

114TH CONGRESS  
2D SESSION

# H. R. 845

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27, 2016

Received

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## AN ACT

To direct the Secretary of Agriculture to publish in the Federal Register a strategy to significantly increase the role of volunteers and partners in National Forest System trail maintenance, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “National Forest System Trails Stewardship Act”.

4 (b) TABLE OF CONTENTS.—The table of contents for  
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. National forest system trails volunteer and partnership strategy.
- Sec. 5. Priority trail maintenance program.
- Sec. 6. Cooperative agreements.
- Sec. 7. Stewardship credits for outfitters and guides.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

8 (1) The National Forest System features a  
9 world-class trail system with over 157,000 miles of  
10 trails that provide world-class opportunities for hik-  
11 ing, horseback riding, hunting, mountain bicycling,  
12 motorized vehicles, and other outdoor activities.

13 (2) According to the Government Accountability  
14 Office, the Forest Service is only able to maintain  
15 about one-quarter of National Forest System trails  
16 to the agency standard, and the agency faces a trail  
17 maintenance backlog of \$314 million, and an addi-  
18 tional backlog of \$210 million in annual mainte-  
19 nance, capital improvements, and operations.

20 (3) The lack of maintenance on National Forest  
21 System trails threatens access to public lands, and  
22 may cause increased environmental damage, threat-

1       en public safety, and increase future maintenance  
2       costs.

3               (4) Federal budget limitations require solutions  
4       to National Forest System trail maintenance issues  
5       that make more efficient use of existing resources.

6               (5) Volunteers, partners, and outfitters and  
7       guides play an important role in maintaining Na-  
8       tional Forest System trails, and a comprehensive  
9       strategy is needed to ensure that volunteers and  
10      partners are used as effectively as possible.

11 **SEC. 3. DEFINITIONS.**

12       In this Act:

13               (1) ADMINISTRATIVE UNIT.—The term “Ad-  
14      ministrative Unit” means a national forest or na-  
15      tional grassland.

16               (2) OUTFITTER OR GUIDE.—The term “out-  
17      fitter or guide” means an individual, organization,  
18      or business who provides outfitting or guiding serv-  
19      ices, as defined in section 251.51 of title 36, Code  
20      of Federal Regulations.

21               (3) PARTNER.—The term “partner” means a  
22      non-Federal entity that engages in a partnership.

23               (4) PARTNERSHIP.—The term “partnership”  
24      means arrangements between the Department of Ag-  
25      riculture or the Forest Service and a non-Federal

1 entity that are voluntary, mutually beneficial, and  
2 entered into for the purpose of mutually agreed-upon  
3 objectives.

4 (5) PRIORITY AREA.—The term “priority area”  
5 means a well-defined region on National Forest Sys-  
6 tem land selected by the Secretary under section  
7 5(a).

8 (6) SECRETARY.—The term “Secretary” means  
9 the Secretary of Agriculture.

10 (7) STRATEGY.—The term “strategy” means  
11 the National Forest System Trails Volunteer and  
12 Partnership Strategy authorized by section 4(a).

13 (8) TRAIL MAINTENANCE.—The term “trail  
14 maintenance” means any activity to maintain the  
15 usability and sustainability of trails within the Na-  
16 tional Forest System, including—

17 (A) ensuring trails are passable by the  
18 users for which they are managed;

19 (B) preventing environmental damage re-  
20 sulting from trail deterioration;

21 (C) protecting public safety; and

22 (D) averting future deferred maintenance  
23 costs.

24 (9) VOLUNTEER.—The term “volunteer” means  
25 an individual whose services are accepted by the Sec-

1       retary without compensation under the Volunteers in  
2       the National Forests Act of 1972 (16 U.S.C. 558a  
3       et seq.).

4       **SEC. 4. NATIONAL FOREST SYSTEM TRAILS VOLUNTEER**  
5                                   **AND PARTNERSHIP STRATEGY.**

6       (a) **IN GENERAL.**—Not later than 2 years after the  
7       date of the enactment of this Act, the Secretary shall pub-  
8       lish in the Federal Register a strategy to significantly in-  
9       crease the role of volunteers and partners in trail mainte-  
10      nance.

