

Union Calendar No. 326

117TH CONGRESS
2^D SESSION

H. R. 5118

[Report No. 117–419]

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

JULY 18, 2022

Additional sponsors: Ms. STANSBURY and Mr. BEYER

JULY 18, 2022

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on August 27, 2021]

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.—*

8 *(1) IN GENERAL.—Not later than November 10,*
 9 *2028, the Secretary and the Secretary of the Interior*
 10 *shall, to the maximum extent practicable, ensure the*
 11 *completion of the Continental Divide National Scenic*
 12 *Trail as a contiguous route, consistent with the fol-*
 13 *lowing provisions of the National Trails System Act:*

14 *(A) Section 3(a)(2) (16 U.S.C. 1242(a)(2)).*

15 *(B) Section 5(a)(5) (16 U.S.C. 1244(a)(5)).*

16 *(C) Section 7 (16 U.S.C. 1246).*

17 *(2) PRIORITY OF ACTIONS.—The Secretary and*
 18 *the Secretary of the Interior shall, to the maximum*
 19 *extent practicable, take necessary actions to achieve*
 20 *this goal, including the following steps, listed in order*
 21 *of priority:*

22 *(A) Complete the Continental Divide Na-*
 23 *tional Scenic Trail by acquiring land or an in-*
 24 *terest in land, or by encouraging States or local*
 25 *governments to enter into cooperative agreements*

1 *to acquire interests in land, to eliminate gaps be-*
2 *tween sections of the Trail while maintaining the*
3 *nature and purposes of the Trail.*

4 *(B) Optimize the Trail by relocating incom-*
5 *patible existing portions of the Trail on Federal*
6 *land as necessary to provide for maximum out-*
7 *door recreation potential and for the conserva-*
8 *tion and enjoyment of the nationally significant*
9 *scenic, historic, natural, or cultural qualities of*
10 *the areas through which the Trail passes, con-*
11 *sistent with the Trail's nature and purposes.*

12 *(C) Publish maps of the completed Trail*
13 *corridor.*

14 *(b) TRAIL COMPLETION TEAM.—*

15 *(1) IN GENERAL.—In carrying out subsection*
16 *(a), not later than 1 year after the date of the enact-*
17 *ment of this section, the Secretary, in coordination*
18 *with the Secretary of the Interior, shall establish a*
19 *joint Forest Service and Bureau of Land Management*
20 *trail completion team to work in coordination with*
21 *the Trail Administrator to facilitate the completion*
22 *and optimization of the Trail, pursuant to the pur-*
23 *poses of section 3(a)(2) of the National Trails System*
24 *Act (16 U.S.C. 1242(a)(2)) and the Trail's nature*
25 *and purposes.*

1 (2) *DUTIES OF THE TEAM.*—*The Team shall:*

2 (A) *Implement land and right-of-way ac-*
3 *quisitions, relocations, and trail construction*
4 *consistent with any Optimal Location Review*
5 *for the trail, giving priority to land that—*

6 (i) *eliminates gaps between segments of*
7 *the Trail;*

8 (ii) *may be acquired by the Secretary*
9 *or the Secretary of the Interior by purchase*
10 *from a willing seller, donation, exchange, or*
11 *by cooperative agreement;*

12 (iii) *is best suited for inclusion in the*
13 *Trail corridor in accordance with the pur-*
14 *poses, policies, and provisions of the Na-*
15 *tional Trails System Act (16 U.S.C. 1241 et*
16 *seq.); and*

17 (iv) *has been identified as a segment of*
18 *the Trail on Federal land that should be re-*
19 *located to provide for maximum outdoor*
20 *recreation potential and the conservation*
21 *and enjoyment of the nationally significant*
22 *scenic, historic, natural, or cultural quali-*
23 *ties of the areas through which the Trail*
24 *passes.*

1 (B) *Provide the necessary administrative*
 2 *and technical support to complete the Trail cor-*
 3 *ridor under subsection (a).*

4 (C) *As appropriate, consult with other Fed-*
 5 *eral agencies, Governors of affected States, In-*
 6 *dian Tribes, Land Grants-Mercedes, Acequias,*
 7 *relevant landowners or land users of an acequia*
 8 *or land grant-merced, the Continental Divide*
 9 *Trail Coalition, and other volunteer and non-*
 10 *profit organizations that assist in, or whose*
 11 *members may be affected by, the development,*
 12 *maintenance, and management of the Trail.*

