

**Calendar No. 391**118<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 594****[Report No. 118–175]**

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**

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

MAY 16, 2024

Reported by Mr. MANCHIN, with an amendment

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

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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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Continental Divide  
3 Trail Completion Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **ACEQUIA.**—The term “acequia” has the  
7 meaning given the term “community ditch” in New  
8 Mexico Stat. ~~73-2-27~~.

9 (2) **LAND GRANT-MERCED.**—The term “land  
10 grant-merced” means a community land grant  
11 issued under the laws or customs of the Government  
12 of Spain or Mexico that is recognized under chapter  
13 49 of New Mexico Stat. (or a successor statute).

14 (3) **OPTIMAL LOCATION REVIEW.**—The term  
15 “optimal location review” means a review conducted  
16 in accordance with the process described in the  
17 guide entitled “Continental Divide National Scenic  
18 Trail Optimal Location Review Guide” and dated  
19 November 2017.

20 (4) **SECRETARIES.**—The term “Secretaries”  
21 means each of the Secretary and the Secretary of  
22 the Interior.

23 (5) **SECRETARY.**—The term “Secretary” means  
24 the Secretary of Agriculture, acting through the  
25 Chief of the Forest Service.

1           (6) TEAM.—The term “Team” means the joint  
2 Forest Service and Bureau of Land Management  
3 Trail completion team established under section  
4 3(b).

5           (7) TRAIL.—The term “Trail” means the Con-  
6 tinentaI Divide National Scenic Trail established by  
7 section 5(a)(5) of the National Trails System Act  
8 (16 U.S.C. 1244(a)(5)).

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

10 (a) COMPLETION OF TRAIL.—

11           (1) IN GENERAL.—Not later than November  
12 10, 2028, the Secretaries shall, to the maximum ex-  
13 tent practicable, ensure the completion of the Trail  
14 as a contiguous route, consistent with sections  
15 3(a)(2), 5(a)(5), and 7 of the National Trails Sys-  
16 tem Act (16 U.S.C. 1242(a)(2), 1244(a)(5), 1246).

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

22           (A) Complete the Trail by acquiring land  
23 or an interest in land, entering into easement  
24 agreements, or encouraging a State or local  
25 government to enter into a cooperative agree-

1           ment to acquire any interest in land; that is  
2           necessary—

3                   (i) to eliminate gaps between sections  
4                   of the Trail; and

5                   (ii) to maintain the nature and pur-  
6                   poses of the Trail.

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

13                   (i) maximum outdoor recreation po-  
14                   tential;

15                   (ii) the conservation and enjoyment of  
16                   the nationally significant scenic, historic,  
17                   natural, or cultural qualities of the areas  
18                   through which the Trail passes;

19                   (iii) continuity in land ownership, if  
20                   desired by the owner of the affected land;  
21                   and

22                   (iv) segments of the Trail that are  
23                   comparable in length to the segments of  
24                   the Trail being relocated.

1           (C) Publish maps of the completed corridor  
2           of the Trail.

3       (b) TRAIL COMPLETION TEAM.—

4           (1) IN GENERAL.—In carrying out subsection  
5           (a), not later than 1 year after the date of enact-  
6           ment of this Act, the Secretaries shall establish a  
7           joint Forest Service and Bureau of Land Manage-  
8           ment Trail completion team to work in coordination  
9           with the administrator of the Trail to facilitate the  
10          completion and optimization of the Trail, pursuant  
11          to the purposes of section 3(a)(2) of the National  
12          Trails System Act (16 U.S.C. 1242(a)(2)), con-  
13          sistent with the nature and purposes of the Trail.

