

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5118
OFFERED BY MR. NEGUSE OF COLORADO**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

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

4 SEC. 2. CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL.

5 (a) COMPLETION OF TRAIL.—

6 (1) IN GENERAL.—Not later than November
7 10, 2028, the Secretary and the Secretary of the In-
8 terior shall, to the maximum extent practicable, en-
9 sure the completion of the Continental Divide Na-
10 tional Scenic Trail as a contiguous route, consistent
11 with the following provisions of the National Trails
12 System Act:

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

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

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

1 (2) PRIORITY OF ACTIONS.—The Secretary and
2 the Secretary of the Interior shall, to the maximum
3 extent practicable, take necessary actions to achieve
4 this goal, including the following steps, listed in
5 order of priority:

6 (A) Complete the Continental Divide Na-
7 tional Scenic Trail by acquiring land or an in-
8 terest in land, or by encouraging States or local
9 governments to enter into cooperative agree-
10 ments to acquire interests in land, to eliminate
11 gaps between sections of the Trail while main-
12 taining the nature and purposes of the Trail.

13 (B) Optimize the Trail by relocating in-
14 compatible existing portions of the Trail on
15 Federal land as necessary to provide for max-
16 imum outdoor recreation potential and for the
17 conservation and enjoyment of the nationally
18 significant scenic, historic, natural, or cultural
19 qualities of the areas through which the Trail
20 passes, consistent with the Trail's nature and
21 purposes.

22 (C) Publish maps of the completed Trail
23 corridor.

24 (b) TRAIL COMPLETION TEAM.—

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

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

13 (A) Implement land and right-of-way ac-
14 quisitions, relocations, and trail construction
15 consistent with any Optimal Location Review
16 for the trail, giving priority to land that—

17 (i) eliminates gaps between segments
18 of the Trail;

19 (ii) may be acquired by the Secretary
20 or the Secretary of the Interior by pur-
21 chase from a willing seller, donation, ex-
22 change, or by cooperative agreement;

23 (iii) is best suited for inclusion in the
24 Trail corridor in accordance with the pur-
25 poses, policies, and provisions of the Na-

1 tional Trails System Act (16 U.S.C. 1241
2 et seq.); and

3 (iv) has been identified as a segment
4 of the Trail on Federal land that should be
5 relocated to provide for maximum outdoor
6 recreation potential and the conservation
7 and enjoyment of the nationally significant
8 scenic, historic, natural, or cultural quali-
9 ties of the areas through which the Trail
10 passes.

11 (B) Provide the necessary administrative
12 and technical support to complete the Trail cor-
13 ridor under subsection (a).

14 (C) As appropriate, consult with other
15 Federal agencies, Governors of affected States,
16 Indian Tribes, Land Grants-Mercedes,
17 Acequias, relevant landowners or land users of
18 an acequia or land grant-merced, the Conti-
19 nental Divide Trail Coalition, and other volun-
20 teer and nonprofit organizations that assist in,
21 or whose members may be affected by, the de-
22 velopment, maintenance, and management of
23 the Trail.

24 (D) Support the Secretary in the develop-
25 ment of the acquisition and development plan

1 under subsection (c) and annual reports under
2 subsection (f).

3 (c) COMPREHENSIVE ACQUISITION AND DEVELOP-
4 MENT PLAN.—

5 (1) IN GENERAL.—Not later than 2 years after
6 the establishment of the Team under subsection (b),
7 the Secretary shall submit to the Committee on Nat-
8 ural Resources of the House of Representatives and
9 the Committee on Energy and Natural Resources of
10 the Senate a comprehensive acquisition and develop-
11 ment plan for the Trail.

12 (2) CONTENTS OF PLAN.—The comprehensive
13 acquisition and development plan should—

14 (A) identify any gaps in the Trail where
15 the Secretary and the Secretary of the Interior
16 have not been able to acquire land or interests
17 in land by purchase from a willing seller, by do-
18 nation, by exchange, or by cooperative agree-
19 ment;

20 (B) include a plan for closing such gaps by
21 acquiring lands or interests in land; and

22 (C) include general and site-specific devel-
23 opment plans, including anticipated costs.

24 (d) METHOD OF ACQUISITION.—In carrying out this
25 section, the Secretary and the Secretary of the Interior—

1 (1) may acquire land only by purchase from a
2 willing seller with donated or appropriated funds, by
3 donation, or by exchange; and

4 (2) may not acquire land by eminent domain.

5 (e) MAINTAINING EXISTING PARTNERSHIPS.—In
6 carrying out this section, the Secretary, the Secretary of
7 the Interior, and the Team shall continue to maintain and
8 develop working relationships with volunteer and nonprofit
9 organizations that assist in the development, maintenance,
10 and management of the Trail.

11 (f) REPORTS.—Not later than September 30, 2024,
12 and at the close of each fiscal year until the acquisition
13 and development plan is fully implemented, the Secretary
14 shall report on the following, in writing, to the Committee
15 on Natural Resources of the House of Representatives and
16 the Committee on Energy and Natural Resources of the
17 Senate:

18 (1) The progress in acquiring land or interests
19 in land to complete the Trail consistent with this
20 Act.

21 (2) The amount of land or interests in land ac-
22 quired during the fiscal year and the amount ex-
23 pended for such land or interests in land.

24 (3) The amount of land or interests in land
25 planned for acquisition in the ensuing fiscal year

1 and the estimated cost of such land or interests in
2 land.

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

5 (5) The amount of existing Trail miles on Fed-
6 eral lands that need to be relocated to provide for
7 maximum outdoor recreation potential and for con-
8 servation and enjoyment of the nationally significant
9 scenic, historic, natural, or cultural qualities of the
10 areas through which the Trail passes.

11 (g) DEFINITIONS.—In this section:

12 (1) ACEQUIA.—The term “acequia” has the
13 meaning of the term “community ditch” as such
14 term is defined under section 73-2-27 of the New
15 Mexico Statutes.

16 (2) LAND GRANT-MERCED.—The term “land
17 grant-merced” means a community land grant
18 issued under the laws or customs of the Government
19 of Spain or Mexico that is recognized under chapter
20 49 of the New Mexico Statutes (or a successor stat-
21 ute).

22 (3) OPTIMAL LOCATION REVIEW.—The term
23 “Optimal Location Review” means the procedures
24 described in the Continental Divide National Scenic

1 Trail Optimal Location Review Guide, dated Novem-
2 ber 2017.

3 (4) SECRETARY.—The term “Secretary” means
4 the Secretary of Agriculture, acting through the
5 Chief of the Forest Service.

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

8 (6) TRAIL.—The term “Trail” means the Con-
9 tinental Divide National Scenic Trail established by
10 section 5 of the National Trails System Act (16
11 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”.

