

LEGISLATIVE HISTORY OF THE
NATIONAL PARKS AND RECREATION ACT OF 1978
(PUBLIC LAW 95-625)

COMPILED BY
SUBCOMMITTEE ON NATIONAL PARKS AND
INSULAR AFFAIRS
OF THE
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS
OF THE
U.S. HOUSE OF REPRESENTATIVES
NINETY-FIFTH CONGRESS
SECOND SESSION

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BRIEF EXPLANATORY REMARKS OF THE AUTHOR OF H.R. 12536,HONORABLE PHILLIP BURTON

H.R. 12536 is a lengthy and complex omnibus bill which combines a large number of separate issues which have been brought to the attention of the Subcommittee on National Parks and Insular Affairs. In the past, many of the items represented in this omnibus bill such as the establishment of new units of the national park system have been handled in separate legislation. However, I believe that it is advantageous to use an omnibus approach in this instance, to assure that the committees of the Congress will have an opportunity to resolve many of the issues contained in this legislation which have lain too long before the Legislature.

H.R. 12536 contains a large number of items which lend themselves to treatment in omnibus fashion. The numerous boundary changes and authorization increases for existing units of the national park system have, in most cases, been compiled through the offices of the National Park Service. By processing these items in an expeditious manner, the Congress can permit the agency to better manage the existing units of its system. These items account for the first three titles of the bill.

Title 4 of the bill would designate portions of a number of existing national park system areas as wilderness. The Congress has a large backlog of these wilderness recommendations which have been completed by the Secretary of the Interior and are pending for action. Enactment of Title 4 will permit us to reduce this backlog and assure the full protection of the Wilderness Act will apply to these additional areas.

Title 5 of the bill establishes a number of new units in the national park system. Establishment of these areas by the 95th Congress will insure their protection and permit the National Park Service to provide increased recreational opportunities in such important areas as the Santa Monica Mountains near Los Angeles,

California. While the addition of these units will require additional effort on the part of the National Park Service to administer and protect these properties, I believe we must move rapidly to insure that these areas are not lost to us by delay.

Title 5 would also establish a new category in the National Trails System labeled "National Historic Trails" and would designate additional national scenic trails. This is an important expansion of this decade-old legislation which is long overdue.

Title 6 of H.R. 12536 contains a diverse number of provisions which came to the attention of our Subcommittee. In many cases, these are items which will simply permit more effective administering by the Secretary of the Interior of various program responsibilities. Also included, however, is a major program to assist local units of government to rehabilitate urban recreational facilities which have been made unusable through past deterioration. We should make this commitment to assist these areas at the earliest possible date in order to provide decent recreational opportunities for many of our citizens that live in an urban environment.

Title 7 of this measure would make the largest additions to the Wild and Scenic Rivers System since its inception in 1968. Several new components of the Wild and Scenic Rivers System would be designated, including the Delaware River, thus precluding construction of the Tocks Island Dam. Our unspoiled rivers are a diminishing resource in this nation and we must act quickly and decisively to protect these priceless resources before our opportunities are lost. Title 7 would also provide for formal studies of additional potential components of the Wild and Scenic Rivers System so that future Congresses will have the needed information to make informed decisions on these additional resources. In addition to providing increased funding for several existing components of the Wild and Scenic Rivers System, Title 7 also includes generic amendments to the 1968 Act which are intended to assist in the expansion of the Wild and Scenic Rivers System.

and to encourage state governments to participate in this program.

H.R. 12536 is unique in our jurisdiction in the number of issues which it addresses and in the scope of resources which it seeks to protect. I believe that it is a vehicle which is worthy of our attention and approval if we are to fulfill our responsibilities in the Congress to expand our recreation systems in the nation.

Legislation of this magnitude would not be possible to contemplate without the initiative and diligent efforts of many Representatives and Senators with respect to provisions which affect both their own states and on which they have expended their time and effort. Without their support and diligence, H.R. 12536 could not be considered by the 95th Congress.

95TH CONGRESS
2D SESSION

H. R. 12536

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 1978

Mr. PHILLIP BURTON (for himself, Mr. UDALL, Mr. SEBELIUS, Mr. KASTENMEIER, Mr. BINGHAM, Mr. WON PAT, Mr. DE LUGO, Mr. BYRON, Mr. TSONGAS, Mr. FLORIO, Mr. MATHIS, Mr. KREBS, Mr. LAGOMARSINO, Mr. KOSTMAYER, Mr. CORRADA, Mr. MURPHY of Pennsylvania, Mr. HEFTEL, Mr. SEIBERLING, Mr. KAZEN, Mr. WEAVER, Mr. MILLER of California, Mr. BELENSON, and Mr. VENTO) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To provide for increases in appropriations ceilings, development ceilings, land acquisition, and boundary changes in certain Federal park and recreation areas, and for other purposes.

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

3 SHORT TITLE AND TABLE OF CONTENTS

4 SECTION 1. This Act may be cited as the "National
5 Parks and Recreation Act of 1978".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.
Sec. 2. Definition.
Sec. 3. Authorization of appropriations.

I—O

1 OVERMOUNTAIN MEN VICTORY TRAIL

2 SEC. 552. Section 5 (c) of the National Trails Sys-
3 tern Act (82 Stat. 919; 16 U.S.O. 1241) is amended by
4 adding at the end thereof the following new paragraph:

5 "(23) Overmountain Men Victory Trail extending
6 from the vicinity of Elizabethton, Tennessee, to
7 Kings
8 Mountain National Military Park, South Carolina."

8 CONTINENTAL DIVIDE TRAIL

9 SEC. 553. Section 5 (a) of the National Trails System
10 Act (82 Stat. 919; 16 U.S.C. 1241) is amended by add-
11 ing the following new paragraph at the end thereof:

12 "(4) The Continental Divide National Scenic
13 Trail, a trail of approximately thirty-one hundred miles,
14 Extending from the Montana-Canada border to the New
15 Mexico border, following the approximate route depicted
16 on the map, identified as 'Proposed Continental Divide
17 National Scenic Trail' in the Department of the Interior
18 Continental Divide Trail Study Report dated August
19 1976. The Continental Divide National Scenic Trails
20 shall be administered by the Secretary of Agriculture in
21 consultation with the Secretary of the Interior. Not-
22 withstanding the provisions of section 7(c), the use of
23 motorized vehicles on roads which will be designated
24 segments of the Continental Divide National Scenic

1 Trail shall be permitted in accordance with regulations
2 prescribed by the appropriate Secretary."

3 NORTH COUNTRY NATIONAL SCENIC TRAIL

4 SEC. 554. Section 5 (a) of the National Trails System
5 Act (82 Stat. 919; 16 IT.S.C. 1241) is amended by add-
6 ing the following new paragraph at the end thereof:

7 " (5) The North Country National Scenic Trail, a trail
8 of approximately thirty-two hundred miles, extending from
9 eastern New York State to the vicinity of Lake Sakakawea
10 in North Dakota, following the approximate route depicted
11 on the map identified as 'Proposed North Country Trail-
12 Vicinity Map' in the Department of the Interior 'North
13 Country Trail Report', dated June 1975. The map shall
14 be on file and available for public inspection in the Office
15 of the Director, National Park Service, Washington, D.C.
16 The trail shall be administered by the Secretary of the
17 Interior."

18 AUTHORIZATION OF APPROPRIATIONS

19 SEC. 5554. For acquisition of lands and interests in land
20 with respect to the trails included within the national trails
21 system under this subtitle there is authorized to be appropri-
22 ated not more than \$3,000,000 for each of the three fiscal
23 years which begins after the date of the enactment of this
24 Act. Such sums shall remain available until expended.

95TH CONGRESS) HOUSE OF REPRESENTATIVES (REPORT
U Session f (No. 95-1165

PROVIDING FOR INCREASES IN APPROPRIATIONS CEILINGS, DEVELOPMENT CEILINGS, LAND ACQUISITION AND BOUNDARY CHANGES IN CERTAIN FEDERAL PARK AND RECREATION AREAS, AND FOR OTHER PURPOSES

MAY 15, 1978.—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

together with

-SUPPLEMENTAL VIEWS

[To accompany H.R. 12536]

[Including the cost estimate, of the Congressional Budget Office]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 12536) to provide increases in appropriations ceilings, development ceilings, land acquisition, and boundary changes in certain Federal park and recreation areas, 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:

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "National Parks and Recreation Act of 1978".

Table OF CONTENTS

- Sec. 1. Short title and table of contents
- Sec. 2. Definition.
- Sec. 3. Authorization of appropriations.

2' in the Department of the Interior Mormon Trail study report dated March 1977, and which shall be on file and available for public inspection in the office of the Director, National Park Service, Washington, D.C. The Trail shall be administered by the Secretary of the Interior."

OVERMOUNTAIN MEN VICTORY TRAIL

SEC. 552. Section 5(c) of the National Trails System Act (82 Stat. 919; 16 U.S.C. 1241) is amended by adding at the end thereof the following new paragraph:

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

CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL

SEC. 553. Section 5(a) of the National Trails System Act (82 Stat. 919; 16 U.S.C. 1241) is amended by adding the following new paragraph, at the end thereof:

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

..... NORTH COUNTRY NATIONAL SCENIC TRAIL

SEC. 554. Section 5(a) of the National Trails System Act (82-Stat. 919; 16 U.S.C. 1241) is amended by adding the following new paragraph at the end thereof:

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

AUTHORIZATION OF APPROPRIATIONS

SEC. 555. For acquisition of lands and interests in land with respect to the trails included within the national trails system under this subtitle there is authorized to be appropriated not more than \$3,000,000 for each of the three fiscal years which begins after the date of the enactment of this Act. Such sums shall remain available until expended.

TITLE VI—MISCELLANEOUS PROVISIONS

OLD FAITHFUL INN AT YELLOWSTONE NATIONAL PARK

SEC. 601. (a) The Secretary is hereby authorized to acquire and upgrade the Old Faithful Inn at Yellowstone National Park in the State of Wyoming.

(b) There are hereby authorized to be appropriated to carry out the purposes of this section, \$1,500,000 for acquisition and \$1,500,000 for development.

RIDGELANDS AREA STUDY

SEC. 602. (a) In order to consider preserving in their natural condition appropriate segments of the Ridgelands east of San Francisco Bay for protection of the area's unique ecology and topography and for public outdoor recreation, the

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

"(5) *The Continental Divide National Scenic Trail, a trail of approximately thirty-one hundred miles, extending from the Montana-Canada border to the New Mexico border, following the approximate route depicted on the map, identified as "Proposed Continental Divide National Scenic Trail in the Department of the Interior Continental Divide Trail Study Report dated March 1977. The Continental Divide National Scenic Trails shall be administered by the Secretary of Agriculture in consultation with the Secretary of the Interior. Notwithstanding the provisions of section 7(c), the use of motorized vehicles on roads which will be designated segments of the Continental Divide National Scenic Trail shall be permitted in accordance with regulations prescribed by the appropriate Secretary.*

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

* * * * *

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

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

(86 Stat. 1266)

* * * * *

"SEC. 17. (a) In addition to the sums heretofore appropriated, there are authorized to be appropriated for operating and administrative expenses of the Corporation sums not to exceed \$1,300,000 for the fiscal year ending June 30, 1976; \$325,000 for the period July 1 through September 30, 1976; [and] \$1,500,000 each, for the fiscal years ending September 30, 1977, and September 30, 1978; and \$2,000,000 for the fiscal year ending September 30, 1979.

