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NORTH COUNTRY NATIONAL SCENIC TRAIL ROUTE ADJUSTMENT ACT

SEPTEMBER 9, 2015.—Ordered to be printed

Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 403]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 403) to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota and to extend the trail into Vermont to connect with the Appalachian National Scenic Trail, 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:

At the end, add the following:

SEC. 3. NO CONDEMNATION.

Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended by adding at the end the following: "No land or interest in land outside of the exterior boundary of any Federally administered area may be acquired by the Federal Government for the trail by condemnation."

PURPOSE

The purpose of S. 403 is to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota and to extend the trail into Vermont to connect with the Appalachian National Scenic Trail, and for other purposes.

BACKGROUND AND NEED

The North Country National Scenic Trail was designated and added to the National Trails System on March 5, 1980 (Public Law 96-199). The North Country National Scenic Trail (the Trail) traverses seven states (North Dakota, Minnesota, Wisconsin, Michi-

gan, Ohio, Pennsylvania and New York). Portions of the Trail cross 4 National Parks, 10 National Forests, and numerous other Federal, State, and lands administered by local governments. The Trail also crosses many miles of privately owned lands. The National Park Service (NPS) administers the Trail. The comprehensive management plan for the Trail was issued in 1982. Currently, about 2,000 miles of trail along the 4,200 miles of the authorized route have been built.

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. For many years advocates for the North Country Trail have proposed what has become known as the “Arrowhead Reroute” to avoid this area.

The NPS conducted an Environmental Assessment (EA) to select the route for both the Arrowhead Reroute and the Trail extension. Public meetings and comment periods were included in each process. The NPS signed the Arrowhead Reroute EA in September 2004 and the trail extension EA in December 2013.

The “Arrowhead Reroute” would use over 300 miles of existing hiking trail, following the north shore of Lake Superior and traversing the Boundary Waters Canoe Area Wilderness in the Superior National Forest, a region of the state known locally as the “Arrowhead.” 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 have to be reviewed for environmental impacts on critical habitat, endangered species, wetlands, and cultural resources. In areas along the new trail segment where no public land exists, the NPS would seek to develop the Trail on private property by acquiring the land in fee or acquiring an easement. The proposed reroute of the Trail would increase the total length of the North Country National Scenic Trail by about 550 miles for a total of 4,600 miles.

S. 403 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 (the “Arrowhead Reroute”). In addition, the bill would connect the North Country National Scenic Trail with the Appalachian National Scenic Trail by extending the Trail from its current eastern terminus at Crown Point, NY into Vermont. By connecting these two scenic trails, hikers would be able to travel from the plains of North Dakota across the Great Lakes region to Vermont and as far south as Georgia.

LEGISLATIVE HISTORY

In the 113th Congress, Senators Klobuchar, Leahy, Levin, Stabenow, Sanders, Franken, Gillibrand, and Baldwin introduced a similar bill, S. 2595, on July 10, 2014. A companion bill, H.R. 4736, was introduced in the House of Representatives by Representatives Nolan, Welch, Peterson, Walz, Petri, Ellison, McCollum, and Paulsen on May 22, 2014.

H.R. 799, a companion bill to S. 403, was introduced in the House by Representative Nolan and nine others on February 5, 2015.

S. 403 was introduced by Senators Klobuchar, Leahy, Franken, Sanders, Stabenow, Gillibrand, Baldwin, and Peters on February 5, 2015. The Subcommittee on National Parks held a hearing on the bill on June 10, 2015.

The Committee on Energy and Natural Resources met in open business session on July 30, 2015, and ordered S. 403 favorably reported as amended.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on July 30, 2015, by a majority voice vote of a quorum present, recommends that the Senate pass S. 403, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 403, the Committee adopted an amendment to prohibit the use of condemnation in the acquisition of land or interest in land for construction of the trail.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title, the “North Country National Scenic Trail Route Adjustment Act.”

Section 2 updates the length of the trail from 3,200 miles to 4,600 miles and replaces the official map of the authorized route of the trail.

Section 3 prohibits the use of condemnation to acquire land or interest in land outside of the exterior boundary of any Federally administered area.

COST AND BUDGETARY CONSIDERATIONS

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

S. 403—North Country National Scenic Trail Route Adjustment Act

S. 403 would revise the route of the North Country National Scenic Trail, which currently runs through seven states from New York to North Dakota. Specifically, the bill would connect the trail to the Appalachian Scenic Trail in Vermont, adding about 400 miles to its overall length. The bill also would clarify that the federal government may not use condemnation to acquire land for the trail.

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. 403 would cost about \$5 million over the 2016–2020 period. Most of that amount would be spent to acquire private land (or easements on that land) along the new trail segment. CBO estimates that ongoing costs to develop, manage, and maintain the added property would be negligible. Enacting the bill would have no effect on reve-

nues or direct spending; therefore, pay-as-you-go procedures do not apply.

S. 403 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 Marin Burnett. The estimate was approved by H. Samuel Papenfuss, Deputy 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. 403. 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. 403, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 403, 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 June 19, 2015, National Parks Subcommittee hearing on S. 403 follows:

STATEMENT OF VICTOR KNOX, ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES, AND LANDS, 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. 403, to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota and to extend the trail into Vermont to connect with the Appalachian National Scenic Trail, and for other purposes.

