

S. REP. 95-636, S. Rep. No. 636, 95TH Cong., 2ND Sess. 1978, 1978 U.S.C.C.A.N. 456, 1978 WL 8768 (Leg.Hist.)

****456 P.L. 95-248, NATIONAL TRAIL SYSTEMS ACT**

SEE PAGE 92 STAT. 159.

HOUSE REPORT (INTERIOR AND INSULAR AFFAIRS COMMITTEE)

NO. **95-734**, OCT. 21, 1977 (TO ACCOMPANY H.R. 8803)

SENATE REPORT (ENERGY AND NATURAL RESOURCES COMMITTEE)

NO. 95-636, FEB. 10, 1978 (TO ACCOMPANY H.R. 8803)

CONG. RECORD VOL. 123 (1977)

CONG. RECORD VOL. 124 (1978)

DATES OF CONSIDERATION AND PASSAGE

HOUSE OCTOBER 25, 1977; MARCH 7, 1978

SENATE FEBRUARY 22, 1978

THE SENATE REPORT IS SET OUT.

(CONSULT NOTE FOLLOWING TEXT FOR INFORMATION ABOUT OMITTED MATERIAL. EACH COMMITTEE REPORT IS A SEPARATE DOCUMENT ON WESTLAW.)

SENATE REPORT NO. 95-636

FEB. 10, 1978

***1** THE COMMITTEE ON ENERGY AND NATURAL RESOURCES, TO WHICH WAS REFERRED THE ACT (H.R. 8803) TO AMEND THE NATIONAL TRAILS SYSTEM ACT, AND FOR OTHER PURPOSES, HAVING CONSIDERED THE SAME, REPORTS FAVORABLY THEREON WITH AN AMENDMENT AND RECOMMENDS THAT THE ACT (AS AMENDED) DO PASS.

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***3 **457 **0 PURPOSE**

THE PURPOSE OF H.R. 8803, AS REPORTED BY THE COMMITTEE, IS TO PROVIDE ADDITIONAL AUTHORITY AND DIRECTION TO THE SECRETARY OF THE INTERIOR TO INSURE THE PROTECTION OF THE APPALACHIAN TRAIL. H.R. 8803, AS AMENDED, WOULD AMEND THE 1968 NATIONAL TRAILS SYSTEM ACT TO STATUTORILY RECONSTITUTE THE APPALACHIAN TRAIL'S ADVISORY COUNCIL FOR 10 YEARS; INCREASE THE SECRETARY'S ACQUISITION AUTHORITY FROM 25 ACRES PER MILE TO AN AVERAGE OF 125 ACRES PER MILE; AND INCREASE THE PRESENT AUTHORIZATION CEILING FOR THE APPALACHIAN TRAIL FROM \$5 MILLION TO \$90 MILLION. THESE CHANGES WOULD SAFEGUARD THE CONTINUITY OF THE 2,030-MILE FOOTPATH TRAVERSING 14 EASTERN STATES FROM MAINE TO GEORGIA.

BACKGROUND AND NEED

IN 1968, CONGRESS ENACTED THE NATIONAL TRAILS SYSTEM ACT, AND DESIGNATED THE APPALACHIAN TRAIL AS ONE OF THE TWO INITIAL NATIONAL SCENIC TRAILS WITHIN THE SYSTEM. THE ACT WAS INTENDED TO INSURE THAT LONG-DISTANCE, HIGH-QUALITY TRAILS WITH SUBSTANTIAL RECREATION AND SCENIC POTENTIAL WERE AFFORDED FEDERAL RECOGNITION AND PROTECTION.

