

# Nez Perce (Nee-Me-Poo) National Historic Trail Comprehensive Plan



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### **Cover Photos**

Top row left to right: Imnaha River in the Hells Canyon National Recreation Area of northeastern Oregon. Visitors experiencing the Nez Perce Trail at Big Hole National Battlefield near Wisdom, Montana (U.S. Forest Service photos by Roger Peterson).

Middle row left to right: Nez Perce Trail sculpture at the Missouri Breaks Interpretive Center, Fort Benton, Montana. The Nez Perce Trail traverses the Upper Missouri River Breaks National Monument near Cow Island in central Montana (U.S. Forest Service photos by Roger Peterson).

Bottom row left to right: Riders view the Nez Perce memorial at the Bear Paw Battlefield near Chinook, Montana (U.S. Forest Service photo by Joni Packard). The end of the Nez Perce Trail currently at Bear Paw Battlefield near Chinook, MT (U.S. Forest Service photo by Roger Peterson).

# **Nez Perce (Nee-Me-Poo) National Historic Trail Comprehensive Plan**

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# 1. Introduction

This document is a Comprehensive Plan (plan) for the Nez Perce (Nee-Me-Poo) National Historic Trail (the Trail). The authorizing legislation (Public Law 90-543 as amended by Public Law 99-445 On October 6, 1986) identifies “a route of approximately 1,170 miles extending from the vicinity of Wallowa Lake, Oregon, to Bears Paw Mountains, Montana, as generally depicted in ‘Nez Perce (Nee-Me-Poo) Trail Study Report’ prepared by the Department of Agriculture and dated March 1982.” This plan provides a framework for how the Trail will be administered and managed. This plan has been developed by the Forest Service, an agency within the United States Department of Agriculture, in consultation with other Federal agencies; State and local governments; affected Indian Tribes; and interested members of the public. This plan is a revision of a previous Comprehensive Plan, which was approved on October 5, 1990.

## Background

The National Trails System Act of 1968 (Public Law 90-543 as amended) established the National Trails System to provide outdoor recreation opportunities and “to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open air, outdoor areas and historic resources of the Nation.” The National Trails System includes national, scenic, historic, and recreation trails. Each trail designated under National Trails System Act is assigned a lead Federal agency to administer the Trail. For the Nez Perce National Historic Trail, the lead Federal agency is the Forest Service.

National historic trails identify and commemorate historic and prehistoric routes of travel of significance to the entire nation. Each designated trail must meet the following three criteria in the National Trail System Act, as amended, (16 U.S.C.1244 (b) (11)):

- (A) It must be a trail or route established by historic use and must be historically significant as a result of that use. The route need not currently exist as a discernible trail to qualify, but its location must be sufficiently known to permit evaluation of public recreation and historical interest potential. A designated trail should generally accurately follow the historic route, but may deviate somewhat on occasion of necessity to avoid difficult routing through subsequent development, or to provide some route variations offering a more pleasurable recreational experience.
- (B) It must be of national significance with respect to any of several broad facets of American history, such as trade and commerce, exploration, migration and settlement, or military campaigns.
- (C) It must have significant potential for public recreational use or historical interest based on historic interpretation and appreciation. The potential for such use is generally greater along roadless segments developed as historic trails and at historic sites associated with the trail. The presence of recreation potential not related to historic appreciation is not sufficient justification for designation under this category.

The *Nez Perce (Nee-Me-Poo) Trail Feasibility Study Report*, completed in March of 1982, determined that the Trail met all three of the criteria listed above. Following this determination, the Trail was designated and became part of the National Trails System in 1986.

The Trail stretches approximately 1,170 miles, extending from the vicinity of Wallowa Lake in eastern Oregon. It crosses the Snake River at Dug Bar entering into north central Idaho, then crosses the Clearwater River, after which it parallels the Clearwater and Lochsa Rivers as it enters into Montana at Lolo Pass. The Trail then runs south through the Bitterroot Valley, over Gibbons Pass, before continuing through the Big Hole Valley. It crosses Bannock Pass, re-entering Idaho near Leadore. It then runs south through the Birch Creek and Lemhi Valleys before turning eastward toward Dubois heading over Targhee Pass toward Yellowstone National Park. After entering the Park near the West Yellowstone entrance, the Trail meanders through Yellowstone until it exits the national park near the east entrance. From there, the

Nez Perce National Historic Trail follows the Clarks Fork River in an easterly direction, before crossing over Dead Indian Hill and heading north past Laurel and Lewistown, Montana. The designated Trail ends at Bear Paw Battlefield, which is some 16 miles south of Chinook, Montana.

The 1990 Nez Perce (Nee-Me-Poo) National Historic Trail Comprehensive Plan (USDA Forest Service 1990) has been guiding the administration and management of the Trail for the past 34 years. External and internal reviews of the 1990 plan (USDA Forest Service 2006, USDI National Park Service 2008, USDA Forest Service 2010) determined that the plan is missing several components required by the National Trail Systems Act. As a result of these reviews, the Forest Service determined that a revision and update of the 1990 plan was necessary. For a more detailed overview of the administrative history of the Trail, including feasibility studies and a review of the 1990 plan, please refer to *Nez Perce (Nee-Me-Poo) National Historic Trail: Historic and Administrative Context* (USDA Forest Service 2016).

## How to Use this Plan

Successful implementation of this revised plan will require coordination, cooperation, collaboration and partnership among the many jurisdictions and tribal entities associated with the Trail.

- *Federal land managers* should use this plan to guide unit specific land and resource management planning decisions and project-level decisions. This Comprehensive Plan provides strategic direction for Federal lands underlying and adjacent to the Trail. The management goals and practices portion of chapter 2 provides guidance that applies to land and resource management planning activities and project-level decisions. A list of high potential historic sites segments and high potential route segments can be found in chapter 3, table 3. Finally, federal land managers may find the roles and responsibilities and the Trail's policies and strategies sections of chapter 4 particularly useful.
- *State and local land managers* are actively engaged in the continued management and the future of the Trail. As such, State and local land managers should familiarize themselves with the roles and responsibilities, as well as the relationship to other management portions of chapter 4.
- *Partners and volunteers* are encouraged to refer to strategic direction located within chapter 2. This chapter outlines the potential roles and responsibilities of partners and volunteers. In addition, chapter 2 contains a number of management goals and practices, relating to cooperation and partnerships. Lastly, cooperative agreements and volunteer engagement are addressed in chapter 5 of this plan.
- *Private landowners* play an integral role in the management of the Trail. Landowner roles and responsibilities can vary greatly, depending upon the level of engagement showed by the landowner.

Guidance on the potential roles and responsibilities of private landowners can be found in chapter 2 of this plan.

## 2. Trail Management and Administration

The Nez Perce (Nee-Me-Poo) National Historic Trail, with the exception of auto tour routes, is a primitive, non-motorized, long-distance route that traverses five western states and preserves scenic, natural, historic and cultural landscapes commemorating the 1877 Flight of the Nez Perce from the US Army. The trail provides recreational, educational and commemorative opportunities for hikers and horseback riders to experience primitive, rugged, and self-reliant trail experiences while learning the story of the Nez Perce's flight from on site and community-based interpretation.

### Nature of the Trail

The Nez Perce (Nee-Me-Poo) National Historic Trail is a trail that spans five western states. The trail details the historical perspective, route and story associated with the flight of the Nez Perce in their attempt to escape and evade the United States Army during 1877 in a quest for Canadian sanctuary.

For many generations prior to 1877, and still today, the Nez Perce have used many of the trails associated with the 1,170-mile flight route. The congressional designation of the Trail was intended to provide national recognition and commemoration of a series of significant events in American history, including the American frontier mentality, that occurred between May 3, 1877, and October 5, 1877. The knowledge of these events enriches understanding of this complex and multifaceted story, one of the giant epics of the American West.

All motorized use and the use of e-bikes (all classes), bicycles, game carts, and wheelbarrows is prohibited on the historic trail tread segments to best accommodate the traditional Tribal and early settler uses of hiking and horseback riding the Trail. The trail designation refers to both the century old trail pathways and modern auto tour highway routes. Both the trail segments and auto tour routes are managed across land jurisdictions to provide consistent trail management and accurate interpretation of the flight story from Tribal and US Army viewpoints.

### Purposes of the Trail

The purposes of the Nez Perce National Historic Trail are derived from the Trail feasibility study, Nez Perce (Nee-Me-Poo) Trail: A Study Report (USDA Forest Service 1982) and legislative history leading to the Trail's official designation.

The purposes and associated Management Goals and Practices guide coordination, cooperation, collaboration and partnership among the many jurisdictions and tribal entities associated with the Trail. They guide unit specific land and resource management planning decisions and project-level decisions for federal, state and local land managers.

The purposes of the Nez Perce National Historic Trail are to:

- Identify, protect, and interpret significant historic sites and segments associated with the 1877 Nez Perce War and Flight for public educational and recreational use;
- Foster improved cooperation and collaboration with Federal, Tribal, State, local governments, and other partners to improve opportunities for recreation, access, cultural experience, educational opportunities, and tourism along the Trail; and,
- Provide historical context for the Trail, through interpretation and education, of historic events prior to, during, and following the flight of the Nez Perce from their traditional homelands in 1877.

### Management Goals and Practices

## Definitions

**Goals:** Goals describe the desired future user experience and characteristics towards which land management and resources should be directed. They do not prescribe specific actions agencies or partners will take, but rather describe the outcome conditions of desired future actions.

**Practices:** Practices are constraints on a project or activity that are established to help achieve or maintain a future goal of condition to avoid or mitigate undesirable effects, or to meet applicable legal requirements.

## Historic Sites and Segments Protection

### Goals

- The historic route and sites that are directly associated with the flight of the Nez Perce are managed to preserve historic and scenic values, integrity, and qualities, offering visitors high-quality interpretive, educational, and recreational experiences.
- Trail management actions honor and respect the people who lost their lives during the 1877 War and associated flight of the Nez Perce.
- In places where the landscape is reminiscent of what the Nez Perce, the U.S. Military, and others saw during the 1877 War and flight of the Nez Perce, protect the remaining historic settings.
- Near high potential historic sites and high potential historic route segments, preserve high-quality natural scenery.
- The historic route, its remnants and artifacts are available for public use and enjoyment.

### Practices

- High potential historic sites and high potential historic route segments located on Federal land, which are directly associated with the 1877 flight of the Nez Perce, are federally protected components of the Trail.
- Uses (commercial and non-commercial) or infrastructure on Federal lands (such as renewable energy facilities, roads, trails, aboveground utilities, and buried utilities) incompatible with the protection of high potential historic sites and segments can be prohibited through site- or project-specific analysis, or the associated land management plan.
- It may be necessary to withdraw areas from mineral entry to protect high potential historic sites and high potential historic route segments.
- It may be necessary to stipulate no surface occupancy, timing limitations, controlled surface use, or special administration to protect historic sites and segments.
- Research may be authorized along the Trail, if it is consistent with the direction outlined in the comprehensive plan and associated land management plans, and research applications are applied for with the affected Tribes.

## Certification of Sites

### Goals

- Certified sites and segments that are directly associated with the flight of the Nez Perce are managed to preserve historic and scenic values, integrity, and qualities, offering visitors high-quality interpretive, educational, and recreational experiences.
- Trail management actions and commemorations honor and respect the people who lost their lives during the 1877 War and associated flight of the Nez Perce.
- The historic route, its remnants and artifacts are available for public use and enjoyment while

we continue to honor the Nez Perce descendants surviving today and into the future.

## Practices

- Tribes, State and local agencies may propose sites, segments, and interpretive facilities to the Forest Service for certification by the Secretary of Agriculture at any time and into the future.
- Certified sites and segments located outside of federally administered areas, should be directly associated with the 1877 flight of the Nez Perce and are federally protected components of the Trail as federal ownership protection.
- Development, commemoration, and interpretation associated with certified sites and segments should be commensurate to their importance in the events associated with 1877 flight of the Nez Perce.
- Private landowners are encouraged to participate in certifying high potential historic sites and segments located on their lands.
- Certified sites and segments must be administered without expense to the United States upon consideration by the Trail Administrator on a case-by-case basis.

## Trail Design and Maintenance

### Goals

- The Trail is sustainable with no major soil erosion, drainage, or water quality concerns caused by use and management of the Trail.
- The Trail is well maintained or upgraded where necessary to minimize resource damage while providing a safe environment for forest users and livestock.
- This plan adopts the Study Report of March 1982's recommendation "that in keeping with the intent of the National Trails System Act, the Trail will be regarded as a simple facility for the hiker and horseman."
- Signage along the Trail provides public use and enjoyment, is unobtrusive, and sufficient for visitors to find nearby recreation sites, trailheads, and access points.

### Practices

- Consider long-term maintenance costs and sustainable design features when deciding to construct, reconstruct or relocate the Trail or related infrastructure.
- When locating trail rights-of-way or considering trail relocations, consider potential future threats to the trail setting. Avoid locating the Trail in areas with declining vegetation health, areas where there are proposed land uses that would alter the scenic setting, and areas near zoning that could allow future development.
- The historic trail tread should either be preserved in an unmodified state or restored to protect its historic integrity (see appendix F).
- The Trail should not be moved from the historic route without affected Tribal consultation and only for safety and erosion issues.
- The historic trail tread should not be widened, deepened, surfaced, or improved beyond what was historically present in 1877.
- Design and maintenance standards for Trail sections should follow the design parameters for moderate development (Forest Service Trail Class 2) with a designed use of hiking and horseback.
- Other than Auto Tour routes, the trail corridor is closed to all motorized use. This Trail is also closed to the use of e-bikes (all classes), bicycles, game carts and wheelbarrows (36 CFR 261.55).
- Low windfalls, encroaching vegetation, and other obstacles associated with the historic trail tread should be left in place, so long as they do not fully obstruct passage or cause undue risk to trail users.
- Maintain and preserve a natural historic look and feel of the Trail by camouflaging cuts on trees, minimizing future structures, removing cut trees from view of trail users, and reducing the



“constructed look” (see appendix F).

## **Tribal Relations**

### **Goals**

- Conflicts between hiking and horseback trail users and traditional and cultural use practitioners are infrequent.
- Culture and history of indigenous peoples are recognized and preserved and perpetuated for future generations.
- Land and trail managers remain cognizant and accommodating of, and sensitive to, valid tribal rights and traditional uses in proximity to the Trail, while protecting and preserving treaty reserved rights and resources.
- Traditional cultural properties are preserved and protected, and historic properties of religious cultural significance for Indian Tribes. The Tribes consider the Trail to be a Traditional Cultural Property.

### **Practices**

- Messages at interpretive sites and in associated materials acknowledge and are sensitive to the Nez Perce as well as other native cultures and their traditional homelands.
- Federally recognized Tribes are actively engaged and consulted to identify cultural resources suitable for education and interpretation, as well as the actual language used in such.
- Federally recognized Tribes are consulted to identify and protect Traditional Ecological Knowledge along the Trail.
- Valid treaty rights allow for continued access and use of lands associated with the Trail.
- Traditional cultural properties in proximity to the Trail will be preserved and protected.
- Potentially adverse effects to traditional cultural properties from federal land management activities will be minimized or mitigated for appropriate best management practices, design criteria, and project-level mitigation or off-site mitigation measures in consultation with federally recognized Tribes.
- Federally recognized Tribes are consulted to identify and protect traditional cultural properties and ethnographic interests along the Trail.

## **Recreation and Tourism**

### **Goals**

- Visitor use is managed in a way that contributes to the preservation and enjoyment of significant natural, historic, and cultural resources of the Trail and provide tribal members to reconnect with their ancestors.
- Management decisions associated with the Trail are socially, economically, and ecologically sustainable.
- Use conflicts among trail users are infrequent.
- Visitors are afforded a range of opportunities to experience the Trail.
- Heritage tourism is recognized as a key component of the economy for gateway communities along the Trail.
- Auto Tours remain an essential tool for users to experience the Trail.
- This plan adopts the Study Report of March 1982’s recommendation “that in keeping with the intent of the National Trails System Act, the Trail will be regarded as a simple facility for the hiker and horseman.”

## Practices

- The recreation opportunity spectrum settings for individual trail segments are based upon land use allocations documented within associated land and resource management plans. The trail corridor is closed to motorized use and the use of e-bikes (all classes), bicycles, game carts and wheelbarrows (36 CFR 261.55).
- Leave No Trace principles are encouraged along the entirety of the Trail.
- Geocaching is prohibited within the trail corridor.
- Site or trail segment-specific studies on visitor use may be conducted to determine baseline use, limits of acceptable change, determine proper use levels, and associated management actions.
- Visitor use is regulated only when other design criteria and mitigation measures have been determined to be unsuccessful.
- Visitor use is regulated as necessary to provide for user and public safety; to protect natural, cultural, and historic resources; to minimize conflict and maximize responsible use; to afford recreation experience objectives; and to comply with Federal and State laws.

## Monitoring and Evaluation

### Goals

- Industrial activities and associated infrastructure (such as cell-phone towers, windmills, solar panels, roads, trails, aboveground utilities, and buried utilities) along or adjacent to the Trail are monitored to ensure consistency with the nature and purposes of the Trail.
- Visitor use monitoring and capacity studies adhere to practices established using the best available science.
- Visitor use is in balance with protection of the Trail and sites along the Trail.

### Practices

- Historic sites and trail segments associated with the Trail are monitored to ensure historic and scenic values, integrity, and qualities are preserved. Active monitoring of the Trail and significant sites should occur on a regular basis to ensure that the resources are protected, consistent with the purpose of the Trail.
- Project specific design criteria, mitigation measures, and best management practices should be monitored to ensure activities and infrastructure do not substantially interfere with the nature and purposes for which the Trail was established.
- Visitor use levels may be monitored to develop adaptive management strategies and maintain visitor use opportunities.

## Interpretation

In addition to the following goals and practices, please refer to the Nez Perce (Nee-Me-Poo) National Historic Trail Interpretive Plan (USDA Forest Service 2016).

### Goals

- Visitors connect with, understand, and appreciate the Trail's history, significance, and unique place in American history.
- Culture and history of the Nez Perce people is recognized in interpretive materials.
- Where appropriate, the Trail and associated resources are identified, enhanced, documented, and interpreted for the public.

### Practices

- The Trail may have one or more interpretive plans that incorporate key themes to link stories associated with the Trail in meaningful and memorable ways, that shall incorporate native voices through consultation with the affected Tribes.
- Interpretive and education plans follow coordinated and consistent themes reflecting the significance of the Trail and its associated cultural history.
- Interpretive and educational materials are focused, modern, and rely on evolving technologies. In addition to paper copies of interpretive materials, the use of digital, multi-media and virtual technologies are encouraged.
- Auto Tours remain a staple of interpretation associated with the Trail.
- Public information (including maps, websites, brochures, books, displays, interpretive sites, social media, and other forms) should be accurate and up to date.
- Memorials and interpretive designs should be compatible with and not detract from visitor experiences or the aesthetics of areas surrounding their location.

## Land Use and Access

### Goals

- Agency-specific land and resource management plans clearly identify a corridor associated with the Nez Perce National Historic Trail and provide direction specific to management practices compatible with the Trail.
- The diversity of landscape and land uses along the Trail are perpetuated and land use conflicts are minimized.
- Industrial activities and associated infrastructure (such as cell-phone towers, windmills, solar panels, roads, trails, aboveground utilities, and buried utilities) along or adjacent to the Trail are consistent with the nature and purposes of the Trail. If infrastructure is allowed, various projects should be co-located to minimize any impacts.
- Infrastructure and facilities are rarely seen from access points.
- Management direction for the Trail is constant with management direction for other congressionally designated trails, rivers, monuments and areas.

### Practices

- Activities or infrastructure should be avoided if they are deemed incompatible or substantially interfere with the nature and purposes for which the Trail was established.
- Commercial and noncommercial uses and infrastructure (such as renewable energy facilities, roads, trails, above-ground utilities, and buried utilities) deemed incompatible with the nature and purposes of the Trail can be restricted through associated land or resource management plans or project-level decisions.
- Infrastructure and facilities are constructed to be unobtrusive and compatible with the purposes for which the Trail was established.
- The co-location of linear corridors and infrastructure (such as cell-phone towers, windmills, solar panels, roads, trails, above ground and buried utilities, and communication sites) along or adjacent to the Trail should be encouraged. Where practical, linear corridors should be located in such a manner to minimize the number of crossings of the Trail.
- If specified in an agency-specific land or resource management plan, stipulations of no surface occupancy, timing limitations, controlled surface use, or special administration may be required to protect the nature and purposes for which the Trail was designated, including high potential historic sites and segments.
- If specified in an agency-specific land or resource management plan, withdrawal from mineral entry or closure from mineral leasing may be required to protect the nature and purposes for which the

Trail was designated.

- Authorizations for research activities may be allowed if operations are consistent with the direction outlined in the comprehensive plan and associated land or resource management plans, and applications are filed with affected Tribes with consultation.
- To the greatest extent practical, adverse impacts from land management activities to user experience, historic trail tread, threatened, endangered and sensitive species, soil and water, sacred sites, traditional cultural properties, and viewsheds should be limited with appropriate design criteria, mitigation measures and best management practices.
- Forest health and restoration treatments affecting or in proximity to the Trail should be designed in such a way as to be unobtrusive and compatible with the purposes for which the Trail was established.
- Where the Trail coincides with wilderness, management of the Trail and its associated uses should be compatible with wilderness management direction.
- When management direction for the Nez Perce National Historic Trail differs or contradicts management direction associated with other national historic trails, national scenic trails, wild and scenic rivers, wilderness areas, national recreation areas, national monuments or national historic landmarks, the more restrictive direction should be followed.

## **Land Acquisition**

### **Goals**

- Acquisition of land or interests in land safeguard the nature and purposes for which the Trail was designated, improve public access, address public health and safety concerns, improve visitor experience, or improve trail manageability.

### **Practices**

- Priorities and costs associated with acquisition of land or interests in land for the benefit of the Trail can be identified in agency-specific acquisition plans.
- Acquisition of land or interest in land within federally administered areas is a priority over acquisitions outside of federally administered areas.
- Fee title acquisition of land is preferred over acquisition of easements or other interests in land.
- With little exception, acquisition of easements or other interests in land should be in perpetuity.
- Condemnation procedures to acquire title or interest in land will NOT be employed by agencies with jurisdiction as Comprehensive Plan direction.

## **Cooperation and Partnership**

### **Goals**

- Land and trail managers collaborate to safeguard the nature and purposes for which the Trail was designated, allowing Nez Perce descendants to better understand the Trail story as a way to connect with their ancestors.
- Management of the Trail is consistent with all agencies having jurisdictional authority.
- Partnerships, cooperation, and volunteer efforts are recognized as being integral to the Nez Perce National Historic Trail's management and are mutually beneficial with shared outcomes.

### **Practices**

- When practical, agreements with other Federal, state, county, affected Tribes, and local agencies;

private organizations; and private landowners should be used to facilitate management, maintenance and development of the Trail.

- Federal, State, and local jurisdictions collectively drive efforts to promote visitation to the Trail.
- Private organizations and volunteers are encouraged to participate in trail operations and special projects.
- Gateway communities should be encouraged to promote the Trail and take an active role in the Trail experience.
- Federal agencies should emphasize the use of partnerships and volunteer authorities to advance diversity goals and increase public awareness of equal opportunity benefits and services.
- Construction and maintenance standards for the Trail should be uniform along the entire trail.

## **Connecting and Side Trails**

### **Goals**

- Connecting and side trails are managed in a manner to complement the Nez Perce National Historic Trail.

### **Practices**

- Connecting and side trails can have their own separate comprehensive plans, corridors, marking guidelines, and protection measures.
- Connecting and side trails should be marked, signed, and identified on the ground and in publicly disseminated materials.

## **Uniform Trail Marker and Registered Trail Symbol Use**

### **Goals**

- Establish a uniform marker, including an appropriate and distinctive symbol, for the Nez Perce National Historic Trail and Auto Tour for use along their entire lengths.
- Register the Nez Perce National Historic Trail symbol with the U.S. Patent and Trademark Office to protect it from infringement and misuse.
- Install trail markers and auto tour signs uniformly along the entire trail, and most prominently on lands administered by Federal agencies.
- Balance the use of trail markers and the Nez Perce National Historic symbol with aesthetic considerations to avoid potential saturation or sign pollution in localized areas.

### **Practices**

- The Nez Perce National Historic Trail symbol should be placed prominently in printed or digital material or on other items to increase public awareness of the Trail, promote its use, or provide financial support for the Trail.
- Use of the registered Nez Perce National Historic Trail symbol should not give the appearance of endorsement of partners, stakeholders, firms, corporations or private landowners and their associated goods, services, or activities.
- A uniform marker displaying the registered Nez Perce National Historic Trail symbol should be installed along the entire length of the Nez Perce National Historic Trail, after the cultural resource assessment has been completed.
- The Nez Perce National Historic Trail symbol should be placed along segments of the Trail and Auto Tour Route to mark their routes and reassure users.
- Trail markers should be placed at road crossings, intersections with other trails, and periodically along the Trail as reassurance markers.
- Trail markers may be installed and maintained on non-Federal lands, so long as there is a written

- cooperative agreement between the administering agency and the landowner of record.
- Trail markers should not be used as property boundary identifiers.
- Where the Trail coincides with or intersects other national scenic, historic, or geologic trails (such as the Continental Divide National Scenic Trail, Lewis and Clark National Historic Trail, or Ice Age National Floods Geologic Trail), the marking of the trails should be coordinated. The most efficient and cost-effective way to mark coincidental routes is by affixing trail markers on a common post.
- Auto Tour markers will conform to agency-specific direction and the Manual of Uniform Traffic Control Devices, including requirements for either illumination or retro-reflectivity.
- Trail markers and the use of service marks may deviate from the standard within national parks, national landmarks, congressionally designated wilderness, congressionally designated wild and scenic river corridors and culturally sensitive areas so long as the alternative design marker conforms to the standards of those areas.
- Use of the Nez Perce National Historic Trail symbol occurs only with prior written permission from the Nez Perce National Historic Trail Administrator, in consultation with affected Tribes and other agencies and subject to any conditions as deemed appropriate by the administrator.

## Administration and Coordination of Permitted Activities and Events

Due to the national prominence of the Trail, permitted events or activities may be authorized by agencies with jurisdiction so long as they are compatible with, or would not substantially interfere with the nature and purposes for which the Trail was designated. In addition, these uses should be consistent with applicable land and resource management plan direction. It is recognized that permitted events and activities provide economic contributions to gateway communities, foster coalitions and partnerships with users and raise awareness of public land stewardship. This requires Tribal notification and consultation.

Coordinated management of permitted events and activities across jurisdictional boundaries is strongly encouraged. The Trail Administrator for the Nez Perce National Historic Trail is responsible for working closely with the various agencies having jurisdictional responsibilities, cooperators and partners to ensure proposed events and activities are compatible with the nature and purposes of the Trail. In addition, the National Trail Administrator is responsible for ensuring coordination and consistency occurs between the many jurisdictions associated with the Trail. Agencies are required to notify the Trail Administrator of permit applications.

## Visitor Use Capacity

The National Trails System Act requires that visitor use capacity be addressed in a comprehensive plan (16 U.S.C. 1244 (f) (1)). In addition to meeting the regulatory requirements of the National Trails System Act, establishment of visitor use capacity aids in the identification, management and protection of the inherent resource values associated with the Trail.

With exceptions noted in table 1 (below), visitor use capacity for the Nez Perce Trail is set at 350 persons, per day (24-hour period), per 20-mile segment of the Trail. Allowable uses associated with the Trail remain as hiking and horseback.

This visitor use capacity is applicable to the entire calendar year, accepting that some sections of the Trail are not physically accessible due to environmental conditions associated with seasonal changes. Likewise, visitor use capacity applies only to those segments of the Trail falling under Federal jurisdiction and management.

As set in this plan with the exceptions noted (below), visitor use capacity numbers provide for foreseeable growth and increases in recreational opportunities. As such, it is not anticipated that visitor use capacity numbers will be met or exceeded within the foreseeable future. Likewise, management actions to regulate



visitor use should not be required for some time.

As this plan is implemented over its lifespan, it is expected that any number of adaptive strategies for managing visitor use may be employed as visitor use capacity thresholds are met or exceeded.

Additional strategies may include, but are not limited to: implementing design criteria, additional monitoring, setting of more refined visitor use capacity thresholds and regulating visitor use numbers. As always, the use of best available scientific methods in the collection, analysis and setting of more localized visitor use numbers is encouraged for Federal agencies with jurisdiction over the Trail.

Visitor use should only be regulated to the extent necessary to provide for user and public safety; to protect natural, cultural, and historical resources; to minimize conflict and maximize responsible use; to afford recreation experience objectives; and to comply with Federal and State laws. Likewise, visitor use should only be regulated when other design criteria and mitigation measures have been determined to be unsuccessful.

**Table 1. Locations expected to exceed visitor use capacity**

Trail Segment	Location Identifier	Agency with Jurisdiction
1	US Hwy 95	BLM
1	US Hwy 95, White Bird Battlefield Overlook	NPS
2	Lolo Pass	FS
2	US Hwy 12	FS
3	US Hwy 93	FS
3	MT State Rd 43	FS
3	Big Hole National Battlefield	NPS
Trail Segment	Location Identifier	Agency with Jurisdiction
4	MT State Hwy 324	BLM/FS
4	ID St Hwy 29	FS
5	ID St Hwy 29	BLM
5	ID St Hwy 22	BLM
5	US Hwy 20	FS
6	US Hwy 20	NPS
6	US Hwy 191	NPS
6	Mary Mountain/Nez Perce Trailhead	NPS
6	Grand Loop Road	NPS
6	US Hwy 20	NPS
7	WY St Hwy 296	FS
7	WY St Hwy 120	BLM
7	MT St Hwy 72	BLM
7	US Hwy 310	BLM
8	Bear Paw National Battlefield	NPS

There are several locations along the Trail where the identified visitor use capacity is expected to be greater than 350 persons per day per 20-mile segment of trail. These include locations where the Trail is co-located with major roads and locations where the Trail passes through popular recreation areas managed by the National Park Service. In these locations (see table 1), a modified visitor use capacity should be established by the agency with jurisdiction using best available scientific methods in

collection of data, analysis to set more refined visitor use thresholds.

In addition to those locations where visitor use capacity is expected to be greater 350 persons/ day/ 20 mile segment of trail, there are a number of other locations along the Trail where types and levels of visitor use are currently regulated (e.g. group size limits, stock limits, wilderness restrictions, wild and scenic river visitor capacity restrictions, permitting requirements, and designated campsites) below the 350 persons/ day/ 20 mile segment threshold. Table 2 illustrates many of the locations along the Trail where the types and levels of visitor use is currently regulated at levels less than the established 350 persons/ day/ 20-mile segment threshold.

**Table 2. Other visitor use capacity regulations**

Trail Segment	Agency with Jurisdiction	Special Designation	Type of Use	Visitor Use Regulation or Constraint
1-8	BLM	General BLM Camping Guidelines	Camping	10 persons and 2 vehicles per developed campsite.
1-8	FS	Non-commercial group use	Group Size	Organized groups in excess of 75 persons requires a permit.
1-8	NPS	Nez Perce National Historic Park	Camping	No camping authorized.
1	FS	Hells Canyon Wilderness	Group Size	8 persons per group.
1	FS	Hells Canyon Wilderness	Stock Limits	16 head per group.
1	FS	Snake River WSR Scenic Section	Commercial Powerboats	1,506 boat days/ year
1	FS	Snake River WSR Scenic Section	Private Powerboats	<i>Peak season*</i> : 18 Launches/day for overnight trips on <u>weekends</u> (Fri-Sun), 5-day trip launches/day on weekends
1	FS	Snake River WSR Scenic Section	Commercial Float Boats	Maximum group size 24 persons (including guides). <i>Peak season*</i> : 224 launches from Hells Canyon Creek/ year.
1	FS	Snake River WSR Scenic Section	Private Float Boats	Maximum group size 8 float craft per party. <i>Peak season*</i> : 2 party launches/day weekends (Fri-Sun) and holidays; launches by reservation/permit system; <i>Secondary season</i> : Self issued permits for launch.
6	NPS	Yellowstone Front Country Camping Regulations	Camping	Six persons per developed campsite. Camping and parking is restricted to designated campgrounds. Fishing Bridge campground is designated for hard-sided vehicles only (no tents or tent-trailers).
6	NPS	Yellowstone Backcountry Regulations	Camping	4-12 persons per designated campsite. Overnight stays require a permit. Camping allowed only at designated sites.
6	NPS	Yellowstone Backcountry Regulations	Stock Limits	Stock use and capacity vary by site designation.

7	FS	North Absaroka Wilderness	Group Size	20 persons per group.
7	FS	North Absaroka Wilderness	Stock Limits	30 head per group.
8	BLM	Missouri River WSR	Permits	Although user numbers are not regulated all boaters must obtain a permit, and pay a fee, prior to floating. Groups of 30 persons or greater must obtain a permit.
8	BLM	Missouri River WSR	Group Size	June 15 – August 1, 20 persons or greater can launch only from Wednesday to Friday

## Visitor Use

The visitor use capacity recommendation is a high level, generalized capacity, which does not provide direction for monitoring impacts. Visitor use encounters are the indicator utilized to monitor visitor use impacts. To safeguard the nature and purposes for which the Trail was designated, monitoring of visitor use encounters will be necessary by the various agencies with jurisdiction over the management of the Trail. The frequency, degree, and interval at which encounters are measured remain at the discretion of individual land management agencies associated with the Trail but should be adequate to protect the nature and purposes of the Trail.

Indicators will warn trail managers about deteriorating conditions and assist trail managers in assessing progress towards attaining desired conditions.

## Monitoring and Evaluation

Monitoring and evaluation are separate activities. Monitoring is the process of collecting data and information. Evaluation analyzes and interprets the information and data collected from monitoring.

Monitoring associated with the Nez Perce National Historic Trail will occur on a continuum ranging from a very broad and strategic scale to a very focused and project-specific scale. Similarly, objectives and requirements of monitoring must be tailored to monitoring questions to be answered at a relevant scale. Monitoring should occur at a frequency deemed appropriate by local trail managers, depending on the level of use and level of impacts a particular trail segment receives. Monitoring can be accomplished by resource professionals, field crews, contractors, stakeholder, cooperators, partners, and volunteers. No matter the scale, objectives, frequency and methods used, monitoring must be implemented in an efficient, practical, affordable and nonduplicative fashion.

Because the implementation of this Comprehensive Plan relies heavily on associated land or resource management plans, it is anticipated that the vast majority of monitoring associated with the Nez Perce National Historic Trail will be focused at a similar scale to an individual unit's plan. That said, monitoring of trail conditions, visitor use numbers, high potential historic sites and segments, and project-level decisions will require a much finer scale of monitoring beyond a unit's planning scale. Monitoring of visitor use capacity and encounters may occur at any one of a variety of locations including high-use trail segments, trailheads, parking lots, visitor centers, or other locations deemed critical by the agency with jurisdiction. Monitoring of visitor use may include visitor surveys, numbers of encounters, types of users encountered (such as hikers or stock users) and the location and time of the encounter.

As previously stated, Federal, State and local agencies retain their respective jurisdictional responsibilities, including monitoring and evaluation, for lands associated with or surrounding the Nez Perce National Historic Trail. Examples of monitoring that can be undertaken by respective jurisdictions may include visitor use levels, satisfaction surveys, trail condition surveys, solitude, scenic integrity, historic integrity, effectiveness of design criteria and best management practices.

## Health and Safety

Health and safety issues associated with management of the Trail will be addressed, as appropriate, on a case-by-case basis. All constructed features and infrastructure should be designed and maintained in a safe and conscientious manner. All agencies with jurisdiction over the management of the Trail will retain their responsibility for employee and public safety. As such, agencies with jurisdiction retain their authority to limit access, close routes, areas, and infrastructure whenever determined necessary for employee and public safety. Individual agencies are expected to abide by applicable laws, regulations and policies for restricting use or closure of the Trail within their respective jurisdictions.

Trail and Auto Tour users should be informed of potential risks including, but not limited to, road and trail conditions, lack of services on certain trail segments, wildlife encounters, and any natural dangers from avalanches fires floods or landslides. Recommended precautions and advisory statements should be included in printed literature. In addition, media outlets, electronic media, user groups, public contacts, social media and active enforcement will be used as necessary to keep Trail and Auto Tour users informed of potential hazards and closures associated with routes or areas.

## Trail Marking Standards

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 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 (see figure 21). Three colors are used for signage applications: 1.) Black; 2.) Darker brown is equivalent to PMS # 469; and 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.

The trail marker will be available in three sizes. These are 3.5 inches, 9 inches, and 18 inches. The 3.5-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.

sizes not shown to scale.



#### 3.5" Trail Marker

Dimensions: 3.607" wide x 3.5" tall  
 Material: .035 White Polyethylene  
 Process: Screen Printed  
 Imprint Colors: PMS 4645 C / PMS 469 C / Black  
 Single Sided  
 Finishing: 3/16" diameter holes in each corner  
 Qty: 600



#### 9" Trail Marker

Dimensions: 9.276" wide x 9" tall  
 Material: .125 White Polyethylene  
 Process: Screen Printed  
 Imprint Colors: PMS 4645 C / PMS 469 C / Black  
 Single Sided  
 Finishing: 3/16" diameter holes in each corner  
 Qty: 600



#### 18" Trail Marker

Dimensions: 18.552" wide x 18" tall  
 Material: .125 White Polyethylene  
 Process: Screen Printed  
 Imprint Colors: PMS 4645 C / PMS 469 C / Black  
 Single Sided  
 Finishing: 5/16" diameter holes in each corner  
 Qty: 600



#### Auto Tour Signs

Dimensions: 24" wide x 36" tall  
 Material: .080 White Reflective Aluminum / 1.5" Radius Corners  
 Process: Screen Printed  
 Imprint Colors: PMS 4645 C / PMS 469 C / Black  
 Single Sided  
 Finishing: 3/8" diameter holes top and bottom  
 Qty: 350

Figure 1. Nez Perce Trail markers and auto tour signs (not to scale)

## Partnerships and Agreements

The National Trails System Act specifically encourages working with volunteers and private organizations to develop and maintain the Trail. All federal undertakings require Tribal consultation.

