

118TH CONGRESS
1ST SESSION

S. 594

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.

IN THE SENATE OF THE UNITED STATES

MARCH 1, 2023

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

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,

1 affected Indian Tribes, local governments, af-
 2 fected land owners, land-grant mercedes,
 3 acequias, and applicable owners or users of a
 4 land grant-merced or acequia, the Continental
 5 Divide Trail Coalition, and other volunteer and
 6 nonprofit organizations that assist in the devel-
 7 opment, maintenance, and management of the
 8 Trail; and

9 (D) support the Secretary in the develop-
 10 ment of the comprehensive development plan
 11 for the Trail under subsection (c) and annual
 12 reports under subsection (f).

13 (c) COMPREHENSIVE DEVELOPMENT PLAN.—

14 (1) IN GENERAL.—Not later than 2 years after
 15 the date of establishment of the Team under sub-
 16 section (b), the Secretary shall submit to the Com-
 17 mittee on Energy and Natural Resources of the Sen-
 18 ate and the Committee on Natural Resources of the
 19 House of Representatives a comprehensive develop-
 20 ment plan for the Trail.

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

23 (A) identify any gaps in the Trail with re-
 24 spect to which the Secretaries have not been
 25 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.

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