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

COMPILED BY
SUBCOMMITTEE ON NATIONAL PARKS AND
INSULAR AFFAIRS
OF THE
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS
OF THE
U.S. HOUSE OF REPRESENTATIVES
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(Copied Only Sections Relevant to the CDNST)

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

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

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

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

Title 5 of the bill establishes a number of new units in the national park system. Establishment of these areas by the 95th Congress will insure their protection and permit the National Park Service to provide increased recreational opportunities in such important areas as the Santa Monica Mountains near Los Angeles,
California. While the addition of these units will require additional effort on the part of the National Park Service to administer and protect these properties, I believe we must move rapidly to insure that these areas are not lost to us by delay.

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

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

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

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

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

MAY 3, 1978

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

A BILL

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

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

SHORT TITLE AND TABLE OF CONTENTS

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

TABLE OF CONTENTS

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

H. R. 12536
OVERMOUNTAIN MEN VICTORY TRAIL

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

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

CONTINENTAL DIVIDE TRAIL

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

"(4) The Continental Divide National Scenic Trail, a trail of approximately thirty-one hundred miles, extending from the Montana-Canada border to the New Mexico border, following the approximate route depicted on the map, identified as 'Proposed Continental Divide National Scenic Trail' in the Department of the Interior Continental Divide Trail Study Report dated August 1976. The Continental Divide National Scenic Trails shall be administered by the Secretary of Agriculture in consultation with the Secretary of the Interior. Notwithstanding the provisions of section 7 (c), the use of motorized vehicles on roads which will be designated segments of the Continental Divide National Scenic..."
Trail shall be permitted in accordance with regulations prescribed by the appropriate Secretary.

NORTH COUNTRY NATIONAL SCENIC TRAIL

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

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

AUTHORIZATION OF APPROPRIATIONS

SEC. 5554. For acquisition of lands and interests in land with respect to the trails included within the national trails system under this subtitle there is authorized to be appropriated not more than $3,000,000 for each of the three fiscal years which begins after the date of the enactment of this Act. Such sums shall remain available until expended.
PROVIDING FOR INCREASES IN APPROPRIATIONS CEILINGS, DEVELOPMENT CEILINGS, LAND ACQUISITION AND BOUNDARY CHANGES IN CERTAIN FEDERAL PARK AND RECREATION AREAS, AND FOR OTHER PURPOSES

MAY 15, 1978.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. UDALL, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

together with

SUPPLEMENTAL VIEWS

[Tol accompany H.R. 12536]

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

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 12536) to provide increases in appropriations ceilings, development ceilings, land acquisition, and boundary changes in certain Federal park and recreation areas, and for other "purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, beginning on line 3, strike out all after the enacting clause and insert in lieu thereof the following:

"SEC. 1. This Act may be cited as the "National Parks and Recreation Act of 1978"..."
SEC. 552. Section 5(c) of the National Trails System Act (82 Stat. 919; 16 U.S.C. 1241) is amended by adding at the end thereof the following new paragraph:

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

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

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

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

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

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

TITLE VI—MISCELLANEOUS PROVISIONS

OLD FAITHFUL INN AT YELLOWSTONE NATIONAL PARK

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

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

RIDGELANDS AREA STUDY

SEC. 602. (a) In order to consider preserving in their natural condition appropriate segments of the Ridgeland east of San Francisco Bay for protection of the area's unique ecology and topography and for public outdoor recreation, the
(4) The Mormon Pioneer National Historic Trail, a route of approximately one thousand three hundred miles extending from Nau- 
vo, Illinois, to Salt Lake City, Utah, following the primary historical route of the Mormon Trail as generally depicted on a map, identified as, 'Mormon Trail Vicinity Map, figure & in the Department of the Interior Mormon Trail study report dated March 1977, and which shall be on file and available for public inspection in the Office of the Director of the National Park Service. The Trail shall be administered by the Secretary of the Interior.

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

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

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

. PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

(86 Stat. 1266)

"SEC. 17. (a) In addition to the sums heretofore appropriated, there are authorized to be appropriated for operating and administrative expenses of the Corporation sums not to exceed $1,300,000 for the fiscal year ending June 30, 1976; $325,000 for the period July 1 through September 30, 1976; $1,500,000 each for the fiscal years ending September 30, 1977, and September 30, 1978; and $2,000,000 for the fiscal year ending September 30, 1979."
Page 243, lines 3 and 4, change $34,750,000 to $100,000,000.

