

NATIONAL TRAILS SYSTEM ACT

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P.L. 90-543, see page 1070

Senate Report (Interior and Insular Affairs Committee) No. 1233, June 13, 1968 [To accompany S. 827]

House Report (Interior and Insular Affairs Committee) No. 1631, July 3, 1968 [To accompany H.R. 4865]

Conference Report No. 1891, Sept. 12, 1968 [To accompany S. 827] Cong. Record Vol. 114 (1968)

DATES OF CONSIDERATION AND PASSAGE Senate

July 1, Sept. 19, 1968 House July 15, Sept. 18, 1968

The Senate bill was passed in lieu of the House bill after substituting for its language much of the text of the House bill. The House Report and the Conference Report are set out.

HOUSE REPORT NO. 1631

THE Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 4865) to establish a nationwide system of trails, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

PURPOSE

The ultimate aim of H.R. 4865, as amended, is to lay the foundation for expanding further the opportunities for the American people to use and enjoy the natural, scenic, historic, and outdoor recreational areas of the Nation. To accomplish this objective, it establishes a national trails system composed of—

National recreation trails which will be located near urban areas and developed so as to maximize their outdoor recreation potential;

National scenic trails which will be located in more remote areas having natural, scenic, and historic values of national significance; and Connecting or side trails which will be located so as to link trails of the system together or to provide additional points of public access.

The bill provides the guidelines and the mechanism for designating trails located near urban areas as national recreation trails. It also establishes the Appalachian Trail as the first national scenic trail and designates 14 others for study for possible authorization by Congress at some future date.

Comparable bills were introduced by Representative Price of Illinois (H.R. 1145), Representative Fulton of Pennsylvania (H.R. 5420), Representative Helstoski (H.R. 5438), Representative Saylor (H.R. 5493), Rep-

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representative Fraser (H.R. 6635), Representative Rooney of Pennsylvania (H.R. 7382), Representative Cunningham (H.R. 8511), Representative Dow (H.R. 9176), Representative Blackburn (H.R. 16256), Representative Philbin (H.R. 17789) and Representative Conte (H.R. 18150).

BACKGROUND AND NEED

The proposed national trails system is the product of a general study conducted by the Bureau of Outdoor Recreation at the direction of the President. That study, entitled "Trails for America," formed the basis for the recommended legislation. It recognizes the value of providing simple trails to meet a multitude of outdoor recreation uses and recommended the immediate authorization of the Appalachian Trail as the initial national scenic trail. It also suggested that the Pacific Crest Trail, the Potomac Heritage Trail, and the Continental Divide Trail should be studied promptly for early consideration for inclusion in the system.

The study, which was published in September 1966, indicated that a trails program would provide inexpensive recreation opportunities for increasing numbers of people seeking to enjoy outdoor activities. The most recent estimates suggest that the number of persons walking for pleasure will increase more than 350 percent by the turn of the century. Hiking is expected to be even more popular and it is anticipated that bicycle and horseback riding will increase almost as dramatically.

NATIONAL RECREATION TRAILS

The national recreation trails should not involve a large Federal investment. Primary emphasis will be placed on the development of trails within existing public-use areas which are located in or near densely populated areas. These trails will not be limited to the same considerations which will be taken into account in qualifying a trail for designation as a national scenic trail. Their basic aim will be to provide the greatest outdoor recreation potential in the most desirable natural environment practicable. This may mean that some bicycle trails will be routed along uncongested back streets and unused roadways or that jogging trails might be developed on the periphery of small local parks. Trails for "tote goats" or trail bikes should be established where they will not unduly interfere with other uses in recreation areas.

If properly conceived and promoted, these trails will probably be intensively used by the general public. Because of this fact, every reasonable effort should be made to inventory federally administered lands located in or near urban areas in order to determine whether the development of recreation trails be compatible with their Federal use. To the extent that these lands, along with lands administered by agencies of State and local governments, can be made available for such limited use, it will be possible to expand outdoor recreation opportunities without additional expenditures for land acquisition.

Most of the trail associated activities can be enjoyed by young and old alike. They can be geared to intensive use near the Nation's population centers and, at the same time, they can be adapted to the natural and

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scenic environment through which they pass. They will be valuable assets in the total outdoor recreation program,

THE APPALACHIAN NATIONAL SCENIC TRAIL

Under the terms of H.R. 4865, the Appalachian Trail would become the first national scenic trail. As the pioneer in the field of continuous, natural trails developed for recreation purposes, the Appalachian Trail represents almost everything which H.R. 4865 can be expected to provide with respect to the establishment of national scenic trails.

It enjoys a long history of private initiative and cooperation between government agencies, private landowners, and trail users.

It is an extended trail traversing 14 States for a distance of about 2,000 miles.

It crosses areas of natural beauty, developed areas, and Federal, State, and local government lands and private lands.

It is entirely in place, with only a few relocations necessary to assure its integrity.

It is located in close proximity to the densely populated States of the Atlantic Seaboard and is, accordingly, accessible to millions of people. It is vigorously promoted by the groups affiliated with the Appalachian Trail Conference and it has been substantially developed and maintained by the volunteer efforts of their 25,000 members. In spite of all that has been, and is being done to maintain the integrity and values of the Appalachian Trail, its continued existence is in jeopardy because of scattered intrusions along the trailway. Enactment of H.R. 4865 will extend Federal recognition and protection to the outdoor recreation values which the trail affords the American people. At the same time, the Appalachian Trail will provide the Secretary of the Interior and the Secretary of Agriculture with some meaningful experience in evaluating other proposed national recreation and scenic trails.

