

National Forest System Trails Stewardship Act Summary

Law: [H.R.845](#) 114th Congress (2015-2016)

Signed into Law: Nov. 28, 2016

Contents:

<i>Detailed Summary of the Act</i>	<i>1</i>
H.R. 845 of the 114th Congress	1
Section 1: Short Title and Table of Contents	1
Section 2: Findings	2
Section 3: Definitions	2
Section 4: National Forest System Trails Volunteer and Partnership Strategy	3
Section 5: Priority Trail Maintenance Program	5
Section 6: Cooperative agreements	5
Section 7: Stewardship Credits for Outfitters and Guides	6
<i>Deliverables Required by the Act</i>	<i>7</i>
<i>Dates and Sequencing Required by the Act</i>	<i>8</i>

Detailed Summary of the Act

H.R. 845 of the 114th Congress

An Act

- To direct the Secretary of Agriculture to publish in the Federal Register a strategy to significantly increase the role of volunteers and partners in National Forest System trail maintenance, and for other purposes.

Section 1: Short Title and Table of Contents

- a) **Short Title:** This Act may be cited as the “National Forest System Trails Stewardship Act”.
- b) **Table of Contents:**
 - Sec. 1. Short title; table of contents.
 - Sec. 2. Findings.
 - Sec. 3. Definitions.
 - Sec. 4. National forest system trails volunteer and partnership strategy.
 - Sec. 5. Priority trail maintenance program.
 - Sec. 6. Cooperative agreements.
 - Sec. 7. Stewardship credits for outfitters and guides.

Section 2: Findings

As stated within the Act, the U.S. Congress finds as follows:

- 1) The National Forest System features a world-class trail system with over 157,000 miles of trails that provide world-class opportunities for hiking, horseback riding, hunting, mountain bicycling, motorized vehicles, and other outdoor activities.
- 2) According to the Government Accountability Office, the Forest Service is only able to maintain about one-quarter of National Forest System trails to the agency standard, and the agency faces a trail maintenance backlog of \$314 million, and an additional backlog of \$210 million in annual maintenance, capital improvements, and operations.
- 3) The lack of maintenance on National Forest System trails threatens access to public lands, and may cause increased environmental damage, threaten public safety, and increase future maintenance costs.
- 4) Federal budget limitations require solutions to National Forest System trail maintenance issues that make more efficient use of existing resources.
- 5) Volunteers, partners, and outfitters and guides play an important role in maintaining National Forest System trails, and a comprehensive strategy is needed to ensure that volunteers and partners are used as effectively as possible.

Section 3: Definitions

In this Act:

- 1) **Administrative Unit:** The term “Administrative Unit” means a national forest or national grassland.
- 2) **Outfitter or Guide:** The term “outfitter or guide” means an individual, organization, or business who provides outfitting or guiding services, as defined in section 251.51 of title 36, Code of Federal Regulations.
- 3) **Partner:** The term “partner” means a non-Federal entity that engages in a partnership.
- 4) **Partnership:** The term “partnership” means arrangements between the Department of Agriculture or the Forest Service and a non-Federal entity that are voluntary, mutually beneficial, and entered into for the purpose of mutually agreed upon objectives.
- 5) **Priority Area:** The term “priority area” means a well-defined region on National Forest System land selected by the Secretary under section 5(a).
- 6) **Secretary:** The term “Secretary” means the Secretary of Agriculture.
- 7) **Strategy:** The term “strategy” means the National Forest System Trails Volunteer and Partnership Strategy authorized by section 4(a).
- 8) **Trail Maintenance:** The term “trail maintenance” means any activity to maintain the usability and sustainability of trails within the National Forest System, including:
 - A) Ensuring trails are passable by the users for which they are managed;
 - B) Preventing environmental damage resulting from trail deterioration;
 - C) Protecting public safety; and
 - D) Averting future deferred maintenance costs.

- 9) **Volunteer:** The term “volunteer” means an individual whose services are accepted by the Secretary without compensation under the Volunteers in the National Forests Act of 1972 (16 U.S.C. 558a et seq.).

Section 4: National Forest System Trails Volunteer and Partnership Strategy

- a) **Written Strategy:** Not later than 2 years after the date of enactment of this Act, which would be **November 28th, 2018**, the Secretary shall publish in the Federal Register a strategy to significantly increase the role of volunteers and partners in trail maintenance.
- b) **Required Elements:** The strategy required by subsection shall:
- 1) Augment and support the capabilities of Federal employees to carry out or contribute to trail maintenance;
 - 2) Provide meaningful opportunities for volunteers and partners to carry out trail maintenance in each region of the Forest Service;
 - 3) Address the barriers to increased volunteerism and partnerships in trail maintenance identified by volunteers, partners, and others;
 - 4) Prioritize increased volunteerism and partnerships in trail maintenance in those regions with the most severe trail maintenance needs, and where trail maintenance backlogs are jeopardizing access to National Forest lands; and
 - 5) Aim to increase trail maintenance by volunteers and partners by 100 percent within 5 years after the date of enactment of this Act, which would be by **November 28th of 2021**.
- c) **Fire Crews:** As a component of the strategy, the Secretary shall study opportunities to improve trail maintenance by addressing opportunities to use fire crews in trail maintenance activities in a manner that does not jeopardize firefighting capabilities, public safety, or resource protection.

