

Trail of Tears  
National Historic Trail Study

State Planning Workbook

Planning Meeting Location:     Ga. Dept. Nat. Res. Atlanta    

Date:     6-19-84    

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NATIONAL PARK SERVICE BEGINS STUDY  
OF HISTORIC 'TRAIL OF TEARS' ROUTE

(ATLANTA)--The National Park Service has begun a study of the Cherokee Indian "Trail of Tears" to determine if the route qualifies for designation as a national historic trail.

Park Service officials said the study will include both land and water routes traveled by the Cherokee Indians when they were forced by the federal government to move from North Carolina to Oklahoma in the 1830s.

The trail began near the town of Murphy in southwestern North Carolina and passed through the states of Georgia, Alabama, Tennessee, Kentucky, Illinois, Missouri and Arkansas, ending near Tahlequah, Okla.

Some historians estimate that up to 4,000 of the 15,000 Indians forcibly removed to Oklahoma died during the tragic episode.

"We will be gathering factual information as well as public opinion on the desirability of designating a national trail," said Bob Baker, the Park Service's southeast regional director. He said a number of public workshops will be held in communities along the route at dates and times to be announced later.

(more)

trail of tears study---2

He said the Park Service study team will work closely with state and local governments and Cherokee representatives from North Carolina and Oklahoma during the two-year study, which was authorized by Congress in 1983.

Proposals developed by the study could range from a "no action" recommendation to a combination of federal, state, local or private efforts to preserve and interpret the trail as part of the National Trails System.

Additional information on the study is available from the National Park Service's Southeast Regional Office, 75 Spring St. S.W., Atlanta, GA 30303.

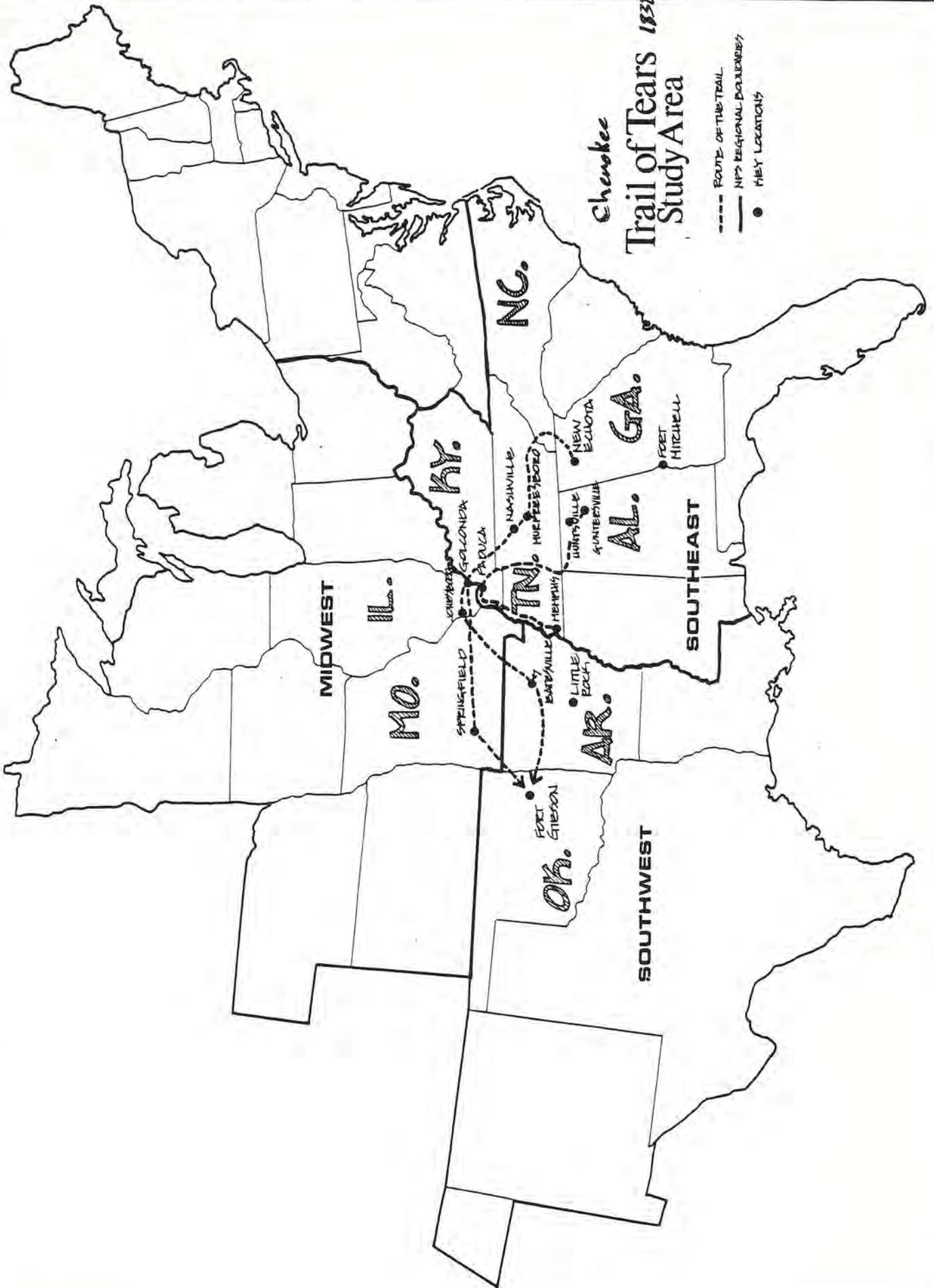
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April 23, 1984