In some respects, H.R. 4865 may be considered as a pilot program. It is designed to determine whether it is feasible to extend to other areas of the Nation the principles which have already made the Appalachian Trail an outstanding outdoor recreation resource. Based on the experience of the Appalachian Trail 14 other proposed national scenic trails are authorized for study. After they have been thoroughly studied, they may be authorized and established as national scenic trails by act of Congress.

LAND ACQUISITION

In framing the provisions of the bill, the committee sought to keep the costs for land acquisition at a minimum and, at the same time, it attempted to retain the maximum opportunity for participation in the overall effort by State and local governments. To accomplish these mutually desirable goals, the legislation requires that the States and their political subdivisions should be encouraged to negotiate written cooperative agreements with private landowners for the use of lands within the selected right-of-way for trail purposes. In the event that they are unable to negotiate such agreements, they are to be encouraged to acquire such interests in the lands

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as is needed to meet the desired objective. No Federal land acquisition is authorized until 2 years after publication of notice of the selection of the right-of-way, but the Secretary is not precluded from cooperating with the States, during the interim, in securing the desired agreements. Once the 2 year period has expired, the Secretary may, on his own initiative, move forward to secure such agreements or to acquire the necessary interests in lands.

When acquisition of the right-of-way is necessary, the Secretary is required to acquire the fee, if lesser interests are not sufficient to assure their usefulness for trail purposes. If it is necessary to exercise the power of eminent domain, the provisions of the bill limit the extent of its use. In general, condemnation should be utilized only to acquire such lands as are reasonably necessary to assure passage across the lands in dispute. Where intensive private holdings are traversed by the trail, however, a narrow footpath may not be adequate to meet the purposes for which the trail was established. In such cases, the Secretary is authorized to acquire up to 25 acres in any 1 mile; thus assuring the integrity of the trail and the adjacent lands. While the language of the act enables the Secretary to average the land acquisitions within each mile of the trail, it explicitly precludes him from averaging out the acquisition of lands over extended sections of the trail.

Funds for the Federal land acquisition activities may be appropriated from the land and water conservation fund, but the bill provides ample authority for appropriations to be made from other sources. Lands acquired by exchange are required to be located in the same State and must be approximately equal in value, with the difference in values to be equalized by a payment of cash to the grantor or to the Secretary, as the case may be.

MANAGEMENT AND ADMINISTRATION OF THE TRAILS

Trails may be located within any federally administered area, with the consent of the agency having jurisdiction over the lands involved. With the concurrence of such agency, the administering secretary is authorized to issue regulations concerning the overall program for the use, management, development, and administration of the trails, but unless otherwise agreed, the land management agency shall operate and maintain that segment of the trail which passes through its lands. In addition, the Secretary is urged to encourage the States and their political subdivisions to assume an active role in the operation, maintenance, and development of trail rights-of-way located outside the boundaries of federally administered areas.

In providing for the overall administration of the trails, the administering Secretary should take into consideration the uses which might be accommodated. On some segments of the Appalachian Trail, for example, horseback riding is an accepted and customary use. While the bill expressly states that the Appalachian National Scenic Trail shall be administered "primarily as a footpath" it is not the intent of that language to require that the trail be administered "exclusively as a footpath". On the contrary, a strong record has been made so that horseback riding, where it is

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presently permitted or appropriate, shall not be prohibited by administrative direction in the future.

The use of motorized vehicles by the general public along the national scenic trails, on the other hand, is expressly prohibited; however the administering Secretary is required to establish regulations providing for the controlled use of such vehicles along the trails to meet emergency situations and to enable adjacent landowners and land users to have access to their respective areas. Another exception to this general rule was written into the bill as an inducement to landowners to enter into written cooperative agreements with respect to the use of their lands for trail purposes. By prohibiting the Secretary from denying them the right to use motorized vehicles across lands which they agree to allow to be used for trail purposes, it is hoped that many privately owned, primitive roadways can be converted to trail use for the benefit of the general public.

To assure good conduct along the trails located on federally owned lands, the Secretary of the Interior and the Secretary of Agriculture are directed to establish uniform regulations for the proper government and protection of the trails. Violation of such regulation constitutes a misdemeanor and is punishable by fine, imprisonment, or both. Nothing in the bill would modify any existing Federal or State police powers with respect to public areas.

DEVELOPMENT

To the extent that areas are acquired by the Federal Government for national scenic trails, development of appropriate campsites, shelters, and public use facilities along the trails is authorized. Where such trails traverse areas of the National Wilderness Preservation System, all development within such areas is to be governed by the principles established under the Wilderness Act (78 Stat. 890).

To the extent possible, the Secretary should encourage the States to assume the responsibility for the management, development, and maintenance of trails outside federally administered areas. If the public interest can be served, the Secretaries are authorized to enter into written cooperative agreements with State or local government agencies, landowners, or private organizations for the purpose of providing for the operation, development, or maintenance of any portion of a national scenic trail. However, if necessary, the Secretary is authorized to provide for the development and maintenance of trails within federally administered areas.

The Secretaries are to consult with interested agencies and organizations before establishing an appropriate, uniform marker for the national trails system. When erected along a trail it is to carry the distinctive symbol for that trail and it is to be maintained in accordance with the standards to be established by the administering Secretaries.

COMMITTEE AMENDMENT

The committee amendment strikes all after the enacting clause and incorporates the provisions of the bill described above. Additional details are discussed below.

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SECTION-BY-SECTION ANALYSIS

Section 1 establishes a short title for the act. For the purpose of citation and reference, it shall be known as "The National Trails System Act."

Section 2 states the policy considerations which prompt the Congress to establish a national system of recreation and scenic trails. It stresses the importance of providing trails for increased recreation in the Nation's outdoor areas and it emphasizes, in particular, the importance of locating them near urban areas where the demand for such facilities is, and will continue to be, the greatest.

