identify a priority objective to devote serious and prompt attention to this issue.

This provision of the bill also requires an assurance that all appointees to the Board possess knowledge and expertise related to the protection and management of the National Park System. It is not the intention that a single member be appointed to represent each of the fields or expertise specifically enumerated in the law, but rather that every member should possess some relevant expertise in either one or more of the stated fields or in some field relevant to the protection, operation and management of the National Park System.

Title II of the legislation consists of five sections which establish the direction for a study to be made of the Mississippi Saint Croix, and Minnesota River corridors in a seven-county area of Minnesota. The provisions of title II are a refinement of an earlier effort to direct a planning effort for this area which has previously passed the House of Representatives as a part of H.R. 3. This earlier version will be supplanted by the direction given in title II.

Cost and Budgetary Impact

H.R. 8087 authorizes the expenditure of up to $3 million for land acquisition along the Natchez Trace; $16.5 million is authorized for development of the hiking, horseback, and bicycle trails along this same route. A total of $4.5 million spread over a 5-year period is authorized to be appropriated for the volunteer grants program. $300,000 is authorized to carry out the river corridor study mandated in title II. In addition, there will be some expense incurred in completing the studies of additional trails, as well as in administering the newly designated scenic and historic trails.

The major expense of the bill, however, which is the development program along the Natchez Trace, is expected to commence in some 3 years, and will be spread out over a 10-year period. The budget impact of H.R. 8087 should therefore be slight.

The estimate of expenditures as prepared by the Congressional Budget Office is printed here in full:

Congressional Budget Office Cost Estimate

September 22, 1980.

1. Bill number: H.R. 8087.
2. Bill title: National Trails System Act Amendments of 1980.
3. Bill status: As ordered reported by the House Committee on Interior and Insular Affairs, September 17, 1980.

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4. Bill purpose: H.R. 8087 provides for new land acquisition and development, designates new trails, and authorizes new trail studies. The bill also establishes a 5-year volunteer action trails demonstration program. In addition, H.R. 8087 prohibits the imposition of Federal entrance fees for any national recreation area, National Wild and Scenic Rivers System, and National Trails System. It is assumed that the full amount authorized for various activities are appropriated for fiscal year 1982.

5. Cost estimate:

[In millions of dollars]

Estimated authorization level:	
Fiscal year:	
1981	-----
1982	23.6
1983	1.0
1984	1.1
1985	1.1
Estimated outlays:	
Fiscal year:	
1981	-----
1982	4.0
1983	5.0
1984	3.7
1985	2.9

The costs of this bill fall within budget function 300.

6. Basis of estimate: H.R. 8087 designates seven new trails. There are authorized to be appropriated $3 million for land acquisition and $16.5 million for land development of the Natchez Trace Trail, and such sums as may be necessary to implement the provisions relating to the other new trails.

Based on information from the National Park Service, it is estimated that acquisition of land for the Natchez Trace Trail will begin in fiscal year 1982, and take 3 years to complete. The costs of this acquisition are expected to be $1.5 million in 1982 and $750,000 in 1983 and 1984. It is estimated that land development will begin in fiscal year 1983, at a cost of approximately $1.75 million per year for over 9 years.

Based on information from the National Park Service, it is estimated that the total costs of management and development plans for the new trails will be approximately $1.5 million. It is expected that these plans will take 2 years to complete, with 50 percent of the funds spending in 1982, and 50 percent in 1983.

Current law requires the establishment of an advisory council for each trail within the National Trails System, the members of which are to be compensated by the Secretary of the Interior for costs incurred while performing the council's functions. It is estimated that total annual costs for the councils of the new trails would be approximately $150,000 in fiscal year 1982, ranging to almost $200,000 in fiscal year 1985. It is estimated that 90 percent of each year's funds will be spent in the year appropriated and the remaining 10 percent in the second year after appropriation.

The bill also requires studies to be done on six trails under consideration for designation as national scenic trails. Based on information from the National Park Service and the National Forest Service, it is estimated that the total costs of these studies will be approximately

$1.4 million, with 60 percent of the money spending in 1982 and 40 percent spent in 1983. The bill does not specifically authorize any amount for this provision, however such funding is contained in the Park Service's general authorization.

H.R. 8087 allows to be established trail interpretation centers along the route of any national scenic or historic trail. Such activity is now within the Interior and Agriculture agencies' power to perform. Since no new activity is required or expected, it is estimated that this provision presents no additional cost to the Federal Government.

In addition, H.R. 8087 prohibits the charge of any separate Federal entrance fee to any segment of the National Trails System, Scenic Rivers System, or any national recreation area. No Federal entrance fees are currently levied at these sites. It is therefore estimated that this provision represents no additional receipts or costs to the Federal Government.

H.R. 8087 establishes a Volunteer Action Trails Demonstration Program and authorizes $800,000 for fiscal year 1982, $850,000 for 1983, $900,000 for 1984, $950,000 for 1985, and $1 million for 1986. Half the money is to be distributed by the Secretary of the Interior and the other half by the Secretary of Agriculture. It is estimated that for the initial 2 years, 75 percent of each year's funds will be spent in the first year and the remaining 25 percent in the year after. For the following years, it is estimated that 90 percent of each year's funds will be spent in the first year, and the remaining 10 percent the second year.

The bill also establishes a Study Committee to consider three Minnesota River corridors lying within a seven-county range, and provides funds for a multifunctional regional agency if such an agency is authorized by State law by the date of enactment. The Study Committee is to conduct a study on the preservation, enhancement, protection, and use of designated recreation areas. The report is to be complete within 2 years of the date of enactment. There are authorized $300,000 to carry out this provision, and it is estimated that approximately half of these funds will be spent in 1982, and the remaining half in 1983.

7. Estimate comparison: None.
8. Previous CBO estimate: None.
9. Estimate prepared by: Blaire French.
10. Estimate approved by:

C. G. Nuckols
(For James L. Blum,
Assistant Director for Budget Analysis.)

Inflationary Impact Statement

As detailed in the above discussion of costs, expenditures resulting from enactment of H.R. 8087 would occur over an extended time and should have a negligible impact on inflation.

Oversight Statement

The trail designations contained in H.R. 8087 are the result of studies previously authorized by Congress. The reports developed by these studies were used by the Committee in considering the routes

for the national scenic and national historic trails which are to be designated.

There are numerous correcting and detail changes to the generic Act in H.R. 8087. These are the result of extensive discussions with the administering agencies, and reflect the experience gained by the Federal agencies during the first decade of administration of the National Trails System Act.

Finally, the volunteer demonstration grants program has been given a limited 5-year authorization. The Committee intends that this will be a trial period for this approach to providing trail recreation opportunities. At the end of this period, the Federal agencies should be ready to evaluate this program in detail for the authorizing committees.

No recommendations have been submitted to the Committee pursuant to rule X, clause 2(b)(2).

The Committee notes with considerable concern, a matter related to the administration of the historical theme units of our National Park System.

The Committee staff conducted an in-depth review over the past year and a half of various aspects of Federal activities and programs related to the subject of historic preservation. One of the major findings and observations was that historical units of our National Park System are being increasingly subjected to becoming the location for the hosting of activities unrelated to these units, such as jog-a-thons, antique car rallies, various cultural events and performances, bicycle rallies, and the like. Many of these activities are enjoyable in their own right to certain constituencies, but they are not appropriate in many of these historical areas where they conflict with the more legitimate historic-related visitor use, or when they are totally unrelated to the historical theme of the area.

