

FINDING OF NO SIGNIFICANT IMPACT

National Historic Trail Feasibility Study Amendment and Environmental Assessment

November 2007

TRAIL OF TEARS NATIONAL HISTORIC TRAIL ADDITIONAL ROUTES

North Carolina · Georgia · Tennessee · Alabama · Kentucky
Missouri · Arkansas · Oklahoma

United States Department of the Interior • National Park Service



National Park Service
U.S. Department of the Interior

National Trails System
Intermountain Region

Finding of No Significant Impact Trail of Tears Additional Routes Feasibility Study Amendment

In compliance with the National Environmental Policy Act (NEPA) and Public Law 109-378, the National Park Service (NPS) prepared an Environmental Assessment (EA) to examine the feasibility and desirability of designating some 2,845 miles of additional Cherokee removal routes to the Trail of Tears National Historic Trail. This document amends the original 1986 Trail of Tears feasibility study that resulted in congressional designation of the Trail of Tears National Historic Trail in December 1987.

Director's Order 12, *Conservation Planning, Environmental Impact Analysis and Decision Making*, normally requires that an Environmental Impact Statement (EIS) be prepared for "proposals for legislative action to make addition to the National Trails System if the proposed trail meets eligibility criteria...." In rare instances, the Associate Director for Natural Resources Stewardship and Science may choose to waive this requirement and permit an EA to be developed, instead. In this case, a waiver was requested because a) designation of the additional components would be an administrative type of action, with no land acquisition involved; b) the original Trail of Tears National Historic Trail feasibility study, completed in 1986, was an EA rather than an EIS, and the amendment should be prepared at the same level of compliance; c) this study does not entail designation of an entirely new trail, but addition of components to an existing National Historic Trail; d) designation of the additional components has broad public support and is not controversial; e) in 20 years of administering the Trail of Tears National Historic Trail, the NPS has taken no action that resulted in a significant beneficial or adverse impact on the physical or human environment along the trail; and f) the legislation calling for the study identified a timeframe of only six months for completion, which could not be met under the longer process for developing an EIS. Due to these circumstances, NPS Associate Director for Natural Resources Stewardship and Science Mike Soukup granted permission to proceed with an EA on June 6, 2007.

PURPOSE AND NEED FOR THE ACTION

The purpose of this feasibility and suitability study is to evaluate whether specific, currently undesignated routes of Cherokee removal (refer to maps in Appendix B of the attached feasibility study/EA) are eligible to be added as components of the existing Trail of Tears National Historic Trail. The additional routes are evaluated under the feasibility study provisions of the National Trails System Act (P.L. 90-543, as amended through P.L. 109-418; and 16 U.S.C. 1241-1251). The findings of this study are to be presented to Congress, to be considered in determining whether to add the study components to the National Trails System.

The National Trails System Act § 5(a)16 states that the Trail of Tears National Historic Trail is "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...." Although other tribes were removed along the same and other routes during the 1830s, this feasibility study is limited to removal routes followed by the Cherokee Nation during the forced removal of 1838-39.

A discussion of the historical events related to the Cherokee removal is provided in the feasibility study/EA.

In June 1986, at the direction of Congress, the National Park Service completed a feasibility study for a Trail of Tears National Historic Trail, which concluded that a primary overland route and a water route of the 1838-39 Cherokee removal were eligible for designation under the provisions of the National Trails System Act. Based on that study, in December 1987 Congress designated those routes as the Trail of Tears National Historic Trail (P.L. 100-192). Since that original designation, there has developed a significant amount of new research on additional sites and routes of the 1838-39 Cherokee removal. In December 2006, Congress passed legislation (P.L. 109-378) directing the National Park Service to amend the original study to determine if those additional sites and routes are eligible to be added to the Trail of Tears National Historic Trail.

This study is needed to meet the specific requirements of P.L. 109-378. It is further needed to evaluate the feasibility and suitability of those additional Trail of Tears components that a) were not known or considered during the initial study; or that b) were considered but determined to have inadequate historical documentation to justify inclusion as part of the Trail of Tears National Historic Trail at the time. Finally, it is needed to address the growing public interest in understanding and commemorating the Trail of Tears experience.

ALTERNATIVE B: DESIGNATION OF ADDITIONAL COMPONENTS TO THE TRAIL OF TEARS NATIONAL HISTORIC TRAIL

P.L. 109-378 states that "the Secretary of the Interior shall ...submit to Congress a study regarding the feasibility and suitability of designating" additional components to the Trail of Tears National Historic Trail. This discussion, therefore, presents the findings of the combined feasibility study/EA and explains why the designation alternative would have no significant effects on the human environment.

To be designated as a National Historic Trail, a route must meet eligibility criteria provided by the National Trails System Act (16 U.S.C. 1241-1251), Section 5(b) (11). The accompanying feasibility study/EA states those criteria, weighs the additional components against them, and finds that the additional components meet the eligibility requirements for designation. In addition, the National Trails System Act requires that a proposed National Historic Trail meet standards of national historic significance based on criteria developed under the Historic Sites Act of 1935. The feasibility study/EA finds that the trail study components are nationally significant under those criteria. Therefore, the study concludes, all of the study components are eligible for designation as part of the existing Trail of Tears National Historic Trail under the National Trails System Act. The eligible study components are described in Tables 1 through 4 below; for maps, see Appendix B of the accompanying feasibility study/environmental assessment.

If Congress should choose to designate the study components as part of the Trail of Tears National Historic Trail, the National Park Service (NPS), as federal lead agency for the existing trail, would assume administrative responsibilities for the additional routes. The NPS does not propose to acquire trail properties and would not assume direct management responsibility for the new components, but would work in cooperation with existing landowners and managers toward common goals. Partners would include other federal agencies, state and local agencies, American Indian tribes, local communities, and private landowners. The role of the NPS would be to establish standards for trail research, signing, protection, and interpretation; to develop trail-wide consistency in preservation, education, and public use programs; to provide such incentives as technical and limited financial assistance for partners; and to manage the use of the official trail logo for trail marking and other appropriate purposes. The NPS would work with state departments of transportation and other agencies to identify and sign auto tour routes for trail visitation, and would certify qualifying non-federal properties as components of the National Historic Trail. The National Park Service also would revise its 1992 Comprehensive Management

and Use Plan, which guides the preservation and public use of the trail and identifies education and partnership opportunities, to incorporate the added trail components.