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

15                (A) carry out land and right-of-way acqui-  
16                sitions, easement acquisitions, relocations, and  
17                Trail construction activities, consistent with any  
18                optimal location reviews, giving priority to land  
19                that—

20                       (i) eliminates gaps between segments  
21                       of the Trail;

22                       (ii) may be acquired for the Trail by  
23                       the Secretary or the Secretary of the Inte-  
24                       rior by—

25                                (I) purchase from a willing seller;

- 1 (II) donation;
- 2 (III) exchange;
- 3 ~~(IV) cooperative agreement; or~~
- 4 ~~(V) easement agreement;~~

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

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

19 (v) mitigates land use conflicts;

20 (vi) would support the development of  
21 rural communities through use as a trail;  
22 and

23 (vii) minimizes the distance to connect  
24 compatible segments of the Trail;

1           (B) provide the necessary administrative  
2           and technical support to complete conveyances  
3           of the Trail corridor under subsection (a);

4           (C) as appropriate, consult with other Fed-  
5           eral agencies, Governors of the affected States,  
6           affected Indian Tribes, local governments, af-  
7           fected land owners, land-grant mercedes,  
8           acequias, and applicable owners or users of a  
9           land grant-merced or acequia, the Continental  
10          Divide Trail Coalition, and other volunteer and  
11          nonprofit organizations that assist in the devel-  
12          opment, maintenance, and management of the  
13          Trail; and

14          (D) support the Secretary in the develop-  
15          ment of the comprehensive development plan  
16          for the Trail under subsection (e) and annual  
17          reports under subsection (f).

18          (c) COMPREHENSIVE DEVELOPMENT PLAN.—

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

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

3           ~~(A) identify any gaps in the Trail with re-~~  
4 ~~spect to which the Secretaries have not been~~  
5 ~~able to acquire land or interests in land by pur-~~  
6 ~~chase from a willing seller, donation, exchange,~~  
7 ~~cooperative agreement, or easement agreement;~~

8           ~~(B) include a plan for closing the gaps~~  
9 ~~identified under paragraph ~~(1)~~ by acquiring~~  
10 ~~land or interests in land or entering into an~~  
11 ~~easement agreement; and~~

12           ~~(C) include general and site-specific devel-~~  
13 ~~opment plans, including anticipated costs.~~

14       ~~(d) METHOD OF ACQUISITION.—~~In carrying out this  
15 section, the Secretaries—

16           ~~(1) may acquire land or an interest in land only~~  
17 ~~by—~~

18           ~~(A) purchase from a willing seller with do-~~  
19 ~~nated or appropriated funds;~~

20           ~~(B) donation;~~

21           ~~(C) exchange;~~

22           ~~(D) cooperative agreement; or~~

23           ~~(E) easement agreement; and~~

24           ~~(2) may not acquire land or an interest in land~~  
25 ~~by eminent domain.~~



1       (e) MAINTAINING EXISTING PARTNERSHIPS.—In  
2 carrying out this section, the Secretaries shall continue to  
3 maintain and develop working relationships with volunteer  
4 and nonprofit organizations that assist in the develop-  
5 ment, maintenance, and management of the Trail.

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

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

17           (2) The quantity of land or interests in land ac-  
18 quired during the fiscal year and the amount ex-  
19 pended for the land or interests in land.

20           (3) The quantity of land or interests in land  
21 planned for acquisition in the subsequent fiscal year  
22 and the estimated cost of the land or interests in  
23 land.

24           (4) The estimated quantity of land or interests  
25 in land remaining to be acquired after taking into

1 account the acquisitions under paragraphs (2) and  
2 (3).

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

6 (A) maximum outdoor recreation potential;  
7 and

8 (B) conservation and enjoyment of the na-  
9 tionally significant scenic, historic, natural, or  
10 cultural qualities of the areas through which  
11 the Trail passes.

