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Comprehensive Management and Use Plan
TRAIL OF TEARS NATIONAL HISTORIC TRAIL



Alabama • Arkansas • Georgia • Illinois • Kentucky • Missouri • North Carolina • Oklahoma • Tennessee

Recommended:

Joel V. Kussman
Manager, Central Team, Denver Service Center

May 21, 1992

Approved:

John E. Cook
Regional Director, Southwest Region

June 11, 1992

Concurred:

James W. Coleman, Jr.
Regional Director, Southeast Region

April 13, 1992

Don H. Castleberry
Regional Director, Midwest Region

April 20, 1992



Comprehensive Management and Use Plan

September 1992



TRAIL OF TEARS NATIONAL HISTORIC TRAIL

Alabama • Arkansas • Georgia • Illinois • Kentucky

Missouri • North Carolina • Oklahoma • Tennessee

United States Department of the Interior • National Park Service • Denver Service Center

Cover painting: *Leaving the Smokies*, by Donald Vann, full-blood Cherokee, © 1992 and published by Native American Images, P.O. Box 746, Austin, Texas 78767.

SUMMARY

The Trail of Tears National Historic Trail commemorates the tragic experience of the Cherokee people, who were forcibly removed by the U.S. government in 1838–39 from their homelands in the southeastern United States to new homes hundreds of miles to the west. The journey was made under adverse conditions, and some 8,000 Cherokees died as a result of the removal.

The national historic trail, which was designated by Congress in 1987, encompasses approximately 2,200 miles along the main land and water routes that the Cherokees followed. Two additional routes traveled by large Cherokee detachments are also recognized in this plan as historically significant. Although the government forced several southeastern Indian tribes to move during the 1820s and 1830s, the designated national historic trail is specific to the Cherokee experience.

This *Comprehensive Management and Use Plan* presents the proposed plan for administering the Trail of Tears National Historic Trail, as required by the National Trails System Act. The trail will be administered by the National Park Service (NPS), in cooperation with local, state, and other federal agencies, jurisdictions, interested groups, and private landowners, and the plan will provide a framework for these entities to cooperatively manage and protect resources and to provide for appropriate visitor use of sites that are certified or federal components of the trail. The plan also outlines an interpretive program that will communicate to visitors the story of the Cherokee removal, will foster a sensitivity to that experience, and will convey the impact of the U.S. government's policy on other Indian tribes during the 19th century.

Some 46 historic sites and six route segments have been identified that have the

potential to provide opportunities to interpret the trail's historical significance and to provide high-quality visitor experiences. Criteria for determining high-potential sites and segments include historical significance, the presence of visible historic remains, scenic quality, and relative freedom from intrusion. A certification process will determine which significant sites and route segments may be eligible for inclusion as official components of the national historic trail. This process, which will be administered by the National Park Service, will help maintain standards of significance for historic sites, trail segments, and interpretive programs. Property owners or appropriate sponsors who want to have certain sites designated as part of the Trail of Tears must document the history of the site, permit appropriate access for visitors, and protect the resources.

The protection of significant resources along the trail routes will be a shared responsibility between private landowners, local governments, and the National Park Service. To help protect significant resources on nonfederal land, the Park Service will offer technical assistance, as requested. This will include assistance under the national historic landmarks program and the NPS long-distance trails program, as well as grants through the Historic Preservation Fund. Preservation efforts by commercial operations will be encouraged through local tax incentives. Local and state governments will be encouraged to draw up protection plans to preserve the integrity of high-potential route segments from unplanned development. The Park Service will inventory historic sites and complete a historic resource study (including national register forms), and it will encourage other research efforts.

Programs to tell the public about the Trail of Tears will use brochures, interpretive programs, and exhibits. Cherokee culture before

and after the removal, in addition to the journey itself, will define the historical setting for the story. The context for the Cherokee removal in relation to the forced removal of other eastern Indian tribes will also be explained. While this story will only be a portion of the visitor experience, it will be significant in terms of conveying the impact of the policy to relocate American Indian tribes.

Another aspect of the visitor use program will be the designation of an automobile tour route on or near one of the routes followed by the Cherokees. Highway markers will be posted to identify the route.

Along all certified trail routes and at specific historic sites, the National Park Service will encourage state and local governments to erect and maintain signs displaying the official Trail of Tears logo. Signs will be placed on private property only with the consent of the landowners. The signs will be provided by the Park Service.

Locations have been identified for interpretive facilities that will orient visitors to the trail and will provide interpretive information about the historical event. State and local governments, in conjunction with local or trail-wide organizations, will be responsible for constructing and operating such facilities.

As discussed in the *Draft Comprehensive Management and Use Plan and Environmental Assessment*, the overall impacts of implementing the proposed plan will be relatively minor with regard to natural resources. Significant historic resources will receive long-term protection, and segments of the historic trail routes will be preserved by marking and certifying them. Public use over the long-term may result in the deterioration of historic sites and segments.

Providing interpretive exhibits and publications, marking the historic trail route, and designating an auto tour route will increase public sensitivity to the experiences of the Cherokees. Interpretive programs will also foster a better understanding of the development and implementation of the government's Indian policy and how that policy affected westward expansion and official relations with American Indian tribes up to the present day.

Impacts on private landowners will be minimal because lands can only be acquired with the consent of the owner. Increased land use controls may be enacted by local governments to protect significant resources. There will be minor benefits to local economies along the trail. Traffic volumes on auto tour routes and near historic sites and segments will probably increase slightly.

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Lewis Ross Home, Charleston, Tennessee. Residence during 1838–39 of Lewis Ross, brother of Principal Chief John Ross.

ACKNOWLEDGEMENT

The National Park Service thanks the many individuals who, in the interest of historical accuracy, generously shared their knowledge of trail history and resources during the course of planning for the Trail of Tears National Historic Trail. The participation of these people has improved the plan and will serve the Trail of Tears and future generations well.

TRAIL OF TEARS



INTRODUCTION



Rattlesnake Spring, Bradley County, Tennessee. Site of 1838 Cherokee internment camp in Dry Creek Valley.



Ross's Landing, Hamilton County, Tennessee. The departure point for three groups of Cherokees traveling on the water route in 1838.

PURPOSE OF AND NEED FOR THE PLAN

In 1838 the U.S. Army began to implement a federal government policy to remove American Indians from their homelands in the southern Appalachian Mountains in order to facilitate settlement by whites. The Cherokees were driven from their homes into stockades scattered throughout Alabama, Georgia, Tennessee, and North Carolina, and then moved to internment camps in southeastern Tennessee. From that point detachments of Cherokees were forcibly moved over water and land routes to Indian Territory (in what is now Oklahoma). Approximately 16,000 men, women, and children made the sorrowful journey — a journey made under adverse conditions and accompanied by a high rate of illness and death.

To commemorate that tragic event, Congress designated the Trail of Tears National Historic Trail in December 1987 (Public Law 100-192; see appendix A). The legislated trail encompasses approximately 2,200 miles of land and water routes (see the National Trails System map). Even though the government forced several southeastern tribes to move during the 1820s and 1830s, the congressionally designated trail is specific to the Cherokee experience.

As defined in the National Trails System Act, as amended, national historic trails are "extended trails which follow as closely as possible and practicable the original trails or routes of travel of national historical significance." Such trails have as their purpose "the identification and protection of the historic route and its historic remnants and artifacts for public use and enjoyment" (see appendix A). Each historic trail may accomplish this in different ways.

As a national historic trail, the Trail of Tears has been determined to meet the following criteria of the National Trails System Act:

1. It was established by historic use and is historically significant as a result of that use.
2. It is nationally significant with respect to American history.
3. It has significant potential for historical interest based on historic interpretation and appreciation.

The feasibility and desirability of adding the Trail of Tears to the national trails system was determined in the *Final National Trail Study*, which was published by the National Park Service in June 1986. That study formed the basis for congressional authorization and subsequent planning for the management and use of the trail.

PURPOSE OF THE PLAN

The National Trails System Act requires a comprehensive plan to be prepared for the management and use of each trail. The plan is to include the following items:

- specific objectives and practices to be observed in managing the trail
- identification of significant natural, historic, and cultural resources that are to be preserved
- a protection plan for any high-potential historic sites or route segments
- details of anticipated cooperative agreements with federal, state, and local organizations and private interests
- procedures for marking the trail with signs, and proposals to foster public knowledge of the trail and help visitors understand the importance of sites along the trail

- identification of at least one site in each of the nine states that will provide public information about the trail
- provisions for appropriate public use, including opportunities to retrace the trail routes

In accordance with the legislative direction, the goal of this plan is to provide a framework for federal, state, and local governments, as well as private interests, to cooperatively manage and protect resources and to provide for appropriate visitor use of sites that are certified or federal components of the Trail of Tears National Historic Trail. A second goal is to outline an interpretive program that will communicate to visitors the story of the Cherokee removal, foster a sensitivity to that experience, and convey the impact of the U.S. government's policy on other Indian tribes during the 19th century. Visitors will be given the opportunity to understand the significance of the Cherokee removal in its historic and geographic context, regardless of the type of interpretive program offered.

NEED FOR THE PLAN

The need for this plan is to help meet management objectives for the trail. Roles and responsibilities are also defined for the agencies, organizations, and local interests that will help to create the visitor experience through marking, interpreting, and preserving significant resources associated with the trail.

MANAGEMENT OBJECTIVES

The following management objectives describe the desired ends to be achieved to protect cultural and scenic resources along the Trail of Tears, to foster public appreciation and understanding of the Cherokee experience and the removal of other Indian tribes, to encourage the provision of facilities for resource protection and public information

and use, and to promote cooperative management of trail resources and programs.

Resource Protection

- Protect significant trail segments and historic sites from overuse, inappropriate use, and vandalism.
- Encourage uses of adjacent lands that complement the protection and interpretation of trail resources.
- Establish guidelines for the protection of Indian burials and sacred objects.
- Promote and support ongoing research to increase knowledge, understanding, and appreciation of remaining trail segments and resources and their significance in history.

Visitor Use

- Ensure safe and informative experiences for all visitors.
- Provide interpretive activities and services, including publications, that are based on historical and archeological examination and documentation.
- Interpret the historical events related to the Trail of Tears story in a manner that is historically accurate and that fosters a sensitivity in visitors to the events.
- Develop a thematic framework to allow for consistent and coordinated interpretation by various managing entities along the trail, and promote coordinated interpretive efforts along the trail.
- Provide visitors with opportunities to see and appreciate historic trail segments and related sites; improve access to trail sites where appropriate.



NATIONAL TRAILS SYSTEM

TRAIL OF TEARS

NATIONAL HISTORIC TRAIL

UNITED STATES DEPARTMENT OF THE INTERIOR·NATIONAL PARK SERVICE

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- Provide programs and access to facilities for special populations (people with disabilities, non-English speaking visitors, and others).
- Ensure public understanding of the roles of the various managing entities, and foster respect for the rights of land-owners.

Development

- Mark the trail routes with standardized and recognizable markers.
- Encourage a unified design theme for signs, exhibits, and public use facilities.

Management and Cooperation

- Coordinate efforts at all levels to fulfill the purposes of the trail, as defined in the National Trails System Act, as amended.
- Define roles and responsibilities and develop effective partnerships between federal, state, and local agencies, other managing entities, private landowners, and organizations and individuals supporting the trail; consult with the trail's advisory council on matters related to trail management.
- Certify trail segments and sites that meet the criteria for qualification, consistent with the purposes of the National Trails System Act, as amended.
- Use the official national historic trail symbol and logo in connection with authorized interpretive activities, programs, information materials, and fund-raising activities.
- Promote fund-raising and donation programs to further trail purposes.

- Encourage trail-related visitation along the entire trail.
- In conjunction with the Cherokees, promote the organization and development of a Trail of Tears association.

PLANNING REVIEW

During the course of developing the *Comprehensive Management and Use Plan*, the National Park Service has sought the views of the Cherokee Nation, the Eastern Band of Cherokees, organizations and individuals, as well as federal, state, and local agencies. Most of the meetings occurred in 1989. In November 1989 a planning newsletter was sent to interested parties requesting input on issues that should be addressed in the planning document. A followup newsletter in June 1990 reported responses and information about the plan.

A contractor and NPS staff mapped the trail routes and identified the significant historic sites in 1989–90. The secretary of the interior appointed members of an advisory council for the Trail of Tears National Historic Trail in December 1989.

Review copies of the *Draft Comprehensive Management and Use Plan and Environmental Assessment* and the *Map Supplement* were mailed out to Indian tribes, individuals, organizations, and governmental agencies in September 1991. The comment period lasted from September 9 to November 4, 1991.

The National Park Service held public meetings about the draft plan in September 1991 with Cherokees and other interested individuals in Cherokee, North Carolina, and Tahlequah, Oklahoma. The Trail Advisory Council also reviewed the draft plan and map supplement at its initial meeting on September 14–15, 1991, and at a subsequent meeting on April 9–10, 1992.

HISTORY AND SIGNIFICANCE OF THE TRAIL OF TEARS

The discovery of the New World by European explorers caused endless problems for American Indians, whose homelands were gradually taken from them and whose cultures were dramatically altered, and in some cases destroyed, by the invasion.

The first contact between southeastern American Indians and Europeans was the expedition of Hernando de Soto in 1540. De Soto took captives for use as slave labor, while others were abused because the Europeans deemed them savages. Epidemic diseases brought by the Europeans spread through the Indian villages, decimating native populations.

Over the next two centuries more and more white settlers arrived, and the native cultures responded to pressures to adopt the foreign ways, leading to the deterioration of their own culture. During the colonial period Indian tribes often became embroiled in European colonial wars. If they were on the losing side, they frequently had to give up parts of their homelands.

After the American Revolution the Indians faced another set of problems. Even though it took time for the new government to establish a policy for dealing with the Indians, the precedent had been set during the colonial period. The insatiable desire of white settlers for lands occupied by Indian people inevitably led to the formulation of a general policy of removing the unwanted inhabitants.

Political leaders including President Thomas Jefferson believed that the Indians should be civilized, which to him meant converting

them to Christianity and turning them into farmers. Many other whites agreed, and missionaries were sent among the tribes. But when the transformation did not happen quickly enough, views changed about the Indian people's ability to be assimilated into white culture.

National policy to move Indians west of the Mississippi developed after the Louisiana Territory was purchased from the French in 1803. Whites moving onto these lands pressed the U.S. government to do something about the Indian presence. In 1825 the U.S. government formally adopted a removal

policy, which was carried out extensively in the 1830s by Presidents Andrew Jackson and Martin Van Buren. The result was particularly overwhelming for the Indians of the southeastern United States — primarily the Cherokees, Chickasaws,

Choctaws, Creeks, and Seminoles — who were finally removed hundreds of miles to a new home.

Perhaps the most culturally devastating episode of this era is that concerning the removal of the Cherokee Indians, who called themselves Ani'-Yun' wiya (the Principal People). Traditionally the Cherokees had lived in villages in the southern Appalachians — present-day Virginia, West Virginia, Kentucky, Tennessee, western North Carolina and South Carolina, northern Georgia, and northeastern Alabama. Here in a land of valleys, ridges, mountains, and streams they developed a culture based on farming, hunting, and fishing.

"We the great mass of the people think only of the love we have to our land for . . . we do love the land where we were brought up. We will never let our hold to this land go . . . to let it go it will be like throwing away . . . [our] mother that gave . . . [us] birth."

—Letter from Aitooweyah, the Stud, and Knock Down to John Ross, principal chief of the Cherokees

The Cherokees took on some of the ways of white society. They built European-style homes and farmsteads, laid out European-style fields and farms, developed a written language, established a newspaper, and wrote a constitution. But they found that they were not guaranteed equal protection under the law and that they could not prevent whites from seizing their lands. They were driven from their homes, herded into internment camps, and moved by force to a strange land.

CHEROKEE RELATIONS WITH THE U.S. GOVERNMENT

Beginning in 1791 a series of treaties between the United States and the Cherokees living in Georgia gave recognition to the Cherokees as a nation with their own laws and customs. Nevertheless, treaties and agreements gradually whittled away at this land base, and in the late

"It is evident that the Gov't is determined to move us at all hazards and it only remains for us to do the best we can."

*—Lewis Ross to his brother John
April 12, 1838*

1700s some Cherokees sought refuge from white interference by moving to northwestern Arkansas between the White and Arkansas rivers. As more and more land cessions were forced on the Cherokees during the first two decades of the 1800s, the number moving to Arkansas increased. Then in 1819 the Cherokee National Council notified the federal government that it would no longer cede land, thus hardening their resolve to remain on their traditional homelands.

States' Rights Issue

The Cherokee situation was further complicated by the issue of states' rights and a prolonged dispute between Georgia and the federal government. In 1802 Georgia was the last of the original colonies to cede its western lands to the federal government. In

doing so, Georgia expected all titles to land held by Indians to be extinguished. However, that did not happen, and the Principal People continued to occupy their ancestral homelands, which had been guaranteed to them by treaty.

Georgia residents resented the Cherokees' success in holding onto their tribal lands and governing themselves. Settlers continued to encroach on Cherokee lands, as well as those belonging to the neighboring Creek Indians. In 1828 Georgia passed a law pronouncing all laws of the Cherokee Nation to be null and void after June 1, 1830, forcing the issue of states' rights with the federal government. Because the state no longer recognized the rights of the Cherokees, tribal meetings had to be held just across the state line at Red Clay, Tennessee.

When gold was discovered on Cherokee land in northern Georgia in 1829, efforts to dislodge the Principal People from their lands were intensified.

At the same time President Andrew Jackson began to aggressively implement a broad policy of extinguishing Indian land titles in affected states and relocating the Indian population.

Supreme Court Cases

In 1830 Congress passed the Indian Removal Act, which directed the executive branch to negotiate for Indian lands. This act, in combination with the discovery of gold and an increasingly untenable position with the state of Georgia, prompted the Cherokee Nation to bring suit in the U.S. Supreme Court. In *Cherokee Nation v. Georgia* (1831) Chief Justice John Marshall, writing for the majority, held that the Cherokee nation was a "domestic dependent nation," and therefore Georgia state law applied to them.

That decision, however, was reversed the following year in *Worcester v. Georgia*. Under an 1830 law Georgia required all white residents in Cherokee country to secure a license from the governor and to take an oath of allegiance to the state. Missionaries Samuel A. Worcester and Elizur Butler refused and were convicted and imprisoned. Worcester appealed to the Supreme Court. This time the court found that Indian nations are capable of making treaties, that under the Constitution treaties are the supreme law of the land, that the federal government had exclusive jurisdiction within the boundaries of the Cherokee Nation, and that state law had no force within the Cherokee boundaries. Worcester was ordered released from jail.

President Jackson refused to enforce the court's decision, and along with legal technicalities, the fate of the Principal People seemed to be in the hands of the federal government. Even though the Cherokee people had adopted many practices of the white culture, and had used the court system in two major Supreme Court cases, they were unable to halt the removal process.

Treaty of New Echota

The state of Georgia continued to press for Indian lands, and a group of Cherokees known as the Treaty Party began negotiating a treaty with the federal government. The group, led by Major Ridge and including his son John, Elias Boudinot, and his brother Stand Watie, signed a treaty at New Echota in 1835. Despite the majority opposition to this treaty — opposition that was led by Principal Chief John Ross — the eastern lands were sold for \$5 million, and the Cherokees

agreed to move beyond the Mississippi River to Indian Territory. The Senate ratified the treaty despite knowledge that only a minority of Cherokees had accepted it. Within two years the Principal People were to move from their ancestral homelands.

THE ROUNDUP

President Martin Van Buren ordered the implementation of the Treaty of New Echota in 1838, and U.S. Army troops under the command of Gen. Winfield Scott began rounding up the Cherokees and moving them into stockades in North Carolina, Georgia, Alabama, and Tennessee. Altogether 31

forts were constructed for this purpose — 13 in Georgia, five in North Carolina, eight in Tennessee, and five in Alabama. All of the posts were near Cherokee towns, and they served only as temporary housing for the Cherokees.

As soon as practical, the Indians were

transferred from the removal forts to 11 internment camps that were more centrally located — 10 in Tennessee and one in Alabama. In North Carolina, for example, Cherokees at the removal forts were sent to Fort Butler, and by the second week in July on to the principal agency at Fort Cass. By late July 1838, with the exception of the Oconaluftee Citizen Indians, the fugitives hiding in the mountains, and some scattered families, virtually all other Cherokees remaining in the East were in the internment camps.

According to a military report for July 1838, the seven camps in and around Charleston, Tennessee, contained more than 4,800 Cherokees: 700 at the agency post, 600 at Rattlesnake Spring, 870 at the first encamp-

"[I] witnessed the execution of the most brutal order in the history of American warfare. I saw the helpless Cherokees arrested and dragged from their homes, and driven at the bayonet point into the stockades. And in the chill of a drizzling rain on an October morning I saw them loaded like cattle or sheep into six hundred and forty-five wagons and headed for the West."

—Pvt. John G. Burnett
1838

ment on Mouse Creek, 1,600 at the second encampment on Mouse Creek, 900 at Bedwell Springs, 1,300 on Chestoeee, 700 on the ridge east of the agency, and 600 on the Upper Chatate. Some 2,000 Cherokees were camped at Gunstocker Spring 13 miles from Calhoun, Tennessee.

One group of Cherokees did not leave the mountains of North Carolina. This group traced their origin to an 1819 treaty that gave them an allotment of land and American citizenship on lands not belonging to the Cherokee Nation. When the forced removal came in 1838, this group — now called the Oconaluftee Cherokees — claimed the 1835 treaty did not apply to them as they no longer lived on Cherokee lands. Tsali and his sons were involved in raids on the U.S. soldiers who were sent to drive the Cherokees to the stockades. The responsible Indians were punished by the army, but the rest of the group gained permission to stay, and North Carolina ultimately recognized their rights. Fugitive Cherokees from the nation also joined the Oconaluftee Cherokees, and in time this group became the Eastern Band of Cherokees, who still reside in North Carolina.

NUNAH-DUNA-DLO-HILU-I: TRAIL WHERE THEY CRIED

During the roundup intimidation and acts of cruelty at the hands of the troops, along with the theft and destruction of property by local residents, further alienated the Cherokees. Finally, Chief Ross appealed to President Van Buren to permit the Cherokees to oversee their own removal. Van Buren consent-

ed, and Ross and his brother Lewis administered the effort. The Cherokees were divided into 16 detachments of about 1,000 each.

Water Route

Three detachments of Cherokees, totaling about 2,800 persons, traveled by river to Indian Territory. The first of these groups left on June 6 by steamboat and barge from Ross's Landing on the Tennessee River (present-day Chattanooga). They followed the Tennessee as it wound across northern Alabama, including a short railroad detour around the shoals between Decatur and Tusculumbia Landing. The route then headed north through central Tennessee and Kentucky to the Ohio River. The Ohio took them to the Mississippi River, which they followed to the mouth of the Arkansas River. The Arkansas led northwest to Indian Territory, and they arrived aboard a steamboat at the mouth of Sallisaw

"At noon all was in readiness for moving, the teams were stretched out in a line along the road through a heavy forest, groups of persons formed about each wagon. . . . Going Snake, an aged and respected chief whose head eighty summers had whitened, mounted on his favorite pony, passed before me in silence, followed by a number of younger men on horseback."

*—William Shorey Coodey, a contractor,
in a letter to a friend
August 13, 1840*

Creek near Fort Coffee on June 19, 1838. The other two groups suffered more because of a severe drought and disease (especially among the children), and they did not arrive in Indian Territory until the end of the summer.

Land Routes

The rest of the Principal People traveled to Indian Territory overland on existing roads. They were organized into detachments ranging in size from 700 to 1,600, with each detachment headed by a conductor and an assistant conductor appointed by John Ross. The Cherokees who had signed the treaty of

New Echota were moved in a separate detachment conducted by John Bell and administered by U.S. Army Lt. Edward Deas. A physician, and perhaps a clergyman, usually accompanied each detachment. Supplies of flour and corn, and occasionally salt pork, coffee, and sugar, were obtained in advance, but were generally of poor quality. Drought and the number of people being moved reduced forage for draft animals, which often were used to haul possessions, while the people routinely walked.

The most commonly used overland route followed a northern alignment, while other detachments (notably those led by John Benge and John Bell) followed more southern routes, and some followed slight variations. The northern route started at Calhoun, Tennessee, and crossed central Tennessee, southwestern Kentucky, and southern Illinois. After crossing the Mississippi River north of Cape Girardeau, Missouri, these detachments trekked across southern Missouri and the northwest corner of Arkansas.

Road conditions, illness, and the distress of winter, particularly in southern Illinois while detachments waited to cross the ice-choked Mississippi, made death a daily occurrence. Mortality rates for the entire removal and its aftermath were substantial, totaling approximately 8,000.

Most of the land route detachments entered present-day Oklahoma near Westville and were often met by a detachment of U.S. troops from Fort Gibson on the Arkansas River. The army officially received the Cherokees, who generally went to live with those who had already arrived, or awaited land assignments while camped along the Illinois

River and its tributaries east of present-day Tahlequah.

AFTERMATH

In the Indian Territory problems quickly developed among the new arrivals and Cherokees who had already settled, especially as reprisals were taken against the contingent who had signed the Treaty of New Echota. As these problems were resolved, the Cherokees proceeded to adapt to their new homeland, and they reestablished their own system of government, which was modeled on that of the United States.

Tribal government was headquartered in Tahlequah and adhered to a constitution that divided responsibilities among an elected principal chief, an elected legislature known as the National Council, and a supreme court with lesser courts. Local districts with elected officials, similar to counties, formed the basis of the nation. The Cherokees maintained a bilingual school system, and missionaries from the American Board of Commissioners for Foreign Missions were active in the nation.

This autonomy remained reasonably strong until the Civil War, when a faction of the Cherokees sided with the Confederacy. During Reconstruction they suffered a loss of self-government and, more importantly, their land base. Government annuities were reduced, and lands were sold to newly arrived tribes. Cessions of land continued during the later 19th century, and the federal government emerged as the major force for land cession under the Dawes Act of 1887, which divided up tribal lands. The establishment of the state of Oklahoma in 1907 increased

Dec. 13, "During the night a Cherokee woman died in the camps. Though she had given birth to a child but a few days before, yet last evening she was up and no danger was apprehended, but in the morning she was found dead, with the infant in her arms."