Upon a determination that trail maintenance would be advanced by the use of fire crews in trail maintenance, the Secretary shall incorporate these proposals into the strategy, subject to such terms and conditions as the Secretary determines to be necessary.

d) **Volunteer Liability:**

- 1) **In General:** Section 3 of the Volunteers in the National Forests Act of 1972 (16 U.S.C. 558c) is amended by adding at the end of the following new subsection:

“(e) For the purposes of subsections (b), (c), and (d), the term ‘volunteer’ includes a person providing volunteer services to the Secretary who:

 - "1) Is recruited, trained, and supported by a cooperator under a mutual benefit agreement with the Secretary; and
 - "2) Performs such volunteer services under the supervision of the cooperator as directed by the Secretary in the mutual benefit agreement, including direction that specifies:
 - "A) The volunteer services to be performed by the volunteers and the supervision to be provided by the cooperator;
 - "B) The applicable project safety standards and protocols to be adhered to by the volunteers and enforced by the cooperator; and
 - "C) The on-site visits to be made by the Secretary, when feasible, to verify that volunteers are performing the volunteer services and the cooperator is providing the supervision agreed upon.”.

- 2) **Additional Requirement:** No later than 2 years after the date of enactment of this Act, which would be **November 28th of 2018**, the Secretary shall adopt regulations implementing this section. These regulations shall ensure that the financial risk from claims or liability associated with volunteers undertaking trail maintenance is shared by all administrative units.
- e) **Consultation:** The Secretary shall develop the strategy in consultation with volunteer and partner trail maintenance organizations, a broad array of outdoor recreation stakeholders, and other relevant stakeholders.
- f) **Volunteer and Partnership Coordination:** The Secretary shall require each administrative unit to develop a volunteer and partner coordination implementation plan for the strategy which:
 - Clearly defines roles and responsibilities for the administrative unit and district staff, and
 - Includes strategies to ensure sufficient coordination, assistance, and support for volunteers and partners to improve trail maintenance.
- g) **Report:**
 - 1) **Contents:** The Secretary shall prepare a report on:
 - A) The effectiveness of the strategy in addressing the trail maintenance backlog;
 - B) The increase in volunteerism and partnership efforts on trail maintenance as a result of the strategy;
 - C) The miles of National Forest System trails maintained by volunteers and partners, and the approximate value of the volunteer and partner efforts;
 - D) The status of the stewardship credits for outfitters and guides pilot program (described in section 7 below) that includes the:
 - Number of participating sites;
 - Total amount of credits offered;
 - Estimated value of the trail maintenance performed; and
 - Suggestions for revising the program.
 - E) Recommendations for further increasing volunteerism and partnerships in trail maintenance.
 - 2) **Submission:** No later than 3 years after the date of enactment of this Act, which would be **November 28th of 2019**, the Secretary shall submit the report required by paragraph (1) to:
 - A) Senate:
 - Committee on Agriculture, Nutrition, and Forestry
 - Committee on Energy and Natural Resources
 - B) House of Representatives:
 - Committee on Agriculture
 - Committee on Natural Resources

Section 5: Priority Trail Maintenance Program

- a) **Selection of Priority Areas:** In accordance with subsections (b) and (c), not later than 6 months after the date of enactment of this Act, which would be by **May 28th of 2017**, the Secretary shall select no fewer than 9 and no more than 15 priority areas for increased trail maintenance accomplishments.
- b) **Criteria:** Priority areas shall include a well-defined region on National Forest System land where the lack of trail maintenance has:
 - 1) Reduced access to public land;
 - 2) Led to an increase, or risk of increase, in harm to natural resources;
 - 3) Jeopardized public safety;
 - 4) Resulted in trails being impassable by the intended managed users; or
 - 5) Increased future deferred trail maintenance costs.
- c) **Requirements:** In selecting priority areas, the Secretary shall:
 - 1) Consider any public input on priority areas received within 3 months of the date of enactment of this Act, which would be by **February 28th of 2017**;
 - 2) Consider the range of trail users (including motorized and non-motorized trail users); and
 - 3) Include at least one priority area in each region of the United States Forest Service.
- d) **Increased Trail Maintenance:**
 - 1) **In General:** Within 6 months of the selection of the priority areas under subsection (a), and in accordance with paragraph (2), the Secretary shall develop an approach to substantially increase trail maintenance accomplishments within each priority area.
 - 2) **Contents:** In developing the approach under paragraph (1), the Secretary shall:
 - A) Consider any public input on trail maintenance priorities and needs within any priority area;
 - B) Consider the costs and benefits of increased trail maintenance within each priority area; and
 - C) Incorporate partners and volunteers in the trail maintenance.
 - 3) **Required Trail Maintenance:** Utilizing the approach developed under paragraph (1), the Secretary shall substantially increase trail maintenance within each priority area.
- e) **Coordination:** The regional volunteer and partnership coordinators may be responsible for assisting partner organizations in developing and implementing volunteer and partnership projects to increase trail maintenance within priority areas.
- f) **Revision:** The Secretary shall periodically review the priority areas to determine whether revisions are necessary and may revise the priority areas, including the selection of new priority areas or removal of existing priority areas, at his the sole discretion.