The Congress recognizes the valuable contributions that volunteers and private, nonprofit trail groups have made to the development and maintenance of the Nation's trails. In recognition of these contributions, it is further the purpose of this chapter to encourage and assist volunteer citizen involvement in the planning, development, maintenance, and management, where appropriate, of trails (16 U.S.C. 1241 (c)).

## Present and Future Partnerships

The Nez Perce National Historic Trail has a great number of long-term partners. Many of these partners are nonprofits with tax-exempt status. These partners sponsor events, maintain trails, provide interpretive services and literature, conduct research, and create and distribute publications to promote public knowledge and awareness of the historical events associated with the Trail. The membership of these groups is diverse and includes business professionals, governmental officials, historians, archeologists, public land managers, educators, authors, tribal members, and direct descendants of those who traveled the Trail.

Federal agencies are encouraged to cooperate and leverage partnerships to increase capacity and complete the mission of both agency and their partner(s). Partners can include State or local agencies, private landowners, private organizations, or individuals to operate, develop, or maintain any portion of the Nez Perce National Historic Trail. Under certain circumstances, Federal agencies may enter into cooperative agreements to provide limited financial assistance to encourage participation in the acquisition, protection, operation, development, or maintenance of national trails. (16 U.S.C. 1246 (h)).

Generally, agreements of some fashion will be the appropriate instrument for documenting this type of partnership (see appendix D). Agreements authorize Federal agencies to develop, plan and implement projects that are mutually beneficial to other parties. Benefits may include exchanging funds or the provision of supplies, materials or services. Cooperators may be non-Federal entities or individuals; Federal agencies; State, local or Tribal governments; educational institutions; or private landowners.

## Volunteers

Volunteers play an integral role in the planning and administration of the Nez Perce National Historic Trail and the National Trails System Act recognizes the valuable contributions of volunteers, private and nonprofit trail groups (16 U.S.C. 1241). The Secretaries of Agriculture and Interior are encouraged to use the Volunteers in the Parks Act of 1969 (16 U.S.C. 18 (g) et seq.), the Volunteers in the Forests Act of 1972 (16 U.S.C. 558 (a-d)), and section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 1250 (2)).

Volunteer work specific to the Nez Perce National Historic Trail may include, but is not limited to (1) planning, developing, maintaining, or managing portions of the Trail; (2) operating programs to organize and supervise volunteer trail construction or preservation efforts; and (3) conducting Trail-related research projects (4) providing education or interpretive services.

Volunteer service agreements may be used in conjunction with other agreements in cases where a partner or cooperator is working with a federal agency to create the capacity necessary to generate and manage volunteerism. In these cases, the partner and the associated Federal agency can leverage each other's organizational resources to recruit, train or directly manage volunteers or volunteer programs or projects towards the achievement of mutually beneficial outcomes.

The National Trail Administrator will continue to provide leadership for volunteers, partners, and



stewards associated with the Trail throughout the course of this comprehensive plan. Trail resource stewards can include Federal, Tribal, State and local agencies as well as private landowners and private organizations.

As a general policy, volunteerism should be documented in a volunteer service agreement (see appendix D). A volunteer service agreement is a written instrument recognizing an individual or group working in the public's interest in giving time and skills for community service. Volunteers receive no salary or wages. A volunteer is not considered a Federal employee and is not subject to the provisions of laws relating to Federal employment except for the purpose of tort claims or work-related injuries (5 U.S.C. 8101). Given a decreasing budget trend and an associated decrease in agency staffing, it is anticipated that volunteer efforts will most certainly increase over the life of this Comprehensive Plan.

### **3. Historical Context and Description of the Nez Perce National Historic Trail Corridor**

#### **Historical Context**

The 1877 War and Flight of the Nez Perce (flight) defines the route of the Nez Perce (Nee-Me-Poo) National Historic Trail. Approximately 750-800 Nez Perce, 2,000 horses, and hundreds of dogs traveled nearly 1,170 miles more than 110 days. For most of the flight, the Nez Perce traveled as five distinct bands: Chief Joseph's Wallowa band, the Alpowais band led by Chief Looking Glass the Lamatama band led by Chief White Bird, the Pikunan band led by Chief Toohoolhoolzote, and the Wawawai band living in two separate villages, one led by Hahtalekin and the other by Husishusis Kute. These five bands sometimes traveled and camped together, and sometimes took a number of different paths across the landscape during the flight. The U.S. Army in pursuit was also divided into multiple units that took multiple trails, meaning there is not a single trail that accurately captures the route of the flight.

#### **The Beginnings**

Exactly when the Nez Perce (or, in their language, Niimíipuu, meaning “the people”) first arrived in their traditional homeland is uncertain. Archeological evidence suggests that their ancestors lived on the western side of the Rocky Mountains as early as 16,000 years ago. They engaged in seasonal rounds traveling to where food and other resources were plentiful during different times of the year. Their seasonal movements occurred among their winter villages, fishing locations, hunting grounds and plant collecting areas. These were familiar places often handed down by families, so they knew where they were going. Life was circular, evolving around the seasons.

The Nez Perce organized their societies into relatively autonomous communities, called bands, each led by a headman who gave council and leadership as needed or requested and spoke for his band only. Bands, as well as individuals, were free to make their own decisions and take action as they saw fit. In later years, missionaries and Federal officials challenged this “laissez-faire-style” approach to tribal management and arbitrarily assigned leadership roles to individuals within the tribe that the Nez Perce never wanted, understood, or recognized (Josephy 1965).

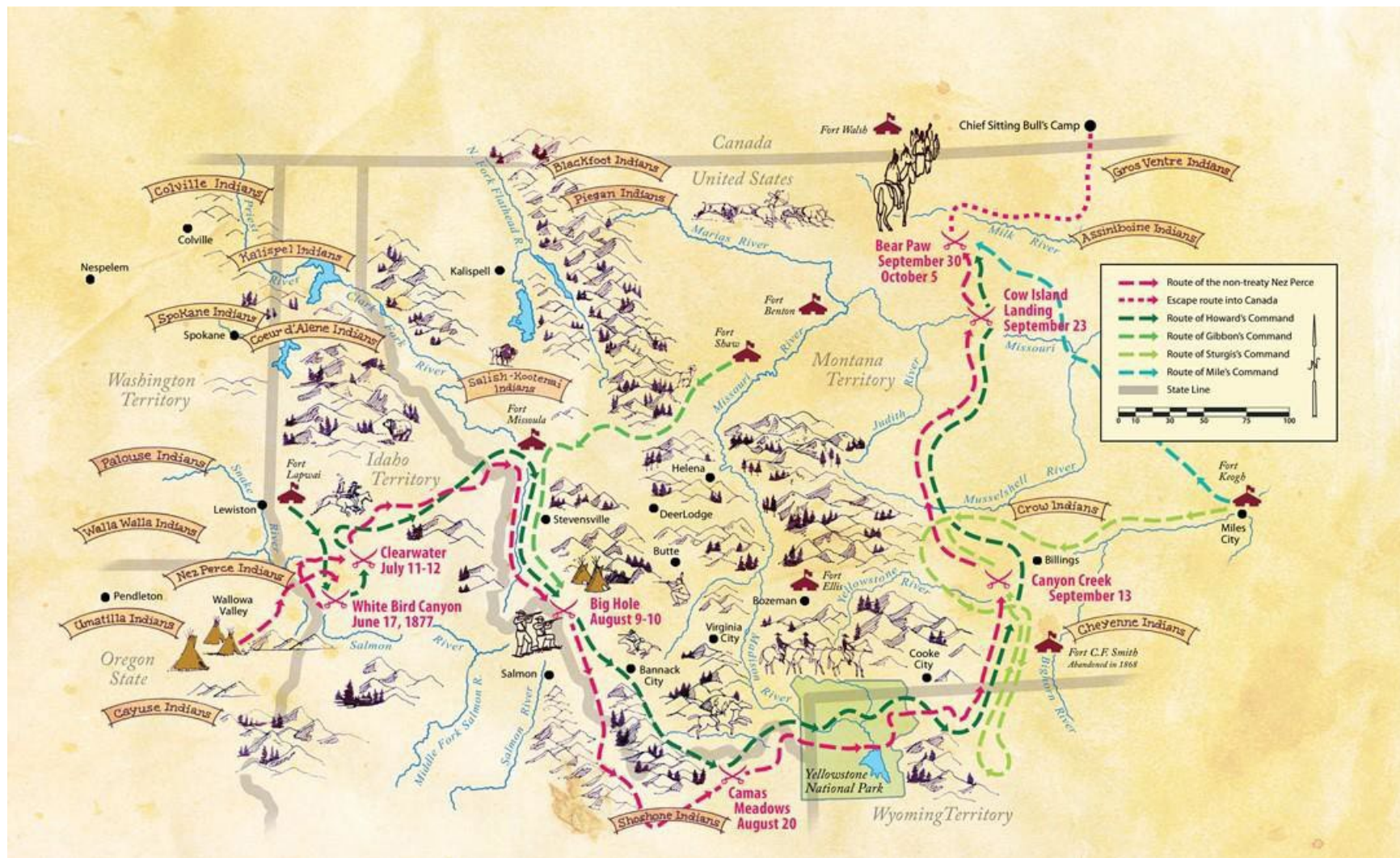


Figure 2. Overview map of the Trail and events

The Nez Perce experienced a monumental shift in their culture following their acquisition of the horse from the Shoshone Indians sometime between 1700 and 1730. The Nez Perce earned a reputation for breeding and raising a strong and durable horse well adapted to the country in which they lived. These horses gave the Nez Perce the ability to travel greater distances and proved a valuable trade item sought by other tribes, fur traders, explorers, and later, white settlers (Joseph 1965). Eventually, the breed of horse originating from the Nez Perce would come to be known as the Appaloosa.

## **Early Contact and Missionary Period 1805 to 1849**

No doubt, the Nez Perce had knowledge of European-Americans prior to the arrival of the Lewis and Clark expedition in the fall of 1805, but this was their first face-to-face encounter. Initially wary, the Nez Perce welcomed the hungry and bedraggled explorers, fed them, traded horses for guns and ammunition, helped them prepare for their journey to the coast, and were pleased when the captains' talked of opening trading posts across the West. Though their contact with Lewis and Clark had little immediate impact upon the Nez Perce, a burgeoning fur trade followed in the expedition's wake (West 2009) which greatly impacted the Nez Perce.

The Nez Perce first learned of Christianity through their interaction with the trappers and traders that ventured into Nez Perce country within a few years after the arrival of Lewis and Clark in 1805. In 1831, the Nez Perce sent four men to St. Louis to find a teacher who would return with them to their homeland, teach them about the Bible, and help open up trade relations. Two of the older men passed away while in St. Louis. The two other men perished on the return trip to their homeland (Nez Perce Tribe 2003). The Nez Perce did not speak English and without a translator it is believed that a good deal of important information was not communicated. What came across to those with whom the Nez Perce met, and what evangelical publications later reported, was that these "four wise men from the west" had journeyed a great distance seeking God's salvation, with no mention of trade prospects. The results of this misunderstanding came to have a profound effect on the Nez Perce and other Columbia Plateau Tribes (Haines 1972 and Joseph 1965).

Three years after the Nez Perce failed mission to St. Louis, a Methodist Minister, Jason Lee, was sent to be the first to a mission with the Nez Perce. Lee ended up settling in the Willamette Valley. Later in 1836 two Presbyterian ministers and their wives, Marcus and Narcissa Whitman and Henry and Eliza Spalding, traveled west to establish two Christian missions. Marcus and Narcissa settled among the Cayuse Indians just west of Fort Walla Walla just east 25 miles upstream from the Hudson Bay Company called Fort Nez Perce, a place called Waiilatpu and Henry and Eliza settled at a site along Lapwai Creek. Marcus Whitman also helped set in motion a vast migration of white settlers. The first surge of settlers pushed westward by the hundreds in wagon trains along with nearly five thousand head of cattle and horses. Whitman led the settlers as far as Ft. Walla Walla, from which, most made their way to Oregon. The 1844 election of President James Polk, an ardent expansionist, and the Congressional establishment of the Territory of Oregon in 1848, further sowed the seeds of Manifest Destiny thereby changing forever the West and the lives of the Native Americans who lived there (West 2009).

## **Conflict**

The arrival of a plethora of outsiders disrupted the Nez Perce and Cayuse societies. The immigrants often carried smallpox, measles, and scarlet fever, diseases to which the Columbia Plateau tribes had no natural immunity. Living closest to the Oregon Trail, the Cayuse suffered the greatest impact from communicable disease while the Nez Perce, who lived further away, were not affected as severely (West 2009 and Haines 1972).

Within their newly established settlements, both Whitman and Spalding struggled to gain tribal acceptance of their religious teachings. A rift grew between the Nez Perce who embraced the teachings

of the missionaries and those who did not. The power and prestige the Nez Perce hoped to gain from increased trade with the whites never fully materialized and most saw little improvement in their lives as a result of the missionaries' presence. Anger grew among the Nez Perce and Cayuse as travelers and settlers continued to intrude upon their lands. When false rumors spread among the Cayuse that Whitman and Spalding were intentionally infecting them with smallpox to steal their land, a small group of Cayuse lashed out violently against the missionaries.

Increasing waves of immigrants from the United States alarmed Cayuse leaders *ti'ilaka'aykt*, *ʔiciyéeye šiléqış*, and *tamáxaš*. They were convinced *weyúletpuu* sovereignty and lands were threatened. When measles struck the mission community in 1847, most immigrants recovered but measles killed over half of the *pášxapuu*, mostly children and elders. Many suspected Marcus Whitman's failure to cure them was intentional, a way to acquire their land. Tensions reached a breaking point. *ti'ilaka'aykt* and the other leaders discussed options to end the deaths of Native people and concluded Whitman was the problem. The next day, Whitman received warnings of a plan to kill him but did not react. By evening, he and Narcissa lay dead. Within days 11 other men were dead. Forty-seven others were held hostage until December 24. Henry Spalding had escaped to his mission at Lapwai. He later abandoned the Lapwai mission and moved to the Willamette Valley.

By the following March, immigrants in the Willamette Valley organized a militia to seek revenge for the killings. The "Cayuse War" lasted years. The militia seized horses and cattle, cut off *weyúletpuu* from their gardens, and prevented access to the foods of their homeland. The *weyúletpuu* faced famine. Hoping to preserve some future for the people, they decided to surrender 13 men for the 13 killed at Whitman Mission. Instead, *Ti'ilaka'aykt*, *ʔiceyéeye šiléqış*, *Koyamá Šamqín*, *Tamáxaš*, and *łókomoooc* were taken prisoner and jailed in Oregon City. Their trial began May 21, 1850. The men were quickly convicted despite lack of evidence and disagreements over jurisdiction and applicable law. They were hanged June 3 (National Park Service 2018).

The attack at the Whitman mission had far-reaching effects upon the Nez Perce and other Columbia Plateau Tribes. It triggered a military response from outposts in Oregon that caused fear, anger, and anxiety among the local tribes who, unlike Indian Tribes in the east, had yet to experience armed intervention from the U.S. military. As such, a group of Oregon volunteers arrived at Waiilatpu and converted the mission to a military outpost before seeking out the Cayuse responsible for the killings at the Whitman mission. For the first time in their lives, the Nez Perce experienced a military invasion of their homeland (Joseph 2007).

## Treaties of 1855 and 1863

For several years after the incident at the Whitman Mission, an uneasy truce developed between the Nez Perce and the settlers of the area. Tensions grew again as settlers encroached on Indian land where they could not legally hold title while, Indian agents and government officials did little to stop them. On August 13, 1848 the Oregon Territory was officially organized. The 1850 Donation Land Claim Act led to further settlement setting the framework for it to happen later and forced tribal members onto reservations.<sup>1</sup> That effort began in May of 1855, when Isaac Stevens, who was both the newly appointed Superintendent of Indian Affairs and Washington's Territorial Governor; along with General Joel Palmer, Superintendent of Indian Affairs for the Oregon Territory; invited the Nez Perce and other Plateau Tribes to attend a council on the north bank of Mill Creek, at Camp Stevens in the Walla Walla Valley.

Over the next 12 days, Stevens and Palmer harangued tribal leaders to convince them to cede large portions (or in some cases the entirety) of their homeland and move to two reservations. All tribal

<sup>1</sup> March 1853 to June 1859 Isaac I. Stevens was the Washington Superintendent. In March 1857, the Indian superintendencies for Oregon and Washington were merged until February 1861, when they were separated again. But during the Washington Superintendency, the Nez Perce region was administered as part of the Central (or Middle) District, established in January 1856.

leaders rejected this plan and Stevens soon began negotiating three separate treaties with the three major tribes (Joseph 1965).

At the time, the various bands of Nez Perce had little to lose in signing a treaty with Stevens and Palmer because the treaty left the boundaries of their homelands mostly intact.<sup>2</sup> Still, the Nez Perce chiefs were skeptical of everything that Stevens promised. Among the few who supported the treaty was Chief Lawyer, a Christian Nez Perce schooled under Henry Spalding who strongly advocated tribal compliance with the demands of missionaries and government officials alike. As Lawyer told Colonel George Wright, all he wanted was “peace, plows, and schools” (Manring 1912). Feeling he could rely on Lawyer’s support, Stevens chose to recognize him as the primary leader and sole voice of all the various bands of Nez Perce, though few other tribal members accepted him as such. The government’s assumption of Lawyer’s leadership role proved fateful to the Nez Perce in future negotiations and created a chasm between pro- treaty and anti-treaty, effectively Christian and non-Christian Nez Perce, that has never fully healed (Joseph 2007).

In the end, Governor Stevens secured reluctant acceptance from the leaders of the Columbia Plateau Tribes, including the Cayuse and Nez Perce, and together they signed a fourth treaty referred to as the Walla Walla Treaties of 1855. The Nez Perce Treaty established a reservation for the Tribe that was approximately 7.8 million acres in size (figure 2). In turn, the Tribe relinquished the remainder of their homeland in exchange for the promise of cash, community buildings, and provisions. Article 3 of the treaty stated the exclusive right of taking fish in all the streams where running through or bordering said reservation is further secured to said Indians: as also the right of taking fish at all usual and accustomed places in common with citizens of the territory and of erecting temporary buildings for curing, together with the privilege of hunting, gathering roots and berries and pasturing their horses and cattle upon open and unclaimed land.

The signing of the Walla Walla Treaties led to a land and gold rush, which in turn triggered deadly clashes between European settlers and Indians.<sup>3</sup> As miners and settlers continued pouring in, the treaty’s inability to provide a secure reservation for the Nez Perce became obvious. The government also failed on its promise to build homes, a hospital, and sawmills; to make payment for lands purchased from the Indians; or supply the promised provisions. Chiefs Old Joseph and Eagle-in-the-Light denounced the treaty, saying they’d been deceived by Governor Stevens and that Chief Lawyer acted illegally when he supported the treaty on behalf of all Nez Perce. By 1862, even Congress, now preoccupied with a U.S. Civil War, recognized the failings of the 1855 treaty and appropriated \$50,000 to negotiate a new one.

The Nez Perce were summoned to attend a council at Lapwai on May 25, 1863. Of the 1,600 Nez Perce that arrived, all were followers of Lawyer and none of the non-treaty bands, including Old Joseph, White Bird, or Toohoolhoolzote were in attendance when the council opened (Joseph 2007). Calvin Henry Hale, the Superintendent of Indian Affairs, opened the council by explaining that he had drawn a new reservation boundary that would be ten times smaller than the 1855 boundary and that all Nez Perce bands would live together on it (figure 2).<sup>4</sup> Tribal groups that lived outside of the

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<sup>2</sup> To make way for the railroad, Isaac Stevens was charged with negotiating a peace between the Blackfeet and the allied tribes: the Nez Perce, Salish, and Pend d’Oreille. A common hunting ground was recognized and designated for a period of 99 years. Lands reserved exclusively for the Blackfeet were identified and described. This was the 1855 - Lame Bull Treaty/Judith River Treaty. This treaty took place at the mouth of the Judith River with the Blackfeet, Nez Perce, and the Salish and Pend d’Oreille (language in treaty also refers to Flathead Tribe). The treaty was one more that affected the bands of Nez Perce and was ratified in 1856.

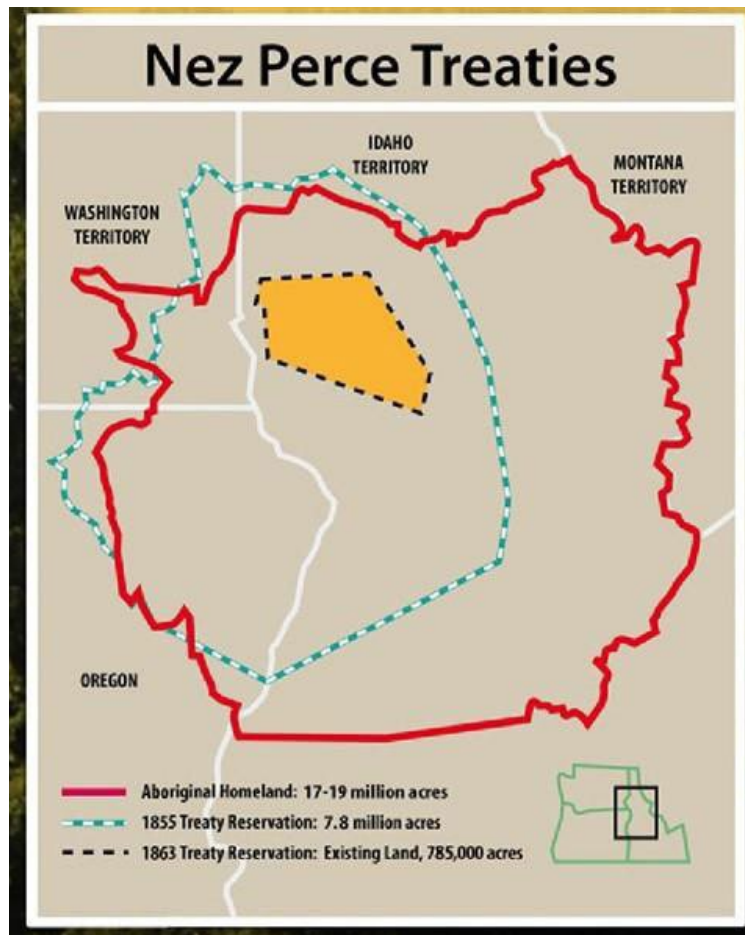
<sup>3</sup> Congress did not ratify the 1855 treaties until March 1859.

<sup>4</sup> Calvin H. Hale was the Superintendent for Washington Territory in March 1862. In May 1863, he was one of the commissioners appointed by the government to secure a new treaty with the Nez Perce. He had a bidding system for supplies during the 1863 Council. He was fired in the summer of 1864.



new reservation boundary, which included Old Joseph's and several other Nez Perce bands, would have to relinquish their homelands and move to the smaller reservation. Hale considered the Nez Perce a single tribe with Chief Lawyer as their spokesman, so persuading Lawyer and his followers to accept the treaty became his primary goal. Though the lands of Lawyer and his followers were within the boundary Hale proposed, Lawyer balked at the idea of sharing his homeland with the non-treaty bands forced to move in with them (Joseph 2007).

When the council resumed on June 3, several of the non-treaty bands, including those of Old Joseph and White Bird, were now in attendance. Lawyer and his followers made it clear they would accept the treaty while Old Joseph, White Bird, and the other chiefs firmly indicated they would not (West 2009). The one-sided nature of the 1863 treaty was succinctly captured by Captain Curry who said, "Although the treaty goes out to the world as the concurrent agreement of all the tribe, it is in reality nothing more than the agreement of Lawyer and his band... not a third part of the Nez Perce tribe" (West 2009). While the "treaty" and "non-treaty" bands vowed to remain friends, they agreed that they were now two distinct tribes. The group that became known as the non-treaty Nez Perce consisted primarily of five distinct bands; Chief Joseph's Wallowa band, the Alpowais band led by Chief Looking Glass (Elelimyete' qenin' [Wrapped in Wind]), the Lamatama band led by Chief White Bird, the Pikunan band led by Chief Toohoolhoolzote, and the Wawawai band living in two separate villages, one led by Hahtalekin and the other by Husishusis Kute (a sub-chief).



**Figure 3. The Nez Perce Treaties location map (USDA Forest Service 2016)**

The years of struggle between Christian and non-Christian, treaty and non-treaty factions brought about a very distinct division among one of the largest and most respected tribes in the Columbia Plateau region. In disgust, Old Joseph tore up his copy of the 1855 treaty, along with the Gospel of Matthew

given to him by Henry Spalding following his baptism and led his group home to the Wallowa Valley. The remaining non-treaty bands left the council as well. On June 9th, Chief Lawyer and his followers signed the 1863 treaty relinquishing all Nez Perce land outside of the new reservation and that set the stage for the flashpoint that would launch a war and the flight of the Nez Perce people in the spring of 1877 (West 2009).

## **Non-Treaty Nez Perce Ordered to Reservation**

In the decade that followed, the non-treaty Nez Perce struggled to hold on to their traditional homelands in the face of continued encroachment. Settlers considered the 1863 treaty binding upon all Nez Perce people, not just the treaty bands, and continued to lay claim to the lands. At that time, the Wallowa band was led by Young Joseph, or simply Joseph, who assumed that role following his father's death in 1871. Joseph took strongly to heart his dying father's words: "This country holds the bones of your father's body. Never sell the bones of your father and your mother" (Josephy 2007).

Despite ongoing incursions, Joseph pledged his friendship while insisting the immigrants had no right to settle in his Wallowa country. In 1871, John B. Monteith became the Indian agent assigned to the Nez Perce. He agreed with Joseph but was torn between what Joseph demanded and what the 1863 treaty specified. By the fall of 1873, Monteith decided to support the relocation of the non-treaty Nez Perce to the Lapwai reservation. In 1873, President Grant signed an Executive Order establishing a reservation for the Nez Perce in Wallowa Valley. President Grant then rescinded an Executive Order in 1875, which effectively opened all non-treaty lands to homesteading and further fueled tensions between settlers and the Nez Perce.

The killing of Joseph's friend, Wilhautyah (Wind Blowing), in June of 1876 by two white settlers, who were subsequently acquitted, enraged many within Joseph's band. At about this same time, news arrived of the annihilation of General George Custer's 7th Cavalry at the hands of Sioux, Arapaho, and Cheyenne warriors near the Little Big Horn River. With Custer's crushing defeat fresh in their minds, the threat of an Indian uprising in their midst forced the government to address the relocation of the non-treaty bands once and for all (Josephy 2007).

On November 13, 1876, a five-person commission led by General Oliver Otis Howard met with Joseph and other chiefs at Lapwai to assess the situation and push for a resolution. Howard had once expressed support for Joseph's band, but now found himself applying pressure to the Nez Perce to accept the government's purchase of their lands and to move on to the Lapwai reservation. Joseph refused; however, he later requested another meeting with Howard in hopes of changing the General's mind. At this second meeting, instead of Chief Joseph serving as the primary voice of the non-treaty bands they chose Toohoolhoolzote, an able orator but uncompromising negotiator (West 2009).

The meeting between General Howard and Chief Toohoolhoolzote was even more contentious than that between Howard and Joseph. However, Chief Toohoolhoolzote reluctantly came to terms with the fact that General Howard's threat of military intervention gave little choice but to return home, gather their belongings, and move to the Lapwai reservation by a June 15, 1877 deadline (West 2009). Despite a seeming acceptance of Howard's demands, the grief, despair, and rage felt by many of the non-treaty Nez Perce simmered and soon a fight with the military that the chiefs had always hoped to avoid broke out (West 2009).

On July 1, 1877, Chief Red Heart, his non-treaty band, and other Nez Perce were promised escort to the reservation as long as they agreed to go peaceably. The escort was offered under false pretenses and in reality, Red Heart and his band were captured near Weippe, Idaho and forced to march some 60 miles to Fort Lapwai, Idaho. From Fort Lapwai, Red Heart's band was transported by steam ship

down the Columbia River to Fort Vancouver, Washington. Chief Red Heart and his band would spend the next 8 months as prisoners at Fort Vancouver, until their eventual release on to the Nez Perce reservation in Idaho.

For Joseph's Wallowa band, the task of moving themselves and their extensive herds of cattle and horses so early in the spring proved especially daunting. Livestock gave birth this time of year and their offspring needed time to gain strength and stamina ahead of such a difficult journey. Many head of livestock perished as they crossed the Snake and Salmon Rivers, along with a number of personal possessions, but no lives were lost. On June 2, the band reached an ancient council site set among the camas meadows called Tepahlewam (Split Rocks or Deep Cuts) near Tolo Lake, approximately 6 miles west of present-day Grangeville, Idaho. There they joined three other non-treaty bands led by White Bird, Hahtalekin, Husishusis Kute, and Toohoolhoolzote and prepared for the final leg of their journey to the Lapwai reservation. The remaining non-treaty band lead by Chief Looking Glass initially gathered with the others at Tolo Lake in early June (June 3), during which time Looking Glass repeatedly warned the other leaders to rein in their angriest people. On June 10, his band, numbering about 150 people, left Tolo Lake and moved onto their assigned home on the eastern edge of the reservation near present day Kooskia, days before warriors from White Bird's band began raiding settlements (Joseph 2007).

At this point, the five non-treaty bands totaled approximately 600, two-thirds of which were women, children, and elderly men, with perhaps 200 warriors among them. On June 13, White Bird's band held a tel-lik-leen, a parade-like ceremony in which the men rode horses around the camp and recounted their past triumphs in battle. Two young warriors named Wahlitits (Shore Crossing) and Sarpsis Ilppilp (Red Moccasin Tops) rode together on a horse at the end of the circling column in a position symbolizing protection from attack. At some point in the procession, Wahlitits was chastised for assuming such a position of bravery when he'd failed to avenge the death of his father, Chief Tipyahlanah Siskon (Eagle Robe), killed a few years earlier by a white man named Larry Ott (West 2009).

## **The War Begins**

Stung by the insult, Wahlitits and Sarpsis Ilppilp, with another young warrior named Wetyetmas Wahyakt (Swan Necklace) as an accomplice, set out the next morning to find Ott, who lived to the north along the Salmon River. Their search failed to locate Ott, but Wahlitits and Sarpsis Ilppilp did kill four other men known for their mistreatment of Indians. Swan Necklace held their horses and was sent back to the camp at Tolo Lake to tell them what happened. A group of chiefs and elders were in council discussing whether or not to agree to Howard's demands and move on to the reservation or take up arms against the troops they knew would be sent to force their compliance. In the midst of their discussion, a voice shouted to them from outside, "You poor people are talking for nothing! Three boys have already started war! They killed a white man on Salmon River and brought his horse to this camp. It is already war!" (McWhorter 1986).

The next morning 16 warriors, most from White Bird's band, rode out to join those who initiated the attacks. Over a two-day period they carried out assaults on whites living between the tiny settlements of White Bird and Slate Creek, located to the south along the Salmon River. Along the way, they looted a store, burned a home, and killed several more settlers. They moved on to Camas Prairie where they set upon a roadhouse and a wagon team hauling supplies from Lewiston to Mount Idaho. In the end, the raids took the lives of 18 white settlers and one Nez Perce warrior, and left 6 seriously wounded settlers (West 2009).

General Howard received word of attacks on June 14, the day he expected to meet the non-treaty bands as they arrived at the reservation in Lapwai. The following morning, he ordered Captain David

Perry, the commanding officer at Fort Lapwai, to take troops from the First Cavalry, along with several treaty Nez Perce and citizen volunteers, to march south towards Grangeville and Mount Idaho to assess the situation. As they marched on, they encountered dead horses, burned haystacks and homes, and a looted supply wagon with remnants of an empty whisky barrel lying about. They continued on and soon received word from locals that the Nez Perce, including Joseph's band, were now camped at the bottom of White Bird Canyon with the other non-treaty bands. Joseph had earlier moved his people to White Bird's camp for better protection and with the slim hope that military retaliation might be avoided. Fearing the Nez Perce might escape across the Salmon River, Perry gathered his troops and, along with 10 more civilian volunteers, conducted an all-night march to reach White Bird Canyon at midnight. At around four a.m. on June 17, Perry and his men descended the canyon and approached to within a half mile of the Nez Perce camp. But before they could get into position to attack, four Nez Perce lookouts spotted them and immediately sent a rider back to camp to warn of Perry's arrival (West 2009).

Word of an impending attack prompted Joseph, his brother, Ollokot, White Bird, and Toohoolhoolzote to seek a peace parley. They had little choice since most of the warriors were still effectively incapacitated from the whiskey they'd consumed after attacking the supply wagon several days earlier. Under a white flag, the Nez Perce, led by a warrior named Vicious Weasel, rode out to meet the approaching soldiers. Exactly what happened next has been contested by both sides, but the most widely accepted story is that a civilian volunteer named Ad Chapman saw the approaching Nez Perce and opened fire. With the first shots fired between the non-treaty Nez Perce and U.S. military troops, the war between the U.S. Government and the Nez Perce people was launched (West 2009).

Following the opening shots, Captain Perry ordered an attack, but a series of missteps and miscalculations quickly turned the tide in favor of the vastly outnumbered Nez Perce. The Nez Perce were soon able to compromise Perry's flanks. In a last moment of desperation, Perry tried to rally his men to make a stand on the higher ground. However, confused and suffering numerous casualties, Perry's order was misinterpreted as a general retreat. Sensing victory, Ollokot's mounted warriors pursued the retreating soldiers (West 2009).

By mid-morning, 34 U.S. Cavalry soldiers had been killed while only 3 non-treaty Nez Perce warriors had been wounded. Following battle, the warriors seized approximately 63 carbines, many pistols, and hundreds of rounds of ammunition from the defeated cavalry. These weapons greatly enhanced the Nez Perce arsenal for the remaining months of the war. Outnumbered two to one and fighting uphill with inferior weapons, the Nez Perce still managed to win the first battle of the War (West 2009).

## **The Flight**

After receiving word of the cavalry's defeat, General Howard and a force of over 400 soldiers began their pursuit of the non-treaty bands. In the village of Clear Creek, Chief Looking Glass (Elelimyete' qenin' [Wrapped in Wind]) and his band had just awakened on the morning of July 1 when they saw troops approaching. Until this time, they had maintained their neutrality in the escalating conflict between the non-treaty Nez Perce and the U.S. government. The soldiers opened fire on the village. Within a few days, Looking Glass joined the bands of Joseph, White Bird, Hahtalekin, Husishusis Kute, and Toohoolhoolzote. On July 3 a scout and a squad of 12 men under the command of Lieutenant Rains were killed near Cottonwood. By July 11, General Howard surprised the Nez Perce, and the Clearwater battle began. The Nez Perce people quickly withdrew, crossed the Clearwater River, and camped at Weippe Prairie.

From White Bird Canyon, the Nez Perce made a clockwise circle and headed east through the Clearwater country. They struggled over Lolo Pass and entered Montana Territory. Portions of this

trail were so rugged and thick with trees that the pursuing soldiers reportedly found blood and horse hair stuck to broken branches. As they descended Lolo Creek and approached the Bitterroot Valley, the Nez Perce encountered a small, fortified breastworks hastily built by soldiers of the 7th Infantry to halt their advance. Hoping to avoid further bloodshed, several Nez Perce chiefs negotiated with Capt. Charles Rawn for passage, promising to harm no one if they were allowed to move on. Despite Capt. Rawn's refusal, the Nez Perce simply rode up and over a nearby ridge and bypassed the fortification, earning this site the inauspicious title of "Fort Fizzle."

As promised, the Nez Perce rode peacefully through the Bitterroot Valley, where another band of Nez Perce joined the flight, just a mile or so south of Corvallis, Montana. Eagle from the Light, who had signed the treaty, had formally become Chief of this band. They crossed the rugged Continental Divide near what is today called Gibbon Pass, and camped at a favorite site along the North Fork of Big Hole River. Believing they had left the war behind them in Idaho, the Nez Perce rested, cut teepee poles, and cooked camas in preparation for their journey to the buffalo country of eastern Montana. Little did they know that Colonel John Gibbon and his 7th Infantry secretly approached their camp.

Gibbon's attack on the sleeping camp took place at dawn on August 9. Despite suffering terrible casualties during the initial assault, the Nez Perce warriors rallied and soon had Gibbon and his men pinned down behind hastily dug rifle pits. They held the soldiers at bay for two days while the Nez Perce packed up their wounded and moved southward.

After leaving the battlefield, the Nez Perce pushed through the Big Hole and Horse Prairie valleys. They crossed the Continental Divide at Bannock Pass and traveled south through the Lemhi Valley, bordered east and west by 10,000 foot peaks of the Lemhi and Bitterroot Mountain ranges. They then entered the broad sagebrush plains of western Idaho. Here, amongst the sagebrush and black lava rock outcrops, the Nez Perce executed a pre-dawn raid on General Howard's camp. Intending to steal the army's horses, the warriors instead came away with most of the mule herd, a fact they did not realize until the sun rose. However, the plan worked to stall General Howard's pursuit for several days while he replaced his stolen pack train.

On August 23, the Nez Perce entered Yellowstone National Park, established only five years earlier. They captured and released several park visitors, including one who found himself guiding the Nez Perce through portions of the park they were unfamiliar with. They moved quickly along the Madison River, followed the Mary Mountain trail to the Hayden Valley, passed just north of Yellowstone Lake, and exited the park through Hoodoo Basin.

The final weeks of the Nez Perce flight found them crossing the rugged boundary where the mountains meet the plains north of Cody, Wyoming. As the Clarks Fork River led them northward, they passed just west of Billings, Montana and headed north. After failed attempts to seek refuge with the Crow Nation, the Nez Perce decided to try to reach safety in Canada. They hoped to reach Canada and find safety and asylum among Chief Sitting Bull's Sioux Tribe. After crossing the mighty Missouri River, little stood between them and the Canadian border. They had traveled a distance of approximately 1,170 miles.

