

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 845  
OFFERED BY MRS. LUMMIS OF WYOMING**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

4 (b) TABLE OF CONTENTS.—The table of contents for  
5 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.

**6 SEC. 2. FINDINGS.**

7 Congress finds as follows:

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

13 (2) According to the Government Accountability  
14 Office, the Forest Service is only able to maintain

1 about one-quarter of National Forest System trails  
2 to the agency standard, and the agency faces a trail  
3 maintenance backlog of \$314,000,000, and an addi-  
4 tional backlog of \$210,000,000 in annual mainte-  
5 nance, capital improvements, and operations.

6 (3) The lack of maintenance on National Forest  
7 System trails threatens access to public lands, and  
8 may cause increased environmental damage, threat-  
9 en public safety, and increase future maintenance  
10 costs.

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

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

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) ADMINISTRATIVE UNIT.—The term “Ad-  
22 ministrative Unit” means a national forest or na-  
23 tional grassland.

24 (2) OUTFITTER OR GUIDE.—The term “out-  
25 fitter or guide” means an individual, organization,

1 or business who provides outfitting or guiding serv-  
2 ices, as defined in section 251.51 of title 36, Code  
3 of Federal Regulations.

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

6 (4) PARTNERSHIP.—The term “partnership”  
7 means arrangements between the Department of Ag-  
8 riculture or the Forest Service and a non-Federal  
9 entity that are voluntary, mutually beneficial, and  
10 entered into for the purpose of mutually agreed  
11 upon objectives.

12 (5) PRIORITY AREA.—The term “priority area”  
13 means a well-defined region on National Forest Sys-  
14 tem land selected by the Secretary under section  
15 5(a).

16 (6) SECRETARY.—The term “Secretary” means  
17 the Secretary of Agriculture.

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

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

1 (A) ensuring trails are passable by the  
2 users for which they are managed;

3 (B) preventing environmental damage re-  
4 sulting from trail deterioration;

5 (C) protecting public safety; and

6 (D) averting future deferred maintenance  
7 costs.

8 (9) VOLUNTEER.—The term “volunteer” means  
9 an individual whose services are accepted by the Sec-  
10 retary without compensation under the Volunteers in  
11 the National Forests Act of 1972 (16 U.S.C. 558a  
12 et seq.).

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

15 (a) IN GENERAL.—Not later than 2 years after the  
16 date of the enactment of this Act, the Secretary shall pub-  
17 lish in the Federal Register a strategy to significantly in-  
18 crease the role of volunteers and partners in trail mainte-  
19 nance.

20 (b) REQUIRED ELEMENTS.—The strategy required  
21 by subsection (a) shall—

22 (1) augment and support the capabilities of  
23 Federal employees to carry out or contribute to trail  
24 maintenance;

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

4           (3) address the barriers to increased vol-  
5           unteerism and partnerships in trail maintenance  
6           identified by volunteers, partners, and others;

7           (4) prioritize increased volunteerism and part-  
8           nerships in trail maintenance in those regions with  
9           the most severe trail maintenance needs, and where  
10          trail maintenance backlogs are jeopardizing access to  
11          National Forest lands; and

12          (5) aim to increase trail maintenance by volun-  
13          teers and partners by 100 percent by the date that  
14          is 5 years after the date of the enactment of this  
15          Act.

16          (c) ADDITIONAL REQUIREMENT.—As a component of  
17          the strategy, the Secretary shall study opportunities to im-  
18          prove trail maintenance by addressing opportunities to use  
19          fire crews in trail maintenance activities in a manner that  
20          does not jeopardize firefighting capabilities, public safety,  
21          or resource protection. Upon a determination that trail  
22          maintenance would be advanced by use of fire crews in  
23          trail maintenance, the Secretary shall incorporate these  
24          proposals into the strategy, subject to such terms and con-  
25          ditions as the Secretary determines to be necessary.

1 (d) VOLUNTEER LIABILITY.—

2 (1) IN GENERAL.—Section 3 of the Volunteers  
3 in the National Forests Act of 1972 (16 U.S.C.  
4 558e) is amended by adding at the end the following  
5 new subsection:

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

9 “(1) is recruited, trained, and supported by a  
10 cooperator under a mutual benefit agreement with  
11 the Secretary; and

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

16 “(A) the volunteer services to be performed  
17 by the volunteers and the supervision to be pro-  
18 vided by the cooperator;

19 “(B) the applicable project safety stand-  
20 ards and protocols to be adhered to by the vol-  
21 unteers and enforced by the cooperator; and

22 “(C) the on-site visits to be made by the  
23 Secretary, when feasible, to verify that volun-  
24 teers are performing the volunteer services and

1           the cooperator is providing the supervision  
2           agreed upon.”.

