



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: Wednesday, November 15, 2023
Subject: Markup of 7 bills

The Committee on Natural Resources will hold a markup on **Wednesday, November 15, 2023, at 10:00 a.m.** in room 1324 Longworth House Office Building. The legislation to be considered includes: H.R. 524 (Rep. Rouzer); H.R. 2437 (Rep. Murphy); H.R. 2882 (Rep. Ciscomani); H.R. 4094 (Rep. Curtis); H.R. 6070 (Rep. Amodei); H.R. 1727 (Rep. Trone); and H.R. 5509 (Rep. Porter).

Member offices are requested to notify Madeline Kelley (madeline.kelley@mail.house.gov) by 4:30 p.m. on Tuesday, November 14, 2023, to confirm their Members' attendance at the markup.

I. KEY MESSAGES & TOP LINE ACTIONS

- Bills expected to move by regular order: H.R. 524 (Rep. Rouzer), To amend the Coastal Barrier Resources Act to create an exemption for certain shoreline borrow sites; and H.R. 2437 (Rep. Murphy), To revise the boundaries of a unit of the John H. Chafee Coastal Barrier Resources System in Topsail, North Carolina, and for other purposes.
- Bills expected to move by unanimous consent: H.R. 2882 (Rep. Ciscomani), "*Udall Foundation Reauthorization Act of 2023*"; H.R. 4094 (Rep. Curtis), "*Great Salt Lake Stewardship Act*"; H.R. 6070 (Rep. Amodei), To amend the Military Lands Withdrawal Act of 1999 to clarify the authority of Department of Defense to conduct certain military activities at the Nevada test and training range, and for other purposes; H.R. 1727 (Rep. Trone), "*Chesapeake and Ohio Canal National Historical Park Commission Extension Act*"; and H.R. 5509 (Rep. Porter), "*Electronic Permitting Modernization Act*".
- Committee Republicans are committed to moving legislation that increases access, conservation, innovation and transparency. The bills on the agenda today carry forward these priorities for the benefit of Americans and our environment.

II. EXPECTED LEGISLATION

H.R. 524 (Rep. Rouzer), To amend the Coastal Barrier Resources Act to create an exemption for certain shoreline borrow sites.

Enacted in 1982, the Coastal Barrier Resources Act (CBRA) established the John H. Chafee Coastal Barrier Resources System (System), which is made up of undeveloped coastal barriers and other areas of the eastern seaboard and the Gulf of Mexico.¹ Section 5 of the CBRA restricts the use of new federal funding that may encourage development on or around certain coastal barriers.²

H.R. 524 would amend CBRA to create an exemption allowing federal expenditures or financial assistance for projects that used a borrow source for dredging sand from the System for coastal storm risk management at least once prior to December 31, 2008.

H.R. 524 has two cosponsor, Rep. Nancy Mace (R-SC) and Rep. Chuck Fleischmann (R-TN). The bill will have an amendment in the nature of a substitute (ANS) that incorporates technical edits proposed by the U.S. Army Corps of Engineers.

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

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

H.R. 2437 (Rep. Murphy), To revise the boundaries of a unit of the John H. Chafee Coastal Barrier Resources System in Topsail, North Carolina, and for other purposes.

H.R. 2437 would require the Secretary of the Interior (Secretary) to remove infrastructure from the CBRA Unit L06 located in North Topsail Beach, North Carolina within 30 days of enactment of the legislation.

The original CBRA maps adopted in 1982, and amended in 1990, include sections of the town of North Topsail Beach, NC in the System's Unit L06, which the town has long disputed.³ According to the town, they meet the criteria set out by the CBRA that constitute these areas **not** being considered an undeveloped coastal barrier.

