

Calendar No. 349

105TH CONGRESS
2^D SESSION

S. 1069

[Report No. 105-177]

A BILL

Entitled the "National Discovery Trails Act of
1997".

APRIL 29, 1998

Reported with an amendment

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[Report No. 105-177]

Entitled the “National Discovery Trails Act of 1997”.

IN THE SENATE OF THE UNITED STATES

JULY 25, 1997

Mr. MURKOWSKI (for himself, Mr. WARNER, Mr. HATCH, Ms. MOSELEY-BRAUN, Mr. ROBB, Mr. REED, Mr. ROTH, Mr. CAMPBELL, Mr. REID, Mr. BIDEN, Mr. KERREY, Mr. HARKIN, Mr. SARBANES, and Mrs. FEINSTEIN) introduced the following bill; which was referred to the Committee on Energy and Natural Resources

APRIL 29, 1998

Reported by Mr. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

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”.

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

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

5 “(5) National discovery trails, established as
6 provided in section 5, which will be extended, contin-
7 uous, interstate trails so located as to provide for
8 outstanding outdoor recreation and travel and to
9 connect representative examples of America’s trails
10 and communities. National discovery trails should
11 provide for the conservation and enjoyment of sig-
12 nificant natural, cultural, and historic resources as-
13 sociated with each trail and should be so located as
14 to represent metropolitan, urban, rural, and back
15 country regions of the Nation.” Any such trail may
16 be designated on federal lands and, with the consent
17 of the owner thereof, on any non federal lands: *Pro-*
18 *vided,* That such consent may be revoked at any
19 time. The Congress does not intend for the estab-
20 lishment of a National Discovery Trail to lead to the
21 creation of protective perimeters or buffer zones ad-
22 jacent to a National Discovery Trail. The fact that
23 there may be activities or uses on lands adjacent to
24 the trail that would not be permitted on the trail
25 shall not preclude such activities or uses on such

1 lands adjacent to the trail to the extent consistent
2 with other applicable law.

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

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

11 “(A) the trail must link one or more areas with-
12 in the boundaries of a metropolitan area (as those
13 boundaries are determined under section 134(e) of
14 title 23, United States Code). It should also join
15 with other trails, connecting the National Trails Sys-
16 tem to significant recreation and resources areas.

17 “(B) The trail must be supported by a com-
18 petent trailwide nonprofit organization. Each trail
19 should have extensive local and trailwide support by
20 the public, by user groups, and by affected State
21 and local governments.

22 “(C) The trail must be extended and pass
23 through more than one State. At a minimum, it
24 should be a continuous, walkable route not including

1 any non-federal property for which the owner had
2 not provided consent for inclusion and use.

3 ~~“(2) The appropriate Secretary for each national dis-~~
4 ~~covery trail shall administer the trail in cooperation with~~
5 ~~a competent trailwide nonprofit organization.”.~~

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

9 (1) by re-designating the paragraph relating to
10 the California National Historic Trail as paragraph
11 (18);

12 (2) by re-designating the paragraph relating to
13 the Pony Express National Historic Trail as para-
14 graph (19); and

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

16 ~~“(20) The American Discovery Trail, a trail of~~
17 ~~approximately 6,000 miles extending from Cape~~
18 ~~Henlopen State Park in Delaware to Point Reyes~~
19 ~~National Seashore in California, extending westward~~
20 ~~through Delaware, Maryland, the District of Colum-~~
21 ~~bia, West Virginia, Ohio, and Kentucky, where near~~
22 ~~Cincinnati it splits into two routes. The Northern~~
23 ~~Midwest route traverses Ohio, Indiana, Illinois,~~
24 ~~Iowa, Nebraska, and Colorado, and the Southern~~
25 ~~Midwest route traverses Indiana, Illinois, Missouri,~~

