

NEW ENGLAND NATIONAL SCENIC TRAIL DESIGNATION ACT

DECEMBER 19, 2007.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 1528]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1528) to amend the National Trails System Act to designate the New England National Scenic Trail, 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 “New England National Scenic Trail Designation Act”.

SEC. 2. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

“() NEW ENGLAND NATIONAL SCENIC TRAIL.—The New England National Scenic Trail, a continuous trail extending approximately 220 miles from the border of New Hampshire in the town of Royalston, Massachusetts to Long Island Sound in the town of Guilford, Connecticut, as generally depicted on the map titled ‘New England National Scenic Trail Proposed Route’, numbered T06-80,000, and dated October 2007. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. The Secretary of the Interior, in cooperation with Federal, State, tribal, regional, and local agencies, the Appalachian Mountain Club, the Connecticut Forest and Park Association, and other organizations, shall administer the trail consistent with the recommendations of the draft report titled the ‘Metacomet Monadnock Mattabesset Trail System National Scenic Trail Feasibility Study and Environmental Assessment’, prepared by the National Park Service, and dated Spring 2006. The United States shall not acquire for the trail any land or interest in land without the consent of the owner.”.

SEC. 3. MANAGEMENT.

The Secretary of the Interior (hereafter in this Act referred to as the “Secretary”) shall use the Trail Management Blueprint described in the draft report titled the “Metacomet Monadnock Mattabesett Trail System National Scenic Trail Feasibility Study and Environmental Assessment”, prepared by the National Park Service, and dated Spring 2006, as the framework for management and administration of the New England National Scenic Trail. Additional or more detailed plans for administration, management, protection, access, maintenance, or development of the trail may be developed consistent with the Trail Management Blueprint, and as approved by the Secretary.

SEC. 4. COOPERATIVE AGREEMENTS.

The Secretary is authorized to enter into cooperative agreements with the Commonwealth of Massachusetts (and its political subdivisions), the State of Connecticut (and its political subdivisions), the Appalachian Mountain Club, the Connecticut Forest and Park Association, and other regional, local, and private organizations deemed necessary and desirable to accomplish cooperative trail administrative, management, and protection objectives consistent with the Trail Management Blueprint. An agreement under this section may include provisions for limited financial assistance to encourage participation in the planning, acquisition, protection, operation, development, or maintenance of the trail.

SEC. 5. ADDITIONAL TRAIL SEGMENTS.

Pursuant to section 6 of the National Trails System Act, the Secretary is encouraged to work with the State of New Hampshire and appropriate local and private organizations to include that portion of the Metacomet-Monadnock Trail in New Hampshire (which lies between Royalston, Massachusetts and Jaffrey, New Hampshire) as a component of the New England National Scenic Trail. Inclusion of this segment, as well as other potential side or connecting trails, is contingent upon written application to the Secretary by appropriate State and local jurisdictions and a finding by the Secretary that trail management and administration is consistent with the Trail Management Blueprint.

PURPOSE OF THE BILL

The purpose of H.R. 1528 is to amend the National Trails System Act to designate the New England National Scenic Trail.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 1528 amends the National Trails System Act (16 U.S.C. 1241–1251) to designate most of the Metacomet-Monadnock-Mattabesett (MMM) Trail System as the New England National Scenic Trail. The MMM Trail System is a 190-mile trail route, in existence for over half a century, which extends from the Massachusetts border with New Hampshire through western Massachusetts and Connecticut toward Long Island Sound.

The National Trails System Act of 1968 instituted a national system of historic, scenic, and recreation trails. National Scenic Trails are extended trails “so located as to provide maximum outdoor recreation potential, and for the conservation and enjoyment of nationally significant scenic, historic, natural, or cultural qualities of areas through which such trails may pass.”

The Metacomet-Monadnock-Mattabesett Trail Study Act of 2002 (Public Law 107–338) directed the Secretary of the Interior to study this trail system for potential addition to the National Trails System. A Draft National Scenic Trail Feasibility Study and Environmental Assessment were completed in Spring 2006, and are currently under final review by the Department of the Interior. No major changes in the study are anticipated.

The draft study found that the MMM Trail System hosts an array of scenic features, classic New England landscapes, and historic sites. The preferred alternative of the study calls for the es-

tablishment of the New England National Scenic Trail to incorporate most of the MMM Trail system, adjusted by some reroutes and proposed extensions, for a total proposed length of approximately 220 miles.

COMMITTEE ACTION

H.R. 1528 was introduced on March 14, 2007 by Representative John Olver (D-MA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. On May 15, 2007, the Subcommittee held a hearing on the bill. On October 10, 2007, the Subcommittee was discharged from further consideration of the legislation and the Full Natural Resources Committee met to consider the bill. Representative Raul Grijalva (D-AZ) offered an amendment to provide a new map for the series of maps referred to in the bill. The amendment was adopted by voice vote. Representative Rob Bishop (R-UT) offered an amendment that would make all designated and future designated lands within the New England National Scenic Trail, including all federal lands, exclusively governed by relevant state and local laws regarding hunting, fishing and the possession or use of a weapon, trap or net. The amendment was not adopted by a rollcall vote of 10 to 16, as follows:

COMMITTEE ON NATURAL RESOURCES
U.S. House of Representatives
110th Congress

Date: October 10, 2007

Convened:11:05

Adjourned:11:40

Meeting on: **Markup of HR 1528 - Amendment offered by Mr. Bishop #2 was NOT AGREED to by a roll call vote of 10 yeas and 16 nays.**