The feasibility study/EA acknowledges that ongoing research may shift the balance of historical evidence to favor adjustments in the alignment of the study routes as they currently are mapped. The study therefore recommends that any legislation that might designate these trail elements as part of the Trail of Tears National Historic Trail should also authorize the Secretary of the Interior to make such modifications, adjustments, and additions administratively, where warranted by scholarly research and supported by National Park Service evaluation.

OTHER ALTERNATIVES CONSIDERED

Congress specified that this study is to amend, not replace, the original 1986 Trail of Tears National Trail Feasibility Study, which looked at six alternatives. These alternatives are described and evaluated within that 1986 document. With the designation of the primary land route and the water route as the Trail of Tears National Historic Trail, three of those alternatives are moot. The current study considers New Alternative A (No Action/Existing Trends) and New Alternative B (Designation of the Study Components).

Under Alternative A, the existing Trail of Tears National Historic Trail would continue to be developed under its Comprehensive Management and Use Plan and the NPS would continue to work with other parties on the existing designated routes. The study components would not be designated as part of that trail, and NPS involvement with those components would occur only where they cross or overlap the designated routes. Other parties may take some independent action to recognize, interpret, and protect resources along the undesignated routes. There is no guarantee that any independent efforts on the undesignated routes would have overall coordination or that the Cherokees and other Indian nations would have a voice in those efforts.

Alternative Considered and Dismissed

A third alternative, Protection Without Designation, was identified and evaluated as part of the original 1986 feasibility study. Under this alternative, there would be no federal involvement with the study components (except where they cross or overlap existing designated routes), and any protection that might occur would be entirely at the owner's discretion and expense. The original study determined that such action is unlikely. Furthermore, this alternative simply restates and duplicates the effects of the No Action Alternative. Therefore, it was dismissed from further analysis.

ENVIRONMENTALLY PREFERRABLE ALTERNATIVE

The NPS Director's Order 12 § 6.3 requires identification of an environmentally preferable alternative within an EA and FONSI. The Council on Environmental Quality defines the environmentally preferred alternative as "...the alternative that will promote the national environmental policy as expressed in the National Environmental Policy Act's Section 101." Section 101 of the National Environmental Policy Act states that:

...it is the continuing responsibility of the Federal Government to...

- (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (2) assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- (3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- (4) preserve important historic cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice;

Table 1. Forts and Encampments that meet National Trails System Act eligibility criteria. *

Detainment Camps, Forts, Sites, and Round-up Routes			
State	Fort or Camp	City/County	General Route Description
North Carolina	Ft. Butler	Murphy	Joe Brown Hwy northwest into Tennessee; north along Rt 68 to Tellico Plains, Tenn.; west to Athens; south along US 11 to Ft. Cass/Charleston
	Ft. Delaney	Andrews	US 19/129 along Valley River to Ft. Butler at Murphy
	Ft. Hembree	Hayesville	US 64 west; southwest to Brasstown; northwest along general alignment of US 64 to Ft. Butler at Murphy
	Ft. Montgomery	Robbinsville	Pile Ridge-Long Creek and Military Rd south to Ft. Delaney at Andrews; southwest along US 19/129 to Ft. Butler at Murphy
	Ft. Lindsay	Almond	Site only; route from Ft. Lindsay to Camp Scott currently undetermined
	Camp Scott	Aquone	Dicks Creek Rd and Junaluska Rd west to Ft. Delaney at Andrews; southwest along US 19/129 to Ft. Butler at Murphy
Georgia	Ft. Wool	New Echota / vicinity of Calhoun	Route generally paralleled Rt 225 northeast to Ft Hoskins at Spring Place and on to Ft. Cass at Charleston; or from Ft. Hoskins to Ross's Landing at Chattanooga (see route description for Ft. Hoskins)
	Ft. Buffington	Buffington, east of Canton	Rt 20 west to Canton; southwest paralleling State Rd 205 (Bell's Ferry Road) to Camp Sixes at today's Allatoona Lake
	Camp Sixes	Cherokee Co.	West from Allatoona Lake through Laffingall and Center to Cassville; north along US 41, with variations, to Ft. Wool near Calhoun
	Ft. Hetzel	East Ellijay	Rt 282/US 76 west to Old Hwy 411 and Ft. Gilmer; northwest to Dalton; north Rt 71 to Red Clay, Tenn.; US 11 northeast to Ft. Cass/Charleston
	Ft. Gilmer	Murray County	Old Hwy 411 to Smyrna-Ramhurst Rd and on to Ross's Landing at Chattanooga
	Ft. Newnan	Blaine	Rt 136 to US 411; US 76 northwest to Chattanooga/Ross's Landing/Chattanooga

Detainment Camps, Forts, Sites, and Round-up Routes			
State	State	State	State
Georgia (cont.)	Ft. Hoskins	Spring Place	To Ross's Landing: through Dawnville and Cedar Valley to Prater Mill; Rt 2 west through Varnell and Ringgold; US 41 and Rt 2 northwest to Rossville; north into Chattanooga to Ross's Landing. To Fort Cass: north from Prater Mill along Rt 71 to Red Clay, Tenn.; US 11 to Ft Cass/Charleston
	Ft. Campbell	Forsythe County near Oscarville	Rt 369 west to Old Federal Rd & Hwy 53 to Jasper; northwest to Talking Rock; Rt 136 through Blaine and on to Ft. Gilmer and Ft. Wool near Calhoun
	Ft. Cumming	La Fayette	Generally along US 27 to Rossville and on to Ross's Landing/Chattanooga
	Ft. Means	Vicinity of Kingston	Rt 293 east through Kingston to Cassville; then north to Ft. Wool
	Cedar Town Encampment	Cedartown	Rt 100 northwest; US 411 northeast to Six Mile; US 27 to Rome; Rt 53 to Rt 140 and east to Adairsville; then north on US 41 to Ft. Wool near Calhoun
	Rome Encampment	Rome	Old Summerville Rd to Armuchee and US 27 north to Summerville; Ridgeway Rd and E. Broomtown Rd to La Fayette; then road alignments a mile west of US 27 to Chickamauga and Rossville to Ross's Landing at Chattanooga
	Ft. Perkins	Dade County, vicinity of Trenton	Northeast along US 11/Rt 58 (east of I-59) to Ross's Landing at Chattanooga
	Ft. Floyd Dahlonega & Encampment at Chastain's	Dahlonega & Blue Ridge	Sites only; routes under ongoing study
	Fort Likens	Berry Springs	To Ft. Payne: Co. Rd. 99 south; southwest along Rt 41 to Watson; Rt 35 northwest to Fort Payne. To Ross's Landing: Rt 337 northeast to La Fayette and Fort Cumming; north to Ross's Landing/Chattanooga
	Ft. Lovell	Cherokee Co.	Northeast from the Cedartown area to Rt 35, then on to Fort Payne
Alabama	Ft. Payne	DeKalb Co.	Northeast through Railroad Valley to Ross's Landing/Chattanooga
	Rawlingsville Encampment	Fort Payne	Site only, associated with Ft. Payne
	Gunter's Landing	Guntersville	Supply station, site only

