

AMENDING THE NATIONAL TRAILS SYSTEM ACT,
AND FOR OTHER PURPOSES

OCTOBER 21, 1977.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

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

REPORT

[To accompany H.R. 8803]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 8803) to amend the National Trails System Act, 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, beginning on line 3, strike out all after the enacting clause and insert in lieu thereof the following:

That the National Trails System Act (82 Stat. 919; 16 U.S.C. 1241), as amended (90 Stat. 2481; 16 U.S.C. 1244), is further amended as follows:

(1) Delete section 5(a)(3), and insert a new section 5(d) to read as follows:
“(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 trail to the System, and within 60 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. 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 five 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;

(ii) 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) One or more members appointed to represent private organizations, including landowners and land users, 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: *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) The Secretary shall designate one member to be chairman and shall fill vacancies in the same manner as the original appointment."

(2) In section 5 add a new subsection (e) as follows:

"(e) Within two years of the date of enactment of legislation designating a trail as part of the System, and within two years of the date of enactment of this subsection for the Pacific Crest and Appalachian Trails, the responsible Secretary shall, after full consultation with the Governors of the affected states, 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 acquisition, management, development, and use of the trail, including but not limited to, the following items:

(1) a proposed, detailed, phased acquisition plan, by fiscal year, for all lands to be acquired, along with detailed explanation of anticipated necessary cooperative agreements for any lands not to be acquired.

(2) 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, and details of anticipated cooperative agreements to be consummated with other entities.

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

(4) guidelines for public use of the trail, along with needed or anticipated use restrictions, and an identified carrying capacity of the trail and a plan for its implementation."

(3) In section 7(d), in the last sentence thereof, change the colon to a period and delete the proviso.

(4) In section 7(g), delete the first and second provisos entirely, and insert in lieu the following: "*Provided*, That condemnation proceedings may not be utilized to acquire fee title or lesser interests to more than an average of twenty-five acres per mile, except that up to an average of one hundred twenty-five acres per mile may be so acquired in the case of the Appalachian National Scenic Trail."

(5) In section 10, at the end thereof, add the following:

"From the appropriations authorized for fiscal year 1978 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:

(i) The Appalachian National Scenic Trail, not to exceed \$30,000,000 for fiscal year 1978, \$30,000,000 for fiscal year 1979, and \$30,000,000 for fiscal year 1980, except that the difference between the foregoing amounts and the actual appropriations in any one fiscal year shall remain available for further appropriation. It is the express intent of the Congress that the Secretary should substantially complete the land acquisition program necessary to ensure the protection of the 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 United States Senate and to the Committee on Interior and Insular Affairs of the United States House of Representatives.

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

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

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

For the purposes of Public Law 95-42 (91 Stat. 210), the lands and interests therein acquired pursuant to this paragraph shall be deemed to qualify for funding under the provisions of section 1, clause 2, of said Act."

Sec. 2. For the purposes of this Act, except for the lands acquired pursuant to section 1, no other privately owned lands authorized subsequent to January 1, 1977, to be acquired for inclusion in the National Park System, shall qualify for the purpose of making any payments under the provisions of the Act of October 20, 1976 (90 Stat. 2662), unless hereafter authorized by law.

PURPOSE

The purpose of H.R. 8803,¹ as reported by the Committee on Interior and Insular Affairs, is to more adequately protect the Appalachian National Scenic Trail, the remarkable 2,030 mile footpath traversing the Eastern United States from Maine to Georgia. The corridor is broadened, and the acquisition limitation is raised accordingly.

BACKGROUND

In 1968, Congress enacted the National Trails System Act, and designated the Appalachian Trail as one of the two initial national scenic trails within the system. The act was intended to insure that long-distance, high-quality trails with substantial recreation and scenic potential were afforded Federal recognition and protection.

