

## 117TH CONGRESS 1ST SESSION H.R. 5118

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

## IN THE HOUSE OF REPRESENTATIVES

August 27, 2021

Mr. Neguse (for himself and Ms. Leger Fernandez) introduced the following bill; which was referred to the Committee on Natural Resources

## A BILL

To direct the Secretary of Agriculture 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. CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL.
- 7 (a) Completion of Trail.—Not later than Novem-
- 8 ber 10, 2028, the Secretary shall substantially complete
- 9 the land acquisition program necessary to ensure the com-
- 10 pletion of the Continental Divide National Scenic Trail,

- 1 consistent with sections 3(a)(2) and 5(a)(5) of the Na-
- 2 tional Trails System Act (16 U.S.C. 1242(a)(2) and 16
- 3 U.S.C. 1244(a)(5)). The Secretaries of Agriculture and
- 4 the Interior shall take necessary actions to achieve this
- 5 goal, including the following steps, listed in order of pri-
- 6 ority:
- 7 (1) Complete the Continental Divide National 8 Scenic Trail by acquiring land as necessary to elimi-9 nate gaps between sections of the Trail and secure
- 10 corridors compatible with the nature and purposes of
- the Trail.
- 12 (2) Optimize the Trail by relocating existing
- portions of the Trail on Federal land as necessary
- to maximize conservation and enjoyment of the na-
- tionally significant scenic, historic, natural, and cul-
- tural qualities of the Trail corridor.
- 17 (3) Publish maps of the completed trail cor-
- 18 ridor.
- 19 (b) LAND ACQUISITION TEAM.—
- 20 (1) In General.—In carrying out subsection
- 21 (a), not later than 1 year after the date of the enact-
- 22 ment of this section, the Secretary, in coordination
- with the Secretary of the Interior, shall establish a
- joint Forest Service and Bureau of Land Manage-
- 25 ment land acquisition team to work in coordination

1	with the Trail Administrator to facilitate the comple-
2	tion and optimization of the Trail, pursuant to the
3	purposes of section 3(a)(2) of the National Trails
4	System Act (16 U.S.C. 1242(a)(2)).
5	(2) Duties of the team.—The Team shall
6	carry out the following:
7	(A) Conduct Optimal Location Reviews to
8	identify land that—
9	(i) eliminates gaps between sections of
10	the Trail;
11	(ii) may be acquired by the Secretary
12	or the Secretary of the Interior by pur-
13	chase from a willing seller, donation, or ex-
14	change; and
15	(iii) is best suited for inclusion in the
16	Trail in accordance with the purposes and
17	policy of the National Trails System Act
18	(16 U.S.C. 1241 et seq.).
19	(B) Provide the necessary administrative
20	support to complete conveyances of land identi-
21	fied under subparagraph (A).
22	(C) Consistent with the priorities described
23	in subsection (a), conduct Optimal Location Re-
24	views to identify—

1	(i) portions of the Trail on Federal
2	land that should be relocated to maximize
3	the conservation and enjoyment of the na-
4	tionally significant scenic, historic, natural,
5	or cultural qualities of the Trail corridor;
6	and
7	(ii) where to relocate such portions of
8	the Trail.
9	(D) Provide the necessary administrative
10	support to relocate portions of the Trail identi-
11	fied under subparagraph (C).
12	(c) Acquisition Plan.—Not later than 3 years after
13	the date of the enactment of this Act, the Secretary shall,
14	after consultation with the Secretary of the Interior, Gov-
15	ernors of the affected States, Indian Tribes, and the Con-
16	tinental Divide Trail Coalition, submit to the Committee
17	on Natural Resources of the House of Representatives and
18	the Committee on Energy and Natural Resources of the
19	Senate a comprehensive acquisition or protection plan.
20	This plan should identify any incomplete segments or gaps
21	where the respective agencies have not been able to acquire
22	access, right-of-ways, easements, or acquisitions to date
23	from willing sellers, donations, or exchanges, and a plan
24	for all lands to be acquired by fee title or lesser interest,
25	along with detailed explanation of anticipated necessary

- 1 cooperative agreements for any lands not to be acquired;
- 2 and general and site-specific development plans, including
- 3 anticipated costs.
- 4 (d) Method of Acquisition.—In carrying out this
- 5 section, the Team—
- 6 (1) may acquire land only by purchase from a
- 7 willing seller with donated or appropriated funds,
- 8 donation, or exchange; and
- 9 (2) may not acquire land by eminent domain.
- 10 (e) Maintaining Existing Partnerships.—In
- 11 carrying out this section, the Secretary and the Team shall
- 12 continue to maintain and develop working partnerships
- 13 with volunteer and nonprofit organizations that assist in
- 14 the development, maintenance, and management of the
- 15 Trail.
- 16 (f) Reports.—
- 17 (1) Secretary.—Not later than 1 year after
- the creation of the Team, and at the close of each
- 19 fiscal year until the acquisition program is com-
- 20 pleted, the Secretary shall transmit, in writing, the
- 21 following information to the Committee on Natural
- Resources of the House of Representatives and the
- Committee on Energy and Natural Resources of the
- 24 Senate:

1	(A) The amount of land acquired during
2	the fiscal year and the amount expended for
3	such land.
4	(B) The amount of land planned for acqui-
5	sition in the ensuing fiscal year and the esti-
6	mated cost of such land.
7	(C) The estimated amount of land remain-
8	ing to be acquired.
9	(2) Continental divide trail coalition.—
10	Not later than 1 year after the creation of the
11	Team, and until the entire acquisition program is
12	completed, the Continental Divide Trail Coalition
13	shall transmit a report at the close of each fiscal
14	year to the Committee of Natural Resources of the
15	House of Representatives and the Committee on En-
16	ergy and Natural Resources of the Senate, which
17	shall include the following:
18	(A) The progress of the Secretary in mak-
19	ing the necessary acquisitions to complete and
20	optimize the Trail.
21	(B) The manner in which negotiations for
22	the acquisition program are being conducted for
23	every section of the Trail.

1	(C) Whether in any case larger interests in
2	land are being acquired than are necessary to
3	carry out the purposes of this Act.
4	(g) Definitions.—In this section:
5	(1) OPTIMAL LOCATION REVIEW.—The term
6	"Optimal Location Review" means the procedures
7	described in the Continental Divide National Scenic
8	Trail Optimal Location Review Guide, dated Novem-
9	ber 2017.
10	(2) Secretary.—The term "Secretary" means
11	the Secretary of Agriculture, acting through the
12	Chief of the Forest Service.
13	(3) TEAM.—The term "Team" means the land
14	acquisition team established under subsection (b).
15	(4) Trail.—The term "Trail" means the Con-
16	tinental Divide National Scenic Trail established by
17	section 5 of the National Trails System Act (16
18	U.S.C. 1244).

 $\bigcirc$