

HR 823

Colorado Outdoor Recreation and Economy Act

Congress: 116 (2019–2021, Ended)

Chamber: House

Policy Area: Public Lands and Natural Resources

Introduced: Jan 28, 2019

Current Status: Committee on Energy and Natural Resources Senate Subcommittee on Public Lands, Forests, and Mining.

Latest Action: Committee on Energy and Natural Resources Senate Subcommittee on Public Lands, Forests, and Mining. Hearings held. With printed Hearing: S.Hrg. 116-382. (Nov 18, 2020)

Official Text: <https://www.congress.gov/bill/116th-congress/house-bill/823>

Sponsor

Name: Rep. Neguse, Joe [D-CO-2]

Party: Democratic • **State:** CO • **Chamber:** House

Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Rep. DeGette, Diana [D-CO-1]	D · CO		Feb 28, 2019
Rep. Perlmutter, Ed [D-CO-7]	D · CO		Feb 28, 2019
Rep. Crow, Jason [D-CO-6]	D · CO		Mar 21, 2019

Committee Activity

Committee	Chamber	Activity	Date
Energy and Natural Resources Committee	Senate	Hearings By (subcommittee)	Nov 18, 2020
Natural Resources Committee	House	Discharged from	Jun 26, 2019
Natural Resources Committee	House	Discharged from	Jun 26, 2019

Subjects & Policy Tags

Policy Area:

Public Lands and Natural Resources

Related Bills

Bill	Relationship	Last Action
116 S 241	Identical bill	Nov 18, 2020: Committee on Energy and Natural Resources Senate Subcommittee on Public Lands, Forests, and Mining. Hearings held. With printed Hearing: S.Hrg. 116-382.
116 HRES 656	Related bill	Oct 29, 2019: Motion to reconsider laid on the table Agreed to without objection.
116 HR 474	Related bill	Feb 5, 2019: Referred to the Subcommittee on National Parks, Forests, and Public Lands.
116 S 37	Related bill	Jan 8, 2019: Read twice and referred to the Committee on Energy and Natural Resources.

Colorado Outdoor Recreation and Economy Act

This bill provides for the conservation of specified lands in Colorado.

TITLE I--CONTINENTAL DIVIDE

(Sec. 102) This title designates specified federal lands in Colorado within the White River National Forest as components of the National Wilderness Preservation System.

The Department of Agriculture (USDA) may carry out activities in such a wilderness area that are necessary to control fire, insects, and diseases.

Livestock grazing, where it has already been established, shall be permitted to continue.

For the purposes of the administration of the Eagles Nest Wilderness Additions, USDA must coordinate with interested state and local agencies, including operations using aircraft or mechanical equipment, for the protection of watersheds and the coordination of USDA activities in response to fires and flooding events.

(Sec. 103) The title designates approximately 8,036 acres identified as the Proposed Williams Fork Mountains Wilderness in the White River National Forest as a potential wilderness area.

USDA must publish a determination regarding whether to authorize livestock grazing or other use by livestock on the vacant allotments known as the Big Hole and the Blue Ridge Allotment.

By one year after the publication of such determination, USDA shall grant a permit or other authorization for such livestock grazing or other use.

If USDA permits livestock grazing or other use by livestock in the potential wilderness area, USDA may construct or rehabilitate such range improvements as are necessary to obtain livestock management objectives.

(Sec. 104) The title designates approximately 17,122 acres of federal land as the Tenmile Recreation Management Area.

With specified exceptions, the use of motorized vehicles in the management area must be limited to the roads, vehicle classes, and periods authorized for motorized vehicle use.

No projects shall be carried out in the recreation management area for the harvesting of commercial timber.

USDA may carry out activities that are necessary to prevent, control, or mitigate fire, insects, or disease in the management area.

(Sec. 105) The title designates the approximately 8,287 acres of federal land in the White River National Forest as the Porcupine Gulch Wildlife Conservation Area.

This section prohibits (1) the use of motorized vehicles and mechanized transport in the conservation area, (2) the construction of new or temporary roads, or (3) projects for the harvesting of commercial timber.

USDA may carry out activities that are necessary to prevent, control, or mitigate fire, insects, or disease in the conservation area.

This section makes the requirements related to water rights under the James Peak Wilderness and Protection Area Act applicable to the conservation area.

(Sec. 106) The title designates approximately 3,528 acres of federal land in the White River National Forest as the Williams Fork Mountains Wildlife Conservation Area.