THE APPALACHIAN TRAIL ITSELF, HOWEVER, PREDATES THE FEDERAL LEGISLATION BY SEVERAL DECADES. CONCEIVED OVER 50 YEARS AGO BY BENTON MACKAYE, THE APPALACHIAN TRAIL WAS MADE A REALITY PRIOR TO WORLD WAR II. ADEQUATE TRAIL MAINTENANCE DURING THOSE YEARS WAS DOE IN

LARGE PART TO THE EFFORTS TO VOLUNTEERS. THESE PRIVATE INDIVIDUALS AND TRAIL CLUB MEMBERS HAVE DEVOTED MANY THOUSANDS OF HOURS OF THEIR FREE TIME TO THE APPALACHIAN TRAIL AT NO COST TO THE GOVERNMENT. THEY REPRESENT A 51-YEAR TRADITION OF COOPERATIVE EFFORTS WITH LOCAL, STATE, AND FEDERAL LAND MANAGING AGENCIES WHICH HAS RESULTED IN EXTENSIVE SAVINGS TO THE TAXPAYER AND THE PROTECTION OF THE RESOURCE.

AT THE TIME OF ENACTMENT OF THE NATIONAL TRAILS SYSTEM ACT IN 1968, CONGRESS RECOGNIZED THE UNIQUE RECREATIONAL OPPORTUNITIES AFFORDED BY THE TRAIL AS WELL AS THE GROWING DEVELOPMENT ACTIVITIES WHICH THREATENED THE CONTINUITY OF TRAIL ROUTE. THE ACT, THEREFORE, PROVIDED FOR A FEDERAL RESPONSIBILITY TO PROTECT THE TRAIL, INCLUDING THE AUTHORITY TO ACQUIRE A PERMANENT RIGHT-OF-WAY.

SINCE THE PASSAGE OF THE ORIGINAL ACT, SEVERAL STEPS HAVE BEEN TAKEN TO FURTHER PROTECT THE TRAIL. THE U.S. FOREST SERVICE HAS PURSUED A PROGRAM OF LAND ACQUISITION TO SECURE THE TRAIL ROUTE WITHIN THE NATIONAL FORESTS. SEVERAL STATES HAVE TAKEN THE INITIATIVE TO ACQUIRE A CORRIDOR FOR THE TRAIL, FREQUENTLY MAKING USE OF MATCHING GRANTS FROM THE LAND AND WATER CONSERVATION FUND.

UNFORTUNATELY, THESE MEASURES ALONE HAVE NOT BEEN ENOUGH TO ADEQUATELY PROTECT THE TRAIL. OVER 650 MILES OF THE TRAIL REMAIN IN PRIVATE HANDS AND CHANGES IN OWNERSHIP AND INCREASING PRESSURES FOR DEVELOPMENT POSE THREATS TO THE CONTINUITY OF THE TRAIL IN NUMEROUS PLACES. APPROXIMATELY 180 ADDITIONAL MILES OF THE TRAIL ARE NOW LOCATED ALONG ROADS, PROVIDING NO REAL HIKING EXPERIENCE, BUT ONLY A LINK BETWEEN DISCONNECTED SEGMENTS OF THE TRAIL. SOME OF THESE MILES OF ROAD DESIGNATION ARE THE RESULT OF THE TRAIL HAVING BEEN FORCED OFF A PARCEL OF LAND DUE TO A CHANGE IN USE OR OWNERSHIP.

THE DEPARTMENT OF THE INTERIOR HAS RECOGNIZED THIS INCREASING THREAT TO THE TRAIL, AND IS PREPARING A DETAILED ACQUISITION PLAN TO CARRY OUT THE MANDATE OF THE 1968 ACT TO PROTECT THE TRAIL. EXPERIENCE WITH THE *4 **458 TRAIL HAS DEMONSTRATED, HOWEVER, THAT ADDITIONAL AUTHORITY IS NEEDED TO INSURE THE ACQUISITION OF A CORRIDOR SUFFICIENT TO PROTECT TRAIL VALUES. SIMILARLY, AN INCREASE IN THE FUNDING AUTHORIZED FOR THE TRAIL WILL BE NECESSARY TO PURCHASE A SUFFICIENT ROUTE THROUGH THE AREAS WHICH ARE NOW UNPROTECTED. H.R. 8803, AS REPORTED BY THE COMMITTEE, PROVIDES THE AUTHORITY AND DIRECTION TO SEE THAT THE APPALACHIAN TRAIL WILL BE PROTECTED AS CONGRESS INTENDED SOME 10 YEARS AGO.

