

## Calendar No. 203

108TH CONGRESS }  
1st Session }

SENATE

{ REPORT  
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### NATIONAL TRAILS SYSTEM WILLING SELLER ACT

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JULY 11, 2003.—Ordered to be printed

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Mr. DOMENICI, from the Committee on Energy and Natural Resources, submitted the following

#### R E P O R T

together with

#### MINORITY VIEWS

[To accompany S. 651]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 651) to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

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

#### SEC. 2. AUTHORITY TO ACQUIRE LANDS FROM WILLING SELLERS FOR CERTAIN TRAILS.

(a) OREGON NATIONAL HISTORIC TRAIL.—Section 5(a)(3) of the National Trails System Act (16 U.S.C. 1244(a)(3)) is amended by adding at the end the following: “No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof. The authority of the Federal government to acquire fee title under this paragraph shall be limited to an average of not more than one-quarter miles on either side of the trail.”.

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

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

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

(e) IDITAROD NATIONAL HISTORIC TRAIL.—Section 5(a)(7) of the National Trails System Act (16 U.S.C. 1244(a)(7)) is amended by adding at the end the following: “No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof. The authority of the Federal government to acquire fee title under this paragraph shall be limited to an average of not more than one-quarter mile on either side of the trail.”.

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

(g) ICE AGE NATIONAL SCENIC TRAIL.—Section 5(a)(10) of the National Trails System Act (16 U.S.C. 1244(a)(10)) is amended by adding at the end the following: “No lands or interests therein outside exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof.”.

(h) POTOMAC HERITAGE NATIONAL SCENIC TRAIL.—Section 5(a)(11) of the National Trails System Act (16 U.S.C. 1244(a)(11)) is amended by adding at the end the following: “No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof.”.

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

### SEC. 3. CONFORMING AMENDMENT.

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

“(c)(1) Except as otherwise provided in this Act, there is authorized to be appropriated such sums as may be necessary to implement the provisions of this Act relating to the trails designated by section 5(a).

“(2) Not more than \$500,000 may be appropriated for the purposes of land acquisition and interest therein for the Natchez Trace National Scenic Trail designated by section 5(a)(12) of this Act, and not more than \$2,000,000 may be appropriated for the purposes of the development of such trail. The administering agency for the trail shall encourage volunteer trail groups to participate in the development of the trail.”.

### PURPOSE OF THE MEASURE

The purpose of S. 651, as ordered reported, is to amend the National Trails System Act to authorize the Federal Government to acquire lands and interest in lands of nine units of the National Trails System that presently lack such authority.

### BACKGROUND AND NEED

Congress enacted the National Trails System Act in 1968 to provide for the increasing outdoor recreation needs and to promote the preservation of outdoor areas and historic resources of the Nation by instituting a national system of recreation, scenic and historic trails.

Most of the 22 national and scenic trails in the system provide for Federal acquisition authority to complete the trails, in many cases from willing sellers only. There is no existing Federal acquisition authority, however, for nine of the trails.

In the absence of willing seller acquisition authority, Federal trail managers are unable to purchase lands or easements to protect trails when development threatens important links in the landscapes of the national scenic or historic trails. In some cases, sections of the trails can be moved from roads and critical historic sites can be preserved through willing seller authority.

### LEGISLATIVE HISTORY

S. 651 was introduced by Senators Allard and Levin on March 18, 2003. Similar legislation, S. 324, was introduced by Senator Levin on February 6, 2003. The Subcommittee on National Parks held a hearing on S. 651 and S. 324 on May 6, 2003. During the 107th Congress, the Committee considered similar legislation, S. 1069 sponsored by Senators Levin and others. Companion legislation, H.R. 834, introduced by Representative McInnis, and passed the House of Representatives by a vote of 409–3 on March 13, 2001. The Subcommittee on National Parks held a hearing on S. 1069 and H.R. 834 on March 7, 2002. At the business meeting on July 31, 2002, the Committee on Energy and Natural Resources ordered S. 1069, as amended, favorably reported. The text of S. 1069, as reported, was adopted as an amendment to H.R. 37, an unrelated trail measure. H.R. 37 passed the Senate by unanimous consent on November 20, 2002.