Page 248, line 1, strike "certifies" and insert in lieu thereof: "determines that the lands and interests therein have been acquired in an amount sufficient to constitute an administrative unit.

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

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

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

Page 261, line 25, change $50,000,000 to $500,000.

Page 262, strike line 1, and insert in lieu: "For fiscal year 1979, $50,000,000 for fiscal year 1980, and $500,000 for fiscal year 1981, such

Page 265, after line 20, insert: "FRIENDSHIP HILL NATIONAL HISTORIC SITE

"SEC. 512. (a) The Secretary is authorized to establish the Friendship Hill National Historic Site in the State of Pennsylvania, including the former home of Albert Gallatin, as depicted on the map entitled 'FRHI-80000' dated February 1878. Said map shall be on file and available for inspection in the offices of the Director, National Park Service, Washington, District of Columbia. The Secretary is authorized to acquire lands and improvements thereon by donation, purchase with donated or appropriated funds, or exchange.


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

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

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

(b) the number of visitors and types of facilities planned for the site which can or cannot be accommodated in accordance with the provision of paragraph 2(a) of this Act for the years 1979-1981;

(c) the location and estimated cost of facilities deemed necessary to accommodate such number of visitors and such facilities.

"THOMAS STONE NATIONAL HISTORIC SITE

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

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

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

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

"MAGGIE L. WALKER NATIONAL HISTORIC SITE

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

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

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

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

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

"(2) Within three complete fiscal years from the date of enactment of this section, the Secretary shall develop and transmit to the Committee on Energy and Natural Resources a general management plan for the historic site consistent with the purposes of this section. Such plan shall Indicate—

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

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

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

"Page 265, line 22, through page 268, line 10, and insert in lieu thereof: SEC. 551. The National Trails Systems Act (82 Stat. 199; 16 U.S.C. 1241), as amended, is further amended as follows:

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

"(2) In section 2(b) delete "and scenic" and insert "scenic and historic;"

"(3) In section 3 redesignate subsection (c) as "(d)" and insert in lieu the following:

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

"(4) In the new section 3(d) delete "or national scenic" and insert *, national scenic or national historic;"'

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

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

"In section 5(a) (1), in the first sentence, after the word "Appalachia", insert "National Scenic;" and in section 5(a) (2), in the first sentence, after "Pacifice"; insert National Historic;"

"(9) In section 5(a), delete paragraph (3) and insert in lieu the following para graphs:

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

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

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

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

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

(11) In section 5(b)(3) after the semi colon add "and in the case of national historic trails the report shall include the recommendations of the Secretary of the Interior's National Park System Advisory Board as to the national historic significance based on the national historic significance developed under the Underwater Resources Act of 1934 (43 Stat. 1387; 16 U.S.C. 463)."

(13) In section 5(b) (8) delete the word "and" and at the end of the sentence; in section 5(b) (d) change the period at the end of the sentence to a semicolon; and at the end of section 5(b) add the following new para graph: "(13) The anticipated impact of outdoor public recreation use on the preservation of a proposed national historic trail and its related historic and archeological features and settings, including the measures proposed to ensure evaluation and preservation of the values that contribute to its national historic significance; and"

(15) In section 5 add a new subsection (a) as follows: "(a) Within two complete fiscal years of the date of enactment of legislation designating a trail as part of the system, the Secretary, after full consultation with affected Federal land managing agencies, the Governors of the affected States, and the Appalachian Trail Conference in the case of the Appalachian Trail, shall submit to the Committee on Interior and Insular Affairs of the Senate and the Committee on Energy and Natural Resources of the House of Representatives and the Committee on Natural Resources and Public Works a comprehensive plan for the acquisition, management, development, and use of the trail, including but not limited to, the following items:

(1) specific objectives and practices to be observed, including the identification of all significant natural, historical, and cultural resources to be preserved (along with high potential historic sites and high potential route segments), and an anticipated schedule of anticipated cooperative agreements to be consummated with other entities, and an identification of the capacity of the trail and a plan for its implementation;

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

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

(16) In section 6 in the first sentence delete "National Scenic Trails" and insert national scenic or national historic; in the second sentence delete "or scenic" and insert "or national historic"; in the fourth sentence of subsection (c), after "trail", insert "and within any high potential historic sites and high potential route segments of any national historic trail"; in subsection (c) in the second proviso, after "recreation" delete "or scenic" and insert ", national scenic, or national historic"; in the sixth sentence after "scenic" insert "or scenic" and national scenic, or national historic"; in the sec
dition after "scenic" insert "or scenic" and national scenic, or national historic"; in the sec
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penditure shall be approved nor shall any such authorizations or permits be issued which, in the judgment of the Secretary, would be inconsistent with the purposes of this section or the comprehensive plan approved by the Secretary. 

