

Suspend the Rules and Pass the Bill, H. R. 845, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

114TH CONGRESS
2^D SESSION

H. R. 845

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.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2015

Mrs. LUMMIS (for herself and Mr. WALZ) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Forest System Trails Stewardship Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for
2 this Act is as follows:

- 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.

3 **SEC. 2. FINDINGS.**

4 Congress finds as follows:

5 (1) The National Forest System features a
6 world-class trail system with over 157,000 miles of
7 trails that provide world-class opportunities for hik-
8 ing, horseback riding, hunting, mountain bicycling,
9 motorized vehicles, and other outdoor activities.

10 (2) According to the Government Accountability
11 Office, the Forest Service is only able to maintain
12 about one-quarter of National Forest System trails
13 to the agency standard, and the agency faces a trail
14 maintenance backlog of \$314,000,000, and an addi-
15 tional backlog of \$210,000,000 in annual mainte-
16 nance, capital improvements, and operations.

17 (3) The lack of maintenance on National Forest
18 System trails threatens access to public lands, and
19 may cause increased environmental damage, threat-
20 en public safety, and increase future maintenance
21 costs.

1 (4) Federal budget limitations require solutions
2 to National Forest System trail maintenance issues
3 that make more efficient use of existing resources.

4 (5) Volunteers, partners, and outfitters and
5 guides play an important role in maintaining Na-
6 tional Forest System trails, and a comprehensive
7 strategy is needed to ensure that volunteers and
8 partners are used as effectively as possible.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) ADMINISTRATIVE UNIT.—The term “Ad-
12 ministrative Unit” means a national forest or na-
13 tional grassland.

14 (2) OUTFITTER OR GUIDE.—The term “out-
15 fitter or guide” means an individual, organization,
16 or business who provides outfitting or guiding serv-
17 ices, as defined in section 251.51 of title 36, Code
18 of Federal Regulations.

19 (3) PARTNER.—The term “partner” means a
20 non-Federal entity that engages in a partnership.

21 (4) PARTNERSHIP.—The term “partnership”
22 means arrangements between the Department of Ag-
23 riculture or the Forest Service and a non-Federal
24 entity that are voluntary, mutually beneficial, and

1 entered into for the purpose of mutually agreed
2 upon objectives.

3 (5) PRIORITY AREA.—The term “priority area”
4 means a well-defined region on National Forest Sys-
5 tem land selected by the Secretary under section
6 5(a).

7 (6) SECRETARY.—The term “Secretary” means
8 the Secretary of Agriculture.

9 (7) STRATEGY.—The term “strategy” means
10 the National Forest System Trails Volunteer and
11 Partnership Strategy authorized by section 4(a).

12 (8) TRAIL MAINTENANCE.—The term “trail
13 maintenance” means any activity to maintain the
14 usability and sustainability of trails within the Na-
15 tional Forest System, including—

16 (A) ensuring trails are passable by the
17 users for which they are managed;

18 (B) preventing environmental damage re-
19 sulting from trail deterioration;

20 (C) protecting public safety; and

21 (D) averting future deferred maintenance
22 costs.

23 (9) VOLUNTEER.—The term “volunteer” means
24 an individual whose services are accepted by the Sec-
25 retary without compensation under the Volunteers in

1 the National Forests Act of 1972 (16 U.S.C. 558a
2 et seq.).

3 **SEC. 4. NATIONAL FOREST SYSTEM TRAILS VOLUNTEER**
4 **AND PARTNERSHIP STRATEGY.**

5 (a) IN GENERAL.—Not later than 2 years after the
6 date of the enactment of this Act, the Secretary shall pub-
7 lish in the Federal Register a strategy to significantly in-
8 crease the role of volunteers and partners in trail mainte-
9 nance.