Detainment Camps, Forts, Sites, and Round-up Routes			
State	Fort or Camp	City/County	General Route Description
Tennessee	Ft. Cass	Charleston	Fort and related military and camp complex extending along the river valleys. Ft. Cass, at Charleston, was the head of the Bell and additional water routes
	Ross's Landing	Chattanooga	See various routes above
	Red Clay	Bradley County	Route follows the Southern Railroad between Lead Mine Ridge and Blue Springs Ridge and on through the town of Cleveland, Tenn.; then northeast along N. Lee Highway, US 11 northeast to Ft. Cass/Charleston

**To aid the reader, route descriptions reference modern roads that are in the general area and alignment of 19th wagon roads followed by the Cherokee parties. The modern roads do not necessarily overlap or directly correspond to the older roads.*

Table 2. Additional water route segments that meet National Trails System Act criteria.

Additional Water Segments		
State	Detachments	Segment Description
<i>Tennessee</i>	Drew	Hiwassee River from Fort Cass to the Tennessee River & down the Tennessee to above Ross's Landing
	Deas, Whiteley, & Drew	Tennessee River from above Ross's Landing to west of Chattanooga
<i>Arkansas & Oklahoma</i>	Deas & Drew	Arkansas River from Ft. Smith to Ft. Coffee
	Drew	Arkansas River from Ft. Coffee to mouth of Illinois River
	Deas, Whiteley, Drew, & Drane	White River Cutoff north of confluence of Mississippi and Arkansas River
Additional Land Components of Water Route		
States	Detachments	Segment Description
<i>Tennessee & Alabama</i>	Drane	250-mile overland segment beginning north of Ross's Landing at Chattanooga, Tenn., to Waterloo, Ala. West of Jasper, Tenn., southwest into Alabama; U.S. 72 to Florence; County Rd 14 to Waterloo
<i>Alabama</i>	Deas & Whiteley	60-mile Decatur-to-Tuscumbia rail detour around Muscle Shoals
<i>Arkansas & Oklahoma</i>	Whiteley & Drane	145-mile overland segment from vicinity of Morrilton, Arkansas, to Stilwell, Okla. From near Morrilton, west roughly along U.S. 64 to Van Buren; north along Rt 59 to Evansville; west into Oklahoma along Rt. 100 to vicinity of Stilwell
<i>Oklahoma</i>	Drew	50-mile overland segment from the Illinois River near Gore, Oklahoma, to Tahlequah, Okla.; and from Gore northeast along Rt.100; Rt. 100/82 north to Tahlequah

Table 3. Bell and Benge detachment routes that meet National Trails System Act criteria.

Bell Route	
States	Route description
<i>Tennessee & Arkansas</i>	From Ft. Cass area, Tenn., follows alignment of Rt 11 through Cleveland and into Chattanooga. Crosses Tennessee River at Ross's Landing; again at Moccasin Bend; again at Brown's Ferry; again at Kelly's Ferry. Follows general alignment of Rt 64, with deviations, across southern Tennessee; crosses Mississippi River north of I-40; continues along the old Memphis-to-Little Rock Road through Village Creek State Park in Arkansas. South at Zent; crosses White River at Clarendon; west toward Jacksonville; southwest through North Little Rock. Along old Little Rock-to-Fort Gibson Road, which follows, with some variations, Rt 64. Turns north short of Van Buren; follows general alignment of Rt 59 to Evansville, Ark.
Benge Route	
State	Segment description
<i>Alabama, Tennessee, Kentucky, Missouri, Arkansas, & Oklahoma</i>	From Lebanon, Ala., 8 miles south of Ft. Payne, west to cross Tennessee River at Gunter's Landing (Guntersville); northwest to Elkton, Tenn; US 31 to Pulaski; Rt 166 & smaller roads to Centerville; Rt 230 to Waverley. Crosses Tennessee River at Nathan Bedford Forrest State Park; northwest to vicinity Dukedom, Ken.; crosses Mississippi near Columbus- Belmont State Park; across southeastern Missouri to point north of Pitman's Ferry on the Current River, Ark. Southwest toward Batesville, where detachment split. Rejoin east of Melbourne, Ark.; west to Fayetteville; south to Evansville; Rt 100 to Stilwell, Okla.

Table 4. Disbandment and dispersal routes that meet National Trails System eligibility criteria.

Disbandment and dispersal routes		
States	Segment	Route description
<i>Arkansas & Oklahoma</i>	Pea Ridge, Ark., to Beattie's Prairie, Okla.	Splits from northern route south of Peak Ridge (Pea Ridge National Military Park), Ark.; west along Spavinaw Creek; enters Oklahoma near Hog Eye Creek at Beattie's Prairie in Delaware County.
	Farmington, Ark., to vicinity of Westville, Okla.	Splits from northern route west of Fayetteville, Ark.; enters Oklahoma south of Cincinnati; continues to Old Fort Wayne and Woodhall's Depot north of Westville, Okla.
	Farmington, Ark.	Splits from northern route west of Fayetteville, Ark.; southwest through Prairie Grove and Evansville; west to Stilwell, Okla.

- (5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- (6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

Alternatives A and C would provide for continued trail-related federal activities along currently designated routes of the Trail of Tears National Historic Trail, but not along the study routes. The federal lead agency would be unable to offer programs and opportunities that encourage preservation of key Trail of Tears historic properties and related natural areas along the study routes. These alternatives, therefore, do not fully meet policies 1, 3, 4, and 5.

