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# The National Trails System: A Brief Overview

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## The National Trails System: A Brief Overview

The National Trails System was created in 1968 by the National Trails System Act (16 U.S.C. §§1241-1251). The system includes four types of trails: (1) national scenic trails (NSTs), which display significant physical characteristics of U.S. regions; (2) national historic trails (NHTs), which follow travel routes of national historical significance; (3) national recreation trails (NRTs), which provide outdoor recreation accessible to urban areas; and (4) connecting or side trails, which provide access to the other types of trails. As defined in the act, NSTs and NHTs are long-distance trails designated by acts of Congress. NRTs and connecting and side trails may be designated by the Secretaries of the Interior and Agriculture with the consent of the federal agency, state, or political subdivision with jurisdiction over the lands involved.

Congress has established 11 NSTs and 21 NHTs, as well as several NRTs (although recreation trails are more typically designated administratively). The Secretaries of the Interior and Agriculture have designated more than 1,300 NRTs and seven connecting or side trails. The scenic, historic, and connecting trails are federally administered by the National Park Service (NPS) and/or the Bureau of Land Management (BLM) in the Department of the Interior, or the U.S. Forest Service (FS) in the Department of Agriculture, with cooperation from states and other entities to operate nonfederal trail segments. The more than 1,300 NRTs are typically managed by states, localities, and private organizations, except where they cross federal lands. The act limits federal land acquisition for the trails system, with specific provisions for different trail types.

When designating individual trails, Congress has considered issues such as

- how to balance trail designation with other potential land uses,
- how to address federal acquisition of land to be included in the trail, and
- whether to make specific provisions for trail use that may differ from those authorized in the overall act.

Uses of the national trails may include, but are not limited to, bicycling, cross-country skiing, day hiking, equestrian activities, jogging or similar fitness activities, overnight and long-distance backpacking, snowmobiling, and surface water and underwater activities. Provisions for motorized vehicle use vary among the different types of trails. Trail management activities on nonfederal lands are typically voluntary, and designation of a national trail does not, in general, place any federal restrictions or requirements on private landowners. Still, nonfederal segments of national trails may be protected through cooperative and certification agreements, easements, and actions by a range of entities, including nonprofit organizations.

Congress plays an ongoing role in shaping the National Trails System through legislation and oversight. Broad issues for Congress include, among others

- whether and where to establish new trails in the system,
- whether to establish new or amend trail categories, and
- how much funding to provide to agencies for trail management.

Congress has considered a variety of legislative proposals related to national trails in recent years. In the 117<sup>th</sup> Congress, the Butterfield Overland NHT (P.L. 117-345) and the Chilkoot NHT (P.L. 117-328) were established, and in the 116<sup>th</sup> Congress P.L. 116-9 extended existing national scenic and historic trails. In both the 117<sup>th</sup> and 116<sup>th</sup> Congresses, legislation was also passed and enacted directing the study of additional trail routes for potential addition to the system. Other national trail-related issues have included concerns regarding operational costs and federal funding, the completion of existing national trails, and unit status of certain national trails.

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The National Trails System Act of 1968 (NTSA) established the Appalachian and Pacific Crest National Scenic Trails,<sup>1</sup> and authorized a national system of trails to provide outdoor recreational opportunities and to promote access to the nation’s outdoor areas and historic resources. Since the act’s passage, the system has grown to encompass trails in every U.S. state, the District of Columbia, and Puerto Rico.

The system includes four types of trails:<sup>2</sup>

- **National Scenic Trails (NSTs)** display significant characteristics of the nation’s “physiographic regions,” representing desert, marsh, grassland, mountain, canyon, river, forest, or other areas. NSTs are extended trails that provide for outdoor recreation and for the conservation and enjoyment of significant scenic, historic, natural, or cultural qualities.
- **National Historic Trails (NHTs)**<sup>3</sup> identify and protect travel routes of national historic significance, along with associated remnants and artifacts, for public use and enjoyment. NHTs can include land or water segments,<sup>4</sup> marked highways paralleling the route, and sites that together form a chain or network along the historic route.
- **National Recreation Trails (NRTs)** are on federal, state, or private lands that are in, or reasonably accessible to, urban areas. They provide for a variety of outdoor recreation uses.
- **Connecting or Side Trails** provide public access to the other types of nationally designated trails or connections between such trails.

Congress plays an ongoing role in shaping the National Trails System through legislation and oversight. Congress establishes new trails within the system; directs the Administration to study potential new trails; determines the level of agency funding for trail management; and considers whether new trail categories (such as “national discovery trails”) should be included in the system, among other roles. For individual trails, Congress has made specific provisions concerning land acquisition, trail use, and other matters. Ongoing issues for Congress include whether to designate additional trails, how to balance trail designation with other potential land uses, whether trail designation should be accompanied by federal land acquisition, what activities should be permitted on trails, and how to appropriately balance federal and nonfederal funding for trails, among other issues.

## Background

During the early history of the United States, trails served as routes for commerce and migration. Since at least the early 20<sup>th</sup> century, trails also have been constructed to provide access to scenic areas. The first interstate recreational trail, now known as the Appalachian National Scenic Trail,

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<sup>1</sup> P.L. 90-543, as amended, codified at 16 U.S.C. §§1241-1251.

<sup>2</sup> Descriptions of the trail types are from 16 U.S.C. §1242.

<sup>3</sup> The National Parks and Recreation Act of 1978 (P.L. 95-625) amended the original act to establish national historic trails (NHTs) as a type of trail within the system, and it established the first four NHTs.

<sup>4</sup> The 109<sup>th</sup> Congress established the Captain John Smith Chesapeake National Historic Trail (P.L. 109-418), the nation’s first all-water national historic trail. The Department of the Interior (DOI) has also established a National Water Trails System as a class of national recreation trails. For more information, see National Park Service, “National Water Trails,” at <https://www.nps.gov/subjects/nationaltrailssystem/national-water-trails-system.htm>.

was developed in the 1920s and 1930s.<sup>5</sup> In 1945, legislation to establish a “national system of foot trails” was introduced but not enacted.<sup>6</sup> In the years following the Second World War, the nation sought increased opportunities to enjoy the outdoors.<sup>7</sup> In 1965, in a message to Congress on “Natural Beauty,” President Lyndon Johnson called for the nation “to copy the great Appalachian Trail in all parts of our country, and make full use of rights-of-way and other public paths.”<sup>8</sup> Three years later, the National Trails System Act was enacted.

The system began in 1968 with two scenic trails: the Appalachian National Scenic Trail, which stretches roughly 2,200 miles from Mount Katahdin, ME, to Springer Mountain, GA;<sup>9</sup> and the Pacific Crest National Scenic Trail, which covers roughly 2,650 miles along the mountains of Washington, Oregon, and California.<sup>10</sup> The system was expanded a decade later when Congress designated four historic trails with more than 9,000 miles and another scenic trail along the Continental Divide with 3,100 miles.<sup>11</sup> Currently, there are a combined 32 NHTs and NSTs covering roughly 58,300 miles (see **Table 1** and **Figure 1**.)<sup>12</sup> Additionally, the system contains more than 1,300 NRTs located in every state, the District of Columbia, and Puerto Rico, as well as seven connecting or side trails.<sup>13</sup> The National Trails System Act also authorizes the preservation of abandoned railroad rights-of-way for rails-to-trails conversions (16 U.S.C. §1247).<sup>14</sup>

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<sup>5</sup> An October 1921 journal article proposed the idea of a series of camps along the Appalachian Mountains from New Hampshire to North Carolina, with a trail connecting them. The trail was in place as a continuous footpath by the late 1930s. See Appalachian Trail Conservancy, “ATC History,” at <https://appalachiantrail.org/our-work/about-us/atc-history/>.

