



# United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

AUG 26 2014

The Honorable Ed Royce, Chairman  
House Committee on Foreign Affairs  
Washington, DC 20515

Dear Mr. Chairman:

Enclosed are responses prepared by the U.S. Fish and Wildlife Service in response to questions received following the February 26, 2014, hearing before your Committee on *International Wildlife Trafficking: Threats to Conservation and National Security*.

Thank you for the opportunity to provide this material to the Committee.

Sincerely,

Christopher P. Salotti  
Legislative Counsel  
Office of Congressional  
and Legislative Affairs

Enclosure

cc: The Honorable Eliot L. Engel  
Ranking Member

February 26, 2014 House Foreign Affairs Committee Hearing: "International Wildlife Trafficking Threats to Conservation and National Security"

Questions for the Record  
*Submitted by Chairman Ed Royce  
To the Honorable Daniel M. Ashe*

**Question 1:**

**Executive Order 3648 established a "Presidential Task Force on Wildlife Trafficking," co-chaired by the secretaries of State and Interior as well as the Attorney General. A major responsibility for the Task force was producing a "National Strategy for Combating Wildlife Trafficking." Now that the National Strategy is completed, what are the next steps for the Task Force?**

The Task Force members are working together to implement the National Strategy for Combating Wildlife Trafficking. As part of this process, the Task Force has convened member agencies and established several working groups to develop a detailed implementation plan. The implementation plan will outline proposed agency actions to better leverage federal resources, share data, and coordinate law enforcement and conservation efforts across government, both domestically and internationally. It will also address ways to improve demand-reduction efforts and will emphasize the importance of public/private partnerships in combating wildlife trafficking. The implementation plan will identify clear mechanisms to work on the ground with local communities and set out specific steps to engage various business communities and other members of the public. The Task Force recently received significant and helpful recommendations from the Advisory Council on Wildlife Trafficking regarding implementation of the National Strategy. The Council, appointed by the Secretary of the Interior, in collaboration with the Departments of Justice and State, includes former senior leadership within the United States Government, as well as chief executive officers and board members from leading conservation organizations and the private sector, such as eBay.

**Question 2:**

**The national strategy called for supporting community-based wildlife conservation. The strategy explains that "local communities are essential partners on the ground and can be a powerful force in support of wildlife conservation and a frontline defense against poaching." Please describe these community-based approaches to natural resources management in Africa. What form do they take? How is the U.S. supporting these efforts? How do community-scouting and ranger programs work? And, what is their potential for reducing wildlife poaching?**

Effective community-based wildlife conservation empowers local communities through improved rights to control natural resources, and the development of local institutions for better land and natural resource management. Tangible benefits to communities that are directly associated with meeting mutual conservation goals result in powerful constituencies for wildlife conservation. Community-based wildlife conservation often includes on-the-ground monitoring,

wildlife security, law enforcement, and programs to raise awareness, reduce demand, and mitigate human-wildlife conflict.

The Service, U.S. Agency for International Development (USAID), and other federal agencies, including the Forest Service, support community-based natural resource management through grants to partners to conserve wildlife and habitats. These grants assist communities by: providing resources for equipment, technology and other tools; supporting local organizational capacity, including project personnel and running operational costs; funding capacity development and training; supporting outreach and awareness-raising; and providing technical assistance, including for implementation of adaptive management and best practices.

Local communities are key partners with governments in the fight against poaching. Other federal agencies, including the Departments of Justice and State, work with us on capacity development, training, and other programs that complement the support of wildlife populations. By increasing the economic returns from conservation, wildlife becomes more valuable alive than dead, building a local constituency for action on protection.

Examples of community-based wildlife conservation projects supported by the Service and USAID in recent years include:

- Community Patrolling and Detection: Ground patrols by village scouts in the Lupande Game Management Area and aerial surveillance in and around South Luangwa National Park in Zambia.
- New Tools and Technology: Improved technology by village anti-poaching patrols in the community-owned Waga Wildlife Management Area bordering Ruaha National Park in Tanzania.
- Awareness and Demand Reduction: Participatory approaches that involve films to reduce threats to great apes and protect human and wildlife health in Northern Congo.
- Training: Strengthening of training for village game scouts and village leaders at the Community Based Conservation Training Centre in Likuyu Sekamaganga, Tanzania.
- Wildlife Management Areas: USAID has funded, over the last ten years, the Tanzanian conservancy model for Wildlife Management Areas. This allows communities to benefit from wildlife on their land and aligns local incentives in favor of long-term conservation management. The Wildlife Management Areas are a key feature in addressing poaching in wildlife dispersal areas and game guard development
- Wildlife Conservancies: The Service and USAID have extensively supported conservancies and game scouts who have been instrumental in addressing wildlife security in important areas outside of National Parks.
- Gorilla Guardians: Community-based law enforcement in the Cross River gorilla habitat of Cameroon and Nigeria to protect the less than 300 remaining gorillas.
- Heroes of the Forest: A small fund in Virunga National Park in the Democratic Republic of Congo to provide a financial safety net for widows and children of rangers killed in the line of duty.

**Question 3:**

**The national strategy announced administrative changes to elephant ivory trade regulations, including revoking exemption that allows African elephant ivory to be traded in any way that would otherwise be prohibited by the Endangered Species Act. When do you suspect this new regulatory rule to be issued? Will the rule be issued on emergency basis allowing for expedited consideration? Will the FWS follow statutory rulemaking requirements, including but not limited to publishing a notice of proposed rulemaking in the Federal Register and the consideration of public comments. In what ways are these changes likely to reduce the global illegal trade in ivory? What threat does trade in antique grandfathered ivory pose? Under what circumstances would you see a need for legislative solutions to implement a complete moratorium on all commercial trade in ivory in the United States?**

The administrative actions announced with the national strategy, once implemented fully through the steps described below, will have the following impacts:

- **Prohibit Commercial Import of African Elephant Ivory:** All commercial imports of African elephant ivory, including antiques, will be prohibited.
- **Prohibit Commercial Export of Elephant Ivory:** All commercial exports will be prohibited, except for bona fide antiques, certain noncommercial items, and in exceptional circumstances permitted under the Endangered Species Act.
- **Significantly Restrict Domestic Resale of Elephant Ivory:** On June 26, a final rule went into effect that reaffirms and clarifies that sales across state lines and within a state are prohibited unless the seller can demonstrate an item was lawfully imported prior to 1990 for African elephants and 1975 for Asian elephants, or under an exemption document.
- **Clarify the Definition of “Antique”:** To qualify as an antique, an item must meet the following requirements under the Endangered Species Act. The onus is on the importer, exporter, or seller to demonstrate that an item meets these criteria.
  - Is not less than 100 years of age;
  - Is composed in whole or in part of any endangered species or threatened species listed under section 1533 of the Act;
  - Has not been repaired or modified with any part of any such species on or after December 28, 1973; and
  - Is entered at a port designated for the import of ESA antiques.
  - The requirement that the item be imported through a port designated for import of ESA antiques will not be enforced against items that meet elements A, B, and C above, but not element D if the item was imported prior to September 22, 1982, or was created in the United States and never imported.
- **Restore Endangered Species Act Protection for African Elephants:** We will revise a previous Fish and Wildlife Service special rule that had relaxed Endangered Species Act restrictions on African elephant ivory trade.
- **Support Limited Sport-hunting of African Elephants:** We will propose limiting the number of African elephant sport-hunted trophies that an individual can import to two per hunter per year.

Several separate administrative actions are necessary to achieve these outcomes. The first of these was the issuance of Director’s Order 210 on February 25, 2014. This Order established

policy and procedures for Service employees with regard to the African Elephant Conservation Act moratorium and the Endangered Species Act (ESA) definition of "antique." The result is a prohibition on commercial import and most noncommercial import of African elephant ivory and clarification of the types of items that can meet the ESA exemption for antiques. This action was necessary because we documented numerous examples of elephant ivory imported or offered for sale as "antique" though it was actually ivory from recently poached elephants made to appear old. Though this Order was done as a policy action, we will incorporate these provisions in our regulations and, in doing so, include a proposed rule with opportunity for public comment. On May 15, 2014, the Service issued a revised Director's Order to make some common-sense adjustments to accommodate concerns expressed by the regulated community. These changes will allow musicians to transport internationally certain musical instruments containing African elephant ivory, and allow for the import of museum specimens and certain other items not intended for sale.

On June 26, a final rule went into effect to revise our Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulations, including "use after import" provisions that limit sale of elephant ivory (and specimens of other CITES Appendix-I species) within the United States. These regulations were already published as a proposed rulemaking with opportunity for public comment, and the public comment closed on May 7, 2012.

Later this year, we will publish a proposed rule to revise the current ESA special rule for African elephants, restoring most or all ESA protections for the species. We will include a public comment period and consider those comments before publishing a final rule.

Though the United States is not the largest market for illegal ivory, we are a significant market. We believe that these actions will dramatically reduce the U.S. role in the illegal ivory trade and position the United States to encourage other major ivory-consuming countries to take similar actions. We have not identified any specific legislative actions directly associated with ivory trade that are needed at this time, though we will continue to monitor this issue closely and are always willing to discuss legislative needs.

#### **Question 4:**

**The most developed part of the National Strategy was the closure of the "loopholes" that made the U.S. ban on elephant ivory largely ineffective, primary of which was eliminating broad administrative exception to the 1989 African Elephant Conservation Act moratorium. What are the key gaps that the regulations you announced will be closing? How confident are you that the steps outlined by your agency will effectively close down U.S. markets to illegal ivory? In particular, are there additional federal authorities needed to close intra-state trade in ivory and rhino horn?**

The most significant gaps in the regulatory regime before the National Strategy was announced were the continued allowance of some commercial imports and the largely unregulated domestic trade. Wildlife traffickers took advantage of such regulatory gaps by falsely claiming that recently poached ivory or other illegally sourced ivory fell within these gaps. The administrative actions described above include a prohibition on all commercial imports of African elephant

ivory regardless of age, a prohibition on the sale of African elephant ivory across state lines, and stricter controls over sale of elephant ivory within the United States, including within states.

As we noted above, we believe that these actions will dramatically reduce the U.S. role in the illegal ivory trade and position the United States to encourage other major ivory-consuming countries to take similar actions. We have not identified any specific legislative actions directly associated with ivory trade that are needed at this time, though we will continue to monitor this issue closely.

**Question 5:**

**Some sportsmen and hunting organizations have expressed concerns of the possible adverse effects the commercial ban on ivory trading may have on legal hunting activities, although they have taken no formal position since rules have yet to be proposed. Could legal hunting activities be jeopardized by the ivory ban? In what ways did the Task Force solicit feedback from sportsmen?**

The African Elephant Conservation Act, ESA, and CITES all allow for the import of legally hunted elephant trophies from countries that demonstrate well-managed and sustainable hunting programs. The only administrative action that directly relates to elephant hunting is our proposed action to limit hunters to up to two sport-hunted elephants per hunter per year. This action is intended to address a very small number of hunters who have imported large numbers of elephant tusks in very short periods of time. The proposed action to limit sport-hunted trophies will be published as a proposed rule with an opportunity for public comment, and the Task Force already solicited feedback on this very issue from sportsmen and hunting groups via its Federal Advisory Council.

**Question 6:**

**A number of governments have recently destroyed large stock piles of seized ivory. The U.S., China, Hong Kong, and France, are among the few that have participated in these "ivory crushes." What is the purpose of an ivory crush? How do they help in combating wildlife trafficking? Some analysts have questioned the effectiveness of the ivory crushes from an economic perspective, since destroying large amount of ivory reduces the supply thus raising the value of the ivory that remains on the market as well as the incentive to poach. Does the Administration share these concerns?**

The main purpose of the U.S. ivory crush was to bring attention to the poaching crisis and the devastating effects that the illegal ivory trade is having on elephants in the wild. It was also an opportunity to highlight the plights of the many African and Asian park rangers that have lost their lives defending rhinos and other species that are being devastated by poaching and wildlife trafficking, and our commitment to address this critical conservation issue. As the question indicates, the U.S. ivory crush was followed by several other countries' destroying their seized ivory stocks or announcing their intent to do so. In some countries, the destruction of seized ivory stocks is also important because it ensures that the seized ivory never enters trade illegally;

there have been examples of ivory disappearing from store rooms in other countries, and preventing thefts from stockpiles of seized ivory can present an economic and security burden for some nations. We believe that it is time that people stop valuing ivory merely in terms of dollars but also in terms of the human lives that have been lost and the decimation of the iconic wildlife that has resulted from the poaching wars that now exist across much of Africa and Asia.

We do not agree with those who assert that destroying ivory stocks raises the value of ivory by further reducing supply. In the case of our seized ivory stock, this material is contraband and would never be made available to the market. Its destruction has no impact on the overall supply and does not create any incentive for poaching. We also do not agree that ivory demand can be suppressed by "flooding" the market with additional ivory from stockpiles. Elephants (and rhinos) now number in the thousands while the potential human consumer market numbers in the hundreds of millions. The potential demand is simply too great to manipulate with fluctuations in supply. By demonstrating our commitment to combat poaching and illegal trade, and to arrest and prosecute people who engage in these activities that result in real ecological and human costs, we are providing a strong disincentive to poachers and wildlife traffickers.

**Question 7:**

**The National Strategy specifically calls for the U.S. Postal Service (USPS) to continue to print and sell the Save Vanishing Species Stamp, which existing law already allows them to do, so that it can provide critical funding to the MSCF. Is the U.S. Postal Service still offering the stamp to costumers? Was the Postal Service involved in developing the National Strategy? Have any conversations taken place with the leadership at the USPS to advise them of their role in implementing the strategy by issuing this stamp?**

The U.S. Postal Service stopped selling the Save the Vanishing Species stamp at the end of 2013.

The Multinational Species Conservation Funds Semipostal Stamp Act of 2010 required that the Postal Service offer the stamp for sale by September 30, 2011, and required it to remain available to the public for a period of at least two years. The stamp went on sale on September 20, 2011 and was withdrawn from sale by the Postal Service on December 31, 2013. During that period 25.5 million stamps were sold raising more than \$2.5 million for wildlife conservation.

The Postal Service was not one of the agencies on the Task Force that developed the National Strategy, but the National Strategy was more broadly reviewed through the full administrative process before the President issued it in February 2014. We look forward to the Postal Service's involvement in the implementation of the National Strategy and to continued discussions with the Postal Service on the Semipostal Stamp.

**Question 8:**

**Can you outline in detail how, under the proposal, a current, legal owner of ivory more than 100 years old would document their antiques? What if there is no existing documentation as to its pre-ban status? If the owner is able to meet the requirements**

**outlined for antique ivory, will it be legal to transfer the ivory, and what are any new requirements for doing so?**

Specimens of ESA-listed species are exempt from ESA prohibitions if they are antiques as defined under the ESA. Such species include the Asian elephant and hawksbill sea turtle. The ESA Amendments of 1978 amended the 1973 Act (16 U.S.C. 1539 (h)) to allow the importation and other activities without an ESA permit of an antique article (referred to as an "ESA antique") that:

- Is not less than 100 years of age;
- Is composed in whole or in part of any endangered species or threatened species listed under section 1533 of the Act;
- Has not been repaired or modified with any part of any such species on or after December 28, 1973; and
- Is entered at a port designated for the import of ESA antiques.

The requirement that the item be imported through a port designated for import of ESA antiques will not be enforced against items that meet elements A, B, and C above, but not element D if the item was imported prior to September 22, 1982, or was created in the United States and never imported.

We have produced and made available to the public a detailed explanation of these requirements and the kinds of pre-existing or new documentation that would be acceptable to demonstrate that a specimen qualifies as an ESA antique. That information can be found at:  
<http://www.fws.gov/policy/do2I0A1.pdf>.