The Park Service's own scrutiny of this matter is self-incriminating, as pointed out in a survey conducted on this matter at the request of the Committee. Moreover, the Secretary of the Interior's National Park System Advisory Board has also developed a report showing many of the same observations.

These activities seem unfounded and, in fact, appear to be contrary to explicit law—specifically, the last sentence in section 1 of the Act of August 18, 1970, which states:

> The authorization of activities shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress.

The Committee believes that the National Park Service should identify, by the end of this year, all such inconsistent activities which are occurring in each park unit, and submit that list to the authorizing committees of the Congress. They should then submit, along with that list, specific target dates by which they will eliminate each of those inconsistent activities in each park unit.

The Committee does not insist that all activities necessarily be terminated immediately and abruptly, since some of them are now fairly well established, and it appears that a short term phase-out, in some cases, may be a more palatable way to handle the matter. The Committee expects that none of these incompatible activities should continue any longer than a year or two, however, and recommends that any such activity which appears in any way to be of a nature that is nonrelated to the historical theme and purpose of the area be permitted to occur only with the express written approval of the Director.

Committee Amendment

The Committee adopted a substitute text for H.R. 8087 as described in this report.

Legislative History and Committee Recommendations

On November 9, 1979, the Subcommittee on National Parks and Insular Affairs held hearings on the trails studies which had been completed by the Federal agencies, and on a number of bills affecting trails. On September 5, 1980, the Subcommittee held an additional meeting to discuss draft legislation prepared by staff. On September 15, the Subcommittee reported H.R. 8087 to the full Committee. On September 17, 1980, the Committee on Interior and Insular Affairs, meeting in open session, ordered H.R. 8087, as amended, favorably reported, by voice vote and recommends its enactment by the House.

Departmental Report

No executive communication was received by the Committee with regard to H.R. 8087.

Changes in Existing Law Made by the Bill, As Reported

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

National Trails System Act

STATEMENT OF POLICY

Sec. 2. (a) In order to provide for the ever-increasing outdoor recreation needs of an expanding population and in order to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas and historic resources of the Nation, trails should be established (i) primarily, near the urban areas of the Nation, and (ii) secondarily, within scenic areas and along historic travel routes of the Nation, which are often more remotely located.

(b) [the] *The* purpose of this Act is to provide the means of attaining these objectives by instituting a national system of recreation,

scenic and historic trails, by designating the Appalachian Trail and the Pacific Crest Trail as the initial components of that system, and by prescribing the methods by which, and standards according to which, additional components may be added to the system.

(c) *The Congress recognizes the valuable contributions that volunteers and private, nonprofit trail groups have made to the development and maintenance of the Nation's trails. In recognition of these contributions, it is further the purpose of this Act to encourage and assist volunteer citizen involvement in the planning, development, and management of trails.*

NATIONAL TRAILS SYSTEM

SEC. 3. (*a*) The national system of trails shall be composed of—

[(a)**]** (*1*) National recreation trails, established as provided in section 5 of this Act, which will be extended trails so located as recreation uses in or reasonably accessible to urban areas.

[(*b*)**]** (*2*) National scenic trails, established as provided in section 5 of this Act, which will be extended trails so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass. *National scenic trails may be located so as to represent, but need not be limited to, desert, marsh, grassland, mountain, canyon, river, or forest areas, as well as landforms which exhibit significant characteristics of the physiographic regions of the Nation.*

[(c)**]** (*3*) National historic trails, established as provided in section 5 of this Act, which will be extended trails which follow as closely as possible and practicable the original trails or routes of travel of national historical significance. Designation of such trails or routes shall be continuous, but the established or developed trail, and the acquisition thereof, need not be continuous onsite. National historic trails shall have as their purpose the identification and protection of this historic route and its historic remnants and artifacts for public use and enjoyment. Only those selected land and water based components of an historic trail which are on federally owned lands and which meet the national historic trail criteria established in this **[**Act, are established as initial**]** *Act are included as* Federal protection components of a national historic trail. The appropriate Secretary may **[**subsequently**]** certify other lands as protected segments of an historic trail upon application from State or local governmental agencies or private interests involved if such segments meet the national historic trail criteria established in this Act and such criteria supplementary thereto as the appropriate Secretary may prescribe, and are administered by such agencies or interests without expense to the United States.

[(d)**]** (*4*) Connecting or side trails, established as provided in section 6 of this Act, which will provide additional points of public access to national recreation, national scenic or national historic trails or which will provide connections between such trails.

The Secretary of the Interior and the Secretary of Agriculture, in consultation with appropriate governmental agencies and public and

private organizations, shall establish a uniform marker for the national trails system.

(b) *For purposes of this section, the term "extended trails" means trails or trail segments at least 100 miles in length, except that historic trails of less than 100 miles may be designated as extended trails. While it is desirable that extended trails be continuous, studies of such trails may conclude that it is feasible to propose one or more trail segments which, in the aggregate, constitute at least 100 miles in length.*

NATIONAL RECREATION TRAILS

SEC. 4. (a) The Secretary of the Interior, or the Secretary of Agriculture where lands administered by him are involved, may establish and designate national recreation trails, with the consent of the Federal agency, State, or political subdivision having jurisdiction over the lands involved, upon finding that—

(i) such trails are reasonably accessible to urban areas, and, or

(ii) such trails meet the criteria established in this Act and such supplementary criteria as he may prescribe.

(b) As provided in this section, trails within park, forest, and other recreation areas administered by the Secretary of the Interior or the Secretary of Agriculture or in other federally administered areas may be established and designated as "National Recreation Trails" by the appropriate Secretary and, when no Federal land acquisition is involved—

(i) trails in or reasonably accessible to urban areas may be designated as "National Recreation Trails" by the Secretary of the Interior with the consent of the States, their political subdivisions, or other appropriate administering agencies, and

(ii) trails within park, forest, and other recreation areas owned or administered by States may be designated as "National Recreation Trails" by the Secretary of the Interior with the consent of the State.

(c) *As used in this section, the term "reasonably accessible" means accessible by local public transportation, or accessible within three hours driving time by major portions of the population to be served by the trail.*

NATIONAL SCENIC AND NATIONAL HISTORIC TRAILS

SEC. 5. (a) National scenic and national historic trails shall be authorized and designated only by Act of Congress. There are hereby established the following National Scenic and National Historic Trails:

(1) The Appalachian National Scenic Trail, a trail of approximately two thousand miles extending generally along the Appalachian Mountains from Mount Katahdin, Maine, to Springer Mountain, Georgia. Insofar as practicable, the right-of-way for such trail shall comprise the trail depicted on the maps identified as "Nationwide System of Trails, Proposed Appalachian Trail, NST–AT–101–May 1967", which shall be on file and available for public inspection in the office of the Director of the National Park Service. Where practicable,

such rights-of-way shall include lands protected for it under agreements in effect as of the date of enactment of this Act, to which Federal agencies and State were parties. The Appalachian Trail shall be administered primarily as a footpath by the Secretary of the Interior, in consultation with the Secretary of Agriculture.

(2) The Pacific Crest National Scenic Trail, a trail of approximately two thousand three hundred fifty miles, extending from the Mexican-California border northward generally along the mountain ranges of the west coast States to the Canadian-Washington border near Lake Ross, following the route as generally depicted on the map, identified as "Nationwide System of Trails, Proposed Pacific Crest Trail, NST–PC–103–May 1967" which shall be on file and available for public inspection in the office of the Chief of the Forest Service. The Pacific Crest Trail shall be administered by the Secretary of Agriculture, in consultation with the Secretary of the Interior.