<sup>6</sup> The bill, H.R. 2142, 79<sup>th</sup> Congress, would have amended the Federal-Aid Highway Act of 1944 to provide for a system of foot trails to complement the nation’s highway system. For discussion, see Donald D. Jackson, “The Long Way ‘Round,” *Wilderness*, vol. 51, no. 181 (summer 1998), pp. 19-20; and Sarah Mittlefehlt, “The Tangled Roots of the Appalachian Trail: A Social and Environmental History” (Ph.D. diss, University of Wisconsin, 2008), pp. 150-151.

<sup>7</sup> For example, in 1958, Congress established the Outdoor Recreation Resources Review Commission to make a nationwide study of outdoor national recreation needs. Outdoor Recreation Resources Review Commission, *Outdoor Recreation for America* (Washington, DC: January 1962). This report indicated that 90% of all Americans participated in some form of outdoor recreation and that walking for pleasure ranked second among all recreation activities.

<sup>8</sup> *Congressional Record*, vol. 111 (February 8, 1965), p. 2087.

<sup>9</sup> Appalachian Trail Conservation, “Appalachian Trail Grows to 2,198.4 Miles in Length for 2023,” December 14, 2022, at <https://appalachiantrail.org/news/appalachian-trail-2023-length/>.

<sup>10</sup> See Pacific Crest Trail Association, “PCT FAQ,” at <http://www.pcta.org/discover-the-trail/faq/>.

<sup>11</sup> P.L. 95-625, National Parks and Recreation Act of 1978.

<sup>12</sup> Personal communication from Peter Bonsall, GIS Specialist, NPS, September 2020. According to NPS, these data are reflective of the mileage figures in enabling legislation. **Figure 1** reflects the recent trail extensions enacted as part of P.L. 116-9 and the estimated mileage of the Butterfield Overland NHT (3,292 miles) and the Chilkoot NHT (16.5 miles) established in the 117<sup>th</sup> Congress.

<sup>13</sup> NPS, Office of Legislative and Congressional Affairs and American Trails, *National Recreation Trail Database*.

<sup>14</sup> The provisions concerning railroad rights-of-way were added to NTSA in 1983 by P.L. 98-11.

**Table I. National Scenic and National Historic Trails, by Date of Designation**

	States	Administering Agency	Date of Designation	Public Law
<b>National Scenic Trails (NSTs)</b>				
Appalachian NST	CT, GA, MA, MD, ME, NC, NH, NJ, NY, PA, TN, VA, VT, WV	NPS	Oct. 2, 1968	P.L. 90-543
Pacific Crest NST	CA, OR, WA	FS	Oct. 2, 1968	P.L. 90-543
Continental Divide NST	CO, ID, MT, NM, WY	FS	Nov. 10, 1978	P.L. 95-625
North Country NST	MI, MN, ND, NY, OH, PA, VT, WI <sup>a</sup>	NPS	Mar. 5, 1980	P.L. 96-199
Ice Age NST	WI	NPS	Oct. 3, 1980	P.L. 96-370
Potomac Heritage NST	DC, MD, PA, VA	NPS	Mar. 28, 1983	P.L. 98-11
Natchez Trace NST	AL, MS, TN	NPS	Mar. 28, 1983	P.L. 98-11
Florida NST	FL	FS	Mar. 28, 1983	P.L. 98-11
Arizona NST	AZ	FS	Mar. 30, 2009	P.L. 111-11
New England NST	CT, MA	NPS	Mar. 30, 2009	P.L. 111-11
Pacific Northwest NST	ID, MT, WA	FS	Mar. 30, 2009	P.L. 111-11
<b>National Historic Trails (NHTs)</b>				
Oregon NHT	ID, KS, MO, NE, OR, WA, WY	NPS	Nov. 10, 1978	P.L. 95-625
Mormon Pioneer NHT	IA, IL, NE, UT, WY	NPS	Nov. 10, 1978	P.L. 95-625
Lewis and Clark NHT	IA, ID, IL, IN, KS, KY, MO, MT, ND, NE, OH, OR, PA, SD, WA, WV <sup>b</sup>	NPS	Nov. 10, 1978	P.L. 95-625
Iditarod NHT	AK	BLM	Nov. 10, 1978	P.L. 95-625
Overmountain Victory NHT	NC, SC, TN, VA	NPS	Sept. 8, 1980	P.L. 96-344
Nez Perce (Nee-Me-Poo) NHT	ID, MT, OR, WA	FS	Oct. 6, 1986	P.L. 99-445
Santa Fe NHT	CO, KS, MO, NM, OK	NPS	May 8, 1987	P.L. 100-35
Trail of Tears NHT	AL, AR, GA, IL, KY, MO, NC, OK, TN	NPS	Dec. 16, 1987	P.L. 100-192
Juan Bautista de Anza NHT	AZ, CA	NPS	Aug. 15, 1990	P.L. 101-365
California NHT	CA, CO, ID, KS, MO, NE, NV, OR, UT, WY	NPS	Aug. 3, 1992	P.L. 102-328
Pony Express NHT	CA, CO, KS, MO, NE, NV, UT, WY	NPS	Aug. 3, 1992	P.L. 102-328
Selma to Montgomery NHT	AL	NPS	Nov. 12, 1996	P.L. 104-333
El Camino Real de Tierra Adentro NHT	NM, TX	NPS & BLM	Oct. 13, 2000	P.L. 106-307
Ala Kahakai NHT	HI	NPS	Nov. 13, 2000	P.L. 106-509
Old Spanish NHT	AZ, CA, CO, NM, NV, UT	NPS & BLM	Dec. 4, 2002	P.L. 107-325
El Camino Real de los Tejas NHT	LA, TX	NPS	Oct. 18, 2004	P.L. 108-342
Captain John Smith Chesapeake NHT	DC, DE, MD, PA, NY, VA	NPS	Dec. 19, 2006	P.L. 109-418

	States	Administering Agency	Date of Designation	Public Law
Star-Spangled Banner NHT	DC, MD, VA	NPS	May 8, 2008	P.L. 110-229
Washington-Rochambeau Revolutionary Route NHT	CT, DC, DE, MA, MD, NJ, NY, PA, RI, VA	NPS	Mar. 30, 2009	P.L. 111-11
Chilkoot NHT	AK	— <sup>c</sup>	Dec. 29, 2022	P.L. 117-328
Butterfield Overland NHT	AZ, AR, CA, MO, NM, OK, TX	— <sup>c</sup>	Jan. 5, 2023	P.L. 117-345

