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SENATE

{ REPORT  
110-290

### ARIZONA NATIONAL SCENIC TRAIL ACT

APRIL 10, 2008.—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. 1304]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1304) to amend the National Trails System Act to designate the Arizona National Scenic Trail, 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 “Arizona National Scenic Trail Act”.

#### SEC. 2. DESIGNATION OF ARIZONA NATIONAL SCENIC TRAIL.

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

“(26) ARIZONA NATIONAL SCENIC TRAIL.—

“(A) IN GENERAL.—The Arizona National Scenic Trail, extending approximately 807 miles across the State of Arizona from the U.S.-Mexico international border to the Arizona-Utah border, as generally depicted on the map entitled ‘Arizona National Scenic Trail’ and dated December 5, 2007, to be administered by the Secretary of Agriculture, in consultation with the Secretary of the Interior and appropriate State, tribal, and local governmental agencies.

“(B) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in appropriate offices of the Forest Service.”.

#### PURPOSE

The purpose of S. 1304 is to amend the National Trails System Act to designate the Arizona National Scenic Trail.

## BACKGROUND AND NEED

The Arizona Trail is a proposed 807 mile non-motorized trail that traverses Arizona from Mexico to Utah. The trail is intended to be a primitive, long distance trail that highlights the State's topographic, biologic, historic, and cultural diversity. The primary uses are expected to be hiking, equestrian use, and mountain bicycling.

In late 1993, an Intergovernmental Agreement was established between Arizona State Parks, the Forest Service, the National Park Service, and the Bureau of Land Management that allowed those agencies to cooperatively plan for the development and completion of the Arizona Trail. In 1995, a Memorandum of Understanding was developed for the Arizona Trail.

The Trail is made up of 43 segments ranging from 11 to 35 miles in length. In most places, the Arizona Trail overlays existing trails. Primitive roads are temporarily being used in areas where linkages are needed. However, new trail construction is needed in these areas, especially to maintain the vision of a non-motorized trail. When complete, the Arizona Trail will become one of the premier long-distance trails in the country.

## LEGISLATIVE HISTORY

S. 1304 was introduced by Senator McCain and Senator Kyl on May 3, 2007. The Subcommittee on National Parks held a hearing on the bill on September 11, 2007. (S. Hrg. 110–213).

During the 109th Congress, the Subcommittee held a hearing on a similar measure, S. 588 (S. Hrg. 109–101). However, no further action was taken. Senators McCain and Kyl also introduced a bill a similar bill in the 108th Congress, S. 2354, although no action was taken on the bill.

At its business meeting on January 30, 2008, the Committee on Energy and Natural Resources ordered S. 1304 favorably reported, with an amendment in the nature of a substitute.

## COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on January 30, 2008, by a voice vote of a quorum present, recommends that the Senate pass S. 1304, if amended as described herein.

## COMMITTEE AMENDMENT

During its consideration of S. 1304, the Committee adopted an amendment in the nature of a substitute. The amendment conformed the language in the bill to other recent additions to the National Trails System. The amendment is explained in detail in the section-by-section analysis, below.

## SECTION-BY-SECTION ANALYSIS

*Section 1* contains the short title, the “Arizona National Scenic Trail Act.”

*Section 2* amends section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) to add a new paragraph designating the Arizona National Scenic Trail. The trail extends approximately 807 miles across the State of Arizona, from the international border

with Mexico north to the Utah border, as generally depicted on the referenced map. The trail is to be administered by the Secretary of Agriculture, in consultation with the Secretary of the Interior and appropriate State, tribal, and local governmental agencies.

#### COST AND BUDGETARY CONSIDERATIONS

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

##### *S. 1304—Arizona National Scenic Trail Act*

S. 1304 would amend the National Trails System Act to designate 807 miles of trail in Arizona from the U.S.-Mexico international border to the Arizona-Utah border as a scenic trail in the National Trails System. The Forest Service in the Department of Agriculture would administer the trail and coordinate the efforts of public and private entities on trail planning, development, and maintenance.

Based on information provided by the Forest Service and assuming the availability of appropriated funds, CBO estimates that establishing and administering the proposed scenic trail would cost about \$1 million over the 2009–2013 period. Of this amount, we estimate that the Forest Service would spend about \$150,000 annually for administrative and maintenance costs, including additional personnel.

S. 1304 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 Mark Grabowicz. The estimate was approved by Theresa Gullo, 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. 1304. 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. 1304, as ordered reported.

