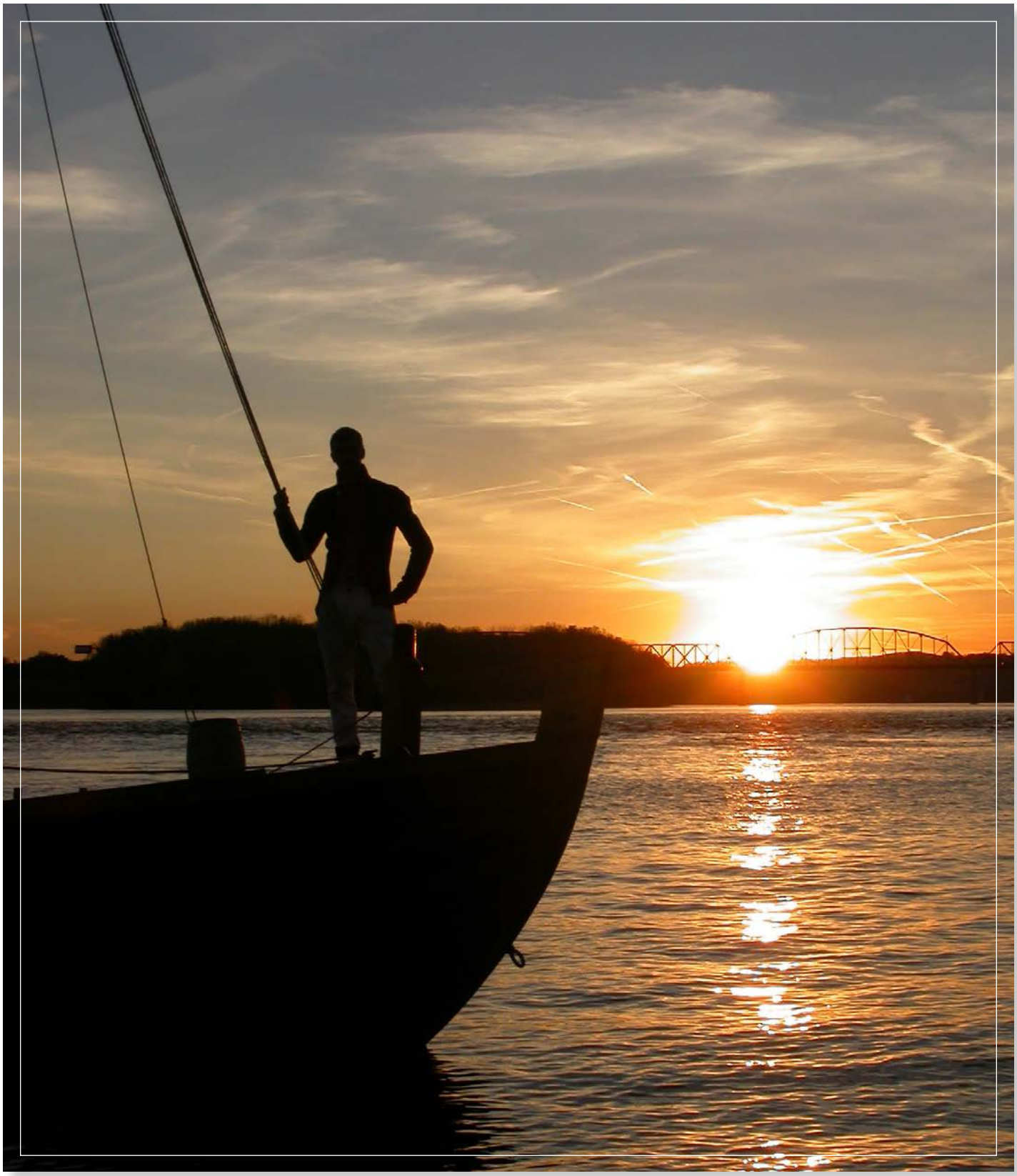
NATIONAL PARK SERVICE • U.S. DEPARTMENT OF THE INTERIOR

Foundation Document

December 2012

Lewis and Clark National Historic Trail

IL, MO, KS, NE, IA, SD, ND, MT, ID, WA, OR



Above: Keelboat at sunset. NPS Photo.

Front Cover: "Decision at the Marias" by artist Michael Haynes depicts Lewis and Clark at Decision Point, the confluence of the Marias and Missouri rivers on June 3, 1805.

CONTENTS

Introduction **3**

Description of Lewis and Clark National Historic Trail **4**

Purpose and Significance of Lewis and Clark National Historic Trail **7**

Purpose *7*

Significance *7*

Primary Interpretive Themes **9**

Theme 1: Growth of a Young Nation *9*

Theme 2: Documenting Observations of Natural Science *9*

Theme 3: Encountering Indigenous Peoples *9*

Theme 4: Unity through History *11*

Theme 5: Traces of the Past Observed Today *11*

Special Mandates and Administrative Commitments **12**

Fundamental Resources and Values **13**

Analysis of Fundamental Resources and Values *14*

Critical Supporting Resources **23**

Partnerships *23*

Primary Documentation *23*

Analysis of Critical Supporting Resources *24*

Assessment of Planning Needs **29**

Introduction *29*

Foundation Workshop Participants and Document Contributors **32**

Lewis and Clark National Historic Trail *32*

Midwest Regional Office *32*

Denver Service Center *32*

Appendixes **33**

Appendix A: Legislation **33**

Appendix B: Lewis and Clark Primary Documents Collection **47**

Appendix C: General Law and Policy Guidance **48**

Appendix D: Partners **49**

FIGURES

Figure 1. Lewis and Clark National Historic Trail **6**

Volunteer Mike Crosby tells visitors about the medicines of the Lewis and Clark Expedition. NPS Photo.

Introduction

Every unit of the national park system is required to have a formal statement of its core mission that will provide basic guidance for all planning and management decisions—a foundation for planning and management. The development of a foundation document for the Lewis and Clark National Historic Trail is necessary to effectively manage the park over the long term and protect park resources and values that are integral to the purpose and identity of the park unit.

The major elements of this foundation document are (1) a description of the Lewis and Clark National Historic Trail purpose and significance, (2) primary interpretive themes, (3) special mandates, (4) fundamental resources and values and critical supporting resources, and (5) the legal/policy requirements for administration and resource protection.

Defining the trail's foundation of legal and policy mandates is the prerequisite for all subsequent planning and decision making. It ensures that all stakeholders, including National Park Service (NPS) administrators, managers, and staff, understand what is most important about the trail. The foundation document also provides parameters for ensuring all programs and actions contribute to achieving the purpose of the trail and other mandates. The foundation document reflects the congressionally established purpose of the trail, reasons why trail resources and values are significant enough to warrant national trail designation, primary interpretive themes to be conveyed to visitors, any special mandates Congress may have placed on the trail, and more general mandates contained in the large body of laws and policies that apply to all national trail system units.

The foundation additionally identifies and analyzes a set of resources and values (features, systems, processes, experiences, stories, scenes, sounds, and smells) determined to warrant primary consideration during trail planning and management. Based on the analysis, the foundation document summarizes the policy-level issues that would require management discretion to resolve.

Another critical part of the foundation document is the assessment of planning needs. This section identifies and prioritizes future planning products that should be completed for the Lewis and Clark National Historic Trail. These products are needed to maintain and protect the trail's fundamental resources and values, as well as address other key issues.

Antelope near Virgelle, Montana. NPS Photo.

Description of Lewis and Clark National Historic Trail

The Lewis and Clark National Historic Trail is approximately 3,700 miles long, extending from Wood River, Illinois, to the mouth of the Columbia River, near present day Astoria, Oregon, following the historic outbound and inbound routes of the Lewis and Clark Expedition.

The trail connects 11 states (Illinois, Missouri, Kansas, Nebraska, Iowa, South Dakota, North Dakota, Montana, Idaho, Washington, and Oregon) and many tribal lands. The trail was established by Congress in 1978 as part of the national trails system (NTS) as one of four original national historic trails. Today, visitors can follow the approximate route of the Corps of Discovery (Lewis and Clark Expedition members) by exploring the trail using a variety of transportation methods and interpretive means.

The goal of the National Trails System Act (NTSA) is to provide for the ever-increasing outdoor recreation needs of an expanding population and 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. Four types of trails are identified in the act: (1) national recreation trails, (2) national scenic trails, (3) national historic trails, and (4) connecting or side trails.

Midwest Regional Office and Headquarters of the Lewis and Clark National Historic Trail. Omaha, Nebraska. NPS Photo.

Park Ranger gives an interpretive program to students from Council Bluffs, Iowa as part of a Buddy Bison program of the National Park Trust. Omaha, Nebraska. NPS Photo.

National historic trails are established to follow as closely as possible and practicable the original trails or routes. The purpose of national historic trails is the identification and protection of the historic route and its historic remnants and artifacts for public use and enjoyment. The act also recognizes the importance of working with volunteers, private property owners, and nonprofit organizations in the planning, maintenance, and management of established national trails.

In 1982, the Comprehensive Plan for Management and Use was developed for the Lewis and Clark National Historic Trail. Key planning objectives were established including management strategies, a trail marker plan, implementation priorities, and segment and site certification procedures. Significant visitor and recreational resources, as well as trail segments, were identified as part of the trail development plan and an extensive map detailed each segment of the trail. At the time the plan was implemented, it represented the best management decisions and practices for the protection, use, and enjoyment of visitor and recreational resources along the trail.

From 2003 to 2006, the nation commemorated the bicentennial of the Corps of Discovery and the Lewis and Clark Expedition. The bicentennial created renewed public interest and engagement with the legacy of the trail.

The Lewis and Clark National Historic Trail continues to provide the public with a tangible experience of the Corps of Discovery and the Lewis and Clark Expedition, while the National Park Service effectively manages the trail for the enjoyment of future generations.