Cherokee

# Trail of Tears 1838-39 Study Area

- ROUTE OF THE TRAIL
- NPS REGIONAL BOUNDARIES
- KEY LOCATIONS



PUBLIC LAW 98-11 [S. 271]; March 28, 1983

## TRAILS SYSTEM LANDS

*For Legislative History of Act, see p. 112*

*An Act to amend the National Trails System Act by designating additional national scenic and historic trails, and for other purposes.*

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

### TITLE I—LIMITATION ON APPROPRIATIONS

SEC. 101. Authorizations of appropriations under this Act shall be effective only for the fiscal year beginning on October 1, 1983, and subsequent fiscal years. Notwithstanding any other provision of this Act, authority to enter into contracts, and to make payments, under this Act shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

### TITLE II—AMENDMENTS TO THE NATIONAL TRAILS SYSTEM ACT

SEC. 201. This title may be cited as the "National Trails System Act Amendments of 1983".

SEC. 202. Section 2 of the National Trails System Act (82 Stat. 919; 16 U.S.C. 1241 et seq.) is amended—

(1) in subsection (b), by striking out "the purpose" and inserting in lieu thereof "The purpose"; and

(2) by adding at the end thereof the following new subsection:

"(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."

SEC. 203. Section 3 of the National Trails System Act is amended—

(1) by striking out "composed of—" and inserting in lieu thereof "composed of the following:";

(2) by redesignating paragraphs (a) through (d) as paragraphs (1) through (4), respectively, and by inserting "(a)" after "Sec. 3.";

(3) in paragraph (2) of subsection (a) (as so redesignated), by adding at the end thereof the following: "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.";

(4) in the fourth sentence of paragraph (3) of subsection (a) (as so redesignated), by striking out "Act, are established as initial" and inserting in lieu thereof "Act are included as";

(5) in the fifth sentence of paragraph (3) of subsection (a) (as so redesignated), by striking out "subsequently"; and

(6) by adding at the end thereof the following new subsections:

"(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.

"(c) On October 1, 1982, and at the beginning of each odd numbered fiscal year thereafter, the Secretary of the Interior shall submit to the Speaker of the United States House of Representatives and to the President of the United States Senate, an initial and revised (respectively) National Trails System plan. Such comprehensive plan shall indicate the scope and extent of a completed nationwide system of trails, to include (1) desirable nationally significant scenic and historic components which are considered necessary to complete a comprehensive national system, and (2) other trails which would balance out a complete and comprehensive nationwide system of trails. Such plan, and the periodic revisions thereto, shall be prepared in full consultation with the Secretary of Agriculture, the Governors of the various States, and the trails community."

SEC. 204. Section 4(b) of the National Trails System Act is amended—

(1) in clauses (i) and (ii) by striking out "Secretary of the Interior" and inserting in lieu thereof "appropriate Secretary";

(2) in clause (i), by striking out "agencies, and" and inserting in lieu thereof "agencies";

(3) in clause (ii), by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following:

"(iii) trails on privately owned lands may be designated 'National Recreation Trails' by the appropriate Secretary with the written consent of the owner of the property involved."

SEC. 205. (a) Section 5(a) of the National Trails System Act is amended by adding at the end thereof the following:

"(11) The Potomac Heritage National Scenic Trail, a corridor of approximately seven hundred and four miles following the route as generally depicted on the map identified as 'National Trails System, Proposed Potomac Heritage Trail' in 'The Potomac Heritage Trail', a report prepared by the Department of the Interior and dated December 1974, except that no designation of the trail shall be made in the State of West Virginia. The map shall be on file and available for public inspection in the office of the Director of the National Park Service, Washington, District of Columbia. The trail shall initially consist of only those segments of the corridor located within the exterior boundaries of federally administered areas. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Potomac Heritage Trail. The Secretary of the Interior may designate lands outside of federally administered areas as segments of the trail, only upon application from the States or local governmental agencies involved, if such segments meet the criteria established in this Act and are administered by such agencies without expense to the United States. The trail shall be administered by the Secretary of the Interior.