Section 3 defines the three classified components of the national trails system and directs the Secretary of the Interior and the Secretary of Agriculture to establish a suitable marker to be used along such trails.

Section 4 authorizes the designation of qualifying trails as "National Recreation Trails." These trails, which will be located across lands administered by Federal, interstate, State, or local agencies, are discussed in considerable detail above. No new Federal land acquisition is authorized under this bill, but existing law does permit matching assistance to be provided to the States for such purposes under the Land and Water Conservation Fund Act.

Section 5 requires that national scenic trails be authorized by act of Congress. The Appalachian Trail, discussed in detail above, is authorized as the initial component of the national trails system and other trails are authorized to be studied in accordance with the guidelines outlined in the bill. Additional detailed studies may be undertaken only after authorization by Congress.

Section 6 provides that connecting or access trails may be designated as components of the national trails system when they involve no Federal land acquisition.

Section 7 authorizes the Secretary of the Interior to select the right-of-way for the Appalachian National Scenic Trail. In doing so, he is to consult with State and local governmental agencies, private organizations, and the landowners and land users involved and he is to give full consideration to minimizing its adverse effects upon adjacent landowners and their operations. After weighing all of these considerations, he is to publish notice of the selection in the Federal Register. Any relocation of the trail is to be given equally careful consideration. Such right-of-way, however, may be relocated, as circumstances require, but a substantial relocation must be by act of Congress. The other provisions of section 7 with respect to land acquisition, management and administration, and development are explained in the preceding paragraphs of this report.

Section 8 directs the Secretary of the Interior, the Secretary of Housing and Urban Development, and the Secretary of Agriculture to utilize existing authorities available to them to encourage the States, local governments, and private interests to expand their efforts to provide trails needed for outdoor recreation purposes.

Section 9 permits the Secretary of the Interior and the Secretary of Agriculture to grant the usual easements and rights-of-way permitted with

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respect to units of the national park system or the national forest system; however, the Secretaries are required to relate any conditions contained in the easements to the purpose and policy of this act rather than basing them on the regulations previously established by their respective departments.

In addition, section 9 requires various Federal agencies having information concerning the use or disposition of rights-of-way to cooperate with the Secretary of the Interior and the Secretary of Agriculture in order to enable them to make appropriate efforts to utilize suitable properties for trail purposes when they become available.

Section 10, authorizing appropriations, is explained below.

COST

Several factors will have an important bearing on the ultimate cost of the establishment of the Appalachian National Scenic Trail. First, to the extent that the States or their political subdivisions cooperate in assuming negotiations for the use of the lands or in acquiring the lands necessary for the trail, the Federal Government will be relieved of that responsibility. Secondly, to the extent that the Secretary is able to obtain sufficient written cooperative railway agreements for access across privately owned lands, no land acquisition would be necessary. Finally, where a narrow corridor can provide the necessary continuity without seriously jeopardizing the overall character of the trail, the Secretary should give the economics of the situation due consideration, along with the aesthetic values, in order to reduce the acquisition costs involved. The committee recommends that \$5 million be authorized to be appropriated for the acquisition of lands or interests in lands for the Appalachian National Scenic Trail.

Similar considerations make the estimated cost of development somewhat conjectural, however, the committee recommends a ceiling of \$1 million for developments along the Appalachian National Scenic Trail. Needless to say, if the program objectives for the Appalachian Trail can be accomplished without extensive Federal expenditures, that fact will be a tremendous inducement for the future authorization of other national scenic trails.

Such sums as may be necessary to conduct the authorized studies and other activities are authorized to be appropriated. All appropriation requests under this legislation will undoubtedly be carefully reviewed prior to appropriation. In addition, the authorizing committee will expect to receive detailed information from the administering authorities concerning expenditures and related matters at regular intervals in order to maintain close legislative oversight over this program.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends that H.R.-4865, as amended, be enacted.

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DEPARTMENTAL RECOMMENDATION

The executive communication transmitting the recommendations of the Department of the Interior and related agencies with respect to this legislation follows:

U. S. DEPARTMENT OF THE INTERIOR.

OFFICE OF THE SECRETARY, *Washington, D. C., February 1, 1967.* Hon. JOHN W. McCORMACK, *Speaker of the House of Representatives, Washington, D. C.*

DEAR MR. SPEAKER: The President in his February 23, 1966, message on preserving our natural heritage, said "I am submitting legislation to foster the development by Federal, State, and local agencies of a nationwide system of trails and give special emphasis to the location of trails near metropolitan areas." Such legislation was submitted in the second session of the 89th Congress, and is resubmitted in the enclosed draft bill in a slightly modified form.

A nationwide system of trails will open to all the opportunity to develop an intimacy with the wealth and splendor of America's outdoor world for a few hours at a time, or on one-day jaunts, overnight treks, or expeditions lasting a week or more. A system of trails carved through areas both near to, and far from, man and his works will provide many varied and memorable experiences for all who utilize the trails.

The enclosed draft bill is based upon a joint study by the Secretary of the Interior and the Secretary of Agriculture in cooperation with other public and private interests. The bill provides for the establishment of a Nationwide System of Trails composed of the following four general classes of trails to serve the needs of the American people:

National scenic trails.—A relatively small number of lengthy trails which have natural, scenic, or historic qualities that give them recreation use potential of national significance. Such trails will be several hundred miles long, may have overnight shelters at appropriate intervals, and may interconnect with other major trails to permit the enjoyment of such activities as hiking or horseback riding. The enclosed bill designates certain trails as national scenic trails for inclusion in the nationwide system, and provides that other trails may be so designated by subsequent legislation. The bill provides that money appropriated for Federal purposes from the land and water conservation fund shall be available to Federal agencies to acquire property for the national scenic trails. By the terms of the Land and Water Conservation Fund Act of 1965, money appropriated from the fund for State purposes would be available to States and their political subdivisions for land acquisition and development for trail purposes. The development of national scenic trails by Federal agencies would be financed by appropriations from the general fund of the Treasury.

