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109TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 109-309

CAPTAIN JOHN SMITH CHESAPEAKE NATIONAL HISTORIC TRAIL DESIGNATION ACT

JULY 31, 2006.—Ordered to be printed

Mr. DOMENICI, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany S. 2568]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2568) to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

On page 2, strike lines 3 through 16 and insert the following:

“(A) IN GENERAL.—The Captain John Smith Chesapeake National Historic Trail, a series of water routes extending approximately 3,000 miles along the Chesapeake Bay and the tributaries of the Chesapeake Bay in the States of Virginia, Maryland, and Delaware, and in the District of Columbia, that traces the 1607–1609 voyages of Captain John Smith to chart the land and waterways of the Chesapeake Bay, as generally depicted on the map entitled “Captain John Smith Chesapeake National Historic Trail Map MD, VA, DE, and DC,” numbered P–16/80000 (CAJO), and dated May 2006.

“(B) MAP.—The map referred to in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.”.

PURPOSE OF THE MEASURE

The purpose of S. 2568 is to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail.

BACKGROUND AND NEED

Captain John Smith, a soldier of fortune who had served in western and central Europe and the near East, became perhaps the most renowned member of the party that founded the first permanent English settlement in North America at Jamestown, Virginia. Smith and the Virginia Company arrived at the site along the James River, Virginia, in 1607. During the next two years, Smith traveled more than 3,000 miles through Chesapeake Bay and its tributaries searching for food, trade items, and the fabled Northwest Passage to the Pacific Ocean. During his journeys, he made contact with several of the American Indian tribes that inhabited the area. Based on his journeys, Smith created the first detailed map of Chesapeake Bay. Smith eventually served as President of the Jamestown colony before returning to England to publish a popular account of his travels.

According to the National Park System Advisory Board, the body statutorily charged with making recommendations to the Secretary of the Interior regarding historic trails, Smith's journey through the Chesapeake was a significant event in the history of what would become the United States. Smith's maps and journals became the foundation for English and European settlement and trade in the area during the early seventeenth century. The journals of Smith and his companions, though clouded by what we would today consider a European bias, provide the first written record of the American Indian cultures that inhabited the Mid-Atlantic States, cultures that would all but disappear with the coming of the Europeans.

Congress authorized the Secretary of the Interior to study the suitability and feasibility of designating Smith's routes through the Chesapeake and its tributaries as a national historic trail. Although the study has not been completed, the Advisory Board's positive recommendation is an important component of the ultimate recommendation by the Secretary. S. 2568 would designate Smith's routes as the Captain John Smith Chesapeake National Historic Trail.

LEGISLATIVE HISTORY

S. 2568 was introduced by Senators Sarbanes, Warner, Allen, Mikulski, Biden, and Carper on April 6, 2006. Senators Santorum and Specter are also cosponsors. The Subcommittee on National Parks held a hearing on S. 2568 on May 16, 2006. At the business meeting on May 24, 2006, the Committee on Energy and Natural Resources ordered S. 2568, as amended, favorably reported.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on May 24, 2006, by a unanimous voice vote of a

quorum present, recommends that the Senate pass S. 2568, if amended as described herein.

COMMITTEE AMENDMENT

During consideration of S. 2568, the Committee adopted an amendment to S. 2568. The amendment adds a reference to a map.

SECTION-BY-SECTION ANALYSIS

Section 1 titles the Act the “Captain John Smith Chesapeake National Historic Trail Designation Act.”

Section 2 amends section 5(a) of the National Trails System Act by adding the following:

Section 25(A) states that the trail would trace the 1607–1609 voyages of Captain John Smith through Chesapeake Bay and its tributaries in the States of Virginia, Maryland, and Delaware, and in the District of Columbia.

The Committee understands that Smith’s expeditions reached the mouth and falls of the Susquehanna River but did not venture into what is now Pennsylvania. However, Susquehannock leaders from present-day Pennsylvania met and traded with Smith. The Committee therefore encourages the National Park Service through the Rivers and Trails Program and the National Trails Program to work closely with the State of Pennsylvania to explore connecting or side water trails where appropriate to provide additional points of public access, interpretation and link existing water trails on the Susquehanna River to the national historic trail.