July 10, 1978

CONGRESSIONAL RECORD—HOUSE

H6327

Page 243, lines 3 and 4, change \$34,750,000" to "\$25,000,000".

Page 248, line 21, strike "certifies" and insert in lieu thereof: "determines that the lands were acquired for purposes which further the national interest in protecting the area and".

Page 249, line 12, following "facility", insert: "and shall be excused from payment for any use of the land and facilities on the site prior to the enactment of this Act".

Page 249, lines 18 and 19, delete the phrase "in connection with the description of the boundaries of the recreation area,".

Page 249, line 20, change "such boundaries" to "the recreation area".

Page 261, line 25, change "\$50,000,000" to "\$25,000,000".

Page 262, strike line 1, and insert in lieu: "for fiscal year 1979, \$50,000,000 for fiscal year 1980, and \$50,000,000 for fiscal year 1981, such".

Page 262, line 6, following the period, insert the following: "For the authorizations made in this subsection, any amounts authorized but not appropriated in any fiscal year shall remain available for appropriation in succeeding fiscal years."

Page 265, after line 20, insert:

FRIENDSHIP HILL NATIONAL HISTORIC SITE

"SEC. 512. (a) The Secretary is authorized to establish the Friendship Hill National Historic Site in the State of Pennsylvania, including the former home of Albert Gallatin, as depicted on the map entitled 'FRHI-80000' dated February 1978. Said map shall be on file and available for public inspection in the offices of the Director, National Park Service, Washington, District of Columbia. The Secretary is authorized to acquire such land and improvements thereon by donation, purchase with donated or appropriated funds, or exchange.

"(b) Pending establishment of the site and thereafter the Secretary shall administer property acquired pursuant to this section in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4) as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467), as amended.

"(c) (1) There are hereby authorized to be appropriated for the fiscal year ending September 30, 1979, and for succeeding fiscal years, such sums as may be necessary to carry out the purposes of this section.

"(2) For the development of essential facilities there are authorized to be appropriated for the fiscal year ending September 30, 1979, and for succeeding fiscal years, such sums as may be necessary to carry out the purposes of this section, but not to exceed \$100,000. Within three years from the effective date of this section, the Secretary shall develop and transmit to the Committee on Interior and Insular Affairs of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate a general management plan for the use and development of the site consistent with the purposes of this section, indicating—

"(A) the lands and interests in lands adjacent or related to the site which are deemed necessary or desirable for the purposes of resource protection, scenic integrity, or management and administration of the area in furtherance of the purposes of this section and the estimated cost thereof;

"(B) the number of visitors and types of public use within the site which can be accommodated in accordance with the protection of its resources; and

"(C) the location and estimated cost of facilities deemed necessary to accommodate such visitors and uses.

THOMAS STONE NATIONAL HISTORIC SITE

"SEC. 513. (a) The Secretary is authorized to acquire by donation, exchange, or purchase with donated or appropriated funds,

the Thomas Stone home and grounds, known as Habre-de-Venture, located on Rose Hill near La Plata in Charles County, Maryland, for establishment as the Thomas Stone National Historic Site.

"(b) The national historic site shall be established by the Secretary by the publication of notice to that effect in the Federal Register at such time that he determines he has sufficient ownership to constitute an administrable unit. After such publication, the site shall be administered by the Secretary pursuant to the provisions of this section and the provisions of the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et. seq.), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467).

"(c) To carry out the purposes of this section, there is hereby authorized to be appropriated not to exceed \$600,000 for the acquisition of lands and interests therein and not to exceed \$400,000 for development.

MAGGIE L. WALKER NATIONAL HISTORIC SITE

"SEC. 514. (a) The Secretary is authorized to establish the Maggie L. Walker National Historic Site (hereinafter in this section referred to as the "historic site") in the city of Richmond, Virginia.

"(b) The historic site shall comprise the area extending east from the western boundary of the Maggie L. Walker House at 113 East Leigh Street in Richmond, Virginia, to Third Street and extending north from an east-west line which coincides with the front property line of such house to an east-west line which coincides with the north side of the alleyway immediately at the rear of such house. Following timely notice in writing to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate of his intention to do so, the Secretary may make minor revisions in the boundaries of the historic site by publication of a map or other revised boundary description in the Federal Register.

"(c) Within the boundaries of the historic site, the Secretary may acquire lands and interests therein by donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency. Any property within such boundaries owned by the State of Virginia or any political subdivision thereof may be acquired only by donation.

"(d) When the Secretary determines that lands and interests therein have been acquired in an amount sufficient to constitute an administrable unit, he shall establish the historic site by publication of a notice to that effect in the Federal Register. Pending such establishment and thereafter, the Secretary shall administer the historic site in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1, 2-4), and the Act of August 21, 1935 (49 Stat. 666), as amended (16 U.S.C. 461 et seq.). Funds available for the historic site shall be available for restoration and rehabilitation of properties therein in accordance with cooperative agreements entered into pursuant to section 2(c) of the Act of August 21, 1935, supra.

"(e) (1) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, but not more than \$795,000 for acquisition of lands and interests in land and not more than \$500,000 for the development of essential facilities.

"(2) Within three complete fiscal years from the date of enactment of this section, the Secretary shall develop and transmit to the Committees referred to in subsection (b) a general management plan for the historic site consistent with the purposes of this section. Such plan shall indicate—

"(i) facilities needed to accommodate the health, safety, and educational needs of the public;

"(ii) the location and estimated cost of all facilities; and

"(iii) the projected need for any additional facilities."

Strike page 265, line 22, through page 268, line 10, and insert in lieu thereof:

SEC. 551. The National Trails Systems Act (82 Stat. 919; 16 U.S.C. 1241), as amended, is further amended as follows:

(1) In section 2(a) after "promote" insert "the preservation of,"; and after "outdoor areas" insert "and historic resources".

(2) In section 2(a) delete "(ii)" and the remainder of the sentence and insert "(ii) secondarily, within scenic areas and along historic travel routes of the Nation, which are often more remotely located."

(3) In section 2(b) delete "and scenic" and insert ", scenic and historic".

(4) In section 3 redesignate subsection (c) as "(d)", and insert a new subsection (c) as follows:

"(c) National historic trails, established as provided in section 5 of this Act, which will be extended trails which follow as closely as possible and practicable the original trails or routes of travel of national historic significance. Designation of such trails or routes shall be continuous, but the established or developed trail, and the acquisition thereof, need not be continuous onsite. National historic trails shall have as their purpose the identification and protection of the historic route and its historic remnants and artifacts for public use and enjoyment."

(5) In the new section 3(d) delete "or national scenic" and insert ", national scenic or national historic".

(6) Change the title of section-5 to read "NATIONAL SCENIC AND NATIONAL HISTORIC TRAILS".

(7) In section 5(a), insert in the first sentence after the word "scenic" the words "and national historic", and change the second sentence to read: "There are hereby established the following National Scenic and National Historic Trails:".

(8) In section 5(a) (1), in the first sentence, after the word "Appalachian", insert "National Scenic", and in section 5(a) (2), in the first sentence, after "Pacific Crest", insert "National Scenic".

(9) In section 5(a), delete paragraph (3) and insert in lieu the following new paragraphs:

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

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

"(5) The Continental Divide National Scenic Trail, a trail of approximately thirty-one hundred miles, extending from the Montana-Canada border to the New Mexico-Mexico border, following the approximate route depicted on the map, identified as "Proposed

Continental Divide National Scenic Trail' in the Department of the Interior Continental Divide Trail study report dated March 1977 and which shall be on file and available for public inspection in the office of the Director, National Park Service, Washington, D.C. The Continental Divide National Scenic Trail shall be administered by the Secretary of Agriculture in consultation with the Secretary of the Interior. Notwithstanding the provisions of section 7(c), the use of motorized vehicles on roads which will be designated segments of the Continental Divide National Scenic Trail shall be permitted in accordance with regulations prescribed by the appropriate Secretary."

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

(10) In section 5(b) after "national scenic" wherever it appears insert "or national historic"; in the first sentence after the phrase "Secretary of the Interior," insert "through the agency most likely to administer such trail,"; delete the third sentence; and delete that portion of the fourth sentence which precedes the numerical listing, and insert in lieu thereof: "The studies listed in subsection (c) of this section shall be completed and submitted to the Congress, with recommendations as to the suitability of trail designation, not later than three complete fiscal years from the date of enactment of their addition to this subsection, or from the date of enactment of this sentence, whichever is later. Such studies, when submitted, shall be printed as a House or Senate document, and shall include, but not be limited to:"

(11) In section 5(b)(3) after the semi colon add "and in the case of national historic trails the report shall include the recommendation of the Secretary of the Interior's National Park System Advisory Board as to the national historic significance based on the criteria developed under the Historic Sites Act of 1935 (49 Stat. 666; T.J.S.C. 461);"

(12) In section 5(b) (8) delete the word "and" at the end of the sentence; in section 5(b) (&) change the period at the end of the sentence to a semicolon; and at the end of section 5(b) add the following new paragraphs:

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

"(11) to qualify for a designation as a national historic trail, a trail must meet all three' of the following criteria:

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

travel by trail due to subsequent development as motorized transportation routes may be designated and marked onsite as segments which link to the historic trail.

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

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

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

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

(14) In section 5 delete subsection (d), 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 or national historic trail to the System, and within sixty days of the enactment of this sentence for the Appalachian and Pacific Crest National Scenic Trails, establish an advisory council for each such trail, each of which councils shall expire ten years from the date of its establishment. The appropriate Secretary shall consult with such council from time to time with respect to matters relating to the trail. Including the selection of rights-of-way, standards for the erection and maintenance of markers along the trail, and the administration of the trail. The members of each advisory council, which shall not exceed thirty-five in number, shall serve for a term of two years and without compensation as such, but the Secretary may pay, upon vouchers signed by the chairman of the council, the expenses reasonably incurred by the council and its members in carrying out their responsibilities under this section. Members of each council shall be appointed by the appropriate Secretary as follows:

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

"(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 corporate and individual landowners and land users, which in the opinion of the Secretary, have an established and recognized interest in the trail, and such appointments shall be made from recommendations of the heads of such organizations: *Provided*, That the Appalachian Trail Conference shall be represented by a sufficient number of persons to represent the various sections of the country through which the Appalachian Trail passes; and

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

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

"(e) Within two complete fiscal years of the date of enactment of legislation

designating a trail as part of the system, and within two complete fiscal years of the date of enactment of this subsection for the Pacific Crest and Appalachian Trails, the responsible Secretary shall, after full consultation with affected Federal land managing agencies, the Governors of the affected States, and the Appalachian Trail Conference in the case of the Appalachian Trail, 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) 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 (along with high potential historic sites and high potential route, segments in the case of national historic trails), details of anticipated cooperative agreements to be consummated with other entities, and an identified carrying capacity of the trail and a plan for its implementation;

"(2) an acquisition or protection plan, by fiscal year, for all lands to be acquired by fee title or lesser interest, along with detailed explanation of anticipated necessary cooperating agreements for any lands not to be acquired; and

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

(16) In section 6 in the first sentence delete "National Scenic Trails" and insert "national scenic or national historic", and in the second sentence delete "or scenic" and insert "national scenic, or national historic".