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

(q) (1) There is hereby established the Santa Monica Mountains National Recreation Area, comprised primarily of the Santa Monica Mountains within the county of Los Angeles.

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

"(3) The Continental Divide National Scenic Trail, a trail of approximately thirty-three hundred miles, extending from the exterior boundary of the Montana-Canada border to the New Mexico-Mexico border, following the route depicted on the map, identified as "Proposed Continental Divide National Scenic Trail," in the Department of the Interior Continental Divide Trail study report dated March 1977, and which shall be on file and available for public inspection in the office of the Director, National Park Service, Washington, D.C. The trail shall be administered by the Secretary of the Interior."

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

"(5) The Continental Divide National Scenic Trail, a trail of approximately thirty-three hundred miles, extending from the exterior boundary of the Montana-Canada border to the New Mexico-Mexico border, following the route depicted on the map, identified as "Proposed Continental Divide National Scenic Trail," in the Department of the Interior Continental Divide Trail study report dated March 1977, and which shall be on file and available for public inspection in the office of the Director, National Park Service, Washington, D.C. The trail shall be administered by the Secretary of the Interior Continental Divide Trail study report dated March 1977, and which shall be on file and available for public inspection in the office of the Director, National Park Service, Washington, D.C. The trail shall be administered by the Secretary of the Interior."
In the House of Representatives, U. S.,

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

AMENDMENT:

Strike out all after the enacting clause, and insert:

SHORT TITLE AND TABLE OF CONTENTS

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

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

TITLE I—DEVELOPMENT CEILING INCREASES

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

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

"(6) The North Country National Scenic Trail, a trail of approximately thirty-two hundred miles, extending from eastern New York State to the vicinity of Lake Sakakawea in North Dakota, following the approximate route depicted
(16) In section 6 in the first sentence delete “or national scenic” and insert “, national scenic or national historic”, and in the second sentence delete “or scenic” and insert “, national scenic, or national historic.”.

(17) In section 7 (a) in the first sentence delete “National Scenic Trails” and insert “national scenic and national historic trails”; in two instances in subsection (b), and in the first sentence of subsection (c), after ”scenic”, insert “or national historic”; in the fourth sentence o subsection (c), after "trail", insert "and within any high potential historic sites and high potential route segments of any national historic trail"; in subsection (c) in the second proviso; after "recreation" delete "or scenic" and insert "national scenic or national historic"; and in the fifth sentence after” recreation" delete "and scenic" and insert "national scenic, and national historic”; in subsection (d) after "recreation", delete "or scenic" and insert "national scenic, of national historic”; in subsection (e) after "scenic" in both instances where it appears insert "or national historic"; in subsection (h) in the first sentence after "recreation"-delete “or scenic" and insert "national scenic, or national historic”, and in the second sentence after "scenic" insert "or national historic"; in subsection (i) after "recreation" delete "or scenic" and insert "national scenic, or national historic".
(18) In section 7(c) at the end of the fourth sentence insert the following: "national historic trail follows existing public roads, developed rights-of-way or waterways, and similar features of man's nonhistorically related development) approximating the original location of a historic route, such segments may be marked to facilitate retracement of the historic route, and where national historic trail parallels an existing public road, such road may be marked to commemorate the historic route."

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

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

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

(22) In section 6< in the first sentence of subsection (a) after "establishing park, forest, and other recreation" insert "and historic" and after "administered by States, and recreation" insert 'and historic"; and at the end of the first sentence insert the following: "The Secretary is also directed to
encourage States to consider, in their 'comprehensive state wide historic preservation plans and proposals for financial assistance for State, local, and private- projects submitted pursuant to the Act of October 15, 1966 (80, Slat. 915), as amended, needs and opportunities for establishing historic trails”.

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

"(c) There is hereby authorized to be appropriated such sums as may be necessary to implement the provisions of this Act relating to the trails designated by paragraphs 5(a) (3), (4), (5), (6), (7), and (8): Provided, That no such funds are authorized to be appropriated prior to October 1, 1979: And provided further, That notwithstanding any other provisions of this Act or any other provisions of law, no funds may be expended for the acquisition of lands or interests in lands for the Continental Divide National Scenic Trail, the Oregon National Historic Trail, the Mormon Pioneer National Historic Trail, the Lewis and Clark National Historic Trail, and the Iditarod National Historic Trail"
MR. PHILLIP BURTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 6900) to amend the National Trails System Act of 1968 (82 Stat. 919), as amended, to designate the Oregon National Historic Trail and Travelway as a unit of the National Trails System, with Senate amendments thereto, and concur in the Senate amendments with an amendment.

