



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240

IN REPLY REFER TO:

FEB 13 2012

The Honorable Rob Bishop
Chairman
Subcommittee on National Parks, Forests and Public Lands
Committee on Natural Resources
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

At the December 2, 2011, hearing on H.R. 2504, to establish the Coltsville National Historical Park in the State of Connecticut, National Park Service Deputy Director for Operations Peggy O'Dell indicated that we would provide additional information to the subcommittee. This letter provides the requested information.

You wanted to know if the property owners listed in Section 3(b) of the bill were aware that their property is within the boundary proposed by H.R. 2504. These property owners were consulted during the study process that the NPS concluded in 2009, and were aware that these properties were identified for inclusion in the boundary.

You also asked if the property owners within the proposed boundary were aware that Section 3(a)(2)(D) of the bill allows the Secretary of the Interior to review their financial resources. We do not know if all property owners are aware of this section. However, we understand that the owner of the East Armory building is aware that the bill will allow the Secretary to review his finances, and that he plans to submit a letter to that effect. The focus of the National Park Service would be on the owner of the East Armory building, which would be the location of the main National Park Service presence at the site.

We appreciate having the opportunity to respond on these matters.

Sincerely,

Jonathan B. Jarvis
Director

for

cc: The Honorable Raul Grijalva, Ranking Minority Member,
Subcommittee on National Parks, Forests, and Public Lands



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.

Washington, D.C. 20240

IN REPLY REFER TO:

APR 3 2012

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

Dear Mr. Chairman:

Thank you for the opportunity to meet with you on February 27. I appreciated the opportunity to discuss some issues of mutual interest.

During our meeting, you requested an update on the role of the National Park Service (NPS) in Okanogan County's application to the Federal Energy Regulatory Commission (FERC) to restore hydropower production at Enloe Dam. As you know, the county is awaiting action by FERC on the issuance of a license for the project.

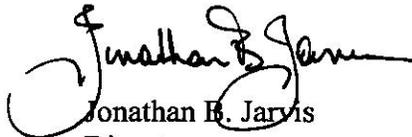
The Federal Power Act generally requires hydropower applicants to consult with the NPS. The NPS helps to represent the public's interest in recreation in FERC proceedings. License applicants are required to consult with the NPS regardless of whether a park unit is affected.

The National Park Service has participated in the licensing proceedings for the Enloe Dam project since 2008. The NPS raised concerns about aesthetic impacts and recommended a study to evaluate flows over the dam. Other parties provided similar comments. The National Park Service's recommendations are not binding and it is the prerogative of FERC to decide if they are incorporated into the license. At this time, FERC has decided not to require the recommended study.

The next step in the FERC process would be to issue a license for the project. However, the Clean Water Act bars FERC from issuing a license for a hydropower project until the state where the project is located certifies that the project will comply with applicable state water quality standards. In August 2012, a number of conservation groups appealed Washington State's water quality certification on the basis that the project does not adequately address aesthetic flows. The NPS is not involved in the State certification process or the appeal.

I hope this helps to clarify the National Park Service's role in this matter. If you have any questions, please do not hesitate to contact me, or contact Bob Ratcliffe, Chief of the NPS Conservation and Outdoor Recreation Division, at (202) 354-6904.

Sincerely,



Jonathan B. Jarvis
Director



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.
Washington, D.C. 20240

IN REPLY REFER TO:

MAR 05 2012

The Honorable Darrell Issa
Chairman
Committee on Oversight and Government Reform
House of Representatives
Washington, D.C. 20510

Dear Mr. Chairman:

At the January 24, 2012 hearing before the Committee on Oversight and Government Reform, you requested additional information regarding how the National Park Service (NPS) has responded to protesters who elected to camp on property within Washington, D.C. managed by the NPS. This letter provides the requested information.

You asked if there have been times in which protesters came to Washington, D.C., camped, and were not accommodated. The context of your question indicates that you were specifically referring to areas under the jurisdiction and management of the NPS within Washington, D.C. where existing regulations prohibit camping. We have found no incidents in our records over the past six years prior to the present Occupy D.C. protest where individuals who identified themselves as protesters and engaged in camping were cited, arrested, or otherwise required to discontinue their camping activities. And while a review of our records over the past six years has revealed 13 contacts for illegal camping on NPS managed properties within Washington, D.C., that resulted in arrest, in none of these incidents did the violators give any indication that they were engaged in protest or were otherwise exercising their first amendment right of freedom of speech.

I appreciate having the opportunity to respond to this matter.

Sincerely,

Jonathan B. Jarvis
Director

cc: The Honorable Elijah E. Cummings, Ranking Minority Member,
Committee on Oversight and Government Reform



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.
Washington, D.C. 20240

IN REPLY REFER TO:

The Honorable Mark Udall
Chairman
Subcommittee on National Parks
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

JAN 06 2012

Dear Mr. Chairman:

At the November 5, 2011, hearing on issues affecting management of archeological, cultural and historic resources at Mesa Verde National Park and other units of the National Park System, the National Park Service witness, Laura Joss, Deputy Regional Director for the Intermountain Region, indicated that she would provide additional information to the subcommittee. This letter provides the requested information.

You requested statistics on looting and vandalism within the National Park System. The following statistics document known violations of the Archaeological Resource Protection Act (ARPA), the Antiquities Act, or other statutes protecting cultural or paleontological resources from 2006 through 2010:

- 2006 471 cases (Cultural and paleontological resources)
 - 6 arrests made in cases of documented vandalism or looting
 - 53 citations issued in cases of documented vandalism or looting
 - Example: An individual was arrested and sentenced to 18 months in jail for stealing historic letters written by George Washington and Abraham Lincoln and selling them for \$97,000.

- 2007 403 cases (Cultural and paleontological resources)
 - 16 arrests made in cases of documented vandalism or looting
 - 56 citations issued in cases of documented vandalism or looting
 - Example: Two brothers were arrested and sentenced for stealing historic Navajo rugs from Hubbell Trading Post National Historic Site, and Cook Collection museum pieces from Agate Fossil Beds National Monument totaling over \$200,000.

- 2008 454 cases (Cultural and paleontological resources)
 - 16 arrests made in cases of documented vandalism or looting
 - 42 citations issued in cases of documented vandalism or looting

- Example: “Operation Antiquities,” a five year investigation involving the National Park Service, Internal Revenue Service, and Immigrations and Customs, led to numerous warrants and subpoena services in several states for looting, importation, sale and tax fraud violations related to historical and cultural items.
- 2009 276 cases (Cultural resources)
 - 8 arrests made in cases of documented vandalism or looting
 - 66 citations made in cases of documented vandalism or looting
 - Example: Three juveniles were convicted of vandalizing the Kane Cemetery in Bighorn Canyon, Wyoming. The juveniles destroyed historic headstones through physical breaking and spray painting.
- 2010 401 cases (Cultural resources)
 - 23 arrests made in cases of documented vandalism or looting
 - 44 citations made in cases of documented vandalism or looting
 - Example: After a three year multi agency investigation by the National Park Service and Fish and Wildlife Service, over 30,000 artifacts, mostly burial goods, were returned to the California Native American Heritage Commission.

Please note that prior to 2009, the National Park Service recorded total paleontological violation cases with cultural resource violation cases. The 2009 and 2010 statistics are cultural resource violations only.

We appreciate having the opportunity to respond on this matter.

Sincerely,



Jonathan B. Jarvis
Director

Category I and II contracts are for operations with annual gross revenues of \$500,000 and the assignment of federally-owned facilities. Category III contracts are for operations generating less than \$500,000 with no assigned facilities. Commercial Use Authorizations are permits that authorize suitable commercial services to park area visitors in limited circumstances. Below is a comparison of the requirements of each of these types of instruments.

| <u>Category I Contracts</u> | <u>Category II Contracts</u> | <u>Category III Contracts</u> | <u>Commercial Use Authorizations</u> |
|------------------------------------|-------------------------------------|--------------------------------------|---|
| Prospectus | Prospectus | Prospectus | No Prospectus |
| Contract (24 pages) | Contract (24 pages) | Contract (13 pages) | Authorization |
| Maintenance Plan | Maintenance Plan | No Maintenance Plan | No Maintenance Plan |
| Operating Plan | Operating Plan | Operating Plan | Operating Conditions |
| Risk Management Plan | Risk Management Plan | Risk Management Plan | No Risk Management Plan |
| Financial Report ¹ | Financial Report | Financial Report | Annual report including financial information |
| Franchise Fee Due Monthly | Franchise Fee Due Monthly | Franchise Fee Due Quarterly | Reasonable fee including cost recovery |

¹ If a concessioner grosses less than \$500,000 per year, they can submit the short form Annual Financial Report (AFR). The short form AFR is comprised of four schedules, while the long form AFR can have up to 17 schedules. In addition, the AFR does not need to be audited or reviewed by a CPA like the long form AFR does.



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.
Washington, D.C. 20240

IN REPLY REFER TO:

APR 25 2012

The Honorable Rob Bishop
Chairman
Subcommittee on National Parks, Forests and Public Lands
Committee on Natural Resources
House of Representatives
Washington, DC 20510

Dear Representative Bishop:

At the February 28, 2012, oversight hearing on the FY 2013 Budget Requests from the National Park Service and the Bureau of Land Management, several requests were made for additional information. This letter provides that requested information.

Representative Tipton asked for further information regarding proposed climbing regulations at Black Canyon of the Gunnison National Park. Because he and other members of the Colorado delegation sent a letter on this subject, we are responding separately to them. We would be happy to share a copy of that response with the Committee.

Representative Amodei asked for a briefing from the National Park Service concerning water-rights allocations in the area of Devils Hole at Death Valley National Park and the general allocation of water rights in Nevada. The National Park Service's Associate Director of Natural Resource Stewardship and Science, Herbert Frost, and other National Park Service staff met with Representative Amodei on this issue on March 9, 2012.

Representative Rivera asked about the status of the Environmental Impact Statement (EIS) for the proposed land exchange between Everglades National Park and Florida Power and Light. The draft EIS is currently undergoing internal review. We hope to release this document for public review in September, 2012; complete a final EIS in July, 2013; and issue a Record of Decision in August, 2013. This timing for the final EIS and Record of Decision may need to be adjusted based on the number and complexity of the comments received on the draft EIS.

You asked whether the National Park Service is continuing to provide grounds maintenance at the home of former President Jimmy Carter. The National Park Service provides grounds and exterior house maintenance at the former president's home in Plains, Georgia as part of the agreement that was made when President Carter donated his home to the National Park Service subject to a life estate. Because the Carter home will always be a key historic resource for the park, it is in the National Park Service's interest to ensure that the property is appropriately maintained.

You asked for a list of National Heritage Areas that have become self-sufficient. Quinebaug and Shetucket National Heritage Area has a plan to become self-sufficient; that is, to no longer rely on NHA program assistance, by 2016. A number of the older areas are in the process of

developing sustainability plans, while newer areas are required to factor sustainability planning into their management planning process. We are working with all the areas on long-term sustainability planning; that is, planning for broad, flexible funding options, including a potential range of options for National Park Service support after sunset of initial funding authority.

I appreciate having the opportunity to respond on these matters.

Sincerely,



Jonathan B. Jarvis
Director

cc: The Honorable Raul Grijalva, Ranking Minority Member,
Subcommittee on National Parks, Forests, and Public Lands
The Honorable Scott Tipton
The Honorable Mark Amodei
The Honorable David Rivera



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.
Washington, D.C. 20240

IN REPLY REFER TO:

SEP 17 2012

The Honorable Rob Bishop
Chairman
Subcommittee on National Parks, Forests and Public Lands
Committee on Natural Resources
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

At the August 2, 2012, oversight hearing on concession contract issues for outfitters, guides, and smaller concessions before the Subcommittee on National Parks, Forests and Public Lands, you requested additional information related to our requirements on small businesses. Specifically, you asked if we could provide a comparison showing the requirements for different types of commercial operations in national parks. The enclosed chart provides the requested information.

We appreciate the opportunity to respond to this matter.

Sincerely,

Jonathan B. Jarvis
Director

Enclosure

cc: The Honorable Raul Grijalva, Ranking Minority Member,
Subcommittee on National Parks, Forests, and Public Lands

Category I and II contracts are for operations with annual gross revenues of \$500,000 and the assignment of federally-owned facilities. Category III contracts are for operations generating less than \$500,000 with no assigned facilities. Commercial Use Authorizations are permits that authorize suitable commercial services to park area visitors in limited circumstances. Below is a comparison of the requirements of each of these types of instruments.

| <u>Category I Contracts</u> | <u>Category II Contracts</u> | <u>Category III Contracts</u> | <u>Commercial Use Authorizations</u> |
|-------------------------------|------------------------------|-------------------------------|---|
| Prospectus | Prospectus | Prospectus | No Prospectus |
| Contract (24 pages) | Contract (24 pages) | Contract (13 pages) | Authorization |
| Maintenance Plan | Maintenance Plan | No Maintenance Plan | No Maintenance Plan |
| Operating Plan | Operating Plan | Operating Plan | Operating Conditions |
| Risk Management Plan | Risk Management Plan | Risk Management Plan | No Risk Management Plan |
| Financial Report ¹ | Financial Report | Financial Report | Annual report including financial information |
| Franchise Fee Due Monthly | Franchise Fee Due Monthly | Franchise Fee Due Quarterly | Reasonable fee including cost recovery |

¹ If a concessioner grosses less than \$500,000 per year, they can submit the short form Annual Financial Report (AFR). The short form AFR is comprised of four schedules, while the long form AFR can have up to 17 schedules. In addition, the AFR does not need to be audited or reviewed by a CPA like the long form AFR does.



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.
Washington, D.C. 20240

IN REPLY REFER TO:

DEC 12 2012

Honorable Mark Udall
Chairman, Subcommittee on National Parks
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

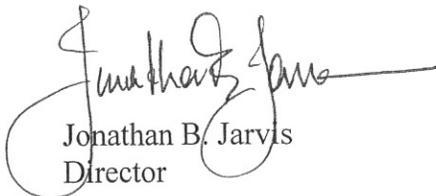
Dear Mr. Chairman:

On June 27, 2012, the National Park Service (NPS) testified on behalf of the Department of the Interior on S. 2158, a bill to establish the Fox-Wisconsin Heritage Parkway as a National Heritage Area, and for other purposes. At that time, the NPS recommended that the Committee defer action on the bill, noting that although the NPS had made a preliminary finding that the feasibility study did not demonstrate that the proposed area met our interim National Heritage Area (NHA) feasibility study criteria, the final review was not yet completed.

The NPS has since completed its final review of the *Fox-Wisconsin Heritage Parkway National Heritage Area Feasibility Study* (June 2009) and the *Addendum to the 2009 Fox-Wisconsin Heritage Parkway Feasibility Study* (July 2012) according to the interim *NHA Feasibility Study Guidelines*. Based on the review, the study and addendum do not meet several of the evaluation criteria as outlined in the guidelines. Enclosed is a copy of the letter, which was sent to Fox-Wisconsin Heritage Parkway Inc. President Candice Mortara, informing the organization of the NPS's findings.

If you have any questions, please contact Martha Raymond, National Coordinator for Heritage Areas, National Heritage Areas Program Office, at (202) 354-2222.

Sincerely,



Jonathan B. Jarvis
Director

Enclosure

cc: Honorable Rand Paul, Ranking Member, Senate Subcommittee on National Parks
Honorable Herb Kohl



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.

Washington, D.C. 20240

IN REPLY REFER TO:

DEC 12 2012

Candice Mortara
President
Fox-Wisconsin Heritage Parkway Inc.
PO Box 204
Kimberly, WI 54136

Re: Fox-Wisconsin Parkway National Heritage Area Feasibility Study and Addendum

Dear Ms. Mortara,

Thank you for providing us with the *Addendum to the 2009 Fox-Wisconsin Heritage Parkway Feasibility Study* (July 2012), and sharing with us the work of the Fox-Wisconsin Heritage Parkway Inc. (FWHP). Your organization has come a long way since 2009. The plans guiding the organization, including the Economic Impact Study Progress Report, FWHP Action Plan, and Conceptual FWHP Business Plan, as well as the outreach and partnership efforts are truly inspiring.

On June 27, 2012, the National Park Service (NPS) testified on behalf of the Department of the Interior on S. 2158, a bill to establish the Fox-Wisconsin Heritage Parkway as a National Heritage Area, and for other purposes. At that time, the NPS recommended that the Committee defer action on the bill, noting that although the NPS had made a preliminary finding that the feasibility study did not demonstrate that the proposed area met our interim National Heritage Area (NHA) feasibility study criteria, the final review was not yet completed.

The NPS has since completed its final review of the *Fox-Wisconsin Heritage Parkway National Heritage Area Feasibility Study* (June 2009) and the *Addendum to the 2009 Fox-Wisconsin Heritage Parkway Feasibility Study* (July 2012) according to the interim *NHA Feasibility Study Guidelines*. Based on the review, the study and addendum do not meet evaluation criteria 1, 2, 5 and 9 as outlined in the guidelines.

Feasibility Study

National Importance (criterion 1) Per criterion 1, the study should identify the one story that makes the landscape nationally important. In addition, the study should identify the themes that are associated with that nationally important story and the historic, natural, cultural and scenic resources that embody the story and themes.

The study did not identify a nationally important story and associated themes. Instead, the study identified six broad themes - Native People and the Trail of the Serpent, Route

of Discovery, Waves of Immigration, Hard Working River Highway, Land and Industry of Abundance, and Currents of Conservation. These themes represent an overview of the history of Native Americans, immigration, transportation, industry, and conservation in Wisconsin. While interesting, these themes are not unique to the region as they embody topics associated with general United States history, and, as written, the themes do not make a feasibility argument for national importance.

Resource Inventory (criteria 1, 2 and 5) The study should contain a comprehensive inventory of heritage resources that specifically relates to the nationally important story and associated themes, as well as the proposed boundary.

While a site inventory is presented in the affected environment chapter and Appendix B, it does not meet the feasibility study requirements. The inventory includes a broad range of site types, such as locks, dams, quarries, lumber company buildings, railroad depots, downtown historic districts, Victorian-era mansions, fur trade outposts, military forts, Frank Lloyd Wright architecture, religious buildings, sports fields, libraries, and archaeology sites. These disparate sites do not relate to a unified nationally important story and themes, and, therefore, the inventory does not support the Fox-Wisconsin Parkway as a nationally important landscape.

Boundary Description (criterion 9) The study should provide a clear explanation of a proposed heritage area boundary, which should be defined to encompass the resources that tell the nationally important story.

The proposed boundary follows the Fox-Wisconsin River Corridor through the state of Wisconsin, and coincides with Marquette and Joliet's Journey – one of the sub themes identified by the study under the Route of Discovery theme. However, although the Marquette and Joliet Expedition through Wisconsin and along the Mississippi River to Arkansas is an important event in our nation's history as the expedition discovered the Mississippi River and confirmed that it drained into the Gulf of Mexico, the expedition is not identified in the study as the proposed heritage area's nationally important story.

In addition, the study did not identify important events or tangible resources associated with Marquette and Joliet Expedition within the boundary of the proposed Fox-Wisconsin Parkway. While Marquette and Joliet may have traveled along the Fox and Wisconsin Rivers, their mere presence in the region does not constitute an adequate argument for national importance.

Addendum

The *Fox-Wisconsin Heritage Parkway Feasibility Study Addendum* provides useful information for an interpretive plan, but it is not a proper assessment of National Heritage Area feasibility. The information provided in the addendum does not assess a story, themes, resources, and conceptual boundary in relation to national importance. In addition, the unifying story identified in the interpretive plan for the Fox-Wisconsin Parkway – the people, projects, and resources that have changed the dialog about the way

that humans and nature interact – is very broad and is not attributable to a large landscape of historic, natural, cultural, and scenic resources.

We wish you success in your efforts to protect, enhance, and sustain the Fox-Wisconsin Parkway. If you have questions about the comments provided herein please contact Heather Scotten, Assistant Coordinator for Heritage Areas, at 202-513-7057. If you would like further guidance about the feasibility study process please contact Sue Pridemore, Midwest Regional Coordinator for Heritage Areas at 402-661-1566.

Sincerely,

A handwritten signature in black ink that reads "Martha J. Raymond". The signature is written in a cursive style with a long, sweeping tail on the "d".

Martha J. Raymond
National Coordinator for Heritage Areas
National Park Service
1201 Eye Street NW, 6th Floor
Washington, DC 20005



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Washington, D.C. 20240
<http://www.blm.gov>



JUL 3 2012

The Honorable Raúl M. Grijalva
Subcommittee on National Parks, Forests, and Public Lands
Committee on Natural Resources
House of Representatives
Washington, DC 20515

Dear Representative Grijalva:

Thank you for your June 7, 2012, letter regarding the Bureau of Land Management's (BLM) wild horse gather in the Jackson Mountains Herd Management Area (HMA). I appreciate that you took the time to share your concerns.

The BLM's policies allow the use of helicopters to assist in the capture of wild horses from July 1 through February 28. Helicopter use is prohibited, unless an emergency occurs, from March through June. During these months, foaling for wild horse herds on public lands in the West peaks over a 2-week period, typically occurring from mid-April to mid-May. In order to provide an additional safeguard around foaling time, helicopter use is prohibited during the 6 weeks before and the 6 weeks after foaling season. The specific guidance is outlined in BLM Manual Section 4720.41; BLM Handbook 4700-1, Chapter 4.4.4; and Instruction Memorandum 2010-183.

In 2012, water sources and water flows in the southern area of the Jackson Mountains HMA decreased during April and May, creating drought conditions. There is minimal or no green up on this year's forage. The wild horses within the southern use area are foraging on last year's cheat grass and shrubs, which does not meet their nutritional requirements. The BLM closely monitored the condition of the wild horses with automated wildlife cameras and frequent, on-the-ground field visits. These observations indicated that the animals were demonstrating declining body condition, with an overall score of wild horses in the HMA between 2 (very thin) and 4 (moderately thin).

The BLM originally scheduled the Jackson Mountains wild horse gather to begin during the first week of July 2012. However, because we determined that severe drought conditions existed in the southern portion of the HMA and the lack of water and forage was affecting the health and lives of the wild horses, we decided to initiate an emergency gather on June 8 to remove the animals from the range before their condition worsened.

Helicopter assisted drive trapping is the primary method we used to capture the wild horses for this gather. Water trapping was not implemented for the following reasons:

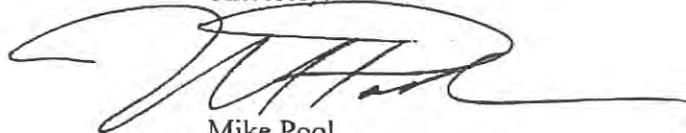
- Although bait and water trapping can be effective in some HMAs under other circumstances, it would not be timely, cost effective, or practical as the primary gather method for this HMA.
- These wild horses are unusually skittish and wary of human activity, which precludes bait and water trapping as a viable option.
- Early efforts to bring water troughs and equipment into the area, a first step toward water trapping, pushed the most affected wild horses into the hills. Some of these wild horses did not return, and those that did return a couple weeks later had further deteriorated in condition.

The BLM provided specific guidelines to its staff and to the contractor for the safe and humane care, treatment, and handling of wild horses during helicopter operations. These guidelines, or "Agency Expectations," were included with the Decision Record to make explicit BLM's expectations for the contractor and BLM staff, and to emphasize our responsibilities to ensure humane treatment and care during the gather operations.

On June 20, the U.S. District Court held a hearing on an Emergency Temporary Restraining Order to stop the Jackson Mountains gather. The court denied the plaintiff's motion to enjoin BLM's use of a helicopter to gather the southern portion of the Jackson Mountains HMA where the emergency conditions exist, but granted a partial injunction with respect to using a helicopter to gather in the northern portion of the HMA that is not subject to the current emergency prior to July 1. The BLM continued its emergency gather operations in the southern portion of the Jackson Mountains, which concluded on June 22, and resumed helicopter gather operations for the rest of the HMA on July 1.

The BLM takes seriously the responsibility to protect wild horse population health and continually strive to improve the management of the nation's wild horses. If I can provide additional information, please call me at 202-208-3801, or your staff may contact Patrick Wilkinson, Chief of BLM's Legislative Affairs Division, at 202-912-7421.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Pool", with a long horizontal flourish extending to the right.

Mike Pool
Acting Director

RAÚL M. GRIJALVA
7TH DISTRICT OF ARIZONA

COMMITTEE ON NATURAL RESOURCES
Subcommittee on Water and Power
Subcommittee on Parks, Forests and
Public Lands – *Ranking Member*

COMMITTEE ON EDUCATION AND THE WORKFORCE
Subcommittee on Early Childhood,
Elementary and Secondary Education
Subcommittee on Higher Education and
Workforce Training

CONGRESSIONAL PROGRESSIVE CAUCUS,
Co-Chair



Congress of the United States
House of Representatives
Washington, DC 20515-0307

1511 Longworth HOB
Washington, DC 20515
Phone: (202) 225-2435
Fax: (202) 225-1541

District Offices:
738 N. 5th Avenue, Suite 110
Tucson, AZ 85705
Phone: (520) 622-6788
Fax: (520) 622-0198

201 Bingham Avenue, Suite 2
P.O. Box 4105
Somerton, AZ 85350
Phone: (928) 343-7933
Fax: (928) 343-7949

<http://grijalva.house.gov/>

June 7, 2012

Mike Pool
Acting Director
1849 C Street NW, Rm. 5665
Washington DC 20240

Dear Director Pool,

I am writing about the announced helicopter roundup in the Jackson Mountains HMA in Nevada. June is the height of foaling season, meaning that BLM will be stampeding tiny foals, heavily pregnant mares and other horses that may already be compromised by lack of adequate water and forage.

As you are aware, BLM policy prohibits helicopter roundups during peak foaling season. Your agency is moving forward under cover of an “emergency.” The situation in Jackson Mountains HMA does not meet the BLM’s own criteria for an emergency. In fact, the EA for the roundup plan stated specifically that the situation was not an emergency.

BLM did not conduct its due diligence in evaluating less dangerous alternatives to a helicopter drive in the middle of foaling season. The agency could have been water/bait trapping for the last month in order to avoid a helicopter stampede.

Please be sure that I am watching this foaling season closely and hope to see BLM make a good-faith effort to protect wild horse population health, as your own policies mandate.

Very sincerely,

Rep. Raúl M. Grijalva
Ranking Member, House Subcommittee on National Parks, Forests and Public Lands



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



MAR 16 2012

The Honorable Rush D. Holt
Subcommittee on Energy and Minerals
Committee on Natural Resources
House of Representatives
Washington, DC 20515

Dear Representative Holt:

Thank you for your December 22, 2011, letter regarding the report, "BLM Needs to Revise Its Systems for Assessing the Adequacy of Financial Assurances," that the Government Accountability Office (GAO) recently released on December 12. The Bureau of Land Management (BLM) is committed to ensuring environmentally responsible mining operations on public lands, and I agree that taxpayers should not be responsible for reclamation liability incurred by the mining industry.

Since implementing the revised surface management regulations in 2001, mining activity on BLM public lands has increased due to record high prices for gold, copper, and uranium, and a growing interest in strategic and critical minerals such as rare earth elements. These factors have resulted in the near doubling of mining claims on public lands from 207,757 in 2001 to 399,614 in 2011. Despite these challenges, the GAO noted improvement in the BLM's administration of financial guarantees.

The GAO has previously conducted full and thorough reviews of the BLM bonding program. In its 2008 report, "Hardrock Mining: Information on Abandoned Mines and Value and Coverage of Financial Assurances on BLM Land," the GAO determined that the financial guarantees that the BLM holds for operations under the 1872 Mining Law were 94 percent sufficient to cover reclamation costs. In its latest report, the GAO found that the amount of financial guarantees determined to be sufficient has increased to 98 percent.

The BLM policy requires State Directors to certify any approved activity under a Notice or Plan of Operations authorized under 43 CFR 3809. Surface Management Regulations, has an acceptable financial guarantee that meets the requirements of the regulations. If the reclamation cost estimates are not reviewed within the appropriate period of time, or if the financial guarantee is inadequate, then the BLM develops a corrective action plan to resolve any deficiencies.

Only a small percentage of operations were not reviewed within the policy timeframe or did not have a sufficient financial guarantee. Consistent with this success rate, the GAO report found that 1,365 operations have adequate funding and only 57 did not.

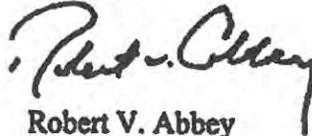
Due to the concerns identified in the GAO report, I have directed my staff to revise the policy to include measures that ensure that BLM completes all operation reviews within the

appropriate timeframes and conducts a more rigorous enforcement of inadequate financial guarantees. The BLM will continue to improve this process. I believe that we are on track to eliminate the issues identified in this latest GAO report as we have already implemented the report's recommendation.

Finally, your letter seeks clarification and answers to several questions regarding the BLM's administration of financial guarantees for operations under the 1872 Mining Law. The answers are enclosed.

Please let me know if you have additional concerns. I can be reached at 202-208-3801, or your staff may contact Patrick Wilkinson, Chief of BLM's Legislative Affairs Division, at 202-912-7421. A similar reply has been sent to Representative Markey.

Sincerely,

A handwritten signature in cursive script that reads "Robert V. Abbey". The signature is written in dark ink and is positioned above the printed name and title.

Robert V. Abbey
Director

Enclosure

1. The GAO found that only two of the 13 BLM state offices – Montana and Wyoming – are following procedures from BLM's memorandum, IM 2009-153, for conducting timely reviews of financial assurances and ensuring funds are adequate to cover mine cleanup at individual operations. When will all state BLM offices come into compliance with the agency's directive? In your response please include a schedule setting forth your plan for ensuring full compliance by all state BLM offices. At what point do you expect to accurately report financial assurances on an operation-by-operation basis, as recommended by GAO?

The BLM's IM 2009-153 requires State Directors to ensure that all financial guarantees for operations within a state are adequate and reviewed on a timely basis, however the memorandum anticipates that full compliance is not always within BLM's control. If a state office cannot demonstrate adequate financial guarantees or their timely review, the IM allows for the development of an action plan for each specific case. This is an acknowledgement that financial guarantee adequacy requires compliant operators, and if operators are not compliant, the BLM pursues enforcement actions. Resolution is based on an operator's willingness to cooperate and their ability to provide a financial guarantee, which is not entirely within the State Director's control.

Additionally, the value and number of inadequate financial guarantees as calculated by BLM's Bond Review Report incorporates the value of all outstanding bonds, including those considered to be submitted within an appropriate timeframe. For example, an operator who is required to increase a bond amount usually receives 30 to 90 days to comply. Such practice is comparable to account management in the business sector, where payment is not considered late until a "grace period" expires. Similarly, the BLM considers operators compliant until the end of this time period. As currently constructed, BLM's Bond Review Report lists all compliant and non-compliant operations as inadequate bonds. This is by design, as it facilitates identification and tracking of all cases with outstanding financial guarantees. Further, this is extremely common and occurs every time an operation is reviewed. A consequence of this practice is that many compliant operators are numbered among the operations with inadequate financial guarantees, which gives the impression that all such cases are non-compliant.

The GAO found that two BLM state offices were successfully implementing IM 2009-153 in its entirety. If a state had an inadequate bond, the GAO did not differentiate between bonds that were inadequate due to non-compliance, and determined that the state was not compliant with the policy. Based on the GAO's methodology, a BLM state office could not be compliant if there are any outstanding bonds including those that are within the allowable timeframe to comply. Such would be a rarity.

Despite the GAO's finding that not all BLM states are fully implementing IM 2009-153, BLM State Directors are all currently compliant with the intent of the memorandum by providing required action plans. As the GAO report indicates, certification and action plan development has occurred for all BLM state offices. The certification process ensures that BLM State Directors are aware and address overdue reviews and inadequate financial guarantees.

The Bureau has completed GAO's recommendation. The LR2000 Bond Review Report has been revised to calculate and report the value of inadequate hard rock financial assurances on an operation-by-operation basis. The report has been successfully tested and put into production on January 11.

2. Each BLM state office has an action plan to address gaps in financial assurances like the ones found by GAO. Which state offices have not fully implemented their action plans? Please list the steps these states have taken to implement their action plans; steps they still need to take; the deadlines for implementation; and steps the BLM is taking to ensure that all state offices implement their action plans.

Action plans produced by state offices are operation specific. A BLM state office may have several action plans for which corrective actions and completion timeframes are different. These may include steps such as conducting inspections, bond review, enforcement, or data entry. A data call to the state offices is required to determine to what extent the action plans are completed.

3. For each of the 57 operations that GAO reported had a shortfall, please list the following: the operation's name; its location; mine type; operating status; operator and owner; type of financial assurance it has posted; the amount of shortfall; and any enforcement actions the BLM has taken in regards to the operation's financial assurance status. Please also include the same data for hardrock mining operations in Alaska, which is not included in the LR2000 database and the GAO report.

Of the 57 operations that the GAO reported had a shortfall, 14 remain inadequate. The Alaska State Office reported that there were no inadequate financial assurances for the same time frame that covered by the GAO report. Attached you will find a list of these operations along with the additionally requested information.

4. Only three states – Montana, South Dakota, and New Mexico – have ensured that financial assurances at each operation equal expected cleanup costs. Why have these states been successful where others have not? Are there lessons from these states that could help other states implement successful programs?

The BLM officials at the Montana (includes the Dakotas) and New Mexico State Offices have identified successful practices that could be implemented bureau-wide. Both offices have personnel dedicated to ensuring that all financial guarantees are adequate and receive timely review, and communicate effectively with their field offices. In addition, the New Mexico State Office works closely with the state government through a Memorandum of Understanding that provides additional coordination support and technical consultation. We will continue to work with all the BLM state offices to share these successful practices and encourage their use bureau-wide.



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



The Honorable Edward J. Markey
Committee on Natural Resources
House of Representatives
Washington, DC 20515

MAR 16 2012

Dear Representative Markey:

Thank you for your December 22, 2011, letter regarding the report, "BLM Needs to Revise Its Systems for Assessing the Adequacy of Financial Assurances," that the Government Accountability Office (GAO) recently released on December 12. The Bureau of Land Management (BLM) is committed to ensuring environmentally responsible mining operations on public lands, and I agree that taxpayers should not be responsible for reclamation liability incurred by the mining industry.

Since implementing the revised surface management regulations in 2001, mining activity on BLM public lands has increased due to record high prices for gold, copper, and uranium, and a growing interest in strategic and critical minerals such as rare earth elements. These factors have resulted in the near doubling of mining claims on public lands from 207,757 in 2001 to 399,614 in 2011. Despite these challenges, the GAO noted improvement in the BLM's administration of financial guarantees.

The GAO has previously conducted full and thorough reviews of the BLM bonding program. In its 2008 report, "Hardrock Mining: Information on Abandoned Mines and Value and Coverage of Financial Assurances on BLM Land," the GAO determined that the financial guarantees that the BLM holds for operations under the 1872 Mining Law were 94 percent sufficient to cover reclamation costs. In its latest report, the GAO found that the amount of financial guarantees determined to be sufficient has increased to 98 percent.

The BLM policy requires State Directors to certify any approved activity under a Notice or Plan of Operations authorized under 43 CFR 3809, Surface Management Regulations, has an acceptable financial guarantee that meets the requirements of the regulations. If the reclamation cost estimates are not reviewed within the appropriate period of time, or if the financial guarantee is inadequate, then the BLM develops a corrective action plan to resolve any deficiencies.

Only a small percentage of operations were not reviewed within the policy timeframe or did not have a sufficient financial guarantee. Consistent with this success rate, the GAO report found that 1,365 operations have adequate funding and only 57 did not.

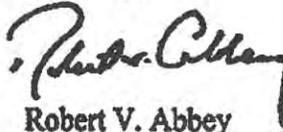
Due to the concerns identified in the GAO report, I have directed my staff to revise the policy to include measures that ensure that BLM completes all operation reviews within the appropriate timeframes and conducts a more rigorous enforcement of inadequate financial

guarantees. The BLM will continue to improve this process. I believe that we are on track to eliminate the issues identified in this latest GAO report as we have already implemented the report's recommendation.

Finally, your letter seeks clarification and answers to several questions regarding the BLM's administration of financial guarantees for operations under the 1872 Mining Law. The answers are enclosed.

Please let me know if you have additional concerns. I can be reached at 202-208-3801, or your staff may contact Patrick Wilkinson, Chief of BLM's Legislative Affairs Division, at 202-912-7421. A similar reply has been sent to Representative Holt.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert V. Abbey". The signature is written in a cursive style with a large, sweeping initial "R".

Robert V. Abbey
Director

Enclosure

1. The GAO found that only two of the 13 BLM state offices – Montana and Wyoming – are following procedures from BLM's memorandum, IM 2009-153, for conducting timely reviews of financial assurances and ensuring funds are adequate to cover mine cleanup at individual operations. When will all state BLM offices come into compliance with the agency's directive? In your response please include a schedule setting forth your plan for ensuring full compliance by all state BLM offices. At what point do you expect to accurately report financial assurances on an operation-by-operation basis, as recommended by GAO?

The BLM's IM 2009-153 requires State Directors to ensure that all financial guarantees for operations within a state are adequate and reviewed on a timely basis, however the memorandum anticipates that full compliance is not always within BLM's control. If a state office cannot demonstrate adequate financial guarantees or their timely review, the IM allows for the development of an action plan for each specific case. This is an acknowledgement that financial guarantee adequacy requires compliant operators, and if operators are not compliant, the BLM pursues enforcement actions. Resolution is based on an operator's willingness to cooperate and their ability to provide a financial guarantee, which is not entirely within the State Director's control.

Additionally, the value and number of inadequate financial guarantees as calculated by BLM's Bond Review Report incorporates the value of all outstanding bonds, including those considered to be submitted within an appropriate timeframe. For example, an operator who is required to increase a bond amount usually receives 30 to 90 days to comply. Such practice is comparable to account management in the business sector, where payment is not considered late until a "grace period" expires. Similarly, the BLM considers operators compliant until the end of this time period. As currently constructed, BLM's Bond Review Report lists all compliant and non-compliant operations as inadequate bonds. This is by design, as it facilitates identification and tracking of all cases with outstanding financial guarantees. Further, this is extremely common and occurs every time an operation is reviewed. A consequence of this practice is that many compliant operators are numbered among the operations with inadequate financial guarantees, which gives the impression that all such cases are non-compliant.

The GAO found that two BLM state offices were successfully implementing IM 2009-153 in its entirety. If a state had an inadequate bond, the GAO did not differentiate between bonds that were inadequate due to non-compliance, and determined that the state was not compliant with the policy. Based on the GAO's methodology, a BLM state office could not be compliant if there are any outstanding bonds including those that are within the allowable timeframe to comply. Such would be a rarity.

Despite the GAO's finding that not all BLM states are fully implementing IM 2009-153, BLM State Directors are all currently compliant with the intent of the memorandum by providing required action plans. As the GAO report indicates, certification and action plan development has occurred for all BLM state offices. The certification process ensures that BLM State Directors are aware and address overdue reviews and inadequate financial guarantees.

The Bureau has completed GAO's recommendation. The LR2000 Bond Review Report has been revised to calculate and report the value of inadequate hard rock financial assurances on an operation-by-operation basis. The report has been successfully tested and put into production on January 11.

2. Each BLM state office has an action plan to address gaps in financial assurances like the ones found by GAO. Which state offices have not fully implemented their action plans? Please list the steps these states have taken to implement their action plans; steps they still need to take; the deadlines for implementation; and steps the BLM is taking to ensure that all state offices implement their action plans.

Action plans produced by state offices are operation specific. A BLM state office may have several action plans for which corrective actions and completion timeframes are different. These may include steps such as conducting inspections, bond review, enforcement, or data entry. A data call to the state offices is required to determine to what extent the action plans are completed.

3. For each of the 57 operations that GAO reported had a shortfall, please list the following: the operation's name; its location; mine type; operating status; operator and owner; type of financial assurance it has posted; the amount of shortfall; and any enforcement actions the BLM has taken in regards to the operation's financial assurance status. Please also include the same data for hardrock mining operations in Alaska, which is not included in the LR2000 database and the GAO report.

Of the 57 operations that the GAO reported had a shortfall, 14 remain inadequate. The Alaska State Office reported that there were no inadequate financial assurances for the same time frame that covered by the GAO report. Attached you will find a list of these operations along with the additionally requested information.

4. Only three states -- Montana, South Dakota, and New Mexico -- have ensured that financial assurances at each operation equal expected cleanup costs. Why have these states been successful where others have not? Are there lessons from these states that could help other states implement successful programs?

The BLM officials at the Montana (includes the Dakotas) and New Mexico State Offices have identified successful practices that could be implemented bureau-wide. Both offices have personnel dedicated to ensuring that all financial guarantees are adequate and receive timely review, and communicate effectively with their field offices. In addition, the New Mexico State Office works closely with the state government through a Memorandum of Understanding that provides additional coordination support and technical consultation. We will continue to work with all the BLM state offices to share these successful practices and encourage their use bureau-wide.

DOC HASTINGS, WA
CHAIRMAN
DON YOUNG, AK
JOHN J. DUNCAN, JR., TN
LOUIE GOHMERT, TX
ROB BISHOP, UT
DOUG LAMBOURN, CO
ROBERT J. WITTMANN, VA
PAUL C. BROUN, GA
JOHN FLEMING, LA
MIKE COFFMAN, CO
TOM MCCLINTOCK, CA
GLENN THOMPSON, PA
JEFF DENHAM, CA
DAN BENISHEK, MI
DAVID RIVERA, FL
JEFF DUNCAV, SC
SCOTT R. TIPTON, CO
PAUL A. GOSAR, AZ
RAUL R. LABRADOR, ID
KRISTI L. NOEM, SD
STEVE SOUTHERLAND II, FL
BILL FLORES, TX
ANDY HARRIS, MO
JEFFREY M. LANDRY, LA
JOHN BUNYAN, NJ
BILL JOHNSON, OH
MARK AMODEI, NV

TODD YOUNG
CHIEF OF STAFF

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

EDWARD J. MARKEY, MA
RANKING DEMOCRATIC MEMBER
DALE E. KILDEE, MI
PETER A. DEFazio, OR
ENI F.H. FALODMAVEGA, AS
FRANK PALLONE, JR., NJ
GRACE F. NAPOLITANO, CA
RUSH D. HOLT, NJ
RAUL M. GRIJALVA, AZ
MADELEINE Z. BORDALLO, GU
JIM COSTA, CA
DAN BOREN, OK
GREGORIO KILILI CAMACHO SABLON, CNMI
MARTIN HEINRICH, NM
BEN RAY LUJÁN, NM
JOHN P. SARBANES, MD
BETTY SUTTON, OH
NIKI TSONGAS, MA
PEDRO R. PIERLUISI, PR
JOHN GARAMENDI, CA
COLLEEN W. HANABUSA, III

JEFFREY DUNCAN
DEMOCRATIC STAFF DIRECTOR

December 22, 2011

Mr. Robert Abbey
Director
Bureau of Land Management
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Director Abbey:

According to a Government Accountability Office (GAO) report released last week in response to questions raised at a House Natural Resources Committee hearing, companies are mining government land for hardrock minerals without setting aside sufficient funds to pay eventual cleanup costs.¹ That means taxpayers are in danger of footing the bill if these mines are abandoned or the companies that developed them go bankrupt or are dissolved. This report appears to contradict the Bureau of Land Management's recent assurances to our Committee that this long-standing problem has been fixed.² We want to make sure that taxpayers do not pay one cent for what should be the responsibility of mining companies, and that we have the resources necessary to protect the environment and human health and safety from the threats posed by abandoned mines.

Since 2001, the BLM has required companies mining hardrock minerals on BLM land to provide funds, also known as financial assurances, to cover the costs of reclaiming abandoned mines in the event cleanup is left to the government. The policy is meant to protect taxpayers from paying for cleanup costs that can run into the millions of dollars, but the BLM must hold all mines accountable if this objective is to be fully realized. Despite improvements in recent years, the BLM still does not adequately track the 1,365 hardrock mining operations on BLM land, whose financial assurances total an estimated \$1.45 billion, according to the GAO.

¹ Government Accountability Office, *Hardrock Mining: BLM Needs to Revise Its Systems for Assessing the Adequacy of Financial Assurances* (December 12, 2011).

² Office of the Clerk, stenographic minutes of July 14, 2011 hearing, *Oversight Hearing on: Abandoned Mined Lands: Innovative Solutions for Restoring the Environment, Improving Safety and Creating Jobs*, pages 76-77 at 1539-1563.

Using BLM data, the GAO found that 57 hardrock mining operations in nine Western states had not posted sufficient funds to cover cleanup costs. Those states were led by Nevada, where 24 hardrock mines were short by a total of \$23.9 million as of December 1, 2010. GAO also found that just two of the 13 BLM state offices it reviewed had fully implemented steps from a 2009 instructional memorandum that were meant to correct the shortfalls.³

GAO found that BLM does not always identify and correct funding shortfalls because of the way it uses two data tools, the LR2000 database and Bond Review Report. The BLM does not review financial assurance data on an operation-by-operation basis, according to GAO. Rather, it aggregates such data, which “provides inaccurate summary information by offsetting the shortfalls of some operations’ financial assurances with surpluses from the financial assurances of other operations,” according to the GAO. Thus, “Congress and the public cannot be assured that they have an accurate picture of BLM’s efforts to ensure that enough funds are in place to fully cover estimated reclamation costs at each hardrock mining operation.”

The GAO recommends that the Bureau revise its LR2000 database and Bond Review Report to calculate and report operation-by-operation financial assurances, rather than just aggregate-level information. GAO also recommended this in a 2008 report, which at the time found 52 hardrock mines on BLM land had a total shortfall in financial assurances of \$61 million.⁴

The Department of Interior responded to GAO’s report by saying it agrees with the recommendations and is already in the process of implementing them. To ensure that the necessary steps are taken in a timely manner and to help me better understand the scope of the problem, we ask that you please provide a written response to the following questions and provide the following requested information:

1. The GAO found that only two of the 13 BLM state offices—Montana and Wyoming—are following procedures from BLM’s memorandum, IM 2009-153, for conducting timely reviews of financial assurances and ensuring funds are adequate to cover mine cleanup at individual operations. When will all state BLM offices come into compliance with the agency’s directive? In your response please include a schedule setting forth your plan for ensuring full compliance by all state BLM offices. At what point do you expect to accurately report financial assurances on an operation-by-operation basis, as recommended by GAO?
2. Each BLM state office has an action plan to address gaps in financial assurances like the ones found by GAO. Which state offices have not fully implemented their action plans? Please list the steps these states have taken to implement their action plans; steps they still need to take; the deadlines for implementation; and steps the BLM is taking to ensure that all state offices implement their action plans.

