

22 February 2017

FAQ: HR 1026 & S. 363:

North Country National Scenic Trail Route Adjustment Act

Exactly what does HR 1026/S. 363 call for?

These bills simply amend the National Trails System Act (16 U.S.C. 1244(a)(8)) by:

- (1) Substituting new language delineating the North Country National Scenic Trail's total length (from 3200 to 4600 miles);
- (2) Re-defining the eastern terminus as the Appalachian National Scenic Trail in Vermont; and
- (3) Substituting a new map reference for the original, showing the Minnesota Arrowhead and the eastern terminus extension.

So what does this accomplish?

H.R. 1026/S. 363 completes the original vision for the North Country National Scenic Trail (NCNST) by extending the eastern terminus to link with the Appalachian Trail in Vermont. And, this legislation legitimizes the de-facto route of the NCNST in Minnesota since 2005, with the formal inclusion of Minnesota's Superior Hiking, Border Route and Kekekabic Trails as officially part of the North Country National Scenic Trail (NCNST).

Wait--going from 3200 to 4600 miles sounds like a lot more than that!

The original 1980 authorizing legislation contains the language "a trail of approximately 3200 miles." This was clearly an estimate, since almost none of the NCNST had been built when the 1970's feasibility studies estimated its length. Since then much of the NCNST has been constructed and the route identified; the trail is on the ground and we have more sophisticated tools for measuring it. As it turns out, in order to carry out Congress' intent for the original NCNST the actual mileage is closer to 4100 miles, even without the Minnesota Arrowhead or the eastern terminus extension into Vermont (which add another 500 miles).

So, really, how many more miles are being added to the National Trails System by H.R. 1026/S. 363?

Doing the math, H.R. 1026/S. 363 would designate a net gain of approximately 500 new miles as National Scenic Trail. The Minnesota Arrowhead section contains about 540 miles—400 of which is already constructed in the Superior Hiking, Border Route and Kekekabic Trails. In Vermont there's a roughly 60 mile gap between the current terminus at Crown Point, N.Y. and the Appalachian Trail. Subtract the originally designated 100 miles of Minnesota wetlands to get 500 newly designated additional miles of NST.

That's 500 more miles of trail to be built?

Fortunately no! Factoring in the already volunteer-constructed (and world-class!) trail in the Minnesota Arrowhead plus the existing Trails Around Middlebury and the Long Trail in Vermont leaves **about 100 miles of new trail needing to be built**—and at a **far less cost** than it would have taken to construct the boardwalk and bridges through the original Minnesota route. Building trail in wetlands costs about 15 times what it takes to build natural-surfaced trail in upland areas, and that does not factor in the annual maintenance necessary, especially in a freeze/thaw environment like northern Minnesota.

What about eminent domain? Won't the NPS start taking private land?

No federal agency, including the National Park Service, has ever had the authority to use eminent domain for the North Country National Scenic Trail (NCNST). Less than 50 of the 4600 miles of NCNST are actually owned or leased by the NPS, and all of that was already in the Pictured Rocks National Lakeshore or the St. Croix National Scenic Riverway by the 1980 authorization of the NCNST.

The only land acquisition authority for the NPS on the NCNST was granted by Congress in 2009, and enables the NPS to acquire land only “with the consent of the owner of the land or interest in the land.” (Section 5(a)(8)) of the National Trails System Act (P.L. 90-543, as amended through P.L. 111-11). Currently there are relationships being built with willing sellers to enable access to a handful of privately held parcels.

Wait—Section 7(g) says the NPS can condemn land...

The generic condemnation language in 7(g) has always been trumped by Section 10(c), which authorizes appropriations for the trail, and states that **notwithstanding other sections of the Act, no federal funds can be expended to purchase lands or easement interests for the trail except for one interpretive site.** Section 10 (c) was replaced in 2009 by Section 5 (a)(8), the willing seller clause quoted above, which clearly does not permit use of condemnation.

Each National Scenic Trail, while authorized under the National Trails System Act, has a separately stated nature and purposes and set of authorities. While a number of NST's do have eminent domain authority, **the NCNST has never had eminent domain authority, nor does it seek it now or in the future.**

How has the NCNST developed the nearly 3100 miles already 'on the ground'?

Much of the existing trail uses existing public lands—national forests, state forests and parks, as well as available routes through lands held by land trusts. In addition NCTA's local volunteers, as well as those belonging to affiliate groups like the Finger Lakes Trail Conference, Superior Hiking Trail Association, Buckeye Trail Association and others, work hard in **building local relationships with local landowners** to enable the trail to be located on their land. In

many cases this involves simple “handshake agreements,” but in the interest of protecting the perpetuity of the trail these agreements are being formalized through easements, or occasionally purchased, as need or opportunity arises. Almost none of these agreements are with the NPS.