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

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

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

(2) In section 3 delete "(c)" and insert new subsection (c) as follows:

"(c) Historic routes designated as National Historic Trails pursuant to section 5 of this Act, shall follow the original trails or routes of travel as closely as possible and practicable. Such trails shall have as their purpose the identification and marking of an historic route and its historic remnants and artifacts for public use and enjoyment. While such designation shall commemorate an entire route along its historic alignment, only those selected land and water based components of an historic trail which are on federally owned lands and which meet the national historic trail criteria established in this Act, are established as Initial components of a national historic trail. The appropriate agencies or private interests involved in such segments meet the national trail criteria and shall make a study of the trail and related segments which contribute to thetrail. Such a study shall be submitted to the Secretary of the Interior not later than three complete fiscal years from the date of enactment of their addition to this subsection, or from the date of enactment of this sentence, whichever is later. Such studies when submitted, shall be printed as a House Senate document, and shall include, but not be limited to:

(1) In section 5(b)(3) after the semi colon add "and in the case of national historic trails the report shall include the recommendation that the Secretary of the Interior's National Park System Advisory Board report shall include the recommendation that the Secretary of the Interior's National Park System Advisory Board report shall include the recommendation that the Secretary of the Interior shall designate a trail as a National Historic Trail with respect to any of several broad facets of American history, such as trade and commerce, migration and settlement, or military campaigns. To qualify as national significance for public recreational use or historical interest based on historic interpretation and appreciation. The potential for such use is generally greater along roadless segments developed as historic trails, and at historic sites associated with the trail. The presence of recreation potential not related to historic appreciation is insufficient justification for designation under this category."

(11) In section 5(b) after "national scenic" wherever it appears insert "or national historic".

(12) In section 5(b) after "national scenic" wherever it appears insert "or national historic".

(13) In section 3(d) delete "or national scenic" and insert "or national scenic or national historic".

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

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

in section 5(a), delete (1) and insert the following new paragraph:

"(1) The National Historic Mormon Pioneer Trail of approximately one thousand three hundred miles from Nauvoo, Illinois, to Salt Lake City, Utah, following the primary route of the Historic Mormon Trail depicted on a map identified as the Historic Mormon Pioneer Trail in the Department of Interior's Oregon Trail study report dated June 1968.

(2) The National Historic Lewis and Clark Trail, a trail of approximately three thousand seven hundred miles, extending from Wood River, Illinois, to the mouth of the Columbia River in Oregon, following a route as depicted on maps identified as "Primary Route of the Oregon Trail 1841-1848", the Department of the Interior's Oregon Trail study report dated April 1977.

(3) The National Historic Lewis and Clark 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 Interior's study report entitled 'The Iditarod Trail (Seward-Nome Route) and other Alaskan Gold Rush Trails Route) and other Alaskan Gold Rush Trails (5 September 1977)."

(4) In section 3 redesignate subsection (b) as (c) and insert the following new paragraph:

"(c) (1) In section 5(d) delete paragraph (4) and insert the following new paragraph:

"(4) The Secretary charged with the administration of each respective trail shall, within one year of the date of the addition to the System of any national scenic or national historic trail to the System, and within sixty days of the enactment of this sentence for the Appalachian Trail and Pacific Crest National Scenic Trails, establish an advisory council for each such trail, each of which councils shall expire ten years from the date of its establishment. The appropriate Secretary shall consensually agree to permit the designation of markers along the trail, and the administration of the trail. The members of each advisory council, which shall not exceed thirty-five in number, shall serve for a term of two years and without compensation as such, but the Secretary may, upon vouchers signed by the chairman of the council, the expenses reasonably Incurred by the council and its members in carrying out their responsibilities under this section. Members of each council shall be appointed by the appropriate Secretary as follows:

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

(ii) a member appointed to represent each state through which the trail passes, and each appointee shall be made from recommendations of the Governors of such States;

(iii) one or more members appointed to represent private organizations, including corporate, labor, recreational, and personal land users, which in the opinion of the Secretary, have an established and recognized interest in the trail and shall be made from recommendations of the heads of such organizations; Provided, That the Appalachian Trail Council shall be represented by a sufficient number of persons to represent the various sections of the country through which the Appalachian Trail passes; and