*—The Reverend Daniel S. Buttrick
diary entry, 1838*

pressure for land cessions. Many people of questionable Cherokee ancestry managed to get on the tribal rolls and participate in the allotment of these lands to individuals. By the early 1970s the western Cherokees had lost title to over 19 million acres of land.

Difficult times continued because of the effects of the 1930s depression and the government policy to relocate Indians from tribal areas to urban America. Many Cherokees found themselves in urban slums with a lack of basic needs. Differences also

emerged between traditionalists and those who adapted to mainstream society. During the 1970s and after, however, the Cherokees' situation improved because of self rule and economic programs.

Throughout the years, the Cherokees have sought to maintain much of their cultural identity. To increase public awareness of their heritage, many of them have advocated the designation of the Trail of Tears as a national historic trail.

TRAIL OF TEARS



COMPREHENSIVE MANAGEMENT AND USE PLAN



Trail of Tears land route, Washington County, Missouri. A portion of the northern route followed by detachments of Cherokees in 1838-39 (northwest of Caledonia, Missouri).



Trail of Tears land route, Webster County, Missouri. A portion of the northern route followed by detachments of Cherokees in 1838-39 (northeast of Springfield, Missouri).

INTRODUCTION

The *Comprehensive Management and Use Plan* for the Trail of Tears National Historic Trail seeks to balance resource preservation and visitor use all along the trail. The National Park Service will administer the Trail of Tears with the same care and effort afforded to all units of the national park system, while recognizing the intent and authority of the National Trails System Act, as amended.

The successful implementation of the plan will depend on the cooperation and support of state, local, and private interests, including landowners and other federal land-managing agencies. Their support will be vital to ensuring the protection of trail-related resources, to providing outdoor recreational opportunities, and to accomplishing the objectives of the trail plan. Within this partnership of federal, state, local, and private interests, the National Park Service will work to ensure that the trail is managed as a single, integrated resource. It will also stimulate and facilitate management and interpretive activities by government and private interests, and it will offer technical advice and assistance to public as well as private owners of trail resources.

The plan

- identifies historic routes that have been designated as part of the national historic trail, along with historic sites and route

segments that have potential to provide opportunities to interpret the trail's historical significance and to provide high-quality visitor experiences; establishes criteria and procedures for the certification of historic trail sites and segments; provides a systematic approach for marking the trail

- proposes guidelines to ensure proper management and protection of the trail's cultural resources, including Indian burials and sacred objects
- presents programs for visitor use, including interpretive themes and use guidelines; establishes criteria for the certification of trail interpretive facilities
- provides a framework for federal, state, and local governments, as well as organizations and individuals, to cooperate in the management of the trail, including roles and responsibilities; recommends the organization and development of a Trail of Tears association
- recommends funding sources for management programs and resource protection
- lists compliance actions to meet the requirements of state and federal legislation

HISTORIC ROUTES AND SIGNIFICANT RESOURCES

The Trail of Tears enabling legislation (PL 100-192) designated one water route and one land route with two minor variations. The main land route, which was followed by the largest number of Cherokees, is known as the northern route; its two variations are the Hildebrand and Taylor routes. These routes also varied on occasion because of weather conditions, available forage, and detours for supplies and repairs. In addition to the legislatively designated routes, two other major routes were followed — a more central route used by John Benge's detachment, and a southern route taken by John Bell's Treaty Party detachment. The general trail routes are shown on the Historic Routes map and in much greater detail on maps in the separate *Map Supplement* volume.

In accordance with the National Trails System Act, the legislatively designated routes will be marked with appropriate signs. Procedures and responsibilities for marking the trails are discussed in the "Management and Cooperation" chapter (page 47).

LEGISLATIVELY DESIGNATED ROUTES

The water and land routes that comprise the Trail of Tears National Historic Trail cross 2,219 miles in nine states. Three detachments of Cherokees traveled to Indian Territory along the water route, and 11 detachments made their way overland along existing roads.

Water Route

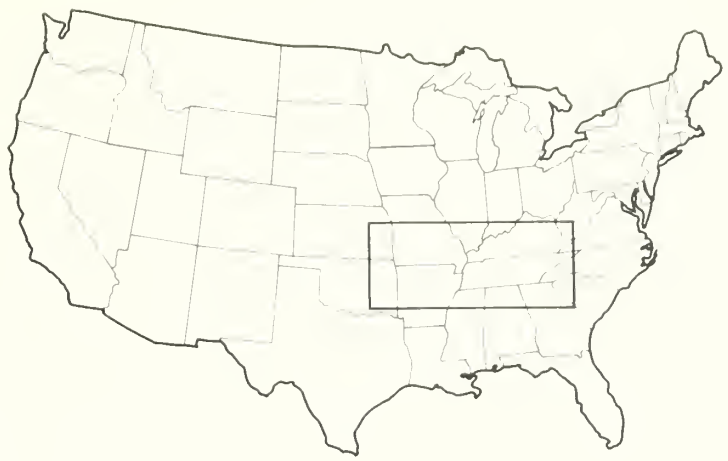
The first three detachments of Cherokees to be moved west in the summer of 1838 traveled by water from Ross's Landing (present-day Chattanooga) on the Tennessee River through Alabama, including a short rail trip around shoals on the river. The route then

headed north through central Tennessee and western Kentucky to Paducah on the Ohio River. The boats floated down the Ohio River to the Mississippi River, which the Cherokees followed south for some 400 miles to the mouth of the Arkansas River. The Arkansas River took them northwest into Indian Territory. The journey was approximately 1,226 miles.

The rivers used by the three detachments passed through varied terrain. In the southern Appalachians the land was rugged, with steep tree-covered ridges, narrow hollows, and deep valleys. At the confluence of the Ohio and Mississippi rivers the terrain flattened into a great coastal plain of bayous and backwaters. Along the Arkansas River moving into Oklahoma, the landscape changed again, from Mississippi lowlands to a broad valley between the Boston and Ouachita mountains. North and west of the valley at the western extent of the Boston Mountains, the first detachments of Cherokees ended their journey.

Today the rivers that the Cherokees traveled are considerably different from what they were over 150 years ago. The Tennessee River has been changed by the effects of the Tennessee Valley Authority, which has made use of the river for power generation and industry, as well as navigation. Even along the free-flowing portions, the development of chemical, paper, and petroleum plants, as well as urban areas, has dramatically changed the character of the landscape. Commercial water traffic is considerable, and recreational boating facilities are scattered throughout the corridor.

Towns and industrial plants have also changed the character of the Ohio and Mississippi river corridors. Both rivers have heavy barge traffic and related development to maintain that traffic.



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FORT G

LEGISLATIVELY DESIGNATED ROUTES

NORTHERN – LAND

(including Taylor's and Hildebrand's routes)

WATER

OTHER MAJOR ROUTES

BENGE

BELL



NORTH

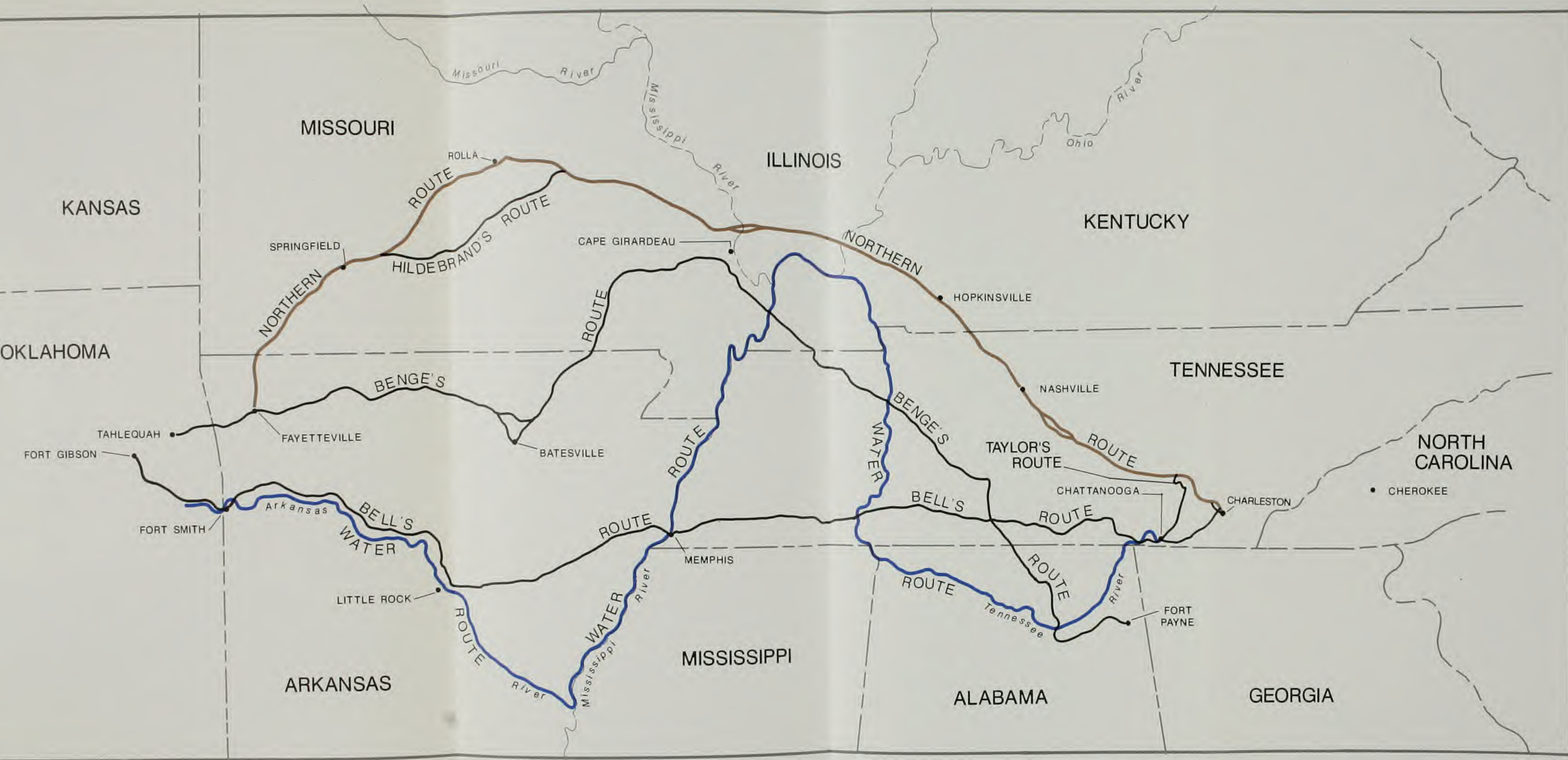


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HISTORIC ROUTES TRAIL OF TEARS NATIONAL HISTORIC TRAIL

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

610-40000A·DSC·FEB 92



LEGISLATIVELY DESIGNATED ROUTES
NORTHERN - LAND
(including Taylor's and Hildebrand's routes)
WATER

OTHER MAJOR ROUTES
BENGE
BELL

0 10 20 30 40 50 MILES-APPROXIMATE



HISTORIC ROUTES
TRAIL OF TEARS
NATIONAL HISTORIC TRAIL

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

The Arkansas River is perhaps the most dramatically changed of the rivers because of the McClellan-Kerr navigation system, which stretches from the mouth of the river all the way to Catoosa (Tulsa), Oklahoma. A series of dams, locks, and impoundments make the river navigational far into the interior of Oklahoma. As with the other rivers, there is a considerable amount of development along the banks of the Arkansas

Vistas along a few less developed and populated areas of the water route give an indication of how the river corridors looked at the time of the removal.

Land Route

Groups began traveling on the northern route in September 1838, following existing roads and moving south of the Hiwassee River to Blythe's Ferry on the Tennessee River, then northwest across the Sequatchie Valley onto the Cumberland Plateau past McMinnville. From there detachments moved past Murfreesboro to Nashville, Port Royal, and into Kentucky at Gray's Inn. Hopkinsville was the next point before proceeding to Mantle Rock, and across the Ohio River at Berry's Ferry to Golconda, Illinois. Crossing Illinois took the groups past Vienna and to the area west of Jonesboro, where they had to endure an extremely severe winter awaiting the passage of ice in the Mississippi River before crossing at Green's Ferry.

Beyond the Mississippi the route swung through Jackson, Missouri, then through Farmington, Caledonia, and Rolla. Continuing west by south, the groups moved toward Marshfield, Springfield, and to the Delaware villages on the James River before striking westerly to Flat Creek through Cassville and across the Arkansas state line along Sugar Creek. From there the road went south past Rogers to Fayetteville and then west-southwest to Westville and Indian Territory.

Two detachments followed short alternate routes along the northern route. A detachment of 1,029 Cherokees led by Richard Taylor left Ross's Landing, headed north, and joined the northern route in the Sequatchie Valley in Bledsoe County, Tennessee. Peter Hildebrand's detachment of 1,766 Cherokees separated from the main route in Crawford County, Missouri, and traveled across Dent, Texas, Wright, and Webster counties before rejoining the main trail at Marshfield. The Reverend Daniel Buttrick reported in March 1839 that Hildebrand was trying to pass the other detachments.

Another minor variation on the northern route was used by the Reverend Evan Jones, who accompanied a detachment led by Situwakee. He sought to avoid several tollgates southeast of Nashville by going through Readyville and Old Jefferson. Detachments conducted by Old Fields, Moses Daniel, and Jesse Bushyhead did the same.

Like those who traveled by water, those making the journey overland passed through a changing landscape. The northern land route crossed Tennessee and entered Kentucky in an area of gently sloping terrain punctuated by steeper bluffs that had been cut by the Mississippi River. After crossing the Ohio River between Kentucky and Illinois the terrain flattened into bottomland, rising to a hilly, rolling landscape in the southern part of the state. West of the Mississippi most detachments passed around the northeastern edge of the Ozark Mountains, while some skirted the southeastern edge to follow the White River into the mountains. Most then traveled southwesterly over the Springfield Plateau before entering the wooded western section of the Ozarks in northwestern Arkansas and eastern Oklahoma.

The 19th century road system that was used during the removal is overlain by present-day roads. A complex network of county, state, and federal roads stretches from the mouth of the Hiwassee River all the way to West-

ville, Oklahoma. These roads wind through large areas of countryside and a few major urban areas (notably Nashville, Tennessee, and Springfield, Missouri). Scattered along the roads are numerous communities, agricultural areas, and rural landscapes that have grown up since the removal.

A few route segments remain basically undeveloped and provide a feeling of the countryside through which the detachments passed.

OTHER MAJOR ROUTES

Two historic routes used by large detachments of Cherokees were not congressionally designated as part of the Trail of Tears — the route taken by the Benge detachment, which traveled some 734 miles across Tennessee, Kentucky, Ohio, Missouri, and Arkansas, and the route traveled by the Bell detachment (Treaty Party), which covered 765 miles across Tennessee and Arkansas. Because these routes were not evaluated under the National Trails System Act criteria in the 1986 *Final National Trail Study* for the Trail of Tears, the National Park Service proposes to study them to determine their feasibility and desirability for inclusion in the national trails system. Until that determination is made, the Park Service proposes to interpret the Benge and Bell routes along the existing designated national historic trail.

Benge's Route

A detachment of 1,090 Cherokees conducted by John Benge departed Fort Payne, Alabama, in late September 1838 and followed a central route. They crossed the Tennessee River at Gunter's Landing, went through Huntsville, and on into Tennessee. At Reynoldsburg they once again crossed the Tennessee River and then the Mississippi River at Iron Banks south of Cape Girardeau, Missouri. The group moved west-

northwest to the Natchitoches Trace, which they followed southwest to Hix's Ferry on the Current River, but used the Indian Ford instead to save costs. Continuing southward, the group entered Arkansas, camped at Fouché Dumas, and turned west near Batesville to follow the White River drainage toward Melbourne, Cotter, Yellville, and Alpena. From there the route turned southwest to Huntsville and Fayetteville, where it joined the northern route.

Bell's Route

A detachment of 600–700 Treaty Party Cherokees, led by John A. Bell, followed a southern route across Tennessee and central Arkansas. Accompanied by Lt. Edward Deas, this group sought to interfere with and disrupt the other 12 detachments by means of emissaries sent to those camps to spread discord.

Their route took them from Calhoun in October 1838 toward Cleveland, Winchester, Pulaski, Savannah, and Bolivar. They crossed the Mississippi River at Memphis. From there the route extended west toward Little Rock, then up the north side of the Arkansas River past Conway, Russellville, and Fort Smith to Indian Territory.

TRAIL ROUTE IDENTIFICATION

The maps in the *Map Supplement* constitute the official route map required by the National Trails System Act, and its description will be published in the *Federal Register*. If new research identifies additional routes or more accurate trail locations, then an official notice of correction will be published in the *Federal Register*.

Mileages for the trail routes are shown in table 1. Table 2 illustrates the miles of the trail in each state.

TABLE 1: TRAIL ROUTE MILEAGES

	<u>MILES</u>
Water Route	1,226
Land Route	
Northern Route	826
• Taylor's Detachment	45
• Hildebrand's Detachment	<u>122</u>
Total – Designated National Historic Trail	2,219
Other Major Routes	
Benge's Detachment	734
Bell's Detachment	<u>765</u>
Total – Other Major Routes	1,499

TABLE 2: TRAIL ROUTE MILEAGES BY STATE

	<u>WATER ROUTE</u>	<u>NORTHERN ROUTE</u>	<u>OTHER ROUTES</u>
Tennessee	198	285	545
Alabama	190		107
Kentucky	88	93	30
Illinois		66	
Missouri		461	167
Arkansas	337	59	584
Oklahoma		29	66
State Lines*	<u>413</u>	—	—
Total	1,226	993	1,499

*The 413 miles along state lines include Kentucky–Illinois, Kentucky–Missouri, Tennessee–Missouri, Tennessee–Arkansas, and Mississippi–Arkansas.

HIGH-POTENTIAL HISTORIC SITES AND ROUTE SEGMENTS

High-potential sites and segments along the Trail of Tears will be identified in accordance with the National Trails System Act. Each site or segment must have the potential to interpret the trail's historical significance, as determined by the official certification process, and to provide opportunities for high-quality recreation. Criteria include historical significance, the presence of visible historic remains, scenic quality, and few intrusions.

In conjunction with trail route mapping in 1989 and 1990, high-potential historic sites and route segments were also inventoried. This helped determine the historical significance of sites and segments, existing conditions, and the existence of critical archival information. A total of 46 historic sites and six route segments were identified (see table 3 and the Historic Sites map); additional sites and segments may be identified in the future. (The historic sites are described in appendix B, and the route segments are listed in table B-1.)

TABLE 3: HIGH-POTENTIAL HISTORIC SITES
AND ROUTE SEGMENTS

	<u>SITES</u>	<u>SEGMENTS</u>
Georgia	7	
Alabama	5	
North Carolina	4	
Tennessee	12	1
Kentucky	3	
Illinois	2	
Missouri	7	4
Arkansas	1	1
Oklahoma	<u>5</u>	—
Total	46	6

Selected high-potential sites are directly associated with the historic event, they have few intrusions, the setting retains its historical integrity, and the potential for interpretation is high. The sites include fords, ferries, structures, natural landmarks, marked gravesites, campsites, and rural landscapes. Route segments exhibit the same qualities.

Among the historic sites and route segments selected are trail-related resources that are within present national park system units, that are designated as national historic landmarks, or that are listed on the National Register of Historic Places. Those resources within national park system units are fully protected and interpreted according to NPS management policies and guidelines. In accordance with the National Trails System Act, resources on federal lands are designated as federal protection components.

Sites designated as national historic landmarks by the secretary of the interior are, by definition, nationally significant. Landmarks are eligible for NPS technical assistance programs. They are also subject to periodic monitoring for threats to their integrity.

Trail resources on the National Register of Historic Places are listed as being of local, state, or national significance. They are afforded recognition and some protection when directly or indirectly affected by federal projects through compliance with provisions of the National Historic Preservation Act of 1966, as amended.

Federal Protection Components

National Park System Area. Parts of the Trail of Tears are included within Pea Ridge National Military Park. The trail's northern route followed the main road between Fayetteville and St. Louis, which became known as Telegraph Road once a telegraph line was strung along it in 1860. Pea Ridge was the site of a Union victory on March 7–8, 1862, which allowed the Union to control Missouri. This was one of the major engagements of the Civil War west of the Mississippi River, and 1,000 Cherokee soldiers from Indian Territory and under the command of Stand Watie participated as Confederates in this battle. The park is in Benton County, Arkansas, northeast of Rogers.

National Forest System Areas. A few trail portions pass through areas administered by the U.S. Forest Service.

Shawnee National Forest — Approximately 17 miles of the Trail of Tears route passes through sections of Shawnee National Forest between Golconda and Ware in southern Illinois.

Mark Twain National Forest — Some 60 miles of the Trail of Tears cross portions of Mark Twain National Forest between Jackson and Farmington and between Caledonia and Steelville, Missouri.

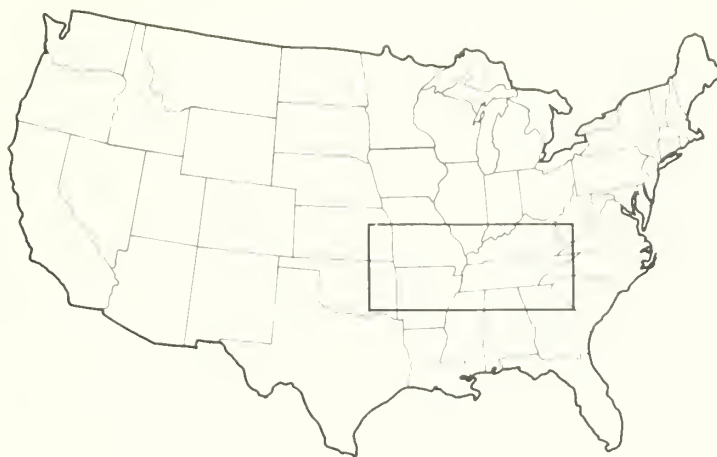
Other Federal Government Areas. The Tennessee Valley Authority and the U.S. Army Corps of Engineers both manage rivers that were used by the Cherokees who made the journey to Indian Territory by water.

Tennessee Valley Authority — The Tennessee Valley Authority manages approximately 422 miles of the water route along the Tennessee River from Chattanooga, Tennessee, to Paducah, Kentucky.




U.S. Army Corps of Engineers — The Corps of Engineers administers 804 miles of the Ohio, Mississippi, and Arkansas rivers from Paducah, Kentucky, to Fort Gibson, Oklahoma.

Nonfederal Sites and Segments

Historic sites and segments that are not federally owned may be suitable for inclusion in the trail. These sites and segments will have to be certified as to their historical significance and potential for use before they can be designated as official components of the national historic trail. Appropriate means of protection and opportunities for public appreciation will be provided for certified trail components. To retain certification, managers will have to show that the interpretation, preservation, and recreation objectives of the National Trails System Act and the plan are being met. The criteria and procedures for certification are described in the "Management and Cooperation" section (see page 45).



