

Union Calendar No. 410

117TH CONGRESS
2^D SESSION

H. R. 2512

[Report No. 117–569]

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 HOUSE OF REPRESENTATIVES

APRIL 14, 2021

Mr. ESTES (for himself, Mr. MANN, Mr. LATURNER, Mr. COLE, and Mr. LUCAS) introduced the following bill; which was referred to the Committee on Natural Resources

NOVEMBER 16, 2022

Additional sponsor: Ms. DAVIDS of Kansas

NOVEMBER 16, 2022

Reported from the Committee on Natural Resources; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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”.

7 **SEC. 2. DESIGNATION OF THE CHISHOLM NATIONAL HIS-**
8 **TORIC TRAIL AND THE WESTERN NATIONAL**
9 **HISTORIC TRAIL.**

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

13 “() CHISHOLM NATIONAL HISTORIC TRAIL;
14 WESTERN NATIONAL HISTORIC TRAIL.—

15 “(A) ESTABLISHMENT.—

16 “(i) CHISHOLM NATIONAL HISTORIC
17 TRAIL.—The Chisholm National Historic
18 Trail, a trail most heavily used by ranchers
19 and drovers to move cattle to market be-
20 tween 1867 and 1884, extending along a
21 route of approximately 1,378 miles from
22 Kingsville, Texas, through Cuero and San
23 Antonio, Texas, northward through Okla-
24 homa to Abilene, Kansas, as generally de-
25 picted on the maps numbered 1 through 6

1 contained in the report prepared by the
2 National Park Service entitled ‘Chisholm
3 and Great Western National Historic Trail
4 Feasibility Study/Environmental Assess-
5 ment’ and dated May 2019.

6 “(ii) WESTERN NATIONAL HISTORIC
7 TRAIL.—The Western National Historic
8 Trail, a trail most heavily used by ranchers
9 and drovers to move cattle to market be-
10 tween 1874 and 1897, extending along a
11 route of approximately 1,350 miles from
12 Kingsville, Texas, northward through Okla-
13 homa and Dodge City, Kansas, to Ogallala,
14 Nebraska, as generally depicted on the
15 maps numbered 1 through 6 contained in
16 the report prepared by the National Park
17 Service entitled ‘Chisholm and Great West-
18 ern National Historic Trail Feasibility
19 Study/Environmental Assessment’ and
20 dated May 2019.

21 “(B) AVAILABILITY OF MAP.—The maps
22 described in subparagraph (A) shall be on file
23 and available for public inspection in the appro-
24 priate offices of the Department of the Interior.

25 “(C) ADMINISTRATION.—

1 “(i) IN GENERAL.—The Secretary of
2 the Interior shall administer the trails es-
3 tablished by subparagraph (A) as a single
4 administrative unit.

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

7 “(I) REQUIREMENTS FOR ADMIN-
8 ISTRATION.—The Secretary of the In-
9 terior shall administer any portion of
10 a trail established by subparagraph
11 (A) that is located on non-Federal
12 land only—

13 “(aa) with the voluntary
14 consent of the owner of the non-
15 Federal land; and

16 “(bb) if the portion qualifies
17 for certification as a component
18 of the applicable trail, consistent
19 with section 3(a)(3).

20 “(II) CERTIFICATION AGREE-
21 MENT.—

22 “(aa) IN GENERAL.—The
23 approval by an owner of applica-
24 ble non-Federal land of a certifi-
25 cation agreement shall satisfy the

1 consent requirements of sub-
2 clause (I)(aa).

3 “(bb) TERMINATION.—A
4 certification agreement referred
5 to in item (aa) may be termi-
6 nated at any time.

7 “(iii) ACCESS TO PRIVATE PROP-
8 erty.—The establishment of a trail by
9 subparagraph (A) does not authorize any
10 person to enter private property without
11 the consent of the owner of the private
12 property.

13 “(iv) RECOGNITION OF ALTERNATIVE
14 NAMES FOR TRAILS.—In referring to a
15 trail established by subparagraph (A) in
16 maps and other documents, the Secretary
17 of the Interior may acknowledge and use
18 any alternative name that was historically
19 used to reference the trail, including the
20 ‘Great Western Trail’.