(iv) the Secretary shall designate one member to be chairman and shall fill vacancies in the same manner as the original appointment."
H12310

CONGRESSIONAL RECORD—HOUSE

October 11, 1978

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

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

(e) Within two complete fiscal years of the date of enactment of this subsection for the Appalachian Trail and Appalachian Trails, the appropriate Secretary shall, after full consultation with affected States, and the Appalachian Trail Conference in the case of the Appalachian Trail, submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a comprehensive plan for the acquisition, management, development, and use of the trail, including but not limited to, the following items:

(1) specific objectives and practices to be observed in the management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved, details of anticipated cooperative agreements to be consummated together with appropriate maps and descriptions, the appropriate Secretary shall provide such uniform markers to cooperating agencies who shall erect and maintain them in accordance with the standards established by the appropriate Secretary. Provided, That if the State or local government agencies or private interests therein are not approximately equal, the original owner or his heirs or assigns shall be offered the fair market price for the land involved. Provided further, That if the Secretary charged with the administration of such trail fails to enter into such written cooperative agreements with landowners, private organizations, and individuals for the purpose of which they are presently prohibited or exchanged for other purposes or (ii) acquire private lands or interests therein by donation, purchase with donated or appropriated funds or exchange in accordance with the provisions of subsection (g) of this section. The lands involved in such rights-of-way should be acquired at the fair market price. Provided, That if the Secretary charged with the administration of such trail fails to enter into such written cooperative agreements with landowners, private organizations, and individuals for the purpose of which they are presently prohibited or exchanged for other purposes or (ii) acquire private lands or interests therein by donation, purchase with donated or appropriated funds or exchange in accordance with the provisions of subsection (g) of this section. The lands involved in such rights-of-way should be acquired at the fair market price.

(f) Within two complete fiscal years of the date of enactment of this Act, submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a comprehensive plan for the acquisition, management, development, and use of the trail, including but not limited to, the following items:

(1) specific objectives and practices to be observed in the management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved, details of anticipated cooperative agreements to be consummated together with appropriate maps and descriptions, the appropriate Secretary shall provide such uniform markers to cooperating agencies who shall erect and maintain them in accordance with the standards established by the appropriate Secretary. Provided, That if the State or local government agencies or private interests therein are not approximately equal, the original owner or his heirs or assigns shall be offered the fair market price for the land involved. Provided further, That if the Secretary charged with the administration of such trail fails to enter into such written cooperative agreements with landowners, private organizations, and individuals for the purpose of which they are presently prohibited or exchanged for other purposes or (ii) acquire private lands or interests therein by donation, purchase with donated or appropriated funds or exchange in accordance with the provisions of subsection (g) of this section. The lands involved in such rights-of-way should be acquired at the fair market price. Provided, That if the Secretary charged with the administration of such trail fails to enter into such written cooperative agreements with landowners, private organizations, and individuals for the purpose of which they are presently prohibited or exchanged for other purposes or (ii) acquire private lands or interests therein by donation, purchase with donated or appropriated funds or exchange in accordance with the provisions of subsection (g) of this section. The lands involved in such rights-of-way should be acquired at the fair market price.
(1) Specific objectives and practices to be observed in the management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved, details of any anticipated cooperative agreements to be consummated with other entities, and an identified carrying capacity of the trail and a plan for its implementation; and

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

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

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

(e) Within two complete fiscal years of the date of enactment of legislation designating an Appalachian national scenic trail, the Appalachian Trail Conference shall submit to the Committee on Interior and Insular Affairs of the Senate, a comprehensive plan for the acquisition, management, development, and use of the trail, including but not limited to, the following provisions:

(1) Specific objectives and practices to be observed in the management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved, details of any anticipated cooperative agreements to be consummated with other entities, and an identified carrying capacity of the trail and a plan for its implementation; and

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

(f) Within two complete fiscal years of the date of enactment of legislation designating an Appalachian national scenic trail, the Appalachian Trail Conference shall submit to the Committee on Interior and Insular Affairs of the Senate, a comprehensive plan for the acquisition, management, development, and use of the trail, including but not limited to, the following provisions:

(1) Specific objectives and practices to be observed in the management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved, details of any anticipated cooperative agreements to be consummated with other entities, and an identified carrying capacity of the trail and a plan for its implementation; and

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

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

(19) In section 7(c), in the first proviso delete "and scenic" and insert "or national historic".

