

REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF  
EXISTING TRAILS FOR POSSIBLE TRAIL EXPANSION

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JUNE 6, 2001.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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Mr. HANSEN, from the Committee on Resources,  
submitted the following

REPORT

[To accompany H.R. 37]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 37) to amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails, 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. REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.**

The National Trails System Act is amended by inserting after section 5 (16 U.S.C. 1244) the following new section:

**“SEC. 5A. REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING TRAILS FOR POSSIBLE TRAIL EXPANSION.**

“(a) IN GENERAL.—

“(1) DEFINITIONS.—In this section:

“(A) ROUTE.—The term ‘route’ includes a trail segment commonly known as a cutoff.

“(B) SHARED ROUTE.—The term ‘shared route’ means a route that was a segment of more than one historic trail, including a route shared with an existing national historic trail.

“(2) STUDY REQUIREMENTS AND OBJECTIVES.—The study requirements and objectives specified in section 5(b) shall apply to a study required by this section. The study shall also assess the effect that designation of the studied route as a component of an existing national scenic trail or national historic trail may have on private property along the proposed route.

“(3) COMPLETION AND SUBMISSION OF STUDY.—A study listed in this section shall be completed and submitted to the Congress not later than three complete fiscal years from the date of the enactment of this section, or from the date of the enactment of the addition of the study to this section, whichever is later.

“(4) IMPLEMENTATION OF STUDY RESULTS.—Upon completion of a study required by this section, if the Secretary conducting the study determines that a studied route is a feasible and suitable addition to the existing national scenic trail or national historic trail that was the subject of the study, the Secretary shall designate the route as a component of that national scenic trail or national historic trail. The Secretary shall publish notice of the designation in the Federal Register.

“(b) OREGON NATIONAL HISTORIC TRAIL.—

“(1) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Oregon Trail listed in paragraph (2) and generally depicted on the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as components of the Oregon National Historic Trail.

“(2) COVERED ROUTES.—The routes to be studied under paragraph (1) are the following:

- “(A) Whitman Mission route.
- “(B) Upper Columbia River.
- “(C) Cowlitz River route.
- “(D) Meek cutoff.
- “(E) Free Emigrant Road.
- “(F) North Alternate Oregon Trail.
- “(G) Goodale’s cutoff.
- “(H) North Side alternate route.
- “(I) Cutoff to Barlow Road.
- “(J) Naches Pass Trail.

“(c) PONY EXPRESS NATIONAL HISTORIC TRAIL.—The Secretary of the Interior shall undertake a study of the approximately 20-mile southern alternative route of the Pony Express Trail from Wathena, Kansas, to Troy, Kansas, and such shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as components of the Pony Express National Historic Trail.

“(d) CALIFORNIA NATIONAL HISTORIC TRAIL.—

“(1) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the Missouri Valley, central, and western routes of the California Trail listed in paragraph (2) and generally depicted on the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such shared Missouri Valley, central, and western routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as components of the California National Historic Trail.

“(2) COVERED ROUTES.—The routes to be studied under paragraph (1) are the following:

- “(A) MISSOURI VALLEY ROUTES.—
  - “(i) Blue Mills–Independence Road.
  - “(ii) Westport Landing Road.
  - “(iii) Westport–Lawrence Road.
  - “(iv) Fort Leavenworth–Blue River route.
  - “(v) Road to Amazonia.
  - “(vi) Union Ferry Route.
  - “(vii) Old Wyoming–Nebraska City cutoff.
  - “(viii) Lower Plattsmouth Route.
  - “(ix) Lower Bellevue Route.
  - “(x) Woodbury cutoff.
  - “(xi) Blue Ridge cutoff.
  - “(xii) Westport Road.
  - “(xiii) Gum Springs–Fort Leavenworth route.
  - “(xiv) Atchison/Independence Creek routes.
  - “(xv) Fort Leavenworth–Kansas River route.
  - “(xvi) Nebraska City cutoff routes.
  - “(xvii) Minersville–Nebraska City Road.
  - “(xviii) Upper Plattsmouth route.
  - “(xix) Upper Bellevue route.
- “(B) CENTRAL ROUTES.—
  - “(i) Cherokee Trail, including splits.
  - “(ii) Weber Canyon route of Hastings cutoff.
  - “(iii) Bishop Creek cutoff.
  - “(iv) McAuley cutoff.
  - “(v) Diamond Springs cutoff.
  - “(vi) Secret Pass.