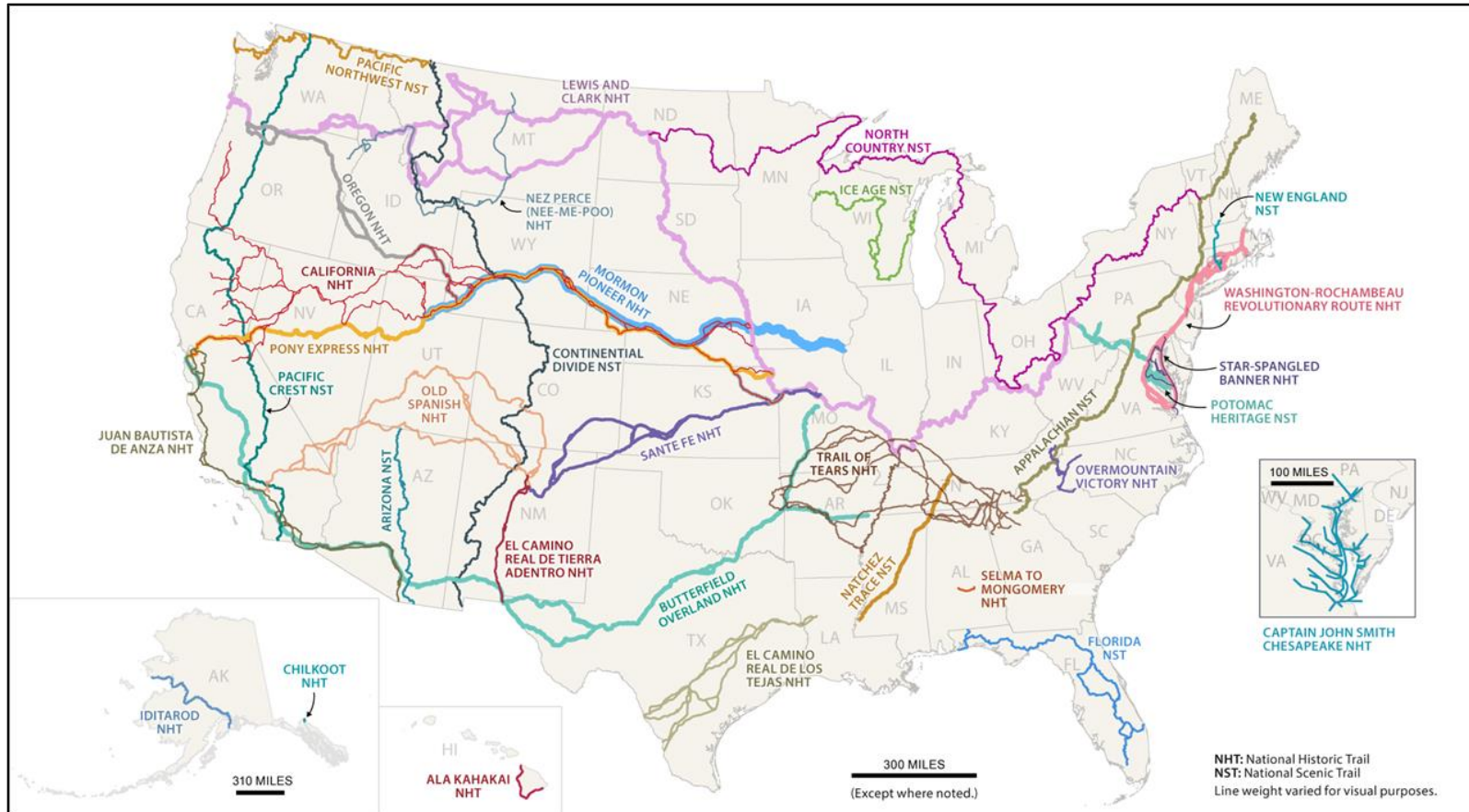
**Sources:** 16 U.S.C. §§1241-1251; National Park Service, *The National Parks: Index, 2012-2016*; National Park Service, “National Trails System: Frequently Asked Questions,” at <https://www.nps.gov/subjects/nationaltrailssystem/faqs.htm>.

**Note:** NPS = National Park Service; FS = U.S. Forest Service; BLM = Bureau of Land Management.

- a. Reflects a roughly 40-mile extension enacted by P.L. 116-9.
- b. Reflects addition of 1,200 miles as part of the Eastern Legacy Extension enacted by P.L. 116-9.
- c. P.L. 117-328 and P.L. 117-345 did not specify which agency would be the administering agency for the Chilkoot NHT or the Butterfield Overland NHT, only that administration would be the responsibility of the Secretary of the Interior. In the feasibility study transmitted to Congress in 2018, NPS was identified as the “the best fit as the administering federal agency” for the Butterfield Overland trail (NPS, “Butterfield Overland Trail Special Resource Study,” May 2018, p. 14). A feasibility study was not conducted for the Chilkoot NHT; however, the trail is located within the boundaries of the Klondike Gold Rush National Historical Park administered by NPS.



**Figure 1. Map of National Scenic and National Historic Trails**



**Source:** CRS with centerline data adapted from National Park Service, “National Trails System Interactive Map,” at <https://nps.maps.arcgis.com/home/index.html>. GIS data for Chilkoot NHT and Butterfield Overland NHT provided to CRS by NPS.

**Notes:** Trail colors are for purposes of distinguishing the trails and do not indicate categories.



## Designation Process and Requirements

Pursuant to NTSA, NSTs and NHTs are designated by acts of Congress.<sup>15</sup> Prior to establishing a trail, Congress typically directs the Secretary of the Interior or the Secretary of Agriculture to study the route for potential inclusion in the system.<sup>16</sup> The studies address both the suitability (i.e., characteristics that make the proposed trail “worthy of designation as a national scenic or national historic trail”<sup>17</sup>) and the feasibility (i.e., physical and financial viability) of adding the trail to the system. Generally, NTSA specifies that both NSTs and NHTs are intended to be “extended trails,” meaning trails or trail segments that total at least 100 miles in length; however, the law specifies that historic trails need not meet this minimum length.<sup>18</sup> The act contains additional specific criteria for NHTs, which must (1) be established by historic use and be significant because of that use; (2) be significant with respect to a broad facet of American history, such as trade and commerce, exploration, migration and settlement, or military campaigns; and (3) have significant potential for public recreational use or historical interest.<sup>19</sup>

In contrast to national scenic and historic trails, national recreation trails and connecting and side trails may be designated by the Secretaries of the Interior and Agriculture with the consent of the federal agency, state, or political subdivision with jurisdiction over the lands involved.<sup>20</sup> Recreation trails must be existing trails that are reasonably accessible to urban areas and must meet other criteria as prescribed by the act or by the Secretaries.<sup>21</sup> In general, the FS—acting through the authority of the Secretary of Agriculture—is responsible for designating NRTs on land administered by the Department of Agriculture (national forests, national grasslands, certain national recreation areas, etc.) and associated lands.<sup>22</sup> The Secretary of the Interior is the designating official for NRTs located on all other federal lands and those located on state, local, and private lands. The Secretary of the Interior has delegated responsibility for administering the NRT program to NPS.<sup>23</sup>

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<sup>15</sup> 16 U.S.C. §1244(a).

<sup>16</sup> 16 U.S.C. §1244(b). The Secretaries of Agriculture and the Interior may not undertake trail studies without congressional authorization. Although the law does not explicitly require that a trail be studied before it is added to the system, in practice Congress has directed a prior study for almost all of the national scenic and historic trails. A recent exception to this rule was the Chilkoot NHT; however, the trail is located within the Klondike Gold Rush National Historical Park, which has been studied and researched both prior to and after its designation in 1976.

<sup>17</sup> 16 U.S.C. §1244(b)(3).

<sup>18</sup> 16 U.S.C. §1242(b).

<sup>19</sup> 16 U.S.C. §1244(b)(11).

