

H.R. REP. 98-28
H.R. Rep. No. 28, 98TH Cong., 1ST Sess. 1983, 1983 WL 25294 (Leg.Hist.)
(Cite as: H.R. REP. 98-28, 1983 U.S.C.C.A.N. 112)

P.L. 98-11, Trails System Lands
(see page 97 stat. 42)
Dates of Consideration and Passage Senate
February 3, 1983
House March 15, 1983

Senate Report (Energy and Natural Resources Committee) no. 98-1,
Jan. 31, 1983 (to accompany s. 271)

House Report (Interior and Insular Affairs Committee) No. 9B-28,
Mar. 9, 1983 (to accompany s. 271)
Cong. Record vol. 129 (19b3)
the House Report is set out.

(Consult note following text for information about omitted material. Each committee report is a separate document on Westlaw.)

House Report No. 98-28, Mar. 9, 1983

****112 *1** The Committee on Interior and Insular Affairs, to which was referred the bill is. 271) To amend the National Trails System Act by designating additional national scenic and historic trails, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

Purpose

s. 271 [fn1] If enacted, would amend the National Trails System Act of 1968 for the purpose of identifying trail routes for study purposes, for designating trails as new components of the National Trails System, and for further encouraging and assisting volunteer citizen involvement in the advancement of the Nation's trail development program. The measure would also direct certain actions to be taken to commemorate the contributions of former United States Representatives Harold T. 'Bizz' Johnson of California and Roy A. Taylor of North Carolina.

Background

The National Trails System Act of 1968 was intended by the Congress to be a generic measure through which the outdoor recreation opportunities of America could be expended by the development of a nationwide program to establish and maintain trails of various kinds. Two national scenic trails-- the Appalachian Trail, running from Maine to Georgia and the Pacific Crest Trail, running through California, Oregon, and Washington -- were established. Several additional trail routes were designated for study under the terms of the act, with report to be made to the Congress for possible later designation as national scenic trails. The act also contained provisions for the administrative establishment of national recreation trails.

The 94th Congress conducted oversight hearings on the act, and also enacted legislation designating additional routes for study under the act. The oversight hearings revealed that the federal agencies were not moving expeditiously to implement the provisions of the original act with respect to the protection of the designated trails. Completion of the required studies was slow, thus frustrating any rapid expansion of the system. Concerns were also expressed that numerous trail routes being studied did not lend themselves to the national scenic trail designation but had significant historical values.

The 95th Congress responded to these concerns with the enactment of amendments to the act which established an expedited program to complete the protection of the Appalachian Trail. Further amendments established a new category of national historic trails under the parent act, and designated several additional components of the national system.

The hearings and related discussions during these recent sessions of congress brought forth several points from the trails community and agency professionals also responsible for the implementation of National Trails System Act in the Departments of Agriculture and the Interior. There was a consensus that the diverse needs of various types of trail users could not be met by federal agencies alone. Volunteer efforts by interested trail users themselves, working in concert with various levels of government, have been highly effective in expanding trail recreation opportunities at low cost. Finally, with a decade of experience under the 1968 act to draw upon, there was a sense that a number of adjustments to the act could be made to enhance the ability to advance trail recreation programs in a variety of ways: [fn2]

The production of that effort, H.R. 8087, was reported by the House Committee on Interior and Insular Affairs and subsequently adopted by the House of Representatives on September 22, 1980. Although the Senate later approved a modified text of H.R. 8087 as part of another measure, disagreement with other items not related to the trails measure prevented the final enactment of the legislation. [fn3]

H.R. 861 as reported last Congress by the Senate Committee on Energy and Natural Resources, was a refinement of the measure which was approved by the House of Representatives during the 96th and 97th Congresses. The bill as introduced in the House contained the text approved by the Senate in 1980. Following additional hearings in 1981, the House committee recommended a revised text which eliminated most of the items which could require future federal expenditures. The house-amended text was also more cautious in designating any additional components of the National Trails System, deleting several proposed national historic trails in order to permit additional review by the Department of the Interior. Additional recommendations reflected continuing efforts to encourage the expansion of trail recreation opportunities across the Nation at low cost. H.R. 861 placed a greater reliance on citizen participation than ever before to accomplish the purpose of the National Trails System Act of 1968.