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

(21) At the end of subsection 7(g) add the following new sentences: "For national historic trails, direct Federal acquisition for trail purposes shall be limited to those areas indicated by the study report or by the comprehensive plan as high potential route segments or high-potential historic sites. No land or site located along a designated national historic trail or national scenic trail will be acquired without the prior concurrence of the Secretary of the Interior. Congress, other uses along such trails, which will not substantially interfere with the nature and purposes of such trails, and which are currently allowed by administrative regulation, or by the use of motorized vehicles, shall be permitted by the Secretary charged with the administration of each such trail.

(22) In section 8 in the first sentence of subsection (a) delete "National Scenic Trails" and insert "National Historic and Scenic Trails.

(23) In section 10, strike "(a) (1)" and in lieu thereof add "(a) (1) and in lieu of "national historic" delete "Historic" and insert "National Historic and Scenic Trails.

(24) In section 12, in the first sentence delete "National Scenic Trails" and insert "National Historic and Scenic Trails."
for the development and construction of Port Scott heretofore entered into by the city of Fort Scott to be paid with funds under the authority of section 3 of the aforesaid Act shall be assumed by the Secretary. Provided further, That any remaining balance of funds appropriated pursuant to section 4 of the Act of August 31, 1965, as amended, shall be available for the purposes of carrying out this Act. Sec. 1204. In addition to such sums as might be made available to the historic site by the preceding section, effective October 1, 1979, there are hereby authorized to be appropriated such sums as may be necessary for the development of the Port Scott National Historic Site, as provided in this Act.

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

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

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

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

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

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

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

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

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

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

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

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

™ There was no objection.

The SPEAKER pro tempore. Is there
terested therein in a manner consistent with the development of the management plan, is authorized to acquire such lands, waters or interests therein by donation, purchase with granted or appropriated funds, exchange, or otherwise, and to administer such property under the laws generally applicable to units of the National Park System or National Wildlife Refuge System.

(3) After his approval of the management plan, the Secretary is authorized to convey property acquired pursuant to subsection (b)(2) to State or local authorities in accordance with the management plan, under such terms and conditions as he may deem appropriate.

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

(i) During the development of the management plan for the Pine-lands National Reserve, all applications for Federal assistance under programs covered by Part I of OMB Circular A-95 and direct Federal actions covered by Part II of OMB Circular A-95 within the Federal Project Review Area generally depend on the map referred to in subsection (b)(1), which is identified in the management plan as being appropriate for Federal ownership and management.

(ii) Notwithstanding any other provision of law, the Secretary shall reimburse to the State such sums as are necessary to recover 100 percent of the original cost of acquisition as to each parcel of land so transferred and assure that as to parcels of lands acquired pursuant to subsection (b)(1), transferred under this subsection, the total Federal land acquisition cost does not exceed 75 percent of the purchase price of such lands.

(ii) In the event the State elects not-to acquire lands authorized under this subsection, the Secretary is authorized to acquire such lands, waters or interests therein by donation, purchase with granted or appropriated funds, exchange, or otherwise, and to administer such property under the laws generally applicable to units of the National Park System or National Wildlife Refuge System.

(3) Nothing in this section shall be construed to limit or prohibit any Federal action taken upon the appropriation of funds under subsection (k).

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

(c) National historic trails, established as initial Federal, protection components of a national historic trail criteria established in this Act and such criteria supplementary thereto as the appropriate Secretary may prescribe, and are administered by such agencies or in- stitutions without expense to the United States.

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

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

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

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

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

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

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

(5) The Continental Divide National Scenic Trail, a trail of approximately thirty-three hundred miles from the Montana-Canada border to the New Mexico-Argentina 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 National Scenic 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.

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

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

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

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

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

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

(5) The Continental Divide National Scenic Trail, a trail of approximately thirty-three hundred miles from the Montana-Canada border to the New Mexico-Argentina 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 National Scenic 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.

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

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

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

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

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

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

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

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

(7) The Idaardot 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' and other Alaskan Gold Rush Trails' study report 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.

(8) In section 5(b) after national scenic wherever it appears insert or national historic; in section 5(d) after the Office of the Director, National Park Service, Washington, D.C. The trail shall be administered by the Secretary of the Interior.

(9) In section 5(b) after national scenic wherever it appears insert or national historic; in section 5(d) after the Office of the Director, National Park Service, Washington, D.C. The trail shall be administered by the Secretary of the Interior.

