

to chapter 5B (§669 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 669 of this title and Tables.

The Federal Aid in Fish Restoration Act, as amended, referred to in text, is act Aug. 9, 1950, ch. 658, 64 Stat. 430, also known as the Dingell-Johnson Sport Fish Restoration Act and the Fish Restoration and Management Projects Act, which is classified generally to chapter 10B (§777 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 777 of this title and Tables.

The Commercial Fisheries Research and Development Act of 1964, referred to in text, is Pub. L. 88-309, May 20, 1964, 78 Stat. 197, which was classified generally to chapter 10D (§779 et seq.) of this title and was repealed by Pub. L. 99-659, title III, §309, Nov. 14, 1986, 100 Stat. 3736.

The Anadromous and Great Lakes Fisheries Conservation Act of October 30, 1965, referred to in text, probably means the Anadromous Fish Conservation Act, Pub. L. 89-304, Oct. 30, 1965, 79 Stat. 1125, which is classified generally to sections 757a to 757g of this title. For complete classification of this Act to the Code, see Short Title note set out under section 757a of this title and Tables.

AMENDMENTS

2014—Pub. L. 113-287 substituted “chapter 2003 of title 54” for “the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)”.

§ 1226. Federal agency authority to carry out Federal project within an estuary unaffected

Nothing in this chapter shall be construed to affect the authority of any Federal agency to carry out any Federal project heretofore or hereafter authorized within an estuary.

(Pub. L. 90-454, §6, Aug. 3, 1968, 82 Stat. 628.)

CHAPTER 27—NATIONAL TRAILS SYSTEM

Sec.

- 1241. Congressional statement of policy and declaration of purpose.
- 1242. National trails system.
- 1243. National recreation trails; establishment and designation; prerequisites.
- 1244. National scenic and national historic trails.
- 1245. Connecting or side trails; establishment, designation, and marking as components of national trails system; location.
- 1246. Administration and development of national trails system.
- 1247. State and local area recreation and historic trails.
- 1248. Easements and rights-of-way.
- 1249. Authorization of appropriations.
- 1250. Volunteer trails assistance.
- 1251. Definitions.

§ 1241. Congressional statement of policy and declaration of purpose

(a) Considerations for determining establishment of trails

In order to provide for the ever-increasing outdoor recreation needs of an expanding population and in order to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas and historic resources of the Nation, trails should be established (i) primarily, near the urban areas of the Nation, and (ii) secondarily, within scenic areas and along historic travel routes of the Nation, which are often more remotely located.

(b) Initial components

The purpose of this chapter is to provide the means for attaining these objectives by instituting a national system of recreation, scenic and historic trails, by designating the Appalachian Trail and the Pacific Crest Trail as the initial components of that system, and by prescribing the methods by which, and standards according to which, additional components may be added to the system.

(c) Volunteer citizen involvement

The Congress recognizes the valuable contributions that volunteers and private, nonprofit trail groups have made to the development and maintenance of the Nation’s trails. In recognition of these contributions, it is further the purpose of this chapter to encourage and assist volunteer citizen involvement in the planning, development, maintenance, and management, where appropriate, of trails.

(Pub. L. 90-543, §2, Oct. 2, 1968, 82 Stat. 919; Pub. L. 95-625, title V, §551(1)-(3), Nov. 10, 1978, 92 Stat. 3511; Pub. L. 98-11, title II, §202, Mar. 28, 1983, 97 Stat. 42.)

AMENDMENTS

1983—Subsec. (b). Pub. L. 98-11, §202(1), substituted “The” for “the” before “purpose”.

Subsec. (c). Pub. L. 98-11, §202(2), added subsec. (c).

1978—Subsec. (a). Pub. L. 95-625, §551(1), (2), inserted “the preservation of,” and “and historic resources” after “promote” and “outdoor areas” and substituted “within scenic areas and along historic travel routes of the Nation, which are often more remotely located” for “within established scenic areas more remotely located”.

Subsec. (b). Pub. L. 95-625, §551(3), substituted “, scenic and historic” for “and scenic”.

