

110TH CONGRESS  
1ST SESSION

# H. R. 74

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2007

Mr. BARTLETT of Maryland 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 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 United States.”.

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) CONFORMING AMENDMENTS TO REFLECT NEW  
9 CATEGORY OF NATIONAL TRAIL.—The National Trails  
10 System Act is amended—

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

14 (2) in section 5 (16 U.S.C. 1244)—

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

17 **“SEC. 5. NATIONAL SCENIC, NATIONAL HISTORIC, AND NA-  
18 TIONAL DISCOVERY TRAILS.**

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

20 (B) in subsection (a), in the matter pre-  
21 ceding paragraph (1)—

22 (i) by striking “and national historic”  
23 and inserting “, national historic, and na-  
24 tional discovery”; and

1 (ii) by striking “and National His-  
 2 toric” and inserting “, National Historic,  
 3 and National Discovery”; and

4 (C) in subsection (b)(1) (as amended by  
 5 subsection (c) of this section)—

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

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

14 (A) in subsection (a)(2), by striking “and  
 15 national historic” and inserting “, national his-  
 16 toric, and national discovery”;

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

21 (C) in subsection (c)—

22 (i) by striking “scenic or national his-  
 23 toric” each place it appears and inserting  
 24 “scenic, national historic, or national dis-  
 25 covery”;



1 (ii) in the second proviso, by striking  
2 “scenic, or national historic” and inserting  
3 “scenic, national historic, or national dis-  
4 covery”; and

5 (iii) by striking “, and national his-  
6 toric” and inserting “, national historic,  
7 and national discovery”;

8 (D) in subsection (d), by striking “or na-  
9 tional historic” and inserting “national historic,  
10 or national discovery”;

11 (E) in subsection (e), by striking “or na-  
12 tional historic” each place such term appears  
13 and inserting “, national historic, or national  
14 discovery”;

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

18 (G) in subsection (h)(1), by striking “or  
19 national historic” and inserting “national his-  
20 toric, or national discovery”; and

21 (H) in subsection (i), by striking “or na-  
22 tional historic” and inserting “national historic,  
23 or national discovery”.

1 **SEC. 3. DESIGNATION OF AMERICAN DISCOVERY TRAIL AS**  
2 **A NATIONAL DISCOVERY TRAIL.**

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

6 “(25) The American Discovery Trail, a trail of ap-  
7 proximately 6,000 miles extending from Cape Henlopen  
8 State Park in Delaware to Point Reyes National Seashore  
9 in California, extending westward through Delaware,  
10 Maryland, the District of Columbia, West Virginia, Ohio,  
11 and Kentucky, where near Cincinnati it splits into two  
12 routes. The Northern Midwest route traverses Ohio, Indi-  
13 ana, Illinois, Iowa, Nebraska, and Colorado, and the  
14 Southern Midwest route traverses Indiana, Illinois, Mis-  
15 souri, Kansas, and Colorado. After the two routes rejoin  
16 in Denver, Colorado, the route continues through Colo-  
17 rado, Utah, Nevada, and California. The trail is generally  
18 described in Volume 2 of the National Park Service feasi-  
19 bility study dated June 1995 which shall be on file and  
20 available for public inspection in the office of the Director  
21 of the National Park Service, Department of the Interior.  
22 The American Discovery Trail shall be administered by  
23 the Secretary of the Interior in cooperation with at least  
24 one competent trailwide volunteer-based organization, af-  
25 fected land managing agencies and State and local govern-  
26 ments as appropriate. No lands or interests outside the

1 exterior boundaries of federally administered areas may  
2 be acquired by the Federal Government solely for the  
3 American Discovery Trail. The American Discovery Trail  
4 is specifically exempted from the provisions of subsection  
5 (e), (f), and (g) of section 7.”.

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