



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

To: House Committee on Natural Resources Republican Members
From: House Committee on Natural Resources Republican Staff
Date: Tuesday, March 12, 2024
Subject: Markup of 12 bills

The Committee on Natural Resources will hold a markup on **Tuesday, March 12, 2024, at 10:30 a.m.** in room 1324 Longworth House Office Building. The bills to be considered include H.R. 1657 (Rep. Stauber); H.R. 2468 (Rep. Owens); H.R. 4389 (Rep. Salazar); H.R. 4524 (Rep. Newhouse); H.R. 5443 (Rep. Lee of NV); H.R. 5582 (Rep. Barr); H.R. 5665 (Rep. Stansbury); H.R. 6235 (Rep. Bonamici); H.R. 6342 (Rep. Kiggans); H.R. 6368 (Rep. LaMalfa); H.R. 6862 (Rep. Lamborn); and H.R. 7072 (Rep. Tiffany).

Member offices are requested to notify Madeline Kelley (madeline.kelley@mail.house.gov) by 4:30 p.m. on Monday, March 12, 2024, to confirm their Member's attendance at the mark-up.

I. KEY MESSAGES & TOPLINE ACTIONS

- Bills expected to move by regular order: H.R. 6862 (Rep. Lamborn), To amend the FAST Act to include certain mineral production activities as a covered project, and for other purposes.
- Please note that H.R. 6862 will have an amendment in the nature of a substitute (ANS). Members should ensure that amendments are drafted to the ANS.
- Bills expected to move by unanimous consent: H.R. 1657 (Rep. Stauber), "*Lake Winnibigoshish Land Exchange Act of 2023*"; H.R. 2468 (Rep. Owens), "*Mountain View Corridor Completion Act*"; H.R. 4389 (Rep. Salazar), "*Migratory Birds of the Americas Conservation Enhancements Act of 2023*"; H.R. 4524 (Rep. Newhouse), "*Parity for Tribal Law Enforcement Act*"; H.R. 5443 (Rep. Lee of NV), "*Accelerating Appraisals and Conservation Efforts Act*" or the "*AACE Act*"; H.R. 5582 (Rep. Barr), "*White Oak Resilience Act*"; H.R. 5665 (Rep. Stansbury), "*Promoting Accessibility on Federal Lands Act of 2023*"; H.R. 6235 (Rep. Bonamici), "*Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2023*"; H.R. 6342 (Rep. Kiggans), "*Military and Veterans in Parks Act*" or the "*MVP Act*"; H.R. 6368 (Rep. LaMalfa), "*Indian Buffalo Management Act*"; and H.R. 7072 (Rep. Tiffany), "*Wabeno Economic Development Act of 2024*".

II. EXPECTED LEGISLATION

H.R. 1657 (Rep. Stauber) “*Lake Winnibigoshish Land Exchange Act of 2023*”

Small businesses, including many family-run operations, provide invaluable outdoor recreation experiences on and near federal land. In Minnesota’s Chippewa National Forest, Bowen Lodge (the Lodge), a fishing and hunting resort, has served guests at Lake Winnibigoshish since 1982. The Lodge has a 20-year permit from the U.S. Forest Service (USFS) to operate and maintain a marina along the lakeshore. It seeks to acquire approximately 13.8 acres of federal land adjacent to its existing property. The adjacent parcel contains approximately 1,640 feet of shoreline and would provide permanent access to the lake. By authorizing a land exchange between the Lodge and USFS, H.R. 1657 would guarantee the Lodge’s continued use of the marina and provide needed predictability for the business’s employees and guests. In exchange for the federal land, the Lodge would convey to the USFS approximately 38 acres of land on Lake Winnibigoshish for inclusion in the Chippewa National Forest. H.R. 1657 establishes an equal-value exchange between the parcels and allows for any cash equalization payments between the parties that may be necessary.

Exchanging these parcels would create a win-win scenario: the Lodge would gain permanent access to Lake Winnibigoshish, and USFS would undo the unwieldy checkerboard pattern of land ownership it currently has to manage. This bill represents a continuation of the Committee’s work to “right size” the federal estate by allowing for greater access and reducing checkerboard land ownership. H.R. 1657 is a bipartisan bill led by Representative Pete Stauber (R-MN) and co-sponsored by Representatives Brad Finstad (R-MN), Michelle Fischbach (R-MN), Joe Neguse (D-CO), and Jared Huffman (D-CA).