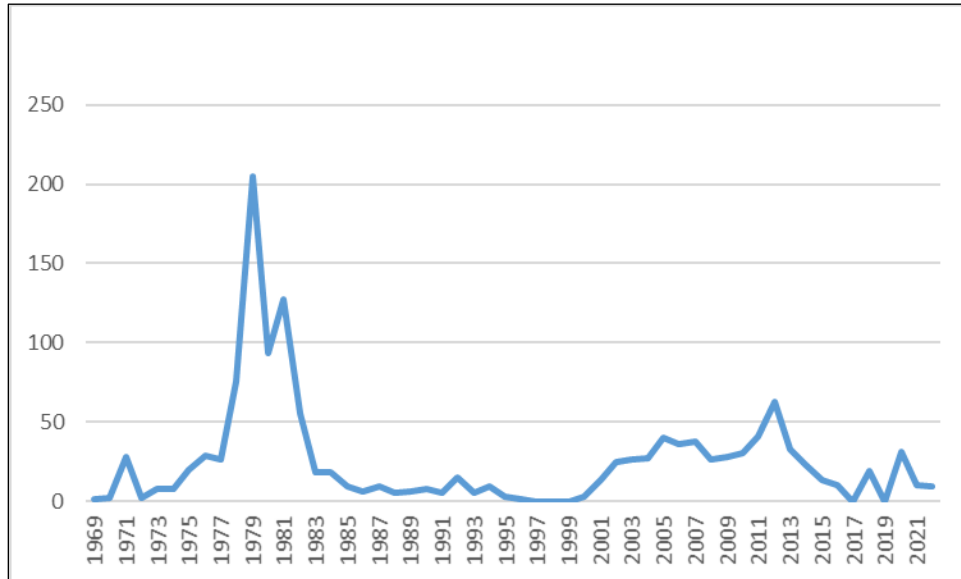
<sup>20</sup> 16 U.S.C. §1243 and 16 U.S.C. §1245. Although most NRTs are designated administratively, Congress has also established NRTs legislatively on occasion. For example, P.L. 110-229 established the Jim Weaver Loop Trail in Oregon’s Willamette National Forest as a national recreation trail.

<sup>21</sup> 16 U.S.C. §1243.

<sup>22</sup> For designation criteria and evaluation processes, see chapter 2350 in *Forest Service Manual (FSM) 2300 – Recreation, Wilderness, and Related Resource Management*.

<sup>23</sup> For DOI designation criteria and evaluation processes for NRTs, see NPS, “Director’s Order #45: National Trails System,” 2013.

**Figure 2. National Recreation Trails Designated by Year: 1969-2022**  
(as of September 2022)



**Source:** CRS, using information provided by NPS, Office of Legislative and Congressional Affairs, and from American Trails, *National Recreation Trail Database*.

**Notes:** The first national recreation trail (NRT) was designated in 1969. There was an increase in NRT designations in the late 1970s under the Carter Administration due, in part, to a directive to federal land management agencies to designate trails under their jurisdiction. Specifically, in 1978, the FS was directed to establish 145 additional NRTs by January 1980, with a goal of two NRTs in each National Forest System unit. A minimum goal of 75 new NRTs was also established for public lands administered by agencies other than the FS. See U.S. Congress, House, “Message from the President of the United States, A Review of His Administration’s Programs for the Protection of the Environment,” 96<sup>th</sup> Cong., 1<sup>st</sup> sess., August 2, 1979, 96-174 (Washington: GPO, 1979), pp. 24-25.

## Trail Development

The NTSA specifies that NSTs are to be extended trails (at least 100 miles in length) and that they are generally intended—though not required—to be continuous routes.<sup>24</sup> In practice, most NSTs are not “complete” or fully developed prior to or upon designation by Congress; however, the route is often designated as a continuous trail in establishing laws. The designation of a new NST by Congress thus serves as an authorization to the administering agency to establish a continuous trail for public use.

Similar to NSTs, the exact route and development of NHTs are typically not finalized at the time of designation. The NTSA requires NHTs to be designated as continuous routes, but unlike NSTs, the law specifies that the developed trail need not be continuous.<sup>25</sup> NHTs are typically corridors

<sup>24</sup> In defining *extended trails*, NTSA specifies, “While it is desirable that extended trails be *continuous*, studies of such trails may conclude that it is feasible to propose one or more trail segments which, in the aggregate, constitute at least one hundred miles in length” (16 U.S.C. §1242(b)).

<sup>25</sup> NTSA states, “Designation of such trails or routes [NHTs] shall be continuous, but the established or developed trail, and the acquisition thereof, need not be continuous onsite.” (16 U.S.C. §1242(a)(3)).

composed of historic sites and segments linked via marked tour routes that follow the original trail as closely as possible.

Following designation by Congress, the NTSA directs the Secretary to “select the rights-of-way” (generally considered to be the trail corridor) for NSTs and NHTs.<sup>26</sup> The corridor must be selected with the advice and assistance of landowners, land managers, and other applicable parties. Once the trail corridor is established, the process of developing NSTs and NHTs begins. Development of the trail occurs in accordance with the statutorily required comprehensive management plan for the trail in question. Such plans are to be completed within two years following designation and include protection and development plans for trail segments, potential cooperative agreements with nonfederal partners, and anticipated costs for land acquisition. The trail development process is generally an ongoing, years-long effort that involves planning, coordination among stakeholders, land acquisition, and other activities (for more information on land acquisition activities, see “Land Acquisition Authority”). In general, the federal government works with nonfederal entities who own land on which the trail corridor passes to obtain the necessary rights-of-way (in this case, typically meaning a legal right or privilege to use the land for one or more purposes) so as to allow recreation and use by the general public.

By contrast to NSTs and NHTs, NRTs and connecting and side trails are generally existing trails that are continuous and in use at the time of designation. As a result, the Secretaries generally need not establish rights-of-way for these trails, as any necessary ones typically are established prior to designation.

## Land Acquisition Authority

For each of the four trail types in the system, routes may intersect both federal and nonfederal lands. For example, the roughly 60,000 miles of NSTs and NHTs often traverse a patchwork of federal, state, and private lands. This makes the completion or development of NSTs and NHTs following designation challenging. Agencies take a variety of approaches in establishing the necessary legal rights-of-way and ensuring access to a trail as intended by the NTSA. One such approach is direct acquisition of land or interests in lands. Section 7 of the NTSA establishes some general authorities for federal land acquisition for the purposes of managing and protecting national trails.

Along the designated corridor for NSTs and NHTs, the Secretaries may acquire land in that is within the boundaries of areas that are already under their administrative jurisdiction (e.g., on trail segments that lie within the boundaries of an existing national park or national forest but are not federally owned). Outside their administrative boundaries, the Secretaries are to encourage state and local governments either to acquire trail lands or to enter into agreements with private landowners for the necessary rights-of-way. Only if state and local governments fail to do so may the federal government acquire the land or form cooperative agreements with private landowners directly.<sup>27</sup> The law states that when federal acquisition is necessary, the federal agency may

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<sup>26</sup> 16 U.S.C. §1246(a)(2). Although the law directs the Secretary to select “rights-of-way” for NSTs and NHTs, in practice, agencies have interpreted this provision to direct the Secretary to identify the trail *corridor* rather than legal rights and privileges typically associated with the term *rights-of-way*. For example, see FS, Appendix B, in *National Scenic and Historic Trails Program*, fall 2014, at <https://www.fs.usda.gov/sites/default/files/National-Scenic-Historic-Trails-Brochure-508.pdf>.

