

**MEMORANDUM OF UNDERSTANDING
FOR THE
ADMINISTRATION AND MANAGEMENT OF
NATIONAL HISTORIC AND NATIONAL SCENIC TRAILS**

AMONG THE

**U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT,
NATIONAL PARK SERVICE,**

AND THE

**U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE**

AND THE

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION**

AND THE

NATIONAL ENDOWMENT FOR THE ARTS

I. BACKGROUND

America's network of National Historic and National Scenic Trails commemorates this Nation's rich natural and cultural heritage. Each trail represents a mosaic of partnerships among citizens, landowners, trail users, and public agencies at the National, Tribal, State, county, and local level.

Since enactment of the National Trails System Act in 1968 (hereinafter "the Act"), the Bureau of Land Management (hereinafter "BLM"), the USDA Forest Service (hereinafter "FS"), and the National Park Service (hereinafter "NPS") have become administrators of one or more of these trails. Federal transportation funds, administered by the States through the Federal Highway Administration ("FHWA" hereinafter), became a major funding source for trails and trail related projects with enactment of the Intermodal Surface Transportation Efficiency Act of 1991 and the

Transportation Equity Act for the 21st Century in 1998. Federal funds, administered by the National Endowment for the Arts (“NEA” hereinafter) to support high quality, community-centered public arts projects, have become a major funding source for trail-related projects along the nation’s millennium legacy trails.

The National Trails System Act of 1968, as amended, identifies four types of national trails: scenic, historic, recreation, and side/connecting. This Memorandum of Understanding (MOU) addresses only the national historic and national scenic trails because they are Congressionally designated, are typically interstate in extent, and involve multiple Federal jurisdictions. For the purposes of this MOU, these two trail types will henceforth be referred to as the “National Trails”.

II. AUTHORITIES

This Agreement is entered into under the authorities of the National Trails System Act of October 2, 1968 (16 U.S.C. 1241-51) as amended, the Federal Land Management and Policy Act of 1976 (43 U.S.C. 1701 et. seq.) as amended, and the Government Performance and Results Act of 1993 (31 U.S.C. 1101) (“GPRA” hereinafter).

III. PURPOSES AND PRINCIPLES

This MOU encourages long-term interagency coordination and cooperation to further the spirit and intent of the National Trails System Act by preserving and strengthening the visitor satisfaction, administration, management, protection, cultural enhancement, cooperation, partnerships, and funding of those lands and resources associated with the National Trails.

The signatories to this MOU pledge to carry out the full administrative and management responsibilities of the Act with an emphasis on quality service and efficient and effective expenditure of Federal funds through cooperation among the Federal agencies involved. In addition, they pledge to improve and make more efficient this Federal-level partnership by adhering to the following principles:

A. VISITOR SATISFACTION

Current and future visitors to National Trails will be provided with opportunities to seek an enjoyable and memorable trail experience. Through the provisions of this MOU, the cooperating agencies will work together to ensure that their jurisdictional boundaries are not viewed as an impediment to providing quality recreational opportunities and service.

B. ADMINISTRATION

Each National Trail, established by law, is assigned for administration to a specific Federal agency by either the Secretary of the Interior or the Secretary of Agriculture, as designated by Congress. Subject to available funding, the administering agency exercises trailwide responsibilities under the Act for that specific trail. Such responsibilities include coordination among and between agencies and partnership organizations in planning, marking, certification, resource preservation and protection, interpretation, cooperative / interagency agreements, and

financial assistance to other cooperating government agencies, landowners, interest groups, and individuals.

C. MANAGEMENT

Various government and private entities own or manage lands along each National Trail. Management responsibilities often include inventorying of resources and mapping, planning and development of trail segments or sites, compliance, provision of appropriate public access, site interpretation, trail maintenance, marking, resource preservation and protection, viewshed protection, and management of visitor use.

D. CULTURAL ENHANCEMENT

Collaborative partnerships, spurred by the Millennium Trails initiative, have served to unite land management agencies with cultural agencies and organizations to promote and strengthen the cultural significance of National Trails. Trails better serve their communities when trail managers integrate cultural and transportation objectives.

E. COOPERATION AND PARTNERSHIPS

Interagency cooperation is desirable and has proven to be a productive and efficient means of implementing the intents of the Act by improving communication and achieving better administration and management of the National Trails and their associated resources. Cooperation achieves more efficient public service and less duplication of government operations than if each agency operates independently. Signatories to this MOU recognize the critical role of private organizations, Tribal governments, State and local governments, and individual landowners in most aspects of administration, management, and funding of National Trails. Participating agencies will engage other Federal partners as needed to broaden Federal support for the components of the National Trails System.

F. FUNDING

Each Federal agency involved with National Trails has its own budget or funding system for carrying out activities related to trail administration and management. The land managing agencies agree, within the limits of Agency authorities, to coordinate requests for and obligation of funds related to the National Trails System to eliminate duplication of effort and increase effectiveness. When possible, agencies may be able to assist each other in carrying out specific projects.

Therefore, the parties to this MOU desire to promote and further the spirit and intent of the Act among themselves and in partnership with any other Federal agencies involved with the trails.