Paragraph (B) requires the National Park Service to maintain a copy of the trail map and make the map available to the public.

Paragraph (C) requires the Secretary of the Interior to administer the trail in coordination with two existing Federal programs, the Chesapeake Bay Gateways and Watertrails Network (established by Title V of Public Law 105–321) and the Chesapeake Bay Program (authorized by section 117 of the Federal Water Pollution Control Act, as amended). The Secretary is also required to consult with public and private organizations and entities.

Paragraph (D) prohibits the Secretary from acquiring non-Federal land for the Trail without the owner’s consent.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 7, 2006.

Hon. PETE V. DOMENICI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2568, the Captain John Smith Chesapeake National Historic Trail Designation Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

DONALD B. MARRON,
Acting Director.

Enclosure.

S. 2568—Captain John Smith Chesapeake National Historic Trail Designation Act

S. 2568 would amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail as a National Historic Trail. The trail consists of a series of water routes extending about 3,000 miles along the Chesapeake Bay and its tributaries that trace the voyages of Captain John Smith. The National Park Service (NPS) would administer the trail and coordinate the efforts of public and private entities on trail administration, planning, development, and maintenance.

Based on information provided by the NPS and assuming the availability of appropriate funds, CBO estimates that establishing, developing, and administering the proposed historic trail would cost about \$2 million over the 2007–2011 period. Of this amount, we estimate that the NPS would spend a total of \$400,000 over the next two years to prepare a comprehensive management plan for the trail. In addition, we estimate that the NPS would spend about \$500,000 annually beginning in 2009 to maintain the trail, develop access sites, and install interpretive signs.

S. 2568 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2568. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 2568, as ordered reported.

EXECUTIVE COMMUNICATIONS

The views of the Administration on S. 2568 were included in testimony received by the Committee at a hearing on the bill on May 16, 2006. This testimony follows:

STATEMENT OF STEPHEN MARTIN, DEPUTY DIRECTOR,
NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before you today to present the views of the Department

of the Interior on S. 2568, a bill to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail.

The Department is currently completing the study authorized by Public Law 109–54 to determine the feasibility of designating this trail. We request that the committee defer action on the bill until the study is completed. To date, we have not encountered any information that would lead us to believe that the trail fails to meet the required criteria for designation as a national historic trail.

S. 2568 would designate the Captain John Smith Chesapeake National Historic Trail as a component of the National Trails System. The trail would be administered by the Department of the Interior in coordination with the Chesapeake Bay Gateways and Watertrails Network and the Chesapeake Bay Program. In addition, the Secretary of the Interior would consult with other Federal, State, Tribal, regional, and local agencies, and the private sector in the administration of the trail. No land could be acquired for the trail outside the boundary of any Federally managed area without the consent of the owner of the land.

As we approach the 400th anniversary of the Jamestown Settlement and the anniversary in 2007 of the beginning of Captain John Smith's explorations, the conduct of our present study is most timely. The proposed trail would follow a series of routes extending approximately 3,000 miles along the Chesapeake Bay and the tributaries of the Chesapeake Bay in the States of Virginia, Maryland, Pennsylvania, and Delaware, and the District of Columbia that trace Captain John Smith's voyages charting the land and waterways of the Chesapeake Bay and its tributaries.

Captain John Smith explored the Chesapeake Bay and its tributaries in a series of voyages and travels from 1607 through 1609, while executing his company's directives to search for a "northwest passage" to the Pacific Ocean. Smith's two major explorations occurred in the summer of 1608, each leaving from Jamestown, Virginia. Between the two voyages, Smith and a small crew traversed the entire length of the Chesapeake Bay, explored the shoreline of the lower half of the Eastern Shore, and ventured into the major tributaries along the western shore of the bay. Smith had extensive interactions with Native Americans and recorded significant information about these peoples and the general Chesapeake environment in his book published in 1612. He also made one of the first and most detailed maps of the Chesapeake Bay. In Smith's words "heaven and earth never agreed better to frame a more perfect place for man's habitation."