H.R. 861, as reported by the Senate Committee on Energy and Natural Resources in the 97th Congress, further amended the House passed act to include: several clarifying amendments; expansion of the volunteer authority to other land managing agencies besides the NPS and Forest Service; the deletion of a section limiting the imposition of entrance fees or admission to certain federal areas.

S. 271 as introduced contained the exact language of H.R. 861 as amended and reported by the Senate Committee on Energy and Natural Resources in the last Congress, except that the authorization of funds was changed to fiscal year 1984 instead of fiscal year 1983.

Section-by-Section Analysis

Section 101 restricts spending authority in this bill to begin with fiscal year 1985. Constructural obligations are also "to be limited to amounts which are made available through appropriations measures. Section 201 provides a short title for the trails title of this legislation. Section 202 amends section 2 of the National Trails Systems Act to make a technical correction, and to add a new subsection to recognize the contributions made by volunteers in developing and maintaining trails. It is further made a purpose of the Trails Act to encourage and assist this volunteer involvement. Section 203 amends section 3 of the act to clarify the term 'national scenic trails,' as defined in the act, so that it will apply to trails which can be developed in a wide variety of land forms. This underscores the opportunity to consider the designation of such trails throughout the many different physiographic regions of the Nation.

With regard to section 203(6), the committee recognizes that the October 1, 1982 date has passed, and ideally should have been updated in the bill. The October 1, 1982 date, included in the original bill in the 96th Congress, was selected with the idea of providing an approximate two-year time period for preparation of the plan. Since the deadline date in the bill is not attainable, the committee reaffirms its original intent that the National Trails System Plan should be transmitted to Congress after approximately two years of preparation time, and suggests that an appropriate transmittal date would be October 1, 1985. The section also makes wording changes to apply to national historic trails. The changes would make clear that the federal protection components of such trails are established on qualifying segments of an historic route on federal lands. A specific definition of the term 'extended trails' is included to aid the agencies charged with studying potential national scenic and national historic trails.

A new subsection is added which will require the Secretary of the Interior to submit and update on a regular basis a comprehensive plan for the National Trails System. The plan is intended to identify those current and prospective nationally significant scenic and historic trails or routes which would constitute essential components of a national system, as well as other trails which would be desirable for comprising a completed nationwide system of trails (recreation, connecting or side trails, for example). Such a plan will be a valuable guide to the Committee and to the Congress in considering routes to be studied for future designation under the act, and will also assist the executive branch and the trails community in identifying trails which might be made a part of the system through executive action. Provisions are also made for consultation with the Secretary of Agriculture, the governors of the various states, and the trails community generally in the process of initially assembling and also revising this plan.

Section 204 amends section 4 of the act to add a clause which will permit national recreation trails to be designated on private lands when the owner consents. Conforming changes are also made throughout Section 4 to provide parallel authority for the secretaries of Agriculture and Interior with respect to designating national recreation trails. The secretaries should promptly devise and jointly adopt the criteria which both will subsequently use for future national recreation trail designations.

Section 205(a) amends section 5 of the act in several areas. First, three national scenic trails are established: Potomac Heritage, Natchez Trace, and Florida. In each establishing paragraph, provisions are made for defining the route, insuring public access to the route description, and placing the responsibility for administration of each trail with an appropriate department. In addition, certain special provisions applying to individual trails are made as follows:

-- Additional restrictions are placed on the Potomac Heritage Trail, defining the initial trail as only those corridor segments which lie within the boundaries of federal areas such as national forests or units of the National Park System. No lands outside of these existing areas may be directly acquired by the federal government for the trail. The secretary may designate other areas as segments of the trail only upon application from an appropriate state or local agency, and only if such segments meet the criteria in the act and are to be administered without direct expense to the federal government.

-- Limitations are placed on the Florida Trail which restrict any federal acquisition for the trail outside of federally administered areas to purchases from willing sellers. Designation of any segments of the trail outside federally administered areas must also be make only upon application from state or local agencies, and with a commitment that, once acquired, these segments would be administered without direct expense to the federal government.

Section 205(b) amends section 5(b) of the act to clarify that the feasibility of designating a trail is determined by physical potential of locating the trail and the costs associated with construction and acquisition.