<sup>27</sup> 16 U.S.C. §1246(d) and (e).

acquire land by donation; by purchase with donated or appropriated funds; by exchange; and, in certain limited situations, by condemnation.<sup>28</sup>

When adding individual trails to the system, Congress has often included specific provisions limiting the full use of NTSA's land acquisition authorities. For example, Congress included a provision explicitly prohibiting the use of federal funding for land acquisition for certain trails in the late 1970s and early 1980s.<sup>29</sup> In 2009, P.L. 111-11 removed this prohibition but limited land acquisition for these trails—as well as multiple other existing and newly established trails—to instances involving a willing seller. At other times, Congress has limited acquisition authorities by establishing a geographical boundary for land acquisition, such as within a quarter-mile on either side of the trail.<sup>30</sup> As of December 2022, the federal land agencies have access to all NTSA land acquisition authorities for six of the 32 NSTs and NHTs.<sup>31</sup>

For NRTs, the provisions are more limited, in that federal land acquisition may take place only within an agency's existing administrative boundaries.<sup>32</sup> Agencies are permitted to acquire lands or interests in lands through cooperative agreements, donation, land exchange, or by purchase with donated or appropriated funds. Connecting and side trails may include nonfederal lands only if no federal acquisition is involved (e.g., by obtaining an easement or right-of-way).<sup>33</sup>

## Organization and Management

Either the Secretary of the Interior or the Secretary of Agriculture, acting through the land management agencies, administers the 32 national scenic and historic trails. The NPS administers 21 of the 32 trails; the FS administers 6 trails; the Bureau of Land Management (BLM) administers 1 trail; and the NPS and BLM jointly administer 2 trails.<sup>34</sup> The administering agency typically develops the trail management plan,<sup>35</sup> oversees the development of trail segments,

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<sup>28</sup> 16 U.S.C. §1246(f) and (g). Specifically, the law limits the use of condemnation proceedings to scenarios wherein the Secretary has determined “all reasonable efforts to acquire such lands or interest therein by negotiation have failed, and in such cases he shall acquire only such title as, in his judgment, is reasonably necessary to provide passage across such lands.” NTSA further limits land acquisition authorities for NHTs to “areas indicated by the study report or by the comprehensive plan as high potential route segments or high potential historic sites.”

<sup>29</sup> For example, in 1978, P.L. 95-625 prohibited the use of federal funds for acquisition of lands or interests in lands for the Continental Divide NST, the Oregon NHT, the Mormon Pioneer NHT, the Lewis and Clark NHT, and the Iditarod NHT. In 1983, P.L. 98-11 included a provision that limited the authority of federal government to acquire land or interests in lands outside federally administered areas for the Potomac Heritage NST.

<sup>30</sup> For examples of these types of provisions for individual trails, see 16 U.S.C. 1244(a).

<sup>31</sup> These are the Appalachian NST, the Arizona NST, the Natchez Trace NST, the Overmountain Victory NHT, the Pacific Crest NST, and the Selma to Montgomery NHT. The enabling legislation for the recently established Chilkoot NHT does not appear to limit the land acquisition authorities provided under the NTSA. However, because the trail is located within the jurisdictional boundary of an existing national park unit (Klondike Gold Rush National Historical Park), the agency may be limited by the specific land acquisition provisions included in the original establishing legislation for that unit (P.L. 94-323). P.L. 117-328 states that the “designation of the Chilkoot National Historic Trail shall not affect any authorities under P.L. 94-323.”

<sup>32</sup> 16 U.S.C. §1246(d). For example, agencies would be authorized to acquire lands or interests in lands if an NRT crosses into an inholding (nonfederal lands within the boundaries of federal land areas).

<sup>33</sup> 16 U.S.C. §1245.

<sup>34</sup> See NPS, “Frequently Asked Questions,” <https://www.nps.gov/subjects/nationaltrailssystem/faqs.htm>. As of publication, the Secretary of the Interior had not yet determined which agency would be responsible for administering the two trails established in the 117<sup>th</sup> Congress (Chilkoot NHT and the Butterfield Overland NHT).

<sup>35</sup> 16 U.S.C. §1244(e) and (f) require the Secretaries to develop management plans for all national scenic and historic trails, in consultation with affected federal agencies, states, and other stakeholders.

coordinates trail marking and mapping, develops maintenance standards, coordinates trail interpretation,<sup>36</sup> administers cooperative and interagency agreements, and provides financial assistance to federal and nonfederal entities for trail purposes, among other functions.<sup>37</sup> For most NSTs and NHTs administered by NPS, a full-time trail administrator (or superintendent) operates out of a field office located on or near the trail in question. For trails administered by FS and BLM, the agency may assign a full-time administrator or may rely on regional office staff (or in the case of BLM, state office staff).

The agencies distinguish between trail *administration* and trail *management*: while there is usually only one administering agency, multiple federal agencies, state and local governments, private groups, and individuals may own and manage the lands a national scenic or historic trail traverses.<sup>38</sup> NTSA authorizes the administering Secretary to enter into cooperative agreements with state or local governments, landowners, private organizations, or individuals for trail development, operation, and maintenance.<sup>39</sup> In addition, several federal agencies involved with the trails signed a memorandum of understanding (MOU) to coordinate federal trail management.<sup>40</sup>

### **U.S. Forest Service v. Cowpasture River Preservation Association**

One question in recent years is whether certain land-use decisions on national trails are governed by the laws applicable to the overall trail *administrator* or to the federal agency that *manages* the relevant underlying land component. In *U.S. Forest Service v. Cowpasture River Preservation Association*, the Supreme Court considered whether the FS had acted within its legal authority when it issued a permit for the construction and operation of a subsurface pipeline that would pass under a segment of the Appalachian NST that is located on FS lands

<sup>36</sup> In the context of national trails, *interpretation* may refer to the development of signage, guidebooks, or other resource intended to facilitate a connection between the interests of the visitor and the history (cultural, natural, etc.) of the trail.

<sup>37</sup> A memorandum of understanding (MOU) signed by multiple agencies describes agency functions generally. See Memorandum of Understanding, “The National Trails System 2017-2027,” at [https://home.nps.gov/subjects/nationaltrailssystem/upload/National\\_Trails\\_System\\_MOU\\_2017-2027.pdf](https://home.nps.gov/subjects/nationaltrailssystem/upload/National_Trails_System_MOU_2017-2027.pdf), hereinafter referred to as “National Trails System MOU (2017).” Agency-specific guidance includes the following: for the National Park Service, Director’s Order 45, *National Trails System*, [https://www.nps.gov/subjects/policy/upload/DO\\_45\\_5-24-2013.pdf](https://www.nps.gov/subjects/policy/upload/DO_45_5-24-2013.pdf); for the Bureau of Land Management, BLM Manual 6250, *National Scenic and Historic Trail Administration*, BLM Manual 6280, *Management of National Scenic and Historic Trails and Trails Under Study or Recommended as Suitable for Congressional Designation*, and BLM Manual 8353, *Trail Management Areas, Secretarially Designated National Recreation, Water, and Connecting and Side Trails*, all available at <https://www.blm.gov/policy/manuals>; and for the Forest Service, FS Manual 2300, *Recreation, Wilderness, and Related Resource Management*, Chapter 2350, “Trail, River, and Similar Recreation Opportunities,” at [http://www.fs.fed.us/cgi-bin/Directives/get\\_dirs/fsm?2300](http://www.fs.fed.us/cgi-bin/Directives/get_dirs/fsm?2300).

<sup>38</sup> See, e.g., National Park Service, “National Trails System: Frequently Asked Questions,” at [http://www.nps.gov/nts/nts\\_faqs.html](http://www.nps.gov/nts/nts_faqs.html).