(3) The Oregon National Historic Trail, a route of approximately two thousand miles extending from near Independence, Missouri, to the vicinity of Portland, Oregon, following a route as depicted on maps identified as "Primary Route of the Oregon Trail 1841–1848", in the Department of the Interior's Oregon Trail study report dated April 1977, and which shall be on file and available for public inspection in the office of the Director of the National Park Service. The trail shall be administered by the Secretary of the Interior.

(4) The Mormon Pioneer National Historic Trail, a route of approximately one thousand three hundred miles extending from Nauvoo, Illinois, to Salt Lake City, Utah, following the primary historical route of the Mormon Trail as generally depicted on a map, identified as, "Mormon Trail Vicinity Map, figure 2" in the Department of the Interior Mormon Trail study report dated March 1977, and which shall be on file and available for public inspection in the office of the Director, National Park Service, Washington, D.C. The trail shall be administered by the Secretary of the Interior.

(5) The Continental Divide National Scenic Trail, a trail of approximately thirty-one hundred miles, extending from the Montana-Canada border to the New Mexico-Mexico border, following the approximate route depicted on the map, identified as "Proposed Continental Divide National Scenic Trail" in the Department of the Interior Continental Divide Trail study report dated March 1977 and which shall be on file and available for public inspection in the office of the Chief, Forest Service, Washington, D.C. The Continental Divide National Scenic Trail shall be administered by the Secretary of Agriculture in consultation with the Secretary of the Interior. Notwithstanding the provisions of section 7(c), the use of motorized vehicles on roads which will be designated segments of the Continental Divide National Scenic Trail shall be permitted in accordance with regulations prescribed by the appropriate Secretary.

(6) The Lewis and Clark National Historic Trail, a trail of approximately three thousand seven hundred miles, extending from Wood River, Illinois, to the mouth of the Columbia River in Oregon, following the outbound and inbound routes of the Lewis and Clark Expedition depicted on maps identified as, "Vicinity Map, Lewis and Clark Trail" study report dated April 1977. The map shall be on file and available for public inspection in the office of the Director, Na-

tional Park Service, Washington, D.C. The trail shall be administered by the Secretary of the Interior.

(7) The Iditarod National Historic Trail, a route of approximately two thousand miles extending from Seward, Alaska, to Nome, Alaska, following the routes as depicted on maps identified as "Seward-Nome Trail", in the Department of the Interior's study report entitled "The Iditarod Trail (Seward-Nome Route) and other Alaskan Gold Rush Trails" dated September 1977. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Washington, D.C. The trail shall be administered by the Secretary of the Interior.

(8) The North Country National Scenic Trail, a trail of approximately thirty-two hundred miles, extending from eastern New York State to the vicinity of Lake Sakakawea in North Dakota, following the approximate route depicted on the map identified as "Proposed North Country Trail-Vicinity Map" in the Department of the Interior "North Country Trail Report", dated June 1975. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior.

(9) The Overmountain Victory National Historic Trail, a system totaling approximately two hundred seventy-two miles of trail with routes from the mustering point near Abingdon, Virginia, to Sycamore Shoals (near Elizabethton, Tennessee); from Sycamore Shoals to Quaker Meadows (near Morgantown, North Carolina); from the mustering point in Surry County, North Carolina, to Quaker Meadows; and from Quaker Meadows to Kings Mountain, South Carolina, as depicted on the map identified as Map 3—Historic Features—1780 in the draft study report entitled "Overmountain Victory Trail" dated December 1979. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior.

(10) The Ice Age National Scenic Trail, a trail of approximately one thousand miles, extending from Door County, Wisconsin, to Interstate Park in Saint Croix County, Wisconsin, generally following the route described in "On the Trail of the Ice Age—A Hiker's and Biker's Guide to Wisconsin's Ice Age National Scientific Reserve and Trail", by Henry S. Reuss, Member of Congress, dated 1980. The guide and maps shall be on file and available for public inspection in the office of the Director, National Park Service, Washington, District of Columbia. Overall administration of the trail shall be the responsibility of the Secretary of the Interior pursuant to section 5(d) of this Act. The State of Wisconsin, in consultation with the Secretary of the Interior, may, subject to the approval of the Secretary, prepare a plan for the management of the trail which shall be deemed to meet the requirements of section 5(e) of this Act. Notwithstanding the provisions of section 7(c), snowmobile use may be permitted on segments of the Ice Age National Scenic Trail where deemed appropriate by the Secretary and the managing authority responsible for the segment.

(11) The Santa Fe National Historic Trail, a route of approximately seven hundred and eighty miles extending from Independence, Mis-

souri, to Santa Fe, New Mexico, following the route as depicted on a map identified as "The Santa Fe Trail (figure 2)" in "The Santa Fe Trail", a study report prepared by the Department of the Interior and dated July 1976. The map shall be on file and available for public inspection in the office of the Director of the National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior

(12) The Chisholm, Shawnee, and Western National Historic Trails, consisting of—

(A) the Chisholm National Historic Trail, a trail of approximately six hundred and forty-eight miles extending from San Antonio, Texas, to Abilene, Kansas;

(B) the Shawnee National Historic Trail, a trail of approximately four hundred and sixty miles extending from Belton, Texas, to Baxter Springs, Kansas;

(C) the Western National Historic Trail, a trail of approximately six hundred and fifty-two miles extending from San Antonio, Texas, to Dodge City, Kansas;

which trails follow routes as depicted on a map identified as "Old Cattle Trails of the Southwest: Western-Chisholm-Shawnee (figure 1)" in the "Old Cattle Trails of the Southwest", a report prepared by the Department of the Interior and dated April 1975. The map shall be on file and available for public inspection in the office of the Director of the National Park Service, Washington, District of Columbia. The Secretary may also designate an additional segment of the Chisholm Trail consisting of approximately one hundred miles and extending from Cuero, Texas, to San Antonio, Texas, by publication of a route description thereof in the Federal Register. The trails shall be administered by the Secretary of the Interior.

(13) The Potomac Heritage National Scenic Trail, a corridor of approximately eight hundred and seventy-four miles, extending from the mouth of the Potomac River to its source (except for one segment extending into Pennsylvania) following the route as generally depicted on the map identified as "National Trails System, Proposed Potomac Heritage Trail" in "The Potomac Heritage Trail", a report prepared by the Department of the Interior and dated December 1974. The map shall be on file and available for public inspection in the office of the Director of the National Park Service, Washington, District of Columbia. The trail shall initially consist of only those segments of the corridor located within the exterior boundaries of federally administered areas. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Potomac Heritage Trail. The Secretary of the Interior may designate lands outside of federally administered areas as segments of the trail, only upon application from the States or local governmental agencies involved, if such segments meet the criteria established in this Act and are administered by such agencies without expense to the United States. The trail shall be administered by the Secretary of the Interior.

(14) The Natchez Trace National Scenic Trail, a trail system of approximately six hundred and ninety-four miles extending from Nashville, Tennessee, to Natchez, Mississippi, as depicted on the map

entitled "Concept Plan, Natchez Trace Trails Study" in "The Natchez Trace", a report prepared by the Department of the Interior and dated August 1979. The map shall be on file and available for public inspection in the office of Director of the National Park Service, Department of the Interior, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior.