Section 205(c) amends section 5(c) of the act. Six trail routes are authorized for study under the provisions of the act, as follows: the General Crook, Beale Wagon Road, Juan Bautista da Anza, Trail of Tears, Illinois, and Jedediah Smith trails. General route descriptions are included for each trail to be studied. Additional changes are made in subsections 5(d) and 5(f) of the act, including provisions for notifying the authorizing committees in the event that a secretary is unable to establish an advisory council for a trail, redefining the federal members of trail advisory councils, and requiring additional information in the management plans to be prepared for certain trails.

Section 205(c) directs the Secretary of Agriculture to study that portion of the Beale Wagon Road within the Kaibab and Coconino National Forests as part of the ongoing Forest Service management planning process. The study of the remaining 80% of this trail is deleted. Approximately 20% of the proposed trail is located within the National Forest System land and the remaining 80% on other public and private land which would normally be studied by the Department of the Interior.

Section 206 makes changes to section 6 of the act to strike out a proviso which required that any connecting or side trails must provide additional points of access. The committee notes that there may be other reasons, such as affording an opportunity for loop trails, to designate and mark such trails. It is also specified that any such designation on private lands may be accomplished only with the consent of the owner.

Section 206 also clarifies that the word 'secretary' means the appropriate secretary, so as to apply authorities to both the secretaries of Agriculture and the Interior.

Section 207 amends Section 7 of the act in a number of instances. Subsection 7(a) is amended by requiring that the secretary charged with overall administration of a national scenic or national historic trail must consult with all affected state and federal agencies. No presumption is to be made that a trail designation carries with it any transfer of management responsibility for affected federal lands. A mechanism is established where a management transfer may be negotiated, including a provision that such transferred segments will be subject to the usual laws, rules, and regulations governing management of lands administered by the receiving secretary, subject to whatever exceptions may be provided for in the transfer agreement. For example, the Secretary of the Interior who is responsible for administration of the Appalachian National Scenic Trail, could negotiate an agreement with the Secretary of Agriculture. This agreement might provide that a certain segment of the trail corridor, acquired by the National Park Service, would be transferred to the Forest Service for management, and would be governed by Forest Service rules and regulations, except that the agreement might specify that the transferred corridor segment would be managed with certain other constraints which would not apply to national forest land generally.

Subsection 7(c) is amended by authorizing the appropriate secretary to provide for trail interpretation sites along national scenic and national historic trails. These interpretive sites may be located at historic features along a trail, and are to be a low cost means of providing information about a trail, particularly that portion of the trail within the state where the site is located. Whenever possible such sites shall be operated and maintained by a state agency wherever possible. Section 7(e) of the act is amended to correct an existing error in the National Trails System Act, and to add a proviso which authorizes the acquisition of lands or easements from counties, local governments and municipalities for trail rights-of-ways, with their consent. Subsection 7(f) is amended to provide that the secretary may, with owner consent, acquire an entire tract when a portion of the tract lies outside a trail right-of-way. Lands so acquired outside the right-of-way (as originally established pursuant to section 7(a) of the act or as it has been or may be relocated consistent therewith) may be exchanged with states, political subdivisions, or private owners for other non-federal land within such a right-of-way. This is consistent with the existing exchange authorities of section 7(f). This provision is important in two respects. First, it permits acquisition of entire tracts when in the best interest of both the United States and the seller, and it permits exchanges of those lands unnecessary for the acquisition program with state, local governmental, and private owners of non-federal lands within the trail right-

of-way that should be protected. In addition, such lands not used for exchange may be disposed of under existing sale authorities.

Secondly, by permitting the proceeds from the disposal of any excess land not used for exchange to be credited to the account bearing the cost of the original acquisition, it permits additional flexibility to establish an optimum balance between trail ownership and trail protection. When appropriate, such lands outside an established (or amended) right-of-way can be sold, subject to protective conditions when deemed desirable, and the proceeds used to acquire other necessary right-of-way protection. The independent and concurrent authorities of the secretaries of the Interior and Agriculture are made explicit, and the disposal processes are to be consistent with existing authorities of the Secretary of the Interior in Public Law 90-401, including disposal at fair market value to the highest bidder, and as right of first refusal in the last owner of record.