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109-432, div. C, title III, §302, Dec. 20, 2006, 120 Stat. 3028, provided that: “This title [enacting provisions set out as a note under section 1244 of this title and enacting and amending provisions listed in a table of Wilderness Areas set out under section 1132 of this title] may be cited as the ‘White Pine County Conservation, Recreation, and Development Act of 2006’.”

Pub. L. 109-418, §1, Dec. 19, 2006, 120 Stat. 2882, provided that: “This Act [amending sections 81f and 1244 of this title] may be cited as the ‘Captain John Smith Chesapeake National Historic Trail Designation Act’.”

SHORT TITLE OF 2004 AMENDMENTS

Pub. L. 108-424, §2(a), Nov. 30, 2004, 118 Stat. 2403, provided that: “This Act [enacting provisions set out as a note under section 1244 of this title and provisions listed in a table of Wilderness Areas set out under section 1132 of this title and amending provisions listed in a table of National Wildlife Conservation Areas set out under section 668dd of this title] may be cited as the ‘Lincoln County Conservation, Recreation, and Development Act of 2004’.”

Pub. L. 108-342, §1, Oct. 18, 2004, 118 Stat. 1370, provided that: “This Act [amending section 1244 of this title] may be cited as the ‘El Camino Real de los Tejas National Historic Trail Act’.”

SHORT TITLE OF 2002 AMENDMENTS

Pub. L. 107-338, §1, Dec. 16, 2002, 116 Stat. 2886, provided that: “This Act [amending section 1244 of this title and enacting provisions set out as a note under section 1244 of this title] may be cited as the ‘Metacomet-Monadnock-Mattabesett Trail Study Act of 2002’.”

Pub. L. 107-325, §1, Dec. 4, 2002, 116 Stat. 2790, provided that: “This Act [amending section 1244 of this title] may be cited as the ‘Old Spanish Trail Recognition Act of 2002.’”

Pub. L. 107-214, §1, Aug. 21, 2002, 116 Stat. 1053, provided that: “This Act [amending section 1244 of this title] may be cited as the ‘Long Walk National Historic Trail Study Act.’”

SHORT TITLE OF 2000 AMENDMENTS

Pub. L. 106-509, §1, Nov. 13, 2000, 114 Stat. 2361, provided that: “This Act [amending section 1244 of this title] may be cited as the ‘Ala Kahakai National Historic Trail Act.’”

Pub. L. 106-307, §1, Oct. 13, 2000, 114 Stat. 1074, provided that: “This Act [amending section 1244 of this title] may be cited as the ‘El Camino Real de Tierra Adentro National Historic Trail Act.’”

SHORT TITLE OF 1999 AMENDMENT

Pub. L. 106-135, §1, Dec. 7, 1999, 113 Stat. 1685, provided that: “This Act [amending section 1244 of this title] may be cited as the ‘Star-Spangled Banner National Historic Trail Study Act of 1999.’”

SHORT TITLE OF 1993 AMENDMENTS

Pub. L. 103-145, §1, Nov. 17, 1993, 107 Stat. 1496, provided that: “This Act [amending section 1244 of this title] may be cited as the ‘El Camino Real Para Los Texas Study Act of 1993.’”

Pub. L. 103-144, §1, Nov. 17, 1993, 107 Stat. 1494, provided that: “This Act [amending section 1244 of this title] may be cited as the ‘El Camino Real de Tierra Adentro Study Act of 1993.’”

SHORT TITLE OF 1990 AMENDMENTS

Pub. L. 101-365, §1, Aug. 15, 1990, 104 Stat. 429, provided that: “This Act [amending sections 1244 and 1249 of this title] may be cited as the ‘Juan Bautista de Anza National Historic Trail Act.’”

Pub. L. 101-321, §1, July 3, 1990, 104 Stat. 293, provided that: “This Act [amending section 1244 of this title] may be cited as the ‘Selma to Montgomery National Trail Study Act of 1989.’”

SHORT TITLE OF 1988 AMENDMENTS

Pub. L. 100-559, title II, §201, Oct. 28, 1988, 102 Stat. 2797, provided that: “This title [amending section 1244 of this title] may be cited as the ‘Coronado National Trail Study Act of 1988.’”

