

Calendar No. 365

110TH CONGRESS }
1st Session }

SENATE

{ REPORT
{ 110-167

NATIONAL TRAILS SYSTEM WILLING SELLER ACT

SEPTEMBER 17, 2007.—Ordered to be printed

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

R E P O R T

[To accompany S. 169]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 169) 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 the “National Trails System Willing Seller Act”.

SEC. 2. AUTHORITY TO ACQUIRE LAND 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 land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than $\frac{1}{4}$ mile on either side of the trail.”

(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 land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than $\frac{1}{4}$ mile on either side of the trail.”

(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 land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except

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

(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 land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than $\frac{1}{4}$ mile on either side of the trail.”

(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 land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than $\frac{1}{4}$ mile on either side of the trail.”

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

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

(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—

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

(2) by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.”

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

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

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

SEC. 3. CONFORMING AMENDMENT.

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

“(c) AUTHORIZATION OF APPROPRIATIONS.—

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

“(2) NATCHEZ TRACE NATIONAL SCENIC TRAIL.—

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

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

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

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

PURPOSE

The purpose of S. 169 is to amend the National Trails System Act to provide authority to purchase lands from willing sellers for nine designated trails that currently lack such authority.

BACKGROUND AND NEED

Congress enacted the National Trails System Act in 1968 (16 U.S.C. 1241 et seq.) to provide for increased outdoor recreation needs and “to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas and historic resources of the Nation” by instituting a national system of recreation, scenic, and historic trails.

Section 7 of the National Trails System Act gives the Secretary of the Interior or Secretary of Agriculture, as appropriate, authority to acquire private lands for inclusion in the trail. Over the past several years, legislation designating new trails has limited this authority to acquisition from willing sellers only (no condemnation). However, for nine trails that are part of the system—the Oregon National Historic Trail, the Mormon Pioneer National Historic Trail, the Continental Divide National Scenic Trail, the Lewis and Clark National Historic Trail, the Iditarod National Historic Trail, the North Country National Scenic Trail, the Ice Age National Scenic Trail, the Potomac Heritage National Scenic Trail, and the Nez Perce National Historic Trail—the United States has no acquisition authority.

In the absence of authority to acquire lands from willing sellers, Federal trail managers are unable to purchase lands or easements to protect trails from inappropriate development or to ensure public access. Enactment of S. 169 will enable Federal land managers to purchase lands from willing sellers only, to provide the same authority for these nine trails as exist for the rest of the trails in the system.

LEGISLATIVE HISTORY

S. 169 was introduced by Senators Allard and Levin on January 4, 2007. The Subcommittee on National Parks held a hearing on the bill on April 26, 2007 (S. Hrg. 110–88).

During the 109th Congress, Senators Allard and Levin introduced a similar bill, S. 974. Senator Levin also introduced a bill providing acquisition authority only for the North Country National Scenic Trail, S. 3979. In the 108th Congress, Senator Levin introduced S. 324, and Senator Allard sponsored S. 651, both of which were similar to the current bill. The Subcommittee on National Parks held a hearing on both S. 324 and S. 651 on May 6, 2003 (S. Hrg. 108–47), and the Committee ordered S. 651 to be favorably reported on June 25, 2003 (S. Rept. 108–95) (with minority views). S. 651 passed the Senate by unanimous consent on July 17, 2003.

During the 107th Congress, the House of Representatives passed a companion measure, H.R. 834, sponsored by Congressman McInnis, by a vote of 409–3 on March 13, 2001. During that Congress, the Committee also considered a similar bill sponsored by Senator Levin, S. 1069. The Subcommittee on National Parks held a hearing on S. 1069 and H.R. 834 on March 7, 2002. The Committee ordered S. 1069 to be favorably reported, with amendments, on July 31, 2002. The text of S. 1069, as reported, was adopted by the Senate as an amendment to H.R. 37, an unrelated trail measure. H.R. 37 passed the Senate by unanimous consent on November 20, 2002; however the House and Senate were unable to reconcile

the different bills prior to the sine die adjournment of the Congress.

At its business meeting on July 25, 2007, the Committee on Energy and Natural Resources ordered S. 169 favorably reported with an amendment in the nature of a substitute.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on July 25, 2007, by a voice vote of a quorum present, recommends that the Senate pass S. 169, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 169, the Committee adopted an amendment in the nature of a substitute. The amendment made several conforming changes to the bill and 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)(3) of the National Trails System Act (16 U.S.C. 1244(a)(3)) to authorize the United States to acquire lands and interests therein from willing sellers for addition to nine components of the system: the Oregon National Historic Trail; the Mormon Pioneer National Historic Trail; the Continental Divide National Scenic Trail, the Lewis and Clark National Historic Trail; the Iditarod National Historic Trail, the North Country National Scenic Trail; the Ice Age National Scenic Trail; the Potomac Heritage National Scenic Trail; and the Nez Perce National Historic Trail. In addition, the section makes conforming amendments to the paragraphs designating the Potomac Heritage National Scenic Trail and the Nez Perce National Historic Trail.