In the end, however, the Nez Perce were captured on a cold, snowy October morning near the banks of Snake Creek in the foothills of the Bear Paw Mountains just south of present-day Chinook, Montana—and only 40 miles from the border. They believed that they had shaken off Howard and their pursuers, but they were unaware that the recently-promoted Brigadier General Nelson A. Miles, in command of the newly created District of the Yellowstone, had been dispatched from the Tongue River Cantonment (Fort Keogh near Miles City, MT) to find and intercept them. Miles led a combined force made up of units of the 5th Infantry, the 2nd Cavalry, and the deceased George Armstrong Custer's former command, the 7th Cavalry. Accompanying the troops were Lakota and

Cheyenne Indian Scouts, many of whom had fought against the Army only a year before during the Sioux War (Malone et al. 1991).

The attack by General Miles on the morning of September 30 turned into a six-day siege that ended with the arrival of General Howard's forces on October 5. With most of the chiefs and many warriors dead, Chief Joseph surrendered his rifle to Miles and Howard and reportedly uttered the now famous words "From where the sun now stands I will fight no more forever."

Approximately 250 Nez Perce warriors, 500 women and children, and more than 2,000 horses and other livestock, participated in the fighting retreat. Throughout the flight, the relatively small number of Nez Perce fighters, defeated or held at bay a much larger army in several battles (West 2009). In total, the Nez Perce engaged 2,000 American soldiers of different military units, as well as their Indian auxiliaries. They fought 18 engagements, including 4 major battles and at least 4 fiercely contested skirmishes.

## The Aftermath

The story of the Nez Perce flight for freedom does not end in Montana. Chief Joseph and about two-thirds of the non-treaty Nez Perce surrendered to the U.S. Army with the promise that they would be sent to the Lapwai Reservation. However, this did not happen. Instead, 418 Nez Perce were taken as prisoners (Greene 2000), sent to Fort Leavenworth, Kansas and then on to Indian Territory (Oklahoma). Chief Red Heart's Band and other Nez Perce were taken prisoner and sent to Ft. Vancouver, Washington. Chief White Bird and the remaining third of the Nez Perce succeeded in reaching Canada where they sought refuge at Fort Walsh. On October 22, 1877, Canadian mounted police met at Sitting Bull's Sioux camp. The mounted police superintendent James Walsh counted 290 Nez Perce people, less than half of those who traveled the long trail (Ojibwa 2012, Wilfong 2006, and Josephy 1965).

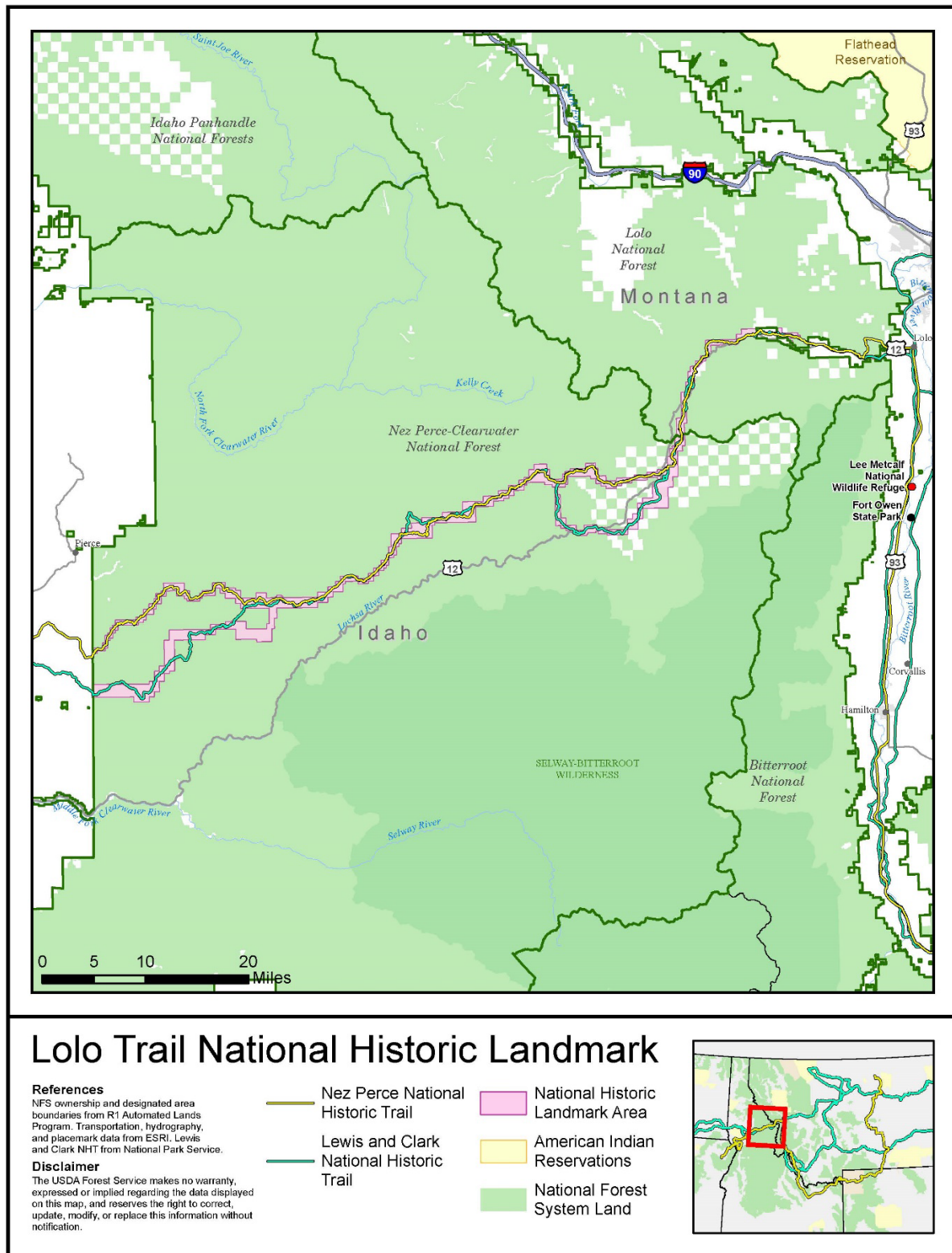
Chief Joseph lived for 27 years after the war. Though he was not the leader of all the Nez Perce during their historic flight, the perception that he was the leader was held by the army, the media, and the American public. Joseph was an anchor for his people during and after their exile to Indian Territory. He traveled to the nation's capital on their behalf, and his positive image aided in the final determination to move his people back to the Northwest in 1885. That year, the survivors were allowed to return to the Northwest—some to Lapwai, Idaho, others with Chief Joseph to the Colville Indian Reservation in Washington, and still others to the Umatilla Indian Reservation in Oregon. In 1897, Joseph journeyed again to Washington, D.C. to protest the opening of a substantial portion of the Colville reserve to whites. In August 1899, Joseph returned to visit his homeland in the Wallowa Valley for the first time since his banishment. Unable to purchase any property in the Wallowa Valley, however, he returned to Nespelem, Washington. Chief Joseph died on September 21, 1904, sitting in front of his tipi fire (Josephy 1965).

## The Historic Route

There is no single trail that accurately captures the route of the 1877 War and Flight of the Nez Perce. For most of the flight, the Nez Perce traveled as five distinct bands that sometimes traveled and camped together, and thus took a number of different paths across the landscape during the flight. The U.S. Army in pursuit also divided into multiple units that took multiple trails.

The movements of the Nez Perce along the historic route of the 1877 flight resulted from situations and circumstances ranging from the time of year to topography; EuroAmerican and Nez Perce attitudes towards, knowledge of, and beliefs about each other; and the locations of EuroAmerican and Native American travelways and settlements relative to each other. As part of the National Historic Trail designation process, a site-specific description of the historic route was developed for the 1982

feasibility study: Nez Perce (Nee-Me-Poo) Trail: A Study Report (Forest Service 1982).



**Figure 4. Lolo Trail National Historic Landmark map**



## 1990 Plan High Potential Historic Sites and Route Segments

In order to provide trail users with educational and recreational opportunities along the Trail, it is essential to identify, protect, and interpret the significant historic resources located along the Trail and associated with the Trail's period of historic significance. High potential historic sites and high potential historic route segments are significant historic resources along or near the historic route with interpretive, recreational or scenic value. According to the National Trails System Act (16 U.S.C. 1251):

- *High potential historic sites* are those historic sites related to the route or sites in close proximity thereto, which provide opportunity to interpret the historic significance of the Trail during the period of its major use; criteria for consideration as high potential historic sites include historic significance, historic value, presence of visible historic remnants, scenic quality, and relative freedom from intrusion
- *High potential historic route segments* are those segments of a trail that afford high-quality recreation value along a portion of the route having greater-than-average scenic values or affording an opportunity to share vicariously the experience of the original uses of a historic route

## Selection Process for High Potential Historic Sites and Route Segments

A list of high potential historic sites and high potential historic route segments associated with the Trail was identified during the initial comprehensive planning process in 1990. Appendix B lists the high potential historic sites and segments identified in the 1990 comprehensive plan. This list is based upon information available at the time. As part of this plan revision, the sites and segments listed in 1990 are being reevaluated in conjunction with newly identified sites and segments using the following five criteria.

1. *Is the location of the site or segment on or near the Trail?*

If the answer to question 1 is **yes**, continue to question 2.

If the answer to question 1 is **no**, eliminate the site or segment from further consideration.

2. *Is the site or segment historically significant to the 1877 War and Flight of the Nez Perce?*

If the answer to question 2 is **yes**, continue to question 3.

If the answer to question 2 is **no**, eliminate the site or segment from further consideration.

3. *Does the site or segment offer potential for an interpretive experience to convey the historic significance of the Trail during the period of its major use from May 3 through October 5, 1877, to visitors?*

If the answer to question 3 is **yes**, continue to question 4.

If the answer to question 3 is **no**, eliminate the site or segment from further consideration.

4. *Does the site or segment have at least one of the following four attributes: scenic quality, freedom from intrusion, sense of place, or historic remnants?*

5. *Is the site or segment important to the Nez Perce Tribe surrounding the events of 1877?*

If the answer to question 4 is **yes** to at least one of the five attributes listed in the question, the site or segment can be listed as a high potential historic site or segment.

If the answer to question 4 is **no** to all five attributes listed in the question, eliminate the site or segment from further consideration.

Over the life of this Comprehensive Plan, additional sights and segments may be added or removed from the high potential historic sites and segments list by applying the five criteria listed above and



documenting decisions and rationale associated with the additions and removals.

### *Selected High Potential Historic Sites and Segments*

The 1990 plan identified 79 high potential historic sites directly related to the history of the Trail. For this revised plan, 55 additional high potential historic sites have been identified. Listed below is a revised list and summary descriptions of currently identified high potential historic sites and high potential historic route segments. Plan users should take note of the fact that certain sites and segments listed below require further investigation before a professional determination can be made as to their potential. The 1990 plan also identified 7 high potential historic route segments directly related to the history of the Trail. For this revised plan, no additional high potential historic segments have been identified. Appendix B contains the high potential historic sites and route segments originally identified in the 1990 comprehensive plan.

The list below defines acronyms in the “Ownership” column of the following table:

**BIA:** Bureau of Indian Affairs  
**FS:** Forest Service  
**BLM:** Bureau of Land Management  
**ID DOT:** Idaho Department of Transportation  
**OR DOT:** Oregon Department of Transportation  
**NPS:** National Park Service  
**NPT:** Nez Perce Tribe  
**USFWS:** U.S. Fish and Wildlife Service

**Table 3. High potential historic sites and route segments associated with the NPNHT**

Segment 1 (Wallowa Valley, Oregon to Weippe Prairie, Idaho)		
High potential historic sites and trail segments include:		
Site Name	Ownership	Comments
Wallowa Lake	Oregon State Parks	Site is considered a high potential historic site or segment
Old Chief Joseph Gravesite	Held in trust by BIA for the Nez Perce and Umatilla Tribes	Site is considered a high potential historic site or segment
Iwetemlaykin State Heritage Site	Oregon State Parks	Site is considered a high potential historic site or segment
Indian Village Grove	FS	Site is considered a high potential historic site or segment
Imnaha River (Segment)	FS/ Private	Remnant trail segment is considered a high potential historic site or segment
Lone Pine Saddle Trail (Segment) (1727)	FS	Remnant trail segment is considered a high potential historic site or segment
Joseph Canyon Viewpoint	FS/NPS/OR DOT	Site is a high potential historic site or segment.
Dug Bar Crossing	Owned by FS; NPS administered co-managed under a MOU	Site is considered a high potential historic site or segment
Salmon River Crossing at Horseshoe Bend	BLM	Site is considered a high potential historic site or segment
Salmon River Crossing at Billy Creek	BLM	Site is considered a high potential historic site or segment
Dunwell’s Ferry	ID DOT/US Corps of Engineers	Site is a high potential historic site or segment

Site Name	Ownership	Comments
Mount Idaho Cemetery	Private	Site is considered a high potential historic site or segment
Spalding Site (Lapwai Mission Cemetery)	NPT & Presbyterian Church	Site is considered a high potential historic site or segment
Spalding Site (Nez Perce Tribal Cemetery)	NPT & Presbyterian Church	Site is considered a high potential historic site or segment
Fort Lapwai Officer's Quarters and the Northern Idaho Indian Agency	NPS/NPT	Site is considered a high potential historic site or segment
Tepahlewam Camp	ID Department of Fish and Game /Private	Site is considered a high potential historic site or segment
John Day Cemetery	Idaho County	Site is considered a high potential historic site or segment
Tolo Lake	Idaho Department of Fish and Game	Remnant trail segment is considered a high potential historic site or segment
White Bird Canyon (Segment)	NPS/Private	Remnant trail segment is considered a high potential historic site or segment
White Bird Battlefield	NPS/Private	Site is considered a high potential historic site or segment
Lahmotta Camp	Private	Site is considered a high potential historic site or segment
Clearwater Battlefield	NPS	Site is considered a high potential historic site or segment
Settlers Graves	BLM	Site is considered a high potential historic site or segment
Original Tread (Segment) between Clearwater River Crossing and Weippe Prairie	Various	Remnant trail segment is considered a high potential historic site or segment
Southern Nez Perce Trail (Segment)	Various	Remnant trail segment is considered a high potential historic site or segment
Heart of the Monster	NPS	Site is considered a high potential historic site or segment
Looking Glass Camp and Skirmish	USFWS/NPS	Site is considered a high potential historic site or segment
Nez Perce Trail	Private	Site is considered a high potential historic site or segment
Weippe Prairie	NPS/ Private	Site is considered a high potential historic site or segment

**Previously identified high potential historic sites and trail segments that are no longer designated include:**

Innaha River (Segment)– Corral Creek to Cow Creek- Willow Springs trailhead	Private/BLM	Trail segment is no longer considered a high potential historic site or segment because it lacks specific information that this was where the people traveled
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**Sites and segments requiring further investigation, prior to a determination being made:**

Elfers, Jurden Henry, Barn and Field	Private	Site is not currently identified as a high potential historic site or segment. Landowners should be contacted and site survey conducted to determine if it is a high potential historic site or segment
Lt. Rain's Skirmish	Private	Site is not currently identified as a high potential historic site or segment. Landowners should be contacted and site survey conducted to determine if it is a high potential historic site or segment
Scout Foster's Grave	Cottonwood Lions Club	Site is not currently identified as a high potential historic site or segment. Landowners should be contacted and site survey conducted to determine if it is a high potential historic site or segment

Site Name	Ownership	Comments
Cottonwood House	Private	Site is not currently identified as a high potential historic site or segment. Landowners should be contacted and site survey conducted to determine if it is a high potential historic site or segment
Cottonwood Skirmish	Private	Site is not currently identified as a high potential historic site or segment. Landowners should be contacted and site survey conducted to determine if it is a high potential historic site or segment
Misery Hill and McConville's Skirmish	Private	Site is not currently identified as a high potential historic site or segment. Landowners should be contacted and site survey conducted to determine if it is a high potential historic site or segment
Clearwater River Crossing	Private	Site is not currently identified as a high potential historic site or segment. Landowners should be contacted and site survey conducted to determine if it is a high potential historic site or segment

### Segment 2 (Weippe Prairie, Idaho to Lolo, Montana)

#### High potential historic sites and trail segments include:

Nee Me Poo/ Southern Nez Perce Trail (Segment)	FS	Remnant trail segment is considered a high potential historic site or segment
Musselshell Meadow	FS	Site is considered a high potential historic site or segment
Lolo Trail (Segment)	FS/ Private	Remnant trail segment is considered a high potential historic site or segment
Packer Meadows	FS	Site is considered a high potential historic site or segment
Weitas Meadows	FS	Remnant trail segment is considered a high potential historic site or segment
Bald Mountain	FS	Remnant trail segment is considered a high potential historic site or segment
Howard Camp	FS	Remnant trail segment is considered a high potential historic site or segment
Smoking Place	FS	Remnant trail segment is considered a high potential historic site or segment
Lolo Trail National Historic Landmark	FS/ NPT	Site is considered a high potential historic site or segment
21 Mile Camp	FS	Remnant trail segment is considered a high potential historic site or segment
Lolo Pass	FS	Site is considered a high potential historic site or segment
Lolo Hot Springs	Private	Remnant trail segment is considered a high potential historic site or segment
Graves Creek Meadows	Private	Remnant trail segment is considered a high potential historic site or segment
Ft. Fizzle	FS/ Private	Site is considered a high potential historic site or segment
Fort Missoula	Various	Site is considered a high potential historic site or segment

### Segment 3 (Lolo, Montana to Big Hole National Battlefield, Montana)

**High potential historic sites and trail segments include:**

Site Name	Ownership	Comments
Traveler's Rest	Private/MT State Parks	Site is considered a high potential historic site or segment
Ft. Owen	State	Site is considered a high potential historic site or segment
St Mary's Mission	State	Site is considered a high potential historic site or segment
Scarred Trees	FS	Site is considered a high potential historic site or segment
Medicine Tree	State/ Salish & Kootenai Tribe	Site is considered a high potential historic site or segment
Gibbons Pass (Segment)	FS/ Private	Remnant trail segment is considered a high potential historic site or segment
Ross Hole	Private	Site is considered a high potential historic site or segment
Gibbons Pass	FS	Site is considered a high potential historic site or segment
Calamity Jane's Horse Cache Butte	NPS	Site is considered a high potential historic site or segment
Big Hole National Battlefield	NPS	Site is considered a high potential historic site or segment

**Sites and segments requiring further investigation, prior to a determination being made:**

Ft. Corvallis	Corvallis School District	Site is not currently identified as a high potential historic site or segment. Landowners should be contacted and site survey conducted to determine if it is a high potential historic site or segment.
Ft. Skalkaho	Private	Site is not currently identified as a high potential historic site or segment. Landowners should be contacted and site survey conducted to determine if it is a high potential historic site or segment.
Southern Nez Perce Trail (Segment)	Various	Segment is not currently identified as a high potential historic site or segment. Landowners should be contacted and site survey conducted to determine if it is a high potential historic site or segment.

**Segment 4 (Big Hole National Battlefield, Montana to Leadore, Idaho)****High potential historic sites and trail segments include:**

Overland Trail (Segment)	FS/ Private	Remnant trail segment is considered a high potential historic site or segment
Skinner Meadow	FS	Site is considered a high potential site or segment
Bannock Pass Segment	FS	Site is considered a high potential site or segment

**Sites and segments requiring further investigation, prior to a determination being made:**

Montague-Winters Ranch	Private	Site is not currently identified as a high potential historic site or segment. Landowners should be contacted and site survey conducted to determine if it is a high potential historic site or segment.
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Site Name	Ownership	Comments
Junction City	Private	Site is not currently identified as a high potential historic site or segment. Landowners should be contacted and site survey conducted to determine if it is a high potential historic site or segment.

#### Segment 5 (Leadore, Idaho to Yellowstone NP, Wyoming)

#### High potential historic sites and trail segments include:

Dubois to Salmon (Segment)	BLM/Private	Remnant trail segment is considered a high potential historic site or segment
Camas Meadow Battle	NPS/ Private	Site is considered a high potential historic site or segment
Howard Camp Calloway Site	Private	Site is considered a high potential historic site or segment
Norwood Encounter Site	ID State Lands	Site is considered a high potential historic site or segment
Lemhi Trail	FS	Site is considered a high potential historic site or segment
Sam Glass Grave	Private	Site is considered a high potential historic site or segment.
Targhee Pass	FS	Site is considered a high potential historic site or segment

#### Previously identified high potential historic sites and trail segments that are no longer designated include:

Nez Perce Creek Rifle Pits	BLM	Site is not a high potential historic site or segment as it is associated with an event unrelated to the flight of the Nez Perce.
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#### Sites and segments requiring further investigation, prior to a determination being made:

Birch Creek Skirmish	Private	Site is not currently identified as a high potential historic site or segment. Landowners should be contacted and site survey conducted to determine if it is a high potential historic site or segment.
Henry's Lake	Mixed	Site is not currently identified as a high potential historic site or segment. Landowners should be contacted and site survey conducted to determine if it is a high potential historic site or segment.
Corrine-Bannock Stage Road	Private	Site is not currently identified as a high potential historic site or segment. Further investigation is needed before a determination can be made if it is a high potential historic site or segment
Hole-in-Rock Stage Station	Private	Site is not currently identified as a high potential historic site or segment. Landowners should be contacted and site survey conducted to determine if it is a high potential historic site or segment.
Dry Creek Stage Station	BLM and Private	Site is not a high potential historic site or segment. Further investigation is needed before a determination can be made if it is a high potential historic site or segment

Site Name	Ownership	Comments
Bugler Brooks Grave	Private	Site is not currently identified as a high potential historic site or segment. Landowners should be contacted and site survey conducted to determine if it is a high potential historic site or segment.
<b>Segment 6 (Yellowstone National Park)</b>		
<b>High potential historic sites and trail segments include:</b>		
Yellowstone (Segment)	NPS	Remnant trail segment is considered a high potential historic site or segment
Clark's Canyon	FS	Site is considered a high potential historic site or segment
Campsite (August 23, 1877)	NPS	Site is considered a high potential historic site or segment
Otter Creek	NPS	Site is considered a high potential historic site or segment
Shively's Capture	NPS	Site is considered a high potential historic site or segment
Radersburg Party Capture	NPS	Site is considered a high potential historic site or segment
Cowan Shot (Radersburg Party)	NPS	Site is considered a high potential historic site or segment
Helena Tourist Skirmish	NPS	Site is considered a high potential historic site or segment
Captain Spurgin's "Beaver Slide"	NPS	Site is considered a high potential historic site or segment
Nez Perce Ford	NPS	Site is considered a high potential historic site or segment
Indian Pond	NPS	Site is considered a high potential historic site or segment
Mud Volcano	NPS	Site is a high potential historic site
Mary Mountain Trail	NPS	Site is a high potential historic site
Old Faithful	NPS	Site is a high potential historic site
Sulphur Mountain	NPS	Site is a high potential historic site
Radersburg Party Release	NPS	Site is considered a high potential historic site or segment
Bart Henderson's Ranch Burned	FS/ NPS	Site is considered a high potential historic site or segment
Dietrich Killed at Mammoth	NPS	Site is considered a high potential historic site or segment
Baronett's Bridge Burned	NPS	Site is considered a high potential historic site or segment
Weikert and McCartney Attacked	NPS	Site is considered a high potential historic site or segment
Sturgis' Scouts Ambushed	NPS	Site is considered a high potential historic site or segment
Campsite (August 25, 1877)	NPS	Site is considered a high potential historic site or segment
<b>Sites and segments requiring further investigation, prior to a determination being made:</b>		
Glen Africa Basin	NPS	Site is not currently identified as a high potential historic site or segment. Survey should be conducted to determine if it is a high potential historic site or segment.
Fountain Flats Area	NPS	Site is not currently identified as a high potential historic site or segment. Survey should be conducted to determine if it is a high potential historic site or segment.
Soda Butte	NPS	Site is not currently identified as a high potential historic site or segment. Survey should be conducted to determine if it is a high potential historic site or segment.
Yellowstone Lake	NPS	Site is not currently identified as a high potential historic site or segment. Survey should be conducted to determine if it is a high potential historic site or segment.

Site Name	Ownership	Comments
Parker Peak	NPS	Site is not currently identified as a high potential historic site or segment. Survey should be conducted to determine if it is a high potential historic site or segment.
Nez Perce Creek	NPS	Site is not currently identified as a high potential historic site or segment. Survey should be conducted to determine if it is a high potential historic site or segment.
Mount Washburn	NPS	Site is a high potential historic site
Heart Mountain	NPS	Site is a high potential historic site
Mammoth Hot Springs	NPS	Site is not currently identified as a high potential historic site or segment. Survey should be conducted to determine if it is a high potential historic site or segment.
Absaroka Mountains	Various	Site is not currently identified as a high potential historic site or segment. Survey should be conducted to determine if it is a high potential historic site or segment.
McCartney's Hotel	NPS	Site is not currently identified as a high potential historic site or segment. Survey should be conducted to determine if it is a high potential historic site or segment.

#### Segment 7 (Yellowstone National Park, Wyoming to Broadview, Montana)

##### High potential historic sites and trail segments include:

Yellowstone (Segment)	FS	Remnant trail segment is considered a high potential historic site or segment
Dead Indian Hill	FS	Site is considered a high potential historic site or segment
Canyon Creek Battle site	Private/State/NPS	Site is considered a high potential historic site or segment
Cow Island Raid	State	Site is not currently identified as a high potential historic site or segment. The State should be contacted and site survey conducted to determine if it is a high potential historic site or segment.

##### Sites and segments requiring further investigation, prior to a determination being made:

Howard's route (Segment) across the Shoshone NF	FS	Segment is not currently identified as a high potential historic site or segment. Survey should be conducted to determine if it is a high potential historic site or segment.
Bill Brockway Ranch	Private	Site is not currently identified as a high potential historic site or segment. Survey should be conducted to determine if it is a high potential historic site or segment.
Charcoal drawings on trees	Private	Site is not currently identified as a high potential historic site or segment. Survey should be conducted to determine if it is a high potential historic site or segment.
P.W. McAdow Sawmill	Private	Site is not currently identified as a high potential historic site or segment. Landowners should be contacted and site survey conducted to determine if it is a high potential historic site or segment.
J.M.V. Cochran Ranch	Private	Site is not currently identified as a high potential historic site or segment. Landowners should be contacted and site survey conducted to determine if it is a high potential historic site or segment.

#### Segment 8 (Broadview, Montana to Bear Paw National Battlefield, Montana)

##### High potential historic sites and trail segments include:

Reed and Bowles Stockade	State/ County	Site is considered a high potential historic site or segment
Pompey's pillar	BLM	Remnant trail segment is considered a high potential historic site or segment
Buffalo Trail Road	Yellowstone County	Remnant trail segment is considered a high potential historic site or segment

Site Name	Ownership	Comments
Missouri River Breaks (Segment) from Cow Island Crossing to Bear Paw	Various	Segment is considered a high potential historic site or segment
Cow Island Crossing	BLM/BIA	Site is considered a high potential historic site or segment
Cow Creek Camp	BLM/Private	Site is considered a high potential historic site or segment
Ilges Skirmish	State/Private	Site is considered a high potential historic site or segment
Burning of Bull Wagon	BLM/Private	Site is considered a high potential historic site or segment
Bullwackers Graves	BLM/Private	Site is considered a high potential historic site or segment
Bear Paw Battlefield	NPS	Site is considered a high potential historic site or segment
Sturgis and Howard Camps	Private	Site is considered a high potential historic site or segment
Judith Basin Raid	Private	Site is considered a high potential historic site or segment
Cow Island Skirmish	BLM/Private	Site is considered a high potential historic site or segment
Miles Butte Military Camp	BLM	Site is considered a high potential historic site or segment
<b>Sites and segments requiring further investigation, prior to a determination being made:</b>		
Musselshell Crossing	Private	Site is not currently identified as a high potential historic site or segment. Landowners should be contacted and site survey conducted to determine if it is a high potential historic site or segment.

## Certification of Sites and Segments

Resources located on private or non-federal land may be certified as components of the Trail. These historic sites and segments must have a direct association with events associated with the flight of the Nez Perce in 1877. For the most part, historic sites and segments being considered for certification will be evaluated based upon the same five criteria used for evaluating High Potential Historic Sites and High Potential Historic Route Segments. Additional guidance on the evaluation, management, and the appropriate level of commemoration may be specified in a Certification Guide that is supplemental to this Comprehensive Plan [*Guide to Partnership Certification along the Nez Perce (Nee-Me-Poo) National Historic Trail*, July 2020, Northern Region, (R1) USDA Forest Service].

## The Route Today

The landscapes of today's trail route are rich in natural, scenic, cultural, and historic resources. From the deeply incised Columbia Plateau, across the Continental Divide and a succession of ranges, canyons and valleys, through forests and plains, across thermal areas and rivers, the Nez Perce Trail winds through four major ecosystems and some of the most rugged and spectacular scenery in western America.

In many places, today's landscape is similar to the route the Nez Perce followed in 1877. However, some vegetation types have been significantly altered, such as the conversion of prairie and camas meadows into cropland and pasture. Many streams have been altered through water projects such as impoundments and diversions. With the exclusion of fire, forest communities have become crowded and woody plants have encroached into meadows. While much has been changed, the essence of the landscape remains natural appearing.

The Trail and /or the Auto Tour Route also crosses the traditional homelands of many federally recognized Tribes, including the Nez Perce Tribe, Confederated Tribes of the Umatilla Indian Reservation, Elgin, Oregon is the 1855 Nez Perce Reservation boundary, but Minam, Oregon has Chief



Joseph's rock cairns that are boundary markers, Confederated Salish & Kootenai Tribes, Northern Cheyenne Tribe, Shoshone-Bannock Tribes, Blackfeet Nation, Fort Belknap Assiniboiné & Gros Ventre Tribes, Fort Peck Assiniboiné & Sioux Tribes, Chippewa Cree Tribe, Eastern Shoshone Tribe, Crow Nation, Little Shell Chippewa Tribe (see figure 3 through figure 11).

## Land Ownership

Today, the Nez Perce National Historic Trail is managed by many different land management agencies with administrative jurisdiction underlying and adjacent to the Trail. The table below shows the breakdown of the entities underlying or adjacent to the Trail (by trail mileage and the percentage of the Trail managed by each entity). It is important to note that Federal ownership and jurisdiction underlying the Trail makes up only 45.7 percent of total trail miles; while 48.6 percent of the Trail crosses privately owned lands; and roughly 5 percent of the Trail crosses lands administered by State agencies. This division of jurisdiction and ownership highlights the importance of working with State and local agencies as well as partners and private landowners to manage the significant portions of the Trail. Table 4 lists the proportion of trail miles by jurisdiction underlying and adjacent to the Trail.

**Table 4. Land ownership and management**

Entity	Trail Miles	Percentage of Trail Miles
Private Lands	1,061	48.6 percent
State Lands	119	5.5 percent
Forest Service	383	17.5 percent
National Park Service*	338	15.5 percent
Bureau of Land Management	200	9.2 percent
Bureau of Indian Affairs (in trust)	51	2.3 percent
Fish and Wildlife Service	20	0.9 percent
Department of Energy	5	0.2 percent
Bureau of Reclamation	3	0.1 percent
Corps of Engineers	3	0.1 percent
Undetermined	2	0.1 percent
<b>Grand Total</b>	<b>2,184**</b>	<b>100 percent</b>

\* Most National Park Service land is in Yellowstone National Park, which has 336 miles of trail, or 15.4 percent of the total trail miles

\*\* The mileage of the Nez Perce National Historic Trail has increased from the 1990 Comprehensive Plan's generalized location of 1,170 miles. The increase results from mapping the Trail and associated trails' locations using more detailed roads and trails to create trail centerlines.

## Access, Recreation, Interpretation, and Education

The Trail passes many gateway communities as it travels through Oregon, Washington, Idaho, Wyoming, and Montana. Smaller communities along or near the Trail (such as Grangeville, Idaho and Chinook, Montana) provide supplies and amenities for trail users. Larger communities farther from the Trail corridor (such as Lewiston, Idaho and Billings, Montana) provide transport hubs, specialized amenities and public services such as toilets, hotels, parks, playgrounds, museums and recreational opportunities.

Many historic sites and segments are still locatable but are often overgrown by vegetation, cross a variety of ownerships, or are altered by man-made structures and activities. The Trail also crosses numerous jurisdictions, and many historic sites and segments are located on private land, inaccessible to the public. For this reason, the Trail is not designed to be traveled on foot or horseback from end to end. Rather, the Trail consists of a series of sites connected by segments and auto tour routes, which provide access to recreation and interpretive sites along the Trail.

The Trail and associated sites offer a variety of recreation opportunities and attractions for locals and visitors alike. Sites along the Trail serve as destination attractions for visitors (such as the National Park Service's Nez Perce National Historical Park Visitor's Center), day use recreation areas for locals (such as Tolo Lake) or side trips as part of recreational activities.

Recreational sites along the Trail are managed by entities including Federal agencies; State, county and local government agencies; and private citizens. Sites include developed recreation sites such as campgrounds, rental cabins, picnic areas, boat launches, and overnight and day use sites, as well as trailheads, wayside interpretation and dispersed recreation sites. Interpretive sites are managed by the Forest Service, National Park Service, Bureau of Land Management, Fish and Wildlife Service, and other partners. These interpretive sites offer services and facilities that include interpretive media, trails, access facilities, picnicking spots, observation points, parking, and restrooms.

The *Nez Perce (Nee-Me-Poo) National Historic Trail Interpretive Plan* (USDA Forest Service 2016) guides interpretation and education for the Trail. Interpretive and educational topics and themes provide a framework for telling stories of the flight of the Nez Perce in an integrated and systematic way, which allows for public understanding. The interpretive framework includes Trail-long as well as regional topics.

This framework should apply regardless of the agency with jurisdiction over individual segments of the Trail. Interpretive themes and storylines should be developed to help focus interpretive efforts and to link stories in meaningful and memorable ways. Storylines and additional subthemes can be found in *Nez Perce (Nee-Me-Poo) National Historic Trail Interpretive Plan 2016*. The overall interpretive and educational theme for the Trail should parallel the lives of all people who strive for peace, identity, homeland, spiritual freedom and a chosen way of life. The theme symbolizes the dramatic conflict of cultures, which continues to change the West and its people.

## Management Challenges

The National Trail Administrator and associated land management agencies currently face a number of management challenges:

### Coordinated Management

A major challenge for all is ensuring coordination and collaboration among the many entities and Tribes responsible for managing the Trail and ensuring the Trail plan is compatible with the many management plans for the lands underlying the Trail.

### Access

Because the Trail is not continuous, access to each publicly accessible segment of the Trail must be managed individually. In addition, nearly 50 percent of the Trail crosses private land, meaning access to significant parts of the Trail is subject to the discretion of private landowners.

### Heritage Resources

Trail access or use may impact heritage resources; examples of threats include metal detecting, artifact hunting, damaging cairns, and damaging cambium trees dated to 1877. Trail maintenance activities may impact the Trail and resources.

### Travel Management

A primary challenge is travel management, particularly where:

- the Trail is aligned with existing roads

- there is illegal motorized use
- there is authorized motorized use including off-highway vehicles and snowmobiles
- there is authorized bicycle use and
- there is a backlog of trail maintenance

A 1982 study report recommended permitting pedestrian and saddle stock use on the Trail, which was incorporated into the travel management direction in the 1990 plan. However, there are still sections of the Trail where other agency management plans contain conflicting direction. The revised Comprehensive Plan should take precedence over other plans.

## Interpretation

There is a lack of consistency between interpretive sites and themes along the Trail due to the various managing agencies producing different interpretive materials over the years. In addition, there is a need to more clearly and consistently link the existing interpretive materials for specific sites and events to the overall trail. The way interpretive information for the Trail is delivered is also evolving from printed materials and wayside panels into electronic applications and virtual access. In addition to these forms of information, interpretation includes websites and other electronic and virtual means of telling the Trail story.

## New Development

Though much of the Trail remains in a relatively natural-appearing state, parts of the Trail could be affected by new development of uses and infrastructure, which may be incompatible with, or adversely affect, the Trail. Examples of these uses and infrastructure may include energy development, mineral exploration and extraction, utility corridors and communication sites, and residential or commercial development. Such development has the potential to affect the integrity of the cultural, natural, visual, and historic resources along the Trail.

## Divergence from Naturally Occurring Conditions

Vegetation and fuel conditions in proximity to the Trail have diverged from historical conditions. Suppressing naturally occurring processes; including lightning caused fires at regular intervals; has created increased fuel loading, decadent stands, and the proliferation of insects and disease. Much of the Trail is susceptible to stand replacing wildfire, which could further compromise visuals, integrity, and historical artifacts associated with the Trail. There may be large wildfire scars in 1877 future research will determine.

## Visitor Use

Increased visitor use is a challenge in some key locations along the Trail, primarily in National Parks such as Yellowstone. Though most of the Trail is not significantly affected by visitor use, it is a management priority to ensure the continued protection of historic resources along the Trail in perpetuity.

## Trail Segments and Auto Tours

To facilitate trail administration, the Trail has been divided into eight segments, which roughly correspond to the geographic regions identified in the eight existing Auto Tour Routes:

1. Wallowa Valley, Oregon to Kooskia, Idaho
2. Orofino, Idaho to Lolo, Montana
3. Lolo, Montana to the Big Hole National Battlefield, Montana, through the Bitterroot Valley
4. Big Hole, Horse Prairie and Lemhi Valleys to Leadore, Idaho

5. Leadore and Island Park, Idaho, to Yellowstone National Park, Montana
6. Through Yellowstone National Park
7. Yellowstone National Park to Canyon Creek, and Broadview, Montana
8. Canyon Creek to Bear Paw Battlefield

Figure 3 provides an overview of the primary route from Oregon, through Idaho, and into Montana, and the approximate areas of the eight segments.



**Figure 5. Nez Perce Trail segments map**

Figures 6 through 13 show the maps from the eight 2016 Auto Tour Brochures titled “Experience the Nez Perce Trail” (USDA Forest Service 2016). The red triangles correlate to each Auto Tour Brochure.