When areas were determined for CBRA designations in 1982, aerial pictures were used to assess areas that were under consideration. When the U.S. Fish and Wildlife Service (USFWS) utilized aerial photographs of the area that now encompasses Unit L06, they could not determine the

¹ [Pub. L. No. 97-348, §3, Oct. 18, 1982, 96 Stat. 1653.](#)

² *Id.*

³ "Evidence of a Full Complement of Infrastructure, as defined by the Coastal Barrier Resources Act of 2000, in North Topsail Beach, North Carolina." Topsail Island Shoreline Protection Commission. https://naturalresources.house.gov/uploadedfiles/evidence_of_a_full_complement_of_infrastructure_in_north_topsail_beach.pdf.

infrastructure that existed underground at the site. According to the town, “North Topsail Water and Sewer Corporation began constructing, operating, and maintaining water, sewer and street treatment in 1979. These infrastructure improvements were available to each of the lots in the January 15, 1982, zoning maps.”⁴ In addition to sewer systems, reinforced roads, electrical services, and water systems were in place within L06 by 1982.⁵

H.R. 2437 is cosponsored by Representative David Rouzer (R-NC).

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

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H.R. 2882 (Rep. Ciscomani), “*Udall Foundation Reauthorization Act of 2023*”

Congress passed the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation Act in 1992⁶ with the intention of awarding scholarships and selecting Native American Congressional interns. In 1998, Congress amended the 1992 Act to create the United States Institute for Environmental Conflict Resolution,⁷ and in 2009 the Act was reauthorized and amended to add an environmental conflict resolution center to the Foundation while adding former Secretary of the Interior Stewart Udall’s name to the Foundation.⁸ The most recent reauthorization occurred in 2019 with technical changes as well as the renaming of the United States Institute to the John S. McCain III National Center for Environmental Conflict Resolution.⁹

H.R. 2882 would reauthorize the Morris K. Udall and Stewart L. Udall Foundation (Udall Foundation) for five years, through 2028. Specifically, the bill extends three current authorizations of appropriations. The Udall Foundation’s trust fund authorization of appropriations would be extended through Calendar Year (CY) 2028 at \$2 million per year. The authorization of appropriations for the Udall Foundation’s Environmental Dispute Resolution Fund would be extended through CY 2028 at \$4 million per year. The authorization of appropriations for the Udall Foundation’s training of professionals in health care and public policy would be extended for five fiscal years (FY), starting in 2024, at \$12.3 million for five years. Appropriations for the Udall Foundation in FY 2022 were approximately \$5 million and in FY 2023 were approximately \$5.7 million. H.R. 2882 would not increase the three program authorizations above current levels.

⁴ *Id.*

⁵ *Id.*

⁶ 20 U.S.C. 5601 et seq.

⁷ P.L. 105-156.

⁸ P.L. 111-90.

⁹ P.L. 116-94.

An amendment in the nature of a substitute will be offered to ensure the Department of the Interior Inspector General will complete an audit of the Udall Foundation; and that interest income from the Trust Fund will be subject to appropriations.

Hearing information, including testimony may be viewed [here](#) and the hearing memo may be viewed [here](#). The bill has four bipartisan cosponsors: Rep. Melanie Stansbury (D-NM), Rep. Gabe Vasquez (D-NM), Rep. Tom Cole (R-OK), and Rep. Joe Neguse (D-CO).

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H.R. 4094 (Rep. Curtis), “Great Salt Lake Stewardship Act”

The Central Utah Project (CUP) was authorized in 1956 under the Colorado River Storage Project (CRSP) Act as a participating project of the Colorado River Storage Project.¹⁰ The CUP moves water from the Colorado River basin in eastern Utah to the western slopes of the Wasatch Mountain Range to meet the needs for irrigation, municipalities, businesses, generate hydroelectric power, fish and wildlife conservation, and recreation.¹¹

To facilitate planning and construction, the CUP is divided into six units: Bonneville, Jensen, Uintah, Upalco, Ute Indian and Vernal.¹² The Bonneville, Jensen, Upalco, and Vernal Units were authorized by the 1956 CRSP Act. The Uintah and Ute Indian Unit were authorized by the 1968 Colorado River Basin Project Act.¹³

Construction of the CUP was originally the responsibility of the Bureau of Reclamation, however in 1992 Congress passed the Central Utah Project Completion Act (CUPCA) which transferred responsibility for planning and construction activities to the Central Utah Water Conservancy District and placed responsibility for oversight of the CUP with the Assistant Secretary for Water and Science at the Department of the Interior through the creation of the CUPCA Office.¹⁴

H.R. 4094 amends CUPCA by expanding the geographic area covered by CUPCA’s water conservation program to include the entire Great Salt Lake drainage basin. The bill specifically states that this expansion shall be funded through current funding authorities.