³ Bureau of Land Management IM 2009-153, *Financial Guarantees for Notices and Plans of Operations* (June 19, 2009).

⁴ Government Accountability Office, *Hardrock Mining: Information on Abandoned Mines and Value and Coverage of Financial Assurances on BLM Land* (March 12, 2008).

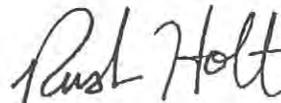
3. For each of the 57 operations that GAO reported had a shortfall, please list the following: the operation's name; its location; mine type; operating status; operator and owner; type of financial assurance it has posted; the amount of shortfall; and any enforcement actions the BLM has taken in regards to the operation's financial assurance status. Please also include the same data for hardrock mining operations in Alaska, which is not included in the LR2000 database and the GAO report.
4. Only three states—Montana, South Dakota and New Mexico—have ensured that financial assurances at each operation equal expected cleanup costs. Why have these states been successful where others have not? Are there lessons from these states that could help other states implement successful programs?

Thank you for your assistance in responding to this inquiry. We ask that you please respond by January 12, 2011. Any questions can be referred to Reece Rushing or Morgan Gray of the House Natural Resources Committee Democratic staff at 202-225-6065.

Sincerely,



Edward J. Markey
Ranking Member
Committee on Natural Resources



Rush D. Holt
Ranking Member
Subcommittee on Energy and Minerals



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



MAY - 6 2013

The Honorable Ron Wyden
Chairman
Committee on Energy and Natural Resources
United States Senate
Washington, DC 20510

Dear Chairman Wyden:

Thank you for your letter dated March 26, 2013, regarding the potential utilization of *in situ* bioreactors to produce methane from unmineable coal underlying public lands managed by the Bureau of Land Management (BLM).

As you note, a critical principle in the development of this technology is the importance of not damaging coal that may be mineable in the future. That principle has guided the BLM in developing a means of accommodating initial tests of a process to supply nutrients to the naturally-occurring biota that feeds upon coal deposits.

The BLM Wyoming State Office is currently working with a company to develop a project and application to test this new technology and its effect on coal and other resources. The BLM hopes to realize results that will allow us to explore the expansion of the initial project to many more of the wells that the proponent has acquired. As these initial tests have not yet taken place, it is premature at this point for the BLM to finalize a regulatory path for the utilization of this technology.

The BLM appreciates your support for this potentially important source of natural gas and for a cleaner energy future for America. If the BLM can be of further assistance, please do not hesitate to call me at (202) 208-3801, or your staff may contact Patrick Wilkinson, the BLM Legislative Affairs Division Chief at (202) 912-7421. Please note that a similar response is being sent to your colleague, Senator Lisa Murkowski.

Sincerely,

for Neil Kornze
Principal Deputy Director



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



MAY - 6 2013

The Honorable Lisa Murkowski
Ranking Member
Committee on Energy and Natural Resources
United States Senate
Washington, DC 20510

Dear Senator Murkowski:

Thank you for your letter dated March 26, 2013, regarding the potential utilization of *in situ* bioreactors to produce methane from unmineable coal underlying public lands managed by the Bureau of Land Management (BLM).

As you note, a critical principle in the development of this technology is the importance of not damaging coal that may be mineable in the future. That principle has guided the BLM in developing a means of accommodating initial tests of a process to supply nutrients to the naturally-occurring biota that feeds upon coal deposits.

The BLM Wyoming State Office is currently working with a company to develop a project and application to test this new technology and its effect on coal and other resources. The BLM hopes to realize results that will allow us to explore the expansion of the initial project to many more of the wells that the proponent has acquired. As these initial tests have not yet taken place, it is premature at this point for the BLM to finalize a regulatory path for the utilization of this technology.

The BLM appreciates your support for this potentially important source of natural gas and for a cleaner energy future for America. If the BLM can be of further assistance, please do not hesitate to call me at (202) 208-3801, or your staff may contact Patrick Wilkinson, the BLM Legislative Affairs Division Chief at (202) 912-7421. Please note that a similar response is being sent to your colleague, Senator Ron Wyden.

Sincerely,

for Neil Kornze

Principal Deputy Director

BOB WYDEN, Oregon, Democrat
TOM KOTHEMER, South Dakota
MARK L. ANDERSON, Colorado
MARIO CANTILERO, Washington
BENNY RADEBOLD, Virginia
GUSTAV SPITZBERG, Minnesota
MARI MCGILL, Louisiana
AL FRANKEN, Minnesota
JIM MCGILL, Rhode Island
CHRISTOPHER A. COONS, Delaware
JEFF BLUMENTHAL, Connecticut
DWAYNE BROWN, New Mexico

LISA MURKOWSKI, Alaska
TED CRUZ, Texas, Republican
JAMES E. BROWN, Ohio
MIGUEL LEON, Nevada
JULY BLAKE, Alaska
TIM WOOTEN, South Carolina
JAMARAL LAMARCA, Tennessee
BOB PORTMAN, Ohio
JOHN HOOPER, North Dakota

United States Senate

COMMITTEE ON
ENERGY AND NATURAL RESOURCES

WASHINGTON, DC 20510-6150

WWW.ENERGY.SENATE.GOV

JOHN HERRMAN, STAFF DIRECTOR
JAMES POWELL, CHIEF COUNSEL
KAREN B. ELLIS, DIRECTOR OF STAFF SERVICES
KATHLEEN BRIDGEMAN, DEPUTY CHIEF OF STAFF

March 26, 2013

The Honorable Neil Kornze
Acting Director
Bureau of Land Management
Department of the Interior
1849 C St. NW
Washington, DC 20240

Dear Acting Director Kornze:

It has come to our attention that an unconventional coalbed methane production technology known as biogenic acceleration could be used to transform small quantities of unmineable coal into methane gas. We write to request that the Bureau of Land Management (BLM) chart a clear, timely, and achievable regulatory path for its responsible utilization.

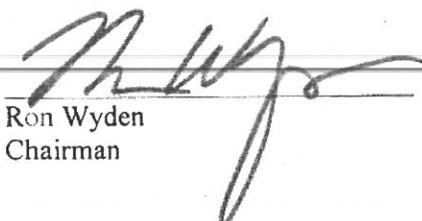
We believe that in implementing this technology, it is important to ensure that biogenic acceleration does not degrade mineable coal seams or reasonably foreseeable mining operations. As we understand it, through this technology and by limiting where this technology is initially implemented, the BLM is capable of avoiding such impacts. If this is the case, we hope that BLM will address the absence of an established process at the Federal level to consider and issue permits for projects that seek to employ it.

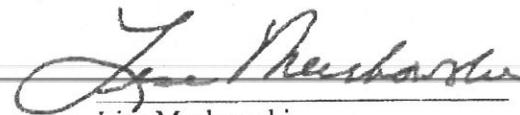
As is typical of the permitting process, delays can strand capital and stymie investment. We ask that you take action to prevent this from occurring for biogenic acceleration. We are told that time is of the essence as this technology depends on existing infrastructure that is being dismantled as coal bed methane wells become depleted and are plugged.

We are encouraged to hear that BLM is aware of and attempting to make progress on this issue. Advocates of this technology assert that its commercial implementation has the potential to create jobs, increase our domestic energy supply, and generate significant revenues for local, state, and federal governments. Of course, the pursuit of these benefits must be balanced in a way that is agreeable to all interested and potentially affected parties.

We urge you to expeditiously finalize a regulatory path for the responsible utilization of this technology. As you do so, please let us know if we can be of any assistance.

Sincerely,


Ron Wyden
Chairman


Lisa Murkowski
Ranking Member



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Washington, D.C. 20240
<http://www.blm.gov>



DEC 18 2012

The Honorable Sam Graves
Chairman
Committee on Small Business
House of Representatives
Washington, DC 20515

Dear Chairman Graves:

Thank you for your November 1, 2012, letter regarding requirements under the Regulatory Flexibility Act (RFA) for the Bureau of Land Management (BLM) proposed rule, "Oil and Gas; Well Stimulation, Including Hydraulic Fracturing, on Federal and Indian Lands." I appreciate you taking the time to share your concerns.

The draft rule, published on May 4, 2012, included an economic analysis that estimates the benefits and costs of the proposed regulatory changes using criteria outlined in Executive Order 12866. The Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 601-612), generally requires an agency to perform a regulatory flexibility analysis for any rule, subject to notice and comment rulemaking requirements under the Administrative Procedure Act, or any other statute, unless the agency certifies that the rule will not have a significant economic impact on a significant number of small entities. Small entities include small businesses, small governmental jurisdictions, and small not-for-profit enterprises.

Small entities represent the overwhelming majority of entities operating in the crude oil and natural gas extraction industry. The BLM performed a screening analysis for impacts on a sample of expected affected small entities by comparing compliance costs to entity net incomes. The average cost per entity in 2013 is estimated to represent between 0.002 and 0.22 percent of the 2010 net incomes of the sampled companies.

Therefore, after considering the economic impact of the proposed rule, the screening analysis indicates that this proposed rule will not have a significant or disparate economic impact on a substantial number of small entities and further review under the RFA is not required. The BLM received over 175,000 public comments on the proposed rule, including comments on the small business impacts analysis. The BLM is currently analyzing these comments. If I can be of further assistance, please contact me at 202-208-3801, or your staff may contact Patrick Wilkinson, Chief of BLM's Legislative Affairs Division, at 202-912-7421.

Sincerely,

Mike Pool
Acting Director

SAM GRAVES, MISSOURI
CHAIRMAN

NYDIA M. VELAZQUEZ, NEW YORK
RANKING MEMBER

Congress of the United States
U.S. House of Representatives
Committee on Small Business
2367 Rayburn House Office Building
Washington, DC 20515-6315

November 1, 2012

Mike Pool
Acting Director
United States Bureau of Land Management
1849 C Street, NW
Washington, D.C. 20240

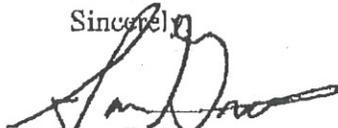
Dear Acting Director Pool:

As the Chairman of the House Small Business Committee, I am writing to express my concerns regarding a proposed rule by the Bureau of Land Management (BLM), "Oil and Gas; Well Stimulation, Including Hydraulic Fracturing, on Federal and Indian Lands."¹ Your prompt attention to this matter is greatly appreciated.

The Regulatory Flexibility Act (RFA),² among its other provisions, requires federal agencies to analyze and quantify proposed rules that would have significant or disparate impacts on a substantial number of small entities which in turn informs the entities as to the necessity of completing an initial regulatory flexibility analysis (IRFA) as part of the rule. Having assessed the proposed rule, the Committee has determined it will result in significant and disparate economic impacts on a substantial number of small oil and natural gas producer firms. This in turn obligates BLM, as part of its rulemaking on this matter, to conduct an initial regulatory flexibility analysis per the requirements of the RFA.

Again, your prompt attention to this matter is greatly appreciated. If you have any further questions regarding this matter, please do not hesitate to contact Mark Ratto of the Committee staff at 202-225-5821.

Sincerely,



Sam Graves
Chairman

¹ 77 Fed. Reg. 27,691 (May 11, 2012).

² 5 U.S.C. §§ 601-12.



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



The Honorable Cathy McMorris Rodgers
Vice Chair
House Republican Conference
House of Representatives
Washington, DC 20515

MAR - 7 2012

Dear Representative McMorris Rodgers:

Thank you for your January 23, 2012, letter regarding issues related to Washington State Public Utility District's (PUD) Federal Energy Regulatory Commission (FERC) hydropower license application in Okanogan County, Washington. It was a pleasure to meet with you and Chairman Hastings and discuss this in person.

You identify concerns with the mitigation measures that the Bureau of Land Management (BLM) recommended to FERC for licensing the Enloe Dam hydropower project. Although the BLM recommended these measures to FERC as allowed by section 10(a) of the Federal Power Act, FERC did not include them as terms in its May 2011 draft or August 2011 final Environmental Assessment (EA). By law, these items are not mandatory, and FERC is not required to include them in the license.

Most of the lands within the project area are Federal lands managed by the BLM. Therefore, the PUD must obtain a right-of-way (ROW) from the BLM to construct and operate the project. Your letter mentioned that the PUD is concerned the BLM will require the mitigation measures that FERC rejected as stipulations for the ROW. Such a determination cannot occur until the BLM completes its processing of the ROW application and its review of the FERC EA and license.

The BLM will consider costs associated with the stipulations and mitigation in its decision on the ROW grant and will work with the applicant to seek agreement on these matters to the extent possible before offering the grant. If the BLM makes a determination to include these measures, absent such agreement, the PUD will have an opportunity to appeal the ROW grant.

I appreciate your continued interest and the BLM looks forward to continued engagement with the PUD and FERC on the ROW application. A similar reply was sent to House Natural Resources Committee Chairman Hastings.

Sincerely,

Robert V. Abbey
Director



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Washington, D.C. 20240
<http://www.blm.gov>



The Honorable Doc Hastings
Chairman
Committee on Natural Resources
House of Representatives
Washington, DC 20515

MAR - 7 2012

Dear Mr. Chairman:

Thank you for your January 23, 2012, letter regarding issues related to Washington State Public Utility District's (PUD) Federal Energy Regulatory Commission (FERC) hydropower license application in Okanogan County, Washington. It was a pleasure to meet with you and Chairman Hastings and discuss this in person.

You identify concerns with the mitigation measures that the Bureau of Land Management (BLM) recommended to FERC for licensing the Enloc Dam hydropower project. Although the BLM recommended these measures to FERC as allowed by section 10(a) of the Federal Power Act, FERC did not include them as terms in its May 2011 draft or August 2011 final Environmental Assessment (EA). By law, these items are not mandatory, and FERC is not required to include them in the license.

Most of the lands within the project area are Federal lands managed by the BLM. Therefore, the PUD must obtain a right-of-way (ROW) from the BLM to construct and operate the project. Your letter mentioned that the PUD is concerned the BLM will require the mitigation measures that FERC rejected as stipulations for the ROW. Such a determination cannot occur until the BLM completes its processing of the ROW application and its review of the FERC EA and license.

The BLM will consider costs associated with the stipulations and mitigation in its decision on the ROW grant and will work with the applicant to seek agreement on these matters to the extent possible before offering the grant. If the BLM makes a determination to include these measures, absent such agreement, the PUD will have an opportunity to appeal the ROW grant.

I appreciate your continued interest and the BLM looks forward to continued engagement with the PUD and FERC on the ROW application. A similar reply was sent to Representative McMorris Rodgers.

Sincerely,

Robert V. Abbey
Director

Congress of the United States
Washington, DC 20515

January 23, 2012

The Honorable Bob Abbey
Director
Bureau of Land Management
United States Department of Interior
1849 C Street, NW
Room 5665
Washington, D.C. 20240

Dear Director Abbey:

We are writing to request a meeting with you to discuss BLM's actions as they relate to Okanogan County, Washington Public Utility District (PUD)'s Federal Energy Regulatory Commission (FERC) application P-12569-000 to operate a small hydropower project. We want to bring to your attention a concern that information submitted to FERC and subsequent discussions between BLM and the PUD suggest that BLM has an agenda contrary to the best interests of the project and the greater Okanogan County community.

More than six years ago, the PUD submitted an initial application to FERC to obtain a license to operate a small hydropower facility on the Similkameen River. As required, the PUD worked with FERC, BLM, the National Park Service (NPS), consultants, and other interested parties to identify the appropriate licensing boundaries, impacts, and necessary prevention, mitigation, and enhancements associated with the project. This past summer, FERC issued a draft environmental assessment (EA) in which evaluations of each and every measure necessary to operate the project and mitigate its impact, including additional measures submitted by BLM, was evaluated. In rejecting the additional BLM measures, FERC concluded that issuing a new license for the project would not constitute a major federal action such that the additional actions measures identified by BLM were unnecessary. A final EA is expected sometime later this year.

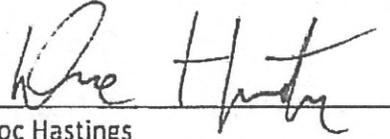
Notwithstanding FERC's decision, regional BLM staff has indicated that it will require the PUD to implement these additional, unrelated measures in return for the issuance of a right of way that is needed by the PUD to access the hydropower facility. A cost analysis of the additional measures shows that the project's total cost would increase by 60 percent and the line item cost specifically for prevention, mitigation, and enhancement would increase by 575 percent (from \$5 million to \$24 million). These measures would also subject the PUD to open-ended cost increases in the future. It is clear that each additional measure goes beyond the requirements considered by FERC to be necessary and appear to be more a vehicle to fund the agency's other priorities.

We would appreciate the opportunity to meet with you in person to discuss these requirements in greater detail. We will follow up this letter with a phone call to set up a meeting within the next week. In the meantime, please do not hesitate to contact our offices for additional information.

Sincerely,



Cathy McMorris Rodgers
Vice Chair
House Republican Conference



Doc Hastings
Chairman
House Committee on Natural Resources



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



AUG - 3 2012

The Honorable Edward J. Markey
Committee on Natural Resources
House of Representatives
Washington, DC 20515

Dear Representative Markey:

Thank you for your May 24, 2012, letter regarding the Government Accountability Office (GAO) report, "Uranium Mining – Opportunities Exist to Improve Oversight of Financial Assurances." You expressed concern that weaknesses in the Bureau of Land Management (BLM) and other responsible agencies' oversight of mining on Federal lands may lead to insufficient funding to clean up abandoned uranium mines. The BLM is committed to ensuring that mining operations operate in an environmentally and financially responsible manner.

The BLM concurs with GAO's recommendations and appreciates the opportunity to respond. Specific answers to your questions regarding the BLM's plans and actions for implementation are enclosed.

Please do not hesitate to contact me if you have any additional questions or concerns. I can be reached at 202-208-3801, or your staff may contact Patrick Wilkinson, Chief of BLM's Legislative Affairs Division, at 202-912-7421.

Sincerely,

Mike Pool
Acting Director

Enclosure

BLM responses regarding GAO recommendations

1. What actions have you taken and what actions will you take to implement GAO's recommendation to improve coordination with the Nuclear Regulatory Commission?

In October 2009, the BLM and the Nuclear Regulatory Commission (NRC) entered into a Memorandum of Understanding (MOU) to improve interagency communication and facilitate the sharing of special expertise and information involving the development of uranium or thorium resources on public lands, including Federal mineral estates. The MOU establishes a mechanism for periodic meetings between NRC and BLM management to ensure coordination, and the agencies have already met to discuss implementation of the GAO recommendations. A copy of the MOU is enclosed for your information.

2. What actions have you taken and what actions will you take to implement GAO's recommendation to improve data collection and reporting for oversight of financial assurances, including actions to address the inaccurate or missing data in the LR2000 database?

The BLM is developing an action plan that will address GAO's recommendations to improve data collection and reporting. Although the action plan is not final, we expect it will result in updating the existing LR2000 Bond Review Report to facilitate tracking financial guarantees for expired notices. Additionally, the BLM will expedite the release of its Surface Management Handbook (described more fully in the response to question 7) and reaffirm its current requirement that case data must be entered into the LR2000 within 5 days of occurrence.

3. What actions have you taken and what actions will you take to implement GAO's recommendation to work with other responsible agencies to harmonize data collection and management related to abandoned mines?

As described more fully in the response to question 5, the BLM will be working with other agencies through the Federal Mining Dialog (FMD) to develop a consistent approach on data collection and management of abandoned mine lands.

4. What actions have you taken and what actions will you take to improve LR2000 data to keep track of who is responsible for various stages of the mine permitting process?

According to GAO's report, delayed data entry affects the ability of LR2000 to serve as an effective management tool to track operations. As described in the response to question 2, the BLM's action plan will include policy measures to increase data quality assurance and control, and will increase the data reliability of LR2000 making it a more effective management tool to track operations.

5. What actions have you taken and what actions will you take to provide guidance on a consistent definition of an abandoned mine site that can be used by BLM field staff when entering information in the abandoned mine database?

During exit interviews, the GAO encouraged both the BLM and the Environmental Protection Agency (EPA) to develop language defining Abandoned Mine Lands that will be acceptable and useable for all agencies. Both the BLM and the EPA participate in a multiagency group called the FMD that also includes the U.S. Forest Service, and the Office of Surface Mining within the Department of the Interior. At the April 2012 meeting of the FMD, the agencies agreed to work together to develop a consistent definition.

6. What is the current status of the seven ISR operations mentioned in the GAO report that are awaiting authorization to operate? Please describe how and when you plan to coordinate with NRC to make sure the financial assurance amounts for these seven operations are accurate.

The status of the seven ISR operations mentioned in the GAO report is as follows:

1. **Gas Hills (Cameco):** Waiting for BLM authorization. Draft Environmental Impact Statement (EIS) is anticipated to be available for public comment in the near future.
2. **Hank and Nichols (Uranex):** Waiting for BLM authorization. Environmental review of the plan of operations is pending. Uranex must provide the BLM with additional information before the review can commence.
3. **Lost Creek (UR Energy):** Waiting for BLM authorization. BLM is preparing to publish a Final EIS, which will initiate a 30-day comment period.
4. **Reynolds Ranch (Cameco):** Authorized by BLM and NRC but not extracting uranium. The BLM approved the Plan of Operations on January 7, 2011. Operator may commence once an adequate bond is submitted and approved by the BLM and the Wyoming Department of Environmental Quality (WDEQ) and WDEQ grants mining permit approval to Cameco.
5. **Ross (Strata):** Waiting for BLM and NRC authorization. The BLM is a cooperating agency to the NRC's EIS, which is pending.
6. **Ruth (Cameco):** The BLM has not received a plan of operations.
7. **Dewy Burdock (Powertech):** Waiting for BLM and NRC authorization. The Supplementary Environmental Impact Statement (SEIS) is being drafted and has had an internal review and comment.

The BLM's coordination with the NRC is governed by the MOU described in the response to question 1. The BLM will continue to work with the NRC to determine how both agencies can cooperate to improve information sharing in regards to financial guarantees. The implementation of GAO's recommendations will be considered at the next BLM-NRC steering committee coordination meeting.

Further, it is of note that BLM Field Offices in Wyoming collaborate with the Wyoming Department of Environmental Quality-Land Quality Division regarding the adequacy of bonds the State holds for hardrock operations (mining law administration) in Wyoming. Such coordination and collaboration provides BLM with greater accuracy when calculating financial guarantees.

7. In its report, GAO notes that BLM has been working since 2001 on a draft handbook to guide its state and local offices on reviewing notices and plans of operations. In the interim, BLM has issued a series of Instruction Memoranda to its field staff as guidance. When was the last Instruction Memoranda issued? Why has it taken so long to finalize the handbook? When will the new handbook be available for BLM staff? Will the new handbook also include instructions on data entry for the LR2000 database?

The latest Instruction Memorandum (IM) regarding the entry of LR2000 for the Mining Law Administration program, IM 2009-153, was issued on June 19, 2009. The Surface Management Handbook will address the wide range of complex issues associated with the BLM's 2001 revisions to its regulations at 43 CFR 3809. Drafts of the Handbook have required extensive technical and legal review, however, the BLM expects to finalize the Handbook before the end of the year. The Handbook will also contain a comprehensive list of LR2000 data standards, and once the handbook is issued, work will begin on developing a specific LR2000 data entry guidebook, which will serve as a how-to manual for field personnel.

8. Have you conducted a study or are you conducting a study on the cost of cleaning up abandoned uranium mines that require environmental remediation work? If you have such a study, please provide it. If you are doing such a study, when will it be completed?

By the end of this fiscal year, the BLM expects to complete drafts of feasibility studies that will help us provide thoughtful and logical cost estimates for addressing both environmental and physical safety sites relating to all types of hardrock mining. The agency prioritizes projects and sites based on risk to the public and the environment.

9. In its report, GAO found 22 uranium mining operations that are on standby, which GAO defined as mines that are not actively exploring or extracting uranium. However, GAO also found that BLM requires the operator to start reclamation at the earliest feasible time following the end of operations. There is concern that some operators are just keeping very small levels of operations to avoid a costly cleanup. What process does BLM use to make sure the operator does not keep these operations in standby just to avoid cleanup? How many hardrock minerals operations are in standby at the moment?

To determine whether a plan of operations should remain on standby, also known as "interim-management" or "care and maintenance," the BLM follows surface management regulations at 43 CFR 3809.424. The BLM is required to review all inactive plans and determine whether unnecessary or undue degradation is occurring. When circumstances warrant, the BLM will require the operator to complete all necessary actions to avoid such occurrence. According to the regulations, if a plan of operations remains inactive for 5 years, the BLM will determine whether to terminate the plan and direct the operator to commence final reclamation and closure. The

pending Surface Management Handbook contains criteria for determining when a plan may be terminated, which include the following: inoperable or non-mining related equipment left in the project area, mining equipment removed by operator from the area, project area not maintained, workers have been discharged, financial guarantee not maintained, or no sign of activity over an extended timeframe.

Operations conducted under a "notice" expire after 2 years unless extended. Expired notices are required to promptly begin reclamation. When operations temporarily stop, operators must take immediate action to prevent unnecessary or undue degradation. The BLM will require inactive notice-level operations to reclaim the project area if it determines that unnecessary or undue degradation will occur.

Although the BLM LR2000 database tracks the status of the case (i.e. pending, authorized, terminated, expired, or closed), the phase of mining or exploration for a specific operation can be determined only by examination of the case file because the BLM's database does not contain such data. The BLM is examining the possibility of including mining or exploration phase data into its LR2000 database.

**Memorandum of Understanding
between the
Bureau of Land Management, Department of the Interior
and the
Nuclear Regulatory Commission, an Independent Agency**

I. Introduction

This Memorandum of Understanding (MOU) provides for a cooperative working relationship between the Nuclear Regulatory Commission (NRC), an independent agency, and the Bureau of Land Management, Department of the Interior (BLM) (collectively "the Parties"). It forms a cooperative framework that supports common goals in furthering each agency's mission involving the development of uranium or thorium resources on public lands, including Federal mineral estates, under the administration of the BLM. The cooperating agency relationship established through this Memorandum of Understanding (MOU) will be governed by all applicable statutes, regulations, and policy, including the NRC's regulations in 10 CFR Part 51 and BLM's regulations in 43 CFR Parts 1600, 3500, and 3800.

This MOU is intended to improve interagency communication, facilitate the sharing of special expertise and information, and coordinate the preparation of studies, reports, and environmental documents associated with NRC licensing actions and BLM regulation of public lands, including Federal mineral estates.

II. Purpose

The purpose of this MOU is:

- A. To provide for cooperation and coordination between the NRC and the BLM that will encourage routine communication, at the national and local levels, and lend mutual support, when feasible, in evaluating plans of operations, lease applications, or related documents received by the BLM or license applications, amendments or renewals received by the NRC.
- B. To establish periodic meetings between NRC and BLM management to ensure coordination and identify points of contact, information gaps, and resource issues specific to a particular uranium or thorium recovery facility requiring an NRC license to operate on public lands under BLM's regulatory authority.
- C. To provide for the exchange of data, analysis, research and other information that may assist either agency in carrying out its respective responsibilities.
- D. To provide advance notice of agency actions so that the BLM field office or NRC staff can determine the level of participation the federal agency will have on development of a site-specific environmental document.
- E. To provide a framework for negotiation of any schedules for a site-specific Environmental Assessment (EA), Environmental Impact Statement (EIS), or Supplemental Environmental Impact Statement (SEIS) between the appropriate BLM Office and NRC staff to ensure completion of a thorough site-specific environmental document in a timely and efficient manner.

- F. To describe the respective responsibilities, jurisdictional authority, and expertise of each of the parties in the planning process.

III. Authorities for the MOU

- A. The authorities of the NRC to enter into and engage in the activities described in this MOU include, but are not limited to:

1. The Atomic Energy Act (42 U.S.C. 2011 et seq.).
2. Nuclear Regulatory Commission regulations (10 CFR 1 et seq.).
3. National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

- B. The authorities of the BLM to enter into and engage in the activities described in this MOU include, but are not limited to, authorities delegated from the Secretary of the Interior for administering mining claims and, on acquired lands, hardrock mineral leases, and implementing regulations, including:

1. Mining Law of 1872, 30 U.S.C. §§ 21- 42 (Mining Law).
2. Federal Land Policy and Management Act, 43 U.S.C. §§ 1701-1785 (FLPMA).
3. 43 CFR Parts 1600, 3600, and 3800.
4. National Environmental Policy Act of 1969, 42 U.S.C. § 4321 et seq. (NEPA).
5. 40 CFR Part 1500; 43 CFR Part 46.
6. Section 402 of Reorganization Plan No. 3 of 1946, 60 Stat. 1097, 1099; 5 U.S.C. Appendix.

IV. Roles and Responsibilities

- A. Bureau of Land Management Responsibilities:

The BLM's responsibilities under these laws include, but are not limited to:

- Managing and protecting the 265 million acres of public lands and 700 million acres of Federal mineral estate under the principles of multiple use and sustained yield.
- Processing a properly filed plan of operations for a mining claim or, on acquired lands, an application for a hardrock lease.
- Preparing or supervising the preparation of environmental and related documents, as appropriate, to fulfill National Environmental Policy Act (NEPA) Section 102 responsibilities, including the Council on Environmental Quality regulations for implementing NEPA, contained in 40 CFR 1500 through 1508, as well as the

Department of the Interior's regulations for implementing NEPA, contained at 43 CFR Part 46 (73 FR 61292, Oct. 15, 2008). Applicable Department of the Interior and BLM guidance is contained in Part 516 of the Departmental Manual, as well as BLM Handbook H-1790-1.

- Issuing a record of decision or finding of no significant impact that provides for the terms and conditions of approval of the submitted plan of operations or lease application, or a record of decision providing reasons for denial of the submitted plan or application.
- Ensuring that a reclamation bond, acceptable to BLM, is in place before operations begin. The bonding level is set to cover the full cost of reclamation as if performed by a third party contractor.

B. Nuclear Regulatory Commission Responsibilities:

The NRC's responsibilities under these laws include, but are not limited to:

- Evaluating NRC license applications, amendments or renewals for milling facilities, which include those using In-Situ Leach Uranium Recovery processes.
- Preparing or supervising the preparation of EAs, EISs, or SEISs to fulfill NEPA Section 102 responsibilities when appropriate as part of the NRC evaluation process. The NRC's environmental review regulations implementing NEPA Section 102(2) are contained in 10 CFR Part 51.
- Performing a safety review resulting in a Safety Evaluation Report (SER) as part of the licensing review process. The NRC's safety regulations are contained in 10 CFR Part 40.
- Requiring documentation of adequate financial assurance from the licensee for decommissioning the facility.

C. Coordination:

The BLM and NRC will:

1. Develop an open communication process at the national and local level and maintain a list of contacts for reference by each agency. BLM and NRC offices will provide advance notice of anticipated plans of operations or lease applications, and license applications, respectively, for uranium or thorium recovery activities to ensure that each agency is informed about activities and issues related to uranium or thorium recovery facilities requiring an NRC license to operate on public lands under BLM's regulatory authority. The communication process will involve periodic joint meetings, either at the staff or Steering Committee level.
2. Apprise the other agency of projects, studies, or other initiatives that could be of common interest.

3. Exchange data, analysis, research, and other information that may assist either agency in carrying out its respective responsibilities. This may involve exchange of draft documents, or providing information within each agency's area of expertise.
4. Establish a Steering Committee comprised of no more than three senior level representatives from each agency.

D. Agency Representatives and NRC/BLM Steering Committee:

1. Each agency will designate a representative and an alternate to ensure coordination between the BLM and the NRC. Each agency may change its representative by providing written notice to the other agency.
2. The NRC/BLM Steering Committee will meet periodically to ensure coordination, discuss any pending issues related to interagency cooperation regarding the development of uranium or thorium resources, and resolve any conflicts identified by the working group or staff. Additional meetings may be called by the Steering Committee or at the request of the NRC or the BLM.

E. National Environmental Policy Act

1. The BLM and the NRC agree to provide advance notice and coordinate on any plans of operations, lease applications or related documents, and/or license applications, amendments or renewals received for uranium or thorium recovery facilities requiring an NRC license to operate on public lands under BLM's regulatory authority, and to offer the other agency the opportunity to participate in the NEPA process.
2. Each agency has discretion to decide whether to participate (fully or partially) or decline to participate based on resources or other constraints.
3. Each agency may, as appropriate, provide input to the documents in areas related to its expertise.
4. The Parties agree to participate in the NEPA process in good faith and make all reasonable efforts to resolve disagreements.
5. Each Party agrees to fund its own expenses associated with the site-specific NEPA process.
6. Implementation
 - a. To the fullest extent possible, consistent with each agency's determination of the efficiency and cost-effectiveness of doing so, the BLM and the NRC will participate either as lead agency, co-lead, or cooperating agency on preparation of site-specific environmental documents. Environmental documents for the purposes of this MOU are EAs, EISs, SEUSs, findings of no significant impact (FONSI) and Notices of Intent (NOI) as defined in 40 CFR Sections 1500-1508.
 1. If the NRC receives a license application, amendment, or renewal before the BLM receives a plan of operations, lease application, or related document, the NRC will serve as the lead agency and BLM will be the cooperating agency.

2. If the BLM receives a plan of operations, lease application, or related document before the NRC receives a license application, amendment, or renewal, the BLM will serve as the lead agency and the NRC will be the cooperating agency.
3. When possible in terms of the timeframe in which the BLM receives a plan of operations, lease application, or related document and the NRC receives a license application, amendment, or renewal on the same site, and consistent with each agency's determination that it can fully comply with its statutory and other obligations, the BLM and the NRC will explore the feasibility of preparing a combined site-specific environmental document and/or coordinating any public meetings or public comment periods during the NEPA process.
 - A. If it is possible to prepare one environmental document for both actions, each agency agrees to serve as a co-lead on the preparation of the environmental document. Notwithstanding a co-lead designation, each agency will prepare a separate record of decision/decision record for its action. Establishment of a co-lead relationship is contingent on each agency's ability to support the other agency's schedule for its action. Each agency reserves the right to complete a separate environmental document if mutual agreement on the schedule for a jointly-prepared environmental document cannot be achieved.
 - B. If it is not possible to prepare one joint environmental document to support both actions, each agency agrees to offer the other agency the opportunity to participate as a cooperating agency on the preparation of its environmental document.
- b. The lead agency will provide information on the project timelines to the cooperating agency and the cooperating agency will make a good faith effort to support the lead agency's timeline.
- c. Each agency will provide the other agency with copies of environmental and other documents that could assist the other agency, including technical reports, data, analyses, comments received, working drafts related to environmental reviews, and draft and final environmental documents, subject to each agency's information handling requirements.
- d. To the fullest extent consistent with its responsibility, each agency will utilize the comments, recommendations, data, and/or analyses provided by the other agency in the NEPA process, giving particular weight to those topics on which that agency is acknowledged to possess special expertise, as summarized below.
 1. The BLM authorizes mineral exploration, mining and reclamation actions on the public lands and manages the public lands for a variety of uses, and is responsible for preventing unnecessary or undue degradation of the public lands. As a result, the BLM has special expertise in determining the level of acceptable impacts to public land resources associated with plans of operations or lease applications, and in determining reclamation requirements and level of bonding required.

2. The NRC statutory authority includes issuance of licenses for the possession and use of byproduct and source material after making a determination that the licensed activities are protective of public health and safety and consistent with the NRC's responsibilities for the common defense and security of the nation by protecting it from radiological hazards. As such, the NRC has special expertise in determining the radiological health and safety impacts for operating facilities possessing and using radioactive materials, decommissioning those facilities, and funding the decommissioning.
- f. When given cooperating agency status, an agency will work with the lead agency to coordinate, prioritize, identify and manage tasks to provide information, comments, and technical expertise to the lead agency regarding those topics, and related data and analyses, in which it has special expertise or for which the lead agency requests its participation.
1. The agencies will identify staff to implement and coordinate these activities.
 2. Each agency's staff will identify and coordinate on critical dates for completion of important steps in the process. The staff will seek to reach consensus on the dates by which each agency will provide its input and/or complete its review for each of those steps. (Attachments A, B and C provide sample documents that can be used for negotiating tasks and schedules for specific sites.)
 3. When a cooperating agency prepares technical analyses or provides data sets, it must provide the data and other information within the specified timeframe to ensure its consideration by the lead agency. The lead agency reserves the right to proceed with preparation of the environmental documents to meet its schedule if information or comments are not received within the specified timeframe.
- g. Within its area of special expertise, a cooperating agency may participate in activities including, but not limited to: identifying data needs, identifying effects of alternatives, identifying effects of cumulative impacts, suggesting mitigation measures, and providing written comments on working drafts of the draft and final environmental documents and supporting documents.
- h. The lead agency retains final responsibility for the content of the Draft EA, EIS, or SEIS and the Final EA, EIS, or SEIS. The lead agency's responsibilities include determining the purpose of and need for the proposed action to be analyzed in the EA, EIS, or SEIS; selecting alternatives for analysis; identifying effects of the proposed alternatives; making recommendations on the proposed action; and evaluating appropriate mitigation measures. In meeting these responsibilities, the lead agency will follow all applicable statutory and regulatory requirements.

V. Other Provisions

- A. *Authorities not altered.*** Nothing in this MOU alters, limits, or supersedes the authorities and responsibilities of any Party on any matter within its jurisdiction. Nothing in this MOU shall require either Party to act beyond its authority.
- B. *Financial obligations.*** Nothing in this MOU shall require either Party to assume any obligation or expend any sum in excess of authorization and appropriations available.
- C. *Immunity and defenses retained.*** Each Party retains all immunities and defenses provided by law with respect to any action based on or occurring as a result of this MOU.
- D. *Conflict of interest.*** The Parties agree not to utilize any person or organization having a financial interest in the outcome of the decision-making process for purposes of plan development, environmental analysis, or BLM or NRC representation, including officials, employees, or third party contractors.
- E. *Documenting disagreement or inconsistency.*** Where the NRC and the BLM disagree on significant elements of the environmental document, such as designation of the alternatives to be analyzed or analysis of effects, and these disagreements cannot be resolved, the disagreements can be discussed in the established Steering Committee. If a cooperating agency status is established, the non-lead agency may document its views and submit them as comments to the draft and the proposed/final environmental documents.
- F. *Management of information.*** The Parties acknowledge that all data and information provided will become part of the NRC's and the BLM's official records and will be available for public review, except as restricted by the National Historic Preservation Act, Freedom of Information Act, and/or the Privacy Act. The Parties agree that internal working drafts for the development of environmental documents will not be made available for review by individuals or entities other than the Parties to this MOU, unless agreed to by both parties. All draft documents are part of the official record and may only be released by a Party to the extent allowed by the National Historic Preservation Act, Freedom of Information Act and/or the Privacy Act. The Parties agree that in order to allow full and frank discussion of preliminary analysis and recommendations, meetings to review such pre-decisional and deliberative documents will not be open to the public.
- G. *Responsibility for decision making.*** While the Parties agree to make reasonable efforts to resolve procedural and substantive disagreement, they acknowledge that the lead agency retains final responsibility for the decisions identified in the environmental documents.
- H. *Coordination with federal contractors.*** The Parties agree to communicate with a Federal contractor through the Federal agency representative responsible for administering the contract.

VI. Administration of the MOU

- A. *Approval.*** This MOU becomes effective upon signature by the authorized officials of both Parties.

Attachment A

Possible Opportunities for Cooperating Agency Participation in the (EA OR EIS)

| | (EA, EIS, or SEIS) Stage | Potential Activities of Cooperating Agencies (CAs) within their acknowledged areas of expertise |
|---|--|--|
| 1 | Conduct scoping and identify issues | Identify significant issues; identify relevant local and regional organizations and interest groups. |
| 2 | Collect inventory data | Identify data needs; provide data and technical analyses within the CA's expertise. |
| 3 | Formulate alternatives | Suggest alternatives to resolve issues. Decision to select alternatives for analysis is reserved to the lead agency. |
| 4 | Estimate effects of alternatives | Provide effects analysis within the CA's expertise; identify direct, indirect, and cumulative effects within the CA's expertise; suggest mitigation measures for adverse effects. |
| 5 | Select the preliminary recommendation regarding the proposed action; issue Draft (EA, EIS or SEIS) | Collaborate with the lead agency project manager in evaluating alternatives and in developing criteria for selecting the preliminary recommendation regarding the proposed action; provide input on Preliminary Draft (EA, EIS or SEIS). The CAs may provide written, public comments on draft if desired. Decision to select the preliminary recommendation is reserved to the lead agency. |
| 6 | Respond to comments | Review comments within the CA's expertise and assist in preparing responses, as appropriate. |
| 7 | Select the final recommendation regarding the proposed action; issue Final (EA, EIS or SEIS) | Action reserved to the lead agency. CAs may provide written, public comments if desired. |

Attachment B

Sample Schedule

| | Potential Activities of Cooperating Agencies (CAs) within their acknowledged areas of expertise | Input Needed By |
|---|--|--|
| 1 | Provide [insert data and information identified for a specific site] | Within [] calendar days |
| 2 | Review and comment on preliminary draft (EA, EIS or SEIS) and attend draft (EA, EIS or SEIS) review meeting | Within [] business days of receiving preliminary draft (EA, EIS or SEIS) for review |
| 3 | Optional, CA may choose to submit public comments on draft (EA, EIS or SEIS) | Within public comment period |
| 4 | Review compilation of public comments (EA, EIS or SEIS) and assist in responding to public comments | Within [] business days of receiving compilation of public comments |
| 5 | Review and provide comments on preliminary final (EA, EIS or SEIS) and attend final (EA, EIS or SEIS) review meeting | Within [] business days of receiving preliminary final (EA, EIS or SEIS) for review |

Attachment C
Site-Specific Agency Representatives

Nuclear Regulatory Commission

Primary Representative: [insert name, title and phone number]

Backup Representative: [insert name, title and phone number]

BLM

Primary Representative: [insert name, title and phone number]

Backup Representative: [insert name, title and phone number]

DOC HASTINGS, WA
 CHAIRMAN
 DON YOUNG, AK
 JOHN J. DUNCAN, JR., TN
 LOUIE GOHMERT, TX
 ROB BISHOP, UT
 DOUG LAMBORN, CO
 ROBERT J. WITTMAN, VA
 PAUL C. BRUBIN, GA
 JOHN FLEMING, LA
 MIKE COFFMAN, CO
 TOM McCLINTOCK, CA
 GLENN THOMPSON, PA
 JEFF DENHAM, CA
 DAN BENISHEK, IN
 DAVID RIVERA, FL
 JEFF DUNCAN, SC
 SCOTT R. TIFTON, CO
 PAUL A. GOSAR, AZ
 RAÚL R. LABRADOR, ID
 KRISTI L. NOEM, SD
 STEVE SOUTHERLAND R. FL
 BILL FLORES, TX
 ANDY HARRIS, MD
 JEFFREY M. LANDRY, LA
 CHARLES J. "CHUCK" FLEISCHMANN, TN
 JON RUNYAN, NJ
 BILL JOHNSON, OH

TODD YOUNG
 CHIEF OF STAFF

U.S. House of Representatives
Committee on Natural Resources
 Washington, DC 20515

EDWARD J. MARKEY, MA
 BANKING DEMOCRATIC MEMBER
 DALE E. KILDEE, MI
 PETER A. DEFAZIO, OR
 ENI F.H. FALOMAVAEGA, AS
 FRANK PALLONE, JR., NJ
 GRACE F. NAPOLITANO, CA
 RUSH D. HOLT, NJ
 RAÚL M. GRIJALVA, AZ
 MADELINE Z. BORDALLO, GU
 JIM COSTA, CA
 DAN BOREN, OK
 GREGORIO KILU CAMACHO SABLÁN, CNMI
 MARTIN HEINRICH, NM
 BEN RAY LUJÁN, NM
 JOHN P. SARBANES, MD
 BETTY SUTTON, OH
 NIKI TSONGAS, MA
 PEDRO R. PIERLUISI, PR
 JOIJN GARAMENDI, CA
 COLLEEN W. HANABUSA, HI

JEFFREY DUNCAN
 DEMOCRATIC STAFF DIRECTOR

May 24, 2012

The Honorable Bob Abbey
 Director
 Bureau of Land Management
 1849 C Street NW, Rm. 5665
 Washington, DC 20240

Dear Director Abbey:

The Government Accountability Office (GAO) today released a report that found weaknesses in how the Bureau of Land Management (BLM) and other responsible agencies oversee uranium mining on federal land. Because of these weaknesses, operators of uranium mines may not set aside sufficient funds, or "financial assurances," to pay for eventual cleanup costs, and some abandoned uranium mines may not be cleaned up.

Fixing these weaknesses is especially urgent because of the increasing number of uranium mines using in-situ recovery (ISR), which can contaminate groundwater with toxic chemicals and requires more money to clean up. There are now three operations on BLM land that use ISR, which dissolves and removes uranium "by injecting oxygenated water and carbon dioxide or sodium bicarbonate hundreds of feet underground." The two largest—Smith Ranch and Highland in Wyoming—have financial assurances totaling \$213 million, or 86 percent of all financial assurances for uranium operations on BLM land.

Seven more ISR operations are now approved by BLM or are awaiting approval. Their current financial assurances range from \$180,000 to \$6.8 million, but these amounts could be too small if the Smith Ranch and Highland operations provide any guidance. Required financial assurances have jumped significantly at both operations, from a combined \$160 million in June 2011 to about \$213 million in December 2011, even though the operations have not significantly expanded.

"Both BLM and the [Nuclear Regulatory Commission] have specific expertise in assessing certain aspects of the reclamation activities that are required at ISR sites, but have no process in place to share this information and leverage their expertise," GAO concludes.

“Without such coordination, the agencies cannot be confident that the assurances they establish for ISR operations will be adequate to cover the costs of reclamation.”¹

To address this problem and other weaknesses in federal oversight, GAO recommends that BLM (1) develop a memorandum of understanding with the Nuclear Regulatory Commission (NRC) on financial assurances for ISR operations; (2) ensure complete, accurate and timely data for its oversight of financial assurances; and (3) work with other responsible agencies to develop a consistent definition of abandoned mine sites for use in data-gathering efforts.

As you know, the federal government spent billions over the last 15 years cleaning up abandoned hardrock mines, which include uranium mines. As Ranking Member of the Natural Resources Committee and sponsor of GAO’s new report, I want to make sure that taxpayers do not have to pay for cleanups, and that we are taking the steps necessary to protect the environment and human health and safety from the threats posed by uranium mines.