Federal park, forest, and other recreation trails.—There will be an improvement and expansion of existing trails and the development of additional trails within areas administered by the Secretaries of the Interior and Agriculture in order to enable the public to make use of the distinctive natural, scenic, and historical resources of the areas administered by the two Secretaries. Among such areas are the national parks, national forests, national wildlife refuges, Indian reservations, and public domain lands. However, appropriate arrangements would need to be made with the Indian tribes and individual Indians involved for rights-of-way or easements across Indian lands. No new legislation is required to authorize the construction of this class of trails. The two Secretaries will request funds for the trails as part of their regular requests for appropria-

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tions as they have in the past. The enclosed bill authorizes each Secretary to designate and mark the trails of this class under his administrative jurisdiction as part of the Nationwide System of Trails.

State park, forest, and other recreation trails.—An expansion of trails on lands owned or administered by the States will be encouraged. Only a few States now have major trail development programs under way or planned. Almost half of the States report that they have less than 100 miles of such trails. The enclosed bill directs the Secretary of the Interior to encourage the States to consider needs and opportunities for such trails in the comprehensive statewide outdoor recreation plans and project proposals submitted to the Secretary under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897). Upon the approval by the Secretary of the Interior of trail projects proposed by the States for financial assistance under the Fund Act, funds would be available for the acquisition and development of the trails from the moneys allocated to the States out of the fund. The bill also directs the Secretary of the Interior, under the authority of the act of May 28, 1963 (77 Stat. 49), and the Secretary of Agriculture, under authority vested in him, to encourage the establishment of such trails. The States may designate and mark this class of trails as part of the Nationwide System with the approval of the Secretary of the Interior.

Metropolitan area trails.—To serve people near their homes, local governments will be encouraged to develop trails designed primarily for day use in and near urban areas. These trails will satisfy the needs of large numbers of people for limited hiking and riding experiences. Whenever possible, the trails will lead directly from urban residential areas. Where appropriate, river and canal banks, utility rights-of-way, abandoned railroad or streetcar beds, and even city streets and sidewalks will be utilized. The enclosed bill directs the Secretary of the Urban Development to encourage the planning and provision of trails under the existing authority and procedures of the Land and Water Conservation Fund Act. It also directs the Secretary of Housing and Urban Development to encourage the planning and provision of trails in metropolitan and other urban areas through the existing urban planning assistance program and the urban open-space land program. In addition, the bill directs the Secretary of the Interior, under the authority of the act of May 28, 1963 (77 Stat. 49), and the Secretary of Agriculture, under the authority vested in him, to encourage States, political subdivisions, and private interests, including nonprofit organizations, to establish metropolitan area trails. This class of trails may be designated and marked as part of the system by the States or other administering agencies with the approval of the Secretary of the Interior.

As initial units of the Nationwide System of Trails, the enclosed bill designates four trails located within easy reach of major population centers as national scenic trails:

1. The Appalachian Trail, extending 2,000 miles along the Appalachian Mountains from Maine to Georgia.
2. Continental Divide Trail, extending 3,100 miles along the Continental Divide from near the Mexican border to the Canadian border.
3. Pacific Crest Trail, extending 2,350 miles along the mountain ranges of the West Coast States from the Mexican border to the Canadian border.
4. Potomac Heritage Trail, extending 825 miles along the Potomac River from its mouth to its sources in Pennsylvania and West Virginia.

The Secretary of the Interior is authorized to select a right-of-way for, and to provide appropriate marking of, the Appalachian and Potomac Heritage Trails, and the Secretary of Agriculture is authorized to do likewise for the Continental Divide and Pacific Crest Trails. The rights-of-way for the trails will be of sufficient width to protect natural, scenic, and historic features along the trails and to provide needed public use faci-

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ties. The rights-of-way will be located to avoid established uses that are incompatible with the protection of a trail in its natural condition and its use for outdoor recreation. The location, relocation, and marking of the national scenic trails will be coordinated with the various Federal agencies, States, local governments, private organizations, and individuals concerned. Notice of the selection of the trail rights-of-way, and changes therein will be published in the Federal Register.

The Secretary charged with the selection of the right-of-way for the four national scenic trails is authorized to establish an advisory council for each trail. The council will advise and assist in the selection of the right-of-way, and the marking and administration of the trail. The advisory council will include representatives of the Federal agencies that administer lands through which the trail passes, of the States involved, and of private organizations having an established and recognized interest in the trail.

The enclosed bill requires the advisory council for the Appalachian Trail to include a sufficient number of members of the Appalachian Trail Conference to represent the various sections of the country through which the trail passes. This provision of the bill recognizes the long history of responsible service of the Appalachian Trail Conference and its more than 40 member clubs which now maintain much of the 2,000-mile length of the trail.

The bill authorizes the heads of Federal agencies, within the exterior boundaries of federally administered areas that are included in the right-of-way selected for a national scenic trail (1) to enter into written cooperative agreements with private landowners, private organizations, and individuals to develop, operate, and maintain the trail; and (2) to acquire lands or interests in lands by donation, purchase with donated or appropriated funds, or exchange.