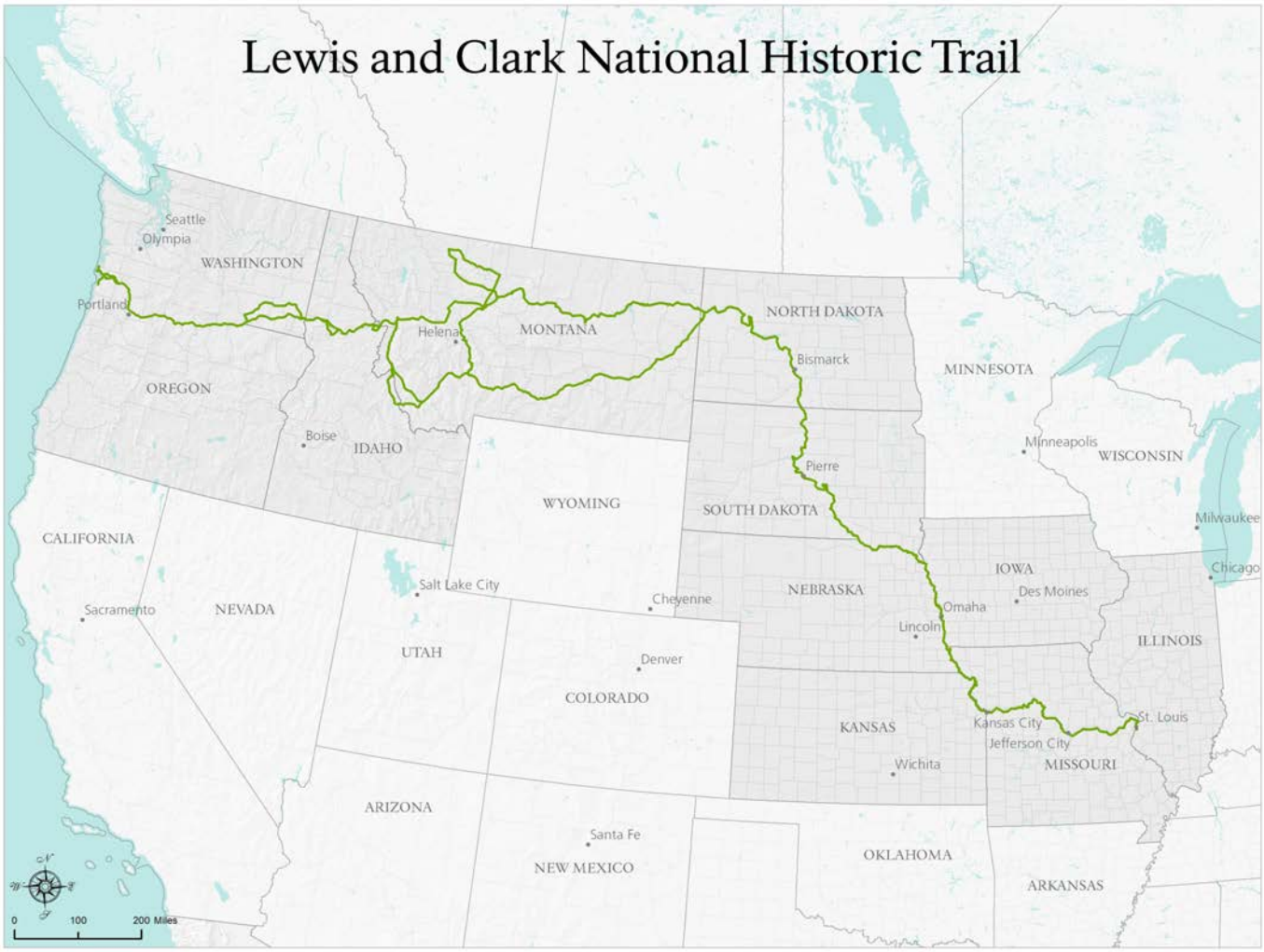


Figure 1. Lewis and Clark National Historic Trail

Park Purpose and Significance of Lewis and Clark National Historic Trail

Purpose

The purpose identifies the specific reason for the creation of the trail. Purpose statements are crafted through careful analysis of enabling legislation as well as legislative history which molded the development of the trail. The purpose statement reinforces the foundation for future trail management, administration, and use decisions.

The purpose of the Lewis and Clark National Historic Trail is to commemorate the 1804 to 1806 Lewis and Clark Expedition through the identification; protection; interpretation; public use and enjoyment; and preservation of historic, cultural, and natural resources associated with the expedition and its place in U.S. and tribal history.

Significance

Significance statements express why the trail's resources and values are important enough to warrant national trail designation. Statements of significance describe why the trail is important within a global, national, regional, and systemwide context. These statements are directly linked to the purpose of the trail and are substantiated by data, research, and consensus. Significance statements describe the trail's distinctive nature and help inform management decisions, focusing their efforts on preserving its resources and values.

The Lewis and Clark National Historic Trail is significant as a unit of the national trails system because:

- The Lewis and Clark National Historic Trail commemorates the 1804 to 1806 Corps of Discovery, which explored the Louisiana Territory and beyond. This epic journey contributed to significant scientific knowledge and profound political, social, economic, cultural, and environmental changes to the lands and the peoples of the North American continent.
- The Lewis and Clark National Historic Trail identifies and marks the historic route and sites where the Lewis and Clark journey took place, and provides context for preservation of the route and further understanding of the expedition and its subsequent outcomes.

- The Lewis and Clark National Historic Trail links contemporary communities including tribes, whose historic connections span generations, to the places associated with the 1804 to 1806 expedition. The trail provides an opportunity to demonstrate the continuum of human history in these same locations and the subsequent relationships that developed among multiple cultures.
- Segments of the Lewis and Clark National Historic Trail retain characteristics and a sense of place similar to those seen and experienced by the Corps of Discovery. Today, the trail provides visitors with connections to the historic event through recreational, interpretive, and educational opportunities.
- The Corps of Discovery recorded a vast amount of information about landscapes, resources, and the people encountered during the journey. The observations of the corps are used today to connect the public with the past and illuminate the changes that have taken place over time.
- Following the expedition's route from eastern forests through treeless plains across the Rocky Mountains to the Pacific Northwest, the Lewis and Clark National Historic Trail crosses a wide diversity of landscapes, biological communities, and climate zones.

Traditional tule hut at Tamástslikt Cultural Institute in Pendleton, Oregon. NPS Photo.

Primary Interpretive Themes

The primary interpretive themes, which are based on the purpose and significance, provide the foundation for interpretive programs along the trail. The themes do not include everything that may be interpreted, but they do address the ideas critical to a visitor's understanding and appreciation of the trail's significance. Effective interpretation is achieved when visitors are able to associate resources and their values and consequently derive something meaningful from their experiences.

The following interpretive themes were developed for the Lewis and Clark National Historic Trail:

Theme 1: Growth of a Young Nation

Leaving Wood River, the Corps of Discovery set out on a military expedition into unfamiliar lands to find a direct water route to the Pacific Ocean for commerce for the young nation. During the epic journey, the corps discovered the rich potential for fur trading in the Upper Missouri area, identified and suggested locations for military posts, and gathered geographic and scientific data.

When the U.S. government purchased the Louisiana Territory from the French government in 1803, it contained vast expanses of uncharted land. The theme, "Growth of a Young Nation," explores the primary mission of the Corps of Discovery—finding a direct water route through these lands to the Pacific Ocean. The Lewis and Clark National Historic Trail provides a vital link to our understanding of the growth and expansion of the nation.

Theme 2: Documenting Observations of Natural Science

The Corps of Discovery made meticulous notes of natural environs, documenting the diversity and uniqueness of plants and animals, weather, natural cycles, and the vitality of the natural world. Through diligent documentation, comparisons of their scientific observations to current conditions can capture visions of the past.

Although the Corps of Discovery was a military expedition, scientific discovery and recordation of the natural environments the corps encountered were critical pieces of their mission and embody the theme, "Documenting Observations of Natural Science." Lewis and Clark documented and recorded numerous plant and animal species new to science. Today, the corps' observations are a critical resource for understanding the Lewis and Clark National Historic Trail.

Theme 3: Encountering Indigenous Peoples

The Corps of Discovery, diverse in their cultures, experiences, and skills, explored vast lands and participated in diplomatic encounters with Indian nations. They traded with, learned from, and depended on friendly relations with over 50 tribes throughout the course of the journey. The American Indians they encountered had been living on the land for thousands of years and had complex societal, political, economic, and spiritual structures in place. The Indian people shared their food, knowledge, and skills with the Corps of Discovery, thus ensuring their survival and the successful completion of their mission.

Nez Perce National Historical Park. NPS Photo.

The Corps of Discovery was charged with making contact with American Indian tribes during their journey and establishing trade relationships with these groups. Without the help and support of numerous tribal groups, the expedition would not have survived in the rugged North American interior. The theme, "Encountering Indigenous Peoples," tells the story of first encounters between a growing nation and the indigenous inhabitants who had lived on the land for thousands of years.

Theme 4: Unity through History

The Lewis and Clark Expedition marks a significant time in the nation's history. Some call it an epic event leading to the prosperous growth of a young nation while others characterize it as having huge disruptive impacts on the viable and rich indigenous cultures. Listening to each other with respect, the nation can unite through an understanding of multiple perspectives of the collective history of the United States.

The historic events of the Lewis and Clark Expedition weave together numerous perspectives and interpretations of first encounters between the growing nation and the tribal nations inhabiting the land. Commemorating and sharing the stories of the Corps of Discovery expedition through the creation of the Lewis and Clark National Historic Trail provide an opportunity to explore and share these perspectives providing a better understanding of the past. Through the theme, "Unity through History," the Lewis and Clark National Historic Trail provides an opportunity to listen to and respect the multiple perspectives that mold the collective history of the United States.

Theme 5: Traces of the Past Observed Today

The Lewis and Clark National Historic Trail provides opportunities to glimpse the past, learn from history, visit tribal nations, and explore the landscape.

The Lewis and Clark National Historic Trail is a tangible link to the nation's past and enables exploration of the cultural landscape with a newfound respect and appreciation for the legacy of the Lewis and Clark Expedition. The trail also provides an opportunity to visit contemporary tribal nations, understand their traditions, and gain respect for their relationship with these lands. The theme, "Traces of the Past Observed Today," utilizes the historic resources of the trail to increase understanding and appreciation of the past.

North Dakota Bison. NPS Photo.

Special Mandates and Administrative Commitments

Special mandates are legal requirements and administrative commitments that apply to a specific trail. These special mandates may be legislative requirements or signed agreements that add another dimension to a trail unit's purpose and significance (such as the designation of an area as wilderness). They may commit managers to specific actions (such as a mandate to allow hunting) or limit their ability to modify land use in the trail unit (such as when an easement is in place). The National Trails System Act provides the following text to describe how historic trails like the Lewis and Clark National Historic Trail are to be managed:

The National Trails System Act; 16 USC 1241-1251

(Public Law 90-543, as amended through Public Law 111-11, March 30, 2009)

NATIONAL TRAILS SYSTEM SEC. 3. [16USC1242]

(a)The national system of trails shall be composed of the following:

(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.

Rafters on the Salmon River, Idaho. NPS Photo.

Fundamental Resources and Values

Fundamental resources and values are the most important systems, processes, features, visitor experiences, stories, scenes, sounds, scents, or other resources and values to be communicated to the public about the trail. Fundamental resources and values warrant primary consideration during planning and management because they contribute to significance and are critical to achieving the trail purpose. Any loss of these fundamental resources and values could have a negative impact on the trail and severely jeopardize its ability to achieve its purpose or maintain its significance.

Fundamental resources and values identified with the Lewis and Clark National Historic Trail include:

- Historic Route and Associated Natural History
- American Indian Tribes and Tribal Cultural Resources

Packer Meadows near Lolo Pass, Montana. NPS Photo.

Analysis of Fundamental Resources and Values

The analysis tables below articulate the importance of each fundamental resource and value and the resource's current condition, potential threats, and related issues that need consideration in planning and management. Included in the analysis is the identification of relevant laws and NPS policies related to the preservation and management of the resources.

This section of the foundation document would require periodic review and update as monitoring and research improves the understanding of each fundamental resource and value.