I am pleased that the Department of Interior concurs with GAO’s recommendations, and I ask that you please answer the following questions about your plans and actions for implementation:

1. What actions have you taken and what actions will you take to implement GAO’s recommendation to improve coordination with the NRC?
2. What actions have you taken and what actions will you take to implement GAO’s recommendation to improve data collection and reporting for oversight of financial assurances, including actions to address the inaccurate or missing data in the LR2000 database?
3. What actions have you taken and what actions will you take to implement GAO’s recommendation to work with other responsible agencies to harmonize data collection and management related to abandoned mines?
4. What actions have you taken and what actions will you take to improve LR2000 data to keep track of who is responsible for various stages of the mine permitting process?
5. What actions have you taken and what actions will you take to provide guidance on a consistent definition of an abandoned mine site that can be used by BLM field staff when entering information in the abandoned mine database?
6. What is the current status of the seven ISR operations mentioned in the GAO report that are awaiting authorization to operate? Please describe how and when you plan to coordinate with NRC to make sure the financial assurance amounts for these seven operations are accurate.
7. In its report, GAO notes that BLM has been working since 2001 on a draft handbook to guide its state and local offices on reviewing notices and plans of operations. In the

¹ GAO, *Uranium Mining: Opportunities Exist to Improve Oversight of Financial Assurances*, GAO-12-544 (May 2012), available at <http://www.gao.gov/products/GAO-12-544>.

interim, BLM has issued a series of Instruction Memoranda to its field staff as guidance. When was the last Instruction Memoranda issued? Why has it taken so long to finalize the handbook? When will the new handbook be available for BLM staff? Will the new handbook also include instructions on data entry for the LR2000 database?

8. Have you conducted a study or are you conducting a study on the cost of cleaning up abandoned uranium mines that require environmental remediation work? If you have such a study, please provide it. If you are doing such a study, when will it be completed?
9. In its report, GAO found 22 uranium mining operations that are on standby, which GAO defined as mines that are not actively exploring or extracting uranium. However, GAO also found that BLM requires the operator to start reclamation at the earliest feasible time following the end of operations. There is concern that some operators are just keeping very small levels of operations to avoid a costly cleanup. What process does BLM use to make sure the operator does not keep these operations in standby just to avoid cleanup? How many hardrock minerals operations are in standby at the moment?

Thank you for your assistance in responding to this inquiry. I ask that you please respond by June 4, 2012. Should you have any questions, please contact Reece Rushing of the House Natural Resources Committee Democratic staff at 202-226-4627.

Sincerely,



Edward J. Markey
Ranking Member
Committee on Natural Resources



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



MAY - 6 2013

The Honorable Ron Wyden
Chairman
Committee on Energy and Natural Resources
United States Senate
Washington, DC 20510

Dear Chairman Wyden:

Thank you for your letter dated March 26, 2013, regarding the potential utilization of *in situ* bioreactors to produce methane from unmineable coal underlying public lands managed by the Bureau of Land Management (BLM).

As you note, a critical principle in the development of this technology is the importance of not damaging coal that may be mineable in the future. That principle has guided the BLM in developing a means of accommodating initial tests of a process to supply nutrients to the naturally-occurring biota that feeds upon coal deposits.

The BLM Wyoming State Office is currently working with a company to develop a project and application to test this new technology and its effect on coal and other resources. The BLM hopes to realize results that will allow us to explore the expansion of the initial project to many more of the wells that the proponent has acquired. As these initial tests have not yet taken place, it is premature at this point for the BLM to finalize a regulatory path for the utilization of this technology.

The BLM appreciates your support for this potentially important source of natural gas and for a cleaner energy future for America. If the BLM can be of further assistance, please do not hesitate to call me at (202) 208-3801, or your staff may contact Patrick Wilkinson, the BLM Legislative Affairs Division Chief at (202) 912-7421. Please note that a similar response is being sent to your colleague, Senator Lisa Murkowski.

Sincerely,

for Neil Kornze
Principal Deputy Director



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



MAY - 6 2013

The Honorable Lisa Murkowski
Ranking Member
Committee on Energy and Natural Resources
United States Senate
Washington, DC 20510

Dear Senator Murkowski:

Thank you for your letter dated March 26, 2013, regarding the potential utilization of *in situ* bioreactors to produce methane from unmineable coal underlying public lands managed by the Bureau of Land Management (BLM).

As you note, a critical principle in the development of this technology is the importance of not damaging coal that may be mineable in the future. That principle has guided the BLM in developing a means of accommodating initial tests of a process to supply nutrients to the naturally-occurring biota that feeds upon coal deposits.

The BLM Wyoming State Office is currently working with a company to develop a project and application to test this new technology and its effect on coal and other resources. The BLM hopes to realize results that will allow us to explore the expansion of the initial project to many more of the wells that the proponent has acquired. As these initial tests have not yet taken place, it is premature at this point for the BLM to finalize a regulatory path for the utilization of this technology.

The BLM appreciates your support for this potentially important source of natural gas and for a cleaner energy future for America. If the BLM can be of further assistance, please do not hesitate to call me at (202) 208-3801, or your staff may contact Patrick Wilkinson, the BLM Legislative Affairs Division Chief at (202) 912-7421. Please note that a similar response is being sent to your colleague, Senator Ron Wyden.

Sincerely,

fk
Neil Kornze
Principal Deputy Director

ROB WALTER, Oregon, Chairman
TIM L. WIRTH, South Dakota
MARY L. LANDRIEU, Louisiana
MARIA CANTWELL, Washington
BENNY RADEBOLD, Vermont
DEBBIE STABENOW, Michigan
MARK URSALL, Colorado
AL FRANKEN, Minnesota
JUL MANDERIN, West Virginia
CHRISTOPHER A. COONS, Delaware
BRANDY SCHATZ, Hawaii
VICTOR CRISTINO, New Mexico
LISA MURKOWSKI, Alaska
JOHN BAHASSO, Wyoming
JAMES E. RISCH, Idaho
MIKE LEE, Utah
DEAN HELLET, Nevada
JCF FLAKE, Arizona
TIM SCOTT, South Carolina
LAMAR ALEXANDER, Tennessee
BOB PORTMAN, Ohio
JOHN HOEVLIN, North Dakota

United States Senate

COMMITTEE ON
ENERGY AND NATURAL RESOURCES

WASHINGTON, DC 20510-6150

WWW.ENERGY.SENATE.GOV

OSHA SHEKMAN, STAFF DIRECTOR
SAM E. FLOWLER, CHIEF COUNSEL
PARRY F. BOLLEPS, REPUBLICAN STAFF DIRECTOR
PATRICK J. KOCORNIK, REPUBLICAN CHIEF COUNSEL

March 26, 2013

The Honorable Neil Kornze
Acting Director
Bureau of Land Management
Department of the Interior
1849 C St. NW
Washington, DC 20240

Dear Acting Director Kornze:

It has come to our attention that an unconventional coalbed methane production technology known as biogenic acceleration could be used to transform small quantities of unmineable coal into methane gas. We write to request that the Bureau of Land Management (BLM) chart a clear, timely, and achievable regulatory path for its responsible utilization.

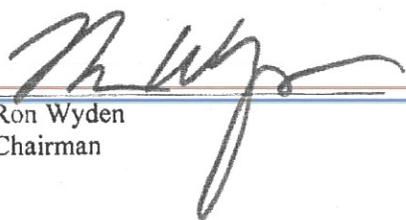
We believe that in implementing this technology, it is important to ensure that biogenic acceleration does not degrade mineable coal seams or reasonably foreseeable mining operations. As we understand it, through this technology and by limiting where this technology is initially implemented, the BLM is capable of avoiding such impacts. If this is the case, we hope that BLM will address the absence of an established process at the Federal level to consider and issue permits for projects that seek to employ it.

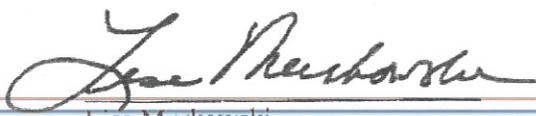
As is typical of the permitting process, delays can strand capital and stymie investment. We ask that you take action to prevent this from occurring for biogenic acceleration. We are told that time is of the essence as this technology depends on existing infrastructure that is being dismantled as coal bed methane wells become depleted and are plugged.

We are encouraged to hear that BLM is aware of and attempting to make progress on this issue. Advocates of this technology assert that its commercial implementation has the potential to create jobs, increase our domestic energy supply, and generate significant revenues for local, state, and federal governments. Of course, the pursuit of these benefits must be balanced in a way that is agreeable to all interested and potentially affected parties.

We urge you to expeditiously finalize a regulatory path for the responsible utilization of this technology. As you do so, please let us know if we can be of any assistance.

Sincerely,


Ron Wyden
Chairman


Lisa Murkowski
Ranking Member



BUREAU OF LAND MANAGEMENT DOCUMENT TRACKING CONTROL SLIP

Attach to front of folder

Date: 05/03/2013

| | | |
|---|---------------------------|-------------------------------------|
| DCN: BLM0000289 | | ES No: |
| Orig Office: WO-600CC | Input Date: 04/02/2013 | Addressee: Senator Ron Wyden |
| Due Date: | Signature Level: D | |
| Subject: Request biogenic acceleration technology be used to transform unmineable coal into methane gas. | | |

Comments:

Ready for signature please.

Handwritten notes:
 III 5/3/13 ~~6R~~ to 5/4/13
 Jamie - There are "2" letters in this folder for signature. you reviewed these earlier.

Task Codes:

- | | |
|-----------------------------|-------------------------------------|
| 0 - Prepare Draft | 6 - Revise |
| 1 - Prepare Direct Response | 8 - See Comments |
| 2 - Appropriate Action | 9 - Mail/Distribute/Close/Post/File |
| 3 - Surname | 10 - Prepare Final |
| 4 - Signature | 11 - Simultaneous Surnames |
| 5 - Review/Comment | 13 - Advance Read |
| | 15 - For Your Information |

Routing:

| Assigned To | Task | Assigned Date | Due Date | Completed Date |
|---------------|-------------------------------------|---------------|------------|----------------|
| WO-600CC | 2 - Appropriate Action | 04/02/2013 | | 04/02/2013 |
| WO-320 SOLIDS | 0 - Prepare Draft | 04/02/2013 | 04/05/2013 | 04/10/2013 |
| WO-600CC | 3 - Surname | 04/11/2013 | | 04/11/2013 |
| WO-620 LEG | 3 - Surname | 04/11/2013 | | 04/12/2013 |
| WO-300 | 3 - Surname | 04/12/2013 | | 04/15/2013 |
| WO-600 | 3 - Surname | 04/15/2013 | | 04/19/2013 |
| WO-100 | 3 - Surname | 04/19/2013 | | 04/19/2013 |
| BLM-ADV | 5 - Review/Comment | 04/19/2013 | | 04/19/2013 |
| BLM-FELDGUS | 5 - Review/Comment | 04/19/2013 | | 04/19/2013 |
| WO-100 | 2 - Appropriate Action | 04/19/2013 | | 04/22/2013 |
| X BLM-DD-OPS | 5 - Review/Comment | 04/22/2013 | | X 05/01/2013 |
| WO-100 | 2 - Appropriate Action | 05/01/2013 | | 05/01/2013 |
| WO-600CC | 9 - Mail/Distribute/Close/Post/File | | | 04/15/2013 |



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

JUN 13 2013

The Honorable Sam Graves
Chairman, Committee on Small Business
House of Representatives
Washington, DC 20515

Dear Chairman Graves:

Thank you for your letter of April 16, 2013, regarding the Department of the Interior's (Department) small business programs and compliance with Section 15(k) of the Small Business Act. The Secretary has asked me to respond on her behalf.

The Department's programs provide significant economic contributions to the Nation. This is fueled, in part, by annual spending in contracted activities of approximately \$2 billion. The Department's efforts in small business contracting are reflective of one of the most robust small business programs in the entire Federal Government. In the last several years, the Department's percentage of dollars contracted to small businesses was among the top 2-3 high performing Federal agencies. In 2012, we continued our historically high levels of performance, contracting with small business for over 57 percent of our contracting dollars. In 2012, we also met or exceeded all of our component goals for contracting with small disadvantaged, women-owned, historically underutilized, business zone, and service-disabled veteran-owned businesses.

We are aware of the changes to Section 15(k) of the Small Business Act. We have been and continue to be in compliance with the requirement that our Director of Small Business Programs reports to the Secretary or Deputy Secretary. We are in the process of evaluating how the other requirements of P.L. 112-239 impact our organization, regulations and processes, and our budget. As you know Federal agencies are now operating under reduced funding level pursuant to the sequester that was imposed on March 1, 2013. In order to implement the sequester, we have imposed a hiring freeze and other spending reductions. This constrained fiscal environment challenges our ability to direct additional resources into implementation of P.L. 112-239. Thus, we want to take the time necessary to carefully evaluate these details before restructuring our organization and imposing additional costs. Given our success with small business contracting, we need to consider these changes in balance with other mission-critical priorities.

It is important that your Committee understand the impacts of sequester in your oversight of Federal small business programs. During the first 6 months of this year, our contracting levels declined by 18 percent based on dollar value. This is a comparison of contracting actions and dollars through March 31, 2013, as compared to the comparable period in FY 2012. The good news is that we have been able to sustain high contracting levels with small businesses – 55 percent of our contractors are small businesses. As of March 31, 2013, we executed \$364.9 million in contracts with small businesses. Despite the uncertainty of the budget outcomes and the sequestration, we have been able to sustain 88 percent of our contracting level with small businesses as compared to sustaining 75 percent of our contracting levels with other than small businesses.

The full impacts of the sequestration will take place in the coming months, as it went into effect March 1, 2013, with only 7 months to implement. We are taking actions to mitigate the impacts. The Department monitors the performance of its contracting entities as compared to the goals on a monthly basis. Our program communicates the results throughout the Department, which provides transparency and makes senior managers aware of the performance of their organization. Senior managers have a performance element in their annual performance plans that requires accountability to small business goals and this element is considered in their annual performance evaluations. We maintain a high level of training, outreach, communication, and assistance through a network of acquisition experts and small business specialists. Our small business specialists conduct regular reviews of contracts to optimize small business contracting. The goals for our small business program are also included in our strategic plan and are monitored and reported through our regular performance updates.

In prior years, we conducted extensive outreach and training events including going to communities to assist small businesses. The sequester reductions of 5 percent and additive reductions in our FY 2013 enacted funding level of one percent require that we minimize travel costs. We are working diligently to use teleconferencing and other tools and we are asking our operating entities that have staff at the local level to participate in outreach efforts in their local area.

I appreciate your interest in these important activities at the Department of the Interior. If you have questions about this response, please contact Ms. Pam Haze, the Deputy Assistant Secretary – Budget, Finance, Performance and Acquisition at (202) 208-4775 or Pam_Haze@ios.doi.gov.

Sincerely,



Rhea Suh
Assistant Secretary – Policy, Management
And Budget



In Response Reply to:
FWS/AES/050783

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



The Honorable Lamar Smith
House of Representatives
Washington, D.C. 20515

Dear Representative Smith:

Thank you for your letter of February 21, 2012 to Department of the Interior Secretary Salazar, also cosigned by your colleagues, regarding the 2008 change made to the listing priority number (LPN) for the lesser prairie chicken, a candidate for listing under the Endangered Species Act. Secretary Salazar requested that the U.S. Fish and Wildlife Service (Service) respond directly to you and we apologize for the delay.

In the December 10, 2008, Candidate Notice of Review (73 FR 75179), the Service announced a change in the LPN for the lesser prairie chicken from 8 to 2 due to an increase in the magnitude of threats to the species. The following information is paraphrased from the species assessment (enclosed), which was approved as part of the 2008 Candidate Notice of Review:

"The Service determined that the overall magnitude of threats to the lesser prairie chicken (LPC) throughout its range is now high. The magnitude of threats to the LPC depends primarily on the quality and quantity of remaining habitat. At present, long-term habitat destruction and modification due to ongoing agricultural activities, increasing energy development, and tree invasion due to fire suppression, as well as the loss of birds from fence and power line collisions, are significant throughout the species' entire range. Further habitat degradations pose future threats to the species as well".

The Service's most recent candidate assessment review from 2010 found no improvement in the status or abatement of threats. During the Service's annual review of candidate species, we coordinate with State fish and wildlife agencies to obtain new or updated species information, including updates on any conservation efforts. For the LPC review in 2008, we coordinated with the five States included in the species' range. The Service will continue to coordinate with State and Federal agencies and other stakeholders on LPC conservation as we move forward with the proposed listing determination. The annual status reviews for all candidate species are made available when issued on the Endangered Species Program's web site under Candidate Conservation, Candidate Notice of Review. If you have further questions, please contact Mr. Gary Frazer, the Service's Assistant Director for Endangered Species at 202-208-4646.

Sincerely,

DIRECTOR

Enclosure



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JUL 06 2012

The Honorable Darrell E. Issa
Chairman, Committee on Oversight and
Government Reform
House of Representatives
Washington, D.C. 20515

Dear Chairman Issa:

Thank you for your letter dated April 10, 2012, requesting information on government funded overnight conferences. The Secretary has asked me to respond to you on his behalf. The enclosed list provides information on overnight conferences hosted outside the Washington D.C. area sponsored by five of the Department's reporting entities – the Bureau of Indian Affairs (BIA), Fish and Wildlife Service (FWS), U. S. Geological Survey (USGS), Bureau of Reclamation (BOR), and the Office of Inspector General (OIG). The Department continues to collect and process information from the remaining reporting entities and will send that data as soon as it is available.

The enclosed list reports on the 5 entities' sponsored overnight conferences outside the Washington D.C. area attended by 50 or more Department employees from 2005-2012. The list includes the reporting entity, the dates of the conference, the city and state in which the conference was held, the cost, the total number of Departmental attendees, and a description of the purpose of the conference. We have reported actual costs where we are able to supply that information. Because the Department's financial and travel systems do not maintain a specific tracking for expenditures related to individual conferences, but instead track other data (such as organization, budget structure, and object class) as required for budget and accounting purposes, there are some cases where actual costs are not available. In addition, the Department changed travel management systems in 2007. Between 2006 and the present, we began transitioning bureaus to an integrated financial system, thereby limiting access to data and information from earlier timeframes. Thus, even where actual cost data is technically available, it would require significant time and burdensome processes to reconstruct. In these cases, we have provided cost estimates based on approved conference plans.

We believe the estimates provided are materially accurate and likely overstate the actual costs, if anything. Estimates were based on approved plans developed prior to each conference including the estimated number of people planning to attend and associated costs, such as travel, facilities, and supplies. Based on the Department's experience, not all of the individuals who are approved to attend a conference actually do (as a result of last minute conflicts, family emergencies, etc.). Therefore, actual travel or hotel charges are less than the estimate.

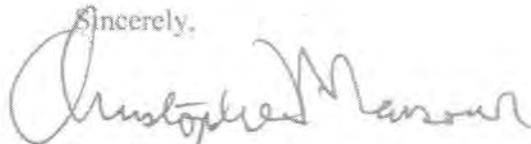
In response to the Committee's request, three of our entities addressed in this letter report hosting conference related websites – the FWS, BOR, and USGS. The Department is providing the list of web addresses as well as screen prints for these websites on the enclosed disk. None of the reporting entities addressed in this letter employed staff whose principal duties included conference planning.

The Department has longstanding conference management policies meant to help ensure that conferences we are hosting support our mission and make effective use of Departmental funding. For instance, since 2001, the Department has required that all conferences involving 30 or more individuals where 15 or more are in travel status, regardless of cost, be approved by the bureau or office director, and the Assistant Secretary. Over the course of the last year, the Department has implemented a series of improvements to those management policies to increase oversight of conference related activities. In accordance with recent Administration policy, the Department now requires that conferences costing \$100,000 or more be reviewed by the Deputy Secretary after approval by the bureau or office director, Assistant Secretary, and a representative of the Assistant Secretary for Policy, Management and Budget. These requirements also apply to attendance by 15 or more Departmental employees to conferences that are not hosted by the Department. Conference requests are reviewed based on a standardized set of requirements that consider consistency with Federal travel regulations as well as the purpose, location and venue, speakers, attendance, fees, and agenda.

Each of the Department's components also has designated a conference coordinator who is responsible for ensuring conferences are appropriately reviewed and conference activity is monitored. This monitoring and issuance of internal control guidance to our audit teams is intended to help ensure the Department's components are adhering to policy and that appropriate conference reviews are occurring. We have also asked our Inspector General to conduct an evaluation of our conference management and review process in order to gauge its effectiveness.

We will be submitting information from the balance of Interior's reporting entities as soon as possible. If you have any questions regarding this or future conference responses, please contact Pamela Haze, Deputy Assistant Secretary, at: Pam_Haze@ios.doi.gov.

Sincerely,



Christopher Mansour
Director, Office of Congressional
and Legislative Affairs

Enclosure

cc: The Honorable Elijah Cummings
Ranking Member, Committee on Oversight
and Government Reform



THE DEPUTY SECRETARY OF THE INTERIOR
WASHINGTON

MAY 09 2012

The Honorable Darrell Issa
Chairman, Committee on Oversight
and Government Reform
United States House of Representatives
Washington, D.C. 20515-6143

Dear Chairman Issa:

Thank you for your letter dated April 10, 2012, to Secretary Salazar, concerning agency-funded overnight conferences held outside of the Washington, D.C. area. Secretary Salazar asked that I respond to you on his behalf.

I can assure you that the Department of the Interior recognizes the importance of taking a prudent approach to agency-funded overnight conferences. While we recognize the importance of holding in-person conferences to advance our Department's mission, we also make extensive use of teleconferencing and, increasingly, video conferencing. In addition, we encourage the use of Federal space in lieu of leased facilities. In short, we expect our managers to make wise use of conference related funds.

With regard to the specific information sought in your letter, we are currently gathering information that is responsive to your request, and we will transmit that information to you as soon as it has been collated. Please let us know if you have questions regarding this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "David J. Hayes".

David J. Hayes



THE DEPUTY SECRETARY OF THE INTERIOR
WASHINGTON

AUG 23 2012

The Honorable Darrell E. Issa
Chairman, Committee on Oversight and
Government Reform
House of Representatives
Washington, D.C. 20515

Dear Chairman Issa:

The Secretary has asked me to respond on his behalf to your letter of July 12, 2012, in which you requested additional information on nine overnight conferences funded by the Department of the Interior. According to your request, the cost per day, per attendee, for the conferences listed below exceeded the cost of the General Services Administration (GSA) 2010 Western Regions Conference in Las Vegas.

The nine conferences are as follows:

1. Planning for Accessibility in the Workplace Environment
Denver, Colorado, August 16-18, 2005;
2. National Forest Managers Meeting
Spokane, Washington, March 8-9, 2006;
3. Commissioning of the M/V Spencer F. Baird
Traverse City, Michigan, September 6-7, 2006;
4. Office of Inspector General Audit Training
Chicago, Illinois, August 15-17, 2006;
5. River System Management
Las Vegas, Nevada, November 8-10, 2005;
6. Office of Inspector General Audits and Investigations Training
San Francisco, California, May 20-22, 2008;
7. All-Hands Training
Boston, Massachusetts, June 29-July 1, 2010;
8. Indian County Detention Summit
Denver, Colorado, September 13-15, 2011; and
9. Bureau of Indian Affairs Irrigation Conference
Las Vegas, Nevada, January 25-27, 2011.

On July 26, August 9, and August 14, 2012, emails were exchanged with your staff regarding the fact that the Department did not include travel days in the reported conference length for the conferences numbered 2, 4, 6, 7, 8, and 9 above. Because the GSA conference used as a reference point by the Committee did include travel days, in order to provide a comparable cost

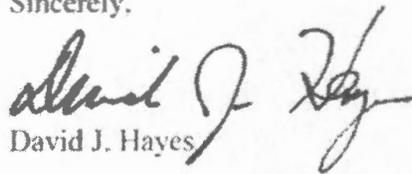
per day, per attendee, these days should be added to the calculation. Using this calculation, the cost per day, per employee for these 6 conferences is below the GSA Western Conference benchmark of \$600. In our email exchanges with Committee staff, the Department sought and received exemptions from providing additional information for these 6 conferences.

The emails cited above also noted that the conferences numbered 1 and 5 above included staff labor costs (i.e., staff salaries) and therefore should also be exempted from follow-up reporting to the Committee. Committee staff asked for additional explanation of the Department's reasoning which we provide here. Because staff salary costs would be incurred regardless of whether the conference occurred or not, including these costs as part of the conference costs would be misleading. Including staff labor costs is also inconsistent with the manner in which the GSA conference cost was calculated and the manner in which the other Department of the Interior conferences were reported to the Committee. The Department included these costs through an oversight in our first report to the Committee and they should be removed to make the costs for these conferences comparable to the costs we reported for other conferences, as well as the GSA 2010 Western Regions Conference. The resulting average cost per day, per attendee, when salary costs are excluded, is less than \$600. Therefore, the Department has not included documentation for these two conferences with this letter.

Enclosed is documentation for the conference listed above as number 3. This event, which took place in 2006, was a 2-day conference to share information on lake trout restocking practices and launch a refurbished science vessel designed to restock 4 million lake trout annually and to support the Great Lakes trout related industries (e.g., tourism, fishing, etc.). We have provided all documentation and communications related to the event on the enclosed CD.

If you have any questions regarding this response, please contact Ms. Pamela Haze, Deputy Assistant Secretary for Budget, Finance, Performance and Acquisition, at (202) 208-4775 or at Pam_Haze@ios.doi.gov.

Sincerely,



David J. Hayes

Enclosure

cc: The Honorable Elijah E. Cummings
Ranking Member, Committee on Oversight
and Government Reform



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JUL 27 2012

The Honorable Darrell Issa
Committee on Oversight and Government Reform
House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Issa:

The Department is in receipt of your July 12, 2012 letter regarding the Secretary's travel. I have been asked to respond to your letter.

The Department of the Interior has jurisdiction over 20 percent of the Nation's land in all fifty states, the territories, and insular areas. Travel allows the Secretary to directly connect to those who are impacted by the Department's decisions and helps ensure that his decisions as Secretary are informed by voices beyond Washington DC.

The Department has a Hatch Act compliance program including processing political travel. Whenever the Secretary travels, costs associated with that travel are paid for under all applicable laws and ethics guidelines. At the Department of the Interior, the Solicitor's Office, including the Ethics Office, assist with these travel decisions to ensure that appropriated funds are only used for travel expenses that are related to an official purpose. In the case of a trip that may have both official and non-official reimbursable components, the Solicitor's Office reviews calculations of the apportionment of official and non-official costs to ensure that the non-official component is fully reimbursed pursuant to applicable law.

Sincerely,

Christopher Mansour
Director, Office of Congressional
and Legislative Affairs
U.S. Department of the Interior

cc: The Honorable Elijah Cummings



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

APR 9 2013

The Honorable Darrell Issa
Chairman, Committee on Oversight and Government Reform
House of Representatives
Washington, DC 20515

Dear Chairman Issa:

The Department of the Interior is in receipt of your letter dated December 13, 2012, regarding the Department's policies on the use of non-governmental email addresses and social media. I have been asked to respond to you on behalf of Secretary Salazar.

Agency officials, including the Secretary, are issued government email accounts with which to conduct official business upon joining the Department. In addition, all Departmental employees and contractors are provided annual training in identifying documents that are Federal Records and that are required to be preserved.

In order to ensure preservation, DOI email records must be captured in a Federal recordkeeping system. Until December 2012, DOI followed guidance issued by the National Archives and Records Administration (NARA) to preserve email records by printing and filing those records (General Records Schedule 20). As of January 2013, however, all Departmental emails are preserved and managed through the Department's new eMail, Enterprise Records and Document Management System (eERDMS), which captures all incoming and outgoing email messages. As a result, DOI is working with NARA to update the Department's recordkeeping system for email records.

The Department's records management policy for the use of social media can be found at www.doi.gov/notices/Social-Media-Policy.cfm.

I am not aware of any instances of Department employees being disciplined for the use of personal email accounts for official business since January 20, 2009.

Sincerely,

Rhea Suh
Assistant Secretary—Policy, Management and Budget



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JUN 07 2013

The Honorable Darrell Issa
Chairman, Committee on Oversight
and Government Reform
United States House of Representatives
Washington, DC 20515

Dear Chairman Issa:

Thank you for your letter of February 28, 2013, to former Secretary Salazar, concerning sequestration and alternatives to reduce spending. Secretary Jewell asked that I respond on her behalf.

For the programs administered by the Department of the Interior (Department), the sequester that went into effect on March 1, 2013, resulted in spending reductions of \$881 million. These reductions impact a diverse number of programs and activities that provide services and benefits to the American public and communities across the country because the Department's programs and services are delivered at the local level and include extensive partnerships and collaboration with multiple stakeholders.

The Department is the steward of 20 percent of the Nation's lands, oversees the responsible development of 23 percent of U.S. energy supplies, and is the largest supplier and manager of water in the 17 Western States. The Department also provides services to more than 1.7 million American Indian and Alaska Native peoples and to U.S. Territories, the Freely Associated States, and Puerto Rico. Through its bureaus, the Department of the Interior manages 401 national park units, 561 national wildlife refuges, and more than 245 million acres of public land. These lands provide extensive recreational benefits and opportunities to Americans and public lands are a significant source of energy, minerals, and support historical uses such as grazing, forestry, hunting, and fishing.

Our Department collects nearly \$13 billion annually through mineral extraction, grazing, and timber activities on public lands, and recreation fees – an amount that is more than our discretionary budget. We share nearly \$5 billion of the revenues annually with states, tribes, counties, and others in the form of grants and direct payments. An additional \$2 billion of our budget is used in local communities across the Nation through contracts for goods and services. We use over 51 percent of these funds to contract with small businesses.

We agree that it is important to examine Government spending. The Fiscal Year 2014 President's budget, released on April 10, includes over \$600 million in reductions proposed for programs in the Department. To respond to your first request for a targeted list of programmatic spending reductions that would be more beneficial to the American public than the across-the-board sequestration, we would refer you to the reductions proposed in the FY 2014 budget. An

example is the proposal to reduce the Bureau of Land Management discretionary budget by \$38.0 million and instead secure funding through fee collections for inspection and enforcement activities related to oil and gas development on public lands. The budget materials that are posted on the Department of the Interior website present this information. The website is: <http://www.doi.gov/budget/appropriations/2014/index.cfm>.

With regard to your second request for a list of programs that are no longer necessary to meet the goals of the Agency, I would ask you to focus on the list of more than \$600 million in reductions presented in the FY 2014 budget. Through our annual budget process we conduct a process to identify lower priority programs in order to redirect resources to highest priority needs to meet the Department's mission goals. As a result of this process and with increasingly constrained budgets, we do not retain programs that are not necessary to meet mission goals. The FY 2014 budget, however, does include many tough decisions to reduce funds for or end programs that are laudable, but not essential. The following link shows a list of specific cuts, consolidations, and savings in the FY 2014 budget, as well as the savings from cuts in travel, conferences, printing, vehicle fleets, and other administrative expenses: <http://www.whitehouse.gov/sites/default/files/omb/budget/fy2014/assets/ccs.pdf>.

In addition to our ongoing efforts to identify opportunities to redirect resources from lower priority programs to meet our most critical needs, we strive to be efficient with the resources we receive. We are increasingly using video teleconferencing to improve efficiency and reduce the need for conferences and travel. We achieved \$217 million in administrative savings from 2010 through 2013. In 2013, we are reducing our travel spending by 11 percent and significantly reducing the numbers and costs of conferences.

If you have questions about this response, please contact Ms. Pam Haze, the Deputy Assistant Secretary – Budget, Finance, Performance and Acquisition at (202) 208-4775 or Pam_Haze@ios.doi.gov.

Sincerely,



Rhea Suh
Assistant Secretary – Policy, Management
and Budget

cc: The Honorable Elijah Cummings
Ranking Member
Committee on Oversight and Government Reform



THE SECRETARY OF THE INTERIOR
WASHINGTON

JAN 24 2012

The Honorable Doc Hastings
Chairman, Committee on Natural Resources
House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The Act of July 4, 1976, as amended, authorized the establishment of Valley Forge National Historical Park (Park) in the Commonwealth of Pennsylvania (Commonwealth) and provides that, after notifying the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources, the Secretary of the Interior may make minor revisions to the boundary of the Park by publication of a revised map or other boundary description in the Federal Register. This letter serves to notify your Committees of our intention to revise the boundary of the Park to include, and subsequently acquire by donation, approximately 0.73-acre of vacant land.

The Park, encompassing a total of 3,467.70 acres, was established as a unit of the National Park System to educate the American people about one of the most defining events in our Nation's history by protecting and preserving the natural and cultural resources that commemorate the encampment of the Continental Army at Valley Forge in 1777-78.

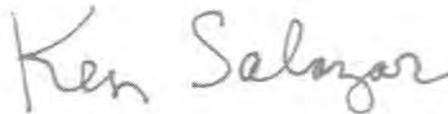
Plans are being developed by local and Commonwealth stakeholders and the Park to construct a new bicycle/pedestrian bridge over the Schuylkill River to link the Park, the regional trail systems of Montgomery County, Chester County, and Upper Merion Township. Additional plans address the rebuilding of a small bridge across the Norfolk-Southern rail line in order to link the north and south sides of the Park. Once the boundary has been revised and construction is completed, the land will be donated to the National Park Service by Upper Merion Township and West Norriton Township. These new connections will improve recreational opportunities, expand bicycle commuter options, improve access for park visitors, reduce auto dependency, and promote green travel patterns.

The bridges, which are identified as essential needs in the Park's 2007 General Management Plan, would make a major contribution to visitor usage in the Park by providing a safe and convenient connection for thousands of trail users. They will provide access for bicyclists and pedestrians to the Park's 30-mile network of trails, historic sites, and natural beauty on both sides of the Schuylkill River. The bridges will enable more people to employ regional trails for travel to the Park and enhance visitor safety by accommodating emergency vehicles between the otherwise unconnected north and south sides of the Park.

The design and construction of this project are funded entirely with Commonwealth transportation funds. A portion of the land necessary for the project lies within the Park boundary and a portion lies outside but adjacent to the boundary. Hence, to complete this project, a minor boundary adjustment, using existing authority, is necessary to include that portion of the required land located outside the Park boundary.

A similar letter is being sent to the Honorable Lisa Murkowski, Ranking Minority Member, Committee on Energy and Natural Resources, United States Senate; the Honorable Jeff Bingaman, Chairman, Committee on Energy and Natural Resources, United States Senate; and the Honorable Edward Markey, Ranking Minority Member, Committee on Natural Resources, House of Representatives.

Sincerely,

A handwritten signature in black ink that reads "Ken Salazar". The signature is written in a cursive, slightly slanted style.

Ken Salazar

Enclosure



THE SECRETARY OF THE INTERIOR
WASHINGTON

JAN 24 2012

The Honorable Doc Hastings
Chairman, Committee on Natural Resources
House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The Act establishing Big Thicket National Preserve as amended in 1993, 16 U.S.C. 698(b) provides that, after notifying the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources, the Secretary of the Interior may accept title to any lands located outside the boundary of the preserve that may be donated to the United States if he finds that such lands would make a significant contribution to the purposes for which the preserve was created. Such lands, when acquired, may be included in the boundary of the preserve by publication of a revised map or description in the Federal Register. This letter serves to notify your Committee of our intention to accept the donation of nine tracts totaling 2,203.62 acres of land for inclusion in a revised boundary of Big Thicket National Preserve. The tracts are to be donated to the United States by The Conservation Fund, a non-profit conservation organization.

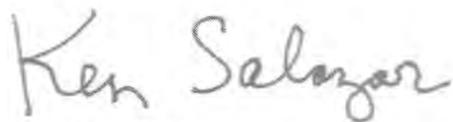
The nine tracts to be included in the revised boundary are depicted on the enclosed Map No. 175/106.913A, dated August 2011, as Tract 119-07 (123.07 acres), Tract 219-12 (6.45 acres), Tract 219-13 (177.28 acres), Tract 221-15 (8.51 acres), Tract 221-16 (4.29 acres), Tract 224-16 (648.01 acres), Tract 225-20 (41.40 acres), Tract 227-04 (52.74 acres) and Tract 230-01 (1,141.87 acres), a total of 2,203.62 acres. Eight tracts are vacant, unimproved, and wooded. One tract is vacant, mostly wooded, and improved with three small camp-related structures. These lands are located in Hardin County, Polk County, and Tyler County, Texas, immediately adjacent to the present boundary of Big Thicket National Preserve.

Big Thicket National Preserve, consisting of nine land units and six water corridors encompassing a total of 106,305 acres, was established as a unit of the National Park System to protect and preserve an area of rich biological diversity. A convergence of ecosystems occurred here during the last Ice Age and brought together, in one geographical location, the eastern hardwood forests, the gulf coastal plains, and the midwest prairies. The area is dependent on a complex pattern of water drainage and seepage into and through the Neches River Basin and a small portion of the Trinity River Basin. Therefore, the rivers and creeks of the Big Thicket National Preserve require careful protection.

The proposed boundary revision will contribute to the preservation and protection of park resources. The acquisition of these parcels will provide connectivity between the various units that aid in maintaining wildlife migration corridors, and the management of the national preserve. These lands offer significant biological and geological diversity and provide some of the most outstanding recreational opportunities for wetland canoeing within the National Park System.

A similar letter is being sent to the Honorable Jeff Bingaman, Chairman, Committee on Energy and Natural Resources, United States Senate; the Honorable Lisa Murkowski, Ranking Minority Member, Committee on Energy and Natural Resources, United States Senate; and the Honorable Edward Markey, Ranking Minority Member, Committee on Natural Resources, House of Representatives.

Sincerely,

A handwritten signature in black ink that reads "Ken Salazar". The signature is written in a cursive, slightly slanted style.

Ken Salazar

Enclosure



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



In Reply Refer To:
FWS/AES/050730

MAY 25 2012

The Honorable Doc Hastings
Chairman, Committee on Natural Resources
U.S. House of Representatives
Washington DC 20515

Dear Mr. Chairman:

Thank you for your letter dated February 4, 2012, related to the Information Quality Act of 2000 (IQA) and its relationship to the Endangered Species Act of 1973, as amended (ESA). The U.S. Fish and Wildlife Service (Service) is committed to using the best available science to inform all of the agency's decisions, including those related to the ESA. To this end, the Department of the Interior has developed guidelines to implement IQA, and the Service has developed its own step-down guidelines as well. These guidelines are available in Enclosures 1 and 2.

Enclosure 3 contains information responsive to your specific questions about IQA and the Service's ESA decisions. We have also enclosed a CD with this response that includes hyperlinks to each of the ESA documents that relate to the IQA guidelines, including a summary of the peer review comments and responses, references to the scientific literature used to support the decision, and other supporting information (Enclosure 3). In addition, we have included copies of our final IQA and Peer Review Reports from FY 2006 through FY 2011 (Enclosure 4).

We trust that this information is responsive to your request and would be happy to meet with you to discuss it further. Please contact Mr. Gary Frazer, Assistant Director for Endangered Species, at 202-208-4646 if you have any questions or concerns.

Sincerely,

DIRECTOR

Enclosures



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



JUN 08 2012

The Honorable Doc Hastings, Chairman
Committee on Natural Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Hastings:

This is in response to your letter of March 8, 2012, requesting information about contractual arrangements between the U.S. Fish and Wildlife Service (Service) and Mad River Biologists, and our use of documents prepared by Mad River Biologists in carrying out our responsibilities under the Endangered Species Act. The Service takes seriously its responsibility to serve as a good steward of taxpayer funds and to ensure its decisions rely on the best available scientific information.

We have conducted an extensive search for information responsive to your request. The enclosed spreadsheet lists the contracts, grants, and cooperative agreements between the Service and Mad River Biologists. It also lists the studies, reports, and other work products produced by Mad River Biologists that we relied on, used, or cited in carrying out our responsibilities under the Endangered Species Act. You will note which of the documents were funded by the Service, as well as those studies, reports, or other work that comport with the Department's and Service's Scientific Integrity policies and the Information Quality Act.

The Service has implemented an integrated risk based management review program for all acquisitions and financial assistance activities Service-wide. This internal control program combines an Office of Management and Budget's Circular A123 risk assessment audit with the General Accounting Office's Four Cornerstone Framework for monitoring acquisitions and financial assistance. This approach is the Department of the Interior's standard for auditing these activities. While Mad River Biologists has not been singled out for a standalone review by either the Service or the Inspector General for the Department of the Interior, this current internal control program has not found any discrepancies with Mad River Biologists' actions.

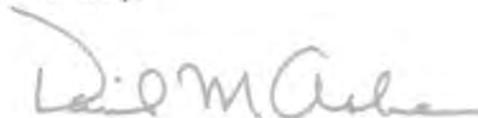
In addition, the Pacific Southwest Regional Office, in consultation with the Service's Science Integrity Officer, has developed a quality assurance process that is being utilized to review Mad River Biologists reports and contracts from the past 3 years to ensure that the science is sound and contract deliverables have been received. We expect this evaluation to be completed by the end of June 2012.

We are not aware of any instance of a representative, agent, or employee of Mad River Biologists, including but not limited to Ron LeValley and Sean McAllister, having served on a Federal Advisory Committee Act committee or other advisory panel sponsored by the Service.

We are also providing information that may be relevant to your request, but was not requested. In summary, in 2004 it was discovered that a college student conducting surveys for the western snowy plover had falsely reported the presence of the plover at one of the sites he surveyed. The reported sighting was quickly recognized as being false, and the student admitted to reporting the sighting as a 'joke.' The student's survey work was not being done as an employee of Mad River Biologists, but the student was conducting the surveys under the authorization of the Endangered Species Act section 10(a)(1)(A) recovery permit issued by the Service to Mr. LeValley, and as part of research on western snowy plovers being conducted by Mr. LeValley and others. The Service conducted a thorough investigation of the incident since the work was being done under the authority of a recovery permit we issued. Our investigation led us to propose suspension of Mr. LeValley's permit. In response, Mr. LeValley provided clear and substantive written assurances that past and present data collected under his permit by his research group had been reviewed and checked for their veracity, and measures had been put in place to prevent similar instances of data falsification in the future. After review and careful consideration of these assurances, we decided not to suspend Mr. LeValley's recovery permit. Documents associated with this incident are included in this response.

The enclosed disk contains copies of documents you have requested.

Sincerely,

A handwritten signature in dark ink, appearing to read "David M. Asher". The signature is written in a cursive style with a large initial "D" and "A".

DIRECTOR



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



JUN 08 2012

The Honorable Doc Hastings
Chairman, Committee on Natural Resources
U.S. House of Representatives
Washington, D.C. 20240

Dear Mr. Hastings:

Thank you for your letter of March 12, 2012, requesting information related to the actions of the U.S. Fish and Wildlife Service (Service) on the Radar Ridge Wind Project proposed by Energy Northwest in Pacific County, Washington. We have enclosed a CD with this response that includes a number of documents provided in response to your request, as well as additional supporting documentation.

The Service appreciates the Committee's interest in renewable energy, and we are committed to an open and transparent process in the evaluation of renewable energy projects. The Service also seeks to provide applicants with technical assistance to help them accomplish their project objectives consistent with the requirements of the Endangered Species Act.

The Service worked with Energy Northwest to provide technical assistance along two lines: to identify potential risks to ESA-listed species and seek ways to avoid, minimize or mitigate those risks so the project as proposed could go forward; or to identify and permit the project on a suitable alternative site that presented fewer or more surmountable challenges.

We trust that this information is responsive to your request and would be happy to meet with you to discuss it further. Please contact me or Robyn Thorson, Regional Director for the Pacific Region, at (503) 231-6118, if you have any questions or concerns.

Sincerely,

DIRECTOR

Enclosures



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JUN 08 2012

The Honorable Doc Hastings
Chairman, Committee on Natural Resources
House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Thank you for your letter of March 8, 2012, regarding the alleged embezzlement of \$900,000 from the Yurok Tribe of the Yurok Reservation by two biologists employed by Mad River Biologists and one former tribal forestry official.

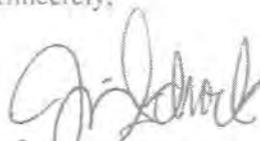
The Bureau of Indian Affairs (BIA) does not have any direct contracts, grants, or cooperative agreements with Mad River Biologists. The Yurok Tribe, operating under a Public Law 93-638 self-governance agreement, contracted directly with Mad River Biologists for their services in accordance with the Tribe's internal procurement policies. Please note that the Department of the Interior does not review and approve tribal budget line items within tribal programs or monitor day-to-day operations. Pursuant to the Single Audit Act, tribes that receive funds under Public Law 93-638 are required to submit audits of their expenditures to the BIA. Based upon review of that information, the BIA then works with tribes to develop corrective measures where an annual audit identifies weaknesses and situations where BIA funds were not expended in conformance with Federal regulations. We are also available to meet with and brief your staff regarding the Public Law 93-638 process.

Funds distributed to the BIA under the Endangered Species Act are part of the Department's trust responsibility to aid Natural Resources Management. Further, the funds distributed under the Endangered Species Act to the Yurok Tribe were also for forestry and lands protection efforts for the California Condor in addition to the Northern Spotted Owl and Snowy Plover.

The BIA does not have a separate Scientific Integrity Policy from the Department's Policy. In the past, the BIA has commented on draft documents produced by Mad River Biologists' provided by the Tribe, but the documents were subsequently modified and finalized solely by the firm. The BIA can confirm that neither Ron LaValley nor Sean McAllister have served on a Federal Advisory Committee Act committee or other advisory panel sponsored by the BIA, or otherwise requested to represent the BIA or its employees.

Should you have additional questions, please do not hesitate to contact me at (202) 208-5116. Thank you for your interest in this important issue.

