

TO DESIGNATE AND PROVIDE FOR THE MANAGEMENT OF  
THE JAMES V. HANSEN SHOSHONE NATIONAL TRAIL,  
AND FOR OTHER PURPOSES

—————  
JUNE 12, 2002.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed  
—————

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

R E P O R T

[To accompany H.R. 3936]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3936) To designate and provide for the management of the Shoshone National Recreation Trail, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHOSHONE NATIONAL TRAIL.**

(a) DEFINITIONS.—For the purposes of this section, the following definitions shall apply:

- (1) APPROPRIATE SECRETARY.—The term “appropriate Secretary” means—  
(A) the Secretary of Agriculture when referring to land under the jurisdiction of that Secretary; and  
(B) the Secretary of the Interior when referring to any land except that under the jurisdiction of the Secretary of Agriculture.

(2) MAP.—The term “Map” means the map entitled “\_\_\_\_\_” and dated \_\_\_\_\_.

(3) TRAIL.—The term “Trail” means the system of trails designated in subsection (b) as the James V. Hansen Shoshone National Trail.

(b) DESIGNATION.—The trails that are open to motorized use pursuant to applicable Federal and State law and are depicted on the Map as the Shoshone National Trail are hereby designated as the “James V. Hansen Shoshone National Trail”.

(c) MANAGEMENT.—

(1) IN GENERAL.—Except as otherwise provided in this Act, the appropriate Secretary shall manage the Trail consistent with the requirements of a national recreation trail in accordance with—

- (A) the National Trails System Act (16 U.S.C. 1241 et seq.); and  
(B) other applicable laws and regulations for trails on Federal lands.

(2) COOPERATION; AGREEMENTS.—The Secretary of the Interior and the Secretary of Agriculture shall cooperate with the State of Utah Department of Nat-

ural Resources and appropriate county governments in managing the Trail. The appropriate Secretary shall make every reasonable effort to enter into cooperative agreements with the State of Utah Department of Natural Resources and appropriate county governments (separately, collectively, or in any combination, as agreed by the parties) for management of the Trail.

(3) PRIMARY PURPOSE.—The primary purpose of this Act is to provide recreational trail opportunities for motorized vehicle use on the Trail. The Trail shall be managed in a manner that is consistent with this purpose, ensures user safety, and minimizes user conflicts.

(4) ADDITION OF TRAILS.—

(A) IN GENERAL.—The appropriate Secretary may add trails to the Trail in accordance with the National Trails System Act.

(B) REQUIREMENT FOR ADDITION OF TRAILS ON NON-FEDERAL LAND.—If a trail to be added to the Trail is located on non-Federal land, the appropriate Secretary may add the trail only if the owner of the land upon which the trail is located has—

- (i) consented to the addition of the trail to the Trail; and
- (ii) entered into an agreement with the appropriate Secretary for management of the additional trail in a manner that is consistent with this Act.

(5) NOTICE OF OPEN ROUTES.—The Secretary of the Interior and the Secretary of Agriculture shall ensure that the public is adequately informed regarding the routes open for the Trail, including by appropriate signage along the Trail.

(d) NO EFFECT ON NON-FEDERAL LAND AND INTERESTS IN LAND.—Nothing in this section shall be construed to affect ownership, management, or other rights related to any non-Federal land or interests in land, except as provided in an agreement related to that land entered into by the landowner under subsection (c)(4)(B)(ii).

(e) ACQUISITION OF LAND AND INTERESTS IN LAND.—The appropriate Secretary may acquire land and interests in land for the purposes of the Trail only from willing owners.

(f) MAP ON FILE; UPDATED.—The Map shall be—

- (1) kept on file at the appropriate offices of the Secretary of the Interior and the Secretary of Agriculture; and
- (2) updated by the appropriate Secretary whenever trails are added to the Trail.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

Amend the title so as to read:

A bill to designate and provide for the management of the James V. Hansen Shoshone National Trail, and for other purposes.

#### PURPOSE OF THE BILL

The purpose of H.R. 3936, as ordered reported, is to designate and provide for the management of the James V. Hansen Shoshone National Trail, and for other purposes.