#### CONGRESSIONALLY DIRECTED SPENDING

S. 1304, as 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 for the record by the Forest Service at the September 11, 2007 Subcommittee hearing on S. 1307 follows:

## STATEMENT OF THE DEPARTMENT OF AGRICULTURE

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the Administration's views on S. 1304, a bill to amend the National Trails System Act to designate the Arizona Trail as a National Scenic Trail.

The Administration does not object to S. 1304. While the Administration typically does not support the designation of a National Scenic Trail without the completion of a feasibility study, we recognize that the Arizona Trail presents a unique situation.

The Arizona Trail designation is unique because it is located primarily on public land, it is already established for much of its length and it has strong local, regional and state advocates and it offers outstanding recreational opportunities. For these reasons we do not object to an expedited process in this case and proceeding directly to designation. We do, however, plan to continue efforts to engage the public in the management of the trail, especially to private land owners that may be affected by the designation.

All but one of the National Scenic Trails designated subsequent to the enactment of the National Trails System Act have undergone a feasibility study prior to enactment. However, in the case of the Arizona Trail, because of its unique circumstances, the Administration does not object to directly designating the trail as a national scenic trail. The Administration would be unlikely, however, to support future legislation to designate National Scenic Trails that bypass requirements under the National Trails System Act to conduct feasibility studies. A feasibility study allows the public to have a comprehensive look at the effects of designated national scenic trails and provides the public with the opportunity to comment on all aspects of the trail. Information provided by the public during this review adds value and is useful for the future management of the scenic trail. A study would also review and recommend the most effective and efficient management of the trail.

Approximately 85% of the trail crosses federal land, 10% crosses State lands, and the remainder of the trail crosses private, municipal or county lands. The trail was established as a primitive long-distance hiking, horseback, and mountain biking trail that links all of Arizona's major physiographic zones (the mountains, canyons, deserts, forests, historic sites, and mesas) to local communities and Arizona's major metropolitan areas. The Arizona Trail's significance is found in the diversity of resources, landscapes and recreational opportunities that it represents.

The Arizona Trail was conceived in 1985 as a continuous non-motorized trail from Mexico to Utah. The Arizona Trail connects Arizona's north and south borders across mountain ranges and deserts for approximately 807 miles. In 1993, the U.S. Forest Service, National Park Service, Bureau of Land Management, and Arizona State Parks de-

veloped a cooperative agreement to work together to develop this non-motorized trail. Since then more than 750 miles of trail have been opened to the public, maps and trail resource information have been developed, and routine trail maintenance has been carried out, while efforts continue to open the remaining 57 miles of trail. An important characteristic of all National Trails is the partnerships they generate. The Arizona Trail already has strong regional, state and local advocates, all of whom have worked hard at creating and maintaining a trail featuring the incredible natural and cultural diversity of the State of Arizona. In 1994, the non-profit Arizona Trail Association (ATA) was founded "to coordinate the planning, development, management, and promotion of the Arizona Trail for the recreational and educational experiences of non-motorized trail users." If designated by Congress as a National Scenic Trail, the Arizona trail will be administered by the U.S. Forest Service in close coordination with the Arizona Trail Association and any relevant State and local agencies that may wish to help with the Trail.

National scenic trails are continuous, primarily non-motorized routes of outstanding recreational opportunity. These trails provide for outdoor recreation needs, promote the enjoyment, appreciation, preservation of open-air, outdoor areas and historic resources, and encourage public access and citizen involvement. National historic trails commemorate historic and prehistoric routes of travel that are of significance to the entire Nation. Because of its characteristics, the Arizona Trail is more likely to meet the criteria for a scenic trail rather than an historic trail.

Thank you again for the opportunity to present the Administration's views on S. 1304. This completes our statement for the record.

#### 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. 1304 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):

Public Law 90-543—Oct. 2, 1968

16 U.S.C. 1241 et seq.

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

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Trails System Act".

\* \* \* \* \*

**SEC. 5. NATIONAL SCENIC AND NATIONAL HISTORIC TRAILS.**

(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:

\*            \*            \*            \*            \*            \*

(26) ARIZONA NATIONAL SCENIC TRAIL.—

(A) *IN GENERAL.*—*The Arizona National Scenic Trail, extending approximately 807 miles across the State of Arizona from the border between the States of Arizona and Utah to the international border with Mexico, as generally depicted on the map entitled ‘Arizona National Scenic Trail and Congressional Districts’ and dated April 10, 2007, to be administered by the Secretary of Agriculture, in consultation with the Secretary of the Interior and appropriate State, tribal, and local governmental agencies.*

(B) *AVAILABILITY OF MAP.*—*The map shall be on file and available for public inspection in appropriate offices of the Forest Service.*

\*            \*            \*            \*            \*            \*