

116TH CONGRESS
2D SESSION

S. 4905

To amend the National Trails System Act to designate the Chisholm National Historic Trail and the Western National Historic Trail, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2020

Mr. MORAN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the National Trails System Act to designate the Chisholm National Historic Trail and the Western National Historic 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 “Chisholm National
5 Historic Trail and Western National Historic Trail Des-
6 ignation Act”.

1 **SEC. 2. DESIGNATION OF THE CHISHOLM NATIONAL HIS-**
2 **TORIC TRAIL AND THE WESTERN NATIONAL**
3 **HISTORIC TRAIL.**

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

7 “(31) CHISHOLM NATIONAL HISTORIC TRAIL;
8 WESTERN NATIONAL HISTORIC TRAIL.—

9 “(A) ESTABLISHMENT.—

10 “(i) CHISHOLM NATIONAL HISTORIC
11 TRAIL.—The Chisholm National Historic
12 Trail, a trail most heavily used by ranchers
13 and drovers to move cattle to market be-
14 tween 1867 and 1884, extending along a
15 route of approximately 1,378 miles from
16 Kingsville, Texas, through Cuero and San
17 Antonio, Texas, northward through Okla-
18 homa to Abilene, Kansas, as generally de-
19 picted on the maps numbered 1 through 6
20 contained in the report prepared by the
21 National Park Service entitled ‘Chisholm
22 and Great Western National Historic Trail
23 Feasibility Study/Environmental Assess-
24 ment’ and dated May 2019.

25 “(ii) WESTERN NATIONAL HISTORIC
26 TRAIL.—The Western National Historic

Trail, a trail most heavily used by ranchers and drovers to move cattle to market between 1867 and 1884, extending along a route of approximately 1,350 miles from Kingsville, Texas, northward through Oklahoma and Dodge City, Kansas, to Ogallala, Nebraska, as generally depicted on the maps numbered 1 through 6 contained in the report prepared by the National Park Service entitled ‘Chisholm and Great Western National Historic Trail Feasibility Study/Environmental Assessment’ and dated May 2019.

“(B) AVAILABILITY OF MAP.—The maps described in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Department of the Interior.

“(C) ADMINISTRATION.—

“(i) IN GENERAL.—The Secretary of the Interior shall administer the trails established by subparagraph (A) as a single administrative unit.

“(ii) ADMINISTRATION OF PORTIONS OF TRAIL ON NON-FEDERAL LAND.—

1 “(I) REQUIREMENTS FOR ADMIN-
2 ISTRATION.—The Secretary of the In-
3 terior shall administer any portion of
4 a trail established by subparagraph
5 (A) that is located on non-Federal
6 land only—

7 “(aa) with the voluntary
8 consent of the owner of the non-
9 Federal land; and

10 “(bb) if the portion qualifies
11 for certification as a component
12 of the applicable trail, consistent
13 with section 3(a)(3).

14 “(II) CERTIFICATION AGREE-
15 MENT.—

16 “(aa) IN GENERAL.—The
17 approval by an owner of applica-
18 ble non-Federal land of a certifi-
19 cation agreement shall satisfy the
20 consent requirements of sub-
21 clause (I)(aa).

22 “(bb) TERMINATION.—A
23 certification agreement referred
24 to in item (aa) may be termi-
25 nated at any time.

1 “(iii) ACCESS TO PRIVATE PROP-
2 ERTY.—The establishment of a trail by
3 subparagraph (A) does not authorize any
4 person to enter private property without
5 the consent of the owner of the private
6 property.

7 “(iv) RECOGNITION OF ALTERNATIVE
8 NAMES FOR TRAILS.—In referring to a
9 trail established by subparagraph (A) in
10 maps and other documents, the Secretary
11 of the Interior may acknowledge and use
12 any alternative name that was historically
13 used to reference the trail.

14 “(D) LAND ACQUISITION.—

15 “(i) DONATION.—The Secretary of
16 the Interior may accept a donation of land
17 or an interest in land for a trail estab-
18 lished by subparagraph (A).

