

## **IV. TRAIL DEVELOPMENT, MAINTENANCE, AND PROTECTION**

### **ACQUISITION GUIDELINES**

The entire 1,170-mile route is designated as a National Historic Trail under the National Trails System Act (NTS) of 1968 (P.L. 90-543), as amended. The Study Report of 1982 identified 464 miles of high potential route segments. This was further modified in the Decision Notice dated 1985 to exclude development of those private lands within the high potential route segments leaving a balance of 319 miles on State and federally owned lands.

Priority for development will be given to Federal and State owned lands where use by the Nez Perce people during this episode can be identified on the ground. Where feasible, minor route variations on certain trail segments will place the recreation trails on public lands and reduce the need for easements.

### **LANDS WITHIN EXTERIOR BOUNDARIES OF FEDERALLY ADMINISTERED AREAS**

While the NTS Act of 1968 provides for Federal acquisition of all private lands, P.L. 99-445, amending the NTS Act to designate the Nez Perce Trail, specifically limits private land acquisition by the Federal government to lands or interests within the exterior boundaries of any federally administered areas. Sec. 7 (d) of the NTS Act provides authority to acquire private lands or interests by cooperative agreement, donation, purchase with donated or appropriated funds, or exchange within the exterior boundaries. Condemnation will not be used to acquire route segments that cross private lands.

Exterior boundaries have been determined to mean legislated boundaries common to National Forests, National Parks, and National Wildlife Refuges. Department of Interior, Bureau of Land Management lands do not have legislated boundaries and are subject to the following guidelines.

### **LANDS OUTSIDE EXTERIOR BOUNDARIES OF FEDERALLY ADMINISTERED AREAS**

Of the total 1,170 miles of trail, 319 miles are within the high potential route segments and designated for development on Federal and State lands. The balance of 851 miles in non-high potential route segments consists of 82 miles of Federal, 41 miles of State, and 728 miles of private ownership.

Much of the 82 miles of Federal lands lies outside the exterior boundaries of federally administered areas and is managed by the Bureau of Land Management. The NTS Act Sec. 7(e) directs the State and local governments to acquire needed rights-of-way across private lands. In the event the State or local government entities fail to acquire the needed agreements, lands, or interests, BLM may enter into agreements or acquire the needed lands or interests as directed by existing laws and policies.

## **TRAIL LOCATION GUIDELINES**

*The route described in this report was used in its entirety only once. However, component trails and roads that made up the route bore generations of use prior to and after the 1877 flight of the nontreaty Nez Perce.*

The maps in Appendix E represent the best knowledge available today and research by the agencies involved, the Advisory Council, and other individuals with an interest and knowledge of the route.

It is recognized that over time additional information or interpretation of existing trail segments and/or historic sites may reveal changes to the present trail location. Sec. 7.(a) (2)(b) of the National Trails System Act states

*--- "After publication on notice of the availability of appropriate maps or descriptions in the Federal Register, the Secretary charged with the administration of a national scenic or national scenic or national historic trail may relocate segments of a national historic trail right-of-way, with the concurrence of the head of the Federal agency having jurisdiction over the lands involved, upon a determination that:*

- (i) Such a relocation is necessary to preserve the purposes for which the trail was established, or
- (ii) the relocation is necessary to promote a sound land management program in accordance with established multiple-use principles; Provided, that a substantial relocation of the rights-of-way for such trail shall be by Act of Congress."

Information establishing significant change in the present location may be presented to the lead agency, Northern Region, Forest Service, for a determination. Nominations for trail location changes may be from any managing agency, State, local government, or private individual or organization.

Nominations for a change of trail location shall be based on an analysis of the following:

- (1) Designed to harmonize with and complement any established multiple-use plans for that specific area in order to insure continued maximum benefits from the land.
- (2) The location and width of such rights-of-way across federal lands under the jurisdiction of another Federal agency shall be by agreement between the head of that agency and the appropriate Secretary.
- (3) Advice and consultation with the State, local governments, private organizations, and landowners and land users has been documented.

A National Historic Trail is intended to follow the historic route as accurately as possible; however, the trail does not need to currently exist as a discernible trail. Its location must be sufficiently known to permit evaluation and development of public recreation and historic interpretation opportunities. Designation of the trail is continuous, but the established or developed trail does not have to be continuous onsite. The trail may deviate from the historic route to avoid difficult routing or to provide a more pleasurable recreation experience, but deviations are to be noted onsite. In order to facilitate retracement of the historic route, segments which have been developed as roads, railroads, or other motorized routes may be designated and marked as segments connecting to the historic trail.

It is for these reasons that this plan has identified the historic route as best known today. The route best conceived for public travel and interpretation is to be determined by the managing agency, State, or local government.

