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NORTH COUNTRY NATIONAL SCENIC TRAIL ROUTE ADJUSTMENT ACT

AUGUST 5, 2010.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 553]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 553) 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, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "North Country National Scenic Trail Route Adjustment Act of 2010".

SEC. 2. ROUTE ADJUSTMENT.

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

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

(2) by striking "as 'Proposed North Country Trail-Vicinity Map' in" and all that follows through the period at the end of the sentence and inserting "as 'North Country National Scenic Trail, Authorized Route' dated February 16, 2005, and numbered 649/80,002.".

PURPOSE

The purpose of S. 553 is to revise the route of the North Country National Scenic Trail in northeastern Minnesota to include existing

hiking trails along Lake Superior's north shore and in the Superior and Chippewa National Forests.

BACKGROUND AND NEED

The North Country National Scenic Trail was established in 1980 by Public Law 96–199. The Trail extends from New York to North Dakota and at the time of its creation, the length was estimated to be 3,200 miles. However, modern digital measuring equipment indicates that when construction is completed on the currently authorized route, the length of the trail will be approximately 4,200 miles.

Trail partners in Minnesota have discovered that a portion of the authorized route west of Duluth is not feasible because much of it crosses tamarack swamp, making it unsuitable for use as a national trail. As an alternative, 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 the cities of Duluth and Ely. These trails, including the Superior Hiking Trail, Border Route Trail, and Kekekabic Trail, take hikers through a region known locally as the "Arrowhead" which is representative of North Country scenery.

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.

S. 553 would modify the route of the North Country National Scenic Trail to incorporate the trails in the Arrowhead and exclude the portions crossing through the tamarack swamp.

LEGISLATIVE HISTORY

S. 553 was introduced by Senator Klobuchar on March 9, 2009. The Subcommittee on National Parks held a hearing on the bill on March 17, 2010. The Committee on Energy and Natural Resources considered the bill and adopted an amendment in the nature of a substitute at its business meeting on June 16, 2010. The Committee ordered S. 553 favorably reported with an amendment in the nature of a substitute at its business meeting on June 21, 2010.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on June 21, 2010, by a voice vote of a quorum present, recommends that the Senate pass S. 553, if amended as described herein.

COMMITTEE AMENDMENT

During the consideration of S. 553, the Committee adopted an amendment in the nature of a substitute. The amendment revises the short title, removes the Congressional findings, adds language to conform the land acquisition language to reflect changes made by section 5301 of Public Law 111–11, the Omnibus Public Land Management Act of 2009, and makes other technical and con-

forming amendments. The amendment is explained in detail in the section-by-section analysis below.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title, the "North Country National Scenic Trail Route Adjustment Act of 2010".

Section 2 amends section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) by changing the overall length of the North Country National Scenic Trail to 4,600 miles and changes the map referenced in the Act to reflect the revised route.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

S. 553—North Country National Scenic Trail Route Adjustment Act of 2010

S. 553 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 about 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 S. 553 would cost about $5 million over the 2011–2015 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; therefore, pay-as-you-go procedures would not apply.

S. 553 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.

On August 25, 2009, CBO transmitted a cost estimate for H.R. 481, the North Country National Scenic Trail Route Adjustment Act of 2009, as ordered reported by the House Committee on Natural Resources on July 29, 2009. The two bills are nearly identical, and the estimated costs are the same.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Peter Fontaine, Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 553.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 553, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 553, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the March 17, 2010 Subcommittee hearing on S. 553 follows:

STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 553, a bill 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.

The Department supports enactment of S. 553 with two amendments described later in this statement. This legislation would amend section 5(a)(8) of the National Trails System Act to revise the route of the North Country National Scenic Trail in northeastern Minnesota and increase the overall length of the trail to 4,600 miles. This reflects current measurements of the trail's length plus the additional 400 miles of the revised route in northeastern Minnesota. The bill includes the reference for a map that would depict the revised route of the trail.

The North Country National Scenic Trail was authorized by Congress in 1980 to provide superlative outdoor recreation opportunities and conservation of nationally significant scenic, historic, natural and cultural qualities along the trail corridor, to provide a premier hiking trail facility, and to encourage and assist volunteer citizen involvement in the planning, development, maintenance and management of the trail. The National Park Service (NPS) administers this trail. The comprehensive management plan for the trail was issued in 1982.

The authorized route of the trail in northeastern Minnesota traverses more than 70 miles of black spruce and tamarack swamp, extending westward from Jay Cooke State Park, south of Duluth, to the Chippewa National Forest, southwest of Grand Rapids. Because of the location and difficult environmental conditions within the swamp, no portion of this section of the trail has been constructed. The proposed revised route uses three existing hiking trails all developed or redeveloped by volunteers since the Comprehensive Management Plan for the North Country Trail was written. These trails, totaling over 300 miles of existing hiking trail, follow the north shore of Lake Supe-

rior and traverse the Boundary Waters Canoe Area Wilderness in the Superior National Forest, a region of the state known locally as the "Arrowhead." The proposed change has become known in the North Country Trail community as the "Arrowhead Reroute."