The Department supports enactment of S. 403. This legislation would make two critically important improvements to the North Country National Scenic Trail: it would re-route a portion of the trail in Minnesota around dense swampland, and it would link this trail to the Appalachian Trail.

S. 403 would amend section 5(a)(8) of the National Trails System Act to revise the route of the trail in northeastern Minnesota and extend the trail beyond its current terminus in New York eastward into Vermont, increasing the total length of the trail from approximately 4,000 miles to approximately 4,600 miles. We note that although the legislated length of the trail is 3,200 miles, this figure was

based upon estimates at the time of the passage of the bill that authorized the trail, and more accurate mapping has since shown the actual mileage to be closer to 4,000 miles.

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 trail experience, and to encourage and assist volunteer citizen involvement in the planning, development, maintenance and management of the trail. The trail, which is one of six designated National Scenic Trails administered by the National Park Service, spans much of the northern United States, stretching from North Dakota to New York.

The current authorized route of the trail in northeastern Minnesota traverses approximately 93 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. Approximately seventy percent of the proposed revision—referred to as the Arrowhead Reroute—consists of three existing hiking trails: the Superior Hiking Trail, the Border Route Trail, and the Kekekabic Trail. These trails, which total approximately 400 miles, follow the north shore of Lake Superior and traverse the Boundary Waters Canoe Area Wilderness in the Superior National Forest. The remaining portion of the Arrowhead Reroute—approximately 173 miles—would be new trail located over a combination of public and private lands. The net total increase in the Minnesota portion of the North Country National Scenic Trail would be approximately 480 miles.

Since 1987, Minnesota hiking groups have repeatedly asked the NPS to study the revised route. In response to these requests, the NPS conducted the *Northeastern Minnesota Route Assessment* between 1999 and 2004. In 2003 and 2004, the National Park Service held public meetings in Duluth, Ely, Grand Rapids, and Minneapolis, Minnesota. Public comments reflected broad overall support for the Arrowhead Reroute, and strong support among the affected public agencies and jurisdictions. The plan and environmental assessment were approved by the NPS on September 30, 2004.

The extension of the trail route into Vermont would add approximately 66 miles to the North Country National Scenic Trail, 40 of which are already existing trails. The addition would extend from the trail's current terminus near Crown Point, New York, east to a point to be determined along the Long Trail—a National Recreation Trail in Vermont. The Long Trail then connects to the Appalachian National Scenic Trail at Maine Junction just east of Rutland, Vermont.

In the fall of 2009, the National Park Service began a study of the potential extension of the North Country Na-

tional Scenic Trail in Vermont. In February 2010, three public meetings were held to announce the study and present conceptual corridors. Additional meetings were held with key stakeholders in October 2011. A public meeting to review the draft report was held on May 21, 2012. Public comments, and written and electronic responses, reflected broad overall support. *The Feasibility Study Corridor Plan and Environmental Assessment for Addison County, Vermont*, was approved by the NPS on December 16, 2013.

The NPS anticipates the cost of constructing and maintaining the Arrowhead reroute and the Vermont extension of the North Country National Scenic Trail would be manageable because the work would be done primarily by volunteers using hand tools, and current NPS staff would provide route planning and support for the volunteers who would help develop and maintain the path.

As an example, the North Country Trail Association and partners have committed to developing the connecting trail segments that will be needed between the end of the Kekekabic Trail and the Chippewa National Forest in Minnesota. Funding would be needed to supply trail markers, signage, tools, equipment, and materials. Recent average expenditures for volunteer supplies have cost the North Country National Scenic Trail approximately \$60,000 per year. The net increase of approximately 546 miles to the current trail would increase operational costs by approximately \$7,000, split between NPS support and that independently generated by the trail chapters and affiliates. The NPS portions could be accommodated within the trail's current budget.

The portions of the North Country National Scenic Trail that have yet to be built have not been laid out in detail. Rather, the studies identified respective corridors several miles wide within which the trail would eventually be laid out. The flexibility provided by these corridors would allow the NPS and its partners to design routes that will minimize the amount of private land involved.

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. As a National Scenic Trail based upon strong public-private partnerships and engaged volunteers, there is an opportunity to implement the proposed re-route and extension through a variety of actions and expenditures. Options for allowing access range from outright donation, to easements and access agreements facilitated by partner organizations, to fee simple acquisition from willing sellers. However, it is the intention of the NPS to pursue donations, easements, and agreements to ensure access whenever possible. Consequently, the NPS is unable to estimate land acquisition costs. However, efforts would be made to keep Federal expenditures to a minimum.

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

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. 403, 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):

THE NATIONAL TRAILS SYSTEM ACT

Public Law 90-543

* * * * *

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:

* * * * *

(8) The North Country National Scenic Trail, a trail of approximately [thirty-two hundred miles, extending from eastern New York State] *4,600 miles, extending from the Appalachian Trail in Vermont 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 2014, and numbered 12 649/116870.* 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. *No land or interest in land outside of the exterior boundary of any Federally administered area may be acquired by the Federal Government for the trail by condemnation.*

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