Sincerely,


ACTING Director, Bureau of Indian Affairs

Attachment



United States Department of the Interior

BUREAU OF RECLAMATION
Washington, DC 20240

MAR 28 2012

IN REPLY REFER TO:

Honorable Doc Hastings
Chairman, Committee on Natural Resources
House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am in receipt of your letter of March 20, 2012 requesting documents and information on the Klamath River Restoration Non-Use Value Survey (survey). The survey was used to collect information as part of a study to estimate the total economic value (including non-use values) to households in the United States for the benefits expected from the river restoration plans associated with the Klamath agreements. However, before discussing the study, I want to provide some context for why it was conducted. Crises in agricultural water availability and significant declines in fish populations, combined with challenges involved re-licensing PacifiCorp's Klamath Hydroelectric Project 2082 led a large coalition of basin stakeholders to reach two agreements to restore both more certainty for water deliveries and the Klamath Basin fish populations: the Klamath Hydroelectric Settlement Agreement (KHSAs) and the Klamath Basin Restoration Agreement (KBRA). When the Department of Interior (Department) signed the KHSAs in 2010, the Secretary committed to undertake a robust scientific, engineering and environmental analysis of the activities agreed to in the KHSAs. To fulfill that commitment, the Department conducted 50 new scientific and technical studies, including an economic analysis of the implications of the restoration initiative. The economic analysis was conducted using the National Economic Development (NED) and Regional Economic Development (RED) accounts as defined in the March 10, 1983 *Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies*.

Studies to estimate total economic value, including non-use values, are compliant with established standards for a national economic analysis of a large-scale project such as the Klamath River restoration initiative. They provide a tool for evaluating the benefits that the public as a whole holds for the river restoration activities associated with the agreements. The *Principles and Guidelines*, which guide agencies' evaluation of federal water resource investments, state that agencies should evaluate both the marketed (e.g., commercial fishing and agriculture) and non-marketed values (e.g., non-use values) both in the planning area and across the nation for proposed projects. The results from the non-use value study are one set of information, along with the results of the 50 other studies and the work of outside panels, which inform the Secretarial Determination as to whether the Klamath Basin restoration initiative would advance fishery restoration and be in the public interest. The results of all of these studies can be found at www.klamathrestoration.gov.

With regard to your request, the Bureau of Reclamation (Reclamation) is working with the Department to identify responsive documents. As a first step in accommodating the Committee's interest in the survey we are providing with this letter Reclamation's contract with the company RTI to conduct the survey. The contract documents answer your question regarding the total cost of the study which was \$867,333. That figure includes the cost of the mailings and inserts.

We are also available to meet with and brief your staff regarding the scope, methodology, and implementation of the survey. Ms. Dionne Thompson, Chief, Congressional and Legislative Affairs for Reclamation, is leading this effort. Please contact her at 202-513-0570 if there are any questions. We look forward to working with the Committee to accommodate its interest in this matter.

Sincerely,



Michael L. Connor
Commissioner

Enclosure

Identical Letter Sent To:

Honorable Tom McClintock
Chairman, Subcommittee on Water and Power
Committee on Nature Resources
House of Representatives
Washington, DC 20515



United States Department of the Interior

BUREAU OF RECLAMATION
Washington, DC 20240

IN REPLY REFER TO:

Honorable Doc Hastings
Chairman, Committee on Natural Resources
House of Representatives
Washington, DC 20515

APR 04 2012

Dear Mr. Chairman:

This letter provides for the transmittal of additional information responding to your March 20, 2012 request for documents and information on the Klamath River Restoration Non-Use Value Survey (survey). An initial response with information regarding the survey as well as a CD with contract documents were transmitted previously via letter dated March 28, 2012.

Enclosed with this letter is a CD labeled "000337163_Hastings_002," which contains 120 documents responsive to the Committee's request for information regarding the development of the survey. These documents include a complete set of the surveys with attachments, enclosures, scripts and instructions; the Office of Management and Budget (OMB) standards and guidance documents which governed the survey's format and its use of incentives; supporting statements for the survey design; as well as other documents associated with the Department of the Interior's (Department) submission to OMB for the survey which OMB approved and assigned control number 1090-0010.

There were four separate submissions by the Department to OMB for this survey, as it was developed from field testing through implementation stages. Many of the documents requested by the Committee and provided on the enclosed CD are also available at www.reginfo.gov, a federal website that provides public access to all documents and information a federal agency submits to OMB in order to obtain approval of an information collection from the public, as required under the Paperwork Reduction Act.

As stated in my March 28 letter, Departmental and Bureau of Reclamation staff remain available to meet with and brief your staff regarding the scope, methodology, and implementation of the survey. Please contact Ms. Dionne Thompson, Chief, Congressional and Legislative Affairs for Reclamation, at (202) 513-0570 if you have any questions. We look forward to working with the Committee to accommodate its interest in this matter.

Sincerely,

Michael L. Connor
Commissioner

Enclosure

Identical Letter Sent To:

Honorable Edward J. Markey
Ranking Member, Committee on Natural Resources
House of Representatives
Washington, DC 20515

Honorable Tom McClintock
Chairman, Subcommittee on Water and Power
Committee on Natural Resources
House of Representatives
Washington, DC 20515

Honorable Grace Napolitano
Ranking Member, Subcommittee on Water and Power
Committee on Natural Resources
House of Representatives
Washington, DC 20515



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

APR 10 2012

The Honorable Doc Hastings
Chairman, Committee on Natural Resources
House of Representatives
Washington, DC 20515

Dear Mr. Chairman,

The Department of the Interior ("Department") has been working diligently and in good faith to respond to the Committee on Natural Resource's requests for information related to the Department's Office of Inspector General Report of Investigation - Federal Moratorium on Deepwater Drilling Case No. PI-PI-10-0562-I. This Report reviewed the source and timing of drafting errors in the Department's May 2010 document "Improved Safety Measures for Energy Development on the Outer Continental Shelf" ("ISM Report").

Since the Committee's initial letter on April 25, 2011, the Department has worked with Committee staff to understand the scope of the Committee's interest so that we can meet its oversight interests without unnecessarily compromising important Executive Branch interests. Through these efforts, we have responded to the Committee's requests by producing nearly one thousand pages of documents as well as making multiple offers of accommodation that have included *in camera* reviews of documents and briefings in which we have provided information directly responsive to the Committee's articulated concerns. Although we remain committed to working with the Committee to resolve this matter, the Department is disappointed that after nearly a year of working with your staff to understand and accommodate the Committee's asserted interests in the ISM Report, we have reached a point where the Committee has taken the unnecessary and precipitous step of issuing a subpoena, notwithstanding the Department's continued good-faith efforts to work with the Committee.

As an initial matter, we must draw your attention to the varied and unsettled scope of the Committee's articulated interest, which continues to hinder the Department's ability to respond to the Committee's multiple requests, including the subpoena. In addition to seeking information regarding the editing of the peer review language in the Executive Summary of the ISM Report, the Committee also appears to have sought broad and ill-defined information regarding the ISM Report and the moratorium without articulating a specific oversight interest in such matters. The technical discussion and recommendations related to the proposed safety measures outlined in the ISM Report have been evaluated and reviewed by independent entities that have expressed their views of these technical matters. Additionally, the moratorium was the subject of litigation, the merits of which have since been resolved.

With regard to the editing of the peer review language in the Executive Summary of the ISM Report, that issue has also been resolved. The Inspector General investigated the matter and concluded that:

All DOI officials interviewed stated that it was never their intention to imply the moratorium was peer reviewed by the experts, but rather rushed editing of the Executive Summary by DOI and the White House resulted in this implication. After reviewing different drafts of the Executive Summary that were exchanged between DOI and the White House prior to the final issuance, the OIG determined that the White House edit of the original DOI draft Executive Summary led to the implication that the moratorium recommendation had been peer reviewed by the experts.

"Investigative Report: Federal Moratorium on Deepwater Drilling," November 9, 2010, at 1.

Although the Inspector General has reviewed and resolved this matter, the Department has accommodated the Committee's interest in the peer review language in the Executive Summary in multiple respects over the last year. For example, the Department provided an *in camera* review of the underlying Investigative Activity Report prepared by the Inspector General's Office, which summarizes in detail the peer review drafting issue (including based on the underlying documents) and provides a straightforward explanation for the drafting error, demonstrating that there was no intent to mislead the public about what recommendations were endorsed by the peer reviewers. The Department also has provided the Committee with communications with the peer reviewers post-dating the release of the ISM Report, as well as other relevant documents, and has briefed the Committee on the chronology and content of the remaining thirteen OIG documents. Immediately after the publication of the ISM Report, in recognition of the confusion created by the placement of the peer review language in the Executive Summary, the Department publically clarified that the peer reviewers were not asked to review the Secretary's policy recommendation on the moratorium and apologized for any confusion created by the drafting of the Executive Summary. The Committee has yet to explain specifically why these accommodations have been insufficient to address its oversight interests or why further intrusion into the Executive Branch's deliberative process is necessary.

Moreover, the Department has an obligation to protect the integrity and confidentiality of the Executive Branch's implementation of the law and its deliberative processes. It has long been recognized that advisors who expect that their preliminary and unformed remarks will be made the subject of public scrutiny can be expected to be less candid in their advice, ultimately to the detriment of the Executive Branch decisionmaking process. These Executive Branch interests are particularly acute in the context of a national environmental disaster where immediate action to restore safety is paramount and where Executive Branch personnel should not be stymied and hindered in their ability to pose uncensored ideas to address a crisis. Given these important Executive Branch interests, it is critical that the Committee articulate a clear, specific oversight interest to allow the Department to work with the Committee to target the disclosure of any additional relevant information in a manner that provides needed information without unnecessary intrusion into Executive Branch deliberations.

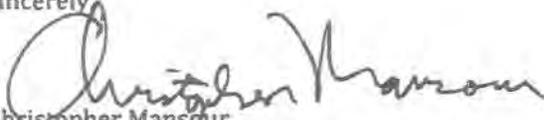
In any event, the Department is committed to working with the Committee, and accordingly, is prepared to make additional accommodations. Today we make an initial production for the Committee of 164 pages of additional communications with the peer reviewers, with an additional production to occur later this week. These documents contain limited redactions for personal information and substantive technical deliberations and will demonstrate that, as the Department

has said all along, the peer reviewers applied their expertise to the technical recommendations in the ISM Report and were not asked to review the Secretary's policy recommendations regarding the moratorium. The Department is also offering for *in camera* review the May 25, 2010 draft of the Executive Summary of the ISM Report. This version of the Executive Summary was included in the ISM Report draft that was sent to the peer reviewers for their final review. Finally, the Department offers to the Committee the opportunity to review *in camera* a draft of the Executive Summary that was exchanged between Departmental and White House personnel on the evening of May 26, 2010. This draft was included as attachment 14 in the OIG Report.

With regard to the decision to recommend a moratorium on drilling in the Executive Summary of the ISM Report, the Committee has not articulated to the Department any questions that remain unanswered by the public record. Although the public record is clear, our offer for the Committee to review the May 25 and 26, 2010 drafts provides additional documentation regarding the moratorium recommendation as described in the OIG Report.

In closing, the Department has worked with the Committee in good faith throughout an extensive accommodation process to address the Committee's concerns. The additional disclosure of information as described in this letter reflects further good faith efforts on the part of the Department and we look forward to continued cooperation to resolve this matter with the Committee.

Sincerely,



Christopher Mansour
Director, Office of Congressional
and Legislative Affairs
U.S. Department of the Interior



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



The Honorable Doc Hastings
Chairman
Natural Resources Committee
House of Representatives
Washington, DC 20515

JUN 08 2012

Dear Mr. Chairman:

Thank you for your March 8, 2012, letter requesting information about contractual arrangements between the Bureau of Land Management (BLM) and Mad River Biologists (MRB), and our use of documents prepared by MRB in carrying out our responsibilities under the Endangered Species Act. The BLM takes seriously its responsibility to serve as a good steward of tax payer funds and to know its decisions rely on the best available scientific information. In response to allegations against employees of MRB, we have conducted a review of our contracts with MRB for irregularities, as well as reviewed the quality of the work provided. In addition, we have conducted an extensive search for information responsive to your request.

The enclosed table lists all contracts between the BLM and MRB for which contract files were located covering the period January 1, 2000, to present. Please note, one contract file is not included in Table 1 because it was awarded by the BLM California State Office in 2000 to conduct a 2002 literature search, and the file was destroyed in 2009 in accordance with the General Records Schedule. The report delivered under that contract and all documents related to the contracts listed in Table 1 are provided on the enclosed disk. The BLM did not identify any grants or cooperative agreements.

None of the contracts have previously been audited by the BLM or the Inspector General (IG). The BLM is aware that the Department of the Interior IG is currently investigating this issue, and has contacted individuals within BLM-California for information. The BLM will continue to cooperate with the IG investigation as requested. The BLM is also aware that the Fish and Wildlife Service (FWS) is developing a quality assurance plan to review recent products delivered by MRB.

The following reports were produced by MRB under Assistance Agreements to conduct monitoring with Madrone or Mendocino Coast Audubon Societies who subcontracted with MRB for data analysis and report preparation. These reports all relate to the BLM California Coastal National Monument (Monument) and have been, and continue to be, relied upon for certain management aspects of the Monument. Several of the reports appear on the Monument's website. All of the reports are included on the enclosed disk.

- Brandt's Cormorant Reproductive Efforts on Gualala Point Island, Sonoma County, and Fish Rocks, Mendocino County, California, 1996 to 2008

- Citizen Science Cormorant Monitoring in Mendocino County, California – 2010 Season
- Citizen Science Cormorant Monitoring in Mendocino County, California – 2011 Season
- Seabird and Marine Mammal Monitoring at Gualala Point Island, Sonoma County, California, April to August 2010
- Seabird and Marine Mammal Monitoring at Gualala Point Island, Sonoma County, California, May to August 2009
- Seabird and Marine Mammal Monitoring at Gualala Point Island, Sonoma County, California, May to August 2008

The enclosed disk contains copies of the documents you have requested. The BLM will closely follow developments regarding the scientific integrity of MRB, the IG investigation, and the FWS quality review. No representative of MRB has served on a BLM Federal Advisory Committee.

With this response, the BLM considers the Committee's request closed. If you have any questions regarding this information, please contact Patrick Wilkinson, BLM Division Chief for Legislative Affairs, at 202-912-7421.

Sincerely,



Mike Pool
Acting Director

Enclosure

Table 1**Contracts, Grants, and Cooperative Agreements between BLM and MRB
Since January 1, 2000**

| | | |
|--------------------------------------|---|--------------------------------------|
| L11PX01641 | Western Snowy Plover Surveys, South Spit Humboldt Bay | BLM California, Arcata Field Office |
| L07PX00408 (Previously BCP071043) | Western Snowy Plover Surveys, South Spit Humboldt Bay | BLM California, Arcata Field Office |
| LBCPO51009 | Western Snowy Plover Surveys, South Spit Humboldt Bay | BLM California, Arcata Field Office |
| LBCPO41013 | Western Snowy Plover Surveys, South Spit Humboldt Bay | BLM California, Arcata Field Office |
| LBCP031011 | Western Snowy Plover Surveys | BLM California, Arcata Field Office |
| L10PX02877 | Aerial Sage-grouse Survey | BLM California, Alturas Field Office |
| L08PX02729 | Edson Butte Marbled Murrelet Survey | BLM Oregon, Coos Bay District |
| L08PX03352 (Previously HSP081022) | Marbled Murrelet Nest Tree Climbing Survey, Siuslaw Resource Area | BLM Oregon, Eugene District |



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

The Honorable Doc Hastings
Chairman, Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

AUG 10 2012

Dear Chairman Hastings:

This is in response to your March 30, 2012, letter seeking information on the actions of the Department of the Interior regarding the reaffirmation of the Tejon Indian Tribe as a federally recognized Indian tribal entity. This letter follows the April 25 letter signed by former Assistant Secretary - Indian Affairs Larry Echo Hawk.

Enclosed is a CD titled "00037414_Hastings_002" that contains 641 documents, 5,231 pages, responsive to your request. Some of these documents contain internal, pre-decisional deliberative material with respect to which the Executive Branch has well-established confidentiality interests. However, the Department is producing these documents to the Committee, with redactions, in order to accommodate the Committee's oversight interests in this matter.

This transmittal completes the Department's response to the Committee's requests.

Sincerely,

Margaret L. Wilkins
for
Darren Pete
Director, Office of Congressional and
Legislative Affairs for Indian Affairs

Enclosure

cc: The Honorable Edward J. Markey
Ranking Member



THE SECRETARY OF THE INTERIOR
WASHINGTON

MAY 24 2012

The Honorable Doc Hastings
Chairman, Committee on Natural Resources
House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Section 7(c) (1) of the Land and Water Conservation Fund Act of 1965 (Act) (16 U.S.C. § 460/-9(c)(1)), as amended, provides that, after notifying the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources, the Secretary of the Interior may make minor revisions to the boundaries of an area of the National Park System by publication of a revised boundary map or other description in the Federal Register. Pursuant to such authority, this letter serves to notify your Committee of our intention to revise the boundary of the Theodore Roosevelt Inaugural National Historic Site in New York, to include a .15-acre tract that abuts the present boundary and will be donated to the United States.

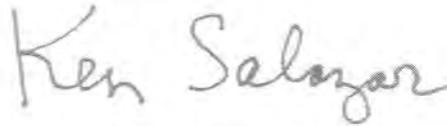
The Act of November 2, 1966 (16 U.S.C. § 461), as amended, designated the Theodore Roosevelt Inaugural National Historic Site as a unit of the National Park System, to preserve and protect the former Ansley Wilcox House located in Buffalo, New York. The house was the site of the inauguration, on September 14, 1901, of Theodore Roosevelt as the 26th President of the United States, following the assassination of President William McKinley. The site is operated by the Theodore Roosevelt Inaugural Site Foundation (Foundation), a registered non-profit organization, through a cooperative agreement with the National Park Service (NPS). While the site fronts on Delaware Avenue, a major thoroughfare in downtown Buffalo, there is presently no access from Delaware Avenue to the parking area located at the rear of the national historic site.

The Foundation will acquire the .15-acre tract immediately adjacent to the national historic site, demolish an existing structure, complete various site improvements, and then donate the tract to the NPS. Completion of this donation and the proposed boundary revision to include the tract will restore the Ansley Wilcox House property to the boundary that existed in 1901. The boundary revision and acquisition will enable the public to access parking areas from the front of the national historic site, double the number of available parking spaces and create green space.

This revision was recommended in the 2005 Master Plan Amendment/ Environmental Assessment for the national historic site, and will improve the visitor experience by enhancing the historic integrity, visibility and appearance of the site, at no cost to the United States.

A similar letter is being sent to the Honorable Jeff Bingaman, Chairman, Committee on Energy and Natural Resources; the Honorable Lisa Murkowski, Ranking Minority Member, Committee on Energy and Natural Resources; and the Honorable Edward Markey, Ranking Minority Member, Committee on Natural Resources, United States House of Representatives.

Sincerely,

A handwritten signature in black ink that reads "Ken Salazar". The signature is written in a cursive, slightly slanted style.

Ken Salazar

Enclosure



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

The Honorable Doc Hastings
Chairman, Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

DEC 14 2012

Dear Chairman Hastings:

This letter further responds to your May 23, 2012, letter seeking material withheld in the Department's response to your April 2009 request related to communications at Grand Canyon National Park.

The enclosed CD, titled "00002939_Hastings_004," contains 123 documents totaling 407 pages of material responsive to that request. None of these documents contain redactions. In addition, we have included in this response unredacted copies of the 14 documents provided to you with our June 8, 2012, letter.

This transmittal completes the Department's response with regard to the April 2009 request. Please do not hesitate to contact me with any questions.

Sincerely,

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

Enclosure

cc: The Honorable Edward J. Markey
Ranking Member

The Honorable Rob Bishop
Chairman, Subcommittee on National Parks,
Forests and Public Lands

The Honorable Raul M. Grijalva
Ranking Member, Subcommittee on National Parks,
Forests and Public Lands



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JAN - 3 2013

The Honorable Doc Hastings
Chairman, Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Hastings:

This letter provides additional information in response to your May 23, 2012, letter regarding the Department of the Interior's decision to withdraw certain lands in the vicinity of Grand Canyon National Park and seeking material related to the withdrawal decision and the science on which the decision was based.

Enclosed with this letter is a CD numbered 00038478_002 that contains 888 pages of responsive material. Several of the documents the Department is providing today contain redactions to protect privileged information.

Please do not hesitate to contact me if you have any questions or need additional assistance.

Sincerely,

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

Enclosure

cc: The Honorable Edward J. Markey
Ranking Member

The Honorable Rob Bishop
Chairman, Subcommittee on National Parks,
Forests and Public Lands

The Honorable Raul M. Grijalva
Ranking Member, Subcommittee on National Parks,
Forests and Public Lands



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
1916 ACT



JUL 09 2012

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

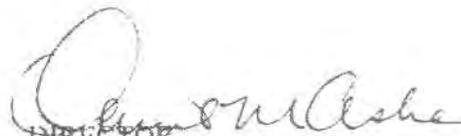
Dear Chairman Hastings:

This is in response to your May 31, 2012, letter seeking information on two settlement agreements to resolve litigation brought under the Endangered Species Act. This letter follows my June 14, 2012, letter to you concerning the settlement agreements.

Enclosed is a CD titled "00038638_Hastings_002" that contains 187 documents representing 6,476 pages responsive to your request. This represents an initial partial response to item 4 of your request. We expect to soon provide additional documents that will complete our response to item 4.

As always, we remain committed to continued cooperation with the Committee and to working with the Committee to accommodate ongoing information needs. If you have any questions or need additional assistance, please do not hesitate to contact Mr. Gary Frazer, Assistant Director for Endangered Species at (202) 208-4646 or me.

Sincerely,


DIRECTOR

cc: The Honorable Edward Markey, Ranking Member
Committee on Natural Resources



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



JUL 17 2012

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

Dear Chairman Hastings:

This is in response to your May 31, 2012, letter seeking information on two settlement agreements to resolve litigation brought under the Endangered Species Act. This letter follows my July 9, 2012, letter to you concerning the settlement agreements.

Enclosed is a CD titled "00038638_Hastings_003" that contains 73 documents representing 3,420 pages responsive to your request. This represents an initial partial response to item 4 of your request. We expect to provide additional documents that will complete our response to item 4 as soon as possible.

As always, we remain committed to continued cooperation with the Committee and to working with the Committee to accommodate ongoing information needs. If you have any questions or need additional assistance, please do not hesitate to contact Mr. Gary Frazer, Assistant Director for Endangered Species at (202) 208-4646.

Sincerely,

DIRECTOR

cc: The Honorable Edward Markey, Ranking Member
Committee on Natural Resources



THE SECRETARY OF THE INTERIOR
WASHINGTON

AUG - 3 2012

The Honorable Doc Hastings
House of Representatives
Washington, D.C. 20515

Dear Representative Hastings:

Thank you for your letter of June 27, 2012, expressing concern with the U.S. Fish and Wildlife Service's (FWS) proposal to designate approximately 375,562 acres in Idaho and Washington as critical habitat for the southern Selkirk Mountains population of woodland caribou.

The Service appreciates your contributions, and those of your staff, in assisting our efforts to improve communication with concerned citizens about this proposal. We believe the input we received has helped increase citizen understanding of the proposal, as well as the FWS's understanding of citizens' concerns about the proposal.

The FWS has responded to requests for an open dialogue in various forums with the assistance of Governor C.L. "Butch" Otter's Office of Species Conservation and natural resource staff, Idaho State Senator Shawn Keough, and Representatives Eric Anderson and George Eskridge. We have learned a great deal from public meetings hosted by County Commissions, the Kootenai Valley Resource Initiative (KVRI), and the FWS. We also appreciate input from affected agencies, such as the Idaho Department of Fish and Game, Idaho Department of Lands, Idaho Department of Parks and Recreation, the U.S. Forest Service, Border Patrol, and the Bureau of Land Management.

The Endangered Species Act requires that we consider for designation as critical habitat those areas that contain physical or biological features that are essential to the conservation of the species, and that may require special management considerations or protection. For specific areas outside the geographical area occupied by woodland caribou at the time of its listing, we consider for designation as critical habitat those areas that are essential for the conservation of the species.

We are currently evaluating over 1,000 public comments, data, information, and reports regarding the FWS's proposed critical habitat designation and the related draft economic analysis of the impacts of the proposed designation for this population of caribou. We assure you that we will use all of this information to inform our final determination before the court-ordered deadline on November 20, 2012. Our final designation will take into consideration the potential effects on public access to Federal, State and private lands for recreation and other purposes, as well as possible economic effects.

Sincerely,

Ken Salazar



OCT 12 2012

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

Dear Mr. Chairman:

We are pleased to transmit a report from the National Aquatic Animal Health Task Force (Task Force) on infectious salmon anemia virus (ISAV), as requested by Congress in the conference report accompanying the Consolidated and Further Continuing Appropriations Act of 2012.

In accordance with the request, this report examines the risk ISAV poses to wild Pacific salmon and the coastal economies that rely on these fish. It also establishes research objectives for further study, which were created in partnership with the Government of Canada and our Federal, state, local, and tribal partners.

The Task Force that developed this report is comprised of subject matter experts and senior leaders from the three Federal agencies that share responsibility to protect the health of U.S. aquatic animals: the Department of Agriculture, Animal and Plant Health Inspection Service (APHIS); the Department of Commerce, National Oceanic and Atmospheric Administration; and the Department of the Interior, U.S. Fish and Wildlife Service.

Should you or your staff have any questions about this report, you may contact Mr. Brian Baenig, Assistant Secretary for Congressional Relations, Department of Agriculture, at (202) 720-7095.

Similar letters and a copy of the report are being sent to Senators Rockefeller, Hutchinson, Cochran, and Inouye, and Representatives Rogers, Markey, and Dicks.

Sincerely,

Ken Salazar
Secretary
Department of the Interior

Thomas J. Vilsack
Secretary
Department of Agriculture

Rebecca M. Blank
Acting Secretary
Department of Commerce

Enclosure



United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT
WASHINGTON, DC 20240-0001

DEC 13 2012

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

Dear Chairman Hastings:

Thank you for your letter dated August 13, 2012, to Secretary Salazar, cosigned by Representative David Rivera, requesting information on subsidiaries of foreign, state-owned companies owning leases on the Outer Continental Shelf (OCS). In addition, you requested a review of current laws and regulations available to and enforceable by the Department and other federal agencies in the interest of national security issues as they relate to the ownership and operation of leases on the OCS. The Secretary has asked me to respond on his behalf.

The OCS Lands Act (43 U.S.C. 1331 *et seq.*) is silent as to who may hold a mineral lease on the OCS. Under the rulemaking authority Congress provided pursuant to the statute, the Secretary promulgated regulations establishing qualifications for OCS leaseholders that are similar to those provided in the Mineral Leasing Act (30 U.S.C. 181 *et seq.*) for onshore mineral leases.

The Bureau of Ocean Energy Management (BOEM) regulations require that corporations seeking lease ownership or operating rights in offshore federal leases prove that they are authorized to hold leases on the OCS. Among other things, in order to hold mineral leases, corporations must be organized under the laws of the United States, the states, the District of Columbia, or U.S. territories. These specific regulations can be found at 30 C.F.R. 556.35 556.46 and 556.62.

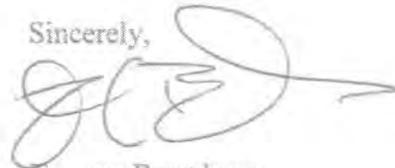
Neither the onshore or offshore regulations, nor the underlying statutes, make qualification contingent on whether or not some or all of the equity in a U.S. corporation is held by a foreign government. Therefore, there is no requirement for a company to provide BOEM information regarding the ownership of the company, and BOEM does not collect or maintain this information.

As suggested in your letter, BOEM has reviewed current laws and regulations available to the Department and enforceable in conjunction with other federal agencies in the oversight and regulation of OCS leases in the interest of national security. There are three provisions in the OCS Lands Act that relate to national security: (1) Section 12(c) (43 U.S.C. 1341(c)), which provides authority to the Secretary of the Interior, upon recommendation from the Secretary of Defense, to suspend operations of any lease during a state of war or national emergency; (2) Section 5(a)(2)(A)(i) (43 U.S.C. 1334(a)(2)(A)(i)), which provides authority to the Secretary to cancel a lease if continued

activity would harm national defense; and (3) Section 25(h)(1)(C) (43 U.S.C. 1351(h)(1)(C)), which provides authority to the Secretary to disapprove a development and production plan if the operations threaten national security.

Thank you for your continued interest in and support of the offshore oil and gas leasing program. A similar letter has been sent to Representative Rivera.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Beaudreau', with a long horizontal stroke extending to the right.

Tommy Beaudreau
Director



THE SECRETARY OF THE INTERIOR

WASHINGTON

AUG 31 2012

The Honorable Doc Hastings
Chairman, Committee on Natural Resources
House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

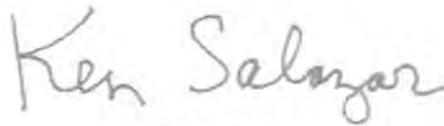
Section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. § 4601-9(c)(1)), as amended, provides that, after notifying the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources, the Secretary of the Interior may make minor revisions to the boundaries of an area of the National Park System by publication of a revised boundary map or other description in the Federal Register. Pursuant to such authority, this letter serves to notify your Committee of our intention to revise the boundary of the 9,036-acre Chickamauga and Chattanooga National Military Park in the State of Tennessee to include 13.75 acres of vacant land identified as Tract 11-109 and located adjacent to the Moccasin Bend Unit of the park. Upon inclusion in the park, the tract will be donated to the United States. A map depicting the boundary revision is enclosed.

Moccasin Bend is a peninsula formed by a prominent bend in the Tennessee River, situated to the west and just across the river from downtown Chattanooga in Hamilton County. The area contains nationally significant archeological sites that chronicle approximately 12,000 years of continuous American Indian occupation. The 956-acre Moccasin Bend Archeological District National Historic Landmark (NHL), designated in 1986, recognizes the national significance of these cultural resources. In 2003, Public Law 108-07 (16 U.S.C. § 424c) established a 780-acre portion of the NHL as the Moccasin Bend National Archeological District Unit of Chickamauga and Chattanooga National Military Park. Not included in the new unit at establishment was a 13.75-acre tract jointly owned by the city of Chattanooga and county of Hamilton and leased for use by a model airplane club. The lease is no longer active and the owners now wish to donate the tract for use by the park.

The addition and acquisition of this tract will enable the National Park Service (NPS) to monitor and protect the archeological sites located thereon and to control access to such sites. The tract contains an extensive dredge spoil area containing human remains from the Late Archaic, Woodland, and early Mississippian Periods, a span that stretches from 1000 BC to 1200 AD. The spoil area was created during the dredging around Moccasin Bend during the construction of Interstate Highway 24. The dredge material was then deposited on the subject tract in 1964. The tract will provide the only NPS-controlled access to the archeological sites; the only other access is across State-owned property that contains the Moccasin Bend Mental Health Institute.

A similar letter is being sent to the Honorable Jeff Bingaman, Chairman Committee on Energy and Natural Resources, United States Senate; the Honorable Lisa Murkowski, Ranking Minority Member, Committee on Energy and Natural Resources, United States Senate; and the Honorable Edward Markey, Ranking Minority Member, Committee on Natural Resources, House of Representatives.

Sincerely,

A handwritten signature in cursive script that reads "Ken Salazar". The letters are dark and fluid, with a prominent "K" and "S".

Ken Salazar

Enclosure



THE SECRETARY OF THE INTERIOR
WASHINGTON

AUG 31 2012

The Honorable Doc Hastings
Chairman, Committee on Natural Resources
House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Section 7(c)(1) of the Land and Water Conservation Fund Act of 1965, codified as amended at 16 U.S.C. § 460l-9(c)(1), provides that, after notifying the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources, the Secretary of the Interior may make minor revisions to the boundaries of an area of the National Park System by publication of a revised boundary map or other description in the Federal Register. This letter serves to notify your Committee of our intention to revise the boundary of Saratoga National Historical Park in the State of New York to include, and subsequently acquire by donation, two adjacent tracts: the 18.89-acre "Sword Surrender Site" and the 2.17-acre "Canal Prism Parcel," consisting of unimproved land, woods, and wetlands.

Saratoga National Historical Park was authorized in 1938 to preserve, protect, and interpret historic landscapes, structures and properties of outstanding national significance associated with the American Revolution. Here in the autumn of 1777, American forces met and defeated the British Army, forcing British General John Burgoyne to surrender to the American General Horatio Gates. The 3,394-acre park contains four separate units related to the battles: the main Battlefield in Stillwater, New York; the General Philip Schuyler House, eight miles north in Schuylerville; the Saratoga Monument; and Victory Woods in the nearby village of Victory. However, the park does not presently contain the actual site of surrender.

This minor boundary revision will include within the park the site of the British surrender, the subject of an 1821 painting by John Trumbull that hangs in the United States Capitol Rotunda and will be featured on New York State's coin in 2015 for the America the Beautiful Quarter Program. The addition and subsequent Federal acquisition of these two tracts that abut the present park boundary will enable the National Park Service to provide visitors with a complete overview of the Battles of Saratoga, from onset to surrender. Federal acquisition will ensure the preservation and protection of this historic site that has long been privately owned. The Sword Surrender Site will be donated to the United States by Open Space Conservancy, Inc., a nonprofit

conservation organization. The Canal Prism Parcel that provides pedestrian access from the Sword Surrender Site to the historic Schuyler House unit of the park will be donated to the United States by the State of New York. Acquisition of the Canal Prism Parcel will also preserve a remnant of the historic Champlain Canal.

A similar letter is being sent to the Honorable Jeff Bingaman, Chairman, Committee on Energy and Natural Resources; the Honorable Lisa Murkowski, Ranking Minority Member, Committee on Energy and Natural Resources; and the Honorable Edward Markey, Ranking Minority Member, Committee on Natural Resources, United States House of Representatives.

Sincerely,

A handwritten signature in cursive script that reads "Ken Salazar". The signature is written in black ink and is centered on the page.

Ken Salazar

Enclosure



THE SECRETARY OF THE INTERIOR
WASHINGTON

DEC 18 2012

The Honorable Doc Hastings
House of Representatives
Washington, DC 20515

Dear Representative Hastings:

Thank you for your letter of September 21, 2012, regarding your concerns about Bureau of Land Management Instruction Memoranda Numbers 2012-043 and 2012-044, the BLM report entitled, "A Report on National Greater Sage-Grouse Conservation Measures," and the individual state efforts underway to conserve the Greater Sage-Grouse.

I would like to commend the states on the considerable efforts they continue to pursue to conserve the Greater Sage-Grouse, and I agree with your position that a top-down Federal directive would have a chilling effect on stakeholder relationships. I assure you that this is not the Department of the Interior's intent. The Department's view is that the states play a critical role in conservation of the species. I would also like to reiterate that the BLM has every intention of taking actions to conserve the Greater Sage-Grouse in a manner that is consistent with its multiple use mission and with due regard for site specific on-the-ground considerations. This is further reflected in the enclosed answers to your questions as prepared by the BLM.

A similar reply is being sent to the co-signers of your letter.

Sincerely,

Ken Salazar

Enclosures



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

OCT - 1 2012

The Honorable Doc Hastings
Chairman, Committee on Natural Resources
House of Representatives
Washington, DC 20515

Dear Chairman Hastings:

The Department of the Interior ("Department") is in receipt of your letter dated September 25, 2012, requesting "complete and unredacted copies of any referrals or memoranda from the Department's ethics programs that have been sent to the IG since January 1, 2009 concerning alleged violations of Federal ethics laws and regulations."

The Department is currently in the process of collecting and reviewing documents that may be responsive to the Committee's request. As with other requests, the Department will continue in good faith to accommodate the Committee's articulated oversight interests in a manner that minimizes intrusion upon privacy and other confidentiality interests within the Department. Upon completion of the review process, the Department will be better situated to offer an appropriate accommodation that will meet the Committee's information needs.

We look forward to continue working with you and your staff to address the Committee's interest in this matter.

Sincerely,

Christopher Mansour
Director, Office of Congressional
and Legislative Affairs
U.S. Department of the Interior

cc: The Honorable Edward Markey, Ranking Member



THE SECRETARY OF THE INTERIOR
WASHINGTON

MAR 27 2013

The Honorable Doc Hastings
House of Representatives
Washington, DC 20515

Dear Representative Hastings:

Thank you for your letter of February 14, 2013, regarding Secretarial Order 3321 establishing the National Blueways System as part of America's Great Outdoors, and Bureau of Land Management Manuals 6310 and 6320. I appreciate you taking the time to share your concerns on these important matters.

The National Blueways System (NBS) was established to recognize large river systems conserved through diverse stakeholder partnerships and to promote cooperation in support of economic development, natural resource conservation, outdoor recreation, and education in these river systems. The Order states: "Nothing in this Order is intended to authorize or affect the use of private property. Nothing in this Order is intended to be the basis for the exercise of any new regulatory authority, nor shall this initiative or any designation pursuant to this Order affect or interfere with any Federal, state, local, and tribal government jurisdiction or applicable law including interstate compacts relating to water or the laws of any state or tribe relating to the control, appropriation, use or distribution of water or water rights."

With respect to any possible impact of NBS designation on water rights, the Secretary's Order again is explicit that the designation has no such role: "nor shall this initiative or any designation pursuant to this Order affect or interfere with any Federal, state, local, and tribal government jurisdiction or applicable law including interstate compacts relating to water or the laws of any state or tribe relating to the control, appropriation, use or distribution of water or water rights."

Participation in the National Blueways program is locally-led, voluntary, and non-regulatory. The NBS recognizes and supports diverse stakeholder partnerships that have come together to pursue a common vision for their river system. A National Blueway designation is a prestigious award for a river system and its stakeholders. Private landowners within a watershed recognized as a National Blueway may choose to not participate in any assistance programs or initiatives undertaken by the stakeholder partnership.

State, local, and tribal governments determine their own level of participation. The Department will not designate National Blueways that lack diverse support from government agencies within the watershed. Similarly, local communities and businesses will be valued members of successful stakeholder partnerships and will determine their own roles and extent of engagement.



THE SECRETARY OF THE INTERIOR
WASHINGTON

MAR 22 2013

The Honorable Doc Hastings
Chairman, Committee on Natural Resources
House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The Land and Water Conservation Fund Act of 1965, codified as amended at 16 U.S.C. § 460/-9(c)(1), provides that, after notifying the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources, the Secretary of the Interior may make minor revisions to the boundaries of an area of the National Park System by publication of a revised boundary map or other description in the Federal Register. This letter serves to notify your Committee of our intention to revise the boundary of Mojave National Preserve in the State of California to: (1) include 7.12 acres of adjacent land to be donated to the United States and identified as Tract 103-28, and (2) exclude 48.14 acres of non-Federal land identified as Tract 114-05.

Mojave National Preserve (Preserve) is an expanse of desert lands representing three of the four major North American deserts: the Mojave, Great Basin, and Sonoran. Dozens of seeps and springs coupled with varied elevations and soil types create microhabitats that support a diversity of plant and animal life. The parcels involved in the boundary adjustment are located in two separate areas of the Preserve. The details of each are as follows:

Tract 103-28

In 1996, breaches in a wastewater pipeline from Molycorp Mountain Pass Mine released 350,000 gallons of water with toxic metals and radioactive isotopes onto lands administered by the National Park Service (NPS) and the Bureau of Land Management. Through merger with Union Oil of California, Chevron Environmental Management Company (Chevron) acquired responsibility for removing the failed wastewater pipeline and associated hazardous spills that adversely impacted NPS lands containing desert tortoise habitat.

As compensation for adverse impacts, Chevron and Molycorp Minerals, LLC (formerly known as Rare Earth Acquisitions, LLC) agreed to construct a desert tortoise research facility to be donated to the United States along with the underlying 7.12 acres of tortoise habitat (Tract 103-28) located adjacent to the northern portion of the current Preserve boundary. Additionally, Chevron will donate \$491,000 to the National Park Trust to maintain the facility and support research for 5 years. Beyond that time, facility operational costs are anticipated to be covered by donations and from desert tortoise habitat compensation from nearby renewable energy projects. Researchers will be responsible for securing funding for their own projects, which the NPS will oversee through the NPS Research Permit process.

Construction of the research facility was completed in 2011. The National Park Trust is guiding management of the facility during the course of the boundary adjustment and land transfer process. The inclusion of Tract 103-28 within the Preserve boundary will permit the NPS to accept the 7.12 acre donation and the research facility located thereon, ensuring that the affected tortoise habitat is preserved and protected.

Tract 114-05

The tract to be excluded from the Preserve contains 48.14 acres lying immediately southeast of Interstate Highway 15 along the western portion of the current Preserve boundary. Since 2000, following the closure of the San Bernardino County landfill that had been located within the Preserve, the Baker Community Services District has owned and operated a solid waste transfer station on Tract 114-05. Current federal regulations codified at 36 CFR Part 6 prohibit operation of any solid waste disposal site or transfer station within an NPS unit if that site was not in operation on September 1, 1984. Although there are a few exceptions to the regulations, none apply to the transfer station located on Tract 114-05 within the Preserve. Revising the boundary to exclude the tract will resolve the conflicting land use issue and have no effect on its ownership or use.

We believe that this boundary revision will enable the NPS to better preserve and protect the resources of the Preserve. A notice of the boundary revision will be published in the Federal Register.

A similar letter is being sent to the Honorable Ron Wyden, Chairman, Committee on Energy and Natural Resources; the Honorable Lisa Murkowski, Ranking Minority Member, Committee on Energy and Natural Resources; and the Honorable Edward Markey, Ranking Minority Member, Committee on Natural Resources, United States House of Representatives.

Sincerely,

A handwritten signature in black ink that reads "Ken Salazar". The signature is written in a cursive, slightly slanted style.

Ken Salazar

Enclosure



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



The Honorable Doc Hastings
Chairman
Natural Resources Committee
House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Thank you for your March 14, 2013, letter to then-Secretary of the Interior Ken Salazar regarding the 2013 Annual Funding Agreement (AFA) between the Council of Athabascan Tribal Governments and the Bureau of Land Management (BLM) for emergency firefighter training near Fort Yukon, Alaska. The BLM was asked to respond to your letter.

The regulatory requirement (25 CFR § 1000.178) states that "[t]he effective date is not earlier than 90 days after the AFA is submitted to the Congressional committees under [25 CFR] § 1000.177(b)". Unfortunately, the BLM does not have the authority to waive the stated waiting period. The BLM submitted the signed AFA to the committees on February 8, 2013, thus, the 90-day waiting period expired on May 9, 2013.

The BLM appreciates the committee's support in continuing this mutually beneficial relationship with the Council of Athabascan Tribal Governments as we prepare for the 2013 fire season. A similar reply is being sent to Indian and Alaskan Native Affairs Subcommittee Chairman Young.

Sincerely,

Neil Kornze
Principal Deputy Director



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE

P.O. Box 1306
Albuquerque, New Mexico 87103



In Reply Refer To:
FWS/R2/ES-ARD/051483

MAY 23 2012

The Honorable Michael Conaway
Member, United States House of Representatives
Washington, D.C. 20515

Dear Representative Conaway:

Thank you for your April 30, 2012, letter requesting the U.S. Fish and Wildlife Service (Service) withdraw the December 14, 2010, proposal to list the dunes sagebrush lizard (DSL) as threatened or endangered pursuant to the Endangered Species Act of 1973 (Act).

Since proposing to list the DSL in December 2010, the Service has received new scientific information and numerous comments during four public comment periods. In addition, the Service is analyzing the conservation benefits of two major initiatives in New Mexico and Texas designed to protect the lizard while avoiding delays in oil and gas operations in the Permian Basin.

In New Mexico, the 2008 Candidate Conservation Agreement (CCA) for Federal lands and the CCA with Assurances (CCAA) for non-Federal lands have seen significant enrollment across the lizard's range. It is estimated that these enrollments cover approximately 90 percent of the lizard's New Mexico range. In Texas, the Texas Conservation Plan (TCP), developed by a diverse group of stakeholders, was signed on February 17, 2012. The TCP includes a CCAA which will be in effect for 30 years in west and northwest Texas. Since approving the TCP in February, Texas oil and gas companies have enrolled approximately 70 percent of the lizard's habitat in Texas.

The Service is now in the process of analyzing the information provided during the public comment periods, as well as the contributions of the Texas and New Mexico conservation plans for the DSL as we prepare the final listing decision. The final decision on whether or not to list the DSL will be based on the best available scientific information.



THE SECRETARY OF THE INTERIOR
WASHINGTON

NOV 27 2012

The Honorable K. Michael Conaway
House of Representatives
Washington, DC 20515

Dear Representative Conaway:

Thank you for your letter dated July 19, 2012, to President Barack Obama regarding access to America's public lands. President Obama asked me to respond to your letter.

Congress has directed that the Bureau of Land Management (BLM) administer the public lands for "multiple use and sustained yield" in accordance with the Federal Land Policy and Management Act of 1976. In implementing its multiple-use mandate, the BLM makes decisions based on sound science, public input, and the best information available.

Recreation and public access are key elements of the BLM's multiple-use mandate. The BLM offers more recreational opportunities over a broader geographic area than any other Federal land management agency. Several initiatives—America's Great Outdoors (AGO) and Youth in the Great Outdoors—are helping Americans reconnect with the outdoors, and with the help of volunteers across the Country, the BLM has designated thousands of miles of roads and trails for recreational use, including many areas for off-highway recreation.

Enhancing recreational access to public lands is an important component of the President's AGO Initiative. The Federal Interagency Council on Outdoor Recreation, which brings together Federal land management agencies to promote outdoor recreation, is working with organizations such as the Wildlife Hunting Heritage Conservation Council and Sport Fishing and Boating Partnership Council to improve access on the public lands and waters we manage. Furthermore, the Administration is committed to enhancing access for hunters while conserving habitat for game species, as directed by Executive Order 13443. The BLM is working with partners such as the U.S. Forest Service, Shooting Sports Roundtable, Congressional Sportsmen's Foundation, and National Rifle Association to implement the Executive Order. Through this collaboration, there have been advances in online mapping capabilities to show hunting boundaries, land status, and access routes; identifying high priority access and easement acquisition needs; identifying recreational shooting areas on public lands; and providing education programs, workshops, and information services for sport shooters.

With regard to planning, the BLM revises its land use plans to meet current and anticipated needs, as is the case with the South Coast Resource Management Plan. The draft plan for that area was released last year, and the public comment period closed in December 2011. The field office is working through the comments. The process provided for full public input, including several public meetings in local communities. This input will be used during the next step, which is the development and release of the final proposed plan.



THE SECRETARY OF THE INTERIOR
WASHINGTON

MAR 27 2013

The Honorable K. Michael Conaway
House of Representatives
Washington, DC 20515

Dear Representative Conaway:

Thank you for your letter of February 14, 2013, regarding Secretarial Order 3321 establishing the National Blueways System as part of America's Great Outdoors, and Bureau of Land Management Manuals 6310 and 6320. I appreciate you taking the time to share your concerns on these important matters.