H.R. 4094 is sponsored by the entire Utah delegation.

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

¹⁰ 43 USC 620.

¹¹ Department of the Interior, “About the Central Utah Project Completion Act Office”, <https://www.doi.gov/cupcao/about>.

¹² Central Utah Water Conservancy District, “Central Utah Project Completion Act (CUPCA)”, <https://cuwcd.gov/posts/20210804-cupca.html#gsc.tab=0>.

¹³ *Id.*

¹⁴ P.L. 102-575.

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H.R. 6070 (Rep. Amodei), To amend the Military Lands Withdrawal Act of 1999 to clarify the authority of Department of Defense to conduct certain military activities at the Nevada Test and Training Range, and for other purposes.

Covering 2.9 million acres of land and 12,000 square miles of airspace in southern Nevada, the Nevada Test and Training Range (NTTR) is the only facility in the U.S. capable of hosting full-scale battlefield simulations.¹⁵ NTTR's large expanse allows training and testing operations to be conducted under the most realistic conditions available. NTTR thus has supreme strategic value for the U.S. military, as affirmed by the presence of ever-changing national security threats, such as those posed by China.¹⁶ NTTR is currently used for training and combat testing by the Department of Defense (DOD), including the U.S. Air Force (Air Force), as well as for research and development by the Department of Energy.¹⁷

The Military Land Withdrawal Act of 1999 originally withdrew NTTR's lands from public use and reserved them for use by the Air Force.¹⁸ The southeastern section of NTTR, however, overlaps with significant portions of the Desert National Wildlife Refuge (Refuge), placing a vast territory under the co-administration of the Air Force and U.S. Fish and Wildlife Service (USFWS), an agency within the Department of the Interior (DOI).¹⁹ Concerningly, this arrangement has restricted the activities the Air Force can perform in the overlapping land and its associated airspace.²⁰ Recognizing this problem, the "William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021" required the Air Force and DOI to establish an interagency committee (IC) and an intergovernmental executive committee (IEC) to improve coordination and minimize conflict.²¹

H.R. 6070 enables improved management of NTTR and the Refuge by clarifying DOD's authority to conduct certain military activities within NTTR. Specifically, the legislation permits the Air Force to engage in emergency response, construct and use up to 15 small pads for radar emitters, and use and maintain existing roads to access those emitters.²² Notably, these changes do not otherwise weaken the USFWS's authority in the co-managed territory.²³ H.R. 6070 also strengthens the IC and IEC by clarifying their purposes and directing the assessments of

¹⁵ Beth E. Lachman, *et al.*, *The Nevada Test and Training Range (NTTR) and Proposed Wilderness Areas: Issues Affecting the NTTR's Land Withdrawal Renewal*, RAND Corporation, 2016, https://www.rand.org/pubs/research_reports/RR1105.html.

¹⁶ Nevada Test and Training Range, Nellis Air Force Base, November 2021, <https://www.nellis.af.mil/Units/NTTR/#:~:text=The%20Nevada%20Test%20and%20Training,support%20of%20U.S.%20national%20interests>.

¹⁷ *Id.*

¹⁸ Public Law No. 106-65, <https://www.govinfo.gov/content/pkg/PLAW-106publ65/pdf/PLAW-106publ65.pdf>.

¹⁹ Beth E. Lachman, *et al.*, *The Nevada Test and Training Range (NTTR) and Proposed Wilderness Areas: Issues Affecting the NTTR's Land Withdrawal Renewal*, RAND Corporation, 2016, https://www.rand.org/pubs/research_reports/RR1105.html.

²⁰ *Id.*

²¹ Public Law No. 116-283, <https://www.govinfo.gov/content/pkg/PLAW-116publ283/pdf/PLAW-116publ283.pdf>.

²² Information provided by U.S. Air Force Staff to Committee Staff. Notes on file with Committee.

²³ *Id.*

authorized military activities within joint operating areas.²⁴ This bipartisan bill is co-sponsored by Representatives Horsford (D-NV-04) and Lee (D-NV-03) and was previously adopted by the House earlier this year as an amendment to NDAA. At the markup, Chairman Westerman will offer an ANS that adds two provisions: (1) requiring the completion of a memorandum of understanding (MOU) between the USFWS and Air Force within one year of the bill's enactment and (2) requiring the Secretary of the Interior to submit a report to Congress on the status of a cooperative agreement between the Bureau of Land Management and the State of Nevada.

