



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, February 6, 2024
Subject: Markup of 4 bills

The Committee on Natural Resources will hold a markup on **Tuesday, February 6, 2024, at 2:00 p.m.** in room 1324 Longworth House Office Building. The bills to be considered include H.R. 2925 (Rep. Amodei), H.R. 1829 (Rep. Crane), H.R. 4984 (Rep. Comer), and H.R. 4297 (Rep. Neguse).

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

I. KEY MESSAGES & TOP LINE ACTIONS

- Bills expected to move by regular order: H.R. 2925 (Amodei), “*Mining Regulatory Clarity Act of 2023*”.
- Please note that H.R. 2925 will have an amendment in the nature of a substitute (ANS). Members should ensure that amendments are drafted to the ANS. H.R. 4984 is expected to move by unanimous consent with an amendment in the nature of a substitute.
- Bills expected to move by unanimous consent: H.R. 1829 (Rep. Crane), To require the Secretary of Agriculture to convey the Pleasant Valley Ranger District Administrative Site to Gila County, Arizona; H.R. 4984 (Rep. Comer), “*D.C. Robert F. Kennedy Memorial Stadium Campus Revitalization Act*”; and H.R. 4297 (Rep. Neguse), “*Bolts Ditch Act*”.

II. EXPECTED LEGISLATION

H.R. 2925 (Rep. Amodei), “*Mining Regulatory Clarity Act of 2023*”

H.R. 2925, a bipartisan bill sponsored by Rep. Amodei (R-NV) and Rep. Peltola (D-AK), would codify and clarify longstanding precedent regarding mining permitting on federal lands in response to a recent decision from the United States Court of Appeals for the Ninth Circuit, often referred to as the “Rosemont decision.” In May of 2022, the United States Court of Appeals for the Ninth Circuit affirmed a lower court decision revoking an approved mine plan for the Rosemont Copper Mine Project, located partially in the Coronado National Forest in Pima

County, Arizona.¹ The Center for Biological Diversity and other environmental groups’ challenge to the Rosemont mine plan specifically concerned whether the Forest Service could approve the disposal of overburden (waste rock) without first determining the validity of the mining claim that would be used.

The Ninth Circuit’s decision in this case limits the ability of the U.S. Forest Service to approve mining support facilities necessary for mining operations. The Rosemont decision requires that U.S. Forest Service approvals of ancillary facilities on mining claims be contingent on such claims being “valid.”² This new requirement ignores longstanding precedent and specific U.S. Forest Service regulations that allow approvals of operations “on or off a mining claim,” so long as these operations meet environmental and regulatory standards.³ Essentially, this decision requires discovery and determination of a valid mineral deposit, meaning operators must prove the existence of a commercially developable deposit on a claim before a plan of operations that includes usage of the surface of that mining claim (such as for waste rock placements, mills, offices, roads, or transmission lines) can be approved.

The mineral-rich states of Alaska, Arizona, Nevada, Montana, and Idaho are located within the jurisdiction of the Ninth Circuit.⁴ The Rosemont decision upended 40 years of mining regulatory precedent and over a century of interpretation of the Mining Law of 1872.⁵ If allowed to stand, the Rosemont decision would impact hardrock mining projects across Western states.

An Amendment in the Nature of a Substitute (ANS) is expected for this bill. H.R. 2925 is expected to move by regular order.

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. 1829 (Rep. Crane), To require the Secretary of Agriculture to convey the Pleasant Valley Ranger District Administrative Site to Gila County, Arizona

H.R. 1829 requires the U.S. Forest Service (USFS) to convey 232 acres of land and the Pleasant Valley Ranger Administrative Site (Administrative Site) in the Tonto National Forest to Gila County, Arizona. The site consists of 17 buildings including a 6,000-square-foot administrative building, two residences, two barracks, a historic ranger house and barn, helipads, and a well and wastewater system.⁶ USFS originally planned to tear these buildings down, until Gila County approached the agency about remodeling the site to create a veterans retreat center that promotes outdoor recreation and nature-based therapy. This would be a welcome resource for this county,

¹ Center for Biological Diversity, 33 F.4th 1202 (9th Cir. 2022)

² *Id.*

³ 36 CFR Subpart A - Subpart A—Locatable Minerals. <https://www.law.cornell.edu/cfr/text/36/part-228/subpart-A>

⁴ United States Courts for the Ninth Circuit. Circuit Map. <https://www.ca9.uscourts.gov/information/circuit-map/>

⁵ Sess. 2, ch. 152, 17 Stat. 91–96.

⁶ Gila County, “Pleasant Valley Veterans Camp” https://republicans-naturalresources.house.gov/UploadedFiles/PV_Veterans_Camp_Background_Doc.pdf.

which has over 5,000 veterans as residents.⁷ Gila County already has a 20-year special use permit with USFS to begin building the veterans retreat center.⁸ This legislation would create more long-term certainty for Gila County and help speed up the development of the veterans retreat center. The ANS, offered by Chairman Westerman, makes minor technical changes to the reversionary clause and associated conveyance costs in response to technical assistance from USFS.

H.R. 1829 is expected to move by unanimous consent.

