

## DIRECTOR'S ORDER #45: NATIONAL TRAILS SYSTEM

Approved:   
Director

Effective Date: 5-24-2013

**Duration:** This Order will remain in effect until amended or rescinded

This Director's Order, together with Reference Manual 45, supersedes any previously issued conflicting policies, instructions or requirements.

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## 1. PURPOSE AND BACKGROUND

### 1.1 Purpose

This Director's Order outlines National Park Service (NPS) policies and procedures for national scenic and historic trails to ensure that congressionally designated trails are recognized and operated on a consistent basis to ensure protection of the characteristics and values of the trails and their use and enjoyment by future generations. In addition, it outlines NPS responsibilities in processing nominations and offering program leadership for national recreation trails.

### 1.2 Types of Trails

The National Trails System (System),(16 USC 1242(a)), includes:

- a. National Recreation Trails. These trails, recognized and designated by the Secretary of the Interior or Agriculture, provide a variety of outdoor recreational uses that are accessible to urban areas or are located within Federal or State parks, forests, and recreation areas. This category also includes components of the National Water Trails System, established and designated by the Secretary of the Interior.
- b. National Scenic Trails. These are extended trails, established by Congress, so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass.

- c. National Historic Trails. These are extended trails, established by Congress, that follow as closely as possible the original routes of nationally significant historic and prehistoric travel routes. The purpose of these trails is the identification and protection of the historic route and its artifacts for public use and enjoyment.
- d. Connecting or Side Trails. These trails, recognized and designated by the Secretary of the Interior or Agriculture, provide access to or connect national recreation, national scenic, and national historic trails.

### 1.3 Background

Enacted in 1968, the National Trails System Act, (16 USC 1241 through 1251), provides for the establishment of national scenic, historic, recreation, and connecting/side trails to preserve and permit appropriate public use of the natural, cultural, and recreational resources along their routes. The Act established the Appalachian and Pacific Crest National Scenic Trails as the initial components of the National Trails System and prescribed methods by which additional components might be (and subsequently have been) added to the System.

Today, the components of the System link many of America's most significant natural, cultural, and recreational resources. These trails connect with other Federal, State, and local trails and trail facilities, as well as trails and facilities in Canada and Mexico. Many NPS areas were created because of their association with these significant travel routes. Elsewhere, the national recreation trail program has brought added recognition to trails within park areas. When fully developed through public and private partnerships, the trails will be clearly and consistently protected and marked, professionally interpreted, and will provide unique educational and recreational experiences for visitors and users nationwide.

Like national parks, monuments, and other parts of the National Park System, NPS-administered national scenic and historic trails were created for the purposes of resource preservation and public enjoyment. However, a number of challenging factors differentiate the administration of national trails from the administration of most units of the National Park System:

- a. Trail length (these trails are often more than 1,000 miles long);
- b. Linear corridors with often indistinct and variable boundaries;
- c. Complex and mixed land ownership patterns along the trails; and
- d. The critical need for strong partnerships among Federal agencies, State and local governments, nonprofit organizations, commercial interests, private landowners, and individuals.

## 2. **AUTHORITIES**

### 2.1 NPS Organic Act

Authority to issue this Director's Order is contained in the NPS Organic Act, (16 USC 1 through 4), and Part 245 of the Department of the Interior Manual, section 1.1(C)(1)).

## 2.2 National Trails System Act

Other authorities governing NPS-administered national scenic and historic trails are contained in the National Trails System Act, specifically 16 USC 1246. Linkage between the authorities for administration of national trails and other national park areas is found in subsection (i):

*The Secretary responsible for the administration of any segment of any component of the National Trails System (as determined in a manner consistent with subsection (a)(1) of this section) may also utilize authorities related to units of the national park system or the national forest system, as the case may be, in carrying out his administrative responsibilities for such component. (16 USC 1246(i)).*

In addition, the 1970 National Park System General Authorities Act, (16 USC 1a-1 et seq.), states:

*The “national park system” shall include any area of land and water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes. (16 USC 1c(a)).*

Also, chapter 1 of Part 710 of the Departmental Manual, promulgated August 16, 1977, deals with the National Trails System.

## 2.3 National Recreation Trails

Authority for the Secretary of the Interior to recognize and designate national recreation trails is found in the National Trails System Act, specifically 16 USC 1243. The NPS is responsible for the processing of all NRT and national water trail applications (other than those involving the USDA Forest Service), maintaining NRT records, and protecting the NRT logo under 18 USC 701.