☑ Recorded Vote

Vote # _____

Total: Yeas: 10

Nays: 16

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Rahall, WV		✓		Mr. Jindal, LA			
Mr. Young, AK				Mrs. Bordallo, VI			
Mr. Miller, CA				Mr. Gohmert, TX	✓		
Mr. Saxton, NJ	✓			Mr. Costa, CA		✓	
Mr. Markey, MA				Mr. Cole, OK			
Mr. Gallegly, CA				Mr. Boren, OK			
Mr. Kildee, MI				Mr. Bishop, UT	✓		
Mr. Duncan, TN				Mr. Sarbanes, MD		✓	
Mr. DeFazio, OR		✓		Mr. Shuster, PA			
Mr. Gilchrest, MD				Mr. Hinchey, NY		✓	
Mr. Faleomavaega, AS				Mr. Heller, NV	✓		
Mr. Cannon, UT				Mr. Kennedy, RI		✓	
Mr. Abercrombie, HI		✓		Mr. Sali, ID			
Mr. Tancredo, CO	✓			Mr. Kind, WI		✓	
Mr. Ortiz, TX		✓		Mr. Lamborn, CO	✓		
Mr. Flake, AZ	✓			Mrs. Capps, CA		✓	
Mr. Pallone, NJ				Ms. Fallin, OK	✓		
Mr. Pearce, NM				Mr. Inslee, WA			
Mrs. Christensen, VI		✓		Vacancy			
Mr. Brown, SC	✓			Mr. Mark Udall, CO			
Mrs. Napolitano, CA		✓		Mr. Baca, CA		✓	
Mr. Fortuño, PR	✓			Ms. Solis, CA		✓	
Mr. Holt, NJ				Ms. Herseth Sandlin, SD			
Mrs. McMorris Rodgers, WA				Mr. Shuler, NC		✓	
Mr. Grijalva, AZ		✓					
				Total			

Markups - 1/3 to meet (16), 25 to report
November 19, 2007 (12:24pm)

The bill as amended was then ordered favorably reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 entitles the bill the “New England National Scenic Trail Designation Act.”

Section 2. Authorization and administration

Section 2 amends Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) by adding the New England National Scenic Trail to the list of designated National Scenic Trails. Section 2 includes a description of the trail to be designated as well as a reference to the map of the proposed route. Section 2 also requires that the Secretary of the Interior, in cooperation with federal, state, tribal, regional, and local agencies, the Appalachian Mountain Club, the Connecticut Forest and Park Association, and other organizations, administer the trail consistent with the recommendations of the draft report titled “Metacomet Monadnock Mattabesset Trail System National Scenic Trail Feasibility Study and Environmental Assessment,” prepared by the National Park Service and dated Spring 2006. Finally, Section 2 prohibits the United States from acquiring for the trail any land or interest in land without the consent of the owner.

Section 3. Management

This section requires that the Secretary of the Interior use the Trail Management Blueprint described in the draft report titled “Metacomet Monadnock Mattabesset Trail System National Scenic Trail Feasibility Study and Environmental Assessment,” prepared by the National Park Service and dated Spring 2006, as the framework for management and administration of the New England National Scenic Trail.

Section 4. Cooperative agreements

Section 4 provides authorization, which is also included in the National Trails System Act, for the Secretary of the Interior to enter into cooperative agreements to accomplish cooperative trail administrative, management, and protection objectives consistent with the Trail Management Blueprint. Cooperative agreements under this section may include provisions for limited financial assistance.

Section 5. Additional trail segments

Section 5 encourages the Secretary of the Interior, pursuant to Section 6 of the National Trails System Act, to work with the State of New Hampshire and others to include that portion of the Metacomet-Monadnock Trail in New Hampshire as a component of the New England National Scenic Trail.

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.** This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

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. 1528—New England National Scenic Trail Designation Act

H.R. 1528 would amend the National Trails System Act to designate approximately 220 miles of trail from Long Island Sound in Connecticut to the New Hampshire-Massachusetts border as a scenic trail in the National Trails System. The route would include portions of the existing Mattabesett, Metacomet, and Metacomet-Monadnock trails. There are no federal lands associated with the proposed route. The National Park Service (NPS) would administer the trail and coordinate the efforts of public and private entities on trail administration, planning, development, and maintenance. All activities would be carried out in accordance with the Trail Management Blueprint, prepared as part of the feasibility study for the trail.

Based on information provided by the NPS and assuming the availability of appropriated funds, CBO estimates that establishing and administering the proposed scenic trail would cost about \$2 million over the 2008–2012 period. Of this amount, we estimate that the NPS would spend about \$300,000 annually for administrative and maintenance costs, including additional personnel.

H.R. 1528 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 Matthew Pickford. 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. 1528 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) 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 (new matter is printed in *italic* and existing law in which no change is proposed is shown in roman):

NATIONAL TRAILS SYSTEM ACT

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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) * * *

* * * * *

(—) *NEW ENGLAND NATIONAL SCENIC TRAIL.*—*The New England National Scenic Trail, a continuous trail extending approximately 220 miles from the border of New Hampshire in the town of Royalston, Massachusetts to Long Island Sound in the town of Guilford, Connecticut, as generally depicted on the map titled “New England National Scenic Trail Proposed Route”, numbered T06-80,000, and dated October 2007. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. The Secretary of the Interior, in cooperation with Federal, State, tribal, regional, and local agencies, the Appalachian Mountain Club, the Connecticut Forest and Park Association, and other organizations, shall administer the trail consistent with the recommendations of the draft report titled the “Metacomet Monadnock Mattabesset Trail System National Scenic Trail Feasibility Study and Environmental Assessment”, prepared by the National Park Service, and dated Spring 2006. The United States shall not*

*acquire for the trail any land or interest in land without the consent
of the owner.*

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