Since 1987, Minnesota hiking groups have requested the NPS to study the revised route and consider their recommendation for a change due to the location and the existing environmental conditions of the present segment. As a result, the NPS conducted the Northeastern Minnesota Route Assessment between 1999 and 2004. This study evaluated and compared two routes—the one authorized by Congress in 1980 and the Arrowhead Reroute. In 2003 and 2004 public meetings were held in Duluth, Ely, Grand Rapids, and Minneapolis, Minnesota. No comments opposing the proposed change in the route were received, either at the public meetings or by mail or email during the widely-publicized public comment period. The plan and environmental assessment was approved by the NPS Midwest Regional Director on September 30, 2004. The National Trails System Act states that segments of a national scenic trail may be relocated upon a determination that the relocation is necessary to preserve the purposes of the trail and to promote a sound land management program. The authorized route through 70 miles of densely wooded wetlands does not provide a superlative outdoor recreation experience. To provide a premier hiking experience and preserve the landscape would require the construction of many miles of boardwalk in order to successfully traverse those wetlands. This factor alone has not and will not encourage volunteers to become involved in establishing that route.

In stark contrast, the revised Arrowhead Reroute connects nationally significant natural, cultural, and recreational resources with outstanding scenery that epitomizes the "North Country" and has already encouraged volunteers to become involved in planning, developing, maintaining, and managing trails. Additionally, the relocation promotes a sound land management program, using established trails and proposing additional trail segments that are appropriately located and managed in accordance with established multiple-use principles.

Approximately three-quarters of the Arrowhead Reroute already exists, having been built as part of the three existing hiking trails—the Superior Hiking Trail, Border Route Trail, and Kekekabic Trail. New sections that would need to be constructed to complete the reroute in the Chippewa and Superior National Forests, Minnesota state parks and forests, and county-owned lands would be reviewed for environmental impacts on critical habitat, endangered species, wetlands, and cultural resources. Where no public land exists, the trail would be developed on private property but only with the owners' permission and support.

There is strong support for the trail relocation among public agencies and jurisdictions. The Minnesota Depart-

ment of Natural Resources (DNR) has been a strong proponent of the relocation since the late 1980s. Also, the supervisors of the Superior National Forest and the Chippewa National Forest have indicated their support for the proposed relocated route. Local governments in Duluth, Ely, and Grand Rapids have been supportive.

Duluth and St. Louis County have already approved the extension of the Superior Hiking Trail across city and county parkland to connect Jay Cooke State Park to the south with Two Harbors to the north, the former southern terminus of the Superior Hiking Trail. More than 39 miles of new trail have been built in the city along with six additional miles between Duluth and Two Harbors. Recently, one city along the authorized route voiced opposition because they will no longer be on the official route—a route that is environmentally unfeasible. However, they did not voice this opposition during the study and public comment period back in 2004.

The North Country Trail Association and the Parks and Trails Council of Minnesota are committed to developing the connecting trail segments that will be needed between Ely and the Chippewa National Forest. The Council has pledged not only the workers to build and maintain the trail, but also the effort and funding needed to secure private lands.

The NPS anticipates the cost of adding this route and constructing a footpath to be very low. The construction would be done primarily by volunteers using hand tools. Current NPS staff would provide route planning and support for the volunteers who help develop and maintain the path. Funding would be needed to supply trail markers, signage, tools, equipment, and materials to the volunteers for the 400 additional miles of trail. The average cost is estimated to be $100 per mile per year, or $40,000 per year.

The portions of the North Country Trail reroute yet to be built have not been laid out in detail. No specific landowners have been identified or contacted. Rather, the route assessment (study) identified a corridor several miles wide within which the trail will eventually be laid out. This will allow the NPS and its partners to design a route that will minimize the amount of private land involved and to work with landowners on a voluntary basis—if one landowner is not interested in having the trail on his property, perhaps a neighbor will be amenable. Consequently, no estimates of land acquisition costs have been developed.

Up until March 30, 2009, the Federal government was prohibited from spending funds to acquire lands for the North Country National Scenic Trail outside the exterior boundaries of existing Federal areas. However, Federal funds could be granted to others to assist them in acquiring these lands. In FY 2000 Congress directed the NPS to grant $500,000 from the Land and Water Conservation Fund to the state of Wisconsin for acquisition of lands for the North Country Trail. Public Law 111–11, the Omnibus Public Land Management Act of 2009, provides authority

for Federal agencies to acquire lands or interests in lands from willing sellers for the North Country National Scenic Trail.

We recommend that S. 553 be amended to increase the overall length of the trail to 4,600 miles and to insert language reflecting the revised map. The proposed amendments are attached to this testimony.

Mr. Chairman, this concludes my testimony. I would be glad to answer any questions that you or other members of the subcommittee may have.

Suggested amendments to H.R. 481

On page 4, line 3 strike "SEC. 3" and all that follows through line 17 and insert the following:

SEC. 3. ROUTE REAUTHORIZATION.

Section 5(a)(8) of the National Trails System Act (16 U.S.C. 12244(a)) is amended as follows:

(1) strike "thirty-two hundred miles" and insert "forty-six hundred miles", and

(2) strike "Proposed North Country Trail" through "June 1975" and insert "'North Country National Scenic Trail, Authorized Route', dated February 16, 2005, and numbered 649/80,002."

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 553 as ordered 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

AN ACT To establish a national trails system, and for other purposes

(Approved October 2, 1968; Public Law 90–543; 16 U.S.C. 1241 et seq.)

* * * * * * *

SEC. 5. NATIONAL SCENIC AND NATIONAL HISTORIC TRAILS.

(a) AUTHORIZATION.—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:

* * * * * * *

(8) The North Country National Scenic Trail, a trail of approximately [thirty-two hundred] *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 l975.] *as "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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