12 **SECTION 1. SHORT TITLE.**

13 *This Act may be cited as the “Continental Divide Na-*  
14 *tional Scenic Trail Completion Act”.*

15 **SEC. 2. DEFINITIONS.**

16 *In this Act:*

17 (1) *SECRETARY.*—*The term “Secretary” means*  
18 *the Secretary of Agriculture.*

19 (2) *TRAIL.*—*The term “Trail” means the Conti-*  
20 *ental Divide National Scenic Trail.*

21 (3) *TRAIL COMPLETION TEAM.*—*The term “Trail*  
22 *Completion Team” means the joint Forest Service-Bu-*  
23 *reau of Land Management Trail completion team es-*  
24 *tablished under section 4(a).*

1 **SEC. 3. COMPLETION OF CONTINENTAL DIVIDE NATIONAL**  
2 **SCENIC TRAIL.**

3 *Subject to the availability of appropriations, the Sec-*  
4 *retary and the Secretary of the Interior shall seek to com-*  
5 *plete the Trail as a continuous route not later than the 50th*  
6 *anniversary of the date of designation of the Trail as a na-*  
7 *tional scenic trail.*

8 **SEC. 4. TRAIL COMPLETION TEAM.**

9 *(a) IN GENERAL.—Not later than 1 year after the date*  
10 *of enactment of this Act, the Secretary and the Secretary*  
11 *of the Interior shall establish a joint Forest Service-Bureau*  
12 *of Land Management Trail completion team to work in co-*  
13 *ordination with the administrator of the Trail—*

14 *(1) to facilitate the completion and optimization*  
15 *of the Trail, consistent with the purposes of the Trail;*  
16 *and*

17 *(2) to assist in the development of the com-*  
18 *prehensive development plan for the Trail under sec-*  
19 *tion 5.*

20 *(b) CONSULTATION.—As appropriate, the Trail Com-*  
21 *pletion Team shall consult with other Federal agencies, af-*  
22 *ected State, Tribal, and local governments, landowners, af-*  
23 *ected land-grant mercedes owners and users, acequias, and*  
24 *other interested parties in—*

25 *(1) the completion and optimization of the Trail;*  
26 *and*

1           (2) *the development and completion of the com-*  
2           *prehensive development plan for the Trail under sec-*  
3           *tion 5.*

4 **SEC. 5. COMPREHENSIVE DEVELOPMENT PLAN FOR THE**  
5                   **CONTINENTAL DIVIDE NATIONAL SCENIC**  
6                   **TRAIL.**

7           (a) *IN GENERAL.*—*Not later than 3 years after the*  
8           *date of establishment of the Trail Completion Team under*  
9           *section 4(a), the Secretary shall complete a comprehensive*  
10          *development plan for the Trail.*

11          (b) *PLAN INCLUSIONS.*—*The comprehensive develop-*  
12          *ment plan under subsection (a) shall—*

13                 (1) *identify any gaps in the Trail for which the*  
14                 *Secretary and the Secretary of the Interior have not*  
15                 *been able to acquire land;*

16                 (2) *identify opportunities for the use of ease-*  
17                 *ments acquired from willing sellers to facilitate com-*  
18                 *pletion of the Trail; and*

19                 (3) *include general and site-specific Trail devel-*  
20                 *opment plans, including anticipated costs of the*  
21                 *plans.*

22 **SEC. 6. PARTNERSHIPS.**

23           *The Secretary and the Secretary of the Interior shall*  
24          *seek to enter into agreements with volunteer and nonprofit*

1 *organizations, as appropriate, to facilitate the completion*  
2 *and administration of the Trail.*

3 **SEC. 7. EFFECT.**

4 *Nothing in this Act—*

5 *(1) provides any authority to acquire land or in-*  
6 *terests in land for inclusion in the Trail beyond the*  
7 *authorities provided for the Trail in the National*  
8 *Trails System Act (16 U.S.C. 1241 et seq.), including*  
9 *acquisition by eminent domain; or*

10 *(2) makes the acquisition of land or interests in*  
11 *land for the Trail a priority over other land acquisi-*  
12 *tion authorizations.*

Calendar No. 391

118<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 594**

[Report No. 118-175]

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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.

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MAY 16, 2024

Reported with an amendment