21 “(D) LAND ACQUISITION.—

22 “(i) DONATION.—The Secretary of
23 the Interior may accept a donation of land
24 or an interest in land for a trail estab-
25 lished by subparagraph (A).

1 “(ii) LIMITATION.—The Secretary of
2 the Interior may not acquire for a trail es-
3 tablished by subparagraph (A) any land or
4 interest in land—

5 “(I) that is located outside the
6 exterior boundary of any federally
7 managed area without the consent of
8 the owner of the land or interest in
9 land; or

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

14 “(E) EFFECT ON ENERGY DEVELOPMENT,
15 PRODUCTION, OR TRANSMISSION.—Nothing in
16 this paragraph, the acquisition of land or an in-
17 terest in land authorized by this paragraph, or
18 any management plan for a trail established by
19 subparagraph (A) prohibits, hinders, or dis-
20 rupts the development, production, or trans-
21 mission of energy.

22 “(F) NO BUFFER ZONES.—

23 “(i) IN GENERAL.—Nothing in this
24 paragraph, the acquisition of land or an in-
25 terest in land authorized by this para-

graph, or any management plan for a trail established by subparagraph (A) creates a buffer zone.

“(ii) OUTSIDE ACTIVITIES.—The fact that an activity or use on land outside a trail established by subparagraph (A) can be seen, heard, or detected from the applicable trail, including from any land or interest in land acquired for the applicable trail, shall not preclude, limit, control, regulate, or determine the conduct or management of the activity or use outside the applicable trail.

“(G) NO EMINENT DOMAIN OR CONDEMNATION.—Land or an interest in land may not be acquired for a trail established by subparagraph (A) by eminent domain or condemnation.

“(H) INVENTORY OF SITES; ADMINISTRATIVE COSTS.—The Secretary of the Interior shall be responsible for—

“(i) the costs of any inventory to identify and define potential sites and segments for inclusion in a trail established by subparagraph (A); and

1 “(ii) any other applicable administra-
2 tive costs relating to a trail established by
3 that subparagraph.

4 “(I) NOT A DESIGNATION OF ‘LANDS IN
5 THE NATIONAL PARK SYSTEM’.—Notwith-
6 standing any other provision of law, the estab-
7 lishment of a trail by subparagraph (A) shall
8 not have the effect of designating the trail or
9 any land on which the trail is located as ‘lands
10 in the National Park System’ for purposes of
11 section 28(b)(1) of the Mineral Leasing Act (30
12 U.S.C. 185(b)(1)).

13 “(J) NO NEW AUTHORITIES OR PER-
14 MITS.—

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

17 “(I) IN GENERAL.—Notwith-
18 standing any other provision of law,
19 the establishment of a trail by sub-
20 paragraph (A) shall not alter or affect
21 the existing authority of any Federal,
22 State, or local agency or official to
23 grant easements or rights-of-way over,
24 under, across, or along any portion of
25 the trail.

1 “(II) AUTHORITY OF HEADS OF
2 FEDERAL AGENCIES TO GRANTS EASE-
3 MENTS OR RIGHTS-OF-WAY.—Notwith-
4 standing the establishment of a trail
5 by subparagraph (A), the head of any
6 Federal agency having jurisdiction
7 over any Federal land on which the
8 trail is located (other than land that
9 is considered to be ‘lands in the Na-
10 tional Park System’ for purposes of
11 section 28(b)(1) of the Mineral Leas-
12 ing Act (30 U.S.C. 185(b)(1)) as a re-
13 sult of an establishment under any
14 other law), shall have the authority to
15 grant easements or rights-of-way over,
16 under, across, or along any applicable
17 portion of the trail in accordance with
18 the laws applicable to the Federal
19 land.

20 “(ii) NO NEW PERMITS REQUIRED.—
21 Notwithstanding any other provision of
22 law, the establishment of a trail by sub-
23 paragraph (A) shall not subject the trail or
24 any land on which the trail is located to
25 any other Federal laws (including regula-

1 tions) requiring a Federal permit or au-
2 thorization that would otherwise be made
3 applicable as a result of the establishment
4 of the trail as a component of the National
5 Trails System.”.

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