

Calendar No. 365

110TH CONGRESS
1ST SESSION

S. 169

[Report No. 110–167]

To amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 4, 2007

Mr. ALLARD (for himself, Mr. LEVIN, Mr. FEINGOLD, and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 17, 2007

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as “National Trails System
3 Willing Seller Act”.

4 **SEC. 2. AUTHORITY TO ACQUIRE LANDS FROM WILLING**
5 **SELLERS FOR CERTAIN TRAILS.**

6 (a) OREGON NATIONAL HISTORIC TRAIL.—Section
7 5(a)(3) of the National Trails System Act (16 U.S.C.
8 1244(a)(3)) is amended by adding at the end the fol-
9 lowing: “No lands or interests therein outside the exterior
10 boundaries of any federally administered area may be ac-
11 quired by the Federal Government for the trail except with
12 the consent of the owner thereof. The authority of the
13 Federal Government to acquire fee title under this para-
14 graph shall be limited to an average of not more than one-
15 quarter mile on either side of the trail.”.

16 (b) MORMON PIONEER NATIONAL HISTORIC
17 TRAIL.—Section 5(a)(4) of the National Trails System
18 Act (16 U.S.C. 1244(a)(4)) is amended by adding at the
19 end the following: “No lands or interests therein outside
20 the exterior boundaries of any federally administered area
21 may be acquired by the Federal Government for the trail
22 except with the consent of the owner thereof. The author-
23 ity of the Federal Government to acquire fee title under
24 this paragraph shall be limited to an average of not more
25 than one-quarter mile on either side of the trail.”.

1 (e) CONTINENTAL DIVIDE NATIONAL SCENIC
 2 TRAIL.—Section 5(a)(5) of the National Trails System
 3 Act (16 U.S.C. 1244(a)(5)) is amended by adding at the
 4 end the following: “No lands or interests therein outside
 5 the exterior boundaries of any federally administered area
 6 may be acquired by the Federal Government for the trail
 7 except with the consent of the owner thereof. The author-
 8 ity of the Federal Government to acquire fee title under
 9 this paragraph shall be limited to an average of not more
 10 than one-quarter mile on either side of the trail.”.

11 (d) LEWIS AND CLARK NATIONAL HISTORIC
 12 TRAIL.—Section 5(a)(6) of the National Trails System
 13 Act (16 U.S.C. 1244(a)(6)) is amended by adding at the
 14 end the following: “No lands or interests therein outside
 15 the exterior boundaries of any federally administered area
 16 may be acquired by the Federal Government for the trail
 17 except with the consent of the owner thereof. The author-
 18 ity of the Federal Government to acquire fee title under
 19 this paragraph shall be limited to an average of not more
 20 than one-quarter mile on either side of the trail.”.

21 (e) IDITAROD NATIONAL HISTORIC TRAIL.—Section
 22 5(a)(7) of the National Trails System Act (16 U.S.C.
 23 1244(a)(7)) is amended by adding at the end the fol-
 24 lowing: “No lands or interests therein outside the exterior
 25 boundaries of any federally administered area may be ac-

1 quired by the Federal Government for the trail except with
 2 the consent of the owner thereof. The authority of the
 3 Federal Government to acquire fee title under this para-
 4 graph shall be limited to an average of not more than one-
 5 quarter mile on either side of the trail.”.

6 (f) NORTH COUNTRY NATIONAL SCENIC TRAIL.—
 7 Section 5(a)(8) of the National Trails System Act (16
 8 U.S.C. 1244(a)(8)) is amended by adding at the end the
 9 following: “No lands or interests therein outside the exte-
 10 rior boundaries of any federally administered area may be
 11 acquired by the Federal Government for the trail except
 12 with the consent of the owner thereof.”.

13 (g) ICE AGE NATIONAL SCENIC TRAIL.—Section
 14 5(a)(10) of the National Trails System Act (16 U.S.C.
 15 1244(a)(10)) is amended by adding at the end the fol-
 16 lowing: “No lands or interests therein outside the exterior
 17 boundaries of any federally administered area may be ac-
 18 quired by the Federal Government for the trail except with
 19 the consent of the owner thereof.”.