(17) In section 7(a) in the first sentence delete "National Scenic Trails" and insert "national scenic and national historic trails"; in two instances in subsection (b), and in the first sentence of subsection (c), after "scenic", insert "or national historic"; in the fourth sentence of subsection (c), after "trail", insert "and within any high potential historic sites and high potential route segments of any national historic trail"; in subsection (e) in the second proviso, after "recreation" delete "or scenic" and insert "national scenic, or national historic"; and in the fifth sentence after "recreation" delete "and scenic" and insert "national scenic, and national historic"; in subsection (d) after "recreation" delete "or scenic" and insert "national scenic, or national historic"; in subsection (e) after "scenic" in both instances where it appears insert "or national historic"; in subsection (h) in the first sentence after "recreation" delete "or scenic" and insert "national scenic, or national historic"; and in the section sentence after "scenic" insert "or national historic"; in subsection (i) after "recreation" delete "or scenic" and insert "national scenic, or national historic".

(18) In section 7(c) at the end of the fourth sentence insert the following: "Where a national historic trail follows existing public roads, developed rights-of-way or waterways, and similar features of man's nonhistorically related development, approximating the original location of a historic route, such segments may be marked to facilitate retracement of the historic route, and where a national historic trail parallels an existing public road, such road may be marked to commemorate the historic route."

(19) In section 7(e), in the first proviso, delete "within two years".

(20) In section 7(g), delete the second proviso entirely.

(21) At the end of subsection 7(g) add the following new sentence: "For national historic trails, direct Federal acquisition for trail purposes shall be limited to those areas

penditure shall be approved nor shall any such license or permit be issued which, in the judgment of the Secretary, would be inconsistent with the purposes of this section or the comprehensive plan approved by the Secretary.

(p) The Secretary shall give full consideration to the recommendations of the California Department of Parks and Recreation, the Santa Monica Mountains Comprehensive Planning Commission, and the California Coastal Commission.

(q)(1) There is hereby established the Santa Monica Mountains National Recreation Area Advisory Commission (hereinafter referred to as the "Advisory Commission"). The Advisory Commission shall terminate ten years after the date of establishment of the recreation area.

(2) The Advisory Commission shall be composed of the following members to serve for terms of five years as follows: 1

(A) one member appointed by the Governor of the State of California;

(B) one member appointed by the mayor of the city of Los Angeles;

(C) one member appointed by the Board of Supervisors of Los Angeles County;

(D) one member appointed by the Board of Supervisors of Ventura County; and

(E) five members appointed by the Secretary, one of whom shall serve as the Commission Chairperson.

(3) The Advisory Commission shall meet on a regular basis. Notice of meetings and agenda shall be published in local newspapers which have a distribution which generally covers the area. Commission meetings shall be held at locations and in such a manner as to insure adequate public involvement. Such locations shall be in the region of the Santa Monica Mountains and no more than twenty-five miles from it.

(4) Members of the Commission shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this Act on vouchers signed by the Chairperson.

(5) The Secretary, or his or her designee, shall from time to time but at least semi-annually, meet and consult with the Advisory Commission on matters relating to the development of this recreation area and with respect to carrying out the provisions of this section.

(r) There are authorized to be appropriated such sums as may be necessary for acquisition of lands and interests in land within the boundaries of the recreation area established under this section, but not more than \$50,000,000 for each of the fiscal years 1970, 1980, and 1981, such sums to remain available until expended. For grants to the State pursuant to subsection (n) there are authorized to be appropriated not more than \$10,000,000 for each of the fiscal years 1979, 1980, and 1981 such sums to remain available until expended.

(s) For the development of essential public facilities in the recreation area there are authorized to be appropriated not more than \$500,000.

(t) Within two years from the date of establishment of the recreation area pursuant to this section, the Secretary shall, after consulting with the Advisory Commission, develop and transmit to the Committees referred to in subsection (c) a general management plan for the recreation area consistent with the objectives of this section. Such plan shall indicate—

(1) a plan for visitor use including the facilities needed to accommodate the health, safety, education and recreation needs of the public;

(2) the location and estimated costs of all facilities;

(3) the projected need for any additional facilities within the area;

(4) any additions or alterations to the boundaries of the recreation area which are necessary or desirable to the better carrying out of the purposes of this section; and

(5) a plan for preservation of scenic, archeological and natural values and of fragile ecological areas.

EBEY'S LANDING NATIONAL HISTORICAL PARK
SEC. 15. (a) The Secretary is authorized to acquire on behalf of the United States by donation, purchase with donated or appropriated funds, or by exchange, lands, easements, interests in lands, and such other property on Central Whidbey Island, Puget Sound, State of Washington, as the Secretary may deem necessary for the purpose of interpreting and preserving the Central Whidbey Island Historic District, containing approximately eight thousand acres surrounding Penn Cove and including prairies that remain in much the same condition as when they were first explored by Captain George Vancouver in 1792, original Donation Land Claims preempted by early settlers according to the provisions of the Donation Land Law passed by the United States Congress in the 1850's, fifteen places listed in the Historic American Buildings Survey, original frame houses built by the early settlers that still stand on the original Donation Land Claims, and numerous structures portraying a cross section of early domestic architecture. Lands or interests therein owned by the State of Washington or a political subdivision thereof may be acquired only by donation. The Secretary may not acquire fee title to any land under this section without the consent of the owner thereof. In exercising his authority to acquire property under this subsection, the Secretary shall give prompt and careful consideration to any offer made by an individual owning property within the area subject to such authority to sell such property, if such individual notifies the Secretary that the continued ownership of such property is causing, or would result in, undue hardship.

(b) The property acquired under the provisions of subsection (a) shall be known as the Ebey's Landing National Historical Park and shall be established to preserve a rural community which provides an unbroken, historical record from the nineteenth century exploration and settlement in Puget Sound to the present time. The park shall commemorate—

(1) the first thorough exploration of the Puget Sound area, by Captain George Vancouver, in 1792;

(2) settlement by Colonel Isaac Neff Ebey who led the first permanent settlers to Whidbey Island, quickly became an important figure in Washington Territory, and ultimately was killed by Haidahs from the Queen Charlotte Islands during a period of Indian unrest in 1857;

(3) early active settlement during the years of the Donation Land Law (1850-1855) and thereafter; and

(4) the growth since 1883 of the historic town of Coupeville.

The Secretary shall administer, protect, and develop such park in accordance with the provisions of law generally applicable to units of the National Park System, including the Act of August 25, 1916 (39 Stat. 532; 16 U.S.C. 1 et seq.), the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

(c) The Secretary may enter into cooperative agreements with the State of Washington, political subdivisions thereof, corporations, associations, or individuals, for the preservation of nationally significant historic sites and structures and for the interpretation of significant events which occurred on Central Whidbey Island, in Puget Sound, and he may erect and maintain tablets or markers at appropriate sites in accordance with the provisions of the Act of August 21, 1936 (49 Stat. 666; 16 U.S.C. 461 et seq.).

(d) There is hereby authorized to be appropriated \$4,500,000 for the acquisition of lands and interests therein and \$500,000 for development of the park.

Subtitle B—Trails

MORMON PIONEER NATIONAL HISTORIC TRAIL

SEC. 551. Section 5(a) of the National Trails System Act (82 Stat. 919; 16 U.S.C. 1241) is amended by inserting the following new paragraph after paragraph (3):

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

OVERMOUNTAIN MEN VICTORY TRAIL

SEC. 552. Section 5(c) of the National Trails System Act (82 Stat. 919; 16 U.S.C. 1241) is amended by adding at the end thereof the following new paragraph:

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

CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL

SEC. 553. Section 5(a) of the National Trails System Act (82 Stat. 919; 16 U.S.C. 1241) is amended by adding the following new paragraph at the end thereof:

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

NORTH COUNTRY NATIONAL SCENIC TRAIL

SEC. 554. Section 5(a) of the National Trails System Act (82 Stat. 919; 16 U.S.C. 1241) is amended by adding the following new paragraph at the end thereof:

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

AUTHORIZATION OF APPROPRIATIONS

SEC. 555. For acquisition of lands and interests in land with respect to the trails included within the national trails system under this subtitle there is authorized to be appropriated not more than \$3,000,000 for each of the three fiscal years which begins after the date of the enactment of this Act. Such sums shall remain available until expended.

In the House of Representatives, U. S.,

October 4, 1978.

Resolved, That the bill from the Senate (S. 791) entitled "An Act to authorize additional appropriations for the acquisition of lands and interests in lands within the Sawtooth National Recreation Area in Idaho", do pass with the following

AMENDMENT:

Strike out all after the enacting clause, and insert:

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "National Parks and Recreation Act of 1978".

TABLE OF CONTENTS

- Sec. 1. Short title and table of contents.*
Sec. 2. Definition.
Sec. 3. Authorization of appropriations.

TITLE I—DEVELOPMENT CEILING INCREASES

- Sec. 101. Specific increases.*
- Agate Fossil Beds National Monument.*
 - Andersonville National Historic Site.*
 - Andrew Johnson National Historic Site.*
 - Biscayne National Monument.*
 - Capitol Reef National Park.*
 - Carl Sandburg Home National Historic Site.*
 - Cowpens National Battleground Site.*
 - DeSoto National Memorial.*
 - Fort Bowie National Historic Site.*
 - Frederick Douglass Home, District of Columbia.*
 - Grant Kohrs Ranch National Historic Site.*
 - Guadalupe Mountains National Park.*
 - Gulf Islands National Seashore.*
 - Harper's Ferry National Historical Park.*
 - Hubbell Trading Post National Historic Site.*
 - Indiana Dunes National Lakeshore.*
 - John Muir National Historic Site.*
 - Lands in Prince Georges and Charles Counties, Maryland.*
 - Longfellow National Historic Site.*
 - Pecos National Monument.*

Mormon Trail study report dated March 1977, and which shall be on file and available for public inspection in the office of the Director, National Park Service, Washington, D.C. The trail shall be administered by the Secretary of the Interior.

