

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.

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## 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

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## 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

1 Trail, a trail most heavily used by ranchers  
2 and drovers to move cattle to market be-  
3 tween 1867 and 1884, extending along a  
4 route of approximately 1,350 miles from  
5 Kingsville, Texas, northward through Okla-  
6 homa and Dodge City, Kansas, to Ogallala,  
7 Nebraska, as generally depicted on the  
8 maps numbered 1 through 6 contained in  
9 the report prepared by the National Park  
10 Service entitled ‘Chisholm and Great West-  
11 ern National Historic Trail Feasibility  
12 Study/Environmental Assessment’ and  
13 dated May 2019.

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

18 “(C) ADMINISTRATION.—

19 “(i) IN GENERAL.—The Secretary of  
20 the Interior shall administer the trails es-  
21 tablished by subparagraph (A) as a single  
22 administrative unit.

23 “(ii) ADMINISTRATION OF PORTIONS  
24 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

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

5 “(J) NO NEW AUTHORITIES OR PER-  
6 MITS.—

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

9 “(I) IN GENERAL.—Notwith-  
10 standing any other provision of law,  
11 the establishment of a trail by sub-  
12 paragraph (A) shall not alter or affect  
13 the existing authority of any Federal,  
14 State, or local agency or official to  
15 grant easements or rights-of-way over,  
16 under, across, or along any portion of  
17 the trail.

18 “(II) AUTHORITY OF HEADS OF  
19 FEDERAL AGENCIES TO GRANTS EASE-  
20 MENTS OR RIGHTS-OF-WAY.—Notwith-  
21 standing the establishment of a trail  
22 by subparagraph (A), the head of any  
23 Federal agency having jurisdiction  
24 over any Federal land on which the  
25 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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