

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4671

To amend the National Trails System Act to include national discovery trails, and to designate the American Discovery Trail, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 2010

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

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## A BILL

To amend the National Trails System Act to include national discovery trails, and to designate the American Discovery Trail, and for other purposes.

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 2010”.

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

7       (a)(1) Section 3(a) of the National Trails System Act  
8       (16 U.S.C. 1242(a)) is amended by inserting after para-  
9       graph (4) the following:

1           “(5) National discovery trails, established under  
2 section 5, which will be extended, continuous, inter-  
3 state trails so located as to provide for outstanding  
4 outdoor recreation and travel and to connect rep-  
5 resentative examples of America’s trails and commu-  
6 nities. National discovery trails should provide for  
7 the conservation and enjoyment of significant nat-  
8 ural, cultural, and historic resources associated with  
9 each trail and should be so located as to represent  
10 metropolitan, urban, rural, and back country regions  
11 of the Nation. Any such trail may be designated on  
12 Federal lands and, with the consent of the owner  
13 thereof, on any non-Federal lands.”.

14           (b) DESIGNATION OF THE AMERICAN DISCOVERY  
15 TRAIL AS A NATIONAL DISCOVERY TRAIL.—Section 5(a)  
16 of such Act (16 U.S.C. 1244(a)) is amended by adding  
17 at the end the following:

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

1 Iowa, Nebraska, and Colorado, and the Southern  
2 Midwest route traverses Indiana, Illinois, Missouri,  
3 Kansas, and Colorado. After the two routes rejoin in  
4 Denver, Colorado, the route continues through Colo-  
5 rado, Utah, Nevada, and California. The trail is gen-  
6 erally described in Volume 2 of the National Park  
7 Service feasibility study dated June 1995 which  
8 shall be on file and available for public inspection in  
9 the office of the Director of the National Park Serv-  
10 ice, Department of the Interior, the District of Co-  
11 lumbia. The American Discovery Trail shall be ad-  
12 ministered by the Secretary of the Interior in co-  
13 operation with at least one competent trailwide vol-  
14 unteer-based organization and other affected Federal  
15 land managing agencies, and State and local govern-  
16 ments, as appropriate. No lands or interests outside  
17 the exterior boundaries of federally administered  
18 areas may be acquired by the Federal Government  
19 solely for the American Discovery Trail. The provi-  
20 sions of sections 7(e), 7(f), and 7(g) shall not apply  
21 to the American Discovery Trail.”.

22 (c) COMPREHENSIVE NATIONAL DISCOVERY TRAIL  
23 PLAN.—Section 7 of such Act (16 U.S.C. 1246) is further  
24 amended by adding at the end the following new sub-  
25 section:

1       “(1)(1) For purposes of subsection (5)(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  
6 within the boundaries of a metropolitan area (as  
7 those boundaries are determined under section  
8 134(c) of title 23, United States Code). It should  
9 also join with other trails, connecting the National  
10 Trails System to significant recreation and resources  
11 areas.

12           “(B) The trail must be supported by at least  
13 one competent trailwide volunteer-based organiza-  
14 tion. Each trail should have extensive local and  
15 trailwide support by the public, by user groups, and  
16 by affected State and local governments.

17           “(C) The trail must be extended and pass  
18 through more than one State. At a minimum, it  
19 should be a continuous, walkable route.

20       “(2) The appropriate Secretary for each national dis-  
21 covery trail shall administer the trail in cooperation with  
22 at least one competent trailwide volunteer-based organiza-  
23 tion. Where the designation of discovery trail is aligned  
24 with other units of the National Trails System, or State  
25 or local trails, the designation of a discovery trail shall

1 not affect the protections or authorities provided for the  
2 other trail or trails, nor shall the designation of a dis-  
3 covery trail diminish the values and significance for which  
4 those trails were established. Not later than three com-  
5 plete fiscal years after the date of the enactment of any  
6 law designating a national discovery trail, the appropriate  
7 Secretary shall submit a comprehensive plan for the pro-  
8 tection, management, development, and use of the trail,  
9 to the Committee on Natural Resources of the United  
10 States House of Representatives and the Committee on  
11 Energy and Natural Resources of the United States Sen-  
12 ate. The responsible Secretary shall ensure that the com-  
13 prehensive plan for the entire trail does not conflict with  
14 existing agency direction and shall consult with the af-  
15 fected land managing agencies, the Governors of the af-  
16 fected States, affected county and local political jurisdic-  
17 tions, and local organizations maintaining components of  
18 the trail. Components of the comprehensive plan include—

19           “(A) policies and practices to be observed in the  
20           administration and management of the trail, includ-  
21           ing the identification of all significant natural, his-  
22           torical, and cultural resources to be preserved, model  
23           agreements necessary for joint trail administration  
24           among and between interested parties, and an iden-  
25           tified carrying capacity for critical segments of the

1 trail and a plan for their implementation where ap-  
2 propriate;

3 “(B) general and site-specific trail-related de-  
4 velopment including costs; and

5 “(C) the process to be followed by the volun-  
6 teer-based organization, in cooperation with the ap-  
7 propriate Secretary, to implement the trail marking  
8 authorities in subsection (c) conforming to approved  
9 trail logo or emblem requirements. Nothing in this  
10 Act may be construed to impose or permit the impo-  
11 sition of any landowner on the use of any non-Fed-  
12 eral lands without the consent of the owner thereof.  
13 Neither the designation of a national discovery trail  
14 nor any plan relating thereto shall affect or be con-  
15 sidered in the granting or denial of a right of way  
16 or any conditions relating thereto.”.

17 **SEC. 3. CONFORMING AMENDMENTS.**

18 The National Trails System Act is amended—

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

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

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

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

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

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

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

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

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

23           (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 Trail” and  
19 inserting “national scenic, historic, or discovery  
20 trail”;

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



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

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