(10) In section 5(b) after national scenic wherever it appears insert or national historic; in section 5(d) after the Office of the Director, National Park Service, Washington, D.C. The trail shall be administered by the Secretary of the Interior.

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

(12) In section 7(a) in the first sentence delete the word 'and' at the end of the sentence; in section 6(b) change the period at the end of the sentence to a colon; and at the end of section 5(b) add the following new paragraph:

"(b) Within two complete fiscal years of the date of enactment of legislation designating a national scenic or national historic trail, the appropriate Secretary shall, in the case of the Appalachian Trail, submit to the Committee on Energy and Natural Resources of the Senate, a comprehensive plan for the acquisition, management, development, and use of the trail, including but not limited to, the following items:

(1) specific objectives and practices to be observed in the management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved (along with high potential historic significance); and

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

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

"(d) The Secretary charged with the administration of a proposed national historic trail shall provide, within one year of the date of the addition of such trail to the System, and within sixty days of the enactment of this sentence for the Appalachian Trail Conference, an advisory council for each such trail, each of which councils shall expire ten years from the date of its establishment. The appropriate Secretary shall consult with such council with respect to matters relating to the trail, including the selection of rights-of-way, standards for protection and maintenance of markers along the trail, and the administration of the parks and other federal lands and resources to which the trail is dedicated. Members of each advisory council shall be appointed by the appropriate Secretary as follows:

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

(ii) a member appointed to represent each State through which the trail passes, and the appropriate appointments shall be made from recommendations of the Governors of such States.

(iii) or one or more members appointed to represent the corporate and individual landowners and land users, which in the opinion of the Secretary have an established and recognized interest in the trail, such appointments shall be made from recommendations of the heads of such organizations: Provided, That the Secretary may make appropriate modifications to the list of organizations represented by such appointments and the number of representatives shall be in the discretion of the Secretary.

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

(14) In section 5 add two new subsections:

(e) Within the same manner as the original appointment".

(f) Within two complete fiscal years of the date of enactment of legislation designating a national scenic trail, except for the Continental Divide National Scenic Trail, as part of the system, and within two complete fiscal years of the date of enactment of this subsection for the Pacific Crest and Appalachian Trails, the responsible Secretary shall, after full consultation with affected Federal land managing agencies, the Governors of the affected States, the relevant advisory council established pursuant to section 5(d), and the Appalachian Trail Conference in the case of the Appalachian Trail, submit to the Committee on Interior and Insular Affairs of the House of Representa-

(15) In section 5 add two new subsections:

(e) Within the same manner as the original appointment".

(f) Within two complete fiscal years of the date of enactment of legislation designating a national scenic trail, except for the Continental Divide National Scenic Trail, as part of the system, and within two complete fiscal years of the date of enactment of this subsection for the Pacific Crest and Appalachian Trails, the responsible Secretary shall, after full consultation with affected Federal land managing agencies, the Governors of the affected States, the relevant advisory council established pursuant to section 5(d), and the Appalachian Trail Conference in the case of the Appalachian Trail.
in subsection (b) in the first sentence after 'recreation' delete 'or scenic' and insert "cultural, or national historic, or national historic; and in the second sentence after 'scenic' insert 'or national historic'; in subsection (i) after the word "scenic" insert "or national historic, scene, or national historic; and the second sentence after 'scenic' insert 'or national historic'; in subsection (j) after the word "scenic" insert "or national historic, scene, or national historic."
(c) which involve the construction of housing, industrial parks, highways, or sewage or waste treatment facilities shall be reviewed by the planning entity, upon receipt from the New Jersey State A-95 Clearinghouse (hereinafter referred to as the Clearinghouse). If the planning entity finds that such application or proposal of interest involves no adverse impact on the resources and ecological values of the Federal Project Review Area, the planning entity shall notify the Clearinghouse. If the planning entity does not so notify the Clearinghouse, the planning entity shall forward such application or notice of proposal to the Secretary. Any such application or proposal shall begin upon the approval of funds under subsection (b).

(1) Nothing in this section shall be construed to limit or prohibit any Federal action ordered by a court of competent jurisdiction or directed by a Federal agency as essential for national security or defense, or for the preservation of public safety, for national security or defense, or for the maintenance of national defense, or for the protection of the area, including, but not limited to, Federal financial and technical assistance to the State of South Dakota, as a unit of the National Park System. The study shall include cost estimates and a recommendation of the Secretary of the Interior. The study shall be administered by the Secretary of the Interior.