Four hundred years later, the Chesapeake Bay's basic geography remains relatively similar to Smith's time, but much else has changed. More than 16 million people live in the Chesapeake Bay watershed, with the densest concentrations at locations adjacent to where Smith traveled (Washington, DC, Baltimore, MD and the greater Norfolk/Hampton Roads area in VA). Human uses of the bay re-

gion have caused significant impacts on the Chesapeake environment and the Bay itself. The establishment of a national historic trail traversing the routes of John Smith's early voyages would likely provide increased public knowledge of the history, and sensitivity to the valuable resources of the Chesapeake Bay, as well as increased recreational opportunities.

The National Park Service enjoys a close association with the Chesapeake Bay and local governments and organizations in the region through the Gateways and Water Trails Network, authorized by the Chesapeake Bay Initiative Act of 1998. This partnership system of 147 designated Chesapeake Bay Gateways serves to connect the American public with the resources and themes of the nationally significant Chesapeake Bay. Through its coordination of the network, the National Park Service is also authorized to provide technical and financial assistance to gateways for enhancing interpretation, improving public access, and stimulating citizen involvement in conservation and restoration efforts. All of these efforts would complement the proposed trail. S. 2568 provides for coordination of the trail with the Chesapeake Gateways and Water Trails Network and the Chesapeake Bay Program.

Our study of the feasibility of designating the Captain John Smith Chesapeake National Historic Trail is nearing conclusion. In March 2006, the National Park System Advisory Board found the routes of John Smith's voyages to be nationally significant, a major requirement in the finding of national trail feasibility. The Advisory Board concluded that the trail is of national significance for its association with the following themes: (1) Ethnic Heritage (American Indians); (2) Exploration and Settlement; and (3) Commerce and Trade.

We expect to issue a draft report for public comment no later than August of this year. In light of this schedule, we would request that the committee defer action so that the study may be completed and the public given an opportunity to comment on any proposed designation alternatives. Our receipt of 167 letters regarding the study since it began indicates considerable public interest in trail designation.

The Department wishes to recognize the generous support of the State of Maryland, Commonwealth of Virginia, and the Chesapeake Bay Commission during the conduct of this study.

This concludes my prepared testimony, Mr. Chairman. I would be pleased to answer any questions you or the committee might have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by S. 2568, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in

italic, existing law in which no change is proposed is shown in roman):

PUBLIC LAW 90-543—OCT. 2, 1968

AN ACT To establish a national trails system, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the “National Trails System Act”.

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NATIONAL SCENIC AND NATIONAL HISTORICAL TRAILS

SEC. 5. (a) National scenic and national historic trails shall be authorized and designated only by an Act of Congress. There are hereby established the following National Scenic and National Historic Trails:

* * * * *

(25) CAPTAIN JOHN SMITH CHESAPEAKE NATIONAL HISTORIC TRAIL.—

(A) IN GENERAL.—The Captain John Smith Chesapeake National Historic Trail, a series of water routes extending approximately 3,000 miles along the Chesapeake Bay and the tributaries of the Chesapeake Bay in the States of Virginia, Maryland, and Delaware, and in the District of Columbia, that traces the 1607–1609 voyages of Captain John Smith to chart the land and waterways of the Chesapeake Bay, as generally depicted on the map entitled “Captain John Smith Chesapeake National Historic Trail Map MD, VA, DE, and DC”, numbered P-16/80000 (CAJO), and dated May 2006.

(B) MAP.—The map referred to in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior—

(i) in coordination with—

(I) the Chesapeake Bay Gateways and Watertrails Network authorized under the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; 112 Stat. 2961); and

(II) the Chesapeake Bay Program authorized under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267); and

(ii) in consultation with—

(I) other Federal, State, tribal, regional, and local agencies; and

(II) the private sector.

(D) LAND ACQUISITION.—The United States shall not acquire for the trail any land or interest in land outside the exterior boundary of any federally-managed area without

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the consent of the owner of the land or interest in the land.

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