## **TRAIL CERTIFICATION GUIDELINES**

Only the trail segments identified as high potential route segments have been certified for development by Federal and State agencies. For those segments lying outside Federal exterior boundaries the National Trails System Act and the Establishment Act provide for certification and subsequent development. See Chapter II, Description of Route, Location Criteria, for characteristics of a certified segment.

Sec. 7 (e) of the NTS Act encourages the Secretary charged with the administration of such trail to encourage the State or local governments involved to enter into written cooperative agreements with landowners, private organizations, and individuals to provide the necessary trail right-of-way or to acquire such lands or interests to be utilized as segments of the historic trail.

Public Law 99-445 establishing the NPNHT further directs the Secretary (USDA Forest Service) to designate or certify these segments of the trail upon application from the State or local governments if:

- such segments meet the criteria established in the Act, and,
- that they are administered by such agencies without expense to the United States.

Application for trail segment certification should include the following information:

- (1) Name of the managing authority responsible for the segment.
- (2) Location and description of the trail segment. This should include detailed maps of the proposed segment, support facilities planned, and interpretive sites planned. Include a description of the area, the trail, potential conflicts, and the type of jurisdiction acquired.
- (3) Identify the types of uses permitted on the segment.

(4) Managing polices, practices, and regulations which will apply to public use of the trail. Specify any fees or permits required, protection measures undertaken, placement of the NPNHT markers, and responsibility of development and maintenance.

### **TRAIL USE STANDARDS**

Sec. 7.(2) provides for the development and management of the trail to harmonize with and complement any established multiple-use plans for that area to ensure continued maximum benefits from the land.

Sec. 7.(2)(c) of the National Trail Systems Act states that national historic trails may contain campsites, shelter, and related public-use facilities. Other uses which will not substantially interfere with the nature and purposes of the trail may be permitted. Reasonable efforts shall be made to provide sufficient access opportunities and, to the extent practicable, efforts shall be made to avoid activities incompatible with the objectives of the trail.

Where the trail follows existing public roads, developed rights-of-way, or other related developments that approximate the original location of the trail, these segments may be marked to facilitate retracement of the historic route. Other uses which will not substantially interfere with the nature and purpose of the trail that were allowed by the administering agency at the time of designation may continue. The use of motorized vehicles may be permitted and/or controlled by agency regulations.

### **TRAIL DESIGN STANDARDS**

Construction, maintenance, and operation of the trail travelway, whether it be trail, minimum roadway, or primary highway system, will be in accordance with existing agency direction and in harmony with the management direction for the area through which the trail passes while maintaining the integrity of the historic route.

Related facilities and services to provide access and interpretation will be in accordance with the agency management direction for the management area traversed by the trail. Intensity of development will vary with the historic significance and mission of the administering agency.

### **TRAIL-MARKING STANDARDS AND LOGO**

Sec. 7(C) of the NTS Act states that the Secretary of Agriculture, in consultation with appropriate governmental agencies and public and private organizations, shall establish a uniform marker, including thereon an appropriate and distinctive symbol for the trail. Where the trail crosses lands administered by Federal agencies, such markers shall be erected at appropriate points along the trail and maintained by the Federal agency administering the trail. Where the trail crosses non-Federal lands in accordance with written cooperative agreements, the lead agency will provide markers to the cooperating agency. That agency is responsible for erecting and maintaining them in accordance with the standards established.

*Trail marking objectives are:*

- (1) To mark the trail with a uniform marker that distinctly identifies the trail route.
- (2) To mark the initial high potential route segments.

(3) To mark the trail along non-Federal segments.

(4) To mark a parallel designated highway route.

Route markers will be placed within the existing right-of-way of Federal, State and local highways and will require no acquisition of private lands. Interstate routes will be marked only at rest areas. Route markers will be placed at existing highway rest areas, developed historic sites/signs, State parks, and similar areas already under the control of land-managing agencies.

Erection, maintenance, and replacement of signs will be the responsibility of the States and appropriate managing agencies pursuant to cooperative agreements.

The trail marker will be available in three sizes. These are 34 inches, 9 inches, and 18 inches. The 34-inch marker will be utilized for foot and horse trails. The 9-inch marker will be utilized to designate trail heads, low speed motorways, and/or highway connector routes off the designated highway route. The 18-inch marker will be used to mark the designated highway route and/or wherever the trail crosses a major or secondary highway.

The Advisory Council selected the following historic trail system marker for use on Nez Perce National Historic Trail; it is the official logo representing the trail.

The actual 3-1/2" size is shown below. Three colors are used for signage applications: 1. Black 2. Darker brown is equivalent to PMS # 469. 3. Lighter brown is equivalent to PMS # 4645. For printed material, two colors are used: 1. Black and 2. PMS # 469 at 100% for the darker brown and the same color at 30% for the lighter brown.

