

111TH CONGRESS  
1ST SESSION

# S. 189

To amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JANUARY 8, 2009

Mr. UDALL of Colorado introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as “National Trails System  
5 Willing Seller Act”.

1 **SEC. 2. AUTHORITY TO ACQUIRE LAND FROM WILLING**  
2 **SELLERS FOR CERTAIN TRAILS.**

3 (a) OREGON NATIONAL HISTORIC TRAIL.—Section  
4 5(a)(3) of the National Trails System Act (16 U.S.C.  
5 1244(a)(3)) is amended by adding at the end the fol-  
6 lowing: “No land or interest in land outside the exterior  
7 boundaries of any federally administered area may be ac-  
8 quired by the Federal Government for the trail except with  
9 the consent of the owner of the land or interest in land.  
10 The authority of the Federal Government to acquire fee  
11 title under this paragraph shall be limited to an average  
12 of not more than  $\frac{1}{4}$  mile on either side of the trail.”.

13 (b) MORMON PIONEER NATIONAL HISTORIC  
14 TRAIL.—Section 5(a)(4) of the National Trails System  
15 Act (16 U.S.C. 1244(a)(4)) is amended by adding at the  
16 end the following: “No land or interest in land outside the  
17 exterior boundaries of any federally administered area  
18 may be acquired by the Federal Government for the trail  
19 except with the consent of the owner of the land or interest  
20 in land. The authority of the Federal Government to ac-  
21 quire fee title under this paragraph shall be limited to an  
22 average of not more than  $\frac{1}{4}$  mile on either side of the  
23 trail.”.

24 (c) CONTINENTAL DIVIDE NATIONAL SCENIC  
25 TRAIL.—Section 5(a)(5) of the National Trails System  
26 Act (16 U.S.C. 1244(a)(5)) is amended by adding at the

1 end the following: “No land or interest in land outside the  
2 exterior boundaries of any federally administered area  
3 may be acquired by the Federal Government for the trail  
4 except with the consent of the owner of the land or interest  
5 in land. The authority of the Federal Government to ac-  
6 quire fee title under this paragraph shall be limited to an  
7 average of not more than  $\frac{1}{4}$  mile on either side of the  
8 trail.”.

9 (d) LEWIS AND CLARK NATIONAL HISTORIC  
10 TRAIL.—Section 5(a)(6) of the National Trails System  
11 Act (16 U.S.C. 1244(a)(6)) is amended by adding at the  
12 end the following: “No land or interest in land outside the  
13 exterior boundaries of any federally administered area  
14 may be acquired by the Federal Government for the trail  
15 except with the consent of the owner of the land or interest  
16 in land. The authority of the Federal Government to ac-  
17 quire fee title under this paragraph shall be limited to an  
18 average of not more than  $\frac{1}{4}$  mile on either side of the  
19 trail.”.

20 (e) IDITAROD NATIONAL HISTORIC TRAIL.—Section  
21 5(a)(7) of the National Trails System Act (16 U.S.C.  
22 1244(a)(7)) is amended by adding at the end the fol-  
23 lowing: “No land or interest in land outside the exterior  
24 boundaries of any federally administered area may be ac-  
25 quired by the Federal Government for the trail except with

1 the consent of the owner of the land or interest in land.  
2 The authority of the Federal Government to acquire fee  
3 title under this paragraph shall be limited to an average  
4 of not more than  $\frac{1}{4}$  mile on either side of the trail.”.

5 (f) NORTH COUNTRY NATIONAL SCENIC TRAIL.—  
6 Section 5(a)(8) of the National Trails System Act (16  
7 U.S.C. 1244(a)(8)) is amended by adding at the end the  
8 following: “No land or interest in land outside the exterior  
9 boundaries of any federally administered area may be ac-  
10 quired by the Federal Government for the trail except with  
11 the consent of the owner of the land or interest in land.”.

12 (g) ICE AGE NATIONAL SCENIC TRAIL.—Section  
13 5(a)(10) of the National Trails System Act (16 U.S.C.  
14 1244(a)(10)) is amended by adding at the end the fol-  
15 lowing: “No land or interest in land outside the exterior  
16 boundaries of any federally administered area may be ac-  
17 quired by the Federal Government for the trail except with  
18 the consent of the owner of the land or interest in land.”.

19 (h) POTOMAC HERITAGE NATIONAL SCENIC  
20 TRAIL.—Section 5(a)(11) of the National Trails System  
21 Act (16 U.S.C. 1244(a)(11)) is amended—

22 (1) by striking the fourth and fifth sentences;

23 and

24 (2) by adding at the end the following: “No  
25 land or interest in land outside the exterior bound-

1 aries of any federally administered area may be ac-  
2 quired by the Federal Government for the trail ex-  
3 cept with the consent of the owner of the land or in-  
4 terest in land.”.

5 (i) NEZ PERCE NATIONAL HISTORIC TRAIL.—Sec-  
6 tion 5(a)(14) of the National Trails System Act (16  
7 U.S.C. 1244(a)(14)) is amended—

8 (1) by striking the fourth and fifth sentences;  
9 and

10 (2) by adding at the end the following: “No  
11 land or interest in land outside the exterior bound-  
12 aries of any federally administered area may be ac-  
13 quired by the Federal Government for the trail ex-  
14 cept with the consent of the owner of the land or in-  
15 terest in land. The authority of the Federal Govern-  
16 ment to acquire fee title under this paragraph shall  
17 be limited to an average of not more than  $\frac{1}{4}$  mile  
18 on either side of the trail.”.

19 **SEC. 3. CONFORMING AMENDMENT.**

20 Section 10 of the National Trails System Act (16  
21 U.S.C. 1249) is amended by striking subsection (c) and  
22 inserting the following:

23 “(c) AUTHORIZATION OF APPROPRIATIONS.—

24 “(1) IN GENERAL.—Except as otherwise pro-  
25 vided in this Act, there are authorized to be appro-

1        appropriated such sums as are necessary to implement the  
2        provisions of this Act relating to the trails des-  
3        ignated by section 5(a).

4            “(2) NATCHEZ TRACE NATIONAL SCENIC  
5        TRAIL.—

6            “(A) IN GENERAL.—With respect to the  
7        Natchez Trace National Scenic Trail (referred  
8        to in this paragraph as the ‘trail’) designated  
9        by section 5(a)(12)—

10            “(i) not more than \$500,000 shall be  
11        appropriated for the acquisition of land or  
12        interests in land for the trail; and

13            “(ii) not more than \$2,000,000 shall  
14        be appropriated for the development of the  
15        trail.

16            “(B) PARTICIPATION BY VOLUNTEER  
17        TRAIL GROUPS.—The administering agency for  
18        the trail shall encourage volunteer trail groups  
19        to participate in the development of the trail.”.

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