LEGISLATIVE HISTORY

H.R. 8803 PASSED THE HOUSE ON OCTOBER 25, 1977. THE PARKS AND RECREATION SUBCOMMITTEE HELD A HEARING ON H.R. 8803, AND S. 2066, THE SENATE COMPANION MEASURE ON NOVEMBER 1, 1977.

S. 2066 WAS INTRODUCED ON SEPTEMBER 7, 1977, BY SENATORS MATHIAS, BROOKE, HEINZ, AND JACKSON. SINCE INTRODUCTION, SENATORS HUMPHREY, NELSON, STEVENS, CHAFEE, RIBICOFF, LEAHY, DURKIN, MCINTYRE, GRAVEL, PELL, RIEGLE, NUNN AND SCHWEIKER HAVE BEEN ADDED AS COSPONSORS.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, IN OPEN BUSINESS SESSION ON FEBRUARY 9, 1978, BY UNANIMOUS VOTE OF A QUORUM PRESENT RECOMMENDS THAT THE SENATE PASS H.R. 8803, IF AMENDED AS DESCRIBED HEREIN.

COMMITTEE AMENDMENTS

THE COMMITTEE ADOPTED A SUBSTITUTE TEXT FOR H.R. 8802, WHICH INCLUDES THE BASIC INTENT OF S. 2066 AND THE SPECIFIC APPALACHIAN TRAIL PROVISIONS IN H.R. 8803.

AS PASSED BY THE HOUSE, H.R. 8803 AMENDS CERTAIN SECTIONS OF THE 1968 NATIONAL TRAILS SYSTEM ACT REGARDING THE APPALACHIAN TRAIL, THE PACIFIC CREST TRAIL, AND FUTURE TRAILS WHICH MAY BE ADDED TO THE SYSTEM. S. 2066 AMENDS ONLY THAT PORTION OF THE 1968 ACT AFFECTING THE APPALACHIAN TRAIL.

THE STAFF-DRAFT COMMITTEE PRINT CONSIDERED BY THE COMMITTEE CONTAINS, PRIMARILY THE APPALACHIAN TRAIL PROVISIONS INCORPORATED IN H.R. 8803 AS IT PASSED THE HOUSE.

THE COMMITTEE SUBSTITUTE ALSO ADDRESSES THE CONCERNS OF MANY OF THE SENATORS WHOSE STATES ARE TRAVERSED BY THE TRAIL, BY INCLUDING LANGAUGE DIRECTING THE SECRETARY TO CONSIDER ALTERNATIVES TO FEE ACQUISITION.

THE COMMITTEE SUBSTITUTE TEXT CONTAINS FIVE AMENDMENTS TO THE NATIONAL TRAILS SYSTEM ACT OF 1968:

1. THE FIRST AMENDMENT OF THE SUBSTITUTE TEXT MODIFIES SECTION 5(A)(3) OF THE 1968 ACT TO:

(A) REESTABLISH THE ADVISORY COUNCIL FOR THE APPALACHIAN NATIONAL SCENIC TRAIL FOR A NEW 10-YEAR PERIOD BEGINNING FROM DATE OF ENACTMENT OF THAT SUBSECTION;

(B) LIMIT THE TERM OF COUNCIL MEMBERS FROM 5 TO 2 YEARS;

(C) AUTHORIZE THE SECRETARY OF THE INTERIOR TO REIMBURSE MEMBERS FOR THEIR EXPENSES IN CARRYING OUT THEIR RESPONSIBILITIES; AND

(D) CLARIFY THE TERM 'LANDOWNER' IN SECTION 5(A)(3)(III) BY INCLUDING 'CORPORATE AND INDIVIDUAL'. THIS ADDITION WOULD BETTER *5 **459 REFLECT THE ACTUAL MAKEUP OF THE LANDOWNERS WHO OWN PROPERTY ALONG THE PROPOSED TRAIL.