"(12) The Natchez Trace National Scenic Trail, a trail system of approximately six hundred and ninety-four miles extending from Nashville, Tennessee, to Natchez, Mississippi, as depicted on the map entitled 'Concept Plan, Natchez Trace Trails Study' in 'The Natchez Trace', a report prepared by the Department of the Interior and dated August 1979. The map shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior.

"(13) The Florida National Scenic Trail, a route of approximately thirteen hundred miles extending through the State of Florida as generally depicted in 'The Florida Trail', a national scenic trail study draft report prepared by the Department of the Interior and dated February 1980. 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. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Florida Trail except with the consent of the owner thereof. The Secretary of Agriculture may designate lands outside of federally administered areas as segments of the trail, only upon application from the States or local governmental agencies involved, if such segments meet the criteria established in this Act and are administered by such agencies without expense to the United States. The trail shall be administered by the Secretary of Agriculture."

(b) Section 5(b) of the National Trails System Act is amended—

(1) by inserting after the second sentence the following: "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.";

(2) in paragraph (b)(3), by inserting "16" before "U.S.C."; and

(3) in paragraph (b)(11)(B) by inserting the word "exploration," after "commerce," in the first sentence.

(c) Section 5(c) of the National Trails System Act is amended—

(1) in paragraph (9), by striking out "Sante Fe" and inserting in lieu thereof "Santa Fe"; and

(2) by adding after paragraph (23) the following:

"(24) Juan Bautista de Anza Trail, following the overland route taken by Juan Bautista de Anza in connection with his travels from the United Mexican States to San Francisco, California.

"(25) Trail of Tears, including the associated forts and specifically, Fort Mitchell, Alabama, and historic properties, extending from the vicinity of Murphy, North Carolina, through Georgia, Alabama, Tennessee, Kentucky, Illinois, Missouri, and Arkansas, to the vicinity of Tahlequah, Oklahoma.

"(26) Illinois Trail, extending from the Lewis and Clark Trail at Wood River, Illinois, to the Chicago Portage National Historic Site, generally following the Illinois River and the Illinois and Michigan Canal.

"(27) Jedediah Smith Trail, to include the routes of the explorations led by Jedediah Smith—

"(A) during the period 1826-1827, extending from the Idaho-Wyoming border, through the Great Salt Lake, Sevier, Virgin, and Colorado River Valleys, and the Mojave Desert, to the San Gabriel Mission, California; thence through the Tehachapi Mountains, San Joaquin and Stanislaus River Valleys, Ebbetts

Pass, Walker River Valley, Bald Mount, Mount Grafton, and Great Salt Lake to Bear Lake, Utah; and

"(B) during 1828, extending from the Sacramento and Trinity River Valleys along the Pacific coastline, through the Smith and Willamette River Valleys to the Fort Vancouver National Historic Site, Washington, on the Columbia River.

"(28) General Crook Trail, extending from Prescott, Arizona, across the Mogollon Rim to Fort Apache.

"(29) Beale Wagon Road, within the Kaibab and Coconino National Forests in Arizona: *Provided*, That such study may be prepared in conjunction with ongoing planning processes for these National Forests to be completed before 1990."

(d) Section 5(d) of the National Trails System Act is amended—

(1) by inserting after the first sentence the following: "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."; and

(2) by redesignating paragraphs (i) through (iv) as paragraphs (1) through (4), respectively, and by amending paragraph (1) (as so redesignated) to read as follows:

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

(e) Section 5(f) of the National Trails System Act is amended—

(1) in paragraph (1), by striking out "national recreational" and inserting in lieu thereof "national historic", and by striking out "and" after the semicolon;

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following:

"(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."

Sec. 206. Section 6 of the National Trails System Act is amended—

(1) in the first sentence, by inserting "by the appropriate Secretary" after "marked"; and

(2) by striking out "Provided" and all that follows through the period and inserting in lieu thereof the following: ", or, where the appropriate Secretary deems necessary or desirable, on privately owned lands with the consent of the landowner. Applications for approval and designation of connecting and side trails on non-Federal lands shall be submitted to the appropriate Secretary."

Sec. 207. (a) Section 7 of the National Trails System Act is amended—

(1) by striking out "Sec. 7. (a)" and inserting in lieu thereof "(2)"; and

(2) by inserting the following immediately after the section heading:

"Sec. 7. (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 responsibil-

ities 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."

(3) in the first sentence of paragraph (2) of this subsection (a) (as redesignated by paragraph (1) of this subsection), by striking out "thereof", and inserting in lieu thereof "of the availability of appropriate maps or descriptions", and striking out "together with appropriate maps and descriptions".

(b) Section 7(b) is amended—

(1) by inserting "of the availability of appropriate maps or descriptions" after "notice"; and

(2) by striking out "together with appropriate maps and descriptions,".