20 (h) POTOMAC HERITAGE NATIONAL SCENIC
 21 TRAIL.—Section 5(a)(11) of the National Trails System
 22 Act (16 U.S.C. 1244(a)(11)) is amended by adding at the
 23 end the following: “No lands or interests therein outside
 24 the exterior boundaries of any federally administered area

1 may be acquired by the Federal Government for the trail
 2 except with the consent of the owner thereof.”.

3 (i) NEZ PERCE NATIONAL HISTORIC TRAIL.—Sec-
 4 tion 5(a)(14) of the National Trails System Act (16
 5 U.S.C. 1244(a)(14)) is amended by adding at the end the
 6 following: “No lands or interests therein outside the exte-
 7 rior boundaries of any federally administered area may be
 8 acquired by the Federal Government for the trail except
 9 with the consent of the owner thereof. The authority of
 10 the Federal Government to acquire fee title under this
 11 paragraph shall be limited to an average of not more than
 12 one-quarter mile on either side of the trail.”.

13 **SEC. 3. CONFORMING AMENDMENT.**

14 Section 10(e) of the National Trails System Act (16
 15 U.S.C. 1249(e)) is amended to read as follows:

16 “(e)(1) Except as otherwise provided in this Act,
 17 there is authorized to be appropriated such sums as may
 18 be necessary to implement the provisions of this Act relat-
 19 ing to the trails designated by section 5(a).

20 “(2) Not more than \$500,000 may be appropriated
 21 for the purposes of land acquisition and interests therein
 22 for the Natchez Trace National Scenic Trail designated
 23 by section 5(a)(12) of this Act, and not more than
 24 \$2,000,000 may be appropriated for the purposes of the
 25 development of such trail. The administering agency for

1 the trail shall encourage volunteer trail groups to partici-
 2 pate in the development of the trail.”.

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “National Trails System*
 5 *Willing Seller Act”.*

6 **SEC. 2. AUTHORITY TO ACQUIRE LAND FROM WILLING**
 7 **SELLERS FOR CERTAIN TRAILS.**

8 (a) *OREGON NATIONAL HISTORIC TRAIL.*—Section
 9 5(a)(3) of the National Trails System Act (16 U.S.C.
 10 1244(a)(3)) is amended by adding at the end the following:
 11 “No land or interest in land outside the exterior boundaries
 12 of any federally administered area may be acquired by the
 13 Federal Government for the trail except with the consent
 14 of the owner of the land or interest in land. The authority
 15 of the Federal Government to acquire fee title under this
 16 paragraph shall be limited to an average of not more than
 17 $\frac{1}{4}$ mile on either side of the trail.”.

18 (b) *MORMON PIONEER NATIONAL HISTORIC TRAIL.*—
 19 Section 5(a)(4) of the National Trails System Act (16
 20 U.S.C. 1244(a)(4)) is amended by adding at the end the
 21 following: “No land or interest in land outside the exterior
 22 boundaries of any federally administered area may be ac-
 23 quired by the Federal Government for the trail except with
 24 the consent of the owner of the land or interest in land.
 25 The authority of the Federal Government to acquire fee title

1 *under this paragraph shall be limited to an average of not*
 2 *more than 1/4 mile on either side of the trail.”.*

3 (c) *CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL.—*
 4 *Section 5(a)(5) of the National Trails System Act (16*
 5 *U.S.C. 1244(a)(5)) is amended by adding at the end the*
 6 *following: “No land or interest in land outside the exterior*
 7 *boundaries of any federally administered area may be ac-*
 8 *quired by the Federal Government for the trail except with*
 9 *the consent of the owner of the land or interest in land.*
 10 *The authority of the Federal Government to acquire fee title*
 11 *under this paragraph shall be limited to an average of not*
 12 *more than 1/4 mile on either side of the trail.”.*

13 (d) *LEWIS AND CLARK NATIONAL HISTORIC TRAIL.—*
 14 *Section 5(a)(6) of the National Trails System Act (16*
 15 *U.S.C. 1244(a)(6)) is amended by adding at the end the*
 16 *following: “No land or interest in land outside the exterior*
 17 *boundaries of any federally administered area may be ac-*
 18 *quired by the Federal Government for the trail except with*
 19 *the consent of the owner of the land or interest in land.*
 20 *The authority of the Federal Government to acquire fee title*
 21 *under this paragraph shall be limited to an average of not*
 22 *more than 1/4 mile on either side of the trail.”.*