2. THE SECOND AMENDMENT ADOPTED BY THE COMMITTEE MODIFIES SECTION 5(D) OF THE 1968 ACT TO REQUIRE A COMPREHENSIVE PLAN TO BE DEVELOPED WITHIN 2 YEARS FROM THE DATE OF THAT SUBSECTION. THE PLAN WILL INCLUDE AN IDENTIFICATION OF SIGNIFICANT HISTORICAL AND NATURAL FEATURES ALONG THE TRAIL ROUTE, GUIDELINES FOR PUBLIC USE, AN ACQUISITION PROGRAM, AND DEVELOPMENT PROPOSALS.

IN PREPARING THIS PLAN, THE SECRETARY SHALL CONSULT WITH THE GOVERNORS OF THE AFFECTED STATES, THE ADVISORY COUNCIL, AND THE APPALACHIAN TRAIL CONFERENCE. THE COMMITTEE BELIEVES THAT THIS COOPERATION IS CONSISTENT WITH THE PAST PARTICIPATION OF THE VARIOUS VOLUNTEER TRAIL CLUBS, LOCAL CITIZENRY, AND THE FEDERAL AND STATE GOVERNMENTS IN LOCATING AND MAINTAINING THE TRAIL. THE PAST ADMINISTRATION OF THE TRAIL HAS BEEN BASED

ON THIS PARTNERSHIP AND IT IS THE INTENT OF THE COMMITTEE THAT THE FUTURE ADMINISTRATION OF THE TRAIL WILL CONTINUE IN THIS MANNER. ENCOURAGING THE ROLE OF THE VOLUNTEER IN PROMOTING, PROTECTING AND MAINTAINING THE TRAIL IS SOUND PUBLIC POLICY AND SHOULD BE CONTINUED.

IN PREPARING THE COMPREHENSIVE PLAN, THE COMMITTEE BELIEVES THAT IT IS IMPORTANT FOR THE SECRETARY TO DETERMINE THE CARRYING CAPACITY AND USE PATTERNS OF THE TRAIL. IT IS NOT INTENDED THAT AN IDENTIFIED CARRYING CAPACITY NECESSARILY BE USED TO LIMIT THE NUMBER OF HIKERS, BUT RATHER TO FIND CREATIVE SOLUTIONS TO PROBLEMS CAUSED BY EXCESSIVE NUMBERS OF HIKERS ON CERTAIN SECTIONS OF THE TRAIL.

3. THE THIRD AMENDMENT MODIFIES SECTION 7(D) OF THE 1968 ACT TO DELETE A REDUNDANT ACREAGE LIMITATION ON LANDS TO BE ACQUIRED WITHIN EXISTING FEDERAL AREAS FOR TRAIL PURPOSES.

4. THE FOURTH AMENDMENT MODIFIES SECTION 7(G) OF THE 1968 ACT TO MODIFY THE RESTRICTION ON THE USE OF EMINENT DOMAIN TO PROVIDE THAT THE SECRETARY MAY ACQUIRE IN FEE TITLE AND LESSER INTEREST NO MORE THAN AN AVERAGE OF 125 ACRES PER MILE. EXPERIENCE WITH THE TRAIL HAS DEMONSTRATED THAT ADDITIONAL AUTHORITY IS NEEDED TO INSURE THE ACQUISITION OF A CORRIDOR WIDE ENOUGH TO PROTECT TRAIL VALUES.

THE SECRETARY SHOULD ADOPT A FLEXIBLE APPROACH IN PROTECTING THE TRAIL. IN EXTENDING THE SECRETARY'S EMINENT DOMAIN AUTHORITY, THE COMMITTEE DOES NOT FORESEE THE WIDENING OF ESTABLISHED PORTIONS OF THE TRAIL EXCEPT IN THOSE CASES WHERE THE CURRENT WIDTH IS INADEQUATE TO PROTECT THE INTEGRITY OF THE TRAIL. THE COMMITTEE NOTES THAT THE ORIGINAL LANGUAGE OF THE 1968 ACT WHICH DIRECTS THE SECRETARY OF THE INTERIOR TO MAKE ALL REASONABLE EFFORTS TO ACQUIRE THE NECESSARY LANDS BY NEGOTIATION HAS BEEN RETAINED. THIS POLICY SHOULD BE CONTINUED, AND IT SHOULD BE CLEAR THAT THE EXPECTATION OF THE COMMITTEE IS THAT EMINENT DOMAIN WILL CONTINUE TO BE USED AS A TOOL OF LAST RESORT FOR THE TRAIL.