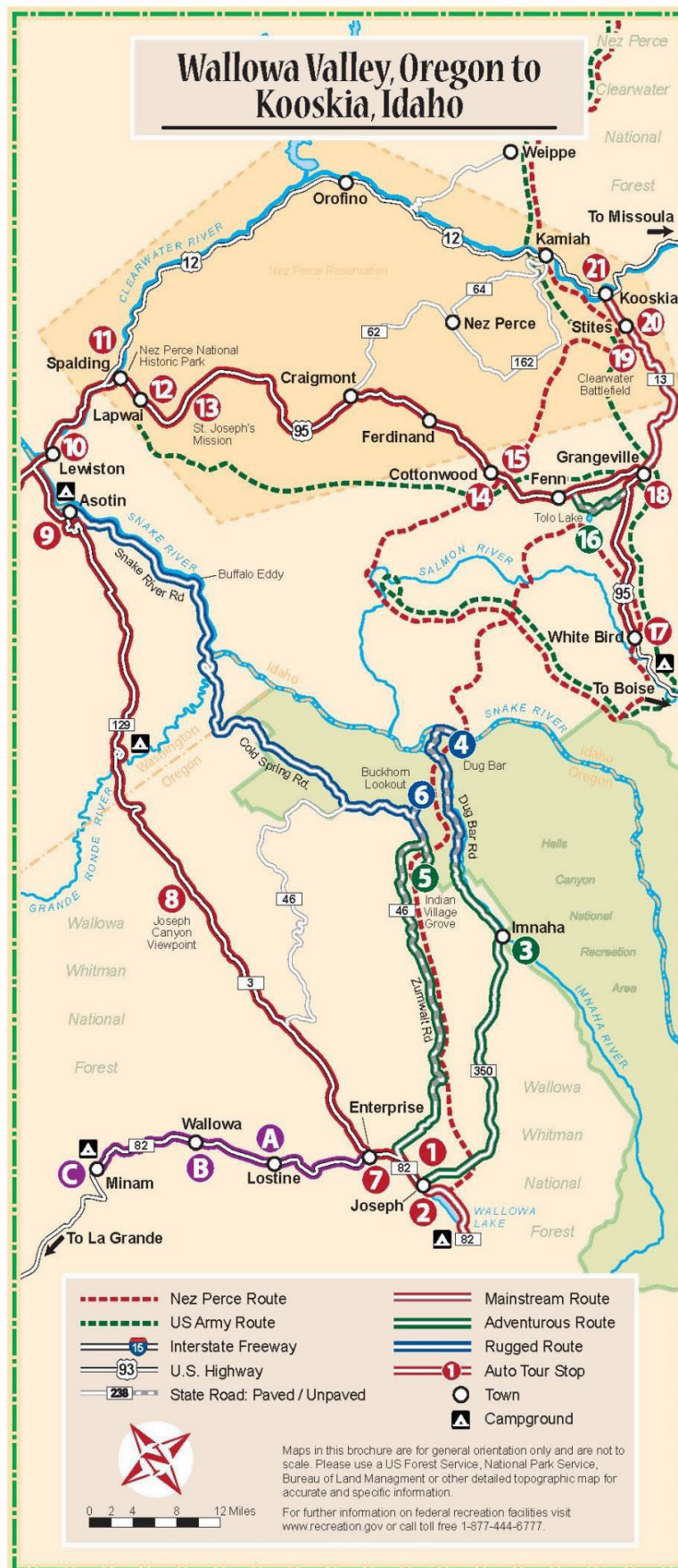


Figure 6. Wallowa Valley, Oregon to Kooskia, Idaho

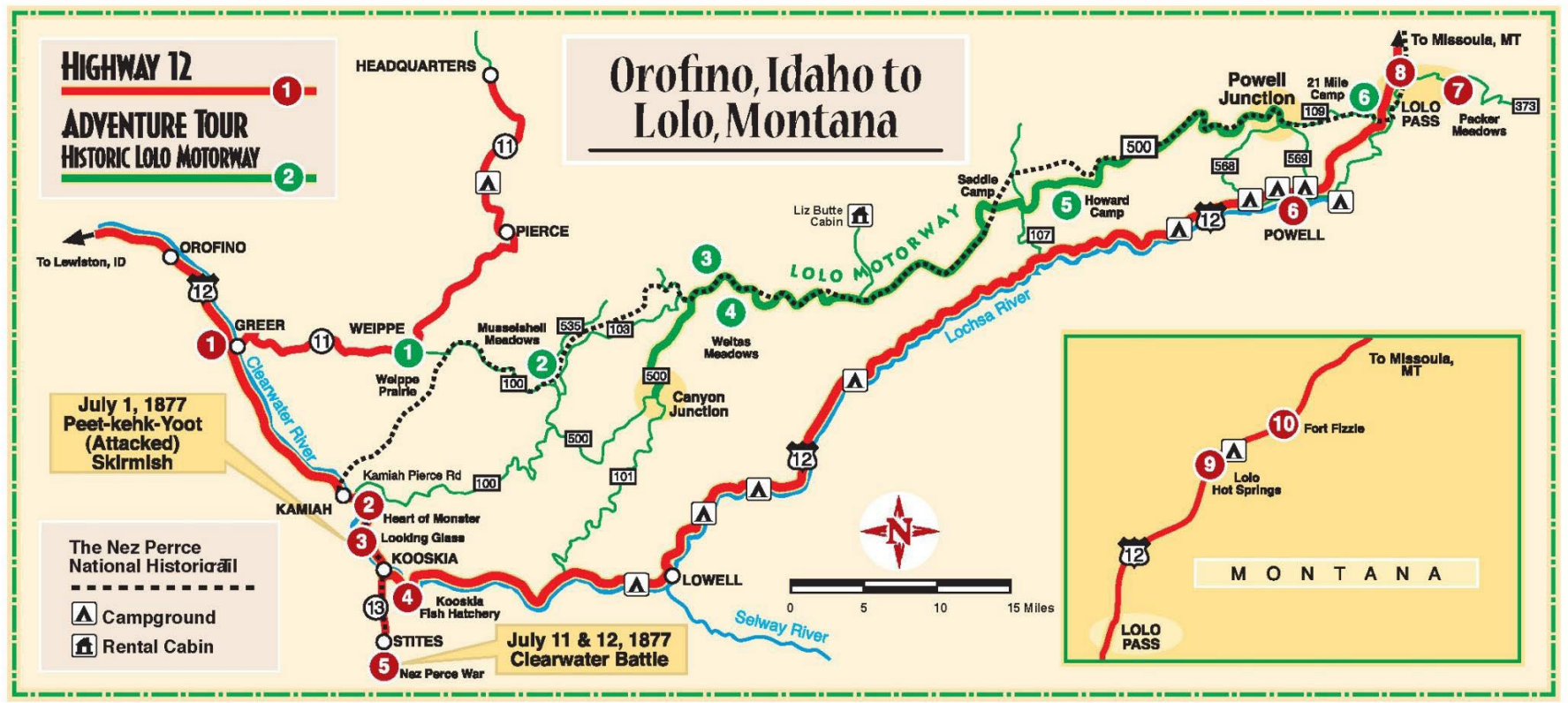


Figure 7. Orofino, Idaho to Lolo, Montana



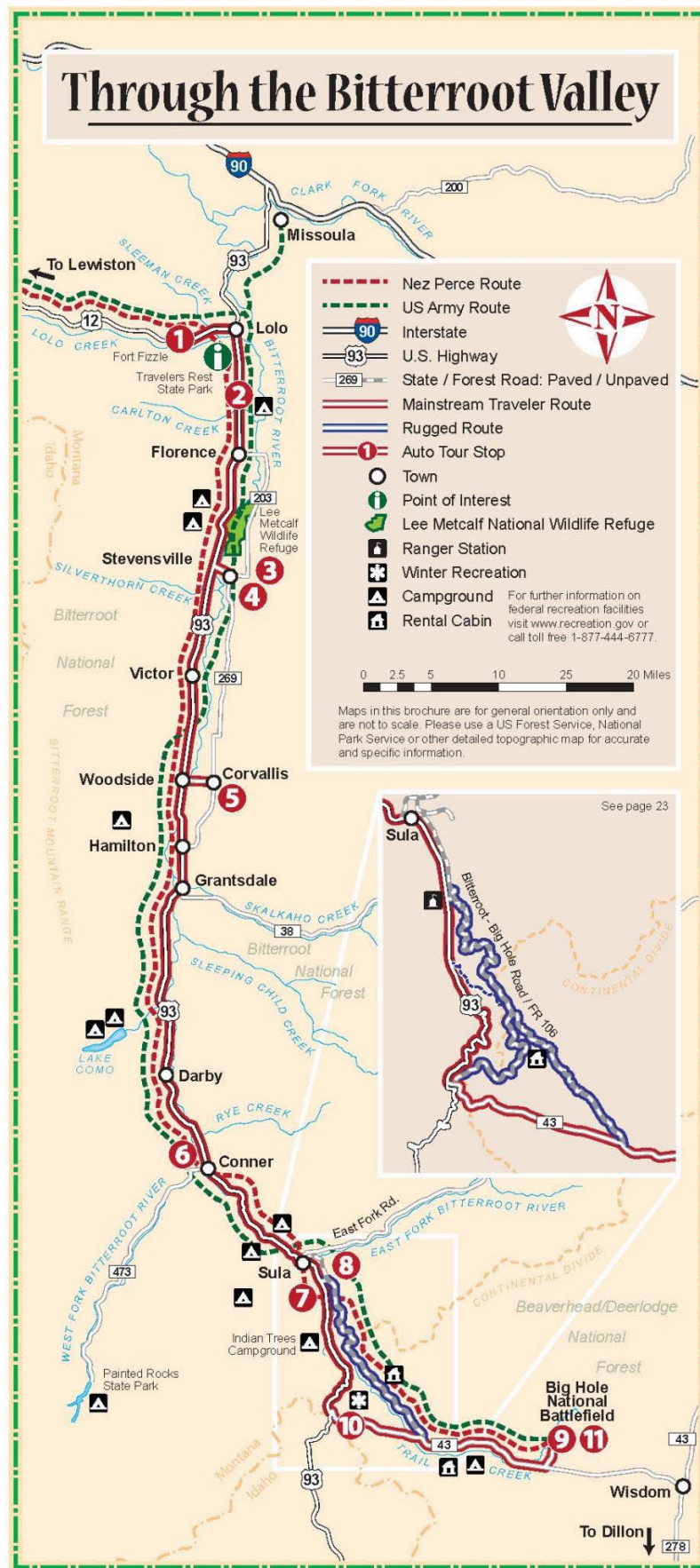


Figure 8. Lolo to Big Hole National Battlefield, Montana

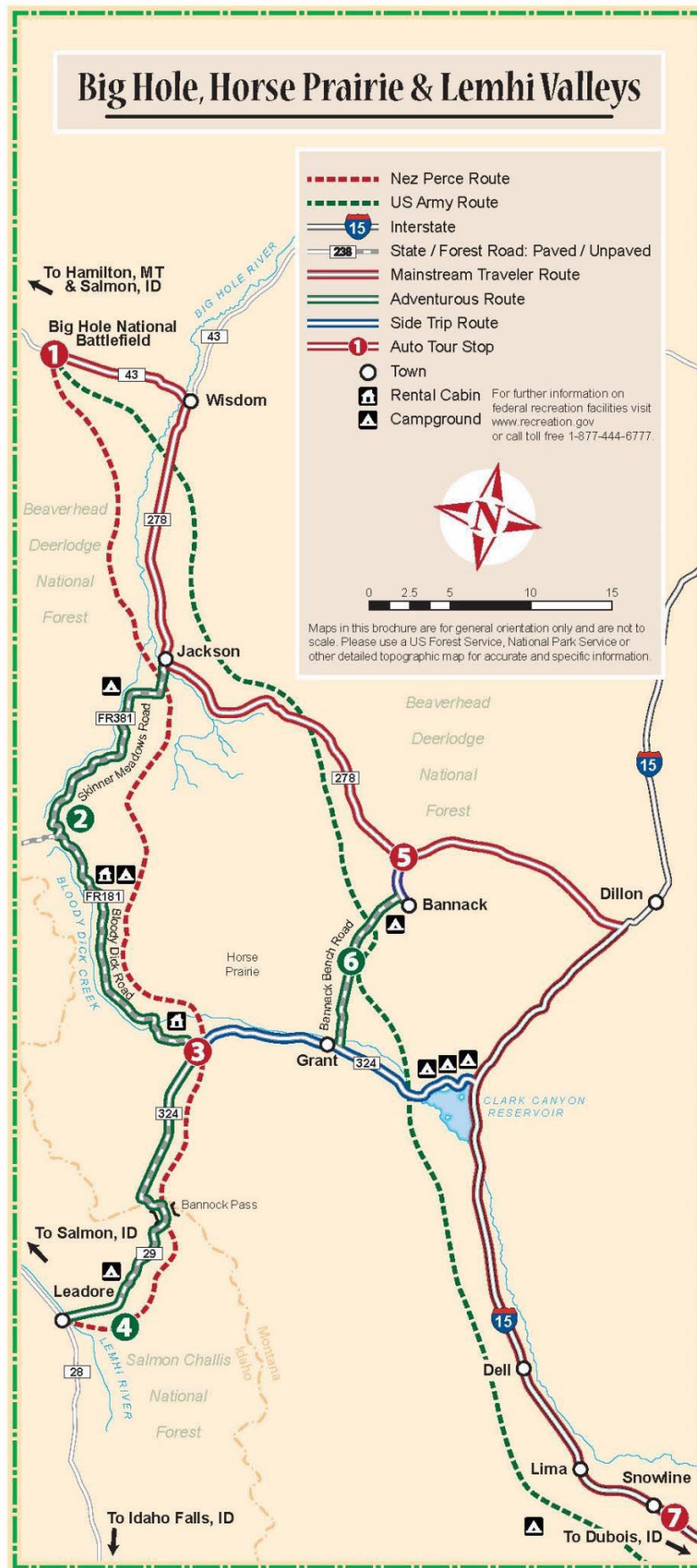


Figure 9. Big Hole, Montana to Leadore, Idaho



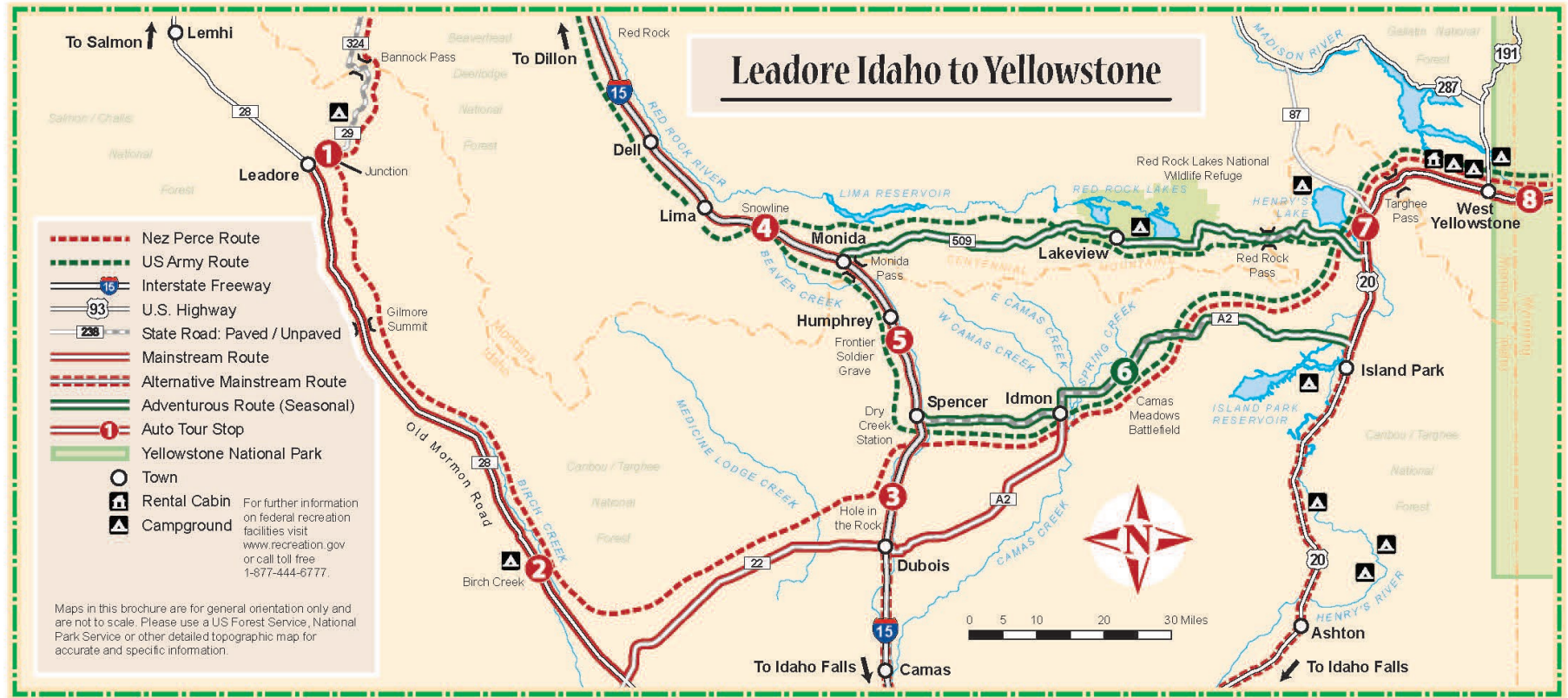


Figure 10. Leadore and Island Park, Idaho to Yellowstone National Park

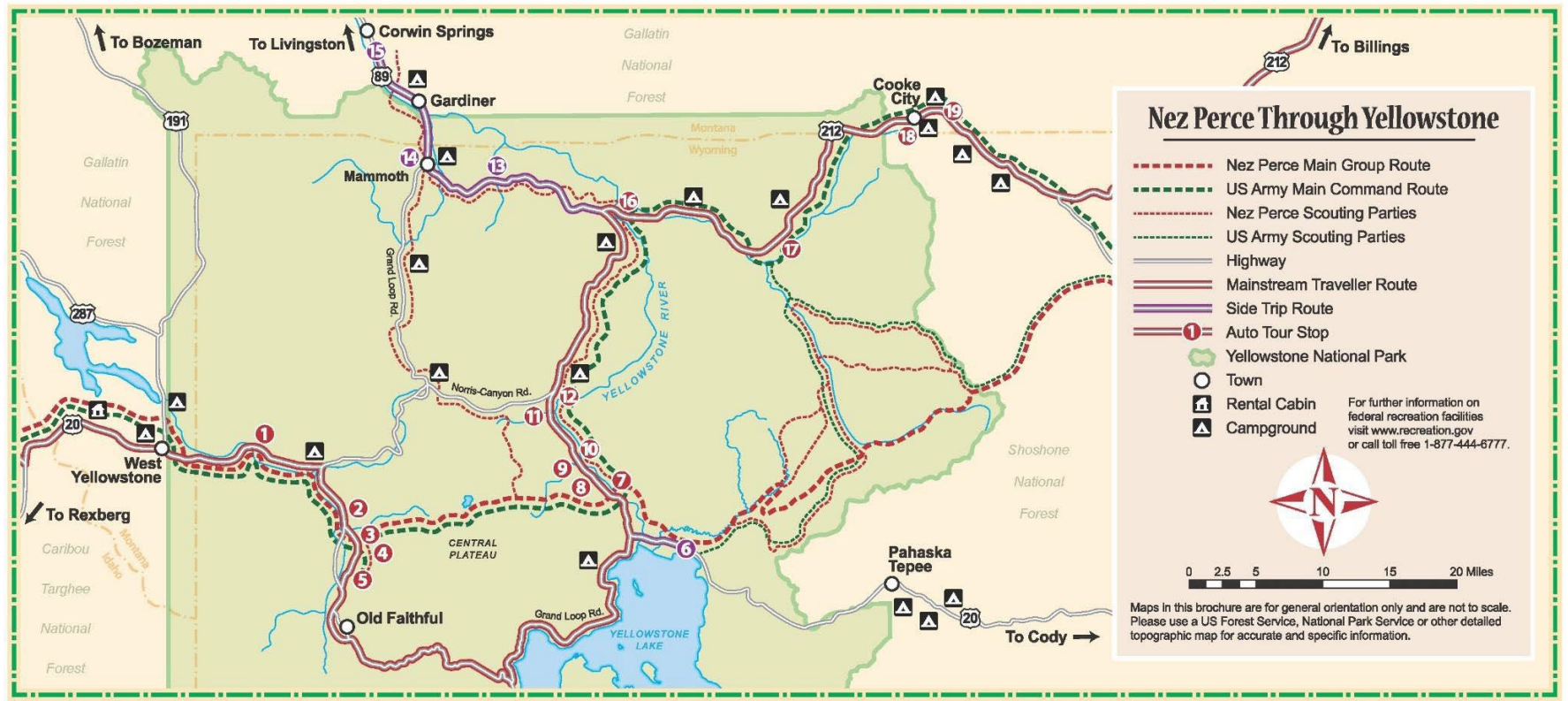


Figure 11. Yellowstone National Park



Figure 12. Yellowstone National Park to Broadview, Montana



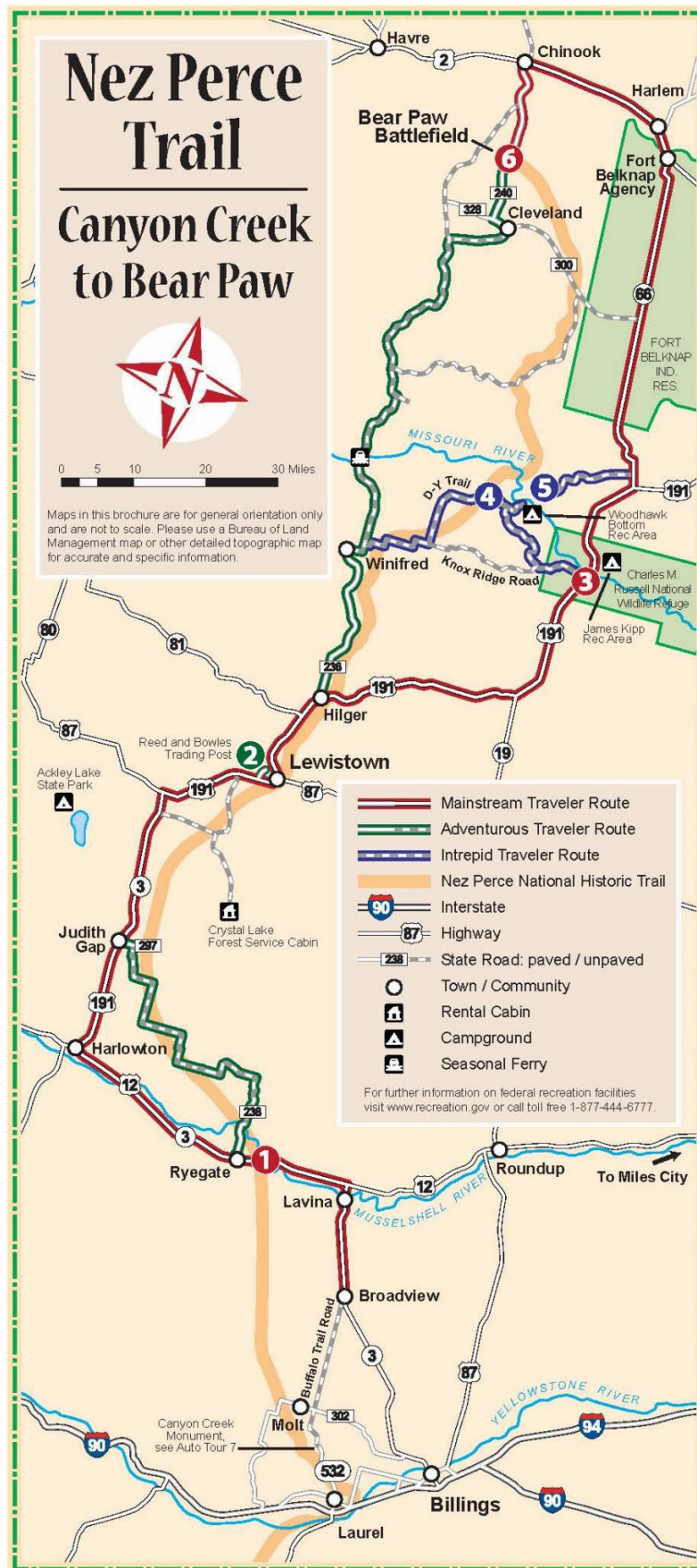


Figure 13. Broadview to Bear Paw National Battlefield, Montana

## Segment 1: Wallowa Valley, Oregon to Kooskia, Idaho

Segment 1 of the Nez Perce Trail begins in the Wallowa Valley of Oregon and continues on to Kooskia, in Idaho (figure 6). This segment of the Nez Perce Trail is approximately 393 miles long; 302 of these miles are located on private land. The Trail begins in the vicinity of Wallowa Lake just outside of Joseph, Oregon (symbolizing the departure of Chief Joseph's band from their traditional homeland) and runs from there across private land before entering the Wallowa-Whitman National Forest and the Hells Canyon National Recreation Area.

Leaving the Wallowa-Whitman National Forest, the Trail runs through private land and small parcels of BLM lands before crossing into White Bird Canyon and the White Bird Battlefield managed by the National Park Service, and then to Tolo Lake. Tolo Lake is a site affiliated with the Nez Perce National Historical Park but is managed by the Idaho Department of Fish and Game.

From the Tolo Lake area, the Trail continues across private and BLM land before entering the Nez Perce Indian Reservation. The Nez Perce Trail then exits the Reservation crossing state and private land before Segment 1 ends near Kooskia, ID.

## Segment 2: Orofino, Idaho to Lolo, Montana

Segment 2 of the Nez Perce Trail begins just east of Kooskia in Idaho and continues across the Nez Perce-Clearwater National Forest following U.S. Highway 12 over Lolo Pass and down into Lolo, Montana (figure 7). This segment of the Nez Perce Trail is approximately 135 miles long; with only 30 of these miles located on private land, and the majority located on public land managed by the US Forest Service.

A more rugged section starting near Weippe, Idaho, and Musselshell Meadows follows the Lolo Motorway and the Lolo Trail National Historic Landmark on the Nez Perce – Clearwater National Forest where it climbs both the Clearwater and the Bitterroot Mountains before ascending Lolo Pass. The Trail then enters the Lolo National Forest and descends Lolo Pass along Lolo Creek where it exits the Lolo National Forest into the town of Lolo, Montana, turning south on U.S. Highway 93 and into the Bitterroot Valley of Montana.

## Segment 3: Lolo, Montana to the Big Hole National Battlefield, Montana

Segment 3 of the Nez Perce Trail begins in Lolo, Montana, where it then joins with U.S. Highway 93 and travels south through the Bitterroot Valley before crossing onto the Bitterroot National Forest (figure 8). It continues over Lost Trail and Gibbons Passes onto the Beaverhead-Deerlodge National Forest before ending at the Big Hole National Battlefield just west of Wisdom, Montana. The majority of the Nez Perce Trail is located on private land and the current alignment locates the Trail along U.S. Highway 93 at the base of the Bitterroot Valley. This segment of the Nez Perce Trail is approximately 131 miles long; with 77 percent of these miles located on private land, and 33 percent located on National Forest System land.

## Segment 4: Big Hole, Horse Prairie and Lemhi Valleys to Leadore, Idaho

Segment 4 of the Nez Perce Trail continues from the Big Hole National Battlefield and travels south through Jackson, Montana, past Bannack State Park to Interstate 15 near Dillon, Montana (figure 9). It then turns south following I-15 to Dubois, Idaho. Another route beginning at Jackson, Montana travels south through the Beaverhead-Deerlodge National Forest, exiting the national forest down Bloody Dick Creek. The Trail then crosses BLM and private land joining with Montana Highway 324 traversing Bannock Pass and continuing to the Salmon-Challis National Forest on Idaho Highway 29 before coming to an end on lands administered by the Salmon Field Office of the BLM just east of Leadore, Idaho, on the Lemhi Resource Area. This segment of the Nez Perce Trail is approximately 96 miles long with 78 percent of these miles located on public land managed by the Forest Service and BLM, and 21 percent on private land.

**Segment 4 Alternate Route:** An alternate route continues from the top of Lost Trail Pass and the junction

with US Highway 93 and Montana Highway 43, south through the Salmon-Challis National Forest via U.S. Highway 93 to Salmon, Idaho, where it then follows Idaho Highway 28 southeast to Leadore, Idaho. This section is approximately 92 miles long.

## Segment 5: Leadore and Island Park, Idaho, to Yellowstone National Park, Montana

Segment 5 of the Nez Perce Trail begins approximately 4 miles east of Leadore, Idaho, at the Smokey Cubs Recreation Site, and continues southeast down Idaho Highway 28 and the Lemhi River Valley past the Birch Creek Campground, before turning east on Idaho Highway 22 to Dubois, Idaho (figure 10). From Dubois, the Trail moves northeast onto the Caribou-Targhee and Gallatin National Forests before ending in West Yellowstone, Montana on the boundary of Yellowstone National Park. From Dubois the Trail follows county roads until it joins with Highway 20 near Island Park, Idaho, crossing portions the Caribou-Targhee National Forest. This segment of the Nez Perce Trail is approximately 263 miles long approximately 68 percent of these miles are located on public land managed primarily by the BLM and 32 percent on private land. An alternate all-season route takes travelers south via I-15, Idaho Highway 33 to Rexburg, before turning north on Highway 20 to Ashton and Island Park, Idaho.

## Segment 6: Yellowstone National Park

Segment 6 of the Nez Perce Trail begins on the Custer-Gallatin National Forest near West Yellowstone, Montana, and continues into the town of West Yellowstone before entering Yellowstone National Park near the west entrance (figure 11). It continues along the Madison River before traveling through Yellowstone National Park and exiting onto the Gallatin and Shoshone National Forests near Cooke City, Montana. This segment of the Nez Perce Trail is approximately 341 miles long approximately 99 percent of these miles located on public land managed by the National Park Service in Yellowstone National Park; the remaining 2 percent are split between private land and national forest. Almost the entirety of segment 6 is located in Yellowstone National Park.

The events of the summer of 1877 in Yellowstone Park were complex. Unlike other segments of the Nez Perce National Historic Trail Auto Tour, this part of the story unfolds on several fronts simultaneously making it difficult to identify a single route that follows a cohesive story line. The recommended route follows the most reasonable way to drive through the park (see map on page 41).

## Segment 7: Yellowstone National Park to Broadview, Montana

Segment 7 of the Nez Perce Trail is approximately 275 miles long roughly 52 percent of these miles are located on private land (figure 12). About 45 percent of the Trail is located on public land managed primarily by the Shoshone National Forest and a small section managed by the BLM.

This segment begins on the eastern border of Yellowstone National Park near Cooke City, Montana, and continues onto the Shoshone National Forest. Just northeast of Yellowstone National Park it follows Highway 212 east to the junction with Wyoming State Highway 296, the Chief Joseph Scenic Byway, which it follows for approximate 46 miles to the junction with Wyoming Highway 120. It then turns north on Wyoming State Highway 120 to follow the Clarks Fork of the Yellowstone River to where General Howard and Colonel Sturgis finally met and continues north into Montana on U.S. Highway 310 to Laurel, Montana. From there, travelers can take side trips to Billings and Pompeys Pillar National Monument, then head back to Laurel and drive north approximately 8 miles to the site of the eventual encounter between the Nez Perce and Sturgis' troops at the Canyon Creek Battlefield, eventually ending in Broadview, Montana.

## Segment 8: Broadview to Bear Paw National Battlefield, MT

Segment 8 of the Nez Perce Trail begins north of the Canyon Creek Battlefield in the town of Broadview, Montana and continues northwest through Ryegate to Judith Gap (figure 13). From Judith Gap, the Trail continues north to Lewistown, Montana, through the Upper Missouri River Breaks National Monument,

crossing the Missouri River near Cow Island, and continuing to the terminus at Bear Paw National Battlefield just south of Chinook, Montana.

This segment of the Nez Perce Trail is approximately 613 miles long; 71 percent of these miles are located on private land. The next largest portion of land the Trail crosses is public land managed by the BLM from the Billings, Lewistown, and Havre Field Offices the route also crosses portions of the Charles M. Russell National Wildlife Refuge and include Auto Tour Routes.

## Auto Tours

Section 7 (c) of the National Trails System Act, 16 U.S.C. 1246 (c), authorizes establishment of driving routes, known as auto tours, along National Historic Trails:

Where a national historic trail follows existing public roads, developed rights-of-way or waterways, and similar features of man's nonhistorically related development, approximating the original location of a historic route, such segments may be marked to facilitate retracement of the historic route, and where a national historic trail parallels an existing public road, such road may be marked to commemorate the historic route.

The Trail's Auto Tour Routes are on roads following the approximate route taken by the Nez Perce during the 1877 flight (see figure 6 through figure 13). Table 5 displays the mileage of the eight segments of Auto Tour Routes and the type of travel possible along the route. Mainstream routes are paved and open to travel during all seasons. Adventurous routes are not recommended for motor homes or vehicles towing trailers. Rugged routes can be traveled by 4x4 backcountry vehicles, all-terrain vehicles, and mountain bicycles. Auto Tour Routes remain a staple for visitors experiencing the Trail.

**Table 5. Nez Perce Trail Auto Tour Routes and categories**

Auto Tour Route	Mainstream Route Miles	Adventurous and Rugged Route Miles	Total Miles
1. Wallowa Valley, Oregon to Kooskia, Idaho	281.5	167.1	448.6
2. Orofino, Idaho to Lolo, Montana	150	119	269
3. Lolo, Montana to Big Hole Battlefield, Mont	131.8	55.5	187.3
4. Big Hole, Montana to Lemhi Valley, Idaho	277.6	94.2	371.8
5. Leadore, Idaho to Yellowstone National Park	252.8	119.3	372.1
6. Yellowstone National Park to Cooke City, MT	274.5		274.5
7. Cooke City, MT to Broadview, MT	398.2	24.7	422.9
8. Broadview, MT to Bear Paw Battlefield, MT	286.3	358.4	644.7
<b>Totals</b>	<b>2052.7</b>	<b>938.2</b>	<b>2990.9</b>

## Associated Trails

Nine important trails located adjacent to, overlapping or crossing the Trail were identified in the 1990 plan (figure 15 through figure 22). In addition to the nine trails identified in the 1990 plan, the Ice Age Floods National Geologic Trail was designated by Congress in 2009 under the National Trails System Act.

## Connecting and Side Trails

The National Trails System Act states that connecting or side trails “may be established, designated, and marked by the appropriate Secretary as components of a national recreation, scenic, or historic trail” (16 U.S.C. 1245). Connecting trails complement designated national recreation, scenic, or historic trails by providing additional points of public access between or connecting to such trails. Side trails provide additional singular points of public access to special features along national recreation, scenic, or historic trails. Connecting and side trails may have their own comprehensive plans, corridors, marking guidelines, and

protection measures beyond what is identified in this Comprehensive Plan.

This plan recognizes that some of the associated trails listed above, as well as other trails identified by partners, may be future candidates for designation as connecting and side trails. At this time the Continental Divide National Scenic Trail, and Lewis and Clark National Historic Trail remain as the only trails designated under the National Trails System Act. Interested agencies and partners may contact the National Trail Administrator for guidance on the nomination process for identifying future connecting and side trails for the Secretary of Agriculture to consider for designation.