IV. SCOPE

A. Policy. The signatory agencies to this MOU will cooperate together in formulating policies which affect the trails, fully reflecting the missions and statutory authorities of each agency involved.

B. Planning. Planning for National Trails at all levels, especially at the project level, should ensure consistency, efficiency, and avoid duplication. Trail planning should, to the maximum extent possible, be interagency and interdisciplinary in nature to make the best use of available expertise and data and to ensure a comprehensive approach. Trailwide and segment specific planning will be consistent with the intent of the Act and the authorities of each agency involved.

C. Budget. The land management agencies which are parties to this MOU will coordinate budget submissions to ensure effective use of public funds pertaining to the National Trails. In addition, agencies may work together under subsequent funding arrangements if the transfer of funds is appropriate and funds are available.

D. Staffing. Agencies party to this MOU should identify personnel at all levels who work with the National Trails. Each agency shall provide the services of these individual as appropriate and feasible to implement the work described in this MOU. To foster closer communication and coordination, the parties of this MOU may exchange staff working on the National Trails whenever appropriate and authorized by law.

E. Reporting. The MOU agencies will cooperate to develop a unified tracking system to document trail specific and system wide accomplishments. This tracking system would include both statistical and descriptive items to record the changes and growth of the National Trails System as a whole.

V. STATEMENT OF WORK

All of the parties to this MOU resolve as appropriate and feasible to:

A. Policy

5-1 Participate regularly in the Federal Interagency Council on Trails to discuss and coordinate policy, budget, and other matters pertaining to the National Trails System and this MOU. Field staff will be encouraged to attend these meetings for matters relevant to them.

5-2 Coordinate contacts with constituents to avoid public confusion and duplication. Reach out broadly to National Trails System partners to inform them of programs that can benefit national trails.

5-3 Initiate supplemental and trail-specific interagency agreements to carry out the intentions of this MOU.

B. Planning (also see 5-16 below)

5-4 Participate in statewide, metropolitan, and local planning and project programming, corridor and trail management plans, and other planning, to the extent these plans affect agency responsibilities for National Trails.

5-5 Efficiently carry out all necessary natural and cultural resource compliance actions associated with the planning and management of National Trails.

C. Coordination with Partners

5-6 Coordinate with and encourage Tribal governments, State agencies, other governmental agencies, and private organizations to coordinate their programs related to National Trails.

5-7 Foster collaborative interagency trail training with partners.

5-8 Foster regularly scheduled meetings for each National Trail to enhance communication and cooperation. These meetings should involve all key stakeholders, including Federal trail administrators and managers, nonprofit partners, landowners, State agencies, and others concerned with the Trail.

D. Reporting

5-9 Develop a unified tracking system, including statistical and descriptive items concerning trail-specific and system-wide accomplishments to document GPRA goals. This data will be reported annually to agency heads and departmental secretaries of the signatories to this MOU.

5-10 As funds allow, develop coordinated and standardized interagency mapping and Geographic Information Systems (GIS) for National Trails (including standards for metadata).

5-11 Locate all components (and alignments for potential segments, where possible) of the National Trails System on appropriate maps and data sets to identify conservation and protection opportunities and to help prevent damage or adverse impacts from development projects.

E. National Trail Administrators

In addition, the BLM, FS, and NPS, as administrators of the components of the National Trails System, jointly resolve to:

5-12 Formulate a unified set of administrative policies, as needed, interpreting the National Trails System Act concerning such matters as resource protection, use of trail markers and logos, visitor centers and interpretation, promotion, and the identity of the trails within agency structures.

5-13 Establish a point of administrative contact for each National Trail by October 1, 2001, who will maintain a list of the affected on the ground National Trail management offices and trail administrators in each agency. Personnel at all levels of each agency who work with National Trails as part of their regular duties will be identified. Each agency will also provide the services

of these individuals, including interagency crews and contractors, to cooperatively implement the terms of this MOU in such fields as resource identification, cartography, history, archeology, and interpretation. The National Trail administrators will meet annually as a group to discuss issues related to the implementation of this MOU and other common business.

5-14 Capitalize on the talents, skills, and knowledge of appropriate agency staff to avoid duplication of effort. Key staff contacts, both programmatic and along each trail route, identified by the administrative contact for each trail, will maintain good internal and external communication, especially the dissemination of the contents of this MOU to all appropriate agency offices.

5-15 Coordinate between staffs of trail administering and trail managing agencies to take maximum advantage of each agency's programs and expertise.

5-16 Coordinate interagency actions affecting National Trails to ensure that agency actions and plans are in harmony with the intent of the Act and with National Trail development and conservation efforts. This will assure maximum public benefits, avoid duplication of effort, avoid public misunderstandings, and help prevent adverse impacts to National Trail resources and the desired trail visitor experiences.