IN AREAS WHERE STATE ACQUISITION PROGRAMS ARE PROCEEDING TO PROTECT THE TRAIL ROUTE, OR WHERE COOPERATIVE AGREEMENTS CAN INSURE THE PERPETUATION OF THE TRAIL CORRIDOR, FEDERAL ACQUISITION MAY NOT BE REQUIRED. IN ADDITION, WHERE PROTECTION OF THE TRAIL CORRIDOR AND ADJACENT LANDS CAN BE ACCOMPLISHED THROUGH ACQUISITION OF LESSER INTERESTS, THE SECRETARY SHOULD PURSUE THAT OPTION. FURTHER, IN SETTING THE BOUNDARIES FOR THE CORRIDOR, THE SECRETARY SHALL MAKE EVERY REASONABLE EFFORT TO EXCLUDE FROM THE BOUNDARY ANY IMPROVED RESIDENTIAL PROPERTIES WHICH *6 **460 HE DETERMINES IN HIS DISCRETION, ARE NOT NECESSARY FOR PROTECTION OF THE VALUES OF THE TRAIL.

5. THE FIFTH AMENDMENT MODIFIES SECTION 10 OF THE 1968 ACT BY AUTHORIZING \$30 MILLION FOR 3 SUCCEEDING FISCAL YEARS, STARTING IN FISCAL YEAR 1979, FOR A TOTAL AUTHORIZATION OF \$90 MILLION. FUNDS NOT AUTHORIZED DURING THE 3-YEAR PERIOD SHALL REMAIN AVAILABLE UNTIL THE ACQUISITION PROGRAM IS COMPLETED.

IT IS THE INTENT OF THE COMMITTEE THAT THE SECRETARY SHOULD SUBSTANTIALLY COMPLETE THE LAND ACQUISITION PROGRAM NECESSARY TO INSURE PROTECTION OF THE TRAIL WITHIN 3 YEARS. SINCE 1968, THE FEDERAL GOVERNMENT HAS NOT ACQUIRED ANY LANDS OUTSIDE OF THOSE ESTABLISHED NATIONAL FORESTS AND NATIONAL PARK UNITS, THROUGH WHICH THE TRAIL RUNS. BECAUSE OF THIS DELAY, INCOMPATIBLE DEVELOPMENTS HAVE BEEN ALLOWED TO ADVANCE WITHIN YARDS OF

CERTAIN SEGMENTS OF THE TRAIL ROUTE. THEREFORE, THE SECRETARY SHOULD MOVE EXPEDITIOUSLY TO PROTECT LANDS IN THOSE AREAS WHERE PROMPT ACTION IS NECESSARY TO PROTECT THE TRAIL. THE INCLUSION OF A 3-YEAR INTENT REFLECTS THIS CONCERN.

THE SECRETARY AND THE APPALACHIAN TRAIL CONFERENCE SHALL INDEPENDENTLY SUBMIT YEARLY PROGRESS REPORTS TO THE APPROPRIATE CONGRESSIONAL COMMITTEES AT THE END OF EACH FISCAL YEAR UNTIL THE ACQUISITION PROGRAM IS COMPLETED. THE SECRETARY'S REPORT WILL KEEP THE COMMITTEE APPRISED OF THE ONGOING ACQUISITION PROGRAM. THE REPORT OF THE APPALACHIAN TRAIL CONFERENCE SHOULD FOCUS ON THE MANNER IN WHICH THOSE LAND NEGOTIATIONS ARE BEING CONDUCTED. THE SURVIVAL OF THE TRAIL SINCE ITS CREATION OVER 50 YEARS AGO HAS DEPENDED ON THE GOOD-NEIGHBOR POLICY FOSTERED BY AFFECTED LANDOWNERS.