11      (b) **REQUIRED ELEMENTS.**—The strategy required  
12      by subsection (a) shall—

13              (1) augment and support the capabilities of  
14      Federal employees to carry out or contribute to trail  
15      maintenance;

16              (2) provide meaningful opportunities for volun-  
17      teers and partners to carry out trail maintenance in  
18      each region of the Forest Service;

19              (3) address the barriers to increased vol-  
20      unteerism and partnerships in trail maintenance  
21      identified by volunteers, partners, and others;

22              (4) prioritize increased volunteerism and part-  
23      nerships in trail maintenance in those regions with  
24      the most severe trail maintenance needs, and where

1 trail maintenance backlogs are jeopardizing access to  
2 National Forest lands; and

3 (5) aim to increase trail maintenance by volun-  
4 teers and partners by 100 percent by the date that  
5 is 5 years after the date of the enactment of this  
6 Act.

7 (c) ADDITIONAL REQUIREMENT.—As a component of  
8 the strategy, the Secretary shall study opportunities to im-  
9 prove trail maintenance by addressing opportunities to use  
10 fire crews in trail maintenance activities in a manner that  
11 does not jeopardize firefighting capabilities, public safety,  
12 or resource protection. Upon a determination that trail  
13 maintenance would be advanced by use of fire crews in  
14 trail maintenance, the Secretary shall incorporate these  
15 proposals into the strategy, subject to such terms and con-  
16 ditions as the Secretary determines to be necessary.

17 (d) VOLUNTEER LIABILITY.—

18 (1) IN GENERAL.—Section 3 of the Volunteers  
19 in the National Forests Act of 1972 (16 U.S.C.  
20 558e) is amended by adding at the end the following  
21 new subsection:

22 “(e) For the purposes of subsections (b), (c), and (d),  
23 the term ‘volunteer’ includes a person providing volunteer  
24 services to the Secretary who—

1           “(1) is recruited, trained, and supported by a  
2           cooperator under a mutual benefit agreement with  
3           the Secretary; and

4           “(2) performs such volunteer services under the  
5           supervision of the cooperator as directed by the Sec-  
6           retary in the mutual benefit agreement, including di-  
7           rection that specifies—

8                   “(A) the volunteer services to be performed  
9                   by the volunteers and the supervision to be pro-  
10                  vided by the cooperator;

11                  “(B) the applicable project safety stand-  
12                  ards and protocols to be adhered to by the vol-  
13                  unteers and enforced by the cooperator; and

14                  “(C) the on-site visits to be made by the  
15                  Secretary, when feasible, to verify that volun-  
16                  teers are performing the volunteer services and  
17                  the cooperator is providing the supervision  
18                  agreed upon.”.

19           (2) **ADDITIONAL REQUIREMENT.**—Not later  
20           than 2 years after the date of the enactment of this  
21           Act, the Secretary shall adopt regulations imple-  
22           menting this section. These regulations shall ensure  
23           that the financial risk from claims or liability associ-  
24           ated with volunteers undertaking trail maintenance  
25           is shared by all administrative units.

1 (e) CONSULTATION.—The Secretary shall develop the  
2 strategy in consultation with volunteer and partner trail  
3 maintenance organizations, a broad array of outdoor  
4 recreation stakeholders, and other relevant stakeholders.

5 (f) VOLUNTEER AND PARTNERSHIP COORDINA-  
6 TION.—The Secretary shall require each administrative  
7 unit to develop a volunteer and partner coordination im-  
8 plementation plan for the strategy which clearly defines  
9 roles and responsibilities for the administrative unit and  
10 district staff, and includes strategies to ensure sufficient  
11 coordination, assistance, and support for volunteers and  
12 partners to improve trail maintenance.

13 (g) REPORT.—

14 (1) CONTENTS.—The Secretary shall prepare a  
15 report on—

16 (A) the effectiveness of the strategy in ad-  
17 dressing the trail maintenance backlog;

18 (B) the increase in volunteerism and part-  
19 nership efforts on trail maintenance as a result  
20 of the strategy;

21 (C) the miles of National Forest System  
22 trails maintained by volunteers and partners,  
23 and the approximate value of the volunteer and  
24 partnership efforts;



1 (D) the status of the stewardship credits  
2 for outfitters and guides pilot program de-  
3 scribed in section 7 that includes the number of  
4 participating sites, total amount of the credits  
5 offered, estimated value of trail maintenance  
6 performed, and suggestions for revising the pro-  
7 gram; and

8 (E) recommendations for further increas-  
9 ing volunteerism and partnerships in trail main-  
10 tenance.