Fundamental Resource and Value: Historic Route and Associated Natural History	
Components	• Routes of Corps of Discovery along historic waterways and adjacent terrain. • Corresponding locations along contemporary waterways. • Overland routes crossing the Rocky Mountains on the westward journey. • Multiple overland and water routes of the Corps of Discovery on the return journey. • Physical and biotic components of the lands through which the routes pass and that define the various ecosystems encountered. • Experience of the historic routes through opportunities to interact with scenery, sounds, smells, weather, lands, plants, and animals similar to those experienced by the expedition. • Public access to the historic trail and surrounding landscapes.
Related Significance Statement(s)	• The Lewis and Clark National Historic Trail commemorates the 1804 to 1806 expedition that explored the Louisiana Territory and beyond. This epic journey contributed to significant scientific knowledge and profound political, social, economic, cultural, and environmental changes to the lands and the peoples of the North American continent. • The Lewis and Clark National Historic Trail identifies and marks the historic route and sites where the journey took place and provides context for preservation of the route and further understanding of the expedition and its subsequent outcomes. • The Lewis and Clark National Historic Trail links contemporary communities, including tribes whose historic connections span generations, to the places associated with the 1804 to 1806 expedition. The trail provides an opportunity to demonstrate the continuum of human history in these same locations and the subsequent relationships that developed among multiple cultures. • Segments of the Lewis and Clark National Historic Trail retain characteristics and sense of place as seen and experienced by the expedition. Today it provides visitors with connections to the historic event through recreational, interpretive, and educational opportunities. • The Corps of Discovery recorded a vast amount of information about landscapes, resources, and the people encountered during the journey. The observations of the corps are used today to connect the public with the past and illuminate the changes that have taken place over time.

Fundamental Resource and Value: Historic Route and Associated Natural History	
Importance	• Designation of a national historic trail relies on the ability to identify (with some degree of certainty) the geographic locations of historic events. For many historic routes, these locations are readily known as a result of long use or adequate records. The exact routes followed by the Lewis and Clark Expedition are known in a general sense, both from original documents and subsequent efforts to relocate their journey. • Identification of the routes and access to the landscapes and ecosystems through which they passed is significant for the Lewis and Clark National Historic Trail. President Jefferson's charge included seeking out and identifying lands, wildlife, vegetation, and American Indian people along the route. For this reason, the experiences along the entire route were part of the expedition's purpose, in addition to finding a water route to the Pacific Ocean. The landscape was not simply a backdrop for historic events; it constituted part of the event. • Features and components that contributed to ecosystems at the time of Lewis and Clark are important to the contemporary experience of the trail. The degree to which the ecosystems remain intact as cohesive habitats, landscapes, and environments contributes to the vicarious experience of modern travelers. • Cultural landscapes are the locations, features, and components along the route that are associated with the journey of the Corps of Discovery. The integrity of these landscapes and their ability to convey the setting, feeling, and association of the expedition is important to the contemporary experience of the trail.

Fort Clatsop at Lewis and Clark National Historical Park. NPS Photo.

Fundamental Resource and Value: Historic Route and Associated Natural History	
Current Conditions, Trends, and Threats	• Not all portions of the historic route and associated resources are systematically inventoried or monitored. As a result, there is no comprehensive strategy to monitor conditions and proactively address threats to resources along the route. • Several traditional and modern methods have been used to rediscover the exact route of the Corps of Discovery, ranging from recalculating the original survey notes of Clark and cartography based on historic maps to interpretation of aerial imagery and use of geographic information systems (GIS); each of these efforts contributes to the continuing refinement of route location. • The meandering of the Missouri River has complicated the identification of the historic route. In addition to verifying the actual geographic location of camps or events, which may now be miles from the river, it is necessary to define corresponding locations on the contemporary river for modern visitors. • Due to the nature of the terrain, designated auto tour routes may be disconnected from the landscapes through which the historic route extends. Historic travel along rivers and over mountain passes is often not appropriate for modern thoroughfares. As a result, auto route travelers may not experience the same scenery, landscapes, and natural systems encountered by the Corps of Discovery. • Portions of the trail through federal lands provide opportunities for visitors to recreate near the historic route in surroundings similar to those experienced by the corps. Areas of the trail under federal ownership or management are afforded a degree of protection from alteration. Some segments of the trail share or border lands with other special designations that provide some protections such as the Missouri National Recreational River and the Columbia River Gorge National Scenic Area. • Many cultural landscapes have not been identified along the length of the trail. Future protection of the trail requires identification and documentation of important cultural landscapes. In addition, there may be national register-eligible sites along the trail that have not been identified or documented. • Cultural landscapes, national register sites, and national historic landmarks along the trail are threatened by population growth, energy development, land use changes, and invasive species. • Demands for energy production, transport, and transmission continue to impact the land through which the trail extends. The areas in which this development is focused are often those regions retaining conditions most similar to those experienced by the corps. • Urban, suburban, and rural residential development continues to impact trail-related landscapes. • Agricultural conversion of land, damming and channelization of rivers, and growth of cities have altered broad regions of the western landscape. Few areas remain untouched or the same as experienced by the corps. • The degree of habitat alteration that may result from global climate changes is unknown. Changes to precipitation, vegetation, and wildlife distribution may have slight visual impacts to the historic scene, or it may be dramatic and grossly apparent. Those habitats most likely to be visibly altered are the ones least changed from the historic conditions. Conversion of agricultural lands from one crop to another may have little impact on the visitor experience, while replacement of forests with steppe or semidesert would be more apparent.

Fundamental Resource and Value: Historic Route and Associated Natural History	
Desired Conditions (within law and policy)	• Resource Identification – All trail sites and segments and associated resources are identified; partners collect and share information and there is a mechanism to input and synthesize that information. • Resource Monitoring – Resource threats and conditions are known and Lewis and Clark National Historic Trail or partners have the ability to continue monitoring; scheduled monitoring occurs by maintaining communication with on-the-ground managers of resources. • Protection and Restoration of Cultural Resources – All resources are protected and restored, and threats are proactively addressed. • Recreation Opportunities/Resources – A broad spectrum of outdoor opportunities are available to the public. • Visual Resource Protection – All visual resources are protected. • Protection Strategies on Federal and Trust Lands – Federal agencies announce when they are in a planning process, and Lewis and Clark National Historic Trail staff proactively participates in the process during the planning phase. A formal process is institutionalized for review and participation in federal planning processes. Lewis and Clark National Historic Trail is in the federal database and is recognized as an entity. • Protection Strategies on Tribal Lands – Lewis and Clark National Historic Trail is recognized in tribal historic preservation officer (THPO) databases; regulations are in place at a local level to protect trail resources. • Protection Strategies on Nonfederal Lands – Lewis and Clark National Historic Trail is recognized (as a historic property) in every state historic preservation office database; zoning regulations are in place at a local level to protect trail resources. • Protection and Restoration of Natural Resources – All resources are protected and restored; threats and issues are proactively addressed. • Climate Change – Lewis and Clark National Historic Trail staff reduces the trail's carbon footprint and works with partners to do the same. • Acquisition – Resources are protected by means other than land acquisition by the National Park Service. Land acquisition by the National Park Service occurs only from willing sellers when necessary to protect resources when other viable means have been exhausted. • User Capacity – User capacity issues are identified and managed to protect resources and visitor experience. • Interpretation – Lewis and Clark National Historic Trail provides multiple perspectives and accurate interpretation services and serves as a model across the nation. • Education – Multiple perspectives of the Lewis and Clark story are reflected accurately in curricula at various education levels and institutions. • Trail Awareness and Promotion – Increased trail awareness; visitors, partners, and staff are aware of and have an appreciation of trail locations, access, and stories. There is consistent identity among Lewis and Clark National Historic Trail sites and segments; sites are certified by Lewis and Clark National Historic Trail criteria / NPS criteria. • Trail Marking / Orientation / Wayshowing – All routes are accurately and consistently marked; visitors are able to plan their trips, orient themselves, and travel along the trail.

Fundamental Resource and Value: Historic Route and Associated Natural History	
Desired Conditions (within law and policy)	• Recreational Use/Activities – Lewis and Clark National Historic Trail staff identifies and promotes recreational access and opportunities to increase stewardship; recreational demand for land trails has been met; water trails are established, and recreational demand for water trails has been met. A network of sustainable regional or thematic self-guided auto tours and associated interpretive material is used by visitors across the trail. There is adequate access to meet public recreational demand, where appropriate, as well as national historic trail access including historic sites, research opportunities, and landmarks. • All national register sites and national historic landmarks retain integrity according to the *Secretary of the Interior's Standards for the Treatment of Historic Properties* (1995); all sites are preserved and monitored. • Sites and cultural landscapes are documented and evaluated for nomination and inclusion in the National Register of Historic Places.
Trail-specific Law and Policy	• National Trails System Act • Organic Act • National Wild and Scenic Rivers Act • Wetland protection laws • Endangered Species Act • Water Resources Development Act affecting all Lewis and Clark National Historic Trail major rivers • National Historic Preservation Act, Section 106 • State laws and regulations that designate auto tour routes
Resources	• Works by Robert Bergantino, Martin Plamondon, Alex Philp, and James Harlan • Geological resources maps • U.S. Forest Service (USFS) Forest plans (trail designations and use) • Bureau of Land Management (BLM) conservation plans, especially for Upper Missouri Wild and Scenic River • U.S. Fish and Wildlife Service (USFWS) comprehensive conservation plans and regional memorandums of understanding for energy development; Endangered Species Act enforcement • State/county species lists, wildlife conservation plans, etc. • City, county, state zoning regulations • U.S. Army Corps of Engineers master manuals for Missouri, Columbia, Snake rivers • PACFISH and INFISH (salmon programs west of the Rockies) • 2005 Energy Policy Act and subsequent energy laws • Native American Graves Protection and Repatriation Act, Section 106 of National Historic Preservation Act

Fundamental Resource and Value: American Indian Tribes and Tribal Cultural Resources	
Components	• Tribal Homelands • Tribal and Nontribal Organizations • Individuals • Tribal Agencies • Tribal Enterprises • Tribal Educational Institutions
Related Significance Statement(s)	• The Lewis and Clark National Historic Trail commemorates the 1804 to 1806 Lewis and Clark Expedition that explored the Louisiana Territory and beyond. This epic journey contributed to significant scientific knowledge and profound political, social, economic, cultural, and environmental changes to the lands and the peoples of the North American continent. • The Lewis and Clark National Historic Trail identifies and marks the historic route and sites where this journey took place and provides context for preservation of the route, and further understanding of the expedition and its subsequent outcomes. • The Lewis and Clark National Historic Trail links contemporary communities including tribes whose historic connections span generations, to the places associated with the 1804 to 1806 expedition. The trail provides an opportunity to demonstrate the continuum of human history in these same locations and the subsequent relationships that developed among multiple cultures. • Segments of the Lewis and Clark National Historic Trail retain characteristics and a sense of place as seen and experienced by the expedition. Today, they provide visitors with connections to the historic event through recreational, interpretive, and educational opportunities. • The Corps of Discovery recorded a vast amount of information about landscapes, resources, and the people encountered during the journey. The observations of the corps are used today to connect the public with the past and illuminate the changes that have taken place over time.
Importance	The trail route passes through numerous tribal homelands where initial contact was made among tribal peoples and the Corps of Discovery. Important to understanding the trail are: • contemporary tribal cultures • languages • cultural landscapes • place names • sacred sites • communities Tribal oral histories and detailed descriptions contained in journals of the Corps of Discovery substantiate, validate, and enrich knowledge and understanding of the tribes encountered on the expedition.

