

117TH CONGRESS  
2D SESSION

# S. 4995

To require the Secretary of Agriculture and the Secretary of the Interior to prioritize the completion of the Continental Divide National Scenic Trail, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 2022

Mr. HEINRICH (for himself and Mr. DAINES) 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 require the Secretary of Agriculture and the Secretary of the Interior to prioritize the completion of the Continental Divide National Scenic 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 “Continental Divide  
5       Trail Completion Act”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

1           (1) ACEQUIA.—The term “acequia” has the  
2           meaning given the term “community ditch” in New  
3           Mexico Stat. 73–2–27.

4           (2) LAND GRANT-MERCED.—The term “land  
5           grant-merced” means a community land grant  
6           issued under the laws or customs of the Government  
7           of Spain or Mexico that is recognized under chapter  
8           49 of New Mexico Stat. (or a successor statute).

9           (3) OPTIMAL LOCATION REVIEW.—The term  
10          “optimal location review” means a review conducted  
11          in accordance with the process described in the  
12          guide entitled “Continental Divide National Scenic  
13          Trail Optimal Location Review Guide” and dated  
14          November 2017.

15          (4) SECRETARIES.—The term “Secretaries”  
16          means each of the Secretary and the Secretary of  
17          the Interior.

18          (5) SECRETARY.—The term “Secretary” means  
19          the Secretary of Agriculture, acting through the  
20          Chief of the Forest Service.

21          (6) TEAM.—The term “Team” means the joint  
22          Forest Service and Bureau of Land Management  
23          Trail completion team established under section  
24          3(b).

1           (7) TRAIL.—The term “Trail” means the Con-  
 2           tinental Divide National Scenic Trail established by  
 3           section 5(a)(5) of the National Trails System Act  
 4           (16 U.S.C. 1244(a)(5)).

5   **SEC. 3. CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL.**

6           (a) COMPLETION OF TRAIL.—

7           (1) IN GENERAL.—Not later than November  
 8           10, 2028, the Secretaries shall, to the maximum ex-  
 9           tent practicable, ensure the completion of the Trail  
 10          as a contiguous route, consistent with sections  
 11          3(a)(2), 5(a)(5), and 7 of the National Trails Sys-  
 12          tem Act (16 U.S.C. 1242(a)(2), 1244(a)(5), 1246).

13          (2) REQUIRED ACTIVITIES.—The Secretaries  
 14          shall, to the maximum extent practicable, carry out  
 15          necessary activities to achieve the goal described in  
 16          paragraph (1), including the following activities, in  
 17          the following order of priority:

18                 (A) Complete the Trail by acquiring land  
 19                 or an interest in land, entering into easement  
 20                 agreements, or encouraging a State or local  
 21                 government to enter into a cooperative agree-  
 22                 ment to acquire any interest in land, that is  
 23                 necessary—

24                         (i) to eliminate gaps between sections  
 25                         of the Trail; and

1 (ii) to maintain the nature and pur-  
 2 poses of the Trail.

3 (B) If appropriate and supported by local  
 4 affected stakeholders, optimize the Trail by re-  
 5 locating, consistent with the nature and pur-  
 6 poses of the Trail, existing incompatible por-  
 7 tions of the Trail onto Federal land as nec-  
 8 essary to provide for—

9 (i) maximum outdoor recreation po-  
 10 tential;

11 (ii) the conservation and enjoyment of  
 12 the nationally significant scenic, historic,  
 13 natural, or cultural qualities of the areas  
 14 through which the Trail passes;

15 (iii) continuity in land ownership, if  
 16 desired by the owner of the affected land;  
 17 and

18 (iv) segments of the Trail that are  
 19 comparable in length to the segments of  
 20 the Trail being relocated.

21 (C) Publish maps of the completed corridor  
 22 of the Trail.

23 (b) TRAIL COMPLETION TEAM.—

24 (1) IN GENERAL.—In carrying out subsection

25 (a), not later than 1 year after the date of enact-

1       ment of this Act, the Secretaries shall establish a  
2       joint Forest Service and Bureau of Land Manage-  
3       ment Trail completion team to work in coordination  
4       with the administrator of the Trail to facilitate the  
5       completion and optimization of the Trail, pursuant  
6       to the purposes of section 3(a)(2) of the National  
7       Trails System Act (16 U.S.C. 1242(a)(2)), con-  
8       sistent with the nature and purposes of the Trail.