This section (1) limits, with specified exceptions, the use of motorized vehicles and bicycles in the conservation area to designated roads and trails, and prohibits the construction of new or temporary roads in the conservation area; and (2) prohibits projects for the harvesting of commercial timber.

Laws and policies followed by USDA in the issuance and administration of grazing permits or leases on land under USDA's jurisdiction shall continue to apply with regard to the land in the conservation area.

USDA may carry out activities that are necessary to prevent, control, or mitigate fire, insects, or disease in the conservation area.

Requirements related to water rights under the James Peak Wilderness and Protection Area Act are applicable to the conservation area.

(Sec. 107) The title designates approximately 28,676 acres of federal land in the White River National Forest as the Camp Hale National Historic Landscape.

USDA must prepare a management plan for the historic landscape and provide to the Department of the Army a notification of any unexploded ordnance that is discovered in the historic landscape. Army may remove unexploded ordnance from the historic landscape.

USDA shall conduct a restoration and enhancement project in the historic landscape to

- improve aquatic, riparian, and wetland conditions in and along the Eagle River and its tributaries;
- maintain or improve recreation and interpretive opportunities and facilities; and
- conserve historic values in the Camp Hale area.

Army shall continue to carry out its existing projects and activities related to the cleanup of the Camp Hale Formerly Used Defense Site or the Camp Hale historic cantonment area. Army may remove unexploded ordnance from the historic landscape.

Upon receipt from USDA of a notification of unexploded ordnance, the Army may remove such ordnance in accordance with

- the program for environmental restoration of formerly used defense sites;
- the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; and
- any other applicable provisions of law.

USDA and Army shall enter into an agreement to

- specify USDA activities related to management of the historic landscape and related to environmental remediation and the removal of unexploded ordnance; and
- require USDA to provide to Army one year after enactment of this bill, and periodically thereafter, a management plan for the historic landscape for such removal activities.

This section establishes the Camp Hale Historic Preservation and Restoration Fund. Amounts from the fund shall be made available for activities related to historic interpretation, preservation, and restoration carried out and around the historic landscape.

This section designates the interpretive site located beside U.S. Route 24 in Colorado as the *Sandy Treat Overlook*.

(Sec. 108) This section adjusts the boundary of the White River National Forest to include approximately 120 acres of specified land in Summit County, Colorado.

(Sec. 109) This section adjusts the boundary of the Rocky Mountain National Park Potential Wilderness to exclude approximately 15.5 acres of land.

(Sec. 110) USDA may acquire land or interest a protective perimeter or buffer zone within the areas described in this title only through exchange, donation, or purchase from a willing seller.

All such areas are withdrawn from

- entry, appropriation, and disposal under the public land laws;
- location, entry, and patent under the mining laws; and
- operation of the mineral leasing, mineral materials, and geothermal leasing laws.

TITLE II--SAN JUAN MOUNTAINS

(Sec. 202) The bill provides for the inclusion of additional federal lands in the National Wilderness Preservation System, including the Lizard Head Wilderness Addition, the Mount Sneffels Wilderness Addition, and the McKenna Peak Wilderness.

(Sec. 203) The bill designates approximately 21,663 acres of specified federal land as the Sheep Mountain Special Management Area and approximately 792 acres of specified federal land as the Liberty Bell East Special Management Area.

USDA must manage the special management areas in a manner that maintains or improves their wilderness character and their suitability for potential inclusion in the National Wilderness Preservation System.

The bill prohibits in the special management areas permanent roads, and limits the use of motor vehicles, motorized equipment, or mechanical transport and the establishment of temporary roads.

USDA may allow activities (including helicopter access for recreation and maintenance and the competitive running event permitted since 1992) that have been authorized by permit or license to continue within the special management areas.

USDA may permit the use of bicycles in specific parts of the special management areas.

The bill requires water and water rights in the special management areas to be administered according to the Colorado Wilderness Act of 1993, with specified exceptions for certain areas.

(Sec. 204) The bill releases the Dominguez Canyon and McKenna Peak Wilderness Study Areas from further study for designation as wilderness.

USDA or the Department of the Interior may acquire land or interest within the boundaries of a special management area

or certain wilderness areas of the additional federal lands only through exchange, donation, or purchase from a willing seller.

The bill permits the grazing of livestock, if already established, to continue.