Section 7(g) of the act is amended to make exception for designated protected components of a national historic trail or the Continental Divide Trail to the otherwise applicable exemption from the provisions of section 4(f) of the Department of Transportation Act (49 USC 1653(f)).

Subsection 7(h) of the act is amended relating to cooperative agreements. Initially, it will expand the existing use of cooperative agreements between the trail managers (primarily the National Park service and the Forest Service) and landowners, private organizations, states, and political subdivisions to fund, develop, operate, and maintain lands and facilities within and adjacent to trails. This is consistent with the traditional volunteer efforts underlying many of these trails and the important role that adjacent landowners should play in this process. It will also encourage the use of existing provisions concerning volunteers in the parks and forests as part of the cooperative agreements process to provide protection from liability for landowners, private volunteers, and the organizations participating in this effort. One problem with cooperative agreements has been that the private participants are placed in an uncertain position with regard to their personal liability, damage to their private property or increased likelihood of trespass arising out of such agreements. Private landowners are reluctant to voluntarily allow trail crossings or to sell a partial interest in their land for trail purposes when these questions remain unanswered. Similarly, volunteer trail clubs eager to assume additional responsibility for operation, development and maintenance of federally owned trail areas are also concerned about these uncertainties. This amendment attempts to address this problem in two ways. First, it encourages the state and local development of appropriate laws to protect private landowners from trespass resulting from trail use and from unreasonable personal liability and property damage caused by trail uses. This is to be accomplished pursuant to consultation between the appropriate secretary and these various jurisdictions. Second, this amendment encourages the expanded use of the provisions of the Volunteers in the Parks and Volunteers in the Forest Acts as a part of these cooperative agreements. This approach will protect the parties to these cooperative agreements from personal liability arising out of actions undertaken as a part of such an agreement. Should a farmer agree to allow trail passage across his land, for example, and to provide for routine management of that trail area, his actions in doing so would come under the provisions of the volunteer program and he would not be personally liable should activities taken within the scope of that agreement result in injury to another.

In this manner the provisions of this amendment to Section 7(h) of the act build upon existing and traditional cooperative efforts under the National Trails System Act program to utilize private, state, and local initiative to the greatest degree practicable in the implementation of these trail programs, consistent with the overall purpose of the act. The secretaries of Interior and Agriculture should continue their present efforts in this regard, continue to provide financial assistance through cooperative agreements with appropriated funds or with other receipts as an element of these cooperative efforts, and implement expanded programs along these lines as soon as practicable.

Section 7(h) is amended to clarify that the appropriate secretary may utilize all cooperative authorities to work with governmental and private organizations in the acquisition and protection of trail lands. This language is particularly intended to encourage cooperation with private land trusts and similar conservation organizations in the protection of trail rights-of-way and adjacent lands.

Subsection 7(i) is amended to specify that the appropriate secretary responsible for the management of any segment of a component of the National Trails System may utilize the appropriate National Park System or National Forest System authorities in administering such segment. Consistent, of course, with the purposes of the act. The 'appropriate' secretary shall consult with states. The appropriate secretary may be either the secretary of Agriculture or the secretary of the Interior.

A new subsection 7(j) is added to specify various types of potential uses which may be allowed on specific components of the National Trails System. The uses listed are not intended to be all inclusive, but to illustrate the wide range of recreation pursuits which may be served by various trails. While the new subsection would permit the appropriate secretaries to allow trail bikes and other off-the-road vehicles on portions of the National Trail System, the Committee wishes to emphasize that this provision gives authority to the secretaries to permit such uses where appropriate, but that it must also be exercised in keeping with those other provisions of the law that require the secretaries to protect the resources themselves and the users of the system. It is intended, for example, that motorized vehicles will not normally be allowed on national scenic or historical trails and will be allowed on recreational trails only at times and places where such use will not create significant on-trail or off-trail environmental. Damage and will not jeopardize the safety of hikers, equestrians, or other uses or conflict with the primary purposes for which the trail, or the portion of the trail, were created.