9               (2) DUTIES OF THE TEAM.—The Team shall—

10               (A) carry out land and right-of-way acqui-  
11               sitions, easement acquisitions, relocations, and  
12               Trail construction activities, consistent with any  
13               optimal location reviews, giving priority to land  
14               that—

15                       (i) eliminates gaps between segments  
16                       of the Trail;

17                       (ii) may be acquired for the Trail by  
18                       the Secretary or the Secretary of the Inte-  
19                       rior by—

20                               (I) purchase from a willing seller;

21                               (II) donation;

22                               (III) exchange;

23                               (IV) cooperative agreement; or

24                               (V) easement agreement;

1 (iii) is best suited for inclusion in the  
2 Trail corridor in accordance with the pur-  
3 poses, policy, and provisions of the Na-  
4 tional Trails System Act (16 U.S.C. 1241  
5 et seq.);

6 (iv) if appropriate and supported by  
7 local affected stakeholders, has been identi-  
8 fied as a segment of the Trail on Federal  
9 land that should be relocated to provide for  
10 maximum outdoor recreation potential and  
11 the conservation and enjoyment of the na-  
12 tionally significant scenic, historic, natural,  
13 or cultural qualities of the areas through  
14 which the Trail passes;

15 (v) mitigates land use conflicts;

16 (vi) would support the development of  
17 rural communities through use as a trail;  
18 and

19 (vii) minimizes the distance to connect  
20 compatible segments of the Trail;

21 (B) provide the necessary administrative  
22 and technical support to complete conveyances  
23 of the Trail corridor under subsection (a);

24 (C) as appropriate, consult with other Fed-  
25 eral agencies, Governors of the affected States,

affected Indian Tribes, local governments, affected land owners, land-grant mercedes, acequias, and applicable owners or users of a land grant-merced or acequia, the Continental Divide Trail Coalition, and other volunteer and nonprofit organizations that assist in the development, maintenance, and management of the Trail; and

(D) support the Secretary in the development of the comprehensive development plan for the Trail under subsection (c) and annual reports under subsection (f).

(c) COMPREHENSIVE DEVELOPMENT PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of establishment of the Team under subsection (b), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a comprehensive development plan for the Trail.

(2) RECOMMENDED INCLUSIONS.—The plan submitted under paragraph (1) should—

(A) identify any gaps in the Trail with respect to which the Secretaries have not been able to acquire land or interests in land by pur-

1 chase from a willing seller, donation, exchange,  
 2 cooperative agreement, or easement agreement;

3 (B) include a plan for closing the gaps  
 4 identified under paragraph (1) by acquiring  
 5 land or interests in land or entering into an  
 6 easement agreement; and

7 (C) include general and site-specific devel-  
 8 opment plans, including anticipated costs.

9 (d) METHOD OF ACQUISITION.—In carrying out this  
 10 section, the Secretaries—

11 (1) may acquire land or an interest in land only  
 12 by—

13 (A) purchase from a willing seller with do-  
 14 nated or appropriated funds;

15 (B) donation;

16 (C) exchange;

17 (D) cooperative agreement; or

18 (E) easement agreement; and

19 (2) may not acquire land or an interest in land  
 20 by eminent domain.

21 (e) MAINTAINING EXISTING PARTNERSHIPS.—In  
 22 carrying out this section, the Secretaries shall continue to  
 23 maintain and develop working relationships with volunteer  
 24 and nonprofit organizations that assist in the develop-  
 25 ment, maintenance, and management of the Trail.

1       (f) REPORTS.—Not later than September 30, 2024,  
2 and not later than the end of each fiscal year thereafter  
3 until the date on which the comprehensive development  
4 plan for the Trail is determined by the Secretary to be  
5 fully implemented, the Secretary shall submit to the Com-  
6 mittee on Energy and Natural Resources of the Senate  
7 and the Committee on Natural Resources of the House  
8 of Representatives a report that includes the following:

9           (1) A description of the progress of the Secre-  
10       taries in acquiring land or interests in land to com-  
11       plete the Trail consistent with this Act.

12          (2) The quantity of land or interests in land ac-  
13       quired during the fiscal year and the amount ex-  
14       pended for the land or interests in land.

15          (3) The quantity of land or interests in land  
16       planned for acquisition in the subsequent fiscal year  
17       and the estimated cost of the land or interests in  
18       land.

19          (4) The estimated quantity of land or interests  
20       in land remaining to be acquired after taking into  
21       account the acquisitions under paragraphs (2) and  
22       (3).

23          (5) The existing number of miles of the Trail  
24       on Federal land that need to be relocated to provide  
25       for—

- 1 (A) maximum outdoor recreation potential;  
2 and  
3 (B) conservation and enjoyment of the na-  
4 tionally significant scenic, historic, natural, or  
5 cultural qualities of the areas through which  
6 the Trail passes.