Items demonstrated to meet the definition of antique are exempt from ESA prohibitions and may be transferred or sold within the United States. For import and export, the African Elephant Conservation Act moratorium, as set out in the recently issued FWS Director's Order 210 described above, and CITES requirements still apply.

**Question 9:**

**The ban on all ivory trade in the US will render pre-ban legally owned ivory as of value only as family heirlooms. Would this make legal owners of pre-ban ivory, such as ivory art collections, jewelry, ivory inlaid firearms, ivory-key pianos, rendered worthless monetarily?**

The administrative actions that the Service has announced would result in a near-total ban on elephant ivory trade. We believe these strict measures are necessary to address the ongoing poaching crisis and the U.S. role in the illegal ivory trade. However, there will still be very limited legal sales of items that meet the ESA definition of antique or, for sale within a State, a demonstration that the ivory was imported prior to CITES Appendix-I listing (1990 for African elephants; 1975 for Asian elephants) or was imported with a CITES exemption document. Thus, it is not true that these old ivory items would be rendered worthless.

**Questions for the Record**

*Submitted by the Honorable Jeff Duncan (SC)*

*To The Honorable Kerri-Ann Jones, the Honorable Daniel M. Ashe, and Mr. Robert G. Dreher*

**Some sportsmen and hunting organizations have expressed concerns about possible adverse effects the commercial ban on ivory trading in President Obama's July 1, 2013 Executive Order Combating Wildlife Trafficking may have on legal hunting activities. America's hunters are the first line of defense in protecting wildlife from poaching, and trophy hunting conserves wildlife and provides needed revenue to many countries. Regarding the ivory ban, the focus of this effort should be on the conservation of live elephants, not putting unrealistic burdens on families for passing down heirlooms that already have ivory in them.**

**How is someone supposed to determine whether or not their possessions contain ivory that qualifies as an "antique" for purposes of this proposed action? How is this going to be enforced?**

Specimens of ESA-listed species are exempt from ESA prohibitions if they are antiques as defined under the ESA. Such species include the Asian elephant and hawksbill sea turtle. The ESA Amendments of 1978 amended the 1973 Act (16 U.S.C. 1539 (h)) to allow the importation and other activities without an ESA permit of an antique article (referred to as an "ESA antique") that:

- Is not less than 100 years of age;
- Is composed in whole or in part of any endangered species or threatened species listed under section 1533 of the Act;
- Has not been repaired or modified with any part of any such species on or after December 28, 1973; and
- Is entered at a port designated for the import of ESA antiques.

The requirement that the item be imported through a port designated for import of ESA antiques will not be enforced against items that meet elements A, B, and C above, but not element D if the item was imported prior to September 22, 1982, or was created in the United States and never imported.

We have produced and made available to the public a detailed explanation of these requirements and the kinds of documentation that would be acceptable to demonstrate that a specimen qualifies as an ESA antique. That information can be found at:  
<http://www.fws.gov/policy/do210A1.pdf>.

Items demonstrated to meet the definition of antique are exempt from ESA prohibitions and may be transferred or sold within the United States. For import and export, the African Elephant Conservation Act moratorium and CITES requirements still apply. We intend to enforce the ESA definition of antique, as described in Director's Order 210.

**What is the rationale for limiting legal sport hunted elephants to two per year per hunter?**

The African Elephant Conservation Act, ESA, and CITES all allow for the import of legally hunted elephant trophies from countries that demonstrate well-managed and sustainable hunting programs. The only administrative action that directly relates to elephant hunting is our proposed action to limit hunters to up to two sport-hunted elephants per hunter per year. We believe this action is necessary to ensure that commercial quantities of ivory are not imported as sport-hunted trophies. It may affect a very small number of hunters who have imported large numbers of elephant tusks in very short periods of time in recent years; the hunting community will have an opportunity to provide comments on this proposal during a public comment period.

**If there are agreed upon quotas for sport hunted elephants from qualifying African countries, why is there a need to arbitrarily limit how many a given hunter might take in a year?**

We believe this action is necessary to ensure that commercial quantities of ivory are not imported under the guise of sport-hunted trophies. Such a limitation is neither arbitrary nor without precedent, as we currently have limits on the number of leopards (2), markhor (1), and black rhinoceros (1) that an individual hunter may import each year.

**In what ways did the Task Force solicit feedback from sportsmen on this proposed policy change?**

The Task Force solicited feedback from sportsmen and hunting groups via its Federal Advisory Council. The Service also discussed this issue in meetings with sport-hunting organizations. Also, the proposed action to limit sport-hunted trophies will be published as a proposed rule with an opportunity for public comment.



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

**AUG 26 2014**

The Honorable Suzanne Bonamici  
House of Representatives  
Washington, D.C. 20515

Dear Ms. Bonamici:

In accordance with your request, the Department of the Interior has prepared the enclosed draft of legislative language providing for the restoration of federal recognition of the Clatsop-Nehalem Confederated Tribes of Oregon, and for other purposes.

This draft legislation has been prepared as a service to you. It has not been reviewed within the Department of the Interior or cleared by the Office of Management and Budget. We can, therefore, make no commitment at this time concerning the position of the Department on this matter.

Sincerely,

Christopher P. Salotti  
Legislative Counsel  
Office of Congressional  
and Legislative Affairs

Enclosure

## **SECTION 1. SHORT TITLE.**

This Act may be cited as the 'Clatsop-Nehalem Restoration Act'.

## **SEC. 2. DEFINITIONS.**

In this Act:

(1) INTERIM COUNCIL.—The term "Interim Council" means the council which is established under, and the members elected pursuant to, section 5.

(2) MEMBER.—The term "member", when used with respect to the tribe, means an individual enrolled on the membership roll of the tribe in accordance with section 7.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior or his designated representative.

(4) TRIBAL GOVERNING BODY.—The term "tribal governing body" means the governing body that is established under, and the members elected pursuant to, the tribal constitution and bylaws adopted in accordance with section 6.

(5) TRIBE.—The term "tribe" means Clatsop-Nehalem Confederated Tribes of Oregon considered as one tribe in accordance with section 3.

## **SEC. 3. CONSIDERATION OF THE CLATSOP-NEHALEM CONFEDERATED TRIBES AS ONE TRIBE.**

The Clatsop-Nehalem Confederated Tribes of Oregon shall be considered one tribe for purposes of Federal law, <sup>§ 511</sup>as one tribal unit for purposes of Federal recognition and eligibility for Federal benefits under section 4, the establishment of tribal self-government under sections 5 and 6, and the compilation of a tribal membership roll under section 7.

## **SEC. 4. RESTORATION OF FEDERAL RECOGNITION, RIGHTS, AND PRIVILEGES.**

(a) FEDERAL RECOGNITION.—Notwithstanding any provision of the Act approved August 13, 1954 (25 U.S.C. 691 et seq.) or any other law, Federal recognition is restored extended to the Clatsop-Nehalem Confederated Tribes of Oregon. ~~Nothing in this bill shall affect or diminish the treaty rights previously determined for other federally recognized Indian tribes~~

(b) RESTORATION OF RIGHTS AND PRIVILEGES.—

Except as provided in subsection (d), all rights and privileges of the tribe and the members of the tribe under any Federal treaty, Executive order, agreement, statute, or other Federal authority, that may have been diminished or lost under the Act approved August 13, 1954 (25 U.S.C. 691 et seq.) are restored, and the provisions of such Act shall be inapplicable to the tribe and to members of the tribe after the date of the enactment of this Act.

(c) FEDERAL SERVICES AND BENEFITS.—Notwithstanding any other provision of law, the tribe and its members shall be eligible, on and after the date of the enactment of this Act, for all Federal services and benefits furnished to federally recognized Indian tribes without regard to the existence of a reservation for the tribe. In the case of Federal services available to members of federally recognized Indian tribes residing on or near a reservation, members of the tribe residing in the following counties of the State of Oregon shall be deemed to be residing on or near a reservation:

(1) Tillamook County.

(2) Clatsop County.

(d) NO HUNTING, FISHING OR TRAPPING RIGHTS RESTORED; NO IMPACT ON TREATY RIGHTS OF FEDERALLY RECOGNIZED TRIBES.—

(1) RESTORED.—No hunting, fishing, or trapping rights of any nature of the tribe or of any member, including any indirect or procedural right or advantage over individuals who are not members, are granted or restored under this Act.

(2) Nothing in this Act shall affect or diminish the treaty rights previously determined for other federally recognized Indian tribes.

(e) EFFECT ON PROPERTY RIGHTS AND OTHER OBLIGATIONS.—Except as otherwise specifically provided in this Act, no provision contained in this Act shall alter any property right or obligation, any contractual right or obligation, or any obligation for taxes already levied.

## **SEC. 5. INTERIM COUNCIL.**

(a) ESTABLISHMENT.—There is established an Interim Council of the tribe which shall be composed of nine members elected by its members pursuant to this Section. The Interim Council shall—

(1) represent the tribe and its members in the implementation of this Act; and

(2) be the governing body of the tribe until the tribal governing body convenes.

(b) NOMINATION AND ELECTION OF INTERIM COUNCIL MEMBERS.—

(1) GENERAL COUNCIL MEETING.—Not later than ~~120~~<sup>[sc2]</sup>45 days after the date of the enactment of this Act, the Secretary shall announce the date of a general council meeting of the tribe to nominate candidates for election to the Interim Council. Such general council meeting shall be held not later than 30 days after such announcement.

(2) ELECTION.—Not later than 45 days after the general council meeting held under paragraph (1), the Secretary shall hold an election by mail-out secret ballot to elect the members of the Interim Council from among the members nominated in the general council meeting. ~~[sc3] Write Absentee and write-in candidates~~ balloting shall be permitted.

~~(3) APPROVAL OF RESULTS.—The Secretary shall approve the results of the Interim Council election conducted pursuant to this subsection if the Secretary is satisfied that the requirements of this section relating to the nomination and the election processes have been met. If the Secretary is not so satisfied, the Secretary shall—~~

~~(A) call for another general council meeting to be held not later than 60 days after such election to nominate candidates for election to the Interim Council; and~~

~~(B) hold another election within 45 days of such meeting.~~<sup>[sc4]</sup>

~~(4)~~<sup>(3)</sup> NOTICE.—The Secretary shall take ~~actions~~<sup>any action</sup> necessary to ensure that ~~member~~<sup>each member</sup> described in section 7(d) ~~are~~<sup>is</sup> given not less than 20-days-notice of the time, place, and purpose of the meeting to nominate Interim Council members ~~and the each meeting and election held pursuant to this subsection~~ not less than 10 days before the general meeting ~~or election~~.

(c) AUTHORITY AND CAPACITY; TERMINATION.—The Interim Council shall—

~~(1)~~<sup>(1)</sup> have no powers other than those given it under this Act;

~~(2)~~<sup>(2)</sup> with respect to any Federal service or benefit for which the tribe or any member is eligible, have full authority and capacity to receive grants and to enter into contracts.

~~(2)~~(3) except as provided in subsection (d), terminate on the date that the tribal governing body first convenes; and

(4) with respect to any contractual right established and any obligation entered into by the Interim Council, have the authority and capacity to bind the tribal governing body, as the successor ~~in interest~~ to the Interim Council, for a period of not more than 6 months beginning on the date such tribal governing body first convenes;

(3) terminate on the date that the tribal governing body first convenes except as provided in subsection (d); and,

(4) have no powers other than those given it under this Act.

(d) VACANCY ON INTERIM COUNCIL.—Not later than 30 days after a vacancy occurs on the Interim Council and subject to the approval of the Secretary, the Interim Council shall hold a general council meeting to nominate a candidate for election to fill such vacancy and hold such election. The Interim Council shall provide notice of the time, place, and purpose of such meeting and election to members described in section 7(d) not less than 10 days before such ~~each~~ general meeting or election.

## **SEC. 6. TRIBAL CONSTITUTION AND BYLAWS; TRIBAL GOVERNING BODY.**

(a) ADOPTION OF PROPOSED CONSTITUTION AND BYLAWS; ELECTION.—

(1) TIME AND PROCEDURE.—The Interim Council shall—

(A) prepare the tribal constitution and bylaws which shall provide for, at a minimum, the establishment of a tribal governing body and tribal membership qualifications and be consistent with this Act and other Federal law; and

(B) adopt such tribal constitution not later than 36 months after they are elected~~the date of the enactment of this Act.~~

(2) ELECTION.—Upon the adoption of the proposed tribal constitution and bylaws by the Interim Council, the Council shall request that the Secretary, in writing, schedule an election to approve or disapprove the adoption of such constitution and bylaws. The Secretary shall conduct an election by mail-out secret ballot in accordance with section 16 of the Act of June 18, 1934.

(b) NOTICE AND CONSULTATION.—Not less than 30 days before any election scheduled pursuant to subsection (a), a copy of the proposed tribal constitution and bylaws, as adopted by the Interim Council, along with a brief and impartial

description of the proposed constitution and bylaws shall be sent to each member described in section 7(d). The members of the Interim Council may freely consult with members of the tribe concerning the text and description of the constitution and bylaws<sup>[sc5]</sup>, except that such consultation may not be carried on within 50 feet of the polling places on the date of such election.

**(c) MAJORITY VOTE FOR ADOPTION; PROCEDURE IN EVENT OF FAILURE TO ADOPT PROPOSED CONSTITUTION.—**

(1) MAJORITY VOTE FOR ADOPTION.—In any election held pursuant to subsection (a), a vote of a majority of those actually voting shall be necessary and sufficient for the approval of the adoption of the tribal constitution and bylaws, provided at least 30 percent of the registered voters vote.<sup>[sc6]</sup>

(2) PROCEDURE IN EVENT OF FAILURE TO ADOPT PROPOSED CONSTITUTION.—If in any such election such majority does not approve the adoption of the proposed tribal constitution and bylaws, the Interim Council shall be responsible for preparing another tribal constitution and other bylaws in the same manner provided in this section for the first proposed constitution and bylaws. The new proposed constitution and bylaws shall be adopted by the Interim Council not later than 6 months after the date of the election in which the first proposed constitution and bylaws failed to be adopted. An election on the question of the adoption of the new proposal of the Interim Council shall be conducted in the same manner provided in subsection (a)(2) for the election on the first proposed constitution and bylaws.

(d) ELECTION OF TRIBAL GOVERNING BODY.—Not later than 120 days after the tribe approves the adoption of the tribal constitution and bylaws and subject to the approval of the Secretary, the Interim Council shall conduct an election, by secret ballot, to elect the tribal governing body established under such constitution and bylaws. Notwithstanding any provision of the tribal constitution and bylaws, absentee and write-in balloting shall be permitted in an election under this subsection.

**SEC. 7. MEMBERSHIP ROLLS; VOTING RIGHTS OF MEMBER.**

<sup>[sc7]</sup>(a) ~~MEMBERSHIP ROLL ESTABLISHED AND OPENED.—The membership roll of the tribe is established and open.~~

(b) ~~CRITERIA GOVERNING ELIGIBILITY.—~~

(1) MEMBERSHIP PRIOR TO ELECTION.—Until the first election of the tribal governing body is held pursuant to section 6(d), the membership of the Clatsop-Nehalem Confederated Tribes shall include any person who can document consist as follows:

~~(A) lineal~~(A) Any person who can document being a direct descent from a Clatsop or Nehalem (Naalem) Tillamook Indian (or both) on the tribal rolls compiled—

(i) in 1906 by Charles E. McChesney, Supervisor of Indian School;

~~(B) they meet the~~Any person found eligible by the Portland, Oregon, Area Office of the Bureau of Indian Affairs who would satisfy enrollment requirements under—

(i) the Act of August 24, 1912, (37 Stat. 518–535); or,

(ii) the Act of August 30, 1964, (78 Stat. 639) as determined by the Portland, Oregon, Regional Office of the Bureau of Indian Affairs; 639); or

(iii) part 43 of title 25, Code of Federal Regulations.