A new subsection 7(k) is added to encourage the donation and conveyance of land and easements by utilizing federal laws allowing for various tax benefits for such conveyances. This provision could be most advantageous in facilitating trail access and protection of rural landscapes in areas where the federal government is not actively involved in the acquisition of lands or the management of trails, and thereby encourage private sector initiatives in these endeavors. The subsection authorizes a wide variety of interests in land which can be utilized to protect trail areas and environs such as easements which would not require a qualified grantee to own fee title to appurtenant lands. This provision does not change existing tax law or regulations, but is intended to better define the types of interests in land that qualify under existing law when related to trail purposes. The Committee's intent is that easements donated pursuant to this provision shall have the same tax benefits to the donor as provided in public law 96-541.

Section 208 amends section 8 of the act to encourage the development of additional trails in conjunction with the provisions of the Railroad Revitalization and Regulatory Reform Act of 1976. This reflects the concern that previous congressional efforts have not been successful in establishing a process through which railroad rights-of-way which are not immediately necessary for active service can be utilized for trail purposes. This appears to be true despite the fact that these efforts have also been to preserve established railroad rights-of-way for future reactivation of rail service, to protect rail transportation corridors, and to encourage energy efficient transportation use. The key finding of this amendment is that interim use of a railroad right-of-way for trail use, when the route itself remains intact for future railroad purposes, shall not constitute an abandonment of such rights-of-way for railroad purposes. This finding alone should eliminate many of the problems with this program. The concept of attempting to establish trails only after the formal abandonment of a railroad right-of-way is self-defeating; once a right-of-way is abandoned for railroad purposes there may be nothing left for trail use. This amendment

would ensure that potential interim trail use will be considered prior to abandonment. If interim use of an established railroad right-of-way consistent with the National Trails System act is feasible, and if a state, political subdivision, or qualified private organization is prepared to assume full responsibility for the management of such right-of-way, for any legal liability, and for the payment of any and all taxes that may be levied or assessed against such right-of-way -- that is, to save and hold the railroad harmless from all of these duties and responsibilities -- then the route will not be ordered abandoned.

This provision will protect railroad interests by providing that the right-of-way can be maintained for future railroad use even though service is discontinued and tracks removed, and by protecting the railroad interests from any liability or responsibility in the interim period. This provision will assist recreation users by providing opportunities for trail use on an interim basis where such situation exists.

Finally, both the amendments to section 7 (h) of the act and the inclusion of a new Section 11 extending volunteer assistance authorities should assist in this effort. To the degree a given right-of-way is established as national recreation, national scenic, or national historic trail, as otherwise provided by this act, Section 7 (h) provides broad cooperative agreement authority to the appropriate secretary to assist in this effort. In addition, trails which if so developed and maintained could qualify for designation as components of the National Trails System can also be assisted pursuant to the volunteer assistance program. In both cases, this assistance can address not only trail managers' concerns, but also those concerns of adjacent landowners.

Section 209 amends section 10 of the act, first by making correcting changes, then by authorizing the expenditure of funds to acquire necessary lands for one trail interpretation site in each state for each listed trail. The section is further amended to authorize necessary funding for the trails designated in this legislation. Up to \$500,000 may be appropriated for land acquisition along the Natchez Trace, and up to \$200,000 may be appropriated to develop the Natchez Trace Trail system itself.

Section 210 adds two new sections to the act. A new section 11 is added to encourage volunteer groups and individuals in the establishment, maintenance, and management, where appropriate, of trails both on public and private land. The secretaries are encouraged to assist such volunteer efforts on existing components of the National Trails System as well as on trails which, once established, could qualify for the System. To achieve these objectives of volunteer encouragement, the secretaries are authorized and encouraged to utilize the provisions of the Volunteers in the Parks act of 1969 and the Volunteers in the Forest act of 1972 and Section 6 of the Land and Water Conservation Fund Act of 1965. The secretaries are encouraged to support a wide range of volunteer activities ranging from planning, training, development, maintenance and management relating to trails, trail environs, and associated structure and facilities. To accomplish the support, the secretaries may utilize federal facilities, equipment, tools and technical assistance. A goal is to encourage volunteers by providing these facilities and services and thereby promote private support for these public recreational resources while decreasing the need for direct federal expenditures of money and manpower.