With respect to the lands within a national scenic trail right-of-way that are outside of the exterior boundaries of federally administered areas, the bill encourages States and local governments (1) to enter into written cooperative agreements with landowners, private organizations, and individuals to develop, operate, and maintain the trail; and (2) to acquire, develop, and administer these lands or interests therein. If, however, the States or local governments are unable or unwilling to enter into such agreements or to acquire such lands to protect the established route of the trail within 2 years after the selection of the right-of-way, the Secretary charged with the selection of the right-of-way is authorized to undertake such agreements with the above parties and State and local governments, and to acquire, develop, and administer the privately owned lands or interests therein. The appropriate Secretary may not, however, acquire the privately owned lands and interests therein by eminent domain without the consent of the owner unless he has made all reasonable efforts to acquire such property by negotiation. And in exercising the power of eminent domain in such cases, he may not acquire the fee title unless he determines the acquisition of lesser interests or written agreements is inadequate.

The Secretary of the Interior will administer the Appalachian and Potomac Heritage Trails, and the Secretary of Agriculture will administer the Continental Divide and Pacific Crest Trails. When any portion of one of the above trails is within an area administered by another Federal agency, however, such portion will be administered as the appropriate Secretary and the head of that agency determine, or as directed by the President.

The use of motor vehicles by the general public along national scenic trails will be prohibited. This will not, however, prevent motor vehicles from crossing the trails where necessary, or the use of motor vehicles along the trails for rescue, firefighting, or other emergency purposes.

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Similarly, it is recognized that additional highways, utility lines, and other vital public facilities may unavoidably be routed across the trails.

The Appalachian Trail Conference will be encouraged to continue its role as the principal guardian of the Appalachian Trail. For over 40 years, thousands of volunteer members of the Appalachian Trail Conference have teamed together to establish and maintain the trail. Their work on the trail has been as important an outdoor recreation activity to them as the enjoyment of hiking and camping along the trail. The enclosed bill will insure that the Appalachian Trail will continue to provide both a source of hiking pleasure to Trail Conference members and the general public and an opportunity for volunteer work to help maintain the trail.

We estimate the land acquisition cost for the four national scenic trails at approximately \$9,985,000 and the development costs for the first 5 years at approximately \$20,000,000. Annual operation and maintenance costs for the four trails are expected to be about \$1,177,000 after the fifth year.

The \$9,985,000 land acquisition cost figure would provide for the acquisition of lands or interests therein along those portions of the trails not now in public ownership. This assumes acquisition in fee of an average of 25 acres per mile, as well as the acquisition of scenic easements, as needed, to protect trail values on adjoining lands. The 25-acre per mile acquisition in fee would permit a right-of-way averaging about 200 feet in width. We hope, however, that satisfactory written cooperative agreements can be negotiated which will materially reduce the need for land acquisition, and thus the estimated cost.

In keeping with the bill's objective of encouraging cooperation between the Federal agencies, States, local governments, and private interests concerned, we anticipate that non-Federal interests will participate actively in the acquisition, development, operation, and maintenance of the Appalachian Trail. To the extent of such participation, the need for the Federal funds also will be reduced.

The man-years and cost data statement (based on current assumptions and estimates) required by the act of July 25, 1956 (70 Stat. 652; 5 U.S.C. 642a), when annual expenditures of appropriated funds exceed \$1 million, is enclosed.

This proposed legislation has been prepared in collaboration with the Secretary of Agriculture and has his approval.

The Bureau of the Budget has advised that the presentation of this proposed legislation would be in accord with the program of the President. Sincerely yours,

CHARLES F. LUCE, *Acting
Secretary of the Interior.*

A BILL To establish a Nationwide System of Trails, and for other purposes *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

STATEMENT OF POLICY

Section 1. (a) The Congress finds that in order to provide for the ever-increasing outdoor recreation needs of an expanding population and to promote public access to, travel within, and enjoyment of, the National and State parks, forests, recreation areas, historic sites, and other areas, existing trails should be improved and maintained and additional trails should be established both in the remaining highly scenic and unspoiled areas and in the metropolitan areas of the Nation.

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Nationwide System of Trails

(b) To carry out the policy set forth in subsection (a) of this section, there is hereby established a Nationwide System of Trails composed of (1) trails designated as "national scenic trails" in this Act or subsequent Acts of Congress; (2) park, forest, and other recreation trails on lands within areas administered by the Secretary of the Interior or the Secretary of Agriculture when designated by the appropriate Secretary; (3) park, forest, and other recreation trails on lands administered by the States when designated by the States and approved by the Secretary of the Interior; and (4) recreation trails on lands in and near metropolitan areas when designated by the administering agency and approved by the Secretary of the Interior. The Secretary of the Interior and the Secretary of Agriculture, in consultation with the appropriate Federal agencies, States, local governments, private organizations, and advisory councils, shall select a uniform marker for the Nationwide System of Trails, and shall provide for the placement upon the uniform marker of a distinctive symbol for each national scenic trail.

Definition of National Scenic Trails

Sec. 2. (a) A national scenic trail eligible to be included in the System is an extended trail which has natural, scenic, or historic qualities that give the trail recreation use potential of national significance.

(b) The following trails are hereby designated as "national scenic trails":

(1) The Appalachian Trail, a trail of some 2,000 miles, extending generally along the Appalachian Mountains from Mount Katahdin, Maine, to Springer Mountain, Georgia.

(2) Continental Divide Trail, 3,100-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.

(3) Pacific Crest Trail, 2,350-mile trail 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.

(4) Potomac Heritage Trail, a 825-mile trail extending generally from the mouth of the Potomac River to its sources in Pennsylvania and West Virginia, including the 170-mile Chesapeake and Ohio Canal Towpath.