~~(C) lineal descent~~Any person who descends from those Indians who were signers of the treaties between the United States and the Clatsop Tribe and the Nehalem Band of the Tillamooks at Tansy Point, August 5 and 6, 1851 (Vol. 1, p.7–13; Records Concerning Negotiation of Treaties, 1851–1855; Oregon Superintendency (National Archives Microfilm Publication M2, roll 28); Records of the Bureau of Indian Indians Affairs, Record Group 75; National Archives Building Building, Washington, DC);-

~~(D) lineal~~(D) Any person who can document their direct descent from a Clatsop or Nehalem Tillamook Indian on any other Federal, State, Indian, or church record predating 1954;:-

(E) Lineal descentDescends from those Indians who were members of the Hobsonville Community; and,-

(F) All children born to a member of the tribe.

(2) MEMBERSHIP AFTER ELECTION.—After the first election of the tribal governing body is held pursuant to section 6(d), the provisions of the constitution and bylaws adopted in accordance with section 6(a) shall govern membership in the tribe.

(c) DUAL MEMBERSHIP.—Any person who is enrolled in any other federally recognized Indian tribe, band, or community or native corporation shall not, at the same time be enrolled in the tribe.

(d) PROCEDURES FOR VERIFICATION OF ELIGIBILITY.—

(1) BEFORE ELECTION OF INTERIM COUNCIL.—Before the election of the members of the Interim Council is held pursuant to section 5(b), verification of descendency, for purposes of enrollment and age for purposes of voting rights under subsection (d) shall be by evidence submitted to the Secretary<sup>[scs]</sup> within 30 days of enactment, ~~made upon oath before the Secretary~~ whose determination thereon shall be final.

(2) AFTER ELECTION OF INTERIM COUNCIL.— After the election of the members of the Interim Council is held pursuant to section 5(b), but before the first election of the members of the tribal governing body is held pursuant to section 6(d), the verification of descendency and age shall be made by evidence submitted to~~upon oath before~~ the Interim Council, or its authorized representative. An individual may appeal the exclusion of his name from the membership roll of the tribe to the Secretary, who shall make a final determination of each such appeal within 90 days after such an appeal has been filed with him. The determination of the Secretary with respect to such an appeal shall be final.

(3) AFTER ELECTION OF TRIBAL GOVERNING BODY.—After the first election of the members of the tribal governing body is held pursuant to section 6(d), the provisions of the constitution and bylaws adopted in accordance with section 6(a) shall govern the verification of any requirements for membership in the tribe. The Interim Council and the Secretary shall deliver a copy of their records and files and any other material relating to the enrollment of tribal members to such tribal governing body.

<sup>[scs]</sup>(4) PUBLICATION OF MEMBERSHIP ROLL.— ~~Not less than 60 days before the election under section 6(a), the Secretary shall publish in the Federal Register a certified copy of the membership roll of the tribe as of the date of such publication. Such membership roll shall include the names of all individuals who were enrolled by the Secretary, either directly under paragraph (1) or pursuant to an appeal under paragraph (2), and by the Interim Council under paragraph (2).~~

(e) VOTING RIGHTS OF MEMBER.—Each member who is 18 years of age or older shall be eligible to—

- (1) attend, participate in, and vote at each general council meeting;
- (2) nominate candidates for any office;
- (3) run for any office; and
- (4) vote in any election of members to the Interim Council and to such other tribal governing body as may be established under the constitution and bylaws adopted in accordance with section 6.

**SEC. 8. REGULATIONS.**

The Secretary may promulgate such regulations as may be necessary to carry out the provisions of this Act.



# United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

AUG - 8 2014

The Honorable Don Young, Chairman  
House Natural Resources Subcommittee on  
Indian and Alaska Native Affairs  
Washington, DC 20515

Dear Mr. Chairman:

Enclosed are responses prepared by the Bureau of Indian Affairs in response to questions received following the July 23, 2013, hearing before your Committee on H.R. 1103, *To amend the Alaska Native Claims Settlement Act to provide that Alexander Creek, Alaska, is and shall be recognized as an eligible Native village under that Act, and for other purposes*; H.R. 1225, *Samish Indian Nation Homelands Act of 2013*; H.R. 2388, *To authorize the Secretary of the Interior to take certain Federal lands located in El Dorado County, California, into trust for the benefit of the Shingle Springs Band of Miwok Indians, and for other purposes*; H.R. 2455, *Nevada Native Nations Lands Act*; and H.R. 2650, *Fond du Lac Band of Lake Superior Chippewa Non-Intercourse Act of 2013*.

Thank you for the opportunity to provide this material to the Subcommittee.

Sincerely,

Christopher P. Salotti  
Legislative Counsel  
Office of Congressional  
and Legislative Affairs

Enclosure

cc: The Honorable Colleen Hanabusa  
Ranking Member

**Questions from Ranking Member Hanabusa**

**H.R. 1225**

**1. Does Samish Indian Nation have any pending fee to trust applications for the lands that H.R. 1225 would place into trust?**

**a. How long have they been pending? Has approval been stalled for any reason?**

**Response:** The Samish Indian Nation (Nation) does not have any pending fee-to-trust applications for the lands that H.R. 1225 would place into trust. However, the Nation did file a fee-to-trust application for gaming purposes with the Bureau of Indian Affairs, Northwest Region, on August 8, 2012. The Nation proposes to acquire 11.40 acres of fee land located at: 12715 Thompson Road, Anacortes, Skagit, County, Washington, which are not lands that H.R. 1225 would place into trust.

The pending fee-to-trust application for lands that are not in H.R. 1225 has been pending for a year and nine months. The application is not stalled, but applications for gaming are very time consuming because they receive an exhaustive and deliberative review of all relevant criteria, factual information, and legal requirements, all of which have to be approved by the Assistant Secretary-Indian Affairs.

**b. Would the Department's proposed revisions to its land into trust regulations expedite the Tribe's applications?**

**Response:** Since the Samish Indian Nation does not have any pending fee to trust applications for the lands that H.R. 1255 would place in trust, the CFR 151 regulations do not affect the timelines. In general, the CFR 151 regulations have a minimal effect on timelines.

**2. Could the lands in H.R. 1225, once converted to trust status, be used for gaming purposes under any exception to IGRA's prohibition against gaming on lands acquired in trust after 1988?**

**Response:** No. The bill prohibits gaming. The lands in H.R. 1225, once converted to trust status, could not be used for gaming purposes under any exception to IGRA's prohibition against gaming on lands acquired in trust after 1988.

**3. Section 4 of the bill provides that the legislation “shall not grant, restore, or diminish any hunting, fishing, trapping or gathering treaty right of any tribe.” This provision suggests that hunting, fishing trapping or gathering treaty rights are potentially at issue with the proposed conveyances. Please provide relevant background and whether *U.S. v. Washington* (9th Circuit) is implicated.**

**Response:** The federal courts have held that the Samish Indian Nation does not have treaty fishing rights. *United States v. Washington*, 593 F.3d 790 (9th Cir. 2010). Section 4 ensures that any land acquired under H.R. 1255 will not change the status quo among the Samish and neighboring tribes with respect to treaty fishing, trapping, or gathering treaty rights.

#### **HR 2455**

**1. The Department has pledged to work with the bill's sponsor to address its concerns with respect to all but one of the proposed trust acquisitions. Title V of the bill would place two parcels containing oil and gas leases, a wilderness study area, and other resource conflicts into trust for the South Fork Band Council. Are there alternative lands that the Band could consider to meet the purposes for which it is seeking land in trust?**

**Response:** The Bureau of Land Management has been working to identify potential alternatives that might be considered by the Band.



# United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

AUG - 5 2014

The Honorable John Fleming, Chairman  
Subcommittee on Fisheries, Wildlife,  
Oceans and Insular Affairs  
Committee on Natural Resources  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

Enclosed are responses prepared by the U.S. Fish and Wildlife Service to questions submitted following the Subcommittee's April 8, 2014, legislative hearing on H.R. 187, H.R. 277, H.R. 1810, H.R. 1811, H.R. 2057, H.R. 3226, H.R. 3227, H.R. 3572, and H.R. 4222.

Thank you for the opportunity to provide this material to the Subcommittee.

Sincerely,

Christopher P. Salotti  
Legislative Counsel  
Office of Congressional and Legislative Affairs

Enclosure

cc: The Honorable Gregorio Kilili Camacho Sablan  
Ranking Member

**Legislative Hearing on Nine Bills to Revise the Boundaries of Certain Units of the John H. Chafee Coastal Barrier Resources System: H.R. 187, H.R. 277, H.R. 1810, H.R. 1811, H.R. 2057, H.R. 3226, H.R. 3227, H.R. 3572, AND H.R. 4222**

**April 8, 2014**

**Questions from the Honorable John Fleming, M.D.**

**PANEL 2: Mr. Gary Frazer-U.S. Fish and Wildlife Service**

1. In 2006, the Congress enacted the Coastal Barrier Resources Reauthorization Act. A key component of this legislation was a Digital Mapping Pilot Project. When will these digital maps be submitted to the Congress?

Response: The Service accelerated the completion of final recommended maps for 4 pilot project units in North Carolina (Units L06, L07, L08, and L09) that were the subject of the legislative hearing on April 8, 2014. These maps relate to H.R. 187 and H.R. 3572. We plan to complete final recommended maps for the remaining 64 pilot project units and the accompanying report to Congress in late FY 2015.

2. In August 2002, the Service issued a report on conserving America's coasts. The report indicated that by 2010, the Coastal Barrier Resources System would have avoided \$1.2 billion in taxpayer-funded payouts. Have you issued any updates to this twelve year old report? What is your best estimate on how much in payouts has been avoided since the Coastal Barrier Resources Act was enacted in 1982?

Response: The Service's 2002 economic study projected that the Coastal Barrier Resources Act (CBRA) will have saved American taxpayers approximately \$1.3 billion between 1983 and 2010 by restricting most Federal spending for roads, wastewater systems, potable water supply, and disaster relief for areas designated within the CBRS. This study did not include taxpayer savings associated with the National Flood Insurance Program (NFIP). The Service has not issued any updates to this report.

With the NFIP debt hovering around \$24 billion following Hurricane Sandy and the billions of dollars allocated to the U.S. Army Corps of Engineers to construct and reconstruct beach and flood control projects in the northeast, it is clear that the Federal costs associated with protecting developed shorelines are ever increasing. The cost savings associated with the CBRA likely far exceed the 2002 estimate. The Service recognizes the need for an updated economic assessment, but is unable to conduct such an assessment at this time due to other program priorities in a challenging budget climate.

3. How much is budgeted for the Coastal Barrier Resources Program in FY'14 and FY'15? For how many maps have you contracted or will contract to fix units in the system?

Response: The Service allocated about \$890,000 in FY 2014 for CBRA administration which doubled the program's budget over FY'13 appropriations. The Service plans to obligate approximately \$100,000 of FY 2014 funds to a technical mapping contractor to produce comprehensively revised maps for approximately six Coastal Barrier Resources System (CBRS) units, including maps for Units SC-01, SC-03, and P16 (and adjacent Units P15 and FL-63P), which were the subject of H.R. 3226, H.R. 3227, and H.R. 1811 at the legislative hearing on April 8, 2014. Additionally, the Service received \$5 million, through the Disaster Relief Appropriations Act of 2013, to comprehensively revise the CBRS maps for the eight states most affected by Hurricane Sandy (about 370 CBRS units). The Service plans to initiate contracts for the Hurricane Sandy project in late FY 2014 or early FY 2015.

The President's FY 2015 Budget Request includes \$890,000 for CBRA administration. If the President's FY 2015 Budget Request for CBRA is fully funded, the Service plans to allocate \$100,000 to produce comprehensively revised maps for approximately six CBRS units.

4. What happens to the premiums paid by homeowners who learn that their property is in a CBRA unit and they are no longer eligible for Federal Flood Insurance?

Response: The NFIP is administered by the Federal Emergency Management Agency (FEMA), not the Service.

However, it's our understanding that the policy is canceled when it is discovered that a Federal flood insurance policy was inadvertently issued on a structure that is not eligible for coverage because it is located within a CBRS unit. The homeowner is eligible for a full premium refund back to the date of inception, provided that no claim was paid. The cancellation request must be received within one year of the policy expiration date. This information can be found in the Cancellation/Nullification section (Section 13, Reason Code 6, page CN3) of FEMA's Flood Insurance Manual, which is accessible at: <http://www.fema.gov/media-library/assets/documents/93344>.

5. Has the Service or the Federal Emergency Management Agency ever compensated homeowners who were mistakenly included within a CBRA unit for the thousands of dollars they may have spent on private flood insurance?

Response: The Service has never compensated homeowners who were mistakenly included within a CBRS unit for their expenditures on private flood insurance. The Service is unaware of whether FEMA has ever provided this type of compensation to homeowners.

6. How does the Federal Flood Insurance Program treat homes that are not a principal residence but are rental property?

Response: The Service defers to FEMA regarding how the NFIP treats homes that are not a principal residence but are a rental property.

7. Where in the underlying federal law does the Service believe they have the legal authority to declare land that was once fully developed, in some cases for many years, but is currently undeveloped because of a fire, hurricane, tornado or other reasons and, therefore, is eligible for inclusion in the Coastal Barrier System?

Response: The statutory development criteria (16 U.S.C. 3503(g)) the Service considers in making recommendations to the Congress regarding the addition of any area to the CBRS are: (1) the density of structures on the ground and (2) the availability of a full complement of infrastructure on the ground. To be considered "developed," the density of development on each coastal barrier area must be more than one structure per five acres of land above mean high tide.

It is our understanding that this question was prompted by the Service's proposed addition of an approximately 10-acre parcel owned by the Florida Power and Light Company (FPL) to the CBRS on the Service's final recommended map for Units FL-70/FL-70P dated May 11, 2012 and related to H.R. 1810. The parcel that was proposed for addition currently has a 2,300 square foot functional warehouse equipped with electricity, wastewater disposal, and fresh water supply. FPL also owns a dock structure adjacent to the parcel with an existing submerged land lease from the State of Florida, for which FPL pays annual use fees. Comments submitted by FPL during the public review period on the Service's draft map for this area stated that this parcel was used in the past as "a fully developed and operational fuel oil terminal for FPL's power generation assets"; however the infrastructure that supported these industrial functions has since been removed (except for the warehouse, dock structure, and a fence surrounding the property).

In this situation, there is less than one structure per five acres of land above mean high tide. In addition, a coastal barrier area is considered "developed" even when there is less than one structure per five acres of land above mean high tide, if there was a full complement of infrastructure on the ground before designation. A full complement of infrastructure includes all of the following components for each lot or building site in the area: a road with a reinforced road bed; a wastewater disposal system; electric service; and a fresh water supply.

Because the existing infrastructure for the FPL parcel was put in place primarily to support prior industrial development that was removed more than a decade ago, the Service believes that the parcel qualifies as an undeveloped coastal barrier at this time and is appropriate for inclusion within the CBRS.

8. Is it the Service's position that all the property on the East Coast that was destroyed by Super Storm Sandy is now undeveloped? Has the Service recommended that any of this property or other storm damaged property should be placed in the Coastal Barrier System?