- “(vii) Greenhorn cutoff.
- “(viii) Central Overland Trail.
- “(C) WESTERN ROUTES.—
  - “(i) Bidwell–Bartleson route.
  - “(ii) Georgetown/Dagget Pass Trail.
  - “(iii) Big Trees Road.
  - “(iv) Grizzly Flat cutoff.
  - “(v) Nevada City Road.
  - “(vi) Yreka Trail.
  - “(vii) Henness Pass route.
  - “(viii) Johnson cutoff.
  - “(ix) Luther Pass Trail.
  - “(x) Volcano Road.
  - “(xi) Sacramento–Coloma Wagon Road.
  - “(xii) Burnett cutoff.
  - “(xiii) Placer County Road to Auburn.
- “(e) MORMON PIONEER NATIONAL HISTORIC TRAIL.—
  - “(1) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Mormon Pioneer Trail listed in paragraph (2) and generally depicted on the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as components of the Mormon Pioneer National Historic Trail.
  - “(2) COVERED ROUTES.—The routes to be studied under paragraph (1) are the following:
    - “(A) 1846 Subsequent routes A and B (Lucas and Clarke Counties, Iowa).
    - “(B) 1856–57 Handcart route (Iowa City to Council Bluffs)
    - “(C) Keokuk route (Iowa).
    - “(D) 1847 Alternative Elkhorn and Loup River Crossings in Nebraska.
    - “(E) Fort Leavenworth Road; Ox Bow route and alternates in Kansas and Missouri (Oregon and California Trail routes used by Mormon emigrants).
    - “(F) 1850 Golden Pass Road in Utah.
- “(f) SHARED CALIFORNIA AND OREGON TRAIL ROUTES.—
  - “(1) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the shared routes of the California Trail and Oregon Trail listed in paragraph (2) and generally depicted on the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as shared components of the California National Historic Trail and the Oregon National Historic Trail.
  - “(2) COVERED ROUTES.—The routes to be studied under paragraph (1) are the following:
    - “(A) St. Joe Road.
    - “(B) Council Bluffs Road.
    - “(C) Sublette cutoff.
    - “(D) Applegate route.
    - “(E) Old Fort Kearny Road (Oxbow Trail).
    - “(F) Childs cutoff.
    - “(G) Raft River to Applegate.”.

#### PURPOSE OF THE BILL

The purpose of H.R. 37 is to amend the National Trails System Act to update the feasibility and suitability studies of four national historic trails and provide for possible additions to such trails.

#### BACKGROUND AND NEED FOR LEGISLATION

To provide federal assistance to the Appalachian Trail and to establish a national system of trails, Congress in 1968 enacted the National Trails System Act. The National Trails System Act allows Congressional authorization for three categories of trails—National Scenic Trails, National Historic Trails and National Recreation Trails.

National Scenic Trails are continuous protected scenic corridors for outdoor recreation, and National Historic Trails are trails de-

signed to recognize broad facets of history such as prominent past routes of exploration, migration, trade, communication, and military action. National Recreation Trails are existing trails recognized by the federal government as contributing to the National Trail System. These trails are managed by public and private agencies at the local, state, and federal levels and include nature trails, river routes, and historic trails. Of the 22 national scenic and historic trails established to date, 17 are administered by the National Park Service, five by the Forest Service, and one is managed by the Bureau of Land Management. Today, there are now over 40,000 miles of federally-designated trails in 46 states.

H.R. 37 would authorize the Secretary of the Interior to study a number of specific routes and cutoff trails that were either not known or considered at the time of their original feasibility studies in the 1970s and that may be suitable and appropriate for designation as components of the following trails: (1) Oregon National Historic Trail; (2) Pony Express National Historic Trail; (3) California National Historic Trail; and (4) Mormon Pioneer National Historic Trail. During these considerations, the National Park Service will work with appropriate trail groups, historians, and other interested parties to develop information on any new segment to the trail in an effort to determine if it meets the criteria for addition to the system.