23 (e) *IDITAROD NATIONAL HISTORIC TRAIL.—Section*
 24 *5(a)(7) of the National Trails System Act (16 U.S.C.*
 25 *1244(a)(7)) is amended by adding at the end the following:*

1 “No land or interest in land outside the exterior boundaries
 2 of any federally administered area may be acquired by the
 3 Federal Government for the trail except with the consent
 4 of the owner of the land or interest in land. The authority
 5 of the Federal Government to acquire fee title under this
 6 paragraph shall be limited to an average of not more than
 7 $\frac{1}{4}$ mile on either side of the trail.”.

8 (f) NORTH COUNTRY NATIONAL SCENIC TRAIL.—Sec-
 9 tion 5(a)(8) of the National Trails System Act (16 U.S.C.
 10 1244(a)(8)) is amended by adding at the end the following:
 11 “No land or interest in land outside the exterior boundaries
 12 of any federally administered area may be acquired by the
 13 Federal Government for the trail except with the consent
 14 of the owner of the land or interest in land.”.

15 (g) ICE AGE NATIONAL SCENIC TRAIL.—Section
 16 5(a)(10) of the National Trails System Act (16 U.S.C.
 17 1244(a)(10)) is amended by adding at the end the following:
 18 “No land or interest in land outside the exterior boundaries
 19 of any federally administered area may be acquired by the
 20 Federal Government for the trail except with the consent
 21 of the owner of the land or interest in land.”.

22 (h) POTOMAC HERITAGE NATIONAL SCENIC TRAIL.—
 23 Section 5(a)(11) of the National Trails System Act (16
 24 U.S.C. 1244(a)(11)) is amended—

1 (1) *by striking the fourth and fifth sentences;*
 2 *and*

3 (2) *by adding at the end the following: “No land*
 4 *or interest in land outside the exterior boundaries of*
 5 *any federally administered area may be acquired by*
 6 *the Federal Government for the trail except with the*
 7 *consent of the owner of the land or interest in land.”.*

8 (i) *NEZ PERCE NATIONAL HISTORIC TRAIL.—Section*
 9 *5(a)(14) of the National Trails System Act (16 U.S.C.*
 10 *1244(a)(14)) is amended—*

11 (1) *by striking the fourth and fifth sentences;*
 12 *and*

13 (2) *by adding at the end the following: “No land*
 14 *or interest in land outside the exterior boundaries of*
 15 *any federally administered area may be acquired by*
 16 *the Federal Government for the trail except with the*
 17 *consent of the owner of the land or interest in land.*
 18 *The authority of the Federal Government to acquire*
 19 *fee title under this paragraph shall be limited to an*
 20 *average of not more than 1/4 mile on either side of the*
 21 *trail.”.*

22 **SEC. 3. CONFORMING AMENDMENT.**

23 *Section 10 of the National Trails System Act (16*
 24 *U.S.C. 1249) is amended by striking subsection (c) and in-*
 25 *serting the following:*

1 “(c) *AUTHORIZATION OF APPROPRIATIONS.*—

2 “(1) *IN GENERAL.*—*Except as otherwise provided*
 3 *in this Act, there are authorized to be appropriated*
 4 *such sums as are necessary to implement the provi-*
 5 *sions of this Act relating to the trails designated by*
 6 *section 5(a).*

7 “(2) *NATCHEZ TRACE NATIONAL SCENIC*
 8 *TRAIL.*—

9 “(A) *IN GENERAL.*—*With respect to the*
 10 *Natchez Trace National Scenic Trail (referred to*
 11 *in this paragraph as the ‘trail’)* *designated by*
 12 *section 5(a)(12)—*

13 “(i) *not more than \$500,000 shall be*
 14 *appropriated for the acquisition of land or*
 15 *interests in land for the trail; and*

16 “(ii) *not more than \$2,000,000 shall be*
 17 *appropriated for the development of the*
 18 *trail.*

19 “(B) *PARTICIPATION BY VOLUNTEER TRAIL*
 20 *GROUPS.*—*The administering agency for the trail*
 21 *shall encourage volunteer trail groups to partici-*
 22 *pate in the development of the trail.”.*

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