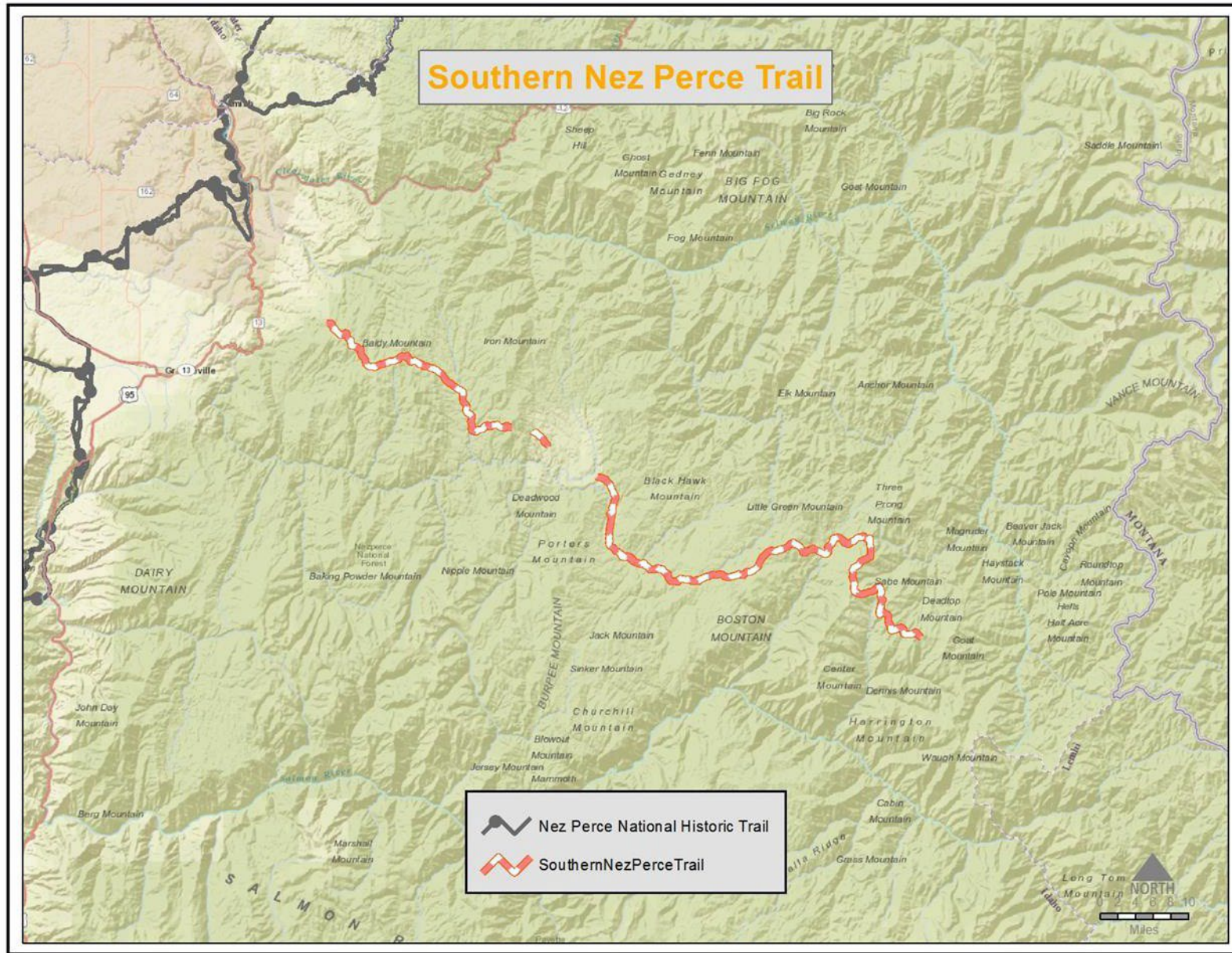


Figure 14. Southern Nez Perce Trail





Figure 15. Lolo Trail





Figure 16. Overland Trail



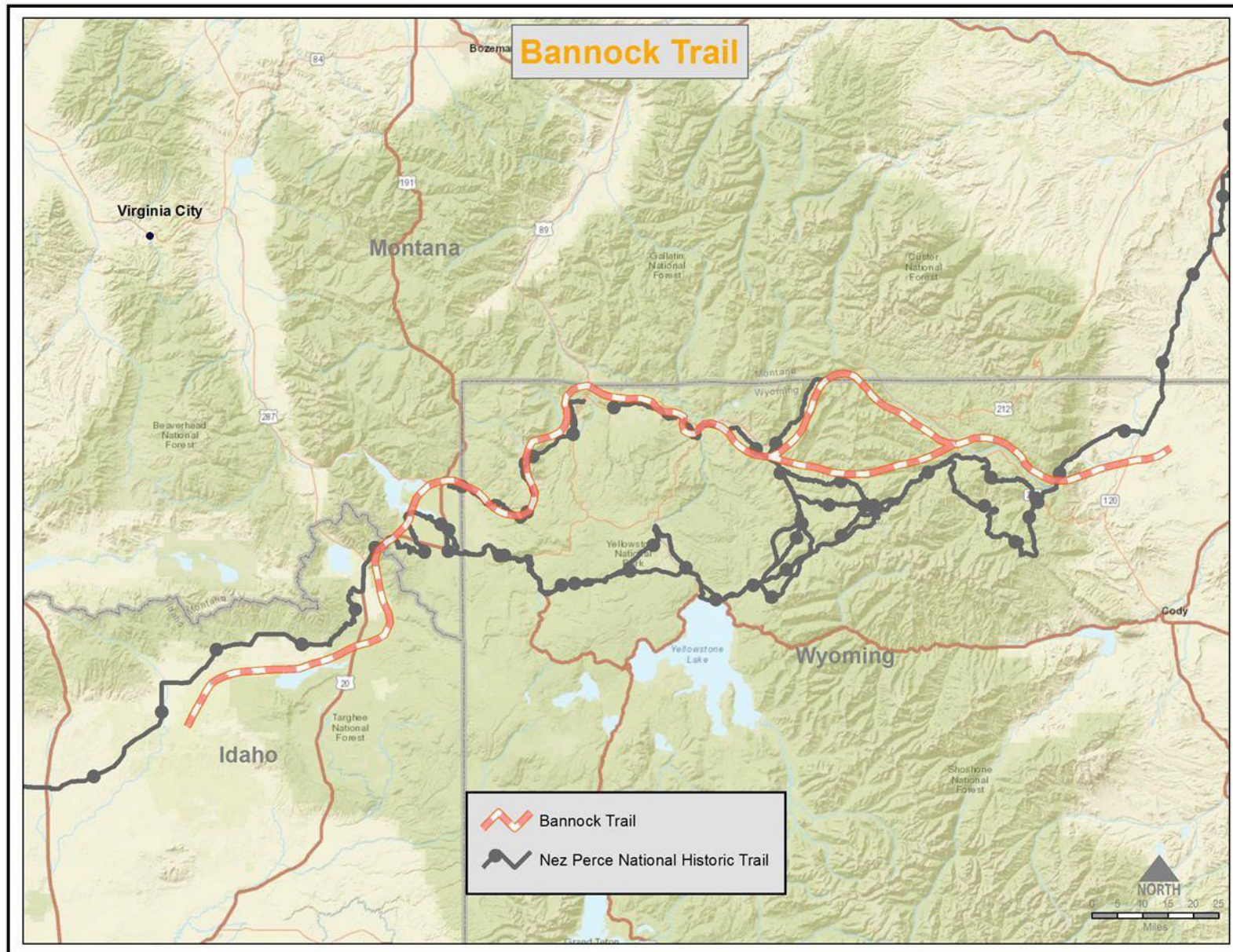


Figure 17. Bannock Trail



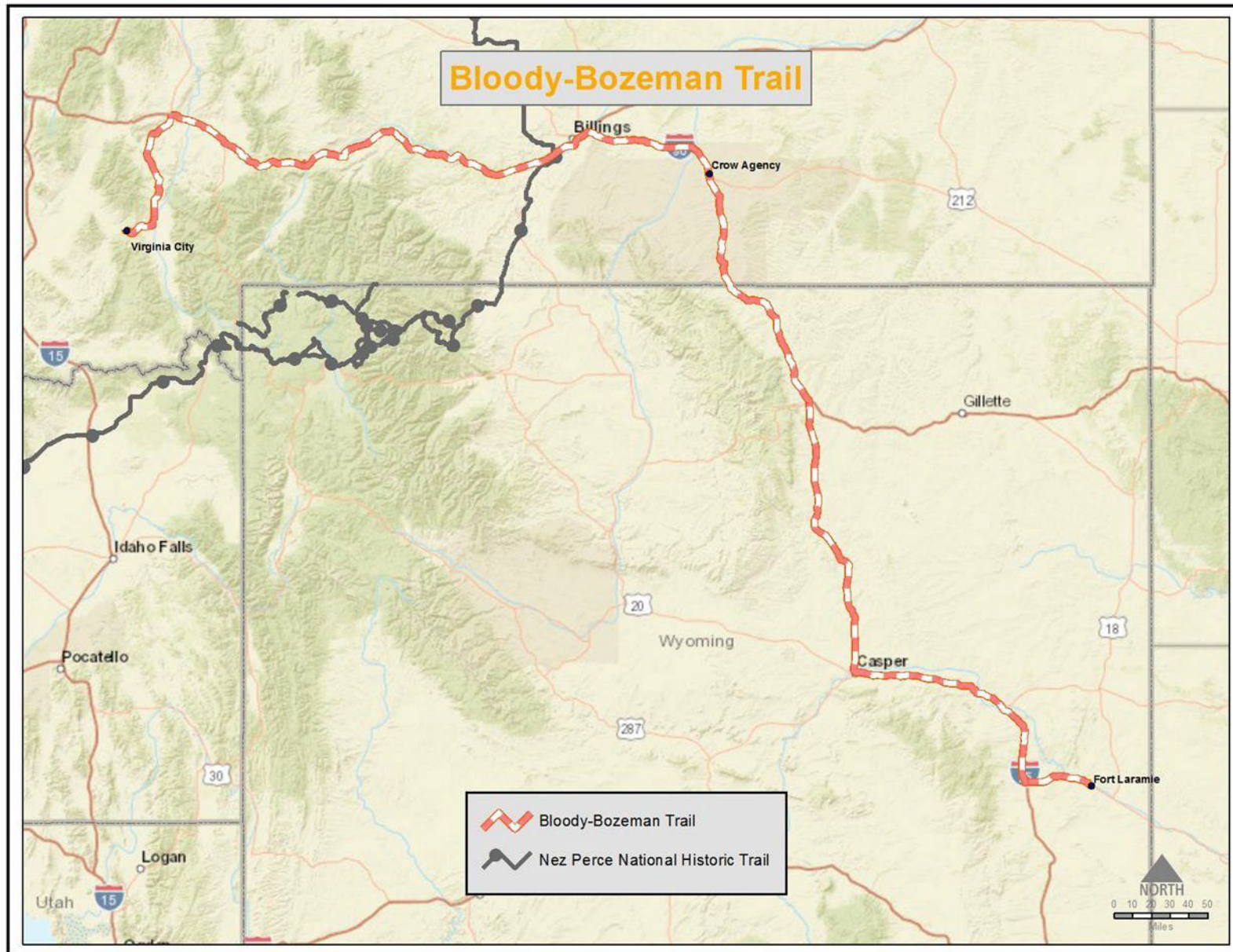


Figure 18. Bozeman Trail



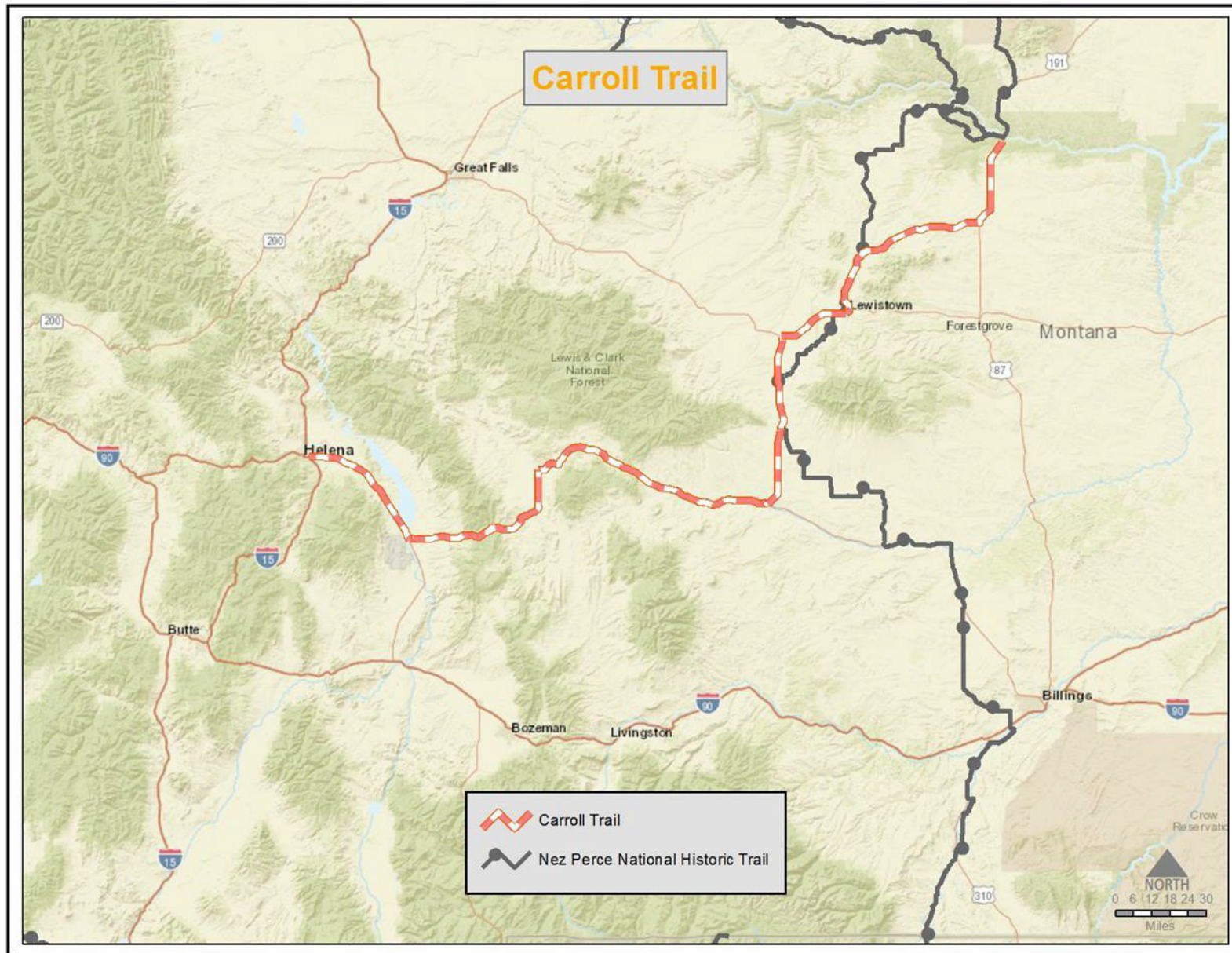


Figure 19. Carrol Trail



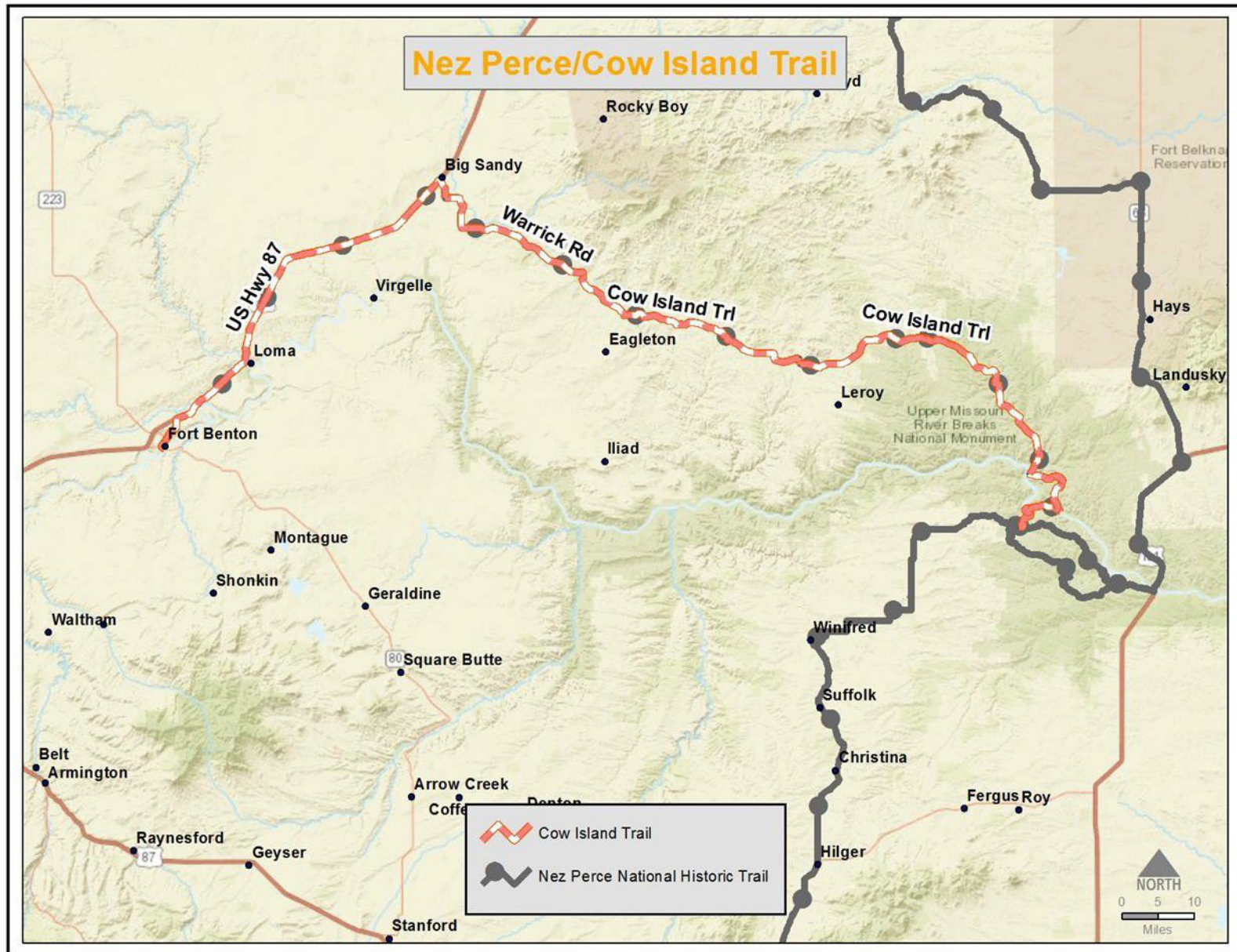


Figure 20. Cow Creek Freight Road





Figure 21. Lewis and Clark National Historic Trail





Figure 22. Continental Divide National Scenic Trail

## **4. Planning and Management Process**

### **Overview of Planning Framework and Authorities**

Because the Comprehensive Plan is programmatic in nature, it does not authorize projects, activities, or site-specific prohibitions, or commit the Forest Service, other agencies, or partners to take action. Likewise, approval of the Comprehensive Plan does not automatically amend associated land and resource management plans or management allocations. Project-level or activity decisions will need to be made following appropriate regulations, policies and procedures. For example, site-specific analysis in compliance with the National Environmental Policy Act will need to be conducted in order for prohibitions or activities to take place on the ground, in compliance with the broader direction of other applicable land and resource management plans.

The Nez Perce National Historic Trail traverses lands under the jurisdiction of multiple Federal, State, and local agencies and Tribes. The Secretary of Agriculture has delegated administrative authority for the Trail to the Chief of the Forest Service. The Chief has decision-making authority for the revised plan. The goal of the revised plan is to provide a uniform approach to administration and management of the Trail, regardless of the many underlying jurisdictions, that reflects the nature and purposes for which the Trail was designated and that allows for the use and protection of the natural and cultural resources along the Trail.

Plans for national trails have their own legal authority and purpose based on the National Trails System Act. Federal, State and local land management agencies retain their jurisdictional responsibilities for lands associated with or surrounding the Nez Perce National Historic Trail. Agencies managing land along the Trail should ensure their land and resource management plans are compatible with the goals and practices identified in this plan. Determination of the need to change agency land and resource management plans will depend on agency specific laws, regulations, and policies as well as their compatibility of existing land and resource management plans with this plan. Any needed changes to land and resource management plans will be addressed by the appropriate land management agency in cooperation with the National Trail Administrator upon completion of this plan. In the rare event programmatic direction differs between this plan and applicable land and resource management plans, preference (on a case-by-case basis) will generally be given to the more restrictive of the two directives. Refer to chapter 4, “Relationship to Other Land Management and Resource Management Plans and Designated Areas” for additional information about other agencies with land management authority along the Trail.

### **National Trails System Act and Other Legal Authorities**

This section discusses key Federal requirements and other legal authorities that pertain to administration and management of the Nez Perce (Nee-Me-Poo) National Historic Trail. This plan is designed to supplement, not replace, laws, regulations, and policies related to managing Federal land underlying and adjacent to the Trail.

### **National Trails System Act of 1968 as Amended**

To provide for addressing the ever-increasing outdoor recreation needs of an expanding population and to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the outdoor areas and historic resources of the United States, 16 U.S.C. 1241-1244 of the National Trails System Act provides for establishing trails within scenic areas and along historic travel routes of the United States. 16 U.S.C. 1244 (f) of the National Trails System Act requires all designated national historic trails to develop a comprehensive plan. The plan should include, but is not limited to, the following items:

- Specific objectives and practices to be observed in the management of the Trail, including the identification of significant natural, historical and cultural resources to be preserved (16 U.S.C. 1244 (f) (1))
- Carrying capacity (Visitor Use Capacity as stated in the Act) (16 U.S.C. 1244 (f) (1))
- The process that will be used to mark the Trail (16 U.S.C. 1244 (f) (2))
- Protection strategies (Protection Plan as stated in the Act) for high potential historic sites and segments (16 U.S.C. 1244 (f) (3))
- Development and implementation strategies (Plans as stated in the Act), including anticipated costs (16 U.S.C. 1244 (f) (4))
- A trail management corridor (rights-of-way as stated in the Act) (16 U.S.C. 1246 (B) (2))

There are additional requirements for national historic trails described in the National Trails System Act. These requirements include provisions for connecting and side trails, administration and development, cooperative agreements, and volunteer assistance. These requirements will be addressed as appropriate throughout this document. Applicable portions of the National Trails System Act, as amended, can be found in appendix A.

## Treaties

- Treaty with the Nez Perce, June 11, 1855, as amended, U.S. Statutes at Large, Vol. 12. p. 957
- Treaty with the Walla Walla, Cayuse and Umatilla Tribes, June 9, 1855, U.S. Statutes at Large, Vol. 12. p. 945
- Treaty with the Nez Perce, June 9, 1863, as amended, U.S. Statutes at Large. Vol. 15. p. 725

## Federal Laws, Orders, and Regulations

In addition to the National Trails System Act, other Federal laws apply to trail management. All trail resources must be managed in compliance with legal and policy requirements intended to protect the nation's natural and cultural heritage and opportunities for the enjoyment of that heritage. Federal laws and regulations applicable to this Comprehensive Plan include, but are not limited to, the following:

- Organic Administration Act, Act of June 4, 1897, 16 U.S.C. 551
- National Park Service Organic Act of 1916, 16 U.S.C. 1,2,3, and 4
- Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701-1785
- Antiquities Act of 1906, 54 U.S.C. 320301
- Historic Sites Act of 1935, 54 U.S.C. 320101
- Multiple-Use–Sustained Yield Act of 1960, 16 U.S.C. 528-531
- National Historic Preservation Act of 1966, as amended, 54 U.S.C. 30010 *et seq.*
- National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*
- Volunteers in the National Forest Act of 1972, 16 U.S.C. 558 (a) -558 (d)
- Endangered Species Act of 1973, as amended, 16 U.S.C. 1531-1543
- Native American Graves Protection and Repatriation Act of 1990, 25 U.S.C. 3001 *et seq.*
- Archeological and Historic Preservation Act of 1974, as amended, 54 U.S.C. 312501
- Archeological Resources Protection Act of 1979, as amended, 16 U.S.C. 470. Prohibits the unauthorized excavation or removal of archeological resources on Federal and Indian land
- American Indian Religious Freedom Act Amendments of 1994, 42 U.S.C. 1996

- Executive Order 12898 of February 11, 1994, Federal Actions to Address Environmental Justice in Minority and Low-Income Populations
- Executive Order 13007 of May 24, 1996, Indian Sacred Sites
- Executive Order 13175 of November 6, 2000, Consultation and Coordination With Indian Tribal Governments
- Executive Order 13195 of January 8, 2001, Trails for the 21<sup>st</sup> Century
- Executive Order 13287 of March 3, 2003, Preserve America
- Presidential Memorandum of April 16, 2010, A 21st Century Strategy for America's Great Outdoors

## 1990 Comprehensive Plan

The *Nez Perce (Nee-Me-Poo) National Historic Trail Comprehensive Plan* (1990) has been guiding the administration and management of the Trail for over 30 years. In 1989, Secretary of Agriculture Clayton Yeutter authorized an Advisory Council for the Trail. One of the key tasks of the Advisory Council was to assist the Forest Service with preparing a plan in accordance with the National Trail Systems Act requirements. The Advisory Council was chaired by John W. Mumma, Regional Forester for the Northern Region, and members included representatives from the Bureau of Land Management and National Park Service; representatives from states including Montana, Idaho, Oregon, and Wyoming; members from the Nez Perce Tribe in Lapwai, Idaho and Nez Perce from the Chief Joseph Band of the Colville Confederated Tribes in Nespelem, Washington; and members of the public. With the support of the Advisory Council and other partners, the 1990 plan was completed and approved by the principal Federal agencies involved in the Trail's administration and management – the Forest Service, National Park Service, and the Bureau of Land Management.

The plan outlines management practices, identifies historic and cultural resources to be preserved, provides for cooperative agreements with State and local governments, and guides implementation of trail marking. The plan is a tool to guide decisions made by each national forest, as well as other Federal and State agencies along the Trail. Due to the many Federal agencies underlying the length of the Trail, the plan grants each management unit a large degree of operational independence in managing their respective segments.

## Why Revise the 1990 Comprehensive Plan?

A series of internal and external reviews, including an Interagency Committee Review Report (USDA Forest Service 2006) and a Synopsis of Interagency Reviews of the 1990 Comprehensive Management Plan (USDA Forest Service 2010) concluded that the 1990 plan does not comply with the National Trails System Act planning requirements. Omissions include:

- Specific management objectives and practices
- Identification of significant resources
- Example cooperative agreements
- High potential historic site and segment strategies
- Identified carrying capacity (aka visitor use capacity)
- Acquisition plan outlined by year
- General or site-specific development and implementation strategies
- Volunteer or landowner outreach strategy

This revised plan is needed to address the omissions of the 1990 plan and to ensure consistency with existing laws, regulations and policies.

## Planning Process

The Forest Service began the plan revision process by consulting other Federal agencies; State and local governments; affected Indian Tribes; and interested members of the public for input on the plan development.

## Public Involvement

The Forest Service held a series of 20 workshops between December 2010 and February 2012 and an additional 12 workshops in 2014 in gateway communities along the Trail. They conducted additional consultation and public involvement in 2018, prior to writing final approval of the Comprehensive Plan.

## Roles and Responsibilities

The Forest Service developed this plan in consultation with affected Indian Tribes; other Federal, State, and local agencies with jurisdiction along the Trail; and interested members of the public. This plan is intended to facilitate a uniform approach to administration and management of the Trail, regardless of the many underlying jurisdictions. Entities with roles and responsibilities critical to the successful implementation of this plan are described below.

## Federal Trail Administration

Congress designated the Secretary of Agriculture as the administrator of the Nez Perce National Historic Trail, responsible for overall management and coordination associated with the Trail (16 U.S.C. 1244 (a) (14)). The Secretary of Agriculture has in turn delegated, with very limited exception, all actions prescribed by the National Trails System Act to the Chief of the Forest Service.

## Forest Service as Administering Agency

The Chief of the Forest Service is responsible for entering into agreements with other agencies related to trail management and approving and submitting national trail management plans, including this revised Comprehensive Plan, to Congress (16 U.S.C. 1244 (e) and (f)). The Chief of the Forest Service has in turn delegated the overall administration and planning of the Trail to the Regional Forester of the Northern Region. Responsibilities of the Northern Regional Forester include (Forest Service Manual 2353.04 (g)):

- Preparing and revising a plan for the Trail and submitting it to the Chief of the Forest Service for approval;
- Approving the location of the Trail within the applicable corridor and approving any non-substantial relocations of the Trail;
- Coordinating with and entering into cooperative agreements with other Federal agencies, states, counties, local agencies, private organizations, and private landowners to facilitate the management and development of the Trail; and
- Consulting with affected Indian Tribes, agencies, partners, and interested members of the public.
- Evaluating and certifying eligible sites, segments, and interpretive facilities located outside of federally designated areas.

The Trail also has a National Trail Administrator responsible for conducting the day-to-day administration of the Trail. The National Trail Administrator works closely with affected Indian Tribes; Federal, State, and local agencies; private organizations; and volunteers to support the purposes for which the Trail was designated and implement the management direction contained in this plan.

## Other Federal Agencies

The National Trails System Act directs the Secretary of Agriculture to consult with the heads of all other

affected Federal agencies (16 U.S.C. 1246 (a) (1) (A)). The Trail crosses many other Federal agency lands, including:

- National Park Service (NPS)
- Bureau of Land Management (BLM)
- U.S. Fish and Wildlife Service (FWS)
- U.S. Army Corps of Engineers (COE)
- Bureau of Reclamation (BOR)
- Bureau of Indian Affairs (BIA)
- Department of Energy (DOE)

The Federal agencies listed above, together with the U.S. Department of Transportation and Federal Highway Administration, signed a memorandum of understanding on the National Trails System in 2017 in an effort to facilitate, encourage, and assist interagency cooperation at the national, regional, State and local levels to implement the National Trails System Act. The memorandum identifies roles and responsibilities of the agencies and reaffirms the responsibility of the agencies to administer and manage the Trail seamlessly across jurisdictional boundaries (The National Trails System Memorandum of Understanding, 2017).

## Affected Indian Tribes

The Northern Regional Forester conducted consultation with 26 federally recognized Indian Tribes, with the understanding the effects on all Tribes is not equal in accordance with Forest Service Handbook Section 1509.13, Chapter 10, *Consultation with Indian Tribes and Alaska Native Corporations* (USDA Forest Service 2016). Consultation with Indian Tribes must be government-to-government. The revision of the Nez Perce National Historic Trail Comprehensive Plan is a federal undertaking subject to compliance with Section 106 of the National Historic Preservation Act (16 U.S.C. 470), which requires Federal agencies to take into account the effects of a proposed undertaking on historic properties eligible for the National Register of Historic Places in consultation with affected Tribes, State Historic Preservation Offices, and interested parties.

## State and Local Jurisdictions

The National Trails System Act directs the Secretary of Agriculture to consult with the heads of all other affected State agencies (16 U.S.C. 1246 (a) (1) (A)) and to coordinate with local jurisdictions. This plan was developed in consultation with the respective governors, departments of transportation, and State historic preservation offices of the states of Idaho, Oregon, Montana, Washington, and Wyoming. The Act itself does not direct the agency to consult with Tribes or Tribal Historic Preservation Offices.

The National Trails System Act also permits State or local agencies to nominate protected segments on State or local land to the Secretary of Agriculture for certification as part of the National Trail System. Sites and segments must meet the national historic trail criteria established in the National Trails System Act and be administered without expense to the United States (16 U.S.C. 1242 (a)).

The Forest Service and other managing Federal agencies may enter into cooperative agreements with states and local agencies to operate, develop, and maintain any portion of the Trail within or outside of a federally administered area. These agreements are subject to tribal consultation and may include provisions for limited financial assistance to encourage participation in the acquisition, protection, operation, development, or maintenance of the Trail (16 U.S.C. 1246 (h) (1)).

## Private Landowners

The National Trails System Act encourages coordination and collaboration with private landowners to manage national trails. With 48.6 percent, or nearly half, of the Trail crossing private lands, private

landowners play an integral role in the management and administration of the Trail. State and local governments are encouraged to enter into written cooperative agreements or acquire such lands or interest from landowners to facilitate land management outside the boundaries of federally designated areas (16 U.S.C. 1246 (e)). Federal agencies may also enter written agreements with willing private landowners or acquire lands or interests from willing private landowners to facilitate administration and management of the Trail within the boundaries of their administration (16 U.S.C. 1246 (d)).

The Forest Service may also enter into cooperative agreements with private landowners to operate, develop, and maintain any portion of the Trail within or outside a federally administered area. These agreements are subject to tribal consultation, and many include provisions for limited financial assistance to encourage participation in the acquisition, protection, operation, development, or maintenance of the Trail (16 U.S.C. 1246 (h) (1)). Private landowners may also participate in the site certification process described in this plan in chapter 2.

## Partners and Volunteers

The National Trails System Act recognizes the valuable contributions that volunteers, private, and nonprofit trail groups have made to the development and maintenance of the nation's trails and encourages "volunteer citizen engagement in the planning, development, maintenance, and management, where appropriate, of trails" (16 U.S.C. 1246 (h) (1)).

The Forest Service and other agencies with jurisdiction over lands on and adjacent to the Trail may enter into cooperative agreements with private organizations and volunteers to operate, develop, and maintain any portion of the Trail either within or outside federally administered areas. These agreements may include provisions for limited financial assistance to encourage participation in the acquisition, protection, operation, development, or maintenance of the Trail (16 U.S.C. 1246 (h) (1) and 16 U.S.C. 1250).

## Relationship to Other Land Management and Resource Management Plans and Designated Areas

This plan is a long-term programmatic plan designed to provide strategic guidance and recommendations for future actions that will be pursued through agency and unit-specific land and resource management plans, project-specific National Environmental Policy Act analyses, and agreements with landowners and land managers. Federal, State and local agencies retain their jurisdictional responsibilities for lands associated with or surrounding the Nez Perce National Historic Trail. Upon completion of this plan, the National Trail Administrator and the comprehensive planning staff will work with Federal, State and local agencies to incorporate this strategic direction into individual land and resource management plans. In the rare event programmatic direction differs between this plan and applicable land and resource management plans, on a case-by-case basis preference will generally be given to the more restrictive of the two directives.

This Comprehensive Plan was developed under the authority of the National Trails System Act, which is independent of existing land and resource management plans. The National Trails System Act requires that the Trail corridor "be designed to harmonize with and complement any established multiple-use plans for the specific area in order to insure continued maximum benefits" for the values for which the Trail was designated. (16 U.S.C. 1246 (a) (2)).

## Federal Land and Resource Management Plans

Federal agencies managing land along the Trail should ensure their land and resource management plans are compatible with strategic direction provided in this Comprehensive Plan. Following the completion of this Comprehensive Plan, the staff associated with the Nez Perce National Historic Trail will work with each Federal agency associated with the Trail to identify any necessary changes to land management plans.



## Forest Service Land Management Plans

The Trail runs through fourteen national forests, each of which has a land management plan in accordance with the National Forest Management Act 1976 (P.L. 94-588), including the Wallowa Whitman, Nez Perce-Clearwater, Lolo, Bitterroot, Beaverhead-Deerlodge, Salmon-Challis, Caribou-Targhee, Custer-Gallatin, Helena-Lewis and Clark, and Shoshone forest land management plans.

National forest land management plans should reference the identified national historic trail right-of-way, if established, or otherwise identify a corridor or geographic area around the Trail, or use other means to identify where trail management direction applies (FSM 1909.12 Sec. 24.43 (2)). Land management plan components should be compatible with the management direction described in this Comprehensive Plan (FSH 1909.12 Sec. 24.43 (1) (e)).

## Bureau of Land Management (BLM) Resource Management Plans

Trail runs through eight BLM field office units, each of which has at least one resource management plan in accordance with the Federal Land Policy and Management Act (43 U.S.C. 1712). These Resource Management Plans include the Baker (2008), Cottonwood (2009), Garnet (1986), Dillon (2006), Lemhi (2001), Medicine Lodge (1985), Butte (2009), Cody (2015), Billings (2015), Upper Missouri River Breaks (2008), Lewistown (2015), and HiLine (2016). Some of these Resource Management Plans include management direction for the Trail.

BLM Manual 6280.4.1 describes multiple options for incorporating designated national trails into resource management plans, including a land use plan amendment, a statewide trails management plan, or a programmatic multi-state effort to amend applicable resource management plans.

## National Park Service Foundation Documents and Management Plans

The Trail runs through two national parks, each of which has a general management plan or foundational document. These planning documents include the Nez Perce National Historical Park and Big Hole National Battlefield General Management Plan (1997) and the Yellowstone National Park Foundation Document (2014). Directors Order 45: National Trails System includes National Park Service direction for managing national trails.

## Other Congressionally Designated Area Land Management Plans

Congressionally designated areas coincidental to the Nez Perce National Historic Trail have their own land management plans, which are independent of agency land and resource management plans. The Idaho National Laboratory does have one.

### *National Scenic, Historic and Geologic Trail Plans*

The Nez Perce National Historic Trail overlaps and intersects with three other national system trails—the Continental Divide National Scenic Trail, Lewis and Clark National Historic Trail and the Ice Age Floods National Geologic Trail. The Continental Divide National Scenic Trail is administered by the Forest Service and intersects the Nez Perce National Historic Trail in three locations: Gibbons Pass, Bannock Pass, and Targhee Pass. The Lewis and Clark National Historic Trail is administered by the National Park Service and intersects the Nez Perce National Historic Trail along the Yellowstone River and along the Missouri River near Cow Island. The Lewis and Clark and Nez Perce National Historic Trails also overlap on the Lolo Trail and Bitterroot Valley Trail Segments. Likewise, the Ice Age Floods National Geologic Trail, which is administered by the National Park Service, overlaps both the Nez Perce and the Lewis and Clark National Historic Trails in the Bitterroot Valley.

As required by the National Trails System Act, both the Continental Divide and Lewis and Clark Trails have plans that provide strategic direction for trail management (USDA Forest Service 2009; National Park



Service 1982). The Ice Age Floods National Geologic Trail has strategic direction in the Ice Age Floods National Geologic Foundation Statement (National Park Service 2014).

The management direction in this Comprehensive Plan is intended to be compatible with the strategic management direction in other national system trail comprehensive plans and foundational statements.

### *Wild and Scenic River Management Plans*

The Imnaha, Snake, Middle Fork of the Clearwater, Clarks Fork of the Yellowstone, and Upper Missouri Rivers are the five wild and scenic rivers associated with the Nez Perce National Historic Trail. Wild and scenic rivers are designated by Congress to protect the free-flowing condition, water quality, and ‘outstandingly remarkable’ ecologic, geologic, fisheries, scenic, recreation, and cultural values of the river for the benefit and enjoyment of present and future generations (16 U.S.C. 1271).

The Imnaha, Snake, includes 63 miles of Hells Canyon section of the Snake as Wild and Scenic River, Middle Fork of the Clearwater and Clarks Fork of the Yellowstone are all administered by the Forest Service while the Upper Missouri River is administered by the Bureau of Land Management. All five of the rivers have associated wild and scenic river management plans (Imnaha River Wild and Scenic River Management Plan (1993) has not been updated at the time of this Comprehensive Plan Revision; Wild and Scenic Snake River Recreation Management Plan (1999); River Plan Middle Fork Clearwater including the Lochsa and Selway (1969); Comprehensive River Management Plan for the Clarks Fork of the Yellowstone Wild and Scenic River (2009); Upper Missouri Wild and Scenic River Management Plan (1978)). The management direction in this comprehensive plan is intended to be compatible with the direction provided in the five wild and scenic river plans.

### *Hells Canyon National Recreation Area Plan*

The Hells Canyon National Recreation Area includes 15 miles of the Nez Perce National Historic Trail, including Dug Bar, the point where the Wallowa Band crossed the Snake River during the 1877 flight. The area is administered by the Wallowa-Whitman National Forest, and the Hells Canyon National Recreation Area Comprehensive Management Plan (2003) provides management guidance.

### *Upper Missouri Breaks National Monument Plan*

The Trail also runs through the Upper Missouri River Breaks National Monument, which is administered by the Bureau of Land Management and has an approved resource management plan (2008) providing management direction for the area. The management plan identifies the Nez Perce National Historic Trail as an important feature of the national monument and directs that the Trail should be managed in accordance with the National Trails System Act and the associated comprehensive trail plan.

### *North Absaroka Wilderness Management Plan*

The Trail runs through the North Absaroka Wilderness Area, designated by Congress in 1964, which is administered by the Shoshone National Forest in Wyoming. Guidance on the Trail and associated wilderness area can be found in the Shoshone National Forest Management Plan (USDA Forest Service 2015).