- | | |
|-------------------------|--|
| 1 - New Echota | 24 - Spring Frog Cabin |
| 2 - Fort Wool | 25 - Shellsford Baptist Church Site |
| 3 - Vann House | 26 - Nashville Toll Bridge Site |
| 4 - Fort Gilmer | 27 - Reynoldsburg Ferry Site |
| 5 - John Ross House | 28 - Halfway House |
| 6 - Fort Cumming | 29 - Gray's Inn |
| 7 - Major Ridge Home | 30 - Whitepath and Fly Smith Graves |
| 8 - Fort Lovell | 31 - Mantle Rock |
| 9 - Fort Payne | 32 - Berry Ferry Site |
| 10 - Andrew Ross Home | 33 - Buel House |
| 11 - Gunter's Landing | 34 - Green's Ferry Site |
| 12 - Tuscumbia Landing | 35 - Otaiki Bushyhead Hildebrand Grave |
| 13 - Fort Montgomery | 36 - Brinker House |
| 14 - Fort Delaney | 37 - Massey Ironworks |
| 15 - Fort Hembree | 38 - Danforth Farm |
| 16 - Fort Butler | 39 - Bell Tavern Site |
| 17 - Fort Cass | 40 - McMurtry Spring |
| 18 - Lewis Ross Home | 41 - Fort Smith |
| 19 - Rattlesnake Spring | 42 - Woodhall Homeplace |
| 20 - Blythe Ferry Site | 43 - Fort Gibson |
| 21 - Hair Conrad Cabin | 44 - Tahlequah |
| 22 - Red Clay | 45 - Park Hill |
| 23 - Ross's Landing | 46 - Ross Cemetery |

-  NORTHERN (LAND) ROUTE
 WATER ROUTE
 OTHER ROUTES



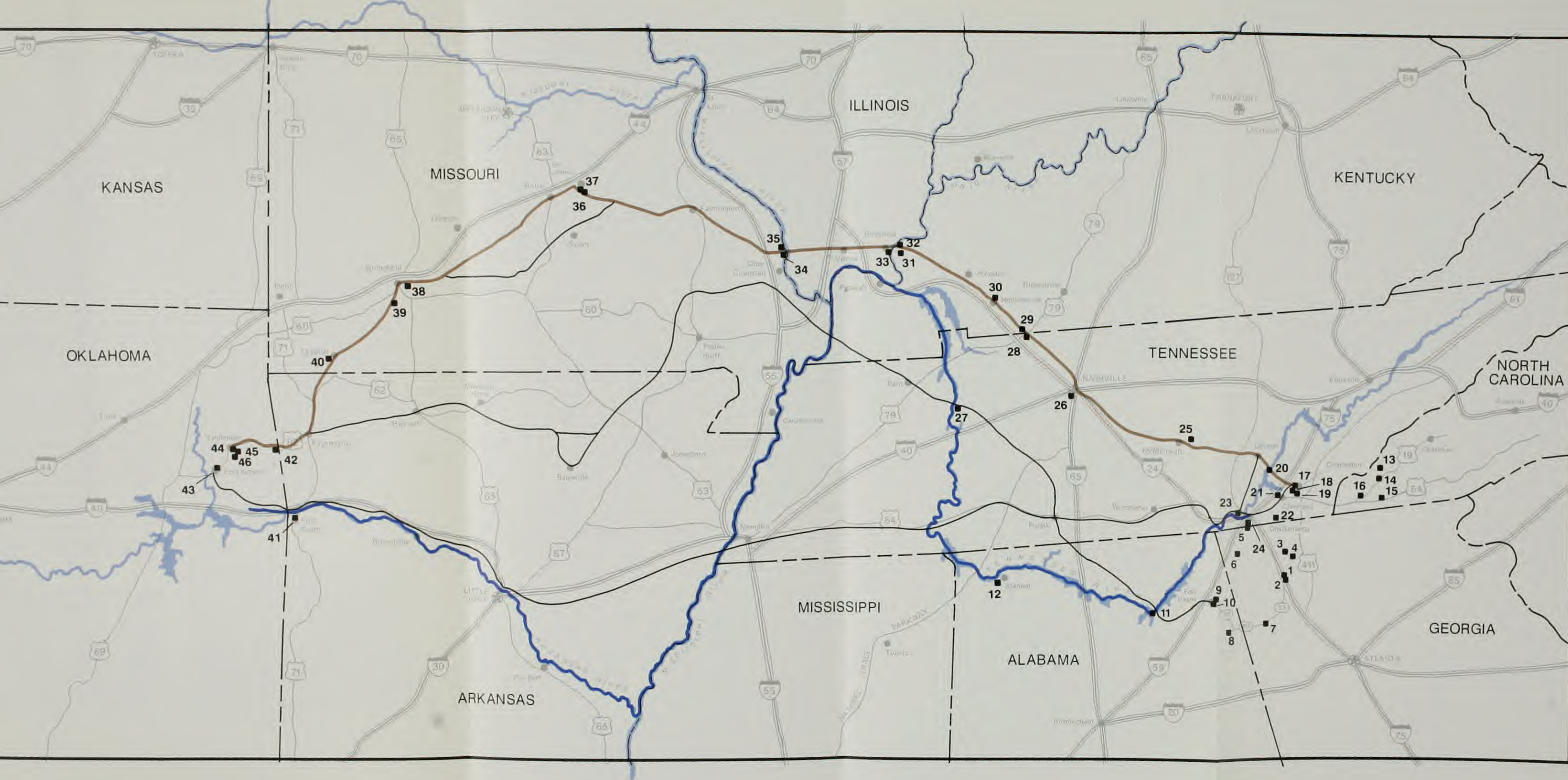
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0 10 20 30 40 50 MILES APPROXIMATE

HISTORIC SITES TRAIL OF TEARS NATIONAL HISTORIC TRAIL

UNITED STATES DEPARTMENT OF THE INTERIOR
 NATIONAL PARK SERVICE

610-20005A-DSC-FEB 92



- | | |
|-------------------------|--------------------------------------|
| 1 - New Echota | 24 - Spring Frog Cabin |
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— NORTHERN (LAND) ROUTE
— WATER ROUTE
— OTHER ROUTES

0 10 20 30 40 50 MILES APPROXIMATE

**HISTORIC SITES
TRAIL OF TEARS
NATIONAL HISTORIC TRAIL**
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RESOURCE PROTECTION AND MANAGEMENT

RESOURCE PROTECTION

The intent of resource protection is to ensure that sites related to the trail (such as landscapes, landmarks, ruins, gravesites and sacred objects, and structures) will be preserved in an unimpaired condition and that sections of the trail will be maintained as cultural landscapes. The historic routes will be managed so as to preserve scenic values and qualities, thereby ensuring high-quality interpretive experiences. Efforts will be made to protect the remaining historical settings where the landscape is reminiscent of what the Cherokees saw over 150 years ago (see the Potential Resource Protection Areas map and table B-1 in appendix B). Cooperative agreements between the National Park Service and state, federal, and local interests will emphasize resource protection.

All related cultural and natural resources along the trail route will be inventoried by the National Park Service and analyzed to determine appropriate preservation techniques and the potential to accommodate visitor use or interpretation. Priorities will be established to preserve sites and segments according to their significance, potential for visitor use, and interpretive value. In addition, a research program will be undertaken to ensure that resources are correctly identified and properly managed, as well as to improve overall knowledge and appreciation of trail remnants and related resources.

The National Park Service will encourage local, state, and federal agencies, and others (including private landowners) to enter into cooperative agreements to protect significant sites. If this means of protection is inadequate, then local, state, or federal agencies and others, including conservation organizations, will be encouraged to protect the sites by using fee or less-than-fee means. If landowners desire, the Park Service may con-

sider acquiring interests in property through easements or fee acquisition. Such interests may be acquired by donation, exchange, or purchase, depending on the significance and other values of the site. The Park Service will seek local managers for the acquired sites to help protect the resources and to provide for appropriate visitor use.

NPS Assistance Programs

The National Park Service can also foster trail-related preservation efforts by establishing assistance programs. A technical assistance program for planning and design could be established to stabilize, and where appropriate, restore significant resources for protection and interpretive purposes. Through technical assistance programs, private landowners can request information and help with preservation activities, including sound stewardship practices and new resource protection concepts. Through its national historic landmark program, the Park Service assesses the significance of sites important in American history, and through the Historic American Buildings Survey and the Historic American Engineering Record it documents historic structures. The Park Service also reports annually to Congress about endangered national historic landmarks along the trail.

Funding can also be provided for the preservation of historic resources. The Land and Water Conservation Fund can be used to assist in preservation efforts on publicly owned lands. Grants from the NPS Historic Preservation Fund will be used as fully as possible to help protect, in cooperation with the states, qualifying historic sites along the trail. Where applicable, the Park Service will encourage the preservation of historic properties by owners who might be able to benefit through local tax incentives.

To make the most efficient use of NPS resource preservation funds, the highest priority will be the funding of cooperative preservation efforts for certified sites and segments. Funds will be used for three purposes: (1) to supplement existing data about the site, (2) to stabilize or otherwise conduct physical activities to conserve resources, and (3) to acquire interests in properties to ensure long-term protective management.

The National Park Service may provide direct financial assistance if all other private, local, and state funding sources are exhausted. Projects that combine funding from several sources will be encouraged, in accordance with the intent of the National Trails System Act to limit federal financial assistance and to provide incentives for cooperative partnerships.

Resource Protection Techniques

Because the Trail of Tears follows a long, narrow route and crosses numerous political jurisdictions in both rural and urban areas, techniques that can be used to protect trail-related resources will likely vary from area to area and from state to state. Among the specific resource protection issues for the Trail of Tears are the following:

- providing public access to historic sites
- protecting sites from changes that would diminish the trail's historical integrity
- protecting landscapes along the trail routes from development and uses that would detract from the experiences of visitors

Several resource protection techniques may be effective for preserving trail resources, including cooperative agreements, easements, local regulations, and fee-simple purchases (as a last resort). The act estab-

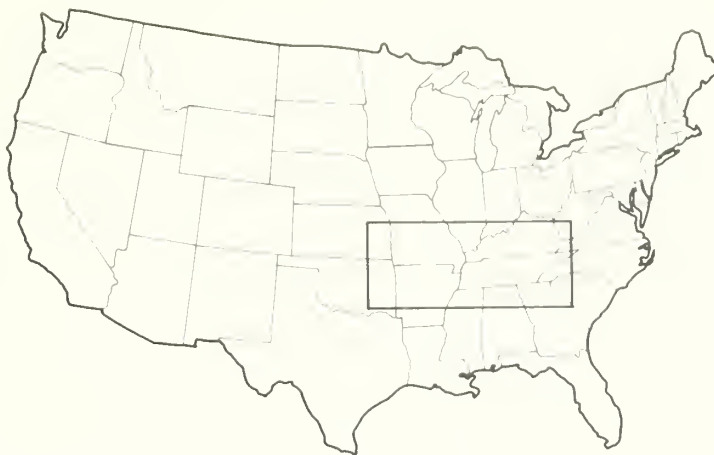
lishing the trail specifically states that no lands outside federally administered areas may be acquired for the Trail of Tears except with the consent of the owner.

Cooperative Agreements. Cooperative agreements may be the most useful means for protecting trail-related resources and providing for visitor use. They can help foster landowner trust and support for trail programs while protecting the landowner's basic property rights, providing them with pride and satisfaction in sharing their resources for public benefit, and helping the public appreciate private contributions in commemorating the Trail of Tears.

A cooperative agreement is a clearly defined, written arrangement between two or more parties that allows some specific action to be taken — for example, to allow access for resource protection and management, interpretation, or recreation; to allow the posting of markers or signs; or to allow others to manage activities or developments, while at the same time protecting landowner interests. Cooperative agreements allow lands to be kept on local tax rolls and the land title and rights to be retained by the owner. A cooperative agreement is not binding and can be terminated by either party at any time with proper notification.




Used in concert with state recreational liability statutes and/or the provisions of the Volunteers in the Parks Act of 1969, cooperative agreements can protect landowners from liability claims arising from trail-related uses of their lands. Property damage arising from such use cannot be compensated by the National Park Service.

Easements. An easement conveys a specific right in a property — for example, the right to limit access, or to construct or not to construct buildings — from one party to another; the owner, however, retains underlying title to the property. An easement can either be purchased or donated.



POTENTIAL RESOURCE
PROTECTION AREA



-  NORTHERN (LAND) ROUTE
-  WATER ROUTE
-  OTHER ROUTES



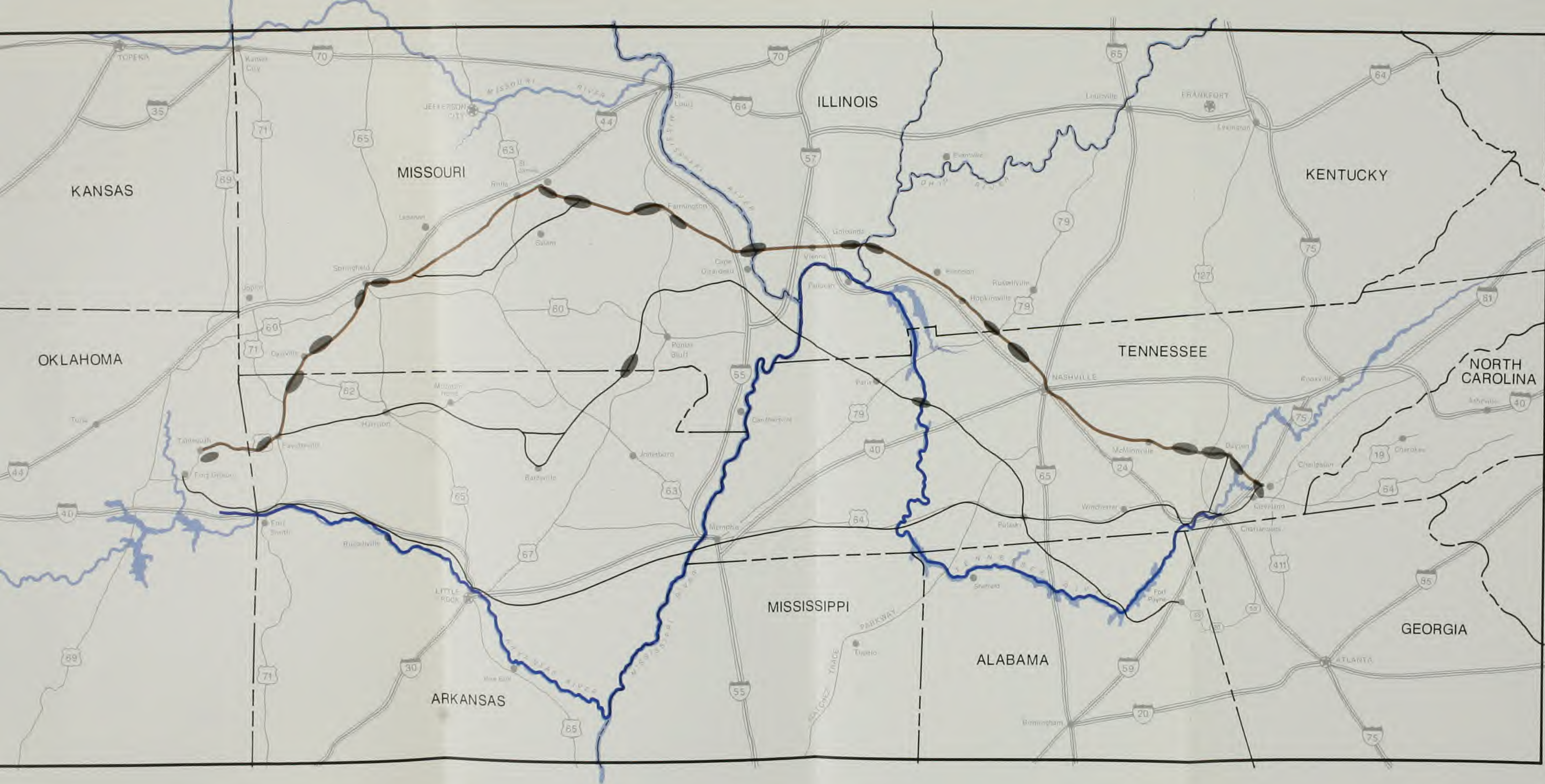
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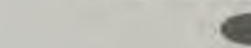
POTENTIAL RESOURCE PROTECTION AREAS

TRAIL OF TEARS NATIONAL HISTORIC TRAIL

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POTENTIAL RESOURCE
PROTECTION AREA



- NORTHERN (LAND) ROUTE
- WATER ROUTE
- OTHER ROUTES

0 10 20 30 40 50 MILES APPROXIMATE



**POTENTIAL RESOURCE
PROTECTION AREAS**
**TRAIL OF TEARS
NATIONAL HISTORIC TRAIL**
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NATIONAL PARK SERVICE
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Generally, easements along the Trail of Tears may be used to ensure that private landowners do not damage or destroy specific resources. An easement may also be used to guarantee public and agency access to trail sites, as well as to allow the exploration of historic and archeological resources under NPS or another agency's supervision.

Local Land Protection and Regulatory Processes. Federal, state, and local governments may have a variety of legal or statutory provisions that can be used to protect trail-related resources by regulating or guiding development. These processes include zoning regulations and subdivision ordinances in cities, utility licensing, surface and subsurface mineral extraction permits in rural areas, cultural resource preservation laws and ordinances, and natural resource protection laws. All these processes can be used as tools to protect trail resources.

The present landscape character along the routes followed by the Cherokees in the late 1830s varies greatly with locale. To preserve areas where the landscape probably resembles its appearance 150 years ago, this plan proposes a cooperative effort by concerned citizens, county and state planning and zoning offices, and local parks. Such involvement by local governments and private interests will be vital to maintaining such areas because, in accordance with the National Trails System Act, the National Park Service will limit its acquisition of land for this trail.

Many portions of the trail pass through urban or recreation areas where there is little or no semblance of how the landscape looked during the Cherokee removal, but other areas still closely resemble the historical setting. Between these extremes are many miles of riverside and roadside where rural scenery prevails. Concern for these rural stretches is where local interest and action will be critical.

The preservation of undeveloped lands will rely heavily on local initiatives. Individual citizens or organized groups could encourage local planning and zoning boards to create and enforce rural/agricultural zones in order to prevent inappropriate development. Land preservation tools available to local land use preservation groups include restricting the buildable density per acre, requiring development setbacks from the street or river frontage, and limiting height and/or the color of buildings to blend with the existing surroundings. These techniques can be incorporated into local development guidelines and enforced through local planning and zoning boards. Citizens can monitor development proposals to ensure that the guidelines are followed and that no variances are granted. Zoning ordinances can also help keep large contiguous areas open by requiring large lots (for example, 10-20 acre plots) in residential or agricultural areas.

Farmland and forested areas along the Trail of Tears may meet the requirements for agricultural preservation zones established under state or county regulations to keep prime farmland in active agricultural production.

The transfer of development rights is another method for maintaining open land areas. This technique has generally been used more in urban areas, but it has also been employed in rural Virginia and Massachusetts as a way to aggregate new development around existing villages, thus leaving the surrounding countryside open to continued farming.

Land preservation groups can also help conserve open agricultural areas and expansive scenic landscapes. In pursuing such goals, local land trusts or conservation organizations can seek guidance from national organizations such as the Land Trust Exchange and the Trust for Public Land. These national organizations can provide insight on the use, development, and maintenance of

easements, as well as information about organizing local land preservation groups.

National and local conservation groups frequently work closely with state and federal agencies to preserve undeveloped areas while maintaining such areas in private ownership. Both owners and communities can benefit from potential tax advantages available through collaborative efforts to preserve open space. The land remains on the local tax rolls, but it is taxed at the lower, undeveloped parcel rate. Thus, the owner is not forced by rising taxable property values to sell to developers or to subdivide and develop land suitable for farming.

In the case of mineral activity, the states can help protect trail resources through the regulation of subsurface activities or through other compliance procedures. Fee-simple acquisition of a property does not necessarily include subsurface interests (such as mineral rights), which can be retained by the previous owner. How the retention of subsurface interests might affect the character of trail resources must be carefully considered.

Directional drilling and other techniques could be used to reach subsurface mineral resources inside the trail boundary without disturbing surface resources of historical significance; however, some resources could still be affected by extraction activities. The possible impacts of mining or drilling operations include intrusions on scenic and historic vistas as a result of access road or pipeline construction across trail segments, increases in ambient noise levels, and degradation of air quality. Vibrations from extraction processes might affect the physical integrity of historic structures.

Fee-Simple Ownership. When all interests in a given tract of land are acquired, the property is owned in fee simple. Even though this type of ownership is the most expensive, it also provides the greatest guarantee that

resources will be continuously preserved and opportunities for visitor use allowed.

The fee-simple purchase of properties along the Trail of Tears will be limited to those sites that are determined to be especially important for public interpretation and that must be carefully managed to preserve resource integrity. Fee-simple purchase will also be considered for historically significant sites or segments where the landowner does not want to participate in a cooperative agreement and the resources are deteriorating. In such cases other state and local agencies will be encouraged to acquire an appropriate interest.

Any acquisition by the National Park Service will have to be based on the willing consent of the landowner. Acquisition will not necessarily mean that the Park Service will directly manage the property. Where beneficial to the cooperative spirit of the National Trails System Act, the Park Service will seek local sponsors, including governmental agencies or private groups, to manage the resources.

In addition to acquisition from a willing seller by purchase, the National Park Service has two other methods to acquire interests in land from consenting owners — a donation or bargain sale of land, or an exchange.

Donation / Bargain Sale — With a donation or bargain sale, a full or partial interest (that is, an easement) in a tract of land is transferred at less than full-market value. Such a transfer can result in beneficial publicity for a project, as well as some tax benefits for the donor or seller (owners should consult a qualified tax advisor for details). Because donations cost the recipient little or nothing, this technique is an economical means to acquire appropriate interests in trail resources.

Exchange — A mutually beneficial land exchange between two or more parties

can be used to protect trail resources. The National Park Service has the authority to acquire not only a trail corridor, but the rest of the tract outside the area of proposed acquisition. The interests in the corridor, as well as the rest of the tract, can be acquired by exchanging suitable and available property that the Park Service administers within the same state. Excess lands acquired by the Park Service can be banked for future exchange purposes or disposed of through sale. Other federal agencies (such as the U.S. Forest Service) can also employ such a technique for lands they administer.

INDIAN BURIALS AND SACRED OBJECTS

The National Park Service will establish guidelines to protect and care for Indian burial sites and sacred objects associated with the Trail of Tears. A system will be established to promptly notify the Cherokees and other concerned groups regarding the discovery of human remains, as well as procedures for ensuring that cultural items are properly cared for and respected. Memorandums of agreement with the Cherokees, federal agencies, and state and local governments and cooperative agreements with landowners will specifically address matters pertaining to burials and objects.

Principles concerning burial sites and objects, as noted in federal guidelines (NPS-28, Technical Supplement 7; the 1988 NPS *Management Policies* 5:13; and PL 101-601, the Native American Grave Protection and Repatriation Act of 1990) will be adhered to in managing the trail. Applicable state guidelines will also apply in managing the trail. Any discovery of such resources will be followed by protective measures and a concerted effort to identify the cultural affiliation of the human remains.

RESEARCH

A primary resource management objective is to encourage further research to improve knowledge and appreciation of trail remnants and related resources and to better commemorate the trail's national significance.

In keeping with this objective, a historic resource study will be undertaken (1) to develop a comprehensive listing and evaluation of all significant resources along the trail, including the preparation of forms for the National Register of Historic Places, as required by the NPS *Cultural Resources Management Guideline* (NPS-28); (2) to present historically accurate information to visitors; and (3) to ensure that resources are correctly identified and properly managed.

The historic resource study will include ethnographic and archeological sections, and it will identify additional historic sites and cross-country segments eligible for national historic landmark status or for listing on the national register. It will also summarize archeological and historic sites listed on the national register or determined eligible or potentially eligible for listing.

The National Park Service will strongly encourage state and local governments, universities, and other qualified institutions and individuals to initiate studies to gather data using NPS resources and technical assistance. The Park Service will provide limited funds for these endeavors and will aid in obtaining outside funding support.

Research topics will include the following:

Trail routes — Routes that need to be further studied include those followed by the Benge, Bell, and Hildebrand detachments. Also a few segments of the northern route have not been precisely located, and areas where the route became braided need to be more thoroughly documented. Besides traditional

archival sources, a valuable and virtually untapped source of information is oral tradition, both from Cherokee stories about the removal and from residents along the trail routes that may have family stories about the event.

Trail experiences — The perspective of the Cherokees during events leading to the forced removal is extremely sketchy, beginning with their relocation first to military stockades and then to internment camps. Oral tradition is the best source for this information, especially among the native speakers in and around Tahlequah, Oklahoma. Documents may exist among the Cherokees that would provide more information about the removal. Also archives should be thoroughly searched for any diaries or journals kept during the journey.

Historic sites — A systematic archeological survey of historic sites will be conducted to locate removal stockades

and internment camps. Sites in the Park Hill area of Oklahoma that pertain to key historic individuals also need to be located, as do campsites, especially along the Mississippi River in southern Illinois.

Historic trails perspective — A historical context will be developed for the forced removal of the Cherokees, including relationships to the other groups that were forcibly removed. The focus of this perspective could be expanded to include tribes besides those in the Southeast (for example, the "long walk" of the Navajo). A comparison with other historic trails used during the 19th century could further complement this research.

Copies of archival documents examined in the course of data gathering should be placed in the libraries of the Museum of the Cherokee Indian in Cherokee, North Carolina, and at the Cherokee National Museum in Tahlequah, Oklahoma.

VISITOR USE

INTERPRETATION

The goal of interpretation for the Trail of Tears National Historic Trail is to instill an understanding and sensitivity for the trail's history and its resources, to develop public support for preserving the resources, and to provide the information necessary for appropriate, safe, and minimum impact use of the trail resources.

In developing the interpretive program, the National Park Service will cooperate with federal, state, and local entities, especially the Cherokee Nation, to interpret the trail and its resources. The extent to which the Park Service provides assistance will be determined in future interpretive planning.

As part of the overall interpretive program, states will be encouraged to interpret events that are related to the Trail of Tears but that are not recognized as part of the designated routes. This includes the stockades used during the removal in North Carolina, Georgia, Alabama, and Tennessee. The National Park Service will also recognize and discuss the routes taken by the Benge and Bell detachments as well as interrelated trails along the main route. It will also coordinate with local officials in matters relating to interpretation and public information for these routes and trails. In addition, some technical planning assistance may be provided.

Interpretive Theme and Subthemes

The interpretive theme for the Trail of Tears will relate broadly to the evolution and implementation of the U.S. government's Indian removal policy, and specifically to the effect that this policy had on the Cherokee Nation. Even though the Trail of Tears commemorates the tragic experience of the Cherokees, it is also intended to commemorate similar

experiences of the other four of the Five Civilized Tribes (the Chickasaw, Choctaw, Creek, and Seminole tribes), as well as other eastern tribes.

The Trail of Tears story consists of a number of interrelated events. The interpretive theme and subthemes identified below provide a framework for explaining how these events fit into the country's overall treatment of its native population, the evolution of U.S. Indian policy, and the nation's westward expansion. These themes will be applicable regardless of which organization, agency, group, or individual manages or interprets a particular site or segment. A separate interpretive prospectus (media plan) will be prepared once the comprehensive management and use plan has been approved.

Trailwide Theme. The proposed interpretive theme is the story of the Cherokee relocation and the context of this tragic event in relation to the removal of other American Indians from their ancestral homelands during the first half of the 19th century.

Subthemes and Interpretive Regions. The main trail theme will be supplemented by various subthemes (see table 4). These themes could be presented anywhere along the trail or at nearby trail-related facilities.

Subthemes 1 and 2 deal generally with the Five Civilized Tribes and the Indians' regard for the land. These themes will provide the foundation for telling the Trail of Tears story and how that story relates to the experiences of other Indian people.

The other subthemes correspond with geographical aspects of the story, such as the ancestral homeland, the forced removal, and resettlement in Indian Territory (see the Interpretive Themes map). Appropriate subthemes for each region are identified below.

TABLE 4: INTERPRETIVE SUBTHEMES FOR THE TRAIL OF TEARS NATIONAL HISTORIC TRAIL

1. The Five Civilized Tribes

- Choctaw
 - Treaty of Dancing Rabbit, 1830
 - Emigration, 1831–32
- Creek
 - Treaty of Washington, 1832
 - Creek War, 1836
 - Forced removal, 1836
- Chickasaw
 - Treaty of Pontotoc, 1832; Treaty of Doakville, 1837
 - Peaceful migration, 1837–38
- Seminole
 - Seminole War, 1835–42
 - Forced removal to Creek territory, 1836–43
- Cherokee
 - Treaty of New Echota, 1835
 - Removal, 1838–39

2. The Indians' regard for homelands vs. the Euro-Americans' regard for land as property

- The native American viewpoint – land belongs to the tribe and not to any individual; individuals have the right to use the land, but they could not sell or give it to another.
- The Euro-American viewpoint – land as a commodity to be owned by an individual, who could use or sell it as desired.