Federal, State, and Local Planning for Additional National Scenic Trails

(c) The Secretary of the Interior, and the Secretary of Agriculture where lands administered by him are involved, shall make studies of the feasibility and desirability (including costs and benefits) of designating other trails as national scenic trails. Such studies shall be made in consultation with the heads of other Federal agencies administering lands through which the trails would pass and in cooperation with interested interstate, State, local governmental, and private agencies and organizations concerned. The two Secretaries shall submit the studies to the President, together with their recommendations resulting therefrom for the inclusion

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of any or all such trails in the system, and the President shall submit to the Congress such recommendations, including legislation, as he deems appropriate. The studies may include, among others, all or appropriate portions of:

- (1) Chisolm Trail, from San Antonio, Texas, approximately 700 miles north through Oklahoma to Abilene, Kansas.
- (2) Lewis and Clark Trail, from St. Louis, Missouri, approximately 4,600 miles to the Pacific Ocean in Oregon, following both the outbound and inbound routes of the Lewis and Clark Expedition.
- (3) Natchez Trace, from Nashville, Tennessee, approximately 600 miles to Natchez, Mississippi.
- (4) North Country Trail, from the Appalachian Trail in Vermont, approximately 3,200 miles through the States of New York, Pennsylvania, Ohio, Michigan, Wisconsin, and Minnesota, to the Lewis and Clark Trail in North Dakota.
- (5) Oregon Trail, from Independence, Missouri, approximately 2,000 miles to near Fort Vancouver, Washington.
- (6) Santa Fe Trail, from Independence, Missouri, approximately 800 miles to Santa Fe, New Mexico.
- (7) Long Trail, extending 255 miles from the Massachusetts border northward through Vermont to the Canadian border.
- (8) Mormon Trail, extending from Nauvoo, Illinois, to Salt Lake City, Utah, through the States of Iowa, Nebraska, and Wyoming.

Selection of Routes for National Scenic Trails

(d) The Secretary of the Interior shall select the rights-of-way for trails designated as national scenic trails by subsection (b) of this section, paragraphs (1) and (4), and the Secretary of Agriculture shall select the rights-of-way for the trails designated by paragraphs (2) and (3). Such rights-of-way shall be (1) of sufficient width and so located to provide the maximum retention of natural conditions, scenic and historic features, and primitive character of the trail area, to provide campsites, shelters, and related public-use facilities, and to provide reasonable public access; and (2) located to avoid, insofar as practicable, established highways, motor roads, mining areas, power transmission lines, existing commercial and industrial developments, range fences and improvements, private operations, and any other activities that would be incompatible with the protection of the trail in its natural condition and its use for outdoor recreation. Where practicable, the right-of-way for the Appalachian Trail shall include lands protected for it under agreements in effect on January 1, 1965, to which Federal agencies and States were parties. The location and width of a national scenic trail right-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 a right-of-way, the appropriate Secretary shall obtain the advice and assistance of the States, local governments, private organizations, landowners, the land users concerned, and the advisory council established under subsection (f) of this section. The appropriate Secretary may revise the location and width of a right-of-way from time to time as required by circumstances, with the

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consent of the head of any other Federal agency involved, and with the advice and assistance of the aforesaid States, local governments, private organizations, landowners, land users, and the advisory council.

The appropriate Secretary shall publish notice of the selection of a right-of-way in the Federal Register, together with appropriate maps and descriptions. If in his judgment changes in the right-of-way become desirable, he shall make the changes in the same manner.

Markers To Identify National Scenic Trails

(e) The Secretary of the Interior and the Secretary of Agriculture, in consultation with the Federal agencies, States, local governments, private organizations concerned and the advisory councils, shall erect and maintain the uniform marker for the Nationwide System of Trails at appropriate points along each national scenic trail route, and shall select a symbol for each such trail for placement upon the uniform marker. Where the trail route passes through Federal lands, such marker shall be erected and maintained by the Federal agency administering the lands. Where the trail route passes through non-Federal lands and is administered under cooperative agreements, the Secretary of the Interior and the Secretary of Agriculture shall require the cooperating agencies to erect and maintain such marker.

Advisory Councils for National Scenic Trails

(f) The Secretary charged with the selection of the right-of-way for a national scenic trail may establish an advisory council for each such trail. The appropriate Secretary shall consult with any such council from time to time with respect to matters relating to the trail, including the selection of the right-of-way, the selection, erection, and maintenance of the markers along the trail route, and the administration of the trail. The members of an advisory council shall be appointed for a term not to exceed five years by the appropriate Secretary as follows:

(1) 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;

(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; and

(3) one or more members appointed to represent private organizations that, 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. In the case of the Appalachian Trail, the Appalachian Trail Conference shall be represented by a sufficient number of persons to represent the various sections of the country through which the trail passes.

The appropriate Secretary shall designate one member to be Chairman. Any vacancy in a council shall be filled in the same manner as the original appointment.

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Members of an advisory council shall serve without compensation, but the appropriate Secretary may pay the expenses reasonably incurred by the council in the performance of its functions upon presentation of vouchers signed by the Chairman.

Acquisition, Development, and Administration of Lands for National Scenic Trails

(g) Within the exterior boundaries of areas under their administration that are included in the right-of-way selected for a national scenic trail as provided in subsection (d) of this section, the heads of Federal agencies may (1) enter into written cooperative agreements with landowners, States, local governments, private organizations, and individuals in order to develop, operate, and maintain the trail; and (2) acquire lands or interests in lands by donation, purchase with donated or appropriated funds, or exchange.

(h) 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 any federally owned property under his jurisdiction which is located in the States through which the trail passes 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.