### *Lolo Trail National Historic Landmark*

The Lolo National Historic Landmark (NHL) was created to commemorate the extensive history of the Lolo Trail travel corridor. The Landmark contains numerous historical and traditional cultural properties, along with the Lewis and Clark and Nez Perce National Historic Trails and the Lolo Motorway. The Lolo Trail NHL Heritage Preservation Plan (Clearwater National Forest 2006) includes resource protection measures designed to minimize damage and provide protection for resources within the landmark.

## **Other Federal Land and Resource Management Plans**

Because there are many Federal agencies that administer land underlying or adjoining the Trail, only the more prominent land and resource management plans have been highlighted in this document. Other Federal agencies administering land underlying or adjoining the Trail include the Bureau of Indian Affairs, U.S. Fish and Wildlife Service, Department of Energy, and Bureau of Reclamation, each of which administer less than 3 percent of the land underlying the Trail, and they do not reference the Trail.

## State Plans

All states the Trail runs through have statewide comprehensive outdoor recreation plans that provide a strategic framework for outdoor recreation (Idaho (2018), Montana (2014), Oregon (2013) and Wyoming (2014)). The Idaho and Montana statewide comprehensive outdoor recreation plans acknowledge the Nez Perce National Historic Trail, but include no specific guidance or strategic direction related to the Trail. Montana, Oregon and Wyoming have statewide trail plans. These plans also identify statewide recreation demands, issues, trends, and priorities that may be relevant to trail management.

## Local Land Management Plans

Existing land-use plans in the Trail's vicinity are numerous because the Trail crosses almost 1,200 miles. As Trail projects develop, the National Trail Administrator will ensure that all pertinent local land-use plans are taken into consideration. Currently there are no known local plans—such as county, city, or municipality plans—that specifically mention the Trail.

## Trail Policies and Strategies

### Forest Service

Specific direction on the planning and management of system trails located on National Forest System lands can be found in:

- Forest Service Manual (FSM) 2350-- Trail, River, and Similar Recreation Opportunities
- Forest Service Handbook (FSH) 2309.18-2— Trail Preconstruction and Construction

### Bureau of Land Management

Other direction on the planning and management of trails associated with the Bureau of Land Management is located in:

- BLM Manual MS-6250—National Scenic and Historic Trail Administration
- BLM Manual MS-6280— Management of National Scenic and Historic Trails and Trails under Study or Recommended as Suitable for Congressional Designation
- BLM Manual MS-6400— Wild and Scenic Rivers - Policy and Program Direction for Identification, Evaluation, Planning, and Management
- BLM Handbook H-8320-1— Recreation and Visitor Services Planning
- BLM-WO-GI-06-020-6250—National Scenic and Historic Trails Strategy and Workplan

### National Park Service

Policies, procedures, and responsibility for the management of National Scenic and Historic Trails associated with the National Park Service is located in:

- Director's Order #45 National Trails System
- Management Policy 9.2.2.7-- National Trails

### U.S. Fish and Wildlife Service

No management policies related to the management of trails or national system trails was available at the

time this plan was authored.

## U.S. Army Corps of Engineers

No management policies related to the management of trails or national system trails was available at the time this plan was authored.

## Bureau of Reclamation

No management policies related to the management of trails or national system trails was available at the time this plan was authored.

## Bureau of Indian Affairs

No management policies related to the management of trails or national system trails was available at the time this plan was authored.

## Department of Energy

No management policies related to the management of trails or national system trails was available at the time this plan was authored.

## Rights-of-Way Selection and Adjustments

### Legislative and Executive Direction

A national trail right-of-way is defined in the National Trails System Act as the land selected by the national trail administering agency to protect the resource values for which the Trail was designated (16 U.S.C. 1246 (a) (2)). National trail rights-of-way include an area of land of sufficient width to encompass national trail resources, qualities, values, and associated settings of the Trail. Selection of a right-of-way constitutes an administrative action undertaken by (in the case of Nez Perce National Historic Trail) the Chief of the Forest Service (FSM 2353.04b). Rights-of way in the context of the National Trails System Act are neither land use allocations (associated with land management plans), nor the same as defined by the Federal Land Policy and Management Act Title V. As rights-of-way are identified, they can be further classified as either interim or permanent.

### Selection of Rights-of-Way

When Congress designated the Nez Perce National Historic Trail, they described the Trail as:

... route of approximately eleven hundred and seventy miles extending from the vicinity of Wallowa Lake, Oregon, to Bears Paw Mountain, Montana, as generally depicted in the *Nez Perce (Nee-Me-Poo) Trail Study Report* prepared by the Department of Agriculture and dated March 1982 (16 U.S.C. 1244 (a) (14)).

Similar to many other national historic trail routes designated by Congress, the final Nez Perce National Historic Trail rights-of-way corridor has yet to be described and mapped at a fine scale, before being published in the Federal Register for public review. The 1990 Comprehensive Plan contained a set of 19 maps, which represent interim rights-of-way locations. Identification and refinement of interim rights-of-way will be based upon known physical locations, historic trail remnants, and location of artifacts where historic events are suspected to have occurred. At times, professional judgement will be required to locate the rights-of-way, as exact locations of the Trail may not be readily discernable. As new research reveals more accurate information, the location of the rights-of-way may vary to some degree. Until permanent rights-of-way can be identified and vetted through a process as described in the National Trails System Act, interim rights-of-way (see appendix C) will be used for management and analysis purposes.

Permanent rights-of-way will be selected through a process described within 16 U.S.C. 1246 (a) (2), and pursuant to 1244 (a):

The appropriate Secretary shall select the rights-of-way for... national historic trails and shall publish notice thereof of the availability of appropriate maps or descriptions in the Federal Register;

Provided, that in selecting the rights-of-way full consideration shall be given to minimizing the adverse effects upon the adjacent landowner or user and his operation.

Development and management of each segment of the National Trails System shall be designed to harmonize with and complement any established multiple-use plans for the specific area in order to insure continued maximum benefits from the land. 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. In selecting rights-of-way for trail purposes, the Secretary shall obtain the advice and assistance of the States, local governments, private organizations, and landowners and land users concerned.

To the greatest extent practical, the location of the permanent rights-of-way will be selected to provide for the nature and purposes for which the Trail was designated. In accordance with the National Trails System Act, once permanent rights-of-way are selected by the Chief of the Forest Service and approved by the Secretary of Agriculture, a notice of the availability of maps depicting the rights-of-way will be published in the Federal Register for public review.

Priority for identification of permanent rights-of-way will be given to Federal, State, and local government lands over those lands associated with private ownership. The selection of rights-of-way across private lands is not an inference or assertion that the rights of private landowners have been or will be relinquished.

When selecting a right-of-way, the following criteria should be considered:

- Maintain the intent of Congress and the nature and purposes for which the Trail was designated.
- Capitalize on outdoor recreation potential, while also providing for the conservation and enjoyment of the nationally significant resources, qualities, values, associated recreational settings, and the primary uses of the Nez Perce National Historic Trail.
- Avoid foreseeable future threats, incompatible uses, and substantial interference from other uses such as those associated with valid existing rights within and outside of federally administered areas.
- Ensure a location that meets agency sustainability specifications and maintenance requirements in a cost-effective and environmentally responsible manner.
- To the greatest extent possible, select a location for the route that is practical, safe, and accessible.

As currently reflected on the interim rights-of-way maps, Federal lands associated with the Nez Perce National Historic Trail account for approximately 46 percent of the entire trail's mileage. Similarly, 6 percent of the total trail mileage is located on State or local government lands. Finally, the vast majority of the lands associated with the Trail (approximately 47 percent of the total trails mileage) is located on lands associated with private ownership.

## **Adjustments to Trail Rights-of-Way after Selection**

Once permanent rights-of-way are selected through the process described above, the location can change under limited circumstance. In general, relocation will only be considered to preserve the nature and purposes for which the Trail was established and to promote sound multiple-use management. Relocation of the Trail within an identified permanent right-of-way corridor, will be considered insignificant. As such, the relocation can be approved by the Secretary of Agriculture.

Conversely, relocation of the Trail outside of a permanent right-of-way corridor, as established through the process described above, will be considered substantial; thereby, requiring an act of Congress. Further

guidance associated with the relocation of the Trail is located within 16 U.S.C. 1246 (b).

## **Acquisition of Lands (or Interests) within Federally Administered Areas**

Acquisition of lands or interests in lands (via donation, exchange, or purchase) within the boundaries of rights-of-way and associated federally administered areas is encouraged. Federally administered areas are those lands contained within the legislative boundaries specific to national forests, national parks, and national wildlife refuges. Bureau of Land Management lands do not have legislated boundaries. The Bureau of Reclamation does not have any management policies related to management of Trails or National Trails at the time this plan was authored. Bureau of Reclamation administers less than 3% of the land underlying the Trail.

Such acquisitions will follow direction contained within the National Trails System Act, applicable laws, regulations, agency-specific directives, and applicable land management plans. Each Federal land management agency with jurisdiction has the discretion to establish an acquisition plan and identify priorities for acquisition within their respective jurisdictions based upon their agency specific policies and directives.

Acquisition criteria to be employed include:

- Improve visitor experience or improve trail manageability
- Safeguard the nature and purposes for which the Trail was designated
- Improve public access
- Address public health and safety concerns
- Consolidate land ownership

## **Acquisition of Lands (or Interests) Outside Federally Administered Areas**

Prior to Federal agencies acquiring lands or interests in lands outside of federally administered areas, State and local agencies are encouraged to obtain lands, interests, or agreements from willing landowners for the protection of the Trail. Direction contained within 16 U.S.C. 1246 (e) will be followed:

Where the lands included in a national historic trail right-of-way are outside of the exterior boundaries of federally administered areas, the Secretary charged with the administration of such trail shall encourage the States or local governments involved (1) to enter into written cooperative agreements with landowners, private organizations, and individuals to provide the necessary trail right-of-way, or (2) to acquire such lands or interests therein to be utilized as segments of the national historic trail.

When State or local agencies are unable to obtain lands, interests, or agreement from willing landowners and following permanent selection of the rights-of-way, Federal agencies can acquire such lands, interests, or agreements:

.... the appropriate Secretary may (i) enter into such agreements with landowners, States, local governments, private organizations, and individuals for the use of lands for trail purposes, or (ii) acquire private lands or interests therein by donation purchase with donated or appropriated funds or exchange.... the appropriate Secretary may acquire lands or interests therein from local governments or governmental corporations with the consent of such entities. The lands involved in such rights-of-way should be acquired in fee, if other methods of public control are not sufficient to assure their use for the purpose for which they are acquired.... (16 U.S.C. 1246 (e)).

That being said, Federal agencies are restricted from acquiring fee title to lands averaging more than ¼ mile of the Trail. Moreover, agencies with jurisdiction are prohibited from acquiring land or interests (in land) outside their exterior boundaries, by using condemnation or assertions of eminent domain:

No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or

interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than 1/4 mile on either side of the trail (16 U.S.C. 1244 (a) (14)).

Lastly, acquisition of lands outside of federally administered areas must be without expense to the United States:

No funds may be expended by Federal Agencies for the development of trail related facilities or for the acquisition of lands or interests in lands outside the exterior boundaries of Federal areas. For the purposes of the preceding sentence, amounts made available to any State or political subdivision under chapter 2003 of title 54 or any other provision of law shall not be treated as an expense to the United States (16 U.S.C. 1251).

## 5. Implementing this Plan

This Comprehensive Plan is a long-term programmatic plan that provides guidance for future action. The plan is strategic in nature, establishes broad direction, and does not authorize site-specific prohibitions or activities. The plan does not commit Federal, State, and local agencies with jurisdiction or their partners to take action or obligate funding. As the plan is implemented, components will likely be prioritized and implemented as funding and capacity allow. With this in mind, the Federal, Tribes, State, and local agencies having land management authority, along with partners, volunteers, private landowners and the public will all play roles in the incremental implementation of the goals, objectives, and practices contained within the plan. Implementation of this plan is intended to be ongoing over the course of the plan's life, usually 15 to 20 years.

There are several reasons why implementing the plan will be incremental:

- Implementing the plan will require funding and prioritization.
- Emerging scientific evidence may redefine the history of the Trail.
- Land ownership and ownership patterns will likely change over time.
- Agencies with jurisdiction, partners, volunteers, private landowners and the public interest may shift to other priorities.

Because the Comprehensive Plan is considered programmatic and strategic in nature, further analysis, collaboration, and public involvement may be likely for the amendment of land and resource management plans and project-level decisions. Future Federal actions may require further compliance with the National Environmental Policy Act, sections 106 and 110 of the National Historic Preservation Act of 1966, as amended, the Antiquities Act of 1906, or the Endangered Species Act of 1973.

### Priority Actions

Upon completing the Comprehensive Plan, the following actions should be considered:

- Register the Nez Perce National Historic Trail's official symbol to the U.S. Patent and Trademark Office in a timely fashion. The Nez Perce (Nee-Me-Poo) National Historic Trail trademark was registered on July 26, 2022.
- Place trail markers at road crossings, intersections with other trails, and periodically along the Trail as reassurance markers, once the cultural resource assessments have been completed.
- Execute memoranda of agreement between the USDA Forest Service and other cooperating land management authorities to refine responsibilities such as land management planning, implementation, marking, and management of non-Federal trail segments.
- Identify a process to designate an official (permanent) right-of-way and publish a notice of availability in the Federal Register as prescribed under the National Trails System Act (16 U.S.C. 1246 (a) (2)).
- Inventory existing interpretive wayside exhibits and trail markers.
- Establish and maintain a database to account for and track interpretive wayside exhibits and trail markers.
- Strengthen the community of trail partners (agencies with jurisdiction, State agencies, local agencies, federally recognized Tribes, partners, stakeholders and the general public) to achieve trail goals, objectives, and practices through increased communication and sharing of successes and challenges.

- Inventory interpretive services and facilities by type and theme to address the range of services provided along trail; identify gaps.
- Work with each State's department of transportation and the Federal Highway Administration to properly sign the auto tour routes and incorporate trail and auto tour needs into transportation improvement programs, ensuring the possibility of transportation enhancement funds.
- Continue to evaluate and certify eligible sites, segments, and interpretive facilities located outside of federally designated areas upon Tribal consultation.
- Promote and advocate for the Trail at national, regional, and local levels for the purpose of gaining support and understanding of facts, issues, and needs for change in the management and administration associated with the Trail.

## Estimated Costs

The implementation of this comprehensive plan is very dependent upon future appropriations and the ability to leverage partnership funds, donated funds and materials, and in-kind contributions. As previously stated, the approval of this plan does not guarantee the appropriate level of funding or staffing to support full implementation of this plan.

The Nez Perce National Historic Trail receives an average annual allocation of \$600,000 annually, through Forest Service appropriations. Of the \$600,000, approximately 50 percent is allocated to personnel costs. The remaining 50 percent is divided between costs associated with comprehensive planning and costs for project-level trail maintenance and funding of agreements and interpretation.

After completion of the comprehensive plan, the overall allocation for maintenance and administration of the Nez Perce National Historic Trail is expected to be around \$500,000 annually for subsequent years with approximately 50 percent being allocated for personnel related costs and the remaining 50 percent being allocated to the field for project-level trail maintenance and funding of agreements and interpretation. Tribal consultation with affected Tribes must occur for trail maintenance and interpretation.

## Sources of Funding

In addition to the Forest Service's annual allocation of funds for maintenance and administration of the Trail, there is always potential for additional funding from Congress, either at one time or through multi-year appropriations. Likewise, other Federal agencies may contribute portions of their appropriated funds to administration and maintenance of the Trail. Portions of the Trail or Auto Tour located within Federal or State highway easements may qualify for funding under transportation enhancement programs.

The Forest Service and other agencies with jurisdictional authority will continue to seek funds to develop projects on nonfederal lands from State or local governments, private groups, and individuals. Likewise, the Forest Service and other agencies with jurisdictional authority will continue to seek funds for cooperative preservation efforts for high potential historic sites and segments, aid from State and county preservation sources, as well as funds from private and nonprofit donations, grants, and agreements.

## Cooperative Agreements

The Forest Service and other agencies with jurisdiction over lands on and adjacent to the Trail may enter into agreements with States, Tribes, counties, local agencies, private organizations and private landowners to facilitate the management, maintenance and development of the Trail either within or outside of a federally administered area in consultation with affected Tribes. These agreements may include provisions for limited financial assistance to encourage participation in the acquisition, protection, operation, development, or maintenance of the Trail (16 U.S.C. 1246 (h) (1) and 16



U.S.C.1250).

Most often cooperative agreements will be authorized under the Interior and Related Appropriations Act of 1992 (P.L. 102-154), which allows cooperation with others in developing, planning, and implementing mutually beneficial projects that enhance Federal agency activities, where the cooperators provide proportionate funds or in-kind contributions. Cooperators may be public and private agencies, organizations, institutions or and individuals. Appendix D contains information for agreements associated with the Forest Service.

## **Existing Agreements**

The Nez Perce National Historic Trail has a number of long-term cooperators currently under Challenge Cost Share Agreements. Recent cooperators include:

- Bitterroot Cultural Heritage Trust, Inc. Blaine County Museum
- Eastern Oregon University
- Idaho Chapter Lewis & Clark Trail Heritage Foundation, Inc.
- Josephy Center for Arts & Culture Lewis Clark State College
- Museum of Yellowstone
- American Indian Alaska Native Tourism Association
- Montana Natural History Center
- Montana Preservation Alliance
- National Appaloosa Horse Club
- Nez Perce Appaloosa Horse Club
- Nez Perce Tribe
- Ravalli County Museum
- Nez Perce Wallowa Homeland
- Confluence
- Fort Vancouver National Park Service

These cooperators sponsor events, maintain trail infrastructure, provide interpretive services and literature, conduct research, and create and distribute publications to promote public knowledge and awareness of the historical events associated with the Trail. Over time, the list of cooperators may change.

## **Future Agreements**

Upon approval of the Comprehensive Plan, agreements will remain as a primary avenue for implementation of this plan. It is anticipated that agreements and partnerships will be further integrated and become even more crucial to the management and administration of the Trail as time progresses.

## **Collaboration and Public Engagement**

Building on guidance from the National Trails System Act, other associated laws, regulations, and policies, the objectives of public engagement during implementation of this plan will include:

- Keep the public informed of Federal actions including the amendment of land and resource management plans and project-level decisions affecting the Trail;
- Build and maintain working relationships, trust, capacity, and commitment to the management and

administration of the Trail;

- Promote a common understanding of the facts, issues, and need for change in the management and administration of the Trail between other agencies with jurisdiction, State agencies, federally recognized Tribes, partners, stakeholders and the general public; and
- Facilitate an inclusive, transparent process into the amendment of land and resource management plans and project-level decisions affecting the Trail.

It is anticipated these objectives will strengthen the strategic framework associated with the comprehensive plan. These objectives will also be used as benchmarks throughout implementation to evaluate and refine public engagement to ensure meaningful dialog and mutual understanding by everyone involved.

## **Volunteer Engagements**

Agency-specific volunteer agreements may be used in conjunction with other agreements in cases where a partner or cooperator is working with a Federal agency to create the capacity necessary to generate and manage volunteerism. In these cases, the partner and the associated Federal agency can leverage each other's organizational resources to recruit, train or directly manage volunteers, volunteer programs, or projects toward the achievement of mutually beneficial outcomes.

Roles of volunteers can include:

- trailwide leadership, such as coordination, planning, and signing
- ensuring resource preservation and protection (such as protection of high potential historic sites and segments)
- conducting a review of trail sites and segment development
- conducting trailwide resource inventories and mapping (including developing and maintaining geographic information systems)
- assisting with certification, interpretation, and visitor use
- providing financial assistance to Federal, Tribes, State, and local agencies; landowners; interest groups; and individuals

Appendix D includes a sample volunteer service agreement.

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Note: References are grouped according to the section in which they appear.

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## 7. Appendix A: The National Trails System Act

Those portions of the Act with no applicability to the Nez Perce National Historic Trail have been omitted and noted in *bold italics*.

### **THE NATIONAL TRAILS SYSTEM ACT (P.L. 90-543, as amended through P.L. 111-11, March 30, 2009) (also found in United States Code, Volume 16, Sections 1241-1251)**

#### AN ACT

To establish a national trails system, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### SHORT TITLE

SECTION 1. This Act may be cited as the "National Trails System Act".

#### STATEMENT OF POLICY

##### SEC. 2. [16USC1241]

(a) In order to provide for the ever-increasing outdoor recreation needs of an expanding population and in order to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas and historic resources of the Nation, trails should be established (i) primarily, near the urban areas of the Nation, and (ii) secondarily, within scenic areas and along historic travel routes of the Nation which are often more remotely located.

(b) The purpose of this Act is to provide the means for attaining these objectives by instituting a national system of recreation, scenic and historic trails, by designating the Appalachian Trail and the Pacific Crest Trail as the initial components of that system, and by prescribing the methods by which, and standards according to which, additional components may be added to the system.

(c) The Congress recognizes the valuable contributions that volunteers and private, nonprofit trail groups have made to the development and maintenance of the Nation's trails. In recognition of these contributions, it is further the purpose of this Act to encourage and assist volunteer citizen involvement in the planning, development, maintenance, and management, where appropriate, of trails.

#### NATIONAL TRAILS SYSTEM

SEC. 3. [16USC1242] (a) The national system of trails shall be composed of the following:

(1) National recreation trails, established as provided in section 4 of this Act, which will provide a variety of outdoor recreation uses in or reasonably accessible to urban areas.

(2) National scenic trails, established as provided in section 5 of this Act, which will be extended trails so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass. National scenic trails may be located so as to represent

desert, marsh, grassland, mountain, canyon, river, forest, and other areas, as well as landforms which exhibit significant characteristics of the physiographic regions of the Nation.

(3) National historic trails, established as provided in section 5 of this Act, which will be extended trails which follow as closely as possible and practicable the original trails or routes of travel of national historic significance. Designation of such trails or routes shall be continuous, but the established or developed trail, and the acquisition thereof, need not be continuous onsite. National historic trails shall have as their purpose the identification and protection of the historic route and its historic remnants and artifacts for public use and enjoyment. Only those selected land and water based components of a historic trail which are on federally owned lands and which meet the national historic trail criteria established in this Act are included as Federal protection components of a national historic trail. The appropriate Secretary may certify other lands as protected segments of an historic trail upon application from State or local governmental agencies or private interests involved if such segments meet the national historic trail criteria established in this Act and such criteria supplementary thereto as the appropriate Secretary may prescribe, and are administered by such agencies or interests without expense to the United States.

(4) Connecting or side trails, established as provided in section 6 of this Act, which will provide additional points of public access to national recreation, national scenic or national historic trails or which will provide connections between such trails.

The Secretary of the Interior and the Secretary of Agriculture, in consultation with appropriate governmental agencies and public and private organizations, shall establish a uniform marker for the national trails system.

(b) For purposes of this section, the term 'extended trails' means trails or trail segments which total at least one hundred miles in length, except that historic trails of less than one hundred miles may be designated as extended trails. While it is desirable that extended trails be continuous, studies of such trails may conclude that it is feasible to propose one or more trail segments which, in the aggregate, constitute at least one hundred miles in length.

## NATIONAL RECREATION TRAILS

### ***SEC. 4. [16USC1243]—Not Applicable to the Nez Perce National Historic Trail***

## NATIONAL SCENIC AND NATIONAL HISTORIC TRAILS

SEC. 5. [16USC1244] (a) National scenic and national historic trails shall be authorized and designated only by Act of Congress. There are hereby established the following National Scenic and National Historic Trails:

### ***(1-13 Not applicable to the Nez Perce National Historic Trail)***

(14) The Nez Perce National Historic Trail, a route of approximately eleven hundred and seventy miles extending from the vicinity of Wallowa Lake, Oregon, to Bear Paw Mountain, Montana, as generally depicted in 'Nez Perce (Nee-Me-Poo) Trail Study Report' prepared by the Department of Agriculture and dated March 1982. The report shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia. The trail shall be administered by the Secretary of Agriculture. So that significant route segments and sites recognized as associated with the Nez Perce Trail may be distinguished by suitable markers, the Secretary of Agriculture is authorized to accept the donation of suitable markers for placement at appropriate locations. Any such markers associated with the Nez Perce Trail which are to be located on lands administered by any other department or agency of the United States may be placed on such lands only with the concurrence of the head of such department or agency. No land or interest in land outside the exterior boundaries of any federally administered area may

be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than 1/4 mile on either side of the trail.

***(15-26 Not applicable to the Nez Perce National Historic Trail)***

(b) The Secretary of the Interior, through the agency most likely to administer such trail, and the Secretary of Agriculture where lands administered by him are involved, shall make such additional studies as are herein or may hereafter be authorized by the Congress for the purpose of determining the feasibility and desirability of designating other trails as national scenic or national historic trails. Such studies shall be made in consultation with the heads of other Federal agencies administering lands through which such additional proposed trails would pass and in cooperation with interested interstate, State, and local governmental agencies, public and private organizations, and landowners and land users concerned. The feasibility of designating a trail shall be determined on the basis of an evaluation of whether or not it is physically possible to develop a trail along a route being studied, and whether the development of a trail would be financially feasible. The studies listed in subsection (c) of this section shall be completed and submitted to the Congress, with recommendations as to the suitability of trail designation, not later than three complete fiscal years from the date of enactment of their addition to this subsection, or from the date of enactment of this sentence, whichever is later. Such studies, when submitted, shall be printed as a House or Senate document, and shall include, but not be limited to:

- (1) The proposed route of such trail (including maps and illustrations);
- (2) The areas adjacent to such trails, to be utilized for scenic, historic, natural, cultural, or developmental purposes;
- (3) The characteristics which, in the judgment of the appropriate Secretary, make the proposed trail worthy of designation as a national scenic or national historic trail; and in the case of national historic trails the report shall include the recommendation of the Secretary of the Interior's National Park System Advisory Board as to the national historic significance based on the criteria developed under the Historic Sites Act of 1935 (40 Stat. 666; 16 U.S.C. 461);
- (4) The current status of land ownership and current and potential use along the designated route;
- (5) The estimated cost of acquisition of lands or interest in lands, if any;
- (6) The plans for developing and maintaining the trail and the cost thereof;
- (7) The proposed Federal administering agency (which, in the case of a national scenic trail wholly or substantially within a national forest, shall be the Department of Agriculture);
- (8) The extent to which a State or its political subdivisions and public and private organizations might reasonably be expected to participate in acquiring the necessary lands and in the administration thereof;
- (9) The relative uses of the lands involved, including: the number of anticipated visitor-days for the entire length of, as well as for segments of, such trail; the number of months which such trail, or segments thereof, will be open for recreation purposes; the economic and social benefits which might accrue from alternate land uses; and the estimated man-years of civilian employment and expenditures expected for the purposes of maintenance, supervision, and regulation of such trail;
- (10) The anticipated impact of public outdoor recreation use on the preservation of a proposed national historic trail and its related historic and archeological features and settings, including the measures proposed to ensure evaluation and preservation of the values that contribute to their national historic significance; and
- (11) To qualify for designation as a national historic trail, a trail must meet all three of the following criteria:
  - (A) It must be a trail or route established by historic use and must be historically

significant as a result of that use. The route need not currently exist as a discernible trail to qualify, but its location must be sufficiently known to permit evaluation of public recreation and historical interest potential. A designated trail should generally accurately follow the historic route, but may deviate somewhat on occasion of necessity to avoid difficult routing through subsequent development, or to provide some route variations offering a more pleasurable recreational experience. Such deviations shall be so noted on site. Trail segments no longer possible to travel by trail due to subsequent development as motorized transportation routes may be designated and marked onsite as segments which link to the historic trail.

(B) It must be of national significance with respect to any of several broad facets of American history, such as trade and commerce, exploration, migration and settlement, or military campaigns. To qualify as nationally significant, historic use of the trail must have had a far reaching effect on broad patterns of American culture. Trails significant in the history of Native Americans may be included.

(C) It must have significant potential for public recreational use or historical interest based on historic interpretation and appreciation. The potential for such use is generally greater along roadless segments developed as historic trails and at historic sites associated with the trail. The presence of recreation potential not related to historic appreciation is not sufficient justification for designation under this category.

(c) The following routes shall be studied in accordance with the objectives outlined in subsection (b) of this section.

***(1-20 Not applicable to the Nez Perce National Historic Trail)***

(21) Nez Perce Trail extending from the vicinity of Wallowa Lake, Oregon, to Bear Paw Mountain, Montana.

***(22-39 Not applicable to the Nez Perce National Historic Trail)***

(d) The Secretary charged with the administration of each respective trail shall, within one year of the date of the addition of any national scenic or national historic trail to the system, and within sixty days of the enactment of this sentence for the Appalachian and Pacific Crest National Scenic Trails, establish an advisory council for each such trail, each of which councils shall expire ten years from the date of its establishment, except that the Advisory Council established for the Iditarod Historic Trail shall expire twenty years from the date of its establishment. If the appropriate Secretary is unable to establish such an advisory council because of the lack of adequate public interest, the Secretary shall so advise the appropriate committees of the Congress. The appropriate Secretary shall consult with such council from time to time with respect to matters relating to the trail, including the selection of rights-of-way, standards for the erection and maintenance of markers along the trail, and the administration of the trail. The members of each advisory council, which shall not exceed thirty-five in number, shall serve for a term of two years and without compensation as such, but the Secretary may pay, upon vouchers signed by the chairman of the council, the expenses reasonably incurred by the council and its members in carrying out their responsibilities under this section. Members of each council shall be appointed by the appropriate Secretary as follows:

(1) the head of each Federal department or independent agency administering lands through which the trail route passes, or his designee;

(2) a member appointed to represent each State through which the trail passes, and such appointments shall be made from recommendations of the Governors of such States;

(3) one or more members appointed to represent private organizations, including corporate and individual landowners and land users, which in the opinion of the Secretary, have an established and recognized interest in the trail, and such appointments shall be made from recommendations

of the heads of such organizations: Provided, That the Appalachian Trail Conference shall be represented by a sufficient number of persons to represent the various sections of the country through which the Appalachian Trail passes; and

(4) the Secretary shall designate one member to be chairman and shall fill vacancies in the same manner as the original appointment.

***(e) Not applicable to the Nez Perce National Historic Trail***

(f) Within two complete fiscal years of the date of enactment of legislation designating a national historic trail or the Continental Divide National Scenic Trail or the North Country National Scenic Trail as part of the system, the responsible Secretary shall, after full consultation with affected Federal land managing agencies, the Governors of the affected States, and the relevant Advisory Council established pursuant to section 5(d) of this Act, submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a comprehensive plan for the management, and use of the trail, including but not limited to, the following items:

- (1) Specific objectives and practices to be observed in the management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved, details of any anticipated cooperative agreements to be consummated with State and local government agencies or private interests, and for national scenic or national historic trails an identified carrying capacity of the trail and a plan for its implementation;
- (2) The process to be followed by the appropriate Secretary to implement the marking requirements established in section 7(c) of this Act;
- (3) A protection plan for any high potential historic sites or high potential route segments; and (4) general and site-specific development plans, including anticipated costs.

## CONNECTING AND SIDE TRAILS

SEC. 6. [16USC1245] Connecting or side trails within park, forest, and other recreation areas administered by the Secretary of the Interior or Secretary of Agriculture may be established, designated, and marked by the appropriate Secretary as components of a national recreation, national scenic or national historic trail. When no Federal land acquisition is involved, connecting or side trails may be located across lands administered by interstate, State, or local governmental agencies with their consent, or, where the appropriate Secretary deems necessary or desirable, on privately owned lands with the consent of the landowners. Applications for approval and designation of connecting and side trails on non-Federal lands shall be submitted to the appropriate Secretary.

## ADMINISTRATION AND DEVELOPMENT

SEC. 7. [16USC1246] (a) (1)

(A) The Secretary charged with the overall administration of a trail pursuant to section 5(a) shall, in administering and managing the trail, consult with the heads of all other affected State and Federal agencies. Nothing contained in this Act shall be deemed to transfer among Federal agencies any management responsibilities established under any other law for federally administered lands which are components of the National Trails System. Any transfer of management responsibilities may be carried out between the Secretary of the Interior and the Secretary of Agriculture only as provided under subparagraph (B).

(B) The Secretary charged with the overall administration of any trail pursuant to section 5(a) may transfer management of any specified trail segment of such trail to the other

appropriate Secretary pursuant to a joint memorandum of agreement containing such terms and conditions as the Secretaries consider most appropriate to accomplish the purposes of this Act. During any period in which management responsibilities for any trail segment are transferred under such an agreement, the management of any such segment shall be subject to the laws, rules, and regulations of the Secretary provided with the management authority under the agreement except to such extent as the agreement may otherwise expressly provide.

(2) Pursuant to section 5(a), the appropriate Secretary shall select the rights-of-way for national scenic and national historic trails and shall publish notice thereof of the availability of appropriate maps or descriptions in the Federal Register; Provided, That in selecting the rights-of-way full consideration shall be given to minimizing the adverse effects upon the adjacent landowner or user and his operation. Development and management of each segment of the National Trails System shall be designed to harmonize with and complement any established multiple-use plans for the specific area in order to insure continued maximum benefits from the land. 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. In selecting rights-of-way for trail purposes, the Secretary shall obtain the advice and assistance of the States, local governments, private organizations, and landowners and land users concerned.

(b) After publication of 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 historic trail may relocate segments of a national scenic or 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.

(c) National scenic or national historic trails may contain campsites, shelters, and related-public-use facilities. Other uses along the trail, which will not substantially interfere with the nature and purposes of the trail, may be permitted by the Secretary charged with the administration of the trail. Reasonable efforts shall be made to provide sufficient access opportunities to such trails and, to the extent practicable, efforts be made to avoid activities incompatible with the purposes for which such trails were established. The use of motorized vehicles by the general public along any national scenic trail shall be prohibited and nothing in this Act shall be construed as authorizing the use of motorized vehicles within the natural and historical areas of the national park system, the national wildlife refuge system, the national wilderness preservation system where they are presently prohibited or on other Federal lands where trails are designated as being closed to such use by the appropriate Secretary: Provided, That the Secretary charged with the administration of such trail shall establish regulations which shall authorize the use of motorized vehicles when, in his judgment, such vehicles are necessary to meet emergencies or to enable adjacent landowners or land users to have reasonable access to their lands or timber rights: Provided further, That private lands included in the national recreation, national scenic, or national historic trails by cooperative agreement of a landowner shall not preclude such owner from using motorized vehicles on or across such trails or adjacent lands from time to time in accordance with regulations to be established by the appropriate Secretary. Where a national historic trail follows existing public roads, developed rights-of-way or waterways, and similar features of man's non-historically related development, approximating the original location of a historic route, such segments may be marked to facilitate retracement of the historic route, and where a national historic trail parallels an existing public road, such road may be marked to commemorate the historic route. Other uses along the historic trails and the Continental Divide National Scenic Trail, which will not substantially interfere with the nature and purposes of the trail, and which, at the time of designation, are allowed by administrative regulations, including the use of motorized vehicles, shall be permitted by the Secretary charged with administration of the trail. The Secretary of the

Interior and 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 each national recreation, national scenic, and national historic trail. Where the trails cross lands administered by Federal agencies such markers shall be erected at appropriate points along the trails and maintained by the Federal agency administering the trail in accordance with standards established by the appropriate Secretary and where the trails cross non-Federal lands, in accordance with written cooperative agreements, the appropriate Secretary shall provide such uniform markers to cooperating agencies and shall require such agencies to erect and maintain them in accordance with the standards established. The appropriate Secretary may also provide for trail interpretation sites, which shall be located at historic sites along the route of any national scenic or national historic trail, in order to present information to the public about the trail, at the lowest possible cost, with emphasis on the portion of the trail passing through the State in which the site is located. Wherever possible, the sites shall be maintained by a State agency under a cooperative agreement between the appropriate Secretary and the State agency.

(d) Within the exterior boundaries of areas under their administration that are included in the right-of-way selected for a national recreation, national scenic, or national historic trail, the heads of Federal agencies may use lands for trail purposes and may acquire lands or interests in lands by written cooperative agreement, donation, purchase with donated or appropriated funds or exchange.

(e) Where the lands included in a national scenic or national historic trail right-of-way are outside of the exterior boundaries of federally administered areas, the Secretary charged with the administration of such trail shall encourage the States or local governments involved (1) to enter into written cooperative agreements with landowners, private organizations, and individuals to provide the necessary trail right-of-way, or (2) to acquire such lands or interests therein to be utilized as segments of the national scenic or national historic trail: Provided, That if the State or local governments fail to enter into such written cooperative agreements or to acquire such lands or interests therein after notice of the selection of the right-of-way is published, the appropriate Secretary, may (I) enter into such agreements with landowners, States, local governments, private organizations, and individuals for the use of lands for trail purposes, or (ii) acquire private lands or interests therein by donation, purchase with donated or appropriated funds or exchange in accordance with the provisions of subsection (f) of this section: Provided further, That the appropriate Secretary may acquire lands or interests therein from local governments or governmental corporations with the consent of such entities. The lands involved in such rights-of-way should be acquired in fee, if other methods of public control are not sufficient to assure their use for the purpose for which they are acquired: Provided, That if the Secretary charged with the administration of such trail permanently relocates the right-of-way and disposes of all title or interest in the land, the original owner, or his heirs or assigns, shall be offered, by notice given at the former owner's last known address, the right of first refusal at the fair market price.

(f)(f)

(1) The Secretary of the Interior, in the exercise of his exchange authority, may accept title to any non-Federal property within the right-of-way and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction which is located in the State wherein such property is located and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. The Secretary of Agriculture, in the exercise of his exchange authority, may utilize authorities and procedures available to him in connection with exchanges of national forest lands.

(2) In acquiring lands or interests therein for a National Scenic or Historic Trail, the appropriate Secretary may, with consent of a landowner, acquire whole tracts notwithstanding that parts of

such tracts may lie outside the area of trail acquisition. In furtherance of the purposes of this act, lands so acquired outside the area of trail acquisition may be exchanged for any non-Federal lands or interests therein within the trail right-of-way, or disposed of in accordance with such procedures or regulations as the appropriate Secretary shall prescribe, including: (I) provisions for conveyance of such acquired lands or interests therein at not less than fair market value to the highest bidder, and (ii) provisions for allowing the last owners of record a right to purchase said acquired lands or interests therein upon payment or agreement to pay an amount equal to the highest bid price. For lands designated for exchange or disposal, the appropriate Secretary may convey these lands with any reservations or covenants deemed desirable to further the purposes of this Act. The proceeds from any disposal shall be credited to the appropriation bearing the costs of land acquisition for the affected trail.