The Appalachian Trail itself, however, predates the Federal legislation by several decades. Conceived over 50 years ago by Benton MacKaye, the Appalachian Trail was made a reality prior to World War II. An extraordinary volunteer effort led to the construction and maintenance of a unique footpath, an opportunity to experience all the variety of the ancient Appalachian Mountains through 14 States. The trail route, although running through national parks and forests for many miles, also traverses hundreds of miles of privately owned land.

At the time of enactment of the National Trails System Act in 1968, Congress recognized the unique recreational opportunities afforded by extended trails of this type. It was also recognized that changing land uses and increasing pressures for development were a growing threat to maintaining a continuous trail route. The act therefore provided for a Federal responsibility to protect the trail, including the authority to acquire a permanent right-of-way.

Since the passage of the original act, several steps have been taken to further protect the trail. The U.S. Forest Service has pursued a program of land acquisition to secure the trail route within the national forests. Several states have taken the initiative to acquire a corridor for the trail, frequently making use of matching grants from the land and water conservation fund.

Unfortunately, these measures alone have not been enough to protect the trail. Over 600 miles of the trail remain in private hands and changes in ownership and increasing pressures for development pose threats to the continuity of the trail in numerous instances. Almost 200 additional miles of the trail are now located along roads, providing no real hiking experience, but only a link between disconnected segments of the trail. Some of these miles of road designation are the result of the trail having been forced off of an area of land due to a change in use or ownership.

The Department of the Interior has recognized this increasing threat to the trail, and is preparing a detailed acquisition plan to carry out the mandate of the 1968 act to protect the trail. Experience with the trail has demonstrated, however, that additional authority is

¹H.R. 8803 was authorized by Representative Goodloe Byron of Maryland, and was also sponsored by Representative Bingham, Phillip Burton, and Selberling. Also before the committee were companion measures H.R. 9142, sponsored by Representatives Byron, Bellenson, Boland, Brodhead, Broyhill, Cleveland, Conte, D'Amours, Duncan of Tennessee, Harrington, Kindness, Kostmayer, Markey, Mitchell of Maryland, Pease, Whitehurst, Young of Alaska, and Lagomarsino and H.R. 9617 sponsored by Coughlin, Wyle, Blanchard, Alexander, Hughes, Steers, and Edwards of California.

needed to insure the acquisition of a corridor wide enough to protect trail values, and an increase in the funding authorized for the trail will be required to purchase a sufficient route through the areas which are now unprotected. H.R. 8803 provides the authority and direction to see that the Appalachian Trail will be protected as Congress intended some 9 years ago.

SECTION-BY-SECTION ANALYSIS

Section 1 of H.R. 8803, as recommended by the committee, consists of a series of amendments to the National Trails System Act of 1968.

Amendment 1 restructures the language of the original Act to provide for advisory councils with a 10-year life for each national scenic trail, and for a new 10-year period for the existing Appalachian and Pacific Crest Trail. The language of the act with respect to advisory councils is relocated as a separate subsection, and the appropriate Secretary is given authority to reimburse advisory council members for their expenses in carrying out their responsibilities.

Amendment 2 adds a new subsection requiring a plan to be developed within 2 years of the addition of any new trail to the system by act of Congress, as well as requiring such plans for the Pacific Crest and Appalachian Trails within 2 years from the date of enactment of this legislation. The plan will include a detailed acquisition program, an identification of the significant features along the trail route, development proposals, and guidelines for public use.

Amendment 3 deletes a redundant acreage limitation on lands to be acquired within existing Federal areas for trail purposes.

Amendment 4 amends the restriction on the use of eminent domain in the act to provide that an average of 125 acres per mile may be so acquired for the Appalachian Trail. Other national scenic trails will be limited to an average of 25 acres per mile of trail. A prohibition of eminent domain authority for the Pacific Crest Trail is also removed.

