

Union Calendar No. 603

114TH CONGRESS
2D SESSION

H. R. 845

[Report No. 114-770, Part I]

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.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2015

Mrs. LUMMIS (for herself and Mr. WALZ) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

SEPTEMBER 20, 2016

Additional sponsors: Mr. RIBBLE, Ms. DELBENE, Mrs. BROOKS of Indiana, Mr. NOLAN, Mr. BENISHEK, Mr. THOMPSON of California, Mr. ZINKE, Mr. SIMPSON, Mr. PETERSON, Mr. POLIS, Mr. BARR, Mr. NEWHOUSE, Mr. LAMBORN, Mr. BEN RAY LUJÁN of New Mexico, Mrs. NAPOLITANO, Mr. LABRADOR, Mr. GARAMENDI, Mr. ASHFORD, Ms. MATSUI, Mr. WELCH, Mr. CARTWRIGHT, Mr. MULVANEY, Mr. THOMPSON of Pennsylvania, Mr. PEARCE, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. HUFFMAN, Mr. GRAVES of Georgia, Mr. CHAFFETZ, Mr. HILL, Mr. SCHIFF, Ms. NORTON, Mr. VEASEY, Ms. JUDY CHU of California, Ms. DELAURO, Mr. DELANEY, Mr. KLINE, Mr. DESAULNIER, Mr. WHITFIELD, Mr. AMODEI, Ms. CASTOR of Florida, Mr. DUFFY, Mr. TONKO, Mr. PASCRELL, Mr. SWALWELL of California, Mr. HONDA, Mr. MCNERNEY, Mr. FORTENBERRY, Mr. JODY B. HICE of Georgia, Mr. AUSTIN SCOTT of Georgia, Mr. DEFazio, Ms. BONAMICI, Mr. ROSKAM, Mr. WALDEN, Mr. REICHERT, Mr. BLUMENAUER, Mr. MCCLINTOCK, Mr. YOUNG of Alaska, Mr. WESTERMAN, Mr. DUNCAN of South Carolina, Mr. GRIFFITH, Mr. KILDEE, Mrs. NOEM, Mr. RYAN of Wisconsin, Ms. DUCKWORTH, Mr. LOUDERMILK, Mr. GOODLATTE, Mr. CÁRDENAS, Mrs. LOVE, Mr. BROOKS of Alabama, Mr. MEADOWS, Mr. COFFMAN, Mr. LOWENTHAL, Mr. TIPTON, Mr. HECK of Nevada, Mr. COSTELLO of

Pennsylvania, Ms. JENKINS of Kansas, Mr. ROE of Tennessee, Mr. DUNCAN of Tennessee, Mr. GIBSON, Mr. EMMER of Minnesota, Mr. YOUNG of Iowa, Ms. MOORE, Mr. TOM PRICE of Georgia, Ms. KUSTER, and Mr. PAYNE

SEPTEMBER 20, 2016

Reported from the Committee on Agriculture with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

SEPTEMBER 20, 2016

The Committee on Natural Resources discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on February 10, 2015]

A BILL

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,*

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

4 (a) *SHORT TITLE.*—*This Act may be cited as the “Na-*
5 *tional Forest System Trails Stewardship Act”.*

6 (b) *TABLE OF CONTENTS.*—*The table of contents for*
7 *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.

8 **SEC. 2. FINDINGS.**

9 *Congress finds as follows:*

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

15 (2) *According to the Government Accountability*
16 *Office, the Forest Service is only able to maintain*
17 *about one-quarter of National Forest System trails to*
18 *the agency standard, and the agency faces a trail*
19 *maintenance backlog of \$314,000,000, and an addi-*
20 *tional backlog of \$210,000,000 in annual mainte-*
21 *nance, capital improvements, and operations.*

1 (3) *The lack of maintenance on National Forest*
2 *System trails threatens access to public lands, and*
3 *may cause increased environmental damage, threaten*
4 *public safety, and increase future maintenance costs.*

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

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

13 **SEC. 3. DEFINITIONS.**

14 *In this Act:*

15 (1) *ADMINISTRATIVE UNIT.*—*The term “Admin-*
16 *istrative Unit” means a national forest or national*
17 *grassland.*

18 (2) *OUTFITTER OR GUIDE.*—*The term “outfitter*
19 *or guide” means an individual, organization, or busi-*
20 *ness who provides outfitting or guiding services, as*
21 *defined in section 251.51 of title 36, Code of Federal*
22 *Regulations.*

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

1 (4) *PARTNERSHIP*.—The term “partnership”
2 means arrangements between the Department of Agri-
3 culture or the Forest Service and a non-Federal entity
4 that are voluntary, mutually beneficial, and entered
5 into for the purpose of mutually agreed upon objec-
6 tives.

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

10 (6) *SECRETARY*.—The term “Secretary” means
11 the Secretary of Agriculture.