Response: As stated in the response above to #7, the Service considers the density of structures on the ground and the availability of a full complement of infrastructure when

making recommendations to the Congress about whether an area qualifies as an undeveloped coastal barrier and appropriate for inclusion within the CBRS. When comprehensively remapping CBRS units for the Sandy-affected area, the Service will address any legitimate mapping errors and also identify any new areas appropriate for inclusion within the CBRS (as directed in Section 4 of P.L. 109-226). Generally, densely developed urban areas that have been damaged by a storm (e.g., parts of Staten Island, New York) where there is a full complement of infrastructure and a clear commitment to rebuilding would not be recommended for addition to the CBRS.

However, more sparsely developed and rural areas that are damaged by a storm where there is no clear commitment to rebuilding could potentially qualify for addition to the CBRS. Additionally, areas where there have been government buyouts to restore previously developed property to open space could also qualify for addition to the CBRS. Through the Hurricane Sandy remapping project, the Service will carefully consider coastal barrier areas damaged by the storm to determine whether they are appropriate for addition to the CBRS based on the circumstances of each individual area. Some areas are likely to qualify, while many will not. The Service is also committed to conducting a public review of the draft maps produced through the Hurricane Sandy project which will provide an opportunity for communities and property owners to comment on proposed additions before the Service submits its final recommendations to the Congress.

Ultimately, the decision regarding whether to act upon the Service's recommendations to include an area within the CBRS lies with the Congress. The draft maps prepared by the Service are recommendations based on our interpretation of the statutory criteria and the Service's CBRS mapping protocols.

9. On June 20, 2012, Director Dan Ashe stated in a response to me that, "in regards to the enclosed May 23, 2012, drafting assistance map for Units FL-70/FL-70P, on balance this map is a significant improvement over the current controlling map." Does that opinion still reflect the thinking of the Service today?

Response: Yes, it is still the Service's position that, on balance, the map dated May 23, 2012 is a significant improvement over the current controlling map for Unit FL-70P. The Service supported H.R. 1810 in testimony provided at the legislative hearing on April 8, 2014. The Service did, however, recommend an amendment to H.R. 1810 to reference the Service's final recommended map for Units FL-70/FL-70P dated May 11, 2012. The only difference between the two maps is that the May 11, 2012 map would add an approximately 10-acre undeveloped parcel owned by the Florida Power and Light Company to Unit FL-70 as discussed further in response #7.

10. Should the Congress require the mapping of coastal barriers along the Pacific Coast?

Response: The Service's 2000 report to Congress on the status of coastal barriers along the Pacific Coast did not recommend that coastal barriers along the Pacific Coast be

added to the CBRS. The geological conditions of the Pacific coast, with a short continental shelf and a shoreline of mainly cliffs and bluffs, differ markedly from the Atlantic coast and do not meet the CBRA's definition of a coastal barrier. In addition, the Pacific Coast does not get ravaged by the hurricanes and tropical storms that are prevalent along the Atlantic and Gulf coasts. In order to include the Pacific Coast in the CBRS, the legislation and defining criteria under the CBRA would need to be revised to address the unique coastal characteristics. The Service has not revisited this concept since it completed the Pacific Coast report.



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

AUG - 5 2014

The Honorable Chris Coons, Chairman  
Subcommittee on African Affairs  
Committee on Foreign Relations  
United States Senate  
Washington, D.C. 20510

The Honorable Benjamin L. Cardin, Chairman  
Subcommittee on East Asian and Pacific Affairs  
Committee on Foreign Relations  
United States Senate  
Washington, D.C. 20510

Dear Mssrs. Chairmen:

Enclosed are responses prepared by the U.S. Fish and Wildlife Service to questions submitted following the Subcommittees' May 21, 2014, oversight hearing on "*The Escalating International Wildlife Trafficking Crisis: Ecological, Economic and National Security Issues.*"

Thank you for the opportunity to provide this material to the Subcommittees.

Sincerely,

Christopher P. Salotti  
Legislative Counsel  
Office of Congressional and Legislative Affairs

Enclosure

cc: The Honorable Jeff Flake  
Ranking Member  
The Honorable Marco Rubio  
Ranking Member

**Questions for the Record**  
**Submitted by Senator Marco Rubio to**  
**Director Daniel M. Ashe**  
**Senate Foreign Relations Committee Hearing**  
**The Escalating International Wildlife Trafficking Crisis:**  
**Ecological, Economic and National Security Issues**

**May 21, 2014**

**On February 11, 2014, the Administration announced a “National Strategy for Combating Wildlife Trafficking” and a proposal to ban all U.S. commercial trade in elephant ivory. However, a September 2012 FWS International Affairs Division report stated: “Since the vast majority of seizures in the United States were small quantities, we do not believe that there is a significant illegal ivory trade into this country.”**

- **What has changed since the September 2012 report to move the Administration to pursue a complete ban on U.S. commercial trade in elephant ivory?**

**Response:** The quote above is included in a fact sheet that the U.S. Fish and Wildlife Service (Service) prepared highlighting U.S. efforts to control illegal ivory trade. The statement was based on the Elephant Trade Information System (ETIS) analysis of U.S. import/export seizure data. As we noted in the fact sheet, the vast majority of seizures interdicted at the point of import are small quantities. However, the data reported for inclusion in the ETIS analysis did not include large-scale seizures of ivory that had previously entered the United States illegally and were not detected upon import.

The *U.S. v. Victor Gordon* case is just one such example. On June 4, 2014, a judge in New York sentenced Victor Gordon to 30 months in prison, followed by two years of supervised release, for smuggling elephant ivory into the United States. Approximately one ton of elephant ivory was seized in that case alone.

A more holistic evaluation of U.S. ivory seizures, as well as the substantial volume of elephant ivory available within the United States that is of questionable legal origin, indicates that we remain a significant ivory market, and we must continue to be vigilant in combating illegal ivory trade.

- **How would a complete ban on the domestic trade and sale of legally-owned, pre-ban ivory stop poaching and the illicit trade in ivory?**

**Response:** By effectively controlling illegal ivory trade at home and encouraging and assisting elephant range states and consumer countries around the world to take additional actions to control poaching and illegal trade, we can have a significant impact on elephant conservation.

Though there is trade in antiques and other legally acquired ivory imported prior to the 1989 African Elephant Conservation Act ivory import moratorium, we believe a substantial amount of elephant ivory is illegally imported and enters the domestic market. It is extremely difficult to

differentiate legally acquired ivory from ivory derived from elephant poaching. Our criminal investigations and anti-smuggling efforts have clearly shown that legal ivory trade can serve as a cover for illegal trade. In addition to the *Victor Gordon* case noted above, U.S. Fish and Wildlife Service and state wildlife officers seized more than two million dollars-worth of illegal elephant ivory from two New York City retail stores in 2012.

We have not yet implemented any regulatory or policy action to completely ban all domestic trade and we have not asserted that we will do so. Instead, we will propose a revision to the Endangered Species Act special rule for the African elephant that will further restrict commercial trade in African elephant ivory within the United States. This proposed rule will be subject to public comment and we will address those public comments before publishing a final rule.



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

**AUG 05 2014**

The Honorable Mark Begich  
United States Senate  
Washington, D.C. 20510

Dear Senator Begich:

In accordance with your request of July 14, 2013, the Department has prepared the enclosed draft of a bill that authorizes the conveyance, by the Secretary of the Air Force, of certain real property known as the Distant Early Warning line site in the National Petroleum Reserve near Wainwright, Alaska, to the Olgoonik Corporation.

This draft has been prepared as a service to you. It has not been reviewed within the Department of the Interior or cleared by the Office of Management and Budget. We can, therefore, make no commitment at this time concerning the position of the Department on this matter.

Sincerely,

Christopher P. Salotti  
Legislative Counsel  
Office of Congressional  
and Legislative Affairs

Enclosure

(a) IN GENERAL- Notwithstanding section 102 of the National Petroleum Reserves Production Act of 1976 (42 U.S.C. 6502) and subject to the conditions in subsection (c), the Secretary of the Air Force shall convey to the Olgoonik Corporation, an Alaska Native Corporation established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), by quitclaim deed all right, title, and interest of the United States in the parcels of real property described in subsection (b) and known as the Distant Early Warning line site in the National Petroleum Reserve near Wainwright, Alaska, that is currently subject to a right-of-way reservation issued to the United States Air Force by the Bureau of Land Management, BLM case file number F-81468.

(b) PROPERTY DESCRIPTION- The parcel of real property conveyed in subsection (a) consists of Lots 1, 2 and 3 of United States Survey 5252, approximately 1,518.95 acres, plus improvements.

(c) CONDITIONS- The following conditions shall apply to the conveyance--

(1) Fair Market Value.- As consideration for the conveyance under subsection (a), the Corporation shall pay to the Secretary an amount equal to the fair market value of the parcel, which shall be determined by an independent appraiser selected by the Secretary and in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(2) Costs.- All costs of the conveyance, including but not limited to the appraisal, survey, and related costs, shall be paid by the Corporation.

(3) Date of Transfer.- The conveyance under subsection (a) shall take place as soon as practicable after any necessary environmental remediation activities at the parcel are certified by the applicable State or federal government entities as complete.

(d) REMEDIATION ACTIVITIES- The Secretary of the Air Force shall retain responsibility for the implementation and completion of remedial action upon the parcels of conveyed real property described in subsection (b) as well as for implementation of any necessary response actions at areas of contamination identified in the future where the contamination was the result of Air Force activities.

(e) REVOCATION OF RIGHT OF WAY PERMITS AND LEASES- Upon completion of the conveyance, all existing right-of-way grants or leases issued by the Bureau of Land Management or the Air Force authorizing Air Force or Olgoonik Corporation use of the parcels shall be revoked.



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

AUG - 1 2014

The Honorable Doc Hastings  
Chairman  
Committee on Natural Resources  
House of Representatives  
Washington D.C. 20515

Dear Mr. Chairman:

Enclosed are responses to questions received by the Department of the Interior following the April 3, 2014, oversight hearing before the House Natural Resources Committee on "Department of the Interior Spending and the President's Fiscal Year 2015 Budget Proposal."

Thank you for the opportunity to provide this material to the Committee.

Sincerely,

for Christopher P. Salotti  
Legislative Counsel  
Office of Congressional and  
Legislative Affairs

Enclosure

Questions from Chairman Hastings:

**1. What actions has the Department of Interior taken to address the “on the ground” problem of mussel-encrusted boats leaving federally managed infested water bodies?**

**Response:** The U.S. Fish and Wildlife Service co-chairs the intergovernmental Aquatic Nuisance Species Task Force (ANSTF), which leads efforts to prevent the westward spread of zebra mussels and other aquatic nuisance species in North America, and has developed guidelines on approaches to minimize the potential risks of mussel-encrusted recreational boats that the States and other partners to use.

Through the 100th Meridian Initiative, the FWS and partners focus on containing the spread of invasive mussels and other aquatic nuisance species throughout the West through the Quagga-Zebra Mussel Action Plan for Western U.S. Waters, watercraft inspection training and certification, prevention planning, and prohibition of interstate transport via its injurious wildlife listing of zebra mussels. The ANSTF and its partners manage the “Stop Aquatic Hitchhikers!” campaign, a national outreach campaign. The campaign empowers recreational users with simple steps to help stop aquatic invasive species transport and spread.

The FWS provided funding in 2012 for mandatory inspections and decontaminations and improvements to inspection and decontamination procedures in areas where the National Park Service has established mandatory inspection and cleaning of boats in marina at Lake Mead National Recreation Area, which includes Lakes Mead and Mohave.

The Agency’s aquatic invasive species control and management funding for zebra and quagga mussels is \$2 million as a line item, of which \$1 million is used to fund 42 existing State/Interstate Aquatic Nuisance Species Management Plans which encompass a wide variety of invasive species activities, with much of the western work being focused on zebra and quagga mussels and both voluntary and mandatory boat inspections by the States. The other \$1 million is used to collaboratively work with the states, in order to increase effectiveness of control activities. The FWS provided funds to assist the NPS and state partners with their mandatory inspections and decontaminations, including improvements to their inspection and decontamination procedures.

**2. How can the National Park System authorize boats to leave Lake Mead without mandatory inspection and decontamination when Executive Order 13112 expressly prohibits a federal agency from authorizing any activities that spread invasive species?**

**Response:** With nearly 6.5 million annual visitors and, in Fiscal Year 2013, nearly 40,000 vessel passes sold, inspecting every boat that leaves Lake Mead National Recreation Area is impracticable and cost prohibitive, and, even if possible, it would not guarantee that no mussel infested boats would leave Lake Mead. In fact, on busy summer weekends, visitation can reach 200,000-300,000, and there are dozens of lake access points for Lakes Mead and Mohave, many of which do not have entrance stations or are

unmanned.

Lake Mead NRA is actively working to prevent the introduction and spread of invasive species. Current efforts include controlling and monitoring populations of quagga mussels and promoting public education. The quagga program is focused mainly on slipped and moored boats, which are the highest risk vector for transporting mussels from Lake Mead. The program provides that 72 hours prior to pulling a boat out of the water to leave the park, boat owners with slipped or moored boats must notify NRA personnel to schedule an inspection and hot-water wash to remove all visible quagga mussels. Boat wash facilities are located at all 7 marinas within the park. Day use boaters are required to clean, drain and dry their vessels before leaving the area.

While the NPS does not have the authority to stop vessels with quagga mussels that are departing federal lands at Lake Mead NRA, all of the western states do have laws in place regarding the transport of invasive species, including quagga mussels. Lake Mead NRA has coordinated with the Nevada Department of Wildlife and Arizona Game and Fish Department to provide boat wash information to the other western states. The NPS continues to work with the concessioners, the States, boat owners, haulers, repossession companies, and contractors to ensure protocols are being followed and boats are being inspected and washed properly.

**3. As you know, in Fiscal Year 2012, House Report 112-3 31 included appropriations of \$1 million for “the implementation of *mandatory operational inspection and decontamination stations* at federally-managed or interjurisdictional water bodies considered to be of highest risk.” However, I understand that this funding was not applied to inspection and decontamination stations as required by the House Report language. Why wasn't it, and when do you expect this requirement to be fulfilled?**

**Response:** Zebra and quagga mussel spread in the West is a complex issue involving interjurisdictional waters where both state and federal laws and policies apply. Many fouled vessels being intercepted in western states come from interjurisdictional and federally-managed waters in the lower Colorado River. The NPS has established mandatory inspection and cleaning of moored boats at Lake Mead NRA, which includes Lakes Mead and Mohave.

In 2012, in response to increasing pressure to make the program more effective, FWS, working collaboratively with the states, used these funds for mandatory inspections and decontaminations, and improvements to inspection and decontamination procedures. Discussions with Western Association of Fish and Wildlife Agencies, the Quagga/Zebra Mussel Action Plan Coordination Committee, and the Western Regional Panel of the Aquatic Nuisance Species Task Force indicated support for this approach, in particular at the Lake Mead National Recreational Area. FWS also briefed Appropriations Committee staff about using FY 2012 funds to implement the priorities identified by the Task Force.

**4. It has come to my attention that the Idaho State Department of Agriculture has been refused requests to the National Park Service (NPS) for copies of relevant**

**departing boat notifications to the Idaho Invasive Species Program as they are filed throughout the year; copies of all 2007-2009 departure records of Idaho-registered boats and boats that listed "Idaho" as the destination. Why was this information refused, and under what authority?**

**Response:** The National Park Service has worked with park concessioners to have them provide information on departing boats directly to the States of Arizona and Nevada. The State agencies have agreed to share this information with other western states, including Idaho, and have been providing this boater information for the last two years. Some of the data that Idaho has requested is not available as Lake Mead NRA first discovered mussels in 2007 and did not have wash stations at that time.

**5. Your recent letter to Secretary of State Kerry regarding the Columbia River Treaty indicated an interest in studying flood risk standards in the Columbia River Basin. Does the Administration support increasing flood risk in the area above current levels?**

**Response:** The Administration's position on the U.S. Entity's regional recommendations concerning the future of the Columbia River Treaty remains under consideration.