(15) The Florida National Scenic Trail, a route of approximately thirteen hundred miles extending through the State of Florida as generally depicted in "The Florida Trail", a national scenic trail study draft report prepared by the Department of the Interior and dated February 1980. The report shall be on file and available for public inspection in the office of the Chief of the Forest Service, Washington, District of Columbia. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Florida Trail except with the consent of the owner thereof. The Secretary of Agriculture may designate lands outside of federally administered areas as segments of the trail, only upon application from the States or local governmental agencies involved, if such segments meet the criteria established in this Act and are administered by such agencies without expense to the United States. The trail shall be administered by the Secretary of Agriculture.

(b) *(1)* The Secretary of the Interior, through the agency most likely to administer such trail, and the Secretary of Agriculture where lands administered by him are involved, shall make such additional studies as are herein or may hereafter be authorized by the Congress for the purpose of determining the feasibility and desirability of designating other trails as national scenic or national historic trails. Such studies shall be made in consultation with the heads of other Federal agencies administering lands through which such additional proposed trails would pass and in cooperation with interested interstate, State, and local governmental agencies, public and private organizations, and landowners and land users concerned. *The feasibility of designating a trail shall be determined on the basis of an evaluation of whether or not it is physically possible to develop a trail along a route being studied, and, if so, whether the development of the trial would be financially feasible.* [*The*] *Subject to paragraph (2), the* studies listed in subsection (c) of this section shall be completed and submitted to the Congress, with recommendations as to the suitability of trail designation, not later than three complete fiscal years from the date of enactment of their addition to this subsection, or from the date of enactment of this sentence, whichever is later [Such studies, when submitted, shall be printed as a House or Senate document, and shall include, but not be limited to :]

(2) (A) If, during the course of conducting a study under this section, the appropriate Secretary determines that it is not feasible to develop a national scenic or national historic trail along the proposed route and that there is no significant need for such a trail, he shall submit a report containing such determination to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate. Unless a resolution of disapproval of the determination is adopted by either of such committees within the period of 30 calendar days of continuous session of Congress after the

date of their receipt of the report, the Secretary may terminate further study of the proposed trail by publication of notice thereof in the Federal Register.

(B) Before submitting any report under subparagraph (A) containing a recommendation against designation of a trail, the Secretary shall examine (i) whether the route affords an opportunity to commemorate a significant event in the development of the Nation or the region or to memorialize an individual whose activities had a far-reaching effect on the development thereof, and (ii) whether any segments of the route have the potential to be developed as national recreation trails. Based on such examination, any such report containing a recommendation against designation of a trail shall indicate whether the route provides an opportunity to memorialize or commemorate such an event or individual or whether any segments of the route could potentially be developed as national recreation trails, and, if so, shall contain suggestions for appropriate methods for carrying out the memorialization or commemoration or the trail development, including an estimate of the anticipated costs for each such activity.

(C) For the purpose of this paragraph—

(i) continuity of session is broken only by an adjournment of Congress sine die; and

(ii) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

(3) Completed studies, when submitted under paragraph (1), shall be printed as a House or Senate document, and shall include, but need not be limited to—

[(1)](*A*) the proposed route of such trail (including maps and illustrations);

[(2)](*B*) the areas adjacent to such trails, to be utilized for scenic, historic, natural, cultural, or developmental, purposes;

[(3)](*C*) the characteristics which, in the judgment of the appropriate Secretary, make the proposed trail worthy of designation as a national scenic or national historic trail; and in the case of national historic trails the report shall include the recommendation of the Secretary of the Interior's National Park System Advisory Board as to the national historic significance based on the criteria developed under the Historic Sites Act of 1935 (49 Stat. 666; *16* U.S.C. 461);

[(4)] (*D*) the current status of land ownership and current and potential use along the designated route;

[(5)](*E*) the estimated cost of acquisition of lands or interest in lands, if any;

[(6)](*F*) the plans for developing and maintaining the trail and the cost thereof;

[(7)] (*G*) the proposed Federal administering agency (which, in the case of a national scenic or national historic trail wholly or substantially within a national forest, shall be the Department of Agriculture);

[(8)] (*H*) the extent to which a State or its political subdivisions and public and private organizations might reasonably be ex-

pected to participate in acquiring the necessary lands and in the administration thereof;

[(9)](*I*) the relative uses of the lands involved, including: the number of anticipated visitor-days for the entire length of, as well as for segments of, such trail; the number of months which such trail, or segments thereof, will be open for recreation purposes; the economic and social benefits which might accrue from alternate land uses; and the estimated man-years of civilian employment and expenditures expected for the purposes of maintenance, supervision, and regulation of such trail; and

[(10)] (*J*) the anticipated impact of public outdoor recreation use on the preservation of a proposed national historic trail and its related historic and archeological features and settings, including the measures proposed to ensure evaluation and preservation of the values that contribute to their national historic significance [; and].

[(11) to](*4*) *To* qualify for designation as a national historic trail, a trail must meet all three of the following criteria:

(A) It must be a trail or route established by historic use and must be historically significant as a result of that use. The route need not currently exist as a discernible trail to qualify, but its location must be sufficiently known to permit evaluation of public recreation and historical interest potential. A designated trail should generally accurately follow the historic route, but may deviate somewhat on occasion of necessity to avoid difficult routing through subsequent development, or to provide some route variation offering a more pleasurable recreational experience. Such deviations shall be so noted on site. Trail segments no longer possible to travel by trail due to subsequent development as motorized transportation routes may be designated and marked onsite as segments which link to the historic trail.

(B) It must be of national significance with respect to any of several broad facets of American history, such as trade and commerce, *exploration*, migration and settlement, or military campaigns. To qualify as nationally significant, historic use of the trail must have had a far-reaching effect on broad patterns of American culture. Trails significant in the history of native Americans may be included.

(C) It must have significant potential for public recreational use or historical interest based on historic interpretation and appreciation. The potential for such use is generally greater along roadless segments developed as historic trails, and at historic sites associated with the trail. The presence of recreation potential not related to historic appreciation is not sufficient justification for designation under this category.

(c) The following routes shall be studied in accordance with the objectives outlined in subsection (b) of this section:

(1) Continental Divide Trail, a three-thousand-one-hundred-mile trail extending from near the Mexican border in southwestern New Mexico northward generally along the Continental Divide to the Canadian border in Glacier National Park.

(2) Potomac Heritage Trail, an eight-hundred-and-twenty-five-mile trail extending generally from the mouth of the Potomac River to its sources in Pennsylvania and West Virginia, including the one-hundred-and-seventy-mile Chesapeake and Ohio Canal towpath.

(3) Old Cattle Trails of the Southwest from the vicinity of San Antonio, Texas, approximately eight hundred miles through Oklahoma via Baxter Springs and Chetopa, Kansas, to Fort Scott, Kansas, including the Chisholm Trail, from the vicinity of San Antonio or Cuero, Texas, approximately eight hundred miles north through Oklahoma to Abilene, Kansas.

(4) Lewis and Clark Trail, from Wood River, Illinois, to the Pacific Ocean in Oregon, following both the outbound and inbound routes of the Lewis and Clark Expedition.

(5) Natchez Trace, from Nashville, Tennessee, approximately six hundred miles to Natchez, Mississippi.

(6) North Country Trail, from the Appalachian Trail in Vermont, approximately three thousand two hundred miles through the States of New York, Pennsylvania, Ohio, Michigan, Wisconsin, and Minnesota, to the Lewis and Clark Trail in North Dakota.

(7) Kittanning Trail from Shirleysburg in Huntingdon County to Kittanning, Armstrong County, Pennsylvania.

(8) Oregon Trail, from Independence, Missouri, approximately two thousand miles to near Fort Vancouver, Washington.