(c) Section 7(c) is amended by adding at the end thereof the following: "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) Section 7(e) of the National Trails System Act is amended by—

(1) deleting reference in the first sentence to "subsection (g)" and substituting, in lieu thereof, "subsection (f)"; and

(2) by deleting the period at the end of the first sentence, and in lieu thereof, substituting a colon and the following proviso: "Provided further, That the appropriate Secretary may acquire lands or interests therein from local governments or governmental corporations with the consent of such entities."

(e) Section 7(f) of the National Trails System Act is amended by inserting "(1)" after "(f)" and by adding at the end thereof the following:

"(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."

(f) Section 7(g) of the National Trails System Act is amended in the last sentence by striking out "No" and inserting in lieu thereof "Except for designated protected components of the trail, no".

(g) Section 7(h) of the National Trails System Act is amended—

(1) by inserting "(1)" after "(h)";

(2) in the second sentence, by striking out "a national scenic or national historic trail" and inserting in lieu thereof "such a trail";

(3) by inserting after the second sentence the following: "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."; and

(4) by striking out "Whenever the" in the last sentence of such subsection and inserting in lieu thereof the following: "(2) Whenever the".

(h) Section 7(i) of the National Trails System Act is amended by adding at the end thereof the following new sentence: "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."

(i) Section 7 of the National Trails System Act is amended by inserting after subsection (i) the following:

"(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.”

Sec. 208. Section 8 of the National Trails System Act is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

“(d) The Secretary of Transportation, the Chairman of the Interstate Commerce Commission, and the Secretary of the Interior, in administering the Railroad Revitalization and Regulatory Reform Act of 1976, shall encourage State and local agencies and private interests to establish appropriate trails using the provisions of such programs. Consistent with the purposes of that Act, and in furtherance of the national policy to preserve established railroad rights-of-way for future reactivation of rail service, to protect rail transportation corridors, and to encourage energy efficient transportation use, in the case of interim use of any established railroad rights-of-way pursuant to donation, transfer, lease, sale, or otherwise in a manner consistent with the National Trails System Act, if such interim use is subject to restoration or reconstruction for railroad purposes, such interim use shall not be treated, for purposes of any law or rule of law, as an abandonment of the use of such rights-of-way for railroad purposes. If a State, political subdivision, or qualified private organization is prepared to assume full responsibility for management of such rights-of-way and for any legal liability arising out of such transfer or use, and for the payment of any and all taxes that may be levied or assessed against such rights-of-way, then the Commission shall impose such terms and conditions as a requirement of any transfer or conveyance for interim use in a manner consistent with this Act, and shall not permit abandonment or discontinuance inconsistent or disruptive of such use.”

Sec. 209. Section 10 of the National Trails System Act is amended—

(1) by inserting “(a)(1)” after “Sec. 10.”;

(2) by striking out “(a) The” in the second sentence and inserting in lieu thereof “for the”;

(3) by striking out “It is the express intent” and inserting in lieu thereof the following:

“(2) It is the express intent”;

(4) in subsection (a)(2) (as designated by paragraph (3) of this subsection), by inserting "Appalachian" before "Trail"; and  
 (5) in subsection (c)—

(A) by inserting "(1)" after "(c)";

(B) by inserting before the period at the end of paragraph (1) (as designated by subparagraph (A) of this paragraph) "except that funds may be expended for the acquisition of lands or interests therein for the purpose of providing for one trail interpretation site, as described in section 7(c), along with such trail in each State crossed by the trail"; and

(C) by adding at the end of each such subsection the following:

"(2) There is hereby authorized to be appropriated for fiscal year 1983 and subsequent fiscal years such sums as may be necessary to implement the provisions of this Act relating to the trails designated by paragraphs (9) through (13) of section 5(a) of this Act. Not more than \$500,000 may be appropriated for the purposes of acquisition of land and interests therein for the trail designated by section 5(a)(12) of this Act, and not more than \$2,000,000 may be appropriated for the purposes of the development of such trail. The administering agency for the trail shall encourage volunteer trail groups to participate in the development of the trail."

Sec. 210. The National Trails System Act is amended by adding the following new sections at the end thereof:

#### "VOLUNTEER TRAILS ASSISTANCE

"Sec. 11. (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 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.

"Sec. 12. 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 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 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 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."

### TITLE III—DESIGNATION OF THE "BIZZ JOHNSON TRAIL"

Sec. 301. The Congress finds that Harold T. "Bizz" Johnson, for twenty-two years a United States Representative from the State of California, should be afforded recognition for his deep appreciation and respect for the mountains, forests, rivers, and fertile valleys of northern California, and for his sustained efforts to protect areas especially suited to outdoor recreation and the enjoyment of nature, and to assure public access thereto. Bizz Johnson took an early and leading interest in proposals to convert an abandoned railroad right-of-way in Lassen County to a twenty-five-mile trail to provide access to the undeveloped Susan River Canyon in the Sierra Nevada Mountains for hikers, horseback riders, cross-country skiers, handicapped individuals, and others. As Representative for the First Congressional District he worked with, and provided major assistance to, local groups, officials of the city of Susanville and the county of Lassen, the Bureau of Land Management, the Forest Service, and the Trust for Public Land in implementing plans for the project.