13 (D) *Support the Secretary in the develop-*
 14 *ment of the acquisition and development plan*
 15 *under subsection (c) and annual reports under*
 16 *subsection (f).*

17 (c) *COMPREHENSIVE ACQUISITION AND DEVELOPMENT*

18 *PLAN.—*

19 (1) *IN GENERAL.—Not later than 2 years after*
 20 *the establishment of the Team under subsection (b),*
 21 *the Secretary shall submit to the Committee on Nat-*
 22 *ural Resources of the House of Representatives and*
 23 *the Committee on Energy and Natural Resources of*
 24 *the Senate a comprehensive acquisition and develop-*
 25 *ment plan for the Trail.*

1 (2) *CONTENTS OF PLAN.*—*The comprehensive ac-*
 2 *quisition and development plan should—*

3 (A) *identify any gaps in the Trail where*
 4 *the Secretary and the Secretary of the Interior*
 5 *have not been able to acquire land or interests in*
 6 *land by purchase from a willing seller, by dona-*
 7 *tion, by exchange, or by cooperative agreement;*

8 (B) *include a plan for closing such gaps by*
 9 *acquiring lands or interests in land; and*

10 (C) *include general and site-specific devel-*
 11 *opment plans, including anticipated costs.*

12 (d) *METHOD OF ACQUISITION.*—*In carrying out this*
 13 *section, the Secretary and the Secretary of the Interior—*

14 (1) *may acquire land only by purchase from a*
 15 *willing seller with donated or appropriated funds, by*
 16 *donation, or by exchange; and*

17 (2) *may not acquire land by eminent domain.*

18 (e) *MAINTAINING EXISTING PARTNERSHIPS.*—*In car-*
 19 *rying out this section, the Secretary, the Secretary of the*
 20 *Interior, and the Team shall continue to maintain and de-*
 21 *velop working relationships with volunteer and nonprofit*
 22 *organizations that assist in the development, maintenance,*
 23 *and management of the Trail.*

24 (f) *REPORTS.*—*Not later than September 30, 2024,*
 25 *and at the close of each fiscal year until the acquisition*

1 *and development plan is fully implemented, the Secretary*
 2 *shall report on the following, in writing, to the Committee*
 3 *on Natural Resources of the House of Representatives and*
 4 *the Committee on Energy and Natural Resources of the Sen-*
 5 *ate:*

6 (1) *The progress in acquiring land or interests*
 7 *in land to complete the Trail consistent with this Act.*

8 (2) *The amount of land or interests in land ac-*
 9 *quired during the fiscal year and the amount ex-*
 10 *pende for such land or interests in land.*

11 (3) *The amount of land or interests in land*
 12 *planned for acquisition in the ensuing fiscal year and*
 13 *the estimated cost of such land or interests in land.*

14 (4) *The estimated amount of land or interests in*
 15 *land remaining to be acquired.*

16 (5) *The amount of existing Trail miles on Fed-*
 17 *eral lands that need to be relocated to provide for*
 18 *maximum outdoor recreation potential and for con-*
 19 *servation and enjoyment of the nationally significant*
 20 *scenic, historic, natural, or cultural qualities of the*
 21 *areas through which the Trail passes.*

22 (g) *DEFINITIONS.—In this section:*

23 (1) *ACEQUIA.—The term “acequia” has the*
 24 *meaning of the term “community ditch” as such term*

1 *is defined under section 73-2-27 of the New Mexico*
 2 *Statutes.*

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

8 (3) *OPTIMAL LOCATION REVIEW.*—*The term “Op-*
 9 *timal Location Review” means the procedures de-*
 10 *scribed in the Continental Divide National Scenic*
 11 *Trail Optimal Location Review Guide, dated Novem-*
 12 *ber 2017.*

13 (4) *SECRETARY.*—*The term “Secretary” means*
 14 *the Secretary of Agriculture, acting through the Chief*
 15 *of the Forest Service.*

16 (5) *TEAM.*—*The term “Team” means the trail*
 17 *completion team established under subsection (b).*

18 (6) *TRAIL.*—*The term “Trail” means the Conti-*
 19 *ental Divide National Scenic Trail established by*
 20 *section 5 of the National Trails System Act (16*
 21 *U.S.C. 1244).*

Amend the title so as to read: “A bill to direct 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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