

108TH CONGRESS
2D SESSION

H. R. 4865

To amend the National Trails System Act to authorize an additional category of national trail known as a national discovery trail, to provide special requirements for the establishment and administration of national discovery trails, and to designate the cross country American Discovery Trail as the first national discovery trail.

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2004

Mr. BEREUTER introduced the following bill; which was referred to the
Committee on Resources

A BILL

To amend the National Trails System Act to authorize an additional category of national trail known as a national discovery trail, to provide special requirements for the establishment and administration of national discovery trails, and to designate the cross country American Discovery Trail as the first national discovery trail.

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”.

1 **SEC. 2. AUTHORIZATION OF NATIONAL DISCOVERY TRAILS**

2 **COMPONENT OF NATIONAL TRAILS SYSTEM.**

3 (a) ADDITIONAL COMPONENT OF SYSTEM.—Section
4 3(a) of the National Trails System Act (16 U.S.C.
5 1242(a)) is amended—

6 (1) by redesignating paragraph (4) as para-
7 graph (5); and

8 (2) by inserting after paragraph (3) the fol-
9 lowing new paragraph:

10 “(4) National discovery trails, established as
11 provided in section 5 and subject to the special re-
12 quirements of section 7A, which will be extended,
13 continuous, interstate trails so located as to—

14 “(A) provide for outstanding outdoor
15 recreation and travel and the conservation and
16 enjoyment of significant natural, cultural, and
17 historic resources associated with the trail; and

18 “(B) connect representative examples of
19 America’s trails and metropolitan, urban, rural,
20 and backcountry regions of the Nation.”.

21 (b) SPECIAL REQUIREMENTS FOR NATIONAL DIS-
22 COVERY TRAILS.—The National Trails System Act is
23 amended by inserting after section 7 (16 U.S.C. 1246)
24 the following new section:

1 **“SEC. 7A. SPECIAL ADMINISTRATION AND DEVELOPMENT**
2 **REQUIREMENTS APPLICABLE TO NATIONAL**
3 **DISCOVERY TRAILS.**

4 “(a) DESIGNATION AUTHORITY.—A national dis-
5 covery trail may be designated on Federal lands and, with
6 the consent of the owner thereof, on non-Federal lands.
7 The appropriate Secretary shall obtain the consent of the
8 owner of non-Federal lands through the use of a written
9 agreement, which shall include such terms and conditions
10 as the parties to the agreement consider advisable, and
11 may include provisions regarding the discontinuation of
12 the trail designation on the lands covered by the agree-
13 ment.

14 “(b) NOTICE TO LANDOWNERS.—As part of a feasi-
15 bility study or environmental assessment concerning a pro-
16 posed national discovery trail designation, the appropriate
17 Secretary conducting the study or assessment shall pro-
18 vide notification to owners of nonpublic lands where the
19 proposed national discovery trail may cross on or abut
20 nonpublic lands.

21 “(c) PROTECTION OF USE OF ADJACENT LANDS.—
22 The Congress does not intend for the establishment of a
23 national discovery trail to lead to the creation of protective
24 perimeters or buffer zones adjacent to the trail. The fact
25 that there may be activities or uses on lands adjacent to
26 the trail that would not be permitted on the trail shall

1 not preclude such activities or uses on such lands adjacent
2 to the trail to the extent consistent with other applicable
3 law. Nothing in this section may be construed to impose,
4 or permit the imposition of, any limitations on the use of
5 any non-Federal lands without the consent of the owner
6 of the lands.

7 “(d) PREVENTION OF TRESPASS OF PRIVATE
8 LANDS.—The appropriate Secretary shall initiate con-
9 sultations with affected States and their political subdivi-
10 sions to develop and implement appropriate measures to
11 protect nonpublic landowners from trespass resulting from
12 visitor use of a national discovery trail and from unreason-
13 able personal liability and property damage caused by trail
14 use. After such consultation, the appropriate Secretary
15 may provide assistance to such States and their political
16 subdivisions under appropriate cooperative agreements in
17 the manner provided by this subsection.

18 “(e) RELATION TO RIGHTS-OF-WAY.—Neither the
19 designation of a national discovery trail nor any plan re-
20 lated thereto shall affect, or be considered, in the granting
21 or denial of a right-of-way or any conditions relating
22 thereto.

23 “(f) COOPERATIVE ADMINISTRATION.—The appro-
24 priate Secretary for each national discovery trail shall ad-

1 minister the trail in cooperation with a competent
2 trailwide volunteer-based organization.