The ANS offered by Representative Stauber makes minor technical changes that reflect feedback provided by the USFS, including an updated map. The ANS also includes additional standard stipulations for this type of exchange, including protections for existing rights and a requirement for the Lodge to pay closing costs associated with the exchange.

Hearing information, including testimony, may be viewed [here](#), and the hearing memo may be viewed [here](#).

Staff contact: Aniela Butler (Aniela@mail.house.gov) and Brandon Miller (Brandon.Miller@mail.house.gov)

H.R. 2468 (Rep. Owens), “*Mountain View Corridor Completion Act*”

The Mountain View Corridor (MVC) is a major road improvement project in Utah designed to address the transportation challenges that face growing communities in Salt Lake and Utah Counties in the state of Utah.¹ Since 2003, the Utah Department of Transportation (UDOT) and Utah Transit Authority (UTA) have been involved in designing and constructing this project, which includes “freeway, transit-way, and trails” and will feature a new 35-mile, four-lane

¹ Utah Department of Transportation, “Mountain View Corridor,” <https://mountainview.udot.utah.gov/history/>.

highway.² The MVC would improve road safety and reduce the traffic congestion that has accompanied the significant residential growth in the area.³ A portion of the MVC is planned to pass through Camp Williams, a Utah National Guard training site located south of Salt Lake City.⁴ Although significant portions of the MVC have already been completed, the MVC's final segment is being held up from following its preferred alignment due to challenges associated with 36 acres within Camp Williams, which is owned by the Bureau of Land Management (BLM).⁵ BLM does not actively manage this land, which is undeveloped and contains only sagebrush and other high-desert vegetation.⁶ Without a clear title or a right-of-way agreement, however, UDOT cannot build the last portion of the MVC through Camp Williams.⁷

H.R. 2468, which is sponsored by Representative Burgess Owens (R-UT) and co-sponsored by Representative John Curtis (R-UT), would require the BLM to convey to the State of Utah the acreage within Camp Williams that is necessary to complete the MVC. An ANS to this legislation, offered by Chairman Bruce Westerman (R-AR), advances several changes that reflect BLM feedback and would facilitate the conveyance. Per BLM's suggestion, the ANS would increase the total acreage to be conveyed out of the federal estate from 36 acres to 201 acres. This would allow the transfer to follow existing section lines and eliminate the need for costly and time-consuming surveys. Additionally, the ANS would require the UDOT to pay fair market value for the transfer and allow BLM 30 additional days to complete the conveyance. Finally, the ANS would make minor adjustments to BLM's reversionary interest in the transferred parcels.

Hearing information, including testimony, may be viewed [here](#), and the hearing memo may be viewed [here](#).

Staff contact: Aniela Butler (Aniela@mail.house.gov) and Taylor Wiseman (Taylor.Wiseman@mail.house.gov)

H.R. 4389 (Rep. Salazar), “*Migratory Birds of the Americas Conservation Enhancements Act of 2023*”

H.R. 4389 reauthorizes the Neotropical Migratory Bird Conservation Act, which expired at the end of Fiscal Year (FY) 2023 through FY 2028. The Neotropical Bird Conservation Act was passed by Congress in 2000.⁸ Grants made available by the program are authorized to conserve habitat for 386 different species of migratory birds that spend winter months in Latin America or the Caribbean and summer months in North America.⁹ By law, 75 percent of the funds made available under the act must fund projects in Latin America, the Caribbean, or Canada.¹⁰

² *Id.*

³ Information provided by Utah Department of Transportation.

⁴ Utah National Guard, “Camp W. G. Williams,” <https://ut.ng.mil/ABOUT/Units/Utah-Training-Center-Camp-Williams/>.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ U.S. Fish and Wildlife Service, Fiscal Year 2024 Budget Justifications. [fy2024-fws-greenbook.pdf-508.pdf](#).

⁹ *Id.*

¹⁰ *Id.*

According to the USFWS FY 2024 budget justification, the Neotropical Bird Conservation Program has awarded 685 grants totaling \$84 million taxpayer dollars since the program was first authorized.¹¹

As introduced, the bill would increase the authorized funding level for the program incrementally each fiscal year and make changes to the underlying Act by increasing the federal cost share and allowing for more administrative costs at the U.S. Fish and Wildlife Service. An amendment is expected to maintain the current authorization of appropriations level of \$6.5 million and to remove the increase in administrative expenses.