The National Blueways System (NBS) was established to recognize large river systems conserved through diverse stakeholder partnerships and to promote cooperation in support of economic development, natural resource conservation, outdoor recreation, and education in these river systems. The Order states: "Nothing in this Order is intended to authorize or affect the use of private property. Nothing in this Order is intended to be the basis for the exercise of any new regulatory authority, nor shall this initiative or any designation pursuant to this Order affect or interfere with any Federal, state, local, and tribal government jurisdiction or applicable law including interstate compacts relating to water or the laws of any state or tribe relating to the control, appropriation, use or distribution of water or water rights."

With respect to any possible impact of NBS designation on water rights, the Secretary's Order again is explicit that the designation has no such role: "nor shall this initiative or any designation pursuant to this Order affect or interfere with any Federal, state, local, and tribal government jurisdiction or applicable law including interstate compacts relating to water or the laws of any state or tribe relating to the control, appropriation, use or distribution of water or water rights."

Participation in the National Blueways program is locally-led, voluntary, and non-regulatory. The NBS recognizes and supports diverse stakeholder partnerships that have come together to pursue a common vision for their river system. A National Blueway designation is a prestigious award for a river system and its stakeholders. Private landowners within a watershed recognized as a National Blueway may choose to not participate in any assistance programs or initiatives undertaken by the stakeholder partnership.

State, local, and tribal governments determine their own level of participation. The Department will not designate National Blueways that lack diverse support from government agencies within the watershed. Similarly, local communities and businesses will be valued members of successful stakeholder partnerships and will determine their own roles and extent of engagement.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JUL 03 2013

The Honorable John Kline
Chairman, Committee of Education and the Workforce
House of Representatives
Washington, DC 20515

Dear Chairman Kline:

Thank you for the recent correspondence from the Committee on Education and Workforce (Committee) requesting information regarding the sequestration's across-the-board cuts mandated by the *Budget Control Act of 2011*. These automatic budget cuts will have dramatic impacts to the Bureau of Indian Affairs (BIA)/Bureau of Indian Education (BIE) and to the tribal nations they serve. For instance, BIA and BIE are expected to furlough employees for 8 days by the end of the Fiscal Year (FY) 2013. In addition to the BIA/BIE workforce being furloughed, self-governance contracts are being cut by 5 percent which translated into self-governance programs having 5 percent less funding for FY 2013.

The Committee requested:

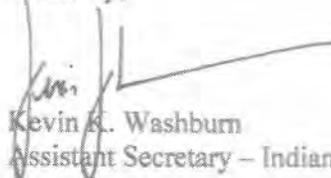
1. All documents and communications relating to sequestration within the Bureau of Indian Affairs, including the Bureau of Indian Education; and
2. An accounting of all sequestration-related cuts by office and program within BIA and BIE.

The Committee noted its preference is to receive documents in electronic form in lieu of paper productions. Therefore, we are providing a thumb-drive to Ms. Mandy Schaumburg as mentioned in your requesting letter. The items on the thumb-drive include furlough notices to employees, information letters to tribal nations informing them of the pending 5 percent cuts, and a spreadsheet that was used to determine the cuts to the tribal contracts. For the accounting of the sequestration-related cuts we have enclosed the FY 2013 Budget Comparison Table "Operations Plan." We believe this information completely responds to your request.

The Department is working diligently to limit the impacts of sequestration on tribal communities. A similar letter is being sent to the Honorable Todd Rokita, Chairman of the Subcommittee on Early Childhood, Elementary and Secondary Education; and the Honorable Virginia Foxx, Chairwoman of the Subcommittee on Higher Education and Workforce Training.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,



Kevin S. Washburn
Assistant Secretary - Indian Affairs

Enclosure



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

MAY 30 2012

The Honorable Howard P. "Buck" McKeon
House of Representatives
Washington, D.C. 20515

Dear Representative McKeon:

Thank you for your letter of March 15, 2012, in support of the petition for Federal acknowledgment submitted by the Fernand o Band of Mission Indians (the Petitioner). The Department of the Interior (Department) received your letter on March 26, 2012. We apologize for the delay in our response.

The Petitioner submitted its letter of intent to petition for Federal acknowledgment on April 24, 1995, and its initial evidence in January 1996. The Office of Federal Acknowledgment (OFA) issued a technical assistance (TA) review letter on March 3, 1997, outlining deficiencies and omissions. In July 2005, the Petitioner presented a claim of unambiguous previous Federal acknowledgment using the 1851 Treaty of Tejon. Under the regulations, if a petitioner demonstrates unambiguous previous Federal acknowledgment, then it must demonstrate continuous existence only from the time of unambiguous previous Federal acknowledgment to the present. By letter dated November 14, 2005, the OFA informed the Petitioner that it did not demonstrate unambiguous previous Federal acknowledgment using this 1851 treaty.

On November 9, 2009, the Petitioner submitted its response to the 1997 TA review letter advancing other claims of unambiguous Federal acknowledgment, occurring in 1892 and 1904. On April 8, 2011, OFA issued a second TA review letter concluding that the evidence was insufficient to demonstrate unambiguous previous Federal acknowledgment. On July 12, 2011, OFA received the Petitioner's response to the 2011 TA review letter and placed the group on the "Ready, Waiting for Active Consideration" (Ready) list, as of September 6, 2011.

The Department has not provided any estimate of time before the petition would go on active consideration, because under the regulations, the petitioners are taken in the order of when they completed their research and are ready for evaluation. Four other petitioners on the Ready list completed their research ahead of the Petitioner. In addition, the regulations place a higher priority on those petitions already on active consideration. The Department will notify all parties when it places a group's petition on active consideration.

We look forward to our continued work with the Petitioner as it proceeds through 25 CFR Part 83. These regulations provide due process for the Petitioner and interested parties and produces transparent, informed decision based on scholarship and science.

Thank you for your interest in Indian affairs.

Sincerely,

A handwritten signature in black ink, appearing to read "D. E. Laverdure". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Donald E. Laverdure
Acting Assistant Secretary – Indian Affairs

Similar letter sent to:

The Honorable Howard L. Berman
House of Representatives
Washington, D.C. 20515



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

MAY 30 2012

The Honorable Howard L. Berman
House of Representatives
Washington, D.C. 20515

Dear Representative Berman:

Thank you for your letter of March 15, 2012, in support of the petition for Federal acknowledgment submitted by the Fernandeño Band of Mission Indians (the Petitioner). The Department of the Interior (Department) received your letter on March 26, 2012. We apologize for the delay in our response.

The Petitioner submitted its letter of intent to petition for Federal acknowledgment on April 24, 1995, and its initial evidence in January 1996. The Office of Federal Acknowledgment (OFA) issued a technical assistance (TA) review letter on March 3, 1997, outlining deficiencies and omissions. In July 2005, the Petitioner presented a claim of unambiguous previous Federal acknowledgment using the 1851 Treaty of Tejon. Under the regulations, if a petitioner demonstrates unambiguous previous Federal acknowledgment, then it must demonstrate continuous existence only from the time of unambiguous previous Federal acknowledgment to the present. By letter dated November 14, 2005, the OFA informed the Petitioner that it did not demonstrate unambiguous previous Federal acknowledgment using this 1851 treaty.

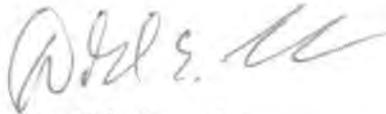
On November 9, 2009, the Petitioner submitted its response to the 1997 TA review letter advancing other claims of unambiguous Federal acknowledgment, occurring in 1892 and 1904. On April 8, 2011, OFA issued a second TA review letter concluding that the evidence was insufficient to demonstrate unambiguous previous Federal acknowledgment. On July 12, 2011, OFA received the Petitioner's response to the 2011 TA review letter and placed the group on the "Ready, Waiting for Active Consideration" (Ready) list, as of September 6, 2011.

The Department has not provided any estimate of time before the petition would go on active consideration, because under the regulations, the petitioners are taken in the order of when they completed their research and are ready for evaluation. Four other petitioners on the Ready list completed their research ahead of the Petitioner. In addition, the regulations place a higher priority on those petitions already on active consideration. The Department will notify all parties when it places a group's petition on active consideration.

We look forward to our continued work with the Petitioner as it proceeds through 25 CFR Part 83. These regulations provide due process for the Petitioner and interested parties and produces transparent, informed decision based on scholarship and science.

Thank you for your interest in Indian affairs.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald E. Laverdure". The signature is fluid and cursive, with a prominent initial "D" and a long, sweeping underline.

Donald E. Laverdure
Acting Assistant Secretary – Indian Affairs

Similar letter sent to:

The Honorable Howard P. "Buck" McKeon
House of Representatives
Washington, D.C. 20515



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

DEC 20 2012

The Honorable Frank D. Lucas
House of Representatives
Washington, DC 20515

Dear Representative Lucas:

Thank you for your letter of November 1, 2012, to Secretary Salazar, regarding the Indian Arts and Crafts Board (IACB). The Secretary has asked that I respond on his behalf.

The Secretary shares your view that the IACB serves a vital role on behalf of Native American entrepreneurs, craftspeople, and artisans by promoting and preserving their intellectual property and cultural heritage. Despite significant budgetary challenges, the budget of the IACB has remained intact.

The Department of the Interior understands the concerns you have raised and it should be noted that, historically, the IACB has not always received the attention or support that it has needed to be successful. As a result, the IACB was transferred to the Secretary's immediate office in 2005. Much has changed, however, over the last several years. In particular, the Secretary has led a fundamental re-orientation of the Department's priorities to ensure that we uphold our trust responsibilities to Indian Nations and help Native American communities pursue the future of their choosing. This change has brought real results over the last three years, including: the settlement of the Cobell litigation; major Indian water rights settlements; improvements in law enforcement and safety on reservations; a reorganization of the Office of the Assistant Secretary – Indian Affairs (AS-IA) and the Bureau of Indian Affairs; a new rule cutting red tape for energy, housing, and other permitting on Indian lands; expanded opportunities for conventional and renewable energy development; and many other important milestones.

The Secretary has made clear that this priority of supporting Indian Nations should not merely be measured in the accomplishments of the last three and a half years, but in long-term organizational reforms that will result in better service and outcomes year after year. That is one of the reasons that he proposed transferring the IACB to the AS-IA, where it can be managed as part of a broader cultural and economic empowerment agenda for Indian Country. The mission of the IACB, after all, is complementary to other program missions within AS-IA, and we expect that enhanced engagement and cooperation with other program areas will result in benefits for both.

The Secretary proposed the transfer because he is confident that the IACB will receive the support and leadership it needs to thrive. It is clear that the IACB will be fully supported by both the AS-IA, the Office of the Secretary, and senior staff – including Mr. Robert Stanton – under the new organizational structure.

Bcc: Ms. Meredith Stanton
Director
Indian Arts and Crafts Board
U.S. Department of the Interior

Solicitor
Executive Secretariat
SIO-OCL
AS-IA



THE SECRETARY OF THE INTERIOR
WASHINGTON

MAR 01 2012

The Honorable Bill Nelson
United States Senate
Washington, DC 20510

Dear Senator Nelson:

Thank you for your letter of January 23, 2012, regarding the proposed acquisition of Florida Power and Light Company (FPL) lands within Everglades National Park.

The National Park Service (NPS) proposes to acquire a corridor of land owned by FPL in a section of the park known as the East Everglades Expansion Area in support of the broader Everglades Restoration efforts. The NPS began an Environmental Assessment (EA) of the proposed land acquisition in June 2009, following passage of Public Law 111-11, which authorized a potential NPS/FPL land exchange. The EA process identified a number of potentially significant environmental impacts associated with construction and operation of transmission lines on the exchange lands. In accordance with the National Environmental Policy Act, the NPS initiated an Environmental Impact Statement (EIS) process in 2011 to examine the potential impacts of the alternatives for acquiring FPL's property.

The NPS is now preparing the Draft EIS to inform the acquisition decision. They are working with FPL to include the latest information related to the proposed transmission lines in the Draft EIS. The NPS received this information from FPL on January 18, 2012. The current project schedule anticipates public release of the Draft EIS in September 2012, followed by a 60-day public comment period. The Final EIS is anticipated in July 2013, and a Record of Decision is anticipated for August 2013. This schedule will complete the EIS process in advance of the completion of the Tamiami Trail Bridge sometime in December 2013, and therefore will not interfere with the implementation of restoration flows under the bridge.

The NPS and the Department of the Interior are working diligently to complete this project at the earliest possible date. If you have any questions about the EIS process for the FPL land acquisition project, please contact Mr. Dan Kimball, Superintendent, Everglades National Park, at dan_kimball@nps.gov or at (305) 242-7712.

Thank you for your interest in Everglades National Park and your continued support of the National Park Service.

Sincerely,

Ken Salazar



THE SECRETARY OF THE INTERIOR
WASHINGTON

MAR - 7 2012

The Honorable Bill Nelson
United States Senate
Washington D.C. 20510

Dear Senator Nelson:

Thank you for your letter of February 7, 2012, signed with several of your colleagues, expressing support for the U.S. Fish and Wildlife Service's (FWS) recent listing of four large constrictor snakes (Burmese python, Northern African and Southern African pythons, and yellow anaconda) as injurious, and expressing concern that additional work is needed to control the problem of invasive snakes in the Everglades.

The Department of the Interior (DOI) placed great emphasis on the prevention and control of invasive species as part of the overall Everglades restoration process, even before we received the petition from the South Florida Water Management District to list Burmese pythons as injurious. We are still considering listing the additional snakes you reference as injurious.

We realize that more work needs to be done in addition to listing the five remaining species. Burmese pythons, Northern African pythons, and boa constrictors have all been found breeding in the wild in South Florida. The DOI, through the National Park Service (NPS), U.S. Geological Survey (USGS), and the FWS has been working with Federal partners, State agencies, and others stakeholders on python control efforts such as: capture and removal; public education and awareness, including a snake reporting system; spatial ecology and movement studies using radio telemetry, satellite, and GPS technology; diet analysis; thermal biology (implanted data loggers); trap development and trials; attractant research; native wildlife impacts analysis; pilot studies for genetics and salinity tolerance; and training dogs to find nonnative constrictor snakes.

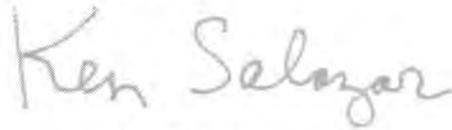
In 2008, NPS, USGS, and the FWS formulated a comprehensive plan to address the threat of the large constrictor snakes. Since that time, considerable effort has been invested in cooperative endeavors to remove, restrict, and prevent large constrictor snake populations in South Florida, including the Florida Keys. The major components of this strategy have been: 1) prevention and assessment of new populations, 2) management and control of established populations, 3) education and outreach, and 4) interagency coordination and planning.

In the 2013 budget, I have requested an additional \$1 million to support the USGS in their efforts to conduct scientific investigations to assist in the sustainable use, protection, and restoration of the South Florida ecosystem. South Florida is particularly vulnerable to the introduction and spread of invasive plants and animals and is highly colonized by a wide variety of exotic species such as water hyacinth, melaleuca, old world climbing fern, Brazilian pepper and the Burmese python. Funding will support high priority invasive species research needs identified by interagency groups such as the South Florida Ecosystem Restoration Task Force's Working Group and Science Coordination Group including: quantifying ecosystem effects of invasive

species; filling key biological and ecological information gaps of invasive species to better inform early detection efforts of partnering agencies; and to improve methods that can be used to better detect and control species such as Burmese pythons for which ecosystem effects have been documented.

I look forward to working with you on this important issue.

Sincerely,

A handwritten signature in black ink that reads "Ken Salazar". The signature is written in a cursive, slightly slanted style.

Ken Salazar



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 19 2012

The Honorable Bill Nelson
United States Senate
Washington, DC 20510

Dear Senator Nelson:

Thank you for your letter of October 9, 2012, expressing your continued interest in the proposed General Management Plan (GMP) for Biscayne National Park. We appreciate your support as the National Park Service (NPS) continues its collaboration with the Florida Fish and Wildlife Conservation Commission to finalize the plan.

Both the NPS and the State of Florida are committed to examining a wide range of management strategies to help restore and preserve a portion of the Park's coral reef while continuing to offer a diversity of visitor experiences and recreational opportunities to Florida's residents and visitors. The NPS is committed to additional public involvement should any new management strategy proposals differ substantively from the draft GMP released for public comment in 2011. Any future public comment periods or public meetings will be shared with your office and posted at <http://parkplanning.nps.gov> and on the park's website.

Thank you for your interest in Biscayne National Park and your continued support for the National Park Service.

Sincerely,

Rachel Jacobson
Principal Deputy Assistant Secretary for Fish
and Wildlife and Parks

cc: Regional Director, Southeast Region
Superintendent, Biscayne National Park



THE SECRETARY OF THE INTERIOR
WASHINGTON

APR 12 2012

The Honorable Dianne Feinstein
United States Senate
Washington, DC 20510

Dear Senator Feinstein:

Thank you for your letter of December 16, 2011, concerning whether the City and County of San Francisco (the City) are in compliance with the Raker Act, 38 Stat. 242 (1913) with regard to its use of water obtained from the Hetch Hetchy project on the Tuolumne River. Your letter follows a letter that I received on December 7 from Congressman Daniel Lungren, in which he asked that I investigate the City's compliance with the Raker Act.

In response to your and Congressman Lungren's requests, I asked the Office of the Solicitor to review the Raker Act and its legislative history. The Solicitor's Office has confirmed that the Raker Act did not require that the City develop and use other available water resources as a precondition to accessing water from the Tuolumne. Notably, Section 9(h) of the Act, which addresses the conditions associated with accessing Tuolumne water supplies, does not require that the City develop alternative water supplies before taking Tuolumne water. Instead, it focuses on the fact that Tuolumne water should be used only for domestic and other municipal purposes.¹ This lack of a precondition requiring the accessing of alternative water supplies contrasts with the language that Congress used in Section 9(g). In that subsection, Congress explicitly conditioned certain irrigation districts' access to Tuolumne water on the development of other water supplies.²

In light of the different language used in these two subsections, it would be inaccurate to conclude that Congress intended both provisions to have the identical effect of imposing a precondition for diversion from the Tuolumne watershed. Nevertheless, our lawyers also looked to the available legislative history for the Raker Act to determine whether Congress actually intended a different result in this regard. Our lawyers concluded that the legislative history of the Act was consistent with its plain language. More specifically, a House Committee Report from 1913 offered the following explanation of Section 9(h) of the Raker Act:

¹ Section 9 states: "... [T]his grant is made to the said grantee subject to the observance on the part of the grantee of all the conditions hereinbefore and hereinafter enumerated: ... (h) That the said grantee shall not divert beyond the limits of the San Joaquin Valley any more of the waters from the Tuolumne watershed than, together with the waters which it now has or may hereafter acquire, shall be necessary for its beneficial use for domestic and other municipal purposes."

² See Section 9(g) ("said grantee shall not be required to furnish more than the said minimum quantity of stored water hereinbefore provided for *until the said irrigation districts shall have first drawn upon their own stored water to the fullest practicable extent*")(emphasis added).

Paragraph (h), section 9, provides that the grantee shall not divert beyond the limits of the San Joaquin Valley any waters of the Tuolumne watershed in excess of the amount to be used for domestic and municipal purposes.

(The purpose of this provision is to make possible the use of surplus waters in the San Joaquin Valley and prevent the use of possible surplus for irrigation of lands remote from the Tuolumne River. John R. Freeman, consulting engineer for San Francisco, suggested that surplus water might be economically used for intensive farming in lands contiguous to San Francisco Bay. Inasmuch as San Francisco expects to purchase the local water supply, and thus acquire sufficient water for local irrigation purposes, it was deemed advisable and economical to provide that surplus from the Tuolumne should be used in the San Joaquin Valley. This is an economic use of water for the highest purpose of all concerned.)

63rd Congress, 1st Session, Report No. 41 at 13-14. (Parentheses in original.)

Consistent with the plain language of the statute, this discussion in the report indicates only an intention to distinguish water used by the City for "domestic and municipal purposes" from that used for irrigation. Thus, Section 9(h) appears to be intended to require only that any diversions from the Tuolumne watershed be used for domestic and municipal purposes of the City rather than for irrigating lands contiguous to San Francisco Bay.

Thank you for your inquiry into this important matter. If you have any additional questions about our legal interpretation of the Raker Act, please do not hesitate to call.

Sincerely,



Ken Salazar

cc: The Honorable Daniel Lungren
Ms. Hilary Tompkins, Solicitor, Department of the Interior



THE SECRETARY OF THE INTERIOR
WASHINGTON

APR 23 2012

The Honorable Dianne Feinstein
United States Senate
Washington, DC 20510

Dear Senator Feinstein:

Thank you for your letter of February 27, 2012, to President Barack Obama expressing support for designating the Fort Ord public lands as a national monument.

At a public listening session on January 13, 2012, to explore the best path forward, we heard broad-based public support from many diverse stakeholder groups and organizations that want to protect the unique natural resources of Fort Ord and build upon the great recreational opportunities these public lands have to offer. We also learned about the important economic contributions that recreation on the Fort Ord public lands—like the annual Sea Otter Classic cycling event—provides to communities all across Monterey County.

I am very pleased that the President of the United States designated the Fort Ord National Monument on April 20, 2012.

I look forward to continuing our work with you and the communities around the new Fort Ord National Monument to ensure that this special area is protected and available for the enjoyment of all for generations to come.

Sincerely,

Ken Salazar



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAR 19 2012

The Honorable Diane Feinstein
United States Senate
Washington, DC 20510

Dear Senator Feinstein:

Thank you for your letter to Secretary Salazar, dated February 7, 2012, regarding the status of the Mishewal Wappo Tribe of the Alexander Valley Rancheria's request for recognition and its potential implications. Secretary Salazar has asked that I respond on his behalf.

I appreciate your expression of support for the Government's efforts to restore sovereignty to terminated tribes. I also appreciate your concerns about the impact of a possible gaming facility in the Napa Valley area. As you point out, many tribes are pursuing economic opportunities to support their communities, including gaming. At the present time, however, it would be premature to opine on the likelihood of the Alexander Valley Rancheria having any legal right to acquire land in Napa Valley or to conduct gaming on any such lands. As a threshold matter, the pending litigation first must be resolved. One possible outcome, of course, is that the Federal defendants will prevail in the litigation, alleviating the concerns raised in your letter. Should the plaintiffs prevail in the litigation, acquisition of lands for the benefit of the Rancheria presumably would be subject to all of the Federal laws and regulations regarding land-into-trust and gaming. The Court could also order relief uniquely catered to the case at hand.

It remains to be seen whether the plaintiffs in this suit will succeed in their efforts to become a federally-recognized Indian tribe as the restored Alexander Valley Rancheria. Other mechanisms for resolution also may come into play, such as a stipulated settlement, legislation, or consideration under the acknowledgment process in 25 CFR Part 83.

Thank you for your views on this matter. Please let me know if you wish to discuss it further.

Sincerely,

Larry EchoHawk
Assistant Secretary – Indian Affairs



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAR 29 2012

The Honorable Dianne Feinstein
United States Senate
Washington, D.C. 20510

Dear Senator Feinstein:

We are in receipt of your letter dated January 12, 2012, on behalf of your constituent, Chairman Thomas O'Rourke of the Yurok Tribe (Tribe).

Ms. Amy Dutschke, Regional Director, Pacific Region, members of her staff, and staff members from the Central Office have been working with the Tribe to develop a plan to help resolve the funding and law enforcement issues you referenced in your letter. If you have any questions regarding the progress, Ms. Dutschke may be reached at (916) 978-6000.

We thank you for your interest in Indian Affairs.

Sincerely,

FOR Larry Echo Hawk
Assistant Secretary - Indian Affairs

cc: Regional Director, Pacific Region



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

AUG 23 2012

The Honorable Dianne Feinstein
United States Senate
Washington, D.C. 20510-0504

Dear Senator Feinstein:

Thank you for your letter dated April 17, 2012 to Secretary Salazar regarding additional self-governance and law enforcement funding for the Yurok Tribe. Your letter was referred to the Bureau of Indian Affairs (BIA), Office of Justice Services for a response.

Let us assure you that we support the Tribe and their self governance and law enforcement programs. We have reviewed the proposal the Tribe submitted and appreciate the effort put into the proposal. It will be helpful as we evaluate our 2013 allocations and 2014 budget formulation.

To understand the funding situation for the Tribe, it is important to understand that they receive public safety and justice funding from the BIA in two components – one is under Tribal Priority Allocations (TPA) and the other under Law Enforcement. Law Enforcement funding is not a part of the TPA allocation.

The Tribe receives a recurring annual allocation of Tribal Priority Allocation funding, which can be used by tribes for various programs in a manner to best meet their needs. For 2012, the Tribe received \$2,830,846 for TPA.

Within these TPA amounts, the Tribe has discretion to allocate funds to multiple programs including Tribal Courts. Though Yurok operates a tribal court, the Tribe elected not to allocate BIA funds to the Tribal Courts program. Historically, appropriated increases to Tribal Courts have been divided among tribes that have existing amounts in the BIA budget allocated to the Tribal Courts program. This method of distributing increases is used to ensure that additional resources reach the tribes that place a priority on the program. Thus, since the Tribe is not allocating BIA funds to the Tribal Courts program, there would be no basis to allocate targeted funding increases. In 2012, no increase was appropriated to BIA for Tribal Courts; however, the Tribe's proposal will be considered in the allocation of one-time funding.

Law Enforcement funding increases are allocated to reach the areas of greatest need consistent with direction in the Statement of Managers that accompanied the 2008 Consolidated Appropriations Act. In recent years, with the help of Congress, the Department has secured increased funding for law enforcement programs. In order to address greatest needs, funds have been allocated to tribes for direct service and tribal public safety and justice programs. Priority

has been placed on allocations to tribes that have jurisdiction for law enforcement. As you know the State of California retains jurisdiction for law enforcement.

The allocation also considers local violent crime rates, staffing shortages based on parity ratios, land base and/or service population, calls for service, and recorded prevalence of drug and gang activity. To be considered for funding increases, a tribe must consistently submit monthly crime data reports that are required of all tribal law enforcement programs funded by BIA – this is important for accountability. To date, the Tribe has not submitted monthly crime data reports, despite the requirement included in their annual funding agreement with BIA. The submission of this report would not immediately change their allocation; however, without this report it is not possible to assess the level of crime and/or need for the Tribe in comparison with other tribes.

In 2012, the Tribe received a base funding level of \$420,573 for law enforcement, roughly comparable with prior years based on the allocation methodology. Thus, BIA has ensured level funding for the Tribe's law enforcement base.

Funding increases for detention and correction centers is allocated based on violent crime, staffing and/or bed space shortages, land base and /or service populations, and inmate intakes and bookings. New detention centers that are coming on line are also considered a priority for funding. The Tribe does not have a detention facility as the State houses individuals arrested or convicted.

BIA makes training and technical assistance available to tribes. BIA provides a wide range of law enforcement and corrections opportunities throughout the year to tribal police and correctional officers free of charge at the Indian Police Academy in Artesia, New Mexico. In addition, BIA has recently established a District 9 office in Sacramento to improve the services and technical assistance provided to tribes located in California.

I hope this response gives you the information you need to understand the basis for our allocations and the reason that we are unable to address components of their request. I would be happy to continue a dialog about this matter at your convenience. Thank you for your interest in and support for our programs.

Sincerely,



Donald E. Laverdure
Acting Assistant Secretary – Indian Affairs



United States Department of the Interior

BUREAU OF RECLAMATION
 Mid-Pacific Regional Office
 2800 Cottage Way
 Sacramento, CA 95825-1898

WATER RESOURCES

JUN 21 2012

MP-100
 ADM-1.10

Honorable Dianne Feinstein
 United States Senate
 One Post Street, Suite 2450
 San Francisco, CA 94104

Dear Senator Feinstein:

On behalf of Mr. Christopher Mansour, Director of Congressional and Legislative Affairs, Department of the Interior, I am responding to your letter of April 13, 2012, forwarding a letter from Mr. Dan Jones, Director, Proberta Water District (Proberta), regarding Central Valley Project (CVP) water costs.

Proberta is a member of the Tehama Colusa Canal Authority (TCCA). The Bureau of Reclamation has conducted periodic ability to pay studies (study) for the TCCA member districts to determine if they are eligible to receive relief from paying all or a portion of their construction costs for the CVP and Central Valley Project Improvement Act (CVPIA) mitigation and restoration charges. Reclamation law, including Section 105 of Public Law 99-546, Section 17 of Public Law 260, and the CVPIA, authorizes Reclamation to shift certain irrigation water costs to power contractors when a study determines the irrigation contractor(s) are eligible for relief. Reclamation policy and all CVP irrigation water contracts require a review of eligibility every 5 years for contractors receiving relief.

Since 1993, all of the TCCA member districts have received full or partial relief, including Proberta. The last 5-year relief period ended in 2008. The Mid-Pacific Region's practice has been to complete studies during the relief period. For example, the study for the 2004 to 2008 relief period was not concluded until 2007.

Historically, there were no obvious impacts from this practice because: (1) Reclamation continued relief while the studies were underway, and (2) the studies found the water districts still had relief. During a meeting on April 21, 2010, our economist met with the TCCA member districts and shared that if relief is no longer warranted, districts will be liable for payment of construction and CVPIA mitigation and restoration charges due during this study period from 2008 to 2013. This was acknowledged in an April 22, 2010, e-mail from the TCCA General Manager to our economist and the member districts. Additionally, Reclamation met with TCCA and several member district representatives on October 22, 2010, and discussed repayment schedules.

Unfortunately, because the 2004 to 2008 study was not concluded until 2007, the study for the 2008 to 2013 relief period was not initiated until January 29, 2009, well into the subsequent 5-year relief period. As the study progressed, it became evident that some districts would lose relief, including Proberta. Consequently, we worked extensively with the districts to ensure that the data was accurate and representative. Specifically:

- We informed the districts in April 2010 that it was likely that some would lose relief. It also means that they would be liable for construction and CVPIA mitigation and restoration charges from 2008 to 2013 and that they should plan accordingly.

- We developed options for how they could repay these costs so as to minimize the impacts of the increase.
- To ensure its accuracy, we requested and received a peer review of the study by Reclamation's Technical Service Center and a policy review by Reclamation's Office of Policy and Administration.
- As one of the important sources of data, the Mid-Pacific Region uses information published by the University of California Cooperative Extension (UCCE) to represent production practices and materials considered typical of a well-managed farm in this region. Cultural practices and input costs from the UCCE Cost and Return studies are incorporated into the ability to pay study and adjusted in response to recommendations and input from the participating water districts to better represent the cultural practices of the farmers in the study area. Cultural practices and farm sizes vary among growers in the region and within each water district; therefore, the farm budgets developed for the study represent typical agricultural production practices and costs for farmers across all districts and may not represent an individual farming operation.

The additional outreach and evaluation efforts further extended our study period. We notified the districts of their study results as soon as the study was complete in order to begin discussing repayment options, as appropriate.

In response to feedback received from the TCCA member districts and recognition of the transition that is necessary, we have taken the following steps to minimize the impacts of the repayments and to initiate and complete future reviews in a timely and efficient manner:

- Construction costs will be added to the contractors' existing repayment obligation and amortized through 2030. For Proberta, the water rates in 2012 will be \$21.58 per acre-foot to repay the total construction cost obligation.
- Restoration Fund charges, in the amount of \$55,210, may be repaid over five annual installments at about \$11,042 each rather than all at once. Meetings to initiate the study for the 2013 to 2018 relief period have been initiated to allow for completion by July 2013 and to prevent future payment situations.

Thank you for the opportunity to share information with your office on the TCCA member districts' studies and Reclamation's actions to improve the timeliness and efficiency of our reviews. Should you require additional information, please do not hesitate to contact me at 916-978-5000.

Sincerely,



Donald R. Glaser
Regional Director

cc: Honorable Dianne Feinstein
United States Senate
Washington, DC 20510

bc: 91-10000, 92-30000, 96-00000, 96-42020
MP-106, MP-110, MP-140, MP-400, MP-700, MP-3000
NC-100

WBR:BBryant;jhs:05/07/12:916-978-5352:MP#12027447:WO#12027224
I:\CONGRESS\2012\Feinstein7224 - Ability to Pay - Dan Jones.docx



SEP 07 2012

The Honorable Dianne Feinstein
United States Senate
Washington, DC 20510

Dear Senator Feinstein:

On behalf of Secretary of the Interior Ken Salazar and Acting Secretary of Commerce Rebecca Blank, we are responding to your letter of July 9, 2012, in which you express your support for the Bay Delta Conservation Plan (BDCP).

As confirmed by the announcement on July 25, 2012, by California Governor Edmund G. Brown Jr., Secretary Salazar, and National Oceanic and Atmospheric Administration Assistant Administrator for Fisheries Eric Schwaab, and the written materials accompanying that announcement, this Administration shares your view of the importance of the BDCP. We are committed to working closely with the State of California to complete all the technical analyses and environmental reviews necessary for the plan as quickly as possible. We agree that California's current water system is unsustainable from an environmental and economic perspective, and the BDCP is a key part of a comprehensive solution to achieve the two co-equal goals of a restored Bay Delta ecosystem and a reliable water supply for California.

Certainly California's complex water problems require thoughtful, science-based solutions that are developed with the support of Federal and State governments and key stakeholder groups. We greatly appreciate your support for the BDCP process.

Sincerely,

David J. Hayes
Deputy Secretary
Department of the Interior

Jane Lubchenco, Ph.D.
Under Secretary of Commerce
for Oceans and Atmosphere

Identical Letter Sent To:

The Honorable Barbara Boxer
United States Senate
Washington, DC 20510



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

AUG 03 2012

The Honorable Dianne Feinstein
United States Senate
Washington, DC 20510

Dear Senator Feinstein:

Thank you for your letter dated July 16, 2012, to Secretary Salazar regarding Seth P. Waxman's June 26, 2012, assessment of the San Luis Rey Indian Water Rights Act of 1988. The Secretary has asked me to respond to your letter.

Enclosed are two documents setting forth the United States' response to the Waxman letter: the "United States' Response to the Waxman Letter," dated July 30, 2012, and "Exhibit A" to the Response, a summary of applicable legislative history of the 1988 Settlement Act. These two documents together summarize the basis for the United States' position that the intent of the 1988 Act was to resolve all of the San Luis Rey Bands' reserved water rights claims.

Attorneys from our Solicitor's Office and I met recently with your staff regarding this settlement, and also participated with your staff, the Bands, and other congressional staff in a July 31, 2012, meeting on this matter hosted by the Senate Indian Affairs Committee. Your staff has been very helpful in seeking a solution to this difficult matter, and we very much appreciate their work.

As the track record of this Administration confirms, we are strongly committed to achieving settlements that resolve Indian tribes' reserved water rights claims. We have devoted a great deal of resources to our efforts to resolve the San Luis Rey Bands' water rights claims and we are hopeful that, with your leadership, we will be able to reach an agreement with all parties before the end of the year.

Thank you for your interest in this matter.

Sincerely,

Alletta Belin
Counselor to the Deputy Secretary

Enclosures



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

OCT 25 2012

The Honorable Dianne Feinstein
United States Senate
Washington, DC 20510

Dear Senator Feinstein:

Thank you for your letter to Secretary Salazar regarding the National Research Council's scientific review of the Drakes Bay Oyster Company Special Use Permit Draft Environmental Impact Statement (DEIS). The Secretary has asked me to respond on his behalf.

The Department of the Interior and the National Park Service will consider the National Research Council's conclusions described in their report *Scientific Review of the Draft Environmental Impact Statement: Drakes Bay Oyster Company Special Use Permit* and your letter as we proceed through the decision-making process. We also acknowledge your recommendation to extend the permit for the Drakes Bay Oyster Company.

Thank you for your interest in this matter.

Sincerely,

Rachel Jacobson
Principal Deputy Assistant Secretary
for Fish and Wildlife and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

OCT 25 2012

The Honorable Dianne Feinstein
United States Senate
Washington, DC 20510

Dear Senator Feinstein:

Thank you for your letter to Secretary Salazar regarding the National Research Council's scientific review of the Drakes Bay Oyster Company Special Use Permit Draft Environmental Impact Statement (DEIS). The Secretary has asked me to respond on his behalf.

The Department of the Interior and the National Park Service will consider the National Research Council's conclusions described in their report *Scientific Review of the Draft Environmental Impact Statement: Drakes Bay Oyster Company Special Use Permit* and your letter as we proceed through the decision-making process. We also acknowledge your recommendation to extend the permit for the Drakes Bay Oyster Company.

Thank you for your interest in this matter.

Sincerely,

Rachel Jacobson
Principal Deputy Assistant Secretary
for Fish and Wildlife and Parks



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

APR 24 2013

The Honorable Dianne Feinstein
United States Senate
Washington, DC 20510

Dear Senator Feinstein:

Thank you for your letter dated January 31, 2013, to former Secretary Ken Salazar, regarding the Department of the Interior's (Department) acquisition of land in trust for the benefit of Indian tribes where there is pending litigation regarding the Department's decision to take that land into trust.

The Secretary's authority to acquire land in trust for Indian tribes is the primary means to help restore and protect Indian homelands, and is a central component of tribal self-determination and self-governance. I appreciate your recognition that the recent *Patchak* and *Carcieri* decisions complicate the fee-to-trust process.

The *Patchak* decision exacerbated the problems that had been created by *Carcieri*, which led to a more burdensome fee-to-trust process. Following the *Carcieri* decision, the Department must determine whether a tribe seeking to have land acquired in trust pursuant to the first definition of "Indian" under the Indian Reorganization Act was "under federal jurisdiction" in 1934. Because of the historical and fact-specific nature of this inquiry, the Department's review process can be time consuming and costly for both tribes and the Department. The *Carcieri* decision is wholly inconsistent with the long-standing policy of the United States under the Indian Reorganization Act of assisting all federally recognized tribes in securing a land base on which to engage in economic development and to achieve self-determination. Both the *Carcieri* and *Patchak* decisions complicate the Secretary's land in trust process.

In the past, the Department generally voluntarily stayed the transfer of land into trust if legal challenges to our decisions were filed. Even before *Patchak*, however, the Department independently evaluated each acquisition and chose in certain cases not to self-stay trust transfers, notwithstanding threatened or pending legal challenges. In the wake of the *Patchak* decision, we continue to evaluate the issue on a case-by-case basis; however, within a new legal landscape that creates greater uncertainty as to whether a present day decision to take land into trust will face unknown legal challenges years from now. Under these circumstances, the scales may very well weigh against an indefinite voluntary stay in most cases. Thus, in two recent cases filed after the *Patchak* decision, the Department elected not to pursue an indefinite self-stay. See *Cachil Dehe Band of Wintun Indians of Colusa Indian Community v. Salazar* (E.D. Cal.) (2:12-cv-03021-JAM) and *Stand Up for California! v. Department of the Interior* (D. D.C.) (1:12-cv-02039-BAH). Both federal district courts agreed with the Department's conclusion that there was no harm to the Plaintiffs as a result of the land being acquired in trust during the pendency of the litigation because the Plaintiffs are able to fully litigate their claims irrespective of the trust status of the land.

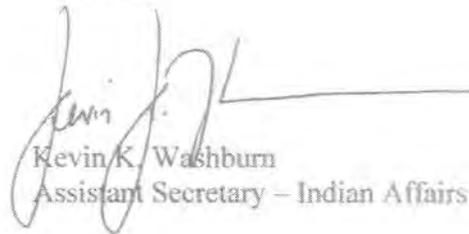
As to your question about whether the Department has consulted with tribes and other stakeholders about the self-stay issue, let me assure you that the Department will comply with Executive Order 13175 and the Departmental consultation policy should we adopt a significant policy shift in this area.

As for your questions relating to the potential for Federal liability, we are not aware of any legal basis for such claims. Moreover, tribes are aware that a fee to trust decision can be overturned by a federal court and have accepted this risk.

In reference to your question about procedures for removing land from trust, the Department recognizes that a court could overturn a land-into-trust decision when it is lawfully and timely challenged and the court has determined that that action is invalid. The Department will abide by all final court orders relating to fee-to-trust decisions.

As you see, the recent *Patchak* and *Carcieri* decisions complicate the fee-to-trust process immensely. The Administration supports a clean legislative fix to both *Patchak* and *Carcieri* as the best way to bring certainty to the process for both Indian tribes and non-Indian communities. I appreciate your interest in this matter, and any assistance you can provide in passing a clean *Carcieri* and *Patchak* fix.

Sincerely,



Kevin K. Washburn
Assistant Secretary – Indian Affairs



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 03 2013

The Honorable Dianne Feinstein
United States Senate
Washington, DC 20510

Dear Senator Feinstein:

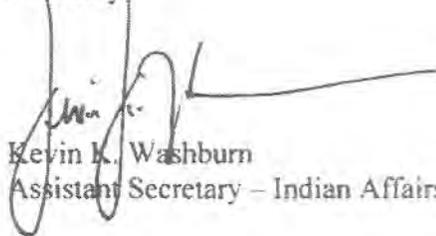
Thank you for your letter dated February 14, 2013, regarding the possible restoration of the Alexander Valley Rancheria. I appreciate your continued interest in matters concerning Native American communities and tribes in California. As you are aware, the Department of the Interior is currently involved in litigation seeking restoration of the Alexander Valley Rancheria. *Mishewal Wappo Tribe of Alexander Valley v. Salazar*, No. 5:09-cv-02502-EJD (N.D. Cal.).

In your letter, you urged the Departments of Justice and Interior not to settle the Federal District Court lawsuit before Napa and Sonoma Counties' appeal in the Ninth Circuit Court of Appeals has been resolved. Deputy Assistant Secretary – Indian Affairs Lawrence S. Roberts, staff members of my office, and attorneys from the Departments of Justice and the Interior met with Napa County Supervisor Diane Dillon on March 7, 2013, and she expressed a similar message. Supervisor Dillon shared with us her perspective on tribal recognition and the restoration of Rancherias.

Concerning the matters now before the Court of Appeals and the Federal District Court for the Northern District of California, I understand that the Counties filed their opening brief with the Ninth Circuit on January 30, and the Appellees filed their answer brief on March 1. Oral argument is scheduled for June 11, 2013. In the Federal District Court litigation, summary judgment briefing is scheduled to resume on May 31, and a hearing on cross-motions for summary judgment is scheduled for July 25. Although the district court judge was unwilling to grant our request to defer the briefing until the Ninth Circuit issues its decision, the court's briefing schedule at least suggests the possibility that the Ninth Circuit could rule this summer.

A similar letter is being sent to the co-signors of your letter. Please do not hesitate to contact me if you have any questions or would like to discuss further.

Sincerely,



Kevin K. Washburn
Assistant Secretary – Indian Affairs



THE SECRETARY OF THE INTERIOR

WASHINGTON

JUN 06 2013

The Honorable Dianne Feinstein
United States Senate
Washington, DC 20510

Dear Senator Feinstein:

Thank you for your letter dated February 8, 2013, to President Barack Obama, in support of the proposed expansion of the California Coastal National Monument to include the Point Arena-Stornetta public lands. President Obama asked me to respond to your letter.

I appreciate your continued commitment to protecting the significant natural and cultural resources found on these lands, and I agree that the addition of the Point Arena-Stornetta public lands to the California Coastal National Monument is well deserved. On May 9, 2013, the Bureau of Land Management (BLM) testified in support of H.R. 1411, which would legislatively expand the Monument.

Last year's acquisition of the Cypress Abbey Ranch marks a further chapter in protecting these remarkable properties for their natural and historic values. The BLM continues to work closely with its many local partners, including the California Coastal Conservancy and the California Coastal Commission, to protect the Point Arena-Stornetta public lands for generations to come. By establishing a mainland base for access and interpretation of the existing monument, this addition will enhance the public's enjoyment and understanding of the entire California Coastal National Monument.

The local and national support for the addition of the Point Arena-Stornetta public lands to the California Coastal National Monument is considerable, a testament to the importance of the area and of your ongoing efforts to ensure its protection. The Department of the Interior supports H.R. 1411 and looks forward to working with you and our partners in managing these lands as part of the California Coastal National Monument. A similar reply is being sent to the co-signers of your letter.

Sincerely,


Sally Jewell



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JUN 18 2013

Honorable Dianne Feinstein
United States Senate
Washington, DC 20510

Dear Senator Feinstein:

Thank you for your letter dated March 28, 2013, on behalf of the Yurok Tribe's ongoing concern that the Bureau of Indian Affairs (BIA) funding is insufficient. We understand those concerns and continuously seek to identify additional funds that can be made available to the Tribe.

On August 24, 2012, the Director of the BIA sent the enclosed letter explaining funds available for various tribal programs. Since that letter was sent, additional funds have been given. The Tribe was allocated \$115,000 to hire a Social Services Worker in Fiscal Year 2012 and we anticipate this funding will recur annually. I also note in the past, the Pacific Regional Office reallocated unspent funds at year-end to help address their unmet needs. Subject to funds availability, we will continue to look for opportunities to do so.

We look forward to continuing to work with you to address funding issues for the Yurok Tribe as well as across Indian Country.

Sincerely,



Kevin K. Washburn
Assistant Secretary - Indian Affairs

Enclosure



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Washington, D.C. 20240

DEC 15 2011

UNIDENTIFIED REFERENCE TO:

FWS/AWSR/AIM/049774

The Honorable Barbara Boxer
Chairman, Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

Dear Madam Chairman:

Pursuant to the provisions of Public Law 106-408 (16 U.S.C. 669k (c)), the U.S. Fish and Wildlife Service (Service) is pleased to provide the spending certifications and report on the amounts, broken down by category, that we used in FY 2011 for administration of the Wildlife and Sport Fish Restoration Acts.

16 U.S.C 669k (c)(1) requires the Secretary of the Interior to submit each fiscal year a report to the House Committee on Natural Resources and the Senate Committee on Environment and Public Works showing how the administrative funds are used, broken down into the 12 categories of allowable expenses.

Also enclosed are the departmental certifications required by 16 U.S.C 669k (c) (4), (5), and (6). 16 U.S.C 669k (c)(3) requires a report on the results of the biennial audits of expenditures and obligations incurred to administer the Wildlife and Sport Fish Restoration Acts. With regard to this requirement, the Service will be audited for Fiscal Years 2011 and 2012 under the guidance and direction of the Department of the Interior's Office of the Inspector General as specified in the Act. A report on the results of this audit will be available at the end of Fiscal Year 2013.