COST AND BUDGETARY CONSIDERATIONS

H.R. 8803, AS AMENDED BY THE COMMITTEE, AUTHORIZES THE SECRETARY OF THE INTERIOR TO EXPEND NO MORE THAN \$30 MILLION FROM APPROPRIATIONS MADE FROM THE LAND AND WATER CONSERVATION FUND FOR EACH FISCAL YEAR BEGINNING IN 1979 THROUGH 1981, FOR A TOTAL AUTHORIZATION OF \$90 MILLION. ANY AMOUNTS NOT APPROPRIATED WILL REMAIN AVAILABLE FOR FUTURE APPROPRIATIONS.

REGULATORY IMPACT EVALUATION

THE BILL IS NOT A REGULATORY MEASURE IN THE SENSE OF IMPOSING GOVERNMENT-ESTABLISHED STANDARDS OR SIGNIFICANT ECONOMIC RESPONSIBILITIES ON PRIVATE INDIVIDUALS AND BUSINESSES. H.R. 8803 PROVIDES ADDITIONAL AUTHORITY TO THE SECRETARY OF THE INTERIOR TO INSURE THE PROTECTION OF THE APPALACHIAN TRAIL.

NO PERSONAL INFORMATION WOULD BE COLLECTED IN ADMINISTERING THE PROGRAM, THEREFORE, THERE WOULD BE NO IMPACT ON PERSONAL PRIVACY.

LITTLE, IF ANY, ADDITIONAL PAPERWORK WOULD RESULT FROM THE ENACTMENT OF H.R. 8803.

***7 **461 EXECUTIVE COMMUNICATIONS**

THE PERTINENT LEGISLATIVE REPORTS AND COMMUNICATIONS RECEIVED BY THE DEPARTMENT OF THE INTERIOR SETTING FORTH EXECUTIVE AGENCY RECOMMENDATIONS RELATING TO S.2066 AND H.R. 8803 ARE SET FORTH BELOW:

U.S. DEPARTMENT OF THE INTERIOR,

OFFICE OF THE SECRETARY,

WASHINGTON, D.C., OCTOBER 31, 1977.

HON. HENRY M. JACKSON,

CHAIRMAN, COMMITTEE ON ENERGY AND NATURAL RESOURCES, U.S. SENATE, WASHINGTON, D.C.

DEAR MR. CHAIRMAN: THIS RESPONDS TO YOUR REQUEST FOR OUR VIEWS ON S. 2066 AND H.R. 8803, BILL 'TO AMEND THE NATIONAL TRAILS SYSTEM ACT, AND FOR OTHER PURPOSES.'

WE RECOMMEND THAT THE BILLS BE ENACTED IF AMENDED AS PROPOSED BELOW.

S. 2066 AND H.R. 8803 WOULD INCREASE THE FEDERAL LAND ACQUISITION CEILING FOR THE APPALACHIAN TRAIL TO \$89,000,000 AND \$90,000,000 RESPECTIVELY; INCREASE THE LIMITATION ON USE OF THE POWER OF EMINENT DOMAIN FOR APPALACHIAN TRAIL ACQUISITION FROM 25 ACRES IN ANY ONE MILE TO 125 ACRES IN ANY ONE MILE; AND WOULD LEGISLATIVELY RECONSTITUTE THE APPALACHIAN TRAIL ADVISORY COUNCIL, INCLUDE A TERMINATION PROVISION AND CHANGE THE TERM OF APPOINTMENT FOR MEMBERS.

OF THE EXISTING \$5,000,000 LAND ACQUISITION CEILING FOR THE APPALACHIAN TRAIL, \$190,000 WAS SPENT ON MAPPING THE OFFICIAL TRAIL ROUTE; \$1,000,000 HAS BEEN COMMITTED TO THE FOREST SERVICE FOR ACQUIRING A TRAIL RIGHT-OF-WAY IN NATIONAL FORESTS; \$1,000,000 WAS APPROPRIATED IN FISCAL YEAR 1977 TO THE NATIONAL PARK SERVICE FOR PRE-ACQUISITION MAPPING, TITLE WORK, AND SURVEYING; AND \$627,000 IS IN THE FISCAL YEAR 1978 BUDGET FOR INITIAL FEDERAL ACQUISITION. THIS WOULD LEAVE A REMAINING BALANCE OF \$2,183,000 WHICH WOULD BE AVAILABLE FOR APPROPRIATION.