12 (7) *STRATEGY*.—The term “strategy” means the
13 National Forest System Trails Volunteer and Part-
14 nership Strategy authorized by section 4(a).

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

19 (A) ensuring trails are passable by the users
20 for which they are managed;

21 (B) preventing environmental damage re-
22 sulting from trail deterioration;

23 (C) protecting public safety; and

24 (D) averting future deferred maintenance
25 costs.

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 is*
5 *5 years after the date of the enactment of this Act.*

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

16 *(d) VOLUNTEER LIABILITY.—*

17 *(1) IN GENERAL.—Section 3 of the Volunteers in*
18 *the National Forests Act of 1972 (16 U.S.C. 558c) is*
19 *amended by adding at the end the following new sub-*
20 *section:*

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

1 “(1) is recruited, trained, and supported by a co-
2 operator under a mutual benefit agreement with the
3 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 standards
12 and protocols to be adhered to by the volunteers
13 and enforced by the cooperator; and

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

19 (2) *ADDITIONAL REQUIREMENT.*—Not later than
20 2 years after the date of the enactment of this Act, the
21 Secretary shall adopt regulations implementing this
22 section. These regulations shall ensure that the finan-
23 cial risk from claims or liability associated with vol-
24 unteers undertaking trail maintenance is shared by
25 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 recre-*
4 *ation stakeholders, and other relevant stakeholders.*

5 (f) *VOLUNTEER AND PARTNERSHIP COORDINATION.*—
6 *The Secretary shall require each administrative unit to de-*
7 *velop a volunteer and partner coordination implementation*
8 *plan for the strategy which clearly defines roles and respon-*
9 *sibilities for the administrative unit and district staff, and*
10 *includes strategies to ensure sufficient coordination, assist-*
11 *ance, and support for volunteers and partners to improve*
12 *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 *ressing 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 for
2 outfitters and guides pilot program described in
3 section 7 that includes the number of partici-
4 pating sites, total amount of the credits offered,
5 estimated value of trail maintenance performed,
6 and suggestions for revising the program; and

7 (E) recommendations for further increasing
8 volunteerism and partnerships in trail mainte-
9 nance.

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

13 (A) the Committee on Agriculture, Nutri-
14 tion, and Forestry and the Committee on Energy
15 and Natural Resources of the Senate; and

16 (B) the Committee on Agriculture and the
17 Committee on Natural Resources of the House of
18 Representatives.

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

20 (a) *SELECTION.*—In accordance with subsections (b)
21 and (c), not later than 6 months after the date of the enact-
22 ment of this Act, the Secretary of Agriculture shall select
23 no fewer than 9 and no more than 15 priority areas for
24 increased trail maintenance accomplishments.

1 (b) *CRITERIA.*—Priority areas shall include a well-de-
2 *fin*ed region on National Forest System land where the lack
3 *of* trail maintenance has—

4 (1) *reduced access to public land;*

5 (2) *led to an increase, or risk of increase, in*
6 *harm to natural resources;*

7 (3) *jeopardized public safety;*

8 (4) *resulted in trails being impassible by the in-*
9 *tended managed users; or*

10 (5) *increased future deferred trail maintenance*
11 *costs.*

12 (c) *REQUIREMENTS.*—In selecting priority areas, the
13 *Secretary shall—*

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

17 (2) *consider the range of trail users (including*
18 *motorized and non-motorized trail users); and*

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

21 (d) *INCREASED TRAIL MAINTENANCE.*—

22 (1) *IN GENERAL.*—Within 6 months of the selec-
23 *tion of priority areas under subsection (a), and in ac-*
24 *cordance with paragraph (2), the Secretary shall de-*
25 *velop an approach to substantially increase trail*

1 *maintenance accomplishments within each priority*
2 *area.*

3 (2) *CONTENTS.*—*In developing the approach*
4 *under paragraph (1), the Secretary shall—*

5 (A) *consider any public input on trail*
6 *maintenance priorities and needs within any*
7 *priority area;*

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

11 (C) *incorporate partners and volunteers in*
12 *the trail maintenance.*

13 (3) *REQUIRED TRAIL MAINTENANCE.*—*Utilizing*
14 *the approach developed under paragraph (1), the Sec-*
15 *retary shall substantially increase trail maintenance*
16 *within each priority area.*

17 (e) *COORDINATION.*—*The regional volunteer and part-*
18 *nership coordinators may be responsible for assisting part-*
19 *ner organizations in developing and implementing volun-*
20 *teer and partnership projects to increase trail maintenance*
21 *within priority areas.*

22 (f) *REVISION.*—*The Secretary shall periodically review*
23 *the priority areas to determine whether revisions are nec-*
24 *essary and may revise the priority areas, including the se-*

1 *lection of new priority areas or removal of existing priority*
2 *areas, at his sole discretion.*

3 **SEC. 6. COOPERATIVE AGREEMENTS.**

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

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

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

11 (2) *implement the strategy; or*

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

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

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

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

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