

BOLTS DITCH ACT

OCTOBER 25, 2024.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WESTERMAN, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 4297]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4297) to amend the John D. Dingell, Jr. Conservation, Management, and Recreation Act to allow for additional entities to be eligible to complete the maintenance work on Bolts Ditch and the Bolts Ditch Headgate within the Holy Cross Wilderness, Colorado, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 4297 is to amend the John D. Dingell, Jr. Conservation, Management, and Recreation Act to allow for additional entities to be eligible to complete the maintenance work on Bolts Ditch and the Bolts Ditch Headgate within the Holy Cross Wilderness, Colorado.

BACKGROUND AND NEED FOR LEGISLATION

Bolts Ditch and the Bolts Ditch headgate are water facilities located near the town of Minturn, Colorado, that divert water into Bolts Lake. 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. 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.

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.”¹ H.R. 4297, the “Bolts Ditch Act,” amends the Dingell Act to allow the Eagle River Water and Sanitation District, a Colorado Special District, and the Upper Eagle 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.

COMMITTEE ACTION

H.R. 4297 was introduced on June 22, 2023, by Rep. Joe Neguse (D-CO). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On January 31, 2024, the Subcommittee on Federal Lands held a hearing on the bill. On February 6, 2024, the Committee on Natural Resources met to consider the bill. The Subcommittee on Federal Lands was discharged from further consideration of H.R. 4297 by unanimous consent. The bill was ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Federal Lands held on January 31, 2024.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 names the bill the “Bolts Ditch Act”.

Section 2. Additional entities allowed to maintain bolts ditch and the bolts ditch headgate

Section 2 amends the “John D. Dingell, Jr. Conservation, Management, and Recreation Act” to allow the Eagle River Water and Sanitation District, a Colorado Special District, or the Upper Eagle Regional Water Authority to conduct maintenance work on Bolts Ditch and the Bolts Ditch headgate within the Holy Cross Wilderness in the White River National Forest in Colorado.

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.

¹Public Law No. 116–9, <https://www.congress.gov/bill/116th-congress/senate-bill/47/text>.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

H.R. 4297, Bolts Ditch Act			
As ordered reported by the House Committee on Natural Resources on February 6, 2024			
By Fiscal Year, Millions of Dollars	2024	2024-2029	2024-2034
Direct Spending (Outlays)	0	*	*
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	*	*
Spending Subject to Appropriation (Outlays)	0	0	0
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Statutory pay-as-you-go procedures apply? Yes	
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Contains intergovernmental mandate? No	
		Contains private-sector mandate? No	
* = between -\$500,000 and zero.			

H.R. 4297 would allow two regional water and sanitation authorities in Colorado access to federal land within the Holy Cross Wilderness to manage and maintain a headgate used to divert water to Bolts Lake.

Based on information from the Forest Service, CBO expects that the agency would collect a special permitting fee of about \$200 each year for access to the land. Those fees are recorded in the federal budget as offsetting receipts (or reductions in direct spending). On that basis, CBO estimates that any collections from the permitting fee would decrease direct spending by an insignificant amount over the 2024–2034 period.

The CBO staff contact for this estimate is Ali Khan. The estimate was reviewed by Emily Stern, Senior Adviser for Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

2. *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 amend the John D. Dingell, Jr. Conservation, Management, and Recreation Act to allow for additional entities to be eligible to complete the maintenance work on Bolts Ditch and the Bolts Ditch Headgate within the Holy Cross Wilderness, Colorado.

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.

UNFUNDED MANDATES REFORM ACT STATEMENT

According to the Congressional Budget Office, H.R. 4297 contains no unfunded mandates as defined by the Unfunded Mandates Reform Act.

EXISTING PROGRAMS

Directed Rule Making. This bill does not contain any directed rule makings.

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.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics and existing law in which no change is proposed is shown in roman):

**JOHN D. DINGELL, JR. CONSERVATION, MANAGEMENT,
AND RECREATION ACT**

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TITLE I—PUBLIC LAND AND FORESTS

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Subtitle B—Public Land and National Forest System Management

SEC. 1101. BOLTS DITCH ACCESS.

(a) ACCESS GRANTED.—The Secretary of Agriculture shall permit by special use authorization nonmotorized access and use, in accordance with section 293.6 of title 36, Code of Federal Regulations, of the Bolts Ditch Headgate and the Bolts Ditch within the Holy Cross Wilderness, Colorado, as designated by Public Law 96-560 (94 Stat. 3265), for the purposes of the diversion of water and use, maintenance, and repair of such ditch and headgate by the Town of Minturn, Colorado, a Colorado Home Rule Municipality, *the Eagle River Water and Sanitation District, a Colorado Special District, or the Upper Eagle Regional Water Authority, an authority organized under the laws of the State of Colorado.*

(b) LOCATION OF FACILITIES.—The Bolts Ditch headgate and ditch segment referenced in subsection (a) are as generally depicted on the map entitled “Bolts Ditch headgate and Ditch Segment” and dated November 2015.

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