

**STATEMENT OF MICHAEL A. CALDWELL, ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES, AND LANDS, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY AND NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS CONCERNING S. 4693, A BILL TO AMEND THE NATIONAL TRAILS SYSTEM ACT TO INCLUDE NATIONAL DISCOVERY TRAILS AND DESIGNATE THE AMERICAN DISCOVERY TRAIL, AND FOR OTHER PURPOSES.**

**SEPTEMBER 21, 2022**

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Chairman King, Ranking Member Daines, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior’s testimony regarding S. 4693, a bill to amend the National Trails System Act to include National Discovery Trails and designate the American Discovery Trail, and for other purposes.

The Department appreciates the concept envisioned by the bill but does not support amending the National Trails System Act to include a new designation of National Discovery Trails.

S. 4693 amends the National Trails System Act (NTSA) by adding “National Discovery Trails” as a new category of trail that may be designated as part of the Act and would designate the American Discovery Trail as the first National Discovery Trail. The bill further amends the National Trails System Act by establishing the following criteria for National Discovery Trails: the trail must link one or more areas within the boundaries of a metropolitan area, and should connect to other trails; the trail must be supported by a competent trail-wide, volunteer-based organization and have extensive local and trail-wide support by the public, user groups, and by affected state and local governments; and the trail must pass through more than one state and be a continuous, walkable route. Further, the bill requires the appropriate Secretary to administer the trail in cooperation with a trail-wide volunteer-based organization, and to develop a comprehensive management plan for the trail.

When the National Park Service (NPS) completed a congressionally authorized study of the American Discovery Trail (ADT) route almost thirty years ago, the study determined that the route comprising the ADT would not be a good candidate for National Scenic Trail designation because the legislative criteria for National Scenic Trails specifically prohibit the use of motorized vehicles along the National Scenic Trail route, except in very limited circumstances.

The American Discovery Trail was envisioned as a continuous, cross-country hiking and biking trail route with significant portions of the route along road and highways that do not have an expressly designated trail. As a potential means of addressing this inconsistency between the legislative criteria of National Scenic Trails and the vision of the ADT to provide hiking and biking options along motorized roads, the NPS study noted that Congress could designate a new category of trails, National Discovery Trails; however, the definition and management direction was not well-defined.

Following the completion of the study, Congress did not take action to establish a new category of National Discovery Trails within the National Trails System Act or to designate the American Discovery Trail in any way. However, a non-profit organization was formed to promote the trail study route as a cross country hiking and biking route. The American Discovery Trail Society has provided support to local groups in their coordination with landowners and transportation agencies for over twenty years and the trail route has been utilized by many hikers and bikers since the time it was initially studied, but the ADT remains a non-Federally designated trail route

While the Department appreciates and supports expanding opportunities for recreation, including new types and modes of recreation that may reach audiences that have not utilized traditional hiking and biking routes, we believe that these goals would be better achieved without amending the NTSA to designate a new category of National Discovery Trails. Incorporating a new category of trail into the national trails system should only be done very carefully and with an eye towards the precedent that is being set.

Amending the NTSA could potentially complicate the American Discovery Trail Society's efforts to coordinate with state and local law enforcement and transportation agencies on non-Federal lands. The American Discovery Trail Society and its network of state coordinators are already able to engage in discussions with state and local law enforcement and transportation agencies about ADT route signage along roads and highways on non-Federal lands without the authority provided by this bill. The designation of the ADT route and its incorporation into the NTSA would therefore not provide any additional authorities in this regard. However, if the ADT were to be Federally designated as a component of the national trails system, any agreements would be subject to the applicable provisions of the National Trails System Act Federal laws and oversight.

The Department has concerns that the criteria and authorities for the proposed National Discovery Trails in S. 4693 may be overly broad, especially for a new category of trails that appears to diverge from the original focus of the National Trails System Act on avoiding motorized routes. Further, the legislation proposes to eliminate some of the authorities that are common to other trail categories, including existing national trails that this route overlaps with or connects to, and that have proven to be some of the most useful tools in working with landowners to achieve outcomes that protect the resources, users, and the rights of the landowner. Specifically, S. 4693 would exempt national discovery trails from sections of the National Trails System Act authorizing the acceptance of donations and collaboration through cooperative agreements and authorizing land exchanges to protect national trails, which may be necessary to promote the efficient management of certain trail segments. The question of which type of trail's authorities takes precedent when the trails overlap could be a source of potential confusion.

Finally, the potential safety risks inherent in encouraging greater recreational use of motorized roadways would be a challenge within the NTSA framework. There would be a greater risk to the user than with other trail designations, and the Federal agencies would assume greater responsibility for ensuring that users understood that all national trails would not necessarily afford them the same degree of protection. The new trail designation could potentially involve the Federal agencies charged with managing the trail in greater coordination with transportation

and law enforcement communities around laws and policies on pedestrian use of motorized roads and highways.

The Department appreciates the goals of this bill and believes that there may be other means of achieving its vision of enhanced recreational opportunities outside of protected lands. However, we believe that these goals would be better achieved without designating a new category of National Discovery Trails within the National Trails System. We would welcome the opportunity to work with the Subcommittee and the bill sponsor on alternative means of achieving the goals of this bill.

Chairman King, Ranking Member Daines, this concludes my statement. I would be pleased to respond to any questions you or other members of the Subcommittee may have.