1 Kansas, and Colorado. After the two routes rejoin in
2 Denver, Colorado, the route continues through Colo-
3 rado, Utah, Nevada, and California. The trail is gen-
4 erally described in Volume 2 of the National Park
5 Service feasibility study dated June 1995 which
6 shall be on file and available for public inspection in
7 the office of the Director of the National Park Serv-
8 ice, Department of the Interior, the District of Co-
9 lumbia. The American Discovery Trail shall be ad-
10 ministered by the Secretary of the Interior in co-
11 operation with a competent trailwide nonprofit orga-
12 nization and other affected land managing agencies.
13 No lands or interests outside the exterior boundaries
14 of federally administered areas may be acquired by
15 the Federal Government solely for the American
16 Discovery Trail. This trail is specifically exempted
17 from the provisions of sections 7(e), 7(f), and 7(g).”

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

22 “(h) Within three complete fiscal years after the date
23 of enactment of any law designating a national discovery
24 trail, the administering Federal agency shall, in coopera-
25 tion with a comprehensive plan for the protection, man-

1 agement, development, and use of the federal portions of
2 the trail, and provide technical assistance to states and
3 local units of government and private landowners, as re-
4 quested; for non-federal portions of the trail, to the Com-
5 mittee on Resources of the United States House of Rep-
6 resentatives and the Committee on Energy and Natural
7 Resources of the United States Senate. The Secretary
8 shall ensure that the comprehensive plan for the entire
9 trail does not conflict with any existing agency direction
10 and that the nonprofit organization consults with affected
11 land managing agencies, the Governors of the affected
12 States, county and local political jurisdictions, and local
13 organizations maintaining components of the trail. Man-
14 datory components of the comprehensive plan include—

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

23 “(2) general and site-specific development plans
24 including anticipated costs; and

1 “(3) the process to be followed by the nonprofit
 2 organization, in cooperation with the appropriate
 3 Secretary, to implement the trail marking authori-
 4 ties in section 7(c) conforming to approved trail logo
 5 or emblem requirements.”. Nothing in this Act may
 6 be construed to impose or permit the imposition of
 7 any landowner on the use of any non federal lands
 8 without the consent of the owner thereof, which con-
 9 sent may be revoked at any time. Neither the des-
 10 ignation of a National Discovery Trail nor any plan
 11 relating thereto shall affect or be considered in the
 12 granting or denial of a right of way or any condi-
 13 tions relating thereto.

14 **SEC. 3. CONFORMING AMENDMENTS.**

15 The National Trails System Act is amended—

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

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

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

1 (A) by striking “and national historic” and
2 inserting “, national historic, and national dis-
3 covery”; and

4 (B) by striking “and National Historic”
5 and inserting “, National Historic, and Na-
6 tional Discovery”;

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

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

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

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

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

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

1 (B) in the second proviso, by striking “scenic,
2 or national historic” and inserting “scenic,
3 national historic, or national discovery”; and

4 (C) by striking “, and national historic”
5 and inserting “, national historic, and national
6 discovery”;

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

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

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

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

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

23 **SECTION 1. SHORT TITLE.**

24 *This Act may be cited as the “National Discovery*
25 *Trails Act of 1998”.*

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

2 (a)(1) *Section 3(a) of the National Trails System Act*
3 *(16 U.S.C. 1242(a)) is amended by inserting after para-*
4 *graph (4) the following:*

5 “(5) *National discovery trails, established as*
6 *provided in section 5, which will be extended, contin-*
7 *uous, interstate trails so located as to provide for out-*
8 *standing outdoor recreation and travel and to connect*
9 *representative examples of America’s trails and com-*
10 *munities. National discovery trails should provide for*
11 *the conservation and enjoyment of significant natu-*
12 *ral, cultural, and historic resources associated with*
13 *each trail and should be so located as to represent*
14 *metropolitan, urban, rural, and back country regions*
15 *of the Nation. Any such trail may be designated on*
16 *federal lands and, with the consent of the owner there-*
17 *of, on any non federal lands.”.*

18 (2) **FEASIBILITY REQUIREMENTS; COOPERATIVE MAN-**
19 **AGEMENT REQUIREMENT.**—*Section 5(b) of such Act (16*
20 *U.S.C. 1244) is amended by adding at the end the following*
21 *new paragraph:*