Sec. 302. The Susanville-Westwood Rails to Trails project described in a joint Bureau of Land Management/Forest Service Recreation Land Acquisition Composite, converting an abandoned railbed in Lassen County, California, extending from the county seat in Susanville westward twenty-five miles to Mason Junction, four miles from the community of Westwood, and traversing the Susan River Canyon, to a public recreation trail is hereby designated and

hereafter shall be known as the "Bizz Johnson Trail". Any law, regulation, record, map, or other document of the United States referring to this trail shall be held to refer to the "Bizz Johnson Trail", and any future regulations, records, maps, or other documents of the United States, in reference to this trail, shall bear the name "Bizz Johnson Trail".

SEC. 303. The Secretary of the Interior is authorized and directed, in cooperation with the city of Susanville and the county of Lassen, State of California, to design and erect at a suitable location along the Bizz Johnson Trail an appropriate marker in commemoration of the outstanding contributions of Harold T. "Bizz" Johnson toward the protection of undeveloped scenic areas of northern California for the use and enjoyment of the American people, in perpetuity.

SEC. 304. There are authorized to be appropriated such sums as are necessary to carry out the provisions of this title.

#### TITLE IV—ROY TAYLOR FOREST

SEC. 401. The Congress finds and declares that Roy Taylor, for sixteen years a United States Representative from the State of North Carolina, a member of the Committee on Interior and Insular Affairs, and chairman of the Subcommittee on National Parks and Recreation, should be afforded recognition for his deep appreciation, affection and respect for the mountains, forests, and streams of western North Carolina, and for his sustained efforts to protect areas especially suited to outdoor recreation and the enjoyment of nature, and to assure public access thereto.

SEC. 402. The thirty-nine thousand acres of forested mountain land within the Nantahala National Forest in Jackson County, North Carolina, commonly referred to as the Balsam-Bonas Defeat area, are hereby designated and hereafter shall be known as the "Roy Taylor Forest". Any law, regulation, record, map, or other document of the United States referring to this land shall be held to refer to the "Roy Taylor Forest", and any future regulations, records, maps, or other documents of the United States, in reference to this area of the Nantahala National Forest, shall bear the name "Roy Taylor Forest".

SEC. 403. The Secretary of Agriculture is authorized and directed, in cooperation with the county of Jackson, State of North Carolina, to design and erect at a suitable location in the Roy Taylor Forest area an appropriate marker in commemoration of the outstanding contributions of Roy Taylor toward the protection of public lands in western North Carolina and the Nation for the use and enjoyment of the American people.

SEC. 404. The Secretary of the Interior is authorized and directed to make designations regarding the Roy Taylor Forest area in publications produced for the Blue Ridge Parkway. The Secretary is further authorized to erect appropriate signs at a suitable location on the Blue Ridge Parkway to commemorate the contributions of Roy Taylor and the designation of the forest area authorized in this title.

SEC. 405. There are authorized to be appropriated such sums as are necessary to carry out the provisions of this title.

**TITLE V—COMMEMORATION OF THE TRAVELS OF WILLIAM  
BARTRAM**

**Sec. 501. (a) The Congress finds that—**

(1) William Bartram's travels contributed to natural history, literature, and exploration and are of national and regional significance;

(2) a wider segment of the public should be afforded the opportunity to share in Bartram's natural, cultural, and historic resource contributions to America's heritage; and

(3) a segmented William Bartram Heritage Trail would be a practical and appropriate commemoration to a great American naturalist worthy of national recognition.

(b) In order that significant route segments and sites, recognized as associated with the travels of William Bartram may be distinguished by suitable markers, the Secretary of the Interior is authorized to accept the donations of such suitable markers for placement at appropriate locations on lands administered by the Secretary of the Interior and, with the concurrence of the Secretary of Agriculture and other appropriate heads of Federal agencies, on lands under their jurisdiction. The determination of the placement of markers to commemorate the travels of William Bartram shall be made by the Secretary of the Interior in consultation with the Bartram Trail conference and affected local and State governments. Such markers shall be placed by the Secretary of the Interior pursuant to the authority granted by the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 470 et seq.).

(c) The markers authorized by subsection (b) shall be placed in association with the William Bartram Trail segments identified on maps contained in the study entitled "Bartram Trail, National Scenic/Historic Trail Study", dated February 1982, and submitted to the Congress pursuant to the provisions of section 5 of the National Trails Systems Act (16 U.S.C. 1244).