3 “(g) RELATION TO OTHER TRAILS.—Where national
4 discovery trails are congruent with other local, State, na-
5 tional scenic, or national historic trails, the designation
6 of the national discovery trail shall not in any way dimin-
7 ish the values and significance for which these trails were
8 established.”.

9 (c) CONDITIONS ON CONDUCT OF FEASIBILITY
10 STUDIES.—Section 5(b) of the National Trails System Act
11 (16 U.S.C. 1244(b)) is amended—

12 (1) by redesignating paragraphs (1) through
13 (10) as subparagraphs (A) through (J), respectively;

14 (2) by striking “the” at the beginning of each
15 of subparagraphs (A) through (J), as so redesign-
16 nated, and inserting “The”;

17 (3) by striking the semicolon at the end of each
18 of subparagraphs (A) through (I), as so redesign-
19 nated, and inserting a period;

20 (4) in subparagraph (J), as so redesignated, by
21 striking “; and” and inserting a period;

22 (5) by inserting “(1)” after “(b)” at the begin-
23 ning of the subsection;

1 (6) by redesignating paragraph (11) as para-
2 graph (2) and conforming the margins to paragraph
3 (1); and

4 (7) by adding at the end the following new
5 paragraph:

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

10 “(i) The trail must link to one or more areas
11 within the boundaries of a metropolitan area (as
12 those boundaries are determined under section
13 134(c) of title 23, United States Code), and the trail
14 should also join with other trails, thereby tying the
15 National Trails System to significant recreation and
16 resources areas.

17 “(ii) The trail must be supported by at least
18 one competent trailwide volunteer-based organiza-
19 tion, and must have extensive local and trailwide
20 support by the public, by user groups, and by af-
21 fected State and local governments.

22 “(iii) The trail must be extended and pass
23 through more than one State. At a minimum, it
24 should be a continuous, walkable route.

1 “(B) National discovery trails are specifically exempt-
2 ed from the provisions of sections 7(g) of this Act.

3 “(C) The appropriate Secretary shall obtain written
4 consent from affected landowners prior to entering non-
5 public lands for the purposes of conducting any surveys
6 or studies of nonpublic lands relating to designating or
7 administering national discovery trails.”.

8 (d) COMPREHENSIVE NATIONAL DISCOVERY TRAIL
9 PLAN.—Section 5 of the National Trails System Act (16
10 U.S.C. 1244) is amended by adding at the end the fol-
11 lowing new subsection:

12 “(g) COMPREHENSIVE NATIONAL DISCOVERY TRAIL
13 PLAN.—

14 “(1) PREPARATION AND SUBMISSION.—Within
15 three complete fiscal years after the date of enact-
16 ment of legislation designating a national discovery
17 trail, the responsible Secretary shall submit to the
18 Committee on Resources of the House of Represent-
19 atives and the Committee on Energy and Natural
20 Resources of the Senate a comprehensive plan for
21 the protection, management, development, and use
22 of the Federal portions of the trail and for the provi-
23 sion of technical assistance to States and local units
24 of government and private landowners, as requested,
25 for non-Federal portions of the trail.

1 “(2) COOPERATION AND CONSULTATION.—In
2 developing a comprehensive management plan for a
3 national discovery trail, the responsible Secretary
4 shall cooperate to the fullest practicable extent with
5 the organizations sponsoring the trail. The respon-
6 sible Secretary shall ensure that the comprehensive
7 plan does not conflict with existing agency direction
8 and shall consult with the affected land managing
9 agencies, the Governors of the affected States, af-
10 fected county and local political jurisdictions, and
11 local organizations maintaining components of the
12 trail.

13 “(3) SPECIAL REQUIREMENTS OF PLAN.—Com-
14 ponents of the comprehensive management plan for
15 a national discovery trail shall include the following:

16 “(A) Policies, objectives, and practices to
17 be observed in the administration and manage-
18 ment of the trail, including the identification of
19 all significant natural, historical, and cultural
20 resources to be preserved, model agreements
21 necessary for joint trail administration among
22 and between interested parties, and an identi-
23 fied carrying capacity for critical segments of
24 the trail, and procedures for implementation,
25 where appropriate.

1 “(B) Strategies for trail protection to re-
 2 tain the values for which the trail is being es-
 3 tablished and recognized by the Federal Gov-
 4 ernment.

5 “(C) General and site-specific trail-related
 6 development, including anticipated costs.