(9) Santa Fe Trail, from Independence, Missouri, approximately eight hundred miles to **[**Sante Fe**]** *Santa Fe*, New Mexico.

(10) Long Trail, extending two hundred and fifty-five miles from the Massachusetts border northward through Vermont to the Canadian border.

(11) Mormon Trail, extending from Nauvoo, Illinois, to Salt Lake City, Utah, through the States of Iowa, Nebraska, and Wyoming.

(12) Gold Rush Trails in Alaska.

(13) Mormon Battalion Trail, extending two thousand miles from Mount Pisgah, Iowa, through Kansas, Colorado, New Mexico, and Arizona to Los Angeles, California.

(14) El Camino Real from St. Augustine to San Mateo, Florida, approximately 20 miles along the southern boundary of the St. Johns River from Fort Caroline National Memorial to the St. Augustine National Park Monument.

(15) Bartram Trail, extending through the States of Georgia, North Carolina, South Carolina, Alabama, Florida, Louisiana, Mississippi, and Tennessee.

(16) Daniel Boone Trail, extending from the vicinity of Statesville, North Carolina, to Fort Boonesborough State Park, Kentucky.

(17) Desert Trail, extending from the Canadian border through parts of Idaho, Washington, Oregon, Nevada, California, and Arizona, to the Mexican border.

(18) Dominguez-Escalante Trail, extending approximately two thousand miles along the route of the 1776 expedition led by Father Francisco Atanasio Dominguez and Father Silvestre Velez de Escalante, originating in Santa Fe, New Mexico; proceeding northwest along the San Juan, Dolores, Gunnison, and White Rivers in Colorado;

thence westerly to Utah Lake; thence southward to Arizona and returning to Santa Fe.

(19) Florida Trail, extending north from Everglades National Park, including the Big Cypress Swamp, the Kissimme Prairie, the Withlacoochee State Forest, Ocala National Forest, Osceola National Forest, and Black Water River State Forest, said completed trail to be approximately one thousand three hundred miles long, of which over four hundred miles of trail have already been built.

(20) Indian Nations Trail, extending from the Red River in Oklahoma approximately two hundred miles northward through the former Indian Nations to the Oklahoma-Kansas boundary line.

(21) Nez Perce Trail extending from the vicinity of Wallowa Lake, Oregon, to Bear Paw Mountain, Montana.

(22) Pacific Northwest Trail, extending approximately one thousand miles from the Continental Divide in Glacier National Park, Montana, to the Pacific Ocean beach of Olympic National Park, Washington, by way of—

(A) Flathead National Forest and Kootenai National Forest in the State of Montana;

(B) Kaniksu National Forest in the State of Idaho; and

(C) Colville National Forest, Okanogan National Forest, Pasayten Wilderness Area, Ross Lake National Recreation Area, North Cascades National Park, Mount Baker, the Skagit River, Deception Pass, Whidbey Island, Olympic National Forest, and Olympic National Park in the State of Washington.

(23) Overmountain Victory Trail, extending from the vicinity of Elizabethton, Tennessee, to Kings Mountain National Military Park, South Carolina.

(24) Goodnight and Goodnight-Loving Trails, extending from Fort Sumner, New Mexico, to Cheyenne, Wyoming, and from Concho, Texas, to Denver, Colorado, respectively.

(25) Juan Bautista de Anza Trail, following the overland route taken by Juan Bautista de Anza in connection with his travels from the United Mexican States to San Francisco, California.

(26) Trail of Tears, including the associated forts and historic properties, extending from the vicinity of Murphy, North Carolina, through Georgia, Alabama, Tennessee, Kentucky, Illinois, Missouri, Arkansas, to the vicinity of Tahlequah, Oklahoma.

(27) Illinois Trail, extending from the Lewis and Clark Trail at Wood River, Illinois, to the Chicago Portage National Historic Site, generally following the Illinois River and the Illinois and Michigan Canal.

(28) Jedediah Smith Trail, to include the routes of the explorations led by Jedediah Smith—

(A) during the period 1826–1827, extending from South Pass, Wyoming, through the Great Salt Lake, Sevier, Virgin, and Colorado River Valleys, and the Mojave Desert, to the San Gabriel Mission, California; thence through the Tehachapi Mountains, San Joaquin and Stanislaus River Valleys, Ebbetts Pass, Walker River Valleys along the Pacific coastline, through the Smith and to Bear Lake, Utah; and

(B) during 1828, extending from the Sacramento and Trinity River Valleys along the Pacific coastline, through the Smith and

Willamette River Valleys to the Fort Vancouver National Historic Site, Washington, on the Columbia River.

(d) The Secretary charged with the administration of each respective trail shall, within one year of the date of the addition of any national scenic or national historic trail to the system, and within sixty days of the enactment of this sentence for the Appalachian and Pacific Crest National Scenic Trails, establish an advisory council for each such trail, each of which councils shall expire ten years from the date of its establishment. *If the appropriate Secretary is unable to establish such an advisory council because of the lack of adequate public interest, the Secretary shall so advise the appropriate committees of the Congress.* The appropriate Secretary shall consult with such council from time to time with respect to matters relating to the trail, including the selection of rights-of-way, standards for the erection and maintenance of markers along the trail, and the administration of the trail. The members of each advisory council, which shall not exceed thirty-five in number, shall serve for a term of two years and without compensation as such, but the Secretary may pay, upon vouchers signed by the chairman of the council, the expenses reasonably incurred by the council and its members in carrying out their responsibilities under this section. Members of each council shall be appointed by the appropriate Secretary as follows:

[(i) a member appointed to represent each Federal department or independent agency administering lands through which the trail route passes, and each appointee shall be the person designated by the head of such department or agency;]

(1) the head of each Federal department or independent agency administering lands through which the trail route passes, or his designee;

[(ii)] *(2)* a member appointed to represent each State through which the trail passes, and such appointments shall be made from recommendations of the Governors of such States;

[(iii)] *(3)* one or more members appointed to represent private organizations, including corporate and individual landowners and land users, which in the opinion of the Secretary, have an established and recognized interest in the trail, and such appointments shall be made from recommendations of the heads of such organizations: *Provided*, That the Appalachian Trail Conference shall be represented by a sufficient number of persons to represent the various sections of the country through which the Appalachian Trail passes; and

[(iv)] *(4)* the Secretary shall designate one member to be chairman and shall fill vacancies in the same manner as the original appointment.

* * * * * * *

(f) Within two complete fiscal years of the date of enactment of legislation designating a national historic trail or the Continental Divide National Scenic Trail or the North Country National Scenic Trail as part of the system, the responsible Secretary shall, after full consultation with affected Federal land managing agencies, the Governors of the affected States, and relevant Advisory Council established pursuant to section 5(d) of this Act, submit to the Committee on Interior and Insular Affairs of the House of Representatives and

the Committee on Energy and Natural Resources of the Senate, a comprehensive plan for the management, and use of the trail, including but not limited to, the following items:

(1) specific objectives and practices to be observed in the management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved, details of any anticipated cooperative agreements to be consummated with State and local government agencies or private interests, and for national scenic or national [recreational] *historic* trails an identified carrying capacity of the trail and a plan for its implementation; [and]

(2) the process to be followed by the appropriate Secretary to implement the marking requirements established in section 7(c) of this Act[.]*;*

(3) a protection plan for any high potential historic sites or high potential route segments; and

(4) general and site-specific development plans, including anticipated costs.