S. 2066 AND H.R. 8803 WOULD ENABLE THE DEPARTMENT TO ACQUIRE BY EMINENT DOMAIN UP TO 125 ACRES IN ANY ONE MILE OF THE TRAIL. THE EXISTING 25 ACRE PER MILE LIMITATION ON USE OF THE POWER OF EMINENT DOMAIN MAKES ACQUISITION OF A CORRIDOR WIDE ENOUGH TO PROTECT THE ESSENTIAL TRAIL ENVIRONMENT VERY DIFFICULT. CONSIDERATION OF MORE THAN 25 ACRES IN ANY ONE MILE IS BLOCKED EVEN FOR PURPOSES OF CLEARING TITLE. DISAGREEMENTS ON PRICE FOR LARGER TRACTS CANNOT BE CONSIDERED THROUGH CUSTOMARY LEGAL PROCEDURES. FAILURE TO ACQUIRE MORE THAN 25 ACRES, WHICH YIELDS AN AVERAGE CORRIDOR OF 200 FEET, ENCOURAGES SPECULATION ON ADJACENT LANDS AND CONFLICTING DEVELOPMENTS WITHIN SOUND AND SIGHT OF THE TRAILS. THE 125 PER ACRE PER MILE FIGURE PROPOSED IN S. 2066 AND H.R. 8803 WOULD PERMIT A 1,000 FOOT MEDIAN CORRIDOR TO BE ESTABLISHED.

WE BELIEVE THAT THE PROPOSALS IN S. 2066 AND H.R. 8803 TO ESTABLISH AN APPALACHIAN TRAIL ADVISORY COUNCIL ARE UNNECESSARY, SINCE THE EXISTING ADMINISTRATIVELY-CREATED COUNCIL HAS PROVED TO BE A SUCCESS.

*8 NEARLY NINE YEARS AFTER PASSAGE OF THE NATIONAL TRAILS SYSTEM ACT, WHICH HAD AMONG ITS PRINCIPAL PURPOSES THE PERMANENT PROTECTION OF THE APPALACHIAN TRAIL, 650 MILES OF THE TRAIL REMAIN ON PRIVATE LANDS AND ANOTHER 175 MILES OF THE TRAIL FOLLOW ROADS FOR LACK OF A PROTECTED RIGHT-OF-WAY. OUR EFFORTS TO OBTAIN SATISFACTORY PROTECTION FOR THE TRAIL **462 THROUGH STATE ACTION HAVE MET WITH MIXED SUCCESS. IT NOW SEEMS PROBABLE THAT MARYLAND AND NEW JERSEY WILL PROVIDE A PROTECTED CORRIDOR FOR THE TRAIL, AND THERE IS A POSSIBILITY THAT MASSACHUSETTS WILL FOLLOW SUIT. UNPROTECTED TRAIL SECTIONS IN GEORGIA, NORTH CAROLINA AND TENNESSEE ARE WITHIN NATIONAL FOREST BOUNDARIES AND ARE BEING PURCHASED BY THE FOREST SERVICE. IN THE REMAINING EIGHT APPALACHIAN TRAIL STATES, HOWEVER, IT IS CLEAR THAT AT LEAST SOME FEDERAL ACQUISITION WILL BE REQUIRED.

TO REINFORCE THE PARTNERSHIP APPROACH IN FEDERAL AND STATE ACQUISITION OF THE MOST THREATENED MILES OF THE APPALACHIAN TRAIL, WE RECOMMEND A MODIFICATION IN THE AUTHORIZATIONS PROPOSED IN S. 2066 AND H.R. 8803. WE PROPOSE THAT THE AUTHORIZATION BE LIMITED AT THIS TIME TO \$35,000,000, AS ORIGINALLY PROPOSED IN H.R. 8803. HALF OF THIS