(g) The appropriate Secretary may utilize condemnation proceedings without the consent of the owner to acquire private lands or interests, therein pursuant to this section only in cases where, in his judgment, all reasonable efforts to acquire such lands or interest therein by negotiation have failed, and in such cases he shall acquire only such title as, in his judgment, is reasonably necessary to provide passage across such lands: Provided, That condemnation proceedings may not be utilized to acquire fee title or lesser interests to more than an average of one hundred and twenty-five acres per mile. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to appropriations from other sources, be available to Federal departments for the acquisition of lands or interests in lands for the purposes of this Act. For national historic trails, direct Federal acquisition for trail purposes shall be limited to those areas indicated by the study report or by the comprehensive plan as high potential route segments or high potential historic sites. Except for designated protected components of the trail, no land or site located along a designated national historic trail or along the Continental Divide National Scenic Trail shall be subject to the provisions of section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f)) unless such land or site is deemed to be of historical significance under appropriate historical site criteria such as those for the National Register of Historic Places.

(h)(h)

(1) The Secretary charged with the administration of a national recreation, national scenic, or national historic trail shall provide for the development and maintenance of such trails within federally administered areas, and shall cooperate with and encourage the States to operate, develop, and maintain portions of such trails which are located outside the boundaries of federally administered areas. When deemed to be in the public interest, such Secretary may enter written cooperative agreements with the States or their political subdivisions, landowners, private organizations, or individuals to operate, develop, and maintain any portion of such a trail either within or outside a federally administered area. Such agreements may include provisions for limited financial assistance to encourage participation in the acquisition, protection, operation, development, or maintenance of such trails, provisions providing volunteer in the park or volunteer in the forest status (in accordance with the Volunteers in the Parks Act of 1969 and the Volunteers in the Forests Act of 1972) to individuals, private organizations, or landowners participating in such activities, or provisions of both types. The appropriate Secretary shall also initiate consultations with affected States and their political subdivisions to encourage --

(A) the development and implementation by such entities of appropriate measures to protect private landowners from trespass resulting from trail use and from unreasonable personal liability and property damage caused by trail use, and

(B) the development and implementation by such entities of provisions for land practices compatible with the purposes of this Act, for property within or adjacent to trail rights-of-way. After consulting with States and their political subdivisions under the preceding sentence, the Secretary may provide assistance to such entities under appropriate cooperative agreements in the manner provided by this subsection.



(2) Whenever the Secretary of the Interior makes any conveyance of land under any of the public land laws, he may reserve a right-of-way for trails to the extent he deems necessary to carry out the purposes of this Act.

(i) The appropriate Secretary, with the concurrence of the heads of any other Federal agencies administering lands through which a national recreation, national scenic, or national historic trail passes, and after consultation with the States, local governments, and organizations concerned, may issue regulations, which may be revised from time to time, governing the use, protection, management, development, and administration of trails of the national trails system. In order to maintain good conduct on and along the trails located within federally administered areas and to provide for the proper government and protection of such trails, the Secretary of the Interior and the Secretary of Agriculture shall prescribe and publish such uniform regulations as they deem necessary and any person who violates such regulations shall be guilty of a misdemeanor, and may be punished by a fine of not more \$500 or by imprisonment not exceeding six months, or by both such fine and imprisonment. The Secretary responsible for the administration of any segment of any component of the National Trails System (as determined in a manner consistent with subsection (a)(1) of this section) may also utilize authorities related to units of the national park system or the national forest system, as the case may be, in carrying out his administrative responsibilities for such component.

(j) Potential trail uses allowed on designated components of the national trails system may include, but are not limited to, the following: bicycling, cross-country skiing, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight and long-distance backpacking, snowmobiling, and surface water and underwater activities. Vehicles which may be permitted on certain trails may include, but need not be limited to, motorcycles, bicycles, four-wheel drive or all-terrain off-road vehicles. In addition, trail access for handicapped individuals may be provided. The provisions of this subsection shall not supersede any other provisions of this Act or other Federal laws, or any State or local laws.

(k) For the conservation purpose of preserving or enhancing the recreational, scenic, natural, or historical values of components of the national trails system, and environs thereof as determined by the appropriate Secretary, landowners are authorized to donate or otherwise convey qualified real property interests to qualified organizations consistent with section 170(h)(3) of the Internal Revenue Code of 1954, including, but not limited to, right-of-way, open space, scenic, or conservation easements, without regard to any limitation on the nature of the estate or interest otherwise transferable within the jurisdiction where the land is located. The conveyance of any such interest in land in accordance with this subsection shall be deemed to further a Federal conservation policy and yield a significant public benefit for purposes of section 6 of Public Law 96-541.

## STATE AND METROPOLITAN AREA TRAILS

### ***SEC. 8. [16USC1247] Not applicable to the Nez Perce National Historic Trail***

## RIGHTS-OF-WAY AND OTHER PROPERTIES

SEC. 9. [16USC1248] (a) The Secretary of the Interior or the Secretary of Agriculture as the case may be, may grant easements and rights-of-way upon, over, under, across, or along any component of the national trails system in accordance with the laws applicable to the national park system and the national forest system, respectively: Provided, That any conditions contained in such easements and rights-of-way shall be related to the policy and purposes of this Act.

(b) The Department of Defense, the Department of Transportation, the Interstate Commerce Commission, the Federal Communications Commission, the Federal Power Commission, and other Federal agencies having jurisdiction or control over or information concerning the use, abandonment, or disposition of

roadways, utility rights-of-way, or other properties which may be suitable for the purpose of improving or expanding the national trails system shall cooperate with the Secretary of the Interior and the Secretary of Agriculture in order to assure, to the extent practicable, that any such properties having values suitable for trail purposes may be made available for such use.

(c) Commencing upon the date of enactment of this subsection, any and all right, title, interest, and estate of the United States in all rights-of-way of the type described in the Act of March 8, 1922 (43 U.S.C. 912), shall remain in the United States upon the abandonment or forfeiture of such rights-of-way, or portions thereof, except to the extent that any such right-of-way, or portion thereof, is embraced within a public highway no later than one year after a determination of abandonment or forfeiture, as provided under such Act.

(d)(d)

(1) All rights-of-way, or portions thereof, retained by the United States pursuant to subsection (c) which are located within the boundaries of a conservation system unit or a National Forest shall be added to and incorporated within such unit or National Forest and managed in accordance with applicable provisions of law, including this Act.

(2) All such retained rights-of-way, or portions thereof, which are located outside the boundaries of a conservation system unit or a National Forest but adjacent to or contiguous with any portion of the public lands shall be managed pursuant to the Federal Land Policy and Management Act of 1976 and other applicable law, including this section.

(3) All such retained rights-of-way, or portions thereof, which are located outside the boundaries of a conservation system unit or National Forest which the Secretary of the Interior determines suitable for use as a public recreational trail or other recreational purposes shall be managed by the Secretary for such uses, as well as for such other uses as the Secretary determines to be appropriate pursuant to applicable laws, as long as such uses do not preclude trail use.

(e)(e)

(l) The Secretary of the Interior is authorized where appropriate to release and quitclaim to a unit of government or to another entity meeting the requirements of this subsection any and all right, title, and interest in the surface estate of any portion of any right-of-way to the extent any such right, title, and interest was retained by the United States pursuant to subsection (c), if such portion is not located within the boundaries of any conservation system unit or National Forest. Such release and quitclaim shall be made only in response to an application therefor by a unit of State or local government or another entity which the Secretary of the Interior determines to be legally and financially qualified to manage the relevant portion for public recreational purposes. Upon receipt of such an application, the Secretary shall publish a notice concerning such application in a newspaper of general circulation in the area where the relevant portion is located. Such release and quitclaim shall be on the following conditions:

(A) If such unit or entity attempts to sell, convey, or otherwise transfer such right, title, or interest or attempts to permit the use of any part of such portion for any purpose incompatible with its use for public recreation, then any and all right, title, and interest released and quitclaimed by the Secretary pursuant to this subsection shall revert to the United States.

(B) Such unit or entity shall assume full responsibility and hold the United States harmless for any legal liability which might arise with respect to the transfer, possession, use, release, or quitclaim of such right-of-way.

(C) Notwithstanding any other provision of law, the United States shall be under no duty to inspect such portion prior to such release and quitclaim, and shall incur no legal liability with respect to any hazard or any unsafe condition existing on such portion at the time of such release and quitclaim.

(2) The Secretary is authorized to sell any portion of a right-of-way retained by the United States pursuant to subsection (c) located outside the boundaries of a conservation system unit or National Forest if any such portion is --

(A) not adjacent to or contiguous with any portion of the public lands; or

(B) determined by the Secretary, pursuant to the disposal criteria established by section 203 of the Federal Land Policy and Management Act of 1976, to be suitable for sale. Prior to conducting any such sale, the Secretary shall take appropriate steps to afford a unit of State or local government or any other entity an opportunity to seek to obtain such portion pursuant to paragraph (1) of this subsection.

(3) All proceeds from sales of such retained rights of way shall be deposited into the Treasury of the United States and credited to the Land and Water Conservation Fund as provided in section 2 of the Land and Water Conservation Fund Act of 1965.

(f) The Secretary of the Interior shall annually report to the Congress the total proceeds from sales under paragraph (2) during the preceding fiscal year. Such report shall be included in the President's annual budget submitted to the Congress. As used in this section --

(1) The term "conservation system unit" has the same meaning given such term in the Alaska National Interest Lands Conservation Act (Public Law 96-487; 94 Stat. 2371 et seq.), except that such term shall also include units outside Alaska.

(2) The term "public lands" has the same meaning given such term in the Federal Land Policy and Management Act of 1976.

## AUTHORIZATION OF APPROPRIATIONS

### ***SEC. 10. [16USC1249] Not applicable to the Nez Perce National Historic Trail***

## VOLUNTEER TRAILS ASSISTANCE

### SEC. 11. [16USC1250] (a)

(1) In addition to the cooperative agreement and other authorities contained in this Act, the Secretary of the Interior, the Secretary of Agriculture, and the head of any Federal agency administering Federal lands, are authorized to encourage volunteers and volunteer organizations to plan, develop, maintain, and manage, where appropriate, trails throughout the Nation.

(2) Wherever appropriate in furtherance of the purposes of this Act, the Secretaries are authorized and encouraged to utilize the Volunteers in the Parks Act of 1969, the Volunteers in the Forests Act of 1972, and section 6 of the Land and Water Conservation Fund Act of 1965 (relating to the development of Statewide Comprehensive Outdoor Recreation Plans).

(b) Each Secretary or the head of any Federal land managing agency, may assist volunteers and volunteer organizations in planning, developing, maintaining, and managing trails. Volunteer work may include, but need not be limited to--

(1) planning, developing, maintaining, or managing (A) trails which are components of the national trails system, or (B) trails which, if so developed and maintained, could qualify for designation as components of the national trails system; or

(2) operating programs to organize and supervise volunteer trail building efforts with respect to the trails referred to in paragraph (1), conducting trail-related research projects, or providing education and training to volunteers on methods of trails planning, construction, and

maintenance.

(c) The appropriate Secretary or the head of any Federal land managing agency may utilize and to make available Federal facilities, equipment, tools, and technical assistance to volunteers and volunteer organizations, subject to such limitations and restrictions as the appropriate Secretary or the head of any Federal land managing agency deems necessary or desirable.

## DEFINITIONS

SEC. 12. [16USC1251] As used in this Act:

(1) The term "high potential historic sites" means those historic sites related to the route, or sites in close proximity thereto, which provide opportunity to interpret the historic significance of the trail during the period of its major use. Criteria for consideration as high potential historic sites include historic significance, presence of visible historic remnants, scenic quality, and relative freedom from intrusion.

(2) The term "high potential route segments" means those segments of a trail which would afford high quality recreation experience in a portion of the route having greater than average scenic values or affording an opportunity to vicariously share the experience of the original users of a historic route.

(3) The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and any other territory or possession of the United States.

(4) The term "without expense to the United States" means that no funds may be expended by Federal agencies for the development of trail related facilities or for the acquisition of lands or interest in lands outside the exterior boundaries of Federal areas. For the purposes of the preceding sentence, amounts made available to any State or political subdivision under the Land and Water Conservation Fund Act of 1965 or any other provision of law shall not be treated as an expense to the United States.

## 8. Appendix B: High Potential Historic Sites and Route Segments included in the 1990 Comprehensive Plan

### 1990 comprehensive plan high potential historic route segments

Site Name	NRHP eligibility	Ownership	Recommendations
1. Chief Joseph Monument		Held in trust by BIA for the Nez Perce and Umatilla Tribes	Site should be considered high potential historic site or segment.
2. Imnaha River Canyon Trail		FS	Segment there but no on the ground documentation that this was the route used. Site should not be considered high potential historic site or segment.
3. Lone Pine Saddle		FS	Considered remnant trail. Site should be considered high potential historic site or segment
4. Dug Bar Crossing		Owned by FS; NPS administered co-managed under a MOU	Site should be considered high potential historic site or segment.
5. Salmon River Crossing		BLM	Site should not be considered high potential historic site or segment due to lack of specific location where the Trail crossed the river.
6. Tepahleam Camp		Private	Landowners should be contacted and site should be visited to determine if it is a high potential historic site.
7. Tolo Lake	Proposed eligible Listed NRHP	Idaho Dept. Fish and Game	Site should be considered high potential historic site or segment.
8. White Bird Battlefield		NPS	Site should be considered high potential historic site or segment.
9. Lahmotta Camp		Private	Landowners should be contacted and site should be visited to determine if it is a high potential historic site.
10. Settlers Grave	Proposed Eligible	BLM	Site should be considered high potential historic site or segment.
11. Salmon River Crossing at Horseshoe Bend	Proposed Eligible	BLM	No physical remains exist therefore this site should not be considered high potential historic site or segment.
12. Salmon River Crossing at Billy Creek		BLM	No physical remains exist therefore this site should not be considered high potential historic site or segment.
13. Lt. Rain's Skirmish		Private	Landowners should be contacted and site should be visited to determine if it is a high potential historic site.
14. Scout Foster's Grave		Private	Landowners should be contacted and site should be visited to determine if it is a high potential historic site.
15. Cottonwood House		Private	Landowners should be contacted and site should be visited to determine if it is a high potential historic site.
16. Cottonwood Skirmish		Private	Landowners should be contacted and site should be visited to determine if it is a high potential historic site.

Site Name	NRHP eligibility	Ownership	Recommendations
17. Clearwater Battlefield	Proposed eligible under NPS umbrella	Private/Trust agreement with NPS	A portion of the battlefield is on Private land and there is an agreement with the landowners (Cannell 2005). The remainder of the battlefield is on Nez Perce Tribal land. Site should be visited to determine if it is a high potential historic site.
18. Southern Nez Perce Trail		BLM/Forest Service	Site should be considered high potential site or segment.
19. Looking Glass Camp and Skirmish		USFWS-Kooskia National Fish Hatchery	Site should be considered high potential site or segment.
20. Misery Hill and McConville's Skirmish		Private	Landowners should be contacted and site should be visited to determine if it is a high potential historic site.
21. Clearwater River Crossing		Private	Landowners should be contacted and site should be visited to determine if it is a high potential historic site.
22. Original Tread		Private	Landowners should be contacted and site should be visited to determine if it is a high potential historic site.
23. Weippe Prairie	Listed on NRHP	Private	Site should be considered high potential historic site or segment.
24. Musselshell Meadow	National Historic Landmark	FS	Site should be considered high potential historic site or segment.
25. Lolo Pass (Packer's Meadow)		FS	Site should be considered high potential historic site or segment.
26. Lolo Hot Springs		Private/FS	Site should be considered high potential historic site or segment.
27. Ft. Fizzle		Private/FS	Site should be considered high potential historic site or segment.
28. Ft. Owen	Listed on NRHP	State	Site should be considered high potential historic site or segment.
29. Ft. Corvallis (Ft. Skidaddle)		Private	Landowners should be contacted and site should be visited to determine if it is a high potential historic site.
30. Ft. Skalkaho (Ft. Run)		Private	Landowners should be contacted and site should be visited to determine if it is a high potential historic site.
31. Southern Nez Perce Trail		Private/FS	Portions of this segment are on Private land. Landowners should be contacted and segment should be visited to determine if it is a high potential historic site or segment.
32. Scarred Trees		FS	Site is related to other Native American use and should not be considered high potential historic site or segment for the NPNHT.
33. Gibbons Pass		FS	Site should be considered high potential historic site or segment.
34. Big Hole National Battlefield	Listed on NRHP	NPS	Site should be considered high potential historic site or segment.

Site Name	NRHP eligibility	Ownership	Recommendations
35. Skinner Meadow		FS	Site should be reconsidered if further information is found that documents that this was a meadow that either Nez Perce or military used.
36. Montague-Winters Ranch		Private	Landowners should be contacted and site should be visited to determine if it is a high potential historic site.
37. Bannock Pass		FS	Site should be reconsidered if further information is found that documents that this was the pass that either Nez Perce or military used.
38. Junction City		Private	Landowners should be contacted and site should be visited to determine if it is a high potential historic site.
39. Nez Perce Creek Rifle Pits		BLM	Site is thought to be associated with a different event and should not be considered high potential historic site or segment for the NPNHT.
40. Birch Creek Skirmish		BLM	Not enough information. Site should be reconsidered if further information is found.
41. Corrine-Bannock Stage Road		Private	Landowners should be contacted and site should be visited to determine if it is a high potential historic site.
42. Hole-in-Rock Stage Station		Private	Landowners should be contacted and site should be visited to determine if it is a high potential historic site.
43. Dry Creek Stage Station		BLM/Private	Not enough information. Site should be reconsidered if further information is found that documents that show where this site occurred.
44. Sam Glass Grave		Private	Landowners should be contacted and site should be visited to determine if it is a high potential historic site.
45. Howard's Camp Callaway		Private	Landowners should be contacted and site should be visited to determine if it is a high potential historic site.
46. Bugler Brooks Grave		Private	Landowners should be contacted and site should be visited to determine if it is a high potential historic site.
47. Camas Meadow Battle	Listed on the NRHP	BLM/Private	Site should be considered high potential historic site or segment.
48. Targhee Pass		FS	Site should be considered high potential historic site or segment.
49. Campsite (August 23, 1877)		NPS	Site should be considered high potential historic site or segment.
50. Shively's Capture		NPS	Site should be considered high potential historic site or segment.
51. Radersburg Party Capture Tangle Creek		NPS	Site should be considered high potential historic site or segment.

Site Name	NRHP eligibility	Ownership	Recommendations
52. Cowan Shot (Radersburg Party)		NPS	Site should be considered high potential historic site or segment.
53. Helena Tourist Skirmish		NPS	Site should be considered high potential historic site or segment.
54. Captain Spurgin's "Beaver Slide"		NPS	Site should be considered high potential historic site or segment.
55. Radersburg Party Release		NPS	Site should be considered high potential historic site or segment.
56. Bart Henderson's Ranch Burned		FS/NPS	Site should be considered high potential historic site or segment.
57. Dietrich Killed at Mammoth		NPS	Site should be considered high potential historic site or segment.
58. Baronette's Bridge Burned		NPS	Site should be considered high potential historic site or segment.
59. Weikert and McCartney Attacked		NPS	Site should be considered high potential historic site or segment.
60. Sturgis' Scouts Ambushed		NPS	Site should be considered high potential historic site or segment.
61. Campsite (August 25, 1877)		NPS	Site should be considered high potential historic site or segment.
62. Dead Indian Hill		FS	Site should be considered high potential historic site or segment.
63. Bill Brockway Ranch		Private	Landowners should be contacted and site should be visited to determine if it is a high potential historic site.
64. P.W. McAdow Sawmill		Private	Landowners should be contacted and site should be visited to determine if it is a high potential historic site.
65. J.M.V. Cochran Ranch		Private	Landowners should be contacted and site should be visited to determine if it is a high potential historic site.
66. Canyon Creek Battle Site		Private	Landowners should be contacted and site should be visited to determine if it is a high potential historic site.
67. Crow Indian Raid		State	No known site could be identified.
68. Musselshell Crossing		Private	Landowners should be contacted and site should be visited to determine if it is a high potential historic site.
69. Sturgis and Howard Camps		Private	Landowners should be contacted and site should be visited to determine if it is a high potential historic site.
70. Judith Basin Raid		Private	Landowners should be contacted and site should be visited to determine if it is a high potential historic site.
71. Reed and Bowles Stockade		county	Site should be considered a high potential historic site.
72. Cow Island Crossing		BLM/BIA	Site should be considered a high potential historic site.
73. Cow Island Skirmish	State level significance/Proposed eligible	Private/BLM	Landowners should be contacted and site should be visited to determine if it is a high potential historic site.
74. Cow Creek Camp		BLM/Private	Site should be considered a high potential historic site.

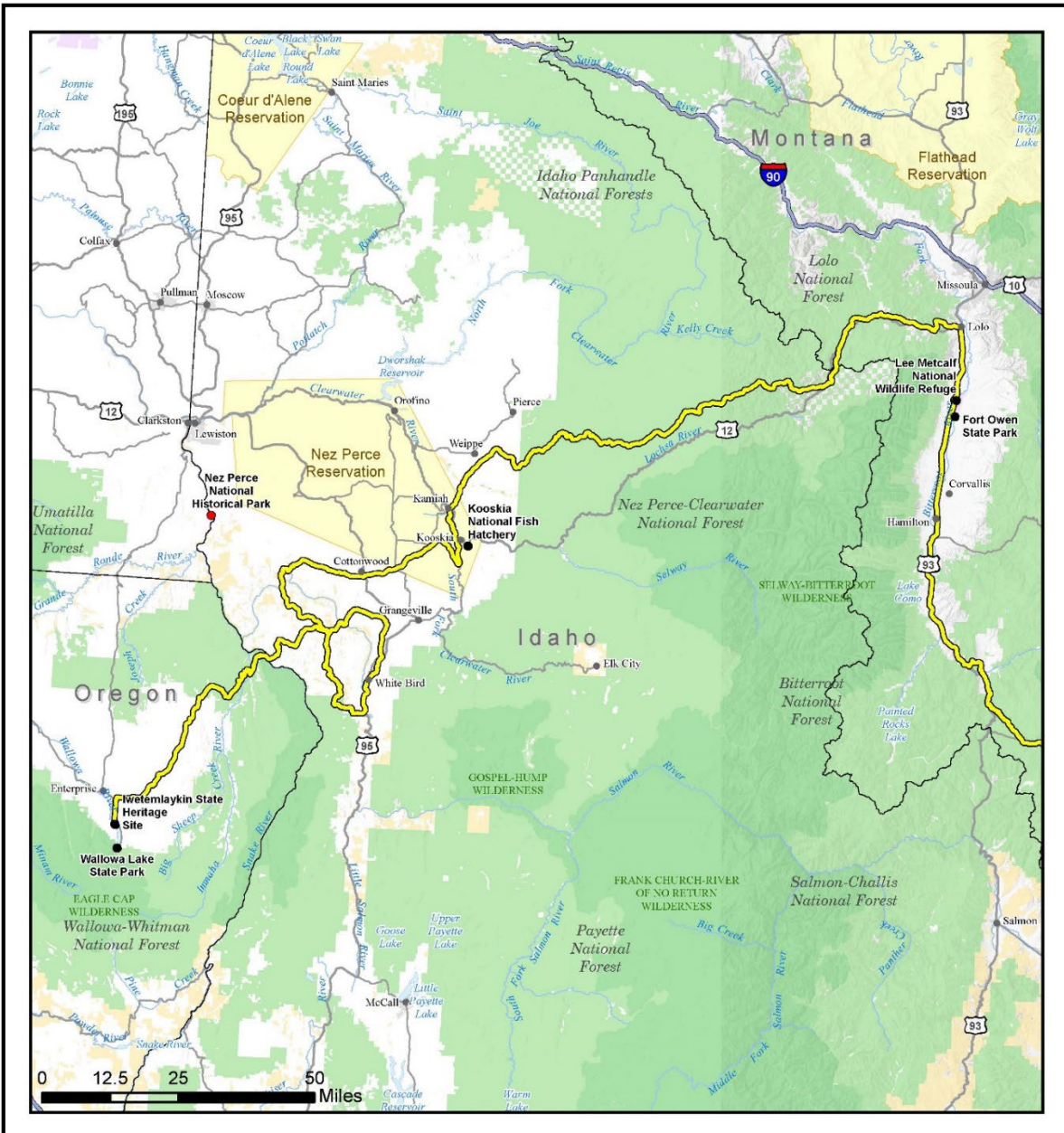


Site Name	NRHP eligibility	Ownership	Recommendations
75. Ilges Skirmish	State Level significance	BLM/Private	Site should be considered a high potential historic site.
76. Burning of Bull Wagon	Listed on NRHP	BLM/Private	Site should be considered a high potential historic site.
77. Bullwackers Graves	Listed on NRHP	BLM/Private	Site should be considered a high potential historic site.
78. Miles Butte Military Camp			No information
79. Bear's Paw Battlefield	Listed on NRHP	NPS	Site should be considered a high potential historic site.

#### 1990 comprehensive plan high potential historic route segments

Segment Name	NRHP eligibility	Ownership	Recommendations
1. Imnaha River		FS/ Private	Segment should be considered high potential historic site or segment.
2. White Bird Battlefield		NPS	Segment should be considered high potential historic site or segment.
3. Lolo Trail	National Historic Landmark	FS/ Private	Segment should be considered high potential historic site or segment.
4. Gibbons Pass		FS/ Private	Segment should be considered high potential historic site or segment.
5. Overland Trail		FS/ Private	Segment should be considered high potential historic site or segment.
6. Yellowstone		NPS/ FS	Segment should be considered high potential historic site or segment.
7. Missouri River Breaks		BLM/ State/ Private	Segment should be considered high potential historic site or segment.

## 9. Appendix C: Rights-of-Way Maps



### Nez Perce National Historic Trail

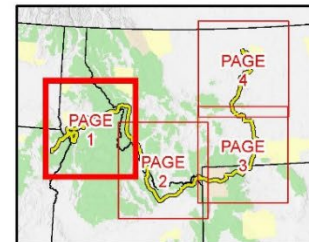
#### References

NFS ownership and designated area boundaries from R1 Automated Lands Program. Transportation, hydrography, and placemark data from ESRI.

#### Disclaimer

The USDA Forest Service makes no warranty, expressed or implied regarding the data displayed on this map, and reserves the right to correct, update, modify, or replace this information without notification.

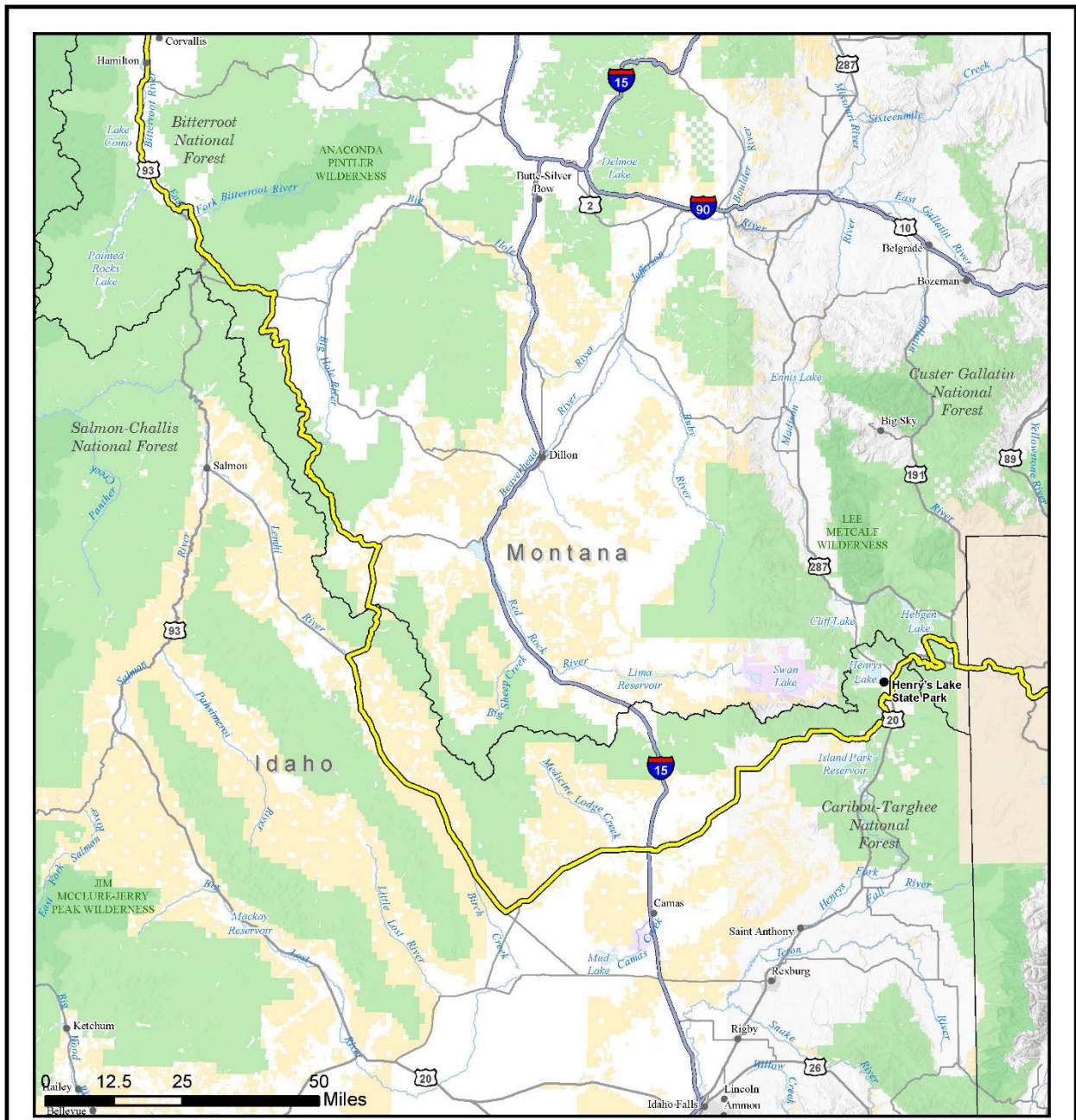
- |                                   |                                |
|-----------------------------------|--------------------------------|
| Nez Perce National Historic Trail | National Parks                 |
| American Indian Reservations      | Wilderness                     |
| National Forest System Land       | U.S. Fish and Wildlife Service |
|                                   | Bureau of Land Management      |



Centerline url: <https://usfs.maps.arcgis.com/home/item.html?id=2b38bd57ac34222ab2c6bf6d2d1381a&overview>

Data used in creation of this map are on file with Region 1 Regional Office LSRS Program.





## Nez Perce National Historic Trail

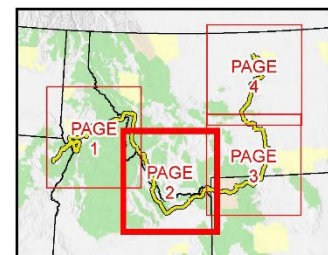
### References

NFS ownership and designated area boundaries from R1 Automated Lands Program, Transportation, hydrography, and placemark data from ESRI.

### Disclaimer

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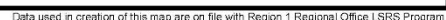
- |                                   |                                |
|-----------------------------------|--------------------------------|
| Nez Perce National Historic Trail | National Parks                 |
| American Indian Reservations      | Wilderness                     |
| National Forest System Land       | U.S. Fish and Wildlife Service |
|                                   | Bureau of Land Management      |

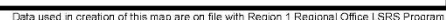


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Data used in creation of this map are on file with Region 1 Regional Office LSRS Program.







## 10. Appendix D: Agreement Reference Guide (Forest Service)

Criteria and Reference	Challenge Cost-Share Agreement (Outgoing FS Funds)	Participating Agreement (Outgoing FS Funds)	Participating Agreement (Outgoing FS Funds)	Stewardship Agreement (Outgoing FS Funds)	Collection Agreement (Incoming Funds)	Interagency Agreement (Outgoing and Incoming Funds)	Memorandum of Understanding (No Funds Exchanged)
Authority	P.L. 102-154	P.L. 94-148	Wyden Amendment	P.L. 108-7, Sec 323	N/A	N/A	N/A
1. Purpose	Authorizes the FS to cooperate with others in developing, planning, and implementing mutually beneficial projects that enhance FS activities.	Authorizes the FS and others to perform work from which they would accrue mutual nonmonetary benefit in the areas of cooperative pollution abatement, manpower programs, development and publication of forest history and interpretive materials, and forestry protection.	Used when the FS enters into cooperatively performed work related to the protection, restoration, and enhancement of fish and wildlife habitat and other natural or cultural resources on public or Private land and/or the reduction of risk for natural disaster where public safety is threatened. Must provide a benefit to NFS within the watershed.	To achieve land management goals for NFS lands while meeting local and rural community needs. A tool to accomplish landscape restoration objectives.	Authorizes the acceptance of money by the FS from a non-Federal party to carry out a purpose authorized by law	Used when one Federal agency provides materials, supplies, equipment, work or services of any kind that another Federal agency needs to accomplish its mission.	Written in general terms to coordinate activity or establish a relationship. Doesn't authorize work or exchange of anything of value.
2. Party to instrument	Any non-Federal entity or individual	Any non-Federal entity or individual	Landowners or State, local, or tribal government or other public entity, educational institution, or non-profit	Any non-Federal entity including Tribes and non-profit organizations	Any non-Federal entity or individual	Other Federal Agency	Any entity or individual
3. Extent of FS involvement	Substantial	Substantial	Substantial	Substantial	FS performs the work	Depends upon purpose	Depends upon purpose
4. Cost sharing	Minimum 20% match by cooperator	Minimum 20% match by cooperator	FS and Cooperator shall contribute resources to perform the work and share mutual interests and benefits.	Minimum 20% match by cooperator or waiver by Regional Forester in writing. If match is waived, a stewardship contract must be used.	FS furnished supplies, materials, and services may be included as part of the agency's matching contribution in some cases	Yes, by mutual agreement	N/A
6. Maximum duration	5 years	5 years	5 years	10 years	5 years	5 years	5 years



OMB 0596-0080

<b>VOLUNTEER SERVICE AGREEMENT—NATURAL &amp; CULTURAL RESOURCES</b>			
1. <input type="checkbox"/> INDIVIDUAL		2. <input type="checkbox"/> GROUP	
3. NAME OF AGENCY		4. AGREEMENT #	
5. NAME OF VOLUNTEER (First, Last)		6. U.S. CITIZEN OR PERMANENT RESIDENT <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No, list visa type _____	
7. NAME OF GROUP		8. NAME OF GROUP CONTACT (First, Last)	
9. STREET ADDRESS		10. CITY, STATE, ZIP CODE	
11. EMAIL ADDRESS	12. PHONE Home: _____ Mobile: _____	13. AGE <input type="checkbox"/> Under 15 <input type="checkbox"/> 15 - 18 <input type="checkbox"/> 19 - 25 <input type="checkbox"/> 26 - 35 <input type="checkbox"/> 36 - 54 <input type="checkbox"/> 55 and Older	
14. <b>ETHNICITY &amp; RACE (Optional):</b> Please report both ethnicity and race and tell us if you are a veteran or have a disability. Multiracial respondents may select two or more races. This information will inform our understanding of diversity and inclusion among the volunteer force in the natural and cultural resource areas.			
14a. <b>Ethnicity</b> (Select one): <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino	14b. <b>Race</b> (Select one or more, regardless of ethnicity): <input type="checkbox"/> American Indian or Alaskan Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> White <input type="checkbox"/> Native Hawaiian or Other Pacific Islander	14c. Are you a Veteran? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
		14d. Do you have disability? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>EMERGENCY CONTACT INFORMATION</b>			
15. NAME (Last, First)	16. PHONE Home: _____ Mobile: _____	17. EMAIL ADDRESS	
18. STREET ADDRESS	19. CITY, STATE, ZIP CODE		
<b>GOVERNMENT OFFICIAL COMPLETES THIS SECTION</b>			
20. AGENCY CONTACT NAME (Last, First)  Jordan, Luke		21. AGENCY CONTACT EMAIL & PHONE <a href="mailto:luke_jordan@nps.gov">luke_jordan@nps.gov</a> 616-250-6714	
22. REIMBURSEMENTS APPROVED: <input type="checkbox"/> Yes <input type="checkbox"/> No Type and Rate of Reimbursement:		23. VOLUNTEER POSITION/GROUP PROJECT TITLE:	
24. <b>Description of service to be performed.</b> Provide a brief abstract of volunteer or service activity and the location of the volunteer activity, and attach description of service to be performed. Service description should include details such as time and schedule commitment, use of government vehicle, use of personal equipment and/or vehicle, skills required (note certifications if necessary), level of physical activity required, etc. If this is a group agreement, the leader is to provide the group name and attach a complete list of group participants or optional form 301b for each volunteer.			
VOLUNTEER/SERVICE ACTIVITY ABSTRACT			
REFER TO "CUMULATIVE JOB DESCRIPTION" FOUND AT <a href="http://www.nps.gov/noco">www.nps.gov/noco</a> UNDER THE "VOLUNTEER RESOURCES" LINK			
25. <b>Check all that apply:</b> <input type="checkbox"/> Description of service attached <input type="checkbox"/> List of group participants/optional form 301b attached <input type="checkbox"/> Job Hazard Analysis <input type="checkbox"/> Valid Driver's License Verified (if required)			

OMB 0596-0080

PARENTAL CONSENT FOR VOLUNTEER UNDER AGE 18		
26. PARENT OR LEGAL GUARDIAN (First, Last)	27. PHONE Home: Mobile:	28. EMAIL ADDRESS
29. STREET ADDRESS	30. CITY, STATE, ZIP CODE	
31. I affirm that I am the parent/guardian of the above named volunteer. I understand that the agency volunteer program does not provide compensation, except as otherwise provided by law; and that the service will not confer on the volunteer the status of a Federal employee. I have read the attached description of the service that the volunteer will perform. I give my permission for _____ to participate in the specified volunteer activity. (NAME OF YOUTH)		
32. Parent/Guardian Signature		Date
VOLUNTEER & GROUP LEADER AFFIRMATION		
33. I understand that I will not receive any compensation for the above service and that volunteers are NOT considered Federal employees for any purpose other than tort claims and injury compensation. I understand that volunteer service is not creditable for leave accrual or any other employee benefits. I also understand that either the government or I may cancel this agreement at any time by notifying the other party. I understand that my volunteer position may require a reference check, background investigation, and/or a criminal history inquiry in order for me to perform my duties. I understand that all publications, films, slides, videos, artistic or similar endeavors, resulting from my volunteer services as specifically stated in the attached job description, will become the property of the United States, and as such, will be in the public domain and not subject to copyright laws. I understand the health and physical condition requirements for doing the work as described in the job description and at the project location, and certify that the statements I have checked below are true: <input type="checkbox"/> I or group leader know of no medical condition or physical limitation that may adversely affect my or members of the group ability to provide this service. If a group see attached OF301b. <input type="checkbox"/> I or a member of the group have a medical condition or physical limitation that may adversely affect my ability to provide this service and have informed the Government Representative. If a member of a group see attached OF301b. <input type="checkbox"/> I or group member do not consent to being photographed or to the release of my photographic image. If a member of a group see attached OF301b.		
I do hereby volunteer my services as described above, to assist in authorized activities at _____ and I agree to follow all applicable safety guidelines. See attached OF301b attached if a member of a group. (NAME OF FEDERAL AGENCY)		
34. Signature of Volunteer or Group Leader		Date
The above-named agency agrees, while this arrangement is in effect, to provide such materials, equipment, and facilities that are available and needed to perform the service described above, and to consider you as a Federal employee only for the purposes of tort claims, liability and injury compensation to the extent not covered by your volunteer group, if any.		
35. Signature of Government Representative		Date
TERMINATION OF AGREEMENT		
36. Agreement Terminated Date:		Total Hours Completed:
37. Signature of Government Representative:		
PUBLIC BURDEN STATEMENT		
According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0080. The time required to complete this information collection is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. USDA, DOI, DOC and DOD prohibit discrimination in all programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. Not all prohibited bases apply to all programs.		
PRIVACY ACT STATEMENT		
Collection and use is covered by Privacy Act System of Records OPM/GOVT-1 and USDA/OP-1, and is consistent with the provisions of 5 USC 552a (Privacy Act of 1974), which authorizes acceptance of the information requested on this form. The data will be used to maintain official records of volunteers of the USDA and USDI for the purposes of tort claims and injury compensation. Furnishing this data is voluntary, however if this form is incomplete, enrollment in the program cannot proceed.		