CONNECTING AND SIDE TRAILS

SEC. 6. Connecting or side trails within park, forest, and other recreation areas administered by the Secretary of the Interior or Secretary of Agriculture may be established, designated, and marked *by the appropriate Secretary* as components of a national recreation, national scenic or national historic trail. When no Federal land acquisition is involved, connecting or side trails may be located across lands administered by interstate, State, or local governmental agencies with their consent[: *Provided*, That such trails provide additional points of public access to national recreation, national scenic, or national historic trails.] *, or, where the Secretary deems necessary or desirable, on privately owned lands with the consent of the landowner. Applications for approval and designation of connecting and side trails on non-Federal lands shall be submitted to the Secretary of the Interior.*

ADMINISTRATION AND DEVELOPMENT

SEC. 7. (a)(1)(A) The Secretary charged with the overall administration of a trail pursuant to section 5(a) shall, in administering and managing the trail, consult with the heads of all other affected State and Federal agencies. Nothing contained in this Act shall be deemed to transfer among Federal agencies any management responsibilities established under any other law for federally administered lands which are components of the National Trails System. Any transfer of management responsibilities may be carried out between the Secretary of the Interior and the Secretary of Agriculture only as provided under subparagraph (B).

(B) The Secretary charged with the overall administration of any trail pursuant to section 5(a) may transfer management of any specified trail segment of such trail to the other appropriate Secretary pursuant to a joint memorandum of agreement containing such terms and conditions as the Secretaries consider most appropriate to accomplish the purposes of this Act. During any period in

which management responsibilities for any trail segment are transferred under such an agreement, the management of any such segment shall be subject to the laws, rules, and regulations of the Secretary provided with the management authority under the agreement, except to such extent as the agreement may otherwise expressly provide.

[SEC. 7. (a)] (*2*) Pursuant to section 5(a), the appropriate Secretary shall select the rights-of-way for national scenic and national historic trails and shall publish notice thereof in the Federal Register, together with appropriate maps and descriptions: *Provided*, That in selecting the rights-of-way full consideration shall be given to minimizing the adverse effects upon the adjacent landowner or user and his operation. Development and management of each segment of the National Trails System shall be designed to harmonize with and complement any established multiple-use plans for that specific area in order to insure continued maximum benefits from the land *consistent with the purpose of this Act*. The location and width of such rights-of-way across Federal lands under the jurisdiction of another Federal agency shall be by agreement between the head of that agency and the appropriate Secretary. In selecting rights-of-way for trail purposes, the Secretary shall obtain the advice and assistance of the States, local governments, private organizations, and landowners and land users concerned.

(b) After publication of notice in the Federal Register, together with appropriate maps and descriptions, the Secretary charged with the administration of a national scenic or national historic trail may relocate segments of a national scenic or national historic trail right-of-way, with the concurrence of the head of the Federal agency having jurisdiction over the lands involved, upon a determination that: (i) Such a relocation is necessary to preserve the purposes for which the trail was established, or (ii) the relocation is necessary to promote a sound land management program in accordance with established multiple-use principles: *Provided*, That a substantial relocation of the rights-of-way for such trail shall be by Act of Congress.

(c) National scenic or national historic trails may contain campsites, shelters, and related-public-use facilities. Other uses along the trail, which will not substantially interfere with the nature and purposes of the trail, may be permitted by the Secretary charged with the administration of the trail. Reasonable efforts shall be made to provide sufficient access opportunities to such trails and, to the extent practicable, efforts shall be made to avoid activities incompatible with the purposes for which such trails were established. The use of motorized vehicles by the general public along any national scenic trail shall be prohibited and nothing in this Act shall be construed as authorizing the use of motorized vehicles within the natural and historical areas of the national park system, the national wildlife refuge system, the national wilderness preservation system where they are presently prohibited or on other Federal lands where trails are designated as being closed to such use by the appropriate Secretary: *Provided*, That the Secretary charged with the administration of such trail shall establish regulations which shall authorize the use of motorized vehicles when, in his judgment, such vehicles are necessary to meet emergencies or to enable adjacent landowners or land users to

have reasonable access to their lands or timber rights: *Provided further*, That private lands included in the national recreation, national scenic, or national historic trails by cooperative agreement of a landowner shall not preclude such owner from using motorized vehicles on or across such trails or adjacent lands from time to time in accordance with regulations to be established by the appropriate Secretary. Where a national historic trail follows existing public roads, developed rights-of-way or waterways, and similar features of man's nonhistorically related development, approximating the original location of a historic route, such segments may be marked to facilitate retracement of the historic route, and where a national historic trail parallels an existing public road, such road may be marked to commemorate the historic route. Other uses along the historic trails and the Continental Divide National Scenic Trail, which will not substantially interfere with the nature and purposes of the trail, and which, at the time of designation, are allowed by administrative regulations, including the use of motorized vehicles, shall be permitted by the Secretary charged with the administration of the trail. The Secretary of the Interior and the Secretary of Agriculture in consultation with appropriatie governmental agencies and public and private organizations, shall establish a uniform marker, including thereon an appropriate and distinctive symbol for each national recreation, national scenic, and national historic trail. Where the trails cross lands administered by Federal agencies such markers shall be erected at appropriate points along the trails and maintained by the Federal agency administering the trail in accordance with standards established by the appropriate Secretary and where the trails cross non-Federal lands, in accordance with written cooperative agreements, the appropriate Secretary shall provide such uniform markers to cooperating agencies and shall require such agencies to erect and maintain them in accordance with the standards established *The appropriate Secretary may also provide for trail interpretation centers, which shall be located at historic sites along the route of any national scenic or national historic trail, in order to present information to the public about the trail, with emphasis on that portion of the trail passing through the State in which the center is located. With respect to any such trail, only one trail interpretation center may be provided for by the Secretary in each State. Wherever possible, the centers shall be operated and maintained by a State agency under a cooperative agreement between the appropriate Secretary and the State agency.*

(d) Within the exterior boundaries of areas under their administration that are included in the right-of-way selected for a national recreation, national scenic, or national historic trail, the heads of Federal agencies may use lands for trail purposes and may acquire lands or interests in lands by written cooperative agreement, donation, purchase with donated or appropriated funds or exchange.

(e) Where the lands included in a national scenic or national historic 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 there-

in to be utilized as segments of the national scenic or national historic 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 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: *Provided*, That if the Secretary charged with the administration of such trail permanently relocates the right-of-way and disposes of all title or interest in the land, the original owner, or his heirs or assigns, shall be offered, by notice given at the former owner's last known address, the right of first refusal at the fair market price.

(f) (*1*) The Secretary of the Interior, in the exercise of his exchange authority, may accept title to any non-Federal property within the right-of-way and in exchange therefor he may convey to the grantor of such property and federally owned property under his jurisdiction which is located in the State wherein such property is located and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. The Secretary of Agriculture, in the exercise of his exchange authority, may utilize authorities and procedures available to him in connection with exchanges of national forest lands.