The Department with jurisdiction over such a wilderness area may carry out activities in that area which are necessary to control fire, insects, and diseases.

Such wilderness areas, the special management areas, and the Proposed Naturita Canyon Mineral Withdrawal Area are withdrawn from

- entry, appropriation, and disposal under the public land laws;
- location, entry, and patent under the mining laws; and
- operation of the mineral leasing, mineral materials, and geothermal leasing laws.

TITLE III--THOMPSON DIVIDE

(Sec. 303) The bill withdraws the Thompson Divide Withdrawal and Protection Area in Colorado from

- entry, appropriation, and disposal under the public land laws;
- location, entry, and patent under the mining laws; and
- operation of the mineral leasing, mineral materials, and geothermal leasing laws.

The bill requires the grazing of livestock, if already established, to be allowed to continue.

(Sec. 304) In exchange for the relinquishment by a leaseholder of all the leaseholder's Thompson Divide oil or gas leases within the withdrawal and protection area, Interior may issue to the leaseholder credits for any bid, royalty, or rental payments under any federal oil or gas lease on federal land in Colorado.

The amount of a credit issued to a leaseholder of such an oil or gas lease must not include expenses paid by the leaseholder for legal fees or related expenses for legal work with respect to a lease.

Effective upon relinquishment and without any additional action by Interior, leases shall be permanently cancelled and shall not be reissued.

Credits accepted by Interior must be considered amounts received under the (1) Mineral Leasing Act, and (2) the Geothermal Steam Act of 1970.

As a condition preceding the relinquishment of a Thompson Divide lease, any leaseholder with a Wolf Creek Storage Field development right must permanently convey all such rights to Interior. Such an interest acquired by Interior shall be held in perpetuity and shall not be transferred, reissued, or otherwise used for mineral extraction.

(Sec. 305) The bill establishes the Greater Thompson Divide Fugitive Coal Mine Methane Use Pilot Program to promote the capture, beneficial use, mitigation, and sequestration of fugitive methane emissions to reduce methane emissions, improve air quality, and improve public safety, among other things.

Interior must develop a plan for

- completing an inventory of fugitive methane emissions,

- the leasing of fugitive methane emissions, and
- the capping or destruction of fugitive methane emissions.

Interior shall provide opportunities for participation by the public in the inventory and shall make the inventory publicly available.

Interior shall use the inventory in carrying out (1) the fugitive methane emission leasing program, and (2) the capping or destruction of fugitive methane emissions.

Interior shall carry out the leasing program to encourage the use and destruction of fugitive methane emissions by authorizing the holder of a valid existing federal coal lease for a mine that is producing such emissions to capture them for use, or destroy them by flaring.

Such program shall only include fugitive methane emissions that can be captured for use, or destroyed by flaring, in a manner that does not endanger the safety of any coal mine workers or unreasonably interfere with any ongoing operation at a coal mine.

Interior shall

- authorize the capture for use, or destruction by flaring, of fugitive methane emissions from abandoned coal mines on federal lands, and
- make available for leasing such emissions from those mines as considered to be in the public interest.

Interior shall offer for lease each significant vent, seep, or other source of fugitive methane emissions from abandoned coal mines. A minimum bid and royalty rate must be developed for such leases.

If, after four years, any significant fugitive methane emissions from such mines are not leased, Interior must

- cap those emissions at the source in any case in which the cap will result in the long-term sequestration of all or a significant portion of the emissions, or
- if sequestration is not feasible, destroy the emissions by flaring.

TITLE IV--CURECANTI NATIONAL RECREATION AREA

(Sec. 402) This title establishes the Curecanti National Recreation Area, which shall consist of approximately 50,667 acres of land in Colorado, as a unit of the National Park System.

Interior may approve a Bureau of Reclamation request to retain administrative rights over land necessary for the effective operation of Reclamation water facilities.

If applicable, the administrative jurisdiction over such land shall be transferred from Reclamation to the National Park Service (NPS).

Reclamation shall retain access to the transferred land for reclamation purposes, including for the operation, maintenance, and expansion or replacement of facilities.

Interior may enter into cooperative management agreements for any land administered by Colorado that is within or adjacent to the recreation area.

Interior shall allow boating, boating-related activities, hunting, and fishing in the recreation area.