At the business meeting on June 25, 2003, the Committee on Energy and Natural Resources ordered S. 651, as amended, favorably reported.

### COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on June 25, 2003, by a majority vote of a quorum present, recommends that the Senate pass S. 651, if amended as described herein. Senators Thomas, Craig, and Kyl requested that they be recorded as voting in the negative on the measure.

### COMMITTEE AMENDMENTS

During the consideration of S. 651, the Committee adopted an amendment in the nature of a substitute. The amendment: deletes congressional findings; with respect to six of the trails, limits fee acquisition to one-quarter mile on either side of the trail; and makes other clarifying and technical changes. The amendment is explained in detail in the section-by-section analysis, below.

## SECTION-BY-SECTION ANALYSIS

*Section 1* contains the short title, the “National Trails System Willing Seller Act.”

*Section 2* amends section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) to provide the authority to acquire lands from willing sellers for the North Country National Scenic Trail, Ice Age National Scenic Trail, and Potomac Heritage National Scenic Trail. This section also provides willing seller authority, but limits fee acquisition authority to one-quarter mile on either side of the trail for the Oregon National Historic Trail, Mormon Pioneer National Historic Trail, Continental Divide National Scenic Trail, Lewis and Clark National Historic Trail, Iditarod National Historic Trail, and Nez Perce National Historic Trail.

The Committee recognizes that some landowners are concerned that, if they sell an easement to the Federal Government for a national scenic or historic trail, they might later be held personally liable for injuries to persons using the trail. The Committee does not believe that should be the case. It is well settled that where a landowner sells an easement to another, the owner of the easement, rather than the owner of the underlying estate, is responsible for maintaining the easement in a safe condition. It is equally well settled that abutting landowners are not liable to trespassers who wander off the easement and injure themselves on abutting lands.

The Committee has addressed these concerns before, when it amended the National Trails System Act in 1983. Section 7 of the Act, as amended in 1983, directs the Secretaries of the Interior and Agriculture to work with the States to develop “appropriate measures to protect landowners from trespass resulting from trail use and from unreasonable personal liability and property damage caused by trail use.” Most States now have recreational use statutes that protect landowners from liability for injuries not only to trespassers, but those who use private land for recreational purposes with the landowner’s permission.

The Committee expects the Secretaries of the Interior and Agriculture to use their existing authorities to protect willing sellers of less than all of their land from trespass by persons using national scenic and historic trails and to ensure that they are adequately protected from unreasonable personal liability and property damage caused by trail use. The Secretaries may include appropriate terms and conditions addressing these concerns in their agreements with willing sellers.

The Committee is also aware that some property owners have expressed concerns over continued use of remaining property. That is an issue that the Committee expects the property owner and the Secretary to resolve as part of the negotiations. There is nothing in the Act that limits a landowner from retaining rights of access or other rights if agreeable to the Secretary. Concerns that a Secretary may use a limited acquisition as a basis for attempts to regulate activities on adjacent property are equally unfounded. Ultimately, of course, landowners may refuse to sell if their concerns about trespass and liability as well as continued use and enjoyment of their property remain unanswered.

*Section 3* amends section 10(c) of the National Trails System Act (16 U.S.C. 1249(c)) to authorize such sums as may be necessary to implement the provisions of this Act relating to the trails designated by section 5(a) and sets limits on appropriations for the Natchez Trace National Scenic Trail.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 1, 2003.*

Hon. PETE V. DOMENICI,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 651, the National Trails System Willing Seller Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

DOUGLAS HOLTZ-EAKIN,  
*Director.*

Enclosure.

*S. 651—National Trails System Willing Seller Act*

S. 651 would amend the National Trails System Act to allow the federal government to purchase land from willing sellers for nine of the 23 national trails currently in the system. Under current law, federal agencies are not authorized to spend funds to acquire land for these nine trails that is outside of existing federal areas such as national forests or parks. (An exception to this prohibition is that one site in each state crossed by each trail may be acquired for an interpretive site.)