(*2*) *When a tract of land lies partly within and partly without a national scenic or national historic trail right-of-way, the appropriate Secretary may, with the consent of the owner thereof, acquire the entire tract. Land so acquired outside the right-of-way may be exchanged for non-Federal land within such right-of-way, and any portion of the land not used for such exchanges may be disposed of in accordance with the provisions of section 5 of Public Law 90–401. The proceeds from any such disposal shall be credited to the appropriation account bearing the cost of land acquisition for the affected trail right-of-way.*

(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 lesser interests to more than an average of one hundred and twenty-five acres per mile. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to appropriations from other sources, be available to Federal departments for the acquisition of lands or interests in lands for the purposes of this Act. For national historic trails,

direct Federal acquisition for trail purposes shall be limited to those areas indicated by the study report or by the comprehensive plan as high potential route segments or high potential historic sites. *Notwithstanding any other provision of this Act or any other provision of law, the United States may not utilize condemnation proceedings or any other form of eminent domain power without the consent of the owner to acquire any lands, or interest in lands, located in Wyoming in connection with the Goodnight, Goodnight-Loving, and Jedediah Smith Trails studied or designated under this Act.* [No] *Except for designated protcctcd components of the trail, no* land or site located along a designated national historic trail [or], along the Continental Divide National Scenic Trail shall be subject to the provisions of section 4(f) of the Department of Transportation Act (49 U.S.C. 1653 (f)) unless such land or site is deemed to be of historical significance under appropriate historical site criteria such as those for the National Register of Historic Places, *or the sites for trail interpretation centers described under subsection (c), as authorized under section 10 of this Act.*

(h) (*1*) The Secretary charged with the administration of a national recreation, national scenic, or national historic trail shall provide for the development and maintenance of such trails within federally administered areas and shall cooperate with and encourage the States to operate, develop, and maintain portions of such trails which are located outside the boundaries of federally administered areas. When deemed to be in the public interest, such Secretary may enter written cooperative agreements with the States or their political subdivisions, landowners, private organizations, or individuals to operate, develop, and maintain any portion of a national scenic or national historic trail either within or outside a federally administered area. *Such agreements may include provisions for limited financial assistance to encourage participation in the operation, development, or maintenance of such trails, provisions providing volunteer in the park or volunteer in the forest status (in accordance with the Volunteers in the Parks Act of 1969 and the Volunteers in the Forests Act of 1972) to individuals, private organizations, or landowners participating in such activities, or provisions of both types. Such Secretary shall also initiate consultations with affected States and their political subdivisions to encourage the development and implementation by such entities of appropriate measures to protect private landowners from trespass resulting from trail use and from unreasonable personal liability and property damage caused by trail use, and the development and implementation by such entities of provisions for land practices, compatible with the purposes of this Act, for property within or adjacent to trail rights-of-way. After consulting with States and their political subdivisions under the preceding sentence, the Secretary may provide assistance to such entities under appropriate cooperative agreements in the manner provided by this subsection.*

(*2*) Whenever the Secretary of the Interior makes any conveyance of land under any of the public land laws, he may reserve a right-of-way for trails to the extent he deems necessary to carry out the purposes of this Act.

(i) The appropriate Secretary, with the concurrence of the heads of any other Federal agencies administering lands through which a

national recreation, national scenic, or national historic trail passes, and after consultation with the States, local governments, and organizations concerned, may issue regulations, which may be revised from time to time, governing the use, protection, management, development, and administration of trails of the national trails system. In order to maintain good conduct on and along the trails located within federally administered areas and to provide for the proper government and protection of such trails, the Secretary of the Interior and the Secretary of Agriculture shall prescribe and publish such uniform regulations as they deem necessary and any person who violates such regulations shall be guilty of a misdemeanor, and may be punished by a fine of not more than $500, or by imprisonment not exceeding six months, or by both such fine and imprisonment. *The Secretary responsible for the administration of any segment of any component of the National Trails System (as determined in a manner consistent with subsection (a)(1) of this section) may also utilize authorities related to units of the National Park System or the national forests, as the case may be, in carrying out his administrative responsibilities for such component.*

STATE AND METROPOLITAN AREA TRAILS

SEC. 8. (a) * * *

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(d) The Secretary of Transportation, in administering the Federal aid program, together with the Chairman of the Interstate Commerce Commission and the Secretary of the Interior, in administering the Railroad Revitalization and Regulatory Reform Act of 1976, shall encourage State and local agencies and private interests to establish such trails using the provisions of such programs.

[(d)] *(e)* Such trails may be designated and suitably marked as parts of the nationwide system of trails by the States, their political subdivisions, or other appropriate administering agencies with the approval of the Secretary of the Interior.

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AUTHORIZATION OF APPROPRIATIONS

SEC. 10 *(a)(1)* There are hereby authorized to be appropriated for the acquisition of lands or interests in lands not more than $5,000,000 for the Appalachian National Scenic Trail and not more than $500,000 for the Pacific Crest National Scenic Trail. From the appropriations authorized for fiscal year 1979 and succeeding fiscal years pursuant to the Land and Water Conservation Fund Act (78 Stat. 897), as amended, not more than the following amounts may be expended for the acquisition of lands and interests in lands authorized to be acquired pursuant to the provisions of this Act: [(a) The] *for the* Appalachian National Scenic Trail, not to exceed $30,000,000 for fiscal year 1979, $30,000,000 for fiscal year 1980, and $30,000,000 for fiscal year 1981, except that the difference between the foregoing amounts and the actual appropriations in any one fiscal year shall be available for appropriation in subsequent fiscal years. *(2)* It is the express intent of the Congress that the Secretary should substantially complete

the land acquisition program necessary to insure the protection of the *Appalachian* Trail within three complete fiscal years following the date of enactment of this sentence. Until the entire acquisition program is completed, he shall transmit in writing at the close of each fiscal year the following information to the Committee on Energy and Natural Resources of the Senate and to the Committee on Interior and Insular Affairs of the House of Representatives:

(A) the amount of land acquired during the fiscal year and the amount expended therefor;

(B) the estimated amount of land remaining to be acquired; and

(C) the amount of land planned for acquisition in the ensuing fiscal year and the estimated cost thereof.

(b) For the purposes of Public Law 95–42 (91 Stat. 211), the lands and interests therein acquired pursuant to this section shall be deemed to qualify for funding under the provisions of section 1, clause 2, of said Act.

(c) (*1*) There is hereby authorized to be appropriated such sums as may be necessary to implement the provisions of this Act relating to the trails designated by paragraphs 5(a) (3), (4), (5), (6), (7), (8), (9), and (10): *Provided*, That no such funds are authorized to be appropriated prior to October 1, 1978: *And provided further*, That notwithstanding any other provisions of this Act or any other provisions of law, no funds may be expended by Federal agencies for the acquisition of lands or interests in lands outside the exterior boundaries of existing Federal areas for the Continental Divide National Scenic Trail, the North Country National Scenic Trail, the Ice Age National Scenic Trail, the Oregon National Historic Trail, the Mormon Pioneer National Historic Trail, the Lewis and Clark National Historic Trail, and the Iditarod National Historic Trail, *except that funds may be expended for the acquisition of lands or interests therein for the purpose of providing for one trail interpretation center, as described in section 7(c) along each such trail in each State crossed by the trail.*

(2) Effective October 1, 1981, there is hereby authorized to be appropriated such sums as may be necessary to implement the provisions of this Act relating to the trails designated by paragraphs (9) through (16) of section 5(a) of this Act. Not more than $3,000,000 may be appropriated for the purposes of acquisition of land and interests therein for the trail designated by section 5(a)(14) of this Act, and not more than $16,500,000 may be appropriated for the purposes of the development of such trail.

VOLUNTEER ACTION TRAILS DEMONSTRATION PROGRAM

SEC. 11. (a)(1) In addition to the cooperative agreement authority contained in this Act, there is authorized to be established a volunteer action trails demonstration program (hereinafter in this section referred to as the "program") to encourage volunteers and volunteer organizations to plan, develop, and manage trails throughout the Nation. The program shall be administered by the Secretary of the Interior (with respect to lands and programs primarily under the jurisdiction of such Secretary) and by the Secretary of Agriculture (with

respect to lands and programs primarily under the jurisdiction of such Secretary).