The section further limits acquisition authority for six of the trails—the Oregon National Historic Trail, the Mormon Pioneer National Historic Trail, the Continental Divide National Scenic Trail, the Lewis and Clark National Historic Trail, the Iditarod National Historic Trail, and the Nez Perce National Historic Trail—by restricting Federal acquisition of fee title for each trail to an average of not more than one-quarter mile on either side of the trail. With respect to these trails, the Committee notes that nothing in this Act or the National Trails System Act authorizes the Secretary of the Interior or the Secretary of Agriculture to impose restrictions on private lands, and that any Federal land acquisition along these trails does not affect the agency’s management authority for Federal lands outside of the trail corridor, including lands within the viewshed of the trail.

Section 3 makes a conforming amendment to section 10(c) of the National Trails System Act (16 U.S.C. 1249(c)).

COST AND BUDGETARY CONSIDERATIONS

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

AUGUST 3, 2007.

Hon. JEFF BINGAMAN,
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. 169, 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,

PETER R. ORSZAG.

Enclosure.

S. 169—National Trails System Willing Seller Act

S. 169 would amend the National Trails System Act to allow the federal government to purchase land from willing sellers for nine of the 25 national trails currently in the system. Under current law, federal agencies are not authorized to spend funds to acquire land or other property interests for those nine trails that are 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. 169 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 spent 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 16 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.

Enacting S. 169 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 impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

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. 169. 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. 169, as ordered reported.

EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the April 26, 2007, Subcommittee hearing follows:

STATEMENT BY DANIEL N. WENK, DEPUTY DIRECTOR, 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. 169, the National Trails System Willing Seller Act. S. 169 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 S. 169, which is similar to legislation the Department supported during the 108th Congress. The Department supports the 17 national historic trails, 8 scenic trails, and 900 national recreation trails that make up the approximately 60,000 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. The Department of the Interior has 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. 169. For example, current provisions of the National Trails System Act prohibit the expenditure of funds to acquire lands and do not provide clear authority to accept donated lands or easements. The current prohibition on using funds to acquire lands 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, local communities, 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 review 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 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, forests and wildlife refuges 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 nonprofit 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 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 recognition as part of a national historic 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 this 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. 169 would allow the Federal government to assist in the protection of these trails, through donation, easements, and, as a last 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.

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 S. 169, 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):

PUBLIC LAW 90-543—OCT. 2, 1968

16 U.S.C. 1241 et seq.

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,

SECTION 1. SHORT TITLE.

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

* * * * *

SEC. 5. NATIONAL SCENIC AND NATIONAL HISTORIC TRAILS.

(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:

* * * * *

(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 land or interest in land outside the exterior boundaries of any federally-administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than 1/4 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-

picted 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 land or interest in land outside the exterior boundaries of any federally-administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than 1/4 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 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. *No land or interest in land outside the exterior boundaries of any federally-administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than 1/4 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 land or interest in land outside the exterior boundaries of any federally-administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than 1/4 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 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. *No land or interest in land outside the exterior boundaries of any federally-administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than 1/4 mile on either side of the trail.*

(8) 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, District of Columbia. The trail shall be administered by the Secretary of the Interior. *No land or interest in land outside the exterior boundaries of any federally-administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.*

* * * * *

(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 section 5(d) of this Act. 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 section 5(e) of this Act. Notwithstanding the provisions of section 7(c), 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 land or interest in land outside the exterior boundaries of any federally-administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.*

(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 Potomac Heritage Trail”, a report prepared by the Department of the Interior and dated December 1974, except that no designa-

tion 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 interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Potomac Heritage Trail. The Secretary of the Interior may designate lands 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 Act and are administered by such agencies without expenses to the United States.] The trail shall be administered by the Secretary of the Interior. *No land or interest in land outside the exterior boundaries of any federally-administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.*

* * * * *

(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 if such segments meet the criteria established in this Act 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 land or interest in land outside the exterior boundaries of any federally-administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than 1/4 mile on either side of the trail.*

* * * * *

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

* * * * *

[(c)(1) 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), (8), (9), and (10): *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 Act 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 7(c), along with such trail in each State crossed by the trail.

[(2) 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). Not more than \$500,000 may be appropriated for the purposes of acquisition of land and interests therein for the 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.]

(c) *AUTHORIZATION OF APPROPRIATIONS.—*

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

(2) *NATCHEZ TRACE NATIONAL SCENIC TRAIL.—*

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

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

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

(B) *PARTICIPATION BY VOLUNTEER TRAIL GROUPS.—The administering agency for the trail shall encourage volunteer groups to participate in the development of the trail.*