Amendment 5 permits up to \$30,000,000 in fiscal year 1978, \$30 million in fiscal year 1979, and \$30 million in fiscal year 1980 to be expended from appropriations made from the land and water conservation fund. Any amounts not appropriated during the 3 stated years will remain available for later appropriation. It is the intent of Congress that the land acquisition program for the trail be substantially completed within 3 fiscal years after enactment of this provision. The Secretary is to transmit a yearly progress report to the appropriate congressional committees until the acquisition program is complete. The appropriations which may be made for land acquisition for the Appalachian Trail may also come from the special account within the land and water conservation fund established by Public Law 95-42.

Section 2 provides that the lands acquired to complete the Appalachian Trail will qualify for the purpose of making payments to local units of Government pursuant to the Payments in Lieu of Taxes Act of 1976. However, no other privately owned lands which are authorized for inclusion in the national park system subsequent to January 1, 1977, will qualify for these payments unless specifically authorized by law.

LEGISLATIVE HISTORY

The committee held oversight hearings on the National Trails System Act during the 94th Congress, at which time the various threats to the integrity of the Appalachian Trail were discussed at some length. Members of the committee expressed concern at that time with the slow pace of the progress that had been made since 1968 to protect the trail route.

At hearings on H.R. 8803 held by the Subcommittee on National Parks and Insular Affairs on October 6, 1977, there was general agreement that a rapid Federal acquisition program is necessary if the Appalachian Trail is to be preserved as a worthwhile recreation resource. The opportunity still exists to fulfill the intent of Congress in 1968 that the trail be protected.

In testimony supporting the enactment of H.R. 8803, Assistant Secretary of the Interior Robert Herbst commented on the partnership that is required for the Appalachian Trail. The committee fully agrees with this approach. Federal and continuing State acquisition efforts can insure the protection of the trail corridor itself, particularly with the ongoing assistance of private donations and cooperative agreements by other interested parties. The role of the volunteer in the Appalachian Trail must be continued and enhanced. For 50 years, the dedicated efforts of a great many individuals have made the trail viable. The committee intends that the future administration of the trail will continue to emphasize this partnership. The encouragement of the role of the volunteer in promoting, protecting, and maintaining the Appalachian Trail is sound public policy. The reestablishment of the advisory council for the trail is only a part of this responsibility, and the continuance of the active participation of the Appalachian Trail Conference, individual trail clubs, and other interested organizations and individuals should also be a management goal.

The committee notes that the original language of the 1968 act which directs the Secretary of the Interior to make all reasonable efforts to acquire the necessary lands by negotiation has been retained. This policy should be continued, and it should be clear that the expectation of the committee is that eminent domain will continue to be used as a tool of last resort for the trail. In taking action to specify this authority for a broader but still limited corridor, the committee does not intend to prevent the Secretary from acquiring other lands to enhance the trail route, but any such additional acquisitions will be from willing sellers only.

In areas where State acquisition programs are proceeding to protect the trail route, or where cooperative agreements can insure the perpetuation of the trail corridor, Federal acquisition may not be required. In carrying out a plan for acquisition, however, the Secretary should move expeditiously where necessary to protect the trail. The expression of intent for a 3-year acquisition program which the committee recommended in the bill reflects the concern that an adequate corridor be acquired before escalating land prices and changes in land use along

the trail further complicate Federal acquisitions. The removal of the prohibition on limited eminent domain authority for acquisitions along the Pacific Crest National Scenic Trail is intended to permit the Secretary of Agriculture to have this ability as a last resort in this instance as well, if necessary to ultimately secure a continuous trail route.

The committee also amended the bill to require the appropriate Secretaries to submit a detailed plan to the authorizing committees of the Congress within 2 years which will detail land acquisition plans, management practices, costs for any needed improvements, and guidelines for public use. The committee does not intend that this requirement produce a major general development plan such as has been the case for traditional national parks, but that, in consultation with the appropriate State officials, the Secretaries fully apprise the committees of the progress in the unique management situations which these trails represent. Such a report will assist the committees in fulfilling their oversight responsibilities, and will insure that there is no recurrence of the long period of relative inaction which followed the passage of the original National Trails System Act.