The costs of implementing S. 651 are uncertain because the federal agencies that administer the national trails have not completed land protection plans for most of the trails that would be affected by the legislation. CBO expects that relatively little land along the nearly 19,000 miles composing the nine trails would be acquired because most land can probably be protected in other ways, as it is for most other trails in the system. Under the bill, total acquisition costs could be significant, however, because some of the longest trails would probably require large areas to be purchased. For example, land acquisition for multistate trails such as the 3,200-mile North Country National Scenic Trail could cost over \$100 million, assuming appropriation of the necessary amounts. For some of the shorter trails, costs would be much lower. For example, trails located primarily on state or federal lands, such as the Iditarod National Historic Trail in Alaska, would probably require few or no purchases. In any case, all acquisition funding would be subject to the appropriation of the necessary amounts and would be spend over a period of several years. This estimate is based on information provided by the National Park Service and

the Forest Service, which administer most of the national trails affected by the bill.

Of the other 14 existing national trails (not covered by this legislation), only the Appalachian National Scenic Trail has ever received significant appropriated funds for land acquisition (almost \$230 million to date); other trails have been protected by other methods, including state acquisition, cooperative agreements with landowners, and inclusion in other federally administered areas.

S. 651 would not affect direct spending or revenues. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Paul R. Cullinan, Chief for the Human Resources Estimates Unit of the Budget Analysis Division.

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 651. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 651, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

On May 12, 2003, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 651. These reports had not been received at the time the report on S. 651 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT BY D. THOMAS ROSS, ASSISTANT DIRECTOR,  
RECREATION AND CONSERVATION, NATIONAL PARK SERVICE,  
DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department's views on S. 651, the National Trails System Willing Seller Act. S. 651 would amend the National Trails System Act to provide land acquisition authority from willing sellers, but specifically exclude the use of condemnation, for nine national scenic and national historic trails established between 1978 and 1986.

The Department supports the 23 long-distance trails, 15 national historic trails, 8 scenic trails, and 900 national recreation trails that make up the approximately 50,000 miles of trails in the National Trails System. National

trails are a popular way of linking together thousands of significant historic sites and drawing attention to local cultural and natural resources. This network of trails has provided millions of visitors across the country with rewarding and enjoyable outdoor experiences. Thousands of volunteers each year work tirelessly to plan, promote, build, maintain and otherwise care for these trails.

Trails can provide an important opportunity to promote citizen involvement and bring together communities. It is this type of opportunity that is at the center of the Department's plan to implement a new environmentalism and what Secretary Norton has termed the "Four C's"—Communication, Consultation, and Cooperation, all in the service of Conservation. The focus of the Four C's is the belief that enduring conservation springs from partnerships involving the people who live on, work on, and love the land. One example of this version is the Secretary's Cooperative Conservation Initiative (CCI), which builds on existing conservation partnership programs and provides new and expanded opportunities for landowners, land managers, and others to participate in projects that foster innovation and create incentives for stewardship.

Consistent with this version, we have developed a set of principles that will serve as an important guide for all land transactions conducted by the Department. The principles include:

1. Integrity: Transactions shall meet the highest ethical standards and comply with all applicable laws, rules, regulations and codes of professional conduct.
2. Good Faith: Transactions shall occur in good faith and only with willing parties.
3. Transparency: Transactions shall be pursued transparently with appropriate opportunities for public participation.
4. Mission: Transactions shall promote fulfillment of Departmental and Bureau missions.
5. Citizen Stewardship: Transactions shall be consistent with the promotion of private stewardship.
6. Innovation: Transactions shall employ easements, donations and other alternatives to fee title when appropriate.
7. Congressional Direction: The Department shall provide technical assistance and policy recommendations to Congress, when requested, and in a manner consistent with these principles.

Within this framework, the Department recognizes the positive role the Federal government could play in the protection of these trails with the authority provided under S. 651. For example, landowners wishing to donate land cannot do so under current law because the prohibition on using funds to acquire lands has meant that activities required for a donation to occur, such as land protection plans or pre-acquisition services (surveys, tract maps, inventories, priority lists), also cannot be funded. The current prohibition also applies to the acquisition of interest

in lands, and thus, the Federal government cannot purchase easements from interested landowners. It is paramount that we work closely with private landowners, the community, private volunteer groups, and State and local governments to discover creative solutions for trail protection that may not result in fee simple acquisition. To ensure that such alternative solutions are fully explored, we have provided a proposed amendment at the end of this testimony.