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

"(6) The North Country National Scenic Trail, a trail of approximately thirty-two hundred miles, extending from eastern New York State to the vicinity of Lake Sakakawea in North Dakota, following the approximate route depicted

(16) In section 6 in the first sentence delete "or national scenic" and insert ", national scenic or national historic", and in the second sentence delete "or scenic" and insert ", national scenic, or national historic."

(17) In section 7 (a) in the first sentence delete "National Scenic Trails" and insert "national scenic and national historic trails"; in two instances in subsection (b), and in the first sentence of subsection (c), after "scenic", insert "or national historic"; in the fourth sentence of subsection (c), after "trail", insert "and within any high potential historic sites and high potential route segments of any national historic trail"; in subsection (c) in the second proviso, after "recreation" delete "or scenic" and insert ", national scenic or national historic"; and in the fifth sentence after "recreation" delete "and scenic" and insert ", national scenic, and national historic"; in subsection (d) after "recreation", delete "or scenic" and insert ", national scenic, of national historic"; in subsection (e) after "scenic" in both instances where it appears insert "or national historic"; in subsection (h) in the first sentence after "recreation"-delete "or scenic" and insert ", national scenic, or national historic", and in the second sentence after "scenic" insert "or national historic"; in subsection (i) after "recreation" delete "or scenic" and insert ", national scenic, or national historic".

(18) *In section 7(c) at the end of the fourth sentence insert the following: "national historic trail follows existing public roads, developed rights-of-way or waterways, and similar features of man's nonhistorically related development) approximating the original location of a historic route, such segments may be marked to facilitate retracement of the historic route, and where a national historic trail parallels an existing public road, such road may be marked to commemorate the historic route."*

(19) *In section 7(e), in the first proviso, delete "within two years".*

(20) *In section 7(g), delete the second proviso entirely.*

(21) *At the end of subsection 7(g) add the following new sentence: "For national historic trails, direct Federal acquisition for trail purposes shall be limited to those areas indicated by the study report or by the comprehensive plan as high potential route segments or high potential historic sites."*

(22) *In section 6< in the first sentence of subsection (a) after "establishing park, forest, and other recreation" insert "and historic" and after "administered by States, and recreation" insert 'and historic"; and at the end of the first sentence insert the following: "The Secretary is also directed to*

encourage States to consider, in their 'comprehensive state wide historic preservation plans and proposals for financial assistance for State, local, and private- projects submitted pursuant to the Act of October 15, 1966 {80,Stat. 915), as amended, needs and opportunities for establishing historic trails".

(23) In section 10, strike "(a) (iy' and insert in lieu thereof "(a)"; strike "the subsequent fiscal year" and insert in lieu thereof "subsequent fiscal years"; strike, the paragraph numbered "(2)" in its entirety; and add a new "subsection (c)" as follows:

"(c) There is hereby authorized to be appropriated such sums as may be necessary to implement the provisions of this Act relating to the trails designated by paragraphs 5(a) (3), (4), (5), (6), (7), and (8): Provided, That no such funds are authorized to be appropriated prior to October 1, 1979: And provided further, That notwithstanding any other provisions of this Act or any other provisions of law, no funds may be expended for the acquisition of lands or interests in lands for the Continental Divide National Scenic Trail, the Oregon National Historic Trail, the Mormon Pioneer National Historic Trail, the Lewis and Clark National Historic Trail, and the Iditarod National Historic Trail"

October 11, 1978

CONGRESSIONAL RECORD—HOUSE

H 12309

AMENDING NATIONAL TRAILS
SYSTEM ACT OF 1968

Mr. PHILLIP BURTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 6900) to amend the National Trails System Act of 1968 (82 Stat. 919), as amended, to designate the Oregon National Historic Trail and Travelway as a unit of the National Trails System, with Senate amendments thereto, and concur in the Senate amendments with an amendment.

The Clerk read the title of the bill. The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert: That the National Trails System Act (82 Stat. 919; 16 U.S.C. 1241), as amended, is further amended as follows:

(1) In section 2 (a) after "promote" insert "the preservation of,"; and after "outdoor areas" insert "and historic resources".

(2) In section 2(a) delete "(ii)" and the remainder of the sentence and insert "(ii) secondarily, within scenic areas and along historic travel routes of the Nation, which are often more remotely located."

(3) In section 2(b) delete "and scenic" in insert ", scenic and historic".

(4) In section 3 redesignate subsection (c) as "(d)", and insert a new subsection (c) as follows:

"(c) Historic routes designated as National Historic Trails pursuant to section 5 of this Act, shall follow the original trails or routes of travel as closely as possible and practicable. Such trails shall have as their purpose the identification and marking of an historic route and its historic remnants and artifacts for public use and enjoyment. While such designation shall commemorate an entire route along its historic alignment, only those selected land and water based components of an historic trail which are on federally owned lands and which meet the national historic trail criteria established in this Act, are established as Initial components of a national historic trail. The appropriate Secretary may subsequently designate other lands as segments of an historic trail upon application from State or local governmental agencies or private interests involved in such segments meet the national trail criteria established in this Act and such criteria supplementary thereto as the appropriate Secretary may prescribe, and are administered by such agencies or interests without expense to the United States."

(5) In the new section 3(d) delete "or national scenic" and insert ", national scenic or national historic".

(6) Change the title of section 5 to read "National Scenic and National Historic Trails".

(7) In section 5(a), insert in the first sentence after the word "scenic" the words "and national historic" and change the second sentence to read: "There are hereby established the following National Scenic and National Historic Trails:"

(8) In section 5(a)(1), in the first sentence, after the word "Appalachian", insert "National Scenic", and in section 5(a)(2), in the first sentence, after "Pacific Crest", insert "National Scenic".

(9) In section 5(a), delete paragraph (3) and insert in lieu the following new paragraphs:

(3) The National Historic Oregon Trail, a route of approximately two thousand miles extending from near Independence, Missouri, to the vicinity of Portland, Oregon,

following a route as depicted on maps identified as "Primary Route of the Oregon Trail 1841-1848", in the Department of the Interior's Oregon Trail study report dated April 1977.

(4) The National Historic Mormon Pioneer trail of approximately one thousand three hundred miles from Nauvoo, Illinois, to Salt Lake City, Utah, following the primary route of the Historic Mormon Trail depicted on a map, identified as, "Vicinity Map, Mormon Pioneer Trail" in the Department of Interior Mormon Trail study report dated June 1978.

(5) The National Historic Lewis and Clark Trail, a trail of approximately three thousand seven hundred miles, extending from Wood River, Illinois, to the mouth of the Columbia River in Oregon, following the "outbound" and inbound routes of the Lewis and Clark Expedition depicted on maps, identified as, "Vicinity Map, Lewis and Clark Trail" study report dated April 1977.

(6) The National Historic Iditarod Trail, a route of approximately two thousand miles extending from Seward, Alaska, to Nome, Alaska, following the routes as depicted on maps identified as "Seward-Nome Trail", in the Department of the Interior's study report entitled "The Iditarod Trail (Seward-Nome Route) and other Alaskan Gold Rush Trails" dated September 1977."

(10) In section 5(b) after "national scenic" wherever it appears insert "or national historic"; delete the third sentence; and delete that portion of the fourth sentence which precedes the numerical listing, and insert in lieu the following: "The studies listed in subsection (c) of this section shall be completed and submitted to the Congress, with recommendations as to the suitability of trail designation, not later than three complete fiscal years from the date of enactment of their addition to this subsection, or from the date of enactment of this sentence, whichever is later. Such studies when submitted, shall be printed as a House or Senate document, and shall include, but not be limited to:"

(11) In section 5(b)(3) after the semi colon add "and in the case of national historic trails the report shall include the recommendation of the Secretary of the Interior's National Park System Advisory Board as to the national historic significance based on the criteria developed under the Historic Sites Act of 1935 (49 Stat. 666; 16 U.S.C. 461)."

(12) In section 5(b)(8) delete the word "and" at the end of the sentence; in section 5(b)(9) change the period at the end of the sentence to a semicolon; and at the end of section 5(b) add the following new paragraphs:

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

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

(A) It must be a trail or route established by historic use and must be historically significant as a result of that use. The route need not currently exist as a discernable trail to qualify, but its location must be sufficiently known to permit evaluation of public recreation and historical interest potential. A designated trail should generally follow the historic route, but may deviate somewhat on occasion of necessity to avoid difficult routing through subsequent develop-

ment, or to provide some route variation offering a more pleasurable recreational experience. Such deviations shall be so noted on site. Trail segments no longer possible to travel by trail due to subsequent development as motorized transportation routes may be designated and marked onsite as segments which link to the historic trail.

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

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

(13) In section 5 delete subsection (d), and insert a new section 6(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 or national historic trail to the System, and within sixty days of the enactment of this sentence for the Appalachian and Pacific Crest National Scenic Trails, establish an advisory council for each such trail, each of which councils shall expire ten years from the date of its establishment. The appropriate Secretary shall consult with such council from time to time with respect to matters relating to the trail, including the selection of rights-of-way, standards for the erection and maintenance of markers along the trail, and the administration of the trail. The members of each advisory council, which shall not exceed thirty-five in number, shall serve for a term of two years and without compensation as such, but the Secretary may pay, upon vouchers signed by the chairman of the council, the expenses reasonably incurred by the council and its members in carrying out their responsibilities under this section. Members of each council shall be appointed by the appropriate Secretary as follows:

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

(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 corporate and individual landowners and land users, which in the opinion of the Secretary, have an established and recognized interest in the trail; and such appointments shall be made from recommendations of the heads of such organizations; *Provided*, That the Appalachian Trail Conference shall be represented by a sufficient number of persons to represent the various sections of the country through which the Appalachian Trail passes; and

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

(14) In section 5 add new subsections (e) and (f) as follows:

"(e) Within two complete fiscal years of the date of enactment of this subsection for the Pacific Crest and Appalachian Trails, the responsible Secretary shall, after full consultation with affected States, and the Appalachian Trail Conference in the case of the Appalachian Trail, 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) specific objectives and practices to be observed in the management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved, details of anticipated cooperative agreements to be consummated with other entities, and an identified carrying capacity of the trail and a plan for its implementation;

"(2) an acquisition or protection plan, by 1 fiscal year, for all lands to be acquired by fee title or lesser interest, along with detailed explanation of anticipated necessary cooperative agreements for any lands not to be acquired;

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

"(f) Within two complete fiscal years of the date of enactment of legislation (including this Act) designating a trail as part of the system, the responsible Secretary shall, after full consultation with affected Federal land managing agencies* the Governors of the affected States, and the relevant Advisory Council established pursuant to section 5(d) of this Act, submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a comprehensive plan for the management, and use of the trail, including but not limited to, the following items:

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

"(2) the process to be followed by the appropriate Secretary to implement the marking requirements established in section 7(d) of this Act."

(15) In section 6 in the first sentence delete "or national scenic" and insert "national scenic or national historic", and in the second sentence delete "or scenic" and insert "national scenic, or national historic".

