

App. 1

Control No. 84-SIE-002
NPS No. IA-ASFW-4-8001

Jan 93

MEMORANDUM OF AGREEMENT
FOR THE MANAGEMENT OF THE
APPALACHIAN NATIONAL SCENIC TRAIL

THIS AGREEMENT is made the day and year written last below by and between the SECRETARY OF THE INTERIOR, acting by and through James M. Ridenour, Director, National Park Service; and the SECRETARY OF AGRICULTURE, acting by and through F. Dale Robertson, Chief, Forest Service.

AUTHORITY. Section 7(a)(1)(B) of the National Trails System Act, 16 U.S.C. §1246(a)(1)(B).

WHEREAS, the Director and the Chief recognize the following facts and circumstances:

1. The Secretary of the Interior, acting through the National Park Service, currently administers the Appalachian Trail in accordance with the National Trails System Act (16 U.S.C. §§1241, et seq.) in consultation with the Secretary of Agriculture, acting through the Forest Service.

2. The Appalachian Trail traverses lands which are components of the National Park System, the National Forest System, other Federal lands, and State and private lands.

3. Since land acquisition for the Appalachian Trail was authorized by Congress in 1968, the

App. 2

National Park Service has acquired tracts of lands lying outside the proclaimed or designated boundaries of existing National Parks and National Forests (and an occasional tract lying both within and outside a boundary).

4. Some lands acquired for the Appalachian Trail by the National Park Service are adjacent to or in proximity to National Forests, and these federally-owned lands would be more efficiently managed by the Forest Service than the National Park Service.

5. Congress, in section 7(a)(1)(B) of the National Trails System Act, authorized the transfer of management of specified trail segments between the Secretaries of Agriculture and the Interior to accomplish the purposes of that Act, and lands so transferred are subject to the laws, rules, and regulations of the Secretary who is provided management authority through the terms of a joint Memorandum of Agreement.

6. The Assistant Secretary of Agriculture for Natural Resources and Environment John B. Crowell, Jr., and the Assistant Secretary of the Interior for Fish and Wildlife and Parks, G. Ray Arnett, did enter into such a Memorandum of Agreement for specified trail segments of the Appalachian National Scenic Trail on July 17, 1984, and did, in signing the Memorandum of Agreement, delegate to the Chief of the Forest Service and the Director of the National Park Service the authority to amend or terminate that agreement.

7. A primary objective of the Federal agencies in carrying out the purposes of the National Trails

App. 3

System Act is to encourage maximum volunteer involvement in various trail maintenance and management functions. The transfer of management responsibilities between agencies pursuant to this Agreement will facilitate cooperation with local volunteers and the Federal officials located most proximate to the trail segments.

NOW THEREFORE, the Director, National Park Service, and the Chief, Forest Service, agree as follows:

A. Transfer of trail segments. In order to further the purposes for which the Appalachian Trail was designated a component of the National Trails System, and to achieve the management goals and objectives of the Comprehensive Plan for the Appalachian Trail, dated September 1981, the Forest Service shall administer the federally-owned lands (tracts now acquired, or acquired in the future) lying within the Appalachian Trail segments described in the attached Appendix A (hereafter referred to as “referenced trail segments”). Such lands (tracts) within the referenced trail segments will be managed for the protection and enhancement of the Appalachian Trail and also in accordance with this Agreement.

B. Applicable laws and regulations. The lands transferred under this agreement shall be subject to the National Trails System Act and laws, rules, and regulations pertaining to the National Forest System.

C. Addition of tracts. After the effective date of this Agreement, tracts or portions of tracts may be added to Appendix A by amendment to this Agreement

App. 4

entered into by the appropriate Regional Forester and the Project Manager, Appalachian Trail Project Office. The appropriate Regional Forester shall be determined by the location of the tracts in either the Eastern Region (Region 9) or the Southern Region (Region 8).

D. Reservations of responsibilities in the National Park Service. Within the referenced trail segments, the National Park Service will retain responsibilities for:

1. Any remaining acquisition of non-federally owned land or interests in land;
2. The initial survey and marking of the exterior corridor of the federally-owned fee and easement lands comprising the Appalachian Trail Corridor. The Park Service will only survey and mark the exterior corridor boundary. Interior fee boundaries, if marked, will be the responsibility of the Forest Service. To facilitate management, future surveys will utilize red paint to mark the boundary, unless other colors are specified by the Forests involved. If additional issues arise concerning exterior boundary markings, they will be resolved between the appropriate Forest Service Regional Office and the Appalachian Trail Land Acquisition, Office National Park Service.
3. Providing the Forest Service with copies of land title and survey records;
4. Any future exchange or disposition of interests in federally-owned land, except as may be specifically provided for in Part F below; and

App. 5

5. Any future authorization of oil or gas pipeline crossings.

E. Removal of Buildings and Structures. All buildings and structures upon referenced trail segments will be demolished, removed, and the site restored by the National Park Service unless, prior to transfer, the National Park Service and the Forest Service mutually agree that a building or structure will be retained. This responsibility includes those tracts with reserved interests.

The tracts listed as “Exceptions” in Appendix A will be administered by the NPS until such time as the buildings or structures are removed and the site restored. Upon removal of the structures and restoration of the site, the National Park Service will transfer the property to the Forest Service as provided for under section (C) of this agreement.