22 “(12) *For purposes of subsection (b), a trail shall*
23 *not be considered feasible and desirable for designa-*
24 *tion as a national discovery trail unless it meets all*
25 *of the following criteria:*

1 “(A) *The trail must link one or more areas*
2 *within the boundaries of a metropolitan area (as*
3 *those boundaries are determined under section*
4 *134(c) of title 23, United States Code). It should*
5 *also join with other trails, connecting the Na-*
6 *tional Trails System to significant recreation*
7 *and resources areas.*

8 “(B) *The trail must be supported by at*
9 *least one competent trailwide nonprofit organi-*
10 *zation. Each trail should have extensive local*
11 *and trailwide support by the public, by user*
12 *groups, and by affected State and local govern-*
13 *ments.*

14 “(C) *The trail must be extended and pass*
15 *through more than one State. At a minimum, it*
16 *should be a continuous, walkable route.*

17 “(13) *The appropriate Secretary for each na-*
18 *tional discovery trail shall administer the trail in co-*
19 *operation with at least one competent trailwide vol-*
20 *unteer-based organization. Where the designation of*
21 *discovery trail is aligned with other units of the Na-*
22 *tional Trails System, or State or local trails, the des-*
23 *ignation of a discovery trail shall not affect the pro-*
24 *tections or authorities provided for the other trail or*
25 *trails, nor shall the designation of a discovery trail*

1 *diminish the values and significance for which those*
2 *trails were established.”.*

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

6 (1) *by redesignating the paragraph relating to*
7 *the California National Historic Trail as paragraph*
8 *(18);*

9 (2) *by redesignating the paragraph relating to*
10 *the Pony Express National Historic Trail as para-*
11 *graph (19);*

12 (3) *by redesignating the paragraph relating to*
13 *the Selma to Montgomery National Historic Trail as*
14 *paragraph (20); and*

15 (4) *by adding at the end the following:*

16 “(21) *The American Discovery Trail, a trail of*
17 *approximately 6,000 miles extending from Cape Hen-*
18 *lopen State Park in Delaware to Point Reyes Na-*
19 *tional Seashore in California, extending westward*
20 *through Delaware, Maryland, the District of Colum-*
21 *bia, West Virginia, Ohio, and Kentucky, where near*
22 *Cincinnati it splits into two routes. The Northern*
23 *Midwest route traverses Ohio, Indiana, Illinois, Iowa,*
24 *Nebraska, and Colorado, and the Southern Midwest*
25 *route traverses Indiana, Illinois, Missouri, Kansas,*

1 *and Colorado. After the two routes rejoin in Denver,*
2 *Colorado, the route continues through Colorado, Utah,*
3 *Nevada, and California. The trail is generally de-*
4 *scribed in Volume 2 of the National Park Service fea-*
5 *sibility study dated June 1995 which shall be on file*
6 *and available for public inspection in the office of the*
7 *Director of the National Park Service, Department of*
8 *the Interior, the District of Columbia. The American*
9 *Discovery Trail shall be administered by the Sec-*
10 *retary of the Interior in cooperation with at least one*
11 *competent trailwide volunteer-based organization and*
12 *other affected federal land managing agencies, and*
13 *state and local governments, as appropriate. No lands*
14 *or interests outside the exterior boundaries of federally*
15 *administered areas may be acquired by the Federal*
16 *Government solely for the American Discovery Trail.*
17 *The provisions of sections 7(e), 7(f), and 7(g) shall*
18 *not apply to the American Discovery Trail.”.*

19 *(c) COMPREHENSIVE NATIONAL DISCOVERY TRAIL*
20 *PLAN.—Section 5 of such Act (16 U.S.C. 1244) is further*
21 *amended by adding at the end the following new subsection:*

22 *“(g) Within three complete fiscal years after the date*
23 *of enactment of any law designating a national discovery*
24 *trail, the administering Federal agency shall, in coopera-*
25 *tion with at least one competent trailwide volunteer-based*