3           (2) **ADDITIONAL REQUIREMENT.**—Not later  
4           than 2 years after the date of the enactment of this  
5           Act, the Secretary shall adopt regulations imple-  
6           menting this section. These regulations shall ensure  
7           that the financial risk from claims or liability associ-  
8           ated with volunteers undertaking trail maintenance  
9           is shared by all administrative units.

10          (e) **CONSULTATION.**—The Secretary shall develop the  
11          strategy in consultation with volunteer and partner trail  
12          maintenance organizations, a broad array of outdoor  
13          recreation stakeholders, and other relevant stakeholders.

14          (f) **VOLUNTEER AND PARTNERSHIP COORDINA-**  
15          **TION.**—The Secretary shall require each administrative  
16          unit to develop a volunteer and partner coordination im-  
17          plementation plan for the strategy which clearly defines  
18          roles and responsibilities for the administrative unit and  
19          district staff, and includes strategies to ensure sufficient  
20          coordination, assistance, and support for volunteers and  
21          partners to improve trail maintenance.

22          (g) **REPORT.**—

23                  (1) **CONTENTS.**—The Secretary shall prepare a  
24          report on—

1 (A) the effectiveness of the strategy in ad-  
2 dressing the trail maintenance backlog;

3 (B) the increase in volunteerism and part-  
4 nership efforts on trail maintenance as a result  
5 of the strategy;

6 (C) the miles of National Forest System  
7 trails maintained by volunteers and partners,  
8 and the approximate value of the volunteer and  
9 partnership efforts;

10 (D) the status of the stewardship credits  
11 for outfitters and guides pilot program de-  
12 scribed in section 7 that includes the number of  
13 participating sites, total amount of the credits  
14 offered, estimated value of trail maintenance  
15 performed, and suggestions for revising the pro-  
16 gram; and

17 (E) recommendations for further increas-  
18 ing volunteerism and partnerships in trail main-  
19 tenance.

20 (2) SUBMISSION.—Not later than 3 years after  
21 the date of enactment of this Act, the Secretary  
22 shall submit the report required by paragraph (1)  
23 to—



1 (A) the Committee on Agriculture, Nutri-  
2 tion, and Forestry and the Committee on En-  
3 ergy and Natural Resources of the Senate; and

4 (B) the Committee on Agriculture and the  
5 Committee on Natural Resources of the House  
6 of Representatives.

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

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

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

16 (1) reduced access to public land;

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

19 (3) jeopardized public safety;

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

22 (5) increased future deferred trail maintenance  
23 costs.

24 (c) REQUIREMENTS.—In selecting priority areas, the  
25 Secretary shall—

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

4           (2) consider the range of trail users (including  
5 motorized and non-motorized trail users); and

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

8 (d) INCREASED TRAIL MAINTENANCE.—

9           (1) IN GENERAL.—Within 6 months of the se-  
10 lection of priority areas under subsection (a), and in  
11 accordance with paragraph (2), the Secretary shall  
12 develop an approach to substantially increase trail  
13 maintenance accomplishments within each priority  
14 area.

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

17           (A) consider any public input on trail  
18 maintenance priorities and needs within any  
19 priority area;

20           (B) consider the costs and benefits of in-  
21 creased trail maintenance within each priority  
22 area; and

23           (C) incorporate partners and volunteers in  
24 the trail maintenance.

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

5           (e) COORDINATION.—The regional volunteer and  
6           partnership coordinators may be responsible for assisting  
7           partner organizations in developing and implementing vol-  
8           unteer and partnership projects to increase trail mainte-  
9           nance within priority areas.

10          (f) REVISION.—The Secretary shall periodically re-  
11          view the priority areas to determine whether revisions are  
12          necessary and may revise the priority areas, including the  
13          selection of new priority areas or removal of existing pri-  
14          ority areas, at his sole discretion.

15          **SEC. 6. COOPERATIVE AGREEMENTS.**

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

19          (b) CONTENTS.—Cooperative agreements authorized  
20          under this section may—

21                  (1) improve trail maintenance in a priority  
22                  area;

23                  (2) implement the strategy; or

24                  (3) advance trail maintenance in a manner  
25                  deemed appropriate by the Secretary.

1 **SEC. 7. STEWARDSHIP CREDITS FOR OUTFITTERS AND**  
2 **GUIDES.**

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

12 (b) ADDITIONAL REQUIREMENTS.—In establishing  
13 the pilot program authorized by subsection (a), the Sec-  
14 retary shall—

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

17 (2) establish appropriate terms and conditions,  
18 including meeting National Quality Standards for  
19 Trails and the Trail Management Objectives identi-  
20 fied for the trail.