10 (b) REQUIRED ELEMENTS.—The strategy required
11 by subsection (a) shall—

12 (1) augment and support the capabilities of
13 Federal employees to carry out or contribute to trail
14 maintenance;

15 (2) provide meaningful opportunities for volun-
16 teers and partners to carry out trail maintenance in
17 each region of the Forest Service;

18 (3) address the barriers to increased vol-
19 unteerism and partnerships in trail maintenance
20 identified by volunteers, partners, and others;

21 (4) prioritize increased volunteerism and part-
22 nerships in trail maintenance in those regions with
23 the most severe trail maintenance needs, and where
24 trail maintenance backlogs are jeopardizing access to
25 National Forest lands; and

1 (5) aim to increase trail maintenance by volun-
2 teers and partners by 100 percent by the date that
3 is 5 years after the date of the enactment of this
4 Act.

5 (c) **ADDITIONAL REQUIREMENT.**—As a component of
6 the strategy, the Secretary shall study opportunities to im-
7 prove trail maintenance by addressing opportunities to use
8 fire crews in trail maintenance activities in a manner that
9 does not jeopardize firefighting capabilities, public safety,
10 or resource protection. Upon a determination that trail
11 maintenance would be advanced by use of fire crews in
12 trail maintenance, the Secretary shall incorporate these
13 proposals into the strategy, subject to such terms and con-
14 ditions as the Secretary determines to be necessary.

15 (d) **VOLUNTEER LIABILITY.**—

16 (1) **IN GENERAL.**—Section 3 of the Volunteers
17 in the National Forests Act of 1972 (16 U.S.C.
18 558c) is amended by adding at the end the following
19 new subsection:

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

23 “(1) is recruited, trained, and supported by a
24 cooperator under a mutual benefit agreement with
25 the Secretary; and

1 “(2) performs such volunteer services under the
2 supervision of the cooperator as directed by the Sec-
3 retary in the mutual benefit agreement, including di-
4 rection that specifies—

5 “(A) the volunteer services to be performed
6 by the volunteers and the supervision to be pro-
7 vided by the cooperator;

8 “(B) the applicable project safety stand-
9 ards and protocols to be adhered to by the vol-
10 unteers and enforced by the cooperator; and

11 “(C) the on-site visits to be made by the
12 Secretary, when feasible, to verify that volun-
13 teers are performing the volunteer services and
14 the cooperator is providing the supervision
15 agreed upon.”.

16 (2) ADDITIONAL REQUIREMENT.—Not later
17 than 2 years after the date of the enactment of this
18 Act, the Secretary shall adopt regulations imple-
19 menting this section. These regulations shall ensure
20 that the financial risk from claims or liability associ-
21 ated with volunteers undertaking trail maintenance
22 is shared by all administrative units.

23 (e) CONSULTATION.—The Secretary shall develop the
24 strategy in consultation with volunteer and partner trail

1 maintenance organizations, a broad array of outdoor
2 recreation stakeholders, and other relevant stakeholders.

3 (f) VOLUNTEER AND PARTNERSHIP COORDINA-
4 TION.—The Secretary shall require each administrative
5 unit to develop a volunteer and partner coordination im-
6 plementation plan for the strategy which clearly defines
7 roles and responsibilities for the administrative unit and
8 district staff, and includes strategies to ensure sufficient
9 coordination, assistance, and support for volunteers and
10 partners to improve trail maintenance.

11 (g) REPORT.—

12 (1) CONTENTS.—The Secretary shall prepare a
13 report on—

14 (A) the effectiveness of the strategy in ad-
15 dressing the trail maintenance backlog;

16 (B) the increase in volunteerism and part-
17 nership efforts on trail maintenance as a result
18 of the strategy;

19 (C) the miles of National Forest System
20 trails maintained by volunteers and partners,
21 and the approximate value of the volunteer and
22 partnership efforts;

23 (D) the status of the stewardship credits
24 for outfitters and guides pilot program de-
25 scribed in section 7 that includes the number of

1 participating sites, total amount of the credits
2 offered, estimated value of trail maintenance
3 performed, and suggestions for revising the pro-
4 gram; and

5 (E) recommendations for further increas-
6 ing volunteerism and partnerships in trail main-
7 tenance.

8 (2) SUBMISSION.—Not later than 3 years after
9 the date of enactment of this Act, the Secretary
10 shall submit the report required by paragraph (1)
11 to—

12 (A) the Committee on Agriculture, Nutri-
13 tion, and Forestry and the Committee on En-
14 ergy and Natural Resources of the Senate; and

15 (B) the Committee on Agriculture and the
16 Committee on Natural Resources of the House
17 of Representatives.