GROUP NAME:

AGENCY NAME:

OMB no. 0596-0080

DATE:

[illegible]

## **11. Appendix E: Management Responsibilities and Coordination by Agency or Group**

### **USDA Forest Service**

#### **Planning**

- Delegates planning duties associated with the Nez Perce National Historic Trail to a lead Regional Forester.
- Prepares and revises (as needed) a comprehensive plan.
- Ensures the revised comprehensive plan is prepared through a public process.
- Ensures compliance with the National Environmental Policy Act for those comprehensive plan components requiring a decision.
- Approves the location (rights-of-way) of the Trail and applicable corridor.
- Approves non-substantial relocation of the Trail's location (rights-of-way) and associated corridor.
- Publishes Notice of Availability for the final location of rights-of-way in the Federal Register.
- Incorporate direction from the revised comprehensive plan into unit specific land and resource management plans (e.g. land management plans).
- Assists other land management agencies with jurisdiction in preparing their land and resource management plans.
- Ensures project-level decisions comply with National Trails System Act, other associated laws, regulations, and policies.
- Consults with federally recognized Indian Tribes during the revision of the comprehensive plan.
- Consults with federally recognized Indian Tribes on unit or project-level decisions affecting the Trail.

#### **Administration**

- Delegates administration duties to a lead Regional Forester.
- Designates a National Trail Administrator for the Trail.
- Coordinates and enters into cooperative agreements to facilitate management of the Trail.
- Obtains funding for Trail management.
- Provides technical assistance when requested.
- Maintains official records and maps associated with the Trail.
- Approves the application, use and sale of the Trail symbol.
- Provides accurate and timely information for trail users across the entire length of the Trail.
- Reports to the Secretary of Agriculture and the U.S. Congress on Trail-related issues.
- Evaluates and certifies eligible sites, segments, and interpretive facilities located outside of federally designated areas.

#### **Land Acquisition**

- Acquires lands or easements from willing sellers within ¼ mile of the Trail for protection of the Trail within national forest boundaries.
- Encourages other Federal agencies with jurisdiction to acquire lands and easements from willing

sellers within ¼ mile of the Trail for the protection of the Trail within their respective unit boundaries.

- Accepts monetary contributions for the acquisition of lands or easements for the protection of the Trail.
- Encourages State and local agencies to acquire lands and easements for the protection of the Trail outside of Federal land boundaries.
- Provides advice on land acquisition strategies.

## **Management**

- Manage the Trail on lands where they have jurisdictional authority in compliance with treaties, laws, regulations and policies.
- Ensure project-level decisions on National Forest System Lands are in compliance with laws, regulations and policies.
- Ensure coordination and consistency occur between the many jurisdictions associated with the Trail.
- Conduct day-to-day administration of the Trail.
- Provide uniform trail marker(s) to cooperating agencies for their installation, use and maintenance.
- Enter into cooperative agreements for the protection, operation, development, or maintenance of the Trail within its respective units.
- Promote and provides visitor use information services and interpretive programming.
- Control access across lands they have jurisdictional responsibility.
- Monitor Trail conditions and use patterns on lands where they have jurisdictional authority.

## **Other Federal Agencies**

### **Planning**

- Cooperate in the preparation and review of the comprehensive plan and any associated revisions.
- Incorporate direction from the revised comprehensive plan into unit specific land and resource management plans (for example resource management plans, comprehensive conservation plans, general management plans or foundation documents).
- Ensure project-level decisions comply with the National Trails System Act, other associated laws, regulations, and policies.
- Consult with federally recognized Indian Tribes on unit or project-level decisions affecting the Trail.
- Recommend the location (right(s)-of-way) of the Trail and applicable corridor within their respective units.
- Recommends non-substantial relocation of the Trail's location (rights-of-way) and associated corridor within their respective units.

### **Administration**

- Enter into cooperative agreements to facilitate management of the Trail.
- Obtain funding for trail management.
- Provide accurate and timely information for Trail users on a localized scale.

### **Land Acquisition**

- Acquire lands or easements from willing sellers within ¼ mile of the Trail for protection of the Trail within their respective unit boundaries.

- Accept monetary contributions for the acquisition of lands or easements for the protection of the Trail.

## **Management**

- Manage the Trail on lands where they have jurisdictional authority in compliance with laws, regulations and policies.
- Ensure project-level decisions affecting their respective unit are in compliance with laws, regulations and policies.
- Install and maintain uniform markers provided by the Forest Service.
- Enter into cooperative agreements for the protection, operation, development, or maintenance of the Trail within their respective unit.
- Promote and provide visitor use information services and interpretive programming.
- Control access across lands they have jurisdictional responsibility.
- Monitor trail conditions and use patterns on lands where they have jurisdictional authority.

## **State Agencies**

### **Planning**

- Assist and cooperate in the preparation and revision of the comprehensive plan.
- May prepare their own comprehensive plan for the management of the Trail outside of Federal land unit boundaries.

### **Administration**

- Enter into cooperative agreements to facilitate management of the Trail.
- Obtain funding for Trail management.
- Provide accurate and timely information for trail users on a localized scale.
- Propose sites, segments, and interpretive facilities located outside of federally designated areas to the Forest Service for certification.

### **Land Acquisition**

- Acquire lands or easements from willing sellers for protection of the Trail outside of Federal land unit boundaries.
- Accept monetary contributions for the acquisition of lands or easements for the protection of the Trail.
- Sell, donate or exchange lands or easements to Federal or local jurisdictions for protection of the Trail.

### **Management**

- Manage the Trail on lands where they have jurisdictional authority.
- Monitor trail conditions and use patterns on lands where they have jurisdictional authority.
- Control access across lands they have jurisdictional responsibility.
- Install and maintain uniform markers provided by the Forest Service.
- Enter into cooperative agreements for the protection, operation, development, or maintenance of the Trail.

- Provide interpretive or educational services.

## Local Agencies

### Planning

- Assist and cooperate in the preparation and revision of the comprehensive plan.
- May prepare their own comprehensive plan for the management of the Trail outside of Federal unit boundaries.

### Administration

- Enter into cooperative agreements to facilitate management of the Trail.
- Obtain funding for Trail management.
- Provide accurate and timely information for trail users on a more localized scale.
- Monitor trail conditions and use patterns on lands where they have jurisdictional authority.
- Propose sites, segments, and interpretive facilities located outside of federally designated areas to the Forest Service for certification.

## Private Landowners

### Planning

- Assist and cooperate in the preparation and revision of the comprehensive plan.

### Administration

- Enter into cooperative agreements to facilitate management of the Trail.
- Obtain funding for Trail management.
- Apply for certification of sites associated with their private land.
- Solicit funding from non-governmental sources.

### Land Acquisition

- Willingly sell, donate or exchange lands or easements to Federal, State or local jurisdictions for protection of the Trail.

### Management

- Manage the Trail on their private land.
- Monitor trail conditions and use patterns on their private land.
- Control access across their private land.
- Enter into cooperative agreements for the protection, operation, development, or maintenance of the Trail.
- Provide interpretive or educational services.
- Work with State and local agencies to propose sites, segments, and interpretive facilities to the Forest Service for certification.

## Federally Recognized Tribes

## **Planning**

- Assist and cooperate in the preparation and revision of the comprehensive plan.
- Are consulted in the preparation and revision of the comprehensive plan.

## **Administration**

- Enter into cooperative agreements to facilitate management of the Trail.
- Obtain funding for Trail management.
- Recommend certification of sites associated with tribal lands.

## **Land Acquisition**

- Acquire lands or easements from willing sellers for protection of the Trail.
- Sell, donate or exchange lands or easements to Federal, State or local jurisdictions for protection of the Trail.

## **Management**

- Enter into cooperative agreements to facilitate management of the Trail.
- Provide interpretive or educational services.

## **Cooperators, Organizations, Institutions and Individuals**

### **Planning**

- Assist and cooperate in the preparation and revision of the comprehensive plan.

### **Administration**

- Enter into cooperative agreements to facilitate management of the Trail.
- Obtain funding for Trail management.
- Solicit funding from non-governmental sources.

### **Land Acquisition**

- Acquire lands or easements from willing sellers for the protection of the Trail.
- Hold lands in trust, until they can be acquired by a land management agency with jurisdiction.
- Sell, donate or exchange lands or easements to Federal, State or local jurisdictions for protection of the Trail.

### **Management**

- Enter into cooperative agreements for the protection, operation, development, or maintenance of the Trail.
- Manage trust lands in the interim, until they can be acquired by a land management agency.
- Provide interpretive or educational services.

## **Volunteers**

### **Planning**

- Assist and cooperate in the preparation and revision of the comprehensive plan.

**Administration**

- Enter into volunteer agreements to facilitate management of the Trail.

**Land Acquisition**

- Not applicable

**Management**

- Enter into volunteer agreements for the protection, operation, development, or maintenance of the Trail.
- Provide interpretive or educational services.



## 12. Appendix F: Operation and Maintenance Guidelines for the NPNHT

### OPERATION AND MAINTENANCE GUIDELINES for the NEZ PERCE (Nee-Me-Poo) NATIONAL HISTORIC TRAIL



#### PURPOSE

These guidelines serve as the standard approach to maintenance of the Nez Perce (Nee-Me-Poo) National Historic Trail (Trail). They provide specific standards for construction, reconstruction and maintenance of the historic Trail.

The guidelines are based on recognition that the Trail, particularly in less developed settings, provides visitors with an experience that cannot be found elsewhere. These guidelines lead to operation and maintenance practices that address the Trail's nature and purpose and lead to retaining the Trail's historical "look and feel" as much as practical.

#### APPLICATION

These guidelines apply to the Trail but may be adopted for use on other historic trails across National Forest lands or on other Agency jurisdictions. These guidelines will apply to any side trails incorporated into the Trail system in the future.

#### BACKGROUND

On National Forest Lands, where the Lewis and Clark National Historic Trail and the Trail occur together, these historic trail maintenance guidelines will be used. These two trails commemorate the journey of Lewis and Clark in 1805-06 and the Nez Perce war route of 1877. These two historic routes used currently and during these significant historical events are believed to lie primarily within a corridor that has been designated as the Lolo Trail National Historic Landmark in Idaho and Montana. However, these two historic routes may also occur concurrently on other Forests outside this historic landmark corridor.

The historic Trail follows the general route of the event it commemorates. The current Trail was primarily established by clearing old trails still identifiable on the ground. Some Trail segments were in use when the Trail was designated. Portions undoubtedly follow prehistoric Indian trails including the K'useyneisskit or Buffalo Trail that existed at the time of Lewis and Clark's journey. Other portions may or may not follow the actual path of historic travel due to either uncertainty about the exact location or "evolution" of the trail location as travelers avoided windfalls, snowdrifts, and other obstacles over time.

There are several locations where the historic trails were consciously rerouted away from the old tread to control erosion and provide a stable, maintainable trail. There are also parts of the historic routes where no maintained trail currently exists, though there may be remnants of trail treads in these general locations.

## TRAIL SETTING

The Trail crosses landscapes with a wide range of development and related impact on the trails themselves and their historic flavor. In decreasing order of development these areas are:

Development Class	National Historic Trail Segments (NHTs)
<b>High</b>	<ul style="list-style-type: none"> <li>• Intermingled land ownership</li> <li>• Segments adjacent to federal or state highways</li> </ul>
<b>Moderate</b>	<ul style="list-style-type: none"> <li>• Locations where the Trail follows logging roads or closed roads in lesser developed landscapes</li> <li>• Areas of where timber harvest activity has or is occurring</li> </ul>
<b>Low</b>	<ul style="list-style-type: none"> <li>• Segments immediately adjacent to and within sight of backcountry roads</li> <li>• Segments paralleling backcountry roads but out of sight of the road</li> </ul>
<b>Undeveloped</b>	<ul style="list-style-type: none"> <li>• Segments far from road access in undeveloped, remote landscapes where the Trail route is known but no designated Trail tread is maintained.</li> </ul>

It is generally known and accepted that where sections of both the Lewis and Clark and Nez Perce (Nee-Me-Poo) National Historic Trails occur on National Forest Lands, especially in the vicinity of the Lolo Trail National Historic Landmark, the historic trails pass through the best-preserved landscapes of the entire routes.

## OPERATION AND MAINTENANCE GOALS

- NHT's follow the general route of the historic event they commemorate.
- NHT's are identifiable and safely travelable by hikers and equestrians.
- NHT *routes*, are trail segments where a trail tread may not be maintained or even exist; these route segments are clearly differentiated from designated NHT trail tread to benefit trail users.
- Whenever possible, in less developed settings, NHT's appear to have evolved from historic modes of travel, and do not appear to have been constructed.
- Trail tread is stable and without significant erosion or obstacles that lead would lead to loss of utility, establishment of user reroutes, or development of braided trails over time.

## OPERATIONAL GUIDELINES

- Prohibit all motorized and mechanized use by wheeled vehicles yearlong, this includes bicycles, game carts, and wheelbarrows.

## MAINTENANCE GUIDELINES

The following maintenance guidelines apply to Trail locations in development classes M and L as described above. A higher standard, more typical of adhering to accepted trail maintenance standards is applicable in development class H. No maintenance at all is performed in development class U.

<b>Tread</b>	
<b>WIDTH</b>	Generally, 12 to 24 inches, always the minimum necessary for safe travel. May be wider at constructed features, stream fords, etc. Variable width is fine. Never widen just to provide a “standard” width.
<b>MATERIALS</b>	Continuous cleared tread comprised of native materials. Exceptions may occur where constructed features are necessary. In those instances, the objective will be to cover the constructed features with native material from the local area.
<b>APPEARANCE</b>	Minimize the “constructed” look. Do not remove minor rocks, obstructions, clumps, etc. to try to and achieve a nice even tread width or cut slope.
<b>OUTSLOPE</b>	Ideally 3-5% but could be steeper. Do not reduce out slope unless it is a clear safety hazard.
<b>GRADE</b>	No grade target for existing maintained sections. For relocations <15% with pitches up to 200 ft. of 20%+.
<b>OBSTACLES</b>	Roots, rocks, logs obstacles/protrusions: when up to 6” in height leave in place, when up to 12” in height leave at frequency of one per 100 ft., exceptions could include leaving several per hundred ft. within a mile. Generally, remove an obstacle only if it is clearly unsafe or travelers are going to go off trail to avoid it.
<b>RELOCATIONS</b>	Trail relocations will not be done as part of normal maintenance. Relocations will require NEPA and tribal consultation. Relocations will be few and considered only when erosion cannot be controlled on the existing route or for some equally serious consideration.

<b>Constructed Features</b>	
GENERAL	Normally to be avoided particularly in the less developed trail settings
PUNCHEON	Use only where no alternative is available to provide a safe tread or where travelers avoiding a wet area will create multiple trails. Where unavoidable place at ground level without curbs and cover with native soil.
TURNPIKE	Permissible if designed to appear as a natural ground feature. Avoid obviously excavated ditch lines and lead off ditches. Goal is contoured and complete vegetation cover of ditches. Use native excavated fill material from out of sight of trail, or with complete rehab of excavation to appear natural. No exposed cloth, culverts, or curb logs.
CULVERTS	Avoid wherever possible and use a ford. Use only where stream crossings or wet areas are hazardous for traffic. Camouflage ends completely whenever used and either avoid headwalls or build them to avoid a constructed look.
WATERBARS	<p>Exhaust all possibilities for using natural features before considering a constructed log water bar. Use and improve existing obstructions including down logs, roots, and rocks as first choice.</p> <p>Second choices include improved grade breaks, rocks placed to look natural, small trees limbed and placed with tops attached to appear as a natural windfall.</p> <p>Last choice is cut and peeled native or treated round posts installed with flush driven rebar and not with cross pegs.</p>
EXCAVATED DRAIN DIPS	Avoid. If an excavated drain dip is the only alternative the ground will be contoured and replanted to appear natural.
SIGNS	Guide signs only at junctions with roads. Restriction signs at road junctions and junctions with motorized trails. All signs will be placed on round posts. Appropriate NHT trail blazer mortised into round posts at all road and trail junctions. All signs are routed wood or simulated wood – no reflectorized materials.
RETAINING WALLS	Permissible if designed to appear natural and only where necessary to provide a safe tread. Where exposed rock is not the norm cover with native soil and revegetate.

<b>Clearing</b>	
GENERAL	Goal: Trail appears as a path that has not been obviously cleared.
WIDTH	<p>Clearing is based on passage of saddle stock, not pack stock and will be narrower than typical pack trails – generally 24 to 36 inches either side of trail centerline or a total cleared width of 4 to 6 feet. A highly variable clearing width is desirable, so the trail does not appear as “a notch sliced through” the woods.</p> <p>Occasional encroachment of low vegetation into tread is permissible. Normally vegetation such as bear grass, Grouse Whortleberry and low huckleberry would not be removed unless it posed an unusual hazard. Branches preferably broken off rather than sawn. Avoid a pruned appearance.</p>
HEIGHT	Generally, 8 to 10 feet. Branches preferably broken off rather than sawn. Avoid a pruned appearance
OBSTACLES	<p>Fallen trees up to 12” diameter, that can be placed on the ground surface, are normally limbed as needed to clear the trail and left in place. It is undesirable for the Trail to appear as if there no fallen trees on the ground. Consider every fallen tree as a potential natural water bar where tread drainage is needed.</p> <p>Larger trees may be cut into segments and removed from sight; scatter branches rather than pile; explosives can be used to have larger down trees appear as naturally broken trees and left in place, but not blocking the trail. Stumps are cut flush to ground and covered with litter. Goal is no visible sawn surfaces.</p> <p>Avoid falling trees. Where unavoidable, goal is to leave the tree as natural as practical. Explosives may be used to break tree bole rather than sawing. Where trees need to be sawn, cut far enough from the trail that the sawn face is not obvious.</p> <p>Drag clearing debris out of sight if necessary to avoid obvious piles in areas of heavy clearing. Flush cut and cover stumps. Avoid piling and burning; piling and burning is permissible only out of sight of the trail.</p>
DISPOSAL	<p>Limbs, and other light clearing debris will be scattered. If there is substantial material, drag away from the Trail and then scatter to avoid developing a concentration or windrow.</p> <p>Logs should be chunked to manageable size pieces and the pieces rolled out of sight of the trail wherever practical.</p>

Sections of the Trail, particularly those with constructed features do not currently meet the vision described in the above guidelines and will be considered for rehabilitation efforts to soften cleared edges, improve slash disposal, camouflage stumps, remove curb logs, etc.

## 13. Glossary

**Associated Settings:** the geographic extent of the resources, qualities, and values or landscape elements within the surrounding environment that influence the trail experience and contribute to resource protection. Settings associated with a national scenic or historic trail include scenic, historic, cultural, recreation, natural (including biological, geological, and scientific), and other landscape elements (see resources, qualities, and values).

**Auto Tour Route:** roads that parallel the National Historic Trail and provide opportunities to commemorate the historic route as an alternate experience. These opportunities may occur inside or outside of a national trail management right-of-way(s). Auto tour route opportunities may include access to a national historic trail's high potential historic sites and segments.

**Best Management Practices:** practices that include but are not limited to structural and nonstructural controls and operation and maintenance procedures used to prevent impacts to soil and water. Best management practices can be applied before, during, and after pollution-producing activities to reduce or eliminate the introduction of pollutants into receiving waters (36 Code of Federal Regulations 219.19) or into the air. Best management practices is a term also used in other resource areas to describe methods or techniques found to be the most effective and practical means in achieving an objective (such as preventing or minimizing impacts from grazing or invasive weed establishment and spread) while making use of the resources.

**Carrying Capacity:** see Visitor Use Capacity.

**Challenge Cost Share Agreement:** an agreement authorized under the Interior and Related Appropriations Act of 1992, which allows cooperation with others in developing, planning, and implementing mutually beneficial projects that enhance Federal agency activities, where the cooperators provide matching funds or in-kind contributions. Cooperators may be public and private agencies, organizations, institutions, and individuals.

**Cooperating Agency:** local, State, and Federal agencies with legal authority and expertise in land management, resource areas, wildlife, or other areas critical to the planning process.

**Comprehensive Conservation Plan:** a plan that describes the desired future conditions of a refuge or planning unit; provides long-range guidance and management direction to achieve the purposes of the refuge. The National Wildlife Refuge System Improvement Act of 1997 (16 USC 668dd) mandates that the U.S. Fish and Wildlife Service write comprehensive conservation plans for all national wildlife refuges and reevaluate them every 15 years or as needed.

**Connecting Trails:** secretarially designated components of national recreation, national scenic, and national historic trails (16 U.S.C. 1245). Connecting trails are intended to complement designated national recreation, scenic, or historic trails by providing additional points of public access between or connecting to such trails. Connecting trails may have their own comprehensive plans, corridors, marking guidelines, and protection measures beyond what is identified in this plan.

**Cultural Resource:** an aspect of a cultural system that is valued by or significantly representative of a culture, or that contains significant information about a culture. A cultural resource may be a tangible entity or a cultural practice. Tangible cultural resources are categorized as districts, sites, buildings, structures, and objects for the National Register of Historic Places, and as archeological resources, cultural landscapes, structures, museum objects, and ethnographic resources for management purposes.

**Desired Condition:** a statement of aspiration to achieve and maintain over time, and the conditions necessary for visitors to understand, enjoy, and appreciate resources. Desired conditions can pertain to resource conditions, visitor experiences and opportunities, and facilities or services provided.

**Encounter:** occurs when a person, group or animal becomes aware of the presence of another person, group or animal along the trail.

**Environmental Assessment (EA):** a brief NEPA document that is prepared, with public engagement, (a) to help determine whether the impact of a proposed action or its alternatives could be significant; (b) to aid the agency in complying with NEPA by evaluating a proposal that will have no significant impacts, but may have measurable adverse impacts; or (c) as an evaluation of a proposal that is either not described on the list of categorically excluded actions, or is on the list, but exceptional circumstances apply.

**Federal Agency:** a component of government founded on or organized under the constitution of the United States of America. Specific to the Nez Perce National Historic Trail, this term applies to the U.S. Department of Agriculture, U.S. Department of Interior, Bureau of Land Management, Forest Service, Fish and Wildlife Service, and National Park Service.

**Federally Designated Area:** an area contained within the legislative boundaries common to National Forests, National Parks, and National Wildlife Refuges. Department of Interior, Bureau of Land Management lands do not have legislated boundaries.

**General Management Plan (GMP):** a National Park Service document or set of documents which clearly defines direction for resource preservation and visitor use in a park and serves as the foundation for decision making. General Management Plans are developed with broad public engagement.

**Goal:** a statement to describe the desired future user experience and characteristics towards which land management and resources should be directed. They do not prescribe specific actions agencies or partners will take, but rather describe the outcome conditions of desired future actions.

**High Potential Historic Sites:** sites related to the route, or sites in close proximity to it, which provide opportunity to interpret the historic significance of the trail during the period of its major use. Criteria for consideration as high potential historic sites include historic significance, presence of visible historic remnants, scenic quality, and relative freedom from intrusion (16 U.S.C. 1251).

**High Potential Historic Route Segments:** segments of a trail which would offer a high-quality recreation experience in a portion of the route having greater than average scenic values, or affording an opportunity to vicariously share the experience of the original users of a historic route (16 U.S.C. 1251).

**Incompatible Use:** an activity that affects (hinders or obstructs) the nature and purposes of a congressionally designated national scenic or historic trail.

**Indicators:** specific resource or experiential attributes that can be measured to track changes in conditions so that progress toward achieving and maintaining desired conditions can be assessed.

**Interim:** temporary, or having not been fully vetted or disclosed to the public.

**Land Management Plan (LMP):** a document or set of documents that provide management direction for an administrative unit of the National Forest System, which was developed under the requirements of 36 CFR 219.

**Land and Resource Management Plan (LRMP):** a land use plan which govern management activities associated with federally administered lands to include: the Forest Service (Land Management Plan), Bureau of Land Management (Resource Management Plan), Fish and Wildlife Service, (Comprehensive Conservation Plan), and National Park Service (General Management Plan or Foundation Document).

**Limits of Acceptable Change (LAC):** a framework developed by researchers working for the U.S. Forest Service. The process identifies appropriate and acceptable resource and social conditions, and the actions needed to protect or achieve those conditions.

**Local Government:** a city, county, municipality, or borough, or any other general purpose political subdivision of any State.

**Management Area (MA):** a land unit allocation identified within a land and resource management plan. A management area does not have to be spatially contiguous.

**Maximum Compatible Outdoor Recreation Potential:** a criterion for determining the location of a national historic trail. The recreation potential is tempered by the capacity of the area to sustain such use.

**Motorized Use:** The use of motor vehicles or motorized equipment, defined as “any vehicle that is self-propelled, other than: (1) a vehicle operated on rails; and (2) any wheelchair or mobility device, including one that is battery-powered, that is designed solely for use by a mobility-impaired person for locomotion and that is suitable for use in an indoor pedestrian area” and “any machine activated by a nonliving power source except small battery-powered handcarried devices such as flashlights, shavers, Geiger counters, and cameras”, respectively (36 CFR 261).

**Multiple-use:** the management of all the various renewable surface resources of the National Forest System so that they are utilized in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some land will be used for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output, consistent with the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528-531).

**National Historic Trail:** a congressionally designated trail that is an extended, long-distance trail, not necessarily managed as continuous, that follows as closely as possible and practicable the original trails or routes of travel of national historic significance. The purpose of a national historic trail is the identification and protection of the historic route and the historic remnants and artifacts for public use and enjoyment. A national historic trail is managed in a manner to protect the nationally significant resources, qualities, values and associated settings of the areas through which such trail may pass, included the primary use or uses of the trail.

**National Trail Administration:** overall management responsibility for the Nez Perce Trail is assigned to the U.S. Forest Service by the Secretary of Agriculture. The responsibility involves trail-wide coordination, guidance, technical assistance, and consultation with land management agencies with jurisdiction. National trail administration responsibilities are fulfilled as specified in the National Trails System Act in coordination with federally recognized Tribes; other administrators of national trails; land management agencies with jurisdiction (along the congressionally designated route); stakeholders, and private landowners.

**National Trail Administrator:** the national trail administering agency assigns the national trail administration role to an individual referred to as a “National Trail Administrator”. Each national trail is assigned a national trail administrator. The national trail administrator reports to the associated U.S. Bureau of Land Management State Director, U.S. Forest Service Regional Forester, or U.S. National Park Service Regional Director, or other line officer, as delegated.

**National Trail Feasibility Study:** authorized through an Act of Congress to determine the feasibility and



desirability of designating a trail route as a national trail. The completed study, including recommendations as to the suitability of trail designation, is submitted to Congress.

**National Trail Management Corridor:** a land use allocation decision made through individual Federal Agency land and resource management plans (e.g. Forest Land Management Plans (FP), Resource Management Plans (RMP), General Management Plans (GMP), etc.). The term management corridor is used to refer to the area of public land surrounding the National Trail “Right-of-Way” as outlined in section 7 (a) (2) of the NTSA. The term “corridor” is used to reduce confusion between the National Trail Rights-of-Way and FLPMA Title V rights-of-way. Selection of the National Trail Management Corridor is guided by the direction provided in the trail-wide Comprehensive Plan; the inventory of resources, qualities, values, and associated settings; and the primary use or uses. The corridor includes the National Trail Right of Way, where established, or the potential National Trail Right-of-Way, but may encompass resources, qualities and values beyond that boundary.

**National Trail Right(s)-of-Way:** a legally described area selected by the National Trail administering agency that contains the trail centerline, has defined boundaries, and is of a width sufficient to protect National Trail resources, qualities, values, and associated settings. The term, as used in Section 7 (a) (2) of the National Trails System Act, does not connote the legal rights and privileges as a deeded right-of-way, such as a Federal Land Policy and Management Act (FLPMA) Title V Right-of-Way.

**National Register of Historic Places:** the official Federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture. National Register properties have significance to the history of the communities, states, or the Nation.

**Native American:** of or relating to, a Tribe, people, or culture that is or was indigenous to the United States.

**Nature and Purposes:** the term used to describe the character, characteristics, and congressional intent for a designated national trail, including the resources, qualities, values, and associated settings of the areas through which such trails may pass; the primary use or uses of a national trail; and activities promoting the preservation of, public access to, travel within, and enjoyment and appreciation of national trails.

**NEPA Process:** the objective analysis of a proposed action to determine the degree of its impact on the natural, physical, and human environment; alternatives and mitigation that reduce that impact; and the full and candid presentation of the analysis to, and involvement of, the interested and affected public –as required of Federal agencies by the National Environmental Policy Act of 1969 (43 U.S.C. 1638).

**Permanent:** continuing or enduring in the same place, without fundamental or marked change. Having also been fully vetted and disclosed to the public.

**Practice:** constraints on a project or activity that are established to help achieve or maintain a future goal or condition, to avoid or mitigate undesirable effects, or to meet applicable legal requirements.

**Preserve:** to conserve, protect from loss or harm.

**Preservation:** the act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property or congressionally designated area.

**Primary Use:** authorized activities or mode of travel identified in the National Trails System Act, enabling legislation, legislative history, feasibility assessment; or through the trail-wide comprehensive plan, approved land and resource management plan, or travel management plan. Unless otherwise specified, the primary mode of travel for the Nez Perce National Historic Trail is hiking or horseback.

**Public Engagement:** the active involvement of the public in planning and decision-making processes. Public engagement occurs on a continuum that ranges from providing information and building awareness, to partnering in decision-making.

**Private Organizations:** any non-governmental, non-profit, voluntary citizens' group which is organized on a local, national, or international level.

**Recreation Opportunity:** an opportunity to participate in a specific recreation activity in a particular recreation setting to enjoy desired recreation experiences and other benefits that accrue. Recreation opportunities include non-motorized, motorized, developed, and dispersed recreation on land, water, and in the air.

**Recreation Setting:** the social, managerial, and physical attributes of a place that, when combined, provide a distinct set of recreation opportunities. The Forest Service uses the recreation opportunity spectrum to define recreation settings and categorize them into six distinct classes: primitive, semi-primitive non-motorized, semi-primitive motorized, roaded natural, rural, and urban.

**Resource Management Plan:** (aka Land Use Plan) a land use plan ensuring public lands are managed in accordance with the intent of Congress as stated in FLPMA (43 U.S.C. 1701 et seq.), under the principles of the Multiple-Use and Sustained Yield Act of (16 U.S.C. 528-531). Land use plans are one of the primary mechanisms for guiding U.S. Bureau of Land Management activities to achieve the mission and goals outlined in the Department of the Interior Strategic Plan.

**Resources, Qualities, and Values:** the significant scenic, historic, cultural, recreation, natural (including biological, geological, and scientific), and other attributes of the landscapes through which national scenic or historic trails may pass, as identified in the National Trails System Act (see associated settings).

**Sacred Sites:** certain natural and cultural resources treated by American Indian Tribes and Alaska Natives as sacred places having established religious meaning, and as locales of private ceremonial activities.

**Side Trail:** a trail designated by the Secretary that complements national recreation, scenic, or historic trails by providing additional single points of public access to special features along such trails (16 U.S.C. 1245). Side trails may have their own comprehensive plans, corridors, marking guidelines, and protection measures beyond what is identified in this plan.

**Stakeholder:** an individual, group or other entity that has a strong interest in decisions concerning resources and values associated with Federal lands. Stakeholders may include, for example, recreational user groups, federally recognized Tribes, communities, permittees, and concessioners. In the broadest sense, all Americans are stakeholders in the management of Federal lands.

**State:** each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and any other territory or possession of the United States (16 U.S.C. 1251).

**State Agency:** a component or subset of State government.

**Substantial Interference:** a determination that an activity or use affects (hinders or obstructs) the nature and purposes of a congressionally designated national scenic or historic trail.

**Sustainable Practices or Principles:** choices, decisions, actions and ethics that will best achieve ecological or biological integrity; protect qualities and functions of air, water, soil, and other aspects of the natural environment; and preserve human cultures. Sustainable practices allow for use and enjoyment by the current generation, while ensuring that future generations will have the same opportunities. See also, “best management practices.”

**Thresholds:** the minimally acceptable conditions associated with each indicator.

**Traditional:** the recognizable, but not necessarily identical, cultural patterns transmitted by a group across at least two generations. Also applies to sites, structures, objects, landscapes, and natural resources associated with those patterns. Popular synonyms include “ancestral” and “customary.”

**Traditionally Associated Peoples:** the social and cultural entities such as Tribes, communities, and kinship units, as well as National Trail neighbors, traditional residents, and former residents who remain attached to a park area despite having relocated, are “traditionally associated” with a particular park when (1) the entity regards park resources as essential to its development and continued identity as a culturally distinct people; (2) the association has endured for at least two generations (40 years); and (3) the association began prior to establishment of the park.

**Traditional Cultural Property:** a property associated with cultural practices, beliefs, the sense of purpose, or existence of a living community that is rooted in that community’s history or is important in maintaining its cultural identity and development as an ethnically distinctive people. Traditional cultural properties are ethnographic resources eligible for listing in the National Register.

**Traditional Ecological Knowledge:** a body of observations, oral and written knowledge, innovations, practices, and beliefs that promote sustainability and the responsible stewardship of cultural and natural resources through relationships between human and their landscapes. Indigenous knowledge cannot be separated from the people inextricably connected to that knowledge.

**Trail Encounter:** a user or group meeting another user or group while traveling a trail. Encounters do not have to be separated by use type or by a single person versus a group.

**Trail Segment:** individual sections of a trail which, in combination, comprise the entire national trail. Each segment of a national trail may contain unique features or landforms, and variable resources, qualities, values, or associated settings.

**Visitor Experience:** the perceptions, feelings, and reactions that a visitor has before, during, and after a visit to an area.

**Visitor Experience and Resource Protection:** a framework dealing with visitor use capacity in terms of the quality of the resources and the quality of the visitor experience. It contains a prescription for desired future resource and social conditions, defining what levels of use are appropriate, where, when and why.

**Visitor Use:** the human presence in an area for recreational purposes, including education, interpretation, inspiration, and physical and mental health.

**Visitor Use Capacity:** (aka Carrying or User Capacity) the maximum amount and type of visitor use that an area can accommodate while achieving and maintaining the desired resource conditions and visitor experiences that are consistent with the purposes for which the area was established. It is a component of visitor use management. The National Trails System Act requires the establishment of visitor (aka carrying or user) capacity (16 U.S.C. 1244 (f) (1)).

**Visitor Use Management Framework:** a framework that provides the analytical elements necessary to address visitor use management opportunities and issues, consistent with applicable law, within existing agency management processes.

**Visitor Use Management:** the proactive and adaptive process for managing characteristics of visitor use and the natural and managerial setting using a variety of strategies and tools to achieve and maintain desired resource conditions and visitor experiences.

**Volunteer Service Agreement:** a written instrument recognizing an individual or group working in the public's interest by giving time and skills for community service. Volunteers receive no salary or wages. A volunteer is not considered a Federal employee and is not subject to the provisions of laws relating to Federal employment except for the purpose of tort claims or work-related injuries (5 U.S.C 8101).

**Wilderness:** an area of land designated by Congress as part of the National Wilderness Preservation System that was established in the Wilderness Act of 1964 (16 U.S.C. 1131).

**Without Expense to the United States:** no funds may be expended by Federal agencies for the development of trail related facilities or for the acquisition of lands or interests in lands outside the exterior boundaries of Federal areas. For the purposes of the preceding sentence, amounts made available to any State or political subdivision under chapter 2003 of Title 54, or any other provision of law shall not be treated as an expense to the United States (16 U.S.C. 1251)