

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
11 the Trail.

12 (2) Optimize the Trail by relocating existing
13 portions of the Trail on Federal land as necessary
14 to maximize conservation and enjoyment of the na-
15 tionally significant scenic, historic, natural, and cul-
16 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
23 with the Secretary of the Interior, shall establish a
24 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
18 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
22 Resources of the House of Representatives and the
23 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).

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