18 **SEC. 5. PRIORITY TRAIL MAINTENANCE PROGRAM.**

19 (a) SELECTION.—In accordance with subsections (b)
20 and (c), not later than 6 months after the date of the en-
21 actment of this Act, the Secretary of Agriculture shall se-
22 lect no fewer than 9 and no more than 15 priority areas
23 for increased trail maintenance accomplishments.

1 (b) CRITERIA.—Priority areas shall include a well-de-
2 fined region on National Forest System land where the
3 lack of trail maintenance has—

4 (1) reduced access to public land;

5 (2) led to an increase, or risk of increase, in
6 harm to natural resources;

7 (3) jeopardized public safety;

8 (4) resulted in trails being impassible by the in-
9 tended managed users; or

10 (5) increased future deferred trail maintenance
11 costs.

12 (c) REQUIREMENTS.—In selecting priority areas, the
13 Secretary shall—

14 (1) consider any public input on priority areas
15 received within 3 months of the date of enactment
16 of this Act;

17 (2) consider the range of trail users (including
18 motorized and non-motorized trail users); and

19 (3) include at least one priority area in each re-
20 gion of the United States Forest Service.

21 (d) INCREASED TRAIL MAINTENANCE.—

22 (1) IN GENERAL.—Within 6 months of the se-
23 lection of priority areas under subsection (a), and in
24 accordance with paragraph (2), the Secretary shall
25 develop an approach to substantially increase trail

1 maintenance accomplishments within each priority
2 area.

3 (2) CONTENTS.—In developing the approach
4 under paragraph (1), the Secretary shall—

5 (A) consider any public input on trail
6 maintenance priorities and needs within any
7 priority area;

8 (B) consider the costs and benefits of in-
9 creased trail maintenance within each priority
10 area; and

11 (C) incorporate partners and volunteers in
12 the trail maintenance.

13 (3) REQUIRED TRAIL MAINTENANCE.—Utilizing
14 the approach developed under paragraph (1), the
15 Secretary shall substantially increase trail mainte-
16 nance within each priority area.

17 (e) COORDINATION.—The regional volunteer and
18 partnership coordinators may be responsible for assisting
19 partner organizations in developing and implementing vol-
20 unteer and partnership projects to increase trail mainte-
21 nance within priority areas.

22 (f) REVISION.—The Secretary shall periodically re-
23 view the priority areas to determine whether revisions are
24 necessary and may revise the priority areas, including the

1 selection of new priority areas or removal of existing pri-
2 ority areas, at his sole discretion.

3 **SEC. 6. COOPERATIVE AGREEMENTS.**

4 (a) IN GENERAL.—The Secretary may enter into a
5 cooperative agreement with any State, tribal, local govern-
6 mental, and private entity to carry out this Act.

7 (b) CONTENTS.—Cooperative agreements authorized
8 under this section may—

9 (1) improve trail maintenance in a priority
10 area;

11 (2) implement the strategy; or

12 (3) advance trail maintenance in a manner
13 deemed appropriate by the Secretary.

14 **SEC. 7. STEWARDSHIP CREDITS FOR OUTFITTERS AND**
15 **GUIDES.**

16 (a) PILOT PROGRAM.—Within 1 year after the date
17 of enactment of this Act, in accordance with this section,
18 the Secretary shall establish a pilot program on not less
19 than 20 administrative units to offset all or part of the
20 land use fee for an outfitting and guiding permit by the
21 cost of the work performed by the permit holder to con-
22 struct, improve, or maintain National Forest System
23 trails, trailheads, or developed sites that support public
24 use under terms established by the Secretary.

1 (b) **ADDITIONAL REQUIREMENTS.**—In establishing
2 the pilot program authorized by subsection (a), the Sec-
3 retary shall—

4 (1) select administrative units where the pilot
5 program will improve trail maintenance; and

6 (2) establish appropriate terms and conditions,
7 including meeting National Quality Standards for
8 Trails and the Trail Management Objectives identi-
9 fied for the trail.