3. Cherokee history

- An overview of Cherokee history and traditions. (This subject is well covered at both the Museum of the Cherokees in North Carolina and the Cherokee National Museum in Tahlequah, Oklahoma.)

4. Treaties with whites

- The oldest Cherokee treaty on record was with the government of South Carolina, signed in picture writing in 1684.
- By 1835 the Cherokees had signed more treaties than any other tribe.
- Nearly every treaty stated that it was to be the last.

5. Events leading to removal

- Frontier conflict between Indians and whites
- Pressure for westward expansion
- Discovery of gold in Georgia
- States' rights issue with Georgia

6. Removal policy

- Evolution of the policy, from Jefferson through Jackson
- Constitutional issues

7. Cherokee response to the removal policy

- Adopted white practices (agriculture, education, Christianity, owning slaves)
- Spoke English, intermarried with whites, invented a written language, published a newspaper.
- Adopted a written constitution based on the U.S. Constitution.
- Fought the removal policy through Congress and the Supreme Court.

8. People associated with removal

- Cherokees: Chief John Ross, Lewis Ross, Major Ridge, John Ridge, Stan Watie, Elias Boudinot
- Whites: Presidents Andrew Jackson and Martin Van Buren, Chief Justice John Marshall, Maj. Gen. Winfield Scott

9. The federal invasion

- 31 stockade forts were built as collection points and detention areas.
- In May 1838, 7,000 U.S. troops invaded the Cherokee nation and made captives of the people.

10. Water route and events

- The route began at Ross's and Gunter's Landings on the Tennessee River, down the Tennessee, Ohio, and Mississippi rivers to the Arkansas River, up the Arkansas.
- A railroad detour was taken around shoals of the Tennessee River in northern Alabama.
- Three detachments (about 2,800 Cherokees total) were moved during the summer of 1838.
- Because of a soaring death rate and extreme suffering, the Cherokees sought permission to direct their own removal.

11. Overland routes and events

- Approximately 13,000 Cherokees, divided into 13 detachments, moved overland during the fall and winter of 1838–39.
- The most used land route took a northern alignment from Charleston, Tennessee, to Nashville, into western Kentucky, across southern Illinois, southern Missouri, and northwestern Arkansas.
- Two routes took slight variations: Taylor headed north from Ross's Landing and joined the northern route in the Sequatchie Valley.

- Hildebrand left the route in Crawford County, Missouri, and rejoined it near Marshfield.
- Two other detachments followed completely different routes:
 - Benge went from Fort Payne, Alabama, northwest across Tennessee and into western Kentucky, then followed the Natchitoches Trace to north-eastern Arkansas and up the White River drainage.
 - Bell went from Calhoun across southern Tennessee and central Arkansas to Little Rock and along the Arkansas River to Fort Gibson.
- Approximately 8,000 Cherokees died as a result of the removal.

12. Eastern Band

- Many Cherokees in North Carolina resisted the roundup and stayed in their homeland. Other Cherokees legally entitled to lands by earlier treaties also remained.
- Today 56,572 acres in five western North Carolina counties are held in trust by the U.S. government for the Eastern Band of the Cherokees.

13. Life in Indian Territory

- Military protection, food, materials for shelter and schools, and medicine were not always provided.
- Interactions with "old settlers" and factional disputes.
- Interactions and reactions of the Plains tribes to the west.

14. The Civil War and its aftermath

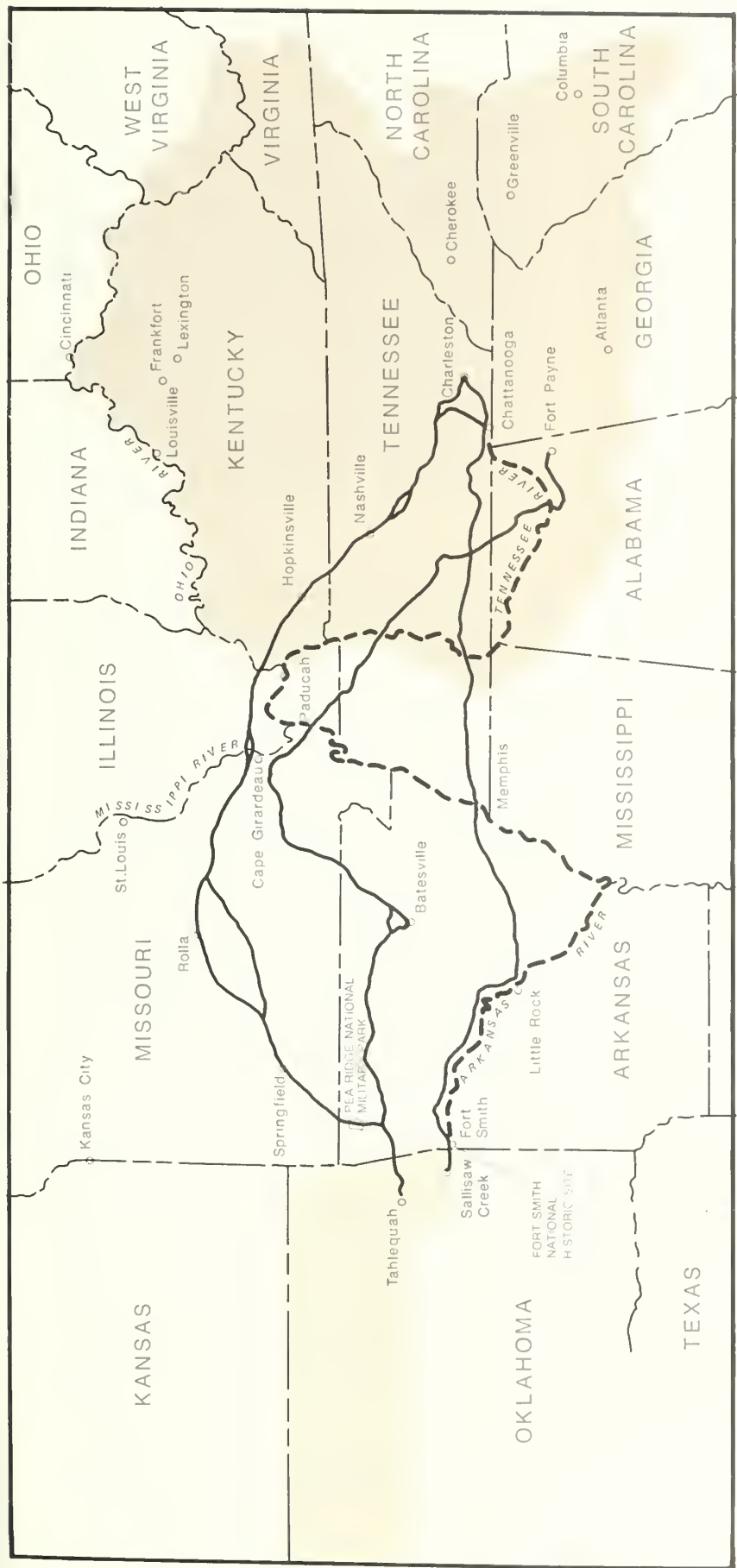
- Treaty Party (Ridge-Watie faction) favored secession, slavery, and the Confederate government.
- National Party (Ross faction) was pro-Union.
- Statehood and citizenship
- Dawes Act

15. The Cherokee Nation today

- Cherokee Nation – Oklahoma
- Eastern Band of the Cherokees – North Carolina

16. Natural history (similarities and differences)

- Environment of the ancestral homelands
- Environment along the Trail of Tears
- Environment in the new Indian Territory



ANCESTRAL HOMELANDS

THE TRAIL OF TEARS

Land Route

Water Route

THE JOURNEY'S END

INTERPRETIVE THEMES **TRAIL OF TEARS** NATIONAL HISTORIC TRAIL

UNITED STATES DEPARTMENT OF THE INTERIOR
 NATIONAL PARK SERVICE
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Region 1, Ancestral homelands — This region includes Georgia, North Carolina, northeastern Alabama, and eastern Tennessee, which were part of the Cherokee people's original homelands. The Cherokee homeland also included portions of Kentucky, Virginia, West Virginia, and South Carolina. Interpretation for this region will concentrate on subthemes 3–9, along with subtheme 16.

Region 2, Nunahi-duna-dlo-hilu-i, the Trail of Tears: — Region 2 includes Tennessee, Alabama, Kentucky, Illinois, Missouri, and Arkansas, the states traversed during the removal (both land and water routes). The interpretive story for this region will concentrate on subthemes 9–12, plus subtheme 16.

Region 3, The journey's end: Indian Territory (Oklahoma) — The interpretive emphasis for this region will concentrate on subthemes 3 and 13–16.

Interpretive Programs

Various agencies and groups may provide trail interpretive programs at facilities they operate. The National Park Service has an opportunity to help coordinate the overall interpretive program to encourage more firsthand resource experiences and to help maximize educational efforts.

Programs at National Park System Units.

Fort Smith National Historic Site and Pea Ridge National Military Park in Arkansas are the two national park system areas most closely associated with the trail. These areas are subject to the laws, policies, and regulations governing the national park system. However, because of their relationship to the trail, the Southwest Regional Office will closely coordinate interpretive programs with these parks.

Fort Smith National Historic Site — Fort Smith, established in 1817, served as a U.S. Army base to maintain peace between the Osage and the incoming Cherokees. Abandoned in 1824, it reopened in 1838 as a supply depot and helped protect settlers in the region. When the army left in 1871, it became the center of the Federal Court for the Western District of Arkansas. Because of its location on the water and land routes of the Trail of Tears and its historical role in Indian affairs, Fort Smith would be a complementary location for interpreting the story of federal Indian policy.

Pea Ridge National Military Park — The Cherokee association with this area is twofold: (1) The major overland route during the removal followed the road between St. Louis and Fayetteville, which in time became the Butterfield Overland Stage Road, and later Telegraph Road; this road was subsequently included in the park. (2) Cherokee troops raised from Indian Territory and under the command of Stand Watie fought in a major Civil War battle on March 7–8, 1862, (this was the only major battle that involved Cherokee troops). The route of the trail and the Cherokee involvement in the war should continue to be part of the interpretation at this park area.

Other national park system units near the trail but not directly associated with the removal (such as Great Smoky Mountains National Park, Wilson's Creek National Battlefield, Arkansas Post National Memorial, Chickamauga and Chattanooga National Military Park, Shiloh National Military Park, and Natchez Trace Parkway) may be willing to distribute information about the Trail of Tears.

Certified Interpretive Facility Programs.

The Trail of Tears legislation calls for the

establishment of appropriate interpretive sites or facilities in the vicinity of Hopkinsville, Kentucky; Fort Smith, Arkansas; Trail of Tears State Park, Missouri; and Tahlequah, Oklahoma. The 1986 *Final National Trail Study* recommends the establishment of at least one interpretive facility in each of the nine states through which the trail passes.

Site/Facility Identification — The primary purpose of trail interpretive facilities will be to orient visitors to the trail routes and sites. Each will have a variety of displays and exhibits focusing on the special and unique qualities of that particular site or area. The two criteria used to determine appropriate locations for these facilities are

- a direct and historically significant association with the Cherokees' forced removal in 1838–39
- a location near one of the trail routes

The development and management of interpretive facilities will be the responsibility of various federal, state, local, and tribal entities. The Park Service will not construct or operate such facilities, but it will provide technical assistance and limited financial assistance for resource protection and visitor programs. Interpretation will also be the responsibility of the managing entities. The Park Service may develop interpretive programs in its existing units along the trail, and it will help coordinate the overall interpretive program to avoid repetition and to enhance the visitor experience of trail resources.

The nine states through which the trail passes, along with various groups, can help identify the sites and provide the facilities for interpretive programs. The National Park Service will work with the states through memoranda of understanding (cooperative agreements) to help identify appropriate sites. Based on the two criteria listed above, the following are examples of sites where interpretive programs may be appropriate.

Sites designated with an asterisk are described as high-potential sites in appendix B.

Georgia

New Echota Historic Site*

North Carolina

Museum of the Cherokee Indian, Cherokee

Murphy (Fort Butler*)

Alabama

Fort Payne*

Tennessee

Red Clay State Historical Area*

Ross's Landing, Chattanooga*

Charleston

Port Royal State Historical Area

Nathan Bedford Forrest State Historical Area

Kentucky

Trail of Tears Park, Hopkinsville

Illinois

Buel House, Golconda*

Jonesboro

Missouri

Trail of Tears State Park (Green's Ferry*)

Caledonia

Maramec Ironworks*

Springfield

Arkansas

Russellville

Fayetteville

Fort Smith National Historic Site*

Oklahoma

Sequoyah's Home Site

Fort Gibson Military Park*

Cherokee National Museum, Tahlequah

Well-developed interpretive facilities already exist near both the eastern and western ends of the Trail of Tears. Both centers are operated by the Cherokees. The eastern

center is on the Cherokee Indian reservation in North Carolina. It consists of the Museum of the Cherokee Indian, the Oconaluftee Indian Village, and an amphitheater presenting an outdoor drama entitled *Unto These Hills*. The western facility is the Cherokee Heritage Center in Tahlequah, Oklahoma. It consists of the Cherokee National Museum, the Tsa-La-Gi Ancient Cherokee Village, the Adams Corner Rural Cherokee Village (the final period of the old Cherokee nation), and an amphitheater presenting the outdoor drama *Trail of Tears*.

Program Certification — Criteria have been developed for the certification of facility programs to interpret the Trail of Tears. Based on those criteria, the Park Service will provide various levels of interpretive assistance, including technical support and interpretive media. Programs that meet the criteria will be certified as official interpretive components of the trail, and the use of the trail logo will be permitted on their signs and approved materials. The Park Service will work with potential applicants to ensure that they understand the interpretive certification criteria early in their program development. Applicants for NPS assistance and certification will need to show that they can provide the following:

- accurate interpretive information for visitors
- appropriate exhibits, brochures, and other interpretive materials
- appropriate curation of artifacts
- programs and facilities that are fully accessible to and usable by disabled people and that meet or exceed federal standards and NPS compliance requirements
- programs that are open daily according to a regular schedule for at least a season

- clean, well-maintained, and orderly facilities
- facilities that do not impair the integrity of the resources
- new facilities (if proposed) with a harmonious design theme
- programs and facilities that meet local, state, and federal regulations for health and safety, equal employment opportunity, and environmental compliance
- a defined system of financial accountability if special publications or other materials sponsored or provided by the Park Service are to be sold
- operating staff that are familiar with trail history and, as appropriate, personal interpretation techniques

Once the certification criteria for complementary interpretive programs have been met, the National Park Service can provide interpretive assistance according to the categories described below.

- (1) Federal (non-NPS), state, or Cherokee interpretive and educational facilities — Such facilities may include those constructed, operated, or substantially supported by state or federal agencies other than the Park Service or by the Cherokees. The Park Service can provide technical assistance for interpretive planning, design, or curation; allow its publications to be sold; or provide exhibits or other media appropriate for the site.

The extent to which media can be provided will depend on future NPS interpretive planning and consideration of the following factors: the site's historical significance to the trail; its outdoor interpretive/recreational values; its resource integrity; its location relative to similar

state or federal facilities and programs; its ability to convey trail themes and to educate and reach the public; its proximity to actual trail resources; and its ability to contribute to interpretive program balance between different sites.

- (2) Local and regional nonprofit interpretive and educational facilities — This category includes nonprofit facilities run by cities, counties, or regional entities. The Park Service may provide technical assistance or, on a cost-share basis, a modular exhibit with a trail overview and local site information. If the site qualifies, NPS-sponsored publications or materials could be sold.

The official certification of an interpretive facility program means that particular program will be publicized through trail information programs. Certification will be subject to renewal on a three- to five-year basis, dependent on the satisfactory performance of the terms of the agreement. A program that is not recertified will no longer be listed in trail information programs, and trail markers for the area will be removed.

Interpretive Media and Outreach Activities

The interpretive program will use a variety of media to cover the essential elements for the Trail of Tears National Historic Trail.

Wayside Exhibits. The National Park Service will help develop an interpretive wayside exhibit system at appropriate points along the trail. A standardized exhibit design will be used to reflect the essence of the Trail of Tears and to help reinforce the public perception of all sites being related to the removal story.

Publications. A vital part of the interpretive program will be to provide visitors with useful and accurate publications about the Trail of Tears and this episode of American history.

Many fine publications already exist about the Trail of Tears, the Cherokees, the Five Civilized Tribes, and the overall history of Indian removal; however, two publications specific to the Trail of Tears will be developed.

The first publication is a trail brochure with a map of the designated trail route, including significant sites along it. The brochure will give an overview of the trail story and will provide some basic visitor use information.

The second publication is a trail handbook that briefly describes Cherokee history and events leading up to the removal. It will show the trail route and will give detailed information about historic sites, historical events associated with the trail, and finally a user's guide to points of interest, activities, and resources.

These publications may be developed by the National Park Service or by cooperating associations. They should be available at all interpretive facilities along the trail, as well as directly from the various managing agencies.

The National Park Service will encourage the development of commercial publications and provide assistance where possible. Such publications will include an auto tour travel guide and a history of the removal. Supplementary publications, as well as audio-cassette tapes, compact discs, and video-tapes, will also be encouraged as the need arises.

Audiovisual Media. A major video production will be undertaken and will orient visitors to the trail. It will probably be shown at all designated interpretive facilities and museums, as well as at schools and meetings of civic organizations. More site-specific audiovisual programs may be produced for major sites along the trail (several already exist), and these could also be used for outreach activities.

Traveling Exhibits. The National Park Service will develop small, portable exhibits to tell the story of the Trail of Tears. They will be available for display at appropriate locations along the trail, as well as for special events connected with trail history.

Outreach Activities. Outreach activities will consist of programs given by qualified personnel at local schools and civic organizations, along with publications. These activities will supplement programs at interpretive facilities and trail sites. Offsite educational programs will be aimed at people living along the trail corridor, especially those whose heritage has somehow been influenced by the historic events, as well as those who can help to further the purposes of the national historic trail. The National Park Service will encourage others to develop and sponsor special interpretive/educational programs for presentation along the trail.

VISITOR USES ALONG THE TRAIL

The Trail of Tears was established not only to commemorate the historical significance of this tragic story, but also to give people an opportunity to learn what happened and to visit important sites. Visitors should have opportunities to hike, bicycle, ride horseback, or tour by wagon or vehicle.

To make it easier for visitors to follow the trail route, an auto tour route will be established, and appropriate visitor use facilities — perhaps including interpretive facilities, wayside exhibits, signs or markers, highway pulloffs, comfort stations, and parking areas — will be encouraged.

Walking/Hiking and Horseback-Riding Trails

Unlike a number of trans-Mississippi trails, which went overland, the Trail of Tears followed existing roads and river routes. To

experience the conditions of the Cherokee removal, modern-day visitors should approximate 19th century forms of travel (walking, horseback riding, wagons). However, this is somewhat difficult to achieve because of the hazards of walking or riding along public roads. In addition, although the use of a recreation trail paralleling the roads is a possibility, approximately 98% of the land corridor on either side of the national historic trail is privately owned, and agreements would be needed with landowners to allow this use.

A few scattered areas along the land route pass through national forest areas or state parks and could provide a sense of the 19th century passage of the Cherokee people. One such example is Trail of Tears State Park, Missouri.

In cooperation with private landowners and state and local governments, the National Park Service will identify segments paralleling the historic route where opportunities to retrace the Cherokees' journey can be offered. Once the segments are identified, arrangements will be discussed with private landowners to allow for use by walkers, hikers, wagons, and horseback riders. Techniques could range from cooperative agreements for public access to the purchase of rights for visitor use in fee or less-than-fee.

Several segments along the northern route are reminiscent of what the Cherokees would have seen in 1838–39 (see table B-1 in appendix B). All of the segments are public roads, but they are unimproved. Through cooperative agreements with local authorities, opportunities for visitors to walk, hike, ride horseback, or take wagons could be offered.

Along the Trail of Tears water route there are many publicly owned lands — Tennessee Valley Authority, U.S. Army Corps of Engineers, and some state recreation areas — that resemble the 19th century landscape.

Again through cooperative agreements with land-managing agencies, the National Park Service could arrange for public access so that visitors would have opportunities to experience the setting along the water route by walking, hiking, horseback riding, or taking wagons. Some areas, such as Nathan Bedford Forrest State Historical Area in Tennessee, Melton's Bluff in Lawrence County Park, Alabama, and the Cadron public use area managed by the Corps of Engineers near Conway, Arkansas, may also lend themselves to wayside exhibits or facilities noting the trail.

There is also the possibility of establishing commemorative trails in areas near the historic trail routes.

In cooperation with the Tennessee Valley Authority and the U.S. Army Corps of Engineers, the Park Service will also identify stretches of river that resemble the river corridors of the 19th century. These stretches will be marked for recreational boaters so they have the opportunity to experience a part of the Cherokees' journey.

Where appropriate, accessible trails for visitors with disabilities will be developed on both the land and water routes.

Rules and other information will be provided on posted signs, at wayside exhibits, or in handouts along walking and riding trails. (General trail use guidelines are included in appendix C.) Landowners who are willing to share their resources with the public will be given recognition for their generous contributions.

Auto Tour Route

The auto tour route, which will be designated along existing all-weather roads, will parallel as closely as possible the northern route of the Trail of Tears. Signs displaying the trail logo will be placed at appropriate locations

along the route (see "Trail Marking Procedures," page 47). Occasionally the auto tour route will cross the historic route, but generally users will need to rely on more detailed maps to show the actual route.

Each state tourism department will be encouraged to publicize and show the historic trail and the auto tour route on official state highway maps. The National Park Service will help define an effective relationship between its interpretive and public information responsibilities and the public relations activities that are beyond its authorities, but that are within the purview of state and local governments, as well as business interests.

The National Park Service will facilitate bringing together representatives of each of the nine trail states for the purpose of coordinating cooperative efforts to commemorate the Trail of Tears. The Park Service could assist activities of this group by

- coordinating NPS interpretive efforts with trail-marking programs
- providing assistance so that states have accurate information about trail routes and related sites
- providing trail brochures or other materials
- informing states how to obtain NPS permission to use the official trail marker symbol for appropriate purposes

Actions undertaken by the states to assist the National Park Service could include

- helping the Park Service and through it other site-managing entities to encourage appropriate visitor use of trail resources, especially those on private property
- helping control public information about the trail and related sites so as to pro-

tect less developed or fragile resources from overuse and adverse impacts

- helping protect and enhance visual quality along the trail

The states could also provide for a coordinated series of regionally oriented auto tour route brochures that give visitors more detailed information about the route, as well as nearby tourist support services. Other activities could include walking or driving tours of state and local areas of interest.

The National Park Service will also assist states in identifying sites that are related to events leading up to the removal but that are not actually on the route of the national historic trail or the auto tour route. To recognize the significance of these sites, the Park Service will encourage states to designate historic byways that connect with the auto tour route. For example, New Echota in Georgia and Fort Murphy in North Carolina are associated with events leading up to the removal. If highways near these sites, such

as I-75 and U.S. 411 in Georgia and U.S. 74 in North Carolina, were designated as Trail of Tears historic byways, then such designations could be publicized with the auto tour route information.

LIABILITY

Recreational liability on private lands is addressed in state legislation to protect landowners from liability due to the use of their holdings by the public for camping, hiking, sight-seeing, or any other recreational activity. These provisions usually apply only when the public uses private lands without charge or other consideration.

Also the Volunteers in the Parks Act of 1969 provides a means for the federal government to protect cooperating landowners and others who volunteer to help with trail management, use, and resource protection from liability claims. Any private property damage that is caused by trail users cannot be compensated by the federal government.



AUTO TOUR ROUTE

 NORTHERN (LAND) ROUTE

 WATER ROUTE

 OTHER ROUTES

 HISTORIC SITE



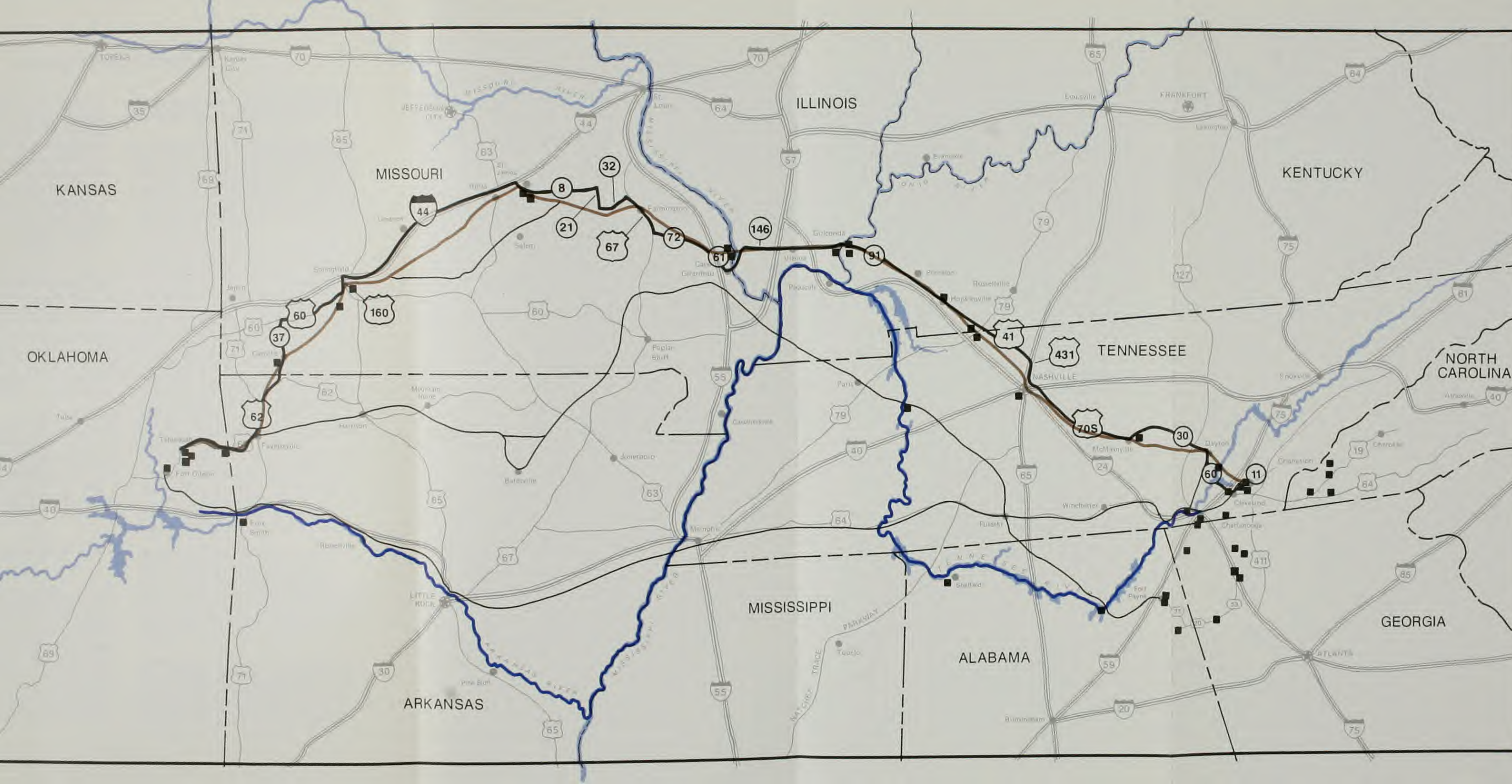
NORTH

0 10 20 30 40 50 MILES APPROXIMATE

AUTO TOUR ROUTE TRAIL OF TEARS NATIONAL HISTORIC TRAIL

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

610-20003A DSC-FEB 92



AUTO TOUR ROUTE
NORTHERN (LAND) ROUTE
WATER ROUTE
OTHER ROUTES

HISTORIC SITE
NORTH

0 10 20 30 40 50 MILES APPROXIMATE

AUTO TOUR ROUTE
TRAIL OF TEARS
NATIONAL HISTORIC TRAIL
UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
610-20003A DSC-FEB 92

MANAGEMENT AND COOPERATION

The management objectives for administering the Trail of Tears are (1) to officially certify trail segments, (2) to mark the trail route with standardized and recognizable markers, (3) to establish a cooperative management system involving the National Park Service and other managing entities, (4) to coordinate and stimulate management efforts, and (5) to develop a support group. Procedures for certifying historic segments and for trail marking are discussed below.