OVERSIGHT STATEMENT

The committee conducted specific oversight hearings on the National Trails System Act in March of 1976. The committee was concerned at that time with the slow progress of the trail protection program contemplated by the original act. Several of the provisions of H.R. 8803 are an outgrowth of that concern, including the directed acquisition program and the reporting requirements. The committee is pleased to note several positive actions which have taken place. The establishment of a project manager and staff support to the Appalachian Trail by the National Park Service has been encouraging. The statement of the Assistant Secretary of the Interior expressing his commitment to move rapidly to protect the trail was a welcome feature of the hearings held on H.R. 8803. The committee will continue to review the progress on this and the additional responsibilities under the National Trails System Act as a part of its oversight responsibility.

No recommendations specifically relevant to this legislation have been submitted to the committee pursuant to rule X, clause 2(b)2.

COMMITTEE AMENDMENT

The committee adopted a substitute text for H.R. 8803 incorporating the elements as discussed in the legislative history within this report. Also included was a provision (similar to that passed by the House of Representatives this year as a feature of H.R. 2437) which restricts payments in lieu of taxes authorized by Public Law 94-565 for new national park system areas authorized after the 94th Congress to those instances where Congress specifically authorizes such payments. Lands acquired for the Appalachian Trail would qualify for these payments.

COST, BUDGET ACT COMPLIANCE, AND INFLATIONARY IMPACT STATEMENT

H.R. 8803 permits the expenditure of not more than \$30,000,000 from appropriations made from the land and water conservation fund for each of fiscal years 1978 through 1980. Any amounts not appropriated will remain available for future appropriations. The appropriations up to the specified limits may be made from the special account in the fund established by Public Law 95-42. All such expenditures are limited by the amounts previously authorized to be credited to the land and water conservation fund.

Most of the land acquisition to be carried out as a result of the enactment of H.R. 8803 are intended to occur in fiscal years 1979 through 1981, although there may be some acquisitions which will occur at a later date. As these expenditures will be within the authorized limits for the land and water conservation fund, no additional budget or inflationary impacts should occur. As of the time of filing of this committee report, no submission had been received from the Congressional Budget Office.

The provision restricting the payments to be made in lieu of taxes for newly authorized national parklands may ultimately lead to a budget savings although it is not now possible to predict the magnitude of this anticipated cost reduction.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs, meeting in open session on October 19, 1977, ordered H.R. 8803, as amended, favorably reported by unanimous voice vote.

DEPARTMENTAL REPORT

The favorable report of the Department of the Interior, dated October 5, 1977, is printed here in full:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., October 5, 1977.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for our views on H.R. 8803, a bill to amend the National Trails System Act, and for other purposes.

We recommend that the bill be enacted if amended as proposed below.

H.R. 8803 would increase the Federal land acquisition ceiling for the Appalachian Trail from \$5 million to \$35 million; increase the limitation on use of the power of eminent domain for Appalachian Trail acquisition from 25 acres in any 1 mile to 125 acres in any 1 mile; and would legislatively reconstitute the Appalachian Trail Ad-

visory Council, include a termination provision and change the term of appointment for members from 5 to 2 years.

Of the existing \$5 million land acquisition ceiling, \$190,000 was spent on mapping the official trail route; \$1 million has been committed to the Forest Service for acquiring a trail right-of-way in national forests; \$1 million was appropriated in fiscal year 1977 to the National Park Service for preacquisition mapping, title work, and surveying; and \$627,000 is in the fiscal year 1978 budget for initial Federal acquisition. This would leave a remaining balance of \$2,183,000 which would be available for appropriation.

H.R. 8803 would enable the Department to acquire by eminent domain no less than 25 and up to 125 acres in any 1 mile of the trail. The existing 25-acre-per-mile limitation on use of the power of eminent domain makes acquisition of a corridor wide enough to protect the essential trail environment very difficult. Consideration of more than 25 acres in any 1 mile is blocked even for purposes of clearing title. Disagreements on price for larger tracts cannot be considered through customary legal procedures. Failure to acquire more than 25 acres, which yields an average corridor of 200 feet, encourages speculation on adjacent lands and conflicting developments within sound and sight of the Trails.