Hearing information, including testimony, may be viewed [here](#), and the hearing memo may be viewed [here](#).

Staff contact: Doug Levine (Doug.Levine@mail.house.gov) and Annick Miller (Annick.Miller@mail.house.gov)

H.R. 4524 (Rep. Newhouse), “Parity for Tribal Law Enforcement Act”

H.R. 4524 would authorize tribal officers operating under a contract or compact authorized by the Indian Self-Determination Education and Assistance Act (ISDEAA) to be considered federal law enforcement officers. This would allow them to enforce federal law without requiring Special Law Enforcement Commission (SLEC) agreements. To be eligible for this, tribal law enforcement officers would also have to meet certain qualifications and requirements that are comparable to what federal and Bureau of Indian Affairs (BIA) law enforcement officers meet.

Additionally, the bill would also treat tribal law enforcement officers acting under an ISDEAA contract or compact as federal law enforcement officers for the purposes of certain other federal laws. This includes benefits applicable to federal law enforcement officers for injury and death, retirement, and pension benefits. Under current law, tribal law enforcement officers are not eligible for these benefits, while BIA law enforcement officers are. H.R. 4524 would ensure parity across all law enforcement officers carrying out duties in Indian country.

Hearing information, including testimony, may be viewed [here](#), and the hearing memo may be viewed [here](#).

Staff contact: Ken Degenfelder (Ken.Degenfelder@mail.house.gov) and Jocelyn Broman (Jocelyn.Broman@mail.house.gov)

H.R. 5443 (Rep. Lee of Nevada), “Accelerating Appraisals and Conservation Efforts Act”

The Department of the Interior (DOI) manages more than 480 million acres of federal lands and 700 million acres of subsurface minerals.¹² DOI conducts many land-related transactions—

¹¹ *Id.*

¹² Congressional Research Service, “U.S. Department of the Interior: An Overview” Mark K. DeSantis, January 31, 2019,

including acquisitions, disposals, and exchanges of federal land—that are either mandated by law or proposed administratively in order to address various land management challenges, such as checkerboarded land ownership patterns. These transactions must be appraised by qualified appraisers in accordance with applicable standards found in the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice to determine fair market value.¹³ A nationwide appraiser shortage and rising demand for land-related transactions on millions of acres of land, however, have created an appraisal backlog that threatens DOI’s ability to fulfill its appraisal responsibility in a timely and reasonable manner.¹⁴ This, in turn, prevents DOI from quickly disposing of land to open up new economic development or recreational opportunities for local communities.

H.R. 5443, the “Accelerating Appraisals and Conservation Efforts Act,” streamlines DOI’s appraisal contracting authority by allowing non-federal appraisers who are appropriately credentialed in one state or territory to perform appraisal and valuation services on DOI’s behalf in any state or territory. DOI already regularly relies on non-federal appraisers to meet the demand for appraisal activities, but these appraisers are required to be licensed or certified in each state in which they are contracted by DOI. In contrast, since 1992, federal appraisers have been allowed to perform appraisal duties for the federal government only if they are licensed or certified in one state or territory.¹⁵ By standardizing the treatment of federal and non-federal appraisers, the bill gives DOI flexibility in circumstances when no assignment-qualified or cost-competitive local appraisers are available. This will reduce red tape and allow land to be managed more effectively and efficiently without compromising the standards by which fair market valuations are made. This bipartisan bill is co-led by Rep. Joyce (R-OH). At markup, Representative Lee (D-NV) will offer an amendment making minor technical changes.

Hearing information, including testimony, may be viewed [here](#), and the hearing memo may be viewed [here](#).