Section 6: Cooperative Agreements

- a) **In General:** The Secretary may enter into a cooperative agreement with any State, tribal, local governmental, and private entity to carry out this Act.
- b) **Contents:** Cooperative agreements authorized under this section may:
 - 1) Improve trail maintenance in a priority area;
 - 2) Implement the strategy; or

- 3) Advance trail maintenance in a manner deemed appropriate by the Secretary.

Section 7: Stewardship Credits for Outfitters and Guides

- a) **Pilot Program:** – Within 1 year of the date of enactment of this Act, which would be by **November 28th of 2017**, in accordance with this section the Secretary shall establish a pilot program on not less than 20 administrative units to offset all or part of the land use fee for an outfitting and guiding permit by the cost of the work performed by the permit holder to construct, improve, or maintain National Forest System trails, trailheads, or developed sites that support public use under terms established by the Secretary.
- b) **Additional Requirements:** In establishing the pilot program authorized by subsection (a), the Secretary shall:
 - 1) Select administrative units where the pilot program will improve trail maintenance; and
 - 2) Establish appropriate terms and conditions, including meeting National Quality Standards for Trails and the Trail Management Objectives identified for the trail.

Deliverables Required by the Act

1. **Written Strategy** to significantly increase the role of volunteers and partners in trail maintenance.

This strategy, and related efforts, must do the following:

- Study the use of fire crews to assist with trail maintenance and, if found to be beneficial, provide provisions within the strategy to that end.
 - Regulations shall be adopted that ensure that the financial risk from claims or liability associated with volunteers undertaking trail maintenance is shared by all administrative units.
 - Each administrative unit must develop a volunteer and partner coordination implementation plan for the strategy.
2. **Selection of Priority Areas** for increased trail maintenance accomplishments. The Secretary must select no less than 9 and no more than 15 priority areas for inclusion.
 - The Secretary shall develop an approach to substantially increase trail maintenance accomplishments within each priority area.
 3. **A Pilot Program for Stewardship Credits for Outfitter and Guides** shall be established by the Secretary on no less than 20 administrative units.
 4. **Written report** must be developed and submitted to Congress that assesses implementation of the strategy, the outfitter and guide credit pilot program, and recommendations for further increasing partnerships and volunteerism.

Dates and Sequencing Required by the Act

All dates included within the Act are referenced to the date of enactment of the Act (i.e. three months after enactment, six months after enactment, etc.). Given that the enactment took place on **November 28th, 2016**, the following deadlines can be inferred:

2017:

- **May 28th, 2017: Priority Area Selection**

By this date the Secretary shall select between 9 and 15 priority areas for increased trail maintenance accomplishments.

- **February 28th, 2017:** The Secretary will consider any public input received by this date.

- **6 months after Priority Area Selection: Priority Area Maintenance**

Within 6 months of the selection of the priority areas, the Secretary shall develop an approach to substantially increase trail maintenance accomplishments within each priority area.

- **November 28th, 2017: Outfitter & Guide Credit Program**

A Pilot Program for Stewardship Credits for Outfitter and Guides shall be established by the Secretary on at least 20 administrative units.

2018:

- **November 28th, 2018: Publish Strategy**

A strategy to significantly increase the role of volunteers and partners in trail maintenance must be published in the Federal Register by this date.

- Strategy must aim to double trail maintenance activities carried out by partners and volunteers by **November 28th, 2021**.

- **November 28th, 2018: Adopt Volunteer Regulations**

By this date, regulations shall be adopted that ensure that the financial risk from claims or liability associated with volunteers undertaking trail maintenance is shared by all administrative units.

2019:

- **November 28th, 2019: Written Report**

By this date the written report must be developed and submitted to Congress that assesses implementation of the strategy, the outfitter and guide credit pilot program, and recommendations for further increasing partnerships and volunteerism.