The 125-per-acre-per-mile figure proposed in H.R. 8803 would permit a 1,000-foot median corridor to be established. As H.R. 8803 now reads, however, no less than 25 acres per mile could be acquired. We recommend that this provision be deleted, since, in some areas, it may be desirable and feasible to acquire less than that amount of land.

We believe that the proposal in H.R. 8803 to establish an Appalachian Trail Advisory Council is unnecessary, since the existing administratively created Council has proved to be a success. Therefore, we recommend deleting paragraph 1 of the bill.

Nearly 9 years after passage of the National Trails System Act, which had among its principal purposes the permanent protection of the Appalachian Trail, 650 miles of the trail remain on private lands and another 175 miles of the trail follow roads for lack of a protected right-of-way. Our efforts to obtain satisfactory protection for the Trail through State action have met with mixed success. It now seems probable that Maryland and New Jersey will provide a protected corridor for the trail, and there is a possibility that Massachusetts will follow suit. Unprotected trail sections in Georgia, North Carolina, and Tennessee are within national forest boundaries and are being purchased by the Forest Service. In the remaining eight Appalachian Trail States, however, it is clear that at least some Federal acquisition will be required.

To reinforce the partnership approach in Federal and State acquisition of the most threatened miles of the Appalachian Trail, we recommend a modification in the \$35 million authorization proposed in H.R. 8803. We propose that \$17.5 million be authorized for direct Federal acquisition. This amount would allow acquisition to take place promptly where States are unable or unwilling to act to protect threatened sections. The balance of the \$35 million would be available to match State acquisition funds. By making these funds available from the Federal side of the land and water conservation fund, there would

be no reduction in funds available for allotment to the States and the funds would be used to protect a designated National recreational resource. Distribution of the \$17.5 million available to the States would be made according to guidelines to be developed administratively by the Department of the Interior.

By adding a direct incentive to State acquisitions for the trail, our proposal would provide potentially for \$52.5 million in acquisition funds, counting State matching funds. This amount should be sufficient to protect 300 of the most threatened miles of the trail. Emergency acquisition needs have already been identified for this number of miles in New Hampshire, Vermont, Massachusetts, New York, New Jersey, Pennsylvania, West Virginia, and Virginia.

Finally, we would like to point out that our support of an increased authorization for Federal acquisition for the Appalachian Trail in no way changes our cooperative approach toward the administration of scenic trails, as proposed in the Oregon, Lewis and Clark, and North County Trails studies that were sent to the Congress pursuant to President Carter's Environmental Message. These trails would be designated along the entire route, but actual trail will be provided by the Federal Government only on Federal property. Segments on non-Federal lands are to be added as components of the national trail by the management of the Appalachian Trail.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

JAMES A. JOSEPH,
Under Secretary.

CHANGES IN EXISTING LAW

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 *italics*, existing law in which no change is proposed is shown in roman):

ACT OF OCTOBER 2, 1968 (82 STAT. 919; 16 U.S.C. 1241),
AS AMENDED (90 STAT. 2481; 16 U.S.C. 1244)

* * * * *

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

(1) The Appalachian 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 States 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 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 Secretary of the Interior shall establish an advisory council for the Appalachian National Scenic Trail, and the Secretary of Agriculture shall establish an advisory council for the Pacific Crest National Scenic Trail. 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 of 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 without compensation or expense to the Federal Government for a term of five years and 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;

(ii) 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) One or more members appointed to represent private organizations, including landowners and land users, 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: *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) The Secretary shall designate one member to be chairman and shall fill vacancies in the same manner as the original appointment.]