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

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

H.R. 4984 (Rep. Comer), “D.C. Robert F. Kennedy Memorial Stadium Campus Revitalization Act”

The Robert F. Kennedy (RFK) Memorial Stadium Campus encompasses approximately 142 acres of National Park Service (NPS) land located in the eastern part of the District of Columbia. RFK Stadium is owned by the City of Washington, D.C. (D.C.), which also has a lease from NPS to the land underneath and surrounding the stadium for sports and recreation use into 2038. The multipurpose stadium opened in 1961 and hosted multiple sports teams over the years. The stadium is now vacant, falling into disrepair, and set to be demolished.⁹ H.R. 4984 allows for a long-term solution and coordination between D.C. and the federal government for the future development and use of this site.

Since the Federal Lands Subcommittee held a hearing on this legislation in September 2023, the bipartisan co-leads of the legislation, Chairman Comer (R-KY) and Delegate Norton (D-DC), have worked with members of Congress and stakeholders to address various concerns within the legislation. An ANS reflecting the work of the bill’s co-leads is expected to be offered.

If passed as revised and amended, the bill would facilitate a transfer of administrative jurisdiction for the RFK campus under NPS’ 40 U.S.C. 8124 authority.¹⁰ Under this long-standing authority, NPS would retain title to the land and D.C. would become “merely the entity with custody and control over the underlying property.”¹¹ This authority has been used since the 1930s and past examples of its use include transfers of jurisdiction to accommodate growing libraries, roads, schools, and parks.¹² The bill allows for a transfer for a period of up to 99 years, which may be renewed. As with the original bill, the ANS ensures any development of the site will not adversely impact the land, including the restoration of wetlands; is at least 30 percent

⁷ U.S. Census Bureau, “QuickFacts Gila County, Arizona”

⁸ *Id.*

⁹ *Id.*

¹⁰ 40 USC 8124: Transfer of jurisdiction between Federal and District of Columbia authorities;

<https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title40-section8124&num=0&edition=prelim>.

¹¹ Transfers of Jurisdiction, Legislative Authorities, National Capital Planning Commission, accessed February 1, 2024, <https://www.ncpc.gov/about/authorities/>.

¹² § 10–111. Transfer of jurisdiction over property between United States and District of Columbia — Authorization, Code of the District of Columbia, <https://code.dccouncil.gov/us/dc/council/code/sections/10-111>.

parks and open space; will improve access to the Anacostia River and maintain access to the Anacostia River Trail; provide for necessary parking facilities and public safety measures; and will reduce noise and traffic on surrounding areas.

The ANS, which will be offered by Chairman Westerman, achieves the same outcome as the introduced text of H.R. 4984, with a slightly different mechanism and a few notable changes. First, under the ANS, the General Services Administration (GSA) is no longer involved in any transfer and is not responsible for any portion of the stadium site. The administrative jurisdictional transfer is solely from the NPS to D.C. Second, the ANS specifically states no federal funds may be used for stadium purposes including facilities, offices, and structures necessary to support a stadium. This is a new addition to the text, which was previously silent on this question. Finally, the ANS ensures that the federal government will bear no costs associated with either the transfer or continued operation of the site. These changes reflect feedback from Members of Congress, other House committees of jurisdiction, and NPS. The bill currently has 17 bipartisan co-sponsors and passed out of the Committee on Oversight and Accountability on September 20, 2023.

H.R. 4984 is expected to move by unanimous consent with an amendment in the nature of a substitute.

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

Staff contacts: Aniela Butler (Aniela@mail.house.gov) or Taylor Wiseman (Taylor.Wiseman@mail.house.gov)

H.R. 4297 (Rep. Neguse), “Bolts Ditch Act”

Bolts Ditch and the Bolts Ditch headgate are water facilities located near the town of Minturn, Colorado, that divert water into Bolts Lake.¹³ In 1980, Congress established the Holy Cross Wilderness in the White River and San Isabel National Forests and inadvertently failed to include Bolts Ditch among a list of existing water facilities excluded from the designation, meaning the structure could not be rebuilt or repaired for more than three decades.¹⁴ The inability to rehabilitate and rebuild the Bolts Ditch headgate stymied any development in the area, as any new development would require the expansion of Bolts Lake to provide a water supply for surrounding homes.¹⁵ In 2019, Congress passed the “John D. Dingell, Jr. Conservation, Management, and Recreation Act” (“Dingell Act”), which included a provision allowing the Town of Minturn to access the Bolts Ditch headgate for “the diversion of water and use, maintenance, and repair of such ditch and headgate.”¹⁶ H.R. 4297, the “Bolts Ditch Act,” amends the Dingell Act to allow the Eagle River Water and Sanitation District and the Upper Eagle

¹³ Vail Daily, “Federal Legislation authorizes repairs on Bolts Ditch above Minturn”, <https://www.vaildaily.com/news/federal-legislation-authorizes-repairs-on-bolts-ditch-above-minturn/>.

¹⁴ U.S. Forest Service, “Holy Cross Wilderness”, <https://www.fs.usda.gov/recarea/psicc/recarea/?recid=37210#:~:text=Holy%20Cross%20Wilderness%2C%20established%20in, and%20White%20River%20National%20Forests.>

¹⁵ *Id.*

¹⁶ Public Law No. 116-9, <https://www.congress.gov/bill/116th-congress/senate-bill/47/text>.

Regional Water Authority to also conduct maintenance and repairs on the ditch and headgate. This commonsense change will improve the efficiency and operation of the headgate and lead to greater economic opportunity for the community of Minturn. This bipartisan bill is co-led by Rep. Lamborn (R-CO).

H.R. 4297 is expected to move by unanimous consent.

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

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III. CBO SCORES

None available.

IV. EFFECT ON CURRENT LAW (RAMSEYER)

[H.R. 2925](#)

[H.R. 4297](#)