Alternative B is the environmentally preferred alternative. Alternative B meets policies 2 and 5-6 to the extent of Alternatives A and C. It would more fully meet policies 1 and 4 by encouraging environmental and historical resource preservation along an additional 2,845 miles of trail corridor. Alternative B would more fully meet policy 3 by attaining a more diverse range of visitor enjoyment without risk to public health or safety, and policy 5 by ultimately providing a variety of ways for the visiting public to experience Trail of Tears resources.

MITIGATION MEASURES

No mitigation measures are proposed.

WHY THE DESIGNATION ALTERNATIVE WOULD NOT HAVE A SIGNIFICANT EFFECT ON THE HUMAN ENVIRONMENT

40 CFR Section 1508.27 provides the following criteria for evaluating the significance of an impact.

1. Impacts may be both beneficial and adverse. A significant effect may exist even if the federal agency believes that on balance the effect will be beneficial. No major adverse or beneficial impacts would result from designation of the study components that would require analysis in an environmental impact statement. The designation alternative would have no or negligible and beneficial impacts on land ownership and use; no or negligible adverse impacts on wildlife and vegetation; minor and beneficial impacts on cultural resources (including ethnographic resources); minor and beneficial impacts on visitor use and experience at existing recreational resources; and moderate beneficial impacts on local economies as a result of tourism.

2. The degree to which the proposed action affects public health or safety. Designation of the study routes would have no effect on public health or safety. Trail designation would not affect either air or water quality.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. As described in the EA, prime and unique farmlands, wild and scenic rivers, wilderness, ecologically and other unique natural areas would not be affected by trail designation. Development proposals that might arise pursuant to designation could have some potential to affect floodplains and wetlands, but these effects cannot be predicted at this time and would be evaluated and avoided or mitigated through a separate environmental analysis process. Designation would have minor, beneficial effects on historic and cultural resources, as described in the attached environmental assessment.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial. None of the public comments or consultations with interested parties or

cooperating agencies brought up concerns that designation of the study components might affect the quality of the human environment. Consulting federal agencies and state departments of transportation asked to be consulted further in the event that any future development projects arise within their jurisdictions pursuant to designation. Any concerns that might arise in the future would be addressed in cooperation with those parties. However, none raised concerns about potential impacts of trail designation. Therefore, trail designation is determined to have no effects on the quality of the human environment that are likely to be highly controversial.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. If the study components are designated, the National Park Service will encourage and support non-federal landowners and managers in developing interpretive, educational, and resource protection projects that could entail some degree of construction or land disturbance. Such projects on National Historic Trails typically involve installation of kiosks and interpretive signs, development of pedestrian trails, site fencing or rehabilitation, or accommodations for limited parking. However, over the past 20 years of administering the Trail of Tears National Historic Trail, the NPS has found such projects to be rare along the designated routes. Rather, most have been focused on research and documentation, site and highway signing, and museum exhibits. Interest in undertaking outdoor interpretive projects may increase, but such projects would be small in scale, incorporating existing developed sites and facilities when possible, and are unlikely to have adverse environmental effects. Therefore, designation of the study routes is determined to have low potential for highly uncertain, unique, or unknown risks.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration. Designation of the study components neither establishes a National Park Service precedent for future actions with significant effects nor represents a decision in principle about a future consideration.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. The potential impacts of designation of the study components was analyzed in the environmental assessment for impacts to land ownership and use; vegetation; Threatened, Endangered, and Sensitive plant and animal species; wildlife; archeological and historic properties; American Indian concerns and ethnographic resources; existing recreational resources; visitor use and experience; and socioeconomic conditions. As described in the environmental assessment, cumulative impacts were determined by combining the impacts of the alternatives with other past, present, and reasonably foreseeable future actions. Designation of the study components, along with past, present, and reasonably foreseeable future actions, would have no significant cumulative effects on any resource analyzed in the EA.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources. The study components themselves are significant cultural, ethnographic, and historical resources. The ultimate aims of designating these components as part of a National Historic Trail are to encourage their protection and preservation, accommodate ongoing tribal involvement with them, document them to professional standards and nominate them to the National Register of Historic Places, and provide controlled public access to and interpretation of them. Designation is expected, therefore, to have beneficial effects on these components. It likewise would have beneficial effects on non-trail related districts, sites, structures, and objects along the trail corridors. Designation would have some potential to affect highways once auto tour routes are identified, but the process of establishing those routes would involve close cooperation with state and local highway departments in order to avoid or mitigate adverse impacts to

transportation facilities. Therefore, designation of the study components is determined to have no adverse effect on these resources and facilities.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973. Consulting offices of the U.S. Fish & Wildlife Service have concurred with the NPS determination that designation of the study components is unlikely to adversely affect endangered or threatened species or critical habitats. Any development project that might arise pursuant to designation would be scrutinized to determine its potential effects on threatened and endangered species and critical habitat, and the U.S. Fish & Wildlife Service would be consulted. In all likelihood, any federally funded proposal that posed adverse impacts to these resources would be rejected by the National Park Service. Therefore, designation of the study components is determined to have little potential to adversely affect an endangered or threatened species or critical habitat.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment. Designation of the study components would violate no federal, state, or local environmental protection laws.

IMPAIRMENT OF TRAIL RESOURCES OR VALUES

Designation of the study components would not impair any trail resources and would not violate the NPS Organic Act.

PUBLIC INVOLVEMENT AND AGENCY CONSULTATION

In accordance with the Endangered Species Act of 1973, Section 7, the NPS initiated consultation with 11 offices of the U.S. Fish and Wildlife Service across all eight study-route states in July 2007. In August those offices were invited to review the draft environmental assessment. Follow-up contact by telephone was initiated by the NPS in October. Written responses were received from:

- Alabama Ecological Services Field Office, Daphne, AL
- Arkansas Ecological Services Field Office, Conway
- West Georgia Sub Office, Athens
- Kentucky Ecological Services Field Office, Frankfort
- Columbia Ecological Services Field Office, Columbia
- Asheville Field Office, Asheville
- Division of Ecological Services, Tulsa, OK
- Cookeville Ecological Services Field Office, Cookeville

Each consulting office concurred in writing with the NPS analysis and effects determinations, but asked to be consulted further in reference to any future development proposals with potential to affect threatened and endangered species or critical habitat.