#### BACKGROUND AND NEED FOR LEGISLATION

As the number of registered off-highway vehicles (OHV, also known as off-road vehicles) continues to increase dramatically in Utah and other Western States with vast tracts of public land, the identification and establishment of appropriate places to ride on those public lands in an environmentally sound way has not kept pace.

Under H.R. 3936, approximately 337 miles of existing trails currently open for motorized uses on National Forest and Bureau of Land Management (BLM) lands within the Northern Utah counties of Cache, Box Elder, Rich and Weber, would be recognized as the James V. Hansen Shoshone National Trail. It would authorize the Department of Agriculture and Department of Interior to enter into cooperative agreements with the State of Utah for the trails' continued management and development.

The legislation would further allow the Departments to designate future additions consistent with the requirements of the National Trail System Act, and would facilitate the development of local access points to the trail across private, city or county lands leading ultimately to a fully interconnected system of trails.

Finally, the legislation directs that the public be adequately informed through maps, signage and other appropriate means, the locations of trails and their acceptable uses.

#### COMMITTEE ACTION

H.R. 3936 was introduced on March 12, 2002, by Congressman James V. Hansen (R-UT) and referred to the Committee on Resources. On March 15, 2002, the bill was referred within the Committee to the Subcommittee on National Parks, Recreation, and Public Lands and the Subcommittee on Forests and Forest Health. On March 16, 2002, the Subcommittee on National Parks, Recreation and Public Lands held a hearing on the bill. On May 22, 2002, the Full Committee met to consider the bill. The Subcommittee on National Parks, Recreation, and Public Lands and the Subcommittee on Forests and Forest Health were discharged from further consideration of the bill by unanimous consent.

Mr. Hansen offered an amendment in the nature of a substitute to: (1) change the name of the trail to the Shoshone National Trail; (2) clarify that the bill will designate as part of the system of trails only those that are already open to motorized use; (3) clarify that while the primary purpose of the trail system will be to facilitate motorized trail opportunities, that the trail will also be managed to ensure public safety and to minimize user conflicts; and to (4) ensure that the public will be adequately informed regarding the trails that are open. The amendment was adopted by unanimous consent.

Mr. Rahall then offered an en bloc amendment to change the name of the trail to the James V. Hansen Shoshone National Trail. It was adopted by unanimous consent and the bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

#### 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 Resources' oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant 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 pre-

pared 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. According to the Congressional Budget Office, the cost of implementing this legislation is estimated to be less than \$500,000 per year.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to designate and provide for the management of the James V. Hansen Shoshone National Trail, and for other purposes.

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, June 5, 2002.*

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. 3936, a bill to designate and provide for the management of the James V. Hansen Shoshone National Trail.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Megan Carroll (for federal costs) and Marjorie Miller (for the state and local impact).

Sincerely,

STEVEN M. LIEBERMAN  
(For Dan L. Crippen, Director).

Enclosure.

*H.R. 3936—A bill to designate and provide for the management of the James V. Hansen Shoshone National Trail, and for other purposes*

CBO estimates that implementing H.R. 3936 would have no significant impact on the federal budget. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 3936 would designate the James V. Hansen Shoshone National Trail on about 337 miles of existing trails within the Wasatch-Cache National Forest and adjacent federal lands located in Utah. The bill would direct the Secretary of Agriculture and the Secretary of the Interior to manage the proposed trail for recreational purposes in cooperation with local governments and Utah's Department of Natural Resources. The bill would permit the secretaries to acquire privately owned lands and interests from willing sellers and to expand the trail to include other federal and nonfederal lands.

According to the Forest Service, the trails that would be designated under H.R. 3936 already are managed for purposes similar to those outlined in the bill. Based on information from the agency, CBO estimates that any increase in federal spending to administer those trails or to acquire nonfederal lands or interests under H.R. 3936 would be less than \$500,000 a year, assuming the availability of appropriated funds.

H.R. 3936 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 state of Utah and some country governments in that state could incur some costs if they chose to participate in managing the trail designated by this bill. Any such costs would be voluntary.

The CBO staff contacts for this estimate are Megan Carroll (for federal costs) and Marjorie Miller (for the state and local impact). This estimate was approved by Peter H. 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

If enacted, this bill would make no changes in existing law.