(c) as (d), and insert a new subsection (c) as follows:

(c) National historic trails, established as provided in section 5 of this Act, which will be extended trails which follow as closely as possible and practicable the original trails of historic national significance. Designation of such trails or routes shall be contingent upon the establishment of the National Historic Trails, the achievement of the purpose and identification of the historic national significance of the trail or route, and the Secretary of the Interior, or a court of competent jurisdiction, and the public for use and enjoyment. Only those selected land and water-based components of an historic trail or route that are on federally owned lands and which meet the national historic criteria defined in this Act, shall be designated as initial Federal protection components of a national historic trail. The appropriate Secretary may subsequently certify other lands as protected segments of an historic trail upon application from State or local governmental agencies or private interests if such segments meet the national historic criteria established in this Act and such criteria supplementary thereto as the appropriate Secretary may prescribe, and are administered by such agencies or interests without expense to the United States.

(5) In the new section 3(d) delete or insert the words "appropriate Secretary may prescribe, and are administered by such agencies or interests without expense to the United States."
sentence to a semicolon; and at the end of section 5(b) add the following new paragraph:

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

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

(A) It must be a trail or route established by historic use and must be historically significant as a result of that use. Trails need not currently exist as a discernible trail or route, but may be developed from a trail or route variation offering a more pleasurable recreational experience. Such developments shall beTrail segments not on longer possible to travel by trail due to sub subsequent development as motorized trans portation. They may be designated and marked as historic trails.

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

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

(12) In section 5(c), add the following:

(20) Overmountain Victory Trail, extend ing into the State of Tennessee, to Kings Mountain National Military Park, South Carolina.

(21) In section 5 delete subsection (d), and insert a new section 5(d) to read as follows:

(d) The Secretary charged with the admin istration of this Act shall, within one year of the date of addi tion of any national scenic or historic trail to the System, and within sixty days of the en actment of this section for the Appalachian and Pacific Crest National Scenic Trails establish an advisory council for each such trail, each of which councils shall expire ten years from the date of its establishment. The appropriate Secretary shall consult with such council from time to time with respect to matters relating to the trail, including the selection of rights-of-way, standards for the establishment of recreational activities, thetrail, and the administration of the trail. The members of each advisory council, which shall be appointed by the appropriate Secretary, may be reappointed in their current term. The council shall, within a term of two years and, without compensation as such, but the Secretary may, upon vouchers signed by the chairman of the council, the expenses reasonably incurred in carrying out their responsibilities under this section. Members of each council shall be appointed by the appropriate Secretary to serve for a term of three years. The council shall serve for a term of two years and, without compensation as such, but the Secretary may, upon vouchers signed by the chairman of the council, the expenses reasonably incurred in carrying out their responsibilities under this section. Members of each council shall be appointed by the appropriate Secretary to serve for a term of three years.

The members of each advisory council shall serve for a term of three years and, without compensation as such, but the Secretary may, upon vouchers signed by the chairman of the council, the expenses reasonably incurred in carrying out their responsibilities under this section. Members of each council shall be appointed by the appropriate Secretary to serve for a term of three years.

(13) In section 5(e), add the following:

(2) the process to be followed by the ap propriate Secretary in determining the marking requirements established in section 7(c) of this Act.

(14) In section 5(c), add the following:

(b) In the first sentence delete "National Scenic Trails" and insert "national scenic and national historic trails"; in the second sentence delete "scenic" and insert "historical".

(15) In section 5 delete the second sentence.

(16) In section 7(c) at the end of the fourth sentence insert the following: Where a national historic trail follows existing public roads, developed rights-of-way or water ways, and similar features of man's nonhis toric related development, such divergences from the original location of a historic route, such as it is, shall be indicated on maps and other public information so as not to detract from the historic route.

(17) In section 5(d) delete "National Scenic Trails" and insert "national scenic and national historic trails".

(18) In section 7(c) at the end of the first sentence delete "national scenic, or national historic".

(19) In section 7(c), in the first proviso, delete "national scenic, or national historic".

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

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

(22) In section 8 in the first sentence of subsection (a) after "establishing park, for rec reational use or historical interpretative use, and for national, scenic or national historic trails" and after "administrated by States, and recreation" insert "and historic" and at the end of the first sentence delete the following: "The Secretary is also directed to encourage States in the development of the state- wide historic preservation plans and proposals for financial assistance for state, local, and private projects submitted to the Secretary pursuant to section 10 of the Historic Preservation Act of 1965 (16 U.S.C. 1661(c))."