

Calendar No. 172

106TH CONGRESS
1ST SESSION**S. 734****[Report No. 106-90]**Entitled "National Discovery Trails Act of 1999".

IN THE SENATE OF THE UNITED STATES

MARCH 25, 1999

Mr. MURKOWSKI (for himself, Mr. REID, Mr. ROBB, Mr. LUGAR, and Mr. BIDEN) introduced the following bill; which was referred to the Committee on Energy and Natural Resources

JUNE 24, 1999

Reported by Mr. MURKOWSKI, with amendments

[Omit the part struck through and insert the part printed in *italic*]**A BILL**

Entitled "National Discovery Trails Act of 1999".

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 1999".

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
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.”.

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

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

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

8 “(B) The trail must be supported by at
9 least one competent trailwide volunteer-based
10 organization. Each trail should have extensive
11 local and trailwide support by the public, by
12 users groups, and by affected State and local
13 governments.

14 “(C) The trail must be extended and pass
15 through more than one State. At a minimum,
16 it 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
25 or trails, nor shall the designation of a discovery

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

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

6 (1) by re-designating the paragraph relating to
7 the California National Historic Trail as paragraph
8 (18);

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

12 (3) by re-designating 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
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 at least one competent trailwide vol-
12 unteer-based organization and other affected federal
13 land managing agencies, and state and local govern-
14 ments, as appropriate. No lands or interests outside
15 the exterior boundaries of federally administered
16 areas may be acquired by the Federal Government
17 solely for the American Discovery Trail. The provi-
18 sions of sections 7(e), 7(f), and 7(g) shall not apply
19 to the American Discovery Trail.”.

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

24 “(g) Within three complete fiscal years after the date
25 of enactment of any law designating a national discovery

1 trail, the administering Federal agency shall, in coopera-
2 tion with at least one competent trailwide volunteer-based
3 organization, submit a comprehensive plan for the protec-
4 tion, management, development, and use of the federal
5 portions of the trail, and provide technical assistance to
6 states and local units of government and private land-
7 owners, as requested, for non-federal portions of the trail,
8 *the appropriate Secretary shall submit a comprehensive*
9 *plan for the protection, management, development, and use*
10 *of the trail*, to the Committee on Resources of the United
11 States House of Representatives and the Committee on
12 Energy and Natural Resources of the United States Sen-
13 ate. The responsible Secretary shall ensure that the com-
14 prehensive plan for the entire trail does not conflict with
15 existing agency direction and ~~that the volunteer-based or-~~
16 ~~ganization~~ shall consult with the affected land managing
17 agencies, the Governors of the affected States, affected
18 county and local political jurisdictions, and local organiza-
19 tions maintaining components of the trail. Components of
20 the comprehensive plan include—

21 “(1) policies and practices to be observed in the
22 administration and management of the trail, includ-
23 ing the identification of all significant natural, his-
24 torical, and cultural resources to be preserved, model
25 agreements necessary for joint trail administration

1 among and between interested parties, and an iden-
2 tified carrying capacity for critical segments of the
3 trail and a plan for their implementation where ap-
4 propriate;

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

7 “(3) the process to be followed by the volunteer-
8 based organization, in cooperation with the appro-
9 priate Secretary, to implement the trail marking au-
10 thorities in section 7(c) conforming to approved trail
11 logo or emblem requirements.”. Nothing in this Act
12 may be construed to impose or permit the imposition
13 of any landowner on the use of any non-federal
14 lands without the consent of the owner thereof. Nei-
15 ther the designation of a National Discovery Trail
16 nor any plan relating thereto shall affect or be con-
17 sidered in the granting or denial of a right of way
18 or any conditions relating thereto.”.

19 **SEC. 3. CONFORMING AMENDMENTS.**

20 The National Trails System Act is amended—

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

24 (2) in the section heading to section 5 (16
25 U.S.C. 1244), by striking “**AND NATIONAL**

1 **HISTORIC**” and inserting “, **NATIONAL HIS-**
2 **TORIC, AND NATIONAL DISCOVERY**”;

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

5 (A) by striking “and national historic” and
6 inserting “, national historic, and national dis-
7 covery”; and

8 (B) by striking “and National Historic”
9 and inserting “, National Historic, and Na-
10 tional Discovery”;

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

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

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

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

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

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

4 (B) in the second proviso, by striking “see-
5 nic, or national historic” and inserting “scenic,
6 national historic, or national discovery”; and

7 (C) by striking “, and national historic”
8 and inserting “, national historic, and national
9 discovery”;

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

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

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

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

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

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