

Subcommittee on Energy and Mineral Resources

Paul Gosar, Chairman

Hearing Memorandum

June 19, 2018

To: All Subcommittee on Energy and Mineral Resources

From: Majority Committee Staff – Austin Hacker (x 5-9297)
Subcommittee on Energy and Mineral Resources

Hearing: **Legislative hearing on H.R. 4644**, To withdraw certain National Forest System land in the Emigrant Crevice area located in the Custer Gallatin National Forest, Park County, Montana, from the mining and mineral leasing laws of the United States, and for other purposes.
June 21, 2018 at 2:00 PM; 1324 Longworth House Office Building

H.R. 4644, Yellowstone Gateway Protection Act

Summary of the Bill

On December 14, 2017, Representative Greg Gianforte (R-MT) introduced H.R. 4644, the Yellowstone Gateway Protection Act. This bill withdraws select National Forest System land in the Custer Gallatin National Forest in Park County, Montana from: (1) location, entry, and patent under mining laws; and (2) disposition under all laws pertaining to mineral and geothermal leasing.

Witnesses

Mr. Colin Davis

Owner

Chico Hot Springs Resort

Pray, Montana

Ms. Raina Rippel

Director, SWPA Environmental Health Project

McMurray, PA

Background

The National Park System contains 417 areas covering nearly 84 million acres in every State, the territories, and the District of Columbia.¹ These federal lands serve as recreational destinations for individuals around the U.S. and the world. National Park visitors generate and support significant economic activity within park gateway economies. As the Department of the Interior's FY19 Budget Request notes, visitors to our national parks spend more than \$18.4

¹ National Park Service. Main Site, <https://www.nps.gov/aboutus/national-park-system.htm>.

billion in local communities, supporting nearly 318,000 jobs and contributing \$34.9 billion into the national economy.²

According to the National Park Service, federal lands received 330,882,751 recreational visits in 2017, which mirrored record setting numbers seen in 2016.³ More specifically, an estimated 4.1 million people visited Yellowstone National Park and its surrounding areas, spending a total of \$498.8 million in its neighboring communities.⁴ That spending contributed to the support of 7,354 jobs with a cumulative benefit to the local economy of \$629.6 million.⁵

Emigrant Crevice Withdrawal

On November 22, 2016, a Federal Register notice was published by the Department of the Interior, Bureau of Land Management (BLM) detailing an application had been filed to formally withdraw nearly 30,370 acres of National Forest System (NFS) lands from mineral entry.⁶ The proposed withdrawal is within the Custer Gallatin National Forest, Park County, Montana. Managed by the Yellowstone and Gardiner Ranger Districts, these federal lands consist of two plots: Emigrant (15,795 acres) and Crevice (14,575 acres).

² Department of the Interior. Interior Budget Request 2018, <https://www.doi.gov/ocl/interior-budget-request>.

³ National Park Service. Office of Communications 2018, <https://www.nps.gov/orgs/1207/02-28-2018-visitation-certified.htm>.

⁴ National Park Service. Yellowstone Data 2018, <https://www.nps.gov/yell/learn/news/18019.htm>.

⁵ National Park Service. Yellowstone Data 2018, <https://www.nps.gov/yell/learn/news/18019.htm>.

⁶ USDA Forest Service. Emigrant Crevice Withdrawal: Economics 2018, https://www.fs.usda.gov/nfs/11558/www/nepa/106272_FSPLT3_4278865.pdf.