The NPS Southwest Regional Office in Santa Fe, New Mexico, has been designated to administer the trail. Limited funding will be provided to Pea Ridge National Military Park and Fort Smith National Historic Site to assist the Southwest Regional Office in administrative activities. The parks will help local outreach programs and will monitor the status of trail segments (for example, ownership changes, intrusions, and site access).

The Trail of Tears National Historic Trail Advisory Council, whose members are appointed by the secretary of the interior, will be consulted by the National Park Service on various administrative matters, including trail marking, resource protection, interpretive programs, and guidelines for the management and use of the trail.

SITE/SEGMENT CERTIFICATION PROCEDURES

Historic sites and trail segments on lands that are owned or managed by state agencies, local governments, or private interests may be officially designated as part of the Trail of Tears National Historic Trail if they are certified as protected segments by the secretary of the interior. Trail components that are on federally owned lands and that meet the historic trail criteria of the National Trails System Act are called federal protec-

tion components and do not require certification (NTSA, sec. 3[a][3]; see appendix A).

The purpose of certification is to help ensure that sites or segments that are not federally controlled are managed to meet the basic preservation, interpretation, or recreation criteria of the National Trails System Act (sec. 5[b][11]) and any other criteria that are prescribed (sec. 3[a][3]).

The proposed certification process for the Trail of Tears National Historic Trail is described below. The National Park Service will pursue early coordination with potential applicants to ensure that they fully understand the site/segment certification procedures and to aid in their application efforts. Resources or interpretive programs will have to be documented in a brief, but comprehensive, application (see appendix E). Evidence that environmental or other necessary compliance procedures have been satisfactorily completed will be required (the Park Service or other agencies will provide technical assistance). Management objectives for the site or segment will be established, and management responsibilities will be defined. In the case of smaller additions to the trail system, the application will normally replace the need for detailed management planning and formal cooperative agreements.

Official certification will result in a particular site or segment being made known to the public through appropriate trail information programs. Certification is not permanent, but it can be renewed on a three- to five-year basis, subject to satisfactory performance on the terms of the agreement.

Decertification will result in the removal of a site or segment from trail information programs and the removal of official markers for that area. Other actions might be taken as well, depending on the terms of certification.

The following criteria will be adopted for certifying sites and segments. These criteria are in addition to the criteria in the National Trails System Act (sec. 5[b][11]).

Qualifications — Historic sites and segments will have at least one significant and direct tie to the Trail of Tears National Historic Trail.

Legal and policy compliance — Historic sites or segments that are proposed for development or modification will have to comply with applicable state, local, and federal laws relating to environmental compliance, public health and safety, equal employment opportunity, and accessibility for people with disabilities. Compliance-related actions will have to be completed prior to certification. The Park Service or other qualified entities will provide the technical assistance necessary for compliance.

Public access — Historic sites and segments will have to be available for public use before they can be certified. They will need to be reasonably accessible, and any restrictions will need to be known in advance. (Reasonably accessible means areas that are free and open to the public, as well as areas that are restricted to day use or are accessible only through guided tours subject to the payment of a fee, or subject to other similar restrictions.)

Size — Each site or segment has to be large enough to protect significant resources and to offer opportunities for interpreting some aspect of the trail or retracing the trail route.

Location — Historic sites have to be closely associated with and alongside the designated routes of the Trail of Tears National Historic Trail.

Administration and management — The managing public agency or private entity should ensure that the segment will be available for public use upon certification. Failure to live up to the agreement will result in decertification. The managing entity will need to identify how any resources will be preserved and made available for public use. The details of other activities, such as exhibits, interpretive programs and materials, user fees, and operational plans, should also be made available. This may be done in a management plan or statement specifying such items as zoning or classification of use, the preservation of historic features, maintenance, rules and regulations, interpretive programs, existing and proposed facilities, user fees, and similar matters.

Exhibits and interpretive material — For sites with existing exhibits and interpretive materials, including brochures, all such materials will need to be reviewed and approved by the National Park Service before certification is granted. Subsequent additions and changes to exhibits and interpretive materials will also have to be reviewed and approved to maintain certification.

A sample request form for site/segment certification is included in appendix E. Public information about how to request, complete, and submit applications will be provided by the National Park Service.

Those landowners wanting historical recognition for the site but not wishing to allow public use will be encouraged to place the site on the National Register of Historic Places. This process allows for national recognition of the site or segment, but not for the general public knowledge and use that could be expected if the site was certified as a component of the Trail of Tears National Historic Trail.

TRAIL MARKING PROCEDURES

Various states along the Trail of Tears have recognized the trail through a system of wayside markers commemorating sites and events and route signs along roadways. However, no systematic effort has been made to coordinate such efforts among the nine states. In 1978 the state of Tennessee selected and signed a route across the state calling attention to the Trail of Tears. Now that the Trail of Tears has been designated a national historic trail, a systematic and integrated approach will be taken to marking the trail.

A logo unique to the Trail of Tears has been designed through a Cherokee/National Park Service collaboration, and it was reviewed by the Trail of Tears Advisory Council. The logo will be incorporated into the standard triangular shape of the national trail system marker, and its use will be legally reserved by the federal government. Signs incorporating the logo and marker will be used to identify the trail route (see appendix D).

Consistent with the provisions of the National Trails System Act, a Trail of Tears auto tour route will be designated along existing all-weather roads. The Park Service will establish the tour route in cooperation with federal, state, and local road-managing agencies and will mark it with the official auto tour route sign. Markers may be placed on existing sign posts if appropriate. At locations where the trail crosses the auto tour route (except for interstate highways), signs with arrows pointing out the historic alignment may be posted, if conditions are deemed safe. A suggested information sign to direct auto tour users to local sites or segments is included in appendix D. The National Park Service is not authorized to provide such directional signs, but it can authorize the use of the Trail of Tears marker on them.

Where the auto tour route closely parallels or is on the same alignment as the original trail,

the phrase "historic route" will appear at the bottoms of the rectangular signs (an example is included in appendix D). The signs will be supplemented with maps, brochures, and guides at appropriate locations.

The initial trail signs will be provided by the Park Service, subject to funding, and they will be erected and maintained by the appropriate transportation agencies.

When high-potential sites and route segments are certified, Trail of Tears markers will be posted in appropriate locations to identify these sites and route segments. Until the Benge and Bell routes are evaluated for possible inclusion by Congress in the national trails system, the National Park Service will encourage states to place interpretive waysides along the two routes.

For people wanting to follow the water route for the Trail of Tears, triangular-shaped markers will be placed at appropriate locations along the river system used by three Cherokee detachments (the Tennessee, Ohio, Mississippi, and Arkansas rivers). Prime areas include the Ross's Landing departure point in Chattanooga, Tennessee; Gunter's Landing, Melton's Bluff, and Tusculumbia Landing in Alabama; the Reynoldsburg Ferry site in Tennessee; Paducah, Kentucky; the Berry Ferry site in Kentucky/Illinois; Golconda, Illinois; Memphis, Tennessee; Arkansas Post National Memorial; Little Rock, Arkansas; Cadron, Arkansas; Dardanelle Rock, Arkansas; Fort Smith, Arkansas; and Sallisaw Creek, Oklahoma. Signs marking the water route will be appropriate to the surroundings.

Trail markers may also be placed at or near marinas and launching facilities and on bridge pilings, where permitted. Such areas will be determined in conjunction with the Tennessee Valley Authority, the U.S. Army Corps of Engineers, and state and local officials.

Where the trail crosses lands administered by federal agencies, markers will be erected and maintained by the managing agency, in accordance with standards established by the secretary of the interior. Where the trail crosses nonfederal lands, uniform markers will be provided to cooperating agencies or private interests, in accordance with cooperative agreements, and they will be erected and maintained by those entities. No markers will be erected on privately owned lands without the owner's consent.

The National Park Service, through the secretary of the interior, is authorized to accept the donation of trail markers manufactured to its standards and to accept funds for the manufacture of such signs. The nine trail states will be asked to manufacture, install, maintain, and replace the auto tour route markers according to the specifications of their respective highway departments.

Signs along federally funded roads and highways will have to conform to the Federal Highway Administration's *Manual on Uniform Traffic Control Devices*. Highway department use of the logo will be consistent with the uses authorized by the National Park Service.

COOPERATIVE MANAGEMENT SYSTEM

The National Trails System Act encourages federal, state, and local involvement in developing programs and facilities and in managing activities for the national historic trail that occur outside established federal areas. The role of the National Park Service will be to coordinate, facilitate, and monitor trail management and use, as well as to offer technical assistance and limited financial assistance. It will be the responsibility of other public agencies and private interests to help mark the trail route, secure necessary lands and interests, preserve trail resources, and ensure the upkeep and accessibility of sites and segments for public educational benefits.

Management Agreements

To achieve the objectives of this plan, the National Park Service will develop memorandums of understanding, cooperative agreements, or interagency agreements with other public agencies and private entities. These tools are governed by the provisions of the *Federal Assistance and Interagency Agreements Guideline (NPS-20)*.

A memorandum of understanding is defined as a mutual understanding between the National Park Service and a state or local government or other party. The terms are set forth in a written document to which both parties are participants. A memorandum of understanding does not obligate funds. It is comparable to a nonfederal cooperative agreement that may be negotiated between other parties.

A cooperative agreement that involves a federal agency establishes a legal relationship between the federal government and a state or local government or other recipient when the purpose is the transfer of funds, property, or services to accomplish a public purpose of support or stimulation authorized by federal statute. Limited financial assistance as provided by the National Trails System Act will be provided by the Park Service through its cooperative agreement process.

An interagency agreement is an agreement between the National Park Service and another federal agency to provide supplies or services or to provide for cooperative relationships between the parties. The U.S. Forest Service, U.S. Army Corps of Engineers, and the Tennessee Valley Authority will be appropriate parties for interagency agreements.

Agreements pertain to managing a particular site or helping realize specific objectives. Any appropriate and legal provision can be included in an agreement. Possible provi-

sions for the Trail of Tears may include trail marking, development and management activities, support facilities, access and interpretation, right-of-way agreements with private landowners, technical assistance, and fund-raising activities. Such agreements with public agencies and private interests will generally last for five years and will be reviewed as appropriate.

Trail of Tears Association

The establishment of a support group or friends association for the Trail of Tears will be an important means of soliciting local support for trail programs. Such an association may be similar to advocacy groups that have been formed for the Oregon Trail and the Santa Fe Trail. These groups seek to educate visitors about the trail, protect resources along the routes, monitor trail development, and undertake a variety of other activities. For the Trail of Tears such assistance could include informing the public about the trail story, monitoring development

that might be detrimental to the resources, managing local resources, and soliciting funds for technical assistance, publications, and research.

When the comprehensive management and use plan is approved, the National Park Service, in conjunction with the Cherokee Nation and the Eastern Band of Cherokees, will actively work to organize a trail advocacy group. Potential members will include all citizens and groups with an interest in the Trail of Tears story and in educating the public about this historical period. A special effort will be made to enlist those citizens interested in Cherokee culture, the national trails community, and those active in historical and preservation circles.

The Trail of Tears association will be self-governing, with its own board of directors, constitution, and bylaws. It will be independent of the National Park Service, and both entities will work cooperatively to help commemorate the national historic trail.

FUNDING

Funds to administer, protect, and develop the Trail of Tears National Historic Trail will come from a variety of sources. State and local governments can provide significant contributions toward trail management and development through general tax funds, conservation or development bonds, local tax incentives, the use of NPS-allocated moneys from the Land and Water Conservation Fund or Historic Preservation Fund, and other sources. Private organizations and individuals can also be encouraged to donate labor and materials, conduct fund-raising efforts, and solicit contributions. Other federal agencies will be responsible for administering, protecting, and developing trail programs on lands under their jurisdiction. The National Park Service will obtain trail funds through the following means:

Administration — The estimated annual operating cost for the trail is \$250,000, based on 1991 costs. This amount will provide for Southwest Regional Office staff salaries, travel, supplies, routine technical assistance projects, advisory council meetings, and operational costs such as trail markers, brochure production and distribution, and compliance activities. Partial support may also be provided for park field staff at Fort Smith National Historic Site and Pea Ridge National Military Park, as well as other related national park system units, who may assist the Southwest Regional

Office with routine administrative matters. Park management funding will be requested through the NPS operations budget.

Technical assistance — Funds for major technical assistance projects (large-scale planning, design, or preservation) beyond administrative staff capabilities will be requested from the long-distance trails program, planning funds, the cultural resource preservation program, or other sources.

Development/preservation — At NPS field areas funds for facility development, cultural resource stabilization, special studies, and interpretive planning may come from the NPS annual construction program, the cultural resource preservation program, donations, or other sources. Funds for NPS-provided interpretive programs and media may come through the construction program or other sources. Funds may also be made available for research and contracted services.

Limited financial assistance — Discretionary funds to stimulate trail preservation, management, and development efforts at the local level or to respond to cost-sharing opportunities will be requested from the long-distance trails program or other sources.

COMPLIANCE

As proposed actions are carried out, all appropriate natural, cultural, or other legal compliance actions will be the responsibility of the National Park Service. If the actions are carried out by other organizations, then the Park Service will coordinate environmental compliance measures, in accordance with the National Environmental Policy Act (NEPA) and section 106 of the National Historic Preservation Act. When federal, state, or local agencies are involved, the Park Service will provide technical assistance. Plan-related actions implemented by others without compliance measures may result in the withholding or dropping of NPS certification or other official recognition. Early consultation with the National Park Service on a good faith basis is essential to help ensure that potential future certification is not compromised.

This document meets broad NEPA compliance guidelines. As comprehensive planning for specific actions is undertaken, further compliance with NEPA and additional laws and regulations will be necessary (for example, sections 106 and 110 of the National Historic Preservation Act, as amended; the provisions of executive orders relating to floodplains and wetlands; and federal laws relating to access for disabled visitors and endangered species). The National Park Service will draw upon its existing field units along the route to help provide compliance assistance.

If there is any federal involvement in projects that are proposed by state or local governments and that are not directly related to trail resources, then the provisions of the National Environmental Policy Act must be addressed by the lead agency. If there is no

federal involvement, state and local agencies may be required to comply with state environmental legislation or to consult with others.

Compliance will not be required for private actions unrelated to the Trail of Tears or this *Comprehensive Management and Use Plan*. A cooperative agreement or limited easement, certified trail status, or listing of a site on the National Register of Historic Places will not necessarily ensure the protection of trail resources from private or, at times, other state or local governmental actions.

In compliance with the provisions of section 504 of the Rehabilitation Act, as amended, and the Civil Rights Restoration Act, access to programs and activities for persons with mobility, hearing, visual, or learning impairments must be provided when federal funding or support is provided to such programs. Where other agencies or organizations agree to display or house federally owned exhibits or to distribute information materials without receiving federal financial assistance, information will need to be physically or programmatically accessible to disabled persons. Where the Park Service provides financial assistance to an agency or organization for the purpose of developing interpretive media, those programs as well as all other programs conducted by the benefiting agency or organization, must be physically or programmatically accessible. The National Park Service will use discretion, consistent with federal law and NPS accessibility policies, when negotiating agreements with entities who conduct programs or activities that fail to provide for the needs of persons with mobility, hearing, visual, or learning impairments.

CONSULTATION AND COORDINATION

FEDERAL AGENCIES

Department of Agriculture
Forest Service
Shawnee National Forest
Ozark National Forest

Department of Defense
Department of the Army
Corps of Engineers

Department of the Interior
National Park Service
Trail of Tears National Historic Trail Advisory Council
U.S. Fish and Wildlife Service

Department of Transportation
Federal Highway Administration

Tennessee Valley Authority

STATE AGENCIES

Alabama
Historical Commission
Indian Affairs Commission

Arkansas
Department of Parks and Tourism
Highway and Transportation Department
Environmental Division
Historic Preservation Program

Georgia
Department of Natural Resources
Parks, Recreation and Historic Sites Division
Historic Preservation
Secretary of State
Tours and Special Events

Illinois
Department of Agriculture
Division of Natural Resources
Department of Conservation
Planning

Illinois (cont.)

Department of Transportation
Illinois Historic Preservation Agency
Illinois State Museum
Lewis and Clark Trail Society

Kentucky

Department of Local Government
Department of Parks
Department of Transportation
Trail of Tears Commission, Inc.

Missouri

Department of Economic Development
Division of Tourism
Department of Natural Resources
Division of Parks, Recreation and Historical Preservation
Highway and Transportation Department
University of Missouri
Missouri Cultural Heritage Center

North Carolina

Department of Commerce
Travel and Tourism
Department of Cultural Resources
Division of Archives and History
Department of Natural Resources and Community Development
Governor's Office
Deputy Chief of Staff

Oklahoma

Department of Tourism
Grants in Aid
Marketing Service
Planning and Development
Recreation
Oklahoma Historical Society
Director of Museums

Tennessee

Calumet Cultural Center
Department of Conservation
Commissioner of Indian Affairs
Department of Transportation

TRAIL OF TEARS



APPENDIXES
SELECTED BIBLIOGRAPHY
PLANNING TEAM



Trail of Tears water route, Conway County, Arkansas. A portion of the water route used in 1838 through the Arkansas River valley (Cadron Public Use Area, U.S. Army Corps of Engineers).



Belle Point, Fort Smith National Historic Site, Sebastian County, Arkansas. Bluff on the Arkansas River passed by detachments of Cherokees using the water route in 1838.

APPENDIX A: NATIONAL TRAILS SYSTEM ACT

PUBLIC LAW 100-192 [S. 578]; December 16, 1987

TRAIL OF TEARS NATIONAL HISTORIC TRAIL

An Act to amend the National Trails System Act to designate the Trail of Tears as a National Historic Trail.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding the following new paragraph at the end thereof:

"(16)(A) The Trail of Tears National Historic Trail, a trail consisting of water routes and overland routes traveled by the Cherokee Nation during its removal from ancestral lands in the East to Oklahoma during 1838 and 1839, generally located within the corridor described through portions of Georgia, North Carolina, Alabama, Tennessee, Kentucky, Illinois, Missouri, Arkansas, and Oklahoma in the final report of the Secretary of the Interior prepared pursuant to subsection (b) of this section entitled "Trail of Tears" and dated June 1986. Maps depicting the corridor shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Trail of Tears except with the consent of the owner thereof.

"(B) In carrying out his responsibilities pursuant to subsections 5(f) and 7(c) of this Act, the Secretary of the Interior shall give careful consideration to the establishment of appropriate interpretive sites for the Trail of Tears in the vicinity of Hopkinsville, Kentucky, Fort Smith, Arkansas, Trail of Tears State Park, Missouri, and Tahlequah, Oklahoma."

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. Section 10(c)(2) of the National Trails System Act (16 U.S.C. 1249(c)(2)) is amended by striking "through (13) and (15)" and inserting ", (10), (11), (12), (13), (15), and (16)".

Approved December 16, 1987.

LEGISLATIVE HISTORY—S. 578

HOUSE REPORTS: No. 100-461 (Comm. on Interior and Insular Affairs);
SENATE REPORTS: No. 100-175 (Comm. on Energy and Natural Resources);
CONGRESSIONAL RECORD, Vol. 133, 1987.

Oct. 1, considered and passed Senate.
Dec. 1, considered and passed House, amended.
Dec. 3, Senate concurred in House amendments.

101 STAT. 1309

NATIONAL TRAILS SYSTEM ACT

Public Law 90-543

(16 U.S.C. 1241 et seq.)

as amended
through P.L. 101-365, August 15, 1990

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. (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. (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.

(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.

NATIONAL RECREATION TRAILS

SEC. 4. (a) The Secretary of the Interior, or the Secretary of Agriculture where lands administered by him are involved, may establish and designate national recreation trails, with the consent of the Federal agency, State, or political subdivision having jurisdiction over the lands involved, upon finding that—

(i) such trails are reasonably accessible to urban areas, and, or

(ii) such trails meet the criteria established in this Act and such supplementary criteria as he may prescribe.

(b) As provided in this section, trails within park, forest, and other recreation areas administered by the Secretary of the Interior or the Secretary of Agriculture or in other federally administered areas may be established and designated as "National Recreation Trails" by the appropriate Secretary and, when no Federal land acquisition is involved—

(i) trails in or reasonably accessible to urban areas may be designated as "National Recreation Trails" by the appropriate Secretary with the consent of the States, their political subdivisions, or other appropriate administering agencies;

(ii) trails within park, forest, and other recreation areas owned or administered by States may be designated as "National Recreation Trails" by the appropriate Secretary with the consent of the State; and

(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.

NATIONAL SCENIC AND NATIONAL HISTORIC TRAILS

SEC. 5. (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:

* * *

(16) (A) The Trail of Tears National Historic Trail, a trail consisting of water routes and overland routes traveled by the Cherokee Nation during its removal from ancestral lands in the East to Oklahoma during 1838 and 1839, generally located within the corridor described through portions of Georgia, North Carolina, Alabama, Tennessee, Kentucky, Illinois, Missouri, Arkansas, and Oklahoma in the final report of the Secretary of the Interior prepared pursuant to subsection (b) of this section entitled "Trail of Tears" and dated June 1986. Maps depicting the corridor shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Trail of Tears except with the consent of the owner thereof.

(B) In carrying out his responsibilities pursuant to subsections 5(f) and 7(c) of this Act, the Secretary of the Interior shall give careful consideration to the establishment of appropriate interpretive sites for the Trail of Tears in the vicinity of Hopkinsville, Kentucky, Fort Smith, Arkansas, Trail of Tears State Park, Missouri, and Tahlequah, Oklahoma.

* * *

(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.

* * *

(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) Within two complete fiscal years of the date of enactment of legislation designating a national scenic trail, except for the Continental Divide National Scenic Trail and the North Country National Scenic Trail as part of the system, and within two complete fiscal years of the date of enactment of this subsection for the Pacific Crest and Appalachian Trails, the responsible Secretary shall, after full

consultation with affected Federal land managing agencies, the Governors of the affected States, the relevant advisory council established pursuant to section 5(d), and the Appalachian Trail Conference in the case of the Appalachian Trail, 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 acquisition, management, development, 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 (along with high potential historic sites and high potential route segments in the case of national historic trails), details of anticipated cooperative agreements to be consummated with other entities, and an identified carrying capacity of the trail and a plan for its implementation;

(2) an acquisition or protection plan, by fiscal year, for all lands to be acquired by fee title or lesser interest, along with detailed explanation of anticipated necessary cooperative agreements for any lands not to be acquired; and

(3) general and site-specific development plans including anticipated costs.

(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. 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. (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 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. 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) (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)(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 than \$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. (a) The Secretary of the Interior is directed to encourage States to consider, in their comprehensive statewide outdoor recreation plans and proposals for financial assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act, needs and opportunities for establishing park, forest, and other recreation and historic trails on lands owned or administered by States, and recreation and historic trails on lands in or near urban areas. The Secretary is also directed to encourage States to consider, in their comprehensive statewide historic preservation plans and proposals for financial assistance for State, local, and private projects submitted pursuant to

the Act of October 15, 1966 (80 Stat. 915), as amended, needs and opportunities for establishing historic trails. He is further directed in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49), to encourage States, political subdivisions, and private interests, including nonprofit organizations, to establish such trails.

(b) The Secretary of Housing and Urban Development is directed, in administering the program of comprehensive urban planning and assistance under section 701 of the Housing Act of 1954, to encourage the planning of recreation trails in connection with the recreation and transportation planning for metropolitan and other urban areas. He is further directed, in administering the urban openspace program under title VII of the Housing Act of 1961, to encourage such recreation trails.

(c) The Secretary of Agriculture is directed, in accordance with authority vested in him, to encourage States and local agencies and private interests to establish such trails.

(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.

(e) Such trails may be designated and suitably marked as parts of the nationwide system of trails by the States, their political subdivisions, or other appropriate administering agencies with the approval of the Secretary of the Interior.

