

111TH CONGRESS
1ST SESSION

H. R. 1373

To direct the Secretary of the Interior to conduct a resource study along the “Ox-Bow Route” of the Butterfield Overland Trail in the States of Missouri, Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Arizona, and California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2009

Mr. BOOZMAN (for himself, Mrs. BLACKBURN, Mr. REYES, and Mr. CONAWAY) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To direct the Secretary of the Interior to conduct a resource study along the “Ox-Bow Route” of the Butterfield Overland Trail in the States of Missouri, Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Arizona, and California, 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 “Butterfield Overland
5 Trail Study Act”.

1 **SEC. 2. RESOURCE STUDY OF THE BUTTERFIELD OVER-**
2 **LAND TRAIL.**

3 (a) IN GENERAL.—The Secretary of the Interior
4 (hereafter in this Act referred to as the “Secretary”), in
5 consultation with appropriate Federal, State, county and
6 local governmental entities, shall conduct a resource study
7 along the “Ox-Bow Route” of the Butterfield Overland
8 Trail in the States of Missouri, Tennessee, Arkansas,
9 Oklahoma, Texas, New Mexico, Arizona, and California
10 (hereafter in this Act referred to as the “trail area”). The
11 study shall evaluate a range of alternatives for protecting
12 and interpreting the resources of the trail area, including
13 alternatives for potential addition of the trail area to the
14 National Trails System.

15 (b) STUDY OBJECTIVES.—In conducting the study
16 under subsection (a), the Secretary shall evaluate alter-
17 natives for achieving the following objectives:

18 (1) Identifying the resources and historic
19 themes associated with the trail area.

20 (2) Making a review of existing studies and re-
21 ports to complement, and not duplicate, other stud-
22 ies of the scenic or historical importance of the
23 Butterfield Overland Trail and associated resources
24 that may be underway or undertaken.

25 (3) Establishing connections with partnerships
26 already engaged in the development of various trails

1 and sites along the corridor of the Butterfield Over-
2 land Trail.

3 (4) Preserving recreational opportunities and
4 facilitating access for a variety of recreational users.

5 (5) Protecting historically significant land-
6 scapes, districts, sites, and structures of the trail
7 area.

8 (6) Identifying alternatives for preservation and
9 interpretation of the trail area by the National Park
10 Service, other Federal, State, or local governmental
11 entities, or private and non-profit organizations.

12 (7) Identifying cost estimates for any necessary
13 acquisition, development, interpretation, operation,
14 and maintenance associated with the alternatives re-
15 ferred to in subsection (a).

16 (c) TRANSMISSION TO CONGRESS.—Not later than 3
17 years after funds are first made available for the study,
18 the Secretary shall transmit the final study to the Com-
19 mittee on Energy and Natural Resources of the United
20 States Senate and to the Committee on Natural Resources
21 of the United States House of Representatives.

22 **SEC. 3. PRIVATE PROPERTY PROTECTIONS.**

23 (a) ALTERNATIVES TO PROTECT PRIVATE PROP-
24 erty.—In conducting the resource study under section

1 2(a), the Secretary shall not consider any alternative that
2 would—

3 (1) require any private property owner to allow
4 public access (including Federal, State, or local gov-
5 ernment access) to such private property;

6 (2) modify any provision of Federal, State, or
7 local law with regard to public access to or use of
8 private property;

9 (3) create any liability, or have any effect on
10 any liability under any other law, of any private
11 property owner with respect to any persons injured
12 on such private property;

13 (4) modify the authority of Federal, State, or
14 local governments to regulate land use; or

15 (5) require the owner of any private property to
16 participate in or be associated with any addition to
17 the National Parks System.

18 (b) IMPACTS ON PRIVATE PROPERTY.—The study
19 shall include an analysis and documentation regarding
20 whether each alternative proposed has potential or actual
21 impact on private property located within or abutting the
22 trail area.

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