(2) Together with the grant authority provided under this section, the Secretaries are encouraged to utilize wherever appropriate, in furtherance of the purposes of this section, existing authorities available to them under the Volunteers in the Parks Act of 1969, the Volunteers in the Forests Act of 1972, and section 6 of the Land and Water Conservation Act of 1965 (relating to the development of Statewide Comprehensive Outdoor Recreation Plans).

(b) (1) Under the program each Secretary may make grants of not more than $25,000 to volunteer trail groups which are committed to managing, maintaining, or developing trails, or which agree to conduct such activities. During any fiscal year, no volunteer trail group may receive under this section, in the aggregate, an amount exceeding $25,000. Grants under this section may be made available, as provided under paragraph (2), only for the purposes of—

(A) developing or maintaining (i) trails which are components of the National Trails System, or (ii) trails which, if so developed and maintained by such groups, could qualify for designation as components of the National Trails System; or

(B) operating programs to organize and supervise volunteer trail building efforts with respect to the trails referred to in subparagraph (A), conducting trail-related research projects, or providing education and training to volunteers on methods of trail planning, construction, and maintenance.

(2) Financial assistance made available to volunteer trail groups under this subsection for the purposes described in subparagraphs (A) and (B) of paragraph (1) shall be used for—

(A) providing tools to volunteers engaged in trail-related work projects organized by the group;

(B) providing reimbursement for incidental expenses incurred by volunteers, such as transportation, lodging, and subsistence;

(C) providing resource materials for the programs referred to in paragraph (1)(B);

(D) assisting in defraying the incidental costs of office operations of the group (including postage, telephone expenses, duplicating, and clerical supplies), other than the costs of salaries or benefits for staff or the costs of rent, insurance, or similar charges for office space;

(E) constructing or maintaining trail-related public use facilities, including historic features where appropriate;

(F) providing insurance protection for the trail group and its volunteers (as determined to be adequate by the Secretary); or

(G) any combination of the items specified under subparagraphs (A) through (F).

(3) No grant shall be made available under this section to a volunteer trail group unless the group submits an application to the appropriate Secretary. The Secretary shall not approve any such application unless—

(A) in the application, the group (i) agrees to provide funds, or services pertaining to trails, the value of which is equal to the amount of the grant (as determined under criteria established

by the Secretary), and (ii) describes the services, if any, to be provided under clause (i);

(B) in the application, the group agrees to abide by such procedures as the Secretary may establish under subsection (c) to ensure accountability for any funds made available to the group under this section; and

(C) the application specifies the manner in which the funds sought by the group would be used if made available under this section.

(c) (1) The Secretaries shall develop a uniform format for the grant applications required under this section and for any reports required to be submitted by grant recipients, and the Secretaries shall establish such uniform procedures and requirements as may be necessary to ensure that funds made available under this section are used for the purposes for which the grant was made. Each Secretary shall be responsible for establishing such criteria as may be necessary to evaluate applications submitted under this section.

(2) To the maximum extent practicable, applications and program information shall be made available, and grants shall be administered, at appropriate agency field offices.

(3) The program shall be carried out, to the maximum extent practicable, in consultation with interested State and Federal agencies and volunteer trail groups.

(d) (1) There is authorized to be appropriated to the Secretary of the Interior to carry out the program not more than $400,000 for the fiscal year ending September 30, 1982, not more than $425,000 for the fiscal year ending September 30, 1983, not more than $450,000 for the fiscal year ending September 30, 1984, not more than $475,000 for the fiscal year ending September 30, 1985, and not more than $500,000 for the fiscal year ending September 30, 1986.

(2) There is authorized to be appropriated to the Secretary of Agriculture to carry out the program not more than $400,000 for the fiscal year ending September 30, 1982, not more than $425,000 for the fiscal year ending September 30, 1983, not more than $450,000 for the fiscal year ending September 30, 1984, not more than $475,000 for the fiscal year ending September 30, 1985, and not more than $500,000 for the fiscal year ending September 30, 1986.

(e) For purposes of this section, the term "volunteer trail group" means any private organization—

(1) which is devoted to providing for or fostering the development, management, maintenance, or public appreciation of hiking, horseback, bicycling, or related trails;

(2) which has a membership composed of citizens willing to donate services in order to further the trail-related objectives of the organization;

(3) which has a staff composed of either volunteers or paid employees; and

(4) no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(f) No grants may be made, or contracts entered into, under this section except to such extent, or in such amounts, as may be provided in advance in appropriation Acts.

DEFINITIONS

SEC. 12. As used in this Act:

(1) The term "high potential historic sites" means those historic sites related to the route, or sites in close proximity thereto, which provide opportunity to interpret the historic significance of the trail during the period of its major use. Criteria for consideration as high potential sites include historic significance, presence of visible historic remnants, scenic quality, and relative freedom from intrusion.

(2) The term "high potential route segments" means those segments of a trail which would afford high quality recreation experience in a portion of the route having higher than average scenic values or affording an opportunity to vicariously share the experience of the original users of an historic route.

(3) The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific, the Northern Mariana Islands, and any other territory or possession of the United States.

SECTION 3 OF THE ACT OF AUGUST 21, 1935

AN ACT To provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes

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SEC. 3. (a) A general advisory board to be known as the National Park System Advisory Board is hereby established, to be composed of not to exceed twelve persons, citizens of the United States, [to include but not be limited to representatives competent in] *each of whom shall possess knowledge and expertise related to the protection and management of the National Park System, including but not limited to* the fields of history, archaeology, architecture, [and natural science, who] *resources management and the natural sciences, who* shall be appointed by the Secretary for a term not to exceed four years. The Secretary shall take into consideration nominations for appointees from public and private, professional, civic, and educational societies, associations, and institutions. The members of such board shall receive no salary but may be paid expenses incidental to travel when engaged in discharging their duties as members. It shall be the duty of such board to advise the Secretary on matters relating to the National Park System, to other related areas, and to the administration of this Act, including but not limited to matters submitted to it for consideration by the Secretary, but it shall not be required to recommend as to the suitability or desirability of surplus real and related personal property for use as an historic monument.

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Section 6 of the Land and Water Conservation Fund Act

financial assistance to states

Sec. 6. General Authority; Purposes.—(a) The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to provide financial assistance to the States from moneys available for State purposes. Payments may be made to the States by the Secretary as hereafter provided, subject to such terms and conditions as he considers appropriate and in the public interest to carry out the purposes of this Act, for outdoor recreation: (1) planning, (2) acquisition of land, waters, or interests in land or waters, or (3) development. *Notwithstanding any other provision of law, no Federal fee shall be imposed for entrance or admission to any national recreation area, any unit of the National Wild and Scenic Rivers System, or any unit of the National Trails System. Notwithstanding any other provision of law, effective June 1, 1981, no Federal fee shall continue to be imposed for entrance or admission to any unit of the National Park System at which the receipts collected for entrance fees exceeded the cost of collection of said fees by less than $2,000 in calendar year 1979 (as determined by the National Park Service report entitled "Report of Entrance Fee Rates, Collections and Costs to Collect CY 1979" and dated May 13, 1980): Provided, That, if the Secretary of the Interior, prior to April 1, 1981, makes a specific determination that fee collection will be reasonably necessary to protect park resources in an individual unit affected by this sentence, he may continue an entrance fee at that unit after providing notice of his intention to do so to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate.*

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