11 (2) SUBMISSION.—Not later than 3 years after  
12 the date of enactment of this Act, the Secretary  
13 shall submit the report required by paragraph (1)  
14 to—

15 (A) the Committee on Agriculture, Nutri-  
16 tion, and Forestry and the Committee on En-  
17 ergy and Natural Resources of the Senate; and

18 (B) the Committee on Agriculture and the  
19 Committee on Natural Resources of the House  
20 of Representatives.

21 **SEC. 5. PRIORITY TRAIL MAINTENANCE PROGRAM.**

22 (a) SELECTION.—In accordance with subsections (b)  
23 and (c), not later than 6 months after the date of the en-  
24 actment of this Act, the Secretary of Agriculture shall se-

1 lect no fewer than 9 and no more than 15 priority areas  
2 for increased trail maintenance accomplishments.

3 (b) CRITERIA.—Priority areas shall include a well-de-  
4 fined region on National Forest System land where the  
5 lack of trail maintenance has—

6 (1) reduced access to public land;

7 (2) led to an increase, or risk of increase, in  
8 harm to natural resources;

9 (3) jeopardized public safety;

10 (4) resulted in trails being impassible by the in-  
11 tended managed users; or

12 (5) increased future deferred trail maintenance  
13 costs.

14 (c) REQUIREMENTS.—In selecting priority areas, the  
15 Secretary shall—

16 (1) consider any public input on priority areas  
17 received within 3 months of the date of enactment  
18 of this Act;

19 (2) consider the range of trail users (including  
20 motorized and non-motorized trail users); and

21 (3) include at least one priority area in each re-  
22 gion of the United States Forest Service.

23 (d) INCREASED TRAIL MAINTENANCE.—

24 (1) IN GENERAL.—Within 6 months of the se-  
25 lection of priority areas under subsection (a), and in

1 accordance with paragraph (2), the Secretary shall  
2 develop an approach to substantially increase trail  
3 maintenance accomplishments within each priority  
4 area.

5 (2) CONTENTS.—In developing the approach  
6 under paragraph (1), the Secretary shall—

7 (A) consider any public input on trail  
8 maintenance priorities and needs within any  
9 priority area;

10 (B) consider the costs and benefits of in-  
11 creased trail maintenance within each priority  
12 area; and

13 (C) incorporate partners and volunteers in  
14 the trail maintenance.

15 (3) REQUIRED TRAIL MAINTENANCE.—Utilizing  
16 the approach developed under paragraph (1), the  
17 Secretary shall substantially increase trail mainte-  
18 nance within each priority area.

19 (e) COORDINATION.—The regional volunteer and  
20 partnership coordinators may be responsible for assisting  
21 partner organizations in developing and implementing vol-  
22 unteer and partnership projects to increase trail mainte-  
23 nance within priority areas.

24 (f) REVISION.—The Secretary shall periodically re-  
25 view the priority areas to determine whether revisions are

1 necessary and may revise the priority areas, including the  
2 selection of new priority areas or removal of existing pri-  
3 ority areas, at his sole discretion.

4 **SEC. 6. COOPERATIVE AGREEMENTS.**

5 (a) IN GENERAL.—The Secretary may enter into a  
6 cooperative agreement with any State, tribal, local govern-  
7 mental, and private entity to carry out this Act.

8 (b) CONTENTS.—Cooperative agreements authorized  
9 under this section may—

10 (1) improve trail maintenance in a priority  
11 area;

12 (2) implement the strategy; or

13 (3) advance trail maintenance in a manner  
14 deemed appropriate by the Secretary.

15 **SEC. 7. STEWARDSHIP CREDITS FOR OUTFITTERS AND**  
16 **GUIDES.**

17 (a) PILOT PROGRAM.—Within 1 year after the date  
18 of enactment of this Act, in accordance with this section,  
19 the Secretary shall establish a pilot program on not less  
20 than 20 administrative units to offset all or part of the  
21 land use fee for an outfitting and guiding permit by the  
22 cost of the work performed by the permit holder to con-  
23 struct, improve, or maintain National Forest System  
24 trails, trailheads, or developed sites that support public  
25 use under terms established by the Secretary.

1       (b) **ADDITIONAL REQUIREMENTS.**—In establishing  
2 the pilot program authorized by subsection (a), the Sec-  
3 retary shall—

4           (1) select administrative units where the pilot  
5 program will improve trail maintenance; and

6           (2) establish appropriate terms and conditions,  
7 including meeting National Quality Standards for  
8 Trails and the Trail Management Objectives identi-  
9 fied for the trail.

Passed the House of Representatives September 26,  
2016.

Attest:

KAREN L. HAAS,

*Clerk.*