In addition to the considerations in our proposed amendment, we understand that several additional steps would have to occur before purchase of a trail segment from a willing seller occurs including: developing a land protection plan; undergoing a public reviews process; and requesting, obtaining and prioritizing appropriate funding.

The National Trails System Act was initially developed by Congress principally to offer Federal assistance and support for protecting the land base of the Appalachian National Scenic Trail. When the act was passed in 1968, both the previously existing Appalachian and Pacific Crest National Scenic Trails were established as the two initial components of the National Trails System and 14 more trails were proposed for study as potential additions to the National Trail System. The core authorities of the act addressed how to establish nationally significant trails.

In 1978, the national historic trails category was added to the National Trails System accompanied by authorization of four historic trails (Oregon, Mormon Pioneer, Lewis and Clark, and Iditarod). National historic trails were seen as primarily commemorative with only limited need for acquisition authority. Amendments added to the National Trails System Act prohibited expenditures by Federal agencies to acquire lands or interests in lands for these trails outside of existing Federal areas. Amendments added in 1980 and 1983 made this prohibition applicable to the Continental Divide National Scenic Trail, as well as to the North Country, Ice Age, and Potomac Heritage National Scientific Scenic Trails. This means the generic land acquisition authorities provided in Section 7 of the National Trails System Act cannot be used on any of these scenic and historic trails.

Since 1983, most of the trails established under the National Trails System Act have had language similar to the following sentence: "No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the United States for the Pony Express National Historic Trail except with the consent of the owner thereof." This "willing seller authority" falls somewhere between the full land acquisition authority used to protect the Appalachian and Pacific Crest National Scenic Trails and the ban on Federal funding for acquiring segments that fall outside of national parks and forests on the nine trails included in this bill.

From its beginning, the National Trails System was premised on the establishment, operation, and maintenance of

national trails as collaborative partnership efforts. For land protection, specifically, state governments and non-profit partners are encouraged to protect what they can of the national trails, with the Federal government embarking on land acquisition only as a last resort. For example, in Wisconsin, an arrangement was set up for the Ice Age National Scenic Trail under which the State of Wisconsin took the lead in acquiring trail lands, with support from the Ice Age Park and Trail Foundation and coordination by the National Park Service. Further, trail nonprofit partners have been encouraged to develop land trusts to acquire critical lands. This bill is supported by a broad coalition of trail organizations across America.

Along historic trails, the major means of protecting the trail corridor has been through a voluntary certification process. These five-year renewable agreements between the Federal Trail agency and the landowner have enabled trail sites and segments to remain in private ownership and still receive Federal government as part of a national trail. The advantages to certification are that it is less costly for the government and the land remains in private (or State) ownership, continuing to generate taxes.

It would be impossible to estimate funding requirements associated with this bill at the time, as the number of willing sellers is unknown, whether donation, easements, or fee simple acquisition would be employed is unknown, and the cost of the land segments for each trail would vary due to geographic location and the long time span over which the acquisition work would take place. The Administration will identify the costs for each trail on a case-by-case basis.

By bringing the land acquisition authority on these nine trails in line with those in the majority of national scenic and national historic trails in the National Trail System, S. 651 would allow the Federal government to assist in the protection of these trails, through donation, easements, and, as a last reserve resort, fee simple acquisition from landowners actively interested in selling land for trail protection.

Mr. Chairman, this concludes my prepared testimony. I would be happy to answer any questions you or your committee may have.

#### PROPOSED AMENDMENT

On p. 4, line 3, after "thereof." insert "In acquiring lands or interests therein, the Federal Government shall employ easements, donations, and other alternatives to fee title when appropriate."

On p. 4, line 10, after "thereof." insert "In acquiring lands or interests therein, the Federal Government shall employ easements, donations, and other alternatives to fee title when appropriate."

On p. 4, line 17, after "thereof." insert "In acquiring lands or interests therein, the Federal Government shall employ easements, donations, and other alternatives to fee title when appropriate."

On p. 4, line 24, after "thereof." insert "In acquiring lands or interests therein, the Federal Government shall employ easements, donations, and other alternatives to fee title when appropriate."

On p. 5, line 7, after “thereof.” insert “In acquiring lands or interests therein, the Federal Government shall employ employee easements, donations, and other alternatives to fee title when appropriate.”