# 3. POLICIES, PROCEDURES, AND RESPONSIBILITIES

## 3.1 Management Policies

This Director’s Order supplements the provisions of National Park Service *Management Policies 2006*, in particular section 9.2.2.7, which states:

*Several components of the National Trails System which are administered by the Service have been designated as units of the national park system. These trails are therefore managed as national park areas and are subject to all the policies contained herein, as well as to any other requirements specified in the National Trails System Act.*

*Other scenic, historic, connecting/side, and recreational trails designated under the National Trails System Act are in or adjacent to park units. Some of these may also be administered by the Service, though not as units of the national park system. In all cases, the Service will cooperate with other land managers, nonprofit organizations, and user groups to facilitate*

*appropriate trail use in accordance with the laws and policies applicable to such trails, and to the extent that trail management and use would not cause unacceptable impacts.*

### **3.2 Determination of Significance for Potential National Historic Trails**

In the feasibility study process for any proposed national historic trail being considered by an NPS team under the authorities of 16 USC 1244(b), before the Statement of Significance is submitted by the study team for consideration to the National Park System Advisory Board as required in the National Trails System Act, (16 USC 1244(b)(3)), the statement will be reviewed by an NPS panel composed of: (a) the Chief Historian; (b) the Chief of Interpretation and Education; (c) the Chief of the Office of Policy; (d) the Chief of Conservation and Outdoor Recreation; and (e) the Keeper of the National Register of Historic Places. This panel will be convened by the Chief of the Office of Planning and Special Studies. Their recommendations (both majority and minority opinions) will then be submitted to the study's approving official and used to guide the study team to either terminate the study or continue and approach the Advisory Board.

### **3.3 Assignment of Responsibility and Delegation of Authority**

Assignment will be made by an activation memorandum following passage of the trail's authorizing legislation. The administration of each national scenic or historic trail assigned to the NPS on or after the effective date of this Director's Order will be delegated by the Director to the regional or field office that:

- a. Administers another national trail following the same route for a significant portion of its length (this will be the controlling criterion when applicable); or
- b. Includes the greatest number of States through which the trail passes or the greatest number of miles of the trail route corridor; or
- c. In the case of national historic trails, contains the greatest number of significant historic sites associated with the trail; or
- d. Is the most central to the trail route; or
- e. Has the most historical involvement with, or special knowledge of, the trail's cultural, natural, or socio-political characteristics.

Where portions of the trail lie within NPS regions other than the one to which the trail has been assigned for administration, such other regions will be included fully in the deliberations, planning, and programs for their portions of the trail.

### **3.4 Establishment and Funding**

Once activated and assigned, a national scenic or historic trail will be given the necessary base operating funds and supplemental funds to support the associated advisory council, an adequate staff assignment, and timely increases to establish and maintain optimal operations as defined by approved planning documents, on a basis commensurate with NPS units in the region, subject to the availability of appropriated funding and resources. Trail offices will be eligible to compete

for all operational funds, special program funds, staff, and the complete array of professional services from NPS divisions and centers in the same manner as other NPS units and offices, unless otherwise restricted. For example, some facilities maintenance and repair programs are restricted to just facility assets owned in whole or in part by the NPS.

### **3.5 Staffing**

Each national scenic and historic trail will be administered by a trail superintendent whose responsibilities, among others, are outlined in the next paragraph.

### **3.6 Trail Administration and Management**

The trail superintendent and staff are responsible for administering the national scenic or national historic trails to which they were assigned in a manner that ensures adequate protection for the trails and their related features. These responsibilities include:

- coordination with planning,
- sustaining trail partnerships,
- oversight of trail site and segment protection and development,
- development of trail maintenance standards,
- trail marking,
- authorizing appropriate uses of the trail logo,
- land protection planning,
- trail segment certification,
- resource protection,
- promoting recreation and access,
- trailwide resource and viewshed inventories and mapping (often using geographic information system or GIS),
- promoting interpretation and education,
- cooperative and interagency agreements,
- tracking volunteer contributions, and
- financial assistance to other cooperating government agencies, landowners, interest groups, and individuals.

Once a national scenic or historic trail is established, the trail superintendent should form an advisory council within one year as outlined in 16 USC 1244(d).

On-the-ground management of a trail corridor involves many different government entities and private groups and individuals who own and/or manage lands along each national trail.

Management responsibilities include:

- resource inventorying,
- planning and development of trail segments and sites,
- compliance with environmental and other statutory requirements,
- avoidance or mitigation of resource damage,
- provision of appropriate public access and recreation management,

- interpretation and education,
- trail maintenance,
- trail marking,
- resource and viewshed protection, and
- management and tracking of visitor use.