- F. Forest Service management responsibilities.
 1. The Forest Service shall assign management responsibilities for the referenced trail segments to particular National Forests.
 2. Nothing in this agreement shall preclude land management activities by the Forest Service consistent with the purposes of the Appalachian Trail including, but not necessarily limited to, issuance of special use authorizations, grazing, vegetative management, and similar activities determined by the Forest Service as necessary or desirable to enhance public use and enjoyment of the Trail. The Forest Service will manage the trail segments according to

App. 6

the guidelines found in the Land and Resource Management Plan for the Forest with administrative responsibilities for such segment.

3. Except for oil or gas pipelines as reserved to the National Park Service in Part D-5, the Forest Service shall exercise all authorities when permitting rights-of-way pursuant to section 9(a) of the National Trails System Act (16 U.S.C.; 1248(a)), provided that any conditions contained in such easements and rights-of-way shall be related to the policies and purposes of the Appalachian National Scenic Trail.

G. Cooperative management. Within referenced Trail segments, the Forest Service will be the Agency Partner as that term is used in the Comprehensive Plan for the Appalachian Trail. This Agreement does not alter existing cooperative management arrangements the Forest Service has with the Appalachian Trail Conference and its constituent trail clubs. In recognition of the important role of volunteers in the establishment and management of the Appalachian Trail, the Forest Service may enter into new or amended agreements with the Appalachian Trail Conference or other organizations to further define and delegate trail management functions on trail lands it administers in accordance with section 7(h) of the National Trails System Act, as amended (16 U.S.C. §1246(h)). The Forest Service and the National Park Service agree to consult prior to entering into any such

App. 7

agreement under said section 7(h) in order to promote a consistent national policy toward trail management.

H. Periodic review. This Agreement may be reviewed at any time by the Forest Service and National Park Service for purposes of amendment, coordination of management, or other purpose.

I. Duration of transfer. The National Forest status of the lands described in Appendix A shall continue without interruption unless changed by a subsequent amendment or termination of this Agreement.

J. Amendment or Termination. This agreement may be terminated by one party upon six (6) months prior written notice to the other party. Notice shall be given to the Chief, Forest Service, or the Director, National Park Service. Nothing herein shall preclude amendment or termination of this Agreement at any time by mutual consent of the parties.

K. Delegations of Authority. The following authorities are hereby delegated:

1. The Director, National Park Service, hereby delegates to the Project Manager, Appalachian Trail Project Office, National Park Service, all authorities of the National Park Service under this Agreement, except that termination of this Agreement in its entirety under Part J is reserved to the Director.
2. The Chief, Forest Service, hereby delegates to the Associate Deputy Chief, National Forest System, Forest Service, all authorities of the Forest Service under this Agreement, except

App. 8

that termination of the Agreement in its entirety under Part J is reserved to the Chief. In addition, the appropriate Regional Forester for either the Eastern Region or the Southern Region is delegated all authorities to implement Parts C and F of this Agreement.

L. Superseding effect. This Agreement supersedes and replaces the instrument entitled "Memorandum of Agreement for the Management of the Appalachian National Scenic Trail" dated July 17, 1984, by and between the Secretary of the Interior, acting by and through G. Ray Arnett, Assistant Secretary for Fish and Wildlife and Parks; and the Secretary of Agriculture, acting by and through John B. Crowell, Jr., Assistant Secretary for Natural Resources and Environment.

M. Funding not affected. This Agreement does not require the reprogramming, transfer, or reimbursement of any funds. The Forest Service and the National Park Service shall implement this Agreement within existing agency budget allocations.

EXECUTED at Washington, D.C., this 15th day of January XXXX 1993

/s/ J M Ridenour
JAMES M. RIDENOUR
Director, National Park Service

App. 9

EXECUTED at Washington, D.C., this 26th day of
January XXXX 1993

/s/ F. Dale Robertson
F. DALE ROBERTSON
Chief, Forest Service

APPENDIX A
REFERENCED TRAIL SEGMENTS

(Segments or tracts referenced below refer to official maps of the Appalachian National Scenic Trail maintained by the National Park Service)

New Hampshire

Mahoosuc section
(Segments 161-164)

Mount Cube, Smarts Mountain and Moose
Mountain sections
(Segments 191-199, and 201)

Vermont

Norwich to Killington section (includes Pico)
(Segments 202-211)

Killington to Wallingford section
(Segments 212-215)

Virginia/West Virginia

Maupin Field (Tract 450-03)

Sinking Creek Mountain
(Segments 481-483)

App. 10

Sinking Creek Valley Crossing
(Segments 483-484)

Peters Mountain
(Segments 491-493, 531)

Pearisburg (Bluff City)
(Segments 494-495)

Pearis Mountain
(Segments 495-496)

Sugar Run Mountain
(Segment 497)

Garden Mountain
(Segments 507-509)

Nebo Valley Crossing
(Segments 511-512)

Groseclose Valley Crossing
(Segments 514-515)

Damascus/Holston Mountain
(Segments 526-527)

EXCEPTIONS

The following tracts of land are specifically retained under National Park Service jurisdiction. They are not included in this transfer to the Forest Service because certain structures, listed below, have not yet been removed from the property.

SOUTHERN REGION (R-8):

TRACTS

STRUCTURES

483-27 (Eileen Averhart)

barn

484-17 (Fred B. Givens)

dwelling

494-47 (E. G. Gilmer)

dwelling

EASTERN REGION (R-9):

TRACTS

STRUCTURES

191-13 (Atwell Hilton cabin)

dwelling

It is agreed that the National Park Service will transfer and the Forest Service will accept the above listed tracts as provided for under section (C) after the improvements listed have been removed and the site restored by the National Park Service.