**6. Should states and local governments affected by ESA settlements (such as the mega-settlements your Department signed in 2011) be allowed a say regarding the issuance of ESA listing deadlines negotiated and set by the U.S. Fish and Wildlife Service with nongovernmental organizations in federal court?**

**Response:** The settlement agreements committed the FWS to make the listing determinations required by the ESA for 251 species on a workable and publicly available schedule. The settlements did not commit the FWS to add these species to the list; rather, they committed the FWS to make a determination by a date certain as to whether listing was still warranted and, if so, to publish a proposed rule to initiate the rulemaking process of adding a species to the list.

Question from Rep. Garcia:

**7. I'd first like to say how much I've enjoyed working with you over the past year. It's great to see you again. As you know, I represent the Everglades - one of our country's greatest natural treasures. Although the administration's commitment to Everglades restoration has been strong, I worry that some of the larger projects undertaken in the Comprehensive Everglades Restoration Plan have been indefinitely delayed, effecting families and businesses that surround them. The farmers in my district have lost entire annual crop yields because of the high water tables and significant flooding that has taken place across the region. Finalizing Contract 8 and completing the C-111 Canal South Dade would protect our growers from facing significant financial risk, personal burden and a strong disadvantage in the international market. Madam Secretary, where are we on C-111 South Dade and how does the Department plans to move it forward?**

**Response:** On April 30, 2014, Assistant Secretary of the Army Jo Ellen Darcy announced the resolution of issues associated with the C-111 Project so that the project could restart after a hiatus of two years. The issues that had delayed the project involved matters associated with the cost share and crediting to the local sponsor, the South Florida Water Management District. Now that the issues are resolved, the Army and the District may execute an amendment to the project cooperation agreement such that important work to complete the project, including Contract 8, may move forward.

Questions from Rep. Sablan:

**8. Submerged Lands and Co-management Agreement—The next step for the administration is to complete the co-management agreement between the Commonwealth government and the Fish and Wildlife Service, so that submerged lands in the Islands Unit of the Marianas Trench National Monument can be handed back to the Northern Marianas. I hope you will put some energy into getting that agreement, because it has been five years now since the Monument was created. Secretary Jewell, could you give me a status report on those negotiations between the Fish and Wildlife Service and the Commonwealth. When can we expect an agreement?**

**Response:** The Department has committed to early discussions of provisions relating to development of a coordinated-management agreement for the submerged lands within the Marianas Trench National Monument among representatives of the U.S. fish and Wildlife Service (FWS), the National Oceanic and Atmospheric Administration, and the CNMI Governor. FWS and NOAA regional leaders met with the CNMI Governor and his staff on June 16<sup>th</sup> and agreed to work together toward this agreement and transfer. Actions to develop an Agreement for Coordinated Management are underway between the agencies and CNMI and continued discussions are scheduled.

**9. ABC Initiative—I would like to know more about the President's budget, which recommends moving \$1.7 million from the Compact Impact Discretionary funds the Office of Insular Affairs gets and putting that money into the ABC Initiative. We lose \$1.7 million of compact impact money that could go directly into education and instead we get "embedded teams." Can you help me understand what you are trying to do here?**

**Response:** The Department is making every effort to be more efficient and effective in responding to the needs of U.S. territories. Specifically, the ABCs initiative has assessed the conditions of every school building in the territories, which identified \$177.4 million deferred maintenance, \$16.7 million of which is considered health and safety risks that must be rectified to provide a safe learning environment. Additional funds for the ABC initiative will be used to begin addressing deferred maintenance items with priority given to health and safety maintenance issues. By conducting the ABCs as regional effort through the Army Corps of Engineers, the territories are realizing economies of scale that could not be obtained by doing it individually for each territory.

**10. Financial Management Software;—About 15 years ago OIA provided financial management software to all of the insular areas. This was to improve financial management by the local governments and meant that OIA would be dealing with financial information in the same format from all areas. First, how has this project worked out? Did it achieve its goals? And, second, is that software ready for an update? If so, will OIA be assisting again?**

**Response:** Prior to its dissolution, the Trust Territory of the Pacific Islands (TTPI)

government maintained a centralized accounting system in Saipan for the governments of the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia (and its states), Palau, and the Marshall Islands. In approximately 1986, as the TTPI wound down its activities, it decentralized accounting and created computer centers and accounting systems in each of the islands. The accounting software was the same for each government and met government accountability standards to create financial reports that could be audited. The accounting system and associated software was effective in ensuring each government owned and was responsible for maintaining and upgrading its own accounting system. As noted in the question, technical assistance funding was requested and awarded to the FSM and RMI in the early 2000's to upgrade their accounting systems. This was accomplished under the auspices of the "Insular Management Controls" program, which was subsequently discontinued. Since that time, the office has not undertaken a general hardware and software upgrade on the scale of that previous effort.

OIA also continues to provide financial management related support to the insular areas through the TAP Graduate School Contract. Each year, the insular areas identify financial management capacity building needs that they have and the Graduate School, funded through TAP, provides training and assistance. OIA has also supported financial management improvements in each area by working on providing support for Single Audits through OIA staff and the Graduate School Contract.

**11. Palau Compact—When you were here last year, I asked you about the agreement to extend the financial terms of the Compact of Free Association between the United States and the Republic of Palau. I had hoped that with your assistance and support, we could figure out a way to secure passage of the agreement by Congress. Unfortunately, there has been little progress. The two committees of jurisdiction in the House and the Energy and Natural Resources Committee in the Senate have simply been unable to come up with a suitable offset. We are going to have to work harder. But we are also going to need more leadership and some sense of urgency from the administration. So, can you update us, Madam Secretary, on any administration's efforts to secure passage of the Palau agreement?**

**Response:** Approving the results of the Agreement is of critical importance to the national security of the United States, to our bilateral relationship with Palau, and to our broader strategic interests in the Asia Pacific region. As such, the Administration transmitted legislation to Congress that would approve the Agreement and has worked with the Committee to try to identify appropriate offsets for funding the Agreement. The Administration stands ready to continue to work with Congress to approve this critically important piece of legislation.

**12. ESA—We often hear from our Republican members that the Fish and Wildlife Service should concentrate more on recovering threatened and endangered species and less on listing them. However, complying with the majority's endless document requests and subpoenas has cost your department \$1.5 million and tied up 19,000 hours of staff time.**

**Do you believe these resources would be better utilized to help reach species recovery goals?**

**Response:** With limited resources it is critically important that FWS focus on species recovery.

**13. Coastal Barrier Resources System—The Department's budget shows a great deal of concern over the effects of climate change. I share those concerns. However, the budget does not dedicate any additional resources to remapping the Coastal Barrier Resources System, a project that is long overdue. Given that coastal storms and sea level rise are an imminent threat to private property, public infrastructure, and the environment, doesn't it make sense to include updating CBRS maps as part of your climate adaptation agenda?**

**Response:** Through appropriated funding to the FWS and the Federal Emergency Management Agency, along with funding provided under the Disaster Relief Appropriations Act of 2013, the FWS is well positioned to provide modernized maps for the Coastal Barrier Resources System. The FWS, through an interagency partnership with FEMA, is conducting a digital conversion of the CBRS maps that is anticipated to be completed by 2016. Funding through the Disaster Relief Appropriations Act of 2013 provided \$5 million to comprehensively modernize maps for eight northeastern states by 2017, which will correct errors affecting property owners and facilitate increased awareness of and compliance with CBRA among federal partners and other stakeholders.

**14. Law Enforcement—The Department is requesting only very modest increases to its law enforcement and international affairs budgets at a time when global wildlife poaching and trafficking is at an all-time high. Is this lack of dedication consistent with the recommendations in the recently released National Strategy for Combating Wildlife trafficking?**

**Response:** The Department has requested funding at a level that will allow FWS to make a significant contribution to the fight against wildlife trafficking. The Department's efforts represent the continuation and enhancement of work that has been underway for years. The request is also consistent with the National Strategy, which calls for marshaling and strategically using existing resources across executive branch agencies and departments and working in partnership with other nations, the nonprofit community, and the private sector.

Question from Rep. Duncan:

**15. You mentioned during the hearing that there were cases where chemicals used in fracking were found in ground water. Were you referring to proven cases where ground water was contaminated because of fracking, or were you referring to an instance where chemicals used in tracking happened to be found in water, with no clear correlation between the two? Do you have evidence you can share regarding what you have found?**

**Response:** As indicated at the hearing, the Department is not aware of any studies that have suggested a direct link between hydraulic fracturing and groundwater contamination, but there have been links with groundwater contamination from injected fluids and documented cases of fluid spills on the surface contaminating groundwater. These types of incidents are generally reported to states or the Environmental Protection Agency, and news of them are often reported in the press. With regard to hydraulic fracturing, however, of paramount importance to the process is the integrity of the well bore, the well bore casing, and the concrete seal, which play key roles in ensuring groundwater is protected and fluids going into the well do not escape. Additionally, it is important that companies have a water management plan in place for fluids that flow back to the surface.

Questions from Rep. Robert Wittman:

**Atlantic Seismic PEIS**

**16. Do you believe that the Atlantic Seismic PEIS balances environmental protection, including mitigating marine mammal impact while promoting a better understanding of the available resources in the study area?**

**Response:** Yes. The PEIS establishes multiple mitigation measures designed to protect the environment and minimize the impacts to marine life while setting a path forward for survey activities that will update nearly four-decade-old data on offshore energy resources in the region.

**17. What date do you expect the Department to issue the Record of Decision (ROD) for Atlantic Seismic?**

**Response:** Input from the public is an essential part of this process and the Bureau of Ocean Energy Management has experienced a high level of interest in the PEIS. Requests were received from several stakeholders, including members of Congress, to extend the comment period on this document. Based on these requests, BOEM extended the comment period until May 7, 2014. BOEM issued its Record of Decision on July 18, 2014.

**5 Year Plan**

**18. As the Department of Interior begins the process to establish the 2017-2022 Five Year Plan, will you commit to taking into consideration the broad bipartisan support for offshore energy production offshore Virginia?**

**Response:** As a part of the Five Year Program planning process, BOEM will consider all 26 OCS planning areas, including offshore Virginia. Beginning this summer, BOEM will initiate the planning process for developing the next Five Year Program for 2017-2022. It is a detailed, carefully executed, and public process that is based on sound scientific analysis. A key part of safe and responsible development of our offshore oil and gas resources is tailoring consideration of leasing to specific regions and environments, engaging with States and local communities as well as industry, NGOs and other stakeholders, and addressing potential conflicts.

**National Fish Hatchery System**

**19. The Fish & Wildlife Service report release in 2013 valued its fisheries program at \$3.6 billion and supporting 68,000 jobs. Do you view the fisheries program as an important component of the Presidents Great Outdoors Program?**

**Response:** Yes, the FWS Fish and Aquatic Conservation Program is an important component of the President's America's Great Outdoor Initiative, which has a goal to achieve lasting conservation of the outdoor spaces that power our nation's economy, shape our culture, and build our outdoor traditions. In FY 2012, National Fish Hatchery System facilities distributed or held in refugia 113 species of fish. Many species that are produced to meet goals for the recovery of threatened and endangered species or for the restoration of imperiled species also have recreational value.

In addition to culturing aquatic species, many of our hatcheries provide outdoor education programs and other opportunities such as recreational fishing, nature trails, bird watching, and camping.

Consistent with the intent of the Initiative, volunteers are critical to the success of the hatchery system. Whether they are giving back to their communities, being good stewards of the land, setting examples for future generations, or sharing their wealth of knowledge, volunteers are critical to the operation of national fish hatcheries across the country. In FY 2013, National Fish Hatchery System facilities recorded 98,265 hours by adult volunteers valued at \$2,215,876. The National Fish Hatchery System also recorded 12,618 hours by youth volunteers.

**20. Has Interior considered the overall economic impacts that closing hatcheries would have on the recreational fishing community, small businesses and localities?**

**Response:** In the fall of 2012, the FWS launched a comprehensive review of the 70 fish and aquatic species propagation hatcheries to ensure the NFHS will be positioned to address high priority aquatic resource needs now and into the future while working within its budget limitations. The *National Fish Hatchery System: Strategic Hatchery and Workforce Planning Report* is the product of that comprehensive review. Although economic impacts were not among the criteria used to evaluate the propagation programs, FWS understands the potential impact of reductions in fish production programs on local communities. The FWS announced in November 2013 that it does not intend to close any hatcheries in the current fiscal year. Operations throughout the Service's National Fish Hatchery System have been greatly impacted by budget reductions including sequestration, as well as increasing operations costs.

The Report is intended to inform the discussion on the future of the NFHS to chart a course for the system that is financially sustainable, addresses today's most pressing conservation challenges, and continues to serve the public interest.

**21. Do you believe Interior is complying with the mitigation hatchery responsibilities established by Congress and will you be requesting the full amount of funding from the water resource agencies for mitigation hatcheries?**

**Response:** Over the past decade, FWS has been working to intensify efforts to obtain

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reimbursement for fish mitigation production from responsible parties. Mitigation for federal water projects is still an important goal of the NFHS and the fish supplied by these hatcheries provide important economic opportunities to the states and the recreational community in general. We support the continuation of mitigation work on a reimbursable basis.

Questions from Rep. Napolitano:

**22. Water Challenges (water shortages and water use conflicts) is one of the Department's initiatives. How will the proposed spending for basic data gathering (USGS streamgaging and ground water monitoring specifically) impact DOI ability's to fulfill its statutory mandates, affect decision support, and impact states and other non-federal partners?**

**Response:** The FY 2015 budget request reflects a careful prioritization of science investments to support streamgages through the National Streamflow Information Program and enhance groundwater monitoring among other activities under the USGS Water Resources Mission Area. On the heels of the 125<sup>th</sup> anniversary of the installation of the first streamgage in Embudo, New Mexico, the Department recognizes that streamgages are critical to forecast floods and droughts, manage flood flows, deliver water supplies, establish water rights, protect threatened aquatic habitats, and for recreation. More than 247 million daily observations from 26,000 streamgages are currently available through the USGS National Water Information System. The USGS operates 4,461 stations with more than 30 years of record, and 8,024 gages comprise the U.S. streamgage network today.

Groundwater monitoring is similarly important. Groundwater is a critical component of our Nation's drinking water, agriculture, industry, and aquatic ecosystems, yet as a nation we have a poor handle on the quantity, quality, and location of groundwater. Funding in the FY 2015 budget request supports USGS activities associated with the SECURE Water Act (P.L. 111-11), which will allow USGS to continue the path forward to achieving a national water availability and use assessment and to advancing USGS efforts on groundwater availability, initiating a gradual implementation of the National Groundwater Monitoring Network, and advancing the national assessment of brackish aquifers. The budget also proposes \$2.0 million for a state water-use grant program. The grant program would provide the necessary framework, resources and incentives for states to provide water supply and use information in a consistent manner, which is essential for eventually providing a uniform, trustworthy national assessment of water availability and use.

**23. Part of Reclamation's core mission is to provide for sustainability and recycling. WaterSMART and Title XVI funding continues to fall short to be ahead of the backlog of authorized projects.**

- a. Can you describe the constraints and reasoning why the \$21.5 million budget does not meet the \$350 million need when these projects have been successful? And produced thousands of AF of water.**

**Response:** The Department recognizes that water reuse is an essential tool in stretching the limited water supplies in the West. The Department's FY 2015 budget request for this program reflects the need to prioritize limited budget resources while enabling the significant non-federal cost share that continues to make the Title XVI program

successful. Water reuse projects continue to be a valuable tool to address current and future water resource challenges posed by drought and the competing demand for scarce water resources.

