

Partnership for the National Trails System (PNTS)

Policy Re: New National Scenic and National Historic Trail Proposals

Approved by PNTS Trail Leaders Council, December 4, 2019

Policy Objective

The objective of this policy is to guide PNTS staff and leaders on how to respond to new trail proposals and proposed legislation authorizing new national scenic and historic trails.

PNTS Involvement in New National Trail Proposals – Proactive

- PNTS will develop a procedure for processing new National Trail proposals
- PNTS will consider new trail proposals but will only support new trail proposals that meet appropriate criteria as outlined below and in the National Trails System Act (NTSA) and will work to keep the NTSA focused on National Scenic Trails (NST) and National Historic Trails (NHT).
- PNTS will develop a process through which organizations/advocates can bring a new proposal to PNTS for critique prior to evaluation by a federal agency or Congressional proposal.

National Trails System Act Requirements

- NHTs: Sec. 3(c) extended trails closely following the original trail or routes of national historical significance; their purpose is to identify and protect the historic route and its remnants and artifacts for public use and enjoyment. Sec. 5(b)(11) re: historic use; national significance; and recreational use & historical interest.
- NSTs: Sec. 3(b) extended trails to provide maximum outdoor recreation potential and for conservation and enjoyment of the nationally significant scenic, historic, natural or cultural qualities of the areas through which such trails may pass; Sec.7(c) prohibition of motorized vehicles.

Assessment of New Proposal Readiness

- *Readiness of supporting organization*
 1. Age of organization
 2. Size of organization, i.e. are there enough potential volunteers to develop and maintain the proposed trail?
 3. Is the organization a member of PNTS?
 4. Proximity of the organization to the proposed trail
 5. History of interactions with local and agency partners & understanding of NTSA
 6. Willingness to work with agencies & other partners
 7. Organization's progress relative to proposed trail
 8. Financial resources of organization
 9. Do the management intentions for the new trail fit expectations of NTSA requirements and procedures?
- *Readiness of National Trail proposal*
 1. Documentation of NTSA Sec. 5(b) requirements
 2. Have the nature and purposes of the proposed trail been specified; does it indicate a cohesive identity and value?
 3. Can the proposed NST route be made continuous?
 4. Recreation and conservation potential?
 5. Mode(s) of public visitation, e.g. hiking, horseback riding, non-motorized bicycle riding?
 6. Congressional champion(s) identified? Is there sufficient support in Congress to assure adequate resources for development of this new trail?

7. Does the proposed trail have national, as opposed to regional or local, importance and contribute to the National Trails System in a way that existing trails do not? – e.g. does it provide new or unique recreation opportunities?
 8. Does the trail link existing National Trails?
 9. How much of the proposed trail will be on federally administered lands?
 10. Is designation as a National Scenic or Historic Trail the best fit to protect, and manage the proposed trail as a public resource?
- *Readiness of federal agency partner*
1. Has a lead federal agency been identified?
 2. Are there land manager commitments to support administration & management of the proposed trail, in close cooperation with volunteers and non-profit partner organizations?
 3. What is the impact of the proposed trail on agency resources (funding and staff) for administering existing national trails?
 4. Is there a history of partnering with volunteer trail supporters on this project?
 5. Is there a high likelihood of a protected land base on agency land? If not, is additional land acquisition proposed and are agency partners aware of this?
 6. How will the trail proposal impact other agency stakeholders?
 7. Are there visitor use concerns?

Criteria for Judging New National Trail Proposals:

- NHTs:
1. Is the proposed route of national historic significance based on verifiable evidence that the route is located accurately to memorialize the actual route and critical elements of the event or time period identified as having a significant impact on the history and trajectory of the nation?
 2. How will the historic route be identified and protected, including its remnants and artifacts?
 3. How will public use and enjoyment be provided?
 4. Is there readily identifiable potential for public recreational use or historical interest based upon historic interpretation and appreciation?
 5. What links will be provided to other national trails and federal lands?
- NSTs:
1. In what ways will maximum outdoor recreation potential be provided?
 2. Is it an extended trail? What is its proposed extent/length? (NSTs must be 100 miles long or more)
 3. What nationally significant scenic, natural, historic or cultural qualities will be conserved?
 4. Has a route been proposed that will fulfil the proposed nature and purposes by linking significant resources with a non-motorized travelway, is compelling to users, and in a continuous corridor with few breaks with the important recreational experiences intended?
 5. What links will be provided to other national trails and federal lands?
 6. How much of the proposed trail is on private land and what is the prospect for securing permanent rights-of-way across the private land?