(16) Delete all of section 7 and insert a new section 7 as follows:

"ADMINISTRATION AND DEVELOPMENT "SEC. 7. (a) Pursuant to section 5(a), the appropriate Secretary shall select the rights-of-way for National Scenic and National Historic Trails and shall publish notice thereof in the Federal Register, together with appropriate maps and descriptions: *Provided*, That in selecting the rights-of-way full consideration shall be given to minimizing the adverse effects upon the adjacent landowner or user and his operation. Development and management of each segment of the National Trails System shall be designed to harmonize with and complement any established multiple-use plans for that specific area in order to insure continued maximum benefits from the land. The location and width of such rights-of-way across Federal lands under the jurisdiction of another Federal agency shall be by agreement between the head of that

agency and the appropriate Secretary. In selecting rights-of-way for trail purposes, the Secretary shall obtain the advice and assistance of the States, local governments, private organizations, and landowners and land users concerned.

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

"(c) National scenic or national historic trails may contain campsites, shelters, and related-public-use facilities. 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. Other uses along the trail, which will not substantially interfere with the nature and purposes of the trail, and which are currently allowed by administrative regulations, including the use of motorized vehicles, shall be permitted by the Secretary charged with the administration of the trail. The use of motorized vehicles by the general public along any national scenic or national historic trail shall be prohibited 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 right: *Provided further*, That private lands included in the national recreation, national scenic, or national historic trails by cooperative agreement of a landowner shall not preclude such owner from using motorized vehicles on or across such trails or adjacent lands from time to time in accordance with regulations to be established by the appropriate Secretary.

"(d) 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, national scenic, and national 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 who shall erect and maintain them in accordance with the standards established by the Secretary.

"(e) Where a national historic trail follows existing public roads, developed rights-of-way or waterways, and similar features of man's nonhistorically related development, approximating the original location of a historic route, such segment?; may be

marked to facilitate retracement of the historic route, and where a national historic trail parallels an existing public road, such road may be marked to commemorate the historic route. No land or site located along a designated national historic trail shall be subject to the provisions of section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f)) unless such land or site is deemed to be of historical significance, under appropriate historical site criteria such as those for the National Register of Historic Places.

"(f) Within the exterior boundaries of areas under their administration that are included in the right-of-way selected for the Appalachian National Scenic Trail and the Pacific Crest National 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.

"(g) Where the lands included in Appalachian National Scenic Trail and the Pacific Crest 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 written cooperative agreements with landowners, private organizations, and individuals to provide the necessary trail right-of-way, or (2) to acquire such lands or interests therein to be utilized as segments of those trails: *Provided*, That if the State or local governments fail to enter into such written cooperative agreements or to acquire such lands or interests therein after notice of the selection of the right-of-way is published the appropriate Secretary may (i) enter into such agreements with landowners, States, local governments, private organizations, and individuals for the use of lands for trail purposes, or (ii) acquire private lands or interests therein by donation, purchase with donated or appropriated funds or exchange in accordance with the provisions of subsection (g) of this section. The lands involved in such rights-of-ways should be acquired in fee, if other methods of public control are not sufficient to assure their use for the purposes 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.

"(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 of the Appalachian National Scenic Trail and the Pacific Crest National Scenic Trail and in exchange therefore 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.

"(i) For the Appalachian National Scenic Trail and the Pacific Crest National Scenic Trail, 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

(c) which involve the construction of housing, industrial parks, highways, or sewage or water treatment facilities shall be reviewed by the planning entity, upon receipt from the New Jersey State A-95 Clearinghouse (hereinafter referred to as the Clearinghouse). If the planning entity finds that such application or proposed action would have no adverse impact on the resources and ecological values of the Federal Project Review Area, the planning entity shall so notify the Clearinghouse. If the planning entity does not so find, Congress authorizes the planning entity to notify the Clearinghouse and other affected parties that such application or proposed action shall not proceed pending further review, and the planning entity shall forward such application or notice of proposed action to the Secretary. Any such application or proposed action which the Secretary determines would be significantly adverse to the purposes of this section shall not proceed while the management plan is being developed. The review process established under this subsection, shall begin upon the appropriation of funds under subsection (k).

(J) Nothing in this section shall be construed to limit or prohibit any Federal action ordered by a court of competent jurisdiction or directed by a Federal agency as essential for the protection of public health or safety, for national security or defense, or for the maintenance of environmental values within the Pinelands National Reserve or the Federal Project Review Area.

(k) There is authorized to be appropriated not to exceed \$26 million to carry out the provisions of this section. Not to exceed \$3 million shall be available for planning; Provided, That any funds not used for planning shall be available for land acquisition; *Provided further*, that \$23 million shall be made available for land acquisition, as authorized by this section. Such appropriations may be made from the general fund of the Treasury or from revenues due and payable to the United States under the Outer Continental Shelf-Lands Act, as amended, which would otherwise be credited to miscellaneous receipts.

(9) Amend section 401(7) by deleting map reference "numbered 157-20, 001-A and dated January 1978," and by inserting in lieu thereof "157-20,001-B and dated October 1978."

(10) Amend section 505(e) by inserting "as appropriate" between "directed" and "to".

(11) Amend section 505 (e) by adding the following new sentence at the end thereof: "For the purposes of this section, native Hawaiians are defined as any lineal descendants of the race inhabiting the Hawaiian Islands prior to the year 1778."

(12) Delete section 512 in its entirety and insert the following new section:

CHOW CREEK VILLAGE ARCHEOLOGICAL SITE
"SEC. 512. (a) The Secretary shall prepare and transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives within two years from the date of enactment, a feasibility/suitability study of the Crow Creek Village archeological site, Buffalo County, South Dakota, as a unit of the National Park System. The study shall include cost estimates for any necessary acquisition, development, operation and maintenance, as well as any feasible alternatives for the administration and protection of the area, including, but not limited to, Federal financial and technical assistance to the State of South Dakota, Buffalo or other suitable entity.

(b) Notwithstanding any other provision of law, the Secretary of the Army is directed to take such actions as may be necessary to preserve and protect such site from any ad-

verse impact on the site and to refrain from any activities which might cause such impact until two years from the date of submission of the study by the Secretary."

(13) Delete section 551 in Its entirety and Insert the following new section: Subtitle B—Trails

SEC. 551. The National Trails System Act (82 Stat. 919; 16 U.S.C. 1241), as amended, is further amended as follows:

(1) In section 2(a) after promote insert the preservation of,; and after outdoor areas insert and historic resources".

(2) In section 2(a) delete (ii) and the remainder of the sentence and insert (ii) secondarily, within scenic areas and along historic travel routes of the Nation, which are often more remotely located.

(3) In section 2(b) delete and scenic and insert scenic and historic.

(4) In section 3 redesignate subsection (c) as (d), and insert a new subsection (c) as follows:

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

(5) In the new section 3(d) delete or national scenic and insert national scenic or national historic.

(6) Change the title of section 5 to read NATIONAL SCENIC AND NATIONAL HISTORIC TRAILS.

(7) In section 5(a), insert in the first sentence after the word scenic the words and national historic and change the second sentence to read: There are hereby established the following National Scenic and National Historic Trails:.

(8) In section 5(a)(1), in the first sentence, after the word Appalachian, insert National Scenic, and in section 5(a)(2), in the first sentence, after Pacific Crest, insert National Scenic.

(9) In section 5(a), delete paragraph (3) and insert in lieu the following new paragraphs:

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

(4) The Mormon Pioneer National Historic Trail, a route of approximately one thousand three hundred miles extending from Nauvoo, Illinois, to Salt Lake City, Utah, following

the primary historical route of the Mormon Trail as generally depicted on a map, identified as "Mormon Trail Vicinity Map, figure 2" in the Department of the Interior Mormon Trail study report dated March 1977, and which shall be on file and available for public inspection in the office of the Director, National Park Service, Washington, D.C. The trail shall be administered by the Secretary of the Interior.

(5) The Continental Divide National Scenic Trail, a trail of approximately thirty-one hundred miles, extending from the Montana-Canada border to the New Mexico-Mexico border, following the approximate route depicted, on the map, identified as "Proposed Continental Divide National Scenic Trail" in the Department of the Interior Continental Divide Trail study report dated March

1977 and which shall be on file and available for public inspection in the office of the Chief, Forest Service, Washington, D.C. The Continental Divide National Scenic Trail shall be administered by the Secretary of Agriculture in consultation with the Secretary of the Interior. Notwithstanding the provisions of section 7(c), the use of motorized vehicles on roads which will be designated segments of the Continental Divide National Scenic Trail shall be permitted in accordance with regulations prescribed by the appropriate Secretary.

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

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

(10) In section 5(b) after "national scenic" wherever it appears insert "or national historic"; in the first sentence after the phrase "Secretary of the Interior," insert "through the agency most likely to administer such trail," delete the third sentence; and delete that portion of the fourth sentence which precedes the numerical listing, and insert in lieu the following: "The studies listed in subsection (c) of this section shall be completed and submitted to the Congress, with recommendations as to the suitability of trail designation, not later than three complete fiscal years from the date of enactment of their addition to this subsection, or from the date of enactment of this sentence, whichever ever is later. Such studies, when submitted, shall be printed as a House or Senate document, and shall include, but not be limited to:"

(11) In section 5(b)(3) after the semi colon add "and in the case of national historic trails the report shall include the recommendation of the Secretary of the Interior's National Park System Advisory Board as to the national historic significance based on the criteria developed under the Historic Sites Act of 1935 (49 Stat. 666; U.S.C. 461);

(12) In section 5(b)(8) delete the word and at the end of the sentence; in section 5(b)(9) change the period at the end of the

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in subsection (h) in the first sentence after 'recreation' delete 'or scenic' and insert *, national scenic, or national historic', and in the second sentence after 'scenic' insert 'or national historic'; in subsection (i) after 'recreation' delete 'or scenic' and insert, national scenic, or national historic'.

(18) In section 7(c) at the end of the fourth sentence insert the following: 'Where a national historic trail follows existing public roads, developed rights-of-way or water ways, and similar features of man's nonhistorically related development, approximating the original location of a historic route, such segments may be marked to facilitate retrace-ment of the historic route, and where a national historic trail parallels an existing public road, such road may be marked to commemorate the historic route.'

Other uses along the historic trails and the Continental Divide National Scenic Trail, which will not substantially interfere with the nature and purposes of the trail, and which, at the time of designation, are allowed by administrative regulations, including the use of motorized vehicles, shall be permitted by the Secretary charged with the administration of the trail.

(19) In section 7(c), in the first proviso, delete "within two years."

(20) In section 7(g), delete the second proviso entirely.

(21) At the end of subsection 7(g) add the following new sentence: 'For national historic trails, direct Federal acquisition for trail purposes shall be limited to those areas indicated by the study report or by the comprehensive plan as high potential route segments or high potential historic sites.'