Staff Contact: Aniela Butler (Aniela@mail.house.gov) and Colen Morrow (Colen.Morrow@mail.house.gov)

[H.R. 5582](#) (Rep. Barr), “*White Oak Resilience Act*”

White oak is a preeminent hardwood with significant habitat, economic, and cultural value, and it is uniquely found across more than 104 million acres in the eastern part of the United States.¹⁶

<https://crsreports.congress.gov/product/pdf/R/R45480/2#:~:text=As%20part%20of%20its%20responsibilities,of%20this%20vast%20federal%20estate.>

¹³ U.S. Department of the Interior, “AVSO Overview”,

<https://www.doi.gov/valuationservices/overview#:~:text=AVSO%20provides%20a%20variety%20of,consultations%20on%20property%20value%2C%20and.>

¹⁴ Appraisal Institute, “Department of the Interior Under Pressure to Speed up Appraisals”, December 18, 2023, <https://www.appraisalinstitute.org/advocacy/washington-report-and-state-news/washington-report-and-state-news-recent/2023-12-department-of-the-interior-under-pressure-to-speed-up-appraisals.>

¹⁵ Office of Management and Budget, Instructions for Preparing “Budget Baselines, Historical Data, and Alternatives for the Future”, https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/bulletins/1993-2000/b93-03.pdf.

¹⁶ White Oak Initiative, “Restoring Sustainability for White Oak and Upland Oak Communities: An Assessment and Conservation Plan”,

White oaks are considered a keystone species that play a critical role in supporting healthy forest ecosystems.¹⁷ Concerningly, experts believe the white oak population will drastically decline in the next 10 to 15 years without intervention to encourage white oak regeneration.¹⁸ Due to a lack of necessary forest management practices and shifts in forest environments, the species' seedlings and saplings are not growing at a sustainable rate. In the face of this looming shortage, the White Oak Initiative (WOI) was formed in November 2017 with a focus on achieving long-term sustainability for this preeminent American hardwood.¹⁹ In 2021, under the direction of the WOI steering committee, the American Forest Foundation and the University of Kentucky released a science-based report entitled *Restoring Sustainability for White Oak and Upland Oak Communities: An Assessment and Conservation Plan*.²⁰

Building on the recommendations of this report and the success of the WOI, Congressmen Barr (R-KY) and Bera (D-CA) introduced H.R. 5582, the "White Oak Resiliency Act." The bill would formalize the WOI, create pilot programs for white oak regeneration, and allow private funding to be utilized for white oak management and reforestation. The legislation also enables USFS to enter into memorandums of understanding with land-grant institutions, including Historically Black Colleges and Universities (HBCUs), to conduct research on white oak. Finally, this legislation addresses the tree nursery shortage and encourages the use of existing authorities that foster collaboration.

The ANS, offered by Chairman Westerman, makes minor modifications and technical changes that reflect feedback from USFS to improve collaboration for white oak restoration and strengthen the white oak research encouraged by the bill. In place of a philanthropic fund to be managed by the National Forest Foundation, this ANS authorizes the National Fish and Wildlife Foundation (NFWF) to accept private donations to carry out white oak restoration work.

Hearing information, including testimony, may be viewed [here](#), and the hearing memo may be viewed [here](#).

Staff contact: Aniela Butler (Aniela@mail.house.gov) and Brandon Miller (Brandon.Miller@mail.house.gov)

[H.R. 5665](#) (Rep. Stansbury), "*Promoting Accessibility on Federal Lands Act of 2023*"

Individuals with disabilities are often prevented from fully participating in outdoor activities due to the limited accessibility of many sites and facilities on federal lands.²¹ For individuals with disabilities, who disproportionately suffer from depression and mental distress, the health

<https://static1.squarespace.com/static/5cd1e6d5f9df7d00015ca6a4/t/625eadbba49a066a88e68e9d/1650372118921/White-Oak-Initiative-Assessment-Conservation-Plan.pdf>.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ White Oak Initiative, "Board of Directors", <https://www.whiteoakinitiative.org/board>.