1 organization, submit a comprehensive plan for the protec-
2 tion, management, development, and use of the federal por-
3 tions of the trail, and provide technical assistance to states
4 and local units of government and private landowners, as
5 requested, for non-federal portions of the trail, to the Com-
6 mittee on Resources of the United States House of Rep-
7 resentatives and the Committee on Energy and Natural Re-
8 sources of the United States Senate. The responsible Sec-
9 retary shall ensure that the comprehensive plan for the en-
10 tire trail does not conflict with existing agency direction
11 and that the volunteer-based organization shall consult with
12 the affected land managing agencies, the Governors of the
13 affected States, affected county and local political jurisdic-
14 tions, and local organizations maintaining components of
15 the trail. Components of the comprehensive plan include—
16 “(1) policies and practices to be observed in the
17 administration and management of the trail, includ-
18 ing the identification of all significant natural, his-
19 torical, and cultural resources to be preserved, model
20 agreements necessary for joint trail administration
21 among and between interested parties, and an identi-
22 fied carrying capacity for critical segments of the
23 trail and a plan for their implementation where ap-
24 propriate;

1 “(2) *general and site-specific trail-related devel-*
2 *opment including costs; and*

3 “(3) *the process to be followed by the volunteer-*
4 *based organization, in cooperation with the appro-*
5 *propriate Secretary, to implement the trail marking au-*
6 *thorities in section 7(c) conforming to approved trail*
7 *logo or emblem requirements.”. Nothing in this Act*
8 *may be construed to impose or permit the imposition*
9 *of any landowner on the use of any non federal lands*
10 *without the consent of the owner thereof. Neither the*
11 *designation of a National Discovery Trail nor any*
12 *plan relating thereto shall affect or be considered in*
13 *the granting or denial of a right of way or any condi-*
14 *tions relating thereto.”.*

15 **SEC. 3. CONFORMING AMENDMENTS.**

16 *The National Trails System Act is amended—*

17 (1) *in section 2(b) (16 U.S.C. 1241(b)), by strik-*
18 *ing “scenic and historic” and inserting “scenic, his-*
19 *toric, and discovery”;*

20 (2) *in the section heading to section 5 (16 U.S.C.*
21 *1244), by striking “**AND NATIONAL HIS-***
22 ***TORIC**” and inserting “, **NATIONAL HIS-***
23 ***TORIC, AND NATIONAL DISCOVERY**”;*

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

1 (A) by striking “and national historic” and
2 inserting “, national historic, and national dis-
3 covery”; and

4 (B) by striking “and National Historic”
5 and inserting “, National Historic, and National
6 Discovery”;

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

11 (5) in section 5(b)(3) (16 U.S.C. 1244(b)(3)), by
12 striking “or national historic” and inserting “, na-
13 tional historic, or national discovery”;

14 (6) in section 7(a)(2) (16 U.S.C. 1246(a)(2)), by
15 striking “and national historic” and inserting “, na-
16 tional historic, and national discovery”;

17 (7) in section 7(b) (16 U.S.C. 1246(b)), by strik-
18 ing “or national historic” each place such term ap-
19 pears and inserting “, national historic, or national
20 discovery”;

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

22 (A) by striking “scenic or national historic”
23 each place it appears and inserting “scenic, na-
24 tional historic, or national discovery”;

1 (B) in the second proviso, by striking “sce-
2 nic, or national historic” and inserting “scenic,
3 national historic, or national discovery”; and

4 (C) by striking “, and national historic”
5 and inserting “, national historic, and national
6 discovery”;

7 (9) in section 7(d) (16 U.S.C. 1246(d)), by strik-
8 ing “or national historic” and inserting “national
9 historic, or national discovery”;

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

14 (11) in section 7(f)(2) (16 U.S.C. 1246(f)(2)), by
15 striking “National Scenic or Historic” and inserting
16 “national scenic, historic, or discovery trail”;

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

20 (13) in section 7(i) (16 U.S.C. 1246(i)), by strik-
21 ing “or national historic” and inserting “national
22 historic, or national discovery”.