On p. 5, line 14, after “thereof.” insert “In acquiring lands or interests therein, the Federal Government shall employ employee easements, donations, and other alternatives to fee title when appropriate.”

On p. 5, line 21, after “thereof.” insert “In acquiring lands or interests therein, the Federal Government shall employ employee easements, donations, and other alternatives to fee title when appropriate.”

On p. 6, line 2, after “thereof.” insert “In acquiring lands or interests therein, the Federal Government shall employ employee easements, donations, and other alternatives to fee title when appropriate.”

On p. 6, line 7, after “thereof.” insert “In acquiring lands or interests therein, the Federal Government shall employ employee easements, donations, and other alternatives to fee title when appropriate.”

## MINORITY VIEWS OF SENATORS THOMAS, CRAIG, AND KYL

On June 25, 2003, the Committee considered and passed S. 651, the “National Trails System Willing Seller Act.” Although we believe the bill authors constructed this measure with meritorious intentions, we have concerns about the unintended impacts from implementation of this legislation and the structure of S. 651 as approved by the Committee.

We are avid supporters of the national trails system as well as public access and recreation on federal land. However, we are also extremely concerned with maintaining private landowners’ rights to preserve their use and future enjoyment of their property.

The locations where trail proponents are seeking to acquire easements, rights-of-way and fee-title interests involve lands that have traditionally supported agriculture, timber and mineral extraction. These adjacent private landowners are not only dependent on federal lands to access their own property; they also utilize public lands for grazing and sub-surface resource development. Determining the applicable management tools for trails and other uses poses substantial impacts for all lands. Directives developed under the guise of view-shed or other types of protection could unduly harm and restrict the rights and future enjoyment of private resources.

We appreciate the Committee’s efforts to improve the bill by limiting acquisition authority for the nine trails discussed in S. 651 to one-quarter mile and expressing the views about use through Report language. However, the exclusion of legislative language to protect future resource development and access to private lands related to the trails forces us to oppose the legislation in its current form.

CRAIG THOMAS.  
LARRY E. CRAIG.  
JON KYL.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 651, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**A. NATIONAL TRAILS SYSTEM ACT**

(Public Law 90-543; Approved October 2, 1968)

AN ACT To establish a national trails system, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SHORT TITLE

SECTION 1. This Act may be cited as the "National Trails System Act".

\* \* \* \* \*

NATIONAL SCENIC AND NATIONAL HISTORICAL TRAILS

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

(1) \* \* \*

(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, *No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof. The authority of the Federal government to acquire fee title under this paragraph shall be limited to an average of not more than one-quarter mile on either side of the trail.*

(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 de-

pictured 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. *No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof. The authority of the Federal government to acquire fee title under this paragraph shall be limited to an average of not more than one-quarter mile on either side of the trail.*

(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 1246(c) of this title, 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. *No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof. The authority of the Federal government to acquire fee title under this paragraph shall be limited to an average of not more than one-quarter mile on either side of the trail.*

(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. *No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof. The authority of the Federal government to acquire fee title under this paragraph shall be limited to an average of not more than one-quarter mile on either side of the trail.*

(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 Inte-

rior'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. *No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof. The authority of the Federal government to acquire fee title under this paragraph shall be limited to an average of not more than one-quarter mile on either side of the trail.*

(8) The North County 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 County 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, District of Columbia. The trail shall be administered by the Secretary of the Interior. *No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof.*

\* \* \* \* \*

(10) The Ice Age National Scenic Trail, a trail of approximately one thousand miles, extending from Door County, Wisconsin, to Interstate Park in Saint Croix County, Wisconsin, generally following the route described in "On the Trail of the Ice Age—A Hiker's and Biker's Guide to Wisconsin's Ice Age National Scientific Reserve and Trail", by Henry S. Reuss, Member of Congress, dated 1980. The guide and maps shall be on file and available for public inspection in the Office of the Director, National Park Service, Washington, District of Columbia. Overall administration of the trail shall be the responsibility of the Secretary of the Interior pursuant to subsection (d) of this section. The State of Wisconsin, in consultation with the Secretary of the Interior, may, subject to the approval of the Secretary, prepare a plan for the management of the trail which shall be deemed to meet the requirements of subsection (e) of this section. Notwithstanding the provisions of section 1246(c) of this title, snowmobile use may be permitted on segments of the Ice Age National Scenic Trail where deemed appropriate by the Secretary and the managing authority responsible for the segment. *No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof.*