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

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H.R. 1727 (Rep. Trone), “*Chesapeake and Ohio Canal National Historical Park Commission Extension Act*”

H.R. 1727 reauthorizes the Chesapeake and Ohio Canal National Historical Park Commission (Commission) for seven years beyond the Commission's current expiration date of September 26, 2024.²⁵ The Chesapeake and Ohio Canal National Historic Park (C&O Canal) stretches over 184.5 miles from Georgetown in Washington, D.C. to Cumberland, Maryland. The Commission is comprised of nineteen members serving five years, each on a volunteer basis.²⁶ By engaging on issues such as visitor safety and engagement, as well as on other aspects of the strategic planning process, the Commission provides an important link between the National Park Service (NPS) and local communities. This bipartisan bill allows the Commission to continue its work advising NPS on matters affecting the C&O Canal to ensure it continues to be an economic driver and accessible recreation destination for communities across the region.²⁷ At the markup, an amendment will be offered lowering the reauthorization length from ten years to seven years to comply with floor protocols.

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#). The bill has six bipartisan cosponsors: Reps. Alex Mooney (R-WV), Jamie Raskin (D-MD), Jennifer Wexton (D-VA), Jerry Connolly (D-VA), Don Beyer (D-VA) and Delegate Eleanor Holmes Norton (D-DC).

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²⁴ Information provided by U.S. Air Force Staff to Committee Staff. Notes on file with Committee.

²⁵ 2022 Maryland State Archives, “Chesapeake & Ohio Canal National Historical Park Commission”, March 14, 2022, <https://msa.maryland.gov/msa/mdmanual/39fed/08comm/html/ches.html>.

²⁶ National Park Service, “Federal Advisory Commission”, <https://www.nps.gov/choh/learn/management/federal-advisory-commission.htm>.

²⁷ C&O Canal Trust, “Visitors to C&O National Historical Park Create \$161 Million Economic Benefit to Gateway Communities; Support 1,360 Jobs”, <https://www.canaltrust.org/2022/06/visitors-to-c-support-1360-jobs/>.

[H.R. 5509](#) (Rep. Porter), “*Electronic Permitting Modernization Act*”

H.R. 5509 requires the Secretary of the Interior to “design and deliver a centralized, modernized electronic permitting system to accept and process applications for permits, forms, and other paperwork required for activities regulated by the department.” This language is similar to that of President Biden’s Executive Order (E.O.) 14058, which directs the Secretary of the Interior to redesign the U.S. Fish and Wildlife Service (USFWS) website to support a centralized, modernized electronic permitting system to accept and process applications for permits. However, the USFWS already has an electronic permitting system, which launched in 2020 as mandated by the 21st Century Integrated Digital Experience Act (Public Law 115-336).²⁸

Many activities that take place within the Department of the Interior (DOI) require a permit. There is not a single definition of “permit” across DOI agencies. For example, the term is sometimes used to authorize a particular land use, such as by the Bureau of Land Management (BLM) in issuing permits for livestock grazing.²⁹ At other times the term is used more generally, as covering the authorizations for a variety of land uses. Other terms that could also be viewed as a “permit” include leases, special use authorizations, and rights-of-way.

H.R. 5509 is cosponsored by Reps. Doug LaMalfa (R-CA-01) and Byron Donalds (R-FL-19). There will be an ANS that clarifies that any electronic permitting system that requires review under the National Environmental Policy Act must be consistent with the priorities identified in the Fiscal Responsibility Act (P.L. 118-5).

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. 524](#)
[H.R. 1727](#)
[H.R. 6070](#)
[H.R. 4094](#)
[H.R. 2882](#)

²⁸ U.S. Fish and Wildlife Service, Press Release: “Service Launches New Electronic Permitting System to Streamline and Improve Permitting Process.” October 21, 2020. <https://www.fws.gov/press-release/2020-10/service-launches-new-electronic-permitting-system-streamline-and-improve> .

²⁹ U.S. Bureau of Land Management, Livestock Grazing on Public Lands. <https://www.blm.gov/programs/natural-resources/rangelands-and-grazing/livestock-grazing>.