Approved March 28, 1983.

## BACKGROUND - NATIONAL TRAILS SYSTEM/NATIONAL HISTORIC TRAILS

### WHAT IS THE NATIONAL TRAILS SYSTEM?

Recognizing the growing need for increased outdoor recreation opportunities, and preserving outdoor and historic resources, Congress passed Public Law 90-543, the National Trails System Act in 1968. The purpose of the Act was threefold: (1) to institute a national trail system of scenic and historic components with connecting side trails maximizing recreational opportunities and preserving scenic, natural, cultural and historic areas; (2) to designate the Appalachian Trail and the Pacific Crest Trail as the initial components of the system, and (3) to provide guidelines by which additional trails could be added to the system. Nationwide recreation use surveys conducted in 1960, 1972 and 1977 showed that most Americans preferred simple recreation activities such as walking, picnicking, sightseeing, bicycling and swimming. Trails offer a low-cost, energy-conserving means of satisfying some of these recreational needs.

The National Trails System Act provides for three types of trails to be included within the National Trails System: National Scenic Trails, National Historic Trails, and National Recreation Trails. The Trail of Tears is a potential national historic trail.

#### National Historic Trails

These are extended trails which follow as closely as possible the original trails or routes of travel of national historic significance. Although the designation of such routes is continuous, the actual established or developed trail need not be continuous. These trails may be managed by State, Federal, or local governments, or private organizations concurrently or individually. There are presently five National Historic Trails within the System: The Lewis and Clark Trail, Oregon Trail, Mormon Trail, Iditarod Trail, and Overmountain Victory Trail.

### WHAT DOES DESIGNATION AS A HISTORIC TRAIL MEAN?

If through legislative action the Congress designates a national historic trail, action will be taken providing for public use and enjoyment of the trail and its associated values. Usually a federal agency will be given overall responsibility for administering the trail. However, State and local governments as well as public and private organizations will be encouraged to participate in developing, administering and maintaining the trail to the fullest extent possible. In this era of fiscal constraints, strong participation on the part of private organizations is essential if expanded trail opportunities are to become a reality.

Existing trail segments already in public ownership may constitute the initial components of a national trail. Other trail segments may be developed and protected through a variety of means. These may include, but are not limited to: scenic easements or use agreements with private landowners; protection through zoning ordinances by State and local governments; or donations.

#### WHAT IS THE CRITERIA FOR A NATIONAL HISTORIC TRAIL?

To qualify as a national historic trail, a trail must:

1. 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 discernable trail to qualify, but its locations must be sufficiently known to generate historical interest and permit public recreation opportunities. A designated trail should generally follow the historic route, but may deviate if necessary to avoid difficult routing through subsequent development, or to provide some route variation offering a more pleasurable recreation experience. Such deviations shall be so noted on site. Historic trail segments which can not be developed as hiking trails due to subsequent development such as motor roads may be designated and marked on site as segments linking to the historic trail.
2. Be of national significance with respect to any of several broad facets of American history, such as trade and commerce, migration and settlement, or military campaigns. To qualify as nationally significant, historic use of the trail must have had a far-reaching effect on the broad patterns of American culture. Trails significant in the history of native Americans may be included.
3. Have a significant potential for public recreational use and 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.

#### HISTORICAL BACKGROUND - TRAIL OF TEARS

In March 1983, Public Law 98-11 authorized a feasibility study of the "Trail of Tears, including the associated forts and specifically Fort Mitchell, Alabama, and historic properties, extending from the vicinity of Murphy, North Carolina, through Georgia, Alabama, Tennessee, Kentucky, Illinois, Missouri, and Arkansas, to the vicinity of Tahlequah, Oklahoma." This potential national historic trail is based on the land and water routes travelled by Cherokee Indians during their tragic removal to Oklahoma. The route begins in northern Georgia and extends westward passing through nine States and within the boundaries of three National Park Service Regions.

As early as 1802, Thomas Jefferson first proposed the concept of moving the southern Indians west of the Mississippi. Throughout the years white settlers encroached on Indian lands and demanded title. Despite efforts by the Indians to adopt white men's ways, harrassment continued. In 1830, with the support of President Andrew Jackson, Congress passed the Indian Removal Act.

Thus, between 1830 and 1832, all but the Cherokees signed treaties and moved west to what is presently eastern Oklahoma. Twice the Cherokees fought their battle to the Supreme Court. Although the second decision declared that the United States Government must protect the Indians, Jackson failed to enforce the decision, and State and local officials confiscated Indian lands. In 1835 a minority faction, speaking for the whole tribe, signed the removal treaty and moved west. During 1837 and 1838, government soldiers moved the Indians into stockades and then forcibly moved them west by land and by water. Hundreds, even thousands, died along the "Trail of Tears."