Ideally, these functions should be closely coordinated with each trail’s superintendent. Uses permitted on national scenic and historic trails are limited to those that will not substantially interfere with the nature and purposes of each trail. (16 USC 1246(c)). Other uses are permitted or prohibited based on NPS *Management Policies 2006* and similar guidance, depending on the administering agency.

Where national trails cross, touch, or pass near other NPS-administered areas, the opportunity exists to enhance both entities. Park units are encouraged to interpret, mark, and provide access to national trails—even if administered by other agencies—in or near those units. On park maps, brochures, and interpretive media, park units will indicate appropriate national trail(s) and their distinctive rounded triangle logos. (See 3.19 below).

### 3.7 Cooperation and Consultation

NPS will ensure that its administration of national scenic and historic trails will be in close consultation and collaboration with all appropriate Federal, State, and local agencies, tribal groups, and nonprofit organizations. System-wide and trail-specific agreements fostering such cooperation and clarifying roles and responsibilities are the primary means by which such collaboration is documented.

### 3.8 Partnership Agreements

Written agreements or other documentation will be used to coordinate trail administration and management activities and help resolve any conflicts which may arise. When in the public interest, NPS will enter into agreements with States or local governments, landowners, private organizations, or individuals to operate, develop, or maintain any portion of these trails. NPS is also authorized to enter into cooperative agreements to provide limited financial assistance to encourage participation in the acquisition, protection, operation, development, or maintenance of these trails. (16 USC 1246(h)).

For example, where a trail crosses lands administered by other Federal, State, or local agencies—or that are located within a National Park System unit—the trail superintendent may enter into an agreement with affected management parties to address jurisdictional issues and other concerns. In addition, the trail superintendent may enter into written agreements with State or local agencies, nonprofit organizations, and other parties as appropriate to address specific responsibilities for trail operations and maintenance activities. (See Director’s Order #20: Agreements).

### **3.9 Land and Water Protection**

Ensuring adequate long-term protection for the corridors and associated resources of the national scenic and historic trails can be a complex and costly commitment. The National Trails System Act suggests that all interested parties—State, regional, and local governments, tribal organizations, land trusts, and even individual landowners—should be encouraged and given the opportunity to help protect these multi-jurisdictional trail corridors.

When necessary the National Park Service, in close consultation with affected agencies and private interests, will encourage the use of all available authorities and funding sources to protect the national scenic and historic trail corridors and their associated resources identified and described in the National Trails System Act. Specific National Trails System authorities include acceptance of donations of lands or interests in lands, use of surplus Federal lands, land exchanges, easements, reserved and retained rights-of-way, and full fee acquisition. The minimization and mitigation of adverse impacts should be considered and pursued using authorities such as the National Environmental Protection Act and the National Historic Preservation Act.

### **3.10 Land Status**

The intent of the System is to create protected corridors for recreation and historic preservation. Often the protection of significant trail-related resources is carried out through agreements with public agencies, land trusts, private landowners, and others, as well as directly influencing land and water protection along each trail corridor.

For Federal lands, the National Trails System Act specifically states:

*Nothing contained in this chapter shall be deemed to transfer among Federal agencies any management responsibilities established under any other law for federally administered lands which are components of the National Trails System. 16 USC 1246(a)(1)(A).*

However, when it is in the public interest, management responsibilities for a segment of a national scenic or national historic trail between Federal agencies may be transferred through a memorandum of agreement. Development, operations, and maintenance of such a trail segment under the laws, regulations, and policies of the department assuming the management responsibilities must be defined in the agreement. (16 USC 1246(a)(1)(B)).

### **3.11 Planning**

The NPS will prepare appropriate planning documents to protect the resources and attributes and to provide for public use and appreciation of the national scenic and historic trails authorized by Congress and assigned to it for administration. Each trail's comprehensive management plan (CMP) will include, at a minimum, those provisions stipulated in 16 USC 1244(e) or (f) that outline trail comprehensive plan requirements. Each CMP will also identify the minimum level of regulation necessary to protect the resources and attributes that warranted the trail's designation by Congress. CMPs may also include such other provisions as may be needed to

satisfy the intent of chapter 2, “Park System Planning,” of *Management Policies 2006* and the unique circumstances of the trail. Each trail will then operate according to the CMP.