19 “(ii) LIMITATION.—The Secretary of
20 the Interior may not acquire for a trail es-
21 tablished by subparagraph (A) any land or
22 interest in land—

23 “(I) that is located outside the
24 exterior boundary of any federally
25 managed area without the consent of

1 the owner of the land or interest in
2 land; or

3 “(II) that extends more than an
4 average of $\frac{1}{4}$ of a mile on either side
5 of a trail established by subparagraph
6 (A).

7 “(E) EFFECT ON ENERGY DEVELOPMENT,
8 PRODUCTION, OR TRANSMISSION.—Nothing in
9 this paragraph, the acquisition of land or an in-
10 terest in land authorized by this paragraph, or
11 any management plan for a trail established by
12 subparagraph (A) prohibits, hinders, or dis-
13 rupts the development, production, or trans-
14 mission of energy.

15 “(F) NO BUFFER ZONES.—

16 “(i) IN GENERAL.—Nothing in this
17 paragraph, the acquisition of land or an in-
18 terest in land authorized by this para-
19 graph, or any management plan for a trail
20 established by subparagraph (A) creates a
21 buffer zone.

22 “(ii) OUTSIDE ACTIVITIES.—The fact
23 that an activity or use on land outside a
24 trail established by subparagraph (A) can
25 be seen, heard, or detected from the appli-

1 cable trail, including from any land or in-
 2 terest in land acquired for the applicable
 3 trail, shall not preclude, limit, control, reg-
 4 ulate, or determine the conduct or manage-
 5 ment of the activity or use outside the ap-
 6 plicable trail.

7 “(G) NO EMINENT DOMAIN OR CONDEMNA-
 8 TION.—Land or an interest in land may not be
 9 acquired for a trail established by subparagraph
 10 (A) by eminent domain or condemnation.

11 “(H) INVENTORY OF SITES; ADMINISTRA-
 12 TIVE COSTS.—The Secretary of the Interior
 13 shall be responsible for—

14 “(i) the costs of any inventory to iden-
 15 tify and define potential sites and seg-
 16 ments for inclusion in a trail established by
 17 subparagraph (A); and

18 “(ii) any other applicable administra-
 19 tive costs relating to a trail established by
 20 that subparagraph.

21 “(I) NOT A DESIGNATION OF ‘LANDS IN
 22 THE NATIONAL PARK SYSTEM’.—Notwith-
 23 standing any other provision of law, the estab-
 24 lishment of a trail by subparagraph (A) shall
 25 not have the effect of designating the trail or

any land on which the trail is located as ‘lands in the National Park System’ for purposes of section 28(b)(1) of the Mineral Leasing Act (30 U.S.C. 185(b)(1)).

“(J) NO NEW AUTHORITIES OR PERMITS.—

“(i) NO EFFECT ON AUTHORITY TO GRANT EASEMENTS OR RIGHTS-OF-WAY.—

“(I) IN GENERAL.—Notwithstanding any other provision of law, the establishment of a trail by subparagraph (A) shall not alter or affect the existing authority of any Federal, State, or local agency or official to grant easements or rights-of-way over, under, across, or along any portion of the trail.

“(II) AUTHORITY OF HEADS OF FEDERAL AGENCIES TO GRANTS EASEMENTS OR RIGHTS-OF-WAY.—Notwithstanding the establishment of a trail by subparagraph (A), the head of any Federal agency having jurisdiction over any Federal land on which the trail is located (other than land that

1 is considered to be ‘lands in the Na-
2 tional Park System’ for purposes of
3 section 28(b)(1) of the Mineral Leas-
4 ing Act (30 U.S.C. 185(b)(1)) as a re-
5 sult of an establishment under any
6 other law), shall have the authority to
7 grant easements or rights-of-way over,
8 under, across, or along any applicable
9 portion of the trail in accordance with
10 the laws applicable to the Federal
11 land.

12 “(ii) NO NEW PERMITS REQUIRED.—
13 Notwithstanding any other provision of
14 law, the establishment of a trail by sub-
15 paragraph (A) shall not subject the trail or
16 any land on which the trail is located to
17 any other Federal laws (including regula-
18 tions) requiring a Federal permit or au-
19 thorization that would otherwise be made
20 applicable as a result of the establishment
21 of the trail as a component of the National
22 Trails System.”.

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