Based upon the legislative history of Public Law 98-11, this study will deal specifically with an investigation of the Cherokee Trail of Tears. Routes used by all of the Five Civilized Tribes - the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Indians - are equally significant and will be addressed in a broad sense.

#### CONDUCT OF THE STUDY

The National Park Service, Southeast Regional Office has lead responsibility for this study. Also the National Park Service, Midwest and Southwest Regional Offices will be active participants in the study serving on a study "working group" and providing planning coordination with States in their respective Regions. The "working group" will be responsible for identifying the trail route, determining its eligibility for designation, identifying trail issues, management opportunities or constraints and assuring public involvement. A "study manager" has been assigned to coordinate study research and report writing. In addition to the National Park Service "working group" a Study Advisory Committee will be organized with representatives from the Cherokees, each of the nine States within the study area, federal agencies, and possibly academic interest or historians if available. The "Advisory Committee" will be asked to furnish pertinent information to the working group, review draft study report material and assist with public involvement. Special interest groups, such as trail associations, conservation groups, and historical societies will be encouraged to provide information either through the Advisory Committee members or directly to the National Park Service staff. Further citizen/local input will be sought through a series of public workshops.

The study will identify a general "trail corridor;" evaluate the historic, cultural and natural attributes throughout the corridor; determine landownership patterns; analyze present and future land use; explore potential trail administration; examine the possible environmental impacts of national designation; and develop an array of trail alternatives.

The study report will graphically and in writing summarize information gathered during the planning process. A draft study report will be circulated for a 90-day public review and comment period prior to being finalized and sent to the Secretary of the Interior. If the Secretary concurs with the findings and recommendations of the study report, he then will transmit it to the President and Congress for possible legislative action.

FUNDING OF DESIGNATED NATIONAL HISTORIC TRAILS - MANAGEMENT,  
MAINTENANCE AND DEVELOPMENT

Should the Trail of Tears be designated by the Congress as a national historic trail, either the National Park Service or the Forest Service would be given responsibility for administration of the trail. A federally funded General Management Plan (GMP) would be developed within 2 years of designation. The GMP would: (1) specify objectives and practices to be observed in trail management; (2) identify all significant natural, historical, and cultural resources to be preserved; (3) give details of any anticipated cooperative agreements to be consummated with State and local government agencies or private interests; (4) outline the process to be followed to mark the trail; and (5) appoint a trail advisory council.

Generally, no federal funds are used to acquire lands or to develop and maintain national historic trails outside existing federally administered areas. Several previous exceptions to this general guideline include: (1) purchase of initial trail marks for State or local erection and maintenance along highways which coincide with or closely parallel the historic route; (2) development and distribution of interpretive brochures and maps for the entire trail; (3) acquisition and development of interpretive centers (no more than one per State) with State/local management and maintenance; (4) State/local use of Land and Water Conservation Fund (LWCF) monies to acquire, develop, and maintain trail segments on non-federal lands.

Although the degree of federal funds committed to a national trail can vary greatly, it is safe to assume that Federal, State, local and private participation in trail development and management is necessary to assure designation of additional National Trail System components.

QUESTIONNAIRE

Please answer the following questions as they apply to you. Feel free to furnish any additional information applicable to the Trail of Tears.

- I. One of the objectives of the planning process is to identify, if possible, a specific route(s) for the trail within a conceptual 50-mile wide planning corridor. Using the map in the front of this workbook, please provide the information requested below:
- A. Do you know of any existing trails, publicly or privately administered, with or near the planning corridor that could possibly form a part of the Trail of Tears? If so, please furnish the information requested below:

1. Trail name \_\_\_\_\_  
End Points: From \_\_\_\_\_ To \_\_\_\_\_  
Total length \_\_\_\_\_  
Administrator \_\_\_\_\_  
\_\_\_\_\_

2. Trail name \_\_\_\_\_  
End Points: From \_\_\_\_\_ To \_\_\_\_\_  
Total length \_\_\_\_\_  
Administrator \_\_\_\_\_  
\_\_\_\_\_

3. Trail name \_\_\_\_\_  
End Points: From \_\_\_\_\_ To \_\_\_\_\_  
Total length \_\_\_\_\_  
Administrator \_\_\_\_\_  
\_\_\_\_\_

4. Trail name \_\_\_\_\_  
End Points: From \_\_\_\_\_ To \_\_\_\_\_  
Total length \_\_\_\_\_  
Administrator \_\_\_\_\_  
\_\_\_\_\_

5. Trail name \_\_\_\_\_  
End Points: From \_\_\_\_\_ To \_\_\_\_\_  
Total length \_\_\_\_\_  
Administrator \_\_\_\_\_  
\_\_\_\_\_