(i) Where the lands include in a national scenic trail right-of-way are outside of the exterior boundaries of federally administered areas, the States or local governments involved shall be encouraged (1) to enter into written cooperative agreements with landowners, private organizations, and individuals in order to develop, operate, and maintain the trail; and (2) to acquire, develop, and administer such lands or interests therein: *Provided*, That if the State or local governments fail to enter into such agreements or to acquire such lands or interests therein within two years after the selection of the right-of-way, the Secretary charged with the selection of the right-of-way may (1) enter into such agreements with landowners, States, local governments, private organizations, and individuals; and (2) acquire private lands or interests therein by donation, purchase with donated or appropriated funds, or exchange, and may develop and administer such lands or interests therein: *Provided further*, That exchanges shall be governed by the provisions of subsection (h) of this section: *And provided further*, That the appropriate Secretary shall utilize condemnation proceedings without the consent of the owner to acquire private lands or interests therein pursuant to this subsection 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 the fee title only where, in his judgment, lesser interests in land (including scenic easements) or written agreements are not adequate. Money appropriated for

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Federal purposes from the Land and Water Conservation Fund shall be available for the acquisition of property for the purposes of this section.

(j) The Secretary of the Interior shall develop and administer the Appalachian and Potomac Heritage Trails and the Secretary of Agriculture shall develop and administer the Continental Divide and Pacific Crest Trails, except that any portion of any such trail that is within areas administered by another Federal agency shall be administered in such manner as may be agreed upon by the appropriate Secretary and the head of that agency, or as directed by the President. The Federal agencies shall coordinate their efforts to provide uniform administration and protection of the national scenic trails, and shall give encouragement to, and cooperate with, States, local governments, private organizations, and individuals in promoting the purposes of this section.

National scenic trails shall be administered, protected, developed, and maintained to retain their natural, scenic, and historic features; and provision may be made for campsites, shelters, and related public-use facilities; and other uses that will not substantially interfere with the nature and purposes of the trails may be permitted or authorized, as appropriate: *Provided*, That the use of motorized vehicles by the general public along any national scenic trail shall be prohibited, and the Appalachian Trail shall be developed and maintained primarily as a foot path to retain its primeval environment: *Provided further*, That the Federal laws and regulations applicable to Federal lands or areas included in any national scenic trail shall continue to apply to the extent agreed upon by the appropriate Secretary and the head of the agency having jurisdiction over the Federal lands involved, or as directed by the President.

The appropriate Secretary, with the concurrence of the heads of any other Federal agencies administering lands through which a national scenic trail passes, and after consultation with the States, local governments, and private organizations concerned, and any advisory council established under subsection (f) of this section, may issue regulations, which may be revised from time to time, governing protection, management, use, development, and administration of a national scenic trail. Any person who violates a regulation issued pursuant to this Act 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.

(k) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

FEDERAL PARK, FOREST, AND OTHER RECREATION TRAILS

Sec. 3. (a) The Secretary of the Interior and the Secretary of Agriculture are directed to improve, expand, and develop park, forest, and other recreation trails for hiking, horseback riding, cycling, and other related uses on lands within areas administered by them: *Provided*, That the use of motorized vehicles by the general public shall be prohibited on such trails within (1) the natural and historical areas of the National Park System; (2) the National Wildlife Refuge System; (3) the National Wilderness Preservation System; and (4) other Federal lands where trails

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are designated as being closed to such use by the appropriate Secretary. Such trails may be designated and suitably marked as part of the Nationwide System of Trails by the appropriate Secretary.

(b) 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.

STATE AND METROPOLITAN AREA TRAILS

Sec. 4. (a) The Secretary of the Interior is directed to encourage States to consider, in their comprehensive statewide outdoor recreation plans and proposals for financial assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act, needs and opportunities for establishing park, forest, and other recreation trails on lands owned or administered by States, and recreation trails on lands in or near urban areas. He is further directed, in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49), to encourage States, political subdivisions, and private interests, including nonprofit organizations, to establish such trails.

(b) The Secretary of Housing and Urban Development is directed, in administering the program of comprehensive urban planning and assistance under section 701 of the Housing Act of 1954, to encourage the planning of recreation trails in connection with the recreation and transportation planning for metropolitan and other urban areas. He is further directed, in administering the urban open-space program under title VII of the Housing Act of 1961, to encourage such recreation trails.

(c) The Secretary of Agriculture is directed, in accordance with authority vested in him, to encourage States and local agencies and private interests to establish such trails.

(d) 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.

UTILITY RIGHTS-OF-WAY

Sec. 5. The Secretary of the Interior and the Secretary of Agriculture are authorized, with the cooperation of the Interstate Commerce Commission, the Federal Communications Commission, the Federal Power Commission, and other Federal agencies having jurisdiction, control over, or information concerning the use, abandonment, or disposition of rights-of-way and similar properties that may be suitable for trail route purposes, to develop effective procedures to assure that, wherever practicable, utility rights-of-way or similar properties having value for trail route purposes may be made available for such use.

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CONFERENCE REPORT NO. 1891

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House on the disagreeing votes of the two Houses on the amendment of the House to the bill, S. 827, to establish a nationwide system of trails, and for other purposes, submit this statement in explanation of the effect of the language recommended and adopted in the accompanying conference report.

The committee of conference adopted the form of the House language. The differences between the language of the House amendment and the language agreed to in conference are explained herein along with other matters involved in the legislation which warrant comment or require clarification.

The House amendment emphasized the establishment and development of recreation trails in or near urban areas where the demand for recreation opportunities is the greatest. The Senate version of the bill provided for park, forest, and other recreation trails which would help meet these same recreation needs. In adopting the basic language of the House, the conference committee reaffirms the importance attributed to the development of these trails near our cities; however, it does not preclude the designation of other suitable recreation trails as national recreation trails if they are somewhat more remotely located.