Pub. L. 100-470, §1, Oct. 4, 1988, 102 Stat. 2281, provided that: “This Act [amending sections 1244 and 1248 of this title and enacting provisions set out as notes under section 1248 of this title] may be cited as the ‘National Trails System Improvements Act of 1988.’”

SHORT TITLE OF 1987 AMENDMENT

Pub. L. 100-187, §1, Dec. 11, 1987, 101 Stat. 1287, provided that: “This Act [amending section 1244 of this title] may be cited as the ‘De Soto National Trail Study Act of 1987.’”

SHORT TITLE OF 1983 AMENDMENT

Pub. L. 98-11, title II, §201, Mar. 28, 1983, 97 Stat. 42, provided that: “This title [enacting sections 1250 and 1251 of this title and amending this section and sections 1242 to 1247 and 1249 of this title] may be cited as the ‘National Trails System Act Amendments of 1983.’”

SHORT TITLE

Pub. L. 90-543, §1, Oct. 2, 1968, 82 Stat. 919, provided that: “This Act [enacting this chapter] may be cited as the ‘National Trails System Act.’”

EX. ORD. NO. 13195. TRAILS FOR AMERICA IN THE 21ST CENTURY

Ex. Ord. No. 13195, Jan. 18, 2001, 66 F.R. 7391, provided: By the authority vested in me as President by the Constitution and the laws of the United States of

America, and in furtherance of purposes of the National Trails System Act of 1968, as amended (16 U.S.C. 1241-1251), the Transportation Equity Act for the 21st Century (Public Law 105-178) [see Short Title of 1998 Amendment note set out under section 101 of Title 23, Highways], and other pertinent statutes, and to achieve the common goal of better establishing and operating America’s national system of trails, it is hereby ordered as follows:

SECTION 1. *Federal Agency Duties.* Federal agencies will, to the extent permitted by law and where practicable—and in cooperation with Tribes, States, local governments, and interested citizen groups—protect, connect, promote, and assist trails of all types throughout the United States. This will be accomplished by:

(a) Providing trail opportunities of all types, with minimum adverse impacts and maximum benefits for natural, cultural, and community resources;

(b) Protecting the trail corridors associated with national scenic trails and the high priority potential sites and segments of national historic trails to the degree necessary to ensure that the values for which each trail was established remain intact;

(c) Coordinating maps and data for the components of the national trails system and Millennium Trails network to ensure that these trails are connected into a national system and that they benefit from appropriate national programs;

(d) Promoting and registering National Recreation Trails, as authorized in the National Trails System Act, by incorporating where possible the commitments and partners active with Millennium Trails;

(e) Participating in a National Trails Day the first Saturday of June each year, coordinating Federal events with the National Trails Day’s sponsoring organization, the American Hiking Society;

(f) Familiarizing Federal agencies that are active in tourism and travel with the components of a national system of trails and the Millennium Trails network and including information about them in Federal promotional and outreach programs;

(g) Fostering volunteer programs and opportunities to engage volunteers in all aspects of trail planning, development, maintenance, management, and education as outlined in 16 U.S.C. 1250;

(h) Encouraging participation of qualified youth conservation or service corps, as outlined in 41 [42] U.S.C. 12572 and 42 U.S.C. 12656, to perform construction and maintenance of trails and trail-related projects, as encouraged in sections 1108(g) and 1112(e) of the Transportation Equity Act for the 21st Century [23 U.S.C. 133 note, 206 note], and also in trail planning protection, operations, and education;

(i) Promoting trails for safe transportation and recreation within communities;

(j) Providing and promoting a wide variety of trail opportunities and experiences for people of all ages and abilities;

(k) Providing historical interpretation of trails and trail sites and enhancing cultural and heritage tourism through special events, artworks, and programs; and

(l) Providing training and information services to provide high-quality information and training opportunities to Federal employees, Tribal, State, and local government agencies, and the other trail partners.