No land or site located along a designated national historic trail or along the Continental Divide National Scenic Trail shall be subject to the provisions of section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f)) unless such land or site is deemed to be of historical significance under appropriate historical site criteria such as those for the National Register of Historic Places.'

(22) In section 8 in the first sentence of subsection (a) after 'establishing park, forest, and other recreation' insert 'and historic' and after 'administered by States, and recreation' insert 'and historic'; and at the end of the first sentence insert the following: "The Secretary is also directed to encourage States to consider, in their comprehensive statewide historic preservation plans and proposals for financial assistance for State, local, and private projects submitted pursuant to the Act of October 15, 1966 (80 Stat. 915), as amended, needs and opportunities for establishing historic trails."

(23) In section 10, strike (a) (1) and insert In lieu thereof (a); strike 'the subsequent fiscal year' and insert In lieu thereof; subsequent fiscal years; strike the paragraph numbered '(2)' in its entirety; and add a new subsection (c) as follows:

(c) There is hereby authorized to be appropriated such sums as may be necessary to implement the provisions of this Act relating to the trails designated by paragraphs 5(a), (3), (4), (5), (6), and (7): Provided, That no such funds are authorized to be appropriated prior to October 1, 1979: And provided further, That notwithstanding any other provisions of this Act or any other provisions of law, no funds may be expended for the acquisition of lands or interests in lands for the Continental Divide National Scenic Trail, the Oregon National Historic Trail, the Mormon Pioneer National Historic Trail, the Lewis and Clark National Historic Trail, and the Iditarod National Historic Trail.'

14. Delete Sec. 603 in its entirety and insert the following new section:

"Sec. 603 (a) the Act of June 27, 1960 (74 Stat. 220) as amended May 24, 1974 (88 Stat. 174,176; 16 U.S.C. 469) Is amended as follows:

(b) In section 7(b), delete the "and" fol-

lowing "1977"; change the period at the end of the sentence to a semicolon; and add the following words: \$500,000 in fiscal year 1979; \$1,000,000 in fiscal year 1980; \$1,500,000 in fiscal year 1981; \$1,500,000 in fiscal year 1982; and \$1,500,000 in fiscal year 1983."

(c) In section 7(c), delete the "and" following "1977"; change the period at the end of the sentence to a semicolon, and add the following words: "\$3,000,000 in fiscal year 1979; \$3,000,000 in fiscal year 1980; \$3,500,000 in fiscal year 1981; \$3,500,000 in fiscal year 1982; and \$4,000,000 in fiscal year 1983."

(d) Add the following new subsection "(d)" to section 7:

"(d) Beginning fiscal year 1979, sums appropriated for purposes of section 7 shall remain available until expended."

15. Delete Sec. 701 in its entirety and insert the following new language:

"Sec. 701. Section 3(a) of the Wild and Scenic Rivers Act is amended by adding the following new paragraph at the end thereof:

"(16) PERE MARQUETTE, MICHIGAN.—The segment downstream from the junction of the Middle and Little South Branches to its junction with United States Highway 31 as generally depicted on the boundary map entitled 'Proposed Boundary Location, Pere Marquette Wild and Scenic River'; to be administered by the Secretary of Agriculture. After consultation with State and local governments and the interested public, the Secretary shall take such action as is provided for under subsection (b) with respect to the segment referred to in this paragraph within one year from the date of enactment of this paragraph. Any development or management plan prepared pursuant to subsection (b) shall include (a) provisions for the dissemination of information to river users and (b) such regulations relating to the recreational and other uses of the river as may be necessary in order to protect the area comprising such river (including lands contiguous or adjacent thereto) from damage or destruction by reason of over use and to protect its scenic, historic, esthetic and scientific values. Such regulations shall further contain procedures and means which shall be utilized in the enforcement of such development and management plan. For the purposes of carrying out the provisions of this Act with respect to the river designated by this paragraph, there are authorized to, be appropriated not more than \$8,125,000 for the acquisition of lands or interests in lands and \$402,000 for development."

16. Delete Sec. 753(b) in its entirety.

17. In Sec. 762, delete "permits, Federal assistance and other Federal actions".

18. Delete Sec. 908(a) and insert in lieu thereof the following new section:

"Sec. 908(a) There is authorized to be appropriated, to carry out the provisions of this Title, not to exceed \$50,000,000 from the Land and Water Conservation Fund for acquisition of lands, waters, and interests therein and such sums as necessary for the development of essential facilities."

19. Amend that portion of Sec. 1005 (a) following the third sentence as follows:

"Such criteria shall be based upon factors which the Secretary determines are related to deteriorated recreational facilities or systems, and physical and economic distress."

20. Amend Sec. 1005(c) (2) to read as follows:

"conditions of existing recreation areas and facilities."

21. Amend Sec. 1009 to read as follows:

"MATCHING REQUIREMENTS"

SEC. 1009. The non-Federal share of project costs assisted under this Title may be derived from general or special purpose State or local revenues. State categorical grants, special appropriations by State legislatures, donations of land, buildings, or building materials and/or in-kind construction, technical, and planning services. No

monies from the Land and Water Conservation Fund (77 Stat. 49), as amended, or from any other Federal grant program other than general revenue sharing and the community development block grant programs shall be used to match Federal grants under this program. Reasonable local costs of action program development to meet the requirements of section 1007 (a) of this Title may be used as part of the local match only when local applicants have not received program development grants under the authority of section 1007(c) of this Title. The Secretary shall encourage States and private interests to contribute, to the maximum extent possible, to the non-Federal share of project costs.

22. At the end of Sec. 317(a) insert the following new sentence:

"Notwithstanding any other provision of this Act, the Secretary shall not acquire the Marin County Assessor's parcels numbered 199-181-01, 199-181-06, 199-181-08, 199-181-13, and 199-181-14, located in the Muir Beach portion of the recreation area."

23. Delete Sec. 729 in its entirety and insert in its place the following new section:

"DESIGNATION OF ALLEGHENY RIVER FOR STUDY"

"Sec. 729. Section 5 (a) of the Wild and Scenic Rivers Act is amended by adding the following new paragraph at the end thereof:

"(67) Allegheny, Pennsylvania.—The main stem from Kinzua Dam downstream to East Brady."

24. Amend Sec. 732(70) to read as follows:

"(70) Myakka, Florida—The segment south of the southern boundary of the Myakka River State Park."

25. Insert the following proviso preceding the period at the end of the third sentence of Sec. 507(c) (2):

Provided, However, that the value of any lands acquired by the Secretary under the exception in this sentence shall be deducted from the amount of monies available for grants to the State under Subsection (n) of this section.

26. Delete the proviso in Sec. 507 (o).

27. Add a new Title XIII to read as follows: Section 1301. Within 90 days from enactment of this Act, the Secretary of Agriculture shall report to the Committee on Interior and Insular Affairs in the House of Representatives, and the Committee on Energy and

Natural Resources of the Senate, the nature and extent of the progress of any proposal to exchange lands owned by the Burlington Northern Railroad on either the Beaverhead or Gallatin National Forests in the State of Montana for lands owned by the United States elsewhere in the State of Montana. Such report shall also discuss any study or appraisal work done by any agency of the Federal government concerning the feasibility, impact, or cost of any such an exchange between the Burlington Northern

Railroad and the Federal government. Including the sharing of cost of such study.

The Department of Agriculture shall not proceed with the processing of any exchange of more than 6,400 acres until and unless authorized to do so by a Concurrent Resolution of the Congress."

Mr. ABOUREZK. Mr. President, I say only that the committee amendment contains language which changes and deletes other language from the bill to satisfy objections from various members of the committee and the Senate.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ABOUREZK. I yield.

Mr. JAVITS. Mr. President, I would like to address my remarks to several sections of this omnibus parks bill with which New Yorkers are very much concerned.

First, Mr. President, I am pleased to

Divide National Scenic Trail shall be permitted in accordance with regulations prescribed by the appropriate Secretary.

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

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

(10) In section 5(b) after national scenic wherever it appears insert or national historic; In the first sentence after the phrase Secretary of the Interior, insert through the agency most likely to administer such trail; delete the third sentence; and delete that portion of the fourth sentence which precedes the numerical listing, and insert in lieu the following: The studies listed in subsection (c) of this section shall be completed and submitted to the Congress, with recommendations as to the suitability of trail designation, not later than three complete fiscal years from the date of enactment of their addition to this subsection, or from the date of enactment of* this sentence, whichever is later. Such studies, when submitted, shall be printed as a House or Senate document, and shall include, but not be limited to:

(11) In section 5(b)(3) after the semi colon add "and in the case of national historic trails the report shall include the recommendation of the Secretary of the Interior's National Park System Advisory Board as to the national historic significance based on the criteria developed under the Historic Sites Act of 1935 (49 Stat. 666; U.S.C. 461).

(12) In section 5(b)(8) delete the word 'and' at the end of the sentence; in section 6(b) (9) change the period at the end of the sentence to a semicolon; and at the end of section 5(b) add the following new paragraphs:

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

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

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

velopment as motorized transportation routes may be designated and marked on site as segments which link to the historic trail.

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

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

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

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

(14) In section 5 delete subsection (d), 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 or national historic trail to the System, and within sixty days of the enactment of this sentence for the Appalachian and Pacific Crest National Scenic Trails, establish an advisory council for each such trail, each of which councils shall expire ten years from the date of its establishment. The appropriate Secretary shall consult with such council from time to time with respect to matters relating to the trail, including the selection of rights-of-way, standards for the erection and maintenance of markers along the trail, and the administration of the trail. The members of each advisory council, which shall not exceed thirty-five in number, shall serve for a term of two years and without compensation as such, but the Secretary may pay, upon vouchers signed by the chairman of the council, the expenses reasonably incurred by the council and its members in carrying out their responsibilities under this section. Members of each council shall be appointed by the appropriate Secretary as follows:

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

(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 corporate and individual landowners and land users, which in the opinion of the Secretary have an established and recognized interest in the trail, and such appointments shall be made from recommendations of the heads of such organizations; *Provided*, That the Appalachian Trail Conference shall be represented by a sufficient number of persons to represent the various sections of the country through which the Appalachian Trail passes; and

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

(15) In section 5 add two new subsections (e) and (f) as follows:

(e) Within two complete fiscal years of the date of enactment of legislation designating a national scenic trail, except for the

Continental Divide National Scenic Trail, as part of the system, and within two complete fiscal years of the date of enactment of this subsection for the Pacific Crest and Appalachian Trails, the responsible Secretary shall, after full consultation with affected Federal land managing agencies, the Governors of the affected States, the relevant advisory council established pursuant to section 5(d), and the Appalachian Trail Conference in the case of the Appalachian Trail, 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) 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 (along with high potential historic sites and high potential route segments in the case of national historic trails), details of anticipated cooperative agreements to be consummated with other entities, and an identified carrying capacity of the trail and a plan for its implementation;

(2) an acquisition or protection plan, by fiscal year, for all lands to be acquired by fee title or lesser interest, along with detailed explanation of anticipated necessary cooperative agreements for any lands not to be acquired; and

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

(f) Within two complete fiscal years of the date of enactment of legislation designating a national historic trail or the Continental Divide National Scenic Trail as part of the system, the responsible Secretary shall, after full consultation with affected Federal land managing agencies, the Governors of the affected States, and the relevant Advisory Council established pursuant to section 5(d) of this Act, submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a comprehensive plan for the management, and use of the trail, including but not limited to, the following items:

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

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

(16) In section 6 in the first sentence delete 'or national scenic' and insert 'national scenic or national historic', and in the second sentence delete 'or scenic' and insert 'national scenic, or national historic'.