<sup>39</sup> 16 U.S.C. §1246(h)(1). In 2021, the Partnership for the National Trails System, a nonprofit advocacy organization, reported that 272 state, tribal, regional, and local government agencies have played an active role in managing and sustaining trails through formal agreements (Partnership for the National Trails System, “2021 State of the Trails,” February 2022, at <https://pnts.org/new/wp-content/uploads/2022/02/2021-State-of-the-Trails-Report-final.pdf>; hereinafter referred to as “State of the Trails Report (2021)”).

<sup>40</sup> National Trails System MOU (2017). The agencies included NPS, FS, and BLM, as well as the Fish and Wildlife Service and the U.S. Army Corps of Engineers, both of which manage segments of some trails, although they do not serve as primary trail administrators. Additionally, the Federal Highway Administration, which provides transportation funding for trails, participated in the MOU. The MOU encourages cooperation among both federal and nonfederal land managers in activities such as resource inventory and mapping, development of new trail segments and sites, mitigation of resource damage, interpretation, and maintenance.

(*U.S. Forest Service v. Cowpasture River Preservation Ass'n*, 140 S. Ct. 1837 (2020)). Although FS is the *managing* entity for the segment in question, Congress designated NPS as the *administering* entity for the Appalachian NST as a whole. The question before the court was whether this trail segment constituted “lands in the National Park System” under the Mineral Leasing Act due to the NPS’s role as administering agency. In 30 U.S.C. §185(b), the Mineral Leasing Act excludes lands in the National Park System from federal lands subject to its right of way provisions. Accordingly, if the land where the pipeline would cross the Appalachian NST were considered part of the National Park System based on NPS’s role as administering agency, it would be subject to NPS’s more restrictive authorities and generally require an act of Congress for pipeline permitting. The Court held that NTSA—and the specific provisions therein applicable to the administration of the Appalachian NST—did not transfer jurisdiction over the land in which the trail is located to NPS, and therefore the land was not “in the National Park System” and the permit issued by FS was valid. For more information on this case, see CRS Legal Sidebar LSB10503, *Supreme Court Visits Appalachian Trail to Address Pipeline Permitting Dispute*, by Adam Vann.

Trail administrators and trail managers also regularly coordinate work with a variety of nonfederal trail *partners*, such as charitable foundations, volunteer groups, and advocacy organizations. These trail partners help to plan and maintain the trails, develop outreach programs, and connect with the public. Some NSTs and NHTs have established formal relationships with a single organization that operates across the length of the trail and serves as an “umbrella” coordinator for local partners.<sup>41</sup> Others work with a series of partners that vary depending on their mission or the geographic area in question.<sup>42</sup>

In contrast to the NSTs and NHTs, NRTs are typically administered by states, localities, and private organizations since they are primarily located on nonfederal lands. When NRTs do cross federal lands, the applicable federal agency is responsible for administering the trail. NPS is responsible for the overall coordination of the NRT program, which includes overseeing the nomination and designation process for new trails both on and off federal land.<sup>43</sup> Nonfederal trail managers for NRTs have access to federal training and technical assistance, and are eligible for some types of federal funding.<sup>44</sup>

Connecting or side trails are administered by the Secretary under whose jurisdiction the trail lands are located.<sup>45</sup> Currently, the Secretary of the Interior administers all seven existing connecting or side trails.<sup>46</sup>

<sup>41</sup> Lee K. Cerveny, Monika M. Derrien, and Anna B. Miller, et al., “Partnership and Community Engagement Models for Stewarding National Scenic Trails: A Social-Ecological Systems Perspective,” *Tourism Planning & Development*, vol. 19, no. 3 (2022), pp. 204-226. For example, the Pacific Crest Trail Association (PCTA) acts as the primary partner for the Pacific Crest NST and coordinates with regional trail groups along the trail route.

<sup>42</sup> *Ibid.*

<sup>43</sup> However, the FS is responsible for coordinating and administering NRTs within the national forests. The FS has developed a separate designation process for proposed NRTs on lands under their jurisdiction, pursuant to the authority provided in the National Trails System Act (16 U.S.C. §1243(a)).

<sup>44</sup> For example, designated national recreation trails may receive funding through the Federal Highway Administration’s Recreational Trails Program, administered by the states (see [http://www.fhwa.dot.gov/environment/recreational\\_trails/index.cfm](http://www.fhwa.dot.gov/environment/recreational_trails/index.cfm)), and are eligible to be considered for support through the Challenge Cost-Share Programs of the NPS, BLM, and FS (see, e.g., <https://www.nps.gov/orgs/1837/index.htm>).

<sup>45</sup> 16 U.S.C. §1245.

<sup>46</sup> Two connecting or side trails were designated by the Secretary of the Interior in 1990: the 18-mile Timm’s Hill Trail



## Trail Uses and Protections

The types of uses and activities permitted on national trails—as well as the degree to which designation confers federal protections over such areas—vary depending on the type of trail, the jurisdictions traversed by the trail, and any voluntary agreements in place between the administering agency and relevant landowners. In addition, Congress may include provisions in establishing laws that either prohibit or allow certain uses or activities on specific trails.

For NSTs and NHTs, NTSA generally authorizes the Secretary to permit uses that “will not substantially interfere with the nature and purposes of the trail.”<sup>47</sup> Such uses may include, but are not limited to, bicycling, cross-country skiing, day hiking, equestrian activities, jogging or similar fitness activities, overnight and long-distance backpacking, snowmobiling, and surface water and underwater activities.<sup>48</sup> The use of motorized vehicles by the general public is typically prohibited on national scenic trails.<sup>49</sup> However, motorized vehicles may be allowed on national historic trails if they do not substantially interfere with the nature and purposes of the trail and were allowed by administrative regulations at the time of designation.<sup>50</sup> NTSA also authorizes the Secretary of the Interior and the Secretary of Agriculture, in consultation with relevant agencies and parties, to issue regulations “governing the use, protection, management, development, and administration of trails.”<sup>51</sup> To date, agencies have utilized this authority only a handful of times, typically issuing regulations that either allow or prohibit specific trail uses for certain NSTs or NHTs under their jurisdiction.<sup>52</sup>

Trail uses on nonfederal lands—whether scenic, historic, recreation, or connecting trails—are typically controlled at the state and local levels. Agencies have generally interpreted NTSA in a manner that considers all trail management activity on nonfederal land to be voluntary and that designation of a national trail, unless otherwise specified in law, does not place any restrictions or requirements on private landowners. Uses on nonfederal trail segments may still be limited through cooperative and certification agreements, easements, and actions by a range of entities,

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in Wisconsin, which connects to the Ice Age National Scenic Trail; and the 186-mile Anvik Connector in Alaska, which connects to the Iditarod National Historic Trail. Another four were designated by the Secretary of the Interior in 2012, all water trails that connect to the water-based Captain John Smith National Historic Trail. For more information, see U.S. Department of the Interior, “Four Rivers in Five States to Make Up Connecting Water Trails,” press release, May 16, 2012, at <http://www.doi.gov/news/pressreleases/AMERICAS-GREAT-OUTDOORS-Secretary-Salazar-Designates-Captain-John-Smith-Chesapeake-National-Historic-Trail.cfm>. The Secretary of the Interior designated a seventh connecting trail in 2015 connecting to the Selma to Montgomery National Historic Trail.

<sup>47</sup> 16 U.S.C. §1246(c).

<sup>48</sup> 16 U.S.C. §1246(j).

<sup>49</sup> *Ibid.* However, this provision directs the Secretary to allow motorized vehicle use in certain circumstances, such as for emergencies and when necessary to give adjacent landowners reasonable access to their lands or timber rights. Additionally, specific provisions for the Continental Divide National Scenic Trail (16 U.S.C. §1244(a)(5)) allow motorized use in accordance with regulations established by the administering Secretary.