Fundamental Resource and Value: American Indian Tribes and Tribal Cultural Resources	
Current Conditions, Trends, and Threats	Trends: • The American Indian perspective is increasingly being infused into trail interpretation. • Nationwide, American Indian languages are being revitalized. • Tribal tourism is increasing along the trail. • American Indians are increasingly telling their own stories. • Tribal Education – Understanding of tribal cultures is increasingly available to all populations. • Tribal self-determination is increasing and tribal initiatives in the following areas have emerged: › schools › museums › cultural resources › colleges › elder care › natural resources › fisheries › tourism departments • Increasing instances of tribal inclusion in all activities is visible along the trail. Threats: These cultural resources are in danger of being lost to American Indian communities due to a variety of reasons, both internal and external: • tribal traditions • stories • sacred sites • language • ceremonies • material culture

Lewis and Clark Reenactors at Lemhi Pass on the Montana-Idaho border on the Continental Divide. NPS Photo.

Fundamental Resource and Value: American Indian Tribes and Tribal Cultural Resources	
Desired Conditions (within law and policy)	• Resource Identification – All tribal cultural resources are classified; information is available regarding conditions of tribal cultural resources; real time feedback on current resource conditions is readily available; partners initiate and provide information and there is a mechanism to input and synthesize that information. • Protection and Restoration of Cultural Resources – All resources are protected and restored; threats are proactively addressed. • Protection Strategies on Tribal Lands – Lewis and Clark National Historic Trail is recognized in THPO databases; regulations are in place at a local level to protect trail resources. • User Capacity – User capacity issues are identified and managed to protect resources and visitor experience. • Interpretation – Lewis and Clark National Historic Trail provides multiple perspectives and accurate interpretation services and serves as a model across the nation. • Education – Multiple perspectives of the Lewis and Clark story are reflected accurately in curricula at various education levels and institutions. • Tribes are involved in Lewis and Clark National Historic Trail information-sharing relationships with trail visitors, interpretation, resources, and maintenance managers and staff. • Collaborative working relationships between Lewis and Clark National Historic Trail staff and American Indian tribes continue to be cultivated and maintained. • American Indian perspective is infused into programming, curriculum, and planning. • American Indians are invited and have the opportunity to tell their own stories. • All trail actions take into account tribal views both on-site (within reservation boundaries) and off-site (outside reservation boundaries).
Trail-specific Law and Policy Guidance	• NPS *Management Policies 2006,* 1.11.1 (Government-to-Government Consultation) • 5.2.1 Consultation • 7.5.6 Consultation • The etiquette and protocol unique to each tribe. • Native American Graves Protection and Repatriation Act • National Historic Preservation Act, Section 106 • National Environmental Policy Act

Fundamental Resource and Value: American Indian Tribes and Tribal Cultural Resources	
Resources	• Cultural resource centers • Oral histories • Tribal elders • Journals of the Corps of Discovery • American Indian Alaska Native Tourism Association • Tribal websites and directories • American Indian academic journals, periodicals, and news and information websites • National Museum of the American Indian • Institute of American Indian Arts • Tribal Historic Preservation Officers

Young dancers at powwow. NPS Photo.

Critical Supporting Resources

Partnerships

While they do not fit the concept of fundamental resources as that term is used by the National Park Service, trail partners are stewards who are essential to the preservation, education, public access to, and protection of the Lewis and Clark National Historic Trail. They are individuals, organizations, agencies, and tribes that manage resources and connect visitors to trail history and experiences through a variety of opportunities.

For the National Park Service to manage and achieve its legislative mandate, national historic trail partners and partner organizations are critical. The length and complexity of the trail and the fact that very little of the trail is under NPS ownership means that many activities must be in collaboration with partners, landowners, and governmental organizations.

Primary Documentation

Documentation of the expedition includes journals, maps, oral histories, plant and animal specimens, artifacts, drawings, diagrams, and letters and correspondence. These items describe the careful planning and execution of the expedition and document in detail the rivers, plants, animals, geology, geography, scenery, sounds, smells, climate, weather, and indigenous peoples of the lands encompassed by the Louisiana Purchase.

The expedition documentation conveys poignant human stories of survival and perseverance, and chronicles how the human diversity of the Corps of Discovery and its diplomatic relationships with Indian nations contributed to the safe return of the expedition. The expedition documentation also serves as a resource for present-day researchers, and provides a look into U.S. military, economic, political, and social agendas as a young nation asserting its authority and exploring its limits.

Analysis of Critical Supporting Resources

The analysis tables below articulate the importance of each critical supporting resource and the resource's current condition, potential threats, and related issues that need consideration in planning and management. Included in the analysis is the identification of relevant laws and NPS policies related to the preservation and management of the resources.

This section of the foundation document would require periodic review and update as monitoring and research improves the understanding of each critical supporting resource.

Critical Supporting Resource: Primary Documentation	
Components	• Lewis and Clark journals • Expedition maps • Oral histories • Plant and animal specimens • Artifacts • Drawings and diagrams • Letters and correspondence
Related Significance Statement(s)	• The Lewis and Clark National Historic Trail identifies and marks the historic route and sites where this journey took place, and provides context for preservation of the route and further understanding of the expedition and its subsequent outcomes. • The Lewis and Clark National Historic Trail links contemporary communities, including tribes whose historic connections span generations, to the places associated with the 1804 to 1806 expedition. The trail provides an opportunity to demonstrate the continuum of human history in these same locations and the subsequent relationships that developed among multiple cultures. • The Corps of Discovery recorded a vast amount of information about landscapes, resources, and the people encountered during the journey. The observations of the corps are used today to connect the public with the past and illuminate the changes that have taken place over time.
Importance	• Documentation of the expedition, including journals, maps, oral histories, plant and animal specimens, artifacts, drawings, diagrams, and letters and correspondence, was collected by members of the Corps of Discovery and the tribal peoples they encountered. These describe the careful planning and execution of the expedition and document in detail (as required by President Thomas Jefferson) the rivers, plants, animals, geology, geography, scenery, sounds, smells, climate, weather, and indigenous peoples of the lands encompassed by the Louisiana Purchase. • The expedition documentation records poignant human stories of survival and perseverance and chronicles how human diversity of the Corps of Discovery and its diplomatic relationships with Indian nations contributed to the successful completion of the mission. • The expedition documentation serves as a resource for present day researchers and provides a look into U.S. military, economic, political, and social agendas as a young nation asserting its authority and exploring its limits.

Critical Supporting Resource: Primary Documentation	
Current Conditions, Trends, and Threats	• Trend – Primary resources available online and documents held by various institutions nationwide including the American Philosophical Society, Harvard University, Joslyn Art Museum, State Historical Society of Missouri, Smithsonian, and the Library of Congress.
Desired Conditions (within law and policy)	• Resource Identification – All primary documents are classified; all information is available on resource conditions; real time feedback on current resource conditions is readily available; partners initiate and provide information and there is a mechanism to input and synthesize that information. • Resource monitoring – Resource threats and conditions are known and Lewis and Clark National Historic Trail staff or partners have the ability to continue monitoring; scheduled monitoring occurs by maintaining communication with on-the-ground managers of resources. • Protection and Restoration of Cultural Resources – All resources are protected and restored and threats are proactively addressed. • Interpretation – Lewis and Clark National Historic Trail provides multiple perspectives and accurate interpretation services and serves as a model across the nation. • Education – Multiple perspectives of the Lewis and Clark story are reflected accurately in curricula at various education levels and institutions. • Documents continue to be preserved and available to scholars, interpreters, partners, and the public.
Trail-specific Law and Policy	• Primary documentation materials are held by various institutions; laws and policies regarding these materials vary.
Resources	• See appendix B.

Captain Lewis' desk at Camp River Dubois. Lewis and Clark State Historic Site, Hartford, Illinois. NPS Photo.

Critical Supporting Resource: Partnerships	
Components	• Relationships with organizations, individuals, agencies, tribes, and educational institutions that manage resources and provide opportunities for visitor experience.
Related Significance Statement(s)	• The Lewis and Clark National Historic Trail commemorates the 1804 to 1806 Lewis and Clark Expedition that explored the Louisiana Territory and beyond. This epic journey contributed to significant scientific knowledge and profound political, social, economic, cultural, and environmental changes to the lands and the peoples of the North American continent. • The Lewis and Clark National Historic Trail identifies and marks the historic route and sites where the journey took place and provides context for preservation of the route, and further understanding of the expedition and its subsequent outcomes. • The Lewis and Clark National Historic Trail links contemporary communities including tribes whose historic connections span generations, to the places associated with the 1804 to 1806 expedition. The trail provides an opportunity to demonstrate the continuum of human history in these same locations and the subsequent relationships that developed among multiple cultures.
Importance	• Trail partners are stewards who are essential to the preservation, education, public access to, and protection of Lewis and Clark National Historic Trail. They are individuals, organizations, agencies, and tribes that manage resources and connect visitors to trail stories and experiences through a variety of opportunities. • For the National Park Service to manage and achieve its legislative mandate, national historic trail partners and partner organizations are critical. The length and complexity of the trail and the fact that very little of the trail is under NPS ownership mean that many activities must be in collaboration with partners, landowners, and governmental organizations.
Current Conditions, Trends, and Threats	• The Lewis and Clark National Historic Trail staff engages in numerous partnerships through short-term agreements with a variety of nonprofit organizations, but none are formal friends groups. • The Lewis and Clark Trail Heritage Foundation is the oldest national partner organization with which the Lewis and Clark National Historic Trail works. The Lewis and Clark Trail Heritage Foundation is a member-based national organization that played a prominent role in the creation of the Lewis and Clark National Historic Trail and the bicentennial commemoration. This organization has been working to address a number of fiscal and organization issues that developed at the end of the bicentennial. The efforts of the Foundation's leaders show potential to further align the Foundation with the Trail's focus on education, recreation and resource stewardship. The Foundation's recent commitment to provide trail steward grants is a positive step. • While regional and local partners are important, more work needs to be done to foster relationships with national partners and friends groups with shared goals and the ability to increase the effectiveness of the Lewis and Clark National Historic Trail. • A national partner can aid in linking regional partners nationwide and elevate initiatives to a national level.