(17) In section 7(a) in the first sentence delete 'National Scenic Trails' and insert 'national scenic and national historic trails'; in two instances in subsection (b), and in the first sentence of subsection (c), after 'scenic', insert 'or national historic'; in subsection (c) in the second proviso, after 'recreation' delete 'or scenic' and insert 'national scenic, or national historic'; and in the fifth sentence after 'recreation' delete 'and scenic' and insert 'national scenic, and national historic'; in subsection (d) after 'recreation' delete 'or scenic' and insert 'national scenic, or national historic'; in subsection (e) after 'scenic' in both instances where it appears insert 'or national historic';

floral terms and conditions as the Secretary may deem necessary to effectuate the purposes of this section.

(2) In the event the State elects not to make acquisitions as authorized under subsection (h)(1), the Secretary, during the development of the management plan, is authorized to acquire such lands, waters or interests therein by donation, purchase with donated or appropriated funds, exchange, or otherwise, and to administer such property under the laws generally applicable to units of the National Park System or National Wildlife Refuge System in a manner to carry out the purposes of this section.

(3) After his approval of the management plan, the Secretary (A) is authorized to convey property acquired pursuant to subsection (h)(2) to State or local authorities in accordance with the management plan, under such terms and conditions as he may deem appropriate, which shall include (i) a requirement that where the Secretary transfers land acquired with appropriated funds, the State or local government shall repay not less than 25 percent of the cost of such lands to the Secretary under such terms and conditions as he may deem appropriate, and (ii) a retention of a right of reversion of title to the United States, and (B) shall accept from the State those lands acquired pursuant to subsection (h)(1), which are identified in the management plan as being appropriate for Federal ownership and management; *Provided*, that the Secretary shall reimburse to the State such sums as are necessary to (i) cover 100 percent of the original cost of acquisition as to each parcel of land so transferred and (ii) assure that as to the remainder of lands acquired pursuant to subsection (h)(1) not transferred under this subsection, the total Federal land acquisition cost does not exceed 75 percent of the purchase price of such lands.

(4) Upon approval of the management plan, the Secretary is authorized to make grants for the acquisition within the Pinelands National Reserve of lands and waters or interests therein in a manner consistent with the management plan. All applications for such grants shall be made within ten years from the date of implementation of the management plan.

(i) During the development of the management plan for the Pinelands National Reserve, all applications for Federal assistance under programs covered by Part I of OMB Circular A-95 and direct Federal actions covered by Part II of OMB Circular A-95 within the Federal Project Review Area generally depicted on the map referred to in subsection (c) which involve the construction of housing, industrial parks, highways, or sewage or water treatment facilities shall be reviewed by the planning entity, upon receipt from the New Jersey State A-95 Clearinghouse (hereinafter referred to as the Clearinghouse). If the planning entity finds that such application or proposed action would have no adverse impact on the resources and ecological values of the Federal Project Review Area, the planning entity shall so notify the Clearinghouse. If the planning entity does not so find, Congress authorizes the planning entity to notify the Clearinghouse and other affected parties that such application or proposed action shall not proceed pending further review, and the planning entity shall forward such application or notice of proposed action to the Secretary. Any such application or proposed action which the Secretary determines would be significantly adverse to the purposes of this section shall not proceed while the management plan is being developed. The review process established under this subsection shall begin upon the appropriation of funds under subsection (k).

(J) Nothing in this section shall be construed to limit or prohibit any Federal ac-

tion ordered by a court of competent Jurisdiction or directed by a Federal agency as essential for the protection of public health or safety, for national security or defense, or for the maintenance of environmental values within the Pinelands National Reserve or the Federal Project Review Area, (k) There is authorized to be appropriated not to exceed \$26 million to carry out the provisions of this section. Not to exceed \$3 million shall be available for planning; *Provided*, That any funds not used for planning shall be available for land acquisition; *Provided further*, that \$23 million shall be made available for land acquisition, as authorized by this section. Such appropriations may be made from the general fund of the Treasury or from revenues due and payable to the United States under the Outer Continental Shelf Lands Act, as amended, which would otherwise be credited to miscellaneous receipts.

9. Amend Sec. 401(7) by deleting map reference "numbered 157-20,001-A and dated January 1978," and by inserting in lieu thereof "157-20,001-B and dated October 1978,".

10. Amend Sec. 505(e) by inserting "as appropriate" between "directed" and "to".

11. Amend Sec. 505(e) by adding the following new sentence at the end thereof:

"For the purposes of this section, native Hawaiians are defined as any lineal descendants of the race inhabiting the Hawaiian Islands prior to the year 1778."

12. Delete Sec. 512 in its entirety and insert the following new section:

CROW CREEK VILLAGE ARCHEOLOGICAL SITE

"SEC. 512(a) The Secretary shall prepare and transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives within two years from the date of enactment, a feasibility/suitability study of the Crow Creek Village, archeological site, Buffalo County, South Dakota, as a unit of the National Park System. The study shall include cost estimates for any necessary acquisition, development, operation and maintenance, as well as any feasible alternatives for the administration and protection of the area, including, but not limited to, Federal financial and technical assistance to the State of South Dakota, Buffalo county or other suitable entity.

(b) Notwithstanding any other provision of law, the Secretary of the Army is directed to take such actions as may be necessary to preserve and protect such site from any adverse impact on the site and to refrain from any activities which might cause such impact until two years from the date of submission of the study by the Secretary."

13. Delete Sec. 551 in its entirety and insert the following new section:

SUBTITLE B—TRAILS

"SEC. 551. The National Trails System Act (82 Stat. 919; 16 U.S.C. 1241), as amended, is further amended as follows:

(1) In section 2(a) after 'promote' insert 'the preservation of; and after 'outdoor areas' insert 'and historic resources'."

(2) In section 2 (a) delete '(ii)' and the remainder of the sentence and insert '(ii) secondarily, within scenic areas and along historic travel routes of the Nation, which are often more remotely located',

(3) In section 2 (b) delete 'and scenic' and insert, 'scenic and historic'.

(4) In section 3 redesignate subsection '(c)' as '(d)', and insert a new subsection (c) as follows:

'(c) National historic trails, established as provided in section 5 of this Act, which will be extended trails which follow as closely as possible and practicable the original trails or routes of travel of national historical significance. Designation of such trails or

routes shall be continuous, but the established or developed trail, and the acquisition thereof, need not be contiguous on site. National historic trails shall have as their purpose the identification and protection of the historic route and its historic remnants and artifacts for public use and enjoyment. Only those selected land and water based components of an historic trail which are on federally owned lands and which meet the national historic trail criteria established in this Act, are established as initial Federal, protection components of a national historic trail. The appropriate Secretary may subsequently certify other lands as protected segments of an historic trail upon application from State or local governmental agencies or private interests involved if such segments meet the national historic trail criteria established in this Act and such criteria supplementary thereto as the appropriate Secretary may prescribe, and are administered by such agencies or interests without expense to the United States.'

(5) In the new section 3(d) delete 'or national scenic' and insert, 'national scenic or national historic'.

(6) Change the title of section 5 to read 'NATIONAL SCENIC AND NATIONAL HISTORIC TRAILS'.

(7) In section 5(a), insert in the first sentence after the word 'scenic' the words 'and national historic' and change the second sentence to read: 'There are hereby established the following National Scenic and National Historic Trails:'

(8) In section 5(a) (1), in the first sentence, after the word 'Appalachian', insert 'National Scenic' and in section 5(a)(2), in the first sentence, after 'Pacific Crest', insert 'National Scenic'.

(9) In section 5(a), delete paragraph (3) and insert in lieu the following new paragraphs:

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

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

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

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CONGRESSIONAL RECORD—HOUSE

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~~for the development and construction of Port Scott heretofore entered into by the city of Fort Scott to be paid with funds under the authority of section 3 of the aforesaid Act, shall be assumed by the Secretary. Provided further, That any remaining balance of funds appropriated pursuant to section 4 of the Act of August 31, 1965, as amended, shall be available for the purposes of carrying out this Act.~~
 Sec. 1204. In addition to such sums as might be made available to the historic site by the preceding section, effective October 1, 1979, there are hereby authorized to be appropriated such sums as may be necessary for the development of the Port Scott National Historic Site, as provided in this Act.

Mr. PHILLIP BURTON (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the House amendment to the Senate amendments.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California (Mr. PHILLIP BURTON)?

Mr. LAGOMARSINO. Mr. Speaker, reserving the right to object, I reserve the right to object only to ask the gentleman from California a couple of questions.

I wonder if the gentleman could briefly explain the difference between this bill and the one we passed a week or so ago.

Mr. PHILLIP BURTON. This bill represents several additional deletions in the bill we sent over, including the reduction of some costs, and also it contemplates amendments that the Senate has indicated very clearly that they are going to insist upon accepting. None of those amendments represent much at all in the way of any cost. The bill we are sending over costs less than the one we sent over earlier.

Our parliamentary dilemma is this: We have reached essential agreement on 99 percent of all the issues.

Mr. LAGOMARSINO. Is it the gentleman's statement that no items have been added to the bill? The changes are deletions that have been made?

Mr. PHILLIP BURTON. No. I can give the gentleman an illustration to indicate what some of the problems are. There are the desires of some Members of the other body for instance to have some adjustment of the organ pipe cactus wilderness acreage. We have reduced in North Dakota by 70,000 acres an area about which I did not realize there was any disagreement, and we have deleted 5 lots in a 6,000-acre acquisition in the bay area.

If we could go to conference/which I would love to do, these matters would be handled, but the dilemma is we may not have enough time to go to conference.

I have resisted adding extraneous matters like the boundary waters' or the Alaska bill, because everybody is trying to get into this act. I think this is the wisest step to take to protect the House and the position of the House.

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentleman and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Is there

objection to the first request of the gentleman from California (Mr. PHILLIP BURTON)?

There was no objection.

A motion to reconsider was laid on the table.

experience. Such deviations shall be so noted on site. Trail segments no longer possible to travel by trail due to subsequent development as motorized transportation routes may be designated and marked on-site as segments which link to the historic trail.

