

NORTH COUNTRY NATIONAL SCENIC TRAIL ROUTE  
ADJUSTMENT ACT OF 2009

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OCTOBER 8, 2009.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. RAHALL, from the Committee on Natural Resources,  
submitted the following

R E P O R T

[To accompany H.R. 481]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 481) to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along Lake Superior's north shore and in Superior National Forest and Chippewa National Forest, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "North Country National Scenic Trail Route Adjustment Act of 2009".

**SEC. 2. ROUTE REAUTHORIZATION.**

Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended—

(1) by striking "thirty-two hundred miles" and inserting "4,600 miles"; and

(2) by striking "Proposed North Country Trail" and all that follows through "June 1975." and inserting "North Country National Scenic Trail, Authorized Route", dated February 16, 2005, and numbered 649/80,002."

**SEC. 3. LAND ACQUISITION.**

Neither the Secretary of Agriculture nor the Secretary of the Interior may acquire for the North Country National Scenic Trail land that was obtained through condemnation by a State or local government.

**SEC. 4. ENERGY.**

Nothing in the Act or the amendments made by this Act shall prohibit or hinder the development, production, conveyance, or transmission of energy.

## PURPOSE OF THE BILL

The purpose of H.R. 481 is to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along Lake Superior's north shore and in Superior National Forest and Chippewa National Forest.

## BACKGROUND AND NEED FOR LEGISLATION

The North Country National Scenic Trail, stretching from New York to North Dakota, was established in 1980 (Public Law 96-199). At the time the trail was created, the length was estimated to be 3,200 miles. Modern, digital measuring equipment indicates, however, that when construction is completed on the currently authorized route, the length of the trail as currently authorized would be approximately 4,200 miles.

Further, in Minnesota, trail partners have discovered that a portion of the currently authorized route west of Duluth is not feasible because much of that route crosses tamarack swamp.

Instead, trail supporters have proposed the use of existing and planned hiking trails that follow the north shore of Lake Superior and cross the Boundary Waters Canoe Area Wilderness to connect Duluth, MN, to Ely, MN. These trails, including the Superior Hiking Trail, Border Route Trail, and Kekekabic Trail, take hikers through characteristically North Country scenery in a region known locally as the "Arrowhead."

Several new trails will have to be built to connect these trails to the authorized North Country route. These new and existing trails of the Arrowhead Reroute will add another 400 miles to the length of the North Country National Scenic Trail for a total of nearly 4,600 miles nationally.

H.R. 481 would amend Public Law 96-199 to cite a new map reflecting the revised route in Minnesota, and correct the estimated length of the entire national scenic trail.

## COMMITTEE ACTION

H.R. 481 was introduced by Representative James Oberstar (D-MN) on January 13, 2009. The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. At a July 8, 2009, hearing before the Subcommittee, a representative of the National Park Service testified that the Interior Department supports the bill, and recommended two technical changes.

On July 29, 2009, the full Natural Resources Committee met to consider H.R. 481. The Subcommittee on National Parks, Forests and Public Lands was discharged from further consideration of the measure. Subcommittee Chairman Grijalva (D-AZ) offered an amendment in the nature of a substitute to simplify the bill by amending the establishing legislation to strike the original map reference and mileage estimate and insert the updated map reference and mileage estimate.

Rep. Rob Wittman (R-VA) offered an amendment to the amendment in the nature of a substitute to state that nothing in the bill shall prohibit or hinder the development, production, conveyance or transmission of energy. The amendment was agreed to by voice vote.

Rep. Paul Broun (R-GA) offered an amendment to the amendment in the nature of a substitute to forbid the Secretary of Agriculture or the Secretary of the Interior from acquiring land for the trail that was obtained by condemnation by a state or local government. The amendment was agreed to by voice vote.