Critical Supporting Resource: Partnerships	
Desired Conditions (within law and policy)	• Recreation Opportunities/Resources – A broad spectrum of outdoor opportunities are available to the public. • Protection Strategies on Federal and Trust Lands – Federal agencies announce when they are in a planning process, and Lewis and Clark National Historic Trail staff proactively participates in the process during the planning phase. A formal process is institutionalized for review and participation in federal planning processes. Lewis and Clark National Historic Trail is in the federal database and is recognized as an entity. • Protection Strategies on Tribal Lands – Lewis and Clark National Historic Trail is recognized in tribal historic preservation office databases; regulations are in place at a local level to protect trail resources. • Protection Strategies on Nonfederal Lands – Lewis and Clark National Historic Trail is recognized (as a historic property) in every state historic preservation office database; zoning regulations are in place at a local level to protect trail resources. • Protection and Restoration of Natural Resources – All resources are protected and restored; threats and issues are proactively addressed. • Climate Change – Lewis and Clark National Historic Trail staff reduces the trail's carbon footprint and works with partners to do the same. • User Capacity – User capacity issues are identified and managed to protect resources and visitor experiences. • Partner Support – Partners with similar concerns and goals have come together to form a consortium to share in building programs across the trail; partners share information, and other resources. • Interpretation – Lewis and Clark National Historic Trail provides multiple perspectives and accurate interpretation services and serves as a model across the nation. • Education – Multiple perspectives of the Lewis and Clark story are reflected accurately in curricula at various education levels and institutions. • Trail Awareness and Promotion – Increased trail awareness; visitors, partners, and staff are aware of and have an appreciation of trail locations, access, and stories. There is consistent identity among Lewis and Clark National Historic Trail sites and segments; sites are certified by Lewis and Clark National Historic Trail criteria / NPS criteria. • Trail Marking / Orientation / Wayshowing – All routes are accurately and consistently marked; visitors are able to plan their trips, orient themselves, and travel along the trail. • Recreational Use/Activities – Lewis and Clark National Historic Trail staff identifies and promotes recreational access and opportunities to increase stewardship; recreational demand for land trails has been met; water trails are established, and recreational demand for water trails has been met. A network of sustainable regional or thematic self-guided auto tours and associated interpretive material is used by visitors across the trail. There is adequate access to meet public recreational demand, where appropriate, as well as national historic trail access including historic sites, research opportunities, and landmarks. • The ideal condition is a mix of tribal partners, local and national partners, and formal friends groups with an allied purpose to the Lewis and Clark National Historic Trail.

Critical Supporting Resource: Partnerships	
Trail-specific Law and Policy Guidance	• General Legislation: Section 5(c) of the National Trails System Act listed the Lewis and Clark National Historic Trail as extending from Wood River, Illinois, to the Pacific Ocean coast in Oregon, following both the outbound and inbound routes of the Lewis and Clark Expedition, for study for possible designation as a national scenic trail. The National Trails and Recreation Act amended the National Trails System Act to include the new category, national historic trails, and designated Lewis and Clark National Historic Trail as one of four national historic trails. National historic trails have as their purpose the identification and protection of historic routes and their remnants and artifacts for public use and enjoyment. The National Trails System Act assigns administrative responsibility for Lewis and Clark National Historic Trail to the Secretary of the Interior and allows the Secretary to use authorities related to units of the National Trails System in carrying out administrative responsibilities; this includes the Organic Act. By NPS director's policy, Lewis and Clark National Historic Trail is administered as a component of the national trails system. • The National Trails System Act was further amended through public law 107-325. • Guidance on partnerships • NPS publication, *Making Friends* • Director's Order 21: *Donations and Fundraising,* and Director's Order 21 Reference Guide • Director's Order 20: *Agreements* • Director's Order 52D: *Use of the Arrowhead Symbol*
Resources	• See appendix D.

Beaverhead Rock near Dillon, Montana. NPS Photo.

Assessment of Planning Needs

Introduction

Planning needs include plans, studies and supporting data collection. The planning needs assessment documents the most important issues the Lewis and Clark National Historic Trail staff members believe they currently face and likely need to address in the future, and identifies planning priorities. Therefore, this section is intended to assist parks, regions, and the Washington office in formulating planning budget requests.

This section of the foundation document would require periodic review and update as monitoring and research improves the understanding of the needs of the Lewis and Clark National Historic Trail.

Completed Plans

Document	Date
Lewis and Clark National Historic Trail Comprehensive Plan for Management and Use	1982
Strategic Plan 2005–2008	2005
Foundation Document	2012

Planning Needs

Document Name	Plan Type	Purpose	Priority
Comprehensive Management Plan	**Management Document**	The current comprehensive management plan (CMP) was developed in 1982. Conditions along the trail have changed over 30 years. Major issues to be addressed in the comprehensive management plan include issues surrounding preserving trail resources, issues surrounding visitor understanding, issues surrounding education and appreciation of park resources, and issues surrounding ensuring organizational effectiveness. A new plan is needed for several reasons. Not only have NPS planning program standards been developed since the 1982 plan was published, with substantial new requirements being outlined by NPS *Management Policies 2006*, but several requirements specified in the National Trails System Act were not addressed in the original plan. Additionally, between 1982 and 2012, conditions along the trail have changed considerably and a reevaluation of current conditions and goals must be conducted. The coordination and consistency in trail administration required by the National Trails System Act would be established as part of the CMP planning process.	**High**

Document Name	Plan Type	Purpose	Priority
Administrative History of Trail	**Study**	This study would provide for a complete administrative history of the Lewis and Clark National Historic Trail, explaining its conception, establishment, and management to the present time. The study would aid in the completion of the comprehensive management plan by providing a complete understanding of how the mission of the national historic trail has evolved over time. This administrative history would study the creation of the trail beginning in 1969, with a recommendation to designate the route and the National Historic Trails Act and its development during its first two decades to the commemoration from 2003 to 2006. The bicentennial commemoration was a milestone for American Indian communities who assisted in budgeting, planning, and coordination of the bicentennial, as well as sharing their cultures. At the conclusion of the bicentennial in September 2006, the trail administration shifted its focus to efforts and activities necessary to address the major areas of trail administration such as cultural and natural resources preservation and protection, interpretation and education, and outdoor recreation.	**Medium**
Long-range Interpretive Plan	**Management Document**	A long-range interpretive plan provides a vision for the future of interpretation, education, and visitor experience opportunities. The long-range interpretive plan would address both nonpersonal services and personal services. A critical element of a long-range interpretive plan for the trail would be to evaluate and recommend those interpretive activities that are best accomplished by trail staff or best accomplished by various partnerships.	**High**

Bull Elk. NPS Photo.

Document Name	Plan Type	Purpose	Priority
Human Dimensions/ Wayshowing Plan Development	**Study**	This study is designed to maintain, update, and expand where needed, the directional information along the Lewis and Clark National Historical Trail auto tour route. Lewis and Clark National Historical Trail auto tour route consists of two routes, one on each side of the Lewis and Clark National Historic Trail. The auto tour route is approximately 6,197 miles long, extending through 11 states, and is a mix of county, state, federal, and interstate roads and highways. In 2009, the Lewis and Clark National Historic Trail and University of Wyoming staff completed the inventory and assessment project that identified the Lewis and Clark National Historic Trail auto route and signs to designate the route through each state. In conjunction with capturing the location of the auto route and its signage, an inventory of sign conditions and sign placement was completed. The next step in the Lewis and Clark National Historic Trail wayshowing and signage project is to conduct a detailed review of the information collected by the inventory and assessment project. Following the detailed review, a wayshowing plan would be developed to determine the proper placement of wayshowing signs on the auto tour route.	**Low**
Visual Resource Strategy	**Management Document**	Planned development on private or public lands and rapidly emerging threats, such energy development, may place visual resources at risk of impairment. The visual resource strategy would provide guidance on: identifying areas of the trail particularly sensitive to visual impacts, methods for assessing visual quality of sites or areas, and credible methods of visual impact analysis. The plan would identify the range of actions the trail may take in response to specific threats. Such actions may be in collaboration with trail partner groups and other agencies.	**High**
GIS-based Historic Route Map	**Study**	The current maps of the historic route are extremely poor and hinder trail administration. With considerable advances in mapping technology, an update to the outdated maps contained in the original plan is needed to clearly and effectively portray trail location and trail resources, both for staff and partner trail management as well as general public communication. (Current maps are underway and are expected to be completed by 2013.)	**High**

Foundation Workshop Participants and Document Contributors

Lewis and Clark National Historic Trail

Mark Weekley, Superintendent

Richard Basch, Tribal Liaison

Neal Bedlan, Outdoor Recreation Planner

Ryan Cooper, GIS Specialist

Suzanne Gucciardo, Natural Resource Specialist

Jill Hamilton-Anderson, Education Specialist

Rachel Daniels, Cartographic Technician

Carol McBryant, Chief, Interpretation

Nichole McHenry, Volunteer Program Manager

Denise Nelson, Environmental Protection Specialist

Karla Sigala, Interpretive Specialist

Ronni Whitmer, Secretary

Dan Wiley, Chief, Resources Stewardship

Gail Gladstone, Cultural Resources Specialist

Midwest Regional Office

Sändra Washington, Associate Regional Director for Planning, Communications, and Legislation

Diane Keith, Landscape Architect / Planner

Sharon Miles, Community Planner

Denver Service Center

Carla McConnell, Project Manager

Ericka Pilcher, Visitor Use Project Specialist

Jordan Hoaglund, Community Planner

Justin Henderson, Community Planner

Appendixes

Appendix A: Legislation

Only sections of the National Trails System Act (NTSA) relevant to the Lewis and Clark National Historic Trail are included in the legislation below. For the full text of the NTSA visit; http://www.nps.gov/nts/legislation.html

THE NATIONAL TRAILS SYSTEM ACT
(P.L. 90-543, as amended through P.L. 111-11, March 30, 2009)
(also found in United States Code, Volume 16, Sections 1241-1251)

AN ACT

To establish a national trails system, 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

SECTION l. This Act may be cited as the "National Trails System Act".

STATEMENT OF POLICY

SEC. 2. [16USC1241]

(a) 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) The purpose of this Act 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) 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 Act to encourage and assist volunteer citizen involvement in the planning, development, maintenance, and management, where appropriate, of trails.

NATIONAL TRAILS SYSTEM

SEC. 3. [16USC1242] (a) The national system of trails shall be composed of the following:

(l) National recreation trails, established as provided in section 4 of this Act, 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 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.
(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.
(4) Connecting or side trails, established as provided in section 6 of this Act, 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) 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.

NATIONAL RECREATION TRAILS

SEC. 4. [16USC1243]

(a) The Secretary of the Interior, or the Secretary of Agriculture where lands administered by him are involved, may establish and designate national recreation trails, with the consent of the Federal agency, State, or political subdivision having jurisdiction over the lands involved, upon finding that—

(i) such trails are reasonably accessible to urban areas, and, or
(ii) such trails meet the criteria established in this Act and such supplementary criteria as he may prescribe.

(b) As provided in this section, trails within park, forest, and other recreation areas administered by the Secretary of the Interior or the Secretary of Agriculture or in other federally administered areas may be established and designated as "National Recreation Trails" by the appropriate Secretary and, when no Federal land acquisition is involved –

(i) trails in or reasonably accessible to urban areas may be designated as "National Recreation Trails" by the appropriate Secretary with the consent of the States, their political subdivisions, or other appropriate administering agencies;
(ii) trails within park, forest, and other recreation areas owned or administered by States may be designated as "National Recreation Trails" by the appropriate Secretary with the consent of the State; and
(iii) trails on privately owned lands may be designated 'National Recreation Trails' by the appropriate Secretary with the written consent of the owner of the property involved.

