

105TH CONGRESS
1ST SESSION

S. 1069

Entitled the “National Discovery Trails Act of 1997”.

IN THE SENATE OF THE UNITED STATES

JULY 25, 1997

Mr. MURKOWSKI (for himself and Mr. WARNER) introduced the following bill;
which was referred to the Committee on Energy and Natural Resources

A BILL

Entitled the “National Discovery Trails Act of 1997”.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Discovery
5 Trails Act of 1997”.

6 **SEC. 2. NATIONAL TRAILS SYSTEM ACT AMENDMENTS.**

7 Section 3(a) of the National Trails System Act (16
8 U.S.C. 1242(a)) is amended by inserting after paragraph
9 (4) the following:

10 “(5) National discovery trails, established as
11 provided in section 5, which will be extended, contin-
12 uous, interstate trails so located as to provide for

1 outstanding outdoor recreation and travel and to
2 connect representative examples of America's trails
3 and communities. National discovery trails should
4 provide for the conservation and enjoyment of sig-
5 nificant natural, cultural, and historic resources as-
6 sociated with each trail and should be so located as
7 to represent metropolitan, urban, rural, and back
8 country regions of the Nation." Any such trail may
9 be designated on federal lands and, with the consent
10 of the owner thereof, on any non federal lands: *Pro-*
11 *vided*, That such consent may be revoked at any
12 time. The Congress does not intend for the estab-
13 lishment of a National Discovery Trail to lead to the
14 creation of protective perimeters or buffer zones ad-
15 jacent to a National Discovery Trail. The fact that
16 there may be activities or uses on lands adjacent to
17 the trail that would not be permitted on the trail
18 shall not preclude such activities or uses on such
19 lands adjacent to the trail to the extent consistent
20 with other applicable law.

21 (2) FEASIBILITY REQUIREMENTS; COOPERATIVE
22 MANAGEMENT REQUIREMENT.—Section 5 of such Act (16
23 U.S.C. 1244) is amended by adding at the end the follow-
24 ing new subsection:

1 “(g)(1) For purposes of subsection (b), a trail shall
2 not be considered feasible and desirable for designation
3 as a national discovery trail unless it meets all of the fol-
4 lowing criteria:

5 “(A) the trail must link one or more areas with-
6 in the boundaries of a metropolitan area (as those
7 boundaries are determined under section 134(c) of
8 title 23, United States Code). It should also join
9 with other trails, connecting the National Trails Sys-
10 tem to significant recreation and resources areas.

11 “(B) The trail must be supported by a com-
12 petent trailwide nonprofit organization. Each trail
13 should have extensive local and trailwide support by
14 the public, by user groups, and by affected State
15 and local governments.

16 “(C) The trail must be extended and pass
17 through more than one State. At a minimum, it
18 should be a continuous, walkable route not including
19 any non-federal property for which the owner had
20 not provided consent for inclusion and use.

21 “(2) The appropriate Secretary for each national dis-
22 covery trail shall administer the trail in cooperation with
23 a competent trailwide nonprofit organization.”.

1 (b) DESIGNATION OF THE AMERICAN DISCOVERY
2 TRAIL AS A NATIONAL DISCOVERY TRAIL.—Section 5(a)
3 of such Act (16 U.S.C. 1244(a)) is amended—

4 (1) by re-designating the paragraph relating to
5 the California National Historic Trail as paragraph
6 (18);

7 (2) by re-designating the paragraph relating to
8 the Pony Express National Historic Trail as para-
9 graph (19); and

10 (3) by adding at the end the following:

11 “(20) The American Discovery Trail, a trail of
12 approximately 6,000 miles extending from Cape
13 Henlopen State Park in Delaware to Point Reyes
14 National Seashore in California, extending westward
15 through Delaware, Maryland, the District of Colum-
16 bia, West Virginia, Ohio, and Kentucky, where near
17 Cincinnati it splits into two routes. The Northern
18 Midwest route traverses Ohio, Indiana, Illinois,
19 Iowa, Nebraska, and Colorado, and the Southern
20 Midwest route traverses Indiana, Illinois, Missouri,
21 Kansas, and Colorado. After the two routes rejoin in
22 Denver, Colorado, the route continues through Colo-
23 rado, Utah, Nevada, and California. The trail is gen-
24 erally described in Volume 2 of the National Park
25 Service feasibility study dated June 1995 which

1 shall be on file and available for public inspection in
2 the office of the Director of the National Park Serv-
3 ice, Department of the Interior, the District of Co-
4 lumbia. The American Discovery Trail shall be ad-
5 ministered by the Secretary of the Interior in co-
6 operation with a competent trailwide nonprofit orga-
7 nization and other affected land managing agencies.
8 No lands or interests outside the exterior boundaries
9 of federally administered areas may be acquired by
10 the Federal Government solely for the American
11 Discovery Trail. This trail is specifically exempted
12 from the provisions of sections 7(e), 7(f), and 7(g).”