Trail staff should collaborate with local stakeholders to develop local site and segment plans that are consistent with and help effectuate the CMP. Local trail and site plans, land protection plans, sign plans, and similar project documents may be developed by trail superintendents in collaboration with affected parties or, alternatively, where appropriate, by managing entities with involvement by trail administrators and other affected parties. Where trails or trail resources are located within the boundaries of NPS units, planning for those units will include concerns for trail preservation, interpretation, visitor uses, and facility development. For such projects, the trail superintendent (or delegated representative) will be invited to participate fully as a member of the planning or design team.

### **3.12 Regulations**

The National Trails System Act, (16 USC 1246(i)), authorizes the Secretary of the Interior to issue regulations, as needed, “governing the use, protection, management, development, and administration of trails of the national trails system.”

Parts 1 through 5 of Title 36 of the *Code of Federal Regulations*, applicable to most NPS units, also apply to trail corridors where the lands and waters underlying such corridors are:

- a. Federally owned and administered by the NPS; or
- b. Federally owned and managed by another Federal agency, but administered by the NPS for trail purposes pursuant to a written agreement with the other Federal agency; or
- c. In State or local ownership, or privately owned, and administered by the NPS for trail purposes pursuant to an agreement with the landowner, to the extent that such regulations are consistent with the agreement. (The term “agreement” is used here as the term “cooperative agreement” is used in the National Trails System Act, although the agreements will be “general agreements” or “memoranda of understanding” within the meaning of Director’s Order #20: Agreements).

The regulations in Parts 1 through 5 may be modified by special regulations issued in 36 CFR Part 7. Such special regulations will be carefully crafted to meet legitimate and compelling management needs in accordance with the consultation and cooperative agreement requirements of the National Trails System Act.

### **3.13 Guidance**

The Assistant Director for Partnerships and Civic Engagement (PCE), acting through the Division of Conservation and Outdoor Recreation, will prepare and issue (and update as appropriate) a “Level Three” document providing additional guidance for NPS administration of national scenic and historic trails (Reference Manual 45), and such additional materials as may



be appropriate (e.g., Section 3.19). This manual will be prepared in close consultation with other affected Federal agencies.

### **3.14 Motorized Uses on National Scenic and Historic Trails**

The National Trails System Act generally prohibits the use of motorized vehicles by the general public along any national scenic trails, unless determined necessary for emergencies or to ensure reasonable access for adjacent landowners and land users. Trail-specific regulations addressing this issue may be issued for each trail in 36 CFR Part 7. National historic trails may be designated for motor vehicle use if such use is allowed by regulations when the trail is established by Congress, and motor vehicle use will not substantially interfere with the nature and purpose of the trail. (See 16 USC 1246(c)).

### **3.15 National Recreation Trails (NRTs) on NPS Lands**

For this section, NRTs will include the components of the National Water Trails System. National water trail applications will use the NRT application format plus all required supplemental information unique to water trails.

- a. In designating an NRT on lands and waters administrated by the NPS, emphasis shall be placed on trail networks where all components of the network meet applicable criteria and standards.
- b. To apply for NRT status, the responsible NPS superintendent should prepare and submit an “Application for Designation” as found on the website [www.americantrails.org/nationalrecreationtrails/ApplyNRT.html](http://www.americantrails.org/nationalrecreationtrails/ApplyNRT.html). Requested information includes contact information, short and long descriptions of the trail, trail uses and statistics, times of operation, fees, and a certification for public use.
- c. Trail use on an NRT should be managed in keeping with the objectives established for the trail and surrounding NPS lands. Where a segment of an NRT traverses an area of special congressional designation, such as a wilderness area, all appropriate restrictions will apply.

### **3.16 Criteria for Submitting National Recreation Trail Nominations**

Trails and trail systems submitted for recognition as NRTs must meet the following criteria to be designated:

- a. The trail must be open to public use and be designed, constructed, and maintained according to best management practices, in keeping with the use anticipated. Trails that demonstrate state-of-the-art design and management are especially encouraged to apply for NRT designation.
- b. The trail is in compliance with applicable land use plans and environmental laws.
- c. The trail must be physically continuous (without breaks) and be open for public use for at least 10 consecutive years after designation.

- d. NRT designation must be supported by the landowner(s), public or private, whose property the trail crosses.

### **3.17 Connecting and Side Trails**

Recognizing connecting and side trails can help complete trail networks, provide missing links to other trails and nearby features, or allow enhanced access. Connecting and side trails may be established where appropriate by the Secretary of the Interior in accord with 16 USC 1245. Such trails are considered to be components of the National Trails System as connecting and side trails, not as integral parts of the trails to which they connect.