Similar letters have been sent to the Honorable Doc Hastings, Chairman, House Committee on Natural Resources, the Honorable Edward Markey, Ranking Member, House Committee on Natural Resources, and the Honorable James M. Inhofe, Ranking Member, Committee on Environment and Public Works.

If you have any questions or concerns about this report, please contact Mr. Hannibal Bolton, the Service's Assistant Director for Wildlife and Sport Fish Restoration Program, at 202-208-7337.

Sincerely,


DIRECTOR

Enclosures

cc: The Honorable James M. Inhofe
The Honorable Edward Markey
The Honorable Doc Hastings



SEP 07 2012

The Honorable Barbara Boxer
United States Senate
Washington, DC 20510

Dear Senator Boxer:

On behalf of Secretary of the Interior Ken Salazar and Acting Secretary of Commerce Rebecca Blank, we are responding to your letter of July 9, 2012, in which you express your support for the Bay Delta Conservation Plan (BDCP).

As confirmed by the announcement on July 25, 2012, by California Governor Edmund G. Brown Jr., Secretary Salazar, and National Oceanic and Atmospheric Administration Assistant Administrator for Fisheries Eric Schwaab, and the written materials accompanying that announcement, this Administration shares your view of the importance of the BDCP. We are committed to working closely with the State of California to complete all the technical analyses and environmental reviews necessary for the plan as quickly as possible. We agree that California's current water system is unsustainable from an environmental and economic perspective, and the BDCP is a key part of a comprehensive solution to achieve the two co-equal goals of a restored Bay Delta ecosystem and a reliable water supply for California.

Certainly California's complex water problems require thoughtful, science-based solutions that are developed with the support of Federal and State governments and key stakeholder groups. We greatly appreciate your support for the BDCP process.

Sincerely,

David J. Hayes
Deputy Secretary
Department of the Interior

Jane Lubchenco, Ph.D.
Under Secretary of Commerce
for Oceans and Atmosphere

Identical Letter Sent To:

The Honorable Dianne Feinstein
United States Senate
Washington, DC 20510



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



JUL 17 2012

In Reply Refer To:
FWS/ATA/052030

The Honorable Barbara Boxer
United States Senate
Washington, DC 20510

Dear Senator Boxer:

Thank you for your letter dated June 11, 2012, also co-signed by several of your colleagues regarding your request to consider the transfer of the polar bear (*Ursus maritimus*) from Appendix II to Appendix I under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The U.S. Fish and Wildlife Service (Service) appreciate your comments on this matter.

On April 11, 2012, the Service published a Federal Register notice (77 FR 21798) and announced to the public that the United States was evaluating the polar bear, among other species, to determine if a proposal should be submitted for consideration at the 16th Meeting of the Conference of the Parties (CoP16) to CITES. The Federal Register notice also announced that the United States was undecided on polar bears, pending additional information and consultations. The public comment period for that notice ended on June 11, 2012.

The Service has initiated consultations with the other polar bear range countries (Canada, Denmark, Greenland, Norway, and Russian Federation), native peoples in Alaska, and the Association of Fish and Wildlife Agencies CITES representatives, who are coordinating with the State of Alaska on this issue. Responses to these consultations are expected over the next several weeks. At this time, the Service will begin to evaluate all public comments to inform its decision, especially comments that provided substantive biological information or trade data. By early October, the United States will make a final decision on whether to take forward a proposal to transfer the polar bear from CITES Appendix II to Appendix I at CoP16. Please find enclosed the CoP16 Fact Sheet that includes a timeline for preparations and questions and answers regarding the possible change in CITES status of the polar bear.

Sincerely,

DIRECTOR

Enclosures



THE SECRETARY OF THE INTERIOR
WASHINGTON

MAY - 7 2012

The Honorable Barbara Boxer
United States Senate
Washington, D.C. 20510

Dear Senator Boxer:

I am pleased to inform you of the designation of Lake Shasta Caverns, located north of Redding, in Shasta County, California, as a National Natural Landmark (NNL). A NNL designation is made by the Secretary of the Interior to recognize and support the voluntary preservation of public and private sites that illustrate America's outstanding natural heritage.

Lake Shasta Caverns constitutes an extraordinary example of a well-decorated solution cave that possesses an especially diverse assemblage of cave formations with access that allows the public to learn and more fully appreciate caves and cave-forming processes as natural phenomena.

The National Natural Landmarks Program was established in 1962, under the authority of the Historic Sites Act of 1935 (16 U.S.C. 461 et seq.). The National Park Service manages this program under regulations found at 36 CFR Part 62. When designated, a landmark is included in the National Registry of Natural Landmarks, which currently lists 591 NNLs nationwide. Designation as a NNL is not a land withdrawal, does not change the ownership of an area, and does not dictate activity. Owners of NNLs do not give up any rights or privileges of ownership, nor do they give up use of the area.

The NNL Program regulations require written notification of new NNL designations. Notice will also be published in the Federal Register. If you have any questions, please contact Dr. Margaret Brooks, National Natural Landmarks Program Manager, at (520) 791-6470.

Sincerely,

Ken Salazar



United States Department of the Interior

BUREAU OF RECLAMATION
Washington, DC 20240

COPY REF ID:
84-51000
ADM-1.10

APR 27 2012

Honorable Barbara Boxer
United States Senate
Washington, DC 20510

Dear Senator Boxer:

On April 12, 2012, you wrote to Secretary Salazar in support of the application submitted by the Sacramento Regional County Sanitation District (SRCSD) for fiscal year 2012 WaterSMART Title XVI Water Reclamation and Reuse Program Feasibility Study funding. On behalf of the Secretary, I would like to update you on the process used to allocate FY 2012 funding. In December 2011, the Bureau of Reclamation posted an announcement asking that applications for funding be submitted by February 13, 2012. In response, Reclamation received 24 applications for funding, including the SRCSD's proposal to develop a feasibility study for the South Sacramento County Agriculture and Habitat Lands Water Recycling Project.

Reclamation uses a competitive process to prioritize applications for WaterSMART Title XVI funding. Each application is thoroughly reviewed and scored by a committee made up of Reclamation staff with technical expertise relevant to the proposals for funding under the program. Applications are evaluated using established criteria listed in the announcement. We are currently in the process of evaluating applications and plan to notify all applicants of their status shortly.

Through the WaterSMART Program, Reclamation has made water recycling a key component of the Department of the Interior's efforts to address the serious water challenges facing the West. Thank you for your interest in this important program.

Sincerely,

Acting For

Michael L. Connor
Commissioner



THE SECRETARY OF THE INTERIOR
WASHINGTON

APR 23 2012

The Honorable Barbara Boxer
United States Senate
Washington, DC 20510

Dear Senator Boxer:

Thank you for your letter of February 29, 2012, to President Barack Obama expressing support for designating the Fort Ord public lands as a national monument.

At a public listening session on January 13, 2012 to explore the best path forward, we heard broad-based public support from many diverse stakeholder groups and organizations that want to protect the unique natural resources of Fort Ord and build upon the great recreational opportunities these public lands have to offer. We also learned about the important economic contributions that recreation on the Fort Ord public lands—like the annual Sea Otter Classic cycling event—provides to communities all across Monterey County.

I am very pleased that the President of the United States designated the Fort Ord National Monument on April 20, 2012.

I look forward to continuing our work with you and the communities around the new Fort Ord National Monument to ensure that this special area is protected and available for the enjoyment of all for generations to come.

Sincerely,

Ken Salazar



United States Department of the Interior

BUREAU OF RECLAMATION
Washington, DC 20240

IN REPLY REFER TO:

84-51000
ADM-1.10

MAY 29 2012

Honorable Barbara Boxer
United States Senate
Washington, DC 20510

Dear Senator Boxer:

On February 14, 2012, you wrote to the Secretary of the Interior in support of the application submitted by the City of Chino Hills, California, for fiscal year (FY) 2012 WaterSMART Water and Energy Efficiency Grant funding. On behalf of the Secretary, I would like to update you on the process used to allocate FY 2012 funding. In November 2011, the Bureau of Reclamation posted an announcement asking that applications for funding be submitted by January 19, 2012. In response, Reclamation received 167 applications for funding, including the City of Chino Hills' proposal to undertake the Smart Irrigation Upgrades and Turf Removal Project. As you noted, that proposal included a request for \$44,824 in WaterSMART Grant funding to remove turf along street medians and install a more efficient irrigation system.

Reclamation uses a competitive process to prioritize applications for WaterSMART Grant funding. Each application is thoroughly reviewed and scored by a committee made up of Reclamation staff with technical expertise relevant to the projects funded under the program. Applications are evaluated using established criteria listed in the announcement. We are currently in the process of evaluating applications and plan to notify all applicants of their status by the end of April 2012.

WaterSMART Water and Energy Efficiency Grants are a key part of the Department of the Interior's efforts to achieve a sustainable water strategy. Improvements that save water, increase energy efficiency and the use of renewable energy in water management, address endangered species and other environmental issues, and facilitate the use of water markets are crucial to addressing the water resource challenges faced in the western United States.

Thank you again for your interest in this important program.

Sincerely,

Acting For

Michael L. Connor
Commissioner



THE SECRETARY OF THE INTERIOR
WASHINGTON

NOV 26 2012

The Honorable Barbara Boxer
United States Senate
Washington, DC 20510

Dear Senator Boxer:

Thank you for your letter dated October 17, 2012, in support of Alternative B-2 in the current planning effort for the National Petroleum Reserve-Alaska. I appreciate your taking the time to share your interest in allowing for substantial energy development in the NPR-A while providing protection for environmentally sensitive areas.

The Bureau of Land Management expects to issue a Final Environmental Impact Statement and decision document for the NPR-A in the near future. We are committed to responsible development of oil and gas resources on public lands and look forward to continuing to work with you as we move forward with a scientifically-based, balanced plan for the NPR-A. A similar response is being sent to the co-signers of your letter.

Sincerely,

Ken Salazar

Ken Salazar



THE SECRETARY OF THE INTERIOR
WASHINGTON

NOV 26 2012

The Honorable Barbara Boxer
United States Senate
Washington, DC 20510

Dear Senator Boxer:

Thank you for your letter of September 20, 2012, to President Barack Obama, in support of the proposed expansion of the California Coastal National Monument to include the Point Arena-Stornetta public lands. President Obama has asked me to respond to your letter.

The Administration appreciates your continued commitment to protecting the significant natural and cultural resources found on these lands, as exemplified by your introduction of the California Coastal National Monument Expansion Act of 2012. On September 11, 2012, the Department of the Interior testified in support of similar legislation before the House Natural Resources Subcommittee on National Parks, Forests, and Public Lands. The Administration looks forward to the addition of the Point Arena-Stornetta public lands to the California Coastal National Monument. This expansion would promote the continued conservation, protection, and restoration of these significant public lands. By establishing a mainland base for access and interpretation of the existing monument, this addition will enhance the public enjoyment and understanding of the entire California Coastal National Monument.

The Bureau of Land Management currently manages the Point Arena-Stornetta public lands to protect their important natural, cultural, and historic resources. The BLM works cooperatively with a number of key local, state, Federal, tribal, and private partners in managing these lands. Earlier this year, the BLM acquired approximately 123 acres of additional lands from the Cypress Abbey Corporation, and the President's budget for Fiscal Year 2013 includes a request for \$4.5 million from the Land and Water Conservation Fund to acquire additional Cypress Abbey lands. Local and national support for the addition of these lands to the California Coastal National Monument is considerable and significant, a testament to the importance of the area and the ongoing efforts to ensure its protection.

I look forward to working with you and our partners to include these lands in the California Coastal National Monument. A similar reply is being sent to Senator Dianne Feinstein.

Sincerely,

Ken Salazar



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

DEC 12 2012

The Honorable Barbara Boxer
United States Senate
Washington, D.C. 20510

Dear Senator Boxer:

Thank you for your letter dated September 21, 2012, cosigned by your colleagues, providing comments on the Proposed Final Outer Continental Shelf (OCS) Oil and Gas Leasing Program 2012-2017 (Five Year Program), which became effective on August 27, 2012. Your letter focused on policies regarding the Arctic. A similar response is being sent to each co-signer of your letter.

The Obama administration is committed to proceeding with further energy exploration in the Arctic OCS cautiously and based on the best available science. In particular, the administration is pursuing a balanced and careful approach to offshore development in the Arctic that accounts for the significant resource potential of Arctic areas, environmental protection, and the social, cultural, and subsistence needs of Alaskan communities.

The Department of the Interior's Five Year Program recognizes the distinct needs of regions across the OCS and accounts for specific factors, including current and forthcoming information about resource potential; the maturity of infrastructure (including emergency response assets) to support oil and gas exploration and development; regional interests and local communities' concerns; and the overall need for a balanced approach to our use of the Nation's shared natural resources. The Department's region-specific leasing strategy for the Alaska Arctic is based on these principles.

It is clear that a "one-size-fits-all" approach is not appropriate when making decisions about offshore oil and gas leasing. The areawide leasing model the Bureau of Ocean Energy Management (BOEM) uses for the Gulf of Mexico is not suited to the Arctic. While significant resource potential exists in the Arctic, the nature of environmental challenges and social and ecological concerns warrant a different, more targeted approach.

The Arctic OCS holds substantial oil and gas resources. BOEM estimates of technically recoverable oil and gas resources indicate that the Chukchi Sea Planning Area holds 15.38 billion barrels of oil and 76.77 trillion cubic feet of natural gas – more than any other area on the OCS outside of the Central Gulf of Mexico. The Beaufort Sea Planning Area holds 8.22 billion barrels of oil and 27.64 trillion cubic feet of natural gas. BOEM is implementing a targeted leasing strategy for the Arctic specifically designed to consider the region's abundant resource potential while minimizing possible conflicts with environmentally sensitive areas and the Alaska Native communities that rely on the ocean for subsistence. In designing the Five Year

Program for the Arctic planning areas, we scheduled potential sales during the latter half of the Five Year Program in order to provide time for the development and analysis of sound science, and to allow for stakeholder engagement on all of these issues.

Ongoing analysis will inform further decisions about whether to hold the scheduled Arctic lease sales and, if so, the configuration these sales may take. BOEM is working to further develop and synthesize scientific information and Alaska Native communities' traditional knowledge, both of which will be used to identify areas that may be made available for oil and gas leasing in the Beaufort Sea and Chukchi Sea Planning Areas under the targeted leasing model.

Focusing on science, while integrating traditional knowledge, is consistent with the recommendations of the U.S. Geologic Survey's 2011 *Evaluation of the Science Needs to Inform Decisions on Outer Continental Shelf Energy Development in the Chukchi and Beaufort Seas, Alaska*, and with the interagency efforts being conducted by the Interagency Working Group on Coordination of Domestic Energy Development and Permitting in Alaska. This group was established by executive order and is chaired by Deputy Secretary of the Interior David J. Hayes.

The planning process for potential lease sales in the Beaufort Sea and Chukchi Sea Planning Areas will consider any information about geology and resource potential that may be developed as a result of geological and geophysical surveys and exploration performed under current leases in those areas. Exploration may provide valuable data for defining the best areas for potential development and for assessing reservoir characteristics, such as volumes and pressures.

We have set high safety, environmental protection, and emergency response standards for offshore exploration and development in the OCS, including in the Alaskan Arctic. In the Arctic, conditions and requirements included in Shell's Chukchi and Beaufort Sea Exploration Plans and Oil Spill Response Plans approved by BOEM and the Bureau of Safety and Environmental Enforcement (BSEE), respectively, required the spill containment system to be fully certified, inspected, and positioned in the Arctic before any drilling into oil-bearing zones could occur. Because Shell was unable to meet these requirements during the 2012 drilling season, the company limited its drilling in both the Beaufort and Chukchi Seas to "top hole" preparatory work and drilling well short of hydrocarbon-bearing zones.

I look forward to ongoing communication as we proceed with our implementation of the Five Year Program. Thank you again for your interest in these important issues.

Sincerely,



Marcilynn A. Burke
Acting Assistant Secretary
Land and Minerals Management



United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT

WASHINGTON, DC 20240-0001

APR 15 2013

The Honorable Barbara Boxer
United States Senate
Washington, D.C. 20510

Dear Senator Boxer:

Thank you for your letter dated January 30, 2013, to President Barack Obama, cosigned by your colleagues, expressing your concerns on potential seismic air gun operations in the Mid and South Atlantic Outer Continental Shelf (OCS) waters. President Obama has asked me to respond. A similar letter is being sent to each cosigner of your letter.

As you are aware, the Bureau of Ocean Energy Management (BOEM) is in the process of preparing a Programmatic Environmental Impact Statement (PEIS) under the National Environmental Policy Act (NEPA) to evaluate potential effects of multiple geological and geophysical (G&G) activities in these areas, including seismic surveys using air guns. BOEM was directed to develop this PEIS under the Conference Report for the Department of the Interior, Environment, and Related Agencies Act, 2010.

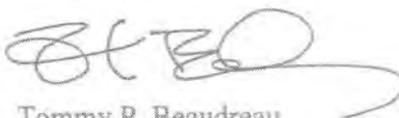
The completion of this PEIS is part of a region-specific strategy with respect to oil and gas exploration and development in the Mid and South Atlantic that focuses on the need to update information in order to inform future decisions about whether, and if so where, leasing would be appropriate in these areas. Seismic surveys and other G&G activities evaluated in this PEIS are valuable to understanding the location, extent, and properties of hydrocarbon resources. G&G surveys are also used to identify geologic hazards, archaeological resources, and hard bottom habitats that would need to be avoided during exploration and development. A variety of G&G techniques evaluated in the study, in addition to air guns, are also used to understand the potential to site renewable energy structures and locate marine mineral resources, such as sand and gravel used for beach and barrier island restoration. BOEM uses the best available science and follows the guidance of experts and other regulatory agencies, such as the National Marine Fisheries Service (NMFS).

I share your concern about the potential environmental effects of seismic activity on marine mammals and other species. One of the main purposes of the PEIS is to evaluate the potential environmental effects of multiple G&G activities in the Mid and South Atlantic and define mitigation and monitoring measures that would reduce or eliminate potential impacts. BOEM has contributed close to \$40 million over the last decade on ground-breaking research to better understand the potential for acoustic impacts to marine life from geophysical sound sources. BOEM has also conducted numerous expert stakeholder workshops to discuss and identify further information needs on acoustic impacts.

Importantly, the marine mammal take estimates provided by BOEM in the draft PEIS, and cited in your letter, are unqualified estimates because they do not consider the effect that mitigation measures would have in reducing, or in some cases possibly eliminating, the potential for marine mammal takes. In addition to a no action alternative – which would not allow for G&G activity - the PEIS contains two alternatives that consider various mitigation strategies to reduce environmental impacts. BOEM is also pursuing programmatic consultations with NMFS and U.S. Fish and Wildlife Service to assess impacts under the Endangered Species Act (ESA) and the Magnuson-Stevens Fishery Conservation Management Act (MSFCMA). The results of these consultations will be considered in any decision made by BOEM. Further, if seismic surveys are allowed to go forward under the Marine Mammal Protection Act (MMPA), operators must obtain an authorization from NMFS before BOEM issues a permit. These collective environmental compliance efforts (i.e., NEPA, ESA, MMPA, MSFCMA and a suite of others) help ensure any activities that may ultimately be authorized do not rise to the level of jeopardizing populations or destroying important habitat.

Again, I appreciate very much the concerns you have about potential seismic surveys in waters off the Mid and South Atlantic OCS. I can assure you that your concerns, as well as the large number of other comments we have received, will be considered, along with the outcomes of the environmental and other reviews, before we reach any final decisions on whether to move forward with permitting seismic surveys and other G&G activities in the Mid and South Atlantic OCS.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Beaudreau', with a long horizontal flourish extending to the right.

Tommy P. Beaudreau
Director



In Response Reply To:
FWS/RS/ES/53834

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Southwest Region
2800 Cottage Way, Suite W-2606
Sacramento, California 95825



FEB 27 2013

The Honorable Barbara Boxer
United States Senate
112 Hart Senate Office Building
Washington, DC 20510-0505

Dear Senator Boxer:

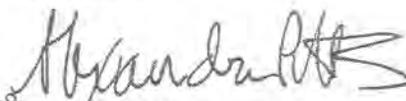
Thank you for your recent letter, dated February 4, 2013, expressing support for a proposed project by the Integral Ecology Research Center. Your letter indicates that the proposal will be submitted for funding through the Cooperative Endangered Species Conservation Fund (CESCF) Traditional Section 6 grant program.

As you know, the CESCF (Section 6 of the Endangered Species Act) provides funding to authorized State and Territory resource agencies for listed and candidate species and habitat conservation actions on non-Federal lands. To date, the US Fish and Wildlife Service (FWS) has not received this proposal. This may be because we have not received the 2013 prioritized list of project proposals from California Department of Fish and Wildlife (CDFW) for consideration of Traditional Section 6 funding. We expect to receive this list from CDFW within the next two months.

Once we receive the CDFW list, projects will be ranked given that CDFW normally submits more projects than are able to be funded with the Federal allocation. Following ranking and subsequent awarding, CDFW prepares and submits a grant narrative to the FWS for all awarded projects that contains the necessary information for our agency to complete the approval process, including all required environmental compliance. If the proposal from the Integral Ecology Research Center ranks high enough to be funded, this same process will be used to complete the approval process for this project.

Thank you again for your support for both the CESCF and the conservation of our nation's natural resources. If you have any additional questions or concerns on this grant proposal, please feel free to contact Larry Rabin from Ecological Services at (916) 414-6481.

Sincerely,


Acting Regional Director



THE SECRETARY OF THE INTERIOR

WASHINGTON

JUN 06 2013

The Honorable Barbara Boxer
United States Senate
Washington, DC 20510

Dear Senator Boxer:

Thank you for your letter dated February 8, 2013, to President Barack Obama, in support of the proposed expansion of the California Coastal National Monument to include the Point Arena-Stornetta public lands. President Obama asked me to respond to your letter.

I appreciate your continued commitment to protecting the significant natural and cultural resources found on these lands, and I agree that the addition of the Point Arena-Stornetta public lands to the California Coastal National Monument is well deserved. On May 9, 2013, the Bureau of Land Management (BLM) testified in support of H.R. 1411, which would legislatively expand the Monument.

Last year's acquisition of the Cypress Abbey Ranch marks a further chapter in protecting these remarkable properties for their natural and historic values. The BLM continues to work closely with its many local partners, including the California Coastal Conservancy and the California Coastal Commission, to protect the Point Arena-Stornetta public lands for generations to come. By establishing a mainland base for access and interpretation of the existing monument, this addition will enhance the public's enjoyment and understanding of the entire California Coastal National Monument.

The local and national support for the addition of the Point Arena-Stornetta public lands to the California Coastal National Monument is considerable, a testament to the importance of the area and of your ongoing efforts to ensure its protection. The Department of the Interior supports H.R. 1411 and looks forward to working with you and our partners in managing these lands as part of the California Coastal National Monument. A similar reply is being sent to the co-signers of your letter.

Sincerely,


Sally Jewell



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Southwest Regional Office
2800 Cottage Way, Room W-2606
Sacramento, California 95825-1846



IN REPLY REFER TO:
FWS/R8/ES/54101

Senator Barbara Boxer
U.S. Senate
Hart Senate Office Building, Suite 112
Washington, D.C. 20510-0505

APR - 2 2013

Dear Senator Boxer:

Thank you for your letter, dated March 11, 2013, expressing support for the California Department of Fish and Wildlife's application to acquire the Ryan Creek project as part of a Cooperative Endangered Species Conservation Fund (CESCF) Grants proposal.

The CESCF (Section 6 of the Endangered Species Act) provides funding to authorized State and Territory resource agencies for listed and candidate species and habitat conservation actions on non-Federal lands. The application for the proposed acquisition in association with the Ryan Creek project was submitted for consideration as a Recovery Land Acquisition (RLA) grant. RLA grants are funded to acquire habitats from willing sellers in support of approved or draft species recovery plans. These grants recognize that loss of habitat is often the primary threat to most listed species and land acquisition is often the most effective and efficient means of protecting habitats essential for recovery of listed species.

Proposals for RLA grants are ranked using objective eligibility criteria and ranking factors as identified in the Fiscal Year 2013 CESCF Notice of Availability evaluation form that can be found at:

<http://www.fws.gov/endangered/grants/index.html>

The Ryan Creek project proposal has been carefully reviewed by U.S. Fish and Wildlife Service's Pacific Southwest Region, assigned a preliminary ranking, and submitted to our Washington Endangered Species office for further review, along with other competing proposals. Subsequently, the highest ranking proposals will be submitted to the Service's Director, with final awards expected in the Spring.

Thank you again for your support of both the CESCF and for the conservation of our Nation's natural resources. If you have any additional questions or concerns on this grant proposal, please feel free to contact Larry Rabin, Deputy Division Chief, Ecological Services, at (916) 414-6481.

Sincerely,


Acting Regional Director



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



In Reply Refer To:
FWS/AIA/052030

JUL 17 2012

The Honorable Maria Cantwell

United States Senate
Washington, DC 20510

Dear Senator Cantwell:

Thank you for your letter dated June 11, 2012, also co-signed by several of your colleagues regarding your request to consider the transfer of the polar bear (*Ursus maritimus*) from Appendix II to Appendix I under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The U.S. Fish and Wildlife Service (Service) appreciate your comments on this matter.

On April 11, 2012, the Service published a Federal Register notice (77 FR 21798) and announced to the public that the United States was evaluating the polar bear, among other species, to determine if a proposal should be submitted for consideration at the 16th Meeting of the Conference of the Parties (CoP16) to CITES. The Federal Register notice also announced that the United States was undecided on polar bears, pending additional information and consultations. The public comment period for that notice ended on June 11, 2012.

The Service has initiated consultations with the other polar bear range countries (Canada, Denmark, Greenland, Norway, and Russian Federation), native peoples in Alaska, and the Association of Fish and Wildlife Agencies CITES representatives, who are coordinating with the State of Alaska on this issue. Responses to these consultations are expected over the next several weeks. At this time, the Service will begin to evaluate all public comments to inform its decision, especially comments that provided substantive biological information or trade data. By early October, the United States will make a final decision on whether to take forward a proposal to transfer the polar bear from CITES Appendix II to Appendix I at CoP16. Please find enclosed the CoP16 Fact Sheet that includes a timeline for preparations and questions and answers regarding the possible change in CITES status of the polar bear.

Sincerely,

DIRECTOR

Enclosures



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



The Honorable Maria Cantwell

Chairwoman, Committee on Indian Affairs
United States Senate
Washington, DC 20510

Dear Madam Chairwoman:

Thank you for your March 21, 2013, letter to then-Secretary of the Interior Ken Salazar regarding the 2013 Annual Funding Agreement (AFA) between the Council of Athabaskan Tribal Governments and the Bureau of Land Management (BLM) for emergency firefighter training near Fort Yukon, Alaska. The BLM was asked to respond to your letter.

The regulatory requirement (25 CFR § 1000.178) states that "[t]he effective date is not earlier than 90 days after the AFA is submitted to the Congressional committees under [25 CFR] § 1000.177(b)". Unfortunately, the BLM does not have the authority to waive the stated waiting period. The BLM submitted the signed AFA to the committees on February 8, 2013, thus, the 90-day waiting period expired on May 9, 2013.

The BLM appreciates the committee's support in continuing this mutually beneficial relationship with the Council of Athabaskan Tribal Governments as we prepare for the 2013 fire season.

Sincerely,

Neil Kornze
Principal Deputy Director



THE SECRETARY OF THE INTERIOR
WASHINGTON

MAR 20 2013

The Honorable Maria Cantwell
United States Senate
Washington, DC 20510

Dear Senator Cantwell:

Thank you for your letter of January 28, 2013, to President Barack Obama expressing your support for designating the San Juan Islands as a national monument. I am pleased to respond on behalf of President Obama and agree that these extraordinary public lands deserve permanent protection.

I appreciate your sustained commitment to protecting the significant resources of the San Juan Islands. These outstanding scientific and historic resources, as well as the unique recreational opportunities, have inspired ongoing local support for conservation of these lands.

Thank you for your commitment to protecting the San Juan Islands public lands. A similar response will be sent to the cosigners of your letter.

Sincerely,

Ken Salazar



THE SECRETARY OF THE INTERIOR
WASHINGTON

SEP 26 2012

The Honorable Maria Cantwell

United States Senate
Washington, DC 20510

Dear Senator Cantwell:

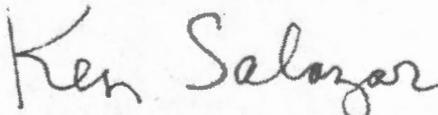
Thank you for your letter dated August 23, 2012, to President Barack Obama regarding permanent protection of Bureau of Land Management lands in the San Juan Islands. The White House asked me to respond to your letter. I appreciate your interest, and share your enthusiasm for protecting this special place.

During my visits to Anacortes, I heard broad community support for permanently protecting the lands in the San Juan Islands that are managed by the BLM. The San Juan County Council has also expressed its approval for designating a BLM national monument in the San Juan Archipelago.

President Obama's America's Great Outdoors Initiative relies on grassroots efforts such as those in San Juan and Whatcom Counties to protect places with special significance to local communities. This strong local partnership continues to focus on preserving the unique natural resources and outstanding recreational opportunities found in the San Juan Islands.

I look forward to continuing to work with you, your partners, and other stakeholders to ensure that this special area is protected and available for the enjoyment of all for generations to come. A similar letter is being sent to Senator Patty Murray.

Sincerely,


Ken Salazar



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



In Reply Refer To
FWS/AIA/052030

JUL 17 2012

The Honorable Bernard Sanders

United States Senate
Washington, DC 20510

Dear Senator Sanders:

Thank you for your letter dated June 11, 2012, also co-signed by several of your colleagues regarding your request to consider the transfer of the polar bear (*Ursus maritimus*) from Appendix II to Appendix I under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The U.S. Fish and Wildlife Service (Service) appreciate your comments on this matter.

On April 11, 2012, the Service published a Federal Register notice (77 FR 21798) and announced to the public that the United States was evaluating the polar bear, among other species, to determine if a proposal should be submitted for consideration at the 16th Meeting of the Conference of the Parties (CoP16) to CITES. The Federal Register notice also announced that the United States was undecided on polar bears, pending additional information and consultations. The public comment period for that notice ended on June 11, 2012.

The Service has initiated consultations with the other polar bear range countries (Canada, Denmark, Greenland, Norway, and Russian Federation), native peoples in Alaska, and the Association of Fish and Wildlife Agencies CITES representatives, who are coordinating with the State of Alaska on this issue. Responses to these consultations are expected over the next several weeks. At this time, the Service will begin to evaluate all public comments to inform its decision, especially comments that provided substantive biological information or trade data. By early October, the United States will make a final decision on whether to take forward a proposal to transfer the polar bear from CITES Appendix II to Appendix I at CoP16. Please find enclosed the CoP16 Fact Sheet that includes a timeline for preparations and questions and answers regarding the possible change in CITES status of the polar bear.

Sincerely,

DIRECTOR

Enclosures



THE SECRETARY OF THE INTERIOR
WASHINGTON

APR 11 2012

The Honorable Mary Landrieu

United States Senate
Washington, D.C. 20510

Dear Senator Landrieu:

Thank you for your letter dated February 8, 2012, cosigned by Senator Lisa Murkowski, expressing strong support for expanding access to the Outer Continental Shelf for the production of oil and natural gas. A similar response to your letter is being sent to Senator Murkowski.

The 2012–2017 Proposed OCS Oil and Gas Leasing Program (Proposed Program) makes more than 75 percent of undiscovered technically recoverable oil and gas resources estimated in Federal offshore areas available for exploration and development. In line with President Barack Obama's direction to expand safe and responsible domestic production, the Proposed Program includes six offshore areas where there are currently active leases and/or exploration, and where there is known or anticipated hydrocarbon potential.

The Proposed Program is tailored to specific regional considerations, such as resource potential, adequacy of infrastructure, oil spill response capabilities, state interests and concerns, and the need for a balanced approach to our use of natural resources. Of the 15 potential sales included in the Proposed Program, 12 are in the Gulf of Mexico, where infrastructure is best developed and where the resource potential is best understood. The Gulf currently supplies more than a quarter of the Nation's oil production. Current and ongoing evaluation of offshore resources, including seismic surveys, is extremely sophisticated in the Gulf and contributes significantly to industry's and the Bureau of Ocean Energy Management's (BOEM) understanding of the oil and gas potential of this area. Moreover, infrastructure supporting the oil and gas industry, including subsea containment and oil spill response resources, is the most mature and well developed in the Gulf. The *Deepwater Horizon* blowout and oil spill underscored the critical nature of these resources. With those considerations in mind, the Proposed Program schedules regular, areawide lease sales in the Western and Central Gulf—one annual sale each throughout the 5-year leasing program.

In the Eastern Gulf, the Proposed Program schedules two sales, in 2014 and 2016, to accommodate anticipated industry interest in areas not currently under Congressional moratorium. The majority of the Eastern Gulf planning area and a small portion of the Central Gulf planning area within 100 miles of Florida are subject to Congressional moratorium until 2022, pursuant to the Gulf of Mexico Energy Security Act.

One of the highlights of our regionally focused strategy is the careful and scientifically rigorous approach we take as we consider the needs and potential of the Arctic. Alaska's energy resources hold great promise and economic opportunity for the people of Alaska and the Nation.

For areas off the coast of Alaska, the Proposed Program schedules single sales in the Beaufort and Chukchi Seas—deliberately set late in the 5-year period—as well as a special interest sale in the Cook Inlet if industry interest is sufficient to warrant such a sale. The Request for Interest and Nominations for the Cook Inlet Sale was published in the *Federal Register* on March 27, 2012.

This Proposed Program does not include lease sales in the North Atlantic, Mid-Atlantic, and South Atlantic planning areas based on, and in alignment with, the principles that underlie the entire program. Many Atlantic states expressed concerns about oil and gas development off their coasts. While an OCS development strategy announced in 2009 included the Mid and South Atlantic under consideration for potential inclusion, a number of specific considerations supported the Department's decision not to schedule lease sales in these areas under this Proposed Program. Accordingly, BOEM is proceeding with a specific strategy to address these considerations and support decision making on whether potential lease sales in the Mid and South Atlantic would be appropriate in the future.

The oil and gas resource potential in the Mid and South Atlantic is not well understood and surveys of these areas are incomplete and out of date. Prior to scheduling lease sales in these planning areas, it is prudent to develop information evaluating the oil and gas resource potential of these regions. The BOEM is moving forward expeditiously to facilitate resource evaluation in these areas, including conducting a programmatic Environmental Impact Statement (EIS) relating to seismic surveys in the Mid and South Atlantic. The BOEM published a Notice of Availability of the draft programmatic EIS in the *Federal Register* on March 30, 2012. There are also complex issues relating to potentially conflicting uses, including those of the Department of Defense, which should be addressed so that any potential future leasing activity in these areas is designed appropriately. Finally, the Mid and South Atlantic regions currently lack the infrastructure necessary to support oil and gas exploration and development, including the infrastructure necessary for spill preparedness and response. While evaluation of the resource potential of these areas moves forward, so too should analysis and planning regarding the spill response infrastructure and resources that would be necessary to prepare for such activity.

I appreciate your continued interest in the Proposed Program. Your comments on the Proposed Program will be fully considered as we move forward with finalizing the 2012–2017 OCS Oil and Gas Leasing Program.

Sincerely,

A handwritten signature in black ink that reads "Ken Salazar". The signature is written in a cursive, flowing style.

Ken Salazar



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

JUN 13 2013

The Honorable Mary L. Landrieu
Chair, Committee on Small Business
and Entrepreneurship
United States Senate
Washington, DC 20510

Dear Chairwoman Landrieu:

Thank you for your letter of April 1, 2013, to former Secretary of the Interior Ken Salazar, requesting information about the effects of sequestration on small business contracting. Secretary Jewell has asked me to respond on her behalf.

The Department of the Interior's (Department) programs provide significant economic contributions to the Nation. This is fueled, in part, by annual spending in contracted activities of approximately \$2 billion. The Department's efforts in small business contracting are reflective of one of the most robust small business programs in the entire Federal Government. In the last several years, the Department's percentage of dollars contracted to small businesses was among the top 2-3 high performing Federal agencies. In 2012, we continued our historically high levels of performance, contracting with small business for over 57 percent of our contracting dollars. In 2012, we also met or exceeded all of our component goals for contracting with small disadvantaged, women-owned, historically underutilized, business zone, and service-disabled veteran-owned businesses.

We share your concern about the impacts of sequestration on these goals for Fiscal Year 2013. During the first 6 months of this year, our contracting levels declined by 18 percent based on dollar value. This is a comparison of contracting actions and dollars through March 31, 2013, as compared to the comparable period in FY 2012. The good news is that we have been able to sustain high contracting levels with our small businesses – 55 percent of our contractors are small businesses. As of March 31, 2013, we executed \$364.9 million in contracts with small businesses. Despite the uncertainty of the budget outcomes and the sequestration, we have been able to sustain 88 percent of our contracting level with small businesses as compared to sustaining 75 percent of our contracting levels with other than small businesses.

The full impacts of the sequestration will take place in the coming months, as it went into effect March 1, 2013, with only 7 months to implement. Further, one of the areas that will likely see cutbacks is contracts, as we need to prudently manage to ensure we can sustain mission essential operations. Since we find our small business partners to be a good value, we are hopeful that we can continue small business contracting as a high proportion of the contracts we issue this year.

With regard to your request that we identify the mechanisms we have in place to mitigate the impacts, it is important to understand that the sequester is an across-the-board spending cut. By its very nature it is inflexible and by law is to be administered in a way that impacts every

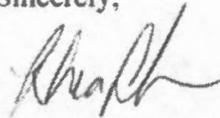
program, project, and activity. Thus, we have limited tools to take action to avert impacts, but we are taking action to reduce impacts.

The Department monitors the performance of its contracting entities as compared to the goals on a monthly basis. Our program communicates the results throughout the Department, which provides transparency and makes senior managers aware of the performance of their organization. Senior managers have a performance element in their annual performance plans that requires accountability to small business goals and this element is considered in their annual performance evaluations. We maintain a high level of training, outreach, communication, and assistance through a network of acquisition experts and small business specialists. Our small business specialists conduct regular reviews of contracts to optimize small business contracting. The goals for our small business program are also included in our strategic plan and are monitored and reported through our regular performance updates.

In prior years, we conducted extensive outreach and training events including going to communities to assist small businesses. The sequester reductions of 5 percent and additive reductions in our FY 2013 enacted funding level of one percent require that we minimize travel costs. We are working diligently to use teleconferencing and other tools and we are asking our operating entities that have staff at the local level to participate in outreach efforts in their local area.

I appreciate your interest in these important activities at the Department of the Interior. If you have questions about this response, please contact Ms. Pam Haze, the Deputy Assistant Secretary – Budget, Finance, Performance and Acquisition at (202) 208-4775 or Pam_Haze@ios.doi.gov.

Sincerely,



Rhea Suh
Assistant Secretary – Policy, Management
and Budget



THE SECRETARY OF THE INTERIOR
WASHINGTON

The Honorable Charles E. Schumer
United States Senate
Washington, D.C. 20510

Dear Senator Schumer:

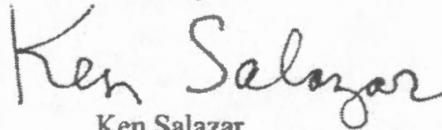
Thank you for your letter of January 4, 2012, regarding the potential discontinuation of U.S. Geological Survey (USGS) lake-level gages and streamgages in the Lake Champlain basin in New York and Vermont. I am extremely appreciative of your support for USGS programs, including the Cooperative Water Program (CWP) and the National Streamflow Information Program (NSIP), which are the primary Federal programs supporting streamgages in the United States. I also want to express my appreciation for your efforts to reach out to possible partners, including the Great Lakes Fisheries Commission, to develop support for these gages.

I want to assure you that I am very aware of the importance of streamflow information for flood forecasting to the National Weather Service (NWS), emergency managers, and to the public. Although damage from the 2011 floods was extensive, streamgage information played a vital role in flood warning, in saving lives, and in reducing property damage.

In Fiscal Year 2011, the threatened gages were supported through the CWP with partners including the Lake Champlain Basin Program (LCBP), the New York State Department of Environmental Conservation, the Susquehanna River Basin Commission (SRBC), and the NWS. At this time, it is our understanding some support will again be provided by the LCBP to maintain operation of a portion of the lake gages and streamgages that make up the Lake Champlain network. These LCBP funds along with the 2012 increases in CWP and NSIP that your office was instrumental in securing, will be sufficient to cover the costs of the Lake Champlain network in both New York and Vermont. We are also optimistic about possible support from the SRBC and the NWS for part of the Susquehanna basin network. We are not aware of similar support for the Hudson River tide gages. Please know we are working closely with our partners in New York and Vermont to identify support for all of these gages and to identify a long-term solution to these funding issues.

We appreciate your concerns regarding flooding in New York and Vermont and your interest in the USGS streamgaging network. If you or your staff would like to discuss further aspects of the USGS streamgaging program in New York, please contact: Mr. Ward Freeman, Director, USGS New York Water Science Center, 425 Jordan Road, Troy, New York, 12180-8349, phone: (518) 285-5665, or email: wfreeman@usgs.gov.

Sincerely,

A handwritten signature in black ink that reads "Ken Salazar". The signature is written in a cursive, slightly slanted style.

Ken Salazar

Identical Letter Sent To:

The Honorable Patrick J. Leahy
United States Senate
Washington, D.C. 20510



United States Department of the Interior

NATIONAL BUSINESS CENTER

Washington, DC 20240



OCT 18 2012

The Honorable Charles E. Schumer

United States Senator

780 Third Avenue, Suite 2301

New York, NY 10017

Dear Senator Schumer:

Thank you for your letter on behalf of your constituent, Jeffrey Ong, an employee at the Department of Transportation (DOT), dated June 7, 2012. Your letter was originally sent to the U.S. Department of the Interior, Mr. Christopher Mansour, Director, Office of Congressional Liaison. Mr. Mansour has asked The Department of the Interior, National Business Center (NBC) to reply.

We have researched the circumstances that gave rise to Mr. Ong's letter to you. I believe our findings do address the concerns of your constituent as those concerns relate to matters of payroll administration.

The U.S. Department of the Interior, National Business Center (NBC), is the payroll service provider for the DOT. Our Debt Management Branch handles bills of collections for active employees for the DOT. NBC followed its established procedure in this matter without exception, complying as always with all pertinent Federal regulations.

On July 15, 2010, DOT's Human Resource Office processed a Personnel action initiating Mr. Ong's Federal Employee Life Insurance (FEGLI) Additional premium to be deducted from his paycheck dated July 27, 2010 (pay period 201015). This action was retroactive for the time frame of December 21, 2009 (pay period 201001), through July 3, 2010 (pay period 201014). The deduction amount generated from this action was \$1879.36. The NBC's Payroll Operations Branch suspended this deduction, pending further research. No deduction was *actually* taken for the retroactive adjustment from Mr. Ong's paycheck. Upon further review it was determined that the deduction was valid and a bill of collection was required. This was issued by the NBC's Debt Management Branch on July 26, 2010, in the amount of \$1879.36 (Debt ID 02080195208). Mr. Ong's year to date figures were updated on his August 24, 2010 (pay period 201017), paycheck with no effect to his net pay.

On August 24, 2010, the Human Resource Office processed a corrective action *removing* Mr. Ong's FEGLI Additional premium from his record due to the premium being paid through Mr. Ong's pension account, as he had stated. This was reflected on his September 7, 2010 (pay period 201018), paycheck. The Debt Management Branch was not aware of this action. This action was retroactive for the time frame of December 21, 2009 (pay period 201001), through August 14, 2010 (pay period 201017). This generated an incorrect refund payment in the amount of \$2282.56. Mr. Ong was only entitled to a refund of \$403.20 for the time period of July 4, 2010 (pay period 201015) through August 14, 2010 (pay period 201017). He received an overpayment of \$1879.36 on his September 7, 2010 (pay period 201018), paycheck.

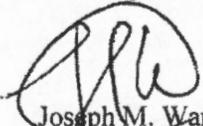
Due to being unaware of this reverse action, the Debt Management Branch continued to process the original bill of collection. Mr. Ong had filed for a waiver of this bill. Mr. Ong terminated his government service on April 17, 2012, and the bill was transferred to the Office of the Inspector General. Due to the waiver being filed, the Debt Management Branch was not authorized to make a collection for the billed amount from his lump sum payment that he received upon his termination.

Upon receiving information regarding the Personnel action processed on August 24, 2010, the original bill of collection (Debt ID 02080195208) is being canceled.

Due to the overpayment Mr. Ong received on September 7, 2010, in the amount of \$1879.36, a new bill is being processed.

We trust this information will assist you in responding to your constituent. If we may be of further assistance, please contact Gloria Roberts, Chief, Debt Management Branch, Payroll Operations Division, at 303-969-6340.

Sincerely,



Joseph M. Ward
Director
Interior Business Center

Enclosures



THE SECRETARY OF THE INTERIOR
WASHINGTON

The Honorable Patrick J. Leahy
United States Senate
Washington, D.C. 20510

Dear Senator Leahy:

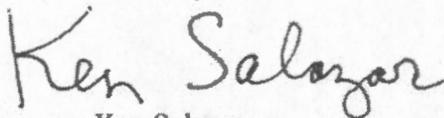
Thank you for your letter of January 4, 2012, regarding the potential discontinuation of U.S. Geological Survey (USGS) lake-level gages and streamgages in the Lake Champlain basin in New York and Vermont. I am extremely appreciative of your support for USGS programs, including the Cooperative Water Program (CWP) and the National Streamflow Information Program (NSIP), which are the primary Federal programs supporting streamgages in the United States. I also want to express my appreciation for your efforts to reach out to possible partners, including the Great Lakes Fisheries Commission, to develop support for these gages.

I remember well our meeting on the shores of Lake Champlain in Burlington. I want to assure you that I am very aware of the importance of streamflow information for flood forecasting to the National Weather Service (NWS), emergency managers, and to the public. Although damage from the 2011 floods was extensive, streamgage information played a vital role in flood warning, in saving lives, and in reducing property damage.