NATIONAL SCENIC AND NATIONAL HISTORIC TRAILS {Excerpted}

SEC. 5. [16USC1244] (a) National scenic and national historic trails shall be authorized and designated only by Act of Congress. There are hereby established the following National Scenic and National Historic Trails:

(6) The Lewis and Clark National Historic 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 the outbound and inbound routes of the Lewis and Clark Expedition depicted on maps identified as, 'Vicinity Map, Lewis and Clark Trail' study report dated April l977. 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. No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than 1/4 mile on either side of the trail.

(b) The Secretary of the Interior, through the agency most likely to administer such trail, and the Secretary of Agriculture where lands administered by him are involved, shall make such additional studies as are herein or may hereafter be authorized by the Congress for the purpose of determining the feasibility and desirability of designating other trails as national scenic or national historic trails. Such studies shall be made in consultation with the heads of other Federal agencies administering lands through which such additional proposed trails would pass and in cooperation with interested interstate, State, and local governmental agencies, public and private organizations, and landowners and land users concerned. The feasibility of designating a trail shall be determined on the basis of an evaluation of whether or not it is physically possible to develop a trail along a route being studied, and whether the development of a trail would be financially feasible.

The studies listed in subsection (c) of this section shall be completed and submitted to the Congress, with 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 sentence, whichever is later. Such studies, when submitted, shall be printed as a House or Senate document, and shall include, but not be limited to:

(1) the proposed route of such trail (including maps and illustrations);
(2) the areas adjacent to such trails, to be utilized for scenic, historic, natural, cultural, or developmental purposes;
(3) the characteristics which, in the judgment of the appropriate Secretary, make the proposed trail worthy of designation as a national scenic or national historic trail; and in the case of national historic trails the report shall include the recommendation of the Secretary of the Interior's National Park System Advisory Board as to the national historic significance based on the criteria developed under the Historic Sites Act of 1935 (40 Stat. 666; 16 U.S.C. 461);
(4) the current status of land ownership and current and potential use along the designated route;
(5) the estimated cost of acquisition of lands or interest in lands, if any;
(6) the plans for developing and maintaining the trail and the cost thereof;
(7) the proposed Federal administering agency (which, in the case of a national scenic trail wholly or substantially within a national forest, shall be the Department of Agriculture);
(8) the extent to which a State or its political subdivisions and public and private organizations might reasonably be expected to participate in acquiring the necessary lands and in the administration thereof;
(9) the relative uses of the lands involved, including: the number of anticipated visitor-days for the entire length of, as well as for segments of, such trail; the number of months which such trail, or segments thereof, will be open for recreation purposes; the economic and social benefits which might accrue from alternate land uses; and the estimated man-years of civilian employment and expenditures expected for the purposes of maintenance, supervision, and regulation of such trail;
(10) the anticipated impact of public outdoor 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 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. 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.

(c) The following routes shall be studied in accordance with the objectives outlined in subsection (b) of this section.

(4) Lewis and Clark Trail, from Wood River, Illinois, to the Pacific Ocean in Oregon, following both the outbound and inbound routes of the Lewis and Clark Expedition.

(d) The Secretary charged with the administration of each respective trail shall, within one year of the date of the addition of any national scenic or national historic trail to the system, and within sixty days of the enactment of this sentence 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, except that the Advisory Council established for the Iditarod Historic Trail shall expire twenty years from the date of its establishment.

If the appropriate Secretary is unable to establish such an advisory council because of the lack of adequate public interest, the Secretary shall so advise the appropriate committees of the Congress. 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 erection and maintenance 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 pay, 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:

(1) the head of each Federal department or independent agency administering lands through which the trail route passes, or his designee;
(2) a member appointed to represent each State through which the trail passes, and such appointments shall be made from recommendations of the Governors of such States;
(3) one or more members appointed to represent private organizations, including corporate and individual landowners and land users, which in the opinion of the Secretary, have an established and recognized interest in the trail, and such appointments shall be made from recommendations of the heads of such organizations: Provided, That the Appalachian Trail Conference shall be represented by a sufficient number of persons to represent the various sections of the country through which the Appalachian Trail passes; and
(4) the Secretary shall designate one member to be chairman and shall fill vacancies in the same manner as the original appointment.

(f) Within two complete fiscal years of the date of enactment of legislation designating a national historic trail or the Continental Divide National Scenic Trail or the North Country National Scenic Trail as part of the system, the responsible Secretary shall, after full consultation with affected Federal land managing agencies, the Governors of the affected States, and the relevant Advisory Council established pursuant to section 5(d) 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 management, 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 any anticipated cooperative agreements to be consummated with State and local government agencies or private interests, and for national scenic or national historic trails an identified carrying capacity of the trail and a plan for its implementation;
(2) the process to be followed by the appropriate Secretary to implement the marking requirements established in section 7(c) of this Act;
(3) a protection plan for any high potential historic sites or high potential route segments; and
(4) general and site-specific development plans, including anticipated costs.

(g) Revision of Feasibility and Suitability Studies of Existing National Historic Trails-

(1) DEFINITIONS- In this subsection:

(A) ROUTE- The term `route' includes a trail segment commonly known as a cutoff.

(B) SHARED ROUTE- The term `shared route' means a route that was a segment of more than 1 historic trail, including a route shared with an existing national historic trail.

(2) REQUIREMENTS FOR REVISION-

(A) IN GENERAL- The Secretary of the Interior shall revise the feasibility and suitability studies for certain national trails for consideration of possible additions to the trails.

(B) STUDY REQUIREMENTS AND OBJECTIVES- The study requirements and objectives specified in subsection (b) shall apply to a study required by this subsection.

(C) COMPLETION AND SUBMISSION OF STUDY- A study listed in this subsection shall be completed and submitted to Congress not later than 3 complete fiscal years from the date funds are made available for the study.

CONNECTING AND SIDE TRAILS

SEC. 6. [16USC1245] Connecting or side trails within park, forest, and other recreation areas administered by the Secretary of the Interior or Secretary of Agriculture may be established, designated, and marked by the appropriate Secretary as components of a national recreation, national scenic or national historic trail. When no Federal land acquisition is involved, connecting or side trails may be located across lands administered by interstate, State, or local governmental agencies with their consent, or, where the appropriate Secretary deems necessary or desirable, on privately owned lands with the consent of the landowners. Applications for approval and designation of connecting and side trails on non-Federal lands shall be submitted to the appropriate Secretary.

ADMINISTRATION AND DEVELOPMENT

SEC. 7. [16USC1246]

(a)

(1)

(A) The Secretary charged with the overall administration of a trail pursuant to section 5(a) shall, in administering and managing the trail, consult with the heads of all other affected State and Federal agencies. Nothing contained in this Act 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. Any transfer of management responsibilities may be carried out between the Secretary of the Interior and the Secretary of Agriculture only as provided under subparagraph (B).

(B) The Secretary charged with the overall administration of any trail pursuant to section 5(a) may transfer management of any specified trail segment of such trail to the other appropriate Secretary pursuant to a joint memorandum of agreement containing such terms and conditions as the Secretaries consider most appropriate to accomplish the purposes of this Act. During any period in which management responsibilities for any trail segment are transferred under such an agreement, the management of any such segment 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.

(2) Pursuant to section 5(a), the appropriate Secretary shall select the rights-of-way for national scenic and national historic trails and shall publish notice thereof of the availability of appropriate maps or descriptions in the Federal Register; Provided, That in selecting the rights-of-way full consideration shall be given to minimizing the adverse effects upon the adjacent landowner or user and his operation. Development and management of each segment of the National Trails System shall be designed to harmonize with and complement any established multiple-use plans for the specific area in order to insure continued maximum benefits from the land. The location and width of such rights-of-way across Federal lands under the jurisdiction of another Federal agency shall be by agreement between the head of that agency and the appropriate Secretary. In selecting rights-of-way for trail purposes, the Secretary shall obtain the advice and assistance of the States, local governments, private organizations, and landowners and land users concerned.

(b) After publication of notice of the availability of appropriate maps or descriptions in the Federal Register, the Secretary charged with the administration of a national scenic or national historic trail may relocate segments of a national scenic or national historic trail right-of-way with the concurrence of the head of the Federal agency having jurisdiction over the lands involved, upon a determination that: (I) Such a relocation is necessary to preserve the purposes for which the trail was established, or (ii) the relocation is necessary to promote a sound land management program in accordance with established multiple-use principles: Provided, That a substantial relocation of the rights-of-way for such trail shall be by Act of Congress.

(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.

(d) Within the exterior boundaries of areas under their administration that are included in the right-of-way selected for a national recreation, national scenic, or national historic trail, the heads of Federal agencies may use lands for trail purposes and may acquire lands or interests in lands by written cooperative agreement, donation, purchase with donated or appropriated funds or exchange.

(e) Where the lands included in a national scenic or national historic trail right-of-way are outside of the exterior boundaries of federally administered areas, the Secretary charged with the administration of such trail shall encourage the States or local governments involved (1) to enter into written cooperative agreements with landowners, private organizations, and individuals to provide the necessary trail right-of-way, or (2) to acquire such lands or interests therein to be utilized as segments of the national scenic or national historic trail: Provided, That if the State or local governments fail to enter into such written cooperative agreements or to acquire such lands or interests therein after notice of the selection of the right-of-way is published, the appropriate Secretary, may (I) enter into such agreements with landowners, States, local governments, private organizations, and individuals for the use of lands for trail 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 (f) of this section: Provided further, That the appropriate Secretary may acquire lands or interests therein from local governments or governmental corporations with the consent of such entities. The lands involved in such rights-of-way should be acquired in fee, if other methods of public control are not sufficient to assure their use for the purpose for which they are acquired: Provided, That if the Secretary charged with the administration of such trail permanently relocates the right-of-way and disposes of all title or interest in the land, the original owner, or his heirs or assigns, shall be offered, by notice given at the former owner's last known address, the right of first refusal at the fair market price.

(f)

(1) The Secretary of the Interior, in the exercise of his exchange authority, may accept title to any non-Federal property within the right-of-way and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction which is located in the State wherein such property is located and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. The Secretary of Agriculture, in the exercise of his exchange authority, may utilize authorities and procedures available to him in connection with exchanges of national forest lands.

(2) In acquiring lands or interests therein for a National Scenic or Historic Trail, the appropriate Secretary may, with consent of a landowner, acquire whole tracts notwithstanding that parts of such tracts may lie outside the area of trail acquisition. In furtherance of the purposes of this act, lands so acquired outside the area of trail acquisition may be exchanged for any non-Federal lands or interests therein within the trail right-of-way, or disposed of in accordance with such procedures or regulations as the appropriate Secretary shall prescribe, including: (I) provisions for conveyance of such acquired lands or interests therein at not less than fair market value to the highest bidder, and (ii) provisions for allowing the last owners of record a right to purchase said acquired lands or interests therein upon payment or agreement to pay

an amount equal to the highest bid price. For lands designated for exchange or disposal, the appropriate Secretary may convey these lands with any reservations or covenants deemed desirable to further the purposes of this Act. The proceeds from any disposal shall be credited to the appropriation bearing the costs of land acquisition for the affected trail.