In accordance with the National Historic Preservation Act of 1966 (as amended), Section 106, and 36 CFR 800, the National Park Service in July 2007 invited the state historic preservation offices (SHPOs) of Georgia, North Carolina, Alabama, Kentucky, Tennessee, Missouri, Arkansas, and Oklahoma to consult with regard to the trail feasibility study/EA. In August these offices were invited to review the draft environmental assessment. Follow-up contact by telephone was initiated by the NPS in September and again in November. Responding SHPOs were:

- Oklahoma Deputy State Historic Preservation Office, Oklahoma City
- Arkansas State Historic Preservation Officer/Department of Arkansas Heritage, Little Rock

- Alabama Deputy State Historic Preservation Officer/Alabama Historical Commission, Montgomery
- Georgia Historic Preservation Division, State Department of Natural Resources, Atlanta
- Missouri State Historic Preservation Officer (State Department of Natural Resources), Jefferson City

The consulting SHPOs commented in writing, by email, and by telephone. The Georgia Historic Preservation Division notified the NPS by telephone on November 8 that it has no concerns about the study and that it considers consultation to be completed. The Alabama Historical Commission concurred in writing with the study's findings. The Department of Arkansas Heritage wrote to "fully support the addition of the routes" and advised the NPS to consult with federally recognized Indian tribes pursuant to 36 CFR 800.4(a)(4). The Oklahoma Historical Society's State Historic Preservation Office reviewed the materials and provided editorial and substantive historical information comments. The Missouri SHPO requested consultation but did not respond to NPS efforts to follow up. The remaining SHPOs did not respond.

In accordance with the National Historic Preservation Act, letters were sent on July 30, 2007, to the following federally register American Indian tribes:

- Cherokee Nation, Tahlequah, OK
- Chickasaw Nation, Ada, OK
- Choctaw Nation of Oklahoma, Durant, OK
- Eastern Band Cherokee Indians, Cherokee, NC
- Poarch Band of Creek Indians of Alabama, Atmore, AL
- Seminole Nation of Oklahoma, Wewoka, OK
- Muscogee (Creek) Nation of Oklahoma, Okmulgee, OK

The letters informed the tribes of the proposed action, invited consultation, and asked for comments or concerns. Written communications were received from the Seminole Nation Tribal Historic Preservation Officer (THPO), providing internet links for historical information, and from the Muscogee (Creek) Nation's Director of Tribal Affairs, requesting further consultation on Creek travel routes to Oklahoma. The NPS made follow-up calls to both offices but was unable to contact the designated tribal officials. The THPO for the Poarch Band of Creek Indians of Alabama verbally communicated his band's support for designation of the study routes. The Vice Chief of the Eastern Band of Cherokee Indians likewise verbally stated his tribe's support for designation. Other tribes did not respond to the invitation to consult. Further information concerning tribal relationships and consultation is provided in the feasibility study/EA.

In accordance with the National Trails System Act § 5(b), the National Park Service contacted other federal agencies, state and local governmental agencies, public and private organizations, and landowners and land users with regard to the feasibility study/EA. Other federal agencies consulted included the U.S. Army Corps of Engineers, the USDA Forest Service, the Natural Resources Conservation Service, the Tennessee Valley Authority, the U.S. Federal Highways Administration, and affected units of the National Park Service. State agencies consulted (in addition to the various State Historic Preservation Offices) included departments of transportation and state parks in each of the eight study-route states. Organizations included the Trail of Tears Association and the individual chapters for each affected state. Landowners and other interested parties were notified of the upcoming study by notices published in newspapers across the eight study-route states.

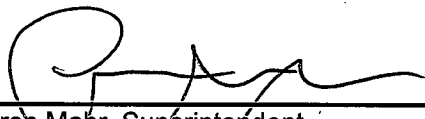
Public interest in and opinion on designation of the Trail of Tears National Historic Trail study routes is overwhelmingly supportive. There is, however, strong public concern that the routes and histories of tribes other than the Cherokees are not being addressed by the feasibility study. The scope of the current study, however, is restricted to those topics and routes specified by P.L. 109-378.

CONCLUSION

Designation of the study components does not constitute an action that would require preparation of an environmental impact statement. Designation of the study components would not have a significant impact on the human environment. Adverse environmental impacts that could occur are nonexistent to negligible in effect. There would be no adverse impacts on public health, public safety, threatened or endangered species, sites or districts listed or eligible for listing in the National Register of Historic Places, known ethnographic resources, or other unique or unknown risks, significant cumulative effects, or elements of precedence that were identified. Designation of the study components would not violate any federal, state, or local environmental protection law.

Based on the foregoing, it has been determined that the plan does not constitute a major federal action significantly affecting the quality of the human environment and an environmental impact statement will not be required and thus will not be prepared.

Recommended:

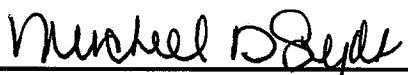


Aaron Mahr, Superintendent
National Trails System, Intermountain Region

11/27/07

Date

Approved:



Michael D. Snyder, Regional Director
National Park Service, Intermountain Region

11/29/07

Date

Errata Sheets
Trail of Tears National Historic Trail Additional Components Feasibility Study
National Trails System, Intermountain Region

Detail regarding purpose and need and public comments and consultation is added in response to internal agency comment. Substantive comments to the Trail of Tears National Historic Trail Additional Components Feasibility Study centered on historical and geographic descriptions. Corrections and clarifications based on these comments were incorporated directly into the Environmental Assessment, and do not alter any of the findings or conclusions contained therein.

Text Changes

Page 1 insert lines 23-42 in *Statement of Purpose and Need*:

The purpose of the current study, then, is to amend the 1986 feasibility and eligibility study for the Trail of Tears National Historic Trail in order to evaluate the feasibility and suitability of adding the following components to the designated trail:

- 1) the Bell and Bengé detachment routes crossing Alabama, Tennessee, Kentucky, Missouri, Arkansas, and Oklahoma;
- 2) the land components of the designated water routes in Alabama, Tennessee, Arkansas, and Oklahoma;
- 3) the routes from the collection forts in Georgia, North Carolina, Alabama, and Tennessee to the main trailhead departure points;
- 4) those related campgrounds along the routes and land components; and
- 5) disbandment routes taken by various groups from the end of the trail to their final destinations.

This study is needed to meet the requirements of P.L. 109-378. It is further needed to evaluate the feasibility and suitability of additional Trail of Tears components that a) were not known or considered during the initial study; or that b) were considered but determined to have inadequate historical documentation to justify inclusion as part of the Trail of Tears NHT at the time. Finally, it is needed to address the growing public interest in understanding and commemorating the Cherokee Trail of Tears experience.