After determining that the additions or cutoff trails are suitable, the Secretary would designate the routes and cutoff trails as components of the these four National Trails, and publish notice of such designations in the Federal Register. H.R. 37 also directs the Secretary to submit the study along with the findings to the House Committee on Resources and the Senate Committee on Energy and Natural Resources. No condemnation of private lands or federal leases are contemplated to add any of these routes to the trails.

#### COMMITTEE ACTION

H.R. 37 was introduced on January 3, 2001, by Congressman Doug Bereuter (R-NE). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Recreation, and Public Lands. On April 26, 2001, the Subcommittee held a hearing on the bill. On May 16, 2001, the Full Resources Committee met to consider the bill. The Subcommittee on National Parks, Recreation, and Public Lands was discharged from further consideration of the bill by unanimous consent. Congressman Joel Hefley offered an amendment in the nature of a substitute that made four changes to the original bill: (1) It added the official map title and date; (2) it added the term "shared route" and authorized the Secretary to include shared routes in the study; (3) it specifically required the study to assess any private property effected by a new route; and (4) it streamlined the text of the bill. The amendment was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by voice.

#### 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 Re-

sources' 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:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, May 25, 2001.*

Hon. JAMES V. HANSEN,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 37, a bill to amend the National Trails System Act to update the feasibility and suitability studies of four national historic trails and provide for possible additions to such trails.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact for this estimate is Deborah Reis.

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

*H.R. 37—A bill to amend the National Trails System Act to update the feasibility and suitability studies of four national historic trails and provide for possible additions to such trails*

H.R. 37 would direct the Secretary of the Interior to update the feasibility studies of four national historic trails to include numer-

ous shared routes, cutoff trails, and other trail segments. The Secretary would designate as components of the four national historic trails any segments found to be feasible and suitable additions.

Assuming appropriation of the necessary amounts, CBO estimates that the federal government would spend about \$160,000 over the next three years to conduct all of the required studies of trail segments specified by the bill. We estimate that any expenses associated with adding any suitable routes to the existing four national historic trails would be minimal. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 37 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 Deborah Reis. The estimate was approved by Peter Fontaine, Deputy Assistant Director for Budget Analysis.

#### COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

#### 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*):

### **SECTION 5A OF THE NATIONAL TRAILS SYSTEM ACT**

#### **SEC. 5A. REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING TRAILS FOR POSSIBLE TRAIL EXPANSION.**

(a) *IN GENERAL.*—

(1) *DEFINITIONS.*—*In this section:*

(A) *ROUTE.*—*The term “route” includes a trail segment commonly known as a cutoff.*

(B) *SHARED ROUTE.*—*The term “shared route” means a route that was a segment of more than one historic trail, including a route shared with an existing national historic trail.*

(2) *STUDY REQUIREMENTS AND OBJECTIVES.*—*The study requirements and objectives specified in section 5(b) shall apply to a study required by this section. The study shall also assess the effect that designation of the studied route as a component of an existing national scenic trail or national historic trail may have on private property along the proposed route.*

(3) *COMPLETION AND SUBMISSION OF STUDY.*—*A study listed in this section shall be completed and submitted to the Congress not later than three complete fiscal years from the date of the enactment of this section, or from the date of the enactment of the addition of the study to this section, whichever is later.*

(4) *IMPLEMENTATION OF STUDY RESULTS.*—*Upon completion of a study required by this section, if the Secretary conducting*

*the study determines that a studied route is a feasible and suitable addition to the existing national scenic trail or national historic trail that was the subject of the study, the Secretary shall designate the route as a component of that national scenic trail or national historic trail. The Secretary shall publish notice of the designation in the Federal Register.*

(b) OREGON NATIONAL HISTORIC TRAIL.—

(1) STUDY REQUIRED.—*The Secretary of the Interior shall undertake a study of the routes of the Oregon Trail listed in paragraph (2) and generally depicted on the map entitled “Western Emigrant Trails 1830/1870” and dated 1991/1993, and of such shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as components of the Oregon National Historic Trail.*