Another important objective of the two bills was to encourage the establishment and development of national scenic trails. Although the House amendment provided for the immediate authorization of the Appalachian Trail as the initial national scenic trail, the Senate version of the bill called for the Pacific Crest Trail, the Potomac Heritage Trail, and the northern sector of the Continental Divide Trail to be designated as national scenic trails, as well. The conference committee adopted language authorizing the immediate establishment of the Appalachian National Scenic Trail, to be administered by the Secretary of the Interior, and the Pacific Crest National Scenic Trail, to be administered by the Secretary of Agriculture.

Other trails are to be studied for possible future authorization by Congress as national scenic trails. The conference committee adopted the House amendment which requires prior authorization for the comprehensive studies to be undertaken and authorized the study of the 14 trails listed in the recommended bill. Under the Senate version of the bill, the nature of the studies to be undertaken was not outlined in detail and the studies were not required to be submitted to the Congress, as was the case in the House amendment which the conference committee adopted.

The House amendment provided that land acquisition for the purposes of national scenic trails should be limited to no more than 25 acres in any one mile and, where the use of condemnation would be required, it provided that only such title as would be reasonably necessary to provide passage across the disputed lands would be authorized. The intent of that language was to limit the use of condemnation to those cases where no reasonable or suitable alternate location of the trail, as determined by the Secretary,

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would be adequate to maintain the continuity of the trail. Comparable provisions of the Senate version of the bill provided that 50 acres of land per mile could be acquired; however, fee acquisition, without the owner's consent, was limited to no more than 25 acres per mile. In addition, the Senate language would have prohibited the use of condemnation where 60 percent of the lands within a trail area is publicly owned. In resolving these differences, the conference committee adopted the House language with an amendment prohibiting, absolutely, the use of condemnation insofar as the acquisition of lands for the Pacific Crest Trail is concerned, because approximately four-fifths of the land in that area is already publicly owned. Both the House and Senate versions of the bill prohibited the use of motorized vehicles by the general public on national scenic trails; however, they both attempted to deal with the problems arising from other needs along the trails. Rather than limiting such use of the scenic trails to "reasonable crossings", as provided by the Senate language, the conference committee adopted the House amendment which authorizes the appropriate Secretaries to promulgate reasonable regulations to govern the use of motorized vehicles on or across the national scenic trails under specified conditions. Horseback riding is not prohibited on the scenic trails, as a general rule; and the language stating that the Appalachian Trail is to be administered "primarily as a footpath" is not to be construed as prohibiting horseback riding on the segments of that trail where it is presently an accepted and customary recreation use. Unlike the scenic trails, the recreation trails may be established and developed for particular recreation uses. Under the language recommended by the conference committee, appropriate areas might be developed as bicycle trails, jogging trails, "tote goat" trails, bridle paths, or strolling paths or some reasonable combination of such uses. The aim of recreation trails is to satisfy a variety of recreation interests primarily at locations readily accessible to the population centers of the Nation.

The House amendment included a provision authorizing the Secretaries to grant easements and rights-of-way upon, over, under, across, or along any component of the national trails system in accordance with the laws applicable to national park and forest lands. Such easements or rights-of-way were required to be related to the policy and purposes of this legislation and not based upon existing regulations relating to power transmission line rights-of-way. The Senate version of the bill was silent on this matter, but the conference committee adopted an amended version of the House language which requires that any conditions placed upon applicants for an easement or right-of-way with respect to a component of the national trails system must be related to the purposes of this act.

The Senate version of the bill authorized an appropriation of \$10,000,000 for land acquisition for the first 5 years for the four national scenic trails which it would have established. Comparatively, the House amendment authorized \$5,000,000 for land acquisition for the Appalachian Trail. In light of the amendments adopted by the conference committee, the recommended provision authorizes a total of \$5,500,000 for land acquisition for the Appalachian and Pacific Crest Trails.

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Development plans have not been determined in full. While both the House and Senate Committees on Interior and Insular Affairs recognize that the Appropriations Committees exercise careful surveillance over these matters, it was the general understanding of the conferees that the Secretaries should prepare comprehensive master plans of the proposed development program for the scenic trails under their jurisdiction and present such plans to the two committees prior to their request for appropriations. It was with this understanding that the conferees deleted the language of the House amendment limiting the appropriations authorized for development purposes.

WAYNE N. ASPINALL, ROY A. TAYLOR,
HAROLD T. JOHNSON, JOHN P. SAYLOR,
JOE SKUBITZ, *Managers on the Part of the
House.*

NORTH CASCADES NATIONAL PARK, RECREATION AND WILDERNESS AREAS—WASHINGTON

P.L. 90-544, see page 1079

Senate Report (Interior and Insular Affairs Committee) No. 700, Oct.
31, 1967 [To accompany S. 1321]

House Report (Interior and Insular Affairs Committee) No. 1870, Sept.
9, 1968 [To accompany H.R. 8970]

Cong. Record Vol. 113 (1967)

Cong. Record Vol. 114 (1968)

DATES OF CONSIDERATION AND PASSAGE

Senate Nov. 2, 1967; Sept. 19, 1968

House Sept. 16, 1968

The Senate bill was passed in lieu of the House bill.

The Senate Report is set out.

SENATE REPORT NO. 700

THE Committee on Interior and Insular Affairs, to which was referred the bill (S. 1321) to authorize the establishment of the North Cascades National Park, and Ross Lake National Recreation Area, to designate the Pasayten Wilderness and to modify the Glacier Peak Wilderness, in the State of Washington, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.