²⁰ *Id.*

²¹ All In!: Accessibility in the National Park Service, 2015-2020, National Park Service, August, 29, 2014, https://www.nps.gov/aboutus/upload/All_In_Accessibility_in_the_NPS_2015-2020_FINAL.pdf.

benefits of outdoor recreation take on a heightened significance.²² Recognizing the need for change, federal agencies, including the USFS and DOI, expressed support for helping individuals with disabilities gain greater access to public lands.²³ Upholding this commitment requires coordinated and ongoing efforts. Public disclosure of comprehensive accessibility information is also crucial, as individuals with disabilities commonly cite the lack of readily available data as a formidable obstacle to their enjoyment of federal lands.²⁴

H.R. 5665, the “Promoting Accessibility on Federal Lands Act of 2023,” would require USFS and DOI to conduct comprehensive assessments of trails, campsites, boat docks, and outdoor recreation facilities on National Forest System lands and DOI-administered public lands, respectively. The assessments, which can include any pre-existing studies that evaluate the same facilities specified in H.R. 5665, will be used to determine the accessibility of those facilities for individuals with disabilities. To promote detailed disclosure, H.R. 5665 requires the USFS and DOI to make their completed assessments publicly available on the agencies’ official websites. H.R. 5665 is a bipartisan bill co-led by Representative Ciscomani (R-AZ). Identical provisions are included in the Military and Veterans in Parks (MVP) Act, introduced by Representative Kiggans (R-VA), and the Expanding Public Lands Outdoor Recreation Experiences (EXPLORE) Act, introduced by Chairman Westerman and passed by the committee unanimously this year. An amendment will be offered to ensure the language aligns with the provisions reported in the EXPLORE Act.

Hearing information, including testimony, may be viewed [here](#), and the hearing memo may be viewed [here](#).

Staff contacts: Aniela Butler (Aniela@mail.house.gov) and Brandon Miller (Brandon.Miller@mail.housg.gov).

H.R. 6235 (Rep. Bonamici), “Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2023”

H.R. 6235 amends the Harmful Algal Bloom and Hypoxia Research and Control Act by extending the authorization of the National Harmful Algal Bloom & Hypoxia Program and the associated comprehensive research plan and action strategy. Additionally, the bill directs the establishment of a national harmful algal bloom observation network and a national incubator

²² Incidence, risk, and associated factors of depression in adults with physical and sensory disabilities: A nationwide population-based study, National Institute of Health, Szu-Ching Shen, *et al.*, March 31, 2017, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5376337/>. The Mental Health of People with Disabilities, Centers for Disease Control and Prevention, November 30, 2020, <https://www.cdc.gov/ncbddd/disabilityandhealth/features/mental-health-for-all.html>.

²³ Access for all, U.S. Forest Service, <https://www.fs.usda.gov/managing-land/national-forests-grasslands/access-for-all>. Public Lands Accessibility, U.S. Department of the Interior, Office of Diversity, Inclusion and Civil Rights, <https://www.doi.gov/pmb/eo/public-lands-accessibility>.

²⁴ Accessibility And The Great Outdoors: In Congressional Hearings, Disability Advocates Call Attention To ‘Barriers’ In National Parks, Forbes, Allison Norlian, May 5, 2021, <https://www.forbes.com/sites/allisonnorlian/2021/05/05/accessibility-and-the-great-outdoors-in-congressional-hearings-disability-advocates-call-attention-to-barriers-in-national-parks/?sh=6c2d710651db>.

program for control strategies and technologies, and it increases the avenues of assistance NOAA can give to affected communities during an event of significance.

H.R. 6235 would reauthorize these programs at \$34.6 million per fiscal year from FY 2024 through FY 2028. In November, the House Committee on Science, Space, and Technology passed H.R. 6093, the “Weather Act Reauthorization Act of 2023,” which was amended to include language similar to H.R. 6235.

Hearing information, including testimony, may be viewed [here](#), and the hearing memo may be viewed [here](#).

Staff contact: Kirby Struhar (Kirby.Struhar@mail.house.gov) and Annick Miller (Annick.Miller@mail.house.gov)

H.R. 6342 (Rep. Kiggans), “Military and Veterans in Parks Act” or the “MVP Act”

While we can never fully repay our veterans for their sacrifice and service to this country, we can continue to find ways to honor their bravery and improve their transition back to civilian life. Estimates suggest that 50 percent of post-9/11 veterans experience some combination of combat-related emotional, psychological, or physical injuries, and as many as 66 percent have diagnosable mental health issues.²⁵ Numerous studies have shown that outdoor recreation, particularly on our public lands, can be very helpful and healing to veterans’ rehabilitation.²⁶ Public lands play a critical role in ensuring affordable access to outdoor recreation opportunities for military service members, veterans, and Gold Star Families. Under the Veterans in Parks (VIP) Act, veterans and Gold Star Families recently received lifetime America the Beautiful Passes to access all national parks and public lands free of charge.²⁷ Despite the importance of our public lands to veterans and military service members, federal land managers often lack a cohesive national strategy that prioritizes outdoor programs for veterans.