5-17 Conduct collaborative planning efforts affecting National Trails. Each agency with administrative responsibility for a specific National Trail will arrange for trailwide plans in conjunction with other agencies and jurisdictions that have on the ground management and planning responsibilities. Each comprehensive management plan (CMP) shall refer to on the ground agency management plans and any constraints they may place on the trail's identity and operations. Ideally, National Trail CMPs will be approved, signed, and endorsed by representatives of the trail's major Federal, Tribal, State, and nonprofit partners. In turn, field, district, forest, and park plans shall include discussion of National Trail values and policies when they are next revised for the trail segments in those areas. CMPs will be revised every 15 to 20 years, or as changing conditions dictate.

5-18 Foster appropriate actions which enhance each National Trail through such means as local and statewide agreements, land use authorizations and permits, regulations, resource management, protection and development projects, interpretive services, trail marking, site-specific planning, and regulatory and compliance functions. Each trail administrator may assist landowners, as permitted by statutory authority in accomplishing these management responsibilities through subsequent funding arrangements.

5-19 Encourage innovative implementation of the purposes and work elements of this MOU, to the extent resources and authorities permit.

5-20 Coordinate agency budget submissions for National Trails activities as they are sent forward to their respective Departments. Activities which involve interagency transfer of funds shall be implemented by subsequent funding arrangements.

VI. TERMS OF AGREEMENT

A. Effective Date of MOU: This MOU is executed as of the date of the last signature shown below and shall run for a period not to exceed 5 years, at which time it will be subject to review, renewal, revision, or expiration. This MOU is only in effect when all of the parties have signed.

B. Modifications: Modifications within the scope of this MOU shall be made by the issuance of a written modification, signed by representatives of all signatories herein, prior to any changes being performed.

C. Termination: Any party(s) may, in writing, terminate its participation in this MOU in whole, or in part, at any time before the date of expiration.

VII. PRINCIPAL CONTACTS

The principal agency contacts for this Agreement are:

NPS: Steve Elkinton, Program Leader, National Trails System
Address: National Park Service
US Department of the Interior, MS 3622
1849 C Street, N.W.
Washington, D.C. 20240
(202) 565-1177; fax (202) 565-1204
E-Mail: *steve_elkinton@nps.gov*

BLM: Deborah Salt, National Trails Coordinator
Address: Bureau of Land Management
6221 Box Springs Blvd.
Riverside, CA 92507
(909) 697-5309; fax (909) 697-5299
E-Mail: *deb_salt@ca.blm.gov*

FS: James B. Miller, Dispersed Recreation Manager
Address: USDA Forest Service
PO Box 96090
Washington, D.C. 20090-6090
(202) 205-1313; fax (202) 205-1145
E-Mail: *jbmiller01@fs.fed.us*

FHWA: Christopher B. Douwes, Recreational Trails Program Manager
Address: FHWA HEPH-30 Room 3301

400 7th Street, S.W.
Washington, D.C. 20590
(202) 366-5013; fax (202) 366-3409

E-Mail: christopher.douwes@fhwa.dot.gov

NEA: Tony Tighe
National Endowment for the Arts
1100 Pennsylvania Avenue, N.W.
Washington, D.C. 20506
(202) 682-5616; fax (202)682-5613
tighet@arts.endow.gov

VIII. SPECIAL PROVISIONS

A. Non-Fund Obligating Document. This MOU is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement or contribution of funds between the parties of the MOU will be handled in accordance with applicable laws, regulations, and procedures including those for Government procurement and printing. Such endeavors will be outlined in separate agreements that shall be made in writing by representatives of the parties and shall be independently authorized by appropriate statutory authority. This MOU does not provide such authority. Specifically, this MOU does not establish authority for noncompetitive award to the cooperator of any contract or other agreement. Any contract or agreement for training or other services must fully comply with all applicable requirements for competition.

B. Restrictions for Delegates. Pursuant to the *United States Code*, Title 41, Section 22, no member of, or delegate to, Congress shall be admitted to any share or part of this MOU, or any benefits that may arise there from.

C. Participation in Similar Activities. This MOU in no way restricts any signatory from participating in similar activities with other public or private agencies, organizations, and individuals.

D. Responsibilities to the National Trails System Act. Nothing in this MOU abrogates the accountability of the designated administering agencies and FHWA from achieving the purposes of the Act. In addition, nothing in this MOU abrogates the responsibility of any Federal land managing agency to manage its trail resources according to the laws, rules, and regulations providing its management authority over such lands.

E. Nondiscrimination. During the performance of this MOU, the parties agree to abide by the terms of Executive Order 11264 on nondiscrimination and will not discriminate against any person because of race, color, religion, sex, or national origin. The participants will take

affirmative action to ensure that applicants are employed without regard to their race, color, religion, sex, or national origin.

IX. APPROVALS

_____/signed/_____
Robert Stanton, Director
National Park Service

_____/Jan. 3, 2001/_____
Date

_____/signed/_____
Nina Hatfield, Acting Director
Bureau of Land Management

_____/Jan. 3, 2001_____
Date

_____/signed/_____
Mike Dombeck, Chief
USDA Forest Service

_____/Jan. 19, 2001/_____
Date

_____/signed/_____
Kenneth Wykle, Administrator
Federal Highway Administration

_____/Jan. 12, 2001/_____
Date

_____/signed/_____
William Ivey, Chair
National Endowment for the Arts

_____/Jan. 19, 2001/_____
Date