7 “(D) The process to be followed to imple-
 8 ment the trail marking authorities in section
 9 7(c) conforming to approved trail logo or em-
 10 blem requirements.”.

11 (e) CONFORMING AMENDMENTS TO REFLECT NEW
 12 CATEGORY OF NATIONAL TRAIL.—The National Trails
 13 System Act is amended—

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

17 (2) in section 5 (16 U.S.C. 1244)—

18 (A) by striking the section heading and
 19 “SEC. 5. (a)” and inserting the following:

20 **“SEC. 5. NATIONAL SCENIC, NATIONAL HISTORIC, AND NA-**
 21 **TIONAL DISCOVERY TRAILS.**

22 **“(a) CONGRESSIONALLY AUTHORIZED TRAILS.—”;**

23 (B) in subsection (a), in the matter pre-
 24 ceding paragraph (1)—

1 (i) by striking “and national historic”
2 and inserting “, national historic, and na-
3 tional discovery”; and

4 (ii) by striking “and National His-
5 toric” and inserting “, National Historic,
6 and National Discovery”; and

7 (C) in subsection (b)(1) (as amended by
8 subsection (c) of this section)—

9 (i) in the matter preceding subpara-
10 graph (A), by striking “or national his-
11 toric” and inserting “, national historic, or
12 national discovery”; and

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

17 (A) in subsection (a)(2), by striking “and
18 national historic” and inserting “, national his-
19 toric, and national discovery”;

20 (B) in subsection (b), by striking “or na-
21 tional historic” each place such term appears
22 and inserting “, national historic, or national
23 discovery”;

24 (C) in subsection (c)—

1 (i) by striking “scenic or national his-
2 toric” each place it appears and inserting
3 “scenic, national historic, or national dis-
4 covery”;

5 (ii) in the second proviso, by striking
6 “scenic, or national historic” and inserting
7 “scenic, national historic, or national dis-
8 covery”; and

9 (iii) by striking “, and national his-
10 toric” and inserting “, national historic,
11 and national discovery”;

12 (D) in subsection (d), by striking “or na-
13 tional historic” and inserting “national historic,
14 or national discovery”;

15 (E) in subsection (e), by striking “or na-
16 tional historic” each place such term appears
17 and inserting “, national historic, or national
18 discovery”;

19 (F) in subsection (f)(2), by striking “Na-
20 tional Scenic or Historic Trail” and inserting
21 “national scenic, historic, or discovery trail”;

22 (G) in subsection (h)(1), by striking “or
23 national historic” and inserting “national his-
24 toric, or national discovery”; and

1 (H) in subsection (i), by striking “or na-
2 tional historic” and inserting “national historic,
3 or national discovery”.

4 **SEC. 3. DESIGNATION OF AMERICAN DISCOVERY TRAIL AS**
5 **A NATIONAL DISCOVERY TRAIL.**

6 Section 5(a) of National Trails System Act (16
7 U.S.C. 1244(a)) is amended by adding at the end the fol-
8 lowing new paragraph:

9 “(24) The American Discovery Trail, a trail of ap-
10 proximately 6,000 miles extending from Cape Henlopen
11 State Park in Delaware to Point Reyes National Seashore
12 in California, extending westward through Delaware,
13 Maryland, the District of Columbia, West Virginia, Ohio,
14 and Kentucky, where near Cincinnati it splits into two
15 routes. The Northern Midwest route traverses Ohio, Indi-
16 ana, Illinois, Iowa, Nebraska, and Colorado, and the
17 Southern Midwest route traverses Indiana, Illinois, Mis-
18 souri, Kansas, and Colorado. After the two routes rejoin
19 in Denver, Colorado, the route continues through Colo-
20 rado, Utah, Nevada, and California. The trail is generally
21 described in Volume 2 of the National Park Service feasi-
22 bility study dated June 1995 which shall be on file and
23 available for public inspection in the office of the Director
24 of the National Park Service, Department of the Interior.
25 The American Discovery Trail shall be administered by

1 the Secretary of the Interior in cooperation with at least
2 one competent trailwide volunteer-based organization, af-
3 fected land managing agencies and State and local govern-
4 ments as appropriate. No lands or interests outside the
5 exterior boundaries of federally administered areas may
6 be acquired by the Federal Government solely for the
7 American Discovery Trail. The American Discovery Trail
8 is specifically exempted from the provisions of subsection
9 (e), (f), and (g) of section 7.”.

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