On the written request of an individual who owns private land not more than three miles from the boundary of the recreation area, Interior may work with the individual to enhance the long-term conservation of natural, cultural, recreational, and scenic resources around the recreation area, including (1) by acquiring all or part of such land by purchase, exchange, or donation; or (2) through available grant programs.

All federal land within the recreation area is withdrawn from

- entry, appropriation, and disposal under the public land laws;
- location, entry, and patent under the mining laws; and
- operation of the mineral leasing, mineral materials, and geothermal leasing laws.

If state land that is acquired under this title is subject to a state grazing lease that is already effective, Interior must allow grazing to continue on those lands for the remainder of the term of that lease.

Interior may authorize grazing on land acquired from the state or certain private landowners under this bill, if grazing was already established prior to acquisition of the land.

On private land that is acquired under this bill by Interior for the recreation area on which authorized grazing is already occurring, Interior may allow the continuation and renewal of grazing on the land on the terms of the acquisition or by an agreement between Interior and the lessee.

Interior shall

- allow the continuation and renewal of grazing on federal land located within the recreation area on which grazing is allowed unless grazing on the land would present unacceptable impacts to the natural, cultural, recreational, and scenic resource values of such land; and
- retain all authorities for managing grazing in the recreation area.

Interior may, with respect to the recreation area (1) accept voluntary terminations of leases or permits for grazing; and (2) terminate a lease or permit that has been vacated for three or more years.

(Sec. 403) Interior is authorized to acquire land or interests in land within the boundary of the recreation area. Such land may be acquired by donation, purchase from willing sellers, transfer from another federal agency, or exchange.

Land or interests in land owned by Colorado or a political subdivision of the state may only be acquired by purchase, donation, or exchange.

This bill transfers (1) the administrative jurisdiction over the approximately 2,560 acres of land from the U.S. Forest Service to Interior for administration by the NPS as part of the recreation area. (2) The bill transfers the administrative jurisdiction over the approximately 5,040 acres of land from the BLM to the NPS, which shall be administered as part of the recreation area.

The bill transfers administrative jurisdiction over certain Reclamation land to the BLM upon relinquishment of the land by Reclamation and revocation by the BLM of any withdrawal.

The bill adjusts the boundary of the Gunnison National Forest to exclude the land transferred to Interior.

The bill requires that the withdrawal for reclamation purposes of certain land be relinquished by Reclamation and revoked by the BLM and such land shall be transferred to the NPS.

Upon the transfer of such land, it may be exchanged by Interior for private land not more than three miles from the boundary of the recreation area

- subject to a conservation easement remaining on the transferred land, to protect its scenic resources; and
- in accordance with the laws and policies governing National Park System land exchanges.

If such land is not exchanged, it shall be added to and managed as part of the recreation area.

Any lands within the boundary of the recreation area that are acquired by the United States shall be added to and managed as part of the recreation area.

(Sec. 404) No later than three years after funds are available to carry out this title, the NPS shall prepare a general management plan for the recreation area.