RIGHTS-OF-WAY AND OTHER PROPERTIES

SEC. 9. (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 contain 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) (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) (1) 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.

(4) 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.

(f) 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. (a) (1) There are hereby authorized to be appropriated for the acquisition of lands or interests in lands not more than \$5,000,000 for the Appalachian National Scenic Trail and not more than \$500,000 for the Pacific Crest National Scenic Trail. From the appropriations authorized for fiscal year 1979 and succeeding fiscal years pursuant to the Land and Water Conservation Fund Act (78 Stat. 897), as amended, not more than the following amounts may be expended for the acquisition of lands and interests in lands authorized to be acquired pursuant to the provisions of this Act: for the Appalachian National Scenic Trail, not to exceed \$30,000,000 for fiscal year 1979; \$30,000,000 for fiscal year 1980, and \$30,000,000 for fiscal year 1981, except that the difference between the foregoing amounts and the actual appropriations in any one fiscal year shall be available for appropriation in subsequent fiscal years.

(2) It is the express intent of the Congress that the Secretary should substantially complete the land acquisition program necessary to insure the protection of the Appalachian Trail within three complete fiscal years following the date of enactment of this sentence. Until the entire acquisition program is completed, he shall transmit in writing at the close of each fiscal year the following information to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives:

(A) the amount of land acquired during the fiscal year and the amount expended therefor:

(B) the estimated amount of land remaining to be acquired; and

(C) the amount of land planned for acquisition in the ensuing fiscal year and the estimated cost thereof.

(b) For the purposes of Public Law 95-42 (91 Stat. 211), the lands and interests therein acquired pursuant to this section shall be deemed to qualify for funding under the provisions of section 1, clause 2, of said Act.

(c) (1) There is hereby authorized to be appropriated such sums as may be necessary to implement the provisions of this Act relating to the trails designated by paragraphs 5(a)(3), (4), (5), (6), (7), (8), (9) and (10): Provided, That no such funds are authorized to be appropriated prior to October 1, 1978: And provided further, That notwithstanding any other provisions of this Act or any other provisions of law, no funds may be expended by Federal agencies for the acquisition of lands or interests in lands outside the exterior boundaries of existing Federal areas for the Continental Divide National Scenic Trail, the North Country National Scenic Trail, the Ice Age National Scenic Trail, the Oregon National Historic Trail, the Mormon Pioneer National Historic Trail, the Lewis and Clark National Historic Trail, and the Iditarod National Historic Trail, 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.

(2) Except as otherwise provided in this Act, there is hereby authorized to be appropriated such sums as may be necessary to implement the provisions of this Act relating to the trails designated by section 5(a). 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.

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 volunteers 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 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.

APPENDIX B: HIGH-POTENTIAL HISTORIC SITES AND ROUTE SEGMENTS ALONG THE TRAIL OF TEARS

The following high-potential historic sites along both the water and the land routes have been selected based on preliminary research. A site listed as a national historic landmark is denoted by the abbreviation NHL, and one on the National Register of Historic Places by NR. High-potential route segments are listed in table B-1.

Georgia Sites

1. New Echota — Gordon County. Now managed by the Georgia state park system as New Echota Historic Site, this area is near Calhoun on Georgia Highway 225. It was the capital of the Cherokee Nation from 1825 to 1838. The state historic site contains several reconstructed buildings, including a typical Cherokee house, a printing office for the *Cherokee Phoenix*, and the supreme court building. The Vann tavern was moved to the site from its original location on the Chattahoochee River. The site also includes the home of New England missionary Samuel Worcester, which was built in 1828; Worcester was forced to leave in 1834. (NHL)

2. Fort Wool — Gordon County. Fort Wool was one of the 13 removal forts in Georgia. Altogether 31 forts were constructed — in addition to those in Georgia, there were five in North Carolina, eight in Tennessee, and five in Alabama. (Only the known fort sites are included in the following listing.) All of the posts were near Cherokee towns and were only temporarily used until the population was moved to centralized internment camps. Fort Wool was probably behind the Samuel Worcester house at New Echota. (Archaeological work has not yet been undertaken.) The site is on private property adjacent to New Echota Historic Site.

3. Vann House — Murray County. The Vann house is on U.S. 76 between the towns of Dalton and Chatsworth. It was the home of James Vann, who played a key role in the establishment of the Moravian mission to the Cherokees at Spring Place. Vann, a Cherokee chief, had the red brick, two-story mansion house built on Federal Road and moved into it March 24, 1805. His son Joseph occupied the home from his father's

death in 1809 until his forced removal during the 1830s. In 1952 the state of Georgia purchased a 3-acre tract on which the house stands, restored it, and opened it to the public in 1958. (NR)

4. Fort Gilmer — Murray County. The fort site is on U.S. 411, south of the town of Chatsworth. It was the temporary headquarters of Gen. Winfield Scott, who was in charge of the removal.

5. John Ross House — Walker County. John Ross became the principal chief of the Cherokees in 1828, having served as president of the National Council of the Cherokees. This house is in Rossville. Built in 1797 by John McDonald, it is a two-story square timber log house with a shake roof, two outside stone chimneys, and an off-center dogtrot. Originally it stood on the main commercial street of Rossville, but it has since been moved 50 yards to a wooded section on property owned by McDonald. Ross moved to the house after being forced from his home in Rome, Georgia, in 1830. (NR and NHL)

6. Fort Cumming — Walker County. This removal fort was in Big Spring at the northwest edge of Lafayette. The fort was established in 1836 and commanded by Capt. Samuel Farris of the Georgia volunteers. It was a stockaded fort of upright logs and a rifle tower, with port holes, in each corner.

7. Major Ridge Home — Floyd County. At 501 Riverside Parkway in Rome, Georgia, is the Major Ridge home, now the Chieftain Museum. The house was originally a log cabin constructed in 1794 and expanded into a frame plantation house during the early 1800s. Major Ridge occupied the house before his move to Oklahoma. It is owned and managed by the Junior Service League. (NR and NHL)

Alabama Sites

8. Fort Lovell — Cherokee County. Fort Lovell was one of the five Alabama removal forts, and it was 2 miles south of Cedar Bluff, on Williamson Island. It was previously named Fort Armstrong

9. Fort Payne — DeKalb County. Fort Payne was used as both a removal fort and an internment camp (the only one in Alabama; the 10 other internment camps were in Tennessee). The site is in the 400 block of Godfrey Avenue South in the town of Fort Payne. It was built in 1838 and commanded by Capt. John Payne, for whom it was named. Fort Payne was the camp for 900 Cherokees in July 1838. The group reached 1,103 in the muster roll of detachment four, which was conducted to Indian Territory by John Benge. A chimney from the original fort stands on the site, and a building from the fort stood until 1946.

10. Andrew Ross Home — DeKalb County. Constructed by Daniel and Molly Ross in 1790, the house became the home of their son Andrew until his removal to Oklahoma. It is privately owned and located at 405 Alabama Avenue North in Fort Payne. (NR)

11. Gunter's Landing — Marshall County. This site is near present Guntersville, Alabama, where the Black Warrior River flows into the Tennessee River. Steamboats with Cherokees on board often stopped here for fuel or supplies, and the John Benge detachment crossed the river here after leaving Fort Payne.

12. Tuscumbia Landing — Colbert County. Located at the terminus of the Tuscumbia, Courtland, and Decatur Railroad, this Tennessee River landing became a departure point for many groups of Indians from southeastern states. Detachments of Cherokees following the water route traveled by railroad from Decatur, Alabama, around the shoals of the river and reboarded boats at Tuscumbia Landing *en route* to Indian Territory in 1838. The landing is at Sheffield, Alabama, in City Park West.

North Carolina Sites

13. Fort Montgomery — Graham County. Fort Montgomery was one of the five removal forts established in North Carolina to hold the gathered Cherokees prior to moving them to internment camps, and ultimately to Indian Territory. Fort Montgomery is at Fort Hill in Robbinsville; the site is privately owned.

14. Fort Delaney — Cherokee County. Fort Delaney, one of the removal forts, was at the center of the town of Andrews. The site is now privately owned.

15. Fort Hembree — Clay County. Fort Hembree was also one of the removal forts. The site is in the center of Hayesville, between Spike Buck Creek and Blairs Creek, and it is privately owned.

16. Fort Butler — Cherokee County. Fort Butler was the most important of the North Carolina forts. It was above the left bank of the Hiwassee on the outskirts of Murphy. Cherokees from the other removal forts were taken to Fort Butler before they were taken to the main agency at Calhoun, Tennessee. The site is privately owned and is littered and overgrown.

Tennessee Sites

17. Fort Cass — Bradley County. Fort Cass was used as one of the eight removal forts in Tennessee. It was on the south side of the Hiwassee, 0.5 mile east of U.S. 11 in Charleston. It was the principal Cherokee agency on the Hiwassee and served as the primary emigration depot for the removal. The site is on private property.

18. Lewis Ross Home — Bradley County. Lewis Ross lived in this house during the removal period; the large, two-story home is on Market Street in Charleston. Like his brother John, Lewis played a key role in the Cherokee removal. The house, renovated several times, is privately owned.

19. Rattlesnake Spring — Bradley County. The spring is north of the town of Cleveland and east of Tennessee 11 in Dry Valley. The area around the spring was the site of one of the agency camps. Captain Page reported on July 25, 1838, that the camp at Rattlesnake Spring had 600 Cherokees awaiting orders to begin the journey to Indian Territory. (NR)

20. Blythe Ferry Site — Meigs County. Groups of Cherokees traveling on the forced removal from Camp Ross and the agency area crossed the Tennessee River here in 1838. It was built by John Blythe in 1809 and later operated by his

son John. The site is on Tennessee 60 near Georgetown. The gravesite of Col. Return J. Meigs, a Cherokee agent, is nearby.

21. Hair Conrad Cabin — Bradley County. Conrad served as a conductor for the first detachment of Cherokees to leave Rattlesnake Spring in August 1838; his duties were later assigned to Daniel Colston. According to local tradition, Conrad lived in a single-pen log cabin built about 1804 near the confluence of Candies Creek and Hair's (now Harris) Creek. The cabin is on Blythe Wood Road west of the town of Cleveland, near the junction of I-75 and U.S. 11/64. (NR)

22. Red Clay — Bradley County. The Red Clay State Historical Area is on Blue Springs Road south of Cleveland. It is managed by the Tennessee Department of Conservation. The Cherokee tribal government met here between 1832 and 1838. Eleven general councils were held here, with as many as 5,000 Cherokees attending. The James F. Corn interpretive center contains exhibits, a theater, and a resource reading room. (NR)

23. Ross's Landing — Hamilton County. The site of Ross's Landing is near the Market Street bridge over the Tennessee River at Chattanooga. Altogether some 2,000 Cherokees were held at this internment camp, 970 of whom made up the 11th detachment, conducted overland by Richard Taylor. Three large groups departed by water from this point.

24. Spring Frog Cabin — Hamilton County. The cabin dates to the late 1770s and was home of the Cherokee leader/athlete, Spring Frog, who made the journey to Indian Territory as part of the forced removal. Robert Sparks Walker, a well-known naturalist, was born here, and the house is now owned and administered by the Audubon chapter of Chattanooga. It is at 900 Sanctuary Road. (NR)

25. Shellsford Baptist Church Site — Warren County. The site is just off Tennessee 127, on the Collins River east of the town of McMinnville. In late October 1838 Jesse Bushyhead, conductor of one Cherokee detachment, preached here. A Cherokee girl is buried in the church cemetery. A namesake Baptist church stands near the site.

26. Nashville Toll Bridge (Dedrick Street) Site — Davidson County. This bridge spanned the Cumberland River at Nashville, and groups of Cherokees used it during the removal.

27. Reynoldsburg Ferry Site — Humphreys County. This site is on the Tennessee River. It was the location of an important ferry used by the John Benge detachment in early November 1838. The ferry and a general store were operated by Thomas K. Wyly, who sold the Cherokees \$400 worth of supplies. Now inundated by a Tennessee Valley Authority impoundment, the general location can be seen from Nathan Bedford Forrest State Historical Area.

28. Halfway House — Robertson County. Reportedly a stop for the Cherokees, this structure was between Turnersville and Port Royal on Brush Creek, near the Kentucky state line.

Kentucky Sites

29. Gray's Inn — Todd County. Now known as the Stagecoach Inn, this structure is at the junction of U.S. Highways 41 and 79, just west of the town of Guthrie. In its later years the inn housed a restaurant. Oral tradition has it that Whitepath drank from a well at this location before he died in nearby Hopkinsville, Kentucky.

30. Whitepath and Fly Smith Graves — Christian County. Whitepath, a Cherokee chief, was assistant conductor for the Elijah Hicks detachment, the first to reach Hopkinsville in 1838. According to a letter from Hicks to John Ross, Whitepath was seriously ill by the time the detachment reached Port Royal, Tennessee. Fly Smith also died near Hopkinsville and is buried at the same location. The site is owned by the Trail of Tears Commission, Inc., and has been developed for public use.

31. Mantle Rock — Livingston County. This camping spot near the Ohio River crossing is 2 miles west-northwest of the town of Joy, off Kentucky Highway 133. The Nature Conservancy owns the 191-acre site.

Illinois Sites

32. Berry Ferry Site — Pope County. A ferry across the Ohio River at this site was operated by John Berry. All detachments of Cherokees that crossed the Ohio River used this ferry to Golconda.

33. Buel House — Pope County. Located at the corner of Madison and Columbus streets in Golconda, this house was built by Alexander Hall Buel, Jr., in 1836 (or 1837). It is a two-story, log structure, with a frame addition completed in 1839, and the whole house was sided shortly after. During the forced removal two Cherokees came to the door, drawn by the smell of cooked pumpkin, which Mrs. Buel then gave them. (NR)

Missouri Sites

34. Green's Ferry (Willard's Landing) Site — Cape Girardeau County. A ferry was operated across the Mississippi River 10 miles north of Cape Girardeau. The Missouri side of the landing was near the southern end of what is now the Trail of Tears State Park and followed Green's Ferry Road out of the park toward Jackson. The ferry site and a portion of the road are included in the Trail of Tears State Park archeological site. (NR)

35. Otahki Bushyhead Hildebrand's Grave — Cape Girardeau County. The daughter of Jesse Bushyhead, Otahki Hildebrand, was buried on the west bank of the Mississippi River near Green's Ferry. A marker within Trail of Tears State Park commemorates her legendary gravesite.

36. Snelson-Brinker House — Crawford County. This restored log house (built in 1834), as well as the county courthouse (built in 1835), is alongside Missouri Highway 8, near the Massey Ironworks. W. I. I. Morrow, a physician accompanying the Richard Taylor detachment, noted in his diary a stop at the Brinker house. Cherokees camped and bought corn here.

37. Massey (Maramec) Ironworks — Crawford County. The ironworks are on Missouri Highway 8 in Crawford County, between Steelville and St. James. It is the oldest ironworks in the state, with stone structures dating from 1829. W. I. I. Morrow noted passing by the ironworks. It is now a public

use area managed by the James Foundation. (NR)

38. Danforth Farm — Greene County. The farm is on Pearson Creek near Missouri Highway 125, northeast of Springfield. W. I. I. Morrow reports in his diary for March 12, 1839, that the detachment "started before day, traveled 12 miles to Danforths." The farm is still in the Danforth family, and the original settler, Josiah Danforth, came to Greene County by way of Tennessee and St. Louis in the early 1830s. He bought the Walnut Forest area land in 1834.

39. Bell Tavern (Dyer) Site — Greene County. This site is between the James River and Wilsons Creek south of Springfield, in an area long known as the Delaware Villages and near the site of the Gilliss (Delaware) Trading Post. Here the White River trace forked to the southeast, while the Cherokees followed the Indian trace southwest through Stone and Barry counties.

40. McMurtry Spring — Barry County. This spring is alongside Missouri Highway 37, some 2.25 miles southwest of Cassville. It served as a source of water for groups traveling along Flat Creek.

Arkansas Site

41. Fort Smith National Historic Site — Sebastian County. Administered by the National Park Service and located in Fort Smith, Arkansas, this frontier military post was established at the junction of the Arkansas and Poteau rivers in 1817. Its purpose was to maintain peaceable relations between the Osage and Cherokee Indians. The U.S. Army began building a permanent fort here in 1838, on the border of Indian Territory. Those Cherokees traveling up the Arkansas Valley passed by the site of Fort Smith. (NR and NHL)

Oklahoma Sites

42. Woodhall Homeplace — Adair County, Oklahoma. This is the site where most groups traveling by land disbanded. It is along Buffington Road on the northwest edge of Westville. Both Buttrick and Morrow noted the Woodhall site in their diaries.

43. Fort Gibson — Cherokee County. Operated as Fort Gibson Military Park by the Oklahoma Historical Society, this 1824 military post is 1 mile north of Fort Gibson, on Oklahoma 80, along the Grand River. It was initially built by troops moved from Fort Smith, Arkansas, to establish a presence in Indian Territory. Several groups of Cherokees completed the forced removal here, and troops from the post often formally received the new arrivals. (NHL)

44. Tahlequah — Cherokee County. Named for Talikwa or Tellico, an early Cherokee town in Tennessee, Tahlequah is the county seat and serves as the center of the Cherokee Nation. It is at the junction of U.S. 62 and Oklahoma 51, 82, and 10. Cherokee commissioners determined the location in 1839, and in 1843 the Cherokee National Council incorporated the town and platted it. Several historic structures in the community are on the National Register of Historic Places and designated national historic landmarks, including the Cherokee National Capitol, the Cherokee Supreme Court Building, and the Cherokee Female Seminary (second site), which is now used by Northeastern State University.

45. Park Hill — Cherokee County. Immediately south of Tahlequah and east of U.S. 62 is an area where several Cherokees settled, including John Ross. The Reverend Thomas Bertholf, a Methodist minister, was the first settler to arrive in 1821; the Reverend Samuel A. Worcester, an influential Cherokee missionary, established Park Hill Mission in December 1836. Also at Park Hill are the first Cherokee Female Seminary (NR), the Cherokee National Museum, and the site of the *Tsa La Gi* drama. About a mile east on Willis Road is the first cabin site of John Ross. Just 1.75 miles north along the Illinois River is the site of a campground used by several thousand Cherokees during the summer of 1839, while awaiting land assignments in the Indian Territory. Several other historic sites, dating after the forced removal, are in this same area.

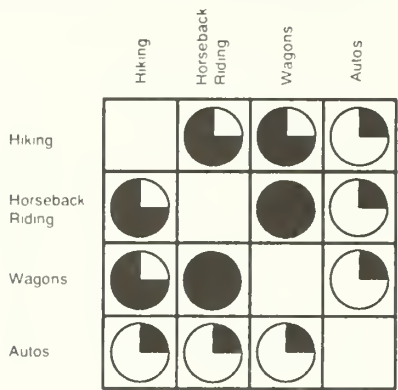
46. Ross Cemetery — Cherokee County. The Ross Cemetery is 1 mile southeast of the Cherokee National Museum. Key figures involved with the Trail of Tears are buried here, including John Ross and Lewis Ross.

TABLE B-1: HIGH-POTENTIAL NORTHERN ROUTE SEGMENTS

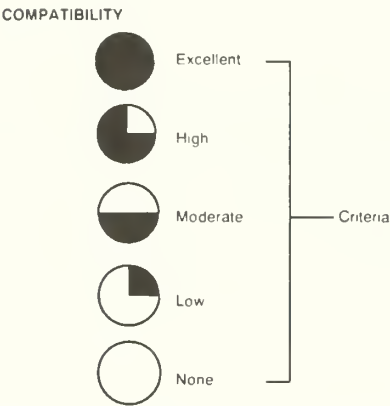
<u>Location</u>	<u>LENGTH (in miles)</u>
Bledsoe County, Tennessee	7.5
Cape Girardeau, Bollinger, Perry St. Francois, Madison, Washington, and Crawford Counties, Missouri	97.5
Webster County, Missouri	11
Greene County, Missouri	3.25
Stone and Barry Counties, Missouri	25
Benton County, Arkansas	6
Total	150.25

APPENDIX C: TRAIL USE GUIDELINES

COMPATIBILITY OF RECREATIONAL USES ALONG ADJACENT TRAILS

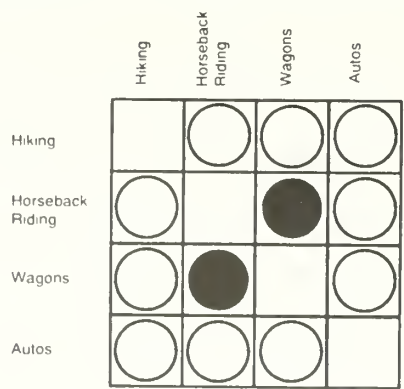


- 1) Hiking, horseback riding, and wagon use are highly compatible.
- 2) Hiking, horseback riding, and wagon use are not compatible with auto tours; however, occasional glimpses of automobiles would probably not detract from visitor experiences (for example, at trailheads).

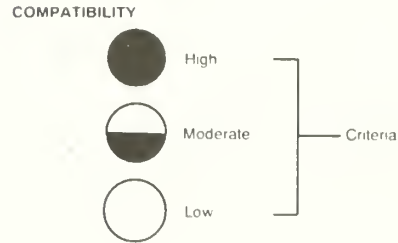


Sense of solitude, sharing amenities, safety, noise, dust, visual intrusion, historical authenticity of experience, potential to enhance experience

COMPATIBILITY OF USES ALONG THE SAME TRAIL OR ROUTE



- 1) Horseback riding and wagon use could occur on the same trail.
- 2) Hiking and horseback riding could be combined where horseback use is slight.



Safety, trail surface

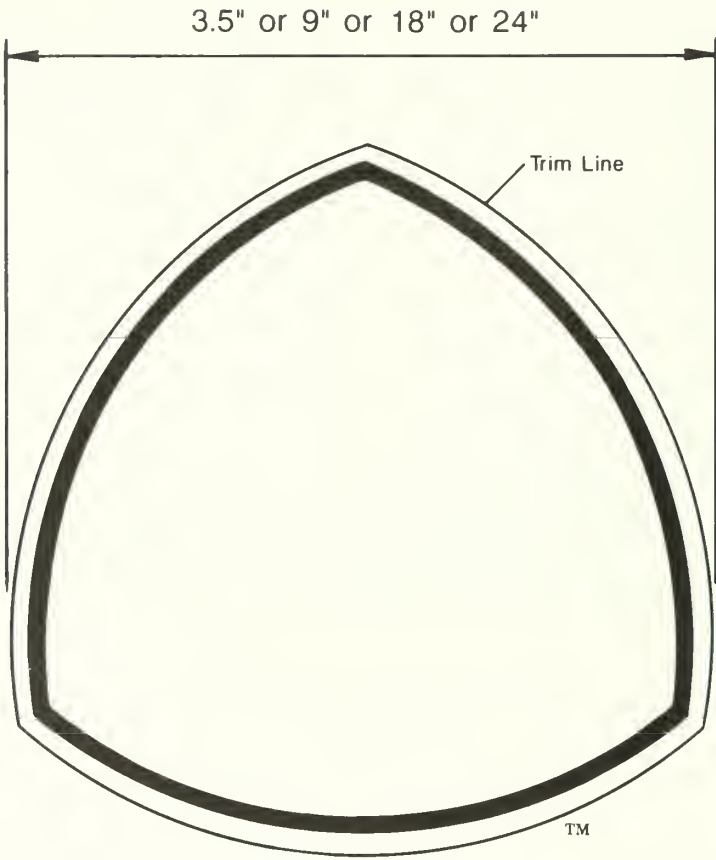
TRAIL MAINTENANCE GUIDELINES:
TRAIL SURFACES FOR VARIOUS RECREATIONAL USES

	PARALLEL RECREATION TRAILS*		HISTORIC RUTS OR REMNANTS
	<u>HIKING TRAILS</u>	<u>HORSE AND WAGON TRAILS</u>	
<u>HIGH-INTENSITY USE</u>			
Long Trails	Soil cement, asphalt, pea gravel	Crushed gravel with road base	Not applicable
Short Trails	Soil cement, asphalt, pea gravel, boardwalks	Crushed gravel with road base	Not applicable
<u>LOW-INTENSITY USE</u>			
Long Trails	Pea gravel, existing surface if well drained and durable	Crushed gravel with road base, existing surface if well drained and durable	Revegetate surface as needed; possibly allow occasional walking in ruts if vegetation would prevent erosion
Short Trails	Same as above	Same as above	Same as above

* Accessibility for mobility impaired persons will require at least a 3-foot-wide maintained surface that is hard, level, and well-drained. The grade cannot exceed 1:12 (8.33%) for more than a 40-foot run before a 5-foot long/wide level rest area is provided. If the trail is not paved, side slope drainage will need to be provided under the trail, not across it, to prevent erosion. Waterbars cannot be used on an accessible trail.