Page 2 insert lines 26-44 in *Public and Tribal Involvement* section in response to public comment concerning omission of earlier Cherokee emigration and non-Cherokee removal routes from study:

However, two recurring themes concerning the breadth of the feasibility study did emerge during scoping and the subsequent review and comment period:

- **Issue 1: Removal Routes of Other Eastern Tribes**
Numerous scoping participants encouraged the National Park Service to evaluate removal routes used by the Muscogee Creeks, the Seminoles, the Chickasaws, and the Choctaws, who also were relocated from their homelands to Oklahoma in the 1830s. The individual removal experiences of those tribes are as significant and meaningful as those of the Cherokees. However, the National Park Service at this time has been authorized by Congress to evaluate only those routes associated with the 1838-39 forced removal of the Cherokee. Specific congressional authorization is required in order for the NPS to evaluate non-Cherokee routes for possible National Historic Trail designation.
- **Issue 2: Emigration of Cherokees Prior to May 26, 1838**
Some scoping participants wish the National Park Service to document the history and routes taken by Cherokees who voluntarily left the Southeast prior to the U.S. military-led round-ups that began in Georgia on May 26, 1838. Again, the scope of this study is legislatively restricted to those routes and events associated with the 1838-39 Cherokee round-up and forced removal events.

Page 3 insert lines 15-24 in *Public and Tribal Involvement* section, in response to public comment concerning omission of non-Cherokee routes in the study:

The National Park Service recognizes that other American Indian groups, in addition to the 17 Cherokee detachments addressed in this study, were impacted by the Indian Removal Act of 1830 and that they experienced their own share of misfortunes. Some relocated Eastern tribes were first to use routes that later were followed by the main body of Cherokees relocated in 1838-39, and which now are commemorated as the Trail of Tears National Historic Trail. The removal routes and stories of these groups are as significant and meaningful as those of the main body of Cherokees who were relocated in 1838-39. While the scope of this feasibility study amendment is legislatively focused on specific additional routes, the National Park Service will continue to recognize and interpret the broader story of the Indian removal along all of the Trail of Tears National Historic Trail routes.

Page 5 insert lines 5-20 in Definition of the Trail of Tears National Historic Trail section, in response to public comment concerning possible confusion regarding various "Trails of Tears":

The "Trail of Tears" is commonly understood to refer to "all Indian Removal from the southeast states to the Indian Territory that is now eastern Oklahoma" (Sequoyah Research Center). The "Cherokee Trail of Tears" refers specifically to the routes taken by the various Cherokee groups to Oklahoma. The Trail of Tears National Historic Trail, in contrast, comprises *only* those select Trail of Tears routes that have been designated by Congress under the National Trails System Act. At the present time, the Trail of Tears National Historic Trail consists of two of the routes utilized by the Cherokees.

The National Trails System Act defines the Trail of Tears National Historic Trail as "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...."¹ For the purposes of the original 1986 Trail of Tears feasibility study and the current amendment study, the Cherokee removal is considered to have begun on May 26, 1838, with the military's violent round-up of Cherokee people living in Georgia. The round-up and removal of the Cherokees continued in North Carolina, Tennessee, and Alabama through the spring and summer of 1838 and ended with the arrival of the last detachments in Oklahoma in March 1839.

Page 5 insert Footnote 1 in response to reader's request for additional historical detail:

Cherokee emigration from the Southeast, driven largely by white settlement pressures, spanned several decades and culminated in the violent removal of the remaining Cherokees by the U.S. Army and state militias in 1838-39. A summary of the events leading up to the final removal is provided on pages 1-1 and 2-2 through 2-4 of the 1986 Trail of Tears National Historic Trail feasibility study.

Change page 7 line 3 in *Historical Summary* section from *ordering* to *authorizing*.

Change page 7 line 7 in *Historical Summary* section from *preferring* to *hoping*.

Page 7 lines 10-11 *Historical Summary* section insert: *Other Eastern tribes, as well, were removed from their homelands as a result of the act.*

Change page 7 lines 15-16 *Historical Summary* section from *relatively peaceful removal event* to *relatively non-violent—though still traumatic—removal event*.

Page 8 insert Footnote 2 in *Historical Summary* section in response to reader's request for additional historical detail:

Two months earlier, Lt. Deas had conducted another party of 250 Cherokee emigrants, mostly by boat, from Waterloo, Alabama, to their destination in Oklahoma. Two ill children died en route, but the rest of the party arrived safely. Their journey took 24 days (April 5-April 28, 1838)

Page 8 line 27 in *Historical Summary* section change *Arkansas River* to *Mississippi River*.

Page 10 *Route Descriptions* section insert lines 24-38 in response to reader's concern about route description:

Other Trail of Tears researchers may question or dispute details of some of the route descriptions provided here. It is the determination of the National Park Service, however, that the descriptions are strongly supported by the historical evidence currently available. All of the study routes identified below, with the exception of the route from Fort Lindsay to Camp Scott, are well documented and meet the criteria of the National Trails System Act. Nonetheless, the National Park Service recognizes that continuing research could, and likely will, yield new information that clarifies and revises our present understanding of Cherokee Trail of Tears routes. Researchers at the National Archives, for example, already have identified an abundance of unexamined 19th century documentation related to the Indian Removal. As historians continue to delve into that and other repositories, the preponderance of evidence may shift and demand adjustments of the designated trail routes. Therefore, this study amendment suggests that any legislation that might designate these trail elements as part of the Trail of Tears National Historic Trail should also authorize the Secretary of the Interior to make such modifications, adjustments, and additions administratively, where warranted by scholarly research and supported by National Park Service evaluation.

Page 11 *Route Descriptions*, North Carolina/Fort Lindsay subsection, insert: lines 17-31

At the completion of this study, the route followed by the captured Cherokees from Fort Lindsay to Camp Scott is undetermined. Two possible routes have been identified. The first alternative route went up the Nantahala Gorge and then headed south to Fairview and Kyle to reach the State Road at Camp Scott. Although this gorge route is the shorter and most direct of the two, it was a difficult, narrow road that might not have accommodated wagon traffic. A second possible route, longer but more accessible to wagons, went up the Little Tennessee River to Franklin, where it joined the State Road and continued directly west to Camp Scott. From Camp Scott, the route is well documented: the Cherokees followed the State Road down Junaluska Creek to Fort Delaney and then on to Fort Butler.

