

111TH CONGRESS
1ST SESSION

S. 189

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 8, 2009

Mr. UDALL of Colorado introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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,*

3 **SECTION 1. SHORT TITLE.**

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

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

3 (a) OREGON NATIONAL HISTORIC TRAIL.—Section
4 5(a)(3) of the National Trails System Act (16 U.S.C.
5 1244(a)(3)) is amended by adding at the end the fol-
6 lowing: “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
11 title under this paragraph shall be limited to an average
12 of not more than $\frac{1}{4}$ mile on either side of the trail.”.

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

24 (c) CONTINENTAL DIVIDE NATIONAL SCENIC
25 TRAIL.—Section 5(a)(5) of the National Trails System
26 Act (16 U.S.C. 1244(a)(5)) is amended by adding at the

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

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

20 (e) IDITAROD NATIONAL HISTORIC TRAIL.—Section
 21 5(a)(7) of the National Trails System Act (16 U.S.C.
 22 1244(a)(7)) is amended by adding at the end the fol-
 23 lowing: “No land or interest in land outside the exterior
 24 boundaries of any federally administered area may be ac-
 25 quired by the Federal Government for the trail except with

1 the consent of the owner of the land or interest in land.
 2 The authority of the Federal Government to acquire fee
 3 title under this paragraph shall be limited to an average
 4 of not more than $\frac{1}{4}$ mile on either side of the trail.”.

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

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

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

22 (1) by striking the fourth and fifth sentences;

23 and

24 (2) by adding at the end the following: “No
 25 land or interest in land outside the exterior bound-

aries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.”.

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

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

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

SEC. 3. CONFORMING AMENDMENT.

Section 10 of the National Trails System Act (16 U.S.C. 1249) is amended by striking subsection (c) and inserting the following:

“(c) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—Except as otherwise provided in this Act, there are authorized to be appro-

1 appropriated such sums as are necessary to implement the
 2 provisions of this Act relating to the trails des-
 3 ignated by section 5(a).

4 “(2) NATCHEZ TRACE NATIONAL SCENIC
 5 TRAIL.—

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

10 “(i) not more than \$500,000 shall be
 11 appropriated for the acquisition of land or
 12 interests in land for the trail; and

13 “(ii) not more than \$2,000,000 shall
 14 be appropriated for the development of the
 15 trail.

16 “(B) PARTICIPATION BY VOLUNTEER
 17 TRAIL GROUPS.—The administering agency for
 18 the trail shall encourage volunteer trail groups
 19 to participate in the development of the trail.”.

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