Rep. Rob Bishop (R-UT) offered an amendment to the amendment in the nature of a substitute to prohibit buffer zones around the trail. The amendment was not agreed to by a roll call vote of 18 yeas to 22 nays, as follows:

**COMMITTEE ON NATURAL RESOURCES**  
U.S. House of Representatives  
111<sup>th</sup> Congress

Date: 7/29/09

Convened: 10:13

Adjourned: 2:35

Meeting on: **HR 481 - An amendment offered by Mr. Bishop to the ANS was NOT AGREED TO by a roll call vote of 18 yeas and 22 nays.**

Recorded Vote # 7

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Rahall, WV		✓		Mr. Wittman, VA	✓		
Mr. Hastings, WA	✓			Mr. Boren, OK		✓	
Mr. Miller, CA				Mr. Brown, GA	✓		
Mr. Young, AK				Mr. Sablan, MP		✓	
Mr. Markey, MA				Mr. Fleming, LA	✓		
Mr. Gallegly, CA	✓			Mr. Heinrich, NM		✓	
Mr. Kildee, MI		✓		Mr. Coffman, CO	✓		
Mr. Duncan, TN				Mr. Hinchey, NY		✓	
Mr. DeFazio, OR		✓		Mr. Chaffetz, UT	✓		
Mr. Flake, AZ	✓			Mrs. Christensen, VI		✓	
Mr. Faleomavaega, AS				Mrs. Lummis, WY	✓		
Mr. Brown, SC	✓			Ms. DeGette, CO			
Mr. Abercrombie, HI		✓		Mr. McClintock, CA	✓		
Mrs. McMorris-Rodgers, WA	✓			Mr. Kind, WI		✓	
Mr. Pallone, NJ				Mr. Cassidy, LA	✓		
Mr. Gohmert, TX				Mrs. Capps, CA		✓	
Mrs. Napolitano, CA		✓		Mr. Inslee, WA		✓	
Mr. Bishop, UT	✓			Mr. Baca, CA		✓	
Mr. Holt, NJ		✓		Ms. Herseth Sandlin, SD	✓		
Mr. Shuster, PA	✓			Mr. Sarbanes, MD		✓	
Mr. Grijalva, AZ		✓		Ms. Shea-Porter, NH		✓	
Mr. Lamborn, CO	✓			Ms. Tsongas, MA		✓	
Mrs. Bordallo, GU		✓		Mr. Kratovil, Jr., MD		✓	
Mr. Smith, NE	✓			Mr. Pierluisi, PR		✓	
Mr. Costa, CA							
				<b>Total</b>	18	22	

Markups - 1/3 to meet (16), 25 to report  
August 5, 2009 (10:30am)

The Grijalva amendment in the nature of a substitute, as amended, was then adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

#### COMPLIANCE WITH HOUSE RULE XIII

1. **Cost of Legislation.** Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. **Congressional Budget Act.** As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. **General Performance Goals and Objectives.** As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along Lake Superior's north shore and in Superior National Forest and Chippewa National Forest.

4. **Congressional Budget Office Cost Estimate.** Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

*H.R. 481—North Country National Scenic Trail Route Adjustment Act of 2009*

H.R. 481 would revise the route of the North Country National Scenic Trail, which currently spans an estimated 4,200 miles in seven states from New York to North Dakota. Specifically, the bill would reroute a segment of the trail that runs through northeastern Minnesota, adding around 400 miles to the overall length.

Based on information provided by the National Park Service, which administers the trail, and assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 481 would cost less than \$5 million over the 2010–2014 period. Most of this amount would be spent to acquire private land (or easements on that land) along the new trail segment. We estimate that ongoing

costs to develop, manage, and maintain the added property would be minimal. Enacting the bill would have no effect on revenues or direct spending.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

#### COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

#### EARMARK STATEMENT

H.R. 481 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

#### NATIONAL TRAILS SYSTEM ACT

\* \* \* \* \*

#### NATIONAL SCENIC AND NATIONAL HISTORICAL 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:

(1) \* \* \*

\* \* \* \* \*

(8) The North Country National Scenic Trail, a trail of approximately [thirty-two hundred miles] *4,600 miles*, extending from eastern New York State to the vicinity of Lake Sakakawea in North Dakota, following the approximate route depicted on the map identified as ["Proposed North Country Trail-Vicinity Map" in the Department of the Interior "North Country Trail Report", dated June 1975.] "*North Country National Scenic Trail, Authorized Route*", dated February 16, 2005, and numbered 649/80,002. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior. No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal

Government for the trail except with the consent of the owner  
of the land or interest in land.

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