SEC. 2. *The Federal Interagency Council on Trails.* The Federal Interagency Council on Trails (Council), first established by agreement between the Secretaries of Agriculture and the Interior in 1969, is hereby recognized as a long-standing interagency working group. Its core members represent the Department of the Interior’s Bureau of Land of [sic] Management and National Park Service, the Department of Agriculture’s Forest Service, and the Department of Transportation’s Federal Highway Administration. Other Federal agencies, such as those representing cultural and heritage interests, are welcome to join this council. Leadership of the Council may rotate among its members as decided among themselves at the start of each fiscal year. The Council’s mission is to coordinate information and pro-

gram decisions, as well as policy recommendations, among all appropriate Federal agencies (in consultation with appropriate nonprofit organizations) to foster the development of America's trails through the following means:

(a) Enhancing federally designated trails of all types (e.g., scenic, historic, recreation, and Millennium) and working to integrate these trails into a fully connected national system;

(b) Coordinating mapping, signs and markers, historical and cultural interpretations, public information, training, and developing plans and recommendations for a national trails registry and database;

(c) Ensuring that trail issues are integrated in Federal agency programs and that technology transfer and education programs are coordinated at the national level; and

(d) Developing a memorandum of understanding among the agencies to encourage long-term interagency coordination and cooperation to further the spirit and intent of the National Trails System Act and related programs.

SEC. 3. *Issue Resolution and Handbook for Federal Administrators of the National Trails System.* Federal agencies shall together develop a process for resolving interagency issues concerning trails. In addition, reflecting the authorities of the National Trails System Act, participating agencies shall coordinate preparation of (and updates for) an operating handbook for Federal administrators of the National Trails System and others involved in creating a national system of trails. The handbook shall reflect each agencies' governing policies and provide guidance to each agencies' field staff and partners about the roles and responsibilities needed to make each trail in the national system fully operational.

SEC. 4. *Observance of Existing Laws.* Nothing in this Executive Order shall be construed to override existing laws, including those that protect the lands, waters, wildlife habitats, wilderness areas, and cultural values of this Nation.

SEC. 5. *Judicial Review.* This order is intended only to improve the internal management of the executive branch. It does not create any right or benefit, substantive or procedural, enforceable in law or equity by any party against the United States, its agencies, its officers or employees, or any other person.

WILLIAM J. CLINTON.

§ 1242. National trails system

(a) **Composition: recreation trails; scenic trails; historic trails; connecting or side trails; uniform markers**

The national system of trails shall be composed of the following:

(1) National recreation trails, established as provided in section 1243 of this title, which will provide a variety of outdoor recreation uses in or reasonably accessible to urban areas.

(2) National scenic trails, established as provided in section 1244 of this title, 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.

(3) National historic trails, established as provided in section 1244 of this title, which

will be extended trails which follow as closely as possible and practicable the original trails or routes of travel of national historical 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 an historic trail which are on federally owned lands and which meet the national historic trail criteria established in this chapter 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 chapter 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.

(4) Connecting or side trails, established as provided in section 1245 of this title, which will provide additional points of public access to national recreation, national scenic or national historic trails or which will provide connections between such trails.

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 for the national trails system.

(b) **Extended trails**

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.

(Pub. L. 90-543, §3, Oct. 2, 1968, 82 Stat. 919; Pub. L. 95-625, title V, §551(4), (5), Nov. 10, 1978, 92 Stat. 3511, 3512; Pub. L. 98-11, title II, §203, Mar. 28, 1983, 97 Stat. 42; Pub. L. 104-333, div. I, title VIII, §814(d)(1)(E), Nov. 12, 1996, 110 Stat. 4196.)

AMENDMENTS

1996—Subsec. (c). Pub. L. 104-333 struck out subsec. (c) which read as follows: "On October 1, 1982, and at the beginning of each odd numbered fiscal year thereafter, the Secretary of the Interior shall submit to the Speaker of the United States House of Representatives and to the President of the United States Senate, an initial and revised (respectively) National Trails System plan. Such comprehensive plan shall indicate the scope and extent of a completed nationwide system of trails, to include (1) desirable nationally significant scenic and historic components which are considered necessary to complete a comprehensive national system, and (2) other trails which would balance out a complete and comprehensive nationwide system of trails. Such plan, and the periodic revisions thereto,