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

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

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

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

(14) In section 5 delete subsection (d), 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 or national historic trail to the System, and within sixty days of the enactment of this sentence for the Appalachian and Pacific Crest National Scenic Trails, establish an advisory council for each such trail, each of which councils shall expire ten years from the date of its establishment. The appropriate Secretary shall consult with such council from time to time with respect to matters relating to the trail, including the selection of rights-of-way, standards for the erection and maintenance of markers along the trail, and the administration of the trail. The members of each advisory council, which shall not exceed thirty-five in number, shall serve for a term of two years and without compensation as such, but the Secretary may pay, upon vouchers signed by the chairman of the council, the expenses reasonably incurred by the council and its members in carrying out their responsibilities under this section. Members of each council shall be appointed by the appropriate Secretary as follows:

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

"(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 corporate and individual landowners and land users, which in the opinion of the Secretary, have an established and recognized interest in the trail, and such appointments shall be made from recommendations of the heads of such organizations: *Provided*, That the Appalachian Trail Conference shall be represented by a sufficient number of persons to represent the various sections of the country through which the Appalachian Trail passes; and

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

(15) In section 5 add two new subsections (e) and (f) as follows:

"(e) Within two complete fiscal years of the date of enactment of legislation designating a national scenic trail, except for the Continental Divide National Scenic Trail, as part of the system, and within two complete fiscal years of the date of enactment of this subsection for the Pacific Crest and Appalachian Trails, the responsible Secretary shall, after full consultation with affected Federal land managing agencies, the Governors of the affected States, the relevant advisory council established pursuant to section 5(d), and the Appalachian Trail Conference in the case of the Appalachian Trail, 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) 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 (along with high potential historic sites and high potential route segments in the case of national historic trails), details of anticipated cooperative agreements to be consummated with other entities, and an identified carrying capacity of the trail and a plan for its implementation;

"(2) an acquisition or protection plan, by fiscal year, for all lands to be acquired by fee title, or lesser interest, along with detailed explanation of anticipated necessary cooperative agreements for any lands not to be acquired; and

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

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

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

"(f) Within two complete fiscal years of the date of enactment of legislation designating a national historic trail, or the Continental Divide National Scenic Trail, as part of the system, the responsible Secretary shall, after full consultation with affected Federal land managing agencies, the Governors of the affected States, and the relevant Advisory Council established pursuant to section 5(d) of this Act, submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a comprehensive plan for the management, and use of the trail, including but not limited to, the following items:

(16) In section 6 in the first sentence delete "or national scenic" and insert ", national scenic or national historic", and in the second sentence delete "or scenic" and insert ", national scenic, or national historic".

(17) In section 7(a) in the first sentence delete "National Scenic Trails" and insert "national scenic and national historic trails"; in two instances in subsection (b), and in the first sentence of subsection (c), after "scenic", insert "or national historic"; in subsection (c) in the second proviso, after "recreation", delete "or scenic" and insert ", national scenic, or national historic"; and in the fifth sentence after "recreation"

delete "and scenic" and insert ", national scenic, and national historic"; in subsection (d) after "recreation" delete "or scenic" and insert ", national scenic, or national historic"; in subsection (e) after "scenic" in both instances where it appears insert "or national historic"; in subsection (h) in the first sentence after "recreation" delete "or scenic" and insert ", national scenic, or national historic"; and in the second sentence after "scenic" insert "or national historic"; in subsection (i) after "recreation" delete "or scenic" and insert ", national scenic, or national historic".

(18) In section 7(c) at the end of the fourth sentence insert the following: "Where a national historic trail follows existing public roads, developed rights-of-way or water ways, and similar features of man's nonhistorically related development, approximating the original location of a historic route, such segments may be marked to facilitate retracement of the historic route, and where a national historic trail parallels an existing public road, such road may be marked to commemorate the historic route. Notwithstanding any other provision of this Act, with respect to the Continental Divide National Scenic Trail and those national historic trails established by action of the 95th Congress, other uses along such trails, which will not substantially interfere with the nature and purposes of such trails, and which are currently allowed by administrative regulations, including the use of motorized vehicles, shall be permitted by the Secretary charged with the administration of each such trail."

(19) In section 7(e), in the first proviso, delete "within two years".

(20) In section 7(g), delete the second proviso entirely.

(21) At the end of subsection 7(g) add the following new sentences: "For national historic trails, direct Federal acquisition for trail purposes shall be limited to those areas indicated by the study report or by the comprehensive plan as high potential route segments or high-potential historic sites."

"No land or site located along a designated national historic trail or along the Continental Divide National Scenic Trail shall be subject to the provisions of section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f)) unless such land or site is deemed to be of historical significance under appropriate historical site criteria such as those for the National Register of Historic Places."

(22) In section 8 in the first sentence of subsection (a) after "establishing park, for est., and other recreation" insert "and historic" and after "administered by States, and recreation" insert "and historic"; and at the end of the first sentence insert the following: "The Secretary is also directed to encourage States to consider, in their comprehensive statewide historic preservation plans and proposals for financial assistance for State, local, and private projects submitted pursuant to the Act of October 15, 1966 (80 Stat. 915), as amended, needs and opportunities for establishing historic trails."

(23) In section 10, strike "(a) (1)" and insert in lieu thereof "(a)"; strike "the subsequent fiscal year" and insert in lieu thereof "subsequent fiscal years"; strike the paragraph numbered "(2)" in its entirety; and add a new subsection (c) as follows:

"(c) There is hereby authorized to be appropriated such sums as may be necessary to implement the provisions of this Act relating to the trails designated by paragraphs 5(a) (3), (4), (5), (6), and (7): *Provided*, That no such funds are authorized to be appropriated prior to October 1, 1979: *And provided further*, That notwithstanding any other provisions of this Act or any other provisions of law, no funds may be expended for the acquisition of lands or interest in lands for the

sentence to a semicolon; and at the end of section 5(b) add the following new paragraphs:

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

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

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

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

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

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

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

(14) In section 5 delete subsection (d), 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 or national historic trail to the System, and within sixty days of the enactment of this sentence for the Appalachian and Pacific Crest National Scenic Trails, establish an advisory council for each such trail, each of which councils shall expire ten years from the date of its establishment. The appropriate Secretary shall consult with such council from time to time with respect to matters relating to the trail, including the selection of rights-of-way, standards for the erection and maintenance of markers along the trail, and the administration of the trail. The members of each advisory council, which shall not exceed thirty-five in number, shall serve for a term of two years and, without compensation as such, but the Secretary may pay, upon vouchers signed by the chairman of the council, the expenses reasonably incurred by the council and its members in carrying out their responsibilities under this section. Members of each council shall be appointed by the appropriate Secretary as follows:

(i) a member appointed to represent each Federal department or independent agency

administering lands through which the trail route passes, and each, appointee shall be the person designated by the head of such department or agency,

(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 corporate and individual landowners and land users, which in the opinion of the Secretary, have an established and recognized interest in the trail, and such appointments shall be made from recommendations of the heads of such organizations; *Provided*, That the Appalachian Trail Conference shall be represented by a sufficient number of persons to represent the various sections of the country through which the Appalachian Trail passes; and

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

(15) In section 5 add two new subsections (e) and (f) as follows:

(e) Within two complete fiscal years of the date of enactment of legislation designating a national scenic trail, except for the Continental Divide National Scenic Trail, as part of the system, and within two complete fiscal years of the date of enactment of this subsection for the Pacific Crest and Appalachian Trails, the responsible Secretary shall, after full consultation with affected Federal land managing agencies, the Governors of the affected States, the relevant advisory council established pursuant to section 5(d), and the Appalachian Trail Conference in the case of the Appalachian Trail, 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) 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 (along with high potential historic sites and high potential route segments in the case of national historic trails), details of anticipated cooperative agreements to be consummated with other entities, and an identified carrying capacity of the trail and a plan for its implementation;

(2) an acquisition or protection plan, by fiscal year, for all lands to be acquired by fee title or lesser interest, along with detailed explanation of anticipated necessary cooperative agreements for any lands not to be acquired; and

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

(f) Within two complete fiscal years of the date of enactment of legislation designating a national historic trail or the Continental Divide National Scenic Trail as part of the system, the responsible Secretary shall, after full consultation with affected Federal land managing agencies, the Governors of the affected States, and the relevant Advisory Council established pursuant to section 5(d) of this Act, submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a comprehensive plan for the management, and use of the trail, including but not limited to, the following items:

(1) specific objectives and practices to be observed in the management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved, details of any anticipated cooperative agreements to be consummated With State and local government agencies

or private interests, and for national, scenic or national recreational trails an identified carrying capacity of the trail and a plan for its implementation; and

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

(16) In section 6 in the first sentence delete "or national scenic" and insert "national scenic or national historic", and in the second sentence delete "or scenic" and insert "national scenic, or national historic."

(17) In section 7 (a) in the first sentence delete "National Scenic Trails" and insert "national scenic and national historic trails"; in two instances in subsection (b), and in the first sentence of subsection (c), after "scenic", insert "or national historic"; in subsection (c) in the second proviso, after "recreation" delete "or scenic" and insert "national scenic, or national historic"; and in the fifth sentence after "recreation" delete "and scenic" and insert "national scenic, and national history"; in subsection (d) after "recreation" delete "or scenic" and insert "national scenic, or national historic"; in subsection (e) after "scenic" in both instances where it appears insert "or national historic"; in subsection (h) in the first sentence after "recreation" delete "or scenic" and insert "national scenic, or national historic"; and in the second sentence after "scenic" insert "or national historic"; in subsection (i) after "recreation" delete "or scenic" and insert "national scenic, or national historic".

(18) In section 7(c) at the end of the fourth sentence insert the following: "Where a national historic trail follows existing public roads, developed rights-of-way or water ways, and similar features of man's nonhistorically related development, approximating the original location of a historic route, such segments may be marked to facilitate retracement of the historic route, and where a national historic trail parallels an existing public road, such road may be marked to commemorate the historic route."

Other uses along the historic trails and the Continental Divide National Scenic Trail, which will not substantially interfere with the nature and purposes of the trail, and which, at the time of designation, are allowed by administrative regulations, including the use of motorized vehicles, shall be permitted by the Secretary charged with the administration of the trail.

(19) In section 7(e), in the first proviso, delete within two years.

(20) In section 7(g), delete the second proviso entirely.

(21) At the end of subsection 7(g) add the following new sentence: "For national historic trails, direct Federal acquisition for trail purposes shall be limited to those areas indicated by the study report or by the comprehensive plan as high potential route segments or high potential historic sites."

No land or site located along a designated national historic trail or along the Continental Divide National Scenic Trail shall be subject to the provisions of section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f)), unless such land or site is deemed to be of historical significance under appropriate historical site criteria such as those for the National Register of Historic Places.

(22) In section 8 in the first sentence of subsection (a) after "establishing park, for est, and other recreation" insert "and historic" and after "administered by States, and recreation" insert "and historic", and at the end of the first sentence insert the following: "The Secretary is also directed to encourage States to consider, in their comprehensive statewide historic preservation plans and proposals for financial assistance for state, local, and private, projects submitted pursuant to the Act of October 15, 1966 (80 Stat.

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