A new section 12 is added to include specific definitions of certain terms used elsewhere in the legislation. The inclusion of these definitions is intended to assist the administering agencies in carrying out their responsibilities under the act. Section 210 also allows other land managing agencies, besides the Park Service and Forest Service, to utilize the volunteer authorities granted by this section in the promotion of trail maintenance and use. The amendments will logically expend the use of volunteers to the Bureau of Land Management, Tennessee Valley Authority and other federal land managing agencies.

Section 301 makes a Congressional finding that former Rep. Harold T. 'Bizz' Johnson should be recognized for his efforts on behalf of outdoor recreation, and specifically cites his lengthy work on a trail project in the Susan River Canyon of California. Section 302 designates this specific project as the 'Bizz' Johnson Trail.' Section 303 directs the Secretary of the Interior to place an appropriate marker along the trail in recognition of 'Bizz' Johnson's contributions. Section 304 authorizes necessary sums for this purpose.

Section 401 recognizes the years of dedicated service and the constructive contributions of former Representative Roy Taylor to the conservation of America's outstanding natural, scenic, and historic resources. His pride in his North Carolina homeland assured his attention to opportunities to preserve its rich natural and cultural heritage, but his interest in conservation was never parochial. Much of his energy was devoted to the protection of scenic resources throughout the country. Few members of congress have contributed as much to the establishment of as many national parks, national lakeshores and seashores, scenic rivers and trails, or historic sites as Roy Taylor of north Carolina.

Section 402 commemorates these many contributions by designating a 39 000-acre tract of pristine forestland within the Nantahala National Forest in his honor. This portion of the forest was acquired to help serve the same objectives that Roy Taylor's service in Congress epitomizes -- protection of the Nation's 'crown jewels' for the use and enjoyment of the American people in perpetuity. Section 403 directs the Secretary of Agriculture working with local officials, to design and erect a suitable marker highlighting the many contributions of Roy Taylor to the conservation ethic -- both at home and throughout the country.

Section 404 authorizes and directs the Secretary of the Interior to make designations regarding the Roy Taylor Forest in publications produced for the Blue Ridge Parkway. In addition, this section authorizes the Secretary of the Interior to erect appropriate signs on the Blue Ridge Parkway to commemorate the contributions of Roy Taylor. The committee believes that section 404 is particularly appropriate, in that it reflects the close association of Roy Taylor with the National Park Service and, in particular, with the Blue Ridge Parkway. As chairman of the Subcommittee on National Parks and Recreation, Roy Taylor was perhaps more closely identified with national park issues than national forests. The committee understands that plans are underway for the construction of a major visitor center/administrative headquarters for the Blue Ridge Parkway in the vicinity of Asheville, North Carolina. The committee believes that this new facility would be an excellent place to commemorate the accomplishments of Roy Taylor in furthering our National Park System. The National Park Service should move expeditiously to complete the site and have the facility constructed and named in honor of Roy Taylor under the provisions of Section 404.

Section 405 authorizes the appropriation of such funds as may be necessary to implement the provisions of this title.

Section 501 commemorates the travels of William Bartram, an American naturalist. The secretary of the Interior is authorized to accept donations of trail markers and to place these markers at suitable locations on federal lands after consultation with the Bartram Trail Conference, state and local governments.

Inflationary Impact Statement and Budget Act Compliance

While the provisions of S. 271, as recommended, authorize some relatively nominal expenditures in FY 1983 and smaller amounts in subsequent years, it mainly deals with refinements in the basic law creating the National Trails System which seem appropriate after several years of experience with this program. Taken in the context of the overall budget, the funding involved is so insignificant that the Committee believes no inflationary impact will result from the enactment of this legislation. The analysis of the Congressional Budget Office, which the Committee adopts as its own, follows:

Congressional Budget Office – Cost Estimate, March 8, 1983 .

- 1 . Bill number: S. 271.
- 2 . Bill Title: An act to amend the National Trails System Act by designating additional national scenic and historic trails, and for other purposes.
- 3 . Bill Status: as ordered reported by the House Committee on Interior and Insular Affairs, March 2, 1983.
- 4 . Bill purpose: This bill establishes three new scenic trails, assigns names for a trail and a forest area and requires studies of six new trail routes. It directs the secretary of the Interior to submit to the Congress a National Trails System plan at the beginning of every odd numbered fiscal year beginning in fiscal year 1985 and continuing every second fiscal year thereafter. The bill expands the scope of the management plans for new trails to include plans for protecting certain historic sites and developing the trails.