(g) The appropriate Secretary may utilize condemnation proceedings without the consent of the owner to acquire private lands or interests, therein pursuant to this section only in cases where, in his judgment, all reasonable efforts to acquire such lands or interest therein by negotiation have failed, and in such cases he shall acquire only such title as, in his judgment, is reasonably necessary to provide passage across such lands: Provided, That condemnation proceedings may not be utilized to acquire fee title or lesser interests to more than an average of one hundred and twenty-five acres per mile. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to appropriations from other sources, be available to Federal departments for the acquisition of lands or interests in lands for the purposes of this Act. 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. Except for designated protected components of the trail, no land or site located along a designated national historic trail or along the Continental Divide National Scenic Trail shall be subject to the provisions of section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f)) unless such land or site is deemed to be of historical significance under appropriate historical site criteria such as those for the National Register of Historic Places.

(h)

(1) The Secretary charged with the administration of a national recreation, national scenic, or national historic trail shall provide for the development and maintenance of such trails within federally administered areas, and shall cooperate with and encourage the States to operate, develop, and maintain portions of such trails which are located outside the boundaries of federally administered areas. When deemed to be in the public interest, such Secretary may enter written cooperative agreements with the States or their political subdivisions, landowners, private organizations, or individuals to operate, develop, and maintain any portion of such a trail either within or outside a federally administered area. Such agreements may include provisions for limited financial assistance to encourage participation in the acquisition, protection, operation, development, or maintenance of such trails, provisions providing volunteer in the park or volunteer in the forest status (in accordance with the Volunteers in the Parks Act of 1969 and the Volunteers in the Forests Act of 1972) to individuals, private organizations, or landowners participating in such activities, or provisions of both types. The appropriate Secretary shall also initiate consultations with affected States and their political subdivisions to encourage –

(A) the development and implementation by such entities of appropriate measures to protect private landowners from trespass resulting from trail use and from unreasonable personal liability and property damage caused by trail use, and

(B) the development and implementation by such entities of provisions for land practices compatible with the purposes of this Act, for property within or adjacent to trail rights-of-way. After consulting with States and their political subdivisions under the preceding sentence, the Secretary may provide assistance to such entities under appropriate cooperative agreements in the manner provided by this subsection.

(2) Whenever the Secretary of the Interior makes any conveyance of land under any of the public land laws, he may reserve a right-of-way for trails to the extent he deems necessary to carry out the purposes of this Act.

(i) The appropriate Secretary, with the concurrence of the heads of any other Federal agencies administering lands through which a national recreation, national scenic, or national historic trail passes, and after consultation with the States, local governments, and organizations concerned, may issue regulations, which may be revised from time to time, governing the use, protection, management, development, and administration of trails of the national trails system. In order to maintain good conduct on and along the trails located within federally administered areas and to provide for the proper government and protection of such trails, the Secretary of the Interior and the Secretary of Agriculture shall prescribe and publish such uniform regulations as they deem necessary and any person who violates such regulations shall be guilty of a misdemeanor, and may be punished by a fine of not more $500 or by imprisonment not exceeding six months, or by both such fine and imprisonment. 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.

(j) Potential trail uses allowed on designated components of the national trails system may include, but are not limited to, the following: bicycling, cross-country skiing, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight and long-distance backpacking, snowmobiling, and surface water and underwater activities. Vehicles which may be permitted on certain trails may include, but need not be limited to, motorcycles, bicycles, four-wheel drive or all-terrain off-road vehicles. In addition, trail access for handicapped individuals may be provided. The provisions of this subsection shall not supersede any other provisions of this Act or other Federal laws, or any State or local laws.

(k) For the conservation purpose of preserving or enhancing the recreational, scenic, natural, or historical values of components of the national trails system, and environs thereof as determined by the appropriate Secretary, landowners are authorized to donate or otherwise convey qualified real property interests to qualified organizations consistent with section 170(h)(3) of the Internal Revenue Code of 1954, including, but not limited to, right-of-way, open space, scenic, or conservation easements, without regard to any limitation on the nature of the estate or interest otherwise transferable within the jurisdiction where the land is located. The conveyance of any such interest in land in accordance with this subsection shall be deemed to further a Federal conservation policy and yield a significant public benefit for purposes of section 6 of Public Law 96-541.

STATE AND METROPOLITAN AREA TRAILS

SEC. 8. [16USC1247] (a) The Secretary of the Interior is directed to encourage States to consider, in their comprehensive statewide outdoor recreation plans and proposals for financial assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act, needs and opportunities for establishing park, forest, and other recreation and historic trails on lands owned or administered by States, and recreation and historic trails on lands in or near urban areas. The Secretary is also directed to encourage States to consider, in their comprehensive statewide historic preservation plans and proposals for financial assistance for State, local, and private projects submitted pursuant to the Act of October 15, 1966 (80 Stat. 915), as amended, needs and opportunities for establishing historic trails. He is further directed in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49), to encourage States, political subdivisions, and private interests, including nonprofit organizations, to establish such trails.

(b) The Secretary of Housing and Urban Development is directed, in administering the program of comprehensive urban planning and assistance under section 701 of the Housing Act of 1954, to encourage the planning of recreation trails in connection with the recreation and transportation planning for metropolitan and other urban areas. He is further directed, in administering the urban open space program under title VII of the Housing Act of 1961, to encourage such recreation trails.

(c) The Secretary of Agriculture is directed, in accordance with authority vested in him, to encourage States and local agencies and private interests to establish such trails.

(d) The Secretary of Transportation, the Chairman of the Interstate Commerce Commission, and the Secretary of the Interior, in administering the Railroad Revitalization and Regulatory Reform Act of 1976, shall encourage State and local agencies and private interests to establish appropriate trails using the provisions of such programs. Consistent with the purposes of that Act, and in furtherance of the national policy to preserve established railroad rights-of-way for future reactivation of rail service, to protect rail transportation corridors, and to encourage energy efficient transportation use, in the case of interim use of any established railroad rights-of-way pursuant to donation, transfer, lease, sale, or otherwise in a manner consistent with the National Trails System Act, if such interim use is subject to restoration or reconstruction for railroad purposes, such interim use shall not be treated, for purposes of any law or rule of law, as an abandonment of the use of such rights-of-way for railroad purposes. If a State, political subdivision, or qualified private organization is prepared to assume full responsibility for management of such rights-of-way and for any legal liability arising out of such transfer or use, and for the payment of any and all taxes that may be levied or assessed against such rights-of-way, then the Commission shall impose such terms and conditions as a requirement of any transfer or conveyance for interim use in a manner consistent with this Act, and shall not permit abandonment or discontinuance inconsistent or disruptive of such use.

(e) Such trails may be designated and suitably marked as parts of the nationwide system of trails by the States, their political subdivisions, or other appropriate administering agencies with the approval of the Secretary of the Interior.

RIGHTS-OF-WAY AND OTHER PROPERTIES

SEC. 9. [16USC1248] (a) The Secretary of the Interior or the Secretary of Agriculture as the case may be, may grant easements and rights-of-way upon, over, under, across, or along any component of the national trails system in accordance with the laws applicable to the national park system and the national forest system, respectively: Provided, That any conditions contained in such easements and rights-of-way shall be related to the policy and purposes of this Act.

(b) The Department of Defense, the Department of Transportation, the Interstate Commerce Commission, the Federal Communications Commission, the Federal Power Commission, and other Federal agencies having jurisdiction or control over or information concerning the use, abandonment, or disposition of roadways, utility rights-of-way, or other properties which may be suitable for the purpose of improving or expanding the national trails system shall cooperate with the Secretary of the Interior and the Secretary of Agriculture in order to assure, to the extent practicable, that any such properties having values suitable for trail purposes may be made available for such use.

(c) Commencing upon the date of enactment of this subsection, any and all right, title, interest, and estate of the United States in all rights-of-way of the type described in the Act of March 8, l922 (43 U.S.C. 9l2), shall remain in the United States upon the abandonment or forfeiture of such rights-of-way, or portions thereof, except to the extent that any such right-of-way, or portion thereof, is embraced within a public highway no later than one year after a determination of abandonment or forfeiture, as provided under such Act.

(d)

(1) All rights-of-way, or portions thereof, retained by the United States pursuant to subsection (c) which are located within the boundaries of a conservation system unit or a National Forest shall be added to and incorporated within such unit or National Forest and managed in accordance with applicable provisions of law, including this Act.

(2) All such retained rights-of-way, or portions thereof, which are located outside the boundaries of a conservation system unit or a National Forest but adjacent to or contiguous with any portion of the public lands shall be managed pursuant to the Federal Land Policy and Management Act of l976 and other applicable law, including this section.

(3) All such retained rights-of-way, or portions thereof, which are located outside the boundaries of a conservation system unit or National Forest which the Secretary of the Interior determines suitable for use as a public recreational trail or other recreational purposes shall be managed by the Secretary for such uses, as well as for such other uses as the Secretary determines to be appropriate pursuant to applicable laws, as long as such uses do not preclude trail use.

(e)

(l) The Secretary of the Interior is authorized where appropriate to release and quitclaim to a unit of government or to another entity meeting the requirements of this subsection any and all right, title, and interest in the surface estate of any portion of any right-of-way to the extent any such right, title, and interest was retained by the United States pursuant to subsection (c), if such portion is not located within the boundaries of any conservation system unit or National Forest. Such release and quitclaim shall be made only in response to an application therefor by a unit of State or local government or another entity which the Secretary of the Interior determines to be legally and financially qualified to manage the relevant portion for public recreational purposes. Upon receipt of such an application, the Secretary shall publish a notice concerning such application in a newspaper of general circulation in the area where the relevant portion is located. Such release and quitclaim shall be on the following conditions:

(A) If such unit or entity attempts to sell, convey, or otherwise transfer such right, title, or interest or attempts to permit the use of any part of such portion for any purpose incompatible with its use for public recreation, then any and all right, title, and interest released and quitclaimed by the Secretary pursuant to this subsection shall revert to the United States.

(B) Such unit or entity shall assume full responsibility and hold the United States harmless for any legal liability which might arise with respect to the transfer, possession, use, release, or quitclaim of such right-of-way.

(C) Notwithstanding any other provision of law, the United States shall be under no duty to inspect such portion prior to such release and quitclaim, and shall incur no legal liability with respect to any hazard or any unsafe condition existing on such portion at the time of such release and quitclaim.

(2) The Secretary is authorized to sell any portion of a right-of-way retained by the United States pursuant to subsection (c) located outside the boundaries of a conservation system unit or National Forest if any such portion is –

(A) not adjacent to or contiguous with any portion of the public lands; or

(B) determined by the Secretary, pursuant to the disposal criteria established by section 203 of the Federal Land Policy and Management Act of l976, to be suitable for sale. Prior to conducting any such sale, the Secretary shall take appropriate steps to afford a unit of State or local government or any other entity an opportunity to seek to obtain such portion pursuant to paragraph (l) of this subsection.

(3) All proceeds from sales of such retained rights of way shall be deposited into the Treasury of the United States and credited to the Land and Water Conservation Fund as provided in section 2 of the Land and Water Conservation Fund Act of l965.

