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114TH CONGRESS }
2d Session } SENATE { REPORT
114-328

AMERICAN DISCOVERY TRAIL ACT OF 2016

SEPTEMBER 6, 2016.—Ordered to be printed

Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 2608]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2608) to authorize the Secretary of the Interior and the Secretary of Agriculture to place signage on Federal land along the trail known as the “American Discovery Trail,” and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 2608 is to authorize the Secretary of the Interior and the Secretary of Agriculture to place signage on Federal land along the trail known as the “American Discovery Trail.”

BACKGROUND AND NEED

The American Discovery Trail (Trail) is our nation’s only coast-to-coast, non-motorized, multi-use trail, and stretches across 6,800 miles and 15 states. Its route links existing trails, rail-trails, country lanes, small town sidewalks, and big city greenways. It connects rural towns and cities with parks and wilderness, and allows people to hike, bike, or ride horses for an afternoon or a cross-country adventure.

The Trail uses existing public lands to connect: five National Scenic, 12 National Historic, and 34 National Recreational Trails; 14 National Parks; and 16 National Forests. It links some 10,000 sites of historic, cultural, and natural significance. The Trail is a “sea-to-shining-sea” showcase of America’s scenic, historic, and cultural treasures.

S. 2608 would authorize the Trail to be fully marked with signage. Currently, many federal, state, and local land managers will not allow signs to be installed without an official federal authorization. The bill would authorize signage only and would not change or effect management of lands along the Trail.

LEGISLATIVE HISTORY

S. 2608 was introduced by Senators Kirk and Coons on March 1, 2016. The Subcommittee on National Parks held a hearing to consider the bill on March 17, 2016.

The Committee on Energy and Natural Resources met in open business session on July 13, 2016, and ordered S. 2608 favorably reported.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on July 13, 2016, by a majority voice vote of a quorum present, recommends that the Senate pass S. 2608.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides a short title for the measure.

Section 2. Definitions

Section 2 provides definitions.

Section 3. Signage along the American Discovery Trail

Section 3 directs the Secretary to place signage on Federal land as soon as practicable, and specifies that no Federal funds may be used to acquire such signage.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 19, 2016.

Hon. LISA MURKOWSKI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2608, the American Discovery Trail Act of 2016.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeff LaFave.

Sincerely,

MARK P. HADLEY
(For Keith Hall, *Director*).

Enclosure.

S. 2608—American Discovery Trail Act of 2016

S. 2608 would require federal land management agencies to place donated signage along the American Discovery Trail, a 6,800-mile trail between Delaware and California. Based on information provided by the Department of the Interior (DOI), the Forest Service, and the likely donor of the signage, CBO estimates that the costs to implement the bill would not be significant. Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting the legislation would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

Based on an analysis of information provided by the likely donor of the signage, CBO estimates that, under the bill, the Forest Service and agencies within DOI would be required to place between 2,500 and 5,000 small signs across the United States. Because we expect that the signage would be placed by employees performing routine trail maintenance and by volunteers supervised by the affected agencies, CBO estimates that implementing the bill would cost less than \$500,000, assuming appropriation of the necessary amounts.

S. 2608 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 CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2608. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 2608, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 2608, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the March 17, 2016, Subcommittee on National Parks hearing on S. 2608 follows:

STATEMENT OF PEGGY O'DELL, DEPUTY DIRECTOR FOR OPERATIONS, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the views of the Department of the Interior on S. 2608, a bill to authorize the Secretary of the Interior and the Secretary of Agriculture to place signage on Federal land along the trail known as the "American Discovery Trail", and for other purposes.

The Department would not oppose S. 2608, if amended to make the authority to place signage discretionary rather than mandatory, as explained later in this testimony.

S. 2608 would direct the Secretary of the Interior and the Secretary of Agriculture to place signage denoting the American Discovery Trail, which is not part of the National Trail System, on Federal land at points along the trail, as soon as practicable after signage acceptable to the respective Secretary is donated. The bill also prohibits the use of Federal funds for the acquisition of this signage.

The American Discovery Trail (ADT) was proposed in 1990 as a continuous mid-continent, coast-to-coast trail to link metropolitan areas to the nation's major long-distance trails, as well as to shorter local and regional trails. In October 1992, through P.L. 102-461, Congress directed the Secretary of the Interior to study the feasibility and desirability of adding the ADT to the National Trails System. This study was completed in December of 1995, and submitted to Congress in 1998. The over 6,000-mile route of the ADT, as described in this legislation and mapped in the feasibility study, extends from Cape Henlopen State Park in Delaware to Point Reyes National Seashore in California.

The study found that the ADT could be appropriate for designation as a new class of national trails—National Discovery Trails—separate from National Scenic Trails or National Historic Trails. One of the primary reasons for proposing the establishment of National Discovery Trails would be to address a potential conflict with National Scenic Trails following roads. When the ADT was initially proposed, a guiding principle in identifying the trail's route was that it be located on public lands and rights-of-way to avoid the acquisition of private land. This meant that the proposed trail often was routed along roads. The National Trails System Act specifically prohibits the use of motorized vehicles along National Scenic Trails. This new class of trails could be located along roadways, if necessary, to make the trails continuous.

Congress has not taken action to authorize a new category of national trails within the national trails system or to designate the American Discovery Trail as part of that national system as the first National Discovery Trail.

In addition, the Department is concerned that the requirement in S. 2608 to place signage denoting the American Discovery Trail on Federal land at points along the

trail could compromise Federal land managers' ability to exercise their discretion with regard to the location of signage and the protection of sensitive resources.

Individual Federal land managers may allow the signage of non-Federal trails upon Federal lands, where appropriate, and in accordance with existing Federal laws, regulations, and policies. However, Federal land managers also may decline a request to allow signage of a non-Federal trail in instances where they believe the signage may have a detrimental impact upon visitor safety or resource protection.

Furthermore, significant portions of the American Discovery Trail are located along roadways. While existing Federal laws and regulations related to the signage of hiking trails along roadways could potentially preclude some conflicts, there are other instances in which the signage of a hiking trail is not specifically prohibited in law, but the Federal land manager may determine that the siting of signage in a particular location is inappropriate.

The Department believes that Federal land managers should retain the ability that they have under current law to determine the appropriateness of signage on Federal lands. For that reason, the Department would not oppose the legislation if it is amended to allow individual Federal land managers the discretion to make the final determination regarding the location or inclusion of signage on Federal lands, consistent with Federal laws, regulations, and policies. We would be happy to provide suggested language to the committee.

Mr. Chairman, this concludes my statement. I would be happy to answer any questions that you or other members of the subcommittee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill as ordered reported.