**24. What is being done to address the costs of not having any water vs. water delivery with quagga mussels? How are you managing the research funding on invasive species? Who is leading the R/D?**

**Response:** We recognize the threat posed by invasive mussels in the West, with impacts at Reclamation dams, powerplants, and facilities of other water providers, as well as at recreational sites. Operations and maintenance costs at facilities have reflected these impacts, but to date mussels have not prevented the delivery of Reclamation water or power. The FY 2015 budget request, under the Bureau of Reclamation's Science and Technology program, prioritizes research and development aimed at mitigating the impacts of invasive zebra and quagga mussels on water and hydropower facilities. The S&T Program will continue to help develop and test technologies to manage zebra and quagga mussels with testing of pulse-pressure technologies, UV lamps and high-capacity filters, and coatings materials that will resist mussel colonization.

Reclamation's collaboration with industry recently led to the commercialization of a natural molluscicide that can eradicate mussel colonies within piped systems in dams and powerplants. The S&T Program will continue developing and testing new technologies in collaboration with other agencies, and partner with U.S. industry representatives by utilizing technology transfer authorities. Field tests of multiple promising technologies are underway.

**25. The White House Council on Native American Affairs is advancing 5 priorities including "economic development, justice systems, education, natural resources and healthcare including health disparity." Substance abuse is included but mental health is not defined in "social services." There is a lack of services for adequate mental health care and suicide prevention. How is this being accounted for through the council and the Department? Specifically, how are you addressing the serious mental health issues? Can you speak to the specifics of the program?**

**Response:** At the Department, the Bureau of Indian Affairs' programs assist tribal communities in developing their natural and socio-economic infrastructures. The FY 2015 Budget Request proposes the Tiwahe Initiative, which will expand BIA's capacity in current programs that address Indian children and family issues and job training needs. It will provide culturally-appropriate services with a goal toward empowering individuals and families through health promotion, family stability, and strengthening tribal communities.

American Indian and Alaska Native youth suicide is a serious problem in Indian Country, and child abuse and neglect, persistent problems among Indian populations in the United

States, has had devastating impacts. Children living in poverty are more likely to be exposed to violence and psychological trauma, and Indian communities are plagued by high rates of poverty, substance abuse, suicide, and violent crime.

The Bureau of Indian Education provides the Department's most direct action on youth suicide by providing technical assistance and monitoring through BIE regional School Safety Specialists to ensure schools are compliant with intervention strategies and reporting protocols to further ensure student safety. BIE also partners with other federal agencies, including the Substance Abuse and Mental Health Services Administration (SAMHSA) and the Indian Health Service (IHS) in the Department of Health and Human Services and the Department of Education, enabling it to address the unique needs of its students in the areas of behavioral health and suicide prevention.

The BIE has in place a Suicide Prevention, Early Intervention, and Postvention Services Policy that promotes suicide prevention and early intervention in BIE schools. The policy applies to all BIE-operated elementary and secondary schools and residential facilities, and it mandates specific actions in all schools, dormitories and the two post-secondary institutions; and encourages tribally-operated schools to develop similar policies. These actions create a safety net for students who are at risk of suicide, and promote proactive involvement of school personnel and communities in intervention, prevention and postvention activities. In addition, the Office of Justice Services (OJS) in BIA has partnered with a number of health and social service programs to assist in educating and presenting at schools, seminars, workshops, and community events on suicide prevention.

**26. Reclamation's budget for authorized Native American water settlements in 2015 is \$112 million, an increase of \$12.3 million over 2014 enacted. What is the status and number of current pending water settlements? And how is the President's Opportunity and Security Initiative investing in finding solutions to climate challenges through technology development and R/D?**

**Response:** As the Department has indicated, negotiating settlements of Indian water rights claims has been and remains a high priority for this Administration. Such settlements help ensure that Indian people have safe, reliable water supplies and are also in keeping with the United States' trust responsibility to tribes. The Department currently has 38 Federal Teams in the field working on Indian water settlements in 11 western states with 21 teams involved in implementation of enacted settlements and the remainder involved in negotiations or assessments of possible settlements. Of these, 3 settlements have federal legislation pending at various stages in the legislative process, with several more expected in the next few years.

The President's Opportunity, Growth and Security Initiative supports investing in research and unlocking data and information to better understand the projected impacts of climate change and how to better prepare our communities and infrastructure; helping communities plan and prepare for the impacts of climate change and encouraging local measures to reduce future risk; and funding breakthrough technologies that will make us more resilient in the face of a changing climate.

**27. In 2009, not one commercial solar energy project was in development on federal land. In the past 5 years, the Department has authorized 50 renewable energy projects in -solar, wind and geothermal. Fully developed, these projects will provide nearly 14,000 megawatts of power—enough to power over 4.8 million homes and support over 20,000 construction and operations jobs. Can you discuss the development goals for 2015 on federal land and Native American land?**

**Response:** The BLM in 2015 will be well on its way toward achieving the President's goal of authorizing 20 gigawatts (20,000 megawatts) of renewable energy from public lands by 2020.

**28. (On employment and training)- Would like to thank the Secretary for supporting public-private partnerships with \$1 million toward a goal of \$20 million for education and employment for youth and veterans. It is a start but not enough and I would stress how important it is to continue to educate our youth including our university students in water technology, Ag. Can you discuss some of the training for employment?**

**Response:** Engaging the American public, particularly young people, is a key priority. In 2009, the Department established a comprehensive youth program with strong performance goals to engage, educate and employ youth. Since then it has become one of the largest national youth programs in the country, providing employment opportunities for over 93,000 young people and veterans through direct hires and partnerships on public lands. Secretary Jewell challenged the Department to expand these efforts in new ways including new applications and other technological tools, an emphasis on urban centers, and incorporating youth activities into the core operations of the Department's bureaus. By September 30, 2015, the Department will provide 40,000 work and training opportunities over fiscal years 2014 and 2015 to young people (ages 15-25) to support the Department's mission.

The Department has also been active in establishing long-term relationships with federal agencies, schools, veteran's organizations and military organizations that allow us to attract and retain our Nation's veterans. The Department was the first federal agency to sign an agreement with the Office of the Chief, Army Reserve, that focused on connecting reserve service members to employment opportunities; connecting military youth and families to America's great outdoors, history and culture; and expanding recreational opportunities for community-based wounded warrior programs.

**29. Energy projects could be impacted by the permitting processes. As the debate on energy development and climate change continues, how would you weigh greater industrial safety, permitting, and proper oversight of environmental risks and potential irreversible long-term effects to our ecosystems?**

**Response:** Facilitating efficient, responsible development of energy resources while reducing carbon pollution are integral parts of the Administration's broad energy strategy.

Renewable energy development is an important component of that strategy. The President's Climate Action Plan set an ambitious target of doubling renewable electricity generation by 2020. In support of that goal, since 2009, the BLM has approved 52 renewable energy projects on public lands including 29 utility-scale solar facilities, 11 wind farms, and 12 geothermal plants. If built as approved, these projects could provide more than 14,000 megawatts in energy capacity to power 4.8 million homes.

Development of conventional energy resources from public lands also continues to play a role in meeting our Nation's growing energy needs, and the BLM is working to achieve a responsible balance between energy production and environmental protection. For example, the BLM has begun outreach with tribal and state governments to determine if additional regulations could be developed that would establish standards to further limit the waste of vented and flared gas. The Department also implements the President's Climate Action Plan goals to reduce the Nation's carbon footprint, and is taking actions such as exploring ways to reduce methane emissions from mining operations on public lands. The Department will continue working to ensure efficient and responsible development.

**30. The Bureau of Land Management (BLM) is leading the nation with active solar, wind and geothermal energy programs on BLM public lands. What challenges is the Department facing when implementing these programs? How many jobs have been produced in renewables? And how is enforcement of proper assessments and permitting in continuous land operations important to prevent irreversible deterioration?**

**Response:** As part of its efforts to increase the production of renewable energy on public lands, the Administration has been effective in managing development challenges by working closely with project applicants to ensure projects are designed to give proper consideration to resource and environmental concerns. This authorizing process also places a significant emphasis on early coordination among stakeholders. The Administration's consideration of each proposed project is informed by public participation and environmental analyses required under the National Environmental Policy Act and other applicable federal and state environmental laws.

This inclusive and efficient authorization process has played an important role in developing renewable energy projects that help support thousands of jobs in local communities across the West. In Fiscal Year 2012, we estimate that geothermal, wind, and solar energy activities on BLM-managed public lands supported more than 11,000 jobs.

The BLM participates in the interagency Rapid Response Team for Transmission (RRTT), which is led by the White House Council on Environmental Quality. The RRTT works to improve transmission siting, permitting, and review processes, and is currently developing a pre-application process for high-voltage transmission line applications in order to improve interagency and intergovernmental coordination with a focus on helping project proponents and federal agencies identify and avoid potential siting challenges and issues. BLM remains focused on approving critical renewable energy projects, as well as

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transmission projects, on public lands in an accelerated and environmentally responsible manner.

Questions from Rep. Lowenthal:

**31. Last year I asked the Interior Department a question for the record about how the BLM would ensure that FracFocus fixed its data search, sort, and aggregation tools. Interior replied that “FracFocus has evolved into a standardized, easily accessible repository of public information.” Nothing could be further from the truth.**

**Madam Secretary, Executive Order 13642 requires that “the default state of new and modernized Government information resources shall be open and machine readable” and that the Federal government is “to ensure that data are released to the public in ways that make the data easy to find, accessible, and usable.” FracFocus contains error-prone data that can only be downloaded tediously, one well at a time, in PDF format. Not in aggregate or machine-readable format as the Executive Order calls for.**

**Madam Secretary, do you agree that FracFocus currently does not comply with the Open Data Executive Order?**

**Response:** The Bureau of Land Management is considering in its revised proposed regulation the use of FracFocus for disclosure of the additives in hydraulic fracturing fluids. The Ground Water Protection Council, which is responsible for the development of FracFocus, has had a successful track record developing a similar risk-based data management system that is relied on by other regulatory agencies, including the Department of Energy, and others. BLM will be maintaining its own well records and will be working to comply with all statutes and executive orders concerning its records.

Notably, the Secretary of Energy Advisory Board Task Force recently issued its Report on FracFocus 2.0, which contains recommendations to improve the effectiveness of the disclosure of chemical additives and improve transparency for regulators, operating companies, and the public. The BLM is continuing its dialogue with the GWPC and expects further progress to ensure the site meets key elements addressed by the Task Force report, which will enhance the transparency of chemical disclosure data.

**32. Is the BLM working on an agreement with the Ground Water Protection Council to ensure that future versions of FracFocus are an appropriate regulatory tool for the BLM?**

**Response:** As noted in response to the previous question, as the BLM moves forward with finalizing its revised proposed hydraulic fracturing rule it is continuing dialogue with the GWPC and expects site improvements that will further enhance the transparency and use of hydraulic fracturing chemical disclosure data.

**33. Last year I asked Interior the following question for the record: How will BLM guarantee that all data submitted to FracFocus will exist in perpetuity if it is not a federal website, and is partly funded by the oil and gas industry? Your answer was that in addition to data being housed in the FracFocus database, “BLM would also**

**maintain permanent possession of a set of this data.”**

**Madam Secretary, can you confirm to us that BLM will keep a separate database of all the information that is submitted to FracFocus, so that the public will not have to worry about the loss of this information?**

**Response:** While BLM continues to work out the details of the process, data submitted to FracFocus will be periodically transmitted to the BLM for archival purposes and potential hosting if it became necessary.

Questions from Rep. Daines:

**Thank you for testifying before the House Natural Resources Committee on April 3, 2014. After sitting in the hearing for a significant period of time, I am disappointed I did not get the opportunity to ask you a question as I was detained voting during consideration of a piece of legislation in the House Homeland Security Committee. I would appreciate a timely response to this issue as it is a very important issue to Montana.**

**As you are aware, three school districts in Montana (Gardiner and West Yellowstone) near Yellowstone National Park were recently notified by the Department of the Interior that they are required to repay millions of dollars in Federal payments due to an oversight by current and past Administrations. Now that this error has been discovered, the Department is attempting to have these three school districts repay all of the funds received since 1977, amounting to an estimated \$8-10 million dollars.**

**This hardly seems fair given that it took the Department 37 years to determine that these overpayments had occurred.**

**Now, it goes without saying that accountability and oversight are lacking in the federal government—especially when it comes to managing our nation's budget. But what's equally disconcerting, and more outrageous to the people of Montana, is that you have asked small rural school districts to pay for the federal government's mistakes. Asking them to come up with millions of dollars that the Department of Interior has failed to account for is not only unfair, it demonstrates once again that the federal government is unwilling to take accountability for its mistakes.**

**34. Can you shed some light on the current state of play between the Department and the school districts?**

**Response:** While the payments were made in error, federal debt collection law requires the federal government to seek recovery of the overpayments from the school districts. As the Department has indicated to the delegation, we are committed to working with the school districts to bring about a reasonable resolution to this issue. Currently, the Department is reviewing its options for potential resolution of the matter, and the NPS is in the process of validating the repayment figure to ensure the accuracy of the final dollar amount, which is estimated at approximately \$9 million.

**35. It's my understanding that this debt could be waived. Additionally, there may be a legislative solution. If so, why is the Department of the Interior pursuing the debt repayment in the first place instead of working to find a solution?**

**Response:** As noted in response to the previous question, federal law requires that the government seek recovery of these overpayments from the school districts. However, the Department is currently reviewing options which might be pursued to resolve this issue. The Department is committed to bringing about a resolution of this issue.

**36. Do you have a precise number for the overpayment amount? Our school districts need some certainty. Can you provide those details to my office within the next 7 days?**

**Response:** Because the Department is currently validating the repayment figure, there is not yet a final repayment amount. We expect to have more information available in the near future, but as indicated in a previous response the total amount is estimated at \$9 million.

Questions from Rep. Mullin:

**37. As you know last Thursday your Fish and Wildlife Service decided to list the Lesser Prairie Chicken as a threatened Species under the Endangered Species Act.**

**This decision was roundly met with enormous disappointment among the five state wildlife directors and the great number of entities in the private sector that joined together to create an unprecedented Range Wide Plan to conserve the Lesser Prairie Chicken and avoid such a listing.**

**Indeed, the Range Wide Plan—when added to the several other federal, state and private conservation programs—would have protected around 13 million acres of Lesser Prairie Chicken habitat throughout the five states, and amassed over \$21 million in funding from the private sector to pay for conservation activities for the Lesser Prairie Chicken.**

**But instead of embracing the Range Wide Plan as the new and effective way to administer the Endangered Species Act in this era where the Service lacks the financial resources and the personnel to conduct any conservation for these species, the Fish and Wildlife Service effectively booted away that opportunity to do something bold and creative, and instead sent the signal to all who might listen that the Service will not recognize and reward such new thinking.**

**I cannot imagine that anyone will invest the time and effort to craft a multi-state Range Wide conservation program now that they clearly see that FWS does not properly credit them by not listing the species while the conservation program is given a fair opportunity to demonstrate the positive conservation it can achieve.**

**Secretary Jewell, do you have money in your current Fish and Wildlife Service budget to dedicate to conservation activities for the Lesser Prairie Chicken?**

- a. Do you have Service personnel available to do the massive on the ground conservation activities that the state wildlife agencies and their private sector partners are prepared to dedicate themselves to in conserving this species?**

**Response:** While state conservation agencies have taken a primary role in implementing conservation actions for the lesser prairie-chicken, as discussed below several private conservation organizations and federal agencies, including the Fish and Wildlife Service, have played important roles in this effort. FWS has provided both technical and financial assistance through its programs and activities, such as the Partners for Fish and Wildlife Program, and through Habitat Conservation Planning and Candidate Conservation Agreements. FWS also works very closely with its partners and, in recognition of the significant and ongoing efforts of states and landowners to conserve the lesser prairie-chicken, the use of a special 4(d) rule will allow the five range states to continue to manage conservation efforts for the species and avoid further regulation of activities such as oil and gas development and utility line maintenance that are covered under the Western Association of Fish and Wildlife Agencies' (WAFWA) range-wide conservation plan.