This study recognizes that the site of Fort Lindsay is part of the 19th century military complex along the Trail of Tears National Historic Trail and that the route from Fort Lindsay to Camp Scott may be eligible for designation once sufficient evidence has been gathered to determine the correct alignment.

Page 13 *Route Descriptions*, Georgia subsection, insert lines 28-38:

14. Fort Floyd/Dahlonega and the Encampment at Chastain's. During the removal period, the army built Fort Floyd, in Dahlonega, Georgia, and established the Encampment at Chastain's at Blue Ridge (See Section Map 1 in Appendix B) for the purpose of holding Cherokees for removal. However, researchers to date have found no documentation proving that Cherokees actually were held there or indicating the routes they followed from those two locations to the emigration depot. These two properties clearly were part of the removal-related military complex, but the precise nature of their association with the 1838-39 Cherokee removal is unclear. This study recognizes that the sites of Fort Floyd/Dahlonega and the Encampment at Chastain's are part of the military complex established along the Trail of Tears, and that research efforts to clarify their relationship to the Trail of Tears should continue.

Change Page 18 lines 18-21 from:

The 1,079-member detachment led by Cherokee Captain John Benge departed Lebanon, Alabama, eight miles south of Fort Payne, by land on October 1, 1838

To:

Benge's main party departed Lebanon, Alabama, eight miles south of Fort Payne, by land on October 1, 1838, and other groups followed later.

Change Page 18 lines 36-37 from *through today's Harrison, Huntsville, and Fayetteville to near today's Harrison and Huntsville, and through today's Fayetteville.*

Change Page 28 lines 21-23 from *A Secretary of the Interior's Advisory Council for the trail provided input to the NPS for 10 years, until the council's legislated expiration to A Secretary of the Interior's Advisory Council for the trail provided input to the NPS for a total of 12 years, which included the legislatively determined 10-year term plus a 2-year extension.*

Page 29 lines 12-14 insert *(except the Fort Lindsay/Franklin/Camp Scott route, which requires additional study, indicated in dashed lines on Map 1)*

Change total additional components lengths from 2,760 miles to 2,845 miles on page 25 lin3 43; 30 line 9; page 31 line 20; page 32 line 4; page 76 line 39; page 77 line 24.

Change page 35 line 5-7 from *the claim by many non-members that an ancestor was Cherokee to the attempts by individuals who are not enrolled tribal members to use claims of Cherokee ancestry to seek separate tribal recognition.*

Change Page 38 line 7 from 1987 to 1986

Change page 51 line 18-19 from *No Alabama properties have been designated by the National Park Service, at the invitation of landowners, as certified Trail of Tears sites to Tusculumbia Landing has been designated by the National Park Service, at the invitation of landowners, as certified Trail of Tears sites.*

Change page 65 line 1 Table 12 header from Southwest Kentucky to Missouri

Change page 67 lines 8-26 from:

French, Spanish, and English explorers probed the area through the 1700s, meeting up with the Caddo, Quapa, Illinois, Osage, Natchez, and Tunica and Koroa Indians. The Caddo, having survived the Mississippian collapse with their cultural traditions intact, became particularly important trading partners of France and Spain. Once the region was acquired by the U.S. as part of the Louisiana Purchase in 1803, increasing settlement pressures prompted some indigenous groups voluntarily to relocate themselves. The Tunicas, for example, left Arkansas for southern Louisiana around 1790, and some Cherokees (now called Western Cherokees) moved from Tennessee into Quapaw and Osage territory in Arkansas between 1817 and 1835. Soon, the U.S. Government began relocating eastern tribes to territories west of the Mississippi River, forcing them onto lands already occupied by the Caddos, Osages, Quapaws, and others. Those tribes, along with the newcomers, ultimately were moved by the government to Oklahoma, where their tribal headquarters are located today. Cherokees, Chickasaws, Choctaws, Creeks, and Seminoles passed through Arkansas during the Indian Removal of 1836-1838

To:

While exploring the Mississippi River in 1673, French explorers Father Jacques Marquette and Louis Joliet encountered Quapaw Indian villages near the confluence of the Arkansas and Mississippi Rivers (Wilson and Sabo 2007). The Quapaw controlled roughly the eastern half of Arkansas, from the west bank of the Mississippi River to west of today's Little Rock (Oklahoma Historical Society). This tribe intermarried with and became close allies of the French, who called them "Arkansas," an Illini word meaning "People of the South Wind." Both Caddos and Quapaws faced competition for game from the Osage Indians, who resided in Missouri and Oklahoma but claimed northwestern Arkansas as their hunting grounds.

Once the United States acquired the Louisiana Purchase in 1803, U.S. politicians almost immediately began thinking of the Arkansas River Valley as a place to relocate entire tribes from the east. The Osages ceded their Arkansas hunting grounds in 1808, but were enraged when emigrant Cherokees were invited to settle there. Later cessions by the Quapaw (1818) and the Osages (1825) opened lands for resettlement of the Choctaws, Muscogee Creeks, Chickasaws, Seminoles, and Cherokees, who experienced their separate "Trails of Tears" in the 1830s.

The original 1819 boundaries of Arkansas Territory were whittled in half to help create the first Indian Territory, which in turn would be whittled away, as well. The western boundary of Arkansas was set by U.S. treaties with the Choctaws in 1825 and with the Western Cherokees in 1828. The state's shared border with the relocated nations would be a continuing influence on Arkansas history.

Page 68 lines 26-29 insert *at Fayetteville is the Sarah Ridge House, built in 1839. Now open to the public, Sarah Ridge House offers Trail of Tears-related programs. Sarah Ridge, who once resided at the home, was the widow of Cherokee leader John Ridge.*

Change page 72 lines 20-23 from:

Settlement pressures from the expanding U.S. soon prompted several tribes of the Mississippi-Missouri drainage, such as the Quapaws, Osages, and Otos, to re-settle along the rivers of eastern Oklahoma in the early 1800s (McReynolds et al. 1975). They were joined by some Cherokees and others who moved independently to Arkansas. The U.S. government relocated numerous tribes from the Southeast, Northeast, Midwest, Plains, and Southwest to "permanent Indian Territory" in Oklahoma from the 1830s through 1870s (Brooks2007). These tribes included the Cherokees, Chickasaws, Creeks, and Choctaws who traveled the Trail of Tears. Today, dozens of tribes have tribal headquarters in Oklahoma (see Wright 1986).