To be eligible for recognition as a connecting or side trail within the National Trails System, nominated trails must meet all three of the following eligibility criteria:

- a. The trail must connect physically to one or more NHTs, NRTs, or NSTs.
- b. The trail must be compatible in use and closely related in theme to the trail to which it connects. For example, a hiking trail can connect to another hiking trail, but a mountain bicycle trail cannot connect to a hiking-only trail. For historic trails, a connecting or side trail must be associated in theme and story with the main trail to which it connects.
- c. The connecting or side trail must be available for public use for the next 20 years.

### **3.18 Volunteers**

The National Trails System Act specifically authorizes the involvement of volunteer organizations and individuals to participate in the planning, development, maintenance, and management of trails. Such volunteers have also proven invaluable in land acquisition, project development, maintenance, interpretation, educational services, and managing parts of each trail. Organizations and individual volunteers may be designated as Volunteers-in-Parks and Volunteers-in-Forests when working on trails administered by the Secretary of the Interior or Secretary of Agriculture, respectively. (16 USC 1246(h)). Trail superintendents may make available Federal facilities, equipment, tools, and technical and financial assistance to volunteers and volunteer organizations as authorized in 16 USC 1250. (Also see Director's Order #7: Volunteers in Parks).

### **3.19 Trail Markers**

The National Trails System Act directs development of a distinctive trail marker logo for each national scenic, historic, and recreation trail. It also directs the Federal administrator of such trails to provide such markers to managers of non-Federal segments. (16 USC 1246(c)). For national scenic and historic trails, the trail's logo design is approved as part of the trail's CMP and must be published in the *Federal Register* as a public notice. All NRTs use the same logo (protected as a Federal insignia), but individual NRT names and symbols may be added by each trail's manager.

It is the responsibility of individual trail superintendents to retain the original electronic logo files for each national scenic and historic trail administered by the Service, and to provide a copy to the appropriate Washington Office. The National Trails Office will prepare a supplement to the *NPS Sign Manual* that gives the sizing, layout, and installation specifications of all the National Trails System-related signs and logos. Authorization for permitted use of a scenic or historic trail logo under 18 USC 701 is the responsibility of individual trail superintendents, while permission for use of the NRT logo is given by the NRT program leader in the Washington Office.

See Director's Order #52D for guidance on the use of the NPS Arrowhead symbol on trail signs, brochures, markers, and other official uses and materials.

### **3.20 Construction and Operation of Visitor Facilities**

As a general rule, new visitor center facilities for national scenic and historic trails outside NPS boundaries will not be operated by the NPS; the NPS will operate visitor center facilities only within established park boundaries. At locations outside park boundaries, the NPS may assist trail partners in land acquisition, planning, design, interpretive exhibits, and even construction, as authorized and funded by Congress. At locations outside park boundaries, unless otherwise directed by Congress, the NPS will not fund the operations of such facilities, although the Service may locate staff at such sites operated by others in accordance with an MOU or other written agreement and available funding. Within NPS boundaries, visitor facilities and programs near national scenic, historic, and recreation trails are encouraged to be upgraded to feature those trails' access information, significance, benefits, and stories.

### **3.21 Data Standards**

Official data sets will conform to the Federal Trail Data Standards approved by the Federal Geographic Data Committee. Such data sets include, but are not limited to, reports on accomplishments pursuant to the Government Performance and Results Act (GPRA), trail metrics, public information, and geographic information systems (GIS).

### **3.22 Transfer of Management**

The National Trails System Act, (16 USC 1246 (a)(1)(B)), outlines how management of trail corridors can be transferred between agencies within the Departments of Agriculture and the Interior. (See 3.10 above). Such transfers require a memorandum of agreement and after transfer the trail corridor:

*shall be subject to the laws, rules, and regulations of the Secretary provided with the management authority under the agreement except to such extent as the agreement may otherwise expressly provide.*

### **3.23 Marketing and Promotion**

The National Park Service will include information about all NPS-administered national scenic

and historic trails – and, where appropriate, all the components of the National Trails System – in marketing and promotion campaigns for such products as the *National Park System Map and Guide*, Web Sites, National Park System promotions, TV and video specials, outreach to partners, anniversary promotions, and special campaigns.

### **3.24 Official Listing**

NPS-administered trails will be listed together in the *National Park System Index*.

## **4. THIRD-PARTY ENFORCEABILITY**

This Director’s Order is intended only to improve the internal management of the NPS, and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

----- *End of Director's Order* -----