The FWS decision to list the lesser prairie-chicken as a threatened species was accompanied by a creative and unprecedented use of the authority conferred by Section 4(d) of the Endangered Species Act to ensure that the states would be able to continue to implement their range-wide plan even after a federal listing. As a result, more land has been enrolled in the range-wide plan in the short period since the federal listing than had been enrolled prior to the federal listing. Earlier this summer the Western Association of Fish and Wildlife Agencies indicated that its focus is now to continue implementing the plan, recover the species, and facilitate the bird's removal from the list of threatened species; FWS has that same focus and will continue to work with the states toward that objective.

- b. Since you have little to offer beyond what the states and others have already contributed, why didn't you decide not to list this species while those unprecedented efforts of others had the chance to work?**

**Response:** Threats to the lesser-prairie chicken, including drought and habitat fragmentation, continue to impact the species and are expected to continue into the future. Pursuant to the Endangered Species Act, after reviewing the best available science and the on-the-ground conservation efforts, the Service determined that the lesser prairie-chicken is likely to become endangered in the foreseeable future and should therefore be listed as a threatened species.

Over the last decade, a number of significant, on-the-ground conservation programs have been implemented across the birds' five-state range (Texas, New Mexico, Oklahoma, Kansas and Colorado) to conserve and restore its habitat and improve the status of the lesser prairie-chicken. Key programs such as the WAFWA range-wide plan, USDA's NRCS LPCI, USDA's FSA Conservation Reserve Program, the Bureau of Land Management's New Mexico Candidate Conservation Agreement, the Service's Partners for Fish and Wildlife Program and Candidate Conservation Agreements with Assurances in Oklahoma, Texas and New Mexico, are engaging state and federal agencies, landowners and industry in efforts to conserve the lesser prairie-chicken and restore its habitat. Collectively, these various efforts are quite similar to a recovery plan, something that the Service normally prepares years after a species' listing. This early identification of a strategy to recover the lesser prairie-chicken is likely to speed its eventual delisting. This special rule encourages managers and operators to implement protective practices on their land and recognizes landowners' work to protect the species.

**38. Secretary, the Surface Mining Control and Reclamation Act (SMCRA) provides that once a state develops procedures that are as effective as the feds, the Interior Department may grant "primacy" to that state. This includes my state of Oklahoma. Once a state achieves primacy, it has exclusive jurisdiction to regulate coal mining.**

**In 2010, the Office of Surface Mining (OSM) unilaterally countermanded Secretarial policy and regulation with a bureau-level policy, providing no analysis, rationale or basis for the change whatsoever.**

**The new policy directs enforcement against a mine operator whenever OSM disagrees with a permitting decision made by a state, essentially rendering a state issued permit meaningless.**

**Can you provide any rationale for OSM to issue a violation against an operator simply because it believes the state violated the law? Can you provide any legal or equitable basis for such a policy?**

**Response:** SMCRA's federal regulations on inspection and monitoring and enforcement apply to all types of SMCRA violations, including violations of performance standards or permit conditions and violations of permitting requirements.

SMCRA authorizes OSMRE to cite violations in a primacy state whenever the bureau finds a condition that presents an imminent danger to the health and safety of the public or to the environment. SMCRA also authorizes OSMRE to cite non-imminent harm conditions if, after being notified of the existence of a violation, a state regulatory authority fails to take appropriate action to cause the violation to be abated and fails to give good cause for taking no abatement action.

OSMRE does not take enforcement action against an operator unless the operator has violated a performance standard, permit condition, or permitting requirement under SMCRA.

**39. To compound the problems, OSM is now applying this new policy retroactively. In my state of Oklahoma, there has been three separate violations recently issued on three permits, with a promise of more to come.**

**These permits were issued years ago. They have been mined and reclaimed according to the approved plans in the permits. OSM now believes that the reclamation does not confirm to OSM's "emerging" views of what constitutes land reclamation to approximate original contours, and is asking the operator to spend tens of millions of dollars to completely redo the reclamation. Madame Secretary as a former business owner, I'm sure you understand the critical importance of any business being able to rely on the terms and conditions of a permit once issued.**

**How can you explain why this action is being applied retroactively to permits in Oklahoma that are already substantially reclaimed?**

**Response:** Both SMCRA and its equivalent in Oklahoma law require that all land affected by surface coal mining operations be returned to its Approximate Original Contour (AOC) as it existed prior to mining. OSMRE cited an operator for three consecutive years, beginning in 2011, for violating Oklahoma's performance standards under SMCRA pertaining to backfilling and grading. OSMRE cited this same mining operator for similar violations in 1994, which was upheld on appeal to the Interior Board

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of Land Appeals. OSMRE's position on AOC has not changed since the initial 1994 violations.

Questions from Rep. Grijalva:

**Wild Horse/Burro**

**40. Secretary Jewell, in your statement you mentioned that BLM is expected to receive more fees and revenues from oil and gas extraction as well as grazing permits. This means not just more expansion, but also exploitation on public lands. What role have you taken in balancing the impact those activities may have on public lands, particularly on endangered species and wild horses?**

**Response:** Balancing multiple uses, including statutory obligations to protect specific resources, is at the core of the land use planning process, and ensuring balance was a central premise of the leasing reforms the Department implemented in 2010 to establish orderly, open, and consistent environmental processes for oil and gas resource development on public lands. The oil and gas leasing reforms ensure needed balance with up-front natural resource analysis added to the development process. Potential lease sales are fully coordinated both internally and externally via public participation, and analyzed by incorporating an interdisciplinary review of available information and on-site visits as appropriate to supplement or validate existing data.

**41. Secretary Jewell, thank you very much for your leadership and your support for enhancing our country's sustainable great outdoor activities by finding a balance between greater public access to our parks and recreations, while also ensuring that those parks are not overused and managed in a sustainable way. Can you perhaps touch upon the idea of how the Department could foster eco-tourism while at the same time manages the impact on endangered species and wild horse herds?**

**Response:** In 2012, President Obama signed Executive Order 13597 and announced a number of initiatives to significantly increase travel and tourism in the United States. This Executive Order charged the Secretaries of Commerce and the Interior with co-leading an interagency task force to develop recommendations for a National Travel and Tourism Strategy to promote domestic and international travel opportunities throughout the United States. The strategy, finalized later that year, focuses on promoting regional tourism collaborations in "key strategic destination markets," especially those with a combination of natural and cultural attractions. The Department recently joined with other federal agencies and states to sign a Memorandum of Understanding intended to formalize an agreement through which the Western States Tourism Policy Council, a consortium of 13 western state tourism offices, and six federal agencies will continue to work together to advance tourism on our public lands,

A Departmental interagency tourism team, working in concert with local community tourism partners and the National Geographic Society, is facilitating Geotourism projects which present authentic natural and cultural experiences to a growing ecotourism audience. Among other things, marketing communications for these projects often feature stories that capture travel travelers' interest in protected species.

Additionally, the National Park Service's policies on tourism aim to support and promote appropriate visitor use through cooperation and coordination with the tourism industry. As part of this effort, the NPS collaborates with industry professionals to promote sustainable and informed tourism that incorporates socioeconomic and ecological concerns and supports long-term preservation of park resources and quality visitor experiences, and uses this collaboration as an opportunity to encourage and showcase environmental leadership by the NPS and by the tourism industry, including park concessioners.

### **Wilderness/50<sup>th</sup> Anniversary**

**42. Secretary Jewell, while you are preparing for the centennial of the National Park Service in 2016, September 3<sup>d</sup>, 2014 will mark the 50<sup>th</sup> anniversary of the Wilderness Act, a historic environmental law that protects some of the wildest places in our country, including significant portions of national parks like Yosemite, Grand Teton and Olympic. What is the Department doing in the 50<sup>th</sup> anniversary year to reaffirm its commitment to steward our wilderness areas for current and future generations?**

**Response:** The 50th Anniversary of the Wilderness Act provides an important opportunity to celebrate the importance of its continued preservation of wilderness areas for future generations. Surveys indicate that 12 million Americans take between 16 and 35 million trips to wilderness each year, either on their own or with a guide. Parks, monuments, and wilderness areas are the infrastructure for the outdoor industry, which generates \$646 billion annually to the economy, supports 6.1 million jobs and generates nearly \$80 billion in federal, state and local taxes.

Regarding the anniversary, the three Interior agencies that manage wilderness, the Bureau of Land Management, the Fish and Wildlife Service, and the NPS, are participating in Wilderness50, a diverse and growing national coalition of government agencies, non-profit organizations, and academic institutions that have come together to plan and conduct 50th Anniversary celebration events and activities. A wide variety of commemoration events are being planned throughout the country to raise public awareness of this historic year and the benefits of wilderness. One of our key goals is to engage youth and underserved communities; and foster wilderness stewardship by better connecting the broad wilderness network.

### **Land and Water Conservation Fund**

**43. Secretary Jewell, I am concerned that the Land and Water Conservation Fund authorizing legislation is expiring in September of 2015. So many important conservation projects in my state/district have been funded through LWCF over the years, and I know it has been an essential tool for your agency to purchase inholdings and conserve exceptional places not fit for development. From your**

**perspective, what do we need to do to ensure that sufficient LWCF funding continues to be available?**

**Response:** The President's budget continues to support full, permanent funding for the Land and Water Conservation Fund. The 2015 Budget proposes \$900 million in combined discretionary (\$350m) and mandatory (\$550m) funds for 2015 – the 50th anniversary of the LWCF Act – and to permanently authorize \$900 million in annual mandatory funding for DOI and USDA programs. We look forward to working with the Committee and Congress in this effort.

### **Oil and Gas**

**44. Secretary Jewell, you are probably aware of the recently reported oil spill on the Grand Staircase Escalante National Monument that lay undiscovered for years, can you comment on the need for the proposed increase in the BLM's oil and gas inspection program?**

**Response:** The Bureau of Land Management Oil and Gas program has no greater priority than ensuring that development is done safely and responsibly. Since 2000, the BLM has permitted nearly 47,000 new wells to be drilled on public and tribal lands. Today, the BLM oversees approximately 100,000 wells across the country – the most ever – and we must meet inspection and enforcement responsibilities on each one. Keeping up with this rising demand is an ongoing challenge.

The current funding system limits the BLM's ability to effectively meet this responsibility and ensure protection of both environmental and economic resources. Unlike with offshore oil and gas development, the BLM does not have the authority to charge industry fees to support its inspection and enforcement program. The 2015 request for BLM's Oil and Gas Management program would expand onshore oil and gas inspection activities and offset the cost of oil and gas inspection and enforcement activity with fees from industry, similar to what the offshore industry pays. The proposed inspection fees will generate an estimated \$48 million, providing a \$10 million increase in program capacity while reducing the need for direct appropriations by \$38 million. Enacting these fees will help the bureau respond more quickly to increases in inspection workloads and reduce the cost to taxpayers of operating the program.

The Department and the BLM are taking the spill on the Grand Staircase Escalante National Monument very seriously. After an initial on-the-ground inspection the BLM suspects that the vast majority of the spill may be as much as three decades old. A small nearby pipeline appears to have leaked from time to time with perhaps as much as 10 barrels of oil having leaked fairly recently. The pipeline has been repaired and the leak has stopped. The BLM is currently reviewing best options for ensuring safe rehabilitation and restoration of both the recent small leak as well as the older spill. The BLM in Utah, including experts brought in from several of its field offices in the area, is conducting a complete inspection of the entire oil field. The company that operates the Upper Valley oil field has been very cooperative and immediately shut down the well

down and is working with the BLM to determine best next steps.

**45. Secretary Jewell, in your statement you mentioned that the budget increase in the Department's oil and gas programs is driven from the expansion of onshore oil and gas activities, I would like to know what steps have you taken as Secretary to assure that oil and gas development on federal lands is balanced with your obligations as Secretary to assure that our public lands are managed in a manner to protect their natural values for future generations of Americans?**

**Response:** Balancing multiple uses is at the core of the land use planning process, and ensuring balance was a central premise of the leasing reforms the Department implemented in 2010 to establish orderly, open, and consistent environmental processes for oil and gas resource development on public lands. The oil and gas leasing reforms ensure needed balance with up-front natural resource analysis added to the development process. Potential lease sales are fully coordinated both internally and externally via public participation, and analyzed by incorporating an interdisciplinary review of available information and on-site visits as appropriate to supplement or validate existing data.

### **Renewable Energy**

**46. Secretary Jewell, the expansion of renewable energy in the West will be dependent on transmission and modernization of the grid. This is in line with your agency and President's goal to approve 20,000 megawatts of renewable energy on public lands by 2020. I want to know what role is the department taking to advance infrastructure needed for renewable energy and ensure transmission corridors are properly sighted and what kind of funds are needed in order to make certain we are avoiding areas of high conflict?**

**Response:** Upgrading the country's electric grid is critical to our efforts to make electricity more reliable, less expensive, and to promote clean energy sources. As renewable energy development grows, the Department is mindful of the need for transmission infrastructure to get the electricity from the places where the sun and wind can best be harnessed to the businesses and homes where the power is needed. The Department is a Participating Agency in the Interagency Rapid Response Team for Transmission (RRTT), which aims to improve the overall quality and timeliness of electric transmission infrastructure permitting, review, and consultation by the Federal government on both Federal and non-Federal lands. As part of the President's 2015 budget, the BLM is requesting \$5 million to support the review of energy corridors established under section 368 of the Energy Policy Act of 2005. This review is critical to ensuring that these corridors are properly sited and fully coordinated with states, tribes, and other stakeholders.

## Climate Change

**47. Thank you, Secretary Jewell, for your Department's attention to the climate crisis. As you know, our public lands are already feeling the impacts of climate change, from wildfires, to droughts, to pine beetle infestations and extreme weather events. The President has proposed a \$1 billion Climate Change Resiliency Fund to prepare for the impacts and consequences of climate change. What do you foresee the Department doing with the funds in order to prepare our lands for climate change and mitigate the after effects of climate change?**

**Response:** The President's proposed Climate Resilience Fund is a government-wide investment in developing more resilient communities and finding solutions to climate challenges through technology development and applied research. For the Department, this could include developing landscape level information, geographic information system data, models, and other tools to support resilient and adaptive land management. The Department is also positioned to help communities plan and prepare for the impacts of climate change through assistance to tribes and local governments for planning, protecting wetlands, and improving coastal resiliency during a time of severe weather conditions. The Fund would enable the Department to focus resources on technologies and infrastructure to reduce risks to public lands from drought, fire, and flooding, as well as more resilient approaches to managing water resources infrastructure.

**48. Secretary Jewell, you may well aware that the UN's Intergovernmental Panel on Climate Change (IPCC) is currently publishing its fifth assessment of climate change science, particularly focusing on the impacts of climate change — ranging from the effects on endangered species to changes in agriculture. I want to know what Department is planning to do or have been doing in addressing the impact of climate change, especially in terms of climate adaption and disaster prevention?**

**Response:** The Department is taking action to prepare for anticipated climate change impacts and build the resilience of the resources it manages. The Department's Climate Change Adaptation Policy was issued in December 2012 in response to the need to prepare for the impacts of climate change. The Policy articulates and formalizes the Departmental approach to climate change adaptation and provides guidance to bureaus and offices for addressing climate change impacts upon the Department's mission, programs, operations, and personnel. The Department is currently finalizing its 2014 Climate Change Adaptation Plan, which will describe the Department's overall strategy for addressing climate change adaptation including specific bureau strategies for identifying climate change related vulnerabilities and addressing those vulnerabilities.