B. What public lands have potential for routing/developing as a portion of the Trail of Tears?

1. Area name \_\_\_\_\_  
Administrator \_\_\_\_\_

2. Area name \_\_\_\_\_  
Administrator \_\_\_\_\_

3. Area name \_\_\_\_\_  
Administrator \_\_\_\_\_

4. Area name \_\_\_\_\_  
Administrator \_\_\_\_\_

5. Area name \_\_\_\_\_  
Administrator \_\_\_\_\_

C. What other special opportunities for routing the trail, such as abandoned railroad rights-of-way or significant corporate landholdings, are you aware of? (Give location and ownership)

D. What historical sites/markers relating to the Cherokee Removal are you aware of?

1. Site name New Echota Site Location Calhoun, GA.  
Who administers it? Ga. Dept. Natural Resources
2. Site name Ft. Gilmer Marker Location Murray County  
Who administers it? Ga. D. N. R.
3. Site name Ft. Cumming Marker Location Lafayette  
Who administers it? Ga. D.N.R.
4. Site name The Station Marker Location Auraria  
Who administers it? Ga. D.N.R.
5. Site name \_\_\_\_\_ Location \_\_\_\_\_  
Who administers it? \_\_\_\_\_

E. What existing recreation sites, public and private, that could provide overnight camping, water, etc., to trail users lie within the planning corridor and should be considered in routing the Trail of Tears?

1. Site name \_\_\_\_\_ Location \_\_\_\_\_

Who administers it? \_\_\_\_\_

2. Site name \_\_\_\_\_ Location \_\_\_\_\_

Who administers it? \_\_\_\_\_

3. Site name \_\_\_\_\_ Location \_\_\_\_\_

Who administers it? \_\_\_\_\_

4. Site name \_\_\_\_\_ Location \_\_\_\_\_

Who administers it? \_\_\_\_\_

5. Site name \_\_\_\_\_ Location \_\_\_\_\_

Who administers it? \_\_\_\_\_

F. Do you consider the water route used during the Cherokee removal to have potential as part of a national historic trail?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, where are feasible access points?

1. Site name \_\_\_\_\_ Location \_\_\_\_\_

Who administers it? \_\_\_\_\_

2. Site name \_\_\_\_\_ Location \_\_\_\_\_

Who administers it? \_\_\_\_\_

3. Site name \_\_\_\_\_ Location \_\_\_\_\_

Who administers it? \_\_\_\_\_

4. Site name \_\_\_\_\_ Location \_\_\_\_\_

Who administers it? \_\_\_\_\_

5. Site name \_\_\_\_\_ Location \_\_\_\_\_

Who administers it? \_\_\_\_\_

- G. Are there any places you think the planning corridor and route of the Trail of Tears should be changed in order to avoid a difficult routing or to take advantage of special routing opportunities?

The proposed route is not the historically recognized route. Several branches could focus on Rattlesnake Springs in Cleveland Tenn. and connect trails through the Cohutta Wilderness, Chickamauga-Chattanooga N.B.P., Carters Lake, New Echota, Vann House and Fort Mountain in Georgia and Red Clay Archaeological Area in Tenn.

- II. The Trail of Tears "working group" has already compiled a lengthy mailing list, but we are still far short of having a complete list (except for Missouri) of local historical societies, State/county planning offices, trail organizations, etc. Please furnish the name, address, organization, and telephone numbers (if possible) for those contacts which you think should be included in our planning.

1. Mr. Marion Hemperdy  
Depty. Surveyor General of Georgia  
330 Capitol Avenue  
Atlanta, Georgia 30334
2. Authority on early roads, trails, place names

3.



- III. As part of the planning process a number of public workshops will be held (Fall 1984). We anticipate at least one meeting per State (9).

Please list the number and best location(s) of public workshops which you believe appropriate for your State. Consider our need for thorough public involvement as well as our desire to conserve time and travel funds.

1. *New Echota Historic Site  
Calhoun, Georgia (404) 629-8151*
- 2.
- 3.

- IV. In order to adequately determine if feasible alternatives exist to justify designation of the Trail of Tears, a number of management considerations will be evaluated by the study "working group." Your answers to the following questions will assist in this endeavor.

1. Does your State/agency have an existing program and/or funding source which could realistically be used to help develop, mark or maintain a segment of the Trail of Tears? (Please give program, source, contact person)
2. Could you assist with or provide a visitor/user interpretive program? (Location(s), contact person)

*New Echota Historic Site  
Superintendent Ed. Reed  
Calhoun, Georgia (404) 629-8151*



- V. Please use this page to list any potential problems, issues, or to simply comment on the Trail of Tears Study.

See "I-G" above. The current routing takes advantage of the Smokies area and trails but will not be recognized by N.W. Georgians as authentic.

The Tsalis story which plays such a large role in Cherokee thought takes Cherokee N.C. and the Qualla Boundary out of the main line of the "Trail of Tears". See King The Cherokee <sup>Indian</sup> Nation (1979) for a discussion of this story.