Well then, what is the NPS’s role?

The NPS is the designated administrator for the NCNST, as well as 5 of other 10 national scenic trails. As such it carries out Congressional intent regarding the nature and purpose of the trail, use of the trail emblem and approval of the route of the trail. There are 3.5 FTE’s assigned by the NPS to administer the 4600 miles of the NCNST. Management of the trail is primarily accomplished via a cooperative agreement with its major partner, the North Country Trail Association. This partnership enables a force multiplier effect that mobilizes local volunteer trail builders and maintainers along the entire 4600 miles. The NPS thus leverages its 3.5 FTE’s into a volunteer force numbering in the thousands, **which in 2016 returned \$5.50 for every federal dollar providing base operational support in the cooperative agreement.** This offers a textbook example of a **public/private partnership** that accomplishes tangible benefits for Americans both today and for future generations.

How will the NCNST complete the trail without eminent domain?

The key is in building local relationships with landowners. Remaining trail to be completed will need access to private lands, which requires willing landowners recognizing the value of dedicating access to some of their land in the public trust. This takes time, and investment in the local relationships thus built. **It will not complete the trail anytime soon, but it will complete the trail eventually and in a manner that creates local support and investment. This is one way that the NCNST is different from some other NST’s .**

What about jobs? Economic impacts? Quality of life in rural areas?

It’s actually quite dramatic how a simple hiking trail, with its gentle environmental impact, can have such a mobilizing effect on rural communities. People living in areas of Minnesota and Vermont affected by this legislation are looking forward to its benefits, as seen elsewhere along the NCNST with the popularity of Trail Towns, and in providing services and markets for trail users—a **sustainable source of local revenues and economic benefit.**

What about working landscapes?

Another way the NCNST is different is that it **tells the story of northern peoples both recreating in as well as eking a living out of the resource-rich Great North Woods.** The NCNST passes through and interprets working landscapes—places that support farming, ranching, forest management, mining, commercial fishing, oil and gas drilling—and **helps trail users**

better understand what it takes to make a living with the land. People who live, work and recreate in these northern heartlands of America are united under the banner of the “Red Plaid Nation,” the community built for and sustained by the NCNST. The NCNST is their trail.

So, why didn't the NCNST connect with Vermont in the first place?

In the late 1970's concerns were expressed by the Green Mountain Club (GMC) that connecting the NCNST with the Appalachian Trail as envisioned might lead to over-use of the Long Trail, Vermont's premier long distance hiking pathway maintained by the GMC. Vermont's governor asked that the 1980 legislation not include Vermont. In the time since, the Green Mountain Club has reversed its position and Vermonters have enthusiastically endorsed the notion of becoming one of only a handful of states hosting more than one National Scenic Trail.

What's wrong with the original route in Minnesota?

The original route passes through significant wetlands and tamarack/black spruce swamp. Building trail there requires extensive structures, bridges, puncheon, etc. which are not only **expensive** but **need constant maintenance** with the freeze/thaw climate conditions in the area. **Environmental sensitivities** exist over potential wetlands impacts. The original route assumed, as with the rest of the NCNST, that a local cadre of volunteers would be mobilized to build and maintain the NCNST. None have surfaced for this particular segment since the 1980 authorization of the NCNST. Instead, some 400-plus miles of world-class hiking trails have been built and paid for (by volunteers) along the north shore of Lake Superior, along the Canadian border and in the Boundary Waters Canoe Area Wilderness. Since 2005, hikers using the NCNST have adopted this “Minnesota Arrowhead” as part of the NCNST. **There is widespread local support.** The only things missing are the official trail signs and emblems, and the opportunity for local communities to derive tourism benefits from the official designation.

What about cost? Who pays?

Despite the relative simplicity of natural-surfaced hiking trails, there are still costs involved in their construction. Costs vary depending on the terrain. In wetlands areas such as the originally designated route in Minnesota, the cost per mile of trail construction (involving elevated structures) is easily fifteen times that of trail built in the dryer landscapes anticipated for completing the trail in Minnesota under H.R. 1026/S. 363. **Costs associated with trail building will be absorbed in the existing NPS budget or covered by partner fund-raising and the sweat equity of the volunteers,** as already occurs throughout the NCNST. No appropriations requests are associated with H.R. 1026/S. 363.

What about the “Sea-to-Sea” Route?

Nothing in this legislation permits or promotes any trail expansion beyond that expressly indicated on the map—the extension into Vermont and the addition of the trails in the

Minnesota Arrowhead. No western states are affected, either directly or indirectly by H.R. 1026/S. 363.