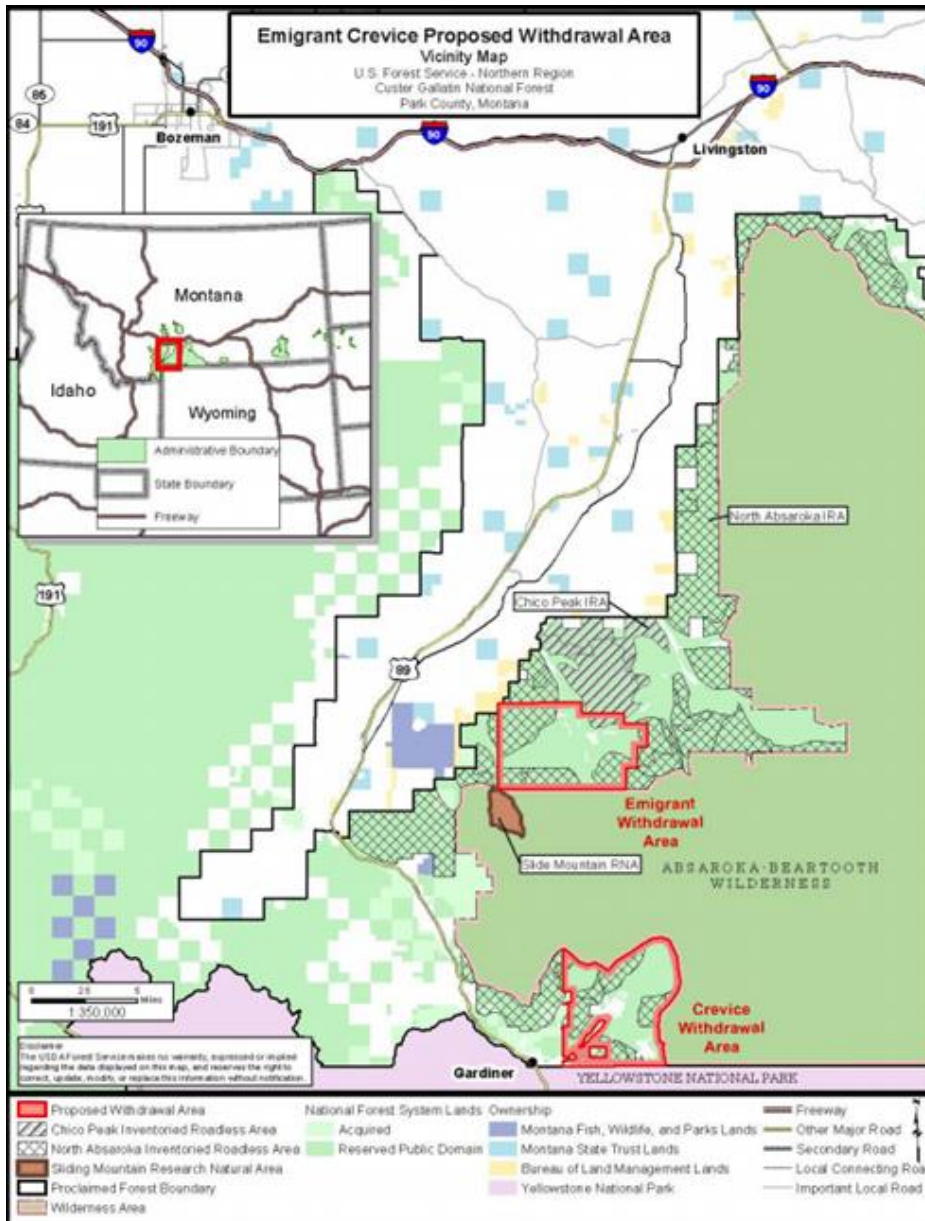


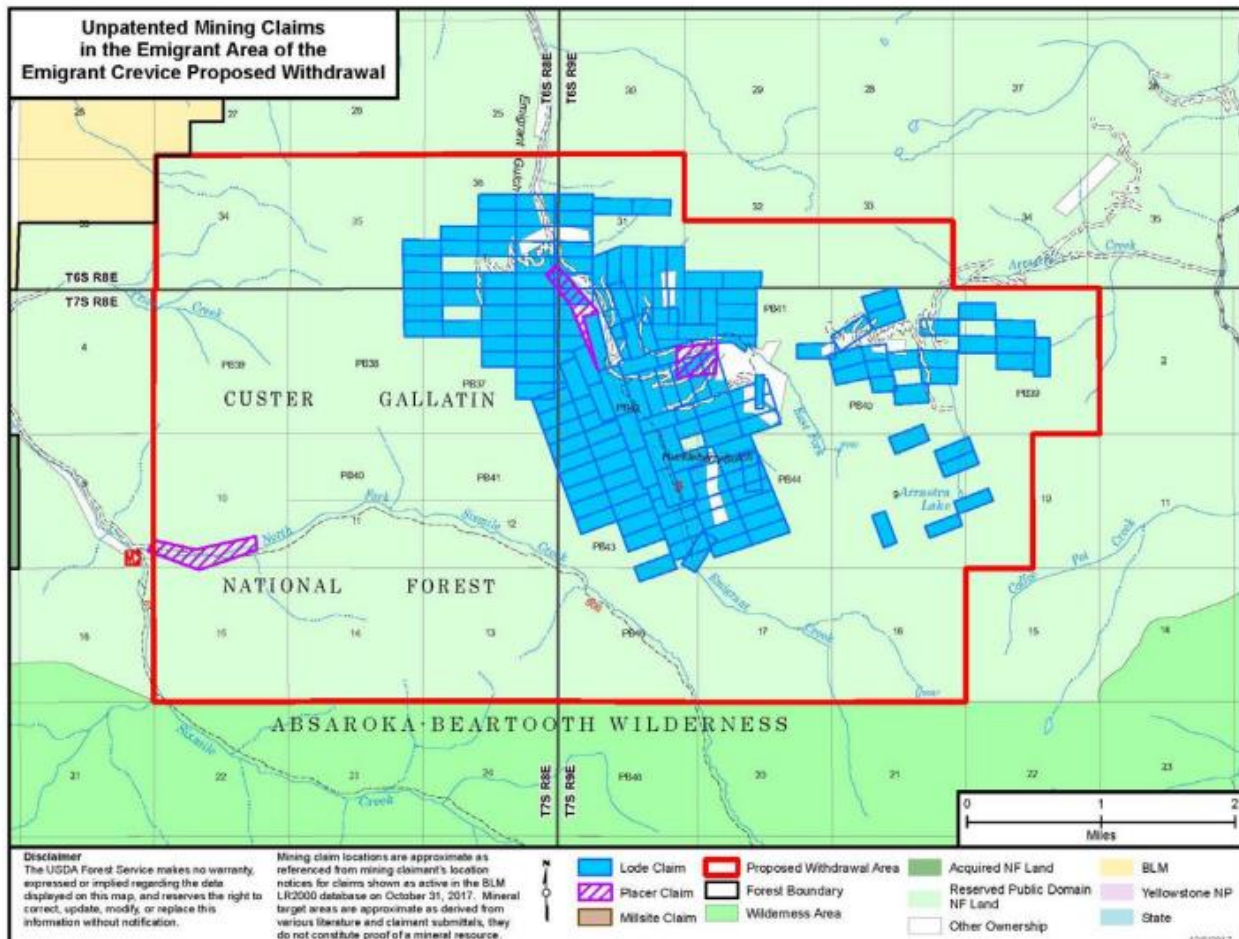
Figure 1 USDA Forest Service. Emigrant Crevice Withdrawal ⁷

⁷ Figure 1 USDA Forest Service. Emigrant Crevice Withdrawal: Economics, https://www.fs.usda.gov/nfs/11558/www/nepa/106272_FSPLT3_4278865.pdf.

Emigrant

Located 26 miles south of Livingston, Montana, the area (Figure 2) encircles the Emigrant Creek, Mill Creek, Arrastra Creek, and Sixmile Creek drainages. However, the parcel also contains 316 acres of non-federal lands that would otherwise not be subject to the withdrawal, unless obtained by the United States.⁸

Figure 2. Map displaying the proposed Emigrant withdrawal area and approximate locations of unpatented mining claims (facing north).



Crevice

Adjacent to the northern boundary of Yellowstone National Park and to the northeast of Gardiner, Montana lies the Crevice withdrawal area (Figure 3), comprising 14,575 acres, of which 1,352 acres are non-federal lands that would not be subject to the withdrawal.¹⁰