FIGURE WOULD BE AUTHORIZED FOR DIRECT FEDERAL ACQUISITION. THIS AMOUNT WOULD ALLOW ACQUISITION TO TAKE PLACE PROMPTLY WHERE STATES ARE UNABLE OR UNWILLING TO ACT TO PROTECT THREATENED SECTIONS. THE BALANCE OF THE \$35 MILLION WOULD BE AVAILABLE TO MATCH STATE ACQUISITION FUNDS. BY MAKING THESE FUNDS AVAILABLE FROM THE FEDERAL SIDE OF THE LAND AND WATER CONSERVATION FUND, THERE WOULD BE NO REDUCTION IN FUNDS AVAILABLE FOR ALLOTMENT TO THE STATES AND THE FUNDS WOULD BE USED TO PROTECT A DESIGNATED NATIONAL RECREATION RESOURCES. DISTRIBUTION OF THE \$17.5 MILLION AVAILABLE TO THE STATES WOULD BE MADE ACCORDING TO GUIDELINES TO BE DEVELOPED ADMINISTRATIVELY BY THE DEPARTMENT OF THE INTERIOR.

BY ADDING A DIRECT INCENTIVE TO STATE ACQUISITIONS FOR THE TRAIL, OUR PROPOSAL WOULD PROVIDE POTENTIALLY FOR \$52.5 MILLION IN ACQUISITION FUNDS, COUNTING STATE MATCHING FUNDS. THIS AMOUNT SHOULD BE SUFFICIENT TO PROTECT 300 OF THE MOST THREATENED MILES OF THE TRAIL. EMERGENCY ACQUISITION NEEDS HAVE ALREADY BEEN IDENTIFIED FOR THIS NUMBER OF MILES IN NEW HAMPSHIRE, VERMONT, MASSACHUSETTS, NEW YORK, NEW JERSEY, PENNSYLVANIA, WEST VIRGINIA AND VIRGINIA.

FINALLY, WE WOULD LIKE TO POINT OUT THAT OUR SUPPORT OF AN INCREASED AUTHORIZATION FOR FEDERAL ACQUISITION FOR THE APPALACHIAN TRAIL IN NO WAY CHANGES OUR COOPERATIVE APPROACH TOWARD THE ADMINISTRATION OF SCENIC TRAILS, AS PROPOSED IN THE OREGON, LEWIS AND CLARK, AND NORTH COUNTRY TRAILS STUDIES THAT WERE SENT TO THE CONGRESS PURSUANT TO PRESIDENT CARTER'S ENVIRONMENTAL MESSAGE. THESE TRAILS WOULD BE DESIGNATED ALONG THE ENTIRE ROUTE, BUT ACTUAL TRAIL WILL BE PROVIDED BY THE FEDERAL GOVERNMENT ONLY ON FEDERAL PROPERTY. SEGMENTS ON NON-FEDERAL LANDS ARE TO BE ADDED AS COMPONENTS OF THE NATIONAL TRAIL BY NON-FEDERAL ENTITIES, MODELED ON THE COOPERATIVE APPROACH TAKEN IN THE MANAGEMENT OF THE APPALACHIAN TRAIL.

THE OFFICE OF MANAGEMENT AND BUDGET HAS ADVISED THAT THERE IS NO OBJECTION TO THE PRESENTATION OF THIS REPORT FROM THE STANDPOINT OF THE ADMINISTRATION'S PROGRAM.

SINCERELY,

ROBERT HERBST,

ASSISTANT SECRETARY

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(Note: 1. PORTIONS OF THE SENATE, HOUSE AND CONFERENCE REPORTS, WHICH ARE DUPLICATIVE OR ARE DEEMED TO BE UNNECESSARY TO THE INTERPRETATION OF THE LAWS, ARE OMITTED. OMITTED MATERIAL IS INDICATED BY FIVE ASTERISKS: *****. 2. TO RETRIEVE REPORTS ON A PUBLIC LAW, RUN A TOPIC FIELD SEARCH USING THE PUBLIC LAW NUMBER, e.g., TO(99-495))

S. REP. 95-636, S. Rep. No. 636, 95TH Cong., 2ND Sess. 1978, 1978 U.S.C.C.A.N. 456, 1978 WL 8768 (Leg.Hist.)