(b) The Secretary of the Interior, 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 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. When completed, such studies shall be the basis of appropriate proposals for additional national scenic trails which shall be submitted from time to time to the President and to the Congress. Such proposals shall be accompanied by a report, which shall be printed as a House or Senate document, showing among other things—

(1) the proposed route of such trail (including maps and illustrations);

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

(3) the characteristics which, in the judgment of the appropriate Secretary, make the proposed trail worthy of designation as a national scenic trail;

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

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

(6) the plans for developing and maintaining the trail and the cost thereof;

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

(8) the extent to which a State or its political subdivisions and public and private organizations might reasonably be expected to participate in acquiring the necessary lands and in the administration thereof; and

(9) the relative uses of the lands involved, including: the number of anticipated visitor-days for the entire length of, as well as for segments, such trail; the number of mouths 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.

(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 County 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 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 Kisimime 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.”

(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 trail to the System, and within 60 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. 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 five 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;*

(ii) *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) *One or more members appointed to represent private organizations, including landowners and land users, 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: 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) *The Secretary shall designate one member to be chairman and shall fill vacancies in the same manner as the original appointment.*

(e) *Within two years of the date of enactment of legislation designating a trail as part of the System, and within two years of the date of enactment of this subsection for the Pacific Crest and Appalachian Trails, the responsible Secretary shall, after full consultation with the*

Governors of the affected states, 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 acquisition, management, development, and use of the trail, including but not limited to, the following items:

(1) a proposed, detailed, phased acquisition plan, by fiscal year, for all lands to be acquired, along with detailed explanation of anticipated necessary cooperative agreements for any lands not to be acquired.

(2) 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, and details of anticipated cooperative agreements to be consummated with other entities.

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

(4) guidelines for public use of the trail, along with needed or anticipated use restrictions, and an identified carrying capacity of the trail and a plan for its implementation.

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 as components of a national recreation or national scenic 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 or scenic trails. (16 U.S.C. 1245)

Sec. 7. (a) Pursuant to section 5 (a), the appropriate Secretary shall select the rights-of-way for National Scenic 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. 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 trail may relocate segments of a national scenic 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 accord-

ance 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 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 or scenic 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. 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, including thereon an appropriate and distinctive symbol for each national recreation and scenic 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.

(d) Within the exterior boundaries of areas under their administration that are included in the right-of-way selected for a national recreation or scenic 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. [*Provided*, That not more than twenty-five acres in any one mile may be acquired without the consent of the owner]

(e) Where the lands included in a national scenic 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 writ-

ten cooperative agreements with landowners, private organizations, and individuals to provide the necessary trail right-of-way, or (2) to acquire such lands or interests therein to be utilized as segments of the national scenic 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 within two years 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) 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 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.

(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 twenty-five acres in any one mile and when used such authority shall be limited to the most direct or practicable connecting trail right-of-way: *Provided further*, That condemnation if prohibited with respect to all acquisition of lands or interest in lands for the purposes of the Pacific Crest Trail. *Provided*, That condemnation proceedings may not be utilized to acquire fee title or lesser interests to more than an average of twenty-five acres per mile, except that up to an average of one hundred twenty-five acres per mile may be so acquired in the case of the Appalachian National Scenic Trail. 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 land for the purposes of this Act.

(h) The Secretary charged with the administration of a national recreation or scenic 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 trail either within or outside a federally administered area.

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 or scenic 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.

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SEC. 10. 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 1978 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:

(i) The Appalachian National Scenic Trail, not to exceed \$30,000,000 for fiscal year 1978, \$30,000,000 for fiscal year 1979, and \$30,000,000 for fiscal year 1980, except that the difference between the foregoing amounts and the actual appropriations in any one fiscal year shall remain available for further appropriation. It is the express intent of the Congress that the Secretary should substantially complete the land acquisition program necessary to ensure the protection of the 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 United States Senate and to the Committee on Interior and Insular Affairs of the United States House of Representatives.

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

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

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

For the purposes of Public Law 95-42 (91 Stat. 210), the lands and interests therein acquired pursuant to this paragraph shall be deemed to qualify for funding under the provisions of section 1, clause 2, of said Act.

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