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(1) STUDY REQUIRED.—*The Secretary of the Interior shall undertake a study of the Missouri Valley, central, and western routes of the California Trail listed in paragraph (2) and generally depicted on the map entitled “Western Emigrant Trails 1830/1870” and dated 1991/1993, and of such shared Missouri Valley, central, and western routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as components of the California National Historic Trail.*

(2) COVERED ROUTES.—*The routes to be studied under paragraph (1) are the following:*

- (A) MISSOURI VALLEY ROUTES.—
  - (i) Blue Mills–Independence Road.
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  - (iii) Westport–Lawrence Road.
  - (iv) Fort Leavenworth–Blue River route.
  - (v) Road to Amazonia.
  - (vi) Union Ferry Route.
  - (vii) Old Wyoming–Nebraska City cutoff.
  - (viii) Lower Plattsburgh Route.

- (ix) *Lower Bellevue Route.*
- (x) *Woodbury cutoff.*
- (xi) *Blue Ridge cutoff.*
- (xii) *Westport Road.*
- (xiii) *Gum Springs–Fort Leavenworth route.*
- (xiv) *Atchison / Independence Creek routes.*
- (xv) *Fort Leavenworth–Kansas River route.*
- (xvi) *Nebraska City cutoff routes.*
- (xvii) *Minersville–Nebraska City Road.*
- (xviii) *Upper Plattsmouth route.*
- (xix) *Upper Bellevue route.*
- (B) *CENTRAL ROUTES.—*
  - (i) *Cherokee Trail, including splits.*
  - (ii) *Weber Canyon route of Hastings cutoff.*
  - (iii) *Bishop Creek cutoff.*
  - (iv) *McAuley cutoff.*
  - (v) *Diamond Springs cutoff.*
  - (vi) *Secret Pass.*
  - (vii) *Greenhorn cutoff.*
  - (viii) *Central Overland Trail.*
- (C) *WESTERN ROUTES.—*
  - (i) *Bidwell–Bartleson route.*
  - (ii) *Georgetown / Dagget Pass Trail.*
  - (iii) *Big Trees Road.*
  - (iv) *Grizzly Flat cutoff.*
  - (v) *Nevada City Road.*
  - (vi) *Yreka Trail.*
  - (vii) *Hennes Pass route.*
  - (viii) *Johnson cutoff.*
  - (ix) *Luther Pass Trail.*
  - (x) *Volcano Road.*
  - (xi) *Sacramento–Coloma Wagon Road.*
  - (xii) *Burnett cutoff.*
  - (xiii) *Placer County Road to Auburn.*
- (e) *MORMON PIONEER NATIONAL HISTORIC TRAIL.—*
  - (1) *STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Mormon Pioneer Trail listed in paragraph (2) and generally depicted on the map entitled “Western Emigrant Trails 1830/1870” and dated 1991/1993, and of such shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as components of the Mormon Pioneer National Historic Trail.*
  - (2) *COVERED ROUTES.—The routes to be studied under paragraph (1) are the following:*
    - (A) *1846 Subsequent routes A and B (Lucas and Clarke Counties, Iowa).*
    - (B) *1856–57 Handcart route (Iowa City to Council Bluffs)*
    - (C) *Keokuk route (Iowa).*
    - (D) *1847 Alternative Elkhorn and Loup River Crossings in Nebraska.*
    - (E) *Fort Leavenworth Road; Ox Bow route and alternates in Kansas and Missouri (Oregon and California Trail routes used by Mormon emigrants).*
    - (F) *1850 Golden Pass Road in Utah.*

(f) *SHARED CALIFORNIA AND OREGON TRAIL ROUTES.—*

(1) *STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the shared routes of the California Trail and Oregon Trail listed in paragraph (2) and generally depicted on the map entitled “Western Emigrant Trails 1830/1870” and dated 1991/1993, and of such other shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as shared components of the California National Historic Trail and the Oregon National Historic Trail.*

(2) *COVERED ROUTES.—The routes to be studied under paragraph (1) are the following:*

- (A) *St. Joe Road.*
- (B) *Council Bluffs Road.*
- (C) *Sublette cutoff.*
- (D) *Applegate route.*
- (E) *Old Fort Kearny Road (Oxbow Trail).*
- (F) *Childs cutoff.*
- (G) *Raft River to Applegate.*