<sup>50</sup> 16 U.S.C. §1246 (c). In practice, travel along NHTs typically involves automobile or tour bus travel that approximates the historic route, with stops made to see individual sites or to walk and re-trace short distances on remnant trail segments.

<sup>51</sup> 16 U.S.C. §1246(i).

<sup>52</sup> CRS was able to identify only four instances where this authority was used to promulgate regulations governing the use, protection, management, development, and administration of trails. These are 36 C.F.R. §7.100 (NPS), which establishes prohibited and allowed uses along the Appalachian NST; 36 C.F.R. §212.21 (FS), which establishes allowed uses along the Pacific Crest NST; 43 C.F.R. §8351.1-1 (BLM), which creates an exception for motorized vehicle uses on NSTs on land under its jurisdiction; and 43 C.F.R. §9268.3(e)(2)(iv) (BLM), which establishes visitor use rules.



including nonprofit organizations. The terms of these legal agreements generally accord with NTSA and provide for the use of lands for trail purposes.

## Funding

Total federal funding for national trails is difficult to calculate, because funding for trail operation, maintenance, construction, or land acquisition may come from a variety of sources. Each agency with management authority over national trails has its own funding for carrying out activities related to trail administration and management. Agencies do not always specify operational funding levels for individual trails in annual budget justifications.<sup>53</sup> Instead, funding for trails may be spread across a number of different budget accounts and activities. Even when agencies do break down individual trail operational costs (as NPS and FS have done), other federal funding may still be unaccounted for in these totals. For example, funding for trail land acquisition primarily comes from the Land and Water Conservation Fund, a mandatory spending account that may be allocated pursuant to either agency or congressional directives.<sup>54</sup> In addition, NRTs and connecting trails on federal lands are typically supported through the general operational budget of the particular unit (national park, national forest, etc.) on which the trail is located and therefore would not be included in the operational costs for the individual trail. Trails that cross multiple jurisdictions may receive funding from each of the agencies responsible for managing one or more segments of the trail. Generally, however, federal land management agencies have agreed—within the limits of agency authorities—to eliminate duplicate efforts and “increase effectiveness” by coordinating requests for and obligation of funds for the National Trails System.<sup>55</sup>

In addition to funding from land management agencies, trails within the National Trails System may also receive funding from other federal agencies. Since 1992, the Department of Transportation (DOT), through federal transportation programs authorized by Congress,<sup>56</sup> has provided funding for bicycle and pedestrian transportation projects, including trail-related projects.<sup>57</sup> Although DOT does not manage or administer any national trails, this funding has typically been a significant funding source for national trails, as well as for the development and management of nonfederal trails across the country.<sup>58</sup>

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<sup>53</sup> In particular, BLM typically does not specify funding requests for the three NHTs (Iditarod NHT, El Camino Real de Tierra Adentro NHT, and Old Spanish NHT) it administers.

<sup>54</sup> For more information, see CRS In Focus IF12256, *Land and Water Conservation Fund (LWCF): Frequently Asked Questions*, by Carol Hardy Vincent. Prior to the enactment of the Great American Outdoors Act (GAOA; P.L. 116-152), a portion of the revenue deposited into the Land and Water Conservation Fund (LWCF) was available only if appropriated in subsequent law and thus was considered discretionary spending. Since 2020, all revenue in the LWCF is available without subsequent appropriation and thus is mandatory spending.

<sup>55</sup> Memorandum of Understanding 06-SU-11132424-196, “The National Trails System,” at [https://www.fhwa.dot.gov/Environment/recreational\\_trails/overview/ntsmou2006.cfm](https://www.fhwa.dot.gov/Environment/recreational_trails/overview/ntsmou2006.cfm). This agreement was reiterated in the 2017 updated interagency MOU “The National Trails System 2017-2027,” at [https://home.nps.gov/subjects/nationaltrailssystem/upload/.National\\_Trails\\_System\\_MOU\\_2017-2027.pdf](https://home.nps.gov/subjects/nationaltrailssystem/upload/.National_Trails_System_MOU_2017-2027.pdf).

<sup>56</sup> Congress has authorized recreational trail assistance in surface transportation laws, most recently in 2021 as part of the Infrastructure Investment and Jobs Act (IIJA; P.L. 117-58).

<sup>57</sup> See Federal Highway Administration (FHWA), “Federal-Aid Highway Program for Pedestrian and Bicycle Facilities and Programs, FY1992 to FY2020 Obligations,” at [http://www.fhwa.dot.gov/environment/bicycle\\_pedestrian/funding/bipedfund.cfm](http://www.fhwa.dot.gov/environment/bicycle_pedestrian/funding/bipedfund.cfm). The agency does not break out the portion of this funding that has gone to trails within the National Trails System. For example, funding in FHWA’s Recreational Trails Program (a subset of the agency’s overall funding for pedestrian and bicycle transportation) is used for recreational trails both within and outside the system.

<sup>58</sup> *Ibid.*

Additional sources of funding for trails may come from nonfederal sources. These include nonfederal matching funds in challenge cost-share projects, cooperative agreements with trail partner organizations, and donations from corporations, charitable foundations, and other groups. Volunteer and service organizations have also historically played an important role through in-kind contributions that help support the management and development of national trails both on and off federal land.<sup>59</sup>

## Issues for Congress and Recent Legislation

Issues related to trails and the National Trails System are of perennial interest to Congress. Congress regularly considers legislation that would amend the NTSA, establish new types of trails, add individual trails, extend existing trails, or direct agencies to study potential additions to the system (see **Table 2**). For example, in the 117<sup>th</sup> Congress, two new NHTs were established: the Chilkoot NHT (P.L. 117-328) and the Butterfield Overland NHT (P.L. 117-345). In the 116<sup>th</sup> Congress, the omnibus public lands act, P.L. 116-9, made or proposed a number of changes related to the National Trails System. Among the changes, the law adjusted the boundaries of the North Country National Scenic Trail, extended the Lewis and Clark National Historic Trail, and directed the study of a proposed Pike National Historic Trail running from Missouri through Louisiana. Another law in the 116<sup>th</sup> Congress, P.L. 116-111, directed the Secretary of the Interior to study for potential designation the Emancipation National Historic Trail, a route from Galveston, TX, to Freedmen’s Town and Emancipation Park in Houston, TX, that follows a migration route taken by newly freed slaves in the 19<sup>th</sup> century.

**Table 2. Selected National Trails System Bills Introduced in the 117<sup>th</sup> Congress**

Title or Trail	Type	Bill No.	Actions
Chief Standing Bear National Historic Trail	Study	H.R. 810	Passed House
Chisholm National Historic Trail	Designation	H.R. 2512 / S. 1112	Introduced / Introduced
Western National Historic Trail	Designation	H.R. 2512 / S. 1112	Introduced / Introduced
Benton MacKaye National Scenic Trail	Designation	H.R. 7884	Introduced
Route 66 National Historic Trail	Designation	H.R. 3600 / S. 5170	Introduced / Introduced
Buckeye National Scenic Trail	Study	H.R. 6142 / S. 4707	Enacted as P.L. 117-328
Butterfield Overland National Historic Trail	Designation	S. 3519	Enacted as P.L. 117-345
Chilkoot National Historic Trail	Designation	S. 1354 / H.R. 9496	Enacted as P.L. 117-328
Alaska Long National Scenic Trail	Study	S. 1354 / H.R. 9496	Enacted as P.L. 117-328
Condor National Scenic Trail	Designation	H.R. 803 / S. 1459	Passed House / Introduced

<sup>59</sup> In 2021, the Partnership for the National Trails System reported that more than 24,900 volunteers donated nearly 820,000 service hours on NHTs and NSTs for that year (State of the Trails (2021)). According to the report, these service hours are valued at more than \$23 million.