In Fiscal Year 2011, the threatened gages were supported through the CWP with partners including the Lake Champlain Basin Program (LCBP), the New York State Department of Environmental Conservation, the Susquehanna River Basin Commission (SRBC), and the NWS. At this time, it is our understanding some support will again be provided by the LCBP to maintain operation of a portion of the lake gages and streamgages that make up the Lake Champlain network. These LCBP funds along with the 2012 increases in CWP and NSIP that your office was instrumental in securing, will be sufficient to cover the costs of the Lake Champlain network in both New York and Vermont. We are also optimistic about possible support from the SRBC and the NWS for part of the Susquehanna basin network. We are not aware of similar support for the Hudson River tide gages. Please know we are working closely with our partners in New York and Vermont to identify support for all of these gages and to identify a long-term solution to these funding issues.

We appreciate your concerns regarding flooding in New York and Vermont and your interest in the USGS streamgaging network. If you or your staff would like to discuss further aspects of the USGS streamgaging program in Vermont, please contact: Mr. Keith Robinson, Director, USGS New Hampshire-Vermont Water Science Center, 331 Commerce Way, Suite 2, Pembroke, New Hampshire, 12180-8349, phone: (603) 226-7807, email: kwrobins@usgs.gov.

Sincerely,

A handwritten signature in black ink that reads "Ken Salazar". The signature is written in a cursive, slightly slanted style.

Ken Salazar

Similar Letter Sent To:

The Honorable Charles E. Schumer
United States Senate
Washington, D.C. 20510



United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT

WASHINGTON, DC 20240-0001

APR 15 2013

The Honorable Patrick J. Leahy

United States Senate

Washington, D.C. 20510

Dear Senator Leahy:

Thank you for your letter dated January 30, 2013, to President Barack Obama, cosigned by your colleagues, expressing your concerns on potential seismic air gun operations in the Mid and South Atlantic Outer Continental Shelf (OCS) waters. President Obama has asked me to respond. A similar letter is being sent to each cosigner of your letter.

As you are aware, the Bureau of Ocean Energy Management (BOEM) is in the process of preparing a Programmatic Environmental Impact Statement (PEIS) under the National Environmental Policy Act (NEPA) to evaluate potential effects of multiple geological and geophysical (G&G) activities in these areas, including seismic surveys using air guns. BOEM was directed to develop this PEIS under the Conference Report for the Department of the Interior, Environment, and Related Agencies Act, 2010.

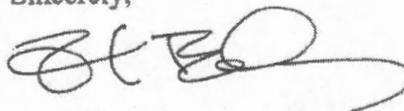
The completion of this PEIS is part of a region-specific strategy with respect to oil and gas exploration and development in the Mid and South Atlantic that focuses on the need to update information in order to inform future decisions about whether, and if so where, leasing would be appropriate in these areas. Seismic surveys and other G&G activities evaluated in this PEIS are valuable to understanding the location, extent, and properties of hydrocarbon resources. G&G surveys are also used to identify geologic hazards, archaeological resources, and hard bottom habitats that would need to be avoided during exploration and development. A variety of G&G techniques evaluated in the study, in addition to air guns, are also used to understand the potential to site renewable energy structures and locate marine mineral resources, such as sand and gravel used for beach and barrier island restoration. BOEM uses the best available science and follows the guidance of experts and other regulatory agencies, such as the National Marine Fisheries Service (NMFS).

I share your concern about the potential environmental effects of seismic activity on marine mammals and other species. One of the main purposes of the PEIS is to evaluate the potential environmental effects of multiple G&G activities in the Mid and South Atlantic and define mitigation and monitoring measures that would reduce or eliminate potential impacts. BOEM has contributed close to \$40 million over the last decade on ground-breaking research to better understand the potential for acoustic impacts to marine life from geophysical sound sources. BOEM has also conducted numerous expert stakeholder workshops to discuss and identify further information needs on acoustic impacts.

Importantly, the marine mammal take estimates provided by BOEM in the draft PEIS, and cited in your letter, are unqualified estimates because they do not consider the effect that mitigation measures would have in reducing, or in some cases possibly eliminating, the potential for marine mammal takes. In addition to a no action alternative – which would not allow for G&G activity - the PEIS contains two alternatives that consider various mitigation strategies to reduce environmental impacts. BOEM is also pursuing programmatic consultations with NMFS and U.S. Fish and Wildlife Service to assess impacts under the Endangered Species Act (ESA) and the Magnuson-Stevens Fishery Conservation Management Act (MSFCMA). The results of these consultations will be considered in any decision made by BOEM. Further, if seismic surveys are allowed to go forward under the Marine Mammal Protection Act (MMPA), operators must obtain an authorization from NMFS before BOEM issues a permit. These collective environmental compliance efforts (i.e., NEPA, ESA, MMPA, MSFCMA and a suite of others) help ensure any activities that may ultimately be authorized do not rise to the level of jeopardizing populations or destroying important habitat.

Again, I appreciate very much the concerns you have about potential seismic surveys in waters off the Mid and South Atlantic OCS. I can assure you that your concerns, as well as the large number of other comments we have received, will be considered, along with the outcomes of the environmental and other reviews, before we reach any final decisions on whether to move forward with permitting seismic surveys and other G&G activities in the Mid and South Atlantic OCS.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Beaudreau', with a long horizontal flourish extending to the right.

Tommy P. Beaudreau
Director



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, D.C. 20240

DEC 12 2012

The Honorable Patrick Leahy

United States Senate

Washington, D.C. 20510

Dear Senator Leahy:

Thank you for your letter dated September 21, 2012, cosigned by your colleagues, providing comments on the Proposed Final Outer Continental Shelf (OCS) Oil and Gas Leasing Program 2012-2017 (Five Year Program), which became effective on August 27, 2012. Your letter focused on policies regarding the Arctic. A similar response is being sent to each co-signer of your letter.

The Obama administration is committed to proceeding with further energy exploration in the Arctic OCS cautiously and based on the best available science. In particular, the administration is pursuing a balanced and careful approach to offshore development in the Arctic that accounts for the significant resource potential of Arctic areas, environmental protection, and the social, cultural, and subsistence needs of Alaskan communities.

The Department of the Interior's Five Year Program recognizes the distinct needs of regions across the OCS and accounts for specific factors, including current and forthcoming information about resource potential; the maturity of infrastructure (including emergency response assets) to support oil and gas exploration and development; regional interests and local communities' concerns; and the overall need for a balanced approach to our use of the Nation's shared natural resources. The Department's region-specific leasing strategy for the Alaska Arctic is based on these principles.

It is clear that a "one-size-fits-all" approach is not appropriate when making decisions about offshore oil and gas leasing. The areawide leasing model the Bureau of Ocean Energy Management (BOEM) uses for the Gulf of Mexico is not suited to the Arctic. While significant resource potential exists in the Arctic, the nature of environmental challenges and social and ecological concerns warrant a different, more targeted approach.

The Arctic OCS holds substantial oil and gas resources. BOEM estimates of technically recoverable oil and gas resources indicate that the Chukchi Sea Planning Area holds 15.38 billion barrels of oil and 76.77 trillion cubic feet of natural gas – more than any other area on the OCS outside of the Central Gulf of Mexico. The Beaufort Sea Planning Area holds 8.22 billion barrels of oil and 27.64 trillion cubic feet of natural gas. BOEM is implementing a targeted leasing strategy for the Arctic specifically designed to consider the region's abundant resource potential while minimizing possible conflicts with environmentally sensitive areas and the Alaska Native communities that rely on the ocean for subsistence. In designing the Five Year

Program for the Arctic planning areas, we scheduled potential sales during the latter half of the Five Year Program in order to provide time for the development and analysis of sound science, and to allow for stakeholder engagement on all of these issues.

Ongoing analysis will inform further decisions about whether to hold the scheduled Arctic lease sales and, if so, the configuration these sales may take. BOEM is working to further develop and synthesize scientific information and Alaska Native communities' traditional knowledge, both of which will be used to identify areas that may be made available for oil and gas leasing in the Beaufort Sea and Chukchi Sea Planning Areas under the targeted leasing model.

Focusing on science, while integrating traditional knowledge, is consistent with the recommendations of the U.S. Geologic Survey's 2011 *Evaluation of the Science Needs to Inform Decisions on Outer Continental Shelf Energy Development in the Chukchi and Beaufort Seas, Alaska*, and with the interagency efforts being conducted by the Interagency Working Group on Coordination of Domestic Energy Development and Permitting in Alaska. This group was established by executive order and is chaired by Deputy Secretary of the Interior David J. Hayes.

The planning process for potential lease sales in the Beaufort Sea and Chukchi Sea Planning Areas will consider any information about geology and resource potential that may be developed as a result of geological and geophysical surveys and exploration performed under current leases in those areas. Exploration may provide valuable data for defining the best areas for potential development and for assessing reservoir characteristics, such as volumes and pressures.

We have set high safety, environmental protection, and emergency response standards for offshore exploration and development in the OCS, including in the Alaskan Arctic. In the Arctic, conditions and requirements included in Shell's Chukchi and Beaufort Sea Exploration Plans and Oil Spill Response Plans approved by BOEM and the Bureau of Safety and Environmental Enforcement (BSEE), respectively, required the spill containment system to be fully certified, inspected, and positioned in the Arctic before any drilling into oil-bearing zones could occur. Because Shell was unable to meet these requirements during the 2012 drilling season, the company limited its drilling in both the Beaufort and Chukchi Seas to "top hole" preparatory work and drilling well short of hydrocarbon-bearing zones.

I look forward to ongoing communication as we proceed with our implementation of the Five Year Program. Thank you again for your interest in these important issues.

Sincerely,



Marcilynn A. Burke
Acting Assistant Secretary
Land and Minerals Management



THE SECRETARY OF THE INTERIOR
WASHINGTON

APR 18 2012

The Honorable Thomas R. Carper

United States Senate
Washington, DC 20510

Dear Senator Carper:

Thank you for your letter of March 16, 2012, cosigned with Senator Christopher Coons and the Representative John Carney, Jr., regarding the development of a Comprehensive Conservation Plan (CCP) for the Prime Hook National Wildlife Refuge (Refuge).

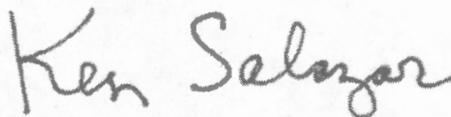
The CCP process for the Refuge has been extremely challenging and has taken longer than expected to complete. A number of factors have contributed to slowing down the CCP process: two lawsuits were filed involving farming and dune repair; an Environmental Impact Statement (EIS) is required rather than an Environmental Assessment; and there have been drastic changes to the physical environment of the Refuge after the dunes were breached and salt water intruded into the freshwater marshes.

The U.S. Fish and Wildlife Service (FWS) is in the final stages of completing the draft CCP. We expect it to be released in May 2012. The FWS will hold six public meetings in May and June to discuss the CCP. A draft of the CCP/EIS will be submitted to the U.S. Environmental Protection Agency for review concurrently with the public review. The U.S. Army Corps of Engineers (Corps) is not required to review the CCP/EIS from a National Environmental Policy Act (NEPA) standpoint, but we plan to ask the Corps to provide comments to the plan during the public comment period, and to be involved in future restoration actions. In addition, we will conduct all other required agency reviews associated with relevant laws, including Section 106 of the National Historic Preservation Act, the Coastal Zone Management Act, and the Endangered Species Act. After reviewing and considering agency and public comments, the FWS will make any necessary changes and complete a final CCP/EIS by December 2012. The Record of Decision, as required by NEPA, is expected to be finalized 30 days after the release of the final CCP/EIS.

I share your concerns for the residents of Prime Hook Beach who are experiencing flooding and for the environmental damage that is occurring. The FWS will continue to work with the State and other partners to address these problems. It is important that everyone involved understand the complexities of the issue and have detailed knowledge of our proposed actions, corresponding timelines, and expected results.

You have our commitment that the FWS will work diligently to complete the CCP in 2012 and adhere to the timelines identified in this letter.

Sincerely,

A handwritten signature in cursive script that reads "Ken Salazar". The letters are fluid and connected, with a prominent loop on the 'K' and a long, sweeping tail on the 'z'.

Ken Salazar



THE SECRETARY OF THE INTERIOR
WASHINGTON

APR 05 2013

The Honorable Thomas R. Carper
United States Senate
Washington, DC 20510

Dear Senator Carper:

Thank you for your letter of February 28, 2013, regarding Governor Jack Markell's request relating to Delaware's priority funding needs for recovery from Hurricane Sandy. Your letter expresses your strong support for three specific projects identified in Governor Markell's letter, noting that the Governor has revised the scope of the projects and the required level of funding. The three projects and their current funding needs are: Prime Hook National Wildlife Refuge (\$20 million), the Mispillion Harbor/Red Knot Reserve (\$6 million), and State Wildlife Areas/Conservation Partner Coastal Wetlands and Impoundments (\$10.5 million).

The Department recognizes the value of these projects and the priority you place on them. The Department has assembled a team to evaluate all of the projects and to help make funding decisions. The team is currently finalizing the process for identifying the projects that will best support response, recovery, and resiliency as well as developing the required spending plan and internal controls. The team continues to work closely with regional and local governments and other interested parties. I have provided your letter to the team for their full consideration and to update the required dollar amounts. We will keep you informed of our progress.

Thank you for your recognition of the Department's efforts in Delaware and the entire region. I am proud of the many successes that we and our many partners have had in expanding wildlife protection, conservation, and outdoor recreation in the area. We look forward to working with you to continue these efforts and to support the important goal of recovery from Hurricane Sandy and preparation to withstand any future such disasters.

Similar letters are being sent to the Honorable Chris Coons, United States Senate, and the Honorable John Carney, Jr., House of Representatives.

Sincerely,

Ken Salazar



THE SECRETARY OF THE INTERIOR
WASHINGTON

FEB 10 2012

The Honorable Tom Harkin

United States Senate
Washington, DC 20510

Dear Senator Harkin:

Thank you for your January 19, 2012, letter regarding the Lewis and Clark Regional Water System and for allocating \$30 million of additional funding for authorized rural water projects in the Consolidated Appropriations Act of 2012. Specifically, you requested that we consider factors, including population served and the percent of non-Federal cost share prepaid, in addition to the criteria specified in the Conference Report.

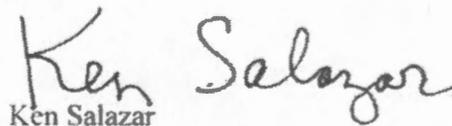
As you recall during our meeting on November 3, 2011, Commissioner Michael Connor stated his staff was evaluating new criteria for allocating rural water project funding. He also stated that although these criteria were not finalized, the Bureau of Reclamation would use the new criteria to allocate the additional funding provided in the FY 2012 appropriation. These new criteria give consideration to the factors you identified in your letter, along with the factors referenced in the Conference Report and others. Further, the new criteria also consider the Department of the Interior's trust responsibility to Native Americans.

We also recognize your concern that without sufficient funding levels the Lewis and Clark project cannot be completed. Since this is a challenge for all rural water projects, it is paramount that we formulate budgets and allocate limited funding so that progress toward completion remains a high priority. In this manner, we can optimize our approach to complete all of the authorized rural water projects.

We have prepared a report for Congress that responded to the requirement in the Conference Report, with a full explanation of the criteria as described above. The Rural Water Program faces many challenges in the current budget environment. We believe the criteria applied to the additional funding addresses the factors included in the Conference Report while addressing critical needs and the ability to make progress towards the completion of meaningful phases of the authorized rural water projects.

We look forward to working with you as we continue to refine the criteria and complete construction of these important rural water projects.

Sincerely,


Ken Salazar



United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT
WASHINGTON, DC 20240-0001

APR 15 2013

The Honorable Robert Menendez

United States Senate
Washington, D.C. 20510

Dear Senator Menendez:

Thank you for your letter dated January 30, 2013, to President Barack Obama, cosigned by your colleagues, expressing your concerns on potential seismic air gun operations in the Mid and South Atlantic Outer Continental Shelf (OCS) waters. President Obama has asked me to respond. A similar letter is being sent to each cosigner of your letter.

As you are aware, the Bureau of Ocean Energy Management (BOEM) is in the process of preparing a Programmatic Environmental Impact Statement (PEIS) under the National Environmental Policy Act (NEPA) to evaluate potential effects of multiple geological and geophysical (G&G) activities in these areas, including seismic surveys using air guns. BOEM was directed to develop this PEIS under the Conference Report for the Department of the Interior, Environment, and Related Agencies Act, 2010.

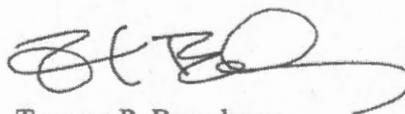
The completion of this PEIS is part of a region-specific strategy with respect to oil and gas exploration and development in the Mid and South Atlantic that focuses on the need to update information in order to inform future decisions about whether, and if so where, leasing would be appropriate in these areas. Seismic surveys and other G&G activities evaluated in this PEIS are valuable to understanding the location, extent, and properties of hydrocarbon resources. G&G surveys are also used to identify geologic hazards, archaeological resources, and hard bottom habitats that would need to be avoided during exploration and development. A variety of G&G techniques evaluated in the study, in addition to air guns, are also used to understand the potential to site renewable energy structures and locate marine mineral resources, such as sand and gravel used for beach and barrier island restoration. BOEM uses the best available science and follows the guidance of experts and other regulatory agencies, such as the National Marine Fisheries Service (NMFS).

I share your concern about the potential environmental effects of seismic activity on marine mammals and other species. One of the main purposes of the PEIS is to evaluate the potential environmental effects of multiple G&G activities in the Mid and South Atlantic and define mitigation and monitoring measures that would reduce or eliminate potential impacts. BOEM has contributed close to \$40 million over the last decade on ground-breaking research to better understand the potential for acoustic impacts to marine life from geophysical sound sources. BOEM has also conducted numerous expert stakeholder workshops to discuss and identify further information needs on acoustic impacts.

Importantly, the marine mammal take estimates provided by BOEM in the draft PEIS, and cited in your letter, are unqualified estimates because they do not consider the effect that mitigation measures would have in reducing, or in some cases possibly eliminating, the potential for marine mammal takes. In addition to a no action alternative – which would not allow for G&G activity - - the PEIS contains two alternatives that consider various mitigation strategies to reduce environmental impacts. BOEM is also pursuing programmatic consultations with NMFS and U.S. Fish and Wildlife Service to assess impacts under the Endangered Species Act (ESA) and the Magnuson-Stevens Fishery Conservation Management Act (MSFCMA). The results of these consultations will be considered in any decision made by BOEM. Further, if seismic surveys are allowed to go forward under the Marine Mammal Protection Act (MMPA), operators must obtain an authorization from NMFS before BOEM issues a permit. These collective environmental compliance efforts (i.e., NEPA, ESA, MMPA, MSFCMA and a suite of others) help ensure any activities that may ultimately be authorized do not rise to the level of jeopardizing populations or destroying important habitat.

Again, I appreciate very much the concerns you have about potential seismic surveys in waters off the Mid and South Atlantic OCS. I can assure you that your concerns, as well as the large number of other comments we have received, will be considered, along with the outcomes of the environmental and other reviews, before we reach any final decisions on whether to move forward with permitting seismic surveys and other G&G activities in the Mid and South Atlantic OCS.

Sincerely,



Tommy P. Beaudreau
Director



THE SECRETARY OF THE INTERIOR

WASHINGTON

AUG 03 2012

The Honorable Robert Menendez

United States Senate
Washington, DC 20510

Dear Senator Menendez:

Thank you for your letter dated April 27, 2012, providing your comments regarding work within the Department of the Interior's Bureau of Ocean Energy Management (BOEM) to complete a Programmatic Environmental Impact Statement (PEIS) evaluating potential effects of multiple geological and geophysical (G&G) activities in the Mid and South Atlantic Planning Areas. A copy of your letter will be included in the record for comments received on the PEIS.

The Department is not currently planning any oil and gas lease sales off the Atlantic coast. The Atlantic coast planning areas are not included in the Proposed Final U.S. Outer Continental Shelf (OCS) Oil and Gas Leasing Program for 2012–2017, which the Department issued in June 2012. The completion of this PEIS is part of a region-specific strategy for the Mid and South Atlantic that focuses on the need to update our understanding of the geology in these areas to ensure that future decisions are based on the best information possible.

Seismic surveys and other activities evaluated in this PEIS are important to understanding the location, extent, and properties of hydrocarbon resources. G&G surveys are also critical for identifying geologic hazards, archaeological resources, and hard bottom habitats that would need to be avoided during exploration and development. A variety of G&G techniques evaluated in the study are used to site renewable energy structures and locate marine mineral resources, such as sand and gravel used for beach and barrier island restoration. The BOEM also uses G&G information to fulfill its statutory responsibilities to support environmental impact analyses and protect the environment, ensure receipt of fair market value for leased Federal lands, and conserve oil and gas resources.

I appreciate your concern about the potential environmental effects of G&G activity on marine mammals and other species. One of the primary purposes of the PEIS is to evaluate the potential environmental effects of multiple G&G activities in these OCS planning areas and outline mitigation and monitoring measures that will reduce or eliminate potential impacts. The analysis and alternatives in the PEIS discuss measures to monitor and reduce the potential for harassment of marine mammals.

Thank you for your feedback. Should you wish to discuss this matter further, please contact BOEM Director Tommy P. Beaudreau at (202) 208-6300.

Sincerely,

Ken Salazar



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 21 2012

The Honorable Max Baucus

United States Senate
Washington, DC 20510

Dear Senator Baucus:

Thank you for your letter of January 23, 2012, urging the Department of the Interior's (Interior) support for land acquisition in the Rocky Mountain Front and the Centennial Valley of Montana.

As you know, the President presented the 2013 budget to the Congress on February 13, 2012. Within the request for Fish and Wildlife Service (FWS) Federal land acquisition, the budget requests a total of \$19.7 million to acquire conservation easements on approximately 30,685 acres in the Rocky Mountain Front, Blackfoot Valley, and Swan Valley Conservation Areas in Montana. These lands border existing protected land, owned by the FWS, other Federal agencies, or The Nature Conservancy, and include important habitat for grizzly bear, wolverine, goshawk, cutthroat trout, and Columbia spotted frog. Protecting these tracts with conservation easements will preserve trust species habitat in some of the Nation's best remaining intact ecosystems, and will allow the traditional rural uses to continue.

In addition, Interior has looked very closely at its 2012 Federal land acquisition priorities, and has notified the Interior, Environment, and Related Agencies Appropriations Subcommittees of its intent to reprogram Federal land acquisition funds to address land acquisition projects where immediate acquisition opportunities are available, but may be lost if the opportunities are not acted upon this year. This reprogramming, which was recently approved, includes the realignment of \$1.5 million to acquire conservation easements on a Montana property in the Rocky Mountain Front, totaling 2,846 acres. The tract, along the Muddy Creek, provides important habitat for grizzly bears as well as numerous grassland-dependent birds. Protecting this tract with conservation easements will prevent habitat fragmentation and significantly contribute toward recovery efforts for grizzly bears in the Northern Continental Divide ecosystem.

Thank you for your continued interest and support for the FWS and its programs, as well as the Department of the Interior as a whole. I believe that these land acquisition opportunities will make a significant and lasting impact on landscape scale conservation in Montana, and I look forward to working with you to achieve our shared conservation goals.

Sincerely,

Rhea Suh
Assistant Secretary
Policy, Management and Budget



THE SECRETARY OF THE INTERIOR
WASHINGTON

FEB 28 2012

The Honorable Max Baucus

United States Senate
Washington, DC 20510

Dear Senator Baucus:

Thank you for your letter dated January 17, 2012, regarding funding for the Rocky Boys/North Central Montana and Fort Peck/Dry Prairie rural water projects. I understand the importance of these projects to you and to the people of Montana.

As noted in your letter, the Department of the Interior recognizes the importance of moving these projects toward completion with the award of funds. Valuable construction progress was made with those funds in 2010 and into 2011. On February 8, 2012, I announced the award of an additional \$12.9 million for the two projects from funds available pursuant to the Consolidated Appropriations Act for Fiscal Year 2012. The President, on February 13, 2012, presented the FY 2013 budget which included \$11.5 million for construction for these two rural water projects.

I share your commitment to seeing these projects through to completion. While the current budget environment necessitates difficult choices, we will continue to advance our commitment to these projects in the future.

Thank you for your ongoing work for the people of Montana. If we can be of further assistance, please do not hesitate to contact me.

Sincerely,

Ken Salazar



THE SECRETARY OF THE INTERIOR
WASHINGTON

OCT 18 2012

The Honorable Max Baucus

United States Senate
Washington, DC 20510

Dear Senator Baucus:

Thank you for your letter of July 26, 2012, regarding the protection of the Columbia River system's headwaters from aquatic invasive species, most particularly quagga and zebra mussels. Invasive species and their impact on the Nation's land and waters are a major concern for the Department of the Interior. The Department and its bureaus are committed to the management of aquatic invasive species through our leadership in the Aquatic Nuisance Species Task Force (ANSTF) and the National Invasive Species Council, and through collaboration with other institutions, including the Flathead Basin Commission.

The Department's effort in stopping the spread of invasive mussels in the West is guided by the Quagga-Zebra Mussel Action Plan for Western U.S. Waters (QZAP), which was approved by ANSTF in 2010. Developed by Federal, state, and local partners, including authorities across the Columbia River Basin, QZAP provides a strategic roadmap focusing on critical tasks such as inspection and decontamination, improved communications, enhanced rapid response capacity, research, and dissemination of best practices. The Columbia River Basin Team is the primary forum for QZAP coordination in the Northwest. This Team has developed a Basin-wide response plan for invasive mussels and launched a successful program to enhance preparedness.

Last year, the U.S. Fish and Wildlife Service (FWS), with broad participation from other Federal, state, and tribal entities, Canadian partners, and Flathead Lake representatives, helped lead an exercise at Libby Dam focused on how agencies might respond to a Lake Koochanusa infestation. There has been interest in holding a subsequent exercise for Flathead Lake. Further coordinated efforts in the Basin should build upon this structure. The FWS has provided technical support and funding to prevent affected watercraft from launching into Columbia Basin waters, including the Watercraft Inspection Training Program, which has educated hundreds of law enforcement officers, inspection station staff, and others in methods to identify and remove invasive mussels from recreational boats. The USFWS has also invested in dive training to support early detection and rapid response; engagement with state attorney generals and law enforcement to look at legal and regulatory options; and research on the effectiveness of decontamination methods and tests.

One of the many potential sources of invasive mussels in the lower Colorado River Basin is Lake Mead National Recreation Area. As part of its thorough boat decontamination program, and in cooperation with local concessionaires, the National Park Service (NPS) decontaminates slipped or moored vessels in Lake Mead upon exit, shares departure information of boats with relevant state authorities, and provides washing stations. The NPS also has a quagga/zebra mussel containment program at Curecanti National Recreation Area and is taking precautionary measures based on intermittent positive results from early detection monitoring. In addition, there are at least nine NPS units that have quagga and zebra prevention programs or generic aquatic nuisance species prevention programs. Finally, NPS has focused on providing educational information to visitors and staff on aquatic nuisance species.

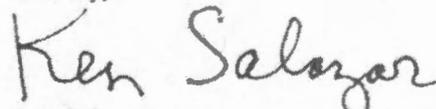
The Bureau of Reclamation (BOR) has been researching control and management techniques including monitoring, detection, anti-fouling coatings, and testing of Zequanox, a biopesticide. In 2012, BOR also updated its Equipment Inspection and Cleaning Manual. Over 370 water bodies have been analyzed to identify new infestations and target field inspections of watercraft. The Bureau of Land Management is leading efforts among Federal, state, tribal, and local agency managers of Lake Havasu to address quagga mussels. Finally, the Bureau of Indian Affairs supports tribal engagement in the 100th Meridian Initiative, a cooperative effort with Federal, state, and local agencies to prevent the westward spread of invasive mussels and other aquatic nuisance species. All of these Bureaus are engaged in significant outreach and public education efforts targeting boaters and other users of these waters.

In Fiscal Year 2012, Congress directed FWS to redirect \$1 million to support efforts at federally-managed or inter-jurisdictional waters. This funding will be used to increase efforts at Lake Mead and throughout the West. Unfortunately, this is the only source of Federal funding that is directed for implementation of QZAP. Funding is not available to conduct a more extensive program to protect the important resources of the Pacific Northwest and other uninfested areas, to mitigate the impacts in already infested waters, and to support implementation of state invasive species management plans, as directed under the Nonindigenous Aquatic Nuisance Prevention and Control Act and Executive Order 13,112.

We appreciate your support in enabling us to contain the spread of these invasive mussels and protect uninfested waters, including the Columbia River and its headwaters. Federal leadership and Congressional support for state boat decontamination efforts is key to addressing the movement of invasive mussels. Our joint effort will help to focus priorities on the areas that are essential to prevention – the invaded states that have become sources of invasive mussels, as well as the states that show early indications of invasion.

We will continue to cooperate with other Federal, state, and local agencies, particularly in the Columbia River Basin, and welcome the opportunity for further coordination with the Flathead Basin Commission. The technical contact for further engagement is Ms. Joanne Grady, FWS Region 6 Aquatic Invasive Species Coordinator at (303) 236-4519 or email at joanne_grady@fws.gov. Mr. Chas Cartwright, Superintendent of Glacier National Park, is current chair of the Commission. Thank you again for your letter and interest in this issue.

Sincerely,


Ken Salazar



United States Department of the Interior



FISH AND WILDLIFE SERVICE Mountain-Prairie Region

IN REPLY REFER TO:
FWS/R6/ES/052457

MAILING ADDRESS:
P.O. Box 25486, DFC
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

SEP 10 2012

Honorable Max Baucus

United States Senate
511 Hart Senate Office Building
Washington, D.C. 20510-2602

Dear Senator Baucus:

I am responding to your July 27, 2012, request that we dedicate sufficient resources to facilitate completion of Endangered Species Act related review and permitting of the proposed Rock Creek and Montanore Mines in northwest Montana. This letter responds to the portion of your request connected with the responsibilities of the Secretary of Interior, and specifically the U.S. Fish and Wildlife Service. You indicated that these two projects are a high priority for the people and economy of Montana.

Over the past few months, we have been working with the U.S. Forest Service to ensure that their analysis regarding the impacts of the Montanore Mine to federally listed species is based upon the best science available. On August 27, 2012, we completed the necessary administrative, financial and personnel actions for hiring a contractor to review and help us collaborate with the Forest Service in meeting this goal. When this analysis is complete, we anticipate that the Forest Service will initiate formal consultation under the Act for the Montanore Mine project. At that point, our biologists and contractor will expedite completion of a biological opinion for this project. We have a meeting scheduled with our contractor on September 11 to develop a work schedule and list of deliverables.

Our analysis of the impacts to listed species from the Rock Creek Mine was completed in 2006. In November 2011, after several years in litigation, our final biological opinion was affirmed by the U.S. Court of Appeals for the Ninth Circuit. Therefore, the project proponent can proceed to the next phase of project development without further action from the Fish and Wildlife Service.

I hope our progress addresses your concerns regarding these two high profile projects. If you have any questions regarding specific aspects of either of these mining projects, please contact our Regional Director at (303) 236-7920

Sincerely,

Acting Regional Director



THE SECRETARY OF THE INTERIOR
WASHINGTON

MAR 26 2013

The Honorable Max Baucus

United States Senate
Washington, D.C. 20510

Dear Senator Baucus:

Thank you for your letter of February 6, 2013, regarding the *In Memory Plaque* at the Vietnam Veterans Memorial.

Public Law 106-214, enacted in 2000, authorized the American Battle Monuments Commission (ABMC) to place a plaque within the Vietnam Veterans Memorial to honor those Vietnam veterans who died after their service in Vietnam, as a direct result of that service. The *In Memory Plaque* was unveiled and dedicated in 2004. It had been designed and sited as required by this law through the consultation and approvals process with the involvement of the ABMC, the Vietnam Veterans Memorial Fund, Inc., the Vietnam Women's Memorial, Inc., the Commission of Fine Arts, the National Capital Planning Commission, and others.

Since its original installation, the Plaque has been replaced and re-lettered in efforts to maintain its character. Maintenance efforts by the National Park Service have taken place in consultation with the Vietnam Veterans Memorial Fund. The National Mall and Memorial Parks have been in communication with Mrs. Joanna Henshaw and Mrs. Cathy Keister, national board members of the Associates of Vietnam Veterans of America, to discuss design changes and improvement to the *In Memory Plaque*. The National Park Service shares their concerns for the treatment of this important component of the Memorial, and we are pleased by their organization's plans to raise funds for alterations. A proposed preliminary restyling of the Plaque was forwarded to the National Park Service by the Associates of Vietnam Veterans of America on January 23, 2013.

The National Park Service, the Commission of Fine Arts, and others are considering enhancements for the preservation and dignity of the *In Memory Plaque* that can meet the aesthetic and design concerns and legal requirements for an undertaking on the National Mall. We will continue to work closely with the Associates of Vietnam Veterans of America and others in refining plans and acquiring the necessary approvals so that the *In Memory Plaque* continues to honor the men and women who died as a result of their service in the Vietnam War.

Please do not hesitate to contact Superintendent Bob Vogel for National Mall and Memorial Parks at (202) 245-4660 for further updates. An identical response is being sent to the co-signers of your letter.

Sincerely,

Ken Salazar



THE SECRETARY OF THE INTERIOR
WASHINGTON

JUN - 1 2012

The Honorable Ron Wyden

United States Senate
Washington, D.C. 20510

Dear Senator Wyden:

This letter is in response to your request for my views regarding technical amendments to the National Parks Air Tour Management Act of 2000 (NPATMA) that are in S. 1813, Moving Ahead for Progress in the 21st Century Act (MAP-21). We appreciate your continued interest in this matter.

On May 16, 2012, Secretary of Transportation Ray LaHood submitted the Administration's views on S. 1813 and H.R. 4348 to the Chairmen and Ranking Members of the Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure. In his letter, Secretary LaHood stated the following:

The Administration supports section 100301 of the Senate bill providing technical amendments to the National Parks Air Tour Management Act of 2000. The amendments include and refine recent amendments enacted in the FAA Modernization and Reform Act of 2012. The amendments provide the Federal Aviation Administration (FAA) and the National Park Service (NPS) with an improved and streamlined process to implement the intent of Congress for commercial air tours to be conducted in a way that does not negatively impact national park visitors or resources, while assuring safe operation. This is a unique program, and these amendments do not set precedents that would affect other FAA programs. By replacing broadly shared FAA and NPS responsibilities across all aspects of the commercial air tour program with more focused and complementary agency responsibilities, the amendments will facilitate the establishment of air tour management plans in national parks in less time and using fewer resources. The amendments clarify that the NPS will primarily administer this program, while fully preserving FAA authority and jurisdiction for aviation safety, management of the national airspace system, and other aviation oversight.

I believe that the amendments provide the type of regulatory flexibility and streamlining necessary in order to better implement NPATMA. Thank you for your commitment to ensuring the safety of our national airspace and the protection of our national parks.

Sincerely,

Ken Salazar

Enclosure



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



The Honorable Ron Wyden
United States Senate
Washington, D.C. 20510

JUN 11 2012

Dear Senator Wyden:

Thank you for your letter of May 18, 2012, also co-signed by several of your colleagues to Secretary of the Interior Salazar, requesting an extension of the comment period for the proposed designation of critical habitat for the northern spotted owl. The Secretary has asked the U.S. Fish and Wildlife Service (Service) to respond on his behalf. I regret that we cannot extend the public-comment period on the proposed critical habitat rule beyond the current July 6, 2012, deadline, for the reasons described below.

As you know, the court-mandated deadline for completing this action is November 15, 2012. This timeframe was established on October 12, 2010, by court order. The timeline addressed sequential revisions to both the 2008 recovery plan and the 2008 critical habitat designation for the northern spotted owl, with interim court-ordered due dates for the revised recovery plan and proposed critical habitat rule. The Service twice granted an extension or reopened the comment period on the revised recovery plan at the request of Members of Congress and others. This caused some delay in the development of the proposed critical habitat rule, and we sought an extension of the date for publication of the proposed rule from the Court as a result. Most recently the government sought an extension from the Court to allow more time for intergovernmental review of the proposed rule before it was published in the Federal Register. At that time, the Court reiterated the importance of meeting the November 15, 2012, deadline for the final rule, stating: "Future requests for extensions of time will be viewed by the Court with disfavor."

Recognizing these constraints on granting additional time extensions, we nevertheless share your desire to afford the public as much time as possible to review and comment on the proposed critical habitat revision. The Service has recently extended the initial 90-day comment period for 30 additional days, bringing the total comment period for this action to 120 days. Service staff has met multiple times with County officials and local stakeholders in all three states and in a variety of settings to discuss the proposed changes and they have responded to specific requests for more information and data.

The time remaining to finalize this revised critical habitat is already shortened due to the extensions previously granted, and this time is necessary to adequately respond to the public comments that will be received. Also, this time is needed to evaluate proposed exclusions from critical habitat and to otherwise minimize impacts of the critical habitat designation on local

economies. We have recommended in the recovery plan and the proposed critical habitat designation an approach to spotted owl conservation that explicitly takes these potential impacts into account, and have suggested that land-managing agencies consider making active forest management an integral part of a landscape-level conservation strategy for spotted owls and healthy forests.

Please contact me or the Service's Pacific Northwest Regional Director, Ms. Robyn Thorson at 503/231-6119 if you have other questions regarding this proposed critical habitat designation.

Sincerely,

A handwritten signature in black ink, appearing to read "D. M. Aube". The signature is written in a cursive style with a large initial "D" and a long horizontal stroke at the end.

DIRECTOR



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JUL 20 2012

The Honorable Ron Wyden
United States Senate
Washington, DC 20511

Dear Senator Wyden:

Thank you for your letter dated June 21, 2012, to Secretary Ken Salazar supporting the joint request from Oregon Governor John Kitzhaber, the Chairman of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), and the Chairman of Westland Irrigation District that the Department of the Interior (Department) establish a Federal Negotiation Team to assist with settling the water rights claims of the CTUIR. The Secretary has asked me, as Chair of the Working Group on Indian Water Settlements, to respond to your letter. A similar response is being sent to each co-signer of your letter.

The Department's Working Group on Indian Water Settlements is responsible for determining when it is appropriate to appoint a Federal Negotiating Team. We intend to schedule a Working Group meeting in the near future to consider this request. The Department appreciates that the CTUIR and Umatilla Basin stakeholders have a history of working together to resolve contentious water rights issues and we commend their efforts. We intend to continue our dialogue with the CTUIR and other Umatilla Basin stakeholders on how such a settlement can be achieved.

The Department appreciates your support for a negotiated settlement of tribal water rights.

Sincerely,

Alletta Belin
Counselor to the Deputy Secretary



THE SECRETARY OF THE INTERIOR
WASHINGTON

OCT 05 2012

The Honorable Ron Wyden
United States Senate
Washington, DC 20510

Dear Senator Wyden:

Thank you for your letter of July 13, 2012, to President Barack Obama regarding wildfires and the need for disaster assistance for Oregon's ranching community. President Obama asked that I respond to your concerns related to the Department of the Interior's effort in this regard.

As your letter mentions, the scale and intensity of the 2012 wildfires are unprecedented in Oregon and Washington. We continue to work with Federal, State, and local partners to ensure timely dispatch of firefighting equipment and other resources across the West.

The Department of the Interior's response to wildfires focuses on emergency stabilization and rehabilitation, and the Bureau of Land Management (BLM) is actively working on post-fire stabilization and rehabilitation in the Burns, Lakeview, Spokane, and Vale Districts. The BLM is also assessing fire damage and developing plans to address public health and safety, property, and critical natural and cultural resources. These assessments will help BLM determine the need to replace fencing, locate alternative water supplies, and make other range improvements.

For those areas not likely to recover from fire damage on their own, BLM is developing plans to revegetate those areas with a host of native and non-native plants. This is especially important for the restoration of sagebrush on which so many species depend. Other plant species will be selected for their soil holding capabilities as well as for their abilities to provide forage, moderate future fire behavior, and support wildlife.

I also share your concern about the impact the fires have had on livestock operators. The BLM has been working closely with grazing permittees to locate alternative pastures in neighboring areas; however, some of these areas are distressed by drought and unsuitable for grazing at this time. In the meantime, the BLM continues to explore the use of other allotments, and the Burns and Vale District Offices will provide refunds for prepaid forage that is unused due to the wildfires. The BLM will monitor the burned areas and document the progress of the stabilization and rehabilitation process over the next 3 years, and continue to work with the livestock operators to locate useable pasture or other alternatives for continued operations. My overall goal is to assure ecosystem health for multiple-use management including livestock grazing.

We look forward to working with you as we continue to mitigate the effects of wildfires and drought on our public lands.

Sincerely,

Ken Salazar

Ken Salazar



THE SECRETARY OF THE INTERIOR
WASHINGTON

MAR 01 2013

The Honorable Ron Wyden
United States Senate
Washington, DC 20510

Dear Senator Wyden:

Thank you for the letter dated January 8, 2013, from you and Senator Lisa Murkowski regarding the timetable for disposal of Federal Helium Reserve and repaying the debt the Federal helium program owes to the Treasury. I appreciate your interest in the critical issues facing the Federal Helium Reserve, which is of great importance to the Government and businesses across the Country. A brief background explanation is necessary to answer the question you raise.

The Helium Act of 1960, as amended by the Helium Privatization Act of 1996 (HPA), authorizes the Secretary of the Interior to sell crude helium for Federal, medical, scientific, and commercial uses. The HPA further requires the Secretary, beginning on January 1, 2005, to offer such amounts of helium for sale as will reduce the Helium Reserve to 600,000,000 cubic feet on a straight-line basis between that date and January 1, 2015. The HPA also requires that sales of helium shall be at prices adequate to cover both the costs of carrying out the statute and to repay to the Treasury all of the principal and interest owed on the loan from the Treasury that funded the Government's helium production program under the 1960 statute (which the statute calls "repayable amounts").¹ Under the HPA, the only authorized Federal facility for producing, refining, and marketing refined helium after April 1998 is the Cliffside Field facility near Amarillo, Texas, operated by the Bureau of Land Management (BLM).²

All monies derived from the sale of helium are deposited into a fund established by the 1960 Helium Act known as the Helium Production Fund. That Fund is available without fiscal year limitation for carrying out the provisions of the Helium Act, as amended by the HPA. Amounts in the Fund in excess of \$2,000,000 (or such lesser amount as may be necessary to carry out the Act) must be paid to the Treasury and credited against the repayable amounts within 7 days after the beginning of each fiscal year. Under the statute, when the repayable amounts are all repaid, the Helium Production Fund will terminate and moneys derived from helium sales and activities thereafter will be deposited in the Treasury's general fund.³

As a result of helium sales held in this fiscal year, the BLM has generated (as of February 2013) sufficient revenue to repay to the Treasury all the repayable amounts. Your letter asks "for

¹ See 50 U.S.C. §§ 167d(b) and (c); 167f(a)(1).

² See 50 U.S.C. § 167b(b) and (c).

³ See 50 U.S.C. § 167d(e).

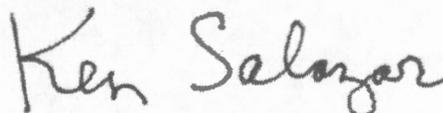
clarification of the effective date of termination of the Federal Helium Reserve should the Department receive sufficient funds to meet the repayment requirement.”

Because helium sales have yielded enough revenue to repay all repayable amounts, the Department will make the final payment to the Treasury within 7 days after October 1, 2013. At that point, but not prior, the Helium Production Fund will terminate.

The Helium Reserve itself will not terminate; the statute specifically requires that the Reserve be maintained at a volume of 600,000,000 cubic feet, even after January 2015.⁴ However, when the Helium Production Fund terminates, the Department will lose the source of funds established to operate the Reserve and the storage, transportation, and withdrawal facilities and equipment at the Cliffside Field. Absent action by Congress this would hinder or prevent management of the Reserve, including sales and revenue.

Thank you for your personal attention to this matter. We look forward to working with you regarding future management of the Federal Helium Reserve and storage facilities. A similar letter is being sent to Senator Murkowski.

Sincerely,

A handwritten signature in black ink that reads "Ken Salazar". The signature is written in a cursive, slightly slanted style.

Ken Salazar

⁴ See 50 U.S.C. § 167f(a)(1).



THE SECRETARY OF THE INTERIOR
WASHINGTON

FEB 07 2013

The Honorable Ron Wyden
Chairman, Committee on
Energy and Natural Resources
United States Senate
Washington, DC 20510

Dear Chairman Wyden:

Thank you for your letter of January 3, 2013, expressing concerns regarding the Department of the Interior's Federal coal royalty management, and requesting data and other information in response to seven specific questions. Enclosures 1 and 2 provide detailed responses to your specific requests.

The Department shares your concern that this matter be should taken seriously and be thoroughly investigated to determine if there is any merit to the allegations contained in the December 4, 2012, *Reuters* article referenced in your letter. To that end, I have directed the Department's Office of Natural Resources Revenue (ONRR) to assemble a team of experts that includes our State auditing partners in Wyoming and Montana to address coal sales from the Powder River Basin through a risk-based audit and compliance action plan. I have also asked the Department's Office of the Inspector General to investigate the allegations regarding coal sales in the Powder River Basin to affiliated export purchasers or broker/marketers, and aggressively pursue any company found in violation of the laws and regulations related to the valuation of Federal coal.

The issues surrounding Federal coal export sales underscore why royalty valuation reform is necessary and presents an opportunity for the Department to pursue broader royalty reforms. In an effort to strengthen and simplify royalty valuation regulations, on May 27, 2011, the Department published an Advanced Notice of Proposed Rulemaking for Federal and Indian coal and Federal oil and gas royalty valuation. Based on the comments we received, the changes we are considering would reinforce that for purposes of determining royalties, the gross proceeds from arm's-length transactions are the best indication of market value. The proposed changes could dramatically improve compliance and reduce administrative costs for industry and the Government. It will additionally ensure proper royalty valuation by creating a more transparent royalty calculation method that is more market oriented and less burdensome to both industry and the Government.

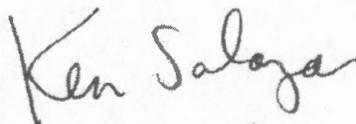
The Department is also committed to working closely with Congress on legislative changes to improve our management of the Federal and Indian mineral resources and to fulfill our stewardship responsibilities to the Nation. These good-government reforms include adjustments to royalty rates to achieve better returns for taxpayers, efforts to support and encourage the diligent development of existing leases, and the modernization and simplification of the royalty

management statutes to improve revenue collection processes, eliminate unwarranted industry subsidies, and reduce unnecessary administrative burdens for both the Department and industry.