APPENDIX D: RECOMMENDED SIGNS

Uniform marker



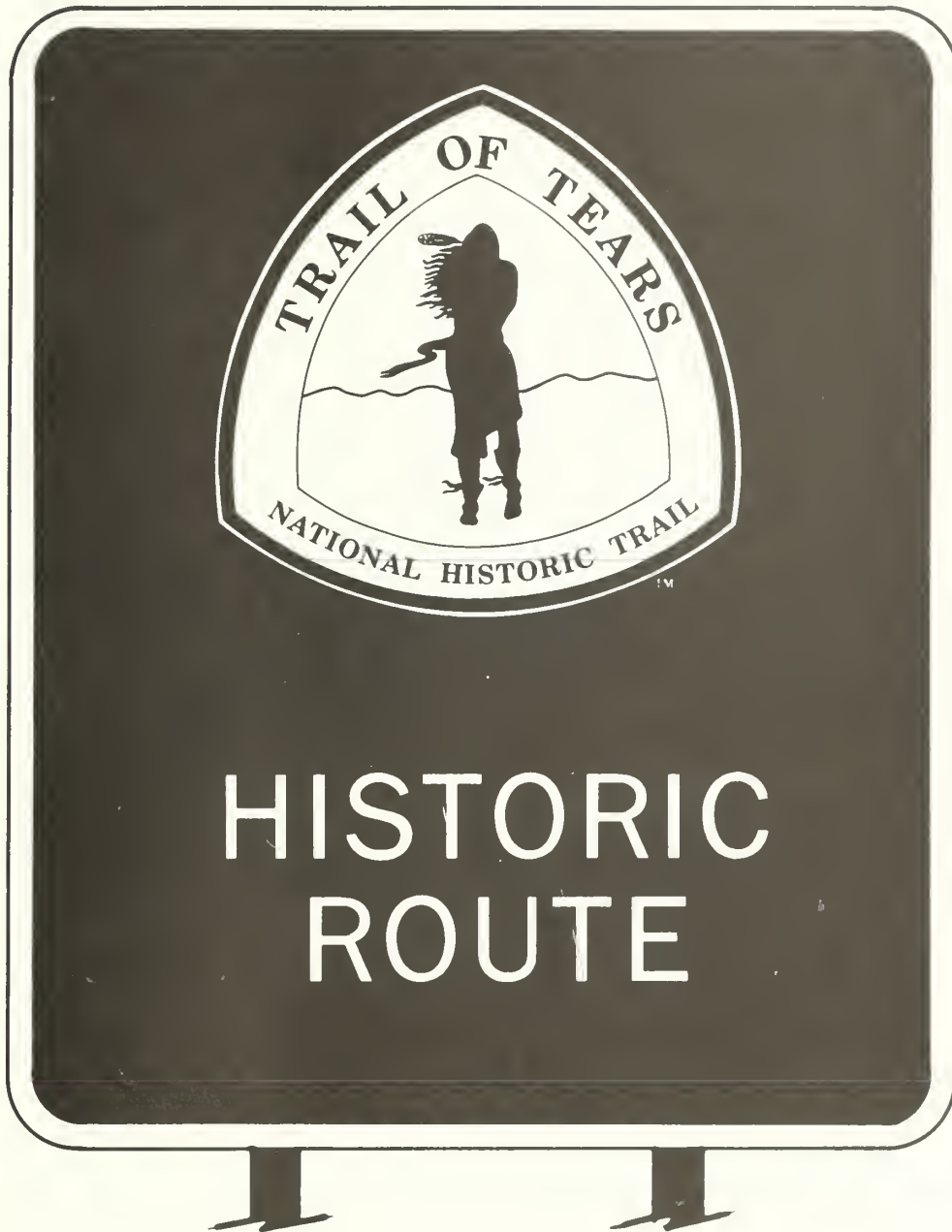
Recommended auto tour/trail crossing sign incorporating the uniform marker;
to be used only where deemed appropriate and safe (no use along interstates allowed).



Recommended auto tour route sign incorporating the uniform marker;
to be used along roads near the historic route.



Recommended auto tour route sign incorporating the uniform marker;
to be used along roads that follow the same alignment as the historic route.



Suggested site directional sign along the auto tour route
(to be provided by state/local highway departments).



APPENDIX E: REQUEST FORM FOR SITE/SEGMENT CERTIFICATION
(Sample)

To nominate a site or segment for certification, please obtain an official form from the Branch of Long Distance Trails, Southwest Regional Office, P.O. Box 728, Santa Fe, New Mexico, 87504-0728.

i. Name or Description of Site or Segment: _____

II. Owner or Managing Authority Responsible for the Site/Segment

Name _____

Telephone _____

Address _____

Principal Contact _____

III. Location and Description

Please enclose a general location map (such as a state or county highway map) and a detailed map (such as a topographical map or site brochure with map) showing the site/segment. Indicate the size of the site or length of the segment and the type of legal interest jurisdiction (ownership, lease agreement, etc.) that the owner or managing authority has over the lands involved. If the land is not owned in less than fee simple, enclose a copy of the lease, agreement, or other document that conveys the legal interest (optional). Describe the general environment of the site/segment, including present land use and any potential conflicts with its official inclusion as part of the Trail of Tears.

IV. Facilities and Uses

Describe the historical relationship of the site/segment to the Trail of Tears. Describe existing and proposed facilities and programs (if any) for interpreting this story (signs, museums, displays, brochures, audiovisual programs, etc.). Enclose copies of brochures, the text of interpretive signs (or readable photo(s)), and other appropriate materials illustrating trail interpretation (if any). Describe other historical themes interpreted at the site. Describe existing and proposed recreation facilities at the site or along the segment and permitted recreational use of the site/segment (if any). Describe feasible methods for making the site or segment accessible to people with disabilities or explain why accessibility is not practicable. Enclose a few photographs clearly showing the site/segment.

V. Compliance

In cooperation with the National Park Service, develop necessary environmental compliance documentation (which will be prepared by the National Park Service or others) for the purpose of ensuring that management and development will not have an adverse impact on the site/segment. All such documentation, and the responsibilities to be imposed on the site/segment and its owner or

managing authority, must be accepted by the owner or managing authority prior to this certification becoming effective. Provide necessary environmental compliance documentation to ensure that management and development will not have adverse impacts.

VI. Management Policies and Practices

Describe or enclose the management policies or regulations that apply to public use of the site/segment. Specify any fees or permits required for site/segment use. Describe how maintenance is performed and by whom. Specify placement of the official historic trail markers. Enclose copies of any applicable management plans (optional).

VII. Affirmation

I hereby affirm that: (1) I am duly authorized to represent the managing authority named above; (2) the site/segment is in existence and available for public use regardless of race, color, or creed; (3) the site/segment is administered without expense to the United States; (4) I or another representative of the managing authority will notify the National Park Service if there is a change in the status of the site/segment; and (5) the official Trail of Tears markers to be supplied by the National Park Service will be conspicuously posted and maintained at the site or along the segment.

Signed _____ Date _____

Title _____

VIII. Certification

On behalf of the Secretary of the Interior, I hereby certify the site/segment described in this application as a component of the Trail of Tears National Historic Trail. The National Park Service will provide the official historic trail markers for the site.

Signed _____ Date _____

Title _____

APPENDIX F: PROVISIONS FOR COOPERATIVE MANAGEMENT

POSSIBLE PROVISIONS OF MEMORANDA OF UNDERSTANDING AND COOPERATIVE AGREEMENTS

PARTIES TO AGREEMENTS	WHAT THE PARTIES COULD AGREE TO DO			INTERPRETATION
	TRAIL MARKING	MANAGEMENT	DEVELOPMENT	
Federal Agencies National Park Service	Provide each nonfederal managing authority with a set of official markers for its sites or segments of the trail, to be erected in accordance with the marking program presented in the comprehensive plan.	Establish a management entity in the NPS Southwest Regional Office for overall trail administration and coordination activities. Manage portions of the trail passing through NPS areas.	Develop, operate, and maintain trails and support facilities at NPS areas as prescribed by the comprehensive plan at NPS expense. Any facilities developed would be in keeping with a site's general management plan.	Provide appropriate public access and interpretation for segments passing through NPS areas, in accordance with a site's general management plan. Recognize all routes.
	Erect and maintain markers on sites or segments within federal areas in accordance with the marking program in the comprehensive plan.	Manage, protect, and maintain federal sites or segments in accordance with the comprehensive plan and any subsequent agreements.	Develop, operate, and maintain trails and support facilities as prescribed by the comprehensive plan (at each agency's expense)	Provide appropriate public access and interpretive opportunities for federal sites or segments (at each agency's expense)
Other Federal Agencies (Forest Service, Corps of Engineers, Tennessee Valley Authority)	Erect and maintain markers on certified sites or segments in accordance with the marking program in the comprehensive plan. Mark auto tour route.	Manage, protect, and maintain state or locally owned certified sites or segments in accordance with the comprehensive plan or certification.	Develop, operate, and maintain trails and support facilities as prescribed by the comprehensive plan (at each agency's expense) or certification (on a cost-share basis)	Same as above for state and locally managed certified sites or segments (on a cost-share basis)
State Agencies and Local Governments	Same as above.	Same as above for privately managed certified sites or segments.	Develop, operate, and maintain trails and support facilities as prescribed by the comprehensive plan (at each agency's expense) or certification (on a cost-share basis)	Same as above for privately managed certified sites or segments (on a cost-share basis)
Landowners, Private Organizations, Corporations, and Individuals				

WHAT THE PARTIES COULD AGREE TO DO

PARTIES TO AGREEMENTS	CONSULTATION WITH ADVISORY COUNCIL	RIGHT-OF-WAY AGREEMENTS WITH PRIVATE LANDOWNERS	LAND EXCHANGE OR ACQUISITION	RULES AND REGULATIONS
Federal Agencies National Park Service	Consult with council about trail matters, including transmittal of concerns from managing authorities and returning council's advice to managing authorities.	Outside federal areas consider initiating agreements with owners of critical trail links where state and local governments fail to do so (NTSA, sec. 7(e)).	Consider acquisition of any needed private lands within the exterior boundaries of NPS areas where agreements cannot be consummated (NTSA, sec. 7(d) and 10(c)).	After consulting with affected interests, promulgate regulations as necessary for proper administration and protection of the trail. Promulgate rules and regulations as may be necessary for NPS-managed segments.
Other Federal Agencies (Forest Service, Corps of Engineers, Tennessee Valley Authority)	Convey trail management concerns to NPS for transmittal to advisory council.	Seek agreements with owners of high-potential nonfederal lands within federal areas needed for the trail (NTSA, sec. 7(d)).	Consider acquisition of any needed private lands within the exterior boundaries of federal areas where agreements cannot be consummated (NTSA, sec. 7(d) and 10(c)).	Promulgate rules and regulations as may be necessary for managed segments, consistent with overall trail regulations and the comprehensive plan.
State Agencies and Local Governments	Same as above.	Seek agreements with owners of private lands needed for state and locally managed segments that may become certified (NTSA, sec. 7(e)).	Consider acquisition of private lands where agreements cannot be consummated. State funds, including Land and Water Conservation Fund monies, may be used for acquisition (NTSA, sec. 7(e)) provided that state comprehensive outdoor recreation plans reflected trail needs.	Same as above.
Private Organizations, Corporations, and Individuals	Same as above.	Seek agreements with landowners to establish segments that may subsequently be certified.	Consider acquiring lands for segments that may subsequently be certified	Same as above.

WHAT THE PARTIES COULD AGREE TO DO

PARTIES TO AGREEMENTS	TECHNICAL ASSISTANCE	FUNDING	CERTIFICATION AS OFFICIAL SEGMENTS	ADDITIONAL LEGISLATIVE AUTHORITY
Federal Agencies National Park Service	Upon request and as funds permit, provide technical assistance (e.g., national historic landmark program) to managing authorities for planning access, protection, facilities, interpretation, and establishment of rights-of-way for trail segments.	Fund initial set of markers for entire trail. Seek adequate appropriations to carry out overall administrative and technical assistance responsibilities and to develop and manage segments within NPS areas.	Process and take action on requests from federal, state, local, or private interests for certification of segments and sites.	N/A
Other Federal Agencies (Forest Service, Corps of Engineers, Tennessee Valley Authority)	Request technical assistance as outlined above from NPS and other sources, as needed.	Seek adequate appropriations to carry out responsibility for developing and managing federal segments (NTSA, sec. 10(c)).	N/A	N/A
State Agencies and Local Governments	Same as above; may provide technical assistance to federal and private entities upon request.	Same as above, including both state, private, and appropriate federal sources, for developing and managing certified segments.	Same as above.	Seek such additional state authority as may be required to obtain and obligate state funds for developing and managing state-owned certified segments.
Private Organizations, Corporations, and Individuals	Same as above for state assistance.	Seek funds from appropriate private, state, or federal sources for developing and managing certified segments that are privately owned.	Same as above.	N/A

WHAT THE PARTIES COULD AGREE TO DO

PARTIES TO AGREEMENTS	FEDERAL REGISTER NOTIFICATION	PERIODIC CONSULTATION
Federal Agencies National Park Service	Arrange for publication of the official trail route in the <i>Federal Register</i> (NTSA, sec. 7(a)); periodically publish notice of additional certified segments and any relocations.	Periodically consult with managing authorities about trail management, including coordination with planning of other conservation programs.
Other Federal Agencies (Forest Service, Corps of Engineers, Tennessee Valley Authority)	Immediately notify NPS of any changes in the status of federal protection components.	Periodically consult with the NPS as outlined above; establish a primary coordinator for the trail.
State Agencies and Local Governments	Same as above.	Same as above.
Private Organizations, Corporations, and Individuals	Same as above.	Same as above.

**APPENDIX G: SAMPLE MEMORANDUM OF UNDERSTANDING
BETWEEN THE U.S. DEPARTMENT OF THE INTERIOR
AND THE STATE OF _____
CONCERNING THE TRAIL OF TEARS NATIONAL HISTORIC TRAIL**

This Memorandum of Understanding is entered into by and between the U.S. Department of the Interior ("Interior") and the State of _____ ("State").

I. Authorities

This Memorandum of Understanding is developed under the following authorities:

- A. The National Trails System Act (16 USC 1241, et seq.), as amended by Public Law 100-192 (101 Stat. 1309, 16 USC 1244 [a][16][A]).
- B. Intergovernmental Cooperation Act of 1968 (42 USC 4201 et seq.).

II. Purpose

The purpose of this Memorandum of Understanding is to provide the basis for cooperation between Interior and the State to implement the *Comprehensive Management and Use Plan* for the Trail of Tears National Historic Trail.

III. Background

Public Law 100-192 (101 Stat. 1309, 16 USC 1244 [a][16][A]), amended the National Trails System Act ("the Act") to establish the Trail of Tears National Historic Trail ("the Trail"). The Act places responsibility for administering the Trail with the Secretary of the Interior ("Secretary"). Only federal lands are to be administered as initial protection components of the Trail; but the Act authorizes the Secretary to encourage and to assist State, local, or private entities in establishing, administering, and protecting those segments of the Trail which cross nonfederally owned lands. In furtherance of that objective, the Act provides that Memoranda of Understanding between Interior and cooperating nonfederal agencies may be written for marking the Trail, establishing rights-of-way, and developing and maintaining facilities. Pursuant to the Act, the *Comprehensive Management and Use Plan* for the Trail outlines objectives and practices to be observed in the management of the Trail and identifies significant potential Trail components, procedures for nonfederal certification, and the process to mark the Trail. The Governor of the State of _____ and appropriate State agencies were consulted in the preparation and approval of the *Comprehensive Management and Use Plan*.

IV. Responsibilities

The State and Interior mutually desire that the Trail of Tears across the State of _____ be appropriately marked, administered, and managed so as to accomplish the purposes of the National Trails System Act. Accordingly, the State and Interior agree to carry out the following responsibilities for this purpose:

- A. The U.S. Department of the Interior and the State of _____ mutually agree to:
1. Establish individual coordinators within each administering agency for Trail administration activities.
 2. Adopt the Trail of Tears *Comprehensive Management and Use Plan*, dated _____, and manage the trail's resources as appropriate and feasible.
 3. Keep each other informed and consult periodically on management problems pertaining to the Trail, including consultation with the Trail of Tears Advisory Council.
 4. Subject to the availability of funds and personnel, provide assistance at the request of either party for the planning and development of facilities, acquisition of land, and the administration of the Trail.
- B. Interior agrees to:
1. Designate the National Park Service (NPS) as the federal agency to carry out the Department's responsibilities, as appropriate, concerning the Trail.
 2. Provide the State with an initial set of Trail markers in accordance with the marking program established in the *Comprehensive Management and Use Plan* and authorize highway department use of the logo for appropriate directional signs.
 3. Publish a notice of the Trail route in the *Federal Register*.
 4. Upon request and as funds permit, provide technical assistance for planning access, protection, facilities, interpretation, and other aspects of management of the Trail.
 5. Support efforts that promote the whole trail as a single, integrated system.
- C. The State agrees to:
1. Mark the Trail of Tears with an initial set of markers furnished by the National Park Service according to the marking process identified in the *Comprehensive Management and Use Plan* for the Trail.
 2. Maintain the trail markers erected under item C.1.
 3. Administer, manage, protect, and maintain State-owned Trail sites and segments in accordance with the purpose of the Trail and the *Comprehensive Management and Use Plan*.
 4. Develop, operate, and maintain public access, interpretive and recreational opportunities, and visitor use facilities in accordance with the *Comprehensive Management and Use Plan*, and recommend appropriate State facilities to house NPS interpretive media or to receive NPS technical assistance.
 5. Provide private landowners and nonfederal managing entities with cultural resource compliance assistance (i.e., National Historic Preservation Act of 1966, as amended, sections 106 and 110) and natural resource compliance assistance, including on-site technical evaluations and reviews of plans, designs, and mitigation measures.

6. Identify trail projects in appropriate programming documents (e.g., SCORP) and seek funding from State appropriations and federal sources such as the Land and Water Conservation Fund or historic preservation grants (e.g., National Historic Landmark Program, Historic Preservation Fund) for acquiring, administering, managing, developing, operating, and maintaining State-owned Trail sites and segments or preserving privately owned sites on the National Register of Historic Places or designated as National Historic Landmark sites.
7. Seek such additional State legislative authority as may be required for public use of, and to obligate State funds for management of, State-owned rights-of-way, sites, or other lands in the trail corridor.
8. Promulgate such rules and regulations as may be necessary for proper administration and protection of State-owned or privately owned sites and segments.
9. Seek cooperative agreements with owners of those private lands within the Trail corridor adjoining high potential State-owned sites and segments where necessary to ensure adequate protection or public access.
10. Consider acquiring necessary interests in those lands identified in item C.9. above where cooperative agreements with private landowners cannot be consummated.
11. Work cooperatively to develop an interstate task force to publicize the Trail of Tears on a national and international basis.

V. Nondiscrimination

During the performance of this Memorandum of Understanding, the cooperators agree to abide by the terms of Executive Order 11246 on nondiscrimination and will not discriminate against any person because of race, color, religion, age, sex, or national origin. The cooperators will take affirmative action to ensure that applicants are employed without regard to their race, color, religion, age, sex, or national origin. No otherwise qualified individual will be denied access to a program or activity solely on the basis of a handicap.

VI. Officials Not to Benefit

No member of or delegate to Congress or resident Commissioner shall be admitted to any share or part of this Memorandum of Understanding or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this Memorandum of Understanding if made with a corporation for its general benefit.

VII. Limitation

Nothing in this Memorandum of Understanding will be construed as limiting or affecting in any way the authority or legal responsibilities of Interior or the State to perform beyond the respective authority of each or to require either party to expend funds in any context or other obligation for future payment of funds or services in excess of those available or authorized for expenditure.

VIII. Amendment and Termination

Amendments to this Memorandum of Understanding may be proposed by either party and shall become effective upon written approval by both parties.

This Memorandum of Understanding will exist for a period of no longer than ten years, at which time all parties to the Memorandum of Understanding will evaluate its benefits and determine if the Memorandum should be reaffirmed. It may be terminated or revised upon 60 days advance written notice given by one of the parties to the other, or it may be terminated earlier by mutual consent of both parties.

IX. Execution

In witness whereof, the parties hereto have executed this Memorandum of Understanding as of the last date written below:

Secretary of the Interior

Date

Governor,
State of _____

Date

APPENDIX H: NATURAL ENVIRONMENT ALONG THE TRAIL OF TEARS

When in 1838–39 the Cherokees traveled from their homes in the southern Appalachian Mountains in Tennessee, western North Carolina, northwestern Georgia, and northeastern Alabama to Indian Territory, they found lands that were increasingly alien to their experience.

By the time the Cherokees on the land route had reached southern Illinois and those on the water route had come to the confluence of the Ohio and Mississippi rivers, the world they were familiar with had disappeared. Gone were the steep forested slopes, the clear mountain streams, and the cloudy summits of the southern Appalachians.

PHYSIOGRAPHY

Along the eastern sections of the Trail of Tears — in the Blue Ridge province and the Valley and Ridge province in North Carolina, Tennessee, and Georgia — the terrain is rugged, with steep ridges, narrow hollows, and peaks over 6,000 feet. The southern Appalachians also contain the headwaters for many rivers, including the Tennessee, Little Tennessee, and Hiwassee. Clear, cool streams rush through deep, rugged valleys, adding to the region's scenic attractiveness.

From the Appalachian Plateaus province in central Tennessee and northeastern Alabama the land drops away to the Interior Low Plateaus province. The three groups who made the journey by water floated down the Tennessee River from Ross's Landing near Chattanooga to its confluence with the Ohio River and the beginning of the Coastal Plain province. The entire river has since been dammed many times and now consists of a series of reservoirs; but in some areas, like at Shiloh below Pickwick Dam, the river is probably still reminiscent of what the Cherokees saw.

The northern land route crossed the Nashville Basin of Tennessee, going through the areas now occupied by Murfreesboro and Nashville. The route entered Kentucky near the headwaters of the Pond River, an area of gentle slopes created by stream erosion of the Mississippi River and its tributaries. Here and there bluffs are

encountered, remnants of former valleys cut by the river.

The landscape flattens as the trail descends into swampy bottomlands and crosses the Ohio River near Golconda, Illinois. Southern Illinois is a hilly, rolling landscape south of the Saline and Big Muddy rivers. Today much of the bottomland has been reclaimed for agricultural and industrial uses. The groups traveling the land route passed from the Interior Low Plateaus province into the Central Lowland province in the vicinity of Cache River, which drains from the Shawnee Hills southward into the Ohio River at Mound City.

Southern Missouri, northwestern Arkansas, and eastern Oklahoma are in the Ozark Plateaus portion of the Interior Highlands. One land route passed around the northeastern edge of the Ozark Mountains, while another skirted the southeastern edge before following the White River drainage into the mountains. The northern land route followed the more level areas of the Salem and Springfield plateaus almost entirely across the state before entering Arkansas. The Ozark Mountains have thin, rocky soils on steep slopes. Panoramic views from elevations up to 1,700 feet are probably similar to what the Cherokees saw.

Those Cherokees taking the water route entered the Coastal Plain province at the confluence of the Ohio and Mississippi Rivers. Southeastern Missouri, western Tennessee, eastern Arkansas, and northern Mississippi are all part of this province. This province is underlain with thick deposits of silts and clays brought down the great river system and deposited in bayous and backwaters during spring floods. Between the Ohio River and the Arkansas River, the Mississippi slowly meanders for some 400 miles, covering a linear distance of only 270 miles.

Up the Arkansas River, the landscape changes from the Mississippi lowlands to a broad valley in the Ouachita portion of the Interior Highlands, between the Boston Mountains to the north and the Ouachita Mountains to the south. Today the Arkansas River has been dammed, and part of the valley has been inundated by Lake

Dardanelle. Seventeen locks and dams maintain a minimum depth of 9 feet for 445 miles between the port of Catoosa, Oklahoma, and the Mississippi River.

Farther west, in what is now Sequoyah County, Oklahoma, the Arkansas River has been dammed to form the Robert S. Kerr Lake. North of here, in the Illinois River drainage at the western extent of the Boston Mountains, the Cherokees arrived at their new home.

CLIMATE

The climate along the eastern half of the Trail of Tears — in Georgia, Alabama, Tennessee, Mississippi, and Kentucky — is influenced by either warm, moist air masses from the Gulf of Mexico or the cold, drier continental air masses. The climate of the four southern states is moderate due to the influence of the Gulf of Mexico. Precipitation averages from 50 to 55 inches per year, and mean annual temperatures are around 60° F. Kentucky is generally cooler than the four southern states, especially in the winter.

The western half of the Trail of Tears is somewhat drier. In southern Illinois average annual precipitation is 47 inches, and average snowfall is less than 10 inches per year. Missouri has a continental climate, with winter temperatures in the southern part of the state averaging around 50° F. and summer temperatures around 80°. Average annual precipitation is 36–46 inches. The Arkansas climate is similar to that of southern Missouri; annual precipitation is about 52 inches, and snowfall is negligible. Summers are hot and humid, with an average daily temperature of 82°; winters are mild, with a daily average of 43°.

The climate of eastern Oklahoma is more extreme than the moderate climate the Cherokees were used to in Georgia and North Carolina. July mean maximum temperatures are between 94° and 96°, while January mean minimum temperatures vary from 26° to 34°. Eastern Oklahoma experiences great temperature extremes; subzero winter temperatures are not uncommon, and summer highs are consistently above 100°. Cold fronts moving across the Great Plains often produce destructive tornadoes, hail, and torrential

rainfall. Heavy precipitation in the eastern part of the state occasionally causes flooding.

VEGETATION AND WILDLIFE

Since the Cherokees made their journey over 150 years ago, much of the landscape between Tennessee and Oklahoma has been altered forever by use and development. However, some areas have escaped a large degree of change, and these fragments can still convey to some degree what the Cherokees saw as they made their journey.

Vegetation and wildlife change considerably between the southern Appalachian Mountains and eastern Oklahoma. The southern Appalachians support a broadleaf deciduous forest with a variety of hardwoods, including hickory, birch, maple, and upland conifers such as hemlock and pine. These scenic mountains are highlighted by spring blooms of dogwood, native azaleas, and rhododendron and by spectacular fall colors. Fox, raccoon, opossum, eastern cottontail, black bear, white-tailed deer, and several species of squirrel are found in the region. Ruffed grouse, bobwhite, and mourning dove are also common.

The Alabama and Tennessee portions of the Trail of Tears are also in eastern broadleaf deciduous forest. Typical trees are various species of oak, beech, birch, hickory, ash, elm, walnut, and maple, with some oak/pine associations. However, much of the land has been converted to agriculture. Wildlife is plentiful along this part of the trail; common mammals include white-tailed deer, black bear, bobcat, gray fox, raccoon, fox squirrel, and eastern chipmunk. Wild turkey, ruffed grouse, bobwhite, and mourning dove are common game birds.

In Kentucky and Illinois species of vegetation are more representative of northern associations, including hickory, white ash, hackberry, elm, sugar maple, black cherry, and several species of oaks. The floodplains along the Mississippi River and the lower Ohio River are considered a northern extension of the southern floodplain forest system. These forested swamps and sloughs have black willow, cottonwood, honey locust, and silver maple. During pioneer times, Kentucky and Illinois were abundant in wildlife.

making them a favored hunting region for both American Indians and early settlers. Now most of the area has been converted to agriculture, and many of the hunted species have been extirpated. White-tailed deer, eastern cottontail, fox squirrel, gray squirrel, mink, muskrat, and gray fox are still common. The rivers and lakes in this region support largemouth and smallmouth bass, catfish, walleye, carp, bluegill, sunfish, and crappie.