To:

The U.S. government relocated numerous tribes from the Southeast, Northeast, Midwest, Plains, and Southwest to "permanent Indian Territory" in Oklahoma from the 1830s through 1870s (Brooks 2007). These tribes included the Cherokees, Chickasaws, Creeks, Seminoles, and Choctaws who traveled the Trail of Tears. Today, 38 federally recognized tribes are listed for Oklahoma, and many have tribal headquarters there (see Wright 1986).

Change page 74 line 7, Table 16 header from Arkansas to Oklahoma.

Pages 76-82 insert *Table 17, Impact Threshold Definitions.*

Page 92-93 lines 41-52 insert:

In response to an invitation to consult regarding this feasibility study, the U.S. Fish & Wildlife Arkansas Field Office determined that no federally listed endangered, threatened, or candidate species are present in the project area in that state. U.S. Fish and Wildlife Service field offices in Kentucky, Alabama, Georgia, North Carolina, Tennessee, and Missouri, have formally concurred with the National Park Service that designation of the study routes is not likely to adversely affect any Threatened & Endangered species in those states. The Fish & Wildlife Service Division of Ecological Services in Tulsa, Oklahoma, likewise agrees. However, all of these offices caution, any subsequent development proposals would require further study and consultation with regard to potential impact on T&E species. All federally-funded or permitted proposals that involve development or outdoor recreation, and that therefore could potentially impact vegetation and wildlife, would be individually reviewed under the provisions of the National Environmental Policy Act (NEPA).

Page 108, Consultation section, lines 6-14 insert:

The following federal and state agencies, tribes, and organizations were contacted by mail and follow-up telephone calls and emails to advise them of the availability of the draft feasibility study/environmental assessment on-line. Hard copies and/or PDF files of the document and maps were mailed to all who requested them. Agencies that requested and were granted consulting party or cooperating agency status are so indicated below; agencies that responded with comments also are indicated as consulting parties. All of the tribes and Trail of Tears Association Chapters named below are consulting parties of long standing. Prior to and during the feasibility study process, the individuals named below made

available to the National Park Service their personal research and knowledge of the trail to help identify routes and sites.

Pages 110-111 insert list of individual subject matter experts consulted.

SUBSTANTIVE COMMENTS

Trail of Tears History and Additional Routes

Comment (from multiple correspondents): Tribes other than the Cherokee also were removed from the Southeast and elsewhere as a result of the Indian Removal Act of 1830. Why aren't their "Trails of Tears" evaluated in this feasibility study?

Response: The National Trails System Act, which authorizes designation of the Trail of Tears National Historic Trail, defines that trail as "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 addition, Public Law 109-379 specifies which additional components and types of components are to be examined in this feasibility study. The scope of this particular study is legislatively defined by these parameters.

Comment: Why aren't the routes and experiences of Cherokee people who left the Southeast before the military-led removal described in this study?

Response: It is the understanding of the National Park Service that Congress intends the routes of Trail of Tears National Historic Trail to include only those taken by Cherokees who were forcibly removed from their homes by the U.S. Army and various state militia beginning May 26, 1838.

Comment (from multiple correspondents): Can you extend the comment deadline to allow for further research to be conducted in order to identify more additional components, or to better define proposed additional routes, of the Cherokee Trail of Tears?

Response: Public Law 109-379 allows only a six-month period to conduct and finalize the current study. Additional components selected for evaluation here are those for which extensive historical research already has been completed.

Comment (from multiple correspondents): We ask that the National Park Service work through its interpretive program and other efforts to better educate the public of the fact that all Native Americans living in the area were impacted by the Indian Removal Act of 1830.

Response: It is a goal of the National Park Service, in administering the Trail of Tears National Historic Trail, to acknowledge and interpret the experiences of all the Southeastern tribes that were removed to Oklahoma, even though some of those groups took different routes to get there. We agree that it is necessary and desirable to educate the public about the entire removal experience, and we regularly consult with the various tribes and bands of the Cherokees, Seminoles, Choctaws, Chickasaws, and Creek to help us accomplish that aim. In telling the story of the Trail of Tears, the National Park Service includes, where appropriate, the broader nationwide story of federal Indian policy.

Comment (from multiple correspondents): This feasibility study should provide a comprehensive history of the Indian Removal, the various tribes that were relocated, all routes they followed, the historical and social contexts surrounding the removals, and annotated maps of historic Indian towns.

Response: While that level of detail and comprehensiveness would be highly desirable, it is well beyond the scope of the current feasibility study. The National Park Service encourages its many highly qualified partner historians and field researchers to work toward producing a document of that magnitude and depth.

Comment (from multiple correspondents): I believe that one or more of the route descriptions provided in this feasibility study is erroneous or questionable.

Response: Based on the preponderance of historical evidence compiled at this time, the National Park Service believes that the route descriptions are reasonably accurate and reliable. However, the NPS also acknowledges that additional evidence may later come to light that shifts the balance of the evidence to favor new route interpretations and adjustments. The feasibility study asks Congress to consider allowing the Secretary of the Interior to permit any future corrections to be made through a departmental administrative process.

Eligibility and Designation

Comment: I question whether all of the researched segments satisfy the criterion of having "significant potential for public recreational use or historical interest based on historic interpretation and appreciation."

Response: The National Trails System Act § 3(3) states, "National historic trails...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...need not be continuous onsite." Other National Historic Trails include sections of the designated routes of a trail that pass through agricultural, urban, and even industrial areas, which may seem to have less potential for public recreational or historical interest. However, experience has shown that there can be interpretive opportunities, opportunities for highway signing and marking of the trail route, and opportunities to retrace the original trail route along these segments, and thus they can contribute in a meaningful way to the total trail experience. We believe that the various additional components addressed in this feasibility study do meet the criterion and would be legitimate components of the Trail of Tears National Historic Trail.

Comment (from multiple correspondents): Would the National Park Service, in the feasibility study, please designate specific sites as official components of the National Historic Trail?

Response: The National Park Service neither designates nor recommends to Congress the designation of any trail component as National Historic Trail. However, if Congress should decide to designate the additional routes, site owners and managers could then ask the National Park Service to *certify* their trail properties as official trail components. Visit the Trail of Tears National Historic Trail web site at <http://www.nps.gov/trte/parkmgmt/certification.htm> for information on trail site and segment certification.