Actions Timeline

- **Nov 18, 2020:** Committee on Energy and Natural Resources Senate Subcommittee on Public Lands, Forests, and Mining. Hearings held. With printed Hearing: S.Hrg. 116-382.
- **Oct 31, 2019:** Considered as unfinished business. (consideration: CR H8698-8703)
- **Oct 31, 2019:** The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- **Oct 31, 2019:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question on agreeing to amendments to H.R. 823 which had been debated earlier and on which further proceedings had been postponed.
- **Oct 31, 2019:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 823.
- **Oct 31, 2019:** The previous question was ordered pursuant to the rule.
- **Oct 31, 2019:** Mr. Tipton moved to recommit with instructions to the Committee on Natural Resources. (text: CR H8701)
- **Oct 31, 2019:** Floor summary: DEBATE - The House proceeded with 10 minutes of debate on the Tipton motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment to require that nothing in the bill restricts any low-level overflight of military aircraft, flight testing or the establishment of a new special air space over any land areas covered by the bill.
- **Oct 31, 2019:** The previous question on the motion to recommit with instructions was ordered without objection.
- **Oct 31, 2019:** On motion to recommit with instructions Failed by recorded vote: 199 - 210 (Roll no. 608).
- **Oct 31, 2019:** Passed/agreed to in House: On passage Passed by recorded vote: 227 - 182 (Roll no. 609).
- **Oct 31, 2019:** On passage Passed by recorded vote: 227 - 182 (Roll no. 609).
- **Oct 31, 2019:** Motion to reconsider laid on the table Agreed to without objection.
- **Oct 31, 2019:** Received in the Senate and Read twice and referred to the Committee on Energy and Natural Resources.
- **Oct 30, 2019:** Considered under the provisions of rule H. Res. 656. (consideration: CR H8645-8665; text: CR H8652-8660)
- **Oct 30, 2019:** Rule provides for consideration of H.R. 823, H.R. 1373 and H.R. 2181. The resolution provides for one hour of general debate for H.R. 823, H.R. 1373 and H.R. 2181. The resolution provides for proceedings during the period from November 1, 2019 through November 11, 2019.
- **Oct 30, 2019:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 656 and Rule XVIII.
- **Oct 30, 2019:** The Speaker designated the Honorable Stephanie N. Murphy to act as Chairwoman of the Committee.
- **Oct 30, 2019:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 823.
- **Oct 30, 2019:** DEBATE - Pursuant to the provisions of H. Res. 656, the Committee of the Whole proceeded with 10 minutes of debate on the Curtis amendment No. 1.
- **Oct 30, 2019:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Curtis amendment, the Chair put the question on adoption of the amendment, and by voice vote announced that the noes had prevailed. Mr. Curtis demanded a recorded vote, and the Chair postponed further proceedings until a time to be announced.
- **Oct 30, 2019:** DEBATE - Pursuant to the provisions of H. Res. 656, the Committee of the Whole proceeded with 10 minutes of debate on the Brown (MD) amendment No. 2.
- **Oct 30, 2019:** DEBATE - Pursuant to the provisions of H. Res. 656, the Committee of the Whole proceeded with 10 minutes of debate on the Tipton amendment No. 3.
- **Oct 30, 2019:** DEBATE - Pursuant to the provisions of H. Res. 656, the Committee of the Whole proceeded with 10 minutes of debate on the Tipton amendment No. 4.
- **Oct 30, 2019:** DEBATE - Pursuant to the provisions of H. Res. 656, the Committee of the Whole proceeded with 10 minutes of debate on the Tipton amendment No. 5.
- **Oct 30, 2019:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Tipton amendment No. 5, the Chair put the question on adoption of the amendment, and by voice vote announced that the noes had prevailed. Mr. Tipton demanded a recorded vote, and the Chair postponed further proceedings until a time to be announced.
- **Oct 30, 2019:** DEBATE - Pursuant to the provisions of H. Res. 656, the Committee of the Whole proceeded with 10 minutes of debate on the Crow amendment No. 6.
- **Oct 30, 2019:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Crow amendment, the Chair put the question on adoption of the amendment, and by voice vote announced that the ayes had prevailed. Mr. Tipton demanded a recorded vote, and the Chair postponed further proceedings until a time to be announced.

- **Oct 30, 2019:** Mr. Neguse moved that the committee rise.
- **Oct 30, 2019:** On motion that the committee rise Agreed to by voice vote.
- **Oct 30, 2019:** Committee of the Whole House on the state of the Union rises leaving H.R. 823 as unfinished business.
- **Oct 28, 2019:** Rules Committee Resolution H. Res. 656 Reported to House. Rule provides for consideration of H.R. 823, H.R. 1373 and H.R. 2181. The resolution provides for one hour of general debate for H.R. 823, H.R. 1373 and H.R. 2181. The resolution provides for proceedings during the period from November 1, 2019 through November 11, 2019.
- **Oct 4, 2019:** Reported (Amended) by the Committee on Natural Resources. H. Rept. 116-226.
- **Oct 4, 2019:** Placed on the Union Calendar, Calendar No. 179.
- **Jun 26, 2019:** Subcommittee on National Parks, Forests, and Public Lands Discharged.
- **Jun 26, 2019:** Committee Consideration and Mark-up Session Held.
- **Jun 26, 2019:** Ordered to be Reported (Amended) by the Yeas and Nays: 23 - 15.
- **Jun 26, 2019:** Subcommittee on Energy and Mineral Resources Discharged.
- **Apr 2, 2019:** Subcommittee Hearings Held.
- **Feb 7, 2019:** Referred to the Subcommittee on National Parks, Forests, and Public Lands.
- **Feb 7, 2019:** Referred to the Subcommittee on Energy and Mineral Resources.
- **Jan 28, 2019:** Introduced in House
- **Jan 28, 2019:** Referred to the House Committee on Natural Resources.