Title or Trail	Type	Bill No.	Actions
Selma to Montgomery National Historic Trail <sup>a</sup>	Extension Study	S. 3034 / H.R. 4372	Enacted as P.L. 117-103

**Source:** Table compiled by the Congressional Research Service.

- a. Specifically, P.L. 117-103 directed NPS to study resources associated with the 1965 Voting Rights March not currently part of the Selma to Montgomery NHT that would be appropriate for addition to the trail, as well as potential designation of the trail as a unit of the National Park System instead of, or in addition to, remaining a designated part of the National Trails System.

When considering legislation that would potentially add or extend units of the National Trails System, Congress may evaluate specific questions or concerns raised by stakeholders—including private landowners—regarding the potential impacts that designation may have on future uses of land along or near a proposed corridor. Congress, at times, has included provisions in establishing legislation specifying that certain activities may not be prohibited, hindered, or disrupted as a result of designation as an NST or NHT.<sup>60</sup> Although agencies generally interpret the NTSA to require that management of private lands along a trail corridor be subject to landowner approval and consent, stakeholders have raised concerns regarding the potential reach of the federal government’s authority.<sup>61</sup>

Another issue of congressional interest has been the amount or effectiveness of federal funding for the National Trails System. Stakeholder groups have advocated for increased funding, as well as dedicated line items in agency budgets to better achieve consistency in trail funding from year to year.<sup>62</sup> Many of these groups point to concerns around the deferred maintenance backlog on trails and increased resource degradation due to visitation.<sup>63</sup> By contrast, some may view additional funding as potentially unnecessary, or feel that current funding levels are sufficient to meet management needs. Concerns have also been raised regarding perceived staffing shortages across federal land management agencies that, stakeholders suggest, impact agencies’ ability to adequately manage trails under their jurisdiction.<sup>64</sup> The Inflation Reduction Act (P.L. 117-169), enacted in August 2022, included \$500 million, to remain available through FY2030, for NPS to “hire employees to serve in units of the National Park System or national historic or national scenic trails administered by the National Park Service.”<sup>65</sup>

<sup>60</sup> For example, in designating the Butterfield Overland Trail as an NHT, Congress included provisions in P.L. 117-345 specifically requiring that no energy development or transmission project would be impacted.

<sup>61</sup> See Stephen Dow, “Some landowners express concern on historic trail designation for Bozeman Trail,” *Sublette Examiner*, February 2, 2022; and Oklahoma Farm Bureau, “OKFB Offers Comments Questioning Chisholm and Great Western Historic Trails Designation,” March 23, 2015, at <https://www.okfarmbureau.org/news/okfb-offers-comments-questioning-chisholm-and-great-western-historic-trails-designation/>.

<sup>62</sup> For example, see American Trails, “Trails Community Appropriations Recommendations for FY2022,” March 2021, at <https://www.americantrails.org/resources/trails-community-appropriations-recommendations-1>. (“[BLM’s] lack of a unified budget account for National Trails or trails line item prevents the agency from efficiently planning, implementing, reporting, and taking advantage of cost-saving and leveraging partnerships and volunteer contributions for every activity related to these national resources.”)

<sup>63</sup> *Ibid.* See also, American Hiking Society, “Trail Funding Recommendations for FY23 Appropriation Omnibus,” at <https://americanhiking.org/wp-content/uploads/2022/11/trails-community-recommendations-for-fy23-appropriations-conference-interior.pdf>.

<sup>64</sup> Testimony of Kathryn Van Waes, PhD., Executive Director, American Hiking Society to Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, March 2022, at <https://americanhiking.org/wp-content/uploads/2022/03/fy23-non-tribal-public-witness-testimony-house-interior-appropriations-subcommittee-trails-community-american-hiking-society.pdf>.

<sup>65</sup> P.L. 117-169, §50223.

Congress has also considered proposals that would provide additional resources and directives to agencies to complete and/or connect existing national trails. As discussed above (see “Trail Development”), once Congress designates an NST or NHT, the administering agency is directed to begin establishing the rights-of-way for the established trail. For most of the congressionally designated NSTs and NHTs, such work is still in progress. Also, most of these trails are not continuous, even though trail continuity is one of the objectives of the NTSA. Congress has considered a variety of proposals aimed at addressing this issue. For example, in the 117<sup>th</sup> Congress, the Complete America’s Great Trails Act (H.R. 7913/S. 4346) would have amended the Internal Revenue Code to allow a tax credit for the fair market value of any NST conservation contribution. The bills also would have required the Secretary of the Interior to study the efficacy of such a tax credit in completing, extending, and increasing the number of NSTs. Other proposals would have directed administering agencies to complete specific trails, to the maximum extent possible, by certain dates.<sup>66</sup> Concerns have been raised regarding implementing these proposals, given that trail completion may largely depend on willing landowners consenting to connect the lands through means such as rights-of-way, access and conservation easements, and land acquisition.<sup>67</sup>

Some bills would have adjusted the types of trails that could be designated in the National Trails System. For example, H.R. 726 in the 116<sup>th</sup> Congress would have added “national discovery trails” to the system. National discovery trails would be extended, continuous interstate trails that provide for outdoor recreation and travel and that connect representative examples of America’s trails and communities.<sup>68</sup> In addition, Members have introduced legislation that would have directed NPS to treat all NSTs under its administration as units of the National Park System,<sup>69</sup> as well as legislation that would have provided additional resources and funding for programs that aim to connect trails with underrepresented and/or urban communities.<sup>70</sup>

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<sup>66</sup> For example, see the Continental Divide Completion Act (H.R. 5118/S. 4995) in the 117<sup>th</sup> Congress which would have required the Secretaries of Agriculture and the Interior to ensure the completion of the Continental Divide NST as a contiguous route, to the maximum extent possible, by November 10, 2028. To achieve this, the bill would have established a Trail Completion Team composed of FS and BLM employees to carry out land and right-of-way acquisitions, easement acquisitions, relocations, and trail construction activities required for completion.

<sup>67</sup> Testimony of Nada Wolff Culver, BLM, U.S. Congress, Senate Committee on Energy and Natural Resources, *Full Committee Hearing To Consider Pending Legislation*, 117th Cong., December 1, 2022.

<sup>68</sup> H.R. 726 would have established the American Discovery Trail, extending from Delaware to California, as the first national discovery trail. Similar bills to create national discovery trails within the system were introduced in earlier Congresses.

<sup>69</sup> See, for example, the National Scenic Trails Parity Act (S. 2964/H.R. 8189) in the 117<sup>th</sup> Congress. Of the six NSTs administered by NPS, three are considered units of the National Park System. This was an administrative decision reflecting the extent of actual or potential federal land ownership and NPS’s role in administering these trails. NPS has asserted that unit status does not change the management of any trail or impact upon the cost of operating the trail. Still, some stakeholders assert that non-unit trails are hampered in their effectiveness due to this system and have sought to establish consistency across NPS designations.

<sup>70</sup> For example, see provisions of the Environmental Justice for All Act (S. 872/H.R. 2021) in the 117<sup>th</sup> Congress.

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