

BY DAVID J. WELCH

## LOOKING WEST

### *Nebraska Trail Preservation*

WHEN WE CONSIDER TRAIL PRESERVATION, WE TEND TO FOCUS ON THE WESTERN STATES SINCE MUCH OF THE SURVIVING TRAIL EXISTS WHERE OTHER USES (ALSO KNOWN AS “PROGRESS”) HAVE NOT RESULTED IN ITS DESTRUCTION. WHILE THERE ARE IMPACTS, WYOMING HAS THE BEST PRESERVED TRAIL AND TRAIL SETTINGS. NEVADA FOLLOWS, AND THEN BY SMALLER SEGMENTS IN UTAH, IDAHO, OREGON, COLORADO, AND CALIFORNIA. IN THE SOUTHWEST THERE IS A RACE BETWEEN DEVELOPMENT AND THE PRESERVATION OF THE TRAILS AS MORE AND MORE PEOPLE SEEK THE WARMTH OF THEIR MILD WINTERS AND ABUNDANT SOLAR ENERGY IS EXPLOITED. WHAT ABOUT THE FIRST STATES ENCOUNTERED BY THE EMIGRANTS, MISSOURI, KANSAS, AND NEBRASKA?



Since this year's OCTA convention will be held in Kearney, Nebraska, let's focus on that state. It is an interesting dichotomy: in the eastern two-thirds of the state there is extensive agriculture that has been the heart of our great national breadbasket, but this use has also erased most of the trail except on unbroken land and in state parks. In the western one-third agriculture gives way to open sand hill grasslands and impressive eroded rock landmarks that dominate the trail corridor. Across the entire state threads Mattes's "Great Platte River Road," the highway of our national destiny that is today reflected by Interstate 80 from Kearney to Ogallala.

Our focus on the western states also comes about as a result of the extensive public lands therein. Public lands have a single point of contact for OCTA when addressing issues regarding the emigrant trails, the federal agency with responsibility for managing those lands. In our case we have a partner, the National Park Service, which has administrative responsibility for the trails. In Nebraska, there is little federal public land. Our preservation efforts in Nebraska must consider the many local landowners along the trail and small holdings at the state and local level. Federal agencies do become involved when federal permits are required, such as we are seeing in the case of the Keystone Pipeline project, even though it will traverse private land.

This raises an important point. When dealing with trails on public lands, our most important tool is Section 106 of the National Historic Preservation Act. It requires avoidance of impacts if reasonably possible and provides for mitigation when there is an unavoidable adverse impact to the trail. We have used Section 106 many times over the past twenty years to preserve the trails and obtain mitigation. As always, vigilance by chapter members is key to learning about threats to trail resources.

A less appreciated aspect of Section 106 is that it also applies to private property if the proposed action requires a federal permit. Unless the project


is entirely local and does not have ties into a national system such as the electrical grid, a federal permit of some kind will be required. OCTA's participation is essential to ensure that Section 106 is observed on these private land projects.

This should not be viewed as a threat to the economic opportunity of the landowner. The reasons for a particular adverse impact can be compelling, in which case the developer, not the landowner, is responsible for mitigation. The cost of mitigation is microscopic when viewed in the context of the entire project. However, because these costs have not been considered at the start, they are often viewed as "unbearable" additional costs.

While the Keystone pipeline gathers headlines, there are other actions that may impact the trails. In the Gering/Scotts Bluff area a new utility line is proposed that may impact Robidoux Pass. Near Kearney a local public power district is moving ahead with plans to build a reservoir that will inundate the Plum Creek Cemetery and portions of Oregon and California Trails.

The Nebraska convention provides a great opportunity to see the trail both in a private land and state parks context and, hopefully, to see the great natural landmarks of the western part of the state. Greg Franzwa's maps and guides and the auto-tour route guides are excellent resources. I look forward to seeing you in August and answering any questions that you have.

*DAVID WELCH served as OCTA's president and national trails preservation officer. He also has been Northwest Chapter president and a member of the national board of directors. He is currently chair of OCTA's mapping and marking committee and the investment advisory committee. Dave is a retired aeronautical engineer and lives with his wife Wendy in Lacey, Washington.*

*Opposite, Along the Platte River/Overland Trail, near Bridgeport, are two of Nebraska's iconic outcroppings, Courthouse Rock on the left, and Jail Rock on the right. Photographed by David Welch, 2007. *