S. 271 authorizes the appropriation of \$2.5 million for acquiring lands and developing the Natchez Trace Trail, and such sums as may be necessary to implement the remaining requirements of the bill. The authorization is effective for the fiscal year beginning on October 1, 1983 and for subsequent fiscal years.

- 5 . Estimated cost to the federal government: [fn1a] (tabular or graphic material set forth at this point is not displayable.

The costs of this bill fall within budget function 300.

Basis of estimate: it is assumed for the purpose of this estimate that S. 271 will be enacted in fiscal year 1983 and that the full amounts authorized will be appropriated for fiscal year 1984. The estimated authorization for fiscal year 1984 includes the \$2.5 million authorized for acquiring and developing the Natchez Trace Trail and another \$0.2 million for developing the Florida Trail. It is assumed that these funds will be spent over a three-year period, consistent with the pattern of similar programs. The Forest Service (FS) participates in no land acquisition activities for the Florida Trail. Based on the most recent data available from the National Park Service (NPS), the cost of developing the Potomac Heritage Trail is expected to be insignificant. However, additional costs for the development of Potomac Heritage Trail may become evident once NPS has completed a study of the project. An additional \$0.7 million is estimated to be necessary for the studies of five of the six trail routes. This estimate assumes that no additional costs will be incurred for the study of the Beale Wagon Road, because the bill directs the FS to complete this study as part of the ongoing planning process. The funds for the studies are expected to be disbursed over a four-year period.

The initial National Trails System plans are expected to cost approximately \$90,000 each. The cost of these bi-annual plans are expected to drop to about \$30,000 by fiscal year 1987 when the necessary data base would be in place. These expenses are expected to be incurred over two years. The management plans associated with the new scenic trails are expected to cost \$150,000 in fiscal year 1984, with expenses to be incurred over a two-year period. The remaining provisions in the bill are not expected to add significant costs to the NSP or FS programs. The costs associated with erecting markers and revising documents for the new name assignments of a trail and a forest area are estimated to be negligible. Provisions allowing for trail interpretation sites are not expected to increase costs because both agencies presently are authorized to provide such facilities in the areas through which the trails pass.

- 6 . Estimated cost to state and local governments: enactment of this bill will have no significant impact on the budgets of state and local governments.

7. Estimate comparison: none.
8. Previous CBO estimate: none.
9. Estimate prepared by: Mary Ann Curtin.
10. estimate approved by: C. G. Nuckols
(for James L. Blum, Assistant Director for Budget Analysis).

The Committee intends to carefully monitor the implementation of this legislation to assure compliance with the intent of the act, but no specific oversight hearings have been conducted on the matter. No recommendations were submitted to the Committee pursuant to rule X clause 2(b)(2).

Committee Recommendation

Meeting on March 2, 1983, the Committee on Interior and Insular Affairs considered S. 271, and by voice vote ordered the bill favorably reported to the House with the recommendation that it do pass.

fn1 An identical bill, H.R. 1717, was introduced by Representative Phillip Burton.

fn2 H.R. 8087 was introduced September 8, 1980, by Representative Phillip Burton and cosponsored by representatives Jim Johnson of Colorado, Sebelius, Lagomarsino, Gudger, Reuss, John Burton, and Mineta.

fn3 H.R. 861 was introduced January 16, 1981, by representative Phillip Burton and cosponsored by representatives Lagomarsino, Miller of California, Kogovsek, Mineta, Corcoran, Seiberling, Porter, and Byron.

fn1a Less than \$50,000.

(notes: 1. Portions of the Senate, House and Conference reports, which are duplicative or are deemed to be unnecessary to the interpretation of the laws, are omitted. Omitted material is indicated by five asterisks: *****.

2. To retrieve reports on a public law, run a topic field search using the public law number, e.g., to 9-495))

h.r. rep. 98-28, h.r. rep. no. 28, 98th cong., 1st sess. 1983, 1983 u.s.c.c.a.n. 112, 1983 wl 25294 (leg.hist.)

END OF DOCUMENT