SECTIONS OF THE NATIONAL TRAILS SYSTEM ACT REFERENCED IN THE POLICY

Section 3(a)(2)

(2) **National scenic trails**, established as provided in section 5 of this Act, which will be extended trails 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. National scenic trails may be located so as to represent desert, marsh, grassland, mountain, canyon, river, forest, and other areas, as well as landforms which exhibit significant characteristics of the physiographic regions of the Nation.

Section 3(a)(3)

(3) **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 or routes of travel of national historic significance. Designation of such trails or routes shall 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. Only those selected land and water based components of a historic trail which are on federally owned lands and which meet the national historic trail criteria established in this Act are included as Federal protection components of a national historic trail. The appropriate Secretary may certify other lands as protected segments of an historic trail upon application from State or local governmental agencies or private interests involved if such segments meet the 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 interests without expense to the United States.

Section 3(b)

(b) For purposes of this section, the term “**extended trails**” means trails or trail segments which total at least one hundred miles in length, except that historic trails of less than one hundred miles may be designated as extended trails. While it is desirable that extended trails be continuous, studies of such trails may conclude that it is feasible to propose one or more trail segments which, in the aggregate, constitute at least one hundred miles in length.

Section 5(b)(11)

(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. The route need not currently exist as a discernible trail to qualify, but its location must be sufficiently known to permit evaluation of public recreation and historical interest potential. A designated trail should generally accurately follow the historic route, but may deviate somewhat on occasion of necessity to avoid difficult routing through subsequent development, or to provide some route variations offering a more pleasurable recreational experience. Such deviations shall be so noted on site. Trail segments no longer possible to travel by trail due to subsequent development as motorized transportation routes may be designated and marked onsite as segments which link to the historic trail.

(B) It must be of national significance with respect to any of several broad facets of American history, such as trade and commerce, exploration, 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 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 not sufficient justification for designation under this category.

Section 7(c)

(c) **National scenic or national historic trails** may contain campsites, shelters, and related-public-use facilities. Other uses along the trail, which will not substantially interfere with the nature and purposes of the trail, may be permitted by the Secretary charged with the administration of the trail. Reasonable efforts shall be made to provide sufficient access opportunities to such trails and, to the extent practicable, efforts be made to avoid activities incompatible with the purposes for which such trails were established. The use of motorized vehicles by the general public along any national scenic trail shall be prohibited and nothing in this Act shall be construed as authorizing the use of motorized vehicles within the natural and historical areas of the national park system, the national wildlife refuge system, the national wilderness preservation system where they are presently prohibited or on other Federal lands where trails are designated as being closed to such use by the appropriate Secretary: *Provided*, That the Secretary charged with the administration of such trail shall establish regulations which shall authorize the use of motorized vehicles when, in his judgment, such vehicles are necessary to meet emergencies or to enable adjacent landowners or land users to have reasonable access to their lands or timber rights: *Provided further*, That private lands included in the national recreation, national scenic, or national historic trails by cooperative agreement of a landowner shall not preclude such owner from using motorized vehicles on or across such trails or adjacent lands from time to time in accordance with regulations to be established by the appropriate Secretary. Where a 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 a national historic trail parallels an existing public road, such road may be marked to commemorate the historic route. Other uses along the historic trails and the Continental Divide National Scenic Trail, which will not substantially interfere with the nature and purposes of the trail, and which, at the time of designation, are allowed by administrative regulations, including the use of motorized vehicles, shall be permitted by the Secretary charged with administration of the trail. The Secretary of the Interior and the Secretary of Agriculture, in consultation with appropriate governmental agencies and public and private organizations, shall establish a uniform marker, including thereon an appropriate and distinctive symbol for each national recreation, national scenic, and national historic trail. Where the trails cross lands administered by Federal agencies such markers shall be erected at appropriate points along the trails and maintained by the Federal agency administering the trail in accordance with standards established by the appropriate Secretary and where the trails cross non-Federal lands, in accordance with written cooperative agreements, the appropriate Secretary shall provide such uniform markers to cooperating agencies and shall require such agencies to erect and maintain them in accordance with the standards established. The appropriate Secretary may also provide for trail interpretation sites, which shall be located at historic sites along the route of any national scenic or national historic trail, in order to present information to the public about the trail, at the lowest possible cost, with emphasis on the portion of the trail passing through the State in which the site is located. Wherever possible, the sites shall be maintained by a State agency under a cooperative agreement between the appropriate Secretary and the State agency.