13 (c) COMPREHENSIVE NATIONAL DISCOVERY TRAIL
14 PLAN.—Section 5 of such Act (16 U.S.C. 1244) is further
15 amended by adding at the end the following new sub-
16 section:

17 “(h) Within three complete fiscal years after the date
18 of enactment of any law designating a national discovery
19 trail, the administering Federal agency shall, in coopera-
20 tion with a comprehensive plan for the protection, man-
21 agement, development, and use of the federal portions of
22 the trail, and provide technical assistance to states and
23 local units of government and private landowners, as re-
24 quested, for non-federal portions of the trail, to the Com-
25 mittee on Resources of the United States House of Rep-

1 representatives and the Committee on Energy and Natural
2 Resources of the United States Senate. The Secretary
3 shall ensure that the comprehensive plan for the entire
4 trail does not conflict with any existing agency direction
5 and that the nonprofit organization consults with affected
6 land managing agencies, the Governors of the affected
7 States, county and local political jurisdictions, and local
8 organizations maintaining components of the trail. Man-
9 datory components of the comprehensive plan include—

10 “(1) specific objectives and practices to be ob-
11 served in the administration and management of the
12 trail, including the identification of all significant
13 natural, historical, and cultural resources to be pre-
14 served, model agreements necessary for joint trail
15 administration among and between interested par-
16 ties, and an identified carrying capacity of the trail
17 and a plan for its implementation;

18 “(2) general and site-specific development plans
19 including anticipated costs; and

20 “(3) the process to be followed by the nonprofit
21 organization, in cooperation with the appropriate
22 Secretary, to implement the trail marking authori-
23 ties in section 7(c) conforming to approved trail logo
24 or emblem requirements.”. Nothing in this Act may
25 be construed to impose or permit the imposition of

1 any landowner on the use of any non federal lands
2 without the consent of the owner thereof, which con-
3 sent may be revoked at any time. Neither the des-
4 ignation of a National Discovery Trail nor any plan
5 relating thereto shall affect or be considered in the
6 granting or denial of a right of way or any condi-
7 tions relating thereto.

8 **SEC. 3. CONFORMING AMENDMENTS.**

9 The National Trails System Act is amended—

10 (1) in section 2(b) (16 U.S.C. 1241(b)), by
11 striking “scenic and historic” and inserting “scenic,
12 historic, and discovery”;

13 (2) in the section heading to section 5 (16
14 U.S.C. 1244), by striking “**AND NATIONAL**
15 **HISTORIC**” and inserting “**, NATIONAL HIS-**
16 **TORIC, AND NATIONAL DISCOVERY**”;

17 (3) in section 5(a) (16 U.S.C. 1244(a)), in the
18 matter preceding paragraph (1)—

19 (A) by striking “and national historic” and
20 inserting “, national historic, and national dis-
21 covery”; and

22 (B) by striking “and National Historic”
23 and inserting “, National Historic, and Na-
24 tional Discovery”;

1 (4) in section 5(b) (16 U.S.C. 1244(b)), in the
2 matter preceding paragraph (1), by striking “or na-
3 tional historic” and inserting “, national historic, or
4 national discovery”;

5 (5) in section 5(b)(3) (16 U.S.C. 1244(b)(3)),
6 by striking “or national historic” and inserting “,
7 national historic, or national discovery”;

8 (6) in section 7(a)(2) (16 U.S.C. 1246(a)(2)),
9 by striking “and national historic” and inserting “,
10 national historic, and national discovery”;

11 (7) in section 7(b) (16 U.S.C. 1246(b)), by
12 striking “or national historic” each place such term
13 appears and inserting “, national historic, or na-
14 tional discovery”;

15 (8) in section 7(c) (16 U.S.C. 1246(c))—

16 (A) by striking “scenic or national his-
17 toric” each place it appears and inserting “see-
18 nic, national historic, or national discovery”;

19 (B) in the second proviso, by striking “see-
20 nic, or national historic” and inserting “scenic,
21 national historic, or national discovery”; and

22 (C) by striking “, and national historic”
23 and inserting “, national historic, and national
24 discovery”;

1 (9) in section 7(d) (16 U.S.C. 1246(d)), by
2 striking “or national historic” and inserting “na-
3 tional historic, or national discovery”;

4 (10) in section 7(e) (16 U.S.C. 1246(e)), by
5 striking “or national historic” each place such term
6 appears and inserting “, national historic, or na-
7 tional discovery”;

8 (11) in section 7(f)(2) (16 U.S.C. 1246(f)(2)),
9 by striking “National Scenic or Historic” and insert-
10 ing “national scenic, historic, or discovery trail”;

11 (12) in section 7(h)(1) (16 U.S.C. 1246(h)(1)),
12 by striking “or national historic” and inserting “na-
13 tional historic, or national discovery”; and

14 (13) in section 7(i) (16 U.S.C. 1246(i)), by
15 striking “or national historic” and inserting “na-
16 tional historic, or national discovery”.

○