(11) The Potomac Heritage National Scenic Trail, a corridor of approximately seven hundred and four miles following the route as generally depicted on the map identified as "National Trails System, Proposed Potomac Heritage Trail" in the "The Potomac Heritage Trail", a report prepared by the Department

of the Interior and dated December 1974, except that no designation of the trail shall be made in the State of West Virginia. The map shall be on file and available for public inspection in the office of the Director of the National Park Service, Washington, District of Columbia. The trail shall initially consist of only those segments of the corridor located within the exterior boundaries of federally administered areas. No lands or interest therein outside of federally administered areas as segments of the trail, only upon application from the States or local governmental agencies involved, if such segments meet the criteria established in this chapter and are administered by such agencies without expense to the United States. The trail shall be administered by the Secretary of the Interior. *No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof.*

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(14) The Nez Perce National Historic Trail, a route of approximately eleven hundred and seventy miles extending from the vicinity of Wallowa Lake, Oregon, to Bear Paw Mountain, Montana, as generally depicted in "Nez Perce (Nee-Me-Poo) Trail Study Report" prepared by the Department of Agriculture and dated March 1982. The report shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia. The trail shall be administered by the Secretary of Agriculture. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Nez Perce National Historic Trail. The Secretary of Agriculture may designate lands outside of federally administered areas as segments of the trail upon application from the States or local governmental agencies involved in such segments meet the criteria established in this chapter and are administered by such agencies without expense to the United States. So that significant route segments and sites recognized as associated with the Nez Perce Trail may be distinguished by suitable markers, the Secretary of Agriculture is authorized to accept the donation of suitable markers for placement at appropriate locations. Any such markers associated with the Nez Perce Trail which are to be located on lands administered by any other department or agency of the United States may be placed on such lands only with the concurrence of the head of such department or agency. *No lands or interests therein outside the exterior boundaries of any Federally administered areas may be acquired by the Federal government for the trail except with the consent of the owner thereof. The authority of the Federal government to acquire fee title under this paragraph shall be limited to an average of not more than one-quarter mile on either side of the trail.*

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AUTHORIZATION OF APPROPRIATIONS

SEC. 10. (a)(1) \* \* \*

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[(c)(1) There is hereby authorized to be appropriated such sums as may be necessary to implement the provisions of this chapter relating to the trails designated by section 1244(a)(3), (4), (5), (6), (7), (8), (9), and (10) of this title: *Provided*, That no such funds are authorized to be appropriated prior to October 1, 1978: *And provided further*, That notwithstanding any other provisions of this chapter or any other provisions of law, no funds may be expended by Federal agencies for the acquisition of lands or interests in lands outside the exterior boundaries of existing Federal areas for the Continental Divide National Scenic Trail, the North Country National Scenic Trail, The Ice Age 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, except that funds may be expended for the acquisition of lands or interests therein for the purpose of providing for one trail interpretation site, as described in section 1246(c) of this title, along with such trail in each State crossed by the trail.

(2) Except as otherwise provided in this chapter, there is authorized to be appropriated such sums as may be necessary to implement the provisions of this charter relating to the trails designated by section 1244(a) of this title. Not more than \$500,000 may be appropriated for the purposes of acquisition of land and interests therein for the trail designated by section 1244(a)(12) of this title, and not more than \$2,000,000 may be appropriated for the purposes of the development of such trail. The administering agency for the trail shall encourage volunteer trail groups to participate in the development of the trail.】

*(c)(1) Except as otherwise provided in this Act, there is authorized to be appropriated such sums as may be necessary to implement the provisions of this Act relating to the trails designated by section 5(a).*

*(2) Not more than \$500,000 may be appropriated for the purposes of land acquisition and interests therein for the Natchez Trace National Scenic Trail designated by section 5(a)(12) of this Act, and not more than \$2,000,000 may be appropriated for the purposes of the development of such trail. The administering agency for the trail shall encourage volunteer trail groups to participate in the development of the trail.*