Proceeding with royalty valuation reforms supports the efforts underway since this Administration's first day – to promote a balanced and responsible approach to energy development on our public lands and waters, and achieve dependable oversight and sensible reform of the mineral leasing and royalty management programs.

I look forward to working with you and Senator Murkowski on this issue to ensure that taxpayer assets are protected.

Sincerely,

A handwritten signature in black ink that reads "Ken Salazar". The signature is written in a cursive, slightly slanted style.

Ken Salazar

Enclosures



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

FEB 5 2013

The Honorable Ron Wyden

Chairman, Committee on Energy and Natural Resources

United States Senate

Washington, DC 20510

Dear Mr. Chairman:

Thank you for your letter dated January 22, 2013, requesting the Administration include stop gap funding for the Republic of Palau in its Fiscal Year 2014 budget. The Secretary has asked me to respond to you on his behalf.

The Administration is committed to the enactment and implementation of the agreement between the Government of the United States and the Government of the Republic of Palau following the Compact of Free Association Section 432 review.

The Department of the Interior (Department) and the Government of Palau have been partners since 1951, when the Navy transferred to the Department the administration of the United Nations Trust Territory of the Pacific Islands. Consistent with the provisions of the 1994 Compact of Free Association, Palau has exercised its sovereignty in accordance with the principles of democracy and in a firm alliance with the United States.

The Administration looks forward to continuing the United States partnership with Palau and will work diligently to secure funding for the Republic of Palau in FY 2014. As you know, the President's budget for 2013 assumed a legislative solution for the Compact funded through mandatory appropriations. This approach is in keeping with the agreement that was reached between the United States and the Republic of Palau and could be included in the negotiations for a 2014 budget resolution, thereby advancing it in the legislative process and securing a commitment for an offset. We appreciate the pressures on the Committee and the new Congress and the challenges with enacting legislation before the beginning of FY 2014, and would like to assist you to the greatest possible extent to secure a more permanent resolution of the Compact instead of a one year stop gap approach.

The Department is proud of the positive advancements United States assistance has achieved in Palau since 1995 and looks forward to the progress that we anticipate will be made over the

period of the new agreement. We look forward to continuing to work with you and the rest of Congress on its enactment.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rhea Suh".

Rhea Suh
Assistant Secretary
Policy, Management and Budget



THE SECRETARY OF THE INTERIOR
WASHINGTON

MAR 20 2013

The Honorable Ron Wyden
United States Senate
Washington, DC 20510

Dear Senator Wyden:

Thank you for your letter of February 7, 2013, regarding the Bureau of Land Management's ongoing effort to update its regulations pertaining to hydraulic fracturing. I appreciate your input on this important issue.

The BLM is taking steps to ensure that hydraulic fracturing on Federal and tribal lands is conducted in a safe and environmentally sound manner that protects the surface and subsurface resources. Based on comments received in response to the publication of the proposed rule in May 2012, the BLM is preparing a revised proposed hydraulic fracturing rule. The revised proposed rule will require public disclosure of chemicals used in hydraulic fracturing on Federal and Indian lands, the submission of information to verify proper cementing of the surface casing to protect the usable water aquifer, and the proper management of flowback water.

As we move forward, we will continue to collaborate closely with Congress, Federal and state agencies, industry, and the public to protect the important resource values of our public lands. I look forward to working with you as we continue the pursuit of balanced stewardship of America's public lands and resources.

Sincerely,

Ken Salazar



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

APR 22 2013

The Honorable Ron Wyden
United States Senate
Washington, DC 20510

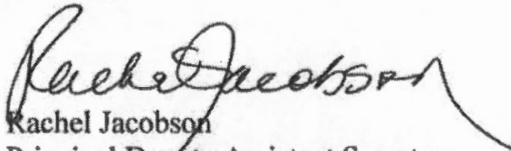
Dear Senator Wyden:

Thank you for your letter of February 13, 2013, to former Secretary Salazar, supporting the reappointment of James Root to the National Fish and Wildlife Foundation's (NFWF) Board of Directors. I have been asked to respond to your request.

We give serious consideration to all recommendations for board appointments, particularly those that come from members of Congress. While Mr. Root has made tremendous contributions to conservation during his tenure on the NFWF board, the decision was made not to reappoint him to another term.

Thank you for your interest in this matter and we look forward to working with you in the future.

Sincerely,


Rachel Jacobson
Principal Deputy Assistant Secretary
for Fish and Wildlife and Parks



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.

Washington, D.C. 20240

IN REPLY REFER TO:

P94(2450)

MAY 16 2012

The Honorable Patty Murray

United States Senator

2988 Federal Building

915 Second Avenue

Seattle, Washington 98174

Attn: Ed O'Neill

Dear Senator Murray:

I am writing to let you know that we have completed our investigation into Mr. John Christensen's grievance regarding an incident in Wenatchee on December 3, 2011, which led to the provisional termination of his volunteer agreement with Klondike Gold Rush National Park- Seattle Unit Trails & Rails program. We found that we are supportive of the Park's decision to release Mr. Christensen from his volunteer agreement unless he meets the two requirements outlined in the letter sent to him from the Park Superintendent on February 4, 2012.

Requirement 1

In the Trails & Rails Onboard Emergency Operations Guidelines Expectations and Requirements in Emergency Situations document on page 7, it states that all Trails & Rails crew members must have the ability to hear (*may be accompanied by the use of a hearing aid*).

Requirement 2

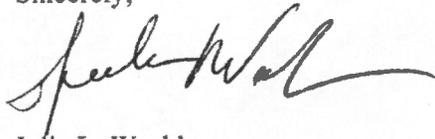
In the Trails & Rails Onboard Emergency Operations Guidelines Expectations and Requirements in Emergency Situations document on page 7, it states that all Trails & Rails crew members must have the ability to follow instructions and hand signals given by a crew member.

In the event that Mr. Christensen would be able to meet the requirements outlined above, the park would happily consider having him continue to serve as a guide. The decision was made in line with existing policy and guidance provided to parks regarding the management of volunteers, but this situation has highlighted to us that we need to revisit those standards and provide improved guidance to parks.

Thank you for bringing this issue to my attention. Please find enclosed copies of the correspondence regarding Mr. Christensen's case.

If you have any questions regarding this letter, please contact Marta Cruz Kelly, Program Manager, Interpretation and Education Division at 202-513-7200.

Sincerely,

A handwritten signature in black ink, appearing to read "Julia L. Washburn". The signature is fluid and cursive, with a long horizontal stroke at the end.

Julia L. Washburn
Associate Director, Interpretation and Education

Enclosure

cc: Supt., Klondike Gold Rush NHP-Seattle Unit



THE SECRETARY OF THE INTERIOR
WASHINGTON

SEP 05 2012

The Honorable Patty Murray

Chairman, Subcommittee on Employment
and Workplace Safety
Committee on Health, Education, Labor & Pensions
and Natural Resources
United States Senate
Washington, DC 20510

Dear Senator Murray:

Thank you for your letter of April 27, 2012, asking that the Department of the Interior (DOI), in cooperation with the Department of Labor, Department of Energy, Department of Transportation, and other relevant agencies, initiate a comprehensive and independent National Academies study of onshore and offshore oil and gas field workforce health and safety in the United States. A similar response is being sent to Senator Jeff Bingaman.

On June 22, 2012, DOI met with the Department of Labor's Occupational Safety and Health Administration and the Department of Transportation's Pipeline and Hazardous Materials Safety Administration to discuss this proposed study by the National Academies.

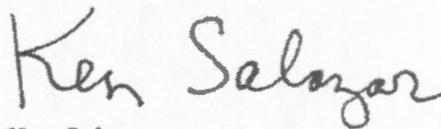
Within the DOI, the Bureau of Safety and Environmental Enforcement (BSEE) and the Bureau of Land Management (BLM) work to promote safety, protect the environment, and conserve oil and gas resources offshore and onshore through vigorous regulatory oversight and enforcement. Neither BLM nor BSEE inspects or enforces the Occupational Safety and Health Administration regulations, nor conducts industry safety training.

The BSEE conducts three primary programs related to offshore oil and gas worker safety. The BSEE conducts both scheduled and periodic unscheduled, unannounced inspections of oil and gas operations on the OCS including the examination of all safety equipment designed to prevent blowouts, fires, spills, or other major accidents. The BSEE also requires operators to develop, implement, and maintain a Safety and Environmental Management Systems (SEMS) program to enhance the safety and cleanliness of operations by reducing the frequency and severity of accidents. In addition, BSEE operates the National Offshore Training and Learning Center (NOTLC) with specially developed curricula focused on keeping our experienced inspectors current on new technologies and processes, and enhancing the capabilities of inspectors and engineers to enforce safety, environmental, and conservation compliance.

In addition, BLM-certified inspectors conduct onshore inspection and enforcement activities that enhance worker health and safety for oil and gas operations. The BLM provides its employees with safety training and equipment, performs exposure risk analysis, and issues guidance and fire resistant clothing appropriate to the work performed.

The DOI is committed to safe and environmentally responsible development of oil and gas resources on Federal and Indian lands and the OCS. I appreciate your concern for the health and safety of the oil and gas workforce. We continue our work with the other Federal Agencies as we pursue an independent study by the National Academies.

Sincerely,

A handwritten signature in black ink that reads "Ken Salazar". The signature is written in a cursive style with a large, prominent "K" and "S".

Ken Salazar



United States Department of the Interior



FISH AND WILDLIFE SERVICE
911 NE 11th Avenue
Portland, Oregon 97232-4181

In Reply Refer to:
FWS/R1/NWRS/ESO-00040801

AUG 31 2012

The Honorable Patty Murray
United States Senate
Washington, DC 20510

Dear Senator Murray:

Thank you for your letter addressed to Secretaries Salazar and Vilsack dated August 14, 2012, conveying your support for the National Trails System Land and Water Conservation Fund (LWCF) proposal. I appreciate knowing that the proposal is important to you; it is being considered for inclusion in the Department of the Interior's fiscal year 2014 LWCF budget recommendation, along with nine other proposals from around the nation. Your support for LWCF, and its land and resource conservation successes on our national wildlife refuges and other public lands, is part of your remarkable public service legacy.

The proposal was developed collaboratively by the National Park Service, Bureau of Land Management, U.S. Forest Service, and the U.S. Fish and Wildlife Service (Service). It addresses the needs of 11 of the 30 congressionally designated National Scenic and Historic Trails, and encompasses multiple agencies and projects located throughout the United States. Projects connected to the Lewis and Clark Trail at the Ridgefield National Wildlife Refuge Complex located in southwest Washington are included in the proposal. I appreciate your advocacy for and recognition of the benefits of these projects.

I would also like to take this opportunity to update you on the replacement of Ridgefield National Wildlife Refuge's pedestrian bridge over the BNSF Railway. Under the recently passed Transportation Bill (MAP-21), we are able to use funds from the Service's Transportation Program to construct the replacement bridge. Construction is scheduled for next summer.

We appreciate your continued support for our projects, and will keep you informed of our progress. Please call me at (503) 231-6118, if you have any questions or need more information about any of the projects discussed.

Sincerely,

Robyn Thorson
Regional Director

Copy to your Vancouver, WA, Office



THE SECRETARY OF THE INTERIOR
WASHINGTON

SEP 26 2012

The Honorable Patty Murray
United States Senate
Washington, DC 20510

Dear Senator Murray:

Thank you for your letter dated August 23, 2012, to President Barack Obama regarding permanent protection of Bureau of Land Management lands in the San Juan Islands. The White House asked me to respond to your letter. I appreciate your interest, and share your enthusiasm for protecting this special place.

During my visits to Anacortes, I heard broad community support for permanently protecting the lands in the San Juan Islands that are managed by the BLM. The San Juan County Council has also expressed its approval for designating a BLM national monument in the San Juan Archipelago.

President Obama's America's Great Outdoors Initiative relies on grassroots efforts such as those in San Juan and Whatcom Counties to protect places with special significance to local communities. This strong local partnership continues to focus on preserving the unique natural resources and outstanding recreational opportunities found in the San Juan Islands.

I look forward to continuing to work with you, your partners, and other stakeholders to ensure that this special area is protected and available for the enjoyment of all for generations to come. A similar letter is being sent to Senator Maria Cantwell.

Sincerely,

Ken Salazar



THE SECRETARY OF THE INTERIOR
WASHINGTON

NOV 26 2012

The Honorable Patty Murray

United States Senate
Washington, DC 20510

Dear Senator Murray:

Thank you for your letter dated October 17, 2012, in support of Alternative B-2 in the current planning effort for the National Petroleum Reserve-Alaska. I appreciate your taking the time to share your interest in allowing for substantial energy development in the NPR-A while providing protection for environmentally sensitive areas.

The Bureau of Land Management expects to issue a Final Environmental Impact Statement and decision document for the NPR-A in the near future. We are committed to responsible development of oil and gas resources on public lands and look forward to continuing to work with you as we move forward with a scientifically-based, balanced plan for the NPR-A. A similar response is being sent to the co-signers of your letter.

Sincerely,

Ken Salazar



United States Department of the Interior

NATIONAL PARK SERVICE

Pacific West Region
333 Bush Street, Suite 500
San Francisco, California 94104-2828



IN REPLY REFER TO:
A 3615 (PWR-C)

22 FEB 2013

The Honorable Patty Murray
2988 Jackson Federal Building
915 2nd Avenue
Seattle, WA 98174-1003

Dear Ms. Murray:

Thank you for your inquiry of January 22, 2013 on behalf of your constituent Mr. Robert Gelder, concerning the transfer of surplus federal property at Point No Point Light Station through the National Historic Lighthouse Preservation Program.

Mr. Gelder is correct in pointing out that Secretary of the Interior Ken Salazar selected Kitsap County to be the recipient of the Point No Point Light Station. This selection was based upon the recommendation made by a National Park Service interdisciplinary review committee in this region. The National Park Service acts as a sponsoring agency in the disposal of surplus federal property under the National Historic Lighthouse Preservation Program, however we do not generate or issue the deeds of transfer for such properties. Once we have made our recommendation and the Secretary of the Interior has made the selection, the United States General Services Administration produces and executes the deed of conveyance.

In some cases, the disposal process for surplus lighthouse property commences before environmental conditions on the site have been fully remediated and the site determined to be ready for final transfer. We suspect that is the case with the Point No Point Light Station. Although site clean-up and production of the quitclaim deed are beyond our control, we are glad to investigate the status of this transfer further and will communicate our findings to you and the property recipient once we determine where things are in the process.

If you would like further information on the National Historic Lighthouse Preservation Program or particulars regarding the transfer of the Point No Point Light Station, you may contact our staffperson who coordinated our review and recommendation, David Siegenthaler, at 415-623-2334 or by e-mail at David_Siegenthaler@nps.gov.

Sincerely,

Christine S. Lehnertz
Regional Director, Pacific West Region



THE SECRETARY OF THE INTERIOR
WASHINGTON

MAR 20 2013

The Honorable Patty Murray

United States Senate
Washington, DC 20510

Dear Senator Murray:

Thank you for your letter of January 28, 2013, to President Barack Obama expressing your support for designating the San Juan Islands as a national monument. I am pleased to respond on behalf of President Obama and agree that these extraordinary public lands deserve permanent protection.

I appreciate your sustained commitment to protecting the significant resources of the San Juan Islands. These outstanding scientific and historic resources, as well as the unique recreational opportunities, have inspired ongoing local support for conservation of these lands.

Thank you for your commitment to protecting the San Juan Islands public lands. A similar response will be sent to the cosigners of your letter.

Sincerely,

Ken Salazar



THE SECRETARY OF THE INTERIOR
WASHINGTON

MAR 26 2013

The Honorable Patty Murray
United States Senate
Washington, D.C. 20510

Dear Senator Murray:

Thank you for your letter of February 6, 2013, regarding the *In Memory Plaque* at the Vietnam Veterans Memorial.

Public Law 106-214, enacted in 2000, authorized the American Battle Monuments Commission (ABMC) to place a plaque within the Vietnam Veterans Memorial to honor those Vietnam veterans who died after their service in Vietnam, as a direct result of that service. The *In Memory Plaque* was unveiled and dedicated in 2004. It had been designed and sited as required by this law through the consultation and approvals process with the involvement of the ABMC, the Vietnam Veterans Memorial Fund, Inc., the Vietnam Women's Memorial, Inc., the Commission of Fine Arts, the National Capital Planning Commission, and others.

Since its original installation, the Plaque has been replaced and re-lettered in efforts to maintain its character. Maintenance efforts by the National Park Service have taken place in consultation with the Vietnam Veterans Memorial Fund. The National Mall and Memorial Parks have been in communication with Mrs. Joanna Henshaw and Mrs. Cathy Keister, national board members of the Associates of Vietnam Veterans of America, to discuss design changes and improvement to the *In Memory Plaque*. The National Park Service shares their concerns for the treatment of this important component of the Memorial, and we are pleased by their organization's plans to raise funds for alterations. A proposed preliminary restyling of the Plaque was forwarded to the National Park Service by the Associates of Vietnam Veterans of America on January 23, 2013.

The National Park Service, the Commission of Fine Arts, and others are considering enhancements for the preservation and dignity of the *In Memory Plaque* that can meet the aesthetic and design concerns and legal requirements for an undertaking on the National Mall. We will continue to work closely with the Associates of Vietnam Veterans of America and others in refining plans and acquiring the necessary approvals so that the *In Memory Plaque* continues to honor the men and women who died as a result of their service in the Vietnam War.

Please do not hesitate to contact Superintendent Bob Vogel, National Mall and Memorial Parks at (202) 245-4660 for further updates. An identical response is being sent to the co-signers of your letter.

Sincerely,

Ken Salazar



THE SECRETARY OF THE INTERIOR
WASHINGTON

MAR - 9 2012

The Honorable Carl Levin
United States Senate
Washington, DC 20510

Dear Senator Levin:

Thank you for your letter of January 30, 2012, regarding the construction of a whitefish production facility at Jordan River National Fish Hatchery (NFH) in Elmira, Michigan. We share your views that this is a priority facility for support of the fishery.

Due to budget constraints we are unable to fund this project in 2012 and we were not able to include it in our 2013 budget request. We are hopeful that at some future date we will be able to consider funding for this facility and with that in mind we will keep the project on our list of priority construction needs.

The deferral of this project is not a change in our thinking about the need for this project but a consideration of budget constraints and the need to prioritize construction needs within the budget. As you know, the President's 2012 budget included \$2,686,000 for the construction of a whitefish production facility at Jordan River NFH. After enactment of the 2011 full year continuing resolution that included a reduced level of funding for Fish and Wildlife Service (FWS) construction, we submitted a revision to the 2012 construction budget. Considering that we had urgent needs that we were not able to address in 2011, we deferred new construction projects in order to fund urgently needed repairs to existing facilities and the Jordan River whitefish facility was not included in our revised list. Congress funded the 2012 budget request for construction.

In February, we submitted our 2013 budget to Congress. With continued constrained funding for the FWS construction program, I have directed the FWS to again defer new construction and this project is not requested in 2013.

Let me reiterate that we continue to share your views about the importance of this project and will continue to consider it in future budget deliberations. Thank you for your support for our programs.

Sincerely,

Ken Salazar



THE SECRETARY OF THE INTERIOR
WASHINGTON

JUN 20 2012

The Honorable Carl Levin

United States Senate
Washington, D.C. 20510

Dear Senator Levin:

Thank you for your letter of May 18, 2012, conveying your concerns about the need to prevent the introduction and spread of aquatic invasive species through the trade of live organisms. The U.S. Fish and Wildlife Service (FWS) shares your concerns and your commitment to finding effective solutions to address this problem.

The legitimate importation of plant and animal species has long provided important benefits to our economy and our quality of life. Each year, millions of live animals are legally imported into the United States for a variety of purposes, including use in critical medical research; public educational purposes in zoos and aquaria; and as pets in the homes of countless Americans. However, we also must acknowledge the critical and growing problem of the introduction and establishment of non-native invasive species into the wild as a result of both intentional and accidental releases. Non-native invasive species cost the Nation tens of billions of dollars each year and are among the primary factors that contribute to the listing of fish and wildlife species as threatened or endangered at the Federal or state level. There is no question that invasive species pose significant challenges to the conservation of native fish and wildlife.

Accordingly, the FWS is reviewing both regulatory and non-regulatory approaches to address this urgent problem. A team of FWS experts has been assembled and tasked with identifying, developing, and implementing measures that can more effectively serve to prevent the introduction of new invasive threats.

We would be happy to meet with you or your staff to discuss and keep you updated on our efforts to prevent the introduction and spread of aquatic species through the trade of live organisms.

Sincerely,

Ken Salazar



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



NOV 07 2012

The Honorable Carl Levin
United States Senate
Washington, D.C. 20510

Dear Senator Levin:

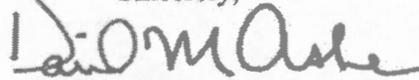
Thank you for your letter of September 21, 2012, to Secretary of the Interior Salazar, co-signed with Senator Norm Dicks, highlighting the importance of the U.S. Fish and Wildlife Service's (Service) Great Lakes and Pacific Northwest Mass Marking Programs. The Secretary has asked the Service to respond directly to you and we apologize for the delay. We appreciate your emphasis on the Great Lakes program as we prepare for our fourth year of fish tagging operations.

The Service has worked closely with the U.S. Environmental Protection Agency (EPA), Great Lakes Fishery Commission, and the Great Lakes states and tribes since 2008 to initiate basin-wide marking programs and provide fisheries managers with the science needed to restore native fish stocks and improve fisheries management. Congress provided \$6.85 million in appropriations that were used to purchase five tagging trailers and make improvements to hatcheries in four states. In 2010 the Service established the Great Lakes Tagging and Recovery Laboratory in Green Bay, Wisconsin, to lead basin wide mass marking operations. Over 15 million tagged lake trout and 10 million tagged Chinook salmon have been stocked into lakes Michigan, Huron, and Ontario using \$1.5 million from the Great Lakes Restoration Initiative (GLRI) in FY2011 and 2012. The Service has assisted the states and tribes in recovering tagged fish from anglers and is designing a database to archive and analyze tag information. This information is already being used to make management decisions on the future of the Lake Michigan Chinook salmon fishery.

The Service has worked through the interagency process to budget for continued implementation of the Great Lakes Mass Marking Program during Fiscal Years 2013 and 2014. Priorities include the purchase of two additional tagging trailers, additional hatchery upgrades, and funding for coordinated fish tagging and recovery operations. The EPA is looking into whether unspent GLRI funds from FY2012 are available.

As stated in your letter, stable funding for operations will be needed in order to achieve the ultimate objective of the Great Lakes program – marking, recovery, and analysis of all hatchery salmon, lake trout, and steelhead throughout the basin. The Service and the Department of the Interior will carefully consider all options and make every effort to fund these essential Great Lakes and Pacific Northwest programs consistent with other priorities.

Sincerely,


DIRECTOR



United States Department of the Interior

FISH AND WILDLIFE SERVICE

300 Westgate Center Drive
Hadley, MA 01035-9589



APR 30 2012

In Reply Refer To:
FWS/R5/NWRS/051268

The Honorable Barbara A. Mikulski
United States Senate
Washington, DC 20510

Dear Senator Mikulski:

Thank you for your letter dated April 10, 2012, to Secretary of the Interior Ken Salazar, regarding funding for land protection at Blackwater National Wildlife Refuge (Blackwater). Secretary Salazar has asked us to respond on his behalf. An identical letter is being sent to Senator Cardin.

We agree with your assessment of the value of Blackwater in terms of its natural and cultural resources and its economic importance to Maryland's Eastern Shore. We are also fully engaged in promoting President Obama's goals as outlined in the *Strategy for Protecting and Restoring the Chesapeake Bay Watershed*.

In fiscal year (FY) 2012, Blackwater was included in the President's budget request for \$1.5 million as the 16th national priority under the Land and Water Conservation Fund. Unfortunately, the President's request was not fully funded, and there is currently no appropriation directed to Blackwater in FY 2012. Due to competing national priorities, Blackwater is not included in the FY 2013 President's budget request for land protection.

We were pleased that the Migratory Bird Conservation Commission (Commission), chaired by Secretary Salazar, approved the expenditure of \$505,000 in March 2012 to protect 112 acres of excellent waterfowl habitat at Blackwater. The final closing for this property is expected to occur in the near future. We will continue to seek the Commission's approval for funding at Blackwater in future years.

The U.S. Fish and Wildlife Service (FWS) has forged strong ties with the National Park Service to implement the goals of the Captain John Smith Chesapeake National Historic Trail and Harriet Tubman Underground Railroad National Historical Park, with the U.S. Army Corps of Engineers on the use of beneficial dredged material for wetland restoration, and with the Department of the Army to help deliver their compatible use buffer program. These are just three examples of collaborative conservation that the FWS is promoting in and around the Chesapeake Bay. We

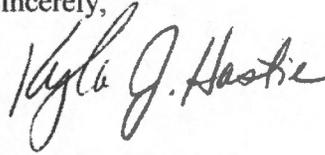
The Honorable Barbara A. Mikulski

2

will continue to foster and strengthen our partnerships throughout the Chesapeake Bay watershed, and will make our efforts, along with our needs at refuges like Blackwater, known as decisions are being made about future budget requests.

You have been among the most ardent supporters for conservation in the United States Senate. Please accept our gratitude for all your efforts to protect and restore the vital natural and cultural resources of the State of Maryland and the entire Chesapeake Bay watershed. If we can be of further assistance on the subject of land protection, please contact Mr. Scott Kahan, Regional Chief, National Wildlife Refuge System, at (413) 253-8245.

Sincerely,



Acting Wendi Weber
Regional Director

cc: Suzanne Baird, Refuge Manager
Joan Marchi, Realty Specialist



United States Department of the Interior
NATIONAL BUSINESS CENTER
Washington, DC 20240



SEP 28 2012

Barbara Mikulski
United States Senate
901 S. Bond Street Suite 310
Baltimore, MD 21231

The Honorable Senator Mikulski:

Thank you for your inquiry of July 6, 2012 on behalf of your constituent, Allen Epps, regarding his May 21, 2012 termination from the agency and Federal service.

After further review of his case, the agency has returned Mr. Epps to Federal service on an appointment at the same title and grade before his termination with full benefits and retribution for lost salary and benefits.

We regret the hardship and inconvenience this has caused Mr. Epps and his family.

Sincerely,

Joseph M. Ward, Jr.
Director

TAKE PRIDE
IN AMERICA 



THE SECRETARY OF THE INTERIOR
WASHINGTON

OCT 25 2012

The Honorable Barbara A. Mikulski
United States Senate
Washington, DC 20510

Dear Senator Mikulski:

Thank you for your letter dated June 20, 2012, expressing your support for establishing a unit of the National Park System dedicated to preserving, commemorating, and interpreting the life of Harriet Tubman on the Eastern Shore of Maryland.

Congress directed the National Park Service to conduct the Harriet Tubman Special Resource Study (Public Law 106-516), including specified sites on the Eastern Shore of Maryland and in Auburn, New York. These sites comprise a relatively unchanged landscape of places associated with Tubman's early life and her Underground Railroad activities. The study, completed in 2008, resulted in positive findings for each of the four criteria for establishing a new national park unit: national significance, suitability, feasibility, and need for NPS management. The Department of the Interior has consistently testified in support of legislation to establish a new national park honoring Harriet Tubman.

I understand that your support for a national monument designation through presidential proclamation is driven by a sense of urgency with the centennial of Tubman's death in March, 2013. A monument designation before that time would promote upcoming events to celebrate her life. In addition, you mention the "inexorable threat of development" in the area of evocative landscape that had been Tubman's home. Your letter sets forth a thoughtful case for establishing a national monument under the Antiquities Act.

We are very excited about the possibilities for the Harriet Tubman Underground Railroad sites in the States of Maryland and New York. I look forward to working with you for their long-term protection and on telling the story of this great American and the Underground Railroad to present and future generations.

Thank you for your contributions to the commemoration of Harriet Tubman and her life's work. I appreciate your continuing support of this important project.

Sincerely,

Ken Salazar



United States Department of the Interior
NATIONAL BUSINESS CENTER
Washington, DC 20240



SEP 28 2012

Barbara Mikulski
United States Senate
901 S. Bond Street Suite 310
Baltimore, MD 21231

The Honorable Senator Mikulski:

Thank you for your inquiry of July 6, 2012 on behalf of your constituent, Allen Epps, regarding his May 21, 2012 termination from the agency and Federal service.

After further review of his case, the agency has returned Mr. Epps to Federal service on an appointment at the same title and grade before his termination with full benefits and retribution for lost salary and benefits.

We regret the hardship and inconvenience this has caused Mr. Epps and his family.

Sincerely,

Joseph M. Ward, Jr.
Director

TAKE PRIDE
IN AMERICA 



United States Department of the Interior
Office of the Secretary



NOV 16 2012

The Honorable Barbara Mikulski
901 S Bond Street Suite 310
Baltimore MD 21231

Dear Senator Mikulski:

Thank you for your inquiry dated October 3, 2012, to Christopher Mansour, Director of Legislative Affairs for the US Department of the Interior, concerning Mr. Allen Epps.

In the Settlement Agreement (enclosed) that Mr. Epps signed on July 31, 2012, condition #3 stated that "he understands and acknowledges that continuing in that position requires demonstrated skill in driving and use of the Agency's GPS devices." When Mr. Epps assumed his position as a driver for the Department, he received hands-on training from multiple employees on multiple occasions. Additionally, when offered the use of a government furnished GPS device, Mr. Epps requested that he be permitted to use his own personal GPS device and this request was approved by his supervisor. Subsequent to the training and the approval to use his GPS device, Mr. Epps was assigned the responsibility of driving senior officials of the Department of the Interior to locations within the general vicinity of the Department headquarters. On three successive occasions, while driving a key official to important meetings, Mr. Epps got lost resulting in the official being late each time. As further stated in condition #3 of the Settlement Agreement, "If Mr. Epps fails to demonstrate proficiency in either driving or use of the GPS device within 120 days of the effective date of this agreement, he understands and acknowledges that he shall be returned to his position as a Motor Vehicle Operator, WG-5703-06, under the supervision of Mr. John Butler." As he did not demonstrate proficiency in driving, the decision was made to return him to previous position.

Accordingly, in an October 12, 2012 email, Mr. Nassar returned Mr. Epps to his position under the supervision of Mr. Butler pursuant to the signed settlement agreement. Mr. Nassar explained to Mr. Epps that he had failed to demonstrate proficiency in driving necessary to complete the tasks assigned. Since September 17, 2012, Mr. Epps has reported to Mr. Butler and assumed the duties of that office.

Sincerely,

Joseph M. Ward
Director
Interior Business Center

Enclosure



THE SECRETARY OF THE INTERIOR
WASHINGTON

FEB 01 2013

The Honorable Barbara Mikulski
Chairwoman, Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Madam Chairwoman:

Thank you for your letter dated January 22, 2013, requesting information from the Department of the Interior on the impact of a potential sequester of funds on our operations, employees, contractors, and, when known, the impact on the state and local economies where the Department operates or distributes funding.

I understand your concern that the impact of the sequester may not be fully understood by Congress and the American public. In response to your letter, I have asked our bureaus and offices to provide information regarding the impacts they anticipate from a sequester. They have compiled several of the most significant identified impacts a summary of which is enclosed.

We appreciate the opportunity to provide this information about the serious impacts that sequestration will have on the Department's management of many of the United States most valuable and treasured natural, historical, scientific, and tribal resources.

Please let me know if you have any questions or require additional information from the Department.

Sincerely,

Ken Salazar
Ken Salazar

Enclosure



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

APR 15 2013

The Honorable Barbara Mikulski

United States Senate
Washington, D.C. 20510

Dear Senator Mikulski:

Thank you for your letter dated January 30, 2013, to President Barack Obama, cosigned by your colleagues, expressing your concerns on potential seismic air gun operations in the Mid and South Atlantic Outer Continental Shelf (OCS) waters. President Obama has asked me to respond. A similar letter is being sent to each cosigner of your letter.

As you are aware, the Bureau of Ocean Energy Management (BOEM) is in the process of preparing a Programmatic Environmental Impact Statement (PEIS) under the National Environmental Policy Act (NEPA) to evaluate potential effects of multiple geological and geophysical (G&G) activities in these areas, including seismic surveys using air guns. BOEM was directed to develop this PEIS under the Conference Report for the Department of the Interior, Environment, and Related Agencies Act, 2010.

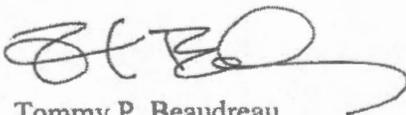
The completion of this PEIS is part of a region-specific strategy with respect to oil and gas exploration and development in the Mid and South Atlantic that focuses on the need to update information in order to inform future decisions about whether, and if so where, leasing would be appropriate in these areas. Seismic surveys and other G&G activities evaluated in this PEIS are valuable to understanding the location, extent, and properties of hydrocarbon resources. G&G surveys are also used to identify geologic hazards, archaeological resources, and hard bottom habitats that would need to be avoided during exploration and development. A variety of G&G techniques evaluated in the study, in addition to air guns, are also used to understand the potential to site renewable energy structures and locate marine mineral resources, such as sand and gravel used for beach and barrier island restoration. BOEM uses the best available science and follows the guidance of experts and other regulatory agencies, such as the National Marine Fisheries Service (NMFS).

I share your concern about the potential environmental effects of seismic activity on marine mammals and other species. One of the main purposes of the PEIS is to evaluate the potential environmental effects of multiple G&G activities in the Mid and South Atlantic and define mitigation and monitoring measures that would reduce or eliminate potential impacts. BOEM has contributed close to \$40 million over the last decade on ground-breaking research to better understand the potential for acoustic impacts to marine life from geophysical sound sources. BOEM has also conducted numerous expert stakeholder workshops to discuss and identify further information needs on acoustic impacts.

Importantly, the marine mammal take estimates provided by BOEM in the draft PEIS, and cited in your letter, are unqualified estimates because they do not consider the effect that mitigation measures would have in reducing, or in some cases possibly eliminating, the potential for marine mammal takes. In addition to a no action alternative – which would not allow for G&G activity - the PEIS contains two alternatives that consider various mitigation strategies to reduce environmental impacts. BOEM is also pursuing programmatic consultations with NMFS and U.S. Fish and Wildlife Service to assess impacts under the Endangered Species Act (ESA) and the Magnuson-Stevens Fishery Conservation Management Act (MSFCMA). The results of these consultations will be considered in any decision made by BOEM. Further, if seismic surveys are allowed to go forward under the Marine Mammal Protection Act (MMPA), operators must obtain an authorization from NMFS before BOEM issues a permit. These collective environmental compliance efforts (i.e., NEPA, ESA, MMPA, MSFCMA and a suite of others) help ensure any activities that may ultimately be authorized do not rise to the level of jeopardizing populations or destroying important habitat.

Again, I appreciate very much the concerns you have about potential seismic surveys in waters off the Mid and South Atlantic OCS. I can assure you that your concerns, as well as the large number of other comments we have received, will be considered, along with the outcomes of the environmental and other reviews, before we reach any final decisions on whether to move forward with permitting seismic surveys and other G&G activities in the Mid and South Atlantic OCS.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tommy P. Beaudreau', with a long horizontal flourish extending to the right.

Tommy P. Beaudreau
Director



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



In Response Reply to:
FWS/AES/051400

MAY 23 2012

The Honorable Debbie Stabenow
United States Senate
Washington, D.C. 20510

Dear Senator Stabenow:

Thank you for your letter of April 23, 2012, to Secretary of the Interior Salazar regarding your support of the re-nomination of Mr. George Thornton, CEO of the National Wild Turkey Federation, to the Wildlife and Hunting Heritage Conservation Council. The Secretary has requested that the U.S. Fish and Wildlife Service respond directly to you and we apologize for the delay.

Mr. Thornton's involvement in the Council's inaugural term greatly enhanced its ability to provide quality recommendations to the Department of the Interior and the Department of Agriculture on a range of issues important to all Americans who love the outdoors. Mr. Thornton's application for the Council's upcoming term will receive due consideration.

Sincerely,

Elizabeth Stevens
Assistant Director for External Affairs



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

MAY 29 2013

The Honorable Debbie Stabenow

United States Senate
Washington, DC 20510

Dear Senator Stabenow:

Thank you for your letter of March 14, 2013, seeking clarification regarding the status of trust lands belonging to the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians (Gun Lake Tribe) in southwest Michigan.

The history of the Department of the Interior's (Department) acquisition of land in trust for the Gun Lake Tribe has placed the Tribe in a unique position. As you may be aware, the Department was party to litigation involving the acquisition of land in trust on behalf of the Gun Lake Tribe in *MichGO v. Kempthorne*. The district court granted summary judgment in favor of the United States in the *MichGO* lawsuit in 2007, which the D.C. Circuit affirmed in 2008. In January 2009, the United States Supreme Court denied certiorari to the *MichGO* plaintiffs. Immediately thereafter, the Department acquired title to the land in trust for the Gun Lake Tribe.

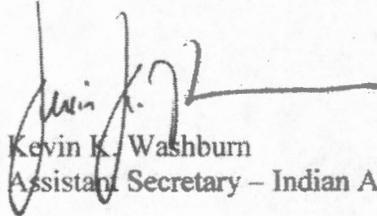
That parcel of land was proclaimed as the "Reservation" of the Gun Lake Tribe by the Department later in 2009, and is now the only parcel of trust lands of the Gun Lake Tribe. The Tribe now operates a Class III gaming facility on that parcel.

The *MichGO* litigation proceeded through the Federal courts contemporaneously with the *Carcieri v. Salazar* litigation; indeed, the Supreme Court heard oral arguments in the *Carcieri* litigation in November 2008, three months before it denied certiorari in *MichGO*. On February 24, 2009, after the Department completed the trust acquisition for the Gun Lake Tribe, the Supreme Court issued its decision in *Carcieri v. Salazar*.

The Department relied upon its victory in the *MichGO* lawsuit, which was assured with the Supreme Court's denial of certiorari in January 2009, when it acquired the Gun Lake Tribe's land into trust. This decision was made before the Department was faced with the challenge of implementing the Court's decision in *Carcieri*, which was issued just weeks after the trust acquisition of the Gun Lake Tribe's lands. The Department is continuing to defend the validity of this decision in the ongoing *Patchak* litigation.

These facts place the Gun Lake Tribe in a unique position, in that the Department's decision to take the lands at issue into trust was fully litigated literally weeks before the Supreme Court's decision in *Carciari*. The Department will continue to defend the Gun Lake Tribe's initial reservation and only trust lands. Thank you for your interest in this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin K. Washburn", with a long horizontal line extending to the right.

Kevin K. Washburn
Assistant Secretary - Indian Affairs



United States Department of the Interior

NATIONAL PARK SERVICE
INTERMOUNTAIN REGION
12795 West Alameda Parkway
P.O. Box 25287
Denver, Colorado 80225-0287

DTS - 12701
(YELL)



IN REPLY REFER TO:

A3615(YELL)
xW3417

APR - 4 2013

Honorable Debbie Stabenow
Attention: Mr. Kane Beauchamp
1901 West Ridge, Suite 7
Marquette, Michigan 49855

Dear Senator Stabenow:

Thank you for the opportunity to address the concerns and questions of your constituent, Mrs. Lisa Wallace. As Mrs. Wallace's questions are posed in three separate letters, I will paraphrase the concerns contained in her narratives in order to facilitate clarity in this response.

Perception of inconsiderate treatment of family members. National Park Service (NPS) staff personally called and wrote on numerous occasions to keep Mrs. Wallace and/or her designated family point of contact updated on report release timelines, apprised of new information, answer questions, and advise them of press releases that would generate renewed media interest in the incident.

Perception of disrespectful witness statement content and redaction options. The NPS went to great lengths to conduct and complete a comprehensive, objective, transparent and respectful investigation of the tragic incident involving Mr. Wallace. The witness statement in question was the personal recounting of a face-to-face contact with Mr. Wallace while he was being checked in at the Canyon Village campground office. The witness, per standard procedure, verified that the statement was true, correct, freely and voluntarily given, and per re-reading, not in need of correction. The witness signed the statement as being correct and truthful. Mrs. Wallace's concern with this statement appears to be related to out of context use or provocative paraphrasing by the media, which is beyond the control of the NPS.

There are no Freedom of Information Act exemptions or redaction options for witness statements of this sort. Accordingly, the NPS had no choice but to submit the report with this statement intact.

Trail closure based on information known preceding incident. This question was posed to NPS staff by Mrs. Wallace on March 13, 2012. On March 13, 2012, NPS staff advised Mrs. Wallace that, based upon knowledge available at the time, the Mary Mountain trail would not have been closed on August 25, 2011.

Family members waited for six months for the Park Service Report. We empathize with the family over the long duration of the investigation, however the report could not be finalized and released until all DNA evidence results were received and reviewed. The final DNA analysis results were received on January 6, 2012. During the interim, key NPS staff were in contact with Mrs. Wallace, answering her questions on several occasions. Park staff honored her desire that all communication with her be in written form. On February 22, 2012, Mrs. Wallace was advised via email that final reports were complete

and slated for public release on March 5, 2012. On February 22, 2012, staff contacted Mrs. Wallace and extended the offer to provide report copies to her for review prior to public release. On February 23, 2012, Mrs. Wallace accepted this offer and, per her request, final copies of the NPS investigation report and the Interagency Board of Review were mailed to her designee on February 24, 2012.

The park maintains a high standard of professionalism, transparency and objectivity while conducting fatality investigations. In the striving to achieve true objectivity in incident analysis and investigation, it is notable that of the three investigatory bodies involved in formulating the two final reports, two were not subject to the command and control of the Superintendent – the NPS Investigative Services Branch Special Agents assigned to the incident and the Interagency Board of Review team.

Nowhere does the report acknowledge the unusual, predatory nature of the attack. There were no witnesses to the attack, thus there is no way of knowing whether the attack was defensive or predatory. The independent Board of Review conducted by the U.S. Fish and Wildlife Service, comprised of seven individuals knowledgeable about bears from six different state and federal agencies came to the same conclusion as the NPS. Page 15, paragraph 3 of the Board of Review report states “*There is no evidence that explains why Mr. Wallace was attacked,*” and, “*There is no evidence indicating what bear(s) killed Mr. Wallace, nor is there evidence to determine if the attack was defensive or predatory in nature.*”

I believe that the smoke and mirrors tactic was motivated at least in part due to the fact the NPS had not been monitoring an area known for bear travel/sightings and they were caught unaware of the unusually high bear activity along the Mary Mountain Trail. Yellowstone National Park is comprised primarily of remote high-altitude backcountry. The park contains over 1,000 miles of hiking trails spread over 2.2 million acres of rugged terrain, all of it frequented by grizzly bears. There is no practical manner, nor is there an expectation, for monitoring grizzly bear movements over this landscape on a daily basis. The NPS does not guarantee the safety of people entering the park’s backcountry. A sign posted at the Mary Mountain trailhead on the day of the incident stated: “*All of Yellowstone is inhabited by black and grizzly bears. There are inherent dangers associated with hiking in bear country. THERE IS NO GUARANTEE OF YOUR SAFETY. While attacks are rare, visitors have been injured and killed by bears.*” The sign goes on to explain ways to reduce the chances of negative encounters with bears, including discouraging hiking alone and encouraging the carry and use of bear deterrent spray. The investigation and subsequent correspondence with Mrs. Wallace and the Wallace family indicated that Mr. Wallace was a very experienced wilderness hiker in bear country, was very knowledgeable about bear safety precautions for hikers, and had conducted several previous trips and hikes in Yellowstone, including the trail in question.

Part and parcel of the cover-up is the way in which the Park Service insidiously gives credence to the notion that carrying a can of bear spray will keep on safe while in grizzly territory. Even had John been carrying a rifle, it would have been utterly useless due to the surprise attack. The interagency standard for self-protection against grizzly bears in the 22 million acre greater Yellowstone ecosystem is the proper carry and use of bear deterrent spray. Two independent published scientific studies analyzed twenty years of data from human-bear encounters in Alaska. These studies conclude that bear deterrent spray was over 90 percent effective in stopping undesirable bear behavior.

Why, after deciding not to euthanize a bear which had killed someone the month prior, did the NPS not monitor the animal’s whereabouts? Had they done so, they would have been well aware of the unusually high level of bear activity along the trail where John was hiking. We did not attempt to capture and radio collar the female grizzly bear involved in Mr. Matayoshi’s death because the investigation and Interagency Board of Review were able to determine that the incident was a defensive reaction to a surprise encounter. Even if the bear was radio collared, it is not practical, or even possible, to track every bear, every hour, every day, over 2.2 million acres of remote, rugged, wilderness. Given

that mountain weather precludes flying small aircraft in high altitude terrain on many days, and that grizzly bears roam widely, knowledge of a bear's location at one point in time does not mean the bear will be in the same location even a few hours later.

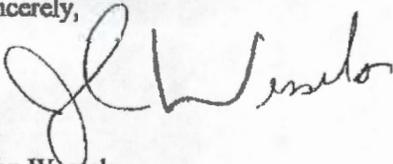
From DNA evidence collected through extensive trapping efforts, we now know that five grizzly bears were in the vicinity of the site where Mr. Wallace was killed. Nine grizzly bears were observed on a carcass 1.5 miles from the fatality site three days prior to Mr. Wallace's death. However, the person that observed those nine bears did not report the sighting until after hearing about Mr. Wallace's death in the media. The number of bears present at the bison carcasses in the vicinity of the Wallace fatality is not atypical; it is not unusual to have six to twelve grizzly bears present at bison carcasses.

During an airplane flight to locate radio-collared grizzly bears for routine population monitoring on August 23, 2011, two days before Mr. Wallace was killed, only one grizzly bear was observed in Hayden Valley. On another grizzly bear population monitoring telemetry flight on August 24, 2011, the day before Mr. Wallace was killed, only one grizzly bear was observed in Hayden Valley. We were not aware of any concentrations of grizzly bears in Hayden Valley on the days immediately prior to, or the day of, Mr. Wallace's death.

The Wallace and Matayoshi fatalities are incredibly tragic incidents, and the collective NPS empathy will always be extended to the families of both individuals. The staff at Yellowstone National Park remain continuously vigilant and committed to ensuring that visitors have the information necessary to make informed personal decisions about experiencing the park, and mitigating what variables we can in a vast, wilderness landscape.

If you have any further questions or need for clarification on any issue, please contact the Yellowstone National Park Superintendent's office at (307) 344-2002.

Sincerely,



John Wessels
Director, Intermountain Region

bcc:
YELL Supt.

FNP:TReid:kme:4/01/13:307-344-2003