The Department is conducting a new Climate Change Adaptation Priority Performance Goal for FY 2014 and FY 2015, to measure bureau performance and achievements toward implementing five priority climate change adaptation strategies, which were established in the 2013 Strategic Sustainability Performance Plan. The Priority Goal will be used to target, track, and report progress on a quarterly basis over the next two years and will be instrumental in ensuring that the Department meets the requirements of Executive Order 13653.

The Department's approach to climate change is iterative and will be adjusted in the future as our understanding of impacts and vulnerabilities becomes clearer.

### **Budget**

**49. Secretary Jewell, in your budget proposal, the National Park Service operations account would provide parks with additional seasonal staff to enhance visitor experiences during peak visitation. While this benefits the visitors in the short-term, the deteriorating park resources will not benefit substantially. For example, a low percentage of invasive plants and animals are currently being controlled in this year's budget and in the proposed budget. Therefore, what is the Department's long-term plan for dealing with the park operations shortfall to ensure the park resources continue to be enjoyed by park visitors and don't continue to deteriorate? And how can Congress work with you to address these continuing operational needs?**

**Response:** The NPS anticipates increased attention and visitation leading up to and during the Centennial in 2016, and the FY 2015 request includes an operations increase of \$40 million to prepare for this opportunity. This funding would support an expected influx of visitors during the 2016 Centennial celebrations and provide a stronger foundation for visitor services and infrastructure investments in its second century of preserving the parks for on-going usage and the future enjoyment of visitors. The request also includes \$15.7 million to fully fund fixed costs in the operations account, without requiring an offsetting reduction to park base operations. Full funding of fixed costs is critical to ensuring the stability of park operations on an annual basis, and in particular as parks prepare to welcome increased attention and visitation around the Centennial. Additionally, the request includes \$10 million for Centennial Challenge projects and partnerships, a matching program that would leverage federal funds with partner donations for signature projects and programs at national parks, which will provide benefits into the future.

**50. Secretary Jewell, I'm encouraged the proposed investments in operations will provide more opportunities for our youth, employ veterans, and provide for better park maintenance. However, I understand that parks have been losing rangers and other staff over the last decade. With the small scope of proposed operational budget increase, will park base budgets actually get an increase over pre-sequester levels and will it improve non-seasonal park staff levels?**

**Response:** The proposed FY 2015 budget request for NPS operations includes funding for fixed costs and support for new responsibilities, youth employment opportunities, volunteer capacity, deferred maintenance projects, and seasonal staff to enhance the visitor experience in preparation for the 2016 Centennial. All told, the increases requested in the budget would fund operations at \$47 million above the enacted FY 2014 level.

The budget restores some of the seasonal employees who provide visitor services during peak periods of visitation that have been lost over recent years due to budget reductions and fixed costs absorptions.

**51. Secretary Jewell, the proposed multi-year investment in the deferred maintenance backlog is reassuring to see given the unsustainable scope of the backlog. How can Congress ensure that the backlog is realistically dealt with over the long-term?**

**Response:** Reducing the NPS deferred maintenance backlog is primarily dependent on funding levels. As of the end of FY 2013, NPS deferred maintenance needs stood at approximately \$11.3 billion; \$683 million annually is needed to keep this at a steady state. In FY 2014, the NPS will devote approximately \$382 million to deferred maintenance from a variety of fund sources, including repair and rehabilitation, line-item construction, recreation fee revenue, and funding available through the Department of Transportation, Federal Highways Administration. Nearly half of the deferred maintenance backlog is in roads, bridges, and tunnels.

The NPS will continue to prioritize available funding to target the highest priority assets. This strategy will maintain a large number of important assets; however, deterioration of some assets that support park missions is expected.

**52. Secretary Jewell, given that 90% of the FS's Law Enforcement and Investigations (LE&I) budget would go toward fixed cost such as staff salaries and maintenance, "why did the FS cut its LE&I in FY15 (\$126 million) which is below FY14, 13, and 12 (\$140 million)? And how would this reduction impact the FS's law enforcement operation?**

**Response:** This question appears to refer to the U.S. Forest Service's Law Enforcement and Investigations budget and we defer to the USFS for a response to this question.

Question from Rep. Fleming:

**53. During your answers to questions, you said, “I believe hydraulic fracturing can be done safely and responsibly. I can't say that I've seen any studies that suggest a direct link between hydraulic fracturing and groundwater contamination. But there have been links with groundwater contamination on injected fluids, and I think it depends on assuring you've got a good well bore integrity and good practices, and those are the kinds of things we're looking at in our fracking regulations... There has been groundwater contamination from injected fluids, whether it's injected wastewater fluids, or other means, so we want to make sure that in our fracking regulations that we have the kind of well bore integrity so the water is going to its intended location and the frack fluid and that's exactly what our regulations are intended to do.”**

- a. Please provide documentation of the aforementioned specific examples of groundwater contamination, including date, operator, how it was reported, and if there was an independent audit.**

**Response:** As indicated at the hearing, the Department is not aware of any studies that have suggested a direct link between hydraulic fracturing and groundwater contamination, but there have been links with groundwater contamination from injected fluids and documented cases of fluid spills on the surface contaminating groundwater. These types of incidents are generally reported to states or the Environmental Protection Agency, and news of them are often reported in the press. With regard to hydraulic fracturing, however, of paramount importance to the process is the integrity of the well bore, the well bore casing, and the concrete seal, which play key roles in ensuring groundwater is protected and fluids going into the well do not escape. Additionally, it is important that companies have a water management plan in place for fluids that flow back to the surface.

Question from Rep. Flores:

**54. As part of the revision for the resource management plan (RMP) for Oklahoma and Texas, the Bureau of Land Management (BLM) is evaluating opening up public lands along a 116-mile stretch of the Red River to actively manage for recreational purposes that could require significant new budgetary resources. The amount of federal funds needed may depend on how large of an area the BLM believes is federally owned. As you know, the border between Oklahoma and Texas that would delineate where the BLM lands are located has been disputed for a number of years. On October 10, 2000, H.R. Res. 72 was signed into law that ratifies the Red River Boundary Compact agreed to by Texas and Oklahoma that sets the boundary at the Southern vegetative line.**

**Does the Department of the Interior have a legal analysis of where it believes the boundary should be located, and what impact does the agency believe the Red River Boundary Compact has on this boundary and the location of federally owned lands? Additionally, is the BLM looking to open up the entire area along the 116-mile stretch or just isolated areas?**

**Response:** The Bureau of Land Management is not expanding Federal holdings along the Red River. The BLM currently is in the initial stages of developing options for management of public lands and resources in the states of Texas, Oklahoma, and Kansas, an area that includes the Red River. As part of its planning process, BLM is seeking public input as to the best uses of the public lands in question. The Bureau's goal and commitment is to work closely with local and state government officials, congressional delegation members, and the public to determine the best management options for the public lands in these three states for the next many years.

The Department's understanding is that the Red River Boundary Compact did not alter the location of federally-managed lands in the Red River area.

Questions from Rep. McClintock:

**Frogs and Toad**

**The U.S. Fish and Wildlife Service's draft economic analysis of its proposal to designate 1,831,820 acres of critical habitat in California for the Sierra Nevada yellow-legged frog, the northern distinct population segment of the mountain yellow-legged frog, and the Yosemite toad.**

**The economic impact analysis employed an "incremental" approach that limits the analysis primarily to the costs incurred to the federal government as a result of section 7 consultations. This methodology severely deemphasizes *the* most significant costs that accompany critical habitat designations—costs to the public as a result of lost mineral and timber production, tourism, and recreational opportunities.**

**This "incremental" approach, rather than a thorough study of the cumulative economic impacts, was used because of revisions to 50 CFR Part 424 that became effective on October 30, 2013. However, the draft economic analysis produced for FWS by consultant Industrial Economics, Inc. was dated August 27, 2013.**

**It appears that the draft economic analysis was complete and made available to the Service prior to the promulgation of the new rule adopting the "incremental" methodology. It also appears that the Service withheld the publication of the draft economic analysis until after the final rule took effect on October 30.**

**55. Please explain to the committee as to why the Service solicited an economic analysis from Industrial Economics that employed a narrow methodology that was not yet finalized and why it delayed the release of this analysis for over two months.**

**56. I would also like to know if the Service plans to employ a broader methodology including baseline impacts and effects on local economies.**

**Response:** The FWS is required, under section 4(b) (2) of the Endangered Species Act , to evaluate and consider the probable economic and other relevant impacts resulting from a designation of critical habitat. The prevailing methodology used to conduct economic analyses assesses the impacts that are likely to result solely from the designation itself, *i.e.*, the incremental impacts. The FWS has consistently used this approach for economic analyses of critical habitat designations that occur on lands outside of the jurisdiction of the 10th Circuit Court of Appeals since 2007. This approach is supported by Executive Order 12866, Office of Management and Budget Circular A-4 (issued in 2003) and a 2008 Memorandum Opinion from the Solicitor of the Department of the Interior. In October 2013, this approach was codified in the revisions to the ESA implementing regulations and is now applicable nationwide.

The initial draft of the economic analysis was submitted to the FWS by contractors on August 27, 2013. As a result of the internal review and approval process, and

coordination with other federal agencies, it took several months before the draft was released to the public for review and comment. These steps are part of the standard quality control process and are independent of the revision to the ESA implementing regulations for impact analyses.

### Yosemite

**57. The implementation of the MRP is estimated to cost \$210 million dollars, the draft Tuolumne River Plan (TRP) is estimated to cost \$64.5 million dollars, and the Mariposa Grove Plan is estimated to cost \$36 million dollars. Additionally, the Park has an estimated \$500 million dollars in deferred maintenance obligations. We would like to understand how the National Park Service (NPS) intends to prioritize and implement the elements of these plans and address Yosemite deferred maintenance needs in the event that additional Congressional appropriations are not provided, can you explain the National Park Service's funding expectations and schedule to implement the changes proposals?**

**Response:** Potential funding to implement the plan will be derived from three primary sources, the recreation fee program, including entrance and camping fees; concessions franchise fees; and other federal sources such as the federal lands highway program funds.

Both recreation fee revenue and concession franchise fees are annual revenue sources collected by the park. Over the course of the next twenty years, assuming reauthorization of the recreation fee authority, the park anticipates that both of these fund sources (currently the park collects approximately \$18 M in fees annually) will be available to implement the changes proposed. Based on projected revenues, the park is confident there will be financial resources to implement a number of projects within the next 15-20 years for all three plans mentioned.

As for priorities, during the first 5-10 years of implementation the focus will be to improve the transportation system to alleviate traffic congestion and to conduct ecological restoration of high-use areas to better accommodate visitor use. Projects include adding and modifying parking, realigning failing intersections and restoring eroded riverbanks. Prerequisites for the most critical changes to the transportation system will require additional funding during the same time period to relocate facilities and increase the supply of parking. Concurrent to the improvements to transportation/parking, the park will direct financial resources toward creating additional camping opportunities and replacing tent cabins with hard-sided lodging.

**58. The new location of some facilities was not identified in some of the Park's proposals, such as the new bike racks, river rafting facilities and maintenance buildings. When and how will the location of the facilities be chosen and how will the public have an opportunity to engage in that process?**

**Response:** The locations of minor facilities, such as bicycle rental stands and raft rental operations, will be located outside of the quarter-mile river corridor boundary, yet remain

within the primary visitor services nodes. The park does not anticipate further environmental review and public involvement for these actions. The minor shift of the location of these facilities outside the corridor is an operational decision that will be determined after the 2016 concessions contract is awarded. The cost is expected to be minimal.

**59. How do you intend to prioritize the needs identified in these plans?**

**Response:** As noted above, the first priority for plan implementation will be to alleviate traffic congestion and also to restore riverbanks and meadows. Once these steps are accomplished, current levels of visitation can be managed more successfully. Concurrently, other priorities will be implemented to enhance the visitor experience by providing additional campsites and increasing the availability of year-round visitor accommodations.

Priority projects seek to accomplish four major goals:

- Correct identified impacts to river resources to ensure continued protection.
- Alleviate crowding and congestion and provide for easy access to key park facilities and shuttles.
- Enhance camping opportunities and winter lodging.
- Replace temporary non-code compliant employee housing.

**60. Can you explain what the cumulative impact of all these plans is expected to be on the current visitor experience?**

**Response:** All of the plans address long-standing issues with visitor use and user capacity management in the most heavily visited destinations within the park, most notably by calling for actions that will improve the efficiency of the transportation system. Key actions such as relocating and retrofitting day-use parking areas, adding campsites, and increasing the amount of year-round lodging in Yosemite Valley, will improve access and the overall quality of the visitor experience. In addition, the wide array of recreational opportunities available throughout the park will be maintained and boating opportunities will be expanded. Once implemented, the plans will provide for a higher-quality visitor experience by improving access to the most popular areas in Yosemite and by providing lasting protection for the natural features within those areas. Overall, the park expects implementation to improve the visitor experience.

**61. The MRP notes that the TOP will reduce the overnight capacity at Glen Aulin High Sierra Camp and eliminate commercial horseback day-rides from the Tuolumne Meadows Stables. Does the NPS anticipate this will produce residual impact on other High Sierra Camps and increase visitation to Yosemite Valley due to the reduction in visitor services in the Tuolumne area?**

**Response:** The NPS does not anticipate any residual visitation impacts on other High Sierra Camps or Yosemite Valley because of actions proposed in the Tuolumne River Plan; specifically, the elimination of day rides and reduced capacity at Glen Aulin High

Sierra Camp. With regard to Glen Aulin, the overnight capacity at Tuolumne is currently 2,892 people at one time. Thus, the 4-bed reduction at Glen Aulin represents only a 0.1% of the existing capacity and is an insignificant change.

With regard to day rides at Tuolumne Meadows, current operations serve a maximum of 62 riders per day. At peak periods, Yosemite Valley serves 18,710 people at one time and Tuolumne Meadows serves nearly 5,000. Therefore, an addition or subtraction of 62 people is not a significant change for either area. However, because day rides will continue to be available in Wawona and because other unique attributes of Tuolumne Meadows and Yosemite Valley are the primary attractions to these areas, the NPS does not believe there will be any effect on visitation from the changes made to day-riding opportunities.

### California Water

**62. When the Bureau was releasing water from Northern California dams in 2013, did the agency take in account water reliability, and that the fact that those releases would leave our reservoirs empty in 2014?**

**Response:** Yes, Reclamation accounts for water reliability – along with several other variables – when making releases from reservoirs. Drought – precipitation far below average – is the overwhelming influence on water supplies in California this year. Releases made during 2013 have not left reservoirs empty in 2014; inflows and outflows are managed daily at all Reclamation reservoirs in Northern California, and storage levels, while below average, are adequate for ongoing water deliveries and power generation, albeit at reduced levels.

**63. Many water releases from California reservoirs serve multiple purposes, can you please specify how many acre feet of water releases by the Bureau were solely for environmental purposes in 2013?**

**Response:** Many of Reclamation's facilities, including the main Central Valley Project reservoirs in California, are specifically authorized for multiple purposes. Water is frequently stored or delivered for dual or simultaneous use for multiple project purposes including, but not limited to, irrigation, municipal, power, recreation, as well as non-ESA fish and wildlife enhancement, so it is very difficult to separate the amount of water that is exclusively dedicated to environmental compliance purposes. It is worth noting, however, that provision of water flow or storage for fish and wildlife purposes can sometimes be re-delivered for additional beneficial uses, and results in greater reliability of the water supply.