

115TH CONGRESS  
1ST SESSION

# H. R. 3251

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

JULY 14, 2017

Mr. FORTENBERRY (for himself and Mr. HUFFMAN) 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”.

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

7       (a) NATIONAL DISCOVERY TRAILS.—Section 3(a) of  
8       the National Trails System Act (16 U.S.C. 1242(a)) is  
9       amended by inserting after paragraph (4) the following:

1 “(5) National discovery trails, established under  
2 section 5, which—

3 “(A) shall be extended, continuous, inter-  
4 state trails so located as to provide for out-  
5 standing outdoor recreation and travel and to  
6 connect representative examples of America’s  
7 trails and communities;

8 “(B) should provide for the conservation  
9 and enjoyment of significant natural, cultural,  
10 and historic resources associated with each trail  
11 and should be so located as to represent metro-  
12 politan, urban, rural, and back country regions  
13 of the Nation;

14 “(C) may be designated on Federal lands  
15 and, with the consent of the owner thereof, on  
16 any non-Federal lands; and

17 “(D) shall not be construed to modify, en-  
18 large, or diminish any authority of the Federal,  
19 State, or local governments to regulate any use  
20 of land as provide for by law or regulation.”.

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

1           “(\_\_\_\_) The American Discovery Trail, a trail  
2           of approximately 6,000 miles extending from Cape  
3           Henlopen State Park in Delaware to Point Reyes  
4           National Seashore in California, extending westward  
5           through Delaware, Maryland, the District of Colum-  
6           bia, West Virginia, Ohio, and Kentucky, where near  
7           Cincinnati it splits into two routes. The Northern  
8           Midwest route traverses Ohio, Indiana, Illinois,  
9           Iowa, Nebraska, and Colorado, and the Southern  
10          Midwest route traverses Indiana, Illinois, Missouri,  
11          Kansas, and Colorado. After the two routes rejoin in  
12          Denver, Colorado, the route continues through Colo-  
13          rado, Utah, Nevada, and California. The trail is gen-  
14          erally described in Volume 2 of the National Park  
15          Service feasibility study dated June 1995 which  
16          shall be on file and available for public inspection in  
17          the office of the Director of the National Park Serv-  
18          ice, Department of the Interior, the District of Co-  
19          lumbia. The American Discovery Trail shall be ad-  
20          ministered by the Secretary of the Interior in co-  
21          operation with at least one competent trailwide vol-  
22          unteer-based organization and other affected Federal  
23          land managing agencies, and State and local govern-  
24          ments, as appropriate. No lands or interests outside  
25          the exterior boundaries of federally administered

1 areas may be acquired by the Federal Government  
2 solely for the American Discovery Trail. The provi-  
3 sions of sections 7(e), 7(f), and 7(g) shall not apply  
4 to the American Discovery Trail.”.

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

9 “(l)(1) For purposes of subsection (5)(b), a trail shall  
10 not be considered feasible and desirable for designation  
11 as a national discovery trail unless it meets all of the fol-  
12 lowing criteria:

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

20 “(B) The trail must be supported by at least  
21 one competent trailwide volunteer-based organiza-  
22 tion. Each trail should have extensive local and  
23 trailwide support by the public, by user groups, and  
24 by affected State and local governments.

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

4           “(2) The appropriate Secretary for each national dis-  
5           covery trail shall administer the trail in cooperation with  
6           at least one competent trailwide volunteer-based organiza-  
7           tion. Where the designation of discovery trail is aligned  
8           with other units of the National Trails System, or State  
9           or local trails, the designation of a discovery trail shall  
10          not affect the protections or authorities provided for the  
11          other trail or trails, nor shall the designation of a dis-  
12          covery trail diminish the values and significance for which  
13          those trails were established. Not later than three com-  
14          plete fiscal years after the date of the enactment of any  
15          law designating a national discovery trail, the appropriate  
16          Secretary shall submit a comprehensive plan for the pro-  
17          tection, management, development, and use of the trail,  
18          to the Committee on Natural Resources of the United  
19          States House of Representatives and the Committee on  
20          Energy and Natural Resources of the United States Sen-  
21          ate. The responsible Secretary shall ensure that the com-  
22          prehensive plan for the entire trail does not conflict with  
23          existing agency direction and shall consult with the af-  
24          fected land managing agencies, the Governors of the af-  
25          fected States, affected county and local political jurisdic-

1 tions, and local organizations maintaining components of  
2 the trail. Components of the comprehensive plan include—

3 “(A) policies and practices to be observed in the  
4 administration and management of the trail, includ-  
5 ing the identification of all significant natural, his-  
6 torical, and cultural resources to be preserved, model  
7 agreements necessary for joint trail administration  
8 among and between interested parties, and an iden-  
9 tified carrying capacity for critical segments of the  
10 trail and a plan for their implementation where ap-  
11 propriate;

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

14 “(C) the process to be followed by the volun-  
15 teer-based organization, in cooperation with the ap-  
16 propriate Secretary, to implement the trail marking  
17 authorities in subsection (c) conforming to approved  
18 trail logo or emblem requirements. Nothing in this  
19 Act may be construed to impose or permit the im-  
20 position of any landowner on the use of any non-Fed-  
21 eral lands without the consent of the owner thereof.  
22 Neither the designation of a national discovery trail  
23 nor any plan relating thereto shall affect or be con-  
24 sidered in the granting or denial of a right of way  
25 or any conditions relating thereto.”.

1 **SEC. 3. CONFORMING AMENDMENTS.**

2 The National Trails System Act is amended—

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

6 (2) in the section heading to section 5 (16  
7 U.S.C. 1244), by striking “AND NATIONAL HIS-  
8 TORIC” and inserting “, NATIONAL HISTORIC, AND  
9 NATIONAL DISCOVERY”;

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

12 (A) by striking “and national historic” and  
13 inserting “, national historic, and national dis-  
14 covery”; and

15 (B) by striking “and National Historic”  
16 and inserting “, National Historic, and Na-  
17 tional Discovery”;

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

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

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

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

8           (8) in section 7(c) (16 U.S.C. 1246(c))—

9               (A) by striking “scenic or national his-  
10       toric” each place it appears and inserting “sce-  
11       nic, national historic, or national discovery”;

12              (B) in the second proviso, by striking “sce-  
13       nic, or national historic” and inserting “scenic,  
14       national historic, or national discovery”; and

15              (C) by striking “, and national historic”  
16       and inserting “, national historic, and national  
17       discovery”;

18           (9) in section 7(d) (16 U.S.C. 1246(d)), by  
19       striking “or national historic” and inserting “na-  
20       tional historic, or national discovery”;

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



1           (11) in section 7(f)(2) (16 U.S.C. 1246(f)(2)),  
2       by striking “National Scenic or Historic Trail” and  
3       inserting “national scenic, historic, or discovery  
4       trail”;

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

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

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