Farther west along the Trail of Tears, the vegetation shows adaptations to drier conditions. Large grassland prairies are interspersed with woodlands. The forests in the Ozark Mountains of Missouri and Arkansas are remnants of vast upland hardwood forests that once covered over half of these two states. Much of the region's oak/hickory forest, along with the bluestem prairies, have been converted to agriculture. Timberland outside the Ozarks is now confined to woodlots and riparian situations. Wildlife consists of white-tailed deer, eastern cottontail, fox squirrel, gray squirrel, mink, muskrat, and gray fox. Migratory waterfowl on the Central flyway pass through the region on their annual north/south journeys. Many species of game fish inhabit the

Arkansas River along the trail route, including largemouth bass, crappie, sunfish, walleye, white bass, and three species of catfish.

In eastern Oklahoma large portions of the oak/hickory forest and tallgrass prairie have been converted to pastureland. When the Cherokees arrived, most of the area was dominated by six species of oak and three species of hickory, considerably different from the broadleaf deciduous forests of Georgia, Tennessee, Alabama, and North Carolina. The prairies were made up of big and little bluestem, Indian ricegrass, switchgrass, and silver-beard grass.

FLOODPLAINS AND WETLANDS

All of the water route portion of the Trail of Tears is, of course, within the floodplain, and any trail-related development would unavoidably be within the 100 and 500 year floodplains. Many sites along the land routes are also in the floodplain.

Undisturbed wetlands occur sporadically along both trail routes.

APPENDIX I: THREATENED OR ENDANGERED ANIMAL AND PLANT SPECIES POSSIBLY OCCURRING ALONG THE TRAIL OF TEARS

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>	<u>FEDERAL STATUS</u>
ALABAMA		
<u>Mammals</u>		
Gray bat	<i>Myotis grisescens</i>	E
Indiana bat	<i>Myotis sodalis</i>	E*
<u>Birds</u>		
Southern bald eagle	<i>Haliaeetus leucocephalus</i>	E (winter only)
Arctic peregrine falcon	<i>Falco peregrinus tundrius</i>	T (migrant only)
Wood stork	<i>Mycteria americana</i>	E (summer only)
Piping plover	<i>Charadrius melodus</i>	T (migrant only)
<u>Fishes</u>		
Alabama cavefish	<i>Speoplatyrhinus poulsoni</i>	E*
Spotfin chub	<i>Hybopsis monacha</i>	T*
Boulder darter	<i>Etheostoma (Nothopodus) sp.</i>	E
Slackwater darter	<i>Etheostoma boschungii</i>	T*
Snail darter	<i>Percina tanasi</i>	T
Watercress darter	<i>Etheostoma nuchale</i>	E
<u>Clams</u>		
Curtus' mussel	<i>Pleurobema curtum</i>	E
Judge Tait's mussel	<i>P. taitianum</i>	E
Marshall's mussel	<i>P. marshalli</i>	E
Penitent mussel	<i>Epioblasma (=Dysnomia) penita</i>	E
Alabama lamp pearly mussel	<i>Lampsilis virescens</i>	E
Cumberland monkeyface pearly mussel	<i>Quadrula intermedia</i>	E
Orange-footed pearly mussel	<i>Plethobasus cooperianus</i>	E
Pale lilliput pearly mussel	<i>Toxolasma (=Carunculina) cylindrella</i>	E
Pink mucket pearly mussel	<i>Lampsilis orbiculata</i>	E
Turgid-blossom pearly mussel	<i>Epioblasma (=Dysnomia) turgidula</i>	E
White wartback pearly mussel	<i>Plethobasus cicatricosus</i>	E
Yellow-blossom pearly mussel	<i>Epioblasma (=Dysnomia) florentina</i>	E
Fine-rayed pigtoe	<i>Fusconaia cuneolus</i>	E
Shiny pigtoe	<i>F. edgariana</i>	E
Stirrup shell	<i>Quadrula stapes</i>	E
<u>Crustaceans</u>		
Alabama cave shrimp	<i>Palaemonias alabamiae</i>	E
<u>Plants</u>		
Harperella	<i>Ptilimnium nodosum (=P. fluviatile)</i>	E
Mohr's Barbara's button	<i>Marshallia mohrii</i>	T
Ponberry	<i>Lindera melissifolia</i>	E
Relict trillium	<i>Trillium reliquum</i>	E
Alabama leather flower	<i>Clematis socialis</i>	E
Green pitcher plant	<i>Sarracenia oreophila</i>	E
Little amphianthus	<i>Amphianthus pusillus</i>	T

State-listed species are not presented in this document. Since the intent of the plan is for state and local governments to develop limited visitor facilities along the trail, the concern for state-listed species would be addressed in appropriate environmental documents at the time those facilities were planned

Appendix I: Threatened or Endangered Animal and Plant Species

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>	<u>FEDERAL STATUS</u>
ARKANSAS		
<u>Mammals</u>		
Gray bat	<i>Myotis grisescens</i>	E
Indiana bat	<i>M. sodalis</i>	E*
Ozark big-eared bat	<i>Plecotus townsendi ingens</i>	E
<u>Birds</u>		
Southern bald eagle	<i>Haliaeetus leucocephalus</i>	E (winter only)
Arctic peregrine falcon	<i>Falco peregrinus tundrius</i>	T (migrant only)
Wood stork	<i>Mycteria americana</i>	E (summer only)
Piping plover	<i>Charadrius melodus</i>	T (migrant only)
Least tern	<i>Sterna antillarum</i>	E (summer only)
Red-cockaded woodpecker	<i>Picoides borealis</i>	E
<u>Reptiles</u>		
American alligator	<i>Alligator mississippiensis</i>	T
<u>Fishes</u>		
Ozark cavefish	<i>Amblyopsis rosae</i>	T
Leopard darter	<i>Percina pantherina</i>	T*
<u>Clams</u>		
Fat pocketbook	<i>Potamilus (=Proptera) capax</i>	E
<u>Crustaceans</u>		
Crayfish (no common name)	<i>Cambarus zophonastes</i>	E
<u>Plants</u>		
(no common name)	<i>Geocarpon minimum</i>	T
Pondberry	<i>Lindera melissifolia</i>	E
GEORGIA		
<u>Mammals</u>		
Gray bat	<i>Myotis grisescens</i>	E
Indiana bat	<i>M. sodalis</i>	E*
<u>Birds</u>		
Arctic peregrine falcon	<i>Falco peregrinus tundrius</i>	T (migrant only)
Piping plover	<i>Charadrius melodus</i>	T (migrant only)
Red-cockaded woodpecker	<i>Picoides borealis</i>	E
Kirtland's warbler	<i>Dendroica kirtlandi</i>	E (migrant only)
<u>Fishes</u>		
Spotfin chub	<i>Hybopsis monacha</i>	T*
Amber dace	<i>Percina antescella</i>	E*
Snail darter	<i>P. tanasi</i>	T
Conasauga logperch	<i>P. jenkinsi</i>	E*
Yellowfin madtom	<i>Noturus flavipinnis</i>	T*
<u>Plants</u>		
Canby's dropwort	<i>Oxypolis canbyi</i>	E
Harperella	<i>Ptilimnium nodosum (=P. fluviatile)</i>	E
Mohr's Barbara's button	<i>Marshallia mohrii</i>	T
Hairy rattlesnake	<i>Baptisia arachnifera</i>	E
Black-spored quillwort	<i>Isoetes melanospora</i>	E
Mat-forming quillwort	<i>I. legetiformans</i>	E
Large-flowered skullcap	<i>Scutellaria montana</i>	E
Pondberry	<i>Lindera melissifolia</i>	E
Swamp pink	<i>Helonias bullata</i>	T
Persistent trillium	<i>Trillium persistens</i>	E
Relict trillium	<i>T. reliquum</i>	E
Green pitcher plant	<i>Sarracenia oreophila</i>	E
Little amphianthus	<i>Amphianthus pusillus</i>	T

APPENDIXES

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>	<u>FEDERAL STATUS</u>
ILLINOIS		
<u>Mammals</u>		
Gray bat	<i>Myotis grisescens</i>	E
Indiana bat	<i>M. sodalis</i>	E*
Virginia big-eared bat	<i>Plecotus townsendii virginianus</i>	E*
Eastern cougar	<i>Felis concolor couguar</i>	E
<u>Birds</u>		
Southern bald eagle	<i>Haliaeetus leucocephalus</i>	E (winter only)
Arctic peregrine falcon	<i>Falco peregrinus tundrius</i>	T (migrant only)
Piping plover	<i>Charadrius melodus</i>	T (migrant only)
Least tern	<i>Sterna antillarum</i>	E (summer only)
<u>Clams</u>		
Higgin's eye pearly mussel	<i>Lampsilis higginsi</i>	E
Pink mucket pearly mussel	<i>L. orbiculata</i>	E
Tubercled-blossom pearly mussel	<i>Epioblasma (=Dysnomia) torulosa torulosa</i>	E
<u>Plants</u>		
Mead's milkweed	<i>Asclepias meadii</i>	T
Decurrent false aster	<i>Boltonia decurrens</i>	T
Pitcher's thistle	<i>Cirsium pitcheri</i>	T
Prairie bush-clover	<i>Lespedeza leptostachya</i>	T
Running buffalo clover	<i>Trifolium stoloniferum</i>	E
Small whorled pogonia	<i>Isotria medeoloides</i>	E
KENTUCKY		
<u>Mammals</u>		
Gray bat	<i>Myotis grisescens</i>	E
Indiana bat	<i>M. sodalis</i>	E*
Eastern cougar	<i>Felis concolor couguar</i>	E
<u>Birds</u>		
Southern bald eagle	<i>Haliaeetus leucocephalus</i>	E (winter only)
Arctic peregrine falcon	<i>Falco peregrinus tundrius</i>	T (migrant only)
Wood stork	<i>Mycteria americana</i>	E (summer only)
Piping plover	<i>Charadrius melodus</i>	T (migrant only)
Least tern	<i>Sterna antillarum</i>	E (summer only)
<u>Fishes</u>		
Blackside dace	<i>Phoxinus cumberlandensis</i>	T
<u>Clams</u>		
Cumberland bean pearly mussel	<i>Villosa (=Micromya) trabalis</i>	E
Little-wing pearly mussel	<i>Pegias fabula</i>	E
Orange-footed pearly mussel	<i>Plethobasiscus cooperianus</i>	E
Pink mucket pearly mussel	<i>Lampsilis orbiculata</i>	E
Tubercled-blossom pearly mussel	<i>Epioblasma (=Dysnomia) torulosa torulosa</i>	E
Rough pigtoe	<i>Pleurobema plenum</i>	E
Tan riffle shell	<i>Epioblasma walkeri</i>	E
<u>Crustaceans</u>		
Kentucky cave shrimp	<i>Palaemonias ganteri</i>	E*
<u>Plants</u>		
White-haired goldenrod	<i>Solidago albopilosa</i>	T
Cumberland sandwort	<i>Arenaria cumberlandensis</i>	E
Running buffalo clover	<i>Trifolium stoloniferum</i>	E

Appendix I. Threatened or Endangered Animal and Plant Species

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>	<u>FEDERAL STATUS</u>
MISSOURI		
<u>Mammals</u>		
Gray bat	<i>Myotis grisescens</i>	E
Indiana bat	<i>M. sodalis</i>	E*
Ozark big-eared bat	<i>Plecotus townsendii ingens</i>	E
Virginia big-eared bat	<i>P. t. virginianus</i>	E*
Eastern cougar	<i>Felis concolor couguar</i>	E
<u>Birds</u>		
Southern bald eagle	<i>Haliaeetus leucocephalus</i>	E (winter only)
Arctic peregrine falcon	<i>Falco peregrinus tundrius</i>	T (migrant only)
Piping plover	<i>Charadrius melodus</i>	T (migrant only)
Least tern	<i>Sterna antillarum</i>	E (summer only)
Red-cockaded woodpecker	<i>Picoides borealis</i>	E
<u>Fishes</u>		
Ozark cavefish	<i>Amblyopsis rosae</i>	T
Niangua darter	<i>Etheostoma nianguae</i>	T*
<u>Clams</u>		
Curtis' pearly mussel	<i>Epioblasma (=Dysnomia) florentina curtisi</i>	E
Higgins' eye pearly mussel	<i>Lampsilis higginsii</i>	E
Pink mucket pearly mussel	<i>L. orbiculata</i>	E
Fat pocketbook	<i>Potamilus (=Proptera) capax</i>	E
<u>Plants</u>		
Mead's milkweed	<i>Asclepias medii</i>	T
Decurrent false aster	<i>Boltonia decurrens</i>	T
Missouri bladder-pod	<i>Lesquerella filiformis</i>	E
(no common name)	<i>Geocarpon minimum</i>	T
Running buffalo clover	<i>Trifolium stoloniferum</i>	E
Pondberry	<i>Lindera melissifolia</i>	E
Small whorled pogonia	<i>Isotria medeoloides</i>	E
NORTH CAROLINA		
<u>Mammals</u>		
Indiana bat	<i>Myotis sodalis</i>	E*
Carolina northern flying squirrel	<i>Glaucomys sabrinus coloratus</i>	E
Eastern cougar	<i>Felis concolor couguar</i>	E
<u>Birds</u>		
Arctic peregrine falcon	<i>Falco peregrinus tundrius</i>	T (migrant only)
Piping plover	<i>Charadrius melodus</i>	T (migrant only)
Kirtland's warbler	<i>Dendroica kirtlandii</i>	E (migrant only)
<u>Fishes</u>		
Spotfin chub	<i>Hybopsis monacha</i>	T*
Waccamaw silverside	<i>Menidia extensia</i>	T*
Spikedace	<i>Meda fulgida</i>	T
<u>Snails</u>		
Noonday snail	<i>Mesodon clarki nantahala</i>	T
<u>Plants</u>		
Bunched arrowhead	<i>Sagittaria fasciculata</i>	E
Heller's blazing star	<i>Liatris herrerii</i>	T
Blue Ridge goldenrod	<i>Solidago spithameae</i>	T
Mountain golden heather	<i>Hudsonia montana</i>	T*
Pondberry	<i>Lindera melissifolia</i>	E
Swamp pink	<i>Helionas bullata</i>	T
Small whorled pogonia	<i>Isotria medeoloides</i>	E
Rough-leaved loosestrife	<i>Lysimachia asperulaefolia</i>	E
Mountain sweet pitcher plant	<i>Sarracenia rubra ssp. jonesii (=S. jonesii)</i>	E

APPENDICES

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>	<u>FEDERAL STATUS</u>
OKLAHOMA		
<u>Mammals</u>		
Gray bat	<i>Myotis grisescens</i>	E
Indiana bat	<i>M. sodalis</i>	E
Ozark big-eared bat	<i>Plecotus townsendii ingens</i>	E
<u>Birds</u>		
Southern bald eagle	<i>Haliaeetus leucocephalus</i>	E (winter only)
Arctic peregrine falcon	<i>Falco peregrinus tundrius</i>	T (migrant only)
Piping plover	<i>Charadrius melodus</i>	T (migrant only)
Least tern	<i>Sterna antillarum</i>	E (summer only)
Red-cockaded woodpecker	<i>Picoides borealis</i>	E
<u>Fishes</u>		
Ozark cavefish	<i>Amblyopsis rosae</i>	T
Leopard darter	<i>Percina pantherina</i>	T*
<u>Insects</u>		
American burying beetle	<i>Nicrophorus americanus</i>	E
Prairie mole cricket	<i>Gryllotalpa major</i>	T
TENNESSEE		
<u>Mammals</u>		
Gray bat	<i>Myotis grisescens</i>	E
Indiana bat	<i>M. sodalis</i>	E*
Carolina northern flying squirrel	<i>Glaucomys sabrinus coloratus</i>	E
Eastern cougar	<i>Felis concolor couguar</i>	E
<u>Birds</u>		
Southern bald eagle	<i>Haliaeetus leucocephalus</i>	E (winter only)
Arctic peregrine falcon	<i>Falco peregrinus tundrius</i>	T (migrant only)
Wood stork	<i>Mycteria americana</i>	E (summer only)
Piping plover	<i>Charadrius melodus</i>	T (migrant only)
Least tern	<i>Sterna antillarum</i>	E (summer only)
Red-cockaded woodpecker	<i>Picoides borealis</i>	E
Kirtland's warbler	<i>Dendroica kirtlandii</i>	E (migrant only)
<u>Fishes</u>		
Slender chub	<i>Hybopsis cahni</i>	T*
Spotfin chub	<i>H. monacha</i>	T*
Blackside dace	<i>Phoxinus Cumberlandensis</i>	T*
Amber dace	<i>Percina antescella</i>	E*
Boulder darter	<i>Etheostoma (Nothopodus) sp.</i>	E
Slackwater darter	<i>E. boschungii</i>	T*
Snail darter	<i>Percina tanasi</i>	T
Conasauga logperch	<i>P. jenkinsi</i>	E*
Smoky madtom	<i>Noturus baileyi</i>	E*
Yellowfin madtom	<i>N. flavipinnis</i>	T*
<u>Snails</u>		
Painted snake coiled forest snail	<i>Anguispira picta</i>	T
<u>Clams</u>		
Alabama lamp pearly mussel	<i>Lampsilis virescens</i>	E
Appalachian monkeyface pearly mussel	<i>Quadrula sparsa</i>	E
Birdwing pearly mussel	<i>Conradilla caelata</i>	E
Cumberland bean pearly mussel	<i>Villosa (=Micromya) trabalis</i>	E
Cumberland monkeyface pearly mussel	<i>Quadrula intermedia</i>	E
Dromedary pearly mussel	<i>Dromus dromas</i>	E
Green-blossom pearly mussel	<i>Epioblasma (=Dysnomia) torulosa gubernaculum</i>	E
Little-wing pearly mussel	<i>Pegias fabula</i>	E
Orange-footed pearly mussel	<i>Plethobasus cooperianus</i>	E

Appendix I: Threatened or Endangered Animal and Plant Species

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>	<u>FEDERAL STATUS</u>
TENNESSEE (cont.)		
Pale lilliput pearly mussel	<i>Toxolasma (=Carunculina) cylindrellus</i>	E
Pink mucket pearly mussel	<i>Lampsilis orbiculata</i>	E
Tubercled-blossom pearly mussel	<i>Epioblasma (=Dysnomia) torulosa torulosa</i>	E
Turgid-blossom pearly mussel	<i>E. (=Dysnomia) turgidula</i>	E
White wartyback pearly mussel	<i>Plethobasus cicatricosus</i>	E
Yellow-blossom pearly mussel	<i>Epioblasma (=Dysnomia) florentina florentina</i>	E
Fine-rayed pigtoe	<i>Fusconaia cuneolus</i>	E
Rough pigtoe	<i>Pleurobema plenum</i>	E
Shiny pigtoe	<i>Fusconaia edgariana</i>	E
Tan riffle shell	<i>Epioblasma walkeri</i>	E
<u>Crustaceans</u>		
Nashville crayfish	<i>Orconectes shoupi</i>	E
<u>Plants</u>		
Tennessee purple coneflower	<i>Echinacea tennesseensis</i>	E
Ruth's golden aster	<i>Pityopsis ruthii (=Heterotheca, =Chrysopsis)</i>	E
Blue Ridge goldenrod	<i>Solidago spithamea</i>	T
Cumberland sandwort	<i>Arenaria cumberlandensis</i>	E
Large-flowered skullcap	<i>Scutellaria montana</i>	E
Green pitcher plant	<i>Sarracenia oreophila</i>	E

* Designated critical habitat exists for the species.

For candidate species listed in categories 1, 2, and 3 see the *Federal Register* 54 (January 6, 1989): 554-79

APPENDIX J: COUNTIES ALONG THE MAIN LAND AND WATER ROUTES OF THE TRAIL OF TEARS

NORTHERN ROUTE (from east to west)

Tennessee — Bradley, Meigs, Rhea, Hamilton, Bledsoe, Sequatchie, Van Buren, Warren, Cannon, Rutherford, Davidson, Montgomery, Robertson

Kentucky — Christian, Caldwell, Crittenden, Livingston

Illinois — Pope, Johnson, Union

Missouri — Cape Girardeau, Bollinger, Madison, St. Francois, Washington, Crawford, Phelps, Pulaski, Laclede, Webster, Greene, Christian, Stone, Barry, Perry

Arkansas — Benton, Washington

WATER ROUTE (from east to west)

Tennessee — Hamilton, Marion, Hardin, Decatur, Wayne, Perry, Humphreys, Benton, Houston, Stewart, Henry, Lake, Dyer, Lauderdale, Tipton, Shelby

Alabama — Jackson, Marshall, Madison, Morgan, Limestone, Lawrence, Lauderdale, Colbert

Mississippi — Tishomingo, Tunica, Coahoma, Bolivar

Missouri — Mississippi, New Madrid, Pemiscot

Kentucky — Calloway, Trigg, Marshall, Lyon, Livingston, McCracken, Ballard, Carlisle, Hickman, Fulton

Illinois — Massac, Pulaski, Alexander

Arkansas — Mississippi, Crittenden, Lee, Phillips, Desha, Arkansas, Lincoln, Jefferson, Pulaski, Perry, Faulkner, Conway, Pope, Johnson, Yell, Logan, Franklin, Crawford, Sebastian

GLOSSARY

Auto Tour Route: An auto tour route is designated along existing highways. The route allows reasonably direct travel paralleling the approximate route of the national historic trail, keeping in mind traveler convenience and year-round safety. All roads would be paved and open year-round. The auto tour route would be marked with an identifying symbol and the official trail marker.

Certification for Historic Sites or Route Segments: This is a procedure by which trail sites or segments on nonfederal land (that is, land owned or managed by state agencies, local governments, or private interests) are officially included as components of the Trail of Tears National Historic Trail by the secretary of the interior. The certification process can be found in this plan under the heading "Site/Segment Certification Procedures" (see page 45). Certification means that such sites or segments meet the preservation, interpretation, and recreational purposes of the National Trails System Act.

Cooperative Agreement: A cooperative agreement, when it involves a federal agency, is defined as a legal instrument reflecting a relationship between the federal government and a state or local government or other recipient when the purpose is the transfer of funds, property, services, etc., to accomplish a public purpose of support or stimulation authorized by federal statute. Limited financial assistance as provided by the National Trails System Act will be provided by the National Park Service through its cooperative agreement process.

High-Potential Historic Site and High-Potential Route Segment: High-potential historic sites and route segments are identified according to the following procedures, as outlined in section 5(e) of the National Trails System Act. Each site or segment must provide opportunities to interpret the trail's historical significance and to provide high-quality recreation along a portion of the route. Route segments should have greater than average scenic values and should also help visitors appreciate the experience of the original trail users. Criteria include historical significance, the presence of visible historic remains, scenic quality, and relative freedom from intrusion. The certification process determines if these resources are to be included as official components of the national historic trail.

Interagency Agreement: The purpose of an interagency agreement between the National Park Service and another federal agency is to provide supplies or services or to provide for cooperative relationships. Interagency agreements may be developed with the U.S. Forest Service, U.S. Army Corps of Engineers, and Soil Conservation Service, among others.

Memorandum of Understanding: A memorandum of understanding is a mutual understanding between the National Park Service and a state or local government or another party that is set forth in a written document to which both parties are participants. A memorandum of understanding does not obligate funds. It is comparable to nonfederal "cooperative agreements" that may be negotiated between other parties.

National Historic Trail: A national historic trail, which is designated by an act of Congress, must meet all three of the following criteria, among others:

- (1) 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.
- (2) It must be of national significance with respect to any of several broad facets of American history, such as trade and commerce, exploration, or migration and settlement. To qualify as nationally significant, historic use of the trail must have had a far-reaching effect on broad patterns of American culture.
- (3) It must have significant potential for public recreational use or historical interest based on historic interpretation and appreciation.

National Trails System: Established by the National Trails System Act, the national trails system consists of national recreation trails, national scenic trails, and national historic trails.

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PLANNING TEAM AND CONSULTANTS

PLANNING TEAM

Denver Service Center

Jere L. Krakow, Team Captain and Historian
Curt Edlund, Former Team Captain
James Butterfus, Landscape Architect
Larry Norris, Natural Resource Specialist
Vernon Dave Dame, Interpretive Specialist
Richard J. Lichtkoppler, Economist
A. Whit Watkins, Outdoor Recreation Planner

Midwest Regional Office

Thomas Gilbert, Regional Trails Coordinator

Southeast Regional Office

Richard Sussman, Regional Trails Coordinator

Southwest Regional Office

David M. Gaines, Chief, Branch of Long Distance Trails

CONSULTANTS

Denver Service Center

Larry Van Horn, Anthropologist

Southeast Regional Office

Tom Brown, Associate Regional Director for Planning
Robert Newkirk, Chief, Planning, Design, and Compliance
John Beck, Interpretation

Southwest Regional Office

Douglas D. Faris, Associate Regional Director for Planning
Ed Natay, Chief, Division of American Indian Programs

Mapping and Historic Site Consultant

Duane H. King, Assistant Director, George Gustav Heye National Museum of the American Indian

Cherokee Officials

Principal Chief Wilma Mankiller, Cherokee Nation, Tahlequah, Oklahoma
Principal Chief Jonathan Taylor, Eastern Band of Cherokee, Cherokee, North Carolina



Cherokee Nation Capitol Building, Tahlequah, Oklahoma. Built in 1870 on the council grounds that were used by the Cherokees after their arrival in Indian Territory in 1839.



As the nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural and cultural resources. This includes fostering wise use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The department assesses our energy and mineral resources and works to ensure that their development is in the best interests of all our people. The department also promotes the goals of the Take Pride in America campaign by encouraging stewardship and citizen responsibility for the public lands and promoting citizen participation in their care. The department also has a major responsibility for American Indian reservation communities and for people who live in island territories under U.S. administration.

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