The MVP Act seeks to improve access and opportunities for military service members, veterans, and Gold Star Families to enjoy outdoor recreation on federal lands. Several provisions of the bill focus on improving access for wounded warriors, in particular, by improving access to accessible recreation opportunities, providing new information, inventorying accessible trails, and making adaptive equipment readily available. The bill would also create a comprehensive strategy among federal land managers to promote military and veterans recreation visits, establish dedicated liaisons at the agencies to coordinate veterans recreation programming, encourage greater partnerships with non-profit organizations supporting veterans recreation, and create new career and volunteer opportunities for veterans. Identical provisions are included in the EXPLORE Act, introduced by Chairman Westerman, which passed out of the committee

²⁵ Havlick, et al., “Therapeutic landscapes, outdoor programs for veterans, and public lands,” *Social Science & Medicine* 268 (2021) 113540.

²⁶ National Environmental Education Foundation, “Five Studies That Show How Spending Time In Nature Helps Veterans”, Sarah Hubbard, November 1, 2022, <https://www.neefusa.org/story/health-and-environment/five-studies-show-how-spending-time-nature-helps-veterans>. Forge Health, Hiking Can Help Veterans Heal and Find Peace, n.d., <https://forgehealth.com/hiking-can-help-veterans-heal-and-find-peace/>.

²⁷ Section 641, P.L. 117-81.

unanimously earlier this year. An amendment will be offered to ensure the language aligns with the provisions reported in the EXPLORE Act.

Hearing information, including testimony, may be viewed [here](#), and the hearing memo may be viewed [here](#).

Staff contact: Aniela Butler (Aniela@mail.house.gov)

H.R. 6368 (Rep. LaMalfa), “Indian Buffalo Management Act”

H.R. 6368 would authorize the Department of the Interior (DOI) to establish a permanent program to promote and develop the capacity of Indian tribes and tribal organizations to manage buffalo and buffalo habitat. DOI could use contracts, cooperative agreements, and grants to help Indian tribes and tribal organizations achieve this goal. American Indians and Alaska Natives have a deep cultural and spiritual relationship with buffalo that dates back thousands of years, during which Indian tribes used the buffalo for subsistence purposes, incorporating it into their diets and livelihoods. By the end of the 19th century, buffalo were near extinction, and conservation efforts were enacted to restore buffalo numbers.

H.R. 6368 would also authorize the DOI to enter into agreements with Indian tribes or tribal organizations to dispose of surplus buffalo on federal land and transfer them to Indian land.

Hearing information, including testimony, may be viewed [here](#), and the hearing memo may be viewed [here](#).

Staff contact: Ken Degenfelder (Ken.Degenfelder@mail.house.gov) and Jocelyn Broman (Jocelyn.Broman@mail.house.gov)

H.R. 6862 (Rep. Lamborn), To amend the FAST Act to include certain mineral production activities as a covered project, and for other purposes.

H.R. 6862 would codify “mineral production” as a covered sector under Title 41 of the Fixing America’s Surface Transportation Act (FAST-41) and rescind the proposed rule, “Revising Scope of the Mining Sector of Projects That Are Eligible for Coverage Under Title 41 of the Fixing America’s Surface Transportation Act,” published by the Biden administration on September 22, 2023.²⁸

FAST-41 established the Federal Permitting Improvement Steering Council (Permitting Council) to streamline environmental reviews for large-scale infrastructure projects.²⁹ The Permitting Council is charged with facilitating the multi-agency permitting process for certain projects within “covered” sectors.

Under the Trump administration, the Permitting Council voted to expand the list of covered projects under FAST-41 to include “mining,” ensuring that all hardrock mining projects are

²⁸ 88 FR 65350.

