

NORTH FORK WATERSHED PROTECTION ACT OF 2014

FEBRUARY 28, 2014.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 2259]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2259) to withdraw certain Federal land and interests in that land from location, entry, and patent under the mining laws and disposition under the mineral and geothermal leasing laws and to preserve existing uses, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “North Fork Watershed Protection Act of 2014”.

SEC. 2. DEFINITIONS.

In this Act:

- (1) ELIGIBLE FEDERAL LAND.—The term “eligible Federal land” means—
 - (A) any federally owned land or interest in land depicted on the Map as within the North Fork Federal Lands Withdrawal Area; or
 - (B) any land or interest in land located within the North Fork Federal Lands Withdrawal Area that is acquired by the Federal Government after the date of enactment of this Act.
- (2) MAP.—The term “Map” means the Bureau of Land Management map entitled “North Fork Federal Lands Withdrawal Area” and dated June 9, 2010.

SEC. 3. WITHDRAWAL.

(a) WITHDRAWAL.—Subject to valid existing rights, the eligible Federal land is withdrawn from—

- (1) all forms of location, entry, and patent under the mining laws; and
- (2) disposition under all laws relating to mineral leasing and geothermal leasing.

(b) AVAILABILITY OF MAP.—Not later than 30 days after the date of enactment of this Act, the Map shall be made available to the public at each appropriate office of the Bureau of Land Management.

(c) EFFECT OF SECTION.—Nothing in this section violates the rights of existing leaseholders or prohibits the Secretary of the Interior from taking any action necessary to complete any requirement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) required for permitting surface-disturbing activity to occur on any lease issued before the date of enactment of this Act.

SEC. 4. EXISTING USES NOT AFFECTED.

Except with respect to the withdrawal under section 3, nothing in this Act restricts recreational uses, livestock management activities, or forest management activities allowed on the date of the enactment of this Act on the eligible Federal land in accordance with applicable law.

PURPOSE OF THE BILL

The purpose of H.R. 2259 is to withdraw certain Federal land and interests in that land from location, entry, and patent under the mining laws and disposition under the mineral and geothermal leasing laws and to preserve existing uses.

BACKGROUND AND NEED FOR LEGISLATION

The North Fork of the Flathead River extends approximately 90 miles from its headwaters in southern British Columbia south into Montana, where it forms the western boundary of Glacier National Park. While the North Fork itself is protected under the Wild and Scenic Rivers Act, the Canadian portion of the river and the river's watershed are not protected. Several mining or oil and gas development projects throughout the years have raised concerns about the potential impact on the river's water quality.

In February 2010, the Province of British Columbia and Montana signed a Memorandum of Understanding to preclude mining, oil and gas development, and coalbed methane extraction in the Flathead River Basin. Under the agreement, mining, oil and gas, coalbed methane and coal development would be prohibited within the basin. However, much of the North Fork's watershed in Montana is federal land.

In 1982, the Department of the Interior issued several oil and gas leases on national forest lands within the North Fork watershed. Those leases were later suspended in 1988 when the Ninth Circuit Court of Appeals ruled that the Department had failed to comply with applicable environmental laws prior to issuing the leases. The federal agencies were enjoined from allowing any activity on the issued leases. Since that decision, no action has been taken on these leases, and there is currently no oil and gas development on federal land within the area proposed to be withdrawn by H.R. 2259. Several lease holders have voluntarily relinquished oil and gas leases within the area withdrawn under H.R. 2259, although a number of outstanding leases remain.

Since there is no development taking place in this area, and the Ninth Circuit Court has enjoined federal agencies from allowing activity on this land, H.R. 2259 would withdraw approximately 362,000 acres of the Flathead and Kootenai National Forest from all forms of location, entry, and patent under the mining laws, as well as disposition under all laws relating to mineral leasing and geothermal leasing. H.R. 2259 does specify that existing uses, in-

cluding recreational use, livestock management, and forest management, are not restricted as a result of this bill.

COMMITTEE ACTION

H.R. 2259 was introduced on June 5, 2013, by Congressman Steve Daines (R-MT). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittees on Public Lands and Environmental Regulation and Energy and Mineral Resources. On October 3, 2013, the Subcommittee on Public Lands and Environmental Regulation held a hearing on the bill. On January 28, 2014, the Natural Resources Committee met to consider the bill. The Subcommittees on Public Lands and Environmental Regulation and Energy and Mineral Resources were discharged by unanimous consent. Congressman Daines offered an amendment designated .024 to the bill; the amendment was adopted by unanimous consent. The bill as amended was then adopted and ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

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H.R. 2259 would withdraw 430,000 acres of federal lands in Montana from programs to develop geothermal and mineral resources. The affected lands, which lie adjacent to Glacier National Park, are already protected for wilderness values, and the proposed designation would not significantly affect the way they are managed. Based on information provided by the Bureau of Land Management (BLM), CBO estimates that implementing the legislation would have no significant impact on the federal budget. Enacting H.R. 2259 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

The bill would not affect valid, existing rights on the affected lands, including the rights of private entities to 39 oil and gas leases that have been suspended since 1985 because of litigation. BLM has not offered any new oil and gas leases on the affected

lands since that litigation, and CBO does not expect any such leases to be offered in the next 10 years. In addition, based on information provided by BLM, CBO expects that no income would be derived from other activities on the affected lands over that period; therefore, we estimate that enacting H.R. 2259 would not affect direct spending.

H.R. 2259 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

On June 26, 2013, CBO transmitted a cost estimate for S. 255, the North Fork Watershed Protection Act of 2013, as ordered reported by the Senate Committee on Energy and Natural Resources on June 18, 2013. The two bills are similar, and the CBO cost estimates are the same.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on the information provided by the Bureau of Land Management, CBO estimates that implementing the legislation would have no significant impact on the federal budget.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to withdraw certain federal land and interests in that land from location, entry, and patent under the mining laws and disposition under the mineral and geothermal leasing laws and to preserve existing uses.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