(4) The Secretary of the Interior shall annually report to the Congress the total proceeds from sales under paragraph (2) during the preceding fiscal year. Such report shall be included in the President's annual budget submitted to the Congress.

(f) As used in this section –

(1) The term "conservation system unit" has the same meaning given such term in the Alaska National Interest Lands Conservation Act (Public Law 96-487; 94 Stat. 237l et seq.), except that such term shall also include units outside Alaska.

(2) The term "public lands" has the same meaning given such term in the Federal Land Policy and Management Act of l976.

AUTHORIZATION OF APPROPRIATIONS

SEC. 10. [16USC1249] (a)

(1) There are hereby authorized to be appropriated for the acquisition of lands or interests in lands not more than $5,000,000 for the Appalachian National Scenic Trail and not more than $500,000 for the Pacific Crest National Scenic Trail. From the appropriations authorized for fiscal year 1979 and succeeding fiscal years pursuant to the Land and Water Conservation Fund Act (78 Stat. 897), as amended, not more than the following amounts may be expended for the acquisition of lands and interests in lands authorized to be acquired pursuant to the provisions of this Act: for the Appalachian National Scenic Trail, not to exceed $30,000,000 for fiscal year 1979, $30,000,000 for fiscal year 1980, and $30,000,000 for fiscal year 1981, except that the difference between the foregoing amounts and the actual appropriations in any one fiscal year shall be available for appropriation in subsequent fiscal years.

(2) It is the express intent of the Congress that the Secretary should substantially complete the land acquisition program necessary to insure the protection of the Appalachian Trail within three complete fiscal years following the date of enactment of this sentence.

(b) For the purposes of Public Law 95-42 (91 Stat. 211), the lands and interests therein acquired pursuant to this section shall be deemed to qualify for funding under the provisions of section 1, clause 2, of said Act.

(c) Authorization of Appropriations-

(1) IN GENERAL- Except as otherwise provided in this Act, there are authorized to be appropriated such sums as are necessary to implement the provisions of this Act relating to the trails designated by section 5(a).

VOLUNTEER TRAILS ASSISTANCE

SEC. 11. [16USC1250] (a)

(1) In addition to the cooperative agreement and other authorities contained in this Act, the Secretary of the Interior, the Secretary of Agriculture, and the head of any Federal agency administering Federal lands, are authorized to encourage volunteers and volunteer organizations to plan, develop, maintain, and manage, where appropriate, trails throughout the Nation.

(2) Wherever appropriate in furtherance of the purposes of this Act, the Secretaries are authorized and encouraged to utilize the Volunteers in the Parks Act of 1969, the Volunteers in the Forests Act of 1972, and section 6 of the Land and Water Conservation Fund Act of 1965 (relating to the development of Statewide Comprehensive Outdoor Recreation Plans).

(b) Each Secretary or the head of any Federal land managing agency, may assist volunteers and volunteers organizations in planning, developing, maintaining, and managing trails. Volunteer work may include, but need not be limited to—

(1) planning, developing, maintaining, or managing (A) trails which are components of the national trails system, or (B) trails which, if so developed and maintained, could qualify for designation as components of the national trails system; or

(2) operating programs to organize and supervise volunteer trail building efforts with respect to the trails referred to in paragraph (1), conducting trail-related research projects, or providing education and training to volunteers on methods of trails planning, construction, and maintenance.

(c) The appropriate Secretary or the head of any Federal land managing agency may utilize and to make available Federal facilities, equipment, tools, and technical assistance to volunteers and volunteer organizations, subject to such limitations and restrictions as the appropriate Secretary or the head of any Federal land managing agency deems necessary or desirable.

DEFINITIONS

SEC. 12. [16USC1251] As used in this Act:

(1) The term "high potential historic sites" means those historic sites related to the route, or sites in close proximity thereto, which provide opportunity to interpret the historic significance of the trail during the period of its major use. Criteria for consideration as high potential sites include historic significance, presence of visible historic remnants, scenic quality, and relative freedom from intrusion.

(2) The term "high potential route segments" means those segments of a trail which would afford high quality recreation experience in a portion of the route having greater than average scenic values or affording an opportunity to vicariously share the experience of the original users of a historic route.

(3) The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and any other territory or possession of the United States.

(4) The term "without expense to the United States" means that no funds may be expended by Federal agencies for the development of trail related facilities or for the acquisition of lands or interest in lands outside the exterior boundaries of Federal areas. For the purposes of the preceding sentence, amounts made available to any State or political subdivision under the Land and Water Conservation Fund Act of 1965 or any other provision of law shall not be treated as an expense to the United States.

Appendix B: Lewis and Clark Primary Documents Collection

While many primary documents relating to the expedition have yet to be discovered, are held in private collections, or only exist through tribal oral histories, the following are organizations, museums, and libraries that house some of the most well-known primary document collections relating to Lewis and Clark and the expedition.

American Philosophical Society – Lewis and Clark Journals
http://www.apsmuseum.org/

Beinecke Rare Book and Manuscript Library Yale University – Lewis and Clark Maps
http://www.library.yale.edu/beinecke/

Peabody Museum of Archaeology and Ethnology at Harvard University – Ethnographic Artifacts
http://www.peabody.harvard.edu/

Joslyn Museum – Clark-Maximilian Maps
http://www.joslyn.org/

Missouri Historical Society – Expedition Artifacts, Instruments, Documents, Journals, Etc.
http://www.mohistory.org/

Minnesota Historical Society – William Clark Papers and Letters
http://www.mnhs.org

Academy of Natural Sciences at Drexel University – Plant and Animal Specimens
www.ansp.org/research/systematics-evolution/collections/botany

The Library of Congress – Expedition Maps and Manuscripts
http://www.loc.gov/exhibits/lewisandclark/lewisandclark.html

National Archives and Records Administration – Expedition Planning Artifacts
http://www.archives.gov

Monticello – Plant Specimens
http://www.monticello.org/site/jefferson/lewis-and-clark-expedition

Filson Historical Society – Expedition Planning Artifacts
http://www.filsonhistorical.org/collections-and-exhibits/research-tools/lewis-and-clark.aspx

The Newberry Library – Sgt. Whitehouse Journals
http://www.newberry.org/

National Park Service Tent of Many Voices Video Collection from the National Lewis and Clark Bicentennial Commemoration.
(To be available through National Archives and Records Administration)

Lewis and Clark Trail-Tribal Legacy Project: Digital archive presenting tribal perspectives on our shared history
http://lc-triballegacy.org

Wisconsin State Historical Society
http://www.wisconsinhistory.org/diary/cat_floyd_1804.asp

Appendix C: General Law and Policy Guidance

Advisory Council on Historic Preservation Regulations, "Protection of Historic Properties" 36 CFR 800 (2004)

American Indian Graves Protection and Repatriation Act

American Indian Religious Freedom Act

Antiquities Act of 1906

Archeological Resources Protection Act

Code of Federal Regulations, Title 36

Code of Federal Regulations, Title 43—Public Lands: Interior

Director's Order 6: Interpretation and Education

Director's Order 7: Volunteers in Parks

Director's Order 12: Conservation Planning, Environmental Impact Analysis, and Decision-making

Director's Order 17: Tourism

Director's Order: Agreements

Director's Order 24: NPS Museum Collections Management

Director's Order 26: Youth Programs

Director's Order 28: Cultural Resource Management Guidelines, 1998

Endangered Species Act of 1973, as amended

Executive Order 13007, "American Indian Sacred Sites"

Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments"

Executive Order 13195: "Trails for America in the 21st Century"

Executive Order 13592: "Improving American Indian and Alaska Native Educational Opportunities and Strengthening Tribal Colleges and Universities"

National Environmental Policy Act of 1969

National Historic Preservation Act of 1966, as amended

National Park Service Management Policies 2006

National Trails Omnibus Management Act of 1998

Natural Resource Management Reference Manual #77

NPS Museum Handbook

NPS Organic Act of 1916

Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation

Secretary of the Interior's Standards for the Treatment of Historic Properties

Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes

Appendix D: Partners

The Lewis and Clark National Historic Trail engages with hundreds of partners from across the country through both formal and informal agreements to promote research and understanding of the Corps of Discovery, the tribal nations they encountered, and protection of the lands through which they passed. These partners include federal land management agencies, state and local governments, and nonprofit organizations. The table below includes the partners that the Lewis and Clark National Historic Trail engages with at a national level.

The Lewis and Clark Trail heritage Foundation

http://www.lewisandclark.org

The Lewis and Clark Trail Heritage Foundation seeks to connect people and places in the spirit of Lewis and Clark. As the popular learned society, the foundation seeks to both promote scholarship on Lewis and Clark issues. The foundation is a 501(c)3 membership nonprofit corporation.

The foundation was formed in the wake of the congressional designation of the Lewis and Clark National Historic Trail. Because of this, it has always worked closely with the agencies involved in administration of the trail including the National Parks Service, the Bureau of Land Management, and the U.S. Forest Service. In addition it has fostered partnerships with nongovernmental groups such as the Fort Mandan Foundation and the Discovery Expedition of St. Charles.

The Partnership for the National Trails System

http://www.pnts.org

The Partnership for the National Trails System connects member nonprofit trail organizations and federal agency partners to further the protection, completion, and stewardship of the 30 national scenic and historic trails within the national trails system.

The Lewis and Clark Trust, Inc. (Pending Finalization of Friends Agreement)

The Lewis and Clark Trust, Inc., was incorporated as a 501(c)3 nonprofit corporation in 2012 to support the work of the Lewis and Clark National Historic Trail in the areas of preservation and education. The trust has a national scope and is working to support the extension of the trail to include all sections east of the Mississippi. This organization is focused on fundraising and is not a member-based organization. It is expected that late in 2012 this group will become an official friends group for the trail.

Midwest Region Foundation Statement Recommendation
Lewis and Clark National Historic Trail

August 2012

This Foundation Statement has been prepared as a collaborative effort between park and regional staff and is recommended for approval by the Midwest Regional Director.

8-27-12

RECOMMENDED
Superintendent, Lewis and Clark National Historic Trail **Date**

8/24/12

RECOMMENDED
Planning Division Chief, Midwest Regional Office **Date**

8/31/12

RECOMMENDED
Associate Regional Director, MWRO Planning, Communication and Legislation **Date**

9-11-12

APPROVED
Regional Director, Midwest Region **Date**

Above: Women powwow dancers. NPS Photo.

Back Cover: Sacajawea statue at Sacajawea Interpretive, Cultural, and Educational Center. Salmon, Idaho. NPS Photo

As the nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering sound use of our land and water resources; protecting our fish, wildlife, and biological diversity; preserving the environmental and cultural values of our national parks and historic places; and providing for the enjoyment of life through outdoor recreation. The department assesses our energy and mineral resources and works to ensure that their development is in the best interests of all our people by encouraging stewardship and citizen participation in their care. The department also has a major responsibility for American Indian reservation communities and for people who live in island territories under U.S. administration.

NPS 648/116466 December 2012

Printed on recycled paper

Foundation Document • Lewis and Clark National Historic Trail

NATIONAL PARK SERVICE • U.S. DEPARTMENT OF THE INTERIOR