²⁹ 42 U.S.C. § 4370m et seq.

eligible for the project streamlining benefits of FAST-41.³⁰ The Biden administration’s recently proposed rule would narrow the scope of eligible mining projects to those involving the mining, beneficiation, processing, and recycling of only critical minerals, as defined in section 7002 of the Energy Act of 2020³¹ and listed by the U.S. Geological Survey (USGS) on the current Final List of Critical Minerals.³²

The Biden administration’s proposal to limit FAST-41 projects to only critical mineral projects would create unnecessary delays for important domestic mining projects that could benefit from the permitting streamlining benefits of the FAST-41 process under current regulations. For example, USGS does not list copper as a critical mineral, yet copper is essential for many aspects of modern life, including building construction, electrical and electronic products, as well as transportation and industrial equipment.³³ As the Energy Act of 2020 requires USGS to update the critical minerals list every three years and the permitting process for mining in the U.S. currently takes up to ten years, eligibility for certain mineral projects could be constantly changing during the permitting process, creating uncertainty for the sector.³⁴ H.R. 6862 would ensure that all hardrock mineral projects would be eligible for the streamlining benefits of the FAST-41 process going forward.

Similar language to this bill was included in H.R. 1, the Lower Energy Costs Act, which was passed in the House of Representatives on March 30, 2023, by a bipartisan vote of 225–204.³⁵

Hearing information, including testimony, may be viewed [here](#), and the hearing memo may be viewed [here](#).

Staff contact: Ashley McManus (Ashley.McManus@mail.house.gov)

[H.R. 7072](#) (Rep. Tiffany), “*Wabeno Economic Development Act of 2024*”

Located in the Town of Wabeno, a small historic logging community in Forest County, Wisconsin, Tony’s Wabeno Redi-Mix, LLC, is a robust and promising business that is nevertheless struggling to expand. The company’s difficulties are primarily attributable to the lack of available private lands nearby, as nearly half of Forest County, or roughly 350,000 acres, is federally owned as part of the Chequamegon-Nicolet National Forest.³⁶ At their current pace, Tony’s Wabeno Redi-Mix, LLC will run out of the aggregates necessary to continue its

³⁰ 86 FR 1281.

³¹ Public Law 116–260, 134 Stat. 1182, 2562 (Dec. 27, 2020), codified at 30 U.S.C. 1606.

³² 88 FR 65350.

³³ U.S. Geological Survey. Mineral Commodity Summaries 2023. Copper, page 62.

<https://pubs.usgs.gov/periodicals/mcs2023/mcs2023.pdf>

³⁴ Minerals Make Life. NEPA Reform: Four Decades in the Making. <https://mineralsmakelife.org/blog/nepa-reform-four-decades-in-the-making/>

³⁵ H.R. 1, the Lower Energy Costs Act. Rep. Steve Scalise. <https://www.congress.gov/bill/118th-congress/house-bill/1>.

³⁶ Forest County Forestry and Recreation Department, “Chequamegon-Nicolet National Forest,” <https://forestcountyiwi.com/education-and-resources#>.

operations in the next two to three years.³⁷ Aggregates are raw materials, such as stone, sand, and gravel, that are used to create building materials like cement and asphalt.

To address this supply challenge, the company spent seven years working with USFS to convey a 14-acre parcel located in the Chequamegon-Nicolet National Forest. The parcel is directly adjacent to the company's current location and has sand and gravel resources sufficient to keep the company's operations running for years to come.³⁸ After years of continuous USFS delays, Representative Tom Tiffany (R-WI) introduced H.R. 7072, which would require USFS to convey the identified land to Tony's Wabeno Redi-Mix, LLC, for fair market value. H.R. 7072 also includes a provision recognizing the nationwide need for increased sand, stone, and gravel mining. H.R. 7072 would require DOI to conduct a comprehensive review of the permitting process for stone, sand, and gravel on federal lands. As part of this review, DOI would be required to report on current delays and inefficiencies in the permitting process, as well as the economic effects of those delays on the sand, stone, and gravel industry. An amendment may be offered to make minor technical changes.

Hearing information, including testimony, may be viewed [here](#), and the hearing memo may be viewed [here](#).

Staff contact: Aniela Butler (Aniela@mail.house.gov) and Brandon Miller (Brandon.Miller@mail.house.gov)

III. CBO SCORES

None available.

IV. EFFECT ON CURRENT LAW (RAMSEYER)

[H.R. 4389](#)

[H.R. 4524](#)

[H.R. 5582](#)

[H.R. 6235](#)

[H.R. 6342](#)

[H.R. 6862](#)

³⁷ *Id.*

³⁸ *Id.*