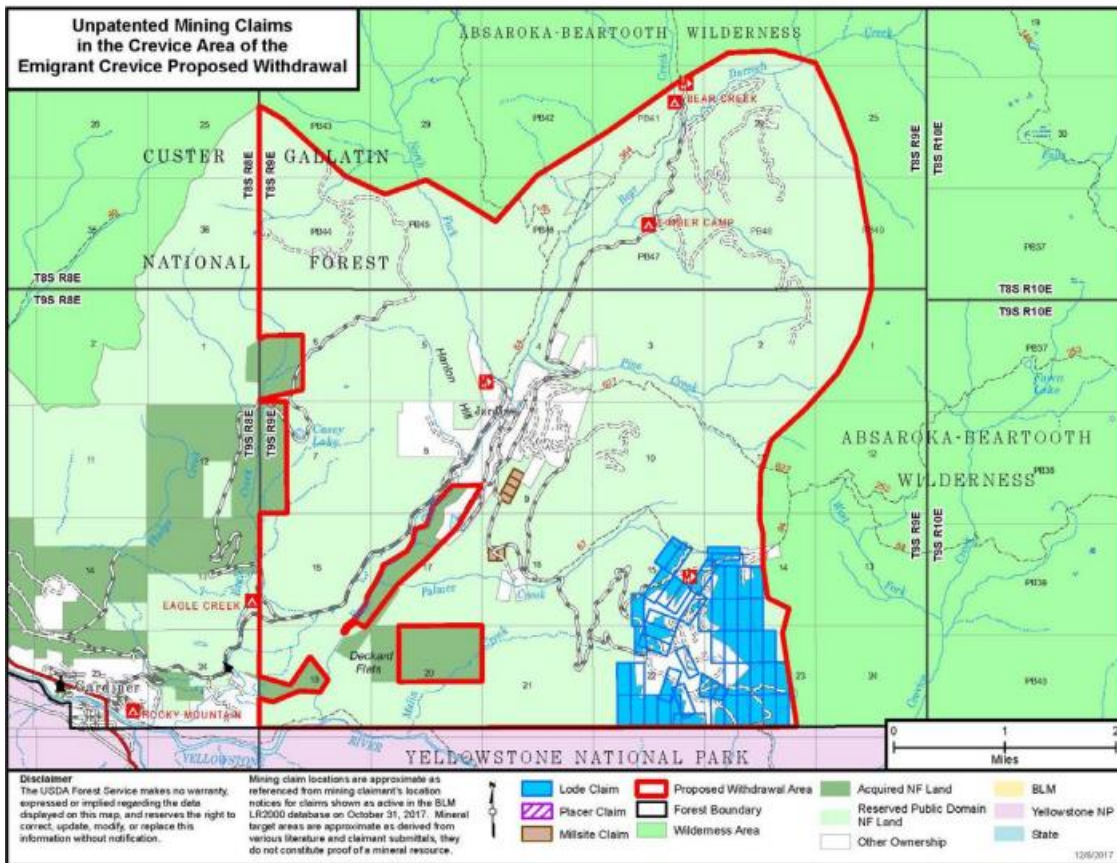
⁸ USDA Forest Service. Emigrant Crevice Withdrawal: Economics https://www.fs.usda.gov/nfs/11558/www/nepa/106272_FSPLT3_4278865.pdf

⁹ Figure 2 USDA Forest Service. Emigrant Crevice Withdrawal: Economics https://www.fs.usda.gov/nfs/11558/www/nepa/106272_FSPLT3_4278865.pdf

¹⁰ USDA Forest Service. Emigrant Crevice Withdrawal: Economics https://www.fs.usda.gov/nfs/11558/www/nepa/106272_FSPLT3_4278865.pdf.

However, this particular area also includes three existing withdrawals, totaling over 4300 acres, that date back to the early 1900s. The first, Executive Order 3053 (EO), signed February 28, 1919, served as a game preserve.¹¹ The second is Power Site Reserve 527, which was withdrawn for water power sites. The final existing site is identified as Power Site Classification 94, dated May 2, 1925. Since none of the existing withdrawals close the land to entry under the mining laws, the proposed withdrawal area would overlap these existing withdrawals if enacted.¹²

Figure 3. Map displaying the proposed Crevice withdrawal area and approximate location of unpatented mining claims (facing north).



The purpose of the withdrawal in H.R. 4644 is to permanently preserve the scenic integrity, wildlife corridors, and recreation values and opportunities in the historic “Emigrant Mining District” and the “Jardine/Crevice Mining District.”¹³

H.R. 4644 has broad local support, including from the Yellowstone Gateway Business Coalition, which represents over 400 businesses and thousands of men and women employed near Yellowstone National Park.¹⁴

¹¹ *Id.* at 2.

¹² *Id.*

¹³ USDA Emigrant Crevice Mineral Withdrawal Environmental Assessment https://www.fs.usda.gov/nfs/11558/www/nepa/106272_FSPLT3_4278748.pdf.

¹⁴ Letter to Rep. Gianforte (R-MT) from Yellowstone Gateway Business Coalition.

Major Provisions/Analysis of H.R. 4644

- Subject to valid existing rights in existence on the date of enactment of this Act, the National Forest System land and interests in the National Forest System land, as depicted on the map, is withdrawn from:
 - (1) location, entry, and patent under the mining laws; and
 - (2) disposition under all laws pertaining to mineral and geothermal leasing.
- Nothing in this Act affects any recreational use, including hunting or fishing, that is authorized on land within the area depicted on the map under applicable law as of the date of enactment of the Act
- Any land or interest in land within the area depicted on the map that is acquired by the United States after the date of enactment of this Act shall, on acquisition, be immediately withdrawn in accordance with this section.

Cost

As of 06/15/2018 a CBO Cost Estimate for this measure has not been received.

Administration Position

The Department of the Interior's spokeswoman has stated that Secretary Zinke wants to move forward as quickly as possible with a proposed 20-year withdrawal of future mining claims in this region. The review of that withdrawal was scheduled to be completed by the U.S. Forest Service and the Department's Bureau of Land Management by November 2018.